Marlboro COUNTY, SOUTH CAROLINA

ZONING ORDINANCE

545

2002

STATE OF SOUTH CAROLINA }
}
COUNTY OF MARLBORO }

ORDINANCE #545

AN ORDINANCE ADOPTING THE TEXT AND MAP OF THE ZONING ORDINANCE FOR THE COUNTY OF MARLBORO, SOUTH CAROLINA

WHEREAS, the General Assembly of South Carolina enacted in 1994 an amendment to the Code of Laws of South Carolina by adding Chapter 29 to Title 6, "South Carolina Local Government Comprehensive Planning Enabling Act of 1994" and repealing all previously enacted planning Acts and Codes; and

WHEREAS, the Planning Commission has examined and voted at its December 18, 2001 meeting to recommend adoption by the County Council of a proposal to apply land use controls throughout the unincorporated territory of the County under its jurisdiction; and,

WHEREAS, the power to enact land use (zoning) and other development regulations is vested in counties by Title 6, Chapter 29 of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994; and

WHEREAS, zoning is one of the most effective means by which communities can manage the type, extent, and timing of growth and development that occurs within its borders; and,

WHEREAS, the Zoning Ordinance details standards for five (5) zoning districts, including General Development, Industrial Development, Residential Conservation, Residential Multi-Use, and Rural Resources; and,

WHEREAS, the County Council desires to place minimum restrictions on normal land uses by utilizing the performance standards in the General Development District; and,

WHEREAS, the General Development District is recommended as the zoning classification to initially be designated over the entire unincorporated territory under the jurisdiction of the Marlboro County Planning Commission on the official Zoning Map; and

WHEREAS, the Planning Commission voted at its meeting on December 18, 2001 meeting to recommend adoption of the Marlboro County Zoning Ordinance:

NOW, THEREFORE, BE IT ORDAINED BY THE MARLBORO COUNTY COUNCIL IN MEETING DULY ASSEMBLED THAT THE ZONING ORDINANCE IS ADOPTED THIS DATE TO REGULATE THE USE OF LAND IN THE UNICORPORATED PORTION OF THE COUNTY UNDER THE JURISDICTION OF THE MARLBORO COUNTY PLANNING COMMISSION.

Done and ratified in Council assembled this 11th day of April, 2002.

(SEAL)

G. O'Neal Hamilton, Chairman
Marlboro County Council

ATTEST:

Anna K. Hubbard
Marlboro County Administrator

First Reading: December 19, 2001
Second Reading: February 14, 2002
Public Hearing: April 11, 2002
Third Reading: April 11, 2002

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MARLBORO COUNTY ZONING ORDINANCE

AN ORDINANCE OF THE COUNTY OF MARLBORO, SOUTH CAROLINA, REGULATING THE MANNER IN WHICH LAND USE AND DEVELOPMENT SHALL OCCUR AND THE SITING OF BUILDINGS AND STRUCTURES IN RELATION TO EXISTING LAND USE, ENVIRONMENTAL RESOURCES, AND THE COUNTY'S COMPREHENSIVE PLAN.

AUTHORITY AND ENACTMENT

In accordance with authority conferred by the General Statutes of South Carolina, 1976 Code of Laws, Title 6, Chapter 29 of the Comprehensive Planning Enabling Act of 1994, as amended, and for the purposes set out below, the Marlboro County Council does hereby ordain and enact into law the following articles and sections.

ARTICLE I
TITLE, PURPOSE, JURISDICTION

Section 1-1. Title

This Ordinance shall be known and may be cited as the ZONING ORDINANCE OF MARLBORO COUNTY.

Section 1-2. Purpose

The purpose of this Ordinance shall be to implement the Marlboro County Comprehensive Plan and to promote the health, safety, and general welfare of present and future inhabitants of Marlboro County by:

1) helping achieve the goals and proposals defined in the Plan;

2) controlling the intensity of development in areas of sensitive resources or natural features in order to reduce or eliminate adverse environmental effects and to conserve natural resources;

3) concentrating development in areas where adequate sewerage facilities, roads, and schools can be provided, and limiting development where these facilities are not available;

4) minimizing the danger and congestion of traffic on the roads and highways;

5) securing safety from the hazards of improper development, resulting in fire, panic, flood, and other dangers;

6) providing adequate privacy, light, and air; and,

7) protecting landowners from adverse effects of adjoining development, and conserving the character of existing neighborhoods and subdivisions.

Section 1-3 Jurisdiction

This Ordinance shall apply to all unincorporated portions of Marlboro County.

ARTICLE II
ESTABLISHMENT OF DISTRICTS AND BOUNDARIES

Section 2-1 Establishment of Districts

In pursuit of the purpose statement set forth in Section 1-2, the County is hereby divided into the following zoning districts:

GD	General Development District
IND	Industrial Development District
RC	Residential Conservation District
RM	Residential Multi-Use District
RR	Rural Resource District

Section 2-2 Establishment of the Official Zoning District Map

Marlboro County is hereby divided into zoning districts as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.

An official copy of the map shall be filed in the office of the Code Enforcement Official. As evidence of the authenticity of said map, it shall be signed and dated by the Chairman of the County Council and attested by the Clerk to County Council.

Section 2-3 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map, the following rules shall apply:

1) Boundaries indicated as approximately following the center lines of streets, highways, or railroad tracks shall be construed to follow such center lines;

2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3) Boundaries indicated as approximately following political boundaries shall be construed as following such boundaries;

4) Boundaries indicated as following the center lines of waterways, creeks, and ditches shall be construed as following such lines;

5) Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the map shall be determined by the scale of the map; and,

6) Where physical or cultural features existing on the ground are at variance with those shown on the map, or in other circumstances covered by subsections 1 through 5 above, the Code Enforcement Official shall interpret the district boundaries.

Section 2-4 Change to District Boundaries

If, in accordance with the provisions of this Ordinance and the General Statutes of South Carolina, 1976 Code of Laws, Title 6, Chapter 29 of the Comprehensive Planning Enabling Act of 1994, as amended, changes are made in district boundaries or other matter portrayed on the Official Map, such changes shall be entered on said map promptly after the amendment has been approved by the County Council. Any amendment to this Ordinance which involves matter portrayed on the map shall become effective immediately upon approval.

No change of any nature shall be made on the Official Map except in conformity with the procedures set forth by this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided by law.

Section 2-5 Custodian of the Official Zoning Map

Regardless of the existence of purported copies of the Zoning Map which may from time to time be made or published, the Official Map shall be located in the Office of the Code Enforcement Official and shall be the final authority as to the current status of district boundaries.

ARTICLE III
PURPOSE OF DISTRICTS

The purpose of the several districts established by Article II and the uses permitted in each are as follows:

Section 3-1 GD, General Development District

3-1.1 Purpose. This district is expected to accommodate most of the projected growth in the unincorporated areas of Marlboro County, according to the County's

Comprehensive Plan. It consists of areas where development logically should locate as a consequence of planned public facilities and associated capital expenditures; i.e. schools, sewer, water, parks, etc.

As such, this district is designed to accommodate a variety of uses, providing for a full range of residential as well as commercial, institutional and industrial uses. In so doing, emphasis is placed on performance and development standards to lessen the impact of such uses and eliminate the negative aspects of placing varied and dissimilar uses adjacent to each other.

3-1.2 Permitted Uses. Within the GD, Development District, a building or premise may be used for any purpose, except the following expressly prohibited uses; provided such use shall meet all applicable siting, performance and development standards contained in this Ordinance.

Prohibited Uses

1) Sanitary landfills, incinerators and infectious waste facilities
2) Hazardous and nuclear waste transfer, storage, treatment and/or disposal facilities
3) Stockyards, slaughter houses, commercial poultry operations with more than six (6) houses, and swine facilities
4) Sexually-Oriented Businesses

Section 3-2 IND, Industrial Development District

3-2.1 Purpose. The purpose of this district is to better accommodate existing industrial uses and further the industrial development of the County by protecting existing industry from encroachment of incompatible land uses and potential sites for future industrial development.

3-2.2 Permitted Uses. Within the IND, Industrial Development District, a building or premise may be used only for the following purposes unless otherwise prohibited or restricted by Article V, provided such uses shall meet all applicable performance and development standards contained in this Ordinance.

1) Agricultural uses, including commercial greenhouses and nurseries, general farming operations, keeping and raising of animals and livestock, and structures for housing and processing products raised on the premises.

2) Industrial and processing plants, including environmentally sensitive industrial and processing plants, provided such environmentally

sensitive uses shall meet all applicable requirements of Article V.

3) Wholesale, warehousing and distribution uses.

4) Office buildings, laboratories and research facilities.

5) Private clubs and lodges.

6) Public service uses, i.e. police and fire stations, airports and armories.

7) Veterinary establishments.

8) Business and vocational schools.

9) Bulk and outdoor storage lots.

10) Wrecking, salvage and junk yards, subject to all applicable requirements of Section 5.12.

11) Utilities, i.e. gas, electric and telephone; production and distribution facilities.

12) Residential, single-family on any existing lot of record and on any new lot 15 acres or greater in size, or any legally or court-ordered subdivision.

13) Prisons, water plants and sewerage treatment facilities, and substations.

14) Sanitary landfills, incinerators and infectious waste facilities; provided such uses shall meet all applicable requirements of Article V.

15) Mining and extraction operations; provided such uses meet all applicable requirements of Article V.

16) Resource recovery; solid waste storage, collection, recycling and transfer facilities; composting facilities; waste tire sites, and inert dump sites; provided such uses shall meet all applicable requirements of Section 5-6.

17) Hazardous waste and nuclear waste transfer, storage, treatment and/or

disposal facilities; provided such uses shall meet all applicable requirements of Article V.

18) Stockyards, commercial kennels, and animal auction houses; provided such uses meet all applicable requirements of Section 5-10.

19) Uses accessory to the above.

20) Signs.

Section 3-3 RC, Residential Conservation District

3-2.1 Purpose. The purpose of this district is to stabilize and protect existing neighborhoods for continued residential use. This district also is intended to encourage infilling and expansion of "like development", consistent with the character of existing neighborhoods at the time of enactment of this Ordinance. Areas identified as having a stable and fixed character will be afforded a higher level of protection and insulation from potentially incompatible uses and assured of long-term stability.

RC Districts created after the effective date of this Ordinance shall meet the following criteria:

1) Minimum land area of 20 acres and at least 10 units; or,

2) Platted subdivision with a minimum of 20 lots.

Once created, a district may be enlarged without restriction as to minimum land area or minimum number of lots.

3-2.2 Permitted Uses. Within the RC District, a building or premise may be used only for the following purposes; provided such uses shall meet all applicable regulations contained in this Ordinance.

1) Dwellings, single-family detached, excluding mobile homes.

2) Churches or similar places of worship, auxiliary buildings and uses, and child care centers accessory thereto.

3) Schools, either public or private, offering general education courses.

4) Public utilities, as necessary to serve district residents.

5) Neighborhood and community parks and centers, golf courses and similar open space uses.

6) Family day care homes.

7) Home occupations.

8) Uses accessory to the above.

