

ARTICLE II
DEFINITIONS AND INTERPRETATIONS OF WORDS AND PHRASES USED IN THIS
ORDINANCE

200. INTERPRETATION OF CERTAIN WORDS AND PHRASES

200.1 WORDS TO HAVE CUSTOMARY MEANINGS

The words and phrases used in this Ordinance shall have their customary meanings or as defined in a standard dictionary, except for specific words and phrases as defined below.

200.2 TENSE

The present tense includes the future tense.

200.3 NUMBER

The singular number includes the plural number and the plural number includes the singular number.

200.4 PERSON

The word "person" includes a firm, association, partnership, trust, company, corporation, or any other entity usually defined in legal usage as a person.

200.5 SHALL AND MAY

The word "shall" is mandatory; the word "may" is permissive.

200.6 USED OR OCCUPIED

The words "used" and "occupied" include the words "intended, designed or arranged to be used or occupied".

200.7 LOT

The word "lot" includes the words "plot" and "parcel".

200.8 STRUCTURE

The word "structure" includes the word "building".

200.9 INTERPRETATION OF TYPES OF DISTRICTS OR ZONES

Types of districts or zones, when used as a descriptive term for purposes of identifying certain circumstances in which particular regulations are applied (as for example "...when such parking lot is contiguous to a residential district...") are defined as follows:

- (1) Residential districts include:
 - a. DD - Development District;
 - b. R-5, R-10 and R-15 - Single-family Residential Districts;

- c. GR - General Residential Districts;
- d. MH - Mobile Home Districts.

(2) Commercial districts include:

- a. OC - Office Districts
- b. NC - Neighborhood Commercial Districts;
- c. GC - General Commercial Districts;
- d. CC - Core Commercial Districts;
- e. IC – Interstate Commercial Districts;

(3) Industrial district includes:

- a. LI - Light Industrial Districts;

(4) Other districts not enumerated above shall be interpreted by the Zoning Administrator as being either specially residential, commercial or industrial, in any particular instance in keeping with the protective intent and purpose of this Ordinance as interpreted in the specific instance.

200.10 INTERPRETATION OF "CONTIGUOUS" AS APPLIED TO LOTS OR DISTRICTS

The word "contiguous" as applied to lots or districts shall be interpreted as meaning "sharing a common boundary of ten (10) or more feet in length."

200.11 INTERPRETATION OF "ON THE PREMISES OF"

The phrase "on the premises of," as applied to accessory uses or structures, shall be interpreted to mean "on the same lot or on a contiguous lot in the same ownership".

201 DEFINITIONS

201.1 ACCESSORY

A use or building subordinate to the principal building on a lot and used for purposes customarily incidental to the main or principal use or building and located on the same lot therewith.

201.2 ALLEY

A secondary way which affords access to the side or rear of abutting property.

201.3 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; any change in use; or any relocation of a building from one location or position to another.

- 201.4** **AUTOMOBILE SERVICE STATION**
Buildings and premises on any parcel or lot where gasoline, oils and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation), where no part of the premises is used for the long-term storage of dismantled or wrecked vehicles or vehicle parts.
- 201.5** **BED AND BREAKFAST INNS**
A single dwelling unit containing less than ten (10) rental lodgings available to the public for accommodation of transient guests in which meals may or may not be provided.
- 201.6** **BOARDING HOUSE**
Any dwelling in which three (3) or more persons, either individually or as families, are housed for rent, with or without meals.
- 201.7** **BUILDABLE AREA**
That portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district within which the particular lot is located once the various front, side, and rear yard requirements required for the district have been subtracted from the total lot area.
- 201.8** **BUILDING**
A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support or enclosure of persons, animals, or property of any kind.
- 201.9** **BUILDING, PRINCIPAL**
A building in which is conducted the principal use of the lot on which said building is situated.
- 201.10** **BUILDING LINE**
That line which represents the distance a building or structure must be set back from a lot boundary line or a street right-of-way line or a street centerline according to the terms of this Ordinance. In all cases, the building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right-of-way lines, street centerlines, or other boundary lines.
- 201.11** **CAMPER**

A mobile home, tent, trailer, or other self-contained vehicle, designed for recreational purposes, made of metal or other materials, mounted on two (2) or more wheels and either self-propelled or rigged for towing, provided such vehicle is less than thirty (30) feet in length and is not used for residential purposes within the Town.

