

## Chapter 24 - LAND USE<sup>[1]</sup>

### Footnotes:

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**State Law reference**— Local Government Comprehensive Planning Act of 1994, S.C. Code 1976, § 6-29-310 et seq.

### ARTICLE I. - IN GENERAL

#### Sec. 24-1. - Authority to regulate.

This chapter and the land use and development standards and subdivision regulations pertaining thereto are enacted under the authority of and pursuant to S.C. Code 1976, title 6, chapter 29, as amended.

(Code 2000, § 38-1; Ord. No. 99-006, § 1, 7-20-1999)

#### Sec. 24-2. - Comprehensive plan; major road study.

The Anderson County Comprehensive Plan—February, 1999, Ordinance No. 99-008, adopted April 20, 1999, and the Anderson County Major Road Study, Ordinance No. 99-008, adopted April 20, 1999, is included in this Code by reference. Said ordinances are not set out herein but are available for inspection in the county's offices.

(Code 2000, § 38-2)

Secs. 24-3—24-22. - Reserved.

### ARTICLE II. - LAND USE AND DEVELOPMENT STANDARDS

#### DIVISION 1. - GENERALLY

#### Sec. 24-23. - Title.

This article shall be known and may be cited as the "Land Use and Development Standards Ordinance of Anderson County."

(Code 2000, § 38-36; Ord. No. 03-007, § 1, 4-15-2003)

#### Sec. 24-24. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any word not defined in this section shall be as defined in any recognized standard English dictionary.

*Access* denotes a means of vehicular approach or entry to or exit from property.

*Adult bookstore or adult video store* means a commercial establishment which, as one of its principal business purposes, offers for sale, rental or exchange for any form of consideration any one or more of the following:

- (1) Books, magazines periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, other visual representation which depict or describe "specified sexual activities" (as defined below) or "specified anatomical areas" (as defined below); or
- (2) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an "adult bookstore" or "adult video store." Such other business purposes shall not serve to exempt such commercial establishments from being categorized as an "adult bookstore" or "adult video store" so long as one of its business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

*Adult club or cabaret* means a nightclub, bar, restaurant or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity;
- (2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- (3) Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

*Adult motel* means a hotel, motel, or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
- (2) Offers a sleeping room for rent for a period of less than ten hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of less than ten hours.

*Adult motion picture theater* means a commercial establishment where, for any form of consideration, films, pictures, videocassettes, disks, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

*Adult theater* means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

*Adult uses* means any establishment or use which sells, displays or exhibits materials, including books, magazines, movies, tapes, disks or similar photographic reproductions, which appeal to prurient interests, contain patently offensive depictions of sexual conduct, and have no serious literary, artistic, political or scientific value.

*Building* means a structure built, maintained, or intended for use for shelter or enclosure of persons, animals, or property of any kind. The term "building" is inclusive of any part thereof. The term "building" includes the term "structure."

*Building, accessory*, means a building which is subordinate to and serves a principal structure or a principal use; is subordinate in area, extent and purpose to the principal structure or use served; is located on the same lot as the principal structure or use served; and is customarily incidental to the principal structure or use. Nothing herein shall be construed to prohibit use of one accessory building on

any lot for residential purposes. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.

*Building, principal*, means a building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

*Canopy tree* means a deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars and others.

*Condominium* means individual ownership of a unit in a multi-unit structure. A condominium is an ownership arrangement, not a land use.

*Dedication* means the transfer of property interests from private to public ownership for a public purpose. The transfer may be of a fee-simple interest or of a less than fee interest, including, but not limited to, an easement.

*Density, gross*, means the quotient of the total number of dwelling units divided by the total area of a site.

*Dwelling* means a structure or portion thereof which is used exclusively for human habitation.

*Dwelling, attached*, means a single-family dwelling attached to two or more single-family dwellings by common vertical walls.

*Dwelling, cluster development*, means a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. It is applied principally to single-family residential subdivisions that permit a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

*Dwelling, detached*, means a dwelling which is not attached to any other dwelling by any means.

*Dwelling, mobile home/manufactured home*, means a portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed to be used without a permanent foundation for a permanent residence. It may contain two or more separately towable sections designed to be joined into one integral unit capable of being again separated into components. Either or both units may contain parts that may be folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity. Travel trailers, travel motorized homes, pick-up coaches, and camping trailers are excluded from this definition. This definition includes units referred to as single-wide and double-wide manufactured homes built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

*Dwelling, mobile home/manufactured home park*, means a site with required improvements and utilities for the long-term parking of three or more mobile homes or manufactured homes which may include services and facilities for the residents.

*Dwelling, multifamily*, means a dwelling containing more than two dwelling units sharing access from a common hall, stairs or balcony.

*Dwelling, single-family*, means a building containing one dwelling unit.

*Dwelling, townhouse*, means a single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire-resistant walls.

*Dwelling apartment*. See *Dwelling, multifamily*.

*Escort* means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person or group of persons.

*Escort service or agency* means a person or business who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other form of payment, monetary or otherwise.

*Evergreen tree* means a coniferous or deciduous tree that remains green throughout the year.

*Floodplain* means those normally dry land areas subject to periodic inundation by water as defined by the Federal Emergency Management Agency on flood boundary and floodway maps, the most recent edition of which is on file at the office of the development standards manager.

*Floor area* means the sum of the gross floor area for each of a building's stories measured from the exterior limits of the faces of the structure. The floor area of a building includes basement floor area. The floor area of a building does not include cellars and unenclosed porches or any floor space in an accessory building or in the principal building which is designed for the parking of motor vehicles in order to meet the parking requirements of this article.

*Floor area ratio* means an intensity measure of land use derived at by dividing the total floor area of a building by the total site area.

*Home business* means any business within a dwelling, and secondary to the use of the building as a dwelling, carried on by a person residing on the premises, provided that:

- (1) No exterior indication of the use is evident other than a sign permitted by this article;
- (2) Only one employee, other than the occupant employee(s), may be employed at the location; and
- (3) The use does not create a "nuisance," as defined in this section.

*Industrial uses, heavy*, means uses related to industry which have significant potential for negative impact on any uses which would locate relatively close to them. This group differs from light industrial uses in that it includes uses that require unenclosed structures that are large, tall, and unsightly, such as concrete batching plants. These uses may also have significant potential for generation of unpleasant odors, may involve large amounts of exterior storage and, because of their scale, are likely to have a regional impact. These uses include, but are not limited to, landing strips and heliports, asphalt or concrete mixing plants, bulk material or machinery storage (unenclosed), fuel generation plants, grain elevators, meat packing plants or slaughterhouses, resource recovery facilities, motor or rail terminals, landfill and industrial waste disposal facilities and any industrial use, including those uses listed in this section as light industry, having 200,000 or more square feet of floor area or more than 500 employees on any shift.

*Industrial uses, light*, means uses related to industry which are generally not objectionable because of noise, heavy truck traffic or fumes, and do not create nuisances which cannot be ameliorated adequately by performance standards. These uses include, but are not limited to, boatworks, building material sales or storage yards, bulk materials or machinery storage, carpet and rug cleaning plants, contractors' offices and equipment storage yards, dry cleaning and laundry plants, dyeing plants, extermination shops, food processing and packing plants, fuel oil, ice, coal, and wood sales, furniture cleaning plants, furniture refinishing shops, lumberyards, manufacturing, including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products in plants with less than 200,000 square feet of floor area and fewer than 500 employees on every shift, mini-warehouses or storage facilities, mirror supply and refinishing shops, monument works, ornamental iron workshops, pilot plants, printing plants, publishing plants, scientific laboratories, trade shops, truck terminal, veterinary offices and kennels, warehouses, wholesale business and storage, and all other similar industrial uses, not meeting the criteria of heavy industrial uses.

*Institutional uses* means uses which are supportive of the residential community and are in furtherance of religious, charitable, educational, health or welfare purposes. These uses, which may be for public, private for profit or private nonprofit purposes, include, but are not limited to, roominghouses, day or youth camps, cemeteries, churches, community or recreational centers, convents, daycare centers, group dwellings, gymnasiums, halfway houses, libraries, museums, nursing homes, public or private schools, schools or homes for physically or mentally handicapped persons, skating rinks, swimming pools, and tennis, racquetball and handball courts.

*Landscaped area* means an area that is devoted to the growing and maintenance of shrubbery, grass and other plant material.

*Lot* means a single parcel or tract of land. The term "lot" includes the term "plot" or "parcel."

*Lot area* means the area contained within the boundary lines of a lot.

*Lot line* means a line bounding a lot which divides one lot from another or from a road or any other public or private space.

*Lot of record* means a lot or parcel of land, the plat or deed of which has been recorded prior to the adoption of the ordinance from which this article is derived.

*Modular building or structure* means a structure or building including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building, and not designed for ready removal to another site. The term "modular building or structure" is applicable to all buildings or structures, regardless of use, meeting the requirements of the Modular Buildings Construction Act (S.C. Code 1976, § 23-43-10 et seq.).

*Motor vehicle* means any vehicle propelled by gasoline, diesel fuel, or alcohol combustion engines, having two or more wheels and used for transportation, competition, work, recreation, or as a hobby, including, but not limited to, remote control vehicles meeting the qualifications listed above.

*Nonconforming* means lots, structures, signs, uses of land and structures, and characteristics of uses which are prohibited under the terms of this article, but were lawful at the date of enactment of the ordinance from which this article is derived.

*Nonresidential use* means a principal use of land for other than residential purposes, i.e., commercial, industrial, institutional.

*Nudity or state of nudity* means the appearance of a human bare buttock(s), anus, male genitals, female genitals, or a female breast(s).

*Nuisance* means an activity on property or use of property that is unreasonable, unwarranted or illegal and obstructs or injures the rights of a property owner or property owners in the vicinity of the use, or the public in general, and produces material annoyance, inconvenience or discomfort.

*Open space ratio* means a measure of the intensity of land use arrived at by dividing the total amount of open space within the site by the total site area.

*Parcel* means a land area bounded by property lines that is recognized as such by the county assessor's office.

*Person* includes a firm, association, organization, partnership, trust, limited liability company or corporation, as well as an individual.

*Plat* means a map showing a plan for the development of land which is submitted for approval and is ultimately in final form for recording.

*Right-of-way* means the land occupied by a road and adjacent to it that is dedicated to a public entity for maintenance or other public purposes.

*School* means any public, private, or parochial institution of learning, providing teaching to students from pre-kindergarten, including day care facilities, through high school. Homes where home schooling is provided shall not be considered schools for purposes of this article.

*Sedimentation* means the deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a result of erosion.

*Semi-nude* means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

*Sexual encounter center* means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

*Sexually explicit adult arcade* means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

*Sexually oriented business* means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

*Shall* is mandatory and not directory.

*Shooting range* means an area that is designated, utilized, or operated by a person(s) for the firing of firearms; and where the firing of firearms is a usual, regular, and primary activity occurring in the area.

*Sign* means any object, device, display or structure, or part thereof, situated outdoors which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

*Sign, awning, canopy or marquee*, means a sign that is mounted or painted on, or attached to, an awning, canopy or marquee.

*Sign, directional*, means signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance" and "exit."

*Sign, face*, means the area or display surface used for the message.

*Sign, facia*, means a single-faced sign attached flush to a building.

*Sign, flush pitched roof*, means a sign attached to a roof with a pitch of one to four or greater and placed parallel to the building wall.

*Sign, freestanding*, means any immovable sign not affixed to a building.

*Sign, nameplate*, means a sign located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises.

*Sign, permanent*, means a sign attached to a building, structure or the ground in some manner requiring a permit and made of materials intended for more than short-term use.

*Sign, political*, means a temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

*Sign, portable*, means a sign that is not permanent, affixed to a building, structure or the ground.

*Sign, projecting*, means a sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

*Sign, roof*, means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

*Sign, temporary*, means a sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.

*Sign, wall*, means a sign painted on the wall of a building and which has no sign structure.

*Sign, window*, means a sign that is applied or attached to the exterior of a window.

*Specified anatomical areas* means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

*Specified sexual activities* means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) of this definition.

*Stockyard* means an open or closed compound, where livestock are bought, sold or held for transfer as the principal form of business, but does not include any area on a farm where livestock are raised as part of a normal farming operation.

*Structural alteration* means any change in the supporting members of a building, such as the bearing walls, beams or girders, or any change in the dimension or configuration of the roof or exterior walls.

*Substantial enlargements of a sexually oriented business* means an increase in the floor area occupied by the business by more than 25 percent, based on the floor area existing at the time of enactment of the ordinance from which this article is derived.

*Tattoo* or *tattooing* means to indelibly mark or color the skin by subcutaneous introduction of non-toxic dyes or pigments. The practice of tattooing does not include the removal of tattoos, nor the practice of branding, cutting, scarification, skin braiding, or the mutilation of any part of the body.

*Tattoo facility* means any room, space, location, area, structure, mobile unit, or business, or any part of any of these places, where tattooing is practiced or where the business of tattooing is conducted and which is licensed by DHEC as a tattoo facility.

*Transfer of ownership or control of a sexually oriented business* means and includes any of the following:

- (1) The sale, lease or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- (3) The establishment of a trust, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

*Understory tree* means a small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees and others.

*Use* means the purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

*Use, principal,* means the specific primary purpose for which land is used.

*Used* or *occupied* includes the words "intended," "designed" or "arranged to be used or occupied."

*Wetland* means an area of one-quarter acre or more where standing water is retained for a portion of the year and unique vegetation has adapted to the area. Wetlands include all areas designated as "marsh" in the Hydrologic Investigations Atlas of the U.S. Geologic Survey.

*Yard* means the space between a lot line and building line.

*Yard, front,* means a yard extending the full width of the front of a lot between the front (road) right-of-way line and the front building line.

*Yard, rear*, means a yard extending the full width of the lot in the area between the rear lot line and the rear building line.

*Yard, side*, means a yard extending the full length of the lot in the area between the side lot line and a side building line.

(Code 2000, § 38-37; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2006-025, § 1, 8-15-2006)

Sec. 24-25. - Purpose.

The principal purposes of this article are to:

- (1) Protect land values through good and responsible development.
- (2) Implement the recommendations of the county's land use plan.
- (3) Conserve and ensure access to the county's natural and scenic resources for future generations to enjoy.
- (4) Secure the safety of residents from the hazards of improper development.
- (5) Enhance the development process and improve the siting of new development.
- (6) Protect and conserve the character of existing neighborhoods and subdivisions.

(Code 2000, § 38-38; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-26. - Jurisdiction.

This article shall apply to all unincorporated portions of the county.

(Code 2000, § 38-39; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-27. - Amendments.

- (a) *Amendment authorization and procedure.* This article may be amended from time to time by the county council. The county council may refer the proposed amendment to the county planning commission (the "planning commission") for review and recommendation. The planning commission shall have 30 days after the public hearing required by subsection (c) of this section to submit its report. If it fails to submit a report within the 30-day period, it shall be deemed to have approved the requested amendment. Any communication purporting to be an application for a change shall be regarded as mere notice to seek relief until it is made in the form required. Upon receipt of any such communication, the interested parties shall be supplied with the proper form for presenting an application by the planning commission staff.
- (b) *Initiation of amendment.* Proposed changes or amendments to this article may be initiated by county council, the planning commission or its staff or by petition of an affected property owner.
- (c) *Public hearing.* Before enacting an amendment to this article, there shall be a public hearing thereon, at least 15 days' notice of the time and place of which shall be published in a newspaper of general circulation in the county. The hearing may be held by the planning commission, the county council, or jointly.
- (d) *Action by council.* The county council shall dispose of the matter in accordance with the S.C. Code of Laws governing the adoption or amendment of county regulations and ordinances.

(Code 2000, § 38-40; Ord. No. 03-007, § 1, 4-15-2003)



Sec. 24-28. - Violations.

The construction, reconstruction, erection, structural alteration or use of any building or other structure, or the use of land or premises, in violation of any of the provisions of this article is hereby declared to be a misdemeanor. In addition to all other remedies provided by law, the county, or any property owner or occupant, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful construction, reconstruction, erection, alteration or use, in any court of competent jurisdiction.

(Code 2000, § 38-41; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-29. - Actions punishable.

Every act or omission designated as a misdemeanor by this article shall be punishable as provided in section 1-7. Where such an act or omission is continued in violation of the provisions of this article after notice of such violation by the county, each and every day during which such act or omission continues shall be deemed a separate misdemeanor.

(Code 2000, § 38-42; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-30. - Conflicts with other laws or regulations.

Where the provisions of this article are higher or more restrictive than those imposed by any other applicable law or regulation, such higher or more restrictive provisions shall apply.

(Code 2000, § 38-43; Ord. No. 03-007, § 1, 4-15-2003)

Secs. 24-31—24-48. - Reserved.

DIVISION 2. - ADMINISTRATION

Sec. 24-49. - Planning commission.

- (a) *Establishment.* There is hereby established and created the planning commission.
- (b) *Members.* The planning commission consists of nine members, with one appointment per council district and two at-large members to be appointed by the county council. Each member, once initially appointed, shall serve pursuant to the terms and provisions contained in section 2-418.
- (c) *Terms of office.* Terms of office for planning commission members shall be as provided in section 2-418.
- (d) *Compensation.* The planning commission shall be compensated in an amount as approved from time to time by the county council.

(Code 2000, § 38-66; Ord. No. 03-007, § 1, 4-15-2003; [Ord. No. 2018-050](#), § 1, 12-4-2018; [Ord. No. 2021-005](#), §§ 1, 2, 2-16-2021)

Sec. 24-50. - Duties, responsibilities of the planning commission.

- (a) *Authority.* The planning commission is empowered and entrusted with the authority granted in S.C. Code 1976, § 6-29-310 et seq., as amended, and is constituted and established pursuant to section 24-49.

(b) *General duties.*

- (1) The planning commission shall prepare the comprehensive plan and program for the physical, social and economic growth of the unincorporated areas of the county and of any municipalities within the county which may designate it as the official planning commission of such municipality, in order to promote the public health, safety, morals, convenience, prosperity or the general welfare, as well as efficiency and economy in the development of such jurisdiction. The comprehensive plan and program shall include recommended means of implementation and shall be based upon careful and comprehensive surveys and studies of existing conditions in probable future development. In the discharge of its responsibilities, the planning commission shall have the power to:
    - a. Prepare a comprehensive plan and program for the development of the county for consideration by county council and to make recommendations to county council for revisions thereto.
    - b. Prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plan and program:
      1. Land use and/or zoning ordinances or resolutions, and maps and appropriate revisions thereof for its jurisdiction.
      2. Regulations for the subdivision of land and appropriate revisions thereof within its jurisdiction, and to administer its lawfully adopted regulations.
      3. An official map and appropriate revision thereof showing the exact location of existing or proposed public road, highway and utility rights-of-way and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within such rights-of-way, building sites or open spaces within its political jurisdiction or a specified portion thereof.
      4. A capital program for its jurisdiction based on the comprehensive plan and the capital improvements necessary to implement the plan. Such a capital program shall include an annual capital budget based on estimates of the costs of proposed projects and the means of financing them. The planning commission shall submit the capital program, including the capital budget, to the governing authority or authorities as directed.
  - (2) The planning commission may make, publish and distribute maps, plans and reports and recommendations relating to the plan and program and the development of its political jurisdiction to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The planning commission, its designated staff and agents, in the performance of its functions, may enter upon any land, and make examinations with reasonable notice to the landowner and with due consideration of the impact on the landowner. In general, the planning commission shall have such powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction.
- (c) *Preparation of comprehensive plan.* It shall be the duty of the planning commission to prepare the comprehensive plan for the long-range development of its area and to perfect it from time to time. Among other things, such comprehensive plan may show existing and proposed roads, highways, expressways, bridges, tunnels, viaducts and approaches thereto; routes of railroads and transit lines, terminals, ports, and airports; parks, playgrounds, forests, reservations and other public open spaces; sites for public buildings and structures; districts for residence, business, industry, recreation, agricultural, and forestry; special districts for other purposes; limited development districts for purposes of promoting conservation, adequate water supply, sanitation, sewage treatment, drainage, protection against floods, road side appearance and the like; areas for housing developments; location of public utilities, whether publicly or privately owned, including, but not limited to, sewerage and water supply systems; zoning districts and other features. The plan shall recommend long-range development patterns and programs which shall be expressed in five-year increments. The comprehensive plan

shall be based upon and include appropriate studies of the location and extent of present and anticipated population, social and economic resources and problems, and other useful data. Such plan shall be adopted, added to and changed from time to time by a majority vote of the planning commission. The planning commission shall review the comprehensive plan or parts thereof as often as necessary, but not less than once every five years, to determine whether changes in the amount, kind or direction of development in the area or other reasons make it desirable to make additions or amendments to the plan. The plan shall be considered to be an expression of the planning commission's recommendations to the appropriate governing bodies with regard to the future growth and development of its area of jurisdiction and, as such, shall be a public record.

- (d) *Approval of plats.* From and after the time the planning commission shall have prepared and adopted a comprehensive plan or at least a major road portion of such comprehensive plan and shall have recommended to the governing authority of the jurisdiction regulations for the subdivision of land within the municipality or county, respectively, which regulations shall have been adopted by the governing authority of the city or county, no plat, except summary plats as described in article III of this chapter, of a subdivision within the municipality or within the unincorporated portion of the county shall be filed or recorded in the office of the county where deeds are required to be recorded until it shall have been submitted to and approved by the planning commission and such approval entered in writing on the plat by the secretary of the planning commission. The filing or recording of a plat of a subdivision without the approval of the planning commission as required by this section is hereby declared a misdemeanor and, upon conviction, is punishable as provided by law, not to exceed the penalty provision of magistrate's court.

(Code 2000, § 38-67; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-51. - Specific administrative responsibility.

The administrative responsibility shall be delegated to the technical staff of the planning commission, including the development standards manager. All applications for certificates of compliance and sign permits, as described below, shall be submitted to the development standards manager, who shall issue certificates of compliance and sign permits where such applications are in compliance with the provisions of this article and subject to planning commission approval. Parties in conflict with the provisions of this article shall be instructed on recourse, and parties in violation shall be notified to correct such violation. All matters of interpretation shall be decided by the development standards manager, except where the planning commission is called upon to do so. On all matters of interpretation, the staff shall rely on the purpose statement and objectives of each applicable article and section.

(Code 2000, § 38-68; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-52. - Certificate of compliance required; uses exempt from certificate requirements.

- (a) No building, structure or land shall be used, nor shall any building, structure, or land be converted, wholly or in part, to any other use, until a preliminary certificate of compliance (preliminary land use permit) has been issued by the staff, except that the following uses shall be exempt from this requirement:
- (1) Land which is used solely for agricultural, farming, dairying, stock raising or similar purposes, and roadside stands for display or sale of agricultural products.
  - (2) Reuse of an existing building for a substantially similar use.
  - (3) Conduct of a home business.
  - (4) Single-family detached dwellings.
  - (5) Reuse of an existing dwelling site on which a dwelling or a dwelling, mobile home/manufactured home will be placed, provided the owner submits documentation from the state department of

health and environmental control (SCDHEC) or other appropriate agency, of conformity of the existing septic system or of a new or modified septic system. A private septic system contractor may be used for approval of existing septic systems older than 20 years because SCDHEC only maintains records for 20 years. Setbacks must be met pursuant to section 24-117 for single-family dwellings. If setbacks cannot be met, a variance must be obtained from the board of zoning appeals before a certificate of compliance can be issued. The existing footprint may be used for the placement of a mobile home/manufactured home as long as the new mobile home/manufactured home placement does not extend beyond the original footprint or appropriate setbacks can be maintained.

- (b) No preliminary certificate of compliance shall be issued where it appears that the use contemplated would be in violation of the provisions of this article, or of any other applicable law or regulation.

(Code 2000, § 38-69; Ord. No. 03-007, § 1, 4-15-2003; [Ord. No. 2018-022](#), § 1, 6-19-2018)

Sec. 24-53. - Application for certificate of compliance.

- (a) Applications for preliminary and final certificates of compliance shall be filed on forms provided by and obtainable at the office of the development standards manager.
- (b) Each application for a preliminary certificate of compliance shall be accompanied by the following, or as many thereof as the development standards manager shall deem necessary to determine whether the proposed building, structure or use will be in compliance with the provisions of this article:
  - (1) A certificate of approval from the state department of health and environmental control (DHEC) or other appropriate agencies relative to proposed water and sewage disposal facilities.
  - (2) Site analysis.
  - (3) Assurances as to the acceptable nature of any nonresidential uses.
  - (4) A plat, with date and scale, showing the actual shape and dimensions of the lot to be built upon; the exact size and location on the lot of existing buildings and structures, and the lines within which the proposed building, structure, or facilities are to be erected, altered or constructed; the existing and intended use of each building or part of a building; the number of families or housekeeping units the building is designed to accommodate; bufferyards; flood and wetland areas; proposed parking; and such other information with regard to the lot and contiguous land uses as is required to determine compliance with and provide for the enforcement of this article.
  - (5) For those uses and projects identified in division 5 of this article, a site plan shall be submitted in accordance with section 24-139.
- (c) The zoning administration office shall charge fees for review of commercial, industrial and certain large scale project site plans according to the schedule of fees attached to the ordinance from which this article is derived as appendix A (section 24-250). All review fees collected shall be deposited into the general fund of the county for the purpose of offsetting a portion of the administrative costs incurred related to the reviews.

(Code 2000, § 38-71; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-54. - Issuance or denial of certificate of compliance.

- (a) Each application for a preliminary certificate of compliance shall be made coincidentally with the application for the related building permit. The preliminary certificate of compliance shall only be issued upon a finding by the development standards manager that the proposed use is in accordance with all applicable requirements of this article and a certification by the owner/developer that the actual construction and use of the property shall be consistent with the application for the preliminary

certificate of compliance and accompanying documents. The issuance of a preliminary certificate of compliance shall be a condition precedent to the issuance of a building permit.

- (b) Failure to comply with the standards and requirements of this article shall result in the county withholding the preliminary certificate of compliance and, consequently, the inability of the owner/developer to obtain a building permit for the proposed building until compliance with this article is met to the satisfaction of the development standards manager.
- (c) After issuance, the preliminary certificate of compliance shall be valid for a period of one year. Any certificates of compliance issued prior to adoption of this provision shall expire one year from the date of adoption of this provision, provided no building permit was issued in conjunction with the certificate of compliance. The owner/developer may apply for up to two six-month extensions of the preliminary certificate of compliance prior to expiration of the preliminary certificate of compliance which shall be granted by the development standards manager where good cause and appropriate progress with the project are demonstrated. Once a preliminary certificate of compliance expires hereunder, the owner/developer must re-apply for a certificate of compliance under the procedures and restrictions relating to issuance of a certificate of compliance then in effect.
- (d) Upon completion of construction, the owner/developer must apply for a final certificate of compliance from the development standards manager. Application for a final certificate of compliance shall be made during the period when the preliminary certificate of compliance is in full force and effect. Failure to obtain a final certificate of compliance shall be grounds for withholding or withdrawing a certificate of occupancy.

(Code 2000, § 38-72; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-55. - Applications for sign permits.

- (a) Applications for preliminary sign permits, where required, shall be made at the office of the development standards manager and shall be made coincidentally with application for the related building permit. Each application shall be accompanied by the following information:
  - (1) Identification of ownership and/or leaseholder of property on which the sign is to be erected, including street address.
  - (2) Name and address of the owner of the sign.
  - (3) Site plan with accurate dimensions, courses and distances showing the location of the sign with respect to the property and right-of-way lines, building setback lines, and any buildings, parking areas, existing freestanding signs and bufferyards.
  - (4) Correct size, shape, configuration, fence area, height, nature, number and type of sign to be erected.
  - (5) The value of the sign and sign structure.
- (b) The preliminary sign permit shall only be issued upon a finding by the development standards manager that the proposed use is in accordance with all applicable requirements of this article and a certification by the owner/developer that the actual construction, location and use of the sign shall be consistent with the application for the preliminary sign permit and accompanying documents. The issuance of a valid preliminary sign permit shall be a condition precedent to the issuance of the building permit.
- (c) After issuance, the sign permit shall be valid for a period of one year. Any sign permit issued prior to adoption of this provision shall expire one year from the date of adoption of this provision, provided no building permit was issued in conjunction with the sign permit. Once a sign permit expires hereunder, the owner/developer must re-apply for a sign permit under the procedures and restrictions relating to issuance of a sign permit then in effect.

- (d) Upon completion of construction, the owner/developer must apply for a final sign permit from the development standards manager. Application for a final sign permit shall be made during the period when the preliminary sign permit is in full force and effect. Failure to obtain a final sign permit, where required, shall be grounds for requiring alteration, modification, removal, or relocation of the sign.

(Code 2000, § 38-73; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-56. - Responsibilities regarding appeals and variances.

- (a) *Board created; members.* The county board of land use appeals is hereby created and shall be composed of seven members, with one appointment per council district. Each member, once initially appointed, shall serve pursuant to the terms and provisions contained in section 2-418 with the exception that, each member may, at council's discretion, serve more than two consecutive terms.
- (b) *Officers; meetings.* The board shall elect one of its members as chairperson, who shall serve for one year or until he or she is re-elected or his or her successor is elected. The board shall appoint a secretary who may be an officer of the governing authority or of the planning commission. The board shall adopt rules in accordance with the provisions of any ordinance or resolution adopted pursuant to S.C. Code 1976, § 6-29-710 et seq., as amended. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official acts, all of which shall be filed in the office of the board and shall immediately thereafter become a public record.
- (c) *Powers of board.*
- (1) The board of appeals shall have the following powers:
    - a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the land use or development standards provisions of the Anderson County Code of Ordinances.
    - b. To authorize upon appeal in specific cases a variance from terms of the ordinance or resolution as will not be contrary to public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance or resolution will, in an individual case, result in unnecessary hardship, so that the spirit of the ordinance or resolution shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall be granted in such individual case of unnecessary hardship upon a finding by the board of appeals that:
      1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
      2. The application of the ordinance or resolution on this particular piece of property would create an unnecessary hardship;
      3. Such conditions are peculiar to the particular piece of property involved; and
      4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance or resolution or the comprehensive plan.
  - (2) A variance shall be granted and a permit issued for a noncomplying use where such a noncomplying use was created by an error on the part of the planning commission or the staff of the county, or the county must assume sole financial responsibility for correcting the situation that created the noncomplying use caused by an error on the part of persons officially representing the county.

- (3) Notwithstanding the foregoing, no variance shall be granted for a use of land and building or structure that is prohibited in a given district by ordinance or resolution, except where such prohibited use of land and building or structure is caused by an error on the part of the county or its employees or based solely on economic hardship, where said hardship is caused by error on the part of the owner/developer or his, her or its agents.
- (4) In exercising the above powers, the board of appeals may, in conformity with the provisions of the South Carolina Code, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board of appeals in the execution of its duties may subpoena witnesses and in case of contempt may certify such fact to the circuit court having jurisdiction.
- (d) *Filing of final decisions and orders.* All final decisions and orders of the board shall be in writing and be permanently filed in the office of the board as a proper record. All findings of fact and conclusions of law shall be separately filed in final decisions or orders of the board.
- (e) *Appeals to the board.* Appeals to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the county. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of appeals notice of appeal specifying the ground thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- (f) *Stays.* An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- (g) *Hearings.* The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof, as well as due notice to the parties and interest, and decide the same within a reasonable time. At the hearing, any interested party may appear in person or by agent or by attorney.

(Code 2000, § 38-74; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-57. - Certificates, permits and appeal procedures flowchart.

The following chart illustrates the procedural requirements for securing certificates of compliance (land use permits), sign permits, and processing related appeals:

STEP I	An applicant for a preliminary certificate of compliance or preliminary sign permit shall apply at the office of the development standards manager.
STEP II	<p>Development standards manager reviews the applications and accompanying documentation, and:</p> <p>If found to be in compliance with all relevant regulations and requirements, issues a preliminary certificate of compliance or preliminary sign permit.</p> <p>If found not to be in compliance, development standards manager shall deny the preliminary application, and shall state in written form all reasons for denying the preliminary application. Upon denial, the applicant may revise and resubmit his application, or appeal the decision of the development standards manager to the land use appeals board.</p> <p>If appealed, the applicant shall be notified of the time and place the appeal shall be heard. A decision by the land use appeals board shall be final, unless appealed to appropriate circuit court as provided in S.C. Code 1976, § 6-7-750 et seq., as amended.</p>

STEP III	After receipt of the preliminary certificate of compliance or preliminary sign permit, the development standards manager and his staff shall have the right to perform site inspections to evaluate compliance.
STEP IV	At the end of construction, the applicant shall apply for a final certificate of compliance or final sign permit, which shall be issued by the development standards manager if the project is in compliance with this article.

(Code 2000, § 38-75; Ord. No. 03-007, § 1, 4-15-2003)

Secs. 24-58—24-87. - Reserved.

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### DIVISION 3. - SITE ANALYSIS

Sec. 24-88. - Purpose.

Good development begins with an analysis of the natural and environmental features of a site. These factors include land forms, wetlands, soils, slopes, floodplains, etc., and they differ from site to site. Each is critical to, and must be addressed by, the development process. The purpose of this division, therefore, is to mitigate the impact of development where it might adversely disturb or be adversely affected by these natural features.

(Code 2000, § 38-91; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-89. - Natural features analysis.

- (a) As part of the required site analysis, each site shall include an identification of any and all of the following natural features:
  - (1) Floodplains.
  - (2) Soils, with severe limitations to development.
  - (3) Wetlands.
- (b) Where such features are identified, sound engineering solutions shall be required to reduce or eliminate any negative effects of the proposed development, or such features shall remain undisturbed.

(Code 2000, § 38-92; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-90. - Floodplain requirements.

Where floodplains are identified by the analysis, and shown on the flood hazard boundary maps for the county, latest edition, all development shall comply with article IV of this chapter relating to flood hazard prevention.

(Code 2000, § 38-93; Ord. No. 03-007, § 1, 4-15-2003)



Sec. 24-91. - Soils analysis.

- (a) Soils may and often do pose significant constraints to development. However, these constraints often may be overcome by sound engineering solutions, making use of such soils possible if proper steps are taken. Such steps might include the removal of these soils from construction areas, use of additional fill dirt, use of extra thick subbase, pilings, elevated first floors or other such measures.
- (b) The following soils are identified in a soil survey prepared for the county by the USDA Soil Conservation Service, as presenting severe limitations to development: Cartecay, Gwinette, Madison (where slopes exceed 15 percent), Pacolet and Toccoa. Where such soils have been identified on a site proposed for development, a soils analysis report shall be submitted, together with the preliminary plat or site plan. The report shall describe the extent of the soil and how its limitations are to be overcome. The proposed method of dealing with the soils shall be approved by the staff of the planning commission, prior to the issuance of a building permit.

(Code 2000, § 38-94; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-92. - Wetlands requirements.

Where wetlands are identified by the analysis, the applicant shall contact the U.S. Army Corps of Engineers to determine if such wetlands are jurisdictional wetlands, and, if so, secure the necessary permits and/or clearance before a building or use permit shall be issued by the county.

(Code 2000, § 38-95; Ord. No. 03-007, § 1, 4-15-2003)

Secs. 24-93—24-112. - Reserved.

DIVISION 4. - DEVELOPMENT STANDARDS

Sec. 24-113. - Purpose.

The development standards of this division are designed to guide the development process in the county with respect to:

- (1) Landscaping and open space.
- (2) Intensity.
- (3) Impervious surfaces.
- (4) Setbacks.
- (5) Height restrictions.
- (6) Bufferyards.

(Code 2000, § 38-116; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-114. - Landscaping and open space standards.

- (a) *Definition.* Open space is land and/or waterbodies used for recreation, amenity or buffer. Where required for residential development, it shall be freely accessible to all residents of a development or project. Where required for nonresidential development, it shall be provided on the same lot or parcel as the permitted principal use. Landscaping is an alternative type of open space. Open space shall not be occupied by buildings or structures, drives, parking or road right-of-way; nor shall it include

individual yards or lots of residential dwelling units in calculating minimum lot area or parking area requirements.

- (b) *Purpose.* The purposes of landscaping and open space standards are to improve the appearance of the vehicular use areas and property abutting public rights-of-way; to protect, preserve and promote the aesthetic appeal, scenic beauty, character and value of the county; and to promote public health and safety through the reduction of noise pollution, stormwater runoff, air pollution, and artificial light glare.
- (c) *Where required.* The following uses/projects shall provide open space and landscaping in the amounts prescribed:

<i>Proposed Uses/Projects</i>	<i>Open Space Ratio</i>
Residential (common open space):	
Cluster development	15%
Multifamily projects	20%
Nonresidential:	
Institutional	12%
Commercial/business	8%
Industrial/warehousing/storage	8%

- (1) *New sites.* No new site development, building, structure or vehicular use area in connection with the above shall hereafter be created and used unless open space and landscaping is provided as required by the provisions of this section.
- (2) *Existing sites.* No existing building, structure or vehicular use area in connection with the above shall be expanded unless the minimum landscaping and open space required by the provisions of this section are provided based on the site area related to the expansion, not the total site area of the property.
- (d) *Open space/landscaping plan.* Where required by subsection (c) of this section, an open space or landscaping plan shall be submitted as part of the application for the preliminary certificate of compliance and building permit. The plan shall:
- (1) Designate areas to be reserved as open space. The specific design of open space areas shall be sensitive to the physical and design characteristics of the site.
  - (2) Designate the type of open space which shall be provided.
  - (3) Specify the manner in which the open space shall be perpetuated, maintained and administered.
- (e) *Types of open space.* The types of open space which may be provided to satisfy the requirements of this section, together with the maintenance required for each type, are as follows:
- (1) *For residential uses.*

- a. Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction, including, but not limited to, woodlands. Required maintenance of natural areas is limited to removal of litter, dead trees and dead plant materials and brush. Natural watercourses, considered to be open spaces, are to be maintained as free-flowing and reasonably devoid of debris. Stream channels shall be maintained so as not to alter flood levels.
  - b. Recreational areas are designed for specific active or passive recreational uses such as playgrounds or play areas, tennis courts, swimming pools, ballfields and similar uses. Recreational areas shall be accessible to all residents of the development. Required maintenance of recreational areas is limited to ensuring that there exist no hazards, nuisances or unhealthy conditions.
  - c. Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Greenways between residences and recreational areas are encouraged. Required maintenance is limited to ensuring that there exist no hazards, nuisances or unhealthy conditions.
  - d. Landscaped areas and lawns may include areas with gravel and tile, so long as the gravel and tile do not occupy more than two percent of the required open space. Lawns, with or without trees and shrubs, shall be mowed regularly to ensure neatness, and landscaped areas shall be trimmed, cleaned and weeded regularly.
- (2) *For nonresidential uses.* Required open space and landscaping shall be provided as follows:
- a. Along the outer perimeter of a use, where required by the bufferyard provisions of this article, to separate incompatible land uses.
  - b. Within the interior of a use, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing more than 20 parking spaces, with at least one island adjacent to every 20 parking spaces. The islands shall have an area equal to or exceeding the size of one parking space and shall contain at least one canopy tree of at least six feet in height. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving at strategic points to guide travel flow and directions. Elsewhere, landscaped and open space shall be designed to soften and complement the building site. Required maintenance shall be provided in accordance with the requirements for landscaped areas for residential uses.
- (f) *Preservation of open space.* Land designated as common open space and used in meeting open space requirements shall not be separately sold, subdivided or developed. Land designated as common open space in excess of the amount of open space required, may be developed in the future. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:
- (1) Common ownership of the open space by a homeowners' association which assumes full responsibility for its maintenance.
  - (2) Dedication of and acceptance by the county.
  - (3) Private ownership with appropriate deed restrictions preventing development and/or subsequent subdivision of the open space land and providing for the maintenance thereof.

(Code 2000, § 38-117; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-115. - Intensity standards.

- (a) *Definition.* Intensity is a measure of development, designed principally to regulate land use in accordance with the design function and carrying capacity of the road on which it is located.

- (b) *Purposes.* The purposes of this section are to:
- (1) Relate land use intensity to the design function and carrying capacity of the county's road network.
  - (2) Reduce the cost of road repair and maintenance by prohibiting from residential roads intense uses which would overload and accelerate the deterioration of such roads.
  - (3) Promote the safety and convenience of vehicular traffic.
  - (4) Protect the residential quality of neighborhoods by limiting nonresidential traffic.
  - (5) Promote the safety of neighborhood residents.
- (c) *Road classification.* In order to carry out the purposes of subsection (b) of this section, all roads in the county are hereby classified on the basis of their traffic carrying capabilities, their general function in the circulation system, and the existing land use of abutting properties. The classification system is based on concepts and criteria contained in the Highway Functional Classification Manual, Concepts, Criteria, and Procedures, U.S. Department of Transportation, Federal Highway Administration, July 1974. The manual classifies roads into one of three functional categories:
- (1) Local;
  - (2) Collector; and
  - (3) Arterial.

Local roads are separated from other types because they generally carry significant volumes of foot and bicycle traffic and are used by children. Therefore, traffic volumes must remain relatively low in order to provide the necessary safety for residential neighborhoods. Collector roads generally form barriers between subdivisions. Their traffic volumes and design speeds are correspondingly greater since their function is to connect major traffic routes. Arterial roads constitute the highway network upon which most traffic must flow. The efficiency of the system requires that arterial roads accommodate traffic at high speeds over considerable distances. For purposes of this section, these functional categories are refined to form a four-road classification system (see Appendix B (section 24-251) for diagram), characterized as follows:

- (1) *Minor local (access) road.* A minor local road is one designed primarily to access abutting properties. This road normally terminates in a cul-de-sac, loop or other turnaround, with no more than two access points.
  - (2) *Major local (access) road.* A major local road is one designed primarily to access abutting properties. This road is characterized as one having two or more access points, and receiving traffic from minor local roads.
  - (3) *Collector road.* A collector road is one that connects local access roads to the highway systems major and high-speed arterial roads. The collector road provides both land access service and traffic service within residential subdivisions, commercial and industrial areas. Collector roads form barriers between subdivisions and are designed for higher speeds and traffic volumes than major or minor local roads and shall not be designed as cul-de-sac.
  - (4) *Arterial road.* An arterial road is one designed to carry through traffic and to carry intra-county traffic. Arterial roads are characterized as having access control, channelized intersections, restricted parking and signalization. The concept of service to abutting land is subordinate to the provision of travel service.
- (d) *Standards.* The following design capacity standards shall govern the intensity of development along all roads in the county:

Road Classification	Maximum ADT*
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Minor local road (one access point)	500
Minor local road (two access points)	1,000
Major local road	1,600
Collector road	No maximum
Arterial road	No maximum
*ADT=Average Daily Traffic (trips)	

- (e) *Capacity calculations.* All preliminary certificate of compliance, building permit applications, and other applications affecting minor or major local county roads shall be evaluated on the basis of their traffic generation versus road capacity. To measure the impact of a proposed use, the weekday daily trips shall be calculated using information from the latest edition of Trip Generation, Institute of Transportation Engineers. A weekday traffic count will account for traffic generated by existing uses, and traffic to be generated by developments that have been approved but not built shall also be added using Trip Generation, Institute of Transportation Engineers.

Where a proposed use will cause the ADT to exceed the maximum set for such county roads by subsection (d) of this section, the applicant shall choose one of these options:

- (1) Present a petition to change the road classification to the development standards manager. The petition shall include sufficient documentation to support the assertion that the road is not currently properly classified. The development standards manager may approve the petition upon approval by the roads and bridges manager. If the petition is denied, the applicant shall choose one of the two remaining options.
  - (2) Adjust the proposed use so that the resulting ADT does not exceed that associated with the subject county road's classification.
  - (3) Improve the subject county road to bring it up to the design standards of the higher classification resulting from the subject development. This improvement must be made along the frontage of the site on the side of the road on which the site is located.
- (f) *Traffic impact studies.* A traffic impact study shall be required for access approval through the state and county encroachment permit process when a development will generate 75 or more trips during the peak hour of the traffic generator or the peak hour of the adjacent street (using the latest edition of Trip Generation, Institute of Transportation Engineers). The traffic impact study and subsequent access locations, turning lane and signalization requirements shall follow the South Carolina Department of Transportation Access and Roadside Management Standards, latest edition and any additional requirements set forth by the county. The developer shall be responsible for all costs of the required study, roadway improvements identified in the study, and right-of-way acquisition. The traffic impact study shall be included with the preliminary plat or site plan. Any changes to the traffic study or preliminary plat must be resubmitted to the planning commission. Submission of the study before official application with preliminary plat or site plan is recommended.

