

Sec. 24-174. - Lots.

The design of lots shall meet requirements for access and size.

- (a) *Accessibility.* Each lot/dwelling shall be served by a separate driveway access adequate for emergency vehicle traffic and extending directly to a county-approved street or road. No driveway shall be located closer than 25 feet to the corner intersection of street right-of-way lines. County-approved streets or roads shall be county or state-maintained roads; alternatively, private roads meeting then-applicable county standards for private roads will also be considered county-approved roads. However, to be considered county-approved roads, such private roads must meet or exceed those standards concerning private streets and roads, as set forth in section 24-167. The county shall not bear any maintenance responsibility for county-approved private streets or roads.
- (b) *Design.* Lot size, width, depth, shape, grade, and orientation shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development and use contemplated. Maximum width to depth ratios shall be 1:5 for residential subdivisions. Side lot lines shall be at right angles to straight street lines and radial to curved street lines.
- (c) *Lot dimensions, lot access, conditions for multiple dwellings, and road improvement requirements for large subdivisions.*

<u>Lot Dimensions and Access for a Large Subdivision including Minimum Road Right-of-Way and Community Water/and/or Sewer</u>	<u>Minimum Lot Size*</u>
<u>For roadways with at least 50 feet right-of-way with community water but without community sewer</u>	<u>One acre</u>
<u>For roadways with at least 50 feet right-of-way with community sewer but without community water.</u>	<u>One acre</u>
<u>For roadways with at least 50 feet right-of-way without community water or sewer.</u>	<u>Two and one half (2 1/2) acres</u>
<u>For roadways with less than 50 feet right-of-way with community water but without community sewer</u>	<u>Two and one half (2 1/2) acres</u>
<u>For roadways with less than 50 feet right-of-way and less than 1/2 mile from another roadways with at least 50 feet of right of way</u>	<u>Two and one half (2 1/2) acres</u>
<u>For roadways with less than 50 feet right-of-way and more than 1/2 mile from another roadways with at least 50 feet of right of way</u>	<u>Five (5) acres</u>

* Density provisions for large residential subdivisions accessed by unpaved roads are provided for in section 24-174(c)(5).

- (1) *Lot density on unpaved roads in zoned and un-zoned areas.* Where the placement of a dwelling unit is proposed for an unpaved road, in either a zoned or an un-zoned area, the number of dwelling units shall not exceed one per lot, except as provided for under subsection (c)(2) of this section. The minimum lot sizes given below shall apply, commensurate with existing minimum right-of-way width extending to the lot from the nearest county-approved road. For purposes of verifying existing right-of-way, the planning department shall refer to plats and deeds recorded in the county courthouse. Lots on unpaved roads in the zoned areas shall meet the density/lot size standards in this subsection, notwithstanding section 24-32, table 2.

Minimum Road Right-of-Way	Minimum Lot Size*
For roadways with at least 50 feet right-of-way	One acre
For roadways with less than 50 feet right-of-way	2½ acres**

~~* Density provisions for large residential subdivisions accessed by unpaved roads are provided for in section 24-174(c)(5).~~

~~** For lots located on roadways with less than 50 feet right-of-way, which lots are located more than one-half mile from another roadway with at least 50 feet right-of-way, lot sizes shall be five acres.~~

