

# **ZONING ORDINANCE TOWN OF ELLOREE, SOUTH CAROLINA 2004**

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## **CHAPTER 1 ADOPTION AND INTERPRETATION**

### **Article I Authority**

#### **§1-100 Zoning ordinance published separately.**

The zoning ordinance shall be published in a separate volume, a copy of which shall be filed with the Town clerk.

#### **§ 1-101 Authority and title.**

This zoning ordinance is adopted pursuant to authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code § 6-29-310, et seq. (1994 Supp.). This ordinance may be cited as the Town of Elloree Zoning Ordinance, 2003.

#### **§ 1-102 Jurisdiction and purposes.**

The provisions of this ordinance shall apply to all land and improvements within the corporate limits of the Town of Elloree, South Carolina. The purposes of the zoning ordinance are to implement the land use element of the comprehensive plan for those purposes set forth in S.C. Code § 6-29-710.

## Article II Definitions

### § 1-200 Interpretation.

(a) Words used in this ordinance shall have their customary and ordinary meanings as defined in a standard dictionary, except for specific words and phrases defined in this ordinance.

(b) The present tense includes the past and future tenses. Singular words shall include the plural, and plural words shall include the singular.

(c) The word "person" includes an individual, a firm, association, partnership, trust, company, corporation or any other legal entity.

(d) The word "shall" is mandatory; the word "may" is permissive.

(e) References to SIC codes shall mean those codes assigned to businesses in the 1987 Standard Industrial Classification Manual published by the federal Office of Management and Budget. SIC codes are listed in the tables of uses for each district as an aid in interpretation and determination of those specific uses included in a general class of uses.

### § 1-201 Definitions.

1. Accessory. A building or use subordinate to and serving a principal building or use which is subordinate in area, extent or purpose to the principal building or use served; designed for the comfort, convenience or necessity of occupants of the principal use served; located on the same lot as the principal building or use served, except for permitted off-site accessory uses; and which meets all setback requirements for the principal structure. Accessory uses shall include, but not be limited to: barns, sheds, home tennis courts, swimming pools, boat houses, docks, automobile garages, decks, patios, and private recreation areas.

2. Alley. A minor right-of-way used or intended to be used primarily for service access to the rear or side of properties otherwise abutting a street. An alley is not considered to be a street for purposes of this ordinance.

3. Alteration of building. Any change in the supporting members of a building, such as bearing walls, columns, or girders; any addition or reduction to a building.

4. Antenna. Any device for radiating or receiving electromagnetic waves, including, but not limited to, radio, television, telephone, communication, microwave, and satellite dish antennas.

5. **Apartment**. A portion of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or family.
6. **Automobile service station**. [See SIC Code 5541.] Use involving the sale of gasoline, lubricating oils, merchandise such as tires, batteries, auto parts, minor repairs, and may include limited sale of groceries or carwashes, but may not include storage of dismantled or wrecked vehicles or parts.
7. **Bed and breakfast**. An owner occupied dwelling or portion thereof offering five or fewer guest rooms to transient lodgers in return for compensation, with or without meals. If meals are served, they shall be restricted to breakfast only. The use of a dwelling as a Bed and Breakfast Inn shall not be considered as an accessory use or a customary home occupation.
8. **Boarding house**. [See SIC Code 7021 - rooming and boarding houses.] A dwelling other than a motel or hotel in which rooms are rented, with or without meals, on a fee basis. A structure in which five (5) or more rooms are rented shall be classified as a hotel or motel.
9. **Buildable area**. That portion of a lot which may be used or built upon in accordance with zoning district regulations.
10. **Building**. Any structure having a roof supported by columns or walls and which is designed for shelter, support or enclosure of persons, animals or property of any kind.
11. **Camper**. A mobile home, tent, trailer, or other self-contained vehicle, designed for recreational purposes, mounted on two or more wheels, self-propelled or towed, and not used for residential purposes in the Town.
12. **Community residential care facility**. An institution providing for a period exceeding 24 consecutive hours room, board, some personal assistance in feeding, dressing or other living activities to two or more individuals not related to the operator, including chemical abuse residential treatment facility or half-way house providing inpatient or detoxification services.
13. **Conditional use**. A use permitted by the district regulations upon compliance with specified conditions without review by the Board of Zoning Appeals.
14. **Day care**. The care, supervision or guidance of an unrelated person, unaccompanied by the parent, guardian or custodian, on a regular basis for periods of less than 24 hours per day in a place other than the operator's own home.
15. **Day care facility**. A state licensed facility providing day care, for profit or nonprofit. This definition includes, but is not limited to, day nurseries, nursery schools, kindergartens, day care centers, group day care homes and family day care homes. It does not include