The developers or their traffic engineers shall contact the county's principal engineer or his/her designee before beginning the study to obtain the scope and other requirements of the study. The study shall be conducted by a consultant on the county's approved TIS consultant list.

If additional right-of-way not under the control of the developer is required to implement required roadway improvements, the developer shall make a reasonable effort to obtain the necessary right-of-way to perform the recommended improvements, including offering an amount as appraised by a licensed SC real estate appraiser (fair market value). If right-of-way cannot be obtained, the developer is required to make a written request to the county and go back to the planning commission for a waiver if the requirement was part of a planning commission approval. The commission will consider the waiver if the developer provides written documentation that a fair market value offer was offered and not accepted.

(Code 2000, § 38-118; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2003-069, § 1a, 1-20-2004; Ord. No. 2006-025, § 2, 8-15-2006; Ord. No. 2011-017, § 1, 7-19-2011; Ord. No. 2017-036, exh. B, 12-5-2017; Ord. No. 2020-034, § 1, 12-15-2020; [Ord. No. 2023-007](#), § 1(Exh. A), 6-6-2023)

#### Sec. 24-116. - Impervious surface standards.

- (a) *Definition.* Impervious surfaces are those that do not absorb water. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt are considered impervious surfaces within this definition. The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the base site area.
- (b) *Purpose.* The purpose of impervious surface standards is to reduce the impact of stormwater runoff created by development by requiring on-site permeable areas. Lot line to lot line blacktopping is declared by this section to be an unacceptable practice.
- (c) *Standards.* The following uses shall be limited in the amount of on-site impervious surface areas to be prescribed ratios:

<i>Proposed use</i>	<i>Impervious Surface Area/Site Area</i>
Residential	55%
Commercial/business	80%
Industrial/warehousing/storage	80%
Institutional	65%

(Code 2000, § 38-119; Ord. No. 03-007, § 1, 4-15-2003)

#### Sec. 24-117. - Setbacks.

- (a) *Definition.* A setback is a required distance between a building or building line and the nearest property line.
- (b) *Purpose.* The purpose of setback regulations are to ensure the provision of light and open space between structures, to accommodate future road widenings at the lowest possible cost, and to prevent the crowding of development.

- (c) **Standards.** All buildings and structures, including the expansion of existing buildings and structures, shall meet or exceed the following minimum setback requirements. However, fences and walls shall be allowed along the property line, unless otherwise specified by bufferyard requirements.

	<i>Nonresidential Uses</i>		<i>Residential Uses</i>	
	<i>Principal use</i>	<i>Accessory use</i>	<i>Principal use</i>	<i>Accessory use</i>
Front yard setback				
Local road	30	Note 1	30	30
Collector road	40	Note 1	40	40
Arterial road	50	Note 1	50	40
Side yard setback	15	Note 3	Note 4	Note 5
Rear yard setback	15	Note 3	15	Note 5

**Notes:**

- (1) Front yard setbacks for the principal use shall apply to accessory uses, except that freestanding sign structures may be located in the required setback area; provided such structures shall be no closer than five feet to any property line.
- (2) Side yard setbacks are required on one side only, except that commercial condominium projects are allowed to share interior property lines; provided that a 20-foot setback shall be required on the end units; further provided that such projects (buildings) shall not exceed 600 feet in length, parallel to the road providing principal access. Where buildings are grouped on the same lot, forming a shopping or business center, a 20-foot side yard setback shall be required on each end of the project.
- (3) Accessory uses may be located in the required setback area, but not in any required bufferyard.
- (4) a. For single mobile home dwellings, a five-foot setback shall be required on both sides.
  - b. 1. For duplexes and twin homes a setback shall be required on both sides as outlined in subdivision regulations in article III.
  2. For townhouses, there shall be no minimum between units, but a 15 foot setback shall be required between the end unit and the exterior project property line and between buildings on the project site. No more than 16 units may be attached.

For patio homes, an eight-foot setback shall be required on one side only, and between the end unit and the exterior project property line.

3. For twin homes the setback shall be required on the opposite side of the common wall which splits the home. Each lot on each side of the twin home shall meet the minimum lot sizes and dimensions, of the subdivision regulations in article III.
  4. For multifamily and attached single family dwellings not covered above, a 25-foot setback shall be required between the exterior unit(s) and the exterior project property line, and between buildings on the project site.
- (5) a. Accessory buildings, tennis courts, swimming pools, and other structures may be located within the required setback area; provided said uses shall be located no closer than three feet to the property line. If located in the setback area, buildings and other structures shall not exceed one story or 15 feet in height, nor 600 square feet in gross floor area, and shall occupy no more than 30 percent of the required setback area.
- b. Satellite dishes, ham radio towers and conventional TV antennas shall observe the minimum building setback line for the principal building to which they are accessory.
- c. Kennels and pens may be located within the required setback area; provided the adjacent use is not residential. If the adjacent use is residential, these uses shall observe the minimum building setback line for the principal building to which they are accessory.
- (d) *Measurements.* Required setbacks shall be measured from the nearest property line perpendicular to the building line. Where the property line extends to the center of a road, the measurement shall be made from the road right-of-way line.
- (e) *Modifications.* The following modifications shall apply where applicable:
- (1) Whenever more than one main building or structure is to be located on a lot, the required setback shall be maintained around the group of buildings.
  - (2) Where a lot fronts on two nonintersecting roads, or two intersecting roads forming an angle of 60 degrees or less, front yard setbacks shall be provided on both roads.
  - (3) For corner lots a front yard setback shall be required on the road of higher classification ranked in the following order: (1) arterial, (2) collector, (3) local; or in the case of two equally classified roads, the road having the higher traffic volume. A second front yard setback of one-half the depth shall be provided on the lower classified road or the one having the lower traffic volume.
  - (4) Notwithstanding the front yard setbacks of this section, the front building line of any proposed building may be as close to the road as the average front building line of the buildings fronting on the same block and within 200 feet of the proposed use.
- (f) *Projections into setback (yard) area.* The following shall be permitted to project into the required setback area:
- (1) Eaves, chimneys, cornices, gutters, and other minor architectural features projecting less than 24 inches from the main building.
  - (2) Unenclosed steps not extending above the first floor level and not closer than three feet to a property line.
  - (3) Retaining wall of any necessary height, but not closer than 18 inches to a road line.
  - (4) A protective hood or overhang over a doorway may extend not more than five feet into the required minimum setback area.
- (g) *Setbacks at road and driveway intersections.* Where a driveway intersects a road, or a road intersects another road, any and all buildings, structures, or hedges shall be set back a sufficient distance from such intersection to assure visual clearance. However, structures or hedges less than 2½ feet in height, structures (poles) less than 12 inches in diameter, and freestanding signs at least nine feet above ground, may be permitted in such visual clearance areas.
- (h) All driveways and parking areas shall be located at least three feet from any property line, except the property line(s) where they intersect with a road.



(Code 2000, § 38-120; Ord. No. 03-007, § 1, 4-15-2003; [Ord. No. 2021-012](#), § 1(Exh. A), 3-16-2021)

Sec. 24-118. - Building height standards.

- (a) *Definition.* Building height means the vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the building to the highest point of the roof.
- (b) *Purpose.* Building height standards are designed to reduce or eliminate potential conflict between airport operations and surrounding development, and to ensure compatibility of scale in and around low-density, single-family neighborhoods.
- (c) *Standards.* Where a building or structure of 30 or more feet is proposed for a site, the building or structure shall set back from every minimum building or setback line an additional distance equal to one foot in horizontal distance for each one foot in additional vertical distance (building height). Initially, a 30-foot rise is permitted at and perpendicular to the building line. As the building or structure increases in height, it must distance itself from the (minimum) building line at the same rate of increase (1 to 1) (see appendix C (section 24-252)). This prevents high-rise structures from crowding out light and air and infringing on the rights of adjacent residents and property owners.
- (d) *Restrictions of towers.* No cell tower, transmission tower, water tower, utility tower or radio tower shall be located within a horizontal distance equal to 100 percent of its vertical height for guyed towers and 50 percent of its vertical height for self-supporting or internally collapsing towers (the "fall down areas") from any road, dwelling, or property line, nor may any dwelling or road be built within the fall down area of any existing tower.

(Code 2000, § 38-121; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-119. - Bufferyards.

- (a) *Purpose.* The purpose of the bufferyard is to ameliorate nuisances between adjacent land use, and promote compatibility. Additionally, the bufferyard offers the developer several options, each of which is calculated to buffer to an equivalent degree through distance (setbacks) and/or density (mass). The unique feature of the bufferyard is that it is flexible. It may vary in distance and density based on what is proposed, what is existing on the adjacent property, and the type of bufferyard selected from one of the six prescribed options shown on appendix D (section 24-253).
- (b) *Definition.* A bufferyard is an area within a parcel, together with plantings, fences, berms, walls, and other screening devices required thereon.
- (c) *Location of bufferyards.* Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing public or private road or right-of-way, however, they may occupy part or all of any front, side or rear yard setback required by article III of this chapter. Where required, bufferyards and/or bufferyard structures shall be developed as an integral part of the proposed use.
- (d) *Determination of bufferyard requirements.* To determine the bufferyard required between two adjacent parcels, the following procedure shall be followed:
  - (1) Identify the proposed land use.
  - (2) Identify the use of parcels adjacent to the proposed use.
  - (3) Determine the bufferyard required on each boundary (or segment thereof) of the proposed land use by referring to the table of bufferyard requirements in appendix E (section 24-254), and illustrations contained in this section which specify the bufferyard options between a proposed use and the existing adjacent use. Where an existing use includes undeveloped land, the

bufferyard requirements of this section shall apply only to that segment of the property line separating the two uses.

**Note**— The number designation contained in the table in appendix E refers to the type of bufferyard specified by the illustrations contained in this section.

(e) *Bufferyard specifications.*

- (1) The illustrations contained on appendix F (section 24-255) specify the type and quantity of plant materials required by each bufferyard. The requirements are stated in terms of the width of the bufferyard and the number of plants required per 100 feet of bufferyard. The requirements of a bufferyard may be satisfied by any one of the options illustrated. Each illustration depicts the total bufferyard required between two uses. Whenever a wall, fence or berm is required within a bufferyard, these are shown as structures in the illustrations in the ordinance from which this section is derived wherein their respective specifications also are shown.
- (2) The exact placement of required plants shall be the decision of the developer, except that evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival and increase screening. All bufferyard areas shall be seeded with lawn grass or suitable ground cover. All bufferyards shall be installed and approved prior to issuance of a final certificate of compliance for the project. Alternatively, where weather conditions prohibit completion of bufferyards, a letter of credit in favor of the county in an amount equal to 125 percent of the estimated cost of landscaping of the bufferyard(s), based on the estimate of an established nursery or licensed landscape architect, may be filed with the county. The letter of credit must be valid for a period of not less than one year. In the event the owner/developer fails to complete landscaping of all required bufferyards within six months of the date of issuance of the final certificate of compliance, the county may complete installation of the bufferyard(s) and apply the letter of credit against the costs involved with said work.

(f) *Minimum plant size.* Plants shall be sufficiently sized to ensure buffering and screening at the time of installation. Where the bufferyard illustrations indicate a mass or line of plants paralleling the length of the property line, the plant materials shall be sufficiently sized to ensure obscurity at the time of installation. However, seedling plants may be used where berms or structures are required as part of the bufferyard. The table contained in appendix F (section 24-255) shall serve as a guide for determining minimum plant size.

(g) *Bufferyard substitutions.*

- (1) Evergreen canopy or evergreen understory trees may be substituted as follows:
  - a. In the case of deciduous canopy forest trees, up to a maximum of 50 percent of the total number of canopy trees otherwise required.
  - b. Evergreen canopy or evergreen understory trees may be substituted for deciduous understory trees and deciduous shrubs, without limitations.
- (2) In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.
- (3) Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.
- (4) Structures, where required, may be substituted with approval of the administrative official.
- (5) Where, owing to existing land use, lot sizes, or configurations, topography or circumstances peculiar to a given piece of property, the bufferyard requirements of this section cannot reasonably be met, the developer may request and the planning commission staff may approve the substitution of appropriate screening, in the way of a fence or wall structure, illustrated by this section, along the property line of the proposed use.

- (6) Where required by the bufferyard illustrations, berms may be substituted for more intense plantings, by increasing the plant unit multiplier by 0.25.
- (h) *Outside storage on nonresidential lots.* Any proposed commercial, industrial or other nonresidential use with over 500 square feet of outside storage area for materials to be sold, salvaged, stored and the like shall install a Class 6 bufferyard around the outside storage area. Other uses on the site, if any, shall carry the appropriate bufferyard classification specified by the table of bufferyard requirements at the end of this section.
- (i) *Containers and dumpsters.* All exterior garbage containers and dumpsters, except those used on a temporary basis during construction or those with a capacity of less than four cubic yards, shall be screened on at least three sides by an F3 or F4 fence or wall (see appendix F (section 24-255)), intensive landscaping, or other suitable opaque enclosure. The average height of the enclosure shall be at least one foot higher than the height of the container, but shall not be required to exceed eight feet in height. The open end of any such enclosure shall not face the road upon which the use fronts.
- (j) *Fences and walls; appearance.* All fences and walls used as part of the bufferyard requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished as the owner deems appropriate.
- (k) *Berms.* Where required, berms may be located anywhere within the bufferyard, provided they parallel the property line.
- (l) *Use of bufferyards.* A bufferyard may be used for passive recreation; however, no plant material may be removed. All other uses are prohibited.
- (m) *Required maintenance.* The maintenance of required bufferyards shall be the responsibility of the property owner. All bufferyards shall be properly maintained so as to ensure continued buffering. Failure to do so is a violation of this article, and may be remedied in the manner prescribed for other violations.
- (n) *Transition bufferyards.* Where any commercial or industrial use is to be located within 2,000 feet of any residential use and is in full view from said residential use, a Type II bufferyard shall be installed along the building line or any side lot line to obstruct said view from the residential use. In the event changes of elevation between said uses necessitate placement of the bufferyard at or near the highest point between the uses to obstruct the view, the bufferyard shall be placed at the highest point feasible (see appendix G (section 24-256)).

(Code 2000, § 38-122; Ord. No. 03-007, § 1, 4-15-2003)

Secs. 24-120—24-136. - Reserved.

#### DIVISION 5. - SUPPLEMENTAL DEVELOPMENT STANDARDS FOR CERTAIN LAND USES AND LARGE SCALE PROJECTS

Sec. 24-137. - Purpose.

The purpose of this division is to ameliorate the impact and improve the siting of certain land uses, whose characteristics could adversely affect surrounding property and environmental conditions. Toward this end, standards over and above those set forth elsewhere by this article are imposed by this division.

(Code 2000, § 38-171; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-138. - Uses affected by this division.

The additional requirements of this division shall apply to the following uses:

- (1) Hazardous waste and nuclear waste disposal sites.
- (2) Motorsports facilities and testing tracks.
- (3) Mining and extraction operations.
- (4) Shooting ranges.
- (5) Certain public service uses.
- (6) Adult uses.
- (7) Stockyards, slaughterhouses and animal auction houses.
- (8) Large scale projects.
- (9) Mobile home parks and manufactured home parks.
- (10) Tattoo facilities.

(Code 2000, § 38-172; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2006-025, § 3, 8-15-2006)

Sec. 24-139. - Site plan required.

Site plans, at a scale of one inch equals 50 feet or other appropriate scale, shall accompany the application for a preliminary certificate of compliance for those uses listed in section 24-138. The site plan shall show the relationship of the proposed use to the surrounding area, all required bufferyards, off-road parking, entrances and exits, permeable areas, open space and other such information as may be required by the planning commission, or the development standards manager.

(Code 2000, § 38-173; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-140. - Hearing, review required.

- (a) Due to the nature and potential impact of uses listed section 24-138, the planning commission shall call for and conduct a public hearing on any application to establish any such use in the county, unless located on property subject to an existing county zoning ordinance, having given at least 15 days' notice of time and place in a newspaper of general circulation in the county.
- (b) The commission shall review and evaluate each application with respect only to compliance with all applicable development standards contained herein and elsewhere in this article. At the conclusion of its review, the planning commission may find the proposal as being in compliance with all standards and sections contained herein as presented or find the proposal not in compliance with specified modifications.
- (c) If found in compliance, the development standards manager shall be instructed to issue the appropriate certificate of compliance. If found not in compliance, the applicant shall be notified in writing of the reasons for the denial.

(Code 2000, § 38-174; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-141. - Hazardous waste and nuclear waste disposal sites.

Due to consideration for the public health and safety and potential pollution to the environment resulting from hazardous waste and nuclear waste disposal sites, any such uses proposed for the county shall comply with the following supplemental development standards:

- (1) No such use shall be located within one mile of any existing residential use.

- (2) A geotechnical engineering firm shall certify in writing that the rock formations being used to contain the waste are impermeable and that the surrounding groundwater sources will not be contaminated.
- (3) A drainage plan shall accompany the request showing all off-site drainage.
- (4) Proposed facilities shall have direct access off a collector or arterial road.
- (5) Bufferyards specified between heavy industrial uses and residential uses on local roads shall be provided along all property lines.

(Code 2000, § 38-175; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-142. - Motorsports facilities and testing tracks.

Motorsports facilities and testing tracks, including, but not limited to, dirt tracks, whether private or open to the public, are declared by this article to be incompatible with residential development. Motorsports facilities and test tracks shall not include properties that have a primary use other than use as a motorsports facility or testing track, and where use of motor vehicles is merely ancillary to the primary use. Motorsports facilities and test tracks have the potential of negatively impacting many nonresidential uses. As a result, any such use proposed to be located in the county shall comply with the following development standards:

- (1) No such use shall be located within one mile of any residential use.
- (2) Bufferyards specified for heavy industrial uses and residential uses on local roads shall be provided along all property lines.
- (3) Proposed facilities shall have direct access off collector or arterial roads only.

(Code 2000, § 38-176; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-143. - Mining and extraction operations.

Due to the land disturbing nature of mining and extracting operations, pollution to air and water, and use of explosives to break up earth materials, such uses shall be permitted in the county only under the following conditions:

- (1) A mining permit must be obtained from the state land resources commission prior to securing a preliminary certificate of compliance from the county. The mining permit shall have been issued within six months of the date of the application for the preliminary certificate of compliance.
- (2) A drainage and sedimentation plan as required by article V of this chapter shall accompany the application.
- (3) No such use shall be located less than 2,500 feet from any residential use.
- (4) A vegetated strip shall be required along the margins of the excavation site to reduce sedimentation and airborne debris.
- (5) The site must have direct access to a collector or arterial road.
- (6) Stream dredging under a state permit will not be subject to the requirement of having a public hearing and need not be located with direct access to a collector or arterial road.

(Code 2000, § 38-177; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-144. - Shooting ranges.

The unique nature of a shooting range use is such that the following criteria shall be observed in siting such use in the county: No shooting range shall be operated in the county unless the range is in compliance with state regulations and the improvements, size, geography, and vegetation of the area are such that a projectile discharged from a firearm at a target would not reasonably be expected to escape its boundaries by virtue of a backstop, berm, bullet trap, impact barrier, or similar device designed to prevent the escape of such projectiles.

(Code 2000, § 38-178; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-145. - Stockyards, slaughterhouses and livestock auction houses.

Stockyards, slaughterhouses and livestock auction houses shall be located no closer than 1,000 feet to any residential use. No incineration of animals or animal refuse shall be permitted. Such uses shall meet the bufferyard requirements for separating light industry from residential uses on local roads, on all sides.

(Code 2000, § 38-179; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-146. - Certain public service uses.

- (a) Due to the need for and potential negative impact of the following uses, the location of such uses shall be guided by the additional requirements of this section:
  - (1) Landfills.
  - (2) Sewerage treatment facilities (areawide) (does not include sewer transport facilities).
  - (3) Electrical substations.
  - (4) Prisons.
- (b) A proposed siting of any of the above uses shall be subject to the following requirements, as well as any special conditions imposed by the planning commission to secure public health, safety and acceptance:
  - (1) Full disclosure of all emergency procedures and an analysis of the adequacy of those procedures, where applicable.
  - (2) Special bufferyard and screening requirements.
  - (3) Environmental impact analysis, where appropriate, or required by the planning commission.

(Code 2000, § 38-180; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-147. - Adult uses.

- (a) Due to the serious objectionable operational characteristics of sexually oriented or adult uses, and the deleterious effect of such uses on existing business and/or residential areas around them, the location of such uses in the county shall be subject to the supplemental siting criteria of this section:
  - (1) No such use shall be located within 2,000 feet of:
    - a. A church.
    - b. A public or private elementary or secondary school, including home education facilities.
    - c. A public or private park, playground or play area.
    - d. A licensed or certified day care center, group day care home, or preschool.

- e. Property of any county school district.
- f. Any residential use.
- g. A licensed nursing home.
- h. Any other adult uses.
- i. Any public building.
- j. Any club or organization where children may gather.

(2) Such uses shall have direct access off collector or arterial roads only.

- (b) For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest portion of a residential lot, or the nearest exterior wall of another sexually oriented business.

(Code 2000, § 38-181; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-148. - Large scale projects.

- (a) *Purpose.* Large scale projects can substantially impact environmental features, surrounding land use, traffic conditions and facilities, and public utilities. The purposes of this section, therefore, are to ensure the proper siting of such projects in relation to its surroundings, and to avoid any negative fall out from improper planning and design. All large scale projects shall be submitted for approval and reviewed by the planning commission.
- (b) *Definition.* For purposes of this section, a large scale project is defined as follows:
  - (1) Any project that generates a need for 100 or more off-road parking spaces, as determined by section 24-210, excluding single-family subdivisions.
  - (2) A truck or bus terminal, including service facilities designed principally for such uses.
- (c) *External relationship.*
  - (1) Road systems serving major projects shall be designed in relation to existing and planned external systems.
  - (2) Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movement and minimize hazards to vehicular or pedestrian traffic. Merging and turning lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need.
  - (3) Such projects shall not be permitted access to a minor local road, but may border or front on a major local road. Where a major local road intersects with a collector or arterial road, access drives shall be restricted to the major local road, where feasible.
  - (4) Access for pedestrians and cyclists entering or leaving multifamily projects shall be by safe and convenient routes. Such access need not be adjacent to or limited to the vicinity of access points for automotive vehicles. Where there are crossings of pedestrian ways and vehicular routes at edges of the project, such crossings shall be safely located, marked and controlled; and where such ways are exposed to substantial automotive traffic at edges of the district, safeguards including fencing may be required to prevent crossings except at designated points.
  - (5) More specifically, ingress, egress openings in concrete, asphalt, rock or other road curbing provisions, commonly referred to as curb cuts, as well as other means of vehicular access to and from such projects shall be in accordance with the following requirements:

- a. *Size, spacing of curb cuts, other access points.* Access points to large scale projects shall consist of two 12-foot exit lanes and a 16-foot entrance lane. A 25-foot turning radius space will be provided and 70 feet of right-of-way where the entrance/exit fronts with the intersecting road. Entrances/exits may not take access closer than 125 feet from the right-of-way line of an intersecting major local or collector road and 150 feet from an intersecting arterial road.
  - b. *Access points in vicinity of grade separated interchange.* In no case shall any point of access or other means of vehicular ingress and egress from private property onto a public road be permitted closer than 200 feet to the intersecting point of that road's right-of-way line with the right-of-way of any portion of an interchange involving grade separations with that road and any limited access highway; such interchange to include all portions of all ramps, accelerating and decelerating lanes, merge lanes, and other facilities specifically designed to facilitate traffic movement onto and off of the limited access highway.
  - c. *Sight clearance.* Where possible, entrances shall be located in a manner to allow at least 100 feet of sight distance for each ten miles per hour of speed limit. Sight distance shall be measured from a seeing height of 3½ feet to an object one foot in height.
  - d. *Sight easement.* A 15-foot sight easement triangle shall be reserved by the developer and dedicated to the county with the recording of the final plat. The sight easement shall be shown on the final plat before it is recorded.
- (d) *Internal relationships.* Roads, drives and parking and service areas shall provide safe and convenient access to dwelling units and general facilities, and for service and emergency vehicles. Roads shall be laid out so as not to encourage outside traffic to traverse the development on minor roads, nor occupy more land than is required to provide access as indicated, or create unnecessary fragmentation of the project into small blocks. In general, the project shall be consistent with use and shape of the site and the convenience and safety of occupants and persons frequenting the project. Vehicular access to collector and arterial roads or portions of roads from off-road parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic to and from such areas conveniently, safely and in a manner that minimizes traffic friction and promotes free flow of traffic on roads without excessive interruption.

(Code 2000, § 38-182; Ord. No. 03-007, § 1, 4-15-2003)

#### Sec. 24-149. - Tattoo facilities.

In order to enhance compatibility between tattoo facilities and other uses and areas around them, the location of such uses in the county shall be subject to the supplemental siting criteria of this section:

- (1) A license must be obtained from DHEC prior to securing a county permit. The DHEC license shall be valid and have been issued within six months of the date of the request for the county permit.
- (2) Location of tattoo facilities.
  - a. The place of business cannot be located within 1,000 feet of a church, school, or playground as defined in S.C. Code 1976, § 44-34-110, as amended.
  - b. These distances in this section shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, school, or playground.
  - c. Any tattoo facility shall meet any and all applicable requirements relating to setbacks, bufferyards and parking standards.

(Code 2000, § 38-183; Ord. No. 2006-025, § 4, 8-15-2006)



Sec. 24-150. - Substance abuse treatment facilities.

In order to enhance compatibility between substance abuse treatment facilities and other uses and areas around them, the location of such uses in the county shall be subject to the supplemental siting criteria of this section:

- (1) If a license from the state department of health and environmental control (DHEC) is required for a proposed substance abuse facility, it must be obtained before the county issues a county land use permit. The DHEC license shall be valid and have been issued within six months of the date of the request for the county permit.
- (2) Location of substance abuse facilities.
  - a. The place of business cannot be located within 2,500 feet of a church, school, or playground as defined in S.C. Code 1976, § 44-34-110.
  - b. These distances in this section shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, school, or playground.
  - c. Any substance abuse facility shall meet any and all applicable requirements relating to setbacks, bufferyards, and parking standards.

([Ord. No. 2019-004](#), § 1(38-184), 2-19-2019)

Sec. 24-151. - RV parks.

(a) *General conditions.*

- (1) *Authority.* This section and the land use and development standards and subdivision regulations pertaining thereto are enacted under the authority of and pursuant to S.C. Code 1976, title 6, chapter 29, as amended.
- (2) *Purpose.* The purpose of this section is to establish rules, regulations, and minimum design standards for RV parks in Anderson County in order to better accommodate RVs, and to provide for an orderly, safe and healthy environment for park occupants.
- (3) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings as described to them in this section. Unless specifically defined below, words and phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.
  - *Buffer* means a designated space inside and along RV park boundaries, in which no structures, parking areas, RV spaces or recreational equipment shall be constructed.
  - *Commercial business* means an individual or business, occupation, profession, or activity who provides a service, sells physical products, engages in with the object of financial gain, benefit, or advantage, either directly or indirectly. RV parks are considered commercial businesses.
  - *Motorhomes* are a type of recreational vehicle offering mobile living accommodation, which have their own motor power. They may also be designated as motor coaches, campers or camper vans.
  - *Open space* means any area within an RV park that is primarily intended for the common enjoyment and recreational use of RV park occupants. Open space is not to include park buffers, interior roads, parking areas, service buildings or park offices.
  - *Park model RV* is a trailer type RV that is designed to provide temporary accommodation for recreation, camping or seasonal use. PMRVs are built on single chassis, mounted on wheels and have a gross trailer area not exceeding 400 square feet.

- *Park office* means any structure for the purpose of keeping and maintaining all records pertinent to the use, operation and maintenance of an RV park. This shall be the office of the park attendant.
- *Permanent habitation* means occupying an RV space for a period of two or more months.
- *RV park* means a parcel of land in which three or more RVs can stay overnight, or longer, in allotted spaces known as RV spaces. RV parks usually provide water, sewer, electricity, sanitary facilities, and outdoor recreational facilities.
- *RV space* means a space or area within an RV park designated for temporary occupancy by RV, tiny home, or tent campers. Also referred to as "site."
- *RV stands for recreational vehicles*. RVs can be motor vehicles or trailers that are designed with temporary living quarters for recreational, camping or travel use.
- *Service building* means any structure within an RV park which contains toilets, lavatories, and bathing facilities. It may also include laundry facilities, a vending area or other service type facilities for park occupant use.
- *Trailers* are vehicles equipped with living accommodations that require to be mounted on or drawn by another vehicle. They may also be designated as caravans.

(4) *Administration and enforcement.*

- *Applicability* to all lands in unincorporated areas subject to Anderson County Code of Ordinance Chapter 24 Land Use and Development Standards Ordinance. No land shall be used, occupied, or developed, for RV park purposes except in conformity with the regulations and standards as herein established.
- *Permits*. No development permit shall be issued for any parcel or plat of land for the development of a RV park after the effective date of, and not in conformance with, the provisions of this article; and no excavation of land or construction of any public or private improvements shall occur or be commenced except in conformity with the provisions of this article.
- *Amendments*. The planning commission or county council may, from time to time, propose amendments for adoption by the Anderson County Council to alter the provisions imposed by these recreational vehicle park regulations and standards. Public hearings on all proposed amendments shall be held by the planning commission or county council in the manner as prescribed by state law.

(b) *RV park standards and requirements.*

- (1) *General*. After the effective date of this article, no RV park within the jurisdiction of unincorporated areas subject to Anderson County Code of Ordinances. Chapter 24 Land Use and Development Standards Ordinance shall be established or expanded to cover more land or add additional spaces until provisions of this article have been satisfied. This chapter shall apply to all RV parks as defined herein. Facilities provided in existing RV parks may be continued in use provided such facilities do not constitute a recognized health or safety hazard.

RV sites where the property (individual RV sites) is transferred to an individual property owner(s) are regulated under the Anderson County Mobile Home Regulations.

- (2) *Application procedures*. Whenever a new recreational vehicle park or the extension of an existing park is proposed, before any contract is made for the construction, and before any permit shall be granted, the owner/developer of the proposed RV park shall apply for and secure approval of such proposed RV park in accordance with the following procedure set forth herein.

(c) *Review, submission, and approval of plans.*

(1) *Preliminary park plan.* The planning department shall advise the developer of general compliance with the requirements of this article. The preliminary plan shall contain such information as:

- Name of park;
- Owner's name and address;
- Boundaries of the property and total acreage of the property and area to be developed;
- Conceptual space layout, street layout and cross sections, setbacks and buffers, open space;
- Utility easements, streams, boundary of flood hazard areas, wetlands, watershed;
- Type and location of water and sewer facilities;
- Proposed uses on the property other than park model RV;
- General location and types of buildings; and
- Proposed open space.

The preliminary park plan must have health department and SCDHEC approval.

(2) *Submission following preliminary plat approval.* Following the preliminary park plan review and prior to the construction or alteration of the RV park, the park developer shall make application with the planning department for a permit to construct or expand a park. The developer shall present two copies of the development plans containing the information to support issuance of necessary permits. The owner of the RV park shall provide documentation identifying how the park will provide adequate facilities for solid waste storage, collection and disposal.

(3) *Approval.* The Anderson County Planning Commission shall review RV preliminary park plans in accordance with the administrative procedure of section 24-335.

(4) *Variances.* Whenever, in the opinion of the planning commission, the strict application of the requirements of the RV park design standards would result in substantial or excessive difficulties and hardships or injustices, the planning commission may modify such requirements or standards so that the park developer is allowed to develop his property in a reasonable manner provided that the public interest of the county and its citizens are protected and the general intent and spirit of the RV design regulations and standards are preserved.

(d) *Inspection of RV parks.* Before occupancy of the RV park may occur, a final inspection of the RV park for conformance with the approval plan shall be conducted by the state health authority and by the county land use office.

The building and codes department is hereby authorized to make periodic inspections to determine the condition of the RVs and RV parks located within the jurisdiction of this article in order that they may perform their duties of safeguarding the health and safety of occupants of RV parks and of the general public.

(e) *Notices, hearings, and orders.* Whenever the building and codes department determines that there are reasonable grounds to believe that there has been a violation of any provision of this article, notice of such alleged violation shall be given to the owner or agent of the park, as hereinafter provided. Such notice shall:

- Be in writing;
- Include a statement of the reasons for its issuance;
- Allow 15 days for the performance of any act it requires;

- Contain necessary language to effect compliance with the provisions of these regulations.

Upon receipt of such petition, the buildings and codes department shall set a time and place within ten days for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard, and to show why such notice should be modified or withdrawn, provided that upon application of the petitioner, the inspector may postpone the date of the hearing for a reasonable time.

When a permit to operate a RV park has been revoked, the property owner is responsible to notify all occupants of the revocation and give notice that they must vacate the park within 30 days.

(f) *General operation and maintenance requirements.*

- (1) *General operation.* A park attendant must be on duty within the park at all times. An administrative park office within the RV park is required. Registration records must be kept on the occupancy of all RV parks. As a minimum, the registration form must have space for name, date, and permanent mailing address.

Permanent habitation is not permitted. Permanent habitation means occupying a space for a period of two or more months as defined in the definitions herein. Recreation vehicles are not designed for such purpose. RV park operators shall provide proof of the temporary nature of users upon request from the enforcement officer. RVs shall be fully licensed and must be ready for highway use. To be ready for highway use, the RV shall be on wheels or a jacking system, be attached to the RV space only by quick disconnect type utilities.

Operator shall provide for continued maintenance of landscaping and buildings and shall comply with all SCDHEC rules and regulations governing the sanitation and operation of RV parks. Service buildings shall be maintained in a sanitary condition at all times. Park areas shall be kept free of litter at all times. The operator shall be responsible for the control of nuisances within the park and will ensure that rules of order are posted and enforced. The operator will ensure provisions of this code are followed.

- (2) *Accessory uses and amenities.* Common facilities (laundry, dining, etc.) and bathhouses, administrative or management park offices shall be placed no closer than 150 feet from any exterior park boundary. RV parks are allowed to have one caretaker to reside within the park. This will be the only permanent residential structure within the RV park.
- (3) *Grounds maintenance and solid waste.* The storage, collection, and disposal of solid waste in the RV park shall be so conducted as to create no health hazards or pollution. All solid waste shall be stored in standard fly-tight, watertight, rodent-proof containers, with a capacity of not more than 95 gallons, and be located not more than 150 feet from any RV space. In the alternative, a commercially acceptable dumpster or compactor container may be used.

All solid waste shall be collected at least weekly. Where suitable collection service is not available from municipal or private agencies, the RV park operator shall provide this service. All solid waste shall be collected in covered vehicles and disposed of in accordance with the county solid waste ordinance.

(g) *Traffic circulation and street design.* RV park streets and roadways shall be designed to provide safe and convenient access to all spaces and park facilities. Parking shall not be allowed on streets. Interior roads must:

- Be privately owned by the RV park and designed to accommodate all types of RVs.
- Have a minimum width of 24 feet for a two-way road or 12 feet for a one-way road. Have a turning radius of 45 feet on all curves.
- Be either paved or graveled to a width of at least 20 feet. If streets are to be graveled, a minimum of four inches of aggregated base course (ABC) No. 7 stone shall be used.

- Be a continuous path of travel throughout the park. No roadway shall dead end.
  - Meet the design standards of public street line if they are connected to the latter, for a distance of 40 feet from the property.
  - Have speed limits coherent with their surroundings. Vehicle speeds must be kept slow due to the pedestrian nature of parks and local wildlife. Speed reduction humps or dips are permissible in the roadway, but they must be painted with appropriate signs indicating the hump or dip along the roadway.
  - Each RV park must have only one entrance with the exception for emergency vehicles or if traffic conditions require a second entrance based upon a traffic study. Entrance must have enough queuing space to prevent vehicles from blocking traffic.
  - Safe pedestrian access must be offered throughout the park.
  - Provide a parking pad for each RV and must not be smaller than ten feet in width by 35 feet length.
  - Roads are to be maintained by the owner or operator of the park in a manner to be free from potholes, ponding of water during rainy periods, excessive washing of drainage ditches, and other associated problems which would impede or cause hazards to motor vehicles.
- (h) *RV parks name, road names, and addresses.* The names of RV parks and roads within such parks shall not duplicate or be phonetically similar to the names of existing mobile home parks. RV parks and road names in the county.
- Where proposed streets are continuations of existing streets: the existing road names shall be used.
  - Property address numbers shall conform to the street naming and house numbering ordinance and shall be assigned by the E-911 addressing department.

An application "ANDERSON COUNTY E911 ADDRESSING REQUEST FORM" must be submitted, according to the development plans.

- (i) *Open space.* The developer shall preserve open space, tree cover, scenic vistas, natural drainageways, and outstanding natural topography, whenever possible. RV spaces, accessory structures, administrative park offices, among other structures may be clustered to protect sensitive areas, such as wetlands, historic sites/cemeteries, endangered species habitat, or prime agricultural land. In these cases, the developer and the general public would not have access to these preserved areas. The following requirements shall be met:
- All property designated as open space shall be delineated on the preliminary plan.
    - ° A breakdown of open space in floodplain and on steep slopes should be shown on the preliminary plan in total acres and percentages of gross acres.
    - ° The open space on the preliminary plan should have meaningful dimensions, proportions, and placement.
  - The required open space must be directly accessible to the largest practical number of lots within the development.
  - A minimum of 20 percent of the total RV park area shall be set aside and maintained as landscaped open space which may be used for the recreational use of park occupants.
  - Outdoor recreational facilities, such as open picnic structures, swimming pools, tennis courts, shuffleboard, volleyball courts, walking trails, playground equipment, horseshoe pits, etc., may be permitted in the landscaped open spaces.

- Parking spaces, driveways, access roads, RV spaces, or any area required for setbacks as set forth in this chapter, are not considered to be usable open space.

The owner or developer shall be responsible for its continuing upkeep and proper maintenance of the open space.

- (j) *Buffers, screening, and setbacks.* A minimum of 25-foot landscape buffer shall separate the RV park and a public road. The landscape buffer shall be maintained by the developer at all times. The landscape buffer shall include permanent structures, fences, or gates.

RV park construction shall provide for 50 feet of set back from adjoining neighboring properties or 25 feet of set back from adjoining neighboring properties with an approved buffer (existing vegetation or structures may qualify for the buffer).

- (k) *RV park size and density restrictions.* The site shall be at least five contiguous acres. RV sites if serviced by a septic tank shall comply with SCDHEC guidelines. If serviced by sewer, the sewer provider will determine the maximum number of spaces per acre based upon sewer capacity.

*RV space design standards:*

- A minimum net space of 540 square feet is required for each RV space.
  - In the location and spacing of RV spaces, there shall be a minimum of at least ten feet between RV and/or structures. Any accessory structures or attachments shall, for the purpose of this requirement, be considered a part of the trailer or recreational vehicle.
  - All grading activities for RV spaces must follow the county's land disturbance ordinance if the site disturbs one acre or more and or SCDHEC where applicable to prevent runoff.
  - Each RV space shall meet the requirements of the Anderson County Flood Damage Prevention Ordinance.
  - Bathhouse facilities shall be located within 400 feet of any RV space. Handicapped access to restroom facilities is required.
- (1) *Utilities, signage, names, and indication.* RV park shall be supplied by water and public sewer systems or approved by the SCDHEC for septic tanks. All plans and specifications shall be submitted with the request.
    - (1) *Water supply.* An accessible, adequate, safe, and potable supply of water under pressure shall be provided in every RV park. Potable water supply from a public utility or a distributor holding a valid permit from the state shall be made available for each RV site. Water supplies from other sources shall be approved by the DHEC.
- Fire flow requirements as required by the NFPA must be met. Fire hydrants shall be installed throughout all RV parks as described in the fire protection ordinance if proper size water main is available.
- (2) *Sewage disposal.* Adequate and safe sewerage collection systems shall be provided in all RV parks for the conveyance and disposal of all sewage. Sewer hookup through the county's wastewater utility or private provider shall be made available for each RV space. All plumbing in the RV park shall comply with state and local regulations. Sewerage facilities shall be placed at a minimum of 20 feet from adjacent property line. If public sewer is not available, the developer must obtain SCDHEC approval for a septic system.
  - (3) *Electricity.* Each RV space shall be equipped with an electrical outlet supplying at least 110 volts up to 220 volts, installed in accordance with applicable state electrical codes. Adequate electric system shall be provided at all times.
  - (4) *Safety.*

• *Fire protection.* Fires shall be made only in equipment intended for such purposes and placed in safe and convenient locations, where they will not constitute fire hazards to vegetation and RVs. No ground fires are allowed. Portable fire extinguishers shall be kept in service buildings and maintained in operating condition. Fire flow requirements as described by the NFPA must be met when setting up the park's water supply system where proper sizeable water mains are available.

• *Lighting.* All roadways, walkways, parking areas, sanitary facilities, storage areas, and recreational facilities within the park shall be adequately lighted at night, to provide safe access. Light shall be non-glaring, energy efficient, so arranged as to confine direct lighting downward and not leave the site.

([Ord. No. 2023-017](#), § 1(Exh. A), 8- 1-2023)

Secs. 24-152—24-166. - Reserved.

#### DIVISION 6. - PERFORMANCE STANDARDS FOR NONRESIDENTIAL USES

Sec. 24-167. - Purpose.

The purpose of this division is to prevent land or buildings from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable or hazardous condition. Toward this end, the operational characteristics of all nonresidential uses shall be measured for conformance with the limitations of this article and the following sections of this division.

(Code 2000, § 38-196; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-168. - Fire and explosives.

All activities related to and all storage of flammable and explosive materials shall only be provided with adequate safety devices against the hazards of fire and explosion, including adequate firefighting and fire suppression equipment.

(Code 2000, § 38-198; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-169. - Noise.

- (a) Continuous sound levels (i.e., sound levels that remain essentially constant during the period of observation or measurement) from a facility or property shall not exceed the maximum limits established in Table 1, as measured at the specified locations.

Table 1

<i>Location Receiving the Noise</i>	<i>Hours of the Day</i>	<i>Maximum Sound Level in A-Weighted Decibels (dBA)</i>
At a nonresidential lot line	7:00 a.m. to 10:00 p.m.	74 dBA
	10:00 p.m. to 7:00 a.m.	69 dBA
At a residential lot line	7:00 a.m. to 10:00 p.m.	70 dBA

	10:00 p.m. to 7:00 a.m.	65 dBA
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- (b) The sound levels identified in Table 1 shall be measured in decibels and A-weighted, with the unit of measurement being designated as dBA. For the purpose of determining dBAs, the noise shall be measured on the A-weighting scale of a sound level meter that conforms to American National Standards Institute (ANSI) Standard S1.4-1971 "Specifications for Sound Level Meters," or latest revision. Traffic, aircraft, and other background sounds shall be considered in taking noise measurements, when such background sound interferes with the primary noise being measured.
- (c) For any source of sound that is of short duration and is non-repetitive, the maximum sound level limits set forth in Table 1 shall be increased by ten dBA from 7:00 a.m. to 10:00 p.m.
- (d) For any source of impulsive sound which is of short duration with an abrupt onset and rapid decay (e.g., explosions), the maximum sound level limits set forth in Table 1 shall be increased by ten dBA from 7:00 a.m. to 10:00 p.m.
- (e) For any source of an impulsive sound that is repetitive (e.g., hammering), the maximum sound level limits in Table 1 shall be decreased by five dBA from 7:00 a.m. to 10:00 p.m.
- (f) Noises from construction activities between 7:00 a.m. and 10:00 p.m. shall be exempt from the provisions of this division. Construction activity means any site preparation, assembly, erection, repair, alteration, or similar activity and any associated equipment testing.
- (g) The provisions of this division do not apply to devices used solely for the purpose of warning, protecting, or alerting the public, or some segment thereof, of the existence of an emergency situation or to noise resulting from the performance of emergency work.

(Code 2000, § 38-199; Ord. No. 03-007, § 1, 4-15-2003)

#### Sec. 24-170. - Air pollution.

- (a) The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the state department of health and environmental control.
- (b) Air pollution emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements where allowed by state law.

(Code 2000, § 38-200; Ord. No. 03-007, § 1, 4-15-2003)

#### Sec. 24-171. - Odor.

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process which may involve the creation or emission of any such odor shall be provided with both a primary and a secondary safeguard system so that control shall be maintained in the event of failure of the primary safeguard system.