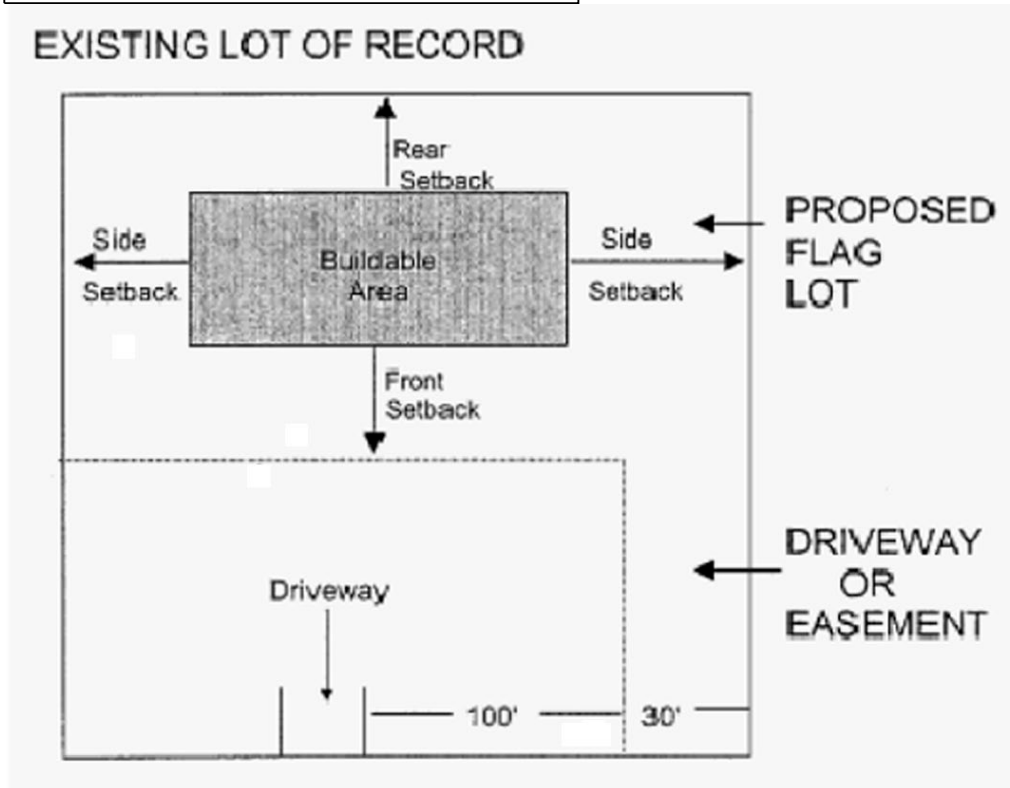
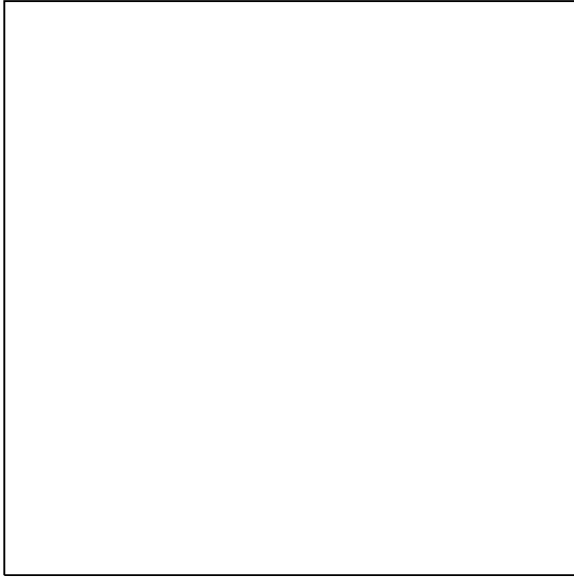
- (2) *Permits for additional dwelling units on lots on unpaved roads in zoned and un-zoned areas.* The building official or his designee shall grant permits for additional dwelling units on lots on unpaved roads where such lots exceed the minimum size requirement specified in subsection (c)(1) of this section, after review of the following criteria and determination that the following standards are met:
 - a. Not more than one additional dwelling may be permitted for each 100 percent by which the lot exceeds the specified minimum size in subsection (c)(1) of this section;
 - b. No dwelling unit on the lot will be closer than 25 feet to any other dwelling unit on the lot;
 - c. Each dwelling shall be accessed as provided for in subsection (a) of this section.
- (3) *Access requirements for lots on paved roads in un-zoned areas.* Each dwelling situated on a lot with paved road frontage and located in an un-zoned area shall be served by a separate driveway providing individual direct access to a county-approved street or road, as set forth in subsection (a) of this section.
- (4) *Lot density on paved roads in zoned areas.* All lots located on paved roads in zoned areas shall meet the minimum lot area and dimensional requirements of table 2, section 24-32, as shown in section 24-32. Corner lots shall be of sufficient size to permit required front yard setbacks on both streets. Where more than one dwelling is proposed for a lot on a paved road in the zoned areas, each dwelling shall be so located as to ensure that all applicable lot area and setbacks will be met for each structure as if it were established on a single lot and so arranged as to ensure required public access in the event the property is subsequently subdivided for sale or transfer. Accessibility standards shall be the same as those set forth above in subsection (a) of this section.
- (5) *Road standards and required road improvements for large subdivisions; exemptions for small subdivisions.*
 - a. *Large subdivision defined.* A large residential subdivision shall be said to occur where the expressed purpose of subdividing land is to create a residential subdivision to accommodate multiple single-family dwellings.
 - b. *Large residential subdivision street/road improvement requirements.* For all large subdivisions involving the creation of a new street or road, such streets and roads shall be developed in accordance with the then-existing county standards applicable to new streets and roads, including any requirements concerning the paving of new streets and roads. However, where large subdivisions impact only existing unpaved county streets or roads, such impacted roads shall be improved to meet all then-applicable standards for the acceptance of unpaved streets and roads; provided that, the planning commission may

require that the entirety of such streets and roads be improved to such standards. The acceptance of unpaved streets and roads shall be applicable only to streets and roads existing prior to the adoption of the standards of this chapter. New streets or roads connecting to or extending existing publicly maintained roads, irrespective of whether such existing publicly maintained roads are paved, shall be considered as being new streets and roads. The landowner/developer shall be responsible for all improvements required to bring such roads up to then-applicable county standards for the acceptance of county roads.

- c. *Exemption of small residential subdivisions from street/road improvement requirements.* Residential subdivisions not covered under the definition of large residential subdivisions, as defined in subsection (c)(5)a. of this section, shall be considered small residential subdivisions and shall be exempt from the street/road improvement requirements contained in subsection (c)(5)b. of this section. However, each dwelling included in a small residential subdivision shall be accessed as provided for in subsection (a) of this section.
- (6) ~~*Availability of Community Water or Sewer. Lot size on paved roads in zoned and un-zoned areas.*~~ Where the placement of a dwelling unit is proposed on a paved or unpaved road, in either a zoned or un-zoned area, the availability of community water and sewer shall ~~determine~~ affect the minimum lot size according to the table ~~below in section 24-174 (c)above.~~ Lots on paved roads in the zoned areas shall meet the density/lot size standards in this subsection, notwithstanding section 24-32, table 2. ~~This provision shall terminate one year after enactment.~~

Community water and community sewer availability	Minimum lot size
Lots with community water and community sewer	12,000— Square Feet
Lots with community water and without community sewer	One half acre
Lots without community water or community sewer	Two and one-half acres.

- (d) *Flag lots.* This section shall apply to subdivisions of property in both zoned and un-zoned areas, with specific references to zoned areas, such as setbacks established in table 2, section 24-32, etc., being applicable to zoned areas only; provided that, lots of 20 acres or more and lots not being subdivided shall be exempt from county flag lot regulations.
- (1) *Creation from existing lot of record.* A flag lot may be created from an existing lot of record to allow full and complete development thereof, provided:
 - a. The flag lot shall be occupied only for a single-family dwelling.
 - b. The original lot must meet all zoning requirements specified for the respective zone in which it is located, both before and after subdivision.
 - c. The "flag" section of the flag-shaped lot shall meet or exceed the minimum lot area requirements specified for the respective zone. The area of the access driveway of the flag lot shall not be included in computing minimum lot area requirements but title to which must be conveyed by general warranty deed in the same manner as title to the "flag" portion of the lot is conveyed.
 - d. The front setback shall be measured from the front of the proposed new residence on the flag lot to the new rear property line of the original lot, which was created by the subdivision and shall meet or exceed the distance specified for the respective zone.
 - e. Rear and side setbacks of a flag lot shall be as prescribed by table 2, section 24-32.
 - f. The driveway section shall be limited to use only by the original lot and the flag-shaped lot and shall be a minimum of 30 feet.



