

Town of

Elgin
South Carolina



Zoning Ordinance

Adopted May 6, 2025

**ZONING ORDINANCE
OF THE
TOWN OF ELGIN, SOUTH CAROLINA**

AN ORDINANCE OF THE TOWN OF ELGIN, SOUTH CAROLINA, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE HEIGHT OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, THE DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; PROVIDING FOR A PLANNING COMMISSION, BOARD OF ZONING APPEALS AND BOARD OF ARCHITECTURAL REVIEW; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

PREAMBLE

IN ACCORDANCE WITH AUTHORITY CONFERRED BY THE GENERAL STATUTES OF SOUTH CAROLINA, 1976 CODE OF LAWS, TITLE 6, CHAPTER 29 OF THE COMPREHENSIVE PLANNING ENABLING ACT OF 1994, AS AMENDED, AND FOR THE PURPOSE OF PROMOTING PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, APPEARANCE, PROSPERITY, AND GENERAL WELFARE; PROVIDING ADEQUATE LIGHT, AIR, AND OPEN SPACE; PREVENTING THE OVERCROWDING OF LAND; AVOIDING UNDUE CONCENTRATIONS OF POPULATION; LESSENING CONGESTION IN THE STREETS; FACILITATING THE CREATION OF A CONVENIENT, ATTRACTIVE, AND HARMONIOUS COMMUNITY; PROTECTING AND PRESERVING SCENIC, HISTORIC, AND ECOLOGICALLY SENSITIVE AREAS; FACILITATING THE PROVISION OF PUBLIC SERVICES, AFFORDABLE HOUSING, AND DISASTER EVACUATION; SECURING SAFETY FROM FIRE, FLOOD, AND OTHER DANGERS; AND TO FURTHER THE PUBLIC WELFARE SPECIFIED BY THE LOCAL GOVERNMENT; IN HARMONY WITH THE COMPREHENSIVE PLAN FOR THE TOWN OF ELGIN, SOUTH CAROLINA, THE TOWN COUNCIL HEREBY ORDAINS AND ENACTS INTO LAW THE FOLLOWING ARTICLES AND SECTIONS, WHICH SHALL COMPRISE AND BE KNOWN AS **THE ZONING ORDINANCE OF THE TOWN OF ELGIN, SOUTH CAROLINA**, AND SHALL BE APPLICABLE THROUGHOUT THE LEGALLY RECORDED CORPORATE LIMITS OF THE TOWN, AS NOW OR HEREAFTER ESTABLISHED.

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ARTICLE 1: GENERAL PROVISIONS**Section 1.1 Official Map**

The boundaries of the use districts established by this Ordinance are shown on the Official Zoning Map, which shall be identified by the signature of the Mayor, attested by the Town Clerk, and maintained at Town Hall. The Official Zoning Map and all amendments, certifications, citations, and other matters entered on to the Official Zoning Map are hereby made a part of this Ordinance and have the same legal effect as if fully set out herein.

No changes of any nature shall be made on the Official Zoning Map or matters shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable by law.

Section 1.2 Scope of Regulations

No building, structure, or premises shall be used, and no building, structure, or part thereof shall be erected, moved, remodeled, extended, enlarged, or altered, except in conformity with the provisions of this Ordinance.

Section 1.3 Minimum Requirements and Conflicts

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general welfare. It is not intended by the regulations to repeal, revoke, annul, or in any way, impair, or interfere with any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to the law, relating to the use of buildings or premises; nor is it intended by these regulations to interfere with or revoke or annul any easements, covenants, or other agreements between parties. To that end, the following provisions shall apply:

- (A) Where there is a conflict or apparent conflict between provisions of this Ordinance, the more restrictive provision shall control;
- (B) Where it is possible to implement, administer, or construe a particular provision in more than one way, it shall be implemented, administered, or construed in the way that eliminates or minimizes conflicts with other provisions of this Ordinance; and
- (C) Whenever this Ordinance imposes a more restrictive standard than required by any other statute, local ordinance, or regulation, the provisions of this Ordinance shall govern. Conversely, whenever any statute, local ordinance, or regulation imposes a stricter standard than required by this Ordinance, the provisions of such statute, local ordinance, or regulations shall govern.

Section 1.4 Relationship to Deed Restrictions

Public regulation of land is entirely separate from, and independent of, private deed restrictions. No weight shall be given to the effect of deed restrictions in construing this Ordinance, nor shall this Ordinance be given inappropriate consideration in the construction of deed restrictions.

Section 1.5 Severability

If any division, section, paragraph, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall

remain in full force and effect. If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not be applicable to any other structure, land, or water not specifically included in said judgement.

Section 1.6 Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

Section 1.7 Development in Progress

On the date this ordinance becomes effective and applicable zoning maps are adopted, any development project which has received approval by the Town of Elgin is exempt from the use provisions of this Ordinance and may continue the projects as originally approved.

ARTICLE 2: ZONING DISTRICT REGULATIONS

Section 2.1 Zoning Districts and Boundaries

Section 2.1-1 Zoning Districts

For the purpose of this Ordinance, the Town of Elgin is hereby divided into the following zoning districts:

DISTRICT	DISTRICT NAME
Residential	
RS-1	Single Family Residential District
RS-2	Single Family Residential District, Manufactured Housing
RS-3	Single Family Residential District, Medium-High Density
RG	General Residential District
Commercial	
OC	Office Commercial
GC-1	Downtown Commercial District
GC-2	General Commercial District
Industrial	
LI	Limited Industrial
Planned Development	
RMP	Residential – Master Planned
PD	Planned Development District
Overlay District	
DOD	Design Overlay District - Downtown

Collectively, these districts are intended to advance the purposes of this Ordinance, as stated in the Preamble. Individually, each district is designed and intended to accomplish the following more specific objectives.

RS-1, Single-family Residential District. The RS-1 District is intended to foster, preserve, and protect areas of the community in which the principal use of land is for detached, site built single-family dwellings, and limited residential support facilities at low densities.

RS-2, Single-family Residential District, Manufactured Housing. The RS-2 District is intended to foster, preserve, and protect areas of the community in which the principal use of land is for detached, site built single-family dwellings, manufactured dwellings and limited residential support facilities at low densities.

RS-3, Single-family Residential District, Medium-High Density. The RS-3 District is intended to foster, preserve and protect areas of the community in which the principal use of land is for detached, site built single-family dwellings, and limited residential support facilities at medium to high densities, where public sewer is available.

RG, General Residential District. The RG District is intended to accommodate a range of housing which meets the diverse economic and social needs of the population and to provide a protected residential environment. Senior housing, congregate care and group facilities, cluster subdivisions, townhouses, patio homes, and similar land conservation housing types are permitted with commonly maintained recreational and open space.

OC, Office Commercial District. The OC District is intended to accommodate office, institutional, limited personal service, and residential uses in areas whose character is mixed, in transition, or otherwise suitable for mixed use development. It is designed principally for use along major streets and subdivision borders characterized by older houses to help ameliorate the consequences of change impacting these areas, and provide a transitional buffer between potentially incompatible commercial and residential development. It is also intended to accommodate “planned” mixed use projects in single ownership.

GC-1, Downtown Commercial District. The GC-1 District is intended to promote the concentration and vitality of commercial and business uses in Downtown Elgin. This district is characterized by wall-to-wall and lot-line-to-lot-line development, sidewalks, and public parking.

GC-2, General Commercial District. The GC-2 District is intended to provide for and promote the development and maintenance of commercial and business uses strategically located to serve the community and the larger region of which it is a part. Toward this end, a wide range of business, commercial, and light industrial uses are permitted in this district.

LI, Limited Industrial District. The intent of the LI District is to provide for development of wholesaling, distribution, storage, processing, and manufacturing uses in an environment suited to such uses and operations while promoting land use compatibility within the Town of Elgin.

RMP, Residential Master Plan District. The RMP District is intended to promote unique residential-only design that provides for multiple types of residential dwellings within a development community which allows for flexibility in design requirements for diverse housing options. These developments are intended to blend harmoniously with surrounding properties.

PD, Planned Development District. The intent of the Planned Development District is to promote mixed-use development tailored to the needs of the community, based on the design and arrangement of uses within a master site development plan while promoting good planning practice with a combination of residential, commercial and public uses.

DOD, Design Overlay District. The intent of the Design Overlay District is to promote unified planning and development along the Town’s major commercial corridor (US 1), improve and enhance the aesthetic quality of land uses fronting on the corridor, and foster civic pride.

Section 2.1-2 Zoning District Boundaries

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- (A) Boundaries indicated as approximately following the centerlines of streets, highways, alleys, railroads, or public utility easements shall be construed to follow such centerlines.
- (B) Boundaries indicated, as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.
- (C) Boundaries indicated as approximately following the town limits shall be construed as following such Town limits.
- (D) Boundaries indicated as parallel to, or extensions of features indicated in Subsections 1 through 3 above shall be so construed. If distances are not specifically indicated on the Official Zoning

Map, or in other circumstances not covered by Subsections 1 through 3 above, the boundaries shall be determined by the use of scale of such map.

Where uncertainties continue to exist after the application of the other rules in this Section, appeal for clarification may be taken to the Planning Commission.

Section 2.1-3 Zoning District Matrix

The Zoning District Matrix depicts the zoning districts and the land uses allowed in each district.

The following rules apply to Table 2-1:

- (A) Uses Permitted by Right. A “P” indicates that a use is allowed by right in the respective district, provided it complies fully with all applicable development standards of this Ordinance.
- (B) Conditional Uses. A “C” indicates that a use is allowed conditionally in the respective district, provided that it meets the applicable conditions and requirements contained within Section 3.
- (C) Uses Not Allowed. A blank cell in the Zoning District Matrix indicates that a use is not allowed in the respective district.

Where a use is not specifically listed on the Table, it shall be understood that the use may be allowed if it is determined by the Zoning Administrator that the use is similar to other uses listed. It is further recognized that every conceivable use cannot be identified on the Table, and anticipating that new uses will evolve over time, this section establishes the Administrator’s authority to compare a proposed use and measure it against those listed on the Table for determining similarity. In determining similarity, the Administrator shall make all of the following findings:

- (A) The proposed use shall meet the intent of, and be consistent with the goals, objectives, and policies of the Comprehensive Plan;
- (B) The proposed use shall meet the stated purpose and general intent of the district in which the use is proposed to be located;
- (C) The proposed use shall not adversely impact public health, safety, and general welfare; and
- (D) The proposed use shall share characteristics common with, and not be of greater intensity, density, or generate more environmental impact, than those listed in the district in which it is to be located.

Table 2-1: Zoning District Matrix

USE CATEGORY / SPECIFIC USE	RS-1	RS-2	RS-3	RG	OC	GC-1	GC-2	LI	Conditional Use Reference
Residential Uses									
Dormitories & Group Occupied Dwellings				C					Sec. 3.1
Duplex				P	P				
Group Home				C					Sec. 3.1
Manufactured Home, Standard Design									
Manufactured Home, Residentially Designed		C							Sec. 3.4
Manufactured Home Park									
Mobile Home									
Modular Home	P	P	P	P	P				
Multi-Family Housing				C		C			Sec. 3.1
Patio Home				C	C				Sec. 3.3
Residential Care Facility				C	C		C		Sec. 3.1
Single Family Detached	P	P	P	P	P				
Townhouse				C	C				Sec. 3.2
Zero Lot Line Housing				C	C				Sec. 3.3
Accessory Uses to Residential Uses									
Accessory Apartment			C	C	C				Sec. 3.15
Animal Keeping, Domestic	C	C	C	C	C				Sec. 3.17
Bathhouse/Cabana	P	P	P	P	P				
Carport/Garage, Private	P	P	P	P	P				
Family Day Care Home	P	P	P	P	P				
Greenhouses, Non-commercial	C	C	C	C	C				Sec. 3.20
Home Occupation	C	C	C	C	C				Sec. 3.5
Horticulture/Garden	P	P	P	P	P				
Satellite Dish	C	C	C	C	C				Sec. 3.22
Shed/Workshop	C	C	C	C	C				Sec. 3.20
Storage Building, Residential	C	C	C	C	C				Sec. 3.6
Swimming Pool, Private	C	C	C	C	C				Sec. 3.21
Tennis Court, Private	C	C	C	C	C				Sec. 3.21
Urban Agriculture – Chickens	C	C	C	C	C				Sec. 3.17
Cultural Facilities									
Auditorium/Arena						P			
Cultural Arts Center						P			
Museum & Art Gallery					P	P	P		
Public Assembly Hall						P			
Government & Social Facilities									
Animal Shelter									
Correctional Institution						P	P	P	
Court						P	P		
Day Care Services					P	P	P		
Government Office					P	P	P		
Individual & Family Services					P	P	P		
Job Training & Vocational Rehabilitation					P	P	P	P	
Military Armory									
Police, Fire & EMS Station	P	P	P	P	P	P	P	P	
Other Social Services					P	P	P		
Educational Facilities									
College, University & Professional School					P	P	P	P	
Elementary School	P	P	P	P	P		P		
Library					P	P	P	P	
Secondary School	P	P	P	P	P		P		

USE CATEGORY / SPECIFIC USE	RS-1	RS-2	RS-3	RG	OC	GC-1	GC-2	LI	Conditional Use Reference
Educational Facilities <i>(continued)</i>									
Vocational School					P	P	P	P	
Other Schools & Educational Services					P	P	P		
Healthcare									
Dentist/Doctor Office/Clinic					P	P	P		
Hospital							P		
Medical/Dental Laboratory							P	P	
Miscellaneous Health & Allied Services						P	P		
Outpatient Hospital							P		
Outpatient Treatment Facility							P		
Other Health Practitioner						P	P		
Religious Uses									
Cemetery	P	P	P	P	P	P	P	P	
Cemetery, Pet	P	P	P	P	P	P	P	P	
Church, Temple or Synagogue	P	P	P	P	P	P	P	P	
Convent or Monastery				P	P		P		
Mausoleum	P	P	P	P	P	P	P	P	
Service Organizations									
Civic Club/Lodge					P	P	P	P	
Fraternal & Professional Organizations					P	P	P	P	
Political, Civic & Business Organizations					P	P	P	P	
Amusement & Recreation									
Amusement Center						P	P		
Amusement Park							P		
Baseball/Softball/Soccer Park							P		
Basketball Court, Outdoor				P	P	P	P		
Batting Cages - Commercial							P		
Botanical Garden	P	P	P	P	P	P	P	P	
Bowling Center							P		
Camp									
Coin Operated Amusement						P	P		
Community Center			P	P	P	P	P	P	
Dance Studio/School					P	P	P		
Driving Range							P		
Fairground							P		
Gymnasium							P		
Miniature Golf Course							P		
Miscellaneous Amusement						P	P		
Movie Theater							P		
Palm Reader/Psychic									
Pistol/Rifle Firing Range									
Physical Fitness Facility					P	P	P		
Public Golf Course	P	P	P	P			P		
Public Park/Playground	P	P	P	P	P	P	P	P	
Racetrack									
Recreation, Golf, Tennis, & Swimming Club	P	P	P	P	P		P		
Recreational Vehicle Park									
Riding Stable	P	P	P	P	P		P	P	
Skating Rink							P		
Stadium							P		
Swimming Pool/Water Park, Public							P		
Zoo or Wildlife Park							P		
Professional Services									
Accountant					P	P	P	P	
Advertising Agency					P	P	P	P	
Architect/Engineer Office					P	P	P		
Attorney Office					P	P	P		
Banks, Mortgage, Brokerage & Credit Instit.					P	P	P	P	
Business Office					P	P	P		

USE CATEGORY / SPECIFIC USE	RS-1	RS-2	RS-3	RG	OC	GC-1	GC-2	LI	Conditional Use Reference
Professional Services <i>(continued)</i>									
Computer Programming/Data Processing					P	P	P	P	
Contractor, General					P	P	P		
Corporate Headquarters					P	P	P		
Insurance Agency					P	P	P	P	
Interior Design Studio					P	P	P		
Office Building					P	P	P		
Real Estate					P	P	P	P	
Research, Management, & Related Services					P	P	P	P	
Retail Commercial									
Air Conditioning Supplies						P	P	P	
Antique Shop						P	P		
Apparel & Accessory Store						P	P		
Art Store						P	P		
Auto/Home Supply Store							P		
Bakery						P	P		
Bar, Lounge, Nightclub						P	P		
Boat Dealer							P		
Book Store						P	P		
Camera & Photography Supply						P	P		
Computer & Electronics Sales						P	P		
Convenience Store							P		
Drug Store/Pharmacy						P	P		
Farm Equipment Sales								P	
Fireworks Store						P	P		
Flea Market							C		Sec 3.18
Florist						P	P		
Food Trailer			C		C	C	C		Sec. 3.19
Fuel Dealer							P		
Gasoline Service Station						P	P		
General Merchandise						P	P		
Gift, Novelty, & Souvenir Shop						P	P		
Gravestone & Monument							P	P	
Grocery Store/Supermarket						P	P		
Gun Sales							P		
Hardware Store						P	P		
Hobby, Toy, & Game Shop						P	P		
Home Furniture, Furnishings & Equipment						P	P		
Ice Cream Truck, Mobile	C	C	C	C	C	C	C	C	Sec. 3.19
Jewelry Store						P	P		
Liquor Store						P	P		
Luggage & Leather Goods						P	P		
Manufactured Home Dealer								P	
Motor Vehicle Dealer							P		
Motorcycle Dealer							P		
Non-store Retailer						P	P		
Nurseries, Lawn & Garden Supply						P	P		
Paint, Glass, & Wallpaper						P	P		
Pawn Shop							P		
Pet Shop/Pet Supplies							P		
Recreational Vehicle Dealer							P		
Restaurant						P	P	P	
Retail Uses Not Listed							P		
Sewing, Needle & Piece Goods						P	P		
Sexually Oriented Business								C	Sec. 3.8
Shoe Store						P	P		
Shopping Center							P		
Sporting Goods & Bicycle Shop						P	P		

USE CATEGORY / SPECIFIC USE	RS-1	RS-2	RS-3	RG	OC	GC-1	GC-2	LI	Conditional Use Reference
Retail Commercial <i>(continued)</i>									
Stationary & Card Store						P	P		
Truck Stop									
Used Merchandise (except Pawn Shops/Flea Markets)						P	P		
Commercial Services									
Animal Grooming						P	P		
Appliance Service							P		
Automatic Teller Machine						P	P	P	
Automobile Detailing							P		
Automobile Repair & Leasing Service, General							C		Sec. 3.14
Barber/Beauty Shop					P	P	P		
Bed & Breakfast Inn	C	C	C	C	C				Sec. 3.9
Bingo Parlor							P		
Body Piercing							P		
Car Wash, Automatic							P		
Car Wash, Self Service							P		
Catering/Food Service							P		
Cellular Telephone Provider							P		
Check Cashing Service							P		
Employment Agency							P		
Equipment Rental					P		P	P	
Funeral Home					P		P		
Hotel/Motel						P	P		
HVAC Service						P	P		
Internet Service Provider							P		
Janitorial Service							P		
Laundry, Cleaning & Garment Service						P	P		
Lawn Mower Repair							P		
Locksmith							P		
Mail/Fax/Printing Service					P	P	P		
Mini-warehouse Storage						P	P	P	
Miscellaneous Repair							P		
Oil Change Service							P		
Optician							P		
Pest/Insect Control Business							P	P	
Photography Studio					P	P	P		
Reproduction, Mailing, Graphical Arts					P	P	P	P	
Shoe Repair					P	P	P		
Tattoo Parlor							P		
Therapeutic Massage							P		
Title Loan Operation							P		
Travel Agent					P	P	P		
Veterinary Service (domestic)					P		P		
Manufacturing & Construction									
Apparel & Fabric Products								P	
Asphalt/Petroleum Refining								P	
Automobile/Boat Manufacturing								P	
Blacksmith								P	
Bottling Works								P	
Building Construction, General/Special Trade						P	P	P	
Chemical and Allied Products								P	
Computer Equipment/Products								P	
Dairy Product Processing								P	
Electronics (including components)								P	
Explosives Manufacturing and/or Storage									
Fabricated Metal Products								P	
Fertilizer Manufacturing									
Food & Kindred Products								P	

USE CATEGORY / SPECIFIC USE	RS-1	RS-2	RS-3	RG	OC	GC-1	GC-2	LI	Conditional Use Reference
Manufacturing & Construction <i>(continued)</i>									
Furniture & Fixtures								P	
Glass, Stone & Clay Products								P	
Heavy Construction								P	
Ice & Frozen Products								P	
Industrial & Heavy Machinery								P	
Lumber & Wood Products								P	
Measuring Instruments, Photographic & Medical Instruments, Watches & Clocks								P	
Meat Curing/Smoking/Packing								P	
Metallic Industries								P	
Office Machines								P	
Paper & Allied Products								P	
Pharmaceuticals								P	
Plastic Products								P	
Precision Instrumentation								P	
Printing & Publishing							P	P	
Pulp Manufacturing									
Saw Mill/Chipping Mill									
Scrap Metal Processors									
Sign Manufacturing								P	
Stone, Clay, Glass & Concrete								P	
Textile Mill Products								P	
Welding Shop								P	
Transportation & Infrastructure									
Airport								P	
Bus Terminal						P			
Cartage, Express, & Parcel Delivery								P	
Communication Tower & Antennas								C	Sec. 3.7
Communications (except towers)						P	P	P	
Electric Generation Facility							P	P	
Motor Freight Transport & Warehousing							P	P	
Propane Gas Storage								P	
Public Transportation Service, Facility						P	P		
Postal Service					P	P	P	P	
Public Utility					P	P	P	P	
Railroad Facility								P	
Railroad Station						P			
Recyclable Collection							P	P	
Refuse System/Facility							P	P	
Sanitary Landfill									
Sewage Treatment								P	
Solid Waste Convenience/Recycling Center								P	
Trucking/Shipping Terminal								P	
Water Treatment & Storage	P	P	P	P	P		P	P	
Warehousing & Distribution									
Beverage Distribution								P	
Distribution Center									
Junk & Salvage Operation									
Scrap Operation									
Storage Yard								P	
Surplus Materials, Heavy Machinery								P	
Warehouse								P	
Wholesale Trade							P	P	
Agriculture & Natural Resources									
Agriculture Sales & Service									
Animal Production/Breeding Facility									
Cattle/Dairy Farming									
Crop Farming	P		P	P				P	

USE CATEGORY / SPECIFIC USE	RS-1	RS-2	RS-3	RG	OC	GC-1	GC-2	LI	Conditional Use Reference
Agriculture & Natural Resources <i>(continued)</i>									
Crop Storage & Sales									
Farmer's Market						P			
Game Farm									
Greenhouse/Nursery – Commercial							P	P	
Hatchery Operation									
Hunting Club/Preserve									
Landscaping & Horticulture Sales							P	P	
Livestock Auction House									
Livestock Keeping/Poultry House									
Mining									
Mulch Sales/Landscaping							P	P	
Produce Stand/Shelter									
Slaughterhouse									
Stockyard									
Veterinary Service (livestock)								P	
Wildlife Refuge									
Accessory Uses to Non-Residential Uses									
Buildings & Structures (excluding shipping containers)					P	P	P	P	
Open Storage							C	C	Sec. 3.13
Outdoor Display						C	C		Sec. 3.16
Shipping Containers							C	C	Sec. 3.11
Temporary Uses									
Christmas Tree Sales						C	C	C	Sec. 3.10
Contractor's Office/Equipment Shed	C	C	C	C	C	C	C	C	Sec. 3.10
Garage/Yard Sales	C	C	C	C	C				Sec. 3.10
Portable Classrooms	C	C	C	C	C		C	C	Sec. 3.10
Public Assembly							C		Sec. 3.10
Sales Events							C		Sec. 3.10
Temporary Uses	C	C	C	C	C	C	C	C	Sec. 3.10
Vendor							C		Sec. 3.12

Section 2.1-4 Lot Size, Density, Setback, Height, and Building Spacing

Table 2-2 contains dimensional and density requirements for lots and height and spacing requirements for buildings. Details related to measurement and placement of these dimensional standards can be found in Article 7.

Table 2-2: Development Standards

	Zoning Districts							
	RS-1	RS-2	RS-3	RG	OC	GC-1	GC-2	LI
Minimum Lot Area								
Residential Area (sq ft)	20,000	20,000	10,000	8,500	8,500	NA	NA	NA
Non-Residential Area (sq ft)	30,000	30,000	15,000	15,000	10,000	No minimum	10,000	10,000
Minimum Yard & Building Setback (ft)								
<i>Front:</i>	30	30	30	15	15	(0 min/5 max)	30	30
<i>Side:</i>								
Residential	15	15	(A)	(A)	(A)	NA	5	NA
Non-Residential	20	20	15	15	7.5	(0 min/20 max)	5	10
<i>Rear:</i>								
Residential	25	25	15	(B)	15	NA	15	NA
Non-Residential	50	50	40	40	15	0	15	20
Maximum Density (units/acre)	2	2	4	5	5	6	NA	NA
Maximum Height (ft)	35	35	35	35	35	40	40	40
NOTES: (A) - 7.5 ft single family, modular, and duplex, 7.5 ft patio home (one side only), 10 ft end of townhouse, 20 ft for multi-family (B) - 40 feet multi-family, 15 feet for all other residential uses								

Section 2.2 RMP, Residential Master Plan District

Section 2.2-1 Uses Permitted and Development Standards in RMP

The uses allowed in an RMP District are limited to duplexes, multi-family dwellings, patio homes, single family detached, townhouses, and zero lot line housing.

The development standards of minimum lot areas, setbacks, density, height of structures, and parking and buffering requirements shall be established on the master plan and related documents and approved by Town Council.

Section 2.2-2 Where and How Permitted

- (A) Residential Master Plan Districts shall be established by amendment to the official zoning map and related amendatory action. Tracts, suitable in location and character to the uses and structures proposed, are to be planned and developed in a unified basis, according to the requirements and procedures set forth herein.
- (B) Approval for a change to the RMP district shall follow the zoning amendment process outlined within Section 8.4. The applicant shall provide a detailed master plan that outlines the intended development pattern for the site which will be the approved development plan. The Zoning Administrator, with input from town and county agencies responsible for providing service to the proposed development, shall provide the Planning Commission with a recommendation based on the availability of services. The Planning Commission may review the request up to two times to encourage public input as to the design of the master plan proposal. The Commission may

take additional time beyond the typical 30-day review period as identified under Section 8.4 with the approval of the applicant. If the applicant does not agree to the extension of time necessary for adequate review, the item shall be forwarded to town council noting the commission's concerns without a recommendation.