(Code 2000, § 38-201; Ord. No. 03-007, § 1, 4-15-2003)

#### Sec. 24-172. - Glare.



There shall be no direct or sky-reflected glare, whether from floodlights, high temperature processing, combustion, welding or otherwise, so as to be visible in any residence.

(Code 2000, § 38-202; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-173. - Fumes, vapors and gases.

There shall be no emission of any fumes, vapors or gases of a noxious, toxic or corrosive nature which can cause any damage or irritation to health, animals, vegetation or to any form of property.

(Code 2000, § 38-203; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-174. - Heat, cold, dampness or movement of air.

Activities which could produce any adverse affect on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.

(Code 2000, § 38-204; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-175. - Toxic matter.

The measurement of toxic matter shall be at ground level or habitable elevation and shall be the average of any 24-hour sampling period. The release of any airborne toxic matter shall not exceed the quantities permitted for those toxic materials currently listed in Threshold Limit Values, adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in the listing, the applicant shall satisfy the land use commission that the proposed levels will be safe to the general population.

(Code 2000, § 38-205; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-176. - Exterior illumination.

Exterior illumination shall be carefully considered in order to promote safety and security while limiting light trespass and reducing glare. All exterior lighting designs shall meet the IESNA (Illuminating Engineering Society of North America) guidelines.

(Code 2000, § 38-206; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-177. - Compliance guarantee.

The applicant for a certificate of compliance or building permit for a nonresidential use which would produce any of the objectionable elements as set out in this division shall acknowledge in writing an understanding of the performance standards applicable to his proposed use and shall submit with the applications an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this article and shall be treated accordingly.

(Code 2000, § 38-207; Ord. No. 03-007, § 1, 4-15-2003)

Secs. 24-178—24-207. - Reserved.

DIVISION 7. - OFF-STREET PARKING AND LOADING STANDARDS

Sec. 24-208. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Off-street parking space* means an area, not in a street or alley, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a driveway which affords ingress and egress.

(Code 2000, § 38-208; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-209. - Purpose.

The purpose of this division is to ensure the provision of off-street parking in sufficient quantity to satisfy the demand generated by any given land use, and subsequently reduce the impact of development (requiring parking) on the public transportation system.

(Code 2000, § 38-209; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-210. - Off-street parking standards.

- (a) Off-street automobile storage and parking spaces shall be provided on every lot on which any of the following uses are hereafter established. The number of parking spaces provided shall be at least as great as the number specified below for the particular use. When application of such provision results in a fractional space requirement, the next larger requirement shall prevail.

<i>Principal Use</i>	<i>Required Off-Street</i>
	<i>Parking</i>
Auditorium, theater, places of public assembly	One space for each four seats based on maximum capacity
Auto service station, full service	One space for each gasoline pump, plus three spaces for each service rack or wash rack
Auto service station, self-service	One space for each gasoline pump
Auto service station, self-service with convenience store	One space for each gasoline pump, plus one space for each 150 square feet of gross floor area
Bowling alley	Five spaces for each lane
Church	One space for each four seats based on maximum capacity
Child care centers	One space for each four children per maximum capacity
Roominghouse and boardinghouse and group dwellings	One space for each bedroom or sleeping room

Dwelling unit	1.5 spaces for each one bedroom unit, and two spaces for each unit of two or more bedrooms
Financial institutions	One space per 300 square feet of gross floor area
Funeral home	Five spaces minimum, plus one space for each four seats in the main assembly room
Grocery or supermarket	3.5 spaces for each 1,000 square feet gross floor area
Grocery, convenient (7-11 type)	One space for each 200 square feet gross floor space
Hospital	One space for each patient bed, plus one space for each 300 square feet of office and administrative area
Hotel, motel or motor court	1.1 space per rental unit, plus requirement for any use associated with the establishment
Industrial, manufacturing, and processing uses	One space per 1,000 square feet of gross floor area
Mobile home park	Two spaces for each mobile home space, plus one space for each two employees
Nursing home	1.1 space for each patient bed
Office and professional building	One space per 300 square feet of gross floor area
Office, medical or dental	Ten spaces per doctor or dentist
Public or private club, not dispensing alcoholic beverages	One space for each 300 square feet of gross floor area
Public utility building	One space per 300 square feet of gross floor area
Restaurants and other establishments dispensing food, including drive-ins	One space for each 150 square feet of gross floor area
Retail store and personal service shops	One space per 300 square feet of gross floor area
Sales and service not listed elsewhere	One space per 300 square feet of gross floor area
Schools, elementary and junior high	Two spaces per classroom, plus two spaces per office

Schools, senior high, business, vocational, and colleges	One space for each vehicle owned or operated by or for the school, plus two spaces per classroom, plus two spaces per office, plus one space for every four seats of maximum seating capacity in the main assembly room
Shopping center	1 space for each 300 square feet of gross floor area
Taverns, discos, nightclubs and/or public or private clubs (dispensing alcoholic beverages)	Parking spaces equal to 30 percent of capacity in persons
Wholesaling, warehousing and distribution operations, including mini-warehouses	One space for each 5,000 square feet gross floor space

- (b) The parking space requirements for a use not specifically listed above shall be the same as for a listed use of similar characteristics of parking demand generation.
- (c) Except for shopping centers, mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- (d) Whenever a building or use, constructed or established after the effective date of these regulations, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

(Code 2000, § 38-210; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2006-025, § 5, 8-15-2006)

Sec. 24-211. - Parking space for physically handicapped.

- (a) When off-street parking is required for any nonresidential use, except for industrial and warehousing uses, parking for the handicapped shall be included when calculating the overall parking requirements for a building or use, based on the following formula:

<i>Number of Required Spaces</i>	<i>Number of Spaces Reserved for Handicapped Persons</i>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4

101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total required
Over 1,000	20, plus 1 space for each 100 over 1000

- (b) Parking spaces for the physically handicapped shall measure 12 feet by 20 feet and shall be located as close as possible to ramps, walkways and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps and walkways.

(Code 2000, § 38-211; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-212. - Reduction of off-street parking space.

Off-street parking facilities existing on April 5, 1988, shall not subsequently be reduced to an amount less than that required under this division for a similar new building or new use. Off-street parking facilities provided to comply with the provisions of this division shall not subsequently be reduced below the requirements of this division, except that by reason of reduced floor area or capacity or change in requirements that a reduction in off-street parking is reasonable and consistent with the public welfare.

(Code 2000, § 38-212; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-213. - Location of land where parking provided.

The land to provide parking must be on the same site as the use it is intended to serve; however, street separation is permissible.

(Code 2000, § 38-213; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-214. - Design standards.

- (a) *Applicability.* The requirements of this section shall not apply to single-family dwellings, patio homes, duplexes, mobile homes, semi-detached dwellings or outdoor recreational uses.
- (b) *Drainage and maintenance.* Off-street parking facilities shall be properly graded for drainage to prevent damage to abutting property and/or public streets. Off-street parking areas shall be maintained in a clean, orderly, dustfree, and weedfree condition at the expense of the owner or lessee and not

used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.

- (c) *Separation from walkways and streets.* Landscaping, curbing, medians or other barriers approved by the development standards manager to restrict vehicular movements shall be provided along property boundaries to control entrance and exit of vehicles or pedestrians, and separate off street parking spaces from sidewalks and streets. All parking lots with isle design parking shall have at least one island adjacent to every 20 parking spaces. The island shall have an area equal to or exceeding the size of one parking space and shall have at least one canopy tree of at least six feet in height. All vehicular movement onto a public street is to be in a forward direction. See section 24-148 for further information.
- (d) *Surfacing and marking.* All off-street parking spaces required herein shall be paved, except those serving one- and two-family dwelling units, and other uses requiring six or fewer spaces, which may instead be surfaced with other suitable pervious material, provided that the site plan is inspected to ensure compliance with stormwater runoff requirements and the suitability of the pervious material to be used. In addition, all required parking areas shall provide ample turning radii for public safety vehicles to enter and exit. The approved design shall be marked by lines or curbs, where appropriate, or any other means approved by the development standards manager to indicate individual parking and drive spaces. However, due to the limited traffic associated with rural churches, these surfacing and marking requirements may be waived on an individual basis by the development standards manager for rural churches.
- (e) *Lighting.* Adequate lighting shall be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential uses.
- (f) *Parking and isle dimensions.* Parking stalls shall be not less than nine feet by 19 feet, except that a maximum of 30 percent of the total number of stalls may be 8½ feet by 18 feet. However, the dimensions of all parallel parking stalls shall be not less than nine feet by 24 feet. Minimum isle widths shall be as follows:

90 degree parking	24 feet
60 degree parking	20 feet
45 degree parking	15 feet

(Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-215. - Joint use of off-street parking lots.

Up to 50 percent of the parking spaces required for (1) theaters, public auditoriums, bowling alleys, dance halls, clubs, churches and religious institutions may be provided and used jointly by (2) financial institutions, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those listed in subsection (1) of this section; provided, however, that written agreement ensuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and content by the county attorney, and shall be filed with the application for a building permit.

(Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-216. - Off-street loading.

- (a) All uses shall provide off-street loading areas sufficient for their requirements. Such space shall ensure that no vehicle being loaded or unloaded in connection with normal operations will stand in or project onto a public street or sidewalk.
- (b) Off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve.

(Code 2000, § 38-216; Ord. No. 03-007, § 1, 4-15-2003)

Secs. 24-217—24-240. - Reserved.

DIVISION 8. - SIGN REGULATIONS

Sec. 24-241. - Purpose.

The purpose of this division is to protect public safety, promote public welfare and to ensure the maintenance of an attractive community environment, while attempting to meet the needs of sign users for adequate identification, communication and advertising.

(Code 2000, § 38-251; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-242. - Applicability and conformance.

- (a) This division regulates the number, size, placement and physical characteristics of signs, exempts certain signs, prohibits certain signs, and requires permits for certain signs.
- (b) From and after the adoption of the ordinance from which this division is derived, or the adoption of any amendment thereto, no sign permit shall be issued unless the proposed sign conforms with the requirements of this division.

(Code 2000, § 38-252; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-243. - Exempt signs.

The following signs are exempt from the provisions of this division, and require no permit:

- (1) Traffic, directional, warning or informational signs authorized by any public agency.
- (2) Official notices issued by any court, public agency or public officer.
- (3) Campaign or political signs erected, displayed or placed on private property. In accordance with state law, no campaign or political sign may be erected, displayed or placed within 200 feet of any polling place.
- (4) Real estate signs erected, displayed or placed on private property outside of any defined public right-of-way and no closer than five feet from any property line, nor within 15 feet from the edge of any paved or unpaved roadway where the right-of-way is undefined, relating to the sale or lease of real property and/or improvements thereon, provided the signs do not exceed a total signage area of six square feet for residential property and 32 square feet for commercial, agricultural and industrial properties (for definition of the term "total signage area" see section 24-247).
- (5) Open house, garage sale and yard sale signs erected, displayed or placed on private property outside of any defined public right-of-way and no closer than five feet from any property line, nor

within 15 feet from the edge of any paved or unpaved roadway where the right-of-way is undefined. Said signs must note the address of the property where the event is taking place and must be removed within five days following the date of the event.

- (6) Institutional signs erected, displayed or placed on private property outside of any defined public right-of-way and no closer than five feet from any property line, nor within 15 feet from the edge of any paved or unpaved roadway where the right-of-way is undefined, not to exceed 20 square feet in total signage area, for any public, charitable, educational, hospital (including urgent care and outpatient ambulatory care facilities) or religious institution.
- (7) Building nameplates with related inscription.
- (8) Flags and flagpoles erected, displayed or placed on private property outside of any defined public right-of-way and no closer than five feet from any property line, nor within 15 feet from the edge of any paved or unpaved roadway, measured from the base of the flagpole, where the right-of-way is undefined and erected, placed or displayed for any use other than business advertisement or identification.
- (9) Window signs.
- (10) On-site directional signs erected, displayed or placed on private property outside of any defined public right-of-way and no closer than five feet from any property line, nor within 15 feet from the edge of any paved or unpaved roadway where the right-of-way is undefined, where each sign does not exceed nine square feet in total signage area.
- (11) One-time auction signs erected, displayed or placed on private property outside of any defined public right-of-way and no closer than five feet from any property line, nor within 15 feet from the edge of any paved or unpaved roadway where the right-of-way is undefined. Said signs may not be placed, erected or displayed more than 60 days prior to the auction and shall be removed within ten days following the auction. Auction signs may not exceed a total signage area of six square feet for residential properties with a total area of five acres or less and 32 square feet for residential properties in excess of five acres, commercial properties, agricultural properties, and industrial properties.
- (12) Signs carved or built into a structure with materials which are an integral part of the building and approved by the building and codes department.
- (13) Temporary construction project signs erected, displayed or placed on private property no closer than five feet from any defined right-of-way or property line, nor within 15 feet from the edge of any paved or unpaved roadway where the right-of-way is undefined, with a maximum of 64 square feet in total signage area for residential projects and 150 square feet in total signage area for commercial, agricultural and industrial projects. These signs shall not be erected, placed or displayed more than 30 days prior to start of construction and shall be removed within 30 days after completion of construction.
- (14) Temporary mobile or portable signs providing notice of events of widespread community interest and providing a public health benefit erected, placed or displayed not more than two weeks prior to the event and removed within two weeks after the event.
- (15) One on-premises temporary mobile or portable sign per business used to advertise a business, a business event, or a business's products which is attached to a vehicle, trailer, movable structure, or attached to a sign structure which is not securely anchored into the ground, or which may be transported or is designed to be transported; provided, however, that no portion of any such sign shall be placed or displayed within five feet of any defined right-of-way or property line, nor within 15 feet from the edge of any paved or unpaved roadway where the right-of-way is undefined. If a sidewalk is present, the temporary mobile or portable sign must be not less than five feet from any edge of the sidewalk.
- (16) Other on-premises temporary signs providing advertising of the products or services offered by the business; provided, however, that the aggregate total signage area of said signs shall not exceed 20 percent of the square footage of the business's building frontage area. Any temporary



signage area exceeding the 20 percent square footage maximum is subject to the permitting requirements of section 24-245(5).

(Code 2000, § 38-253; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-244. - Prohibited signs.

The following signs are prohibited:

- (1) Strobe lights and signs containing strobe lights or flashing lights which are visible beyond the property line.
- (2) Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed by this division. For purposes of this section, it shall be presumed that any motor vehicle or trailer validly licensed, tagged, and insured so that it can legally be used on public roadways or offered for sale, is not parked for the primary purpose of providing a sign not otherwise allowed by this division.
- (3) Rooftop signs, excluding flush pitched roof signs as defined in section 24-24.
- (4) Any sign that encroaches upon any right-of-way for a street, road or highway other than those exempted in section 24-243(1) and (2).
- (5) Signs painted on or attached to trees, rocks or other natural features, or telephone or utility poles, street signs, or poles for stoplights.
- (6) Abandoned signs as defined in section 24-24.

(Code 2000, § 38-254; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-245. - Permitted signs.

The following signs, when properly permitted pursuant to the applicable permitting requirements of section 24-55, and meeting the applicable development standards contained in section 24-246, are allowed:

- (1) *Permanent freestanding business identification signs.*
  - a. *Allowable area.* Freestanding signs may contain 1½ square feet of total signage area per linear foot of street frontage for each developed site, lot or parcel, up to a maximum of 300 square feet of total signage area.
  - b. *Number.* Only one freestanding sign is allowed for each developed site, lot or parcel on which a nonresidential use is constructed. Where a developed site, lot or parcel fronts on more than one publicly dedicated street, one additional freestanding sign is allowed for each street but shall not be located on the same street frontage; provided, however, one sign using up to the total signage area calculated for both street frontages may be erected, displayed or placed on a single street frontage if all other requirements of this division and applicable permitting requirements are met. Where two or more detached buildings occupy the same lot or parcel, each may have one freestanding sign, provided the total combined signage area does not exceed the allowable limits specified by subsection (1)a of this section, based on linear street frontage of the site or parcel on which they are located. Where two or more attached businesses occupy the same site or parcel (i.e., a shopping center), only one freestanding sign for all the businesses located within the shopping center shall be permitted based upon the total public street frontage for the shopping center. Outparcels, defined as lots having street frontage created by a division of lots from a shopping center, shall be considered a part of the shopping center for the purpose of determining the size allowance for the sign for the shopping center. Each outparcel lot may have one freestanding sign per

publicly dedicated street frontage not to exceed 25 feet in height and 1½ square feet of signage area per linear foot of public street frontage for the outparcel up to a maximum of 100 square feet in total signage area.

- c. *Location.* No portion of any freestanding sign shall be located closer than five feet from any defined right-of-way or property line, nor within 15 feet from the edge of any paved or unpaved roadway where the right-of-way is undefined, or in any way impair the sight lines of drivers or pedestrians at driveway or street intersections.
- d. *Height.* No freestanding sign shall exceed 50 feet in height measured from the grade of the road at the point closest to the sign to the highest point of the sign, including structural components of the sign, except those signs located on public road frontage within 1,000 linear feet of an interstate highway interchange, measured from the outermost edge of the interstate on-ramp or off-ramp and proceeding along the edge of the intersecting roadway and interstate in each direction (see appendix H (section 24-257)), in which case said freestanding sign may be a maximum height of 100 feet measured from the grade of the road at the point closest to the sign to the highest point of the sign, including structural components of the sign.

(2) *Permanent business identification signs attached to buildings.*

a. *Allowable area.*

- 1. If there is no freestanding business identification sign on the developed site, lot or parcel, one permanent business identification sign may be attached to the building provided it contains not more than 1½ square feet of total signage area per linear foot of principal building frontage.
- 2. If there is a freestanding business identification sign on the developed lot, parcel or site, one permanent business identification sign containing not more than one square foot of total signage area per linear foot of principal building frontage may be placed, erected or displayed on said building.

b. *Types of signs.* Fascia, projecting, marquee, awning and flush pitched roof signs are allowed provided they meet all other requirements of this division and all permitting requirements.

c. *Number of signs.* Only one projecting sign as defined in section 24-24 is allowed per building frontage, except for shopping centers, which may have one projecting sign for each business use, plus one aggregate freestanding business identification sign for the shopping center as prescribed in subsection (1)b of this section.

(3) *Billboards.*

a. Unless otherwise specified, the following requirements relate to all freestanding off-premises billboards receiving initial permitting after April 15, 2003 (the term "initial permitting" shall mean receiving a valid sign permit for a relocated billboard, but shall not include permitting or re-permitting of billboards existing and/or having valid sign permits prior to April 15, 2003).

- 1. *Billboard defined.* A billboard is any permanent sign, excluding off-premises directional signs and off-premises business signs as defined hereinafter, with advertising copy not related to the use of the property on which the structure is located.
- 2. *Structural requirements.* All billboards shall be constructed entirely out of steel, shall be supported by a single steel pole (a "monopole") and shall have a steel face on all facings. Any lighting shall be directed toward the sign face and no light source shall be visible from roadways or surrounding properties. All construction and installation shall meet all applicable building codes.
- 3. *Location.* All billboards shall be allowed only in C-1, C-2, C-3, S-1, I-1 and I-2 zoning districts and on unzoned commercial, business, or industrial properties. Commercial, business, or industrial properties shall mean properties being used solely for

commercial, business, or industrial activity and for which a valid commercial, business, or industrial land use permit has been issued.

4. *Spacing.* No billboards shall be permitted:

- (i) Within 1,000 feet of any other billboard on the same side of the road or within 500 feet from the vertical point of any billboard located on the opposite side of the road;
- (ii) Within 500 feet of any property zoned residential (if zoned) or any property used for a residential purpose (if unzoned) on the same side of and fronting the road in question at the time of construction of the billboard;
- (iii) Within 1,000 feet of any historic site, place, or district that is recorded on the national register, or any public park;
- (iv) Within 1,000 feet from the centerline of any designated scenic highway or the designated heritage corridor when locating a billboard on a road that intersects with a scenic highway;
- (v) At intersecting streets within 500 feet of any other billboard measured by the curbline. A billboard may be located at this point or at a vertical point on the opposite side of the street provided all other criteria are met.

5. *Maximum allowable display area.*

- (i) No billboard may contain more than 400 square feet of sign face area per sign face.
- (ii) Twenty percent of the 400 square feet allowable for extended space.

6. *Height restrictions.*

- (i) The maximum height for any billboard located on property adjoining the right-of-way for Interstate 85 shall be 70 feet, including structural components of the billboard, measured from the grade of Interstate 85 at the nearest point to the billboard;
- (ii) The maximum height for all other billboards shall be 50 feet, including structural components of the billboard, measured from the grade of the road, street or highway to which the billboard is nearest at the nearest point to the billboard;
- (iii) Minimum height of the base of any billboard face shall be 15 feet above the grade of the road, street or highway to which the billboard is nearest at the nearest point to the billboard.

7. *Minimum setbacks.*

- (i) No billboard shall be erected such that any portion of the billboard shall be within 15 feet of any road, street, or highway right-of-way or within 30 feet of any paved or unpaved roadway where the right-of-way is undefined;
- (ii) No billboard shall be erected such that any portion of the billboard shall be within five feet of any property line.

8. *Abandoned billboard.* A billboard without copy must either display copy or be removed within 90 days of official notification from the code enforcement officer.

9. *Maintenance.* The owner of the billboard must maintain the structure and all fascia and appurtenances in proper condition at all times. An unmaintained billboard must be brought to standards or removed within 90 days of official notification from the code enforcement officer.

10. *Permit issuance.* In addition to the permitting requirements of section 24-55, which are applicable to all signs, the following permitting requirements shall apply to billboards in particular:

- (i) *Permits for existing billboards.* All existing billboards in the county will be issued a permit number, but shall not be required to meet present standards and requirements as a condition for receiving said permit. In order to be eligible for this initial permitting, the sign owner shall furnish the development standards office of the county with the following information within 90 days of ordinance enactment:
- A. Complete inventory of all existing billboards.
  - B. Location description.
  - C. Color photograph, taken within 90 days of submission to the county, of each face and support structure.
  - D. Face dimensions.

No fee shall be charged for this initial permitting.

- (ii) *Permits for relocated billboards.* A sign permit for the relocation of an existing billboard shall not be issued by the county unless:
- A. An officer of the company applying for the permit certifies in writing to the development standards manager that the relocated billboard shall be completely constructed within 12 months from the date the sign permit for the relocated billboard is issued;
  - B. An officer of the company applying for the permit certifies in writing to the development standards manager that the relocated billboard shall have no more display area (square footage) than the billboard or billboards it is replacing and meets all present billboard face requirements;
  - C. An officer of the company applying for the permit certifies in writing to the development standards manager that the company has provided the information required by subsection (3)a.10(i) of this section for all of its existing billboards in the county and has received re-permitting for said billboards as required hereunder;
  - D. The county has verified that the relocated billboard and its proposed location meet all present standards and requirements of this article;
  - E. The county has certified that the billboard being replaced has been completely removed; and
  - F. All other requirements for obtaining a permit have been met, including, but not limited to, the payment of a permit fee as charged by the county.

Notwithstanding the foregoing, no sign permit for the relocation of a billboard shall be issued if the company requesting such permit is known by the county to be in violation of any of the provisions of this article as to any billboard or billboard location in the county.

- (iii) *Posting of sign permits.* The county development standards department shall issue all billboards a weather-resistant permit number identification tag. The owner of each billboard in the county shall be responsible for affixing the permit tag to the billboard in a prominent and visible location on the pole and for ensuring that each permit is continuously attached thereafter.
- (iv) *Fees and renewal.* All sign permits for billboards issued in accordance with this section shall be valid for the calendar year in which they are issued and shall be renewed not later than January 30 of each calendar year. The initial permit fee for billboards of \$75.00, subject to periodic adjustment by county council, shall be charged at the time of issuance and must be paid prior to issuance of the original permit. A renewal fee of \$25.00 shall be charged for each billboard permit

renewed. Any billboard owner who fails to remit the \$25.00 fee by January 30 of each year will be charged a late fee of \$25.00 for each billboard permit not renewed. If any billboard company does not renew the billboard permit within 30 days of nonpayment notice by the county, the county shall revoke all unpaid permits, and the billboard owner will be required to remove the unpermitted billboards within 30 days of notification.

- (v) *Renewal permit.* No renewal permit shall be issued if the company requesting such permit is known by the county to be in violation of any of the provisions of this article.
- (vi) *Notice of sign removal.* The county must be notified within 90 days upon removal of a sign structure. The permit associated with the removed sign structure will remain active as long as the annual renewal permitting fee is paid for up to five years or the permit is relocated to a new conforming location.

(4) *Off-premises changeable message signs.*

- a. Changeable message signs shall not contain or display flashing, intermittent or moving lights.
- b. All changeable message signs shall meet all provisions set forth in this article regarding billboards and will be considered a billboard.
- c. In addition to current billboard spacing requirement, no changeable message sign shall be permitted within 1,000 feet of existing changeable message sign on same road.
- d. Each message displayed shall remain fixed for at least six seconds.
- e. When a message is changed, it shall be accomplished within an interval of two seconds or less.
- f. Changeable message signs shall not be side by side or stacked.
- g. If an existing sign is to be revised to a changeable message sign, an application shall be submitted noting the sign is to become a changeable message signs and requesting approval for this change.
- h. Light produced by a digital billboard should not exceed 0.3 footcandles over ambient light levels.
- i. Automatic dimming capability. A digital billboard must be able to automatically adjust as ambient light levels change. An automatic light sensing device (such as photocell or similar technology) should be utilized for adjusting the digital billboard's brightness. Sunset-sunrise tables and manual methods of controlling brightness are not acceptable as a primary means of controlling brightness.

(5) *Off-premises business and directional signs.*

- a. *Off-premises directional signs.* The following requirements relate to all off-premises directional signs:
  - 1. *Off-premises directional signs defined.* Any permanent sign, excluding billboards as defined above, the purpose of which is limited exclusively to the identification of a use or occupancy located elsewhere and which tells or shows the location, direction of or route to such use or occupancy.
  - 2. *Location.* Off-premises directional signs shall only be permitted in areas zoned R-A, R-M1, R-M2, R-M7, R-M, R-MA, R-MHP, O-D, C-1N, C-1R, C-1, C-2, C-3, S-1, I-1 and I-2, and unzoned areas. Off-premises directional signs shall be located at least five feet from any defined right-of-way or property line, or at least 15 feet from the edge of any paved or unpaved roadway where the right-of-way is undefined.
  - 3. *Maximum allowable display area.* Maximum allowable sign face area shall be nine square feet.

- b. *Off-premises business signs.* The following requirements relate to all off-premises business signs:
  - 1. *Off-premises business signs defined.* Any permanent sign, excluding billboards as defined above, the purpose of which is limited exclusively to the identification of a use or occupancy located elsewhere, where the owner or lessee of the sign site is the business to which the sign copy refers.
  - 2. *Location.* Off-premises business signs shall only be permitted in areas zoned R-A, R-M1, R-M2, R-M7, R-M, R-MA, R-MHP, O-D, C-1N, C-1R, C-1, C-2, C-3, S-1, I-1 and I-2, and unzoned areas. Off-premises business signs shall be located at least five feet from any defined right-of-way or property line, or at least 15 feet from the edge of any paved or unpaved roadway where the right-of-way is undefined.
  - 3. *Maximum allowable display area.* Maximum allowable sign face area shall be 32 square feet.
- (6) *Temporary signs.* A temporary sign is any on-premises sign, not exempted in section 24-243, that disseminates information about the business. No portion of any temporary sign shall be placed within five feet of any defined right-of-way or property line, nor within 15 feet from the edge of any paved or unpaved roadway where the right-of-way is undefined. No temporary sign shall be permanently attached to the ground, a building, or any other permanent structure, and all temporary signs must be maintained in a presentable fashion acceptable to the development standards manager. Any temporary sign, not exempt from the permitting requirements, must be permitted in accordance with this article prior to being displayed, erected, placed or constructed. No developed lot, parcel or site shall have a non-exempt temporary sign permitted more than once in any six-month period and the permit must expire within 30 days of issuance. A security deposit shall be required for each permit for temporary signs. Such deposit shall be returned to the permit holder provided the sign has been removed after the expiration of the 30-day period or the deposit will be forfeited. The following temporary signs, when properly permitted, are allowed:
  - a. *Banners.*
    - 1. Allowed in commercial and industrial areas and zoning districts only, or as otherwise provided in the zoning ordinance.
    - 2. One banner is allowed per street frontage for each developed lot, parcel or site. No banner may have greater total signage area than the allowed permanent freestanding business identification sign for that developed lot, parcel or site as provided in subsection (1)a of this section.
    - 3. In the case of long pennant type banners with multiple flags or banners attached to a banner string or rope, the total length of the pennant banner string or rope shall not exceed the total street frontage of the developed lot, parcel or site. For example, if a lot has 200 feet of frontage, then the pennant banner string shall not exceed 200 feet in length.
    - 4. The height of the pennant banner shall be no lower than eight feet and no higher than 14 feet measured from grade of the property line closest to the pennant banner and shall not exceed 20 feet in height at any point measured from grade of the property line closest to the pennant banner.
    - 5. No individual pennants and flags on any banner string shall be greater than 18 inches in width and 24 inches in length at there widest and tallest points.
    - 6. Multiple strands are allowed, so long as the aggregate length of the banner strings is no greater than the allowed length and all other requirements of this section are met.
  - b. *Balloon or inflatable signs, subject to the following conditions:*
    - 1. Allowed in commercial and industrial areas and zoning districts only.

2. Only one balloon or inflatable sign may be permitted for any developed lot, parcel or site.
3. No balloon or inflatable sign may have greater total signage area than that allowed for a permanent freestanding business identification sign for that developed lot, parcel or site as provided in subsection (1)a of this section and may not be displayed above the height limitations of subsection (1)d of this section.

(Code 2000, § 38-255; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2012-004, § 2(att.), 3-5-2012)

Sec. 24-246. - Development standards.

All signs allowed under this division, including, but not limited to, billboards, must comply with the following development standards:

(1) *Visual clearance.*

- a. No sign may be located within a vision clearance area as defined in subsection (1)b of this section and no support structure for a sign may be located in a vision clearance area unless the diameter is 12 inches or less.
- b. Location of vision clearance areas. Vision clearance areas are triangular shaped areas located at the intersection of any combination of streets, private roads, alleys or driveways (collectively referred to as the "roadways"). The sides of the vision clearance triangle extend 15 feet from the intersecting point of the roadways in both directions along the edge of each roadway. The vertical dimensions of the vision clearance area commences 42 inches above the grade of the roadway at any point along the edge of the vision clearance area to ten feet above said grade (see appendix I (section 24-258)).

(2) *Vehicle area clearances.* When any sign or billboard extends over vehicle travel areas, including driveways, alleys, parking lots and loading and maneuvering areas, the bottom of the sign structure shall be at least 14 feet above the ground directly below the sign or billboard.

(3) *Pedestrian area clearances.* When a sign extends over private sidewalks or walkways, the bottom of the sign structure, including, but not limited to, billboards, shall be at least 8½ feet above the ground directly below the sign.

(4) *Required yards and setbacks.* Except for exempt signs under section 24-243(1) and (2), the sign face of any sign structure may be erected in required yards and setbacks as defined in this article, but shall be placed, erected or displayed no closer than five feet from any defined right-of-way or property line, nor within 15 feet from the edge of any paved or unpaved roadway where the right-of-way is undefined.

(5) *Illumination.*

- a. Except where otherwise prohibited, signs may be illuminated either through the use of backlighting or direct lighting provided the following standards are met:
  1. Information on any illumination proposed as part of a sign must be provided on any sign permit application.
  2. No light source from any illuminated sign shall be visible or cause direct glare into or upon any building other than the building to which the sign is related.
  3. No light source from any illuminated sign shall be visible or cause direct glare onto any adjoining piece of property or any adjoining right-of-way.
- b. Any permanent or temporary sign containing electrical components shall conform to current building code standards, as well as current UL, ETL, CSA, or ULC standards and display a label from one of these recognized testing labs. All electrical power shall be supplied from an underground source.

(Code 2000, § 38-256; Ord. No. 2012-004, § 2(att.), 3-5-2012)

Sec. 24-247. - Sign measurement.

(a) *Total signage area.*

- (1) The total signage area of any sign or billboard enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see appendix J (section 24-259)). Total signage area does not include foundations or supports to the sign, unless said structures contain sign related display or decoration. Only one side of a double-faced or V-shaped (where the angle of the V is less than 45 degrees) freestanding sign or billboard is counted in total signage area.
- (2) When a sign or billboard is on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used to determine total signage area unless it is clear that part of the base contains no sign related display or decoration.
- (3) When signs are constructed of individual pieces attached to a building wall, total signage area is determined by a perimeter drawn around all the pieces (see appendix J (section 24-259)).
- (4) For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face. (See appendix J.)
- (5) The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine total signage area.
- (6) When signs are incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign related display or decoration.

(b) *Primary building frontages.* Primary building frontages are derived for each ground floor occupant's qualifying exterior walls (See appendix K (section 24-260)).

(Code 2000, § 38-257; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2012-004, § 2(att.), 3-5-2012)

Sec. 24-248. - Removal of signs.

- (a) The lawful use of any sign or billboard existing at the time of the enactment of the ordinance from which this article is derived, or any amendment thereto, may be continued although such use does not conform with the provisions of this division, subject, however, to any re-permitting requirements contained herein and subject to provisions related to abandoned signs and billboards.
- (b) Any existing sign or billboard which is subsequently determined to have been abandoned after due notice as provided herein, shall be removed at the expense of the owner. Any existing sign exceeding the allowable total signage area by 25 percent, which is subsequently destroyed or damaged to the extent of 50 percent or more of its replacement cost, shall be removed or brought into conformity with these regulations. Any written notice required herein shall be mailed or personally delivered by the planning commission staff to the owner of such sign, or of the building or premises on which such sign is located, requiring compliance within the stated period of time. Upon failure to comply with such notice, the county may remove the sign and any costs of removal incurred by the county may be collected in a manner prescribed by law.

(Code 2000, § 38-258; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2012-004, § 2(att.), 3-5-2012)

Sec. 24-249. - Nonconforming signs.



- (a) *Determination of existing nonconforming status.* Existing signs or billboards which do not conform to the specific provisions of this article, as amended, may be eligible for the designation "existing nonconforming," provided that:
- (1) The development standards manager determines such signs or billboards are properly maintained and do not in any way endanger the public.
  - (2) The sign was installed with a valid permit or variance, and/or complied with all applicable laws on the date of adoption of the ordinance from which this article is derived.
- (b) *Loss of existing nonconforming status.* An existing nonconforming sign or billboard may lose this designation if:
- (1) The sign or billboard is relocated or replaced.
  - (2) The structure or size of the sign or billboard is altered in any way except toward compliance with this article. This does not refer to change of copy or normal maintenance.
- (c) *Maintenance and repair of nonconforming signs.* The legal nonconforming sign or billboard is subject to all requirements of this Code regarding safety, maintenance, and repair; provided, however, if the sign or billboard is damaged or destroyed to the extent that repair costs exceed 50 percent of the replacement cost, it must be brought into compliance with this Code or removed.

(Code 2000, § 38-259; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2012-004, § 2(att.), 3-5-2012)

Sec. 24-250. - Appendix A.

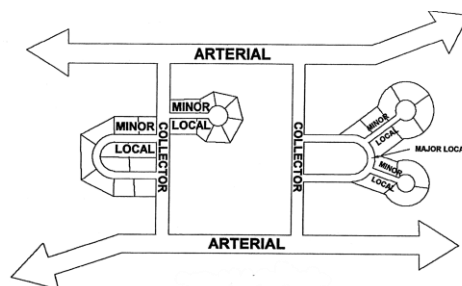
Commercial/Industrial/Land Use Fee: \$40.00 minimum, plus \$10.00 per 1,000 square feet of gross floor space over 2,000 square feet:

\$40.00—2,000 square feet	\$290.00—27,000 square feet
\$50.00—3,000 square feet	\$300.00—28,000 square feet
\$60.00—4,000 square feet	\$310.00—29,000 square feet
\$70.00—5,000 square feet	\$320.00—30,000 square feet
\$80.00—6,000 square feet	\$330.00—31,00 square feet
\$90.00—7,000 square feet	\$340.00—32,000 square feet
\$100.00—8,000 square feet	\$350.00—33,000 square feet
\$110.00—9,000 square feet	\$360.00—34,000 square feet
\$120.00—10,000 square feet	\$370.00—35,000 square feet
\$130.00—11,000 square feet	\$380.00—36,000 square feet
\$140.00—12,000 square feet	\$390.00—37,000 square feet

\$150.00—13,000 square feet	\$400.00—38,000 square feet
\$160.00—14,000 square feet	\$410.00—39,000 square feet
\$170.00—15,000 square feet	\$420.00—40,000 square feet
\$180.00—16,000 square feet	\$430.00—41,000 square feet
\$190.00—17,000 square feet	\$440.00—42,000 square feet
\$200.00—18,000 square feet	\$450.00—43,000 square feet
\$210.00—19,000 square feet	\$460.00—44,000 square feet
\$220.00—20,000 square feet	\$470.00—45,000 square feet
\$230.00—21,000 square feet	\$480.00—46,000 square feet
\$240.00—22,000 square feet	\$490.00—47,000 square feet
\$250.00—23,000 square feet	\$500.00—48,000 square feet
\$260.00—24,000 square feet	Maximum fee is \$500.00
\$270.00—25,000 square feet	
\$280.00—26,000 square feet	

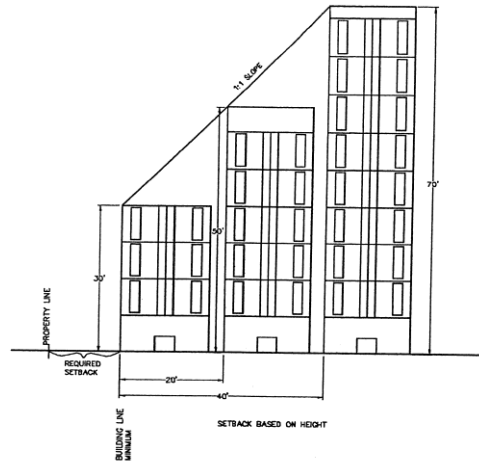
(Code 2000, ch. 38, art. II(app. A))

Sec. 24-251. - Appendix B.



(Code 2000, ch. 38, art. II(app. B))

Sec. 24-252. - Appendix C.



(Code 2000, ch. 38, art. II(app. C))

Sec. 24-253. - Appendix D.

Buffer Yards

	Type 1			
	Depth			
	5'	10'	20'	30'
Canopy Trees	2	1.5	1	0.5
Understory Trees	4	3	2	1
Evergreens/Conifers	4	3	2	1
Shrubs	4	3	2	1
Structure	None	None	None	None

	Type 2			
	Depth			
	10'	20'	30'	40'

Canopy Trees	4	3	2	1
Understory Trees	6	4.5	3	1.5
Evergreens/Conifers	8	6	4	2
Shrubs	7.5	3	5	2.5
Structure	None	None	None	None

	Type 3			
	Depth			
	15'	25'	40'	50'
Canopy Trees	4	3	2	1
Understory Trees	8	6	4	2
Evergreens/Conifers	12	9	6	3
Shrubs	12	9	6	3
Structure	F3	B3	B1	None

	Type 4			
	Depth			
	20'	30'	50'	60'
Canopy Trees	4	3	2	1
Understory Trees	8	6	4	2
Evergreens/Conifers	12	9	6	3

Shrubs	12	9	6	3
Structure	F3	B3	B1	None

	Type 5			
	Depth			
	25'	35'	60'	75'
Canopy Trees	6	4.5	3	1.5
Understory Trees	12	9	6	3
Evergreens/Conifers	12	9	6	3
Shrubs	16	12	8	4
Structure	F3	B3/BF1	B2	B1

	Type 6			
	Depth			
	30'	45'	70'	90'
Canopy Trees	8	6	4	2
Understory Trees	12	9	6	3
Evergreens/Conifers	16	12	8	4
Shrubs	20	15	10	5
Structure	F4/BF1	F3/B3	B2	B1

(Code 2000, ch. 38, art. II(app. D))

Sec. 24-254. - Appendix E.

### BUFFERYARD REQUIREMENTS TABLE

The number in the table is the type of bufferyard required for the proposed land use

Proposed Property Use	R-A	R-20	R-15	R-12	R-8	R-D	R-M7	R-M2	R-M1	R-M	R-MA	R-MHP	O-D	POD	C-IN	C-IR	C-1	C-2	C-3	S-1	I-1	I-2	P-D	AP	RRD	Local Street	Other Street
R-A	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	**	0	0	0
R-20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	**	0	0	0
R-15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	**	0	0	0
R-12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	**	0	0	0
R-8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	**	0	0	0
R-D	1/1	1/1	1/1	1/1	1/1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	**	0	0	0
SE***	2/1	2/1	2/1	2/1	2/1	2/1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	**	0	1	1
R-M7	2/0	2/0	2/0	2/0	2/0	1	0	0	0	0	0	0	1	1	1	1	1	1	1	1	1	1	*	**	1	1	1
R-M2	4/1	4/1	4/1	4/1	4/1	1	0	0	0	0	0	0	1	1	1	1	1	1	1	1	1	1	*	**	1	1	1
R-M1	4/1	4/1	4/1	4/1	4/1	2	1	1	0	0	0	0	1	1	1	1	1	1	1	1	1	1	*	**	1	1	1
R-M	5/2	5/2	5/2	5/2	5/2	2	1	1	1	0	0	1	1	1	1	1	1	1	1	1	1	1	*	**	1	1	1
R-MA	5/2	5/2	5/2	5/2	5/2	2	1	1	1	0	0	1	1	1	1	1	1	1	1	1	1	1	*	**	1	1	1
R-MHP	5/3	5/3	5/3	5/3	5/3	2	2	2	2	2	2	0	1	1	1	1	1	1	1	1	1	1	*	**	1	2	2

O-D	5/3	5/3	5/3	5/3	5/3	3	3	3	3	3	3	2	0	0	0	0	0	0	0	0	0	0	*	**	0	1	1
POD	5/3	5/3	5/3	5/3	5/3	3	3	3	3	3	3	2	0	0	0	0	0	0	0	0	0	0	*	**	0	1	1
C-IN	5/3	5/3	5/3	5/3	5/3	3	3	3	3	3	3	2	0	0	0	0	0	0	0	0	0	0	*	**	0	1	1
C-IR	5/3	5/3	5/3	5/3	5/3	3	3	3	3	3	3	2	0	0	0	0	0	0	0	0	0	0	*	**	0	1	1
C-1	6/3	6/3	6/3	6/3	6/3	3	3	3	3	3	3	2	0	0	0	0	0	0	0	0	0	0	*	**	0	2	1
C-2	6/3	6/3	6/3	6/3	6/3	3	3	3	3	3	3	2	0	0	0	0	0	0	0	0	0	0	*	**	0	2	1
C-3	6/3	6/3	6/3	6/3	6/3	3	3	3	3	3	3	2	0	0	0	0	0	0	0	0	0	0	*	**	0	2	1
S-1	5/4	5/4	5/4	5/4	5/4	4	4	4	4	4	4	3	1	1	1	1	0	0	0	0	0	0	*	**	0	1	1
I-1	6/5	6/5	6/5	6/5	6/5	5	5	5	5	5	5	4	3	3	3	3	3	3	3	1	0	0	*	**	3	3	1
I-2	6/5	6/5	6/5	6/5	6/5	6	5	5	5	5	5	4	3	3	3	3	3	3	3	1	0	0	*	**	3	3	1
PD	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	3	2
AP	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
RRD	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	2

If the proposed property is zoned and adjacent property is zoned, then the requirement is based on the intended use of the adjacent property.

If the proposed property is zoned and adjacent property is unzoned, then the requirement is based on the intended use of the adjacent property.

If the proposed property is unzoned and adjacent property is unzoned, then the requirement is based on the intended use of the adjacent property.

If the proposed property is unzoned and adjacent property is zoned, then the requirement is based on the intended use of the adjacent property.

\* A PD has multiple land use elements. The buffer yard requirements default to the table element that covers the planned use for the specific parcel within the PD and adjacent parcel outside the PD. Buffer yard requirements within a PD default to the land use in that table unless otherwise spelled out in the PD application that is approved by commission and counsel.

\*\* An AP is a special airport overlay. The exact requirements are set as part of the submission and approval process with commission

and council due to the special requirements of airport use of land.

