

Article 3. Standards for Certain Uses

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Article 3. Standards for Certain Uses

Sec. 301 Purpose of Article 3.

The purpose of Article 3 is to provide land use and development standards for specific uses that are established in Pickens County. Unless otherwise noted, these standards are intended to be applied throughout the General Development District. Because of the nature and potential impact of uses listed in this article, the Planning Commission, with some exceptions, shall consider the proposed use under the processes enumerated in Article 12 of this ordinance.

DIVISION I. STANDARDS.

Sec. 302 Campgrounds.

302 (a) Purpose.

The purpose of this section is to provide opportunities for quality developed Campgrounds that are properly sited where there is adequate public street access and adequate access to other public services which may be needed by such an endeavor. In order to create a desirable and successful recreation environment while protecting the public health, safety, and welfare, Planning Commission review and consideration will be required.

302 (b) Use Standards.

- (1) Each Campground must have direct frontage and access to a collector or arterial street. Access to each individual Campsite and other provided structures shall be from internal/private roads. Individual Campsites shall not be accessed directly from a public road.
 - a. Roadways, and any area used for vehicular movement, circulation and parking within a Campground shall be constructed and maintained to all-weather standards.
 - b. All roadways shall have a minimum travel width of twelve feet (12') for single lane travel and twenty-four feet (24') for two lane travel, and a thirty-five foot (35') turning radius required on all turnarounds and curves to allow access by emergency vehicles.
- (2) Campgrounds shall be permitted only on sites containing a minimum of five (5)-acres in size and shall not exceed a maximum of ten (10)-acres in total gross site area. A modification of the maximum acreage may be approved only by the Board of Appeals in application of a variance, upon a finding that the proposed use will not adversely impact surrounding properties, public infrastructure, or the character of the area.
- (3) No Campsite shall be used as a permanent residence and shall only be for the use of travel trailers, pickup campers, coaches, motor homes, camping trailers, other vehicular accommodations, tents, park model units, and on-site rental cabins. No Campsite may be used for more than ninety (90) days within any consecutive 365-day period by the same occupant.
 - a. The 90 day limit applies cumulatively. Whether the days are consecutive or non-consecutive, the total stay shall not exceed 90 days per 365-day period.
 - b. Moving from one Campsite to another within the same Campground does not reset the 90 day occupancy clock.
- (4) Overall density of the Campground shall be limited to no more than five (5) Campsites per acre.
 - a. Cabins must not exceed 800SF. The 800SF limit specifically includes only the main living space.
 - b. Cabins must have a twenty foot (20') minimum space on all sides between each cabin and other adjacent structures, including but not limited to, parking pads, bathhouse, office and other structures.
 - c. The number of cabins allowed in a Campground shall not exceed twenty-five percent (25%) of the total number of Campsites.
- (5) Minimum Space Size. A minimum net space of 690 square feet is required for each Campsite.
- (6) Setbacks. Campgrounds shall maintain a minimum setback of 100 feet from all property lines.
- (7) Campsites may be served by on-site sewage disposal system as permitted by SCDES; however, each individual Campsite may not be served with an individual system.
- (8) For Campsites within the Campground that are not otherwise served with sewage disposal connections, an onsite bath house (provisions for restroom and bathing facilities) must be provided.
- (9) Campsites shall not be served by individually metered power or water service. All utilities shall be provided through a master-metered or centralized system serving the campground as a single development. All campsites shall have access to an approved water supply system. Wastewater shall be disposed of through public sewer where available, or through a centralized system permitted by the South Carolina Department of Environmental Services. Individual septic systems for separate campsites are prohibited.

- (10) For Campgrounds with more than four (4) sites a storm shelter shall be provided per IRC standards.
- (11) At the time of application for a development permit, Campgrounds must include a proper Management Plan to be instituted once operational.
- (12) 911 Addressing is required for each Campsite within the Campground.
- (13) Buffers. Campgrounds are subject to a Class II Buffer (see Figure 8.2, Section 812)
- (14) Minimum Separation Between RVs.
 - a. A distance of a least 10 feet shall be maintained between RVs.
 - b. For the purpose of this requirement, accessory structures and accessories attached to an RV are considered a part of the recreational vehicle.
- (15) Lighting. All lighting within a Campground must be Dark Sky compliant.
- (16) Enforcement. Environmental Enforcement is authorized to conduct periodic inspections to verify compliance with the standards set forth in Section 302 and the Campground's Management Plan and, if necessary, issue citations in accordance with Section 1504 of this Development Ordinance.

(Section Amended 04/06/2026)

Sec. 303 Motorized Vehicle Tracks (commercial).

303 (a) Purpose.

Outdoor Motorsports facilities, racing or testing tracks, including, but not limited to, dirt tracks, whether private or open to the public, are declared by this article to be incompatible with residential development. Motorsports facilities and test tracks shall not include properties that have a primary use other than use as a motorsports facility or testing tracks, and where use of motor vehicles is merely ancillary to the primary use. Motorsports facilities and test tracks have the potential of negatively impacting many nonresidential uses. As a result, any such use proposed to be located in the county shall comply with the following development standards in 303 (b) below.

303 (b) Use Standards.

- (1) No such use shall be located within 2,500 feet of any residential use.
- (2) Dirt tracks shall be located no closer than one mile from any residential use.
- (3) Buffer yards equal to those specified for heavy industrial uses adjacent to residential uses on local streets shall be provided along all property lines.
- (4) Proposed facilities shall have direct access off collector or arterial streets only.

(Section Amended 4/1/2024)

Sec. 304 Mining and Extraction Operation.

304 (a) Purpose.

Due to the land disturbing nature of these operations, pollution to air and water, and use of explosives to break up earth materials, such uses shall be permitted in Pickens County only under the conditions listed in this section.

304 (b) Use Standards.

- (1) A mining permit must be obtained from the South Carolina Land Resources Commission prior to securing a County permit. The mining permit shall have been issued within six (6) months of the date of the request for the County permit.
- (2) A drainage and sedimentation plan as required by the DHEC's Sediment Control ordinance shall accompany the application.
- (3) No such use shall be located less than 2,500 feet from any residential use, where explosives are to be employed.
- (4) A vegetated strip may be required along the margins of the excavation to reduce sedimentation and air borne debris.
- (5) The site must have direct access to a collector or arterial street.
- (6) With respect to any parcel or contiguous parcels under the same ownership on the date of passage of this Ordinance, mining and extraction uses in existence on the date of passage of this Ordinance which are non-conforming, and any extension or expansion 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, after the date of enactment of this Ordinance shall be exempt from these and all other requirements contained in this Ordinance.

Sec. 305 Outdoor Shooting Ranges.

305 (a) Purpose

This section is intended to set standards for the establishment and operation of outdoor shooting ranges and facilities receiving remuneration for use of the facility. Such facilities, due to their potential noise impacts and safety concerns, merit careful review to minimize adverse effects on nearby properties. All applications for the operation of any facility wherein the firearms of any sort are discharged out of doors and such facility is open to the public, whether by membership or in general, and remuneration is received for the use of the facility shall be governed by this Section.

305 (b) Exemptions

This section does not otherwise apply to the following:

- (1) The general discharge of firearms on private property in accordance with all other applicable laws or regulations.
- (2) Seasonal "Turkey Shoots", provided Pickens County has been notified at least 15 business days prior to the event.
- (3) Classroom instruction for activities associated with Concealed Weapons Permits (CWP) and ranges offering only the CWP active live fire shooting portion of the course conducted by a South Carolina Law Enforcement Division (SLED) licensed CWP instructor. This shall also include proficiency tests conducted by a CWP instructor.
- (4) Ranges operated by any Federal, State, or Local Government Agency.

305 (c) Intent

It is the intent of this section to accomplish the following:

- (1) Permitting and compliance. Outdoor shooting range facilities shall only be established, expanded, and operated in accordance with valid land use approval from the Pickens County Planning Commission.
- (2) Shot containment. Each outdoor shooting range facility shall be designed to contain all projectiles, bullets, shot, or the like, on the range property.
- (3) Noise mitigation. Each outdoor shooting range facility shall include sound barriers or sound absorbers to minimize off-site noise impacts generated by the activities conducted on the range property.

(Section Amended 4/1/2024)

305 (d) Definitions

For the purpose of this section, the following definitions shall apply. These definitions are not exclusive of all definitions that may apply to the set of standards applicable to outdoor shooting ranges.

dBA: The sound pressure level, in decibels, as measured using the "A" weighted scale and impulse response mode on a sound level meter.

Backstop: A device constructed to stop, redirect, and or contain bullets fired on a range.

Berm: An embankment used for restricting bullets to a given area, or as a protective or dividing wall between ranges.

Firearm: A weapon, including but not limited to pistols or handguns, rifles, and shotguns capable of firing a projectile using an explosive charge as a propellant.

Firing line: A line parallel to the targets from where firearms are discharged.

Firing position/shooting station: An area directly behind the firing line having a specified width and depth that is occupied by a shooter, his/her equipment, and, if applicable, an instructor or coach.

NRA Range Source Book: The latest edition of The Range Source Book, as published by the National Rifle Association.

Shooting range: An area designed and improved for the purpose of providing a place on which to discharge firearms and encompasses fixed firing positions/shooting stations, target areas, berms and baffles, and other related components.

Shooting range facility: A public or private facility, including individual shooting ranges, surface danger zones or shotfall zones, structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms.

Shotfall zone: An area within which the shot or pellets contained in a shotgun shell typically fall.

Surface Danger Zone: Any area, typically fan shaped, that may reasonably expect projectile impact resulting from direct fire, including misdirected and accidental discharges and ricochets from any firearm. The size and shape of the surface danger zone may vary based on the projectile type and any implemented mitigation efforts.

Target Line: A line parallel to the firing line along which targets are placed.