education facilities for grades one or above, shopping center or office building temporary care facilities, summer or day camps, or vacation Bible schools.

16. Density. The number of dwelling units per net acre of developed land, excluding land devoted to streets, alleys, parks, playgrounds, schools or other public uses.

17. District. A geographical area assigned a zoning district designation pursuant to the provisions of this ordinance.

18. Drinking place. [See SIC Code 5813] Establishment primarily engaged in retail sale of alcoholic drinks for consumption on premises. Sale of food may account for a substantial portion of receipts.

19. Dwelling. A building or portion thereof designed, occupied, or intended for human residential occupancy, not including a hotel, motel, rooming or boarding house.

20. Dwelling, group. A dwelling occupied by several unrelated persons or families, but in which separate cooking facilities are not provided for each group. Group dwellings include rooming houses, apartment hotels, and similar facilities. Hotels, motels and tourist homes are not group dwellings.

21. Dwelling, multi-family. A dwelling containing three or more separate dwelling units in one building. Apartments, tenements, condominiums, cooperatives and similar structures are multi-family dwellings.

22. Dwelling, one-family. A detached dwelling, other than a mobile or manufactured home, designed, occupied or intended for occupancy by a single family unit.

23. Dwelling, two-family. A detached dwelling, other than a mobile or manufactured home, containing two (2) separate dwelling units in one building, commonly known as a duplex.

24. Dwelling unit. A dwelling for occupancy by a single family unit.

25. Family. One or more persons related by blood or marriage, or not more than five unrelated persons, occupying a single dwelling unit. Domestic employees may be housed on the premises.

26. Gross floor area. The total horizontal area of all floors of a building, including exterior balconies and mezzanines, measured from the faces of the exterior walls.

27. Home occupation. A customary occupation, profession, or trade carried on by an occupant of a one-family dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the unit, and which does not involve more than 25% of the total floor area of the unit.

28. Hotel. [See SIC Code 7011.] A building in which lodging for pay is offered to the public, with or without meals, for transient or permanent guests, including motel or tourist court, containing five (5) or more guest rooms.

29. Junk, salvage, scrap, or wrecking yards. [See SIC Code 5093.] Any use involving storage or processing of inoperable, unused, dismantled, or wrecked vehicles, equipment, or machinery or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials, or other scrap, salvage, waste, or junk materials.

30. Lane. A narrow public way for vehicular and pedestrian travel which provides the principal means of access to abutting property, but not including an alley.

31. Lot. An area, plot, parcel or tract of land defined by metes and bounds in a deed or plat recorded in the land records of Orangeburg County.

32. Lot, corner. A lot located at the intersection of two or more streets.

33. Lot depth. The mean horizontal distance between front and rear lot lines.

34. Lot, double frontage. A lot which has frontage on more than one street, other than an alley. A corner lot is not a double frontage lot unless it has frontage on three or more streets.

35. Lot, interior. A lot other than a corner lot, with only one street frontage.

36. Lot width. The distance between side lot lines measured at the front building line.

37. Manufactured home. A structure manufactured after June 15, 1976, bearing certification of compliance with HUD standards pursuant to S.C. Code § 40-29-70, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it.

