

ARTICLE III DEFINITIONS

300 The word "shall" is always mandatory. The word "lot" includes the word "plot" or "parcel." The word "building" includes the word "structure." The word "person" includes a firm, association, organization, partnership, trust company or corporation as well as an individual. The word "used" or "occupied," as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied. The word "map" or "zoning map" shall mean the Official Zoning Map of the City of Georgetown, South Carolina.

301 Access: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave the property.

302 Adult Day Care Center: A facility for adults eighteen years of age or older which offers, in a group setting, a program of individual and group activities and therapies for nineteen or more adults. Such facility shall not keep more adults than licensed by the City or by the South Carolina Department of Health and Environmental Control (DHEC) and shall meet all requirements of both organizations. In the event the number of adults licensed by the City and DHEC conflict, the lesser number of adults shall be allowed. The program is directed toward providing community-based day care services for those adults in need of a supportive setting, thereby preventing unnecessary institutionalization. The program shall provide a minimum of four and a maximum of fourteen hours of operation a day.

302.1 Mini adult day care center: An adult care center limited with respect to the number of adults allowed to be enrolled at any one time from thirteen to eighteen adults.

302.2 Family adult day care home: A licensed family abode of a person or persons who regularly provide direct care during part of the twenty-four hour day to twelve or fewer adults. Family adult care homes may be considered as a customary home occupation. Such facility shall not keep more adults than licensed by the City or DHEC and shall meet all requirements of both organizations. In the event the number of adults licensed by the City and DHEC conflict, the lesser number of adults shall be allowed.

303 Agricultural Activity: Farming activities including plowing, tillage, cropping, seeding, cultivating and harvesting for production of food and fiber products (except commercial logging and timber harvesting operations), the grazing and raising of livestock, aquaculture, sod production, orchards, nursery, and other products cultivated as part of a recognized commercial enterprise.

304 Amusement Machine: Amusement machines are classified as follows:

304.1 Class I Machines:

304.101 Any machine for the playing of music or kiddy rides operated by slot or mechanical amusement devices and juke boxes wherein is deposited any coin or thing of value.

304.102 Billiard or pocket billiard tables, foosball table, bowling-lane table and skeet ball.

304.2 Class II Machines: Any machine for the playing of amusements or video games, without free-play feature or machines of the crane type operated by a slot wherein is deposited any coin or thing of value; and any machine for the playing of games or amusements, which has a free-play feature, operated by a slot wherein is deposited any coin or thing of value and such machine is of the non payout pin table with levers or "flippers" operated by the player, by which the course of the balls can be altered or changed.

304.3 Class III Machines: Any machine of the non payout type, in-line pin game or video game with free-play feature operated by a slot where is deposited a coin or anything of value except machines of the nonpayment pin table type with levers or "flippers" operated by the player, by which the course of the balls may be changed or altered. This definition includes machines known commonly as "video poker" or "draw poker" machines.

305 Apartment: A part of a principal building consisting of a room or rooms intended, designed, or used as a residence by an individual or a single-family.

305.1 Garage Apartment: The upper floor of an accessory building consisting of a room or rooms intended, designed or used as a residence by an individual or a single-family. The lower floor of a garage apartment shall be designed and used for vehicle storage.

306 Automobile wrecking, junk, and salvage yards: [Deleted. Ord. of 11-16-2000.]

307 Basal Area: The cross-sectional area of a tree measured at breast height (4.5 feet from the ground) in square feet.

308 Bed and Breakfast Inn: A building designed, constructed or reconstructed and used to provide transient lodging for compensation with or without a morning meal for guests. Additionally, bed and breakfast inns are construed to be owner-operated and they also serve as the primary residence of the operator. Bed and breakfast inns may consist of nine or fewer guest rooms.

309 Buffer Strip: A screening material acceptable to the Zoning Administrator which has such characteristics as will provide an obscuring screen not less than six feet in height.

310 Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattel. The connection of two buildings by means of a porch, breezeway, carport or other similar structure with or without a roof, shall not be considered as one building.

310.1 Accessory Building: A building customarily incidental and subordinate to the principal building and located on the same lot with such building.

310.2 Building Height: The vertical distance measured from the finished grade at the building line to the midpoint of the roof.