Section 3-4 RM, Residential Multi-Use District

3-4.1 Purpose. The purpose of this district is to provide for areas in the County where various residential development may occur free of incompatible non-residential uses. This district permits a wide range of residential types, designed to meet market demands. While residential stability and homogeneity are important, flexibility in meeting future housing needs and providing alternatives to traditional single-family housing also are important. This district is intended to apply principally to undeveloped areas where unit and density flexibility will not adversely impact existing single-family residential subdivisions, and where the housing market can be sufficiently broad and flexible to meet the various demands for housing. It also applies to existing multi-family and mixed use residential areas.

3-4.2 Permitted Uses

1) All uses permitted in the RC District.

2) Dwellings, single-family attached townhouses.

3) Dwellings, duplexes.

4) Dwellings, multi-family, including multiplexes, apartments and condominium buildings, other multi-unit structures, and rooming and boarding houses.

5) Dwellings, mobile homes on individual lots.

6) Dwellings, single-family, semi-detached.

7) Dwellings, patio houses;

8) Mobile home parks.

9) Nursing, rest or convalescent homes and intermediate care facilities.

10) Home occupations.

11) Child care centers.

12) Agricultural uses, including commercial greenhouses and nurseries, general farming operations, keeping and raising of animals and livestock and structures for housing products raised on the premises, except that the keeping of pigs, feed lots, and commercial kennels and poultry houses shall not be permitted.

13) Uses accessory to the above.

Section 3-5 RR, Rural Resource District

3-5.1 Purpose. This district is intended to protect and preserve areas of the County which are presently rural or agricultural in character and use and are uniquely suited to agricultural use. These areas are not presently required for urban development and, according to population and land use projections, will not be required in the immediate future.

The use regulations for this district are designed to permit development compatible with the preservation of the rural character and agricultural use of these areas while not foreclosing future urban development options.

The value of agricultural lands, woodlands, hunting areas, and other open land areas which characterize this district are important to clean water and air, and to many natural cycles. They also make an attractive place in which to live.

It should be understood that while the rural character and natural resource features of these areas are important, the regulations are not intended solely to preserve these characteristics. They are also designed to permit a present use of land that will not prematurely preempt an orderly transition to more intense usage in the future.

3-5.2 Permitted Uses. Within the RR, Rural Resource District, a building or premise may be used only for the following purposes; provided such uses shall meet all applicable regulations contained in this Ordinance.

1) Agricultural uses, including commercial greenhouses and nurseries, general farming operations, keeping and raising of animals and livestock, and structures for housing and processing products raised on the premises.

2) Automobile service station and/or garage.

3) Cemetery.

4) Church and similar places of worship, auxiliary buildings, and uses including child care centers accessory thereto.

5) Community centers.

6) Dwelling, mobile home. In addition, one mobile home shall be permitted as a residence on a lot with a retail store or as a second residence on a lot with a single-family dwelling or another mobile home, but not a mobile home park, as defined by this Ordinance.

7) Dwelling, single-family detached.

8) Child care centers and family day care homes.

9) Home occupations.

10) Schools, either public or private; technical, vocational or general curriculum.

11) Equestrian uses, including stables, tracks, clubs, fields, caretaker's facilities, etc.

12) Flea markets and auction barns.

13) Outdoor recreation facilities and activities, publicly or privately operated, including hunt clubs, swimming pools, tennis courts, golf courses, parks, playfields, and similar outdoor recreation activities.

14) Retail store for sale of groceries, hardware, antiques, dry goods or general merchandise, beverage and package stores with no on-premise consump-tion; provided the gross floor area does not exceed 5,000 square feet.

15) Roadside stand for the display and sale of agricultural products.

16) Cabins, cottages, inns, campgrounds, etc. for short term occupancy.

17) Recreational vehicle parks and campgrounds; provided such uses shall meet all applicable requirements of Section 5-14.

18) Utilities, i.e. gas, electric and telephone; production and distribution facilities.

19) Mining and extraction operations, subject to the additional requirements of Article V.

20) Public service uses, i.e. police and fire stations, airports and armories.

21) Stockyards, slaughter houses, animal auction houses, and commercial kennels and poultry houses, subject to the additional requirements of Section 5-10.

22) Sanitary landfills, incinerators and infectious waste facilities, subject to the additional requirements of Article V.

23) Resource recovery, solid waste collection, storage, recycling and transfer facilities; composting facilities, and inert landfills.

ARTICLE IV

DEVELOPMENT STANDARDS FOR BUILDINGS AND STRUCTURES

Section 4-1 Purpose

The development standards of this Article are applicable, as specified to all buildings and structures. They are designed to address the development process in Marlboro County as it relates to the following:

1) site and soil conditions
2) landscaping and open space
3) impervious surfaces
4) building setbacks and required yards
5) heights of buildings and structures
6) buffer areas
7) existing residential subdivisions
8) exterior lighting
9) minimum lot or parcel areas

Section 4-2 Site and Soil Analysis

4-2.1 Purpose. Proper development begins with an analysis of the natural and environmental features of a site. These factors include land forms, wetlands, soils, slopes, vegetation, floodplains, etc. They differ from site to site. Each is critical to, and must be addressed by, the development process.

The purpose of this section, therefore, is to mitigate the potential impact of development where it might adversely disturb or be adversely affected by these natural features.

4-2.2 Natural Features Analysis. As part of the required site analysis, each site shall include an identification of any and all of the following natural features: soils with severe limitations to development and wetlands. Where such features are identified, development shall be governed by the following.

4-2.3 Soils Analysis. Soils may and often do pose significant constraints to development. However, these constraints often may be overcome by sound engineering solutions, making use of such soils possible if proper steps are taken. Such steps might include the removal of these soils from construction areas, use of additional fill dirt, use of extra thick sub-base, pilings, elevated first floor, or other such measures.

Certain soils are identified as presenting severe limitations to development in the Soil Survey of Marlboro County, South Carolina, 1995, prepared by the Natural Resources Conservation Service of the United States Department of Agriculture. Where such soils are identified on a site proposed for multi-family or non-residential buildings with more than 5,000 square feet of gross floor area, a soils analysis report shall be submitted together with the preliminary plat or site plan. The report shall describe the extent of the soil(s) and how the limitations are to be overcome. The proposed method of dealing with the soils shall be approved by the Code Enforcement Official prior to the issuance of a building permit.

4-2.4 Wetlands Requirements. Where wetlands are identified by the analysis, the applicant shall contact the U.S. Army Corps of Engineers to determine if such wetlands are "jurisdictional wetlands" and if so, the applicant shall secure the necessary permits and/or clearance before a building permit shall be issued by the County.

Section 4-3 Landscaping and Common Open Space Standards

4-3.1 Purpose. The purposes of landscaping and open space standards are to improve the appearance of vehicular use areas and property abutting public rights-of-way; to protect, preserve and promote the aesthetic appeal, scenic beauty, character and value of land in the County; to promote public health and safety through the reduction of noise pollution, storm water runoff, air pollution, visual pollution, and artificial light glare; and to provide as part of all high density residential projects sufficient open space and recreational areas for the inhabitants of such projects.

4-3.2 Where Required. The following uses/projects shall provide open space and/or landscaping in the amounts prescribed.

	Common Open Space Ratio	Landscaping Ratio

Proposed Uses/Projects	(% of Lot)	(% of Lot)
Residential		
Cluster Developments	20	--
Townhouse Projects	15	--
Mobile Home Parks	20	--
Multi-Family Projects	25	--
Non-Residential		
Institutional	--	25
Office	--	25
Industrial/Wholesale/Storage	--	20
Commercial - Retail/Business	--	15

1) New Sites. No new development, building, structure or vehicular use area in connection with the above shall hereafter be created or used unless open space and/or landscaping is provided in accord with the provisions of this section.

2) Existing Sites. No existing building, structure or vehicular use area in connection with the above shall be expanded or enlarged unless the minimum landscaping and/or open space required by the provisions of this section are provided to the extent of the alteration or expansion.

4-3.3 Common Open Space/Landscaping Plan. Proposed uses/projects outlined in 4-3.2, shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall :

1) Designate areas to be reserved as open space and/or for landscaping. The specific design of open space and/or landscaping shall be sensitive to the physical and design characteristics of the site.

2) Designate the type of open space which will be provided and indicate the location of plant materials, decorative features, recreational facilities, etc.

3) Specify the manner in which common open space shall be perpetuated, maintained and administered.

4-3.4 Types of Common Space and/or Landscaping. The types of common open space which may be provided to satisfy the requirements of this Ordinance, together with the maintenance required for each are as follows:

FOR RESIDENTIAL USES ONLY

1) Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees and plant materials, and brush. Natural water courses, considered to be open spaces, are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter flood levels.

2) Recreational areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ballfields and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that no hazards, nuisances, or unhealthy conditions exist.

3) Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas is encouraged. Maintenance is limited to ensuring that no hazards, nuisances, or unhealthy conditions exist.

4) Landscaped areas and lawns including creative landscaped areas with gravel and tile, as long as the tile does not occupy more than two (2) percent of the required open space. Lawns, with or without trees and shrubs, shall be mowed regularly to ensure neatness and landscaped areas shall be trimmed, cleaned, and weeded regularly.

FOR NON-RESIDENTIAL AREAS ONLY

Required landscaping shall be provided as follows:

1) Along the outer perimeter of a use, where required by the buffer area provisions of this Article, to separate incompatible land uses.

2) Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing more than 20 parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and directions. Elsewhere, landscaped areas shall be designed to soften and complement the building site.

3) Along the exterior walls of all structures exclusive of paved pedestrian ways or loading areas.

4-3.5 Preservation and Maintenance of Common Open Space. Land designated as "common open space" may not be separately sold, subdivided or developed. Excess land designated as common open space may be developed in the future. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

1) Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.

2) Dedication of and acceptance by the County.

3) Deed restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance responsibility.

In the event that any private owner of common open space fails to maintain same, the County may in accordance with the Open Space Plan and following reasonable notice and demand that deficiency of maintenance be corrected, enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

Open space not in common ownership shall be perpetually maintained by the owner(s) having title to such open space.

4-3.6 Preservation and Maintenance of Landscaped Areas. The owner, where appropriate, the tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance at all times and shall be kept free from refuse and debris. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material.

Section 4-4 Impervious Surface Standards

Impervious surfaces are those that do not absorb water. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt are considered impervious surfaces. The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.

4-4.1 Purpose. The purpose of impervious surface standards is to reduce the impact of storm water runoff created by development. By requiring on-site permeable areas,

lot-line-to-lot-line "black topping" is declared by this Ordinance to be an unacceptable practice.

4-4.2 Standards. The following uses shall be limited in the amount of on-site impervious surface areas to the prescribed ratios:

Proposed Use	Percent Total Lot/Site Area
Residential	55
Commercial/Business	80
Industrial/Warehousing/Storage	75
Institutional	65

Section 4-5 Building Setbacks and Required Yards

4-5.1 Definition. A required yard or setback is open space that lies between the established building line and the nearest lot or street right-of-way line. Such yard or setback shall be unoccupied and unobstructed from the ground upward except as is specifically provided by this section ~~(see illustration)~~. Measurement shall be taken from the nearest property/street right-of-way line perpendicular to the prescribed building line.

