

LANCASTER COUNTY

LAND USE

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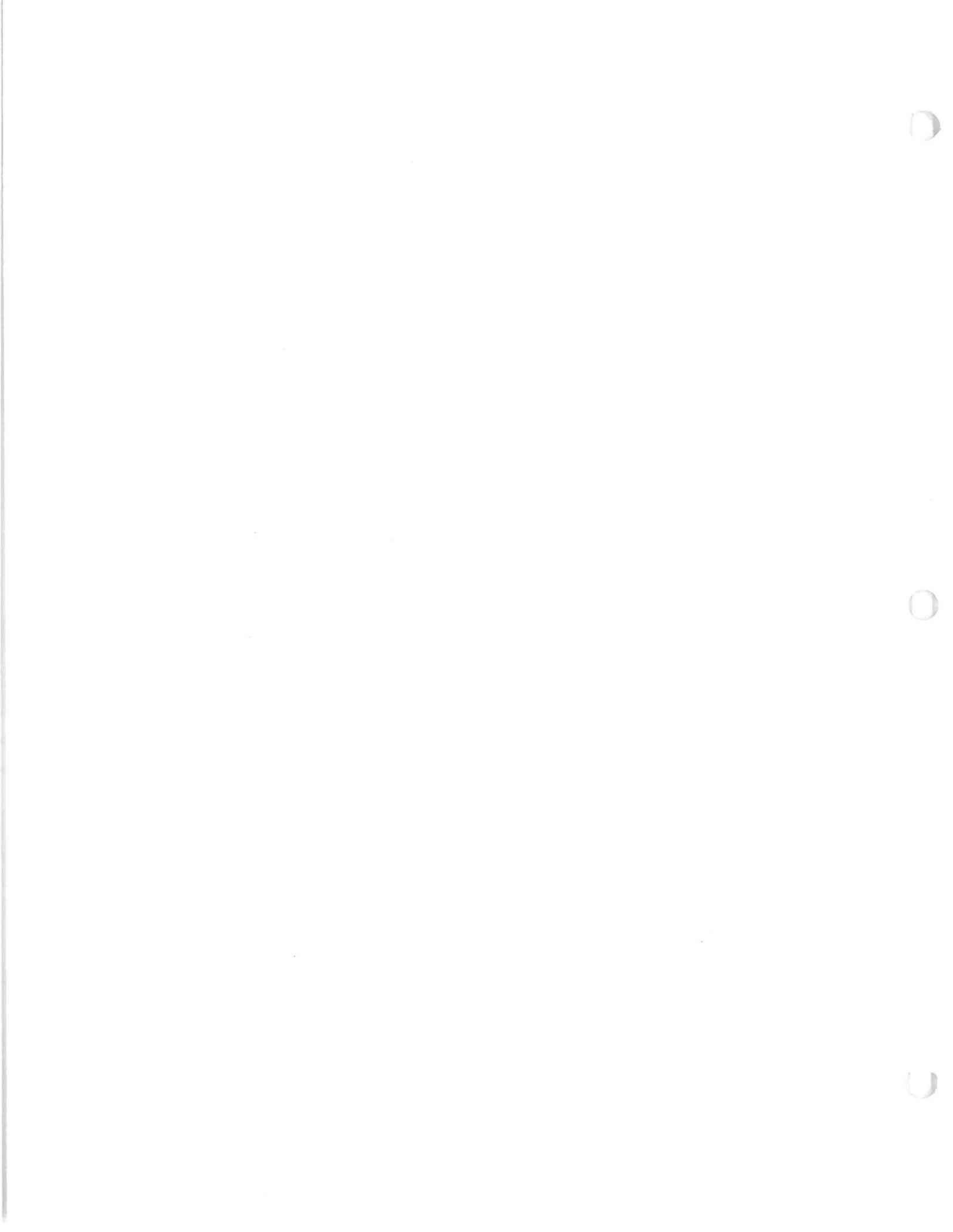
DEVELOPMENT STANDARDS

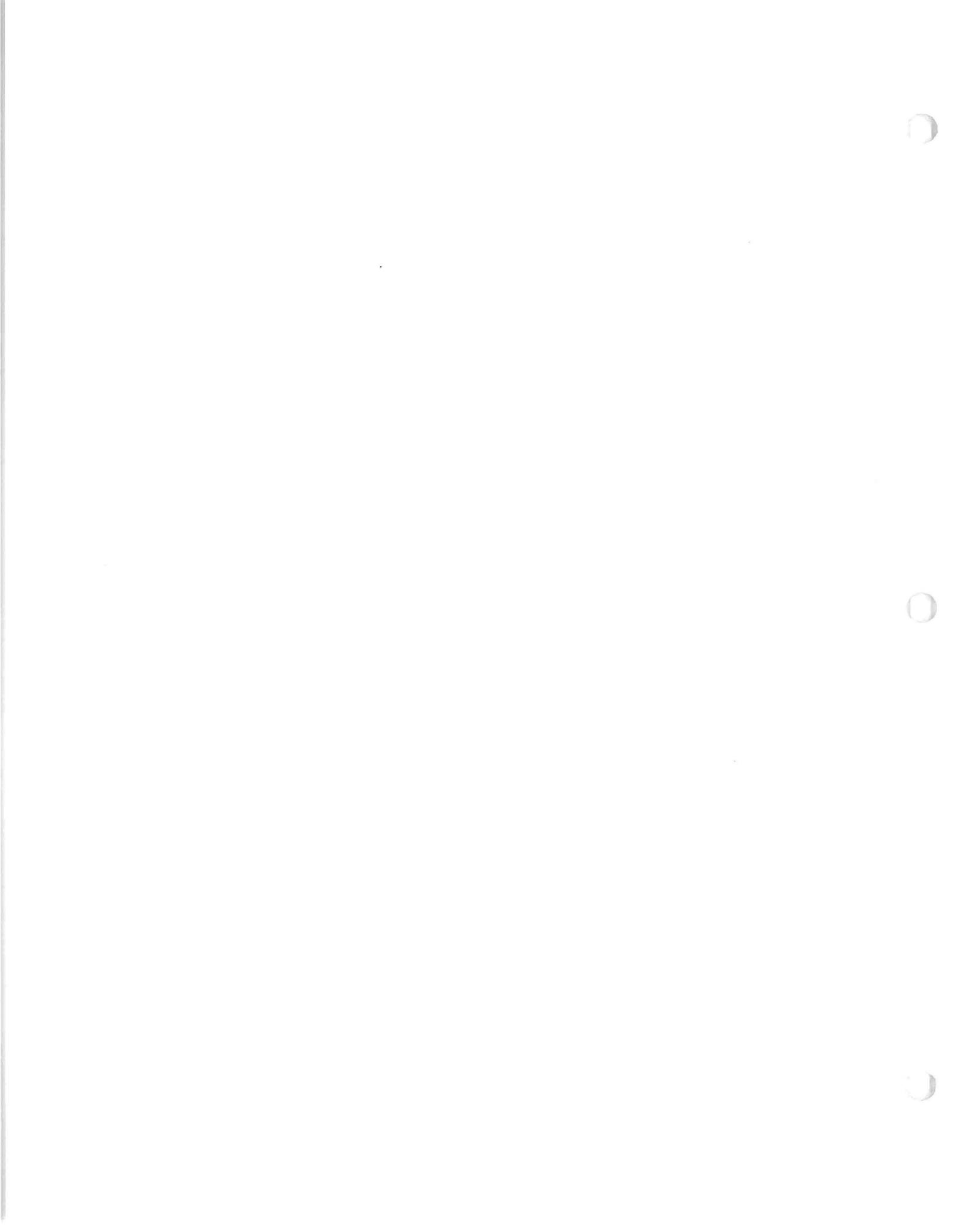
ORDINANCE



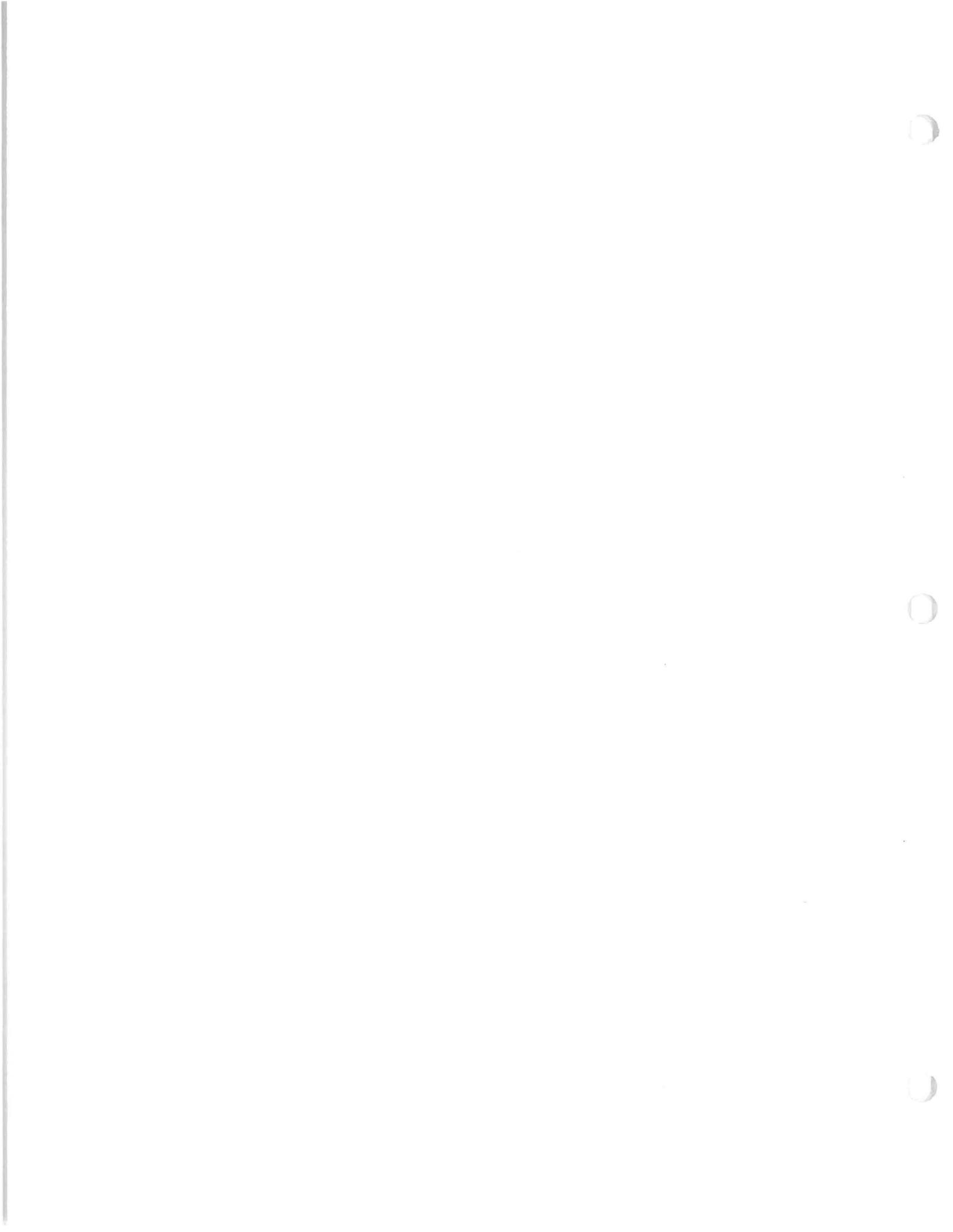
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LANCASTER COUNTY
LAND USE AND
DEVELOPMENT STANDARDS ORDINANCE

AN ORDINANCE FOR THE COUNTY OF LANCASTER, SOUTH CAROLINA, REGULATING THE MANNER IN WHICH LAND USE AND DEVELOPMENT SHALL OCCUR AND THE SITING OF BUILDINGS AND STRUCTURES IN RELATION TO EXISTING LAND USE, ENVIRONMENTAL RESOURCES, AND THE COUNTY'S LAND USE AND DEVELOPMENT PLAN.

AUTHORITY AND ENACTMENT

In pursuance of the authority granted by the South Carolina Code of Laws 1976, Title 6, Chapter 7, and for the purpose set out below, the Lancaster County Council does hereby ordain and enact into law the following articles and sections:

ARTICLE I
TITLE, PURPOSE, JURISDICTION

Section 1.0 Title

This Ordinance shall be known and may be cited as the Land Use and Development Standards Ordinance of Lancaster County.

Section 1.1 Purpose

The purposes of this Ordinance are to implement the Lancaster County Land Use and Development Plan and to promote the health, safety, and general welfare of present and future inhabitants of Lancaster County by:

- (1) Helping achieve policies and proposals defined in the Plan.
- (2) Controlling the intensity of development in areas of sensitive resources or natural features in order to reduce or eliminate adverse environmental effects and to conserve natural resources.
- (3) Concentrating development in areas where adequate sewerage facilities, roads, and schools can be provided, and limiting development where these facilities are not available.
- (4) Providing standards for multi-family development so that residents can have access to decent, sound, and sanitary housing.
- (5) Minimizing the danger and congestion of traffic on the roads and highways, and insuring the continued usefulness of all elements of the existing highway system for their planned function.
- (6) Securing safety from the hazards of improper development, resulting in fire, panic, flood, and other dangers.
- (7) Providing adequate privacy, light, and air.
- (8) Enhancing the outcome of development through development criterion and standards.
- (9) Protecting land value through proper planning and responsible development practices.

- (10) Protecting landowners from adverse effects of adjoining development, and conserving the character of existing neighborhoods and subdivisions.

Section 1.2 Jurisdiction

This Ordinance shall apply to all unincorporated portions of Lancaster County.

ARTICLE II
ESTABLISHMENT OF DISTRICTS AND BOUNDARIES

Section 2.0 Establishment of Districts

In pursuit of the purpose statement set forth in Section 1.1, the county is hereby divided into five functional land use districts, as follows:

GD-M	General Development District - Moderate Intensity
GD-L	General Development District - Low Intensity
IND	Industrial Development District
RCD	Residential Conservation and Development Districts
RLD	Residential Limited District
MRD	Multi-Residential District
RR	Rural Resource District
SPI	Special Public Interest Districts

Within each district, the regulations set forth herein shall apply uniformly to each class or kind of structure or land, except that where such districts overlap the 100-year flood boundaries, as established on Flood Insurance Rate Maps for Lancaster County prepared by the Federal Emergency Management Agency, such regulations shall be altered to accommodate the special needs of such areas.

Section 2.1 District Boundaries

District classifications of property in the unincorporated areas of the county are included as part of the electronic data file and related mapping which constitute the county assessor's official record of property ownership, boundary and other information, and is by reference adopted as the official record of district boundaries.

A generalized map of districts shall be filed with the County Planning Official.

Section 2.2 Rules For Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the District Boundary Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways, or railroad tracks shall be construed to follow such center lines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following political boundaries shall be construed as following such boundaries;
- (4) Boundaries indicated as following the center lines of waterways, creeks, and ditches shall be construed as following such lines;
- (5) Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the District Boundary Map shall be determined by the scale of the map;

- (6) Where physical or cultural features existing on the ground are at variance with those shown on the above referenced map, or in other circumstances covered by subsections 1 through 5 above, the Planning Official shall interpret the district boundaries.

Section 2.3 Change to District Boundaries

If, in accordance with the provisions of the Ordinance and the 1976 S.C. Code of Laws, title 6, Chapter 7, Article 9, changes are made in district boundaries or other matter portrayed on the District Boundary Map, such changes shall be entered on said map promptly after the amendment has been approved by County Council. Any amendment to this Ordinance which involves matter portrayed on the map shall become effective immediately upon approval.

No change of any nature shall be made on the official map except in conformity with the procedures set forth by this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided by law.

Section 2.4 Custodian of the "Official" District Boundary Map

Regardless of the existence of purported copies of the District Boundary Map which may from time to time be made or published, the "Official" Map, which shall be located in the Planning Office, shall be the final authority as to the current status of district boundaries.

ARTICLE III

PURPOSE OF DISTRICTS AND USE REGULATIONS

The purpose of the five districts established by Article II and the uses permitted in each are as follows:

Section 3.0 GD-M, General Development District - Moderate Intensity

3.01 Purpose

This district is expected to accommodate most of the projected growth in the unincorporated areas of Lancaster County, according to the County's Land Use and Development Plan. It corresponds generally with the urban and urbanizing areas delineated by the plan for general development. It consists of areas where development logically should locate as a consequence of planned public facilities and associated capital expenditures; i.e. schools, sewer, water, parks, etc.

As such, this district is designed to accommodate a variety of uses, providing for a full range of residential as well as commercial, institutional and industrial uses. In so doing, emphasis is placed on performance and development standards to ameliorate the impact of such uses and eliminate the negative aspects of juxtaposing varied and dissimilar uses.

3.02 Permitted Uses

Within the GD-M Development District, building or premise may be used for any purpose, unless otherwise prohibited by Article V; provided such use shall meet all applicable performance and development standards contained in this Ordinance.

Section 3.1 GD-L, General Development District - Low Intensity

3.11 Purpose

This is a "second tier" district, expected to accommodate a wide range of development, but not at the higher intensities of the GD-M District. Currently these areas embrace a variety of uses, but are occupied predominantly by low-density residential uses. Water generally is available throughout, but sewer service is not. Neither is it planned for these areas at this time. And lacking such service, or the need for higher intensity development in these areas, the purpose is to restrain the use of property to the extent that it may be adequately accommodated in a low-intensity setting, without the necessary infrastructure for higher-intensity urban development.

Thus, this district is not unlike the GD-M District, except that intensity and use are "down scaled" to reflect existing development patterns, and support facilities.

3.12 Permitted Uses

Within the GD-L, General Development District, a building or premise may be used for any purpose, except for those listed by Section 3.13, or otherwise prohibited by Article V; provided such use shall meet all applicable performance and development standards contained in this ordinance.

3.13 Uses Prohibited

The following uses are prohibited from the GD-L District:

- (1) Mobile Home Parks or Courts
- (2) Multi-family and attached housing
- (3) Subdivisions with densities greater than three units per acre (gross), or lot frontage less than 150 feet
- (4) Non-residential buildings or structures with floor area to lot ratios greater than .20 to 1.00.

Section 3.2 IND, Industrial Development District

3.21 Purpose

The purpose of this district are to better accommodate existing industrial uses and further the industrial development of the county by protecting existing industry from encroachment of incompatible land uses and potential sites for future industrial development.

3.22 Permitted Uses

Within the IND, Industrial Development District, a building or premise may be used only for the following purposes unless otherwise prohibited by Article V, provided such uses shall meet all applicable performance and development standards contained in this ordinance.

- (1) Agricultural uses, including commercial greenhouses and nurseries, general farming operations, keeping and raising of animals and livestock, and structures for housing and processing products raised on the premises.
- (2) Industrial and manufacturing uses.
- (3) Wholesale, warehousing and distribution uses.
- (4) Office buildings, laboratories and research facilities.
- (5) Private clubs and lodges.
- (6) Armories.
- (7) Veterinary establishments; provided all animals shall be housed in sound proof buildings at night.
- (8) Business and Vocational schools.
- (9) Bulk and outdoor storage lots; except for scrap, salvage and junk yards.
- (10) Utilities, i.e. gas, electric and telephone; production and distribution facilities.
- (11) Residential, single-family on any existing lot-of-record and on any new lot 10 acres or greater in size, or any legally or court-ordered subdivision.
- (12) Water plants and sewerage treatment facilities, and substations.
- (13) Assembly and processing plants.

- (14) Uses accessory to the above.
- (15) Signs.

Section 3.3 RCD, Residential Conservation and Development District

3.31 Purpose

The purpose of this district is to stabilize and protect existing neighborhoods for continued residential use. This district also is intended to encourage in-filling and expansion of "like development", consistent with the character of existing neighborhoods at the time of enactment of this ordinance. Areas identified as having stable and fixed character will be afforded a higher level of protection and insulation from potentially incompatible uses and assured of long-term stability.

RCD Districts created after the effective date of this ordinance shall meet the following criteria:

- 1. Minimum land area of 20 acres and at least 10 units, or
- 2. Platted subdivision with a minimum of 20 lots.

Once created, a district may be enlarged without restriction.

3.32 Permitted Uses

Within the RCD District, a building or premise may be used only for the following purposes; provided such uses shall meet all applicable regulations contained in this ordinance.

- (1) Dwellings, single-family detached, excluding mobile homes.
- (2) Churches or similar places of worship, auxiliary buildings and uses, and child care centers accessory thereto.
- (3) Schools, either public or private, offering general education courses.
- (4) Public utilities, as necessary to serve district residents.
- (5) Neighborhood and community parks and centers, golf courses and similar open space uses.
- (6) Family day care homes.
- (7) Home occupations.
- (8) Uses accessory to the above, including private horse stables in accord with Section 5.16.

Section 3.4 RR, Rural Resource District

3.41 Purpose

This district is intended to protect and preserve areas of the county which are presently rural or agricultural in character and use and are uniquely suited to agricultural use. These areas are not presently required for urban development and, according to population and land use projections will not be required before year 2005 at the earliest.

The use regulations for this district are designed to permit development compatible with the preservation of the rural character and agricultural use of these areas while not foreclosing future urban development options.

The value of agricultural lands, woodlands, and other open land areas which characterize this district are important to clean water and air, and to many natural cycles. They also make an attractive place in which to live.

It should be understood that while the rural character and natural resource features of these areas are important, the regulations are not intended solely to preserve these characteristics. They are also designed to permit a present use of land that will not prematurely preempt an orderly transition to more intense usage in the future.

3.42 Permitted Uses

Within the RR, Rural Resource District, a building or premise may be used only for the following purposes; provided such uses shall meet all applicable regulations contained in this ordinance.

- (1) Agricultural uses, including commercial greenhouses and nurseries, general farming operations, keeping and raising of animals and livestock, and structures for housing, processing products raised on the premises.
- (2) Automobile service station and/or garage.
- (3) Cemetery.
- (4) Church and similar places of worship, auxiliary buildings, and uses including child care centers accessory thereto.
- (5) Community centers.
- (6) Dwelling, mobile home, also one mobile home shall be permitted as a residence on a lot with a retail store or as a second residence on a lot with a single-family dwelling or another mobile home.
- (7) Dwelling, single-family detached.
- (8) Family day care homes.
- (9) Home occupations.
- (10) Schools, either public or private; technical, vocational or general curriculum.
- (11) Equestrian uses, including stables, tracks, clubs, fields, caretaker's facilities, etc.
- (12) Flea markets and auction barns.
- (13) Outdoor recreation facilities and activities, publicly or privately operated, including hunt clubs, swimming pools, tennis courts, golf courses, parks, playfields, and similar outdoor recreation activities.
- (14) Retail store for sale of groceries, hardware, antiques, dry goods or general merchandise, beverage and package stores with no on premise consumption; provided the gross floor area does not exceed 5,000 square feet.
- (15) Roadside stand for the display and sale of agricultural products.
- (16) Cabins, cottages, inns, campgrounds, etc. for short term occupancy.

