

ARTICLE B**ZONING****TABLE OF CONTENTS**

	PAGE
SECTION 5-2-21 GENERAL PROVISIONS	2
§5-2-21.2.02 Purpose of the Comprehensive Plan	2
§5-2-21.6.19 Non-conforming Buildings or Uses	
§5-2-21.8 Required Permits and Approvals	
SECTION 5-2-22 DEFINITIONS REFERENCED	23
SECTION 5-2-23 ADMINISTRATIVE MECHANISMS	55
§5-2-23.3 City Council - Duties and Responsibilities	55
§5-2-23.4 Planning & Zoning Commission - Duties and Responsibilities	56
§5-2-23.5 Board of Zoning Appeals	60
§5-2-23.6.01 Zoning Administrator	63
§5-2-23.6.02 Code Enforcement	64
§5-2-23.10 Variances, Appeals and Waivers from Zoning Regulations	68
SECTION 5-2-24 CODE ENFORCEMENT	75
SECTION 5.2.25 ZONING DISTRICTS	85
§5.2.25.4 Official Zoning Map	85
§5-2-25.4.02 Zoning District Boundaries	85
§5-2-25.6.01 R-1: Single Family Residential District	87
§5-2-25.6.02 R-2: Two-Family (Duplex or Townhome) Residential District	89
§5-2-25.6.03 R-3: Multi-Family District	91
§5-2-25.6.4 C-1: Central Business District	94
§5-2-25.6.05 C-2: Neighborhood Business District	95
§5-2-25.6.6 GI: General Industrial District	98
§5-2-25.6.7 FRD: Flexible Review District	100
SECTION 5.2.26 OFF-STREET PARKING AND LOADING	106
SECTION 5.2.28 BUFFER YARD REGULATIONS	111

SECTION 5-2-21 GENERAL AND SUPPLEMENTARY PROVISIONS**§5-2-21.1 Title**

This code of Ordinances for the City of Landrum shall be known and may be cited as the "Zoning Ordinance."

§5-2-21.2 Purpose and Intent**§5-2-21.2.01 Purpose of This code, Zoning**

The purpose of This code is to establish standards, procedures, and minimum requirements in accordance with the Comprehensive Plan, to regulate and control the use, bulk, design, and location of land and buildings; the creation and administration of zoning districts; and the general development of real estate in the City of Landrum. In addition, it is the purpose of This code to:

1. Coordinate and integrate the city's development review process to provide equitable and efficient procedures for the review of proposed developments, the Official Zoning Map amendments, and other provisions contained within This code;
2. Ensure proper legal description, identification, monumentation, and recording of real estate boundaries;
3. Guide and regulate orderly, rational, and efficient growth, land development, and land use throughout the city in accordance with the Comprehensive Plan including carefully considered goals, policy statements, and action statements that call for principles and standards which are beneficial to the long term interest and welfare of the citizens of the City of Landrum;
4. Discourage haphazard, premature, uneconomical, or scattered land development and promote, in the public interest, the best utilization of land;
5. Ensure safe and convenient traffic control and movement including a reduction or prevention of congestion of public streets, convenience of access, multiple modes of transportation, and an interconnected and well-planned street system;
6. Encourage development of an economically stable and healthy community;
7. Ensure the provision of adequate utilities;
8. Provide for adequate light, air, safety from fire, flood, and other damages;
9. Provide open spaces for recreation, conservation, and a healthy community;
10. Ensure land development with installation of adequate and necessary physical improvements;
11. Ensure that the citizens and taxpayers of the City of Landrum will not have to bear the costs resulting from premature, uneconomical, or inefficient development or use of land;

12. Ensure to the purchaser of land {within a subdivision} that necessary improvements have been installed;
13. Protect the established character and social and economic well-being of both public and private property;
14. Facilitate the creation of a convenient, attractive, functional, and harmonious community;
15. Expedite the provision of adequate police, fire protection, disaster evacuation, civil defense and emergency management, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds and other recreational facilities, airports, and other public requirements;
16. Protect against the destruction of or encroachment upon historic sites and areas and ensure the protection of these resources;
17. Protect against undue concentration of population and overcrowding of land and/or buildings beyond its carrying capacity by regulating and limiting the height and bulk of buildings, hereafter erected, as said buildings relate to land area;
18. Establishing, regulating, and limiting the building or set back lines on or along streets, roads, boulevards, avenues, lanes, alleys, other rights-of-way, and property lines;
19. Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area and extent of open spaces within the surrounding buildings;
20. Establishing standards to which buildings or structures shall conform;
21. Prohibiting uses, buildings, or structures that are incompatible with the character of established zoning districts;
22. Protecting and enhancing the taxable value of land and buildings throughout the city wherever possible;
23. Encourage and assist in the facilitation, attraction, and retention of economic activities that provide desirable employment, expand the tax base, and serve to meet the goals of the Comprehensive Plan;
24. Provide a mechanism so that new growth pays for itself and shares the burden of the provision of public facilities and services with the existing tax base;
25. Provide for the protection and preservation of agriculture, forests, and other environmentally sensitive lands thereby preserving the cultural and natural heritage of The City of Landrum;
26. Provide an adequate supply of affordable housing for City residents.

§5-2-21.2.02 Purpose of the Comprehensive Plan

The Comprehensive Plan, including Envision Landrum as adopted in 2017, may be amended, shall be amended from time to time, and shall be updated every five years. The Comprehensive Plan has been adopted for the following purposes:

1. To guide and direct growth and development in the City of Landrum;
2. To protect, preserve and enhance the city's cultural, environmental, economic, and social resources;
3. To identify current land uses in order to assist the city in making budgetary, utility, and other resource allocations;
4. To enable the City of Landrum to predict future land uses for planning purposes;
5. To assist the city in fulfilling its statutory and other legal obligations; and
6. To provide a public document which will serve as a means of general information on land use and development for the citizens of the City of Landrum and other interested parties.

§5-2-21.2.03 Intent of the Zoning Ordinance

It is the intent of the city that to the extent permitted by law, all future project approvals and permits, both for new and existing projects, shall comply with the requirements of the Zoning Ordinance.

§5-2-21.2.04 Consistency with and Relationship to Comprehensive Plan

The regulations and requirements herein set forth have been established in accordance with the Comprehensive Plan with reasonable consideration, among other things, to the prevailing land uses, growth characteristics, future prospects, and the character of the respective districts and their particular suitability for their individual uses and to encourage the most appropriate uses of land throughout the city. Specifically, This code provides regulations to implement applicable goals, policy statements, and action statements of the Comprehensive Plan.

§5-2-21.3 Definitions, Generally

The definitions of certain terms referenced in these sections are set forth in Section 5.2.22, "Definitions" .

§5-2-21.4 Jurisdiction and Applicability

§5-2-21.4.01 Territorial Applicability

The provisions of This code shall apply to all land, water, buildings, structures, and uses thereof located within the City of Landrum, South Carolina, as identified on the Official Zoning Map of The City of Landrum, South Carolina, excepting those areas to be under the control of the United States of America or the State of South Carolina.

§5-2-21.4.02 General Applicability

All buildings and structures erected hereafter, all uses of land, water or buildings established hereafter, all structural alterations or reallocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and reallocations of existing uses occurring hereafter shall be subject to all regulations which are applicable to the zoning districts in which such buildings, structures, uses, or land are located. Existing buildings, structures, and uses which comply with the regulations of This code shall likewise be subject to all regulations of This code. Existing buildings, structures, and uses which do not

comply with the regulations shall be permitted to continue subject to the provisions of §5-2-21.6.19, "Non-Conforming Buildings or Uses".

§5-2-21.4.03 General Prohibition

1. No building or structure, no use of any building, structure, or land; and no lot of record which did not now or hereafter exist on the effective date of This code shall be created, established, altered, moved, diminished, divided, eliminated, or maintained in any manner except in conformity with the provisions of this code.
2. No use or sale of land or buildings shall be allowed except in conformance with the provisions of this code.

§5-2-21.4.04 Exemptions

The following uses are exempt from the application:

1. The following utility uses are exempt from the provisions of this section: electrical transmission lines of one hundred fifty (150) volt or more, poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar equipment when used for the purpose of distributing service to individual customers, but not including substations, transmission lines, or trunk lines located on or above the surface of the ground, for the distribution to consumers of telephone, cable television or other communications, electricity, gas or water, or for the collection of sewage or surface water.
2. The height limitations shall not apply to towers, gables, penthouses, scenery lofts, cupolas, barns, silos, farm buildings, residential chimneys, spires, flag poles, monuments, or transmission towers and cables or other similar structures, and necessary mechanical appurtenances; nor to any smokestack or water tank, except that gross height may be limited by other jurisdiction agencies.
3. All railroad facilities contained within the right-of-way of a railroad company duly recognized by the US Department of Commerce and the South Carolina Department of Transportation (SCDOT), including railroad tracks, signals, bridges, and similar facilities and equipment and the maintenance and repair work on such facilities and equipment.

§5-2-21.5 Authority

This code is adopted pursuant to the requirements and authority of the South Carolina Comprehensive Planning Enabling Act of 1994 (S.C. Code of Laws, Sections 6-29-310 through 6-29-1200).

§5-2-21.6 Supplementary Regulations

§5-2-21.6.01 Buffer Yards

Post offices, police, fire and telephone exchanges and repeater stations shall observe the buffer yard requirements for office buildings at the end of Section 5-2-28, Buffer Yard Requirements; all other uses shall observe the buffer yard requirements for Research and Industrial or Institutional uses as determined by the Zoning Administrator.

§5-2-21.6.02 Public Hearing

Prior to the granting of a building permit for any of the above-listed uses in a residential district or within 200' of a residential district, City Council shall hold a public hearing on the matter. At least fifteen (15) days notice of time and place of which shall be published in a newspaper of general circulation in the City of Landrum.

Based on the hearing and the expected impact of such uses on contiguous uses and conditions, the City Council may elect to deny such request in favor of a more acceptable site elsewhere.

§5-2-21.6.03 Water and Air Pollution

All uses must satisfactorily comply with the requirements of the State Department of Health and Environmental Control (DHEC) regarding the protection of waterways from pollution by dust, smoke, or other waste materials.

§5-2-21.6.04 Street Access

Except as herein provided, no building shall be erected, constructed, moved, or relocated on a lot not located on a publicly accepted, or publicly maintained street with a right-of-way of not less than thirty (30) feet.

§5-2-21.6.05 Location of Buildings on Lots and Residential Limitations

Every building or use hereafter erected or established shall be located on a Lot of Record, and each one and two-family residential structure, except as herein provided, shall be located on an individual Lot of Record. In all cases, the principal buildings on a lot shall be located within the area formed by the building lines at outer boundaries, and in no case shall such buildings infringe beyond the building lines into the respective front, side, or rear yard setbacks or any other setback requirements for the district in which the lot is located.

§5-2-21.6.06 Corner Lots

On lots having frontage on more than one street at an intersection, the minimum street side setback requirement shall be equal to the minimum front yard setback.

§5-2-21.6.07 Double Frontage Lots

On lots having frontage on two streets, but not located on a corner, the minimum front setback shall be provided on each street in accordance with the provisions of this Ordinance.

§5-2-21.6.08 Pre-Existing Front Setbacks

The setback requirements of this ordinance shall not apply to any lot where the average setback on already built upon lots, located wholly or in part within one hundred (100) feet of each such lot and within the block and zoning district fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. However, in no case shall setbacks be less than ten (10) feet.

§5-2-21.6.09 Measurement of Front, Side, and Rear Setbacks; Determination of Buildable Area

The required front, side, and rear setbacks for individual lots, as set forth for the particular zoning district within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the setback areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the "buildable area".

§5-2-21.6.10 Visibility at Street Intersections

In all zoning districts established by this ordinance, except the CBD district, no fence, wall terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision between the heights of two and one-half (2 ½) feet and ten seven (7) feet above the finished street level shall be permitted on a corner lot within fifteen (15) feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.

§5-2-21.6.11 Visibility at Private Drives and Entrances Intersecting with Public Streets

At the intersection of any private drive or entrance or exit with a public street, no fence, wall, hedge, or other planting or sign forming a material impediment to visibility between a height of two and one-half (2 ½) feet and seven (7) feet shall be erected, planted, placed, or maintained within fifteen (15) feet of the intersection.

§5-2-21.6.12 Street Planting Strips

In all front yards in the R-3, C-1, C-2, and I-1 districts, a planting strip not less than six (6) feet wide shall be provided along the street line on the property, which shall be planted and maintained in grass or other suitable ground cover with street trees or in shrub planting or as may be required in approval of the site plans.

§5-2-21.6.13 Exceptions to Height Limits

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, silos, chimneys, smokestacks, conveyors, flag poles, masts and aerials, provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport approach zones or flight patterns.

§5-2-21.6.14 Public and Commercial Recreational Facilities Adjacent to Residential Uses

Any recreational facilities when adjacent to lots which are zoned or used for residential purposes shall comply with the following standards:

1. Facilities and/or structures shall not be closer than fifty (50) feet from the property line.
2. No lighting used in connection with such activities shall be closer than fifty (50) feet from the property line.

§5-2-21.6.15 Common Open Space

Common open space is land or water bodies used for recreational amenity. It shall be freely accessible to all residents of a development where required by this Ordinance. It shall not be occupied by buildings or structures, roads, parking, or road right-of-way. Required open space shall not include setbacks or lots of residential units required to meet minimum lot area or parking requirements.

§5-2-21.6.16 Parking, Storage or Use of Campers or Other Major Recreational Equipment

No major recreational equipment, such as a motor home, boat, or trailer, shall be stored on any lot in a residential, C-1 or C-2 district or in a neighborhood nearer to the street than the principal building of the lot fronting on that street, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. The parking of such equipment shall be in observance of all setbacks, yard, and other requirements set forth within the district in which they are located. No such equipment shall be used for living, sleeping, housekeeping purposes when parked or stored on a residential lot. No such equipment shall be parked in any location not approved for such use.

§5-2-21.6.17 Parking and Storage of Certain Vehicles

It shall be unlawful for any person, partnership, corporation, or other legal entity to permit, park or store a truck, automotive vehicle or trailer of any kind or type, on any residentially zoned property within the municipal corporate limits except within a completely enclosed building:

1. that is not operable;
2. that does not display a lawful and current license tag;
3. that does not have current liability insurance thereon.

This ordinance excludes bona fide classic automobiles which are currently undergoing restoration, and which are covered with factory-made automobile covers, and trailers not required by law to display a license tag.

If in violation of this ordinance, written notice shall be submitted to the owner or permittee of the parked or stored vehicle that such vehicle shall be removed within thirty (30) days from the date of such notice or be subject to the penalties detailed in Section 5-2-24. This section shall be enforced by the City of Landrum Police Department.

§5-2-21.6.18 Manufactured Home Standards

No mobile homes brought into the City of Landrum or relocated within the city subsequent to the enactment of this ordinance, unless such mobile home is to replace a nonconforming use as allowed in this ordinance and shall be in compliance with each of the following requirements:

- ~~4.~~ All mobile homes brought into the city to replace a nonconforming use is subject to this ordinance shall meet or exceed the construction of the International Building Code for Manufactured Home, Federal Construction Standards and meets all zoning requirements for replacement of a nonconforming use.

§5-2-21.6.19 Non-conforming Buildings or Uses

Non-conforming buildings or uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any building or land uses at the time of the enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the non-conforming building or land use or portions thereof, shall not be:

1. changed to another non-conforming use;

2. reused or reoccupied after discontinuance of use or occupancy for a period exceeding six (6) months;
3. reestablished, reoccupied, or replaced with the same or similar building, or land use after physical removal or relocation from its specific site location at the time of passage of this Ordinance;
4. repaired, rebuilt, or altered after damage exceeding fifty (50) percent of its replacement cost at the time of destruction. Reconstruction or repair, when legal, must begin within six (6) months after damage is incurred;
5. enlarged or altered in a way which increases its nonconformity.

Nothing in this section shall be meant to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official lawfully charged with protecting the public safety, upon order of such official.

§5-2-21.6.20 Home Occupation

A home occupation shall be permitted in any residential district, provided such occupation:

1. is conducted by no other person than members of the family residing on the premises;
2. utilizes not more than twenty-five percent (25%) of the total floor area of the principal building;
3. produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling;
4. no display or products shall be visible from the street and only articles made on the premises may be sold; except those non-durable articles (consumable products) that are incidental to a service, which service shall be the principle use in the home occupation, may be sold on the premises;
5. creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;
6. no mechanical equipment is installed or used except such as is normally used for domestic or office purposes.
7. storage related to a customary home occupation business is permitted in an accessory building, but the use of an accessory building for a separate commercial use is not permitted.
8. In addition to other uses deemed unacceptable by the Zoning Administrator, the following uses shall not be considered home occupations:
 - a. animal hospitals, kennels, or stable;
 - b. barber shops and beauty parlors;
 - c. dancing schools;
 - d. funeral homes;
 - e. medical or dental offices or clinics;
 - f. hospitals;
 - g. nursery schools;
 - h. restaurants;
 - i. tourist homes
9. Zoning permits shall be required for all home occupations and shall be submitted to City Hall before a business license is issued.

§5-2-21.7 Accessory Uses

In addition to the principal uses, each of the following uses is considered to be a customary accessory use, and as such may be situated on the same lot with the principal use or uses to which it serves as accessory.

§5-2-21.7.01 Uses Customarily Accessory to Dwellings

1. Private garage
2. Open storage space or parking area for motor vehicles provided that such space shall not be used for more than one (1) commercial vehicle licensed as one ton or less in capacity per family residing on the premises.
3. Shed or tool room for the storage of equipment used in grounds or building maintenance.
4. Pet House. Kennels used for commercial purposes are prohibited.
5. Private swimming pool and bath house.
6. Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
7. Noncommercial flower, ornamental shrub or vegetable garden or greenhouse.
8. Satellite dishes. A maximum of one (1) per lot and placed in the rear setback only. Such dish shall not be located closer than ten (10) feet from any property line.

§5-2-21.7.02 Uses Customarily Accessory to a Church

1. Religious education buildings.
2. Parsonage or parish house, together with any use accessory to a dwelling as specified above.
3. Off-street parking area for the use of members and visitors of the church.

§5-2-21.7.03 Uses Customarily Accessory to Retail Businesses, Office Use and Commercial Recreation Facilities

1. Off-street parking or storage areas for customer, client, or employee-owned vehicles.
2. Completely enclosed building for the storage of supplies, stock, or merchandise.
3. Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat, or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line or the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.
4. Satellite dishes. A maximum of one (1) per lot and placed in the rear setback only. Such dish shall not be located closer than ten (10) feet from any property line and must be screened from residential uses by a fence or plantings or combination thereof.

§5-2-21.7.04 Uses Customarily Accessory to Industry and Principal Agricultural Use in Industrial Districts

1. Watchman or caretaker's one-family dwelling provided that such a dwelling is located on the premises of a permitted use; and, provided a member of the household is employed by the industry as a watchman or caretaker.
2. Dwelling incidental to a permitted agricultural or horticultural use provided that such related dwellings are occupied by persons employed directly on the premises.
3. Retail or wholesale business or service, provided such business or service is incidental to a permitted industrial use, is located on the same premises, and involves no open storage of junk or salvage materials in conjunction with the operation.
4. Private recreation facilities provided such facility is incidental to a permitted use and located on the same premises.

§5-2-21.7.05 Setback and Other Yard Requirements for Accessory Uses

The minimum front setback of the zoning district in which the parcel is located shall serve as the minimum front setback for accessory uses. For accessory structures of not greater than six hundred (600) square feet in area, or fifteen (15) feet in height and swimming pools, the minimum rear setback shall be ten (10) feet and the minimum side setback shall be ten (10) feet. The accessory use shall occupy not more than a total of thirty (30) percent of the required rear and side setback. No accessory structure shall be greater than 800 square feet.

For any accessory use of greater than six hundred (600) square feet in area or fifteen (15) feet in height, except swimming pools, the minimum setbacks of the zoning district in which the use is located shall apply.

§5-2-21.8 Required Permits and Approvals

§5-2-21.8.01 Permits and Approvals Available in the City of Landrum

Any particular development within the City of Landrum may require one (1) or more of the various permits and approvals in order to ensure that the development is consistent with the goals and purposes of this Ordinance and with the public health, safety, and general welfare. These are subject to the standards set forth in the Standard Operating Procedures Manual, and include the following:

1. Future Land Use Map amendments;
2. Rezoning requests;
3. Amendments to the text of the Zoning Ordinance;
4. Zoning Permits;
5. Site Plan Review and approval;
6. Subdivisions and Platting;
7. Temporary Land Use Permits;
8. Special Exception Uses;
9. Variances;
10. Sign Permits;
11. Floodplain development permits;
12. Building Permits;
13. Certificates of Occupancy;
14. Environmental permits and approvals for erosion control plans (for grading and other land disturbing activities);
15. Administrative Approvals; and

16. Other supplementary permits and/or approvals (i.e., septic tank or well permits, Certificate of Approval for Quality Growth Development District projects, etc.).

The procedures for reviewing and granting these permits and approvals are set forth in this section, unless otherwise specified in this Ordinance.

§5-2-21.8.02 Relationship Between Different Permits and Approvals

Buildings permits and Certificates of Occupancy (COs) are the final forms of approval for most development within the City of Landrum. Issuance of building permits and certificates of occupancy therefore may be contingent on the applicant having previously received one or more other permits or forms of approval. For example, grading and other land-disturbing activities may require an environmental permit in order to ensure that adequate measures will be taken to control soil erosion during development of the site. In addition, if approval is required for a septic tank or well, permits shall be obtained from the Department of Health and Environmental Control (DHEC) prior to obtaining building permits from the City. Each of the different sections deals with a different type of permit or approval. These Sections are organized in roughly chronological order, reflecting the relative timing of the different permits and approvals.