305 (e) Use Standards

- (1) Range planning, construction, and operation shall be substantially consistent with the guidelines in the latest edition of The NRA Range Source Book or the guidelines established by various publications produced by the National Shooting Sports Foundation (NSSF) for range planning, design, and management.
- (2) Shot Containment
 - a. Shooting range facilities shall be designed to contain all of the bullets, shot, or any other debris on the property on which the range facility is located.
 - b. All Surface Danger Zones and Shotfall Zones must be located on the property on which the range facility is located.
 - c. The shooting range facility must employ best management practices for lead management and containment as specified by the Environmental Protection Agency's (EPA's) most current edition of Best Management Practices for Lead at Outdoor Shooting Ranges.
- (3) Noise Mitigation
 - a. All firing positions shall be located, arranged, or mitigated, such that the sounds levels generated by the discharge of firearms on the range do not exceed a 65 dBA peak impulse response at the property line when adjacent to residential, schools, parks, or places of public assembly and 75 dBA peak impulse response at the property line when adjacent to a commercial use.
 - b. The burden of proof that the proposed range will meet this standard shall rest with the applicant.
 - c. Any noise study submitted with the use application shall have been performed by a professional engineer licensed in the State of South Carolina or by a person with a degree in a discipline related to acoustics.
- (4) Setbacks and Buffers
 - a. All firing positions/shooting stations, firing lines, and target lines must be located a minimum of two hundred (200) feet from all property lines.
 - b. All other buildings and structures must be located according to the setback standards listed in Section 408 and section 409 of the UDSO.
 - c. Buffers meeting the standards listed in Article 8 of the UDSO must be provided.
- (5) Signage and Security
 - a. All shooting ranges must erect perimeter warning signs. Perimeter signs must be separated by no more than one hundred (100) feet, with the words "Shooting Range No Trespassing", or other wording approved by the Community Development Director, on each sign.
 - b. Signs shall be a minimum of eighteen (18) inches by twenty-four (24) inches and shall be bright red, orange, or yellow with contrasting white or black lettering.
 - c. All shooting ranges must provide for the display of signs at a one-mile radius of the shooting range on all arterial and collector roads to notify the public that they are entering the area of a shooting range with the words "SHOOTING RANGE - NOISE AREA". The cost of fabrication and installation of the sign(s) must be paid for by the shooting range applicant or operator.
 - d. The entire outdoor range facility must be totally enclosed by a security fence at least six (6) feet in height.
 - e. All entrances and exits to the facility must be secured and locked during non- operating hours.

- (6) Operational Requirements
- a. Shooting activities shall be permitted during the hours of 9:00am to one (1) hour after sunset, or 9:00pm, whichever is earliest, Monday thru Saturday.
 - b. Shooting activities shall be permitted during the hours of 2:00pm to one (1) hour after sunset, or 9:00pm, whichever is earliest, on Sundays.
 - c. The sale and/or consumption of alcohol at the permitted facility shall be prohibited
 - d. The use of incendiary or tracer rounds, breech-loading - long gun rounds including .50 caliber BMG (12.7x99mm NATO) and larger, cannons, and explosives or any target that detonates is prohibited.
 - e. The range facility permittee shall provide proof of accident and liability insurance coverage. A minimum coverage of five hundred thousand (\$500,000) dollars shall be established and maintained.
 - f. Applicable range rules must be posted, at a minimum, at the point of intake/registration and, in a condensed form, at each firing position.
 - g. The permitted facility must have a designated range master(s)/officer(s). A designated range master/officer must be present on the range whenever the facility is open for shooting activities.

305 (f) Application Materials

In addition to the application materials required for land use review and approval by the Planning commission as enumerated in Section 1205, the following shall be submitted:

- (1) A Master Plan that includes a site analysis considering geography, topography, roads, soil and water characteristics and an overview of the proposed shooting types, days of the week and hours of operation.
- (2) A Lead Management Plan outlining compliance with applicable EPA Best Practices for lead management, containment, recovery, and range closure contingency.
- (3) A Safety Plan that includes range control/safety for the facility and each shooting type; range rules and regulations; and disciplinary procedures.
- (4) A Sound Study and Noise Mitigation Plan.
- (5) A Site Plan and description showing:
 - a. Property Boundaries
 - b. Proposed Building Locations
 - c. Parking and Access
 - d. Landscaping and Buffer Areas
 - e. Safety features of the facility
 - f. Elevations and profiles of the individual ranges showing, at a minimum, shooting stations, firing lines, target areas, backstops and berms, projectile containments, baffles, shotfall zones, and surface danger zones
 - g. The approximate location and use of buildings on properties within one- fourth (1/4) mile (one thousand three hundred twenty (1,320) feet) of all shooting stations, targets, and firing lines.
- (6) A non-refundable application fee of two hundred (\$200) dollars.

305 (g) Public Notice

In addition to the public notice requirements enumerated in Section 1205(d)(1), notice shall also be sent, within fifteen (15) days of the Planning Commission public hearing, by USPS to all property owners within one-fourth (1/4) mile (one thousand three hundred twenty (1,320) feet) of all shooting stations, targets, and firing lines. The cost and delivery of these notices are the responsibility of the applicant. Proof of delivery must be provided to Planning Staff ten (10) days prior to the Planning Commission public hearing.

305 (h) Standards for Approval Consideration

In addition to the Standards for Land Use Approval Consideration as enumerated in Section 1205(f)(1), the following factors shall also be considered in determining whether the request should be approved or disapproved:

- (1) The degree with which the proposal has instituted best practices as outlined in the latest edition of The Range Source Book, A Guide to Planning and Construction, published by the NRA.
- (2) The Master Plan, Lead Management Plan, Safety Plan, and Noise Mitigation Plan
- (3) Site and property situation including adjacent land uses, distance to surrounding residential and commercial properties and buildings, distance to public facilities such as parks and schools, proximity to streams and waterways, and the surrounding road network.
- (4) Site design including proposed building locations, range orientation(s), shooting positions, firing lines, buffers, parking and access.

(Section Amended on 11/7/2016)

Sec. 306 Stockyards, Slaughter Houses, Feedlots, Kennels and Livestock Auction Houses.

The above referenced uses shall be located no closer than one thousand (1,000) feet to any residential use. No incineration of animals or animal refuse shall be permitted. Such uses shall meet the applicable buffer yard requirements for separating light industry from residential uses on local streets, on all sides.

Sec. 307 Golf Courses.

307 (a) Purpose.

Golf course construction and maintenance practices result in the potential for significant negative impacts from the runoff of sediments, pesticides, herbicides, nitrates, phosphates, and other pollutants. For this reason, when golf courses are adjacent to receiving water bodies then the following practices, in addition to adherence to the County stormwater manual, are to be incorporated.

307 (b) Use Standards.

- (1) Minimum setbacks from the receiving water body of twenty (20) feet from all manicured portions of the golf course (fairways, greens, and tees) are required unless other acceptable management techniques are approved and implemented to mitigate any adverse impacts.
- (2) All drainage from greens and tees must be routed to interior lagoons or equivalent stormwater management system.
- (3) To prevent the conversion of the stormwater system to critical area and to maintain positive drainage at the anticipated flood stage, all outfalls from the lagoon system must be located at an elevation above the critical area (if the discharge is to critical area) and above the normal water elevation a distance to allow for storage of the first one inch of runoff. The volume which must be stored shall be calculated by multiplying the area of all the greens and tees by one inch. (Previously constructed stormwater management systems, which meet all current and future storage requirements, will not be required to modify outfalls.)
- (4) No greens or tees shall be located on hammocks or islands unless all drainage can be conveyed to the interior lagoon system or to an equivalent onsite stormwater management system.
- (5) Stormwater impacts to freshwater wetlands shall be limited by providing minimum twenty (20) foot buffers, or an accepted alternative, between manicured areas (fairways, greens and tees) and the wetlands. This minimum buffer must be increased if land application of treated effluent is utilized in the area.
- (6) An integrated pest management system designed in accordance with current best technology practices must be employed on the course to limit the application of chemicals which, if over applied, may leach into the ground and adjacent surface waters.
- (7) In accordance with S.C. Department of Health and Environmental Control requirements, a two (2) foot separation must be maintained between the surface of the golf course and the ground water table where spray effluent is applied.
- (8) The normal ground water elevation must be established by a registered engineer or soil scientist for each location where effluent is applied.
- (9) If spray effluent or chemicals are applied to the turf via the irrigation system, all spray heads must be located and set so as to prevent any aerosols from reaching adjacent critical areas or bodies of water.

Sec. 308 Certain Public Service Uses.

308 (a) Purpose.

Due to the need for and potential negative impact of the following uses, the location of such uses shall be guided by the additional requirements of this section.

- (1) Land Fills
- (2) Water and Sewage Treatment facilities
- (3) Electrical Substations
- (4) Prisons
- (5) Recycling Stations
- (6) Transfer Stations
- (7) Schools
- (8) Water and Sewer Lines

308 (b) Use Standards.

- (1) A proposed siting of any of the above uses shall be subject to the following requirements (as applicable), as well as any special conditions imposed by the Planning Commission to secure public health, safety, and acceptance.
- (2) Full disclosure of all emergency procedures and an analysis of the adequacy of those procedures, where applicable.
- (3) Special buffer and screening requirements.
- (4) Environmental impact analysis, where appropriate, or required by the Commission.

Sec. 309 Large Scale Projects.

309 (a) 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 impacts from improper planning and design.

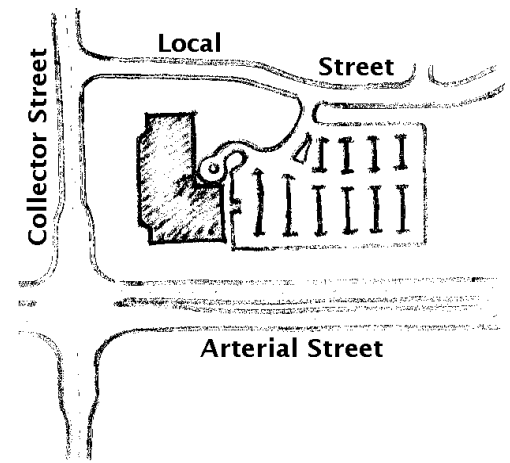
309 (b) Definition.

For purposes of this section, a large-scale project is defined as follows:

- (1) Any project that is capable of generating 1,000 average daily vehicle trips or more. Anticipated vehicle trips will be based upon the most current edition of Trip Generation published by the Institute of Transportation Engineers.
- (2) A truck or bus terminal, including service facilities designed principally for such uses.
- (3) Outdoor sports or similar recreational facilities that encompass one (1) or more total acres in parking and facilities.

