



# Zoning Ordinance

Planning Commission Review Draft

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PLANNING



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## Chapter 19. Zoning

### Article I. Introduction

#### Division 1. How to Use this Zoning Ordinance

##### 19-1. Generally

- (a) This Zoning Ordinance provides standards for the uses of land in unincorporated areas of Cherokee County.
- (b) The Zoning Ordinance does not apply to all parcels of land in Cherokee County.
- (c) The Ordinance includes two primary components:
  - (1) The Zoning Map assigns a zoning district to a particular site, if zoning applies; and
  - (2) The text of this Zoning Ordinance provides standards for a particular site based on its zoning district.

##### 19-2. Determining the Regulations for a Site

- (a) **Determine the Site's Zoning District.** Find the site's zoning district on the Cherokee County Zoning Map. Every parcel in the zoned area of the County has a base zoning district classification. Some sites also have an overlay zoning district classification.
- (b) **Zoning District Purposes and Standards.**
  - (1) Review the purpose of and dimensional standards for the base zoning district in Article II: *Zoning Districts*.
  - (2) If the site is also located in an overlay zoning district, review the regulations for that district in Article II: *Zoning Districts*. Overlay district standards may enhance or relax otherwise applicable base district dimensional and development standards.
- (c) **Use Regulations.** The use table in Article III: *Use Regulations* specifies whether a land use is allowed or prohibited for each site, based on the zoning district in which the site is located. A particular use is either permitted, conditional, special exception, or prohibited in each district.
- (d) **Development and Design Standards.**
  - (1) Article IV: *Compatibility Performance Standards* provides development standards for buffers, landscaping, parking, and signs that apply to subdivisions, new development, redevelopment, and the establishment of new uses to ensure compatibility between uses and districts.
  - (2) The applicability of development and design standards varies and may apply by zoning district (base or overlay) or land use type.

##### 19-3. Determining the Regulations for a Use

Article III: *Use Regulations* provides use regulations that apply to specific uses of land. These standards allow beneficial uses of land while minimizing the negative impacts of a land use on adjoining landowners and other residents of the County.

##### 19-4. Determining Which Procedures Apply

- (a) **Generally.** Many changes in the use or development characteristics of a parcel require

## Article I. Introduction

### 19-5. Title

approval under this Zoning Ordinance. To determine which procedures apply, the applicant should consider the type of change that they intend for the parcel.

- (b) **Substantive Standards Identify Procedures.** If a substantive standard for a use or land development activity requires a specific permit or approval, the standard will refer to the application or procedure required to apply for the necessary permit or approval.
- (c) **Authorized Procedures.**
  - (1) Article V: *Procedures* describes each procedure authorized by this Zoning Ordinance.
  - (2) The “Applicability” paragraph for each procedure describes the situations where a particular procedure is required.
  - (3) If the procedure applies, the section includes additional information about how an application is initiated, how an application is processed, the criteria for review, and cross-references to other relevant parts of this Ordinance.

## Division 2. General Provisions

### 19-5. Title

This Chapter shall be known and may be cited as the Cherokee County Zoning Ordinance.

### 19-6. Purpose

- (a) The Cherokee County Council adopts this Zoning Ordinance for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare.
- (b) To further this general intent, the purposes of this Ordinance are to:
  - (1) Implement the Comprehensive Plan;
  - (2) Provide for adequate light, air, and open space;
  - (3) Prevent the overcrowding of land, avoid undue concentration of population, and lessen congestion in the streets;
  - (4) Facilitate the creation of a convenient, attractive, and harmonious community;
  - (5) Protect and preserve scenic, historic, or ecologically sensitive areas;
  - (6) Regulate the density and distribution of populations and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and aircraft approaches, water supply, sanitation, protection against floods, and public activities;
  - (7) Facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements;
  - (8) Secure safety from fire, flood, and other dangers;
  - (9) Encourage the development of an economically sound and stable county;
  - (10) Preserve agricultural land and working farms;
  - (11) Protect neighborhoods from incompatible development; and

## Article I. Introduction

### 19-7. Authority

- (12) Establish procedures for processing development applications that encourage appropriate and streamlined land use decisions.

### 19-7. Authority

The Cherokee County Council adopts this Zoning Ordinance under the authority provided in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended, codified as [S.C. Code Ann. §§ 6-29-310 to 6-29-1640](#).

### 19-8. Applicability

- (a) This Zoning Ordinance applies in all unincorporated areas of Cherokee County that are assigned to a zoning district in the Official Zoning Map.
- (b) This Ordinance applies to the use of real property by governmental entities as provided in [S.C. Code § 6-29-770](#).
- (c) A person may not use a building, structure, or land or erect, reconstruct, convert, enlarge, move, or structurally alter any part of a building or structure, unless it complies with the applicable regulations of this Zoning Ordinance.

### 19-9. Relationship to the Comprehensive Plan

- (a) County Council adopts this Ordinance to implement the goals, objectives, and policies of the Comprehensive Plan, as adopted or as it may be amended from time to time.
- (b) County Council finds this Ordinance to be consistent and in accordance with the Comprehensive Plan.

### 19-10. Relationship to Other Provisions of County Code

- (a) This Ordinance works in conjunction with [Chapter 13: Land Development Regulations](#) and the other chapters in the Cherokee County Code of Ordinances to regulate the development, redevelopment, and use of land and structures in the county.
- (b) The use and development of land and structures are subject to all applicable requirements of this Ordinance and all other applicable requirements of the Cherokee County Code and state and federal law.
- (c) When applicable regulations conflict with one another, the provisions of Article IX: *Rules of Interpretation and Measurement* apply.

### 19-11. Severability

- (a) The Cherokee County Council declares that the articles, sections, subsections, paragraphs, sentences, and phrases of this Ordinance are severable.
- (b) If a court of competent jurisdiction finds that any article, section, subsection, paragraph, sentence, or phrase is unconstitutional or otherwise invalid, that unconstitutionality or invalidity shall not affect or undermine the validity of the remaining articles, sections, subsections, paragraphs, sentences, or phrases of this Ordinance.

### 19-12. Private Restrictions

- (a) The Zoning Administrator shall request information on applications about the existence of any recorded covenants on the property that are contrary to, conflict with, or prohibit the permitted activity.

## Article I. Introduction

### 19-13. Effective Date

- (b) If the Zoning Administrator receives actual notice of a restrictive covenant in conflict with the permitted activity, the Administrator may not issue a permit or approval governed by this Ordinance until the applicant provides confirmation of a release from the covenant. However, this limitation does not apply to:
  - (1) Building permits; or
  - (2) Covenants restricting the type of structure that may be built or placed on a tract or parcel of land.
- (c) This Section is intended to give effect to the requirements of [S.C. Code Ann. § 6-29-1145](#) and will be interpreted according to its terms.

### **19-13. Effective Date**

This Zoning Ordinance takes effect on the \_\_\_\_ day of \_\_\_\_\_, 2025.

## Article II. Zoning Districts

### Division 1. Zoning Districts Generally

#### 19-14. Districts Established

- (a) **Base Districts.** The County Council establishes base districts to regulate all land use within the zoned areas of the County by providing appropriate use and development standards. The base districts are:
- (1) Rural Residential (RR);
  - (2) Rural/Agricultural (RA);
  - (3) General Residential (GR);
  - (4) General Commercial (GC); and
  - (5) General Industrial (GI).
- (b) **Overlay Districts.** The County Council establishes overlay districts to manage certain environmentally sensitive or visually important geographic areas by imposing development, use, or other standards in addition to the requirements of the underlying base district. The overlay districts are:
- (1) River Corridor (RCO); and
  - (2) Scenic Highway (SHO).

#### 19-15. Zoning Map

- (a) **Zoning Districts.**
- (1) The boundaries of the zoning districts provided for in § 19-14 are shown on a map entitled “Cherokee County Official Zoning Map.”
  - (2) The Official Zoning Map is adopted and incorporated by reference in this Ordinance.
- (b) **Administration of Zoning Map.** The Official Zoning Map shall be maintained by the Zoning Administrator and will be revised by the Administrator based on map amendments approved according to this Ordinance.
- (c) **Public Access.** The current Official Zoning Map may be accessed by the public on the County’s [GIS Office Internet Site](#).

### Division 2. Base Districts

#### 19-16. Rural Residential (RR)

The Rural Residential District is intended to support the development of low-density single-family residential neighborhoods in rural fringe areas of the County while preserving opportunities for the ongoing use of land for agricultural purposes. To that end, the primary use of land in the district is single-family residences on large lots, with allowances for compatible uses, such as schools and religious institutions, that support residents in nearby neighborhoods. Nonresidential uses appropriate for agricultural lands, such as agritourism, equestrian centers, and outdoor recreation uses, are permitted to allow for the beneficial use of agricultural land in a manner that is compatible with rural neighborhoods.

**19-17. Rural/Agricultural (RA)**

The Rural / Agricultural District is intended to establish use and development standards that preserve the rural character and traditional agricultural uses in the district while facilitating limited low-density single-family residential development and providing convenient access to goods, services, and community facilities that are typically found in rural communities. Rural business enterprises and agricultural support uses provide access to employment for residents and support farming activities, while small convenience retail and service uses ensure that residents' everyday needs are met in close proximity to their homes.

**19-18. General Residential (GR)**

The purpose of the General Residential District is to facilitate the use and development of land for single-family residential purposes in areas of the County that are located in close proximity to municipalities that have access to utility services that support moderate-density development. This district is intended to be primarily residential, with some provision for compatible non-residential uses which are typically found within or immediately adjacent to residential neighborhoods, such as schools, religious institutions, and daycare centers.

**19-19. General Commercial (GC)**

The purpose of the General Commercial District is to facilitate commerce in unincorporated areas of the County by supporting the development of businesses in commercial corridors and centers that provide goods, services, and employment opportunities for residents and visitors. The district allows a broad range of commercial uses, including retail, office, and personal services, as well as uses that serve the traveling public along the major transportation corridors in the County. Development standards for the district are intended to facilitate the efficient use of land for commercial purposes and maintain compatibility with nearby residential areas.

**19-20. General Industrial (GI)**

The purpose of the General Industrial District is to allocate land for higher intensity uses that are not generally compatible with residential development, with the intent of providing both adequate protection for residential neighborhoods and reserving sufficient land for the economic growth of Cherokee County. Land zoned to this district typically has access to major transportation and utility infrastructure to facilitate large-scale development and the efficient movement of goods, materials, and workers. Typical uses within this district include manufacturing, warehousing, transportation, processing, and extraction industries, along with minor supporting uses for the convenience of workers. Development standards for the district are intended to limit off-site impacts from industrial processes and maintain compatibility with surrounding development.

**Division 3. Overlay Districts**

**19-21. River Corridor (RCO)**

The purpose of the River Corridor Overlay District is to establish regulations for the use of property in close proximity to the Broad and Pacolet Rivers to protect the water quality of these resources and to protect the County's riparian and aquatic ecosystems. This Overlay District provides for increased riparian buffers and limits the uses in the immediate vicinity of these rivers.

**19-22. Scenic Highway (SHO)**

The purpose of the Scenic Highway Overlay District is to establish regulations for the use of property in close proximity to the Cherokee Foothills Scenic Highway (SC Highway 11) to preserve the rural

## Article II. Zoning Districts

### 19-23. District Development Standards – Residential

and scenic qualities of this corridor. This Overlay District provides for increased perimeter buffers and limits the uses in the immediate vicinity of the Scenic Highway.

## Division 4. District Development Standards

### 19-23. District Development Standards – Residential

- (a) Residential uses in all districts must comply with the development standards in Table 19-23.1.
- (b) Residential uses are identified in § 19-28: *Use Table*.

| Table 19-23.1 : District Development Standards for Residential Uses                                                                                                                       |                                                                                                                 |                                                                              |                |                                                           |     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|----------------|-----------------------------------------------------------|-----|
|                                                                                                                                                                                           | RR                                                                                                              | RA                                                                           | GR             | GC                                                        | GI  |
| <b>Dimensional Standards</b>                                                                                                                                                              |                                                                                                                 |                                                                              |                |                                                           |     |
| <b>Minimum Lot Size</b>                                                                                                                                                                   | 22,000 sq. ft.                                                                                                  | 22,000 sq. ft. if in major subdivision<br>1 acre if not in major subdivision | 10,000 sq. ft. | 10,000 sq. ft. with sewer<br>40,000 sq. ft. without sewer | N/A |
| <b>Minimum Lot Width</b>                                                                                                                                                                  | 75 ft. if on a new public or private road within a major subdivision<br>100 if on existing SCDOT or County road | 75 ft. if in major subdivision<br>100 ft. if not in major subdivision        | 75 ft.         | 75 ft.                                                    | N/A |
| <b>Minimum Setbacks<sup>1</sup></b>                                                                                                                                                       |                                                                                                                 |                                                                              |                |                                                           |     |
| <b>Front</b>                                                                                                                                                                              | 35 ft.                                                                                                          | 35 ft.                                                                       | 35 ft.         | 35 ft.                                                    | N/A |
| <b>Side</b>                                                                                                                                                                               | 10 ft.                                                                                                          | 15 ft.                                                                       | 10 ft.         | 10 ft.                                                    | N/A |
| <b>Rear</b>                                                                                                                                                                               | 25 ft.                                                                                                          | 30 ft.                                                                       | 25 ft.         | 30 ft.                                                    | N/A |
| <b>Maximum Height</b>                                                                                                                                                                     |                                                                                                                 |                                                                              |                |                                                           |     |
| <b>Principal Building</b>                                                                                                                                                                 | 35 ft.                                                                                                          | 35 ft.                                                                       | 40 ft.         | 40 ft.                                                    | N/A |
| <b>Accessory Structures</b>                                                                                                                                                               | 100 ft.                                                                                                         | 100 ft.                                                                      | 40 ft.         | 40 ft.                                                    | N/A |
| Key: sq. ft. = square feet   ft. = feet                                                                                                                                                   |                                                                                                                 |                                                                              |                |                                                           |     |
| <sup>1</sup> The minimum setback does not apply for common minor accessory structures such as fences, signs, mailboxes, arbors, basketball goals, flagpoles, light poles, and birdhouses. |                                                                                                                 |                                                                              |                |                                                           |     |

### 19-24. District Development Standards – Non-Residential Uses

- (a) Non-residential uses in all districts must comply with the development standards in Table 19-24.1.
- (b) Non-residential uses include all uses not identified as residential uses in § 19-28: *Use Table*.

Article II. Zoning Districts

19-24. District Development Standards – Non-Residential Uses

| Table 19-24.1: District Development Standards for Non-Residential Uses                                                                                                                    |                |                |                |                                                           |                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|----------------|-----------------------------------------------------------|--------------------------------------------------------------------------------|
|                                                                                                                                                                                           | RR             | RA             | RES            | GC                                                        | GI                                                                             |
| <b>Dimensional Standards</b>                                                                                                                                                              |                |                |                |                                                           |                                                                                |
| <b>Minimum Lot Size</b>                                                                                                                                                                   | 40,000 sq. ft. | 40,000 sq. ft. | 40,000 sq. ft. | 10,000 sq. ft. with sewer<br>40,000 sq. ft. without sewer | 3 acres if outside major subdivision<br>40,000 sq. ft. if in major subdivision |
| <b>Minimum Lot Width</b>                                                                                                                                                                  | 200 ft.        | 200 ft.        | 200 ft.        | 100 ft.                                                   | 200 ft.                                                                        |
| <b>Minimum Setbacks<sup>1</sup></b>                                                                                                                                                       |                |                |                |                                                           |                                                                                |
| <b>Front</b>                                                                                                                                                                              | 35 ft.         | 35 ft.         | 35 ft.         | 35 ft.                                                    | 50 ft.                                                                         |
| <b>Side</b>                                                                                                                                                                               | 20 ft.         | 20 ft.         | 20 ft.         | 10 ft. <sup>2</sup>                                       | 50 ft.                                                                         |
| <b>Rear</b>                                                                                                                                                                               | 30 ft.         | 30 ft.         | 30 ft.         | 30 ft. <sup>2</sup>                                       | 50 ft.                                                                         |
| <b>Maximum Height</b>                                                                                                                                                                     |                |                |                |                                                           |                                                                                |
| <b>Principal Building</b>                                                                                                                                                                 | 35 ft.         | 35 ft.         | 40 ft.         | 75 ft. <sup>2</sup>                                       | 175 ft.                                                                        |
| <b>Accessory Structures</b>                                                                                                                                                               | 100 ft.        | 100 ft.        | 40 ft.         | 75 ft. <sup>2</sup>                                       | 200 ft.                                                                        |
| Key: sq. ft. = square feet   ft. = feet                                                                                                                                                   |                |                |                |                                                           |                                                                                |
| <sup>1</sup> The minimum setback does not apply for common minor accessory structures such as fences, signs, mailboxes, arbors, basketball goals, flagpoles, light poles, and birdhouses. |                |                |                |                                                           |                                                                                |
| <sup>2</sup> The side and rear setbacks increase for buildings taller than 40 ft. See Subsection 19-24(c).                                                                                |                |                |                |                                                           |                                                                                |

- (c) Setbacks for the GC District. In the GC District, the side and rear setbacks for principal buildings and accessory structures increase by one foot over the district minimum per foot of building height over 40 feet.

## Article III. Use Regulations

### Division 1. Introduction

#### 19-25. Applicability

- (a) This Article regulates the use of land in the zoned areas of unincorporated Cherokee County.
  - (1) Division 2: *Use Table* of this Article applies to all uses in all zoning districts.
  - (2) Division 3: *Principal Use Regulations* applies to all principal uses (as specified in Division 2: *Use Table*), including conditional and special exception uses. These standards supplement the other requirements of this Chapter.
  - (3) Division 4: *Accessory Use Regulations* applies to all accessory uses (as specified in Division 2: *Use Table*). These standards supplement the other requirements of this Chapter.
  - (4) Division 5: *Temporary Use Regulations* applies to all temporary uses (as specified in Division 2: *Use Table*). These standards supplement the other requirements of this Chapter.
- (b) The Cherokee County Code of Ordinances provides additional County-wide standards for the following uses:
  - (1) Multifamily housing (see [§ 13-122](#));
  - (2) Manufactured home parks (see [§ 13-123](#));
  - (3) Commercial or office uses (see [§ 13-124](#));
  - (4) Industrial uses (see [§ 13-125](#));
  - (5) Townhomes and patio homes (see [§ 13-126](#));
  - (6) Communication towers (see [§ 13-127](#));
  - (7) Solar energy systems and wind farms (see [§ 13-128](#));
  - (8) Sexually oriented businesses (see [Chapter 13, Article IX](#));
  - (9) Junk and salvage yards (See [Chapter 7, Article IV](#)); and
  - (10) Campgrounds and RV parks (See [Chapter 15, Article V](#)).

#### 19-26. Zoning Compliance Required

- (a) Before changing a use or establishing a use, an applicant must receive zoning compliance approval (see Article V: *Procedures*).
- (b) All special exception uses also require zoning compliance approval, after approval by the Board of Zoning Appeals, before the establishment of the use.

### Division 2. Use Table

#### 19-27. Introduction.

- (a) **Generally.** The Use Table in this Division establishes the classifications of uses allowed in each zoning district. Table 19-27.1

# Article III. Use Regulations

## 19-28. Use Table

| Table 19-27.1: Use Classifications |                       |                                                                                                                                             |
|------------------------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Notation                           | Classification        | Description                                                                                                                                 |
| <b>P</b>                           | Permitted Use         | The use is allowed in the zoning district.                                                                                                  |
| <b>C</b>                           | Conditional Use       | The use is allowed, subject to the conditions specified in Article III: <i>Use Regulations</i> .                                            |
| <b>S</b>                           | Special Exception Use | The use is allowed, subject to any conditions specified in Article III: <i>Use Regulations</i> and approval by the Board of Zoning Appeals. |
| <b>[blank cell]</b>                | Prohibited Use        | Uses identified by a blank cell are not allowed in the zoning district.                                                                     |

- (b) **More Than One Principal Use.** When more than one principal use is proposed on a lot, each principal use shall meet the requirements of this Subchapter.
- (c) **Unlisted Uses Prohibited.** Any use not listed for an applicable zoning district in the Use Table is prohibited.

## 19-28. Use Table

| Table 19-28.1: Use Table                            |    |    |    |    |    |
|-----------------------------------------------------|----|----|----|----|----|
| Zoning District                                     | RA | RR | GR | GC | GI |
| <b>Residential Uses</b>                             |    |    |    |    |    |
| Bed and Breakfast Inn                               | C  | C  |    | C  |    |
| Community Residential Care Facility                 | P  | P  | P  | P  |    |
| Dwelling - Manufactured Home                        | C  | C  | C  |    |    |
| Dwelling - Multifamily                              |    |    | C  |    |    |
| Dwelling - Single Family, Attached (Up to 4 Units)  |    |    | C  |    |    |
| Dwelling - Single Family, Detached                  | P  | P  | P  |    |    |
| Dwelling - Townhome                                 |    |    | C  |    |    |
| Family Care Home                                    | P  | P  | P  |    |    |
| Manufactured Home Park                              | C  | C  | C  |    |    |
| Patio Home                                          |    |    | C  |    |    |
| Skilled Nursing Care and Assisted Living Facilities | S  |    | S  | P  |    |
|                                                     |    |    |    |    |    |
|                                                     |    |    |    |    |    |
|                                                     |    |    |    |    |    |
| <b>Commercial Uses</b>                              |    |    |    |    |    |
| Adult Oriented Business                             |    |    |    |    | C  |
| Agricultural Equipment Sales, Service, and Repair   | C  |    |    | P  | P  |

Article III. Use Regulations  
19-28. Use Table

| Table 19-28.1: Use Table                                |    |    |    |    |    |
|---------------------------------------------------------|----|----|----|----|----|
| Zoning District                                         | RA | RR | GR | GC | GI |
| <b>Commercial Uses</b>                                  |    |    |    |    |    |
| Amusement Facility - Indoor                             |    |    |    | P  |    |
| Amusement Facility - Outdoor                            |    |    |    | S  |    |
| Arts and Crafts Studios / Instruction                   |    |    |    | P  |    |
| Auction Houses, other than Vehicles and Equipment       |    |    |    | S  | P  |
| Automobile Fuel Sales, Retail                           |    |    |    | P  | P  |
| Bars and Nightclubs                                     |    |    |    | S  |    |
| Building Materials and Supply Sales                     |    |    |    | P  | P  |
| Business Services Establishment                         |    |    |    | P  |    |
| Car Wash                                                |    |    |    | P  |    |
| Contractor Office, no Outdoor Storage Yard              |    |    |    | P  | P  |
| Contractor Office with Outdoor Storage Yard             |    |    |    | S  | P  |
| Employment/Labor Service Agency                         |    |    |    | P  | P  |
| Entertainment / Performance Venue - Indoor              |    |    |    | P  |    |
| Entertainment / Performance Venue - Outdoor             |    |    |    | S  |    |
| Equipment Sales, Rental, and Service                    |    |    |    | S  | P  |
| Event Venue                                             | S  |    |    | S  |    |
| Financial Institution                                   |    |    |    | P  |    |
| Food Trucks                                             |    |    |    |    | C  |
| Funeral Homes and Mortuaries                            |    |    |    | P  |    |
| Greenhouses and Nurseries, Retail                       | C  | S  |    | P  | P  |
| Heavy Equipment Sales, Service, and Rental              |    |    |    | P  | P  |
| Household and Personal Goods Sales, Service, and Repair |    |    |    | P  | P  |
| Kennel / Animal Boarding                                | C  |    |    | C  | P  |
| Lodging Establishment                                   |    |    |    | P  |    |
| Manufactured Home and Building Sales                    |    |    |    | S  | P  |
| Medical/Dental Offices                                  |    |    |    | P  |    |
| Mixed-Use Building                                      |    |    | S  | C  |    |
| Mixed-Use Development                                   |    |    | S  | C  |    |
| Personal Service Establishment                          | C  |    |    | P  |    |
| Professional Offices                                    |    |    |    | P  | P  |
| Restaurant                                              | S  |    |    | P  | P  |

Article III. Use Regulations

19-28. Use Table

| Table 19-28.1: Use Table                                 |    |    |    |    |    |
|----------------------------------------------------------|----|----|----|----|----|
| Zoning District                                          | RA | RR | GR | GC | GI |
| Retail Sales Establishment, Small (up to 5,000 SF)       | C  |    |    | P  |    |
| Retail Sales Establishment, Large (larger than 5,000 SF) |    |    |    | P  |    |
| Self-Storage Facility: Indoor                            |    |    |    | S  | P  |
| <b>Commercial Uses</b>                                   |    |    |    |    |    |
| Self-Storage Facility: Outdoor                           |    |    |    | S  | P  |
| Tattoo and Body Piercing Studios                         |    |    |    | C  |    |
| Truck Stops                                              |    |    |    | S  | S  |
| Vehicle and Equipment Auction Facilities                 |    |    |    |    | P  |
| Vehicle Sales and Rental                                 |    |    |    | P  | P  |
| Vehicle Service and Repair Facility, Major               |    |    |    | S  | P  |
| Vehicle Service and Repair Facility, Minor               |    |    |    | P  | P  |
| Veterinary Services                                      |    |    |    | P  | P  |
| Wholesale Goods Establishment                            |    |    |    |    | P  |
|                                                          |    |    |    |    |    |
|                                                          |    |    |    |    |    |
|                                                          |    |    |    |    |    |
|                                                          |    |    |    |    |    |
| <b>Institutional and Government Uses</b>                 |    |    |    |    |    |
| Adult Day Care Center                                    |    |    |    | P  |    |
| Animal Shelter                                           | S  |    |    | P  | P  |
| Cemetery                                                 | P  | P  |    | P  |    |
| Childcare Center (up to 50 children)                     | P  | P  | P  | P  |    |
| Childcare Center, Large (greater than 50 children)       |    |    |    | P  |    |
| Civic, Social, and Fraternal Organizations               | C  |    |    | P  |    |
| Community Center                                         | P  | P  | P  | P  |    |
| Correctional Facility                                    |    |    |    |    | S  |
| Cultural Facility                                        | P  | P  | P  | P  |    |
| Drug Treatment Clinic                                    |    |    |    | P  |    |
| Educational Facility - Primary or Secondary              | C  | C  | C  | P  |    |
| Educational Facility - University or College             |    |    |    | P  |    |
| Educational Facility - Vocational                        |    |    |    | P  | P  |
| Government Office/Facility                               | P  | P  | P  | P  | P  |

Article III. Use Regulations  
19-28. Use Table

| Table 19-28.1: Use Table                                         |    |    |    |    |    |
|------------------------------------------------------------------|----|----|----|----|----|
| Zoning District                                                  | RA | RR | GR | GC | GI |
| Hospital / Medical Campus                                        |    |    |    | P  |    |
| Postal Facility                                                  | P  | P  | P  | P  | P  |
| Public Health and Social Service Uses                            |    |    |    | P  |    |
| <b>Institutional and Government Uses</b>                         |    |    |    |    |    |
| Public Safety Facility (Police, Fire, EMS)                       | P  | P  | P  | P  | P  |
| Public Works Facility (unless otherwise listed)                  | P  | P  |    | P  | P  |
| Religious Institution (seated occupancy of 250 or less)          | P  | P  | P  | P  |    |
| Religious Institution, Large (seated occupancy greater than 250) | C  | C  |    | P  |    |
|                                                                  |    |    |    |    |    |
|                                                                  |    |    |    |    |    |
|                                                                  |    |    |    |    |    |
|                                                                  |    |    |    |    |    |
|                                                                  |    |    |    |    |    |
|                                                                  |    |    |    |    |    |
|                                                                  |    |    |    |    |    |
|                                                                  |    |    |    |    |    |
|                                                                  |    |    |    |    |    |
|                                                                  |    |    |    |    |    |
|                                                                  |    |    |    |    |    |
|                                                                  |    |    |    |    |    |
| <b>Industrial Uses</b>                                           |    |    |    |    |    |
| Agricultural Product, Livestock, and Food Processing             | S  |    |    |    | S  |
| Asphalt Production Plant                                         |    |    |    |    | S  |
| Chemical Production and Bulk Storage                             |    |    |    |    | S  |
| Concrete Production Plant                                        |    |    |    |    | S  |
| Crematorium                                                      |    |    |    |    | P  |
| Data Centers                                                     |    |    |    |    | P  |
| Distribution Centers                                             |    |    |    |    | P  |
| Foundries and Mills, Metal                                       |    |    |    |    | S  |
| Hazardous Materials Collection or Storage                        |    |    |    |    | S  |
| Industrial, General (unless otherwise listed)                    |    |    |    |    | P  |
| Industrial, Light (unless otherwise listed)                      |    |    |    | S  | P  |
| Landfill, Construction & Demolition (C&D)                        |    |    |    |    | S  |