- (17) Automotive race and testing tracks, subject to the additional requirements of Section 5.5.
- (18) Mining and extraction operations, subject to the additional requirements of Section 5.6.
- (19) Public service uses, subject to the additional requirements of Section 5.9.
- (20) Stockyards, slaughter houses and animal auction houses, subject to the additional requirements of Section 5.8.
- (21) Sanitary landfills and inert dump sites, subject to the additional requirements of Section 5.3.
- (22) Prisons, sewerage treatment plants, electrical substations and incinerators, subject to the additional requirements of Section 5.9.
- (23) Uses accessory to the above.
- (24) Signs.

Section 3.5 SPI, Special Public Interest Districts

3.51 Purpose

The purpose of these regulations is to permit creation of Special Public Interest (SPI) Districts:

- (1) In general areas officially designated as having special and substantial public interest in the protection of existing natural resources or proposed character, or of principal views; or
- (2) Surrounding historical buildings or grounds where there is special and substantial public interest in protecting such buildings and their visual environment; or
- (3) In other cases where special and substantial public interest requires modification of otherwise applicable district regulations or the repeal and replacement of such regulations, for the accomplishment of the special public purposes for which these districts are established.

It is further intended that such districts and the regulations adopted for them shall be in accord with and promote the purposes set out in the adopted Comprehensive Land Use and Development Plan and other officially adopted plans of Lancaster County in accordance therewith, and shall encourage land use and development in substantial accord with the physical design set out therein.

3.52 Effect of SPI District Designation

Such SPI Districts may either:

- (1) Supplant districts or portions of districts existing at the time of creation of a particular SPI District, or
- (2) Have the effect of modifying requirements, regulations and procedures applying in existing districts or districts hereafter created and remaining after SPI Districts are superimposed to the extent indicated in the particular SPI amendment.

3.53 Establishment of SPI Districts

SPI Districts shall be established by the same procedures as for amendments generally, in accord with Article X. Additionally, each SPI District shall be identified by the SPI prefix and a number indicating the particular district, as for example SPI-3, together with whatever other identification appears appropriate, and shall contain information and proposals as indicated below concerning the areas, buildings, and/or premises proposed for such regulation:

- (1) Statement of Intent. The recommendation for an SPI District shall include a Statement of Intent, specifying the nature of the special and substantial public interest involved and the objectives to be promoted by the special regulations or procedures.
- (2) Proposed District Boundaries. The proposed SPI District shall be presented on a map or maps, together with pertinent supplementary material indicating, as applicable:
 - (a) The boundaries of the SPI District.
 - (b) The designations of all portions of underlying districts, if any, which will remain after SPI zoning is superimposed and the general regulations which will be affected by the superimposed SPI zoning. Where it is proposed to change the established district boundaries, the map shall show the nature and location of such change.
 - (c) The location and designation of districts or portions of districts, if any, to be supplanted by SPI regulations.
- (3) Proposed Regulations. Special regulations for the district shall be set out in the Statement of Intent. In particular such regulations may require submission of detailed site plans, building plans and elevations and maps indicating the relation of proposed development to surrounding or otherwise affected property in terms of location, amount, character, and continuity of open space; protection of desirable principal views and/or historical properties; convenience of access through and between buildings or in other locations where appropriate for public purposes and where such access will reduce pedestrian congestion on public streets; separation of pedestrian and vehicular traffic; signs; lighting; mixtures of proposed uses; and other matters appropriate to required determinations of the relation to the special public interest of the district and the objectives to be promoted.
- (4) Special Approval Requirements. The regulations may require special review of development plans by the Planning Official, the Planning Commission, the Board of Appeals, the County Council or other officials or agencies of Lancaster County.

3.54 Provisions for Alterations from Applicable Regulations Generally

Regulations for a particular SPI District or for specified classed of SPI Districts also may (1) authorize or (2) require alterations to regulations applying generally within such districts.

- (1) Authorized Alterations. The body or bodies, officials, or agencies charged with responsibility for review in SPI districts may authorize alterations from regulations generally applying in such districts only upon written application by those submitting plans in a particular case, and only upon making written findings that:
 - (a) The plan proposed by an applicant, while not strictly in accord with regulations applying generally within the district, meets public purposes and provides public protection to an equivalent or greater degree; or
 - (b) In the particular circumstances, strict application of the regulation(s) is not necessary for the accomplishment of public purposes or the provision of public protection.

Where such special plan review involves more than one body, official or agency, no such alteration shall be allowed except upon complete concurrence of all bodies, agencies or officials charged with a role in the decision-making process.

- (2) Required Alterations. The body or bodies, officials or agencies charged with responsibility for such special plan review may require alterations from regulations generally applying in such districts only upon making written findings in a particular case that, for reasons specifically set forth, such alterations are necessary for the public protection or the protection of the environs of particular buildings and premises.

Among other things, such alterations may require relocation of or increase in yards or other open spaces generally required; reduction in height generally permitted; additional limitation on uses, signs or illumination; and buffering and screening to a greater degree than generally required.

Where such special plan review involves more than one body, official or agency, no such alteration shall be required except upon complete concurrence of all bodies, agencies or officials charged with a role in the decision-making process.

- (3) Recording Authorized or Required Alterations. Where alterations are thus authorized or required, notation shall be made on the Official District Boundary Map by appropriate identification of the property, the instrument involved and the date of the action.

Section 3.6 Nonconforming Use

The lawful use of land, buildings or structures existing at the effective date of this ordinance may be continued although such use does not conform in full to the provisions of this ordinance. No such use may increase its nonconformity.

For purposes of this section, uses existing at the effective date of this Ordinance shall include proposed uses evidenced by:

1. a valid building permit issued prior to the effective date of this ordinance where work is commenced within 6 months of and substantially complete within 18 months of said effective date.
2. a permit(s) to develop issued by a federal, state or local agency prior to the effective date of this ordinance provided development in connection therewith most commence and be substantially complete within 12 months of said ordinance effective date.

3.61 Change of Use

Whenever a nonconforming use of land or building has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed back to a less restricted or nonconforming use.

3.62 Damaged or Destroyed Use.

If damaged or destroyed by any cause whatsoever, a non-conforming use may be reestablished if the extent of damage is less than 50 percent of the fair market value immediately prior to the damage. If the damage exceeds 50 percent, then all rights of a non-conforming use are terminated, except that non-conforming residential and/or agricultural uses may be reconstructed or replaced regardless of the extent of damage, as well as damage due to criminal acts which are corroborated by appropriate law enforcement agencies.

3.63 Discontinued Use.

If discontinued or vacated for 120 consecutive days, no non-conforming use shall again occupy the vacated structure. For purposes of this section, the terms vacated or discontinued are synonymous with the removal of equipment, structures or other aspects of such non-conforming use, and discontinuance of electric power.

A non-conforming mobile home may be replaced if removed from the premises provided the replacement mobile home meets all standards outlined in Section 5.12, 5.13, and other specific district regulations.

3.64 Proof of Non-Conformity.

When seeking relief under this section, it shall be the responsibility of the owner, manager, tenant of a non-conforming use to establish existence of such prior to the effective date of this ordinance, and to note wherein such use is in non-conformance.

3.65 Temporary Nonconforming Uses.

A temporary use permit may be issued by the Planning Official for an appropriate period of time not to exceed 12-month increments for nonconforming buildings, structures or uses incidental to building construction or land development or deemed to be generally beneficial, provided that the owner of the temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the permit.

Section 3.7 RLD, Residential Limited District

3.71 Purpose

The purpose of this district is to provide for and protect rural residential areas and compatible agricultural operations. Areas so designated are intended to promote and acknowledge an accepted way of life in Lancaster County.

3.72 Permitted Uses

Within the RLD, Residential Limited District, a building or premise may be used only for the following purposes; provided such uses shall meet all applicable regulations contained in this Ordinance.

- (1) Agricultural uses, including commercial greenhouses and nurseries, general farming operations, keeping and raising of animals and livestock, and structures for housing products raised on the premises, except that those uses identified by Section 5.8 shall not be permitted.
- (2) Cemetery
- (3) Church and similar places of worship, auxiliary buildings, and uses including child care centers accessory thereto.
- (4) Community centers
- (5) Dwelling, single, family detached, excluding mobile homes.
- (6) Family day care homes
- (7) Home occupations
- (8) Schools, either public or private; technical, vocational or general curriculum.
- (9) Equestrian uses, including stables, tracks, clubs, fields, caretaker's facilities, etc., subject to the additional requirements of Section 5.16.

- (10) Outdoor recreation facilities and activities, including swimming pools, tennis courts, golf courses, parks, playfields, and similar outdoor recreation activities.
- (11) Roadside stand for the display and sale of agricultural products raised on the premises.
- (12) Public service uses, subject to the additional requirements of Section 5.9.
- (13) Public utilities
- (14) Uses accessory to the above.
- (15) Signs in accord with Article VIII.

Section 3.8 MRD. Multi-Residential District

3.81 Purpose

The purpose of this district is to provide for and protect rural residential areas and compatible agricultural operations. Areas so designated are intended to promote and acknowledge an accepted way of life in Lancaster County.

3.82 Permitted Uses

Within the MRD, Multi-Residential District, a building or premise may be used only for the following purposes; provided such uses shall meet all applicable regulations contained in this Ordinance.

- (1) Agricultural uses, including commercial greenhouses and nurseries, general farming operations, keeping and raising of animals and livestock, and structures for housing products raised on the premises, except that those uses identified by Section 5.8 shall not be permitted.
- (2) Cemetery
- (3) Church and similar places of worship, auxiliary buildings, and uses including child care centers accessory thereto.
- (4) Community centers
- (5) Dwelling, single, family detached, including mobile homes.
- (6) Family day care homes
- (7) Home occupations
- (8) Schools, either public or private; technical, vocational or general curriculum.
- (9) Equestrian uses, including stables, tracks, clubs, fields, caretaker's facilities, etc., subject to the additional requirements of Section 5.16.
- (10) Outdoor recreation facilities and activities, including swimming pools, tennis courts, golf courses, parks, playfields, and similar outdoor recreation activities.
- (11) Roadside stand for the display and sale of agricultural products raised on the premises.
- (12) Public service uses, subject to the additional requirements of Section 5.9.

- (13) Public utilities
- (14) Uses accessory to the above.
- (15) Signs in accord with Article VIII.

Section 3.9 SPI-1, Special Public Interest District One

3.91 Purpose

The SPI-1 District has been created by the people of the Flat Creek Road Community in order to:

- Preserve the existing character of the community,
- Protect property values for all members of the community,
- Provide a safe living environment for the current and future generations, and
- Ensure that all future uses are of favorable comparison with neighboring site built dwellings.

3.92 District Boundaries

The regulations of this district shall apply to areas on both sides of Flat Creek Road starting with Old Dixie Road and ending at Silkies Boulevard, both sides of Gardner Avenue, Taylor Drive, and all of Old Hillside Drive (parts of tax maps 68, 69, 80, and 81) as shown on the map on file in the office of the Planning Official.

3.93 Permitted Uses

Within the SPI-1 (Special Public Interest 1) District, a building or premise may be used only for the following purposes; providing such uses shall meet all applicable regulations contained in this ordinance.

- (1) Agricultural uses, including commercial greenhouses and nurseries, general farming operations, keeping and raising of animals and livestock, and structures for housing products raised on the premises, except that those uses identified by Section 5.8 shall not be permitted.
- (2) Cemetery
- (3) Church and similar places of worship, auxiliary buildings, and uses including child care accessory thereto.
- (4) Community centers
- (5) Dwelling, single family detached
- (6) A newly constructed multi-wide factory built or modular home being used for the first time with a minimum dimension of twenty-four (24) feet by forty (40) feet; is designed and constructed to comply with the "Federal Mobile Home Construction and Safety Standards", the Council of American Building Officials (CABO), "One- and Two-Family Dwelling Code," except as otherwise provided herein, the Southern Building Code Congress International (SBCCI), "Standard Housing Code", and the "South Carolina Building Energy Efficiency Standard Act"; have a minimum three-inch to twelve-inch roof pitch; a minimum twelve-inch overhang at soffit and gable ends, roof covering must be composition shingles, exterior wall covering must be of masonry veneer or wood siding assuring a favorable comparison with neighboring site built dwellings; is permanently affixed to a foundation wall enclosing the entire perimeter of the structure and supporting the loadbearing framework of the structure, and is in compliance with Chapter 3 of the "One- and Two-Family Dwelling Code". Such manufactured home shall have its wheels, axles, transporting lights and towing apparatus removed, and must be maintained by the owner or an immediate family member of the owner.

- (7) Family day care homes
- (8) Home occupations
- (9) Schools, either public or private; technical, vocational or general curriculum
- (10) Equestrian uses, including stables, tracts, clubs, fields, caretaker's facilities, etc., subject to the additional requirements of Section 5.16.
- (11) Outdoor recreation facilities and activities including swimming pools, tennis courts, golf courses, parks, playfields, and similar outdoor recreation activities.
- (12) Roadside stands for the display and sale of agricultural products raised on the premises.
- (13) Public service uses, subject to additional requirements of Section 5.9.
- (14) Public Utilities, as necessary to serve district residents.
- (15) Uses accessory to the above.
- (16) Signs in accordance with Article VIII.
- (17) Repair and craft shops as a secondary use where the principal use is residential.

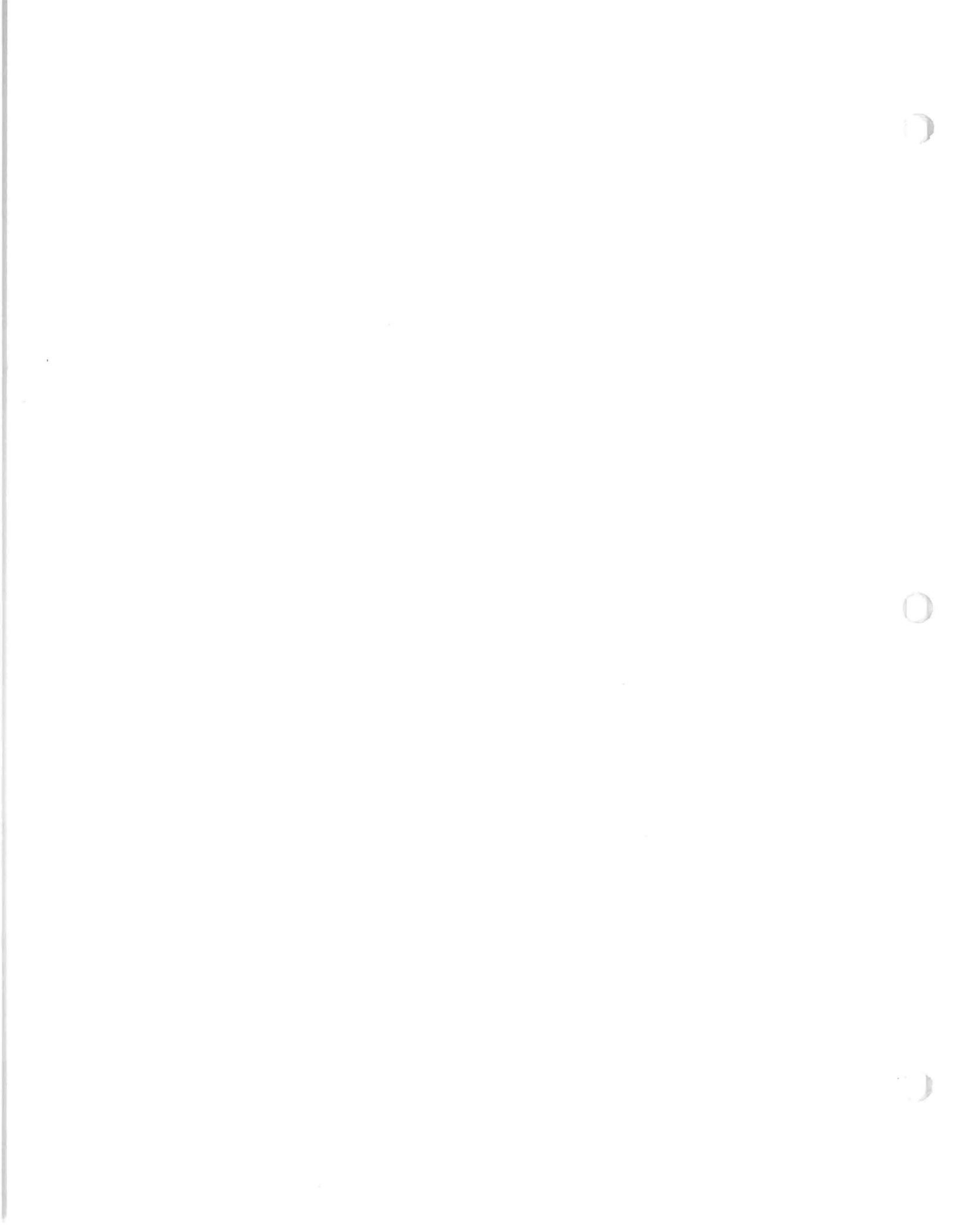
3.94 Uses Prohibited

The following uses are prohibited in the SPI-1 (Special Public Interest 1) District:

- (1) Cabins, cottages, inns, campgrounds, etc. for short term occupancy.
- (2) Flea markets and auction barns.
- (3) Automotive race and testing tracks.
- (5) Operations characteristic of sexually oriented or adult uses.
- (6) Sanitary land fills.
- (7) Slaughter Houses, Commercial Poultry Houses, Commercial Kennels, Livestock Auction Houses and Swine Lots.
- (8) Automotive Wrecking, Salvage and Junk Yards.
- (9) Mobile Home Parks, Apartments and Apartment Complexes, Duplexes, and any other form of multi-family housing.

3.95 Nonconforming Uses

Nonconforming manufactured homes in the district at the effective date of the ordinance may remain. A non-conforming manufactured home may be replaced provided the replacement manufactured home meets all standards outlined in this ordinance, particularly Section 3.93 (6).



ARTICLE IV
DEVELOPMENT STANDARDS
FOR
BUILDINGS AND STRUCTURES

Section 4.0 Purpose

The development standards of this Article are applicable, as specified to all buildings and structures. They are designed to address the development process in Lancaster County as it relates to:

- (1) Sites and Soil Conditions
- (2) Landscaping and Open Space
- (3) Land Use Intensity
- (4) Impervious Surfaces
- (5) Building Setbacks
- (6) Heights of Buildings and Structures
- (7) Bufferyards
- (8) Erosion and Sediment Control

Section 4.1 Site and Soil Analysis

4.11 Purpose

Proper development begins with an analysis of the natural and environmental features of a site. These factors include land forms, wetlands, soils, slopes, floodplains, etc. And they differ from site to site. Each is critical to, and must be addressed by the development process.

The purpose of this section, therefore, is to mitigate the potential impact of development where it might adversely disturb or be adversely affected by these natural features.

4.12 Natural Features Analysis

As part of the required site analysis, each site shall include an identification of any and all of the following natural features:

- Floodplains
- Soils, with severe limitations to development
- Wetlands

Where such features are identified, sound engineering solutions shall be required to reduce or eliminate any negative effects of the proposed development, or such features shall remain undisturbed.

4.13 Floodplain Requirements

Where floodplains are identified by the analysis, and shown on the Flood Hazard Boundary Maps for Lancaster County, latest edition, all development shall comply with the county's Flood Hazard Ordinance.

4.14 Soils Analysis

Soils may and often do pose significant constraints to development. However, these constraints often may be overcome by sound engineering solutions, making use of such soils possible if proper steps are taken. Such steps might include the removal

of these soils from construction areas, use of additional fill dirt, use of extra thick sub-base, pilings, elevated first floor, or other such measures.

The following soils are identified in a Soil Survey prepared for Lancaster County by the USDA Soil Conservation Service, as presenting severe limitations to development: Blaney, Chewacla, Colfax, Congaree, Enon, Gills, Goldston, Iredell, Mecklenburg, Pickens, Rutledge, Starr, Wehadkee.

Where such soils have been identified on a site proposed for multi-family or non-residential development, a soils analysis report shall be submitted together with the preliminary plat or site plan. The report shall describe the extent of the soils(s) and how its limitations are to be overcome. The proposed method of dealing with the soils shall be approved by the Planning Official prior to the issuance of a building permit.

4.15 Wetlands Requirements

Where wetlands are identified by the analysis, the applicant shall contact the U.S. Corps of Engineers to determine if such wetlands are "jurisdictional wetlands," and if so, to secure the necessary permits and/or clearance before a building or use permit shall be issued by the county.

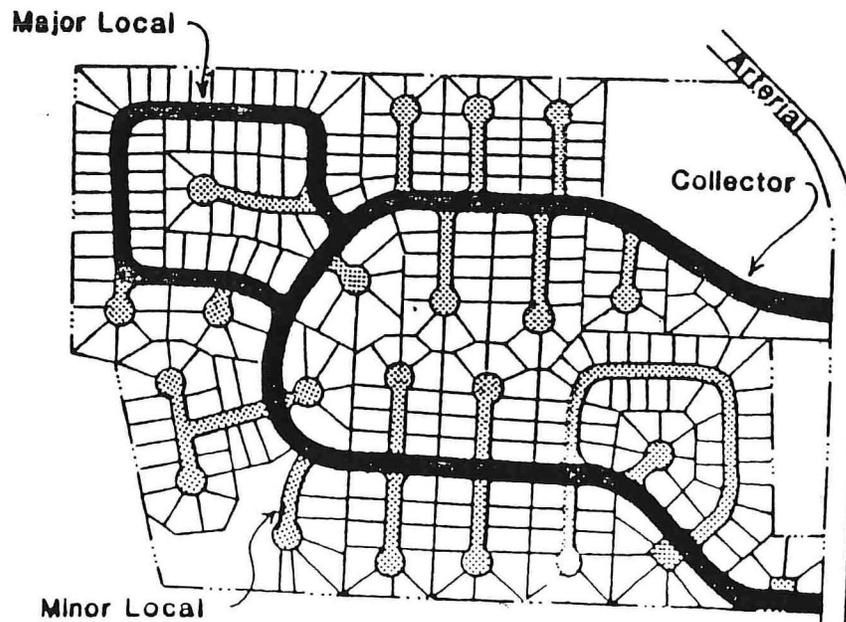
Section 4.2 Landscaping and Common Open Space Standards

4.21 Definition

- (1) Common Open Space. Common open space is land and/or water bodies used for recreation, amenity or buffer. Where required for residential development, it shall be freely accessible to all residents of a development or project. It shall not be occupied by buildings or structures, drives, parking or street rights-of-way; nor shall it include individual yards or lots of residential dwelling units.
- (2) Landscaping. 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.

4.22 Purpose

The purposes of landscaping and open space standards are to improve the appearance of vehicular use areas and property abutting public rights-of-way; to protect, preserve and promote the aesthetic appeal, scenic beauty, character and value of land in the county; to promote public health and safety through the reduction of noise pollution, storm water runoff, air pollution, visual pollution, and artificial light glare; and to provide as part of all high density residential projects sufficient open space and recreational areas for the inhabitants of such projects.