4-5.2 Purpose. The purposes of these setback regulations are to ensure the provision of light and open space between structures; to accommodate future street widenings at the lowest possible cost; and, to prevent the crowding of development.

4-5.3 Standards. All buildings and structures, including the expansion of existing buildings and structures, shall meet or exceed the minimum setback requirements specified on the following page unless modified by Section 4-5.5. However, fences and walls shall be allowed along the property line, unless otherwise specified by buffer area requirements.

4-5.4 Modifications. The following modifications shall apply where applicable

1) Due to the unique characteristics of patio homes and townhouses, the Board of Zoning Appeals may vary the front yard setback on a case-by-case basis.

2) Where a lot fronts on two nonintersecting streets, or two intersecting streets forming an angle of 60 degrees or less, front yard setbacks shall be provided on both streets.

3) For corner lots, a front yard setback shall be required on the street of higher classification ranked in the following order: a) arterial, b) collector, c) local; or in the case of two equally classified streets, the street having the higher traffic volume. A second front yard setback of one-half the depth shall be provided on the lower classified street or the one having the lower traffic volume.

4) Notwithstanding the front yard setbacks of this section the front building line of any proposed building may be as close to the street as the average front building line of the buildings fronting on the same block and within 400 feet of the proposed use.

5) Structures and buildings adjacent to railroads may locate closer to the railroad right-of-way than the permitted side or rear yard setbacks specified by this section; provided the location shall be in accordance with applicable railroad standards and conform to all other pertinent provisions of this Ordinance.

MINIMUM SETBACK REQUIREMENTS

	FRONT YARDS ABUTTING:				
USES	LOCAL ROADS	COLLECTOR ROADS	ARTERIAL ROADS	SIDE YARD	REAR YARD
NON-RESIDENTIAL					
Principal	30'	40'	50'	5'[1]	10'
Accessory[2]	30'	40'	50'	5'	5'

[1]Five feet for all uses except for commercial condominium projects which are allowed to share interior property lines; provided that a 10-foot setback shall be required on the end units; further provided that such projects (buildings) shall not exceed 600 feet parallel to the street providing principal access. Where buildings are grouped on the same lot, forming a shopping or business center, a 15-foot side yard setback shall be required on each end of the project.

[2]Freestanding sign structures and off-street parking space may be located in the required setback areas; provided such use(s) and structures shall be no closer than 5 feet to any property line and shall occupy no required buffer area.

RESIDENTIAL					
Single-family	30'	40'	50'	10'	25'
Mobile Home	30'	40'	50'	10'	25'
Duplex	30'	40'	50'	10'	25'
Townhouses	30'	40'	50'	15'[3]	15'
Patio/Cluster	30'	40'	50'	10'[4]	15'
Multi-family	30'	40'	50'	25'[5]	25'
Accessory[6]	30'	40'	50'	5'	5'

4-5.5 Projections Into Setback (Required Yard) Area. The following shall be permitted to project into the required setback area:

1) Eaves, chimneys, cornices, gutters, and other minor architectural features projecting less than 24 inches from the main building;

2) Unenclosed steps not extending above the first floor level and not closer than five (5) feet to a property line.

3) Fences and walls of any necessary height, but not closer than eighteen (18) inches to a street line.

4) A protective hood or awning over a doorway may extend not more than five (5) feet into the required minimum setback area.

4-5.6 Setbacks at Street and Driveway Intersections. Where a driveway intersects a street, or a street intersects another street, any and all buildings, structures or hedges shall be set back a sufficient distance from such intersection in accord with the vision

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[3]For townhouses, there shall be no minimum between units, but a 15-foot setback shall be required between the end unit and the external property line, and between buildings on the project site. No more than 6 units may be attached.

[4]For patio homes and cluster housing subdivisions, a 5-foot setback shall be required on one side only and a 10-foot setback shall be required between the end unit and the external property line.

[5]For multi-family and attached single-family dwellings, a 25-foot setback shall be required between the exterior unit(s) and the external property line, and between buildings on the project site.

[6]Accessory farm buildings or structures housing livestock, swine or fowl, regardless of the type of enclosure, shall be located no closer than 1,000 feet to the nearest residential property line; a 5-foot setback shall be required in all other instances.

clearance illustration for this section. However, structures or hedges less than 2 1/2 feet in height, structures (poles) less than 12 inches in diameter, and freestanding signs at least 10 feet above ground, may be permitted in such visual clearance areas.

Section 4-6 Building Height Standards

4-6.1 Purpose. Building height standards are designed to reduce or eliminate potential conflict between low and high rise development, and to ensure compatibility of scale and the provision of light and air.

4-6.2 Standards. Where a building or structure of 30 feet or more is proposed, said building or structure shall be set back from the building line one additional foot in horizontal distance for each one foot in additional vertical distance (building height) over 30 feet. Initially a 30-foot rise is permitted at and perpendicular to the building line. As the building or structure increases in height, it must distance itself from the building or setback line at the same rate of increase (1 to 1) shown by this section illustration.

Section 4-7 Buffer Area Requirements

4-7.1 Purpose. The purpose of a buffer area is to ameliorate nuisances between adjacent land uses and streets, and promote land use compatibility. Additionally, the buffer area is designed to safeguard existing property values from potential devaluating effects of contiguous development of a dissimilar nature.

4-7.2 Location. Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. They shall not be located on any portion of an existing street or right-of-way; however, they may occupy part or all of any required front, side or rear yard or setback. Where required, buffer areas and/or buffer area structures shall be developed as an integral part of the proposed use.

4-7.3 Design Standards. Three types of buffer areas are required by this Ordinance, Type A, Type B, and Type C.

5) Type "A" Buffer Area. The Type A Buffer Area consists of low density landscaping between a proposed use and the adjacent street, providing separation between the two. The buffer area shall have an average width of at least ten (10) feet, and a minimum width of five (5) feet. For each 100 linear feet of frontage, the buffer area shall consist of a combination of 12 ornamental shrubs, two understory or canopy trees and landscaped grass areas, or other appropriate groundcover. The shrubs may be clustered to assure their survival.

6) Type "B" Buffer Area. The Type B Buffer Area is a medium density screen

intended to block visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of ten (10) feet. For each 100 linear feet, the screen shall consist of a combination of two deciduous trees planted 40 to 60 feet on center and 8 evergreen plants 10 feet on center.

7) Type "C" Buffer Area. The Type C Buffer Area is a high density screen intended to exclude all visual contact between uses and to create a spatial separation. The buffer area shall be a minimum width of 15 feet. For each 100 linear feet, the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 17 evergreen plants or understory trees planted in a double-staggered row 10 feet on center.

4-7.4 Determination of Buffer Area Requirements. Buffer areas shall be required under the following circumstances.

1) Type A Buffer Area Required. Wherever a multi-family complex, mobile home park, or non-residential use is proposed, a Type A buffer area shall be provided along the entire street right-of-way boundary of the proposed use, separating it from the adjoining street, except for driveways and visibility angles.

2) Type B Buffer Area Required. Wherever a mobile home park, RV park, multi-family or townhouse project, mini-warehouse, institutional, or commercial use is proposed for a site or lot adjoining a single-family residential use with no intervening public or private street or right-of-way of eighteen (18) feet or greater, a Type B Buffer Area shall be provided along the boundary of the adjoining residential property line. A Type B Buffer Area also shall be required between the above listed residential and non-residential uses.

3) Type C Buffer Area Required. Wherever an industrial, warehouse, outdoor storage or related use is proposed for a site or lot adjoining any residential use with no intervening public or private street or right-of-way of eighteen (18) feet or greater, a Type C Buffer Area shall be provided along the boundary of the residential property line.

4-7.5 Buffer Area Specifications.

1) Minimum Installation Size At installation or planting, all evergreen (understory) trees and/or shrubs used to fulfill buffer area requirements shall be no less than 6 feet in height, and all deciduous (canopy) trees shall be no less than 8 feet in height, except for ornamental shrubs for Type A Buffer

Areas, which may be used.

2) Minimum Mature Size. At maturity, evergreen plant material used for screening shall form a continuous opaque screen averaging 10 feet in height, and deciduous plant material used for screening shall average 25 feet in height.

3) Staggered Planting. Where required, evergreen and deciduous plant material shall be planted in at least two rows and in an alternating fashion to form a continuous opaque screen of plant material.

4-7.6 Substitutions. The following substitutions shall satisfy the requirements of this section.

1) Existing Plant Materials. Existing trees of 4 inches in Diameter Breast Height (DBH) or more in diameter, within the required buffer area may be included in the computation of the required buffer area planting, with approval of the Code Enforcement Official.

2) Fence or Wall. Where, owing to existing land use, lot sizes, or configurations, topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this section cannot reasonably be met, the developer(s) may request and the Code Enforcement Official may approve the substitution of appropriate screening in the way of a fence or wall structure along the property line of the proposed use in accord with the following standards.

A six-foot fence or wall, as illustrated below, may be substituted for a Type B Buffer Area, and an 8-foot fence may be substituted for a Type C Buffer Area.

FENCE AND WALL ILLUSTRATIONS

Wood Stockade/Opaque Fence

Masonry Wall

(Non-Perishable Supports) (Poured Concrete, Stucco Concrete, Brick, Etc.)

4-7.7 Responsibility and Maintenance. It shall be the responsibility of the proposed new use to provide the buffer area where required by this Ordinance, except that no new detached single-family use shall be required to provide such buffer area.

The maintenance of required buffer areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure continued buffering and shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

4-7.8 Use of Buffer Areas. A buffer area may be used for passive recreation; however, no plant material may be removed. All other uses are prohibited.

Section 4-8 Existing Residential Subdivisions

Within the boundaries of any residential subdivision of three (3) or more lots in existence on the effective date of this Ordinance or any such subdivision subsequently created and developed, no use other than single-family dwellings and accessory uses thereto shall be permitted or erected.

Where there is some question concerning the boundaries of the subdivision, including street classifications, the Planning Commission shall make the final determination.

Section 4-9 Exterior Illumination

All operations, activities, and uses shall be conducted so as to comply with the performance standards governing exterior illuminations prescribed below.

In general, the pattern of light pooling from each light source shall be carefully considered to avoid throwing light on to adjacent properties. Light sources visible in residential or medical areas shall comply with light intensities indicated in Column A below. Light sources visible in commercial or industrial areas shall comply with light intensities indicated in Column B below.

Maximum Intensity of Light Sources

	Column A	Column B
Bare Incandescent Bulbs	15 Watts	40 Watts
Illuminated Buildings	15-foot Candles	30-foot Candles
Backlighted or Luminous		

Background Signs	150-foot Lamberts	250-foot Lamberts
Outdoor Illuminated Signs and Poster Panels	25-foot Candles	110-foot Candles
Any Other Unshielded Sources, Intrinsic Brightness	50 Candela Per Square Centimeter	50 Candela Per Square Centimeter

Illumination shall be measured from any point outside the property. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

Section 4-10 Minimum Lot or Parcel Area Requirements

4-10.1 Purpose. The purpose of area requirements is to ensure the adequate provision of light and air, and to prevent the crowding of development.