- (C) All development items not identified within the RMP approved master plan and related documents shall meet the requirements found in the Town of Elgin zoning ordinance.
- (D) Upon approval by town council, the approved master plan and related documents shall be the governing documents for development approvals on the site.
- (E) Any subsequent amendments to the RMP master plan shall be reviewed by the Planning Commission and approved by Town Council.

Section 2.2-3 Development Standards

The Residential Master Plan zoning district is dependent upon a detailed site plan that outlines all development to occur on the site. The proposal application is not complete and shall not be reviewed until all items below are addressed and included in the submittal:

- (A) A site plan of the development outlining the scaled dimensions of the property including adjoining public and private rights-of-way and easements. The plan shall detail the location, arrangement, dimensions, extent, and character of the following:
 - (1) Adjacent streets and alleys.
 - (2) Structures by type of use, maximum height of structures, bedroom mix, gross floor area for each structure, and land coverage of buildings and impervious area.
 - (3) Setbacks between structures and property lines.
 - (4) Residential densities by housing type and maximum number of dwelling units.
 - (5) Interior streets and drives.
 - (6) Parking including storage of boats, campers, trailers and recreational vehicles.
 - (7) Dumpster locations.
 - (8) Mailbox locations.
 - (9) Pervious and impervious areas.
 - (10) Open recreation space and common area.
 - (11) Dimensions of separations between buildings, streets, and other features.
 - (12) Land dedications and public improvements.
 - (13) Location of signs.
 - (14) Ownership and maintenance of streets, open space, and common areas.
- (B) A landscape plan identifying existing and proposed structures, any significant trees, proposed trees and landscaping, topography with contour intervals of five feet or less, buffer areas, fencing and walls including purpose and timing of construction, and other significant natural features.
- (C) A general structural detail outlining the typical elevations of the types of buildings with architectural details.
- (D) Deed restrictions that outline the standards of the development including, but not limited to, parking agreements, easements, use of common areas, dedication of public lands, etc.

Section 2.3 PD, Planned Development District**Section 2.3-1 Where and How Permitted**

- (A) PD districts shall be established by amendment to the official zoning map and related amendatory action. Tracts, suitable in location and character for the uses and structures proposed, are to be planned and developed in a unified basis, according to the requirements and procedures set forth within this ordinance.
- (B) Approval for a change to the PD district shall follow the zoning amendment process outlined within Section 8.4. The applicant shall provide a detailed master plan that outlines the intended development pattern for the site which will be the approved development plan. The Zoning Administrator, with input from town and county agencies responsible for providing service to the proposed development, shall provide the Planning Commission with a recommendation based on the availability of services. The Planning Commission may review the request up to two times to encourage public input as to the design of the master plan proposal. The Commission may take additional time beyond the typical 30-day review period as identified under Section 8.4 with the approval of the applicant. If the applicant does not agree to the extension of time necessary for adequate review, the item shall be forwarded to town council noting the commission's concerns without a recommendation.
- (C) All development items not identified within the PD approved master plan and related documents shall meet the requirements found in the Town of Elgin zoning ordinance.
- (D) Upon approval by town council, the approved master plan and related documents shall be the governing documents for development approvals on the site.
- (E) Any subsequent amendments to the PD master plan shall be reviewed by the Planning Commission and approved by Town Council.

Section 2.3-2 Required Site Area

To be eligible to apply for a Planned Development District amendment, the proposed development site must contain a minimum of 15 acres.

Section 2.3-3 Allowed Uses

A PD district may permit any use which is a permitted use in any zoning district established within this ordinance. However, the PD plan must provide for a mixture of land uses that incorporates cultural, civic, office, commercial, or industrial uses rather than residential only.

Section 2.3-4 Dimensional Standards

The dimensional standards of this ordinance are waived except that:

- (A) Within 50 feet of any residential district, the height regulations of that district shall apply.
- (B) No lots for single family detached dwellings shall be less than 5,000 square feet in area.
- (C) The minimum spacing between structures shall be established by the Town Building Official.

Section 2.3-5 Commercial Areas

- (A) Commercial areas and adjacent residential, office and industrial areas shall be arranged to promote pedestrian access between and within such areas.

(B) Commercial uses shall be located on and shall access on an internal street of the development.

Section 2.3-6 Circulation and Access

- (A) All streets shall be constructed as an all-weather surface.
- (B) Internal streets, drives, and parking areas shall provide safe and convenient access to dwelling unit and recreational facilities, and for service and emergency vehicles.
- (C) Sidewalks shall be required along streets adjacent to and within the PD. Sidewalks shall be constructed in accordance with SCDOT standards. Sidewalks shall form a logical, safe, and convenient system for pedestrian access to all dwelling units, appropriate project facilities, and principal off-site pedestrian destinations. Pedestrian/bicycle pathways may be substituted for sidewalks, if appropriate.
- (D) Widths of new public streets which are constructed for the PD, other than thoroughfare or arterial streets, may be decreased if approved by Kershaw County for acceptance.

Section 2.3-7 Boundary Treatment

No commercial or industrial use shall be permitted within 150 feet of the perimeter of the planned development unless the adjoining zoning district permits the same or a similar use adjacent to the perimeter.

Buffering shall be established around the perimeter that meets and exceeds the buffering standards as outlined in Section 4.2.

Section 2.3-8 Signs

All signs shall use a coordinated color, style, and lettering scheme shown within a common sign plan for the planned development.

Section 2.3-9 Parking

Off-street parking for each use in a PD district shall be provided in accordance with the standards set forth in this ordinance. The Planning Commission may approve a reduction in the number of spaces if the development plan provides convenient pedestrian and/or bicycle access among uses. All parking areas shall be delineated and constructed with an all-weather surface.

Section 2.3-10 Environmental Areas, Open Space and Common Recreational Facilities

Lands within a designated floodway, wetlands and critical ecological areas shall be left natural and undisturbed except for street crossings, walkways, recreation facilities, utilities, stream restoration and erosion control devices.

Open space shall be provided at a rate of two acres per 100 dwelling units and ten percent of the land area for office, commercial and industrial uses.

Section 2.3-11 Development Standards

The Planned Development zoning district is dependent upon a detailed site plan that outlines all development to occur on the site. The proposal application is not complete and shall not be reviewed until all items below are addressed and included in the submittal:

-
- (A) A site plan of the development outlining the scaled dimensions of the property including adjoining public and private rights-of-way and easements. The plan shall detail the location, arrangement, dimensions, extent, and character of the following:
- (1) Adjacent streets and alleys.
 - (2) Structures by type of use, maximum height of structures, bedroom mix, gross floor area for each structure, and land coverage of buildings and impervious area.
 - (3) Setbacks between structures and property lines.
 - (4) Residential densities by housing type and maximum number of dwelling units.
 - (5) Interior streets and drives.
 - (6) Parking including storage of boats, campers, trailers and recreational vehicles.
 - (7) Dumpster locations.
 - (8) Mailbox locations.
 - (9) Pervious and impervious areas.
 - (10) Open recreation space and common area.
 - (11) Dimensions of separations between buildings, streets, and other features.
 - (12) Land dedications and public improvements.
 - (13) Location of signs.
 - (14) Ownership and maintenance of streets, open space, and common areas.
- (B) A landscape plan identifying existing and proposed structures, any significant trees, proposed trees and landscaping, topography with contour intervals of five feet or less, buffer areas, fencing and walls including purpose and timing of construction, and other significant natural features.
- (C) A general structural detail outlining the typical elevations of the types of buildings with architectural details.
- (D) Deed restrictions that outline the standards of the development including, but not limited to, parking agreements, easements, use of common areas, dedication of public lands, etc.
- (E) A phasing schedule outlining the development timeline of phases of development.

Section 2.4 DOD, Design Overlay District

Section 2.4-1 Establishment; Definition

The Design Overlay District is hereby established adjacent to and along the full length of US Highway 1 through the Town of Elgin, extending from the right-of-way of US Highway 1 a distance of 300 feet.

The Overlay District imposes requirements and standards over and above, or in addition to, those imposed by the primary or underlying zone district, and in all instances shall be satisfied in full prior to the issuance of a building or use permit.

Section 2.4-2 Design Review Board; Creation; Authority

To help accomplish the purpose of this district, the Planning Commission is hereby designated to also serve as a Design Review Board in accord with the provisions of 6-29-870 of the SC Code of Laws.

The Board shall have the power and duty to hear appeals from decisions of the Building Official or Zoning Administrator in all matters governed by this Section where there is alleged error in any order, requirement, determination, or decision.

Section 2.4-3 Permitted Uses

Permitted uses within the Overlay District are determined primarily by the underlying or Primary Zone District. However, the following uses are declared to be incompatible with the purpose of this district as stated in Section 2.4-1, and are therefore disallowed, irrespective of primary or underlying Zoning District regulations permitting such uses:

- (A) Truck Stops & Motor Freight Transport & Warehousing,
- (B) Flea Markets,
- (C) Junk & Salvage Operations,
- (D) Pawn Shops,
- (E) Self-Service Car Wash,
- (F) Tattoo Parlors,
- (G) Sexually Oriented Businesses,
- (H) Palm Readers/Psychics,
- (I) Religious Uses utilizing a storefront originally designed as a commercial structure,
- (J) Bars, Lounges & Nightclubs
- (K) Body Piercing
- (L) Mini-warehouse Storage

Section 2.4-4 General Design Standards

Architectural plans of all elevations of proposed structures shall be submitted with a site plan which include relationships to public views, construction materials, photographs, or perspective drawings indicating visual relationships to adjoining properties and spaces. At a minimum, the following general design standards shall be considered when reviewing a building permit application:

- (A) Height. The height of any proposed alteration or construction should be compatible with the style and character of surrounding structures.
- (B) Exterior Building Material. No portion of a building constructed of unadorned masonry or metal siding shall be visible from the street.
- (C) Landscaping. Landscaping shall be integrated into the design and layout of the site, and the off-street parking area.
- (D) Architectural Details. Architectural details including materials, colors, and textures should blend in and be compatible with surrounding development. Garish colors shall not be permitted.
- (E) Signage. Except for Temporary Signs covered by Section 5.5, signage permitted in the Design Overlay District shall be limited to one monument sign for each lot or parcel upon which a business, industrial, institutional, or multi-family use is located, and one wall sign for each business located on the site.
 - (1) *Monument Signs*. The monument sign shall not exceed 32 square feet in area or twelve feet in height, and shall display only the name or identification of the business and/or products sold on site. No monument sign may be located closer than five feet to the nearest property line. Landscaping, consisting of a mixture of evergreen and deciduous shrubs and ground cover shall be provided at the base of each monument sign.
 - (2) *Wall Signs*. The wall sign may be painted on or supported by the wall, provided the sign face does not extend over one foot from the wall and is no larger than 20 square feet in area.
 - (3) *Off-Premise Signs*. Outdoor advertising or off-premise signs shall be prohibited.
 - (4) *Color*. Neon colors may not be utilized.

Section 2.4-5 Specific Design Standards

- (A) Wall Detail. All walls visible from a street, parking area, or other public space shall include windows, entryways, or other wall details equal to 20 percent of the wall surface in order to break up large expanses of blank wall surfaces.
- (B) Entranceways. Building entrances shall face US Highway 1 or a public park.
- (C) Front Façade. A minimum of 40 percent of the front façade of a new building shall include windows or doors.
- (D) Existing Façade. The existing façade facing or visible from the street, including existing doors and windows, shall be retained.
- (E) Permitted Materials. The following exterior wall materials are permitted: brick, split-face concrete block, parged block, glass block, decorative concrete masonry units, stone, terra cotta, fiber cementitious board siding materials, traditional stucco or plaster, carrera glass, windows, window glazing, architectural glass panels, architectural metal or laminated panels, and exterior finish wood products. Not more than three materials may be used on the exterior front façade (excluding windows, doorways, and awnings).
- (F) Orientation. Buildings shall be oriented to the higher order street. At least one entrance shall be provided to each street frontage with direct access to the sidewalk or future sidewalk location. Off-street parking shall not be located between the building's principal entrance and the street.
- (G) Grade. Buildings shall be aligned with the finished grade of the street. The principal entry for a civic use or a civic building may include a stoop, portico, colonnade, or a portal.
- (H) Entryways. Recessed entryways are permitted in order to provide a sense of entry and to add variety to the streetscape. Overhead doors for loading docks, delivery, and distribution shall be permitted only on the rear of the building; overhead doors may be utilized by restaurants, bars, and lounges for indoor/outdoor seating.
- (I) Canopies. Canopies, awnings, and similar coverings are encouraged at the entrances to buildings. Such features may be constructed of rigid or flexible material designed to complement the streetscape of the area. Such features shall not obscure the upper stories or a sign panel located above the first floor. Any such feature may extend from the building up to five feet. The canopy structure and any vertical supports shall not extend into the public right-of-way without receipt of an encroachment permit.
- (J) Roofs. Roofs shall drain to the rear or side of the building. Flat roofs shall be screened from view by parapet walls. Roof penetrations shall not be visible from the street level.
- (K) Equipment. Heating and air conditioning mechanical equipment; whether ground level, raised, or rooftop; garbage receptacles; fuel tanks; electric and gas meters; and other mechanical objects shall be concealed from view from any abutting road or adjacent tract of land by a structure constructed of the same materials as the exterior elevation of the principal structure, and if on or attached to the principal structure front, such structure shall be designed to be perceived as an integral part of the building.
- (L) Utility Lines. All utility lines accessing the proposed structures shall connect underground.
- (M) Windows. Window frames shall be metal, wood, or vinyl, and must be painted or vinyl clad.
- (N) Doors. Doors may be solid or hollow core metal, aluminum, fiberglass, or wood, and may be either solid or have glass or louvers. Glass in any door shall be transparent or leaded glass. Doorframes may be metal or wood, and must be painted or stained. Solid doors shall have raised panels and louvers.

- (O) Off-Street Parking. No off-street parking shall be permitted between a principal structure and any street. No surface parking shall adjoin US Highway 1. All off-street parking shall be located in the rear of buildings. Parking areas shall have a paved, all-weather surface and meet the requirements of Section 6.1.
- (P) Loading and Delivery. Loading and unloading areas shall be located only in the rear of a building or in a side yard behind the front façade of the building.
- (Q) Color. Proposed color of materials, including paint and stain swatches, shall be provided to the Board of Architectural Review for review. Any proposed modification to such colors in the future shall be reviewed by the Board of Architectural Review prior to structural changes.
- (R) Single Family Residential Uses. Any proposed residential use located within the Design Overlay District may be exempted from the design requirements of this section as determined by the Board of Architectural Review.

Section 2.4-6 Public Art

Public art includes, but is not limited to, paintings, murals, inscriptions, stained glass, fiber work, statues, reliefs or other sculpture, monuments, fountains, arches, or other structure intended for ornament or commemoration.

- (A) Application for public art projects must follow the following process:
 - (1) Applicants shall complete an Application for a Certificate of Appropriateness.
 - (2) Applicants shall provide a sketch or illustration of the proposed art along with a detailed site location.
 - (3) Detailed drawings may be required to show how the artwork is to be attached to a structure or held in place.
 - (4) A date of installation shall be provided. If the artwork is proposed for a temporary timeframe, the timeframe shall be provided.
 - (5) A maintenance plan shall be provided detailing how often the artwork will be maintained and by whom.
 - (6) A statement of ownership shall be provided identifying the ownership of the artwork.
- (B) All applications for a Certificate of Appropriateness shall undergo the following process:
 - (1) Upon submittal of an application for a Certificate of Appropriateness, the item shall be placed on the agenda of the Board of Architectural Review as provided for in Section 8.3.
 - (2) The application shall be advertised and notification as provided for in Section 8.3.
 - (3) The Board shall review the application and make a decision based on the following:
 - a. No public art shall contain statements, words, or pictures of an obscene, indecent, or immoral character such as will offend public morals or decency.
 - b. Approval of the property owner to allow the public art on their property; approval of the local government by encroachment permit if located on town, county, or state-maintained property.
 - c. Modification of the artwork based on suggestions by the Board including, but not limited to, scale, size, color, materials, scheme, or placement.
 - d. Identified timeline for installation and removal of the artwork.
 - (4) Upon approval by the Board, a Certificate of Appropriateness shall be issued to the applicant and approval to begin work shall be provided.

- (C) The artwork shall be maintained at all times. A perpetual maintenance agreement shall be in place prior to issuance of a Certificate of Appropriateness. The Board shall provide notice to the owner of record when maintenance is required beyond what is established in the maintenance plan. If the artwork is abandoned, the Board may amend the Certificate of Appropriateness to approve a new perpetual maintenance agreement with a new applicant or force the property owner to remove the artwork entirely.

Section 2.4-7 Certain Work Exempt

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any building or any structure which does not require a building permit, nor to prevent the demolition of any structure or building characterized by neglect in the maintenance of such building or structure to the extent that it creates hazardous or unsafe conditions.

Section 2.4-8 Development and Dimensional Standards

Dimensional requirements on *Table 2-2* shall be applicable to the primary zone districts within the Overlay Zone.

ARTICLE 3: CONDITIONAL USE REGULATIONS

The regulations contained in this Article are intended to ameliorate the impact and improve the siting of uses, buildings, and projects whose design and/or operational characteristics could adversely affect surrounding property and environmental conditions. To this end, standards and criteria over and above those set forth elsewhere in this Ordinance are imposed herein on all conditional uses listed in Table 3-1.

Table 3-1 – Conditional Use Standards

CONDITIONAL USE	SECTION REFERENCE
Multi-Family Housing, Residential Care Facility, Dormitories and Group Occupied Dwellings, and Group Home	3.1
Townhouse	3.2
Patio Home and Zero Lot Line Housing	3.3
Manufactured Home, Residentially Designed	3.4
Home Occupation	3.5
Storage Building, Residential	3.6
Communication Tower and Antennas	3.7
Sexually Oriented Business	3.8
Bed and Breakfast Inn	3.9
Temporary Uses	3.10
Shipping Container	3.11
Vendor	3.12
Open Storage	3.13
Auto Repair and Leasing Service, General	3.14
Accessory Apartment	3.15
Outdoor Display	3.16
Domestic Animal Keeping and Urban Agriculture – Chickens	3.17
Flea Market	3.18
Food Trucks, Food Trailers, and Related Vendors	3.19
Sheds, Workshops, and Greenhouses	3.20
Swimming Pools, Tennis Courts, and Recreational Uses	3.21
Satellite Dish	3.22

Section 3.1 Multi-Family Housing, Residential Care Facility, Dormitories and Group Occupied Dwellings, and Group Home

Multi-Family housing projects, consisting of five or more dwelling units, or two or more residential care facilities, or group homes, designed to accommodate 20 or more individuals, shall meet the following design standards:

- (A) Buildings shall be set apart not less than 40 feet.
- (B) Not less than 25 percent of the project site shall be designated, landscaped and permanently reserved as usable common open space.
- (C) Buildings shall not exceed 400 feet from end to end.

- (D) Multiple buildings shall be oriented toward common open space, away from adjacent single family residential uses and off-street parking areas.
- (E) Trash receptacles shall be oriented away and screened from adjacent residential uses.
- (F) Multi-Family Housing shall be allowed in the GC-1 zoning district provided the units are located in the second story above street level or higher of multiple-story buildings.

Section 3.2 Townhouse

Due to the unique design feature of townhouses, the following supplemental design requirements shall apply:

- (A) Such projects shall have a minimum of 1.5 acres.
- (B) Not more than six, nor fewer than three, townhouses may be joined together, with approximately the same (but staggered) front line.
- (C) Minimum distance between rows of buildings shall not be less than 20 feet.
- (D) Minimum lot width shall be 18 feet.
- (E) Sidewalks not less than six feet in width shall be provided along the front property line or each project or building.
- (F) Projects consisting of 20 or more dwelling units shall devote, designate and landscape not less than 15 percent of the project site as usable common open space.

Section 3.3 Patio Home and Zero Lot Line Housing

Due to the unique design features of patio and zero lot line housing, the following supplemental design requirements shall apply:

- (A) Such projects shall have a minimum of 1.5 acres.
- (B) Minimum lot area shall be 3,000 square feet per unit.
- (C) Minimum lot width shall be 40 feet.
- (D) Where a unit is to be constructed at or on the property line, a five-foot private maintenance easement shall be provided on the adjoining lot.
- (E) At least one side yard extending not less than six feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of six feet.

Section 3.4 Manufactured Home, Residentially Designed

Section 3.4-1 Setup

In order to secure electricity, manufactured homes, including homes sited for the first time, or homes involving a change in location, where permitted by this Ordinance, shall:

- (A) Bear a seal showing compliance with the Federal Manufactured Housing Construction and Safety Standards Code (245 CFR 3280), enacted June 15, 1976.
- (B) Be installed in accord with the regulations of the South Carolina Manufactured Housing Board, 23, SC Code Ann. Regs. Section 19-425 *et seq.*; specifically:
 - (1) Foundations. Foundations shall be in accord with Chapter 19, Paragraph 19-425.43 A & B in its entirety, as promulgated from South Carolina Code 40-29. Foundations shall be installed

- by personnel licensed in accordance with Chapter 19, Paragraphs 425.25, 425.29, and 425.30.
- (2) Tie-Down Anchors. Ground anchors shall be installed in accordance with Chapter 19, Paragraph 19-425.43 A & B in its entirety as promulgated from South Carolina Code 40-29. Anchors shall be installed by personnel licensed in accordance with Chapter 19, Paragraphs 425.25, 425.29, and 425.30.
 - (3) Curtain Walls and Final Installation. Curtain walls (commonly referred to as Skirting or Underpinning) shall be installed in accordance with manufacturer's installation instructions, and regulations promulgated by the SC Manufactured Housing Board under SC Code Section 40-29. Skirting materials may consist of vinyl, wood, metal, or masonry. Curtain walls shall be secured, as necessary, to assure stability, to minimize vibrations, minimize susceptibility to wind damage, and to compensate for possible frost heave. Access opening(s) not less than 24 inches in any dimension and not less than three square feet in area shall be provided and shall be located so that any water supply and sewer drain connectors located under the manufactured home are accessible for inspection. Such access panel(s) or door(s) shall be fastened in a manner that does not require the use of special tools to remove or open same. Before installation of curtain wall, all debris and grass shall be removed from beneath the manufactured home. Tongues, drawbars, and running gear shall be removed from the home prior to issuance of final permit.
 - (4) Steps and Landings. Each exterior door shall have a landing or porch area with minimum measurements of 36 inches by 36 inches. The minimum width of stairway treads shall be 36 inches. If the exterior door is 30 inches or more above the ground, handrails must be installed. Metal or wood stairs shall be securely anchored to the ground. Concrete masonry unit (CMU) steps must be constructed with standard masonry joints consisting of masonry cement.

Section 3.4-2 Habitability Standards

All manufactured homes brought into the Town of Elgin must provide a safe and sanitary living environment. Accordingly, this Section requires compliance with Minimum Habitability Requirements of the Manufactured Housing Board, Chapter 19, Paragraph 19-425-44 as authorized under Code Section 40-29-50, South Carolina Code of Laws 1976, as amended.

Section 3.5 Home Occupation

Home occupations, as defined by this ordinance, shall meet the following requirements, where conditionally permitted by Table 2-1.

- (A) The home occupation shall be carried on wholly within the principal building, and shall be properly certified.
- (B) The floor area dedicated to such use shall not exceed 25 percent of the floor area of the principal dwelling.
- (C) No activity shall be conducted outside, nor shall there be any outdoor storage, display, or refuse area in the yard.
- (D) There are no retail sales of goods.
- (E) No more than one person not residing in the residence shall be employed in the home occupation.

- (F) There is no alteration whatsoever of the residential character of the building(s) and/or premises.
- (G) The occupation, profession, or trade shall generate no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses.

Section 3.6 Storage Building, Residential

Storage buildings in residential areas shall meet the following requirements:

- (A) The building may not be utilized for storage in connection with a trade.
- (B) The building may not be utilized for storage of building materials except in connection with active construction.
- (C) The building may not be utilized for open storage of any material or use other than accessory to the principal residential use. Open storage shall not be permitted in any required setback area.
- (D) Building sheds and structures for dry storage and greenhouses may be located in rear yard setback areas only, but no closer than three feet to a property line.

Section 3.7 Communication Tower and Antennas

Where conditionally permitted as a principal use by Table 2-1, communication towers and antennas shall adhere to the following regulations:

- (A) All new towers shall be mounted on mono-poles, without need for guy wires, and shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.
- (B) All applicable safety code requirements shall be met, including requirements for lighting, except that strobe lights shall not be permitted.
- (C) Towers or antennas shall not be painted or illuminated unless otherwise required by state or federal regulations.
- (D) No tower shall be located in any wetlands.
- (E) No tower or antenna shall be located within 1,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.
- (F) Towers or antennas shall be exempt from the maximum height requirements of this ordinance; provided such uses shall be setback from adjacent property lines one foot for each one foot in height.
- (G) No advertising of any type may be attached to a communication tower.
- (H) Communication towers shall be removed at the operator's expense within 120 days of the date such tower ceases to be used for its intended purpose.
- (I) Permit requirements for the erection or replacement of a tower or antenna shall be accompanied by the following:
 - (1) One copy of typical specifications for proposed structured and antenna, including description of design characteristics and material.
 - (2) A site plan drawn to scale showing property boundaries, tower location, tower height, anchors, existing structures, fall zone (as determined by a structural engineer, licensed and certified in South Carolina), photographs or elevation drawings depicting typical design of proposed structures, parking, fencing, landscape plan, and existing land uses on adjacent

- property; [site plan not required if antenna is to be mounted on an approved existing structure].
- (3) A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property.
 - (4) Identification of the owners of all antennae and equipment to be located on the site.
 - (5) Written authorization from the site owner for the application.
 - (6) Evidence that a valid FCC license for the proposed activity has been issued.
 - (7) A line-of-sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
 - (8) A written agreement to remove the tower and/or antenna within 120 days after cessation of use.
 - (9) A certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, together with written indemnification of the Town and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility, at no cost to the Town.

Section 3.8 Sexually Oriented Business

Section 3.8-1 Location

Owing to potentially objectionable characteristics of sexually oriented or adult uses, and the deleterious effect of such uses on existing businesses and/or residential areas around them, the location of such uses shall be tempered by the supplemental siting criteria of this section.

