

State of South Carolina )  
County of York )  
City of Tega Cay )

**Ordinance Number 77, AMENDED -  
Amendments to Certain Sections of  
Ordinance No. 77, Specifically Issues  
Surrounding the Renting of Homes on a  
Short Term Basis and Directly Amending  
a Portion of Section 19-16, Definitions of  
Specific Terms and Words; Section 19-  
121, Purpose; and Section 19-166,  
Customary Home Occupations**

**WHEREAS**, the City of Tega Cay did adopt Ordinance No. 77 to enable the City to effectively set forth land use zoning requirements within the municipality; and

**WHEREAS**, to carry out the purposes of Section 19-2 of Ordinance 77, the City Council has determined it necessary to further clarify the definitions of “boarding house”, “dwelling”, “family”, “rooming house” and “tourist home”; and

**WHEREAS**, the City desires to provide certain time periods for certain uses of land and/or structures to come into compliance with the clarified definitions contained herein; and

**WHEREAS**, following extensive consideration and public debate, the Tega Cay Planning Commission recommends certain modifications/ amendments to Ordinance 77; and

**WHEREAS**, the City Council of the City of Tega Cay finds these Recommendations to be in the best interest of the Tega Cay public at large.

**NOW, THEREFORE, BE IT ORDAINED**, that the sections of Ordinance 77 described herein be amended as stated herein:

## SECTION 19-16 – DEFINITIONS OF SPECIFIC TERMS AND WORDS

**Boarding house.** Any dwelling unit in which persons who are not members of the resident of record's family are housed or lodged for compensation in individual rooms used or intended to be used for living and sleeping purposes, with meals provided.

**Dwelling.** A house, apartment, or building designed or used primarily for human habitation, but not including boarding houses or rooming houses, hotels, motels, tourist homes or other structures for transient residents.

**Family.** A single individual, doing his/her own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, legal right (such as foster children, guardianship, etc.) or other domestic bond as distinguished from a group occupying a boarding house or rooming house. But in no event may more than three (3) persons, eighteen (18) years of age or older, unrelated by birth, marriage or legal right constitute a "family" hereunder. Domestic servants employed on the premises may live on the premises without being counted as a family or person.

**Rooming house.** Any dwelling unit in which persons who are not members of the resident of record's family are housed or lodged for compensation in individual rooms used or intended to be used for living and sleeping purposes.

**Tourist home.** A one- family dwelling, two-family dwelling (duplex) or multi-family dwelling that is rented, leased or assigned for tenancies of less than ninety (90) days or three (3) calendar months, whichever time period is less, and for a monetary consideration, or which is advertised or held out to the public as a place periodically rented for a monetary consideration for periods of less than 90 days or three (3) calendar months, whichever time period is less. For the purposes of this definition, subleases for less than 90 days are to be considered as separate rental periods. This definition does not include month-to-month hold-over leases from a previous lease longer than 90 days. A vacation rental shall be deemed a "tourist home".

## **Section 19-121 – PURPOSE**

Within the districts established by this ordinance or amendments which may later be adopted, there exist land, structures, uses of land and structures, and accepted land use proposals which were lawful at the time of the adoption of the ordinance or amendment thereto, as the case may be, but which would be prohibited, regulated or restricted under this ordinance or future amendment. The City Council recognizes that the strict application of the standards herein to all such uses or structure may create certain hardships for certain property owners. It is the intent of this ordinance to: 1) permit certain of these non-conforming uses and structures to continue until they are removed, but not to encourage their survival, nor to assist in adding other structures or uses prohibited by this ordinance; and 2) pursuant to the authority granted by Section 6-29-730 of the South Carolina Code of Laws, provide for the termination of certain non-conformities by specifying the period or periods in which the nonconformity is required to cease or be brought into conformance. Therefore, certain of the uses or situations described below are accorded a non-conforming status with all the specific privileges and limitations set forth to govern their existence, and others are provided a time period in which non-conformities are required to cease or to be brought into conformity with this ordinance.

## **SECTION 19-166 – CUSTOMARY HOME OCCUPATIONS**

(c) An occupation of a dwelling which constitutes a boarding house, rooming house, and/or tourist home shall have until the later to occur of: 1) 90 days subsequent to the effective date of this amendment to Ordinance #77; or 2) the latter expiration date of written agreement(s) finalized prior to the first reading of this amendment to Ordinance #77, between the dwelling owner and those within such dwelling paying the owner compensation, but in no event to exceed 365 days, to comply with the provisions of this Ordinance. Notwithstanding provision in this Ordinance to the contrary, upon expiration of the applicable time period described in this Section 19-166(c), a boarding house, rooming house, and/or tourist home shall not be an allowed non-conforming use.

This Ordinance shall be enforced by the City of Tega Cay pursuant to the laws of the State of South Carolina.

This Ordinance shall take effect immediately upon its final passage.

**FIRST READING:**            September 15, 2008

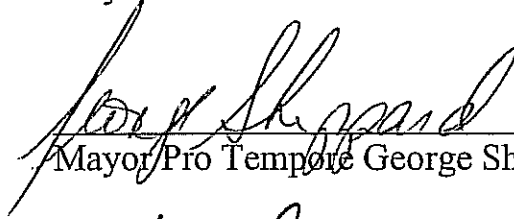
**SECOND READING:**        October 20, 2008

Enacted this 20<sup>th</sup> day of October, 2008, by a majority vote of The duly  
elected City Council of the City of Tega Cay.

**SIGNED:**



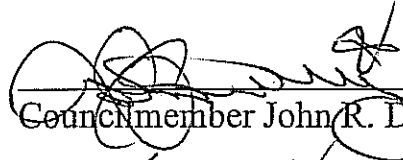
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Mayor Bob Runde



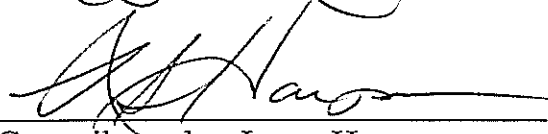
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Mayor Pro Tempore George Sheppard



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Councilmember Les Conner

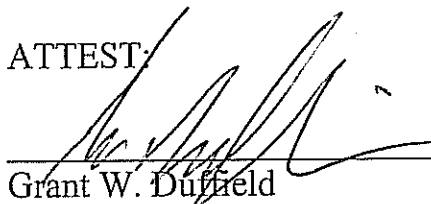


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Councilmember John R. Dervay, II



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Councilmember Larry Harper

ATTEST:



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Grant W. Duffield  
City Manager, City of Tega Cay