

Article 14: Definitions and Interpretation

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Section 14.0 Intent

Words and terms set forth below shall have the meanings ascribed to them. Any word, term, or phrase used in this Ordinance not defined below shall have the meaning ascribed to such word, term, or phrase in the most recent edition of Webster's Unabridged Dictionary, unless in the opinion of the Zoning Administrator, established practices in the Town of McClellanville justify a different or additional meaning.

Section 14.1 Rules of Construction

For the purpose of this ordinance, the language set forth herein shall be interpreted in accordance with the following rules of construction:

- (a) Words used in the singular number include the plural and words used in the plural include the singular.
- (b) Words used in the present tense include the future tense.
- (c) The word "person" includes a firm, partnership, or corporation.
- (d) The word "lot" includes the words "plot", "parcel", or "tract".
- (e) The word "shall" is always mandatory and not merely directory.
- (f) The word "used" or the word "occupied" as applied to any land or building shall be construed to include "intended, arranged, or designed to be used or occupied after the construction has been completed and occupancy permit issued".

Section 14.2 References

References herein to chapters, articles, sections, and paragraphs are to those parts of this ordinance, unless the context indicates otherwise.

Section 14.3 Definitions

Accessory: A use, structure, or part of a structure customarily incidental and subordinate to the "principal" use of a zoning lot or of a structure. An accessory use is located on the same zoning lot as the principal use, except in the case of off-street parking, temporary real estate sales offices, temporary construction facilities, or as provided in §3.4.4(c). Typical accessory uses and structures are listed in §3.4 of this Ordinance.

Agriculture: Any form of agriculture or horticulture and related buildings and uses associated with the production and/or sale of plants and animals useful to humans; including but not limited to, field crops, hay, dairy and dairy products or poultry and poultry products, and including the owning, breeding, leasing, recreational usage and training of horses, other livestock and fowl products; bees and apiary products, fruits and vegetables, tobacco, trees, floral and greenhouse products, sod, aquaculture, pet farms and the primary processing and storage of agricultural production. Agricultural processing and packaging as an accessory use is included in this definition. For the

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purposes of this ordinance, the production and/or processing of animals does not include concentrated or intensive animal feed operations, slaughterhouses, or butcheries.

Alley: A minor vehicular travelway that provides secondary access to the side or rear of properties.

Arborist or Urban Forester: A person trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees.

Automobile Service Station: Any premises used for supplying gasoline and oil, tires, accessories and services for automobiles at retail direct to the motorist consumer, including the making of minor repairs, but not including such major repairs as (a) spray painting, (b) body, fender, clutch, transmission, differential, axle, spring, and frame repairs, (c) major overhauling of engines requiring removal there from of cylinder-head or crankcase pan, (d) repairs of radiator requiring removal hereof, and (e) complete recapping or retreading of tires. The term includes the sale of used tires, taken in trade on the premises. The term does not include automobile sales or trailer rental.

Ambient Air Quality Standard: An acceptable concentration of an air pollutant in a community.

Bed and Breakfast Home: A business operated in conjunction with a private residence within the primary residential or accessory structure on a single site providing overnight accommodations and breakfast for registered guests with four (4) or less guest rooms where the operator resides in the principal residential structure.

Bed and Breakfast Inn: A business operated in one or more structures on a single site providing overnight accommodations in up to ten guestrooms, which may include rooms or facilities for meetings and events for private parties as an ancillary use.

Bedroom: A habitable space intended for sleeping meeting the minimum area, dimensions, and ceiling height defined by the currently adopted International Residential Building Code, with no less than one (1) emergency escape opening a minimum of 36" in width (e.g. window opening).

Berm: A mound of earth, usually two to six feet in height and several times longer than its width, often used for buffering or stormwater management.

Board of Review: The Board of Review of the Town of McClellanville means the Architectural Review Board, unless the context indicates otherwise.

Boat Slips: A docking space alongside a pier, wharf or mooring dolphins in which a waterborne boat may be moored. For purposes of this ordinance and in the absence of an authorized quantity of boat slips by state or federal regulating agencies, a boat slip shall be considered a minimum length of 25 feet for side mooring and 15 feet for stern moorings.

Boat Yard: A basin or marine terminal that provides space, docks, moorings and related facilities and services for six (6) or more boats, including pleasure and commercial craft. This includes the sale, repair and building of boats.

Buffer Area(s): A defined area of a lot along a property line, or between uses, which serves as a barrier to vision, light, noise or other nuisances between adjoining properties or between a use and a street right of way. A buffer may consist of open space, landscaped area, fencing, walls, berms or any

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combination thereof in accord with buffer requirements for a specific use or district, up to a minimum width as established in Article VII ("Screening and Buffers") of this Ordinance.

Building: A structure which is permanently affixed to the ground, has a roof supported by columns or solid exterior walls, and is primarily designed for the shelter of humans, animals, or chattel. When a portion thereof is completely separated from every other portion by a dividing wall (or firewall when applicable) without openings, then each such portion shall be deemed to be a separate building.

Buildable Area: The area of a lot remaining which may be used for development after required yards have been provided.

Building Code: The International Building Code, or such other code regulating construction as may be adopted by Town Council.

Building Footprint: The ground surface area of a lot covered by a building.

Building Height: The vertical distance measured from the minimum elevation required by the McClellanville Flood Damage Prevention Ordinance to the highest point of the building roof (roof ridge).

Building, Principal: A building in which the principal use of the zoning lot on which it is situated is conducted. In a Residential District, any dwelling shall be deemed to be a principal building on which the lot is situated if the lot is used for residential purposes.