§5-2-21.8.03 Simultaneous Processing of Applications for Different Permits and Approvals for the Same Development

1. Development Procedures Allowing for Simultaneous Review

Where possible without creating an undue administrative burden on the City's decision-making bodies and staff, this section intends to accommodate the simultaneous processing of applications for different permits and approvals which may be required for the same development project. Such possibilities for concurrent filing and processing of applications include, but are not limited to, the following:

- a. A site plan along with a Special Exception use;
- b. A preliminary subdivision plat along with a Special Exception use;
- c. A variance along with a Special Exception use, preliminary subdivision plat, or site plan.

2. Exceptions

No application for the rezoning of property shall be accepted or processed while an application for any of the permits or approvals listed above is pending for the same property, and vice versa.

3. Timing and Other Requirements

Furthermore, some forms of approval, such as building permits, necessarily depend on the applicant having previously received another form of approval. Some forms of approval, such as site plans, require the applicant to take particular action within some time period following the approval in order to avoid having the approval lapse. Therefore, even though this section intends to accommodate the simultaneous processing of different types of applications, the applicant should note that each of the permits and approvals set forth in this section has its own timing and review sequence and should take this into consideration in planning the development.

4. Coordination with Review of Site Plans; Lapse of Special Exception Approval for Failure to obtain Site Plan Approval
 - a. It is the intention of this Section that the review and approval of Special Exception uses be coordinated with the review and approval of site plans.
 - b. Recognizing that most of the information which is required to appear in a proposed site plan is valuable to the reviewing staff and the Board of Zoning Appeals in reviewing applications for Special Exception uses, this Section requires such site plans to be filed with the application for Special Exception use approval, even though final action to approve the site plan shall not occur until after final action to approve the Special Exception.
 - c. Special Exceptions with related site plans shall be considered by the Board of Zoning Appeals.
 - d. Unless approvals are obtained simultaneously, approvals of Special Exception uses shall be automatically conditioned on the subsequent approval of the site plan. Accordingly, the approval of any Special Exception use by the Board of Zoning Appeals shall lapse, and become null and void, where the applicant has failed to receive final site plan approval within twelve (12) months of the date of approval of the Special Exception use.
5. Special Exception Uses Requiring Variances
 - a. Special Exception Uses Requiring a Variance
 - b. If the proposed Special Exception use involves one or more structures which do not conform to the regulations of the district in which the major Special Exception use is to be located, then no Special Exception use approval shall be granted unless the applicant has corrected such non-conforming features. In all such cases, unless the applicant has previously obtained the necessary variances from the Board of Zoning Appeals, the application for Special Exception use approval shall be accompanied by an application for all such variances. The variance application will be processed simultaneously with the Special Exception use application. The notices required for the variance application shall be incorporated into the notices required in this section. The hearing required for the variance application shall be combined with the hearing on the Special Exception use application.
6. Approval of Site Plan with Special Exception Use Approval and Coordination with Review of Preliminary Subdivision Plats
 - a. It is the intention of this Section to conduct the review and approval of Special Exception uses and site plans at the same time to the maximum extent possible.
 - b. It is also the intention of this Section that the review and approval of site plans be coordinated with the review and approval of any preliminary subdivision plat which may be required for the same development. Therefore, an application for approval of a site plan may be submitted at the same time as an application for approval of a preliminary subdivision plat for the same development. The review and processing of the two (2) applications shall be coordinated and consolidated as much as possible.

§5-2-21.8.04 Procedures for Development Projects Requiring a Public Hearing

1. Impact Analysis

After the filing of a proper application, the Zoning Administrator shall prepare, with the assistance of other City departments, a written recommendation and analysis ("Impact Analysis"), which will include, but not be limited to, the following:

- a. Estimated number of persons to be utilizing or living on the property, based upon the proposed request.
- b. Estimated increase in school enrollment.
- c. Estimated increase in volume of traffic and anticipated access to site and routes of travel to and from site.
- d. Estimated increase in commercial business in the immediate area resulting from the increased population.
- e. Effect on law enforcement.
- f. Effect on the environment surrounding the area to be amended, including the effect on all natural and historic resources.
- g. Anticipated problems or complications with water, sewerage, other utilities, transportation system and other infrastructure, and recreational facilities.
- h. Impact on fire protection.
- i. Physical characteristics of the site.
- j. Impact on storm water runoff and erosion.
- k. Adjacent and nearby future land use designation and zoning.

2. Additional Review Standards by the Zoning Administrator

In addition, staff from the Zoning Administrator will view the application in light of the checklist shown in Table 3, "Review Statements" below:

Table 3 - Review Statements		Yes	No
1.	Whether the proposed request will permit a use that is suitable in view of the current use and future development of adjacent and nearby property.		
2.	Whether the proposed request will adversely affect the existing use or usability of adjacent or nearby property.		
3.	Whether the proposed request, based on information obtained in the Impact Analysis, will result in a use which will or could cause an excessive or burdensome impact on existing streets, transportation facilities, utilities, schools, or other public facilities.		
4.	Whether the proposed request is in conformity with the policy and intent of the comprehensive land use plan		
5.	Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposed request.		
6.	Is the proposed request in conflict with the public interest and is it in harmony with the purpose and intent of the Unified Development Ordinance.		
7.	Is the proposed request consistent with surrounding land uses?		
8.	Would a change create an isolated land use unrelated and incompatible with similar districts?		
9.	Are present land use boundaries illogically drawn in relation to existing conditions and future identified trends?		
10.	Will a change adversely affect property values in adjacent areas?		
11.	Will a change be deterrent to the improvement or development of adjacent property in accord with these regulations?		
12.	Will a change constitute a grant of a special privilege to an individual as contrasted to the general welfare?		
13.	Are there substantial reasons why the property cannot be used in accord with existing land use?		
14.	Is the change requested out of scale with the needs of the: (i) City, or (ii) neighborhood?		
15.	Is it impossible to find adequate sites in districts already permitting such use?		
16.	If changed, is the site suitable for the proposed use, i.e., size and shape, topography, access and utilities, off-street parking, setbacks, and open space?		
17.	Is the property directly accessible to a public street?		
18.	Would there be an adverse environmental impact if this request were granted?		
19.	Have there been trends which would warrant a change in land use?		
20.	Whether or not the proposed request would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.		
21.	Any other matters that may be deemed appropriate by the Planning Commission or the City Council in review and consideration of the proposed request such as police protection, fire protection, and emergency medical services.		

3. Public Information: Public Hearings, Meetings, Notice, and Access to Records

All hearings, meetings, notice and records relative to this Ordinance shall follow the procedures established in this section, unless otherwise specified in this Ordinance.

a. Notice

1) Content of Notices

All notices which this Ordinance requires for public hearings shall identify the following information:

- a) The date, time, and location of the meeting.
- b) The nature and character of the proposed action.
- c) The existing zoning of the property.
- d) The existing and proposed land use of the property.
- e) The address and the Land Lot, and Parcel Number of the property.
- f) The size of the property.

2) Published Notice

Notice of any public hearing shall be published in the official legal newspaper of the City of Landrum at least fifteen (15) days, but not more than forty-five (45) days, prior thereto. The notice shall appear as a legal advertisement in said newspaper.

3) Posted Notice

If the proposed amendment is for a future land use map amendment, rezoning, temporary land use, Special Exception use or variance of property, a sign (to be furnished by the Zoning Administrator), placed every three hundred (300) feet of property frontage, containing the same information as required in the published notice, shall be posted upon the property not less than fifteen (15) days prior to the date of the hearing. The sign shall contain letters large enough to be read from the street; whether the property fronts on more than one (1) street, signs shall be posted on at least two (2) streets.

- a) The applicant shall submit to the Zoning Administrator, in addition to the application forms, a deposit for the above-mentioned signs, in an amount specified in Chapter 1, "General Provisions" of this Ordinance. Such deposit shall be returned to the applicant upon return of all signs to the Zoning Administrator.
- b) The applicant shall remove and return all posted signs from the subject property within three (3) business days after the date of the hearing, or the applicant forfeits the return of the sign deposit.

4) Personal Notices to Nearby Property Owners

Where proper notice is given in accordance with this Ordinance, and in conformity with the Open Meetings Law, notice by mail has been provided to adjacent and adjoining property owners by regular mail as shown by City tax records, and, when required, a sign has been posted in accordance with this Ordinance, no further notice to the property owner or adjacent or nearby property owners is required, unless otherwise specified in this Ordinance. Failure to provide notice as required by this Ordinance shall be grounds for the final action on a proposed amendment to be declared null and void. It is the responsibility of the applicant to satisfy himself prior to the public hearing that proper notice requirements have been met. Appearance at the public hearing shall constitute a waiver of all claims based upon improper publication of notice or posting on the property.

b. Public Hearings

All hearings, both regular and special, at which an amendment to this Ordinance is to be discussed, considered, or acted upon by the City Council, shall be open to the public. Notice of special meetings shall be given in accordance with the South Carolina Open Meeting Law as referenced previously.

1) A public hearing shall be held separately by the Planning Commission, as a condition precedent to final action by the City Council which results with:

- a) The adoption of zoning regulations or the official zoning map;
- b) The adoption of an amendment to the zoning regulations which changes the text of this Ordinance;
- c) The adoption of an amendment to this Ordinance which rezones property from one zoning classification to another, requiring amendment of the Official Zoning Map; or

2) Public Hearings by Planning Commission

A public hearing is called to order by the Chairman of the Planning Commission, who explains the procedures of the day and instructs the Zoning Administrator to call each case for a public hearing. At the public hearing, the applicant for the request shall first be afforded a reasonable opportunity to explain why the request is being sought; thereafter, all interested persons shall be afforded a reasonable opportunity to speak either for or against the request. Speakers shall be limited to a reasonable time, irrelevant or repetitious comments shall be avoided, and decorum shall be maintained. After the Zoning Administrator summarizes the request, a staff recommendation is presented. The Planning Commission then deliberates and may ask the applicant further questions. After a motion and second regarding the application, the Planning Commission votes on a formal recommendation to the City Council, who render a final decision at a separate meeting.

3) Public Hearings by the City Council

A public hearing is called to order by the Chairman of the City Council, who explains the procedures of the day and instructs the Zoning Administrator to call each case for a public hearing. At the public hearing, the applicant for the request shall first be afforded a reasonable opportunity to explain why the request is being sought; thereafter, all interested persons shall be afforded a reasonable opportunity to speak either for or against the request. Speakers shall be limited to a reasonable time, irrelevant or repetitious comments shall be avoided, and decorum shall be maintained. After the Zoning Administrator summarizes the request, staff recommendation, and recommendation from the Planning Commission, the City Council deliberates and then renders a decision. In no event shall the size of the audience, nor the vocalized sound of the attendees be a valid consideration of the City Council in acting upon the proposed amendment. Public comments should offer facts relevant to the standards of the requested change.

c. Attendance Requirements

The applicant or his representative may be required to attend all public hearings on the application. The failure to attend may result in dismissal with prejudice, rejection of the application, or continuance of the hearing at the City Council's sole discretion. Failure of the applicant, or representative thereof, to appear at the next regularly scheduled hearing without due cause may result in automatic dismissal with prejudice.

d. Public Information

Copies of the proposed amendment, including the application, supporting documents and plats, the recommendations of the Zoning Administrator, and minutes of the Planning Commission, shall be maintained by the Zoning Administrator and available for public inspection and copying. Copies of this Ordinance, as from time to time amended, shall be published in booklet form and available to the public at reasonable charge.

4. Withdrawal of Application

An application may only be withdrawn upon a joint written request of the record title holder and applicant. All requests to withdraw must be given to the Zoning Administrator at least seven (7) days prior to the public hearing. In no event shall an application be withdrawn more than once without prejudicing the right of the applicant to apply for such request within twelve (12) months of the first application.

5. Re-submittal of Rejected or Dismissed Rezoning Applications

- a. If an application for rezoning is rejected or deleted to another zoning classification, then any portion of the same property may not again be considered for rezoning for a period of six (6) months from the date of the City Council decision.
- b. The City Council may only consider property for rezoning within the six (6) month time period in connection with settlement of litigation or pursuant to an order by a court of competent jurisdiction. However, the City Council, if time permits, shall direct staff to advertise, post the property, and notify the applicant and owner in writing prior to taking such action.

6. Application Disapproval and Appeal of Decisions

a. Disapproval

If, in the opinion of the City Council, the proposed amendment to the request would tend to create conditions which would be unfavorable to or would adversely affect the health, safety, convenience, prosperity, or general welfare of the citizens of the City of Landrum, then the City Council may disapprove the application and shall notify the applicant in writing by regular mail of its decision within ten (10) days of the date of the meeting at which the City Council took action.

b. Appeals

Any person or persons aggrieved by any decision of the City Council relating to this Ordinance may seek review of such decision in the Circuit Court. An appeal from the decision of the City Council shall be filed within thirty (30) days after the date of decision by the City Council and upon failure to file the appeal within thirty (30) days of the decision, the decision shall be final.

§5-2-21.9.01 Existing Unlawful Uses and Structures

A structure or use not lawfully existing at the time of the adoption of This code is hereby deemed lawful as of the effective date of This code, provided that it conforms with all of the requirements of This code. However, if such structure or use does not conform with all of the requirements of This code, then such structure or use shall continue to be unlawful hereunder.

§5-2-21.9.02 Uses Rendered Non-Conforming

When a lot is used for a purpose which was a lawful use before the effective date of This code, and This code or any amendment thereto no longer classifies such use as either a permitted use or Special Exception use in the zoning district in which it is located, such use is hereby deemed a nonconforming use and shall be controlled by the provisions of this Section.

§5-2-21.9.03 Buildings, Structures, Signs and Lots Rendered Non-Conforming

Where any building, structure, sign, or lot which existed on the effective date of This code does not meet all standards set forth in This code or any amendment thereto, such building, structure, or lot is hereby deemed non-conforming and shall be controlled by the provisions of this Section.

§5-2-21.9.04 Right to Occupy as Nonconformity

Upon completion pursuant to Subsection 1. hereof, such structure may be occupied by, and a Certificate of Occupancy shall be issued for, the use designated on such permit, subject thereafter to the provisions of this section.

§5-2-21.10 Interpretation and Conflicts

§5-2-21.10.01 Interpretation of the Zoning Ordinance

1. In interpreting and applying the provisions of This code, they shall be held to be the minimum requirements for the promotion and protection of the public safety, health, convenience, comfort, prosperity, or general welfare, as set forth in the provisions hereof establishing the intent and purpose of This code in general and its various Sections in particular.
2. All applications for a permitted or Special Exception use set forth in each commercial zoning district shall be submitted to the Zoning Administrator for a use interpretation, pursuant to the standards and procedures set forth in Section 5-2-23, "Administrative Mechanisms".

§5-2-21.10.02 Conflict with Public and Private Provisions

Whenever a conflict exists between the provisions of this code and the provisions of any other public or private restrictions, the following shall govern:

1. Public Provisions

These regulations are not intended to interfere with, abrogate, or annul any other rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other rule, or other provision of law, whichever provisions are more restrictive, or impose higher standards, shall control.

2. Private Provisions

These regulations are not intended to interfere with, abrogate, or annul any easement, covenant, or any other private agreement, legal relationship, or restriction; provided that, where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or private agreement or restriction, the requirements of these regulations shall govern.

§5-2-21.11 Codes and Specifications

When reference is made in This code to statutes, codes, specifications, or other regulations, it is intended that subsequent amendments to such codes, statutes, specifications or regulations will be automatically adopted by reference herein except as provided by subsequent resolutions of the City Council.

§5-2-21.12.01 Building Permit Eligibility

Notwithstanding the terms of §5-2-21.6 and §5-2-21.9, "Consistency with and Relationship to Comprehensive Plan" and "Codes and Specifications", any development for which a building permit has been issued prior to the effective date of this code, or prior to the effective date of any amendment hereto which renders the development non-conforming, may be carried out in accordance with that building permit and shall be deemed lawfully existing under the terms of This code, provided that:

1. The permit was validly issued;
2. The permit has not expired;

3. The permit has not been revoked; and
4. Construction pursuant to such permit or approval is commenced prior to the expiration of such permit or approval.

§5-2-21.13 Site Plan Review Subsequent to Adoption of Ordinance

All new commercial development shall be required to submit a site plan. This site plan shall meet minimum standards for a site plan and shall be reviewed and approved by staff. In addition, all commercial properties seeking approval for a change in use or an addition, alteration, or modification, shall be required to submit a site plan. Finally, all non-commercial properties seeking conversion to a commercial use shall be required to submit a site plan.

§5-2-21.14 Posting of Street Address

All improved commercial buildings or properties shall be posted with a street address number assigned by the Fire Department. The street address number must be clearly visible from the street or road.

§5-2-21.15 Altering of Ordinances Prohibited

It shall be unlawful for any person to change or amend, by addition or deletion, any part or portion of This code, or to insert or delete pages or portions thereof, or to alter or tamper with such code, in any manner whatsoever, which will cause the law of the city to be misrepresented thereby.

§5-2-21.16 Remedies

Every violation of the terms of This code by any person, firm or corporation shall be termed a nuisance and a continuing nuisance so long as such violation may be continued, and such violation may be subject to abatement as a nuisance as provided by the laws of this state. This code may be enforced in accordance with the provisions of Section 5-2-24, "Code Compliance", by any staff appointee of the City Council.

§5-2-21.17 Penalties

Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of This code, as the same exists or as may hereafter be amended; permits any such violation to continue; or otherwise fails to comply with the requirements of This code or of any plan or statement submitted and approved under the provisions of this code, shall be guilty of an ordinance violation and subject to prosecution as provided above. The owner of any buildings or premises or parts thereof where anything in violation of This code shall be placed or shall exist and/or any representative of the owner who may have assisted in the commission of such violation shall be punished as a misdemeanor. Upon conviction such person shall be fined not less than fifty dollars (\$50) nor more than one thousand dollars (\$1000), imprisoned for not more than sixty (60) days, and/or sentenced to perform not more than forty (40) hours of community service for each offense; and in addition shall pay all costs and expenses involved in the case as determined by the court. Each day such violation continues shall be considered a separate offense. At the option of the city, a violation may be processed through the city's code enforcement process as an alternative to prosecution under this section.

§5-2-21.18 Injunctive Relief

In addition to any penalty provided by law for the violation of any of the provisions of This code, the City Council may bring suit in the appropriate circuit court to enjoin, restrain, or otherwise prevent the violation of any of the provisions of This code.

§5-2-21.19 Conflict with Other Regulations

Whenever the regulations of This code require a greater width, size of yards, courts, other open spaces, lower height of buildings, smaller number of stores, greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statute, the regulations and requirements of This code shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by This code, the provisions of such statute shall govern.

§5-2-21.20 Severability

It is hereby decreed to be the intention of the City Council that the sections, subsections, paragraphs, sentences, clauses, words, or any other part of This code are severable and if any word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections, or any other part or parts of This code shall be declared unconstitutional, unlawful, or invalid by the sound judgment or decree of any court of competent jurisdiction, such unconstitutionality, unlawfulness, or invalidity shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses, words, or any other part of this resolution as the same would have been enacted by the City Council without the incorporation in this resolution of any such unconstitutional word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections.

§5-2-21.21 Effective Date

The effective date of the Ordinance is May 11, 1998, and as amended _____, 2022.

§5-2-21.22-99 Reserved.

SECTION 5-2-22**DEFINITIONS REFERENCED****§5-2-22.1 Purpose and Intent**

It is the purpose of this Section to maintain the definitions of terms for all of the Zoning Ordinance of the City of Landrum, South Carolina, and to provide the rules of interpretation of such terms as they apply to the provisions of This code.

§5-2-22.2 General Provisions

The following general provisions shall be utilized specifically for all terms used and generally for all requirements specified in This code.

§5-2-22.2.01 Rules of Interpretation

1. Interpretation of This code

a. Generally

In the interpretation and application of this code all provisions shall be liberally construed in favor of the objectives and purposes of the city and deemed neither to limit nor repeal any other powers granted under State statutes.

b. Responsibility for Interpretation

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this code, the Zoning Administrator shall be responsible for interpretation and shall look to the Comprehensive Plan for guidance. Responsibility for interpretation by the director shall be limited to standards, regulations and requirements of this code, but shall not be construed to include interpretation of any technical codes adopted by reference in this code, not be construed as overriding the responsibilities given to any commission, board or official named in other sections of This code.

2. Delegation of Authority

Whenever a provision appears requiring the head of a department or some other City officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

3. Gender

Words importing the masculine gender shall be construed to include the feminine and neuter.

4. Person

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

5. Present/Future Tense

Words used in the present tense include the future tense.

6. Number

Words in the singular shall include the plural and words in the plural shall include the singular.

7. Lot

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

8. Building

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

9. Shall, May

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

10. Used/Occupied

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

11. Map

The word "map," "zoning map" or "The City of Landrum zoning map" means the "Official Zoning Map of The City of Landrum, South Carolina." The requirements of the Zoning Map are specified in "Official Zoning Map and District Boundaries" of This code.

§5-2-22.3 Words Defined

When used in This code, the following words and terms shall have the meaning set forth in this Section, unless other provisions of This code specifically indicate otherwise:

§5-2-22.3.01

"A" - Definitions

ABANDONMENT: The relinquishment of property; a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

ABATEMENT: To abate or diminish. The method of reducing the degree and intensity of pollution or another hazard or nuisance.

ABUT: To physically touch or border upon; or to share a common property line but not overlap.

