

# **Ordinance**

## **6-1002**

THE ZONING ORDINANCE

6-1001P

ARTICLE 1  
ENACTMENT AND JURISDICTION

100. AUTHORITY

Pursuant to the authority conferred by the General Statutes of South Carolina, Act No. 487 of 1967, the Town of Eastover does ordain and enact into law the following articles and sections.

101. PURPOSE

For the purpose of guiding development in accordance with existing and future needs and in accordance with a comprehensive plan, these regulations have been made in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare; to lessen congestion in the streets; to secure safety from fire; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements.

102. TITLE

These regulations shall be known and may be cited as The Zoning Ordinance of Eastover, South Carolina.

103. JURISDICTION

The regulations set forth herein shall apply to all land and improvements thereon within the boundaries of the Town of Eastover, South Carolina, and areas annexed thereto.

ARTICLE 2  
ESTABLISHMENT OF DISTRICTS AND ZONING MAP

200. ESTABLISHMENT OF DISTRICTS

For the purpose of these regulations, the Town of Eastover is hereby divided into the following districts:

R	Residential District
T	Transition District
C	Commercial District
I	Industrial District

201. DISTRICT BOUNDARIES ESTABLISHED BY ZONING MAP

The boundaries of the above zoning districts are hereby established as shown on the map entitled "Official Zoning Map of the Town of Eastover, South Carolina," which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

202. OFFICIAL ZONING MAP

At least one copy of the official zoning map shall be maintained in the office of the zoning administrator. Such official zoning map shall be attested by the town clerk, and shall be available at all times for inspection by the general public.

If, in accordance with the provisions of this ordinance and the South Carolina Code of Laws, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the town council. No amendment to this ordinance which involves matter portrayed on the official zoning map shall become effective until after such changes have been made on said map.

No change of any nature shall be made on the official zoning map or other matter 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 punished as provided by law.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map maintained in the office of the zoning administrator plus official records of the town clerk regarding actions of town council to amend district boundaries shall constitute the only official description of the location of 'zoning district boundaries, and persons having recourse to this ordinance for any purpose are hereby so notified.

### 203. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any zoning district, the following general rules of interpretation shall apply. It is the duty of the zoning administrator to interpret the location of zoning district boundaries. An appeal from an interpretation or finding of the zoning administrator may be taken as specified in Article 6.

#### 203.1. Map Symbols.

A district or letter number combination on the official zoning map showing that the regulations pertaining to the district so designated extend throughout the whole area bounded by the district boundary line within which the designation appears.

#### 203.2. Where Boundaries Approximately Follow Man-Made or Natural Features.

District boundaries indicated as approximately following (1) the center line of streets, highways, or alleys, (2) platted lot lines, (3) town limits, (4) railroad lines, or (5) the center lines of stream beds or other bodies of water, shall be construed to follow said features.

#### 203.3. Where Boundaries Approximately Parallel or are Extensions of Above Features.

District boundaries indicated as approximately parallel to or extensions of features listed in Section 203.2 shall be so construed and at such distances therefrom as indicated on the official zoning map. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

ARTICLE 3  
APPLICATION OF REGULATIONS

300. REGULATIONS REGARDED AS A MINIMUM

Within each district, the regulations set forth by this ordinance shall apply uniformly to each class or kind of structure or land. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare.

301. ZONING AFFECTS ALL LANDS, BUILDINGS, AND STRUCTURES

No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the regulations specified in this ordinance for the district in which it is located.

ARTICLE 4  
GENERAL PROVISIONS

400. NONCONFORMITIES

It is the intent of this ordinance to permit nonconformities to continue until they are removed but not encourage their survival. Nonconformities are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, 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.

400.1. Change to Another Nonconforming Use

A nonconforming use, structure, or characteristic of use shall not be changed to any other nonconforming use, structure or characteristic of use.

400.2. Reconstruction

A nonconforming structure shall not be demolished or removed and rebuilt or replaced as a nonconforming structure.

400.3. Extension or Enlargement

A nonconforming use, structure, or characteristic of use shall not be extended, enlarged, or intensified except in conformity with this ordinance, provided however, that any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance. No nonconforming use shall be extended to occupy any land outside such building.