\*\*\* A RRD is by nature a conversion to residential use of an existing nonresidential property. The bufferyard requirements default to the appropriate table element once the nature of the land use is determined after approval of the RRD by the commission and council.

\*\*\*\* SE Special Exception

X/Y The first number references the requirement if the use lie on a local street. The second number references the requirement if the use lies on an arterial or collector street.

(Code 2000, ch. 38, art. II(app. E))

Sec. 24-255. - Appendix F.

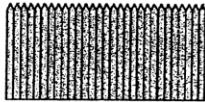



<i>Plant Materials in Bufferyards Without a Structure</i>			
		<i>Planting Size</i>	
<i>Type</i>	<i>Description</i>	<i>Height</i>	<i>Container</i>
Canopy Trees	Varieties like Oaks, Magnolia, Maples, etc.	>6 foot	Container or field grown B&B
Understory Trees	Varieties like Dogwoods, Crepe Myrtles, Holy Trees, Plums, etc.	>4 foot	Container
Evergreens	Varieties like Junipers, Cedars, Pines, etc.		4—10 gallon container
Shrubs	Varieties like Juniper, Ligustrum, Azalea, Camelia, Boxwood and Photinia		3—4 gallon container

<i>Plant Materials in Bufferyards With a Structure</i>		
Type	Abutting Structures, Fences, Berms	All other
Canopy Tree Single Stem	1½ inch caliper	2½ inch caliper
Canopy Tree Multi-Stem Clump	6 foot height	10 foot height
Understory Tree	4 foot height	1½ inch caliper



Evergreen Tree	3 foot height	5 foot height
Shrub Deciduous	15 inch height	24 inch height
Shrub Evergreen	12 inch height	18 inch height

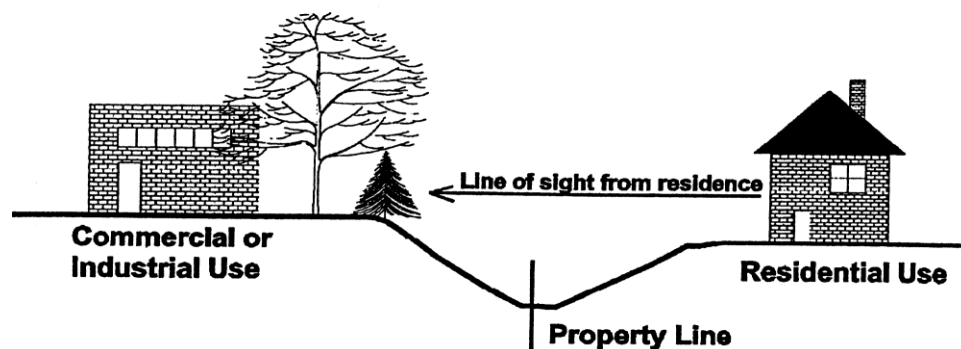
## Structures

SYMBOL HEIGHT					
FENCES	F <sub>1</sub>	3'			
	F <sub>2</sub>	4'			
	F <sub>3</sub>	5'			
			Wood Stockade/Opaque Fence (non-perishable supports)		
WALLS	4 <sub>1</sub>	6'			
	F <sub>3</sub>	8'			
			Masonry Wall (Poured concrete, stucco, concrete block, brick etc.)		
<b><u>BERMS</u></b>			<b><u>BERM FENCES</u></b>		
					
SYMBOL	HEIGHT	MATERIAL	SYMBOL	HEIGHT	MATERIAL
B <sub>1</sub>	3'	EARTH	BF <sub>1</sub>	3'	BERM W/3' STOCKADE FENCE
B <sub>2</sub>	4'	EARTH	BF <sub>2</sub>	4'	BERM W/4' STOCKADE FENCE
B <sub>3</sub>	5'	EARTH	BF <sub>3</sub>	5'	BERM W/5' STOCKADE FENCE

(Code 2000, ch. 38, art. II(app. F))

Sec. 24-256. - Appendix G.

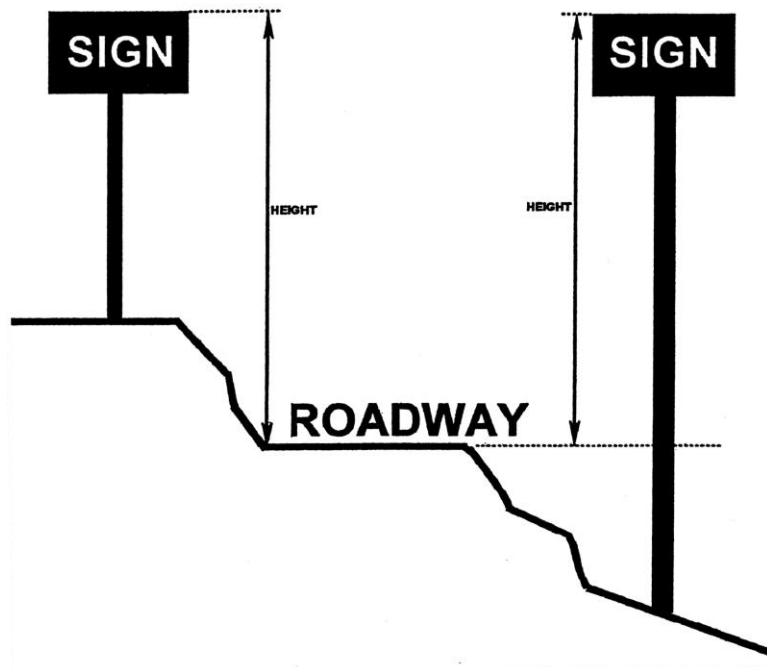
## Transition Bufferyard



(Code 2000, ch. 38, art. II(app. G))

Sec. 24-257. - Appendix H.

## Sign Height Above Roadway

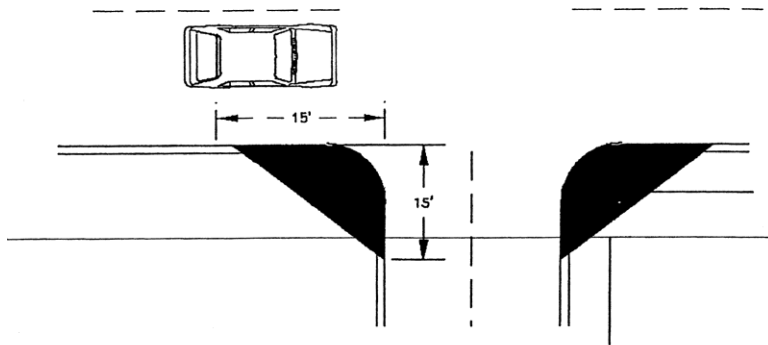


(Code 2000, ch. 38, art. II(app. H))

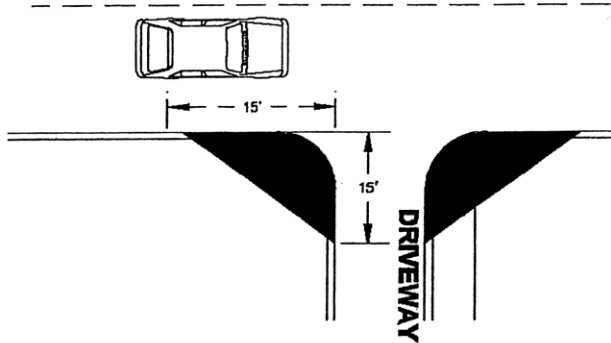
Sec. 24-258. - Appendix I.

## Vision Clearance

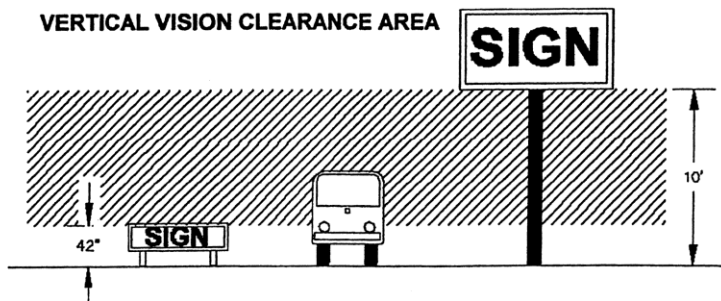
### VISION CLEARANCE FOR STREET INTERSECTIONS



### VISION CLEARANCE FOR DRIVEWAYS



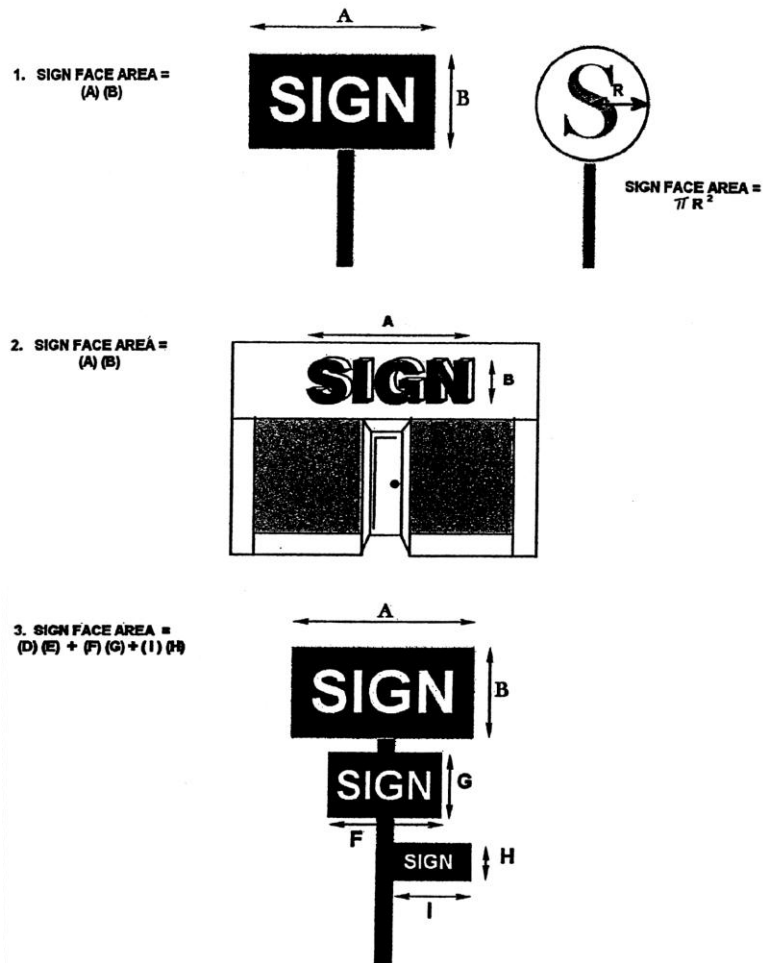
### VERTICAL VISION CLEARANCE AREA



(Code 2000, ch. 38, art. II(app. I))

Sec. 24-259. - Appendix J.

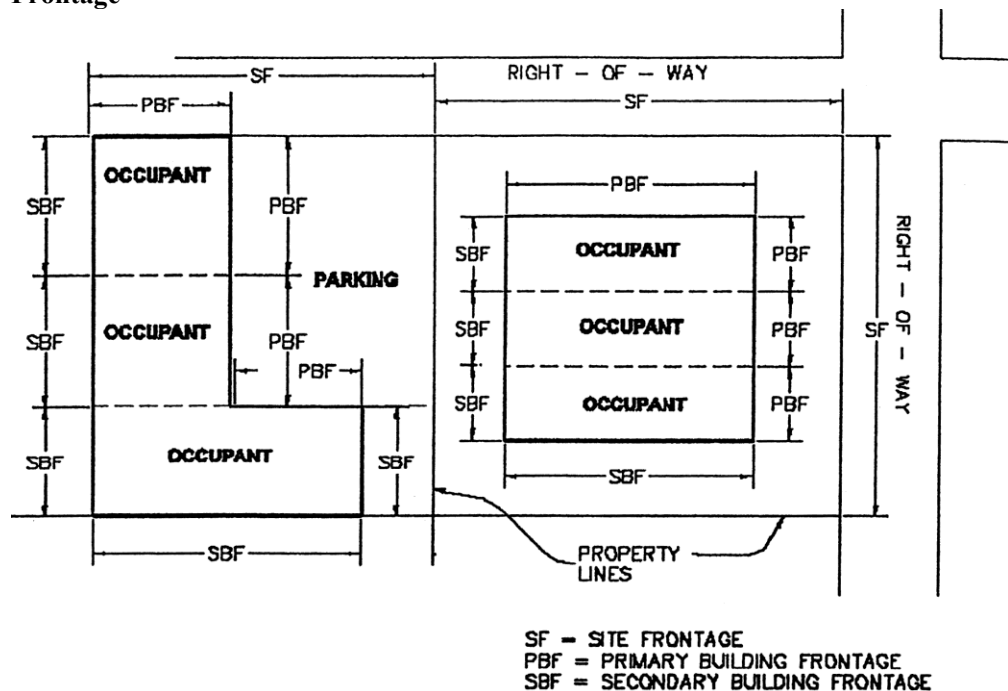
## Sign Face Measurement



(Code 2000, ch. 38, art. II(app. J))

Sec. 24-260. - Appendix K.

## Frontage



(Code 2000, ch. 38, art. II(app. K))

Secs. 24-261—24-303. - Reserved.

## ARTICLE III. - SUBDIVISIONS<sup>[2]</sup>

Footnotes:

--- (2) ---

**State Law reference—** Authority to prepare regulations governing the subdivision of land, S.C. Code 1976, § 4-27-180; local planning, land development regulations, S.C. Code 1976, § 6-29-1110 et seq.

## DIVISION 1. - GENERALLY

Sec. 24-304. - Purpose.

- (a) The process of converting raw land into building sites is one of the most important factors in the growth of a county. There are few activities that have a more lasting effect upon our community's environment and appearance. Once a substantial amount of land is developed, and roads and buildings are constructed, the basic character of the county becomes firmly established and virtually impossible to change without significant expense, such as the heavy costs encountered in redevelopment projects.
- (b) The people of the county have a legitimate interest in the development of subdivisions and these subdivision regulations are designed to provide the county with an instrument to control such development. The ultimate purpose of subdivision regulations is the same as that of all planning regulations; namely, the creation of a better community for the citizens of a county. Specific objectives of these subdivision regulations include the following:

- (1) To encourage planned subdivisions by establishing adequate standards for construction and design;
- (2) To discourage inferior developments which might adversely affect the local tax base;
- (3) To secure rights for the public with respect to roads and utilities;
- (4) To improve land records by establishing standards for surveys and plats;
- (5) To provide common grounds of understanding between the subdivider and local government agencies;
- (6) To balance the interests of the homeowner, the public, and the subdivider.

(Code 2000, § 38-286; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-305. - Authority; scope.

- (a) This article is enacted under S.C. Code 1976, §§ 6-29-1110—6-29-1200, as amended.
- (b) No plat of a subdivision of land within the territory described in this article shall be filed or recorded until it has been submitted to and approved by the county planning commission, or the subdivision administrator, where allowed, and the requisite approval has been entered in writing on the plat. The provisions of these subdivision regulations shall not apply to subdivision plats which were recorded in the office of the county clerk of court, register of mesne conveyances or register of deeds prior to the adoption of these subdivision regulations.
- (c) Any existing subdivision at the time of the adoption of the ordinance from which this article is derived, without a recorded plat or valid preliminary plat and containing undivided land, whose owners desire to subdivide or resubdivide said property must comply with these subdivision regulations.

(Code 2000, § 38-287; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-306. - Schedule of fees.

The following schedule of processing fees shall apply to each plat review conducted under this article and road inspections under article IV of this chapter. When collected, these fees shall be deposited into the general fund of the county for the purpose of offsetting a portion of the costs of administering these subdivision regulations and road standards.

- (1) Preliminary plat review: \$100.00, plus \$1.00 per lot.
- (2) Final plat review: \$100.00.
- (3) The subdivider shall be required to pay an inspection fee of \$625.00 for road construction inspections at the time of approval of the preliminary plat described below. There shall also be a \$75.00 fee for each re-inspection that is required.

(Code 2000, § 38-288; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-307. - Applicability.

The subdivision regulations herein shall apply to all unincorporated areas within the county.

(Code 2000, § 38-301; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-308. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Block* means the distance as measured along a road between intersecting roads from centerline to centerline of the intersecting roads and, where context requires it, also means the enclosed area within the perimeter of the roads or property lines enclosing it.

*Building line* means a line establishing the minimum allowable distance between the nearest portion of any building, excluding steps, gutters and similar fixtures, and the road right-of-way when measured perpendicular thereto.

*Commission* means the county planning commission.

*Common area* means an area set aside by the subdivider for the purpose of recreation, aesthetics or other benefit of the property owners within a subdivision.

*Cul-de-sac road* means a road designed to be permanently terminated at one end.

*Drainage course* is a watercourse or indenture for draining of surface water.

*Duplex, two-family dwelling*, means a dwelling arranged or designed to be occupied by two families in separate units, living independently of each other, on a single lot.

*Easement* means a grant by a property owner, or subdivider, of a right to use a strip of land for the purpose of maintaining certain public utilities. Easements can include, but are not limited to, sanitary sewers, water mains, electric lines, telephone and television lines and cables, storm sewers, storm drainage courses and gas lines. No construction of any kind is permitted upon easements except that required in connection with the designated use.

*Engineer* means a registered professional engineer in good standing with the state department of labor, licensing and regulation.

*Flag lot* means an interior lot, located behind another lot (the "front lot"), that has a narrow strip of land not less than 20 feet in width that runs along one side of the front lot (the "pole portion") to provide access to the public road. Right-of-way or private easement access to flag lots must meet the conditions of section 24-403.

*Floodplain/way* means any area so designated on the official floodplain map designed by the Federal Emergency Management Agency (FEMA) and adopted by ordinance of the county council.

*Frontage road* means a road built parallel to an existing highway right-of-way, and required to be built to county road standards with a minimum right-of-way width of 37½ feet (18.75 feet from each side of the centerline). A 66-foot right-of-way width (33 feet from each side of the centerline) is required when any frontage road provides access to any local roads. Frontage roads shall be required along all limited access or controlled access highways.

*Historic site or structure* means an official location designated by a federal or state government as a historic site where pieces of archeological, architectural, political, military, cultural, or social history have been preserved due to their cultural heritage value. For the purposes of this chapter, a site is considered a historic site if it is properly listed on the National Register of Historic Places by the U.S. Department of Interior.

*Individual waste disposal system* means a system which provides for treatment and disposal of domestic sewage from a single house or residence.

*Land development regulations* means subdivision regulations as defined in S.C. Code 1976, § 6-29-1110 et seq.

*Lot* means a parcel of land fronting on or having direct and individual access to a state or county maintained road.

*Lot, double frontage*, means a parcel having frontage on two or more public roads. A corner lot shall not be considered as having double frontage unless it has frontage and access on three or more roads.

*Lot, reverse frontage*, means a parcel having frontage on two or more roads, the access of which is restricted to one road.

*Map* means a drawing graphically indicating the location of one or more parcels of land.

*Natural areas* means areas of undisturbed vegetation or areas replanted with vegetation after construction.

*Open space* means undeveloped land suitable for low impact resource-based outdoor recreation and/or conservation purposes. This definition can include land with environmental value such as preserve/preservation lands, and can also include land required or desired to provide for aesthetic and scenic value. Open space may include utility rights of way if utility construction is below ground, but may not include utilities constructed above ground nor stormwater management areas unless these areas are open to recreational uses by the occupants of the development and/or enhance the aesthetic value of bordering uses.

*Parks* means lots or parcels of land devoted to recreational pursuits, both active and passive. The facilities may include, but are not limited to, open landscaped areas, tot lots, playgrounds, neighborhood parks, and play fields.

*Planning commission* means the county planning commission, whose members are appointed by county council, charged with the responsibility of overseeing the county comprehensive plan and entrusted with the authority provided for in the S.C. Code 1976, § 6-7-310 et seq.

*Plat* means a map showing a plan for the subdivision of land.

*Principal building* means a building designed for human habitation on any lot. There shall be allowed only one principal building on any lot.

*Reserve strip* means a strip of land adjacent to a public road or similar right-of-way which has been reserved for the purpose of controlling access to the public way.

*Resubdivision* means a combination or re-combination of previously recorded lots or tracts of contiguous land for the purpose of increasing or decreasing building sites, in conjunction with the approval of local utilities and the department of health and environmental control.

*Road or street* means a public or private way set aside for vehicular traffic affording primary access to abutting property. This excludes private drives serving only one parcel of land.

*Road, arterial*. (See definition contained in article II of this chapter).

*Road, collector*. (See definition contained in article II of this chapter).

*Road, local (major or minor)*. (See definition contained in article II of this chapter).

*Sanitary sewer* means a constructed conduit connected with a sewer system for carrying of liquids and solids, other than stormwater, to a sanitary treatment facility.

*Scenic view* means an outstanding or unique view of distant landscapes of scenic grandeur, outstanding views of large bodies of water, or panoramic view of the skyline.

*Setback* means that line which is parallel to and at a given distance from the front, side or rear lot line of a lot or parcel of land and at such a minimum distance as is required by the relevant zoning or land use ordinance.

*Shall*, as used throughout this article, shall be interpreted as mandatory, not directory.

*Subdivider or developer* means any person, firm, corporation or other legal entity engaging in the process of developing a subdivision.

*Subdivision* means all divisions of a tract or parcel of land into two 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 road or a change in existing roads, and includes resubdivision, but specifically excludes divisions of land falling under the provisions of section 24-338



relating to summary plats. Where appropriate, the term "subdivision" may refer to the process of subdividing or to the land or area subdivided.

*Surveyor* means a registered land surveyor in good standing with the state department of labor, licensing and regulation.

*Trails* means a travel route established either through construction or use that is passable by foot traffic or bicycles.

*Twin home* means a single structure situated on two separate lots and arranged or designed to be occupied by two families with the structure being divided by a common fire wall meeting or exceeding all relevant building and safety code standards for duplexes in the county.

*Vegetation* means grass seeding based upon a type, amount and scheduling required by the county engineering department.

(Code 2000, § 38-302; Ord. No. 03-007, § 1, 4-15-2003; [Ord. No. 2020-035](#), § 1(Exh. A), 9-7-2021)

Secs. 24-309—24-334. - Reserved.

## DIVISION 2. - ADMINISTRATIVE PROCEDURES

Sec. 24-335. - Review procedure; recommendations; approval.

Prior to making any physical improvements on the potential subdivision site, the subdivider shall create a preliminary plat containing the information required by section 24-336 and submit said plat for approval by the planning commission in the following manner:

- (1) Two copies of the complete preliminary plat shall be turned in to the planning department at least 14 working days, but not greater than 20 days, prior to any planning commission meeting at which the subdivider would like the plat to be discussed. Additional copies of the preliminary plat should be provided to the planning department upon request.
- (2) Prior to review of the preliminary plat by the planning commission, the subdivision administrator shall review the plat.
  - a. Should the subdivision administrator determine that the information provided on the plat is not in conformance with the requirements set forth in section 24-336, the subdivision administrator shall reject the plat. Notice of such rejection, as well as a list of all missing or incorrect information, shall be conveyed to the subdivider in writing and recorded, along with the date of notification to the subdivider, in the minutes of the first planning commission meeting after said notification. The subdivider may then submit a corrected preliminary plat, which shall be considered in the same manner as a newly submitted preliminary plat.
  - b. If the subdivision administrator determines that the information provided on the plat fulfills the requirements of section 24-336, the subdivision administrator shall submit a written recommendation to the planning commission, suggesting either that the planning commission approve the plat or that the planning commission reject the plat and indicating the reasons for said recommendation and place discussion of the plat on the agenda for the next planning commission meeting. The written recommendation of the subdivision administrator shall be recorded in the minutes of said planning commission meeting.
- (3) At the planning commission meeting during which the plat is scheduled to be discussed, the subdivision administrator shall present his recommendation to the planning commission. The planning commission shall then vote to approve or reject the plat during said meeting or at any subsequent meeting within 40 calendar days of said meeting. Should the planning commission fail to vote to approve or disapprove the preliminary plat within this 40-day period, the plat shall be deemed to be approved as submitted.

- a. If the planning commission votes to reject the plat, it shall make its grounds for such rejection known for the public record, and shall notify the subdivider of such rejection, including the grounds for rejection, in writing. The subdivider may then submit a corrected preliminary plat, which will be considered in the same manner as a newly submitted preliminary plat.
  - b. If the subdivider submits a corrected preliminary plat as provided in subsection a. above and it is rejected by the planning commission, no further preliminary plats may be submitted within the next 90 days.
  - c. If the planning commission votes to approve the preliminary plat, such approval shall be noted and certified by the subdivision administrator. The date of the planning commission's action shall also be recorded on the plat. The subdivider shall be notified of the planning commission's approval within ten working days of the vote to approve the plat.
  - d. In addition to the standards set forth in this article and the recommendations of staff, the planning commission will also take into consideration the following criteria when making its decision to reject or approve a preliminary subdivision plat:
    1. Public health, safety, convenience, prosperity, and the general welfare.
    2. Balancing the interests of subdividers, homeowners, and the public.
    3. The effects of the proposed development on the local tax base.
    4. The ability of existing or planned infrastructure and transportation systems to serve the proposed development.
- (4) Within ten days after receiving notice of approval, the subdivider shall provide 15 copies of the approved preliminary plat to the planning staff.
  - (5) Approval of the preliminary plat constitutes general approval by the planning commission of the road alignments, dimensions, layout, shape of lots and proposed rights-of-way. However, review and approval by other departments and governmental agencies must also be obtained, including, but not limited to, stormwater permits from county stormwater managements and the Department of Health and Environmental Control (DHEC), which must be obtained prior to beginning land disturbing activity. A list of appropriate review agencies shall be maintained and available at the planning commission office. This list shall be periodically reviewed and updated.

(Code 2000, § 38-311; Ord. No. 03-007, § 1, 4-15-2003; [Ord. No. 2018-049](#), §§ 1, 2, 12-4-2018; [Ord. No. 2021-036](#), § 1, 8-17-2021; [Ord. No. 2022-004](#), § 1, 4-19-2022; [Ord. No. 2022-022](#), § 1, 6-29-2022)

#### Sec. 24-336. - Preliminary plat.

The preliminary plat shall contain the following information:

- (1) Location of subdivision on a map indicating surrounding areas at an appropriate scale sufficient to locate the subdivision.
- (2) Map of development at a scale of not less than one inch equals 200 feet and not more than one inch equals 50 feet.
- (3) Name of subdivision, name and address of the owner(s), name of engineer or surveyor and the names of the owners of abutting properties.
- (4) A boundary survey of the area to be subdivided, showing bearings measured in degrees, minutes and seconds and distances measured in feet and decimals thereof.
- (5) Present use of land to be subdivided and of the abutting property and/or properties.
- (6) Acreage of land to be subdivided.

- (7) Contour maps of the proposed subdivision, with maximum contour intervals of ten feet or three meters.
- (8) Tax map number of original parcel or parcels prior to subdivision.
- (9) Location of existing and proposed easements with their location, widths and distances.
- (10) Location of existing watercourses, culverts, railroads, roads, bridges, dams, and other similar structures or features.
- (11) Location of utilities and utility easements on and adjacent to the tract, showing proposed connections to existing utility systems.
- (12) Proposed lot lines, lot numbers, lot dimensions and lot acreages.
- (13) North arrow.
- (14) Proposed road names pre-approved by E 911 addressing office for the county.
- (15) Certification by licensed surveyor stating that all lot sizes meet minimum size standards.
- (16) Designation of any areas that fall within any floodplain indicating the high water mark for same.
- (17) For conservation subdivisions: Density table showing the total land area (acres), number of lots total, number of lots per acre, open space (acres and percent of total).
- (18) For conservation subdivisions: Clear delineation of open space on plat.

(Code 2000, § 38-312; Ord. No. 03-007, § 1, 4-15-2003; [Ord. No. 2020-035](#), § 1(Exh. A), 9-7-2021)

#### Sec. 24-337. - Supplemental information.

The following supplemental information, where applicable, shall be submitted after approval of the preliminary plat:

- (1) Where the plat for the subdivision includes an existing lake or pond, or a lake or pond is to be constructed in connection with the proposed development, a profile of the dam structure, including all appurtenances thereto.
- (2) Prior to grading, a tentative centerline profile for each road and a plan for surface drainage of the tract proposed to be subdivided.
- (3) The proposed stormwater management and sediment control plan, as submitted to county stormwater management and/or DHEC, showing proposed structures, pipe sizes, drainage easements, pipe locations, basins (if required), approximate cross section details for handling water from roads and property and all associated calculations to substantiate the drainage plan. Upon receipt of the approved plan from county stormwater management and DHEC, and prior to commencement of grading, the approved plan shall be submitted to the subdivision administrator.

(Code 2000, § 38-313; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2003-069, § 1b, 1-20-2004; [Ord. No. 2021-036](#), § 2, 8-17-2021)

#### Sec. 24-338. - Summary plats.

- (a) The following divisions of land require only the filing of a summary plat, for which approval may be given by the subdivision administrator, without planning commission approval:
  - (1) The combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots conform to all requirements of this article.

- (2) The division of land into parcels of five acres or more, where no new road or change to any existing road is involved.
- (3) The division of a tract of land into seven or less lots during any three-year period where each lot fronts on an existing county or state road.
- (b) Summary plats shall contain all information required to be included on preliminary plats except for the supplemental information required in section 24-337. The subdivider shall also provide the county with a digital DXF file of the subdivision on approved media. If the subdivider is unable to provide the digital file, an administrative fee of \$5.00 per lot shall be charged, not to exceed \$500.00.
- (c) The subdivision administrator shall be authorized to give approval of summary plats provided that such division of land meets all requirements of these subdivision regulations. Prior to granting approval of a summary plat, the subdivision administrator shall determine that each lot has access to a public right-of-way which has been accepted by the county for continuous maintenance and that acceptable water and sewer service is available to each lot.
- (d) In the case of summary plats which contain up to seven lots, the subdivider shall not be required to submit a drainage plan or contour maps required by section 24-336(9) for the purpose of obtaining summary plat approval. However, if a total of one acre or more of land will collectively be disturbed on the lots, regardless of timing, drainage and contour maps will be necessary to meet the requirements of county stormwater management and DHEC.

(Code 2000, § 38-314; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2010-033, § 2, 1-4-2011; [Ord. No. 2021-036](#), § 3, 8-17-2021)

#### Sec. 24-339. - Subdivision signs.

All subdivision signs must be located outside of any county or state road right-of-way, sight distance area and the proposed right-of-way of the new subdivision roads.

(Code 2000, § 38-315; Ord. No. 03-007, § 1, 4-15-2003)

Secs. 24-340—24-366. - Reserved.

#### DIVISION 3. - FINAL PLAT

##### Sec. 24-367. - Final approval required.

- (a) The final subdivision plat shall be prepared and submitted to the planning commission by the subdivider within 12 months after the approval of the preliminary plat. If the final plat is not submitted to the planning commission within that timeframe, preliminary approval shall be null and void unless an extension of time is applied for and granted by the planning commission. Final plat approval may be given for any phase of a subdivision where phased development is clearly indicated on the preliminary plat; provided, however, that once the first phase of any final plat is recorded and 80 percent of the lots in that phase are sold, the subdivider has two years to receive approval and record the final plat for the next phase, using the subdivision regulations as they were approved at the time the preliminary plat for the first phase was recorded. This same timeframe shall hold consistent through the development process, but only for those phases which were shown on the preliminary plat.
  - (1) Conservation subdivisions may be done in phases, however all phases must be a part of a conservation design master plan that must be approved at the beginning of the development process.
- (b) Final plats shall be submitted for approval by the planning commission in the following manner:

- (1) Five copies of the final plat shall be turned in to the planning department at least 14 working days, but not greater than 20 days, prior to any commission meeting at which the subdivider would like the plat to be considered.
  - (2) Additional copies of the final plat shall be provided to the planning department upon request.
  - (3) Any deed restrictions or restrictive covenants then applying to all or a part of the subdivision shall be submitted along with the final plat at the time of submission to the planning department.
- (c) Final plats for conservations subdivisions must also include:
- (1) Open space table, using the same format as on the preliminary plan, and shall include the proportional acreage being recorded.
  - (2) Notations indicating the delineated open space, including metes and bounds, are to be shown on the final plat.
  - (3) Open space easements:
    - a. Prior to the recording of a subdivision final plat, an easement shall be placed on all lands and private waters used to satisfy the open space requirements of the conservation subdivision.
    - b. The easement shall be solely for the purpose of ensuring the land remains undeveloped and shall not, in any way, imply the right of public access or any other right or duty not expressly set forth by the terms of the easement.
    - c. The easement shall run with the land, provide for protection in perpetuity, and be granted to an approved owner and recorded with the county register of deeds. The owner shall include a properly organized property-owners association or other third party approved according to the ordinances of the county.
    - d. The easement shall include a complete metes and bounds of the property being designated as open space.
  - (4) Notes to be included on the final plat:
    - a. This development has been approved by the planning commission as a conservation subdivision and has provided certain acreage of open space.
    - b. Open space easement. The removal of trees and natural vegetation is permitted in the development phases for the purpose of utility crossing easements, establishment of site-line requirements of the state department of transportation or the administrator, removal of invasive species according to a plan approved by the administrator, or passive recreational uses and drainage ways with the proper notations on the final plat. Neither the developer, property owners, or other subsequent contractors or builders shall be granted permission to remove or destroy any trees or natural vegetation from the open space areas except by the owner of the easement or the administrator. If some part of the open space was designated to meet stormwater management requirements, permission must be obtained from the county stormwater division for any alteration of the designated open space. Normal maintenance and the removal of dead or fallen trees are permitted and recommended.
  - (5) Subdivision covenants: the covenants for the subdivision shall include provisions for the protection of trees and other natural amenities within the property designated for open space. A copy of the covenants is to be provided prior to the recording of a final plat.
- (d) At the meeting on which the final plat is scheduled to be discussed, the subdivision administrator shall present his recommendation to the planning commission. The planning commission may then vote to approve or reject the final plat during said meeting or at any subsequent meeting within 40 calendar days of said meeting. Should the planning commission fail to approve or disapprove the final plat within this 40-day period, the plat shall be deemed to be approved as submitted.
- (e) Notwithstanding the foregoing, the planning commission may delegate authority to the subdivision administrator to approve or disapprove final plats.

- (f) All approved final plats must be recorded by the subdivider in the office of the register of deeds within 60 days from the date that approval is granted or said approval shall be void.
- (g) In addition to the provisions of subsection (a), the completion of improvements as shown on a preliminary plat must be completed within 12 months following preliminary plat approval. The subdivision administrator shall have authority to grant two six-month extensions to this requirement upon a finding of exigent circumstances to warrant such extension. If improvements are not completed within the 12 months time frame and any granted extension, preliminary plat approval is revoked and a new preliminary plat approval will be required.

(Code 2000, § 38-331; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2003-069, § 1c, 1-20-2004; [Ord. No. 2020-035](#), § 1(Exh. A), 9-7-2021, § 1, 4-20-2021)

Sec. 24-368. - Final plat contents and information.

All final plats submitted for approval must contain, in addition to all requirements for preliminary plats, the following information:

- (1) A fully delineated plat of the subdivision accurately plotted to a scale of one inch equals 200 feet or larger and meeting or exceeding the minimum requirements of the state department of labor, licensing and regulation "Minimum Standards Manual for the Practice of Land Surveying in South Carolina."
- (2) Bearings and distances for all lines on the plat, with distance measured in feet and decimals thereof and bearings measured in degrees, minutes and seconds.
- (3) Lot numbers for each lot to be created by the division.
- (4) In the absence of a specific engineering stormwater plan as a minimum, five-foot drainage and utility easements shall be established along all side and interior rear property lines; ten-foot easements established along exterior boundary of the subdivision unless adjoining property owners have established easements.
- (5) All easements for water mains or sanitary sewers not located in public road rights-of-way and serving more than one user. Such easements shall show location, width and conditions, together with a statement identifying the purpose or use of same.
- (6) Dimensions and locations of all public road rights-of-way and any existing easements or rights-of-ways evidencing special conditions that cross the property and are not located in the right-of-way of a public road, together with a statement identifying the purpose or use of same.
- (7) A statement clarifying whether any property line is in the center of any stream or creek.
- (8) A title block containing the following information: subdivision name; name of owner; name, address, registration number and seal of engineer or surveyor registered in the state; date survey was made; certificate of authorization (unless surveyor is sole practitioner); certificate of accurate survey; certificate of ownership; certificate of approval for recording; TMS number and miles of new road (see appendix A (section 24-522)).
- (9) If the development is drawn in two or more sections, each section shall be accompanied by a key map indicating the location of the several sections.
- (10) The names of all abutting land owners, together with tax map numbers for abutting properties, shall be shown and verified by the surveyor.

(Code 2000, § 38-332; Ord. No. 03-007, § 1, 4-15-2003; [Ord. No. 2022-013](#), § 2, 5-3-2022)

Sec. 24-369. - Revised or rescinded plat.

- (a) Should it ever become necessary to correct an approved final plat due to a surveyor's error, the subdivider shall have his surveyor correct, initial, and date such revision. This must be done with the approval of the subdivision administrator. The revised final plat shall be recorded in the office of the register of deeds within five days after approval.
- (b) In the event approval of a plat was based on false or incorrect information submitted by the subdivider, or its agents, including, but not limited to, its engineer or surveyor, the planning commission or subdivision administrator shall have the right to rescind approval of the plat, without liability for any damages or costs incurred by the subdivider as a result of the rescission. If a determination is made to rescind the plat, the recorded plat shall be marked "Rescinded" in the register of deeds office.

(Code 2000, § 38-333; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-370. - Inspection of subdivision.

All subdivisions governed by this article are subject to periodic inspection during and after construction to attempt to ensure compliance with the design standards contained herein and compliance with the approved plats submitted by the subdivider. Inspection personnel shall be employed or retained by the county.

(Code 2000, § 38-334; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-371. - Performance bonds.

- (a) The planning commission shall allow subdividers to post bonds or assignments, acceptable to county, in lieu of completed physical improvements prior to recording a final plat, if physical improvements as platted are not completed. A subdivider may make all required improvements before recording a final plat so as to eliminate the need for a bond or assignment. The subdivider may dedicate the roads within a subdivision to the county by deed after acceptance of the final plat, provided that the requisite bond or assignment is in place and subject to acceptance of the roads by county council. Before any lot shall be sold, all required improvements must be completed and approved by the county or the bond or assignment provided for hereunder must be posted. When a bond or assignment is required, the subdivider shall submit to the subdivision administrator actual cost estimates for completion of all physical improvements prepared by the subdivider's contractors or subcontractors. All submissions shall be based on current cost estimates, and a bond or assignment shall be secured for an amount equal to 1¼ times the cost estimates. A subdivider may choose either of the following two methods:
  - (1) A subdivider submitting a subdivision plat for final approval, whether an individual, partnership or corporation, may execute a performance bond, if same is accompanied by an irrevocable letter of credit from a bank or savings and loan association, a certified check, certificate of deposit, in the name of the county, properly securing the amount of the bond. If a subdivider is unable to comply with these requirements, a performance bond executed by a corporate surety satisfactory to the subdivision administrator shall be required.
  - (2) A subdivider, in order to proceed with the development of said subdivision and to assure the county that the subdivision shall be developed in accordance with the rules and regulations contained herein, and to induce the planning commission to give its approval of the plat, may submit an assignment to or in favor of the county from a recognized lending institution to secure performance and completion of improvements. The assignment must state that said subdivider has secured a development loan from a lending institution, and that a specified amount of this loan, as verified by actual cost estimates submitted by contractors, shall be held in escrow for the benefit of the county until all improvements required by these subdivision regulations are completed and accepted by all appropriate agencies. The amount held in escrow for the required improvements will be in an amount equal to 1¼ times the actual cost estimates.

- (b) All bonds and assignments shall be posted with the planning commission for and on behalf of the county for a period of not less than 18 months.
- (c) If the bond or assignment is set to expire in 90 days or less and the required physical improvements have not been completed and accepted by the county, the subdivision administrator shall notify the planning commission and recommend that the bonding company or escrowing institution be notified to complete required work within a specified period of time. The planning commission shall then act on the recommendation and either call for completion of the required improvements within a specified period of time, or require the subdivider to extend the bond for a period not to exceed six months. Prior to granting an extension, the planning commission shall review the actual cost estimates and the work to be completed to ensure that the extended bond is adequate to cover the remaining work.
- (d) When the required improvements have been installed and accepted by the county, the subdivision administrator shall advise the planning commission of same and the planning commission shall release the bond or assignment.

(Code 2000, § 38-335)

Secs. 24-372—24-400. - Reserved.

#### DIVISION 4. - DESIGN STANDARDS

Sec. 24-401. - Size, shape and orientation of lots.

The size, shape, and orientation of the lots shall be appropriate for the location of the proposed subdivision and for the type of development proposed.

Conservation subdivisions allow for the preservation of open space in exchange for more compact development. The purpose of the conservation subdivision is to preserve agricultural and forestry lands, natural and cultural features, provide open areas for rest and recreation, and encourage the development of more attractive neighborhoods with economical site design that conserve sensitive areas. Specific objectives are as follows:

- (1) To preserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, streams, wetlands, and floodplains.
- (2) To preserve scenic views and elements of the county's rural character and to minimize perceived density by minimizing views of new development from existing roads.
- (3) To minimize site disturbance and erosion through retention of existing vegetation.
- (4) To provide for the active and passive recreational needs of the residents of the proposed subdivision.
- (5) To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs, and the amount of paving for development
- (6) To encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.
- (7) To preserve and maintain historic sites and structures that serve as significant visible reminders of the county's social, archeological, and architectural history.
- (8) To create compact neighborhoods accessible to open space amenities and with a strong identity.

Conservation subdivisions must be five acres or larger and land area for the proposed conservation subdivision must be preserved as open space according to the table below (Table 351). Examples of areas to be considered for open space protection are scenic vistas, natural water courses, woodlands, waterfalls, coves, geologic features, wetlands, floodplains, lakes, creeks. Buffers, Septic drain fields as



part of a community wastewater collection and treatment system, and other underground utilities, may be permitted within the required open space.

Conservation subdivisions must have a minimum of 50-foot buffer provided for the perimeter of the development. Within the 50-foot buffer, existing vegetation shall not be clear cut and existing significant trees shall be preserved unless a plan is submitted to and approved by the Administrator that addresses site-specific conditions like the presence of invasive species, to remove dead or dying plants and trees, to improve screening, or other factors that may make removal of existing vegetation beneficial to the subdivision. The 50-foot buffer provided along the existing road frontage adjoining the subdivision shall be designated as open space or common area and can include; walkways, paths, trails and other elements associated with passive recreation or the provision for continuous pedestrian and bicycle connections between adjoining properties. However, if a buffer of at least 25 feet already exists between the proposed subdivision and an adjoining subdivision, a 25-foot buffer is required where the buffer on the adjoining property already exists.

For conservation subdivisions the ownership of open space shall be held by a homeowners association, or cooperative associations or organizations, a nonprofit or quasi-public organization committed to the protection and conservation of open space, subject to their acceptance, or may be deeded to public jurisdiction or agency, subject to their acceptance.

Table 351. Required Open Space

Average Lot Size	Open Space Required
2 acres or greater	None
1 acre to 1.99 acres	At least 10%
0.5 acre to 0.99 acre	At least 15%
Under 0.5 acre	At least 25%

The open space required in the above table shall be the percentage of land area of the total acreage to be subdivided, which shall be set aside as protected open space for natural habitat preservation, passive recreation, and/or conservation for agriculture.

(Code 2000, § 38-351; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 202-035, § 1,(Exh. A), 9-7-2021)

Sec. 24-402. - Double frontage lots.

No double frontage lots shall be permitted unless specific approval from the planning commission is given.

(Code 2000, § 38-352; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-403. - Access.

- (a) All lots developed in the county from the date of the adoption of this article must be situated on or have direct access by right-of-way or easement to an approved county, state maintained road, or private road built to county standards. Direct access to any new lot must be in the form of an individual right-of-way or easement for each lot, not less than 20 feet in width to a county road or private road built to county standards. Direct access to a state road must be in the form of an individual right-of-way or easement for each lot, not less than 20 feet in width. All accesses onto state roads shall be approved in writing by the SCDOT prior to plat approval by the subdivision administrator with the exception of subsection (d) below.
- (b) Conservation subdivisions shall have a minimum of one primary access point from an internal subdivision road to all open spaces. Additional secondary access points are encouraged. The primary access points shall not be less than 20 feet in width. Additional secondary access points shall not be less than six feet in width. Primary and secondary access points to open space shall be shown as part of the open space and shall not be part of an individual lot nor shall it be an easement.
- (c) Where possible, access to residential lots shall be from local roads and not from arterial or collector roads.
- (d) Private road standards. The county shall have no responsibility for nor control of the design, engineering, construction, inspection or maintenance of private driveways, drives and roads in the county and shall only be involved with private driveways, drives and roads to enforce these regulations and to the extent required for the county to carry out its other duties and functions, such as approving the subdivision of property.