ACCESS: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

ACCESSORY BUILDING OR STRUCTURE: A building or use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building (Also **Outbuilding**)

ACCESSORY DWELLING UNIT: An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home.

ACCESSORY USE: See **Use, Accessory**.

ADDITION (to an existing building): Any walled and roofed expansion to the perimeter of a building to which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

ADJACENT LAND, LOT, OR PARCEL: See **Adjoining Land, Lot, or Parcel**

ADJOINING LAND, LOT, OR PARCEL: A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land. See **Abut**.

ADULT ENTERTAINMENT: Any one or more of the following described businesses: adult arcade, adult bookstore, adult dancing establishment, adult motion picture booth, adult mini-motion picture theater or drive-in, adult hotel or motel, adult personal service business, and adult theater or drive-in.

ADVERSE INFLUENCE OR IMPACT: A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-tract property or facilities.

AESTHETIC: The perception of artistic elements or elements in the natural or created environment that are pleasing to the eye.

AFFORDABLE HOUSING: A sales price or rent within the means of a low- or moderate-income household as defined by State or Federal legislation.

AGRICULTURAL PRODUCE STAND: A structure not greater than five hundred (500) square feet for the purpose of seasonal sales of products grown or produced on the premises on which it is located. Also **Farm Stand**.

AGRICULTURE: The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; including grapes, nuts, and berries; vegetables; nursery, floral ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

ALLEY: A minor, permanent, public servicerway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

ALTERATION OF BUILDING: Any change in the supporting members of a building (such as bearing walls, beams, columns, or girders) except such changes as may be required for its safety; any addition to a building; any changes in use from that of one district classification to another; or of a building from one location to another.

ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, bell steeples, flag poles, and similar alternative-design mounting structures designed as a location for telecommunications antennas.

AMENITIES: A natural or created feature that enhances the aesthetic quality, visual appeal, or makes more attractive or satisfying a particular property, place, or area.

AMERICANS WITH DISABILITIES ACT (ADA): A 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.

AMUSEMENT CENTER: Any establishment that allows or provides three (3) or more coin-operated amusement machines for use within one (1) enclosure.

AMUSEMENT PARKS: Facilities including water parks, skateboard parks, and other outdoor amusement facilities.

ANCHOR TENANT: The major store or stores within a shopping center.

ANIMAL: Any description of vertebrate, excluding Homo sapiens.

ANIMAL BOARDING/ BREEDING KENNEL: A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

ANIMAL CONTROL: The Spartanburg County Animal Control Department.

ANIMAL HOSPITAL: A place where animals are given medical care and the boarding of animals is limited to short term care incidental to the hospital use.

ANIMAL SHELTER: Any facility operated by any governmental entity, humane society, or other organization for the purpose of impounding or caring for animals held under the authority of State law.

ANNEXATION: The incorporation of land area into an existing community with a resulting change in the boundaries of that community.

ANTENNA: Any exterior apparatus or device designed to be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures.

APPEAL:

- a. A petition by any person or persons aggrieved to revisit any decision made by a governing or deciding body.
- b. A request for a review by the appointed Landrum staffs' interpretation of any provision of This code or a request for a variance.

APPLICANT: Any person making a request to the city for any approval, permit, or authorization under the procedures contained in This code.

APPLICATION: The application form and all accompanying documents and exhibits required of an applicant by an approving authority for development review purposes.

APPROVAL, TO APPROVE: An act by an authorized City Executive or staff member whereby such official finds that an application, plan, or other submittal has been found

acceptable in accordance with applicable standards, specifications, and requirements as stated in This code, or that criteria has been accepted by such official.

APPROVE WITH CONDITIONS: To approve an application, site plan, subdivision plat or other development project or request with specific lawful conditions attached to such approval.

A.S.L.A.: The American Society of Landscape Architects.

AUCTIONS: Any place or facility where animals are regularly bought, sold, or traded. Individual sales of animals by owners are not auctions as herein defined.

AUTOMOBILE RENTING AND LEASING; CARS, VANS, AND LIGHT TRUCKS: A building and/or an open area, other than a right-of-way or public parking area, used for display of rental vehicles in operable condition and where no repair work is performed.

AUTOMOBILE SALES, NEW CARS, VANS, AND LIGHT TRUCKS: The use of any building, land area, or other premise for the display and/or sale of new automobiles generally and may include light trucks or vans, trailers, or recreation vehicles; with vehicle preparation and repair work conducted as an accessory use.

AUTOMOBILE SALES, USED CARS, VANS, AND LIGHT TRUCKS: The use of any building, land area, or other premise for the display and/or sale of used automobiles generally but may include light trucks or vans, trailers, or recreation vehicles and including and vehicle preparation or repair work conducted as an accessory use.

AUTOMOBILE SERVICE STATION: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of vehicles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories for cars, vans, and light trucks only.

AUTOMOBILE STORAGE YARD AND WRECKER SERVICE: An establishment used for the short-term storage of damaged or confiscated vehicles. Also **Auto Salvage Yard** or **Junkyard**.

AUTOMOBILE SALVAGE AND WRECKING YARDS: Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition;

and including the commercial salvaging of any other goods, articles or merchandise.

AUTOMOTIVE BODY SHOPS: An establishment for restoring auto bodies, painting, or refinishing with all activities carried on entirely within an enclosed building for cars, vans, and light trucks only.

AWNING: A roof-like cover that is temporary or portable in nature that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building.

§5-2-22.3.02

"B" - Definitions

BAR: Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use. Also, **Tavern, Pub** or **Public House**, and **Saloon**.

BASEMENT:

- a. A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half (6½) feet. See also **Cellar**.
- b. That portion of a building having its floor sub-grade (below ground level) on all sides.

BED AND BREAKFAST: Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

BEDROOM: A private room planned and intended for sleeping, separated from other rooms by a door, furnished with a closet, and accessible to a bathroom without crossing another bedroom.

BERM: A mound of earth or the act of pushing earth into a mound, usually landscaped, and used for screening purposes.

BLOCK: A piece or parcel of land entirely surrounded by public streets, other than alleys, or other major physical barriers

BOARD OF ZONING APPEALS: The appointed Board of Zoning Appeals of the City of Landrum, South Carolina authorized to hear and decide on variance applications, administrative appeals, and other duties as determined by This code.

BOND: A bond shall be legal tender of the United States of America, a cashier's check, bank official check, bank or

postal money order or a bond instrument issued by a surety company in the State of South Carolina.

BOUNDARY: Any line or thing marking a limit; bound; border.

BRIDGE: A structure built over water, street, railroad, etc., to provide a way across.

BUFFER:

- a. Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.
- b. An area along some natural feature designated to protect and preserve the essential character of such feature and allow it to be maintained in an undisturbed and natural condition. Also, **Buffer Area** or **Buffer Strip**.

BUILDABLE AREA: The area of the lot remaining after the dimensional and open space and buffer requirements of This code have been met less any land unsuitable for development such as steep slopes, wetlands, flood plains, and the like.

BUILDING: Any structure having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals, or chattels. See **Structure**.

BUILDING CODE: The International Building Code and International Code Council.

BUILDING, COMMERCIAL: Any type of building other than residential.

BUILDING COVERAGE: The ratio of horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

BUILDING, ELEVATED: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

BUILDING, HEIGHT OF: The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

BUILDING LINE: A line parallel to the street line touching that part of a building closest to the street.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING, RESIDENTIAL: Any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

BUILDING, SITE BUILT (NON-MANUFACTURED): Any structure or group of structures that encloses a space or spaces for sheltering any occupancy type which utilizes the open construction method, whereby all the installation processes can be readily inspected on site.

BULK STORAGE FACILITY: The storage of chemicals, petroleum products, grains, or other materials in structures for subsequent resale to distributors or retail dealers or outlets.

BUSINESS: A corporation, a partnership, a sole proprietor, or any other person or organization carrying on an enterprise for profit.

§5-2-22.3.03

"C" - Definitions

CALIPER: A method of measuring the diameter of a tree trunk for the purpose of size grading or classification. The caliper of the trunk is measured six (6) inches above the ground, up to and including four (4) inch caliper size, and twelve (12) inches above the ground for larger sizes.

CAPACITY, IN PERSONS: The maximum number of persons that can avail themselves of the services or goods of an establishment, at any one time, with reasonable comfort and safety.

CAPACITY, ROADWAY: The maximum hourly rate at which vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under the prevailing roadway, traffic, and control conditions.

CARPORT: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides.

CAR WASH: A structure containing facilities for washing automobiles and automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

CELLAR: A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and a half (6½) feet. See also **Basement**.

CENTRAL ON-SITE SEWAGE MANAGEMENT SYSTEM: An on-site sewage management system serving more than one building, business, residence or other facility designed or used for human occupancy or congregation.

CBD: Central Business District or CBD is the area where economic activity in the form of business services and retail functions as well as government services and cultural events are primarily located.

CERTIFICATE OF OCCUPANCY: A Certificate of Occupancy or CO is a permit establishing the right to safe occupancy of a building or structure.

CHURCH: A building(s) or structure(s), not including a residence, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses, and which has been publicly dedicated as a church. Also **Place of Worship, Religious Institution**.

CIRCULATION, PEDESTRIAN: See Pedestrian. Also, **Non-Vehicular Circulation**.

CIRCULATION, VEHICULAR: The movement of vehicles, pedestrians, etc., to go from place to place along a street. Also, **Traffic Circulation**.

CLEARING: The removal of vegetation from a property, whether by cutting or other means, but shall not include the ordinary mowing of grass.

CLERK: The City Clerk of the City of Landrum, South Carolina.

CLUB OR LODGE, PRIVATE: A building and related facilities owned or operated by a corporation, association, group of individuals, or a single individual established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit.

CLUSTER HOUSING: A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

CODE ENFORCEMENT OFFICER: An employee of the City of Landrum whose primary responsibility is to enforce the regulations of This code and require compliance to those who do not heed the Ordinance.

COIN-OPERATED AMUSEMENT MACHINE: Any amusement machine operated by means of the insertion of a coin, token, or similar object, for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines which do not incorporate gaming or amusement features, nor does the term include any coin-operated mechanical musical machines. Also, **Video Poker**.

COMMERCIAL AND PERSONAL SERVICES: Those businesses that cater to the personal needs of the community, including such uses as beauty parlors, dry cleaners, barber shops, and similar.

COMMERCIAL USE, GENERAL: Those retail commercial uses which benefit from close proximity to each other retailing, finance, and professional and general office activities. Its primary purpose is to group their uses together in a compact area designed to accommodate pedestrian movement. Also referred to as **General Commercial Uses**.

COMMERCIAL USE, NEIGHBORHOOD: Those uses which serve the local neighborhood; uses which sell goods and services purchased frequently and generally in small amounts by the public in an intimate, pedestrian-oriented scale; excludes retail establishments selling large and heavy products which require substantial trucking activity; sites developed should be architecturally and proportionately compatible with any adjacent residences or residential developments.

COMMERCIAL USE, SPECIALIZED: Those uses that, by their specialized or unique characteristics, set them apart from a general commercial use. Such specialty commercial uses include a landscaping business, an electronics store, an antique store, or battery store.

COMMERCIAL VEHICLE: Any self-propelled or towed vehicle used on public highways in interstate commerce to transport passengers or property when:

- a. the vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or
- b. is used or designed to be used principally for the purpose of conducting business, governmental or non-profit organizational use or for carrying passengers for hire; or
- c. has a platform, cabinet, box, rack, compartment, or other facility for transportation of materials, equipment, and items other than the personal effects of private passengers; or
- d. the vehicle is designed to transport more than fifteen (15) passengers, including the driver; or

- e. the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Secretary under the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1813).

The exception to this definition includes dually that is designed for pulling camping trailers or other recreational equipment and outfitted with a fifth-wheel type hitch; certified for multi-passengers less than fifteen (15); or temporary on-site loading or unloading purposes (i.e., a moving truck).

COMMUNITY CENTER: A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

COMMERCIAL, RECREATION OR ENTERTAINMENT: Uses established to promote and protect a suitable amusement environment for the public and/or have bright lights and noise.

COMMISSION: The City of Landrum Planning Commission.

COMMON AREA: Land amenities, certain areas of buildings such as lobbies, corridors, and hallways, central services and utilities, open space, landscaped areas, detention ponds, any other elements and facilities owned and used by all members of development such as a condominium or subdivision and designated in the master deed as common area or elements. Also, **Common Elements**.

COMMON WALL: A wall, usually load bearing, which serves in-common two or more separate units of a single building such as a cityhouse, shopping center, apartment building, industrial building or other building where separate tenants are housed under one roof.

COMMUNITY RETAIL USES: Retail commercial stores and services which are assigned to serve several neighborhoods making up a community such as: neighborhood retail uses larger than six thousand (6,000) square feet, department store, discount houses, mini-malls, strip shopping centers, home improvements stores, wholesale outlets, clothing and apparel-marts, indoor flea markets, antique malls, sporting good stores, and the like.

COMPATIBILITY: Capable of living together harmoniously or getting along well together; in agreement; congruous.

COMPOSTING CENTER: A site or facility in which composting activities defined as "a controlled process of degrading organic matter by microorganisms" takes place under controlled conditions.

COMPREHENSIVE PLAN: The Envision Landrum Plan 2017 is the City of Landrum Comprehensive Plan" as adopted by the City of Landrum City Council and as may be subsequently amended by same.

CONDEMNATION, TO CONDEMN: The exercise by a government agency of the right of eminent domain. (See **Eminent Domain**).

CONDITIONAL USE: See **Use, Conditional**.

CONDOMINIUM: A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, individual basis.

CONSTRUCTION: The erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

CONTIGUOUS: Abutting directly on the boundary of, separated by a street other than a controlled access highway from, or separated by a street, railroad, or public utility right-of-way.

CONTOUR LINE: A line on a map or plan joining points that have the same elevation above or below the reference plane.

CONTRACT: Any lease, claim, account, or demand against or agreement with any person, whether express or implied, executed, or executory verbal or in writing.

CONTINUANCE: The postponement or adjournment of proceedings to a later date.

CONVENIENCE FOOD STORE: Any retail establishment with or without fuel sales offering for sale prepackaged food products, beverages, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

COVERED PORCH, MINOR: An accessory structure attached to a residence which is less than six (6) square feet

and has a roof which is completely attached to the roof of the principal structure without supports from the ground.

CORPORATION: A group of people organized, under a charter granting them as a body some of the legal rights, etc. of an individual.

COVENANT: Private deed restrictions or covenants are imposed on land by private landowners. They bind and restrict the land in the hands of present owners and subsequent purchasers. They are enforced only by the landowners involved and not by any city or other public agency.

CREEK: A continuous flowing body of water that is part of a greater system or watershed. See **Stream** or **River**.

CREMATORIUM: A licensed facility in which human or animal remains are reduced to ash through thermal processes.

CUL-DE-SAC: A street intersecting another street at only one (1) end and designed to be permanently terminated by a vehicular turnaround at or near the opposite end within the preliminary plat area.

CULTURAL FACILITY, PRIVATE: Establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society and include museums, art galleries, and botanical and zoological gardens of a natural, historical, educational, or cultural interest.

CULVERT: A drain or conduit under a road or embankment.

CUT: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface. Also, **Excavation**.

§5-2-22.3.04

"D" - Definitions

DAY CARE CENTER, ADULT: An establishment providing for the care, supervision, and protection of the elderly or adults who cannot perform these functions for themselves.

DAY CARE CENTER, CHILD: An establishment providing for the care, supervision, and protection of children. Also, **Child Care Center, Nursery School**.

DAY CARE GROUP HOME, ADULT: A licensed facility for four or more aged, infirm, or disabled adults which is operated during a part of the day only, which provides supplementary care and protection of individuals

who reside elsewhere, except a facility or portion of a facility licensed by the State Department of Health and Environmental Control (DHEC) or the Department of Mental Health, Mental Retardation, and Substance Abuse, and the home or residence of an individual who cares for only persons related to him/her by blood or marriage.

DAY CARE HOME, CHILD: *Class I:* A family-based home that receives not less than three (3) and not more than six (6) children nine (9) years of age or younger for care during any part of the day not exceeding twelve hours in a twenty-four (24) hour period. *Class II:* A family-based home that receives not less than seven (7) and not more than eighteen (18) children nine (9) years of age or younger for care during any part of the day not exceeding twelve hours in a twenty-four (24) hour period.

DAY CARE, IN-HOME: Childcare provided within single-family districts subject to the following limitations:

- a. Maximum of six (6) children for whom compensation is received;
- b. for purpose of this section only, children who are related by direct blood kin or adoption to the childcare provider shall not be included in the calculation of the six (6) children limitation;
- c. the childcare shall not create a nuisance to immediately adjacent property owners;
- d. off-street parking must be provided for child pick-up and drop-off; and
- e. no employees.

DECIBEL, A-WEIGHTED (dBA): A measure of a unit of sound pressure. Since sound waves having the same decibel level "sound" louder or softer to the human ear depending upon the frequency of the sound wave in cycles per second (i.e. whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying affect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by This code. And accordingly, all measurements are expressed in dBA to reflect the use of this A-weighted filter.

DECK: A roofless accessory attached or detached platform without exterior walls, generally constructed of wood, which adjoins a residence. Rails or safety features shall not be deemed to be exterior walls.

DEDICATION: The transfer of property by the owner to another party.

DEED: A legal document conveying ownership of real property.

DEFERRAL: To postpone an application to a later date.

DENIED, TO DENY: An act by an authorized City Executive or staff member which prohibits a certain request for development.

DENSITY: The number of families, individuals, dwelling units, households, or housing structures per unit of land.

- a. **Gross Density:** The overall density of a site.
- b. **Net Density:** The density remaining after certain deductions or allowances have been made, such as roadways, infrastructure, natural features, and other considerations.

DESIGN REVIEW: The submission to and subsequent review of a site or building design for compliance with this Ordinance.

DESIGN SPEED: Planning a street or highway for a vehicle to operate at an assured speed.

DETENTION FACILITY: A permanent structure for the temporary storage of runoff and its subsequent gradual discharge.

DEVELOP LAND: To alter the characteristics of a parcel of land in conjunction Path residential, commercial, industrial, or institutional construction or modification.

DEVELOPER: Any person or persons owning and proposing to develop or construct on a piece of property. The developer of a real estate development is the individual (or individuals) whose name is on the permit issued by the City of Landrum for the development. If no name is on the permit, then the owner of the property is also the developer.

DEVELOPMENT The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.

DEVELOPMENT, PHYSICAL: Means development which includes, but is not limited to site preparation, erection of structure, road construction, well construction, or installation of on-site sewage management systems.

DEVELOPMENT REGULATIONS: The adopted regulations providing for the subdivision and development of real property within The City of Landrum, South Carolina, as amended from time to time by the City Council.

DIMENSION: Any measurable extent, as length, width, depth, etc.

DISTANCE: The measurement in lineal feet from the closest point of one reference such as a lot or building to the closest point of a second or subsequent reference point.

DISTRICT, OVERLAY: A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

DISTRICT PERIMETER: The boundary of a specific development project.

DISTRICT, ZONING: A part or geographic area within the municipality within which certain zoning or development regulations apply.

DISTURBANCE: Anything that disturbs or creates a nuisance; a departure from normal.

DRAINAGE AREA: That area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.

DRAINAGE STRUCTURES:

- a. Any storm drains, collection basins, inlets, berms or other physical construction or provision for the storage or conveyance of stormwater runoff; or
- b. A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

DRIVE-IN ESTABLISHMENT: An establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DRIVEWAY: Vehicle access way into property from a street.

DRIVING RANGE: A tract of land as an accessory use dedicated to driving of golf balls off tees into a designated landing area.

DWELLING: A building designed, arranged, or used for permanent living quarters for one (1) or more families; except that a mobile structure less than thirty-two (32) feet in length shall not be a dwelling. Also **Dwelling Unit, Home, Apartment, Flat.**

DWELLING, ATTACHED: A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.

DWELLING, DETACHED: A dwelling that is not attached to any other dwelling by any means.

DWELLING, DUPLEX: A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING, SINGLE-FAMILY: A building containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

DWELLING, TWO-FAMILY: A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING, TRIPLEX OR QUADRUPLEX: Triplex, a building containing three (3) dwelling units, each of which has direct access to the outside or to a common hall. Quadruplex, four (4) attached dwellings in one (1) building in which each unit has two (2) open space exposures and shares one (1) or two (2) walls with adjoining unit or units.

DWELLING, MULTI-FAMILY: A building containing three (3) or more dwelling units and may be located one over the other.

DWELLING, LOW-RISE: An apartment building containing no more than two (2) stories.

DWELLING, MID-RISE: An apartment building containing from three (3) to seven (7) stories.

DWELLING, HIGH-RISE: A building of eight (8) or more stories.

DWELLING, CITYHOUSE: A one family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

DWELLING UNIT: A dwelling, or portion thereof, providing complete living facilities for one (1) family.

§5-2-22.3.05

"E" - Definitions

EASEMENT: A grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes by the public, the city, a corporation, or other persons for specified purposes, and which must be included in the conveyance of land affected by such easement.

EGRESS: Area used, primarily by vehicular traffic, to exit or leave a site. Also **Exit**.

ELEVATION:

- a. A vertical distance above or below a fixed reference level; or
- b. A fully dimensional drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

ELEVATION, FINISHED FLOOR: The proposed elevation of the land surface of a site after completion of all site preparation work. Also, **Grade**.

ELEVATION, GROUND: The original elevation of the ground surface prior to cutting or filling.

EMPLOYMENT: Any rendering of services on request, whether paid or unpaid.

EROSION: The process by which land surface is worn away by the action of wind, water, ice, or gravity.