4-10.2 Standards. All new buildings and structures on a public sewerage system shall meet or exceed the following minimum area or lot requirements. All new buildings and structures not on such a system shall meet the minimum area requirements of the South Carolina Department of Health and Environmental Control (DHEC), but in no case shall the requirements be less than the following:

Single-family detached dwelling	10,000 square feet
Mobile home on individual lot	10,000 square feet
Duplex	18,000 square feet
Multi-family and apartment developments	
Area per development	2 acres
Area per unit	4,000 square feet
Cluster and patio home developments	
Area per development	2 acres
Area per unit	4,000 square feet
Mobile home park	
Area per park	2 acres
Area per mobile home lot	8,000 square feet
Non-residential uses	5,000 square feet

ARTICLE V

SUPPLEMENTAL DEVELOPMENT STANDARDS FOR CERTAIN

LAND USES AND LARGE SCALE DEVELOPMENTS

Section 5-1 Purpose

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

Section 5-2 Uses Affected by this Article

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

1) Sanitary landfills, incinerators and infectious waste facilities
2) Hazardous waste and nuclear waste transfer, storage, treatment and/or disposal facilities
3) Resource recovery; solid waste collection, storage, transfer and recycling facilities; composting facilities; waste tire sites; and inert landfills
4) Vehicular race and testing tracks
5) Mining and extraction operations
6) Commercial or club pistol, rifle, or skeet range
7) Stockyards, slaughterhouses, commercial poultry houses, commercial kennels, ~~and~~ animal auction houses, and swine facilities
8) Large scale projects
9) Junk, salvage and wrecking yards
10) Environmentally sensitive industrial and processing plants
11) Recreational vehicle parks and campgrounds
12) Sexually oriented businesses

Section 5-3 Procedure for Processing Uses Affected by this Article

5-3.1 Hearing, Review Required. Owing to the nature and potential impact of certain uses listed by this Article, the Board of Zoning Appeals shall call for and conduct a public hearing on any application to establish such use in Marlboro County, having given at least 15 days notice of the time and place in a newspaper of general circulation in Marlboro County

The Board shall review and evaluate each application with respect to all applicable development standards contained herein and elsewhere in this Ordinance, and shall consider the following in its deliberations.

1) The relationship of the proposed use with respect to the County's Comprehensive Plan;

2) The impact of the proposed use on the street system, with particular reference to automotive and pedestrian safety and convenience, traffic generation, flow and control, and access in case of fire or catastrophe, such as not to be detrimental to existing or anticipated uses, either adjacent to or in the vicinity of the proposed use;

3) The impact of the proposed use on nearby property; and,

4) The suitability of the affected site in terms of size, shape and topographic conditions to accommodate the proposed use, building or development and to ensure environmental compatibility.

5-3.2 Decisions and Appeal. At the conclusion of its review, the Board may approve the proposal as presented, approve it with specified modifications, or disapprove it.

If approved, the Board shall instruct the Code Enforcement Official to issue the appropriate permit(s), or if conditionally approved, the applicant shall be instructed on any contingencies or modifications imposed by the Board. If disapproved, the applicant shall be notified in writing with the reasons therefor. Upon receipt of "Notice of Disapproval," the applicant may appeal the decision to the Circuit Court in and for the County of Marlboro.

Section 5-4 Sanitary Landfills, Incinerators, and Infectious Waste Facilities

Due to consideration for the public health and safety and general welfare of County residents, any such uses, buildings, structures, or other improvements proposed for Marlboro County shall comply with the following supplemental development standards.

1) No such use, building, structure or other improvement shall be located within 2,500 feet, measured in a straight line, of any existing residential, or outdoor recreational use.

2) A geotechnical engineering firm shall render a written opinion that, to their best professional judgment, the rock formations being used to contain the waste are impermeable and that the surrounding ground water sources will not be contaminated (applies to landfills only).

3) A drainage and sedimentation plan shall accompany the request, showing all off-site runoff (applies to landfills only).

4) The facility shall be enclosed by an opaque fence or wall structure illustrated by

Section 4-7.6(2), on all sides visible from the road or street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.

Section 5-5 Hazardous Waste and Nuclear Waste Transfer, Storage, Treatment and/or Disposal Facilities

Hazardous and nuclear waste disposal facilities have potential for being incompatible with prevailing environmental conditions, and existing and planned development in Marlboro County. As a result, all such proposed uses, buildings, structures or other improvements shall:

1) be located no closer than 2,500 feet to any existing residential, recreational, religious, educational or public use, or the water of any lake, pond, or reservoir used or scheduled to be used as a source of public drinking water, to include the waters of any lake, pond, or reservoir that are connected to or flow into any other lake, pond, or reservoir used or scheduled to be used as a source of public drinking water;

2) be enclosed by an opaque fence or wall structure illustrated by Section 4-7.6(2) on all sides visible from any road or street, and a security fence on the remaining unexposed boundaries;

3) be accompanied by a comprehensive environmental impact statement, prepared by an independent firm qualified in such matters, and approved by the Board of Zoning Appeals;

4) identify in the application the materials to be handled and the approximate quantity to be accommodated over the life of the facility. Said facilities must be constructed above ground and in accord with accepted engineering practices and standards governing hazardous waste facilities.

5) be required to comply with any and all recommendations contained in the impact statement, together with such other reasonable requirements as may be imposed by the Board of Zoning Appeals to better mitigate the siting and operation of such a facility in Marlboro County; and,

6) meet all DHEC requirements.

Section 5-6 Resource Recovery Facilities; Solid Waste Collection, Storage and Transfer Facilities; Waste Tire Sites; Composting Facilities; and Inert Landfills

In keeping with the goals of the State's Solid Waste Policy and Management Act of 1991 (to reduce the amount of solid waste being received at public landfills and incinerators and to promote

recycling of waste resources) and to promote land use compatibility in the process, the above referenced facilities, where proposed for Marlboro County, shall meet the following siting and location criteria.

1) No such use, building, structure or other improvement shall be located closer than 500 feet to any residence, church, school, historical place, or public park.

2) No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water or other causes.

3) All materials and activities shall be screened in such fashion as not to be visible from off-site. Screening may be accomplished by any combination of fences, walls, berms or landscaping prescribed by Section 4-7 in order to be fully screened from view. Where plants are to be used, they shall be evergreens of sufficient size to accomplish buffering and screening at the time of installation.

4) All such facilities shall have direct access off collector or arterial streets only.

Section 5-7 Vehicular Race and Testing Tracks

Vehicular race and testing tracks are declared by this Ordinance to be incompatible with residential development. Additionally, any such use has the potential of negatively impacting many non-residential uses. Compliance with the following development standards is therefore prerequisite to a location in Marlboro County.

1) No such use, building, structure or other improvement shall be located within 2,500 feet, measured in a straight line, of any existing residential use, park or church.

2) Dirt tracks shall be located no closer than one (1) mile, measured in a straight line, from any residential use.

3) Proposed facilities shall have direct access off collector or arterial streets only.

Section 5-8 Mining and Extraction Operations

The purposes of these regulations are to ensure that the usefulness, productivity, and scenic values of lands and waters involved in mining within the County receive the greatest practical degree of protection and restoration, and that no mining may be carried on in the County unless plans for the mining include reasonable provisions for protection of the surrounding environment and for reclamation of the area of land affected by mining.

Toward these ends, County permit applications shall be accompanied by the following:

1) A reclamation and reuse plan, once mining operations are complete.

2) Assurances that mining operations involving blasting activities shall be located not less than a minimum distance between the nearest point of blasting and any structures not owned by the operator as of the date of the completed SC Department of Health and Environmental Control (DHEC) mining permit application or where there is no waiver of damage. The minimum distance shall be as determined by the current weight distance formula adopted by the SC Fire Marshal. In no event, however, shall the minimum distance be less than 250 feet from the nearest point of blasting to the nearest inhabited structure. The minimum distance from the nearest point of blasting to the nearest inhabited structure shall not be less than 250 feet, unless a waiver of damage has been obtained from the owner of the nearest inhabited structure.

3) A location map and assurances that access will be restricted to a collector or arterial street or road, and not allowed on local (residential) streets.

Mining and extraction uses in existence on the date of passage of this Ordinance which are non-conforming, and any extension of such uses, operations, activities or business on such parcel or contiguous parcels under the same ownership on the date of passage of this Ordinance or any parcel for which a valid mining permit has been issued by DHEC prior to the passage of this Ordinance, shall be exempt from these and all other requirements contained in this Ordinance.

Section 5-9 Commercial or Club Outdoor Pistol, Rifle or Skeet Range

The unique nature of these uses is such that the following criteria shall be observed in siting such use in Marlboro County.

1) No such use, building, structure or other improvement shall be located within 2,500 feet of any existing residential use.

2) The use shall be oriented away from habitable areas.

3) The site upon which the use is proposed shall be suitable in size and topography to ensure the safety of area residents.

Section 5-10 Stockyards Slaughter Houses, Commercial Poultry Houses, Commercial Kennels, Livestock Auction Houses, and Swine Facilities

The above referenced uses shall be located no closer than 2,500 feet to any residential use. Applicable permits from the SC Department of Health and Environmental Control are required before Marlboro County issues a Certificate of Zoning Compliance. No incineration of animals or animal refuse shall be permitted, unless approved and permitted by DHEC.

Section 5-11 Large Scale Projects

5-11.1 Purpose. Large scale projects can substantially impact environmental features, surrounding land use, traffic conditions and facilities, and public utilities.

The purposes of this section, therefore, are to assure the proper siting of such projects in relation to their surroundings, and to avoid any negative fall out from improper planning and design.

5-11.2 External Relationship. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movement and minimize hazards to vehicular or pedestrian traffic. Merging and turning lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need.

Such projects shall not be permitted access to a local residential street, but where a local non-residential street intersects with a collector or arterial street, access drives shall be restricted to the local non-residential street, where feasible.

Pedestrian access, where provided, shall be by safe and convenient routes. Where there are crossings or pedestrian ways and vehicular routes at edges of the project, such crossings shall be safely located, marked, and controlled; and where such ways are exposed to substantial automotive traffic, safeguards including fencing may be required to prevent crossings except at designated points.

5-11.3 Internal Relationships. Streets, drives, parking, and service areas shall provide safe and convenient access for service and emergency vehicles. Streets shall be laid out so as not to encourage outside traffic to traverse the development, or create unnecessary fragmentation of the project into small blocks. In general, the project shall be consistent with use and shape of the site and the convenience and safety of occupants and persons frequenting the project.

Vehicular access to collector streets and major thoroughfares or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed, and controlled as to channel traffic to and from such areas conveniently, safely, and in a manner that minimizes traffic friction and promotes free flow of traffic on streets without excessive interruption.

Section 5-12 Junk, Salvage and Wrecking Yards

Owing to the environmental consequences and potential impact of wrecking, salvage, and junk yards, the location, operation and siting of such facilities shall be governed by the following:

1) Such uses shall be located no closer than 500 feet to any residential use, church, school, historical place or public park.

2) No material because it is discarded and incapable of being reused in some form shall be placed in open storage.

3) No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water or other causes.

4) All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully enclosed buildings.