4.23 Where Required

The following uses/projects shall provide open space and/or landscaping in the amounts prescribed:

<u>Proposed Uses/Projects</u>	<u>Common Open Space Ratio (% Lot)</u>	<u>Landscaping Ratio (% Lot)</u>
Residential		
Cluster Developments	15%	--
Townhouse Projects	15	--
Mobile Home Parks	15	--
Multi-family Projects	20	--
Non-residential		
Institutional	--	25%
Office	--	25
Industrial/Wholesale/Storage	--	20
Commercial-Retail/Business	--	15

- (1) New Sites: No new development, building, structure or vehicular use area in connection with the above shall hereafter be created or used unless open space and/or landscaping is provided in accord with the provisions of this section.
- (2) Existing Sites: No existing building, structure or vehicular use area in connection with the above shall be expanded or enlarged unless the minimum landscaping and/or open space required by the provisions of this section are provided to the extent of the alteration or expansion; not required for the existing use.

4.24 Common Open Space/Landscaping Plan

Proposed uses/projects outlined in 4.23, (1) shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

- (1) Designate areas to be reserved as open space and/or for landscaping. The specific design of open space and/or landscaping shall be sensitive to the physical and design characteristics of the site.
- (2) Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.
- (3) Specify the manner in which common open space shall be perpetuated, maintained and administered.

4.25 Types of Common Open Space and/or Landscaping

The types of common open space which may be provided to satisfy the requirements of this Ordinance, together with the maintenance required for each are as follows:

FOR RESIDENTIAL USES (ONLY)

- (1) Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands are specified types of natural areas. Maintenance is limited to removal of litter, dead trees and plant materials, and brush. Natural water courses, considered to be open spaces, are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter flood levels.

- (2) Recreational areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ballfields and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to insuring that there exist no hazards, nuisances, or unhealthy conditions.
- (3) Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to insuring that there exist no hazards, nuisances, or unhealthy conditions.
- (4) Landscaped areas and lawns including creative land-scaped areas with gravel and tile, so long as the tile does not occupy more than (2) percent of the required open space. Lawns, with or without trees and shrubs shall be mowed regularly to insure neatness and landscaped areas shall be trimmed, cleaned, and weeded regularly.

FOR NON-RESIDENTIAL USES (ONLY)

Required landscaping shall be provided as follows:

- (1) Along the outer perimeter of a use, where required by the bufferyard provisions of this Article, to separate incompatible land uses.
- (2) Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing more than 20 parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and directions. Elsewhere, landscaped areas shall be designed to soften and complement the building site.
- (3) Along the exterior walls of all structures exclusive of paved pedestrian ways or loading areas, a landscaped strip at least five (5) feet wide shall be required.

4.26 Preservation of Common Open Space

Land designated as "common open space" may not be separately sold, subdivided or developed. Excess land designated as common open space may be developed in the future. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

- (1) Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.
- (2) Dedication of and acceptance by the county.
- (3) Deed restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance responsibility.

In the event that any private owner of common open space fails to maintain same, the county may in accordance with the Open Space Plan and following reasonable notice and demand that deficiency of maintenance be corrected, enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

Open space not in common ownership shall be perpetually maintained by the owner(s) having title to such open space.

Section 4.3 Roadway and Street Intensity and Service Level Standards

4.31 Definition

Intensity is a measure of development, designed principally to regulate land use in accord with the design function and carry capacity of the street on which it is located.

4.32 Purpose

The purposes of this section are: (1) to relate land use and development to the design function and carrying capacity of the county road net, (2) to reduce the cost of road repairs and maintenance by controlling development which would "overload" and accelerate the deterioration of existing streets, and (3) to promote highway safety and maneuverability.

4.33 Road Classification

In order to carry out the purposes of subsection 4.32 above, all streets and roads in Lancaster County are hereby classified on the basis of their traffic carrying capabilities, and their general function in the circulation system.

The classification system is based on concepts and criteria contained in the "Highway Functional Classification Manual, Concepts, Criteria, and Procedures, "U.S. Department of Transportation, Federal Highway Administration, July 1974. The manual classifies streets and roads into one of three functional categories----

(1) local, (2) collector, and (3) arterial. Local streets are separated from other types because they carry significant volumes of foot and bicycle traffic and are used by children.

For purposes of this Ordinance, these functional categories are refined to form a four street classification system, characterized as follows:

Minor Local (access) Street: A minor local street is one designed primarily to access abutting properties. This street normally terminates in a cul-de-sac, loop or other turnaround, with no more than two access points.

Major Local (access) Street: A major local street is one designed primarily to access abutting properties. This street is characterized with having no more than one access point, and receiving traffic from minor local streets.

Collector Street: A collector street is one that carries primarily residential traffic, but which provides no or only limited residential frontage and/or access.

Arterial Street: A street designed (1) to carry traffic from collector streets to the major arterial system, (2) to carry through traffic, and (3) to carry intra-county traffic. Arterial are characterized as having access control, channelized intersections, restricted parking and signalization. The concept of service abutting land is subordinate to the provision of travel service.

4.34 Service Level Classification

The level of service for streets and roads is defined (according to the 1985 Highway Capacity Manual) in terms of vehicular delay. Delay is a measure of driver discomfort, frustration, fuel consumption, and lost travel time. Varied and complex factors contributing to delay include intersection geometry, frequency of curb cuts, traffic volumes, signalization, cycle length, driving surface, and insufficient right-of-way, etc.

The various levels of service are classified A through F depending on the delay factor and traffic flow conditions as follows:

Level of Service A

- Free flow conditions
- Low volumes
- Little or no delays
- Uninterrupted flow
- No restriction on maneuverability
- Drivers maintain desired speed

Level of Service D

- High density, but stable flow
- Restricted speeds
- Noticeable delays at signals
- Little freedom to maneuver

Level of Service B

- Stable flow conditions
- Operating speeds beginning to be restricted

Level of Service E

- Low, but relatively uniform operating speeds
- Volumes at or near capacity
- Approaching unacceptable delays at signals

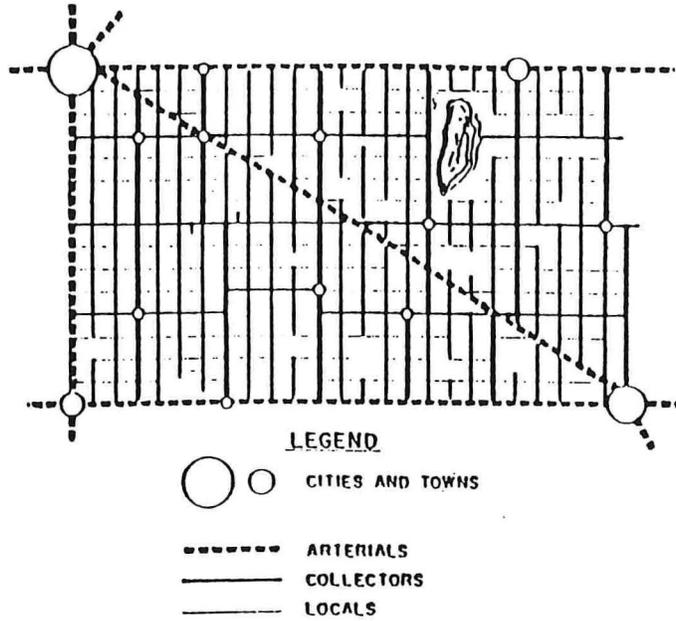
Level of Service C

- Stable flow but speed and maneuverability restricted by higher traffic volume
- Satisfactory operating speed for urban conditions
- Some delays at signals

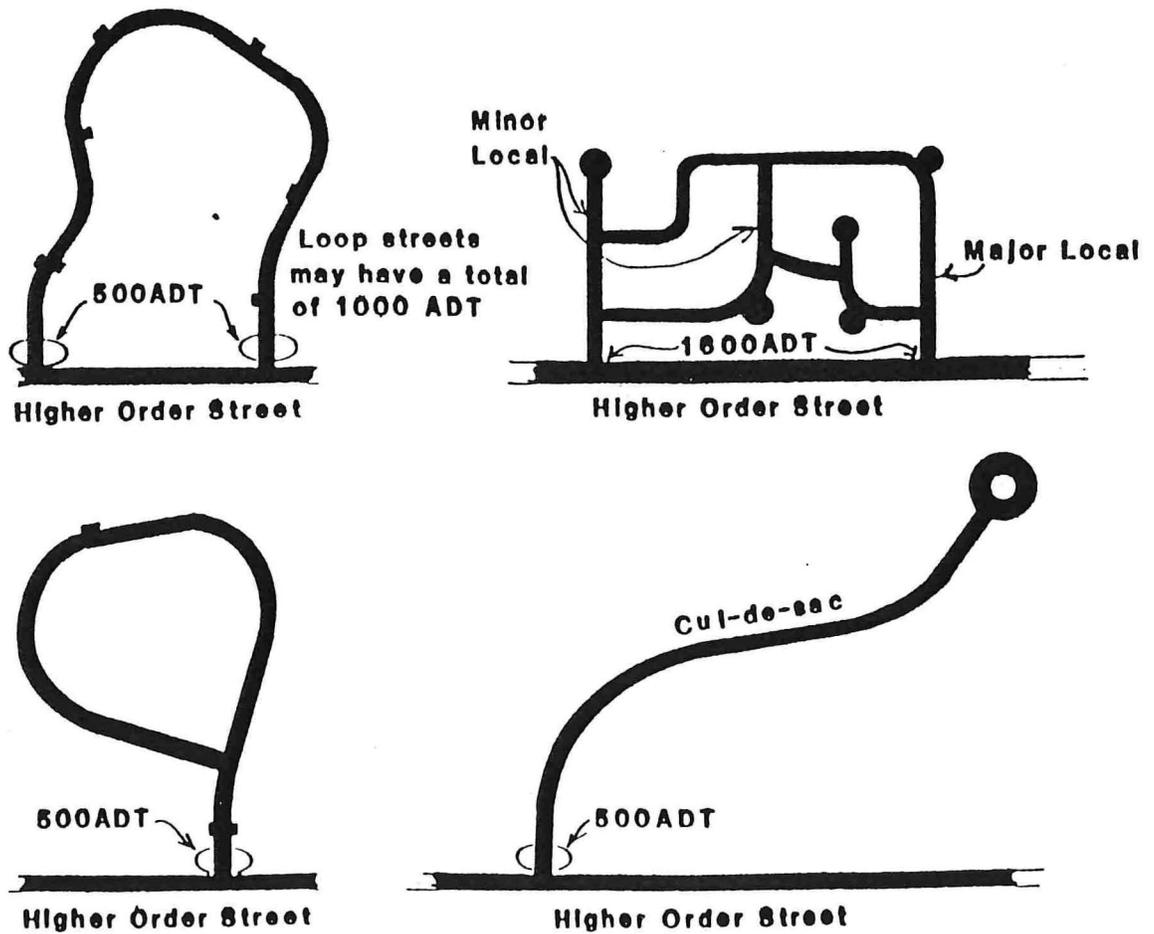
Level of Service F

- Force flow conditions
- Stop and go operations
- Volumes below capacity may be zero
- Average vehicle delay at signals is greater than one minute

SCHEMATIC ILLUSTRATION OF A FUNCTIONALLY CLASSIFIED RURAL HIGHWAY NETWORK



LOCAL STREETS



4.35 Standards

The following design capacity standards and service level designations shall govern the intensity of development along streets and roads in Lancaster County:

<u>Road Classifications</u>	<u>Service Level</u>	
	<u>Maximum ADT*</u>	<u>Designations</u>
Minor Local Street (one access point)	500	A
Minor Local Street (two access points)	1,000	A
Major Local Street (two access points)	1,600	C
Collector Street	3,000	C
Arterial Street	Not applicable	C

*ADT = Average Daily Traffic (trips)

4.36 Calculations

1. To Determine Impact on Service Level Designations, Section 4.35

The calculation to determine the impact on service level designations shall be made by a qualified traffic engineer representing the applicant. All data, including the recommendations of the engineer, shall be made available to the Planning Official, who in turn may request review, comments and verification from the South Carolina Department of Highways and Public Transportation, regional transportation officials and county engineers. Their suggestions may be used by the Planning Official for possible incorporation in the final plan, or shall be referred to the Planning Commission for review.

2. To Determine Impact on ADT Standards, Section 4.35

The following table of "Traffic Generation Standards" shall be used in computing the number of trips to be generated by a given use. Also, traffic generated by existing uses on the impacted street shall be calculated by the table to determine aggregate daily traffic volumes and the capacity to accommodate the proposed new use.

TRAFFIC GENERATION STANDARDS

<u>Land Use</u>	<u>Average Vehicle Trips Per Day (AVT)</u>
A. Residential	
	Per Dwelling Unit (DU)
Single-family	10.0
Duplex	7.0
Townhouses, patio homes	7.0
Multi-family (apartments)	6.0
Retirement Homes	3.5
Mobile Home Park	5.5
B. Non-Residential	
	Per 1,000' gross floor area (GFA)
Retail, free standing	
Supermarket	135.3
Discount store	50.2
Department store	36.1
Auto supply	88.8
Auto dealership	44.3
Convenience store	577.0
Retail, shopping center	
Regional	33.5
Community	45.9
Neighborhood	97.0
Industrial	5.5
Offices	
General	11.7
Medical	63.5
Governmental	21.0
Research center	9.3
Restaurants	
Quality	56.3
Other sit-down	198.5
Fast food	533.0
Banks	388.0
Hospitals (per staff member)	6.1
Educational (per student)	
College	2.5
Secondary	1.4
Primary	0.6
Commercial	0.8
Libraries	41.8
Other	To be established by the Land Use Commission, from <u>Quick Response Urban Travel</u> <u>Estimation Techniques</u> , Transportation Research Board, Report No. 187.

4.37 Application of Standards: Project Review

All proposed non-exempt projects and land uses shall be evaluated by the Planning Official on the basis of their traffic generating capacity and their impact on designated street service levels. Where the Planning Official determines that a proposed use will generate ADT (average daily traffic) in excess of the limits established by Section 4.35 or create a lower level of service than designated by Section 4.35 for streets and roads in Lancaster County, said use(s) shall be referred to the Planning Commission for review.

In their review of the project application, the Planning Commission may consult the South Carolina Department of Highways and Public Transportation, other county and regional agencies involved in matters of transportation.

The review may result in (1) required modifications to the proposed use, (2) required modifications to the internal and/or external road net serving and impacted by the proposed use, (3) a variance to the standards contained in 4.35 (4) mitigation, (5) required off-site improvements, (6) limiting frontage and access, or (7) denial, stating the reasons for denial.

If denied by the Commission, the applicant may appeal the decision to County Council, who, in turn, shall call for a public hearing, having given 15 days notice of time and place in a newspaper of general circulation in Lancaster County. The Council may overturn, modify or affirm the decision of the Commission.

Planning Commission or County Council approval on appeal shall be prerequisite to the issuance of a building permit for those projects referred by the Planning Official to the Commission. Projects determined not to exceed the standard of Section 4.35 may be approved by the Planning Official.

Section 4.4 Impervious Surface Standards

4.41 Definition

Impervious surfaces are those that do not absorb water. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt are considered impervious surfaces within this definition. The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the Base Site Area.

4.42 Purpose

The purpose of impervious surface standards is to reduce the impact of storm water runoff created by development. By requiring on-site permeable areas, lot line to lot line "black topping" is declared by this Ordinance to be an unacceptable practice.

4.43 Standards

The following uses shall be limited in the amount of on-site impervious surface areas to the prescribed ratios:

<u>Proposed Use</u>	<u>Percent Total Lot/Site Area</u>
Residential	55%
Commercial/Business	80
Industrial/Warehousing/Storage	80
Institutional	65

Section 4.5 Yards and Setbacks

4.51 Definition

A required yard or setback is open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard or setback is unoccupied and unobstructed from the ground upward except as is specifically provided by this section (see illustration).

4.52 Purpose

The purposes of these setback regulations are (1) to insure the provision of light and open space between structures, (2) to accommodate future street widenings at the lowest possible cost, and (3) to prevent the crowding of development.

4.53 Standards

All buildings and structures, including the expansion of existing buildings and structures, shall meet or exceed the following minimum setback requirements unless modified by Section 4.55. However, fences and walls shall be allowed along the property line, unless otherwise specified by bufferyard requirements.

USES	<u>FRONT YARDS ABUTTING:</u>				
	<u>LOCAL ROADS</u>	<u>COLLECTOR ROADS</u>	<u>ARTERIAL ROADS</u>	<u>SIDE YARDS</u>	<u>REAR YARDS</u>
<u>NON-RESIDENTIAL</u>					
Principal	30'	40'	50'	Note 1	10'
Accessory	30'	40'	50'	Note 2	Note 2
<u>RESIDENTIAL</u>					
Single-family	30'	40'	50'	10'	25'
Multi-family	30'	40'	50'	25'	25'
Mobile Home	30'	40'	50'	10'	25'
Duplex	30'	40'	50'	10'	25'
Townhouses	30'	40'	50'	15'	15'
Patio/Cluster	30'	40'	50'	Note 3	5'
Accessory	30'	40'	50'	5'	5'

NOTES:

- (1) A 10' side yard setback is required on one side only.
- (2) Accessory uses including off-street parking may be located in the required setback area, but not in any required bufferyard.
- (3) For patio homes and cluster housing subdivisions, a five (5) foot setback shall be required on one side only, and between the end unit and the external property line.

4.54 Measurements

Required setbacks shall be measured from the nearest property/right-of-way line perpendicular to the building line.

4.55 Modifications

The following modifications shall apply, where applicable:

- (1) Where more than one main building or structure is to be located on a lot, the required setback shall be maintained around the group of buildings.
- (2) Where a lot fronts on two nonintersecting streets, or two intersecting streets forming an angle of 60 degrees or less, front yard setbacks shall be provided on both streets.
- (3) For corner lots a front yard setback shall be required on the street of higher classification ranked in the following order: (1) arterial, (2) collector, (3) local; or in the case of two equally classified streets, the street having the higher traffic volume. A second front yard setback of one-half the depth shall be provided on the lower classified street or the one having the lower traffic volume.
- (4) Notwithstanding the front yard setbacks of this section, the front building line of any proposed building may be as close to the street as the average front building line of the buildings fronting on the same block and within 400 feet of the proposed use.
- (5) Free standing sign structures and off-street parking space may be located in the required setback area; provided such use and structures shall be no closer than five (5) feet to any property line and shall occupy no required bufferyard.
- (6) Commercial condominium projects are allowed to share interior property lines; provided that 20' setbacks shall be required on the end units; further provided that such projects (buildings) shall not exceed 600' parallel to the street providing principal access. Where buildings are grouped on the same lot, forming a shopping or business center, a 20' side yard setback shall be required on each end of the project.
- (7) For townhouses, there shall be no minimum between units, but a 15 foot setback shall be required between the end unit and the external property line, and between buildings on the projects site. No more than 6 units may be attached.
- (8) For multi-family and attached single-family dwellings not addressed in Section 4.53, a 25 foot setback shall be required between the exterior unit(s) and the external property line, and between buildings on the project site.
- (9) The following setback requirements for accessory buildings and uses shall modify and preempt the standards of Section 4.53:
 - (A) Accessory buildings or structures in excess of 15 feet in height or 600 square feet in gross floor area, satellite dishes, ham radio towers and domestic kennels and pens shall observe the minimum setback requirements for the principal building or use to which they are accessory; additional satellite dishes shall be located no closer than 50 feet to the front property line.
 - (B) Barns and structures housing livestock and the keeping of swine or fowl regardless of type enclosure shall be located no closer than 100 feet to the nearest property line.
 - (C) Off-street parking shall be no closer than five (5) feet to the nearest property line.

4.56 Projections Into Setback (Required Yard) Area

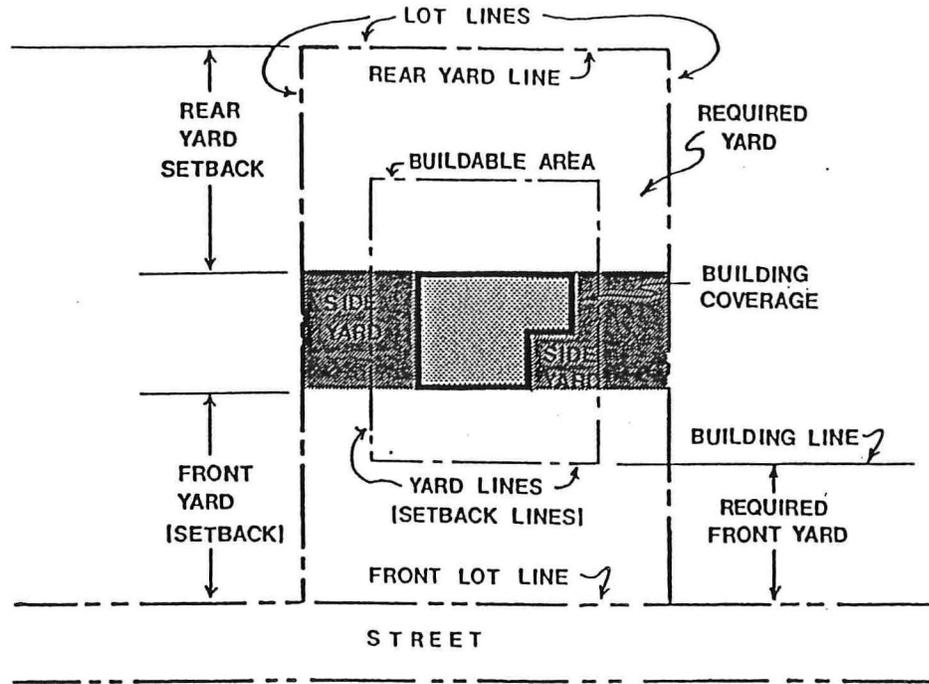
The following shall be permitted to project into the required setback area:

- (1) Eaves, chimney, cornices, gutters, and other minor architectural features projecting less than 24 inches from the main building.
- (2) Unenclosed steps not extending above the first floor level and not closer than five (5) feet to a property line.
- (3) Retaining wall of any necessary height, but not closer than eighteen (18) inches to a street line.
- (4) A protective hood or awning over a doorway may extend not more than five (5) feet into the required minimum setback area.

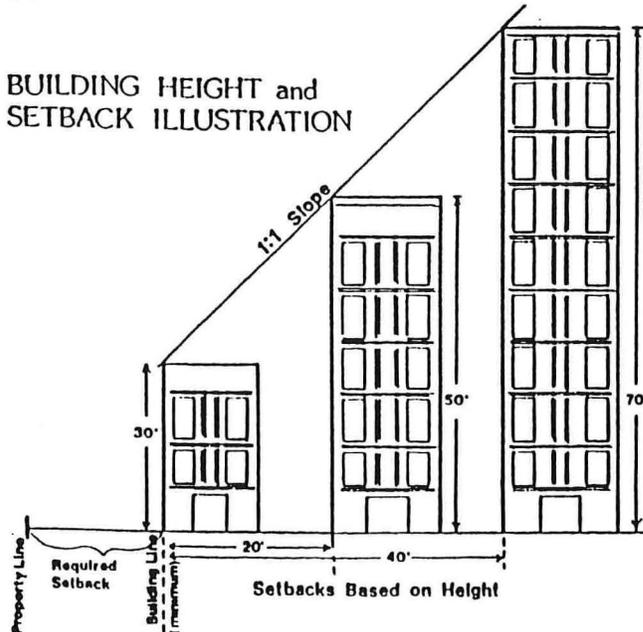
4.57 Setbacks At Street and Driveway Intersections

Where a driveway intersects a street, or a street intersects another street, any and all buildings, structures, or hedges shall be setback a sufficient distance from such intersection to assure visual clearance. However, structures or hedges less than 2-1/2 feet in height, structures (poles) less than twelve (12) inches in diameter, and free-standing signs at least nine (9) feet above ground, may be permitted in such visual clearance areas.