EROSION AND SEDIMENTATION CONTROL PLAN: A plan for the control of soil erosion and sediment resulting from a land-disturbing activity.

ESTABLISHED: To be set up; cause to happen; to be brought about.

EXCAVATION: Any manmade cavity or depression in the earth's surface, including sides, wall, or faces, formed by earth removal, and producing unsupported earth conditions by reasons of the excavation. If installed forms or similar structures reduce the depth-to-width relationship, an excavation may become a trench. See **Cut**.

EXEMPTION: Those land development activities that are not subject to the requirements contained in This code.

EXTERNAL: Pertaining exclusively to the area outside of a specific parcel, lot, or tract of land either developed or suitable for development and not to any area within such parcel, lot, or tract.

FAA: Shall mean the Federal Aviation Administration.

FAMILY: One (1) or more related persons or six (6) or less unrelated persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boardinghouse, rooming house, or hotel, as herein defined.

FAMILY DAY-CARE HOME: A customary home occupation which provides, for no more than six (6) persons who are not residents of the premises, care and supervision by a State of South Carolina registered resident adult for less than twenty-four (24) hours per day on a regular basis for compensation.

FAMILY ENTERTAINMENT: Entertainment suitable for family viewing and not of an exclusive adult entertainment nature.

FAMILY, IMMEDIATE: An official or appointed official and such official's or appointed official's husband, wife, father, mother, brother, sister, son, daughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandmother, grandfather, stepfather, stepmother, and stepchildren.

FARM STAND: A structure for the display and sale of farm products. Also, **Wayside Stand**.

FAUNA: The animals of a specified region.

FCC: Shall mean the United States Federal Communications Commission.

F.E.M.A: The Federal Emergency Management Agency.

FEE: A set amount of money to be paid to the city, pre-set by the City Council, in return for a service or product to be provided or a permit or other document to be issued by Landrum.

FENCE OR WALL: An artificially constructed barrier of any durable material or combination of materials erected to enclose, screen, or separate areas.

FENCE, CHAIN LINK: A fence consisting of a series of jointed metal links secured to steel pipe.

FENCE, BOARD ON BOARD: A fence consisting of a series of posts and horizontal beams and covered by alternating vertical pickets.

FHA: The United States Federal Housing Administration.

FILL: A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

§5-2-22.3.06

"F" - Definitions

FILLING: The placement of any soil or other solid material, either organic or inorganic, on a natural ground surface or excavation.

FLAGPOLE: A structure used for the elevated display of a flag.

FLEXIBLE REVIEW DISTRICT: (FRD) A zoning district as adopted in 2022 is to provide design and use flexibility to allow development and redevelopment of properties that are compatible with the existing character of the area as set forth by the City's comprehensive plan. Specifically, the FRD enables the tools required to encourage exceptional planning and design in order to preserve the character of existing buildings, open spaces, streetscapes, and use clusters of unique areas of the city; and protect critical environmental resources through a greater efficiency in the layout of roads, utilities, and other infrastructure.

FLEA MARKET: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FLOOD PLAIN: The channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater.

FLOODPLAIN, ONE HUNDRED YEAR: Those lands subject to flooding, which have at least a one percent (1%) probability of flooding occurrence in any calendar year; the floodplain as shown on the Flood Boundary and Floodway Map as prepared by the Federal Emergency Management Agency (FEMA).

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings but excluding any space where the floor-to-ceiling height is less than six (6) feet.

FLOOR AREA, NET: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking, or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FLOOR AREA RATIO (FAR): The gross floor area of all buildings or structures on a lot divided by the total lot area.

FLORA: The plants of a specified region.

FOSTER HOME: A single-family dwelling which provides a family living environment including supervision and care necessary to meet physical, emotional, and social needs of clients. A foster home may serve children or adults.

FOWL: Any warm-blooded, feathered, flying or non-flying animal.

FREE FLOWING: A river, stream, creek, or other such body of water that flows freely and un-interrupted, except for periods of drought, for a minimum of nine (9) months of the year and is dry for not more than three (3) months of the year. Free flowing shall also apply to creeks or streams that originate from a spring or other groundwater point of origin.

FREE STANDING: Resting on its own support, without attachment or added support.

FRONTAGE, LOT: That side of a lot abutting on a street; the front lot line.

FUTURE RIGHT-OF-WAY: The area required for future roadway widening and improvements by the comprehensive plan.

§5-2-22.3.07

"G" - Definitions

GARAGE: A structure or any portion thereof in which one (1) or more automobiles are housed, kept, or repaired, not including exhibition or showrooms, or storage of cars for sale.

GLARE: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GOVERNING AUTHORITY: The governing authority of the City of Landrum is the City Council of the City of Landrum.

GRADE:

- a. The average elevation of the land around a building; or
- b. The percent of rise or descent of a sloping surface.

GRADE, EXISTING: The vertical location of the existing ground surface prior to cutting or filling.

GRADE, FINISHED: The final grade or elevation of the ground surface after cutting or filling and conforming the proposed design.

GRADING: Altering the shape of ground surfaces to specified elevations, dimensions and/or slopes; this

includes stripping, cutting, filling, stockpiling, and shaping or combination thereof, and shall include the land in its cut or filled condition.

GREENWAY: A linear open space, either privately-owned or publicly owned, which contains a trail for walking, bicycling, horseback riding, or other passive recreation, but not for use by vehicles for purposes other than maintenance of the greenway.

GROCERY STORE: A retail establishment primarily selling fresh or prepackaged foods including meat, produce, and dairy products as well as other convenience and household goods. Note that grocery stores vary from small neighborhood markets of 8000 square feet or less to large superstores in excess of 100,000 square feet. Also, **Food Store, Supermarket.**

GROSS LAND AREA: A term referring to the gross size of a parcel or tract of land prior to subtracting land area for infrastructure, wetlands, steep slopes, and other environmental or codified constraints on the development of such land.

GROUP HOME: A dwelling shared by six (6) or less persons, excluding resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. This use shall apply to homes for the physically or emotionally disabled, elderly, and abused persons. As used herein, the term "disabled" shall mean having:

- a. A physical or mental impairment that substantially limits one (1) or more of such person's major life activities so that such person is incapable of living independently;
- b. A record of having such an impairment; or
- c. Being regarded as having such an impairment.

However, "disabled" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the disabled" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. Also, **Personal Care Home.**

GUEST: Any paying customer of a hotel, motel, restaurant, club, or other hospitality establishment.

§5-2-22.3.08

"H" - Definitions

HAZARDOUS MATERIAL OR SUBSTANCE: Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise potentially injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

HAZARDOUS WASTE: Solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological wastes; highly flammable or explosive wastes; toxic wastes; sewage sludge; and other waste material that may be a hazard to the public health, safety, or environment, except radioactive waste materials as defined by the State of South Carolina.

HAZARDOUS OR TOXIC WASTE TRANSFER STATION: A facility in which toxic or hazardous wastes are brought into the site exclusively for transferal to a larger or smaller vehicle that will transport the wastes to another permanent facility.

HEAVY MANUFACTURING ESTABLISHMENT: Manufacturing establishments, other than those classified as light manufacturing, including those involving the conversion of raw materials into usable finished products, provided that manufacturing that will generate liquid waste from the manufacturing process or air pollutants shall comply with antipollution standards established by the state, City, and city.

HEIGHT: Shall mean, when referring to a telecommunications tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

HELIPORT: A field, rooftop, etc., where helicopters land and take off. Also, **Helistop, Vertiport.**

HOME OCCUPATION, CUSTOMARY: Any use customarily conducted entirely within a dwelling by members of a family residing therein and the use is clearly incidental to or secondary to the residential use of the dwelling. Also, **In-Home Occupation.**

HOMEOWNERS ASSOCIATION: A community association, other than a condominium association, which is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common area and facilities.

HOSPITAL: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences. Also, **Clinic, Sanitarium.**

HOTEL: A building(s) or other structure(s) kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential in which twenty (20) or more rooms are used for the sleeping accommodations of such guests, which facility also serves food and has one (1) or more public dining rooms, with adequate and sanitary kitchen and a seating capacity of at least eighty (80) persons, where meals area regularly served to such guests and/or to the public at large. Sleeping accommodations and dining rooms shall be accommodated in the same building or in separate buildings or structures used in conjunction therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a lounge, restaurant, or nightclub in their premises; and the holder of such franchise shall be included in the definition of hotel hereunder. See **Motel.**

HUD: The United States Department of Housing and Urban Development.

HYDROLOGY: The science dealing with the properties, distribution, and circulation of water and snow.

HYDROLOGY STUDY: A quantitative measure of increased stormwater runoff from storms of a given storm period or return frequency caused by development on a site.

§5-2-22.3.09 "I" - Definitions

IMPACT ASSESSMENT: A study to determine the potential direct or indirect effects of a proposed development, rezoning, or change to a future land use designation on activities, utilities, circulation, surrounding land uses, community facilities, environment, and other factors.

IMPERVIOUS SURFACE: Any material that prevents absorption of stormwater into the ground.

IMPROVEMENT: Anything built, installed, or established by the developer, whether upon, above or beneath the ground, which tends to facilitate the sale of lots and serves those uses proposed for such lots.

INCIDENTAL: Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

INFILL DEVELOPMENT: Any land development that occurs within designated areas based on local land use, watershed and/or utility plans where the surrounding area is single family residentially developed, and where the site or area is either vacant or has previously been used for another purpose.

INFRASTRUCTURE: Facilities and services needed to sustain industry, residential, commercial, and all other land use activities and shall include water, sewer, natural gas, electric power, streets and roads, communications, public facilities, and other public services.

INGRESS: Access or entry to a site or structure.

INSTALLATION: The assembly of an industrialized building on site and the process of affixing the industrialized building, component, or system to land, a foundation, footings, or an existing building.

INSTITUTIONAL USES: A non-profit, religious, or public use, such as a church, library, public or private school, hospital, or government owned or operated building, structure, or land used for public purpose.

INTEREST: Any director or indirect pecuniary or material benefit held by or accruing to an official or appointed official as a result of a contract or transaction which is or may be the subject of an official act or action by or with the city. Unless otherwise provided, the term "interest" does not include any remote interest.

INTERNAL: Pertaining exclusively to a specific parcel, lot, or tract of land either developed or suitable for development and not to any area outside of such parcel, lot, or tract.

ISSUING AUTHORITY: The City of Landrum City Council.

§5-2-22.3.10 "J" - Definitions

JUNK: Means junk vehicle as defined in This code, and parts thereof; any litter as defined in this Section, household appliances; scrap building material; scrap contractors equipment; tanks; casks; barrels; boxes; drums;

piping; bottles; glass; old iron; machinery; rags; paper excelsior; hair; mattresses; beds and bedding; and any other kind of scrap or waste material which is for sale or in the process of being dismantled, destroyed, processed, salvaged, kept, handled, displayed, stored, baled, disposed, or other use of disposition.

JUNK VEHICLE: Any vehicle as defined in this Section, which does not have a current license plate registered or that is inoperable on its own capacity. The term "junk vehicle" shall not be deemed to include vehicles having historic or antique value when such vehicles are stored in an enclosed structure, or any agricultural vehicles stored on agriculturally used property.

JUNK YARD: Any such use involving the storage or disassembly of wrecked automobiles, trucks, or other vehicles; storage, baling or otherwise dealing in bones, animal hides, scrap metal, used paper, used cloth, used plumbing fixtures, and used brick, wood, or other building materials. Such uses shall be considered "junk yards" whether or not all or part of such operations are conducted inside a building or in conjunction with, addition to, or accessory to other uses of the premises. Any automobile which does not bear a current license plate shall be deemed a junked or wrecked automobile; the storage of which is forbidden in any district except those permitted in these regulations and under the conditions prescribed herein.

JURISDICTION: A territorial range of authority, the geographic and legal area where the authority of the City of Landrum applies.

JURISDICTIONAL: Having authority over a specific region or area.

§5-2-22.3.11 "K" - Definitions

KENNEL: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling animals.

KIOSK: A freestanding structure upon which temporary information and/or posters, notices, maps, and announcements are posted.

§5-2-22.3.12 "L" - Definitions

LAND CLEARANCE: Removal of all trees and/or vegetation from the land surface.

LAND DISTURBING ACTIVITY: Any activity which may result in soil erosion from water or wind and the movement of sediments into State Waters, or onto lands within the State, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices.

LANDFILL, SANITARY: A site for solid waste disposal.

LANDSCAPING:

- a. An expanse of natural scenery; or
- b. lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

LANDSCAPE PLAN: A component of a development plan on which is shown: proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority.

LAND TRUST: An organization or entity, usually non-profit in nature, whose function is to acquire and/or manage undeveloped lands for the purpose of providing stewardship in the preservation of such lands. Also, **Conservancy.**

LAND USE: A description of how land is occupied or utilized.

LAND USE PERMIT, SPECIAL: A permit approved by the City Council that allows, under special scrutiny and conditions, certain activities on land not zoned for those activities. Also, **Special Exception.**

LAND USE PERMIT, TEMPORARY: A temporary permit approved by the City Council that allows, under special scrutiny and conditions, certain activities on land not zoned for those activities.

LIGHT MANUFACTURING ESTABLISHMENT: An establishment for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods, or products; however, the manufacturing and production of any product which emits noxious noise, odor or fumes, bulk storage of flammable materials for resale, and other heavy manufacturing uses listed herein, shall not be permitted.

LITTER: Includes, but is not limited to all sand, gravel, slag, brickbats, rubbish, waste materials, including but not limited to tin or aluminum cans, refuse, garbage, trash, debris, dead animals, weeds, yard or vegetative waste or debris, bottles, scrap glass, scrap metal, junk, junk vehicles, junk vehicle parts, scrap paper, disposable packages, or containers and all other similar materials and any substance of any kind or nature whatsoever and discarded materials of every kind and description that creates a public health, safety, or fire hazard or a public nuisance as defined in this Section.

LITTER RECEPTACLE: A container used to hold garbage, litter, trash garbage, and similar items. Also, **Garbage Container.**

LIVE ENTERTAINMENT: Music, comedy, readings, dancing, acting or other entertainment, excluding adult entertainment, performed on the site. This classification includes dancing by patrons to live or recorded music.

LIVESTOCK: The term "livestock" as used herein shall mean and include cattle, horses, goats, sheep, swine and other hoofed animals; poultry, ducks, geese and other live fowl; rabbits, mink, foxes and other fur or hide-bearing animals customarily bred or raised in captivity for the harvesting of their skins; and fish and other aquatic species bred or raised for fodder or food whether owned or kept for pleasure, utility or sale.

LIVING SPACE, PRINCIPAL: That space in a residential structure used as the primary residence on the lot.

LOAD: The amount that can be or usually is carried; a measure, weight, or quantity varying with the type of conveyance, often used in combination.

LOADING AREA: An area containing off street spaces or berths used for loading or unloading or cargo, products, or materials from vehicles.

LOT: A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of a lot, no part of the public right-of-way of a road or walkway may be included. An easement may be counted when determining the area and dimensions of a lot if the nature of the easement will not eliminate an adequate building site.

LOT, CORNER: A lot or parcel of land abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

LOT COVERAGE: The percentage of a lot which may be covered with permitted or accessory building or structures, excluding walks, drives, and other similar uses, and recreational facilities which are accessory to a permitted use.

LOT, CUL-DE-SAC: A lot or parcel of land fronting on a cul-de-sac and where the front lot line is less than twenty (20) feet.

LOT, DEPTH OF: The average distance measured from the front lot line to the rear lot line.

LOT, DOUBLE FRONT: A lot, other than a corner lot, abutting upon two (2) or more streets.

LOT, FLAG: A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

LOT FRONTAGE: The length of the front lot line measured at the street right-of-way line.

LOT, INDIVIDUAL: A legal lot used or intended to be used as the site for one (1) business or industry, or for one (1) institution or one (1) office or residential building and not used or intended to be used as the site for an apartment complex, other residential complex, a shopping center, office complex, or other multi-use or multi-owner development.

LOT OF RECORD: A lot that exists as shown or described on a plat or deed in the records of the local registry of deeds.

LOT, THROUGH: A lot that fronts upon two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot.

LOT, WIDTH OF: The distance between side lot lines measured at the building line.

LOUNGE: A separate room connected with, a part of and adjacent to a restaurant (as defined herein) or located in a hotel (as defined herein), provided, that in no event shall the seating capacity of the lounge exceed that of its connected restaurant.

§5-2-22.3.13

"M" - Definitions

MANUFACTURE: The process of making, fabricating, constructing, forming, or assembling a product from raw, unfinished, or semi-finished materials.

MANUFACTURED HOUSING

A manufactured home is home that meets or exceeds the construction of the International Building Code for Manufactured Home, Federal Construction Standards and meets all zoning requirements for replacement of a nonconforming use-

MARQUEE: A roofed structure attached to and supported by a building and projecting over public or private sidewalks or rights-of-way.

MASONRY: Brickwork, stonework, stucco on block, adobe, or any combination of these materials.

MERCHANDISE: Things bought and sold; goods, commodities, wares. Also, **Product**.

MINING: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases.

MIXED USE DEVELOPMENT: The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

MOBILE HOME OR HOUSE TRAILER: A new or used structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and built prior to June 15, 1976; except that field offices of a construction company temporarily parked on the site will be allowed for up to one (1) year, if the construction company notifies the permit department of the mobile home prior to it being parked on the site.

MODULAR HOME OR BUILDING: A factory-fabricated single-family dwelling which meets or exceeds the construction of the International Building Code for Manufactured Home, Federal Construction Standards and meets all zoning requirements for replacement of a nonconforming use.

MOTEL: An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. See **Hotel**.

MOTOR FREIGHT FACILITY: Terminals with the capability of handling a large variety of goods involving various forms of transportation and providing multi-modal shipping capabilities, such as rail to truck and truck to air.

MOTOR VEHICLE ACCESSORY PARTS OR ESTABLISHMENTS, GENERAL OR SPECIALTY: An establishment for the sales of parts, accessories, and other equipment for motor vehicles.

MOTOR VEHICLE REPAIR ESTABLISHMENTS, SPECIALIZED REPAIR AND SERVICES: A use which provides one or more specialized repair, sales, and/or maintenance functions such as the sale, replacement, installation, or repair of tires, mufflers, batteries, brakes, shock absorbers, instruments, electronics, or upholstery for cars, vans, and light trucks only.

§5-2-22.3.14

"N" - Definitions

NATURAL GROUND SURFACE: The ground surface in its original state before any grading, excavating, or filling.

NATURE PRESERVE: Designated areas in which human activities are limited; animal and/or plant communities are protected, maintained, enhanced, and nurtured; and where the natural environment in general is protected from man-made or -influenced changes.

NEIGHBORHOOD: An area of a community with characteristics that distinguish it from other areas and that may include distinct demographic characteristics, housing types, schools, or boundaries defined by physical barriers, such as major highways and railroads or natural features, such as rivers.

NEIGHBORHOOD RETAIL USES: Commonly found low scale and low intensity retail uses (square footage not to exceed six thousand [6,000] square feet unless noted below) that offer basic services and frequently purchased goods to the immediate surrounding residential areas such as but not limited to: auto parts store, antique shop, appliance store (home use), bakery, barber and beauty shops, beverage shop, bookstore (but not including adult bookstore), bridal shop, camera shop, china and pottery store, clothing store, dance studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drug store or hardware store (provided that the gross floor area does not exceed twenty thousand [20,000] square feet total), dry goods store, florist, furniture store, gifts and stationery store, jewelry store, manicurist shop, meat market/butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, shoe repair shop, shoe store, sporting goods store, supermarket or grocery (provided that the

gross floor area does not exceed seventy thousand [70,000] square feet), tailor shop, toy store, variety shop, and video stores.

NIGHTCLUB: An establishment dispensing liquor and meals and in which music, dancing, or entertainment is conducted.

NONCONFORMING USE: A building, structure, or use of land existing at the time of enactment of these regulations, and which does not conform to the regulations of the district in which it is located.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure existing at the time of enactment of these regulations, and which does not conform to the regulations of the district in which it is located.

NONCONFORMING LOT: A lot existing at the time of enactment of these regulations, and which does not conform to the regulations of the district in which it is located.

NON-PROFIT ORGANIZATION: An incorporated organization or group whose charter prohibits profit-making endeavors and which enjoys tax exemption privileges.

NUISANCE:

- a. An interference with the enjoyment and use of property.
- b. An animal shall be considered a nuisance if it:
 - 1) damages, soils, defiles, or defecates on private property (other than the property of the owner of the animal), or public property and recreational areas;
 - 2) causes unsanitary, dangerous, or offensive conditions;
 - 3) causes a disturbance by excessive barking or other noisemaking;
 - 4) molests, attacks, or interferes with persons on public or private property, unless the animal is a guard dog actively performing its duties while confined to the property of the owner or responsible person; or
 - 5) chases vehicles or attacks other animals.

NURSERY SCHOOL OR KINDERGARTEN: A place or institution where one (1) or more children are received and cared for during some portion of the day for compensation and where such children do not have their place of abode and are not related to the owner or operator of such place by blood, marriage, or adoption.

NURSING HOME: A home for aged or ill persons in which three (3) or more persons not of the immediate family are provided with food, shelter, and care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment. Also **Skilled Nursing Facility**.

§5-2-22.3.15

"O" - Definitions

OBNOXIOUS: Exposed or liable to injury, evil, or harm; very unpleasant, objectionable. Also **Offensive**.

OCCUPANT: The individual, individuals, or entity in actual possession of a premises.