400.4. Reestablishment

A nonconforming use or characteristic of use shall not be reestablished after vacancy, abandonment, or discontinuance for any period of twelve (12) consecutive months, except where Section 400.5 applies.

400.5. Reconstruction After Damage

A nonconforming structure shall not be rebuilt, altered or repaired except in conformity with this ordinance after being damaged in excess of fifty (50) percent of the replacement cost of the structure at the time of damage, provided that any permitted reconstruction shall be begun within six (6) months from the time of damage. The

provisions of this subsection shall not apply to any owner occupied dwelling.

400.6. Repair or Maintenance of Nonconforming Structures

On any building devoted in whole or in part to any nonconformities, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

401. PRIOR BUILDING PERMITS

Nothing herein contained shall require any change in the plans, construction, or designated use of a structure for which a building permit has been heretofore legally issued and the construction of which shall have actually begun within ninety days of the date of such permit and which entire structures shall be completed, according to such plans as are filed, within two years after the effective date of this ordinance.

402. LOTS IN MULTIPLE DISTRICTS

Where a district boundary line as appearing on the official zoning map divides a lot in single ownership at the time of adoption of this ordinance or subsequent amendment into two or more different zoning district, the district least restrictive in the opinion of the owner shall be deemed to apply to the whole thereof, provided however, that in no case shall a zoning district boundary line dividing said lot be extended into any zoning district in excess of *fifty* (50) feet beyond the district boundary line dividing said lot.

403. ACCESSIBILITY FOR FIRE PROTECTION

Access for firefighting equipment shall be provided to all structures hereafter erected.

404. ANNEXATION

When annexation is accomplished the annexed area shall be classified R, with such zoning district classification effective upon the effective date of the annexation. Immediately after the effective date of such annexation, the



zoning administrator shall initiate zoning amendment proceedings as specified in Article 7 for the purposes of establishing appropriate zoning classifications for such annexed areas, and the public hearing therefore shall be scheduled to be held not more than sixty (60) days after the effective date of annexation.

405. WATER AND AIR POLLUTION

All uses must satisfactorily comply with the requirements of the South Carolina Department of Health and Environmental Control and the Richland County Board of Health regarding the protection of waterways from pollution by waste materials and the protection of the atmosphere from pollution by dust, smoke, or other waste materials.

406. PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT

No major recreational equipment shall be used for living, sleeping, or house-keeping purposes when parked or stored on a residential lot, or in any location not approved for such use, for a period of more than thirty (30) days.

407. PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. Such automotive vehicles or trailers improperly stored prior to the adoption of this ordinance shall be removed within one (1) year of the effective date of this ordinance.

408. HOME OCCUPATIONS

Occupations, professions, or trades customarily carried on by occupants of dwelling units as secondary uses which are clearly incidental to use of dwelling units for residential purposes are allowed as accessory uses in districts where dwelling units are permitted as permitted uses, subject to the following provisions:

- (1) No person other than members of the family residing on the premises shall be engaged in such occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign.
- (4) The home occupation shall be conducted only within the principal structure.
- (5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visible or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- (6) No outdoor storage shall be allowed in connection with any home occupation.
- (7) Operation of home occupations shall be limited to the hours between 8:00 a.m. and 8:00 p.m.

#### 409. DAY NURSERIES AND KINDERGARTENS

Day nurseries and kindergartens where permitted are subject to the following provisions:

- (1) General Requirements: the applicant shall apply to the South Carolina Department of Social Services (DSS) for a license to operate the facility and receive a letter from the regulatory agency (DSS) that the facility in question is suitable to accommodate the maximum number of children to be accommodated.
- (2) Fencing: A fenced play area shall be provided which meets the requirements of the South Carolina Department of Social Services (DSS).
- (3) Loading and Unloading: An area adequate for loading and unloading of children to be accommodated shall be provided and such area shall not be located within any public right-of-way.
- (4) Facilities, operation and maintenance shall meet the requirements of the appropriate health department.

