

Anderson County Planning Commission

David Cothran, Chair, District #5
Ed Dutton, District #1
Brad Burdette, District #3
Debbie Chapman, District #7

Jane Jones, Vice-Chair, District #6
Lonnie Murray, District #2
Jerry Vickery, District #4

December 13, 2016
Regularly Scheduled
Meeting
6:00 PM

AGENDA

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (from November 7th meeting)
4. Public Hearing
 - A. Zoning Map Amendment Request: +/- 3.1 acres at 3461 Highway 81 North from C-1N (Neighborhood Commercial) to POD (Planned Office District)
5. Old Business
6. New Business
 - A. Amendment to Chapter 6 (Aviation), Article III of the Anderson County Code of Ordinances
7. Other Business
8. Adjournment

The Planning Commission meets on the second Tuesday of each month, unless otherwise noted. Meetings are held at 6:00 PM in the County Council Chambers, 2nd floor of the old courthouse, located at 101 South Main Street, Anderson.

Anderson County Planning Commission
Tuesday, November 7, 2016
6:00 PM
Administrator's Conference Room
Second Floor – Old Courthouse
Anderson, South Carolina

Minutes

In accordance with the South Carolina Freedom of Information Act, Section 30-4-10 et seq., South Carolina Code, 1976, as amended and the Anderson County Ordinance #386, as adopted on September 21, 1993, the media was duly notified of the date, time, and place of the meeting.

Members Present: David Cothran, Jane Jones, Ed Dutton, Brad Burdette and Jerry Vickery

Members Absent: Lonnie Murray and Debbie Chapman

Staff Present: Michael Forman, Alesia Hunter, Jeff Parkey, Bryan Shumpert and Celia Myers

Call to Order: Planning Commission Chairman David Cothran called the meeting to order, with a quorum present to conduct the meeting. Chairman Cothran welcomed all present to the meeting.

Approval of Agenda: Chairman Cothran called for any changes to the agenda. Hearing none, the agenda was unanimously approved.

Approval of Minutes: Chairman Cothran called for any changes to the minutes from the October 11th regular Commission meeting. Hearing none, the minutes were unanimously approved.

Public Hearings:

Zoning Map Amendment Request: +/- 1.15 acres at 808 Reed Road from R-M7 to O-D (TMS #147-08-01-001)

Dr. Jeff Parkey presented the request from the Cardinal Racquet Club along with staff's recommendation of approval. Chairman Cothran opened the Public Hearing and invited public comments. Hearing no comments, Chairman Cothran then closed the Public Hearing. Mr. Vickery moved to recommend approval of the request, as presented. Mr. Dutton seconded the motion. The motion was approved unanimously.

New Business:

Preliminary Plat – Woodland Hills

Mr. Bryan Shumpert presented the reconfigured preliminary plat, originally approved in February 2011. The proposed subdivision has 6 lots, occupying 26.28 acres of a 34.28 acre parcel. Staff recommended approval with stated conditions. Mr. Vickery moved to approve the preliminary plat with conditions, as presented by the Development Standards office; and Mr. Dutton seconded. The motion was carried 5-0.

Other Business:

Distribution of Commissioner's Contact Information

Commissioners were asked to provide a policy on whether to release their contact information to the public. Commissioners chose to allow staff to provide contact information when requested.

Chairman Cothran called for any other business. Hearing no further business, Chairman Cothran adjourned the meeting at 6:30 pm.

Respectfully Submitted,

Celia Boyd Myers, AICP
Planning Commission Secretary

**Anderson County Planning Commission
Staff Report
December 2016**

Applicant:	Dominion Development Group
Current Owner:	Gillespie Conness Browne
Property Address:	3461 Highway 81 North (corner of Highway 81 North and Hub Drive)
Precinct:	North Pointe
Council District:	Four
TMS #(s):	145-07-03-003
Acreage:	+/- 3.89
Current Zoning:	C-1N (2001) / Gateway to Anderson Overlay (2015)
Requested Zoning:	POD (Planned Office District)
Surrounding Zoning:	North: Right of Way for Hub Dr., then Planned Development (Linwa) South: C-1N East: Right of Way for Highway 81, then C-1N West: R-20
Evaluation:	<p>This request is to rezone the parcel of property described above from C-1N (Neighborhood Commercial) to POD (Planned Office District). The applicant's stated purpose for rezoning is for the development of a continuing care retirement center.</p> <p>The subject property is located within the Gateway to Anderson Overlay, and would therefore be subject to all restrictions as described in the Overlay Regulations.</p> <p>Highway 81 is classified as an arterial roadway; Hub Drive is classified as a minor urban local roadway.</p>
Staff Recommendation:	Due to the property's compatibility with the future land use map and similarity to a neighboring use, staff recommends approval of this request.

Zoning Advisory

Group Recommendation: The District 4 Zoning Advisory Group met on December 7th, 2016; and recommended APPROVAL of a request to rezone from C-1N to POD. The vote was 2 in favor, 0 opposed, and 1 abstained.

Planning Commission

Recommendation: The Anderson County Planning Commission met on December 13th, 2016, and after a duly noted public hearing recommended _____ of a request to rezone from C-1N to POD. The vote was _ in favor, _ opposed, and _ absent.



Rezoning Application

Date of Application Completion _____

Application Status (Approved or Denied) _____

Applicant's Information

Name: Dominion Development Group
Mailing Address: 5107 Homberg Drive Knoxville TN 37919
Telephone and Fax: 865-207-1480 E-Mail: peterh@dominiondg.com

Owner's Information

(If Different from Applicant)

Name: Coness C Gillespie (See attached authorization)
Mailing Address: 148 River Street Suite 205 Greenville SC 39601
Telephone and Fax: _____ E-Mail: _____

Designation of Agent: (Complete only if owner is not the applicant)

I (We) hereby appoint the person named the Applicant as my (our) agent to represent me (us) in this request for rezoning.

Owner's Signature

Date

Project Information

Property Location: 3461 Highway 81 Anderson SC 29621
Parcel Number(s)/TMS: 1450703003
County Council District: 4 School District: 05
Total Acreage: 3.89 Current Land Use: Residential
Current Zoning: C-1N Requested Zoning: POD
Purpose of Rezoning: Development of a continuing care retirement center

Private Covenants or Deed Restrictions on the Property: Yes

☐

No

☒

If you indicated no, your signature is required.


Applicant's Signature

11/9/16

Date

If you indicated yes, please provide a copy of your covenants and deed restrictions with this application - pursuant to State Law (Section 6-29-1145: July 1, 2007) - determining existence of restrictive covenants. Copies may be obtained at the Register of Deeds Office. It is the applicant's responsibility for checking any subdivision covenants or private covenants pertaining to the property.

Comments: _____

Please attach an accurate plat (survey) of the property to this application.

✱ A zoning map amendment may be initiated by the property owner(s), Planning Commission, Zoning Administrator or County Council. ✱

Please refer to the Anderson County Planning & Community Development Fee Schedule for amount due.

As the applicant, I hereby confirm that the required information and materials for this application are authentic and have been submitted to the Anderson County Public Works Division – Planning & Community Development.


