

Sec. 24-174. - Lots.

- (a) *Accessibility.* Each lot/dwelling shall be served by a separate driveway access adequate for emergency vehicle traffic and extending directly to a county-approved street or road. No driveway shall be located closer than 25 feet to the corner intersection of street right-of-way lines. County-approved streets or roads shall be county or state-maintained roads; alternatively, private roads meeting then-applicable county standards for private roads will also be considered county-approved roads. However, to be considered county-approved roads, such private roads must meet or exceed those standards concerning private streets and roads, as set forth in section 24-167. The county shall not bear any maintenance responsibility for county-approved private streets or roads.
- (b) *Design.* Lot size, width, depth, shape, grade, and orientation shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development and use contemplated. Maximum width to depth ratios shall be 1:5 for residential subdivisions. Side lot lines shall be at right angles to straight street lines and radial to curved street lines.
- (c) *Lot dimensions, lot access, conditions for multiple dwellings, and road improvement requirements for large subdivisions.*

(1) *Lot density on unpaved roads in zoned and un-zoned areas.* Where the placement of a dwelling unit is proposed for an unpaved road, in either a zoned or an un-zoned area, the number of dwelling units shall not exceed one per lot, except as provided for under subsection (c)(2) of this section. The minimum lot sizes given below shall apply, commensurate with existing minimum right-of-way width extending to the lot from the nearest county-approved road. For purposes of verifying existing right-of-way, the planning department shall refer to plats and deeds recorded in the county courthouse. Lots on unpaved roads in the zoned areas shall meet the density/lot size standards in this subsection, notwithstanding section 24-32, table 2.

Minimum Road Right-of-Way	Minimum Lot Size*
For roadways with at least 50 feet right-of-way	One acre
For roadways with less than 50 feet right-of-way	2½ acres**

\* Density provisions for large residential subdivisions accessed by unpaved roads are provided for in section 24-174(c)(5).

\*\* For lots located on roadways with less than 50 feet right-of-way, which lots are located more than one-half mile from another roadway with at least 50 feet right-of-way, lot sizes shall be five acres.

(2) *Permits for additional dwelling units on lots on unpaved roads in zoned and un-zoned areas.* The building official or his designee shall grant permits for additional dwelling units on lots on unpaved roads where such lots exceed the minimum size requirement specified in subsection (c)(1) of this section, after review of the following criteria and determination that the following standards are met:

- a. Not more than one additional dwelling may be permitted for each 100 percent by which the lot exceeds the specified minimum size in subsection (c)(1) of this section.
- b. No dwelling unit on the lot will be closer than 25 feet to any other dwelling unit on the lot.
- c. Each dwelling shall be accessed as provided for in subsection (a) of this section.

(3) *Access requirements for lots on paved roads in un-zoned areas.* Each dwelling situated on a lot with paved road frontage and located in an un-zoned area shall be served by a separate driveway providing individual direct access to a county-approved street or road, as set forth in subsection (a) of this section.

(4) *Lot density on paved roads in zoned areas.* All lots located on paved roads in zoned areas shall meet the minimum lot area and dimensional requirements of table 2, section 24-32, as shown in section 24-32. Corner lots shall be of sufficient size to permit required front yard setbacks on both streets. Where more than one dwelling is proposed for a lot on a paved road in the zoned areas, each dwelling shall be so located as to ensure that all applicable lot area and setbacks will be met for each structure as if it were established on a single lot and so arranged as to ensure required public access in the event the property is subsequently subdivided for sale or transfer. Accessibility standards shall be the same as those set forth above in subsection (a) of this section.

(5) *Road standards and required road improvements for large subdivisions; exemptions for small subdivisions.*


a. *Large subdivision defined.* A large residential subdivision shall be said to occur where the expressed purpose of subdividing land is to create a residential subdivision to accommodate multiple single-family dwellings.

b. *Large residential subdivision street/road improvement requirements.* For all large subdivisions involving the creation of a new street or road, such streets and roads shall be developed in accordance with the then-existing county standards applicable to new streets and roads, including any requirements concerning the paving of new streets and roads. However, where large subdivisions impact only existing unpaved county streets or roads, such impacted roads shall be improved to meet all then-applicable standards for the acceptance of unpaved streets and roads; provided that, the planning commission may require that the entirety of such streets and roads be improved to such standards. The acceptance of unpaved streets and roads shall be applicable only to streets and roads existing prior to the adoption of the standards of this chapter. New streets or roads connecting to or extending existing publicly maintained roads, irrespective of whether such existing publicly maintained roads are paved, shall be considered as being new streets and roads. The landowner/developer shall be responsible for all improvements required to bring such roads up to then-applicable county standards for the acceptance of county roads.

c. *Exemption of small residential subdivisions from street/road improvement requirements.* Residential subdivisions not covered under the definition of large residential subdivisions, as defined in subsection (c)(5)a. of this section, shall be considered small residential subdivisions and shall be exempt from the street/road improvement requirements contained in subsection (c)(5)b. of this section. However, each dwelling included in a small residential subdivision shall be accessed as provided for in subsection (a) of this section.


(6) Lot size on paved ~~and unpaved~~ roads in zoned and un-zoned areas. Where the placement of a dwelling unit is proposed on a paved ~~or unpaved~~ road, in either a zoned or un-zoned area, the availability of community water and sewer shall determine the minimum lot size according to the table below. Lots on paved roads in the zoned areas shall meet the density/lot size standards in this subsection, notwithstanding section 24-32, table 2. ~~This provision shall terminate one year after enactment.~~

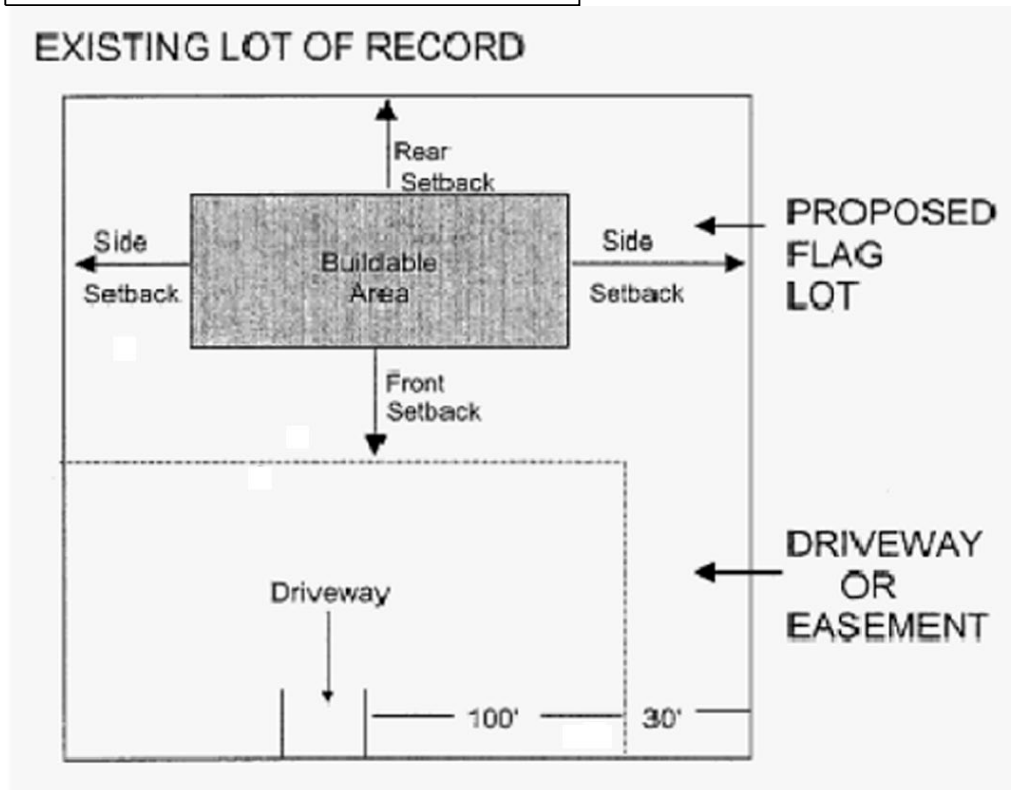
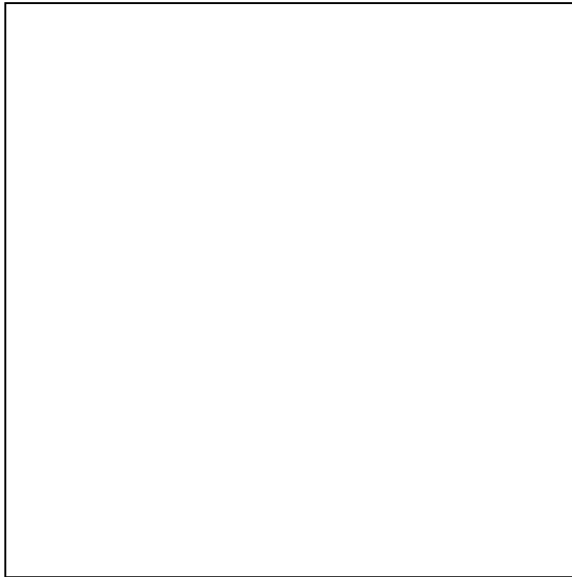
Community water and community sewer availability	Minimum lot size

 Lots with community water and community sewer	12,000 Square Feet
Lots with community water and without community sewer	One Acre
Lots without community water or community sewer	Two- and one-half Acres

(d) *Flag lots.* This section shall apply to subdivisions of property in both zoned and un-zoned areas, with specific references to zoned areas, such as setbacks established in table 2, section 24-32, etc., being applicable to zoned areas only; provided that, lots of 20 acres or more and lots not being subdivided shall be exempt from county flag lot regulations.

(1) *Creation from existing lot of record.* A flag lot may be created from an existing lot of record to allow full and complete development thereof, provided:

- a. The flag lot shall be occupied only for a single-family dwelling.
- b. The original lot must meet all zoning requirements specified for the respective zone in which it is located, both before and after subdivision.
- c.  The "flag" section of the flag-shaped lot shall meet or exceed the minimum lot area requirements specified for the respective zone. The area of the access driveway of the flag lot shall not be included in computing minimum lot area requirements but title to which must be conveyed by general warranty deed in the same manner as title to the "flag" portion of the lot is conveyed.
- d. The front setback shall be measured from the front of the proposed new residence on the flag lot to the new rear property line of the original lot, which was created by the subdivision and shall meet or exceed the distance specified for the respective zone.
- e. Rear and side setbacks of a flag lot shall be as prescribed by table 2, section 24-32.
- f. The driveway section shall be limited to use only by the original lot and the flag-shaped lot and shall be a minimum of 30 feet.



- (2) *Creation in new subdivision.* Flag lots may be created in new subdivisions where natural features or surrounding development patterns create access problems, provided:
- Access easements or the "flagpole" parts of flag lots shall be not less than 30 feet wide for their entire length, and shall front for at least 30 feet on a public street. In order to facilitate possible future development, for a parcel of 50 acres or more in size, the flagpole section of a flag lot or of an access easement shall not be less than 50 feet in width for its entire length and shall have a minimum road frontage of 50 feet.

- b. Flag lot access driveways shall be separated by the required minimum lot width for the zoning district in which the flag lot is to be created, measured from the front property line, but not less than 100 feet.
  - c. Use of flag lot driveways by adjoining lots on either side of the driveway is encouraged as a means of limiting curb cuts, but a flag lot driveway may not be used to access a second flag lot.
  - d. The area of an access driveway shall not be counted when computing the minimum area of a lot as required by section 24-32.
  - e. No more than 25 percent of the total number of lots in subdivision shall be flag lots.
  - f. A driveway shall provide access to no more than two parcels of land.
- (e) *Double frontage lots.*
- (1) Residential subdivisions involving new streets in the zoned areas of the county, where proposed for areas adjacent to primary state and U.S. highways, shall be denied direct access to and separated from such highways by double or reverse frontage lots. No restrictions on double frontage lots in the un-zoned area.
  - (2) Residential double frontage lots shall have a minimum rear yard of 50 feet, next to the arterial street, measured from the shortest distance of the proposed back building line to the street right-of-way and shall within such rear yard and immediately adjacent to the right-of-way, have a non-access planting screen easement of at least 20 feet in depth.
- (f) *Lots of record.* Nothing in this section shall be construed as preventing a lot of record, the boundaries of which were filed as legal record prior to the enactment of the foregoing lot standards of this section from being used for the establishment of a single dwelling, subject to site plan review for adequate accessibility.

(Code 1999, § 152.090; Ord. No. 99-00-380, § 6.11, 4-4-2000; Ord. No. 01-02-413, 11-5-2002; Ord. No. 12-13-660, § 32, 4-2-2013; Ord. No. 15-16-700, § 1, 2-2-2016)

#### Sec. 24-175. - Blocks.

Block size and shape shall reflect the physical characteristics of the site regarding topography, applicable zoning requirements, natural growth and soil conditions and shall permit access, circulation, control and safety of traffic.

- (1) Blocks should not be greater than 1,200 feet nor less than 300 feet in length unless the unusual characteristics of a particular site dictate otherwise.
- (2) In general, blocks used for residential purposes shall be of sufficient width to allow for two tiers of lots of appropriate depth, except where reverse frontage lots are required along a major street, or where prevented by size, topographical conditions, or other inherent conditions of property, in which case the approval of the planning commission is required.
- (3) Blocks in commercial and industrial areas may vary from the elements of design previously detailed if required by the nature of the use, subject to the approval of the planning commission.

(Code 1999, § 152.091; Ord. No. 99-00-380, § 6.12, 4-4-2000)

#### Sec. 24-176. - Reserved.

**Editor's note**— Ord. No. 10-11-636, § 3, adopted Apr. 5, 2011, repealed § 24-176 which pertained to areas subject to flooding and derived from the Code of 1999, § 152.092; Ord. No. 99-00-380, § 6.13, 4-4-2000.

Sec. 24-177. - Water supply.

- (a) *Approval required.* All developments and lots within subdivisions shall be provided with water supplies and systems conforming to the requirements, rules, and policies of the South Carolina Department of Health and Environmental Control (DHEC), and the Edgefield County Water and Sewer Authority.
- (b) *System to include fire hydrants.* Fire hydrants shall be installed by the developer in accordance with section 24-179.