Bulk and Area Regulations: Provisions of this ordinance controlling the size and shape of zoning lots and the location and bulk of structures thereon. Such regulations include those relating to lot width, lot area, lot occupancy, setbacks, yards, courts, open space, and outdoor living space.

Camping and Picnicking Area: A lot, tract or parcel of land or outdoor facility designed for overnight accommodation of human beings in tents, cabins and shelters or for provision of primitive dining. The term includes, but is not limited to, recreational vehicle park.

Caretaker: An individual or family who resides on premises as an accessory use for the purpose of maintaining, protecting, or operating a permitted principal use on the premises and for which financial enumeration is received for such services.

Car Wash: A structure, or portion thereof, containing facilities for the commercial washing of motor vehicles by hand or by using production line, automated or semi-automated methods for washing vehicles.

Child or Day Care Home: A home in which care is given to four or fewer children, not related to the operator by close ties of blood, marriage, or legal adoption, outside their own home during any part of the day.

Child or Day Care Center: A service established primarily, though not limited to, the part- time care of pre-school children. The day care center differs from an educational nursery in that an accredited training program is not established nor is it staffed with certified teachers.

Church, Synagogue, and Temple: This term includes parish house, but does not include a parochial or similar school.

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Critical Area Line: Boundary or line delineated by the SC Department of Environmental Services (DES) Bureau of Coastal Management (BCM) at the date of application and determines their jurisdiction.

Commercial Nursery: A wholesale or retail horticultural business engaged in the production of plants for the purpose of selling said plants for transplanting in another location.

Commercial Timber Operations: Tracts of five (5) acres or more devoted to the production of marketable forest products through generally accepted silvicultural practices including, but not limited to, harvesting, site preparation and regeneration.

Common Open Space: A parcel of land or an area of water or combination thereof, within, or related to a development not individually owned or dedicated for public use which is designed and intended for the common use and enjoyment of the residents thereof. Common open space does not include facilities dedicated by the developer for public use. Common open space shall be substantially "free of structures" but may contain such improvements as are approved as a part of the development plan for such district and are appropriate for the residents of the development.

Communication Tower: A tower or structure of any size which supports communication equipment, transmission or reception, and is utilized by commercial, governmental or other public or quasi-public users. This does not include the communication towers for amateur radio operators licensed by the Federal Communications Commission (FCC) that are exempt from municipal zoning restrictions.

Comprehensive Plan: The official document or elements thereof, adopted by Town Council, intended to guide the physical development and growth of the Town of McClellanville.

Concept Development Plan: Part of a zoning change application or planned development application which may consist of both a visual and written representation depicting the layout and/or design of the development subject to approval by Town Council.

Conditional Use: A use permitted in a zoning district only by complying with additional conditions, restrictions or limitations as set forth in the description of such use.

Conditioned Space: Floor area within a structure that is heated and/or air conditioned to support habitation of humans.

Continuing Care Facility: A facility that may consist of any one or more of three types of care:

- (a) **Congregate Living Facility:** a facility which provides independent living spaces which may be affiliated with, or located near, health care facilities.
- (b) **Adult Assisted Living:** a facility for people who cannot live independently and who need assistance with daily chores and housekeeping.
- (c) **Nursing Home:** a facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized.

Container, Transportable: A fully enclosed, securable and portable unit designed for the primary use as a transportation-shipping container for airfreight, seaward and landward freight distribution.

County Health Department: The Health Department of Charleston County.

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County Public Works Department: The Public Works Department of Charleston County.

Court: An open, unoccupied space, other than a yard, on the same zoning lot with a building or group of buildings, which is bounded on two or more sides by such building or buildings, and every part of which is clear and unobstructed from its lowest point or ground level to the sky, with the exception of landscaping.

Court, Dimensions of: The dimensions of a court shall be the dimensions of the largest horizontal rectangle which may be inscribed in such court; where an inner court opens on an open area; such rectangle may extend into such open area, for the purpose of determining dimensions of such court.

Court, Inner: A court which is bounded by either:

- (a) Building walls; or
- (b) Building walls and one or more interior lot lines; or
- (c) Building walls, except for one opening on any open area along an interior lot line which has a depth (measured from such line) or less than 30 feet at any point.

Court, Outer: A court which, except for one opening upon:

- (a) A front lot line,
- (b) A front yard, or
- (c) Any open area along an interior lot line, which open area has a depth (measured from such line) of at least 30 feet along the entire length of such interior lot line, is bounded by either:
 - (1) Building walls; or
 - (2) Building walls and one or more interior lot lines.

Decibel (db): A unit which describes the sound pressure level or intensity of sound. A sound level meter is calibrated in decibels.

Density: For the purposes of this Ordinance, the amount of development allowed on a lot or parcel, expressed in residential districts as the number of dwelling units per acre and in commercial districts as the gross floor area of buildings per acre.

Diameter Breast Height (DBH): The total diameter, in inches, of a tree trunk or trunks measured four and one-half (4 1/2) feet above existing grade.

Drinking Establishment: An establishment known as a bar, tavern, nightclub, or drinking place primarily engaged in preparing and serving alcoholic beverages for immediate consumption, providing limited food services as an accessory use.

Driveway: A space or area specifically designated and reserved on a lot for the movement of vehicles within a lot or from a lot to a street.

Dry-stack Storage for Boats: A facility for storing and keeping boats out of water. This is principally a land operation, where boats are dry stored or "stacked" until such time as they are transferred to the water for use. Because of the mechanics involved in this operation, dry stack marinas seldom accommodate boats in excess of 25 feet.

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Duplex: See “Dwelling, Attached”.

