

CHEROKEE COUNTY

LAND DEVELOPMENT

REGULATIONS



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LAND DEVELOPMENT REGULATIONS CHEROKEE COUNTY, SOUTH CAROLINA

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**THIS IS AN ORDINANCE REGULATING
THE DEVELOPMENT OF LAND IN
CHEROKEE COUNTY, SOUTH CAROLINA**

THIS ORDINANCE REQUIRES AND REGULATES THE PREPARATION AND PRESENTATION OF LAND DEVELOPMENT PROJECTS, INCLUDING THE SUBDIVISION OF LAND; ESTABLISHES IMPROVEMENTS SUCH AS STREETS AND INFRASTRUCTURE TO BE MADE BY THE DEVELOPER; SETS FORTH THE PROCEDURES TO BE FOLLOWED IN APPLYING THESE RULES, REGULATIONS AND STANDARDS; PROVIDES FOR THE IMPOSITION OF PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; REPEALS CONFLICTING ORDINANCES; AND SERVES OTHER PURPOSES.

ARTICLE I: AUTHORITY AND JURISDICTION

Sec. 13-120. Authority

These Land Development Regulations are adopted under authority granted by Section 6-29-710 through Section 6-29-960 and Section 6-29-1110 through Section 6-29-1200, of the Code of Laws of South Carolina, 1994, et. seq. (otherwise known as Article 7 of the Comprehensive Planning Enabling Act of 1994, Title 6, Chapter 29, Code of Laws of South Carolina).

Sec. 13-121. Jurisdiction

These regulations shall apply to all land development **Error! Bookmark not defined.** projects within the unincorporated areas of Cherokee County as now or hereafter established.

Sec. 13-122. - 13-20. Reserved

ARTICLE II: GENERAL PROVISIONS

Sec. 13-123. Findings

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

(1) Road Quality.

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

(2) Lot Size.

Compact development is occurring on minimum sized lots, creating congestion and impacting infrastructure.

(3) Buffering of Certain Uses.

Certain development has occurred that is incompatible with adjacent uses. In some areas, these uses have impacted the quality of life for adjacent properties.

Sec. 13-124. Purpose and Intent

The purpose of this ordinance is to protect and promote the public health, safety and general welfare of Cherokee County, South Carolina, by providing for the orderly development of land. These regulations are established for the following specific purposes, among others, as stated in the Comprehensive Planning Enabling Act of South Carolina (Section 6-29-1120 of the Code of Laws of South Carolina, 1994):

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

Sec. 13-125. Short Title

This ordinance shall be known and cited as the “Cherokee County Uniform Land Development Regulations Ordinance.”

Sec. 13-126. Applicability

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

Sec. 13-127. – 13-50. Reserved

ARTICLE III: SUBDIVISION REQUIREMENTS

These requirements shall apply to any subdivision created, or any re-subdivision submitted, following the enactment of this ordinance by the Cherokee County Council.

Sec. 13-128. Applicability

These requirements shall apply to any subdivision created, or any re-subdivision submitted, following the enactment of this chapter by the county council. (Ord. of 1-2-00, Art. 3)

Sec. 13-129. Minimum Lot Size

Lots size shall not include right-of-way. Lot area and width at the building line shall meet DHEC or public utility provider requirements, based on such factors as topography or soil characteristics. At no time following the adoption of this ordinance shall any lot be created that is less than one-half (½) acre in size, unless otherwise specified in this ordinance.

Sec. 13-130. Minimum Lot Frontage

All lots shall have a minimum of fifty (50) feet of frontage on a public road right-of-way or other roadway complying with Cherokee County roadway specifications as set forth in sec. 13-82 et seq. of this code, except that a subdivision may be created with a maximum of one (1) lot that has a road frontage of less than fifty (50) feet; however such frontage must be a minimum of twenty-five (25) feet and must be on a public road right-of-way or other roadway complying with Cherokee County roadway specifications as set forth in Sec. 13-82 et. Seq. of this code. In addition, any parcel with less than fifty (50) feet of right-of-way access shall not be eligible for further subdivision.

Sec. 13-131. Minimum Lot Size for Billboards

The one-half acre minimum lot size, as established in Sections 13.52 of this ordinance, shall not apply to individual lots that are occupied solely by a billboard as defined in this ordinance. If there are to be any parcels that are to be conveyed for the sole purpose of locating a billboard on the

premises, such parcels shall not be subject to the minimum lot size requirement. Lots for this purpose shall not include right-of-way. All lots shall have a frontage on a public road right-of-way or other roadway complying with Cherokee County roadway specifications as set forth in sec. 13-82 et seq. of this code.

Sec. 13-132. Sec. 13-55. Flag Lot

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

- (a) Regulations: The flag section of the flag lot shall meet or exceed the minimum lot area requirements of the Cherokee County Land Development Ordinance as adopted by Cherokee County.
- (b) The front yard setback shall be measured from the front of the principal structure on the lot to the property line faced by the principal structure.
- (c) The rear setback for a flag lot shall be twenty-five (25) feet.
- (d) The driveway section, or pole, of the flag lot shall have a minimum width of twenty-five (25) feet at the point where it adjoins the public right-of-way or other roadway complying with the Cherokee County roadway specifications as set forth in section 13-82, et seq., of the Cherokee County Land Development Regulations.
- (e) Access driveways for flag lots shall be a minimum of twenty-five (25) feet in width.
- (f) A maximum of two (2) driveway sections, or poles, may intersect at a public right-of-way or other complying road, within 100 ft. of each other.
- (g) An access drive with a minimum width of fifty (50) feet shall serve no more than two (2) parcels. An access drive with a width less than fifty (50) feet shall serve no more than one (1) parcel.

Sec. 13-133. – 13-80. Reserved

Article IV. General Development Standards

Sec. 13-134. Enumerated.

General development standards include the following sections:

- (1) Streets and Related Improvements.
- (2) Drainage and Stormwater
- (3) Water Facilities
- (4) Wastewater Facilities
- (5) Natural Gas
- (6) Lot Development

(7) Construction Standards

Sec. 13-135. Streets and Related Improvements

The following requirements shall apply to any public road in Cherokee County.

(1) General Standards

(a) Adoption of Existing Roads - The right-of-way adopted by the county encompassing an existing road shall meet the following specifications:

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

Primary Roads and Farm-to-Market Roads*	66 feet
Collector Roads	50 feet
Local Roads and All Other Roads with Ditches	50 feet
Local Roads All Other Roads with Curb and Gutter	25 feet

**(Roads must also meet SC DOT width requirements.)*

- 1) The road must be bounded by two (2) or more property owners who are not of the same household; and
 - 2) The road must not be a dead end street unless the street shall have a cul-de-sac with a minimum fifty (50) foot radius.
2. If a newly adopted right-of-way contains structures, fences, or other obstructions, the individual property owner from whom the right-of-way was obtained shall be responsible for removing all such obstructions, prior to the adoption of the road by Cherokee County.
 3. The county will maintain existing drainage ditches within the road right-of-way.
 4. Cherokee County shall maintain the current existing road condition of a newly adopted road following acceptance into the county road system. The road condition categories are:
 - i) Graded dirt road
 - ii) Gravel road
 - iii) Paved road
 5. Cherokee County reserves the right to widen and improve the roadway when at any time it is determined by the County Council that traffic or safety conditions warrant such improvement.
 6. The procedure for adoption into the county road system is as follows:
 - iv) Any citizen may initiate the process for having a road adopted into the Cherokee County Road System by filing a road adoption petition with the County Public Works Department;
 - i) For a road to be adopted, all property owners abutting the road shall submit a right-of-way form conveying land to the county;
 - ii) An inspection must be made to determine road condition, to identify drainage problems, to ensure that all right-of-way forms are filed, and to verify title of

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land. Such inspection shall be performed by the Cherokee County Public Works Department;

- iii) Cherokee County Council shall adopt only roads that meet the requirements of this Ordinance. Adoption of any road meeting these requirements into the Cherokee County Road System shall be at the discretion of the Cherokee County Council.