(Code 1999, § 152.093; Ord. No. 99-00-380, § 6.14, 4-4-2000)

Sec. 24-178. - Sanitary sewerage facilities.

- (a) *DHEC approval required.* All developments and lots within subdivisions shall be provided with sanitary sewerage facilities conforming to requirements, rules, and policies of the South Carolina Department of Health and Environmental Control (DHEC), and the Edgefield County Water and Sewer Authority.
- (b) *System requirements.* The sanitary sewer system shall be adequate to handle the necessary flow based on complete development.

(Code 1999, § 152.094; Ord. No. 99-00-380, § 6.15, 4-4-2000; Ord. No. 12-13-660, § 33, 4-2-2013)

Sec. 24-179. - Fire hydrants.

~~Fire hydrants shall be installed and spaced throughout each subdivision to maintain a 500 foot radius between hydrants. The location and spacing of hydrants shall be approved by the fire chief of jurisdiction.~~

Fire hydrants shall be installed and spaced throughout each subdivision when community water is available and spaced at no greater than 500 foot radius between hydrants. The location and spacing of hydrants shall be approved by the fire chief having jurisdiction and the water authority having jurisdiction.

(Code 1999, § 152.095; Ord. No. 99-00-380, § 6.16, 4-4-2000)

Sec. 24-180. - Maintenance.

The developer shall make such adequate provisions as shall be required by the planning commission for the perpetual maintenance of all sewer and water facilities until such obligations have been assumed by another entity.

(Code 1999, § 152.096; Ord. No. 99-00-380, § 6.17, 4-4-2000; Ord. No. 12-13-660, § 34, 4-2-2013)

Sec. 24-181. - Surveys and plats.

All land developments within the jurisdiction of this chapter shall be surveyed, platted, and marked in accordance with the Edgefield County GIS Mapping Department and with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by S.C. Code 1976, tit. 40, ch. 21. This manual is hereby adopted by reference and is as much a part of this chapter as if contained herein.

(Code 1999, § 152.097; Ord. No. 99-00-380, § 6.18, 4-4-2000; Ord. No. 12-13-660, § 35, 4-2-2013)

Secs. 24-182—24-184. - Reserved.

## DIVISION 2. - ACCESS MANAGEMENT<sup>[3]</sup>

Footnotes:

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**Editor's note**— Ord. No. 12-13-656, adopted Oct. 2, 2012, did not specifically amend the Code; hence, inclusion herein as Div. 2, §§ 24-185—24-196, was at the editor's discretion.

Sec. 24-185. - Purpose.

The purpose of this division is to establish standards and criteria for the number, location, design, construction, and maintenance of driveways, acceleration/deceleration lanes, and inter-parcel connections in Edgefield County.

(Ord. No. 12-13-656, § 1, 10-2-2012)

Sec. 24-186. - Applicability.

- (a) This division applies to all new development in Edgefield County.
- (b) This division also applies to existing development for which the cost of renovation or expansion in any one-year period exceeds 50 percent of the appraised value of the development as set by the Edgefield County Tax Assessor or by the building official for developments that are tax exempt. For development composed of individual lots, the determination of whether the 50 percent level has been exceeded shall be based on the appraised value of the individual lot or lots on which the proposed improvement or improvements will be located and not on the appraised value of the entire development.

(Ord. No. 12-13-656, § 1, 10-2-2012)

Sec. 24-187. - Permit required.

- (a) In general, no curb cut, driveway, new street, acceleration/deceleration lane, or similar project serving an existing or proposed development shall be constructed, reconstructed or altered unless approved by the zoning administrator or planning commission.
- (b) An application for an encroachment permit shall be submitted to the planning department as part of a site plan application. Where approval of proposed work is required by South Carolina Department of Transportation (hereinafter, "SCDOT"), submission to the county of a copy of the permit application to

SCDOT shall be sufficient, except that the administrator may request additional information. Where there is a conflict between the requirements of the county and SCDOT, the more restrictive shall apply.

(Ord. No. 12-13-656, § 1, 10-2-2012)

Sec. 24-188. - Compliance with standards of the SCDOT.

Except where there would be a conflict with any provision of this division, any driveway, street acceleration/deceleration lane, or similar project shall be designed to conform to SCDOT standards.

(Ord. No. 12-13-656, § 1, 10-2-2012)

Sec. 24-189. - Limit on the number of driveway access points.

- (a) In general, a project or development shall be limited to the minimum number of access points required for the safe and efficient flow of traffic to, from, and within the site. Any lot created after the effective date of the article may not be entitled to its own access if it would not meet the requirements.
- (b) Multiple lots, or projects having multiple lots or land uses but functioning as a planned unit development, shall be considered to occupy one lot for determining the number of access points.
- (c) Outparcels associated with a larger development shall be considered as part of that development and have access only internally from that development.
- (d) In general, one access point will be allowed per lot per street frontage. However, additional access points may be allowed according to the following table with the approval of the building official and zoning administrator. Other provisions of this division may further limit the number of driveways shown on the following table:

Frontage Feet	ADT* < 2000	ADT 2,000—10,000	ADT > 10,000
< 100**	1	0	0
100—200	1	1	1
201—500	2	2	1
501—1,000	3	3	2
> 1,000	4	4	3
Add one more access for each additional 500 feet of frontage.			

\* ADT = average daily traffic.



**\*\* On frontage of less than 100 feet, no access will be allowed without special approval by both the building official and zoning administrator unless no other access is possible and the lot was existing at the time of adoption of these regulations.**

- (e) Lots with double frontage occupied by a detached single-family dwelling shall be allowed only from the street with the lower ADT. The driveway can be approved on the road with the higher ADT with approval from the Edgefield County Planning Commission.
- (f) Existing lots with widths less than the minimum spacing may not have access to that street if access is available on another street.

(Ord. No. 12-13-656, § 1, 10-2-2012)

**Sec. 24-190. - Access and roadside management standards.**

Access and Roadside Management Standards of SCDOT will cover standards for driveways and any issues not addressed by the following:

- (1) Location:
  - a. Driveways shall be located where there are no sharp horizontal curves or steep vertical grades and where the provisions of the SCDOT Access and Roadside Management Standards regarding points of access are met.
  - b. Driveways shall not be located on auxiliary (acceleration/deceleration lanes) or their tapers.
- (2) Spacing of all access points shall be at least 50 feet from the side property line measured from the center of the driveway unless approved by the planning commission except for a joint driveway serving two lots.
- (3) The width of a residential driveway shall be a maximum of 15 feet measured at the right-of-way line. A driveway may consist of either a single two-way access or a pair of one-way accesses divided by a landscaped median or circular driveway. A wider driveway up to 24 feet could be allowed upon approval of Edgefield County Planning Commission.

(Ord. No. 12-13-656, § 1, 10-2-2012)

**Sec. 24-191. - Changes to existing driveways.**

- (a) Upon notice, Edgefield County Council may review traffic safety and reserve the right to consolidate or revise any driveways or access points which exhibit an inordinate traffic safety problem as determined by the zoning administrator because it has caused or has the potential of causing crashes. County council shall hold a public hearing on the proposed action; notice of the time and place shall be given to the owner of the subject property by a letter sent no fewer than 30 days prior to the scheduled date of the hearing. Should the county decide to close, consolidate, or revise a driveway; the county may request the county transportation committee to provide "C" funds to pay for the improvement.
- (b) Assembly of existing lots and redevelopment may be required by the zoning administrator to consolidate access points in conjunction with a subdivision, combination of existing lots, and/or redevelopment of property in order to bring the overall site into compliance with the provisions of this division.

(Ord. No. 12-13-656, § 1, 10-2-2012)

**Sec. 24-192. - Interconnections between lots.**

- (a) A perpetual cross-access easement shall be provided by the property owner to adjoining properties that front on the same street and are or may be developed as nonresidential land uses on a major or minor arterial. Cross-access easements shall be situated parallel to the street right-of-way line abutting both parcels and shall be developed and designed to ensure future connection to the neighboring properties. No permanent structures or parking that would interfere with the proposed access shall be permitted in the cross-access easement. Some improvements such as medians and landscaped islands may be constructed within an easement if it has been demonstrated that adequate, circulation and cross access will not be affected and that all applicable county standards have been met.
- (b) The driveway connection must be constructed prior to issuance of a certificate of occupancy to the property line or a performance guarantee shall be provided to pay for the cost of construction in an amount determined by the zoning administrator. If the driveway is not constructed within two years of site plan approval, the county may use the performance guarantee to construct the driveway or may use the proceeds to construct another connecting driveway elsewhere within the county.

(Ord. No. 12-13-656, § 1, 10-2-2012)

Sec. 24-193. - Frontage or service road.

To promote the safe and efficient movement of traffic a frontage or service road shall be required for all developments having more than 1,000 feet of frontage on a major or minor (5,000 ADT or more) arterial, unless waived by the planning commission and county council. This road will have a minimum width of 24 feet or more and separated from the main road by a landscaped median of sufficient width to protect traffic movements.

(Ord. No. 12-13-656, § 1, 10-2-2012)

Sec. 24-194. - Exemptions.

The provisions of this division shall not apply to an existing lot-of-record approved before the effective date of this division if the application would deprive the owner of all direct access to an abutting street.

(Ord. No. 12-13-656, § 1, 10-2-2012)

Sec. 24-195. - Revocation.

Any permit granted pursuant to this article may be revoked and the driveway closed by county council after a public hearing if the sheriff or county administrator determines that the provisions of this article are being violated or that the driveway constitutes a hazard because it has caused or has the potential for causing traffic crashes. The owner of the subject property shall be notified of the time and place of the hearing by a letter sent no fewer than 30 days prior to the scheduled date of the hearing.

(Ord. No. 12-13-656, § 1, 10-2-2012)

Sec. 24-196. - Subdivisions.

An application for approval of a subdivision plat, which would create a lot unable to meet the requirements of this article, shall be denied. Approval of a subdivision plat for a shopping center or similar planned development which would create out-parcels fronting on a road shall be conditioned on access to such out-parcels being only from within the shopping center. A subdivision recorded without county approval shall be subject to these regulations.

(Ord. No. 12-13-656, § 1, 10-2-2012)

Secs. 24-197—24-200. - Reserved.

#### ARTICLE VII. - GENERAL AND ANCILLARY REGULATIONS

Sec. 24-201. - Purpose.

The regulations set forth in this article are intended to clarify, supplement, or modify the regulations set forth elsewhere in this chapter for the zoned areas of the county.

(Code 1999, § 152.105; Ord. No. 99-00-380, Art. 7 (Intro.), 4-4-2000)

Sec. 24-202. - Application of regulations.

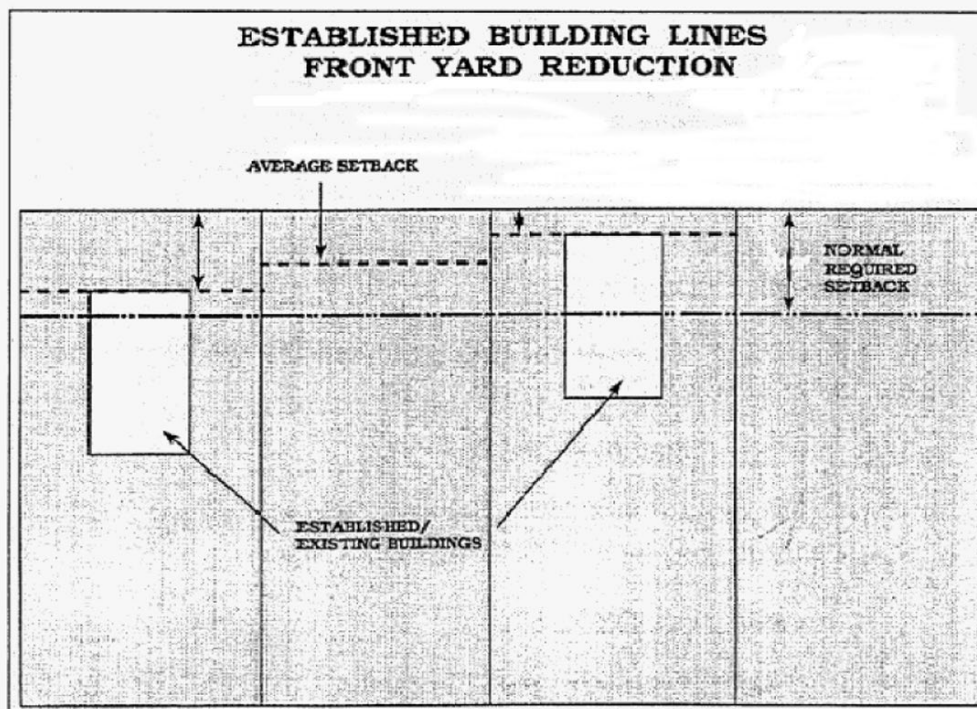
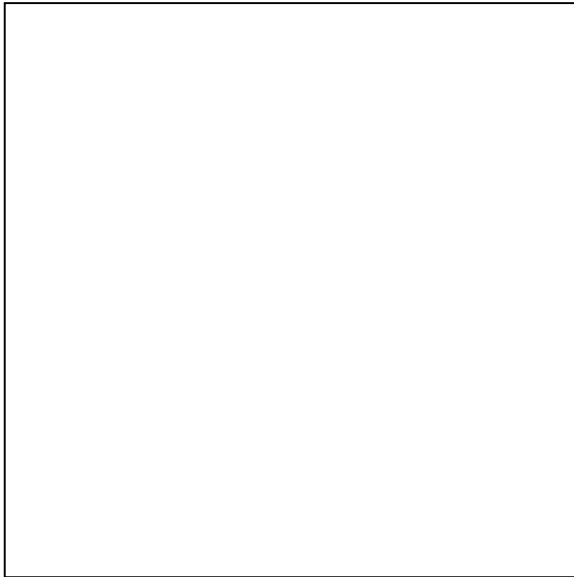
- (a) The various zoning district regulations established herein are declared to be the minimum requirements necessary to carry out the purpose of this article. These regulations apply to each class or kind of structure or land, and are the minimum standards for all site clearing, development, buildings, structures, or alterations to land or structures within the jurisdiction of this article.
- (b) No part of a yard, open space, or off-street parking required in connection with any building for the purpose of complying with the regulations of this article shall be included as part or all of the required yard, open space, or off-street parking for another building or structure, except as hereinafter provided.