OCCUPY: The residing of an individual or individuals overnight in a dwelling unit or the storage and use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

OFFICE: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

OFFICE, BUSINESS: Structure or space wherein business services are performed involving predominately managerial, administrative, or clerical operations such as accounting, tax preparation, real estate, stock broker, financial consultant, manufacturers representative, insurance, contractor, employment agencies, advertising or public relations agencies, public opinion, business and other research firms, and national, regional, state and local office headquarters for commercial, manufacturing, charitable or other corporations or organizations, or other business functions included under Standard Industrial Classifications Major Group 60, and SIC industry numbers 8721, 8741, 8742, 8743, 8744, and 8748.

OFFICE DISTRICT: A set of zoning districts authorized by This code that contains low to medium-scale business or office development with compatible accessory and other uses and classified using the acronym NBD.

OFFICE, GENERAL: Structure or space wherein services are performed involving predominately managerial, administrative, professional, or clerical operations.

OFFICE, PROFESSIONAL: Structure or space wherein professional services are performed involving predominately professional managerial, administrative, or clerical operations such as law, medicine, optician (including the sale of glasses and contact lenses as accessory to professional eye examinations and the prescription of lenses), audiologist, architect or landscape architect, professional consultant, engineer, professional counselor, dentist, investigative services, photographer, contractor, land surveyor, or other professional services.

OFFICE PARK: A development on a tract of land that contains a number of separate office buildings, accessory and supporting uses, and open space designed, planned, constructed, and managed on an integrated and coordinated basis.

OFFICE SERVICE AND SUPPLY ESTABLISHMENTS: Retail commercial establishments that sell, service and supply small office equipment and supplies such as stores that offer sales of copiers, facsimile machines, typewriters, ribbons, transcribers, dictation equipment, tape, staplers, and other general office equipment.

OFFICIAL ACT OR ACTION: Any executive, legislative, administrative, appointive, or discretionary act of the City Council or appointed official taken pursuant to a regular discharge of such official's or appointed official's official duties.

OFF-SITE STORMWATER MANAGEMENT: The design and construction of a facility necessary to control stormwater from more than one development.

ON-PREMISES: All enclosed space within the proprietor's building and any other areas outside the proprietor's building which are under the direct control of the proprietor.

ON-SITE SEWAGE MANAGEMENT SYSTEM: A sewage management system other than a public or community sewage treatment system, whether serving single or multiple buildings, mobile homes, recreational vehicles, residences or other facilities designed or used for human occupancy or congregation. Included are conventional septic tank systems, privies, experimental and alternative on-site sewage management systems that may be approved by the State Department of Health and Environmental Control (DHEC).

ON-SITE STORMWATER MANAGEMENT: The design and construction of systems necessary to control stormwater within an immediate development.

OPAQUE: Not letting light pass through, not transparent or translucent.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests, of land adjoining or neighboring such open space.

ORIENTATION: The relationship of a building or structure with respect to the property and its natural

features, adjacent roadways, adjacent properties, and/or the exposure of the building related to solar heating or wind.

O.S.H.A.: The US Department of Labor, Occupational Safety and Health Administration, or successor agency.

OUTBUILDING: A separate accessory building or structure not physically connected to the principal building. Also **Accessory Building**.

OUTDOOR STORAGE: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

OWNER: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

§5-2-22.3.16 "P" - Definitions

PAID: The receipt of, or right to receive, a salary, commission, percentage, brokerage, or contingent fee.

PARCEL: A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

PARK: A tract of land, designated and used by the public for active and passive recreation.

PARK, PUBLIC: A tract of land, designated and used by the public for active and/or passive recreation. A public park may include but is not limited to playgrounds, tennis courts, swimming pools, public gardens, nature center, ballfields, and public greenways.

PARKING, FOR VEHICLES: Shall mean to provide a location for on-site parking of automobiles, trucks, and recreational vehicles (with a manufacturer's towing and/or carrying capacity rating of less than one and one-half [1½] tons). This restriction shall not apply to vehicles parked on church property which are operated exclusively for church use.

PARKING, OFF-STREET: A parking space which is designed for the parking or temporary storage of automobiles and is located outside of a dedicated street right-of-way.

PARKING, SHARED: The joint use of a parking area for more than one use.

PARKING SPACE: A space for the parking of a motor vehicle within a public or private parking area.

PARKING LOT: An off-street, ground-level open area, usually improved, for the temporary storage of motor vehicles.

PARKING DECK OR STRUCTURE: A building or structure consisting of more than one (1) level and used to store motor vehicles. Also **Structured Parking**.

PARTIAL DESTRUCTION: A building or structure that because of fire, flood, explosion, or other calamity, requires the rebuilding of less than half of its floor area.

PARTICIPATE: To take part in official acts, actions, or proceedings personally as an official or an appointed official through approval, disapproval, decision, or the failure to act or perform a duty.

PASSIVE: Taking no active part, inactive.

PEDESTRIAN: Going or done by foot.

PERFORMING ANIMAL EXHIBITION: Any spectacle, display, act, or event other than circuses, in which performing animals are used.

PERSON: Specifically including any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this state, any interstate body, or any other legal entity.

PERSONAL CARE HOME: A residence providing the protective care of residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident while inside the building and may include daily awareness by the management of the resident's functioning and whereabouts, making and reminding a resident of appointments, the ability and readiness for intervention in the event of a resident experiencing a crisis, supervision in the areas of nutrition and medication, and the actual provision of transient medical care. A personal care home is limited to sixteen (16) residents excluding staff. See Group Home.

PET: Any domestic animal owned or kept for pleasure rather than sale, which is an animal of a species customarily bred and raised to live in the habitat of humans and is dependent upon them for food and shelter; except that livestock and wild animals shall not be deemed pets.

PET SHOP: Any person engaged in the business of buying or selling two (2) or more species of live animals with the intent that they be kept as pets.

PHASE OR PHASING: Development undertaken in a logical time and geographical sequence.

PLAN, COMPREHENSIVE: A plan, which may consist of several maps, data, and other descriptive matter, for the physical development of the city or any portion thereof, including any amendments, extensions, or additions thereto recommended by the Planning Commission, and adopted by the City Council, indicating the general location for major streets, parks, or other public utilities, zoning districts, or other similar information. The Comprehensive Plan, of which the transportation and thoroughfare plan is a part, shall be based upon and include appropriate studies of the location and extent of present and anticipated population, social and economic resources and problems, and other useful data.

PLANNED UNIT DEVELOPMENT (PUD): A zoning designation designed to encourage the best possible site plans and building arrangements under a unified plan of development. Also **Planned Urban Development**.

PLANNING AND ZONING COMMISSION: A body appointed by the City Council whose duty is to hear and make recommendations on rezoning requests, land use permits, changes to the zoning and land use regulations, development of the Comprehensive Plan, and consisting of other duties as specified by the City Council. Also **Planning Commission**.

PLAT, FINAL: A finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording.

PLAT, PRELIMINARY: A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability but is not in final form for recording and the details are not completely computed. An approved planned unit development (PUD) may be considered a preliminary plat if it is processed under the terms of the zoning ordinance.

PLAZA: An open space that may be improved and landscaped; usually surrounded by streets and/or buildings.

POOLROOM: Any public place where a person is permitted to play the game of pool or billiards. The terms "pool" or "billiards" shall include any game played on a table surrounded by an elastic ledge of cushions with balls which are impelled by a cue (Also **Pool Hall** or **Billiard Parlor**).

PRE-APPLICATION DISCUSSION: A pre-development, pre-submittal meeting between the owner/developer of a property and the members of

Landrum staff to discuss the issues and requirements for development. Also **Pre-Application Review**.

PRINCIPAL BUILDING OR USE: The primary or predominant purpose for which a lot is occupied and/or used.

PRINCIPAL LIVING SPACE: The primary or main living unit or space on a specific lot of record.

PRIVATE DEED RESTRICTIONS OR COVENANTS: See **Covenant**.

PROFIT: Financial or monetary gain obtained from the use of capital in a transaction or series of transactions; proceeds from property or investments. Also **Gain**.

PROJECT: A development with the necessary site improvements, on a particular parcel of land.

PROPERTY: Any property, whether real or personal, tangible, or intangible, and includes currency and commercial paper.

PROPERTY LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space. Also **Lot Line**.

PROPRIETOR: Any person who, as the owner, lessee, or proprietor, has under such person's control any establishment, place, or premises in or at which such machine is provided for use of play.

PUBLIC HEARING: Only an individual, or such individual's authorized legal counsel, agent, or representative, who is an Interested Party in a matter before the City Council or any City board or commission shall be entitled to address such body at a public hearing required to be held under State law or any City ordinance. For the purposes of this provision, an "Interested Party" shall mean (1) a citizen of the City, (2) the owner of any real property or business situated in the City, and (3) the owner or resident of any real property or owner of any business located within 300 feet of any property that is the subject of any requested action before the City Council or other City board or commission for which a public hearing is required by law or City ordinance.

PUBLIC SEWER SYSTEM: Any system, other than an individual septic tank, tile field, which is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes.

PUBLIC UTILITIES OR PUBLIC UTILITY USES: A closely regulated enterprise with a franchise for providing

to the public a utility service deemed necessary for the public health, safety, and welfare.

PUBLIC WATER SYSTEM: A system other than an individual well, for the public of piped water for human consumption, if such system has at least fifteen (15) service connections, or regularly serves an average of at least twenty-five (25) individuals daily, at least sixty (60) days out of the year.

§5-2-22.3.17 "Q" - Definitions

QUORUM: A majority of the full, authorized membership of a board or agency unless otherwise specified.

§5-2-22.3.18 "R" - Definitions

RADIOACTIVE: Giving off, or capable of giving off, radiant energy in the form of particles or rays, as alpha, beta, and gamma rays, by the spontaneous disintegration of atomic nuclei and their products.

RECOMMENDATION: Advice, council; the act of recommending or calling attention to a thing as suited to some purpose.

RECYCLING CENTER: A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products. No smelting or other processing activities are permitted.

RECYCLING COLLECTION LOCATIONS: Metal or heavy-duty plastic containers designed for short-term holding of pre-bagged recyclable items such as tin, aluminum, glass, and paper (no perishable or food items allowed) for scheduled, minimum monthly pickup with no on-premise sorting.

REGIONAL SHOPPING CENTERS AND RETAIL USES: A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

RELIGIOUS INSTITUTION: An institution in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs is held. A religious institution may include but not necessarily be limited to the terms chapel, church, mosque, synagogue, or temple. See **Church or House of Worship**.

REMODELING: To construct an addition or alter the design or layout of a building or make substantial repairs or alterations so that a change or modification of the entrance facilities, toilet facilities, or vertical access facilities is achieved.

REPAIR SHOP, NON-AUTOMOTIVE: Commonly found low intensity repair shops that repair items such as jewelry, camera, home appliance, televisions, and videocassette recorders.

RESEARCH AND DEVELOPMENT: A use engaged in that involves research and product development of a commercial or industrial nature but not involving actual production processes for the purpose of commercial distribution of such product.

RESIDE: The act of living in a dwelling unit at a specific point in time.

RESPONSIBLE PERSON: Any legally accountable human being.

RESTAURANT: Any public place, kept, used, maintained, advertised and held out to the public as a place where substantial meals are regularly and actually prepared and served, excluding periods for holidays, vacations and redecorating; having adequate and sanitary kitchen and dining room equipment and personnel and a minimum seating capacity of eighty (80) persons at tables or booths wherein the principal business is the serving of such meals.

RETAIL SALES, OUTDOOR: The display and sale of products and services primarily outside of a building or structure, including vehicles, garden supplies, gas, tires and motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards.

RETAIL SALES, SEASONAL: The temporary establishment of a retail use during a period for which the commodity sold is only available or appropriate to a specific season or period.

RETENTION STRUCTURE: A permanent structure that provides for the storage of runoff by means of a pool of water.

RETIREMENT COMMUNITY: Any age-restricted development, which may be in any housing form, including detached dwelling units, apartments, and residences offering private and semi-private rooms.

REVERSIONARY CLAUSE: The return of a piece of property to its immediate past zoning designation after a

period of time has elapsed, whereby no action has been taken to utilize the approved zoning as per the requirements of approval.

RIGHT-OF-WAY (ROW):

- a. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, cross walk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses; or
- b. Generally, the right of one to pass over the property of another.

RIGHT-OF-WAY, FUTURE: The distance required by the City of Landrum shall be as follows:

- a. **Arterial:** One hundred (100) or one hundred twenty (120) foot right-of-way width
- b. **Major Collector:** Eighty (80) foot right-of-way width
- c. **Minor Collector:** Sixty (60) foot right-of-way width

RIVER: A continuous flowing body of water that is part of a greater system or watershed. See **Stream** or **Creek**.

ROADWAY DRAINAGE STRUCTURE: A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material such that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

ROOMING HOUSE OR BOARDING HOUSE: A dwelling, other than a hotel, motel, lodging house or group home, where meals or housing accommodations, for more than four (4) persons, are provided for hire.

RUNOFF: The portion of rainfall, melted snow, irrigation water, and any other liquids that flow across ground surfaces and eventually is returned to rivers or streams.

§5-2-22.3.19

"S" - Definitions

SCALE:

- a. The relationship between distances on a map and actual ground distances; or
- b. The proportioned relationship of the size of parts to one another.

SCHOOL: Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

SCREENING:

- a. A method of visually shielding or obscuring one abutting or nearby structure or use from another by

fencing, walls, berms, or densely planted vegetation;
or

- b. the removal of relatively coarse floating and/or suspended solids by straining through racks or screens.

SEASONAL OUTDOOR SALES: See **Retail Sales, Outdoor.**

SECONDARY: Any building, structure or use that is not the primary building, structure, or use. Also **Subordinate.**

SEDIMENT: Solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water, ice, or gravity; the product of erosion.

SEDIMENTATION: The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

SEPTAGE: A waste that is a fluid mixture of partially treated or untreated sewage solids, liquids, and sludge of human or domestic waste, present in or pumped from septic tanks, malfunctioning on-site sewage management systems, grease traps or privies.

SEPTIC TANK: An approved watertight tank designed or used to receive sewage from a building sewer and to effect separation and organic decomposition of sewage solids and discharging sewage effluent to an absorption field or other management system. See **Alternative Wastewater Treatment System.**

SEPTIC TANK SYSTEM, CONVENTIONAL: Includes any septic tank, absorption field and all associated devices and appurtenances intended to be used for disposal by soil absorption but does not include alternative or experimental systems.

SERVICE ESTABLISHMENT, PERSONAL BUSINESS: Businesses primarily engaged in providing assistance, as opposed to products, to or individuals, businesses, industry, government, and other enterprises, including personal, business, and repair services including shoe repair, leather goods repair, and small machinery, watch, and instrument repair; health and beauty including nail salon; key duplicating and locksmith; re-upholstery and furniture repair; interior decorators, travel agents, technical and other professional services; educational and tutoring services; membership organizations; and other miscellaneous services including those listed under Standard Industrial Classification Major Group 72 and 73.

SETBACK: The distance required between a property line and any building or structure, as measured along the shortest straight line between them.

SEWAGE: Human excreta, all water-carried wastes, and liquid household waste from residences or commercial and industrial establishments.

SHELTER, HOMELESS: Charitable, nonprofit, short term housing and/or room and board accommodations for poor, transient, or needy individual or family. Also **Transitional Shelter.**

SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE: A building, or portion thereof, in which residential accommodations are provided on an emergency basis for persons who are victims of abusive treatment.

SHOPPING CENTER: A group of commercial establishments, planned, constructed, and managed as a total entity, with customer and employee parking provided on-site or nearby, provision for goods delivery separated from primary customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan. Types of shopping centers include:

- a. Neighborhood Shopping Center
- b. Community Shopping Center
- c. Regional and Super-Regional Shopping Center
- d. Specialty Shopping Center
- e. Storefront Shopping Center

SIGHT DISTANCE: An unobstructed view of the entire intersection and sufficient lengths of the intersecting highway to permit control of the vehicle to avoid collisions.

SIGN: Any name, identification, description, display, illumination, or device which is affixed to or represented directly or indirectly upon the exterior of a building, structure, or land in view of the general public which directs attention to a product, place, activity, person, business, or institution.

SIGN, ANIMATED: A sign with action or motion, with moving characters, or changing color which require electricity, but not including wind activated elements, such as flags or banners. This definition does not include time and temperature signs.

SIGN, ANNOUNCEMENT: A single-face non-illuminated professional or incidental sign not exceeding two (2) square feet in area, and attached wholly to a building, window, or door. Such sign only includes emergency information, business hours, credit card honored and other accessory information.

SIGN, AREA OF: The area within a continuous perimeter enclosing the limits of writing, representation,

emblem or any figure or character, together with any frame or other material of color forming an internal part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed; provided, however, any open space contained within the outer limits of the display face of a sign or between any component, panel or strip, or figure of any kind composing the display face shall be included in the computation of the area of the sign, whether such open space be enclosed or not by a frame or border. For projecting or double-faced signs, only one (1) display face shall be measured in computing sign area where the sign faces are parallel or where the interior angle framed by the faces is sixty (60) degrees or less. If the two (2) faces of a double-faced sign area of unequal area, the area of the sign shall be taken as the area of the larger face.

SIGN, BUILDING IDENTIFICATION: A fascia sign used to identify or indicate the name of a building.

SIGN, BUSINESS: A sign identifying the business, service or profession located on the lot on which the sign is erected and/or displayed. Almost all of the message area of a business sign will be devoted to the name of the business (or businesses) on the property and/or the principal product sold or service rendered, but a small part of the sign may be devoted to hours of operation, prices, special sales or information which the owner of the business, service or profession believes is important for the public to know about his business on the site.

SIGN, CANOPY: A sign either temporarily or permanently affixed to, superimposed upon, or painted on any roof-like structure, which is extended over a sidewalk or walkway or vehicle access area. A flush canopy sign is one that is mounted in such a manner that a continuous plane with the canopy is formed. A hanging canopy sign is one suspended from or beneath the canopy.

SIGN, CORNER DIRECTION: A corner direction sign is a sign erected at the intersection of two (2) streets which indicates to motorists traveling along one (1) street that they should turn onto the other street in order to reach the property or building shown on the sign.

SIGN, ENTRANCE: A freestanding or wall sign identifying a subdivision, residential development, apartment, city house, or condominium complex, a shopping center, or an office or industrial park placed at an entrance to said development.

SIGN, FACIA: A single face sign which is in any manner attached or fixed flat to an exterior wall of a building or structure, included in this definition shall be individual

letters and "box type" (i.e. letters and symbols on an attached backing).

SIGN, FLASHING: A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effect. Illuminated signs which indicate the time, temperature, or date shall not be considered a flashing sign.

SIGN, FREE-STANDING: A sign which is supported by one or more columns, uprights, or braces in or upon the ground and is not attached to a building and is not mobile or temporary.

SIGN, HEIGHT: The distance from the ground to the top of the sign as measured between the furthestmost points.

SIGN, IDENTIFICATION: A sign identifying the business, shopping center, office, institution, building, development, or use of the property upon which it is placed.

SIGN, ILLEGAL OR ILLEGALLY ERECTED: A sign which does not meet the requirements of this code, and which has not received legal nonconforming status.

SIGN, ILLUMINATED: A sign designed to give forth artificial light directly or through transparent or translucent material from a source of light within such sign, including but not limited to, neon and exposed lamp signs.

SIGN, INDIRECTLY ILLUMINATED: A sign illuminated by an exterior light directed primarily toward such sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where said illumination occurs. If not effectively shielded, such sign shall be deemed to be an illegal sign.

SIGN, MARQUEE: A sign painted on, attached to, or hung from a marquee.

SIGN, NONCONFORMING: Either illegal (as defined above) or legal which is either: (1) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations; or (2) A sign which does not conform to the sign code requirements but for which a special permit has been issued.

SIGN, OFF-PREMISE ADVERTISING: A sign which directs attention to a building, profession, product, service, activity, or entertainment not conducted, sold, or offered on the property upon which the sign is located.

SIGN, ON-PREMISE: A sign which directs attention to a building, profession, product, service, activity, or

entertainment conducted, sold, or offered on the property upon which the sign is located.

SIGN, OPEN HOUSE/ INFORMATION: A temporary sign that may be placed on a residential lot on which a house or dwelling unit is for sale or rent during any day in which the residence will be open for public inspection.

SIGN, OUTDOOR ADVERTISING: A sign which directs attention to a building, profession, product, service, business, activity, or entertainment not conducted, sold, or offered on the premises upon which the sign is located except incidentally. The message carried by an outdoor advertising sign is usually of no importance to the owner of the site and not subject to his control. An outdoor advertising sign is a principal use of the property upon which it is erected and is a structure subject to the yard, setback, height, and other dimensional requirements of the zoning district it is within.

SIGN, PERMANENT SUBDIVISION: A freestanding or wall sign identifying an approved subdivision.

SIGN, POLITICAL: A temporary sign used in connection with a local, state, or national election or referendum.

SIGN, PORTABLE DISPLAY: A mobile/temporary, electrical, or non-electrical changeable copy sign that is mounted on a trailer type frame with or without wheels or skids or portable wood or metal frame and not permanently attached to the ground.

SIGN, PROJECTING: A sign which is attached to the building wall, and which extends more than eighteen (18) inches from the face of such wall.

SIGN, PUBLIC SERVICE: Any sign erected and maintained by public officials, or public agencies, or approved and authorized for use by State or local governmental authorities.

SIGN, RESIDENTIAL DEVELOPMENT: A temporary sign bearing information about a subdivision or other residential development during the time its lots or homes are being offered for sale or lease.

SIGN, ROOF: A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and projects above the roof of the building if the building has a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

SIGN, ROTATING: A sign which is designed to revolve by means of electrical power.