#### 410. GARAGE SALES, YARD SALES, AND RUMMAGE SALES

Garage sales are permitted in all residential districts provided that the following conditions are met:

- (1) The maximum period for each sale is two (2) days. The maximum number of sales allowed per year is three (3) per family.
- (2) No new or used merchandise is purchased or brought in for the sale.
- (3) All merchandise is that of the immediate family or families conducting the sale.
- (4) Only one sign is posted advertising the sale and that sign is placed on the private property of the person conducting the sale.
- (5) The hours of the sale will be between 8:00 a.m. and 6:00 p.m. No Sunday sales are allowed.
- (6) No public address system is used.
- (7) No alcoholic beverages of any type are served or given on or near the premises.
- (8) If upon inspection by the zoning administrator or his designee, the inspector, or a policeman, he finds that in his opinion this ordinance is being violated, a citation will be issued or the right to continue with the sale will be terminated at once.
- (9) The owner of any residence and/or the person having a garage sale under this ordinance who shall fail to comply with any part of it shall, upon conviction thereof be fined not exceeding two hundred (200) dollars or imprisoned not more than thirty (30) days for each offense.

#### 411. SMALL SCALE RETAIL USES

Small scale retail uses are permissible special exceptions in transition districts, subject to the following provisions:

- (1) No retail uses are permissible in buildings with more than one dwelling unit.
- (2) No person other than members of the family residing on the premises shall be engaged in retail trade where such use is operated from a residence.

- (3) No more than two persons shall be engaged in retail trade where such use is operated from a building not used as a residence.
- (4) No more than 2,500 square feet of floor space shall be used for retail trade.
- (5) The outside appearance of a building used for retail trade shall be compatible with the residential character of the area.
- (6) No more than one sign, not exceeding two square feet in area, nonilluminated, and mounted flat against the wall of the principal building, shall be permitted.
- (7) No wholesale trade or manufacturing shall be permitted.
- (8) No traffic shall be generated by such retail use in greater volumes than would normally be expected in a residential neighborhood.
- (9) No outdoor storage shall be allowed in connection with any retail use.
- (10) Operation of retail uses shall be limited to the hours between 8:00 a.m. and 8:00 p.m.

#### 412. JUNK YARDS

Junk yards are permitted in industrial districts, subject to the following provisions:

- (1) Screening is provided in accordance with the provisions of Section 413.
- (2) No material shall be placed in any junk yard in such a manner that it is capable of being transferred out of the junk yard by wind, water or other causes.
- (3) All paper, rags, cloth and other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
- (4) In order to lessen the adverse effect on adjoining property, reduce windblown trash and create a more healthful environment, all junk yard materials and activities not within fully enclosed buildings shall not be located nearer than sixty (60) feet to any street line.

#### 413. GENERAL SCREENING REQUIREMENT

Whenever screening is required either a durable masonry wall, fence or natural planting, designed to be compatible with the character of adjoining properties, shall be provided to materially screen the uses within the subject property from the view of adjacent properties. Walls and fences shall be constructed and maintained in a safe and sound condition. Where natural planting is to be used as screening, a strip of land at least fifteen (15) feet in width shall be reserved for this purpose. This planting strip shall be composed of an arrangement of shrubs and trees. The shrubs may be evergreen or deciduous and shall be arranged in one row at a minimum and planted at an initial height of at least three (3) feet, with distance between shrubs being not more than five (5) feet. The shrubs shall be of such variety that any average height of at least six (6) feet could be expected as normal growth within no later than two years from the time of planting. Trees, which may be either evergreen or deciduous, shall augment the arrangement of shrubs so that there will be created a screening effect or capacity to materially screen the uses within the subject property from the view of adjacent properties.

In cases of unusual topographic circumstances, or size of tract involved, or where there exists screening devices comparable to the general screening requirements, and in which the installation and maintenance of walls, fences, or natural planting would serve no useful purpose, the zoning administrator is hereby empowered to waive the requirements for screening, provided however, that the spirit and intent of this ordinance, and provisions pertaining to screening are adhered to. This subsection shall not be construed to negate the necessity for establishing screening for uses which are adjacent to vacant properties.

#### 414. SPECIAL EXCEPTIONS

Existing uses which by the terms of this ordinance would be permissible only as special exceptions are hereby declared existing, conforming uses requiring no further action. Any use for which a special exception is required, or for which a special exception may be granted as provided in this ordinance, in any district in which such use is provisionally permitted, shall be considered a conforming use one approval is granted by the zoning board of adjustment.

Such uses may expand without a public hearing or zoning board of adjustment approval provided no additional property is acquired to accommodate the expansion, and further provided that such expansion conforms to other pertinent provisions of this ordinance.