Yards and Setbacks



BUILDING HEIGHT and SETBACK ILLUSTRATION



Section 4.6 Building Height Standards

4.61 Definition

The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the building to the highest point of the roof.

4.62 Purpose

Building height standards are designed (1) to reduce or eliminate potential conflict between low and high rise development, and (2) to insure compatibility of scale and the provision of light and air.

4.63 Standards

Where a building or structure of 30 or more feet is proposed, said building or structure shall set back one additional foot in horizontal distance for each one foot in additional vertical distance (building height) over 30. Initially a 30 foot rise is permitted at and perpendicular to the building line. As the building or structure increases in height, it must distance itself from the (minimum) building line at the same rate of increase (1 to 1) illustrated by this Ordinance.

Section 4.7 Bufferyard Requirements

4.71 Purpose

The purpose of the bufferyard is to ameliorate nuisances between adjacent land uses, and promote compatibility. Additionally, the bufferyard offers the developer several options, each of which is calculated to "buffer" to an equivalent degree through distance (setbacks) and/or density (mass).

The unique feature of the bufferyard is that it is flexible. It may vary in distance and density based on (1) what is proposed, (2) what is existing on the adjacent property, and (3) the type of bufferyard selected from one of the four prescribed by the Bufferyard Illustrations.

4.72 Definition

A bufferyard is a unit of yard, together with plantings, fences, berms, walls, and other screening devices required thereon.

4.73 Location of Bufferyards

Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing public or private street or right-of-way; however, they may occupy part or all of any required front, side or rear yard setback. Where required, bufferyards and/or bufferyard structures shall be developed as an integral part of the proposed use.

4.74 Determination of Bufferyard Requirements

To determine the bufferyard required between two adjacent parcels, the following procedure shall be followed:

- (1) Identify the proposed land use.
- (2) Identify the use of land adjacent to the proposed use.

- (3) Determine the bufferyard required on each boundary (or segment thereof) of the proposed land use by referring to the Table of Bufferyard Requirements and Illustrations contained herein which specify the bufferyard options between a proposed use and the existing adjacent use.

Note: The number designation contained in the Table refers to the type of bufferyard specified by the Illustrations herein.

TABLE OF BUFFERYARD REQUIREMENTS

Legend	Existing Adjacent Uses								
	RCD District	All Other Single-family Res. & duplexes	Mobile Home Parks, Group Quarters	Multi-family & All Other Res. Uses	Office & Comm.	Industrial	Institutional	Local Streets	All Other Streets
0 No bufferyard required									
1 Class 1 bufferyard									
2 Class 2 bufferyard									
3 Class 3 bufferyard									
4 Class 4 bufferyard									
5 Class 5 bufferyard									
6 Class 6 bufferyard									
Proposed Land Use									
(1) Res, single-family, duplex, and single mobile home	0	0	0	0	0	0	0	0	0
(2) Res, cluster, townhouse & multi-family uses									
(a) 1 - 3 units (per gross acre)	2	0	0	0	1	1	1	1	1
(b) 3 -11 units (per gross acre)	4	1	1	0	1	1	1	1	1
(c) 12 or more units (pga)	5	2	1	0	1	1	1	1	1
(3) Res, mobile home parks, group qtrs.	5	2	0	2	1	1	2	2	2
(4) Office & Commercial Uses									
(a) Less than .25 floor area ratio	4	2	1	1	0	0	2	1	1
(b) .25 to 1.00 floor area ratio	5	3	2	2	0	0	2	1	1
(c) 1.00 floor area ratio or greater & shopping centers or office parks exceeding 250,000 sq. ft.	6	4	3	3	0	0	3	2	1
(5) Industrial & warehousing Uses									
(a) Light*	5	3	2	2	0	0	3	1	1
(b) Heavy*	6	4	3	3	3	0	4	2	1
(6) Institutional Uses*	4	2	2	2	0	0	0	1	1

*See land use definitions.

Note: Uses not generally included in one of the above, shall be assigned by the Administrative Official to one of the six bufferyard categories illustrated by this Ordinance, as appropriate to the scale and intensity of the proposed use relative to existing adjacent land uses.

4.75 Bufferyard Specifications

The attached illustrations specify the type and quantity of plant materials required by each bufferyard. The requirements are stated in terms of the width of the bufferyard and the number of plants required per 100 feet of bufferyard. The requirements of a bufferyard may be satisfied by any one of the options illustrated. The "plant unit multiplier" is a factor by which the basic number of plant materials required for a given bufferyard is determined given a change in width of that yard. Each illustration depicts the total bufferyard required between two uses. Whenever a wall, fence or berm is required within a bufferyard, these are shown as "structures" in the following illustrations wherein their respective specifications also are shown.

The exact placement of required plants shall be the decision of the developer except that evergreen (or conifer) plant materials shall be planted in cluster rather than singly in order to maximize their chances of survival and increase screening.

All bufferyard areas not devoted to plants shall be seeded with lawn grass or suitable ground cover.

4.76 Minimum Plant Size

Plants shall be sufficiently sized to insure buffering and screening at the time of installation. Where the Bufferyard Illustrations indicate a mass or line of plants paralleling the length of the property line, the plant materials shall be sufficiently sized to insure obscurity at the time of installation. However, seedling plants may be used where berms or structures are required as part of the bufferyard. The following table shall serve as a guide for determining minimum plant size.

<u>Plant Materials</u> <u>Type</u>	<u>Planting in Bufferyards Abutting</u> <u>Structures, Fences, Berms</u>	<u>All other</u> <u>Plantings</u>
Canopy Tree Single Stem	1-1/2 inch caliper	2-1/2 inch caliper
Multi-stem clump	6 feet (height)	10 ft.(height)
Understory Tree	4 feet (height)	1-1/2 inch caliper
Evergreen Tree	3 feet (height)	5 ft.(height)
Shrub		
Deciduous	15 inches (height)	24 inches (height)
Evergreen	12 inches (height)	18 inches (height)

4.77 Bufferyard Substitutions

(1) Evergreen canopy or evergreen understory trees may be substituted as follows:

--In the case of deciduous canopy forest trees, up to a maximum of fifty (50%) percent of the total number of canopy trees otherwise required;

--Evergreen canopy or evergreen understory trees may be substituted for deciduous understory trees and deciduous shrubs, without limitations.

(2) In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.

(3) Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.

- (4) Structures, where required, may be substituted with approval of the Planning Official.
- (5) Where, owing to existing land use, lot sizes, configurations, topography, or circumstances peculiar to a given piece of property the bufferyard requirements of this section cannot reasonably be met, the developer(s) may request and the Planning Official may approve the substitution of appropriate screening, in the way of a fence or wall structure, illustrated by this section, along the property line of the proposed use.
- (6) Where required by the Bufferyard Illustrations, berms may be substituted for more intense plantings, by increasing the plant unit multiplier by .25.

4.78 Outside Storage

Any proposed commercial, industrial or other non-residential use with over 500 square feet of outside storage area for materials to be sold, salvaged, stored and the like shall install a Class 6 Bufferyard around the outside storage area. Other uses on the site, if any, shall carry the appropriate bufferyard classification specified by the Table of Bufferyard Requirements.

4.79 Containers and Dumpsters

All exterior dumpsters or exterior garbage containers (excluding containers or groups of containers with a combined capacity of less than six cubic yards) shall be screened on all but one side by an F3 or F4 fence or wall, intensive landscaping, or other suitable opaque enclosure. The average height of the enclosure shall be one (1) foot more than the height of the container but shall not be required to exceed eight (8) feet in height. The open side shall not be visible from the street.

4.80 Fences and Walls - Appearance

All fences and walls used as part of the bufferyard requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished as owner deems appropriate. Where fences or walls are proposed by the developer, but not required by the applicable bufferyard requirements, they shall be established along the inside line of the bufferyards, toward the proposed use, except for ornamental fences or fences to the rear of the property, which may be built on the property line. Security fences and walls also may be established along the outer perimeter of the lot, with approval of the Planning Official.

4.81 Berms

Where required, berms may be located anywhere within the bufferyard, provided they parallel the property line.

4.82 Use of Bufferyards

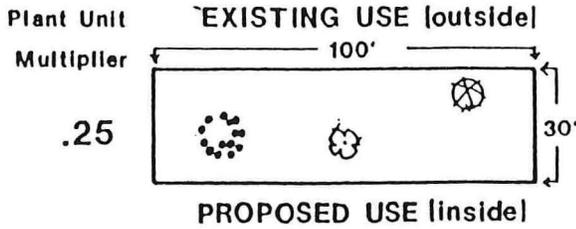
A bufferyard may be used for passive recreation; however, no plant material may be removed. All other uses are prohibited.

4.83 Required Maintenance

The maintenance of required bufferyards shall be the responsibility of the property owner. And all such yards shall be properly maintained so as to assure continued buffering. Failure to do so is a violation of this Ordinance and may be remedied in the manner prescribed for other violations.

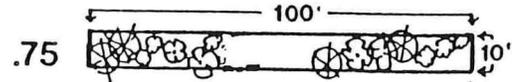
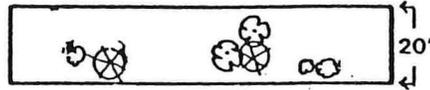
BUFFERYARD ILLUSTRATIONS

BUFFERYARD 1



.25

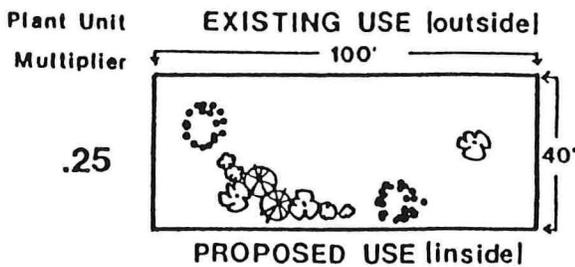
.50



REQUIRED PLANT UNITS/100'

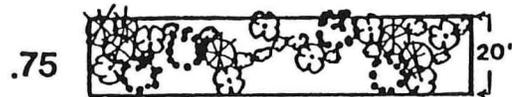
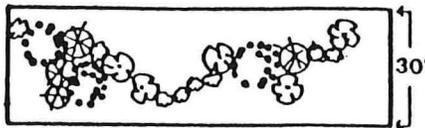
3	Understory Trees	
4	Evergreens/Conifers	
4	Shrubs	
<hr/>		
11	TOTAL	

BUFFERYARD 2



.25

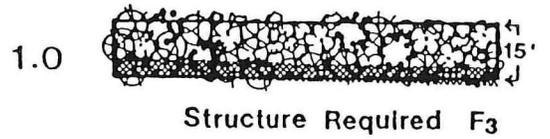
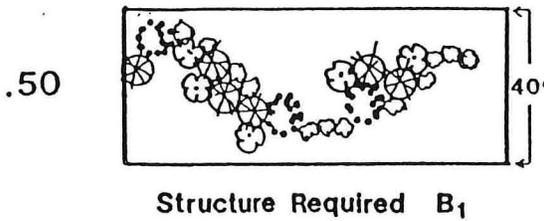
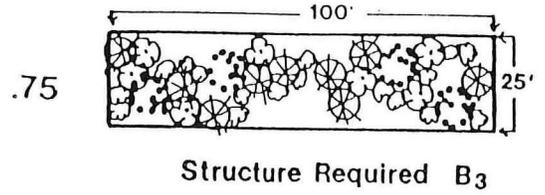
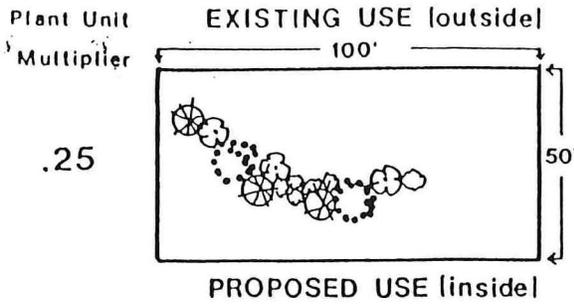
.50



REQUIRED PLANT UNITS/100'

4	Canopy Trees	
6	Understory Trees	
8	Evergreens/Conifers	
10	Shrubs	
<hr/>		
28	TOTAL	

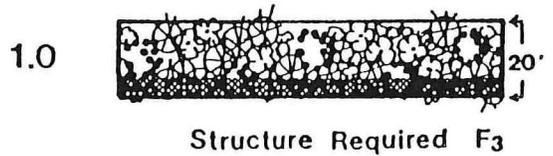
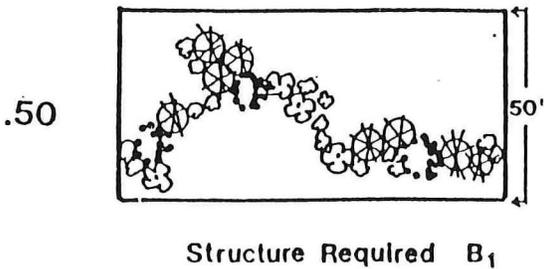
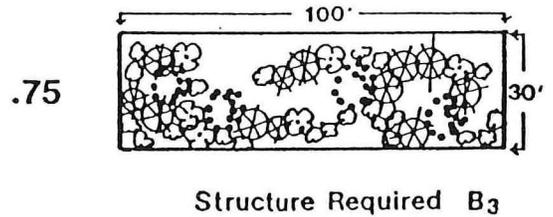
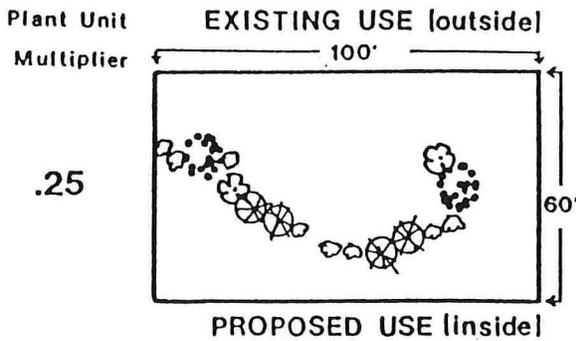
BUFFERYARD 3



REQUIRED PLANT UNITS/100'

4	Canopy Trees	
8	Understory Trees	
12	Evergreens/Conifers	
12	Shrubs	
36	TOTAL	

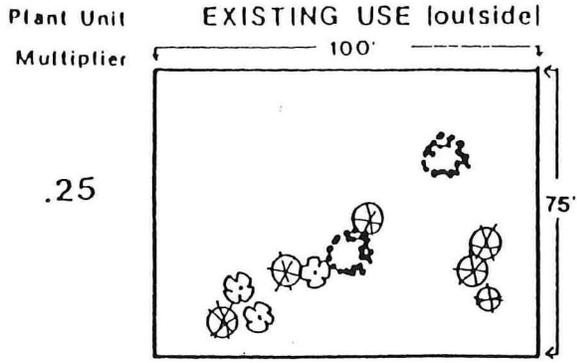
BUFFERYARD 4



REQUIRED PLANT UNITS/100'

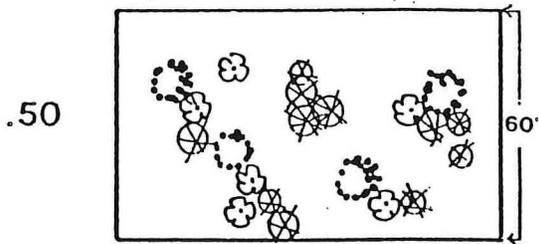
4	Canopy Trees	
8	Understory Trees	
12	Evergreens/Conifers	
12	Shrubs	
36	TOTAL	

BUFFERYARD 5

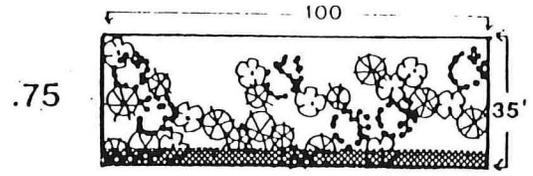


PROPOSED USE (inside)

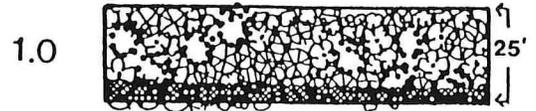
Structure Required B₁



Structure Required B₂



Structure Required B₃/BF₁

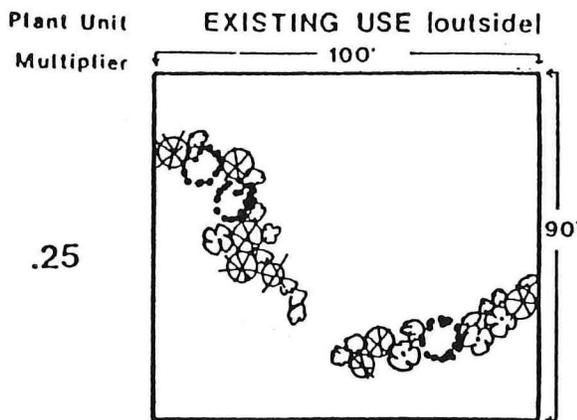


Structure Required F₃

REQUIRED PLANT UNITS/100'

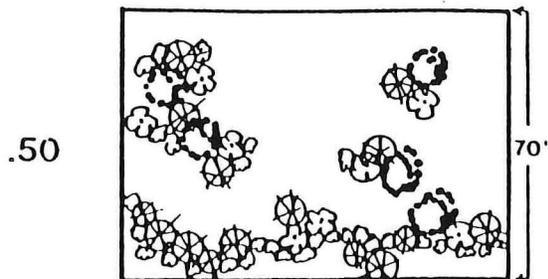
6	Canopy Trees	
12	Understory Trees	
12	Evergreens/Conifers	
16	Shrubs	
<hr/>		
46	TOTAL	

BUFFERYARD 6

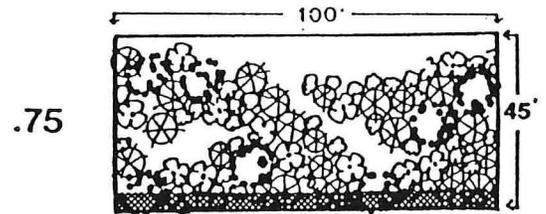


PROPOSED USE (inside)

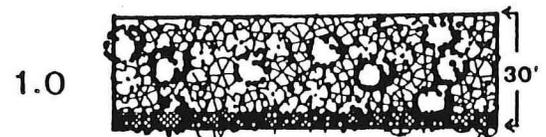
Structure Required B₁



Structure Required B₂



Structure Required F₃/B₃



Structure Required F₄/BF₁

REQUIRED PLANT UNITS/100'

8	Canopy Trees	
12	Understory Trees	
16	Evergreen/Conifers	
20	Shrubs	
<hr/>		
56	TOTAL	

FENCE and WALL ILLUSTRATIONS

FENCES

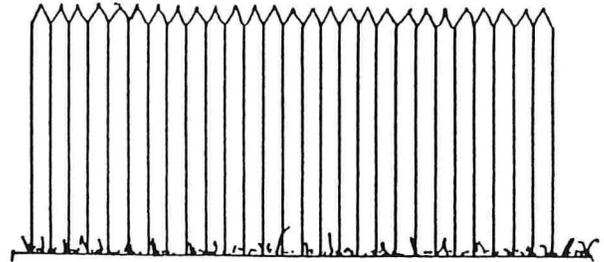
SYMBOL HEIGHT

F₁ 3'

F₂ 4'

F₃ 6'

MATERIAL



Wood Stockade/Opaque Fence
(non-perishable supports)

WALLS

F₄ 6'

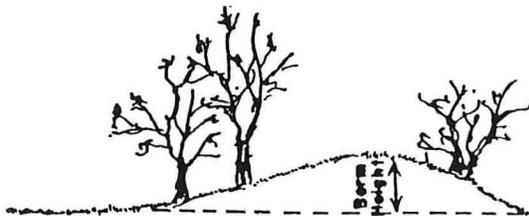
F₅ 8'

(Any combination of
berm and masonry wall)

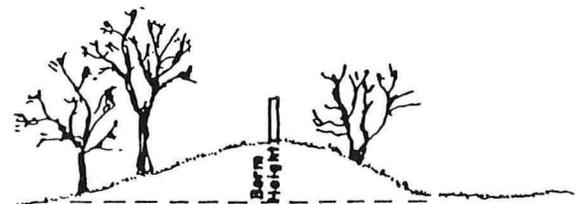


Masonry Wall
(poured concrete, stucco concrete, brick, etc.)

BERMS



BERM FENCES



SYMBOL HEIGHT MATERIAL

B₁ 3' Earth

B₂ 4' "

B₃ 5' "

SYMBOL HEIGHT

BF₁ 3' Berm w/3' Stockade Fence

BF₂ 4' Berm w/4' Stockade Fence

BF₃ 5' Berm w/5' Stockade Fence

Section 4.9 Erosion and Sediment Control Standards

4.91 Purpose

The purpose of these regulations is to prevent soil erosion and sedimentation associated with the development process, and to restore existing uncovered areas. The topography of Lancaster County is such that the potential for erosion and sedimentation exists with most development activity. And unless checks by the regulatory process it may negatively impact the environment.

4.92 Best Management Practices

Best management practices (BMP's) shall be employed in any development or land disturbing activity. Such practices shall be prescribed in Erosion and Sediment Control Practices For Developing Areas, promulgated by the South Carolina Land Resources Conservation Commission, Erosion and Sediment Control Division. This document is hereby adopted by reference as a guide to development in the unincorporated areas of Lancaster County.

4.93 Existing Uncovered Areas

All uncovered areas not actively being developed on the effective date of this Ordinance, which resulted from previous land disturbing development activities, and which exceed one contiguous acre, and which are causing off-site visual evidence of erosion or sedimentation, shall be provided with a ground cover or other BMP's sufficient to restrain accelerated erosion and control off-site sedimentation within 60 days of the effective date this Ordinance.

4.94 Erosion Control During Construction

The developer shall take all reasonable measures to reduce soil loss and contain sediment during construction. To help retain sediment generated by land-disturbing development activities within the boundaries of the development tract, the developer shall employ BMP's sufficient to restrain erosion during construction.

4.95 Construction Buffer Zones

No land-disturbing activity except recreational uses with grasses and other vegetation shall be permitted in proximity to a water body unless a vegetated strip or other BMP is provided along the margin of the watercourse of sufficient width to prevent sediment from leaving the site and entering the watercourse.

4.96 Erosion Control After Construction

The developer shall fully revegetate and stabilize the disturbed site area within 30 days of completion of building construction, using BMP's as prescribed by Section 4.92.

Section 4.10 Number of Principal Buildings on a Lot

Except for the following uses and projects, no more than one principal building may be located upon a lot of record; provided there shall be a minimum lot area of one acre.