Dwelling: A building or portion thereof which is designed and intended to be used for continuous, long-term, private residential habitation by one or more families. The term includes single-family houses, manufactured homes, duplexes, townhouses and multiple dwelling unit buildings. The term does not include hotels, motels, tourist homes, bed and breakfasts or other accommodation used for transient occupancy.

Dwelling, Accessory: A dwelling or apartment within or detached from the principal dwelling on a lot, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling.

Dwelling Group: Two or more detached dwelling structures (not including mobile homes) located on the same zoning lot, but not including accessory dwellings, such as garage apartments or guesthouses.

Dwelling, Multi-Family: A dwelling structure containing three or more dwelling units.

Dwelling, Single Family Attached: A dwelling unit designed for, and occupied as, a residence by one single housekeeping unit, [KB1.1]which is attached by a common dividing side wall(s) from ground to roof to one or more dwelling units in a row. Independent access is available for each unit from the outside. This classification includes townhouses, row houses and duplexes.

Dwelling, Single-Family Detached: A dwelling unit designed for, and occupied exclusively as, a residence by a single housekeeping unit, which is not structurally connected or attached to any other dwelling, surrounded on all sides by yards on the same lot or by streets or by such yards and streets.

Dwelling, Tenant: A dwelling located on a Bonafide farm, which is occupied or designed to be occupied by a non-transient farm worker employed by the owner or operator of the farm.

Dwelling, Two Family: A dwelling structure containing two dwelling units, not attached by a common dividing side wall(s).

Dwelling Unit: One or more connecting rooms, containing independent cooking and sleeping facilities, which have direct access to the outside or to a common hall used as separate living quarters for occupancy by a single housekeeping unit. Dwelling units are usually located in dwellings but may be included as use or an accessory use in mixed use buildings or in group quarters. For the purpose of determining lot area requirements for group quarters, each five sleeping accommodations shall be treated as one dwelling unit. (See also “Residential Building or Use”)

Easement: A grant of interest in real property by the owner to, or for the use by, an abutting landowner, the public, or another person or entity.

Engineer: A registered professional engineer in good standing with the SC Board of Registration.

Erected: Constructed, reconstructed, moved or structurally altered.

Facade: The entire building wall, fascia, windows, doors, canopy and on any complete elevation.

Family: An individual, or two or more persons related by blood or marriage living together; or a group of individuals, of not more than six persons, not related by blood or marriage but living together as a single housekeeping unit.

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Flag: A piece of fabric or other flexible material, usually rectangular and of distinctive design, which is used as a symbol, such as for a nation, state, locality, or corporation.

Flash Point: The lowest temperature at which a flammable liquid will momentarily burn under prescribed conditions. The Tag open cup tester shall be authoritative.

Floor Area: The sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls or from the center lines of walls separating two buildings, computed as follows: (1) floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space, such as counters, racks, or closets: (2) any basement floor area devoted to the production or processing of goods or to business or professional offices. Floor area shall not include unheated space devoted primarily to storage purposes (except as otherwise noted herein), off-street parking or loading facilities, including ramps, and maneuvering space, or basement floor area, other than area devoted to retailing activities, the production or processing of goods, or business or professional offices.

Florist: A commercial establishment or individual offering cut flowers, ornamental plants, floral arrangements, real or artificial, and related accessories including cards, figurines, and indoor ornamental fixtures for sale.

Foot Candle: A unit of illumination; the illumination at all points one (1) foot distant from a uniform point source of one (1) candle power.

Funeral Home: An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming, performance of autopsies or other surgical procedures.

Garage. (Private): An accessory structure or space on a lot with a dwelling unit devoted to or designed for the storage of automobiles and small (1/2-ton capacity or less) trucks and not used for business purposes or occupancy.

Garage Apartment: A single dwelling unit located over a private detached garage containing square footage no greater than 800 square feet of conditioned living space. A garage apartment constitutes an accessory dwelling unit.

Garden Supplies: A commercial establishment offering for sale indoor or outdoor garden fixtures, packaged plant food or pesticides, garden tools, manually or power operated with associated parts and accessories. Accessories may include plants. Not included are the display and sale of farm equipment provided for elsewhere in this Ordinance.

General Zoning District: The various classifications of residential, commercial, or marine commercial zoning categories provided for in this Ordinance as delineated on the official zoning map.

Grade: For the purpose of determining building height:

- a) For buildings adjoining one street only, it is the elevation of the sidewalk directly opposite the center of that wall which adjoins the street; in such case where the average elevation of the finished ground surface adjacent to the exterior walls of the building is lower than the elevation of the sidewalk grade, or where there is no sidewalk grade, or where there are no

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sidewalks, the grade shall be the average elevation of the ground on the lowest side adjacent to the exterior walls of the building.

- b) For buildings adjoining more than one street, it is the elevation of the sidewalk directly opposite the center of the wall adjoining the street having the lowest sidewalk elevation.
- c) For buildings having no wall adjoining the street, it is the average level of the finished ground surface adjacent to the exterior walls of the building.
- d) All walls which are approximately parallel to and not more than 25 feet from a front lot line shall be considered as adjoining the street. In alleys, the surface of the paving shall be considered to be the sidewalk elevation. Where the elevation of the sidewalk or alley paving has not been established, the Building Inspector shall determine such elevation for the purpose of this ordinance.

Groundwater: Any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake or other body of surface water; whatever may be the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

Group quarters: A residential facility where people live in a group setting, usually not related to each other, and where the entity or organization that owns or manages the property provides housing and/or support services. Examples include nursing homes, college dorms, missions, and correctional facilities

Habitat: Place or site where animals or plants naturally live and thrive.

Height (Sign): The vertical distance measured from ground level at the base of the sign structure to the highest point of sign structure.