Article III. Use Regulations

19-28. Use Table

| Table 19-28.1: Use Table                                  |    |    |    |    |    |
|-----------------------------------------------------------|----|----|----|----|----|
| Zoning District                                           | RA | RR | GR | GC | GI |
| Landfill, Land Clearing & Inert Debris (LCID)             |    |    |    |    | S  |
| Landfill, Municipal Solid Waste (MSW)                     |    |    |    |    | S  |
| Landfill, Other                                           |    |    |    |    | S  |
| Outdoor Storage Yard, Principal Use                       |    |    |    |    | P  |
| <b>Industrial Uses</b>                                    |    |    |    |    |    |
| Paper and Related Materials Production                    |    |    |    |    | S  |
| Petroleum Products Refineries and Bulk Storage            |    |    |    |    | S  |
| Quarries and Mines                                        |    |    |    |    | S  |
| Recycling Collection Center (Materials Recovery Facility) |    |    |    |    | P  |
| Research and Development Facility                         |    |    |    |    | P  |
| Salvage and/or Junk Yard                                  |    |    |    |    | S  |
| Sawmills                                                  |    |    |    |    | S  |
| Solid Waste Transfer Station, Outdoor                     |    |    |    |    | S  |
| Solid Waste Transfer Station, Indoor                      |    |    |    |    | P  |
| Textile Production                                        |    |    |    |    | P  |
| Warehouses                                                |    |    |    |    | P  |
|                                                           |    |    |    |    |    |
|                                                           |    |    |    |    |    |
|                                                           |    |    |    |    |    |
| <b>Transportation Uses</b>                                |    |    |    |    |    |
| Airport / Heliport                                        | S  |    |    |    | S  |
| Parking Lot (Principal Use)                               |    |    |    | P  | P  |
| Parking Structure (Principal Use)                         |    |    |    | P  | P  |
| Public Transit Facility                                   |    |    |    | P  | P  |
| Rail Freight Terminal                                     |    |    |    |    | P  |
| Railroad Classification and Storage Yards                 |    |    |    |    | P  |
| Truck Terminals and Maintenance Yards                     |    |    |    |    | P  |
| Truck Transfer Facility                                   |    |    |    |    | P  |
|                                                           |    |    |    |    |    |
|                                                           |    |    |    |    |    |
|                                                           |    |    |    |    |    |
| <b>Agricultural Uses</b>                                  |    |    |    |    |    |

Article III. Use Regulations  
19-28. Use Table

| Table 19-28.1: Use Table                                     |    |    |    |    |    |
|--------------------------------------------------------------|----|----|----|----|----|
| Zoning District                                              | RA | RR | GR | GC | GI |
| Agriculture, Crop                                            | P  | P  | P  | P  | P  |
| Agricultural Supply Sales                                    | S  |    |    |    |    |
| Agriculture, Livestock Production (exc. Poultry and Swine)   | P  | P  |    |    |    |
| Agriculture, Poultry and Swine Production                    | S  |    |    |    |    |
| <b>Agricultural Uses</b>                                     |    |    |    |    |    |
| Agritourism Enterprise (associated with Agricultural Use)    | P  | P  |    |    |    |
| Aquaculture                                                  | P  |    |    |    | P  |
| Equestrian Riding Facilities / Schools, Commercial           | P  | S  |    |    |    |
| Equestrian Stables, Commercial                               | P  | S  |    |    |    |
| Feedlots (no onsite processing)                              | S  |    |    |    |    |
| Forestry / Silviculture (no processing)                      | P  | P  | P  | P  | P  |
| Grain, Seed, and Feed Storage Facilities, Commercial         | S  |    |    |    | P  |
| Greenhouses and Nurseries, Excluding Retail Sales            | P  | P  |    |    | P  |
| Housing for Seasonal Agricultural Workers, Onsite            | S  |    |    |    |    |
| Livestock Auction Facilities                                 | S  |    |    |    |    |
| Orchards                                                     | P  | P  | P  | P  | P  |
| Packing Facilities for Agricultural Products (no processing) | S  |    |    |    | P  |
| Produce Sales Stands                                         | C  |    |    | P  |    |
|                                                              |    |    |    |    |    |
| <b>Recreation Uses</b>                                       |    |    |    |    |    |
| Campground                                                   | C  |    |    | C  |    |
| Campground, Recreational Vehicle                             | C  |    |    | C  |    |
| Driving Range                                                | S  | S  |    | P  |    |
| Golf Course                                                  | P  | P  |    | P  |    |
| Gyms and Fitness Studios                                     |    |    |    | P  |    |
| Indoor Recreation Facility, Commercial                       |    |    |    | P  |    |
| Indoor Recreation Facility, Public                           |    |    | P  | P  |    |
| Motorsports Tracks and Facilities                            |    |    |    |    | S  |
| Outdoor Recreation Facility, Commercial                      | S  |    |    | P  |    |
| Outdoor Recreation Facility, Public                          | P  | P  | P  | P  |    |
| Private Recreation Club (Swim, Tennis, Golf, etc.)           | S  | S  |    | P  |    |
| Public Park                                                  | P  | P  | P  | P  | P  |

Article III. Use Regulations  
19-28. Use Table

| Table 19-28.1: Use Table                                    |    |    |    |    |    |
|-------------------------------------------------------------|----|----|----|----|----|
| Zoning District                                             | RA | RR | GR | GC | GI |
| Shooting Range, Indoor                                      |    |    |    | P  | P  |
| Shooting Range, Outdoor                                     | S  |    |    |    | S  |
| Sports Arenas, Commercial (other than Motorsports)          | S  |    |    | P  |    |
| Sports Instruction Schools (other than Equestrian)          | S  |    |    | P  |    |
| <b>Infrastructure and Utility Uses</b>                      |    |    |    |    |    |
| Communication Towers                                        | C  | C  | C  | C  | C  |
| Electric Energy Production, Excluding Wind and Solar        |    |    |    |    | S  |
| Electric Substation                                         | P  | P  | P  | P  | P  |
| Natural Gas Transmission Facility, Above Ground             | P  | P  | P  | P  | P  |
| Solar Energy Production Facility, Commercial                | S  |    |    |    | P  |
| Utility Transmission and Distribution Lines                 | P  | P  | P  | P  | P  |
| Wastewater Treatment Plant                                  | S  | S  | S  |    | P  |
| Wastewater Pump Stations                                    | P  | P  | P  | P  | P  |
| Water Towers                                                | P  | P  | P  | P  | P  |
| Water Treatment Plant                                       | P  | P  |    |    | P  |
| Wind Energy Production Facility, Commercial                 | S  |    |    |    | S  |
|                                                             |    |    |    |    |    |
|                                                             |    |    |    |    |    |
|                                                             |    |    |    |    |    |
| <b>Accessory Uses</b>                                       |    |    |    |    |    |
| Accessory Solar Energy System                               | C  | C  | C  | C  | C  |
| Childcare Center, Accessory to Principal Nonresidential Use | C  | C  | C  | P  | C  |
| Customary and Incidental Commercial Accessory Uses          | P  |    |    | P  | P  |
| Drive-Through Service                                       |    |    |    | P  | P  |
| Helistop                                                    | S  |    |    | S  | S  |
| Home Occupation                                             | C  | C  | C  | C  |    |
| Outdoor Entertainment                                       |    |    |    | S  |    |
| Outdoor Sales and Display                                   |    |    |    | C  |    |
| Private Stables                                             | C  | C  |    |    |    |
| Retail Sales, Incidental to Industrial Production           |    |    |    |    | P  |
| Rural Home Occupation                                       | C  |    |    |    |    |
| Worker Housing                                              | C  |    |    |    | C  |

# Article III. Use Regulations

## 19-29. Bed and Breakfasts

| Table 19-28.1: Use Table                                                                         |    |    |    |    |    |
|--------------------------------------------------------------------------------------------------|----|----|----|----|----|
| Zoning District                                                                                  | RA | RR | GR | GC | GI |
|                                                                                                  |    |    |    |    |    |
|                                                                                                  |    |    |    |    |    |
|                                                                                                  |    |    |    |    |    |
|                                                                                                  |    |    |    |    |    |
|                                                                                                  |    |    |    |    |    |
| <b>Temporary Uses</b>                                                                            |    |    |    |    |    |
| Mobile Food Vendor                                                                               |    |    |    | C  |    |
| Mobile Personal Services                                                                         |    |    |    | C  |    |
| Mobile Retail Vendor                                                                             |    |    |    | C  |    |
| Real Estate Development Sales Office                                                             | C  | C  | C  |    |    |
| Special Events, Outdoor                                                                          |    |    |    | C  |    |
| Temporary Contractor's Office and Contractor's Yard                                              | C  | C  | C  | C  | C  |
| Temporary Outdoor Entertainment                                                                  |    |    |    | C  |    |
| Temporary Outdoor Sales and Displays                                                             |    |    |    | C  |    |
| Yard Sale                                                                                        | P  | P  | P  | P  |    |
|                                                                                                  |    |    |    |    |    |
|                                                                                                  |    |    |    |    |    |
| Key: P = Permitted   S = Special Exception   C = Conditional Use   [Blank Cell] = Use Prohibited |    |    |    |    |    |

## Division 3. Principal Use Regulations

### 19-29. Bed and Breakfasts

#### (a) Residency Required.

- (1) The owner or manager of a bed and breakfast must live on the lot where the bed and breakfast is located.
- (2) The owner or manager must be present on the site during the period when any of the guest rooms are occupied.

#### (b) **Maximum Duration of Stay.** A bed and breakfast may provide only short-term lodging of less than 30 days. Therefore, rentals with a duration of 30 days or more are prohibited.

#### (c) **Guest Rooms and Meals.**

- (1) Guest rooms shall be located within the principal building or an accessory building.
- (2) Guest rooms shall not contain cooking facilities.
- (3) Meals shall be served to registered guests only.

## Article III. Use Regulations

### 19-30. Campgrounds and Recreational Vehicle Parks

#### 19-30. Campgrounds and Recreational Vehicle Parks

Campgrounds and recreational vehicle parks must comply with the use regulations in [Chapter 15, Article V: Campgrounds and Recreational Vehicle Parks](#), in addition to the district standards in this Article.

#### 19-31. Commercial and Office Uses

Commercial or office uses must comply with the use regulations in [§ 13-124: Commercial or Office Uses](#), in addition to the district standards in this Article.

#### 19-32. Communication Towers

Communication Towers, including wireless telecommunication facilities, must comply with the use regulations [§ 13-127: Communication Towers](#), in addition to the district standards in this Article.

#### 19-33. Conditional Uses in the RA District

- (a) **Applicability.** This Section applies to all Conditional Uses allowed in the Rural/Agricultural District, as provided in § 19-28: *Use Table*.
- (b) **Minimum Lot Size.** The minimum lot size for Conditional Uses in the RA District is two acres.
- (c) **Setbacks.** The principal building containing the Conditional Use shall be set back at least 100 feet from the side and rear property lines.
- (d) **Buffers and Screening.** A Type B bufferyard shall be provided along all property lines that are adjacent to property in the RR, RA, and GR Districts.

#### 19-34. Educational Facility - Primary or Secondary

- (a) Athletic fields and parking areas must be buffered from adjacent property in the RR, RA, and GR Districts with a Type B buffer.
- (b) Connectivity (vehicular, pedestrian, and bicycle) to surrounding residential areas is required. Where a full vehicular connection is impractical, a multi-use trail connection shall be provided for pedestrian and bicycle accessibility.

#### 19-35. Event Venue

- (a) **Minimum Lot Size.** All event venues in the RA District must be located on a lot of at least five acres in size.
- (b) **Vehicular Access.** Vehicular access to the site shall be adequate in terms of width, vertical clearance, and construction to support emergency vehicles and shall meet all applicable provisions of the adopted fire code.
- (c) **Parking.** Event venues shall be deemed commercial uses. Parking for an event venue in the RA zoning district may be paved or constructed of pervious materials. Handicapped parking spaces shall be constructed under the version of the Americans with Disabilities Act Standards for Accessible Design (ADA Standards) in effect at the time of the permit application.
- (d) **Separation.** Outdoor gathering areas, including parking areas, decks, patios, gazebos, fire pits, and docks, shall be located at least 200 feet from any dwelling units not located on the same parcel as the event venue, whether or not such dwelling units are located in the incorporated or unincorporated area of Cherokee County.

## Article III. Use Regulations

### 19-36. Industrial Uses

#### (e) **Operation Regulations.**

- (1) *On-Site Management.* An on-site manager shall be present and available for the duration of all events occurring at the event venue. Up-to-date contact information for the on-site manager shall be included on the venue's website, on marketing materials for the venue, and in the venue's operational plan. Updated contact information shall be provided to the Zoning Administrator anytime the on-site manager's contact information changes.
- (2) *Hours of Operation for Outdoor Gathering Areas.*
  - a. With the exception of parking areas, outdoor gathering areas associated with an event venue or large capacity event venue that are located within 300 feet of a dwelling unit on another lot shall cease operation by 10:00 p.m.
  - b. Amplified music or other sound in any outdoor gathering areas shall cease no later than 11:00 p.m.

#### (f) **Operations Plan.**

- (1) An operations plan for all event venues shall be submitted with the permit application, describing generally how the facility will operate.
- (2) Substantive changes to the operations plan or substantive changes in the actual operation of the venue that vary from the approved plan require additional approval by the Board of Zoning Appeals.
- (3) The operations plan submitted with the permit application shall include the following items:
  - a. Maximum capacity of the facility, based on building code, fire code, and parking requirements;
  - b. Contact information for the on-site facility manager;
  - c. Whether the venue will operate seasonally or year-round;
  - d. Types of events anticipated or marketed;
  - e. Anticipated annual number of events; and
  - f. How solid waste will be disposed of (private vs. public collection).

### 19-36. Industrial Uses

Industrial uses must comply with the use regulations in [§ 13-125](#): *Industrial Uses*, in addition to the district standards in this Article.

### 19-37. Food Trucks

#### (a) **Applicability.** This Section applies to all food truck uses except:

- (1) Food trucks that are part of an approved special event;
- (2) Food trucks that actively move to multiple sites during one mealtime; or
- (3) Food trucks that are hired to cater a private event.

#### (b) **Location.** A food truck:

### Article III. Use Regulations

#### 19-38. Junkyards, Scrap Yards, Auto Wrecking Facilities, etc.

- (1) Shall not operate while parked in a public right-of-way, unless the food truck is located in a marked on-street parking space; and
- (2) Shall not obstruct driveways, sidewalks, or other vehicular or pedestrian access to or within a lot.

(c) **Trash Disposal.** A food truck shall:

- (1) Provide trash receptacles for patron use;
- (2) Remove all trash from the site each day; and
- (3) Dispose of grease and sewage in accordance with SCDHEC regulations or other applicable regulations.

#### 19-38. Junkyards, Scrap Yards, Auto Wrecking Facilities, etc.

Junk and salvage yards must comply with the use regulations in [Chapter 7, Article IV: Junk and Salvage Yards](#), in addition to the district standards in this Article.

#### 19-39. Manufactured Home Parks

Manufactured home parks must comply with the use regulations in [§ 13-123: Manufactured Home Parks](#), in addition to the district standards in this Article.

#### 19-40. Mixed-Use Buildings and Mixed-Use Developments

(a) **Use Allocation.**

- (1) In a mixed-use building, non-residential uses must comprise at least 20% of the building's gross floor area.
- (2) In a mixed-use development, non-residential uses must comprise at least 20% of the land area in the development. This minimum allocation excludes land dedicated to or consisting of:
  - a. Rights-of-way;
  - b. Open space;
  - c. Natural water bodies;
  - d. Wetlands;
  - e. Floodplains;
  - f. Steep slopes (20% or greater);
  - g. Cemeteries; and
  - h. Historical, cultural, and archaeological sites.

(b) **Permitted Non-Residential Uses.** In addition to the uses allowed by Section 19-28: *Use Table*, the following non-residential uses are permitted in mixed-use buildings and mixed-use developments located in the GR District:

- (1) Adult Day Care Center;
- (2) Arts and Crafts Studios / Instruction;
- (3) Business Services Establishment;

### Article III. Use Regulations

#### 19-41. Motorsport Tracks and Facilities

- (4) Childcare Center (up to 50 children);
  - (5) Cultural Facility;
  - (6) Financial Institution;
  - (7) Government Office/Facility;
  - (8) Household and Personal Goods Sales, Service, and Repair;
  - (9) Medical/Dental Offices;
  - (10) Personal Service Establishment;
  - (11) Professional Offices;
  - (12) Restaurant; and
  - (13) Retail Sales Establishment, Small (up to 5,000 SF).
- (c) **Maximum Gross Floor Area Per Tenant Space.** Each non-residential tenant space may contain a maximum gross floor area of 5,000 square feet.
- (d) **Setbacks.** When there are two or more mixed-use buildings on a lot, the setbacks of the zoning district apply to the exterior of the project, with no internal setbacks enforced between uses.
- (e) **Connectivity.**
  - (1) Vehicular. Internal vehicular access is required between all uses, drives, and parking areas.
  - (2) Pedestrian.
    - a. Internal pedestrian access is required between all uses, drives, and parking areas.
    - b. All pedestrian pathways and sidewalks shall be at least 5 feet in width.
- (f) Screening and Buffering.
  - (1) The site must provide buffers on the perimeter that comply with the standards of Article IV., Division 1: *Perimeter Buffers*.
  - (2) Internal adjoining uses do not require buffers.

#### 19-41. Motorsport Tracks and Facilities

- (a) **Purpose.** Motorsport tracks are declared by this Ordinance to be incompatible with residential development. Additionally, such uses have the potential to negatively impact many nonresidential uses.
- (b) **Separation Distance.** Racetrack uses shall not be located within one mile of all residential, institutional, and government uses listed in § 19-28: *Use Table*.
- (c) **Setbacks.** All racing surfaces at motorsports tracks shall be set back at least 300 feet from all property lines.
- (d) **Buffers and Screening.** A Type C bufferyard shall be provided along all property lines that are adjacent to the motorsports track or parking areas.

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### 19-42. Multifamily Housing

- (e) **Access.** The site shall have direct access to an arterial or primary road.

### 19-42. Multifamily Housing

- (a) Multifamily housing must comply with the use regulations in [§ 13-122: Multifamily Housing](#), in addition to the district standards in this Article.
- (b) Multifamily housing requires a Site Plan Review as provided in § 19-94: *Site Plan Review*.

### 19-43. Outdoor Animal Kennels

- (a) **Minimum Lot Size.** The minimum lot size for such uses in the RA District is two acres.
- (b) **General Standards.**
  - (1) Outdoor areas used for exercising or training animals shall be securely
  - (2) Any outside run shall be enclosed on at least three sides with an opaque wall of cement block or similar construction to a height of at least four feet. Outside runs shall not be permitted in the front yard.
  - (3) The kennel building shall be of masonry construction.
- (c) **Disposal of Waste.**
  - (1) All animal solid and liquid waste shall be disposed of daily. All stalls, cages, and animal runs shall be cleaned daily.
  - (2) Animal wastes shall not be stored within 150 feet of any property line or surface waters unless located indoors.
- (d) **Buffering.** All Outdoor Kennels shall be buffered from any adjacent lots located in the RA, RR, and GR Districts with a Type C bufferyard.
- (e) **Setbacks.** Any outdoor structures or pens housing animals and any outdoor animal exercise areas shall be set back a minimum of:
  - (1) 500 feet from any existing residential use or lots in the RA, RR, and GR Districts; and
  - (2) 150 feet from any public street.

### 19-44. Produce Sales Stands

- (a) **Owner Consent Required.**
  - (1) Produce sales stands require written permission from the property owner, unless the applicant is the owner.
  - (2) If the use is located on public property, the applicant must receive written permission from the governmental agency.
- (b) **Setbacks.** Minimum setbacks shall be 15 feet from any property line.
- (c) **Encroachment Permit Required.** A driveway encroachment permit is required from the SCDOT or Cherokee County, as appropriate. Vehicle parking shall be accommodated without interfering with the safe flow of traffic on adjacent roads.
- (d) **Temporary Structures.** All display stands, shelters, and other elements associated with the roadside stand shall be temporary and movable. Permanent structures are prohibited.
- (e) **Operation and Merchandise.**

## Article III. Use Regulations

### 19-45. Quarries and Mines

- (1) Produce sales stands may sell produce and other natural products such as flowers, firewood, and seafood.
- (2) Produce sales stands must be operated by a governmental agency, a non-profit agency, or one or more farm producers.

### 19-45. Quarries and Mines

- (a) **Hours of Operation.** Quarries and mines may operate seven days per week. The hours of operation are limited to between 7:00 a.m. and 8:00 p.m.
- (b) **Separation Distance.** Quarries and mines shall be located at least 500 feet from:
  - (1) Any lots located in the RA, RR, and GR Districts; and
  - (2) Any lots containing institutional and government uses listed in § 19-28: *Use Table*.
- (c) **Setbacks.** All elements of a quarry or mine facility, including structures, buildings, equipment, and parking areas, shall be located at least 75 feet from all property lines.
- (d) **Existing Vegetation.** All existing vegetation located within the setback area shall remain undisturbed, except for the construction of access roads and the installation of utilities.
- (e) **Screening.** A Type C bufferyard is required at the property line abutting all public road frontages and any lots in the RA, RR, GR, and GC Districts.

### 19-46. Religious Institution, Large (capacity greater than 250)

- (a) **Setbacks.** Parking shall be set back 30 feet from any property line adjacent to lots in the RA, RR, and GR Districts.
- (b) **Access.** The site shall have direct access to an arterial or primary road.

### 19-47. Self-Storage Facilities: Indoor

- (a) **Driving Surfaces.** All surface areas intended for vehicle access shall be paved.
- (b) **On-Site Circulation.**
  - (1) Drive aisles between buildings shall be at least 24 feet in width. Drive aisles located along a building's perimeter and all other areas must be a minimum of 20 feet in width.
  - (2) The site design shall provide sufficient drive aisle width, turning radii, and vertical clearance for access by fire and emergency apparatus.
- (c) **Screening.** All outdoor self-storage facilities shall be fully enclosed by a Type B bufferyard except for vehicular access points.
- (d) **Caretaker Dwelling Unit.**
  - (1) For security purposes, one dwelling unit may be built on-site for use as a caretaker's dwelling.
  - (2) The dwelling type may be a detached single-family dwelling, including modular homes, or a dwelling unit attached to a building used primarily for office use. The caretaker dwelling shall not be a manufactured home.
  - (3) The dwelling unit may only be occupied by the owner or a full-time employee of the self-storage facility and members of the owner's or employee's household.

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### 19-48. Self-Storage Facilities: Outdoor

#### 19-48. Self-Storage Facilities: Outdoor

- (a) **Buffers and Screening.** All outdoor self-storage facilities shall be fully enclosed by a Type B bufferyard except for vehicular access points.
- (b) **Driving Surfaces.**
  - (1) *Drive Aisles.* All surface areas intended as drive aisles and for vehicle access shall be paved.
  - (2) *Parking and Storage.* Recreational vehicle and boat storage areas shall be surfaced with paving or pervious materials, including gravel.
- (c) **Junk, Salvage, and Scrap Materials Prohibited.** The storage of junk vehicles, scrap metal, or other salvage or waste materials is prohibited.
- (d) **Caretaker Dwelling Unit.**
  - (1) For security purposes, one dwelling unit may be built on-site for use as a caretaker's dwelling.
  - (2) The dwelling type may be a detached single-family dwelling, including modular homes, or a dwelling unit attached to a building used primarily for office use. The caretaker dwelling shall not be a manufactured home.
  - (3) The dwelling unit may only be occupied by the owner or a full-time employee of the self-storage facility and members of the owner's or employee's household.

#### 19-49. Adult Oriented Businesses

Sexually oriented businesses must comply with the use regulations in [Chapter 13, Article IX: Sexually Oriented Businesses](#), in addition to the district standards in this Article.

#### 19-50. Shooting Ranges

- (a) **Purpose.** This Section is adopted for the following purposes:
  - (1) To promote public safety by preventing unintended on-site and off-site injuries arising from the use of shooting ranges;
  - (2) To ensure that the appearance of and noise created by the facilities are compatible with surrounding land uses;
  - (3) To protect and preserve residents' right to keep and bear arms under the Second Amendment to the United States Constitution;
  - (4) To preserve the character of neighborhoods where facilities are located; and
  - (5) To promote the public health, safety, and general welfare.
- (b) **Applicability.** This use includes the shooting of firearms at both for-profit and non-profit shooting ranges. It does not include incidental target practice by individuals on private property.
- (c) **Operations Regulations for All Shooting Ranges.**
  - (1) *On-Site Management.* An on-site manager shall be present and available during all hours of operation. Updated contact information for the on-site manager shall be provided to the Zoning Administrator anytime the on-site manager's contact information

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### 19-51. Solar Energy Systems and Wind Farms

changes.

- (2) *Noise.* The facility shall comply with [Chapter 15, Article IV: Noise Regulations](#).

#### (d) **Development Standards for Outdoor Shooting Ranges.**

- (1) *Minimum Lot Size.* All outdoor shooting ranges must be located on a parcel of at least 5 acres in size.
- (2) *Setbacks.* All elements of the outdoor shooting range facility must be located at least 300 feet from all property lines of the lot on which it is located, except that access roads and utilities may be located in the 300-foot setback area.
- (3) *Screening.* A Type C bufferyard is required at any property line abutting all public road frontages and any lots in the RA, RR, GR, and GC Districts.
- (4) *Separation Requirements.* The exterior boundary of the shooting area at an outdoor shooting range shall be located at least 500 feet from:
- a. Any lots located in the RR and GR Districts; and
  - b. Any lots containing institutional and government uses listed in § 19-28: *Use Table*.
- (5) *Shot Containment.* All outdoor shooting ranges shall be designed to contain all of the bullets, shot, projectiles, and any other debris on the range facility.

### 19-51. Solar Energy Systems and Wind Farms

Solar energy systems and wind farms must comply with the use regulations in [§ 13-128: Solar Energy Systems and Wind Farms](#), in addition to the district standards in this Article.

### 19-52. Tattoo and Body Piercing Studio

A tattoo or body piercing establishment must be located:

- (a) At least 300 feet from any other tattoo or body piercing establishment; and
- (b) At least 500 feet from:
- (1) Any lots located in the RR and GR Districts; and
  - (2) Any lots containing institutional and government uses listed in § 19-28: *Use Table*.

### 19-53. Townhomes and Patio Homes

- (a) Townhomes and patio homes must comply with the use regulations in [§ 13-126: Townhomes and Patio Homes](#), in addition to the district standards in this Article.
- (b) Townhomes and Patio homes require a Site Plan Review as provided in § 19-94: *Site Plan Review*.

### 19-54. Waste Management Facilities

- (a) **Applicability.** This Section applies to:
- (1) Outdoor Solid Waste Transfer Stations;
  - (2) Construction & Demolition (C&D) Landfills;
  - (3) Land Clearing & Inert Debris (LCID) Landfills; and

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### 19-55. Accessory Solar Energy System

- (4) Municipal Solid Waste (MSW) Landfills.
- (b) **Hours of Operation.** Landfills and waste transfer stations may operate seven days per week. The hours of operation are limited to between 7:00 a.m. and 8:00 p.m.
- (c) **Minimum Lot Size for Landfills.** All landfills must be located on a lot that is at least 10 acres in size. This limitation does not apply to waste transfer stations.
- (d) **Materials and Storage at Outdoor Solid Waste Transfer Stations.** Outdoor solid waste transfer stations shall not:
  - (1) Accept commercial, industrial, or construction waste; or
  - (2) Store waste on-site for more than seven days.
- (e) **Minimum Separation Between Uses and Districts.** Solid waste transfer stations and landfills shall be located at least 500 feet from:
  - (1) Any lots located in the RA, RR, and GR Districts; and
  - (2) Any lots containing institutional and government uses listed in § 19-28: *Use Table*.
- (f) **Setbacks.** All elements of a landfill, including structures, buildings, equipment, parking areas, and access roads, shall be located at least 125 feet from all property lines, except that access roads and utilities may cross the 125-foot setback.
- (g) **Screening.**
  - (1) A Type B bufferyard is required at all property lines for outdoor solid waste transfer stations.
  - (2) A Type C bufferyard is required at all property lines for all landfills.
- (h) **Access.**
  - (1) The site shall have direct access to an arterial or primary road.
  - (2) The special exception permit application shall include an access and routing plan showing site access routes, the circulation of vehicles on the site, and vehicle queuing.
- (i) **Regulatory Compliance.**
  - (1) *Outdoor Solid Waste Transfer Stations.* All solid waste transfer stations must be permitted as transfer stations by the South Carolina Department of Health and Environmental Control (SCDES).
  - (2) *Construction & Demolition (C&D) Landfills.* All C&D landfills must be permitted as a Class I Landfill by SCDES.
  - (3) *Land Clearing & Inert Debris (LCID) Landfills.* All LCID landfills must be permitted as a Class II Landfill by SCDES.
  - (4) *Municipal Solid Waste (MSW) Landfills.* All MSW landfills must be permitted as a Class III Landfill by SCDES.

## Division 4. Accessory Use Regulations

### 19-55. Accessory Solar Energy System

- (a) **Generally.** Accessory solar energy systems must comply with all applicable building and

### Article III. Use Regulations

#### 19-56. Child Care Center, Accessory to Nonresidential Use

electrical code requirements.

(b) **Building-Mounted Solar Energy Systems.**

- (1) Building-mounted solar energy systems may be mounted on principal and accessory buildings.
- (2) All applicable setback regulations apply to building-mounted solar energy systems.
- (3) Solar energy systems may not extend more than the lesser of:
  - a. Three feet above the building height limit for the zoning district; or
  - b. Five feet above the highest point of the roofline.

(c) **Ground-Mounted Solar Energy Systems.**

- (1) Ground-mounted solar energy systems may not be located in a required setback.
- (2) Ground-mounted solar energy systems are subject to applicable structure height limitations.

#### 19-56. Child Care Center, Accessory to Nonresidential Use

- (a) **Applicability.** This Section applies to childcare center uses when they are accessory to a nonresidential use that is allowed in the district.
- (b) **Parking Area, Vehicular Circulation, and Drop-Off and Pick-Up.** The parking areas and vehicular circulation for the childcare centers shall be designed to:
- (1) Ensure the safety of children and adults as they arrive at and leave the facility; and
  - (2) Provide a designated pickup and delivery area configured so that:
    - a. Children do not have to cross vehicular travel lanes to enter or exit the center; and
    - b. Traffic congestion is minimized.
- (c) **Outdoor Play Areas.** Outdoor play areas shall be provided and shall be safely separated from parking, loading, or service areas.
- (d) **Buffering.** A Type A buffer shall be provided along any side or property line adjoining a lot in the RA, RR, and GR Districts.