310.3 Principal Building: A building in which is conducted the main or principal use of the lot on which said building is located.

310.4 Building Setback Line: A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structures shall be placed except as otherwise provided.

311 Club: Buildings and facilities owned or operated by an association or persons for a social or recreational purpose, but not operated primarily for profit or to render a service which is customarily carried on as a business.

312 Communications Tower: A tower of any size that supports communication equipment, transmission or reception, and is utilized by commercial, governmental, or other public or quasi-public users. This does not include communication towers for amateur radio operators licensed by the Federal Communications Commission, which are exempt from municipal zoning restrictions. Communication towers can be considered either a principal or accessory use.

313 Condominiums: A multi-unit building offering individual ownership to said units.

314 Customary, Incidental Home Occupation: Any use conducted within a dwelling and carried on by the occupants thereof, which is clearly incidental and secondary to the use of a dwelling for residential purposes and does not change the character thereof, and in the conduct of which no person not a resident on the premises is employed specifically in connection with the activity except that no more than one assistant may be employed by the following home occupations: lawyer, physician, dentist, chiropractor and family day care home operation. Provided further that no mechanical equipment is installed and used except such as is normally used for domestic or professional purposes, and that not over twenty-five per cent of the total floor space of any structure is used for home occupations. No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and in the side and/or rear yard if possible.

315 Day Care Center: A licensed facility that regularly provides for the care of nineteen or more children. Such facility shall not keep more children than licensed by the City or the South Carolina Department of Social Services (DSS) and shall meet all requirements of both organizations. In the event the number of children licensed by the City and DSS conflict, the lesser number of children shall be allowed.

315.1 Mini Day Care Center: A licensed facility that regularly provides for the care of thirteen to eighteen children. Such facility shall not keep more children than licensed by the City or the South Carolina Department of Social Services (DSS) and shall meet all requirements of both organizations. In the event the number of children licensed by the City and DSS conflict, the lesser number of children shall be allowed.

315.2 Family Day Care Home: A licensed family abode of a person or persons who regularly provide direct care during part of the twenty-four-hour day to twelve or fewer children, including the licensee's own and foster children less than thirteen years of age on the premises. Family day care homes may be considered as a customary home occupation. Such facility shall not keep more children than licensed by the City or the South Carolina Department of Social Services (DSS) and shall meet all requirements of both organizations. In the event the number of children licensed by the City and DSS conflict, the lesser number of children shall be allowed.

316 Developed Property: Property upon which a building has been placed or for which a building permit has been issued.

317 Diameter Breast Height (DBH): The diameter of a tree, measured at breast height (4.5 feet from the ground).

318 District: Any section of the City of Georgetown, South Carolina, for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform.

319 Drip Line: Means an imaginary vertical line that extends downward from the outermost branches of a tree to the ground.

320 Dwelling

320.1 Group Dwelling: A building designed, constructed or reconstructed to provide lodging for compensation with or without meals, and consisting of nine or fewer guest rooms. Group dwellings include the terms "rooming house," and "boardinghouse."

320.2 Single Family Dwelling: A building designed, constructed and used for one dwelling unit. (Does not include mobile homes)

320.3 Accessory Dwelling Unit (granny flat): A building intended, designed, and constructed for use as a single-family residential dwelling unit; and which is constructed on the same parcel as a larger single-family dwelling unit. Such buildings may not exceed 600 square feet in size, and they must meet all applicable building code standards and yard requirements herein. Only one accessory dwelling unit may be constructed on any residential lot, and only in the rear or side yard of a lot.

320.4 Two-Family Dwelling or Duplex: A building designed, constructed or reconstructed and used for two dwelling units that are connected by a common structural wall.

320.5 Multi-Family Dwelling: A building designed, constructed or reconstructed and used for more than two dwelling units, but each dwelling unit having a common structural wall with any other dwelling unit on the same floor.

321 English Tea Service: A social engagement consisting of the for-profit service to not more than twelve guests, of a limited selection of finger sandwiches, baked goods, pastries, hot tea, or similar foods prepared in non-commercial kitchens, in accordance with the Code of Laws of South Carolina, 1976, Section 45, as amended. Other restrictions are listed in Appendix A, Section 411.3 of this Ordinance.