5) All materials and activities not within fully enclosed buildings shall be enclosed by an opaque fence or wall, illustrated by Section 4-7.6 , on all sides visible from the road or street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.

6) No such use shall front on or be visible from a major arterial or access on a local residential street.

Section 5-13 Environmentally Sensitive Industrial and/or Processing Plants

For the purpose of these regulations, an environmentally sensitive industrial and/or processing plant shall include any activity requiring a permit or other approval by DHEC or the US Environmental Protection Agency (EPA) or which involves the use, storage, manufacture, treatment, disposal, discharge, spill, or release of pollutants, emissions, or hazardous substances in or to the air, surface, or groundwater, or ground, including but not limited to activities permitted pursuant to the Federal Clean Air Act; Clean Water Act; Toxic Substances Control Act; Safe Drinking Water Act; Resource Conservation and Recovery Act; Comprehensive Environmental Response, Compensation, and Liability Act; State Pollution Control Act; Hazardous Waste Management Act; and Solid Waste Management and Policy Act.

In order to ensure that any such activities proposed for Marlboro County are located and operated so as to ensure compatibility and negate any adverse impacts they may have on the public health, safety, and environment, the Board of Zoning Appeals in addition to reviewing the permit request for compliance with the requirements of Section 4-3 shall review the qualifications and integrity of the applicant to comply fully with all applicable environmental regulations. Any prior record of noncompliance with operational regulations of similar businesses or activities including any and all notices of deficiencies, violations, citations, consent orders, fines, penalties, debarments, remedial requirements, record of unsatisfactory performance, civil or criminal claims of wrongdoing, and any actions under appeal to regulatory agencies or to judicial entities, shall be considered in the

evaluation of the applicant's qualifications to conduct such a business in Marlboro County.

Section 5-14 Recreational Vehicle (RV) Parks and Campgrounds

Recreational Vehicle (RV) Parks and Campgrounds shall be evaluated on the basis of general site and design criteria.

1) The site shall be at least two (2) acres.

2) Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships.

3) The scale and arrangement of the facility shall be compatible with the character of surrounding development.

4) The site shall be developed in a manner that preserves natural features and landscape.

5) The following dimensional requirements shall serve as parameters beyond which development shall not exceed:

   1) Maximum impervious surface ratio shall not exceed 15 percent of the project site.

   2) Minimum setbacks for all structures and recreational vehicles shall be

Arterial Street R-O-W	50'
Collector Street R-O-W	40'
Local Street R-O-W	30'
All other property lines	25'

   3) Maximum density shall not exceed 12 vehicles per acre.

   d) Buffer areas shall be as specified by Section 4-7.

6) Areas designated for parking and loading or for trafficways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicle ingress and egress. All drives shall be located at least one hundred fifty (150) feet from any street intersection and shall be designed in a manner conducive to safe ingress and egress.

7) All streets within RV parks shall be private.

8) Each park site shall be serviced by a water and sewer system approved by DHEC. Evidence of such approval shall accompany a county permit application. The location of any water and sewer plants within the boundaries of the recreational

vehicle park shall be designed, located, landscaped, and buffered so as not to be visible from adjacent properties. If recreational vehicle sites are to be provided to recreational vehicles that have no bath or toilet facilities, those sites shall be located not more than 200 feet from approved shower and toilet facilities.

9) All recreational vehicle parks shall have a fire protection plan and appropriate base facilities for fighting fire as approved by the appropriate District Fire Chief.

10) All existing park sites shall be brought into compliance with the provisions of this section no later than 12 months following adoption of this Ordinance.

Section 5-15 Sexually Oriented Businesses

Sexually oriented businesses are declared by this Ordinance to be incompatible with residential development, and have the potential of negatively impacting non-residential development as well. Compliance with the following development standards is therefore prerequisite to a location in Marlboro County.

No more than one (1) adult entertainment establishments shall be located on any lot.

Location. Sexually oriented businesses shall not be located closer than the following:

1) One thousand (1,000) feet from any residential use;

2) One thousand (1,000) feet from any house of worship, day care center, public or private elementary or secondary school, public park, public library, cemetery, municipal corporate limit lines, or any motion picture establishment which shows G or PG rated movies to the general public on a regular basis; and,

3) Two thousand (2,000) feet from any other adult use, provided that this shall not apply to any establishment or cabaret that does not provide adult entertainment more than twelve (12) times per calendar year.

Measurements of distance separation shall be in a straight line from the closest points of the buildings in which the adult uses are to be located.

Interior of Premises. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of

each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

Signage. Signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner, and may contain only the name of the regulated establishment and/or one or more of the following phrases:

1) "Adult Bookstore";

2) "Adult Movie Theater" (may contain movie titles posted on the premises);

3) "Adult Cabaret";

4) "Adult Entertainment"; and,

5) "Adult Model Studio".

Signs shall comply with all other requirements for the zoning district.

ARTICLE VI

NONCONFORMITIES

Section 6-1 General

A nonconforming lot, use, building or structure is one which was lawfully created or established prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Ordinance.

Uses existing at the effective date of this Ordinance also shall include proposed uses evidenced by a valid building permit issued prior to the effective date of this Ordinance where work is commenced within 6 months of and substantially complete within 18 months of said effective date.

Section 6-2 Nonconforming Uses

6-2.1 Continuance. Nonconforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted construction in the districts in which they are located. 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 Ordinance may be continued even though such structure does not conform with the provisions of this Ordinance, except that said nonconforming use, building, structure or portions thereof, shall not be:

1) Reused or reoccupied after discontinuance of occupancy for six months, or in cases involving the settlement of an estate, one year. For purposes of this section, the term vacated or discontinued is synonymous with the removal of equipment, structures or other aspects of such nonconforming use, and discontinuance of electric power.

2) Reestablished, reoccupied, or replaced with same or similar use, structure or building, after physical removal or relocation from its original location at the time of enactment, amendment, or revision of this Ordinance, except that mobile homes in nonconforming mobile home parks or courts may be replaced as long as the total number of units does not exceed the total number in place at the time of enactment, amendment, or revision of this Ordinance.

3) Repaired, rebuilt, or altered after any damage exceeding fifty percent (50%) of its market value at the time of destruction; provided however, that in computing the percentage of destruction, as to commercial, industrial, or residential complexes consisting of more than one structure, each structure shall be deemed only a portion of the total market value of the total amount of structures situated on the site of said complex; and to prevent rebuilding, more than fifty percent (50%) of the aggregate market value of all of the structures constituting the complex shall have been destroyed; provided further, that any structure rebuilt shall be in the same location and no larger than the original.

4) Enlarged or altered in a way which increases nonconformity.

5) Changed to a nonconforming use of higher intensity, such as from a commercial use to an industrial use, but may be changed to another nonconforming use of a similar character.

6-2.2 Discontinuance. Notwithstanding other provisions of this Ordinance, certain nonconforming buildings or land uses shall be torn down, altered or otherwise made to conform with this Ordinance within the periods of time set forth below. Upon application to the Board of Zoning Appeals, the Board either according to general rule or upon findings in a specific case, may permit not more than one extension for not more than the time indicated below.

Notice shall be sent by the Code Enforcement Official to all nonconforming users stating wherein they do not conform to said Ordinance and stating the date by which they must either comply or cease to exist. The date by which they must comply or cease to exist shall be measured from the date of receipt of the Notice of Nonconformance by certified mail, return request. Upon failure to comply with such

notice, the Building Official may initiate action to have such nonconforming uses removed and any costs of removal incurred in the process may be collected in a manner prescribed by law.

Nonconformities	To Be Discontinued Within	Extensions May Be Permitted Upon Review By Board of Zoning Appeals
Nonconforming fences and hedges impeding vision at intersections	90 days	None

Section 6-3 Temporary Nonconformities

A temporary use permit may be issued by the Code Enforcement Official for an appropriate period of time not to exceed 12-month increments for nonconforming buildings, structures or uses incidental to building construction or land development or deemed to be generally beneficial, provided that the owner of that temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the permit.

Section 6-4 Nonconforming Lots of Record

Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site and the Code Enforcement Official is authorized to issue a permit for the use of the property, provided that said dimensional requirements are not reduced below the minimum specified in this Ordinance by more than twenty percent (20%)., the matter shall be taken up for review and approval by the Board of Zoning Appeals under normal review procedures.

Nonconforming yard or lot existing at the time of passage of this Ordinance shall not be reduced in dimension or area below the minimum requirements set forth herein.

Section 6-5 Proof of Nonconformity

When seeking relief under this section, it shall be the responsibility of the owner, manager, or tenant of a nonconforming use to establish existence of such use prior to the effective date of this Ordinance, and to note wherein such use is in nonconformance.

ARTICLE VII

DEVELOPMENT STANDARDS FOR OFF-STREET PARKING AND LOADING

Section 7-1 Purpose

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

Section 7-2 Off-Street Parking Requirements

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

Principal Use	Spaces Per Unit of Measure
Auditorium, theater, or places of public assembly	0.3 per seat, main auditorium
Auto service station	1.0 per four pumps
Boarding and rooming house	1.0 per bedroom
Bowling alley	5.0 per lane
Church/synagogue	0.3 per seat, main seating area
Child care center	1.0 per 200 square feet GFA*
Congregate housing	3.0 per every 5 beds
Cultural facilities (i.e., art galleries, museums, libraries, etc.)	1.2 per 1,000 sq. ft. GFA
Dwelling unit	1.5 per one bedroom unit; 2.0 per unit for all others
Financial institutions	1.0 per 300 sq. ft. GFA
Automatic teller machines	2.0 per machine

Principal Use | Spaces Per Unit of Measure

Flea market	1.5 per stall
Funeral home	5.0 plus 1.0 per 4 seats in main assembly room
Grocery or supermarket	1.0 per 250 sq. ft. GFA
Convenience Store (with or without gas pumps)	1.0 per 200 sq. ft. GFA
Hospitals and nursing homes	1.0 per bed, plus 1.0 per 300 sq. ft. office and administrative space
Hotel, motel, or motor court	1.1 per rental unit, plus requirement for associated use
Industrial, manufacturing, and processing uses	1.0 per 800 sq. ft. GFA
Marinas (boat docks)	10.0 per dock
Mini-warehouses	1.0 per 10 storage units
Membership organizations	1.0 per 350 sq. ft. GFA
Office and professional building	1.0 per 250 sq. ft. GFA
Office, medical or dental, clinics	2.0 spaces per bed or 1.0 space per 150 sq. ft. GFA, whichever is greater
Public service buildings	1.0 per 250 sq. ft. GFA
Radio and TV stations	1.2 per 1,000 sq. ft. GFA
Recreational Uses	
Community centers	3.3 per 1,000 sq. ft. GFA
Golf courses	5.0 spaces per hole
Swimming & tennis clubs	1.0 per 200 sq. ft. GFA
Public parks & playgrounds	By individual review
Restaurants and other establishments dispensing drinks and food	1.5 per 150 sq. ft. GFA
Principal Use	Spaces Per Unit of Measure

Retail store and personal service shops	1.0 per 250 sq. ft. GFA
Sales and service not listed elsewhere	1.0 per 300 sq. ft. GFA
Schools	
Elementary & Jr. High	2.0 per classroom, plus 2.0 per office
Sr. High, Business, Vocational, and Colleges	5.0 per classroom, plus 2.0 per office
Shopping Center	1.0 per 250 sq. ft. GFA
Taverns, discos, nightclubs, clubs engaged principally in dispensing alcoholic beverages	1.0 per 100 sq. ft. GFA
Veterinary clinic	1.0 per 350 sq. ft. GFA
Wholesaling, warehousing, and distribution operations	1.0 per 5,000 sq. ft. GFA

*GFA = Gross Floor Area

The parking space requirements for a use not specifically listed above shall be the same as for a listed use of similar characteristics of parking demand generation.