#### 19-57. Home Occupations

(a) **Applicability.**

- (1) This Section applies to any occupation, profession, or business activity that is customarily conducted, incidental, and subordinate to the use of a dwelling.
- (2) A home occupation is allowed as an accessory use to a dwelling in any zoning district if it meets the requirements of this Section.

(b) **Zoning Permit Required.**

- (1) *Permit Required.* Except as provided by this Paragraph, home occupation use may not be initiated or established without a Zoning Permit.
- (2) *Renewal.* After the Permit has been issued, it shall be renewed annually.

### Article III. Use Regulations

#### 19-57. Home Occupations

- (3) *Exempt Home Occupations.* The activities listed below are subject to all applicable home occupation regulations and standards of this Section but are not required to obtain a Zoning Permit if all persons engaged in the home occupation reside on the premises:
  - a. Artists, sculptors, and composers, with no retail sales permitted on the premises;
  - b. Craft work, such as jewelry-making and pottery, with no retail sales permitted on the premises;
  - c. Home offices with no client visits to the home permitted;
  - d. Telephone answering and message services;
  - e. Home-based food production operations, as defined by S.C. Code § 44-1-143; and
  - f. Daycare for six or fewer children registered as a Family Child Care Home by the South Carolina Department of Social Services.
- (c) **Classification of Home Occupations.** This Section classifies all home occupation uses as either a rural home occupation or a home occupation.
  - (1) A rural home occupation is allowed on a lot that is at least two acres in size. Rural home occupation uses may be more intensive than small lot home occupations.
  - (2) A home occupation is allowed on a lot that is less than two acres in size. Stricter performance standards apply for small lot home occupation uses.
- (d) **Home Occupation Uses.**
  - (1) Table 155.674-1: *Home Occupation Uses* identifies the uses allowed as home occupations and the uses expressly prohibited as home occupations.
  - (2) New and unlisted uses are prohibited under § 19-27: *Introduction*.

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19-57. Home Occupations

| Table 19-57.1: Home Occupation Uses                                                          |                       |                 |
|----------------------------------------------------------------------------------------------|-----------------------|-----------------|
| Use or Activity                                                                              | Rural Home Occupation | Home Occupation |
| Animal grooming, boarding, training, breeding, or medical treatment                          | ✓                     | ✗               |
| Appliance and household goods maintenance and repair within an enclosed structure            | ✓                     | ✗               |
| Automotive repair and maintenance within an enclosed structure (no more than 2 service bays) | ✓                     | ✗               |
| Personal services serving one client at a time.                                              | ✓                     | ✓               |
| Childcare (with a maximum of six children)                                                   | ✓                     | ✓               |
| Equipment repair and maintenance within an enclosed structure                                | ✓                     | ✗               |
| Music, art, craft, or similar instruction                                                    | ✓                     | ✓               |
| Trade Contractors                                                                            | ✓                     | ✓               |
| Professional offices and services                                                            | ✓                     | ✓               |
| On-site retail sales, limited to 400 square feet of gross floor area                         | ✓                     | ✗               |
| Commercial food preparation                                                                  | ✓                     | ✗               |
| Key: ✓ = the use is allowed   ✗ = the use is prohibited                                      |                       |                 |

(e) **Performance Standards.**

- (1) Home occupations shall comply with the performance standards outlined in Table 19-57.2: *Home Occupation Performance Standards*.

| Table 19-57.2: Home Occupation Performance Standards                                                                                                  |                       |                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------|
| Performance Standard                                                                                                                                  | Rural Home Occupation | Home Occupation |
| The use is clearly incidental and secondary to residential occupancy.                                                                                 | ✓                     | ✓               |
| The total area occupied by the home occupation does not exceed 5,000 square feet.                                                                     | ✓                     |                 |
| The use is conducted entirely within the principal dwelling                                                                                           |                       | ✓               |
| Not more than 25% of the gross floor area of the principal dwelling is used for the home occupation.                                                  |                       | ✓               |
| Any outdoor activities, other than outdoor storage, occur at least 200 feet from any dwelling not located on the same lot as the home occupation use. | ✓                     |                 |
| Storage of goods and materials occurs inside and does not include flammable, combustible, or explosive materials.                                     |                       | ✓               |
| There is no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of a home occupation                        |                       | ✓               |
| The use involves up to four non-resident employees working on-site.                                                                                   | ✓                     |                 |

| Table 19-57.2: Home Occupation Performance Standards                                                                                                                            |                       |                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------|
| Performance Standard                                                                                                                                                            | Rural Home Occupation | Home Occupation |
| The use involves up to one non-resident employee working on-site.                                                                                                               |                       | ✓               |
| The home occupation receives not more than six client visits per day                                                                                                            | ✓                     | ✓               |
| Client visits occur between 8:00 a.m. and 8:00 p.m.                                                                                                                             | ✓                     | ✓               |
| Parking areas are located at least 10 feet from the road right-of-way.                                                                                                          | ✓                     |                 |
| Parking is provided only in the driveway.                                                                                                                                       |                       | ✓               |
| Any commercial vehicle associated with the home occupation is not parked outside of an enclosed building on a regular basis, except those primarily used as passenger vehicles. |                       | ✓               |
| Equipment used in the home occupation is used only in a completely enclosed building.                                                                                           |                       | ✓               |
| Any equipment or process does not create audible or visual interference in any radio or television receivers on any adjacent lots.                                              | ✓                     | ✓               |
| Dust, odors, noise, vibration, or electrical interference or fluctuation are not perceptible beyond the property line.                                                          | ✓                     | ✓               |
| Deliveries and pickups are made by carriers that typically serve residential areas.                                                                                             | ✓                     | ✓               |
| Public facilities and utilities are adequate to safely accommodate equipment used for home occupation.                                                                          | ✓                     | ✓               |
| Key: ✓ = the performance standard applies   [blank cell] = the performance standard does not apply                                                                              |                       |                 |

(2) **Outdoor Storage Performance Standards for Large Lot Home Occupations.**  
Outdoor storage shall comply with the following standards:

- a. Storage is limited to materials related to the business and does not involve any hazardous materials;
- b. Materials shall not be stacked to a height exceeding six feet; and
- c. Materials shall not be visible from the public right-of-way or an adjacent lot in the RA, RR, and GR Districts.

**19-58. Worker Housing**

(a) **Applicability.**

- (1) This Section applies to any building designed or constructed as accommodations for farm and industrial workers that is located on the same lot or a lot under common ownership with the principal agricultural or industrial use.
- (2) Worker housing must be accessory to and directly supportive of the principal use of the lot for agriculture or industry.

(b) **Occupancy.** Worker housing shall be occupied only by employees of the principal agricultural or industrial use and their immediate families, including spouses, domestic partners, children,

## Article III. Use Regulations

### 19-59. Mobile Vendors

and dependent adult family members.

(c) **Required Features.**

- (1) *Parking Requirement.* Parking shall be provided at a ratio of one space per dwelling unit.
- (2) *Laundry Facilities.* Laundry facilities, including washers and dryers, shall be provided on-site for worker housing.

## Division 5. Temporary Use Regulations

### 19-59. Mobile Vendors

(a) **Applicability.**

- (1) This Section applies to temporary uses for:
  - a. Mobile food vendors;
  - b. Mobile personal services; and
  - c. Mobile retail vendors.
- (2) However, this Section does not apply to mobile vendors that:
  - a. Are part of an approved special event;
  - b. Move throughout their business hours, generally stopping only to make a sale or serve a location for a limited time;
  - c. Are hired to cater a private event;
  - d. Qualify as a temporary food establishment, as defined by S.C. Department of Agriculture [Regulation 61-25: Retail Food Establishments](#), § 1-201.10.

(b) **Location.** A mobile vending unit:

- (1) Shall not operate while parked in a public right-of-way, unless the mobile vending unit is located in a marked on-street parking space;
- (2) May operate on a privately owned lot in any zoning district;
- (3) Shall not occupy or obstruct access to parking spaces required for the principal use on a lot;
- (4) Shall not obstruct access to fire hydrants and fire lanes; and
- (5) Shall not obstruct driveways, sidewalks, or other vehicular or pedestrian access to or within a lot.

(c) **Trash and Recycling Receptacles for Mobile Food Vendors.** A mobile food vendor shall:

- (1) Provide trash and recycling receptacles for patron use;
- (2) Remove all trash and recycling from the site each day; and
- (3) Dispose of grease and sewage under SCDES regulations or other applicable regulations.

### 19-60. Real Estate Development Sales Office

(a) **Applicability.**

## Article III. Use Regulations

### 19-61. Special Events, Outdoor

- (1) A construction trailer, temporary modular unit, or model dwelling unit may be used as a real estate sales office in a new residential development of 10 or more units or lots in a residential subdivision.
  - (2) Temporary real estate offices in a construction trailer, temporary modular unit, or model dwelling unit are allowed in any new construction project in any district, provided that such structure shall be used for the sale of units within that project only.
- (b) **Number.** Only one temporary structure per builder or developer is allowed for each approved subdivision.
- (c) **Duration.** Temporary real estate offices in construction trailers or temporary modular units may remain on the site until the latter of one year or when 80% of the dwelling units for the project are sold.

### 19-61. Special Events, Outdoor

- (a) **Applicability.**
- (1) This Section applies to all special events located on private or public property.
  - (2) However, this Section does not apply to County-sponsored events held on County-owned property.
- (b) **Event Plan Required.** An event plan shall be submitted in conjunction with the Zoning Permit application. The event plan shall include, at a minimum, the following items as applicable:
- (1) Description of the proposed event and associated activities;
  - (2) Anticipated number of attendees/participants;
  - (3) Emergency access and public safety plan; and
  - (4) Letter(s) of coordination from other departments or agencies, as applicable, including, but not limited to, the Sheriff's Office, Department of Fire Safety, SCDES, private sanitation or solid waste collection company, and others as requested by the Zoning Administrator.
- (c) **Events on Public Property.** A Venue Agreement or other appropriate written agreement with the County is required before approval of a zoning compliance application for a special event located on public property or in a public right-of-way.

### 19-62. Temporary Contractor's Office and Contractor's Yard

- (a) **Applicability.**
- (1) This Section applies to all temporary contractor's offices and contractor's yards, including those located on the associated construction site.
  - (2) A contractor's office or yard shall be associated with one or more specific projects with an approved land disturbance, building, or demolition permit or an approved utility or road construction project.
- (b) **Access.**
- (1) A contractor's yard must allow direct vehicular access to a public street, highway, road, or other public way or private road.

## Article III. Use Regulations

### 19-63. Temporary Outdoor Entertainment

- (2) Proposed curb cuts require approval of an encroachment permit by the Cherokee County Public Works Department or SCDOT, as applicable.
- (c) **Emergency Access.** The laydown yard shall meet design and construction standards for fire and emergency apparatus access.
- (d) **Location.** Contractor's offices require:
  - (1) A 15-foot setback from all property lines; and
  - (2) Separation from other structures by at least five feet.
- (e) **Duration of Use.**
  - (1) Contractor's office and yard use is limited to a time determined by an estimated project completion date with the option of an extension of up to one year.
  - (2) All temporary construction buildings and trailers shall be placed on the site no earlier than 90 days before construction and shall be completely removed from the site within 30 days of issuance of a Certificate of Occupancy or completion of the project, whichever comes first.

### 19-63. Temporary Outdoor Entertainment

- (a) **Applicability.**
  - (1) This Section applies to all temporary outdoor entertainment events located on private or public property.
  - (2) However, this Section does not apply to County-sponsored events held on County-owned property.
- (b) **Event Plan Required.** An event plan shall be submitted in conjunction with the Zoning Permit application. The event plan shall include, at a minimum, the following items as applicable:
  - (1) Description of the proposed entertainment event and associated activities;
  - (2) Anticipated number of attendees/participants;
  - (3) Emergency access and public safety plan; and
  - (4) Letter(s) of coordination from other departments or agencies, as applicable, including, but not limited to, the Sheriff's Office, Department of Fire Safety, SCDES, private sanitation or solid waste collection company, and others as requested by the Zoning Administrator.
- (c) **Events on Public Property.** A Venue Agreement or other appropriate written agreement with the County is required before approval of a zoning compliance application for a temporary outdoor entertainment event located on public property or in a public right-of-way.

### 19-64. Temporary Outdoor Sales and Display

- (a) **Applicability.**
  - (1) Temporary outdoor sales and displays generally require a Zoning Permit.
  - (2) When sales and displays are part of the principal commercial or industrial use on the same lot, a Zoning Permit is not required.

Article III. Use Regulations

19-64. Temporary Outdoor Sales and Display

- (b) **Permanent Use Required.** Temporary outdoor sales and displays shall be conducted or authorized by an existing permanent commercial or industrial use that is in a permanent structure.
- (c) **Location of Event.** Temporary outdoor sales and displays are allowed on parking areas on the same lot as the permanent commercial or industrial use or on adjacent property with parking areas that serve the permanent use.
- (d) **Temporary Structures and Vehicles.** Temporary outdoor sales and displays may include temporary tents, other similar structures, or vehicles used for purposes of displaying and selling merchandise, including trucks and trailers.

## Article IV. Compatibility Performance Standards

### Division 1. Perimeter Buffers

#### 19-65. Applicability

- (a) **Relationship to Required Setbacks.** Buffers may be established within front, side, and rear setbacks required by this Ordinance. If a setback requirement is less than the minimum buffer requirement, the buffer width requirement controls.
- (b) **More Restrictive to Apply.** Where a proposed use or development type abuts multiple use types or zoning districts along the same side or rear property line, the largest buffer requirement will apply along the entire side or rear property line.
- (c) **Riparian Buffer.** Any required riparian buffer may be used to satisfy other buffer requirements, if the plants are equivalent in number and type required by this Chapter. Additional plant materials shall be installed in the riparian buffer to satisfy any remaining plant requirements. Additional plantings shall meet best management practices as determined by the Administrator.

#### 19-66. Required Buffers

- (a) **Generally.** Buffers are planting areas designed to separate incompatible adjacent uses and provide privacy and protection against potential adverse impacts of an adjoining incompatible use or zoning district.
- (b) **Required Buffers by District.** Bufferyards are required for new uses and developments by zoning district based on the zoning district of the adjacent parcel as provided in Table 19-66.1: *Buffer Requirements by District*.

| Table: 19-66.1: Buffer Requirements by District                                           |    |                             |    |    |    |    |
|-------------------------------------------------------------------------------------------|----|-----------------------------|----|----|----|----|
|                                                                                           |    | District of Adjacent Parcel |    |    |    |    |
|                                                                                           |    | RA                          | RR | GR | GC | GI |
| District of Development Parcel                                                            | RA | B                           | B  | -- | -- | -- |
|                                                                                           | RR | B                           | B  | -- | -- | -- |
|                                                                                           | GR | B                           | B  | B  | -- | -- |
|                                                                                           | GC | C                           | C  | C  | -- | -- |
|                                                                                           | GI | C                           | C  | C  | A  | -- |
| Key: A = Type A Buffer Required   B = Type B Buffer Required   C = Type C Buffer Required |    |                             |    |    |    |    |

- (c) **Additional Buffer and Screening Requirements for Specific Uses.** Additional buffer and screening requirements for certain specific uses are included in Article III: *Use Regulations*.

#### 19-67. Buffer Types

- (a) **Type A Buffer.** A Type A buffer is a planting strip intended to separate uses, provide vegetation in densely developed areas, and enhance the appearance of individual properties. Type A buffers must provide at least the screening listed in Table 19-67.1: *Type A Buffer Standards*.

Article IV. Compatibility Performance Standards  
19-67. Buffer Types

| Table 19-67.1: Type A Buffer Standards |               |                                                             |                      |                                                                                                                                                                    |
|----------------------------------------|---------------|-------------------------------------------------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Buffer Type                            | Minimum Depth | Minimum Plantings per 100 linear feet                       | Wall, Fence, or Berm | Required Opacity                                                                                                                                                   |
| <b>Type A Buffer</b>                   | 10 feet       | 2 Canopy Trees<br>2 Understory Trees<br>16 Evergreen Shrubs | Not Required         | Semi-opaque (i.e., having only seasonal horizontal openings not exceeding 25% of the total width from the ground to a height of 6 feet within 2 years of planting) |

- (b) **Type B Buffer.** A Type B buffer is a medium-density screen intended to create a visual separation between uses and zoning districts. Type B buffers must provide at least the screening listed in Table 19-67.2: *Type B Buffer Standards*.

| Table 19-67.2: Type B Buffer Standards |               |                                                                                  |                      |                                                                                                                                                                    |
|----------------------------------------|---------------|----------------------------------------------------------------------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Type B Buffer Options                  | Minimum Depth | Minimum Plantings per 100 linear feet                                            | Wall, Fence, or Berm | Required Opacity                                                                                                                                                   |
| <b>Option 1</b>                        | 20 feet       | 2 Evergreen Trees<br>1 Canopy Tree<br>2 Understory Trees<br>24 Evergreen Shrubs  | Not Required         | Semi-opaque (i.e., having only seasonal horizontal openings not exceeding 10% of the total width from the ground to a height of 8 feet within 2 years of planting) |
| <b>Option 2</b>                        | 10 feet       | 4 Evergreen Trees<br>3 Canopy Trees<br>3 Understory Trees<br>24 Evergreen Shrubs | Not Required         |                                                                                                                                                                    |

- (c) **Type C Buffer.** A Type C buffer is intended to provide a very dense all-season sight barrier to significantly separate uses and zoning districts. It is intended to reduce intrusive lighting and noise from adjacent properties. Type C buffers must provide at least the screening listed in Table 19-67.3: *Type C Buffer Standards*.

| Table 19-67.3: Type C Buffer Standards |               |                                                                                  |                      |                                                                                                                          |
|----------------------------------------|---------------|----------------------------------------------------------------------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------|
| Type C Buffer Options                  | Minimum Depth | Minimum Plantings per 100 linear feet                                            | Wall, Fence, or Berm | Required Opacity                                                                                                         |
| <b>Option 1</b>                        | 40 feet       | 4 Evergreen Trees<br>4 Canopy Trees<br>4 Understory Trees<br>36 Evergreen Shrubs | Not Required         | Completely opaque (i.e., having no horizontal openings from the ground to a height of 8 feet within 2 years of planting) |
| <b>Option 2</b>                        | 30 feet       | 6 Evergreen Trees<br>2 Canopy Trees<br>4 Understory Trees<br>36 Evergreen Shrubs | Wall or Fence        |                                                                                                                          |

| Table 19-67.3: Type C Buffer Standards |               |                                                                                  |                      |                  |
|----------------------------------------|---------------|----------------------------------------------------------------------------------|----------------------|------------------|
| Type C Buffer Options                  | Minimum Depth | Minimum Plantings per 100 linear feet                                            | Wall, Fence, or Berm | Required Opacity |
| Option 3                               | 30 feet       | 4 Evergreen Trees<br>2 Canopy Trees<br>2 Understory Trees<br>20 Evergreen Shrubs | Berm                 |                  |

#### 19-68. Buffer Standards

(a) **Buffer Locations.**

- (1) A buffer shall generally be constructed along the perimeter of the parcel.
- (2) In situations where irregular topographic conditions exist, such as when the perimeter of the property is at a lower grade than the use being screened, the Zoning Administrator may require the relocation of the required buffer to a location with a higher elevation to better serve its purpose.
- (3) Buffers shall not be located on any portion of any existing or proposed street right-of-way or utility easement, unless permitted by the right-of-way owner or easement holder.

(b) **Conflicts with Utilities.** Where overhead utility lines exist in the required streetscape buffer, any required canopy tree may be replaced with two understory trees. Understory trees shall be equally spaced on center where possible.

(c) **Fences and Walls.**

- (1) Fences and walls required by this Section must be:
  - a. At least a 6-foot privacy fence or wall;
  - b. Made of any combination of treated and stained wood, brick, stone, wrought iron, polymer, decorative face block, or other composite material; and
  - c. Maintained in a like-new manner with the finished side facing towards the zone to be buffered (protected).
- (2) The material(s) used shall provide an opaque fence.
- (3) All required vegetation shall be placed on the interior side of the fence or wall.
- (4) A chain link fence with slats is not considered a solid fence for purposes of this Section.

(d) **Berms.**

- (1) Berms shall have a minimum height of three feet and a minimum crown width of eight feet.
- (2) Berms shall not exceed a maximum height of eight feet.
- (3) If four feet in height or less, a berm shall have a side slope no greater than 3:1. If greater than four feet in height, a berm shall have a side slope no greater than 4:1.

## Article IV. Compatibility Performance Standards

### 19-69. Purposes

- (4) Berms shall be designed and constructed with an undulating appearance to mimic the natural topographical features of a site.
  - (5) The Zoning Administrator may allow an exception to the minimum and maximum height requirements for an earthen berm where topography or other natural site features may justify such an exception.
- (c) **Existing Vegetation, Fences, Walls, and Berms.**
- (1) Existing vegetation, berms, walls, or fences within the perimeter buffer area may be used to fulfill the standards for the type of buffer required if the existing components are in good condition as determined by the Zoning Administrator. However, existing chain link fencing will not fulfill the standards of this Section.
  - (2) Where existing vegetative areas are to be credited, they shall be shown on any plan and include a certification by a licensed landscape architect that the existing vegetation fully complies with the opacity requirements for the required buffer type.

## Division 2. Riparian Buffers

### 19-69. Purposes

The purposes of this Division are to:

- (a) Establish minimum acceptable requirements for buffers to protect the streams, wetlands, and floodplains of Cherokee County;
- (b) Protect the water quality of watercourses, reservoirs, lakes, and other significant water resources within the County;
- (c) Protect the County's riparian and aquatic ecosystems; and
- (d) Provide for the environmentally sound use of the County's land resources.

### 19-70. Applicability

- (a) **Generally.** Undisturbed buffer areas are required for all linear watercourses in the River Corridor Overlay (RCO) District.
- (b) **Linear Watercourses.** Linear watercourses include all rivers and intermittent and perennial streams identified through site inspection and US Geological Survey (USGS) maps.
  - (1) *Rivers.* Rivers in Cherokee County include the Broad and Pacolet Rivers.
  - (2) *Perennial Stream.* A perennial stream is a stream that normally has water in its channel at all times. Perennial streams are those depicted on a USGS map with a solid blue line.
  - (3) *Intermittent Stream.* An intermittent stream is a stream that flows only when it receives water from rainfall runoff, springs, or other surface sources such as melting snow. Intermittent streams are those depicted on a USGS map with a dotted- and dashed-blue line.

### 19-71. Riparian Buffer Widths

- (a) Linear buffers shall be preserved along both sides of all the channels of all rivers and perennial and intermittent watercourses in the RCO District. The riparian buffer shall begin at the edge

## Article IV. Compatibility Performance Standards

### 19-72. Additional Setbacks for Certain Uses

of the stream bank of the active channel.

- (b) Table 19-71.1: Linear Watercourse Buffer Standards lists the minimum riparian buffer widths.

| Table 19-71.1: Linear Watercourse Buffer Standards |                |
|----------------------------------------------------|----------------|
| Watercourse Designation                            | Minimum Buffer |
| Intermittent Stream                                | 30 feet        |
| Perennial Stream                                   | 50 feet        |
| Broad River<br>Pacolet River                       | 100 feet       |

### 19-72. Additional Setbacks for Certain Uses

The following uses are prohibited within 100 feet of the edge of a required Riparian Buffer:

- (a) Automobile Fuel Sales, Retail;
- (b) Building Materials and Supply Sales;
- (c) Car Wash;
- (d) Foundries and Mills, Metal;
- (e) Hazardous Materials Collection or Storage;
- (f) Landfill, Construction & Demolition (C&D);
- (g) Landfill, Land Clearing & Inert Debris (LCID);
- (h) Landfill, Municipal Solid Waste (MSW);
- (i) Landfill, Other;
- (j) Salvage and/or Junk Yard;
- (k) Solid Waste Transfer Station, Outdoor;
- (l) Feedlots ;
- (m) Agriculture, Poultry and Swine Production; and
- (n) Motorsports Tracks and Facilities.

### 19-73. Use and Maintenance

- (a) **Generally.** All buffer areas shall be maintained with existing vegetation and free from development, including disturbance of the soil, dumping or filling, erection of structures, and placement of impervious surfaces, except as follows:
- (1) A buffer area may be used for passive recreation (e.g., bird watching, walking, jogging, bicycling, horseback riding, and picnicking), and it may contain pedestrian, bicycle, or equestrian trails;
  - (2) Structures and impervious surfaces (including trails) may occupy a maximum of 20% of the buffer surface area if the runoff from such facilities is directed to enter the buffer area as non-concentrated flow;
  - (3) Utility maintenance and construction of utility facilities, as approved by the County

## Article IV. Compatibility Performance Standards

### 19-74. Temporary Construction Buffers

- and appropriate jurisdictional agencies;
- (4) Buffer areas disturbed by allowing construction or as part of a re-vegetation plan shall be re-vegetated using native vegetation; and
- (5) Removal of invasive species.
- (b) **Maintenance.** Access through buffer areas may be provided when necessary for maintenance purposes.
- (c) **Stormwater.** Stormwater discharges that enter a buffer shall have appropriate energy dissipation measures to prevent erosion and scour.

### 19-74. Temporary Construction Buffers

- (a) Construction buffers from the limits of linear watercourses are required per SCDES requirements.
- (b) The temporary construction buffer shall be marked by construction fencing and installed before the start of all other construction activities.
- (c) All other construction activities, including soil erosion and sediment control features, shall take place on the non-wetland side of the construction fencing.

### 19-75. Permanent Protection of Riparian Buffers

Preservation of required riparian buffer areas shall be provided by deed or plat restrictions.

## Division 3. Scenic Highway Buffers

### 19-76. Scenic Highway Buffers

- (a) **Purpose.**
  - (1) The purpose of this Section is to enhance the qualities of the Cherokee Foothills Scenic Highway (S.C. Highway 11) to:
    - a. Preserve the rural and scenic qualities of this corridor;
    - b. Preserve tree canopy;
    - c. Minimize the harmful impacts of noise, dust and other debris, and motor vehicle headlight glare; and
    - d. Reduce the visual impact of development along this corridor.
  - (2) The Scenic Highway Bufferyard is intended to appear as a wooded strip, with a mix of canopy and understory trees, shrubs, and undergrowth.
- (b) **Applicability.** This Section applies to all properties within the Scenic Highway Overlay (SHO) District.
- (c) **Minimum Bufferyard Width.** The minimum width for the Scenic Highway Bufferyard is 50 feet.
- (d) **Natural, Undisturbed Bufferyard Required.**
  - (1) New developments, redevelopments, and lot subdivisions are required to maintain or establish a Scenic Highway Bufferyard along each lot's right-of-way frontage.

## Article IV. Compatibility Performance Standards

### 19-76. Scenic Highway Buffers

- (2) If the property is vegetated prior to the submittal of development plans, the existing bufferyard shall remain natural and undisturbed, except that select clearing is allowed as provided below.
  - (3) If a natural, vegetated bufferyard does not exist on a lot at the time of submittal of development plans, the applicant shall establish the bufferyard during the development process with a Type B bufferyard as provided in Division 1: *Perimeter Buffers*, above. In such cases, all new plantings shall be native species.
- (e) **Vegetation Removal.**
- (1) *Generally.* Except as provided in this Paragraph, the removal of trees and natural vegetation in the Scenic Highway Bufferyard is prohibited.
  - (2) *Select Clearing Allowed.* Select clearing of trees measuring less than three inches in diameter at breast height (DBH) is allowed in the Scenic Highway Bufferyard.
  - (3) *Pruning.* Select pruning of limbs up to eight feet above ground level or half the height of the tree, whichever is less, is allowed.
  - (4) *Invasive Species.* Invasive species may be removed from a Scenic Highway Bufferyard.
- (f) **Supplemental Landscaping.** A property owner may supplement existing vegetation in a Scenic Highway Bufferyard if the additional landscaping is comprised of native species.
- (g) **Irrigation.** Irrigation systems are allowed in a special right-of-way bufferyard.
- (h) **Prohibited Uses.** The following uses are prohibited on lots in the Scenic Highway Overlay:
- (1) Adult Oriented Business;
  - (2) Building Materials and Supply Sales;
  - (3) Car Wash;
  - (4) Contractor Office with Outdoor Storage Yard;
  - (5) Manufactured Home and Building Sales;
  - (6) Self-Storage Facility: Indoor;
  - (7) Self-Storage Facility: Outdoor;
  - (8) Tattoo and Body Piercing Studios;
  - (9) Truck Stops;
  - (10) Vehicle and Equipment Auction Facilities;
  - (11) Vehicle Sales and Rental;
  - (12) Vehicle Service and Repair Facility, Minor;
  - (13) Industrial, General;
  - (14) Industrial, Light;
  - (15) Landfill, Construction & Demolition (C&D);
  - (16) Landfill, Land Clearing & Inert Debris (LCID);
  - (17) Landfill, Municipal Solid Waste (MSW);

## Article IV. Compatibility Performance Standards

### 19-77. Screening for On-Site Solid Waste Collection Locations

- (18) Landfill, Other;
  - (19) Salvage and/or Junk Yard;
  - (20) Solid Waste Transfer Station, Outdoor;
  - (21) Truck Terminals and Maintenance Yards;
  - (22) Truck Transfer Facility;
  - (23) Motorsports Tracks and Facilities;
  - (24) Sports Arenas, Commercial (other than Motorsports);
  - (25) Electric Energy Production, Excluding Wind and Solar;
  - (26) Solar Energy Production Facility, Commercial;
  - (27) Wastewater Treatment Plant; and
  - (28) Wind Energy Production Facility, Commercial.
- (i) **Prohibited Elements.** The following elements are prohibited in a Scenic Highway Bufferyard:
- (1) Structures, including fences and walls;
  - (2) Amenity features such as tables, seating areas, and fire pits, whether temporary or permanent; and
  - (3) Natural and synthetic turf grass.
- (j) **Development Plans and Construction Activities.**
- (1) The boundaries of the Scenic Highway Bufferyard shall be clearly delineated and identified on all development plans and plats submitted for approval.
  - (2) Bufferyard limits shall be staked in the field before and throughout construction activities. Bufferyard limits shall be marked with a stake every 50 feet and at every point where the bufferyard margin changes direction.