201.12 **CARE HOME**

A rest home, nursing home, convalescent home, home for the aged, or similar use, established and operated on a profit or nonprofit basis, to provide lodging and/or meals and/or domiciliary care for the aged, infirm, chronically ill or convalescent persons.

201.13 **CLINIC**

An establishment where medical or dental patients, who are not lodged overnight, are admitted for examination or treatment.

201.14 **DAY CARE FACILITY**

Any State licensed, registered, or approved facility, which provides care, supervision, or guidance for any person whether or not the facility is operated for profit and whether or not the facility makes a charge for services offered by it. 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. The term does not include:

- A. Any education facility, whether public or private, which operates solely for educational purposes in grades one or above;
- B. Facilities operated in connection with a shopping center, industrial or office building or service or other facility, where the same children are cared for while parents or custodians of the children are occupied on the premises or are in the same immediate vicinity and immediately available;
- C. Summer resident or day camps;
- D. Bible schools normally conducted during vacation periods.

201.15 **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 exclusive of land utilized for streets, alleys, parks, playgrounds, school grounds or other public uses.

201.16 **DISTRICT**

The term applied to various geographical areas of the Town of Summerton for the purpose of interpreting the provisions of this Ordinance. The districts are designated with the use of symbols on the official Zoning Map. Regulations controlling land use in the various districts within the Town of Summerton are set forth in Article VI of this Ordinance. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this Ordinance.

- 201.17** **DWELLING, DWELLING UNIT, OR UNIT**
One (1) or more rooms connected together constituting a separate, independent housekeeping establishment physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities, but excluding lodging units located in hotels and motels. (Same as residence).
- 201.18** **DWELLING, ONE-FAMILY**
A detached dwelling other than a mobile home designed for or occupied exclusively by one (1) family on a single lot.
- 201.19** **DWELLING, TWO-FAMILY**
A dwelling arranged or designed to be occupied by two (2) families in separate dwelling units living independently of each other on a single lot.
- 201.20** **DWELLING, MULTIPLE-FAMILY**
A building or series of buildings on the same lot or portions thereof used or designed as dwellings for three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. The terms "multiple family" and "multi-family" are synonymous and are used interchangeably throughout this Ordinance.
- 201.21** **DRIVE-IN**
A retail or service enterprise oriented to automobile driving patrons wherein service is provided to the consumer on the outside and/or inside of the principal building. The term "drive-in" includes drive-in restaurants, dairy bars, theaters, banks, laundries, food stores, car washes, and other similar retail service activities.
- 201.22** **FAMILY**
One (1) or more persons occupying a single dwelling unit provided that, unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed within the single dwelling unit without being counted as a family or families.
- 201.23** **GARAGE, APARTMENT**

A one-family dwelling unit built in conjunction with a private garage, which is used as an accessory building.

201.24 **GARAGE, PRIVATE**

An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.

201.25 **GARAGE, PUBLIC**

Any garage other than a private garage which is used for storage, minor repair, rental, servicing, washing, adjusting or equipping of automobiles or other vehicles.

201.26 **GARAGE, REPAIR**

Buildings and premises designed or used for purposes indicated under "Automobile Service Station" and/or major commercial repairs; provided that body work and painting shall be conducted within fully-enclosed buildings and provided further that self-propelled vehicles in process of repair shall be stored in a fully-enclosed and secluded area.

201.27 **GROUP COMMERCIAL OR INDUSTRIAL DEVELOPMENT**

A single building containing twenty thousand (20,000) square feet of floor area or two (2) or more buildings containing a combined total of twenty thousand (20,000) square feet gross floor area.