(b) Continuation of Adjoining Road System. The proposed road layout shall extend existing roads on a logical course at a width that meets the minimum required in Section 4.1.2 of this Ordinance. A minimum 10 to 1 taper section shall be used to transition from one width to another.

(c) Road System Coordination

1. The road system of a new subdivision or land development project shall be coordinated with existing, proposed, and anticipated roads outside the project or outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding roads").
2. Roads shall intersect with surrounding collector or arterial roads at safe and convenient locations and shall connect with surrounding roads where necessary to permit the convenient movement of traffic between residential neighborhoods by emergency service vehicles or for other sufficient reasons.
3. Whenever connections to surrounding roads are required by this section, the road right-of-way shall be extended and the street developed to the property line of the developed property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected.
4. In addition, temporary turnarounds shall be required to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Such temporary turnarounds shall have a minimum right-of-way diameter of 75 feet.
5. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of 1,000 feet shall be created unless no other practicable alternative is available.

(d) Maintenance of Existing Roads.

1. Cherokee County shall maintain all county roads in a safe manner in accordance with the road condition category at which it is developed or adopted into the Cherokee County Road System. Cherokee County reserves the right to widen or improve road conditions when at any time it is determined by county council that traffic or safety conditions warrant such conditions.
2. Liability_Permits_ Any person, company, agency, or other entity engaging in any activity for which it is determined to have potential for damaging county roads and rights-of-way shall be required to obtain a liability permit prior to engaging in said activity within the public right-of-way. Such activities shall be determined by resolution of Cherokee County Council. The County reserves the right to establish a fee for these permits.

3. Any person who causes damage to a county road, ditch, or drainage facility or who deposits any debris on a road right-of-way shall be held liable and shall be required to make proper repairs or remove said debris
4. Any repairs to a county road or drainage facility required through the liability permit or due to individual negligence shall be inspected and approved by the county road foreman prior to the release of the individual's responsibility to the county. Inspection and approval of both the road base and surface paving shall be obtained.

(e) Half Roads

Half roads are prohibited. Whenever a road is planned adjacent to the project's property boundary, the entire road right-of-way shall be included.

(f) Road Names

1. In accordance with State law, the Planning Commission is responsible for approving street names in unincorporated Cherokee County and shall coordinate with the county's E-911 Department in its decision-making.
2. A proposed road that is obviously in alignment with or an extension of an existing named road shall bear the name of the existing road.
3. Except for the above, in no case shall the name of a proposed road duplicate or be phonetically similar to an existing road name, irrespective of the use of suffix (road, avenue, boulevard, drive, place, court, lane, etc.).
4. It shall be unlawful for any person in laying out any new road to name such road on any plat or plan or in any deed or instrument, without first obtaining the approval of the Designated Ordinance Administrator. Such approval may be a component of the plat approval.
5. A person laying out a street is guilty of a misdemeanor if he shows an unapproved street name on a deed or instrument of transfer.
6. After a fifteen (15) day notice in a newspaper of general circulation in Cherokee County [SC Code of Laws, Sec. 6-29-1200(c)], the Planning Commission may change the name of an existing street or road within unincorporated Cherokee County.
7. The Planning Commission can make a change to a street or road name when one of the following occurs:
 - iv) There is duplication of names which tends to confuse the public or persons delivering mail, orders or messages;
 - i) A change may simplify markings or giving directions to persons looking for an address and any other good and just reason that may appear to the commission.
8. After such public hearing, if the planning commission issues a certificate designating the change, the Clerk of Court records it, then the changed and certified name becomes the legal name of the street (SC Code Section 6-29-1200).

9. A petitioner for a road name change must submit a written application, along with a fee established by County Council to cover the cost of the public hearing advertisements and the cost of new signage.

(g) *Posting of Address.* Each lot with a house shall have its address posted on the house and at its driveway.

(h) *Street Signs.* Street signs shall be installed at all intersections within a subdivision or land development project. The location and design shall be subject to the Cherokee County E911 Ordinance, as amended.

(2) Road Design

The following requirements shall be met for the development of any new road by Cherokee County or for any privately developed road providing access to or internal to a single family home or subdivision, multi-family housing project, mobile home park, commercial or office project, or industrial project. Also, Cherokee County shall only accept subdivision streets into the County road system that meet the requirements included herein. In general, geometric criteria for road design shall be in accordance with standards of the SC DOT. Said standards are those contained in the latest edition of “A Policy on Geometric Design of Highways and Streets” by the American Association of State Highway and Transportation Officials”. All roads, as noted in this paragraph, shall be designed in accordance with the following standards.

(a) *Right-of-Way*

1. *Standard Streets.* Minimum right-of-way and pavement width shall be as follows:

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

**Roads and drives include privately developed roads providing access to or internal to a single family home or subdivision to multi-family housing projects, mobile home parks, commercial or office projects, or industrial projects.*

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

2. Cul-de-sacs

i. Cul-de-sacs shall have a turnaround with 100' minimum diameter to right-of-way line. Dead-end streets without turnarounds are prohibited.

ii. Cul-de-sacs shall have a 60' minimum diameter to pavement edge.

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

(b) Road Intersections.

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

(c) Road Grade.

Except as specified herein, the minimum and maximum road grade shall be 1% and 12% respectively. For short stretches of roadway for which unique topographical features makes the construction of a 12% road grade infeasible, the Cherokee County Administrator or his/her authorized representative shall be authorized to allow a portion of the road to be constructed at a grade to not exceed 15%, provided that the increased road grade does not pose a substantial threat to the public safety. Before allowing such an exception, the Public Works Director shall notify and seek comment from the Cherokee County Fire Marshall and the Superintendent of the Cherokee County Public School System regarding access to fire trucks and school buses.

3 Road Construction

In general, all public roads shall be constructed in accordance with the SC DOT's "Standard Specifications for Highway Construction" (latest edition) as it relates to earthwork, bases/sub-bases, paved surfaces, etc. In addition, all privately developed roads or drives internal to a multi-family housing development, mobile home park, commercial or office project, or any industrial project must meet the following road construction requirements. The following requirements for roads include:

(a) Paved Road Requirements.

1. Cherokee County shall only accept subdivision streets into the county road system that meet the requirements of Section 13-82 (3) paved.
2. Paved road surfaces are required for all privately developed roads or drives providing access to or internal to a single family home or subdivision, multi-family housing development, mobile home park, commercial or office project, or any industrial projects, meeting the requirements of Section 13-82 (3).

3. New roads developed by the county, if paved, shall meet the requirements of Section 13-82 (3).
4. The surface paving shall have not less than a two and one-half (2½%) percent crown.

(b) Construction Standards for Public Roads.

1. Clearing and Grubbing - All work shall be required to conform to requirements and standards as set forth in the "Clearing and Grubbing" section of the most recent edition of SCDOT Specifications.
2. Subgrade - Shall be constructed as specified in the "Subgrade" section in the SCDOT Specifications, or sound, undisturbed residual soils. In fill areas, all subgrade soils shall be compacted in accordance with the "Construction Requirements" section of the SCDOT Specifications.

All areas under pavement shall be proofrolled. The proofroll is good for 24 hours. The proofrolling shall be performed using a fully loaded tandem dump truck weighing not less than 30 tons gross, or equivalent. Any areas which show visible deflection will be required to be repaired, and a second proofroll may be required prior to verify the repairs. Compaction tests by a geotechnical engineering firm may also be required in problem areas as directed by the County Administrator or his/her authorized representative.

3. Roadway Specifications

- a. Granular Base Courses – The granular base course shall be one of the following types, compacted and tested in accordance with sound engineering principles as outlined in procedures adopted by the American Association of State Highway and Transportation Officials; or the Portland Cement Institute; or the Asphalt Institute. All designs shall be subject to review and approval by the Cherokee County Administrator or his/her authorized representative.
- b. Asphaltic Base Courses – An asphaltic base may be used in place of or in conjunction with granular bases. All base courses will comply with the applicable sections of the South Carolina Department of Transportation's Standard Specifications for Highway Construction. The asphalt base is to be constructed in accordance with the requirements set forth in the appropriate sections of the most current edition of the SCDOT Specifications. All designs shall be subject to review and approval by the Cherokee County Administrator or his/her authorized representative.
- c. Surface Course - The surface course is to adhere to general specifications set forth in the SCDOT Specifications for bituminous pavement and for rigid pavement. Hot Laid Asphaltic Surface Course, Type 3 or latest equivalent approved by the SCDOT. Types 1, 2, and 4 or latest equivalent approved by the SCDOT may be used with the prior authorization of the Cherokee County Administrator or his/her authorized representative.

