Development Agreement – Covington Development
by and between
Sinacori Builders, LLC and the County of Lancaster

RECORD COPY
LAWS AND LAND DEVELOPMENT REGULATIONS
AS OF JULY 27, 2015

Exhibit E to the Development Agreement for the Covington Development identifies the Laws and Land Development Regulations that govern the development of the Covington property. For purposes of determining the content of the Laws and Land Development Regulations, as of July 27, 2015 (the "Agreement Date"), the Parties to the Development Agreement for the Covington Development, by their signatures below, agree that the applicable Laws and Land Development Regulations consists of the following documents:

Tab	Law and Land Development Regulation

1. Ordinance No. 2015-1361 zoning the Property R-15P, Moderate Density Residential / Agricultural Panhandle District, with a Cluster Subdivision Overlay District.
2. Ordinance No. 2015-1360, approving the Development Agreement for the Covington Development.
3. The Development Agreement Ordinance for Lancaster County, South Carolina: Ordinance No. 663.
4. The Unified Development Ordinance of Lancaster County (UDO) which consists of Ordinance No. 309, as amended, as of the Agreement Date. The UDO includes Ordinance No. 328, as amended, as of the Agreement Date and is cited as the Land Development Regulations of Lancaster County. The copy of the UDO contained in this compilation was printed from the Municode.com website on August __, 2015. The website indicates that the material includes Supplement 27 and was last updated on May 28, 2015. In the Supplement History Table, the last ordinance listed is Ordinance No. 1344, enacted on April 13, 2015. No ordinances to amend the UDO have been passed by the Lancaster County Council between the last update of the website and on or before the Agreement Date that apply to the Covington Development and should be included in the Municode compilation.
5. Land Development Regulations of Lancaster County: See Unified Development Ordinance of Lancaster County (UDO).
6. Article V, Chapter 26, Lancaster County Code of Ordinances, Road Construction Standards.

The Development Agreement for the Covington Development provides that this document and the attached copies of the Laws and Land Development Regulations, including the UDO, as of July 27, 2015, will be filed in the records of the Lancaster County Planning Department.

Sinacori Builders, LLC,
a North Carolina limited
liability company

By:_____

Name: _____

Title:_____

Date:_____

County of Lancaster

_____
Steve Willis, County Administrator

Date:_____

FILED
OFFICE OF CLERK
OF COURT
2015 JUL 30 PM 2:26
CLERK OF COURT
LANCASTER, SC

STATE OF SOUTH CAROLINA)
) ORDINANCE NO. 2015-1361
COUNTY OF LANCASTER)

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OF SINACORI BUILDERS, LLC, LOCATED ALONG THE SOUTHEAST QUADRANT OF THE INTERSECTION OF BARBERVILLE ROAD AND HARRISBURG ROAD, ALONG THE NC/SC STATE LINE IN LANCASTER COUNTY, SOUTH CAROLINA FROM R-15P, MODERATE DENSITY RESIDENTIAL/AGRICULTURAL PANHANDLE DISTRICT TO R-15P, MODERATE DENSITY RESIDENTIAL/AGRICULTURAL PANHANDLE DISTRICT WITH A CLUSTER SUBDIVISION OVERLAY DISTRICT; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Sinacori Builders, LLC applied to rezone property located along the southeast quadrant of the intersection of Barberville Road and Harrisburg Road, along the NC/SC state line in Lancaster County, South Carolina from R-15P, Moderate Density Residential/Agricultural Panhandle District, to R-15P, Moderate Density Residential/Agricultural Panhandle District with a Cluster Subdivision Overlay District.

(b) On April 21, 2015, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of 6-0, recommended approval of the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from R-15P, Moderate Density Residential/Agricultural Panhandle District, to R-15P, Moderate Density Residential/Agricultural Panhandle District with a Cluster Subdivision Overlay District for the following property(ies) as identified by tax map number or other appropriate identifier:

Tax Map No. 4, Parcels 1 and 2; Tax Map 3, Parcels 40.02, 40.04, 40.06, 40.09 and a portion of Parcel 40.

Section 3. **Severability.**
If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. **Conflicting Provisions.**

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. **Effective Date.**

This ordinance is effective upon third reading, provided, however, the rezoning provided for in Section 2 of this ordinance is effective when Sinacori Builders, LLC, delivers to the County Administrator clocked-in copies, with book and page numbers, of the recorded deeds conveying the property identified in Section 2 of this ordinance to Sinacori Builders, LLC, or a Sinacori Related Entity. If Sinacori Builders, LLC, or a Sinacori Related Entity has not delivered to the County Administrator recorded deeds conveying the property identified in Section 2 of this ordinance to Sinacori Builders, LLC, or a Sinacori Related Entity by 5:00 p.m., Thursday, December 31, 2015 then the rezoning provided for in Section 2 of this ordinance shall not become effective. As used in this section, "Sinacori Related Entity" means (i) an entity that is owned or controlled by Sinacori Builders, LLC, a North Carolina limited liability company, or is owned or controlled by an entity that owns at least a fifty percent (50%) membership interest in Sinacori Builders, LLC; and/or (ii) any entity that is the successor in interest to Sinacori Builders, LLC via merger or operation of law.

And it is so ordained, this 27th day of July, 2015.

LANCASTER COUNTY, SOUTH CAROLINA

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

ATTEST:

Debbie C. Hardin, Clerk to Council

First Reading: June 22, 2015
Second Reading: July 13, 2015
Third Reading: July 27, 2015

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

AS RECOMMENDED FOR APPROVAL
BY THE
INFRASTRUCTURE AND REGULATION AGREEMENT COMMITTEE
For Third Reading Consideration at the July 27, 2015 Council Meeting

---

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2015-1360**
COUNTY OF LANCASTER)

AN ORDINANCE

TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN SINACORI BUILDERS, LLC, AND THE COUNTY OF LANCASTER RELATING TO THE COVINGTON DEVELOPMENT; TO AUTHORIZE CERTAIN COUNTY OFFICIALS TO EXECUTE AND DELIVER THE DEVELOPMENT AGREEMENT; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

FILED
OFFICE OF CLERK
OF COURT
2015 JUL 20 PM 2:25
OFFICE OF COURT
LANCASTER, SC

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Lancaster County is authorized by the South Carolina Local Government Development Agreement Act, codified as Sections 6-31-10 to -160, Code of Laws of South Carolina 1976, as amended (the "Act"), and by the Development Agreement Ordinance for Lancaster County, South Carolina, Ordinance No. 663 (the "Ordinance"), to enter into development agreements with developers;

(b) Sinacori Builders, LLC, seeks to enter into a development agreement with Lancaster County relating to the Covington development; and

(c) the Act and Ordinance require a development agreement to be approved by the county governing body by the adoption of an ordinance.

Section 2. Approval of Agreement; Authorization to Act.

A. The Council Chair and Council Secretary are each authorized, empowered and directed to execute, acknowledge and deliver a Development Agreement between Sinacori Builders, LLC, and the County of Lancaster relating to the Covington development (the "Development Agreement") in the name and on behalf of the County of Lancaster. The form of the Development Agreement is attached hereto as Exhibit A and all terms, provisions and conditions of the Development Agreement are incorporated herein by reference as if the Development Agreement were set out in this ordinance in its entirety. By adoption of this ordinance, the Lancaster County Council approves the Development Agreement and all of its terms, provisions and conditions. The Development Agreement is to be in substantially the form as

attached to this ordinance and hereby approved, or with such minor changes therein as shall be approved by the officials of Lancaster County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Development Agreement attached to this ordinance.

B. The Council Chair and Council Secretary are each authorized to execute and deliver any related instruments, documents, certificates and other papers as are necessary to effect the delivery of the Development Agreement. The Council and its duly elected or appointed officers and any other County official are authorized to take any and all action as may be necessary to effectuate the purposes of this ordinance.

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section 4. Controlling Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, orders and resolutions, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon third reading.

And it is so ordained, this 27th day of July, 2015.

LANCASTER COUNTY, SOUTH CAROLINA

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

Attest:

Debbie C. Hardin, Clerk to Council

Planning Commission Public Hearing:	April 21, 2015
First Reading:	June 22, 2015
Second Reading:	July 13, 2015
Council Public Hearing:	July 13, 2015
Third Reading:	July 27, 2015

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Exhibit A to Ordinance No. 2015-1360

Development Agreement
Between
Sinacori Builders, LLC, and the County of Lancaster
Covington Development

See attached.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

----------(Space above this line for recording use)----------

STATE OF SOUTH CAROLINA	)	**DEVELOPMENT AGREEMENT**
	)	
COUNTY OF LANCASTER	)	**COVINGTON DEVELOPMENT**

This **DEVELOPMENT AGREEMENT** (the "Agreement") is made and entered into as of the ____ day of _____, 2015 ("Agreement Date"), by and among **SINACORI BUILDERS, LLC** ("Developer"), a North Carolina limited liability company, and the **COUNTY OF LANCASTER** (the "County"), a body politic and corporate, a political subdivision of the State of South Carolina.

RECITALS

WHEREAS, Developer has obtained the right to acquire certain real property consisting of approximately 165 acres, more or less, located in the County and known as the Covington development.

WHEREAS, Developer has submitted an application to the County requesting that the Covington development property be rezoned to R-15P, Moderate Density Residential / Agriculture Panhandle District, with a Cluster Subdivision Overlay District.

WHEREAS, Developer and County have determined that it is in the best interests of the County and Developer to enter into this Agreement to set forth the terms and conditions of the development in order to more fully protect the Developer's development rights, thereby providing certainty and predictability to the Developer of those rights and providing certainty and predictability to the County on the scope and terms of the development.

WHEREAS, the Developer desires to obtain from the County in connection with the development, and the County is willing to provide, assurances: (1) that the property will be appropriately zoned for the duration of this Agreement; (2) that upon receipt of its development and construction permits it may proceed with the planned development and construction; and (3) that the development rights will be vested for the duration of this Agreement.

WHEREAS, in connection with the proposed development, Developer and County recognize that the scope and term of the planned development under this Agreement accomplish the statutory aims of comprehensive, orderly planning and development within the County, thus providing benefits to the citizens of the County and providing public benefits through, among other things, the donation of funds or financing of those public facilities and services described and identified in this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the terms and conditions set forth in this Agreement, the receipt and sufficiency of such consideration being acknowledged by the parties, and pursuant to the South Carolina Local Government Development Agreement Act, codified as Sections 6-31-10 to -160, Code of Laws of South Carolina 1976, as amended (the "Act") and the Development Agreement Ordinance for Lancaster County, South Carolina ("Ordinance No. 663"), the parties to this Agreement, intending to be legally bound to a development agreement in accordance with the Act and Ordinance No. 663, agree as follows:

ARTICLE I

GENERAL

Section 1.01. Incorporation. The above recitals are incorporated in this Agreement as if the recitals were set out in this Agreement in its entirety. The findings contained in the Act are incorporated into this Agreement as if it were set out in this Agreement in its entirety.

Section 1.02. Definitions. (A) As used in this Agreement:

(1) "Act" means the South Carolina Local Government Development Agreement Act, codified as Sections §§6-31-10 to -160, Code of Laws of South Carolina 1976, as amended.

(2) "Agreement" means this Development Agreement.

(2A) "Agreement Date" means the date of this Agreement as set forth above.

(3) "County" means the County of Lancaster, a body politic and corporate, a political subdivision of the State of South Carolina.

(4) "County Council" means the governing body of the County.

(5) "Developer" means Sinacori Builders, LLC, a North Carolina limited liability company, and its successors in title to the Property who undertake Development of the Property or who are transferred Development Rights.

(6) "Development Rights" means the right of the Developer to develop all or part of the Property in accordance with this Agreement.

(7) Reserved.

(8) "Laws and Land Development Regulations" means the County's applicable rules and regulations governing development of real property as set forth on Exhibit E hereto. A copy of the Laws and Land Development Regulations, as of the Agreement Date, is on file in the office of County Planning Department.

(9) "Ordinance No. 663" means Ordinance No. 663 of the County which is cited as the Development Agreement Ordinance for Lancaster County, South Carolina.

(10) "Ordinance No. 2015-1361" means Ordinance No. 2015-1361 of the County zoning the Property R-15P, Moderate Density Residential / Agriculture Panhandle District, with a Cluster Subdivision Overlay District.

(11) "Ordinance No. 2015-1360" means Ordinance No. 2015-1360 of the County approving this Agreement.

(12) "Parties" means County and Developer.

(13) "Property" means the land, and any improvements thereon, described in Section 1.04.

(14) "Sinacori Related Entity" means (*i*) an entity that is owned or controlled by Developer, or is owned or controlled by any entity that owns at least a fifty percent (50%) membership interest in Developer; and (*ii*) any entity that is the successor in interest to Developer via merger or operation of law.

(15) "UDO" means Ordinance No. 309, as amended, as of the Agreement Date and which is cited as the Unified Development Ordinance of Lancaster County. The UDO includes Ordinance No. 328, as amended, as of the Agreement Date and which is cited as the Land Development Regulations of Lancaster County. A copy of the UDO has been signed by the Parties and is on file in the office of the County Planning Department.

(B) Unless the context clearly indicates otherwise, terms not otherwise defined in this Agreement have the meanings set forth in the Act and Ordinance No. 663.

Section 1.03. Parties. The parties to this Agreement are County and Developer.

Section 1.04. Property. This Agreement applies to the land described in Exhibit A, attached hereto and incorporated herein by reference as if the exhibit were set out in this Agreement in its entirety. The Property is generally known as the Covington development.

Section 1.05. Zoning. The Property is zoned R-15P, Moderate Density Residential / Agriculture Panhandle District, with a Cluster Subdivision Overlay District, pursuant to Ordinance No. 2015-1361.

Section 1.06. Permitted Uses. (A) The UDO provides for the development uses on the Property, including population densities, building intensities and height.

(B) All lots for the Development must meet all of the standards contained in this Agreement and if no specific standard is contained in this Agreement, then the standards contained in the UDO apply.

Section 1.07. Development Schedule. (A) The estimated development schedule for the Property is set forth on Exhibit C, attached hereto and incorporated herein by reference as if the exhibit were set out in this Agreement in its entirety.

(B) County and Developer acknowledge that the development schedule is an estimate. The failure of the Developer to meet a commencement or completion date does not, in and of itself, constitute a material breach of this Agreement, but must be judged based on the totality of the circumstances. The development schedule is a planning and forecasting tool only. County and Developer acknowledge that actual development is likely to take place at a different pace than set forth in the development schedule because of future market forces.

(C) County agrees that if Developer requests an adjustment to the development schedule, including commencement dates and interim completion dates, then the dates must be modified if the Developer is able to demonstrate and establish that there is good cause to modify those dates. "Good cause" includes, but is not limited to, changes in market conditions.

(D) Periodic adjustments to the development schedule do not require a formal amendment to this Agreement and are not considered a major modification. To adjust the development schedule, the Developer shall submit a proposed adjustment to the Clerk to Council who shall forward copies of the proposed adjustment to each member of County Council. The proposed adjustment must be accompanied by an explanation and justification. The proposed adjustment is effective sixty (60) days from receipt by the Clerk to Council unless the County Council has disapproved the proposed adjustment by passage of a resolution to that effect within the sixty (60) day period.

Section 1.08. Relationship of Parties. This Agreement creates a contractual relationship among the Parties. This Agreement is not intended to create, and does not create, the relationship of partnership, joint venture, or any other relationship wherein any one of the parties may be held responsible for the acts of any other party. This Agreement is not intended to create, and does not create, a relationship whereby any one of the parties may be rendered liable in any manner for the debts or obligations of any other party, to any person or entity whatsoever, whether the debt or obligation arises under this Agreement or outside of this Agreement.

Section 1.09. Benefits and Burdens. (A) The Parties agree that the burdens of this Agreement are binding upon, and the benefits of this Agreement shall inure to, all successors in interests to the Parties to this Agreement.

(B) Except for the owners and lessees of completed residences on individual lots who are the end users and not developers thereof and the owners and lessees of individual lots, who are not developers and who intend to build a residence on the lot for the owner or lessee to occupy, any purchaser or other successor in title is responsible for performance of Developer's obligations pursuant to this Agreement as to the portion of the Property so transferred. Developer must give notice to the County of the transfer of property to a developer in the manner prescribed in Section 3.05.

(C) Developer acknowledges and agrees that it (*i*) is responsible for the development of the Property when Developer acquires title to or development rights for the Property, and (*ii*) will develop the Property in accordance with the terms and conditions of this Agreement. It is the express intention of the Parties that the obligations of this Agreement are intended to run with the Property. If the Property is sold, either in whole or in part, and the Developer's obligations are transferred to a purchaser or successor in title to the Property as provided herein and in Section 3.05 below, Developer shall be relieved of any further liability for the performance of Developer's obligations as provided in this Agreement as it relates to the portion of the Property sold if the Developer is then current with its obligations pursuant to this Agreement.

Section 1.10. Term. The term of this Agreement commences on the Agreement Date and terminates five (5) years thereafter.

Section 1.11. Required Information. Ordinance No. 663 requires a development agreement to include certain information. Exhibit D contains the required information or identifies where the information may be found in this Agreement. Exhibit D is incorporated herein by reference as if the exhibit were set out in this Agreement in its entirety.

ARTICLE II

REPRESENTATIONS AND WARRANTIES

Section 2.01. Representations and Warranties of County. (A) The County represents that it finds the development permitted by this Agreement is consistent with the County's comprehensive plan and land development regulations.

(B) The County represents that it has approved this Agreement by adoption of Ordinance No. 2015-1360 in accordance with the procedural requirements of the Act, Ordinance No. 663 and any other applicable state law.

(C) The County represents that prior to the final reading of Ordinance No. 2015-1360 that at least two public hearings were held after publication of the required notice and the publication of a notice of intent to consider a proposed development agreement.

Section 2.02. Representations and Warranties of Developer. (A) Developer represents that the number of acres of highland contained in the Property is twenty-five (25) or more, the same being approximately one hundred and forty (140) or more acres.

(B) Developer represents that, as of the Agreement Date, it has contractual rights to acquire the Property and that, following acquisition, Developer shall be the only legal and equitable owner of the Property.

(C) Developer represents and warrants that the execution, delivery and performance by the individual or entity signing this Agreement on behalf of the Developer has been duly authorized and approved by all requisite action on the part of Developer.

ARTICLE III

DEVELOPMENT RIGHTS

Section 3.01. Vested Right to Develop. (A) County agrees that the Developer, upon receipt of its development permits as identified in Section 3.04, may proceed to develop the Property according to the terms and conditions of this Agreement. The right of Developer to develop the Property as set forth in this Agreement is deemed vested with Developer for the term of this Agreement when the Developer has complied with all of the requirements of Section 5.19.

(B) County agrees that the specific Laws and Land Development Regulations in force as of the Agreement Date as set forth in Exhibit E to this Agreement, attached hereto and incorporated herein by reference as if the exhibit were set out in this Agreement in its entirety, shall govern all aspects of the development of the Property, according to the terms and standards as stated in this Agreement, for the term of this Agreement.

(C) The Developer has a vested right to proceed with the development of the Property in accordance with the zoning classification set forth in Ordinance No. 2015-1361 and the UDO and the terms of this Agreement when the Developer has complied with all of the requirements of Section 5.19.

(D) Except as may be otherwise provided for in this Agreement, the Act or Ordinance No. 663, no future changes or amendments to the Laws and Land Development Regulations shall apply to the Property, and no other local land development legislative enactments shall apply to the development, the Property, or this Agreement which have a direct or indirect adverse effect on the ability of the Developer to develop the Property in accordance with the Laws and Land Development Regulations.

(E) To the extent that this Agreement may contain zoning and development standards which conflict with existing zoning and development standards, including zoning and development standards contained in the UDO, the standards contained in this Agreement supersede all other standards and this Agreement is deemed controlling.

(F) For purposes of Subsection (D) of this Section 3.01 and Section 3.03(A)(3), the Laws and Land Development Regulations are anticipated to be amended subsequent to the Agreement Date to provide for requirements and standards applicable to storm water runoff conveyance systems and drainage improvements. The anticipated amendments are expected to include, but not be limited to, minimum standards for the design and sizing of storm drainage piping systems and access easements. These amendments to the Laws and Land Development Regulations will apply to the Property.

Section 3.01A. Connectivity; Sidewalks. (A) Notwithstanding the provisions of Sections 2.1.5.6(i), 13.7.10.3 and 13.7.9.1 of the UDO, all relating to connectivity, links and nodes, Developer and County agree that the Developer is not required to provide a stubbed out street for any adjacent undeveloped parcel or a parcel used for a single family home that contains a minimum of five (5) acres, except that a stubbed out street shall be provided to that parcel identified as Tax Map No's. 0003-00-042.00, 0003-00-040.11, and 0005-00-002.00. Further, due to inherent constraints associated with the Property, including, without limitation, topographic and environmental constraints, Developer and County agree that the subdivision shall have a connectivity index of not less than 1.0.

(B) Developer agrees to include sidewalks on Harrisburg Road, Barberville Road and within the development. The sidewalks on Harrisburg Road and Barberville Road will be built in coordination with the South Carolina Department of Transportation's road section requirements and shall be built to a width of six (6) feet. The responsibility of maintaining these sidewalks shall rest with the Property Owners Association. The sidewalk construction requirement on Harrisburg Road and Barberville Road is limited to the areas where Harrisburg Road and Barberville Road abut the Developer's Property identified herein. The purpose for including sidewalks is to promote the walkability of the development.

Section 3.02. Effect on Vested Rights Act and County Ordinance No. 673. The Parties agree that vested rights conferred upon Developer in this Agreement are not affected by the provisions of the Vested Rights Act, codified as Sections 6-29-1510 to -1560, Code of Laws of South Carolina 1976, as amended, or the provisions of Ordinance No. 673, the County's ordinance relating to the Vested Rights Act.

Section 3.03. Applicability of Subsequently Adopted Laws and Land Development Regulations. (A) County may apply laws adopted after the execution of this Agreement to the development of the Property only if the County Council holds a public hearing and determines:

(1) the laws are not in conflict with the laws governing this Agreement and do not prevent the development set forth in this Agreement and "laws" which prevent development include, but are not limited to, a moratorium, or any other similar restriction that curtails the rate at which development can occur on the Property;

(2) the laws are essential to the public health, safety, or welfare and the laws expressly state that they apply to the development that is subject to this Agreement;

(3) the laws are specifically anticipated and provided for in this Agreement;

(4) that substantial changes have occurred in pertinent conditions existing at the time this Agreement was approved which changes, if not addressed by County, would pose a serious threat to the public health, safety, or welfare; or

(5) that this Agreement was based on substantially and materially inaccurate information supplied by the Developer that materially affected the terms and provisions of this Agreement.

(B) Developer agrees to comply with any county-wide building, housing, electrical, plumbing, fire and gas codes required to be enforced pursuant to the laws of South Carolina after the Agreement Date and in force at the time plans for buildings are submitted to the County for review. Nothing in this Agreement is intended to supersede or contravene the requirements of any building, housing, electrical, plumbing, fire or gas code adopted by County Council.

Section 3.04. Development Permits. (A) Developer agrees to obtain all local development permits for the development of the property. Local development permits, approvals and processes, some of which may have been obtained or complied with as of the Agreement Date, include, but are not limited to:

(1) Development Review Committee process;
(2) Preliminary plan approval;
(3) Final plat approval;
(4) Zoning permits;
(5) Building permits; and
(6) Sign permits.

(B) The failure of this Agreement to address a particular permit, condition, term, or restriction does not relieve the Developer of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions.

Section 3.05. Transfer of Development Rights. Developer may, at its sole discretion, transfer its Development Rights to other developers. The transferring Developer must give notice to the County of the transfer of any Development Rights. The notice to the County must include the identity and address of the transferring Developer, the identity and address of the acquiring Developer, the acquiring Developer's contact person, the location and number of acres of the Property associated with the transfer and the number of residential units subject to the transfer. If the acquiring Developer is an entity, then, at the request of the County, the acquiring Developer shall provide the County the opportunity to view a listing of the names and addresses

of the entity's officers and owners. Any Developer acquiring Development Rights is required to file with the County an acknowledgment of this Agreement and the transfer of Development Rights is effective only when the County receives a commitment from the acquiring Developer to be bound by it. This provision does not apply to the purchaser or other successor in title to the Developer who is the owner or lessee of a completed residence and is the end user and not the developer thereof or who is the owner or lessee of an individual lot, who is not a developer and who intends to build a residence on the lot for the owner or lessee to occupy.

ARTICLE IV

DEDICATIONS AND FEES AND RELATED AGREEMENTS

Section 4.01. Purpose of Article. The Parties understand and agree that Development of the Property imposes certain burdens and costs on the County, including those for certain services and infrastructure improvements. Eventually, *ad valorem* taxes collected from the property may meet or exceed the burdens and costs placed upon the County, but certain initial costs and capital expenditures are now required that are not to be funded by any increase in taxes paid by existing residents of the County. The purpose of this article is to identify the matters agreed upon to be provided by the Developer to mitigate such burdens and costs.