- (2) *Creation in new subdivision.* Flag lots may be created in new subdivisions where natural features or surrounding development patterns create access problems, provided:
- Access easements or the "flagpole" parts of flag lots shall be not less than 30 feet wide for their entire length, and shall front for at least 30 feet on a public street. In order to facilitate possible future development, for a parcel of 50 acres or more in size, the flagpole section of a flag lot or of an access easement shall not be less than 50 feet in width for its entire length and shall have a minimum road frontage of 50 feet.

- b. Flag lot access driveways shall be separated by the required minimum lot width for the zoning district in which the flag lot is to be created, measured from the front property line, but not less than 100 feet.
 - c. Use of flag lot driveways by adjoining lots on either side of the driveway is encouraged as a means of limiting curb cuts, but a flag lot driveway may not be used to access a second flag lot.
 - d. The area of an access driveway shall not be counted when computing the minimum area of a lot as required by section 24-32.
 - e. No more than 25 percent of the total number of lots in subdivision shall be flag lots.
 - f. A driveway shall provide access to no more than two parcels of land.
- (e) *Double frontage lots.*
- (1) Residential subdivisions involving new streets in the zoned areas of the county, where proposed for areas adjacent to primary state and U.S. highways, shall be denied direct access to and separated from such highways by double or reverse frontage lots. No restrictions on double frontage lots in the un-zoned area.
 - (2) Residential double frontage lots shall have a minimum rear yard of 50 feet, next to the arterial street, measured from the shortest distance of the proposed back building line to the street right-of-way and shall within such rear yard and immediately adjacent to the right-of-way, have a non-access planting screen easement of at least 20 feet in depth.
- (f) *Lots of record.* Nothing in this section shall be construed as preventing a lot of record, the boundaries of which were filed as legal record prior to the enactment of the foregoing lot standards of this section from being used for the establishment of a single dwelling, subject to site plan review for adequate accessibility.

(Code 1999, § 152.090; Ord. No. 99-00-380, § 6.11, 4-4-2000; Ord. No. 01-02-413, 11-5-2002; Ord. No. 12-13-660, § 32, 4-2-2013; Ord. No. 15-16-700, § 1, 2-2-2016)

Sec. 24-179. - Fire hydrants.

Fire hydrants shall be installed and spaced throughout each subdivision when community water is available to maintain a at no greater than a 500 foot radius between hydrants. The location and spacing of hydrants shall be approved by the fire chief ~~of~~ having jurisdiction and the water authority having jurisdiction.

(Code 1999, § 152.095; Ord. No. 99-00-380, § 6.16, 4-4-2000)

Sec. 24-242. - Types of applications.

Types of applications for processing matters subject to requirements of this article include:

- (1) *Applications to develop or alter the use of land.* This includes all land use and development activity covered by this chapter. Applications to develop or alter the use of land are classified for administrative purpose into four categories.
 - a. "Minor subdivision" is one which does not involve (a) the creation of more than ~~ten~~ five lots; or (b) the creation of any new street or road.
 - b. "Major subdivision" is any subdivision other than a minor subdivision.
 - c. "Minor land development" is any commercial, industrial, institutional, or other nonresidential land development or land altering activity requiring a permit from the county other than a subdivision or major land development.
 - d. "Major land development" includes business and industrial parks, shopping centers, multiple occupancy buildings, and other developments defined by this chapter.
- (2) *Applications for change or relief.* This includes applications for changes to and/or relief from any part or provision of this chapter, of which there are three types of applications:
 - a. "Amendment" is a change to the text or map of this chapter.
 - b. "Variance" is an adjustment or modification of any regulation alleged to impose an unnecessary hardship on the use or development of land.
 - c. "Appeal" is a petition by an applicant to reverse or modify a decision of an administrative officer, board, commission or council.

(Code 1999, § 152.122; Ord. No. 99-00-380, § 8.3, 4-4-2000)

Sec. 24-253. - Application requirements and fees.

(a) All applications shall be filed on forms provided by the county and contain or be accompanied by the information required by table 6 with the required fee to help cover the cost of processing.

Table 6: Information Required to Support Application		
Type of Application	Information Required (Requirements are Cumulative)	Fees
LAND SUBDIVISION		
Minor (final plat approval)	Three copies of plat, sheet size no less than between 8½" × 11" or in size or in digital format, showing or specifying:	\$100.00, plus \$10.00 per lot
	1. All information required of general property surveys, in accordance with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by the S.C. Code 1976, title 40, ch. 21;	
	2. Land acreage;	
	3. Drainage, erosion and sediment control plan by qualified professional showing all structures and easements;	
	4. Lot approved by DHEC.	
Major (preliminary plat approval)	Fee <u>Two</u> copies of plat to above sheet specifications.	\$100.00, plus \$10.00 per lot
	5. Plan profile showing cross section of proposed streets, rights-of-way, pavement widths, street names, elevations along street centerline, and lot lines;	
	6. Contour maps at 5 foot intervals contour changes; and front and rear lot lines;	
	7. Proposed easements, dimensions, and purpose;	

	8. Utilities on and adjacent to tract, and proposed connections;	
	9. Land within floodplain, storm water plan and analysis;	
	10. Proposed sites for public use, bufferyards, open space and landscaping, if any;	
	11. Zoning classification.	
	<u>12. A digital copy of all required documentation.</u>	
Major (final plat approval)	Five copies of plat to above sheet specifications and information required by 5—11 above.	\$100.00
	12. Plat or section number, district and page numbers;	
	13. Building setback lines from street right-of-way;	
	14. Street name and right-of-way width;	
	15. Deed reference;	
	16. All easements, designating location, width and condition;	
	17. School district lines, if applicable;	
	18. Certificates of survey accuracy, ownership and dedication, and approval.	
LAND DEVELOPMENT	1. Information required by 1, 4 and 9 above;	\$100.00
	2. Location of all proposed structures, including freestanding signs;	
	3. Required building setback lines;	
	4. Required landscaping and bufferyards;	
	5. Required off-street parking;	

	6. All information specified by sections 24-65 through 24-80 for conditional uses, as applicable.	
AMENDMENT	1. Draft new text to be added and existing text to be deleted;	\$100.00
	2. State reason for change.	
VARIANCE	1. State nature of variance;	\$100.00
	2. Provide evidence of unnecessary hardship;	
	3. State necessity of variance.	
APPEAL	1. State reasons for appeal, with specific reference to action being appealed.	\$100.00

(b) Fees shall be as on file in the building and planning office. Provided, however, that the site plan fees shall be \$100.00 (commercial), applicable at the effective date of this section, subject to change thereafter by resolution of Edgefield County Council.