Home Occupation: A business, profession, occupation or trade conducted for gain or support within a residential building or accessory building(s) which use is incidental and secondary to the use of the principal residential building for dwelling purposes and which does not change the residential character of such buildings or constitute a nuisance or otherwise adversely affect the use and development of other property in the neighborhood.

Homeowners' or Property Owners' Association (Regime): A non-profit organization operating under recorded land agreements through which (a) each lot and/or homeowner in a planned development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining common property, and (c) the charge if unpaid becomes a lien against the property.

Horticulture Specialties: For purpose of this ordinance, such activity shall include the on premise care, cultivation, or propagation of plants, trees or shrubs used for landscaping, ornamentation, transplanting, or experimentation the wholesale or retail sales without suitable non-ornamental packaging for transportation. Not included in this definition are grain, fiber, or vegetable crops identified elsewhere in this ordinance. Such activity whose primary purpose is sale or experimentation shall be classified as a principal land use. Similar activity conducted as a hobby or for pleasure other than for sale purposes shall be classified as accessory use.

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Horticulture Services: This activity shall include landscaping, tree trimming, tree removal, and other similar services together with associated equipment and machinery directed toward the care of trees, plants, or lawns.

Hotel: A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients on a daily or weekly basis, whether such establishment is designated as a hotel, inn, motel, motor inn, motor lodge, tourist cabin, tourist court, or tourist home.

Impact Noise: A short duration sound, such as those from a forging hammer or punch press.

Impervious Surface Ratio: The maximum percentage of the area of a lot which may be covered with structures, paving materials or any materials which reduce or inhibit absorption of water by the ground beneath such structures or surfaces.

Infrastructure: The basic installations and facilities upon which new development depends on for functioning, including roads, sidewalks, water and septic facilities.

Inoperable Vehicle: Any motor-driven vehicle, regardless of size, which is incapable of being self-propelled upon the public streets of the County or Town or which does not meet the requirements for operation upon the public streets, including a current motor vehicle license.

Institutional Use: Public or private health, recreation, educational uses such as parks, schools, libraries, hospitals and camps.

Intense Burning: A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly. Examples: sawdust, magnesium (powder, flakes, or strips).

Interior Area: The interior portion of a lot is that property which lies inward of the buffer area of a lot, as defined elsewhere in this Ordinance.

Junk Yard or Salvage Yard: Establishments engaged in assembling, disassembling, breaking up, sorting, storage or distribution of scrap, equipment, mechanical components, and waste materials, including auto wrecking, parts salvage, and junk establishments.

Land-altering Activity: Any change to land surfaces or vegetation that is intended to prepare for the construction, erection or alteration of any structure or use, including grading, filling, excavating, and the cutting of trees and removal of vegetation.

Land Development: The changing of land characteristics through redevelopment, construction, subdivision into parcels, for the purpose of developing condominium and/or apartment complexes, commercial parks or shopping centers, industrial parks, and similar developments for sale, lease, or any combination of owner and rental transactions.

Landscape Materials: Vegetative materials; referred to collectively or individually to trees, shrubbery, grasses and other ground cover.

Landscaped or Vegetative Buffer Areas: A buffer area, which is comprised (in whole or in part) of some combination of planted canopy and understory trees, shrubbery, and other landscape materials.

Landscaped Open Space: An area which shall include appropriate grassing of the area, placement of shrubbery and trees, walkways, and appropriate grading such as to render the required open space area usable and aesthetically pleasing.

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Loading Space: A loading space or dock large enough to accommodate trucks transporting merchandise or goods.

Lot: A parcel of land occupied, or to be occupied, by one or more buildings and accessory buildings, and providing open space and other requirements of this Ordinance. "Lot" shall also refer to a "plot" or "parcel". A zoning lot, unless the context shall indicate a lot of record, in which case a lot is a lot of record as defined below.

Lot Area: The total area included within the front, side and rear lot lines or boundaries of a zoning lot, measured in a horizontal plane, excluding streets or highways, whether dedicated or not dedicated to public use, but including off-street parking areas and other accessory uses.

Lot, Corner: A lot abutting two or more streets at their intersection, where the interior angle formed by the street lines is 135 degrees or less. If the street lines are curved, the angle shall be measured at the point of intersection of the extensions of the street lines in the directions which they take at the intersection of the street line with the side lot line and with the rear lot line of the lot. If the street line is curved at its point of intersection with the side lot line or rear lot line, the tangent to the curve at that point shall be considered the direction of the street line.

Lot Frontage: The distance along which a zoning lot abuts on a street.

Lot, Interior: A lot other than a corner lot, including a through lot.

Lot Coverage: The proportion, expressed as a percentage, of the total lot area, occupied by all buildings and surfaces, including but not limited to impervious surfaces, pervious surfaces, roof overhangs, driveways, patios, and pools.

Lot 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.

- (a) Lot Line, Front - The lot line separating a lot from a street right-of-way.
- (b) Lot Line, Interior - The lot line other than a front lot line.
- (c) Lot Line, Rear - The lot line opposite and most distant from the front lot line.
- (d) Lot Line, Side - Any lot line other than a front or rear lot line.

Lot(s) of Record: A platted parcel or parcels of land or identical parcels created and recorded by a plat based on metes and bounds.

Lot, Regular: A lot located, shaped and oriented to access roads and adjacent lots so as to be reasonably adapted to application of general measurements and with location of yards by type (front, side, rear and special) logically determined by, and related to, adjacent street or streets and adjacent yard patterns.

Lot, Through: An interior lot which abuts on two or more non-intersecting streets.

