

Article 1. Adoption, Applicability, and Interpretation

Table of Contents	Page
Sec. 101 Purpose of Article 1	1-1
Sec. 102 Title and authority	1-1
102 (a) Title	1-1
102 (b) Authority	1-1
102 (c) Repeal of conflicting laws	1-1
102 (d) Separability	1-1
102 (e) Effective date	1-1
Sec. 103 Purpose and intent	1-1
103 (a) Purpose	1-1
103 (b) Intent in interpretation	1-1
103 (c) Intent relative to private property agreements	1-2
Sec. 104 General applicability	1-2
104 (a) Lands to which this Code applies	1-2
104 (b) Use of land or structures	1-2
104 (c) Street frontage required	1-2
104 (d) One principal house on a lot	1-2
104 (e) Lot reduction prohibited without variance	1-3
104 (f) Manufactured Homes/Modular Homes	1-3
Sec. 105 Exemptions	1-3
105 (a) Previously Issued Permits	1-3
105 (b) Governmental Bodies	1-4
Sec. 106 Interpretation	1-4
106 (a) Responsibility for interpretation	1-4
106 (b) Use of figures and examples for illustration	1-4
106 (c) Use of words and phrases	1-4
106 (d) Meaning of words and phrases	1-5

Article 1. Adoption, Applicability, and Interpretation

Sec. 101 Purpose of Article 1.

This Article sets out the legal basis for the Unified Development Standards Ordinance and its broad purposes, describes the lands to which and circumstances under which the Ordinance applies, and describes how the Ordinance is to be interpreted when certain words or phrases are used or uncertainty of meaning may exist.

Sec. 102 Title and authority.

102 (a) Title.

This Unified Development Standards Ordinance regulates the use of land, the location and use of buildings and other site improvements, and the construction of public facilities and private improvements related to the development of land. This Development Ordinance shall be known as and may be cited as "The Unified Development Standards Ordinance of Pickens County, South Carolina" or, for brevity, "The Unified Development Standards Ordinance" or "The UDSO"

102 (b) Authority.

This Development Standards Ordinance is adopted under authority granted by the South Carolina Code of Laws, Title 6, Chapter 29, and for the purposes set out below.

102 (c) Repeal of conflicting laws.

All conflicting laws or parts of laws of Pickens County are hereby repealed to the extent of their conflict. Where the provisions of this Development Standards Ordinance are higher or more restrictive than those by any other applicable law or regulation, such higher or more restrictive provisions shall apply.

102 (d) Separability.

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

102 (e) Effective date.

This Development Standards Ordinance shall take effect upon its adoption by the County Council of Pickens County of Pickens County, South Carolina.

Sec. 103 Purpose and intent.

103 (a) Purpose.

The principal purposes of this ordinance are as follows:

- 1) To implement the recommendations of Pickens County's Comprehensive Plan;
- 2) To protect land values through sound and responsible development practices;
- 3) To conserve and ensure access to the County's natural and scenic resources for future generations to enjoy;
- 4) To secure the safety of residents from the hazards of development not in harmony with existing and planned improvements;
- 5) To enhance the development process and improve the siting of new development; and
- 6) To protect and preserve the character of existing neighborhoods and subdivisions.

103 (b) Intent in interpretation.

In the interpretation and application of this Development Standards Ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the property owner; and,

(3) Deemed neither to limit nor repeal any other powers granted under laws of the State of South Carolina.

103 (c) Intent relative to private property agreements.

This Development Standards Ordinance is not intended to repeal, abrogate, or impair any valid easement, covenant or deed restriction duly recorded with the Pickens County Register of Deeds, to the extent that such easement, covenant or deed restriction is more restrictive than the requirements imposed by this Development Standards Ordinance.

Sec. 104 General applicability.

104 (a) Lands to which this Code applies.

This ordinance shall apply to all unincorporated areas of Pickens County.

104 (b) Use of land or structures.

- (1) No structure or land shall hereafter be used or occupied, located, extended, moved, converted or structurally altered except in full compliance with the provisions of this Development Standards Ordinance.
- (2) No part of a yard, buffer or off-street parking spaces required in connection with any use or structure for the purpose of complying with this Development Standards Ordinance shall be included as part of a yard, buffer or off-street parking spaces required for any other use or structure, unless specifically allowed under the provisions of this Development Standards Ordinance.
- (3) Street rights-of-way or easements shall not be considered a part of a lot for the purpose of meeting the minimum requirements of this Development Standards Ordinance.

104 (c) Street frontage required.

No building permit shall be issued on any lot unless the street giving access to the lot shall be accepted and opened as a public street prior to that time or shall be a recorded private access approved by the Planning Commission or Planning Staff, or shall otherwise have achieved the status of a public street.

104 (d) One principal house on a lot.

With respect to single-family detached dwellings, only one principal building and its customary accessory uses, buildings and structures may be erected on any one lot.