(Code 1999, § 152.133; Ord. No. 99-00-380, § 8.7, 4-4-2000; Ord. No. 12-13-660, § 48, 4-2-2013)

Sec. 24-255. - Types of required permits/certificates and fees.

Please see the Edgefield County Building and Planning fee schedule.

The following permits/certificates shall be required whenever any of the following uses are proposed:

Permits	Fees
Building permit	(See Building Code)
Manufactured home permit	\$150.00 plus, \$5.00 per \$1,000.00 for homes valued between \$28,000.00 and \$50,000.00, plus \$4.00 per \$1,000.00 for homes valued over \$50,000.00
Manufactured home decal (first time in country)	\$10.00
Manufactured home inspection	\$10.00
Manufactured home moving	\$50.00
Certificate of occupancy (use)	No charge
Manufactured home park	\$3.00 per \$1,000.00 of unit value per mobile home or office on individual lot. \$200.00 for first ten spaces in park, plus \$25.00 for each additional space.

(Code 1999, § 152.135; Ord. No. 99-00-380, § 8.9, 4-4-2000)

Sec. 24-261. - Enforcement of zoning ordinances; remedies for violations.

- (a) The county may enforce the requirements and regulations of this chapter by means of the withholding of building or zoning permits, or both, and the issuance of stop orders against any work undertaken by an entity not having a proper building or zoning permit, or both. It is unlawful to construct, reconstruct, alter, demolish, change the use of or occupy any land, building, or other structure without first obtaining the appropriate permit or permit approval. No permit may be issued or approved unless the requirements of this chapter are complied with. It is unlawful for other officials to issue any permit for the use of any land, building, or structure, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure without the approval of the building official or planning administrator. A violation of this chapter is a misdemeanor. In case a building, structure, or land is or is proposed to be used in violation of this chapter, the building official or planning administrator or other appropriate administrative officer, county attorney, or other appropriate authority of the county, or an adjacent or neighboring property owner who would be specially damaged by the violation, may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues is considered a separate offense. The planning administrator or his designee shall cause the issuance of a citation within 90 days should the violation not be abated by the property owner.
- (b) In case a building, structure, or land is or is proposed to be used in violation of this chapter, the building official or planning administrator or other designated administrative officer may, in addition to other remedies, issue and serve upon a person pursuing the activities a stop order requiring that entity stop all activities in violation of this chapter.

(Ord. No. 12-13-660, § 53, 4-2-2013)

Sec. 24-288. - Definitions.

- (a) Words not defined herein shall have the meanings stated in the International Building, Plumbing, Gas, or Fire Codes. Words not defined in the enforced International Codes shall have the meanings in Webster's Tenth Edition Collegiate Dictionary, as revised.
- (1) 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.
 - (2) The term "shall" and "must" are always mandatory.
 - (3) The term "may" is permissive.
 - (4) The term "lot" includes the term "plot" or "parcel."
 - (5) The term "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.
 - (6) The term "used or occupied" as applied to any land or building shall be construed to imply that the land or building is in actual use or occupancy and shall be construed to include the terms "intended," "arranged," or "designed to be used or occupied."
 - (7) The term "map" or "zoning map" shall mean the official zoning map of the county.
 - (8) The term "planning commission" refers to the county planning commission.
 - (9) The term "council" refers to the county council.
 - (10) The term "zoning board of appeals" refers to the county zoning board of appeals.
- (b) 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:

Applicant means the owner, developer, subdivider or agent thereof, of property proposed for development who applies for development approval, for change or amendment of zoning classification, for variance, or for other action described in this chapter.

Area of shallow flooding means a designated AO or VO Zone shown on flood insurance rate maps (FIRM) with base flood depths of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard means the land in the floodplain subject to a one-percent or greater chance of flooding in any given year.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

Bed and breakfast inn means any owner-occupied dwelling or portion thereof offering rooms and meals at breakfast to transient lodgers in return for compensation.

Buildable area means 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 means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind. By this definition, all buildings are structures, but not all structures are buildings.

Building, accessory, means a subordinate structure on the same lot as 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, animal shelters, pool houses, and other uses listed by table 1, section 24-31, when detached from the principal buildings, and carports attached to the principal building when at least 75 percent open or unenclosed.

Building, principal, means 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.

Certificate of occupancy means a document allowing the occupancy or use of a building or certifying that the structure or use has been constructed or will be used in compliance with all applicable provisions of this chapter and the building codes.

Cluster housing development means a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Commercial means the use of land, building or structure for the purpose of buying, selling and/or production of commodities and/or supplying of services.

Common open space / greenspace means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate. This only includes areas that are meant for public access. Areas restricted from public access cannot be counted towards open/green space requirements.

Conditional use means a use of land or structure, which is permitted in a district under conditions, specified in the zoning provisions.

Condominium means a unit in a multi-unit structure owned by an individual who has use of all common areas associated with that structure.

Day care services means and includes any home, center, agency, or place, however styled, where children, elderly, and other persons not related to the operator are received for custodial care, apart from their parents, whether for compensation, reward, or otherwise during part or all of the day or any number of successive days.

Dedication means the transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

Density means the number of dwelling units per acre of land developed or used for residential purposes. Density requirements in this chapter are expressed in dwelling units per gross acre; that is, per acre of land devoted to residential use is based on the total land area within a development tract or subdivision, excluding nothing.