(Code 1999, § 152.106; Ord. No. 99-00-380, § 7.1, 4-4-2000)

Sec. 24-203. - Exceptions and modifications.

Where required by this article, building setback and height restrictions may be modified as follows:

- (1) *Setbacks, corner lots.* The setback from the street upon which the principal building will face shall be the minimum required front yard. The setback from the street upon which the side of the building will face shall be the minimum required front yard setback for the street upon which it is contiguous.
- (2) *Setbacks, through or double frontage lots.* Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage.
- (3) *Setbacks, partially developed areas.* Where the majority of lots in a block fronting on the same side of a street between two intersecting streets are lawfully occupied with buildings having greater or lesser front yard depth than required by these regulations, no building hereafter erected or altered shall vary in the front yard setback by more than five feet from the average depth of the existing front yard setbacks without written approval of contiguous property owners. However, in no case shall setbacks be less than 15 feet.



- (4) *Setbacks, multiple buildings on lot.* Whenever more than one main building is to be located on a lot, the required yards shall be maintained around the group of buildings and buildings shall be separated by a horizontal distance that is at least equal to the height of the highest adjacent building.
- (5) *Setback, accessory uses.* Unless specifically modified below, all accessory uses and structures shall observe the required setbacks applicable to the principal building or use in the zoned areas of the county, as set forth in table 2, section 24-32.

Table 4: Setback Modifications, Accessory Uses

Accessory Uses	Required Setback Area			
	Front	Side	Corner Lot	Rear
<i>To Residential Uses</i>				
Bathhouses, cabanas, decks	BL	BL	BL	10'
Domestic animal shelters	BL	BL	BL	3'
Noncommercial greenhouses	BL	BL	BL	3'
Private garage and carport	BL	BL	BL	3'
Fences and walls	[B]	[B]	[B]	[B]
Swimming pool, tennis courts, and the like	BL	BL	BL	BL
Auxiliary shed, workshop, storage building	BL	BL	BL	3'
Off-street parking	10'	0'	10'	0'
Horticulture, gardening	0'	0'	0'	0'
Family day care home	BL	BL	BL	BL
Satellite dishes, and the like	BL	BL	BL	3'
<i>To Nonresidential Uses</i>				
Building, structures	BL	[A]	[A]	[A]
Open storage	BL	BL	BL	[A]
Off-street parking area	0'	[A]	[A]	[A]
Off-street loading area	0'	[A]	[A]	[A]
Freestanding signs	5'	5'	5'	5'

[A] Minimum setbacks:

From residential property line:

Side yard: 10 feet

Rear yard: 10 feet

From residential property line in RD Zone:

Side yard: 15 feet

Rear yard: 15 feet

From all other property lines: 0 feet

Note: Minimum setback shall not be less than those required by table 3, if bufferyard is required.

[B] Fences and walls may be located in all required yards along any property line provided the structure shall meet the visibility requirements of section 24-205.

BL = Required building line for principal use.

(6) *Height.*

- a. The height limitations of this article shall not apply to the following (except in the AC, Airport Compatibility District): belfries, flag poles, chimneys, ornamental towers and spires, church spires, public monuments, conveyors, public utility poles, cooling towers, silos, cupolas, skylights, domes, smoke stacks, elevator bulkheads, stage towers or scenery lofts, fire towers.
- b. Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.
- c. The height of communication towers and antennas, and water tanks also shall be exempt from the height requirements of this article; provided such structures meet any height requirements in section 24-75.

(7) *Projections.*

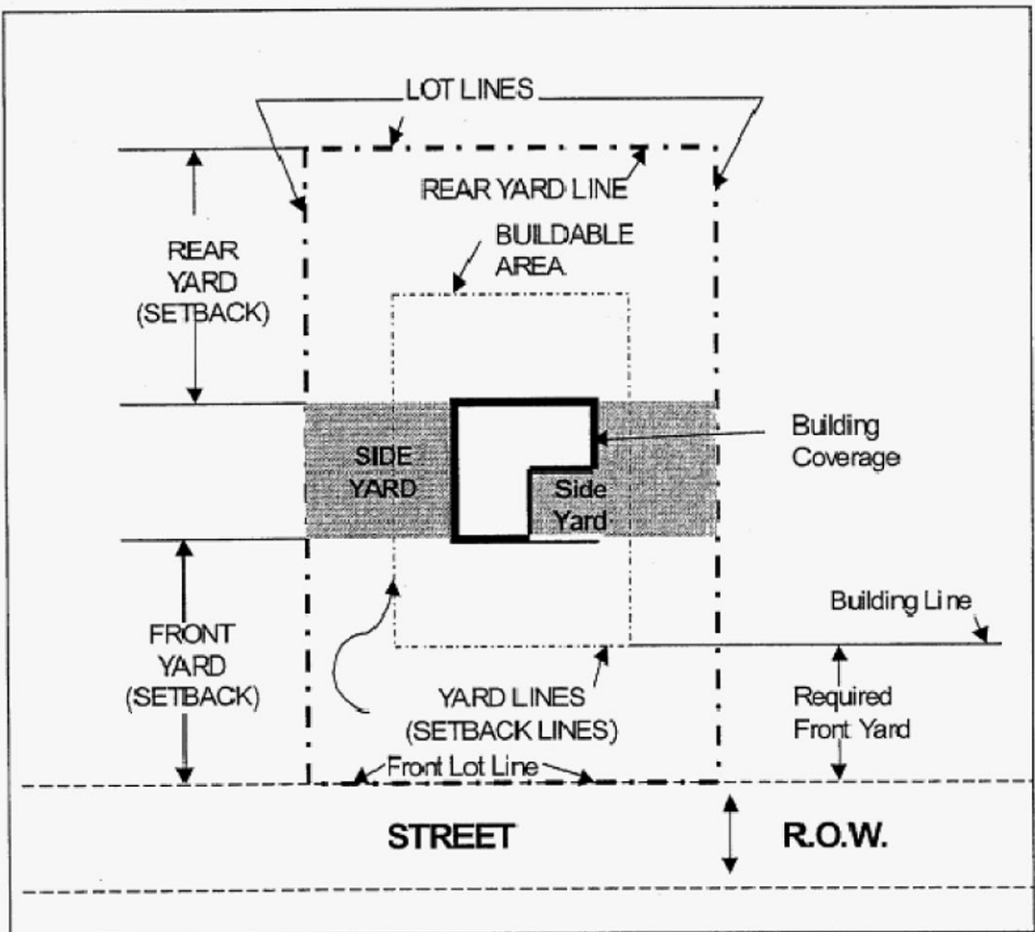
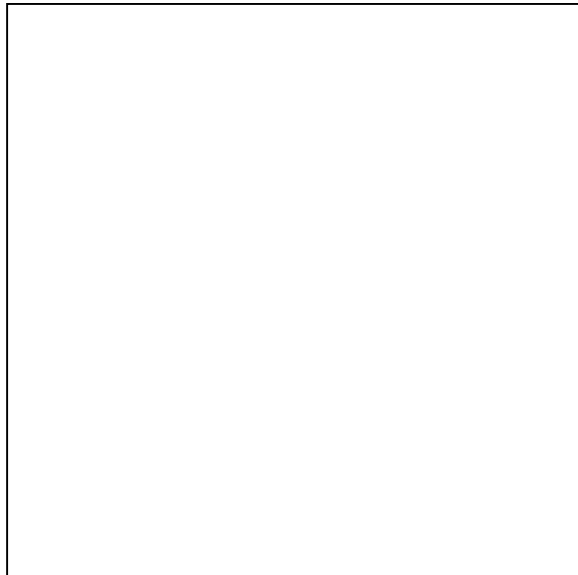
- a. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.
- b. Steps and heating and cooling units may project into a required yard a distance not to exceed five feet but no closer than three feet of a property line.

(Code 1999, § 152.107; Ord. No. 99-00-380, § 7.2, 4-4-2000; Ord. No. 12-13-660, § 36, 4-2-2013)

Sec. 24-204. - Measurements.

- (a) *Yards, setbacks, buildable area.* The required front, side, and rear yards for individual lots, as set forth by table 2, section 24-32 shall be measured inward toward the center of the lot from all points along

the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the "buildable" area within which the approved structures shall be placed.



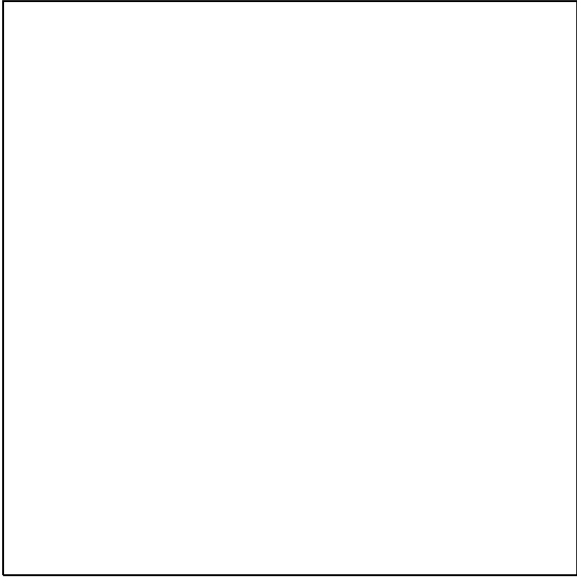
- (b) *Height.* The height of a building or structure shall be measured from the average grade elevation within 20 feet of the structure or from the base of a tree when computing height in the airport compatibility zone, to the highest point of the building, structure, or tree.

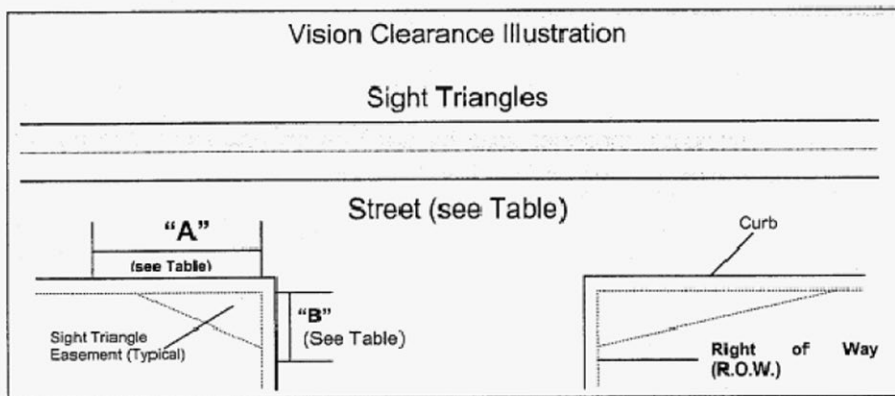
(Code 1999, § 152.108; Ord. No. 99-00-380, § 7.3, 4-4-2000)

Sec. 24-205. - Visibility at intersections.

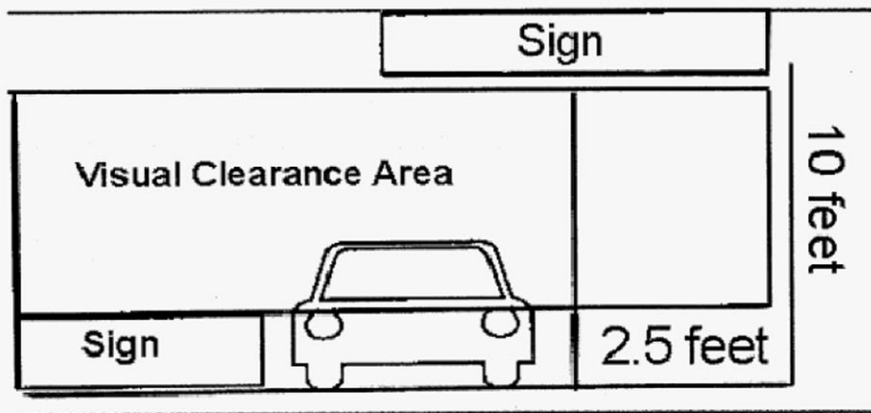
On any corner lot and driveway entrance, no planting shall be placed or maintained and no fence, building, wall, or other structure shall be constructed at any point between a height of two and one-half feet and ten feet above the upper face of the nearest curb (or street centerline if no curb exists) and within the triangular area bounded on two sides by the street right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines as required by the site triangular and vertical vision clearance illustration. However, poles and support structures less than 12 inches in diameter may be permitted in such areas.







Requirements By Street Type (Measured Along R.O.W. Line)			
"A" (Distance in Feet)		"B" (Distance in Feet)	
		Minor	Major
15	Driveway	10	10
30	Minor Street	20	30
45	Major Street	20	30



(Code 1999, § 152.110; Ord. No. 99-00-380, § 7.6, 4-4-2000)

Sec. 24-206. - Accessory buildings and uses.

- (a) No manufactured home shall be used as an accessory building in all areas of the county.
- (b) If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, the buildings shall not exceed 12 feet in height.
- (c) No accessory use shall occupy any part of a bufferyard.

(Code 1999, § 152.111; Ord. No. 99-00-380, § 7.6, 4-4-2000; Ord. No. 12-13-660, § 37, 4-2-2013)

Sec. 24-207. - Nonconformities.

(a) *Continuation.*

- (1) Nonconforming uses, buildings, or structures are declared by this article to be incompatible with permitted construction in the districts in which they are located.
- (2) However, to avoid undue hardship, the lawful use of any such use, building, or structure at the time of the enactment, amendment, or revision of this article may be continued (grandfathered) even though such use, building, or structure does not conform with the provisions of this article.

(b) *Modification.* A proposed change or modification to a nonconforming use shall be governed by the following:

(1) *Change of nonconforming use.*

- a. If a change from one nonconforming use to another is proposed and no structural alterations are involved, the change may be permitted, provided:
  1. Nonconformity of dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking shall not be increased; and
  2. The proposed change will have little discernible impact over the existing nonconforming use.
- b. If a change to a permitted use is proposed which is nonconforming only as to dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking, the change may be permitted, provided that all applicable requirements that can be reasonably complied with are met.