Section 4.01A. School Payments. Developer agrees to pay to the County for the benefit of the Lancaster County School District One Hundred Sixty-Five Thousand and No/100 dollars ($165,000.00) upon the earlier of either December 1, 2016 or the closing on the sale of any portion of the Covington development to an individual or entity other than a Sinacori Related Entity (the "School Payment"). Developer acknowledges and agrees that County is responsible only for the remittance of the School Payment to the Lancaster County School District and that the County has no other obligation or responsibility for the School Payment. As used in this section, "Developer" means Sinacori Builders, LLC, a North Carolina limited liability company, and does not include its successors or assigns but does include a Sinacori Related Entity that holds title to the Property.

Section 4.01B. Fire and EMS Station. Developer agrees to donate to County, by the time of final plat approval for the first phase of the Covington development, approximately two (2) acres of land to be identified by mutual agreement of the parties on Exhibit F (the "Substation Property"), attached hereto and incorporated herein by reference as if the exhibit were set out in this Agreement in its entirety. Developer will convey fee simple title to the Substation Property to County by general warranty deed. The deed will include appropriate restrictions on the Substation Property to ensure that the Substation Property will continue to be used for either fire or public safety related uses, or both uses, for at least ten (10) years from the date of transfer. Title to the Substation Property shall be insurable. Developer is responsible for the costs and expenses of transferring title to the Substation Property, except County is responsible for any title insurance premiums if County chooses to purchase title insurance. County agrees, and County shall cause the Pleasant Valley Fire Protection District to agree, that the new Substation built on the Substation Property shall be of a design that is compatible with and will not detract from the Covington development; the parties anticipate that such Substation design will be

similar in exterior appearance to the sketch shown on Exhibit F-1, or substantially similar thereto with Developer's approval, which approval shall not be unreasonably withheld.

Section 4.01C. Funds for Public Safety. Developer agrees to pay County Three Hundred Thirty Thousand and No/100 dollars ($330,000.00) upon the earlier of either December 1, 2016, or the closing on the sale of any portion of the Covington development to an individual or entity other than a Sinacori Related Entity (the "Public Safety Payment"). Upon receipt of the Public Safety Payment, the monies must be accounted for separate and distinct from other monies of the County. The Public Safety Payment must be used for non-recurring purposes for law enforcement, fire and emergency medical service in the panhandle area of the County. The determination of the specific uses for the Public Safety Payment is at the discretion of the County Council. As used in this section, "Developer" means Sinacori Builders, LLC, a North Carolina limited liability company, and does not include its successors or assigns but does include a Sinacori Related Entity that holds title to the Property.

Section 4.02. Payment of Costs. Upon submission of appropriate documentation of the expenditure, Developer agrees to reimburse the County, not later than December 31, 2015, for the County's reasonable unreimbursed actual costs related to this Agreement. The foregoing cost reimbursement is capped at ten thousand dollars ($10,000.00) and is limited to County payments to third-party vendors and service providers that have not been otherwise reimbursed from the fee paid by Developer pursuant to Section 10 of Ordinance No. 663.

Section 4.03. Other Charges or Fees. (A) Nothing in this Agreement shall be construed as relieving Developer from the payment of any fees or charges in effect at the time of collection as may be assessed by entities other than the County.

(B) Developer is subject to the payment of any and all present or future fees enacted by the County that are of County-wide application and that relate to the County's costs of processing applications, issuing development permits, reviewing plans, conducting inspections or similar type processing costs.

Section 4.04. Infrastructure and Services. The Parties recognize that the majority of the direct costs associated with the Development of the Property will be borne by Developer, and many necessary infrastructure improvements and services will be provided by Developer or other governmental or quasi-governmental entities, and not by the County. For clarification, the Parties make specific note of and acknowledge the following:

(A) Roads. (1)(a) Developer is responsible for the construction and costs of all roads, whether for public or private use, within the Property including but not limited to any necessary entrance and intersection improvements as required by the South Carolina Department of Transportation related to the development of the Property. All roads must be constructed in accordance with the County's road standards. The road improvements are expected to be implemented on a schedule consistent with the development of the Property as contained in the development schedule and as necessary to serve the development.

(b) Developer shall cause to be prepared a traffic impact analysis conducted and sealed by a licensed South Carolina professional engineer. Any road improvements, which are determined to be necessary, based on the results of the traffic impact analysis, shall be

incorporated into the final site plan prior to County approval and the Developer is responsible for all costs of the road improvements. The traffic impact analysis shall be reviewed by the County and in conjunction with the South Carolina Department of Transportation. If a County-level traffic planner is not available to review the traffic impact analysis at the time of submittal, the County may choose to hire a third-party consultant to assist in this review. The cost of the traffic impact analysis, including any additional reviews requested by the County, shall be paid by the Developer. Improvements set forth in the traffic impact analysis may be installed based on a phasing study prepared by a licensed South Carolina professional engineer at the expense of Developer. The installation of new traffic signals or improvements to existing traffic signals shall be based on warrant studies conducted by a licensed South Carolina professional engineer at established specific times and at the expense of Developer.

(c) If a signalized intersection is required by the traffic impact analysis, or additional poles are required at an existing signalized intersection, a mast-arm traffic signal shall be installed. At a minimum, the standard metal mast-arm poles used by Duke Energy Corporation shall be installed. Complete cost of the installation of the mast-arm traffic signal shall be paid by Developer. Developer shall furnish a financial guarantee, acceptable to the County in its discretion, to cover future repairs and replacement of the mast-arm traffic signal. Developer may transfer its obligation for future repairs and replacement for the mast-arm traffic signal to a homeowners' or property owners' association, or similar organization.

(2) Developer is responsible for all construction and maintenance, and the costs thereof, associated with the roads within the Property. Developer may transfer the ownership of the roads and its obligations for the roads to a homeowners' or property owners' association, or similar organization.

(3) Developer agrees to maintain the landscaping at the entrance to the Property and obtain any necessary easements therefor from the South Carolina Department of Transportation. Developer's obligation to maintain the landscaping is limited to mowing and planting of grass, trimming and planting of shrubs, trees and other vegetation, and maintenance and operation of any associated irrigation system. County agrees to cooperate with Developer in obtaining an easement or other related approvals. Developer may transfer its maintenance obligation to a homeowners' or property owners' association, or similar organization.

(4) County is not responsible for any construction, maintenance, or costs associated with the roads within the Property. Developer acknowledges that County will not accept the roads within the Property into the County road system for any purpose, including, but not limited to, maintenance. Developer agrees to provide County prior to final plat approval documentation that a mechanism, such as a property owners' association, is in place for the perpetual maintenance of all roads with the Property.

(B) Potable Water. Potable water will be supplied to the Property by the Lancaster County Water and Sewer District. Developer will construct, or cause to be constructed, all necessary water service infrastructure within the Property and the water service infrastructure will be maintained by the provider. County is not responsible for any construction, treatment, maintenance, or costs associated with water service or water service infrastructure to or within the Property. The water service infrastructure is expected to be implemented on a schedule consistent with the development of the Property as contained in the development schedule and as necessary to serve the development. Developer acknowledges that County has no authority or

responsibility for providing potable water services in the County and that the Lancaster County Water and Sewer District is a governmental entity separate and distinct from the County.

(C) Sewage Treatment and Disposal. Sewage treatment and disposal will be provided by the Lancaster County Water and Sewer District. Developer will construct, or cause to be constructed, all necessary sewer service infrastructure within the Property and the sewer service infrastructure will be maintained by the provider. County is not responsible for any construction, treatment, maintenance, or costs associated with sewer service or sewer service infrastructure. Sewer service infrastructure is expected to be implemented on a schedule consistent with the development of the Property as contained in the development schedule and as necessary to serve the development. Developer acknowledges that County has no authority or responsibility for providing sewage treatment and disposal services in the County and that the Lancaster County Water and Sewer District is a governmental entity separate and distinct from the County.

(D) Storm Water Management. Developer will construct or cause to be constructed all storm water runoff conveyance systems and drainage improvements within the Property required by the development of the Property. All inlets, piping within a system, associated swales or other conveyance system shall be designed for a minimum twenty-five (25) year storm event. Individual culvert crossing shall be designed for a minimum twenty-five (25) year storm event. Developer agrees to construct or cause to be constructed permanent water quantity and water quality systems and improvements in accordance with best management practices. The applicable requirements and standards shall be the more stringent of either the requirements and standards contained in the Laws and Land Development Regulations as may be modified pursuant to Section 3.01(F) or the requirements and standards set by the South Carolina Department of Health and Environmental Control or its successor agency. All storm water systems and improvements will be maintained by Developer or a homeowners' association. County is not responsible for any construction, maintenance or costs associated with the storm water runoff and drainage for the Property. Storm water management improvements are expected to be implemented on a schedule consistent with the development of the Property as contained in the development schedule and as necessary to serve the development.

(E) Solid Waste Collection. The County shall provide solid waste collection to the Property on the same basis as is provided to other residents and businesses within the County. It is understood and acknowledged that the County does not presently provide solid waste disposal for single, multi-family or commercial developments. Residential units shall be served by a private waste hauling company.

(F) Law Enforcement Protection. The County shall provide law enforcement protection services to the Property on the same basis as is provided to other residents and businesses within the County.

(G) Recycling Services. The County shall provide recycling services to the Property on the same basis as is provided to other residents and businesses within the County.

(H) Emergency Medical Services (EMS). Emergency medical services shall be provided by the County to the Property on the same basis as is provided to other residents and businesses within the County.

(I) Fire Services. The Property is located in the Pleasant Valley Fire Protection District and fire services will be provided by the Pleasant Valley Fire Department, or successor entities.

(J) Library Service. The County shall provide library services on the same basis as is provided to other residents within the County.

(K) School Services. Public school services are now provided by the Lancaster County School District. Developer acknowledges that County has no authority or responsibility for providing public school services in the County.

(L) Parks and Recreation. The County shall provide parks and recreation services on the same basis as is provided to other residents within the County.

Section 4.05. Maximum Density. Notwithstanding the maximum density set forth in the UDO, the maximum density for residential use for the Property is two (2) dwelling units per acre.

Section 4.05A. Final Plat Approval. Notwithstanding any other provision of this Agreement or any provision of the UDO, Developer agrees that prior to seeking final plat approval: (*i*) all water and sewer infrastructure for the area that is the subject of the final plat shall be installed by the Developer and subsequently tested, inspected, and found to be in acceptable condition by the applicable water or sewer provider, and (*ii*) the appropriate permits from the South Carolina Department of Health and Environmental Control (DHEC) have been obtained by the Developer for storm water management and the Developer shall provide proof that DHEC has issued the appropriate permits.

Section 4.06. Vinyl Siding. The use of vinyl siding on the homes constructed on lots within the development is prohibited, except that vinyl eaves, soffits and corners are allowed on all homes.

Section 4.07. Age-Restricted Development. County acknowledges that Developer intends to develop the portion of the Property shown as Villages 5, 6, 7 and 8, consisting of approximately fifty-five (55) acres, located south of Clem's Branch Creek on the Cluster Subdivision Overlay District Rezoning Plan, attached hereto as Exhibit G and incorporated herein by reference as if the exhibit were set out in this Agreement in its entirety, into an age-restricted community where at least eighty percent (80%) of the residential dwelling units within Villages 5, 6, 7 and 8 must be occupied (not owned) by at least one person fifty-five (55) years of age or older as permitted under the Fair Housing Act, as amended. The reason for including Exhibit G in this Agreement is solely for the purpose of identifying generally the area within the development where the age-restricted Villages will be located.

Section 4.08. Historic Site. Developer agrees to monument and provide an easement for trail access to the Historic Revolutionary War Trail area that traverses the Covington project near the project boundary and neighboring Bridgehampton development in the vicinity of Clem's Branch Creek. Proposed Easement for trail access will be planned so as to provide opportunities for possible future connection to the Clem's Branch Greenway that is being cooperatively planned across the SC/NC state line by the Mecklenburg County Parks and Recreation Department.

ARTICLE V

MISCELLANEOUS

Section 5.01. Notices. Any notice, election, demand, request or other communication to be provided under this Agreement shall be in writing and shall be effective (*i*) when delivered to the party named below, (*ii*) when deposited with the United States Postal Service, certified mail, return receipt requested, postage prepaid, or (*iii*) when deposited in Federal Express (or any other reputable national "next day" delivery service) addressed as follows (or addressed to such other address as any party shall have previously furnished in writing to the other party), except where the terms hereof require receipt rather than sending of any notice, in which case such provision shall control:

To the County: County of Lancaster
Attn: County Administrator
101 N. Main St. (29720)
P.O. Box 1809 (29721)
Lancaster, SC

With Copy to: County of Lancaster
Attn: County Attorney
101 N. Main St. (29720)
P.O. Box 1809 (29721)
Lancaster, SC

And to Developer: Sinacori Builders, LLC
Attn: Russ Sinacori
P.O. Box 471785
Charlotte, NC 28247

With Copy to: Sinacori Builders, LLC
Attn: John H. Carmichael
Robinson Bradshaw & Hinson, P.A.
101 North Tryon Street, Suite 1900
Charlotte, North Carolina 28246

Section 5.02. Amendments. (A) This Agreement may be amended or cancelled by mutual consent of the parties to the Agreement. An amendment to this Agreement must be in writing. No statement, action or agreement made after the Agreement Date shall be effective to change, amend, waive, modify, discharge, terminate or effect an abandonment of this Agreement in whole or in part unless such statement, action or agreement is in writing and signed by the party against whom the change, amendment, waiver, modification, discharge, termination or abandonment is sought to be enforced.

(B) An amendment to this Agreement must be processed and considered in the same manner as set forth in Ordinance No. 663 for a proposed development agreement. Any amendment to this Agreement constitutes a major modification and the major modification may occur only after public notice and a public hearing by the County Council.

(C) This Agreement must be modified or suspended as may be necessary to comply with any state or federal laws or regulations enacted after the Agreement Date which prevents or precludes compliance with one or more of the provisions of this Agreement but only to the extent necessary to effectuate compliance with the state or federal law.

Section 5.03. Periodic Review. At least every twelve (12) months, the Chief Zoning Officer for the County or the designee of the Chief Zoning Officer for the County, or the successor to Chief Zoning Officer for the County, must review compliance with this Agreement by the Developer. At the time of review the Developer must demonstrate good faith compliance with the terms of the Agreement.

Section 5.04. Breach of Agreement. (A) If, as a result of the periodic review provided in Section 5.03 of this Agreement or at any other time, the Chief Zoning Officer for the County finds and determines that the Developer has committed a material breach of the terms or conditions of this Agreement, the Chief Zoning Officer for the County shall serve notice in writing, within a reasonable time after making the finding and determination of a material breach, upon the Developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the Developer a reasonable time in which to cure the material breach.

(B) If the Developer fails to cure the material breach within a reasonable time and is not proceeding expeditiously and with diligence to cure the breach, then the County Council may unilaterally terminate or modify this Agreement. Prior to terminating or modifying this Agreement as provided in this section, the County Council must first give the Developer the opportunity (*i*) to rebut the finding and determination, or (*ii*) to consent to amend the Agreement to meet the concerns of the County Council with respect to the findings and determinations.

Section 5.05. Enforcement. The Parties shall each have the right to enforce the terms, provisions and conditions of this Agreement, if not cured within the applicable cure period, by any remedy available at law or in equity, including specific performance, and the right to recover attorney's fees and costs associated with enforcement.

Section 5.06. No Third Party Beneficiary. The provisions of this Agreement may be enforced only by the Parties. No other persons shall have any rights hereunder.

Section 5.07. Recording of Agreement. The Parties agree that Developer shall record this Agreement with the County Register of Deeds within fourteen (14) days of the date of execution of this Agreement.

Section 5.08. Administration of Agreement. County is the only local government that is a party to this Agreement and the County is responsible for the Agreement's administration.

Section 5.09. Effect of Annexation and Incorporation. The Parties agree that this Agreement remains in effect if the Property is, in whole or in part, included in a newly-incorporated municipality or is annexed into a municipality. The Parties acknowledge that upon incorporation or annexation the application and duration of this Agreement is controlled by Section 6-31-110 of the Act. County reserves the right to enter into an agreement with the newly-incorporated municipality or the annexing municipality for the administration and enforcement of this Agreement after the date of incorporation or annexation.

Section 5.10. Estoppel Certificate. Any of the Parties may, at any time, and from time to time, deliver written notice to the other party requesting the party to certify in writing (*i*) that this Agreement is in full force and effect, (*ii*) that this Agreement has not been amended or modified, or if so amended, identifying the amendments, (*iii*) whether, to the knowledge of the party, the requesting party is in default or claimed default in the performance of its obligation under this Agreement, and, if so, describing the nature and amount, if any, of any such default or claimed default, and (*iv*) whether, to the knowledge of the party, any event has occurred or failed to occur which, with the passage of time or the giving of notice, or both, would constitute a default and, if so, specifying each such event.

Section 5.11. Entire Agreement. This Agreement sets forth, and incorporates by reference all of the agreements, conditions, and understandings among the Parties relative to the Property and its Development and there are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among the Parties relative to the matters addressed in this Agreement other than as set forth or as referred to in this Agreement.

Section 5.12. Covenant to Sign other Documents. County and Developer acknowledge that consummation of the transactions contemplated by this Agreement may require the execution contemporaneously with the execution of this Agreement and thereafter of certain documents in addition to this Agreement and County and Developer agree to cooperate with the execution thereof.

Section 5.13. Construction of Agreement. The Parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendments or exhibits to this Agreement.

Section 5.14. Assignment. The rights, obligations, duties and responsibilities devolved by this Agreement on or to the Developer are assignable to any other person, firm, corporation or entity except that the assignment must conform to the requirements of Section 1.09 and Section 3.05. County may assign its rights, obligations, duties and responsibilities devolved by this Agreement on or to the County to any other person, firm, corporation, or entity.

Section 5.15. Governing Law; Jurisdiction; and Venue. (A) This Agreement is governed by the laws of the State of South Carolina.

(B) The Parties agree that jurisdiction and venue for disputes relating to this Agreement is the Sixth (6th) Judicial Circuit of the State of South Carolina.

Section 5.16. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute but one and the same instrument.

Section 5.17. Eminent Domain. Nothing contained in this Agreement shall limit, impair or restrict the County's right and power of eminent domain under the laws of the State of South Carolina.

Section 5.18. Severability. If any provision in this Agreement or the application of any provision of this Agreement is held invalid, the invalidity shall apply only to the invalid provision, and the remaining provisions of this Agreement, and the application of this Agreement or any other provision of this Agreement, shall remain in full force and effect. However, if the invalid provision would prevent or materially impair Developer's right or ability to complete performance of this Agreement, the Parties agree to use their best efforts to renegotiate that provision in order for Developer to complete performance of this Agreement.

Section 5.19. When Agreement takes Effect. This Agreement is dated as of the Agreement Date and takes effect when (*i*) the County and Developer have each executed the Agreement, and (*ii*) the Developer has delivered to the County Administrator clocked-in copies, with book and page numbers, of the recorded deeds conveying the Property to Developer. If the County Administrator has not received clocked-in copies of the deeds conveying the Property to Developer by 5:00 p.m., Thursday, December 31, 2015, then this Agreement is automatically terminated without further action of either the County or Developer. The obligation of the Developer pursuant to Section 4.02 is effective on the date the last Party to sign this Agreement executes this Agreement and the obligations imposed on Developer pursuant to Section 4.02 survives the termination of this Agreement pursuant to this Section.

SIGNATURES FOLLOW ON NEXT PAGE.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date below found.

WITNESSES:

DEVELOPER:

SINACORI BUILDERS, LLC,
a North Carolina Limited Liability Company

_____ By: _____

Name: _____

Title: _____

_____ Date: _____

STATE OF _____)
) PROBATE
COUNTY OF _____)

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named Sinacori Builders, LLC, by its duly authorized officer/s sign, seal and as its act and deed deliver the within written instrument and that (s)he with the other witness above subscribed, witnessed the execution thereof.

_____
First Witness Signs Again Here

Seal

SWORN to before me this
____ day of _____, 2015.

_____
Notary Public Signs AS NOTARY
Notary Public for the State of _____
My Commission Expires:_____

COUNTY SIGNATURES FOLLOW ON NEXT PAGE.

WITNESSES:

COUNTY:

COUNTY OF LANCASTER,
SOUTH CAROLINA

_____ By: _____
Bob Bundy, Chair, County Council

_____ Date: _____

_____ By: _____
Steve Harper, Secretary, County Council

_____ Date: _____

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF LANCASTER)

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named County of Lancaster by its duly authorized officer/s sign, seal and as its act and deed deliver the within written instrument and that (s)he with the other witness above subscribed, witnessed the execution thereof.

_____
First Witness Signs Again Here

Seal

SWORN to before me this
____ day of _____, 2015.

_____
Notary Public Signs AS NOTARY
Notary Public for the State of South Carolina
My Commission Expires:_____

Exhibit A
Property Description

Covington Development

Tax Map No. 3, Parcel 40.00 (portion), 40.02, 40.04, 40.06 and 40.09 [and referred to as 0003-00-040.00 (portion), 0003-00-040.02, 0003-00-040.04, 0003-00-040.06 and 0003-00-040.09]

Tax Map No. 4, Parcel 1 and 2 [and referred to as 0004-00-001.00 and 0004-00-002.00]

LEGAL DESCRIPTION SHOULD BE INSERTED WHEN AVAILABLE.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Exhibit B

THIS EXHIBIT IS INTENTIONALLY LEFT BLANK.

Exhibit C
Development Schedule

	Begin	End
Engineering and Permitting	Aug. 1, 2015	Feb. 1, 2016
Phased Land Development	Mar. 1, 2016	Dec. 1, 2020
Home Construction Starts	Dec. 1, 2016	Aug. 1, 2021
Year 1 Home Closings – Approx. 60 per year	Jan. 1, 2017	Dec. 31, 2017
Year 2 Home Closings – Approx. 60 per year	Jan. 1, 2018	Dec. 31, 2018
Year 3 Home Closings – Approx. 60 per year	Jan. 1, 2019	Dec. 31, 2019
Year 4 Home Closings – Approx. 60 per year	Jan. 1, 2020	Dec. 31, 2020
Year 5 Home Closings – Approx. 60 per year	Jan. 1, 2021	Dec. 31, 2021

This Development Schedule is an estimate. The provisions of Section 1.07 of this Agreement apply to this exhibit.

NOTE: County and Developer acknowledge that development of the Property is limited to three hundred thirty (330) residential units.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Exhibit D
Required Information

The Act and Ordinance No. 663 require a development agreement to include certain information. The following information is provided in conformance with the Act and Ordinance No. 663.

(A) *a legal description of the property subject to the agreement and the names of the property's legal and equitable owners.* The legal description of the Property is set forth in Exhibit A. As of the Agreement Date, Developer has contractual rights to acquire the Property and, following acquisition, Developer shall be the only legal and equitable owner of the Property. As of the Agreement Date, the legal owners of the Property are Acts Retirement – Life Communities, Inc. (Tax Map No. 0004-00-001.00), Sauer Properties, Inc. (Tax Map No. 0004-00-002.00), Mike and Jennifer Knabenshue (portion of Tax Map No. 0003-00-040.00), Janice Patterson Poston (Tax Map Nos. 0003-00-040.02 and 0003-00-040.04), Mamie B. Patterson Revocable Living Trust (Tax Map No. 0003-00-040.06), Shirley Patterson MacKenzie (Tax Map No. 0003-00-040.09).

(B) *the duration of the agreement which must comply with Code Section 6-31-40.* See Section 1.10.

(C) *a representation by the developer of the number of acres of highland contained in the property subject to the agreement.* See Section 2.02.

(D) *the then current zoning of the property and a statement, if applicable, of any proposed re-zoning of the property.* See Section 1.05.

(E) *the development uses that would be permitted on the property pursuant to the agreement, including population densities, building intensities and height.* See Section 1.06 and Section 4.05.

(F) *a description of the public facilities that will service the development, including who provides the facilities, the date any new facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development construction timeline for those facilities. If the agreement provides that the County shall provide certain public facilities, the agreement shall provide that the delivery date of the public facilities will be tied to defined completion percentages or other defined performance standards to be met by the developer.* See Article IV.

(G) *a description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property as may be required or permitted pursuant to laws in effect at the time of entering into the agreement.* Developer agrees to comply with all applicable environmental laws.

(H) *a description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the*

agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions. See Section 3.04.

(I) *a finding that the development permitted or proposed is consistent, or will be consistent by the time of execution of the agreement, with the County's comprehensive plan and land development regulations.* See Section 2.01(A).

(J) *a description, where appropriate, of any provisions for the preservation and restoration of historic structures.* Developer agrees to comply with all laws applicable to the preservation and restoration of historic structures within the Property.

(K) *a development schedule including commencement dates and interim completion dates at no greater than five year intervals.* See Section 1.07 and Exhibit C.

(L) *if more than one local government is made party to the agreement, a provision stating which local government is responsible for the overall administration of the agreement.* See Section 5.08.

(M) *a listing of the laws and land development regulations that will apply to the development of the property subject to the agreement, including citation to specific ordinance numbers or portions of the County Code of Ordinances or both.* See Section 3.01(B) and Exhibit E.

(N) *a provision, consistent with Code Section 6-31-80, addressing the circumstances under which laws and land development regulations adopted subsequent to the execution of the agreement apply to the property subject to the agreement.* See Section 3.03.

(O) *a provision stating whether the agreement continues to apply to the property or portions of it that are annexed into a municipality or included in a newly-incorporated area and, if so, that the provisions of Code Section 6-31-110 apply.* See Section 5.09.