Except for shopping centers, mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

Whenever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

Section 7-3 Parking Space for the Physically Handicapped

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

Number of Required Spaces	Number of Spaces Reserved for Handicapped Persons

Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 and over	2% of the total required

Parking spaces for the physically handicapped shall measure 12 feet by 20 feet or 8 feet in width with an adjacent access isle 8 feet in width, and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps and walkways.

Section 7-4 Reduction of Off-Street Parking Space Requirements

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

Section 7-5 Land to Provide Parking

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

Section 7-6 Design and Construction Standards

7-6.1 Drainage and Maintenance. Off-street parking facilities shall be properly graded for drainage to prevent damage to abutting property and/or public streets. Off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.

7-6.2 Separation from Walkways and Streets. Landscaping, curbing, fencing or other approved barriers to vehicular movement shall be provided along property boundaries to control entrance and exit of vehicles or pedestrians, and separate off-street parking spaces from sidewalks and streets. All parking spaces shall be designed so that vehicular movement onto a public street is in a forward motion.

7-6.3 Surfacing and Marking. Parking lots with twenty (20) or more spaces shall be surfaced with asphalt or concrete, and shall be marked by painted lines, curbs or other means to indicate individual spaces. However, such requirements may be waived on an individual basis by the Planning Commission for rural churches, recreational uses, certain industrial and processing uses, and uses not catering to the public.

7-6.4 Lighting. Adequate lighting shall be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential uses.

7-6.5 Parking and Isle Dimensions. Parking stalls shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum of twenty percent (20%) of the total number of stalls may be 8.5 feet by eighteen (18) feet. However, the dimensions of all parallel parking stalls shall be not less than nine (9) feet by twenty-four (24) feet. Minimum isle widths shall be as follows:

(a)	90-degree parking	24 feet
(b)	60-degree parking	20 feet
(c)	45-degree parking	15 feet

7-6.6 Joint Use of Off-Street Parking Lots. Up to 50 percent of the parking spaces required for (a) theaters, public auditoriums, bowling alleys, dance halls, clubs, churches and religious institutions may be provided and used jointly by (b) financial institutions, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those listed in (a); provided however, that written agreement assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and content by the County Attorney, and shall be filed with the application for a building permit.

7-6.7 Off-Street Loading. All uses shall provide off-street loading areas sufficient for their requirements. Such space shall ensure that no vehicle being loaded or unloaded in connection with normal operations will stand in or project onto a public street or sidewalk.

Off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve.

ARTICLE VIII

APPLICATION OF REGULATIONS

The regulations set forth herein are intended to clarify, supplement or modify the regulations set forth elsewhere in this Ordinance.

Section 8-1 Conformity with Regulations Required

No building, structure or land shall hereafter be erected, reconstructed, converted, enlarged, moved or structurally altered unless in conformity with the regulations set forth in this Ordinance.

Where an expansion will increase the size of a use or building existing at the time of enactment of this Ordinance, such expansion (only) shall meet all applicable requirements of this Ordinance.

Section 8-2 Uses Not Permitted Are Prohibited

For the purpose of this Ordinance, permitted uses are specified or listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this Ordinance, uses not specifically referenced by type or functional classification are prohibited.

Section 8-3 Encroachment, Reduction of Lot Area

The minimum yards, parking space, open spaces and lot area required by this Ordinance for each and every building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area or lot dimension be reduced below the requirements of these regulations.

Section 8-4 Exceptions to Height Limitations

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, or domes not intended for human occupancy, utility poles, chimneys, flag poles, radio or television towers, masts, antennas, or roof mounted mechanical equipment.

Section 8-5 Yard Regulations for Two or More Buildings on a Lot

Whenever more than one principal building is to be located on a lot, the required yards and setbacks shall be maintained around the group of buildings and individual buildings shall be separated by a horizontal distance that is at least equal to the height of the highest adjacent building.

Section 8-6 Temporary Uses

Manufactured units, portable offices and modular structures may be permitted as temporary uses in any district during construction of buildings or projects, provided a permit for such use is first issued by the Code Enforcement Official, such use is not used as living quarters, and is removed

within 15 days after completion of the project.

Section 8-7 Street Access to Property and Buildings

8-7.1 Every building hereafter erected, constructed, moved or relocated shall be adjacent and/or have access to a publicly dedicated, publicly accepted or maintained street.

8-7.2 No building shall be erected so as to cut off access or entry of firefighting equipment to the rear of the building.

Section 8-8 Garage, Yard, Etc. Sales

Garage, yard, tag, patio and apartment sales are specifically permitted as an accessory use in all districts. Such sales shall be limited in the RC to four during each twelve month period, for a maximum duration of two days per sale.

Section 8-9 Parking, Storage and Use of Certain Vehicles in the RC District

Parking, storage and use of certain vehicles in the RC District shall be subject to the following:

8-9.1 Automobiles, trucks or trailers of any kind or type without current license plates shall not be parked, and construction equipment shall not be stored on any residentially occupied lot of less than 10 acres, other than in completely enclosed buildings.

8-9.2 The parking or storage of tractor trailer rigs and/or cabs shall not be permitted.

8-9.3 Not more than one (1) travel or camping trailer per family living on the premises shall be permitted on a lot, and the trailer shall not be occupied permanently while it is parked or stored.

8-9.4 All uses not in compliance with the provision of this section shall be removed or brought into conformity within 90 days of the effective date of this Ordinance.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

Section 9-1 Administration Officer and Responsibilities

The duly appointed Code Enforcement Official or his designee is hereby given the authority to administer and enforce all provisions of this Ordinance.

The Code Enforcement Official shall accept and examine all applications for construction,

use or reuse of land, and shall issue building and use permits where such applications are in accord with the provisions of this Ordinance and applicable building codes. He shall direct parties in conflict with this Ordinance, cause to be kept records and files of any and all matters referred to him and to execute any and all reports as County Council may require.

If the Code Enforcement Official shall find that any one of the provisions of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuances 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; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Where there is an alleged error in any order, requirement, decision or determination regarding the interpretation or administration of this Ordinance, the matter may be appealed to the Board of Zoning Appeals for a determination; provided such appeal is taken within a reasonable time, as provided by the rules of the Board.

Section 9-2 Building Permits Required

No building or other structure shall be erected, nor shall any existing building or other structure be moved, added to, enlarged or structurally altered, and no excavation for any building or other structure shall be begun before the issuance of a building permit. No building permit shall be issued where it appears that the structure or facilities to be constructed for the use contemplated would be in violation of the provisions of this Ordinance. 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.

Section 9-3 Use (Occupancy) Permit Required

No building, other structure or land shall be used, nor shall any building, structure or land be converted, wholly or in part, to any other use, until a use permit certifying compliance with this Ordinance has been issued by the Code Enforcement Official; except that no use permit shall be required for any use in existence on the effective date of this Ordinance. No use permit shall be issued where such use is in violation of the provisions of this Ordinance, or of any other applicable law or regulation.

Section 9-4 Duration of Validity

Any building permit issued shall become invalid if the authorized work is not commenced within six (6) months of the date of issuance or is suspended or abandoned for a period of six (6) months, provided that upon good cause shown within either of said six-month periods a permit for an additional period not exceeding six (6) months may be issued.

Section 9-5 Fees

Fees to cover the administrative cost of issuing building and use permits shall accompany all requests for such permits. The amount of such fees shall be determined by County Council, a schedule of which shall be available at the office of the Code Enforcement Official.

Section 9-6 Filing Applications

Applications for building and use permits shall be filed on forms provided by the office of the Code Enforcement Official.

9-6.1 Application Requirements for a Building Permit. Each application for a building permit shall be accompanied by the following or as much thereof as the Code Enforcement Official shall find necessary to determine whether the proposed building or use will be in compliance with the provisions of this Ordinance.

(a) Completed application form.

(b) A plat or site plan, with date and scale, showing the actual shape and dimensions of the lot to be built upon; the exact size and location on the lot of existing buildings and structures, and the lines within which the proposed building, structure, or facilities are to be erected, altered, or constructed; setbacks; the existing and intended use of each building or part of a building; the number of families or housekeeping units the building is designed to accommodate; buffer areas; permeable areas; flood and wetland areas; proposed parking; entrances, exits; open space; and such other information with regard to the lot and contiguous land uses as required to determine compliance with and provide for the enforcement of this Ordinance.

9-6.2 Application Requirements for a Use Permit. Application materials required for a building permit shall constitute the basis for compliance determination and subsequent issuance of a use permit. Each application for a use permit shall be made at the time the building or structure is substantially complete; and shall be issued upon finding by the Code Enforcement Official and assurance by the owner/developer that the proposed building or use has been constructed, erected, or altered in accord with all applicable requirements of this Ordinance.

Failure to comply with the standards and requirements of this Ordinance may result in withholding the issuance of such permit and prevent the use of said building or property until compliance is certified.

Section 9-7 Inspections for Compliance

The Code Enforcement Official may make or require any inspections of any construction to ascertain compliance with the provisions of this Ordinance and other laws which are in force and to ascertain that such building or structure is constructed or erected as indicated on the approved permit application.

Section 9-8 Violations

9-8.1 Ordinance Violations. The construction, reconstruction, erection, structural alteration or use of any building or other structure or the use of land or premises in violation of any of the provisions of this Ordinance is hereby declared to be a misdemeanor. In addition to all other remedies provided by law, the County may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful act, including the issuance of an ordinance summons, in accord with Section 56-7-80 of the Code of Laws of South Carolina, 1976.

9-8.2 Permit Cancellations. A building or use permit shall be cancelled by the Code Enforcement Official when construction or use violates any provision contained in this Ordinance. Upon such cancellation any further work upon the construction, alteration, erection or repair on said building or structure, and any further use of said building or structure or land, except for a purpose for which a permit is not required, shall be deemed an ordinance violation, and processed accordingly.

Section 9-9 Actions Punishable

Every act or omission designated as a misdemeanor in this Article shall be punishable by a fine of two hundred dollars ($200) or thirty (30) days in jail for each offense. Where such act or omission is continued in violation of the provisions of this Ordinance, after giving notice of such violation by the Code Enforcement Official, each and every day thereafter such violation continues shall be deemed a separate offense.

ARTICLE X

AMENDMENTS

Section 10-1 Amendment Authorization and Procedure

This Ordinance, including the District Boundary Map, may be amended from time to time by County Council, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have recommended approval of the requested amendment.