309 (c) Site Access Requirements.

- (1) External Road Configurations
 - a. Road systems serving large scale projects shall be designed in relation to existing and planned external systems.
 - b. To ensure proper location of vehicular access points along existing collector and arterial County roads, the SCDOT Access and Roadside Management Standards, as amended, shall be adhered to in providing for vehicular access to all collector and arterial streets. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movement and minimize hazards to vehicular and pedestrian traffic. Merging and turning lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need.
 - c. Such projects shall not be permitted access to a local residential street, but may border or front on a local commercial or industrial street. Where a large scale project is adjacent to more than one street, access shall be taken from the lower classification of street permitted, where feasible.



- d. Access for pedestrians and shall be by safe and convenient routes. Such access need not be adjacent to or limited to the vicinity of access points for automotive vehicles. Where there are crossings of pedestrian ways and vehicular routes at edges of projects, such crossings shall be safely located, marked and controlled and where such ways are exposed to substantial automotive traffic at edges of the district, safeguards including fencing may be required to prevent crossing except at designed points.
- e. More specifically, ingress, egress openings in concrete, asphalt, rock or other street curbing provisions, commonly referred to as "curb cuts", as well as other means of vehicular access to and from such projects shall be in accordance with the following requirements.
 - (1) Access points to large-scale projects shall consist of two twelve (12) foot exit lanes and a twenty (20) foot entrance lane. A twenty-five (25) foot turning radius space will be provided and one hundred (100) feet of right-of-way where entrance/exit fronts with the intersecting street. Entrances and exits may not take access closer than one hundred twenty-five (125) feet from the right-of-way line of an intersecting major local or collector street and one hundred fifty (150) feet from an intersecting arterial street.
 - (2) In no case shall any point of access or other means of vehicular ingress and egress from private property onto a public street be permitted closer than two hundred (200) feet to the intersecting point of that street's right-of-way line with the right-of-way of any portion of an interchange involving grade separations with that road and any limited access high- ways, said interchange to include all portions of all ramps, accelerating and decelerating lanes, merge lanes and other facilities specifically designed to facilitate traffic movement onto and off of the limited access highway.
 - (3) Where possible, entrances shall be located in a manner to allow at least one hundred (100) feet of sight distance for each ten (10) miles per hour of speed limit. Sight distance shall be measured from a seeing height of three and one-half (3.5) feet to an object one foot in height.
 - (4) A fifteen (15) foot sight easement triangle shall be reserved by the developer and dedicated to Pickens County with the recording of the final plat. The sight easement shall be shown on the final plat before it is recorded.

(2) Internal Road Configurations

- a. Streets, drives, and parking and service areas shall provide safe and convenient access to dwelling units and general facilities and for service and emergency vehicles. Streets shall be laid out so as not to encourage outside traffic to traverse the development on minor streets, not occupy more land than is required to provide access as indicated, 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.
- b. Vehicular access to collector and arterial streets 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 interruptions. To this end, the SCDOT Access and Roadside Management Standards, as amended, shall be adhered to in providing for vehicular access to all collector and arterial streets.

Sec. 310

Major Subdivisions.

- (1) Subdivisions must be reviewed, approved, and recorded according to the procedures set forth in this Ordinance.
- (2) The Planning Department shall review all major subdivision plans and make a recommendation of approval or disapproval to the Planning Commission at a public hearing conducted in accordance with Article 12.

a. Exception

Planning staff may review and approve subdivisions of not more than 10 lots or development units. The Planning Department may refer subdivisions of any size to the Planning Commission based upon staff evaluation of the overall potential impact of that subdivision on the community.

- (3) By definition, subdivision is a division of a tract or parcel of land into two or more lots, buildings sites, or other divisions. The land is divided for sale, lease, or building development, whether immediately or in the future. The definition includes all land divisions involving a new street or change in existing streets. It includes re-subdivisions involving the further division or relocation of lot lines of any lot or lots within a previously approved or recorded subdivision. The definition covers the alteration of any streets or the establishment of any new streets within previously approved or recorded subdivision as well as combinations of lots of record. The following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of subdivisions:
- a. Combining or recombining portions of previously platted lots where the total number of lots is not increased and the resultant lots meet the ordinance standards.
 - b. Dividing lands into parcels of five acres or more where no new street is involved. [Note: the Planning Commission must receive plats of these exceptions as information and that fact shall be indicated on the plats.]
 - c. Combining or recombining entire lots of record where no new street or change in existing streets is involved.

Sec. 311 Wireless Communication Facilities

Purpose

This section is intended to set standards for the establishment and operation of wireless communication facilities. Such facilities, due to their potential visual impacts and safety concerns, merit careful review to minimize adverse effects on nearby properties. All applications for the operation of any facility designed and constructed for wireless communications shall be governed by this Section.

(Section Amended 4/1/2024)

311 (a) Definitions related to telecommunications.

Antenna: Any device or combination of devices, whether rods, panels or dishes, designed to receive and/or transmit radio frequency signals for amateur radio or personal wireless services, including but not limited to cellular telephone, Personal Communications Services (PCS), Specialized Mobile Radio (SMR), Enhanced Specialized Mobile Radio (ESMR), Private Mobile Radio (PMR) and paging.

Concealed Support Structure: Any freestanding structure constructed for the primary purpose of supporting one or more antennae but designed to resemble an architectural or natural feature of the specific environment, concealing or camouflaging the presence of the antennae. The term includes but is not limited to clock towers, campaniles, water towers, silos, light poles, flagpoles, and artificial trees.

Communication Tower (AKA Cell Tower, Telecommunication Tower): Any structure designed and constructed primarily for the support of one or more antennae and including guyed, self-support (lattice) and monopole types. This term does not include Concealed Support Structures.

Height: The distance measured from grade to the highest point of any and all components of the structure, including antennae, hazard lighting, and other appurtenances, if any.

Land Uses:

Agricultural: Areas of unincorporated Pickens County that are comprised primarily of farms, forested areas, or other areas that are undeveloped, not platted for development, and are otherwise not occupied primarily by residential, commercial, or industrial uses.

Commercial: Areas of unincorporated Pickens County that are comprised primarily of businesses and commercial uses including, but not limited to, retail establishments, offices, service providers, public buildings, service stations, shopping centers, restaurants, fast food establishments, etc.

Industrial: Areas of unincorporated Pickens County that are in use as or platted for use for industrial plants, factories, warehouses, public utilities, waste treatment facilities, shipping facilities, depots, etc.

Residential: Areas of unincorporated Pickens County that are primarily residential in nature consisting of single or multi-family residential housing, subdivisions, residential manufactured housing units, or uses ancillary to residential uses such as churches, schools, parks, pools, etc. or areas platted for the future development of residential uses.

Temporary Wireless Communication Facility: Portable equipment without permanent foundation that is used for a limited period while a permanent facility is under construction, under repair or during a special public event or emergency. Also called a Cell-on-Wheels (COW).

Wireless Communication Facility: A structure, facility, or location designed, or intended to be used as, or used to support, antennas, as well as any functional equivalent equipment used to transmit or receive wireless communication signals. It includes without limit, the tower compound, free standing towers, guyed towers, monopole towers, lattice towers, and concealed support structures housing wireless communication antennas. It is a structure and its associated equipment intended for transmitting and/or receiving radio, television, cellular, paging, personal communications services, or microwave telecommunications, but excluding those used exclusively for fire, police, and other publicly dispatched communications, or exclusively for private radio and television reception and private citizen's bans, amateur radio, and other similar telecommunications.

311 (b) Exemptions.

- (1) Unless modified or altered, wireless communications facilities for which a permit was issued prior to the effective date of this Ordinance are not required to meet the standards contained herein.
- (2) Wireless communication facilities located on properties owned by Pickens County, or other governmental entity, are not subject to the requirements this section.
- (3) Antennae and towers less than 70 feet in height owned and operated by the holder of an Amateur Radio license issued by the Federal Communications Commission are exempt from the requirements of this Section.
- (4) Monopole towers 100 feet or less in height located within electrical sub-stations are not subject to the requirements this Section.
- (5) Satellite ground relay station facilities are not subject to the requirements of this section.

311 (c) Principal or accessory use.

Antennae, towers and concealed support structures may be either a principal use or an accessory use and may be located on a non-conforming lot or on a lot containing a non-conforming use. The construction of a tower or Concealed Support Structure in compliance with this Section shall not be considered an expansion of a non-conforming use.

311 (d) Approval required.

- (1) No wireless communications facility located on private property shall be constructed unless it has first been approved as determined by the following Table 3.1.

Table 3.1: Approval process for wireless communications facilities					
Existing Land Use*	Facility Type				
	Attachment to Existing Building or Structure	Concealed Support Structure	New Tower		Co-location on Existing Tower
			Monopole	Other	
Agricultural/Vacant	AR	AR	LU	LU	BP
Residential	AR	AR	Prohibited	Prohibited	BP
Commercial/ other non residential					
< 150 feet high	AR	AR	AR	LU	BP
> 151 feet high	AR	AR	LU	LU	BP
Industrial					
< 150 feet high	AR	AR	AR	AR	BP
> 151 feet high	AR	AR	LU	LU	BP
Airport Overlay District	See Sec. 316	See Sec. 316	See Sec. 316	See Sec. 316	See Sec. 316
Special Areas:					
RESERVED					
*Towers located as a principal use of the property will be governed by the land use of the surrounding properties.					
BP = Building Permit AR = Administrative Review LU = Land Use Permit					

- (2) A Temporary Wireless Communication Facility may be approved by Administrative Review in any area for a period not to exceed 90 days. The application shall include an explanation of the urgency of need for a temporary facility in addition to all other documentation requirements.