*Private roads.* Private roads shall provide vehicular access and road frontage to developments, or sections of developments, containing ten or fewer dwellings. All private, nondedicated roads shall be prominently indicated as such on plats prior to subdivision approval. Maintenance arrangements for such roads must be noted in writing on subdivision plat submittals and must be subsequently recorded. The development served by a private road shall have direct access onto a public road, with no private roads off another private road. No such private road shall be laid out so as to serve property outside the development. All private roads shall:

- (1) Serve a maximum of ten lots per private road with each lot containing a minimum of two acres, excluding the road right-of-way.
- (2) Further subdividing of parcels are prohibited.
- (3) Have a minimum road right-of-way width of 50 feet.
- (4) Have a minimum driving surface width of 18 feet constructed of no less than six inches of compacted crusher run base; a minimum height clearance of 13½ feet; and appropriate documentation from a professional engineer licensed by the state certifying the maximum weight limit of any bridge or culvert located along the drive. All bridges and any culvert over which a private drive crosses a perennial stream must include appropriate signage (located at each end of the bridge) displaying the structure's weight limits. Roads designed to be permanently closed at one end shall be terminated by circular right-of-way of not less than a 50-foot radius from the center point of the circular right-of-way and a gravel radius of not less than 35 feet from said center point.
- (5) Be maintained by an association of property owners or the developer and be designated on all plats and recorded in appropriate deed covenants and restrictions, and an appropriately executed road maintenance agreement as defined by these regulations;
- (6) Parcel boundaries may extend to the centerline of the road, with the appropriate right-of-way designated on all plats and deeds;
- (7) A surveyor must provide a recorded plat after a registered professional licensed engineer certifies that it meets the private road standards found in this section.
- (8) Be named in accordance with adopted E-911 addressing regulations;
- (9) Meet all stormwater management and sediment control regulations;

- (10) Have installed signs that control the traffic flow in a safe manner as specified by standards in the Manual for Uniform Traffic Control Devices;
- (11) Have a speed limit between ten and 25 miles per hour, with corresponding speed limit signs;
- (12) Be properly approved in writing by land development administrator prior to submission of plat(s) to the register of deeds for recording. The following shall be prominently printed on the plat(s):

ROAD RIGHT-OF-WAY SHOWN ON THIS PLAT SHALL BE A PRIVATE ROAD, NOT OWNED, MAINTAINED OR SUPERVISED BY ANDERSON COUNTY AND NOT CONSTRUCTED PURSUANT TO ANY PLAN FOR FUTURE ACCEPTANCE BY ANDERSON COUNTY. ROAD RIGHT-OF-WAY SHOWN UPON THE PLAT SHALL NOT BE ACCEPTED FOR MAINTENANCE BY ANDERSON COUNTY AT ANY TIME IN THE FUTURE UNLESS CONSTRUCTED IN ACCORDANCE WITH ALL ANDERSON COUNTY REGULATIONS. MAINTENANCE OF THE RIGHT-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOME OWNERS ASSOCIATION AND IN ACCORDANCE WITH THE ROAD MAINTENANCE AGREEMENT.

- (13) With the exception of the requirements put forth in this section, all private roads shall meet the requirements for all public roads as defined by this article.
- (14) A road maintenance agreement draft must be approved before a "preliminary plat approval" can be given to a project. The attached sample agreement should be modified to suit the particular needs of a project, such as basing the costs in paragraph 3 on acreage or front-foot dimensions instead of lots. If these provisions are incorporated into a master deed or other document containing covenants and restrictions for the subdivision, that document may be submitted in addition to a road agreement. The developer should also note that this sample agreement contains certain provisions, which are considered essential by the planning commission.
- (15) "Final plat approval" is granted on the same basis as a standard subdivision with the addition of the road maintenance agreement (Exhibit 1).

\_\_\_\_\_  
Exhibit 1

STATE OF SOUTH CAROLINA )	ROAD MAINTENANCE AGREEMENT
)	FOR _____ SUBDIVISION
COUNTY OF ANDERSON )	

WHEREAS, the undersigned, \_\_\_\_\_ is the owner and developer of the property described below, and;

WHEREAS, (the owner/developer) desires to impose restrictions and conditions for the use and maintenance of the (description of the road) to be jointly owned by any and all purchasers of the lots set forth hereinafter below.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the (the owner/developer) does hereby impose the following restrictions and conditions and covenants upon the lands described as follows:

"Legal description, to include the name of the subdivision and the plat book location in the Office of the Register of Deeds"

THE CONDITIONS AND RESTRICTIONS imposed on the aforesaid property are as follows:

1. The (description of the road) running through said property as shown on the aforesaid plat is for the joint use of the owners of lots (description of the lots), their heirs, successors, and assigns, for ingress and egress to and from the respective lots and for the installation of public utilities. These owners shall be called the (subdivision name) Property Owners Association hereinafter called the Association.
2. A property owner is a person, firm, corporation, partnership, association, trust, or other legal entity, or any combination thereof, which is the holder of a deed to a lot in (Subdivision Name) subdivision. It is the responsibility of each present and subsequent member of the Association to assist in keeping the road in a high state of maintenance and to respect the rights of the other property owners in its use. Since this road is not being engineered and constructed according to Anderson County standards. it will not be the responsibility of Anderson County to maintain this road.
3. Maintenance costs to the said roadway shall be borne in accordance with the percentage of ownership of the lots hereinabove set forth; said interest at this state being solely in the name of (the owner/developer). Percentage shall be divided equally for each lot owned, therefore, with the property subdivided into (number) lots, the ownership of each lot represents (fraction) of the maintenance cost to be shared. The developer shall carry all the
4. responsibilities of a lot owner in proportion to the number of lots owned. There shall also be no further subdividing of lots within this subdivision.
5. The Association in January of each year shall elect a Board of Directors consisting of (number) members. This Board shall be responsible for the care and maintenance of the roadways in (Subdivision Name) subdivision, and is authorized to direct the financial matters of the property owners concerning collection of assessments and necessary expenditures of joint funds of the property owners. To carry out these duties, the Board shall elect a President, Vice-President, Secretary, and Treasurer.
6. Upon the initial sale of each lot, \_\_\_\_\_ dollars shall be set aside in escrow by the developer to be drawn upon as determined by the Board of Directors stipulated above to provide maintenance to the aforesaid roadway.
7. There shall also be an annual assessment upon each lot owner, which shall be due on July 1st of each year. Initially this assessment shall be \_\_\_\_\_ dollars per lot per year. This amount may be changed at any time by a two-thirds vote of the members of the Association. The obligation of each lot owner to pay this assessment shall be a continuing lien upon the lot, subject only to the lien on a bona fide first mortgage upon such real property held by a reputable financial institution; and said lien may be enforced by the Association in all respects as though secured by a recorded mortgage as provided by the laws of the State of South Carolina.

NOTE: For unpaved roads the escrow amount and annual assessment shall be equal to the annual maintenance cost divided by the number of lots. For paved roads the annual assessment shall be equal to the replacement cost of the roadway divided by the number of lots and also divided by 20, representing the life of the road.

NOTE: Escrowed funds are not mandatory on paved road projects, however, on unpaved roads the amount per lot shall not be less than \$100.

8. This instrument is to be recorded in the Anderson County Office of the Register of Deeds, and the undersigned, (the owner/developer), and all future owners shall cause the following statement to be placed in every contract and deed conveying lots out of this subdivision. This statement shall be signed by the grantee(s) and shall be placed immediately below the

grantor's signature and shall be binding on all parties thereof. Failure of any subsequent purchaser to comply with this provision shall in no way diminish or impair the terms of this agreement and the conditions, benefits, and obligations imposed and granted thereunder.

"I, the undersigned, as purchaser of the above lot described in this deed/contract, acknowledge the existence of the road maintenance agreement as recorded in the Office of the Register of Deeds for Anderson County in Deed Book \_\_\_\_\_ at Page \_\_\_\_\_, do hereby confirm by acceptance of this deed/contract all the terms and conditions thereof. I understand that since the road described in that agreement is not being engineered and constructed according to Anderson County standards, it will not be the responsibility of Anderson County to maintain that road. I further acknowledge that the lot owners subject to that agreement shall be responsible for the maintenance and upkeep of that road."

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ in Anderson, South Carolina.

WITNESSES:	BY: Property Owner(s)
_____	_____
(Witness #1 sign)	
_____	_____
(Witness #2 sign)	(Owner or Owners sign)

STATE OF SOUTH CAROLINA	)
	)
COUNTY OF ANDERSON	)

PERSONALLY APPEARED before me the undersigned witnesses, who, being duly sworn, deposes and says that he/she saw the within named property owner(s) sign and seal the within Road Maintenance Agreement for the uses and purposes therein mentioned and that he/she with the other witness, witnessed the execution thereof.

SWORN TO BEFORE ME THIS )	
_____ day of _____, 20____ )	

)	
_____(L.S.) )	_____
Notary Public for South Carolina )	(Witness #1 or #2 sign)
My Commission Expires: _____ )	

(Code 2000, § 38-353; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2003-069, § 1d, 1-20-2004; [Ord. No. 2021-031](#), §§ 1, 2(Exh. A), 8-17-2021; [Ord. No. 2020-035](#), § 1,(Exh. A), 9-7-2021)

#### Sec. 24-404. - Lot lines.

Side lot lines shall be approximately at right angles to the right-of-way line of the road on which the lot fronts. The front lot line on any new lot shall be at the right-of-way line. If no right-of-way is available, then the front lot line will be established 25 feet from the centerline of a county road and 33 feet from a state highway.

(Code 2000, § 38-354; Ord. No. 03-007, § 1, 4-15-2003)

#### Sec. 24-405. - Lots in floodplains.

No lots may be located partially within a floodplain unless said lot contains adequate useable lot area, as defined below, at least one foot or more higher than the high water mark. If higher standards are established by the state or any of its agencies, the more stringent requirements shall govern.

(Code 2000, § 38-355; Ord. No. 03-007, § 1, 4-15-2003)

#### Sec. 24-406. - Waterways.

In any subdivision, natural waterways and riparian buffers shall remain natural and shall be kept clear of obstruction. For conservation subdivisions, state riparian laws shall apply however a minimum of 50-foot riparian buffer measured from the top of bank shall be provided on all waters of the state.

(Code 2000, § 38-356; Ord. No. 03-007, § 1, 4-15-2003; [Ord. No. 2020-035](#), § 1(Exh. A), 9-7-2021)

#### Sec. 24-407. - Useable lot area.

Useable lot area is that main part of the lot where the home or principal building is to be located. The useable area cannot be split by or include a creek, marsh, swamp, wetland area, or buffer zone related thereto. The area located within the pole portion of a flag lot shall not be considered when calculating useable lot area. The useable lot area of any lot must meet or exceed the minimum lot dimensions set forth below and as required in the zoning ordinance in any zoned portion of the county.

(Code 2000, § 38-357; Ord. No. 03-007, § 1, 4-15-2003)

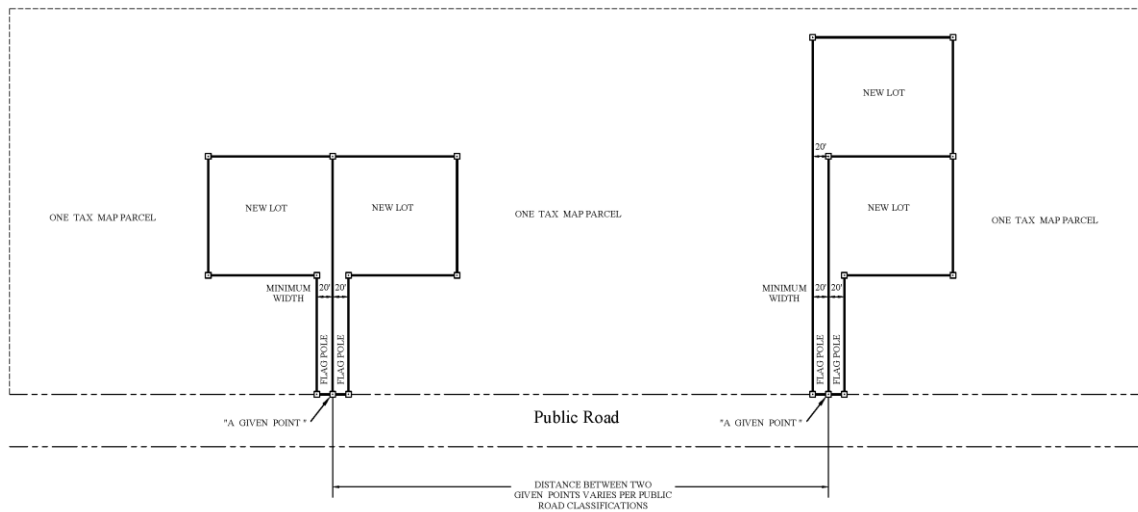
Sec. 24-408. - Intensity standards.

- (a) One subdivision entrance is required for every 100 lots of a proposed subdivision.
- (b) For conservation subdivisions, at least 50 percent of the lots shall directly front open spaces or face open spaces from across a subdivision street unless a variance is granted by the planning commission.

(Code 2000, § 38-358; Ord. No. 03-007, § 1, 4-15-2003; [Ord. No. 2020-035](#), § 1(Exh. A), 9-7-2021)

Sec. 24-409. - Flag lots.

- (a) No more than ten percent of the lots in a subdivision containing more than 20 lots shall be flag lots. Subdivisions containing at least three and no more than 20 lots shall have a maximum of two flag lots.
- (b) No more than two pole portions of a flag lot may access a county or state road at any given location as shown in the example on Exhibit A. Flag lots must be spaced at least 125 feet apart at the point of access on a local road, at least 250 feet apart at the point of an access on a collector road, and at least 400 feet apart at the point of access on an arterial road. Each side of a road shall be separately considered for meeting the distance standards of this section.



**Exhibit A**

- (c) Pole portions of a flag lot must each be a minimum of 20 feet wide, must have driveway pipe sized in accordance with section 24-960, and must have sight distances in accordance with section 24-919.
- (d) Unless the pole portions of the flag lot contains a roadway built to county road standards, the plat for the flag lot must clearly mark the pole portion of the flag lot as a private driveway.
- (e) The pole portion of each flag shall contain a driveway sized to allow the passage of emergency vehicles.

(Code 2000, § 38-359; Ord. No. 03-007, § 1, 4-15-2003; [Ord. No. 2020-039](#), § 1, 3-16-2021)

Sec. 24-410. - Drainage and utility easements.

- (a) The width, length and location of all easements for drainage and utilities shall be established by the appropriate agency involved and shown on the final plat.
- (b) A five-foot drainage and utility easement is required on each side of all interior and rear lot lines. A ten-foot drainage and utility easement is required along all exterior lot lines. If an adjoining subdivision has already dedicated a rear five-foot easement; the ten-foot easement may be reduced to five feet. The requirement of a drainage and utility easement does not apply to a single-family attached dwelling unit that has a common wall with another single-family dwelling unit on the sides where the common wall is located; otherwise this provision applies to single-family attached dwelling units that do not have a common wall with another unit and to the rear lot lines of all single-family attached dwelling units.
- (c) An easement acts as a reciprocal agreement between the subdivision property owners. Each property owner is responsible for maintaining such easement on the property. Drainage and utility easements are intended to be reciprocal easements among the subdivision property owners and not a dedication to the county. Property owners are responsible for keeping easements intact and clear of debris or structures. Easements should not be altered in any manner.

([Ord. No. 2022-013](#), § 1, 5-3-2022)

Sec. 24-411. - Conveyance system.

- (a) Offsite stormwater that flows through a proposed subdivision must be routed through a designed conveyance system with a designated easement preferably through a common area.
- (b) Internal conveyance systems must also be within a designated easement or a common area.
- (c) The conveyance system easements are intended to be reciprocal easements and not a dedication to the county.

([Ord. No. 2022-013](#), § 1, 5-3-2022)

Secs. 24-412—24-431. - Reserved.

DIVISION 5. - LOT DIMENSIONS

Sec. 24-432. - Minimum dimensions; setbacks.

- (a) The following minimum dimensions apply for lots with access to public water and sewer:
  - (1) Minimum area of 10,000 square feet for a single lot, when not in a zoned area of the county. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply. Conservation subdivisions minimum lot area of 5,000 square feet. for a single lot, when not in a zoned area of the county.
  - (2) For twin home lots, the minimum combined total area of both lots must be at least 10,000 square feet and each lot must have a minimum area of 5,000 square feet when not in a zoned area of the county. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply. Conservation subdivisions minimum lot area of 5,000 square feet for twin home lots, each twin home lot must have minimum area of 2,500 square feet when not in a zoned area of the county.
  - (3) Minimum width of 60 feet between side lot lines measured at the front setback line. Minimum width for corner lots shall be measured from the side road setback line, rather than the side lot line to accommodate the need for additional width on corner lots. Conservation subdivisions minimum lot width of 40 feet at the front setback line and minimum lot road frontage at the road



right-of-way of 20 feet. For a twin-home lot, the minimum lot width is 20 feet for each dwelling unit of the twin home.

- (4) Minimum depth as required to meet minimum area requirements as specified in subsection (a)(1) and (3) of this section.
  - (5) Minimum rear setback of 15 feet from rear property line for a single family residence or a twin home. Conservation subdivisions minimum rear setback of five feet.
  - (6) Minimum side setback of 15 feet from the lot line shall be maintained on each side of a twin home and on both sides of a single family dwelling. Side setbacks on corner lots shall be equal to half the distance required for the front setback. Conservation subdivisions minimum side setback of five feet and drainage easements of five feet at side property lines (drainage easements can be placed within the minimum side setback).
  - (7) For conservation subdivisions building setback shall be a minimum of 30 feet for all lots abutting the perimeter buffer.
- (b) The following minimum dimensions apply for lots with access only to well and septic tank:
- (1) Minimum area of one acre for a single lot, when not in a zoned area of the county. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply. Minimum dimensions are subject to approval of lot for septic tank by the county health department. The county health department shall notify the planning commission and the subdivider of its approval in writing. Such notification shall include, at a minimum, information sufficient for identification of the individual lot. Any area within road rights-of-way shall not be included in calculating the minimum acre requirement.
  - (2) For twin home lots, minimum combined total area of two acres, with each lot containing a minimum area of one acre. Any area within road rights-of-way shall not be included in calculating the minimum acre requirement. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply.
  - (3) Minimum width of 100 feet at the building line for a single family residence.
  - (4) Minimum combined width for both lots of 150 feet at the building line for a twin home.
  - (5) Minimum side/rear setback. No residence shall be placed within 15 feet of a side or rear lot line.
- (c) The following minimum dimensions apply for lots with access to public water and septic tank:
- (1) Minimum area of 25,000 square feet for a single lot, when not in a zoned area of the county. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply. Minimum dimensions are subject to approval of lot for septic tank by the county health department. The county health department shall notify the planning commission and the subdivider of its approval in writing. Such notification shall include, at a minimum, information sufficient for identification of the individual lot. Any area within road rights-of-way shall not be included in calculating the minimum acre requirement.
  - (2) For twin home lots, minimum combined total area of 25,000 square feet, with each lot containing a minimum area of 11,500 square feet. Any area within road rights-of-way shall not be included in calculating the minimum acre requirement. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply.
  - (3) Minimum side/rear setbacks. No residence shall be 15 feet from a side or rear lot line.
  - (4) Minimum width shall be 100 feet at the building line for a single family residence.
  - (5) Minimum combined width for both lots of 150 feet at the building line for a twin home, with a minimum lot width for each lot of 49 feet.

Sec. 24-433. - Setback lines from roadways.

(a) *Residential roads.*

- (1) Front setback: 30 feet from road right-of-way. (See lot dimensions, setbacks above).
- (2) Sideyard setbacks: 15 feet from road right-of-way for corner lots only. (See lot dimensions, setbacks above).

(b) *Collector roads.*

- (1) Front setback: 40 feet from road right-of-way.
- (2) Sideyard setbacks: 40 feet from road right-of-way for corner lots only. (See section 24-432).

(c) *Arterial roads.*

- (1) Front setbacks: 50 feet from the road right-of-way. (See section 24-432)
- (2) Sideyard setbacks: 50 feet from road right-of-way for corner lots only. (See section 24-432)

(Code 2000, § 38-374; Ord. No. 03-007, § 1, 4-15-2003; [Ord. No. 2021-010](#), § 1, 3-16-2021)

Secs. 24-434—24-464. - Reserved.

DIVISION 6. - WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM

Sec. 24-465. - General provisions.

All subdivisions constructed under the provisions of these subdivision regulations shall be required, to install water and sewer lines and connect to public operated utilities if the subdivision is located within 300 feet of access to said utilities, and provided the subdivision can be approved and serviced by the utility companies or agencies. Any system which does not connect with a utility system must be approved by the state department of health and environmental control or appropriate local agency.

(Code 2000, § 38-386; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-466. - Fire hydrants.

If water pressure and the requisite volumes of water are available, as determined by the appropriate water company, the subdivider of any new subdivision shall be required to install or identify existing fire hydrants within 1,000 feet of every lot.

(Code 2000, § 38-387; Ord. No. 03-007, § 1, 4-15-2003)

Secs. 24-467—24-485. - Reserved.

DIVISION 7. - OTHER IMPROVEMENTS

Sec. 24-486. - Road trees and medians.

Any trees or shrubs, or planted medians proposed to be installed within any road right-of-way by the subdivider are subject to approval as to type and placement by the planning commission. Any trees or shrubs located in the right-of-way by the subdivider shall not be the responsibility of the county and shall not interfere with vehicular sight lines.

(Code 2000, § 38-396; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-487. - Lot trees.

The subdivider shall make every effort to preserve as many trees as possible and remove only those trees necessary for the development of the lot.

(Code 2000, § 38-397; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-488. - Driveways.

The subdivider shall require within its restrictive covenants for the subdivision that all driveways be constructed and maintained in such a condition so as to avoid the tracking of mud and dirt from the lots onto the roads.

(Code 2000, § 38-398; Ord. No. 03-007, § 1, 4-15-2003)

Secs. 24-489—24-514. - Reserved.

#### DIVISION 8. - VIOLATIONS AND PENALTIES

Sec. 24-515. - Enforcement.

Any subdivider who transfers or sells land within a subdivision by reference to, exhibition of or by other use of a plat before such plat has been approved by the planning commission, or subdivision administrator, where allowed, and before the plat has been recorded in the office of the register of deeds shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished at the discretion of the court. The county may enjoin such transfer or sale agreement by appropriate action where necessary.

(Code 2000, § 38-406; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-516. - Conflict with other laws, ordinances or regulations.

Wherever the requirements of these subdivision regulations impose higher standards than are required in any other statute, local ordinance or regulation, the provisions of these subdivision regulations shall govern.

(Code 2000, § 38-407; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-517. - Variances.

Whenever, in the opinion of the planning commission, the strict application of the requirements of these subdivision regulations would result in substantial or excessive difficulties and hardships or injustices, the planning commission may modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, providing that the public interest of the county and its citizens are protected and the general intent and spirit of these subdivision regulations are preserved.

(Code 2000, § 38-408; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-518. - Amendments.

Before the adoption of any amendment to these subdivision regulations, the county council shall hold a public hearing thereof, the notice of which shall be given once a week for two consecutive weeks, the first of which shall appear not less than 15 nor more than 30 days prior to the hearing date. The clerk to council shall notify the planning commission of the date of the hearing before county council.

(Code 2000, § 38-409; Ord. No. 03-007, § 1, 4-15-2003; [Ord. No. 2021-013](#), § 1, 3-16-2021)

Sec. 24-519. - Interpretation.

In interpreting the subdivision regulations contained herein, such regulations shall be considered as the minimum provisions for the protection of the health, safety and welfare of the general public.

(Code 2000, § 38-410; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-520. - Separability.

If any section, paragraph, subdivision or provision of these subdivision regulations shall be judged invalid, such judgment shall apply to that particular section, paragraph, subdivision, or provision only and the remaining sections of these subdivision regulations shall remain valid and effective.

(Code 2000, § 38-412; Ord. No. 03-007, § 1, 4-15-2003)


Sec. 24-521. - Appeals.

Actions of the subdivision administrator relating to approval or disapproval of a plat may be appealed to the planning commission by any party in interest. The planning commission shall act upon the appeal within 60 days. Any party in interest aggrieved by a decision of the planning commission may appeal that decision to the circuit court for the Tenth Judicial Circuit of South Carolina. Any appeals filed with the circuit court must be done so within 30 days of actual notice of the planning commission's decision.

(Code 2000, § 38-413; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-522. - Appendices.

(a) *Appendix A.*

<b>EDGE OF PAPER</b>									
<div style="border-bottom: 1px solid black; margin-bottom: 10px;">BORDER LINE</div> <div style="text-align: center; height: 150px; vertical-align: middle;">DRAWING SURFACE</div>	<div style="border-bottom: 1px solid black; margin-bottom: 5px;">  </div> <div style="text-align: center; font-size: small;">LOCATION MAP</div>								
<div style="text-align: center; margin-bottom: 10px;"> <b>CERTIFICATE OF ACCURATE SURVEY</b>   <b>CERTIFICATE OF OWNERSHIP AND DEDICATION</b>   <b>CERTIFICATE OF APPROVAL FOR RECORDING</b> </div> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <tr><td style="padding: 2px;">NAME OF SUBDIVISION</td></tr> <tr><td style="padding: 2px;">TMS#</td></tr> <tr><td style="padding: 2px;">SECTION OR SUBSECTION</td></tr> <tr><td style="padding: 2px;">OWNERS / DEVELOPERS</td></tr> <tr><td style="padding: 2px;">SURVEYORS / ENGINEERS</td></tr> <tr><td style="padding: 2px;">NO. OF ACRES _____ MILES OF NEW ROADS _____</td></tr> <tr><td style="padding: 2px;">NO. OF LOTS _____ DATE: _____</td></tr> <tr><td style="padding: 2px;">SCALE _____</td></tr> </table>		NAME OF SUBDIVISION	TMS#	SECTION OR SUBSECTION	OWNERS / DEVELOPERS	SURVEYORS / ENGINEERS	NO. OF ACRES _____ MILES OF NEW ROADS _____	NO. OF LOTS _____ DATE: _____	SCALE _____
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SURVEYORS / ENGINEERS									
NO. OF ACRES _____ MILES OF NEW ROADS _____									
NO. OF LOTS _____ DATE: _____									
SCALE _____									

(b) *Appendix B.* Reserved.

(Code 2000, ch. 38, art. III(apps. A, B); Ord. No. 2003-069, § 1d, 1-20-2004)

**Editor's note**— Ord. No. 03-069, § 1d, adopted Jan. 20, 2004, provided that all accesses onto state roads shall be approved in writing by the SCDOT prior to plat approval by the subdivision administrator.

Secs. 24-523—24-578. - Reserved.

#### ARTICLE IV. - FLOOD DAMAGE PREVENTION<sup>[3]</sup>

Footnotes:

--- (3) ---

**State Law reference**— Provisions for protection against floods authorized in local planning commission's comprehensive plan, S.C. Code 1976, § 6-7-510; authority of county to promulgate zoning regulations for protection against floods, S.C. Code 1976, § 6-7-710; authority of local planning commission to establish subdivision regulations concerning flood protection, S.C. Code 1976, § 6-7-1030.

#### DIVISION 1. - GENERALLY

Sec. 24-579. - Statutory authorization.

The South Carolina General Assembly has in S.C. Code 1976, Title 4, Chapters 9 (Article 1), 25, and 27, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

(Code 2000, § 38-426; Ord. No. 2011-024, 9-6-2011)

Sec. 24-580. - Findings of fact.

- (a) The special flood hazard areas of the county are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (b) Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(Code 2000, § 38-427; Ord. No. 2011-024, 9-6-2011)

Sec. 24-581. - Statement of purpose and objectives.

- (a) It is the purpose of this article to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the article prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- (b) The objectives of this article are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood blight areas, and to ensure that potential home buyers are notified that property is in a flood area. The provisions of the article are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this article is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.
- (c) Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and waterbodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs.

(Code 2000, § 38-428; Ord. No. 2011-024, 9-6-2011)

Sec. 24-582. - Lands to which this article applies.

This article shall apply to all areas of special flood hazard within the jurisdiction of the county as identified by the Federal Emergency Management Agency (FEMA) in its flood insurance study dated December 21, 2017, with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this article.

(Code 2000, § 38-429; Ord. No. 2011-024, 9-6-2011; [Ord. No. 2017-038](#), exh. B(38-429), 11-21-2017)

Sec. 24-583. - Establishment of development permit.

A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

(Code 2000, § 38-430; Ord. No. 2011-024, 9-6-2011)

Sec. 24-584. - Compliance.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable regulations.

(Code 2000, § 38-431; Ord. No. 2011-024, 9-6-2011)

Sec. 24-585. - Interpretation.

In the interpretation and application of this article, all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state law. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Code 2000, § 38-432; Ord. No. 2011-024, 9-6-2011)

Sec. 24-586. - Partial invalidity and severability.

If any part of this article is declared invalid, the remainder of the article shall not be affected and shall remain in force.

(Code 2000, § 38-433; Ord. No. 2011-024, 9-6-2011)

Sec. 24-587. - Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the county or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

(Code 2000, § 38-434; Ord. No. 2011-024, 9-6-2011)

Sec. 24-588. - Penalties for violation.

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

(Code 2000, § 38-435; Ord. No. 2011-024, 9-6-2011)

Secs. 24-589—24-609. - Reserved.

## DIVISION 2. - DEFINITIONS

Sec. 24-610. - Terms defined.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory structure* or *appurtenant structure* means structures that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

*Addition (to an existing building)* means an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition shall be considered a separate building and must comply with the standards for new construction.

*Agricultural structure* means a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are not exempt from the provisions of this article.

*Appeal* means a request for a review of the local administrator's interpretation of any provision of this article.

*Area of shallow flooding* means a designated AO or VO zone on a community's flood insurance rate map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

*Area of special flood hazard* means the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year.

*Basement* means any enclosed area of a building that is below grade on all sides.

*Building.* See *Structure*.

*Critical development* means development that is critical to the community's public health and safety, is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.

*Development* means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.



*Elevated building* means a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

*Executive Order 11988 (Floodplain Management)*. Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

*Existing construction* means, for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM, or before January 2, 1981, for FIRMs effective before that date.

*Existing manufactured home park or manufactured home subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before December 16, 1980.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

*Flood* means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

*Flood hazard boundary map (FHBM)* means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

*Flood insurance rate map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood insurance study* means the official report provided by the Federal Emergency Management Agency which contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

*Flood-resistant material* means any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Freeboard* means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

*Functionally dependent use* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent use" includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers,

and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

*Highest adjacent grade* means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places;
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

Some structures or districts listed on the state or local inventories may not be "historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the "historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the state department of archives and history has individually determined that the structure or district meets DOI historic structure criteria.

*Increased cost of compliance (ICC)* applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with state or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.

*Limited storage* means an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood-resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone, it must meet the requirements of section 24-663.

*Lowest adjacent grade (LAG)* means an elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Mean sea level* means, for the purpose of this article, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base flood elevations shown on a community's flood insurance rate maps (FIRMs) are shown.

*National Geodetic Vertical Datum (NGVD) of 1929* means, as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

*North American Vertical Datum (NAVD) of 1988* means vertical control, as corrected in 1988, used as the reference datum on flood insurance rate maps.

*New construction* means a structure for which the start of construction commenced on or after December 16, 1980. The term "new construction" also includes any subsequent improvements to such structure.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after December 16, 1980.

*Recreational vehicle* means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Repetitive loss* means a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

*Section 1316 of the National Flood Insurance Act of 1968.* The Act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

*Start of construction*, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building, a manufactured home, including a gas or liquid storage tank that is principally above ground.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "Substantial improvement."

*Substantial improvement* means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term "substantial improvement" includes structures that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

- (1) Any project of improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether substantial improvement will occur.

*Substantially improved existing manufactured home park or subdivision* means where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

*Variance* means a grant of relief from a term or terms of this article.

*Violation* means the failure of a structure or other development to be fully compliant with this article.

(Code 2000, § 38-436; Ord. No. 2011-024, 9-6-2011; [Ord. No. 2017-038](#), exh. B(38-436), 11-21-2017)

Secs. 24-611—24-638. - Reserved.

### DIVISION 3. - ADMINISTRATION

Sec. 24-639. - Designation of local administrator.

The development standards manager is hereby appointed as the local administrator to administer and implement the provisions of this article.

(Code 2000, § 38-437; Ord. No. 2011-024, 9-6-2011)

Sec. 24-640. - Adoption of letter of map revisions (LOMRs).

All LOMRs that are issued in the areas identified in section 24-582 are hereby adopted.

(Code 2000, § 38-438; Ord. No. 2011-024, 9-6-2011)

Sec. 24-641. - Reserved.

**Editor's note**— Section 24-641 was repealed by § 2 of [Ordinance No. 2017-038](#), adopted on November 21, 2017.

Sec. 24-642. - Development permit and certification requirements.

- (a) *Development permit.* Application for a development permit shall be made to the local administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

- (1) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the duties and responsibilities of the local administrators of section 24-643(11) or the standards for subdivision proposals of section 24-663, and the standards for streams without estimated base flood elevations and floodways of section 24-664. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either the duties or responsibilities of the local administrators of section 24-643(11) or the standards for subdivision proposals of section 24-663(12), and the standards for streams without estimated base flood elevations and floodways of section 24-664.
  - (2) Where base flood elevation data is provided as set forth in section 24-582 or the duties and responsibilities of the local administrators of section 24-643(11), the application for a development permit within the flood hazard area shall show:
    - a. The elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures; and
    - b. If the structure will be floodproofed in accordance with the nonresidential construction requirements of section 24-663(2) the elevation (in relation to mean sea level) to which the structure will be floodproofed.
  - (3) Where base flood elevation data is not provided as set forth in section 24-582 or the duties and responsibilities of the local administrators of section 24-643, then the provisions in the standards for streams without estimated base flood elevations and floodways of section 24-664 must be met.
  - (4) Alteration of watercourse. Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include a description of the extent of watercourse alteration or relocation, an engineering study to demonstrate that the flood-carrying capacity of the altered or relocated watercourse is maintained and a map showing the location of the proposed watercourse alteration or relocation.
- (b) *Certifications.*
- (1) *Floodproofing certification.* When a structure is floodproofed, the applicant shall provide certification from a registered professional engineer or architect that the nonresidential, floodproofed structure meets the floodproofing criteria in the nonresidential construction requirements of sections 24-663(2) and 24-666(2)b.
  - (2) *Certification during construction.* A lowest floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
  - (3) *As-built certification.* Upon completion of the development, a registered professional engineer, land surveyor or architect, in accordance with state law, shall certify according to the requirements of this subsection that the development is built in accordance with the submitted plans and previous pre-development certifications.

(Code 2000, § 38-440; Ord. No. 2011-024, 9-6-2011)

Sec. 24-643. - Duties and responsibilities of the local administrator.

Duties and responsibilities of the local administrator shall include, but not be limited to:

- (1) *Permit review.* Review all development permits to ensure that the requirements of this article have been satisfied.
- (2) *Requirement of federal and/or state permits.* Review proposed development to ensure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1344.
- (3) *Watercourse alterations.*
  - a. Notify adjacent communities and the state department of natural resources, land, water and conservation division, state coordinator for the national flood insurance program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - b. In addition to the notifications required for watercourse alterations by this subsection (3), written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
  - c. If the proposed project will modify the configuration of the watercourse, floodway, or base flood elevation for which a detailed flood insurance study has been developed, the applicant shall apply for and must receive approval for a conditional letter of map revision with the Federal Emergency Management Agency prior to the start of construction.
  - d. Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of section 24-665, the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.
- (4) *Floodway encroachments.* Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of section 24-663(5) are met.
- (5) *Adjoining floodplains.* Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
- (6) *Notifying adjacent communities.* Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood-related erosion hazards.
- (7) *Certification requirements.*
  - a. Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in section 24-644.
  - b. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in section 24-642.

- c. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the nonresidential construction requirements outlined in section 24-663(2).
- (8) *Map interpretation.* Make the necessary interpretation where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
  - (9) *Prevailing authority.* Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in section 24-663(7)b.
  - (10) *Use of best available data.* When base flood elevation data and floodway data has not been provided in accordance with section 24-582, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in section 24-664(4), in order to administer the provisions of this article. Data from preliminary, draft, and final flood insurance studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
  - (11) *Special flood hazard area/topographic boundaries conflict.* When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site; the site information takes precedence when the lowest adjacent grade is at or above the BFE, the property owner may apply and be approved for a letter of map amendment (LOMA) by FEMA. The local administrator in the permit file will maintain a copy of the letter of map amendment issued from FEMA.
  - (12) *On-site inspections.* Make on-site inspections of projects in accordance with the administrative procedures outlined in section 24-644(d).
  - (13) *Administrative notices.* Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in section 24-644.
  - (14) *Records maintenance.* Maintain all records pertaining to the administration of this article and make these records available for public inspection.
  - (15) *Annexations and detachments.* Notify the state department of natural resources, land, water and conservation division, state coordinator for the national flood insurance program within six months of any annexations or detachments that include special flood hazard areas.
  - (16) *Federally funded development.* The President-issued Executive Order 11988, Floodplain Management, May 1977. E.O. 11988, directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.
  - (17) *Substantial damage determination.* Perform an assessment of damage from any origin to the structure using FEMA's Residential Substantial Damage Estimator (RSDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.
  - (18) *Substantial improvement determinations.*
    - a. Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial

improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

- b. The market values shall be determined by one of the following methods:
  - 1. The current assessed building value as determined by the county's assessor's office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past six months.
  - 2. One or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of the state. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, less the cost of site improvements and depreciation for functionality and obsolescence.
  - 3. Real estate purchase contract within six months prior to the date of the application for a permit.

(Code 2000, § 38-441; Ord. No. 2011-024, 9-6-2011)

Sec. 24-644. - Administrative procedures.

- (a) *Inspections of work in progress.* As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- (b) *Stop-work orders.* Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this article, the administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (c) *Revocation of permits.* The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- (d) *Periodic inspections.* The local administrator and each member of his/her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (e) *Violations to be corrected.* When the local administrator finds violations of applicable state and local laws, it shall be his/her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.
- (f) *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:
  - (1) The building or property is in violation of the flood damage prevention ordinance;



- (2) A hearing will be held before the local administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
- (3) Following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (g) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the flood damage prevention ordinance, he/she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the administrator may prescribe; provided that, where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
- (h) *Appeal.* Any owner who has received an order to take corrective action may appeal from the order to the county land use board of appeals by giving notice of appeal in writing to the administrator and the clerk within 30 days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The county land use board of appeals shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (i) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.
- (j) *Denial of flood insurance under the NFIP.* If a structure is declared in violation of this article and after all other penalties are exhausted to achieve compliance with this article, then the local administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a Section 1316 of the National Flood Insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the article. Once a violation has been remedied, the local administrator shall notify FEMA of the remedy and ask that the Section 1316 action be rescinded.
- (k) The following documents are incorporated by reference and may be used by the local administrator to provide further guidance and interpretation of this article as found on FEMA's website at [www.fema.gov](http://www.fema.gov):
  - (1) FEMA 55 Coastal Construction Manual.
  - (2) All FEMA Technical Bulletins.
  - (3) All FEMA Floodplain Management Bulletins.
  - (4) FEMA 348 Protecting Building Utilities from Flood Damage.
  - (5) FEMA 499 Home Builder's Guide to Coastal Construction Technical Fact Sheets.

(Code 2000, § 38-442; Ord. No. 2011-024, 9-6-2011)

Secs. 24-645—24-661. - Reserved.

#### DIVISION 4. - PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 24-662. - General standards.

Development may not occur in the special flood hazard area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized. In all areas of special flood hazard the following provisions are required:

- (1) *Reasonably safe from flooding.* Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (2) *Anchoring.* All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (3) *Flood-resistant materials and equipment.* All new construction and substantial improvements shall be constructed with flood-resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated August 2008, and available from the Federal Emergency Management Agency.
- (4) *Minimize flood damage.* All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (5) *Critical development.* Critical development shall be elevated to the 500-year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500-year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500-year flood elevation data.
- (6) *Utilities.* Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus two feet.
- (7) *Water supply systems.* All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (8) *Sanitary sewage systems.* New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (9) *Gas or liquid storage tanks.* All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent flotation and lateral movement resulting from hydrodynamic and hydrostatic loads.
- (10) *Alteration, repair, reconstruction, or improvements.* Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this article shall meet the requirements of new construction as contained in this article. This includes post-FIRM development and structures.
- (11) *Nonconforming buildings or uses.* Nonconforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this article. Provided, however, nothing in this article shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below the base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this article.
- (12) *Americans with Disabilities Act (ADA).* A building must meet the specific standards for floodplain construction outlined in section 24-663, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

(Code 2000, § 38-443; Ord. No. 2011-024, 9-6-2011; [Ord. No. 2017-038](#), exh. B(38-443), 11-21-2017)

Sec. 24-663. - Specific standards.

In all areas of special flood hazard (zones A, AE, AH, AO, A1-30, V, and VE) where base flood elevation data has been provided, as set forth in section 24-582 or outlined in the duties and responsibilities of the local administrator section 24-643, the following provisions are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than two feet above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces shall be provided in accordance with the elevated buildings requirements in subsection (4) of this section.
- (2) *Nonresidential construction.*
  - a. New construction and substantial improvement of any commercial, industrial, or nonresidential structure (including manufactured homes) shall have the lowest floor elevated no lower than two feet above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces shall be provided in accordance with the elevated buildings requirements in subsection (4) of this section. No basements are permitted. Structures located in A zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
  - b. A registered professional engineer or architect shall certify that the standards of this subsection (2) are satisfied. Such certifications shall be provided to the official as set forth in the floodproofing certification requirements in section 24-642(b)(1). A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in section 24-694. Agricultural structures not meeting the criteria of section 24-694 must meet the nonresidential construction standards and all other applicable provisions of this article. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The local administrator must approve the maintenance plan and notification of the annual exercise shall be provided to it.
- (3) *Manufactured homes.*
  - a. Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - b. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in subsection (1) of this section must be elevated so that the lowest floor of the manufactured home is elevated no lower two feet above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
  - c. Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, and lateral movement in accordance with the Uniform Standards Code for Manufactured Housing, S.C. Code 1976, § 40-29-5 et seq., as amended, and regulations issued thereunder by the Manufactured Housing Board. Additionally, when the elevation requirement would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation.