- (1) Institutional buildings
- (2) Industrial buildings
- (3) Multi family dwellings
- (4) Commercial buildings
- (5) Planned Development Projects
- (6) Mobile home parks in accord with Section 5.13
- (7) Mobile homes in accord with Section 5.12

Where more than one principal building is located on a lot, all structures shall be within the buildable setbacks and any required bufferyards.

Section 4.11 Special Provisions for Development in Residential Subdivisions

Within the boundaries of any residential subdivision of three (3) or more lots in existence on the effective date of this Ordinance or any such subdivision subsequently created and developed, no use other than single-family dwellings and accessory uses thereto shall be permitted or erected.

Where there is some question concerning the boundaries of the subdivision, including street classifications, the Board of Appeals shall make the final determination, as provided by Section 9.15 of this Ordinance.

ARTICLE V

SUPPLEMENTAL DEVELOPMENT STANDARDS FOR CERTAIN LAND USES AND LARGE SCALE PROJECTS

Section 5.0 Purpose

The purpose of this Article is to ameliorate the impact and improve the siting of certain land uses, whose characteristics could adversely affect surrounding property and environmental conditions. Toward this end, standards over and above those set forth elsewhere by this Ordinance are imposed by this Article.

Section 5.1 Uses Affected By This Article

The additional requirements of this Article shall apply to the following uses:

- Sanitary landfills
- Construction, Demolition, and Land Clearing Debris Landfills, Convenience Stations, Resource Recovery, Solid Waste Storage, Transfer Facilities, Waste Tire and Treatment Sites and Composting Facilities
- Hazardous waste and nuclear waste disposal sites
- Automotive race and testing tracks
- Mining and extraction operations
- Pistol, rifle or skeet range
- Certain public service uses
- Adult uses
- Stockyards, slaughter houses, poultry houses, commercial kennels, swine lots, and animal auction houses
- Large scale projects
- Mobile Homes
- Mobile Home Parks
- Mini-warehouses
- Salvage Junk Yards

SECTION 5.2 Hearing, Review Required

Owing to the nature and potential impact of uses listed by this Article, the Board of Appeals shall call for and conduct a public hearing on any application to establish such use in Lancaster County, having given at least 15 days notice of time and place in a newspaper of general circulation in Lancaster County; except that uses permitted subject to the following sections shall be exempt from this requirement and may be approved for permitting by the Planning Official or his/her designee.

- Section 5.8 Stockyards, Slaughter Houses, Commercial Poultry Houses, Commercial Kennels, Livestock Auction Houses, and Swine Lots (provided that prior to permit issuance by the Building and Zoning Department, a 15 day notice of intent to construct be given in a newspaper of general circulation in Lancaster County .)
- Section 5.12 Mobile Homes
- Section 5.15 Mini Warehouses
- Section 5.16 Private or Commercial Horse Stables
- Section 5.17 Recycling and Solid Waste Handling Facilities

The Board of Appeals shall review and evaluate each application with respect to all applicable development standards contained herein and elsewhere in this Ordinance, and shall consider the following in its deliberations.

- (1) The relationship of the proposed use with respect to the county's Comprehensive Land Use and Development Plan.
- (2) The impact of the proposed use on the street system, with particular reference to automotive and pedestrian safety and convenience, traffic generation, flow and control, and access in case of fire or catastrophe, such as not to be detrimental to existing or anticipated uses, either adjacent to or in the vicinity of the proposed use.
- (3) The impact of the proposed use on nearby property.
- (4) The suitability of the affected site in terms of size, shape and topographic conditions to accommodate the proposed use, building or project and to ensure environmental compatibility.

5.21 Decision, Appeals

At the conclusion of its review the Board of Appeals may approve the proposal as presented, approve it with specified modifications, or disapprove it.

If approved, the applicant shall be issued the appropriate permit(s), or if conditionally approved, instructed on any contingencies or modifications imposed by the Board of Appeals. If disapproved, the applicant shall be notified in writing with the reasons therefor.

An appeal of a decision by the Board of Appeals may be filed within 60 days to the Office of the Clerk of Court. The Circuit Court may overturn, modify or affirm any decision of the Board of Appeals.

Section 5.3 Sanitary Landfills

Due to consideration for the public health and safety and potential pollution to the environment resulting from sanitary landfills, any such uses proposed for Lancaster County shall comply with the following supplemental development standards:

- (1) No such use shall be located within 2,500 feet of any existing residential, recreational, religious, educational, medical or public use (measured in a straight line).
- (2) A geotechnical engineering firm shall render a written opinion that to their best professional judgement, rock formations being used to contain the waste are impermeable and that the surrounding ground water sources will not be contaminated.
- (3) A drainage and sedimentation plan shall accompany the request, showing all off-site run-off.
- (4) Proposed facilities shall have direct access off a collector or arterial street.
- (5) The facility shall be screened in such a fashion as not to be visible from off-site. Screening may be accomplished by any combination of fences (F-3), walls (F-4), berms or landscaping in order to be screened from view. Where plants are to be used they shall be evergreens of sufficient size to accomplish buffering and screening at the time of installation.
- (6) No waste materials capable of being blown from the site shall remain uncovered or unsecured at the end of a work day.
- (7) A reclamation plan shall accompany the request outlining restoration and revegetation.

Such uses in existence on the date of passage of this Ordinance which are nonconforming, and any extension of such uses, operations, activities or business on such parcel or contiguous parcels under the same ownership on the date of passage of this Ordinance, shall be exempt from the distance separations listed in subsection (1).

Section 5.4 Hazardous Waste and Nuclear Waste Disposal Sites

All hazardous and nuclear waste disposal sites are declared by this Ordinance to be incompatible with prevailing environmental conditions, and existing and planned development in Lancaster County. All such uses are, therefore, prohibited and no such sites shall be permitted in the future without a comprehensive environmental impact statement, and approval by the Board of Appeals and County Council.

Section 5.5 Automotive Race and Testing Tracks

Automotive race and testing tracks are declared by this Ordinance to be incompatible with residential development. Additionally, such use(s) has the potential of negatively impacting many non-residential uses. As a result, any such proposed use for Lancaster County shall comply with the following development standards:

- (1) No such use shall be located within 2,500 feet of any residential use (measured in a straight line).
- (2) Dirt tracks shall be located no closer than one mile from any residential use.
- (3) Bufferyards specified between heavy industrial uses and residential uses in the RCD District shall be provided along all property lines.
- (4) Proposed facilities shall have direct access off collector or arterial streets only.

Section 5.6 Mining and Extraction Operations

Due to the land disturbing nature of these operations, pollution to air and water, and use of explosives to break up earth materials, such uses shall be permitted in Lancaster County only under the following conditions:

- (1) A mining permit must be obtained from the South Carolina Land Resources Board of Appeals prior to securing a county permit. The mining permit shall have been issued within six (6) months of the date of the request for the County permit.
- (2) A drainage and sedimentation plan shall accompany the application, showing all off-site run-off.
- (3) No such use shall be located less than 2,500 feet from any residential use; where explosives are to be employed, the minimum distance shall be one mile (measured in a straight line).
- (4) A vegetated strip shall be required along the margins of the excavation site to reduce sedimentation and airborne debris.
- (5) The site must take direct access to a collector or arterial street.

Mining and extraction uses in existence on the date of passage of this Ordinance which are non-conforming, and any extension of such uses, operations, activities or business on such parcel or contiguous parcels under the same ownership on the date of passage of this Ordinance, shall be exempt from these and all other requirements contained in this Article.

Section 5.7 Pistol, Rifle or Skeet Range

The unique nature of this use is such that the following criteria shall be observed in siting such use in Lancaster County.

- (1) No such use shall be located within one mile from any residential use (measured in a straight line).
- (2) The use shall be oriented away from habitable areas.
- (3) The site upon which the use is proposed shall be suitable in size and topography to insure the safety of area residents.

Section 5.8 Stockyards, Slaughter Houses, Commercial Poultry Houses, Commercial Kennels, Livestock Auction Houses, and Swine Lots.

5.8.1 Stockyards, Slaughter Houses, Commercial Poultry Houses, and Swine Lots

Owing to the serious objectionable operational characteristics of Stockyards, Slaughter Houses, Commercial Poultry Houses, and Swine Lots, and the deleterious effect of such uses on existing businesses and/or residential areas around them, the location of such uses in Lancaster County shall be subject to the supplemental siting criteria of this section.

1. All buildings and structures involved in the operation of the aforementioned uses, including, but not limited to animal barns and decomposition facilities shall be sited no less than 500 feet (measured in a straight line) from the property line on which the production unit is located, and on a parcel of land no less than seventy-five (75) acres.
2. All buildings and structures involved in the operation of the aforementioned uses, including, but not limited to animal barns and decomposition facilities shall be sited no less than 100 feet (measured in a straight line) from any water supply (public or private), stream, or watercourse.
3. All buildings and structures involved in the operation of the aforementioned uses, including, but not limited to animal barns and decomposition facilities shall be sited no less than 300 feet (measured in a straight line) from the centerline of any public road. Parcels upon which the production unit is located shall have direct access via road frontage or indirect access via recorded easement to a major local street. Access roads/easements shall maintain a minimum travel surface of 18 feet and have a width of 30 feet at the entrance intersection with a major local street, so as to accommodate truck traffic.
4. No such use shall be located within the following distances
 - 1,320 feet (measured in a straight line) of:
 - a) a residential use
 - 2,640 feet (measured in a straight line) of:
 - a) a church or religious institution
 - b) public or private schools and educational facilities
 - c) public parks and recreational facilities
 - d) any other Section 5.8.1 use
 - e) commercial and industrial uses
 - f) Incorporated municipal limits within Lancaster County
5. At a minimum, the applicant shall submit the following documents for review:
 - a) Site inspection letter from SCDHEC stating that the site is suitable for the proposed operation.
 - b) Aerial photographs showing the intended construction site(s) and manure spreading sites as well as notation of the type and size of the operation.

- c) Waste application *Contract* form (SCDHEC Annex K) for all landowners consenting to have waste spread on their lands.
- d) A site specific waste application table from Natural Resources Conservation Service that there are appropriate acres and crops to handle the expected quantity of waste.

6. Uses in this section shall obtain a building permit from the Building and Zoning Department. As required in Section 6.11, the applicant of a building permit for a subsection 5.8.1 use which would produce any objectionable elements shall acknowledge in writing his understanding of the performance standards applicable to his proposed use and shall submit with the building permit application, a compliance guarantee agreement to conform with such standards at all times. Any violation of this compliance guarantee shall constitute a violation of this Ordinance and shall be treated accordingly.

The requirements of this section are intended to be generally restrictive. Relief of one or more of the above requirements may be allowed through a request for a variance to the Board of Appeals as outlined in Article IX. Requests for a variance from any of the subsection 5.8.1 distance separations and/or minimum area requirements must be accompanied by a signed, notarized release statement from the adjacent property owner that would be affected.

5.8.2 Commercial Kennels and Livestock Auction Houses

Uses permitted under subsection 5.8.2 shall be sited no less than 500 feet (measured in a straight line) from the property line on which the use is located. Commercial Kennels and Livestock Auction Houses shall comply with setback and bufferyard requirements for light industrial uses.

Section 5.9 Certain Public Service Uses

Due to the need for and potential negative impact of the following uses, their location shall be guided by the additional requirements of this section.

- (1) Incinerators
- (2) Sewerage treatment plants
- (3) Electrical substations
- (4) Prisons

A proposed siting of any of the above uses shall be subject to the following requirements, as well as any special conditions imposed by the Board of Appeals to secure public health, safety and acceptance.

- (1) Full disclosure of all emergency procedures and an analysis of the adequacy of those procedures, where applicable.
- (2) Special bufferyard and screening requirements.
- (3) Environmental impact analysis, where necessary to adequately evaluate the impact of such uses.

Section 5.10 Adult Uses

Owing to the serious objectionable operational 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 in Lancaster County shall be subject to the supplemental siting criteria of this section.

(1) No such use shall be located within 1,000 feet (measured in a straight line) of:

- (a) a residential use
- (b) a church or religious institution
- (c) public or private schools and educational facilities
- (d) public parks and recreational facilities
- (e) any other adult use

(2) Such use shall have direct access off collector or arterial streets only.

Section 5.11 Large Scale Projects

(1) Purpose

Large scale projects can substantially impact environmental features, surrounding land use, traffic conditions and facilities, and public utilities. The purposes of this section, therefore, are to assure the proper siting of such projects in relation to their surroundings, and to avoid any negative fall out from improper planning and design.

(2) Large Scale Projects Defined

For purposes of this section, a large scale project is defined as follows:

- (A) Any project that generates a need for 100 or more off-street parking spaces, as determined by Section 7.2, Off-Street Parking Standards, excluding single-family subdivisions.
- (B) A truck or bus terminal, including service facilities designed principally for such uses.
- (C) Any project with two or more principal uses or buildings.

(3) External Relationships

External relationships shall be measured against and shall comply with the land use intensity standards of Section 4.3.

Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movement and minimize hazards to vehicular or pedestrian traffic. Merging and turning lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need.

Such projects shall not be permitted access to a minor local street, but may border or front on a major local street. Where a major local street intersects with a collector or arterial street, access drives shall be restricted to the major local street, where feasible.

Pedestrian access, where provided, shall be by safe and convenient routes. Where there are crossings or pedestrian ways and vehicular routes at edges of the project, such crossings shall be safely located, marked, and controlled; and where such ways are exposed to substantial automotive traffic, safeguards including fencing may be required to prevent crossing except at designated points.

More specifically, ingress and egress openings in concrete, asphalt, rock or other street curbing provisions commonly referred to as "curb cuts," as well as other means of vehicular access to and from such projects shall be in accordance with the following requirements:

(A) Size and Spacing of Curb Cuts and Other Access Points

Exit lanes shall be not less than 12 feet wide and entrance lanes 16' in width. Entrances/exits may not take access closer than one hundred and fifty (150) feet from the right-of-way line of an intersecting major local or collector street and two hundred (200) feet from an intersecting arterial street.

(B) Access Points In The Vicinity of Grade Separated Interchange

In no case shall any point of access or other means of vehicular ingress or egress to a public street be permitted closer than two hundred and fifty (250) feet to the intersecting point of that street's right-of-way line with the right-of-way of any portion of an interchange involving grade separations. Said interchange to include all portions of all ramps, accelerating and decelerating lanes, merge lanes, and other facilities specifically designed to facilitate traffic movement onto and off of the limited access highway.

(4) Internal Relationships

Streets, drives, parking and service areas shall provide safe and convenient access for service and emergency vehicles. Streets shall be laid out so as not to encourage outside traffic to traverse the development or create unnecessary fragmentation of the project into small blocks. In general, the project shall be consistent with use and shape of the site and the convenience and safety of occupants and persons frequenting the project.

Vehicular access to collector and arterial streets or portions of streets from off-street parking and service area shall be so combined, limited, located, designed, and controlled as to channel traffic to and from such areas conveniently, safely, and in a manner that minimizes traffic friction and promotes free flow of traffic on streets without excessive interruption.

Section 5.12 Mobile Homes

The placement or location of a mobile home not in a mobile home park or court shall meet the following development standards:

- (1) Such uses shall be occupied as residences unless otherwise specified by this Ordinance; and
- (2) No more than two mobile homes or one mobile home and one single family detached home shall occupy the same lot; provided one of the homes shall be owner occupied and each home shall have separate and independent electrical, and underground water and waste water treatment facilities or hook ups; and
- (3) The wheels for transporting such uses shall be removed; and
- (4) Such uses shall be placed on a permanent brick, permanent block or other concrete reinforced foundation, and shall be anchored by steel cables or straps to serve against accidental movement; and
- (5) The foundation shall be skirted by continuous aluminum, fiberglass, vinyl, or brick block extending to the ground around the perimeter of the unit.

Section 5.13 Mobile Home Parks or Courts

Where permitted by this Ordinance, mobile home parks or courts shall comply with the following development standards:

- (1) The minimum park or court area shall be three (3) acres, with a minimum lot width of 300 feet.
- (2) The maximum number of mobile homes per acre shall not exceed five (5).
- (3) Approved underground central water and sanitary sewer systems shall be utilized when reasonably accessible. If such systems are not available, individual, on site systems may be installed in accordance with Department of Health and Environmental Control (DHEC) standards and approval.
- (4) A system of storm drainage and refuse disposal facilities will be required.
- (5) Roadways, which are not to be dedicated as public streets, shall have a minimum travel width of eighteen (18) feet exclusive of parking.
- (6) All roadways in mobile home parks containing more than 10 mobile home stands shall be paved. Where roadways are not paved (parks of 10 or fewer stands), the driving surface shall be composed of 2 inches compacted crusher run stone.
- (7) All on site roadway intersections shall be provided with a street light, and interior lights shall be provided at not less than 400 foot intervals.
- (8) Each mobile home stand shall be at least 30 feet from any other stand or property line and at least 30 feet from the edge of any drive which provides common circulation.
- (9) The foundation of a mobile home shall be skirted by continuous aluminum, fiberglass, vinyl, or brick block extending to the ground around the perimeter of the unit.
- (10) No mobile home stand shall have direct access to a public street.
- (11) Two parking spaces shall be provided for each mobile home space. Parking may be provided for each mobile home site in community parking areas.
- (12) Existing trees and other natural site features shall, to the extent feasible, be preserved. Variations in the street pattern, block shapes and location of mobile home stands shall be employed.
- (13) Parks with more than 10 mobile homes shall reserve and develop for recreational purposes a minimum of 10% of the park site, but not less than 500 square feet.

Section 5.14 Automotive Wrecking, Salvage and Junk Yards

Owing to the environmental consequences and potential negative impact, unregulated open storage of junk or salvage material shall be restricted in Lancaster County to junk and salvage yards, as defined by this Ordinance and meeting the following conditions. All other unregulated open storage shall cease operations and vacate the premises within 90 days of the effective date of this Ordinance.

- (1) Such uses shall be located no closer than 1,000 feet to any RCD District, church, school, historical place or public park or 200 feet to an existing residential use not in an RCD District.
- (2) No material because it is discarded and incapable of being reused in some form shall be placed in open storage.
- (3) No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water or other causes.

(4) All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully enclosed buildings.

(5) All materials and activities not within fully enclosed buildings shall be screened in such fashion as not to be visible from off-site. Screening may be accomplished by any combination of fences (F-3), walls (F-4), berms or landscaping in order to be fully screened from view. Where plants are to be used, they shall be evergreens of sufficient size to accomplish buffering and screening at the time of installation.

(6) Any salvage or junk yard existing on the effective date of this Ordinance shall have 36 months within which to comply fully with subsection (2) through (5) above. Failure to do so will constitute a violation punishable as prescribed by Section 12.2.

Section 5.15 Mini-Warehouses

Due to the need to better integrate mini-warehouses into the urban fabric of the community, the following standards shall be observed:

(1) Size

Mini-warehousing sites shall not exceed two acres.

(2) Lot Cover

Lot coverage of all structures shall be limited to 50 percent of the total area.

(3) In/Out

Vehicular ingress-egress shall be limited to one point for each side of property abutting on street lot line.

(4) Storage Only

No business activities other than rental of storage units shall be conducted on the premises.

(5) Bufferyard and Screening

Mini-warehouses shall meet the bufferyard requirements for office and commercial uses with less than .25 floor area ration, Section 4.74.

Section 5.16 Private or Commercial Horse Stables

Owing to environmental consequences of keeping horses in residential areas, elsewhere in the community, horse stables, pens and areas for keeping horses shall meet the following requirements:

(1) The lot or parcel shall have a minimum width of 100 feet and a minimum area of one (1) acre for the first two horses or horse stalls, plus an additional 20,000 square feet for each additional horse or horse stall.

(2) The lot must be designed and maintained to drain so as to prevent ponding and propagation of insects.

(3) The lot must be designed and maintained so as to prevent the pollution by drainage of adjacent streams and other water bodies.

(4) The premises must be maintained in a sanitary condition through the proper use of lime and pesticides.

- (5) The premises must be maintained by keeping manure piles in covered containers at least fifty (50) feet from any dwelling or any pool, patio or other residential structure on an adjoining lot and at least twenty-five (25) feet from any property line. This requirement shall apply to residential uses in the RCD areas only.
- (6) All manure must be removed at least twice weekly so as to prevent propagation of flies and creation of odors.
- (7) All grain on the lot must be stored in rodent-proof containers.
- (8) All feed spillage on the lot must be promptly removed so as to prevent attraction of flies, rodents and birds and creation of odors.
- (9) The exercise and training areas on the lot must be dampened so as to prevent dust.

Section 5.17 Recycling and Solid Waste Handling Facilities

In keeping with the goals of the state's solid waste policies to reduce the amount of waste of solid waste being received at public landfills and incinerators; and to promote recycling of resources; and to promote land use compatibility, the above referenced facilities, where proposed for Lancaster County, shall meet the following siting and location requirements:

5.171 Recycling Facilities, Convenience Centers, and Resource Recovery Facilities

Due to the need for convenient collection locations and the potential for conflict with existing development and environmental amenities, the siting of recycling and collection facilities in Lancaster County, where permitted, shall be governed by the following standards:

- (1) That such facilities shall be located no closer than 150 feet to any church, school, historical place, public park, or existing residential use.
- (2) That such facilities shall meet the bufferyard requirements for light industry.
- (3) That all exterior storage of material shall be in sturdy containers or enclosures which are secured, and maintained in good condition, or shall be baled or palletized. Storage containers for flammable material shall be constructed of non flammable material.
- (4) That the site shall be maintained free of litter and all other undesirable materials, and will be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present.
- (5) That space shall be provided on site for customers to circulate, park and deposit recyclable materials and solid waste.
- (6) Where a facility is to be located within 500 feet of a residential use in an RCD or RLD district, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility will be administered by on site personnel during the hours the facility is open.
- (7) That any containers provided for after hours donation of recyclable materials will be at least 50 feet from any residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.
- (8) That donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

(9) That all applicable permits will be obtained from the South Carolina Department of Health and Environmental Control (SCDHEC) and any other permitting agency.

Such uses in existence on the date of passage of this Ordinance which are nonconforming, any extension of such uses, operations, activities or business on such parcel or contiguous parcels under the same ownership on the date of passage of this Ordinance, shall be exempt from the distance separations listed in item (1) of this subsection.

5.172 Solid Waste Storage and Transfer Facilities, Waste Tire Treatment Sites, and Composting Facilities

Due to the need for treatment and transfer locations and the potential for conflict with existing development and environmental amenities, the siting of solid waste handling and treatment facilities in Lancaster County, where permitted, shall be governed by the following standards:

- (1) That such facilities shall be located no closer than 500 feet to any church, school, historical place, public park, or existing residential use.
- (2) That such facilities shall meet the bufferyard requirements for light industry from residential uses on all sides.
- (3) That all exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized. Storage containers for flammable material shall be constructed of non flammable material.
- (4) That the site shall be maintained free of litter and all other undesirable materials, and will be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present.
- (5) That space shall be provided on site for vehicles to circulate, park and deposit materials and solid waste.
- (6) Where a facility is to be located within 500 feet of a residential use in an RCD or RLD district, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility will be administered by on site personnel during the hours the facility is open.
- (7) That all applicable permits will be obtained from the South Carolina Department of Health and Environmental Control (SCDHEC) and any other permitting agency.