- (3) In addition to the standards enumerated for Administrative Review or Land Use approval, the following factors shall also be considered:
- a. Height of the proposed tower or Concealed Support Structure.
 - b. Proximity of residential uses.
 - c. Topography of the surrounding area.
 - d. Surrounding tree cover and existing vegetation.
 - e. Design of the structure with particular reference to characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - f. Whether there exist or have been approved other suitable towers or tall structures within the geographic area required to meet the proposed service provider's engineering requirements. The lack of suitable alternatives may be demonstrated by one or more of the following:
 1. That existing towers or tall structures are not located within the necessary geographic area.
 2. That existing towers or tall structures are not of sufficient height to meet system engineering requirements.
 3. That existing towers or tall structures do not have the structural capacity to support the service provider's antennae or do not have sufficient ground or interior space for related equipment.
 4. That the proposed service provider's antennae would cause interference with antennae on existing towers or tall structures or that existing systems would cause interference with the proposed service provider's signal.
 5. That other limiting factors, not including economic considerations, render existing towers or tall structures unsuitable.
- (4) Any decision to deny an application to place, construct, or modify wireless communication facilities shall be in writing and cite the basis on substantial evidence contained in a written record.

311 (e) Height limitations and co-location requirements.

- (1) Antennae attached to existing buildings or structures other than towers shall not increase the total height by more than twenty (20) feet.
- (2) Concealed support structures on any agricultural property shall not exceed one hundred fifty (150) feet in height and shall not exceed seventy (70) feet in height in any residential area. Concealed support structures in other areas shall not be limited as to their height. Co- location for additional users may be required contingent upon the design of the structure.
- (3) Towers located in agricultural areas shall not exceed two hundred fifty (250) feet in height.
- (4) Monopoles located in any area of Pickens County shall not exceed two hundred (200) feet in height.
- (5) All towers over one hundred (100) feet in height shall have structural capacity and ground or interior equipment space to accommodate multiple users. Towers up to one hundred fifty (150) feet shall accommodate at least three (3) users. Towers over one hundred fifty-one (151) feet shall accommodate at least five (5) users.

311 (f) Design criteria.

- (1) Setbacks.
 - a. Each tower shall be located no less than a distance equal to the height of the tower from any property used for single-family residential purposes.
 - b. Each tower shall be located at least one-third of its height from any public right-of-way.
 - c. The tower owner or wireless provider must, at a minimum, own or lease the entire fall zone of the tower as certified by a qualified independent engineer licensed in the State of South Carolina. Any leased area must be contained within a single lot of record having sufficient dimensions to accommodate the setback requirements listed above.

(Amended 9/19/2016)

- (2) Landscaping, screening and visual impact.
- a. A minimum ten (10) foot wide area meeting UDSO buffer standards shall surround towers and related equipment. Landscaping and buffer areas must be under the ownership or long-term lease of the tower owner. The required buffer area may be reduced or waived by the Director of Community Development if existing natural vegetation on site provides adequate screening from adjacent properties and public rights-of-way.
 - b. Antennas and related equipment attached to existing structures other than towers shall be of the same color as any feature of the structure that forms the background.
 - c. Antennas and related equipment attached to historically or architecturally significant structures or within Significant View Corridors, as established by Pickens County or state or federal law or agency, shall be concealed in a manner that matches the architectural features of the structure.
 - d. Concealed support structures shall have all related equipment screened from view by one of the following methods:
 1. Locating all equipment in an existing building.
 2. Locating all equipment in an underground vault; or
 3. Locating all equipment in a new building that is of an architectural style similar to existing buildings or compatible with the specific environment
- (3) Lighting.
- Security lighting of the facility is allowed to the extent that the light source is shielded from adjacent properties and is Dark Sky Compliant. Towers shall not be lighted beyond that required by the FAA. If lighting is required on a tower located within 1 mile of a residential use, the owner shall request FAA approval of a dual-lighting system.
- (4) Security.
- All towers and related equipment shall be enclosed by decay-resistant security fencing not less than 6 feet in height and shall be equipped with anti-climbing devices as appropriate to prevent unauthorized access.
- (5) Signage.
- Tower facilities shall have mounted in a conspicuous place, a sign of not more than 1 square foot in area, identifying the facility's owner and providing a means of contact in the event of an emergency. All other signs and any form of advertising are prohibited.
- (6) Compliance.
- All towers, concealed support structures, antennas and related equipment shall comply with all building, electrical and other codes currently in force, the applicable standards of the Electronic Industries Association and the applicable regulations of the Federal Communications Commission and Federal Aviation Administration.

(Section Amended 4/1/2024)

311 (g) Application requirements.

- (1) Administrative Review
- Applicants shall submit the following documentation for Administrative Review:
- a. A written statement of commitment to use the proposed site from at least one (1) federally-licensed wireless service provider.
 - b. Narrative and graphic materials, such as signal propagation plots, prepared by a radio frequency engineer clearly explaining and illustrating the proposed service provider's need for the new antenna installation. In documenting need, the applicant will address the proposed site's relationship to the existing antenna network, existing towers and tall structures located within one (1) mile of the proposed location, the reasons why co- location on an existing tower is not feasible, the required antenna height and alternate locations as may be appropriate.

- c. For towers or concealed support structures, a report from a qualified independent engineer licensed in the State of South Carolina documenting the following:
 - 1. The location of the facility by longitude and latitude, ground elevation and total height.
 - 2. Total anticipated capacity of the tower or concealed support structure, including assumptions as to number and type of antennae supported.
 - 3. Evidence of the structural integrity of the structure with respect to wind and ice loadings.
 - 4. Design characteristics that indicate the limits of falling debris in the event of catastrophic structural failure.
- d. Architectural renderings or simulated photographs of all proposed structure(s) in their physical environment with particular attention to views from public streets or residential uses.
- e. Identity and current contact information of the person authorized by the applicant to answer questions from the local government or community regarding construction and operation of the facility. Include name, mailing address, telephone number, facsimile number and electronic mail address, if applicable.
- f. For facilities located on properties being leased:
 - 1. A copy of the lease agreement shall be submitted which must be signed by the property owner and notarized to ensure that compatibility is met.
 - 2. A plat of the area to be leased. This area must have access via private easement to a public road.
- g. Applicant must file with the Planning Department written indemnification of the County and proof of liability insurance of financial ability to respond to claims up to \$1,000,000 minimum in the aggregate which may arise from operation of the facility during its life, at no cost to the County, in the form approved by the County attorney.
- h. A fee of \$200.00 must accompany all applications for approval of a communication tower or facility.

(2) Land Use Review

All applicants for special use approval shall submit the following in addition to all documentation required by the Procedures and Permits Article for special use applications to be reviewed by the Planning Commission:

- a. A written statement of commitment to use the proposed site from at least one federally-licensed wireless service provider.
- b. Narrative and graphic materials, such as signal propagation plots, prepared by a radio frequency engineer clearly explaining and illustrating the proposed service provider's need for the new antenna installation. In documenting need, the applicant will address the proposed site's relationship to the existing antenna network, existing towers and tall structures located within one (1) mile of the proposed location, the reasons why co-location on an existing tower is not feasible, the required antenna height and alternate locations as may be appropriate.
- c. Architectural renderings or simulated photographs of all proposed structure(s) in their physical environment with particular attention to views from public streets or residential uses.
- d. For facilities located on properties being leased:
 - 1. A copy of the lease agreement shall be submitted which must be signed by the property owner and notarized to ensure that compatibility is met.
 - 2. A plat of the area to be leased. This area must have access via private easement to a public road.
- e. For towers or concealed support structures, a report from a qualified independent engineer licensed in the State of South Carolina documenting the following:
 - 1. The location of the facility by longitude and latitude, ground elevation and total height.
 - 2. Total anticipated capacity of the tower or concealed support structure, including assumptions as to number and type of antennae supported.
 - 3. Evidence of the structural integrity of the structure with respect to wind and ice loadings.
 - 4. Design characteristics that indicate the limits of falling debris in the event of catastrophic structural failure.
- f. A scale drawing of the site and area that indicates distances to the nearest residential uses.
- g. A map that illustrates the proposed tower location with respect to the nearest airport.

- h. A determination by the FAA regarding hazards to air navigation.
- i. Identity and current contact information of the person authorized by the applicant to answer questions from the local government or community regarding construction and operation of the facility. Include name, mailing address, telephone number, facsimile number and electronic mail address, if applicable.
- j. Applicant must file with the Planning Department written indemnification of the County and proof of liability insurance of financial ability to respond to claims up to \$1,000,000 minimum in the aggregate which may arise from operation of the facility during its life, at no cost to the County, in the form approved by the County attorney.
- k. A fee of \$200.00 must accompany all applications for approval of a communication tower or facility.

311 (h) Removal.

A communication tower, for which use has been discontinued for a continuous period of one year, shall be removed within 120 days of the date of the end of such period. Each company must notify the County within 30 days if telecommunications cease operations at a tower or antenna. All structures, fencing, screening, and other improvements must be removed and the site returned to its original condition at the company's expense.

311 (i) Annual Report Required.

All companies that operate or maintain ownership of communication towers shall submit an Annual Report to the Pickens County Planning Department during January of each year. The Report shall note a company's efforts to coordinate with other telecommunications companies including potential co-locations or towers owned by other companies.

311 (j) Third Party Technical Review Assistance.

The Planning Department or the Planning Commission may make use of technical consultants to review applications and to determine if the standards in this ordinance and other applicable standards are met. The applicant shall be required to bear the cost of the required technical services. The Planning Department shall estimate any expenses and shall require payment with the completed application. Additional expenses shall be invoiced by the County Finance Department to the applicant. Amounts in excess of required fees and actual expenses shall be returned to the applicant.

Sec. 312 Tattoo Facilities.

312 (a) Purpose and Intent.

This Section of the Pickens County Development Standards Ordinance regulates tattoo facilities in order to promote the health, safety and general welfare of the citizens of Pickens County and to establish reasonable and uniform regulations to prevent the deleterious locating and concentration of facilities within the County.

It is the intent of this section to establish standards for tattoo facilities that will ensure that these businesses are operated in a manner that is in full compliance with all applicable laws and regulations while providing Pickens County with a reasonable and legitimate mechanism for enforcing such laws and regulations.

312 (b) Findings of Fact.