322 Family: One or more persons occupying a premise and living together as a single housekeeping unit.

323 Fence: A barrier or enclosure designed and constructed to prevent escape or intrusion or to mark a boundary. Fences may be constructed of wood, wire, masonry or combinations thereof. (See Section 512 for specific regulations for fences.)

324 Green Space or Open Space: Identified areas of protected or conserved land on which will be preserved or protected and set aside from any development.

325 Gross Area: The total area of a site including upland, wetland, roads, and trails.

326 Gross Density: The total density of an identified site (including subdivisions, planned developments, and commercial developments) that includes all upland, wetland, road, and trail calculations.

327 Historic Tree: [Moved to § 372.5 pursuant to an ordinance adopted October 17, 2002.]

328 Hospital: The term "hospital" shall be defined as a community facility which provides a broad range of medically related services which expressly include but are not limited to, a cafeteria serving hospital staff, patients, and the general public; a commercial laundry operation, the provision of educational services, medical and dental clinics, clinical and radiological laboratories, nursing homes, convalescent centers and homes, residential care centers, drug stores and pharmacies, medical billing and transcription services, gift or curio stores, florist shops, automatic teller machines of any financial institution, day care centers of any type as set forth herein, health maintenance and counseling centers, and offices for professionals which, by definition, shall include but not be limited to physicians, including all advanced degrees or specialties, dentists, optometrists, osteopaths, pharmacologists, physical therapists, psychologists and psychiatrists, and chiropractors.

329 Hotel: An establishment where lodging is provided for compensation with or without meals for guests. Establishments with 10 or more rental units are considered hotels.

330 Indoor Recreational Facility: An establishment that includes, but is not limited to, arcades, bowling alleys, miniature golf, swimming pools, dance halls, billiard parlors, skating rinks, racquet and handball courts.

331 Loading Space: A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of a vehicle.

332 Lot: A parcel of land which fronts on and has access to a public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open space.

332.1 Lot area: The total surface area of land included within the lot lines (see "A" in Figure).

332.2 Lot Frontage: The distance for which the boundary line of the lot and the street right-of-way line are coincident (see "B" in Figure).

332.3 Lot Lines: The boundary dividing a given lot from the street, an alley, or adjacent lots (see "C" in Figure).

332.4 Lot Width: The width of a lot at the building setback line measured at right angles to its depth (see "D" in Figure).

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

333 Maintenance Shop, Public: Facility used primarily for the routine maintenance and repair of any type of equipment utilized by any municipal, county, state, or federal governmental unit for any purpose.

334 Manufactured Home: Home built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD,) and are transported to the site and installed.

335 Mobile Home: This is the term used for manufactured homes produced prior to June 15, 1976, when the HUD Code went into effect.

336 Mobile Unit: A structure, transportable in one or more sections, which is eight feet or more in width and built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing and electrical systems contained therein. A mobile unit not intended to be used as a dwelling (except portable classrooms) shall be considered a temporary use and shall conform to the regulations herein (see Section 1103).

337 Mobile Home Park: Any plot of ground upon which two or more mobile homes are located or intended to be located (does not include sites where unoccupied mobile homes are on display for sale).

338 Modular Home: A stick built home constructed of pre-made parts and unit modules. Modular homes are built to conform to all specific residential codes.

339 Modular Unit: A structure consisting of two or more prefabricated components which is designed to be placed on a permanent foundation at the site and is not readily relocatable. The components generally arrive at the site complete except for exterior siding, furniture, and plumbing and electrical fixtures. Modular units shall be considered buildings and shall conform to the regulations for site-built units in the Standard Building Codes.

340 Motor Vehicle Junk Yards: Any lot or place which is exposed to the weather and upon which more than three motor vehicles of any kind, incapable of being operated and which it would not be economically feasible to make operative, are placed, located or found.

340.1 Junk or Salvage Yards: The use of any part of a lot, whether inside or outside a building, for the storage, abandonment, sale or resale of junk, salvage, debris, or scrap materials; or the dismantling or demolition of automobiles and other vehicles, machinery, equipment, or parts thereof. (Ord. of 11-16-2000)

Editor's note: An ordinance adopted November 16, 2000 added a new § 335 as set out above, and renumbered the remaining sections, former §§ 335--376, as §§ 336--377.