The following tables list the requirements for roadway specifications for granular and asphaltic base course roadways as set out by this Ordinance.

Granular Base Roadway Specifications**		
Local* or Collector Roads	Sub-Grade	Compacted to 95% Maximum Dry Density
	Base	8 inch Crusher Run Stone
	Topping	ASTM Type 3 – 1.5” Inch
Arterial Roads	Sub-Grade	Compacted to 95% Maximum Dry Density
	Base	6” inch Crusher Run Stone
	Binder	3” inch Binder with Tack Coat
	Topping	ASTM Type 3 – 1.5” Inch

Asphaltic Base Roadway Specifications**		
Local* or Collector Roads	Sub-Grade	Compacted to 95% Maximum Dry Density
	Asphalt Base	4” Aggregate Asphalt Base Course
	Binder	2” inch Binder with Tack Coat
	Topping	ASTM Type 3 – 1.5” inch
Arterial Roads	Sub-Grade	Compacted to 95% Maximum Dry Density
	Asphalt Base	4” Aggregate Asphalt Base Course
	Binder	3” inch Binder with Tack Coat
	Topping	ASTM Type 3 – 1.5” Inch

* Local roads shall include subdivision streets.

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

(c) Restrictions on Asphalt Paving Work

1. No surface asphalt paving shall be installed on a wet surface, when the temperature is below 40 degrees Fahrenheit in the shade, or when the weather conditions are otherwise unfavorable. Temperatures must be 35 degrees Fahrenheit and rising for binder placement.
2. The asphalt shall be delivered and placed in accordance with the SCDOT Specifications, with the exception that prime must be cured for a minimum of 24 hours if used.
3. The asphalt shall be delivered to the spreader at a temperature between 250 degrees Fahrenheit and 325 degrees Fahrenheit and, with the exception of sand asphalt mixture for base course construction, within 20 degrees Fahrenheit of the temperature set at the plant.
4. Where prime coat is used, the prime coat must cure for a minimum of 24 hours prior to paving and shall be applied as specified in the SCDOT Specifications. Prime will be used at the discretion of the County Engineer or his/her authorized representative and not required if stone base is paved within 24 hours of being set up and approved.

(d) Road and Right-of-Way Maintenance.

1. Responsibility. The Developer is responsible for maintaining slopes and all areas along newly developed roads until the road rights-of-way are adopted by the county. Maintenance of slopes shall include seeding in order to prevent soil erosion.
2. Lawn Maintenance Within Right-of-Way. Individual property owners are responsible for maintaining lawns within the portions of the right-of-way that form part of a yard.
3. Road Maintenance Signs - Where land development project roads are not to be dedicated to the State or County for public maintenance, the developer shall install and maintain signs at the beginning of the private land development project roads that state "State/County Maintenance Ends."

(e) Ditches, Swales and Drainage

1. Road Swales and Channels - All roadway ditches and channels shall be designed to contain, at minimum, a peak flow from a fifty (50) year frequency storm. All roadway ditches and channels shall be designed so that the velocity of flow expected from a fifty (50) year frequency storm shall not exceed the permissible velocities for the type of lining used. Riprap shall be placed for stops in road drainage swales as instructed by the *Cherokee County Administrator or his/her authorized representative*. Swales shall be stabilized against erosion by grassing for year-round growth. Road swales shall be installed at a maximum depth of three (3) feet and be designed to enable mowing by adjoining property owners.
2. Swales and 6' wide shoulders (12:1 slope) in the right-of-way, subject to the following provisions:
 - i. Road grade shall meet the requirements of the South Carolina Land Resources Commission.
 - ii. Side ditches shall be used, constructed along both sides of the road. Each ditch shall be located sixteen (16) feet from the center of the road.
 - iii. If curbs and gutters are used, such shall be located contiguously to both edges of the pavement.

4 Utility and Pipe Installation Within a Road Right-of-Way. This policy is established to regulate the location, manner, installation and adjustment of utility and or pipe facilities on the Cherokee County Road System and also the issuance of permits for such work, in the interest of the public safety and of protection, utilization, and future development of the roadways.

(a) *Authorization.* No person or entity shall enter upon the rights-of-way of any county road or structure to construct, alter, or relocate any utility installation without issuance of a liability permit [as specified in Sec. 13-82 (1) d.2.

(b) *Permit Required.*

1. The applicant shall submit a permit application with a detailed plan (drawing and text) to the *Cherokee County Administrator or his/her authorized representative* for review and approval outlining the location and manner of installation. In addition, measures shall be taken to address the safe and free flow of highway traffic, structural integrity of the roadway or highway structure, highway maintenance, appearance of the highway, and the integrity of the utility facility and

shall be described in the plan. The applicant shall also submit plans to return the road base and road surface to county standards and shall reconstruct the damaged road to county standards.

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

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

development project. Driveway pipes and aprons shall be installed by the property owner or developer to the standards that are in effect in Cherokee County at the time the driveway is to be constructed. A Cherokee County Liability Permit shall be obtained for such installation.

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

(5) Acceptance, One-Year Warranty, and Construction Defects Bond

(a) Acceptance

1. At completion of all paving, storm drainage system installation, major utility installation, curbing, sidewalk installation (if applicable) and grassing/mulching of the right-of-way, the County Administrator or his/her authorized representative shall conduct an inspection of the project or project phase to determine if it is substantially complete. If the project is approved, a written notice of acceptance will be issued.

(b) One Year Warranty

1. As a condition of the notice of acceptance, the subdivider, either an individual, partnership, corporation, or other legal entity, will enter into an agreement with Cherokee County wherein (s)he agrees that (s)he will repair, upon written notification by Cherokee County and at his/her own expense, all defects in material and workmanship which occur in the roadways or drainage system accepted by Cherokee County pursuant to the granting of such acceptance for a period of one year from the date such work is accepted by Cherokee County.
2. The one-year warranty period shall begin immediately after acceptance and shall cover all defects in materials, installation, and workmanship for the roadway pavement, storm drainage system, drainage outfall channels, curbs, sidewalks, and grassing/erosion control. Any significant problems, failures or defects observed during the warranty period shall be repaired by the developer at his/her expense, as deemed necessary by the Cherokee County Administrator or his/her authorized representative.

(c) Construction Defects Bond

1. A contingency bond to cover the repair costs for possible defects to the roadway, curbs, sidewalks, and catch basins caused by defects or construction activities shall be posted by the developer at the start of the one-year warranty period. The bond shall remain in effect for a period of one year. The required bond amount shall be determined by the Cherokee County Administrator or his/her authorized representative based on the cost of installation of the facilities. During the bonding period, the developer shall repair all significant structural damage to the roadways, curbs, sidewalks, and catch basins as deemed necessary by the Cherokee County Administrator or his/her authorized representative.

Sec. 13-136. Drainage and Storm Water

- (1) In accordance with Section 6-29-1130.A of the South Carolina Code of Laws, no land development plan, including subdivision plats, shall be approved unless all land intended for use as building sites can be used safely for building purposes without danger from a flood or other inundation.
- (2) The requirements of this provision shall be deemed to have been met for any land development project for which there is an approved stormwater management and sediment control plan from the South Carolina Department of Health and Environmental Control in accordance with Chapter 14, Title 48 of the SC Code relating to erosion and sediment control and stormwater management and SC DHEC Regulations Section 72-305 relating to Stormwater Management, Erosion and Sedimentation Management. For projects requiring a SC DHEC Stormwater Management Permit, the submission of a copy of such permit shall qualify as compliance with this provision. For projects that require only a stormwater management plan be submitted to SC DHED, the submission of a copy of that plan shall qualify as compliance with this provision.