- (1) There exists a potential for the establishment of tattoo businesses in Pickens County and it is in the interest of the health, safety, and welfare of the citizens of Pickens County as well as the health, safety, and welfare of the owners, operators, employees, and patrons of such facilities, to provide certain minimum standards and regulations for such establishments.
- (2) The State of South Carolina has indicated concern for secondary effects of tattoo facilities through its adoption of provisions requiring minimum distancing requirements – one thousand (1,000) feet - from churches, schools, and playgrounds.
- (3) The peak volume of business for tattoo facilities tends to occur when most citizens desire quiet, peaceful surroundings, making such facilities incompatible with residential uses.
- (4) The issuance of a Certificate of Compliance is a legitimate and reasonable means of accountability to ensure that operators of tattoo businesses comply with reasonable regulations to facilitate the enforcement of legitimate distancing requirements.
- (5) It is not the intent of this Section to suppress speech activities protected by the First Amendment or to place an impermissible burden on any constitutionally protected expression or expressive conduct by the enactment of this Ordinance. Rather it is the intent of the Pickens County Council to enact a content neutral regulation, which addresses the secondary effects of tattoo facilities by enacting location and permitting requirements for such facilities.

312 (c) Definitions.

For the purpose of this section, the following definitions shall apply. These definitions are not exclusive of all definitions that may apply to the regulation of Tattoo Facilities.

Church – an establishment, other than a private dwelling, where religious services are usually conducted.

Non-residential Area – an area or locale in which there are three or more established commercial or industrial businesses located immediately adjacent to one another, either on the same or individual parcels, without being separated by other conflicting uses.

Shopping Center – a single parcel containing more than three separate, but connected commercial establishments or separate, but connected, leaseable units for commercial establishments, and totaling more than 3,000 square feet, planned, constructed, and managed as a total entity with customer parking located on-site.

Playground – a place, other than grounds at a private dwelling that is provided by the public or members of a community for recreation.

School – an establishment, other than a private dwelling, where the customary processes of education are conducted.

Tattoo Artist – any staff member 21 years of age or older who practices body tattooing at the tattoo facility and who meets the requirements of the State of South Carolina and Pickens County.

Tattoo Facility – any room, space, location, area, structure, mobile unit, or business, or any part of any of these places, where tattooing is practiced or where the business of tattooing is conducted and which is licensed by DHEC as a tattoo facility.

Tattoo or Tattooing – to indelibly mark or color the skin by subcutaneous introduction of nontoxic dyes or pigments. The practice of tattooing does not include the removal of tattoos, or the practice of branding, cutting, scarification, skin braiding, or the mutilation of any part of the body.

312 (d) Location and Operation Requirements.

- (1) Tattoo facilities shall not be located within one thousand (1,000) feet of a single-family residence, church, school, playground or public park. This distance shall be the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the single-family residence, church, school, playground, or public park.
- (2) Tattoo facilities shall locate only on principal or minor arterial roads and shall be accessed directly from the road upon which the facility is located.
- (3) Tattoo facilities shall be located no further than five hundred (500) feet from existing non-residential areas.
- (4) When a proposed facility, meeting all minimum distancing requirements of this ordinance, is located within a planned or existing shopping center, a public hearing shall not be required.
- (5) Tattoo facilities shall not be open prior to 9:00am and must close no later than 11:00pm. If such facility is located within a shopping center, as defined in this section, the facility's hours of operation shall not be regulated.

Sec. 313 Manufactured Home Parks.

313 (a) Purpose.

These requirements are intended to address manufactured homes in manufactured home parks. These requirements are in addition to and not a substitution for the other requirements for a subdivision as defined in this ordinance.

313 (b) Lot Dimensional Requirements.

Manufactured Home Parks shall conform to the following standards.

- (1) Minimum Front Setback: twenty-five (25) feet
- (2) Minimum Side Setback: ten (10) feet
- (3) Minimum Rear Setback: fifteen (15) feet

313 (c) Parking and Loading.

Parking and loading standards shall meet the parking and loading standards set forth in Article VI.

313 (d) Signs.

Signs shall comply with standards set forth in Article VII of this ordinance.

313 (e) Buffer Requirements.

- (1) Where a manufactured home park abuts any other existing use, a buffer in compliance with Article VIII shall be required.
- (2) Accessory structures and uses which serve only the residents of the manufactured home park to include self-service laundry, pool, restrooms and parks are permitted in accordance with appropriate regulations.

313 (f) General Regulations.

All manufactured homes shall be set up according to the manufacturer's installation guidelines. All manufactured homes shall be skirted prior to issuance of a certificate of occupancy. All manufactured housing located within a manufactured home park shall comply with the standards set forth in Ordinances 205 and 250, each as amended.

313 (g) Park Site Design and Development Criteria

In addition to the other requirements, all manufactured home park developments shall conform to the following requirements:

- (1) Tract Size. Manufactured home parks shall be a minimum of ten (10) acres.
- (2) Density. Manufactured home parks shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water. No more than two (2) manufactured homes per acre shall be permitted if on septic tank and no more than four (4) manufactured homes per acre shall be permitted if on sewer.
- (3) Clearance. Manufactured homes shall be situated on each space so as to provide:
 - a. a minimum of twenty-five (25) feet of clearance between manufactured homes and any property line bounding the park.
 - b. a minimum of twenty (20) feet clearance between each manufactured home and between all other structures located within the park.
- (4) Setback From Driveway. Manufactured homes shall be so located on each space that there will be a minimum front setback of not less than twenty (20) feet between the manufactured home and the abutting driveway.

313 (h) Common Open Space.

Each manufactured home park shall have a minimum of twenty percent (20%) of the total site area reserved and improved as common open space.

313 (i) Streets and Access.

- (1) All private roadways within a manufactured home park shall be paved with asphalt or concrete. The private road shall be constructed in accordance with the respective requirements for a public, local residential street.
- (2) All roadways not dedicated as public streets, shall have a minimum travel width of twenty (20) feet, exclusive of parking.

(Section Amended 4/1/2024)

313 (j) Parking Space.

Off Street parking, loading, and other requirements shall conform to the standards set forth in Article VI. Concrete curbs or other appropriate car stops shall be installed at the end of all head-in parking bays which are not "drive-through" type.

313 (k) Site Plan.

The site plan for a manufactured home park shall be submitted to DHEC for review, which shall advise the Planning Department of its findings in writing prior to the issuing a permit. The Planning Department may not issue a permit unless DHEC determines that all local and State codes and standards pertaining to health and environmental sanitation in the manufactured home park have been met by the applicants.

313 (l) Posting the Certificate of Occupancy.

A valid Certificate of Occupancy shall be conspicuously posted in the office or on the premises of the manufactured home park.

313 (m) Non-Conforming Mobile Home Parks

In order to promote home ownership, a home in a manufactured home park can be redrawn by the homeowner or prospective homeowner as a separate home and considered an owner occupied home. (2/16/10)

Sec. 314 Multi-Family Residential Developments (including townhomes)

The following design standards shall govern the development of attached, multi-family or townhome residential dwellings consisting of three (3) or more units on a single parcel of land. Such developments may be defined as a triplex development, an apartment development, condominium development, or townhouse development, depending on ownership arrangements.

(Section Amended 4/1/2024, Amended 11/4/2024)

314 (a) Requirements in general.

- (1) Recreation amenities.

Every multi-family development located on property that is singularly controlled and owned must contain a community recreation amenity of adequate size and variety to serve the development. Examples include a community pool, tennis courts, tot lot/playground, basketball courts, bike/walking trails, etc.
- (2) Off-Street parking shall be governed by Article VI
- (3) Buffers requirements shall be governed by Article VIII

- (4) Height restrictions shall be governed by Section IV

314 (b) Townhomes

(1) Density

- a. Density of townhome developments (3 or more attached single family units) shall not exceed two (2) units per acre when served by individual on-site septic systems and four (4) units per acre when served by a public system in the Appalachian, Agricultural, and Natural Heritage areas.
- b. Density of townhome developments (3 or more attached single-family units) shall mirror the density of the adjacent municipality in the Community Center areas.
- c. Density of townhome developments (3 or more attached single-family units) shall not exceed two (2) units per acre when served by individual on-site septic systems and twenty (20) units per acre when served by public sewer system in the Gateway area.
- d. No fewer than three (3) units and no more than eight (8) units can be connected.

(2) Access

Direct vehicular access of an individual townhouse shall be limited to the internal street network. Where a larger development fronts on a collector or arterial street, at least two access points shall be allowed. No direct access for individual units shall be permitted on collector or arterial streets.

314 (c) Apartment/Condominium Developments

(1) Density

- a. Density of an apartment or condominium development shall not exceed four (4) units per acre when served by a community on-site septic system and shall not exceed eight (8) units per acre when served by a public sewer system in the Appalachian, Agricultural, and Natural Heritage areas. Units may not be served by individual on-site systems. Parcels with access to public water and public sewer in the Community Center area shall mirror density standards of the adjacent municipality. Parcels with access to public sewer in the Gateway area shall be allowed a density of forty (40) units or one hundred twenty (120) bedrooms per acre and shall be allowed a height of five (5) stories.

1. Exception

- a) When a property and development is served by and has direct access and frontage onto a four (4) lane, divided, minor arterial as defined in Section 1010(b) of this development ordinance, project density shall not exceed sixteen (16) units per acre.
- b) The development must be served by public water and public sewer.
- c) Design standards
 - 1) All buildings or structures shall utilize a common architectural theme that is consistent throughout the development
 - 2) All buildings or structures should be sided entirely of brick, stucco, or stone finish, or painted wood or fiber cement lap siding (such as Hardiplank).
 - 3) No less than twenty percent (20%) of the gross site must be devoted and set aside for the recreation amenities listed in 314(a)(1).

- b. No more than four (4) dwelling units per floor may be included within a singular building or structure.

1. Exception

- a) No more than eight (8) dwelling units per floor may be included within a singular building or structure when the above exception (Sec.314(c)(1)(a)1.) is used.
- b) Access to apartment or condominium projects shall be governed by the standards enumerated in Section 309(c) for similar LargeScale Projects.

Sec. 314 (d) Duplexes

The following design standards shall govern the development of duplex developments.