Applicant's Signature

11/9/16

Date

Page 2 of 2

For Office Use Only:

Application Received By: _____ Date Complete Application Received: _____

Application Fee Amount Paid: _____ Check Number: _____

Scheduled Advisory Public Hearing Date: _____ Citizens' Advisory Recommendation: _____

Scheduled Commission Public Hearing Date: _____ Planning Commission Recommendation: _____

Scheduled Council Public Hearing Date: _____ County Council Decision: _____



Rezoning Application Supplement Planning Commission Review Criteria

Date of Application Completion _____

Application Status (Approved or Denied) _____

Project Information

Property Location: 3461 Highway 81 Anderson SC 29621
County Council District: 4 School District: 05
Total Acreage: _____ Current Land Use: Residential
Current Zoning: C-1N Requested Zoning: POD
Purpose of Rezoning: Development of a continuing care retirement center

How will this proposal be compatible with surrounding properties? Surrounding properties include residential, commercial office, church, and an independent living facility. We believe that proposed development will be both consistent with and compliment the surrounding properties

How will this proposal affect the use and value of the surrounding properties? The proposal should have no affect on the use of the surrounding properties. It is our opinion that this developer will have a positive affect on the value of the surrounding properties

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not. Yes, the property could be developed within the current zoning. Although the property is zoned commerical it does not allow for this specific proposed use. We believe the development will compliment the area well if approved. It will be a very low impact facility

What would be the increase to population and traffic, if the proposal were approved? Out facility would consist of 60 rooms and up to 86 residents. Most of the residents do not drive. We would estimate around 50-100 vehicles in and out per day. This would mostly include staff, visitors and a few deliveries.

What would be the impact to schools and utilities, if the proposal were approved? This development
would have little to no impact on schools. Water, sewer, electrical, gas would all be
required for the development. After speaking with representatives from the local utility
company, our understanding is that there is enough capacity for the development.

How is the proposal consistent with the Anderson County Comprehensive Plan; particularly the Future Land Use Map? It is our understanding that the development would be consistent with the future land
use map as the properties along highway 81 are intended to be commercial use

Are there existing or changing conditions which affect the development of the property and support the proposed request? The proposed property is on the edge of a growing area. It is located on a major
highway and is in close proximity to schools, office buildings, churches, and residential.
We believe that the proposed development will compliment the up and coming area
very well.

Additional Comments: _____

On a separate page, please provide any additional information or evidence that supports your request and the statements that you have provided in this application and supplement.

Page 2 of 2

For Office Use Only:

Application Received By: _____ Date Complete Application Received: _____
Application Fee Amount Paid: _____ Check Number: _____
Scheduled Advisory Public Hearing Date: _____ Citizens' Advisory Recommendation: _____
Scheduled Commission Public Hearing Date: _____ Planning Commission Recommendation: _____
Scheduled Council Public Hearing Date: _____ County Council Decision: _____

AMENDMENT TO
REAL ESTATE PURCHASE AGREEMENT

THIS AMENDMENT (the "Amendment") is dated as of 11 - 2, 2016 (the "Effective Date"), by and between **CONESS C. GILLESPIE**, a resident of the State of South Carolina ("Seller"), and **DOMINION DEVELOPMENT GROUP, LLC**, a Tennessee limited liability company ("Purchaser").

RECITALS

WHEREAS, Seller and Purchaser previously executed a Real Estate Purchase Agreement dated June 27, 2016 (the "Purchase Agreement") in connection with the acquisition of the real property and improvements more particularly defined in the Purchase Agreement;

WHEREAS, Purchaser and Seller desire to extend the Closing Date (as such term is defined in the Purchase Agreement) under the Purchase Agreement;

WHEREAS, Purchaser and Seller have agreed to extend the Closing Date and make such other changes as reflected in this Amendment under the Purchase Agreement in accord with the terms and conditions stated herein; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

AMENDMENT:

1. Unless otherwise defined herein, all capitalized terms herein shall have the same meanings as in the Purchase Agreement.

2. Purchaser and Seller hereby agree to an extension of the Closing Date under the Purchase Agreement until January 20, 2017. If Seller is unable or unwilling to convey title to the Property as provided in the Purchase Agreement by January 20, 2017, Purchaser may exercise its right to seek specific performance of the Purchase Agreement as well as other legal and equitable rights and remedies provided under the Purchase Agreement.

3. A new Section 3e. is hereby added to the Purchase Agreement and provides as follows:

e. Seller hereby permits, authorizes and approves Purchaser to take all necessary steps to acquire appropriate zoning for the Property's intended use post-Closing, and the time for Closing shall be extended until this zoning is achieved.

4. Except as specifically modified hereby, the Purchase Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the day and year first above written.

SELLER:

Coness C Gillespie
Coness C. Gillespie

PURCHASER:

DOMINION DEVELOPMENT GROUP, LLC,
a Tennessee limited liability company

By: 
Name: Peter Hill
Title: Partner

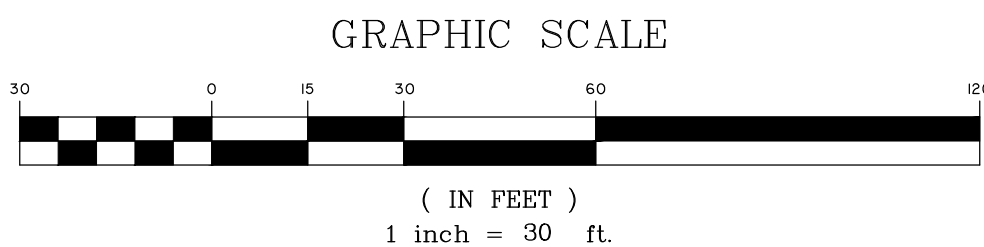
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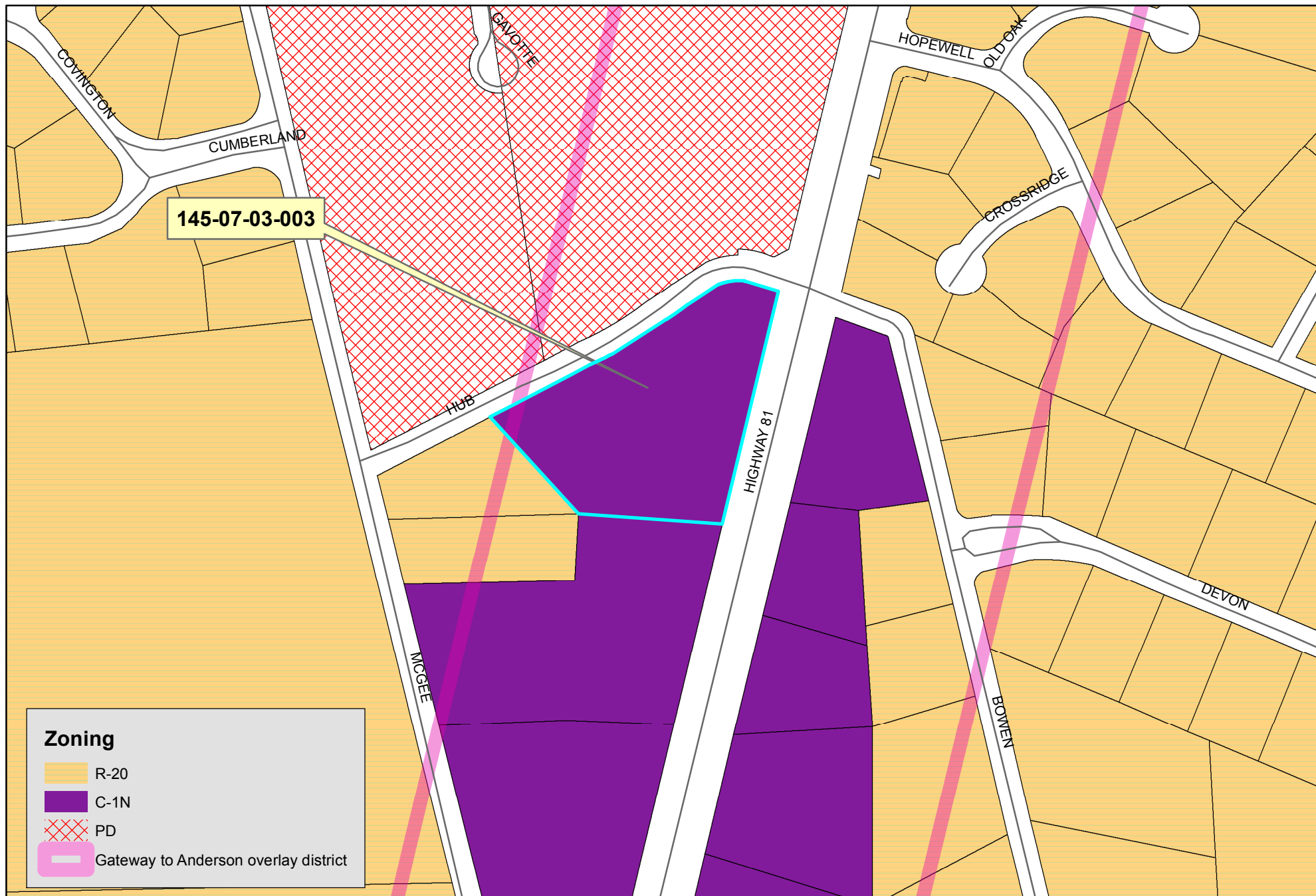
DOMINION DEVELOPMENT GROUP
ANDERSON COUNTY, SOUTH CAROLINA