(P) *a provision relating to the amendment, cancellation, modification or suspension of the agreement.* See Section 5.02.

(Q) *a provision for periodic review, consistent with the provisions of Section 8 of Ordinance No. 663.* See Section 5.03.

(R) *a provision addressing the effects of a material breach of the agreement, consistent with the provisions of Section 9 of Ordinance No. 663.* See Section 5.04.

(S) *a provision that the developer, within fourteen days after the County enters into the agreement, will record the agreement with the County Register of Deeds.* See Section 5.07.

(T) *a provision that the burdens of the agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.* See Section 1.09(A).

(U) *a provision addressing the conditions and procedures by which the agreement may be assigned.* See Section 1.09(B), Section 3.05 and Section 5.14.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

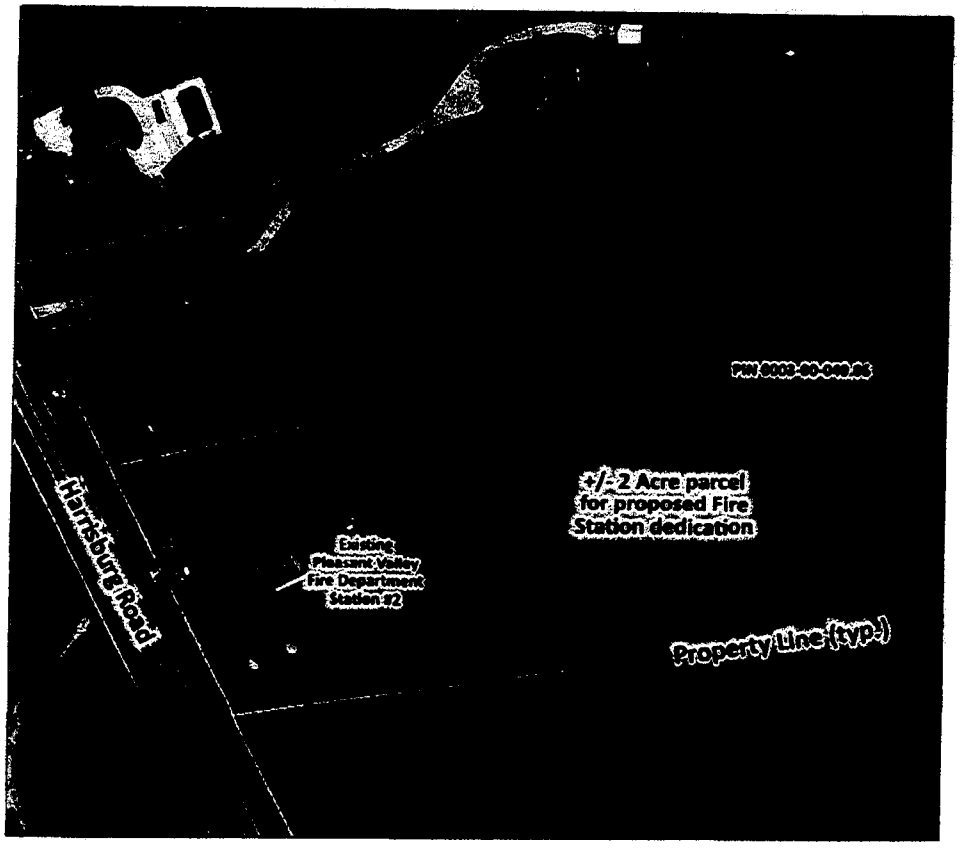
Exhibit E
Laws and Land Development Regulations

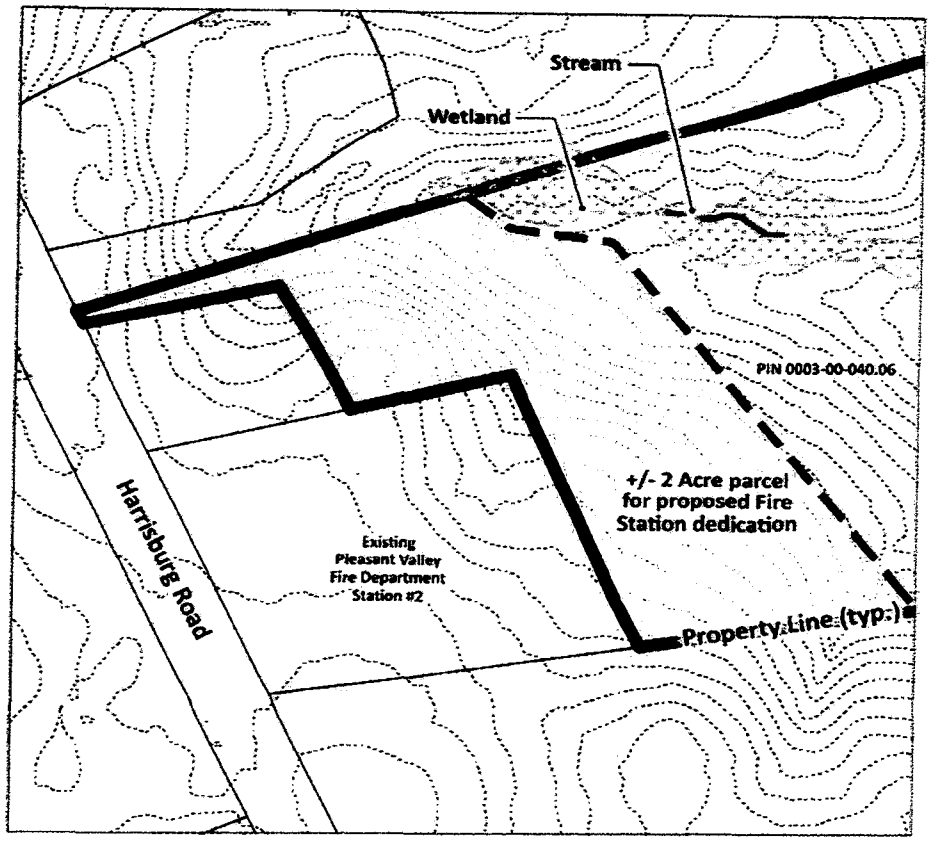
1. Ordinance No. 2015-____ zoning the Property R-15, Moderate Density Residential / Agricultural District, with a Cluster Subdivision Overlay District.
2. Ordinance No. 2015-_____, approving this Development Agreement.
3. The Development Agreement Ordinance for Lancaster County, South Carolina: Ordinance No. 663.
4. Unified Development Ordinance of Lancaster County (UDO): Ordinance No. 309, as amended as of the Agreement Date. The UDO includes Ordinance No. 328, as amended, as of the Agreement Date and which is cited as the Land Development Regulations of Lancaster County.
5. Land Development Regulations of Lancaster County: See Unified Development Ordinance of Lancaster County.
6. Article V, Chapter 26, Lancaster County Code of Ordinances, Road Construction Standards.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Exhibit F
Substation Property

See attached.





DRAFT

DO NOT RELY ON THIS DOCUMENT

ESP

ESP Associates, P.A.

P.O. Box 7030 Charlotte, NC 28241 · 3475 Lakemont Blvd. Fort Mill, SC 29708

NC · 704.583.4949 SC · 803.802.2440

www.espassociates.com

NORTH

Covington

Conceptual Fire Station Exhibit

July 10, 2015

GRAPHIC SCALE

100 0 50 100 200

1 INCH = 100 FT.

SINACORI HOMES

P.O. Box 471785, Charlotte NC 29247

EXHIBIT F

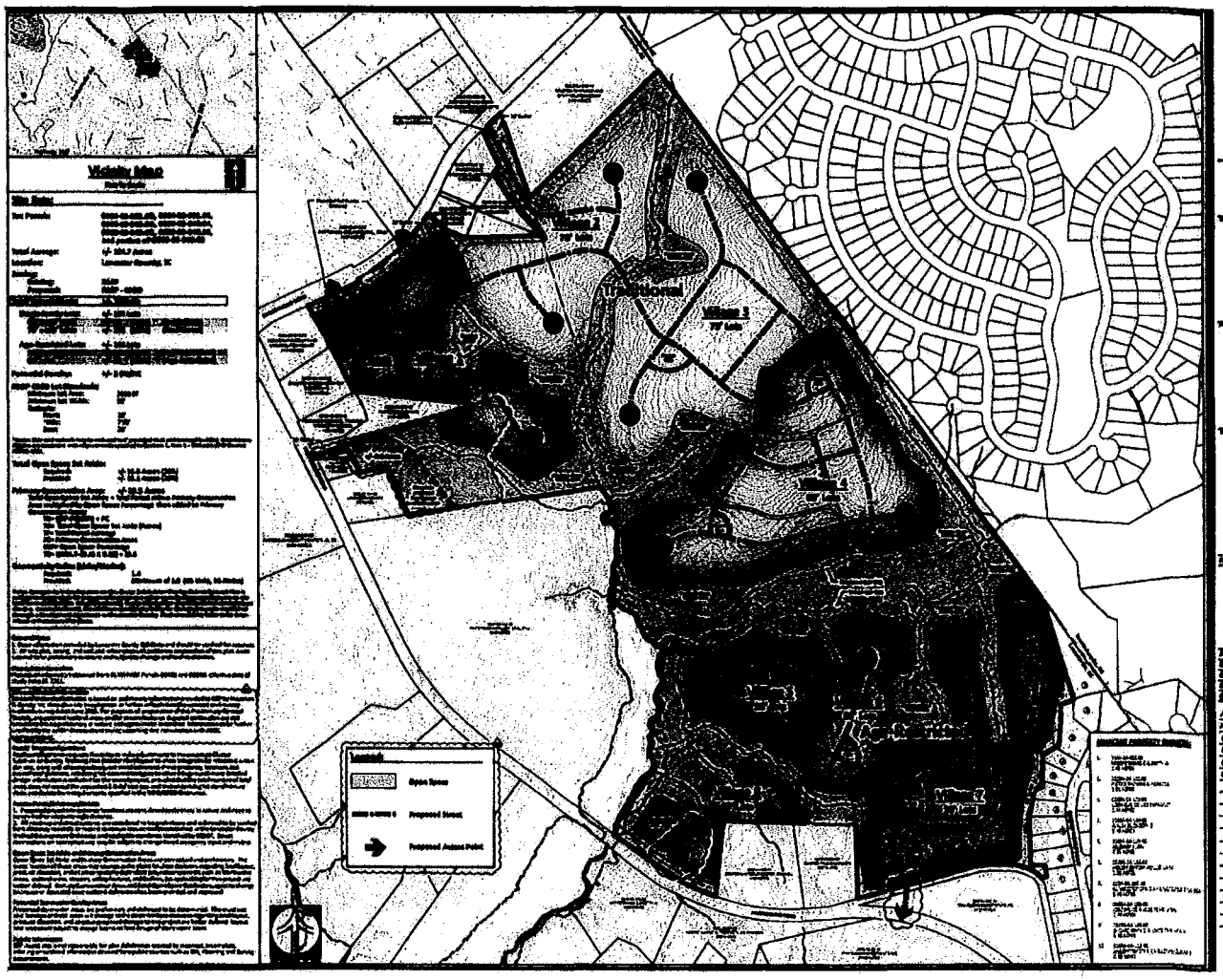
Exhibit F-1
Substation Design Sketch – Exterior Appearance

See attached.

EXHIBIT
F-1

33/02/2

Exhibit G
Schematic Plan



ESP

ESP Associates, P.A.

Sincerely Homes

Covington

Exhibit G

Cluster Subdivision Overlay District Schematic Plan

RZ-015-005

GRAPHIC SCALE

1 INCH = 200 FT.

STATE OF SOUTH CAROLINA)
) ORDINANCE NO. #663
COUNTY OF LANCASTER)

AN ORDINANCE OF LANCASTER COUNTY, SOUTH CAROLINA, TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF AND THE ENTERING INTO DEVELOPMENT AGREEMENTS.

WHEREAS, the Local Government Development Agreement Act, S.C. Code §§ 6-31-10 to –160 (the "Act"), authorizes county councils to enter into development agreements with developers;

WHEREAS, the Act allows local governments to establish procedures and requirements, as provided in the Act, to consider and enter into development agreements with developers;

WHEREAS, the Lancaster County Council believes it is in the best interests of the citizens of Lancaster County to provide requirements for the consideration of and entering into development agreements particularly when the developer proposes to zone the property as a Planned Development District (PDD) and the property is of a sufficient size;

NOW, THEREFORE, BE IT ORDAINED BY LANCASTER COUNTY, SOUTH CAROLINA:

Section 1. SHORT TITLE. This Ordinance may be cited as the Development Agreement Ordinance for Lancaster County, South Carolina.

Section 2. DEFINITIONS.

(A) As used in this Ordinance:

1. "Act" means the South Carolina Local Government Development Agreement Act, codified as S.C. Code §§ 6-31-10 to -160 (2004), as may be amended from time-to-time.

2. "Agreement" means a development agreement as authorized by the Act.

3. "Clerk" means the Clerk of the Council.

4. "Code" means the South Carolina Code of Laws, 1976, as amended.

5. "Council" means the Lancaster County Council.

(B) Unless the context clearly indicates otherwise, terms not otherwise defined in this Ordinance have the meanings set forth in the Act.

Section 3. INTENT. It is the intent of the Council to require an agreement when Planned Development District zoning, as provided in the County's Unified Development Ordinance, is sought for property containing two hundred or more acres. Nothing in this Ordinance prohibits the County approving or a person seeking an agreement for property zoned other than Planned Development District or for property containing less than two hundred acres.

Section 4. MINIMUM REQUIREMENT. Property subject to an agreement must contain twenty-five acres or more of highland.

Section 5. INITIATION AND CONSIDERATION OF AGREEMENTS.

(A) At the time a developer makes application for Planned Development District zoning and the property is two hundred acres or more, the developer shall submit to the Clerk:

(1) a letter stating that the developer is seeking Planned Development District zoning for property containing two hundred acres or more;

(2) a proposed agreement containing, at a minimum, the information required by Section 6 of this Ordinance; and

(3) a check as required by Section 10 of this Ordinance.

(B) Upon receipt by the Clerk, the Clerk shall provide copies of the developer's letter and proposed agreement to each member of the Council.

(C) Council may, in its discretion:

(1) provide for the appointment of an ad hoc committee of the Council, to review and make recommendations to the Council on the content and disposition of the proposed agreement;

(2) request the review by and comment of any County agency, department, board or commission and such agency, department, board or commission shall, upon request of the Council, make appropriate resources and personnel available to the Council to facilitate the Council's review and consideration of the proposed agreement;

(3) make arrangements as may be necessary or proper to enter into agreements, including negotiating and drafting of agreements; and

(4) engage such consultants and professional service providers as may be needed including, but not limited to, engineering, financial, legal or other special services.

(D) The Clerk shall forward a copy of the proposed agreement to the Planning Commission. The Planning Commission shall review the proposed agreement and make recommendations to the Council not later than the time the Planning Commission makes its recommendations to the Council on the proposed Planned Development District.

(E) At least two public hearings on the proposed agreement shall be conducted. One of the two required public hearings shall be held by the Planning Commission and the other shall be held by Council. Not less than fifteen days' notice of the time and place of each hearing shall be published in at least one newspaper of general circulation in the county. The notices published for the public hearings must include the information required to be published by Code Section 6-31-50(B).

(F) No agreement may be entered into by the County unless the agreement has been approved by Council through the adoption of an ordinance. Any agreement approved by Council must contain the information required by Section 6.

Section 6. MANDATORY CONTENT OF AGREEMENT. The proposed agreement filed by the developer, as provided in Section 5 of this Ordinance, must include:

(A) a legal description of the property subject to the agreement and the names of the property's legal and equitable owners;

(B) the duration of the agreement which must comply with Code Section 6-31-40;

(C) a representation by the developer of the number of acres of highland contained in the property subject to the agreement;

(D) the then current zoning of the property and a statement, if applicable, of any proposed re-zoning of the property;

(E) the development uses that would be permitted on the property pursuant to the agreement, including population densities, building intensities and height;

(F) a description of the public facilities that will service the development, including who provides the facilities, the date any new facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development construction timeline for those facilities. If the agreement provides that the County shall provide certain public facilities, the agreement shall provide that the delivery date of the public facilities will be tied to defined completion percentages or other defined performance standards to be met by the developer;

(G) a description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property as may be required or permitted pursuant to laws in effect at the time of entering into the agreement;

(H) a description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions;

(I) a finding that the development permitted or proposed is consistent, or will be consistent by the time of execution of the agreement, with the County's comprehensive plan and land development regulations;

(J) a description, where appropriate, of any provisions for the preservation and restoration of historic structures;

(K) a development schedule including commencement dates and interim completion dates at no greater than five year intervals;

(L) if more than one local government is made party to the agreement, a provision stating which local government is responsible for the overall administration of the agreement;

(M) a listing of the laws and land development regulations that will apply to the development of the property subject to the agreement, including citation to specific ordinance numbers or portions of the County Code of Ordinances or both;

(N) a provision, consistent with Code Section 6-31-80, addressing the circumstances under which laws and land development regulations adopted subsequent to the execution of the agreement apply to the property subject to the agreement;

(O) a provision stating whether the agreement continues to apply to the property or portions of it that are annexed into a municipality or included in a newly-incorporated area and, if so, that the provisions of Code Section 6-31-110 apply;

(P) a provision that:

(1) the agreement may be amended or cancelled by mutual consent of the parties to the agreement or their successors in interest;

(2) if the amendment constitutes a major modification of the agreement, the major modification may occur only after public notice and a public hearing by the Council, provided, that, for purposes of this subitem, a "major modification" means: (i) significant changes to the development scheduled time-frames set forth in the agreement; (ii) density modifications; (iii) land use changes; (iv) any major miscalculations of infrastructure or facility needs which create demand deficiencies; or (v) any other significant deviation from the development as contained in the agreement;

(3) if the developer requests an amendment to the development schedule, including commencement dates and interim completion dates, then the dates must be modified by the Council if the developer is able to demonstrate and establish that there is good cause to modify those dates; and

(4) the agreement must be modified or suspended as may be necessary to comply with any state or federal laws or regulations enacted after the agreement is entered into which prevents or precludes compliance with one or more of the provisions of the agreement;

(Q) a provision for periodic review, consistent with the provisions of Section 8 of this Ordinance;

(R) a provision addressing the effects of a material breach of the agreement, consistent with the provisions of Section 9 of this Ordinance;

(S) a provision that the developer, within fourteen days after the County enters into the agreement, will record the agreement with the County Clerk of Court;

(T) a provision that the burdens of the agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement; and

(U) a provision addressing the conditions and procedures by which the agreement may be assigned.

Section 7. OPTIONAL CONTENT OF AGREEMENT. The agreement approved by the Council must include the information listed in Section 6 of this Ordinance and, in addition, may include:

(A) a description of any conditions, terms, restrictions, or other requirements determined to be necessary by the Council for the public health, safety, or welfare of the County's citizens;

(B) requirements that the entire development or any phase of it be commenced or completed within a specified period of time;

(C) defined performance standards to be met by the developer;

(D) identification of any laws or land development regulations anticipated to be adopted by the Council subsequent to the execution of the agreement and made applicable to the property subject to the agreement;

(E) any other matter not inconsistent with the Act not prohibited by law.

Section 8. PERIODIC REVIEW. At least every twelve months, the zoning administrator must review compliance with the agreement by the developer. At the time of review the developer must demonstrate good faith compliance with the terms of the agreement.

Section 9. BREACH OF AGREEMENT.

(A) If, as a result of the periodic review provided for in Section 8 of this Ordinance, the zoning administrator finds and determines that the developer has committed a material breach of the terms or conditions of the agreement, the zoning administrator shall serve notice in writing, within thirty (30) days after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the developer thirty (30) days to respond with a corrective action plan to cure the material breach. The zoning administrator may approve a corrective action plan which provides for a cure of the material breach in one (1) year or less. Corrective action plans providing for a cure of the material breach in excess of one (1) year must be reviewed and approved by the Council. The zoning administrator and Council may establish a time for the cure of the material breach different from that proposed by the developer.

(B) If the developer fails to respond to the zoning administrator's notice within thirty (30) days or cure the material breach within the time approved by the zoning administrator or Council, the Council unilaterally may terminate or modify the agreement, provided, that the Council has first given the developer the opportunity: (1) to rebut the finding and determination; or (2) to consent to amend the agreement to meet the concerns of the Council with respect to the findings and determinations.

(C) The failure of a developer to meet a commencement or completion date shall not, in and of itself, constitute a material breach of the agreement, but must be judged based on the totality of the circumstances.

Section 10. COST OF CONSIDERATION. The developer must pay a fee, to defray the cost of consideration of the proposed agreement by the Council, and the amount of the fee shall be determined in the following manner: Twenty-five dollars per acre for each acre of highland proposed to be included in the agreement with the total fee not to exceed twenty thousand dollars. The developer shall pay the fee by check made payable to Lancaster County and the check shall be included with the material submitted to the Clerk as provided in Section 5 of this Ordinance. The fee shall be deposited in a special account and used at the direction of the Council only for the purpose of defraying expenses incurred by the County in the review and consideration of the proposed agreement. Any unused fee shall be returned to the developer within six months of the County's disposition of the proposed agreement.

Section 11. SEVERABILITY. If any section, subsection or clause of this Ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section 12. CONFLICTING ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

THIS ORDINANCE IS EFFECTIVE IMMEDIATELY UPON FINAL READING. SIGNED, SEALED, AND DELIVERED AS OF THIS 25th DAY OF APRIL, 2005.

LANCASTER COUNTY, SOUTH CAROLINA

By: _____
T. Alston DeVenny, Jr.
Chairman, Lancaster County Council

(Seal)
ATTEST:

_____
Irene Plyler
Clerk to County Council

APPROVED AS TO FORM:

_____
William R. Sims
County Attorney

1st reading: 2/28/2005
2nd reading: 4/04/2005
3rd reading: 4/25/2005

APPENDIX B - UNIFIED DEVELOPMENT ORDINANCE
FOOTNOTE(S):

--- (1) ---

Editor's note—Appendix B sets forth the land use and development standards of the county as enacted by Ord. No. 309, adopted September 28, 1998. Ord. No. 309 repealed former App. B, titled Land Use and Development Standards Ordinance, which derived from the following:

Ord. No.	Section	Date	Ord. No.	Section	Date
186	—	6-25-90	247	—	8- 1-94
191	—	3- 4-91	255	—	10-12-94
207	—	6- 1-92	268	—	2-27-95
230	1—12	4-11-94	274	—	6-26-95
240	—	7-25-94	276	—	9-25-95

The substantive provisions of this ordinance have been included herein as enacted; however, material in brackets has been added by the editor for purposes of clarification or in order to facilitate indexing, reference and use. The absence of a history note following a section in this appendix indicates that that section derives unchanged from Ord. No. 309; conversely, a history note enclosed in parentheses following a section indicates amendment by ordinances cited therein.

Cross reference— Buildings and construction, Ch. 7; drainage, flood control and other land-disturbing activities, Ch. 9; environmental protection and sanitation, Ch. 12; planning and development, Ch. 25.

AUTHORITY AND ENACTMENT

This ordinance is adopted pursuant to the authority contained in the Code of Laws of South Carolina, Title 6, Chapter 29 (South Carolina Local Government Comprehensive Planning Enabling Act of 1994). Whenever any provision of this ordinance refers to or cites a section of the Code of Laws of South Carolina and that section is later amended or superseded, the ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

CHAPTER I. - TITLE, PURPOSE, AND JURISDICTION
Section 1.1 - Title.

This ordinance shall be known and shall be cited as the Unified Development Ordinance of Lancaster County.

Section 1.2 - Purpose.

The purposes of this ordinance are to implement the Lancaster County Comprehensive Plan, to guide development in accordance with existing and future needs and to promote the health, safety, convenience, order, appearance, 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 to reduce or eliminate adverse environmental effects and to conserve natural resources.
3. Concentrating development in areas where adequate water and sewer facilities, roads, schools, police and fire protection, parks and other recreational facilities, affordable housing, disaster evacuations and other public services and requirements can be provided, and limiting development where these facilities are not available.
4. Providing standards for multifamily 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, air and open space.
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.
11. Protecting rural communities and agricultural traditions from the effects of encroaching development patterns and increasing population densities.
12. Preventing the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets.
13. Facilitating the creation of a convenient, attractive, and harmonious community.
14. Protecting and preserving scenic, historic, or ecologically sensitive areas.
15. Regulating the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes.
16. Furthering the public welfare in any other regard specified by a local governing body.

Section 1.3 - Jurisdiction.

This ordinance shall be effective throughout the county, outside incorporated municipalities and their extraterritorial planning jurisdictions.

Section 1.4 - Relationship to existing zoning, subdivision, and flood control ordinances.

To the extent that the provisions of this ordinance are the same in substance as the previously adopted provisions that they replace in the County's zoning, subdivision, flood control, manufactured home, or other ordinances, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that existed as an unlawful nonconforming situation under the previously adopted ordinances does not achieve lawful nonconforming status under this ordinance merely by the repeal of the aforementioned ordinances.

Section 1.5 - Relationship to the Comprehensive Plan.

It is the intention of the county council that this ordinance implement the planning policies adopted by the county council for the county, as reflected in the Lancaster County Comprehensive Plan and other planning documents.

Section 1.6 - No use or sale of land or buildings except in conformity with chapter provisions.