SIGN, TEMPORARY: A sign which must be removed at either the expiration of a specific number of days or at the time a specific event occurs or within a specific time interval after a specific event occurs.

SIGN, TEMPORARY REAL ESTATE DIRECTIONAL: A sign indicating the direction of real estate being offered for sale or rent which must be removed at a specified time or after a specified event or which can only be erected and maintained during limited, specified time intervals.

SIGN, WALL: A sign which is in any manner affixed to any exterior wall of a building or structure and which projects not more than eighteen (18) inches from the building or structure wall.

SITE: Any tract, lot or parcel of land or combination of tracts, lots, or parcel of land which are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

SITE PLAN: The development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, waterways, landscaping and open space, walkways, means of ingress and egress, circulation, utilities, buildings and structures, signs and lighting, berms, buffers, screening devices, surrounding zoning and development, and any other information required by the zoning administrator or the city Clerk in order that an informed decision can be made.

SLOPE: Degree of deviation of a surface from the horizontal, usually expressed in percent of degrees.

SOIL EXPERT: A person who has been accepted as such by the State Department of Health and Environmental Control (DHEC) and who has a minimum of five years or more of experience in soil classification and mapping, use of Soil Genesis, Morphology and Classification Technology, is expert at identifying soil features and interpreting their influence on its uses, and who possesses the following credentials:

- a. **Soil Scientist:** A person who holds at least a Bachelor of Science degree with a major in agronomy or related field, has five (5) years or more experience in soil classification and mapping and use of soil genesis, morphology and classification technology and is an expert at identifying soil features and interpreting their influence on its use.
- b. **Soil Engineer:** A person who holds a baccalaureate degree in civil engineering, and a license to practice engineering, in the state of South Carolina.

SOIL TEST: The method used to determine the soil on a proposed development site. The soil is subsequently checked for its suitability for septic system installation.

SOLID WASTE: Unwanted or discarded material, including waste material with insufficient liquid content to be free flowing.

SPECIAL EXCEPTION: A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all of the conditions and standards for the location and operation of the use as specified in This code and authorized by the approving agency.

- a. Major Special Exception
- b. Minor Special Exception

SPRAWL: Uncontrolled growth, usually of a low-density nature, in previously rural areas and some distance from existing development and infrastructure.

STABLE, NEIGHBORHOOD: A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of twenty (20) or fewer horses and no more than one (1) instructor engaged for the purpose of educating and training students in equitation.

STABLE, PRIVATE: A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of ten (10) or fewer horses and no more than two (2) instructors engaged for the purpose of educating and training students in equitation.

STABILIZATION: The process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and/or in combination with installing temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice, or gravity.

STATE WATERS: All rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries or the state entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

STEEPLE: A tower rising above the main structure of a building, especially a church or other house of worship, usually capped with a spire.

STOREFRONT: A type of building which is located on the property without a front yard setback and is usually located directly adjacent to the right-of-way or a sidewalk to attract pedestrian business.

STORMWATER MANAGEMENT: Means:

- a. for quantitative control, a system of vegetative and structural measures that control the increase in volume and rate of surface runoff caused by manmade changes to the land; and
- b. for qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

STORY: That 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 the ceiling next above it and including those basements used for the principal use.

STREAM BANK: The point where the upward slope of the land from the water surface, or the bottom of a dry excavation intersects with the existing ground elevation or crest of berm, whichever is of higher elevation.

STREET: A right-of-way for vehicular traffic whether designated as street, highway, thoroughfare, parkway, road, avenue, drive, expressway, boulevard, lane, place, circle or otherwise. Various classifications of street and roads shall be defined as follows:

- a. **Interstate Highway or Expressway:** A general road alignment for dedication and use as a public right-of-way to carry large volumes of through traffic at high speeds. These facilities have limited or controlled access to adjoining properties.
- b. **Major Arterial Road:** A general road alignment for dedication and use as a public right-of-way. These are thoroughfares providing access into and through the city. Major arterials serve intrastate travel and are usually multi-lane roadways in urban areas. They may have a turning lane or a median. Major arterial roads may also warrant controlled access in certain areas to encourage the through movement of traffic and discourage adjacent development and turning movements which might limit the through traffic carrying capacity of the roadway. Major arterials in rural areas may be two- or four-lane roadways depending upon traffic volumes. Major arterials may provide local access to property abutting the roadway in addition to their primary function which is to move traffic.
- c. **Minor Arterial Road:** A general road alignment for dedication and use as a public right-of-way. These facilities provide access into and through the city, only

to a lesser extent than the major arterials. Minor arterials predominately serve city traffic and may be two- and four-lane roadways. There is usually no access control on minor arterials. Minor arterials may provide local access to property abutting the roadway in addition to their primary function which is to move traffic.

- d. **Collector Street:** A general road alignment for dedication and use as a public right-of-way. The primary function of these facilities is to provide internal, low-volume traffic circulation and access to abutting properties.
- e. **Sub-Collector:** A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty-six (26) but not more than one hundred (100) dwelling units and is expected to or does handle between two hundred (200) and eight hundred (800) trips per day.
- f. **Local Street:** A general road alignment for dedication and use as a public right-of-way. The primary purpose of these roadways is to provide access to abutting properties and connect those properties to the arterial and collector street system.
- g. **Cul-de-Sac:** A street with a single common ingress and egress and with a turn-around at the end.
- h. **Dual or Boulevard:** A street with opposing lanes separated by a median strip, center island, or other form of barrier, which cannot be crossed except at designated locations.
- i. **Loop:** A local street that has its only ingress and egress at two (2) points on the same collector street.
- j. **Alley:** A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.
- k. **Paper:** A street that has never been built shown on an approved plan, subdivision plat, tax maps, or official map.

STREET AREA (SA): The area of land within a development used by streets.

STREET CLASSIFICATION: A functional system for the classification of public roads and rights-of-way as identified and described in the comprehensive land use plan for the City of Landrum, South Carolina adopted by the City Council.

STREET, HALF: A right-of-way dedicated by a developer along such developer's perimeter property line which, together with a corresponding amount of right-of-way to be added at a subsequent date from adjoining land, comprises the total right-of-way required for a proposed street.

STREET, PRIVATE: A street that has not been accepted by the City of Landrum.

STREET, PUBLIC: A street that has been accepted by the City of Landrum.

STRUCTURAL ALTERATION: Any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

STRUCTURE:

- a. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, including but not limited to buildings, towers, smokestacks, and overhead transmission lines.
- b. Any structure constructed and used for residence, business, industry, or other public or private purposes or accessory thereto and including tents, lunch wagons, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, or structures, storerooms, billboards, signs, gasoline pumps and similar structures, whether stationary or movable.

STUCCO: Plaster or cement, either fine or coarse, used for surfacing inside or outside walls or for molding relief ornaments, cornices, etc.

SUBDIVIDER: Any person, individual, firm, partnership, association, corporation, estate, or trust, or any group of trusts, or any group or combination of groups acting as a unit, dividing, or proposing to divide land so as to constitute a subdivision as herein defined, including any agent of the subdivider.

SUBDIVISION: 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, lease, legacy, or building development, and includes all divisions of land involving a new street or a change in existing streets, and includes re-subdivision, and where appropriate to the context, relates to the land or area subdivided; provided, however, that the following are not included within this definition:

- a. The combination or recombination of portions of previously platted lots where the total number of lots are equal to the standards of the city.
- b. The division of land into parcels of five (5) acres or more where no new street is involved.
- c. The division of land into parcels, all of which are three (3) acres or more in size with a minimum width of one hundred and fifty (150) feet for a distance sufficient to provide an adequate area for the placement of

structures and improvements, including wells and approved installation of approved on-site sewage management systems.

d. Divisions or sale of land by judicial decree.

SUBDIVISION, MOBILE HOME: See **Mobile Home Subdivision**.

SUBORDINATE: See **Secondary**.

SUBSTANTIAL COMPLETION: When a project or building is almost finished and activity to complete the project or building is no longer continuing.

SUBSTANTIAL DESTRUCTION: Any demolition, destruction, or deterioration, the cost of which equals or exceeds fifty (50%) percent of the fair market value of a structure or building.

SUBSTATION, ELECTRICAL: A utility building installed by the authorized power company which serves as a branch location for electrical lines.

SURETY: Something that makes sure or gives assurance, as against loss, damage, or default; security, guarantee. For the purpose of This code, surety shall include a performance bond or certified letter of credit.

SURVEY: The process of precisely ascertaining the area, dimensions, and location of a piece of land, especially for the purpose of accompanying the legal description of a property.

§5-2-22.3.20 "T" - Definitions

TABLING, TO TABLE: To postpone indefinitely the discussion or consideration of an application.

TEMPORARY USES: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

TENT: A temporary or permanent structure having a roof and/or walls of fabric.

TERRAIN: Ground or a tract of earth, with regard to its natural or topographical features.

THROUGH TRAFFIC: Traffic traveling to a destination, moving forward without making a stop or turning.

TIMBER: Harvestable trees and wooded areas.

TIMBERING: The act of removing harvestable trees and wooded areas for profit.

TOPOGRAPHY: The configuration of surface features of a region, including its relief and rivers, lakes, and showing relative elevations.

TOWER, TELECOMMUNICATIONS: Shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more telecommunications antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like.

CITY CENTER: A compatible mixture of commercial, cultural, institutional, governmental, and residential uses in compact, pedestrian-oriented centers serving as focal points for substantial residential areas. See **Central Business District**.

CITYHOUSE: A one-family dwelling in a row of at least two (2) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls. Also **Row Housing**.

TOXIC WASTE: Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in such organisms or their offspring and that adversely affect the environment.

TRACT: An area, parcel, site, piece of land, or property that is subject of a development application.

TRAILER, CAMPING: Shall mean any portable structure or vehicle designed for highway travel which is used or intended to be used for either living, sleeping, cooking, or eating purposes and which does not include all of the following facilities: A flush water closet, a lavatory, a bath or shower, and kitchen sink.

TRANSACTION: The conduct of any activity that results in or may result in an official act or action of the city.

TREE: Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than three (3) inches at any point and a height of over ten (10) feet.

TREE, OVERSTORY: These trees that compose the top layer or canopy of vegetation and will generally reach a

mature height of greater than forty (40) feet. Also **Canopy Tree, Shade Tree**.

TREE, UNDERSTORY: Those trees that grow beneath the overstory, and will generally reach a mature height of under forty (40) feet. Also **Ornamental Tree**.

TREE DENSITY STANDARD: The minimum number of tree density units per acre which must be achieved on a property after development.

TREE DENSITY UNIT: A credit assigned to a tree, based on the diameter of the tree, in accordance with This code.

TREE DIAMETER: The cross-sectional dimension of a tree trunk measured at four and one-half (4½) feet above the ground. If a tree has more than one trunk, only the largest trunk shall be used to establish the tree diameter for the tree. Also **dbh**.

TREE PROTECTION AREA: Any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the requirements This code. The tree protection area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively.

TREE PROTECTION PLAN: A plan that identifies tree protection areas, existing trees to be retained and proposed trees to be planted on a property to meet minimum requirements, as well as methods of tree preservation to be undertaken on the site and other pertinent information.

TRENCH: A narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench is not greater than fifteen (15) feet.

TRIBUTARY: Of a small creek, river, or stream flowing into a larger one, the smaller stream is considered a tributary.

TRUCK, HEAVY: Any vehicle equal to or over 10,000 pounds Gross Vehicle Weight (GVW) and/or 24 feet in length or longer including tractor trailers and tractor trailer cabs.

TRUCK, LIGHT: Any vehicle less than 10,000 pounds Gross Vehicle Weight (GVW) and/or shorter than 24 feet in length.

TRUCK TERMINAL: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into

smaller or larger loads for transfer to other vehicles or modes of transportation.

§5-2-22.3.21

"U" - Definitions

UNDEVELOPABLE AREA: That area of a site that due to physical or legal constraints, such as floodplains, wetlands, steep slopes, etc., cannot be developed. Also **unbuildable area, non-buildable area**.

UNDISTURBED: Shall mean no site disturbance.

USE: The specific purpose for which land or a building is intended, arranged, designed or for which it may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, ACCESSORY: A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use. Also **Accessory Use**.

USE, CONDITIONAL: A use allowed in a particular zoning district where the use is not otherwise permitted upon showing that the use will comply with all the conditions and standards of the use as specified in the zoning ordinance and authorized by the approving agency. Also **Conditional Use**.

USE, PERMITTED: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

USE, PRINCIPAL: The primary or predominant use of any lot or parcel.

USE, TEMPORARY OR SEASONAL: A use established for a limited duration with the intent to discontinue such use upon the expiration of a time period.

USE, UNIQUE: A use that is unusual or one-of-a-kind that is not listed as an authorized use in the category of uses as set forth in This code and that due to its unusual nature should be evaluated on its own special merits rather than to attempt to classify such use as a part of any existing use category.

USE, UNSPECIFIED: A use that is not listed either independently or as a part of any existing category of uses as set forth in This code. Unspecified uses are not necessarily unique or one-of-a-kind but may have developed as a result of technological innovation, changing values or standards, or some other change or shift in the economy or society.

UTILITIES: The service of electric power, gas, water, telephone, cable tv, etc.

§5-2-22.3.22 "V" - Definitions

VARIANCE:

- a. A variance granted for bulk relief that would result in an opportunity for improved zoning and planning that would benefit the community;
- b. The modification of any requirement of This code such that strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of This code.

VETERINARY CLINIC OR HOSPITAL: A clinic or hospital operated by a licensed veterinarian.

§5-2-22.3.23 "W" - Definitions

WAIVER: The relinquishment, delay, or other lessening of modifications, either temporary or permanent, from the requirements of This code granted administratively or by the Board of Zoning Appeals.

WAREHOUSE: A building used primarily for the storage of goods and materials.

WATERCOURSE: Any material or artificial watercourse, stream, river, creek channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed, and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

WATERSHED: The entire land area contributing surface drainage to a specific point (e.g. a water supply intake)

WATER SUPPLY SYSTEM, INDIVIDUAL: A system of piping, pumps, tanks, or other facilities, utilizing groundwater to supply a single-family dwelling. See **Wells**.

WEEDS: Any undesired, uncultivated plant, especially one growing in profusion so as to crowd out a desired crop, disfigure a lawn, etc. For the purposes of This code, weeds shall also include grass and /or underbrush in non-agriculturally used property, which is at least eighteen (18) inches tall.

WEEDS, UNTENDED: Those plants, shrubs, underbrush, grass, and other uncultivated plants which grow sporadically without care or attention.

WELLS: An excavation or opening into the ground by which groundwater is sought or obtained.

WETLANDS: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

WILD AND EXOTIC ANIMALS: Include any monkey or other nonhuman primate, such as raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx, ferret, bear, wild rabbit, tarantula, wild rodent, and reptiles, including, but not limited to, crocodiles, alligators, snakes, caiman, gavials and wolf-hybrids, and any other animal so designated by the animal control department.

WITHDRAWAL WITH PREJUDICE: To withdraw an application after the deadline for withdrawal without prejudice constitutes withdrawal with prejudice and is subject to the conditions imposed by "Administrative Mechanisms" of This code.

WITHDRAWAL WITHOUT PREJUDICE: To withdraw an application and have no judgment passed on the merits of the application. Such a withdrawal entitles the applicant to reapply to a rezoning of the property as per "Administrative Mechanisms" of This code.

§5-2-22.3.24 "X" - Definitions

XERISCAPE: Plants and trees planted in a landscaped area which thrive in dry conditions or do not require irrigation.

§5-2-22.3.25 "Y" - Definitions

YARD: An unoccupied space open to the sky, on the same lot with a building or structure.

- a. **Front:** A yard extending the full width of the lot, located between the street line and the front line of the building, projected to the side lines of the lot.
- b. **Rear:** A yard extending the full width of the lot and situated between the rear lot line of the lot and the rear of the building projected to the side lines of the lot.
- c. **Side:** A yard located between the side of the building and the sideline of the lot and extending from the rear line of the front yard to the front line of the rear yard.

- d. **Street Side:** A yard located on the side of the building, adjacent to a public street or road.
- e. **Court:** A yard which is bounded on two (2) or more sides by the walls of a building or structures or the extension of such walls.
- f. **Adjacent to Roads:** The yard or yards which has/have frontage on a public street or road.
- g. **Adjacent to Other Nonresidential Districts:** A yard which is adjacent to commercial, industrial, or other nonresidential land uses or zoning districts which allow such uses.
- h. **Between Buildings:** A yard which will exist between two buildings, either on the same lot or on adjoining lots.

YARD, REQUIRED: The open space between a lot line and the yard line within which no structure shall be located except as provided in This code.

YARD SALE: A one- or two-day sale of common household items from a residential lot or lots. Also **Garage Sale, Carport Sale, Rummage Sale.**

§5-2-22.3.26 "Z" - Definitions

ZERO LOT LINE: The location of a building on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

ZONE, FLOATING: An unmapped zoning district where all the zone requirements are contained in the ordinance

and the zone is fixed on the map only when an application for development, meeting the zone requirements, is approved.

ZONE, OVERLAY: A zoning district that encompasses one or more underlying zones and that imposes additional requirements about that required by the underlying zones.

ZONING: The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

ZONING ADMINISTRATOR: A staff position in the Planning & Zoning Department responsible for

ZONING BUFFER: A buffer, as defined in and required by the zoning ordinance or as a condition of zoning approval for a specific property.

ZONING MAP: The map or maps that are a part of the zoning ordinance and delineate the boundaries of the zone districts known as the "Official Zoning Map of The City of Landrum, South Carolina".

ZONING ORDINANCE: The Zoning Ordinance of the City of Landrum, South Carolina, as amended from time to time by the City Council, which regulates the location, size, use, and other elements deemed important by the governing body, of the land within the City of Landrum. Also **This code.**

§5-2-22.5-99 Reserved

SECTION 5-2-23**ADMINISTRATIVE MECHANISMS****§5-2-23.1 Purpose and Intent**

It is the purpose of this Section to identify the functions of the boards, commissions and administrative officials as related to planning and development activities.

§5-2-23.2 Applicability

The regulations of this Section shall apply to all development procedures listed below. Where there is a conflict between the terms and/or requirements contained in this section and another section contained in This code, as amended or any other ordinance, code, or regulation of the City of Landrum, South Carolina, the stricter shall apply.

§5-2-23.3 City Council - Duties and Responsibilities

Following is a summary of the duties and responsibilities of the City Council as related land use and development.

§5-2-23.3.01 Powers and Duties

City Council shall:

1. Adopt and amend the Comprehensive Plan pursuant to the South Carolina Comprehensive Planning Enabling Act of 1994 (South Carolina Law 1994, Title 6, Chapter 29).
2. Consider, amend, adopt, repeal, or reject land use and development regulations including This code.
3. Consider, amend, adopt, repeal, or reject proposed amendments to the city's Official Zoning Map.
4. Establish fees, charges, and expenses applicable to land use and development related activities.
5. Enforce or cause to be enforced land use and development regulations through initiation of appropriate administrative and legal action.
6. Appoint and confirm members of the Planning & Zoning Commission, the Board of Appeals, and any other Board or Committee recommended by the Comprehensive Plan or required by land use and development regulations including This code.
7. Direct staff to perform or contract for studies relating to planning issues or problems.
8. Designate historic resources as such and apply and enforce the rules and regulations of "Historic Preservation" and other relative land use and development regulations of the City of Landrum and, as applicable, the State of South Carolina, concerning historical or archeological resources within the city.

9. Levy or cause to be levied fines and/or additional penalties for violations of these land use and development regulations.
10. Authorize, when appropriate, grant applications for assistance available from State, Federal, or private sources for planning or land use and development related projects.
11. Exercise all powers and duties consistent with the grant of power specified in South Carolina Law.

§5-2-23.4 Planning & Zoning Commission - Duties and Responsibilities

Hereto, the governing authority of The City of Landrum have created the " The City of Landrum Planning & Zoning Commission," hereinafter referred to as the Planning Commission.

§5-2-23.4.01 Establishment and Composition; Qualifications; Vacancies; Removal; Compensation

1. Establishment and Composition

The Planning Commission is hereby established which shall consist of no more than seven (7) members. No member appointed to the Planning Commission may serve more than twelve (12) consecutive years on the Commission.

2. Qualifications of Members

The Planning Commission shall be composed of members selected by the City Council members. Members shall be chosen from among persons in a position to represent the public interest. The City Council should consider the prospective members' professional expertise, knowledge of the community and concern for the future welfare of the total community and its citizens. At least a majority of members being legal residents of the City. Any Planning Commission member whose term has expired shall continue to serve until the City Council appoints a replacement.

3. Vacancies

Vacancies on the Planning Commission shall be filled by appointment for the unexpired portion of the term of the member affected and shall follow the procedures set forth in §5-2-23.5. It shall be the duty of the Chairman of the Planning Commission to notify the City Council within ten (10) days after any vacancy shall occur among members of the Planning Commission. Appointment is to be made by the City Council for the unexpired term of the member affected within ninety (90) days after such vacancy occurs.

4. Removal

Members of the Planning Commission may be removed from office for cause by the affirmative votes of four (4) of the members of the City Council upon written charges and public hearing if the member so affected so requests such public hearing.

5. Compensation

Members of the Planning Commission may be compensated in a manner to be determined by the City Council.

§5-2-23.4.02 Proceedings

1. Officers

The Planning Commission shall elect a Chairman, and a Vice-Chairman during the first scheduled meeting, on or after January 1st, from among its members and may create and fill such other offices as it may determine. All regular members of the Planning Commission shall be entitled to vote in matters before the Commission.