Lot Width (See standards for measurements in §3.3):

- (a) Width of an Interior Lot - the length of the front lot line between its intersection with the side lot lines.

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- (b) Width of a Corner Lot: - (1) if there are two front lot lines, the shorter of such lines; (2) if there are more than two front lot lines, the average length of the two shortest of such lines.
- (c) Width of a Through Lot: - A width or widths determined on the basis of a reasonable division of the lot into segments fronting on several streets.

Lumen: A unit of luminous flux equal to the light emitted in a solid angle by a uniform point source of one candle intensity. Although the units of measure for light sources (bulbs) are typically thought of in watts, this is a unit of power. The lumen is the appropriate unit of measure that describes the amount of light emitted by a bulb, whether incandescent, fluorescent, halogen, metal halide, sodium, or other.

Major Recreational Equipment: A term including, but not limited to, a boat, boat trailer, recreational vehicle, or container for transporting such equipment, whether occupied thereby or not.

Marina: A basin or marine terminal that provides space, docks, moorings and related facilities and services for six (6) or more pleasure and/or commercial boats.

Maneuvering Space: An area directly related to required parking areas and designed to permit easy vehicular movement. "Maneuvering space" shall not be considered as part of any required "parking space" or "loading space".

Mini-Warehouse/Storage Facility: A structure or group of structures, offering individual self-contained compartments of varying size for ownership or rental to different tenants for the indoor storage of customer's goods.

Mixed-Use Structure: A structure containing both residential and nonresidential uses.

Manufactured Home: Any structure built and designed to be used for habitation of persons, subject to federal regulation by HUD certifying that such unit is in compliance with National Manufactured Home Construction and Safety Standards and installed in compliance with SC Manufactured Home Installation Requirements, on a permanent chassis and that such building or structure may be transported in its entirety, or in substantial part, by a wheeled vehicle.

Modular Building Unit: A building including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and placed on a permanent foundation. This term is not to be limited to residential dwellings.

National Register of Historic Places: A register of districts, sites, buildings, structures and objects significant in national, regional or local history, architecture, archaeology and/or culture that is maintained by the Federal Secretary of the Interior. National Historic Landmarks are districts or structures listed on the Register that are considered to be of unusual importance to national, regional or local history, architecture, archaeology and/or culture.

Natural Buffer Area(s): A buffer area which is comprised of existing trees and vegetation native to the site prior to development.

Nonconforming Structure: A structure or portion thereof which was lawfully erected or altered prior to the adoption of this Ordinance or any amendment thereof, but which does not comply with the bulk and area regulations applicable to new structures in the zoning district in which it is located.

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Nonconforming Use: A use which was lawfully established and maintained prior to the effective date of this Ordinance, or any amendment thereof, which renders the use out of compliance with the use regulations applicable to new uses in the zoning district in which it is located.

Non-habitable (or uninhabitable): Space in a structure that is not suitable for living, sleeping, eating or cooking such as, but not limited to, garages, toilet compartments, closets, utility spaces or similar areas. Commercial and industrial structures do not have habitable space.

Nursery: A commercial establishment offering plants, trees, or shrubs grown on or off the premises for sale. Related items such as hand tools, packaged fertilizer, pesticides, ornamental containers, and garden fixtures may also be retailed from the premises.

Octave Band: A prescribed level of sound frequencies which classifies sound according to its pitch.

Odor Threshold: The lowest concentration of odorous matter in air that will produce an olfactory response in a human being.

Office: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as, but not limited to: accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesman, sales representatives or manufacturers representative; or the conduct of a business by professionals, such as engineers, architects land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products, or the sale and/or delivery of any materials, goods, or products which are physically located on the premises. An office shall not be deemed to include a veterinary service or animal hospital.

Office/Contracting Services: Any room, suite or building wherein the primary use is the conduct of business related to the provision of services associated with the construction of buildings or structures, or performing additions, alterations, reconstruction, installation, and repairs (e.g. new work, addition, alteration, and repair) of building projects. Such establishments include offices for custom builders, general contractors, and special trade contractors providing services such as painting, plumbing, masonry, electrical, and roofing etc. and preparation of land (e.g. well drilling, grading) and landscaping. The storage of equipment associated with these services may be considered as an accessory subject to the conditions for storage in applicable zoning districts.

Office/Warehouse Complex: A structure or group of structures offering compartments of varying size for ownership or rental to different tenants for the storage of commercial goods or wares; conducting certain retail trade activities, or providing those personal or business services permitted by zoning as an auxiliary use.

Off-Site: A location or an area of land which is proximate to a parcel of land defined as “on-site”. Off-site means not “on site”; that is outside the lot or parcel that is the subject of a given land use application.

On-Site: “On-site” shall be construed to describe a location on all, or apportion, of a parcel of land which is the subject of a land use application. In general, “on-site” shall mean within a lot or parcel.

Opaque (Screening): A combination of screening elements designed to substantially or completely obscure horizontal views between abutting or adjacent properties.

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Open Space: Areas of trees, shrubs, lawns, grass, pathways and other natural and man-made amenities not within individual building lots, set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities, and accessible to and adequate for the persons and functions it is designed to serve. Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes.

Open, Outdoor or Field Storage: The holding or storage of bulk items, assemblies or sub- assemblies in areas exposed to weather, in whole or in part, for the end use of further manufacturing process, sale or transportation for more than 24 hours. This shall include, but not be limited to, open display of transportation vehicles, marine craft, aircraft, mobile homes, modules, recreation vehicles, junkyards, or "piggy-back" containers. It does not include uses that are totally enclosed.