The following exemptions are allowed subject to the applicable conditions:

- (1) A manufactured home may be permitted as a temporary accessory residential use, which shall be clearly subordinate to a principal single-family detached dwelling or manufactured home; whether or not such principal use is conforming, subject to all of the requirements listed below. The planning department may authorize issuance of a permit for a temporary accessory residential use for a period not to exceed one year. At the end of that year and each subsequent year thereafter, the planning department may, after a complete review of the request, grant an extension of the permit for a period not to exceed one year. The review procedure shall be the same as the original application procedure, and no request for an extension shall be unreasonably denied and no fee is required when requesting an extension. It shall be the responsibility of the planning department after each one-year period to notify the applicant of the review.

The planning department may at any time terminate the authorization at the request of the initiating applicant or upon the finding that the extenuating conditions no longer exist. The temporary accessory residential use and any associated services shall be removed from the premises within 30 days after notice of termination.

The planning department shall determine that the following requirements have been satisfied:

- a. The use is only intended to meet a temporary need or hardship. When the use is serving as a temporary dwelling during the construction or reconstruction of the principal dwelling unit, it is considered as meeting a temporary need or hardship.
- b. If the principal residential use is non-conforming, the provisions of Article 14 shall be satisfied.
- c. The temporary accessory residential use shall meet all of the requirements contained in the ordinance (chapter) for accessory uses.

- d. No minimum lot area requirement shall be required for the temporary accessory residential use.
 - e. The temporary accessory residential use shall conform to the front, side, and rear setback requirements established for the lot on which the temporary accessory residential use is located.
 - f. Off-street parking shall be provided in accordance with the provisions set forth in Article VII for the principal residential use only.
 - g. A manufactured home, which is being utilized as a temporary accessory residential use, may not be physically attached to or be a part of the principal structure located on a lot.
 - h. No permit to allow a temporary accessory residential use shall be issued until all appropriate regulations of the Pickens County Building Codes Department and other public agencies have been satisfied in regard to the adequate provision of water, sewer, access, electrical service, and fire protection. In seeking approval of the temporary accessory residential use, the applicant must demonstrate to the planning department that these facilities and services are adequately situated with respect to the subject lot.
- (2) A second single-family dwelling shall be allowed on the same lot as the original principal dwelling provided that the second dwelling meets one of the following conditions:
- a. The second dwelling is occupied by a relative by blood or marriage or in a relationship created through adoption or through foster parental care, or;
 - b. The second dwelling is occupied by either a caretaker (person overseeing the subject property), hunting club, guest quarters, maid, nanny, personal or family nurse, or agricultural laborers working for or leasing the agricultural property from the principal property owner living on the subject property.

Each residential dwelling shall conform to the front, side, and rear setback requirements established for the lot on which the dwellings are located. Off-street parking shall be provided in accordance with the provisions set forth in Article VII for each residential dwelling. No permit to allow a second residential dwelling shall be issued until applicable regulations of the Pickens County Building Codes Department and other public agencies have been satisfied in regard to the adequate provision of water, sewer, access, electrical service, and fire protection.

104 (e) Lot reduction prohibited without variance.

No yard or lot existing prior to the effective date of this Development Standards Ordinance or any subsequent amendment to it shall be reduced in dimension or area below the minimum requirements set forth in this Development Standards Ordinance without first obtaining a variance from the Pickens County Planning Commission.

104 (f) Manufactured Homes/Modular Homes

- (1) All mobile homes/manufactured homes shall be set up according to the manufacturer's installation guidelines. All mobile homes/manufactured homes shall be skirted prior to issuance of a certificate of occupancy. All mobile homes and manufactured housing shall comply with the standards set forth in Ordinances #205 and #250, as amended.
- (2) Residentially Designed Manufactured Homes and Modular Homes, when meeting the requirements of the section and other applicable requirements of this Ordinance shall be permitted anywhere in the unincorporated areas of Pickens County, unless specifically prohibited by deed restrictions, prohibitions contained elsewhere in this Ordinance, or other applicable regulations.

Sec. 105 Exemptions.

105 (a) Previously Issued Permits

The provisions of this Development Standards Ordinance and any subsequent amendments shall not affect the validity of any lawfully issued and effective building permit or development permit if:

- (1) The development activity or building construction authorized by the permit has been commenced prior to the effective date of this Development Standards Ordinance or the amendment; and
- (2) The development activity or building construction continues without interruption until the development or construction is complete. If the permit expires, any further development or construction on that site shall occur only in conformance with the requirements of this Development Standards Ordinance in effect on the date of the permit expiration.

- (3) In the case of a subdivision, development of each lot within a final plat approved prior to the effective date of this Development Standards Ordinance, and development of future phases of a subdivision contained within a preliminary subdivision plat approved prior to the effective date of this Development Standards Ordinance, may proceed under the provisions of subparagraphs 105 (a)(1) and (2), above.