Detention facility means a facility designed to detain stormwater runoff temporarily for a minimum length of time as determined by the county and then release the detained water at a predevelopment design flow. Detention facilities must be designed so that no stormwater remains in the facility during dry weather conditions.

Developer means an individual, partnership, or corporation (or agent therefor) that undertakes the activities covered by these regulations.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, or subdivision of land; or mining, dredging, filling, grading, paving, excavation, or drilling operations.

DHEC means the South Carolina Department of Health and Environmental Control.

Diameter breast height (DBH) means the diameter of a tree trunk as measured at breast height.

Domestic animal shelter means a pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine including potbellied pigs, sheep, ponies, grazing animals, and fowl of any kind, are boarded and kept.

Drainage means the removal of surface water or groundwater from land by drains, grading, or other means.

Driveway means a paved or unpaved area used for ingress and egress of vehicles, and allowing access from a street to a building or other structure or facility.

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

Dwelling, apartment. (See *Dwelling, multifamily.*)

Dwelling, attached, means a single-family dwelling unit attached to two or more single-family dwelling units by common vertical walls.

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

Dwelling, duplex, means a building containing two dwelling units.

Dwelling, group occupied, means a dwelling unit occupied by five or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

Dwelling, multifamily, means a building containing five or more dwelling units.

Dwelling, patio house, means 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, quadruplex, means a building containing four dwelling units.

Dwelling, residential designed manufactured home, means 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:

- (1) Has a minimum width over 20 feet (multiple-section);
- (2) Has a minimum of 900 square feet of enclosed living area;
- (3) Has a minimum 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;
- (4) 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
- (5) Has a roof overhang of not less than eight inches.

Dwelling, single-family, means a building containing one dwelling unit.

Dwelling, standard designed manufactured home, means 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, means a series of attached single-family 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, triplex, means a single building containing three dwelling units.

Dwelling unit means 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, means 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 homes.

Easement means a right-of-way granted to another party for specific limited use.

Easement, access, means a right granted by a property owner to another party for ingress and egress to another property.

Elevated building means a non-basement building constructed to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, (post and piers), shear walls, or breakaway walls.

Extensive business use means the use of land and structures for trade and services which are of low to moderate employment intensity, deal in large or bulky goods and equipment requiring considerable indoor or outdoor space or large and specialized equipment for display, handling, storage, or service, and generate significant truck traffic, including:

- (1) Wholesale trade and warehousing of goods sold at retail (but not in hides, skins, raw furs, livestock, live poultry, or other odor-producing animal products); sales and storage of lumber, metal and wood fencing, ornamental-grill work, and building, electrical heating, plumbing, welding, and similar contractors and industrial supplies (including sale of sand and gravel but excluding sales of asphalt and concrete from batch plant or transit-mix plant); sales and tank storage of bulk fuel or motor oil, gasoline, heating, and illuminating gas, and the like (but not the refining or processing thereof), and sales and storage of coal; cold storage services, sale and service of physician/surgeon, barber/beauty and restaurant/hotel food service supplies and equipment; catering services, amusement and vending machines sales and service; uniform supply service; laundry plant (without individual patron service desk); manufacture, sale, and service of electric and neon signs and advertising structures; and monument sales (but not manufacture).
- (2) New and used motor vehicle (of three-fourths ton or less rated capacity) and small non-vehicular engines and equipment sales, rental, and such service as repair, reconditioning, painting, body and fender work, upholstering and seat covering, and tire retreading and recapping; motor vehicle (of whatever size), mobile home, travel or other trailer, marine craft, and small aircraft, and small aircraft sales and rental (but not servicing as above) and exterminating, fumigating, septic tank pumping, furnace cleaning, well drilling and like services.
- (3) Sales and rental and maintenance (not involving heavy metal working) for motor vehicles of greater than three-fourths ton rated capacity and for large transportation, communications, utilities, industrial, commercial, agricultural, or contractors' equipment.
- (4) Sale, storage and sorting (but not disassembly or processing) of junk, waste, discarded or salvaged equipment, machinery, vehicles, or other non-putrescible materials.

Extractive industry means the use of land and structures for the preparation, distribution, and processing of dust-producing mineral products such as gypsum, lime, abrasives, cement, fertilizer, plaster, crushed stone, monuments, sand, gravel, and soil.

Family means one or more persons related by blood, marriage, adoption, or guardianship, and not more than four persons not so related, except that mentally and physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accordance with the provisions of S.C. Code 1976, § 6-7-830.

Family day care home, where permitted as an accessory use, means a home in which care is given by a family member and no others during the day only for one and not more than six children, including the day care parents' own children.

Farm means any tract or real property which is principally used to raise, harvest or store crops, feed, breed, or manage livestock or to produce plants, trees, fowl or animals useful to man, including the preparation of the products raised thereon for man's use and disposed of by marketing or other means.

Federal manufactured home construction and safety standards means regulations promulgated by the department of housing and urban development (HUD) governing the design and construction, strength and durability, transportability, fire resistance, energy efficiency, and quality of manufactured housing. These standards also set performance requirements for heating, plumbing, air conditions, thermal, and electrical systems.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas.

Flood hazard boundary map (FHBM) means an official map issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard are defined.

Flood insurance rate map (FIRM) means an official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones.

Flood-resistant material means any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair.

Floodway means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include floor of a garage used solely for parking vehicles.

Garage, private. (As defined by the standard building code.)

Garage, public. (As defined by the standard building code.)

General business means the use of land or structures for sales and services which deal in goods transportable by land or passenger automobile, cater to a local resident clientele and involve:

- (1) Sales and services not involving vehicular drive-in, and of frequent and regular use to local residents;
- (2) Offices of medical services not involving resident human or animal patients;
- (3) Offices of business services, but excluding on-site stock storage, sales, or rental or retail goods, and the warehousing, maintenance, rental, sales, and storage of vehicles and equipment.