No such use shall be located within 1,000 feet (measured in a straight line and documented on a map drawn to scale) of any:

- (A) Church or religious institution;
- (B) Public or private school or educational facility;
- (C) Public park or recreational facility;
- (D) Public library, governmental or historical building, or historic or cultural marker;
- (E) Cemetery;
- (F) Other sexually oriented business;
- (G) Day care facility; or
- (H) Residential care home and facility.

Section 3.8-2 License Required

It shall be a misdemeanor for a person to operate a sexually oriented business without a valid permit and/or license, issued by the Town for the particular type of business.

- (A) An application for a permit and/or license must be made on forms provided by the Zoning Administrator.
- (B) The premises must be inspected and found to be in compliance with law by health, fire, and building officials.

Section 3.8-3 Expiration of License

Each permit and/or license shall expire at the end of each calendar year and may be renewed only by making application as provided herein.

Section 3.8-4 Fees

The annual fee for a sexually oriented business license shall be five hundred dollars (\$500).

Section 3.8-5 Inspection

- (A) An applicant or permittee and/or licensee shall permit representatives of the Town's police department, health, or fire departments, or other governmental departments or agencies involved in code enforcement to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
- (B) A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if they refuse to permit such lawful inspection of the premises at any time it is occupied or open for business.

Section 3.8-6 Suspension

The Zoning Administrator shall suspend a permit and/or license for a period not to exceed 30 days if it is determined that a permittee and/or licensee has:

- (A) Violated, or is not in compliance with, any section of this Ordinance, or
- (B) Refused to allow an inspection of the sexually oriented business premises as authorized by this Section.

Section 3.8-7 Revocation

The Zoning Administrator shall revoke a permit and/or license if it is determined that:

- (A) A permittee and/or licensee gave false or misleading information in the material submitted to the building department during the application process;
- (B) A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (C) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises;
- (D) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended;
- (E) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises; or
- (F) A permittee and/or licensee is delinquent in payment to the Town for any taxes or fees past due.

Section 3.9 Bed and Breakfast Inn

Bed and Breakfast Inns are intended to provide a unique transit lodging experience in predominantly residential environs. As a result, care should be taken to protect the environs that contribute to the

experience of such lodging while promoting their use. Toward this end, Bed and Breakfast Inns, where conditionally permitted by this Ordinance, shall:

- (A) Be located no closer than 400 feet from an existing Bed and Breakfast Inn;
- (B) Be occupied by the resident/owner;
- (C) Only be permitted in older residential structures that are recognized as architecturally, historically, or culturally significant and that, through renovation and use as a bed and breakfast inn, will contribute significantly to the ambience, character, or economic revitalization of the area and/or continued use of the property in question for residential purposes;
- (D) Serve no scheduled meal other than breakfast;
- (E) Maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guestrooms above the number of bedrooms in the original structure;
- (F) Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area;
- (G) Provide off-street parking on the basis of one space per guest room, plus two spaces for the resident innkeeper; and
- (H) Be permitted one non-illuminated identification sign, not to exceed four square feet in area.

Section 3.10 Temporary Uses

Section 3.10-1 Permit Required

The Zoning Administrator is authorized to issue a permit for temporary uses and/or structures as specified in this Ordinance. No temporary use or structure may be established without receiving such permit, except that garage and yard sales shall be exempt from permitting requirements.

Section 3.10-2 Type and Location

- (A) Tents and other temporary structures for public assembly or sales events are allowed in the GC-2 District only. Tents allowed for sales events shall be limited to merchandise of the same type as that sold indoors of the business displaying the merchandise. The permit period shall not exceed seven days, at intervals of not less than 90 days. The use of tents for private use is not regulated by this section.
- (B) Contractor's office and equipment shed are allowed in any district for a period covering construction phase of a project not to exceed one year unless re-permitted; provided that such office be place on the property to which it is appurtenant.
- (C) Portable classrooms are allowed for cultural or community facilities, educational facilities, or religious uses, for an indefinite period provided all required setbacks for the district in which the structures are to be located shall be met and the portable structure shall be located on the same site as the principal structure.
- (D) Garage and Yard Sales shall be permitted only in residential districts for not more than two days at intervals of not more than three times within a calendar year. Further, no more than one directional off-premise sign may be erected and such sales shall discontinue before 6:00 PM. No public address system shall be used and no new merchandise shall be brought in for the sale.
- (E) Open lot sale of Christmas trees is allowed for a period not to exceed 45 days in any non-residential district.

Section 3.10-3 Removal

Temporary uses, and structures from which temporary uses are operated, shall be removed from the site after the temporary permit has expired.

Section 3.11 Shipping Container

Where conditionally permitted by Table 2-1, the use and storage of shipping containers shall be governed by the following:

- (A) Shipping containers shall not be used as a principal use or structure;
- (B) Shipping containers shall not be located in front of any principal building or structure;
- (C) Shipping containers shall be permanently screened from public view;
- (D) Shipping containers shall not be stacked;
- (E) Shipping containers shall not be located in any required side or rear yard setback area;
- (F) The number of accessory shipping containers shall not exceed one per establishment or lot, except where the building to which it is accessory exceeds 20,000 square feet, then an additional shipping container may be established; provided it shall meet in full the above requirements;
- (G) Shipping containers shall not be placed or stored on any lot or parcel for sale or distribution;
- (H) Shipping containers shall be rust and damage free, and properly maintained at all times; and
- (I) Shipping containers shall not exceed 50 percent of the floor area of the principal structure(s) to which they are accessory.

Section 3.12 Vendor

Where conditionally permitted by Table 2-1, vendors shall be governed by the following:

- (A) All vending operations shall be located not less than 20 feet from the nearest street right-of-way and provide at least two off-street parking spaces;
- (B) Only one vendor shall be allowed for each 400 feet of street frontage;
- (C) No portion of a vending operation shall be allowed to occupy or obstruct access to any required off-street parking stall;
- (D) No merchandise, vehicles, structures, signage, etc. shall be left on the site past sundown;
- (E) No goods or merchandise offered for sale may be stored in or sold from a tractor trailer; and
- (F) Only one sign per vendor shall be allowed, regardless of where it is mounted. Advertising materials attached to or painted onto automobiles are construed to be signs. Signs shall not exceed ten square feet in area and shall meet all applicable sign requirements contained in Article 5.

Section 3.13 Open Storage

Open storage areas, where permitted by Table 2-1, shall not occupy over 20 percent of the buildable area, shall not be located in any required setback area, and shall be screened from public view. Open storage does not include retail sales of such items as boats, vehicles, etc.

Section 3.14 Automobile Repair and Leasing Service, General

Where conditionally approved by Table 2-1, general auto and other motor vehicle repair operations shall be conducted within fully enclosed buildings. There shall be no open storage of junked vehicles,

dismantled parts, scrap parts, or other salvage material other than outdoor storage of not more than five disabled vehicles with current license plates. Servicing shall be done in areas that can be cleaned.

Section 3.15 Accessory Apartment

Accessory apartments, where permitted as conditional uses, shall meet the following conditions:

- (A) The principal structure (dwelling) must be owner occupied.
- (B) The apartment, whether attached or detached, cannot exceed 50 percent of the gross floor area of the principal dwelling, or contain more than two bedrooms.
- (C) The apartment must be a complete living space, with kitchen and bathroom facilities, separated from the principal dwelling unit.
- (D) An accessory apartment may be accessory only to a single family dwelling, and not more than one apartment shall be allowed per dwelling or lot.
- (E) The minimum lot size shall be at least 50 percent greater than the minimum lot requirement of the district in which the apartment is to be located.
- (F) The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be setback not less than 10 feet from the principal dwelling.
- (G) Evidence of the accessory apartment shall not be apparent from the street.
- (H) Neither the primary residence, nor the accessory apartment, shall be a manufactured home.

Section 3.16 Outdoor Display

Outdoor displays of merchandise customarily used outdoors such as motor vehicles, boats, shrubbery, lawn mowers, lawn furniture, etc., may be permitted where allowed by Table 2-1.

Outdoor displays of merchandise not customarily used outdoors may be permitted from time to time as temporary use for a period not to exceed seven days duration at intervals of not less than 90 days. The display must be confined to within eight feet of the building from which the display is staged.

Additionally, the display shall not be placed or located within seven feet of the front property line or within the required front yard buffer area, whichever is greater.

Outdoor displays of merchandise not customarily used outdoors shall be limited to merchandise of the same type as that sold indoors of the business displaying the merchandise, and shall be subject to the permit and removal requirements of Section 3.10.

Section 3.17 Domestic Animal Keeping and Urban Agriculture – Chickens

Within residential zones, pen and shelters may be constructed in accordance with the following restrictions for the purpose of housing domestic pets and small animals. Commercial training or breeding facilities for small animals, and the keeping of large animals such as horses, cows, goats (including pygmy goats), swine (including potbellied pigs), sheep, ponies, grazing animals, or fowl of any kind are not included under this use, except hens as provided below.

- (A) The maximum number of hens shall be limited to six hens per residential lot, however no roosters shall be allowed.
- (B) Hens must be kept within a coop/enclosure. Hens shall not be allowed to be “free ranging”.
- (C) Pens must be located in the rear yard only, no closer than ten feet from any side or rear property line.

- (D) Must comply with zoning restrictions at all times.
- (E) Coops/Runs/Tractors:
 - (1) Must be constructed to allow for proper and sanitary waste disposal.
 - (2) Must allow for adequate drainage to prevent ponding and propagation of insects.
 - (3) Application of lime and pesticides to control odor and insects are required.
 - (4) Maximum coop size is 30 square feet.
 - (5) Maximum run and/or tractor size is 200 square feet.
 - (6) Must be compliant with Federal regulations with regards to MS4 Stormwater Management Program.
 - (7) Must comply with zoning restrictions at all times.
 - (8) Only one run or tractor permitted per property.
- (F) A drawing of the proposed structure housing the animal(s) shall be required prior to permitting.
- (G) All food for domestic animals must be stored in containers that will prevent entry by insects and rodents.
- (H) Prompt veterinary care must be provided for sick animals.

Section 3.18 Flea Market

Where conditionally approved by Table 2-1, flea markets shall be conducted only within fully enclosed buildings.

Section 3.19 Food Trucks, Food Trailers, and Related Vendors

- (A) Licensing of Food Truck Vendors
 - (1) All food truck vendors doing business in the Town must obtain a Town business license.
 - (2) A food truck vendor must be 18 years of age or older.
 - (3) All food truck vendors selling food and/or drinks which are not prepackaged shall obtain all necessary county and state health permits before a business license will be issued and shall comply with all laws, rules, and regulations regarding food handling, and all vehicles used for the sale of food shall comply with all the laws, rules, and regulations respecting such vehicles as established by the State of South Carolina.
 - (4) The food truck vendor shall be required to secure and maintain a policy of automobile liability insurance coverage issued by a company authorized to do business in the State of South Carolina. The amounts of liability required is \$1,000,000 for injury and/or death of any person(s) in any one incident and \$1,000,000 for property damage, and the policy must list the Town as an additional insured.
- (B) Regulation of Food Truck Units and Food Trailers
 - (1) No food truck units or food trailers shall be located in a residentially zoned district, except as allowed for ice cream trucks as stated herein. Food truck units and food trailers, other than ice cream trucks, can only operate on property within the zoning districts: GC-1, GC-2, OC and RS-3.
 - (2) No food truck unit or food trailer shall be located for business within 20 feet separation from any residential use, except as allowed for ice cream trucks as stated herein. The limitation shall not apply to or within the boundaries of a Town of Elgin permitted community event.

- (3) No food truck unit or food trailer shall be located for business closer than ten feet from any building or structure on the licensed property or adjoining property except as allowed for ice cream trucks as stated herein.
- (4) No food truck unit or food trailer shall be located closer than 50 feet from flammable combustible liquid or gas storage and dispensing structures.
- (5) No food truck unit or food trailer shall be located for business closer than 200 feet of a town-permitted community event without the written permission of the event organizers.
- (6) No food truck unit or food trailer shall be located for business within 20 feet of any public right-of-way or within 20 feet of the intersection of any public right-of-way and private driveway, per South Carolina Department of Transportation, except as allowed for ice cream trucks as stated herein.
- (7) No signs or signage shall be permitted other than that which can be contained on the food truck or trailer or on a sandwich board utilized to sell food or merchandise.
- (8) No food truck unit or food trailer shall utilize music or other noise in the sale of goods or services, without a special permit, except as allowed for ice cream trucks as stated herein.
- (9) No food truck unit or food trailer shall obstruct or cause to be obstructed the passage of any sidewalk, street avenue, alley, or any other public right-of-way, except as allowed for ice cream trucks as stated herein.
- (10) All lighting must be permanently or semi-permanently affixed to the vending facility. No lighting shall be permitted to shine on or into any public right-of-way or other private property or cause any glare that could be considered a public hazard, or distraction to vehicular movement, neighboring business operations, or residential uses. In addition, no flashing or strobe lighting shall be permitted.
- (11) All vendors shall place a 30-gallon garbage receptacle upon site of business for customer use. All trash must be removed from the site by the vendor. Use of town waste receptacles is prohibited. The entire area within a 25-foot radius must be maintained clean of debris.
- (12) All merchandise, goods, wares, or food shall only be displayed or offered for sale from the vendor's vehicle, unless there is a permitted alternative area of sale.
- (13) All food truck units or food trailers shall be equipped with at least one 2A-40 BC fire extinguisher.
- (14) After business activities, the vendor shall clean all debris, trash, and litter generated by the vendor's business activities.
- (15) No portion of the vendor's inventory, sales equipment, or any other structure or equipment used in the sales or solicitation process shall be left overnight upon any unenclosed portion of any lot or site within the Town of Elgin.
- (16) All sales must be made directly from the permitted food truck unit or food trailer.
- (17) Coolers associated with food trucks or food trailers may not be placed on the ground, and any tables and chairs shall be staged for the customers. Generators must be attached to the food truck or food trailer and are required to be whisper or quiet and produce no more than 75 decibels (dB).
- (18) The entire food truck or food trailer vending operation must be fully mobile.

(C) Regulation of Ice Cream Trucks

In addition to the requirements of this chapter pertaining to food trucks, the following operational requirements and conditions shall apply to ice cream trucks.

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- (1) Vendors from an ice cream truck shall only sell, display, or offer to sell frozen prepackaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water, and similar products.
 - (2) Vendors from an ice cream truck shall be subject to a background check for Municipal, County, State, and National crime history records including misdemeanor driving offenses, as part of the application and permitting process.
 - (3) No ice cream truck shall remain stationary on a public street or right-of-way more than 30 minutes in any one location while conducting business, after which time the vendor must move the ice cream truck at least one block or 500 feet, whichever is greater, and shall not return to the same block or location within the same day. No ice cream truck will be allowed on public streets before 9:00 a.m. or after 9:00 p.m.
 - (4) Each ice cream truck shall have available and maintain a litter receptacle for the use of patrons. Excessive litter caused by product packaging may result in revocation of the vendor license.
 - (5) Each ice cream truck must be equipped with flashing front and rear warning lights, which the vendor shall flash alternatively, and shall be flashing when the ice cream truck is stopped for the purpose of selling frozen products.
 - (6) Each ice cream truck shall be equipped with signs stating "WATCH FOR CHILDREN" located on the front, back, and both sides of the vehicle, in at least four-inch letters.
 - (7) No ice cream truck shall be stopped or positioned in a manner that exposes customers to vehicular traffic, or otherwise in an unsafe manner. Vendors must immediately comply with any directive by a police officer.
 - (8) No non-food novelty items, such as noisemakers, or toys, shall be sold or distributed from an ice cream truck.
 - (9) No ice cream truck, or its vendor, shall sound any device which produces an offensive or loud noise to attract customers. The use of a public address system from an ice cream truck is prohibited. A bell or musical recording may be sounded from an ice cream truck for a period not to exceed three minutes to announce the arrival of the vehicle at each location.
- (D) Vending Permit Application Process and Fees
- The town business license staff will review applications for completion and no applications will be accepted unless deemed complete. All procedures for obtaining a business license will be followed for applications and enforcement of food truck and food trailer vending permits.
- (1) All food trucks and food trailer vendors must submit the appropriate food vendor program fee as outlined in this chapter.
 - (2) The business license fee is a separate fee and cannot be refunded.
 - (3) The permitting fee for each food truck or food trailer shall be an annual fee established within the town's annual budget fee schedule.
 - (4) Fees are subject to change with Town Council approval.
- (E) Parking, Allowable Vehicles, and Designated Areas
- (1) Allowable vehicles include trucks and trailers for parking spaces in which service is provided to customers through the side of the vehicle at the sidewalk only.
 - (2) Food trucks or food trailers must be sized to fit into the parking spaces.

- (3) Vending at designated public food trucks or food trailer zones will be allowed between the hours of 8:00 am and 10:00 pm daily. No vending operations shall take place outside the hours noted.
 - (4) For food trucks or food trailers on private property, a written agreement from the property owner/manager regarding the time(s) and location of use of the premises must be provided with the application.
 - (5) If any area is closed for an emergency or other permitted activity, no food truck vendors will be allowed to set up. Areas will be monitored for compliance and any violation could result in a permit being suspended or revoked. The town's parking management company will notify permitted participants of any planned special event that would close the area.
 - (6) More than one food truck vendor may operate on a given property as long as at least a ten-foot separation between vendor units is maintained.
- (F) Violations, Suspensions/Revocations
- The Zoning Administrator may suspend or revoke any permitted participant if:
- (1) The conditions under which the food truck/trailer is being operated or maintained is detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity, and the vendor fails to correct such conditions after notification by a city official;
 - (2) The use is operated in violation of the conditions permitted;
 - (3) A repeated violation of applicable law; or
 - (4) A vendor is found to be discharging pollutants including waste/grease, liquid wastes, gray water, garbage/debris, and other materials are discharged to the town's storm drainage.
- All violators will be subject to a fine of \$100 and suspension/revocation of permit.
- (G) Renewal Process
- Food truck permits expire on December 31 of each calendar year, and must be renewed annually, subject to administrative review, modification (if necessary), and approval.

Section 3.20 Sheds, Workshops, and Greenhouses

Building sheds and structures for dry storage and greenhouses may be located in rear yard setback areas only, but no closer than three feet to a property line.

Section 3.21 Swimming Pools, Tennis Courts, and Recreational Uses

These uses may be located in required rear yards and rear yard setback areas only, provided said uses shall be no closer than ten feet to the nearest property line, and shall have all lighting shielded or directed away from adjoining properties.

Section 3.22 Satellite Dish

These uses may be located in required rear and side yards, but no closer than five feet to the property line; and if located in the buildable area, shall not extend or be located in front of any principal structure.

ARTICLE 4: TREE PROTECTION, BUFFERING, SCREENING, AND COMMUNITY APPEARANCE REGULATIONS

The regulations contained in this Article are intended generally to promote land use compatibility between uncomplimentary and incompatible land uses, creating an aesthetically pleasing environment and maximize the retention of trees, a valuable natural resource.

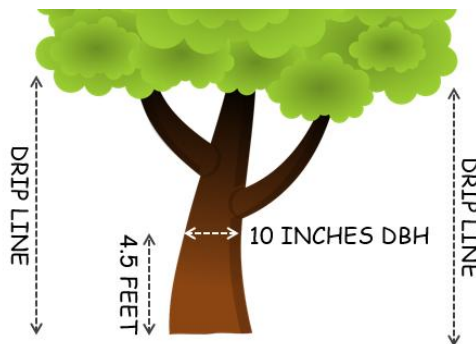
Section 4.1 Tree Protection

Section 4.1-1 Purpose

The purpose of this section is to protect and sustain the intrinsic value of trees and their ability to promote the public health, safety, and general welfare, to lessen air pollution, to increase air filtration, to reduce noise, heat, and glare, to prevent soil erosion, to aid in surface drainage and minimize flooding, and to beautify and enhance the environment.

Section 4.1-2 Protected Trees

Any tree, with the exception of pine trees, sweet gum trees and Bradford pear trees, measuring ten-inch Diameter at Breast Height (DBH) or greater shall constitute a “significant tree” for purposes of this section and shall be protected to the extent practical and feasible. To this end, no person, firm, organization, society, association, or corporation, or any agent or representative thereof, shall directly or indirectly destroy or remove any tree in violation of the terms of this section.



Section 4.1-3 Tree Survey

Prior to grading or clearing a lot or parcel for development and the issuance of a building permit, the developer/owner applicant shall have conducted a tree survey identifying the location of all significant trees. Said trees shall be shown on a survey plat and physically marked with brightly colored tape or other markings. The tree survey shall be provided to the Town of Elgin as part of the initial site design.

Section 4.1-4 Site Design

The design of any land development project or subdivision shall take into consideration the location of all significant trees identified on the tree survey. Lot and site design shall minimize the need to fell such significant trees, of which no more than 25 percent may be removed to accommodate a proposed use or development.

The site design shall be presented on a site plan showing:

- (A) Existing location and size of all significant trees;
- (B) Significant trees to be removed;
- (C) Significant trees to be preserved;
- (D) Areas to be cleared; and
- (E) Areas for proposed structures and improvements.

Site plan approval by the Zoning Administrator shall be prerequisite to the issuance of a building permit.

Section 4.1-5 Tree Protection

During development, a minimum protective zone, marked by barriers, shall be established (erected) at the “drip line” and maintained around all significant trees to be retained as required by this section. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage materials within this protected zone.

Section 4.1-6 Exceptions

Individually owned lots, proposed for single family residential use and less than two acres in size, shall be exempt from the requirements of Section 4.1.

Section 4.1-7 Significant Trees Removed Without Permits

Where a building permit has not been issued, the destruction of any significant tree, as defined by this Ordinance, without prior approval of the Zoning Administrator, which approval shall be unreasonably withheld, shall be prohibited.

Where significant trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of significant trees in violation of this section, replacement trees shall be planted in accordance with a replacement schedule approved by the Zoning Administrator, who shall specify the number, species, DBH, and location of replacement trees, using the following criteria:

- (A) Combined DBH or replacement trees is equal to or greater than the DBH of the tree removed, or;
- (B) Individual replacement trees are of the largest transplantable DBH available.

Section 4.2 Buffering

Section 4.2-1 Definition and Purpose

A buffer area is a unit of yard, together with plantings, fences, walls, and other screening devices required thereon to ameliorate any potential adverse impact between adjacent land uses and streets, and promote land use compatibility.

Section 4.2-2 Location

Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. For purposes of complying with this section, buffers shall not be located on any portion of an existing street or right-of-way; however, buffers may occupy part or all of any required front, side, or rear yard setback. Where specified by this section, buffer areas and/or buffer area structures shall be developed as an integral part of the proposed use and shall be minimum requirements.

Section 4.2-3 Determination of Buffering Requirements

Buffer areas shall be required as identified in Table 4-1:

Table 4-1: Bufferyard Type Requirements

Proposed Use	Adjacent Existing Use						
	Street Right-of-Way*	Single Family Residential/Duplex	Other Residential	Institutional	Office	Commercial	Industrial/Warehousing
Residential – Other than Single Family	A	B	A	B			
Institutional	A	B	A	A			
Office	A	B	B	B	B	A	
Commercial	A	B	B	B	B	A	
Industrial/Warehousing	A	C	C	C	B	B	A

NOTE: * Bufferyards shall not be required along the right-of-way of US Highway 1.

Section 4.2-4 Bufferyard Design Standards

Based on the Bufferyard Type Requirement Table, three types of buffer areas are required by this Ordinance: Type A, Type B, and Type C. A description of each follows:

- (A) Type “A” Buffer Area. The Type A Buffer Area consists of low-density landscaping and minimal acceptable separation between uses. The buffer area shall be not less than seven feet in width. For every 100 linear feet of distance, the buffer area shall consist of a combination of not less than two understory trees, twelve ornamental shrubs, and landscaped grass areas, or other appropriate groundcover. The shrubs may be clustered to ensure their survival. The following diagram illustrates an example site plan.
- (B) Type “B” Buffer Area. The Type B Buffer Area is a medium density screen intended to block visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 15 feet. For every 100 linear feet of distance, the buffer shall consist of a combination of two understory trees planted 40 to 60 feet on center, eight evergreen trees/shrubs planted ten feet on center, and landscaped grass areas, or other appropriate groundcover. The following diagram illustrates an example site plan.
- (C) Type “C” Buffer Area. The Type C Buffer Area is a high-density screen intended to exclude all visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 25 feet. For every 100 linear feet of distance, the buffer shall consist of a combination of two canopy trees planted 40 to 60 feet on center, 17 evergreen trees/shrubs planted in a double-staggered row 10 feet on center, and landscaped grass areas, or other appropriate groundcover. The following diagram illustrates an example site plan.