1. Except as provided in the nonconforming situations chapter of this ordinance, no person shall use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this ordinance.
2. For purposes of this section, the "use" or "occupation" of a building or land relates to anything and everything that is done to, on; or in that building or land.
3. Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special exception permits, and violations of stop work orders, shall constitute a misdemeanor, punishable as provided by state law.
4. Any act constituting a violation of the provision of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special exception permits, shall also subject the offender to a fine and/or imprisonment as provided for in section 1-10 of the Lancaster Code of Ordinances.
5. This ordinance may also be enforced by any appropriate equitable action.
6. Each day that any violation continues after notification by the building and zoning department that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
7. Any combination of the foregoing penalties and remedies may be used to enforce this ordinance.

(Ord. No. 664, 5-2-05; Ord. No. 846, 9-10-07)

Section 1.7 - Fees.

1. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice, and similar matters shall be charged to applicants for zoning permits, sign permits, special exception permits, zoning amendments, subdivision approval, appeals, variances, and other administrative relief. The amount of the fees charged shall be as set forth in the county's budget.
2. Fees shall be paid upon submission of a signed application or notice of appeal.

(Ord. No. 323, 2-1-99)

Section 1.8 - Severability.

It is hereby declared to be the intention of the county council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

Section 1.9 - Computation of time.

1. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first day and including the last day. Saturdays, Sundays, or legal holidays shall be excluded when computing the period of time.
2. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served by mail, three (3) days shall be added to the prescribed period.
3. Whenever the building and zoning official, director of planning, or other person is required to take certain action (e.g., mailing or publishing a notice) on or before a specified number of days prior to the occurrence of an event (e.g., a public hearing), then in computing such period, the day of the event shall not be included but the day of the action shall be included. For example, if notice of a public hearing is required to be published at least 15 days before the hearing, then if the notice is published on the first of the month it would be satisfactory for a hearing on the sixteenth of that same month.

Section 1.10 - Miscellaneous.

As used in this ordinance, words importing the masculine gender include the feminine and neuter. Words used in the singular in this ordinance include the plural and words used in the plural include the singular.

CHAPTER 2. - ZONING DISTRICTS AND ZONING MAP
FOOTNOTE(S):

--- (2) ---

State Law reference— Established pursuant to Section 55-9-240 of the Code of Laws of South Carolina.

--- (3) ---

Note—The definitions cited herein have been extracted from 14CFR77.23 and from 14CFR77.25 and are modeled on the examples made available in USDOT FAA Advisory Circular 150/5300-13, dated September 29, 1989.

--- (4) ---

Note—The definitions cited herein have been extracted from 14CFR77.23 and from 14CFR77.25 and are modeled on the examples made available in USDOT FAA Advisory Circular 150/5300-13, dated September 29, 1989.

--- (5) ---

Note—The height limitations cited herein have been extracted from 14CFR77.23 and from 14CFR77.25 and are modeled on the examples made available in USDOT FAA Advisory Circular 150/5300-13, dated September 29th, 1989.

Section 2.1 - Zoning districts.

The following zoning districts are established in accordance with the Lancaster County Comprehensive Plan.

Section 2.1.1 - Residential districts established.

The following residential use districts are hereby established: R-15, R-15S, R-15D, R-30, R-30S, R-30D, R-45, R-45A, R-45B, MF, and MHP. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities. Other objectives of these districts are explained in the remainder of this section.

In addition to the stated objectives of each zoning district, all districts are designed to encourage the perpetuation of general agricultural activities such as general row crop production, free-range livestock operations and pasture land, hay land, woodland and wildlife management areas. Intensive agricultural enterprises such as turkey barns, hog farms and other confined livestock operations shall only be allowed in the R-45A district.

1. The R-15, Moderate Density Residential/Agricultural District, is designed to accommodate the most dense single-family residential developments (not including manufactured homes) in areas of the county which are either experiencing urban growth or which are expected to experience urban growth in the near future. This type of development requires that both water and sewer lines be installed prior to construction beginning on the site. If water and sewer are not available to the site, the site shall be developed based on the regulations of the R-30 district (see below) The minimum lot size is 14,520 square feet and the minimum lot width is 90 feet.
2. The R-15S, Moderate Density Residential/Manufactured Housing/Agricultural District, contains the same regulations as the R-15 district except for the following:
   a. Both single-wide and multi-wide manufactured housing units are allowed based on siting criteria (see section 4.1.12) in addition to site-built and modular homes.
   b. This zoning district classification should be used to designate existing and future manufactured home subdivisions which do not/are not intended to consist of at least 50 percent multi-wide manufactured housing units.
   c. This zoning district classification is appropriate adjacent to manufactured housing parks.
3. The R-15D, Moderate Density Residential/Manufactured Housing/Agricultural District, contains the same regulations contained in the R-15 district except for the following:
   a. Only multi-wide manufactured housing units in addition to site-built and modular homes are allowed in this district based on certain siting criteria (see section 4.1.12).
   b. This zoning district classification should be used when designating new areas for allowing manufactured housing in areas where public water and sewer are either in place or where such utilities can be extended by the developer.
   c.

The commercial uses allowed in the district are for the convenience of the local residents. Therefore, the uses are limited in scope and serve to meet the essential needs of the local resident. Such uses shall only be allowed on lots located at the intersection of two roads. One of the roads shall be part of the state highway system. No commercial uses shall be allowed on lots having frontage on any local street. The commercial uses allowed in this district are specified in the Table of Permissible Uses. All commercial buildings in this district are limited to 6,000 (gross) square feet.

4. The R-15P, Moderate Density Residential/Agricultural Panhandle District, is designed to accommodate single-family residential development (not including manufactured homes) in the northern part of the panhandle. This zoning district will allow residential uses and related residential uses such as religious institutions, fire station, etc., the maximum density allowed in this zoning district is 1.5 dwellings per acre (1.5 du/acre), minimum lot size of 29,040 square feet and the minimum lot width is 130 feet. The availability of water and/or sewer shall not change: (1) the maximum density allowed; (2) the minimum lot size, and (3) the minimum lot width from what is stated above.
5. The R-30, Low Density Residential/Agricultural District, is designed to accommodate single-family residential developments (not including manufactured housing units) in areas of the county that are appropriate for development at a slightly higher density than is permitted in the R-45, R-45A and R-45B districts. This district should serve as a transitional district between the lower density residential districts (R-45, R-45A and R-45B) and the higher density residential districts (R-15, R-15S and R-15D). The minimum lot size is 29,040 square feet and the minimum lot width is 130 feet if a septic system is used or 100 feet if on central water and sewer.
6. The R-30S, Low Density Residential/Manufactured Housing/Agricultural District, contains the same regulations contained in the R-30 district except for the following:
   a. Both single-wide and multi-wide manufactured housing units are allowed based on siting criteria (see section 4.1.12) in addition to site-built and modular homes.
   c.[b.] The zoning district classification is appropriate adjacent to manufactured housing parks.
7. The R-30D, Low Density Residential/Manufactured Housing/Agricultural District, contains the same regulations contained in the R-30 district except for the following:
   a. Only multi-wide manufactured housing units in addition to site-built and modular homes are allowed in this district based on certain siting criteria (see Section 4.1.12)
   b. This zoning district classification should be used when designating new areas for allowing manufactured housing.
8. The R-30P, Low Density Residential/Agricultural Panhandle District, is designed to accommodate single-family residential developments (not including manufactured homes) in the southern part of the panhandle. This zoning district will allow residential uses and related residential uses such as religious institutions, fire station, etc. The maximum density allowed in this zoning district is 1.5 dwellings per acre (1.5 du/acre), minimum lot size of 29,040 square feet and the minimum lot width is 130 feet. The availability of water and/or sewer shall not change: (1) the maximum density allowed; (2) the minimum lot size, and (3) the minimum lot width from what is stated above.
9.

The R-45, Rural Residential/Agricultural District, is designed to encourage the perpetuation of agricultural uses and to accommodate low density residential development which does not include either single-wide or multiple-wide manufactured homes on individual lots. This district is best suited for those areas of the county which are not experiencing strong growth pressures. Additionally, this district serves to preserve existing subdivisions and to promote the development of conventional subdivisions in the most rural parts of the county. The minimum lot size allowed in this district is one acre (43,560 square feet), and the minimum lot width is 130 feet if a septic system is used or 120 feet if on central water and sewer.

The commercial uses allowed in the district are for the convenience of the local residents. Therefore, the uses are limited in scope and serve to meet the essential needs of the local resident. Such uses shall only be allowed on lots located at the intersection of two roads. One of the roads shall be part of the state highway system. No commercial uses shall be allowed on lots having frontage on any local street. The commercial uses allowed in this district are specified in the Table of Permissible Uses. All commercial buildings in this district are limited to 6,000 (gross) square feet except for buildings constructed or used for a "Retail Store - Food" which are allowed to be 12,000 (gross) square feet.

10. The R-45A, Rural Residential/Intense Agricultural District, is designed to accommodate a wide range of use including low density residential development, low intensity commercial uses and high intensity agricultural uses. The minimum residential lot size, minimum residential lot width and maximum residential density of the district are the same as for the R-45 district. However, both single-wide and multi-wide manufactured housing units are allowed on individual lots based on certain siting requirements. See section 4.1.22. Stockyards, slaughter houses, commercial poultry houses and swine lots are only allowed as conditional uses.

    The commercial uses allowed in the district are for the convenience of the local residents. Therefore, the uses are limited in scope and serve to meet the essential needs of the local residents and agricultural businesses. Such uses shall only be allowed on lots located at the intersection of two roads. One of the two roads shall be part of the state highway system and the other shall be a collector street. No commercial uses shall be allowed on lots having frontage on any local street. The commercial uses allowed in this district are the same as those allowed in the R-45B district, and are specified in the Table of Permissible Uses.

    All commercial buildings in this district are limited to 6,000 (gross) square feet except for buildings constructed or used for a "Retail Store Food" which are allowed to be 12,000 (gross) square feet. Stockyards, slaughterhouses, commercial poultry houses and swine lots need only to comply with the conditions contained in Chapter 4.

11. The R-45B, Rural Residential/Business/Agricultural District, contains the same district regulations as those contained in the R-45A district with the only exception being that stockyards, slaughter houses, commercial poultry barns and swine lots are not allowed under any circumstance. The commercial uses allowed in this district are the same as those allowed in the R-45A district, and are specified in the Table of Permissible Uses.
12. The R45-D Rural Residential/Manufactured Housing/Agricultural District, is designed to encourage the perpetuation of agricultural uses and to accommodate low density residential development which does not include singlewide manufactured homes on individual lots. This district is best suited for those areas of the county which are not experiencing strong growth

pressures. Additionally, this district serves to preserve existing subdivisions and to promote the development of compatible residential uses in the most rural parts of the county. The minimum lot size allowed in this district is one acre (43,560 square feet), and the minimum lot width is 130 feet if a septic system is used or 120 feet if on central water and sewer.

13. The MF, Multiple-Family/Agricultural District, is designed to accommodate moderate density single-family development and low density multiple-family developments (excluding manufactured homes) in areas within the County's planning jurisdiction that are appropriate for development at higher densities. This district should function as the location for alternative housing types near or in direct relationship to single-family detached housing. The maximum density permitted in this district for single-family developments (including duplexes) is three (3) dwelling units per acre (see Section 4.1.20) and for multiple-family development is eight (8) dwelling units per acre. (See Chapter 17 for recreational facilities and open space requirements.)
14. The MHP, Manufactured Home Park District, is established to accommodate planned manufactured housing park developments. This district affords County residents with an alternative housing type and thereby promotes the health, safety, and welfare of the community. This district shall apply to specified parcels of land only at the request of the owners of such parcels. Such manufactured home parks shall be developed with a zoning permit issued in accordance with both the permit approval and conditional and special exception uses chapters of this ordinance.

(Ord. No. 323, 2-1-99; Ord. No. 578, § 2-2-04; Ord. No. 679, 7-25-05)

Section 2.1.2 - Commercial districts.

The following commercial districts are hereby established: B-1, B-2, B-3, and B-4. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this section. Additionally, any use allowed in these districts shall comply with the regulations contained in section 4.1.17 [applicable regulations of Chapter 4].

In addition to the stated objectives of each zoning district, all districts are designed to encourage the perpetuation of general agricultural activities such as general row crop production, free-range livestock operations and pasture land, hay land, woodland and wildlife management areas. Intensive agricultural enterprises such as turkey barns, hog farms and other confined livestock operations shall only be allowed in the R-45A district.

The use of vinyl, tin, metal and masonry block except split face/decorative masonry shall be prohibited on the exterior walls of any building located on a parcel that has frontage on U.S. Highway 521 from the southern right-of-way line of S.C. Highway 75 northward to the state line or frontage on S.C. Highway 160 from U.S. Highway 521 westward to the county line. All sides of the building shall comply with this requirement with the exception of any side of a building that is not visible from any point on an adjoining road(s) right-of-way. Sides of the building that are screened with landscaping, a fence or some combination of the two shall be considered to be visible from an adjoining street. This requirement is being added to these regulations for aesthetic purposes only and has nothing to do with the enforcement of building code requirements or standards.

1.

The B-1, Business Office District, is designed to accommodate the office, governmental, and institutional needs of the community in areas within the County's planning jurisdiction. It shall function as a transitional land use between residential developments and more intense commercial districts. To further the use of this district as a transitional zoning district, multiple-family developments (excluding duplexes and manufactured housing) shall be permitted in this district. No outdoor storage shall be permitted. The maximum density permitted in this district is eight (8) dwelling units per acre. If property is developed for residential purposes, see Chapter 17 for recreational facilities and open space requirements.

2. The B-2, Community Business District, is designed to accommodate small-scale independent businesses or small-scale commercial centers (excluding automobile-service and repair businesses), which are oriented primarily toward retail and personal service activities. This district also serves as a transitional land use between residential areas and more intense commercial and industrial land uses. Such businesses are limited to 6,000 square feet or less of floor space. Uses appropriate in this district serve localized market areas, provide for smaller scale items not requiring large storage areas or deliveries to customers and generally do not generate high volumes of vehicular traffic.

   The outdoor storage or display of merchandise, materials or inventory is prohibited except for the storage or display of plant and garden supplies, farmer's markets and open air markets. Such areas shall be screened with a Type 3 Buffer yard when adjacent to a residential district or use, and all such areas shall be located completely behind the rear of the building. No storage area shall be allowed in any required or not required front or side yard.

3. The B-3, General Commercial District, is designed to accommodate a wide variety of general commercial uses characterized primarily by retail, office and service establishments which are oriented primarily towards major traffic corridors and/or extensive areas of predominantly commercial usage and characteristics. Commercial uses encouraged in this district are generally patronized in single purpose trips and emphasize large general merchandise establishments, sale of large or bulky items, commercial services, repair services, automobile related sales and repair, various types of convenience stores, restaurants, and other recreational and entertainment uses. This district is also suited to accommodate travel oriented uses such as hotels and motels and gas stations.

   Outdoor storage is permitted if a Type 1 Buffer yard is installed around the outside of the storage area when the area is adjacent to a nonresidential district. A Type 3 Buffer yard is required around the storage area when it is adjacent to a residential district or use and all such areas shall be located completely behind the building. No storage areas shall be located in any required or not required front or side yard. Automobile dealerships are allowed to park automobiles in the front or side yard of the property.

4. The B-4, Restricted Commercial District, is designed to accommodate business operations which tend to have adverse impacts on adjacent properties. All commercial uses which are not permitted in any other district shall require a special exception permit.

   Some of the uses allowed in this district have separation requirements from other uses (see Chapter 4). The separation requirements contained in Chapter 4 between a proposed commercial use not permitted in any other district and an existing residential structure shall only apply when the existing residential structure is located in a zoning district other than a B-4 District. All other separation requirements shall be followed.

Outdoor storage is permitted if a Type 1 buffer yard is installed around the outside of the storage area when the area is adjacent to a nonresidential district. A Type 3 buffer yard is required around the storage area when it is adjacent to a residential district or use and all such areas shall be located completely behind the building. No storage areas shall be located in any required or not required front or side yard.

(Ord. No. 323, 2-1-99; Ord. No. 330, 4-26-99; Ord. No. 871, 12-3-07)

Section 2.1.3 - Industrial districts.

The following industrial districts are hereby established: I-1 and I-2. These districts are designed to accommodate businesses engaged in the manufacturing, processing, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. Other objectives of these districts are explained in the remainder of this section.

In addition to the stated objectives of each zoning district, all districts are designed to encourage the perpetuation of general agricultural activities such as general row crop production, free-range livestock operations and pasture land, hay land, woodland and wildlife management areas. Intensive agricultural enterprises such as turkey barns, hog farms and other confined livestock operations shall only be allowed in the R-45A district.

The use of vinyl, tin, metal and masonry block except split face/decorative masonry shall be prohibited on the exterior walls of any building located on a parcel that has frontage on U.S. Highway 521 from the southern right-of-way line of S.C. Highway 75 northward to the state line or frontage on S.C. Highway 160 from U.S. Highway 521 westward to the county line. All sides of the building shall comply with this requirement with the exception of any side of a building that is not visible from any point on an adjoining road(s) right-of-way. Sides of the building that are screened with landscaping, a fence or some combination of the two shall be considered to be visible from an adjoining street. This requirement is being added to these regulations for aesthetic purposes only and has nothing to do with the enforcement of building code requirements or standards.

1. The I-1, Light Industrial District, is designed to accommodate industries that do not tend to have adverse impacts on surrounding properties.
2. The I-2, Heavy Industrial District, is designed to accommodate industries that tend to have adverse impacts on surrounding properties.
3. All uses allowed in these districts shall comply with the regulations contained in section 4.1.17 [applicable regulations of Chapter 4].

(Ord. No. 871, 12-3-07)

Section 2.1.4 - Planned Development District.

The following PDD, Planned Development District, is hereby established. This district is designed to accommodate a mixture of compatible residential, office, commercial, or other uses of land which are planned and developed as an integral unit and which, due to such mixture of uses or other aspects of design, could not be located in other districts established in this ordinance without compromising the proposed concept of integrated and flexible development.

Editor's note— See section 13.12 et seq. for regulations pertaining to Planned Development Districts.

Section 2.1.5 - Overlay districts.

1. The FP, Floodplain and FW, Floodway Overlay Districts are hereby established. The land so classified shall be used in a manner permitted in the underlying district. The floodplain and floodway districts are further described in the flood, drainage, stormwater, sediment, and erosion controls chapter of this ordinance.
2. The HNP, Historical and Natural Preservation Overlay District is hereby established. The land so classified shall be used in a manner permitted in the underlying district, subject to the approval of the planning commission, after having received a recommendation(s) from the Lancaster County Historical Commission and/or the Lancaster Conservation District, respectively, for historical and/or natural designations.
3. The ESO, Equestrian Oriented Subdivision Overlay District is hereby established. Equestrian oriented subdivisions are residential developments which are designed with particular emphasis placed on equestrian activities and which provide such facilities as community stables, riding rings, pastures, and riding trails. In addition, private stables may be located on individual residential lots. Equestrian oriented subdivisions are permitted in all zoning districts except for the MHP, Manufactured Home Park District, subject to the following provisions:
   a. All buildings and structures related to the care or housing of horses and to the operation of the riding facilities on the common property shall be located at least one hundred (100) feet from any exterior property line of the development.
   b. Private stables on individual residential lots shall be located at least five (5) feet, but not more than sixty (60) feet, from any rear property line or horse trail; twenty (20) feet from any interior property line; forty (40) feet from any corner yard property line and, in the front yard, it shall be located behind the front facade of the principal building. However, along the exterior property line of the development, the setback shall be one hundred (100) feet unless a horse trail separates the property from the land located outside the development. In such a case, the setbacks shall be as stated above.
   c. If a horse or miniature horse is to be kept on a lot which is located within this designation, the minimum lot size shall be one-half (½) acre. The number of horse(s) allowed is one (1) horse or two (2) miniature horses per one-half (½) acre. The owner of a lot which contains less than one-half (½) acre shall not be allowed to keep a horse on that lot. Otherwise, the minimum lot size shall be the same as is required by the underlying zoning district. The minimum lot width and setback requirements shall be the same as is required by the underlying zoning district.
   d. Riding trails shall generally be located in the interior of the development. However, if a riding trail is to be located along the exterior property line of the development, it shall be set back thirty (30) feet from the exterior property line of the development.
   e. The lots with stables located on them shall be designed and maintained to drain so as to prevent ponding, the propagation of insects, and the pollution of adjacent streams and other water bodies.
   f. The premises shall be maintained in a sanitary condition through the proper use of lime and pesticides.
   g. If the horses are in a contained area, all manure shall be removed at least twice a day from the confined area so as to prevent the propagation of flies and the creation of odors. Owners of horses kept in a confined area are encouraged to use a Rabon supplement as this will reduce the propagation of flies.

   h. All grain on the lot shall be stored in rodent-proof containers.
   i. All exercise and training areas shall be dampened so as to prevent dust.
   j. All proposed community riding facilities, including community stables, riding rings, pastures, and riding trails shall be indicated on the plans. As part of the information submitted when applying for an equestrian oriented subdivision overlay district, a written statement describing the proposed means of ownership and proposed program for maintenance of these facilities shall be included. A copy of this information shall be kept on file in the planning department and the building and zoning department.
4. Aviation Corridor Overlay. [2]
   a. *General Provisions.*
      1. The AC, Aviation Corridor Overlay, is designed to restrict development within and adjacent to the flight path of an airport that may pose a hazard to air navigation.
      2. Where the regulations set forth in this section are in conflict with the regulations of the underlying zoning district, or of any coincident overlay, the regulations set forth in this section shall take precedence.
      3. Notwithstanding the provisions of subsection 2. of this section, the provisions of this section shall not be construed to authorize the construction or erection of a building or structure in conflict with the provisions of section 2.1.5.1, "Floodplain Overlay" or "Floodway Overlay."
      4. An Aviation Corridor Overlay shall encompass:
         (a) The entirety of the parcel whereupon the primary surface is or will be situated;
         (b) All such additional property that is or will be situated within the accident potential hazard zones;
         (c) All such additional property that is or will be situated within the approach zones;
         (d) All such additional property that is or will be situated within the conical zone;
         (e) All such additional property that is or will be situated within the horizontal zone;
         (f) All such additional property that is or will be situated within the noise impact zones;
         (g) All such additional property that is or will be situated within the runway protection zones; and
         (h) All such additional property that is or will be situated within the transitional zones.
         (i) All such additional property that is or will be situated within the boundaries defined by subsection 1(b) of section 2.1.5.4g, "Additional development restrictions";
         (j) All such additional property that is or will be situated within the boundaries defined by subsection 1.(c) of section 2.1.5.4g, "Additional development restrictions"; and
         (k) All such additional property that is or will be situated within the boundaries defined by subsection 1.(d) of section 2.1.5.4g, "Additional development restrictions."
      5. The provisions of subsection 4.c. of this section shall apply to each class of approach that is or will be available to the respective end of the primary surface.
      6. The boundaries of an instance of an Aviation Corridor Overlay may be extended to encompass additional property contiguous to the property identified in subsections 4.a.4. and 4.a.5. of this section.
   b. *Definitions.* [3]

Accident potential hazard zone. This zone encompasses the clear zone, the accident potential zone 1, and the accident potential zone 2, which in sequence, extend outward from each end of each primary surface.

Aircraft approach category. A grouping of aircraft base on 1.3 times their stall speed in their landing configuration at the certificated maximum flap setting and maximum landing weight at standard atmospheric conditions.

(i) *Category A.* Stall speed less than ninety-one (91) knots.
(ii) *Category B.* Stall speed ninety-one (91) knots or greater but less than one hundred twenty-one (121) knots.
(iii) *Category C.* Stall speed one hundred twenty-one (121) knots or greater but less than one hundred forty-one (141) knots.
(iv) *Category D.* Stall speed one hundred forty-one (141) knots or greater but less than one hundred sixty-six (166) knots.
(v) *Category E.* Stall speed one hundred sixty-six (166) knots or greater.

Airport elevation. The highest point of an airport's usable runway measured in feet above mean sea level.

Approach surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation set forth in subsection 4.f. "height limitations." In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach zones. These zones encompass the larger than utility runway non-precision instrument approach zone with a visibility minimum not exceeding three-quarters (¾) of a statute mile, larger than utility runway non-precision instrument approach zone with a visibility minimum exceeding three-quarters (¾) of a statute mile, larger than utility runway visual approach zone, precision instrument runway approach zone, utility runway non-precision instrument approach zone, and the utility runway visual approach zone.

Conical surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

Horizontal surface. A horizontal plane one hundred and fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Larger than utility runway. A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand and five hundred (12,500) pounds gross weight and by jet powered aircraft.

Nautical mile. A distance of six thousand and seventy-six (6,076) feet and one and three-eighths (13/8) inches.

Non-precision instrument runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Obstacle free zone. The obstacle free zone encompasses the airspace at and beneath one hundred and fifty (150) feet above the established airport elevation and along the runway and extended runway centerline that is required to be clear of all objects, except for frangible visual navigation aids that need to be located in the obstacle free zone because of their function.

This zone encompasses the runway obstacle free zone, the inner-approach obstacle free zone, the inner-transitional obstacle free zone, and the precision obstacle free zone.

Place of public assembly. A church, hospital, office building, school, shopping center, sports stadium, or other use having a similar concentration of persons.