General industry means the use of land and structures for manufacturing involving indoor and outdoor industrial operations which are characterized by some emissions, but are not inherently offensive, dangerous, or hazardous to abutting property or operations or to the general public including brick, tile, or terra cotta manufacture; furniture, feed, flour, or other mill; manufacturing, compounding, processing, packaging or treatment of bakery goods, beverages, candy, dairy products, feed, flour, and food products; laundry plant (steam or wet wash); draying, barging, freight, or trucking yard or terminal; manufacture of concrete products (but not manufacture of cement); fabrication plant, foundry, machine shop, or metal working plant for light non-ferrous metals (not involving the use of machines for stamping, pressing, or punching weighing in excess of five tons); and vocational or trade schools in which the above activities are taught or performed.

Gross floor area (GFA) means the sum of the floor area for each of a building's stories measured from the exterior limits of the faces of the structure, including basement floor area. It does not include unenclosed porches or any floor space in an accessory building or in the principal building, which is designed for parking of motor vehicles.

Group quarters means the use of land and structures for human occupancy involving group occupancy predominantly by unrelated individuals in rooming houses and boardinghouses, membership and religious group lodging houses, residence halls, or dormitories; residence hotels, motels, and tourist courts; or retirement, rest, or nursing home, orphanage, or nursery or day-care center.

Height means the vertical distance of a structure or vegetation.

Home occupation means any occupation within a dwelling, including a hobby, and clearly incidental to the dwelling, carried on by a member of the family residing on the premises.

Improvement means any manmade immovable item that becomes part of, placed upon, or is affixed to real estate.

Land development means the changing of land characteristics through subdivision into parcels, redevelopment and/or construction of condominium and apartment complexes, commercial parks, shopping centers, industrial parks, manufactured home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

Landfill means a disposal facility or part of a facility where solid waste is placed in or on land, and which is not a land treatment facility, a surface impoundment, or an injection well.

Landscaping area means a type of open space permanently devoted to and maintained for the growing of shrubbery, grass, and other plants and decorative features to the land.

Light industry means the use of land and structures for manufacturing limited to predominantly indoor industrial activities involving only moderate quantities and sizes of production materials and finished products and involving those operations only which generate no significant particulate or gaseous emissions which could create harmful or unpleasant effects outside the immediate area of activity, including operations such as assembly, binding, bottling, ceramic firing, compounding, engraving, fabricating, freezing, optical goods, grinding, packaging, printing, physical processing, research, storage, or testing but not involving large mills or machines for grinding, stamping, punching, or pressing metals or sawing of lumber or kilns fired by other than gas or electricity from previous manufactured components or previously prepared materials; and the like.

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

Lot area means the area contained within the boundary line of the lot.

Lot, corner, means a lot located at the intersection of two or more streets.

Lot depth means the horizontal distance between front and rear lot lines.

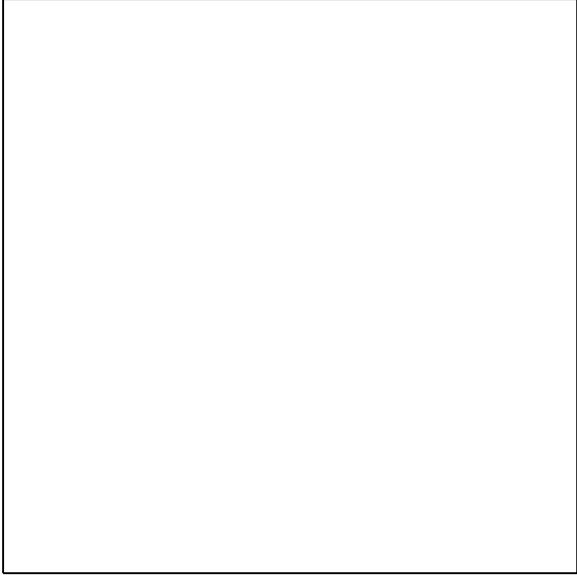
Lot, interior, means a lot, other than a corner lot, which has frontage on only one street other than an alley.

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

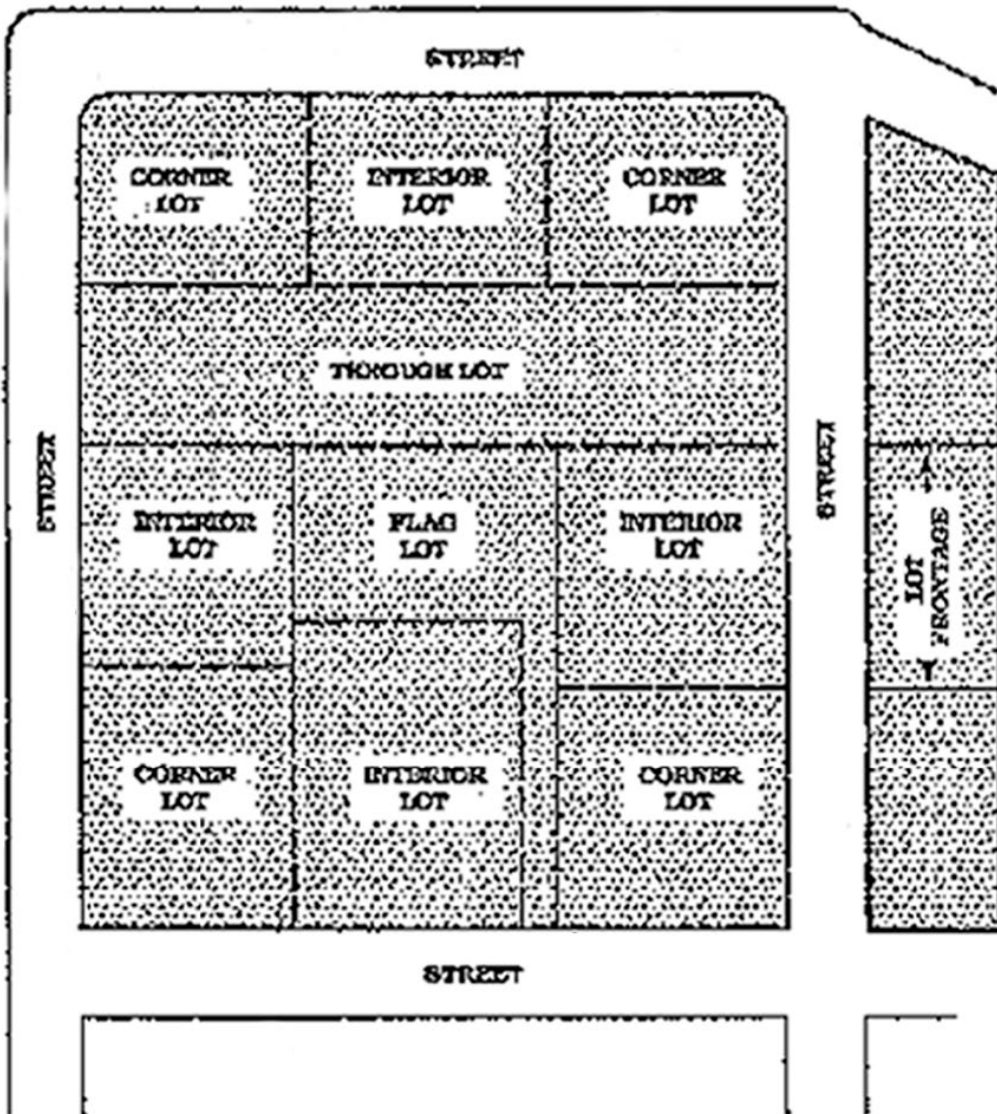
Lot of record means a lot, the boundaries of which are filed as legal record.

