

**AMENDMENT TO ZONING ORDINANCE
ARTICLE 10
DEFINITIONS**

ORIGINAL

(Amended November 5, 2013)

NOW THEREFORE, BE IT ORDAINED by the Governing body of the Town of Elgin, in Council duly assembled this 5th day of November, 2013 that Zoning Ordinance Article 10 be amended to include the following New Definitions:

Garage or Yard Sale – The sale of personal property which is conducted on a premise within a residential district upon which is located an occupied dwelling.

Bar – Consists of establishments primarily engaged in preparing and serving alcoholic beverages for immediate consumption.

Outdoor Displays, i.e. Sidewalk/Parking Lot Sales – A promotional sales event conducted by one or more businesses which is held outside the confines of the commercial establishment in which such business is normally conducted and which sales involve the outdoor display of merchandise which is normally displayed within the structures within a paved or impervious area on the same lot as the structures.

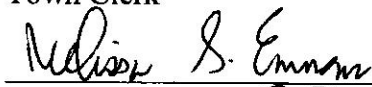
Public Assembly – Public assembly includes meetings of special events of interest to the general public, such as a political rally, an educational event, history week, or other events of public awareness, as determined by the Zoning Administrator.



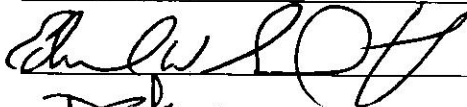
Town Clerk



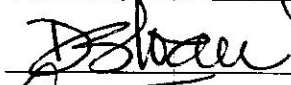
Brad Hanley, Mayor



(Councilwoman M. Emmons)



(Councilman E. Smith)



(Councilwoman D. Sloan)



(Councilwoman C. Silvers)

**Date of First Reading: 10.01.13
Date of Second Reading: 11.05.13**

Amended 11-5-13

ARTICLE 10

DEFINITIONS

Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Plumbing Code, Standard Gas Code or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised.

Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel".

The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged," or "designed to be used or occupied". An intended project shall be defined as one where substantial monies have been spent towards the goal of the project.

The word "map" or "zoning map" shall mean the Official Zoning Map of the Town of Elgin, South Carolina.

The term "Planning Commission" refers to the Planning Commission for the Town of Elgin. The term Council, Mayor and Council, or Town Council shall mean the legally elected governing body of the Town of Elgin. The term "Zoning Board of Appeals" refers to the Zoning Board of Appeals for the Town of Elgin.

Animal Shelter, Domestic - A pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine including pot bellied pigs, sheep, ponies, grazing animals and fowl of any kind, are boarded or kept.

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

Building - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons or property.

Building, Accessory - A subordinate structure on the same lot and detached from the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, domestic animal shelters, pool houses, etc., when detached from the principal building, and carports attached to the principal building when at least 75 percent open or unenclosed.

Building, Principal - A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

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

Day Care Services - Day care services shall mean and include any home, center, agency or place, however styled, where children, elderly, handicapped or other persons not related to the operator are received for custodial care, whether for compensation, reward, or otherwise during part of or all day or night and upon any number of successive days or nights.

Conditional Use - A use of land or structure which is permitted in a district under conditions specified in the zoning ordinance.

Density - The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density

requirements in this Ordinance are expressed in dwelling units per net acre; that is, per acre of land devoted to residential use and common open space exclusive of land utilized for streets, parks, playgrounds, school grounds, or other public uses.

Developed Lot - Any lot or parcel containing over \$20,000 in improvements, other than a sign.

Dwelling - A building or portion of a building arranged or designed exclusively for human habitation.

Dwelling, Apartment - (See dwelling, multi-family)

Dwelling, Detached - A single dwelling unit surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Duplex - A building containing two dwelling units.

Dwelling, Group Occupied - A dwelling unit occupied by five (5) or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

Dwelling, Manufactured Home - A factory built home built after the enactment of and bearing a label of compliance with the Federal Manufactured Home Construction and Safety Standards Act, effective June 15, 1976 (HUD Code).

Dwelling, Multi-Family - A building containing three (3) or more dwelling units.

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

Dwelling, Residential Designed Manufactured Home - A single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (245 CFR 3280) HUD Code, 6-15-76, and which:

- a. Has a minimum width over 20 feet (multiple-section);

- b. Has a minimum of 900 square feet of enclosed living area;
- c. Has a minimum 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;
- d. Is covered with an exterior material customarily used on site built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and
- e. Has a roof overhang of not less than eight (8) inches.

Dwelling, Single-Family - A building containing one dwelling unit.

Dwelling, Standard Designed Manufactured Home - A single family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, 6-15-76, and which does not meet the definition of a *Residential Designed Manufactured Home*.

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

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, Zero Lot Line - A zero lot line dwelling is a single-family detached unit which instead of being centered on a lot, is placed against at least one of the side lot lines. The term is synonymous with patio house.

Family - One or more persons related by blood, marriage, adoption or guardianship, and not more than four (4) persons not so related, except that nine (9) mentally or physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of 6-7-830 of the South Carolina Code of Laws, including approval or licensing of the home in which they are located by a state agency for that purpose.

Family Day Care Home - A family day care home is one in which care is given by a family member and no others during the day only for one and not more than 12 children, including the day care parents' own children.

Flag - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Garage, Private - (As defined by the Standard Building Code.)

Home Occupation - Any occupation conducted for gain within a dwelling by a member or members of the family residing in the dwelling.