Precision approach category I runway. A runway with an instrument approach procedure which provides for approaches to a decision height (DH) of not less than two hundred (200) feet and visibility of not less than one-half (½) of a statute mile or runway visual range (RVR) 2400 (RVR 1800 with operative touchdown zone and runway centerline lights).

Precision approach category II runway. A runway with an instrument approach procedure which provides for approaches to a minima less than permitted for a precision approach category I Runway to as low as a decision height (DH) of not less than one hundred (100) feet and RVR of not less than RVR 1200.

Precision approach category III runway. A runway with an instrument approach procedure which provides for approaches to minima less than permitted for a precision approach category II runway.

Precision instrument runway. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, the primary surface ends at each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway. A defined rectangular area on an airport prepared or suitable for the landing or takeoff of airplanes.

Runway protection zone. An area off the runway end to enhance the protection of people and property on the ground.

Statute mile. A distance of five thousand and two hundred and eighty (5,280) feet.

Transitional surfaces. These surfaces extend outward at ninety (90) degree angles to the runway centerline and to the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended runway centerline.

Utility runway. A runway that is constructed for and is intended to be used by propeller driven aircraft of not more than twelve thousand and five hundred (12,500) pounds gross weight.

Visual runway. A runway without an existing or planned straight-in instrument approach procedure.

c. *Approach zones.* [4]

Larger than utility runway non-precision instrument approach zone with a visibility minimum not exceeding three-quarters (¾) of a statute mile	The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
Larger than utility runway non-precision instrument approach zone with a visibility minimum exceeding three-quarters (¾) of a statute mile	The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of thirty-five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

Larger than utility runway visual approach zone	The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of fifteen hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
Precision instrument runway approach zone	The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
Utility runway non-precision instrument approach zone	The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

Utility runway visual approach zone	The inner edge of this approach zone coincides with the width of the primary surface and is two hundred and fifty (250) feet wide. The approach zone expands outward uniformly to a width of twelve hundred and fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

d. *Other zones.*

Accident potential zone 1	The inner edge of this zone coincides with the width of the primary surface and is three thousand (3,000) feet wide. The zone extends outward uniformly from the outermost extent of each clear zone for a horizontal distance of five thousand (5,000) feet.
Accident potential zone 2	The inner edge of this zone coincides with the width of the primary surface and is three thousand (3,000) feet wide. The zone extends outward uniformly from the outermost extent of each accident potential zone 1 for a horizontal distance of seven thousand (7,000) feet.
Clear zone	The inner edge of this zone coincides with the width of the primary surface and is three thousand (3,000) feet wide. The zone extends outward uniformly from each end of the primary surface to a horizontal distance of three thousand (3,000) feet.

Conical zone	The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet.
Horizontal zone	The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii for all runways designated utility or visual and of ten thousand (10,000) feet radii for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
Inner-approach obstacle free zone	The inner-approach obstacle free zone applies only to runways with an approach lighting system. The inner-approach obstacle free zone slopes fifty (50) feet outward for each foot upward beginning at the outermost edge of and at the same elevation as the runway obstacle free zone and extends horizontally two hundred (200) feet beyond the outermost unit in the approach lighting system along the extended runway centerline, and extends upward one hundred and fifty (150) feet above the established airport elevation.

Inner-transitional obstacle free zone	The inner-transitional obstacle free zone applies only to runways having an approach visibility minimum of less than three-quarters (¾) of a statute mile. For runways serving small airplanes exclusively, the inner-transitional obstacle free zone begins at the edges of the runway obstacle free zone and the inner-approach obstacle free zone, sloping three (3) feet outward for each foot upward, extending upward and outward to a height of one hundred and fifty (150) feet above the established airport elevation.For a Precision Approach Category I Runway, the inner-
Inner-transitional obstacle free zone—Cont'd.	Transitional Obstacle Free Zone begins at the edges of the Runway Obstacle Free Zone and the Inner-Approach Obstacle Free Zone, rising vertically to a height "H" (calculated below), then sloping six (6) feet outward for each foot upward, extending upward and outward to a height of one hundred and fifty (150) feet above the established airport elevation. • "H" = 61 - 0.094 (S) - 0.003 (E) • Where "S" is the most demanding wingspan of aircraft using the runway; and • Where "E" is the established airport elevation.

	For a precision approach category II runway or for a precision approach Category II runway, the inner-transitional obstacle free zone begins at the edges of the runway obstacle free zone and the inner-approach obstacle free zone, rising vertically to a height "H" (calculated below), then sloping five (5) feet outward for each foot upward out to a distance "Y"(calculated below) from the runway centerline and the extended runway centerline, then sloping six (6) feet outward for each foot upward, extending outward and upward to a height of one hundred and fifty (150) feet above the established airport elevation. • "H" = 53 - 0.13 (S) - 0.0022 (E) • "Y" = 440 + 1.08 (S) - 0.024 (E) • Where "S" is the most demanding wingspan of aircraft using the runway; and • Where "E" is the established airport elevation.
Noise impact zone	The inner edge of this zone coincides with the width of the primary surface and has a width equal to one-half of the runway length. The zone extends outward uniformly from and perpendicular to the centerline of the primary surface for a distance equal to one-quarter (¼) of the runway length and from end of the primary surface to a horizontal distance of five (5) statute miles.

Precision obstacle free zone	The precision obstacle free zone applies only when all of the following operational conditions are in effect: • A vertically guided approach. • A reported ceiling below two hundred and fifty (250) feet and/or visibility less than three-quarters (¾) of a statute mile. • An aircraft on final approach within two (2) statute miles of the runway. The precision obstacle free zone has a width of eight hundred (800) feet centered on the extended runway centerline, extends outward from the outermost edge of the runway for a horizontal distance of two hundred (200 feet, and extends upward one hundred and fifty (150) feet above the established airport elevation.

Runway obstacle free zone	The runway obstacle free zone is the volume of airspace centered on the runway centerline and the extended runway centerline, extending outward uniformly two hundred (200) feet beyond each end of the runway, and extending upward one hundred and fifty (150) feet above the established airport elevation. For runways serving small airplanes exclusively, the runway obstacle free zone has a width of: • One hundred and twenty (120) feet for runways serving small airplanes with approach speeds of less than fifty (50) knots. • Two hundred and fifty (250) feet for runways serving small airplanes with approach speeds of fifty (50) knots or more. • Three hundred (300) feet for runways with lower than three-quarters (¾) of a statute mile approach visibility minimums. For runways serving large airplanes, the runway obstacle free zone has a width of four hundred (400) feet.

Runway protection zone	The runway protection zone has an inner width "W_1" (see subsection e. centered on the extended runway centerline, beginning two hundred (200) feet beyond each end of the runway, extending outward uniformly a distance "L" (see subsection e. where it has an outer width "W_2" (see subsection e.).
Transitional Zones	The transitional zones are the areas beneath the transitional surfaces.

e. *Runway protect zone dimensions.*

1. For a visual runway or for a runway having an approach visibility of not less than one (1) statute mile:
   (a) If the runway is designed to serve small aircraft only:
      i. "L" = one thousand (1,000) feet.
      ii. "W_1" = two hundred and fifty (250) feet.
      iii. "W_2 = four hundred and fifty (450) feet.
   (b) If the runway is designed to serve aircraft classified in aircraft approach category A or aircraft approach category B:
      i. "L" = one thousand (1,000) feet.
      ii. "W_1" = five hundred (500) feet.
      iii. "W_2" = seven hundred (700) feet.
   (c) If the runway is designed to serve aircraft classified in aircraft approach category C or aircraft approach category D:
      i. "L" = seventeen hundred (1,700) feet.
      ii. "W_1" = five hundred (500) feet.
      iii. "W_2" = one thousand and ten (1,010) feet.
2. For a runway having an approach visibility minimum of less than one (1) statute mile, but not less than three-quarters (¾) of a statute mile:
   (a) "L" = seventeen hundred (1,700) feet.
   (b) "W_1" = one thousand (1,000) feet.
   (c) "W_2" = fifteen hundred and ten (1,510) feet.
3. For a runway having an approach visibility minimum of less than three-quarters (¾) of a statute mile:
   (a) "L" = twenty-five hundred (2,500) feet.
   (b) "W_1" = one thousand (1,000) feet.
   (c) "W_2" = seventeen hundred and fifty (1,750) feet.

f. Height Limitations [5]

1. Except as otherwise provided in this section, no building or structure situated within three (3) nautical miles of the established reference point of an airport having a runway exceeding thirty-two hundred (3,200) feet in length shall be constructed or erected such that any portion thereof exceeds two hundred (200) feet above ground level or above the established airport elevation, whichever is greater, and this height shall increase at the rate of one hundred (100) feet per nautical mile up to a maximum of five hundred (500) feet.
2. Except as otherwise provided in this section, no building or structure shall be constructed or erected such that any portion thereof extends into any zone herein defined.
3. Except as otherwise provided in this section, no building or structure shall be altered or maintained such that any portion thereof extends into any zone herein defined.
4. Except as otherwise provided in this section, no tree shall be allowed to grow such that any portion thereof extends into any zone herein defined.
5. Nothing in this section shall be construed to prohibit the construction or erection of any building or structure, the alteration or maintenance of any building or structure, or the growth of any tree to a height of not greater than fifty (50) feet.
6. Height limitations by zone:

Conical zone	Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the established airport elevation and extending to a height of three hundred and fifty (350) feet above the established airport elevation.
Horizontal zone	Established at one hundred and fifty (150) feet above the established airport elevation, and being furthermore subject to the requirement that the horizontal zone shall not extend below a height of two hundred and fifty (250) feet above mean sea level.
Larger than utility runway non-precision instrument approach zone with a visibility minimum not exceeding three-quarters (¾) of a statute mile	Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

Larger than utility runway non-precision instrument approach zone with a visibility minimum exceeding three-quarters (¾) of a statute mile	slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.
Larger than utility runway visual approach zone	Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
Precision instrument runway approach zone	Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.

Transitional zones	Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred and fifty (150) feet above the established airport elevation. In additional to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline.
Utility runway non-precision instrument approach zone	Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
Utility runway visual approach zone	Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

g. *Additional development restrictions.*

1. General development restrictions.
   (a) All illumination used in conjunction with parking, signs, streets, and use of land shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft.
   (b) No activity of any type shall produce glare, smoke, or otherwise create poor visibility conditions or other visual hazards within three (3) statute miles of the nearest point a primary surface to which an instance of an Aviation Corridor Overlay is oriented.
   (c) The owner of any parcel whereupon the construction, erection, or alteration of any existing or proposed structure exceeds a height determined by a surface sloping outward fifty (50) feet horizontally for each foot vertically for a horizontal distance of ten thousand (10,000) feet from the nearest point of a runway situated on an airport where the longest runway does not exceed thirty-two hundred (3,200) feet shall comply with the provisions of 14CFR77 Subpart B by filing a Notice of Construction or Alteration with the Federal Aviation Administration (FAA).
   (d) The owner of any parcel whereupon the construction, erection, or alteration of any existing or proposed structure exceeds a height determined by a surface sloping outward one hundred (100) feet horizontally for each foot vertically for a horizontal distance of twenty thousand (20,000) feet from the nearest point of a runway situated on an airport where the longest runway exceeds thirty-two hundred (3,200) feet shall comply with the provisions of 14CFR77 Subpart B by filing a Notice of Construction or Alteration with the Federal Aviation Administration (FAA).
2. Additional development restrictions by zone:

Accident potential zone 1	No place of public assembly shall be established, in whole or in part, within the boundaries of an accident potential zone 1.
Accident potential zone 2	No place of public assembly shall be established, in whole or in part, within the boundaries of an accident potential zone 2.
Clear zone	No place of public assembly shall be established, in whole or in part, within the boundaries of a clear zone.

Noise impact zone	No educational institution shall be established, in whole or in part, within the boundaries of a noise impact zone, except where such educational institution is dedicated to aviation-related training.

h. *Lighting and marking.*

1. The owner of any building or structure made nonconforming pursuant to the enactment of an ordinance establishing an instance of an Aviation Corridor Overlay affecting property whereupon such building or structure is located shall permit the installation, operation, and maintenance of such lighting and markers as shall be deemed necessary by the Lancaster County Airport Commission.
2. To the extent that lighting and markers required pursuant to the provisions of subsection 4.h.1 of this section were not present on the effective date of that ordinance and to the extent that the installation, operation, and maintenance of such lighting and markers is not otherwise required by the United States nor by the State of South Carolina, such lighting and markers shall be installed, operated, and maintained at the expense of the Lancaster County Airport Commission.
3. The Lancaster County Airport Commission is authorized to recover the costs incurred pursuant to the provisions of subsection 4.h.2 of this section from the operator of the airport to which such lighting and markers are appurtenances thereunto.

i. *Permit restrictions.*

1. No building permit shall be issued for the construction, erection, or renovation of any building or structure located on a parcel whereupon is situated a primary surface to which an instance of an Aviation Corridor Overlay is oriented which would have the effect of reorienting or repositioning any surface or zone established pursuant to the legislative enactment, including any subsequent amendment thereto, which created that instance of an Aviation Corridor Overlay.
2. In addition to any other requirements set forth in the unified development ordinance, as amended, or in any other enactment of the Lancaster County Council, a building permit for any building or structure subject to the notification requirements of 14CFR77 Subpart B shall be issued only pursuant to the submission of proof of compliance with the requirements of 14CFR77 Subpart B and of a valid aeronautical evaluation.
3. No zoning permit shall be issued for any change in use of any portion of a parcel whereupon is situated a primary surface to which an instance of an Aviation Corridor Overlay is oriented which would have the effect of reorienting or repositioning any surface or zone established pursuant to the legislative enactment, including any subsequent amendment thereto, which created that instance of an Aviation Corridor Overlay.

j.

Coordination with adjoining jurisdictions. The Lancaster County Council may, upon the written request of the governing body of an adjoining jurisdiction with whom a reciprocal aviation corridor agreement has been enacted and within whose jurisdiction there is or will be located an airport, undertake the establishment of an instance of the Aviation Corridor Overlay oriented to the primary surface or surfaces which are or will be located upon the aforementioned airport property and encompassing such property located within the jurisdiction of Lancaster County as would be contained within the boundaries of an Aviation Corridor Overlay if the aforementioned property whereupon the primary surface or surfaces are or will be located were subject to the jurisdiction of the county.

k. *Incorporation of regulatory changes.* From time to time, the Lancaster County Airport Commission shall propose such amendments to this Section as may be necessary to comply with all necessary and proper regulations promulgated by the Federal Aviation Administration (FAA).

5. The CHOD, Carolina Heelsplitter Overlay District is hereby established. The natural habitat of the Carolina Heelsplitter, which is a federally endangered species, is in waters that are cool, clean and well-oxygenated. Stable, silt free stream bottoms appear to be critical to the continuation of the species. Typically, stable areas occur where the stream banks are well-vegetated with trees and shrubs. Similar to other freshwater mussels, the Carolina Heelsplitter feeds by siphoning and filtering food particles from the water in the creek, stream or river in which they are located.

The decline in the numbers of Carolina Heelsplitter is related to changes in their natural environment. These changes can occur from clear-cutting trees and other vegetation near creek, stream and river banks which increases erosion and silt in these water bodies. Some activities that can cause this to occur are residential, commercial and industrial development and road construction and maintenance. Additionally, the discharge of pollutants into these water bodies, habitat alterations from impoundments and uncontrolled storm water, as well as, other man-made changes can negatively impact the natural habitat of the Carolina Heelsplitter. Any one of these activities or a combination of these activities can negatively impact the Carolina Heelsplitter's natural environment, which has contributed to the decline of the species. Additionally, a number of studies have shown that stream habitat and water quality degradation occurs with increased coverage by impervious surfaces in a watershed.

This overlay district is created to help protect the natural habitat of the Carolina Heelsplitter and, therefore, maintain the existing populations of Carolina Heelsplitter located in Lancaster County.

The regulations that apply in this overlay district are as follows:

a. As used in this subsection, unless the context clearly indicates otherwise:
   1. *Basin* means the Six Mile Creek drainage basin, as designated by the USGS hydrographic unit number 03050103030010.
   2. *Best management practices (BMPs)* refers to best management practices, which include but are not limited to practices defined in the South Carolina Department of Health and Environmental Control ("SCDHEC") Storm water Management BMP Handbook.
   3. *Carolina Heelsplitter Overlay District* or *CHOD* means an overlay district that imposes certain restrictions and limitations on development in the basin.
   4. *Commission* means the Lancaster County Planning Commission.

   5. *Development* means the creation of impervious surfaces or any master planned development.
   6. *Impervious surface* means a hard surface which slows or prevents water from infiltrating the soil and/or causes water to run off surface more rapidly or in greater quantities than under natural conditions. Impervious surfaces includes, but are not limited to, asphalt and concrete surfaces, building footprints, sidewalks, rooftops, patios, pools, sport surfaces, garage, carports, sheds, driveways, parking lots, streets and compacted roadways. Those surfaces excluded from the measurement of impervious surface would include, but are not limited to, landscaped areas, grass fields, golf courses, playgrounds, agricultural fields and non-compacted roads. Advanced building materials such as a porous concrete and porous asphalt, under laid with sand or similar materials to match infiltration characteristics of surrounding lands, would also be considered porous.
   7. *Intermittent streams* are streams that generally have defined natural watercourses that do not flow year-round, but beyond periods of rainfall and with greater frequency than similarly located ephemeral streams. Designation of a stream as intermittent shall be confirmed by using stream delineation techniques as outlined in the document titled "Identification Methods for the Origins of Intermittent and Perennial Streams", by the North Carolina Department of Environment and Natural Resources, Division of Water Quality. For the purposes, hereof, the term "intermittent stream" shall not include any waters that the U.S. Army Corps of Engineers has determined or shall determine are not subject to its jurisdiction.
   8. *Land development* means development activities which cause a change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, manufactured home parks or similar developments for sale, lease or any combination of owner and rental characteristics (Lancaster County Unified Development Ord. No. 748, 5/01/06).
   9. *Perennial streams* means, generally, those blue lined streams indicated on a USGS 1:24,000 topographical map. Designation of a stream as perennial shall be confirmed by using stream delineation techniques as outlined in the document titled "Identification Methods for the Origins of Intermittent and Perennial Streams", by the North Carolina Department of Environment and Natural Resources, Division of Water Quality. For the purposes, hereof, the term "perennial stream" shall not include any waters that the U.S. Army Corps of Engineers has determined or shall determine are not subject to its jurisdiction.
   10. *Riparian buffer* means an area of natural vegetation that is adjacent to a body of water and which is managed to maintain the integrity of stream channels and shorelines, to reduce the impact of upland sources of pollution by trapping, filtering, and converting sediments, nutrients, and other chemicals, and to supply food, cover, and thermal protection to fish and other wildlife.
   11. *Riparian buffer impact* means any activity within two hundred (200) feet of any perennial stream or one hundred (100) feet of any intermittent stream, excluding agricultural practices, except clear cutting and grading, which removed vegetation with the riparian buffer, as defined in these regulations, or the prevention of re-growth of the natural

vegetation within these areas. Where riparian buffers have been impacted due to agricultural practices, these areas will be expressly allowed to revert to their natural state in the event of any transition of land use.
   12. *Service* means the United States Fish and Wildlife Service and any successor entity.
   13. *UDO* means the Unified Development Ordinance of Lancaster County.
   14. *USGS* means the United States Geologic Survey and any successor entity.

b. The restrictions and limitations in the CHOD shall include:
   1. When the development involves either the creation of less than eight thousand (8,000) square feet of new impervious surface (gravel roads located outside of the riparian buffer are excluded from this calculation) or land development project with ten (10) percent or less impervious surface, and existing riparian buffers are not disturbed, then the development may proceed as of right, subject to:
      (a) Adherence to ordinary requirements for development approval or permitting;
      (b) Maintenance of a native forested buffer, and no disturbance of the natural vegetation within a distance of two hundred (200) feet of the edge-of-bank for perennial streams or within one hundred (100) feet of any intermittent stream within the basin. The commission may approve smaller buffers in accordance with criteria agreed to by the commission and service. The one-hundred-foot or two-hundred-foot native forested buffer shall be measured from the top of the bank on either side of the intermittent/perennial creek or stream and wraps around the head of the stream at the intermittent/ephemeral breakpoint.
      (c) A fence shall be allowed in the buffer areas, as long as the fence is either part of an agricultural practice or does not impede the re-growth of a natural vegetation.
      (d) Curb and gutter are not required within the CHOD. The use of grass swale, etc. is encouraged, and the use of sidewalks is considered optional. See planned development district regulations regarding sidewalks.
      (e) A pond shall require a one-hundred-foot riparian buffer only if it is an integral part of a stream and the stream section immediately below the pond is classified as perennial. Other types of ponds, such as catch basins and storm water ponds which only drain out intermittently shall not require a riparian buffer.
   2. When the development involves the creation of eight thousand (8,000) or more square feet of new impervious surface (gravel roads located outside of the riparian buffer are excluded from this calculation) or any land development project with more than ten (10) percent impervious surface, or disturbs existing riparian buffers, then the development may proceed, subject to:
      (a) Adherence to ordinary requirements for development approval or permitting;
      (b) Maintenance of a native forested buffer, and no disturbance of the natural vegetation within a distance of two hundred (200) feet of the edge-of-bank for perennial streams or within one (100) hundred feet of any intermittent stream within the basin. The commission may approve smaller buffers in accordance with criteria agreed to by the commission and service. The one-hundred-foot or two-hundred-foot

native forested buffer shall be measured from the top of the bank on either side of the intermittent/perennial creek or stream and wraps around the head of the stream at the intermittent/ephemeral breakpoint.
      (c) A fence shall be allowed in the buffer areas, as long as the fence is either part of an agricultural practice or does not impede the re-growth of a natural vegetation.
      (d) Curb and gutter are not required within the CHOD. The use of grass swale, etc. is encouraged, and the use of sidewalks is considered optional. See planned development district regulations regarding sidewalks.
      (e) A pond shall require a one-hundred-foot riparian buffer only if it is an integral part of a stream and the stream section immediately below the pond is classified as perennial. Other types of ponds, such as catch basins and storm water ponds which only drain out intermittently shall not require a riparian buffer.
      (f) The purchase of credits from the Carolina Heelsplitter Conservation Bank. The purchase of credits shall be in accordance with criteria agreed to by the commission and service. Credit discounts can be given to projects at the discretion of the service. Examples of activities which may qualify for discounts are: pre and post construction storm water BMPs planned for and/or implemented in excess of the SCDHEC permit requirements, projects with minimal site grading, projects incorporating low impact development practices, and projects with total impervious surface of less than twenty (20) percent. This determination shall be made by the service on a case by case basis. The authority to determine activities which may qualify for credit discounts can be delegated from the service to the county's planning staff with appropriate guidance provided. The purchase of credits is intended to offset water quality and hydrologic impacts to the Carolina Heelsplitter and its habitat. These credits shall be purchased when the grading permit for the project is obtained from the SCDHEC. Proof that the required credits were purchased at the time the grading permits was issued shall be provided to Lancaster County prior to any building permits being issued from the county. This shall be done by providing the county a credit affidavit dated on or before the issuance of the grading permit. If the credits were not purchased at the time the grading permit was issued, then a twenty-percent per year penalty shall be added to the cost of the credits for the project. For example, if two (2) credits were required for a project and the cost of these original two credit was not paid to the mitigation bank at the time of the issuance of the grading permits, then the new payment to the mitigation bank would be the cost of the two original credits plus the cost of the original two (2) credits multiplied by twenty (20) percent. The penalty shall be prorated on a monthly basis; and
      (g) In the discretion of the commission, and in accordance with criteria agreed to by the commission and service, review by the Service office in Charleston, South Carolina, for compliance with the Carolina Heelsplitter Conservation Bank Program.
   3. A twenty-foot paved travel width for minor subdivision roads.
   4. The CHOD is defined by the Six Mile Creek watershed boundary, not property (parcel) boundaries. This means a few parcels located within the overlay district could have a portion of the parcel drain within the Six Mile Creek watershed boundary and another

portion of the same parcel drain outside the Six Mile Creek watershed boundary. When this happens, the portion of the parcel which drains outside the Six Mile Creek watershed shall not be subject to the terms of this overlay district.

c. The restrictions and limitations of the CHOD will not apply to the installation, maintenance, or operation of water and sewer services by Lancaster County Water and Sewer District.