HIGHWAY 81 ASSISTED LIVING

PRELIMINARY SITE PLAN

C1.1

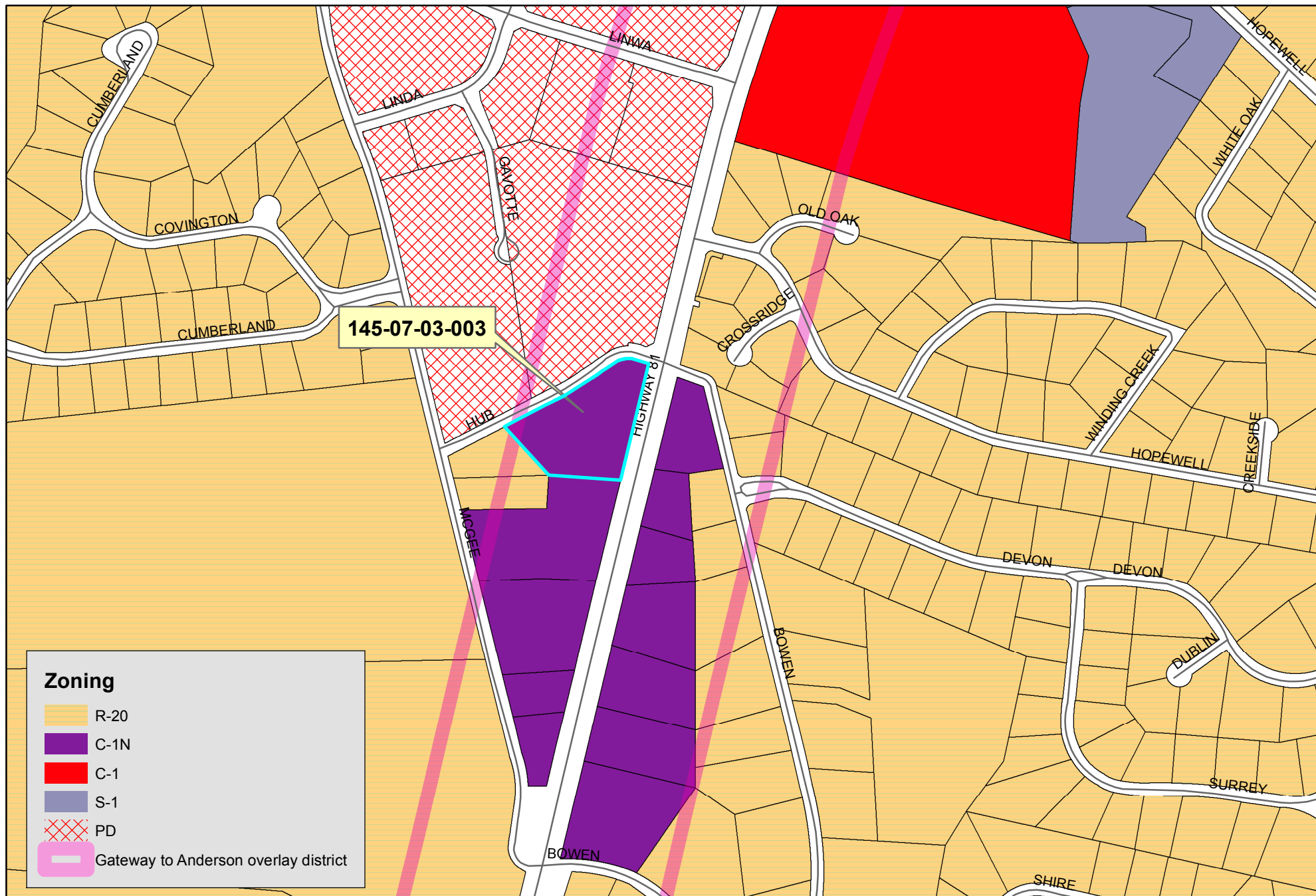




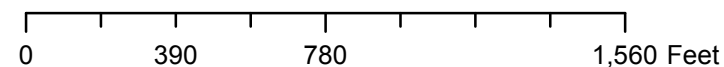
Rezoning Request
3461 Highway 81
C-1N to POD