2. Rules of Procedure

The Planning Commission shall adopt rules of procedure necessary to its governance and the conduct of its affairs, in keeping with the applicable provisions of South Carolina Law and This code. Such rules of procedure shall be available in written form to persons appearing before the Commission and to the public. A failure or refusal to appear in response to a subpoena issued by the Commission shall constitute a violation of This code.

3. Meetings

Meetings shall be held at the call of the Chairman and at such other times as the Planning Commission may determine, provided that the Commission shall hold at least one (1) regularly scheduled meeting each quarter on a day to be determined by the Commission. The Planning Commission shall have the power to take testimony under oath and compel the attendance of witnesses.

4. Designation of a Secretary

The Planning Commission may designate one of its members to serve as Secretary to the Planning Commission or may elect to utilize a designated staff person from the City of Landrum.

5. Quorum, Minutes, Public

The Planning Commission shall direct the Secretary for the Planning Commission to keep records of its proceedings, showing the vote of each member (including the Chairman or Vice-Chairman), or, if absent or failing to vote, indicating such fact the Secretary shall keep records of the Commissions' examinations, and other official actions, all of which shall be a public record and be filed immediately in the office of the Clerk. A quorum for the transaction of business shall consist of five (5) members.

6. Ineligibility to Represent

No member of the Planning Commission shall appear before the Board of Zoning Appeals or the City Council as agent or attorney for any person, but shall have the right to appear on behalf of the Commission on which he or she serves.

7. Voting

All regular members of the Planning Commission shall be entitled to vote in matters before the Commission. On all the items before the Planning Commission, a majority vote of those present and constituting a quorum shall prevail, with the exception of a conditional use and site plans which require an affirmative vote of five (5) members for approval.

8. Open Meeting Requirement

All meetings of the Planning Commission shall be open to the public and shall meet all of the requirements of the "Open and Public Meetings."

9. Representation

Applicants and/or their representatives may be present at the public hearing to discuss their applications. However, the Planning Commission may take action at any time regardless of whether the applicant or representative is present.

§5-2-23.4.03 Functions, Powers, and Duties

1. General

All City employees shall, upon request, or within a reasonable time, furnish to the Planning Commission or its employees or agents such available records or information as may be required in its work. The Planning Commission, or its employees or agents, may, in the performance of official duties, enter upon lands and make recommendations or surveys in the same manner as other authorized City agents and employees, and shall have other powers as are required for the performance of official functions in carrying out the purposes of the Planning Commission. Generally, the Planning Commission, as the designated Local Planning Agency shall:

- a. Make or cause to be made any necessary special studies on the location, adequacy, and conditions of specific facilities in the city. These may include but are not limited to studies on housing, commercial and industrial conditions and facilities, recreation, public and private utilities, roads and traffic, transportation, and the like.
- b. Conduct such public hearings as may be required to get the information necessary for the drafting of ordinances, codes and regulations related to the Comprehensive Plan.
- c. Acquire and maintain such information and materials which are necessary for an understanding of past trends, present conditions, and forces at work to cause changes in these conditions. Such information and materials may include maps and photographs of man-made and natural physical features of the city, statistics on past trends and present conditions with respect to populations, property values, economic base, land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the city.

2. Comprehensive Plan Requirements

In addition to the general duties, the Planning Commission may perform the following functions related to the Comprehensive Plan.

- a. Prepare or cause to be prepared, the Comprehensive Plan for the planning area of the City of Landrum, South Carolina.
- b. Coordinate or oversee the preparation of said Comprehensive Plan, or elements or portions thereof, with the comprehensive plans of other local jurisdictions.

- c. Review all proposed amendments to the Comprehensive Plan to ensure that they are consistent with the overall growth management goals and objectives of the city, and shall make recommendations regarding all such amendments to the City Council.
- d. Monitor and oversee the implementation of the Comprehensive Plan and conduct such public hearings as may be required to gather such information for the drafting, establishment and maintenance of the various components of the Comprehensive Plan, and such additional public hearings as are specified under the provisions of This code.
- e. Review the Comprehensive Plan and prepare periodic evaluative reports for the City Council. Such reports shall be prepared At the request of the City Council, be prepared at lesser intervals.
- f. Establish procedures for providing effective public participation, in a manner consistent with the planning process, to obtain citizen and public input into all phases of the Comprehensive Planning process.
- g. Prepare or cause to be prepared recommendations to the City Council such ordinances, regulations and other proposals required for the implementation of the action statements set forth in the Comprehensive Plan.

3. Zoning Requirements

In addition to the above-referenced duties, the Planning Commission shall perform the following functions related to rezoning applications.

- a. Review and make recommendations to the City Council on amendments to the Zoning Map, consistent with the procedures specified in Section §5-2-23.9, "Rezoning Procedures" of This code.
- b. In addition to the above-referenced duties, the Planning Commission shall review and make recommendations to the City Council for any change in the zoning classification of a lot or parcel of land, at the request of or with the concurrence of the owner, with such restrictions imposed upon the property, provided that such restrictions conferred upon the applicant or subject property involve no privilege otherwise denied by This code to other lands, structures or buildings in the same district.

4. Zoning Ordinance Requirements

In addition to the above-referenced duties, the Planning Commission shall review and make recommendations to the City Council on amendments to the Zoning Ordinance, consistent with the procedures specified in Section §5-2-23.9, "Zoning Ordinance Amendment Procedures" of This code.

5. Temporary Use Permits (TUP)

In addition to the above-referenced duties, the Planning Commission shall receive petitions for Temporary Use Permits, review these receive input at an advertised public hearing, and recommend approval, approval with conditions, denial or other such allowable action of the petitioner for a final decision by the City Council.

6. Abandonment of Public Rights-of-Way and Easements

In addition to the above-referenced duties, the Planning Commission shall review petitions for abandonment and make recommendations to the City Council.

- a. Right-of-way abandonments require public hearing before the City Council and adoption by ordinance.
- b. Easement abandonments require a public hearing before the City Council, respectively. The City Council shall approve an easement abandonment either by resolution or by authorization. The Planning Commission may first review all requests for abandonment and make recommendations to the City Council.
- c. The Zoning Administrator shall make a recommendation to the City Council as to the zoning district to be created as a result of the abandonment of rights-of-way.

7. The Planning Commission shall perform any other duties as directed by the City Council.

§5-2-23.5 Board of Zoning Appeals

§5-2-23.5.01 Establishment and Composition; Qualifications; Vacancies; Removal; Compensation

1. Establishment and Composition

The Board of Zoning Appeals shall consist of five (5) members to be appointed by the City Council, each for a term of three (3) years. All members must be electors of the city. Of the five (5) members first appointed to the Board of Zoning Appeals at the effective date of This code, two (2) shall be appointed for one (1) year, two (2) shall be appointed for two (2) years, and one (1) shall be appointed for three (3) years. All terms shall expire on the 31st day of December of the expiration year.

2. Qualifications of Members

No member of the Board of Zoning Appeals shall hold any other public position or office in the government of the City of Landrum. Members shall be appointed from among registered voters in a position to represent the public interest.

3. Vacancies

Vacancies in the Board of Zoning Appeals membership shall be filled by appointment by the City Council for the unexpired term of the member affected within not more than forty-five (45) days after such vacancy occurs. It shall be the duty of the Chairman of the Board of Zoning Appeals to notify the Chairman of the City Council within ten (10) days after any vacancy shall occur among members of the Board of Zoning Appeals.

4. Removal

Members of the Board of Zoning Appeals may be removed from office for cause by the affirmative votes of four (4) members of the City Council upon written charges and public

hearing. Members of the Board of Zoning Appeals may be removed by the City Council at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty (30%) percent or more of the meetings within a twelve (12) month period or for any other good cause related to performance of duties. Upon request of the member proposed for removal, the City Council shall hold a hearing on the removal before it becomes effective.

5. Special Exceptions

Special Exceptions to site plans may be considered by the Board of Zoning Appeals.

6. Compensation

Members of the Board of Zoning Appeals may be compensated in a manner from time to time to be determined by the City Council.

§5-2-23.5.02 Proceedings

1. Officers and Voting

The Board of Zoning Appeals shall select a Chairman and Vice-Chairman during the first scheduled meeting on or after January 1st, from among its members and may create and fill such other offices as it may determine. All regular members of the Board shall be entitled to vote in matters before the Board of Zoning Appeals.

2. Rules of Procedure

The Board of Zoning Appeals shall adopt rules of procedure necessary to its governance and the conduct of its affairs, in keeping with the applicable provisions of South Carolina Law and This code. Such rules of procedure shall be available in a written form to persons appearing before the Board of Zoning Appeals and to the public. A failure or refusal to appear in response to a subpoena issued by the Board shall constitute a violation of This code.

3. Meetings

Meetings shall be held at the call of the Chairman and at such other times as the Board of Zoning Appeals may determine, except that no regularly scheduled meeting shall be held in the month of December. The meetings take place on the second Thursday of every month. Meetings that are not regularly scheduled shall not be held without at least seven (7) days notice to each member. The Board of Zoning Appeals shall have the power to take testimony under oath and compel the attendance of witnesses.

4. Designation of a Secretary

The Board of Zoning Appeals may designate one of its members to serve as Secretary to the Board of Zoning Appeals or may elect to utilize a designated staff person from the City of Landrum.

5. Quorum; Minutes; Public Records

The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member (including the Chairman or Vice-Chairman), or if absent, indicating such fact. The Board of Zoning Appeals shall keep records of its public hearings and other official actions, all of

which shall be a public record and filed immediately in the office of the Board. A quorum for the transaction of business shall consist of three (3) members.

§5-2-23.5.03 Hearings; Appeals; Notice

Any person aggrieved or any officer, agency or department of the City of Landrum affected by any decision, determination or requirement of the designated staff person may appeal to the Board of Zoning Appeals concerning the interpretation or administration of This code. Such appeals shall be taken within a reasonable time and be heard at the next regularly scheduled meeting of the Board, not to exceed thirty (30) days, by filing with the Zoning Administrator, an application of appeal specifying the grounds therefor. The Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all papers constituting the record upon which the section appealed was taken.

§5-2-23.5.04 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed, unless the designated staff person from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him that, by reasons of facts stated in the certificate, a stay would, in his opinion, cause a hazard to life or property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Administrator and due cause shown.

§5-2-23.5.05 Powers and Duties

1. Administrative Review

It is the responsibility of the Board of Zoning Appeals to hear and decide appeals where it is alleged that there is an error, conflict, misinterpretation or ambiguity in any order, decision or determination of the designated City of Landrum staff person in This code Compliance of This code. Where there is a conflict between the terms and/or requirements contained in this section and another section contained in This code, as amended or any other ordinance, code, or regulation of the City of Landrum, South Carolina, the stricter shall apply.

2. Variances

To authorize upon appeal in specific cases such variance from the terms of This code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of This code would result in unnecessary and undue hardship. A variance from the terms of This code shall not be granted until a public hearing is held before the Board of Zoning Appeals. In lieu of a variance an administrative waiver of five (5) percent or less may be granted by the designated staff person from regulations pertaining to single-family residentially zoned properties.

3. Voting

The affirmative votes of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of the designated staff person, or to decide in favor of the applicant on any matter upon which it is required to pass under This code.

4. Open Meeting Requirement

All meetings of the Board of Zoning Appeals shall be open to the public and shall meet all of the requirements of the "Open and Public Meetings."

§5-2-23.5.06 Procedure for Public Hearing before the Board of Zoning Appeals

Please refer to the Standard Operating Procedures for Variances.

§5-2-23.5.07 Appeals of Decisions of the Board of Zoning Appeals

Any person or persons, jointly or severally aggrieved by any decision of the Board of Zoning Appeals, may seek review of such decisions in Circuit Court. On all appeals, applications and other materials brought before the Board of Zoning Appeals, said Board shall inform or cause to be informed in writing all the parties involved of its decision and the reasons therein within ten (10) days of the date of the court hearing.

§5-2-23.6 Staff Agencies

Following is a list of the various staff and their administrative functions which relate to the planning and development process.

§5-2-23.6.01 Zoning Administrator

1. The Zoning Administrator, or designee, approves administrative approval applications.
2. The Zoning Administrator may review and endorse the following applications for consistency with the applicable regulations of This code, Zoning: subdivision applications; non-residential site plans; sign permit applications; building permit applications; land use amendment applications; rezoning applications; variance applications; Temporary Use Permit applications; Special Exception use applications; and any other requirements as specified in This code.
3. The Zoning Administrator prepares all zoning verification requests.
4. The Zoning Administrator, or designee, approves waivers of information for site plan applications.
5. The Zoning Administrator, or designee, shall coordinate the review of development applications, (i.e., site plans, subdivisions, additions, modifications, etc.).
6. The Zoning Administrator, or designee, shall make interpretations regarding provisions of This code, Zoning, unless otherwise specified.
7. The Zoning Administrator, or designee, approves temporary or seasonal use permits, conditional use permits, sign permits, tree protection plans and landscaping plans.
8. The Zoning Administrator, or designee, is responsible for providing recommendations to the City Council, Planning Commission and Board of Zoning Appeals and any other board, commission or committee as may be directed by the City Council.
9. The Zoning Administrator, or designee, is responsible for providing staff support to the City Council, Planning Commission and Board of Zoning Appeals any other board, commission or committee as may be directed by the City Council.

10. Any other functions as may be designated by the City Council.

§5-2-23.6.02 Code Enforcement

1. The Enforcement Officers, as designated by the City Council, represent the City of Landrum regarding all code violation and enforcement issues, including zoning, signs, noise, litter, dumping, and other code enforcement-related issues.
2. Any other functions as may be designated by the City Council.

§5-2-23.6.03 City of Landrum Maintenance Department

The Maintenance Department provides the following services:

1. Pave and maintain City roads and bridges for development access.
2. Cut grass and maintain rights-of-way on all city roads, and county roads as applicable.
3. Meter Information, including domestic, irrigation, and temporary.
4. City utility information and installation.
5. Other services as applicable with the regulations of This code and other Federal, State and City ordinances.

§5-2-23.6.04 Spartanburg County

Spartanburg County is responsible for the permits, reviews and inspections not already addressed in this ordinance.

§5-2-23.6.05 RESERVED

§5-2-23.6.07 Police Department

1. Review for Public Safety.
2. Review for adequate police protection coverage.
3. Review accident reports for roads adjacent to proposed projects.
4. Code Enforcement functions as designated by the City Council.
5. Other services as applicable with the regulations of This code and other Federal, State and City ordinances.

§5-2-23.7 Reserved

§5-2-23.8 Rezoning Procedures (Amendments to the Zoning Map)

§5-2-23.8.01 Purpose and Intent

The City of Landrum City Council, in accordance with the procedures set forth in this Ordinance, may rezone property (that is, amend the classifications of property appearing on the Official Zoning Map). The purpose of this Ordinance is to provide for such procedures. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments to the text of this Ordinance and to the Official Zoning Map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the City.

§5-2-23.8.02 Applicability

These procedures shall apply for all rezoning applications, unless otherwise provided for in this Ordinance. Where there is a conflict between the terms and/or requirements contained in this Ordinance and another chapter contained in this Ordinance, as amended or any other ordinance, code or regulation of the City of Landrum, South Carolina, the more restrictive shall apply.

§5-2-23.8.03 General Provisions

1. Requirements for Adoption

The rezoning process requires one (1) public hearing before the Planning Commission and one (1) public hearing before the City Council.

2. Consistency with the Comprehensive Plan

Prior to a petition for a change to the Official Zoning Map, it is necessary to ensure that the request for such change is consistent with Comprehensive Plan.

3. Initiation of Rezoning

An amendment to the Official Zoning Map may be initiated by the City Council, the Planning Commission, the Board of Zoning Appeals, any property owner of a legal or equitable interest in land located in the incorporated City.

§5-2-23.8.04 Standard Rezoning Procedures

Please refer to the City's Standard Operating Procedures for rezoning procedures.

§5-2-23.9 Zoning Ordinance (This code) Amendment Procedures

§5-2-23.9.01 Purpose and Intent

The purpose of this section is to provide a means for changing the text of the Zoning Ordinance, also called a text amendment.

§5-2-23.9.02 Applicability

These procedures shall apply to all applications for a text amendment, unless otherwise provided for in this Ordinance. Where there is a conflict between the terms and/or requirements contained in this Ordinance and another chapter contained in this Ordinance, as amended, or any other ordinance, code, or regulation of the City of Landrum, South Carolina, the more restrictive shall apply.

§5-2-23.9.03 General Provisions

1. Requirements for Adoption

The text amendment process requires a minimum of one (1) public hearing before the Planning Commission and a minimum of one (1) public hearing before the City Council.

2. Consistence with the Comprehensive Plan

Prior to a petition for a text amendment, it is necessary to ensure that the request for such change is consistent with the Comprehensive Plan.

3. Initiation of Text Amendment

A text amendment may be initiated by the City Council, the Planning Commission, the Board of Zoning Appeals, staff initiated based on staff area of responsibility, any owner with a legal or equitable interest in land located in the unincorporated City or any resident of the unincorporated City seeking to annex into the City of Landrum.

§5-2-23.9.04 Text Amendment Procedures

Please refer to the City's Standard Operating Procedures for text amendment procedures.

§5-2-23.10 Variances, Appeals and Waivers from Zoning Regulations

§5-2-23.10.01 Purpose and Intent

The variance/appeals/waiver process is intended to provide limited relief from the requirements of this Ordinance in such cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this Ordinance render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. Following the written procedures is a flowchart which graphically depicts the sequence of procedures.

§5-2-23.10.02 General Provisions

1. Authority

The Zoning Administrator or designee and the Board of Zoning Appeals (BZA) are authorized to approve, approve with the conditions, modifications or alterations, or deny requested variances of this Ordinance in accordance with the following provisions.

- a. The Zoning Administrator or designee is delegated the authority to approve De-Minimis Setback Variances, Minor Variances and Fence Variances as specified below.
- b. The Board of Zoning Appeals is delegated the authority to approve Administrative Appeals, De-Minimis Setback Variances, to hear appeals from decisions of the Zoning Administrator or designee regarding Minor Variances and Fence Variances, to grant Family Necessity Variances, and to grant Major Variances, as described in this Ordinance, except as limited below, and combined applications for Major and Minor Variances.
- c. The Board of Zoning Appeals is delegated the authority to grant Major Variances pertaining to off-street parking and loading.

§5-2-23.10.03 Authorized Variances and Waivers

1. Waivers Under Ten (10) Percent

Waivers of ten (10) percent or less may be granted by the Zoning Administrator, subject to the standard operating procedures and requirements as set forth by the City of Landrum.

2. Waivers Over Ten (10) Percent

Waivers of ten (10) percent or more may be granted by the Board of Zoning Appeals as specified above.

3. De-Minimis Setback Variance

A De-Minimis Setback Variance may be granted automatically by the Planning Director or designee, under certain circumstances, without approval of the Board of Zoning Appeals. This applies in the following circumstances where the setback variance:

- a. is for a structure properly permitted where no survey was required;
- b. is for one foot or less from the setback required at the time the structure was constructed or erected on the site; or
- c. is from property line(s) which have not been altered so as to cause or increase the degree of nonconformity.

4. Minor Variances

Minor Variances consisting of the following types shall be for single-family and two-family uses only and may be granted by the Zoning Administrator or designee, for up to a maximum of fifteen (15%) percent.

- a. Front, side, and rear yard setbacks.
- b. Height.
- c. Minimum setbacks between principal and accessory structures.
- d. Other accessory structure requirements.
- e. Lot width.
- f. Lot depth.
- g. Gross lot coverage.
- h. Dormer size location.
- i. Modification of a residence to meet the special needs of the disabled.

5. Fence Variances

Variances for the maximum height requirement is as follows: No higher than fifteen (15%) percent for fences may be granted subject to the standards and conditions specified in this Ordinance.

6. Family Necessity Variances

The types of minor variances listed in Sub-section I above may be granted in excess of the maximum of fifteen (15%) percent with a maximum of twenty-five (25%) percent for a single-family and two-family uses and residential care homes only, subject to the procedures and standards specified in this Ordinance in order to:

- a. Modify a residence in order to meet the special living needs of the disabled.

- b. Modify a residence in order to provide space for an elderly parent to live with the family or his or her child, unless otherwise specified in this Ordinance.

7. Major Variances

Major Variances shall be defined as all variances other than minor variances and fence variances and shall be limited to the following.

- a. Yards and setbacks.
- b. Height.
- c. Lot size, width, and depth (including flag lots).
- d. Lot coverage and floor area ratio. (FAR).
- e. Off-Street parking and loading.
- f. Home Occupations.
- g. Other requests not specified in Sub-section 2 above.

§5-2-23.10.04 Provisions which may not be Varied by the Board of Zoning Appeals (BZA)

1. In no event shall the Board of Zoning Appeals (BZA) grant a variance which would allow the establishment of a use which is not otherwise allowed in a zoning district or which would change the zoning district classification of any or all of the affected party.
2. In no event shall the Board of Zoning Appeals (BZA) grant a variance from any written conditions attached by the City Council to its approval of a subdivision plat, site plan, and conditional use district or from the stated terms of an approved master land use plan for a Planned Unit Development (PUD).
3. In no event shall the Board of Zoning Appeals (BZA) grant a variance from any standard of this Ordinance where the City Council has reserved to itself the authority to sit as a quasi-judicial body in order to grant or deny a variance. The City Council has reserved to itself the authority to grant variances including but not limited to the locational requirements for sexually oriented businesses.
4. No variances shall be granted which would permit the establishment or expansion of a use in a zone or district in which such use is permitted by this Ordinance, or any use expressly or by implication prohibited by the terms of this Ordinance for said district.
5. No variance shall be granted which would permit the establishment or expansion of a Special Exception use in any zoning district without approval and including specific land use criteria.
6. No variance shall be granted which modifies any definitions contained within this Ordinance.
7. No variance shall be granted which would in any way result in any increase in density above that permitted in the applicable zoning district regulations.