6. The CSOD, Cluster Subdivision Overlay District, is hereby established. Cluster subdivisions are residential developments which offer an alternative to traditional subdivision design, with the principle purpose being to encourage open space in exchange for a reduced lot size. Cluster subdivisions shall be designed using a site planning technique that concentrates buildings and structures to the most buildable areas of a site, in order to preserve the remaining area as open space for recreation and preservation of significant site features. Reductions below the minimums otherwise required by the UDO for lot area, lot width, and setbacks are allowed within a CSOD, and such reductions are only permissible within a CSOD. By preserving open space, a cluster subdivision will provide another tool by which the County shall preserve its rural character. Cluster subdivisions are permitted in low to moderate density single-family residential districts, specifically, (i) R-30, Low Density Residential/Agricultural District, (ii) R-30P, Low Density Residential/Agricultural Panhandle District, (iii) R-15, Moderate Density Residential/Agricultural District, and (iv) R-15P, Moderate Density Residential/Agricultural Panhandle District. Cluster subdivisions are not permitted in any residential use district in which multiple-family developments or manufactured homes are allowed. Cluster Subdivision Overlay Districts are subject to the following general provisions:

a. Minimum acreage: The minimum tract area for a cluster subdivision shall be thirty (30) gross acres, shall consist of contiguous parcels, and must adjoin or have direct access to at least one collector street.

b. Minimum lot area: The minimum lot area (in square feet) per dwelling unit within a cluster subdivision shall be 5,000 square feet. This shall be the minimum lot area allowed for any lot with the minimum lot width of fifty feet (50'), as defined in item (c). The minimum lot area per dwelling unit shall increase proportionately with an increase in lot width.

c. Minimum lot width: In a cluster subdivision, where both central water and sewer services are available and adequate, the minimum lot width shall be fifty feet (50').

d. Variety of lot sizes: Individual lots in a cluster subdivision shall vary in size and layout. No more than thirty-four percent (34%) of the lots in a cluster subdivision shall have a single designated lot width. The following shall also apply:

1. The minimum separation between any two designated lot widths shall be ten feet (10'). For example, if thirty-four (34%) of the total number of lots has a lot width of fifty feet (50'), thirty-four (34%) could have a lot width of sixty feet (60'), and the remaining could have a lot width of seventy feet (70') or greater.

2. The planning commission may allow a developer to vary the width of individual lots to accommodate site restrictions (i.e., easements, corner lot widths, etc). However, such lots shall be counted with the nearest designated lot width.

e. Setbacks: The following minimum setbacks are required for individual lots within a cluster subdivision:

1. Front Yard: The minimum front yard setback shall be twenty feet (20'). The front yard

setback for a corner lot shall be as set forth in Chapter 5 of the UDO;

2. Rear Yard: The minimum rear yard setback shall be thirty feet (30');

3. Side Yard: The minimum side yard setback shall be seven feet (7'). However, a minimum side yard setback of five feet (5') is permissible provided all of the following conditions are met:

i. Dwelling units shall have fire resistant siding within a side yard. These materials are to be approved by the Lancaster County Building Official (i.e. brick, masonry, stone, concrete siding). Vinyl siding is not permissible with a five foot (5') side yard;

ii. Vented soffits are not permissible within a five foot (5') side yard. Unvented soffits shall be permissible if no less than ten feet (10') from an adjacent dwelling unit or structure; and

iii. Windows of dwelling units shall be offset from the windows of adjacent units within a five foot (5') side yard.

f. Open space requirement: For a cluster subdivision, no less than twenty-five percent (25%) of the site acreage, not including primary conservation areas as defined in subitem (3) of this item (f), shall be set aside in perpetuity as open space. Open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Open space in a cluster subdivision is also subject to the following:

1. Open space shall be defined as set forth in Chapter 19 of the UDO and as outlined in Section 17.1 of the UDO. Open space may include, but is not limited to, passive recreation, and natural preservation of important scenic vistas, environmentally sensitive lands, habitat for wildlife, and historically or archaeologically significant areas. Structures, swimming pools, and athletic facilities shall not count as open space. However, structures are permitted in the open space when they serve an accessory function, such as a gazebo, fishing dock, playground equipment or play structures;

2. The amount of open space required to be set aside shall be determined by the following formula:

Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

TO = ((TP - PC) OSP) + PC

TO	= Total Open Space Set Aside	(acres)
TP	= Total Parcel	(acres)
PC	= Primary Conservation Areas	(acres)
OSP	= Open Space Percentage	(% of Improvable Area)

Note: See Item 1 of this Subsection 6 for an example of how these formulas are applied;

3.

Primary Conservation area includes those areas that cannot otherwise be built upon or improved and therefore would be preserved in a conventional development. Such areas specifically include wetlands, surface waters, and intermittent stream channels;

4. To fulfill the requirements of this item (f), the following shall be included in the required open space where practicable:

i. Wooded areas;

ii. Scenic vistas;

iii. Streams, ponds, wetlands and floodplains;

iv. Buffers, including landscaped, perimeter, river and stream;

v. Areas containing slopes in excess of twenty-five percent (25%);

vi. Other areas containing unusual natural site features (such as major rock formations); and

vii. Other environmentally, historically or archaeologically significant or unique areas;

5. Open space shall be contiguous to the extent practicable, when not restricted by topography, existing water body and other natural features;

6. Pedestrians shall have access to open space;

7. Open space shall be deed restricted and shall not be developed for use other than open space;

8. Open space shall remain under the ownership and control of the developer (or successors) or a homeowners association or similar organization that satisfies the criteria established in Section 17.4 and 17.5 of the UDO. The person or entity identified as having the right of ownership and control over such open space shall be responsible for the continuing upkeep and proper maintenance of the open space. The County shall have no responsibility for the maintenance of open space areas. If open space location meets a need in the County comprehensive plan, the County and developer may consider conveyance of completed open space to the County, upon planning commission and Council approval; and

9. A cluster subdivision shall include provisions for the protection of trees and other natural amenities within the area or areas designated for open space. The removal of trees and natural vegetation in designated open space is strongly discouraged, though it is permitted during the development phases for the purpose of trails and other such recreational improvements as approved by planning staff. All open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Trees over twenty-four inches (24") in diameter (DBH) shall be preserved and incorporated in designated open space where practicable, and upon the request of planning staff such trees existing within areas designated for trails and other such recreational improvements may also need to be shown and labeled. Upon completion of development phases, no person or entity shall remove or destroy any trees or natural vegetation from designated open space without approval from the zoning administrator. However, normal maintenance and removal of dead or fallen trees are permitted and recommended, and shall be the responsibility of the person or entity identified as having the right of ownership as outlined in subitem (8) of this item (f).

g.

Maximum density: The maximum number of dwelling units allowed per acre for a cluster subdivision shall not exceed the maximum for the residential use district in which it is located, as set forth in Section 2.1.1 of the UDO, where the total number of dwelling units allowed shall be based on the gross acreage of the site. For example, when the CSOD is located within the R-30, Low Density Residential/Agricultural District, where the maximum density is two and one-half (2.5) dwelling units per acre, a one hundred (100)-acre parcel of land shall be allowed to have no more than two hundred fifty (250) dwelling units built on the site. By comparison, when the CSOD is located within the R-30P, Low Density Residential/Agricultural Panhandle District, where the maximum density is one and one-half (1.5) dwelling units per acre, a one hundred (100)-acre parcel of land shall be allowed to have no more than one hundred fifty (150) dwelling units built on the site (See Item 1 of this Subsection 6 for additional examples).

h. Commercial requirement: There shall be no required commercial uses within a cluster subdivision.

i. Connectivity: The proposed cluster subdivision must have a minimum connectivity index of 1.4 as set forth in Section 13.7.9.1 of the UDO. The following shall also apply:

1. Any cluster subdivision which will result in one hundred fifty (150) or more dwelling units dependent on a single point of access shall require the provision of a second means of ingress/egress and is subject to the requirements of Section 13.7.8.9 of the UDO;

2. One (1) stubbed out street shall be required to be provided to any adjacent undeveloped parcel or parcel used for a single-family home that contains a minimum of five (5) acres as set forth in Section 13.7.10.3 of the UDO. However, the planning commission may alter this requirement if the developer demonstrates that the connection would be difficult to provide because of topographical reasons; and

3. Where practicable, the proposed cluster subdivision is required to connect to open space (i.e. bike paths, walking/hiking trails, etc) in adjacent developments.

j. Site planning review standards: A cluster subdivision shall follow the site plan review standards and procedures as set forth in Chapter 13 of the UDO, including but not limited to Section 13.6. Furthermore, planning staff shall also include the following in their review:

1. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships;

2. The site layout shall accommodate and preserve any features of historic, cultural, archaeological or sensitive environmental value. Individual lots, buildings, structures, streets, parking areas, utilities and infrastructure shall be designed and sited to minimize the alteration of natural features, vegetation and topography;

3. Where practicable, individual lots, buildings, structures, streets, parking areas, utilities and infrastructure should be designed and sited to be compatible with surrounding development patterns;

4. Where practicable, open space shall be located on a site in such a manner so that view sheds from existing public right-of-way are not obstructed, but are enhanced by the open space;

5. Private streets are permitted in a cluster subdivision, provided such streets meet the construction standards of Chapter 13 of the UDO and Chapter 26 of the Lancaster County Code. The following shall apply:

i. As required in Section 26-61 of the Lancaster County Code, the minimum right-of-way and pavement width shall be as follows:

Road Type	Right-of-Way (feet)	Pavement (feet)
Local (closed drainage)	50	20
Local (open drainage)	66	20
Collector	66	24

ii. On-street parking is permitted in a cluster subdivision where adequate right-of-way and pavement width is provided in accordance with standards of the South Carolina Department of Transportation (SCDOT); and

iii. To ensure adequate clearance for emergency vehicles in a cluster subdivision, the planning commission may require signage and/or pavement markings to clearly indicate areas where on-street parking is prohibited;

6. Installing sidewalks on both sides of local streets in a cluster subdivision is encouraged. At a minimum, a sidewalk will be required on at least one side of every local street, with a sidewalk required on both sides of arterial and collector streets. Local, arterial and collector streets shall be clearly labeled as such on any preliminary or final plat submitted for review;

7. A traffic impact analysis shall be provided to the Development Review Committee (DRC) at the time of the DRC submittal for any development within a CSOD, as required in Section 13.7.10.1 (c) of the UDO. The traffic impact analysis must be conducted and sealed by a licensed South Carolina professional engineer hired by the applicant. The cost of the traffic impact analysis shall be paid by the applicant. Any road improvements, which are determined to be necessary, based on the results of the traffic impact analysis, shall be required to be incorporated into the final site plan prior to approval being given by the Development Review Committee. The traffic impact analysis shall be reviewed by the County and in conjunction with the South Carolina Department of Transportation. If a County level traffic planner is not available to review the traffic impact analysis, the County may choose to hire a third-party consultant to assist in this review at the request of the planning department. The applicant is responsible for fees associated with this review;

8. In general, landscaping requirements for a cluster subdivision shall comply with the requirements of Chapter 12 and Chapter 22 of the UDO. However, the planning commission may vary such requirements in response to applications demonstrating alternative landscaping based on creative site planning. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the landscaping requirements;

9. The following buffer requirements shall apply for a cluster subdivision:

i. In general, buffer requirements for a cluster subdivision shall comply with the requirements of Chapter 12 of the UDO where a buffer yard may be required between adjacent zoning districts;

ii. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the buffer requirements;

iii. Ingress/egress to the property shall be allowed within a buffer, as well as utility easements and sidewalks;

iv. A fifty foot (50') buffer shall be required on the frontage of all existing public streets. Where there is insufficient natural vegetation to provide a visual buffer for principal structures, plantings shall be installed by the developer. A minimum of twenty-five percent (25%) of the trees and seventy-five percent (75%) of the shrubs shall be evergreens;

v. The planning commission may allow a developer to vary the buffer requirement to preserve view sheds from existing view sheds, as required in subitem (4) of this item; and

vi. Buffer requirements within a cluster subdivision shall count as open space where it is contiguous with other areas designated as open space; and

10. Variety in architecture and building materials shall be encouraged within a cluster subdivision. It is encouraged that buildings are constructed using quality finish materials (i.e., brick, masonry, stone, concrete siding, or stucco). Vinyl siding is permissible if in combination with other building materials.

k. Other zoning requirements: To the extent that this subsection (6), establishing the Cluster Subdivision Overlay District, may contain zoning and development standards and requirements that are inconsistent with or conflict with zoning and development standards and requirements contained elsewhere in the UDO, the zoning and development standards and requirements contained in this subsection (6) supersede all other zoning and development standards and requirements and this subsection (6) is deemed controlling. Notwithstanding the provisions of this item (k), if a zoning and development standard and requirement contained in this subsection (6) is inconsistent with or conflicts with a zoning and development standard and requirement contained in subsections 2.1.5(1) FP, Floodplain and FW, Floodway Overlay Districts, 2.1.5(2) HNP, Historical and Natural Preservation Overlay District, 2.1.5(3) ESO, Equestrian Oriented Subdivision Overlay District, 2.1.5(4) AC, Aviation Corridor Overlay and 2.1.5(5) CHOD, Carolina Heelsplitter Overlay District, then the zoning and development standard and requirement contained in subsections 2.1.5(1), 2.1.5(2), 2.1.5(3), 2.1.5(4) or 2.1.5(5) supersede the zoning and development standard and requirement contained in this subsection (6) and the provision contained in the respective subsection is deemed controlling.

l. Examples of Applying Formulas: Below are examples of applying formulas to determine the total number of dwelling units allowed and the amount of the site acreage to be set aside as open space within a Cluster Subdivision Overlay District.

Example A. Assume that a fifty (50) acre parcel is being developed. The residential use district is R-15, Moderate Density Residential/Agricultural District, where the maximum density is two and one-half (2.5) dwelling units per acre. Assume that there are five (5) acres of Primary Conservation area. The open space percentage is twenty-five percent (25%) (or as a decimal, .25).

1. The following formula would be used to determine the total number of dwelling units allowed:

Total Dwelling Units Allowed = Total Parcel multiplied by Maximum Dwelling Units per Acre

TU = (TP) (DUA)

TU	= Total Units Allowed	(dwelling units)
TP	= Total Parcel	(acres)
DUA	= Maximum Dwelling Units per Acre	(dwelling units/acres)

TU = (50)(2.5)

TU = 125 Total Lots or Dwelling Units Allowed

2. The following formula would be used to determine the amount of the site acreage to be set aside as open space:

Total Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

TO = ((TP - PC) OSP) + PC

TO	= Total Open Space Set Aside	(acres)
TP	= Total Parcel	(acres)
PC	= Primary Conservation Areas	(acres)
OSP	= Open Space Percentage	(% of Site Acreage excluding PC)

TO = Total Open Space Set Aside

TP = 50 acres Total Parcel

PC = 5 acres Primary Conservation Areas

OSP = 25% (or .25) Open Space Percentage

TO = ((50 - 5) .25) + 5

TO = ((45) .25) + 5

TO = (11.25) + 5

TO = 16.25 acres of Total Open Space Set Aside

Example B. Assume that a five hundred (500) acre parcel is being developed. The residential use district is R-30P, Low Density Residential/Agricultural Panhandle District, where the maximum density is one and one-half (1.5) dwelling units per acre. Assume that there are one hundred (100) acres of Primary Conservation area. The open space percentage is twenty-five percent (25%) (or as a decimal, .25).

1. The following formula would be used to determine the total number of dwelling units allowed:

Total Dwelling Units Allowed = Total Parcel multiplied by Maximum Dwelling Units per Acre

TU = (TP)(DUA)

TU	= Total Units Allowed	(dwelling units)
TP	= Total Parcel	(acres)
DUA	= Maximum Dwelling Units per Acre	(dwelling units/acres)

TU = (500)(1.5)

TU = 750 Total Lots or Dwelling Units Allowed

2. The following formula would be used to determine the amount of the site acreage to be set aside as open space:

Total Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

TO = ((TP - PC) OSP) + PC

TO	= Total Open Space Set Aside	(acres)
TP	= Total Parcel	(acres)
PC	= Primary Conservation Areas	(acres)
OSP	= Open Space Percentage	(% of Site Acreage excluding PC)

TO = Total Open Space Set Aside

TP = 500 acres Total Parcel

PC = 100 acres Primary Conservation Areas

OSP = 25% (or .25) Open Space Percentage

TO = ((500 - 100) .25) + 100

TO = ((400) .25) + 100

TO = (100) + 100

TO = 200 acres of Total Open Space Set Aside

Example C. Assume that a one thousand (1000) acre parcel is being developed. The residential use district is R-30, Low Density Residential/Agricultural District, where the maximum density is two and one-half (2.5) dwelling units per acre. Assume that there are one hundred (100) acres of Primary Conservation area. The open space percentage is twenty-five percent (25%) (or as a decimal, .25).

1. The following formula would be used to determine the total number of dwelling units allowed:
   Total Dwelling Units Allowed = Total Parcel multiplied by Maximum Dwelling Units per Acre

   TU = (TP) (DUA)

TU	= Total Units Allowed	(dwelling units)
TP	= Total Parcel	(acres)
DUA	= Maximum Dwelling Units per Acre	(dwelling units/acres)

TU = (1000)(2.5)

TU = 2500 Total Lots or Dwelling Units Allowed

2. The following formula would be used to determine the amount of the site acreage to be set aside as open space:
   Total Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

   TO = ((TP - PC) OSP) + PC

TO	= Total Open Space Set Aside	(acres)
TP	= Total Parcel	(acres)

PC	= Primary Conservation Areas	(acres)
OSP	= Open Space Percentage	(% of Site Acreage excluding PC)

TO = Total Open Space Set Aside

TP = 1000 acres Total Parcel

PC = 100 acres Primary Conservation Areas

OSP = 25% (or .25) Open Space Percentage

TO = ((1000 - 100) .25) + 100

TO = ((900) .25) + 100

TO = (225) + 100

TO = 325 acres of Total Open Space Set Aside

7. The Highway Corridor Overlay District is hereby established, and is subject to the following general provisions:
   a. *Purpose and Intent:* The Highway Corridor Overlay District is established to preserve and enhance corridors that serve as major gateways leading to, from and within Lancaster County. As both commercial and residential land uses exist along such corridors, there is a desire of the residents of Lancaster County to provide standards relative to connectivity, aesthetic appearance, and safety along major gateways. The land use recommendations and design requirements contained in this subsection are the result of a community-wide effort. As such, the intent of this district is to provide unified land development regulations that promote a sense of place and create consistency along significant corridors by improving the visual character of adjacent development.
   b. *District Boundaries and Applicability:* The Highway Corridor Overlay District applies to the following:
      1. The County Council shall designate the property that is subject to the provisions of this subsection by rezoning the properties in accordance with the procedures and requirements applicable to map amendments. In general, for those highways identified for Highway Corridor Overlay District status, the district designation shall apply to all parcels fronting on or within one thousand feet (1,000') of the right-of-way of the designated highway. Only the following highways are designated as a Highway Corridor Overlay District:
         i. US Highway 521 from SC Highway 75 (Waxhaw Highway) northward to the North/South Carolina state line; and
         ii. SC Highway 160 from US Highway 521 westward to the York/Lancaster county line.
      2.

The Highway Corridor Overlay District development regulations, as set forth in this subsection, applies to all uses on the properties zoned Highway Corridor Overlay District except for single-family housing as identified in Chapter 3, Table of Permissible Uses, 1.1.1 through 1.1.5. The development regulations applicable to single-family housing are the development regulations of the underlying zoning district.

      3. Any property within the Highway Corridor Overlay District zoned and used for industrial use, I-1 and I-2, shall be subject to the provisions set forth in item (n) of this subsection (7); and
      4. This district shall also apply to all shared access easements and/or cross-access easements located within the areas defined in item (b)(1) of this subsection (7), including, but not limited to, those that may be used to access any parcel or parcels beyond the boundaries of this district.
   c. *Permitted Uses:* As an overlay, the Highway Corridor Overlay District supplements standards established elsewhere in the Unified Development Ordinance of Lancaster County (the "UDO"). Any use permitted in the underlying zoning district, set forth in Chapter 3, Permissible Uses, of the UDO, shall also be permitted in the Highway Corridor Overlay District provided it complies with the provisions of this subsection (7).
   d. *Exceptions and Non-conforming Situations:* Any property zoned and used for a single-family residential use, including the single-family residential portion of a property zoned PDD, shall be exempt from the development standards of this subsection (7). When a parcel has a vested right in effect, that parcel may be exempt from certain provisions of this subsection (7), as outlined in Chapter 13 of the UDO. The development standards of this overlay district shall apply to all other properties within the district boundaries as outlined in item (b) of this subsection (7).
   e. *Design Review:* All development design and plan reviews, as required by the UDO, shall apply to this subsection (7).
   f. *General Requirements and Development Standards:*
      1. *Building Placement:* All buildings shall front onto a public or private street, or share a frontage line with a square or other similar common open space. The front facade of buildings shall be generally parallel to front property lines when placed along the corridor right-of-way. The following shall also apply:
         i. In general, the setback requirements set forth in § 5.4 of the UDO shall apply. When fronting the corridor right-of-way, the front setback for buildings with a commercial district use may be reduced to a minimum of 25 feet.
         ii. When fronting the corridor right-of-way, buildings shall have access from the front and rear of the building;
         iii. The development of retail commercial centers or villages is favorable over commercial "strip development" in the Highway Corridor Overlay District.
      2. *Building Height:* Maximum building height shall not exceed that permitted in the underlying zoning district, set forth in Chapter 5, Density and Dimensional Regulations, of the UDO.
      3.

Building Vernacular: Variation in architecture and materials is required. There shall be no large expanse of blank exterior walls along the corridor. Variation in exterior walls may be achieved through the use of windows, projections, recesses, columns, horizontal and vertical offsets, awnings, canopies, or other architectural features. Rooflines of buildings adjacent to the corridor shall also be varied to add interest and complement the character of surrounding development and neighborhoods. Variation in rooflines may be achieved through the use of gables, eaves, parapets, cupolas, or other architectural features.

      4. *Materials:*
         i. Buildings, signs, walls, and other structures within the Highway Corridor Overlay District shall be constructed using quality finish materials (i.e., brick, wood, masonry, stone, concrete siding, or stucco). In general, the use of vinyl, tin, metal and masonry block (except split face/decorative masonry) shall be prohibited on the exterior walls of any building located within this district. Metal is permissible if in combination with other building materials for use as trim, windows, doors, roofing, other architectural elements, and signs. All sides of the building shall comply with this requirement except any side of a building that is not visible from any point on an adjoining road right-of-way. For the purposes of this subsection (7), sides of the building that are screened with landscaping, a fence, or some combination of the two shall be considered to be visible from an adjoining street and must comply with the requirements of this subsection (7).
         ii. Fencing shall be of durable construction using quality material (i.e., brick, stone, other masonry, wood, metal, decorative vinyl, or any combination thereof). The finished side of the fence shall face the corridor right-of-way or other adjacent property. Chain link, welded or woven wire, and other similar fencing are not permitted in the Highway Corridor Overlay District, unless their use is for sports field and recreational complexes. In such conditions, the fencing shall be color coated with a manufacturer applied finish. Finish color to be approved by the Development Review Committee (DRC). Such fencing may also be permitted for temporary use during construction and site development provided it is removed or replaced with a compliant material upon completion of construction. This requirement is for aesthetic purposes only and is not associated with building code requirements or standards.
      5. *Sidewalks and Pedestrian Amenities:*
         i. *Sidewalks and Connectivity:*
            1. At a minimum, sidewalks shall comply with the construction requirements set forth in § 21.12 of the UDO;
            2. Sidewalks shall be located to allow pedestrians to safely move from their vehicles to the building;
            3. Sidewalks shall connect to existing pedestrian circulation of adjacent parcels where not restricted by topography or other existing site features;
            4. When adjacent to a residential use district, sidewalks shall be provided to allow pedestrian access to and from a commercial retail development;
            5. Sidewalks shall be required on both sides of public or private streets within a commercial retail development.
         ii. *Other Pedestrian Amenities:*

1. All retail commercial development or use with a gross indoor floor area in excess of forty thousand (40,000) square feet shall provide improved common open space for use by patrons. Such common open space shall be a minimum of five hundred (500) square feet in area and may include squares, plazas, greens or other similar spaces. This requirement shall also apply to all non-residential portions of a PDD development. The following shall also apply:
   a. For purposes of this item (f)(5)(ii), "improved" shall mean cleared of underbrush and debris, accessible to pedestrians and shall include one or more of the following: landscaping, walls, fences, walks or similar paved surfaces, fountains, statues, common lawns or greens, tables and chairs, benches or other seating, water fountains, litter and recycling receptacles, playground equipment or other similar furnishings and amenities;
   b. Such spaces shall include canopy trees to provide shade. At installation, a canopy tree shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 10—12';
   c. Such spaces shall be accessible from sidewalks and other pedestrian circulation within the development; and
   d. The property owners, occupants, and tenants or their agents shall be jointly and severally responsible for the maintenance and upkeep of all such common open space. All such areas shall be kept free of litter and debris, and shall generally be maintained with a neat and orderly appearance.

g. *Access Management:*
   1. *Curb Cuts and Parcel Access:*
      i. All curb cuts, including both public and private streets, shall adhere to the standards set forth by the South Carolina Department of Transportation ("SCDOT"), and shall comply with the requirements set forth in the latest edition of the Access and Roadside Management Standards ("ARMS Manual") as published by the SCDOT Traffic Engineering Division. At a minimum, within the Highway Corridor Overlay District, curb cuts along the corridor right-of-way shall be limited to one every three hundred (300) feet of street frontage. A greater distance of separation may be required as justified by a Traffic Impact Analysis or the SCDOT ARMS Manual;
      ii. Individual parcels having three hundred (300) or more feet of corridor frontage may be permitted additional points of access provided they comply with this subsection (7) and are justified by a Traffic Impact Analysis or review by SCDOT;
      iii. Access points for parcels (5) acres or less, where access to a shared driveway is limited, shall be subject to SCDOT approval and shall adhere to SCDOT standards;
      iv. Corner parcels located at an intersection of the corridor and an existing or proposed secondary street, including both public and private streets, shall obtain access from the secondary street. Where such parcels have three hundred (300) or more feet of corridor frontage, a point of access to the corridor may be considered if no other corridor access is located within three hundred (300) feet, and it adheres to SCDOT standards. Such additional access shall be considered on a case-by-case basis, and is subject to approval by the Zoning Administrator or SCDOT when applicable;
      v.