## Division 4. Screening

### 19-77. Screening for On-Site Solid Waste Collection Locations

- (a) All on-site solid waste collection locations require complete screening from the view of public and publicly accessible streets.
- (b) The screening may be accomplished as follows:
  - (1) An opaque fence, wall, or planted hedge to a height of one foot above the solid waste collection receptacle or eight feet, whichever is less; or
  - (2) The configuration of the site allows the dumpster to be located behind a line formed by 45-degree angles projected from the back wall of the building on the side away from the street.

## Division 5. Parking

### 19-78. Parking Lot Design

- (a) **Applicability.** This Section applies to parking for non-residential uses in the General Commercial (GC) and General Industrial (GI) Districts.
- (b) **Materials.** All parking areas shall consist of a durable surface such as concrete, asphalt, paving blocks, pervious asphalt, and pervious paving blocks. Parking areas may not consist of gravel, grass, dirt, or other non-durable material.
- (c) **Curb and Gutter.** All parking areas shall incorporate curb and gutter design with gutter heights and depths of at least six inches.

## Division 6. Signs

### 19-79. Purpose

This Division establishes limited standards to control the location, type, size, height, and number of permanent signs to:

- (a) Minimize the effect of signs that are incompatible with adjacent property owners' use and enjoyment of their land;
- (b) Enhance traffic safety and protect the public health, safety, and welfare;
- (c) Allow the effective and efficient use of signs as a communication tool; and
- (d) Protect state and federal constitutional rights to free speech.

### 19-80. Applicability

- (a) **Permanent Signs Regulated.**
  - (1) This Division applies to permanent freestanding signs, attached signs, and billboards.
  - (2) This Division does not apply to or limit the display of temporary signs, such as stake signs, post signs, feather signs, banners, streamers, posters, flyers, flags, and inflatable devices.
- (b) **Zoning Permit Required.**
  - (1) A Zoning Permit is required to construct or install a new permanent sign regulated by this Division.
  - (2) A Zoning Permit is not required for the continued display, repair, or maintenance of:
    - a. Signs in existence on the effective date of this Ordinance; and
    - b. Signs that received a Zoning Permit before their construction or installation

### 19-81. Exempt Signs.

The following types of signs are exempt from the permitting and allowance limitations of this Division:

- (a) **Government Signs.** Signs erected by or on the order of the Federal, State, County, or City Government;
- (b) **Traffic Control Devices.** Traffic control devices on public or private property that the Manual on Uniform Traffic Control Devices adopted in South Carolina allows or requires;

## Article IV. Compatibility Performance Standards

### 19-82. Substitution Allowed

- (c) **Required Signs.** Any sign or device that the Federal, State, County, or City Government requires to be erected, maintained, or displayed;
- (d) **Indoor Signs.** Signs located within a building or structure that are not visible from any perspective outside the building or structure; and
- (e) **Signs that are Eight Square Feet or Less.**

### 19-82. Substitution Allowed

Any sign may contain any commercial or non-commercial message.

### 19-83. Sign Features

- (a) **Lighting.**
  - (1) *Shielding Required.* Externally illuminated signs and billboards must have shielding to prevent light from shining directly onto adjacent properties or into the line of vision of the drivers and pedestrians on adjacent roads or sidewalks.
  - (2) *Brightness Standards.*
    - a. Illuminated signs and billboards may not operate at brightness levels that project more than 0.3 foot-candles above ambient light conditions at the property line, as measured using a foot-candle meter.
    - b. Illumination levels are measured in foot candles with a meter sensor in a horizontal position at the property line at an approximate height of three feet above grade.
- (b) **Digital Displays.**
  - (1) Digital displays must comply with the general brightness limits of this Section.
  - (2) The area allowance for digital displays is stated as a percentage of the sign face area.

### 19-84. Freestanding Sign Standards

- (a) **Sign Allowances.** All lots must comply with the freestanding sign allowances in Table 19-83.1.

| Table 19-83.1: Freestanding Sign Allowances |            |            |            |             |             |
|---------------------------------------------|------------|------------|------------|-------------|-------------|
|                                             | RR         | RA         | GR         | GC          | GI          |
| <b>Allowed</b>                              | Yes        | Yes        | Yes        | Yes         | Yes         |
| <b>Permit Required</b>                      | Yes        | Yes        | Yes        | Yes         | Yes         |
| <b>Number per Lot (Max.)</b>                | 4          | 2          | 1          | 4           | 4           |
| <b>Height (Max.)</b>                        | 20 ft.     | 8 ft.      | 8 ft.      | 75 ft.      | 50 ft.      |
| <b>Area (Max.)</b>                          | 32 sq. ft. | 32 sq. ft. | 24 sq. ft. | 150 sq. ft. | 150 sq. ft. |
| <b>Illumination</b>                         | Yes        | No         | No         | Yes         | Yes         |
| <b>Digital Display</b>                      | 25%        | No         | No         | 50%         | 50%         |
| Key: ft. = feet   sq. ft. = square feet     |            |            |            |             |             |

## Article IV. Compatibility Performance Standards

### 19-85. Attached Sign Standards

#### (b) Location Standards.

- (1) Freestanding signs may not project over a public right-of-way.
- (2) Freestanding signs are not allowed in the sight distance triangle required by the SCDOT's [Access and Roadside Management Standards](#).

### 19-85. Attached Sign Standards

- (a) **Sign Allowances.** All lots must comply with the attached sign allowances in Table 19-85.1.

| Table 19-85.1: Attached Sign Allowance  |     |     |     |     |     |
|-----------------------------------------|-----|-----|-----|-----|-----|
|                                         | RR  | RA  | GR  | GC  | GI  |
| Allowed                                 | Yes | Yes | Yes | Yes | Yes |
| Permit Required                         | Yes | Yes | Yes | Yes | Yes |
| Number (Max.)                           | N/A | N/A | N/A | N/A | N/A |
| Area (Max.)                             | 25% | 10% | 25% | 25% | 25% |
| Illumination                            | Yes | No  | No  | Yes | Yes |
| Digital Display                         | 25% | No  | No  | 50% | 50% |
| Key: ft. = feet   sq. ft. = square feet |     |     |     |     |     |

#### (b) Sign Area.

- (1) The sign area is measured as a percentage of the wall area for the wall where the sign is located.
- (2) Attached signs are allowed on any building elevation, but the area of signs on a particular wall may not exceed the area allowance for that wall.

#### (c) Location Standards.

- (1) Attached signs may not project:
  - a. More than eight feet from the wall they are attached to; or
  - b. Over a public right-of-way.
- (2) An attached sign that projects more than one foot from the wall it is connected to must be installed at least eight feet above grade.

### 19-86. Billboard Standards

- (a) **Sign Allowances.** All lots must comply with the billboard allowances listed in Table 19-86.1.

| Table 19-86.1: Billboard Allowances |     |     |     |     |     |
|-------------------------------------|-----|-----|-----|-----|-----|
|                                     | RR  | RA  | GR  | GC  | GI  |
| Allowed                             | Yes | No  | No  | Yes | Yes |
| Permit Required                     | Yes | N/A | N/A | Yes | Yes |
| Number per Lot (Max.)               | 1   | N/A | N/A | 1   | 1   |

Article IV. Compatibility Performance Standards  
19-86. Billboard Standards

| Table 19-86.1: Billboard Allowances     |             |     |     |             |             |
|-----------------------------------------|-------------|-----|-----|-------------|-------------|
|                                         | RR          | RA  | GR  | GC          | GI          |
| <b>Height (Max.)</b>                    | 50 ft.      | N/A | N/A | 50 ft.      | 50 ft.      |
| <b>Area (Max.)</b>                      | 672 sq. ft. | N/A | N/A | 672 sq. ft. | 672 sq. ft. |
| <b>Illumination</b>                     | Yes         | N/A | N/A | Yes         | Yes         |
| <b>Digital Display</b>                  | No          | N/A | N/A | No          | No          |
| Key: ft. = feet   sq. ft. = square feet |             |     |     |             |             |

(b) **Location Standards.**

- (1) Billboards may not project over a public right-of-way.
- (2) Billboards are not allowed in the sight distance triangle required by the SCDOT's [Access and Roadside Management Standards](#).

(c) **Digital Billboards Prohibited.** Billboards may not include digital displays.

## Article V. Procedures

### Division 1. Generally

#### 19-87. Applicability

- (a) **Generally.** This Article controls the procedures for the initiation, review, and decision for all permits or approvals required by this Ordinance.
- (b) **Procedures Summary.** The procedures established in this Article are summarized in Table 19-87.1.

| Table 19-87.1: Summary of Zoning Procedures                       |                                 |                         |                     |                |                         |
|-------------------------------------------------------------------|---------------------------------|-------------------------|---------------------|----------------|-------------------------|
| Procedure                                                         | Review and Decision Making Body |                         |                     |                | Public Notice Required? |
|                                                                   | Zoning Administrator            | Board of Zoning Appeals | Planning Commission | County Council |                         |
| Zoning Permit                                                     | D                               | A                       |                     |                | N                       |
| Conditional Use Permit                                            | D                               | A                       |                     |                | N                       |
| Site Plan Review                                                  | D                               | A                       |                     |                | N                       |
| Appeal of Administrative Decision                                 | R                               | D                       |                     |                | N                       |
| Variance                                                          | R                               | D                       |                     |                | Y                       |
| Special Exception                                                 | R                               | D                       |                     |                | Y                       |
| Rezoning                                                          | R                               |                         | R                   | D              | Y                       |
| Initial Zoning                                                    | R                               |                         | R                   | D              | Y                       |
| Text Amendments                                                   | R                               |                         | R                   | D              | Y                       |
| Key: R = Review Body   D = Decision-Making Body   A = Appeal Body |                                 |                         |                     |                |                         |

#### 19-88. General Application Requirements

- (a) **Application Forms.** All applications authorized by this Ordinance shall be made on forms maintained for each permit or approval by the Zoning Administrator, which are available online or in person at the County's offices.
- (b) **Submittal Requirements.**
- (1) Applications filed under this Ordinance must include the information required by the application.
  - (2) The Zoning Administrator shall prepare and maintain application forms and lists of required submittal materials to implement the application requirements of this Ordinance.
- (c) **Application Fees.** The applicant shall pay all applicable fees at the time of the application.

19-89. Procedure Types

The Zoning Administrator shall not accept an application until the applicant has paid all applicable fees.

(d) **Authorized Representative.**

- (1) Each submittal must identify on the application form an Authorized Representative, including mailing address, phone number, and email address.
- (2) The Zoning Administrator shall direct all communication regarding the project to that person.
- (3) If the Authorized Representative is not available, an alternate may be identified to the Zoning Administrator in writing.

(e) **Action on an Application.** The Zoning Administrator shall not process or begin to act on an application until the application is complete with all required information and documents and the applicant has paid all fees in full.

(f) **Conformance with Application.** Approvals issued based on plans and applications approved under this Article authorize only the use, arrangement, and construction proposed in the approved plans and applications and do not authorize any other use, arrangement, or construction.

(g) **Written Findings.** Unless otherwise specifically provided in this Article, written findings are not required for a final decision on any application.

**19-89. Procedure Types**

(a) **Administrative Reviews.**

- (1) *Generally.* Administrative reviews involve a decision on a written application by the Zoning Administrator based on the standards of this Ordinance.
- (2) *Hearing.* A hearing is not required for administrative approvals.
- (3) *Specific Approval Types.* Administrative approvals include:
  - a. Zoning Permit;
  - b. Site Plan Review; and
  - c. Conditional Use Permit.

(b) **Board of Zoning Appeals Reviews.**

- (1) *Generally.* Board of Zoning Appeals Reviews involve a decision on a written application by the Board of Zoning Appeals based on a discretionary standard of this Ordinance.
- (2) *Hearing.* A Board of Zoning Appeals Review requires a BZA hearing and notice as provided in 19-91: *Notice* and the notice provision of each specific development approval type.
- (3) *Specific Approval Types.* Board of Zoning Appeals Reviews include:
  - a. Appeal of Administrative Decisions
  - b. Variances; and
  - c. Special Exceptions.

(c) **Legislative Decisions.**

- (1) *Generally.*
  - a. Legislative decisions by the County Council change land use policy. The County Council has the duty of considering and adopting or rejecting proposed amendments to or the repeal of this Ordinance as provided by law.
  - b. The duties of the County Council in connection with this Ordinance do not include hearing and deciding questions of interpretation and enforcement that may arise.
- (2) *Hearing.* A legislative decision requires a public hearing as provided in 19-91: *Notice* and the notice provision of each specific development approval type.
- (3) *Specific Approval Types.* Legislative decisions include:
  - a. Rezoning (Zoning Map Amendments);
  - b. Initial Zoning; and
  - c. Zoning Text Amendments.

**19-90. Completeness Review**

- (a) **Application Requirements.** Applications required under this Ordinance are considered complete only if they:
  - (1) Are submitted in the required format;
  - (2) Include all mandatory information; and
  - (3) Are accompanied by the application fee.
- (b) **Process for Review.**
  - (1) The Zoning Administrator will review applications for completeness.
  - (2) The Zoning Administrator will notify the applicant within 10 business days of its submittal if it is incomplete, along with an explanation of the application's deficiencies.
  - (3) Further processing of the application by County staff and decision-making bodies will not occur until the deficiencies are corrected through supplemental information.
- (c) **Expiration of Incomplete Applications.** If the applicant fails to provide the required information within 90 days of the date the applicant was notified of the incomplete application, then the application expires and must be re-filed for any further consideration.
- (d) **Refund of Fees.** The Zoning Administrator may not refund filing fees for incomplete applications.

**19-91. Notice**

- (a) **Generally.** This Subsection establishes various requirements for notice to the public, applicants, and other interested parties for applications, hearings, and meetings as required by this Article.
- (b) **Publication.** The Zoning Administrator will place a notice in a newspaper of general circulation in the County if notice by publication is required by the process.

19-92. Generally

- (c) **Mailed Notice.** Notice by mail will be provided to applicants and other interested parties as required by this Article.
  - (1) The Zoning Administrator will mail the required notice at least 15 days before any hearing for which notice is required.
  - (2) Notice will be provided by regular mail unless certified mail is required by a specific process or state law.
  - (3) Notices to property owners will be mailed to the owner's address listed in the County's tax records.
- (d) **Posted Notice by Applicant.**
  - (1) The applicant bears the responsibility to place and maintain all signs when posted notice is required for the process.
  - (2) The Zoning Administrator will provide the applicant or designated representative with an adequate number of Notice of Hearing signs to allow the applicant or designated representative to properly post and maintain notice signs on the property.
  - (3) If posted notice is required by the process, the signs must be displayed for at least 15 days before the date of the hearing.
  - (4) Only signs as provided by the Zoning Administrator may be used for posted notice.
  - (5) Notice signs shall be placed in a conspicuous place or places on or adjacent to the affected premises. At least one sign shall be visible from each public thoroughfare that abuts the property.
  - (6) All notice signs must be removed by the applicant within five days after the public hearing and returned to the Zoning Administrator.

## Division 2. Administrative Review

19-92. Generally

- (a) **Applicability.** This Section provides common processes for the following administrative reviews:
  - (1) Zoning Permit;
  - (2) Site Plan Review; and
  - (3) Conditional Use Permit.
- (b) **Initiation.**
  - (1) *Applicant Eligibility.* An owner of real property or that owner's authorized representative may apply for an administrative review for that property.
  - (2) *Application Timing.* An application for an administrative review is required before the initiation of any development activity, including grading, construction, occupancy, or the initiation of the use.
  - (3) *Application Requirements.* Each application for an administrative review shall be filed with the Zoning Administrator on an application form provided by the Zoning Administrator and include all information required by the application.

Article V. Procedures

19-92. Generally

- (c) **Completeness.** Applications are evaluated for completeness under the standards of § 19-90: *Completeness Review*.
- (d) **Amendments.** An applicant may submit additional information or amend an application for an administrative review only in response to communications from County staff that the application is not complete, as provided in § 19-90: *Completeness Review*.
- (e) **Notice.** Public notice of applications for administrative review is not required.
- (f) **Approval Process.** An administrative review application is reviewed and approved or denied by the Zoning Administrator.
- (g) **Recordkeeping.** The Zoning Administrator shall retain a record of all administrative review permits.
- (h) **Appeals.** An applicant may appeal a decision on an administrative review to the Board of Zoning Appeals as provided in 19-97: *Appeal of Administrative Decisions*.
- (i) **Reapplication.** An applicant may resubmit a withdrawn or denied administrative review application at any time.

### 19-93. Zoning Permit

- (a) **Purpose.** A Zoning Permit is a process that allows the Zoning Administrator to evaluate whether a proposed building, structure, or use complies with the general standards of the Zoning Ordinance before the construction of the building or structure or the establishment of the use.

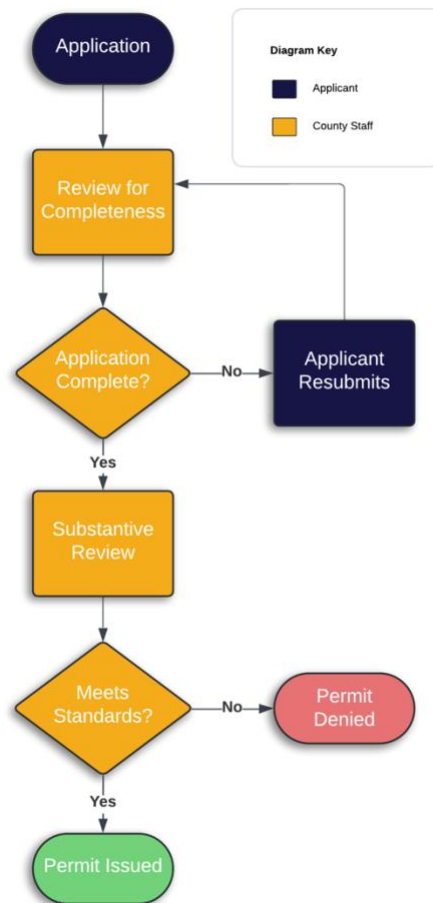
(b) **Applicability.**

- (1) *Generally.* This Section applies to an application for a Zoning Permit. A Zoning Permit is required to:
- Establish a new use of any building or premises;
  - Change the existing use of any building or premises;
  - Construct, enlarge, or structurally alter a building or other structure; or
  - Effect a change of tenancy or ownership.
- (2) *Temporary Zoning Permit.* The Zoning Administrator may issue a Temporary Zoning Permit for:
- Use of a building pending completion; or
  - The temporary uses listed in 19-28: *Use Table*.

- (c) **Approval Criteria.** The Zoning Administrator shall review a Zoning Permit application to determine if the proposed use of the building or land complies with the provisions of this Ordinance.

(d) **Scope of Approval.**

- (1) *Generally.*
- A Zoning Permit allows the occupancy or establishment of the proposed building, structure, or use.
  - Failure to obtain a Zoning Permit is a violation of this Ordinance.
  - A Building Permit and other approvals may be necessary, depending on the proposed development activity.
- (2) *Conformance of Construction and Use.*
- Zoning Permits authorize only the use, arrangement, and construction shown in the approved construction documents and applications.



Article V. Procedures

19-93. Zoning Permit

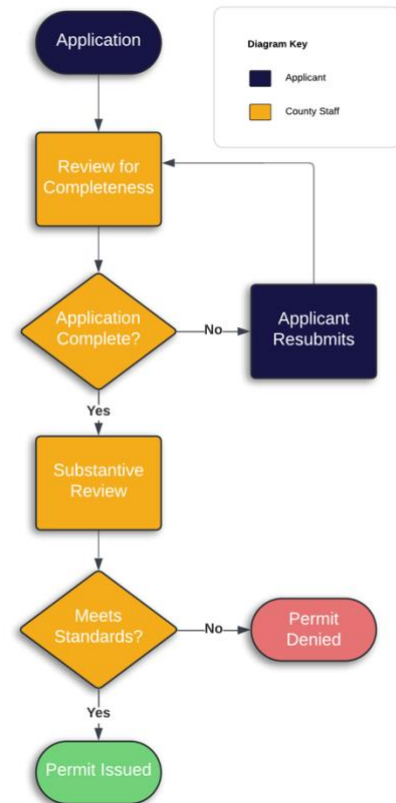
- b. A use, site arrangement, or structure that differs from the approved construction documents and application is a violation of this Ordinance.
- (3) *Temporary Certificate.* A temporary Zoning Permit may be issued for a period determined by the Zoning Administrator but may not exceed six months.

19-94. **Site Plan Review**

- (a) **Purpose.** Site Plan Review provides an elevated review of an applicant's proposed land development to ensure that the layout of the site complies with the standards of the use regulations. Site Plan Review is required for certain development types and uses that present an increased risk of detrimental effects to surrounding uses and the community in general. The Zoning Administrator evaluates the compliance of the proposed use with the Zoning Ordinance.

(b) **Applicability.**

- (1) *Generally.* Site Plan Review is required instead of a standard Zoning Permit review when:
- The use regulations for the specific use in Article III: *Use Regulations* require a Site Plan Review; and /or
  - For the following uses:
    - Non-Residential Uses;
    - Multifamily Housing (see [§ 13-122: Multifamily Housing](#)); and
    - Town Homes and Patio Homes (see [§ 13-126: Town Homes and Patio Homes](#)).
- (2) *Development Activities Requiring Site Plan Review.* A Site Plan Review is required for the uses specified above to:
- Establish a new use of any building or premises;
  - Change the existing use of any building or premises; or
  - Construct, enlarge, or structurally alter a building or other structure.
- (c) **Approval Criteria.** The Zoning Administrator shall review a Site Plan Review application to determine if the proposed use of the building or land complies with the provisions of this Ordinance and the specific standards for the use in Article III: *Use Regulations*.
- (d) **Scope of Approval.**
- (1) *Generally.*
- A Site Plan Review approval allows the establishment of the proposed use, including the construction of a building.
  - A Building Permit and other approvals may be necessary, depending on the proposed development activity.
- (2) *Conformance of Construction and Use.*



Article V. Procedures

19-94. Site Plan Review

- a. Site Plan Review approval authorizes only the use, arrangement, and construction set forth in the approved construction documents and applications.
- b. A use, site arrangement, or structure that differs from approved construction documents and applications is a violation of the Ordinance.

### 19-95. Conditional Use Permit

- (a) **Purpose.** A Conditional Use Permit is a process that allows the Zoning Administrator to evaluate whether a proposed building, structure, or use complies with the specific standards of a use regulation in the Zoning Ordinance before the construction of the building or structure or the establishment of the use.

(b) **Applicability.**

- (1) Generally. This Section applies to an application for a Conditional Use Permit. A Conditional Use Permit is required for all conditional uses listed in 19-28: *Use Table* to:

- a. Establish a new use of any building or premises;
- b. Change the existing use of any building or premises;
- c. Construct, enlarge, or structurally alter a building or other structure; or
- d. Effect a change of tenancy or ownership.

- (c) **Approval Criteria.** The Zoning Administrator shall review a Conditional Use Permit application to determine if the proposed use of the building or land complies with the provisions of this Ordinance and the specific standards for the use in Article III: *Use Regulations*.

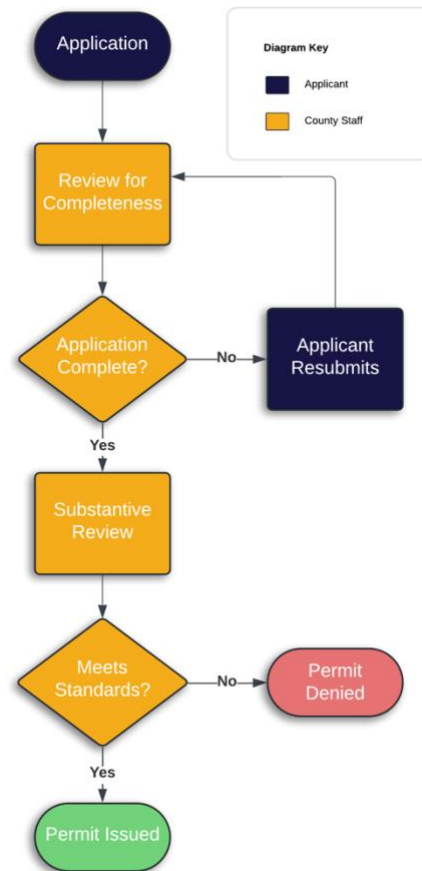
(d) **Scope of Approval.**

- (1) *Generally.*

- a. A Conditional Use Permit allows the establishment of a proposed conditional use, including building.
- b. Failure to obtain a Conditional Use Permit is a violation of this Ordinance.
- c. A Building Permit and other approvals may be necessary, depending on the proposed development activity.

- (2) *Conformance of Construction and Use.*

- a. Conditional Use Permits authorize only the use, arrangement, and construction shown in the approved construction documents and applications.
- b. A use, site arrangement, or structure that differs from approved construction documents and applications is a violation of the Ordinance.



### Division 3. Board of Zoning Appeals Review

#### 19-96. Generally

- (a) **Applicability.** This Section provides common processes for the following reviews by the Board of Zoning Appeals (BZA):
  - (1) Appeal of Administrative Decisions
  - (2) Variance; and
  - (3) Special Exception Uses.
- (b) **Initiation.**
  - (1) *Applicant Eligibility.* An owner of real property or that owner's authorized representative may apply for a review by the Board of Zoning Appeals for that property.
  - (2) *Application Requirements.* An applicant must file a written application with the Zoning Administrator. The application shall include the supporting materials and information required in the application.
- (c) **Completeness.** Applications are evaluated for completeness under the standards of § 19-90: *Completeness Review*.
- (d) **Amendments.** An applicant may submit additional information or amend an application for review procedures decided by the BZA only in response to communications from County staff that the application is not complete, as provided in § 19-90: *Completeness Review*.
- (e) **Notice.**
  - (1) *Generally.* The Zoning Administrator shall give notice as provided in Table 19-96.1: *Required Notice for BZA Reviews*.
  - (2) *Notice Standards.* The applicant must provide posted notice as provided in Table 19-96.1 and comply with all requirements provided in § 19-91: *Notice*.

| Table 19-96.1: Required Notice for BZA Reviews |           |                   |                            |
|------------------------------------------------|-----------|-------------------|----------------------------|
| Type                                           | Required? | To Whom?          | When?                      |
| Mail                                           | Yes       | Applicant/Parties | 15 Days before BZA meeting |
| Posting                                        | Yes       | General Public    | 15 days before BZA meeting |
| Publication                                    | Yes       | General Public    | 15 days before BZA meeting |

- (f) **Approval Process.**
  - (1) *Hearing.* The BZA will review all applications for review under this Division at a hearing.
  - (2) *Appearances.*
    - a. Any party may appear in person, by agent, or by attorney at a BZA hearing.
    - b. The Zoning Administrator may be represented in meetings by designees employed by the County at hearings.

Article V. Procedures

19-96. Generally

- (3) *Attendance of Witnesses.* The Board of Zoning Appeals may subpoena witnesses and, in case of contempt, may certify this fact to the Circuit Court for Cherokee County.
- (4) *Written Findings.*
  - a. The BZA shall make written findings indicating compliance with the regulations governing the applicable procedure and setting out any conditions placed on the approval by the BZA.
  - b. The BZA shall make findings of fact and conclusions of law separately in its final decisions or orders.
- (5) *Request to Remand.* The Board of Zoning Appeals may remand a matter to an administrative official upon motion by a party or the BZA's motion, if it determines the record is insufficient for review.
  - a. A party's motion for remand may be denied if the BZA determines that the record is sufficient for review.
  - b. The BZA must set a rehearing on the remanded matter without further public notice for a time certain within 60 days unless otherwise agreed to by the parties.
  - c. The BZA will maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing must be mailed to these persons before the rehearing.

(g) **Recordkeeping.**

- (1) *Board of Zoning Appeals Minutes.*
  - a. The BZA shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the BZA and must be a public record.
  - b. The reasons for the BZA's decision and any conditions shall be entered in the minutes of the meeting.
- (2) *Filing of Decisions.* All final decisions and orders of the BZA must be permanently filed in the office of the BZA as a public record.
- (3) *Service of Decisions.* Final decisions or orders of the BZA will be delivered to the parties in interest by certified mail.

- (h) **Appeals.** A party in interest may appeal final decisions by the BZA as provided in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, codified as [S. C. Code Ann. § 6-29-310, et seq.](#)

### 19-97. Appeal of Administrative Decisions

(a) **Purpose.** The Appeal of an Administrative Decision is a procedure that allows an applicant to seek review by the Board of Zoning Appeals for decisions by the Zoning Administrator in the administration of the ordinance.

(b) **Applicability.** The procedures in this Section apply to control appeals of administrative decisions on applications, approvals, and interpretations under this Ordinance.