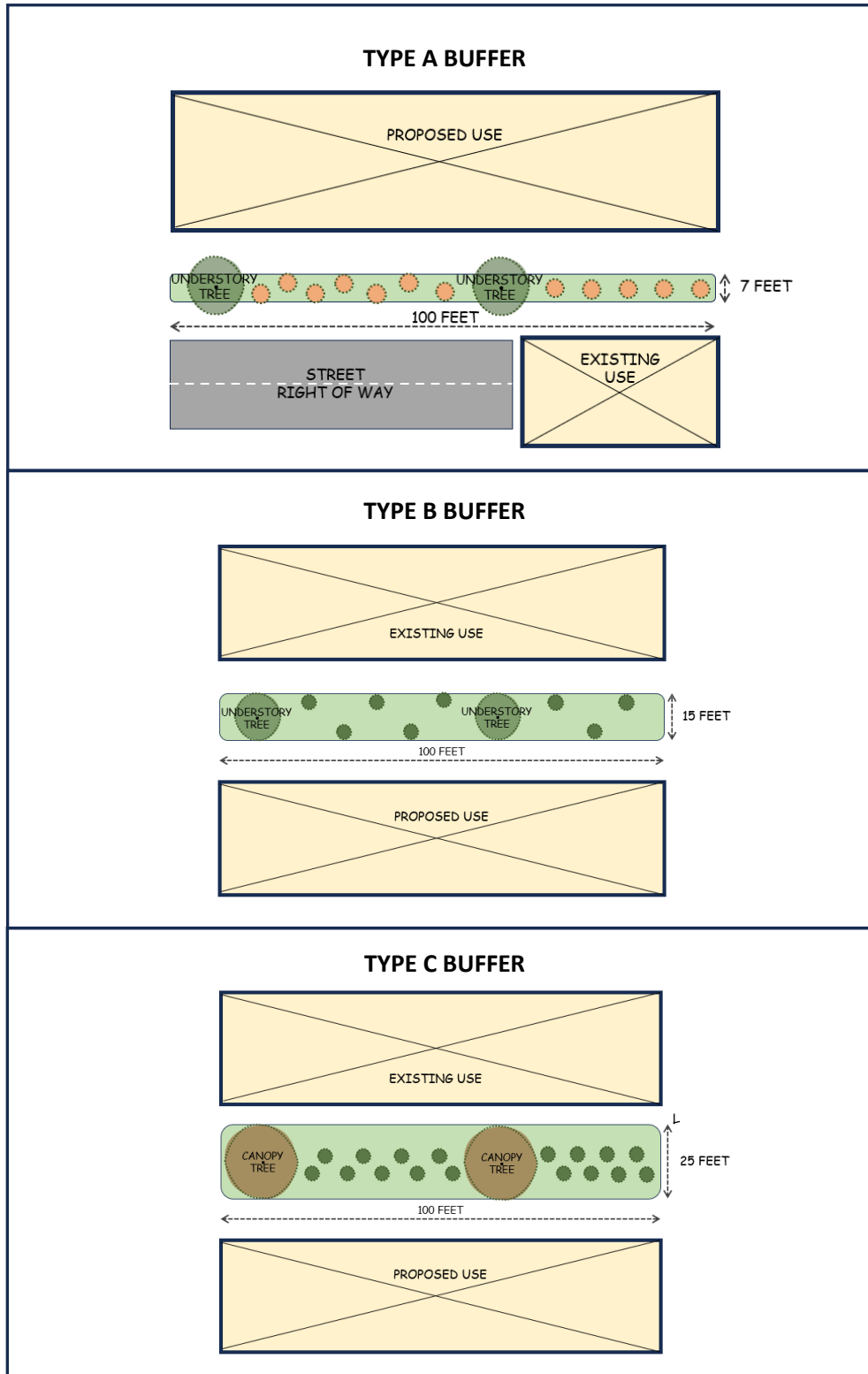


Table 4-2: Bufferyard Landscape Requirements by Type

Buffer Type	Min Width	Canopy Tree	Understory Tree	Evergreen Tree/Shrub	Ornamental Shrub	Landscaped Grass
Type A	7 feet		2		12	YES
Type B	15 feet		2	8		YES
Type C	25 feet	2		17		YES

Section 4.2-5 Buffer Area Specifications

- (A) Minimum Installation Size. At installation or planting, all plant material shall be established as follows:
 - (1) Evergreen trees and/or shrubs shall be at least six feet in height,
 - (2) Understory trees shall be at least six feet in height, and
 - (3) Canopy trees shall be at least eight feet in height.
- (B) Minimum Mature Size. At maturity, all plant material selected shall meet the following guidelines:
 - (1) Evergreen trees and/or shrubs shall reach an average mature height of ten feet,
 - (2) Understory trees shall reach an average mature height of ten feet, and
 - (3) Canopy trees shall reach an average mature height of 25 feet.
- (C) Staggered Planting. Where required plant material shall be planted in at least two rows and in an alternating fashion to form a continuous opaque screen of plant material.
- (D) Species. Proposed species to be utilized shall conform with the Town of Elgin’s List of Recommended Trees and Shrub Species as maintained by the Zoning Administrator.

Section 4.2-6 Calculation

Buffering requirements are based on ratios of 100 feet of distance. For those sites where the distance is less than 100 feet, the amount of plant material shall be reduced by the same percentage; for those sites where the distance is greater than 100 feet, the amount of plant material shall be increased by the same percentage. In all instances, any portion of a unit shall be rounded up (*i.e.* a calculation of 8.2 understory trees shall be considered a requirement for nine trees).

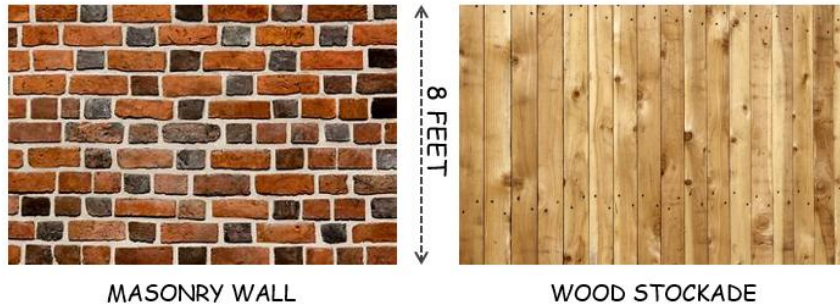
Section 4.2-7 Substitutions

The following substitutions shall satisfy the requirements of this section:

- (A) Existing Plant Materials. Existing trees of four inches DBH (diameter breast height) or more in diameter, within the required buffer area may be included in the computation of the required buffer area planting, with approval of the Zoning Administer.
- (B) Fence or Wall. Where, owing to existing land use, lot sizes, or configurations, topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this section cannot reasonably be met, the developer(s) may request, and the Zoning Administrator may approve, the substitution of appropriate screening in the way of a fence or wall structure along the property line of the proposed use in accord with the provisions of this Section.

An eight-foot fence or wall, as illustrated below, may be substituted for a Type B or C Buffer Area and the associated bufferyard width and plant material requirements may be reduced up to 50 percent.

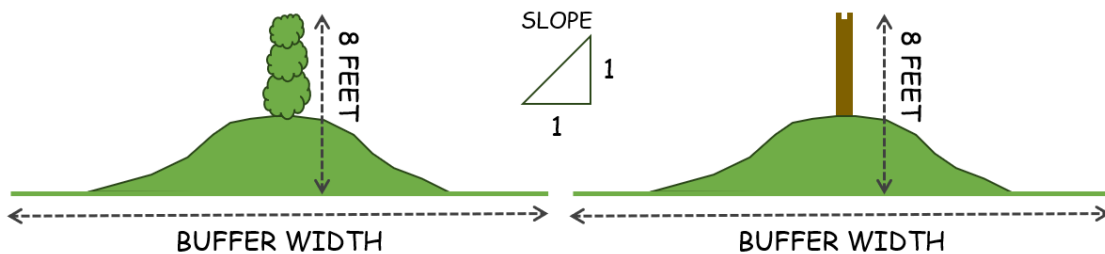
FENCE AND WALL ILLUSTRATIONS



All fences and walls used as part of the buffer area requirements must have a finished side that is facing adjoining property and plant materials installed between the fence or wall and the adjoining property line. The interior side of the fence or wall may be finished, as owner deems appropriate. Chain link fences with or without slats are not an acceptable substitute and not permitted as such.

- (C) Berms may be used as an option for the buffering requirement. An earthen mound at a slope of no more than greater than 1:1 or 45 degrees shall be established. The berm shall be planted with a groundcover to minimize erosion. The berm may contain a combination of earth, landscaping and fence or wall to total eight feet in height at the ground level. Where berms are provided, the bufferyard minimum width may be reduced to no less than 16 feet.

BERM ILLUSTRATION



Section 4.2-8 Responsibility

It shall be the responsibility of the proposed new use to provide the buffer area where required by this Ordinance, except that no new detached single family dwelling shall be required to provide such buffer area.

Section 4.2-9 Required Maintenance

The maintenance of required buffer areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering as required at the time of site

plan approval. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

Section 4.2-10 Use of Buffer Areas

A buffer area may be used for passive recreation; however, no plant material may be removed. All other uses are prohibited, including off-street parking.

Section 4.3 Screening

Section 4.3-1 Definition

Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

Section 4.3-2 Purpose

The purpose of screening is to minimize, if not eliminate entirely, the visual impact of potentially unsightly uses.

Section 4.3-3 Where Required

Screening specified by this section shall be required of all open storage areas not devoted to retail sales visible from any public street, including, but not limited to, open storage areas for shipping containers, vehicles, building materials, appliances, equipment, utility structures and pumping stations, trash containers of four or more cubic yards, salvage materials, and other unenclosed uses.

Section 4.3-4 Type Screening Required

Screening shall be accomplished by an opaque divide not less than six feet in height or the height of the object to be screened, whichever is greater. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreen), earth berms, walls, fences, proper siting of disruptive elements, building placement, or other design techniques approved by the Zoning Administrator.

Section 4.3-5 Fences and Walls

Fences and walls are allowed within required yards and setback areas, and may extend to the property line, provided that when located within a required front yard in a Residential District, fences and walls shall not exceed four feet in height. Chain link fencing shall not exceed four feet in height when located in the front yard of any district.

Section 4.4 Community Appearance

RESERVED

ARTICLE 5: SIGN REGULATIONS**Section 5.1 Purpose**

The purpose of this Article is to protect the dual interest of the public and the advertiser. The regulations herein are designed to protect public safety and welfare and to ensure the maintenance of an attractive community environment while satisfying the needs of sign users for adequate identification, communication, and advertising.

Section 5.2 Applicability and Conformance

This Article regulates the number, size, placement, and physical characteristics of signs; allows certain signs without permits; prohibits certain signs; and requires permits for certain signs. It shall be illegal for a sign to be placed in the Town of Elgin except as provided in this Ordinance.

Section 5.3 General Provisions**Section 5.3-1 Sign Materials; Code Compliance**

- (A) All signs shall be constructed of durable, all-weather materials and designed to meet all applicable requirements of the International Building Code.
- (B) Except as otherwise provided, all signs shall be permanently anchored or affixed and constructed as required in the International Building Code.
- (C) Images, logos, graphics, etc. painted on permanent signs or buildings must be performed in a professional and workmanlike manner. Permits for painted signs will only be issued to companies who are engaged as sign painters.

Section 5.3-2 Sign Illumination

Illuminated signs shall not directly shine on abutting properties. No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.

Section 5.4 Prohibited Signs

All signs not expressly permitted by this ordinance are prohibited. Such signs include, but are not limited to:

- (A) Signs painted on or attached to trees, fences, fence posts, telephone or other utility poles, or natural features. Signs painted or attached to a vehicle parked on a site for an extended period of time to advertise a business shall not be allowed.
- (B) Signs displaying intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, rescue vehicles or other warning signals, and signs using the words "stop", "danger", or any other word, phrase, symbol, or character in a manner that might mislead or confuse motorists.
- (C) Signs which have been abandoned and no longer correctly direct or exhort any person, advertises a bona fide business, lessor, owner, product, or activity conducted or product available which is no longer conducted or has not been in use for three months or any sign that no longer displays any sign copy.

- (D) Signs which have fallen into disrepair (dilapidated), are not properly maintained, are insecure or otherwise structurally unsound, have defective parts in the support, guys and/or anchors, or which are unable to meet minimum safety requirements of the International Building Code or pose a safety concern to the general public.
- (E) Any commercial identification or advertising signs on benches or refuse containers.
- (F) Pavement markings except those of a customary traffic-control nature.
- (G) Signs on or over the roof of a structure.
- (H) Any sign which contains statements, words, or pictures of an obscene, indecent, or immoral character such as will offend public morals or decency.
- (I) Any sign located or designed so as to intentionally or effectively deny an adjoining property owner reasonable visual access to an existing sign.
- (J) Animated signs.
- (K) Inflatable signs and pennants.
- (L) Illuminated signs with exposed bulbs or utilizing neon.
- (M) Signs located on undeveloped or vacant lots and off-site signs, unless otherwise provided for herein.
- (N) Signs or advertisement shall not be incorporated into an awning or canopy.

Section 5.5 Signs for Which a Permit is Not Required

- (A) Public signs erected by or on behalf of a governmental body to post legal notices, identify street names, identify public property, convey public information, convey holiday greetings, and direct or regulate pedestrian or vehicular traffic;
- (B) Informational signs of a public agency or utility regarding its facilities;
- (C) Church signs, in accord with state law;
- (D) Historical signs and markers;
- (E) Emergency signs;
- (F) Directional signs of a temporary nature not to exceed three square feet in area and 24 hours in duration for such events as yard sales, open houses, auctions, public gatherings, etc.;
- (G) Flat-mounted building identification signs without advertising or commercial notification such as "office" or "restaurant";
- (H) Gasoline pump signs; and
- (I) Political signs, provided that such signs shall be not exceed 32 square feet in size, limited to a display period of no sooner than 60 days prior to an election or seven days following the election in which the candidate or issue is decided.

Section 5.6 Sign Measurement

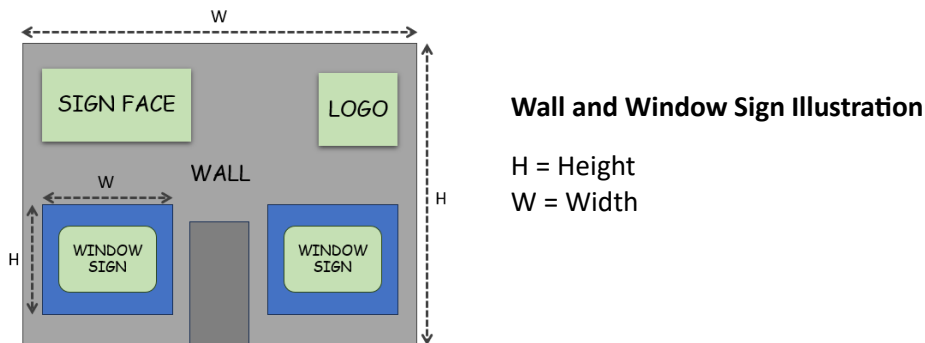
Section 5.6-1 Sign Face Area

- (A) Freestanding Signs. The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face and multiplying height times the width. Sign area does not include foundations or supports. Only one side of a double-faced or V-shaped, freestanding sign is counted. For signs on a base and attached without a frame, such as wood board or Plexiglas panel, the dimensions of the base material are to be used in the measurement unless it is clear that part of the base contains no sign related display

or decoration. For sign structures containing multiple modules or sign faces oriented in the same direction, the modules together are counted as one sign face.



- (B) Wall Signs. For signs constructed of individual pieces attached to a building wall, sign area is determined by adding the individual areas of each sign together in relation to the total area of the wall. For signs consisting of individual letters that are erected directly onto a wall exclusive of any sign surface, the sign area is calculated by finding the area of the minimum imaginary rectangle of vertical and horizontal lines which fully enclose all sign words, copy or images.
- (C) Window Signs. Window signs are measured based on the height and width of the sign in relation to the window area. For signs consisting of individual letters that are applied to the window, the sign area is calculated by finding the minimum imaginary rectangle of vertical and horizontal lines which full enclose all sign words, copy or images.



- (D) General. The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.

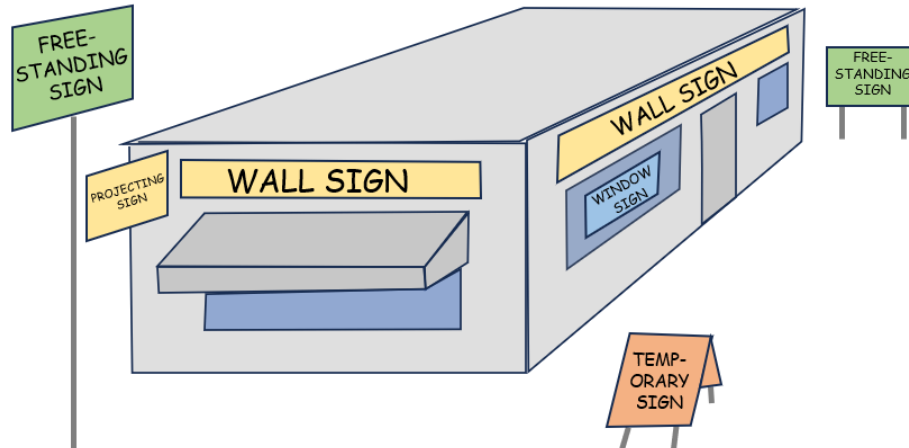
Section 5.6-2 Clearances

- (A) Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face.
- (B) No sign shall be located within a vision clearance area as defined in Section 7.5.
- (C) When a sign extends over an area where vehicles travel or park, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.
- (D) When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure shall be at least eight feet above the ground.

Section 5.7 Zoning District Sign Regulations

Signs identified within the individual zoning districts include freestanding signs, wall signs, window signs and temporary signs.

Sign Types Illustration



Section 5.7-1 Signs Permitted in All Residential Districts

(A) Freestanding Signs.

- (1) One on-site, freestanding sign per development identifying a subdivision and/or residential project.
- (2) One on-site, freestanding sign per lot for institutional and other non-residential uses permitted in residential districts such as churches, schools, parks, and government buildings, not to exceed 12 square feet in sign area and not to exceed 12 feet in height. Such sign may be an electronic reader board subject to the electronic sign standards.
- (3) Freestanding signs shall be set back at least five feet from any property line.
- (4) Freestanding signs shall be limited to indirect illumination or internal illumination.

(B) Wall Signs.

- (1) The sign area shall be established at a ratio of one square foot of sign area per foot of building frontage, not to exceed 60 square feet.
- (2) Wall signs shall be limited to indirect illumination or internal illumination.

(C) Temporary Signs.

- (1) One temporary sign shall be allowed for non-residential uses. The temporary sign shall not exceed 24 square feet in size, may be allowed for a 30-day period, and may be allowed up to a total of six times in a calendar year.

Section 5.7-2 Signs Permitted in the OC District

(A) Freestanding Signs.

- (1) One on-site, freestanding sign per development identifying a subdivision and/or residential project.

- (2) One freestanding sign per location provided the sign area does not exceed 24 square feet and the maximum height does not exceed 12 feet. Such sign may be an electronic reader board subject to the electronic sign standards.
- (3) Freestanding signs shall be set back at least five feet from any property line.
- (4) Freestanding signs shall be limited to indirect illumination or internal illumination.
- (B) Wall Signs.
 - (1) One wall sign shall be allowed per location provided the sign does not to exceed two square feet in area.
 - (2) Wall signs shall be limited to indirect illumination or internal illumination.
- (C) Window Signs. The area of window signs shall not exceed 50 percent of the gross window area.
- (D) Temporary Signs.
 - (1) One temporary sign shall be allowed for non-residential uses. The temporary sign shall not exceed 24 square feet in size, may be allowed for a 30-day period, and may be allowed up to a total of six times in a calendar year.

Section 5.7-3 Signs Permitted in the GC-1 District

- (A) Freestanding Signs.
 - (1) One freestanding sign per location provided the sign does not exceed 50 square feet in sign area and the maximum height does not exceed 20 feet.
 - (2) Freestanding signs shall be set back at least five feet from any property line.
 - (3) Freestanding signs shall be limited to indirect illumination.
- (B) Wall Signs.
 - (1) The sign area shall be established at a ratio of one square foot of sign area per foot of building frontage, not to exceed 60 square feet.
 - (2) Wall signs shall be limited to indirect illumination.
- (C) Window Signs. The area of window signs shall not exceed 50 percent of the gross window area.
- (D) Temporary Signs. One temporary sign shall be allowed per location. The temporary sign shall not exceed 24 square feet in size, may be allowed for a 30-day period, and may be allowed up to a total of six times in a calendar year. Sandwich boards for restaurants may be allowed on daily basis during operational hours.

Section 5.7-4 Signs Permitted in the GC-2 District

- (A) Freestanding Signs.
 - (1) Freestanding signs shall be allowed based on the following:

Lot Frontage	Maximum Number of On-Site Signs Allowed Per Location	Maximum Sign Area
200 feet or less of street frontage	1	36 sq ft
More than 200 feet of street frontage	2	36 sq ft plus one additional sq ft per one linear foot of street frontage; sign area shall not exceed 136 square feet; sign area may be combined onto one sign or divided between two signs.

- (2) One freestanding sign may be an electronic reader board subject to the electronic sign standards.

- (3) Freestanding signs are not allowed for uses where the proposed front yard setback is less than 30 feet.
 - (4) The maximum sign height shall not exceed 24 feet.
 - (5) Freestanding signs shall be set back at least five feet from any property line.
 - (6) Freestanding signs shall be limited to indirect illumination, internal illumination or changeable copy.
- (B) Wall Signs.
- (1) The sign area shall be established at a ratio of one square foot of sign area per foot of building frontage, not to exceed 60 square feet.
 - (2) Wall signs shall be limited to indirect illumination, internal illumination or changeable copy.
- (C) Window Signs. The area of window signs shall not exceed 50 percent of the gross window area.
- (D) Temporary Signs. One temporary sign shall be allowed for non-residential uses. The temporary sign shall not exceed 24 square feet in size, may be allowed for a 30-day period, and may be allowed up to a total of six times in a calendar year. Sandwich boards for restaurants may be allowed on daily basis during operational hours.

Section 5.7-5 Signs Permitted in the LI District

- (A) Freestanding Signs.
- (1) One on-site, freestanding sign per location, provided the sign shall not exceed 24 square feet of sign area and not exceed twelve feet in height. Such sign may be an electronic reader board subject to the electronic sign standards.
 - (2) Freestanding signs shall be set back at least five feet from any property line.
 - (3) Freestanding signs shall be limited to indirect illumination, internal illumination or changeable copy.
- (B) Wall Signs.
- (1) The sign area shall be established at a ratio of one square foot of sign area per foot of building frontage, not to exceed 60 square feet.
 - (2) Wall signs shall be limited to indirect illumination, internal illumination or changeable copy.
- (C) Window Signs. The area of window signs shall not exceed 50 percent of the gross window area.
- (D) Temporary Signs. One temporary sign shall be allowed. The temporary sign shall not exceed 24 square feet in size, may be allowed for a 30-day period, and may be allowed up to a total of six times in a calendar year. Sandwich boards for restaurants may be allowed on daily basis during operational hours.

Section 5.8 Electronic Sign Standards

Electronic reader boards, where allowed within the zoning districts indicated, must meet the following standards at all times:

- (A) Shall only be allowed as freestanding signs.
- (B) The sign shall not flash or scroll.
- (C) The sign shall not utilize animation of any kind. The sign may use still pictures or graphics.
- (D) The copy shall not change more than once every 15 seconds.
- (E) Transitions between copy shall be less than one second.
- (F) The board must be maintained to be legible at all times and light sources replaced to maintain readability.

- (G) The sign must have a working photocell designed to automatically dim the light of the board based on daylight levels.

Section 5.9 Temporary Signs

Temporary signs include any sign designed or intended to be readily moved. The term includes signs on wheels or on portable structures, tent signs, A-frame signs, banners, posters and similar and any sign not secured or securely affixed to the ground or a permanent structure.

Temporary signs may only be placed on properties for which the sign is advertising. Temporary signs shall be placed at least five feet from the property line outside of public rights-of-way unless authorized by the Town of Elgin.

Temporary signs shall not interfere with vehicular or pedestrian movements within the travel way or sidewalks. Such signs shall have no colored or flashing lights, not exceed six feet in height, and shall not be converted to a permanent sign.

A temporary sign permit shall be required for placement of a temporary sign within the town limit based on the zoning district requirements for location and number of times per year. Violation of these requirements shall result in removal of the sign and denial of future permits for a twelve-month period.

Section 5.10 Real Estate Signs

Real estate signs, advertising the sale, rental or lease of all or portion of the premises on which it is displayed during the sale, rental, or lease period may be allowed without a permit. Real estate signs located off-site from the premises for sale, rental, or lease shall be required to obtain a temporary sign permit for a 30-day period, may be allowed up to a total of six times in a calendar year, and not exceed 24 square feet in size.

Section 5.11 Removal of Signs

Signs identified as a nonconformity shall follow the requirements of Section 7.7-8.

ARTICLE 6: PARKING AND LANDSCAPING REQUIREMENTS

The provisions of this Article shall supplement the off-street parking requirements contained in Table 6-1 of this Ordinance. These standards are based on national parking standards for general land use categories. The developer is ultimately responsible for ensuring that sufficient parking is provided to their development site.