Sec. 13-137. Water Facilities

If public water is to be provided to a subdivision or land development project, approval of the water distribution system is at the discretion of the Town of Blacksburg or the rural water district charged with serving the area. If the subdivision or land development project is to be served by wells, approval of wells shall be at the discretion of SC DHEC.

Sec. 13-138. Wastewater Facilities.

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

Sec. 13-139. Natural Gas

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

Sec. 13-140. Lot Development

- (1) Unless otherwise stated in Article 5 – Development Standards for Specific Uses, the minimum building setback line for a primary structure shall be at least twenty (20) feet from the front property lines on lots abutting local roads and thirty-five (35) feet from the front property line on lots abutting collector, arterial, or primary roads. Corner lot setbacks shall be at least ten (10) feet from the side road. Provision shall be made for a side yard setback of 10 feet from each side property line, and a rear yard setback twenty-five (25) feet from the rear property line on each lot.
- (2) Unless otherwise stated in Article 5 – Development Standards for Specific Uses, accessory structures shall maintain the same front and side setbacks as required by primary structures; however, the minimum rear setback shall be eight (8) feet.

Sec. 13-141. Construction Standards

- (1) Cherokee County has adopted the International Building Code. This code shall apply to the construction of all structures and buildings that come under its scope and jurisdiction.
- (2) Any mobile home or manufactured housing unit brought into Cherokee County, or re-located within Cherokee County, subsequent to the enactment of this ordinance shall bear a stamp from the US Department of Housing and Urban Development signifying that the unit meets all HUD standards (1976). In addition, mobile homes shall be placed on a permanent foundation (in accordance with SC Code of Laws, Title 40, Chapter 29 and Section 19-425 of the SC Code of Regulations), underpinned, and a solid masonry or vinyl type skirting shall be installed within ninety (90) days from the receipt of the building permit for the mobile home or manufactured housing unit.

Sec. 13-142. 13-120. Reserved

ARTICLE V: DEVELOPMENT STANDARDS FOR SPECIFIC LAND USES

Sec. 13-143. Standards in this Article additional to general development standards

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

Sec. 13-144. Multi-Family Housing

(a) *Parcel Size.* Multi-family projects shall be located on a parcel that is at least one-half (½) acre in size.

(b) *Building Lines*

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

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

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

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

Sec. 13-145. Mobile Home Parks

- (a) *Parcel Size.* Mobile home parks shall be located on a parcel that is at least three (3) acres in size.
- (b) *Density.* Mobile home parks shall have a maximum density of two (2) manufactured housing units per acre.
- (c) *Building Lines*
 - (1) Permanent primary structures in a mobile home park. The minimum setbacks are as follows:
 - Front Yard: 20 feet - abutting local road
35 feet - abutting collector, arterial or primary roads
 - Corner Lot: 10 feet from the side road
 - Side Yard: 10 feet from each side property line
 - Rear Yard: 25 feet from the rear property line on each lot
 - (2) *Mobile homes located in mobile home parks* shall maintain the same front and rear setbacks as required by permanent primary structures (external boundaries of park). In addition, the minimum distance between mobile homes, as well as between mobile homes and any permanent structures, shall be twenty-five (25) feet on any side.
 - (3) *Accessory Structures.* Accessory structures shall maintain the same front and side setbacks as required by primary structures; however, the minimum rear setback shall be eight (8) feet.
- (d) *Buffer Requirements.* In addition to any applicable requirements as stated above, buffer requirements shall apply for any mobile home park development project. In an effort to protect adjacent single family residential areas from potential impacts due to a proposed mobile home park project, extra depth in parcels adjacent to an existing or potential residential development and a permanently landscaped buffer strip shall be required. Buffer types, including walls and fences, are specified in Appendix A.

Sec. 13-146. Commercial Or Office Uses

- (a) *Parcel Size.* Commercial and office uses shall be located on parcels of at least one-half (½) acre in size.
- (b) *Building Lines*
 - (1) *Primary Structures.* The minimum setbacks are as follows:
 - Front Yard: 25 feet - abutting local roads
40 feet - abutting collector, arterial or primary roads
 - Corner lot: 15 feet from the side road
 - Side Yard: 15 feet from each side property line
 - Rear Yard: 25 feet from the rear property line on each lot
 - (2) *Accessory Structures.* Accessory structures shall maintain the same front and side setbacks as required by primary structures; however, the minimum rear setback shall be ten (10) feet.

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

Sec. 13-147. Industrial Uses

- (a) Industrial projects shall be located on parcels of at least one-half (½) acre in size.
- (b) All roads and drives within the interior of an industrial development shall be paved.
- (c) Public utilities, including, water, and storm water drainage shall be required for all parcels, except where topography or other conditions are such as to make their installation impractical.
- (d) *Building Lines*
- (1) Primary Structures. The minimum setbacks are as follows:
- | | |
|-------------|---|
| Front Yard: | 25 feet - abutting local roads |
| | 40 feet - abutting collector, arterial or primary roads |
| Corner lot: | 15 feet from the side road |
| Side Yard: | 15 feet from each side property line |
| Rear Yard: | 30 feet from the rear property line |
- (2) Accessory Structures. Accessory structures shall maintain the same front and side setbacks as required by primary structures; however, the minimum rear setback shall be ten (10) feet.
- (3) If a lot(s) is unusually designed, building lines must be designated on the Plat.
- (e) Buffer Requirements. In addition to any applicable requirements as stated above, buffer requirements shall apply for any industrial development project. In an effort to protect adjacent single family residential areas from potential impacts due to a proposed industrial land development project, extra depth in parcels adjacent to an existing or potential residential development and a permanently landscaped buffer strip shall be required. Buffer types, including walls and fences, are specified in Appendix A.

Sec. 13-148. Townhomes and Patio Homes

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

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- (1) *Standards For Conditional Townhome And Patio Home Development Projects.* Townhome and patio home developments shall meet the following standards.
- (a) Townhome and patio home projects shall have a minimum of 1.5 acres. This applies to the entire project, not individual lots.
 - (b) The one-half acre minimum lot size, as established in Sections 3.1 and 4.6 of this ordinance, shall not apply to individual lots within a townhome or patio home development. However, for a townhome project, the overall density shall not exceed ten units per acre. For a patio home project, the minimum lot size for a lot that will be conveyed as a dwelling parcel, the minimum lot size shall be 7,000 square feet. If there are to be any parcels that are to be conveyed to a homeowners association, such parcels shall not be subject to the minimum lot size requirement.
 - (c) The following setbacks for dwellings and other principal buildings shall apply to individual lots within a townhome or patio home development: Front – 20 feet; Rear – 25 feet; Side – 0 feet or 10 feet (unless the structure is built on the side property line, the minimum side setback shall be 10 feet). Accessory structures shall not be permitted in the front or side yard. They shall be permitted in rear yards, with a minimum setback of 8 feet.
 - (d) Not more than eight (8) townhomes may be joined together in a single structure.
 - (e) Public utilities, including, water and sewer shall be required for all townhome and patio home developments.
 - (f) Townhome and patio home developments shall have the same street and road requirements as are applied to multi-family housing in Sections 4.1.2 and 4.1.3, of this ordinance.
 - (g) Each unit within a development must be provided with two paved parking spaces (which may be covered or in a garage) or a paved driveway that is large enough to park two automobiles. Access to driveways and parking spaces shall be from interior subdivision roads or local roads only.
 - (h) In establishing a townhome or patio home development, the developer shall prepare and file papers for the establishment of a homeowners association to maintain common areas of the development.
 - (i) Townhome and patio home developments will include a buffer along the exterior of the development, constructed and maintained in compliance with Appendix A of this ordinance. The buffer shall be located on an individually platted parcel to be conveyed to a homeowners association.
 - (j) Townhome and patio home developments may (but are not required to) include a club house, recreation center, swimming pool, tennis courts, open field, or similar amenities for the use of residents. If such amenities are included, they shall be located on platted lots that are to be conveyed to the homeowners association. Provisions for the management of these amenities shall be included in the documentation creating the homeowners association.
 - (k) Townhome and Patio Home projects shall be approved as an overall plan, showing all buildings, drives, buffer, and other applicable project requirements.
 - (l) Because of the conditional nature of townhome and patio home developments, the approval of a subdivision plat shall be by the Cherokee County Citizens Planning Commission, not by administrative staff. Consideration of approval shall be preceded

by a public hearing, which shall be advertised in a newspaper of general circulation in the community at least 15 days prior to the date of the hearing.