(c) **Initiation.**

(1) *Applicant Eligibility.* Appeals to the BZA concerning the interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer, department, board, or bureau of the county.

(2) *Appeal Deadline.* An appeal must be taken within 30 days of the date of the decision notice or letter by filing an application to appeal with the Zoning Administrator.

(3) *Stay of Proceedings.*

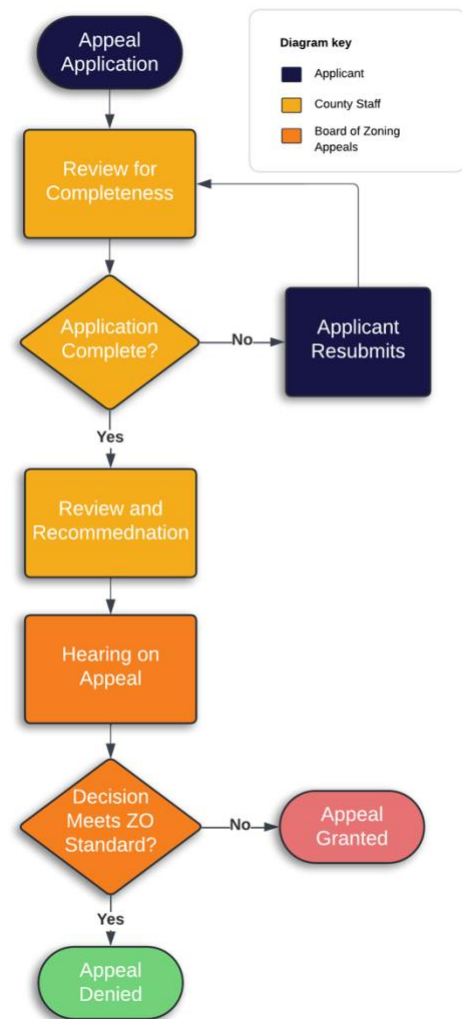
a. An appeal of an administrative decision stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the BZA, after the notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.

b. In cases of imminent peril to life or property, proceedings may be stayed only by a restraining order granted by the BZA or by a court of competent jurisdiction.

(d) **Authority.**

(1) The BZA may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirements, decision, or determination and, to that end, shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

(2) The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator.



Article V. Procedures

19-97. Appeal of Administrative Decisions

- (e) **Approval Criteria.** In considering an appeal of an administrative decision, the BZA shall apply the purposes and standards of this Ordinance, the Cherokee County Code of Ordinances, other applicable law, and previous interpretations of this Ordinance by the BZA.
- (f) **Scope of Approval.**
  - (1) The BZA's decision finding for an applicant on appeal interprets this Ordinance or directs action to be taken by the Zoning Administrator in implementing the decision.
  - (2) An applicant shall also apply for the applicable administrative review to ensure that all other features of the development comply with the requirements of this Ordinance.
- (g) **Reapplication.** An applicant may not resubmit a withdrawn or denied appeal.

### 19-98. Variance

(a) **Purpose.** A Variance provides a process for the Board of Zoning Appeals (BZA) to grant relief to avoid unnecessary hardships that could result from a strict application of the Zoning Ordinance.

(b) **Applicability.**

- (1) The procedures in this Section apply to control applications for Variances.
- (2) An applicant shall obtain a Variance to construct, develop, or make a material change in any building or structure that does not comply with the zoning standards of this Ordinance.

(c) **Initiation.**

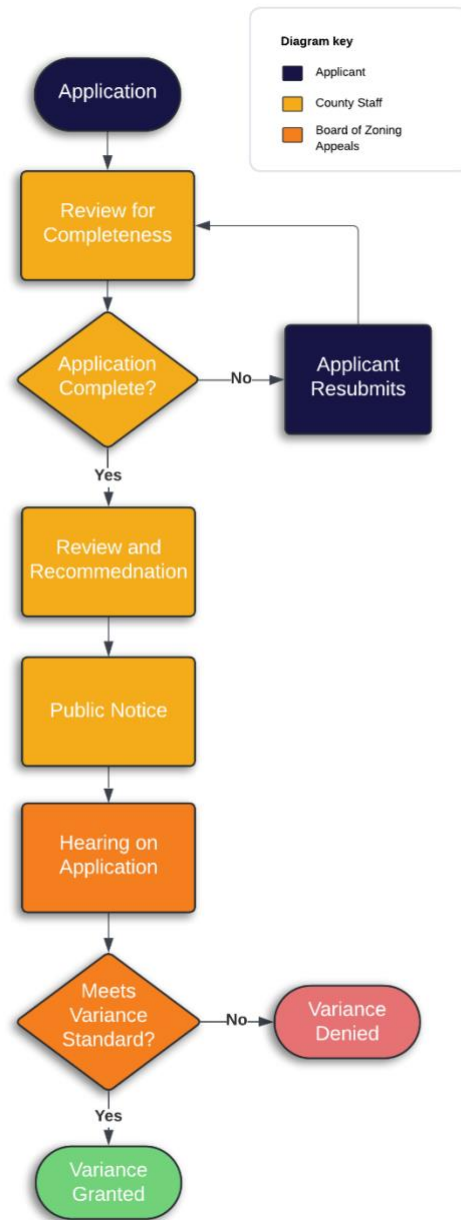
- (1) *Applicant Eligibility.* An owner of real property, or that owner's authorized representative, may apply for a Variance for that property.
- (2) *Application Requirements.* An applicant must file a written application with the Zoning Administrator. The application shall include the supporting materials and information required in the application.

(d) **Authority.**

- (1) The BZA may grant, deny, or modify any request for a Variance after a hearing has been held.
- (2) In granting a Variance, the BZA may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the BZA may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

(e) **Approval Criteria.**

- (1) The BZA is authorized to hear and decide appeals for a Variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship.
- (2) A Variance may be granted in an individual case of unnecessary hardship if the BZA makes and explains in writing the following findings:



- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - b. These conditions do not generally apply to other property in the vicinity;
  - c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
  - d. The authorization of a Variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the Variance.
- (3) The fact that property may be utilized more profitably, should a Variance be granted, may not be considered grounds for a Variance.
- (4) The BZA may not grant a Variance that would:
  - a. Allow the establishment of a use not otherwise permitted in a zoning district;
  - b. Extend physically a nonconforming use of land; or
  - c. Change the zoning district boundaries shown on the official zoning map.
- (5) In granting any Variance, the BZA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards shall be a violation of this Ordinance.
- (f) **Scope of Approval.**
  - (1) The approval of a Variance application authorizes the establishment of the use, structure, or building with the feature or features that do not comply with this Ordinance.
  - (2) An applicant shall obtain the applicable administrative review to ensure that other features of the development comply with the requirements of this Ordinance.
- (g) **Reapplication.** After the BZA has denied a request for a Variance, the applicant must wait one year from the date of the denial before applying for a new Variance on the same property.

### 19-99. Special Exception

(a) **Purpose.** Some land uses, buildings, or structures are not appropriate under all circumstances in a given zoning district but may be appropriate in a particular location if adequate precautions are taken to assure compatibility with surrounding uses. A Special Exception provides procedures for the discretionary review of applications for Special Exception uses as provided in this Ordinance.

(b) **Applicability.** This Section applies to an application for a Special Exception use. An applicant shall obtain Special Exception approval from the BZA before changing a use to or establishing a new special exception use, as shown in § 19-28: *Use Table*.

(c) **Initiation.**

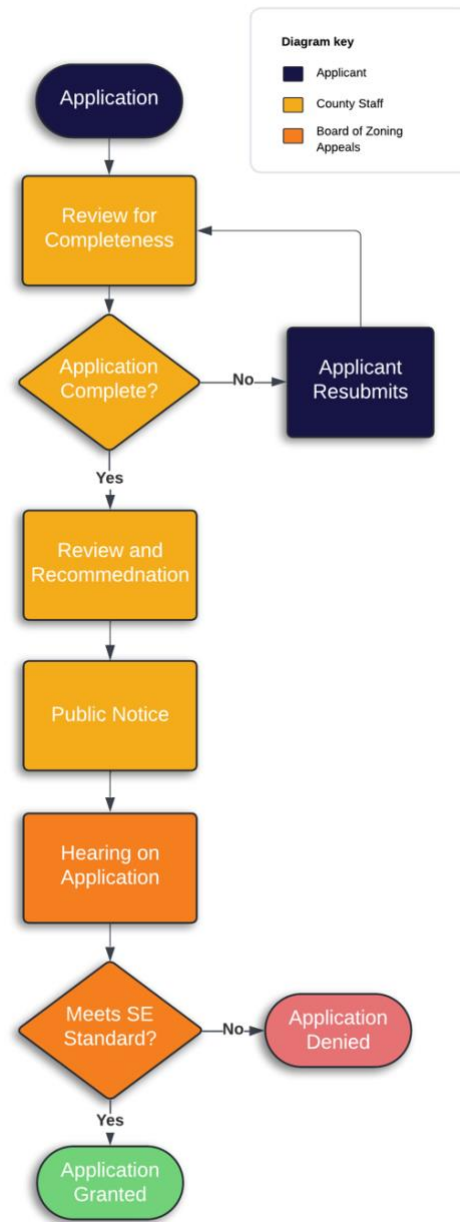
- (1) *Applicant Eligibility.* An owner of real property or that owner's authorized representative may apply for a Special Exception for that property.
- (2) *Application Requirements.* An applicant must file a written application with the Zoning Administrator. The application shall include the supporting materials and information required in the application.

(d) **Authority.**

- (1) The BZA may grant, deny, or modify any request for a use permitted by Special Exception after a hearing has been held.
- (2) The BZA may also attach any necessary conditions, such as time limitations or requirements that one or more things be done before the use can commence.

(e) **Approval Criteria.**

- (1) The Board of Zoning Appeals may grant permission for those uses permitted by Special Exception under the provisions of this Ordinance.
- (2) The BZA shall consider the following factors:
  - a. The proposed use meets all required conditions for the special exception use set out in Article III: *Use Regulations*;
  - b. The use is not detrimental to the public health, safety, or general welfare;



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- c. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar services; and
- d. The use will not violate neighborhood character nor adversely affect surrounding land uses.

(f) **Scope of Approval.**

- (1) The approval of a special exception use application authorizes the establishment of the special exception use, subject to any conditions.
- (2) After approval of a special exception use, the applicant must obtain a Zoning Permit issued by the Zoning Administrator to ensure all features of the development conform with the standards of this Ordinance.

(g) **Reapplication.** After the BZA has denied a request for a Special Exception Use, the applicant must wait one year from the date of the denial before applying for the same Special Exception Use on the same property.

## Division 4. Legislative Decisions

### 19-100. Generally.

- (a) **Applicability.** This Section provides common processes for the following legislative decisions:
  - (1) Rezoning (Map Amendment);
  - (2) Initial Zoning; and
  - (3) Text Amendments.
- (b) **Approval Process.**
  - (1) *Zoning Administrator Review and Recommendation.* The Zoning Administrator shall review the request for a Legislative Decision and prepare a report that includes:
    - a. A description of the relationship of the proposed zoning change to the Comprehensive Plan; and
    - b. A written recommendation for approval or disapproval.
    - c. The Zoning Administrator shall provide this report to the Planning Commission, Public Works Committee, and County Council.
  - (2) *Initial Review by the Public Works Committee.* County Council's Public Works Committee shall initially review proposals to change or amend this Ordinance or the Zoning Map. They shall schedule the matter for First Reading.
  - (3) *County Council First Reading.* At First Reading, an ordinance proposing the amendment, supplement, change, or repeal is introduced to County Council and entered into the public record. After the First Reading, Council sends the matter to a public hearing and then, in succession, to the Planning Commission and the Public Works Committee for their recommendations.
  - (4) *Public Hearing.*
    - a. The Planning Director shall place proposals to change or amend this Ordinance or the Zoning Map on the agenda for the next scheduled public hearing of County Council.
    - b. The County will provide notice of a public hearing in a newspaper of general circulation in the County as specified in each Section requiring a public hearing.
    - c. Posted notice will be provided as required in § 19-91: *Notice*.
    - d. The Zoning Administrator will present the facts regarding the matter at the public hearing. This presentation will be made a part of the hearing record.
    - e. Members of the public may comment on the proposed legislative decision at the public hearing.
  - (5) *Planning Commission Review and Recommendation.*
    - a. The Zoning Administrator shall review and make written recommendations to the Planning Commission concerning the request.
    - b. The Planning Commission must review the proposed amendment at its next

regularly scheduled meeting and provide a report of its recommendations to the County Council.

- c. The Planning Commission may allow additional public comment on the matter at its regularly scheduled meeting, at the discretion of the Planning Commission Chair.
- d. The Planning Commission shall have 30 days to submit its report and recommendation to County Council. If the Planning Commission fails to submit a report within the prescribed time period, it is deemed to have made no recommendation concerning the change or departure from the text.

(6) *Action by County Council.*

- a. The Public Works Committee shall consider information presented at the public hearing and recommendations from the Zoning Administrator and the Planning Commission before making a recommendation to County Council.
- b. Second and Third Reading by County Council of a proposed change or amendment to this Ordinance shall proceed under the established procedures for consideration and adoption of legislation.

(c) **Scope of Decision.** County Council has all powers granted by this Ordinance and state law to adopt, amend, reject, or table any matter for which a public hearing is required.

(d) **Appeals.** The County Council's decision is final.

### 19-101. Rezoning

(a) **Purpose.** Rezoning (or Map Amendment) is a legislative decision by the County Council based on a recommendation from the Planning Commission that provides the process to change the official Zoning Map. Zoning Map changes may be necessary as the result of a change in the Comprehensive Plan, changes in local conditions, or other factors. Property owners generally request rezoning of their property to provide the preferred framework for development.

(b) **Applicability.** This Section applies to all amendments to the Official Zoning Map.

(c) **Initiation.**

(1) *Applicant Eligibility.* Changes and amendments to the Official Zoning Map may be initiated by:

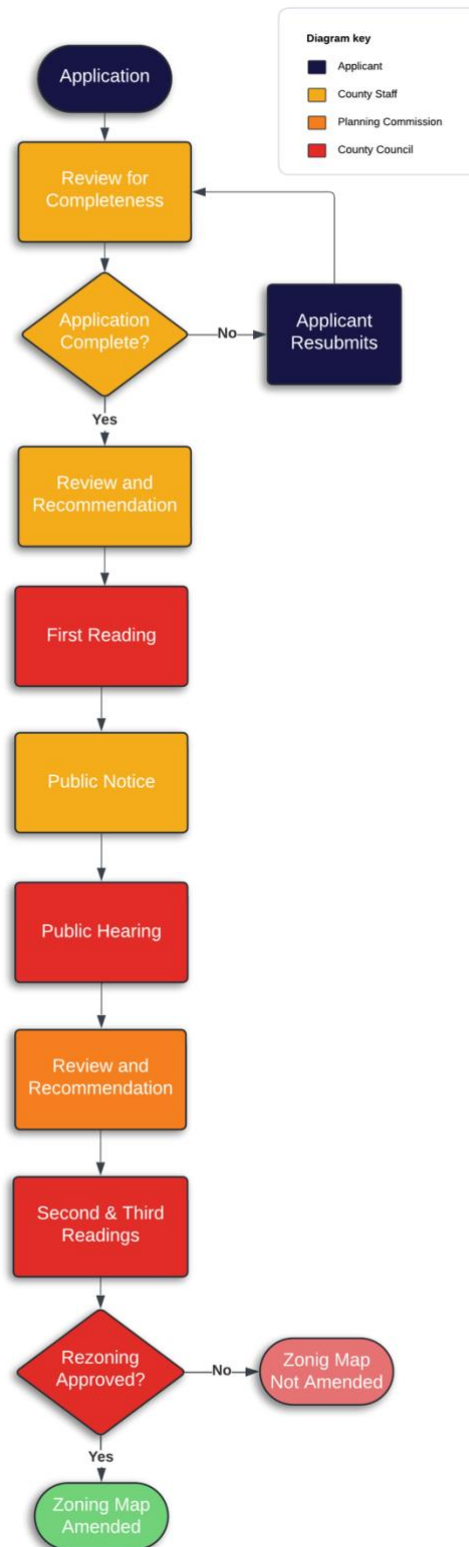
- a. County Council or the County Planning Commission by adoption of a motion; or
- b. Any property owner or their authorized representative by filing an application with the Zoning Administrator.

(2) *Application Requirements.*

- a. Rezonings requiring an application must be filed with the Zoning Administrator on an application form provided by the Zoning Administrator.
- b. The application must include a description or statement of the present and proposed district boundary to be changed and the names and addresses of the owner or owners of the property.

(d) **Amendments.**

- (1) Amendments to proposed Zoning Map amendments being considered by the County Council and the County Planning Commission may be adopted by motion of the body considering the matter for review or approval.



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19-101. Rezoning

- (2) For applications from interested property owners, an applicant may submit additional information or amend an application for a rezoning only in response to communications from County staff that the application is not complete, as provided in § 19-90: *Completeness Review*.

(e) **Notice.**

- (1) *Generally.* Public hearings on amendments to the official Zoning Map require notice by publication as provided in Table 19-101.1.
- (2) *Notice Standards.*
  - a. For owner-initiated Rezoning applications, the applicant must provide posted notice as provided in Table 19-101.1 and comply with all requirements provided in § 19-91: *Notice*.
  - b. For County-initiated Rezonings, the Zoning Administrator shall provide posted notice as provided in Table 19-101.1 and comply with all requirements provided in § 19-91: *Notice*.

**Table 19-101.1: Required Notice for Rezonings**

| Type        | Required? | To Whom?       | When?                         |
|-------------|-----------|----------------|-------------------------------|
| Mail        | Yes       | Applicant      | 15 Days Before Hearings       |
| Posting     | Yes       | General Public | 15 Days Before Public Hearing |
| Publication | Yes       | General Public | 15 Days Before Public Hearing |

- (3) *Notice of Meetings of Public Bodies.* All other notices for regular or special meetings of the Planning Commission and County Council to consider rezonings will comply with the procedures for notice of the meeting for the body considering the matter.

(f) **Approval Criteria.**

- (1) The County Council may approve or disapprove rezoning requests at its discretion.
- (2) Before County Council approves any map amendment, the Zoning Administrator shall inform the Planning Commission and County Council of the relation of the application to the provisions of the County's Comprehensive Plan or, in the absence of such information, that the Council should consider one or more of the following:
  - a. The original zoning classification given to the property was improper or inappropriate; or
  - b. There have been major changes of an economic, physical, or social nature within the area involved that were not anticipated in the County's Comprehensive Plan and that have substantially altered the basic character of the area.

- (g) **Scope of Approval.** An ordinance affecting a change in the Official Zoning Map shall not become effective until the day following Third Reading by County Council.

- (h) **Recordkeeping.** When the County Council approves a rezoning request, the Zoning

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19-101. Rezoning

Administrator shall ensure the Official Zoning Map is promptly updated as provided in 19-15: *Zoning Map*.

(i) **Reapplication.**

- (1) *County Initiated Rezonings.* There is no limitation on renewed consideration of proposed rezoning raised by a motion of the County Council or the Planning Commission.
- (2) *Rezoning Requests by Owners.* When County Council denies a rezoning request proposed by interested property owners and residents, it will not consider another rezoning request within one year from the date of the previous denial.

### 19-102. Initial Zoning

(a) **Purpose.** Initial Zoning is a legislative decision by the County Council based on a recommendation from the Planning Commission that provides the process to apply the Zoning Ordinance to previously unzoned areas of the County. Initial zoning is proposed by the Planning Commission or County Council.

(b) **Applicability.** This Section applies to any request to amend the Zoning Map to apply one or more zoning districts to property located in unincorporated Cherokee County that is not currently zoned.

(c) **Initiation.**

(1) *Applicant Eligibility.* An Initial Zoning proposal may be initiated by:

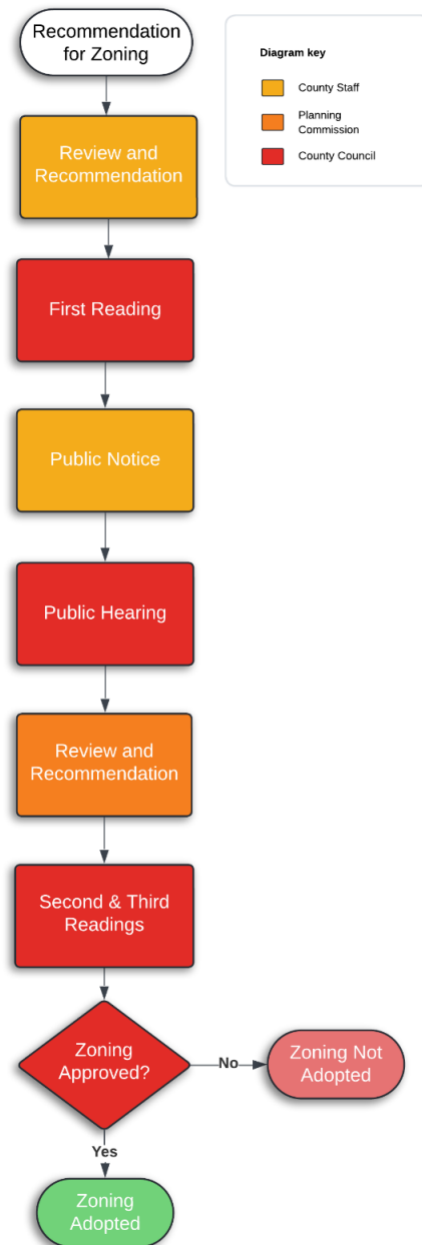
- a. Cherokee County Council by adoption of a motion; or
- b. Cherokee County Planning Commission by adoption of a motion.

(2) *Initiation Requirements for County-Initiated Zoning.*

- a. An initial zoning may be initiated by the County Council or Planning Commission by adoption of a motion that identifies the parcel(s), proposed zoning district(s), and the reason for the initiation of zoning.
- b. An Initial Zoning proposal should propose one or more zoning districts that are compatible with the Comprehensive Plan's Future Land Use Map. Article II: *Zoning Districts* includes recommended locations for each zoning district.

- c. An initial zoning request shall not propose more than one zoning district for a single parcel.

(d) **Notice.** The notice required by Table 19-102.1 applies to an initial zoning proposal initiated by Cherokee County.



| Table 19-102.1: Required Notice for Initial Zoning |           |                                |                                              |
|----------------------------------------------------|-----------|--------------------------------|----------------------------------------------|
| Type                                               | Required? | To Whom?                       | When?                                        |
| Mail                                               | Yes       | Owners of the subject property | 21 days before County Council public hearing |
| Posting                                            | Yes       | General public                 | 15 days before public hearing                |
| Publication                                        | Yes       | General public                 | 15 days before public hearing                |

(1) *Mailed Notice.*

- a. The Zoning Administrator shall provide notification by a letter sent by certified mail, return receipt requested. The letter must be mailed at least 21 days before the County Council meeting at which the public hearing on the zoning is scheduled.
- b. If the addressee of any required notice under this Section fails or refuses to accept or sign a return receipt for the notice, or the notice is returned undelivered, the Zoning Administrator shall provide notice by regular mail, deposited in the United States mail, properly stamped, to the address listed in the County's tax records.
- c. An affidavit of the official required to give the notice, setting forth the time and manner of the method of notice, will be conclusive proof of notice.

(2) *Posted Notice.* The Zoning Administrator shall provide posted notice as provided in Table 19-102.1 and comply with all requirements provided in § 19-91: *Notice.*

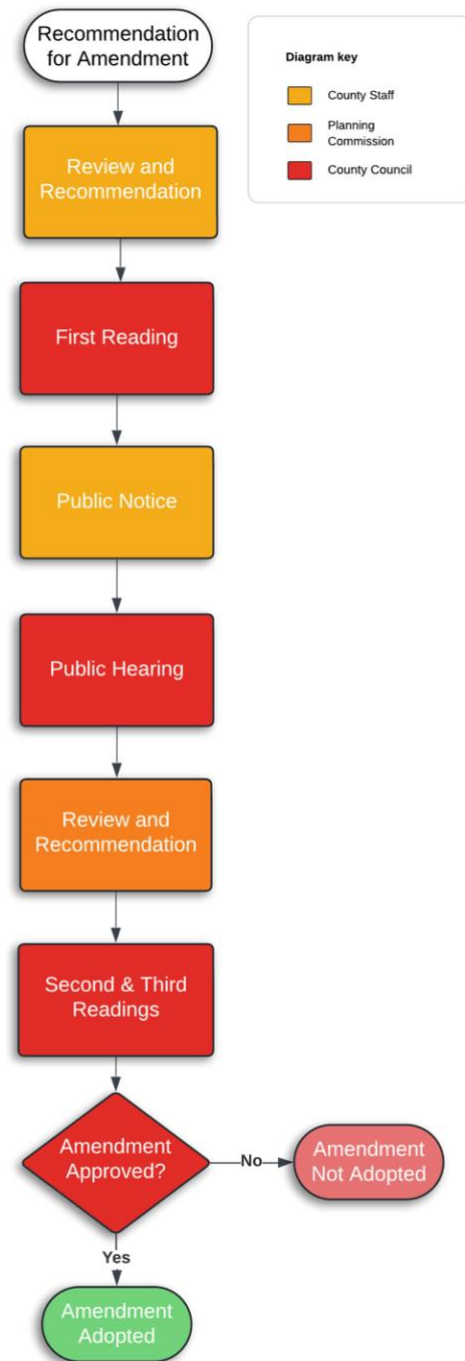
(c) **Approval Criteria.**

- (1) In making their recommendations, the Zoning Administrator and Planning Commission shall consider the following factors, as applicable:
  - a. Whether the proposed zoning is consistent with the Comprehensive Plan and any other relevant adopted plans;
  - b. Whether the proposed zoning and land uses allowed in the district reinforce the existing or planned character of the neighborhood;
  - c. Whether public facilities and services, including schools; roads; recreation facilities; wastewater treatment, water supply, and stormwater facilities; and police, fire, and emergency medical services are adequate for the land uses allowed in the proposed district;
  - d. Whether the proposed zoning is consistent with best practices for community planning; and
  - e. Whether any other criteria the reviewing and decision-making bodies determine to be relevant apply to the request.
- (2) County Council has complete discretion in its decision on initial zoning proposals.

- (f) **Scope of Approval.**
  - (1) Initial zoning becomes effective the day following approval at Third Reading by County Council.
  - (2) Approval of an initial zoning request subjects the property to all provisions of this Ordinance. Any subsequent development or change in use must conform to the applicable provisions of this Ordinance.
  - (3) An approved initial zoning proposal does not authorize development. Any development that occurs after approval of the initial zoning proposal requires additional approval for any development activity.
- (g) **Recordkeeping.** When the County Council approves a rezoning request, the Zoning Administrator shall promptly update the Official Zoning Map as provided in § 2.2: Zoning Map.
- (h) **Reapplication.** County Council may reconsider an Initial Zoning at any time.

### 19-103. Text Amendments

- (a) **Purpose.** An Amendment to the Zoning Ordinance is a legislative decision by the County Council based on a recommendation from the Planning Commission that provides the process to change or supplement the standards and procedures in the Zoning Ordinance. These changes then apply broadly to all parcels within the zoned areas of the County. Text Amendments to the Zoning Ordinance are proposed by the Planning Commission or the County Council.
- (b) **Applicability.** The procedures in this Subsection apply to control all proposed amendments to the text of this Ordinance.
- (c) **Initiation.** Changes and amendments to this Ordinance may be initiated by County Council and the County Planning Commission by adoption of a motion.
- (d) **Amendments.** Amendments to the application or proposal for changes and amendments to this Ordinance being considered by County Council or the County Planning Commission may be adopted by motion.
- (e) **Notice.**
- (1) Public hearings on amendments to the text of this Ordinance require public notice as provided in Table 19-103.1 before the public hearing by County Council.
  - (2) All other notices for regular or special meetings of the Planning Commission and County Council to consider Ordinance amendments must comply with the procedures for notice of the meeting for the body considering the matter.



| Table 19-103.1: Required Notice for Text Amendments |           |                |                               |
|-----------------------------------------------------|-----------|----------------|-------------------------------|
| Type                                                | Required? | To Whom?       | When?                         |
| Mail                                                | No        | Applicant      | N/A                           |
| Posting                                             | No        | General Public | N/A                           |
| Publication                                         | Yes       | General Public | 15 Days before Public Hearing |

(f) **Approval Criteria.**

- (1) In making their recommendations, the Zoning Administrator and Planning Commission shall consider whether the change is necessary to:
  - a. Implement the Comprehensive Plan and Future Land Use Map;
  - b. Correct an original mistake or manifest error in the regulations;
  - c. Recognize a substantial change or changing conditions or circumstances in the community; or
  - d. Recognize changes in technology, the style of living, or manner of doing business.
- (2) County Council may approve or disapprove changes and amendments to this Ordinance at its discretion.

(g) **Scope of Approval.** Any ordinance affecting a change in the text of this Ordinance becomes effective on the date provided in the ordinance adopting the change, but it shall not become effective earlier than the day following Third Reading by County Council.

(h) **Recordkeeping.** When the County Council approves changes to the text of the Ordinance, those changes must be compiled, indexed, codified, and made available to the general public as provided in the adopted Rules of the Cherokee County Council.

(i) **Reapplication.** County Council may reconsider proposed amendments at any time.

## Article VI. Review and Decision-Making Bodies

### 19-104. Purpose

- (a) This Article formally establishes commissions, boards, or officials or recognizes existing commissions, boards, or officials that administer this Ordinance.
- (b) This Article establishes the composition of those agencies, their jurisdiction, and related administrative matters.