Outdoor storage, accessory: The holding or storage of merchandise or other goods for sale as an accessory use to a retail or wholesale trade establishment wherein the outdoor storage area does not exceed ten percent (10%) of the gross floor area of the primary use.

Outdoor Living Space: Uncovered, horizontal open space on a zoning lot, which space:

- (a) Does not include loading or parking areas, driveways, or refuse storage area and is so arranged as to prevent entry by motor vehicles;
- (b) Is paved, landscaped, or otherwise improved to make it suitable for passive or active outdoor recreational use and in the case of roofs and balconies is so arranged as to be safe for use by children;
- (c) Is readily accessible to the residents of the building for which it is required; and
- (d) May include land, balcony, and roof areas.

Overlay District: A zoning district superimposed on another base zone, both having validity in governing the use and development of the property.

Owner: The word "owner," applied to building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

Owner-occupied Dwelling: A permanent home or dwelling owned and occupied by the property owner thereof as their primary legal residence.

Parcel: A contiguous lot or tract of land owned and recorded as the property of the same person(s) or controlled by a single entity.

Parking Lot: A lot on which the parking of motor vehicles is the principal use.

Parking, Off-Site: A space suitable for parking one or more automobiles, including adequate driveways to connect such space with a public right-of-way. Space within a building allocated for parking shall be included and considered a part of required spaces.

Particle Velocity: The rate of displacement of an imaginary point of the earth subject to a vibratory movement, in inches per second.

Particulate Matter: Material other than water which is suspended or discharged into the atmosphere in a finely divided form as a liquid or solid.

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Pedestrian Way: A right-of-way developed for use by pedestrians, including sidewalks, bicycle paths and jogging trails.

Performance Standards: A set of criteria or limits relating to nuisance elements which may not be exceeded by certain activities and use groups. The degree of presence of one or more of these factors determines the district in which the activity shall be located.

Personal Service Establishment: Establishments primarily engaged in providing services, including the care of a person or his or her apparel, such as, but not limited to, laundry, cleaning and garment services, garment pressing, linen supply, coin-operated laundries, dry cleaning, carpet and upholstery cleaning, photographic studios, beauty shops, barber shops, shoe repair, reducing salons and health clubs, travel agents, clothing rental, opticians and tailors.

Planned Development: For purposes of these regulations, a Planned Development is

- (a) Land area, of a minimum contiguous size, under unified control, planned and developed as a whole;
- (b) in a single development operation or a definitively programmed series of development operations, including all lands and buildings;
- (c) for principal and accessory structures and uses substantially related to the character of the district;
- (d) according to comprehensive and detailed plans which include not only streets, utilities, lots or building sites and the like, but also site plans, floor plans and elevations for all buildings as intended to be located, constructed, used, and related to each other (to the extent required for determinations to be made under these regulations), and detailed plans for other uses and improvements on the land as related to the buildings;
- (e) with a program for provision, operation, and maintenance of such areas, improvements, facilities, and services as will be for common use by some or all of the occupants of the district but will not be provided, operated, or maintained at general public expense; and
- (f) exceptions to (e) are areas, street, and drainage easements that have been dedicated to and accepted by the Charleston County Council for maintenance.

Planned Development District (PDD): A zoning district established under the provisions of Article V.

Planning Commission: The Planning Commission of the Town of McClellanville charged with the Powers and Duties per Article XII.

Plants: The term “plants” is meant to include seed, seedlings, nursery stock, roots, tubers, bulbs, cuttings, and other plant parts used in the propagation of field crops, vegetables, fruits, flowers, or other plants.

Porch: The term “porch” shall include any porch, veranda, gallery, terrace, portico or similar projection from a main wall of a building and covered by a roof, other than a carport. An “unenclosed porch” is a porch with no side enclosures (other than the side of the building to which the porch is attached).

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Pre-1960 Octave Bands: A standard series of octave bands prescribed by the ASA S1-11- 1966 American standard specification for octave, half octave, and third octave band filter sets.

Preferred Frequency Octave Bands: A standardized series of octave bands prescribed by the ASA S1-11-1966 American Standard Specification for octave, half octave, and third octave band filter sets.

Principal Use: The primary or predominant use to which a property is or may be devoted to and to which all other uses on the premises are accessory.

Private Club: A non-profit association of persons who are bona fide members paying annual dues for special purposes, such as the promulgation of sports, arts, literature, politics, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests, excluding churches, synagogues, other houses of worship and also excluding structures and uses associated with commercial or non-commercial outdoor recreation. The affairs and management of such "private club or lodge" are conducted by board of directors, executive committee, or a similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization and complies with the applicable Federal, State and County Law.

Professional Services: The office of a doctor, dentist, architect, landscape architect, surveyor, engineer, lawyer or other similar recognized professions.

Public Hearing: Meetings of Town Council, the Planning Commission (PC), the Board of Zoning Appeals (BZA) and Architectural Review Board (ARB) held expressing for the purpose of soliciting comments from the general public in accord with the requirements of this Ordinance and State Code.

Public Meeting: Meetings of Town Council, the Planning Commission (PC), the Board of Zoning Appeals (BZA) and Architectural Review Board (ARB) open to the public in accord with SC State Code.

Rack: A storage slip for a boat in a dry stack storage facility.

Recreation Center: A public or quasi-public building, and associated outdoor fields or courts, designed for and used as a social, recreation, and cultural center. As a part of such recreation centers there may be included craft rooms, music rooms, game rooms, meeting rooms, auditoriums, swimming pools, and kitchen facilities, but a public dining room shall not be included.

Recreational Vehicle: A highway vehicular, portable structure designed as a temporary dwelling for travel, recreational, and vacation uses. The term includes camping trailer, motor home, travel trailer, and truck campers; the term does not include mobile homes.