Lot, through, or *double frontage*, means a lot which has frontage on more than one street.

Lot width means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.



DEFINITION OF TYPES OF LOTS



Manufactured home park means any parcel of land being used for the purpose of supplying parking space for two or more manufactured homes, and which may include buildings, structures, vehicles, or enclosures used or intended for use as part of such manufactured home park. Land subdivided and

subsequently sold for the purpose of siting manufactured homes is not considered a manufactured home park under this chapter.

Manufactured home park space means a plot of ground within a manufactured home park designed for the accommodation of one unit.

Mixed occupancy means any building that is used for two or more occupancies classified by different occupancy use groups.

Modular building unit or *modular structure* means 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 (S.C. Code 1976, § 23-43-10), the building unit or structure may be located in any zoning district.

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

Nonresidential use means a principal use of land for other than residential purposes, i.e., commercial, industrial, and institutional.

Offstreet parking space means an area, not in a street or alley, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a driveway which provides ingress and egress.

Open space means unoccupied land between the building or buildings that is landscaped or kept in its natural state.

Open storage means any accessory storage in the open air and outside of a principal or main building or structure on the lot, including the storage of equipment, goods, raw or processed materials, junk or merchandise outside of any building or structure.

Outdoor activity use means the use of land and structures for passive or active outdoor activities characterized by neither inherently hazardous types nor significantly high levels of emissions, including:

- (1) Kennels, pet boarding, schooling, or hospitalization, horseback riding stables;
- (2) Cemeteries, mausoleums, memorial gardens;
- (3) Golf and country club, golf course, golf driving range;
- (4) Playground, playfield, swimming pool, tennis courts, archery course, miniature golf, trampoline or other novelty area;
- (5) Arboretum, botanical garden, ornamental park, historical area, monument or sculpture.

Outdoor amusement use means the use of land and structures for outdoor activities characterized by significant levels of traffic, hazards, or emissions, including amusement park, amphitheater; auto, go-cart, or similar racetrack or drag; dog competition course; rifle or other gun firing range.

Outparcels means a piece of property that is part of a development such as a shopping center, but is on a separate piece of dedicated land within the development.

Parcel means a land area bounded by property lines that is recognized as such by the county assessor's office.

Plat means a map or drawing upon which the developer's plan of a subdivision or land development is presented for approval.

Plat, final, means a plat describing a subdivision or other land development that has been recorded in the office of the registrar of mesne conveyance (RMC).

Premises means a lot, plot, or parcel of land including the buildings or structures thereon, under control by the same owner or operator together with all adjacent land.

Right-of-way (ROW) means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended for a purpose such as ingress/egress or utility location.

Setback, front, means a setback extending the full width of the front of a lot in the area between the front (street) ROW line or property line and the front building line.

Setback, rear, means a setback extending the full width of the lot in the area between the rear lot line and the rear building line.

Setback, required, means that part of a lot between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this chapter.

Setback, side, means a setback extending the full length of the lot in the area between the side lot line and a side building line.

Sexually oriented business, for purposes of this chapter, means and includes the following:

- (1) *Adult arcade* means 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 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* means 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, videocassettes 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". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as: one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."
- (3) *Adult cabaret* means a nightclub, bar, restaurant or similar commercial establishment, which regularly features:
 - a. Persons who appear in a state of nudity;
 - b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 - c. Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the description of "specified sexual activities" or "specified anatomical areas."
- (4) *Adult motel* means a hotel, motel or similar commercial establishment which:
 - a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
 - b. Offers a sleeping room for rent for a period of time that is less than ten hours; or

- c. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten hours.
- (5) *Adult motion picture theater* means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (6) *Adult theater* means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- (7) *Sexual encounter center* means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
 - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - b. 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.

Sign means 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. The term sign includes banners, posters, inflatable signs, tethered balloons and pennants.

Sign, awning or canopy, means a sign that is mounted or painted on or attached to an awning or canopy.

Sign face means the area or display surface of a sign used for the message.

Sign, freestanding, means any nonmovable sign not affixed to a building.

Sign, monument, means a ground level, freestanding sign not mounted on a pole or poles. The area of the structure supporting the sign shall not exceed 60 percent of the total combined area of the sign and the supporting structure.

Sign, portable, means a sign that is not permanent or affixed to a building or other structure or to the ground.

Sign, temporary, means a sign that is used only for a short period of time and is not permanently mounted.

Sign, wall, means 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 face.

South Carolina Manufactured Housing Board means the board which is authorized by state statute to regulate the construction, repair, modification, installation, tie down, hook-up, and sale of manufactured homes in South Carolina, which board has adopted for regulation of manufactured homes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the board's Manufactured Housing Regulations, May 26, 1990.