For example:

Compliance with a requirement is not reasonably possible if it cannot be achieved without adding land to the lot of the nonconforming use or moving the use if it is on a permanent foundation.

Whenever a nonconforming use of land or building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed back to a less restricted or nonconforming use.

- (2) *Enlargement or expansion of nonconforming use.* Enlargement or expansion of a nonconforming building, use, or structure shall be permitted; provided such enlargement shall meet all applicable setbacks, buffer area, and off-street parking requirements.
- (3) *Repair or alteration of nonconforming use, building, or structure.* The repair or alteration of a nonconforming use shall in no way increase the nonconformity of the use, except as otherwise permitted by subsection (b)(2) of this section.
- (4) *Replacement of nonconforming use.* A building permit for the replacement of a nonconforming building or structure shall be initiated within six months of removal or forfeit nonconforming status; existing setbacks shall be considered grandfathered.
- (5) *Hardship replacement.* In the event any home is destroyed by fire or natural disaster, and is rendered uninhabitable, the occupant/owner may replace such destroyed dwelling with any type dwelling, irrespective of prevailing district requirements; provided such dwelling shall meet:
  - a. All applicable setback requirements (table 2, section 24-32); and
  - b. If the replacement dwelling is a manufactured home, the requirements of section 24-69.

- (6) *Discontinuance.* No building or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of six months, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located.
- (c) *Lot of record.* Where the owner of a lot at the time of the adoption of this article does not own sufficient land to enable him to conform to the setback requirements of this article, such lot may nonetheless be used as a building site provided applicable setback requirements are not reduced by more than 25 percent. Setback reductions greater than 25 percent shall be referred to the board of zoning appeals for consideration.

(Code 1999, § 152.112; Ord. No. 99-00-380, § 7.7, 4-4-2000; Ord. No. 12-13-660, § 38, 4-2-2013)

**State Law reference—** Nonconformities, S.C. Code 1976, § 6-29-730.

**Sec. 24-208. - Ten acre rule.**

Land parcels and tracts ten acres or larger in the RD Zone may include the following uses, irrespective of the use requirements of table 1, section 24-31 and regulations otherwise applicable to such uses:

- (1) Home occupations, without limitation to the number of employees, number of buildings or structures, amount and/or size of equipment and parking, and number of trucks in support of such home occupation; provided, however, that vehicles, equipment and goods produced off site shall not be displayed for sale, lease or transfer; and
- (2) Residentially designed manufactured homes; provided, no such use shall be located within 100 feet of the nearest property line, and the number of manufactured homes shall not exceed one per five acres, not subject to manufactured home park regulations.

(Code 1999, § 152.113; Ord. No. 99-00-380, § 7.8, 4-4-2000)

Secs. 24-209—24-239. - Reserved.

**ARTICLE VIII. - ADMINISTRATION, APPLICATION AND REQUIRED PERMITS**

**Sec. 24-240. - Intent.**

This article sets forth the procedures required for obtaining certificates of zoning compliance, building permits, grading permits, sign permits, and certificates of occupancy. It also establishes procedures for processing land development applications, and defines the duties, powers, and limitations of officials, departments, commissions, boards, and others responsible for or involved in the administration and enforcement of this article.

(Code 1999, § 152.120; Ord. No. 99-00-380, § 8.1, 4-4-2000)

**Sec. 24-241. - Responsibility.**

- (a) Planning administrator or building official as appropriate is hereby designated and duly charged with the authority to administer and enforce the provisions of this article.
- (b) Planning administrator or building official as appropriate shall accept and examine all applications for construction, land use or reuse, and shall issue permits where such applications are in accordance

with the provisions of this article and applicable building codes. They shall direct parties in conflict with this article, and cause to be kept records and files of any and all matters referred to them.

- (c) If the planning administrator or building official shall find that any one of the provisions of this article is being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. They shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this article to ensure compliance with or to prevent violation of its provisions.
- (d) It shall be the responsibility of an applicant to provide the required information to process a permit application, secure or renew a license, and present facts about circumstances which would justify a proposed change or modification to the terms and/or application of this article.

(Code 1999, § 152.121; Ord. No. 99-00-380, § 8.2, 4-4-2000; Ord. No. 12-13-660, § 39, 4-2-2013)

#### Sec. 24-242. - Types of applications.

Types of applications for processing matters subject to requirements of this article include:

- (1) *Applications to develop or alter the use of land.* This includes all land use and development activity covered by this chapter. Applications to develop or alter the use of land are classified for administrative purpose into four categories.
  - a. "Minor subdivision" is one which does not involve (a) the creation of more than ten lots; or (b) the creation of any new street or road.
  - b. "Major subdivision" is any subdivision other than a minor subdivision.
  - c. "Minor land development" is any commercial, industrial, institutional, or other nonresidential land development or land altering activity requiring a permit from the county other than a subdivision or major land development.
  - d. "Major land development" includes business and industrial parks, shopping centers, multiple occupancy buildings, and other developments defined by this chapter.
- (2) *Applications for change or relief.* This includes applications for changes to and/or relief from any part or provision of this chapter, of which there are three types of applications:
  - a. "Amendment" is a change to the text or map of this chapter.
  - b. "Variance" is an adjustment or modification of any regulation alleged to impose an unnecessary hardship on the use or development of land.
  - c. "Appeal" is a petition by an applicant to reverse or modify a decision of an administrative officer, board, commission or council.

(Code 1999, § 152.122; Ord. No. 99-00-380, § 8.3, 4-4-2000)

#### Sec. 24-243. - Eligible applicants.

- (a) Parties and individuals required and/or eligible to initiate an application to alter, develop, subdivide or utilize land for purposes and activities regulated by this chapter, or to seek relief from or change requirements of this chapter are identified on table 5.
- (b) Parties not listed may petition the planning commission and/or council to initiate a change, but the petitioned party is not bound to act on behalf of the petitioner.

Table 5: Applicant Requirements/Eligibility					
Eligible Applicants	Applicants Develop or Alter Use of Land	Applicants for Change and/or Relief from Ordinance Requirements			
		Amendment			
		Text	Map	Variance	Appeal
Property owners	Yes	No	Yes	Yes	Yes
Agent of property owner	Yes	No	Yes	Yes	Yes
Option holder	Yes	No	Yes	No	No
Aggrieved person or party	No	No	No	No	Yes
Officials administering this chapter	No	Yes	Yes	No	No
Any member of the planning commission	Yes	Yes	Yes	No	Yes
Any member of the county council	Yes	Yes	Yes	Yes	Yes

(Code 1999, § 152.123; Ord. No. 99-00-380, § 8.4, 4-4-2000; Ord. No. 12-13-660, § 40, 4-2-2013; Ord. No. 16-17-722, § 1(Att. A), 8-3-2017)

Sec. 24-244. - Application procedures for change or relief.

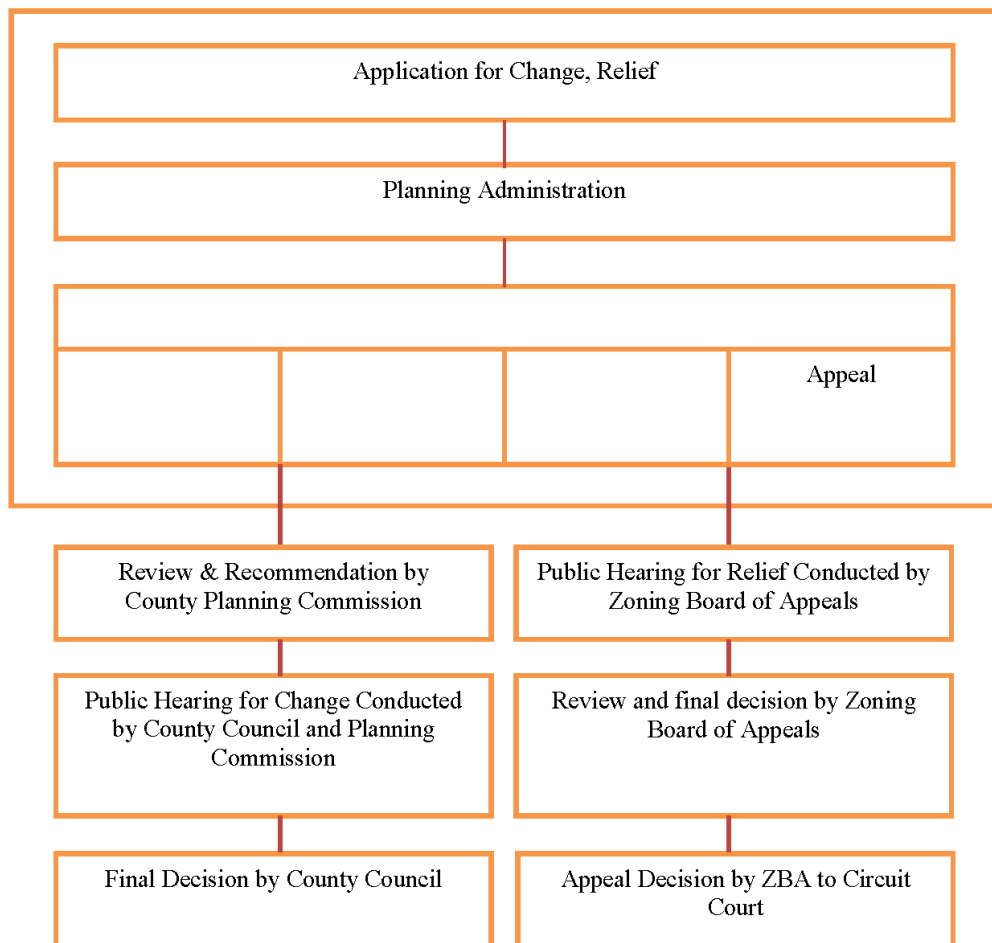
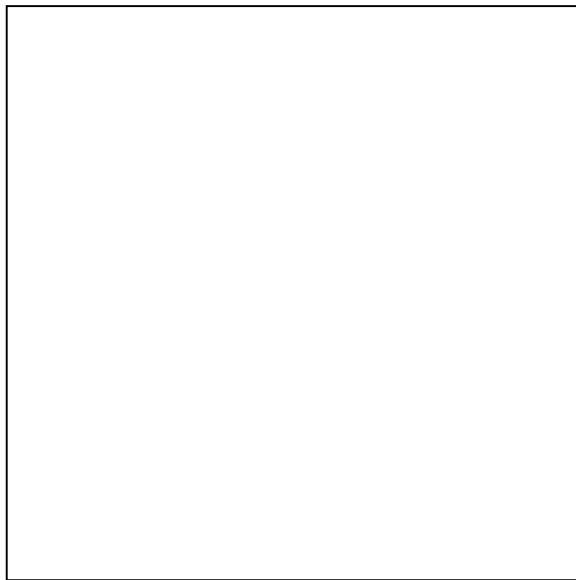
- (a) *Step 1. Administrative examination.* Upon receipt of an application, the planning administrator or building official shall examine it for completeness, and shall, within ten days, either return the application for additional information or forward it to the responsible governmental authority for review and action. The application must be deemed complete at least 30 days prior to the date for a public hearing in order for it to be placed on the agenda.
- (b) *Step 2. Public notice.*
  - (1) *All applications.* Public notice shall include announcing the application for change or relief in a newspaper of general circulation in the county at least 15 days prior to the time the application is scheduled for a public hearing. The notice shall state the nature of the change and the time, date, and place of the hearing.
  - (2) *Application for zoning map change.* In addition to the above, notice of an application for a map change (amendment) shall include posting the affected property. Such notice shall be posted at

least 15 days prior to the hearing and shall indicate the nature of the change proposed, identification of the property affected, and time, date, and place of the hearing.

- (3) *Application for a variance.* In addition to public notice in a newspaper of general circulation, notice of an application for a variance shall be given to all parties of interest.

(c) *Step 3. Public hearing.*

- (1) The county council and the county planning commission shall conduct a public hearing on all applications for change involving the text of the zoning ordinance and the zoning map.
- (2) The zoning board of appeals (ZBA) shall conduct a public hearing on all applications for relief involving variances (other than land development variances) and appeals.



(d) *Step 4. Review and action.*

(1) *By the planning commission.*

- a. The planning commission shall act on a completed application within 30 days after receipt thereof: (1) to defer not more than 30 days; or (2) to recommend either denial or approval.



The decision shall be determined by a majority of those voting. Failure to act within such time frame shall constitute a recommendation of approval.

b. The commission shall evaluate the proposed amendment relative to the following:

1. How it relates to and affects the comprehensive plan.
2. Changes in conditions since the adoption of the plan or ordinance.
3. The need to correct an error or deficiency in the ordinance or the plan.
4. Any benefits which would be derived from the amendment.
5. The relationship of the proposed amendment to surrounding land uses.

The commission shall forward its recommendation to the county council for final action.

c. The planning commission may grant specified variances where the power to grant such variances is explicitly stated within this chapter. In these cases, the administrative procedures for such variances shall be the same as those observed by the zoning board of appeals, with appeals from decisions of the planning commission being referred to circuit court.

(2) *By the county council.* The county council shall consider the recommendation of the planning commission and vote to approve, deny, or modify a proposed amendment, or refer it back to the planning commission for further study, or take other action as it may deem necessary.

(3) *By the zoning board of appeals.*

a. Applications for a variance shall be evaluated by the zoning board of appeals on the basis of the following conditions:

1. That a variance from the terms of this chapter will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in an unnecessary hardship;
2. That the spirit of the chapter will be observed, public safety and welfare secured, and substantial justice done;
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property;
4. That these conditions do not generally apply to other property in the vicinity;
5. That because of these conditions, the application of the chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
6. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good and the character of the district will not be harmed by the granting of the variance.

b. The board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

c. Where an application for a variance is within a flood hazard area, the board, in addition to the above, shall consider the following in its deliberations:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage;
  4. The importance of the services provided by the proposed facility to the community;
  5. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
  6. The availability of alternative locations, not subject to flooding or erosion damage;
  7. The safety of access to the property in times of flood;
  8. The expected heights, velocity, duration, rate of rise, and sediment transport of floodwaters; and
  9. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities.
- d. Applications appealing decisions of the zoning administrator shall be heard and decided by the zoning board of appeals based on information presented by the applicant and the zoning administrator relative to the specific ordinance provision being appealed.
- (e) *Step 5. Notification.*
- (1) All applicants for change or relief from the provisions of this chapter shall be notified in writing of final action.
  - (2) An approved amendment by the county council shall become effective immediately after such adoption and any such amendment to the zoning map shall be made by the planning administrator within seven days thereafter.
  - (3) An approved variance or appeal shall be accompanied by an order of the zoning board of appeals to direct the issuance of a permit.
- (f) *Step 6. Appeals.* Any person who may have a substantial interest in any decision of the board of zoning appeals may appeal such decision to the circuit court in and for the county by filing with the clerk of such court a petition in writing setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the board is rendered.