- (m) Approval of a townhome or patio home development shall be based upon both a determination of the planning commission that the minimum requirements of this ordinance are met and that the proposed development is compatible with the surrounding development. Factors of compatibility shall include overall density, the expected performance of the buffer in separating uses of differing intensity, and traffic generation. The meeting of minimum requirements on the part of the applicant does not obligate the planning commission to approve a proposal if the planning commission finds that the development is incompatible with surrounding uses.
- (n) An application for a Townhome or Patio Home Conditional Use Development Project shall include all information as required for Subdivision Submittal, as specified in Section 6.4 of this ordinance, all information required for Land Development / Site Plan Submittal, as specified in Section 6.6 of this ordinance, as well as the following additional information:
 - (1) The plat shall include a notation that it is approved for townhome or patio home development only and that usage of any lot within the subdivision shall be limited to townhomes or patio homes.
 - (2) A copy of the documentation to establish a homeowners association.
 - (3) A notation on the plat of all parcels that are to be conveyed to the homeowners association.
 - (4) Detailed notation on the design and composition of the buffer.

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

Sec. 13-149. Communication Towers.

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

- (1) *Demonstration of Needs.* No new communication tower may be constructed unless the application provides written certification that the proposed antenna cannot be located on existing towers, buildings, or other structures within a one thousand two hundred (1,200) foot radius of the proposed tower location.
- (2) *Setbacks.* Any tower constructed subsequent to the enactment of this section shall be set back from all property lines a distance equal to the height of the tower, except as modified below:
 - (a) No communication tower shall be located within one thousand (1,000) feet on an existing tower.

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- (b) The following setbacks shall apply to any tower located on or within one thousand (1,000) feet of the nearest point of any parcel located in any platted subdivision containing twenty-five (25) or more lot; or on or within one thousand (1,000) feet of any parcel containing a multi-family housing development or mobile home park containing twenty-five (25) or more dwelling units.
2. For towers which are no greater than two hundred (200) feet in height from the ground, the setback shall be two (2) times the height of the tower.
 3. For towers which are greater than two hundred (200) feet in height from the ground, the setback shall be three (3) times the height of the tower. For purposes of this section, a platted subdivision shall be any subdivision that has been accepted and recorded by the Cherokee County Clerk of Court.
- (c) In order to encourage tower locations in commercial and industrial areas, if a proposed tower location is on property that is not subject to the requirements of paragraph (a) above, and is on property which has been listed on the Cherokee County Assessor's tax rolls for the previous year as commercial or industrial, the required setback shall be at least thirty (30) feet. In addition, no tower shall be located within a distance, equal to, or less than, its height from a residential dwelling unit, school, church or similar place of worship, stadium, park or playground.
- (d) All guy wires shall be located within the setback area.
- (3) *Fencing and landscaping.* Access to the tower shall be controlled through the construction and maintenance of a continuous and solid wood, brick, or treated masonry fence, or through the construction of a continuous link fence of at least eight (8) feet in height to surround the base of the structure. The fence may include a gate to provide authorized access.
- In addition, a row of evergreen shrubs capable of forming a continuous hedge of at least five (5) feet in height (at the time of installation) shall be provided around the perimeter of the fence, except that the hedge is not required adjacent of the access gate.
- (4) *Accommodation of tower co-location.* All towers shall be constructed so as to accommodate at least one (1) additional communication antenna below the primary antenna, which shall be made available to other users on a commercially reasonable basis.
- (5) *Stealth towers.* Paragraphs (1) through (5) above shall not apply to stealth towers, provided that the antenna does not extend more than twenty (20) feet higher than the structure upon which it is attached.
- (6) *Prohibition of advertising.* No advertising of any type shall be attached to a communication tower.
- (7) *Removal of obsolete towers.* Any communication tower, whether constructed prior or subsequent to the adoption of this ordinance, shall be removed within one hundred twenty (120) days of the date such tower ceases to be used for its intended purposes.
- (8) *Airport and aeronautical safety.*
- (a) With the exception of towers used for aeronautical purposes, communication towers shall not penetrate any imaginary surface, as described in Chapter 14 of the Code of Federal Regulations, Federal Aviation Regulation (FAR) Part 77, as amended,

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

- (b) All communication towers shall be lighted in accordance with the most recent amendment of the Federal Aviation Administration Circular 70-7460, "Obstruction Marking and Lighting."
- (9) *Site plan requirements.* In addition to the site plan requirements as specified in section 13-156 of this chapter, the following information shall be included on any land development plan submitted for a communication tower:
 - (a) The height of the proposed tower;
 - (b) Guy anchors;
 - (c) The distance from all guy anchors to the closest property line; and
 - (d) Any proposed fences or landscaped areas.

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

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

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

The permit fee for construction of a communication tower or stealth tower shall be ten thousand (10,000) dollars.

Sec. 13-150. Junk and Salvage Yards

ARTICLE VI: ADMINISTRATION

Sec. 13-151. Process

Approval of a subdivision or land development plan by the Designated Ordinance Administrator is a pre-requisite to recording a subdivision plat or site development. The Cherokee County Council shall select the designated Ordinance Administrator.

Sec. 13-152. Subdivisions Already Approved or Under Construction

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

Sec. 13-153. Land Development Projects Already Approved or Under Construction

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

Sec. 13-154. Subdivision Submittal Requirements

All applications to create or modify a subdivision shall contain the information required by this Section and submitted to the Cherokee County Designated Ordinance Administrator.

- (1) A complete application form, as provided by the Designated Ordinance Administrator, and approved by the Cherokee County Council.
- (2) Ownership Information; Statement of Ownership. If the applicant represents the property owner, a notarized affidavit letter is required from the owner to authorize the request.
- (3) A warranty deed showing every individual person or entity having legal and/or equitable ownership interest in the property upon which the application is sought.
- (4) Legal description and Boundary Survey. The survey must bear the seal of a registered land surveyor to certify that the survey was completed in compliance with all applicable state regulations and survey standards. This requirement shall not apply if the subdivision meets the criteria for the exception, as stated in Section 6.2.6, below.
- (5) Subdivision Plat Drawing. The Subdivision Plat must, at a minimum, include the following information:
 - (a) Proposed lot boundaries;

- (b) Existing roads within or abutting the proposed subdivision;
- (c) Existing community driveways, if any;
- (d) Existing utilities lines, transformers, pump stations, or similar facilities;
- (e) Existing easements;
- (f) Proposed roads, if any, consistent with Section 13.82. Inspection and approval of the roadbed, surface paving, driveway pipes, and stormwater runoff management shall be obtained from the Cherokee County Public Works Department prior to final approval and adoption into the county road system by the County Council;
- (g) The means of access to each lot, either through a public road, private road, or easement;
- (h) Floodplain, as shown on the most current FEMA (Federal Emergency Management Agency) - Army Corps of Engineers maps available in Cherokee County; and
- (i) The subdivision Plat must be drawn to scale and must bear the seal of a registered land surveyor to certify that the plan was completed in compliance with all applicable state regulations and survey standards. The Cherokee County Council shall have the authority to approve standards for Plat requirements as recommended by the designated Ordinance Administrator.

This requirement shall not apply if the subdivision meets the criteria for the exception, as stated in Section 6.4.6, below.

(6) Exceptions to Subdivision Application, Survey, and Plat Drawing Requirements.