When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

- d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within floodprone areas. This plan shall be filed with and approved by the local administrator and the local emergency preparedness coordinator.
- (4) *Elevated buildings.* New construction and substantial improvements of elevated buildings that include fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding, shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed all of the following minimum criteria:
    - 1. Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
    - 2. The bottom of each opening must be no more than one foot above the higher of the interior or exterior grade immediately under the opening.
    - 3. Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
    - 4. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
    - 5. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
  - b. Hazardous velocities. Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five feet per second), foundation systems other than solid foundation walls should be considered so that obstructions to damaging flood flows are minimized.
  - c. Enclosures below lowest floor.
    - 1. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
    - 2. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, must be void of utilities except for essential lighting as required for safety, and cannot be temperature controlled.
    - 3. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in subsections (1) through (3) of this section.
    - 4. All construction materials below the required lowest floor elevation specified in the specific standards outlined in subsections (1) through (3) of this section should be of flood-resistant materials.
- (5) *Floodways.* Located within areas of special flood hazard established in section 24-582 are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

- a. No encroachments, including fill, new construction, substantial improvements, additions, and other developments, shall be permitted unless:
    1. It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local administrator.
    2. A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision must be obtained upon completion of the proposed development.
  - b. If subsection (5)a of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of division 4 of this article.
  - c. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of subsection (3) of this section and the encroachment standards of subsection (5)a of this section are met.
  - d. Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.
- (6) *Recreational vehicles.* Recreational vehicles placed on sites shall either:
- a. Be on site for fewer than 180 consecutive days;
  - b. Be fully licensed and ready for highway use; or
  - c. Meet the development permit and certification requirements of section 24-642, general standards outlined in section 24-662, and manufactured homes standards in subsections (3) and (4) of this section.
- A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.
- (7) *Map maintenance activities.* The National Flood Insurance Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in section 24-582 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:
- a. *Requirement to submit new technical data.*
    1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such changes be submitted to FEMA as soon as practicable, but no later than six months of the date such information becomes available. These development proposals include, but are not limited to:
      - (i) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
      - (ii) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

- (iii) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
      - (iv) Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with subsection (12) of this section.
    - 2. It is the responsibility of the applicant to have technical data, required in accordance with this subsection (7), prepared in a format required for a conditional letter of map revision or letter of map revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.
    - 3. The local administrator shall require a conditional letter of map revision prior to the issuance of a floodplain development permit for:
      - (i) Proposed floodway encroachments that increase the base flood elevation; and
      - (ii) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
    - 4. Floodplain development permits issued by the local administrator shall be conditioned upon the applicant obtaining a letter of map revision from FEMA for any development proposal subject to this subsection (7).
  - b. *Right to submit new technical data.* The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.
- (8) *Accessory structures.*
- a. A detached accessory structure or garage, the cost of which is greater than \$3,000.00, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93, Wet Floodproofing Requirements, or be elevated in accordance with subsections (1) and (4) of this section or dry floodproofed in accordance with subsection (2) of this section.
  - b. If accessory structures of \$3,000.00 or less are to be placed in the floodplain, the following criteria shall be met:
    - 1. Accessory structures shall not be used for any uses other than the parking of vehicles and storage;
    - 2. Accessory structures shall be designed to have low flood damage potential;
    - 3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
    - 4. Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement of the structure;
    - 5. Service facilities such as electrical and heating equipment shall be installed in accordance with section 24-662(5);
    - 6. Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with subsection (4)a of this section; and
    - 7. Accessory structures shall be built with flood-resistant materials in accordance with Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, August, 2008, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
- (9) *Swimming pool utility equipment rooms.* If the building cannot be built at or above the BFE, because of functionality of the equipment, then a structure to house the utilities for the pool may be built below the BFE with the following provisions:

- a. Meet the requirements for accessory structures in subsection (8) of this section; and
- b. The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.

(10) *Elevators.*

- a. Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93, Elevator Installation for Buildings Located in Special Flood Hazard Areas.
- b. All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93, Elevator Installation for Buildings Located in Special Flood Hazard Areas.

(11) *Fill.* An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and nonresidential construction requirements of subsection (1) or (2) of this section, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:

- a. Fill may not be placed in the floodway unless it is in accordance with the requirements in subsection (5)a of this section.
- b. Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits.
- c. Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.
- d. Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered professional engineer.
- e. Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.
- f. The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
- g. Fill may not be used for structural support in the coastal high hazard areas.
- h. Fill will meet the requirements of FEMA Technical Bulletin 10-01, Ensuring That Structures Built on Fill In or Near Special Flood Hazard Areas are Reasonably Safe from Flooding.

(12) *Standards for subdivision proposals and other development.*

- a. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
- b. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.
- d. The applicant shall meet the requirement to submit technical data to FEMA in subsection (7) of this section when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

(Code 2000, § 38-444; Ord. No. 2011-024, 9-6-2011)

Sec. 24-664. - Standards for streams without established base flood elevations and floodways.

Located within the areas of special flood hazard (zones A and V) established in section 24-582, are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:

- (1) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or five acres, whichever is less.
- (2) No encroachments, including fill, new construction, substantial improvements and new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (3) If subsection (1) of this section is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of division 4 of this article and shall be elevated or floodproofed in accordance with elevations established in accordance with section 24-643(11).
- (4) Data from preliminary, draft, and final flood insurance studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98, Use of Flood Insurance Study (FIS) Data as Available Data. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
- (5) When base flood elevation (BFE) data is not available from a federal, state, or other source one of the following methods may be used to determine a BFE. For further information regarding the methods for determining BFEs listed below, refer to FEMA's manual Managing Floodplain Development in Approximate Zone A Areas:
  - a. *Contour interpolation.*
    1. Superimpose approximate zone A boundaries onto a topographic map and estimate a BFE.
    2. Add one-half of the contour interval of the topographic map that is used to the BFE.
  - b. *Data extrapolation.* A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.
  - c. *Hydrologic and hydraulic calculations.* Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

(Code 2000, § 38-445; Ord. No. 2011-024, 9-6-2011)

Sec. 24-665. - Standards for streams with established base flood elevations but without floodways.

Along rivers and streams where base flood elevation (BFE) data is provided but no floodway is identified for a special flood hazard area on the FIRM or in the FIS. No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated



development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Code 2000, § 38-446; Ord. No. 2011-024, 9-6-2011)

Sec. 24-666. - Standards for areas of shallow flooding (AO zones).

Located within the areas of special flood hazard established in section 24-582 are areas designated as shallow flooding. The following provisions shall apply within such areas:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor elevated to at least as high as the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three feet above the highest adjacent grade.
- (2) All new construction and substantial improvements of nonresidential structures shall:
  - a. Have the lowest floor elevated to at least as high as the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three feet above the highest adjacent grade; or
  - b. Be completely floodproofed, together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in section 24-642.
- (3) All structures on slopes must have drainage paths around them to guide water away from the structures.

(Code 2000, § 38-447; Ord. No. 2011-024, 9-6-2011)

Secs. 24-667—24-690. - Reserved.

#### DIVISION 5. - VARIANCE PROCEDURES

Sec. 24-691. - Establishment of appeals board.

The county board of land use appeals, as established by the county ("appeals board"), shall hear and decide requests for variances from the requirements of this article.

(Code 2000, § 38-448; Ord. No. 2011-024, 9-6-2011)

Sec. 24-692. - Right to appeal.

Any person aggrieved by the decision of the appeals board or any taxpayer may appeal such decision to the county court of common pleas.

(Code 2000, § 38-449; Ord. No. 2011-024, 9-6-2011)

Sec. 24-693. - Historic structures.

Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(Code 2000, § 38-450; Ord. No. 2011-024, 9-6-2011)

Sec. 24-694. - Functionally dependent uses.

Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

(Code 2000, § 38-451; Ord. No. 2011-024, 9-6-2011)

Sec. 24-695. - Agricultural structures.

Variances may be issued to wet floodproof an agricultural structure provided it is used solely for agricultural purposes. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of section 24-698, this section, and the following standards:

- (1) Use of the structure must be limited to agricultural purposes as listed below:
  - a. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment;
  - b. Steel grain bins and steel frame corncribs;
  - c. General-purpose barns for the temporary feeding of livestock that are open on at least one side;
  - d. For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of section 24-663(2).
- (2) The agricultural structure must be built, or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.
- (3) The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces, including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed five feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.
- (4) The agricultural structure must meet the venting requirement of section 24-663(4).
- (5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation (BFE) so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with section 24-662(5).
- (6) The agricultural structure must comply with the floodway encroachment provisions of section 24-663(5).
- (7) Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight, floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the

base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

(Code 2000, § 38-452; Ord. No. 2011-024, 9-6-2011)

Sec. 24-696. - Considerations.

In passing upon such applications, the appeals board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this article, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (9) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and
- (10) Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the special flood hazard area and no other alternative locations for the structure are available.

(Code 2000, § 38-453; Ord. No. 2011-024, 9-6-2011)

Sec. 24-697. - Findings.

Findings listed above shall be submitted to the appeals board, in writing, and included in the application for a variance. Additionally, comments from the department of natural resources, land, water and conservation division, state coordinator's office, must be taken into account and included in the permit file.

(Code 2000, § 38-454; Ord. No. 2011-024, 9-6-2011)

Sec. 24-698. - Floodways.

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In

order to ensure the project is built in compliance with the CLOMR for which the variance is granted, the applicant must provide a bond for 100 percent of the cost to perform the development.

(Code 2000, § 38-455; Ord. No. 2011-024, 9-6-2011)

Sec. 24-699. - Conditions.

Upon consideration of the factors listed above and the purposes of this article, the appeals board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article. The following conditions shall apply to all variances:

- (1) Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (3) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk. Such notification shall be maintained with a record of all variance actions.
- (5) The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.
- (6) Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this article. Violations must be corrected in accordance with section 24-644(e).

(Code 2000, § 38-456; Ord. No. 2011-024, 9-6-2011)

Secs. 24-700—24-726. - Reserved.

#### DIVISION 6. - LEGAL STATUS PROVISIONS

Sec. 24-727. - Effect on rights and liabilities under the existing flood damage prevention ordinance.

This article in part comes forward by reenactment of some of the provisions of the flood damage prevention ordinance enacted November 21, 2017, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of the ordinance from which this article is derived shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance the county enacted on November 21, 2017, as amended, which are not reenacted herein, are repealed.

(Code 2000, § 38-457; Ord. No. 2011-024, 9-6-2011; [Ord. No. 2017-038](#), exh. B(38-457), 11-21-2017)

Sec. 24-728. - Effect upon outstanding building permits.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the chief building inspector or his authorized agents before the time of passage of this article; provided, however, that when start of construction has not occurred under such outstanding permit within a period of 60 days subsequent to passage of this article, construction or use shall be in conformity with the provisions of this article.

(Code 2000, § 38-458; Ord. No. 2011-024, 9-6-2011)

Secs. 24-729—24-756. - Reserved.

## ARTICLE V. - STORMWATER MANAGEMENT AND SEDIMENTATION CONTROL <sup>[4]</sup>

Footnotes:

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**State Law reference—** Delegation of stormwater management and sediment control to local governments, S.C. Code 1976, § 48-14-60; review of local government programs by state, S.C. Code 1976, § 48-14-70.

### DIVISION 1. - GENERALLY

Sec. 24-757. - Purpose, authority and jurisdiction.

- (a) *Purpose.* In order to protect the general health, safety and welfare of the people of the county, to enhance the quality of water of the county and to protect the natural assets and resources of the county for posterity, this stormwater management and sediment control article is enacted to protect the lands and waters from the effects of excessive soil erosion and sedimentation, to prevent siltation of streams and lakes, to prevent clogging of draining channels, to prevent excessive flood damage and to prevent damage to the property of adjacent landowners.
- (b) *Permit compliance.* It is further the purpose of this article to comply with the federal and corresponding state stormwater discharge regulations (40 CFR 122.26 and S.C. Code Reg. 61-9.122.26) developed pursuant to the Clean Water Act (CWA) and to grant the county the authority to take any action required by it to obtain and comply with its National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Regulated Small Separate Storm Sewer Systems (SMS4), SCR030000. Among other things, these regulations require the county to establish legal authority which authorizes or enables the county, at a minimum, to attempt to:
  - (1) Control the contribution of pollutants to the county's small municipal separate storm sewer system (SMS4), by stormwater discharges associated with residential, commercial, industrial and related facilities activity and the quality of stormwater discharged from sites of residential, commercial, industrial and related facility activity;
  - (2) Prohibit illicit connections and discharges to the SMS4;
  - (3) Control the discharge of spills and prohibit dumping or disposal of materials other than stormwater into the SMS4;
  - (4) Control through intergovernmental agreements, contribution of pollutants from one municipal stormwater system to another;
  - (5) Require compliance with conditions in ordinances, permits, contracts or orders;
  - (6) Require installation, implementation, and maintenance of control measures for owners/operators of construction sites, new development and redevelopment to minimize the discharge of pollutants to the maximum extent practicable and to protect water quality;

- (7) Request from operators of construction sites, new or redeveloped land, including industrial and commercial facilities information including, but not limited to, specific requirements to control construction and post-construction discharges of pollutants in stormwater, and enforce, penalize, stop work, and require compliance for controlling pollutants from these sources;
  - (8) Enter private property for the purpose of inspecting any facilities, equipment, practices, or operations related to stormwater discharges to determine whether there is compliance with conditions in ordinances, permits, contracts or orders;
  - (9) Require that violators cease and desist illicit discharges or discharges of stormwater in violation of any ordinances, permits, contracts or orders;
  - (10) Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions, including the prohibition on illicit discharges to the SMS4;
  - (11) Levy citations or administrative fines against responsible parties and require recovery and remediation costs from responsible parties; and
  - (12) Impose more substantial civil or criminal sanctions (including referral to the county attorney (civil) or the solicitor (criminal)) and escalate corrective response consistent with its enforcement response plan developed for persistent noncompliance, repeat or escalating violations, or incidents of major environmental harm.
- (c) *Minimum requirements.* The application of this article and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide adequate designs or protection for local property or residents, it is the owner and operator's responsibility to exceed management practices control techniques and system, design and engineering methods and such other programs and controls as are required by the county's NPDES permit as defined below.
- (d) *Construction.* This article is to be construed to further its purpose of controlling and reducing pollutant discharges to the SMS4 and to the waters of the state, to meet the county's obligations under its NPDES permit issued by the state department of health and environmental control (DHEC) as required by 33 USC 1342 and 40 CFR 122.26 (the "NPDES Permit").
- (e) *Authority.* This article is adopted pursuant to the authority conferred upon the county by the South Carolina Constitution, the South Carolina General Assembly and in compliance with the requirements imposed upon the county by the NPDES General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer System (SMS4) Permit SCR030000 issued in accordance with the federal Clean Water Act, the South Carolina Pollution Control Act, and regulations promulgated thereunder.
- (f) *Jurisdiction.* The provisions of this article shall apply to all lands within the jurisdiction of the county, including incorporated areas of the county where the municipality has entered into an intergovernmental agreement with the county for the county to perform stormwater management services on behalf of the municipality.
- (g) *Relationship with other laws, regulations and ordinances.* Whenever the provisions of this article impose more restrictive standards than are required in or under any other law, regulation or ordinance, the requirements contained in this article shall prevail. Whenever the provisions of any other law, regulation or ordinance require more restrictive standards than are required in this article, the requirements of such law, regulation or ordinance shall prevail. Approvals of stormwater management and sediment control plans which were obtained by the appropriate plan approval agency prior to September 18, 2007, shall remain in effect for the original term of the approval.
- (h) *Amendments.* This article may be amended in the same manner as prescribed by law for its original adoption.
- (i) *Notification; forms.* The county public works division, stormwater management department, shall attempt to provide proper notification of the requirements of this article to those persons desiring to

conduct a land disturbing activity and shall provide the necessary forms required for application for securing approval of the stormwater management and sediment control plan as defined below. A copy of this article shall be made available upon reasonable request.

(Code 2000, § 38-511; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Sec. 24-758. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*25-year frequency storm* means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 25 years. It may also be expressed as an exceedance probability with a four percent chance of being equaled or exceeded in any given year.

*100-year frequency storm* means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It may also be expressed as an exceedance probability with a one percent chance of being equaled or exceeded in any given year.

*Adverse impact* means a significant negative impact to land, water and associated resources resulting from a land disturbing activity. The negative impact includes increased sedimentation, reduced groundwater recharge, negative impacts on aquatic organisms, negative impacts on wildlife and other resources and threat to public health through degradation of water quality.

*Applicant* means a person who executes the necessary forms to obtain approval for a land disturbing activity, as defined below.

*Appropriate inspection agency* means DHEC or the county public works division, stormwater management department.

*Appropriate plan approval agency* means DHEC, or local government that is responsible in a jurisdiction for review and approval of stormwater management and sediment control plans, issuing permits for land disturbing activities and conducting inspections and enforcement actions under this article. In the unincorporated areas of the county or incorporated areas with a cooperative intergovernmental local agreement, the county public works division, stormwater management department is the appropriate plan approval agency.

*As-built plans or record documents* means a set of engineering or site drawings that delineate the specific permitted stormwater management facility as actually constructed.

*Best management practices (BMPs)* means a wide range of management procedures, schedules of activities, prohibitions on practices and other management practices which have been demonstrated to effectively control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.

*Construction activity* means earth-disturbing activities such as land clearing and grubbing, grading, excavating and demolition.

*Detention structure* means a permanent stormwater structure whose primary purpose is to temporarily store stormwater runoff and release the stored runoff at controlled rates.

*Developer* means a person undertaking, or for whose benefit, activities covered by these regulations are commenced and/or carried out.

*District* means any soil and water conservation district created pursuant to S.C. Code 1976, § 48-9-10 et seq.

*Drainage area* means any area contributing runoff to a single point.

*Easement* means a grant or reservation by the owner of land for the use of such land by others for a specific purpose, and which must be included in the conveyance of land affected by such easement.

*Erosion* means the wearing away of land surface by the action of wind, water, gravity, ice or any combination of those forces.

*Erosion and sediment control* means the control of solid material, both mineral and organic, during a land disturbing activity to prevent its transport out of the disturbed area by means of air, water, gravity or ice.

*Exemption* means those land disturbing activities that are not subject to the sediment and stormwater requirements contained in this article.

*Grading* means the excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

*Hazardous materials* are any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Illicit connections* are defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks not authorized by the appropriate plan approval agency.

*Infiltration* means the passage or movement of water through the soil profile.

*Infiltration practices* are any practices that capture and temporarily store the water quantity volume before allowing it to infiltrate the soil.

*Land disturbing activity* means any use of the land by any person that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and alter the quality and quantity of stormwater runoff. Such activities include, but are not limited to, clearing, removal of vegetation that disturbs the soil, stripping, grading, grubbing, excavating, filling, logging and storing of materials. Clearing of areas where soils are not exposed and an adequate vegetative structure is left in place is not considered land disturbance, provided that the clearing is not in anticipation of other construction activities such as grubbing and grading.

*Land use board of appeals* means a panel of seven members, appointed by the county council, to hear appeals and conduct administrative hearings associated with the provisions and requirements of this article.

*Larger common plan of development or sale (LCP)* means a contiguous area where multiple separate and distinct construction activities (areas of disturbance) are planned to occur at different times on different schedules under one plan, e.g., a housing development of five quarter-acre lots. Such sites may have one operator or owner or several operators and owners. LCP projects must ensure that adequate stormwater management facilities are designed into the project(s) or site(s) to control pollution and protect water quality during all stages or phases of development.

*Low impact development (LID)* means an approach to land development (or re-development) that works with nature to manage urban stormwater. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. It combines a hydrologically functional site design with pollution prevention measures to compensate for land development impacts on hydrology and water quality.

*Natural waterways* means waterways that are part of the natural topography. They usually maintain a continuous or seasonal flow and are characterized as being irregular in cross section with meandering course. Construction channels such as drainage ditches shall not be considered natural waterways.



*Nonerodible* means a material (e.g., natural rock, riprap, concrete, plastic, etc.) that will not experience significant surface wear due to natural forces of wind, water, ice, gravity or a combination of those forces.

*Nonpoint source pollution* means pollution contained in stormwater runoff from ill-defined, diffuse sources such as runoff from urbanized or agricultural areas.

*Person responsible for the land disturbing activity* means and covers the following:

- (1) The person who has or represents having financial or operational control over the land disturbing activity; and
- (2) The landowner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or has benefited from it or who has failed to comply with any provision of S.C. Code 1976, § 48-14-10 et seq., this article or any order or local ordinance adopted that imposes a duty upon such person.

*Pollutant* (as defined at S.C. Code Reg. 61-9.122.2) includes dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste. Typical construction site pollutants include sediment, oil and grease, pesticides and fertilizers, pollutants from construction wastes, and pollutants from construction materials. Pollutant does not mean sewage from vessels or water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes is approved by authority of the state in which the well is located, and if the state determines that the injection or disposal will not result in the degradation of ground or surface water resources.

*Post-development or post-construction* means the conditions which exist following the completion of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of the stormwater runoff.

*Pre-development or pre-construction* means the conditions which existed prior to the initiation of the land disturbing activity in terms of topography, vegetation, land use and quality, rate, volume or direction of the stormwater runoff.

*Redevelopment* means any land disturbance activity that alters the current use of the land but does not necessarily alter the pre-development runoff characteristics.

*Retention structure* means a structure whose primary purpose is to store a given volume of stormwater runoff. Release of the given volume is by infiltration and/or evaporation.

*Sediment* means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice or gravity from its site of origin.

*Single-family residence* means a separately built noncommercial dwelling that is occupied exclusively by one family and is not part of a residential subdivision development.

*SMS4* is a small municipal separate storm sewer system as that term is defined at S.C. Code Reg. 61-9.122.26(b)(8).

*Stabilization* means the installation of vegetative and/or non-vegetative (structural measures) to establish a soil cover to prevent and/or reduce soil erosion and sediment loss in areas exposed during the construction process.

*Stop-work order* means an order directing the person responsible for the land disturbing activity to cease and desist all or portions of the work which violates the provisions of this article.

*Storm drain systems* are publicly-owned facilities by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

*Stormwater* is any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

*Stormwater management* means, for:

- (1) Quantitative control, a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff caused by man-made changes to the land.
- (2) Qualitative control, a system of vegetative, structural or other measures that reduce or eliminate pollutants that may otherwise be carried by stormwater runoff.

*Stormwater management and sediment control plan* means a set of drawings, other documents and supporting calculations submitted by a person as a prerequisite to obtain a permit to undertake a land disturbing activity, which contains all of the information and specifications required by the appropriate plan approval agency.

*Stormwater pollution prevention plan (SWPPP)* is the complete site-specific permit application package, including, but not limited to, application form, site map(s), stormwater management and sediment control plan, supporting calculations, project drawings, and specifications.

*Stormwater management plan (SWMP)* is a document developed by the county to comply with the NPDES stormwater permit. The SWMP serves as the basis for implementing and administering the county's stormwater management program. The SWMP outlines the minimum control measures and associated best management practices (BMPs) to be used in controlling stormwater discharges to the storm drain system.

*Stormwater runoff* means direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm sewer or other concentrated flow during and following the precipitation.

*Swale* means a structural measure with a lining of grass, riprap or other materials which can function as a detention structure and convey stormwater runoff while limiting erosion.

*Ten-year frequency storm* means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in ten years. It may also be expressed as an exceedance probability with a ten percent chance of being equaled or exceeded in any given year.

*Two-year frequency storm* means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two years. It may also be expressed as an exceedance probability with a 50 percent chance of being equaled or exceeded in any given year.

*Variance* means the modification of the minimum sediment and stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of the requirements in accordance with the criteria set forth in this article.

*Waiver* means the relinquishment from sediment and stormwater management requirements granted by the appropriate plan approval agency for a specific land disturbing activity based upon a case-by-case review and in accordance with the criteria set forth in this article.

*Wastewater* means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

*Water quality* means those characteristics of stormwater runoff from a land disturbing activity that relate to the physical, chemical, biological, or radiological integrity of water.

*Water quantity* means those characteristics of stormwater runoff that relates to the rate and volume of the stormwater runoff to downstream areas resulting from land disturbing activities.

*Watershed* means the drainage area contributing stormwater runoff to a single point.

*Watershed master plan* means a plan for a designated watershed that analyzes the impact of existing and future land uses and land disturbing activities in the entire watershed and includes strategies to reduce nonpoint source pollution, to manage stormwater runoff and control flooding. The master plan

must be developed for the entire watershed, regardless of political boundaries, and must include appropriate physical, institutional, economic and administrative data needed to justify the plan.

(Code 2000, § 38-512; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Secs. 24-759—24-784. - Reserved.

## DIVISION 2. - PROCEDURE

Sec. 24-785. - County stormwater management plan (SWMP).

The SWMP developed by the county to comply with the NPDES permit serves as the basis for the county's stormwater program implementation and administration. The SWMP, as amended from time to time by the county, is hereby adopted for the life of the county's NPDES permit as the official operational program. The mapping and geographical information system (GIS) developed as part of the SWMP shall serve as the official authoritative information source for program administration purposes.

(Code 2000, § 38-520; Ord. No. 2014-013, § 2(exh. A), 5-20-2014)

Sec. 24-786. - Permits and stormwater management and sediment control plans.

Unless otherwise exempt under this article, all land disturbing activities disturbing one or more acres of land, including sites smaller than one acre that are part of a larger common plan of development (LCP) that disturbs or ultimately disturbs one or more acres, are required to obtain permit coverage for their stormwater discharges by submitting a stormwater management and sediment control plan. The plan shall be prepared in accordance with the requirements of section 24-825.

(Code 2000, § 38-521; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Sec. 24-787. - Application for permit; approval or disapproval.

- (a) The person responsible for the land disturbing activity shall apply in writing to the appropriate plan approval agency for a permit for such activity. Such application shall be accompanied by three copies of the stormwater management and sediment control plan prepared in accordance with the provisions of this article.
- (b) Specific requirements of the permit application and approval process are based upon the extent of the land disturbing activity. The permit application and approval procedure is as follows:
  - (1) For land disturbing activities requiring a stormwater management and sediment control plan, the use of appropriate BMPs for erosion prevention, sediment control, soil stabilization, and post-construction stormwater management are required. Plans and specifications for these activities shall be prepared by the designers specified in subsections (i) and (j) of this section. Upon receipt of a completed stormwater management and sediment control plan, the appropriate plan approval agency shall accomplish its review and have either the approval or review comments transmitted to the applicant within 20 working days. If notice is not given to the applicant or if action is not taken by the end of the 20-working-day period, the applicant may request that the stormwater management and sediment control plan be signed and dated by an authorized person with the appropriate plan approval agency. Upon receiving such a request, the appropriate plan approval agency will sign and stamp the stormwater management and sediment control plan as submitted and promptly return it to the applicant.

- (2) These requirements may be modified by the appropriate plan approval agency on a case-by-case basis to address specific stormwater quantity or quality problems or to meet other regulatory requirements which are more stringent than the requirements of this article.
  - (3) When the land disturbing activity consists of the construction of a pond, lake or reservoir which is individually built and not part of a permitted land disturbing activity, the following procedures apply: A stormwater management and sediment control plan will not be required if the pond, lake or reservoir is permitted under the state Dams and Reservoirs Safety Act (S.C. Code Regs. 72-1 through 72-9) or has received a certificate of exemption under the state Dams and Reservoirs Safety Act. Best management practices (BMPs) must be used to minimize the impact of erosion and sediment.
  - (4) If the application for a stormwater management and sediment control plan is denied, written notification indicating the reason or reasons for denial shall be forwarded to the applicant. However, the applicant may correct the deficiencies in conformance with this article and resubmit the application two additional times at no additional fee.
  - (5) All resubmittals following the second resubmittal will be subject to additional application fees. If the revised application is approved, the appropriate plan approval agency shall issue the stormwater management and sediment control plan approval.
  - (6) Any plan approval may be suspended, revoked or modified by the appropriate plan approval agency upon finding that the holder is not in compliance with this article.
- (c) A stormwater management and sediment control plan, or an application for a waiver or variance, shall be submitted to the appropriate plan approval agency by the person responsible for the land disturbing activity, unless otherwise exempted. The stormwater management and sediment control plan shall contain supporting computations, drawings and sufficient information describing the manner, location and type of measures in which stormwater runoff will be managed from the entire land disturbing activity. The appropriate plan approval agency shall review the plan to determine compliance with the requirements of these regulations prior to approval. The approved stormwater management and sediment control plan shall serve as the basis for water quantity and water quality control on all subsequent construction activity specific to the site.
  - (d) No permit shall be required under this article for land disturbing activities that are conducted under a state or federal environmental permitting, licensing, or certification program where the state or federal environmental permit, license, or certification is conditioned upon compliance with the minimum standards and criteria of chapter 14, title 48 of the South Carolina Code of Laws (S.C. Code 1976, title 48, chapter 14, as amended), the Stormwater Management and Sediment Reduction Act.
  - (e) All stormwater management and sediment control plans submitted for approval shall contain a certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the approved plan and that responsible personnel will be assigned to the project.
  - (f) All stormwater management and sediment control plans shall contain a certification by the person responsible for the land disturbing activity acknowledging the right of DHEC and the appropriate plan approval agency to conduct on-site inspections.
  - (g) The stormwater management and sediment control plan shall not be considered approved without an approval stamp signed and dated by an authorized person with the appropriate plan approval agency. The stamp of approval on the plans is solely an acknowledgement of satisfactory compliance with the requirements of these regulations. The approval stamp does not constitute a representation or warranty to the applicant or any other person concerning the safety, appropriateness or effectiveness of any provision of or omission from the stormwater management and sediment control plan.
  - (h) DHEC may request to review and comment on stormwater management and sediment control plans. Failure of DHEC to provide comments by the date specified by the appropriate plan approval agency will not delay the approval of the stormwater management and sediment control plans by the appropriate plan approval agency.

- (i) All stormwater management and sediment control plans submitted to the appropriate plan approval agency for approval shall be certified by a designer. The following disciplines may certify and stamp/seal plans as allowed by their respective licensing act and regulations:
  - (1) Registered professional engineers as described in S.C. Code 1976, § 40-22-10 et seq.
  - (2) Registered landscape architects as described in S.C. Code 1976, § 40-28-10(B).
  - (3) Tier B land surveyor as described in S.C. Code 1976, § 40-22-10 et seq.
- (j) Pursuant to S.C. Code 1976, § 40-22-280, stormwater management and sediment control plans may also be prepared by employees of the federal government and submitted by the person responsible for the land disturbing activity to the appropriate plan approval agency for approval.
- (k) This article does not prohibit other disciplines or certified professionals, including, but not limited to, certified professional erosion and sediment control specialists, which have appropriate background and experience from taking active roles in the preparation of the plan and design process. All stormwater plans and specifications submitted to the appropriate plan approval agency for approval shall be stamped/sealed by those listed in subsection (i) of this section or prepared by employees of the federal government under subsection (j) of this section.
- (l) Approved plans remain valid for three years from the date of an approval. Extensions or renewals of the plan approvals may be granted by the appropriate plan approval agency upon approval of an updated application by the person responsible for the land disturbing activity. If changes to the original SWPPP are not needed, only a completed application form and the appropriate application fee are required.
- (m) The applicant must notify the appropriate plan approval agency prior to commencement of any land disturbing activity or construction under an approved plan.

(Code 2000, § 38-522; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Sec. 24-788. - Fee schedule.

The application for a stormwater management and sediment control permit to disturb land in the county shall be accompanied by nonrefundable fees. The stormwater management department shall establish a fee schedule, located in the appendix of the county stormwater design manual, subject to county council approval according to the following criteria:

- (1) Fee for all land disturbing activity requiring the submission of a stormwater management and sediment control plan. An application fee of a set dollar amount consisting of a base fee plus a fee per disturbed acre up to a maximum application fee for any application submitted. No application fee will be charged for land disturbing activities which disturb less than one acre and are not part of a LCP.
- (2) Additional fee for all applications requesting a waiver or variance from the requirements of this article will be assessed.
- (3) The fees above do not include any fee charged separately by DHEC to issue the NPDES permit for all construction activities one acre or larger.
- (4) The appropriate application fee will be charged for extensions or renewals of a stormwater management and sediment control permit.
- (5) A maintenance fee may be required on approvals granted for stormwater management structures that will be maintained by the county.
- (6) Excessive resubmittals (more than two resubmittals) will be charged additional fees for each resubmittal.
- (7) A fee for major changes (as defined in the county stormwater design manual) to stormwater management and sediment control plans will be established.

- (8) A compliance inspection fee will be assessed prior to conducting an inspection following the issuance of a notice to comply where site activities were requested to cease and desist.

(Code 2000, § 38-523; Ord. No. 2014-020, § 1(exh. A), 6-17-2014; [Ord. No. 2016-022](#), § 1, 8-9-2016)

Sec. 24-789. - Waivers.

- (a) Waivers may be granted from the stormwater management requirements of this article for individual land disturbing activities provided that a written request is submitted by the applicant to the appropriate plan approval agency containing descriptions, drawings and any other information that is necessary to evaluate the proposed land disturbing activity. A separate written waiver request shall be required if there are subsequent additions, extensions or modifications which would alter the approved stormwater runoff characteristics to a land disturbing activity receiving a waiver.
- (b) A project may be eligible for a waiver of stormwater management for both quantitative and qualitative control if the applicant can demonstrate that the proposed project will return the disturbed area to a pre-development runoff condition and the pre-development land use is unchanged at the conclusion of the project.
- (c) A project may be eligible for a waiver of stormwater management for water quality control if the applicant can demonstrate that:
  - (1) The proposed project will have no significant adverse impact on any receiving natural waterway or downstream properties; or
  - (2) The imposition of peak control requirements for rates of stormwater runoff would aggravate downstream flooding.
- (d) The appropriate plan approval agency will conduct its review of the request for waiver within 20 working days. Failure of the appropriate plan approval agency to act by the end of the 20-working-day period will result in the automatic approval of the waiver.

(Code 2000, § 38-524; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Sec. 24-790. - Variances.

The appropriate plan approval agency may grant a written variance from any requirement of this article if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of this article will result in unnecessary hardship and not fulfill the intent of this article. A written request for a variance shall be provided to the appropriate plan approval agency and shall state the specific variances sought and the reasons with supporting data for their granting. The appropriate plan approval agency shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided by the applicant. The appropriate plan approval agency will conduct its review of the request for the variance within 20 working days. Failure of the appropriate plan approval agency to act by the end of the 20-working-day period will result in the automatic approval of the variance.

(Code 2000, § 38-525; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Sec. 24-791. - Appeals and administrative hearings.

Appeals from the decisions made by the county public works division, stormwater management department under this article shall be heard by the county land use board of appeals and shall be subject to the procedures set forth in sections 24-56 and 24-57.

(Code 2000, § 38-526; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Sec. 24-792. - Inspection and enforcement.

- (a) The person responsible for the land disturbing activity shall notify the appropriate plan approval agency before initiation of a land disturbing activity and upon project completion related to that land disturbing activity so a final inspection can be conducted to ensure compliance with the approved stormwater management and sediment control plan.
- (b)
  - (1) Inspections shall be conducted by qualified personnel. For projects that disturb more than two acres, the term "qualified personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.
  - (2) This person must be either the preparer of the SWPPP or an individual who is under the direct supervision of the preparer of the approved SWPPP and who meets the requirements in this subsection or an individual who has been certified through a construction site inspector certification course that has been approved by DHEC.
  - (3) Inspections may also be conducted by a person with a registration equivalent to the registration of the preparer of the SWPPP and who meets the qualifications of this subsection or an individual who is under the direct supervision of the person with an equivalent registration and who meets the requirements in this subsection.
  - (4) For projects that disturb two acres or less, the permittee or his designee may perform these inspections provided the preparer of the SWPPP or someone with a registration equivalent to that of the preparer of the SWPPP explains the SWPPP including implementation along with the inspection requirements to the person who will be conducting the inspections.
  - (5) Additional specific requirements for construction inspection are included in the county stormwater design manual. Copies of this document can be obtained from county public works division, stormwater management department.
- (c) In order to implement its responsibilities as an SMS4 and to comply with the terms and conditions of the NPDES permit, the county, through its duly designated employees and officials, may enter private property to perform the following:
  - (1) Inspection of the county's storm sewer system for purposes consistent with its obligations under the NPDES permit, including, but not limited to, outfall identification, mapping, and detection of illicit discharges.
  - (2) Installation of monitoring stations and collection of water quality data.
  - (3) Inspection of construction activities to ascertain compliance with approved stormwater management and sediment control plans as described in this article.
  - (4) Within 30 days of completion of construction, conduct a post-construction inspection to verify that BMPs have been installed per the approved stormwater management and sediment control plan.
- (d) The appropriate plan approval agency shall, for inspection purposes, do all of the following:
  - (1) Diligently attempt to ensure that the approved stormwater management and sediment control plan ("approved plan") is located on the project site and is being complied with by the person(s) responsible for the land disturbing activity.
  - (2) Diligently attempt to ensure that every active site is inspected for compliance with the approved plan on a regular basis.

- (3) Diligently attempt to provide the person responsible for the land disturbing activity with a written report after every inspection.
- (4) Diligently attempt to notify the person responsible for the land disturbing activity in writing when violations are observed.
- (e) The appropriate plan approval agency may require a revision to the approved plan as necessary due to changes in or newly discovered site conditions. The appropriate plan approval agency shall establish guidelines to facilitate the processing of revised plans where field conditions necessitate plan modification. Where changes to the approved plan are necessary, those changes shall be in accordance with the following:
  - (1) Major changes (as defined in the county stormwater design manual) to the approved stormwater management and sediment control plans must be submitted to the appropriate plan approval agency for review and receive approval prior to implementing any of the changes.
  - (2) Minor changes (as defined in the county stormwater design manual) to stormwater management and sediment control plans may be made without the appropriate plan approval agency's approval and documented on the field inspection report and on-site stormwater pollution prevention plan (OS-SWPPP) by the person responsible for the land disturbing activity, their representative or the appropriate inspection agency.
- (f) Stormwater management on construction sites may be inspected at any time without notice. The inspector shall present proper credentials upon reasonable request by the person responsible for the land disturbing activity.
- (g) The appropriate plan approval agency may, in addition to local enforcement options, refer a site to DHEC for review.
- (h) Referral of a site to DHEC may initiate a construction inspection of the site to verify site conditions. That construction inspection may result in the following actions by DHEC:
  - (1) Notification through appropriate means to the person engaged in a land disturbing activity to comply with the approved plan within a specified timeframe; and
  - (2) Notification of plan inadequacy, with a timeframe for the person engaged in the land disturbing activity to submit a revised plan to the appropriate plan approval agency and to receive its approval with respect thereto.
- (i) Failure of the person engaged in the land disturbing activity to comply with DHEC requirements may result in other penalties as provided in S.C. Code 1976, § 48-14-10 et seq., in addition to such penalties as may be imposed by the county under this article.
  - (1) The appropriate plan approval agency shall have the power to request any person violating any provision of S.C. Code 1976, § 48-14-10 et seq., or this article to cease and desist from any site work activity other than those actions necessary to achieve compliance with any administrative order.
  - (2) The appropriate plan approval agency may refrain from issuing any further land use or stormwater management permits to any person having outstanding violations until those violations have been remedied and accepted by the appropriate plan approval agency.
  - (3) The appropriate plan approval agency may levy fines or recommend that fines be levied by DHEC.
- (j) The appropriate plan approval agency may utilize stop-work orders as a part of its inspection and enforcement program, and in doing so the following procedure shall be followed:
  - (1) The appropriate plan approval agency may issue a stop-work order if it is found that a land disturbing activity is being conducted in violation of this article or of any regulation adopted or order issued pursuant to this article, and that either:



- a. Off-site sedimentation, or the imminent threat thereof, resulting from noncompliance with the approved plan has impacted or degraded use of a lake or natural waterway or that such degradation is imminent.
  - b. Off-site sedimentation, or the imminent threat thereof, resulting from noncompliance with an approved plan has caused material damage to adjacent land or that there is an imminent threat of such damage being caused.
  - c. The land disturbing activity which requires an approved plan under this article is being conducted without the required approved plan.
- (2) The stop-work order shall be in writing and shall state what work is to be stopped and what measures are required to abate the violation. The order shall include a statement of the findings made by the appropriate plan approval agency and shall list the conditions under which work that has been stopped by the order may be resumed. The delivery of equipment and materials, which does not contribute to the violation, may continue while the stop-work order is in effect. A copy of this section may be attached to the stop-work order.
  - (3) The stop-work order shall be served by the county sheriffs department or by some other person duly authorized by law to serve process, and shall be served on a person responsible for the land disturbing activity. The sheriff or other person duly authorized by law to serve process shall post a copy of the stop-work order in a conspicuous place at the site of the land disturbing activity. The appropriate plan approval agency may also deliver a copy of the stop-work order to any person that the appropriate plan approval agency has reason to believe may be responsible for the violation.
  - (4) The directives of a stop-work order become effective upon service of the order. Thereafter, any person notified of the stop-work order who violates any of the directives set out in the stop-work order may be assessed a civil and/or a criminal penalty as provided in section 24-793. A stop-work order issued pursuant to this section may remain in force until all noncompliant issues are rectified in the sole discretion of the appropriate plan approval agency.
  - (5) The appropriate plan approval agency shall designate an employee to monitor compliance with the stop-work order. The name of the employee so designated shall be included in the stop-work order. The employee so designated shall rescind the stop-work order if all the violations for which the stop-work order is issued are corrected, no other violations have occurred and all measures necessary to abate the violations have been taken. The appropriate plan approval agency, through its designated employee, shall rescind a stop-work order that is issued in error.

(Code 2000, § 38-527; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

#### Sec. 24-793. - Penalties.

- (a) Any person who violates any provision of this article, or who initiates or continues a land disturbing activity for which a stormwater management and sediment control plan is required, except in accordance with the terms, conditions and provisions of an approved plan, is subject to a civil penalty of not more than \$1,000.00 for each violation. No civil penalty may be assessed and no prosecution for a misdemeanor may occur until the person alleged to be in violation has been notified of the violation. Each separate day of a continued violation constitutes a new violation for civil or criminal purposes once said party has been given notification of the violation as set forth above. In addition to any applicable civil penalties, any person who negligently, willfully, or intentionally violates any provision of this article shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Upon conviction, a person who violates this article may be fined not more than \$500.00 or confined for not more than 30 days for each offense.
- (b) The appropriate plan approval agency shall determine the amount of the civil penalty to be assessed under this section for violations under its jurisdiction. It shall make written demand for payment upon the person responsible for the violation and set forth in detail the violation for which the penalty has

been invoked. If payment is not received within 30 days after demand for payment is made, a civil action may be filed in the circuit court in the county to recover the amount of the penalty.

- (c) Where the county is fined and/or placed under a compliance schedule by the state or federal government for a violation(s) of its NPDES permit, and the county can identify the person(s) who caused such violation(s) to occur, the county may assess the penalty and cost of compliance against that person(s) as a civil penalty.
- (d) The county may institute injunctive, mandamus or other appropriate action or proceedings at law or equity, including criminal conviction, for the enforcement of this article or to correct violations of this article, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

(Code 2000, § 38-528; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Secs. 24-794—24-824. - Reserved.

### DIVISION 3. - PLAN AND APPLICATION

Sec. 24-825. - Standards and requirements for preparation of stormwater management and sediment control plans.

- (a) All stormwater management and sediment control plan submittal requirements shall be included in the county stormwater management design manual and/or the sediment and erosion control plan review checklist for design professionals.
- (b) The appropriate plan approval agency shall require that plans and design reports be sealed by a qualified design professional and certified that the plans have been designed in accordance with this article and all other relevant and applicable sediment and stormwater laws and regulations.
- (c) The person responsible for the land disturbing activity shall submit as-built or record document plans for all plans that include any structural BMPs. In addition, the person responsible for the land disturbing activity is required to submit written certification from the professional engineer, landscape architect or Tier B land surveyor responsible for the field supervision of the land disturbing activity that the land disturbing activity was accomplished in substantial accordance with the approved stormwater management and sediment control plan.
- (d) Additional information necessary for a complete project review may be required by the appropriate plan approval agency as deemed appropriate. This additional information may include items such as location of public sewers, water lines, septic fields, wells, etc.
- (e) The county stormwater design manual, DHEC stormwater BMP handbook, and BMP field manual include a list of acceptable BMPs, including their specific design performance criteria and operation and maintenance requirements for each stormwater practice. Copies of these documents can be obtained through the county stormwater management office, local DHEC office or can be downloaded from the stormwater section of the county and DHEC's website.
- (f) Specific county requirements, erosion and sediment control BMPs and post-construction water quality BMPs used in the stormwater management and sediment control plan are included in the county stormwater design manual.

(Code 2000, § 38-530; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Secs. 24-826—24-843. - Reserved.

### DIVISION 4. - MAINTENANCE REQUIREMENTS AND OFF-SITE DAMAGE CORRECTION

Sec. 24-844. - Permanent stormwater maintenance requirements.

- (a) The person responsible for permanent maintenance of all completed stormwater management practices shall perform or cause to be performed preventive maintenance to ensure proper functioning.
- (b) Where permanent stormwater BMPs are employed, the person(s) or organization(s) responsible for maintenance shall execute a permanent stormwater management maintenance agreement to ensure proper maintenance of BMPs in accordance with their approved plan. The maintenance agreement shall also specify responsibilities for financing permanent maintenance with options that may include:
  - (1) The property owner;
  - (2) A homeowners' association, provided that provisions for financing necessary permanent maintenance are included in deed restrictions or other contractual agreements; or
  - (3) Other financing mechanisms acceptable to the county.
- (c) The appropriate plan approval agency and any other permitting authority must be notified in writing of any changes in maintenance responsibility for the stormwater BMPs at the site. This requirement shall be included in the maintenance agreement.
- (d) In order to implement its responsibilities as an SMS4 and to comply with the terms and conditions of the NPDES permit, the county, through its duly designated employees and officials, may enter private property to perform periodic post-construction inspections:
  - (1) Inspections ensure that all post-construction stormwater BMPs are operating correctly and are being maintained as required consistent with the applicable permanent stormwater management maintenance agreement.
  - (2) Conduct inspections of each project site with post-construction stormwater BMPs at least one time during the permit term.
  - (3) Document inspection findings in an inspection report, maintain records of inspection findings and enforcement actions, and make them available for review.
- (e) The appropriate plan approval agency shall provide procedures to attempt to ensure that deficiencies indicated by inspections are rectified. The procedures shall include the following:
  - (1) Notification to the person responsible for maintenance of deficiencies, including a timeframe for repairs;
  - (2) Subsequent inspection to ensure completion of repairs; and
  - (3) If repairs are not undertaken or not performed properly, the person responsible may be assessed a civil and/or a criminal penalty as provided in section 24-793 and/or referred to SCDHEC.