### 19-105. County Council

- (a) **Authority.** The Cherokee County Council is organized under the Laws of the State of South Carolina and has the powers recognized by [Title 4, Chapter 9, of the South Carolina Code of Laws](#) and [Chapter 2, Article 1, of the County Code of Ordinances](#).
- (b) **Duties and Responsibilities.**
  - (1) County Council is the final decision-maker for policy-level decisions relating to the Zoning Ordinance, including the adoption and amendment of the Ordinance and Official Zoning Map.
  - (2) County Council also appoints the members of the Planning Commission and Board of Zoning Appeals.

### 19-106. The Citizens Planning Commission

- (a) **Authority & Appointment.** The Citizens Planning Commission (the “Planning Commission”) is organized and has the powers assigned by the Resolution establishing the Planning Commission.
- (b) **Duties & Responsibilities.** In addition to the duties specified in the Resolution establishing it, the Planning Commission is authorized by law to make recommendations on policy-level decisions relating to the Zoning Ordinance, including:
  - (1) Propose changes to this Zoning Ordinance and the Official Zoning Map.
  - (2) Review and recommend approval or disapproval of proposed changes to the Zoning Ordinance, including adoption and amendment of the Ordinance; and
  - (3) Review and recommend approval or disapproval of proposed changes to the Official Zoning Map.

### 19-107. Board of Zoning Appeals

- (a) **Authority.** Pursuant to [S.C. Code § 6-29-780, et seq.](#), this Section establishes the Board of Zoning Appeals (BZA) for Cherokee County.
- (b) **Appointment.**
  - (1) *Generally.* The County Council shall appoint the members of the Board of Zoning Appeals.
  - (2) *Terms.* The Board of Zoning Appeals shall consist of five members. The term of office of the members of the board is three years, provided, however, that the initial BZA established under this Chapter shall be appointed with terms as follows:
    - a. One to serve for one year;

Article VI. Review and Decision-Making Bodies

19-107. Board of Zoning Appeals

- b. Two to serve for two years;
  - c. Two to serve for three years; and
  - d. Their successors shall serve for three years or until their respective successors are appointed.
- (3) *Qualifications.* Members must reside in the County and shall not hold any other public office in the County.
- (4) *Removal.* County Council may remove members for cause upon written charges and after a public hearing.
- (5) *Vacancies.* Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- (c) **Board Duties and Responsibilities.** The Board of Zoning Appeals is authorized to make decisions on the following matters:
  - (1) Special exception uses;
  - (2) Variances; and
  - (3) Appeals of administrative decisions.
- (d) **Board of Zoning Appeals Duties and Responsibilities.**
  - (1) *Election of Chairperson.* The board shall elect one of its members as the chairperson, who shall serve for one year or until re-elected or until a successor is elected and qualified.
  - (2) *Duties of the Chairperson.* The chairperson shall be a voting member and shall:
    - a. Preside at meetings and hearings;
    - b. Administer oaths, when applicable;
    - c. Compel the attendance of witnesses by subpoena;
    - d. Call special meetings;
    - e. Act as spokesperson for the BZA; and
    - f. Perform other duties approved by the BZA.
  - (3) *Election of Secretary.* The BZA shall appoint a secretary for the purposes of recording meeting minutes and other administrative duties as may be required.
- (e) **Meeting Proceedings.**
  - (1) *Meetings.* Meetings of the BZA shall be held at the call of the chairperson and at such other times as the board may determine. All meetings of the BZA are open to the public, and all evidence and testimony shall be presented publicly.
  - (2) *Minutes.* The BZA shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Zoning Administrator and shall be a public record.
  - (3) *Rules of Procedure.* The BZA shall adopt rules in accordance with this Section.

## Article VII. Nonconformities and Vested Rights

### 19-108. Zoning Administrator

#### 19-108. Zoning Administrator

- (a) **Generally.** The Zoning Administrator is a Cherokee County employee designated by the County Council as the final staff decision-maker on zoning matters.
- (b) **Appointment of Zoning Administrator.** The Cherokee County Council initially appoints the Building Official to serve as the Zoning Administrator.
- (c) **Duties and Responsibilities.** The Zoning Administrator has the following specific duties in the administration and enforcement of this Ordinance:
  - (1) Receive, review, and act on Zoning Permits;
  - (2) Receive, review, and act on Temporary Zoning Permits;
  - (3) Receive, review, and act on Conditional Use Permits;
  - (4) Receive, file, and forward to the Planning Commission all complete applications that require its review, under Article V: *Procedures*;
  - (5) Receive, file, and forward to the Board of Zoning Appeals all complete applications that require its review, under Article V: *Procedures*;
  - (6) Provide public notice as required for specified procedures;
  - (7) Maintain records and files of all matters referred to them, including the Official Zoning Map;
  - (8) Investigate, prepare reports, and issue notice of violations of this Ordinance;
  - (9) Order discontinuances of illegal use of land, buildings, or structures; removal of illegal buildings or structures of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions;
  - (10) Perform duties as specified elsewhere in this Ordinance; and
  - (11) Coordinate with other outside agencies as needed in the execution of these duties.

## Article VII. Nonconformities and Vested Rights

### Division 1. General Provisions

#### 19-109. Purpose

- (a) Applying new regulations to existing development can create situations where existing lot dimensions, development density or intensity, land uses, buildings, structures, landscaping, parking areas, signs, or other conditions do not strictly comply with new requirements.
- (b) To avoid undue hardship, this Article protects and regulates nonconforming lots, site elements, structures, and uses (collectively referred to as “nonconformities”) and specifies the circumstances and conditions under which those nonconformities may continue.
- (c) The County finds that nonconformities adversely affect the orderly development and value of other property and should not continue unless brought into compliance with new County regulations over a reasonable time. In addition, reinvestment in some properties that do not strictly comply with current regulations can maintain existing neighborhood assets and economic growth and is allowed with appropriate conditions.

## Article VII. Nonconformities and Vested Rights

### 19-110. Applicability

#### **19-110. Applicability**

- (a) This Article applies to nonconforming lots, site elements, structures, and uses.
- (b) This Article does not confer legal nonconforming status to:
  - (1) Lots, site elements, structures, or uses established inconsistent with County regulations in effect when the lot, site element, structure, or use was established;
  - (2) Abandoned uses and structures; or
  - (3) Expired approvals.

#### **19-111. Authority to Continue**

- (a) Nonconformities that were otherwise lawful on the effective date of this Ordinance may continue, subject to the restrictions and qualifications of this Article.
- (b) In all cases, the burden of establishing that a lawful nonconformity exists is the responsibility of the lot owner or the authorized user of the nonconforming lot, site element, structure, or use.

## **Division 2. Nonconforming Uses**

### **19-112. Applicability**

This Section applies to any lawfully established use that does not meet the requirements in Article III: *Use Regulations*.

#### **19-113. Continuation of Nonconforming Use**

- (a) A nonconforming use may continue if it remains otherwise lawful. Any change to a nonconforming use must be made as provided in this Section.
- (b) When active operation or occupancy of a nonconforming use is discontinued for a consecutive period of 365 days, the nonconforming use is deemed abandoned and shall not be reestablished.

#### **19-114. Change of Nonconforming Uses**

- (a) A nonconforming use may be enlarged by up to 50% of the gross floor area occupied by the use on the date that it became nonconforming.
- (b) A nonconforming use may not be changed to another nonconforming use.

#### **19-115. Changes to a Building Containing a Nonconforming Use**

A conforming building containing a nonconforming use may be altered and expanded up to 50% of the floor area of the existing building if the alteration to the building complies with the standards of this Ordinance.

#### **19-116. Nonconforming Manufactured Home Parks.**

The owner of a manufactured home park that is nonconforming because the use is not allowed in the district may replace individual manufactured homes with new manufactured homes, but the replacement models must have been manufactured more recently than the unit being replaced.

### **Division 3. Nonconforming Lots**

#### **19-117. Applicability**

This Section applies to lots that have less area or width than required for the district in which the lot is located in Article II, Division 4: *District Development Standards*.

#### **19-118. Use of Nonconforming Lots**

A nonconforming lot may be used for any use allowed in the zoning district in which the lot is located if the use meets all applicable requirements, including setbacks and any applicable use conditions (see Article II, Division 4: *District Development Standards*).

### **Division 4. Nonconforming Site Improvements**

#### **19-119. Applicability**

- (a) This Section applies to developed lots with site improvements that do not comply with the requirements of this Ordinance.
- (b) “Site improvements” are components of a parcel, other than buildings, that an applicant installs or maintains on a lot in conjunction with the development and use of the lot, including buffers, landscaping, parking areas, and signs.

#### **19-120. Nonconforming Buffers and Screening**

Nonconforming perimeter buffers, riparian buffers, Scenic Highway Buffers, and screening of dumpsters must be brought into compliance with Article IV: *Compatibility Performance Standards*, if applicable, when:

- (a) Any alteration or expansion of a principal nonresidential building, including outdoor patio and deck areas, results in an increase in gross floor area of 50% or more; and
- (b) Any alteration or expansion of a multi-family dwelling located in any zoning district results in an increase in dwelling units or gross floor area of 50% or more.

#### **19-121. Nonconforming Parking**

Nonconforming off-street parking areas must be brought into compliance with § 19-78: *Parking Lot Design* when any alteration or expansion to the principal building results in an increase in gross floor area, outdoor seating area, dwelling units, or guest rooms of 50% or more.

#### **19-122. Nonconforming Signs**

- (a) **Generally.** Nonconforming signs must be brought into compliance with Article IV, Division 6: *Signs* when any alteration or expansion to the principal building results in an increase in gross floor area, outdoor seating area, dwelling units, or guest rooms of 50% or more.
- (b) **Repair and Replacement.**
  - (1) A sign user may not alter, replace, or reinstall a nonconforming sign destroyed or damaged by natural causes, wear and tear, or any other cause to an extent that the cost to alter, replace, or reinstall the sign exceeds 50% of its full replacement cost.
  - (2) A sign user may repair or restore a nonconforming sign damaged and destroyed by natural causes, wear and tear, or any other cause to an extent equal to or less than 50% of its full replacement cost. If the sign user does not repair or restore a damaged sign

## Article VII. Nonconformities and Vested Rights

### 19-123. Applicability

within 90 days, the sign user must remove the nonconforming sign.

- (3) This Section does not prevent normal maintenance or the repair or restoration of any part of a nonconforming sign to a safe condition unless the sign experiences damage by natural causes, wear and tear, or any other cause to an extent that the cost to repair or restore the sign exceeds 50% of its full replacement cost.

## Division 5. Nonconforming Buildings

### 19-123. Applicability

This Section applies to any lawfully constructed building that:

- (a) Does not meet the dimensional standards (e.g., setbacks, height, or density) in Article II, Division 4: *District Development Standards* for the district in which the structure is located; or
- (b) Is located within a buffer required by Article IV: *Compatibility Performance Standards*.

### 19-124. Changes to a Nonconforming Structure

- (a) **Additions to a Nonconforming Structure.** A nonconforming building shall not be extended or enlarged unless the addition does not increase or enlarge the existing nonconformity.
- (b) **Repair or Alteration of a Nonconforming Building.**
  - (1) Repair or alteration of a nonconforming building is allowed if:
    - a. The repair or alteration complies with this Ordinance;
    - b. The value of the repair or alteration does not exceed 100% of the fair market value of the nonconforming structure as determined by the Cherokee County Tax Assessor's records.
  - (2) If the cumulative total of all repairs or alterations of a nonconforming structure over any consecutive 12-month period exceeds the maximum allowed by Paragraph (b)(1)b., above, the nonconforming structure must be brought into full compliance with this Ordinance.
- (c) **Damage to a Nonconforming Building.**
  - (1) A nonconforming structure that is damaged by fire, flood, explosion, earthquake, winds, war, riot, act of nature, or any other act not under the control of the owner shall not be rebuilt, altered, or repaired except in conformity with this Ordinance, after damage exceeding 75% of the fair market value of the improvement as determined by the Cherokee County Tax Assessor's records.
  - (2) This Paragraph does not apply to residential dwellings, which may be rebuilt or repaired regardless of the extent of damage.

### 19-125. Change of Use in a Nonconforming Structure

A conforming use may be established or reestablished in a nonconforming structure if the use complies with all applicable provisions of this Ordinance.

## Division 6. Vested Rights

### 19-126. Purpose

- (a) Vested rights balance the right of property owners to reasonably rely on official governmental acts and the County's obligation to reasonably respond to community changes and needs through revisions to this Ordinance.
- (b) By this Section, the County recognizes and commits to protect vested rights as created by S.C. Code § 6-29-1510 et seq. (the "Vested Rights Act") and other applicable law.
- (c) The Zoning Administrator shall make vested rights determinations at a property owner's request after the County receives all information necessary to determine whether vested rights arise from official County actions impacting a lot.

### 19-127. Definitions

For the purposes of this Section, the following definitions apply:

- (a) **Approved or Approval.** A final action by the County or an exhaustion of all administrative remedies that results in the authorization of a site-specific development plan.
- (b) **Site Specific Development Plan.** A development plan submitted to the County by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties.
- (c) **Vested Right.** The right to undertake and complete the development of property under the terms and conditions of a site-specific development plan and this Ordinance. A vested right under this Section is not a personal right but attaches to and runs with the applicable real property.

### 19-128. Vesting Period

- (a) Approved site-specific development plans are vested for an initial period of two years from the date of final approval by the County.
- (b) Within the vesting period, the property owner may apply for a building permit from the Building Official in accordance with all applicable County regulations.
- (c) Upon expiration of a vested right, a building permit may be issued for development only in accordance with the applicable ordinance at that time.

### 19-129. Extension of Vesting Period

- (a) Before the end of the initial two-year vesting period, and each successive annual vesting period, if applicable, the property owner may submit a request to the Zoning Administrator for an annual extension of the vested right.
- (b) The Zoning Administrator must approve up to five annual extensions of the vested right unless the County Council has adopted an amendment to the Ordinance providing the vesting of rights that prohibits approval.

### 19-130. Conditions & Limitations

- (a) Site-specific development plans typically involve projects that require investment in grading, installation of utilities, streets, or other infrastructure, and other significant expenditures necessary to apply for a building permit.

## Article VII. Nonconformities and Vested Rights

### 19-131. Applications and Projects in Process

- (b) For purposes of this Division, the following are considered site-specific development plans:
  - (1) Planning Commission-approved preliminary plans for subdivisions;
  - (2) Staff-approved plans for subdivisions;
  - (3) Special exception uses approved by the Board of Zoning Appeals; and
  - (4) Variances approved by the Board of Zoning Appeals.
- (c) The County may terminate a vested right established under a conditionally approved site-specific development plan upon its determination, following notice and public hearing, that the landowner has failed to meet the terms of the conditional approval.
- (d) A site-specific development plan for which a variance or special exception is necessary does not confer a vested right until the variance or special exception is approved.
- (e) A vested site-specific development plan may be amended if approved by the County pursuant to the provisions of this Ordinance.
- (f) A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code.
- (g) A vested site-specific development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations that do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit.
- (h) A vested site-specific development plan is subject to later local governmental overlay zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses.
- (i) A change in the zoning district designation or land use regulations made after vesting that affects real property does not operate to affect, prevent, or delay the development of the real property under a vested site-specific development plan or vested phased development plan without the consent of the landowner.

### 19-131. Applications and Projects in Process

- (a) **Generally.**
  - (1) This Section addresses the transition from the previous ordinances in effect before the effective date of this Ordinance.
  - (2) The provisions in this Section clarify how to handle pending development applications, approvals granted before the effective date, development in progress, and the status of existing violations.
- (b) **Applications in Progress.**
  - (1) Applications submitted and accepted as complete before the date specified in § 19-13: *Effective Date* will be processed under the ordinances in place at the time of application acceptance.
  - (2) Applications in progress must comply with the timeframes for review, approval, and

## Article VII. Nonconformities and Vested Rights

### 19-131. Applications and Projects in Process

completion specified in the prior ordinances. If an application expires, then future applications are reviewed under the provisions of this Ordinance.

- (3) At any stage of the application review process, an applicant may choose to have the proposed development reviewed under the provisions of this Ordinance.

#### (c) **Approvals Granted Before Effective Date.**

- (1) Building permits and other similar development approvals that are valid on the date specified in § 19-13: *Effective Date* will remain valid until their expiration date.
- (2) Development may be completed under such approvals even if the building, structure, or development does not fully comply with the provisions of this Ordinance.
- (3) If development does not begin or continue within the timeframe required by the original approval or any approved extension of the same, and the approval expires, then future applications are reviewed under the provisions of this Ordinance.

- (d) **Existing Violations.** Any violation of an ordinance that was adopted before the effective date of this Ordinance, as specified in § 19-13: *Effective Date*, shall continue and may be enforced by the County unless the application of the provisions of this Ordinance makes the previous violation legal and conforming.

## **Article VIII. Violations and Enforcement**

### **19-132. Purpose**

This Article establishes the procedures to enforce compliance with this Ordinance and to mandate corrections for violations of this Ordinance or conditions of an approval or permit issued under this Ordinance.

### **Division 1. Violations**

#### **19-133. Generally**

When any structure is erected, constructed, reconstructed, altered, repaired, or converted, or any structure or land is used in violation of this Ordinance, the Zoning Administrator is authorized to institute any appropriate action to put an end to such violation.

#### **19-134. Types of Violations**

The activities, acts, failures to act, and conditions listed below are violations of this Ordinance. The County will enforce the Ordinance using the penalties and remedies provided by this Article, the Cherokee County Code of Ordinances, and any requirements or limitations of South Carolina law:

- (a) *Development or Use Without Permit or Approval.* Any activity that is not authorized by the acquisition of all required permits, approvals, certificates, and authorizations required by this Ordinance;
- (b) *Development or Use of Land Inconsistent with This Ordinance.* Any activity that is inconsistent with any zoning, development, sign, or general regulation of this Ordinance or any amendment to it;
- (c) *Development or Use Inconsistent with Conditions of Approval.* Any activity that is inconsistent with any term, condition, or qualification placed by the County upon a required permit, certificate, rezoning, or other form of authorization granted by the County to allow the use, development, or other activity upon land or improvements of land;
- (d) *Making a Lot or Yard Nonconforming.* Reducing or diminishing any lot area, lot width, lot depth, or setback so that the lot or yard is smaller than prescribed by the requirements of this Ordinance;
- (e) *Increasing the Intensity of Use.* Increasing the intensity or density of use of any land or structure, except as provided in the procedural and substantive requirements of this Ordinance;
- (f) *Removal of Vegetation in Buffers.* The unauthorized removal or disturbance of vegetation from required buffers, except as provided in the provisions of Article IV: *Compatibility Performance Standards*;
- (g) *Disrupting Notice.* Removing, defacing, obscuring, or interfering with any notice posted or made pursuant to this Ordinance;
- (h) *Failure to Comply with a Stop Work Order.* Continuing construction or other site work on any development, building, or structure on any land or site after service of a stop work order issued by the County pursuant to this Article;
- (i) *Other Acts.* Any other act that is prohibited by this Ordinance or the failure to do any act that is required by this Ordinance is a violation under this Section and is punishable under this Article.

## Division 2. Enforcement Procedures

### 19-135. Responsibility for Enforcement

The Zoning Administrator is responsible for enforcing all provisions of the Ordinance.

### 19-136. Action by Zoning Administrator

When any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the Zoning Administrator may:

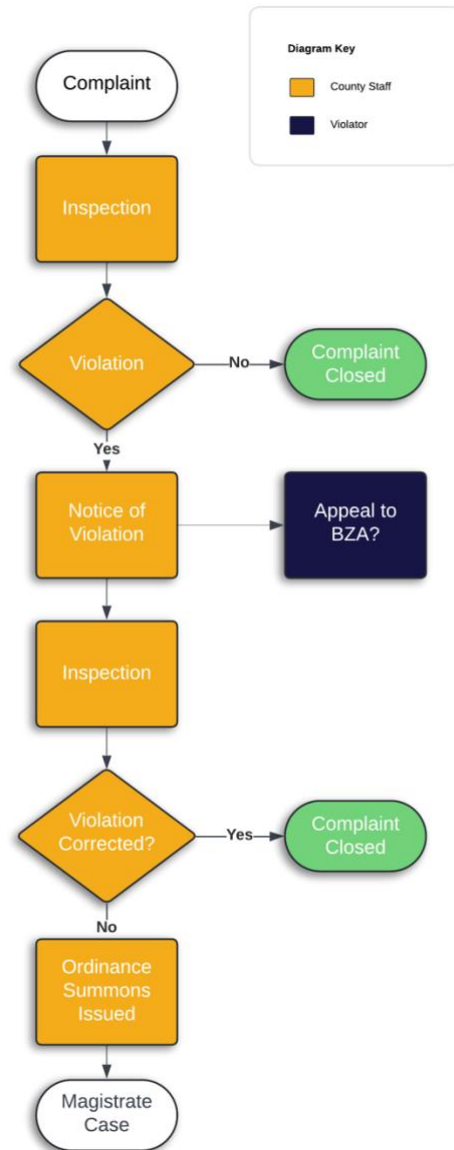
- (a) Follow up on violations until the situation is properly remedied;
- (b) Issue notices of violation;
- (c) Issue Ordinance Summonses for uncorrected violations and prosecute any necessary enforcement proceedings on behalf of the County;
- (d) Order discontinuances of illegal use of land, buildings, or structures;
- (e) Withhold permits for lots and developments that are in violation of this Ordinance;
- (f) Issue stop work orders requiring the discontinuance of any illegal work being done;
- (g) Institute an injunction or other appropriate legal proceeding to prevent a violation of this Ordinance;
- (h) Take any other action authorized by this Article for the enforcement of this Ordinance; and
- (i) Take any other action authorized by this Ordinance and governing law to ensure compliance with or to prevent violation of its provisions.

### 19-137. Inspections

The Zoning Administrator is authorized to enter onto land in Cherokee County to inspect and evaluate any suspected or alleged violations of this Ordinance.

### 19-138. Notice of Violation

- (a) In the case of violations of this Ordinance involving continuing construction or development or any emergency situation, the Zoning Administrator shall provide written notice of violation to the person responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it.
- (b) In the case of violations of this Ordinance not involving continuing construction or development or any emergency situation, the Zoning Administrator shall give written notice of the violation to the owner or occupant of the property at the last known address.



## Article VIII. Violations and Enforcement

### 19-139. Immediate Enforcement

- (c) The notice shall describe the nature of the violation in terms that would reasonably allow the property owner or other responsible person, representative, or tenant to determine the nature of the violation to allow for self-abatement and shall require that the condition be corrected within 15 days before further enforcement action will be taken.
- (d) The person to whom notice is directed shall correct the violation or be subject to further enforcement action.
- (e) The notice shall be personally served or sent by certified mail, return receipt requested. Failure to sign for the certified mail or failure to pick up the notice from the post office is not deemed a lack of notice under this Ordinance where delivery was attempted, and a record of this attempt was provided as required by procedures for certified mail. In the event a notice is returned undelivered, the Zoning Administrator will serve the notice by regular mail to the recipient's last known address.

### 19-139. Immediate Enforcement

- (a) If the Zoning Administrator determines that an emergency situation exists that poses a danger to the public health, safety, or welfare or that continuing construction is occurring in violation of this Ordinance, the County may immediately use the enforcement powers and remedies available to it under this Division.
- (b) No other notification procedures are required as a prerequisite to an immediate enforcement action.

### 19-140. Withholding of Permits

The Zoning Administrator and Building Official may withhold the issuance of building and zoning permits for any lot or development that is in violation of this Ordinance.

### 19-141. Revocation of Permit or Approval

- (a) **Basis for Revocation.** The Zoning Administrator may revoke a permit or approval at any time before the completion of the use, building, structure, development, or site improvement for which the permit was issued when the Zoning Administrator determines that one or more of the following conditions are present:
  - (1) There is a departure from the plans, specifications, or conditions required under the terms of the permit;
  - (2) That the applicant procured the permit using materially incorrect information;
  - (3) That the County issued the permit in error; or
  - (4) That any of the provisions of this Ordinance are being violated.
- (b) **Notice.** Written notice of the revocation shall be served upon the owner, the owner's agent or contractor, or any person employed in the building or structure for which the permit was issued or shall be posted in a prominent location on the lot. Where notice of revocation is served or posted, all further construction, use, or development of the lot shall cease.
- (c) **Appeal of Revocation.** The revocation of a permit may be appealed to the Board of Zoning Appeals as provided in § 19-97: *Appeal of Administrative Decisions*.

### 19-142. Stop Work Order

- (a) **Basis for Stop Work Order.** The Zoning Administrator may issue a stop work order for any

## Article VIII. Violations and Enforcement

### 19-143. Ordinance Summons

construction or development that is in violation of this Ordinance at any time before the completion of the use, building, structure, development, or site improvement.

- (b) **Content of Stop Work Order.** The stop work order shall:
  - (1) Describe the violation;
  - (2) Identify the standards of this Ordinance that have been violated;
  - (3) Specify the time period for remediation; and
  - (4) Require compliance with this Ordinance before the resumption of development activity.
- (c) **Notice.** The Zoning Administrator shall serve a stop work order upon the owner or the owner's agent or contractor by personal delivery or regular mail and post the notice in a prominent location on the lot.
- (d) **Effect.** Where a stop work order is served and posted, all further construction, use, or development of the lot must cease.

### 19-143. Ordinance Summons

- (a) **Authority.** The Zoning Administrator may initiate proceedings through a Uniform Ordinance Summons for the misdemeanor prosecution of persons who have violated this Ordinance.
- (b) **Violation is a Misdemeanor.**
  - (1) Any person violating, by act or omission, any provision of this Ordinance is guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00 per day, at the discretion of the court.
  - (2) The owner or tenant of any building, structure, premises or part thereof, and any architect, surveyor, builder, engineer, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and be subject to the penalties provided in this Article.
- (c) **Continuing Violations.** Each day that any violation of this Ordinance continues after the Zoning Administrator issues notice of the violation constitutes a separate violation.

### 19-144. Other Legal Action

In addition to, or instead of, the other remedies outlined in this Section, the Zoning Administrator may request that the County Attorney institute an injunction, mandamus, or other appropriate action or proceeding to:

- (a) Prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct;
- (b) Abate the violation; or
- (c) Prevent the occupancy of the building, structure, or land.

## **Article IX. Rules of Interpretation and Measurement**

### **Division 1. Rules of Interpretation**

#### **19-145. General Rules of Interpretation**

- (a) In their interpretation and application, the provisions of this Ordinance are considered the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare.
- (b) The following rules of interpretation apply to commonly used terms in this Ordinance:
  - (1) Words used in the present tense include the future tense;
  - (2) Words used in the singular include the plural, and words in the plural include the singular, unless the natural construction of the wording indicates otherwise;
  - (3) Words of one gender include the other genders;
  - (4) The words “shall” and “must” are mandatory;
  - (5) The words “may,” “should,” and “encouraged” are permissive;
  - (6) The term “structure” includes the terms “building” and “dwelling;”
  - (7) The terms “structure,” “building,” and “dwelling” include any part thereof;
  - (8) The term “lot” includes the terms “parcel” and “tract;”
  - (9) The phrase “used for,” as applied to land or buildings, includes “designed for,” “intended for,” “arranged for,” “maintained for,” and “occupied for;”
  - (10) The words “such as,” “includes,” “including,” and “for example” mean “including, but not limited to” or “by way of example and not limitation,” unless otherwise provided;
  - (11) The term “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other entity usually defined in legal usage as a person;
  - (12) The term “contiguous”, as applied to lots or districts, means sharing a common boundary of 10 feet or more in length; and
  - (13) Words not defined in this Ordinance have their customary meaning as defined in a standard dictionary.
- (c) This Ordinance contains illustrations and graphics designed to assist the reader in understanding the provisions of this Ordinance. To the extent there is any inconsistency between the text of this Ordinance and any illustrations or graphics, the text controls.
- (d) Where this Ordinance allows or requires an act on the part of an “owner,” “lot owner,” or “property owner,” and a particular lot or tract of land is owned by several persons, whether in undivided interests, partnership, joint venture, or other form of joint ownership, the act shall be taken on behalf of, and with the express consent of, all such persons.
- (e) Any reference to a statute, provision of the Cherokee County Code, other laws or regulations, reference documents, technical manuals, or other documents refers to the most recent versions of those documents, including any amendments or updates to the statute, County

19-146. Interpretation of Zoning Map

Code, law, regulation, or other document.

**19-146. Interpretation of Zoning Map**

- (a) **Generally.** Where reasonable uncertainty exists concerning the boundaries of any zoning district shown on the zoning map, the Zoning Administrator determines the location of the boundaries using the criteria in this Section.
- (b) **Boundaries that Follow Physical Features.** Where district boundaries are indicated as approximately following the centerline or edge of streams; railroads, streets, or highways; or street, highway, or railroad right-of-way lines, then the centerline or edge is construed to be the district boundary.
- (c) **Boundaries that Follow Lot Lines.** Where district boundaries are indicated as approximately following lot lines, such lot lines, as legally established, are construed to be such boundaries.
- (d) **Boundaries Parallel to Centerlines.** Where district boundaries are indicated as approximately parallel to the centerline of streets, highways, or railroads, or to the rights-of-way of streets, highways, or railroads, such district boundaries are construed as being parallel thereto, and such distance therefrom as indicated on the zoning map. If some distance is given, the dimension is determined using the scale shown on the zoning map.
- (e) **Boundaries that Divide Lots.** Where a district boundary line as appearing on the zoning map divides a lot, the district requirements for each district apply to the applicable portions of the lot.
- (f) **Boundaries Following Political Subdivision Limits.** Where a district boundary appears to follow the boundary of the limits of an incorporated municipality or the external limits of Cherokee County, such district shall be interpreted as following the boundary of the political subdivision as legally established.