- (a) For each of the types of subdivisions listed herein, the application, application fee, and boundary survey, as required in subsection (4) of this section, and the subdivision plat drawing, as required in subsection (5) of this section shall not be required. Instead, the applicant shall have the option of submitting a scaled drawing of the proposed subdivision, which must include the following information:
 - 1. Existing and proposed lot boundaries;
 - 2. Existing roads within or abutting the proposed subdivision;
 - 3. Existing community driveways;
 - 4. Existing easements;
 - 5. The means of access to each lot, either through a public road, private road, or easement;
 - 6. A notation shall be included on the Plat to state whether a registered land surveyor prepared the Plat. If the Plat is prepared by a registered land surveyor in accordance with all applicable state regulations and survey standards, then the Plat shall bear the seal of the surveyor who prepared it.
 - 7. Nothing in this section is to be construed as relieving the applicant of compliance with any regulations for recording subdivisions as applied by the Cherokee County Clerk of Court.
- (b) *Subdivisions Qualified for this Exception Include.*

1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority (SC Code of Laws, 6-29-1110 (2) (a)).
 2. The division of land into parcels of five (5) acres or more where no new street is involved.
 3. The combination or recombination of entire lots of record where no new street or change in existing streets is involved (SC Code of Laws, 6-29-1110 (2) (c)).
- (c) The division of land by will, or by inheritance, under the statute of descent and distribution, conveyed by deed, shall be exempt from the provisions of the land use regulations. The conveyances of land by one family member to another family member, either by gift or transfer, shall be exempt from the provision of the land use regulations. Exemption of conveyance from family member to family member shall be limited to immediate family members defined as follows: mother, father, spouse, children, grandchildren, brothers and sisters. Approval of any plats submitted for approval pursuant to this section shall be considered for recording purposes only. Any property conveyed pursuant to this section will be required to comply with the applicable sections of the land use regulations if subsequently transferred or sold to a non-family member or in order to be considered for transfer or dedication to the County.
- (7) Fees. Applicable fees shall be paid at the time of submittal. Such fees shall be as approved by the Cherokee County Council.

Sec. 13-155. Recording of a Plat

Upon approval of the preliminary subdivision plan by the Designated Ordinance Administrator, the subdivider may proceed to comply with the specific requirements of these regulations and the preparation of the final subdivision plat. Approval of a preliminary subdivision plan shall not constitute approval of the final subdivision plat. Preliminary approval shall constitute approval of the proposed widths and alignments of streets and dimensions and shapes of lots. The final plat may not be recorded until roadway construction plans are reviewed and approved by the Cherokee County Administrator or his/her authorized representative. Drainage easements required by must also be shown on the final plat. The final plat will be considered eligible for approval only after the requirements for final plat approval, as specified herein, have been fulfilled and after all other specific conditions of the Designated Ordinance Administrator and all applicable departments have been met. A paper copy of the proposed final plat is to be submitted to the Designated Ordinance Administrator at least 10 working days prior to recording so that the appropriate County agencies may review the proposed final plat. Final plats shall not be filed until review approvals of the construction plans are completed and notice is given to the Designated Ordinance Administrator by those departments. No person shall submit a subdivision plat to the Clerk of Court unless the Designated Ordinance Administrator has approved it as meeting the requirements of this ordinance. [SC Code, Sec. 6-29-1150.B].

Sec. 13-156. Land Development Plan/Site Plan Submittal Requirements

All applications to create or modify a land development project, pursuant to Article 5, shall contain the information required by this Section and submitted to the Cherokee County Designated Ordinance Administrator. This information is not required for the subdivision of property, but shall be required to obtain a building permit for a land development project, as defined herein.

- (1) A complete application form, as provided by the Designated Ordinance Administrator, and approved by Cherokee County Council.
- (2) Ownership Information; Statement of Ownership. If the applicant represents the property owner, a notarized affidavit letter is required from the owner to authorize the request.
- (3) A warranty deed showing every individual person or entity having legal and/or equitable ownership interest in the property upon which the application is sought.
- (4) Boundary Survey. The survey must bear the seal of a registered land surveyor to certify that the survey was completed in compliance with all applicable state regulations and survey standards.
- (5) Site Plan Drawing. The Site Plan must, at a minimum, include the following information:
 - (a) Location map;
 - (b) Existing lot boundaries;
 - (c) Existing roads within or abutting the proposed project;
 - (d) All driveways and roadways proposed for the site;
 - (e) Existing utilities lines, transformers, pump stations, or similar facilities, (if any);
 - (f) Existing easements, (if any);
 - (g) Proposed buildings and structures;
 - (h) Proposed parking areas, driveways and sidewalks, (if any);
 - (i) Setback lines;
 - (j) Buffer yard details, consistent with Appendix A;
 - (k) Drainage features and conceptual stormwater management systems, (as required under Chapter 14, Title 48 of the SC Code relating to erosion and sediment control and SC DHEC Regulations Sections 72-101 through 72-440, relating to the Permit Application and Approval Process). Attachment of the DHEC permit or the Stormwater Management and Sedimentation Control Plan filed with DHEC fulfills this requirement.
 - (l) Floodplain, as shown on the most current FEMA (Federal Emergency Management Agency) - Army Corps of Engineers maps available in Cherokee County.
 - (m) The Site Plan must be drawn to scale and must bear the seal of a registered land surveyor to certify compliance with all applicable state regulations and standards. The Cherokee County Council shall have the authority to approve standards for Site Plan requirements as recommended by the designated Ordinance Administrator.

Sec. 13-157. Procedures for County Acceptance of a Street

The procedure for the acceptance of a street by the Cherokee County Council is as follows:

- (1) For a road to be adopted, all property owners abutting the road shall submit a right-of-way form conveying land to the county.

- (2) After preliminary plat approval is granted, detailed construction drawings for all proposed roadways shall be submitted for review and approval to the Public Works Department prior to construction. Construction drawings for roadways for all subdivisions of ten (10) lots or more shall be developed and signed by a registered Professional Engineer (P.E.) For subdivisions of less than ten (10) lots, construction drawings will not require the signature of a registered P.E.
- (3) Inspections and Approvals. Inspection and approval of the roadbed, surface paving, driveway pipes, and stormwater runoff management shall be obtained from the Cherokee County Administrator or his/her authorized representative prior to final approval and adoption into the county road system by the County Council.

Prior to inspection by the County the applicant must show documentation that the registered P.E inspected and signed off on the “as-builts” for the project to ensure that the designs for the project were followed and adhered to. Roads will not be inspected by or accepted into the County Road System without this certification by a registered P.E.

- (4) All of the applicable road standards of Section 4.1 must be met.

Sec. 13-158. Applicability of Other Laws and Regulations.

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

Sec. 13-159. Nonconformities

- (a) *Substandard Lots of Record.* Any lot created prior to the enactment of this ordinance, whether individually, or as a part of a subdivision, that does not conform to the one-half acre dimensional requirements of this ordinance may nonetheless be used as a building site. If undeveloped at the time of enactment of this ordinance, the development of any such lot shall be restricted to only one principal building or mobile home. The designated ordinance administrator shall determine appropriate setbacks and buffer requirements for the use of such lots. If developed at the time of enactment of this ordinance, any buildings or activities may be continued, modified, re-built, or re-established after discontinuance. However, the total area of all existing buildings or structures cannot be increased. Also, if re-construction or the alteration of a building is sought, the designated ordinance administrator may establish reasonable setbacks and buffer requirements.

Any legally substandard lot of record must be identifiable by an official recording date at the Clerk of Court’s office to be considered legally nonconforming.

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

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

Sec. 13-160. Transfer or Sale of Lots

Any transfer or sale of parcel(s), before such subdivision plat has been approved by the Designated Ordinance Administrator, and recorded by the Cherokee County Clerk of Court shall be considered a violation of this Ordinance and punishable as provided herein. The description of metes and bounds in the instrument of transfer or other documents used in the process of selling or transfer shall not exempt the transaction from these penalties. Cherokee County may enjoin such transfer or sale or agreement by appropriate action. [SC Code, Sec. 6-29-1190]

Sec. 13-161. Surety Instruments

In lieu of the completion of the physical development and installation of the required improvements of Article IV prior to the recording of the plat, the county council shall require security, in the form of a surety bond or irrevocable letter of credit with payment assigned to Cherokee County, issued by a bank or branch of a bank in South Carolina (FDIC Insured), in an amount that is equal to at least one hundred twenty five percent (125%) of the projected cost of improvements and with conditions satisfactory to it, to guarantee the actual construction and installation of such improvements and utilities within a period specified by the council.