341 Natural Regeneration: The natural establishment of trees and other vegetation with at least 400 wood, free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity.

342 Net Density: The total density of an identified site (including subdivisions, planned developments, and commercial developments) that includes only upland calculations

343 Nonconforming Use: Any structure or land lawfully occupied by a use that does not conform to the use regulations of the district in which it is situated.

- 344 Noxious Matter:** Any material (in gaseous, liquid, solid, particulate or any other form) which is capable of causing injury to living organisms, chemical reactions or detrimental effects on the social, economic, or psychological well-being of individuals.
- 345 Nursing Home:** One licensed by the State of South Carolina.
- 346 Offices, Government:** Facilities used primarily for administrative functions associated with governance at the municipal, county, state, or federal level.
- 347 One-hundred-year Floodplain:** An area along or adjacent to a stream or body of water, except tidal waters, that is capable of storing or conveying floodwaters during a 100-year frequency storm event.
- 348 Parking Space:** An off-street space available for parking one motor vehicle and having an area of not less than nine feet by eighteen feet exclusive of passageways and driveways giving access thereto, and having direct access to a street or alley.
- 349 Planned Development:** A planned residential, commercial, or industrial development professionally designed as a unit and reviewed by the City of Georgetown Planning Commission and approved by City Council.
- 350 Planning Commission:** The City of Georgetown Planning and Zoning Commission.
- 351 Plat:** A map, plan, or layout indicating the location and boundaries of individual properties.
- 352 Property, Private:** Any parcel that is not owned by a governmental entity but rather is owned by any individual(s), firm or corporation, whether in whole or in part, profit or nonprofit.
- 353 Protective Barricade:** A physical structure not less than four feet in height, limiting access to protected trees. A suitable protective barrier shall be composed of wood or other durable material which insures protection to trees during development.
- 354 Recycling Material Recovering Facility:** Any facility or operation used primarily for the processing of recyclables such as glass, paper, plastic, oils, metals, etc. collected by any governmental entity or private concern.
- 355 Restaurant:** A commercial enterprise whose primary function is the preparation and serving of foods. Outdoor cafes and delicatessens shall be considered as restaurants. This definition shall not include establishments operated as "drive-in" restaurants.
- 356 Right-of-way:** Access over or across property for a specific purpose or purposes.
- 357 Sewer, Sanitary:** A sewage collection treatment and disposal system of a type approved by the South Carolina Department of Health and Environmental Control.
- 358 Sewer, Storm:** A collection and disposal system for the control of storm drainage.

359 Sexually Oriented Business: A commercial enterprise for adult entertainment which may include, but not be limited to, the following:

359.1 Adult arcade: Any place to which the public is permitted or invited wherein, coin-operated or slug-operated or electronically or mechanically controlled still or motion picture machine, projectors or other image-producing devices are maintained to show at any time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

359.2 Adult bookstore or adult video store: A commercial establishment which devotes at least three per cent of its retail floor area, or twenty-five square feet, whichever is less, to the sale of one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or for rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store.

359.3 Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Person who appears in a state of nudity or semi nudity; or
2. Live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. Films, motion pictures, video cassettes, slides, or other photographic reproduction which are characterized by the depiction of "specified sexual activities" or "specified anatomical areas."
4. Regularly offers shall mean such activity is conducted at least once monthly.

359.4 Adult Motel: A hotel, motel, or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, video cassettes, slides, or other photographic reproduction which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
2. Offers sleeping room for rent for a period of time that is less than ten hours; or
3. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten hours.

359.5 Adult motion picture theatre: A commercial establishment where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

359.501 Regularly offers shall mean such activity is conducted at least once monthly.

359.6 Adult Theatre: A theatre, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas."

359.601 Regularly offers shall mean such activity is conducted at least once monthly.

359.7 Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately perform a striptease for another person.

359.8 Escort Agency: A person or business association, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, or other consideration.

359.9 Establishment: Includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business; or
2. The conversion of an existing business, whether or not it is sexually oriented, to any sexually oriented business; or
3. The relocation of any sexually oriented business.