0 200 400 800 Feet



Rezoning Request **3461 Highway 81** **C-1N to POD**





Rezoning Request
3461 Highway 81
C-1N to POD



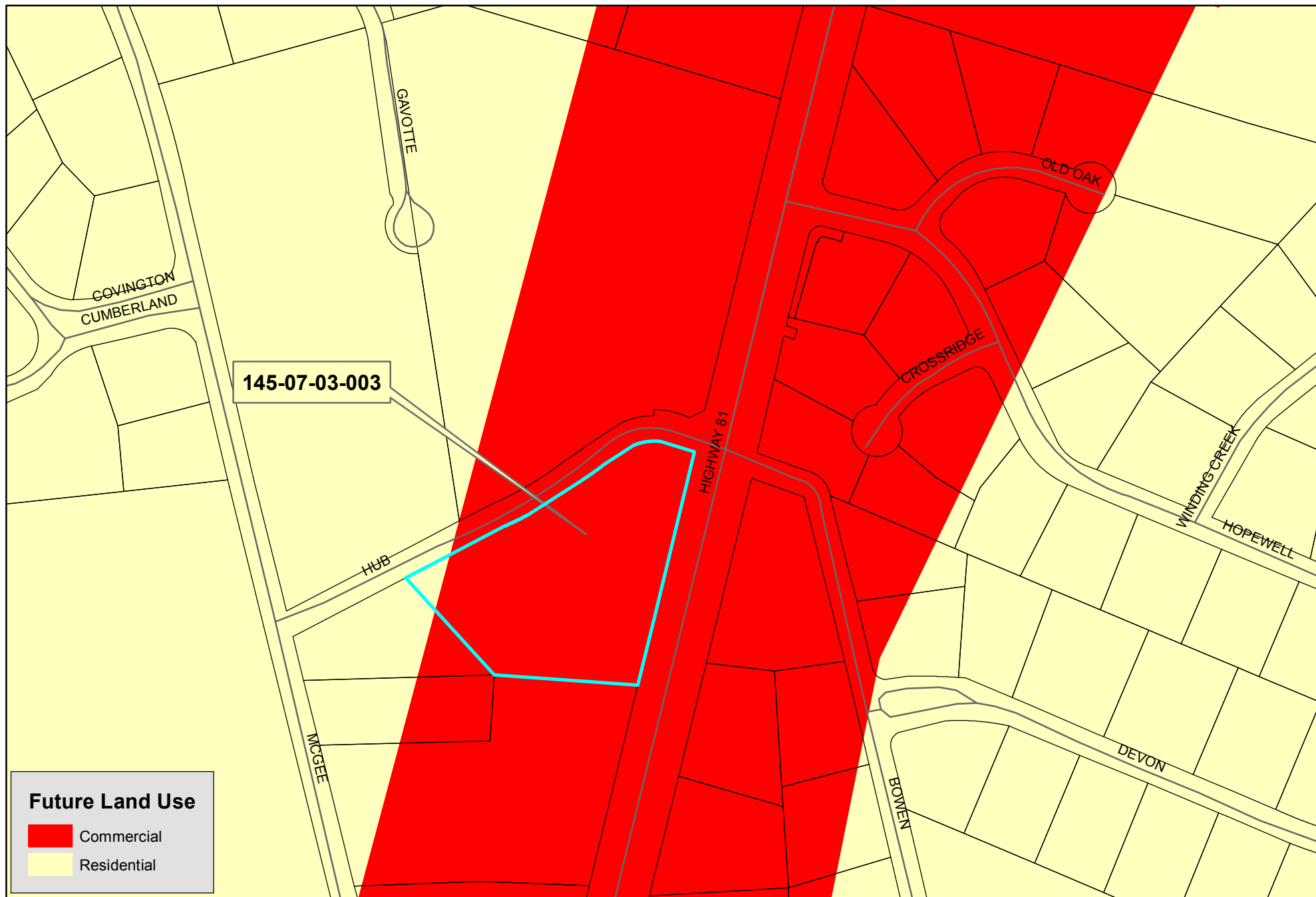
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Rezoning Request
3461 Highway 81
C-1N to POD



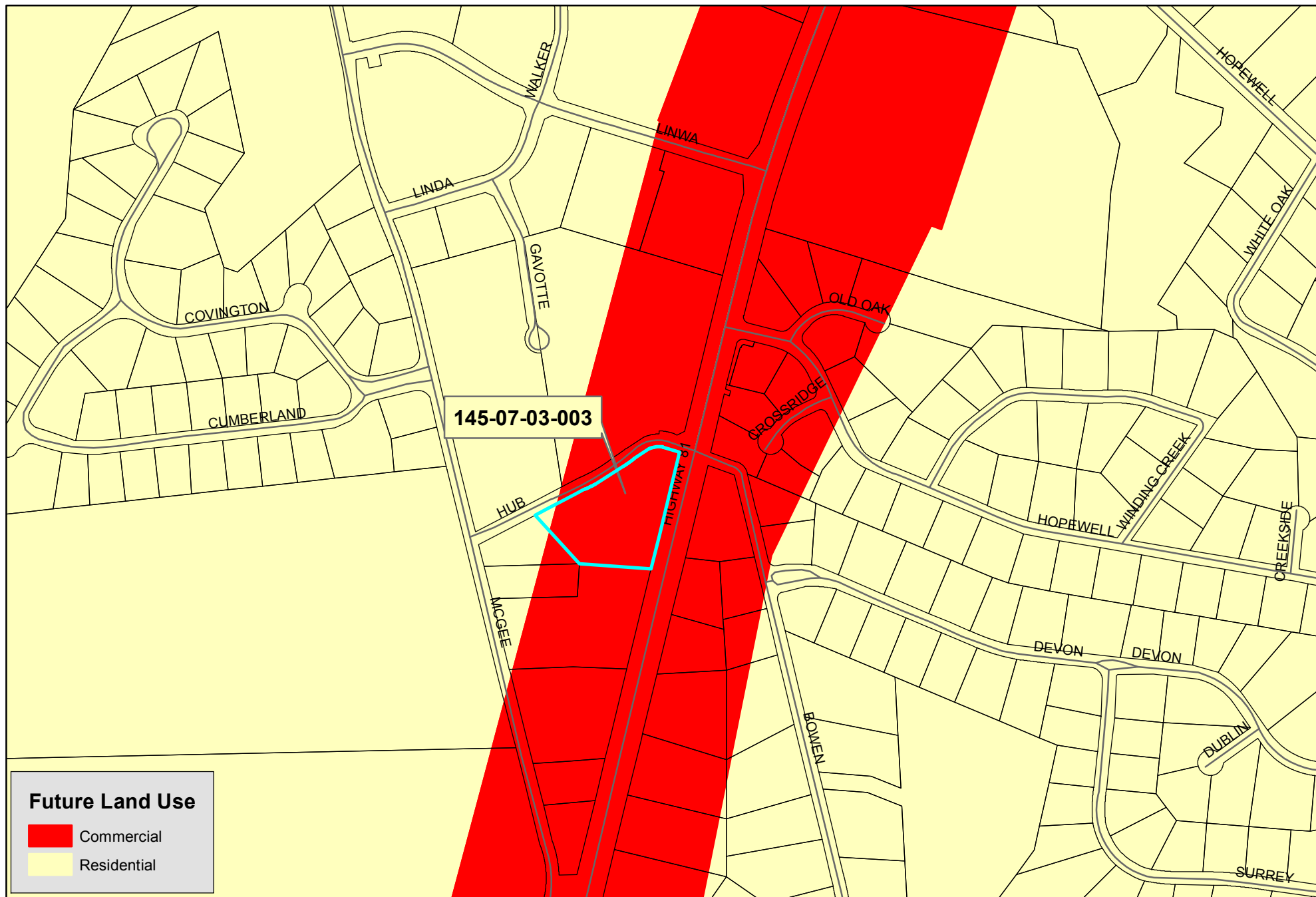
0 430 860 1,720 Feet



Rezoning Request
3461 Highway 81
C-1N to POD



0 220 440 880 Feet



Rezoning Request
3461 Highway 81
C-1N to POD



0 430 860 1,720 Feet



Nov 21, 2016

Nov 21, 2016



10/24/16



Nov 21, 2016

Nov 21, 2016



Nov 21, 2016

Nov 21, 2016

Black = Existing ordinance language

~~Red~~ = Existing ordinance language redacted

Green = Staff/AAC proposed new ordinance language

Green Underline = SCAC proposed new ordinance language

ENACTMENT This is an ordinance amending Chapter 6, Article III Height Limitation of the Anderson County Code of Ordinances.

