

LANCASTER COUNTY
SOUTH CAROLINA

APPLICATION TO AMEND OR CHANGE THE TEXT OR MAP OF THE
LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE

Do Not Write In This Box		
UD0-TA 014-005		
Application No. _____	Date Received _____	Fee Paid <u>n/A</u>

- The application is for amendment to the: (check one)
 - District Boundary Map (fill in all items #2,3,4,5,6,7,&9 only)
 - Ordinance Text (fill in items # 8 & 9 only)
- Give either exact address or tax map reference to property for which a district boundary change is requested: n/A
- How is this property presently designated on the map? _____
- How is the property presently being used? _____
- What new designation or map change do you propose for this property? _____
- What new use do you propose for the property? _____

EXPLAIN UNDER ITEM #9 WHY THIS AREA SHOULD BE REDESIGNATED OR CHANGED.

- Does the applicant own the property proposed for this change? YES NO If no, give the name and address of the property owner and attach notarized letter from property owner: n/A

- If this involves a change in the Ordinance text, what section or sections will be affected? Chp. 3, Permissible Uses, Table of Permissible Uses, Item 2.1.4.1 (Veterinary Service with Outdoor pens and commercial kennels with outdoor pens)
- Explanation of and reasons for proposed change: Table of Permissible Uses is incorrect - Commercial kennels + Veterinary Services with outdoor pens should be a conditional
(use back of form if additional space is needed) use only in the B-3 z

NOTE: It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

APPLICANT'S NAME (PRINT)
Lancaster County Planning Commission

ADDRESS:
101 W. Main St
Lancaster, SC 29720

Phone:
(803) 285-6005

Charles K. Deese
SIGNATURE

⊗ Change from a "2P" designation in the B-3 zone to only be a conditional "C" designation in the B-3 zone.

PLANNING STAFF REPORT

I. Facts

General Information

Lancaster County Planning Commission is proposing the following text amendment to the Lancaster County Unified Development Ordinance to modify Chapter 3, Permissible Uses, Table of Permissible Uses as stated below:

Correct the status for Item 2.1.4.1 (Veterinary Service with Outdoor Pens) and also for Item 2.1.4.1 (Commercial Kennels with Outdoor Pens) to become "C" for conditional use.

In Chapter 3, Permissible Uses, Section 3.1, Table of Permissible Uses (for Zoning Districts MF, B-1, B-2, B-3, B-4, I-1, I-2, MHP, M), for both of these categories, the Table of Permissible Uses should state that these items are conditional uses for the B-3 (General Commercial) District.

II. Findings

Planning Department Staff are of the opinion that the Unified Development Ordinance currently **incorrectly states** that in the B-3 (General Commercial) District, these uses are designated "ZP" (permissible with a zoning permit issued by the Building and Zoning official). However, Chapter 4, Conditional and Special Exception Uses, Item 4.1.6, Commercial Kennels, lists conditions for the establishment of commercial kennels within Lancaster County. The Table of Permissible Uses needs to be updated to indicate that listings for Item 2.1.4.1 (Veterinary Service with Outdoor Pens) and also for Item 2.1.4.1 (Commercial Kennels with Outdoor Pens) are indicated as "C" (permissible subject to certain conditions being met). Since outdoor penned dogs create significant noise, the Planning Department and Zoning Department staffs feel that the conditions presently stipulated in Section 4.1.6, Commercial Kennels are appropriate for commercial kennels with outdoor pens and are also appropriate for veterinary services that have outdoor pens. Since noise should not be an issue for commercial kennels with indoor pens or for veterinary service with indoor pens, these uses can be permissible with issuance of a zoning permit and are designated as "ZP" in the Table of Permissible Uses for the B-3 (General Commercial) District.

III. Recommendation

It is therefore the recommendation of the Planning Staff that the above text amendment be **approved**.

Attachments:

Exhibit 1: Application

Exhibit 2: UDO Chapter 3, Section 3.1 Table of Permissible Uses for Zoning Districts (MF, B-1, B-2, B-3, B-4, I-1, I-2, MHP, M)

Exhibit 3: UDO Chapter 4, Conditional and Special Exception Uses, Item 4.1.16, Commercial Kennels

Lancaster County, South Carolina, Code of Ordinances >> PART I - THE CODE >> APPENDIX B - UNIFIED DEVELOPMENT ORDINANCE >> CHAPTER 3. PERMISSIBLE USES >>

CHAPTER 3. PERMISSIBLE USES

Section 3.1 Table of Permissible Uses.

Section 3.2 Use of the Designations "ZP," "C," "BZA," "PC," and in Table of Permissible Uses.

Section 3.3 Permissible uses and specific exclusions.

Section 3.4 Accessory uses.

Section 3.5 Permissible uses not requiring permits.

Section 3.6 Change in use.

Section 3.7 Combination uses.

Section 3.1 Table of Permissible Uses.

The Table of Permissible Uses should be read in close conjunction with the definitions chapter of this ordinance, the other interpretative provisions of this chapter, and the conditional and special exception use chapter provisions.

Section 3.2 Use of the Designations "ZP," "C," "BZA," "PC," and in Table of Permissible Uses.

Subject to Section 3.3, when used in connection with a particular use in the *Table of Permissible Uses*, "ZP" means that the use is permissible in the indicated zone with a zoning permit issued by the building and zoning official; "C" means the use is permissible in the indicated zone subject to certain conditions being met; "BZA" means that a special exception permit must be obtained from the board of zoning appeals after a properly advertised public hearing; "PC" means that a land development plan, subdivision plat approval, subdivision variance, or public project review must be obtained from the planning commission; and an empty box means that the use is not permissible in the indicated zone.