415. PROHIBITED USES

Any use which is not expressly permitted in a district shall be prohibited.

ARTICLE 5  
DISTRICT REGULATIONS

500. R RESIDENTIAL DISTRICT

500.1. Intent

The intent of this district is to:

- (1) provide for quiet, livable residential neighborhoods
- (2) encourage the use of land for residential purposes.
- (3) prohibit any use which would substantially interfere with the development or the continuation of residential development.
- (4) encourage the discontinuance of nonconforming uses...
- (5) discourage any use which would generate traffic on minor streets other than that required to serve residences on those streets.

500.2. Permitted Principal Uses and Structures

- (1) Single family dwellings.
- (2) Two family dwellings.
- (3) Multi-family residential units.
- ~(4) Garage apartments.
- (5) Mobile homes on individual lots.
- (6) Mobile home parks.
- (7) Rooming and boarding houses; bed and breakfast inns.
- (8) Noncommercial horticulture or agriculture, but not including the keeping of poultry or livestock.
- (9) Cemeteries.
- (10) Signs.

- (11) Day nurseries and kindergartens, subject to the provisions of Section 409.

500.3. Special Exceptions

- (1) Parks, playgrounds and playfields.
- (2) Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural, or recreational uses.
- (3) Churches and other places of worship, including educational buildings related thereto.
- (4) Elementary and high schools.
- (5) Rest homes, convalescent homes, homes for orphans, and homes for the aged.
- (6) Utility substations.
- (7) Noncommercial uses and structures to serve governmental, educational, religious, and recreational needs.

500.4. Permitted Accessory Uses and Structures.

- (1) Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, private swimming pools, and the like.
- (2) Home occupations, subject to the provisions of Section 408.
- (3) Garage sales, subject to the provisions of Section 410.
- (4) Other structures and uses which:
  - (a) are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
  - (b) do not involve the conduct of trade on the premises, and
  - (c) are located on the same lot as the permitted principal uses or structures, or on a contiguous lot in the same ownership.



501. TRANSITION DISTRICT

501.1. Intent

This district is intended to permit residential, small scale retail, and office uses or a compatible mixture of these uses and to discourage encroachment by intensive retail uses capable of adversely affecting the specialized commercial, institutional, and residential character of the district. This district is intended for application in areas undergoing transition from residential to commercial uses and is intended to accomplish that transition with a minimum of conflict between uses and is to act as a buffer between residential and commercial districts.

501.2. Permitted Principal Uses and Structures

- (1) Any use or structure permitted as a principal use in the R Residential District under the conditions and requirements set forth in Section 500.2.
- (2) Small professional offices.
- (3) Insurance agencies.
- (4) Real Estate agencies.
- (5) Health clinics.
- (6) Funeral homes and mortuaries.
- (7) Day nurseries and kindergartens, subject to the provisions of Section 409.
- (8) Small-scale retail uses, subject to the provisions of Section 411.

501.3. Special Exceptions

- (1) Any use or structure permitted as a special exception in the R Residential District under the conditions and requirements set forth in Section 500.3.
- (2) Radio and television transmitters and antennas.

501.4. Permitted Accessory Uses and Structures

TEXT AMENDMENT: EASTOVER ZONING ORDINANCE

Existing: Sect. 500.2 Permitted Principal Uses and Structures Sect.  
500.2 (6) Mobile Home Parks.

Amendment: Sect. 500.2 (6) A Spacing between Units (Mobile Homes)  
within Mobile Home Parks shall be a minimum of 15 ft.

Separability: Should any section or provision of this ordinance be  
declared by the Courts to be Unconstitutional or  
invalid, such declaration shall not affect the  
validity of this Ordinance as a whole or any part  
thereof, other than the part so declared Unconsti-  
tutional or invalid.

Effective Date:

Signature of Mayor:

- (1) Any use or structure permitted as an accessory use in the R Residential district under the conditions and requirements set forth in Section 500.3.
- (2) Other uses and structures which:
  - (a) are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures; and
  - (b) are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

#### 502. C COMMERCIAL DISTRICT

##### 502.1. Intent

The C Commercial District is intended to provide areas within the community for business uses primarily engaged in retailing and service provision. It is the intent of this ordinance that this district be located adjacent to industrial areas and major traffic ways.