PREAMBLE WHEREAS, Anderson County adopted an ordinance in 1982 that specified zones and height areas which surround the Anderson Regional Airport, and;

WHEREAS, those zones and areas were delineated with Federal Aviation Administration and State of South Carolina Aeronautics Commission guidelines, and;

WHEREAS, those Federal Aviation Administration and South Carolina Aeronautics Commission guidelines have been amended heretofore, and;

WHEREAS, the Anderson County Planning and Community Development Department has developed this ordinance with due consideration to reflect current Federal Aviation Administration and South Carolina Aeronautics Commission laws and regulations, and;

WHEREAS, the Anderson County Airport Advisory Committee and the Anderson County Planning Commission have reviewed this ordinance and have submitted final recommendations to the Anderson County Council, and;

WHEREAS, the Anderson County Council held a duly advertised Public Hearing, and;

WHEREAS, all applicable requirements of the Code of Laws of South Carolina have been met,

NOW, THEREFORE BE IT ENACTED BY THE COUNCIL OF THE COUNTY OF ANDERSON AS FOLLOWS:

ARTICLE III. - HEIGHT LIMITATION

Sec. 6-51. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Airport means the Anderson Regional Airport.

Airport advisory committee means an advisory committee, appointed by county council, with the responsibilities as set forth in section 6-34.

Airport elevation means the highest point of an airport's useable land measured in feet from sea level.

Airport Obstruction means any living or man-made structure or tree which obstructs the aerial approaches or departures of the airport that exceeds the maximum height of structures permitted under applicable criteria or standards accepted by the FAA or the South Carolina Aeronautics Commission on or in the vicinity of a public use airport. An airport obstruction further includes any structure that presents a hazard to aircraft that are taking off, landing, or on an instrument departure or approach to a public use airport. An airport obstruction may also include any structure that results or would result in a change to FAA approach and departure procedures such as minimum safe altitudes, approach procedures and approach minimums, departure procedures, creating displaced thresholds, affecting clearways, and other restrictions on aircraft operations as a result of such structures.

~~*Approach surface* means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 6-53. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.~~

~~*Approach, transitional, horizontal, and conical zones.* These zones are set forth in section 6-52.~~

~~*Conical surface* means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.~~

Airport Safety Zones means those lands and waters on or near a public use airport which include airport property and surrounding adjacent and contiguous properties where aircraft operations, including taxi, takeoff, landing, approach, arrival, and departure would be adversely affected as a result of:

- (a) a condition exists that interferes with, or has a reasonable potential to interfere with aircraft operations;
- (b) a condition that poses an increased risk to aviation safety;
- (c) the persistence of a condition such as an obstruction that would cause aircraft takeoff, landing, or approach criteria to be adversely impacted;
- (d) the existence of a condition that would constitute a nuisance to aircraft operation; or
- (e) planned or actual concentration of residential or commercial structures in close proximity to the flight path of arriving or departing aircraft.

FAA means Federal Aviation Administration.

FAR means Federal Aviation Regulation.

~~**Height** For the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, the datum shall be mean sea level unless otherwise specified. The vertical distance from the means sea level datum to the top of structure, tree, or appurtenance thereon, expressed as height above mean sea level (MSL).~~

~~**Horizontal surface** means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.~~

~~**Larger than utility runway** means a runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.~~

Lot means a portion of a subdivision, plat or parcel with boundaries established as a separate legal entity recorded with the County Register of Deeds.

Nonconforming Structure means any structure or tree which does not conform to this Ordinance as of the effective date of these regulations.

~~**Nonconforming use** means any pre-existing structure, object of natural growth or use of land which is inconsistent with the provisions of this article.~~ means any use of land which is inconsistent with the provisions of this Ordinance as of the effective date of these regulations.

~~**Nonprecision instrument runway** means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.~~

Obstruction means any structure, growth or other object, including a mobile object, or ground which exceeds a limiting height set forth in section 6-53.

Permit means a permit issued by the Development Standards Department that authorizes the recipient to make use of property in accordance with the requirements of the Ordinance.

Planning Staff means an individual or department of Anderson County with authority to manage and enforce this ordinance.

~~**Precision instrument runway** means a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.~~ a runway end having instrument approach procedure utilizing air navigation facilities with horizontal and vertical guidance, or area type navigation equipment, for which a straight-in precision instrument approach procedure has been approved or planned.

~~**Primary surface** means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in section 6-52. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.~~

~~**Runway** means a defined area on an airport prepared for landing and takeoff of aircraft along its length.~~

Runway End means existing physical end of the hard-surfaced asphalt runway, having a defined coordinate and elevation.

SCAC means South Carolina Aeronautics Commission.

Structure means ~~an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.~~ anything constructed or erected which requires permanent location above grade.

~~**Transitional surfaces** means surfaces which extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot~~

~~vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.~~

Tree means a woody plant that is alive or dead having a trunk or stem which may contain lateral branches that extends to a height above the ground level. For the purposes of this definition, a tree also includes any natural growth that has the potential to obscure or block aircraft flight paths including approach and departure paths and airspace that is designated by the FAA or South Carolina Aeronautics Commission as being in a safety zone where a lack of obstructions is in the interest of aviation safety.

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

~~Utility runway means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.~~

Variance means a grant of permission by the Anderson County Land Use and Zoning Board of Appeals that authorizes a person, owing to conditions peculiar to the property, in which a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

~~Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures.~~

Sec. 6-52. - Airport zones.

~~In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to Anderson Regional Airport. Such zones are shown on county airport height limitation maps consisting of one sheet, prepared by the county planning and development board, and dated 1982, which are attached to the ordinance from which this article is derived and are on file in the county offices. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:~~

- ~~(1) *Utility runway visual approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.~~
- ~~(2) *Utility runway nonprecision approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.~~
- ~~(3) *Runway larger than utility visual approach zone.* The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.~~
- ~~(4) *Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.~~

- ~~(5) Runway larger than utility with a visibility minimum as low as three-fourths mile nonprecision instrument approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.~~
- ~~(6) Precision instrument runway approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.~~
- ~~(7) Transitional zones. The transitional zones are the areas beneath the transitional surfaces.~~
- ~~(8) Horizontal zones. The horizontal zone is established by swinging arcs of 10,000-foot radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.~~
- ~~(9) Conical zone. The conical zone is established as the area that commences at the periphery of horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.~~

In order to carry out this ordinance, certain zones are hereby created and established by FAR Part 77, which include all of the land lying beneath the approach surfaces, primary surface, transitional surfaces, horizontal surface, and conical surface as they apply to the Anderson Regional Airport. Such zones are shown on the Anderson County Regional Airport Height Safety Map, as amended from time to time, and initially prepared by Anderson County dated April 1, 2015.