(Ord. No. 748, 5-1-06)

Section 3.3 Permissible uses and specific exclusions.

1. The presumption established by this ordinance is that all legitimate uses of land are permissible within at least one (1) zoning district within the county's planning jurisdiction. Therefore, because the list of permissible uses set forth in the Table of Permissible Uses cannot be all-inclusive, those uses that are listed shall be interpreted liberally to include other uses that have impacts similar to the listed uses.
2. The regulations contained within this ordinance are a means by which the county shall try to preserve its rural character, deep-rooted agricultural activities such as general annual row crop production, free-range livestock operations and pasture land, hay land, woodland and wildlife management area shall be considered compatible with all adjacent land uses. Therefore, such agricultural activities shall be a permitted use in all residential, commercial, and industrial districts.

No. 790, 12-4-06; Ord. No. 876, 12-3-07; Ord. No. 1153, § 1, 7-9-2012)

TABLE OF PERMISSIBLE USES

(For Zoning Districts MF, B-1, B-2, B-3, B-4, I-1, I-2, MHP, M)

ZP	=	Permissible with zoning permit issued by the building and zoning official
C	=	Permissible subject to certain conditions being met
BZA	=	Special exception permit must be obtained from the board of zoning appeals
PC	=	Planning commission approval required
	=	Empty box means that the use is not permissible in the indicated zone

	Use Description	NAICS GRP#	MF	B-1	B-2	B-3	B-4	I-1	I-2	MHP	M
1	<i>Residential</i>										
1.1	Single-family housing										
1.1.1	Site built single-family detached house		C	C	C	C	C				
1.1.2	Modular single-family detached house (meets CABO Building Code)		C	C	C	C	C				
1.1.3	Class "A" manufactured home (meets HUD specifications and design criteria)										
1.1.3.1	Double-wide		C	C	C	C	C	C	C	C	
1.1.3.2	Single-wide		C	C	C	C	C	C	C	C	
1.1.4	Class "B" manufactured home (Meets HUD specifications)									C	
1.1.5	Manufactured home subdivision		C	C	C	C	C	C	C	C	
1.2	Two-family housing										
1.2.1	Duplex		ZP								
1.2.2	Primary residence with accessory apartment										
1.2.3	Primary residence and manufactured home (provided one unit is owner occupied)										
1.3	Multi-family housing										
1.3.1	Multi-family apartments		ZP	ZP							
1.3.2	Multi-family townhomes		ZP	ZP							

		NAICS GRP #	MF	B-1	B-2	B-3	B-4	I-1	I-2	MHP	M
1.3.3	Multi-family converted or other multi-family housing (not elsewhere classified)		ZP	ZP							
1.4	Temporary dependent care residences		C	C	C	C	C			C	
1.5	Temporary emergency, construction, and repair residence		C	C	C	C	C			C	
1.6	Temporary Structure used in connection with the construction of a permanent building or for some non-recurring purpose		C	C	C	C	C			C	
1.7	Home occupation		C	C	C	C	C			C	
1.8	Bed and breakfast	721191	ZP	ZP	ZP	ZP	ZP			ZP	
1.9	Temporary employee housing							C			
2	<i>Commercial</i>										
2.1	Service—Agricultural service facility										
2.1.1	Support activities for crop production	11511			ZP	ZP		ZP			
2.1.3	Animal service (except veterinary)	115210		ZP	ZP	ZP					
2.1.4	Veterinary service with indoor pens	54190		ZP	ZP	ZP					
	- Animal hospital										
	- Veterinarian office/clinic										
	- Veterinary testing labs										
2.1.4.1	Veterinary service with outdoor pens	54190				ZP					
2.1.4	Commercial kennels with indoor pens	812910		ZP	ZP	ZP					
2.1.4.1	Commercial kennels with outdoor pens	812910				ZP					
2.1.5	Support facilities for animal production	115210									
	- Breeding services for animals								ZP		
	- Pedigree record services			ZP	ZP	ZP					
	- Boarding horses								ZP		
	- Dairy herd improvements								ZP		
	- Livestock spraying								ZP		
	- Sheep dipping and shearing								ZP		
2.1.6	Farm labor and management service	076			ZP	ZP					
2.1.7	Landscape and horticultural service	541320 561730			ZP	ZP		ZP	ZP		
2.2	Retail trade store—Building materials, hardware and manufactured homes										
2.2.1	Lumber and/or other building materials dealer	44411				ZP					
2.2.2	Paint, glass or wallpaper store	44412			ZP	ZP					
2.2.3	Hardware Store	44413			ZP	ZP					
2.2.4	Retail nurseries, lawn and garden supply store	444220			ZP	ZP					
2.2.5	Manufactured home dealer	453930				ZP					
2.2.6	Manufactured home storage lot					C					
2.3	Retail trade store/center—General merchandise—Large scale					ZP					

Section 4.1.6 Commercial kennels.

Commercial kennels shall be sited to meet the following requirements:

1. Such uses shall be set back a minimum of 100 feet (measured in a straight line) from the property line on which the use is located.
2. Such uses shall be located a minimum of 500 feet (measured structure to structure) from any religious institution, school, historical place, park, residential use, or day care center.
3. To minimize any potential negative impacts from this type of use, noise abatement techniques shall be used in the construction of such facilities.
4. A Type 2 buffer yard, as defined in Chapter 12, shall be installed along all property lines. The buffer yard shall contain plants which, when mature, shall buffer all parts of the site from public view. All plants used for the buffer yard shall be evergreens.
5. If located in an R-45A or R-45B District the requirements of [section 4.1.4](#) shall apply.