##### 502.2. Permitted Principal Uses and Structures

- (1) Banks and other financial institutions.
- (2) Service establishments - personal,, business, professional and minor repairs.
- (3) Commercial recreational facilities and uses.
- (4) Clubs, lodges, museums, and related cultural establishments.
- (5) Eating and drinking establishments.
- (6) Retail establishments.
- (7) Wholesale establishments.
- (8) Hotels and motels.
- (9) Offices - business, professional, governmental.
- (10) Public buildings and land use.

- (11) Printing establishments.
- (12) Television and radio establishments.
- (13) Warehouse establishments.
- (14) Storage yards for permitted uses, excluding junk yards..
- (15) Signs.
  
- (16) Light manufacturing uses such as a bakery, dairy products processing, laundry and dry cleaning plants, and similar uses.
- (17) Automobile service stations.
- (18) Parking lots and garages.
- (19) Churches and similar places of worship.
- (20) Theaters, indoors only.
- (21) Taxis stands and bus stations.
- (22) Cold storage and freezer lockers.
- (23) Farm equipment sales and services.
- (24) Funeral home and mortuaries.
- (25) Automobile repair garage.
- (26) Automobile sales and services.
- (27) Cemeteries.
  
- (28) Hospitals, sanitariums, rehabilitation centers, nursing homes, convalescent homes, homes for orphans, and homes for the aged.
- (29) Day nurseries and kindergartens, subject to the provisions of Section 409.

(30) Passenger terminals.

(31) Utility substations.

502.3. Permitted Accessory Uses and Structures

(1) Dwelling units in connection with permitted principal uses or structures, located on the same premises therewith, provided that such dwelling units shall be occupied only by the owners or employees of such use.

(2) Structures and uses which are:

(a) customarily accessory and clearly incidental and subordinate to permitted principal uses and structures; and

(b) located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

502.4. Special Exceptions

(1) Towers - Radio and Television

(2) Adult Entertainment Business

503. I INDUSTRIAL DISTRICT

503.1. Intent

The intent of the I Industrial District is to promote land use compatibility through the development and continued use of property for commercial and industrial purposes.

503.2. Permitted Principal Uses and Structures

(1) Any use or structure permitted as a principal use in the C Commercial District under the conditions and requirements set forth in Section 502.2.

(2) Automobile washing establishments.

(3) Boat works, sales and service.

(4) Building supply and equipment sales.

- (5) Fabricating shops.
- (6) Plumbing shops.
- (7) Sign painting and fabricating shops.
- (8) Electrical appliance equipment, sales and repair.
- (9) Truck terminals.
- (10) Storage plants, tanks, and businesses.
- (11) Storage yards.
- (12) Warehouses and wholesale operations.
- (13) Industrial and processing plants, provided that such uses shall not be injurious to surrounding development.
- (14) Parks and related open spaces.
- (15) Utility substations.
- (16) Junk yards, subject to the provisions of Section 412.

503.3. Permitted Accessory Uses and Structures

- (1) Dwelling units in connection with permitted principal uses or structures, located on the same premises therewith, provided that such dwelling units shall be occupied only by the owner or employees of such uses.
- (2) Other structures and uses which are:
  - (a) customarily accessory and clearly incidental and subordinate to permitted principal uses and structures; and
  - (b) located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

503.4. Special Exceptions

- (1) Towers - Radio and Television
- (2) Adult Entertainment Businesses

ARTICLE 6  
ADMINISTRATION AND ENFORCEMENT

600. ZONING ADMINISTRATOR

600.1. Responsibility for Administration

The Zoning Administrator designated by the Town Council shall administer and enforce this ordinance. It is the intent of this ordinance that all questions of administration and enforcement shall first be presented to the Zoning Administrator and that recourse from the decision of the Zoning Administrator shall be to the Zoning Board of Adjustment and then to the Circuit Court in and for the County of Richland as provided by law. It is further the intent of this ordinance that the function of the Town Council under this ordinance shall not include hearing and deciding questions of interpretation and enforcement which may arise, but that the Town Council shall have only the responsibility for acting on proposals for amendment or repeal of this ordinance.