The various Height Safety Zones are hereby established and defined as follows:

- (1) Approach Zone. That area beneath the Part 77 approach surfaces, as defined by Part 77, §77.19(d), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.
- (2) Primary Zone. That area of the primary surface, as defined by Part 77, §77.19(c), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.
- (3) Transitional Zone. That area beneath the Part 77 transitional surfaces, as defined by Part 77, §77.19(e), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.
- (4) Horizontal Zone. That area beneath the Part 77 horizontal surfaces, as defined by Part 77, §77.19(a), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.
- (5) Conical Zone. That area beneath the Part 77 conical surfaces, as defined by Part 77, §77.19(b), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

Sec. 6-53. - Airport zone height limitations.

~~Except as otherwise provided in this article, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:~~

- ~~(1) Utility runway visual approach zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.~~
- ~~(2) Utility runway nonprecision instrument approach zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.~~

- ~~(3) Runway larger than utility visual approach zone. Slopes 20 feet outward for every foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.~~
- ~~(4) Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone. Slopes 34 feet outward for every foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.~~
- ~~(5) Runway larger than utility with a visibility minimum as low as three-fourths mile nonprecision instrument approach zone. Slopes 34 feet outward for every foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.~~
- ~~(6) Precision instrument runway approach zone. Slopes 50 feet outward for every foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.~~
- ~~(7) Transitional zones. Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 782 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.~~
- ~~(8) Horizontal zone. Established at 150 feet above the airport elevation or at a height of 932 feet above mean sea level.~~
- ~~(9) Conical zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.~~
- ~~(10) Excepted height limitations. Nothing in this article shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 50 feet above the surface of the land.~~

No structure or tree shall be erected, altered, allowed to grow or maintained in the Airport Height Safety Zones to a height which would exceed the Federal obstruction standards as contained in Part 77, Subpart C of the Code of Federal Regulations as referred to in Section 6-53 of this Document.

The property owner of a tree determined to be an airport hazard shall be responsible for bringing such tree into conformance with this ordinance.

Sec. 6-54. - Use restrictions.

Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this article in such a way as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of the pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport. This includes the use of unmanned aircraft systems and drones as regulated by the FAA.

Sec. 6-55. - Nonconforming uses.

(a) *Regulations not retroactive.* ~~The regulations prescribed by this article shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of December 21, 1982, or otherwise interfere with the continuance of nonconforming use. Nothing contained in this article shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to December 21, 1982, and is diligently prosecuted.~~ Except as follows, this regulation shall not interfere with the continuance of a nonconforming use or structure. A preexisting nonconforming structure, tree, or use shall not be replaced, rebuilt, altered, or replanted in a manner in contravention of Section 6-53 of this Ordinance. Physical alteration of structures or the placement of new structures on open land is unlawful if the result is an increase in the total amount of space devoted to a nonconforming use or greater nonconformity with respect to land development limitation. Such alteration shall cause a property owner to lose the status, which allows the nonconforming structure to remain as grandfathered while in technical violation of this Ordinance. This section does not allow a property owner to maintain a tree in excess of a height that would intrude into an Airport Safety Zone. The tree may be maintained (removal is not required), but it shall be trimmed or cut so as not to intrude into an Airport Safety Zone or violate Section 6-53 of this Ordinance.

(b) *Marking and lighting.* Notwithstanding the preceding provision of this section, the owner of any existing nonconforming 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 county airport advisory committee 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 county. Reference FAA Advisory Circular 70-7460-1K, or successor advisory circulars, for further guidance.

Sec. 6-56. - Permits.

(a) *Future uses.* ~~Except as specifically provided in subsections (1) and (2) of this subsection, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to allow it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this article. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this article shall be granted unless a variance has been granted in accordance with subsection (d) of this section.~~

An applicant requesting any new building permit, change of land use, or subdivision of land within the Anderson County Airport Height Safety Zones shall fill out an Airport Development permit application or its equivalent with the Anderson County Development Standards Office.

A permit application, as required per Section 6-56, shall accompany a preliminary plat to contain the information as indicated in Section 38-312 of the Anderson County Code of Ordinances. No permit regulated by this ordinance shall be issued by the Anderson County Development Standards Office unless first approved in writing by the Anderson Regional Airport Manager, or his or her designee. In addition, Title 55, Section 55-13-5 of the Code of Laws of South Carolina shall govern any proposed new building permit, change of land use, or subdivision plat within the Anderson County Height Safety Zones.

Any new applications made to Anderson County requesting approval of man-made structures may also require filing a notice with the FAA as per Part 77, §77.9, of Title 14 of the Code of Federal Regulations, or in successor federal regulations. In this case, the applicant shall also submit a FAA form 7460-1, Notice of Proposed Construction or Alteration to the FAA for review. If the FAA

determines an adverse impact to the Airport's airspace may occur, the FAA's decision shall serve as governing height limitation for such a man-made structure. If the FAA determines that an adverse impact to the Airport's airspace may occur, the FAA's decision shall serve as governing height limitation for such a man-made structure, subject to mitigation measures recommended or required by the FAA. Such mitigation measures shall be incorporated as special conditions into any approval by Anderson County.

Permits shall be valid until revoked. Valid permits may be revoked by the Anderson County Development Standards Office for any of the following reasons:

- (1) Incorrect or misrepresented information on the permit application.
- (2) Failure to construct structure in accordance with application and permit.
- (3) Any other violation of this ordinance.

In the event the permit is revoked, the Development Standards Office shall advise the owner in writing of the status of the permit, the action necessary to correct the violation and of the enforcement techniques available to the County to remedy continued violation. When the Development Standards Office determines that the structure or land use has been brought back into compliance with this ordinance, he/she shall reinstate the permit.

~~(1) *Height limitation zone.* The area lying within the limits of the horizontal zone and conical zone, the area lying within the limits of the approach zone but at a horizontal distance of not less than 4,200 feet from each end of the runway and the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone shall be hereby included in the height limitation zone. The height limitation zone is defined as follows: All that land which is shown as a portion of the General Highway Map of Anderson County, South Carolina, prepared by the South Carolina Department of Highways and Public Transportation, dated 1966, and according to said map being described as follows: Beginning at a point in the center of the Savannah River which point is in the center of U.S. Highway 29 running thence in a northerly direction approximately 0.6 mile to the intersection of County Road Number 180; thence turning and running in an easterly direction along the center of County Road Number 180 approximately three miles to the intersection of S.C. Highway 187; thence turning and running in a northerly direction along the center of S.C. Highway 187 approximately 0.8 mile to the intersection of S.C. Highway 412; thence turning and running in an easterly direction along the center of S.C. Highway 412 approximately 0.9 mile to the intersection of County Road Number 157; thence turning and running in a northeasterly direction along the center of County Road Number 157 approximately 0.7 mile to the center of S.C. Highway 157; thence turning and running in an easterly direction along the center of S.C. Highway 157 approximately 1.4 miles to the intersection of S.C. Highway 158; thence turning and running in a northwesterly direction along the center of S.C. Highway 158 approximately 0.5 mile to the intersection of Mountain Creek; thence turning and running in a northeasterly direction along the center of Mountain Creek approximately 2.2 miles to the intersection of S.C. Highway 104; thence turning and running in a northerly direction along the center of S.C. Highway 104 approximately one mile to the intersection of U.S. Highway 29; thence turning and running in a westerly direction along the center of U.S. Highway 29 approximately 0.8 mile to the intersection of County Road Number 259; thence turning and running in an easterly direction along the center of County Road Number 259 approximately 1.7 miles to the intersection of Martin Road; thence turning and running in a northeasterly direction along the center of Martin Road approximately 0.8 mile to the intersection of S.C. Highway 81; thence turning and running in a northerly direction along the center of S.C. Highway 81 approximately 4.4 miles to the intersection of Murray Avenue; thence turning and running in a northerly direction along the center of Murray Avenue approximately 0.9 mile to the intersection of North Avenue; thence turning and running in a northerly direction along the center of North Avenue approximately 1.4 miles to the intersection of S.C. Highway 76-178; thence turning and running in a northerly direction along the center of S.C. Highway 76-178 approximately 1.4 miles to the intersection of County Road Number 61; thence turning and running in a southwesterly~~