Special industry means the use of land and structures for manufacturing activity involving industrial operations which customarily produce significant levels or emissions or are offensive, hazardous, or dangerous by nature, including treatment of trash, garbage, offal, dead animals, and sewage, including incinerating, dumping, composting, digestion, filtration, flocculation, sedimentation, chemical precipitation, oxidation, and reduction; cooking, distillations, incineration, and chemical processing of plastics and animal and vegetable products, including but not limited to brewery, distillery, cannery, meat packinghouse, slaughterhouse, fat rendering, creosote, flavor or syrup extract, glue, paper, pulp, paint, plastic, shellac, turpentine, or varnish manufacture; leather, tanning, wool scouring and cleaning, cotton textile sizing, or corrosive or noxious chemicals, including but not limited to acids, acetylene, ammonia,

chlorine, and bleaching compounds, production or processing of coal, coal tar, petroleum, or asphalt products, including but not limited to coke, illuminating gas, petroleum, asphalt, linoleum, oilcloth, or roofing materials manufacture; power, light or steam generation, using coal as fuel; smelting, reduction, refining and alloying of metallic ores, including but not limited to blast, open hearth, or electric furnaces, Bessemer converter, non-ferrous metal smelter, manufacture or storage of explosive products, including but not limited to dynamite and commercial explosive, TNT and military explosives, fireworks; production of materials by nuclear fission, nuclear plant for production of electric power, light, or steam, or for particulate bombardment of materials; machining, working, stamping, punching, processing, or pressing of metal requiring hammer mills, rolling mills, drop forges metal grinding machines, automatic screw processing of junk, waste discarded or salvaged materials, machinery or equipment, including automobile or other wrecking or dismantling; and trade or vocational schools in which the above are taught or performed.

Street means any thoroughfare (drive, avenue, boulevard) or space more than 18 feet in right-of-way width which has been dedicated, deeded or designated for vehicular traffic, public or private.

Street, collector, means a street designed principally to collect traffic from subdivisions and to feed arterial streets.

Street, cul-de-sac, means a street with a single common ingress and egress and with a turnaround at the end.

Street, dead-end, means a street with a single common ingress and egress point and without a turnaround at the end.

Street, major or arterial, means and includes all state primary and federal aid highways and streets that serve to circulate traffic, having signals at important intersections, and stop signs on side streets and/or having controlled access and channelized intersections.

Street, minor or local, means a street designed principally to collect traffic from subdivisions and provide access to abutting property.

Street, private, means a street not dedicated for public use or maintenance.

Structural alteration means 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.

Structure. (As defined by the standard building code.)

Subdivision means the division of a tract, parcel, or lot into two or more lots of building sites, or other divisions of land 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 the re-subdivision of land.

Subdivision, exempt, means one which meets the following conditions:

- (1) Involves the division of land into parcels of five acres or more where no new street is involved;
or
- (2) Includes the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter and other applicable regulations;
- (3) Involves cemetery lots.

Subdivision, major, means any subdivision other than an exempt or minor subdivision.

Subdivision, minor, means any subdivision which does not involve any of the following:

- (1) The creation of more than ~~ten~~ **five** lots; and
- (2) The creation of any new street.

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the

structure before the start of construction of the improvement. The term includes structures, which have incurred substantial damage, regardless of the actual repair work performed.

Tourist service means the use of land and structures for services and trade which cater to a specialized clientele, deal in specialized services, and are otherwise independent or unique in character, including tourist information centers, souvenir/curio/gift shops, hunting/fishing/boating/camping supply shops, ambulance or other emergency service, establishments for rental or en route servicing (but not sales) of passenger motor vehicles, other vehicles of three-fourths ton or less rated capacity, self-haul equipment, travel trailer, pick-up camper-pleasure boats, and similar and related travel or recreational equipment, and the like.

Traffic impact study means an analysis to determine the need for any roadway improvements from vehicular traffic generated from new development at both the site and any major intersections effected by this development. The analysis would include the need for any new or additional roads, turn lanes, traffic signals or other necessary improvements for adequate roadway capacity.

Travel trailer or recreational vehicle means a structure that 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 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.

Trees, grand, means an oak, pine, magnolia or other large canopy tree over 24 inches DBH or tree such as a dogwood, crape myrtle, rosebud, or other small trees over eight inches DBH.

Trees, significant, means an oak, pine, magnolia or other large canopy tree of eight to 24 inches DBH and any tree such as a dogwood, rosebud, crape myrtle, or other small tree four to six inches DBH.

Trucking terminal means a use included in NAICS category number 484, Truck Transportation. The term also includes truck-staging operation.

Unzoned area means those areas of the county not included in a zoned area, as delineated on the official zoning maps of the county.

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.

Use, accessory. See Building, accessory.

Use, principal, means the primary purpose for which land is used.

Variance means a modification of the regulation of this chapter, granted by the board of appeals, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the chapter would 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 on which the property is located.

Vegetation means any object of natural growth.

Weapons firing range means an organized use of land for discharging a rifle, pistol, or shotgun and including the following activities:

- (1) Construction of more than two fixed or moving targets and the conduct of scheduled events involving firing by more than four persons in the same general area.
- (2) Exempt from this definition are:
 - a. Legal hunting of wildlife; and
 - b. Military or governmental activities.

Wetlands means areas of one-quarter acre or more where standing water is retained for a portion of the year and unique vegetation has adapted to the area. Jurisdictional wetlands are those over which the U.S. Corps of Engineers has permitting jurisdiction.

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

Yard, front, means 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, means a yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, required, means 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 chapter.

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

Zoned area means those areas of Edgefield County delineated on the official zoning maps of Edgefield County.

Zoning district means a specifically delineated area or district within which regulations and requirements govern the use, placement, spacing and size of land and buildings.

(Code 1999, § 152.160; Ord. No. 99-00-380, Art. 10, 4-4-2000; Ord. No. 12-13-654, § 2, 10-2-2012; Ord. No. 12-13-660, § 55, 4-2-2013; Ord. No. 16-17-711, § 1(Exh. A), 11-1-2016)