38. Manufactured home park. A lot providing rented parking space for five or more manufactured homes used for dwelling units, including service buildings and facilities. Manufactured home sales or storage lots for unoccupied units are not manufactured home parks.

39. Miniwarehouse. [See SIC Code 4225.] A building or group of buildings on a fenced controlled access lot which contain individual locked compartments for storage of personal property.

40. Mobile home. A structure manufactured prior to June 15, 1976, or manufactured after June 15, 1976 without certification of compliance with HUD standards pursuant to S.C. Code § 40-29-70, which is a movable or portable dwelling unit over thirty (30) feet in length constructed to be towed on its own chassis, without permanent foundation, consisting of a single or two or more connected components. The term does not include prefabricated, modular or unitized dwelling on a permanent foundation, or travel trailer, camper, or similar recreational unit.

41. Modular building. A structure consisting of two or more prefabricated components designed to be transported to a lot and placed on a permanent foundation, and which is certified by the South Carolina Building Codes Council as conforming to Southern Building Code standards for site built units. A mobile home, house trailer, or manufactured home is not a modular building.

42. Motel. [See SIC Code 7011.] A building or buildings in which lodging, with or without meals, is offered to the public for compensation, including a hotel, tourist court, or inn.

43. Nonconforming. A term applied to lots, structures, uses of land or structures, and characteristics of use of land or structures which were lawful before the passage or amendment of this zoning ordinance, but which are prohibited by this ordinance or are not in compliance with the requirements of this ordinance.

44. Park. A public or private lot or facility for active or passive recreation, exercise, sports or similar activities, enhancement of natural features or beauty, but not including a commercially operated amusement park.

45. Parking lot. A public or private open lot for parking motor vehicles as a principal use or as an accessory to a commercial or industrial use.

46. Parking space. An area on a lot designated for parking a motor vehicle.

47. Permanent building. A structure on a separately constructed permanent foundation intended to remain in one location and last indefinitely.

48. Permitted use. A use permitted outright by district regulations.

49. Principal structure or use. A structure or use which is significant or primary rather than accessory.

50. Residence. A dwelling.

51. Setback. The depth or width of any required yard; the minimum distance between a structure and an adjacent lot or street; the area required to be unobstructed except for fences, flagpoles, clothes lines, bird houses or yard accessories.

52. Sign. Any device designed to inform, advertise or attract attention such as a billboard, poster, painted surface, announcement, display, ribbon, pennant, flag, banner, illustration, or insignia, lighted or unlighted, stationary or moving.

53. Special exception. A use specifically permitted after review and approval by the Board of Zoning Appeals, subject to ordinance standards and additional conditions set by the Board of Zoning Appeals.

54. Street. A public thoroughfare for vehicular and pedestrian travel which provides the principal means of access to abutting property, but not including an alley.

55. Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground, including buildings, mobile homes, travel trailers, signs, swimming pools, fences, and antennae, but excluding minor landscaping features such as ornamental pools, planters, bird baths, paved surfaces, walkways, driveways, recreational equipment, flagpoles, and mailboxes.

56. Tourist (guest) home. A dwelling in which lodging is provided in not more than three (3) rooms for paid guests, with or without meals. A tourist home shall not be considered an accessory use or customary home occupation.

57. Variance. Relief granted by the Board of Zoning Appeals from the strict application of zoning regulations in an individual case of unnecessary hardship based on factual findings required by law.

58. Yard. A required open space unoccupied and unobstructed by structures except those specifically permitted.

59. Yard, front. A yard situated between the front building line and the front lot line extending the full width of the lot.

60. Yard, rear. A yard situated between the rear building line and the rear lot line and extending the full width of the lot.

61. Yard, side. A yard situated between the side building line and a side lot line and extending from the front yard to the rear yard.