Recreation Vehicle Park: A zoning lot on which two or more recreational vehicles are parked or any zoning lot on which space for the parking of recreational vehicles is rented or offered. The term does not include premises on which unoccupied recreational vehicles, whether new or used, are parked for the purposes of inspection, sale, storage, or repair.

Register of Deeds (ROD): The Charleston County official and his/her office responsible for monitoring and recording the ownership and transference of property in Charleston County.

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Remodel: The internal or external alteration or change, in whole or in part, of a structure or thing that changes its characteristic appearance or the fundamental purpose of its existing design or arrangement and the uses contemplated. Not included in this meaning are the terms "enlargement" and "extension".

Repair: The mending or restoration of a building or structure to a sound or good state at or nearest to its original designed condition necessitated by decay, dilapidation, damage or partial destruction. Such work shall not change the size or shape in whole or in part of a building or structure to expand a use. It shall include the terms "renovation", "rebuilding", and "reconstruction" for the purposes of this Ordinance.

Residential Building or Use: A term including dwellings, group quarters, and manufactured homes, occupied by private single housekeeping units of individuals. [KB2.1]A residential building is a building containing only residential uses and uses accessory thereto. Occupancy of a transient nature such as in motel, hotel, inn, bed and breakfast, vacation rental, rooming or boarding house, or timesharing uses shall not be defined as a residential use, but shall be defined as a commercial use.

Restaurant: Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design or principal method of operation includes both of the following characteristics:

- (a) Customers are provided with an individual menu and are served their food, desserts or beverages by a restaurant employee at the same table or counter at which said items are consumed
- (b) The food, desserts or beverages are served on non-disposable plates or containers, and non-disposable eating utensils are provided. Customers are not expected to clear their table or dispose of their trash.

Restaurant, Carry-out: Any establishment, without a drive-through facility, which provides as a principal use, the preparation and/or sale of food, desserts or beverages for carry-out service only.

Retail Sales Establishment: Buildings or land used for sale of merchandise at retail or for the rendering of personal services including, but not limited to, the following: pharmacy, newsstand, food store, candy shop, dry goods store, antique store, gift shop, hardware store, quick print shop, household appliance store, furniture store, florist, music and radio store, but specifically excluding lumber yards.

Right-of-Way: An independent piece of property; subdivided from one or more tracts; acquired by reservation, dedication, prescription, or condemnation; owned by a governmental entity or private party responsible for the unintersected length of the property; and intended to be occupied by public and/or private infrastructure.

Road: A travelway for motor vehicles including the terms "street", "avenue", "way", "court", "drive", "highway", and the like. See "Street" definitions for various categories of roads.

Roadside Stand: A small accessory open-air structure or area of land used for retail sales, by the owner or his family or tenant, of agricultural produce or merchandise principally produced or grown on-site and which is clearly a secondary use of the premises and does not change the character thereof.

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Rooming House: A dwelling other than a hotel where for compensation and by pre- arrangement for definite periods, lodging is provided for three or more, but not exceeding 20, guests on a weekly or monthly basis.

Row Houses: See Dwelling, Attached.

Scrap and Waste Materials-Wholesale: Establishments engaged in assembling, breaking up, sorting, or distributing scrap and waste materials, including auto wrecking and junk establishments.

Screening (Elements): Various combinations of walls, fences, earthen berms, trees, shrubbery, and landscape materials which comprise a screening plan approved by the Board of Review or designee to fulfill the requirements and serve the purposes of Article VII (Screening and Buffers").

Semi-Opaque (screening): A combination of screening elements, approved by the Board of Review, in compliance with the requirements of Article VII, designed to partially obscure horizontal views between abutting or adjacent

Setback: A required minimum distance by which any building or structure must be separated from a lot line or street right-of-way within which a structure shall not be erected.

Shrub: An evergreen multi-trunked, woody plant that usually attains a mature height of no more than ten (10) feet.

Sign: Any device or representation for visual communication that is used to announce, direct attention, or advertise the subject thereof to the attention of the public, and which is located on or attached to the premises, real property, structures on real property, or a vehicle and which is visible from a public street. [See Article IX for definitions of specific sign types]

Sign. Area of: The entire area within a single, continuous perimeter or perimeters enclosing the extreme limits of writing or other representation, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. For projecting or double face signs, only one display face shall be measured in computing total sign area where the sign faces are parallel or where the interior angle formed by the faces is ninety degrees or less and are not more than 12 inches apart at the closest point. In the case of an open sign made up of individual letters, figures, words, or designs, the spaces between the same shall be included.

Single Housekeeping Unit: One or more people living together as a stable, non-transient household bearing the functional equivalent of a family such as sharing living expenses, chores, eating meals together and are a close group with social, economic and psychological commitments to each other. Single housekeeping unit shall not apply to the occupants of a hotel, motel, bed and breakfast, vacation rental, boarding or lodging home or any facility that is required to be licensed by a public agency.

Site Specific Development Plan: A development plan submitted to a local governing body by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. The plan may be in the form of, but is not limited to, the following plans or approvals: planned unit development; subdivision plat; preliminary or general development plan; variance; conditional use or special use permit plan; conditional or special use district zoning plan; or other land-use approval designations used by the Town.

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Sound Level Meter: An electronic instrument, which includes a microphone, amplifier, and an output meter, which measures noise and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

Sound Pressure Level: The intensity of sound, measured in decibels and mathematically described as twenty times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.

Standard Cubic Foot (SCF): A cubic foot of gas at standard temperature and pressure, which is 68 degrees Fahrenheit and 29.92 inches of mercury.