359.10 Nude Model Studio: Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

359.11 Nudity or state of nudity: The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

359.12 Person: An individual, proprietorship, partnership, corporation, association, or other legal entity.

359.13 Semi-nude: A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body, supporting straps or devices.

359.14 Sexual Encounter Center: A business or commercial establishment that regularly offers, for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of semi-nudity.
3. Regularly offers shall mean such activity is conducted at least once monthly.

359.15 Sexually oriented business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, escort agency, nude model studio, or sexual encounter center.

359.16 Specified anatomical areas: The male genitals and/or the vulva or more intimate parts of the female genitals.

1. Specified sexual activities: Includes any of the following:
2. The fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breast; or

3. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
4. Masturbation, actual or simulated; or
5. Excretory function as part of, or in connection with, any of the activities set forth above.

360 Shopping Center: Any grouping of 2 or more commercial tenants or uses located within a single structure, with each having their own electrical service and exterior electrical meter. Shopping centers are categorized by size, as follows:

360.1 Mini-shopping Centers: Shopping centers with a total floor area of the principal building not exceeding 10,000 square feet.

360.2 Regional Shopping Centers: Shopping centers with a total floor area of the principal building exceeding 10,000 square feet. Upon any lot containing any sort of shopping center, the property owner may construct up to 2 free-standing accessory buildings, each not to exceed 400 square feet in size; to house uses customarily considered accessory to a shopping center, such as automated teller machines, one-hour photo labs, and the like.

361 Signs: See Article X: Sign Ordinance

362 Small Wind Energy System: Small Wind Energy System: An energy system that consists of one or more wind turbines or other such devices and their related or supporting facilities that produces electric power from wind that has a rated capacity of 100 kilowatts or less. Power produced by such a system will be used primarily for onsite consumption.

363 Street: Any public way set aside for public travel, twenty-one feet or more in width. The word "street" shall include the words "road," "highway," and "thoroughfare."

363.1 Reserved.

363.2 Reserved.

363.3 Minor Street: A street used primarily for access to abutting properties.

363.301 Alley: A minor street used for service access to the back or side of properties otherwise abutting on a street.

363.302 Cul-de-sac: A minor street with only one outlet, sometimes called a "dead-end" street.

364 Structure Any man-made device, whether free standing or attached to another structure. This definition includes, but is not limited to: buildings, fences, signs, canopies, trellises, arboretums, swimming pools, docks, piers, flag poles, gazebos, satellite dishes, antennae, greenhouses, decks, dumpster screens, etc.

364.1 Accessory Structure: Any structure not meeting the definition of a principal structure.

364.2 Principal Structure: Any building in which is conducted the main or principal use of the lot on which said building is located (principal building); or any off-premise sign.

365 Townhouse: A single-family dwelling unit attached by fire resistant common walls to another similar type unit, each unit having an open space for light, air, and access in front or rear.

366 Trees: See Article XII: Tree Ordinance

367 Use: The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

367.1 Accessory Use: A use customarily incidental, appropriate and subordinate to the principal use of land and located on the same lot therewith.

370.2 Principal Use: The primary purpose for which a lot is occupied and/or used.

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

369 Yard: An open space on the same lot with the principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this Ordinance.

369.1 Front Yard: A yard extending across the full width of the lot, the depth of which is the horizontal distance between the street and the front building line (see Figure).

369.2 Rear Yard: The yard extending across the rear of the lot between inner side yard lines (see Figure).

369.3 Side Yard: A yard extending along the side lot line from the front yard to the rear lot line and lying between the side lot line and the building line (see Figure).

370 Zoning Administrator: The local official responsible for granting permits and interpreting the regulations contained herein.

371 Excavation: As used in Sec. 440, "Excavation for Development", excavation is the act of excavating, or of making hollow, by cutting, scooping, or digging out a part of a solid mass; an uncovered cutting in the earth. The word "excavation" shall include the words "removal", "mine", "quarry", and "ditch". (ref. Sec.440)

Editor's note (Ord. of 11-16-2000) (renumbered alphabetically and added Article III, Sections 324, 325, 326, 327, 334, 336, 338, 342 and 362; and amended Section 310.2 ord. of 4-21-11) (Sec. 371 amended 3-19-2015)