Such uses in existence on the date of passage of this Ordinance which are nonconforming, any extension of such uses, operations, activities or business on such parcel or contiguous parcels under the same ownership on the date of passage of this Ordinance, shall be exempt from the distance separations listed in item (1) of this subsection.

Section 5.18 Construction, Demolition, and Land Clearing Debris Landfills

- (1) All such uses shall be permitted to operate in the county by the Lancaster County Planning Department and the South Carolina Department of Health and Environmental Control (SCDHEC).
- (2) Such uses may be located up to but no closer than 100 feet from any property line, except such landfill shall not be located closer than 300 feet from any dwelling, school building, day care center, religious, recreational or medical facility.
- (3) No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water or other causes.
- (4) All materials and activities shall be screened in such fashion as not to be visible from off site. The provisions of this subsection may be waived by the Board of Appeals where such facility will be utilized for a period not to exceed 90 days.

(5) The site shall be restored and revegetated on completion of use as a landfill.

ARTICLE VI
FUNCTIONAL PERFORMANCE STANDARDS
FOR NON-RESIDENTIAL USES

Section 6.0 Purpose

The purpose of this Article is to prevent land or buildings from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable or hazardous condition. Toward this end, the operational characteristics of all nonresidential uses shall be measured for conformance with the limitations of this Article and the following sections.

Section 6.1 Vibration

No vibration shall be produced which is transmitted through the ground and is discernable without the aid of instruments or at any point beyond the lot line; nor shall any vibration produced exceed the following particle velocity levels, measured with a vibration monitor in inches per second at the nearest:

- (1) Residential property line: 0.02
- (2) Non-residential property line: 0.10

Vibration emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these regulations.

Section 6.2 Fire and Explosives

All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against the hazards of fire and explosion including adequate fire fighting and fire suppression equipment.

Section 6.3 Noise

All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the value given in Tables I and II in any octave band or frequency. Sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform to specifications published by the American Standards Association.

Table I
Night Time Schedule

Maximum permissible sound pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9 p.m. and 7 a.m.

Frequency Band (In Cycles Per Second)	Sound Pressure Levels (In Decibels)	
	At Non-residential Lot line	At Residential Lot line
20 - 75	69	65
75 - 150	60	50
150 - 300	56	43
300 - 600	51	38
600 - 1,200	42	33
1,200 - 2,400	40	30
2,400 - 4,800	38	28
4,800 - 10,000	35	20

Table II
Day Time Schedule

Maximum permissible sound pressure levels at the lot line for noise radiated from a facility between the hours of 7 a.m. and 9 p.m. shall not exceed the limits of the preceding table except as specified and corrected below:

Type of Operation in <u>Character of Noise</u>	Correction (In Decibel*)
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5
Noise source operates less than 5% of any one-hour period	plus 10
Noise source operates less than 1% of any one-hour period	plus 15
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5

*Apply to the preceding table one of these corrections only.

Noise emanating from construction activities between 7 a.m. and 9 p.m. shall be exempt from these requirements.

Section 6.4 Air Pollution

The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Pollution Control Authority.

Air pollution emanating from construction activities between 7 a.m. and 9 p.m. shall be exempt from these requirements.

Section 6.5 Odor

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process which may involve the creation or emission of any such odor shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.

Section 6.6 Glare

There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding, or otherwise, so as to be visible in any residence.

Section 6.7 Fumes and Vapors

There shall be no emission of any fumes or vapors of a noxious, toxic, or corrosive nature which can cause damage or irritation to health, animals, vegetation, or to any form of property.

Section 6.8 Heat, Cold, Dampness or Movement of Air

Activities which could produce any adverse affect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.

Section 6.9 Toxic Matter

The measurement of toxic matter shall be at ground level or habitable elevation and shall be the average of any 24-hour sampling period. The release of any airborne toxic matter shall not exceed the quantities permitted for those toxic materials currently listed in Threshold Limit Values, adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in said listing, the applicant shall satisfy the Planning Commission that the proposed levels will be safe to the general population.

Section 6.10 Exterior Illumination

All operations, activities, and uses shall be conducted to as to comply with the performance standards governing exterior illumination prescribed below.

In general, the pattern of light pooling from each light source shall be carefully considered to avoid throwing light onto adjacent properties. Light sources visible in residential or medical areas shall comply with light intensities indicated in Column A below. Light sources visible in commercial or industrial areas shall comply with light intensities indicated in Column B below.

Maximum Intensity of Light Sources

	<u>Column A</u>	<u>Column B</u>
Bare incandescent bulbs	15 watts	40 watts
Illuminated buildings	15 ft. candles	30 ft. candles
Backlighted or luminous background signs	150 ft. lamberts	250 ft. lamberts
Outdoor illuminated signs & poster panels	25 ft. candles	110 ft. candles
Any other unshielded sources, intrinsic brightness	50 candela per sq. centimeter	50 candela per sq. centimeter

Illumination shall be measured from any point outside the property. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

Section 6.11 Compliance Guarantee

The applicant of a building permit for a non-residential use which would produce any of the above "objectionable elements" shall acknowledge in writing his understanding of the performance standards applicable to his proposed use and shall submit with the permit application, an agreement to conform with such standards at all times. Any violation of this agreement shall constitute a violation of this Ordinance and shall be treated accordingly.



ARTICLE VII
 DEVELOPMENT STANDARDS
 FOR OFF-STREET PARKING AND LOADING

Section 7.0 Definition

An off-street parking space is an area, not in a street or alley, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a driveway which affords ingress and egress.

Section 7.1 Purpose

The purpose of this Article is to insure the provision of off-street parking in sufficient quantity to satisfy the demand generated by any given land use, and subsequently reduce the impact of development (requiring parking) on the public transportation system.

Section 7.2 Off-Street Parking Requirements

Off-street automobile storage and parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of parking spaces provided shall be at least as great as the number specified below for the particular use(s). When application of said provision results in a fractional space requirement, the next larger requirement shall prevail.

<u>PRINCIPAL USE</u>	<u>SPACES PER UNIT OF MEASURE</u>
Auditorium, theater places of public assembly	0.3 per seat, main auditorium
Auto service station, full service	1.0 per pump
Boarding and rooming house	1.0 per bedroom
Bowling Alley	5.0 per lane
Church/synagogue	0.3 per seat, main seating area
Child care center	1.0 per employee, plus 1.0 per 10 children
Congregate housing	1.0 per employee largest shift, plus 0.4 per resident
Cultural facilities, i.e. art galleries, museums, libraries, etc.	1.2 per 1,000 sq. ft., GFA
Dwelling unit	1.5 per one bedroom unit; 2.0 per unit for all others

Financial Institutions	1.0 per 300 sq. ft., GFA
Automatic tellers	2.0 per machine
Fraternity & sororities	3.3 per 1,000 sq. ft. GFA
Funeral home	5.0, plus 1.0 per 4 seats in main assembly room
Grocery or supermarket	3.5 per 1,000 sq. ft. GFA
Grocery convenient (7-11 type) (with or without gas pumps)	1.0 per 200 sq. ft. GFA
Hospitals and nursing homes	1.0 per bed, plus 1.0 per 300 sq. ft. office and administrative space
Hotel, motel or motor court	1.1 per rental unit, plus requirement for associated use
Industrial, manufacturing, and processing uses	0.6 per employee of largest shift
Mini-warehouses	1.0 per 10 storage units
Mobile home park	2.0 per mobile home space, plus 0.5 per employee
Membership organization	3.3 per 1,000 sq. ft. GFA
Office and professional building	1.0 per 300 sq. ft. GFA
Office, medical or dental, clinics	8.0 per doctor or dentist
Public service buildings	3.3 per 1,000 sq. ft. GFA
Radio and TV stations	1.2 per 1,000 sq. ft. GFA
Restaurants and other established dispensing drinks and food	1.5 per 150 sq. ft. GFA
Retail store and personal service shops	1.0 per 300 sq. ft. GFA
Sales and service not listed elsewhere	1.0 per 500 sq. ft. GFA

Schools:	
Elementary & Jr. High	2.0 per classroom, plus 2.0 office
Sr. High, Business, Vocation, and colleges	0.3 per student, plus 1.0 per staff member
Shopping Center	1.0 per 250 sq. ft. GFA
Taverns, discos, night clubs, clubs engaged principally in dispensing alcoholic beverages	1.0 per 30% of capacity
Veterinary clinic	5.0 per 1,000 sq. ft. GFA
Wholesaling, warehousing and distribution operations	0.6 per employee of largest shift

* GFA = Gross Floor Area

The parking space requirements for a use not specifically listed above shall be the same as for a listed use of similar characteristics of parking demand generation.

Except for shopping centers, mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

Whenever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

Section 7.3 Parking Space For The Physically Handicapped

When off-street parking is required for any non-residential use, except for industrial and warehousing uses, parking for the handicapped shall be included when calculating the overall parking requirements for a building or use, based on the following formula:

<u>Number of Required Spaces</u>	<u>Number of Spaces Reserved For Handicapped Persons</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8

401 to 500	9
501 and over	2% of total required

Parking spaces for the physically handicapped shall measure 12 feet by 20 feet and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps and walkways.

Section 7.4 Reduction of Off-Street Parking Space

Off-street parking facilities at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or new use. Off-street parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance, except that by reason of a reduced floor area or capacity or change in requirements that a reduction in off-street parking is reasonable and consistent with the public welfare.

Section 7.5 Land to Provide Parking

The land to provide parking must be on the same site as the use it is intended to serve; however, street separation is permissible.

Section 7.6 Design Standards

7.61 Applicability

The requirements of this section shall not apply to patio homes, duplexes, mobile homes, semi-detached dwelling, or outdoor recreational uses.

7.62 Drainage and Maintenance

Off-street parking facilities shall be properly graded for drainage to prevent damage to abutting property and/or public streets. Off-street parking area shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.

7.63 Separation From Walkways and Streets

Landscaping, curbing, fencing or other approved barriers to vehicular movement shall be provided along property boundaries to control entrance and exit of vehicles or pedestrians, and separate off-street parking spaces from sidewalks and streets. All parking spaces shall be designed so that vehicular movement onto a public street is in a forward motion.

7.64 Surfacing and Marking

Parking lots with twenty (20) or more spaces shall be surfaced with asphalt or concrete, and shall be marked by painted lines, curbs or other means to indicate individual spaces. However, such requirements may be waived on an individual basis by the Planning Commission for rural churches, certain industrial uses, and uses not catering to the public.

7.65 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 uses.

7.66 Parking and Isle Dimensions

Parking stall shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum of thirty percent (30%) of the total number of stall may be 8.5 feet by eighteen (18) feet. However, the dimensions of all parallel parking stalls shall be not less than nine (9) feet by twenty-four (24) feet. Minimum isle widths shall be as follows:

- | | |
|-----------------------|---------|
| (1) 90 degree parking | 24 feet |
| (2) 60 degree parking | 20 feet |
| (3) 45 degree parking | 15 feet |

Section 7.7 Joint Use of Off-Street Parking Lots

Up to 50 percent of the parking spaces required for (1) theaters, public auditoriums, bowling alleys, dance halls, clubs, churches, and religious institutions may be provided and used jointly by (2) financial institutions, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those listed in (1); provided however, that written agreement assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and content by the County Attorney, and shall be filed with the application for a building permit.

Section 7.8 Off-Street Loading

All uses shall provide off-street loading areas sufficient for their requirements. Such space shall insure that no vehicle being loaded or unloaded in connection with normal operations will stand in or project onto a public street or sidewalk.

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

Section 7.9 Parking, Storage and Use of Certain Vehicles

- (1) Open storage of more than two (2) automobiles, trucks or trailers of any type requiring but without current license plates shall be prohibited on any residential parcel. Where such open storage is permitted, both the vehicles and the area of storage shall be properly maintained to avoid unsafe, unsanitary, or unsightly conditions. Storage of more than two (2) of any junked units or such equipment shall be totally screened from view by placement in a building or other opaque enclosure.
- (2) The parking or storage of tractor trailer rigs and/or cabs is not permitted in the RCD District, with the exception of vehicles not exceeding three-quarter (3/4)ton loading capacity.
- (3) Not more than (1) travel or camping trailer per family living on the premises shall be permitted on a lot in any RCD District; and the trailer shall not be occupied temporarily or permanently while it is parked or stored.
- (4) All uses not in compliance with the provisions of this section shall be removed or brought into conformity within 90 days of the effective date of this Ordinance.



ARTICLE VIII

DEVELOPMENT STANDARDS FOR THE CONSTRUCTION, MAINTENANCE AND REMOVAL OF SIGNS

Section 8.0 Purpose

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

Section 8.1 Applicability and Conformance

This Article regulates the number, size, placement and physical characteristics of signs, exempts certain signs, prohibits certain signs, and requires permits for certain signs.

From and after the adoption of this Ordinance, no sign may be erected in the unincorporated area of Lancaster County unless it conforms with the requirements of this Article.

Section 8.2 Exempt Signs

The following signs are exempt from the provisions of this Article, and require no permit.

- (1) One sign or plate attached to the wall of each building, not more than one (1) square foot in area.
- (2) Signs of duly constituted governing bodies, including traffic regulatory devices, legal notices and warning at railroad crossings.
- (3) Signs on the interior side of window glass.
- (4) One free-standing sign per lot, not to exceed 1.5' x 2' in area.

Section 8.3 Prohibited Signs

The following signs are prohibited.

- (1) Any sign which displays intermittent or flashing illumination or lights of changing degrees of intensity, except a sign indicating time and/or temperature with changes alternating on not less than a five-second cycle.
- (2) Any illuminated tubing or string of lights outlining property lines or open sales areas, roof lines, doors, window or wall edges of any building, except for "holiday season" lights.
- (3) Any sign or advertising device attached to or painted on a fence, power or telephone pole, tree, stone or any natural object.
- (4) Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose or providing a sign not otherwise allowed for by this Ordinance.

- (5) Abandoned signs.
- (6) Roof signs.

Section 8.4 Permitted Signs

The following signs are allowed, subject to the issuance of a sign permit by the County and compliance with the applicable development standards of this section.

8.41 Signs Permitted In the RCD District

The following signs and no others shall be established or erected in the RCD District.

- (1) One free-standing sign for each non-residential use permitted by this district and one free-standing sign for each subdivision or entrance thereto, provided the sign area does not exceed 20 square feet in area nor 20 feet in height, and if illuminated is done so by indirect or muted lighting.

8.42 Signs Permitted in the GD-M, GD-L, IND, RR, and RLD Districts

The following signs and no others shall be permitted in the above referenced districts:

- (1) All signs permitted in the RCD District, together with the conditions attached thereto.
- (2) Free-standing signs for non-residential uses, under the following conditions:
 - (a) Allowable Area. Free-standing signs are allowed one (1) square foot of sign face per linear foot of street frontage for the first 100 feet; and 1/2 square foot of sign face for each linear foot in excess of 100 feet, up to a maximum of 300 square feet.
 - (b) Number of Signs. One free-standing sign is allowed for each developed site, lot or parcel. Where a site or parcel fronts on more than one street, one additional free-standing sign is permitted for each additional street upon which it fronts. Signs are not permitted on undeveloped lots or parcels.

Where two or more detached buildings occupy the lot or parcel, each may have one free-standing sign, provided the total sign area does not exceed the allowable limits specified by 8.42 (3) (a), based on the total linear street frontage of the site or parcel on which they are to be located.

Where two or more attached businesses or buildings occupy the same site or parcel, i.e. shopping center, only one free-standing sign for the aggregate businesses shall be permitted per street frontage.

- (c) Height of Signs. No free-standing sign shall exceed 35' in height.
- (3) Permanent signs attached to buildings, under the following conditions:
 - (a) Allowable Area. If there is no free-standing sign on the site, 1-1/2 square feet of sign area shall be permitted for each linear front foot of the principal building.

If there is a free-standing sign, only one (1) square foot of sign area shall be permitted for each linear front foot of the principal building.

- (b) Types of Signs. Flat, projecting, marquee, and awning signs are allowed.
- (c) Number of Signs. There is no limit on the number of signs if within the total allowable area limit.

However, only one projecting sign is allowed per building frontage, and shall be allowed only if there is no free-standing sign on the same site frontage; except for shopping centers, which may have one projecting sign for each business use, plus allowable free-standing signs.

- (4) Temporary Signs, under the following conditions:
 - (a) Pennants, flags, and fluttering devices and similar exhibits to announce grand openings and mark special occasions; provided such exhibits are removed within 30 days of the day they are permitted; further provided that no exhibit shall be re-permitted within six months of the time it or similar display is removed from the premises.
 - (b) Portable signs, provided such signs are removed within 3 months of the day they are permitted; no more than one such sign is permitted for each non-residential use; and no such sign shall be re-permitted within six months of the time it is removed from the premise. Portable signs are not permitted on residential or undeveloped lots or parcels.
 - (c) Political signs not mounted on permanent or permitted signs; provided such signs are placed or posted no earlier than 60 days prior to an announced election and are removed within two weeks thereafter.

Section 8.5 Development Standards

All signs allowed by this Article shall comply with the development standards of this section.

8.51 Visual Area Clearance

No sign shall be located so as to obstruct travel vision at street or driveway intersections.

8.52 Vehicle Area Clearance

When a sign extends over an area where vehicles travel or are parked, 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.

8.53 Pedestrian Area Clearance

When a sign extends over sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least 8-1/2 feet above the ground.

8.54 Sign Materials

Signs must be constructed of durable materials, maintained in good condition and not permitted to fall in disrepair.

8.55 Sign Illumination

Signs when illuminated by direct lighting shall have such lighting shielded so as not to directly shine on abutting properties or in the line of vision of the public using the streets or sidewalks.

8.56 Location of Signs

No signs including traffic signs and similar regulatory notices except those of a duly constituted governing body shall be located within any road right-of-way.

No part of a sign, while permitted in required yards, shall be located closer than five (5) feet to any property line.

No part of any sign attached to a building in any manner shall extend beyond the uppermost point of such building, except for those signs which are an integral part of the architectural design of said building.

Section 8.6 Sign Measurement

8.61 Sign Face Area

- (1) 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 (Illustration 1). Sign area does not include foundations or supports. Only one side of a double-faced or v-shaped, free-standing sign is counted.
- (2) For signs on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used unless it is clear that part of the base contains no sign related display or decoration.
- (3) For signs constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all the pieces (Illustration 2).
- (4) For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (Illustration 3).
- (5) The maximum surface area visible at one time of a round or three dimensional sign is counted to determine sign area.
- (6) For signs incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign related display or decoration.

8.62 Clearances. Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face (Illustration 4).

8.63 Building Frontage. Building frontage is derived for each ground floor occupant's qualifying exterior walls (Illustration 5).

Section 8.7 Removal of Signs

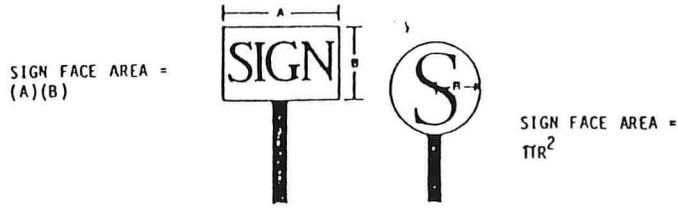
- (1) The law use of any permanently mounted sign existing at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance, except that those declared abandoned shall be removed within 90 days of the effective date of this Ordinance.
- (2) Any existing sign which is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area, and which is subsequently destroyed or damaged to the extent of 50 percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.

- (3) Any non-conforming sign which is not permanently mounted shall be removed or brought into conformity no later than three months following the effective date of this Ordinance.
- (4) An order under this section shall be issued in writing to the owner of any abandoned or non-conforming sign, or of the building or the premises on which such sign is located, to comply within a stated period of time. Upon failure to comply with such notice, the County may remove the sign and any costs of removal incurred in the process may be collected in a manner prescribed by law.

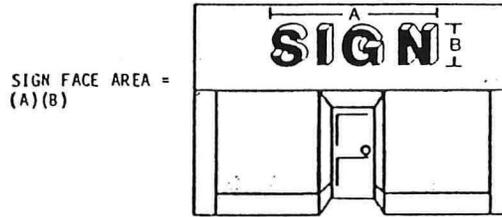
ILLUSTRATIONS - Section 8.6

SIGN FACE MEASUREMENT ILLUSTRATIONS

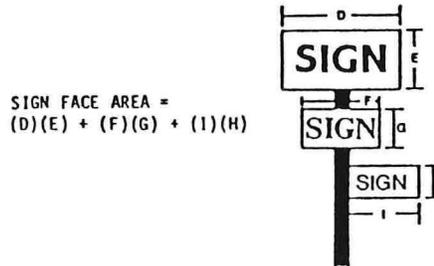
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3.



4.

SIGN CLEARANCES

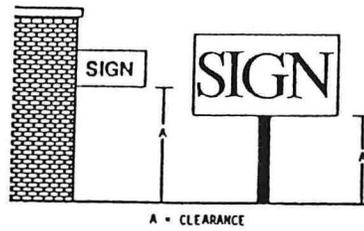
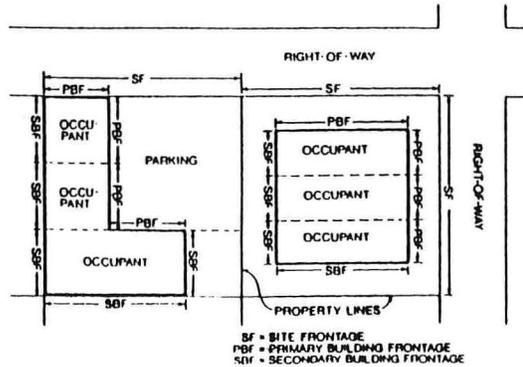
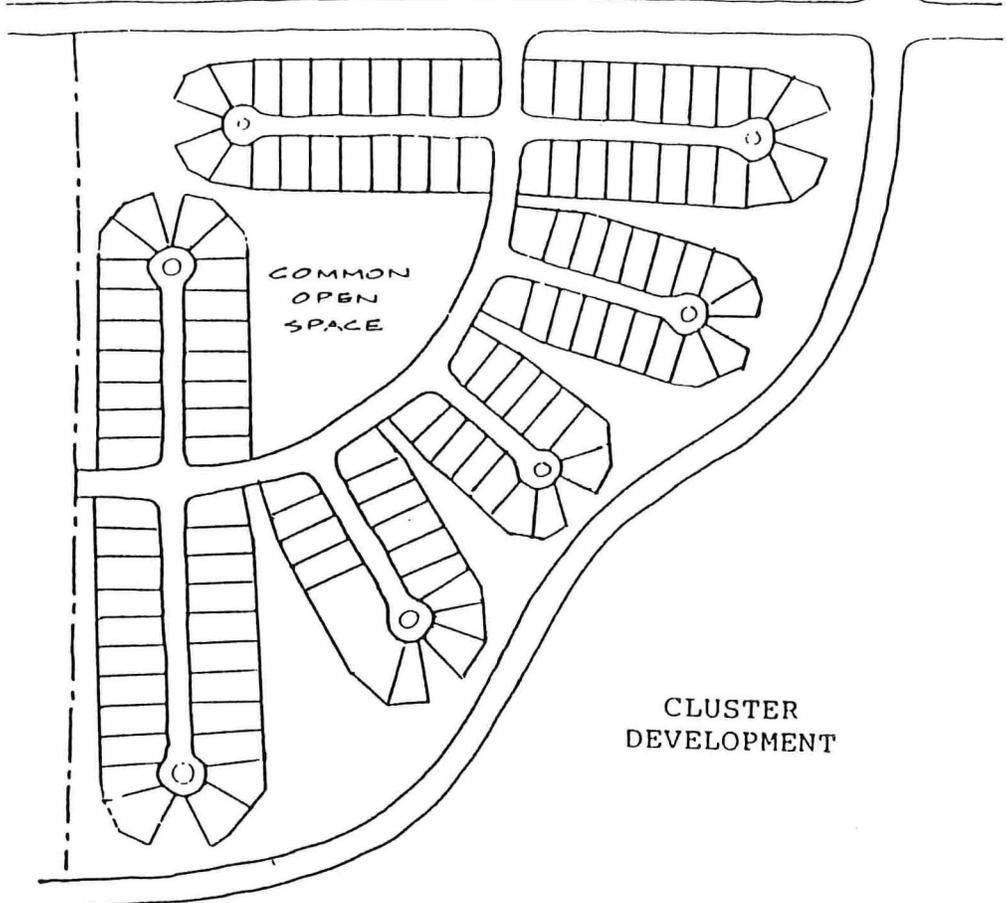


ILLUSTRATION - Section 8.63

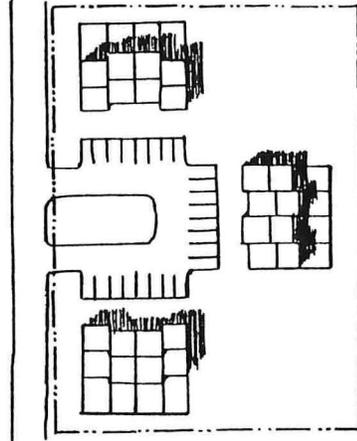
BUILDING FRONTAGE MEASUREMENT

5.