Section 6.1 Off-Street Parking

Section 6.1-1 General Parking Requirements

- (A) Where application of the requirements of Table 6-1 result in a fractional space requirement, fractional portions of parking spaces are considered a full space (*i.e.* 30.4 parking spaces shall be calculated as 31 total spaces).
- (B) Change in the use of an existing structure or site shall also require compliance with the minimum parking requirements applicable to the new use.
- (C) Wherever a building or use is enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

Section 6.1-2 Parking Requirement Matrix

Table 6-1: Parking Matrix

USE CATEGORY / SPECIFIC USE	PARKING RATIO
Residential Uses	
Dormitories & Group Occupied Dwellings	1 space per bedroom
Duplex	2 spaces per dwelling unit
Group Home	1 space per bedroom
Manufactured Home, Standard Design	NA
Manufactured Home, Residentially Designed	2 spaces per dwelling unit
Manufactured Home Park	NA
Mobile Home	NA
Modular Home	2 spaces per dwelling unit
Multi-Family Housing	2 spaces per dwelling unit
Patio Home	2 spaces per dwelling unit
Residential Care Facility	0.4 spaces per bed
Single Family Detached	2 spaces per dwelling unit
Townhouse	2 spaces per dwelling unit
Zero Lot Line Housing	2 spaces per dwelling unit
Accessory Uses to Residential Uses	
Accessory Apartment	1 space per apartment
Animal Keeping, Domestic	NA
Bathhouse/Cabana	NA
Carport/Garage, Private	NA
Family Day Care Home	NA
Greenhouses, Non-commercial	NA
Home Occupation	NA
Horticulture/Garden	NA
Satellite Dish	NA
Shed/Workshop	NA
Storage Building, Residential	NA
Swimming Pool, Private	NA
Tennis Court, Private	NA
Urban Agriculture – Chickens	NA

USE CATEGORY / SPECIFIC USE	PARKING RATIO
Cultural Facilities	
Auditorium/Arena	1 space per 4 seats based on the maximum seating capacity
Cultural Arts Center	1 space per 4 seats based on the maximum seating capacity
Museum & Art Gallery	1 space per 1,000 sq ft of gross floor area
Public Assembly Hall	1 space per each 3 persons allowed with the maximum occupancy load
Government & Social Facilities	
Animal Shelter	1 space per 400 sq ft of gross floor area, but no less than 4 spaces
Correctional Institution	1 space per jail cell, plus 1.0 per 250 sq ft of gross floor area
Court	1 space per 350 sq ft of gross floor area
Day Care Services	1 space per 200 sq ft of gross floor area
Government Office	1 space per 350 sq ft of gross floor area
Individual & Family Services	1 space per 350 sq ft of gross floor area
Job Training & Vocational Rehabilitation	1 space per 350 sq ft of gross floor area
Military Armory	1 space per 250 sq ft of gross floor area
Police, Fire & EMS Station	1 space per 350 sq ft of gross floor area
Other Social Services	1 space per 500 sq ft of gross floor area
Educational Facilities	
College, University & Professional School	5 spaces per classroom, plus 2.0 spaces per office
Elementary School	2 spaces per classroom, plus 5.0 administration spaces
Library	1 space per 350 sq ft of gross floor area
Secondary School	2 spaces per classroom, plus 2.0 spaces per office
Vocational School	5 spaces per classroom, plus 2.0 spaces per office
Other Schools & Educational Services	5 spaces per classroom, plus 2.0 spaces per office
Healthcare	
Dentist/Doctor Office/Clinic	1 space per 200 sq ft of gross floor area
Hospital	0.7 spaces per bed
Medical/Dental Laboratory	1 space per 500 sq ft of gross floor area
Miscellaneous Health & Allied Services	1 space per 500 sq ft of gross floor area
Outpatient Hospital	2.25 spaces per bed at design capacity of the building
Outpatient Treatment Facility	2.25 spaces per bed at design capacity of the building
Other Health Practitioner	1 space per 200 sq ft of gross floor area
Religious Uses	
Cemetery	NA
Cemetery, Pet	NA
Church, Temple or Synagogue	1 space per 4 seats in the principal place of worship, based on the maximum seating capacity
Convent or Monastery	1 space per 1,000 sq ft of gross floor area or 1 space per 2 beds, whichever is greater
Mausoleum	Parking area equal to the gross floor area of the facility
Service Organizations	
Civic Club/Lodge	1 space per each 4 persons based on the design capacity of the building
Fraternal & Professional Organizations	1 space per 250 sq ft of gross floor area
Political, Civic & Business Organizations	1 space per 250 sq ft of gross floor area
Amusement & Recreation	
Amusement Center	1 space per 150 sq ft of gross floor area
Amusement Park	1 space per 200 sq ft of area within enclosed buildings, plus 1 space for every 3 persons that the facility is designed to accommodate when used at the maximum capacity
Baseball/Softball/Soccer Park	10 spaces per field
Basketball Court, Outdoor	5 spaces per court
Batting Cages - Commercial	3 spaces per batting cage
Botanical Garden	2 spaces per total acreage of land
Bowling Center	1 space per 350 sq ft of gross floor area
Camp	1 space per every 2 dormitories plus 2 spaces per every 3 persons on the maximum shift, plus 1 space for every vehicle customarily used in the operation of the camp, plus a general parking area to accommodate drop-off/pick-up of campers
Coin Operated Amusement	1 space per 350 sq ft of gross floor area
Community Center	1 space per 250 sq ft of gross floor area
Dance Studio/School	1 space per 200 sq ft of gross floor area
Driving Range	1 space per driving tee

USE CATEGORY / SPECIFIC USE	PARKING RATIO
Amusement & Recreation <i>(continued)</i>	
Fairground	1 space per 50 sq ft of total acreage
Gymnasium	1 space per 3 seats at maximum seating capacity, plus 1 space per 200 sq ft of gross floor area
Miniature Golf Course	1.25 spaces per hole
Miscellaneous Amusement	1 space per 250 sq ft of gross floor area
Movie Theater	1 space per 4 seats
Palm Reader/Psychic	NA
Pistol/Rifle Firing Range	1 space per target area
Physical Fitness Facility	1 space per 300 sq ft of gross floor area
Public Golf Course	5 spaces per hole
Public Park/Playground	2 spaces per acre of total area included in park or playground
Racetrack	1 space per each 4 spectator seats
Recreation, Golf, Tennis, & Swimming Club	1 space per four members
Recreational Vehicle Park	1.5 spaces per recreational vehicle site
Riding Stable	1 space for every 4 stalls
Skating Rink	1 space per 250 sq ft of gross floor area
Stadium	1 space per every 4 seats
Swimming Pool/Water Park, Public	1 space per 4 persons based on the design capacity of the pool
Zoo or Wildlife Park	1 space per 2,000 sq ft of land area
Professional Services	
Accountant	1 space per 350 sq ft of gross floor area
Advertising Agency	1 space per 600 sq ft of gross floor area
Architect/Engineer Office	1 space per 350 sq ft of gross floor area
Attorney Office	1 space per 350 sq ft of gross floor area
Bank, Mortgage, Brokerage, & Credit Institution	1 space per 350 sq ft of gross floor area
Business Office	1 space per 350 sq ft of gross floor area
Computer Programming/Data Processing	1 space per 600 sq ft of gross floor area
Contractor, General	1 space per 500 sq ft of gross floor area
Corporate Headquarters	1 space per 400 sq ft of gross floor area
Insurance Agency	1 space per 350 sq ft of gross floor area
Interior Design Studio	1 space per 350 sq ft of gross floor area
Office Building	1 space per 600 sq ft of gross floor area
Real Estate	1 space per 350 sq ft of gross floor area
Research, Management, & Related Services	1 space per 350 sq ft of gross floor area
Retail Commercial	
Air Conditioning Supplies	1 space per 500 sq ft of gross floor area
Antique Shop	1 space per 400 sq ft of gross floor area
Apparel & Accessory Store	1 space per 350 sq ft of gross floor area
Art Store	1 space per 400 sq ft of gross floor area
Auto/Home Supply Store	1 space per 350 sq ft of gross floor area
Bakery	1 space per 500 sq ft of gross floor area
Bar, Lounge, Nightclub	1 space per 150 sq ft of gross floor area
Boat Dealer	1 space per 600 sq ft of gross floor area
Book Store	1 space per 350 sq ft of gross floor area
Camera & Photography Supply	1 space per 350 sq ft of gross floor area
Computer & Electronics Sales	1 space per 200 sq ft of gross floor area
Convenience Store	1 space per 250 sq ft of gross floor area
Drug Store/Pharmacy	1 space per 350 sq ft of gross floor area
Farm Equipment Sales	1 space per 1,000 sq ft of gross floor area
Fireworks Store	1 space per 350 sq ft of gross floor area
Flea Market	1.5 spaces per stall
Florist	1 space per 350 sq ft of gross floor area
Food Trailer	5 spaces per trailer
Fuel Dealer	1 space per 500 sq ft of gross floor area
Gasoline Service Station	1 space per 600 sq ft of gross floor area
General Merchandise	1 space per 350 sq ft of gross floor area
Gift, Novelty, & Souvenir Shop	1 space per 350 sq ft of gross floor area
Gravestone & Monument	1 space per 500 sq ft of gross floor area
Grocery Store/Supermarket	1 space per 350 sq ft of gross floor area
Gun Sales	1 space per 350 sq ft of gross floor area

USE CATEGORY / SPECIFIC USE	PARKING RATIO
Retail Commercial <i>(continued)</i>	
Hardware Store	1 space per 350 sq ft of gross floor area
Hobby, Toy, & Game Shop	1 space per 350 sq ft of gross floor area
Home Furniture, Furnishings & Equipment	1 space per 1,000 sq ft of gross floor area
Ice Cream Truck, Mobile	NA
Jewelry Store	1 space per 350 sq ft of gross floor area
Liquor Store	1 space per 350 sq ft of gross floor area
Luggage & Leather Goods	1 space per 350 sq ft of gross floor area
Manufactured Home Dealer	1 space per 7,500 sq ft of gross floor area
Motor Vehicle Dealer	1 space per 600 sq ft of gross floor area
Motorcycle Dealer	1 space per 1,000 sq ft of gross floor area
Non-store Retailer	1 space per 500 sq ft of gross floor area
Nurseries, Lawn & Garden Supply	1 space per 350 sq ft of gross floor area
Paint, Glass, & Wallpaper	1 space per 350 sq ft of gross floor area
Pawn Shop	1 space per 350 sq ft of gross floor area
Pet Shop/Pet Supplies	1 space per 300 sq ft of gross floor area
Recreational Vehicle Dealer	1 space per 600 sq ft of gross floor area
Restaurant	1 space per 150 sq ft of gross floor area
Retail Uses Not Listed	1 space per 350 sq ft of gross floor area
Sewing, Needle & Piece Goods	1 space per 350 sq ft of gross floor area
Sexually Oriented Business	1 space per person based on the design capacity of the building or 1 space per 1,000 sq ft of gross floor area, whichever is greater
Shoe Store	1 space per 200 sq ft of gross floor area
Shopping Center	1 space per 350 sq ft of gross floor area
Sporting Goods & Bicycle Shop	1 space per 350 sq ft of gross floor area
Stationary & Card Store	1 space per 350 sq ft of gross floor area
Truck Stop	NA
Used Merchandise (except Pawn Shops/Flea Markets)	1 space per 350 sq ft of gross floor area
Commercial Services	
Animal Grooming	1 space per 300 sq ft of gross floor area
Appliance Service	1 space per 500 sq ft of gross floor area
Automatic Teller Machine	2 spaces per machine, plus stacking room for 3 cars
Automobile Detailing	1 space per 1,000 sq ft of gross floor area, plus 1 space per each bay/stall
Automobile Repair & Leasing Service, General	1 space per 400 sq ft of gross floor area
Barber/Beauty Shop	2.5 spaces per chair or basin
Bed & Breakfast Inn	1 space per guest room, plus 2 spaces for the resident innkeeper
Bingo Parlor	1 space per 100 sq ft of gross floor area or 1 space per 3 persons based on maximum seating capacity, whichever is greater
Body Piercing	1 space per 350 sq ft of gross floor area
Car Wash, Automatic	1 space per 1,000 sq ft of gross floor area, plus stacking spaces shall be provided at a ratio of 3 spaces per stall
Car Wash, Self Service	1 stacking space per each washing stall, plus 1 stacking space for each drying stall
Catering/Food Service	1 space per 1,000 sq ft of gross floor area
Cellular Telephone Provider	1 space per 200 sq ft of gross floor area
Check Cashing Service	1 space per 350 sq ft of gross floor area
Employment Agency	1 space per 250 sq ft of gross floor area
Equipment Rental	1 space per 600 sq ft of gross floor area
Funeral Home	5 spaces, plus one space per every 2 seats within the main assembly area
Hotel/Motel	1.5 spaces per rental unit
HVAC Service	1 space per 500 sq ft of gross floor area
Internet Service Provider	1 space per 350 sq ft of gross floor area
Janitorial Service	1 space per 1,000 sq ft of gross floor area
Laundry, Cleaning & Garment Service	1 space per 500 sq ft of gross floor area
Lawn Mower Repair	1 space per 500 sq ft of gross floor area
Locksmith	1 space per 350 sq ft of gross floor area
Mail/Fax/Printing Service	1 space per 200 sq ft of gross floor area
Mini-warehouse Storage	1 space per 6 storage units
Miscellaneous Repair	1 space per 400 sq ft of gross floor area

USE CATEGORY / SPECIFIC USE	PARKING RATIO
Retail Commercial <i>(continued)</i>	
Oil Change Service	2 spaces per service bay, plus 1 space per employee
Optician	1 space per 200 sq ft of gross floor area
Pest/Insect Control Business	1 space per 800 sq ft of gross floor area
Photography Studio	1 space per 300 sq ft of gross floor area
Reproduction, Mailing, Graphical Arts	1 space per 600 sq ft of gross floor area
Shoe Repair	1 space per 300 sq ft of gross floor area
Tattoo Parlor	1 space per 350 sq ft of gross floor area
Therapeutic Massage	1 space per 400 sq ft of gross floor area
Title Loan Operation	1 space per 350 sq ft of gross floor area
Travel Agent	1 space per 250 sq ft of gross floor area
Veterinary Service <i>(domestic)</i>	1 space per 500 sq ft of gross floor area
Manufacturing & Construction	
Apparel & Fabric Products	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Asphalt/Petroleum Refining	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Automobile/Boat Manufacturing	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Blacksmith	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Bottling Works	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Building Construction, General/Special Trade	1 space per 450 sq ft of gross floor area
Chemical and Allied Products	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Computer Equipment/Products	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Dairy Product Processing	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Electronics <i>(including components)</i>	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Explosives Manufacturing and/or Storage	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Fabricated Metal Products	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Fertilizer Manufacturing	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Food & Kindred Products	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Furniture & Fixtures	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Glass, Stone & Clay Products	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Heavy Construction	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Ice & Frozen Products	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Industrial & Heavy Machinery	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Lumber & Wood Products	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Measuring Instruments, Photographic & Medical Instruments, Watches & Clocks	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Meat Curing/Smoking/Packing	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Metallic Industries	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Office Machines	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Paper & Allied Products	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises

USE CATEGORY / SPECIFIC USE	PARKING RATIO
Manufacturing & Construction <i>(continued)</i>	
Pharmaceuticals	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Plastic Products	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Precision Instrumentation	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Printing & Publishing	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Pulp Manufacturing	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Saw Mill/Chipping Mill	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Scrap Metal Processors	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Sign Manufacturing	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Stone, Clay, Glass & Concrete	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Textile Mill Products	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Welding Shop	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Transportation & Infrastructure	
Airport	2 spaces per each 3 employees on the largest shift, plus 1 space per 100 sq ft of gross floor area of waiting area(s)
Bus Terminal	2 spaces per each 3 employees on the largest shift, plus 1 space per 100 sq ft of gross floor area of waiting area(s)
Cartage, Express, & Parcel Delivery	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Communication Tower & Antennas	NA
Communications (except towers)	1 space per 500 sq ft of gross floor area
Electric Generation Facility	1 space per 500 sq ft of gross floor area
Motor Freight Transport & Warehousing	1 space per 500 sq ft of gross floor area
Propane Gas Storage	1 space per 500 sq ft of gross floor area
Public Transportation Service, Facility	1 space per 500 sq ft of gross floor area
Postal Service	1 space per 250 sq ft of gross floor area
Public Utility	1 space per employee on the largest shift, plus 1 space per vehicle kept/stored on premises
Railroad Facility	1 space per employee on the largest shift
Railroad Station	1 space per 500 sq ft of gross floor area
Recyclable Collection	1 space per 50 sq ft of gross floor area
Refuse System/Facility	1 space per 500 sq ft of gross floor area
Sanitary Landfill	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Sewage Treatment	1 space per employee based on the largest shift, plus 1 space per vehicle kept/stored on premises
Solid Waste Convenience/Recycling Center	1 space per 500 sq ft of facility area, with a minimum of 5 spaces
Trucking/Shipping Terminal	1 space per employee on the largest shift, plus 1 space per vehicle kept/stored on premises
Water Treatment & Storage	1 space per 500 sq ft of gross floor area
Warehousing & Distribution	
Beverage Distribution	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Distribution Center	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Junk & Salvage Operation	NA
Scrap Operation	2 spaces per acre of total land used for storage
Storage Yard	1 space per 20,000 sq ft of gross land area
Surplus Materials, Heavy Machinery	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Warehouse	2 spaces per each 3 employees on the largest shift or 1 space per 5,000 sq ft gross floor area, whichever is greater

USE CATEGORY / SPECIFIC USE	PARKING RATIO
Warehousing & Distribution <i>(continued)</i>	
Wholesale Trade	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Agriculture & Natural Resources	
Agriculture Sales & Service	1 space per employee on the largest shift
Animal Production/Breeding Facility	1 space per employee on the largest shift
Cattle/Dairy Farming	1 space per employee on the largest shift
Crop Farming	NA
Crop Storage & Sales	1 space per 300 sq ft of gross floor area
Farmer's Market	1 space per 300 sq ft of gross floor area
Game Farm	1 space per 300 sq ft of gross floor area
Greenhouse/Nursery – Commercial	1 space per 300 sq ft of gross floor area
Hatchery Operation	1 space per 300 sq ft of gross floor area
Hunting Club/Preserve	1 space per 300 sq ft of gross floor area
Landscaping & Horticulture Sales	1 space per 1,000 sq ft of gross floor area
Livestock Auction House	1 space per 300 sq ft of gross floor area
Livestock Keeping/Poultry House	NA
Mining	2 spaces per each 3 employees on the largest shift, plus 1 space per vehicle kept/stored on premises
Mulch Sales/Landscaping	1 space per 300 sq ft of gross floor area or 1 space per employee on the largest shift, whichever is greater
Produce Stand/Shelter	1 space per 300 sq ft of gross floor area
Slaughterhouse	1 space per employee on the largest shift
Stockyard	1 space per employee on the largest shift
Veterinary Service (livestock)	1 space per 350 sq ft of gross floor area
Wildlife Refuge	NA
Accessory Uses to Non-Residential Uses	
Buildings & Structures (excluding shipping containers)	NA
Open Storage	NA
Outdoor Display	NA
Shipping Containers	NA
Temporary Uses	
Christmas Tree Sales	Area to accommodate 5 spaces
Contractor's Office/Equipment Shed	Area to accommodate 2 spaces
Garage/Yard Sales	NA
Portable Classrooms	Area to accommodate 2 spaces per classroom
Public Assembly	Area to accommodate 1 space per each four attendees based on maximum occupancy
Sales Events	NA
Temporary Uses	Area to accommodate 2 spaces
Vendor	Area to accommodate 2 spaces per vendor

Parking for uses not expressly provided for in Table 6-1 shall be determined by the Zoning Administrator, who shall apply the unit of measurement set forth in the table which he/she deems to be most similar to the proposed use.

Section 6.1-3 Design Standards

Where off-street parking is required except for single family detached and individual manufactured homes, the following design and development standards shall apply:

- (A) Parking Dimensions. Parking stalls shall not be less than nine feet by 19 feet. However, the dimensions of all parallel parking stalls shall not be less than nine feet by 24 feet. Minimum aisle width shall be as follows:

AISLE WIDTH	ANGLE OF PARKING				
	0°	30°	45°	60°	90°
One Way Traffic	13 ft	13 ft	13 ft	18 ft	25 ft
Two Way Traffic	19 ft	19 ft	20 ft	22 ft	25 ft

- (B) Construction, Paving. The minimum number of required parking spaces identified in the Parking Requirement Matrix shall be paved with an all-weather, impervious surface material such as concrete or asphalt; parking spaces provided that exceed the minimum number required may be paved or unpaved. For office professional land uses that convert a residential structure into a commercial space, required parking spaces may be unpaved. Any unpaved spaces must be clearly marked as designated spaces.
A paved entranceway of asphalt or concrete shall be required connecting all parking areas to the main access roadway. All interior areas intended for vehicular access or movement shall be paved.
- (C) Drainage. Parking lots shall be designed so as to not drain into or across public sidewalks, or on to adjacent property, except into a natural watercourse or a drainage easement. On-site drainage for developments shall be reviewed and approved by SCDHEC and/or Kershaw County.
- (D) Separation from Walkways and Streets. Off-street parking spaces shall be separated from walkways, sidewalks, streets, and required yards and buffer areas by a wall, fence, curbing, or other protective device approved by the Zoning Administrator. (See Section 6.5-5)
- (E) Entrances and Exits. Landscaping, curbing, or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. Except for single family homes and duplexes, off-street parking areas shall be designed so that all movement on to a public street is in a forward motion. Entrance and exit driveways to public streets in the vicinity of street intersections must be located at least 40 feet, measured along the curbline, from the intersection of the nearest curbline.
- (F) Marking. Parking lots shall be marked by painted lines, curbs, or other means to indicate individual spaces. Signs or markers, as approved by the Zoning Administrator, shall be used as necessary to ensure efficient traffic operation of the lot.
- (G) Lighting. Adequate lighting shall be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential areas.
- (H) Landscaping. Off-street parking areas shall be landscaped in accord with the provisions of Section 6.5.
- (I) Location. Off-street parking shall not be placed closer than five feet to a property line. Required off-street parking must be provided on the same lot or parcel as the principal use for which it is required.
- (J) Alternative Materials. Additional parking spaces provided for in the site plan, beyond those required under Table 6-1, may utilize pervious paver materials in the design.

Section 6.1-4 Maintenance and Usage

All off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee; the site shall undergo routine maintenance to ensure than any deterioration such as potholes or cracks in the paving material are repaired in a timely manner. All off-

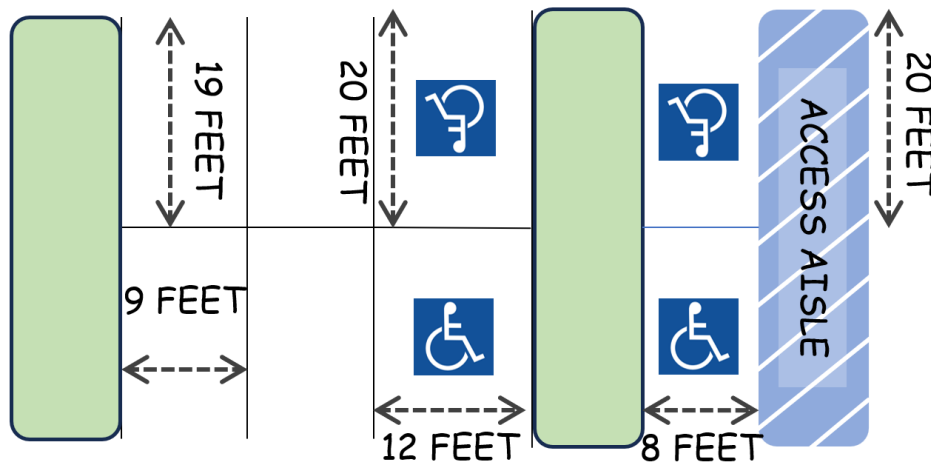
street parking areas shall not be used for the sale, repair, dismantling, or servicing of any vehicles or equipment or the sale of items, including display of items for sale. Parking stalls may be utilized for on-site shopping cart returns.

Section 6.1-5 Disabled Parking

When off-street parking is required for any use, parking for the disabled shall be included when calculating the overall parking requirements for such use, based on the following table:

Total Number of Required Off-Street Parking Spaces	Total Number of Required Disabled Parking Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
Over 200	7 plus one space for every additional 100 spaces over 300

Parking spaces for the disabled shall measure 20 feet by twelve feet in width, or 20 feet by eight feet in width with an adjacent access aisle eight feet in width, and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that disabled persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, and walkways. Each space shall be paved and prominently outlined in paint, with a permanent sign of a color and design approved by the South Carolina Department of Transportation, bearing the internationally accepted wheelchair symbol, posted at the head of the parking space.



Section 6.2 Off-Street Loading

All non-residential uses except those located in the GC-1 District, shall provide off-street loading space sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street or walk or hamper the movement of vehicles and pedestrians within the public right-of-way.

Off-street loading and unloading space shall in all cases be located on the same lot or parcel of land as the uses they are intended to serve.

Off-street loading spaces shall be located on a paved, all-weather surface and shall be allowed in all required yards and setback areas not closer than five feet to a property line.

Section 6.3 Approval of Parking and Off-Street Loading Plans and Layouts

Designs and plans for areas to be used for off-street parking and off-street loading shall be subject to approval by the Zoning Administrator, who may withhold a permit or take other action if the layout of either would create avoidable safety or congestion problems, pending acceptable modification of the layout, or appeal to the Board of Zoning Appeals.

Section 6.4 Parking, Storage, and Use of Specified Vehicles

Section 6.4-1 Travel Trailers and Recreational Vehicles

Not more than one recreational vehicle or boat shall be parked or stored on any lot zoned for residential use. Recreational vehicles and boats shall not be parked in any required front or side yard setback area or within five feet of the rear lot line in a residential district. However, such recreational vehicle or boat may be parked anywhere on a residential premise for a period not to exceed 24 hours during loading or unloading, and recreational vehicles may be used for temporary lodging, no longer than one time per calendar year, with a maximum duration of seven days.

Section 6.4-2 Non-Recreational Vehicles and Equipment

- (A) Up to, but not exceeding, one automobile, truck or trailer of any kind or type, without current license plates, may be parked or stored on any lot zoned for residential use more than 45 days per calendar year, other than in completely enclosed buildings.
- (B) Within any Residential Zone, the owner or occupant of a dwelling unit may park one commercial motor vehicle with a carrying capacity not exceeding two tons. Specifically prohibited from parking in any residential zone, including the street right-of-way, when not actively involved in commerce, are flatbed trucks, tow trucks, buses, dump trucks, tractor cabs and/or trailers or combinations thereof.
- (C) Trailers, implements, and equipment for commercial use also may be parked or stored on the same lot as a dwelling in any residential zone, provided such uses shall be parked or stored in completely enclosed buildings.

Section 6.4-3 Parked Vehicles/Retail Sales

Not more than one vehicle for sale may be permitted on a lot or parcel other than the premises of a licensed vehicle dealer. No merchandise shall be displayed and no retail sales shall be permitted from the beds of trucks or other vehicles. Display areas for automobile, truck, motorcycle, or boat sales, repair, or service shall be paved.

Section 6.4-4 Repair of Motor Vehicles in Residential Districts

The repair of motor vehicles in the RS-1, RS-2, RS-3, RG, and OC Districts shall be subject to the following restrictions:

- (A) Only minor repairs and maintenance may be performed which, for purposes of this section, are defined as the changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid and lubricating oil; the replacement of spark plugs and ignition points; the rotation of tires; and replacement of drive belts and hydraulic lines.
- (B) All other repairs shall be confined to totally enclosed spaces and only accomplished on privately registered vehicles having current license plates, or vehicles designated by the State as qualifying for antique carriage designation.

Section 6.5 Landscaping

Section 6.5-1 Definition

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

Section 6.5-2 Purpose

The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to protect, preserve, and promote the aesthetic appeal, scenic beauty, character, and value of land; and to promote public health and safety through the reduction of noise pollution, storm water run off, air pollution, visual pollution, and artificial light glare.

Section 6.5-3 Where Required

No proposed commercial, institutional, industrial, or other non-residential use, multi-family or off-street parking lot shall hereafter be established and subsequently used unless landscaping is provided in accord with the provisions of this section. No existing building, structure, or vehicular use area shall be expanded or enlarged by 50 percent or more unless the minimum landscaping required by the provisions of this section is provided throughout the building site. Enlargements involving less than 50 percent shall meet the minimum requirements of the enlargement only. Landscaping is not required for existing uses.