Existing median crossovers are to remain as located. Where justified by a Traffic Impact Analysis, access to a parcel may be required to align directly with an existing median crossover. Likewise, a Traffic Impact Analysis may require improvement to an existing crossover to meet current SCDOT standards. When a proposed access does not align directly with an existing median crossover, such access must adhere to the latest edition of the SCDOT ARMS Manual; and
      vi. A Traffic Impact Analysis shall be required for any development that will generate over one hundred (100) trips in the peak hour according to the latest edition of the SCDOT ARMS Manual and shall meet all other requirements set forth in § 13.7.10.1(c) of the UDO. The Traffic Impact Analysis must be conducted and sealed by a licensed South Carolina professional engineer. For a Traffic Impact Analysis within the Highway Corridor Overlay District, this engineer shall be chosen by the applicant from a preapproved list provided by Planning Department. Any road improvements, which are determined to be necessary, based on the results of the Traffic Impact Analysis, shall be incorporated into the final site plan prior to County approval. The Traffic Impact Analysis shall be reviewed by the County and in conjunction with the SCDOT. If a County level traffic planner is not available to review the Traffic Impact Analysis at the time of submittal, the County may choose to consult with a preapproved third-party reviewer to assist in this review at the request of the planning department. This third-party review is to assist the County with only the review of a submitted Traffic Impact Analysis and is not a second analysis. The cost of the Traffic Impact Analysis, including any additional reviews requested by the County, shall be paid for by the applicant.
   2. *Connectivity:* Reduction of access points to the corridor is required. The following shall apply:
      i. *Consolidation of Access Points:*
         1. Shared driveways between two or more parcels shall be required where there is not a conflict in use and a shared driveway is not restricted by topography or other existing site features. Shared driveways shall require mutually executed shared access agreements; and
         2. Unless restricted by topography or other natural site features, adjoining parking lots serving non-residential buildings of non-conflicting use shall be connected and shall require mutually executed shared access agreements.
      ii. *Stub Outs:*
         1. Where an undeveloped adjacent parcel exists, a stub out or cross-access easement for future stub out, shall be required to allow for connection to future parking and/or shared driveways; and
         2. Where a developed adjacent parcel exists, existing stub outs shall be utilized.

h. *Parking and Vehicular Access:*
   1. *Off-street Parking:* For buildings fronting on the corridor, off-street surface parking shall be located primarily to the rear of the building it serves. Side yard parking is permissible and shall occupy no more than forty five percent (45%) of the principle corridor frontage line. The following shall also apply:
      i. Side yard parking shall not be placed in an established side yard abutting an

intersecting street;
      ii. Where dimensions or topographical constraints of existing parcels restrict the location of off-street parking to the rear of the building it serves, the restrictions on side yard parking may be modified, on a case-by-case basis, by the Zoning Administrator;
      iii. Uninterrupted areas of parking areas shall be limited in size. Parking areas with more than twenty (20) space[s] shall be broken by buildings and/or landscape features as outlined in item (k)(5) of this subsection (7); and
      iv. Parking areas shall be designed to allow pedestrians to safely move from their vehicles to the building.
   2. *On-street Parking:* On-street parking is not permitted on the corridor or other public street. On-street parking is permitted on private streets within a retail commercial development where adequate space for parking and maneuvering is provided outside of travel lanes. On-street parking shall comply with the requirements set forth in the latest edition of the SCDOT ARMS Manual.
   3. *Parking Count and Dimension Requirements:* The number of parking spaces required and required parking space dimensions shall comply with the provisions set forth in § 11.2 and § 11.4 of the UDO.
   4. *Off-street Loading and Unloading Areas:* Off-street loading and unloading areas shall comply with the provisions set forth in § 11.11 and shall be screened from view from all residential use districts and public right-of-way using an opaque screen.
   5. *Driveway and Internal Street Standards:*
      i. All newly constructed streets within the Highway Corridor Overlay District shall meet the construction standards of Chapters 13 and 21 of the UDO and Chapter 26 of the Lancaster County Code. The minimum right-of-way and pavement widths shall comply with the provisions set forth in § 26-61 and § 26-65 of the Lancaster County Code. Where applicable, such streets shall also comply with the standards established by SCDOT;
      ii. Private and public roads are as defined in Chapter 13 of the UDO;
      iii. The minimum spacing between driveway accesses to the corridor shall comply with the provisions set forth in item (g) of this subsection (7);
      iv. Curb and gutter shall be required on all newly constructed private streets, drives and parking areas within the Highway Corridor Overlay District and shall comply with the requirements set forth in § 21.11 of the UDO; and
      v. Interconnectivity between adjacent parcels is required when there is not a conflict in use and is subject to the provisions set forth in item (g) of this subsection (7).

i. *Signs:* In general, signage within the Highway Corridor Overlay District shall comply with the provisions set forth in Chapter 10, Signs, of the UDO. The following additional regulations shall also apply specifically to this overlay district:
   1. *Permitted Signs:* All signs that are permitted within the Highway Corridor Overlay District shall complement the surrounding buildings in material and architectural vernacular. The following signs are permitted in the Highway Corridor Overlay District:
      i.

Free standing ground monument signs: All ground monument signs shall have a setback requirement of five feet from any property line or right-of-way line. Ground monument signs shall not project into any street or highway right-of-way. No more than one (1) ground monument sign shall be permitted per lot and may contain a sign face on no more than two (2) more sides;
      ii. *Wall signs:* Wall signs attached flat against a wall shall not extend more than eighteen (18) inches from a wall. When a wall sign extends two (2) or more inches from a wall it shall be a minimum of eight (8) feet above any sidewalk to provide for pedestrian clearance;
      iii. *Projecting signs:* A projecting sign perpendicular to the wall of a building may be substituted for a wall sign provided it is a minimum of eight (8) feet above any sidewalk to provide for pedestrian clearance and projects no more than six (6) feet from the wall on which it is mounted; and
      iv. *Canopy or awning signs:* A canopy or awning signs shall not be placed higher than the bottom of the second floor or higher than the roofline of single-story structures. A canopy or awning sign shall be a minimum of eight (8) feet above any sidewalk or other pavement to provide for pedestrian clearance.
   2. *Commercial Retail Developments and Centers:* All retail commercial development or use with two or more businesses shall be allowed no more than one (1) ground monument sign. Signage for individual businesses shall be consolidated onto one (1) such ground monument. The following shall also apply:
      i. Where such a development fronts two (2) or more streets with more than five hundred (500) feet of frontage on each, additional ground monument signs may be permitted provided no more than one (1) is located on each street;
      ii. Directional and wayfinding signs within a retail commercial development or center shall be grouped and shall be consistent in size, color, ornamentation, and materials, and shall complement the surrounding buildings; and
      iii. For such developments, a ground monument sign shall not exceed a height of ten (10) feet. Where such a development has a gross indoor floor area in excess of forty thousand (40,000) square feet, the maximum height may be increased to no more than twenty (20) feet for a ground monument sign.
   3. *Size and Height of Signs:* The maximum size of any sign shall be as established in Chapter 10, Signs, of the UDO. A sign for any individual nonresidential use shall not exceed a height of ten (10) feet along the corridor and a height of (4) feet along any secondary street. A sign for a single-family development shall not exceed a height of ten (10) feet along any street. For a multifamily residential or attached single-family development, a sign shall not exceed six (6) feet in height along the corridor and (4) feet along any secondary street. The height of all signs shall be measured from the lowest adjacent grade at the base of the sign.
   4. *Prohibited Signs:* The following signs, in addition to those prohibited in Chapter 10, Signs, of the UDO, are prohibited in the Highway Corridor Overlay District:
      i. Pylon signs;
      ii. Flashing and pulsating signs;

iii. Signs imitating warning signals;
iv. Painted or handwritten signs;
v. Off-premise signs;
vi. Animated signs;
vii. Beacons;
viii. Neon gas tubing or similar signs;
ix. Inflatable signs and tethered balloons;
x. Banners in non-residential districts;
xi. Illuminated tubing or string of lights typically used for outlining property lines, open sales areas, roof lines, doors, windows or wall edges of any building, except for "holiday season" lights as permitted in item (j)(7) of this subsection (7);
xii. Signs that move or give the appearance of moving, including but not limited to feather signs, pennants, inflatable figures, streamers, and other signs which flutter, undulate, swing, rotate, oscillate or otherwise move by natural or artificial means;
xiii. Reader boards, digital message boards (including LED screens), or other similar commercial electronic variable message signs whose static message or copy change more than once every twenty (20) seconds, and the change sequence must be accomplished within an interval of two (2) seconds or less. Such signs shall not include animated, continuous, moving, rolling, or scrolling messages. Fluttering, blinking, or flashing elements including video is prohibited. In general, signs displaying continuous moving copy or image, whether digital or analog, shall not be permitted. In addition, such signs shall not be used for paid advertising. Note: Signs using LED illumination and/or displays are permissible provided they are not attached to a building and the copy or image being displayed remains static or changes no more than once every twenty (20) seconds. This section only applies to the use of reader boards and LED displays on permitted signs. The regulations for outdoor advertising signs (billboards) are outlined in § 10.16 and § 10.19.1 in the UDO;
xiv. Any sign placed within any public/private rights-of-way or easement;
xv. Any sign that obstructs or impedes traffic safety or obscures traffic signals, signs, or other similar traffic safety devices. Signs shall not obstruct the view of motorists using any street, driveway, parking aisles or the approach to any street intersection so as to cause a traffic safety hazard. Any sight obstruction determined by the County or SCDOT shall be corrected immediately;
xvi. Any sign which exhibits statements, words or pictures that are obscene in nature;
xvii. Any sign which is not permitted, abandoned signs, or signs which being structurally unsafe or hazardous; and
xviii. Any sign placed with the primary purpose of providing a sign not otherwise allowed by this item (i).

5. *Temporary Signs:* The following temporary signs are permitted provided their use complies with the requirements set forth in Chapter 10, Signs, of the UDO, including duration of display and removal regulations:
   i. Real estate signs;
   ii. Construction site identification signs;

   iii. Grand opening, going out of business signs, or similar;
   iv. Holiday signs;
   v. Special event signs;
   vi. Roadside stand signs;
   vii. Signs for onsite contractors;
   viii. Banners for religious, charitable, civic, fraternal or similar organizations;
   ix. Other temporary signs as may be restricted by Chapter 10, Signs, of the UDO.
6. *Sign Illumination:* Illuminated signs, including those with internal illumination, are permitted and shall be placed and shielded so that glare from the sign does not adversely affect any adjacent property, residential use district, cause glare hazardous to pedestrians, or interfere with the operation of a vehicle on any street right-of-way. Signs shall not have light-reflecting backgrounds or letters. The intensity of light shall not exceed twenty (20) foot candles at any point on the sign face;
7. *Sign Landscaping:* All ground monument signs shall have, at a minimum, landscaping in accordance with the standards set forth in Chapter 10, Signs, of the UDO. Landscaping shall be integral with other landscaped areas as required by this district. In general, minimum plant sizes at installation shall also comply with this subsection (7). However, landscaping shall not obstruct the view of a sign. All landscaping at the base of a sign shall comply with item (k) (1) (i) of this subsection (7).

j. *Lighting:* In general, lighting within the Highway Corridor Overlay District shall comply with the provisions set forth in § 11.6, § 15.8 and § 15.9 of the UDO. The purpose of this item (j) is to provide aesthetic regulations and to assure that exterior lights are shielded and do not cast direct light beyond a property line. Streets, driveways, parking areas, sidewalks, and building entrances shall be lighted in order to contribute to the security of a property and to facilitate the safe passage of persons using such streets, driveways, sidewalks, and parking areas after dark. However, measures shall be provided to limit the amount of ambient light perceptible from adjacent properties and glare that may impair the vision of motorists. The following shall also apply:
   1. Light intensity shall not exceed thirty (30) foot candles at any point in the Highway Corridor Overlay District. Light intensity shall not exceed two (2) foot candles at a property line adjacent to a street right-of-way or non-residential use, and shall not exceed one-half (0.5) foot candle at a property line adjacent to a residential use district. A greater light intensity may be permitted for competitive sports fields during competitive play provided the light intensity does not exceed that set forth by the regulating athletic agency;
   2. The following light intensities measured in foot candles (fc) shall also apply:
      i. *Parking Lots:* 0.6fc Minimum/2.4fc Average/10fc Maximum;
      ii. *Walkways & Driveways:* 0.2fc Minimum/1.0fc Average/10fc Maximum;
      iii. *Landscape & Decorative:* 0fc Minimum/0.5fc Average/5.0fc Maximum; and
      iv. *Outdoor Display of Merchandise:* 0.5fc Minimum/1.0fc Average/15fc Maximum;
   3. Signalized intersections shall be limited to locations where significant collector streets connect with the corridor. For example, along US Highway 521 such an intersection is at Possum Hollow Road, and along SC Highway 160 such an intersection is at Calvin Hall Road. Where a Traffic Impact Analysis requires a new signalized intersection, the standard

metal or concrete poles as set forth by SCDOT shall be installed. This requirement shall also apply to an existing signalized intersection where additional lanes and signalization changes are required. All poles shall be professionally painted black. Wood poles are only permissible for temporary use during repairs and installation. Complete cost of the installation shall be paid by the developer. In addition, the County may require the developer to furnish a letter of credit, cash escrow, or other guarantee acceptable to the County to cover future repairs and replacement;

4. All fixtures shall be consistent throughout a site in size, color, ornamentation, and materials, and shall complement the surrounding buildings. Each fixture shall be a down-directional lighting fixture with its source being recessed within an opaque housing. All light fixtures shall be located, aimed or shielded as to limit the amount of ambient light perceptible from adjacent properties and street right-of-way. The color of all such light sources shall be white;
5. Street lighting, as required by § 15.8 and § 15.9 of the UDO, shall comply with SCDOT requirements where applicable. All street lights shall be consistent along the corridor and throughout a site. Such fixtures shall be shielded and down-directional except that unshielded decorative street lamps featuring globes or glass panes are permissible if designed to diffuse light and shall have caps to direct light downward. The color of all such light sources shall be limited to white or as required by SCDOT;
6. All wiring and service connections for all lighting must be underground. Likewise, the back of all signs shall have a finished appearance unless it is screened with an opaque screen and is not visible from any residential use or street right-of-way;
7. Holiday lighting displays, lighting for approved temporary events and directional lighting during construction are exempt from these requirements provided they do not exceed the maximum foot candles and do not negatively impact safety;
8. Fixture heights shall not exceed eighteen (18) feet except in areas where the total number of parking spaces exceed one hundred (100) spaces. In such cases, fixtures shall not exceed twenty-five (25) feet provided they are limited to the central areas of the parking area. A luminary located within fifty (50) feet of a residential use district shall not exceed a height of twelve (12) feet. Fixtures along the primary vehicular/pedestrian streets shall not exceed a height of eighteen (18) feet;
9. Outdoor lighting installed on canopies or drive-thru facilities are permitted with a maximum foot candle reading of twenty (20) foot candles under any illuminated area. Fixtures located under a building canopy shall be flush-mount with a flat lens, shall use diffusers and be shielded;
10. Buildings shall be safely illuminated at entry/exit locations, and shall be illuminated using shielded lighting or off-building lighting that does not generate glare or otherwise allow the light to be viewed directly from an adjacent property. Building walls may be illuminated and may include up-lighting, provided such fixtures comply with item (j)(2). However, no building illumination shall cause the site to exceed maximum light intensity limitation;
11.

Landscape lighting may include up-lighting for accent, provided such fixtures comply with item (j)(2). However, no landscaping illumination shall cause the site to exceed maximum light intensity limitation, and such fixtures shall be located, aimed or shielded as to limit the amount of ambient light perceptible from adjacent properties and street right-of-way;

12. Security lighting shall be provided, particularly at pedestrian walkways. Motion detector security lights shall be exempt from the foot candle requirements of this item provided such lights are normally "off," and are limited to being "on" for four (4) minutes or less when motion is detected;
13. Flood lights shall be permissible for security, loading areas, and other such applications provided they are focused toward the primary building or space intended to be illuminated. Likewise, they may be aimed at no higher than a forty-five (45) degree angle, and shall be generally aimed or shielded as to limit the amount of ambient light perceptible from adjacent properties and street right-of-way;
14. The following lighting fixtures are prohibited: non-directional lighting fixtures, searchlights, laser source lights, flashing lights or any similar high-intensity light used to attract attention, except for use during emergencies by authorized emergency, police and fire personnel;
15. Any damaged, broken or malfunctioning light fixture or pole shall be repaired or replaced immediately; and
16. A professionally sealed site lighting plan shall be submitted as part of a County site plan review. The County may adjust the standards for the maximum illumination at a property line if it is determined that the design and nature of the adjacent use creates a need to either reduce or increase the maximum illumination. Likewise, the Zoning Administrator may require changes to fixtures to bring the lighting levels into compliance, or as necessary to reduce impact on adjacent properties and street right-of-way.

k. *Landscaping, Buffer Yard, and Screening Requirements:*
   1. *General Landscape Requirements:*
      i. Landscaping shall comply with SCDOT sight distance and sight triangle requirements. Landscaping shall not obstruct or impede traffic safety or obscure traffic signals, signs, or other similar traffic safety devices. Likewise, landscaping shall not obstruct the view of motorists using any street, driveway, parking aisles or the approach to any street intersection so as to cause a traffic safety hazard. Any sight obstruction determined by the County or SCDOT shall be corrected immediately;
      ii. Native species and related cultivars shall be used. In general, all trees and shrubs shall be drought tolerant and locally adapted to the area and shall conform to the requirements in the latest edition of American Standards for Nursery Stock, published by the American Association of Nurserymen;
      iii. The use of existing vegetation to satisfy the requirements of this item is permissible. However, supplemental plantings may be required, in addition to native plant material, by the Zoning Administrator;
      iv. Vacant commercial parcels shall be landscaped while vacant to stabilize the site and maintain an attractive appearance along the corridor. At a minimum, such landscaping shall include turf grass or other vegetative ground cover to stabilize the soil;

v. Earthen berms may be used to comply with the landscaping, buffer yard and screening regulations of this item provided they comply with all other requirements of this district. Likewise, additional screening in the form of earthen berms (or fencing) may be required, on a case-by-case basis, by the Zoning Administrator. In general, the following shall also apply to earthen berms located within the Highway Corridor Overlay District:

1. Berms shall have a minimum height of three (3) feet and a minimum crown width of eight (8) feet;
2. Berms shall not exceed a maximum height of six (6) feet;
3. If four (4) feet in height or less, a berm shall have a side slope no greater than three to one (3:1). If greater than four (4) feet in height, a berm shall have a side slope no greater than four to one (4:1);
4. Berms shall be designed and constructed with an undulating appearance to mimic the natural topographical features of a site; and
5. The Zoning Administrator may allow an exception to the minimum and maximum height requirements for an earthen berm where topography or other natural site features may justify such an exception.

vi. Plants shall complement the surrounding structures in form, color and height. Compliance of this requirement shall be determined during site plan review by the County; and

vii. Landscaping Completion and Maintenance:

1. *Completion:* All landscaping shall be installed pursuant to the requirements of this subsection (7) or County approved landscaping plans unless substitutions are approved under the regulations set forth in § 12.13 of the UDO. A certificate of occupancy for any business or use within the Highway Corridor Overlay District shall not be issued until the required landscaping is installed by the property owners, occupants, and tenants or their agents. If agreeable to the County, a certificate of occupancy may be issued prior to the installation of required landscaping provided the owner furnishes a letter of credit, cash escrow, or other guarantee acceptable to the County assuring completion of all landscaping, including labor. Acceptance of any such form of guarantee is at the discretion of the County; and
2. *Maintenance:* The property owners, occupants, and tenants or their agents shall be jointly and severally responsible for the maintenance of all landscaping. All landscaping required by or installed pursuant to the requirements of this subsection (7) or County approved landscaping plans shall be free of disease and maintained in a healthy condition. All required landscaping shall be kept free of litter and debris, and shall be free of dead, diseased, or severely damaged plants. Likewise, any plants removed as the result of death, disease or damage shall be replaced in a timely manner.

2. *Corridor Frontage Buffer:* A Corridor Frontage Buffer shall be required within the first twenty-five (25) feet of front yard as measured from the edge of the road right-of-way. The following shall apply:

i.

Three (3) canopy trees shall be planted per one hundred (100) feet of corridor frontage and shall be equally spaced on center where possible. Where overhead utility lines exist, five (5) understory trees shall be planted per one hundred (100) feet of corridor frontage instead and shall be equally spaced on center where possible. At installation, canopy trees shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 10—12'; understory trees shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 8—10';

ii. In addition to the tree requirement, the Corridor Frontage Buffer shall consist of any combination of shrubs, turf grass or other ground cover. In general, no portion of the Corridor Frontage Buffer shall contain bare soil;

iii. No impervious surface shall be allowed in this area except for streets and driveways connecting to the point of ingress and egress, signs permitted in this subsection (7), or sidewalks when connecting to a site; and

iv. There shall be no display of merchandise for sale, or other similar display within this area.

3. *Screening and Buffer Yards:* To minimize potential conflicts between zoning districts and/or uses, the screening and buffer yard regulations established in Chapter 12, Landscaping Requirements, of the UDO shall apply. The following shall also apply:

i. Containers, dumpsters, mechanical equipment, and similar structures shall be located to the rear and/or side of the building it serves. New utility boxes shall also be located to the rear and/or side of the building it serves;

ii. All containers, dumpsters, mechanical equipment, utility boxes, and similar structures shall be screened from view from all adjacent properties, residential use districts and public right-of-way using an opaque screen;

iii. Where applicable, containers, dumpsters, and similar structures shall be screened from view, using a semi-opaque screen, from the upper levels of adjacent buildings;

iv. Roof-top mounted mechanical equipment shall be screened to their full height by a parapet or other structure that is complementary to the building in material and color. Ground-mounted mechanical equipment shall be screened to their full height on all sides using an opaque screen;

v. Outdoor vending machines and similar devices shall be located as to limit view from residential use districts and corridor right-of-way;

vi. Stormwater management basins shall be screened from view from the corridor with a continuous evergreen screen as outlined in item (k)(5)(i)(2) of this subsection (7);

vii. Boundary fences or walls as may be permitted in Chapter 12, Landscaping Requirements, of the UDO shall comply with the materials requirements of item (f)(4) of this subsection (7);

viii. Chain link, welded or woven wire, and other similar fencing is not permitted; and

4. *Median & Right-of-Way Landscaping:* In general, there shall be no bare soil between the right-of-way and edge of pavement. At a minimum, this area shall include maintained turf grass. Maintenance is the responsibility of the owner. Additional median and/or street right-of-way landscaping shall be required for retail commercial development or use with

a gross indoor floor area in excess of forty thousand (40,000) square feet. This requirement shall also apply to all non-residential portions of a PDD development and all HOA controlled or maintained subdivision entrances. Such additional landscaping shall consist of a combination of trees, shrubs, turf grass or other ground cover as approved by SCDOT and the DRC. The following provisions shall apply:

i. All landscape improvements shall be approved by SCDOT, and shall comply with the requirements set forth in the latest edition of the SCDOT ARMS Manual;

ii. An encroachment permit with SCDOT shall be required for any landscape work performed within a public street or highway right-of-way;

iii. Median improvements shall include the entire width of the median, not just the side adjacent to the commercial development. At a minimum such improvements shall extend the full length of the proposed commercial development. However, in some cases SCDOT may require median improvements to extend to the nearest median crossover;

iv. Landscape improvements shall comply with SCDOT sight distance and sight triangle requirements. Any sight obstruction determined by the County or SCDOT shall be corrected immediately; and

v. Irrigation shall be required as determined necessary by SCDOT, per the latest edition of the ARMS Manual;

vi. As required by SCDOT, applicants shall furnish, install, and maintain all plantings. Applicants shall be responsible for perpetual maintenance of all vegetation (and irrigation when applicable) within the right-of-way that is contiguous with the landscape improvements. SCDOT shall not be responsible for providing water, fertilizer, labor, materials, or maintenance within the landscaping limits of the right-of-way;

5. *Parking Area Landscaping and Screening:*

i. Perimeter Parking Area Planting:

1. A perimeter landscape strip with a minimum width of eight (8) feet shall be required on all sides of parking areas. This area shall not be located within the required Corridor Frontage Buffer;
2. A continuous evergreen shrub screen is required within the perimeter landscape strip. Evergreen shrubs shall be at least thirty-six (36) inches in height with a minimum spread of twenty-four (24) inches at time of planting, and shall be spaced no more than five (5) feet on center. Shrubs shall have an average mature height of six (6) feet. A masonry wall, three (3) feet above ground level, may be used in place of a continuous evergreen shrub screen. Such perimeter screen may be penetrated for ingress/egress, including stub out and shared drive easements;
3. Canopy trees shall line the perimeter of all parking areas and shall be spaced no more than 40' on center. At installation, canopy trees shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 10—12'. Where overhead utility lines exist, understory trees shall be planted instead and shall be spaced no more than 25' on center. Understory

trees shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 8—10'. All trees shall have all limbs trimmed at least six (6) feet above ground level;

4. No less than a minimum of one (1) tree planting area shall be provided for every ten (10) parking spaces. Additionally, a tree planting area shall be provided at both ends of all parking aisles. Each tree planting area shall be a minimum of two hundred (200) square feet in area, being at least ten (10) feet in width, and shall be edged with a curb at least six (6) inches in height. Each tree planting area shall be planted with one (1) canopy tree shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 10—12'. Where overhead utility lines exist, understory trees shall be planted instead and shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 8—10'. In addition to the tree requirement, each tree planting area shall consist of any combination of shrubs, turf grass or other ground cover so that no portion of the tree planting area shall contain bare soil. Where sight lines may not permit shrubs, tree planting areas shall contain turf grass or other ground cover. Shrubs in tree planting areas shall be maintained at a maximum height of thirty (30) inches. All trees shall have all limbs trimmed at least six (6) feet above ground level;
5. The landscaping requirements of this item (k)(5) shall not be used to meet any other landscaping, buffer yard or screening requirements of the UDO; and
6. Parking areas with less than twenty (20) spaces shall not be subject to the provisions of this item (k) (5) of this subsection (7).
6. *Lists of Recommended Trees and Shrubs:* The following lists are the recommended trees and shrubs for the Highway Corridor Overlay District. Plants were selected for inclusion on these lists according to their general suitability for the climate and soil conditions of this area, ease of maintenance, tolerance of area conditions, and availability from area nurseries. If an introduced species has proven highly effective in this area, it too may be a proper selection. However, plants not included in the following lists shall be approved by the DRC or Zoning Administrator prior to installation.