Section 10-2 Initiation of Amendment

Amendments to the text or map of this Ordinance may be initiated by the County Council, the Planning Commission, the Code Enforcement Official, any department or agency of the County, or any other individual, corporation, or agency. A request for an amendment to the zoning map, other than a request from the County Council or Planning Commission, including property other than that owned by the applicant, shall include a written certification that the owners or authorized agents of all properties other than that owned by the applicant for amendment are in agreement with the proposed amendment.

Section 10-3 Application Requirements

All applications shall be filed on forms provided by the Code Enforcement Official and shall be signed by the applicant, providing both name and address. In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted. In the case of a map amendment, the existing and proposed boundary (district) change shall be stipulated.

A processing fee, as established by County Council, shall be nonrefundable for failure of said amendment to pass. However, in the event an application is withdrawn prior to the time it is ordered advertised for hearing, one-half (1/2) of the fee shall be refunded.

Section 10-4 Action by Planning Commission

All applications shall be decided on the basis of the evidence of record. An application for a map or text amendment shall be either approved, denied or withdrawn. An application may be withdrawn at any time before the hearing. If it is not withdrawn, it shall be either approved or denied on its merits, in which case no application for the reclassification of all or any part of a map change which is the subject of the application shall be accepted for filing for twelve (12) months following the date of such approval or denial on the merits.

The Planning Commission shall act on an application within thirty (30) days after receipt thereof, recommending to County Council, either denial or approval. The decision shall be determined by a majority of those voting. All decisions of the Planning Commission shall be made in open session on roll call. The resolution embodying the decision shall not be valid unless it is incorporated in the Planning Commission's minutes.

Section 10-5 Planning Commission Report

The Planning Commission shall prepare a report to accompany its recommendation on any proposed amendment, stating its findings and its evaluation of the request. In making its report, the Commission shall consider the following factors:

10-5.1 The relationship of the request to surrounding land uses and the County's Comprehensive Plan;

10-5.2 Whether the uses permitted by the proposed change would be appropriate; and,

10-5.3 Other circumstances and conditions affecting the property, surrounding land and the County at large.

The report, together with its recommendation to approve or deny the application shall be submitted to the County Council, who shall schedule a public hearing on such application, and provide notice thereof.

Section 10-6 Public Hearing and Notice Thereof

Before enacting an amendment to this Ordinance, the County Council shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in Marlboro County. When a proposed amendment affects a district classification of a property, notice shall also be made by posting the property concerned. The Code Enforcement Official shall cause to be conspicuously located on or adjacent to the property affected, one (1) hearing notice for every three hundred feet (300') of street frontage or portion thereof. 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, time, date and place of the hearing.

Section 10-7 Decision of the County Council

Following the public hearing, the County Council shall act on the application, and provide written notice of its action.

ARTICLE XI

BOARD OF ZONING APPEALS

Section 11-1 Establishment

A Board of Zoning Appeals is hereby established. Said board shall consist of nine members appointed by County Council. The members shall serve for overlapping terms of four years or thereafter until their successors are appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the County Council. The members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board. None of the members shall hold any other public office or position in the County.

Section 11-2 Proceedings

The Board shall adopt rules necessary to the conduct of its affairs in accordance with the provisions of this ordinance. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Code Enforcement Official and shall be a public record.

Section 11-3 Decisions

The concurring vote of five (5) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Official or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to affect any variation of this Ordinance. On all appeals, applications and other matters brought before the Board of Zoning Appeals, the Board shall inform in writing all the parties involved of its decisions and the reasons therefor.

Section 11-4 Powers and Duties

In exercising its powers, the Board of Zoning Appeals may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determinations, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, 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.

The Board of Zoning Appeals shall have the following powers and duties.

11-4.1 Administrative Review. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of the Code Enforcement Official. Such appeal shall be taken within thirty (30) days by filing with the Code Enforcement Official from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Code Enforcement Official shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for hearing the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Code Enforcement Official from whom the appeal is taken certifies to the Board of Zoning Appeals, after notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Code Enforcement Official from whom the appeal is taken and on due cause shown.

11-4.2 Variances.

11-4.2.1 Duties of the Board. The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Zoning Appeals that:

(a) There are extraordinary and exceptional conditions pertaining to the particular piece of property;

(b) These conditions do not generally apply to other property in the vicinity;

(c) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and,

(d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

With respect to uses of land, buildings and other structures, this Ordinance is declared to be a definition of the public interest by County Council, and the spirit of this Ordinance will not be observed by a variance which permits a use not generally permitted in the district involved or any use expressly or by implication prohibited by the terms of this Ordinance in said district. Therefore, under no circumstances shall the Board of Zoning Appeals grant a variance to permit a use not generally permitted in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

No nonconforming use of neighboring lands, structures, or buildings in the district, and no permitted use of land, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

In granting any variance, the Board of Zoning Appeals may prescribe conditions and safeguards in conformity with this Ordinance.

11-4.2.2 Procedures. A written application for a variance shall be submitted demonstrating that the applicant meets the provisions of Section 11-4.2.1.

Notice of public hearing shall be posted on the property for which a variance is sought and shall be published at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in Marlboro County.

The hearing shall be held. Any party may appear in person, or by agent or attorney.

The Board of Zoning Appeals shall make findings that the requirements of Section 11-4.2.1 have been met by the applicant.

The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The Board of Zoning Appeals shall further make a finding that the granting of the variance will be in harmony with the general purposes and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The Board of Zoning Appeals may prescribe a time limit within which the action for which the variance is requested shall be begun or completed, or both.

11-4.2.3 Effect of Failure to Meet Conditions. Violation of conditions and safeguards prescribed in conformity with this ordinance when made a part of the terms under which the variance is granted shall be deemed as violations of this ordinance, punishable under penalties established herein.

Failure to begin or complete, or begin and complete, an action for which a variance is granted, within the time limit specified, when such time limit is made a part of the terms under which the variance is granted shall void the

variance.

11-4.3 Special Exceptions.

11-4.3.1 Duties of the Board.

(a) To hear and decide only such applications for special exceptions as the Board of Appeals is specifically authorized to pass upon by the terms of this Ordinance;

(b) To decide such questions as are involved in determining whether special exceptions should be granted;

(c) To prescribe appropriate conditions and safeguards in conformity with this Ordinance; and,

(d) To deny special exceptions when not in harmony with the intent and purpose of this Ordinance.

11-4.3.2 Procedures.

(a) A written application for a special exception shall be submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.

(b) Notice of public hearing shall be posted on the property for which special exception is sought and shall be published at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in Marlboro County.

(c) The public hearing shall be held. Any party may appear in person, or by agent or attorney.

(d) The Board of Zoning Appeals shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

(e) The regulations of this ordinance setting forth specific standards to be met prior to the establishment of any special exception shall be binding upon the Board of Appeals and no variance to such requirements shall be granted.

(f) The Board of Appeals shall grant no special exception for the establishment of any use or structure which necessitates the concomitant granting of a variance.

(g) The Board of Appeals may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both.

11-4.3.3 Effect of Failure to Meet Conditions. Violation of conditions and safeguards prescribed in conformity with this ordinance, when made a part of the terms under which the special exception is granted shall be deemed a violation of this ordinance, punishable under penalties established herein.

Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

Section 11-5 Appeals from the Decision of the Board of Zoning Appeals

Any person who may have substantial interest in any decision of the Board of Zoning Appeals may appeal any decision of the Board to the Circuit Court in and for the County of Marlboro, 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 thirty (30) days after the decision of the Board is rendered.

ARTICLE XII

DEFINITIONS

For the purpose of this Ordinance, certain terms are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and "premises"; the word "shall" is mandatory and not directory; the words "used" or occupied" include the words "intended," "designed," or "arranged to be used or occupied"; the word "lot" includes the words "plot" or "parcel"; and the word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as individual. Any word not herein defined shall be as defined in any recognized standard English dictionary.

Access. A means of vehicular approach or entry to or exit from property.

Buffer Area. A unit of yard, together with plantings, fences, berms, walls, and other screening devices required thereon.

Buildable Area. The portion of a lot remaining after required yards and buffer areas have been provided and any conservation or preservation areas, submerged lands, easements or road rights-of-

way have been subtracted from the lot area.

Building. Any roofed structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

Building Height. The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the building to the highest point of a roof or structure if other than a building.

Building, Principal. A building or where the context so indicates a group of buildings, in which is conducted the principal use of the lot on which such building is located.

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

Child Care Center. Includes any home, center, agency, or place, however styled, where children 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 night and upon any number of successive days or nights.

Compost. The humus-like product of the process of composting waste.

Composting facility. Any facility used to provide aerobic, thermophilic decomposition of the solid organic constituents of solid waste to produce a stable, humus-like material.

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

Dedication. 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.

Developed Lot or Parcel. A developed lot or parcel is one which contains $50,000 in commercial, industrial or business improvements, according to records in the tax assessor's office or receipt of a valid building permit for such activity in said amount. For purposes of erecting signage, this definition shall not include residential uses, cemeteries, educational and recreational facilities, burrow pits, churches and religious institutions, nursing or residential care facilities.

Dwelling. A structure or portion thereof which is used exclusively for human habitation.

Dwelling Apartment. See Dwelling, Multi-family.

Dwelling, Attached. A single-family dwelling attached to two or more single-family dwellings by common vertical walls.

Dwelling, Cluster Development. A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. It is applied principally to single-family residential subdivisions.

Dwelling, Detached. A dwelling which is not attached to any other dwelling by any means.

Dwelling, Duplex. A structure on a single lot containing two dwellings, each of which is totally separated from the other by an unpierced wall or ceiling.

Dwelling, Group Quarters. A dwelling that houses primarily unrelated individuals, including barracks, dormitories and the like.

Dwelling, Mobile Home. A structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width, or forty body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets this definition. The term mobile home shall not include the term modular building or structure or the term recreational vehicle or camping trailer.

Dwelling, Multi-family. A dwelling containing three or more dwelling units sharing access from a common hall, stairs, or balcony.

Dwelling, Patio. A one-family dwelling on a separate lot with open space setbacks on three sides; includes zero lot line dwellings.

Dwelling, Single-family. A building containing one dwelling unit, not including mobile homes, separately defined by this Ordinance.

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

Evergreen Tree. A coniferous or deciduous tree that remains green throughout the year.

Family. (1) One or more persons related by blood, marriage, adoption, or guardianship; (2) not more than five persons not so related, occupying a dwelling unit and living as single housekeeping unit; or (3) not more than nine mentally or physically handicapped persons for whom care is provided on a 24-hour basis, in accord with Section 6-7-830 of the S. C. Code of Laws.

Family Day Care Home. A family day care home is one in which care is given in a family during the

day only for one and not more than seven children, including the day care parent's own children.

Hazardous Waste. Any material defined in Section 44-56-20 (6) of the South Carolina Hazardous Waste Management Act as set forth in the Code of Laws of South Carolina (1976, as amended) or in any regulations promulgated by the South Carolina Department of Health and Environmental Control pursuant to the provisions of the said South Carolina Hazardous Waste Management Act.