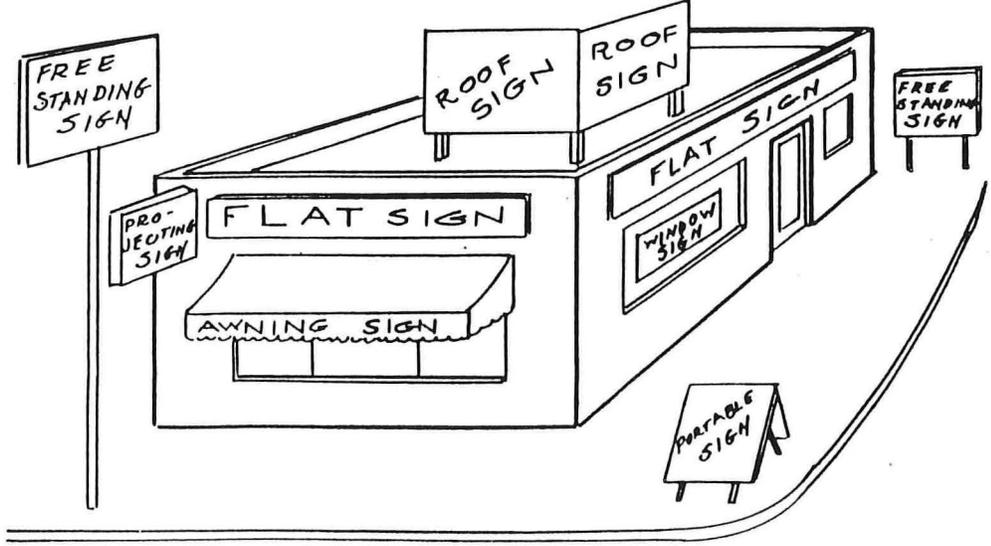




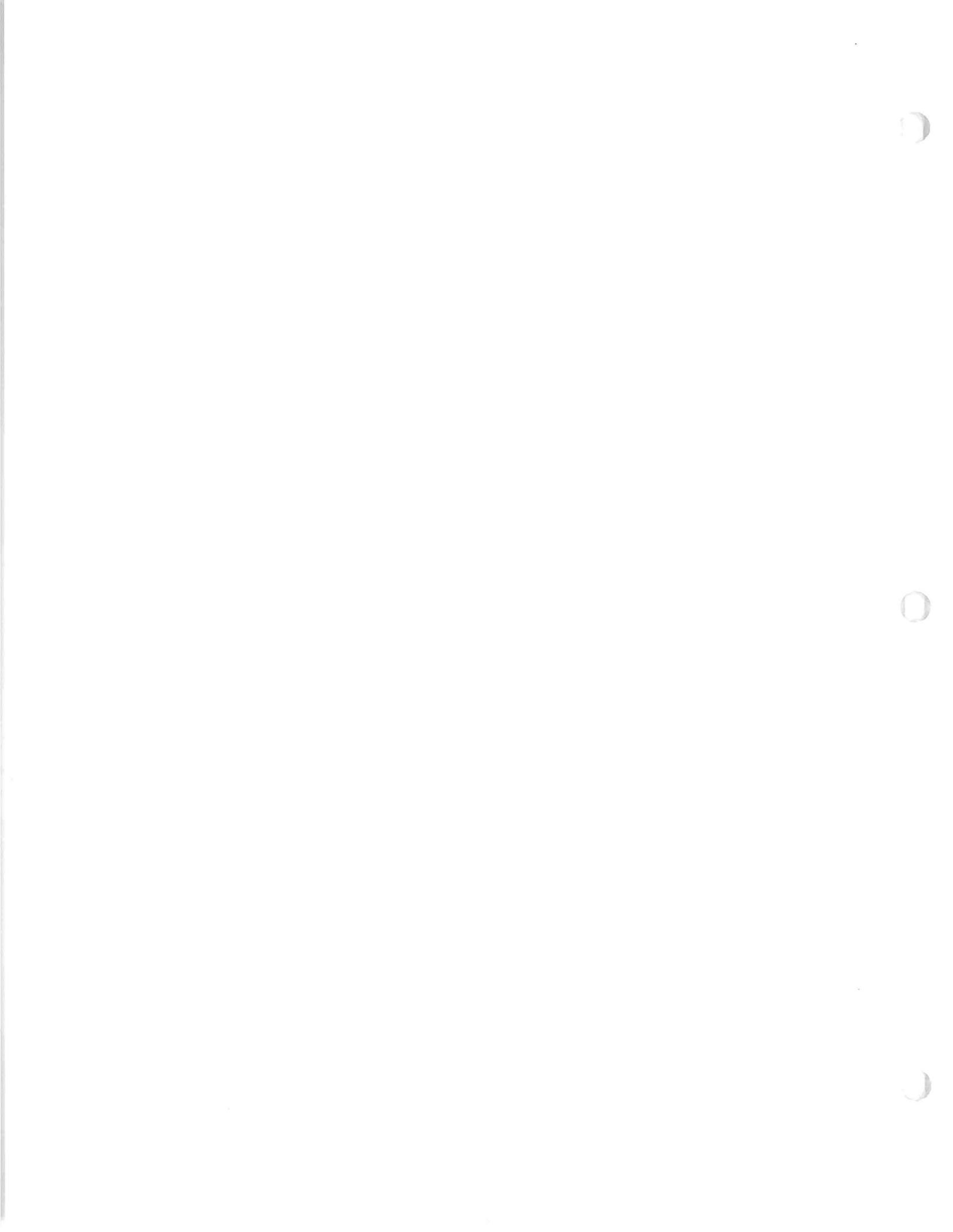
CLUSTER DEVELOPMENT



DWELLING, TOWNHOUSE



SIGN TYPES



ARTICLE IX
ADMINISTRATION

Section 9.0 Administrative Officer and Responsibilities

The duly appointed Planning Official or his designee is hereby given the authority to administer and enforce all the provisions of this Ordinance.

The Planning Official shall accept and examine all applications for construction, land use or reuse, and shall issue building, use and sign permits where such applications are in accordance with the provisions of this Ordinance and applicable building codes. He/She shall direct parties in conflict with this Ordinance, cause to be kept records and files of any and all matters referred to him/her and to execute any and all reports as County Council may require.

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

Section 9.1 Building and Sign Permits Required

No building, sign, or other structure shall be erected, nor shall any existing building, sign, or other structure be moved, added to, enlarged or structurally altered, and no excavation for any building or other structure shall be begun before the issuance of a Building Permit therefor by the Planning Official or his designee. No Building Permit shall be issued where it appears that the structure or facilities to be constructed for the use contemplated would be in violation of the provisions of this Ordinance. The provisions of this section shall not apply to the necessary construction, replacement or maintenance by a public utility or its outside plant facilities, including such items as poles, crossarms, guys, wire, cable and drops.

Section 9.2 Use Permit Required

No building, other structure or land shall be used; nor shall any building, structure or land be converted, wholly or in part, to any other use, until a Use Permit, certifying compliance with this Ordinance, has been issued by the Planning Official, except that no use Permit shall be required for any use in existence on the effective date of this Ordinance. No Use Permit shall be issued where such use is in violation of the provisions of this Ordinance, or of any other applicable law or regulation.

Section 9.3 Duration of Validity

Any building permit issued shall become invalid if the authorized work is not commenced within twelve (12) months of the date of issuance or is suspended or abandoned for a period of twelve (12) months, provided that the Planning Official may, upon good cause shown within either of said twelve (12) month periods, extend a permit for an additional period not exceeding twelve (12) months.

Section 9.4 Reason for Denial

If so requested by the person denied a Permit, the Planning Official shall provide a written statement of his reasons for refusing such Permit.

Section 9.5 Fees

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

Section 9.6 Filing and Review of Applications

Applications for building, sign, and use permits shall be filed on forms provided by the office of the Planning Official and reviewed for compliance with all applicable provisions of this Ordinance in a timely manner.

Section 9.7 Application Requirements for a Building Permit

Each application for a building permit shall be accompanied by the following or as much thereof as the Planning Official shall find necessary to determine whether the proposed building or facility will be in compliance with the provisions of this Ordinance:

- (1) Site analysis, where applicable.
- (2) Assurance as to the acceptable performance of non-residential uses.
- (3) A plat, with date and scale, showing the actual shape and dimensions of the lot to be built upon; the exact size and location on the lot of existing buildings and structures, and the lines within which the proposed building, structure, or facilities are to be erected, altered, or constructed; the existing and intended use of each building or part of a building; the number of families or housekeeping units the building is designed to accommodate; bufferyards; flood and wetland areas; proposed parking; and such other information with regard to the lot and contiguous land uses as required to determine compliance with and provide for the enforcement of this Ordinance.

Section 9.8 Application Requirements For a Use Permit

Application materials required for a Building Permit and on file in the Planning Official's Office, shall constitute the basis for compliance determination and subsequent issuing of a Use Permit. Each application for a Use Permit shall be made at the time the building or structure is substantially complete, and shall be issued upon finding by the Planning Official and assurance by the owner/developer that the proposed use has been constructed, erected, or altered in accord with all applicable requirements of this Ordinance.

Failure to comply with the standards and requirements of this Ordinance may result in withholding the issuance of such permits prevent the use of said building or property until compliance is certified.

Section 9.9 Application Requirements For a Sign Permit

Each application shall be accompanied by the following information:



- (1) Identification of ownership and/or leaseholder of property on which sign is to be erected, including street address.
- (2) Name and address of the owner of the sign.
- (3) Site plan sketch 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 setback lines, and any buildings, parking areas, existing free-standing signs, and bufferyards.
- (4) Correct size, shape, configuration, fence area, height, nature, number and type of sign to be erected.
- (5) The value of the sign and sign structure.
- (6) The Planning Official may waive any of the informational requirements listed above deemed unnecessary to any application.

Section 9.10 Inspection For Compliance

The Planning Official may make or require any inspections of any construction to ascertain compliance with the provisions of this Ordinance and other laws which are in force and to ascertain that such building or structure is constructed or erected as indicated on the approved permit application.

Section 9.11 Appeal From The Decision of the Planning Official

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 Planning Official and that such question shall be presented to the Board of Appeals only on appeal from the decision of the Planning Official.

Section 9.12 Establishment of Board of Appeals

The Lancaster County Board of Appeals shall be composed of seven (7) members appointed by the County Council. Each Council Member shall recommend one member to represent his/her district; however, residency in the Council Member's district is not required. Upon adoption of this ordinance, appointments shall be for four (4) year terms for members whose terms expired June 30, 1994. Those members who remain on the Board will serve until their terms expire. as terms expire, a recommendation will be made by the Council Member in whose district the term had expired and appointments will be made by the entire County Council for 4 year terms. Board Members may serve two consecutive terms, but will then be ineligible for reappointment for a period of 4 (4) years.

All members are expected to attend each regular and special meeting of the Board except for valid cause upon prior notice to the Chairperson or Secretary. Should any member be absent for three (3) consecutive meetings without a valid excuse being presented in writing to the Chairman of the Board, the Chairman will notify the Clerk to Council, in writing, of the vacancy. Council shall appoint members as vacancies arise to fill the then current unexpired term of the previous member.

All members will serve without compensation, but will be reimbursed for actual expenses and mileage per Lancaster County policy after approval by the Board Chairman and the County Administrator.

Section 9.13 Rules and Procedures

The Board shall have authority to adopt rules and procedures. The Board shall appoint the Chairman from among its members. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine, three (3) members of the Board Constituting a quorum. Such oaths and compel the attendance of witnesses. All meetings of the Board

shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Planning Official and shall be a public record. The decisions of the Board shall be by resolution, which resolution shall contain a statement of the grounds of its decision or action. The full text of the resolution shall be sent to the appellant. No appeal requesting the same relief in regard to the same property shall be received or heard by the Board for a period of twelve (12) months following the date of said resolution, except that this limitation shall not affect the right of the Board to grant a rehearing as provided in the rules of procedure adopted by the Board.

Section 9.14 Administrative Assistance

The County Council shall provide such administrative and clerical assistance and office space as is required by the Board to carry out its function under the provisions of this Ordinance.

Section 9.15 Powers and Duties of the Board of Appeals

The Board of Appeals shall have the following powers and duties:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination by the Planning Official in the enforcement of this Ordinance.
- (2) To authorize upon appeal in specific cases a variance from the terms of the Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Appeals that:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
 - (b) the application of the Ordinance on this particular piece of property would create an unnecessary hardship; and
 - (c) such conditions are peculiar to the particular piece of property involved; and
 - (d) relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance or the Land Use and Development Plan, provided however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district.

In exercising the previously listed powers, the Board of Appeals may, in conformity with the provisions of this act, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination of the Planning Official, and to that end shall have all the powers of the office from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the execution of the duties for which it is appointed, may subpoena witnesses in case of contempt.

Section 9.16 Appeals, Hearing and Notice

Appeals to the Board shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the office from whom the appeal is taken and with the Board of Appeals notice of appeal specifying the ground thereof. The Planning Official shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

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, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise by a restraining order which may be granted by the Board or by a court of record on application.

Each applicant for an appeal or variance shall at the time of making application, pay a required fee for the cost of advertising and mailing notices.

The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give 15 days public notice thereof in a newspaper of general circulation, as well as due notice to the parties in interest, including all adjacent property owners, and decide the same within a reasonable time. Within three (3) days after acceptance for filing of an appeal the applicant shall erect a sign, to be furnished by the Planning Official, on the land with which the appeal is concerned. Such sign shall bear conspicuously the words:

PUBLIC HEARING
BOARD OF APPEALS
BUILDING OR USE APPLICATION NO. _____
NATURE OF APPEAL OR REQUEST _____
TIME _____
PLACE _____

Section 9.17 Decisions of the Board of Appeals

A majority vote of the members constituting a quorum shall be necessary to reverse any order, requirement, decision or determination of the Planning Official or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation of this Ordinance. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Planning Official and shall be public record. On all appeals, applications and other matters brought before the Board of Appeals, the Board shall inform in writing all the parties involved of its decision and the reasons therefor.

Section 9.18 Appeals From Decisions of Board of Appeals

Any person who may have a substantial interest in any decision of the Board of Appeals may appeal from any decision of the Board to the Circuit Court in and for the County of Lancaster, 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 thirty (30) days after the decision of the Board is rendered.

ARTICLE X
AMENDMENTS

Section 10.0 Amendment Authorization and Procedure

This Ordinance, including the District Boundary Map, may be amended from time to time by County Council, 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 10.1 Initiation of Amendment

Proposed changes or amendments to the Ordinance may be initiated by County Council, the Planning Commission, the property owner(s), or by citizen's petition signed by seventy percent (70%) or more of the property owners owning at least fifty percent (50%) of the total acreage of the real property in the area requesting an amendment, provided however that no such-amendment shall be initiated for a zoning change affecting the same parcel or parcels or any part thereof within 12 months of a hearing and decision on such amendment by County Council, as provided by Sections 10.6 and 10.7 of this Article. This 12 month provision may be waived, for good causes shown, by a three fourths vote of the entire County Council.

Section 10.2 Application Requirements

- (1) All applications shall be signed by the applicant or in the case of multiple parcels all applicants and shall state both name and correct E-911 address of said applicant(s). Withdrawal of a signature shall be in writing.
- (2) In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.
- (3) An application for a map amendment shall be made on forms provided by the Planning Official.

Section 10.3 Application Procedures

Any request for an amendment to the Ordinance shall be submitted on a standard application form available in the office of the Planning Official.

Completed forms, together with an application fee to cover the cost of processing the application and the advertisement for public hearing, plus any additional information the applicant or Planning Official feels to be pertinent, shall be filed with the Planning Official.

Applications for amendments must be submitted complete and in proper form, at least 14 days prior to a Planning Commission meeting in order to be considered at the meeting.

The Planning Commission shall act on an application within 60 days of receipt thereof. Said action may be to approve, deny or defer for not more than 30 days without concurrence from the applicant.

Section 10.4 Notice and Hearing By The Planning Commission

The Planning Commission shall announce and have published in a newspaper of general circulation at least fifteen (15) days prior to its regularly scheduled or special call meetings a list of agenda items, including all proposed amendments to be considered and a brief description of each.

When a proposed amendment affects a district classification of property, a hearing notice shall also be made by posting the subject property. Posting of said property shall occur within three (3) days after acceptance for filing of an application for a map amendment. At least one hearing notice for every 500 feet of street frontage shall be conspicuously located on or adjacent to the affected property. The sign shall be furnished by the Planning Official, and shall bear conspicuously the words:

PUBLIC HEARING

This property is the subject of an application for a change of use. Public hearing will be conducted by the _____ at _____ in the _____.
For further information call _____.

Any such sign or other posting shall be maintained at all times by the applicant until a decision on the application has been made public by the Planning Commission. It shall be unlawful for any person to remove or tamper with such sign during the period it is required to be maintained under this paragraph.

All papers and other data relative to an amendment shall be transmitted to the Planning Commission by the Planning Official. The Planning Commission shall review and augment such data with testimony presented at the hearing. Such testimony may be in the form of information provided by the applicant or by agent or attorney for the applicant. Additionally, all interested parties shall be invited to provide information relative to conditions surrounding and potentially impacted by the proposed amendment.

Section 10.5 Recommendation By The Planning Commission

Following the meeting at which the application is considered, the Planning Commission shall make a written recommendation to the County Council. The recommendation should be based upon and consistent with the following:

- (1) How the proposed amendment relates to and affects the county's Comprehensive Land Use and Development Plan.
- (2) The validity of the Plan relative to the area under consideration.
- (3) The need to correct an error or a deficiency in the Ordinance or accompanying map.
- (4) Any benefits which would be derived from the proposed amendment.
- (5) Any cost to the county in terms of expenditures for public improvements, facilities and services.
- (6) Public testimony.
- (7) Public interest.

The recommendation shall be determined by a majority of the Commission members voting. All decisions shall be made in open session, and shall be incorporated into the Planning Commission's minutes.

The recommendation and all supporting information shall be submitted to the County Council

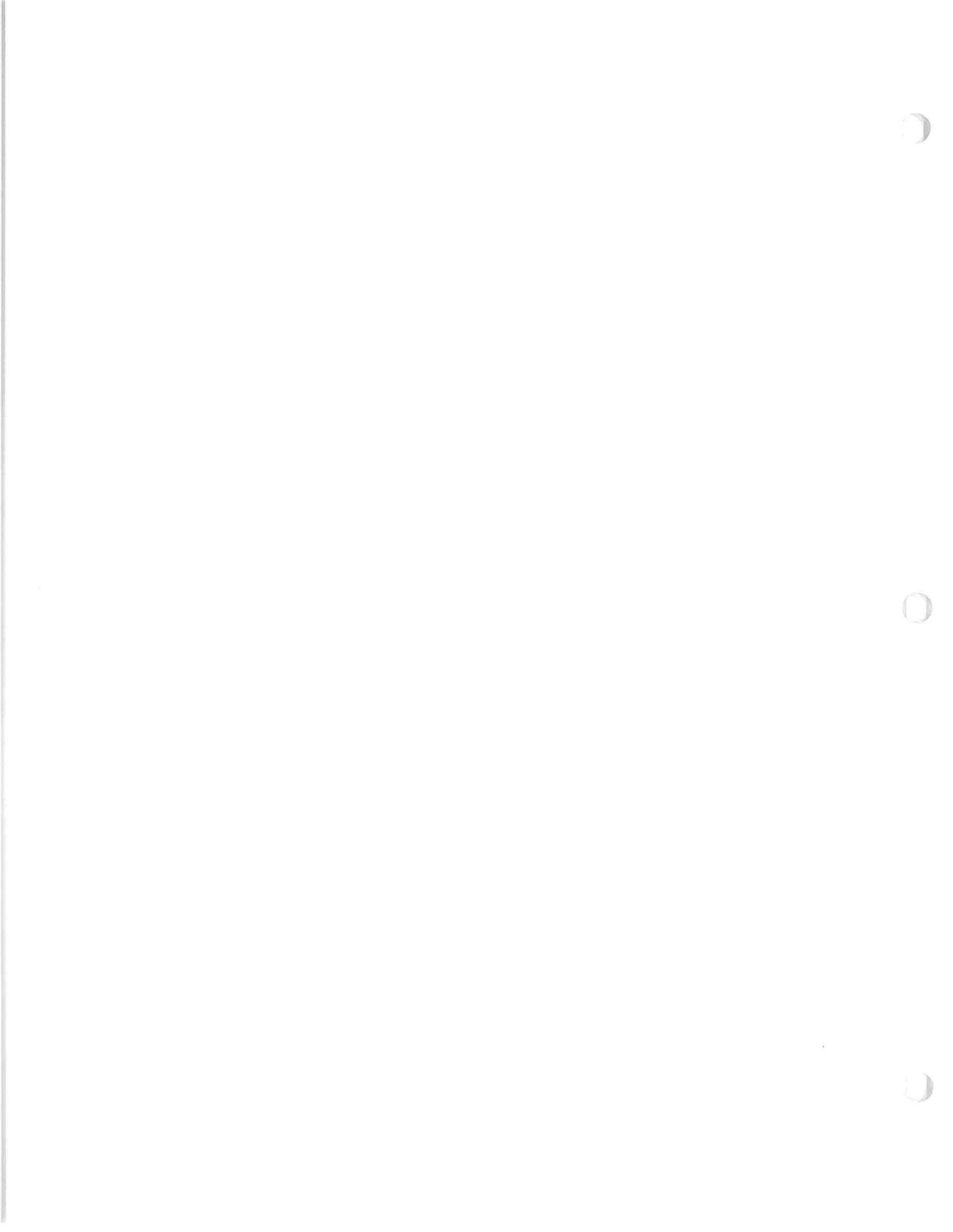
Section 10.6 Reserved

Section 10.7 Decision of the County Council

The County Council shall act on the recommendation by the Planning Commission and provide written notice of its action.