(Code 2000, § 38-540; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Sec. 24-845. - Off-site damage correction.

- (a) The following criteria shall be used by the appropriate plan approval agency in evaluating and remedying off-site damages resulting from the land disturbing activity:
  - (1) Determine the extent of damage by sediment resulting from the land disturbing activity;
  - (2) Determine the classification of the impaired waterbody, if any;
  - (3) Determine the impact and severity of the damage resulting from noncompliance with or lack of an approved stormwater management and sediment control plan;
  - (4) Attempt to develop an agreement between the affected landowner(s) and the owner/custodian of the property causing the damage for cleanup and corrections, including a schedule of implementation;

- (5) Evaluate the alternatives for correction of the damage and prevention of future damage.
- (b) The unreasonable failure of the owner/custodian of the property that is causing the damage to implement the agreement with the affected landowner will constitute a violation of this article.
- (c) In cases of flooding where the appropriate plan approval agency has determined the cause of flooding issues in an area are due to, but not limited to, silted detention or retention basins, clogged ditches, inlet basins, culverts, and the cause of said impaired BMPs is due to improper maintenance, neglect, or intentional compromising of affected BMPs, the appropriate plan approval agency will send notice to the owner/custodian of property that is causing the flooding stating the problem and including potential solutions to correct the problem. The notice shall set forth a deadline with which remediation of the problem must be completed. Said notice shall further advise that, should the owner fail to remedy the situation within the allotted timeframe, the appropriate plan approval agency, at its discretion, may perform the work or contract the work out to be performed, and the expense thereof shall be charged to the owner. In performing the work, the appropriate plan approval agency would not assume future responsibilities of ensuring proper maintenance and operation of said BMP.

(Code 2000, § 38-540; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Secs. 24-846—24-868. - Reserved.

#### DIVISION 5. - ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

Sec. 24-869. - Applicability.

This division shall apply to all non-stormwater discharges entering the county small separate storm sewer systems (SMS4) unless explicitly exempted by this division.

(Code 2000, § 38-550; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Sec. 24-870. - Administration.

The county public works division, stormwater management department shall administer and implement the provisions of this division. Other duly authorized officers of the county may also enforce provisions of this article.

(Code 2000, § 38-551; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Sec. 24-871. - Discharge prohibitions.

(a) *Prohibition of illegal discharges.*

- (1) No person shall discharge or cause to be discharged into the SMS4 any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
- (2) This prohibition includes spillage or leakage of leachate during transport from all vehicles used to collect and/or transport municipal solid wastes into the SMS4.
- (3) The commencement, conduct or continuance of any illegal discharge to the SMS4 is prohibited except as follows (if considered non-significant contributors of pollutants):
  - a. Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(2)) to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl

space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated, typically less than one part per million chlorine), firefighting activities, street wash water, and any other water source not containing pollutants.

- b. Discharges specified in writing by DHEC or the United States Environmental Protection Agency (EPA) as being necessary to protect public health and safety.
- c. Dye testing is an allowable discharge, but requires a verbal notification to the appropriate plan approval agency ten days prior to the event.
- d. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge into the storm drain system.

(b) *Prohibition of illicit connections.*

- (1) The construction, use, maintenance, or continued existence of illicit connections to the SMS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable at the time of connection.
- (3) A person is considered to be in violation of this division if the person connects to a line conveying wastewater or any other non-stormwater discharge to the SMS4, or allows such connection to continue.

(Code 2000, § 38-552; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Sec. 24-872. - Exemptions.

The following activities are exempt from the provisions of this division:

- (1) Construction or improvement of single-family residences or their accessory buildings which are separately built and not part of multi-housing construction of a subdivision development and, further, which are anticipated to disturb an area of less than one acre.
- (2) Land disturbing activities on agricultural land for production of plants and animals useful to man, including, but not limited to, forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of these animals; bees and dairy products; fur animals and aquaculture, except that the construction of an agricultural structure of one or more acres, such as broiler houses, machine sheds, repair shops, and other major buildings and which require the issuance of a building permit shall require the submittal and approval of a stormwater management and sediment control plan prior to the start of the land disturbing activity pursuant to S.C. Code 1976, § 48-14-40(A), as amended.
- (3) Activities undertaken by persons who are otherwise regulated by the provisions of chapter 20, title 48 of the South Carolina Code of Laws (S.C. Code 1976, title 48, chapter 20, as amended), the South Carolina Mining Act.
- (4) Certain land disturbing activities undertaken by persons who are exempt from the provisions of the Storm Water Management and Sediment Reduction Act as set forth in S.C. Code 1976, § 48-14-60(F), as amended.
- (5) Discharges of dredged or fill material into waters of the United States which are regulated under section 404 of the Clean Water Act (CWA).

- (6) Any introduction of pollutants from nonpoint source agricultural and silvicultural activities, including stormwater runoff from orchards, cultivated crops, pastures, range lands, and forest lands, discharges from concentrated animal feeding operations, discharges from concentrated aquatic animal production facilities, discharges to aquaculture projects, and discharges from silvicultural point sources are not exempt.

(Code 2000, § 38-527; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Sec. 24-873. - Suspension of SMS4 access.

- (a) The appropriate plan approval agency may, without prior notice, suspend SMS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health and welfare or persons, or to the SMS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the appropriate plan approval agency may take such steps as deemed necessary to prevent or minimize damage to the SMS4 or waters of the United States, or to minimize danger to persons.
- (b) Any person discharging to the SMS4 in violation of this article may have their SMS4 access terminated if such termination would abate or reduce an illicit discharge.

(Code 2000, § 38-554; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Sec. 24-874. - Unauthorized connection.

It shall be unlawful for any person to make any connection to the SMS4 without written permission, or to reconnect access when it has been suspended or terminated due to an illicit discharge without the prior approval of the appropriate plan approval agency.

(Code 2000, § 38-555; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Sec. 24-875. - Litter and refuse control.

- (a) It shall be the duty of the property owner to keep piles of leaves out of any gutter, inlet, catchbasin or ditch.
- (b) It shall be unlawful to place yard waste into any storm drain, stream, or conveyance where concentrated stormwater flows will wash such wastes into the SMS4.

(Code 2000, § 38-556; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Sec. 24-876. - Monitoring of discharges.

This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity, or in the investigation of an illicit connection to the SMS4.

- (1) The appropriate plan approval agency or its designated official shall be permitted to enter and inspect facilities subject to regulations under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the appropriate plan approval agency.

- (2) Facility operators shall allow the appropriate plan approval agency ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- (3) The appropriate plan approval agency shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the appropriate plan approval agency to conduct monitoring and/or sampling of the facilities stormwater discharge.
- (4) The appropriate plan approval agency has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure its accuracy.
- (5) If the appropriate plan approval agency has been refused access to any part of the premises from which stormwater is discharged, and it is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the county may seek issuance of a search warrant from any court of competent jurisdiction or refer the case to DHEC.

(Code 2000, § 38-557; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Sec. 24-877. - Notification of spills.

- (a) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected releases of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the SMS4, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release, and in the addition to other notification requirements, the person shall notify the appropriate plan approval agency in person, by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the county's public works division, stormwater management department within three business days of the original notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.
- (b) For facilities that operate under existing NPDES permits for stormwater discharge, spill reporting shall be made to the permitting authority in accordance with the permit. The appropriate plan approval agency shall be provided with copies of any written notification required by the NPDES permitting authority.

(Code 2000, § 38-558; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

Sec. 24-878. - Enforcement.

- (a) Whenever the appropriate plan approval agency finds that a person has violated a prohibition or failed to meet a requirement of this division, the appropriate plan approval agency may order compliance by written notice violation to the responsible person. Such notice may require, without limitation:
  - (1) The elimination of illicit connections or discharges in a timeframe consistent with the procedures outlined in the SWMP;
  - (2) That violating discharges, practices or operations shall cease and desist;

- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- (4) The implementation of source control or treatment BMPs.
- (b) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the appropriate plan approval agency or a contractor will do the work and the expense thereof shall be charged to the violator.

(Code 2000, § 38-559; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

#### Sec. 24-879. - Penalties.

Any person found to be in violation of the prohibition of illicit discharges that fails to comply with a compliance directive issued by the appropriate plan approval agency and referenced in the previous section shall be subject to any and all applicable penalties as set forth in section 24-793. Each day in violation of the provisions shall constitute a separate and distinct offense. The penalties shall be in addition to the remedial process provided for in this division.

(Code 2000, § 38-560; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

#### Sec. 24-880. - Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

(Code 2000, § 38-561; Ord. No. 2014-020, § 1(exh. A), 6-17-2014)

#### Secs. 24-881—24-908. - Reserved.

### ARTICLE VI. - ROAD STANDARDS

#### DIVISION 1. - GENERALLY

#### Sec. 24-909. - Applicability and territorial limits.

The provisions of this article are applicable to all roads, whether public or private, constructed within any unincorporated area of the county.

(Code 2000, § 38-601; Ord. No. 03-007, § 1, 4-15-2003)

#### Sec. 24-910. - Road improvement, subdivider cost.

The subdivider shall be responsible for all costs of, or associated with, road construction within the subdivision.

(Code 2000, § 38-602; Ord. No. 03-007, § 1, 4-15-2003)

#### Sec. 24-911. - Road layout.



The road pattern shall meet the minimum design standards contained herein and all standards of the SCDOT Access and Roadside Management Standards, latest edition (the "SCDOT Access Standards") to allow for the safest and most advantageous development of both improved and unimproved adjacent areas. Where there is a conflict between any standard contained herein and the corresponding standard contained in the SCDOT Access Standards, the more restrictive standard shall apply.

(Code 2000, § 38-603; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-912. - Road names and signs.

- (a) Proposed road names shall not be similar phonetically, or by spelling, to any existing road names within the county and shall be in compliance with the provisions of chapter 40. Road names shall be submitted to the E 911 Addressing Office, the transportation division and the planning division for approval. In order for a new road to be considered for acceptance into the county road system, all road signs, including traffic signs and road name identification signs, shall be installed by the subdivider, at subdivider's sole expense, and approved by the county engineer at the time of the final grading inspection for the road; provided, however, that the county may accept unfinished roads into the county system by proper deed from the subdivider after approval of the final plat and proof that the appropriate bond or assignment has been procured as required in article III of this chapter, in which case, the county shall be responsible for all road signs. Design standards for all road signs shall conform to all permanent signing requirements contained in the South Carolina Department of Transportation ("SCDOT") Standard Specifications for Highway Construction Manual, latest edition (the "SCDOT Highway Construction Manual"). Sign placement shall conform to the requirements of the South Carolina Manual of Traffic Control Devices, latest edition.
- (b) Any person who shall willfully or maliciously damage, deface, remove or otherwise tamper with a sign erected by a subdivider or the county designating the name of any county road shall be guilty of a misdemeanor. In addition thereto, such persons shall be liable to the county for the costs incurred by the county as a result of said criminal acts.

(Code 2000, § 38-604; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-913. - Road access.

Roads shall be designed and located to provide access to all lots within any subdivision.

(Code 2000, § 38-605; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-914. - Topography.

The direction and pattern of the roads shall take advantage of the land contour to eliminate or reduce excessive cutting and filling, and provide roads with reasonable grades.

(Code 2000, § 38-606; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-915. - Types of roads.

The following terms shall have the meanings as defined herein for the purposes of these road standards:

- (1) *Arterial roads or primary roads*: See definition of arterial road contained in article II of this chapter.
- (2) *Collector roads or secondary roads*: See definition of collector road contained in article II of this chapter.

- (3) *Major and minor local roads or tertiary roads:* See definitions of major and minor local roads contained in article II of this chapter.
- (4) *Service roads:* A minor local road which is parallel and adjacent to higher classified thoroughfares and which serves to reduce the number of access points to those thoroughfares. This configuration creates a less restricted traffic flow and simultaneously promotes greater vehicular safety.
- (5) *Residential standard I:* A paved road with curb and gutter, providing access to residential lots only, designed to the dimensions and specifications evidenced on the cross section shown on appendix A (section 24-1107) incorporated herein by reference.
- (6) *Residential standard II:* A paved road without curb and gutter, providing access to residential lots only, designed to the dimensions and specifications evidenced on the cross section shown on appendix B (section 24-1108) incorporated herein by reference.
- (7) *Commercial standard I:* A paved road with curb and gutter, providing access to any commercial or industrial property(ies) designed to the dimensions and specifications evidenced on the cross section shown on appendix C (section 24-1109) incorporated herein by reference.
- (8) *Commercial standard II:* A paved road with valley gutter, providing access to any commercial or industrial property(ies) designed to the dimensions and specifications evidenced on the cross section shown on appendix D (section 24-1110) incorporated herein by reference.

(Code 2000, § 38-607; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-916. - Platted connecting roads.

Wherever there exists a dedicated or platted portion of a road connecting to a proposed subdivision road, the subdivision road shall be platted to the width of the dedicated or platted portion of the platted road, or to the minimum required width under these regulations, whichever is greater.

(Code 2000, § 38-608; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-917. - Existing connecting roads.

Proposed roads that are to be connected with existing roads shall be constructed at the same width as the existing road, or to the minimum required width under these regulations, whichever is greater.

(Code 2000, § 38-609; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-918. - Intersecting roads.

At no time shall more than two roads intersect at the same point.

(Code 2000, § 38-610; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-919. - Sight distances.

A sight easement shall be reserved and dedicated to the county at every new intersection of roads, the dimensions of which shall be determined as set forth on appendix E (section 24-1111).

(Code 2000, § 38-611; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-920. - Road specifications generally.

- (a) Except as otherwise required herein, all construction materials and methods used in road construction shall meet or exceed the minimum standards as set forth in the SCDOT Highway Construction Manual. The county reserves the right to reject any work or materials that do not meet these standards. If, upon inspection, the county engineer finds that any work or materials do not meet these standards, the subdivider's contractor shall remove, replace or repair the work or materials such that these standards are met before the next phase of work may continue.
- (b) In order to attempt to ensure the highest quality of road construction, all contractors performing road construction related activities on any new or existing roadway in the county, including, but not limited to, clearing, grading, piping, paving, and concrete work, shall provide the county, prior to initiating any work, a copy of the applicable contractor or specialty contractor license to perform said work and shall be in good standing with the department of labor, licensing, and regulation ("LLR"). The county shall have the right to verify the licensing status of all such contractors and shall have the right to reject any or all work performed by an unlicensed contractor.

(Code 2000, § 38-612; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-921. - Temperature and weather restrictions on asphalt paving work.

No asphalt surfacing work shall be performed on a wet surface, or when the temperature is below 55 degrees Fahrenheit in the shade and falling or below 45 degrees Fahrenheit in the shade and rising, or when weather conditions are otherwise unfavorable under industry standards.

(Code 2000, § 38-613; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-922. - Sidewalks.

When a subdivider plans on placing sidewalks within a subdivision, the location and widths of the sidewalks shall be shown on any and all plats and must be approved by the county engineer prior to construction. Sidewalk dimensions and construction shall meet all requirements for sidewalks contained in the SCDOT Highway Construction Manual.

(Code 2000, § 38-614; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-923. - Performance bond or assignment.

The subdivider shall provide the county with a performance bond or assignment as required in article III of this chapter, if road construction is not completed to the satisfaction of the county prior to filing a final plat of the subdivision.

(Code 2000, § 38-615; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-924. - Road repairs; encroachment permits.

- (a) All persons desiring to excavate within, encroach upon, or in any other way alter a county-maintained road and/or right-of-way, shall notify the county engineer and submit to the county transportation division an application for an encroachment permit, together with required fees and security, as determined periodically by county council, at least 48 hours prior to initiating such work. A schedule of required fees and security shall be available for review from the county transportation division.

- (b) Upon completion of the permitted activity, the applicant shall restore the county-maintained road and/or right-of-way to its original condition, ensuring that all repairs conform to the requirements contained in the SCDOT Standard Specifications for Highway Construction Manual. Eighteen months after the permitted activity, the security shall be returned to the applicant, provided the county engineer, upon final inspection, approves the repair. If the county engineer deems the repair to be unacceptable, the security shall be retained by the county and used to properly repair and restore the road and/or right-of-way to its original condition. Once the road and/or right-of-way has been properly repaired, any excess security will be returned to the applicant.
- (c) Failure to comply with any of the requirements of this section constitutes a misdemeanor and shall be punishable in accordance with section 1-7. After written notification of a violation is provided, each day the violation is not remedied shall constitute a separate violation.

(Code 2000, § 38-616; Ord. No. 03-007, § 1, 4-15-2003)

Secs. 24-925—24-951. - Reserved.

## DIVISION 2. - RESIDENTIAL ROAD STANDARDS

### Sec. 24-952. - Road off-set.

When two roads (the "intersecting roads") intersect a third road, other than at a common point, the centerlines of the intersecting roads shall be separated by at least 125 feet (see appendix E-1 (section 24-1112)).

(Code 2000, § 38-622; Ord. No. 03-007, § 1, 4-15-2003)

### Sec. 24-953. - Intersections.

Roads shall intersect other roads at as near to a 90-degree angle as topography and other conditions permit. Intersections with arterial or collector highways shall have a minimum angle of 70 degrees (see appendix E-2 (section 24-1113)).

(Code 2000, § 38-623; Ord. No. 03-007, § 1, 4-15-2003)

### Sec. 24-954. - Culs-de-sac.

Roads designed to be permanently closed at one end shall not serve as access to more than 30 residential lots and shall be terminated by a circular right-of-way of not less than a 50-foot radius (standard I or standard II) from the center point of the circular right-of-way and a paved radius of not less than 35 feet from said center point (see appendix F (section 24-1114)).

(Code 2000, § 38-624; Ord. No. 03-007, § 1, 4-15-2003)

### Sec. 24-955. - Right-of-way and road widths.

- (a) The following are the required rights-of-way and minimum road widths allowable:

<i>Arterial roads</i>	
Right-of-way	75 to 120 feet (as determined by the county engineer)

Road widths	As determined by the county engineer
<i>Collector roads</i>	
Right-of-way	66 feet
Road widths	24 feet
<i>Major local and/or service roads</i>	
Right-of-way	50 feet (standard I)/50 feet (with eight-foot drainage easements) (standard II)
Road widths	22 feet (standard I or II) (see appendix A and B (sections 24-1107 and 24-1108))
<i>Minor local and/or service roads</i>	
Right-of-way	50 feet (standard I)/50 feet (with eight-foot drainage easements) (standard II)
Road widths	20 feet (standard I or II) (see appendix A and B (sections 24-1107 and 24-1108))

- (b) No road shall have a positive or negative grade less than one-half percent or greater than 12 percent. The following is a list of maximum grades for the different types of roads:

<i>Type</i>	<i>Maximum Grade</i>
Arterial roads	4
Collector roads	6
Local and/or service roads	12

- (c) In the event current American Association of State Highway and Transportation Officials ("AASHTO") Safe Stopping Sight Distance requirements based on vehicle speeds require lesser grades than the maximum grades listed above, the more restrictive requirement shall be enforced.

(Code 2000, § 38-626; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-956. - Horizontal (circular) curves.

Where a deflection angle of more than ten degrees in the alignment of the road occurs, the right-of-way shall be curved (see appendix G (section 24-1115)). The minimum horizontal radius of curvature at the centerline of a proposed road right-of-way shall not be less than the following:

Arterial roads	800 feet
Collector roads	300 feet
Local and/or service roads	150 feet

(Code 2000, § 38-627; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-957. - Vertical (crest/sag) curves.

Changes in vertical grade shall be connected by vertical curves of a minimum length equal to or exceeding 25 times the sum of both approaching grades stated in percent of grades. (Example: A five percent grade upward meeting a four percent grade downward requires a vertical curve length of  $9 \times 25 = 225$  feet) (see appendix H (section 24-1116)).

(Code 2000, § 38-628; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-958. - Reverse curves.

All reverse curves, commonly known as "S curves" (see appendix I (section 24-1117)), shall have the following minimum tangential distances between curves:

Arterial roads	200 feet
Collector roads	150 feet
Local and/or service roads	100 feet

(Code 2000, § 38-629; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-959. - Road improvements generally.

All residential road design and construction within the county shall meet or exceed the minimum standards of the SCDOT Highway Construction Manual and the SCDOT Standard Drawings for Road Construction, latest edition. The subdivider has the option of utilizing either residential standard I or II for road improvement when subdividing land within the county (see appendix A and B (sections 24-1107 and 24-1108)). Notwithstanding the foregoing, roads providing access to any lot with an area of 25,000 square feet or less shall be constructed to standard I requirements only. Before approval of the final plat, either all road improvements shall be completed to the satisfaction of the county engineer or the proper bond or assignment shall be filed pursuant to article III of this chapter.

(Code 2000, § 38-630; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-960. - Drainage.

- (a) In any subdivision, drainage issues must be evaluated early in the development process. Surface run-off shall be controlled such that property within the subdivision, as well as all adjoining property, is reasonably protected from damage and excessive maintenance costs.
- (b) An adequate surface water drainage system, including, where necessary, open ditches, pipes, culverts, catchbasins, cross drains and head walls, shall be designed and installed, subject to inspection and approval by the county engineer. The drainage system shall provide for removal of surface water from all street curbs, swales and ditches, in accordance to sections 24-961 through 24-964, and shall direct the surface water to locations where the water shall have the least detrimental impact upon the value and use of the properties receiving the water. All final plats of subdivisions shall establish drainage easements along lot lines as required in article III of this chapter.
- (c) In any subdivision, all federal and state requirements regarding setbacks or buffer zones from rivers, streams, and creeks shall be complied with by the subdivider.
- (d) Minimum driveway pipe size shall be 15 inches internal diameter for all driveway culverts and all pipes shall be made of reinforced concrete or a material approved by the South Carolina Department of Transportation (SCDOT) provided it can be installed to SCDOT specifications with tapered ends.

(Code 2000, § 38-631; Ord. No. 03-007, § 1, 4-15-2003; [Ord. No. 2021-011](#), § 1, 3-16-2021)

Sec. 24-961. - Storm drains, open channels.

The minimum cross sectional area of any open channel used as a storm drain along a roadway shall be determined using Manning's Equation:

Q =	$[1.486]R^{2/3}S^{1/2}A$
	n

and the rational method of calculating peak rates of run-off ( $Q=CiA$ ) using a ten-year rainfall return frequency for a 24-hour storm duration as being equal to 5.9 inches for the county. Use of the rational method shall be limited to drainage areas containing less than 200 acres and rainfall shall be modified according to times of concentration. Larger drainage areas exceeding 200 acres shall be analyzed using the U.S. Department of Agriculture, Soil Conservation Service TR-55 method using curve numbers for hydrologic soil group B. All ditch line runoff shall be controlled such that no pipe with an internal diameter greater than 18 inches shall be required to handle the flow. All constructed channels shall be uniform in cross section and fully grassed, including any berms, dikes, and spoil areas along the sides of the channels. The calculated wetted perimeter of the channels cross-section may be rip-rapped, with the remaining disturbed area temporarily mulched if permanent grassing cannot be established due to weather, season, excessive channel velocities, etc. If a good planting or permanent grassing cannot be established, the subdivider shall sign an agreement acknowledging responsibility for the channels until such time as they are accepted by the county engineer. The limiting velocities for grassed channels are as follows (per Ree, 1949 for easily eroded soils):

<i>Cover</i>	<i>Slope Percentage</i>	<i>Permissible Velocity (FPS)</i>
Bermuda grass	0—5	6
	5—10	5
	Over 10	4
Buffalo grass, Kentucky blue grass, Smooth brome, blue gama, and fescue	0—5	5
	5—10	4
	Over 10	3
Lespedeza sericea, Weeping lovegrass, alfalfa, and crabgrass	0—5	2.5
	Not recommended for slopes over 5 percent	

Run-off coefficient guidelines for use in the rational equation are as follows:

<i>Surface</i>	<i>Minimum</i>	<i>Maximum</i>
Concrete or asphalt	0.90	1.00
Bituminous	0.70	0.90
Gravel	0.25	0.70
Sand	0.10	0.40
Clay	0.20	0.60
Loam	0.10	0.45

<i>Composite Area</i>	<i>Minimum</i>	<i>Maximum</i>



City, central business	0.75	0.95
City, business area	0.60	0.75
Suburban residential	0.35	0.55
Parks, golf courses, etc.	0.10	0.35
Rural areas	0.10	0.25

Roughness coefficient for rip-rapped open channels shall be  $n = 0.035$ .

Roughness coefficient for grass lined open channels shall be  $n = 0.025$ .

(Code 2000, § 38-632; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-962. - Enclosed drainage system—Catchbasins.

Catchbasins shall be required along any standard I roadway to receive surface drainage from roadside gutters or swales into piped or open ditch storm drains. Basins shall be properly sized to handle anticipated waterflow and spaced along the path of flow at intervals determined using Federal Highway Administration Hydraulic Engineering Circular No. 22 design analysis with a maximum gutter flow depth of 2½ inches, and as necessary to adequately receive the discharges from the up-stream drainage area. Standard manholes and covers, inside steps and gutter gratings, shall be installed where required for catchbasins with depths equal to or exceeding 4½ feet. All catchbasin floors shall be poured and sloped to provide positive drainage. The required design specifications for catchbasins are available from the county engineer and/or the current SCDOT Highway Construction Manual and SCDOT Standard Drawings for Road Construction, latest edition.

(Code 2000, § 38-633; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-963. - Enclosed drainage systems—Pipes.

- (a) Minimum pipe size for any storm drain pipe shall be 15 inches of internal diameter. All pipeline materials shall be subject to approval of the county engineer. Only reinforced concrete pipe or a material approved by the South Carolina Department of Transportation (SCDOT) provided it can be installed to DOT specifications shall be used within road rights-of-way. All pipelines shall be constructed in accordance with applicable sections of the SCDOT Highway Construction Manual.
- (b) The required pipe sizes shall be determined using Manning's Equation for pipes flowing full or partially full:

Q =	$[1.486]R^{2/3}S^{1/2}A$
	n

- (c) Pipe velocities shall not exceed eight feet per second at the point of discharge onto earth surfaces unless energy dissipation is provided such as riprap or soil reinforcement linings for ditches or properly designed structural baffles approved by the county engineer. Minimum pipe velocities shall be two feet per second. Roughness coefficient (n) for use in Manning's Equation shall be as follows:

Reinforced concrete pipe — Use  $n = 0.013$

- (d) All required pipe capacities shall be determined using the rational method of calculating peak rates of run-off ( $Q=CiA$ ) using a ten-year rainfall return frequency for a 24-hour storm duration as being equal to 5.9 inches for the county. Run-off coefficient guidelines for use in the rational equation are as follows:

<i>Surface</i>	<i>Minimum</i>	<i>Maximum</i>
Concrete or asphalt	0.90	1.00
Bituminous	0.70	0.90
Gravel	0.25	0.70
Sand	0.10	0.40
Clay	0.20	0.60
Loam	0.10	0.45

<i>Composite Area</i>	<i>Minimum</i>	<i>Maximum</i>
City, central business	0.75	0.95
City, business area	0.60	0.75
Suburban residential	0.35	0.55
Parks, golf courses, etc.	0.10	0.35
Rural areas	0.10	0.25

(Code 2000, § 38-634; Ord. No. 03-007, § 1, 4-15-2003; [Ord. No. 2021-011](#), § 2, 3-16-2021)

Sec. 24-964. - Culverts beneath roads.

- (a) All culverts shall be designed to pass the peak rate of run-off from at least a 25-year rainfall return frequency for a 24-hour storm duration as being equal to 6.7 inches for the county. Peak rates of run-off shall be calculated using the rational equation ( $Q=CiA$ ). Use of the rational equation shall be limited to drainage areas containing less than 200 acres and rainfall shall be modified according to times of concentration. Larger drainage areas exceeding 200 acres shall be analyzed using the U.S.D.A. Soil Conservation Service TR-55 Method, using curve numbers for hydrologic soil group B. All culverts shall be designed using methods described in FHWA Hydraulic Engineering Circular No. 5.
- (b) All culverts shall be inspected and subject to approval by the county engineer. All culverts shall be installed in accordance with the SCDOT Highway Construction Manual. For culverts with internal diameters equal to or larger than three feet, the county engineer shall require special construction at the entrance and exits of the culvert such as headwalls, riprap, and debris guards.
- (c) Pipe underdrains in road rights-of-way shall be installed by the subdivider where needed, as determined by the county engineer.

(Code 2000, § 38-636; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-965. - Clearing and grubbing.

Before grading is started, the entire right-of-way area shall be cleared of all trees, stumps, roots, brush and other objectionable materials to the satisfaction of the county engineer.

(Code 2000, § 38-637; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-966. - Grading.

All tree stumps and significant vegetation shall be removed to a minimum depth of two feet below the subgrade. Any rock shall be removed to a minimum depth of three inches below subgrade. The entire right-of-way shall be graded to the satisfaction of the county engineer.

(Code 2000, § 38-638; Ord. No. 2002-029, 9-17-2002; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-967. - Curbing.

Where curbing is to be installed, only formed or slip-formed concrete curbing and gutters shall be constructed which shall meet all dimensional requirements of the applicable road standard shown on appendix A (section 24-1107).

(Code 2000, § 38-639; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-968. - Residential roadbed material specifications.

All residential roads shall be constructed to the following standards:

- (1) Four inches of gravel, covered by 2½ inches of type 1 asphalt binder, covered by and 1½ inches of type 3 asphalt surface mix or 3½ inches of asphalt type 1 binder, covered by two inches of type 3 asphalt surface mix (see appendix A and B (sections 24-1107 and 24-1108) for cross-sections and SCDOT Highway Construction Manual for definition of asphaltic materials). The surface mix may be added just before the final inspection described below.
- (2) All materials used in road construction, including sub-base, base and surface materials, shall meet all requirements of the SCDOT Highway Construction Manual.

(Code 2000, § 38-640; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-969. - Compaction and testing.

- (a) Compaction of subgrade and base courses shall conform to all relevant standards contained in the SCDOT Highway Construction Manual. All roadways shall be proof rolled to the satisfaction of the county engineer prior to stone and asphalt base installation and prior to paving the surface course. All asphalt products going into any road in the county shall be subject to inspection and analysis by the county through independent testing using the contractor's SCDOT Certified Lab, which must be made accessible to the county.
- (b) All embankments that exceed five feet in depth shall be tested by an independent testing firm after each 12-inch lift is compacted, to confirm 95 percent proctor compaction. Test results must be submitted to the county engineer prior to subgrade inspection.
- (c) All asphalt paving contractors and/or asphalt pavement mix suppliers performing work on or supplying materials for any road in the county shall submit to the county engineer's office a copy of their SCDOT Certified Laboratory Certificate and all SCDOT approved mix designs they plan on using within the county.

(Code 2000, § 38-641; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-970. - Inspections.

- (a) The county shall provide inspections upon the request of the subdivider. If additional work is performed prior to a mandatory inspection listed below, said work is done at the contractor's and subdivider's risk and may, at the discretion of the county engineer, be required to be removed and redone or have the quality substantiated by any tests deemed necessary all at the subdivider's sole expense.
- (b) The subdivider shall call for the following mandatory inspections:
  - (1) Clearing and grubbing/rough grading inspection, shall be performed at completion of clearing and grubbing operations.
  - (2) Storm drainage system inspection, shall be performed during installation of system.
  - (3) Subgrade, compaction and utility inspection, shall be performed prior to stone base or binder application. All utilities shall be installed at the time of this inspection. Diagrams of required utility placement for standard I and standard II roads are attached as appendix J and K (sections 24-1118 and 24-1119), respectively.
  - (4) Base inspection, shall be performed after stone base or binder application, and immediately preceding application of asphalt base.
  - (5) Surface course application inspection, shall be performed during application of surface course.
  - (6) Final (one-year) inspection, shall be performed 12 months after application of the asphalt base and only after surface course is applied. Approval of final inspection must be obtained by subdivider within 15 months after application of asphalt base or county shall pursue completion of the road through application against the bond or assignment securing subdivider's performance.
- (c) The subdivider's engineer shall be present at the following inspections:
  - (1) Clearing and grubbing/rough grading inspection.
  - (2) Subgrade, compaction and utility inspection.
  - (3) Final inspection.

- (d) The subdivider shall be responsible for paying all inspection fees as required in article III of this chapter.

(Code 2000, § 38-642; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-971. - Installation of crime watch signs.

Crime watch signs may be installed on the right-of-way of roads entering a community designated as a crime watch area under the following conditions:

- (1) Crime watch signs shall not contain any advertising or the name of any sponsor. All legends shall be germane to the crime watch program.
- (2) Crime watch signs shall not exceed three feet by four feet.
- (3) Applications for encroachment permits covering these signs shall be made to the county transportation division.
- (4) An application for encroachment permit shall be prepared showing the size and design of the signs, the quantity of signs to be installed and the general location of each proposed sign (a map should be attached to illustrate sign location) and the size and material used for supporting posts (posts should be frangible). The application also should contain a statement indicating that the applicant shall be responsible for installation and maintenance of signs to be installed.
- (5) After receiving the permit, the applicant or his designee shall review actual sites with the county engineer, or his or her designee, to stake the precise location for each sign as follows:
  - a. Each position is to be chosen so the crime watch sign shall not interfere with visibility of a traffic sign.
  - b. Lateral clearance shall be as great as possible to provide maximum safety while still allowing the sign to be visible to approaching motorists.
  - c. A minimum height of five feet (measured from edge of roadway to the bottom of sign) shall be maintained; provided, however, a minimum height of seven feet shall be maintained where pedestrians walk adjacent to the sign or where parking would block view of the sign.

(Code 2000, § 38-643; Ord. No. 03-007, § 1, 4-15-2003)

Secs. 24-972—24-1000. - Reserved.

DIVISION 3. - COMMERCIAL AND INDUSTRIAL ROAD STANDARDS

Sec. 24-1001. - Road off-set.

When two roads (the "intersecting roads") intersect a third road, other than at a common point, the centerlines of the intersecting roads shall be separated by at least 200 feet (see appendix E-1 (section 24-1112)).

(Code 2000, § 38-662; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1002. - Intersections.

Roads shall intersect other roads at as near to a 90-degree angle as topography and other conditions permit. Intersections with arterial or collector highways shall have a minimum angle of 80 degrees (see appendix E-2 (section 24-1113)).

(Code 2000, § 38-663; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1003. - Cul-de-sacs.

Roads designed to be permanently closed at one end shall not serve as access to more than 30 commercial lots and shall be terminated by a circular right-of-way of not less than a 66-foot radius from the center point of the circular right-of-way and a paved radius of not less than 50 feet from said center point (see appendix F (section 24-1114)).

(Code 2000, § 38-664; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1004. - Right-of-way and road widths.

The following are the required rights-of-way and minimum road widths allowable:

<i>Arterial roads</i>	
Right-of-way	75 to 120 feet (as determined by the county engineer)
Road widths	As determined by the county engineer
<i>Collector roads</i>	
Right-of-way	66 feet
Road widths	As determined by the county engineer
<i>Major local and/or service roads</i>	
Right-of-way	66 feet (commercial standard I)/ 66 feet (commercial standard II)
Road widths	24 feet (commercial standard I or II) (see appendix C and D (sections 24-1109 and 24-1110))
<i>Minor local and/or service roads</i>	
Right-of-way	50 feet (commercial standard I)/ 66 feet (commercial standard II)
Road widths	24 feet (commercial standard I or II) (see appendix C and D (sections 24-1109 and 24-1110))

(Code 2000, § 38-665; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1005. - Road grades.

- (a) No road shall have a positive or negative grade less than one-half percent or greater than seven percent. The following is a list of maximum grades for the different types of roads:

Type	Maximum grade
Arterial roads	4
Collector roads	6
Local and/or service roads	7

- (b) In the event current American Association of State Highway and Transportation Officials ("AASHTO") Safe Stopping Sight Distance Requirements (based on vehicle speeds) require lesser grades than the maximum grades listed above, the more restrictive requirement shall be enforced.
- (c) All proposed road grades, at an intersection with an existing road or highway, shall be constructed to meet the same horizontal grade as the existing roadway and shall have an elevation equal to the curblineline grade of the existing road for a distance of 30 feet in each direction.

(Code 2000, § 38-666; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1006. - Horizontal (circular) curves.

Where a deflection angle (see appendix G (section 24-1115)) of more than five degrees in the alignment of the road occurs, the right-of-way shall be curved. The minimum horizontal radius of curvature (See appendix G) at the centerline of a proposed road right-of-way shall not be less than the following:

Arterial roads	800 feet
Collector roads	300 feet
Local and/or service roads	250 feet

(Code 2000, § 38-667; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1007. - Vertical (crest/sag) curves.

Changes in vertical grade shall be connected by vertical curves of a minimum length equal to or exceeding 25 times the sum of both approaching grades stated in percent of grades. (Example: A five percent grade upward meeting a four percent grade downward requires a vertical curve length of  $9 \times 25 = 225$  feet) (see appendix H (section 24-1116)).

(Code 2000, § 38-668; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1008. - Reverse curves.

All reverse curves, commonly known as "S curves" (see appendix I (section 24-1117)), shall have the following minimum tangential distances between curves:

Arterial roads	200 feet
Collector roads	150 feet
Local and/or service roads	100 feet

(Code 2000, § 38-669; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1009. - Road improvements generally.

All commercial road design and construction within the county shall meet or exceed the minimum standards of the SCDOT Highway Construction Manual and the SCDOT Standard Drawings for Road Construction, latest edition for commercial roads. The subdivider has the option of utilizing either commercial standard I or II for road improvement when subdividing land within the county (see appendix C and D (sections 24-1109 and 24-1110)). Notwithstanding the foregoing, roads providing access to any lot with an area of 25,000 square feet or less shall be constructed to standard I requirements only. Before approval of the final plat, either all road improvements shall be completed to the satisfaction of the county engineer or the proper bond or assignment shall be filed pursuant to article III of this chapter.

(Code 2000, § 38-670; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1010. - Drainage.

- (a) In any subdivision, drainage issues must be evaluated early in the development process. Surface runoff shall be controlled such that property within the subdivision, as well as all adjoining property, is reasonably protected from damage and excessive maintenance costs.
- (b) An adequate surface water drainage system, including, where necessary, open ditches, pipes, culverts, catchbasins, cross drains and head walls, shall be designed and installed, subject to inspection and approval by the county engineer. The drainage system shall provide for removal of surface water from all street curbs, swales and ditches in accordance to sections 24-1011 through 24-1015 and shall direct the surface water to locations where the water shall have the least detrimental impact upon the value and use of the properties receiving the water. All final plats of subdivisions shall establish drainage easements along lot lines as required in article III of this chapter.
- (c) In any subdivision, all federal and state requirements regarding setbacks or buffer zones from rivers, streams, and creeks shall be complied with by the subdivider.
- (d) Minimum driveway pipe size shall be 15 inches internal diameter for all driveway culverts and all driveway pipes must be made of reinforced concrete.

(Code 2000, § 38-671; Ord. No. 03-007, § 1, 4-15-2003)



Sec. 24-1011. - Storm drains, open channels.

The minimum cross sectional area of any open channel used as a storm drain along a roadway shall be determined using Manning's Equation:

Q =	$[1.486]R^{2/3}S^{1/2}A$
	n

and the rational method of calculating peak rates of run-off ( $Q=CiA$ ) using a ten-year rainfall return frequency for a 24-hour storm duration as being equal to 5.9 inches for the county. Use of the rational method shall be limited to drainage areas containing less than 200 acres and rainfall shall be modified according to times of concentration. Larger drainage areas exceeding 200 acres shall be analyzed using the U.S. Department of Agriculture. Soil Conservation Service TR-55 method using curve numbers for hydrologic soil group B. All ditch line runoff shall be controlled such that no pipe with an internal diameter greater than 18 inches shall be required to handle the flow. All constructed channels shall be uniform in cross section and fully grassed, including any berms, dikes, and spoil areas along the sides of the channels. The calculated wetted perimeter of the channels cross-section may be rip-rapped, with the remaining disturbed area temporarily mulched if permanent grassing cannot be established due to weather, season, excessive channel velocities, etc. If a good planting or permanent grassing cannot be established, the subdivider shall sign an agreement acknowledging responsibility for the channels until such time as they are accepted by the county engineer. The limiting velocities for grassed channels are as follows (per Ree, 1949 for easily eroded soils):

Cover	Slope Percentage	Permissible Velocity (FPS)
Bermuda grass	0—5	6
	5—10	5
	Over 10	4
Buffalo grass, Kentucky blue grass, Smooth brome, blue gama, and fescue	0—5	5
	5—10	4
	Over 10	3
Lespedeza sericea, Weeping lovegrass, alfalfa, and crabgrass	0—5	2.5
	Not recommended for slopes over five percent	

Run-off coefficient guidelines for use in the rational equation are as follows:

<i>Surface</i>	<i>Minimum</i>	<i>Maximum</i>
Concrete or asphalt	0.90	1.00
Bituminous	0.70	0.90
Gravel	0.25	0.70
Sand	0.10	0.40
Clay	0.20	0.60
Loam	0.10	0.45

<i>Composite Area</i>	<i>Minimum</i>	<i>Maximum</i>
City, central business	0.75	0.95
City, business area	0.60	0.75
Suburban residential	0.35	0.55
Parks, golf courses, etc.	0.10	0.35
Rural areas	0.10	0.25

Roughness coefficient for rip-rapped open channels shall be  $n = 0.035$ .

Roughness coefficient for grass lined open channels shall be  $n = 0.025$ .

(Code 2000, § 38-672; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1012. - Enclosed drainage systems—Catchbasins.

Catchbasins shall be required along any standard I and standard II roadway to receive surface drainage from roadside gutters or swales into piped or open ditch storm drains. Basins shall be properly sized to handle anticipated waterflow and spaced along the path of flow at intervals determined using Federal Highway Administration Hydraulic Engineering Circular No. 22 design analysis with a maximum

gutter flow depth of 2½ inches, and as necessary to adequately receive the discharges from the up-stream drainage area. Standard manholes and covers, inside steps and gutter gratings shall be installed where required for catchbasins with depths equal to or exceeding 4½ feet. All catchbasin floors shall be poured and sloped to provide positive drainage. The required design specifications for catchbasins are available from the county engineer and/or the current SCDOT Highway Construction Manual and SCDOT Standard Drawings for Road Construction, latest edition.

(Code 2000, § 38-673; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1013. - Enclosed drainage systems—Pipes.

- (a) The minimum pipe size for any storm drain pipe shall be 15 inches of internal diameter. All pipe line materials shall be subject to the approval of the county engineer. Only reinforced concrete pipe shall be used within road rights-of-way. All pipe lines shall be constructed in accordance with applicable sections of the SCDOT Highway Construction Manual.
- (b) The required pipe sizes shall be determined using Manning's Equation for pipes flowing full or partially full:

Q =	$\frac{1.486 R^{2/3} S^{1/2} A}{n}$
	n

- (c) Pipe velocities shall not exceed eight feet per second at the point of discharge onto earth surfaces unless energy dissipation is provided such as riprap or soil reinforcement linings for ditches or properly designed structural baffles approved by the county engineer. Minimum pipe velocities shall be two feet per second. Roughness coefficient (n) for use in Manning's Equation shall be as follows:

Reinforced concrete pipe — Use n = 0.013

- (d) All required pipe capacities shall be determined using the rational method of calculating peak rates of run-off ( $Q=CiA$ ) using a ten-year rainfall return frequency for a 24-hour storm duration as being equal to 5.9 inches for the county. Run-off coefficient guidelines for use in the rational equation are as follows:

Surface	Minimum	Maximum
Concrete or asphalt	0.90	1.00
Bituminous	0.70	0.90
Gravel	0.25	0.70
Sand	0.10	0.40
Clay	0.20	0.60
Loam	0.10	0.45

<i>Composite Area</i>	<i>Minimum</i>	<i>Maximum</i>
City, central business	0.75	0.95
City, business area	0.60	0.75
Suburban residential	0.35	0.55
Parks, golf courses, etc.	0.10	0.35
Rural areas	0.10	0.25

(Code 2000, § 38-674; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1014. - Culverts beneath roads.