Hazardous Waste Facility. Any landfill, incinerator, or other facility used to store, treat, or dispose of hazardous waste and also any facility used to inspect, wash clean, park or store any trucks, trailers, railroad cars, other vehicles, or other containers used to transport, store or treat hazardous waste (except for minute quantities thereof to be tested or analyzed in laboratories). Public roads, tracks of railroad companies, garages, truck stops, and other businesses providing maintenance, fuel, or other services to common carriers in general shall not be deemed to be a hazardous waste facility due to the fact they provide services to any such trucks, trailers, railroad cars, or to other vehicles or containers transporting hazardous waste if those same services are routinely provided to other common carriers carrying cargoes other than hazardous waste. Offices and laboratories, even if used in conjunction with or in support of a hazardous waste facility, shall not be deemed to be a hazardous waste facility unless located on or contiguous to a hazardous waste facility, unless more hazardous waste is present at any such office or laboratory than reasonably needed for testing and analyzing hazardous waste or unless more hazardous waste is present at any such office or laboratory than is permitted by any applicable law, ordinance or governmental regulation.

Home Occupation. Any occupation within a dwelling, and clearly incidental thereto, carried on by a member of the family residing on the premises, provided that:

1) no exterior indication of the use is evident other than a sign identifying a home occupation;

2) the maximum floor area used for such occupation shall not exceed 600 square feet or 25 percent of the gross floor area;

3) employees shall not exceed one (1), other than the occupant employee.

Impervious Surface. Impervious surfaces are those that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Code Enforcement Official to be impervious within the meaning of this definition will also be classed as impervious surfaces.

Impervious Surface Ratio. The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.

Inert Solid Waste Landfill. Any landfill, publicly or privately owned, that receives inert waste. Examples of inert material include, but are not limited to: bricks, concrete and other masonry material; soil; rocks; lumber; paving material; tree and brush stumps; etc.

Infectious Waste. Infectious waste has the meaning given in Section 44-93-20 of the S. C. Infectious Waste Management Act.

Junk, Scrap or Salvage Yard. A junk, scrap or salvage yard is defined as a place where two or more wrecked or disabled vehicles, including parts thereof, without current license tags and/or otherwise inoperable are placed or stored in an open area. This definition includes scrap building material, scrap contractor's equipment, tanks, cases, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, mattresses, beds or bedding or any other kind of scrap or waste material.

Kennels, Commercial. An establishment where small animals are boarded principally outdoors for compensation, or where dogs are raised and/or bred on a commercial scale. This definition does not include veterinary clinics, where the boarding of animals is enclosed.

Kennels, Domestic. An accessory use, pen, shelter or structure where no more than three dogs are boarded.

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

Large Scale Projects. Any project that generates a need for 100 or more off-street parking spaces, as determined by Article VII, excluding single-family subdivisions; or any project with two or more principal uses or buildings with gross floor area (GFA) greater than 30,000 square feet.

Lot. A single parcel or tract of land.

Lot Area. The area contained within the boundary lines of a lot.

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

Minimum Lot or Parcel Area. A measure of minimum amounts of land area required to support the various types of development.

Mini-warehouse. A building or group of buildings in a controlled-access and fenced compound that contains individual, compartmentalized and controlled-access stalls or lockers for dead storage of customer's goods or wares.

Mobile Home Park. A lot or parcel with space, improvements and utilities for the long-term parking

of three or more mobile homes which may include services and facilities for the residents.

Modular Home or Modular Structure. A building including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site. This term is not to be limited to residential dwellings. When meeting the requirements of the Modular Building's Construction Act (Section 23-43-10 of the South Carolina Code of Laws), said building or structure may be located in any of the County's several use and development districts.

Nonconformities. Lots, structures, uses of land and structures, and characteristics of uses which were lawfully created or established prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Ordinance. Uses existing at the effective date of this Ordinance also shall include proposed uses evidenced by a valid building permit issued prior to the effective date of this Ordinance where work is commenced within six (6) months of and substantially complete within 18 months of said effective date..

Non-residential Building or Use. A principal use of land or buildings for other than residential purposes, ie. commercial, industrial, or institutional.

Off-Street Parking Space. An area, not in a street or public right-of-way, permanently reserved for the temporary storage of one automobile and connected with a street or road by a driveway which affords ingress and egress.

Open Space, Common. Common open space is land and/or water bodies used for recreation, amenity or buffer. Where required for residential development, it shall be freely accessible to all residents of a development or project. It shall not be occupied by buildings or structures, drives, parking or street rights-of-way; nor shall it include individual yards or lots of residential dwelling units.

Open Space Ratio. The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the total site area.

Parcel. A land area bounded by property lines that is recognized as such by the County Tax Assessor's Office.

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

Poultry House, Commercial. A building or structure where chickens, turkeys, ducks or other domestic birds are raised exclusively for commercial use, and where the structure(s) in which they are housed is not less than 200 square feet in aggregate.

Recreational Vehicle. A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recreational Vehicle Park or Campground. A plot of ground upon which three or more camp sites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes.

Resource Recovery. The process of obtaining material or energy resources from solid waste which no longer has any useful life in its present form and preparing the waste for recycling.

Resource Recovery Facility. A combination of structures, machinery, or devices utilized to separate, process, modify, convert, treat, or prepare collected solid waste so that component materials or substances or recoverable resources may be used as a raw material or energy source.

Right-of-Way. The land occupied by a road and adjacent to it that is dedicated to a public entity for maintenance or other public purposes.

Sanitary Landfill. A land disposal site employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards.

Setback. Open space that lies between the established building line and the nearest lot or street right-of-way line. Such setback shall be unoccupied and unobstructed from the ground upward except as is specifically provided by this Ordinance. Measurement shall be taken from the nearest property/street right-of-way line perpendicular to the prescribed building line.

Sexually Oriented Businesses for adult entertainment include, but are not limited to:

Adult Arcade. Any place in which the public is permitted or invited wherein, coin-operated or slug-operated or electronically 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 time, and where the images so displayed are distinguished or characterized by depicting or describing "specified sexual activities" or "specified anatomical areas".

Adult Bookstore Or Adult Video Store. A commercial establishment which, as one of its principal business purposes, offers for sale one or more of the following:

- Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or,

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 an Adult Video Store. Such other business purposes shall not serve to exempt such commercial establishments from being categorized as an Adult Bookstore or Adult Video Store so long as one of its principal business purposes is the offering for sale or rent for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

Adult Cabaret. A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- Persons who appear in a state of nudity; or

- Live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities"; or

- Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Motel. A hotel or similar commercial establishment which:

- Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

- Offers a sleeping room for rent for a period of time that is less than ten [10] hours; or

- Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten [101 hours.

Adult Motion Picture Theater. A commercial establishment where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which

are characterized by the exposure of "specified sexual activities" or "specified anatomical areas".

Escort. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately perform a striptease for another person.

Escort Agency. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, or other consideration.

Establishment. Includes any of the following:

- The opening or commencement of any sexually oriented business as a new business; or
- The conversion of an existing business, whether or not it is sexually oriented, to any sexually oriented business; or
- The addition of any sexually oriented business to any other existing sexually oriented business; or
- The relocation of any sexually oriented business.

Nude Model Studio. Any place where a person who appears in a state of nudity or displays "specified anatomical areas" may be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or a State of Nudity. The appearance of a human bare buttock, anus, male genitals, female genitals or female breast.

Person. An individual, proprietorship, partnership, corporation, association or other legal entity.

Semi-Nude: A state of dress in which clothing covers no more dm the genitals, pubic region and areola of the female breast, as well as portions of the body, supporting straps or devices.

Sexual Encounter Center. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

- 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 semi- nudity.

Sexually Oriented Business. An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion theater, adult theater, escort agency, nude model studio or sexual encounter center.

Specified Anatomical Areas. The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified Sexual Activities. Includes any of the following:

- The fondling or erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
- Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; or
- Masturbation, actual or simulated; or
- Excretory functions as part of or in connection with any of the activities set forth above.

Slaughterhouse. A place where animals are butchered.

Solid waste. Any non-hazardous garbage, refuse, or sludge from a waste treatment facility, water supply plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities. This term does not include solid or dissolved material in domestic sewage, recovered materials, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina.

Solid Waste Storage. The containment of solid waste, either on a temporary basis or for a period of years, in such manner as not to constitute disposal of such solid waste; provided, however, that storage in containers by persons of solid waste resulting from their own activities on their property, leased or rented property, if the solid waste in such containers is collected at least once a week, shall not constitute "storage" for purposes of this act. The term does not apply to containers provided by or under the authority of the County for the collection and temporary storage of solid waste prior to disposal.

Stock Yard. An open or closed compound, where a minimum of 210 livestock is temporarily fed, graded, bought, sold, or maintained for transfer or slaughter.

Street. Any vehicular way which: (1) is an existing federal, state or county roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the Register of Mesne Conveyance, and includes the land between the street right-of-way lines, whether improved or unimproved.

Arterial Street. A public thoroughfare designed to move large volumes of traffic from one point to another.

Collector Street. A public thoroughfare which filters traffic from local streets and conducts it to arterial streets or local traffic generators such as schools, recreation areas, and public parks.

Local Street. A public thoroughfare designed to provide access to property abutting the right-of-way.

Private Street. A vehicular way not dedicated for public use or maintenance.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structural Alteration. 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.

Swine. A domesticated animal belonging to the porcine species.

Swine Facility. An agricultural facility where swine are confined and fed or maintained for a total of forty-five days or more in a twelve-month period and crops, vegetative, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Transfer station. A combination of structures, machinery, or devices at a place or facility where solid waste is taken from collection vehicles and placed in other transportation units, with or without reduction of volume, for movement to another solid waste management facility.

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

Use. 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. A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such

principal use.

Use Permit. A document issued by an authorized official setting forth that land, building or structure legally complies with the requirements of this ordinance and other pertinent local and state requirements and that the same may be used and occupied for the purposes stated therein.
Use, Principal. The specific primary purpose for which land is used.

Waste Tire Site. An establishment, site, or place of business, without a collector or processor permit, that is maintained, operated, used, or allowed to be used for the disposal, storing, or depositing of unprocessed used tires, but does not include a truck service facility which meets the following requirements:

1) All vehicles serviced are owned or leased by the owner or operator of the service facility;

2) No more than two hundred waste tires are accumulated for a period of not more than thirty days at a time;

3) The facility does not accept any tires from sources other than its own; and,

4) All waste tires are stored under a covered structure.

Waste Tire Treatment Site. A permitted site used to produce or manufacture usable materials, including fuel from waste tires.

Wetlands. Areas of one-quarter (.25) 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 United States Corps of Engineers has permitting jurisdiction.

Yard, Required. An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard shall be unoccupied and unobstructed from the ground upward except as may be specifically provided by this ordinance.

Yard, Front. 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. A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, Required. That part of a yard between a lot line and the minimum required setback line, within which no structure shall be located except as provided by this Ordinance.

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

ARTICLE XIII

CONFLICTS AND REMEDIES

Section 13-1 Conflicts with Other Laws or Regulations

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

Section 13-2 Separability

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

Section 13-3 Effective Date

This Ordinance shall be in full force and effect from and after the date of its adoption by the Marlboro County Council.