Junk and/or Salvage - Any materials consisting of waste, discarded or salvage matter which is bought, sold, exchanged, stored, baled, packed or disassembled for profit, trade or hire, and shall include any vehicle damaged so as not to comply with state or federal safety regulations, incapable of self-propulsion or partially dismantled if retained on the premises for more than seventy-two (72) hours whether for repair or not. The term junk shall also mean, but not be limited to old or scrap copper, brass, aluminum, rope, rags, paper, trash, tire carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or non-ferrous material.

Junk and/or Salvage Yard - Any premises where salvage or junk as defined herein are found and have been permitted to remain with the consent of the owner, lessee, or person(s) responsible for maintenance of such premises.

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

Lot, Corner - A lot located at the intersection of two or more streets.

Lot of Record - A lot, the boundaries of which are filed as legal record.

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

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

Manufactured Home Park - A lot or parcel with space, improvements and utilities for the long-term parking of two (2) or more mobile or manufactured homes which may include services and facilities for the residents.

Mini Warehouses - A building containing separate, individual self-storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private, dead storage of personal goods, materials and equipment. Shipping containers, whether attached or detached, shall not be permitted for use as mini warehouses.

Modular Building Unit or Modular Structure - Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. When meeting the requirements of the Modular Building's Construction Act (23-43-10 of the S. C. Code of Laws), said building unit or structure may be located in any of the city's several zoning districts.

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

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

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

Sexually Oriented Businesses - For purposes of this Ordinance, sexually oriented businesses shall mean and include the following:

- (1) **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the

depicting or describing of "specified sexual activities" or "specified anatomical areas".

- (2) **Adult Bookstore or Adult Video Store.** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities"

- (3) **Adult Cabaret/Theatre.** A nightclub, bar, restaurant, theatre, or similar commercial establishment which regularly features:

Persons who appear in a state of nudity; or performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

- (4) **Adult Motel.** A hotel, motel or similar commercial establishment which offers accommodations to the public with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

- (5) **Sexual Encounter Center.** A business or commercial enterprise that, as one of its primary business purposes, offers activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

Shipping Container – A rectangular, prefabricated metal structure, designed for stacking, storage and transfer of goods and commodities by ship and/or container chassis trucks.

Sign - Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Flags are not signs.

Sign, Abandoned - A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists or to which it refers.

Sign, Animated - Any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

Sign, Awning, Canopy or Marquee - A sign that is mounted or painted on or attached to an awning, canopy or marquee.

Sign, Banner - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Sign, Building - Any sign attached to any part of a building.

Sign, Changeable Copy - A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance.

Sign, Face - The area or display surface used for the message.

Sign, Free-Standing - Any non movable sign not affixed to a building.

Sign, Incidental - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Sign, Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Sign, Permanent - A sign attached to a building, structure or the ground in some manner and made of materials intended for more than short term use.

Sign, Political - A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Sign, Portable - A sign that is not permanently affixed to a building, structure or the ground.

Sign, Projecting - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

Sign, Roof - A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

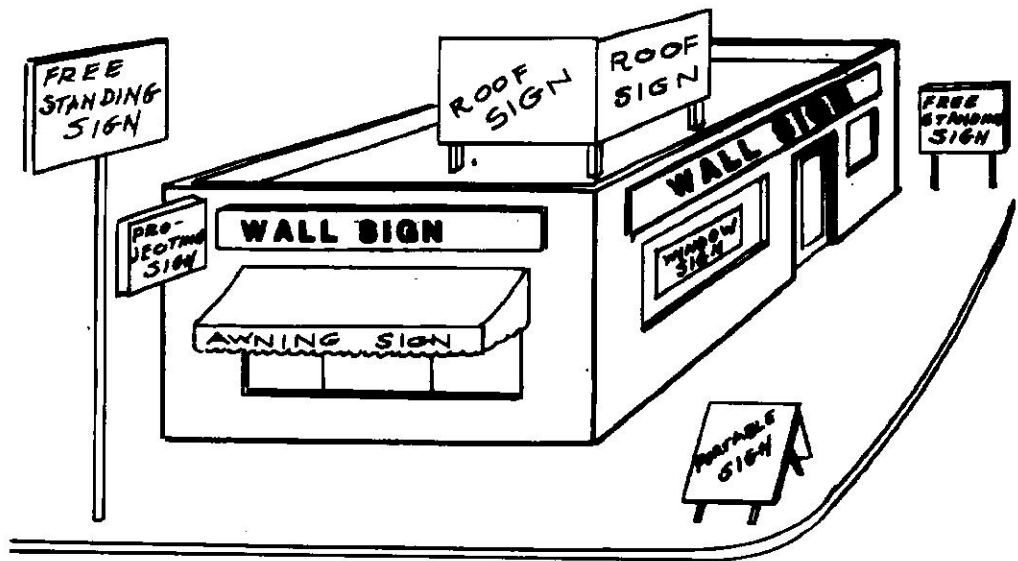
Sign, Temporary - A sign that is used only for a short period of time and is not permanently mounted.

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

Sign, Window - A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

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

Specified Sexual Activities. Includes any of the following:



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

Street - Any thoroughfare or space more than 18 feet in right-of-way width, which has been dedicated, deeded or designated for vehicular traffic, public or private.

Structure - (As defined by the Standard Building Code.)

Structural Alteration - Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Travel Trailer or Recreational Vehicle - A structure that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (2) is designed for temporary

use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile or manufactured home or modular unit.

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

Use, Accessory - See Building, Accessory.

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

Use, Principal - The primary purpose for which land is used.

Variance - A modification of the area regulations of this Ordinance, granted by the Zoning Board of Appeals.

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

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

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

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

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

Zoning District - A specifically delineated area or district in the town within which regulations and requirements govern the use, placement, spacing and size of land and buildings.