**19-147. Conflicting Provisions**

- (a) **Conflicting Provisions in This Ordinance.** When one Ordinance provision conflicts with another Ordinance provision, whichever provision is more restrictive or imposes higher standards controls unless otherwise specified.
- (b) **Conflicts with Other Statutes, Ordinances, or Regulations.**
  - (1) *Stricter Standards in This Ordinance.* When this Ordinance imposes higher standards than are required in any other federal, state, or local statute, ordinance, or regulation, the Ordinance standards control.
  - (2) *Stricter Standards in Other Statutes, Ordinances, or Regulations.* When a federal, state, or local statute, ordinance, or regulation imposes higher standards than are required in this Ordinance, the federal, state, or local statute, ordinance, or regulation controls.
- (c) **Conflicts with Private Restrictions.**
  - (1) This Ordinance does not interfere with, abrogate, or annul any easements, covenants, restrictions, or other agreements between parties.
  - (2) Where this Ordinance is more restrictive or imposes higher standards than a private restriction, this Ordinance controls.
  - (3) Where a private restriction is more restrictive or imposes higher standards than this

## Article IX. Rules of Interpretation and Measurement

### 19-148. Purpose

Ordinance, the private restriction controls if properly enforced by a person having the legal right to enforce the restrictions. The County does not enforce private restrictions.

## Division 2. Rules of Measurement

### 19-148. Purpose

This Section establishes rules for the measurement or calculation of Ordinance standards, such as lot area, lot width, and height.

### 19-149. Gross Floor Area

- (a) **Generally.** This Section describes how to calculate gross floor area. Several Articles use this metric for certain development standards.
- (b) **How to Measure Gross Floor Area.**
  - (1) Gross floor area (GFA):
    - a. Is measured from the inside perimeter of the exterior walls of the structure, without deduction for the thickness of internal walls;
    - b. Includes the total horizontal area of all floors of a structure, including interior balconies, mezzanines, corridors, stairways, ramps, closets, columns, and other features; and
    - c. Excludes shafts with no openings and interior courts. A “court” is an open, uncovered space, unobstructed to the sky, bounded on three or more sides by exterior building walls or other enclosing devices.
  - (2) The floor area of a structure or portion thereof without exterior walls is the usable area under the horizontal projection of the roof or floor above.
  - (3) For a dwelling, the measurement of GFA excludes carports, garages, basements, storage areas with only outside access, and open porches.

### 19-150. Height

- (a) **Generally.** This Subsection describes how to measure building and structure height and allows exceptions for certain structures or elements.
- (b) **How to Measure Height.**
  - (1) Where this Ordinance regulates height in feet, the height of a structure is the vertical distance measured from the grade plane to the average height of the highest roof surface.
  - (2) “Grade plane” has the same meaning given in the South Carolina Building Code.
- (c) **Exceptions.** The height limitations specified in this Ordinance do not apply to church spires, belfries, cupolas, and domes not intended for human occupancy.

### 19-151. Lot Area

- (a) **Generally.** This Subsection describes how to calculate lot area.
- (b) **How to Calculate Lot Area.**
  - (1) The area of a lot:

## Article IX. Rules of Interpretation and Measurement

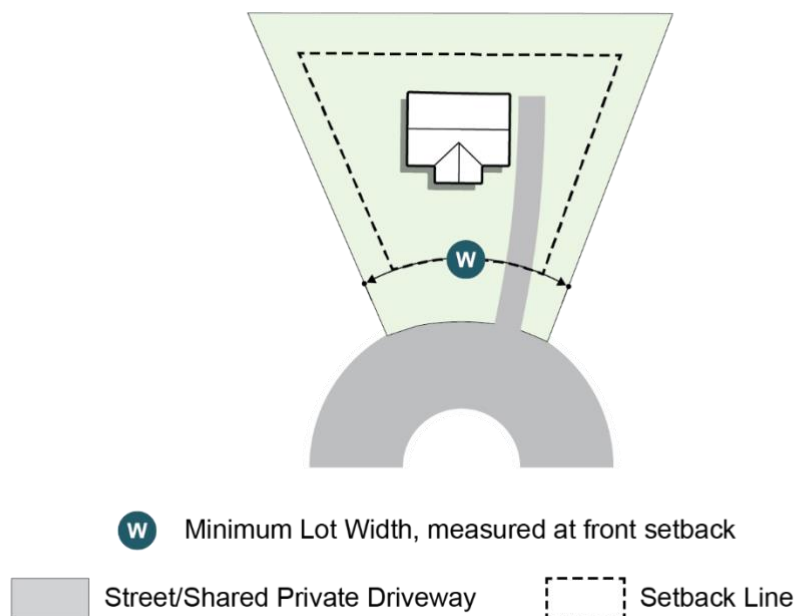
### 19-152. Lot Width & Lot Frontage

- a. Is calculated in square feet by multiplying the lot depth by the lot width; and
  - b. Does not include any portion of a stream, lake, street, highway, or railroad right-of-way.
- (2) When a lot is irregularly shaped, the calculation method varies based on the lot shape and the information available. If a Surveyor licensed in the State prepares a sealed survey of an irregularly shaped parcel that calculates the area, that measurement will be accepted unless another calculation is available.

### 19-152. Lot Width & Lot Frontage

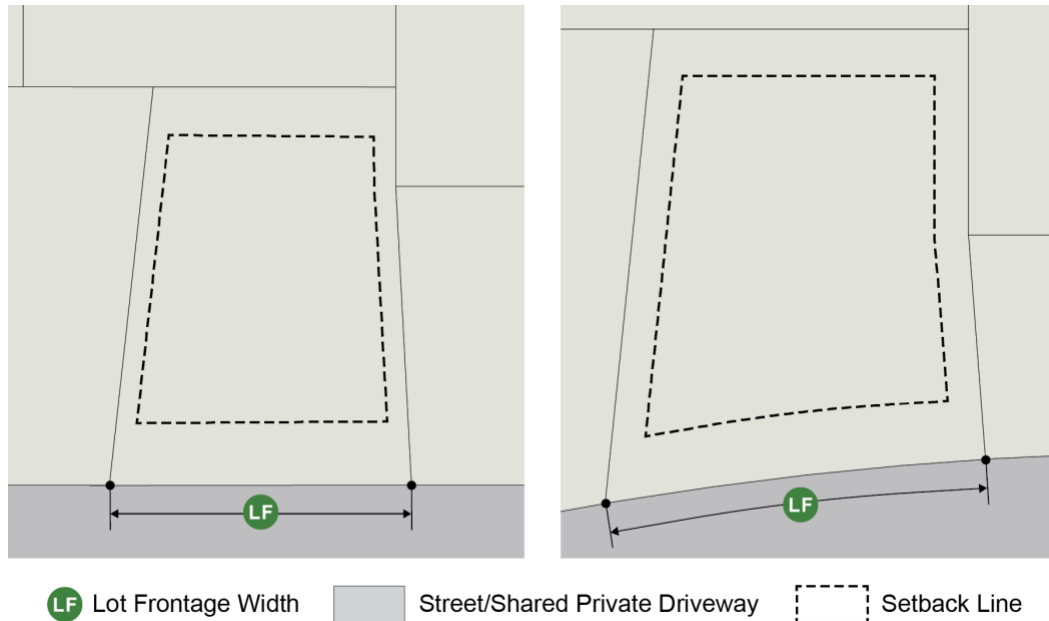
- (a) **Generally.** This Subsection describes how to measure lot width and lot frontage.
- (b) **How to Measure Lot Width.** As shown in Figure 19-152.1: *Minimum Lot Width*, the width of a lot is the horizontal distance between the side lot lines at the front setback line, measured:
- (1) Parallel to the front lot line; or
  - (2) In the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the front setback line.

**Figure 19-152.1: Minimum Lot Width**



- (c) **How to Measure Lot Frontage.** As shown in Figure 19-152.2: *Minimum Lot Frontage*, the frontage of a lot is the horizontal distance between the side lot lines at the front lot line, measured:
- (1) Parallel to the front lot line; or
  - (2) In the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the front lot line.

**Figure 19-152.2: Minimum Lot Frontage**



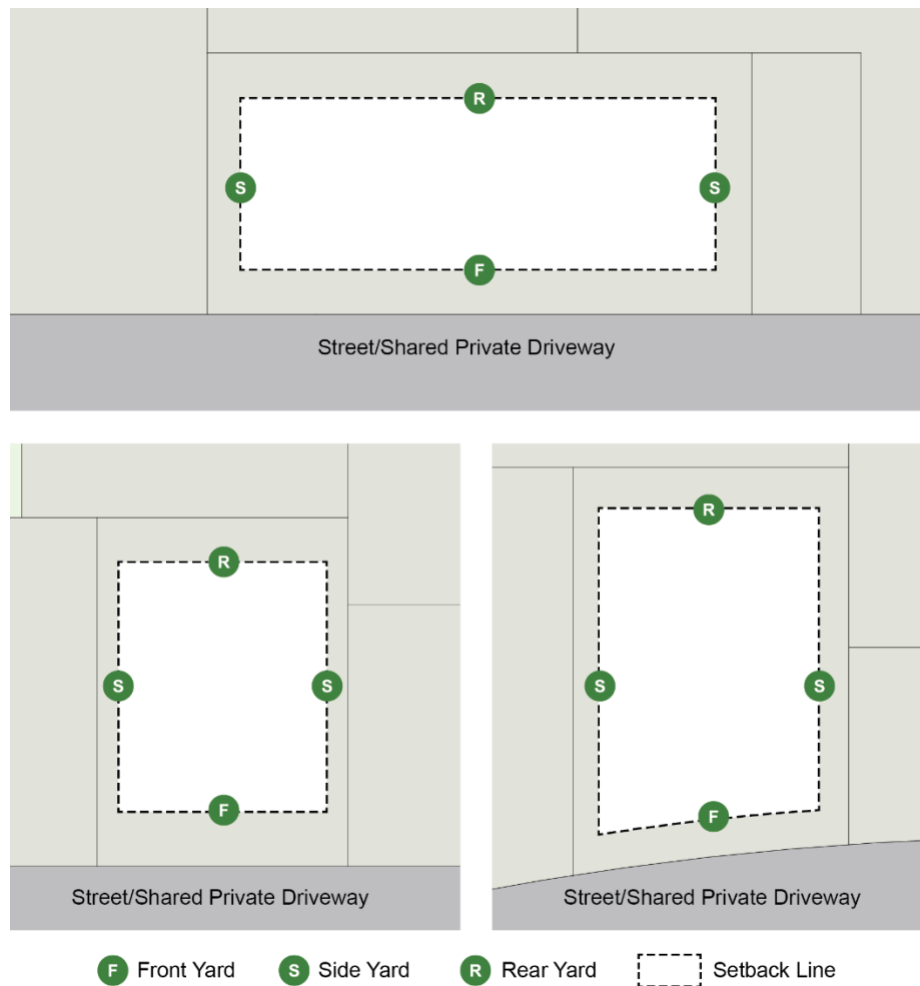
### 19-153. Setbacks

- (a) **Generally.** This Subsection describes how to measure setbacks and bufferyards.
- (b) **Determinations and Interpretations.** When making determinations or, if necessary, interpretations under this Section, the Zoning Administrator shall consider the following characteristics of the lot and surrounding lots:
  - (1) The orientation of existing or proposed buildings containing the principal use;
  - (2) The orientation of adjacent buildings and other buildings along the street;
  - (3) Means of gaining safe access;
  - (4) The relative dimensions of the lot and yards;
  - (5) Delivery of services to the lot, including mail and trash collection;
  - (6) Setbacks on surrounding lots; and
  - (7) Other features related to site design and safe circulation.
- (c) **How to Measure Setbacks.** Setbacks are measured from the lot line to the closest projection of any portion of a structure, except for encroachments as allowed by Paragraph (f): *Encroachments*.
- (d) **General Location of Yards and Setback Lines.** Figure 19-153-1: *General Location of Yards and Setback Lines* illustrates yards and setback lines on typical lots.
  - (1) *Front Yard Defined.* A front yard is an open, unoccupied space on a lot (except for encroachments as allowed by Paragraph (f): *Encroachments*) defined by the applicable front setback that typically faces a street and extends across the entire width of a lot between the side lot lines.
  - (2) *Side Yard Defined.* A side yard is an open, unoccupied space (except for encroachments

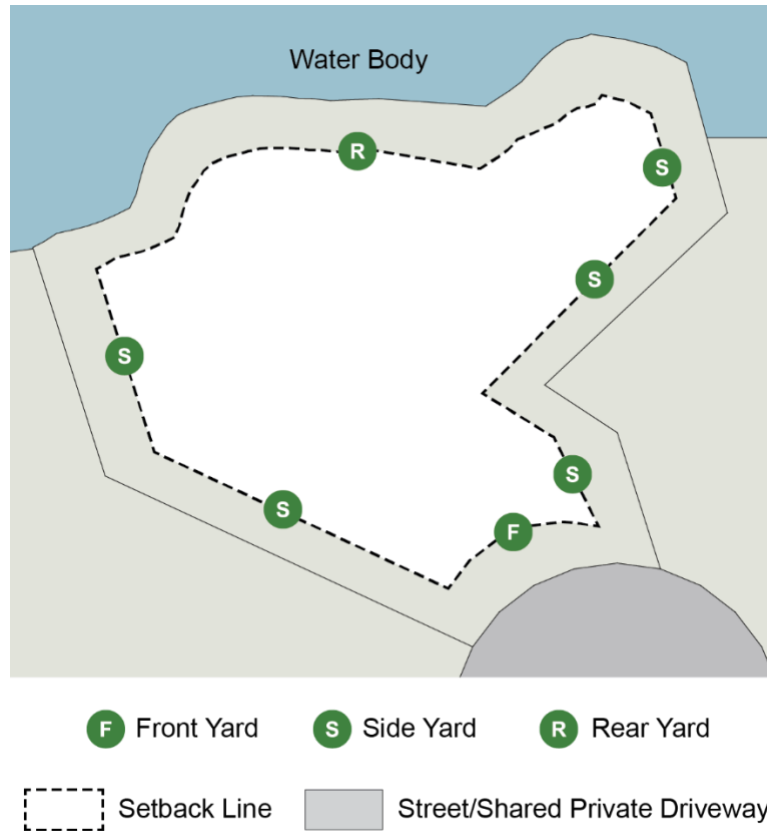
as allowed by Paragraph (f): *Encroachments*) defined by the applicable side setback that extends from the front lot line to the rear lot line.

- (3) *Rear Yard Defined.* A rear yard is an open, unoccupied space (except for encroachments as allowed by Paragraph (f): *Encroachments*) defined by the applicable rear setback that generally is parallel to the front yard and extends across the entire width of a lot between the side lot lines.

**Figure 19-153-1: General Location of Yards and Setback Lines**



- (e) **Irregularly Shaped Lots.** Figure 19-153-4 shows the location of yards and setback lines on an irregularly shaped lot. This example is provided for reference only; the Zoning Administrator determines the location of yards and setback lines on irregularly shaped lots as provided in § 19-153(b): *Determinations and Interpretations*.

**Figure 19-153-4: Example Location of Setback Lines on an Irregularly Shaped Lot**

- (f) **Encroachments.** Every part of a setback must remain open and unobstructed from its lowest level to the sky, except for the encroachments allowed by Table 19-153-1: *Allowed Encroachments into Setbacks*.

| Table 19-153.1: Allowed Encroachments into Setbacks  |                                                                 |                                                               |                                |
|------------------------------------------------------|-----------------------------------------------------------------|---------------------------------------------------------------|--------------------------------|
| Feature                                              | Yard(s) Where Encroachment is Allowed                           | Encroachment (max)                                            | Setback From Lot Line(s) (min) |
| Chimneys, flues                                      | Side                                                            | 1/3 of the width of the side yard or 24 in, whichever is less | --                             |
| Eaves, windowsills                                   | Side                                                            | 1/3 of the width of the side yard or 24 in, whichever is less | --                             |
| Minor accessory uses and structures <sup>1</sup>     | Any yard                                                        | No max                                                        | 0 ft.                          |
| Open or lattice enclosed fire escapes                | Any yard, if placed so as not to obstruct light and ventilation | 5 ft.                                                         | --                             |
| Open, uncovered decks                                | Any yard                                                        | 1/3 of the width of the yard                                  | 3 ft.                          |
| Protective awning, hood, or overhang above a doorway | Any yard                                                        | 3 ft                                                          | --                             |

## Article IX. Rules of Interpretation and Measurement

### 19-154. Use Separation

|                                                                                                                                                                                                 |          |        |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------|----|
| Ramps for ADA accessibility                                                                                                                                                                     | Any yard | No max | -- |
| Key: max = maximum allowed   min = minimum required   ft = feet   in = inches   -- = not applicable                                                                                             |          |        |    |
| <sup>1</sup> Minor accessory uses and structures include common small structures, such as fences, bird feeders, bird baths, playground equipment, basketball goals, and recreational equipment. |          |        |    |

#### 19-154. Use Separation

- (a) **Generally.** This Section describes how to measure the required minimum separation distance between certain uses specified in this Ordinance.
- (b) **How to Measure Separation Distance.** Measurements are taken in a straight line from the nearest portion of the lot line where the new regulated use is proposed to the closest portion of the lot line or zoning district boundary line of the uses and districts from which the regulated use must be separated.

## Article X. Definitions

### 19-155. Purpose.

The purpose of this Article is to provide a common meaning for terms used in this Chapter.

### 19-156. Definitions

For the purposes of this Chapter, the definitions in this Section shall apply unless the context clearly indicates or requires a different meaning.

**Accessory Building.** A building subordinate to and separated from the principal building on a lot, which is used for purposes customarily incidental to those of the main building.

**Accessory Solar Energy System.** A building- or ground-mounted solar system designed to provide or supplement power to the structures on the lot.

**Accessory Structure.** A structure subordinate to and separated from the principal building on a lot, which is used for purposes customarily incidental to those of the main building. Structures will be considered accessory only when a principal structure has been constructed or permitted on the parcel where the accessory structure is to be located. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

**Adult Day Care Center.** A facility that provides care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

**Adult Oriented Business.** This term has the same meaning provided for sexually oriented businesses in [Chapter 13, Article IX: Sexually Oriented Businesses](#).

**Agricultural Equipment Sales, Service, and Repair.** A retail establishment that primarily sells equipment related to horticulture and agriculture, such as tractors, plows, combines, and harvesters, along with ancillary equipment repair and service.

**Agricultural Product, Livestock, and Food Processing.** An agriculture-oriented industrial use that primarily involves the processing and packaging of raw agricultural products for distribution or sale as an intermediate or finished product, including packing sheds, mills for corn, rice, flour, and other crops, oil pressing, milk and dairy product processing, freezing, canning, dehydrating, and animal slaughtering and processing.

**Agricultural Supply Sales.** An agriculture-oriented retail shop that primarily sells materials related to agricultural production and farming, such as animal and livestock feed, fertilizers, pesticides, and tools and implements.

**Agriculture, Crop.** A land use for agricultural production of crops or products such as vegetables, fruits, nuts, grain, flowers, and trees and includes treating and storing products raised on the premises.

**Agriculture, Livestock Production (excluding Poultry and Swine).** A land use for the growing and production of domesticated animals customarily kept by humans to provide food, clothing, or work, such as cattle, sheep, goats, and fur-bearing animals, raised for home use or for profit, but excluding all poultry and swine. Dogs, cats, backyard chickens, pot-bellied pigs, and other animals typically kept as household pets are not considered livestock.

**Agriculture, Poultry, and Swine Production.** A land use for the growing and production of domesticated poultry and swine customarily kept by humans to provide food, clothing, or work, raised for home use or for profit.

**Agritourism Enterprise (associated with Agricultural Use).** Activities conducted on a working farm, ranch, or other agricultural facility that offer opportunities to the general public or invited groups for education, entertainment, recreation, and/or active involvement in the farm operation.

**Airport / Heliport.** Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

**Applicant.** A person who applies for any permit or approval controlled by this Ordinance.

**Amusement Facility – Indoor.** A use classification for establishments that operate facilities offering sports, recreation, and amusement that primarily occur inside a building, including game arcades, billiard halls, bowling centers, skating rinks, fitness and recreational sports centers, and fitness and dance studios. Such facilities may also engage in retail sales of specialty products and services and serve food and beverages. Indoor amusement does not include indoor shooting ranges or gambling or bingo halls.

**Amusement Facility – Outdoor.** A use classification for establishments that operate facilities offering sports and recreation activities that primarily occur outside a building, including tennis courts, swimming pools, parks and play fields, golf driving ranges, golf courses, miniature golf courses, hunting and fishing clubs, zip line facilities, natural public swimming areas, skate parks, basketball courts, frisbee golf courses, water parks, splash parks, velodromes, batting cages, and climbing wall facilities. Such facilities may also engage in retail sales of specialty products and services and provide ancillary indoor activities such as restaurants, concessions, and locker rooms.

**Animal Shelter.** A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

**Aquaculture.** The production of aquatic plant or animal life for food or fiber within ponds and other bodies of water.

**Arts and Crafts Studios / Instruction.** A place or establishment arranged for the creation and display of works of art or crafts and for their sale by one or more artists, provided that no art supplies, equipment, or accessories are or may be sold or offered for sale other than the works of art and crafts, including accessory use for the instruction in the creation of arts and crafts.

**Asphalt Production Plant.** An industrial facility used for the production of asphalt or asphalt products used in building or construction and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment but does not include the retail sale of finished asphalt products.

**Auction Houses, other than Vehicles and Equipment.** A structure or enclosure where household goods and collectibles, such as art, jewelry, clothing, china, flatware, and crafts, are sold by auction. This use does not include the sale of vehicles, equipment, or livestock.

**Automobile Fuel Sales, Retail.** An establishment where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles and may also offer retail sale of convenience items.

**Bars and Nightclubs.** Any establishment, whether public or operated as a private club, including cocktail lounges, taverns, and the like, serving an adult clientele whose primary business (51% of gross income) is the sale of alcoholic beverages, including beer and wine, for consumption on the premises

and where the purchase of food is at the option of the customers and not required by the operator. The sale of alcoholic beverages, beer, and wine must be licensed by the State Alcoholic Beverage Commission.

**Bed and Breakfast Inn.** A detached dwelling and accessory buildings on a lot occupied by the owner where short-term lodging rooms are provided for compensation and a full or continental breakfast is served.

**Billboard.** A permanent freestanding sign or sign structure with a height of more than 20 feet and one or more faces that have an area greater than 150 square feet upon which copy is placed on a poster or panel and mounted on a pole or metal structure, typically as follows: (1) wood posts or pole supports with dimensional lumber as the secondary support (A-frame) with a wood or metal catwalk and a single display panel, (2) steel A-frame constructed with angle iron or steel supports with metal framing, catwalk, and a single display panel, (3) multi-mast structure constructed with steel poles, I-beam or equivalent as primary support, with a catwalk, and a single display panel, or (4) monopole structure constructed with tubular steel support, tubular steel framing, metal catwalk and a single display panel with a concrete foundation.

**Buffer.** Buffers are planting areas designed to separate incompatible adjacent uses and provide privacy and protection against potential adverse impacts of an adjoining incompatible use or zoning district.

**Buffer, Riparian.** A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, reservoir, or coastal estuarine area. Alteration of this natural area is strictly limited.

**Building.** Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property.

**Building Materials and Supply Sales.** An establishment primarily engaged in retailing new building materials and supplies, such as lumber, plumbing goods, electrical goods, tools, housewares, and hardware.

**Business Services Establishment.** Establishments offering specialized sales and support services used in the conduct of commerce. These services may include employment services, copying and printing services, advertising and mailing services, building maintenance services, management and consulting services, protective services, equipment rental and leasing, and sales of office equipment and supplies.

**Campground.** A site or parcel of land under one ownership with temporary or permanent buildings, sites for tents, or other structures established or maintained as temporary living quarters, as well as accessory structures for cooking, dining, bathing, and recreation, operated for recreation, religious, education, or vacation purposes. A campground includes residential recreation camps, summer camps, and primitive campgrounds.

**Campground, Recreational Vehicle.** A site or parcel of land under one ownership with temporary or permanent buildings, sites for parking of recreational vehicles, or other structures established or maintained as temporary living quarters, as well as accessory structures for cooking, dining, bathing, and recreation.

**Car Wash.** An indoor or outdoor facility primarily engaged in cleaning, washing, or waxing automotive vehicles, such as passenger cars, trucks, vans, and trailers.

**Cemetery.** An outdoor facility used for the interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of these manners of interment.

**Chemical Production and Bulk Storage.** A land use category for industrial establishments engaged in the transformation of organic and inorganic raw materials by a chemical process, the formulation of products, and the storage of such products in bulk tanks for distribution.

**Childcare Center (up to 50 children).** A center, agency, or place that provides custodial care to children for up to 50 children at one time, whether for compensation, reward, or otherwise, but does not include residential continuous care.

**Childcare Center, Accessory to Principal Nonresidential Use.** A center, agency, or place that provides custodial care to children as an accessory use to the principal use, such as a religious institution, social club, or office.

**Childcare Center, Large (greater than 50 children).** A center, agency, or place that provides custodial care to children for more than 50 children at one time, whether for compensation, reward, or otherwise, but does not include residential continuous care.

**Civic, Social, and Fraternal Organizations.** Establishments that organize and promote civic activities, support various causes through grantmaking and donations, advocate various social and political causes, promote and defend the interests of their members, and provide opportunities for their members to socialize.

**Community Center.** A building to be used as a place of meeting, recreation, or social activity and not operated for profit, and in which neither alcoholic beverages nor meals are normally dispensed or consumed.

**Communication Tower.** A tower greater than 60 feet in height that supports communication (broadcast or receiving) equipment utilized by commercial, governmental, or other public or quasi-public users, including amateur radio operators and wireless telecommunications facilities, as defined and licensed by the Federal Communications Commission. This definition does not include private home use of satellite dishes or television antennas.

**Community Residential Care Facility.** A residential living arrangement for unrelated individuals with disabilities, living as a single, functional family in a single dwelling unit, who need the mutual support furnished by other residents of the community residence, as well as the support services, if any, provided by the staff of the community residence. Residents may be self-governing or supervised by a sponsoring entity or its staff that provides habilitative or rehabilitative services related to the residents' disabilities. A community residence seeks to emulate a family environment to normalize its residents and integrate them into the surrounding community. Its primary purpose is to provide shelter in a family-like environment; treatment is incidental, as in any home.

**Concrete Production Plant.** An industrial facility used for the production of concrete or concrete products used in building or construction and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process, or of finished products manufactured on the premises and the storage and maintenance of required equipment but does not include the retail sale of finished concrete products.

**Contractor Office with Outdoor Storage Yard.** Establishments that are primarily engaged in the construction of buildings or engineering projects, such as site preparation, new construction, additions, alterations, or maintenance and repairs. This definition includes general contractors,

homebuilders, and specialty building trades or subcontractors. The operations of these establishments are generally managed at a fixed place of business where offices are located and equipment and materials may be stored, but the construction operations are usually performed off-site.

**Contractor Office, no Outdoor Storage Yard.** A facility for people or firms that are primarily engaged in the construction of buildings or engineering projects, such as site preparation, new construction, additions, alterations, or maintenance and repairs but includes no outdoor storage of materials or equipment. This definition includes general contractors, homebuilders, and specialty building trades or subcontractors.

**Correctional Facility.** Publicly or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

**Crematorium.** Facilities containing properly installed, certified apparatus intended for use in the act of cremation of human or animal remains.

**Cultural Facility.** A use providing for display, performance, or enjoyment of heritage, history, or the arts.

**Customary and Incidental Commercial Accessory Uses.** A use that is incidental to and customarily associated with a specific principal commercial use and is located on the same lot or parcel. Examples include car wash facilities in retail automobile fuel sales establishments, restaurants in hotels, and playground facilities and outdoor seating at restaurants.

**Data Centers.** Facilities primarily engaged in providing technological infrastructure for web hosting, data processing, and storage services related to computer use.

**Digital Display.** A sign, billboard, or portion of either that is capable of displaying words, symbols, figures, or images, that can be changed electronically or mechanically by remote or automatic means, including digital displays using light-emitting diodes (LED). Sometimes referred to as Electronic Message Centers (EMCs).

**Distribution Centers.** Facilities that include warehouses or similar structures stocked with products or goods to be redistributed to retailers, wholesalers, directly to consumers, or otherwise transported off-site. Such establishments that comprise no more than 40% of the total floor area of all buildings on a site may be considered an accessory use incidental to a manufacturing facility.

**Drive-Through Service.** An establishment that provides or is designed to provide goods or services to patrons in their vehicles at a window or other opening in the building adjacent to a drive area through which vehicles can pass.

**Driving Range.** A tract of land used for practicing the game of golf, with tees and a designated area to hit golf shots. A driving range may include a retail store, dining facilities, and restrooms as accessory uses.

**Drug Treatment Clinic.** A facility for the temporary or long-term inpatient treatment of victims of alcohol or drug use or addiction.

**Dwelling - Manufactured Home.** A dwelling unit constructed off-site, located on an individual lot with private yards on all four sides. The manufactured home must be approved by the Secretary of the Department of Housing and Urban Development (HUD). Sectional homes and “double-wide homes” (consisting of two or more sections) must be factory-fabricated and designed specifically to create one single-family residence. A recreational vehicle is not considered a manufactured home. A manufactured home is a structure that:

- 1) Is transportable in one or more sections;
- 2) Is at least eight feet in width or at least 40 feet in length or, when erected on site, is 320 or more square feet;
- 3) Is built on a permanent chassis;
- 4) Is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and
- 5) Includes the plumbing, heating, air conditioning, and electrical systems contained therein.