Section 10.8 Permit Moratorium

Upon satisfaction of the application procedures outlined in Section 10.2 and Section 10.3, there shall be a moratorium on the issuance of all permits by the Planning Official for the parcels within the affected rezoning application. The moratorium will cease when County Council acts on the application as outlined in Section 10.7.



ARTICLE XI

DEFINITIONS

For the purpose of this Ordinance, certain terms are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the "structure" and "premises"; the word "shall" is mandatory and not directory; the words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied"; the word "lot" includes the words "plot" or "parcel"; and the word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as individual. Any word not herein defined shall be as defined in any recognized standard English dictionary.

Access. A means of vehicular approach or entry to or exit from property.

Adult Uses. Adult uses include any establishment or use which sells, displays or exhibits materials, including books, magazines, movies, tapes, or photographs as one of its principal business purposes, which appeal to prurient interests, contain patently offensive depictions of sexual conduct, and have no serious literary, artistic, political or scientific value.

Building. A structure built, maintained, or intended for use for shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof.

Building, Accessory. A building which (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same lot as the principal structure or use served, and (4) is customarily incidental to the principal structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.

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.

Compost. The humus-like product of the process of composting waste.

Composting Facility. Any facility used to provide aerobic, thermophilic decomposition of the solid organic constituents of solid waste to produce a stable, humus-like material.

Condominium. A condominium is an ownership arrangement, not a land use. It is individual ownership of a unit in a multi-unit structure.

Construction and Demolition Debris. Discarded solid waste resulting from construction, remodeling, repair and demolition of structures, road building, and land clearing. The wastes include, but are not limited to, bricks, concrete, and other masonry materials, soil, rock, lumber, road spoils, paving material, and tree and brush stumps, but does not include solid waste from agricultural or silvicultural operations.

Convenience Center. The combination of structures, machinery, or devices utilized to separate, process, and store collected solid waste and recyclables so that component materials or substances or recoverable resources may be used later as a raw material or energy source. Operation is limited to the public disposal and deposition of solid waste and recyclables. Municipal and industrial disposal is excluded.

Craft Shop. Any building or structure in which a business or industry involving a manual trade or occupation requiring an artistic skill is conducted. This includes but is not limited to painting, basket weaving, the making of curios, etc.

Dedication. The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

Developed Lot or Parcel. A developed lot or parcel is one which contains \$50,000 in commercial, industrial or business improvements, according to records in the Tax Assessor's Office or receipt of a valid building permit in said amount.

Dwelling. A structure or portion thereof which is used exclusively for human habitation.

Dwelling Apartment. See Dwelling, Multi-family.

Dwelling, Attached. A single-family dwelling attached to two or more single-family dwellings by common vertical walls.

Dwelling, Cluster Development. A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. It is applied principally to single-family residential subdivisions.

Dwelling, Detached. A dwelling which is not attached to any other dwelling by any means.

Dwelling, Duplex. A structure on a single lot containing two dwellings, each of which is totally separated from the other by an unpierced wall or ceiling.

Dwelling, Group Quarters. A dwelling that houses primarily unrelated individuals, including barracks, dormitories and the like.

Dwelling, Mobile Home. A structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width, or forty body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets this definition. The term mobile home shall not include the term modular building or structure or the term recreational vehicle or camping trailer.

Dwelling, Mobile Home Park. A site with required improvements and utilities for the long-term parking of three or more mobile homes which may include services and facilities for the residents.

Dwelling, Multi-family. A dwelling containing three or more dwelling units sharing access from a common hall, stairs, or balcony.

Dwelling, Patio. A one-family dwelling on a separate lot with open space setbacks on three sides, includes zero lot line dwellings.

Dwelling, Single-family. A building containing one dwelling unit.

Dwelling, Townhouse. A single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Evergreen Tree. A coniferous or deciduous tree that remains green throughout the year.

Family. (1) One or more persons related by blood, marriage, adoption, or guardianship; (2) not more than five persons not related, occupying a dwelling unit and living as a single housekeeping unit; and (3) not more than nine mentally or physically handicapped persons for whom care is provided on a 24-hour basis, in accord with 6-7-830 of the S.C. Code of Laws.

Floodplain. Those normally dry land areas subject to periodic inundation by water as defined by the Federal Emergency Management Agency on Flood Boundary and Floodway Maps for Lancaster County, the most recent edition available.

Hazardous Waste. Waste materials as defined in Section 44-56-20 of the South Carolina Hazardous Waste Management Act.

Home Occupation. Any occupation within a dwelling, and clearly incidental thereto, carried on by a member of the family residing on the premises, provided that:

- (1) no exterior indication of the use is evident other than a sign permitted by these regulations.
- (2) the maximum floor area used for such occupation shall not exceed 600 square feet or 25 percent of the gross floor area.
- (3) employees shall not exceed one (1), other than the occupant employee.

Impervious Surface Ratio. The impervious surface ration is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.

Industrial Uses, Heavy. Uses which have severe potential for negative impact on any uses which would locate relatively close to them. This group differs from light industrial uses in that it includes uses and that require unenclosed structures that are large, tall, and unsightly, such as concrete batching plants. These uses also have severe potential for generation of odor and may involve large amounts of exterior storage; because of their scale, they are likely to have a regional impact. These uses include landing strips and heliports, asphalt or concrete mixing plants, bulk material or machinery storage (unenclosed), fuel generation plants, grain elevators, meat packing plants or slaughter houses, resource recovery facilities, motor or rail terminals, land fill and industrial waste disposal facilities; also, any industrial use, including those uses listed below as light industry, having two-hundred thousand (200,00) or more square feet of floor area or more than five-hundred (500) employees on any shift, and all other heavy industrial uses, and junk and salvage yards.

Industrial Uses, Light. Uses which are generally not objectionable because of noise, heavy truck traffic, or fumes, or generate nuisances which may be ameliorated adequately by performance standards. These uses include boatworks, building material sales or storage yards, bulk materials or machinery storage, carpet and rug cleaning plants, contractor's offices and equipment storage yards, dry cleaning and laundry plants, dyeing plants, extermination shops, food processing and packing plants, fuel oil, ice, coal, and wood sales, furniture cleaning plants, furniture refinishing shops, lumberyards, manufacturing, including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products in plants with less than two-hundred thousand (200,000) square feet of floor area, or fewer than five-hundred (500) employees on every shift, mini-warehouses or storage facilities, mirror supply and refinishing shops, monument works, ornamental iron workshops, pilot plants, printing plants, publishing plants, scientific laboratories, trade shops, truck terminal, veterinary offices and kennels, warehouses, wholesale business and storage, and all other similarly light industrial uses.

Institutional Uses. Uses which are supportive of the residential community. They provide indoor space for recreation, hobbies, meetings, education, and worship, as well as cultural facilities, group quarters for religious groups and the infirm or elderly and boarding houses. While some uses may be operated for private profit, they duplicate services that are generally provided by public or non-profit groups. These uses include rooming houses, day or youth camps, cemeteries, churches, community or recreational centers, convents, daycare centers, group dwellings, gymnasiums, halfway houses, libraries or museums, nursing homes, indoor recreational centers, public or private schools, schools or homes for physically or mentally handicapped, indoor skating rinks, indoor swimming pools, tennis racquetball, handball courts, and all other institutional, indoor recreational, and special residential uses.

Junk or Salvage Yard. A junk or salvage yard is defined as a place (1) where two or more wrecked or disabled vehicles, without current license tags and/or are otherwise inoperable are placed or stored in an open area including parts thereof, scrap building material, scrap contractor's equipment, tanks, cases, cans, barrels, boxes, drums, piping, bottles, glass, old iron,

machinery, rags, paper, excelsior, mattresses, beds or bedding or any other kind of scrap or waste material, (2) possessing a South Carolina Business Tax Identification Number, and (3) having an on-site office from which to conduct business.

Kennels, Commercial. An establishment where small animals are boarded principally outdoors for compensation, or where dogs are raised and/or bred on a commercial scale. This definition does not include veterinary clinics, where the boarding of animals is enclosed.

Kennels, Domestic. A pen, shelter or structure where no more than three dogs are boarded.

Land Clearing Debris. Solid waste which is generated solely from land clearing activities, but does not include solid waste from agricultural or silvicultural operations.

Landfill. A disposal facility or part of a facility where solid waste is placed in or on land, and which is not a land treatment facility, a surface impoundment, or an injection well.

Lot. A single parcel or tract of land.

Lot Area. The area contained within the boundary lines of a lot.

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

Non-conforming. Lots, structures, signs, uses of land and structures, and characteristics of uses which are prohibited under the terms of this Ordinance, but were lawful at the date of the Ordinance's enactment.

Non-residential Use. A principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.

Open Space Ratio. The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the Total Site Area.

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

Plat. A map showing a plan for the development of land which is submitted for approval and is ultimately in final form for recording.

Poultry House, Commercial. A building or structure where chickens, turkeys, ducks or other domestic birds are raised exclusively for commercial use, and where the structure(s) in which they are housed is not less than 200 square feet in aggregate.

Recyclable Material. Those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

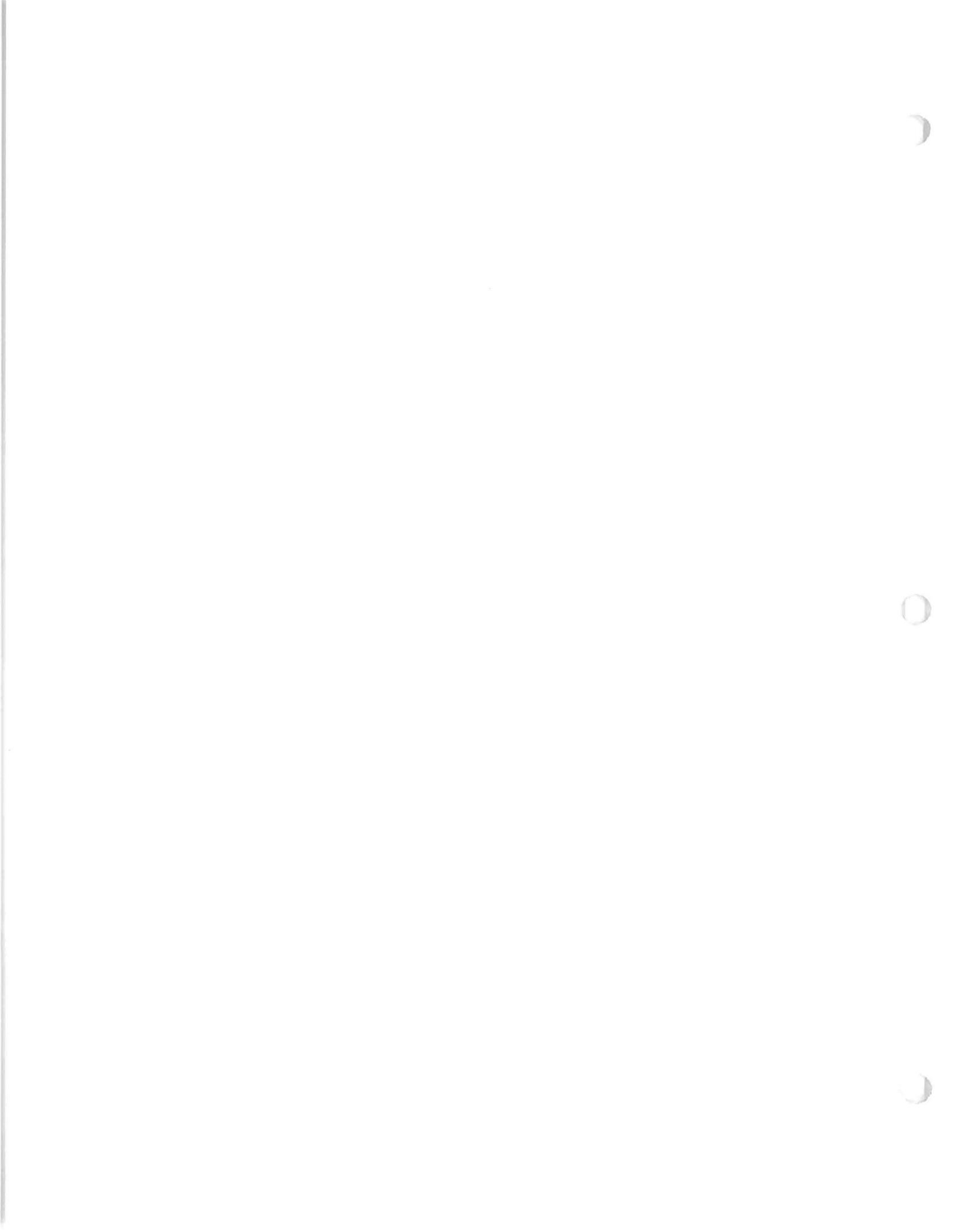
Recycling Facility. Any building or premises in which or on which materials which would otherwise become solid waste are collected, separated, or processed for reuse.

Repair Shop. Any building or structure in which the repair and maintenance of goods and products is conducted and rendered. This includes but is not limited to cars, electrical appliances, furniture, etc.

Resource Recovery. The process of obtaining material or energy resources from solid waste which no longer has any useful life in its present form and preparing the waste for recycling.

Resource Recovery Facility. A combination of structures, machinery, or devices utilized to separate, process, modify, convert, treat, or prepare collected solid waste so that component materials or substances or recoverable resources may be used as a raw material or energy source. Excluding containers and dumpsters as addressed Section 4.79.

Yard, Side. A yard extending the full length of the lot in the area between the side lot line and a side building line (see illustration Section 4.5).



Right-of-way. The land occupied by a road and adjacent to it that is dedicated to a public entity for maintenance or other public purposes.

Sanitary Landfill. A land disposal site employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards.

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.

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, Awning, Canopy or Marquee. A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee.

Sign, Face. The area or display surface used for the message.

Sign, Flat. A single faced sign attached flush to a building or projecting no more than 12 inches.

Sign, Free-Standing. Any nonmovable sign not affixed to a building.

Sign, Permanent. A sign attached to a building, structure, or the ground in some manner requiring a permit 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 permanent, 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 12 inches from such a building.

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 or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.

Sign, Wall. A sign painted on the wall of a building and has no sign structure.

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

Solid Waste. Any garbage, refuse, or sludge from a waste treatment facility, water supply plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities. This term does not include solid or dissolved material in domestic sewage, recovered materials, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina.

Stock Yard. An open or closed compound where livestock is fed, graded, bought, sold, or maintained for transfer.

Storage. The containment of solid waste, either on a temporary basis or for a period of years, in such manner as not to constitute disposal of such solid waste; provided, however, that storage in containers by persons of solid waste resulting from their own activities on their property, leased or rented property, if solid waste in such containers is collected at least once a week, shall not constitute "storage" for purposes of this act. The term does not apply to containers provided by or under the authority of the County for the collection and temporary storage of solid waste prior to disposal.

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.

Swine Lot. A place, open, shelter or other area or structure where swine are raised or kept.

Transfer Station. A combination of structures, machinery, or devices at a central collection place or facility where solid waste is taken from municipal and private industrial collection vehicles and placed in other transportation units, with or without volume reduction, for movement to another solid waste management facility.

Transport. The movement of solid waste from the point of generation to any intermediate point and finally to the point of ultimate processing, treatment, storage, or disposal.

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. 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 Accessory. A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Use, Principal. The specific primary purpose for which land is used.

Waste Tire Site. An establishment, site or place of business, without a collector or processor permit, that is maintained, operated, used, or allowed to be used for the disposal, storage, or depositing of unprocessed used tires, but does not include a truck service facility which meets the following requirements:

- (1) All vehicles serviced are owned or leased by the owner or operator of the service facility;
- (2) no more than two hundred waste tires are accumulated for a period of not more than thirty days at a time;
- (3) the facility does not accept any tires from sources other than its own; and
- (4) all waste tires are stored under a covered structure.

Waste Tire Treatment Site. A permitted site used to produce or manufacture usable materials, including fuel from waste tires.

Wetlands. Areas of one-quarter (.25) acre or more where standing water is retained for a portion of the year and unique vegetation has adapted to the area. Jurisdictional wetlands are those over which the U. S. Corps of Engineers has permitting jurisdiction.

Yard. See illustration and definition Section 4.51.

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 (see illustration Section 4.5).

Yard, Rear. A yard extending the full width of the lot in the area between the rear lot line and the rear building line (see illustration Section 4.5).

ARTICLE XII

VIOLATIONS, CANCELLATION OF PERMITS, PENALTIES, AND EFFECTIVE DATE

Section 12.0 Construction Violations

The construction, reconstruction, erection, structural alteration or use of any building, sign or other structure or the use of land or premises in violation of any of the provisions of this Ordinance is hereby declared to be a misdemeanor. In addition to all other remedies provided by law, the County may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful act.

Section 12.1 Permit Violations

A Building, Use, or Sign Permit shall be canceled by the Planning Official when construction or use violates any provision contained in this Ordinance. Upon such cancellation any further work upon the construction, alteration, erection or repair on said building or structure, and any further use of said building or structure or land, except for a purpose for which a permit is not required, shall be deemed a misdemeanor.

Section 12.2 Actions Punishable

Every act or omission designated as a misdemeanor in this article shall be punishable by a fine of \$200 or 30 days in jail for each offense. Where such act or omission is continued in violation of the provisions of this Ordinance, after giving notice of such violation by the Planning Official or his agent, each and every day thereafter such violation continues shall be deemed a separate misdemeanor.

Section 12.3 Conflict With Other Laws

Where the provisions of this Ordinance are higher or more restrictive than those imposed by any other applicable law or regulation, such higher or more restrictive provisions shall apply.

Section 12.4 Saving Clause

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance in its entirety or of any part thereof other than that so declared to be invalid.

Section 12.5 Effective Date

This Ordinance shall take effect on January 1, 1991.

ADOPTED this 25th day of June, 1990.

LANCASTER COUNTY COUNCIL

Eldridge Emory, Chairman

W. S. Sowell, Secretary

APPROVED AS TO FORM AND CONTENT:

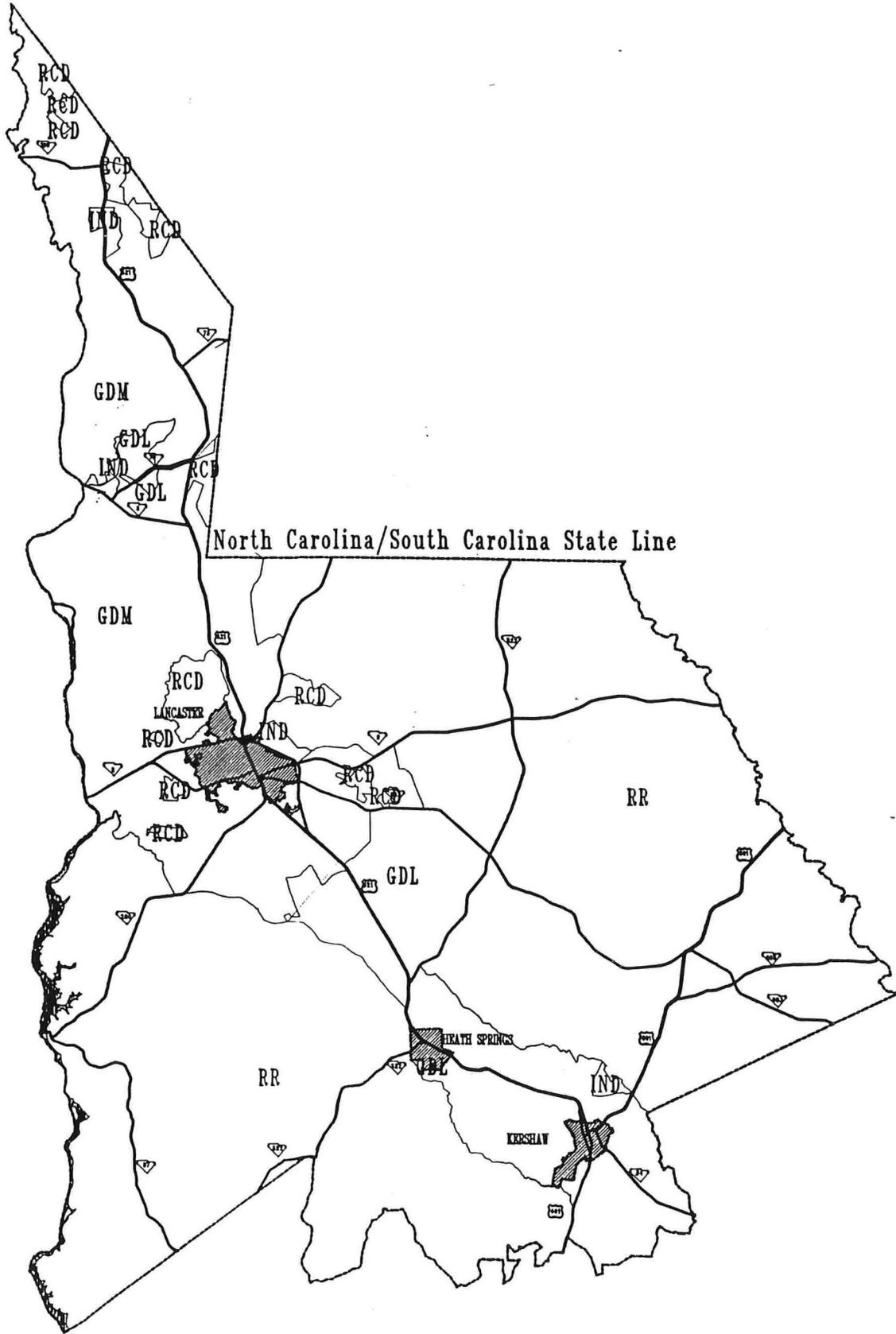
Patrick Davis, County Attorney

ATTEST:

Irene Plyler, Clerk to Council

1st reading: 6-04-90
2nd reading: 6-13-90
3rd reading: 6-25-90
Public Hearing: 6-21-90

OFFICIAL ZONING MAP LANCASTER COUNTY



Prepared by
Calabua Regional
Planning Council
May 23, 1994

DISCLAIMER

Calabua Regional Planning Council
disclaims responsibility for damages
or liability that may arise from the
use of this map. All reasonable efforts
have been made to ensure accuracy.

- MUNICIPAL LIMIT
- MAJOR PUBLIC ROADS
- ZONING DISTRICT BOUNDARY