(Code 1999, § 152.124; Ord. No. 99-00-380, § 8.5, 4-4-2000; Ord. No. 01-02-413, 11-5-2002; Ord. No. 12-13-654, § 2, 10-2-2012; Ord. No. 12-13-660, § 41, 4-2-2013)

#### Sec. 24-245. - Consideration of denied applications.

Neither the planning commission, the county council, nor the zoning board of appeals shall reconsider an application for change or relief to the same lot, parcel or portion thereof, within a period of one year from the date of final determination and notification.

(Code 1999, § 152.125; Ord. No. 99-00-380, § 8.5-1, 4-4-2000; Ord. No. 12-13-654, § 2, 10-2-2012)

#### Sec. 24-246. - Application procedures for processing subdivision and land development projects.

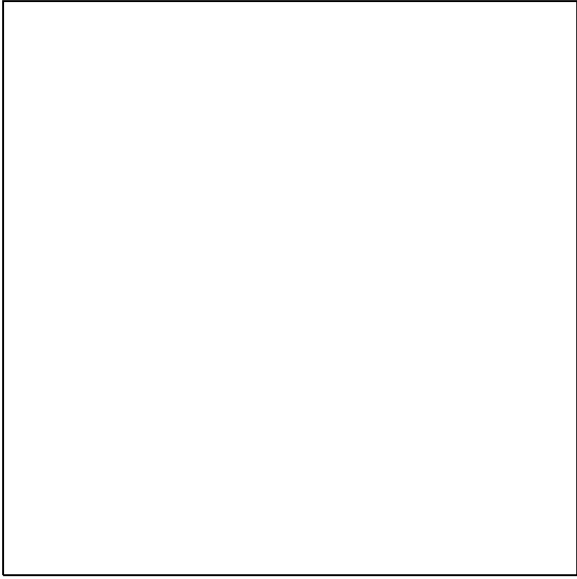
The application process consists of three phases:

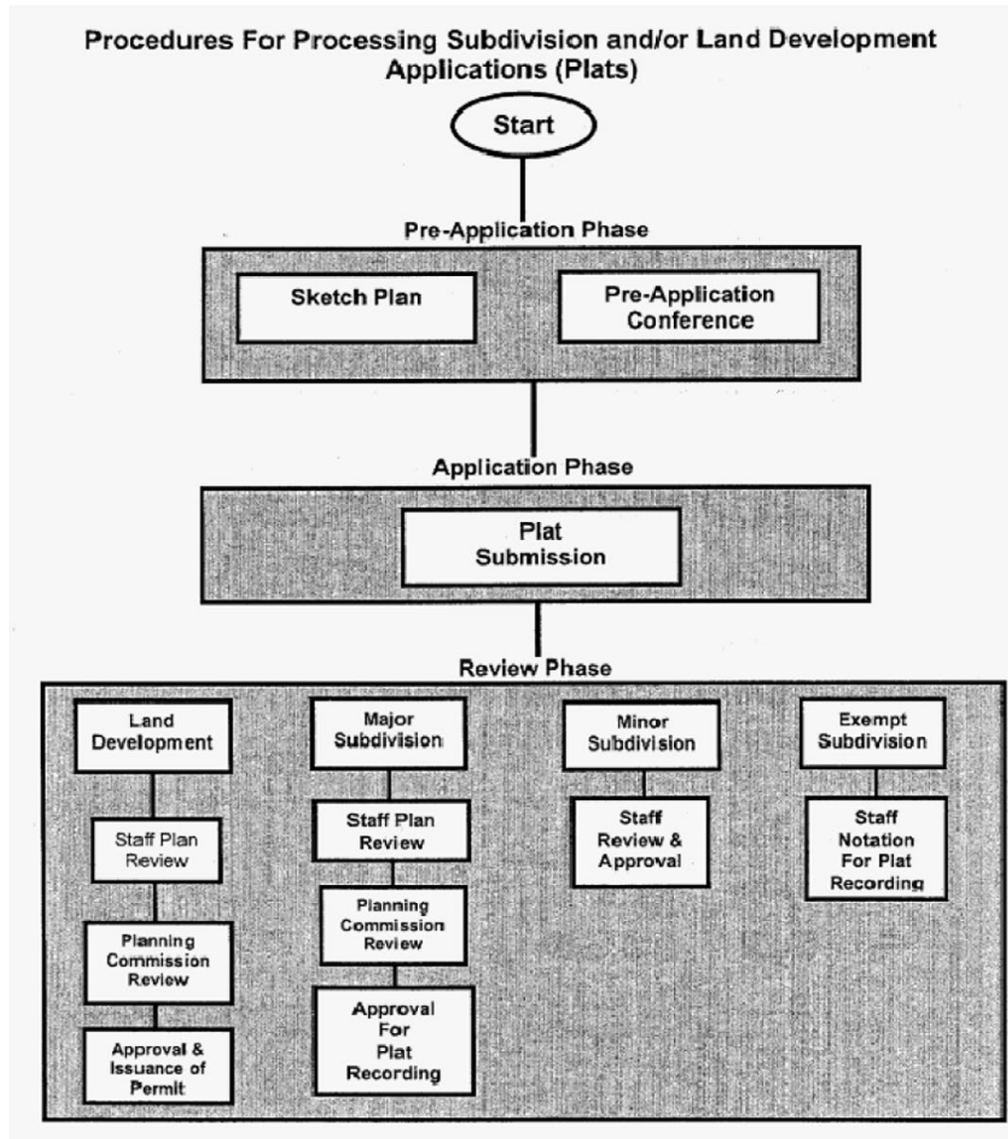
- (1) Preapplication;
- (2) Application; and
- (3) Review.

(Code 1999, § 152.126; Ord. No. 99-00-380, § 8.6, 4-4-2000)

Sec. 24-247. - Preapplication (optional).

- (a) For the purpose of securing advice in the formative stages of development design, expediting applications, and reducing development costs, the applicant is encouraged to request a pre-application conference and/or sketch plan review in accordance with the following requirements.
- (b) Pre-application conference. At the request of the applicant, the planning administrator shall arrange a pre-application conference to discuss requirements of this chapter, land development practices, proposed plans of the applicant, applicable provisions of the comprehensive plan, and related matters.
- (c) The administrator may invite to the conference or consult with other department heads and affected agencies.





- (d) In addition or as an alternative to the pre-application conference, the applicant may request an informal review of a sketch plan for the proposed subdivision. All data, correspondence, and other information, relating to the sketch plan shall be kept confidential.

(Code 1999, § 152.127; Ord. No. 99-00-380, § 8.6-1, 4-4-2000; Ord. No. 12-13-660, § 42, 4-2-2013)

Sec. 24-248. - Application.

- (a) Applications will be assigned to one of the following five categories, as determined by the administrator, and processed accordingly:
- (1) An exempt subdivision;
  - (2) A minor subdivision;
  - (3) A major subdivision; or

- (4) A land development.
- (b) The designated responsibility for reviewing and approving each of the above is as follows:
  - (1) Exempt subdivisions: planning administrator.
  - (2) Minor subdivisions: planning administrator.
  - (3) Major subdivisions: planning commission.
  - (4) Land development: planning commission.

(Code 1999, § 152.128; Ord. No. 99-00-380, § 8.6-2, 4-4-2000; Ord. No. 12-13-660, § 43, 4-2-2013)

Sec. 24-249. - Exempt subdivisions.

- (a) Applicants of subdivisions exempt from the requirements of this chapter shall nonetheless submit to the planning administrator three copies of the exempt plat, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina. The planning administrator shall indicate such exempt status on each copy of the plat for recording: "This plat is exempt from the requirements of the Edgefield County Zoning and Land Development Ordinance" and signed by the planning administrator.
- (b) An exempt subdivision shall meet one of the following conditions:
  - (1) Involves the division of land into parcels of five acres or more and no new street is involved;
  - (2) Includes the combination or recombination of portions of previously platted lots where the total number of lots is not increased;
  - (3) Involves cemetery lots.
- (c) While not constituting a subdivision, existing plats and lots to be recorded also shall bear the above plat notations.

(Code 1999, § 152.129; Ord. No. 99-00-380, § 8.6-3, 4-4-2000; Ord. No. 12-13-660, § 44, 4-2-2013)

Sec. 24-250. - Minor subdivisions.

- (a) Applicants requesting approval of a proposed minor subdivision, as defined by this chapter, shall submit to the planning administrator three copies of a plat, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, the prescribed fee, and evidence that no taxes or assessments are outstanding against the property.
- (b) The planning administrator shall review the application for compliance with the requirements of this chapter, and, if found to be in compliance, will instruct the applicant to prepare a final plat, including surveyor certification.
- (c) Action on the final plat shall be taken by the planning administrator and so noted for recording.

(Code 1999, § 152.130; Ord. No. 99-00-380, § 8.6-4, 4-4-2000; Ord. No. 12-13-660, § 45, 4-2-2013)

Sec. 24-251. - Major subdivisions.

Applications requesting approval of a major subdivision, as defined by this chapter, shall submit a preliminary and then a final plat in accordance with the following procedures (steps):

(1) *Preliminary plat (plan) approval.*

- a. *Step 1. Materials submitted.* The applicant shall submit to the planning administrator ten copies of the preliminary plat, and all materials stipulated by section 24-253.
  1. The planning administrator shall review the plat for compliance with the requirements of this chapter, and submit copies to all affected county agencies for review and comment.
  2. Upon completion of these reviews, the administrator shall forward the preliminary plat to the planning commission, together with all staff and agency comments and recommendations. The planning commission shall act on the application within 60 days of receipt of the application. In its deliberation, the planning commission shall approve, approve conditionally, or disapprove the plat. If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the comprehensive plan or ordinance or regulation with which the plat does not conform. On conditional approval, the commission may require the applicant to resubmit the preliminary plat with all recommended changes before approving the plat.
  3. If the preliminary plat is found to conform to all requirements of this chapter, approval shall be given by the planning commission and shall be noted in writing by the chairperson on at least two copies of the preliminary plat. One copy shall be retained by the planning administrator and one copy given to the applicant.
- b. *Step 2. Effect of preliminary plat approval.* Preliminary plat approval shall confer upon the applicant the following rights for two years from the date of the approval, unless extended by the county upon written request by the applicant.
  1. To proceed under the supervision of the county, with the installation of site improvements; and
  2. To proceed with the preparation of a final plat.

Preliminary plat approval shall not authorize the applicant to sell or otherwise transfer lots or parcels within the platted subdivision.

(2) *Final plat approval.*

- a. *Step 3. Final plat approval.*
  1. Final plat approval is an administrative action. No public notice or hearing is required in connection with approval proceedings in the final plat.
  2. An applicant requesting final plat approval shall submit to the planning administrator five copies of the material specified in this chapter, which shall show all streets and utilities in exact location, identifying those portions already installed and, where approved by the planning commission and council, those to be installed and/or certified in the amount of improvement guarantees required to ensure completion of those improvements not yet installed.
  3. Final plat approval shall be granted or denied within 60 days after submission of a complete application to the planning administrator or within such further time as may be consented to by the applicant.
  4. No subdivision or land development plat, portion, or phase thereof shall be accepted for filing by the office of clerk of court until it has been approved by the planning administrator, and so indicated on the plat by the signature of the authorized agent. No such signature shall be affixed to the plat until the developer has completed all required improvements or has posted a letter-of-credit, cashier's check, performance bond or

other acceptable security with the county in the amount of 125 percent of the estimated cost of the improvements, guaranteeing the completion of the improvements in compliance with the requirements herein.

- (i) The county shall have the right to refuse such security for any and/or all required improvements and require construction and installation thereof by the developer.
- (ii) Where accepted by the county, the security shall empower the county, or if applicable, any other governmental unit having a legal responsibility for the construction and completion of the improvements to draw on funds on deposit in an institution of the developer's choice, or accept such funds for deposit to its own account.

If it appears to the applicant that they may not complete construction of the required improvements before expiration of the performance guarantee, it shall be the applicant's obligation, at least 45 days prior to the expiration date, to submit an extended guarantee request. Such extension, if approved by the county attorney and the planning administrator shall be for a period of six months. A maximum of two such six months extensions shall be allowed.

- b. *Step 4. Effect on final plat approval.* Final plat approval shall confer upon the applicant the following rights:
  1. To record the plat with the county clerk of court; and
  2. To proceed with the sale and/or transfer of lots and parcels in accordance with the approved and recorded plat.

(Code 1999, § 152.131; Ord. No. 99-00-380, § 8.6-5, 4-4-2000; Ord. No. 12-13-660, § 46, 4-2-2013)

Sec. 24-252. - Land development other than a subdivision.

- (a) No building permit shall be issued for a shopping center; apartment or condominium complex; commercial, business, or industrial park; manufactured home park; or other multi-use or multi-occupant project, unless and until an applicant for such use submits to the planning administrator the following:
  - (1) A plat and/or site plan with date and scale, showing the actual shape and dimensions of the lot to be built upon; the size, height, and location on the lot of existing and proposed buildings and structures; the intended use of each building, the number of units the building is designed to accommodate; storm water analysis and control plan, flood and wetland areas; proposed parking, driveways, street ROW and interior circulation pattern, proposed bufferyard, open space and landscaping; building elevations; and contiguous off-site development.
  - (2) Grading, erosion and sediment control plan.
  - (3) All required permits of other state and local agencies.
- (b) The planning commission shall hear and evaluate the application in relation to the following design and improvement criteria.
  - (1) Ingress and egress to the project site shall be designed to maximize automotive and pedestrian safety and facilitate traffic flow.
  - (2) Off-street parking, off-street loading, refuse, and service areas shall be designed to minimize their visual and physical impact on neighboring property.
  - (3) Street right-of-way and pavement construction shall be adequate to accommodate the type and volume of traffic anticipated.