~~direction along County Road Number 61 approximately 0.8 mile to the intersection of S.C. Highway 28; thence turning and running in a southerly direction along the center of S.C. Highway 28 approximately 0.3 mile to the intersection of Pearman Dairy Road; thence turning and running in an easterly direction along Pearman Dairy Road approximately 1.3 miles to the intersection of Dunn Road; thence turning and running in a southerly direction along the center of Dunn Road approximately 0.1 mile to the intersection of Salem Creek; thence turning and running in a southwesterly direction along the center of Salem Creek approximately 1.8 miles to the intersection of S.C. Highway 71; thence turning and running in a southerly direction along the center of S.C. Highway 71 approximately 0.5 mile to the intersection of Old White City Park Road; thence turning and running in a northwesterly direction along the center of Old White City Park Road approximately 0.5 mile to the intersection of Phillips Road; thence turning and running in a southwesterly direction along the center of Phillips Road approximately 0.6 mile to the intersection of Quarry Road; thence turning and running in a southerly direction along the center of Quarry Road approximately 0.6 mile to the intersection of Indian Hills Road; thence turning and running in a southerly direction along the center of Indian Hills Road approximately 1.2 miles to the intersection of S.C. Highway 103; thence turning and running in a southeasterly direction along the center of S.C. Highway 103 approximately 0.4 mile to the intersection of S.C. Highway 34; thence turning and running in a southwesterly direction along the center of S.C. Highway 34 approximately 0.5 mile to the intersection of S.C. Highway 187; thence turning and running in a southwesterly direction along the center of S.C. Highway 187 approximately 1.0 mile to the intersection of S.C. Highway 159; thence turning and running in a southerly direction along the center of S.C. Highway 159 approximately 1.1 miles to the intersection of Devils Fork Creek; thence turning and running in a southerly direction along the center of Devils Fork Creek approximately 1.1 miles to the intersection of S.C. Highway 22; thence turning and running in a westerly direction along the center of S.C. Highway 22 approximately 0.4 mile to the intersection of S.C. Highway 91; thence turning and running in a southwesterly direction along the center of S.C. Highway 91 approximately 0.9 mile to the intersection of S.C. Highway 187; thence turning and running in a southerly direction along the center of S.C. Highway 187 approximately 0.4 mile to the intersection of Providence Church Road; thence turning and running in a southwesterly direction along the center of Providence Church Road approximately 3.8 miles to the end of Providence Church Road; thence turning and running in a southwesterly direction approximately 0.4 mile to the nearest point on the Georgia border; thence turning and running along the Georgia border in a southwesterly direction approximately 5.7 miles to the intersection of U.S. Highway 29, point of beginning. In the area lying within the limits of the height limitation zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for any zone defined in section 6-53~~

- ~~(2) —*Airport zone.* The area lying within the limits of the approach zones but at a horizontal distance of not greater than 4,200 feet from each end of the runway and the area within the limits of the airport property shall hereby be included in the airport zone. The airport zone is further described as follows: All that land which is shown as a portion of the Height Limitations Map, prepared by Anderson County Planning and Development Board, dated 1982 and according to said map being described as follows: Beginning at a point in the center of State Highway 22, which point is the center of Airport Road; thence running in an easterly direction along the center of State Highway 22 approximately 1,050 feet to the intersection of Rocky Creek; thence turning and running in a northeasterly direction along Rocky Creek 2,986 feet to an iron pin; thence turning and running along the line of J.J. Fretwell property N 47 degrees 15 minutes W 928.8 feet to an iron pin; thence turning and running along the line of J.J. Fretwell property N 45 degrees 15 minutes W 871.2 feet to an iron pin; thence turning and running along the line of J.J. Fretwell property N 45 degrees E 1,830 feet to an iron pin; thence turning and running along the line of J.J. Fretwell property S 44 degrees 20 minutes E 410 feet to an iron pin; thence turning and running along Rocky Creek in a northeasterly direction 1,472.3 feet to an iron pin; thence turning and running along the line of J.J. Fretwell property N 59 degrees W 268 feet to an iron pin; thence turning and running along the line of J.J. Fretwell property N 30 degrees 12 minutes E 854 feet to the center of S.C. Highway 24; thence turning and running in an easterly direction along S.C. Highway 24 a distance of 1,842 feet to a stake on the north edge; thence turning and~~

~~running along the line of Robert Parker, Jr., property N 35 degrees 41 minutes W 710 feet to an iron pin; thence turning and running along the line of Robert Parker, Jr. property N 52 degrees 20 minutes E 300 feet to an iron pin; thence turning and running along the line of Lila Fretwell property N 37 degrees W 365.7 feet to a branch creek; thence turning and running along the line of Lila Fretwell property N 59 degrees 21 minutes E 697 feet to an iron pin; thence turning and running along the line of School District Number Five property N 59 degrees 31 minutes E 1,139.9 feet to the center of S.C. Highway 28 Bypass; thence turning and running in a northeasterly direction along the center of S.C. Highway 28 Bypass approximately 1,350 feet to the intersection of Standridge Road, thence turning and running in a southwesterly direction along the center of Standridge Road approximately 2,400 feet to the intersection of Warner Road; thence turning and running in a southwesterly direction along the center of Warner Road approximately 400 feet to the intersection of Selwyn Drive; thence turning west onto Selwyn Drive and running approximately 3,800 feet to the intersection of S.C. Highway 24; thence turning and running in a northwesterly direction along the center of S.C. Highway 24 approximately 5,100 feet to the intersection of Riley Creek; thence turning and running in a southwesterly direction along the southern edge of Riley Creek approximately 1,300 feet to an iron pin; thence turning and running along the Anderson Regional Airport line S 25 degrees 15 minutes E 1,759.6 feet to the abandoned S.C. Highway 24; thence turning and running along the Anderson Regional Airport Line S 17 degrees E 867 feet to a branch of Taylor's Creek; thence turning and running in a southwesterly direction along the branch creek approximately 2,200 feet to Taylor's Creek; thence turning and running in a southerly direction along Taylor's Creek approximately 2,700 feet to an iron pin; thence turning and running along the line of L. Scott property N 75 degrees 16 minutes W 888.5 feet to an iron pin; thence turning and running along the line of L. Scott property N 76 degrees W 1,230 feet to the center of Scarborough Road; thence turning and running in a southeasterly direction along Scarborough Road approximately 1,300 feet to an iron pin of the western edge; thence turning and running along the line of T.J. Scott property S 74 degrees W 1,062 feet to an iron pin; thence turning and running along a branch creek S 14 degrees 30 minutes E 112 feet to an iron pin; thence turning and running along a branch creek S 20 degrees 45 minutes E 214 feet to an iron pin; thence turning and running along a branch creek S 45 degrees 30 minutes E 91 feet to an iron pin; thence turning and running along a branch creek S 56 degrees E 272 feet to an iron pin; thence turning and running along a branch creek S 63 degrees E 165 feet to an iron pin; thence turning and running along the line of Charles Hicks property S 4 degrees 45 minutes W 576.8 feet to the center of S.C. Highway 22; thence turning and running along the line of Charles Hicks property S 4 degrees 35 minutes W 652 feet to an iron pin; thence turning and running along the line of L.M. Felton property S 13 degrees 45 minutes E 556 feet to an iron pin; thence turning and running along the line of Grady H. Bolt property S 76 degrees 15 minutes E 438.6 feet to an iron pin; thence turning and running along the line of Grady H. Bolt property S 73 degrees 14 minutes E 2,067 feet to a Big Generostee Creek; thence turning and running in a northeasterly direction along the north edge of Big Generostee Creek approximately 1,500 feet to an iron pin; thence turning and running along the line of Herbert Lee property N 18 degrees 23 minutes W 359.6 feet to an iron pin; thence turning and running along the line of Herbert Lee property N 19 degrees 35 minutes W 240 feet to an iron pin; thence turning and running along the line of Herbert Lee property N 19 degrees 26 minutes W 694.4 feet to an iron pin; thence turning and running along the line of Ralph Sutherland property N 18 degrees 30 minutes W 267.1 feet to the center of S.C. Highway 22; thence turning and running in a northeasterly direction along the center of S.C. Highway 22 a distance of 1,180.5 feet to a bolt in the centerline of the road; thence turning and running along the line of Silas Thompson property N 40 degrees 44 minutes E 996.5 feet to an iron pin; thence turning and running along the line of Silas Thompson property N 69 degrees 56 minutes E 280 feet to the center of Airport Road; thence turning and running in a southeasterly direction along the center of Airport Road 262 feet to the center of S.C. Highway 22, point of beginning. In the area lying within the limits of the airport zone, no permit shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when because of terrain, land contour, or topographic features such tree or structure would extend above the height limits prescribed for any zone defined in section 6-53~~