Section 6.5-4 Landscaping Plan

A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

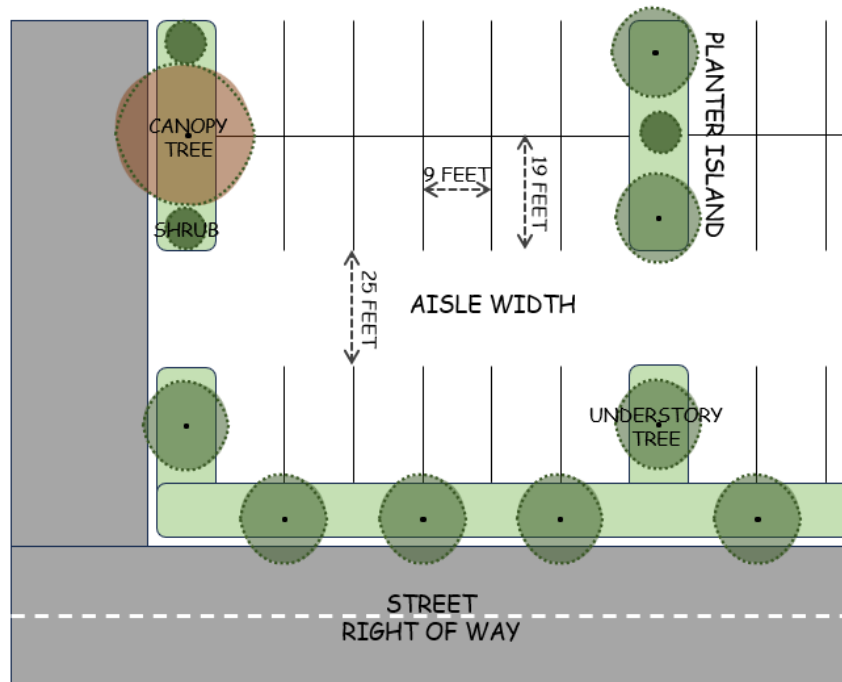
- (A) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- (B) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.
- (C) Identify all existing significant trees to be retained on the site.
- (D) Proposed species to be utilized shall conform with the Town of Elgin's List of Recommended Trees and Shrubs as maintained by the Zoning Administrator.

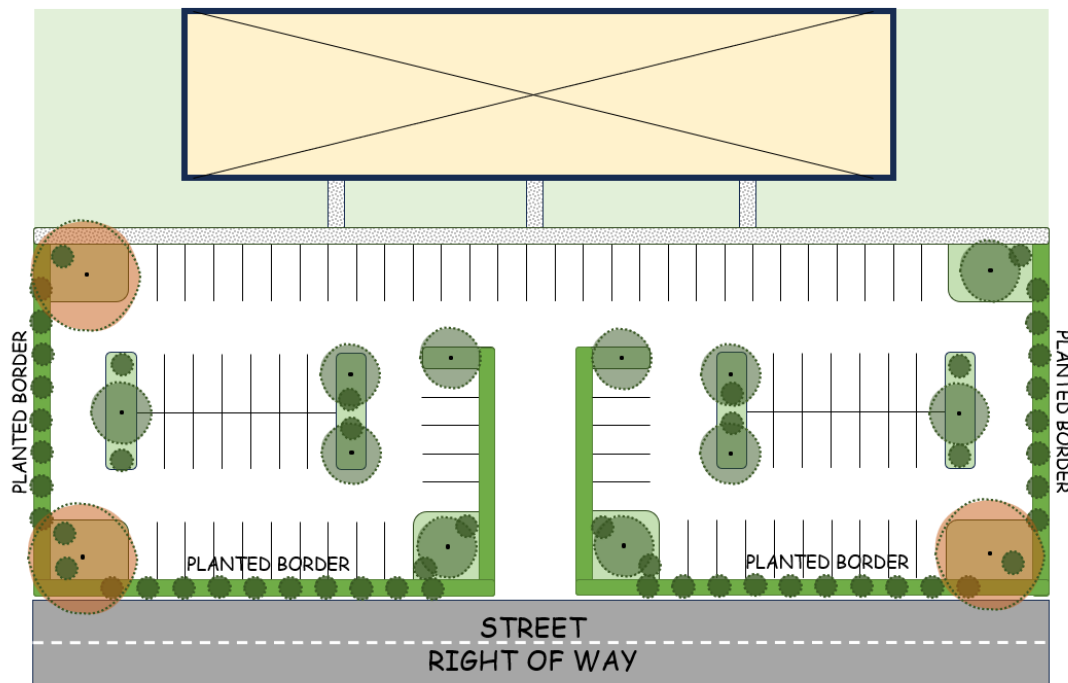
Section 6.5-5 Landscaping Requirements

Required landscaping shall be provided as follows:

- (A) Where a multi-family development is required to provide parking spaces related to their use, the following standards shall apply:

- (1) A pervious area of at least 180 square feet in size shall be required for every eight parking spaces.
- (2) One eight-foot tall, two-inch DBH understory tree shall be required for every eight parking spaces.
- (3) Four shrubs shall be required for every eight parking spaces.
- (B) Where a non-residential development is required to provide parking spaces related to their use, the following standards shall apply:
 - (1) At least one planter island shall be required for every 16 parking spaces. Each planter island shall have a minimum square footage of at least 228 square feet. The planter islands must be located within the parking area. Planter islands may be combined to facilitate the creativity in design at a ratio of at least 228 square feet for every 16 parking spaces.
 - (2) One eight-foot tall, two-inch DBH canopy tree shall be required for every 32 parking spaces
 - (3) Two eight-foot tall, two-inch DBH understory trees shall be required for every 16 parking spaces.
 - (4) Three shrubs shall be required for every 16 parking spaces.
- (C) Parking lots shall have planted borders around the perimeter of the parking areas along sides facing roadways and adjacent properties. Such planted borders shall have dimensions of at least five feet in width. These borders shall contain shrubs and ornamental plantings at an amount no less than one planting for every ten feet of perimeter parking lot border to frame the parking area; grass and groundcovers shall not be considered ornamental plantings.





Section 6.5-6 Landscaped Areas

- (A) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six inches in height. The barrier need not be continuous.
- (B) Landscaped areas shall be no less than 36 square feet in size.

Section 6.5-7 Calculation

Landscaping requirements are based on ratios of the number of parking spaces required. For those sites where the number of parking spaces exceeds the ratio amount, the amount of plant material shall be increased by the same percentage; for those sites where the number of parking spaces is less than the ratio amount, the amount of plant material shall be reduced by the same percentage. In all instances, any portion of a unit shall be rounded up (*i.e.* a calculation of 8.2 shrubs shall be considered a requirement for nine shrubs).

Section 6.5-8 Required Maintenance

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Failure to monitor such areas is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

ARTICLE 7: GENERAL AND SUPPLEMENTAL REGULATIONS; NONCONFORMITIES

The regulations set forth in this Article are intended to clarify and supplement the regulations set forth elsewhere in this Ordinance.

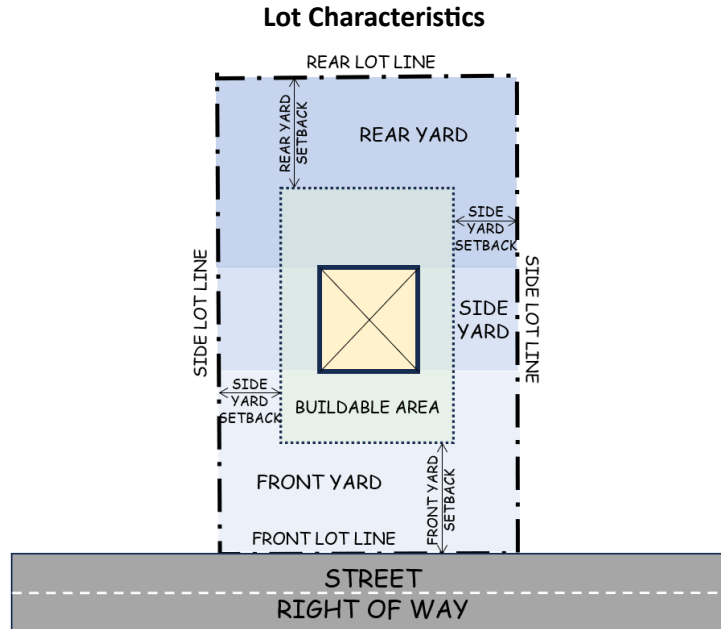
Section 7.1 Application of Regulations

The various zoning district regulations established herein are declared to be the minimum requirements necessary to carry out the purpose of this Ordinance. These regulations apply to each class or kind of structure or land, and are the minimum standards for all site clearing, development, buildings, structures, or alterations to land or structures within the jurisdiction of this Ordinance.

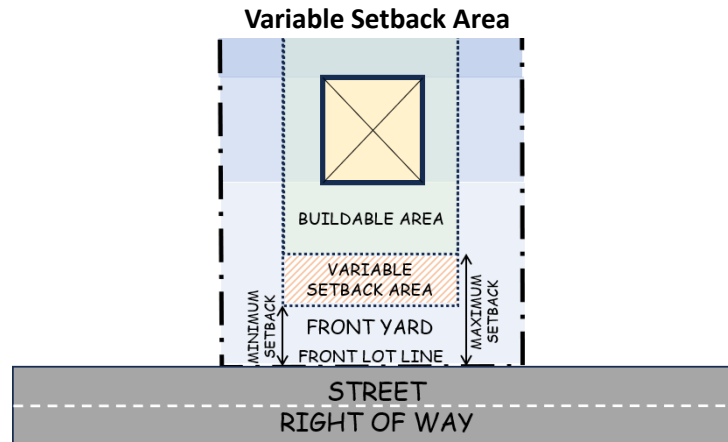
No part of a yard, open space, or off-street parking required in connection with any building for the purpose of complying with the regulations of this Ordinance shall be included as part or all of the required yard, open space, or off-street parking for another building or structure, except as hereinafter provided.

Section 7.2 Measurements

- (A) Yards, Setbacks, Buildable Area. The required front, side, and rear yards for individual lots, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot or road right-of-way. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the “buildable area” within which the approved structure or structures shall be placed.



- (B) Variable Setback. Some setback requirements provided herein may have a maximum and minimum setback established for the district. The setback shall be measured as detailed in Section 7.2 (1). However, the setback is variable and shall be determined by the applicant within the maximum and minimum parameters outlined.

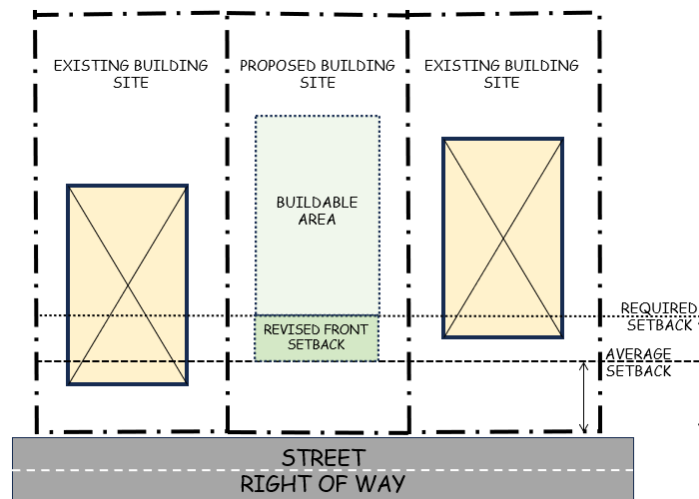


- (C) Height. The height of a building or structure shall be measured from the average elevation of the finished grade at the building line to the highest point of the building or structure.

Section 7.3 Exceptions and Modifications

- (A) Setbacks – Corner Lots. The setback from the street upon which the principal building will face shall be the minimum required front yard. The setback from the street upon which the side of the building will face shall be the minimum required front yard setback for the street upon which it is contiguous.
- (B) Setbacks – Through or Double Frontage Lots. Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory uses shall be prohibited from the required front yard setback of the street upon which the principal use fronts.
- (C) Setbacks – Infill Development. Where existing structures on the lot or lots immediately adjacent to a lot are established in front of the required front yard setback, the front yard setback may be revised to less than the required setback, but not less than the average of the setbacks of the structures on the immediately adjacent lot or lots.

Established Building Lines Front Yard Reduction



- (D) **Setbacks – Multiple Structures on a Lot.** Whenever more than one primary structure is to be located on a lot, the required yards shall be maintained around the group of structures and such structures shall be separated by a horizontal distance that is at least equal to the height of the highest adjacent building.
- (E) **Projections.** The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard. Steps and heating and cooling units may project into a required yard a distance not to exceed five feet but shall not be within three feet of a property line.
- (F) **Height.** The height limitations of this Ordinance shall not apply to the following:

Belfries	Elevated Water Tanks
Chimneys	Ornamental Towers and Spires
Church Spires	Public Monuments
Cupolas	Public Utility Poles
Domes	Smoke Stacks
Flag Poles, representing the US or State government	

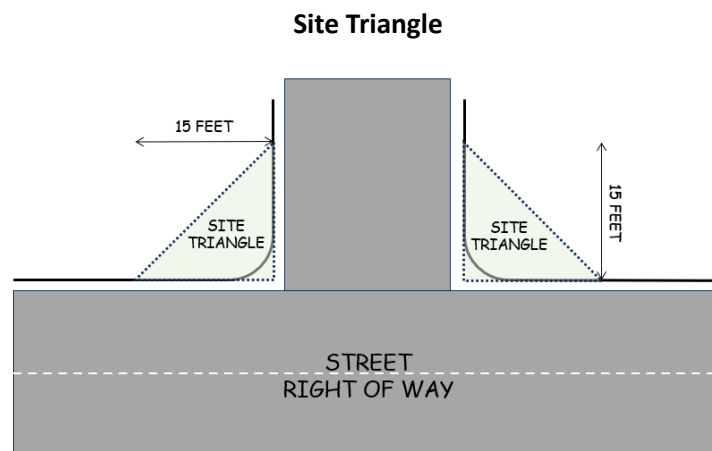
Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

Section 7.4 Number of Principal Structures/Uses on a Lot

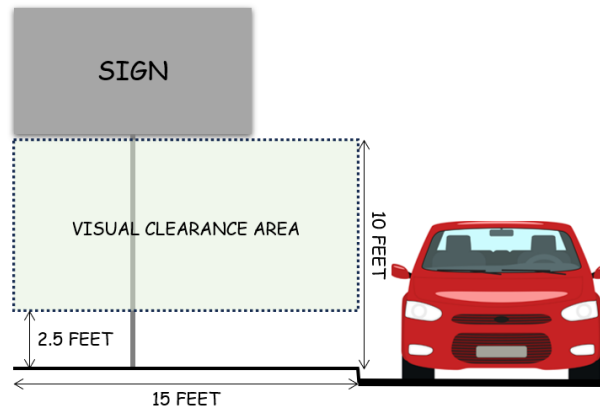
No more than one single family dwelling, residentially designed manufactured home, or duplex shall be allowed on a single lot or parcel. For all other uses, there is no limit on the number of principal structures or uses, provided all setback and other applicable requirements of this Ordinance are met.

Section 7.5 Visibility at Intersections

On any corner lot in any district except the GC-1 zone, no planting shall be placed or maintained and no fence, building, wall, or other structure shall be constructed at any point between a height of two and a half feet and ten feet within the site triangle. The site triangle is the triangular area bounded on two sides by the street right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines as required by the following illustrations. However, poles and support structures less than 12” diameter may be permitted in such areas.



Visual Clearance Area



Section 7.6 Accessory Structures and Uses

Section 7.6-1 Accessory Uses to Observe Required Setbacks

Unless specifically provided herein, accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal structure or use for the district within which they are located.

Section 7.6-2 Requirements Applicable to All Accessory Uses

- (A) If located within the buildable area, accessory structures shall observe the height requirements for the district within which they are located. If located in a required setback area, said buildings shall not exceed twelve feet in height.
- (B) No accessory structure may be located in a required front yard.
- (C) Where an accessory structure is erected in the required rear yard on a corner lot, it shall not be located closer to any street than the required front yard distance.
- (D) No accessory use shall occupy any part of a required buffer area.

Section 7.7 Nonconformities

Section 7.7-1 Purpose

The zoning regulations established by this Ordinance are designed to ensure that development meets the existing and future needs of the community while promoting the public health, safety, morals, convenience, order, prosperity and general welfare. To that end, this Ordinance promotes the appropriate grouping of compatible and related uses. The continued existence of nonconforming lots, structures, uses of properties and characteristics of use frequently interferes with the ability of existing regulations to ensure compatibility and appropriateness in nonconformities and specifies those circumstances and conditions under which such nonconformities may be permitted to continue.

Section 7.7-2 Applicability

This Chapter shall apply to all lots, structures, uses of property, and characteristics of use that become nonconforming by initial adoption of this Zoning Ordinance or future amendment to this Ordinance. It shall also apply to nonconformities that were legal nonconformities under a similar provision of a

previously applicable ordinance or resolution and that remain nonconforming with one or more provisions of this Ordinance, even if the type or extent of nonconformity is different.

Section 7.7-3 Authority to Continue

It is the intent of this Ordinance to permit nonconformities to continue until they are removed, but not to encourage their proliferation. Nonconforming uses are declared by this section to be incompatible with permitted uses in the districts involved. It is the further intent of this section that nonconformities shall not be enlarged, expanded, or extended, reconstructed to continue nonconformity after major damage, or used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as otherwise specified in this Chapter.

Section 7.7-4 Burden of Proof

The burden of establishing that any nonconformity is a legal nonconformity as defined by this Ordinance shall, in all cases, be upon the owner of such nonconformity and not upon the Town of Elgin or any other person.

Section 7.7-5 Nonconforming Lots of Record

Where the owner of a lot of record on or before September 14, 1989 (at the time of the adoption of the town's first zoning ordinance) has less area, width, or depth than herein in required by the district in which it is located, and the owner of such lot does not own any other adjacent parcel or tract, said lot may be used for a single family dwelling or manufactured home (if permitted in the given zoning district) within the district in which it is located, provided that the yard requirements are reduced no more than 20 percent. If the property owner owns an adjacent parcel or tract, the parcels must be combined together to comply with the dimensional requirements of this Ordinance.

Section 7.7-6 Nonconforming Uses

- (A) If no structural alterations are made and no change of use occurs, the nonconforming use of a property may be continued in perpetuity.
- (B) A nonconforming use shall not be changed to any other nonconforming use.
- (C) Any building or structure (conforming or nonconforming) which houses a nonconforming land use shall not be enlarged or altered, provided such enlargement or alteration shall meet all applicable setbacks, buffer area, and off-street parking requirements for the district in which it is located.
- (D) The repair or alteration of a nonconforming use, including repairs to interior non-load bearing walls, fixtures, or plumbing to meet building codes, shall in no way increase the nonconformity of said use, provided such enlargement or alteration shall meet all applicable setbacks, buffer area, and off-street parking requirements for the district in which it is located.
- (E) No additional accessory use or structure may be established on the site of a nonconforming use.
- (F) No nonconforming use may be moved, wholly or in part, to any other portion of such nonconforming parcel unless the use is permitted in the zoning district into which it is to be moved.

- (G) A nonconforming use that has been discontinued/removed for 180 consecutive days may not be renewed. Any subsequent use shall conform to the applicable regulations for the zoning district in which the property and/or structure is located.
- (H) A building permit for the replacement of a nonconforming use within a building or structure where damaged or destroyed must be initiated within 180 consecutive days from the date of the damage or destruction; after 180 consecutive days, the use shall lose its nonconforming status.
- (I) No use that is accessory to a principal nonconforming use shall continue after such principal use has ceased or terminated unless it conforms to all provisions of this Ordinance.
- (J) The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

Section 7.7-7 Nonconforming Structures

- (A) A nonconforming structure shall not be expanded, enlarged, or relocated, in whole or in part, unless the resulting expansion, enlargement, or relocation brings the structure into compliance with the provisions of this Ordinance.
- (B) The repair or alteration of a nonconforming structure, including repairs to interior non-load bearing walls, fixtures, or plumbing to meet building codes, shall in no way increase the nonconformity of said use, provided such enlargement or alteration shall meet all applicable setbacks, buffer area, and off-street parking requirements for the district in which it is located.
- (C) No structure or portion thereof, used in whole or in part, for a nonconforming use which remains idle or unused for a continuous period of 180 consecutive days, whether or not the equipment or fixtures are removed, may be re-occupied, provided such use shall meet all applicable setbacks, buffer area, and off-street parking requirements for the district in which it is located.
- (D) A building permit for the replacement of a nonconforming structure where damaged or destroyed must be initiated within 180 consecutive days from the date of the damage or destruction; after 180 consecutive days, the use shall lose its nonconforming status.

Section 7.7-8 Nonconforming Signs

- (A) Any sign for which a valid permit has been issued or that is exempt, but that does not conform to the provisions of this Ordinance is hereby deemed to be nonconforming.
- (B) A sign which was in existence on September 14, 1989, or a later date when the property was annexed to the Town of Elgin, and which was constructed in accordance with the ordinances or other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this Ordinance shall be deemed to be nonconforming.
- (C) Nonconforming signs shall be allowed to remain in place and to be maintained provided no action is taken which increases the degree or extent of the nonconformity. However, any

nonconforming sign shall be eliminated or made to conform to the requirements of this Ordinance when damaged, abandoned, or destroyed.

- (D) Nonconforming signs shall be removed or brought into conformity whenever the following occurs:
 - (1) Property changes ownership and the name of the business is to be changed, or
 - (2) The occupancy classification of the building is changed.
- (E) No permits for additional signs shall be issued for any location on which there is any sign in disrepair.
- (F) Supporting structures for a nonconforming sign may continue in use for a conforming sign if said support structures comply with all applicable requirements of this Ordinance.

Section 7.7-9 Home Occupations in Nonconforming Residential Uses

Home occupations are allowed in nonconforming residential uses, subject to the provisions of Section 3.5. No home occupation located in a nonconforming residential use shall continue after such residential use has ceased or terminated unless it conforms to all provisions of this Ordinance including permitted use requirements of Table 2-1.

Section 7.7-10 Discontinuance

The following uses or structures shall be discontinued and/or torn down, altered, or otherwise made to conform with this Ordinance within the time periods set forth below. Upon application to the Board of Zoning Appeals, the Board, either according to general rule or upon findings in a specific case, may permit not more than one extension as indicated below.

Nonconformities	Discontinue Within	Extension
Wrecking, junk, scrap, or salvage yards	One Year	6 Months
Fences and hedges impeding vision at intersections	30 Days	30 Days
Nonconforming on-site signs	Change in Use	None

Notice shall be sent by the Zoning Administrator to the owner or operator of any nonconforming uses stating wherein they do not conform to said Ordinance and stating the date by which they must either comply or cease to exist. The date that the use must comply or cease to exist shall be measured from the date of enactment or amendment of this Ordinance and shall be observed regardless of whether notice of nonconformity is sent by the Zoning Administrator or received by the affected owner/operator.

ARTICLE 8: ADMINISTRATIVE PROCEDURES AND ENFORCEMENT REGULATIONS**Section 8.1 Administration and Enforcement**

The designated Zoning Administrator is duly charged with the authority to administer and enforce the provisions of this Ordinance.

The Zoning Administrator shall accept and examine all applications for construction, land use, or reuse, and shall issue permits where such applications are in accord with the provisions of this Ordinance and applicable building codes. The Zoning Administrator shall direct parties in conflict with this Ordinance, and cause to be kept records and files of any and all matters referred to him.

If the Zoning Administrator shall find that any one of the provisions of this Ordinance is being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 8.2 Zoning Review Procedures

No building, structure, or sign requiring a permit or any part thereof shall be erected, added to, or structurally altered until the required permits have been issued.

No building, structure, or land shall be used; nor shall any building, structure, or land be converted, wholly or in part to any other use, until all applicable and appropriate licenses, certificates, and permits have been issued certifying compliance with the requirements of this Ordinance.

No permits inconsistent with the provisions of this Ordinance shall be issued unless accompanied by an approved variance as provided by this Article.

The provisions of this Section shall not apply to the necessary construction, replacement, or maintenance by a public utility of its outside plant facilities, including such items as poles, crossarms, guys, wire, cable, and drops.

Section 8.2-1 Filing Applications

Applications for permits shall be signed by the owner or his/her designee and shall be filed on forms provided by the Zoning Administrator.

Section 8.2-2 Application Requirements for a Building Permit

Each application for a permit for a building or structure other than a sign shall be accompanied by two sets of the following or as much thereof as the Zoning Administrator shall find necessary to determine whether the proposed building or use will be in compliance with the provisions of this Ordinance.

A plat and/or site plan showing:

- (A) Date and scale,
- (B) Actual shape and dimensions of the lot to be built upon,

- (C) Size, height, and location on the lot of existing and proposed buildings and structures and their relation to rights-of-way and property lines,
- (D) Existing and intended use of each building or part of a building,
- (E) Number of dwelling units,
- (F) Location of existing trees 10" DBH or greater,
- (G) Floodplains and wetland areas,
- (H) Proposed parking, buffer areas, and landscaping,
- (I) Building elevations, and
- (J) Such other information as required to determine compliance with and enforcement of this Ordinance.

Section 8.2-3 Application Requirements for a Sign Permit

Each application to erect a sign, where a sign permit is required by this Ordinance, shall be accompanied by the following information:

- (A) Identification of ownership and/or leaseholder of property on which the sign is to be erected, including street address.
- (B) Name and address of the owner of the sign.
- (C) Site plan with dimensions (non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, existing free-standing signs, and buffer areas.
- (D) Correct size, shape, configuration, face area, height, nature, number and type of sign to be erected.
- (E) The value of the sign and sign structure.
- (F) The Zoning Administrator may waive any of the informational requirements listed above deemed unnecessary to process an application.
- (G) Engineered plans for signs over 10 feet in height.

Section 8.2-4 Zoning Application and Certificate of Zoning Compliance

It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises, or both, or parts thereof whose use has been wholly or partly altered or expanded until submitted plans have been approved and a Certificate of Zoning Compliance has been issued by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

At the time that a building permit or sign permit application is filed, the applicant shall submit plans for the proposed action for use in zoning review and accompanied by a complete Certificate of Zoning Compliance form as approved by the Zoning Administrator. The Zoning Administrator shall review and approve or deny the application and the plans shall be marked as either approved or disapproved, and shall be signed by the Zoning Administrator or his/her designated agent. An original copy of the plans, similarly marked, shall be retained by the Zoning Administrator. If zoning approval is denied, the Zoning Administrator shall advise the applicant of the particular provisions of this Ordinance with which the proposed action does not comply. The Zoning Administrator shall maintain a record of all Certificates of Zoning Compliance, and copies shall be furnished upon request to the public.