- (4) The project shall be designed in harmony with its physical surroundings and in such a manner as to ensure land use compatibility.
- (c) If, upon review of these standards, the project is determined to be in compliance, the planning commission shall approve the land development application and cause the issuance of a building permit.
- (d) Any proposed changes to an approved project shall be resubmitted and reevaluated in light of the above.

(Code 1999, § 152.132; Ord. No. 99-00-380, § 8.6-6, 4-4-2000; Ord. No. 12-13-660, § 47, 4-2-2013)

Sec. 24-253. - Application requirements and fees.

- (a) All applications shall be filed on forms provided by the county and contain or be accompanied by the information required by table 6 with the required fee to help cover the cost of processing.

Table 6: Information Required to Support Application		
Type of Application	Information Required (Requirements are Cumulative)	Fees
LAND SUBDIVISION		
Minor (final plat approval)	Three copies of plat, sheet size between 8½" × 11" or in digital format, showing or specifying:	\$100.00, plus \$10.00 per lot
	1. All information required of general property surveys, in accordance with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by the S.C. Code 1976, title 40, ch. 21;	
	2. Land acreage;	
	3. Drainage, erosion and sediment control plan by qualified professional showing all structures and easements;	
	4. Lot approved by DHEC.	
Major (preliminary plat approval)	<del>Ten</del> Two copies of plat to above sheet specifications.	\$100.00, plus \$10.00 per lot

	5. Plan profile showing cross section of proposed streets, rights-of-way, pavement widths, street names, elevations along street centerline, and lot lines;	
	6. Contour maps at 5 foot intervals contour changes; and front and rear lot lines;	
	7. Proposed easements, dimensions, and purpose;	
	8. Utilities on and adjacent to tract, and proposed connections;	
	9. Land within floodplain, storm water plan and analysis;	
	10. Proposed sites for public use, bufferyards, open space and landscaping, if any;	
	11. Zoning classification.	
	 <u>12. A digital copy of all required documentation.</u>	
Major (final plat approval)	Five copies of plat to above sheet specifications and information required by 5—11 above.	\$100.00
	12. Plat or section number, district and page numbers;	
	13. Building setback lines from street right-of-way;	
	14. Street name and right-of-way width;	
	15. Deed reference;	
	16. All easements, designating location, width and condition;	
	17. School district lines, if applicable;	
	18. Certificates of survey accuracy, ownership and dedication, and approval.	
LAND DEVELOPMENT	1. Information required by 1, 4 and 9 above;	\$100.00

	2. Location of all proposed structures, including freestanding signs;	
	3. Required building setback lines;	
	4. Required landscaping and bufferyards;	
	5. Required off-street parking;	
	6. All information specified by sections 24-65 through 24-80 for conditional uses, as applicable.	
AMENDMENT	1. Draft new text to be added and existing text to be deleted;	\$100.00
	2. State reason for change.	
VARIANCE	1. State nature of variance;	\$100.00
	2. Provide evidence of unnecessary hardship;	
	3. State necessity of variance.	
APPEAL	1. State reasons for appeal, with specific reference to action being appealed.	\$100.00

- (b) Fees shall be as on file in the building and planning office. Provided, however, that the site plan fees shall be \$100.00 (commercial), applicable at the effective date of this section, subject to change thereafter by resolution of Edgefield County Council.

(Code 1999, § 152.133; Ord. No. 99-00-380, § 8.7, 4-4-2000; Ord. No. 12-13-660, § 48, 4-2-2013)

Sec. 24-254. - Required permits/certificates.

- (a) No building or structure requiring a permit or any part thereof shall be erected, added to or structurally altered, nor shall any excavation or grading be commenced until the required permits have been issued.
- (b) No building, structure or land shall be used; nor shall any building, structure or land be converted, wholly or in part to any other use, until all applicable and appropriate licenses, certificates and permits have been issued certifying compliance with the requirements of this chapter.
- (c) No permits inconsistent with the provisions of this chapter shall be issued unless accompanied by an approved variance.

- (d) The provisions of this section shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, crossarms, guys, wire, cable and drops.

(Code 1999, § 152.134; Ord. No. 99-00-380, § 8.8, 4-4-2000)

**Sec. 24-255. -- Types of required permits/certificates and fees.**

~~The following permits/certificates shall be required whenever any of the following uses are proposed:~~

Permits	Fees
Building permit	(See Building Code)
Manufactured home permit	<del>\$150.00 plus, \$5.00 per \$1,000.00 for homes valued between \$28,000.00 and \$50,000.00, plus \$4.00 per \$1,000.00 for homes valued over \$50,000.00</del>
Manufactured home decal (first time in country)	<del>\$10.00</del>
Manufactured home inspection	<del>\$10.00</del>
Manufactured home moving	<del>\$50.00</del>
Certificate of occupancy (use)	<del>No charge</del>
Manufactured home park	<del>\$3.00 per \$1,000.00 of unit value per mobile home or office on individual lot. \$200.00 for first ten spaces in park, plus \$25.00 for each additional space.</del>

(Code 1999, § 152.135; Ord. No. 99-00-380, § 8.9, 4-4-2000)

**Sec. 24-256. - Building permits.**

- (a) A building permit shall be required in advance of:
- (1) Grading or filling a lot or parcel.
  - (2) Changing the use of any part of a structure or lot, including any increase in the number of families or dwelling units occupying a building or lot.

- (3) Installation of any sign covered by section 24-286.
- (4) The establishment of a temporary use.
- (5) Electric or gas utility companies and/or cooperatives extending service or utilities to a given site.
- (b) Building permits shall not be required for most accessory uses, such as dog houses, satellite dishes, bird houses, fences, and the like.

(Code 1999, § 152.136; Ord. No. 99-00-380, § 8.10, 4-4-2000)

Sec. 24-257. - Certificate of occupancy.

- (a) It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a certificate of occupancy has been issued by the building official stating that the proposed use of the building or land conforms to the requirements of this chapter.
- (b) Failure to obtain a certificate of occupancy shall be a violation of this chapter, and punishable under section 24-261.

(Code 1999, § 152.137; Ord. No. 99-00-380, § 8.11, 4-4-2000; Ord. No. 12-13-660, § 49, 4-2-2013)

Sec. 24-258. - Inspections for compliance.

The planning administrator or building official may make or require inspections of any land disturbing activity, construction or maintenance requirement to ascertain compliance with the provisions of this chapter and to ascertain compliance with approved permit applications, plats, plans, and/or certificates.

(Code 1999, § 152.138; Ord. No. 99-00-380, § 8.12, 4-4-2000; Ord. No. 12-13-660, § 50, 4-2-2013)

Sec. 24-259. - Expiration of building permit.

If the work described in any building permit has not begun within 180 days from the date of issuance thereof, the permit shall expire; it shall be canceled and written notice thereof shall be given to the owner/developer, unless extended by the building official upon application by the owner/developer.

(Code 1999, § 152.139; Ord. No. 99-00-380, § 8.13, 4-4-2000; Ord. No. 12-13-660, § 51, 4-2-2013)

Sec. 24-260. - Complaints regarding violations.

Whenever a violation of this chapter occurs, or is alleged to have occurred, the building official or planning administrator shall record and investigate such complaint, and take such action as provided by this chapter. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

(Code 1999, § 152.140; Ord. No. 99-00-380, § 8.14, 4-4-2000; Ord. No. 12-13-660, § 52, 4-2-2013)

Sec. 24-261. - Enforcement of zoning ordinances; remedies for violations.

- (a) The county may enforce the requirements and regulations of this chapter by means of the withholding of building or zoning permits, or both, and the issuance of stop orders against any work undertaken by an entity not having a proper building or zoning permit, or both. It is unlawful to construct, reconstruct, alter, demolish, change the use of or occupy any land, building, or other structure without first obtaining the appropriate permit or permit approval. No permit may be issued or approved unless the requirements of this chapter are complied with. It is unlawful for other officials to issue any permit for the use of any land, building, or structure, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure without the approval of the building official or planning administrator. A violation of this chapter is a misdemeanor. In case a building, structure, or land is or is proposed to be used in violation of this chapter, the building official or planning administrator or other appropriate administrative officer, county attorney, or other appropriate authority of the county, or an adjacent or neighboring property owner who would be specially damaged by the violation, may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues is considered a separate offense. The planning administrator or his designee shall issue a citation within 90 days should the violation not be abated by the property owner.
- (b) In case a building, structure, or land is or is proposed to be used in violation of this chapter, the building official or planning administrator or other designated administrative officer may, in addition to other remedies, issue and serve upon a person pursuing the activities a stop order requiring that entity stop all activities in violation of this chapter.

(Ord. No. 12-13-660, § 53, 4-2-2013)

Secs. 24-262—24-285. - Reserved.

#### ARTICLE IX. - POWERS AND DUTIES OF EDGEFIELD COUNTY PLANNING COMMISSION AND ZONING BOARD OF APPEALS

Sec. 24-286. - County planning commission.

- (a) *Reestablishment of planning commission.* The Edgefield County Planning Commission is hereby reestablished under the provisions of the S.C. Code 1976, § 6-29-320.
- (b) *Powers and duties of the planning commission.*
- (1) The planning commission shall have the powers and duties provided in S.C. Code 1976, § 6-29-310 et seq.; and
  - (2) To grant specified variances, where the power to grant such variances is explicitly stated within this chapter.
- (c) *Established; composition.*
- (1) The county planning commission shall be comprised of seven members, with two members being appointed to serve at-large and one member being appointed to serve from each of the five county council districts. Members shall serve two-year, staggered terms without regard to term limitations. Terms for the two at-large appointees shall begin on November 1 in odd-numbered years. Terms for council district appointees shall begin on November 1 in even-numbered years. All members shall be eligible to succeed themselves, subject to the appointive powers of the county council.
  - (2) To the extent possible, membership should be representative of the racial and gender composition of the county, and represent a broad cross section of the interests and concerns of the county. No member shall be the holder of an elected public office in the county.

- (3) Members shall serve until their successors are appointed and qualified.
- (d) *Removal of members.* Members of the planning commission may be removed at any time by the county council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code 1976, § 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of the council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.
- (e) *Bylaws and procedures.* The county planning commission shall adhere to the provisions set forth in S.C. Code 1976, title 6, ch. 29 with respect to its bylaws, procedures, and other activities.

(Code 1999, § 152.150; Ord. No. 99-00-380, § 9.1, 4-4-2000; Ord. No. 00-01-386, 10-3-2000; Ord. No. 01-02-413, 11-5-2002; Ord. No. 12-13-660, § 54, 4-2-2013)

**State Law reference—** Local planning commissions, S.C. Code 1976, § 6-29-310 et seq.

Sec. 24-287. - County zoning board of appeals.

- (a) *Establishment of zoning board of appeals.* The Edgefield County Zoning Board of Appeals (ZBA) is hereby established under the provisions of the S.C. Code 1976, § 6-29-780.
- (b) *Powers and duties of the board of appeals.* The board of appeals shall have the following powers and duties:
  - (1) *To hear and decide appeals, generally.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the planning administrator. The appeal shall be filed within 15 days after notice of decision by the planning administrator.
  - (2) *To grant variances, generally.*
    - a. To authorize upon appeal in specific cases a variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in the unnecessary hardship so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship in accordance with the conditions for approval set out in section 24-244.
    - b. In the administration of these powers, the board may administer oaths and compel attendance of witnesses by subpoena.
- (c) *Decisions of the board of appeals.*
  - (1) In exercising the above powers, the concurring vote of a majority of the members present and voting shall be required to reverse or affirm, wholly or in part, or modify any order, requirement, decision, or determination of the county official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, and to that end, shall have the powers of the officer from whom the appeal is taken and may direct the issuance of a permit. The board, in the execution of the duties for which appointed, may subpoena witnesses and, in case of contempt, may certify such fact to the circuit court having jurisdiction.
  - (2) All final decisions and orders of the board shall be in writing and be permanently filed in the office of the board as public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail.
- (d) *Composition of the zoning board of appeals.*

- (1) The zoning board of appeals shall consist of three members appointed by the county council for staggered terms of three years.
- (2) No more than one person shall represent a given profession. To the extent possible, membership shall be representative of the racial and gender composition of the county. No member shall be the holder of an elected public office in the county.
- (3) Members shall serve until their successors are appointed and qualified.
- (e) *Compensation.* Members of the zoning board of appeals shall serve without compensation. Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds pursuant to reimbursement policies and procedures for employees of the county.
- (f) *Removal of members.* Members of the board of appeals may be removed at any time by the county council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code 1976, § 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.
- (g) *Organization and rules of procedure.* The zoning board of appeals shall organize, elect officers, and adopt rules of procedure as required by S.C. Code 1976, § 6-29-790.
  - (1) *Officers.* The board shall elect or reelect one of its members as chairperson for a term of one year. The board may elect other officers as provided by its rules of procedure. The board shall appoint a secretary who may be an officer of the county approved by the county administrator or a member of the board.
  - (2) *Rules of procedure.* The board shall adopt rules of procedure for the conduct of its meetings and hearings. A majority of the board shall constitute a quorum. Meetings of the board shall be held at the call of the chairperson or at such times as the board may determine. Public notice of all hearings shall be published in a newspaper of general circulation in the county and shall be posted on the county bulletin board. Notice of hearings on appeals or variances shall also be posted on or adjacent to property affected, with at least one notice visible from each public street abutting the property. The board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote by reason of conflict, and shall keep records of its examinations and other official actions filed in the office of the secretary of the board as public records.

(Code 1999, § 152.151; Ord. No. 99-00-380, § 9.2, 4-4-2000; Ord. No. 01-02-413, 11-5-2002; Ord. No. 12-13-654, § 1, 10-2-2012; Ord. No. 12-13-660, § 55, 4-2-2013)

**State Law reference**— Board of zoning appeals, S.C. Code 1976, § 6-29-780 et seq.; board powers, S.C. Code 1976, § 6-29-800; appeal from board to circuit court, S.C. Code 1976, § 6-28-820.