8. Notwithstanding, the other provisions of this Section, the Board of Appeals (BZA) may grant any variance to residential setbacks in Flexible Review District (FRD) provided that the variance does not contradict Subsections a through g above, and that all other requirements for the approval of a variance found in this Ordinance are met.

§5-2-23.10.05 Standards of Variances

In considering an application for any of the types of variances specified above, both singularly or in combination, the Zoning Administrator or designee, or the Board of Zoning Appeals, as the case may be, may approve such variance only upon the finding that the application complies with the separate standards for each type of variance set forth below.

1. General Standards shall include the following.
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - b. That the special conditions and circumstances do not result from the actions of the applicant or illegal acts of previous property owners.
 - c. That granting the variance requested will nor confer on the applicant any special privilege that is denied by the regulation to the other lands, buildings, or structures, in the same zoning district.
 - d. That literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the regulations and would constitute an unnecessary and undue hardship upon the applicant.
 - e. That the variance granted is the minimum necessary in order to make possible the reasonable use of the land, building, or structure.
 - f. That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and the Comprehensive Plan.
 - g. That such variance will not be injurious to the surroundings area or otherwise be detrimental to public welfare.
 - h. That the property cannot be put to a reasonable use in a manner which fully complies with the requirements of this Ordinance.
 - i. No non-conforming use of neighboring lands, structure, or buildings in the same zoning district and non-permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.
 - j. No application or request may be reheard or reconsidered unless otherwise directed by a court of competent jurisdiction, or unless new circumstances or information can be presented with a new application.
2. De-Minimis Setback Variance and Minor Variances

De-Minimis Setback Variances or Minor Variances may be authorized by the Planning Director or designee upon making written findings that the proposed variance satisfies the following standards.

- a. The practical difficulty is not self-created.
- b. The requested variance will not have a substantial adverse impact on the use, enjoyment, or property values of adjacent properties.
- c. The requested variance is in keeping with the Comprehensive Plan and the requirements contained in this Ordinance.
- d. The requested variance is limited to the minimum change necessary to alleviate the practical difficulty that affects the property.

3. Fence Variances

Variances from the requirements for the fences, may be authorized by the Planning Director or designee upon making the findings that the proposed variance satisfies the following standards.

- a. The requested variance will not be materially detrimental to the public welfare or injurious to the use, enjoyment, or property values to the adjacent properties.
- b. The additional screening, additional height, or requested location achieved through the variance will assist in reducing noise, screening incompatible adjacent use, or increase safety to the owners of the subject property or abutting properties.
- c. In no event shall a variance be granted that would permit a fence taller than thirty (30) inches to be located within twenty (20) feet of the corner curb line of an intersection.

4. Family Necessity Variances

Family Necessity Variance may be authorized by the Board of Appeals (BZA) upon making written findings that the proposed variance satisfies the following standards.

- a. The requested variance will not have a substantial adverse impact on the use, enjoyment, or property values of the adjacent properties.
- b. The requested variance is in keeping with the intent of this Ordinance.
- c. The character of the residence for which the variance is requested will be as or more consistent with the character of the residences of the surrounding neighborhood.
- d. The purpose of the variance is not based exclusively upon a desire to extract additional income from the property.
- e. The requested variance is limited to the minimum change necessary to alleviate the particular difficulty or inconvenience that affects the family.

5. Major Variances

Major Variances and combined major variance applications may be authorized by the Board of Zoning Appeals (BZA) upon making written findings that proposed variance satisfies the following standards.

- a. The requested variance will not have a substantial adverse impact on the use, enjoyment, or property values of adjacent properties.
- b. The requested variance is in keeping with the intent of this Ordinance.
- c. The alleged hardship or practical difficulty is peculiar to the property.
- d. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
- e. The purpose of the variance is not based exclusively upon a desire to extract additional income from the property.
- f. The alleged hardship or practical difficulty does not rest upon the particular personal financial situation of the applicant.
- g. The alleged difficulty or hardship has not been created by any person having an interest in the property.
- h. The requested variance is limited to the minimum change necessary to alleviate the particular hardship or practical difficulty which affects the property.

§5-2-23.10.06 Requirements for Variances and Administrative Appeals

1. Public Hearing Requirements

This process requires a minimum of one (1) public hearing before the Board of Zoning Appeals, unless otherwise specified in this Ordinance.

2. Consistency with the Comprehensive Plan

Prior to such petition, it is necessary to ensure that the parcel requested for such change is consistent with the goals and action statements of the Comprehensive Plan.

3. Initiation of Appeal/Variance Request

An application for a Minor Variance, Fence Variance, Family Necessity Variance And/or a Major Variance shall be filed with the Zoning Administrator by the owner or lessee of the subject property by any person having legal or equitable interest in the subject property or any unit or government which is not the owner of the lot but purposes to acquire the lot by purchase, gift, or condemnation. Any property owner may apply for a variance after a decision by the Zoning Administrator that an existing property condition or a development proposal of such property owner does not comply with the provisions of this Ordinance.

4. Validity of an Appeal/Variance

An approved appeal or variance and all its conditions and/or restrictions shall run with the land and may not be transferred to other properties or uses.

§5-2-23.10.07 Procedures for Variances

Please refer to the City's Standard Operating Procedures for variance and appeal procedures.

§5-2-23.10.08 Special Procedures in Connection with Combined Variance Applications

Whenever an application for a De-Minimis Variance, Fence Variance or a Family Necessity Variance would, in addition, require a major variance, the applicant shall indicate that fact on the application and shall, at the time of filing the application for de-minimis variance, minor variance, fence variance or family necessity variance file an application for major variance pursuant to the requirements of this Ordinance.

SECTION 5.2.24**CODE ENFORCEMENT****§5.2.24.1 Purpose and Intent**

It is the purpose of this Section to identify the function of Code Enforcement for the City of Landrum as related to planning and development activities.

§5.2.24.2 Applicability

The requirements herein established shall apply to all properties that have a zoning designation included in "Zoning" of This code. Where there is a conflict between the terms and/or requirements contained in this Section and another Section contained in This code, as amended, or any other ordinance, code, or regulations of the City of Landrum, South Carolina, the stricter shall apply.

The following general provisions shall apply regarding Code Compliance.

§5.2.24.2.01 Violations by Type and Degree

Violations are separated in two ways, by type and degree: The type of violation specific to the requirements of This code, and the degree to which the violation is occurring: is it dangerous/hazardous, a nuisance or is the violation routine or typical.

1. Violations by Type**a. Zoning**

All the requirements of This code, shall be met, and if not shall constitute a violation and shall be remedied through the provisions of this Section.

b. Signs

All the requirements of the Sign Regulations shall be met, and if not shall constitute a violation and shall be remedied through the provisions of this Section.

c. Littering**1) Purpose and Intent**

It is the intention of the City of Landrum to provide for uniform prohibition throughout the city of all littering on public or private property, and to curb thereby the desecration of the beauty of the city and harm to the health, welfare and safety of its citizens caused by individuals who litter. It is further the purpose of this Section to ensure to the greatest extent possible that all lands of the City of Landrum shall be maintained in a clean condition which shall be defined herein as having no litter.

2) What Constitutes Litter

The definition of Litter is contained in Section 5-2-22, "Definitions" of This code.

3) Exceptions

Any person or persons shall meet the provisions of this Section with the following exceptions:

- a) Such property is designated by the city or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property; or
- b) Such litter is placed into a litter receptacle or container meeting the requirements for such container as provided in Sub-section f. below, installed on the property.

4) Unlawful Practices

A person who litters, as defined, any public road or right-of-way, or similarly litters the land or waters of others, is guilty of a misdemeanor.

- a) It is against the law to throw, discard, scatter or allow to remain litter on any public or private property in the city; included are streets, roads, sidewalks, parks, recreation areas, yards, driveways, parking lots, dumpster areas and similar structures.

- b) Unlawful Practices singled out in addition to the above include:

- i. Abandoning any motor vehicle in the city.
- ii. Allowing trash to fall from moving trucks. Loose loads must be covered by a tarpaulin or other device.
- iii. No private or City-owned or operated disposal facility,
- iv. disposal site or processing operation shall cause, suffer, allow, or permit scavenging at such site.
- v. It is illegal for any business, contractor, or any commercial establishment to dump any material from its place of business into any City-operated transfer station dumpster, other commercial dumpster, any residential trash receptacle, or the trash receptacle of any other site without first receiving permission.
- vi. It is illegal for any individual to dump household garbage into any dumpster located at any school, park, fire station or another person's place of business, other commercial dumpster, any residential trash receptacle, or the trash receptacle of any other site without first receiving permission.
- vii. It is illegal for any individual, business, contractor, or any commercial establishment to transport garbage, trash, waste or refuse from outside the City to locations inside the City.

5) Obstruction of Streets and Public Passageways

A person who, without authority of law, purposely or recklessly obstructs any highway, street, sidewalk, or other public passage in such a way as to render it

impassable with unreasonable inconvenience or hazard and fails or refuses to remove the obstruction is guilty of a misdemeanor.

6) Litter Receptacle Requirements

The following establishments are required to provide adequate litter receptacles for the use of their customers, employees, and visitors:

- a) Shopping Centers, supermarkets, convenience stores, fast food restaurants, service stations, commercial establishments, garages, schools, and churches;
- b) Work areas and institutions that have loading and unloading operations and where packing and re-packing are done;
- c) Contractors at construction projects for disposal of residue and employee lunch/coffee break discards; and
- d) Such receptacles shall be screened in accordance with the requirements for Site Plan Review and Approval.

7) Property Appearance Requirements

All residential, commercial, institutional, and vacant properties are required to be kept free of litter by the owners, managers, tenants, or agents. Such areas shall include but are not limited to:

- a) Sidewalks, driveways, yards, and parking areas must be kept clean by owners, tenants, agents, and managers.
- b) Garbage container areas must be maintained in a clean condition.
- c) Construction sites must be kept clean.

d. Noise and Vibration

- 1) Noise and vibration are measurements covered for the purpose of this Section, specific noise and vibration standards are provided.
- 2) Sound Level Restrictions, in General

It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary, or unreasonably loud noise or vibration which disturbs the peace or quiet of any neighborhood or which could cause discomfort or annoyance to any reasonable person of normal sensitivity. Moreover, it shall be prohibited for any person to engage in any use or activity that creates any such noise or vibration contrary to the general provisions of this Section.

- a) It shall be unlawful to make, cause or allow the making of any noise or sound which violates the provisions of This code.

- b) No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level which exceeds the limits for the receiving land use category (zoning classification) as measured at any point along the real property boundary separating the real property from which the sound emanates from the receiving land use category.

e. Light and Glare

All the requirements of This code, shall be met, and if not shall constitute a violation and shall be remedied through the provisions of this Section.

2. Violations by Degree

There are three (3) levels of degree which violations may be classified. Currently there are five (5) priority levels for violations.

a. Priority 1

Reported immediate hazard or health risk that requires immediate response. These are **LEVEL 3 VIOLATIONS:**

- 1) Toxic or hazardous waste dumping or leaking
- 2) fire hazard
- 3) road right-of-way or sight-line blockage
- 4) threat to watershed or open space zone
- 5) dangerous or unsanitary animal circumstances
- 6) upcoming court cases
- 7) other similar issues requiring urgency or immediate response that may be a threat to the health, safety, and security of public.

b. Priority 2

Moderate hazard or health risks that require immediate response. Frequently, these types of violations are referred to the Enforcement Office by the City Council or the Zoning Administrator. These are **LEVEL 2 VIOLATIONS:**

- 1) Illegal dumping of solid or non-hazardous liquid wastes
- 2) soil erosion
- 3) moderate fire hazards
- 4) animal-related complaints
- 5) noise complaints
- 6) leaking sewage or septic tanks
- 7) other similar issues requiring moderate urgency

c. Priority 3

Reported non-hazard violations of recent occurrence. Frequently, these violations are referred to the Enforcement Office by other City departments. These are **LEVEL 1 VIOLATIONS:**

- 1) Litter (high grass, junk vehicles, miscellaneous garbage, and junk)

- 2) signs
- 3) recent zoning violations (setbacks, bulk, height, use, etc.)
- 4) actions on current litigation
- 5) other similar non-hazard issues

d. Priority 4

Reported non-hazard of dated occurrence (60 days or greater). Verification of land use permit and rezoning conditions should be investigated. These are **LEVEL 1 VIOLATIONS:**

- 1) Litter (high grass, junk vehicles, miscellaneous garbage, and junk)
- 2) signs
- 3) recent zoning violations (setback, bulk, height, use, etc.)
- 4) other similar non-hazard violations

e. Priority 5

Obsolete, current non-hazard files with no additional complaints for a minimum of six (6) months. These are **LEVEL 1 VIOLATIONS.**

§5.2.24.2.02 Delineation of Violation Levels

1. Level 1 Violations

Level I violations are the standard offenses which do not usually involve a crisis or emergency and can be handled using Level I procedures as specified in §5.2.24.5 of this Section.

2. Level 2 Violations - Public Nuisances

For the purpose of promoting the health, safety and general welfare of the community, the City Council of The City of Landrum finds it necessary that lands in the unincorporated areas of the City of Landrum be cleared of any noxious substance or material which might then to be a fire hazard or other health hazard, or which is considered to be obnoxious and a nuisance to the general public. Such substances or material shall include, but not be limited to the following: garbage, trash, litter, weeds, junk, debris, junk vehicles, or any other offensive materials listed below which constitute a nuisance as provided for in this section. In addition, all the violation types referenced in 1.a. through e. above, may be considered a public nuisance.

a. What Constitutes a Nuisance

The following conditions effecting the exterior of the property and may have off-site effects, and are specifically declared to be nuisances:

- 1) Toilets, plumbing, sewers, septic tank systems, garbage containers or any other sanitary facility in bad repair;
- 2) Conditions conducive to the breeding or attraction of rodents, flies, fleas, ticks, mosquitoes, or any other disease-carrying insects;
- 3) Manmade or mechanically induced noxious or offensive air contaminants;

- 4) Trash, litter, garbage, refuse or any foul, decaying or putrescent material kept, used, placed, or disposed of in such a manner or place as to be or to become offensive or detrimental to human health or well-being;
- 5) Sewage, kitchen wastes, laundry wastes or any other wastes deposited upon or allowed to remain upon the ground surface or any other place to be or to become offensive or detrimental to human health or well-being; and
- 6) The keeping of animals or fowl unless the housing, enclosures or other areas used by the animals or fowl are kept clean, well-drained, and free from accumulation of excrement.

b. Actions Prohibited

No person shall create, maintain, support, aid or continue any condition declared to be a nuisance in section I. above. Accumulations of debris, garbage, junk, trash, litter, weeds, junk vehicles, or other noxious materials are hereby declared a public nuisance and shall be removed from all lots, parcels and tracts of land unless otherwise permitted by the terms of This code.

1) Weeds, Grass, and Tall Vegetation

The following provisions shall apply to weeds, as defined in Section 2, "Definitions" of This code:

- a) The accumulation of weeds in excess of eighteen (18) inches in height is hereby prohibited on any lot, parcel or tract of land which lies contiguous to a commercial or residential structure and, if a residential use, shall be within a platted, recorded subdivision where the platted lots are at a minimum of fifty (50%) percent developed.
- b) Maintenance of weeds to satisfy the eighteen (18) inch maximum height limitation which entails the grubbing uprooting) of vegetation shall be subject to the provisions of This code.
- c) The existence of untended weeds in excess of eighteen (18) inches in height on any lot, parcel or tract of land as described in this Section, shall be prima facie evidence of intent to violate and of a violation of this section by the owner, owners and occupant of said land.
- d) Upon receipt of a notice of violation of this Section, the owner, lessee and/or tenant of the involved property shall abate such violation with the time specified in this Section, and after such time shall be jointly and severally liable for any continuation of such violation.

2) Restriction of Prohibited Uses

- a) No person shall discard, place, abandon, accumulate, or permit or cause to be discarded, placed, abandoned, or accumulated any junk, wrecked, unlicensed, or unserviceable vehicle or parts thereof on property in the unincorporated areas of the city unless such vehicles or parts are stored in an enclosed structure or at an

authorized junk or auto wrecking yard. No person shall throw, discard, place, abandon, accumulate, or permit or cause to be thrown, discarded, placed, abandoned or accumulated any junked or unserviceable refrigerator, stove, washing machine, water heater, or other household appliance or equipment, or any garbage, trash, junk, debris or junk vehicles on property in the unincorporated areas of the city except at an authorized junk yard, or at a landfill or other solid waste disposal site that holds a permit issued by the South Carolina Department of Health and Environmental Control (DHEC), and is operated by, or under franchise from the city.

- b) The existence of any garbage, trash, junk, debris, or unserviceable vehicle in or on any unauthorized property in the unincorporated area of the city, whereby said material contains evidence of ownership, shall be prima facie evidence of intent to violate and violation of this section by the person whose name appears on such material.
- c) Upon receipt of a notice of violation of this Section, the owner, lessee and/or tenant of the involved property and/or any other identified violator, shall abate such violation within the time specified in this Section, and after such time shall be jointly and severally liable for any continuation of such violation.

c. Abatement of a Nuisance

All requirements of §5.2.24.3, "The Compliance Approach" of this Section shall apply.

3. Level 3 Violations - Crises and/or Emergency Situations

Level 3 violations are those situations whereby The Enforcement Officer cannot control or contain individually. These situations will involve such things as fires, vicious animals, hazardous spills, or other situations that require additional public safety personnel, as well as Federal or State agencies. All requirements of §5.2.24.3, "The Compliance Approach" of this Section shall apply.

§5.2.24.3 The Compliance Approach

§5.2.24.3.01 Parties Responsible for Ensuring Compliance

1. Primary Agency/Jurisdiction

The Police Department and the City's Code Enforcement Officer shall be the primary office responsible for ensuring compliance with the regulations specified in This code.

2. Secondary Agencies/Jurisdictions

In addition to the Code Enforcement Officer, there are other agencies/jurisdictions which have been given the authority to enforce certain specific requirements of This code.

a. Noise Violations

- 1) Upon receipt of a noise complaint, the Code Enforcement Officer and all City law enforcement personnel shall be authorized to enforce the provisions of the noise section.
- 2) The expenses of sound level testing performed by the City in checking the sound levels produced by a particular land use or activity may, at the discretion of the City, be assessed against the producer of such sound or against the complaining party if the noise complaint is found to be wholly frivolous and without merit.

§5.2.24.3.02 Procedures Upon Discovery of Violation

Pursuant to the requirements of This code, the Enforcement Officer is hereby authorized and empowered to notify the owner of property within the city or the agent of such owner's property which is dangerous to public health, safety, or welfare.

1. Level 1 Violation Procedures

a. Complaint Received

All complaints for violations of This code, which are located within unincorporated The City of Landrum should be forwarded to the Enforcement Office, located in the Zoning Administrator. The information needed to create a file and investigate a complaint shall be filled out on the complaint form (available at the Enforcement Office) as follows:

- 1) The nature of the violation;
- 2) The location of the violation;
- 3) The name, address, and telephone number of the complainant;
- 4) The zoning of the property in question;
- 5) The type of violation;
- 6) Verification of the current owner of the property, using the tax records, with verification of the mailing address if different from the address of the violation, tenant name, if the property is used for rental purposes; and
- 7) The land lot, district, section, and parcel number of the property in question.

b. Previous Violations; Establishment of Precedent

The Enforcement Officer assigned to the case will then research the Enforcement files for previous violations and copies of such should be attached to the new complaint file which will be used to establish precedent to the current complaint.

c. Initial Investigation

The initial investigation is conducted by the assigned Enforcement Officer. This investigation is necessary to verify that a section of This code is being violated and to determine the priority level of the infraction. If there is no extensive violation at the site, the Enforcement Office will return to the office and prepare a "Letter of Violation." If

the site investigation reveals a flagrant violation of This code, the Enforcement Office will immediately fill out and issue a "Citation," which is placed on the front door of the property in question or other such form of notification as approved by the Mayor.

1) Letter of Violation

A "Letter of Violation" is sent to the property owner and/or violator. In most cases, a person is not aware that he/she is in violation and this letter serves as notification. The "Letter of Violation" should include the following information:

- a) Property owner's name and address;
- b) The land lot, district, section & parcel number of the site in violation;
- c) The article and Ordinance section being violated;
- d) A description of the violation;
- e) The action required to remedy the violation; and
- f) A deadline date with which the violation must be in compliance with City Ordinances.

2) Citation

A "Citation" is completed at the site, placed on the front door of the property in question, and shall contain the following information:

- a) Property owner's name and address;
- b) The land lot, district, section & parcel number of the site in violation;
- c) The article and Ordinance section being violated;
- d) A description of the violation;
- e) The action required to remedy the violation; and
- f) A deadline date with which the violation must be in compliance with City Ordinances.

3) Information Gathering From Other Departments

As part of the case investigation, the Enforcement Office may need to obtain information regarding the case from other City departments, including such information as previous permits issued to the site, land use and zoning information, building permit and business license information, timbering and grading permits, right-of-way data, street addresses, property value assessments and similar information.

d. Follow-up Inspection

The follow-up inspection may then be performed.

- 1) If the violator has met compliance by the designated time, the case file can be closed as there is no longer a violation.
- 2) If compliance has not been met, the case file is prepared for court.

e. Court

Violation cases which fail to be resolved through the written notice process must be heard before the Municipal Judge for final decision, including conditions/timeframes for clean-up, repair, removal, and imposition of penalties allowed in Municipal Court.

§5.2.24.4-99 Reserved