600.2. Duties of Zoning Administrator

The duties of the Zoning Administrator shall include:

- (1) Interpretation of the terms and provisions of this ordinance.
- (2) Administration of the provisions of this ordinance relating to zoning permits, certificates of zoning compliance; and applications for zoning amendments and special exceptions, the presentation of same to the planning commission and Town Council, and giving notice of hearings on such amendment and special exception requests as specified herein.
- (3) The receipt of complaints from persons who allege that violations of this ordinance have occurred, to properly investigate or cause to be investigated such complaints, and to initiate or cause to be initiated action to prevent, enjoin, abate, or remove such violations.
- (4) The maintenance of complete and accurate records relating to adoption, amendment, interpretation, enforcement and administration of the terms and provisions of this ordinance. Such official records shall be a public record and shall include but not be limited to:

- (a) The maintenance of the official copy of the text of the zoning ordinance and zoning map and other such records and official materials as may relate to the adoption, amendment, enforcement or administration of this ordinance;
  - (b) The retention of records relating to applications for zoning permits, plats and plans in connection with said permits, certificates of zoning compliance, denials of permits and reasons for denying such permits; and complaints and disposition of complaints from persons who allege that violations of this ordinance have occurred.
- (5) Other such duties as may properly relate to the accomplishment of the spirit and intent of this ordinance.

## 601. ZONING PERMITS

### 601.1. Zoning Permit Required

No building or other structure shall be erected, moved, added to or structurally altered without a zoning permit therefor issued by the Zoning Administrator. A zoning permit shall not be issued by the Zoning Administrator except in conformity with the provisions of this ordinance. If the permit is denied, reasons shall be stated for the denial.

### 601.2. Applications for Zoning Permits

All applications for zoning permits shall be accompanied by plans drawn to scale, and shall include existing or proposed uses of the building and land; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance. One copy of the plans shall be returned to the applicant by the Zoning Administrator, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy.

### 601.3. Expiration of Zoning Permit

If the work described in any zoning permit has not begun within six months from the date of issuance thereof, the permit shall expire and be canceled by the Zoning Administrator. If the work described in any zoning permit has not been substantially completed within



one year of the date of issuance thereof, said permit shall expire and be canceled by the Zoning Administrator. In the case of work which may reasonably be expected to require more than one year for completion, the Zoning Administrator may specify a time limit in excess of one year at the time of original issuance of the zoning permit. Written notice of the expiration of any zoning permit shall be given to the persons affected, including notice that further work as described in the canceled permit shall not proceed unless and until a special zoning permit has been obtained.

602. CERTIFICATE OF ZONING COMPLIANCE

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the Zoning Administrator stating that the building or proposed use of the building or land conforms to the requirements of this ordinance.

602.1. Temporary Certificate

A temporary certificate of zoning compliance may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards in order to protect the safety of the occupants as well as the public.

602.2. Failure to Obtain Certificate

Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance, and punishable as provided herein.

603. CONSTRUCTION AND USE TO BE AS APPROVED

Zoning permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Administrator and other officials or agencies where additional, approval is required authorizes only the use set forth in such approved plans and applications, and no other use. Use at variance with that authorized shall be deemed violations of this ordinance, punishable as provided herein.

604. FEES

When an amendment to this ordinance is requested by an individual or parties other than the Town Council or the Planning Commission, a fee as indicated

below shall be paid by the applicant or his representative for each application at the time the application is filed to cover administration and advertising expenses.

604.1. Zoning Map Amendment

A fee of \$20.00 will be paid for the first lot of record or acre, and \$5.00 for each additional lot or acre, whichever is greater, not to exceed \$100.00.

604.2. Text Amendment

A fee of \$20.00 shall be charged for requested text amendments.

604.3. Special Exception

A fee of \$20.00 shall be charged for requests for special exceptions.

604.4. Variance

A fee of \$20.00 shall be charged.

604.5. Administrative Review

A fee of \$20.00 shall be charged.

605. VIOLATIONS

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

606. COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

607. PENALTIES FOR VIOLATIONS

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined, as determined by the court

for each offense. Each day such violation continues shall constitute a separate offense. Nothing herein contained shall prevent the governing authority from taking such other lawful action as is necessary to prevent or remedy any violation.

#### 608. 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 questions shall be presented to the Zoning Board of Adjustment only on appeal from the decision of the Zoning Administrator.