A temporary Certificate of Zoning Compliance may be issued by the Zoning Administrator for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

Section 8.2-5 Application Fees

A fee to cover the administrative cost of issuing building and sign permits shall accompany all requests for such permits, where required by this Ordinance. The amount of the fee shall be determined by Town Council, a schedule of which is available at the office of the Town Clerk.

Section 8.2-6 Expiration of Building/Sign Permits

If the work described in any building or sign permit has not been completed within twelve months from the date of issuance thereof, said permit shall expire; it shall be canceled by the Zoning Administrator, and written notice thereof shall be given to the persons affected.

Section 8.2-7 Inspections for Compliance

The Zoning Administrator and/or other appropriate town officials may make or require inspections of any land disturbing activity, construction, or maintenance requirements to ascertain compliance with the provisions of this Ordinance and to ascertain compliance with approved permit applications, or plans prior to issuance of a certificate of occupancy.

Section 8.2-8 Application for a Certificate of Occupancy; Certificate Required

Upon completion of the construction or alteration of a building or structure for which a building permits has been granted, application shall be made to the Town of Elgin for a certificate of occupancy. The Town shall process the application in accord with adopted procedures. No land or building hereafter erected or altered in its use shall be used until such a certificate of occupancy has been granted.

Section 8.3 Design Review; Certificate of Appropriateness

A Certificate of Appropriateness is required before a building permit can be issued for the demolition, repair, alteration, relocation, and new construction of a designated historic property or overlay district. Any building permits not issued in conformance with this Section is void.

The Planning Commission shall be designated as the Town of Elgin Board of Architectural Review.

Section 8.3-1 Procedure

An application for a Certificate of Appropriateness shall be obtained from the Zoning Administrator. The completed application shall be filed along with two complete sets of all plans.

Applications shall be reviewed by the Board of Architectural Review at its next scheduled meeting, provided the application was filed at least 20 calendar days prior to the meeting date. If the Board has not acted within 45 days after the completed application is received, the application will be considered approved, and permits shall be issued, except in cases where a demolition of any structure has been postponed under provisions of this Ordinance.

The Board in a public meeting shall review each application. Designs shall be approved based upon design guidelines set forth in this Ordinance and standards specific to the district in which the property is located. Findings of fact shall be made to decide the appropriateness of the proposed change. The decisions of the Board and reasons for the decision shall be recorded in the minutes of each meeting and will be made available upon request as public record.

Section 8.3-2 Application

The Board shall require data as reasonable and necessary to determine the nature of the application. An application shall not be considered complete until all materials are compiled and filed with the Zoning Administrator.

Such application shall contain, but is not limited to, the following items:

- (A) A complete application form, including current zoning designation.
- (B) Two sets of completed plans showing property boundaries, easements, and setbacks.
- (C) Site history, if necessary.
- (D) Survey of site.
- (E) Photographs, elevations, and/or scaled drawings of existing conditions and pertinent streetscapes.
- (F) Application fee.

Section 8.3-3 Notification of Affected Property Owners

The owners of all adjacent properties shall be notified of the public hearing by mail. Such mailing shall include an explanation of the nature of the request, the meeting place, the date, and the time of the hearing.

Section 8.3-4 Re-Submission of Application

If an application is denied, it may be re-submitted, upon Board recommendation, only after substantial changes have been made to the plans and filed with a new application to the Zoning Administrator.

Section 8.3-5 Exemptions

This section in no way seeks to prevent the ordinary maintenance and repair of any structure designated as historic or within an overlay district when the repair does not involve any change in design, material, color, or outer appearance of the structure. The Board will not consider any interior arrangements or alterations unless impacting the exterior footprint of the structure.

Section 8.3-6 Delegation of Minor Review

The Board may authorize the Zoning Administrator to approve minor projects and repairs that do not alter design, materials, color, or outer appearance of the structure.

Section 8.3-7 Substantial Hardship

In the event that an application for a Certificate of Appropriateness is denied, a property owner may apply for an exemption based on substantial hardship of maintaining the property in accordance to this Ordinance and its design guidelines.

The Board may consider exemption for substantial hardship where one or more of the following unusual and compelling circumstances apply to the property:

- (A) The property cannot reasonably be maintained in the manner dictated by the ordinance;
- (B) There are no other reasonable means of saving the property from deterioration or collapse; or
- (C) The property is owned by a non-profit organization and it is not feasible financially or physically to achieve the organization's charitable purposes while maintaining the property appropriately.

The Board may require a property owner applying for an exemption based on substantial hardship to submit documentation that shows inability to comply with the ordinance and to earn a reasonable rate of return on the investment into the property. Documentation may include, but is not limited to:

- (D) Costs of the proposed project with and without modifications needed to comply with design guidelines as determined by the Board;
- (E) Structural report and/or feasibility study;
- (F) Market value of the property in its current condition and after completion of the proposed project;
- (G) Cost of the property, date of purchase, relationship, if any, between the buyer and seller, terms of financing; and
- (H) Annual gross income from the property with operating and maintenance expenses, depreciation, and annual cash flow before and after debt service during a period of at least two fiscal years prior to application.

When the Board determines a property has provided satisfactory documentation of substantial hardship, the Board may then issue a Certificate of Economic Hardship.

Section 8.3-8 Alternatives to Demolition

If the Board denies a request for demolition, partial or full, of a structure, it shall be the obligation of the Board to work with the owner of the structure and property to seek out alternatives. These alternatives may include, but are not limited to, possible buyers and creative or alternative financing for rehabilitation. The Board shall inform the public concerning the threat to the building, its value to the community, and through publicity and civic partnerships, seek to provide assistance in preserving the structure and/or property.

Section 8.4 Zoning Amendments

This Ordinance, including the official zoning map, may be amended from time to time by the Town Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation.

Section 8.4-1 Amendment Authorization and Procedure

A proposed amendment to the Zoning Ordinance may be initiated by the Planning Commission, Town Council, or by application filed with the Planning Commission by the owner or owners of any property proposed to be changed; provided however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property or any part thereof, by a property owner or owners more often than once every twelve months.

Section 8.4-2 Application for Amendment

Application forms for amendments shall be obtained from the office of the Zoning Administrator. Completed forms, together with the required application fee to cover administrative costs (advertising), plus any additional information the applicant feels to be pertinent, shall be filed with the Zoning Administrator. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required.

Applications for amendment must be received in proper form, at least 20 days prior to a Planning Commission meeting in order to be heard at that meeting.

Section 8.4-3 Staff Review and Report

The Zoning Administrator shall prepare a report that reviews the proposed amendment, taking into account the recommendations of the Comprehensive Plan, the review criteria used by the Planning Commission as listed below, and the general requirements of this Ordinance. The report will be included in the agenda package, and will be submitted to the Planning Commission at least five days prior to the meeting. The report shall include the following information:

- (A) Name of applicant.
- (B) Tax map number of the property.
- (C) Location of the property (text and map).
- (D) Current and proposed zoning of the property.
- (E) The zoning designation and current land uses of properties located adjacent to the amendment property.
- (F) An analysis of the proposed amendment and recommendation to the Planning Commission.

In addition, the staff report for proposed amendment to a new or existing overlay district must be accompanied by such information as required within the overlay district standards.

Section 8.4-4 Board of Architectural Review – Review and Recommendation

The Board of Architectural Review shall study any proposed amendment to a new or existing overlay district, taking into account all factors which it may deem relevant, including, but not limited to, the following criteria:

- (A) The structure is of a documented age of 50 years or age or older;
- (B) The property or any structure on a property has significant inherent character, interest, or value as part of the development or heritage of Elgin, Kershaw County, or the United States of America;
- (C) The property or any principal structure on a property that is the site of a significant event in history;
- (D) The property or any principal structure on a property is associated with a person or persons who contributed significantly to the culture and development of Elgin, Kershaw County, or the United States of America;
- (E) The property or any structure on a property exemplifies cultural, political, economic, social, ethnic, or historical heritage, or Elgin, Kershaw County, or the United States of America;

- (F) The property or any structure on a property contains elements of design, detail, materials, or craftsmanship that represents significant innovation or the work of a designer who has significantly influenced the development of the community;
- (G) The property or any structure on a property is part of or related to a distinctive element of community planning;
- (H) The property or any structure on a property represents an established and familiar visual feature of the neighborhood; and
- (I) The property or any structure on a property individually, or as part of a collection of resources, embodies distinguishing characteristics of a style, type, period, or unique quality in architecture, engineering, landscape architecture, or artistry.

Section 8.4-5 Planning Commission – Review and Recommendation

The Planning Commission shall study the proposed amendment taking into account all factors which it may deem relevant including, but not limited to, the following criteria:

- (A) The relationship of the request to the Comprehensive Plan, and whether the request violates or supports the recommendations of the Plan;
- (B) Changes in conditions since the adoption of the Comprehensive Plan or the Zoning Ordinance;
- (C) The need to correct an error or discrepancy in the Ordinance or Plan;
- (D) Any benefits which would be derived from the amendment;
- (E) Compatibility with the present zoning and conforming uses of nearby property and with the character of the surrounding neighborhood;
- (F) Any cost to the government generated by the amendment in terms of expenditures for public improvements, facilities, and services; and
- (G) The amount of vacant land currently classified for similar development within the town and any special circumstances which may make a substantial part of such vacant land unavailable for development.

As a matter of policy, no request to change the text of the ordinance or the map shall be acted upon favorably by the Commission except:

- (A) Where necessary to implement the Comprehensive Plan;
- (B) To correct an original mistake or error in the regulations or map;
- (C) To protect areas designated as historically significant;
- (D) To recognize substantial change or changing conditions or circumstances in a particular locality;
or
- (E) To recognize changes in technology, the style of living, or manner of doing business.

Following review of the proposed amendment, the Planning Commission shall reach a decision regarding said amendment and report its findings and recommendation to Town Council for final action.

The Planning Commission shall have 30 days within which to submit its report. If the Planning Commission fails to submit a report within the 30-day period, it shall be deemed to have approved the proposed amendment. No change in or departure from the text or maps as recommended by the Planning Commission may be made pursuant to the public hearing unless the change or departure is first submitted to the Planning Commission for review and recommendation.

Section 8.4-6 Council Action

The Town Council shall hold a public hearing on the amendment. Posting of the hearing shall be in accordance with Section 8.4-7.

The Town Council shall take action to approve, disapprove, modify, or remand the matter back to the Planning Commission within 30 days of receipt of the Planning Commission's recommendation on an application. If no action is taken by the Town Council within such time, the proposed amendment shall be considered denied, unless otherwise specified by Council.

Following the approval of an ordinance for zoning amendment by Town Council, the Zoning Administrator shall alter or cause to be altered the Official Zoning Map to indicate the amendment and the effective date of the Ordinance amending the map and/or text. A written record of the type and date of such change shall be maintained by the Clerk of Council.

Section 8.4-7 Public Notice of Hearing

In scheduling a public hearing for a proposed zoning map and/or text amendment, notice of the time and place shall be published in a newspaper of general circulation in the Town at least 15 days in advance of the scheduled public hearing. Adjacent property owners of a map amendment shall be notified by mail explaining the nature of the request, the meeting place, the date and the time of the hearing.

In cases involving map changes, the owner/applicant shall be provided with and shall post notice of said change in a conspicuous place on or adjacent to the affected property, with at least one such notice being visible from each public thoroughfare abutting the property. Such notice shall be posted at least 15 days prior to the announced hearing, indicating the nature of the proposed change, identification of the affected property, and time, date, and place of the hearing. The Zoning Administrator shall inspect the site throughout the public notice timeframe to ensure compliance with this section.

Section 8.4-8 Appeals

Any applicant or other party aggrieved by the Town Council's determination may appeal the decision to the Circuit Court in and for the County of Kershaw by filing with the Clerk of such court a petition in writing setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the Town Council is rendered.

Section 8.4-9 Zoning of Annexed Property

All the territory which may hereafter be annexed to the Town of Elgin shall be submitted first to the Elgin Planning Commission for zoning designation. Representatives of the annexed territory may request a zoning classification at the time of annexation, but it must be reviewed by the Commission, which shall submit its recommendation as to the type of zoning to be attached to said territory to Town Council. Town Council shall assign a zoning classification at the time of annexation.

Section 8.5 Variances

Variances from the provisions of this Zoning Ordinance, where strict application of the provisions of the Ordinance may cause an unnecessary hardship, may be granted by the Board of Zoning Appeals in accordance with the procedures outlined below.

Section 8.5-1 Who May Initiate a Request for a Variance

The owner, developer, or agent with authorization from the owner may initiate a request for a variance by filing an application with the Zoning Administrator.

Section 8.5-2 Application for a Variance Request

Appeals to the Board shall be taken within 30 days of the date of the action which is appealed, by filing notice of appeal with the Zoning Administrator, who shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. The town attorney may review all appeals to determine if they constitute an appeal action.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

Section 8.5-3 Staff Review and Report

The Zoning Administrator shall prepare a report that reviews the proposed variance, taking into account the recommendations of the Comprehensive Plan and the review criteria used by the Board of Zoning Appeals as listed below. The report shall be submitted to the Board of Zoning Appeals in advance of the meeting where the variance will be discussed.

Section 8.5-4 Board of Zoning Appeals Action

The Board of Zoning Appeals shall hear variance at its regularly scheduled monthly meetings. The applicant or their agent and others wishing to comment in favor of or in opposition to the request may do so under oath. The Board in execution of the duties specified in Title 6, Chapter 29 of the SC Code of Laws may subpoena witnesses and, in case of contempt, may certify this fact to the circuit court having jurisdiction.

A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains the following findings:

- (A) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (B) These conditions do not generally apply to other property in the vicinity;
- (C) Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- (D) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

All final decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board and parties of interest notified.

Section 8.5-5 Public Notice of Hearing

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give at least 15 days' notice thereof in a newspaper of general circulation in the community, as well as due notice to the parties in interest and adjacent property owners by mail explaining the nature of the request, the meeting place, the date and the time of the hearing. The owner/applicant shall be provided with and shall post notice of said change in a conspicuous place on or adjacent to the affected property, with at least one such notice being visible from each public thoroughfare abutting the property. Such notice shall be posted at least 15 days prior to the announced hearing, indicating the nature of the proposed change, identification of the affected property, and time, date, and place of the hearing. The Zoning Administrator shall inspect the site throughout the public notice timeframe to ensure compliance with this section. At the hearing, any party may appear in person or by agent or by attorney.

Section 8.5-6 Appeals

A person who may have a substantial interest in any decision of the Board of Appeals or an officer or agent of the Town may appeal from a decision of the Board to the Circuit Court in and for the county by filing with the Clerk of Court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Board is mailed.

Section 8.6 Administrative Appeals

It is the intention of this Ordinance that all questions arising in connection with the enforcement of the Ordinance shall be presented first to the Zoning Administrator and that such question shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Administrator. Appeals from administrative decisions relating to the provisions of an overlay district shall be presented first to the Zoning Administrator and then made to the Board of Architectural Review.

Section 8.6-1 Who May Initiate an Administrative Appeal

Any person aggrieved by an administrative decision or interpretation of the Zoning Administrator may bring an appeal to the Board of Zoning Appeals or the Board of Architectural Review by filing an application with the Zoning Administrator. The appropriate Board shall hear and decide appeals where it is alleged there is an error in an order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.

Section 8.6-2 Application for a Request

An application for an appeal to an administrative decision by the Zoning Administrator shall require a complete Appeal to a Zoning Official's Decision form approved by the Zoning Administrator. Such application shall be filed with the Town of Elgin at least 30 days prior to the regularly scheduled meeting of the Town of Elgin Board of Zoning Appeals.

Section 8.6-3 Board of Zoning Appeals or Board of Architectural Review Action

Both the Board of Zoning Appeals and the Board of Architectural Review shall hear appeals to administrative decisions at their regularly scheduled meetings. The applicant or their agent and others wishing to comment in favor or in opposition to the request may do so under oath. The Board in the execution of the duties specified in Title 6, Chapter 29 of the SC Code of Laws may subpoena witnesses and, in case of contempt, may certify this fact to the circuit court having jurisdiction. At the conclusion of the proceeding on the appeal, the Board shall take one of the following actions, consistent with the provisions of this Ordinance:

- (A) Affirm the action of the Zoning Administrator;
- (B) Modify the action of the Zoning Administrator, and to that end, have all the power of the officer from which the appeal is taken, and may issue a permit or direct that a permit be issued; or
- (C) Reverse the action of the Zoning Administrator, and to that end, have all the powers of the officer from which the appeal is taken, and may issue a permit or direct that a permit be issued.

In the event of a tie vote, the decision of the Zoning Administrator shall stand. All decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest.

Section 8.6-4 Public Notice of Hearing

A notice of the Board of Zoning Appeals or Board of Architectural Review hearing shall be placed in a newspaper of general circulation in the community at least 15 days prior to the meeting, and shall include a description of the proposed appeal, the meeting place, and the date and time of the meeting.

When a request for an administrative appeal is made, conspicuous notice shall be posted on or adjacent to the property. The owner/applicant shall be provided with and shall post notice of said change in a conspicuous place on or adjacent to the affected property, with at least one such notice being visible from each public thoroughfare abutting the property. Such notice shall be posted at least 15 days prior to the announced hearing, indicating the nature of the proposed change, identification of the affected property, and time, date, and place of the hearing. The Zoning Administrator shall inspect the site throughout the public notice timeframe to ensure compliance with this section.

Section 8.6-5 Appeals

If an appeal to an administrative decision is denied by the Board of Zoning Appeals or the Board of Architectural Review, the applicant or other aggrieved party may appeal the decision to the circuit court in and for the County of Kershaw by filing with the Clerk of such court a petition in writing setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the Board is mailed.

Section 8.7 Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, the Zoning Administrator or other appropriate town official shall record and investigate such complaint, and take such action as provided by this Ordinance. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof. Enforcement may be by means of withholding a building or zoning permit, or both, and the issuance of stop work orders against work undertaken by an entity not have a proper building or zoning permit, or both. If the Zoning Administrator finds that any one of the provisions of this Ordinance is being violated, notice shall be provided in writing to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Discontinuances may be ordered for illegal use of land, buildings, or structures; removal of illegal buildings or structures; illegal additions, alterations, or structural changes; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 8.7-1 Penalties for Violation

Any persons violating any provision of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the Court for each offense.

Where any building, structure, or sign is or is located or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, sign, or land is or is proposed to be used in violation of this Ordinance, the Zoning Administrator or other appropriate administrative officer, may in accord with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

In case a building, structure, or land is or is proposed to be used in violation of this Ordinance, the Zoning Administrator or other designated administrative officer may in addition to other remedies issue and serve upon a person pursuing the activity or activities a stop work order requiring that entity to stop all activities in violation of the zoning ordinance.

Section 8.7-2 Right of Appeal

Any decision or determination by the Zoning Administrator may be appealed to the Board of Zoning Appeals as an Administrative Appeal.

Section 8.8 Vested Right**Section 8.8-1 Definition**

‘Vested right’ means the right to undertake and complete the development of property under the terms and conditions provided in this Article.

Section 8.8-2 Duration

A vested right is established for two years upon the approval of a permit by the Zoning Administrator, and/or the Planning Commission.

A vested right may be extended at the end of the vesting period for an additional twelve months upon request by the applicant and a determination by the permitting agent that there is just cause for extension and that the public interest is not adversely affected.

A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code.

Section 8.8-3 Amendment

A vested right may be amended by the Planning Commission pursuant to the provisions of this Ordinance.

Section 8.8-4 Revocation

A vested right is subject to revocation by the Planning Commission upon determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

Section 8.8-5 Applicability of Other Regulations

A vested right is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permits to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit.

A change in the zoning district designation or land use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested right without consent of the landowner.

Section 8.8-6 Vested Right to Run with Property

A vested right pursuant to this section is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this Section may rely upon and exercise the vested right for its duration subject to applicable federal, state, and local laws adopted to protect public health, safety, and welfare, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. This Section does not preclude judicial determination that a vested right exists pursuant to other statutory provisions. This Section does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Act in Chapter 31 of Title 6.

ARTICLE 9: REVIEW AUTHORITIES

Section 9.1 Purpose

This Article establishes the responsibilities of and procedures for the entities involved in the administration of the Ordinance.

Section 9.2 Responsibility

The responsibility for major actions required by this Ordinance is set forth herein and is summarized in Table 9-1 below. Public hearings are required to be held for requests to amend the Zoning Ordinance or Official Map. Such hearing shall be held by the Town Council. All decisions are appealable to the appropriate court in accordance with South Carolina law.

Table 9-1: Review Authority Responsibilities

ACTION	ZONING ADMINISTRATOR	BOARD OF ARCHITECTURAL REVIEW	BOARD OF ZONING APPEALS	PLANNING COMMISSION	TOWN COUNCIL
Zoning Review					
Building Permit	F		F/A/H		
Home Occupation	F		F/A/H		
Sign Permit	F	R**	F/A/H		
Interpretation	F		F/A/H		
Certificate of Appropriateness	R	F/H			
Requests for Change or Relief					
Administrative Appeal		A/H*	A/H*		
Map Amendment	R			R/H	F/H
Text Amendment	R			R/H	F/H
Overlay District Amendment	R	R		R/H	F/H
Zoning Appeal	R		F/H		
Zoning Variance	R		F/H		

* Appeals from administrative decisions relating to the provisions of an overlay district must be made to the Board of Architectural Review. All other appeals are made to the Board of Zoning Appeals.

** Signs proposed to be located or altered in overlay districts must be reviewed by the Board of Architectural Review.

- R** – Makes recommendations
- H** – Must hold a public hearing
- F** – Makes the final decision
- A** – Hears the appeal to a decision

Section 9.3 Zoning Administrator

It is the duty of the duly appointed Zoning Administrator to administer and enforce the provisions of this Ordinance. The duties of the Zoning Administrator include but are not limited to:

- (A) Interpret the provisions of this Ordinance to include interpretations of district designations, boundary locations, and other matters related to the Official Zoning Map; provide information to the public on zoning related matters.
- (B) Maintain the Zoning Ordinance and Official Zoning Map and record all amendments in a timely manner; ensure that current copies of this Ordinance and the Official Zoning Map are available to the public.
- (C) Review all applications for variances and appeals to the Board of Zoning Appeals; process and review all applications for amendments to the text of this Ordinance or to the Official Zoning Map.
- (D) To review and recommend to the Board of Architectural Review and Town Council all designations for individual historic properties and overlay districts, all proposed amendments that would create new overlay districts or alter an existing overlay district, and all applications for Certificates of Appropriateness for exterior repairs, demolitions, alterations, and relocations for structures in the overlay zones.
- (E) Maintain all public records related to zoning and the provisions of this Ordinance, and produce any and all reports and records as the Town Council may require.
- (F) Enforce the provisions of this Ordinance.

Section 9.4 Town Council

Pursuant to the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, SC Code §6-29-310, et seq, the Elgin Town Council shall conduct the following activities related to zoning:

- (A) Establish by ordinance and appoint members to the Planning Commission, Board of Zoning Appeals, the Board of Architectural Review and any other board or commission necessary for the development and operation of a proper planning program as prescribed by the 1994 Planning Enabling Act;
- (B) Furnish staff support to the Planning Commission, Board of Zoning Appeals, Board of Architectural Review, and other boards or commissions for technical assistance;
- (C) Conduct public hearings, review Planning Commission recommendations, and adopt the Comprehensive Plan and Zoning Ordinance;
- (D) Conduct public hearings, review Planning Commission recommendations, and make decisions on proposed amendments to the Comprehensive Plan and Zoning Ordinance; and
- (E) Conduct public hearings, review Board of Architectural Review and Planning Commission recommendations, and make decisions on proposed overlays districts and changes to existing overlay districts.

Section 9.5 Planning Commission

The application fee for processing an amendment shall be nonrefundable irrespective of the outcome of the application.

The Town of Elgin Planning Commission is established pursuant to the authority of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, SC Code The provisions of the 1994 Act require that the Planning Commission develop and carry out a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the area within its authority.

Section 9.5-1 Membership

The Town of Elgin Planning Commission (the Commission) shall consist of five members. Up to three members should reside within the corporate limits of the municipality and no more than two members may live outside of the corporate limits of the municipality within the Elgin community.

Section 9.5-2 Terms of Membership

- (A) Terms of the members of the Commission shall be for four years and until their successors are appointed. Terms of initial appointees shall be staggered.
- (B) Members of the Commission may be appointed to succeed themselves.
- (C) Town Council may remove any member of the Commission for cause. A vacancy for any reason shall be filled for the unexpired term.
- (D) Members of the Commission shall not hold an elective office and shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance.

Section 9.5-3 Organization

The Commission shall organize themselves, adopt bylaws to establish rules of organizational procedure, elect a chairman and vice-chairman for terms of one year, and appoint a secretary who may be an employee of the Town of Elgin. The Commission shall keep public records of their resolutions, findings, determinations, and orders. Meetings of the Commission must be held at the call of the Chairman or at such times as the Commission may determine. Public notice of all meetings of the Commission shall be provided by publication in a newspaper of general circulation in the community.

A majority of the Commission members may constitute a quorum for conducting business. A majority vote of the Commission members present at a meeting will be necessary for approval of any action by the Commission. Members whose property, income, or business may be affected by a matter before the Commission must excuse themselves from any discussion and votes on that matter.

Section 9.5-4 Financing of the Commission

The Town of Elgin shall appropriate such monies as they consider fit to finance the work of the Commissions and to generally provide for the enforcement of any zoning regulations and restrictions authorized under SC Code of Laws, Title 6, Chapter 29, which are adopted and may accept and expend grants of money for those purposed from either private or public sources, whether local, state, or federal.

Section 9.5-5 Zoning Powers of the Commission

The Planning Commission shall exercise the following zoning powers:

- (A) Review and request for change to the text of the Ordinance or any requested amendments to the Zoning Ordinance or Official Zoning Map, and make recommendations to the Town Council on those requests.
- (B) Conduct public hearings on requests for change to the text of the Ordinance or any requested amendments to the Zoning Ordinance or Official Zoning Map, if so authorized by the Town Council.

- (C) Develop and recommend a Comprehensive Plan for the County, and review proposed changes to the Zoning Ordinance and Official Zoning Map for compliance with the Comprehensive Plan.

Section 9.6 Board of Zoning Appeals

The Town of Elgin Board of Zoning Appeals is established pursuant to the authority of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, SC Code §6-29-780, et seq.