Sec. 13-162. Enforcement, Violations and Penalties

- (a) *Enforcement.* The County shall enforce the following, as applicable, to ensure that all subdivisions and land development projects (new or revised) meet the requirements of this Ordinance.
 - (1) *Recording* - Subdivisions or other land development projects not properly approved are not permitted to be filed or recorded;
 - (2) *Building Permit* - Building permits shall not be issued until the plan or plat bears the stamp of approval and is properly signed by the Designated Ordinance Administrator. (SC Code Section 6-29-1140).
 - (3) *Bond* - A surety bond shall be posted by the developer to cover the costs for the County to install the required improvements. (SC Code Section 6-29-1180).
- (b) *Violations.* The designated Ordinance Administrator has the authority to determine whether a property owner/developer/subdivider is in violation of County Land

LAND DEVELOPMENT REGULATIONS

Development Regulations. Any violation of this Ordinance shall be a misdemeanor and, upon conviction, is punished in the discretion of the court. No transfer of title shall be permitted for any lot(s) created subsequent to enactment of this Ordinance unless approved first by the county. The Clerk of Court must record the approved plan or plat. A transfer violating this provision is a misdemeanor. If convicted, the court decides the punishment. A description by metes and bounds in the instrument or transfer or other document used in the transfer process does not exempt the transaction from these penalties. (SC Code, Section 6-29-1140).

Sec. 13-163. Appeals and Variances

- (a) Appeals. Any person who believes that he is aggrieved by an error made by an administrative official of Cherokee County in the enforcement of this ordinance shall have the right to appeal any order, requirement, decision, or determination issued by an administrative official to the appropriate appeals body, as established by Cherokee County Council.
- (1) Appeals related to Article 3, Sections 13-82, 13-83, 13-84, 13-85, 13-86, and 13-152 of this ordinance shall be directed to the Cherokee County Citizens Planning Commission.
 - (2) Appeals related to Sections 13-87, 13-88, all of Article V of this chapter, and sections 13-153, 13-159, and 13-197 shall be directed to the Cherokee County Board of Appeals.
 - (3) Appeals shall be submitted to the designated administrator of this ordinance. Appeals shall be submitted on a form as approved by the designated ordinance administrator and must be filed within 30 days from the date that the appealing party has received notice of the action from which the appeal is taken.
 - (4) An appeal shall stay all legal proceedings in furtherance of the action appealed, unless the designated ordinance administrator determines that a stay would cause imminent peril to life and property.
 - (5) In considering an appeal, the appropriate appeals board, as cited in paragraphs 1 and 2, above, shall conduct a public hearing on the matter, with public notice advertised in a newspaper of general circulation in the community at least 15 days prior to the hearing date.
 - (6) In rendering a decision on the appeal, the board may affirm, reverse, or modify the order, requirement, decision, or determination issued by the administrative officer.
 - (7) All final decisions on orders and decisions of the board must be in writing and must be permanently filed with the clerk to council.
 - (8) Appeal Submittal Requirements
 - i) Any person who may have substantial interest in a decision of either the Cherokee County Citizens Planning Commission or the Cherokee County Board of Appeals may appeal a decision of the Commission or Board to the circuit court in and for the County, by filing with the Clerk of Court petition in writing setting forth plainly, fully and distinctly why such decision is contrary to law. Such an appeal shall be filed within thirty (30) days after the decision of the Commission or Board is mailed.
 - ii) A property owner whose land is the subject of a decision of the Cherokee County Citizens Planning Commission or the Cherokee County Board of Appeals may appeal either:
 - 1) As provided in subsection (i); or

- 2) By filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-825 of the South Carolina Code of Laws.
 - iii) Any notice of appeal and request for pre-litigation must be filed within thirty (30) days after the decision of the Commission or Board is postmarked.
 - iv) If a request for pre-litigation mediation is filed, the request must be granted. The mediation process shall proceed in accordance with Title VI, Chapter 29, Sections 825 through 890 of the South Carolina Code of Laws.
- (b) Variances. When a property owner can show that any provision of these regulations would cause unnecessary hardship because of topographical or other physical conditions unique to the site and in the opinion of the Cherokee County Board of Appeals that a departure may be made without destroying the intent of such provisions, such Board may approve a variance. Any variance that is approved is required to be entered in writing by the Board of Appeals along with the reason for which such departure was justified.

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

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property.
- (2) The extraordinary and exceptional conditions do not generally apply to other properties in the vicinity.
- (3) Because of the conditions present, the strict application of this ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
- (4) Applications for a variance shall be submitted to the designated ordinance administrator on a form approved by the designated ordinance administrator.
- (5) In considering an application for a variance the Board of Appeals shall conduct a public hearing on the matter, with public notice advertised in a newspaper of general circulation in the community at least fifteen (15) days prior to the hearing date.
- (6) All decisions of the Board of Appeals with respect to variance applications shall be in writing and must be permanently files with the clerk to council.

Sec. 13-164. – 13-190. Reserved

ARTICLE VII: LEGAL STATUS PROVISIONS

Sec. 13-165. Interpretation

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

Sec. 13-166. Conflict With Other Laws, Ordinances, or Regulations

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

Sec. 13-167. Separability

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

Sec. 13-168. Repeal of Certain Ordinances

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

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

Sec. 13-169. Amendments

The county may adopt and amend land development regulations by ordinance following a public hearing. Such hearing must be advertised by publishing a notice at least thirty (30) days prior to the hearing, including time and place of such hearing, in a general circulation newspaper in the community. (SC Code, Section 6-29-1130(b)).

Sec. 13-170. Effective Date of Articles 1-8 Of this chapter

While it is desired that the intent of the regulations included in this Ordinance be enacted immediately, to allow for the establishment of administrative procedures and public education or ordinance requirements, these regulations shall take effect on and after July 1, 2000. During the period subsequent to the adoption of this Ordinance by Cherokee County Council and its effective date, the ordinance shall be considered pending.

Sec. 13-171. Pending Ordinance Doctrine

After approval of this Ordinance upon third reading of County Council, but prior to the effective date as set forth in Section 7.6, the designated ordinance administrator shall not approve any land development project or issue any permit for a use that is contrary to or inconsistent with the regulations included within this ordinance. (Ord. Of 1-2-00, S 7.7)

Sec. 13-172. – 13-220. Reserved

ARTICLE 8: DEFINITIONS

Sec. 13-173. Definitions

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

Cherokee County Code Enforcement Board of Appeals – Pursuant to SC Code Section 6-29-780, the board is established as the Board of Zoning Appeals. Powers and required findings of the Board of Appeals are consistent with SC Code Section 6-29-800.

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

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

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

Area - The total gross area of the lot including easements.

Corner - A lot with frontage on each of two intersecting roads located at the point of intersection.

Depth - The mean horizontal distance between the front and rear lot lines.

Double Frontage Lot - A parcel having frontage on two or more roads, which is not located at any intersection of such roads.

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

Manufactured Housing - Factory-built, single-family structure that meet the National Manufactured Home Construction and Safety Standards Act (42 USC Sec. 5401), commonly know as the HUD (US Department of Housing and Urban Development) code. Includes Mobile Homes, modular homes, and systems homes, consistent with the National Manufactured Home Construction and Safety Standards Act of 1976, but does not include travel trailers and/or recreational vehicles.

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

Mobile Home - Manufactured housing.

Mobile Home Park - A tract or parcel of land containing four (4) or more mobile homes or spaces for mobile homes that are rented or leased as a residential unit. See Manufactured Housing.

Mobile/Manufactured Home Permit - A document or certificate issued by Cherokee County authorizing the placement, alteration, or moving of a mobile home or manufactured home.

Multi-Family Development Project – A development project which includes four (4) or more residential units on one tract or parcel of land. A multi-family development project may include either four (4) or more dwellings constructed in one (1) building, or dwelling units constructed in separate buildings. Multi-family development projects include both;

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

Multi-Family Housing – Multi-family development project.