201.28 **GROUP HOUSING DEVELOPMENT**

A single lot of record upon which is erected more than one (1) building containing dwelling units, whether rented or sold, and all the structures thereon; or a single lot upon which is erected a single structure designed to contain three or more (3) dwelling units.

201.29 **HOME OCCUPATION**

Any occupation, profession, or trade customarily and commonly carried out by an occupant in a dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the dwelling unit, and which, for purposes of this Ordinance, shall, in all cases, comply with the provisions of Section 708 herein.

201.30 **HOTEL**

A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to transient or permanent guests. The word "hotel" includes the terms "motel" and "tourist home".

201.31 **JUNK OR SALVAGE YARDS**

The use of any part of a lot, whether inside or outside a building, for the storage, keeping, abandonment, sale or resale of junk, salvage, or scrap

materials; or, the dismantling, demolition or abandonment of automobiles and other vehicles machinery, equipment, or parts thereof.

201.32 **LOADING SPACE, OFFSTREET**

Spaces logically and conveniently located for pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required offstreet parking spaces are filled.

201.33 **LOT**

An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed. The terms "lot", "plot", "lot of record", "property", or "tract", whenever used in this Ordinance, are interchangeable.

201.34 **LOT, CORNER**

A lot located at the intersection of two (2) or more streets.

201.35 **LOT, DOUBLE FRONTAGE**

A lot which has frontage on more than one (1) street, provided, however, that no corner lot has frontage on three (3) or more streets.

201.36 **LOT, INTERIOR**

A lot, other than a corner lot, which has frontage on only one (1) street other than an alley.

201.37 **LOT DEPTH**

The mean horizontal distance between front and rear lot lines.

201.38 **LOT OF RECORD**

A lot defined by plat or described by metes and bounds which have been duly recorded with the Clerk of Court of Clarendon County.

201.39 **LOT WIDTH**

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

201.40 **MOBILE/MANUFACTURED HOME**

A movable or portable dwelling over thirty-two (32) feet in length and eight (8) feet or more in width, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, and one which may include one (1) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity; or of two (2) or more units separately towable but designed to be joined into one (1) integral unit, as well as a portable dwelling composed of a single unit.

The term "mobile home" or "manufactured home" used in this Ordinance shall not include prefabricated, modular or unitized dwellings placed on

permanent foundations, nor shall it refer to travel trailers, campers, or similar units designed for recreation or other short-term uses unless used for a permanent dwelling.

201.41

MOBILE/MANUFACTURED HOME PARK

Premises where five (5) or more mobile or manufactured homes are parked for living or sleeping purposes, or where spaces are set aside or offered for sale or rent for use for mobile homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants or mobile homes on such premises.

201.42

MOBILE/MANUFACTURED HOME SPACE

A plot of ground within a mobile/manufactured home park designed for the accommodation of one (1) mobile home.

201.43

MODULAR HOME OR MODULAR STRUCTURE

A building, including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site. This term is not to be limited to residential dwellings. When meeting the requirements of the Modular Buildings Construction Act (23-43 or the South Carolina Code of Laws), said building or structure may be located in any of the Town's several zoning districts.

201.44

MOTEL

A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation and which is open to transient or permanent guests. The word "motel" includes the terms "hotel" and "tourist court".

201.45

NONCONFORMING USE

A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, whether at the effective date of this Ordinance or as the result of subsequent amendments to this Ordinance.

201.46

PARKING LOT

Any public or private open area used for the express purpose of parking automobiles and other vehicles, with the exception of areas on the premises of single-family dwellings used for parking purposes incidental to the principal use. Otherwise, parking lots may be the principal use on a given lot or an accessory use to the principal use on a given lot.

201.47 **PARKING SPACE, OFFSTREET**

An area adequate for parking a vehicle with room opening doors on both sides, together with properly related access to a public street arranged so that no maneuvering incidental to parking shall be on any public street and so that an automobile may be parked or unparked therein without moving any other automobile.

201.48 **PERMANENT FOUNDATION**

Masonry units cemented together and supported on concrete footings, conforming to typical construction standards for the area of location.