#### Sec. 24-288. - Definitions.

- (a) Words not defined herein shall have the meanings stated in the International Building, Plumbing, Gas, or Fire Codes. Words not defined in the enforced International Codes shall have the meanings in Webster's Tenth Edition Collegiate Dictionary, as revised.
  - (1) Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.
  - (2) The term "shall" and "must" are always mandatory.
  - (3) The term "may" is permissive.



- (4) The term "lot" includes the term "plot" or "parcel."
  - (5) The term "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.
  - (6) The term "used or occupied" as applied to any land or building shall be construed to imply that the land or building is in actual use or occupancy and shall be construed to include the terms "intended," "arranged," or "designed to be used or occupied."
  - (7) The term "map" or "zoning map" shall mean the official zoning map of the county.
  - (8) The term "planning commission" refers to the county planning commission.
  - (9) The term "council" refers to the county council.
  - (10) The term "zoning board of appeals" refers to the county zoning board of appeals.
- (b) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means the owner, developer, subdivider or agent thereof, of property proposed for development who applies for development approval, for change or amendment of zoning classification, for variance, or for other action described in this chapter.

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

*Area of special flood hazard* means the land in the floodplain subject to a one-percent or greater chance of flooding in any given year.

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

*Bed and breakfast inn* means any owner-occupied dwelling or portion thereof offering rooms and meals at breakfast to transient lodgers in return for compensation.

*Buildable area* means that portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side and rear yard, open space, and applicable buffer area requirements have been met.

*Building* means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind. By this definition, all buildings are structures, but not all structures are buildings.

*Building, accessory,* means a subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, animal shelters, pool houses, and other uses listed by table 1, section 24-31, when detached from the principal buildings, and carports attached to the principal building when at least 75 percent open or unenclosed.

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

*Certificate of occupancy* means a document allowing the occupancy or use of a building or certifying that the structure or use has been constructed or will be used in compliance with all applicable provisions of this chapter and the building codes.

*Cluster housing development* means a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

*Commercial* means the use of land, building or structure for the purpose of buying, selling and/or production of commodities and/or supplying of services.

**Common open space / greenspace** means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate. This does not include area that are part of infrastructure requirements, or areas that would be inaccessible to the public.

**Conditional use** means a use of land or structure, which is permitted in a district under conditions, specified in the zoning provisions.

**Condominium** means a unit in a multi-unit structure owned by an individual who has use of all common areas associated with that structure.

**Day care services** means and includes any home, center, agency, or place, however styled, where children, elderly, and other persons not related to the operator are received for custodial care, apart from their parents, whether for compensation, reward, or otherwise during part or all of the day or any number of successive days.

**Dedication** means the transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

**Density** means the number of dwelling units per acre of land developed or used for residential purposes. Density requirements in this chapter are expressed in dwelling units per gross acre; that is, per acre of land devoted to residential use is based on the total land area within a development tract or subdivision, excluding nothing.

**Detention facility** means a facility designed to detain stormwater runoff temporarily for a minimum length of time as determined by the county and then release the detained water at a predevelopment design flow. Detention facilities must be designed so that no stormwater remains in the facility during dry weather conditions.

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

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

**DHEC** means the South Carolina Department of Health and Environmental Control.

**Diameter breast height (DBH)** means the diameter of a tree trunk as measured at breast height.

**Domestic animal shelter** means a pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine including potbellied pigs, sheep, ponies, grazing animals, and fowl of any kind, are boarded and kept.

**Drainage** means the removal of surface water or groundwater from land by drains, grading, or other means.

**Driveway** means a paved or unpaved area used for ingress and egress of vehicles, and allowing access from a street to a building or other structure or facility.

**Dwelling** means a building or portion of a building arranged or designed exclusively for human habitation.

**Dwelling, apartment.** (See *Dwelling, multifamily*.)

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

**Dwelling, detached,** means a single dwelling unit, surrounded by open space or yards and which is not attached to any other dwelling by any means.

**Dwelling, duplex,** means a building containing two dwelling units.

*Dwelling, group occupied*, means a dwelling unit occupied by five or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

*Dwelling, multifamily*, means a building containing five or more dwelling units.

*Dwelling, patio house*, means a single-family detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls, which provide privacy. The term is synonymous with zero lot line dwellings.

*Dwelling, quadruplex*, means a building containing four dwelling units.

*Dwelling, residential designed manufactured home*, means a single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, 6-15-76, and which:

- (1) Has a minimum width over 20 feet (multiple-section);
- (2) Has a minimum of 900 square feet of enclosed living area;
- (3) Has a minimum 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;
- (4) Is covered with an exterior material customarily used on site built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and
- (5) Has a roof overhang of not less than eight inches.

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

*Dwelling, standard designed manufactured home*, means a single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, 6-15-76, and which does not meet the definition of a residential designed manufactured home.

*Dwelling, townhouse*, means a series of attached single-family dwelling units on separate lots, which may or may not have a common roof and are separated from each other by common vertical walls.

*Dwelling, triplex*, means a single building containing three dwelling units.

*Dwelling unit* means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

*Dwelling, zero lot line*, means a single-family detached unit which, instead of being centered on a lot, is placed against at least one of the side lot lines. The term is synonymous with patio homes.

*Easement* means a right-of-way granted to another party for specific limited use.

*Easement, access*, means a right granted by a property owner to another party for ingress and egress to another property.

*Elevated building* means a non-basement building constructed to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, (post and piers), shear walls, or breakaway walls.

*Extensive business use* means the use of land and structures for trade and services which are of low to moderate employment intensity, deal in large or bulky goods and equipment requiring considerable indoor or outdoor space or large and specialized equipment for display, handling, storage, or service, and generate significant truck traffic, including:

- (1) Wholesale trade and warehousing of goods sold at retail (but not in hides, skins, raw furs, livestock, live poultry, or other odor-producing animal products); sales and storage of lumber, metal and wood fencing, ornamental-grill work, and building, electrical heating, plumbing, welding, and similar contractors and industrial supplies (including sale of sand and gravel but excluding sales of asphalt and concrete from batch plant or transit-mix plant); sales and tank storage of bulk fuel or motor oil, gasoline, heating, and illuminating gas, and the like (but not the

refining or processing thereof), and sales and storage of coal; cold storage services, sale and service of physician/surgeon, barber/beauty and restaurant/hotel food service supplies and equipment; catering services, amusement and vending machines sales and service; uniform supply service; laundry plant (without individual patron service desk); manufacture, sale, and service of electric and neon signs and advertising structures; and monument sales (but not manufacture).

- (2) New and used motor vehicle (of three-fourths ton or less rated capacity) and small non-vehicular engines and equipment sales, rental, and such service as repair, reconditioning, painting, body and fender work, upholstering and seat covering, and tire retreading and recapping; motor vehicle (of whatever size), mobile home, travel or other trailer, marine craft, and small aircraft, and small aircraft sales and rental (but not servicing as above) and exterminating, fumigating, septic tank pumping, furnace cleaning, well drilling and like services.
- (3) Sales and rental and maintenance (not involving heavy metal working) for motor vehicles of greater than three-fourths ton rated capacity and for large transportation, communications, utilities, industrial, commercial, agricultural, or contractors' equipment.
- (4) Sale, storage and sorting (but not disassembly or processing) of junk, waste, discarded or salvaged equipment, machinery, vehicles, or other non-putrescible materials.

*Extractive industry* means the use of land and structures for the preparation, distribution, and processing of dust-producing mineral products such as gypsum, lime, abrasives, cement, fertilizer, plaster, crushed stone, monuments, sand, gravel, and soil.

*Family* means one or more persons related by blood, marriage, adoption, or guardianship, and not more than four persons not so related, except that mentally and physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accordance with the provisions of S.C. Code 1976, § 6-7-830.

*Family day care home*, where permitted as an accessory use, means a home in which care is given by a family member and no others during the day only for one and not more than six children, including the day care parents' own children.

*Farm* means any tract or real property which is principally used to raise, harvest or store crops, feed, breed, or manage livestock or to produce plants, trees, fowl or animals useful to man, including the preparation of the products raised thereon for man's use and disposed of by marketing or other means.

*Federal manufactured home construction and safety standards* means regulations promulgated by the department of housing and urban development (HUD) governing the design and construction, strength and durability, transportability, fire resistance, energy efficiency, and quality of manufactured housing. These standards also set performance requirements for heating, plumbing, air conditions, thermal, and electrical systems.

*Flood* means a general and temporary condition of partial or complete inundation of normally dry land areas.

*Flood hazard boundary map (FHBM)* means an official map issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard are defined.

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

*Flood-resistant material* means any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair.

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

*Floor* means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include floor of a garage used solely for parking vehicles.

*Garage, private.* (As defined by the standard building code.)

*Garage, public.* (As defined by the standard building code.)

*General business* means the use of land or structures for sales and services which deal in goods transportable by land or passenger automobile, cater to a local resident clientele and involve:

- (1) Sales and services not involving vehicular drive-in, and of frequent and regular use to local residents;
- (2) Offices of medical services not involving resident human or animal patients;
- (3) Offices of business services, but excluding on-site stock storage, sales, or rental or retail goods, and the warehousing, maintenance, rental, sales, and storage of vehicles and equipment.

*General industry* means the use of land and structures for manufacturing involving indoor and outdoor industrial operations which are characterized by some emissions, but are not inherently offensive, dangerous, or hazardous to abutting property or operations or to the general public including brick, tile, or terra cotta manufacture; furniture, feed, flour, or other mill; manufacturing, compounding, processing, packaging or treatment of bakery goods, beverages, candy, dairy products, feed, flour, and food products; laundry plant (steam or wet wash); draying, barging, freight, or trucking yard or terminal; manufacture of concrete products (but not manufacture of cement); fabrication plant, foundry, machine shop, or metal working plant for light non-ferrous metals (not involving the use of machines for stamping, pressing, or punching weighing in excess of five tons); and vocational or trade schools in which the above activities are taught or performed.

*Gross floor area (GFA)* means the sum of the floor area for each of a building's stories measured from the exterior limits of the faces of the structure, including basement floor area. It does not include unenclosed porches or any floor space in an accessory building or in the principal building, which is designed for parking of motor vehicles.

*Group quarters* means the use of land and structures for human occupancy involving group occupancy predominantly by unrelated individuals in rooming houses and boardinghouses, membership and religious group lodging houses, residence halls, or dormitories; residence hotels, motels, and tourist courts; or retirement, rest, or nursing home, orphanage, or nursery or day-care center.

*Height* means the vertical distance of a structure or vegetation.

*Home occupation* means any occupation within a dwelling, including a hobby, and clearly incidental to the dwelling, carried on by a member of the family residing on the premises.

*Improvement* means any manmade immovable item that becomes part of, placed upon, or is affixed to real estate.

*Land development* means the changing of land characteristics through subdivision into parcels, redevelopment and/or construction of condominium and apartment complexes, commercial parks, shopping centers, industrial parks, manufactured home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

*Landfill* means a disposal facility or part of a facility where solid waste is placed in or on land, and which is not a land treatment facility, a surface impoundment, or an injection well.

*Landscaping area* means a type of open space permanently devoted to and maintained for the growing of shrubbery, grass, and other plants and decorative features to the land.

*Light industry* means the use of land and structures for manufacturing limited to predominantly indoor industrial activities involving only moderate quantities and sizes of production materials and finished products and involving those operations only which generate no significant particulate or gaseous emissions which could create harmful or unpleasant effects outside the immediate area of activity, including operations such as assembly, binding, bottling, ceramic firing, compounding, engraving,

fabricating, freezing, optical goods, grinding, packaging, printing, physical processing, research, storage, or testing but not involving large mills or machines for grinding, stamping, punching, or pressing metals or sawing of lumber or kilns fired by other than gas or electricity from previous manufactured components or previously prepared materials; and the like.

*Lot* means a parcel of land considered as a unit. The terms "lot", "lot of record", "property", or "tract", whenever used in this chapter are interchangeable.

*Lot area* means the area contained within the boundary line of the lot.

*Lot, corner*, means a lot located at the intersection of two or more streets.

*Lot depth* means the horizontal distance between front and rear lot lines.

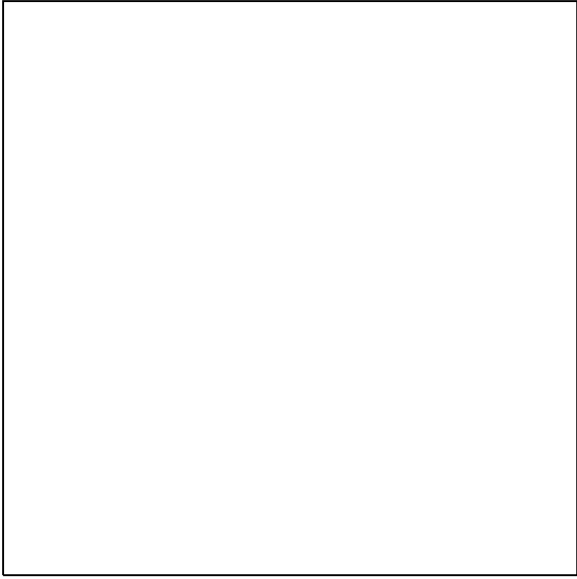
*Lot, interior*, means a lot, other than a corner lot, which has frontage on only one street other than an alley.