Section 9.6-1 Membership

The Board of Zoning Appeals (the Board) shall consist of five members. Up to three members should reside within the corporate limits of the municipality and no more than two members may live outside of the corporate limits of the municipality within the Elgin community.

Section 9.6-2 Terms of Membership

- (A) Terms of the members of the Board shall be for four years and until their successors are appointed. Terms of initial appointees shall be staggered.
- (B) Members of the Board may be appointed to succeed themselves.
- (C) Town Council may remove any member of the Board for cause. A vacancy for any reason shall be filled for the unexpired term.
- (D) Members of the Board shall not hold an elective office and shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance.

Section 9.6-3 Organization

The Board shall organize themselves, adopt bylaws that establish rules of organizational procedure, elect a chairman and vice chairman for terms of one year, and appoint a secretary who may be an employee of the Town. The Board shall keep public records of their resolutions, findings, determinations, and orders. Meetings of the Board must be held at the call of the Chairman or at such times as the Board may determine. Public notice of all meetings of the Board shall be provided by publication in a newspaper of general circulation in the community. The Chairman, or in their absence, the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena.

A majority of the Board members may constitute a quorum for conducting business. A majority vote of the Board members present at a meeting will be necessary for approval of any action by the Board. Members whose property, income, or business may be affected by a matter before the Board must excuse themselves from any discussion or votes on that matter.

Section 9.6-4 Financing of the Board of Zoning Appeals

The Town of Elgin shall appropriate such monies as they consider fit to finance the work of the Board and to generally provide for the enforcement of any zoning regulations and restrictions authorized under SC Code of Laws, Title 6, Chapter 29, which are adopted and may accept and expend grants of money for those purposed from either private or public sources, whether local, state, or federal.

Section 9.6-5 Powers of the Board of Zoning Appeals

The Board of Zoning Appeals has the following powers:

- (A) To hear and decide appeals where it is alleged there is an error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance.
- (B) To hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provision of the ordinance would result in an unnecessary hardship.

Section 9.6-6 Stays, Hearings, Decisions, and Orders

- (A) Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town of Elgin. The appeal must be taken within a reasonable time, as provided by the zoning ordinance or rules of the Board, or both, by filing with the office from whom the appeal is taken and with the Board of Zoning Appeals, notice of appeal specifying the grounds of it. If no time is provided, the appeals must be taken within 30 days from the date of the appealing party has received actual notice of action from which the appeal is taken. The officer from whom the appeal is taken immediately shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- (B) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board, after the notice of appeal has been filed from him, that by reason of facts stated in the certificate a stay would, in their opinion, cause imminent peril to life and property. In such cases, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- (C) The Board shall fix a reasonable time for the hearing of the appeal of other matter referred to it. The Board must give at least 15 days public notice of the hearing in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.
- (D) In exercising the above power, the Board may, in conformity with the provisions of SC Code of Laws, Title 6, Chapter 29, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board in the execution of the duties specified in Title 6, Chapter 29 of the SC Code of Laws, may subpoena witnesses and, in case of contempt, may certify this fact to the Circuit Court having jurisdiction.
- (E) All final decisions and orders of the Board must be issued in writing and be permanently files in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest by certified mail.

Section 9.6-7 Cases of Contempt Before the Board of Zoning Appeals

In case of contempt by a party, witness, or other person before the Board of Zoning Appeals, the Board may certify this fact to the circuit court, and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

Section 9.6-8 Appeal from the Board of Zoning Appeals

A person who may have a substantial interest in any decision of the Board, or an officer or agent of the Town of Elgin, may appeal from a decision of the Board to the Circuit Court in and for the County of Kershaw by filing with the Clerk of Court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Board is mailed to the applicant.

Section 9.7 Board of Architectural Review

The Town of Elgin Board of Architectural Review is established pursuant to the authority of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, SC Code §6-29-870, et seq.

Section 9.7-1 Membership

The Town of Elgin Board of Architectural Review (the BAR) shall consist of five members appointed by Town Council. Up to three members should reside within the corporate limits of the municipality and no more than two members may live outside of the corporate limits of the municipality within the Elgin community. Every reasonable attempt will be made to appoint persons who have a demonstrated interest in history or architecture.

Section 9.7-2 Terms of Membership

- (A) Terms of the members of the BAR shall be for four years or until their successors are appointed. Terms of initial appointees shall be staggered.
- (B) Members of the BAR may be appointed to succeed themselves.
- (C) Town Council may remove any member of the BAR for cause. A vacancy for any reason shall be filled for the unexpired term.
- (D) Members of the BAR shall not hold an elective office and shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance.

Section 9.7-3 Organization

The BAR shall organize themselves, adopt bylaws that establish rules of organizational procedure, elect a chairman and vice chairman for terms of one year, and appoint a secretary who may be an employee of the Town. The BAR shall keep public records of their resolutions, findings, determinations, and orders. Meetings of the BAR must be held at the call of the Chairman or at such times as the BAR may determine. Public notice of all meetings of the BAR shall be provided by publication in a newspaper of general circulation in the community. The Chairman, or in their absence, the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena.

A majority of the BAR members may constitute a quorum for conducting business. A majority vote of the BAR members present at a meeting will be necessary for approval of any action by the BAR. Members whose property, income, or business may be affected by a matter before the BAR must excuse themselves from any discussion or votes on that matter.

Section 9.7-4 Financing of the Board of Architectural Review

The Town of Elgin shall appropriate such monies as they consider fit to finance the work of the BAR and to generally provide for the enforcement of any zoning regulations and restrictions authorized under SC Code of Laws, Title 6, Chapter 29, which are adopted and may accept and expend grants of money for those purposed from either private or public sources, whether local, state, or federal.

Section 9.7-5 Powers of the Board of Architectural Review

The Board of Architectural Review has the following duties and powers:

- (A) To promote the purposes and objectives of this Ordinance;
- (B) To review and recommend to the Council all designations for individual historic properties;
- (C) To review and recommend to the Council all proposed amendments that would create a new overlay district or alter an existing overlay district;
- (D) To develop or modify and recommend to the Council design guidelines for proposed overlay districts;
- (E) To approve, approve with conditions, or deny a Certificate of Appropriateness for all new construction exterior repairs, demolitions, alterations, and relocations for any structure or historic property in an overlay zone.
- (F) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the regulations related specifically to overlay districts.

Section 9.7-6 Appeal to the Board of Architectural Review

Decisions of the Zoning Administrator or their agent in matters under the purview of the BAR may be appealed to the BAR where there is an alleged error in any order, requirement, determination, or decision. The appeal follows essentially the same procedure as an appeal to the Board of Zoning Appeals. The following are the appeal steps:

- (A) Appeals to the BAR may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town of Elgin. The appeal must be taken within a reasonable time, as provided by the zoning ordinance or rules of the BAR, or both, by filing with the office from whom the appeal is taken and with the Board of Architectural Review, notice of appeal specifying the grounds of it. If no time is provided, the appeals must be taken within 30 days from the date of the appealing party has received actual notice of action from which the appeal is taken. The officer from whom the appeal is taken immediately shall transmit to the BAR all the papers constituting the record upon which the action appealed from was taken.
- (B) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the BAR, after the notice of appeal has been filed from him, that by reason of facts stated in the certificate a stay would, in their opinion, cause imminent peril to life and property. In such cases, proceedings may not be stayed otherwise than by a restraining order which may be granted by the BAR or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- (C) The BAR shall fix a reasonable time for the hearing of the appeal of other matter referred to it. The BAR must give at least 15 days public notice of the hearing in a newspaper of general

circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

- (D) In exercising the above power, the BAR may, in conformity with the provisions of SC Code of Laws, Title 6, Chapter 29, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The BAR in the execution of the duties specified in Title 6, Chapter 29 of the SC Code of Laws, may subpoena witnesses and, in case of contempt, may certify this fact to the Circuit Court having jurisdiction.
- (E) All final decisions and orders of the BAR must be issued in writing and be permanently files in the office of the BAR as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the BAR which must be delivered to parties of interest by certified mail.

Section 9.7-7 Cases of Contempt Before the Board of Architectural Review

In case of contempt by a party, witness, or other person before the Board of Architectural Review, the BAR may certify this fact to the circuit court, and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

Section 9.7-8 Appeal from the Board of Architectural Review

A person who may have a substantial interest in any decision of the BAR, or an officer or agent of the Town of Elgin, may appeal from a decision of the BAR to the Circuit Court in and for the County of Kershaw by filing with the Clerk of Court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the BAR is mailed to the applicant.

ARTICLE 10: DEFINITIONS**Section 10.1 Purpose**

The purpose of this Article is to define key words, terms, and phrases contained within this Ordinance, unless otherwise specifically defined elsewhere herein.

Section 10.2 Word Usage

In the interpretation of the provisions of this Ordinance, the rules of this section shall be observed and applies, except when the context clearly indicates or requires otherwise:

- (A) Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Plumbing Code, Standard Gas Code, or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings in *Webster's Eleventh New Collegiate Dictionary*, as revised.
- (B) Words in the present tense include the future tense.
- (C) Words used in singular include the plural, and words used in the plural include the singular.
- (D) The word "shall" is always mandatory; the word "may" is permissive.
- (E) The word "lot" includes the word "plot", "parcel" or "tract".
- (F) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- (G) The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended", "arranged", or "designed to be used or occupied". An intended project shall be defined as one where substantial monies have been spent toward the goal of the project.
- (H) The word "building" shall include the word "structure" and "premises".
- (I) The word "map" or "zoning map" shall mean the Official Zoning Map of the Town of Elgin, South Carolina.
- (J) The term "Planning Commission" refers to the Planning Commission for the Town of Elgin. The term "Council", "Mayor and Council", or "Town Council" shall mean the legally elected governing body of the Town of Elgin. The term "Board of Zoning Appeals" refers to the Board of Zoning Appeals for the Town of Elgin.

Section 10.3 Definitions

ANIMAL SHELTER, DOMESTIC. A pen, shelter, or structure where no more than three dogs or small domestic animals are boarded or kept. Horses, cows, goats, swine including pot-bellied pigs, sheep, ponies, grazing animals, and fowl of any kind shall not be considered domestic animals.

BAR. Consists of establishments primarily engaged in preparing and serving alcoholic beverages for immediate consumption.

BUFFER. A strip of land, improved by landscaping, berms, or fences, or any combination thereof, designed to mitigate the extent of higher intensity land uses on neighboring lower intensity uses. A buffer is an area in which no activity is allowed other than necessary utility and maintenance functions such as transmission lines, underground conduits, irrigation, *etc.* Driveways may encroach upon the buffer when that driveway location is the only possible points of access for the parcel. The buffer area is

described by a linear measurement from the property line inward and will vary depending on the nature of the activity and its location.

BUILDABLE AREA. That portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side, and rear yard, open space, and applicable buffer area requirements have been met.

BUILDING. Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons or property.

BUILDING, ACCESSORY. A subordinate structure on the same lot and detached from the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, domestic animal shelters, pool houses, etc., when detached from the principal buildings, and carports attached to the principal buildings when at least 75 percent open or unenclosed.

BUILDING, PRINCIPAL. A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

CANOPY TREE. A deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars, and others.

CONDITIONAL USE. A use of land or structure which is permitted in a district under conditions specified in the zoning ordinance.

DAY CARE SERVICES. Day care services shall mean and include any home, center, agency, or place, however styled, where children, elderly, disabled, or other persons not related to the operator are received for custodial care, whether for compensation, reward, or otherwise during part of or all day or night and upon any number of successive days or nights.

DBH. Diameter at Breast Height (DBH) is the measurement of the diameter of the trunk of a standing tree measured at the height of an adult's breast, which is measured at 4.5 feet above the highest point on the ground touching the trunk.

DECIDUOUS TREE. Deciduous trees are characterized by their loss of leaves at the end of their growing season. Examples of deciduous trees include oak, maple, birch, and poplar.

DENSITY. The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this Ordinance are expressed in dwelling units per net acre; that is, per acre of land devoted to residential use and common open space exclusive of land utilized for streets, parks, playgrounds, school grounds, or other public uses.

DEVELOPED LOT. Any lot or parcel containing over \$20,000 in improvements, other than a sign.

DRIP LINE. The drip line of a tree is the imaginary line where the water from the tree's leaves drips off to the ground.

DWELLING. A building or portion of a building arranged or designed exclusively for human habitation.

DWELLING, APARTMENT. See Dwelling, Multi-Family.

DWELLING, ATTACHED. A single dwelling unit that is physically attached to an adjacent dwelling unit.

DWELLING, DETACHED. A single dwelling unit surrounded by open space or yards and which is not attached to any other dwelling by any means.

DWELLING, DUPLEX. A building containing two dwelling units.

DWELLING, GROUP OCCUPIED. A dwelling unit occupied by five or more individuals, unrelated by blood, marriage, adoption, or guardianship, living together as a single dwelling unit.

DWELLING, MANUFACTURED HOME. A factory-built home constructed after the enactment of a bearing a label of compliance with the Federal Manufactured Home Construction and Safety Standards (245 CFR 3280) HUD code, enacted June 15, 1976.

DWELLING, MANUFACTURED HOME, RESIDENTIALLY DESIGNED. A single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (245 CFR 3280) HUD Code, enacted June 15, 1976, and which:

- (A) Has a minimum width over 20 feet (multiple-section);
- (B) Has a minimum of 900-square feet of enclosed living area;
- (C) Has a minimum 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;
- (D) Is covered with an exterior material customarily used on site-built homes, including vinyl or aluminum lap siding, wood, Masonite, or other materials similar to the exterior siding commonly used on standard residential construction; and
- (E) Has a roof overhang of not less than eight inches.

DWELLING, MANUFACTURED HOME, STANDARD DESIGNED. A single family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, enacted June 15, 1976, and which does not meet the definition of a **RESIDENTIALLY DESIGNED MANUFACTURED HOME**.

DWELLING, MOBILE HOME. A transportable, factory-built structure that was manufactured prior to enactment of the *Federal Manufactured Housing Construction and Safety Standards Act of June 15, 1976*, and that is designed to be used as a single dwelling unit. The term does not include prefabricated, modular or utilized dwellings on permanent foundations, travel trailers, campers, or similar recreational units.

DWELLING, MULTI-FAMILY. A building containing three or more dwelling units.

DWELLING, PATIO HOUSE. A single-family detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls which provide privacy. The term is synonymous with zero lot line dwellings.

DWELLING, SINGLE FAMILY. A building containing one dwelling unit.

DWELLING, TOWNHOUSE. A series of attached dwelling units on separate lots, which may or may not have a common roof and are separated from each other by common vertical walls.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING, ZERO LOT LINE. A zero-lot line dwelling is a single-family detached unit which instead of being centered on a lot, is placed against at least one of the side lot lines.

EVERGREEN PLANT. An evergreen plant is one where the plant's foliage remains green and functional throughout the year. Examples of evergreen plants include holly, boxwood, azalea, spruce, juniper, and gardenia.

FAMILY. One or more persons related by blood, marriage, adoption, or guardianship, and not more than four persons not so related, except that nine mentally or physically disabled persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of 6-7-830 of the South Carolina Code of Laws, including approval or licensing of the home in which they are located by a state agency for that purpose.

FAMILY DAY CARE HOME. A family day care home is one in which care is given by a resident of the dwelling unit and no others during the day only for one and not more than twelve children, including the day care parents' own children.

FLAG. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols uses as a symbol of a government, political subdivision, or other entity.

FOOD TRAILER. An enclosed attached or detached trailer that is equipped with facilities for preparing, cooking, and selling various types of food products.

FOOD TRUCK UNIT. A self-contained, vehicle-mounted food service unit including ice cream trucks, that returns daily to its base of operations as approved by DHEC and is used for either the preparation or the sale of food products, or both. This does not include mopeds.

FOOD TRUCK VENDOR. A person selling food from a mobile unit to include vendors in an ice cream truck.

GARAGE, PRIVATE. As defined by the Standard Building Code.

GARAGE OR YARD SALE. The sale of personal property which is conducted on a premise within a residential district upon which is located an occupied dwelling.

GROUNDCOVER. Low-growing, spreading plants that help to stop weeds from growing. Examples of groundcover include mulch, mondo grass, vinca, etc.

HOME OCCUPATION. Any occupation conducted for gain within a dwelling by a member or members of the family residing in the dwelling.

ICE CREAM TRUCK. A motor vehicle containing a commercial freezer and from which vendor sells frozen prepackaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water, and similar products.

JUNK AND/OR SALVAGE. Any materials consisting of waste, discarded, or salvage matter which is bought, sold, exchanged, stored, baled, packed, or disassembled for profit, trade, or hire, and shall include any vehicle damaged so as not to comply with state or federal safety regulations, incapable of

self-propulsion or partially dismantled if retained on the premises for more than 72 hours whether for repair or not. The term junk shall also mean, but not be limited to old or scrap copper, brass, aluminum, rope, rags, paper, trash, tire carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or non-ferrous material.

JUNK AND/OR SALVAGE YARD. Any premises where salvage or junk as defined herein are found and have been permitted to remain with the consent of the owner, lessee, or person(s) responsible for maintenance of such premises.

LOT. A parcel of land considered as a unit. The terms “lot”, “lot of record”, “property”, or “tract”, whenever used in this Ordinance are interchangeable.

LOT AREA. The area contained within the boundary line of a lot.

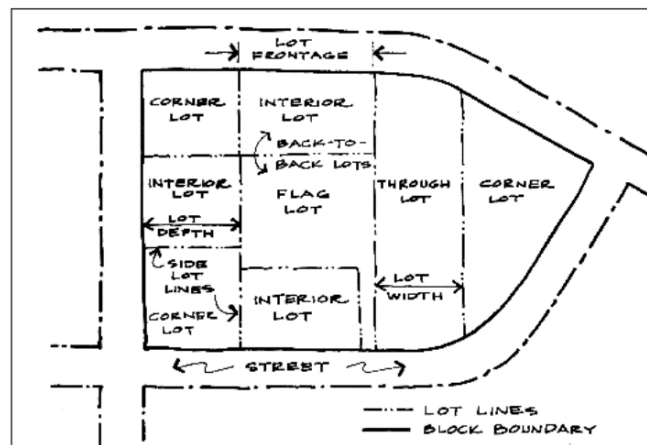
LOT, CORNER. A lot located at the intersection of two or more streets.

LOT, DOUBLE FRONTAGE. A lot, other than a corner lot, having frontage on two streets that are parallel to each other.

LOT LINE. A line bounding a lot which divides one lot from another or from a street or any other public or private space.

LOT OF RECORD. A lot, the boundaries of which are filed as legal record.

LOT, THROUGH. A lot, other than a corner lot, with frontage on more than one street.



Source: Moskowitz, Harvey S. and Carl G. Lindbloom. *The New Illustrated Book of Development Definitions*, New Brunswick, N.J.: Center of Urban Policy Research, Rutgers University, 1993.

MANUFACTURED HOME PARK. A lot or parcel with space, improvements, and utilities for the long-term parking of two or more mobile or manufactured homes which may include services and facilities for the residents.

MINI-WAREHOUSES. A building containing separate, individual self-storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private, dead storage of personal goods,

materials, and equipment. Shipping containers, whether attached or detached, shall not be permitted for use as mini-warehouses.

MODULAR BUILDING UNIT OR MODULAR STRUCTURE. Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. When meeting the requirements of the *Modular Building's Construction Act* (23-43-10 of the SC Code of Laws), said building unit or structure may be located in any of the city's several zoning districts.

NONCONFORMITY. A nonconformity is any lot of record, use, building, structure, or characteristics in existence prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the Ordinance.

NON-RESIDENTIAL USE. A principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.

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

ORNAMENTAL SHRUB. A woody plant with several stems that is characterized by a bushy form growing densely and close to the ground. Examples include camellias, azalea, crape myrtle, and winter creeper.

OUTDOOR DISPLAYS. A promotional sales event conducted by one or more businesses which is held outside the confines of the commercial establishment in which such business is normally conducted and which sales involve the outdoor display of merchandise which is normally displayed within the structures within a paved or impervious area on the same lot as the structures.

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

PARCEL. A land area bounded by property lines that is recognized as such by the County Assessor's Office.

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

PRIMARY STRUCTURE. The primary or predominant structure on a lot or parcel.

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

PUBLIC ASSEMBLY. Public assembly includes meetings of special events of interest to the general public, such as a political rally, an educational event, history week, or other events of public awareness, as determined by the Zoning Administrator.

RECREATIONAL VEHICLE OR TRAVEL TRAILER. A structure that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (2) is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile or manufactured home or modular unit.

SETBACK. A linear distance identified between the buildable area and an adjoining property line or road right-of-way.

SETBACK LINE. The linear distance that established buildable and non-buildable area measured inward from the road right-of-way or adjoining property lines. Buildings and other principal structures comprising the activity of the site may not encroach upon this space. However, an accessory activity such as parking or a driveway may be located within the setback unless superseded by a buffer.

SEXUALLY ORIENTED BUSINESSES. For purposes of this Ordinance, sexually oriented businesses shall mean and include the following:

- (A) **ADULT ARCADE.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas”.
- (B) **ADULT BOOKSTORE or ADULT VIDEO STORE.** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or 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”.
- (C) **ADULT CABARET/THEATRE.** A nightclub, bar, restaurant, theatre, or similar commercial establishment which regularly features:
- (D) **ADULT MOTEL.** A hotel, motel, or similar commercial establishment which offers accommodations to the public with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- (E) **SEXUAL ENCOUNTER CENTER.** A business or commercial enterprise that, as one of its primary business purposes, offers activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

SHIPPING CONTAINER. A rectangular, prefabricated metal structure, designed for stacking, storage, and transfer of goods and commodities by ship and/or container chassis trucks. Not for dwelling, commercial or accessory use.

SIGN. Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. Flags are not signs.

SIGN, ABANDONED. A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists or to which it refers.

SIGN, ELECTRONIC. Any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

SIGN, AWNING, OR CANOPY. A sign that is mounted or painted on or attached to an awning or canopy.

SIGN, BANNER. Any sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame at one or more edges. National flags, state, or municipal flags, or the official flag of any institution or business shall not be considered banners.

SIGN, BUILDING. Any sign attached to any part of a building. *See* WALL SIGN.

SIGN, CHANGEABLE COPY. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance.

SIGN FACE. The area or display surface used for the message.

SIGN, FREE-STANDING. Any non-movable sign not affixed to a building.

SIGN, OFF-SITE. A sign which advertises something not related to the site on which the sign is located. This definition includes billboards.

SIGN, ON-SITE. A sign which advertises something related to the site on which the sign is located.

SIGN, PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

SIGN, PERMANENT. A sign attached to a building, structure, or the ground in some manner and made of materials intended for more than short-term use.

SIGN, POLITICAL. A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

SIGN, PORTABLE. A sign that is not permanently affixed to a building, structure, or the ground.

SIGN, PROJECTING. A sign that is wholly or partly dependent upon a building for support and which projects more than twelve inches from such building. Projecting signs shall be considered a type of wall sign.

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

SIGN, TEMPORARY. A sign that is portable, used for only for a short period of time and is not permanently mounted.

SIGN, WALL. Any sign attached to and within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. A marquee sign shall be considered a type of wall sign.

SIGN, WINDOW. A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

SIGNIFICANT TREE. Any tree, with the exception of pine trees, measuring ten-inch DBH or greater shall constitute a significant tree.

SITE TRIANGLE. A triangular- shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SPECIFIED ANATOMICAL AREAS. The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

SPECIFIED SEXUAL ACTIVITIES. Includes any of the following:

- (A) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (B) Sex acts, normal or perverted, actual or stimulated, including intercourse, oral copulation, or sodomy;
- (C) Masturbation, actual or simulated; or
- (D) Excretory functions as part of or in connection with any of the activities set forth above.

STREET. Any thoroughfare or space more than 18 feet in right-of-way width, which has been dedicated, deeded, or designated for vehicular traffic, public or private.

STRUCTURE. As defined by the Standard Building Code.

STRUCTURAL ALTERATION. Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

UNDERSTORY TREE. A small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees, and others.

USE, ACCESSORY. See Building, Accessory.

USE. The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

USE, PRINCIPAL. The primary purpose for which land is used.

VARIANCE. A modification of the literal requirements of this Ordinance, granted by the Zoning Board of Appeals.

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 that has been approved by the Town of Elgin.

VISUAL CLEARANCE AREA. A vertical area, between the ground and an identified height, within a site triangle where no fence, building, wall, sign, or other structure shall be constructed that interferes with visual sight of motorists.

YARD. An open space that lies between the principal or accessory structure and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this Ordinance.

YARD, FRONT. A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line.

YARD, REAR. A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

YARD, REQUIRED. That part of a yard between a lot line and the minimum required building setbacks line, within which no structure shall be located except as provided by this Ordinance.

YARD, SIDE. A yard extending the full length of the lot in the area between the side lot line and a side building line.

ZONING ADMINISTRATOR. The person designated by the Town of Elgin to administer and enforce the provisions of this Ordinance.

ZONING DISTRICT. A specifically delineated area or district in the town within which regulations and requirements govern the use, placement, spacing, and size of land and buildings.

ZONING OFFICIAL. The person designated by the Town of Elgin to administer and enforce the provisions of this Ordinance.

ARTICLE 11 LEGAL STATUS PROVISIONS

Section 11.1 Conflict with Other Laws

Whenever the regulations of this Ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

Section 11.2 Validity

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

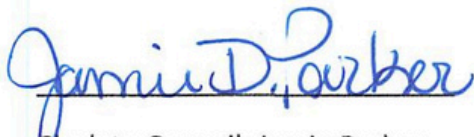
Section 11.3 Repeal of Conflicting Ordinances

All ordinance and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

Section 11.4 Effective Date

This Ordinance shall take effect and be in force from and after the date of its adoption by the Mayor and Town Council of the Town of Elgin.

ENACTED AND ORDAINED into an Ordinance this 6th day of May, 2025.



Clerk to Council, Jamie Parker

First Reading: April 1, 2025

Second Reading: May 6, 2025



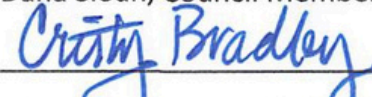
Mayor, Melissa Emmons



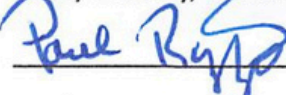
Brad Hanley, Council Member



Dana Sloan, Council Member



Cristy Bradley, Council Member



Paul Rizzo, Council Member