- (a) All culverts shall be designed to pass the peak rate of run-off from at least a 25-year rainfall return frequency for a 24-hour storm duration as being equal to 6.7 inches for the county. Peak rates of run-off shall be calculated using the rational equation ( $Q=CiA$ ). Use of the rational equation shall be limited to drainage areas containing less than 200 acres and rainfall shall be modified according to times of concentration. Larger drainage areas exceeding 200 acres shall be analyzed using the U.S.D.A. Soil Conservation Service TR-55 Method, using curve numbers for hydrologic soil group B. All culverts shall be designed using methods described in FHWA Hydraulic Engineering Circular No. 5.
- (b) All culverts shall be inspected and subject to approval by the county engineer. All culverts shall be installed in accordance with the SCDOT Highway Construction Manual. For culverts with internal diameters equal to or larger than three feet, the county engineer shall require special construction at the entrance and exits of the culvert such as headwalls, riprap, and debris guards.

(Code 2000, § 38-675; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1015. - Subsurface drainage.

Pipe underdrains in road rights-of-way shall be installed by the subdivider where needed, as determined by the county engineer.

(Code 2000, § 38-676; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1016. - Clearing and grubbing.

Before grading is started, the entire right-of-way area shall be cleared of all trees, stumps, roots, brush and other objectionable materials to the satisfaction of the county engineer.

(Code 2000, § 38-677; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1017. - Grading.

All tree stumps and other vegetation shall be removed to a minimum depth of two feet below the subgrade. Any rock shall be removed to a minimum depth of three inches below subgrade. The entire right-of-way shall be graded to the satisfaction of the county engineer.

(Code 2000, § 38-678; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1018. - Curbing.

Where curbing is to be installed, only formed or slip-formed concrete curbing and gutters shall be constructed which shall meet all dimensional requirements of the applicable road standard shown on appendix C (section 24-1109).

(Code 2000, § 38-679; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1019. - Commercial roadbed material specifications.

All commercial roads shall be constructed to the following standards:

- (1) Six inches of gravel, covered by 2½ inches of type 1 asphalt binder, covered by two inches of type 3 asphalt surface mix (see appendix C and D (sections 24-1109 and 24-1110) for cross-sections and SCDOT Highway Construction Manual for definition of asphalt surface mixes). The surface mix may be added just before the final inspection described below.
- (2) All materials used in road construction, including sub-base, base and surface materials, shall meet all requirements of the SCDOT Highway Construction Manual for commercial roads.

(Code 2000, § 38-680; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1020. - Compaction and testing.

- (a) Compaction of subgrade and base courses shall conform to all relevant standards contained in the SCDOT Highway Construction Manual. All roadways shall be proof rolled to the satisfaction of the county engineer prior to stone and asphalt base installation and prior to paving the surface course. All asphalt products going into any road in the county shall be subject to inspection and analysis by the county through independent testing using the contractor's SCDOT Certified Lab, which must be made accessible to the county.
- (b) All embankments that exceed five feet in depth shall be tested by an independent testing firm after each 12-inch lift is compacted, to confirm 95 percent proctor compaction. Test results must be submitted to the county engineer prior to subgrade inspection.
- (c) All asphalt paving contractors and/or asphalt pavement mix suppliers performing work on or supplying materials for any road in the county shall submit to the county engineer's office a copy of their SCDOT Certified Laboratory Certificate and all SCDOT approved mix designs they plan on using within the county.

(Code 2000, § 38-681; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1021. - Inspections.

- (a) The county shall provide inspections upon the request of the subdivider. If additional work is performed prior to a mandatory inspection listed below, said work is done at the contractor's and

subdivider's risk and may, at the discretion of the county engineer, be required to be removed and redone or have the quality substantiated by any tests deemed necessary all at the subdivider's sole expense.

- (b) The subdivider shall call for the following mandatory inspections:
  - (1) Clearing and grubbing/rough grading inspection, shall be performed at completion of clearing and grubbing operations.
  - (2) Storm drainage system inspection, shall be performed during installation of system.
  - (3) Subgrade, compaction and utility inspection, shall be performed prior to stone base or binder application. All utilities shall be installed at the time of this inspection. Diagrams of required utility placement for standard I and standard II roads are attached as appendix L and M (sections 24-1120 and 24-1121), respectively.
  - (4) Stone base inspection, shall be performed after stone base application and immediately preceding application of asphalt base.
  - (5) Surface course application inspection, shall be performed during application of surface course.
  - (6) Final (one-year) inspection, shall be performed 12 months after application of the asphalt base and only after surface course is applied. Approval of final inspection must be obtained by subdivider within 15 months after application of asphalt base or county shall pursue completion of the road through application against the bond or assignment securing subdivider's performance.
- (c) The subdivider's engineer shall be present at the following inspections:
  - (1) Clearing and grubbing/rough grading inspection.
  - (2) Subgrade, compaction and utility inspection.
  - (3) Final inspection.
- (d) The subdivider shall be required to pay all inspection fees as required in article III of this chapter.

(Code 2000, § 38-682; Ord. No. 03-007, § 1, 4-15-2003)

Secs. 24-1022—24-1040. - Reserved.

#### DIVISION 4. - PIPING OF DITCHES AND DRIVEWAYS

Sec. 24-1041. - Piping on state or federally maintained roads.

The county shall not supply any piping for any site, be it a residence or a business located on a road maintained by the state or the United States government.

(Code 2000, § 38-701; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1042. - Piping of driveways.

- (a) The county shall install up to a 24-foot section of pipe and one apron for a driveway for a property owner erecting a dwelling in an unincorporated portion of the county on a county-maintained road, without curb and gutter; provided, however, that the county administrator is authorized to direct the installation of a second driveway apron to an existing dwelling upon a determination that extenuating circumstances exist to warrant a second driveway into the dwelling. If a property owner erects a commercial or industrial establishment in an unincorporated portion of the county on a county-maintained road without curb and gutter, the county shall install up to one 40-foot section of pipe and

one apron for a driveway. The county engineer shall certify to the county administrator that safety issues necessitate the installation of extra piping for the apron. As an accommodation to the county school districts and upon approval of the county transportation director, if a residence is occupied by a public school bus operator, and the driveway is insufficient to accommodate the school bus, the county may install, at county expense, up to an additional 12 feet of pipe at the driveway to facilitate ingress and egress.

- (b) If a person desires to have a second driveway, the property owner shall be required to obtain an encroachment permit from the county engineer and obtain piping and installation from private sources at the property owner's sole expense. The county engineer shall inspect the piping and apron work after installation to determine if it meets county standards.

(Code 2000, § 38-702; Ord. No. 03-007, § 1, 4-15-2003; [Ord. No. 2017-009](#), § 1, 4-4-2017)

Sec. 24-1043. - Piping on county-maintained roads.

If a request is submitted for the enclosure of a ditch which will materially benefit a county road or bridge, the county may, in order to protect that county road or bridge, and to attempt to ensure the safety of the traveling public, install such pipe at county expense. If such pipe is to be installed at county expense, the county administrator shall require the county engineer to certify the need for the enclosure of the ditch. The piping work shall be on county rights-of-way or easements only.

(Code 2000, § 38-703; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1044. - Special piping projects; requests from towns and cities.

- (a) Any request from a town or city located within the county for a piping project shall be submitted in writing to the county administrator, who shall place it on the county council agenda. The estimated costs associated with the piping project shall be prepared by the county engineer and submitted with the request to county council. County council shall vote in public session whether to approve the piping project. Approval of piping projects shall only be granted where the project provides health and safety benefits for the surrounding community. If county council votes to approve the piping project, the costs of the materials and labor shall be charged to the respective council district in which the project is incorporated, except as noted in this section.
- (b) With the exception of piping installed under subsection (a) of this section, the county shall not perform any piping work for any municipality having taxing authority without charging the municipality for the labor and material. On special project piping under subsection (a) of this section, county council shall indicate whether or not it desires to charge the municipality for the piping work and the municipality shall determine if it wants to proceed with the project if it will be charged for the costs.
- (c) From time to time, the county may be requested by or submit a request to the state highway department to engage in a special piping project that will benefit both the county and the state. In this event, the county engineer shall supply the county administrator with all necessary details of the project. The county administrator shall put this matter on the agenda for the next county council meeting. County council shall make the final determination as to whether the project shall be undertaken.

(Code 2000, § 38-704; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1045. - Penalty.

Failure to comply with the requirements of this division constitutes a criminal violation and, upon conviction, violators may be punished as provided in section 1-7.

(Code 2000, § 38-705; Ord. No. 03-007, § 1, 4-15-2003)

Secs. 24-1046—24-1073. - Reserved.

#### DIVISION 5. - ADMINISTRATION

Sec. 24-1074. - County roads.

- (a) Improvements to a county-maintained road, including placing gravel on a dirt road or paving a road, shall not be made unless county council has approved the improvement of the road.
- (b) A new or existing private road may be designated a county road, be incorporated into the county road system, and included on the master list of all county roads only in the following four circumstances:
  - (1) Any residential, commercial or industrial road constructed by the county.
  - (2) Any private residential, commercial or industrial road constructed in conformance with the road standards and subdivision regulations codified in this chapter receiving approval by the county engineer, and a decision by county council to accept the road into the county road system. The application for county acceptance of any road shall be accompanied by a certificate of compliance with the road standards contained in this article, and signed and certified by the professional engineer of record. Any and all costs associated with obtaining the compliance certificate shall be the responsibility of the applicant or subdivider.
  - (3) Any private road having continuous unrestricted use by the general public, as evidenced by maps, aerial photographs, deeds of record, or affidavits, and deemed a public road by the circuit court.
  - (4) Through the creation of a special tax district, a legislatively created administrative division of the county whereby resident freeholders fund, through the collection of uniform fees included on the annual property tax bill, upgrades to existing private roads in order for such roads to meet the standards of and for the purpose of acceptance into the county road system.
- (c) If requested by more than 25 percent of the local residents desiring such upgrades, the county will provide an estimate of the costs necessary to update the private road in order to meet the standards of and for the purpose of acceptance into the county road system.
- (d) The county will then prepare a petition containing a designation of the boundaries of the proposed special tax district, a description of the nature of the services to be rendered, and the maximum level of taxes or user service charges, or both, authorized to be levied and collected. Seventy-five percent or more of the resident freeholders who own at least 75 percent of the assessed valuation of real property in the proposed special tax district must sign the petition.
- (e) S.C. Code 1976, § 5-3-240, as amended, defines freeholder as: any person 18 years of age, or older, and any firm or corporation, who or which owns legal title to a present possessory interest in real estate equal to a life estate or greater (expressly excluding leaseholds, easements, equitable interests, inchoate rights, dower rights, and future interests) and who owns, at the date of the petition or of the referendum, at least an undivided one-tenth interest in a single tract and whose name appears on the county tax records as an owner of real estate.
- (f) The county assessor shall then certify that the petition contains the requisite number of signatures necessary for the creation of the special tax district. Upon certification, the county will prepare and adopt an ordinance creating the special tax district.
- (g) The cost of the services required for the special tax district shall be paid from the collection of a uniform user service charge, without interest, upon all parcels of real property within the district for a period not to exceed ten years. The user service charge will be included on the annual property tax bill and will be collected in the same manner as county property taxes. The first-year user service charge will also include all associated legal fees incurred in creating the special tax district. The user



service charges are a charge against and run with the parcels of real property included in the special tax district, as set forth herein.

- (h) No final plat of a subdivision shall be approved until the county engineer has received a sworn statement, signed by each owner of the property within the subdivision and duly notarized, stating that the road plan as shown on the plat is submitted with their consent and in accordance with their desires; and the dedication of roads shown on the plat is freely offered to the county. All encumbrances shall be released by instrument suitable for recording in the office of the register of deeds for the county prior to the roadways being accepted into the county system. Deeds or other instruments in suitable form as required by the county attorney shall be submitted for recording prior to the acceptance of any roads into the public domain.
- (i) No expenditures of any public funds shall be made on any road or right-of-way which has not been accepted as set forth above.

(Code 2000, § 38-711; Ord. No. 03-007, § 1, 4-15-2003; [Ord. No. 2015-020](#), 8-4-2015)

Sec. 24-1075. - Grandfather clause.

All roads shown on plats of record in the office of the register of deeds for the county or properly under construction as of the date of adoption of the ordinance from which this article is derived, as amended, are exempt from the requirements of this article; provided, however, any subdivider adding or modifying any roads within a subdivision after adoption of the ordinance from which this article is derived must comply with the provisions hereof. All subdividers of land from and after the date of the adoption of the ordinance from which this article is derived must comply in all respects with the provisions hereof.

(Code 2000, § 38-712; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1076. - Road maintenance and relinquishment.

- (a) Any road, bridge, or any other similar infrastructure that is found by the state department of transportation to be of sufficiently low traffic importance that the state will not provide adequate funding for the maintenance of such roads, and because of such designation, deleted and removed from the state highway secondary system of roads and dumped on the county without the county's consent, is hereby and therefore designated by county council to be of equally low traffic importance, based on the state's determination, and any such road, bridge, or any other similar infrastructure shall not be added to the county master road list for permanent maintenance without specific approval by county council.
- (b) County council hereby specifically states its intent to not maintain any road, bridge or other infrastructure that is not added to the county master road list for permanent maintenance as set forth in subsection (a) of this section, and hereby gives its consent to the judicial closure and abandonment of any such road, bridge or other infrastructure.
- (c) In the event the state department of transportation abandons an approximate 3748.8 feet (0.7 miles) portion of McNeely Road (S-04-0183), the county hereby consents to the addition of that portion of McNeely Road so abandoned by the state department of transportation to the county master road list for maintenance.

(Code 2000, § 38-713; Ord. No. 08-011, § 1, 3-18-2008; Ord. No. 2009-009, § 1, 5-5-2009)

Secs. 24-1077—24-1105. - Reserved.

DIVISION 6. - ABANDONMENT AND CLOSURE OF PUBLIC ROADS

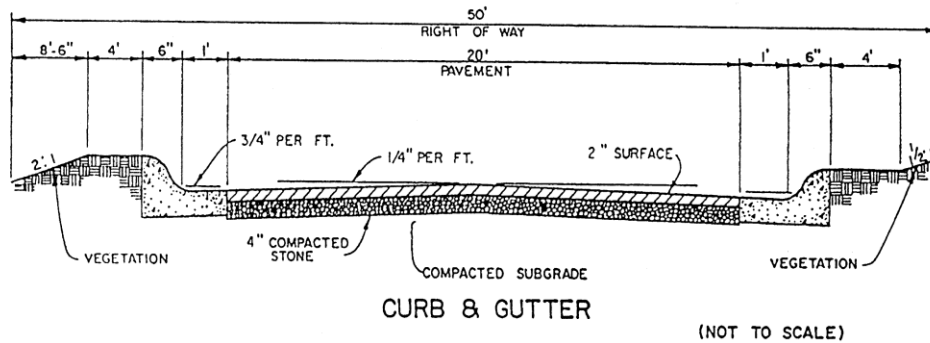
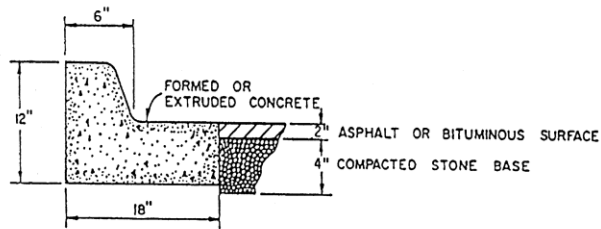
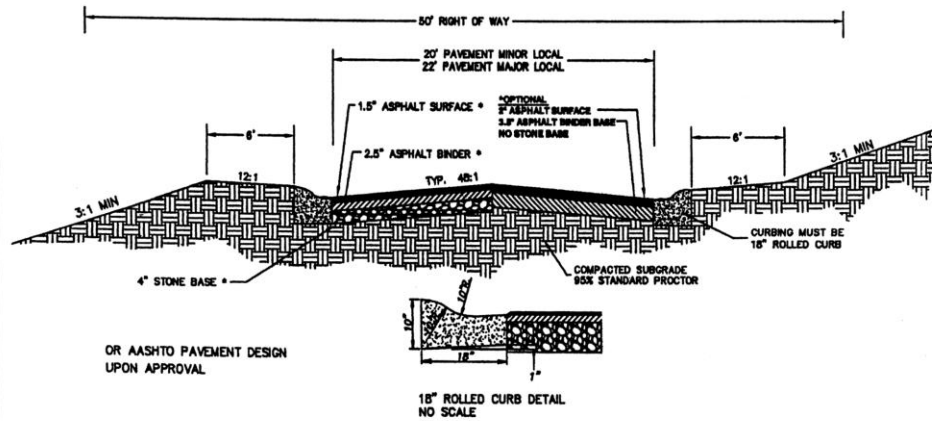
Sec. 24-1106. - Policies and procedures.

- (a) Upon a request for an abandonment and closure of a county public road, county staff shall conduct a thorough investigation of the request, adequate to determine the following:
  - (1) Whether the road in question is, or ever has been, a county road;
  - (2) Whether the road is still in general public use or has been practically abandoned;
  - (3) Whether the county has any documentation relating to the status of the road, such as a dedication of right-of-way, easement, or deed;
  - (4) Whether the road was subject to a prescriptive easement;
  - (5) Whether there is any other information that would assist county council in determining whether the best interests of the county shall be served by consenting to the abandonment and closure of the road in question or by not so consenting.
- (b) As part of the investigation, the county transportation division shall post, adjacent to the road in question, a sign, with letters not less than three inches tall, and otherwise marked so as to be as conspicuous as possible, prominently providing notice that the road, or a portion thereof abutting the sign, is proposed for abandonment and closure, soliciting citizen comments concerning such proposed abandonment and closure, and providing notice of address and telephone number at the transportation division to which concerned citizens may forward comments concerning such proposed abandonment and closure.
- (c) Following the investigation, the county transportation director shall make a recommendation to county council as to whether the request for abandonment and closure should be honored, and shall provide the results of the staff investigation and any public comments received to county council for its use in making a final determination as to whether the county should consent to such abandonment and closure.
- (d) County council shall, in public meeting, after due notice, make a determination as to whether the request for abandonment and closure should be consented to by the county by resolution.
- (e) If county council consents to the abandonment and closure of a county public road, the resolution of consenting to such abandonment and closure shall state, with particularity, the road, or section thereof, to be closed; the basis for county council's decision to consent to the abandonment and closure of the road; and the absolute requirement that, prior to the road, or any portion thereof, being closed, the party(ies) in interest shall fully comply with all applicable law, including, without limitation, section 57-9-10, South Carolina Code, 1976, as amended, and shall provide all required notice and service of process. Only upon the meeting of all such conditions and the fulfillment of such procedures will county council's consent to such abandonment and closure be considered final.

(Code 2000, § 38-721; Ord. No. 03-007, § 1, 4-15-2003)

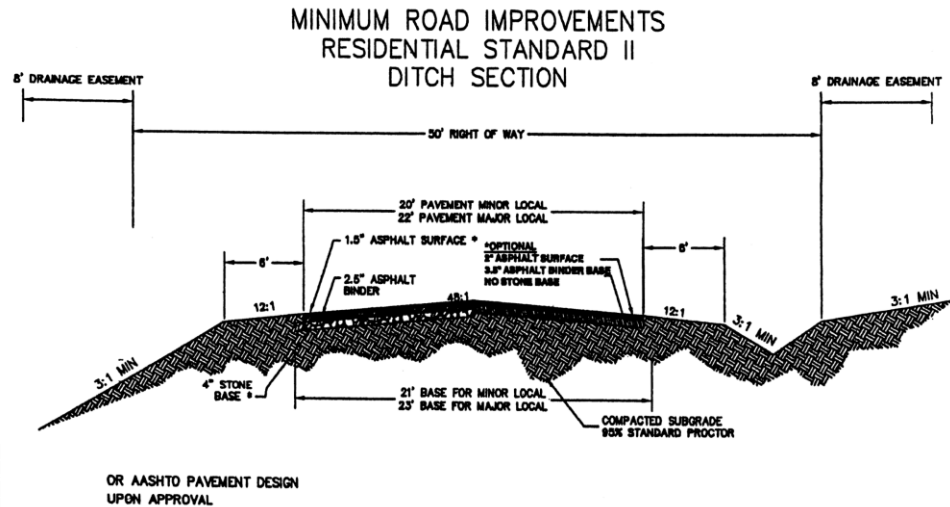
Sec. 24-1107. - Appendix A.

# MINIMUM ROAD IMPROVEMENTS RESIDENTIAL STANDARD I CURB & GUTTER SECTION



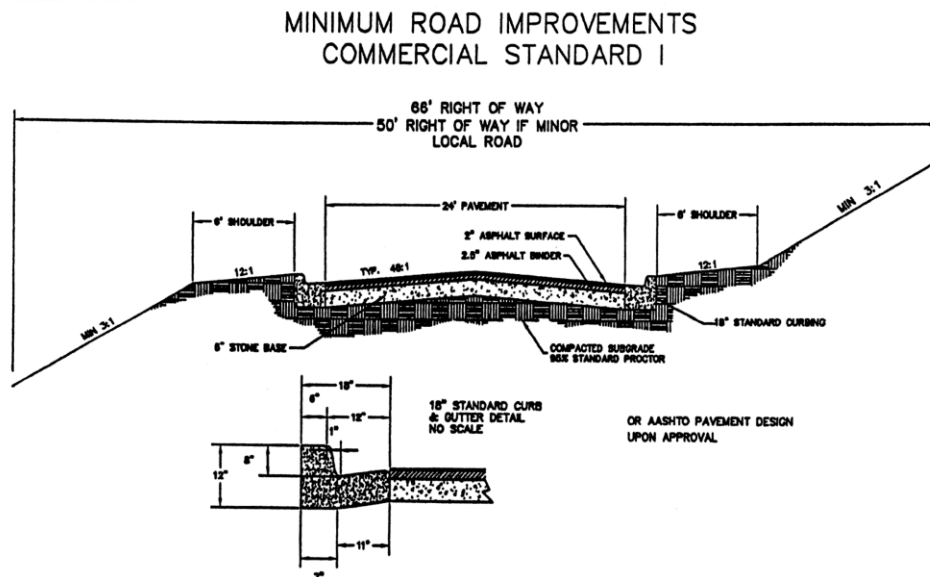
(Code 2000, ch. 38, art. VI(app. A))

Sec. 24-1108. - Appendix B.



(Code 2000, ch. 38, art. VI(app. B))

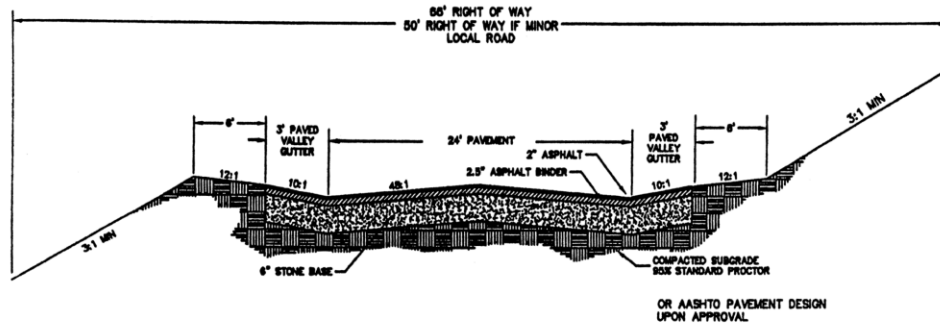
Sec. 24-1109. - Appendix C.



(Code 2000, ch. 38, art. VI(app. C))

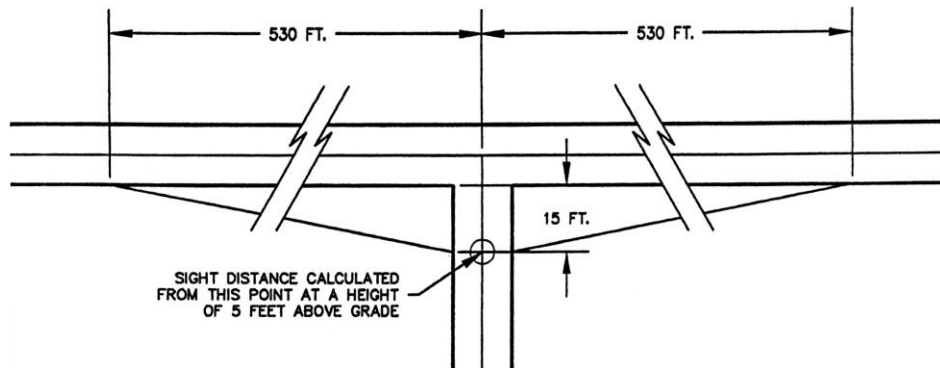
Sec. 24-1110. - Appendix D.

## MINIMUM ROAD IMPROVEMENTS COMMERCIAL STANDARD II



(Code 2000, ch. 38, art. VI(app. D))

Sec. 24-1111. - Appendix E.



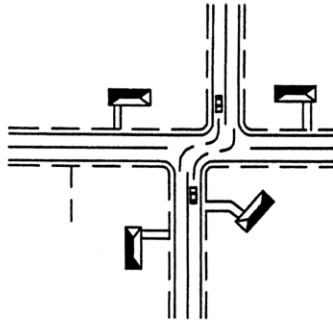
Design Speed of Through Road	Sight Distance
30	320
35	390
40	455
45	530
50	615
55	700

SCDOT Highway Design Manual, Page 2-6(12), Table 6-5, September, 1991

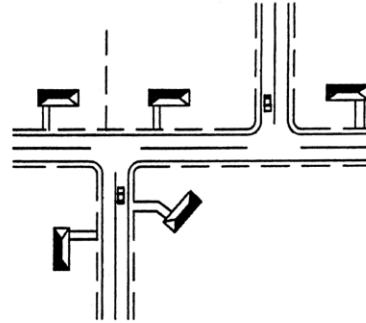
EXAMPLE: SPEED 45 M.P.H.

(Code 2000, ch. 38, art. VI(app. E))

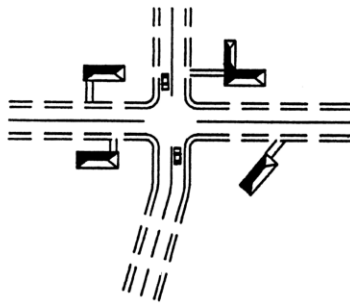
Sec. 24-1112. - Appendix E-1.



SHARP STREET JOGS  
CREATE HAZARDOUS  
DRIVING CONDITIONS



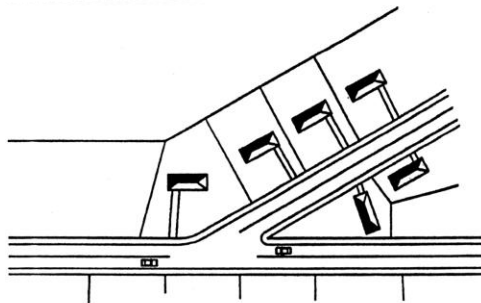
STREETS OFFSET A  
MINIMUM OF 125'  
RESIDENTIAL &  
200' COMMERCIAL



STREET JOGS MAY BE  
ELIMINATED THROUGH  
PROPER DESIGN

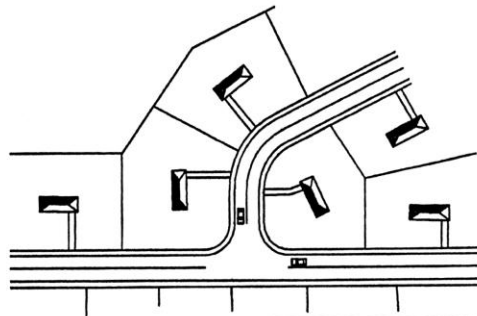
(Code 2000, ch. 38, art. VI(app. E-1))

Sec. 24-1113. - Appendix E-2.



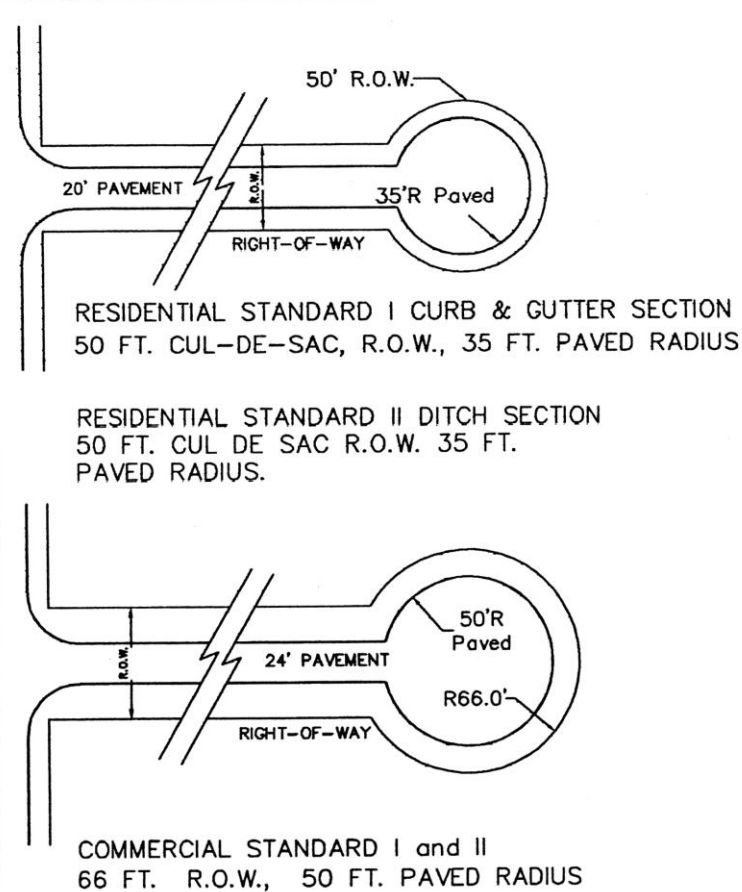
SHARP ANGLE INTERSECTIONS  
CREATES TRAFFIC PROBLEMS  
REDUCES SITE DISTANCE &  
PRODUCES UNSUITABLE LOTS

RIGHT ANGLE INTERSECTIONS  
CREATES FAVORABLE LOTS &  
PROPER SIGHT DISTANCE



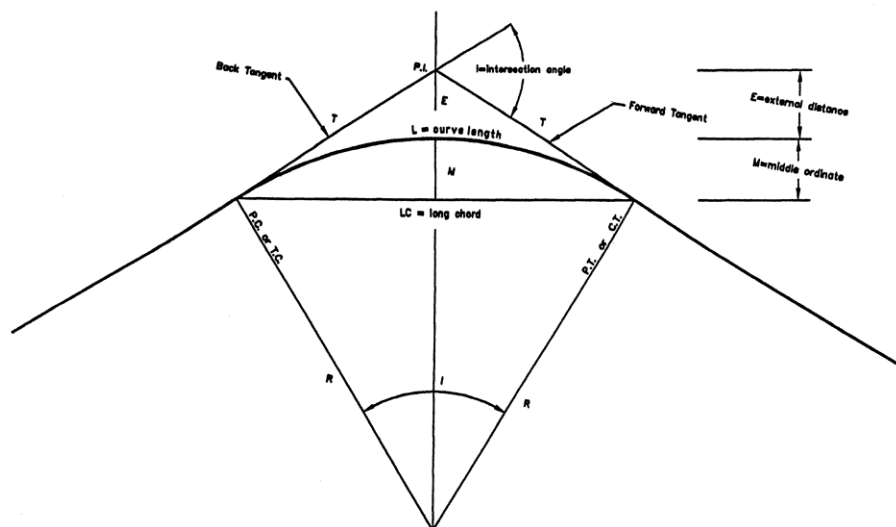
(Code 2000, ch. 38, art. VI(app. E-2))

Sec. 24-1114. - Appendix F.



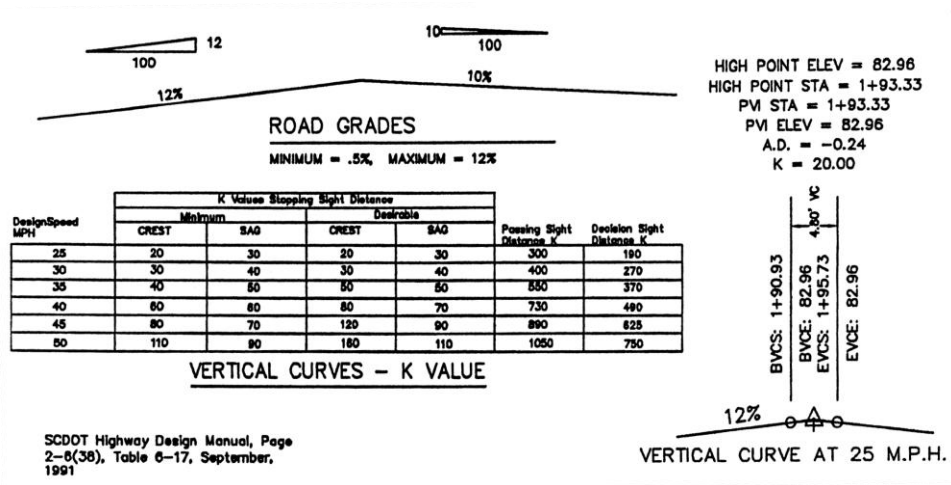
(Code 2000, ch. 38, art. VI(app. F))

Sec. 24-1115. - Appendix G.



(Code 2000, ch. 38, art. VI(app. G))

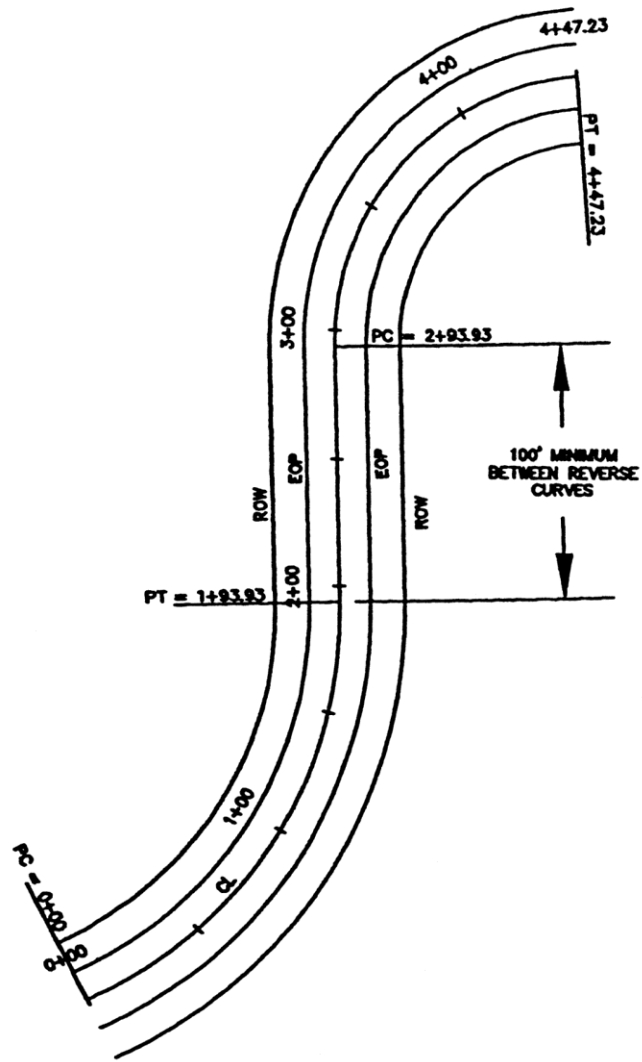
Sec. 24-1116. - Appendix H.



(Code 2000, ch. 38, art. VI(app. H))

Sec. 24-1117. - Appendix I.

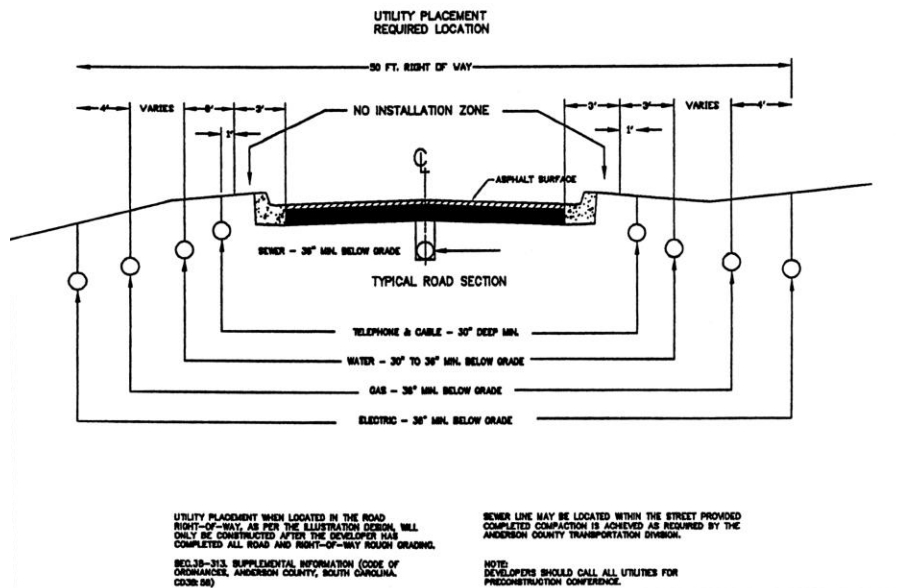




## REVERSE CURVES

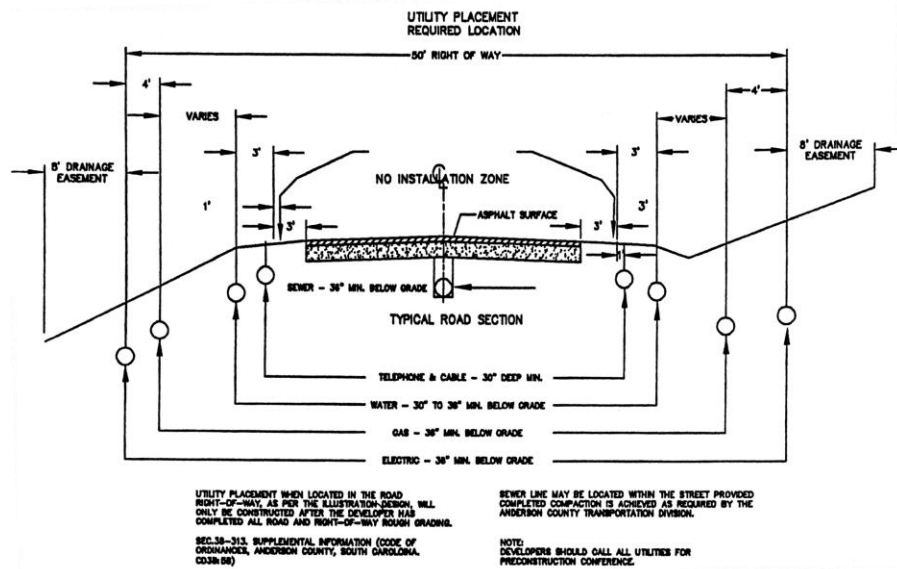
(Code 2000, ch. 38, art. VI(app. I))

Sec. 24-1118. - Appendix J.



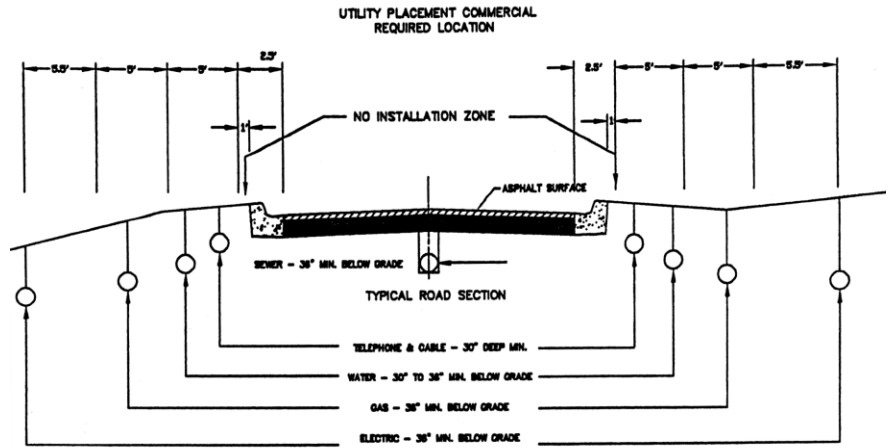
(Code 2000, ch. 38, art. VI(app. J))

Sec. 24-1119. - Appendix K.



(Code 2000, ch. 38, art. VI(app. K))

Sec. 24-1120. - Appendix L.



UTILITY PLACEMENT WHEN LOCATED IN THE ROAD RIGHT-OF-WAY, AS PER THE ILLUSTRATION DESIGN, WILL ONLY BE CONSTRUCTED AFTER THE DEVELOPER HAS COMPLETED ALL ROAD AND RIGHT-OF-WAY ROUGH GRADING.

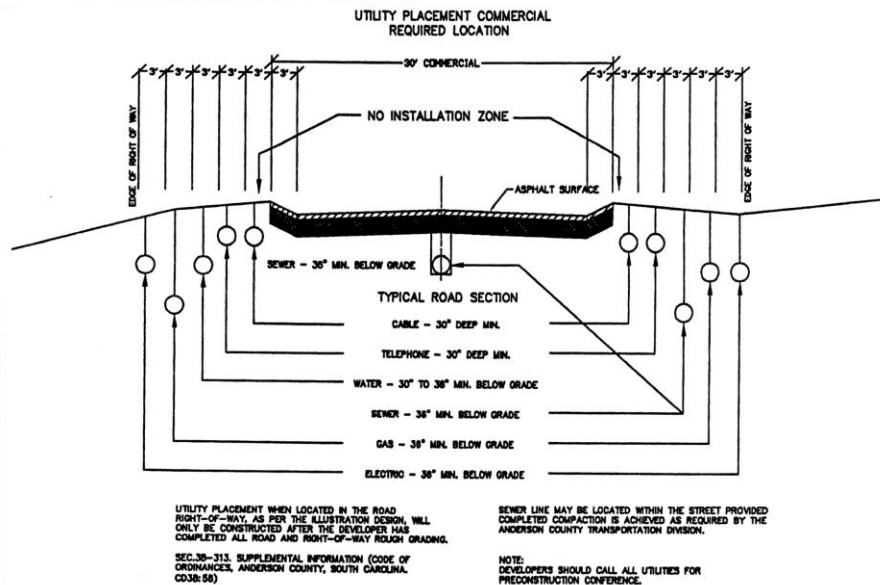
SEC.38-313. SUPPLEMENTAL INFORMATION (CODE OF ORDINANCES, ANDERSON COUNTY, SOUTH CAROLINA, CO38-58)

SEWER LINE MAY BE LOCATED WITHIN THE STREET PROVIDED COMPLETED COMPACTION IS ACHIEVED AS REQUIRED BY THE ANDERSON COUNTY TRANSPORTATION DIVISION.

NOTE:  
DEVELOPERS SHOULD CALL ALL UTILITIES FOR PRECONSTRUCTION CONFERENCE.

(Code 2000, ch. 38, art. VI(app. L))

Sec. 24-1121. - Appendix M.



UTILITY PLACEMENT WHEN LOCATED IN THE ROAD RIGHT-OF-WAY, AS PER THE ILLUSTRATION DESIGN, WILL ONLY BE CONSTRUCTED AFTER THE DEVELOPER HAS COMPLETED ALL ROAD AND RIGHT-OF-WAY ROUGH GRADING.

SEC.38-313. SUPPLEMENTAL INFORMATION (CODE OF ORDINANCES, ANDERSON COUNTY, SOUTH CAROLINA, CO38-58)

SEWER LINE MAY BE LOCATED WITHIN THE STREET PROVIDED COMPLETED COMPACTION IS ACHIEVED AS REQUIRED BY THE ANDERSON COUNTY TRANSPORTATION DIVISION.

NOTE:  
DEVELOPERS SHOULD CALL ALL UTILITIES FOR PRECONSTRUCTION CONFERENCE.

(Code 2000, ch. 38, art. VI(app. M))