**Dwelling - Single Family, Attached (Up to 4 Units).** A row of up to four attached single-family dwelling units, each with its own lot and outside entrance, that are joined together by a common wall located on a common property line.

**Dwelling - Single Family, Detached.** A building designed exclusively for residential purposes for occupancy by one family. Detached Single-Family Dwellings are constructed on an individual lot with private yards on all four sides.

**Educational Facility - Primary or Secondary.** A public or private institution for the State-mandated teaching of children or a comparable equivalent.

**Educational Facility - University or College.** Academic institutions of higher education that are accredited or recognized by the State Department of Education and that offer a program or series of programs of academic study.

**Educational Facility – Vocational.** A facility that offers vocational and technical training in a variety of technical subjects and trades, such as computer programming, cosmetology, and commercial vehicle driving. The training often leads to job-specific certification.

**Electric Energy Production, Excluding Wind and Solar.** A facility primarily engaged in electric power generation. These facilities convert other forms of energy, such as waterpower (i.e., hydroelectric), fossil fuels, and nuclear power, into electrical energy and provide electricity to transmission systems or electric power distribution systems. This use does not include wind and solar electric energy production.

**Electric Substation.** An electrical facility consisting of transformers and associated equipment having a primary purpose of reducing the transmission voltage of a bulk electrical power source greater than thirty-three thousand (33,000) volts (33 KV) for distribution to specific areas within the County.

**Employment/Labor Service Agency.** Any person or business that regularly undertakes, with or without compensation, to procure employees for an employer and includes an agent of such a person.

**Entertainment / Performance Venue – Indoor.** A building or part of a building primarily used to show motion pictures or dramatic, dance, musical, or other live performances.

**Entertainment / Performance Venue – Outdoor.** An outdoor structure providing a venue for musical and theatrical productions, which may include fixed seating or space for seating on the ground for spectators.

**Equestrian Riding Facilities / Schools, Commercial.** Commercial horse, donkey, and mule facilities, including boarding stables, riding schools and academies, and horse exhibition facilities. This land use includes barns, stables, corrals, and paddocks accessory and incidental to these uses.

**Equestrian Stables, Commercial.** Commercial horse, donkey, and mule facilities, including horse ranches, boarding stables, horse exhibition facilities, and pack stations without riding schools or

academies for teaching horsemanship. This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

**Equipment Sales, Rental, and Service.** Establishments primarily engaged in the sale or rental of tools, lawn and garden equipment, construction equipment, and agricultural implements. Included in this use type is the incidental storage, maintenance, and servicing of such equipment

**Event Venue.** A commercial facility rented to individuals, groups, or organizations and used to host gatherings such as weddings, receptions, parties, meetings, and conferences. An event venue may be comprised of a permanent structure(s), temporary structure(s), uncovered outdoor gathering area(s), or any combination of these features. This definition does not include lodges, civic clubs, community centers, religious facilities, or publicly owned facilities.

**Family.** A person living alone or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: (1) any number of people related by blood, marriage, adoption, guardianship, or duly authorized custodial relationship; (2) up to four unrelated people; or (3) two unrelated people and any children related to either of them.

**Family Care Home.** A home in which care is given to no more than six children, including the daycare provider's own children, at any one time, and is registered with or licensed by the South Carolina Department of Social Services.

**Feedlots (no onsite processing).** Any indoor or outdoor facility that is primarily used for feeding cattle, sheep, goats, pigs, poultry, horses, or other animals for fattening without any onsite slaughtering or processing operations.

**Financial Institution.** Establishments primarily engaged in financial transactions, which are transactions involving the creation, liquidation, or change in ownership of financial assets, or in facilitating financial transactions, including raising funds by taking deposits or issuing securities and, in the process, incurring liabilities; pooling of risk by underwriting insurance and annuities; or providing specialized services facilitating or supporting financial intermediation, insurance, and employee benefit programs.

**Food Truck.** A fully enclosed mobile kitchen that prepares, cooks, or serves food as defined in [SCDA Regulation 61-25: Retail Food Establishments](#) and is permitted by the SCDA.

**Forestry / Silviculture (no processing).** The growing or harvesting of forest tree species used for commercial or related purposes.

**Foundries and Mills, Metal.** Establishments engaged in manufacturing processes that transform metal into intermediate or end products, other than machinery, computers and electronics, and metal furniture, or treat metals and metal-formed products fabricated elsewhere. Typical operations include forging, stamping, bending, forming, and machining to shape individual pieces of metal, as well as welding and assembling of parts.

**Funeral Homes and Mortuaries.** A building or part of a building used for human funeral services. Funeral Homes may also contain facilities for embalming and other services used in the preparation of the dead for burial, the sale of caskets, funeral urns, and other related funeral supplies, and cremation facilities.

**Golf Course.** An outdoor area designed for playing golf and frequently includes a clubhouse, restrooms, and locker rooms. A golf course may provide retail sales and services customarily related to golf and food and beverage facilities.

**Government Office/Facility.** A government-owned or government-operated office or facility for public institutional uses.

**Grain, Seed, and Feed Storage Facilities, Commercial.** A commercial structure for the storage of grain, feed, and agricultural seed not intended for residential use. Includes: barns, grain elevators, silos, and other similar structures, but not commercial greenhouses or structures for agricultural processing activities.

**Greenhouses and Nurseries, Excluding Retail Sales.** Establishments primarily engaged in wholesaling nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, that are predominantly grown elsewhere. These establishments may sell a limited amount of a product grown on-site.

**Greenhouses and Nurseries, Retail.** Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, that are predominantly grown elsewhere. These establishments may sell a limited amount of a product grown on-site.

**Gyms and Fitness Studios.** Establishments primarily used for exercise, physical fitness, and recreation, including the use of exercise equipment and the offering of exercise classes. This use frequently includes locker rooms or changing rooms and may provide limited food and beverage service.

**Hazardous Materials Collection or Storage.** A commercial facility regulated by the state or federal government to collect, treat, store, or dispose of hazardous waste generated at an off-site location. Hazardous waste storage or treatment does not include incineration.

**Heavy Equipment Sales, Service, and Rental.** A facility primarily engaged in the sale or rental of new and used heavy-duty machinery and vehicles, such as tractors and bulldozers. The facility may offer heavy machinery repair services and may contain ancillary storage areas.

**Helistop.** A landing and terminal facility for rotary wing aircraft, including facilities for fueling, servicing, and maintaining such aircraft.

**Home Occupation.** Any activity carried out for financial gain by a resident of a dwelling that is conducted as an accessory use to the primary residential use of the dwelling.

**Hospital / Medical Campus.** A use classification that includes hospitals, medical office buildings, long-term/institutional care facilities, and similar facilities concerned with the diagnosis, treatment, and care of human beings that are more than 20,000 square feet in gross floor area.

**Household and Personal Goods Sales, Service, and Repair.** Establishments that offer home furnishings, appliances, televisions, other electronics, and similar household goods and equipment to the public for sale and may include ancillary repair services.

**Housing for Seasonal Agricultural Workers, Onsite.** Any structure designed or constructed as seasonal accommodations for transient farm workers engaging in labor on the same site.

**Illumination, External.** Partial or complete illumination of a sign at any time by a light source directed externally at a sign.

**Indoor Recreation Facility, Commercial.** A use classification for privately operated facilities offering sports, recreation, and amusement that primarily occur inside a building, including game arcades, billiard halls, bowling centers, skating rinks, fitness and recreational sports centers, and fitness and dance studios. Such facilities may also engage in retail sales of specialty products and services and

serve food and beverages. Indoor recreation does not include indoor shooting ranges or gambling or bingo halls.

**Indoor Recreation Facility, Public.** A use classification for publicly operated facilities offering sports, recreation, and amusement that primarily occur inside a building, including game arcades, billiard halls, bowling centers, skating rinks, fitness and recreational sports centers, and fitness and dance studios. Such facilities may also engage in retail sales of specialty products and services and serve food and beverages. Indoor recreation does not include indoor shooting ranges or gambling or bingo halls.

**Industrial, General.** The assembly, fabrication, finishing, manufacturing, packaging, processing, or distribution of goods and materials by means that ordinarily have greater than average impacts on the use and enjoyment of adjacent property caused by noise, fumes, odors, glare, health, and safety hazards, or that otherwise does not constitute “light manufacturing.”

**Industrial, Light.** The assembly, fabrication, or processing of goods and materials by means that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where the assembly, fabrication, or processing takes place; where the processing is housed entirely within a building. Light industrial does not include hazardous material treatment and storage facilities, plating or enameling, or petroleum and gas refining.

**Kennel / Animal Boarding.** A facility where dogs, cats, or other household pets are regularly boarded overnight and where breeding, boarding, or selling of animals is conducted as a business.

**Landfill, Construction & Demolition (C&D).** A landfill that disposes of solid wastes generated by construction, demolition, land-clearing, or industrial activities. This includes, but is not limited to, broken concrete, crushed stone, clay wastes, glass, earthen material, and nondurable, nonhazardous waste, such as ash and cinders. It may additionally accept cellulose solid wastes. Inert waste may be processed for resale or recycling on a landfill as an accessory use, provided that the use conditions for nonmetallic mineral product manufacturing are met. Classified as a Class II landfill by SCDES.

**Landfill, Land Clearing & Inert Debris (LCID).** A landfill solely for the disposal of vegetative matter. This includes land-clearing debris such as trees, wood chips, stumps, and brush or yard trash generated from landscaping activities. May not accept, dispose of, or process other types of waste. Classified as a Class I landfill by SCDES.

**Landfill, Municipal Solid Waste (MSW).** A landfill that accepts household garbage, municipal solid waste, commercial waste, and nonhazardous industrial waste. Classified as a Class III landfill by SCDES.

**Landfill, Other.** A land use for the permanent storage or disposal of waste material that does not qualify as a Land Clearing and Inert Debris Landfill, a Construction and Demolition Landfill, or a Municipal Solid Waste Landfill.

**Livestock Auction Facilities.** Barns, pens, and sheds for the temporary holding and sale of livestock.

**Lodging Establishment.** A building or group of buildings designed and occupied as a temporary habitation for individuals. To be classified as a Hotel or Motel, an establishment shall furnish customary Hotel services such as linen, housekeeping service, telephone, and use and upkeep of furniture.

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

**Manufactured Home and Building Sales.** An establishment primarily engaged in the retail sale of new and used manufactured homes and storage buildings and may also provide ancillary installation and repair services.

**Manufactured Home Park.** Any site or parcel of land under one ownership where land is rented for the placement and occupancy of manufactured homes.

**Medical/Dental Offices.** A use classification that includes doctor offices, dentist offices, urgent care facilities, and similar facilities concerned with the diagnosis, treatment, and care of human beings that are 20,000 square feet or less in gross floor area.

**Mixed-Use Building.** A building that contains at least one dwelling unit and one or more non-residential uses allowed in the zoning district in which the mixed-use building is located.

**Mixed Use Development.** A development containing residential and non-residential uses on one or more parcels where all uses are well-integrated and are reliant on common facilities such as vehicular access roads or drives and stormwater facilities.

**Mobile Food Vendor.** A mobile food establishment that prepares, cooks, or serves food, as defined in S.C. Department of Agriculture's [Regulation 61-25: Retail Food Establishments](#), § 1-201.10.

**Mobile Personal Services.** A use category that includes the provision of personal services upon request by the occupant of a lot (e.g., mobile pet grooming, vehicle washing, landscape maintenance, or vehicle windshield repair) and that does not make sales or offer services to walk-up or drive-up customers.

**Mobile Retail Vendor.** A use category that includes the sale of merchandise from a mobile vending unit.

**Motorsports Tracks and Facilities.** A facility where vehicles of any size are raced for speed and/or endurance. This definition includes go-kart tracks.

**Natural Gas Transmission Facility, Above Ground.** Components of the natural gas distribution system that transmit natural gas from the generating source to a distribution center, other natural gas utilities, or final consumers through pipes located above ground.

**Orchards.** An agricultural operation where a group of fruit or nut trees, generally of one variety or a limited variety, is cultivated for revenue.

**Outdoor Entertainment.** An accessory outdoor use featuring musical or theatrical productions that may include fixed or temporary seating or space for seating on patios, decks, or the ground for spectators.

**Outdoor Entertainment, Temporary.** A temporary outdoor use featuring musical or theatrical productions or performances, which may include temporary seating on the ground for spectators.

**Outdoor Recreation Facility, Commercial.** A use classification for establishments for privately operated facilities offering sports and recreation activities that primarily occur outside a building, including tennis courts, swimming pools, parks and play fields, golf driving ranges, golf courses, miniature golf courses, hunting and fishing clubs, zip line facilities, natural public swimming areas, skate parks, basketball courts, frisbee golf courses, water parks, splash parks, velodromes, batting cages, and climbing wall facilities. Such facilities may also engage in retail sales of specialty products and services and provide ancillary indoor activities such as restaurants, concessions, and locker rooms.

**Outdoor Recreation Facility, Public.** A use classification for establishments for publicly operated facilities offering sports and recreation activities that primarily occur outside a building, including tennis courts, swimming pools, parks and play fields, golf driving ranges, golf courses, miniature golf courses, hunting and fishing clubs, zip line facilities, natural public swimming areas, skate parks, basketball courts, frisbee golf courses, water parks, splash parks, velodromes, batting cages, and climbing wall facilities. Such facilities may also engage in retail sales of specialty products and services and provide ancillary indoor activities such as restaurants, concessions, and locker rooms.

**Outdoor Sales and Display.** The retail sale of goods and products outside of a permanent primary structure that is clearly secondary to the function contained in that structure. They are typically located within permanent open-air structures, uncovered outdoor areas, and/or on public or private sidewalks. Sale items include, but are not limited to, landscape materials, lawn and garden supplies, and produce.

**Outdoor Storage Yard, Principal Use.** A land use for the outdoor storage of various materials including, but not limited to, lumber, pipe, bricks, stone, shingles, mulch, soil, sand, gravel, and other nonhazardous materials outside of a structure. This definition does not include any scrap metal, junk vehicles, or other similar salvage materials. Storage of construction materials on an active job site is not included in the definition of outdoor storage.

**Packing Facilities for Agricultural Products (no processing).** A facility for the packing of produce and crops for shipment, including packing sheds, warehouses, and similar structures.

**Paper and Related Materials Production.** Establishments that make paper products, including pulp, paper, cardboard, or converted paper products, from wood and other materials.

**Parking Lot (Principal Use).** An open, unoccupied, paved or unpaved area used for the parking of vehicles that is not accessory to another use.

**Parking Structure (Principal Use).** A structure with multiple levels that is available for public or private parking use that is not accessory to another use.

**Patio Home.** A detached, single-family dwelling unit typically situated on a reduced-size lot that orients outdoor activity within rear or side yard patio areas for better use of the site for outdoor living space.

**Personal Service Establishment.** A use category that includes establishments primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Services offered by personal services establishments include treatments to improve the grooming and appearance of the human body, such as haircuts, hair styling, shaving and hair removal, skincare, facial care, tanning, spray-tans, and spa treatments, as well as services for personal appearance and cleanliness, such as shoe repair shops, alterations shops, dry cleaning pick-up/drop-off stores, and laundromats. Personal services do not include any services or treatments that can only be administered with the supervision of a licensed physician.

**Petroleum Products Refineries and Bulk Storage.** A facility that is primarily engaged in refining crude petroleum into refined petroleum through processes such as fractionation, straight distillation of crude oil, and cracking, and additional processes to refine and manufacture refined petroleum products, such as gasoline and lubricants, including the bulk storage of the raw and refined products in tanks for transportation to other users.

**Postal Facility.** A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for the United States Postal Service.

**Private Recreation Club (Swim, Tennis, Golf, etc.).** Buildings and facilities used for social, educational, or recreational purposes operated by an organization that requires membership for participation in recreational activities, such as golf, tennis, and swimming. Private recreation clubs are primarily non-profit but may be carried on as a business.

**Private Stables.** Any structure located within a privately owned lot that is used for the sheltering, quartering, and feeding of horses and other equines.

**Produce Sales Stands.** An establishment operated primarily in the open air, for the retailing of agricultural products including, but not limited to, vegetables, fruits, meats, eggs, dairy products, grains, and prepared foods.

**Professional Offices.** A Building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, which may include ancillary services for office workers, such as a restaurant, coffee shop, or newspaper or candy stand.

**Public Health and Social Service Uses.** A service or activity undertaken to advance the welfare of citizens in need and promote public health. A social service or public health facility may include supporting office uses, supporting medical office or clinic uses, supporting vocational or trade training, supporting personal services, or a food and goods distribution facility.

**Public Park.** A non-commercial facility designed to serve the active and/or passive recreation needs of the residents of the community.

**Public Safety Facility (Police, Fire, EMS).** Facilities for federal, state, and local law enforcement and public safety agencies and their accessory uses, including office space, temporary holding cells, equipment and evidence storage facilities, and vehicle garages.

**Public Transit Facility.** An indoor or outdoor facility primarily engaged in transit and ground passenger transportation, including a variety of passenger transportation activities, such as urban transit systems, chartered buses, school buses, and interurban bus transportation, and repair or support facilities for these operations.

**Public Works Facility.** A facility owned or operated by any public agency charged with the production, repair, storage, transmission, and recovery facilities for water, sewerage, telephone, and public transportation facilities, including streets, roads, highways, including office space, equipment and materials storage, and parking areas for vehicles.

**Quarries and Mines.** The process or business of extracting ore, minerals, sand, gravel, stone, clay, and/or dirt from the earth's surface, including borrow pits and/or sites.

**Rail Freight Terminal.** A Building or group of Buildings in which freight, delivered by rail, is sorted and temporarily stored for routing in intrastate and/or interstate shipment by rail.

**Railroad Classification and Storage Yards.** An area of land that includes a system of tracks that provides for the making up of trains by one or more agencies. Necessary functions of a railyard include, but are not limited to, the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of cars, trains, engines, locomotives, and rolling stock.

**Real Estate Development Sales Office.** A temporary use of land associated with new residential subdivisions where information on the development and available real estate is provided to prospective buyers.

**Recreational Vehicle.** A vehicular portable structure without a permanent foundation, which can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational camping travel use, including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. A recreational vehicle does not include manufactured housing and is not considered a single-family dwelling.

**Recycling Collection Center.** A site, location, tract of land, or building operated by a public entity to collect materials for recycling that are generated off-site in the local community to be transported by public or private companies to a waste recycling, transfer, or disposal/recovery facility, permitted by South Carolina Department Environmental Services (SCDES) as required. This use includes County collection centers.

**Religious Institution.** A building used for public assembly or worship regardless of denomination or religious affiliation, including other ancillary activities, such as parsonages, offices, classrooms, daycare, and recreation facilities.

**Research and Development Facility.** A facility used for creative and systematic work undertaken to increase the stock of knowledge, including knowledge of humankind, culture, and society, and to devise new applications using available knowledge. Research and development facilities typically include one or more of the following types of activity: basic research, applied research, and experimental development.

**Restaurant.** Any establishment, whether open to the public or operated as a private club, whose primary business (51% of gross income) is serving food or meals prepared on the premises.

**Retail Sales Establishment, Large (larger than 5,000 SF).** Establishments located in a building larger than 5,000 square feet of gross floor area that form the final step in the distribution of merchandise. Retail establishments are organized to sell goods in small quantities to the general public for personal or household consumption, though they may also serve businesses and institutions. Some establishments may further provide after-sales services, such as repair and installation.

**Retail Sales Establishment, Small (up to 5,000 SF).** Establishments located in a building up to 5,000 square feet of gross floor area that form the final step in the distribution of merchandise. Retail establishments are organized to sell goods in small quantities to the general public for personal or household consumption, though they may also serve businesses and institutions. Some establishments may further provide after-sales services, such as repair and installation.

**Retail Sales, Incidental to Industrial Production.** The retail sale of goods and products that are manufactured on an industrial site, where the retail sales use is clearly secondary to the principal manufacturing or industrial use.

**Rural Home Occupation.** A rural home occupation is a home occupation that is allowed on a lot that is at least two acres in size. Rural home occupation uses may be more intensive than small lot home occupations. See the definition of “home occupation.”

**Salvage and/or Junk Yard.** Any property used in part or in whole for the storing, keeping, buying, or selling of items defined as “junk,” excluding landfills, but including abandoned barrels or drums; dismantled or inoperable industrial or commercial equipment or machinery being salvaged for parts; and the following old, scrap, or used items: metal; rope; rags; batteries; paper; cardboard; plastic; rubber; pallets; appliances; motors; industrial or commercial fixtures; or wrecked, dismantled, or disabled motor vehicles or vehicle parts.

**Sawmills.** Facilities where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

**Self-Storage Facility: Indoor.** A facility for renting or leasing individual indoor storage space to occupants who are to have access to the space to store and remove personal property. A self-service storage facility is not a safe deposit box or vault maintained by banks, trust companies, or other financial entities.

**Self-Storage Facility: Outdoor.** A facility for the outdoor storage of large items such as vehicles, boats, and recreational vehicles as the principal use on a lot.

**Shooting Range, Indoor.** An enclosed indoor facility designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, air guns, or any other similar sport shooting. Indoor shooting range facilities are designed to offer a completely controlled shooting environment that includes impenetrable walls, floor, and ceiling, adequate ventilation, lighting systems, and acoustical treatment for sound attenuation suitable for the range's approved use.

**Shooting Range, Outdoor.** A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, air guns, or any other similar sport shooting in an outdoor environment.

**Sign.** A visual display of an object, device, or structure that includes elements such as colors, lights, motion, symbols, images, icons, letters, numerals, figures, characters, or combines any of those elements, that a person intends to communicate, advertise, identify, announce, direct, inform, or attract attention. The term “sign” includes a structure used to support or display a sign.

**Sign, Attached.** A permanent sign that is directly attached to a wall, roof, window, or other portion of a building. Types of attached signs include wall signs, projecting signs, roof signs, awning signs, window signs, and freestanding canopy signs.

**Sign, Freestanding.** A sign erected or mounted on its own self-supporting, permanent structure or base that is not attached to any supporting element that is part of a building. Freestanding signs include pole, pylon, and monument signs.

**Skilled Nursing Care and Assisted Living Facilities.** A staffed premises not located in a single-family dwelling with paid or volunteer staff that provides full-time care to elderly or disabled individuals. This use includes nursing homes, residential care facilities, assisted living facilities, adult care homes, congregate living facilities, continuing care facilities, and skilled nursing facilities. The use can include independent living facilities, but the use must include care facilities to qualify as a skilled nursing care facility and not an independent living facility. This term excludes residential/family care homes and halfway homes.

**Solar Energy Production Facility, Commercial.** An energy generation facility comprised of one or more freestanding, ground-mounted devices that capture solar energy and convert it to electrical energy for use in locations other than where it is generated. Solar generation stations typically utilize photovoltaic solar cells but can use parabolic trough systems. An energy production facility is also known as a solar farm, solar power plant, solar generation plant, or solar thermal power plant.

**Solid Waste Collection Location, On-Site.** In multi-family residences, commercial, industrial, and other nonresidential developments, an exterior location designed or used for the temporary storage of garbage and recyclables generated on-site for collection by the County or other authorized hauler.

**Solid Waste Transfer Station, Indoor.** A facility where nonhazardous solid waste materials are taken from a collection vehicle, temporarily stored or stockpiled in an indoor location, and ultimately placed in a transportation unit for movement to another facility.

**Solid Waste Transfer Station, Outdoor.** A facility where nonhazardous solid waste materials are taken from a collection vehicle, temporarily stored or stockpiled in an outdoor location, and ultimately placed in a transportation unit for movement to another facility.

**SCDES.** The South Carolina Department of Environmental Services, formerly the South Carolina Department of Health and Environmental Control (SCDHEC).

**SCDOT.** The South Carolina Department of Transportation.

**Special Events, Outdoor.** An educational, recreational, cultural, or social occurrence open to the general public. Examples include, but are not limited to, festivals, fairs, carnivals, distance runs/walks, parades, art shows, and concerts.

**Sports Arenas, Commercial (other than Motorsports).** A structure that is open or enclosed and used for games, concerts, and major events and is partly or completely surrounded by tiers of seats accommodating spectators. This use does not include venues located on the campus of elementary or secondary schools.

**Sports Instruction Schools (other than Equestrian).** An indoor use in which programs or activities are offered, which are specifically intended for instruction in sports such as basketball, baseball, volleyball, martial arts, and gymnastics.

**Structure.** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

**Tattoo and Body Piercing Studios.** An establishment primarily engaged in the practice of applying tattoos or body piercings. The practice of tattooing does not include the removal of tattoos, the practice of branding, cutting, scarification, skin braiding, or the mutilation of any part of the body. Body piercing includes, but is not limited to, piercing of an ear, lip, tongue, nose, or eyebrow, but does not include piercing an ear lobe with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear lobe.

**Temporary Contractor's Office and Contractor's Yard.** A temporary structure or shelter used in connection with a development or building project on the site for temporary administrative and supervisory functions and shelter for employees and equipment. This use can include an accessory or principal use for the storage of construction materials and equipment while the associated construction project is active.

**Temporary Outdoor Sales and Displays.** The temporary retail sale of goods and products outside of a permanent primary structure that is clearly secondary to the function contained in that structure. They are typically located within permanent open-air structures, uncovered outdoor areas, or on public or private sidewalks.

**Textile Production.** Establishments that transform natural or synthetic fiber into products, such as yarn or fabric, to be further manufactured into textile products or manufacture textile products, such as clothing, by knitting, cutting, and sewing fabric.

**Townhome.** A row of two or more attached single-family dwelling units, each with its own lot and outside entrance, that are joined together by a common wall located on a common property line.

**Truck Stops.** An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include showers or restaurant facilities, primarily for the use of truck crews.

**Truck Terminals and Maintenance Yards.** A building or group of buildings in which tractor-trailers used for intrastate and/or interstate shipment are stored indoors or outdoors, including the repair and maintenance of tractor-trailer trucks used by the enterprise.

**Truck Transfer Facility.** A building or group of buildings in which freight, delivered by motor vehicle, is sorted and temporarily stored for routing in intrastate and/or interstate shipment by motor vehicle, including the storage and maintenance of tractor-trailer trucks.

**Use.** Any purpose for which a lot, building, or other structure or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

**Use, Accessory.** A subordinate use which is incidental to, separated from, and customarily associated with the principal building or use, and which is located on the same lot as the principal use.

**Use, Temporary.** A use of land limited in both duration and the number of annual occurrences, excluding uses and events customarily associated with the principal land use (e.g., weddings at a church, sporting events at a stadium).

**Utility Transmission and Distribution Lines.** The facilities provided by a government entity or a franchised utility company for the distribution or collection of gas, water, surface drainage water, sewage, electric power, cable television, internet, or telephone service.

**Vehicle and Equipment Auction Facilities.** An establishment primarily engaged in the merchant wholesale distribution of new and used passenger automobiles, trucks, trailers, and other motor vehicles, such as motorcycles, motor homes, and snowmobiles, including the storage of such vehicles.

**Vehicle Sales and Rental.** An establishment primarily engaged in the retail sale or the rental of new and used vehicles, including automobiles, trucks, passenger and cargo vans, motorcycles, mopeds, golf carts, all-terrain vehicles, and boats, and may also provide ancillary repair and service operations.

**Vehicle Service and Repair Facility, Major.** A building or part thereof that is used for major repairs of vehicles, such as painting, body and fender work, engine overhauling, or other major repairs of motor vehicles, including automobiles, boats, motorcycles, and recreational vehicles. These repairs typically take more than one day to complete. These facilities may not dispense flammable or combustible liquids.

**Vehicle Service and Repair Facility, Minor.** A building or part thereof that is used for minor repairs of vehicles, such as oil changes, tune-ups, brake jobs, engine and transmission repair, replacing mufflers, etc. These facilities may dispense flammable and combustible liquids.

**Veterinary Services.** A facility for the prevention, treatment, surgery, cure, or alleviation of disease and/or injury in domestic animals and offices of licensed veterinary practitioners primarily engaged in the practice of veterinary medicine, dentistry, or surgery for animals, including overnight boarding indoors and outdoors.

**Warehouses.** Facilities that include warehouses or similar structures stocked with products or goods to be redistributed to retailers, wholesalers, directly to consumers, or otherwise transported off-site.

## Article X. Definitions

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Such establishments that comprise no more than 40% of the total floor area of all buildings on a site may be considered an accessory use incidental to a manufacturing facility.

**Wastewater Pump Stations.** An indoor or outdoor facility for the operation of pumps used to transmit waterborne sewage through the sewage system.

**Wastewater Treatment Plant.** A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.

**Water Towers.** The facility or facilities within the water supply system for elevated storage of drinking water for distribution through a public drinking water system.

**Water Treatment Plant.** The facility or facilities within the water supply system that can alter the physical, chemical, or bacteriological quality of the water for distribution through a public drinking water system.

**Wholesale Goods Establishment.** The display, storage, and sale of durable and non-durable goods to other firms for resale from facilities such as warehouses and offices, with little display of merchandise or solicitation of sales to the public.

**Wind Energy Production Facility, Commercial.** A commercial facility primarily engaged in converting wind energy into electric power using wind turbines to provide electricity to transmission systems or electric power distribution systems.

**Worker Housing.** Housing provided on-site by the owner of an agricultural or industrial use for employees of the agricultural or industrial use.

**Yard Sale.** The sale of miscellaneous used household items from a residential parcel.

**Zoning Administrator.** The individual designated to administer the Zoning Ordinance and is responsible for the enforcement of the regulations of this Ordinance. This term includes the Zoning Administrator's designees.