1. Definition: A duplex is defined as a residential building designed exclusively for occupancy by two families in separate dwelling units living independently of each other.

2. Requirements:

Lot size: Each duplex shall be sited on an individual lot (or equivalent paired unit lots) determined in size by the Area in which it is located and whether or not the lot has access to public water and/or public sewer.

3. Dimension Requirements:

- A. Front setbacks shall be twenty (20) feet with a fifteen (15) foot setback allowed if using rear yard parking or rear alley loading driveways.
- B. The side setbacks shall be seven (7) feet.
- C. The rear setback shall be fifteen (15) feet.
- D. Maximum building height shall be thirty-five (35) feet.
- E. Maximum impervious surface coverage allowed is sixty-five percent (65%).
- F. Minimum lot width shall be twenty (20) feet.
- G. Density:
 - a. Density of duplexes shall not exceed two (2) units per acre when served by individual on-site septic systems and four (4) units per acre when served by public sewer system in the Appalachian, Agricultural, and Natural Heritage Areas.
 - b. Density of duplexes shall mirror the density of the adjacent municipality in the Community Center Areas.
 - c. Density of duplexes shall not exceed two (2) units per acre when served by individual on-site septic systems and twenty (20) units per acre when served by public sewer system in the Gateway Area.

(Section added 9/19/16, Amended 2/14/19, Amended 11/4/2024)

DIVISION II. STANDARDS FOR USES REQUIRING ANNUAL OPERATING PERMITS

Sec. 315 Sexually Oriented Businesses.

315 (a) Purpose.

This Section of the Pickens County Development Standards Ordinance regulates sexually oriented businesses in order to promote the health, safety and general welfare of the citizens of Pickens County and to establish reasonable and uniform regulations to prevent the deleterious locating and concentration of sexually oriented businesses within the County. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Section to condone or legitimize any act that is otherwise prohibited or punishable by law.

315 (b) Findings of fact.

- (1) There exists a potential for sexually oriented businesses in Pickens County and it is in the interest of the health, safety, and welfare of the patrons of such businesses, as well as the citizens of Pickens County, to provide certain minimum standards and regulations for sexually oriented businesses, to provide certain minimum standards and regulations for sexually oriented businesses, as well as for the operators and employees of such businesses.
- (2) Sexually oriented businesses generate secondary effects, which are detrimental to the public health, safety and welfare.
- (3) The concern over sexually transmitted diseases is a legitimate concern for the County, which demands reasonable regulation of sexually oriented businesses in order to protect the health and wellbeing of our citizens. Additionally, sexually oriented businesses are frequently used for unlawful sexual activities, including public sexual indecency, prostitution and sexual encounters of a casual nature. Such businesses are of particular concern to the community when they are located in close proximity to each other, or close to residences, schools, churches, parks, or playgrounds.
- (4) Live entertainment by some sexually oriented businesses involves a considerable amount of bodily contact between patrons and semi-nude and nude employees and dancers, including physical contact, such as hugging, kissing, and sexual fondling of employees and patrons. Many sexually oriented businesses have "couch" or "straddle" dancing and in these "dances" employees sometimes do such things as sit in a patron's lap, place their breast against the patron's face while physical contact is maintained, and gyrate in such a manner as to simulate sexual intercourse. Such behavior can lead to prostitution. Pickens County Council believes that prohibiting physical contact between performers and patrons at a sexually oriented business establishment is a reasonable and effective means of addressing these legitimate governmental interests.
- (5) Licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations to facilitate the enforcement of legitimate distancing requirements, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

- (6) The location of sexually oriented businesses close to residential areas diminished property values and leads to conditions that gives rise to crime in residential neighborhoods. Many studies performed in other communities indicate that property crimes and sexual crimes increase significantly in neighborhoods in which a sexually oriented business is located.
- (7) It is not the intent of this Section to suppress speech activities protected by the First Amendment or to place an impermissible burden on any constitutionally protected expression or expressive conduct by the enactment of this Ordinance. Rather it is the intent of the Pickens County Council to enact a content neutral regulation, which addresses the secondary effects of sexually oriented businesses.

315 (c) Pickens County Sexually Oriented Business Regulatory License required.

- (1) Every person or entity engaged or intending to engage in a sexually oriented business is required to obtain a Sexually Oriented Business Regulatory License.
- (2) An application for a Sexually Oriented Business Regulatory License must be made to the Pickens County Planning Department. Such application cannot be made prior to land use approval from the Planning Commission. If an entity wishing to operate a sexually oriented business is an individual, he must sign the application for a Sexually Oriented Business Regulatory License as applicant. If a corporation is listed as owner of a sexually oriented business, each individual having a 10% or greater interest in the corporation must sign the application for a Sexually Oriented Business Regulatory License as applicant.
- (3) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business must accompany the application. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- (4) The fact that a person possesses other types of State or County permits and/or licenses, including land use approval, does not exempt him or her from the requirement to obtain a Sexually Oriented Business Regulatory License.
- (5) Each employee of a sexually oriented business must be registered with the Pickens County Planning Department. The employee's name, address, date of birth and Social Security Number must be provided to the Pickens County Planning Department at the time of application for a Sexually Oriented Business Regulatory License. New employees must be registered within forty-eight (48) hours from the date of hire. An Employee Registration Fee will be charged for each employee.

315 (d) Issuance of a Sexually Oriented Business Regulatory License.

The Pickens County Planning Department shall approve the issuance of a Sexually Oriented Business Regulatory License to an applicant within thirty (30) days after receipt of an application unless he or she finds one or more of the following to be true:

- (1) The applicant has failed to receive land use approval from the Pickens County Planning Commission.
- (2) The applicant is under 18 years of age.
- (3) The applicant has failed to provide information reasonably necessary for the issuance of a Sexually Oriented Business Regulatory License or has falsely answered a question or request for information on the applicant form.
- (4) The premises to be used for the sexually oriented business have not been approved by the Health Department (DHEC) and the County Chief Building Official as being in compliance with applicable laws and ordinances.
- (5) The applicant of the sexually oriented business is in violation of, or is not in compliance with, any one or more of the provisions of this Section or any other Section of the Pickens County Development Standards Ordinance.
- (6) The applicant or an applicant's spouse is overdue in his or her payment to the County of taxes, fees, fines, or penalties assessed against him or her or imposed upon him or her in relation to a sexually oriented business.
- (7) The license fee required by this ordinance has not been paid.
- (8) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

315 (e) Inspection.

- (1) An applicant or licensee shall permit representatives of Pickens County Sheriff's Department, Health Department (DHEC), local Fire Department, Pickens County Planning Department, Pickens County Attorney, and/or the Pickens County Building Codes Department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
- (2) The licensee (or his or her agent or employee) of a sexually oriented business commits a misdemeanor if he or she refuses such lawful inspection of the premises at any time it is occupied or open for business. Such refusal is also grounds for suspension or revocation of a Sexually Oriented Business Regulatory License.

315 (f) Expiration and Renewal of Sexually Oriented Business Regulatory License.

- (1) The Sexually Oriented Business Regulatory License must be renewed annually on or before June 30th of each year. The application for renewal must be made to the Pickens County Planning Department. The application for renewal must be made at least thirty (30) days before the expiration date. When made less than thirty (30) days before the expiration date, the applicant must apply for a new Sexually Oriented Business Regulatory License.
- (2) If, after denying the issuance or renewal of a Sexually Oriented Business Regulatory License, the Pickens County Planning Department finds that the basis for denial of the License has been corrected or abated, the applicant may then be granted a Sexually Oriented Business Regulatory License.

315 (g) Sexually Oriented Business Regulatory License and Employee Registration Fees.

Fees for the Sexually Oriented Business Regulatory License and the Employee Registration Fees are set each year by the Pickens County Council after the recommendation of the Pickens County Planning Commission. Fees not specifically approved by the County Council each year will remain the same and will not change from those last approved.

315 (h) Suspension of Sexually Oriented Business Regulatory License.

The Pickens County Planning Department shall suspend a Sexually Oriented Business Regulatory License for a period not to exceed thirty (30) days if it determines that a licensee or an employee of a licensee:

- (1) Has violated or is not in compliance with part of this or other sections of this ordinance.
- (2) Has refused to allow an inspection of the sexually oriented business premises as authorized by this Section.
- (3) Has knowingly permitted gambling by any person on the sexually oriented business premises.
- (4) Has sold, served or setup to be served alcoholic beverages in violation of state law.
- (5) Failure to register new employees or misrepresenting the number of employees of a sexually oriented business.
- (6) Has allowed anyone under 18 years of age access to the premises.

315 (i) Revocation.

- (1) The Pickens County Planning Department shall revoke a Sexually Oriented Business Regulatory License if a cause of suspension in Sub-section (8) occurs and the Sexually Oriented Business Regulatory License has been suspended within the preceding twelve (12) months.
- (2) The Pickens County Planning Department shall revoke a Sexually Oriented Business Regulatory License if it determines that:
 - a. The licensee gave false or misleading information in the material submitted to the Planning Department or Building Codes Department during the application process.
 - b. The licensee or an employee knowingly operated the sexually oriented business during a period of time when the licensee's Sexually Oriented Business Regulatory License was suspended.
 - c. A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, or masturbation to occur in or on the permitted and/or licensed premises.
- (3) When a Sexually Oriented Business Regulatory License has been revoked, the revocation shall continue for one year and the licensee shall not be eligible to apply for a new Sexually Oriented Business Regulatory License for one year.
- (4) Any licensee who has had two (2) revocations within a three (3) year period may not apply for a new Sexually Oriented Business Regulatory License for a period of five (5) years.

315 (j) Appeal of Designation as a Sexually Oriented Business, Denial of Sexually Oriented Business Regulatory License, Suspension or Revocation of Sexually Oriented Business Regulatory License.

- (1) A sexually oriented business or a Licensee may appeal the Pickens County Planning Department's designation of a business as a sexually oriented business, the denial of a Sexually Oriented Business Regulatory License or the suspension or revocation of a Sexually Oriented Regulatory License to the Pickens County Planning Commission. Such appeal must be submitted on an appeals form that may be provided by the Planning Department. Such appeals must be made within ten (10) days after the sexually oriented business or Licensee receives written notice from the Planning Department of a designation, suspension, or revocation decision.
- (2) Fees for the appeals process will be set annually by the Pickens County Council after recommendation by the Planning Commission. Fees not specifically approved by County Council each year will remain the same and will not change from those last approved.
- (3) A hearing will be scheduled and heard within thirty (30) days of receipt of an appeal.