~~Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any height limits established by this article except as set forth in subsection 6-53(10).~~

- ~~(b) Existing uses. No permit shall be granted that will allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on December 21, 1982, or after any amendments to the ordinance from which this article is derived or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted. This regulation shall not interfere with the continuance of a nonconforming use or structure.~~
- (c) Nonconforming uses abandoned or destroyed. Whenever the development standards department determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limitation regulations. Such preexisting nonconforming structure, tree, or use shall not be replaced, rebuilt, altered, or replanted in a manner that would be in contravention to Section 6-53 of this Ordinance."

A preexisting nonconforming structure, tree, or use, shall not be replaced, rebuilt, altered, or replanted, so as to constitute a greater airport hazard than it was at the time of adoption of this ordinance.

- ~~(d) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree or use property not in accordance with the regulations prescribed in this article, may apply to the development standards department for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration on the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this article.~~
- ~~(e) Obstruction marking and lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the development standards department this condition may be modified to require the owner to permit the county at its own expense, to install, operate and maintain the necessary markings and lights.~~

Sec. 6-57. - Enforcement.

The Anderson County Development Standards Department shall administer and enforce the rules and regulations prescribed in this article. Applications for permits, exemptions and variances shall be made to the Development Standards Department upon a form specified for that purpose. Once submitted, the applications shall be promptly considered and either granted or denied.

Sec. 6-58. -Variances and Appeals.

- ~~(a) Any person adversely affected by a decision of the development standards department made in administration of this article may appeal to the land use board of appeals in accordance with section 38-74 of the Anderson County Code of Ordinances, as amended.~~
- ~~(b) The land use board of appeals shall carry out the following provisions:~~
 - ~~(1) The land use board of appeals shall hear and decide appeals from decisions made by the development standards department.~~
 - ~~(2) The land use board of appeals shall hear and decided requests for special exemptions.~~

- ~~(3) The land use board of appeals shall hear and decided requests for specific variances.~~
- ~~(c) The land use board of appeals shall make written findings of fact and conclusions of law stating the facts upon which it acted, and its legal conclusions from such facts in reversing, affirming or modifying any action presented to it.~~
- ~~(d) An appeal shall stay all proceedings in furtherance of the action appealed from. However, if by reasons of the facts stated in the appeal, a stay would cause imminent peril to life or to property, the proceeding shall not be stayed.~~
- ~~(e) The land use board of appeals shall fix a reasonable time for the hearing of the appeal and give appropriate notice. At the hearing, a party may appear in person or be represented by an agent or an attorney.~~
- ~~(f) The land use board of appeals may, in conformity with the provisions of this article, reverse or affirm, in whole or in part, or modify the decision, order, requirement or determination appealed from, and make such decision, order, requirement or determination, as may be appropriate. Such action shall be the final administrative decision, subject only to review in circuit court.~~

Variances

Upon advisement of County staff, the Board of Land Use and Zoning Appeals may issue variances and exceptions from the requirements of this ordinance such that would not be contrary to the public interest, or the spirit and intent of this ordinance, and where due to special conditions, a literal enforcement of the provisions of this ordinance would result in an unnecessary hardship. In granting a variance, the Board of Land Use and Zoning Appeals may prescribe appropriate conditions and safeguards as it deems necessary to preserve the intent of this ordinance.

In granting a variance or exception to this ordinance, the Board of Land Use and Zoning Appeals must determine the following:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property; and
- (2) These conditions do not generally apply to other property in the vicinity; and
- (3) Because of these conditions, the application of the chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- (4) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good.
- (5) Any request for a variance to the Height Safety or Land Development portions of this Ordinance shall be accompanied by a finding from the Federal Aviation Administration as to the impact the variance may have on the safe, efficient use of the airport and its airspace.

Issuance of a variance shall not set a precedence and each case shall be reviewed independently of others.

Appeals

The Board of Land Use and Zoning Appeals shall hear and decide appeals and review any orders, requirements, decisions or determinations made by the Development Standards Department, which is responsible for administration and enforcement of this ordinance.

Sec. 6-59. - Penalties.

Each violation of this article or of any regulation, order or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable as provided in section 1-7; and each day a violation exists or continues to exist shall constitute a separate offense.

Sec. 6-60 – General Provisions

(1) The provisions of this ordinance are hereby declared to be separable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions.

(2) All orders, resolutions, ordinances, and parts thereof in conflict herewith are, to the extent of such conflict only, hereby repealed and this ordinance shall take effect and be in full force from and after its passage and approval.

(3) The provisions and requirements of this ordinance may be amended by the County Council according to the procedure set forth in Section 6-190 and 6-191 of the Anderson County Code of Ordinances.

Secs. 6-~~60~~-61—6-69. - Reserved.

Adopted in meeting duly assembled this _____ day of _____, 2017,

ATTEST: Ordinance 2017-____

Rusty Burns
Anderson County Administrator

Tommy Dunn, District #5, Chairman

Kimberly A. Poulin,
Clerk to Council

APPROVED AS TO FORM:

Leon C. Harmon,
Anderson County Attorney

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

Public Hearing: _____