201.49 **PRINCIPAL USE**

The significant or primary activity carried out within a structure or upon land (such as retail sales within a store or occupancy of a dwelling unit as a residence) as contrasted to accessory uses which are incidental or subordinate to primary uses (such as sale of soft drinks at an automobile service station). Certain uses may be either principal or accessory, depending on their relationship with other uses, as for example a newsstand as an accessory use within a hotel lobby or as a principal use within a separate structure.

201.50 **RESIDENCE**

Same as "dwelling unit".

201.51 **SETBACK LINE**

The setback line is the same as the depth or width of any required yard. Note that such line defines the minimum distance between any structure and an adjacent lot boundary and is not necessarily the same as the building line, which is the distance between the actual structure and an adjacent lot boundary.

201.52 **SIGN**

The word "sign" shall mean and include every sign, billboard, poster panel, free-standing ground sign, sign painted on a wall, window, marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote the interests of any person when the same is placed in view of the general public, traveling along a public street right-of-way.

- (a) Free-standing Sign Structure. A free-standing sign structure may contain a sign or signs on one (1) side only or it may be a V-shaped structure or one containing signs back-to-back. A free-standing sign structure is one (1) sign.

- (b) Sign Area. The area of a sign is the area of the face of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area of a free-standing sign structure is the area of the face or faces on one (1) side only.
- (c) Business Identification Sign. A business identification sign is a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.
- (d) Business Identification Pylon Sign. A business identification pylon sign is a sign erected on a single pole or multiple poles which contain only the name or the nature of the business conducted on the premises on which it is located.
- (e) Illuminated Signs. When artificial illumination techniques are used in any fashion to project the message on a sign, that sign shall be an illuminated sign.

201.53

SPECIAL EXCEPTION

A use so specifically designated in this Ordinance, that would not be appropriate for location generally or without restriction throughout a given zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would in the opinion of the special exception, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

201.54

STORY

A portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

201.55

STREET

A public thoroughfare designed to provide the principal means of access to abutting property, or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

201.56

STREET CENTERLINE

That line surveyed and monumented by the governing body shall be the centerline of a street; or in the event that no centerline has been so determined, it shall be that line running midway between, and parallel to, the general direction of the outside right-of-way lines of such streets.

201.57

STRUCTURE

Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something

having more or less permanent location on the ground. A "building", as defined in 201.8, is a "structure".

201.58

SUBDIVISION

"Subdivision" means all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate, to the process of subdividing or to the land or area subdivided; provided, however, that the following exceptions are included within the definition only for the purpose of requiring that the local Planning Commission be informed and have record of such subdivision:

- (1) the combination or recombination of portions or previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority, and
- (2) the division of land into parcels of five (5) acres or more where no new street is involved.

201.59

TOURIST HOME

A dwelling in which sleeping accommodations in less than ten (10) rooms are provided or offered for the use of guests in return for compensation, and meals may or may not be offered. Any dwelling in which such accommodations are offered in ten (10) or more rooms shall be deemed to be a hotel as herein defined. The use of a dwelling as a tourist home shall not be considered an accessory use nor a customary home occupation. Same as "Bed and Breakfast Inn".

201.60

TRAILER, TRACTOR TRAILER

Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on a flat bed or other carrier, which is designed or utilized to:

- (1) provide temporary or permanent quarters for the conduct of a business, profession, trade, or occupation;
- (2) serve as a carrier of people, new or used goods, products or equipment;
- (3) be used as a selling, advertising, or display device. For purposes of this Ordinance, the term "trailer" shall not include the terms "camper", "mobile home", or "house trailer".

201.61**VARIANCE**

A modification of the strict terms of this Ordinance granted by the Board of Zoning Appeals where such modification will not be contrary to the public interest, and, where, owing to conditions peculiar to the property and not as a result of any action on the part of the property owner, a literal enforcement of the Ordinance should result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

201.62**YARD**

A space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

201.63**YARD, FRONT**

A yard situated between the front building line and the rear lot line and extending the full width of the lot.

201.64**YARD, REAR**

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

201.65**YARD, SIDE**

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