- (4) The Board of Appeals shall, by majority vote of the members present, render a written decision based upon the findings of fact and the application of the provisions of the Section within five (5) business days of the hearing. The decision of the Board of Zoning Appeals shall be final unless appealed to Circuit Court within ten (10) days of receipt of the written order.

315 (k) Transfer of Sexually Oriented Business Regulatory License.

A licensee shall not transfer a Sexually Oriented Business Regulatory License to another sexually oriented business, nor shall a licensee operate a sexually oriented business under the authority of a Sexually Oriented Business Regulatory License at any place other than the address designated in the application.

315 (l) Site Restrictions.

- (1) A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business within one thousand (1,000) feet of:
 - a. A church, synagogue, mosque, or other place of worship,
 - b. A public or private school,
 - c. A boundary of any residential area,
 - d. A public park,
 - e. The property line of a lot devoted to residential use, or
 - f. Any other sexually oriented business.
- (2) A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business that is not located on either a collector or arterial street.
- (3) A person commits a misdemeanor if he or she causes or allows the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure or portion thereof, or the enlargement of floor areas of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
- (4) For the purpose of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private school, public park, residential area, lot devoted to residential use.
- (5) For the purpose of this Section the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

315 (m) Nonconformity of Distancing Requirements of Sexually Oriented Businesses.

- (1) Any sexually oriented business operating on the date this Section is adopted that is found to be in violation of any of the distancing requirements of the Section, shall be deemed a nonconforming use and upon written notification by the Pickens County Planning Department, must obtain a Certificate of Nonconformity from the Pickens County Planning Department. A certified nonconforming use will be permitted to continue to operate for a period not to exceed one year before being licensed.
- (2) No nonconforming use shall be increased, enlarged, extended, or altered except that the use may be changed to a conforming use.
- (3) If two or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise meet distancing requirements of this Section, the sexually oriented business which was first established and continually in operation at that particular location is the conforming use, and the later established business(es) is the nonconforming.
- (4) Any sexually oriented business lawfully operating as a conforming use, is not rendered a nonconforming use due to the subsequent location of a church, public or private school, public park, residential area, lot devoted to residential use, and/or any other sexually oriented business. This provision applies only to the renewal of a valid Sexually Oriented Business Regulatory License, and does not apply when an application for a Sexually Oriented Business Regulatory is submitted after a Sexually Oriented Business Regulatory License has expired or has been revoked.
- (5) Any sexually oriented business lawfully operating on March 30, 1998 that is in violation of this Section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner- terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use.

315 (n) Regulation of Adult Car Washes.

- (1) Nude or semi-nude employees of adult car washes must not be able to be seen from any public right-of-way or adjoining parcels. Necessary fencing and/or buffers, as deemed appropriate by the Planning Department, must be placed around the establishment in order to ensure that the patrons can only view the employees once the patrons are inside the establishment.
- (2) Adult car washes must conform to all other provisions of this Section.

315 (o) Adult Motels Prohibited.

A person in control of a sleeping room in a hotel, motel, or similar commercial establishment, commits a misdemeanor if he rents or sub-rents a sleeping room to a person, and then within eight hours from the time the room is rented, rents or sub-rents the same sleeping room again, as such creates a rebuttable presumption that the establishment is an adult motel. For the purposes of this Section rent or sub-rent means the act of permitting a room to be occupied for any form of consideration.

315 (p) Additional Regulations Pertaining to the Exhibition of Sexually Explicit Films and Videos, Adult Arcades and Health Clubs.

A person who operates or causes to be operated a sexually oriented business, as defined in this Section, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette or other video reproduction which depicts "specified sexual activities" or "specified anatomical areas" shall comply with the following requirements:

- (1) Upon application for a Sexually Oriented Business Regulatory License, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required, however, each diagram should be oriented to the north or to some designated street or object, and should be drawn to a designated scale or marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Planning Department may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- (2) The application shall be sworn to be true and correct by the applicant.
- (3) No alterations in the configuration or location of a manager's station may be made without the prior approval of the Planning Department or his or her designee.
- (4) The interior of the premises shall be configured in such a manner that there is an unobstructed view from the 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.
- (5) It is the duty of the owners and operators of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- (6) It shall be the duty of the owners and operator, and also the duty of any agents and employees present in the premises, to ensure that the view area specified above remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to this Section.
- (7) No viewing room, nor any room or enclosed area in a health club that cannot be viewed from the manager's station, may be occupied by more than one person at any time.
- (8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one candle foot as measured at floor level.
- (9) It shall be the duty of the owners and operator, and also the duty of any agents and employees present on the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- (10) A person having a duty under this subsection as outlined above commits a misdemeanor if he knowingly fails to fulfill that duty.

315 (q) Exemptions.

It is a defense to prosecution under this Section that a person appearing in a state of nudity did so in a modeling class operated:

- (1) By a proprietary school, licensed by the state of South Carolina, a college, junior college, or university supported entirely or partly by taxation.
- (2) By a private college or university who maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

315 (r) No Fondling or Caressing.

- (1) It is a misdemeanor for any nude or semi-nude employee or dancer to fondle or caress any patron.
- (2) It shall be a misdemeanor for any patron to fondle or caress any nude or semi-nude employee or dancer.

315 (s) Injunction.

A person who operates or causes to be operated a sexually oriented business without a valid Sexually Oriented Business Regulatory License or in violation of this Section of the Development Standards Ordinance is subject to a suit for injunctive relief as well as prosecution for criminal violations. Such violations shall be punishable by a fine of \$500.00 and/or thirty (30) days imprisonment. Each day a person operates or causes to be operated a sexually oriented business without a valid Sexually Oriented Business Regulatory License or in violation of this Section of the Development Standards Ordinance constitutes a separate offense.

Sec. 316 Salvage, junk and scrap yards.

316 (a) Findings of fact.

Pickens County finds that facilities for the collection, processing, and storage of salvage, junk, and scrap materials:

- (1) Provide a necessary service to the citizens of Pickens County;
- (2) Contribute to the economy and tax base of Pickens County
- (3) Pose a potential hazard to the health, safety, and general welfare of the citizens of Pickens County;
- (4) Depreciate the value of properties in close proximity to the operating salvage, junk, or scrap yard;
- (5) Are a breeding ground for mosquitoes or other insects, snakes, rats, and other pests;
- (6) Pose a potential threat of injury to children and other individuals who may be attracted to the premises;
- (7) Are a visual blight and are depreciative to the aesthetic quality of the environment of Pickens County.

316 (b) Purpose.

To preserve the physical integrity of established neighborhoods for the quiet enjoyment of family, safety of children, and the maintenance of residential property values; to protect the citizens and residents of Pickens County from possible injury at junkyards; to achieve responsible economic growth in areas of Pickens County that is compatible with growth and development in nearby areas; to protect the public from health nuisances and safety hazards by controlling the locations, concentration of volatile or poisonous materials, and sources of danger to children; and to preserve and enhance the natural scenic beauty of areas in the vicinity of the primary and secondary roads of Pickens County, it is declared to be in the public interest of Pickens County, and necessary and proper for the general welfare, convenience, safety and health of the people of the County, to regulate the operation and maintenance of junkyards in areas adjacent to public roads and highways within Pickens County, including those regulated by the South Carolina Department of Transportation to the extent that this division is not in conflict with such regulations. Pickens County Council hereby finds and declares that junkyards, which do not conform to the requirements of this ordinance, are public nuisances.

316 (c) Definitions

As used herein, the following terms shall have the meanings given below:

Junk: old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, or tires, waste, junked, dismantled or wrecked motor vehicles or parts thereof, iron, steel and other old scrap ferrous or nonferrous metal. The term junk shall include, but not be limited to, abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment, machinery being salvaged for parts, appliances, motors, industrial or commercial fixtures, or parts thereof.

Junked or abandoned vehicle: any vehicle without a current and valid license plate which is not moved or subject to physical repair or restoration for a period in excess of 90 days. An inoperable wrecked vehicle with a current license plate shall also be considered a junked vehicle

Junkyard: any location, including a residential area, establishment, or place of business that is maintained, operated, or used for storing junk. The term shall not include County operated or approved and permitted sanitary landfills. Yard sales of forty-eight hours duration or less shall be exempt from the provisions of this section. (8/17/15)

Fence: a substantial, continuous barrier aesthetically constructed and extending from the surface of the ground to a uniform height of not less than six (6) feet. The finished side of the fence shall face the public and be constructed of treated lumber, stockade, masonry, chain link or other approved material. Fabric fences shall not be allowed.

Commercial Junk: items for resale or more than five (5) junked vehicles stored on a tract of land.

Lot of Record: a lot which is part of a subdivision recorded in the office of the Register of Deeds, or a lot described by metes and bounds, the description of which has been so recorded.

Re-inspection Fee: the fee assessed when a property fails the initial inspection and must be re-inspected at a later date.

Non-Conforming: signs, structures, uses of land and characteristics of uses that are prohibited under the terms of this ordinance, but were lawful on the date of the Ordinance's enactment.

Non-Residential Use: a principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.

Right-of-Way (ROW): the limits of public road property. On County roads when there is no deeded ROW along a road or highway, the right-of-way shall be considered to be twenty-five (25) feet from the centerline on each side.

Scenic Highway/Scenic Byway: a road or highway under Federal, State, or County jurisdiction that has been so designated through legislation ordinance other official declaration because of its scenic, historic, recreational, cultural, archeological, or natural qualities. An official declaration is an action taken by an individual, board, committee, or political subdivision acting with the granted authority on behalf of the Federal, State, or County Government.

Public Building: any building owned, leased, or held by the United States, the State, the County, or any city, any special purpose district, or any other agency or political subdivision of the state or the United States, which building is used for governmental purposes or other public purpose.