ARTICLE 7  
AMENDMENTS

700. INITIATION OF PROPOSALS FOR ZONING AMENDMENTS

An amendment to this ordinance may be proposed by the Town Council, the Planning Commission, the Zoning Administrator, any department or agency of the Town, or any other individual, corporation, or agency. A request for an amendment to the zoning map, other than a request from the Town Council or Planning Commission, including property other than that owned by the applicant, shall include a written certification that the owners or authorized agents of all properties other than that owned by the applicant for amendment are in agreement with the proposed amendment. Requests for amendments shall be submitted in writing to the Zoning Administrator whose duty it shall be to present such amendments to the Planning Commission for review and to the Town Council for determination.

701. PLANNING COMMISSION REVIEW

All proposed amendments shall be submitted to the Planning Commission for study and recommendation. The Planning Commission shall study such proposals to determine:

- (1) The need and justification for the change;
- (2) When pertaining to a change in the district classification of the property, the effect of the change, if any, on the property and on surrounding properties;
- (3) When pertaining to a change in the district classification of property, the amount of land in the general area and in the Town having the same district classification as that requested; and
- (4) The relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this ordinance and the comprehensive plan.

702. PLANNING COMMISSION RECOMMENDATION TO TOWN COUNCIL

Within forty-five (45) days from the date that any proposed zoning amendment 25

is referred to it (unless a longer period shall have been established by mutual agreement between the Town Council and the Planning Commission in the

particular case) the Planning Commission shall submit its report and recommendation to Town Council. The recommendation of the Planning Commission shall be advisory only, and shall not be binding on Town Council. If the Planning Commission does not submit its report within the prescribed time, the Town Council may proceed to act on the amendment without further awaiting the recommendations of the Planning Commission.

703. *PUBLIC HEARING TO BE HELD*

Before making a recommendation to Town Council on any proposed amendment, the Planning Commission shall hold a public hearing. Such public hearing shall be held at such times as the Planning Commission shall decide, but in no case shall it be longer than forty-five (45) days from the date the proposed zoning amendment was referred to the planning commission.

704. *NOTICE OF PUBLIC HEARING*

In scheduling a public hearing concerning zoning amendments, the Planning Commission shall publish a notice in a newspaper of general circulation in the Town of Eastover; at least 15 days prior to the hearing, which notice shall state the time, date and place of the hearing, shall be blocked in, and shall have an appropriate descriptive title. When a proposed amendment made by anyone other than the Planning Commission or Town Council affects the district classification of a particular piece of property, the Zoning Administrator shall cause to be conspicuously located on or adjacent to the property affected, one (1) hearing notice for every one hundred (100) feet of street frontage or portion thereof. Such notice shall be posted at least 15 days prior to the hearing and shall indicate the nature of the change proposed, identification of the property affected, time, date and place of the hearing.

705. *RECONSIDERATION OF PROPOSED AMENDMENTS*

The Town Council shall not reconsider a proposed amendment to the zoning map if such amendment requests a change affecting the same lot, parcel, or portion thereof, for a period of one year from the date of the amendment fee payment of the prior request unless the Planning Commission recommends to the Town Council that such *reconsideration* be given, after the Planning Commission has found either (a) that there has been a substantial change in the character of the area, or (b) that evidence of factors or conditions exists which were not considered by the Planning Commission or the Town Council in previous

deliberations which might substantially alter the basis upon which the previous determination was reached.

706. MINIMUM AREA FOR NEW DISTRICTS

No request from any individual, corporation, or agency other than the Town Council or the Planning Commission for a change in zoning classification or creation of a separate district shall be considered which involves an area of less than two acres, except that the following changes may be made to apply to areas of less than two acres:

1. the extension of existing district boundaries;
2. the addition of C zoning contiguous to existing I zones; or
3. the addition of T zoning contiguous to existing C or I zones.

707 SEVERABILITY

If any portion of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

708 CONFLICTS

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of the inconsistency or conflict.

709 EFFECTIVE DATE

This Ordinance shall be in full force and effect immediately following its passage, approval and publication, as provided by law.

APPROVED by Eastover Town Council this 3 day of December, 2012.

First Reading: November 7, 2012

MAYOR: \_\_\_\_\_

Final Reading: December, 3 2012

ATTEST: \_\_\_\_\_  
Town clerk

TOWN ATTORNEY: \_\_\_\_\_  
(Approved as to Form)