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

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

Planning Commission - The Cherokee County Citizens' Planning Commission, Cherokee County, South Carolina.

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

Private Road - A road is private unless its right-of-way has been dedicated to and accepted by the State of South Carolina or Cherokee County Council.

Public Road - This means, relates to, and includes the entire right-of-way of roads, avenues, boulevards, roads, highways, freeways, lanes, courts, thoroughfares, collectors, local roads, cul-de-sacs and other ways considered public and both dedicated to and accepted by the State of South Carolina or Cherokee County Council.

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

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

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

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

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

Surveyor - A registered land surveyor in good standing with the SC Board of Registration for Professional Engineers and Land Surveyors. The terms “practice of land surveying,” “land surveying,” “the preparation or submission of plats,” or other related terms within the meaning and intent of this ordinance shall include measuring and locating lines, angles, elevations, natural and manmade features in the air, on the surface of the earth, with underground workings, or on the beds or bodies of water for the purpose of determining areas and volumes, for the monumenting or marking of property boundaries and for the platting and laying out of lands and subdivisions thereof, including the topographic alignment and grades of streets and for the preparation of maps, plats and property descriptions that represent the surveys. Also Land Surveyor.

Townhome (Town House) – A structure, or grouping of structures, each of which contains two or more residential dwelling units. The ground under each dwelling unit, as well as surrounding yards, are individually platted and transferred as unique, separate, and individual lots. This

definition does not preclude some areas under common ownership within the townhome complex.

Transfer Or Sale Of Lots - Any agreement to sell or negotiate to sell land(s) to be developed by reference to, or exhibition of, or by other use of a plat of subdivision of such land.

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

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

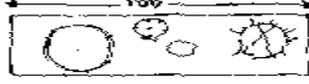
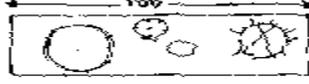
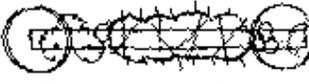
- **Yard (front)** - A yard situated between the front building line and the front lot line extending the full width of the lot.
- **Yard (rear)** - A yard situated between the rear building line and the rear lot line extending the full width of the lot.
- **Yard (side)** - A yard between side building line and a side lot line extending from the front yard to the rear yard.

APPENDIX A – Bufferyards

BUFFERYARD 1: Multi-Family Residential/Mobile Home Park/Townhomes/Patio Homes developed adjacent to Single Family Residential, Agricultural, Undeveloped Uses, or National or State Parks

Required Plants Per 100' of Length

2	Canopy Trees	
4	Understory Trees	
4	Evergreens/Conifers	
4	Shrubs	
14	Total	

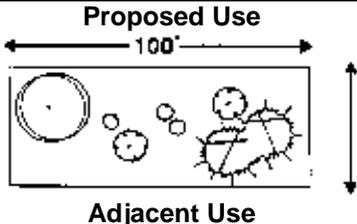
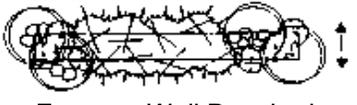
Percentage of Required Plant Material		Buffer Yard Width
25%	<p>Proposed Use</p>  <p>Adjacent Use</p> 	30 feet
50%		20 feet
75%	 <p>Fence or Wall Required</p>	10 feet
100%	 <p>Fence or Wall Required</p>	5 feet

Appendix A

BUFFERYARD 2: Office/Commercial Uses Adjacent to Single Family Residential, Agricultural, Undeveloped Uses, or National or State Parks

Required Plants Per 100' of Length

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

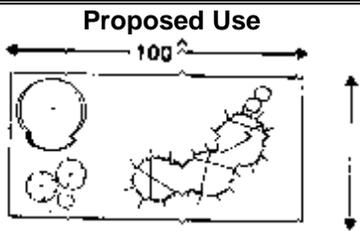
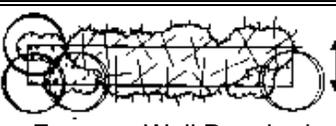
Percentage of Required Plant Material		Buffer Yard Width
25%	<p>Proposed Use</p>  <p>Adjacent Use</p>	40 feet
50%		30 feet
75%	 <p>Fence or Wall Required</p>	20 feet
100%	 <p>Fence or Wall Required</p>	10 feet

Appendix A

BUFFERYARD 3: Industrial Uses adjacent to Single Family Residential, Agricultural, Undeveloped Uses, or National or State Parks

Required Plants Per 100' of Length

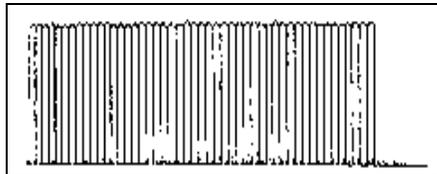
4	Canopy Trees	
8	Understory Trees	
12	Evergreens/Conifers	
12	Shrubs	
<hr/>		
36	Total	

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

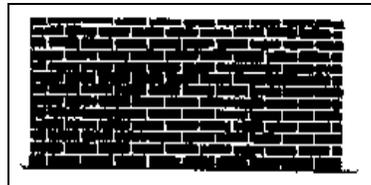
Appendix A

Fence and Wall Requirements

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



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



- Berms. The Designated Ordinance Administrator may approve berms, in lieu of the required fence or wall.

APPENDIX B – Utility Installation

Utility and Pipe Installation Permit

(a) General

- (1) A permit of use of right-of-way letter must be issued by the Department before any utility is installed or any other work is performed on county right-of-way. This applies to both aerial and underground installations, except as noted in this policy.
- (2) A permit shall be required for trenching within the county road right-of-way that is longitudinal to the right-of-way and is two inches or greater in width.

(b) Application

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

(c) Processing

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

(d) Activities not Requiring Encroachment Permits

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

- (e) Accommodations. The accommodation of utilities by permit or service connections as outlined above, shall be in conformance with the provision as set forth in this policy for the accommodation of utilities on highway right-of-way.
- (f) Liabilities and Controls
- (1) The permittee shall agree, and bind his heirs, successors and assigns, to assume any and all liability the county might otherwise have in connection with accidents, injuries to persons, or damage to property (including the highway) that may be caused by the construction, maintenance, use of, as well as moving or removing of the encroachment contemplated. The permittee shall further agree to indemnify the county for any liability incurred, injury or damage sustained by damage sustained by reason of the past, present, or future existence of said encroachment.
 - (2) The county and its employees shall not be held responsible or liable for injury or damage that may occur to facilities covered by the permit or to any connection thereto by reason of highway maintenance and construction activities or highway contractor or permittee operations. During the initial installation and construction of during any miscellaneous operation, the applicant shall at all times maintain such flaggers, signs, lights, barricades, and other safety devices, as it deemed necessary to properly guide and protect traffic upon the highway, and to warn and safeguard the public against injury or damage. As a minimum, the permittee must comply with the SCMUTCD. The permittee shall provide a watchman, as required, to maintain said signs, lights, barricades, and other safety devices, during non-work hours, and shall provide the county with the telephone number so that he may be contacted if needed.
 - (3) The permittee shall conduct his operations so there will be a minimum of interference with or interruption of traffic upon and along the highway. This applies to both the initial construction and continuing maintenance and operation of facilities. Except in emergencies, there shall not be a lane closure until a satisfactory plan for handling traffic has been approved by county. The county reserves the right to prohibit any work that may interfere with traffic movement during time peak traffic flow. The county reserves the right to inspect the work of the permittee to ensure compliance with the permit.
 - (4) Where numerous permits are anticipated by one applicant, the director may allow a permittee to furnish a bond on a periodic basis to cover all permits issued to the permittee during the period specified in the bond. The periodic bond shall be in an amount recommended by the Public Works Director.

Appendix C – Liability Permit

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

An application and surety bond shall be submitted to the Public Works Director for review and approval. Following approval, the county shall retain one copy of the permit and the applicant shall retain one.

The Public Works Director shall set the amount of the surety bond.