Wrecker, Towing, and Impoundment Service: an establishment or place of business that provides towing or temporary storage services for currently licensed and currently registered vehicles that have been wrecked or repossessed, or whose possession is by virtue of court order, a copy of which is in the possession of the proprietor of such service or affixed to the vehicle.

Temporary Storage: defined as not exceeding ninety (90) days, subject to South Carolina Law, from the date possession or custody of the vehicle is obtained except when possession is pursuant to a court order.

Vegetation: the following recommended shrubs/trees for hedge planting with planting distances, in feet, between plants and from fence:

<u>Shrubs – 5 Feet Apart</u>	<u>Trees – 7 Feet Apart</u>
Red Tip Photinia	Eastern Red Cedar
Wax Leaf Ligustrum	Leyland Cypress
Buford Holly	Virginia Pine
Nellie R. Stevens Holly	Southern Magnolia
Carolina Cherry	White Pine
Wax Myrtle	Hemlock American Holly

Plants must be a minimum height of three (3) feet when planted and reach a height at maturity of not less than eight (8) feet.

316 (d) General requirements.

- (1) All junkyard business shall be conducted entirely within the screened area of the property.
- (2) No junk shall be stacked, stored or maintained at a height greater than the opaque screen around the junkyard.
- (3) Adequate off-street customer parking must be provided, and must be graveled or paved in an acceptable manner.
- (4) If a junkyard closes, it must comply with the provisions of Section 315(e) in order to re-open. Evidence of closing shall be established by inspection of the property, written notification or nonrenewal of a junkyard permit.
- (5) Any person, company, business or corporation not covered by this section or exempted from this section shall comply with state statutory law regarding disposition of abandoned or derelict motor vehicles as provided by S.C. Code Ann. § 56-5-5610, 65-5-5810, et. seq. and 44-67-10 et. seq. (1976).
- (6) Junkyards shall be maintained to protect the public from health nuisances and safety hazards. Pickens County Code Enforcement Officer may inspect each junk- yard to determine that the junkyard does not create a nuisance or safety hazard. Should a nuisance or safety hazard be identified, the owner, operator or maintainer shall submit satisfactory evidence to the Community Development Department that the nuisance or safety hazard has been eliminated. Failure to comply with this provision shall result in revocation of permit as well as other penalties and remedies for violation of this division.

316 (e) Establishment of new facilities.

The following standards shall be applicable to junkyards that open, reopen, or begin operations or business after effective date of this development standards ordinance:

- (1) New junkyards shall be situated on a continuous parcel of at least five (5) acres, excluding rights-of-way, that are undivided by road rights-of-way or public dedication.

- (2) The junkyard shall be entirely surrounded by an opaque fence at least eight feet in height, or by either a woven or welded wire (11-gauge minimum) or chain link fence a minimum of 8 feet in height, and with an opaque evergreen screen with a minimum height of not less than eight feet when mature. The evergreen vegetation shall be planted between the property line and the outbound side of the fence. The distance spacing of the evergreen vegetation from the fence and the property line should allow for maintenance of the mature vegetation from inside the property line. Evergreen vegetation that serves as screening shall be of an approved type that can reach a minimum height of eight feet when mature from the date planted and shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken screen (without gaps or open spaces) will exist to a height of at least eight feet along the length of the fence surrounding the junkyard. The evergreen screen shall be maintained as a continuous, unbroken screen for the period the property is used as a junkyard. Acceptable species include, but are not limited to, Ligustrum, Euonymus, Leyland Cypress, White Pine, Cedar, Arborvitae, Hemlock, and upright varieties of Junipers, Holly and Yew.
- (3) Each junkyard fence shall be setback:
 - a. 250 feet from all US or state highway rights-of-way
 - b. 125 feet from all County road rights-of-way
 - c. 100 feet from all property lines
 - d. 100 feet from all waterways
 - e. 1000 feet from all designated scenic highways
 - f. 1000 feet from any US or state designated Heritage corridor
- (4) No junkyard shall be located within one thousand (1,000) feet of a church, school, daycare center, nursing home, health care facility, hospital, public building, or public recreation facility.
- (5) Access to a junkyard shall not be permitted from a minor local street.
- (6) Every junkyard, salvage yard, and scrap yard shall be operated entirely within the fenced area of his or her property. The buffer area, if any, located between the property line of the adjoining property and the facility shall be maintained in a clean manner and shall not be used for loading or unloading junk.

316 (f) Permitting and Licensing.

No person shall maintain a commercial junkyard except and unless the owner or operator shall have:

- (1) A junkyard plan prepared by the owner or operator of any new junkyard shall be submitted prior to the junkyard permit being granted by Pickens County. The plan shall indicate setbacks, location of public rights-of-way, all proposed structures, all structures within 500 feet of a junkyard, driveways, entrances, fencing, screening, types of fencing, types of screening, dimensions of junkyard, gross acreage, owner(s)' name(s), address(es), preparer of plan name(s) and address(es). Submission of information shall establish pre-existing conditions. Plan may be drawn at a scale of one-inch equals 40 feet or less. (2/16/10)
- (2) A retail license from the S.C Department of Revenue
- (3) A permit from SCDHEC for any septic tank located on the property
- (4) Land Use approval from the Pickens County Planning Commission
- (5) A street number authorized by the Pickens County E911 office
- (6) The payment of all valid fees as established by the Pickens County Council
 - a. Initial permit fee as established by County Council
 - b. Yearly renewel fee as established by County Council
- (7) A valid junkyard permit from the Pickens County Planning Department

DIVISION III. AIRPORT DISTRICT RESTRICTIONS.

Sec. 317 Airport District.

317 (a) Purpose.

- (1) For the purpose of regulating land uses in the vicinity of airports to assure compatibility with aviation activity, prevent the encroachment of tall structures into required air space, reduce the impact of noise and maintain clear zones and approach zones in accordance with Federal Aviation Administration requirements. These districts are established for the following two purposes:
 - a. To minimize the conflicts between airport users and residential owners while maintaining minimum safety, noise, and light emission standards in the area

- b. To adequately protect valuable public facilities upon which large amounts of public monies have already been spent
- (2) The prevention of obstructions and safety hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

Sec. 318 Airspace Zones

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the Primary, Transitional, Horizontal, Approach and Conical Zones as they apply to the airport.

- (1) Primary Zone: All land along the runway that extends perpendicular two hundred fifty (250) feet from each side of the runway, and all land extending two hundred (200) feet from the end of any runway or proposed extension. The elevation of any point on the primary surface is in the same as the elevation of the nearest point on the runway centerline.
- (2) Transitional Zone: All land which lies directly under an imaginary surface extending outward and upward at a slope of 7:1 from the sides of the primary surfaces and from the sides of the approach surfaces, until they intersect the horizontal surface.
- (3) Horizontal Zone: All land which lies directly under an imaginary horizontal surface one hundred fifty (150) feet above the established airport elevation ($1013 + 150 = 1163$) and is established by swinging arcs ten thousand (10,000) feet from the ends of the primary surface along the extended runway centerline, then connecting the arcs by straight lines tangent to those arcs.
- (4) Runway Larger than Utility with Visibility minimums greater than $\frac{3}{4}$ mile Non- Precision Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface at a slope of 34:1. Its centerline is the continuation of the runway centerline.
- (5) Conical Zone: All land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand (4,000) feet measured radially.

Sec. 319 Height Restrictions.

Except as otherwise provided or as necessary to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in this section so as to project above any of the imaginary airspace surfaces described. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

Sec. 320 Land Use and Safety Zoning.

In order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from Pickens County Airport; and to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of an accident, there are hereby created and established the following land use safety zones,

- (1) Safety Zone A: All land in the approach zones of a runway, as defined in Section 9.2 which extends outward from the end of the primary surface for a distance of one thousand seven hundred (1,700) feet and is one thousand ten (1,010) feet wide at the outer edge and five hundred (500) feet wide at the inner edge.
- (2) Safety Zone B- All land which is enclosed within the perimeter of the Horizontal Zone, as defined in Section 10.2 and which is not included in Safety Zone A.

Sec. 321 Airport Zone Use Restrictions.

321 (a) General.

No land use in any safety zones shall

- (1) Create interference with the operation of radio or electronic facilities on the airport or between airport and aircraft,
- (2) Make is difficult for pilots to distinguish between airport lights and other lights;
- (3) Result in glare in the eyes of pilots:
- (4) Impair the visibility in the vicinity of the airport;
- (5) Otherwise endanger the landing, taking off, or maneuvering of aircraft,
- (6) Attract large numbers of birds; or
- (7) Impair the utility of the airport in any other way

321 (b) Safety Zone A.

Areas designated as Safety Zone A shall contain no buildings or temporary structures, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include agriculture, light outdoor recreation (non-spectator), cemeteries and essential air navigation equipment.

321 (c) Safety Zone B

Areas designated as Safety Zone B are subject to height restrictions as set forth in this Ordinance.

Sec. 322 Non-Conforming Uses.

- (1) The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structures or trees not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and which is diligently prosecuted.
- (2) Notwithstanding the preceding provision of this Section, the owner of any non-conforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Management to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the airport affected.

Sec. 323 Variances.

Any application for a variance must include a review of FAA airspace, a "NO HAZARD" determination, and an agreement to mark and light any obstructions, should they exist, at applicant expense

DIVISION IV. PROHIBITED USES

Sec. 324 Designated uses not allowed

The following specific uses are not allowed in any area of Pickens County:

- (1) Landfills dedicated to the storage and stockpile of hazardous waste as defined by the "South Carolina Hazardous Waste Management Act", as amended.
- (2) Class II Landfills as defined by the "South Carolina Solid Waste Policy and Management Act", as amended.
- (3) Class III Landfills as defined by the ""South Carolina Solid Waste Policy and Management Act", as amended.
- (4) The inclusion or the addition of a liner or a leachate collection system to any class landfill.
- (5) The disposal of Coal Combustible Residuals (CCRs/"Coal Ash") of any type, composition, quantity, or concentration in any class of permitted SCDHEC Solid Waste Facility or Landfill or added to the waste stream of any existing such facility or landfill.

(Division Added 2/16/2010, Amended 9/19/2016)