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

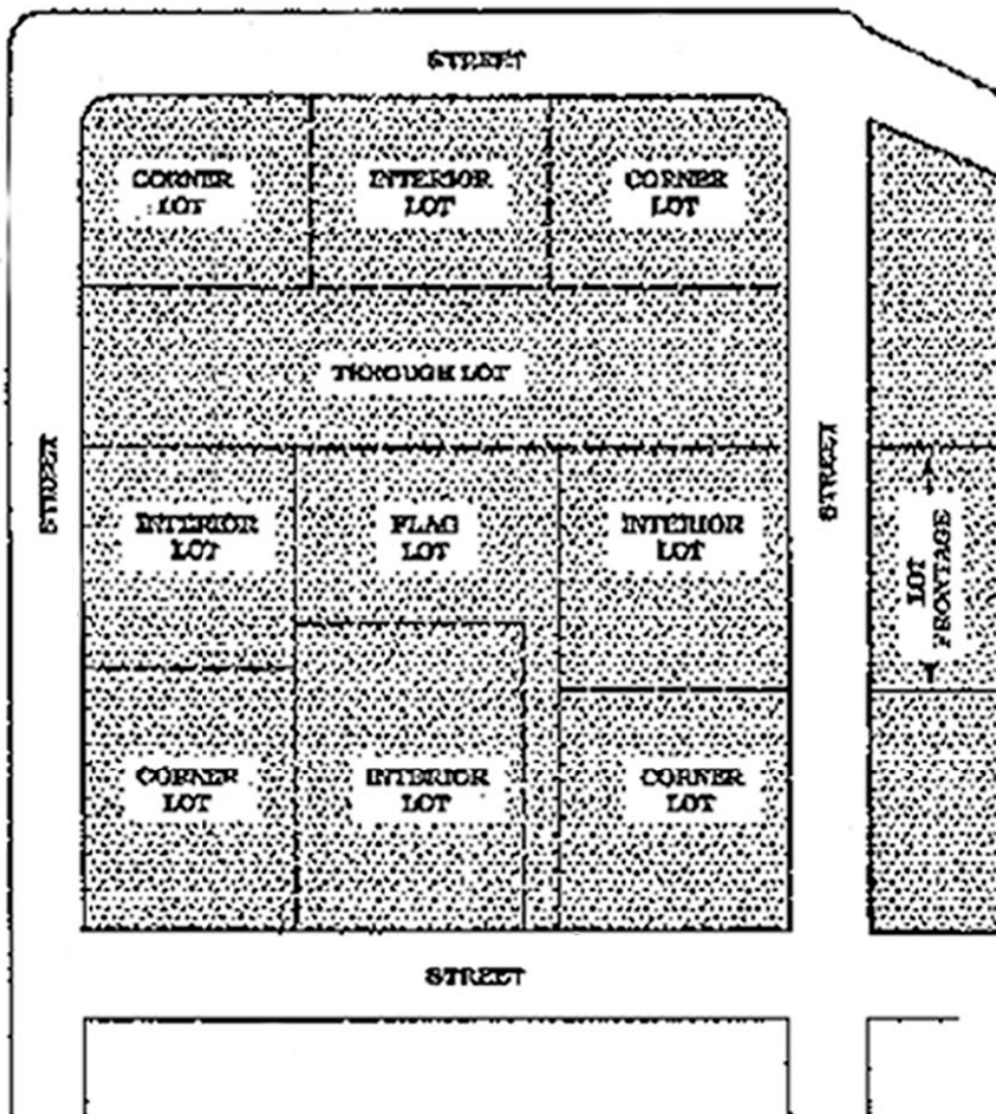
*Lot of record* means a lot, the boundaries of which are filed as legal record.

*Lot, through*, or *double frontage*, means a lot which has frontage on more than one street.

*Lot width* means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.



## DEFINITION OF TYPES OF LOTS



*Manufactured home park* means any parcel of land being used for the purpose of supplying parking space for two or more manufactured homes, and which may include buildings, structures, vehicles, or enclosures used or intended for use as part of such manufactured home park. Land subdivided and



subsequently sold for the purpose of siting manufactured homes is not considered a manufactured home park under this chapter.

*Manufactured home park space* means a plot of ground within a manufactured home park designed for the accommodation of one unit.

*Mixed occupancy* means any building that is used for two or more occupancies classified by different occupancy use groups.

*Modular building unit* or *modular structure* means any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection when meeting the requirements of the Modular Building's Construction Act (S.C. Code 1976, § 23-43-10), the building unit or structure may be located in any zoning district.

*Nonconformity* means any lot of record, use, building, structure or vegetation in existence prior to the effective date of this chapter, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the chapter.

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

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

*Open space* means unoccupied land between the building or buildings that is landscaped or kept in its natural state.

*Open storage* means any accessory storage in the open air and outside of a principal or main building or structure on the lot, including the storage of equipment, goods, raw or processed materials, junk or merchandise outside of any building or structure.

*Outdoor activity use* means the use of land and structures for passive or active outdoor activities characterized by neither inherently hazardous types nor significantly high levels of emissions, including:

- (1) Kennels, pet boarding, schooling, or hospitalization, horseback riding stables;
- (2) Cemeteries, mausoleums, memorial gardens;
- (3) Golf and country club, golf course, golf driving range;
- (4) Playground, playfield, swimming pool, tennis courts, archery course, miniature golf, trampoline or other novelty area;
- (5) Arboretum, botanical garden, ornamental park, historical area, monument or sculpture.

*Outdoor amusement use* means the use of land and structures for outdoor activities characterized by significant levels of traffic, hazards, or emissions, including amusement park, amphitheater; auto, go-cart, or similar racetrack or drag; dog competition course; rifle or other gun firing range.

*Outparcels* means a piece of property that is part of a development such as a shopping center, but is on a separate piece of dedicated land within the development.

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

*Plat* means a map or drawing upon which the developer's plan of a subdivision or land development is presented for approval.

*Plat, final*, means a plat describing a subdivision or other land development that has been recorded in the office of the registrar of mesne conveyance (RMC).

*Premises* means a lot, plot, or parcel of land including the buildings or structures thereon, under control by the same owner or operator together with all adjacent land.

*Right-of-way (ROW)* means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended for a purpose such as ingress/egress or utility location.

*Setback, front*, means a setback extending the full width of the front of a lot in the area between the front (street) ROW line or property line and the front building line.

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

*Setback, required*, means that part of a lot between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this chapter.

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

**Sexually oriented business**, for purposes of this chapter, means and includes the following:

- (1) *Adult arcade* means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
- (2) *Adult bookstore* or *adult video store* means a commercial establishment, which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
  - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
  - b. Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as: one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."
- (3) *Adult cabaret* means a nightclub, bar, restaurant or similar commercial establishment, which regularly features:
  - a. Persons who appear in a state of nudity;
  - b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
  - c. Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the description of "specified sexual activities" or "specified anatomical areas."
- (4) *Adult motel* means a hotel, motel or similar commercial establishment which:
  - a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
  - b. Offers a sleeping room for rent for a period of time that is less than ten hours; or

- c. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten hours.
- (5) *Adult motion picture theater* means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (6) *Adult theater* means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- (7) *Sexual encounter center* means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
  - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

*Sign* means any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. The term sign includes banners, posters, inflatable signs, tethered balloons and pennants.

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

*Sign face* means the area or display surface of a sign used for the message.

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

*Sign, monument*, means a ground level, freestanding sign not mounted on a pole or poles. The area of the structure supporting the sign shall not exceed 60 percent of the total combined area of the sign and the supporting structure.

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

*Sign, temporary*, means a sign that is used only for a short period of time and is not permanently mounted.

*Sign, wall*, means any sign attached to and within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign face.

*South Carolina Manufactured Housing Board* means the board which is authorized by state statute to regulate the construction, repair, modification, installation, tie down, hook-up, and sale of manufactured homes in South Carolina, which board has adopted for regulation of manufactured homes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the board's Manufactured Housing Regulations, May 26, 1990.

*Special industry* means the use of land and structures for manufacturing activity involving industrial operations which customarily produce significant levels or emissions or are offensive, hazardous, or dangerous by nature, including treatment of trash, garbage, offal, dead animals, and sewage, including incinerating, dumping, composting, digestion, filtration, flocculation, sedimentation, chemical precipitation, oxidation, and reduction; cooking, distillations, incineration, and chemical processing of plastics and animal and vegetable products, including but not limited to brewery, distillery, cannery, meat packinghouse, slaughterhouse, fat rendering, creosote, flavor or syrup extract, glue, paper, pulp, paint, plastic, shellac, turpentine, or varnish manufacture; leather, tanning, wool scouring and cleaning, cotton textile sizing, or corrosive or noxious chemicals, including but not limited to acids, acetylene, ammonia,

chlorine, and bleaching compounds, production or processing of coal, coal tar, petroleum, or asphalt products, including but not limited to coke, illuminating gas, petroleum, asphalt, linoleum, oilcloth, or roofing materials manufacture; power, light or steam generation, using coal as fuel; smelting, reduction, refining and alloying of metallic ores, including but not limited to blast, open hearth, or electric furnaces, Bessemer converter, non-ferrous metal smelter, manufacture or storage of explosive products, including but not limited to dynamite and commercial explosive, TNT and military explosives, fireworks; production of materials by nuclear fission, nuclear plant for production of electric power, light, or steam, or for particulate bombardment of materials; machining, working, stamping, punching, processing, or pressing of metal requiring hammer mills, rolling mills, drop forges metal grinding machines, automatic screw processing of junk, waste discarded or salvaged materials, machinery or equipment, including automobile or other wrecking or dismantling; and trade or vocational schools in which the above are taught or performed.

*Street* means any thoroughfare (drive, avenue, boulevard) or space more than 18 feet in right-of-way width which has been dedicated, deeded or designated for vehicular traffic, public or private.

*Street, collector*, means a street designed principally to collect traffic from subdivisions and to feed arterial streets.

*Street, cul-de-sac*, means a street with a single common ingress and egress and with a turnaround at the end.

*Street, dead-end*, means a street with a single common ingress and egress point and without a turnaround at the end.

*Street, major or arterial*, means and includes all state primary and federal aid highways and streets that serve to circulate traffic, having signals at important intersections, and stop signs on side streets and/or having controlled access and channelized intersections.

*Street, minor or local*, means a street designed principally to collect traffic from subdivisions and provide access to abutting property.

*Street, private*, means a street not dedicated for public use or maintenance.

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

*Structure*. (As defined by the standard building code.)

*Subdivision* means the division of a tract, parcel, or lot into two or more lots of building sites, or other divisions of land for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets and includes the re-subdivision of land.

*Subdivision, exempt*, means one which meets the following conditions:

- (1) Involves the division of land into parcels of five acres or more where no new street is involved;  
or
- (2) Includes the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter and other applicable regulations;
- (3) Involves cemetery lots.

*Subdivision, major*, means any subdivision other than an exempt or minor subdivision.

*Subdivision, minor*, means any subdivision which does not involve any of the following:

- (1) The creation of more than ~~ten~~ **five** lots; and
- (2) The creation of any new street.

*Substantial improvement* means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the

structure before the start of construction of the improvement. The term includes structures, which have incurred substantial damage, regardless of the actual repair work performed.

*Tourist service* means the use of land and structures for services and trade which cater to a specialized clientele, deal in specialized services, and are otherwise independent or unique in character, including tourist information centers, souvenir/curio/gift shops, hunting/fishing/boating/camping supply shops, ambulance or other emergency service, establishments for rental or en route servicing (but not sales) of passenger motor vehicles, other vehicles of three-fourths ton or less rated capacity, self-haul equipment, travel trailer, pick-up camper-pleasure boats, and similar and related travel or recreational equipment, and the like.

*Traffic impact study* means an analysis to determine the need for any roadway improvements from vehicular traffic generated from new development at both the site and any major intersections effected by this development. The analysis would include the need for any new or additional roads, turn lanes, traffic signals or other necessary improvements for adequate roadway capacity.

*Travel trailer or recreational vehicle* means a structure that is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile or manufactured home or modular unit.

*Trees, grand*, means an oak, pine, magnolia or other large canopy tree over 24 inches DBH or tree such as a dogwood, crape myrtle, rosebud, or other small trees over eight inches DBH.

*Trees, significant*, means an oak, pine, magnolia or other large canopy tree of eight to 24 inches DBH and any tree such as a dogwood, rosebud, crape myrtle, or other small tree four to six inches DBH.

*Trucking terminal* means a use included in NAICS category number 484, Truck Transportation. The term also includes truck-staging operation.

*Unzoned area* means those areas of the county not included in a zoned area, as delineated on the official zoning maps of the county.

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

*Use, accessory. See Building, accessory.*

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

*Variance* means a modification of the regulation of this chapter, granted by the board of appeals, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the chapter would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted on which the property is located.

*Vegetation* means any object of natural growth.

*Weapons firing range* means an organized use of land for discharging a rifle, pistol, or shotgun and including the following activities:

- (1) Construction of more than two fixed or moving targets and the conduct of scheduled events involving firing by more than four persons in the same general area.
- (2) Exempt from this definition are:
  - a. Legal hunting of wildlife; and
  - b. Military or governmental activities.

*Wetlands* means areas of one-quarter acre or more where standing water is retained for a portion of the year and unique vegetation has adapted to the area. Jurisdictional wetlands are those over which the U.S. Corps of Engineers has permitting jurisdiction.

*Yard* means an open space that lies between the principal or accessory building and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this chapter.

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

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

*Yard, required*, means that part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this chapter.

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

*Zoned area* means those areas of Edgefield County delineated on the official zoning maps of Edgefield County.

*Zoning district* means a specifically delineated area or district within which regulations and requirements govern the use, placement, spacing and size of land and buildings.

(Code 1999, § 152.160; Ord. No. 99-00-380, Art. 10, 4-4-2000; Ord. No. 12-13-654, § 2, 10-2-2012; Ord. No. 12-13-660, § 55, 4-2-2013; Ord. No. 16-17-711, § 1(Exh. A), 11-1-2016)

Secs. 24-289—24-309. - Reserved.

#### ARTICLE X. - LEGAL STATUS PROVISIONS

Sec. 24-310. - Conflict with other laws.

Whenever the regulations of this chapter require greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required for under any other statutes, the requirements of this chapter shall govern. Whenever the provisions of another statute require more restrictive standards than are required by this chapter, the provisions of such statute shall govern.

(Code 1999, § 152.170; Ord. No. 99-00-380, § 11.1, 4-4-2000)

Sec. 24-311. - Validity.

Should any section or provision of this chapter be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this chapter as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

(Code 1999, § 152.171; Ord. No. 99-00-380, § 11.2, 4-4-2000)

Sec. 24-312. - Repeal of conflicting ordinances.

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this chapter full force and effect.

(Code 1999, § 152.172; Ord. No. 99-00-380, § 11.3, 4-4-2000)