Storage Yard: An outdoor space, accessory to a permitted use, enclosed on all sides by a solid fence and used for the purpose of storing equipment, vehicles, construction materials, and similar items necessary to the permitted business.

Street: A vehicular travelway which may also serve in part as a way for pedestrian traffic, whether called a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, alley, mall, or other designated.

- (a) **Arterial:** A publicly owned and maintained road, designed to carry substantial amounts of high speed regional traffic, usually requiring at least four lanes for through traffic and generally planned for restricted or controlled access (e.g. US Highway 17).
- (b) **Collector:** A publicly owned and maintained road, carrying traffic from individual neighborhoods to arterial roads. Collectors are generally between two and four lanes (e.g. Pinckney Street).
- (c) **Local:** A publicly owned and maintained street with a limited through function, predominantly providing access to individual lots. Local roads are an outlet for neighborhoods, or may link neighborhoods, to a collector road. Local roads are characterized by low traffic volumes and low speeds.
- (d) **Private:** A privately owned road designed and built to established standards for direct access to individual lots, with the owners of said lot or a Homeowner's Association responsible for its maintenance.

Street Centerline: The line surveyed and monumented as the center line of the street; or if such center line has not been surveyed, it shall be the line running midway between the curbs or ditches of such street.

Street Line: A lot line separating a street from a lot.

Structure: An assembly of materials forming a construction for occupancy and use, the use of which requires more or less permanent location on the ground, or which is attached to something having a more or less permanent location on the ground.

Town: McClellanville, South Carolina.

Town Council: The Town Council of McClellanville, South Carolina.

Townhouse: See Dwelling, Attached.

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Tree: Any self-supporting woody perennial plant having a single trunk or trunks of two inches (2"0 DBH or greater) and usually having branches.

- (a) **Tree, Canopy:** A deciduous tree, usually single trunked, with a definitely formed crown of foliage and which attains a mature height of at least 30 feet.
- (b) **Tree, Deciduous:** Trees and shrubs that shed leaves annually, usually in autumn.
- (c) **Tree, Evergreen:** A non-deciduous tree, often used for the purposes of screening, weather barrier, or accent planting.
- (d) **Tree, Large Maturing:** A tree that will exceed fifty (50) feet in height at maturity. These trees are generally suitable for areas with more than 200 sq. ft of total planting area, in a planting strip or buffer at least seven (7) feet wide.
- (e) **Tree, Small Maturing:** A tree that will not exceed twenty-five (25) feet in height at maturity. These trees are generally suitable for areas with less than 100 sq. ft. of total planting area, in a planting strip at least four (4) feet in width.
- (f) **Tree, Understory:** A deciduous or evergreen tree which attains a mature height of no greater than thirty (30) feet. Understory trees often prefer shade and grow naturally under the canopy of larger trees.

Tree Canopy or Cover: All areas of coverage by plant material exceeding five (5) feet in height.

United States of America Standards Institute (U.S.A.S.I.): A national organization dedicated to the promulgation of authoritative standards in many technical fields, (formerly the American Standards Association).

Use, Accessory: A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the building or lot.

Use, Auxiliary: A principal use of a building or lot within a district which is customarily incidental and subordinate to the principal uses of the district.

Use, Commercial (or nonresidential): Any wholesale, retail or service business activity established to carry on trade for a profit.

Use, Conditional: A use which may be permitted by the Zoning Administrator provided it is demonstrated that all the requirements of the applicable zoning district and any specific performance standards listed in the district requirements or supplemental standards in Article III are met.

Use, Permitted: A use which may be permitted by the Zoning Administrator provided all the requirements of the applicable zoning district are met.

Use, Principal: The primary use and chief purpose for which a lot or the main building thereon is designed, arranged, or intended for which it is or may be used, occupied or maintained.

Utility: Any or all utility services to development, including potable water, electricity, telephone, cable televisions, fuel gas and sanitary sewerage, whether such utilities are supplied by private individuals, private companies, or a public or governmental entity.

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Vacation (or Short-term) Rental Property: Any property where a residential dwelling, accessory dwelling unit, habitable space, or any part thereof is advertised, offered, and provided for short term tenancy to persons (other than family members) for compensation at intervals of thirty (30) days or less during a calendar year subject to the conditions of §3.5.3 of this Ordinance. A vacation rental shall be considered a commercial use. Tourist accommodations including hotels, motels, inns, and bed and breakfasts are not considered Vacation Rentals.

Vested Right: The right to undertake and complete the development of property under the terms and conditions of a site-specific development plan or a phased development plan as provided in Article 11 of Title 6, Chapter 29 in the SC Code of Laws and promulgated in the local land development ordinances or regulations adopted pursuant to this chapter.

Vibration: The periodic displacement or oscillation of the earth.

Wetland: An area that is inundated or saturated by surface of 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 saturate soil conditions, commonly known as hydrophytes and as designated by the Corps of Engineers.

Yard: An area on a lot which shall be unoccupied by any structure, except as permitted by this Ordinance, from ground to sky.

Yard, Front: An open space on the same lot as a principal building between the front line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

Yard, Rear: An open space on the same lot as a principal building between the rear line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

Yard, Required: A yard, as defined above, located along the perimeter of a lot, the dimensions of which are set by the District Regulations of this Ordinance.

Yard, Side: An open space on the same lot as a principal building between the side elevation of the principal building and the road, street, or private access easement and extending from the front yard line to the rear yard line.

Zoning Administrator: An individual appointed by Town Council to oversee and administer the provisions of the Zoning and Land Development Ordinance.

Zoning District: The various classifications of residential, commercial and marine commercial zoning categories provided for in this Ordinance and the areas on the zoning map in which such different districts are delineated.