105 (b) Governmental Bodies.

All governmental bodies and authorities legally exempt from regulation under the police power of Pickens County are exempt from the regulations contained in this Development Standards Ordinance.

Sec. 106 Interpretation.

106 (a) Responsibility for interpretation.

- (1) The Director of Community Development shall be responsible for the interpretation of the requirements, standards, definitions or any other provision of this Development Standards Ordinance.
- (2) Interpretations of the Director of Community Development may be appealed under the provisions of this Development Standards Ordinance relating to Appeals.

106 (b) Use of figures and examples for illustration.

- (1) Figures associated with defined terms or regulatory paragraphs in this Development Standards Ordinance are provided for illustration only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.
- (2) When an example of the application of a specific provision is given, or other explanatory text is provided, such example or text is identified by placement in a shaded box separate from the regulatory paragraphs in this Development Standards Ordinance. Such examples or explanatory text are provided for illustration only and do not limit or change the meaning of the provision or the requirements of this Development Standards Ordinance as written.

106 (c) Use of words and phrases.

For the purpose of this Development Standards Ordinance, the following shall apply to the use of words and phrases:

- (1) Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense include the singular tense. The masculine person "he" or "his" also means "her" or "hers."
- (2) References to the "County" and to the County Council and any public officials or appointed bodies of the County not otherwise named by political jurisdiction or defined in this Development Standards Ordinance shall always mean Pickens County, South Carolina, and its governing body, appointed or employed officials, and appointed bodies as named. These include:
- a. The County Administrator, appointed as such by the Pickens County Council, or the County Administrator's designee.
 - b. The Director of Community Development, appointed as such by the County Administrator, or the Community Development Director's designee.
 - c. The Director of Roads and Bridges, appointed as such by the County Administrator, or the Director of Roads and Bridges' designee.
 - d. The County Engineer, appointed as such by the County Administrator, or the County Engineer's designee.
 - e. The Planning Commission, created as such and appointed by the Pickens County Council.
 - f. The Board of Appeals, created as such and appointed by the Pickens County Council.
 - g. The Chief Building Official (referred to also as the "building inspector") appointed as such under the Building Code, or the Chief Building Official's designee.
 - h. The Code Enforcement Officer, appointed as such by the Community Development Director, or the Code Enforcement Officer's designee.
- (3) References to an administrative department of Pickens County shall always mean the department created by the County Council as such. These include:

- a. Community Development Department: References to action by the "Community Development Department" shall mean action by that administrative official to whom responsibility for that action has been assigned by the Director of Community Development.
 - b. Roads and Bridges Department: A reference to action by the "Roads and Bridges Department" shall mean action by that administrative official of the Pickens County department to whom responsibility for that action has been assigned by the Director of Roads and Bridges.
- (4) References to public officials, departments or appointed bodies of jurisdictions other than Pickens County shall always mean such persons or bodies having jurisdiction over or relative to Pickens County, South Carolina. These include:
- a. The Register of Deeds of Pickens County, South Carolina.
 - b. The South Carolina Department of Health and Environmental Control.
 - c. The Pickens Soil and Water Conservation District.
 - d. The South Carolina Departments of Natural Resources (DNR) and Transportation (DOT).
 - e. The United States Army Corps of Engineers, the Federal Aviation Administration (FAA), the Federal Emergency Management Agency (FEMA) and the Federal Environmental Protection Agency (EPA).
- (5) The word "person" is intended to include any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.
- (6) The words "shall," "will," "is to" and "must" are always mandatory and not discretionary, while the word "may" is permissive.
- (7) The word "and" indicates that all of the conditions, requirements or factors so connected must be met or fulfilled, while the word "or" indicates that at least one condition, requirement or factor so connected must be met.
- (8) The term "such as" is intended to introduce one or more examples in illustration of a requirement or point, and is intended to mean "including but not limited to the following."
- (9) The word "day" means a calendar day unless otherwise specified as a work day, which means Monday through Friday excluding official County holidays.
- (10) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."

106 (d) Meaning of words and phrases.

- (1) All words and phrases are to be interpreted within the context of the sentence, paragraph, subsection, section and Article in which they occur.
- (2) Words and phrases specifically relating to a category of use of land or a structure that are defined in this Development Standards Ordinance shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Development Standards Ordinance shall be construed to have the meaning given by common and ordinary use.
- (3) Other words and phrases defined in this Development Standards Ordinance shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Development Standards Ordinance shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by definition of the word or phrase in a dictionary of the English language in current circulation.
- (4) Definitions are clearly identified as such and are located throughout this Development Standards Ordinance in the Articles or Sections to which they most readily refer. All definitions, regardless of location within an Article of this Code, apply equally to the use of such terms throughout the Code. A glossary of all defined terms is appended to the end of this Code for convenience. However, if differences in wording occur between definitions of a term, the definition contained within an Article of this Code shall control