1. *Canopy Trees:*

Canopy Trees	
Common Name	**Scientific Name**
Red Maple	Acer rubrum
Sugar Maple	Acer saccharinum
River Birch	Betula nigra
American Hornbeam	Carpinus caroliniana

Bitternut Hickory	Carya cordiformis
Pecan	Carya illinoinensis
Shagbark Hickory	Carya ovata
Chinese Chestnut	Castanea mollissima
Sugar Hackberry	Celtis laevigata
Common Hackberry	Celtis occidentalis
Persimmon	Diospyros virginiana
Beech	Fagus grandifolia
White Ash	Fraxinus americana
Green Ash	Fraxinus pennsylvanica
Ginkgo	Ginkgo biloba 'Fairmont' or 'LakeView'
Kentucky Coffeetree	Gymnocladus dioicus
Chinese Flame Tree	Koelreuteria bipinnata
Sweet Gum	Liquidambar styraciflua 'Rotundiloba'
Tulip poplar	Liriodendron tulipifera
Cucumber Magnolia	Magnolia acuminata
Dawn Redwood	Metasequoia glyptostroboides
Black Gum	Nyssa sylvatica
London Planetree	Platanus x acerifolia
Sawtooth Oak	Quercus acutissima
White Oak	Quercus alba
Scarlet Oak	Quercus coccinea

Southern Red Oak	Quercus falcata
Laurel Oak	Quercus hemisphaerica
Overcup Oak	Quercus lyrata
Water Oak	Quercus nigra
Nuttall Oak	Quercus nuttallii
Pin Oak	Quercus palustris
Willow Oak	Quercus phellos
Red Oak	Quercus rubra
Shumard Oak	Quercus shumardii
Post Oak	Quercus stellata
Black Oak	Quercus velutina
Japanese Pagoda Tree	Sophora japonica
Bald Cypress	Taxodium distichum
Little Leaf Linden	Tilia cordata
Lacebark Elm	Ulmus parvifolia
Japanese Zelkova	Zelkova serrata

2. *Understory Trees:*

Understory Trees	
Common Name	**Scientific Name**
Trident Maple	Acer buergerianum
Amur Maple	Acer ginnala
Paperbark Maple	Acer griseum

Japanese Maple	Acer palmatum
Bottlebrush Buckeye	Aesculus parviflora
Serviceberry	Amelanchier arborea
European Hornbeam	Carpinus betulus
American Hornbeam	Carpinus caroliniana
Eastern Redbud	Cercis canadensis
Chinese Redbud	Cercis chinensis
Chinese Fringetree	Chionanthus retusus
Fringetree	Chionanthus virginicus
Flowering Dogwood	Cornus florida
Kousa Dogwood	Cornus kousa
Rutger's Hybrid Dogwood	Cornus x 'Cultivar'
Smoketree	Cotinus coggygria
Washington Hawthorn	Crataegus phaenopyrum
Green Hawthorne	Crataegus viridis 'Winter King'
Carolina Silverbell	Halesia carolina
Golden Rain Tree	Koelreuteria paniculata
Crape Myrtle	Lagerstroemia indica, Lagerstroemia x fauriei
Star magnolia	Magnolia stellata
Saucer Magnolia	Magnolia x soulangeana
Japanese Flowering Crabapple	Malus floribunda
Flowering Crabapple	Malus hybrida

Wax Myrtle	Myrica cerifera
Sourwood	Oxydendrum arboreum
Chinese Pistache	Pistacia chinensis
Purpleleaf Plum	Prunus cerasifera 'Pissardii'
Kwanzan Cherry	Prunus serrulata 'Kwanzan'
Weeping Cherry	Prunus subhirtella pendula
Okame Cherry	Prunus x incam 'Okame'
Yoshino Cherry	Prunus x yedoensis
Pussy Willow	Salix discolor
Chinese Elm	Ulmus parvifolia

3. *Evergreen Trees:*

Evergreen Trees (Large Maturing)	
Common Name	**Scientific Name**
Deodar Cedar	Cedrus deodara
Japanese Cedar	Cryptomeria japonica
Savannah Holly	Ilex x attenuata 'Savannah'
Eastern Red Cedar	Juniperus virginiana
Southern Magnolia	Magnolia grandiflora
Shortleaf Pine	Pinus echinata
Loblolly Pine	Pinus taeda
Japanese Black Pine	Pinus thunbergiana
Laurel Oak	Quercus laurifolia

Green Giant Arborvitae	Thuja (standishii x plicata) 'Green Giant'
American Arborvitae	Thuja occidentalis
Canadian Hemlock	Tsuga canadensis
Carolina Hemlock	Tsuga caroliniana

Evergreen Trees (Small Maturing)	
Common Name	**Scientific Name**
Hinoki Flasecypress	Chamaecyparis obtusa 'Filicoides'
Foster Holly	Ilex x attenuate 'Fosteri'
American Holly	Ilex opaca
Greenleaf Holly	Ilex opaca 'Greenleaf
Yaupon Holly	Ilex vomitoria
'Emily Bruner' Holly	Ilex x 'Emily Bruner'
Nellie Stevens Holly	Ilex x 'Nellie R. Stevens'
Holly (large cultivars/varieties)	Ilex x 'Cultivar'
Little Gem Magnolia	Magnolia grandiflora 'Little Gem'
Virginia Pine	Pinus virginiana
Carolina Cherry Laurel	Prunus caroliniana
Emerald Arborvitae	Thuja occidentallis 'Emerald'

4. *Shrubs:*

Shrubs (Under 6 Feet)

Common Name	**Scientific Name**
Glossy Abelia	Abelia x grandiflora
Wintergreen Barberry	Berberis julianae
Japanese Barberry	Berberis thunbergii
Purple Beautyberry	Callicarpa dichotoma
Flowering Quince	Chaenomeles speciosa
Japanese Falsecypress	Chamaecyparis pisifera 'Cultivar'
Spreading Euonymus	Euonymus kiautschovicus
Smooth Hydrangea	Hydrangea arborescens
Bigleaf Hydrangea	Hydrangea macrophylla
Oakleaf Hydrangea	Hydrangea quercifolia
Mountain Hydrangea	Hydrangea serrata
Dwarf Burford Holly	Ilex cornuta 'Burfordii Nana'
Chinese Holly	Ilex cornuta 'Cultivar'
Convexa Japanese Holly	Ilex crenata 'Convexa'
Japanese Holly	Ilex crenata 'Cultivar'
Little Leaf Japanese Holly	Ilex crenata 'Microphylla'
Roundleaf Japanese Holly	Ilex crenata 'Rotundifolia'
Dwarf Yaupon Holly	Ilex vomitoria 'Stokes Dwarf
Chinese Juniper	Juniperus chinensis 'Cultivar'
Juniper	Juniperus sp.
Pfitzer Juniper	Juniperus x pfitzeriana

Drooping Leucothoe	Leucothoe fontanesiana
Leatherleaf Mahonia	Mahonia bealei
Nandina	Nandina domestica 'Cultivar'
Japanese Andromeda	Pieris japonica
Narrow Leaved English Laurel	Prunus laurocerasus 'Angustifolia'
India Hawthorn	Rhaphiolepis indica
Yeddo Hawthorn	Rhaphiolepis umbellata
Glenn Dale Azalea	Rhododendron x 'Cultivar'
Gunrei Satzuki Azalea	Rhododendron x 'Cultivar'
Kaempferi Azalea	Rhododendron kaempferi
Reeves' Spirea	Spiraea cantoniensis
Thunberg's Spirea	Spiraea thunbergii
Japanese Yew	Taxus cuspidata
Sandankwa Viburnum	Viburnum suspensum

Shrubs (Over 6 Feet)	
Common Name	**Scientific Name**
Aucuba	Aucuba japonica
Butterfly Bush	Buddleia davidii
Camellia	Camellia japonica
Sasanqua Camellia	Camellia sasanqua
Cleyera	Cleyera japonica

Twig Dogwood	Cornus sericea
Thorny Elaeagnus	Elacagnus pungens
Winged Euonymus	Euonymus alatus
Greenspire Euonymus	Euonymus japonica
Border Forsythia	Forsythia x intermedia
Vernal Witch Hazel	Hamamelis vernalis
Common Witch Hazel	Hamamelis virginiana
Hybrid Witch Hazel	Hamamelis x intermedia
Panicle Hydrangea	Hydrangea paniculata
English Holly	Ilex aquifolium
Burford Holly	Ilex cornuta 'Burfordii'
Chinese Holly	Ilex cornuta 'Cultivar'
Japanese Holly	Ilex crenata 'Cultivar'
Hetzi Japanese Holly	Ilex crenata 'Hetzii'
Inkberry Holly	Ilex glabra
Lusterleaf Holly	Ilex latifolia
Yaupon Holly	Ilex vomitoria
Emily Bruner Holly	Ilex x 'Emily Bruner'
Small Anise Tree	Illicium parviflorum
Chinese Juniper	Juniperus chinensis 'Cultivar'
Hollywood Juniper	Juniperus chinensis 'Kaizuka'
Laurel	Laurus nobilis

Japanese Privet	Ligustrum japonicum
Glossy Privet	Ligustrum lucidum
Loropetalum	Loropetalum chinense
Star Magnolia	Magnolia stellata
Wax Myrtle	Myrica cerifera
Northern Bayberry	Myrica pensylvanica
Fortune Tea Olive	Osmanthus fortunei
Fragrant Tea Olive	Osmanthus fragrans
Japanese Pittosporum	Pittosporum tobira
Podocarpus	Podocarpus macrophyllus maki
English Laurel	Prunus laurocerasus
Indian Azalea	Rhododendron indica
Bridalwreath Spirea	Spiraea prunifolia 'Plena'
Vanhoutte Spirea	Spiraea x vanhouttei
Oriental Arborvitae	Thuja orientalis
Doublefile Viburnum	Viburnum plicatum f. tomentosum
Leatherleaf Viburnum	Viburnum rhytidophyllum
Laurustinus Viburnum	Viburnum tinus
Judd Viburnum	Viburnum xjuddii

l. *Impervious Surface Standards:* The amount of on-site impervious surface areas shall be limited to the prescribed ratios set forth in § 5.8 of the UDO.

m. *Open Space and Tree Preservation:*

i.

Open Space: A minimum of ten (10) percent of the site must be devoted to usable open space which may include greens, unaltered natural features, or other similar areas not covered by impervious surface as required in § 5.8 of the UDO. Required setbacks and buffer yards may be included in calculating this requirement. The Zoning Administrator may reduce this requirement for parcels (5) acres or less on a case-by-case basis. All open space shall be clearly labeled as such on any plans submitted for County review;

ii. *Tree Preservation:* All required setbacks and buffer yards shall be used as tree preservation areas. The provisions set forth in § 12.11 of the UDO, retention and protection of large trees, shall be required for all development within the Highway Corridor Overlay District. In addition, all canopy trees with a diameter (DBH) greater than twenty-four (24) inches shall be incorporated into the site plan unless there is no suitable alternative due to unavoidable grading, or because of required configuration of a street, driveway, sidewalk, permitted sign, essential utility or buildings. The following shall also apply:

1. Such trees may only be removed under one or more of the following conditions:
   a. The tree is unhealthy, diseased or dead;
   b. The tree causes a safety hazard to nearby buildings or pedestrian or vehicular circulation;
   c. The tree is of a species that may drop debris or sap that can significantly affect property;
   d. The tree is interfering with an existing underground utility line;
   e. The tree is located within the building envelope as determined by building placement standards within the UDO;
   f. The tree is causing significant structural damage to a building or other similar structure; and/or
   g. It is necessary to allow construction of a street or driveway essential for access to a parcel.
2. To ensure protection of existing trees, protection shall be provided around tree preservation areas and shall comply with the provisions set forth in § 12.11.4 of the UDO;
3. Mitigation: The requirements set forth in § 12.11 of the UDO shall apply. Any canopy trees with a diameter (DBH) greater than twenty-four (24) inches that are removed shall also be replaced with another similar tree elsewhere on the parcel. Any replacement tree within the Highway Corridor Overlay District shall have a minimum caliper of 2.0 inches when measured six (6) inches above ground with a minimum height of 10—12.

n. *Industrial Districts:* In general, the requirements of this subsection (7) shall apply to all industrial use. The following exceptions shall apply to industrial use:

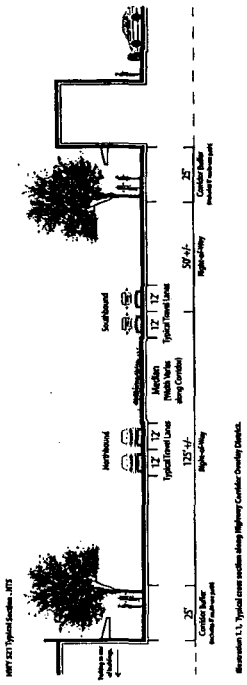
1. *Setbacks:* When fronting the corridor, a front setback of (25) feet is permitted and preferred for buildings with an industrial use. The setbacks requirements set forth in § 5.4 of the UDO shall otherwise apply;
2. *Building Materials:* The building material requirements of § 2.1.3 of the UDO shall apply;
3.

Building Vernacular: At a minimum, variation in architectural appearance is required for an industrial use fronting the corridor. Large expanse of blank exterior walls fronting the corridor shall be limited through the use of varied color, pattern, horizontal and vertical lines, or other architectural features; and

4. *Off-Street Parking:* For buildings with an industrial use fronting on the corridor, it is preferred that off-street surface parking is located primarily to the rear or side of the building it serves. However, for industrial use parking may also be located at the front of the building it serves. The parking area landscaping and screening requirements of this subsection (7) shall apply.

o. *Other Zoning Requirements:* To the extent that this subsection (7), establishing the Highway Corridor Overlay District, may contain land development standards and requirements that are inconsistent with or conflict with land development standards and requirements contained elsewhere in the UDO, including permitted uses of the zoning districts which underlie this overlay district, the more restrictive and stringent regulations shall be deemed controlling. Likewise, when any existing county ordinance is amended, the more restrictive provisions of such revised ordinance shall apply even if the provisions of this subsection (7) are more relaxed. All projects within the Highway Corridor Overlay District shall comply with all other applicable provisions of the UDO which are not in conflict with the preceding provisions of this subsection (7).

p. *Typical Corridor Cross Section:* The following illustration 1.1 is a typical cross section along the Highway Corridor Overlay district.



(Ord. No. 487, 2-28-02; Ord. No. 636, 10-25-04; Ord. No. 683, 8-1-05; Ord. No. 748, 5-1-06; Ord. No. 825, 6-4-07; Ord. No. 901, § 2, 4-28-08; Ord. No. 963 § 1, 11-24-08; Ord. No. 1003, § 1, 11-30-09; Ord. No. 1019, 3-1-10; Ord. No. 1251, § 1, 1-13-2014; Ord. No. 1271, § 1, 6-9-2014; Ord. No. 1301, §§ 1, 2, 9-8-2014; Ord. No. 1329, § 1, 2-9-2015)

Footnotes:

Section 2.1.6 - Mining district.

1.

The following district is hereby established: M, Mining District. The Mining District is designed to accommodate businesses engaged in the processes involved in the extraction and processing of mineral materials.

2. Except for the Table of Permissible Uses and building height which, for purposes of Section 5.6 of the Unified Development Ordinance of Lancaster County, the maximum height shall be seventy feet (70'), all provisions of the Unified Development Ordinance of Lancaster County applicable to I-2, Heavy Industrial District, apply to the Mining District. Applicable provisions include, but are not limited to, density and dimensional regulations; signs; parking; landscaping; land development regulations; streets and sidewalks; utilities; flood, drainage, stormwater, sediment, and erosion controls; and open space.

(Ord. No. 1207, § 1, 4-8-2013)

Section 2.2 - Official Zoning Map.

1. There shall be a map or series of maps known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the county's planning jurisdiction. This map shall be kept in a form from which prints can be made, shall be dated, and shall be kept in the planning department.
2. The Official Zoning Map dated 09/14/98 is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with the amendments chapter of this ordinance.
3. Should the Official Zoning Map be lost, destroyed, or damaged, the planning department shall have a new map prepared. No further county council authorization or action is required so long as no district boundaries are changed in this process.

CHAPTER 3. - PERMISSIBLE USES

FOOTNOTE(S):

--- (6) ---

Mining allowed in I-2 until January 1, 2015.

Section 3.1 - Table of Permissible Uses.

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

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

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

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

Section 3.3 - Permissible uses and specific exclusions.

1. The presumption established by this ordinance is that all legitimate uses of land are permissible within at least one (1) zoning district within the county's planning jurisdiction. Therefore, because the list of permissible uses set forth in the Table of Permissible Uses cannot be all-inclusive, those uses that are listed shall be interpreted liberally to include other uses that have impacts similar to the listed uses.
2. The regulations contained within this ordinance are a means by which the county shall try to preserve its rural character, deep-rooted agricultural activities such as general annual row crop production, free-range livestock operations and pasture land, hay land, woodland and wildlife management area shall be considered compatible with all adjacent land uses. Therefore, such agricultural activities shall be a permitted use in all residential, commercial, and industrial districts.
3. All uses that are not listed in the Table of Permissible Uses and that do not have impacts similar to those of the listed uses are prohibited. The Table of Permissible Uses shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in another zoning district.
4. Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:
   a. Use of a motor vehicle (other than a travel trailer) as a temporary or permanent residence;
   b. Use of a travel trailer as a temporary or permanent residence outside of a campground, and/or use of a travel trailer as a residence within a manufactured home park;
   c. The use of any motor vehicle or trailer parked on a lot, as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other business is conducted, except that the following shall not be prohibited by this subsection: retail sales of goods and products manufactured, created, or produced by the seller, so long as such sales are otherwise permissible under this ordinance; the sale of goods within authorized flea markets or special events; use of a motor vehicle in connection with a recycling operation, to the extent otherwise authorized under this ordinance. Situations that do not comply with this subsection on the effective date of this ordinance are required to conform within 30 days thereafter. (See the nonconforming situations chapter of this ordinance.)

Section 3.4 - Accessory uses.

1. The Table of Permissible Uses classifies different principal uses according to their differe[nt] impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjheadion [conjunction] with another principal use and the former use constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or is commonly associated with the principal use and integrally related to it, then the former use shall be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multifamily development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a permit.
2. For purposes of interpreting subsection (1):
   a. A use shall be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use;
   b.

To be "commonly associated" with a principal use, it is not necessary for an accessory use to be connected with such principal use more often than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relationship.

3. Without limiting the generality of subsections (1) and (2), the following activities are specifically regarded as accessory to residential principal uses so long as they satisfy the general criteria set forth above:
   a. Home occupations to be regarded as having no significantly adverse impact on the surrounding neighborhood, the use shall not display goods, stock in trade, or other commodities outside a fully enclosed structure, conduct on-premises retail sales of goods not produced on site, not employ more than one (1) person that is not a resident on the promises in connection with the purported home occupation, create objectionable noise, fumes, odor, dust, or electrical interference, use more than 25 percent of the total gross floor area of the residential buildings plus other buildings housing the purported home occupation, or more than 1000 square feet of gross floor area (whichever is less), may be used for home occupation purposes, and must use only vehicles used primarily as passenger vehicles in connection with the home occupation.
   b. Hobbies or recreational activities of a noncommercial nature;
   c. Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 90-day period;
   d. Satellite (dish) antennas so long as any dish antenna is less than ten feet in diameter and shall not be located in any front yard.
4. Without limiting the generality of subsection (1) and (2), all motor vehicles that are unlicensed and/or inoperative must be stored inside an enclosed structure unless located in an approved automotive wrecking and/or junk and/or salvage yard. The storage of such vehicles outside of an enclosed structure shall not be regarded as accessory to a principal use and is prohibited.
5. Without limiting the generality of the foregoing, the sale of agricultural products (either in a "roadside stand" or on a "pick your own" basis) from property where such products were grown or from land that is all part of the same farm or farming operation as the land where such products were grown shall be regarded as accessory to an agricultural operation. (See signs chapter applicable to the uses described in this subsection.)

(Ord. No. 763, 6-26-06; Ord. No. 1036, 6-7-10)

Section 3.5 - Permissible uses not requiring permits.

Notwithstanding any other provisions of this ordinance, no zoning or special exception permit is necessary for the following uses:

1. Electric power, telephone (excluding wireless communication towers), telegraph, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way or public easement. However, notice shall be given to the planning commission.
2. Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or town) of the right-of-way.
3. Agricultural crop production.

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

Section 3.6 - Change in use.

1. A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever the change involves a change from one principal use category to another.
2. A mere change in the status of property from unoccupied to occupied or vice-versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property shall have been unoccupied, unless the property has remained unoccupied for more than twelve (12) consecutive months.
3. A mere change in ownership of a business or enterprise shall not be regarded as a change in use.

Section 3.7 - Combination uses.

1. When a combination use is comprised of two (2) or more principal uses that require different types of permits (zoning, special exception), then the permit authorizing the combination use shall be:
   a. A special exception permit if any of the principal uses combined requires a special exception permit;
   b. A zoning permit in all other cases.
2. When a residential use is combined with a nonresidential use in a business district, the lot must have at least the minimum square footage required for the residential use alone.
3. When two (2) principal uses are combined, the total amount of parking required for the combination use shall be determined by cumulating the amount of parking required for each individual principal use.

TABLE OF PERMISSIBLE USES

(For Zoning Districts R-15, R-15S, R-15P, R-15D, R-30, R-30P, R-30S, R-30P, R-30D, R-45, R-45A, R-45B, R-45D)

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

	Use Description	NAICS GRP#	R-15	R-15S	R-15P	R-15D	R-30

1					*Residential*		
1.1					Single-family housing		
1.1.1	Site built single-family detached House		ZP	ZP	ZP	ZP	ZP
1.1.2	Modular single-family detached house (meets CABO Building Code)		ZP	ZP	ZP	ZP	ZP
1.1.3				Class "A" manufactured hom HUD specifications and design criteria)			
1.1.3.1	Double-wide			C		C	
1.1.3.2	Single-wide			C			
1.1.4	Class "B" manufactured home (Meets HUD specifications)			C			
1.1.5	Manufactured home subdivision			C		C	
1.2					Two-family housing		
1.2.1	Duplex						
1.2.2	Primary residence with accessory apartment		ZP	ZP	ZP	ZP	ZP
1.2.3	Primary residence and manufactured home (provided one unit is owner occupied)			C		C	
1.3					Multi-family housing		
1.3.1	Multi-family apartments						

1.3.2	Multi-family townhomes						
1.3.3	Multi-family converted or other multi-family housing (not elsewhere classified)						
1.4	Temporary dependent care residences		C	C	C	C	C
1.5	Temporary emergency, construction, and repair residence		C	C	C	C	C
1.6	Temporary structure used in connection with the construction of a permanent building or for some non-recurring purpose		C	C		C	C
1.7	Home occupation		C	C	C	C	C
1.8	Bed and breakfast	721191					C
2					*Commercial*		
2.1					Service—Agricultural service		
2.1.1	Support activities for crop production	11511					
2.1.3	Animal service (except veterinary)	115210					
2.1.4	Veterinary service with indoor pens -Animal Hospital - Veterinarian office/clinic - Veterinarian testing lab	54190					

2.1.4.1	Veterinary service with outdoor pens	54190					
2.1.4	Commercial kennels with indoor pens	812910					
2.1.4.1	Commercial kennels with outdoor pens	812910					
2.1.5 2.1.5.1	Support activities for animal production - Breeding services for animals - Pedigree record services - Boarding horses - Dairy herd improvements - Livestock spraying - Sheep dipping and shearing						
2.1.6	Landscape and horticultural service	541320 561730					
2.2				Retail trade store—Building m hardware and mobile home			
2.2.1	Lumber and/or other building materials dealer	44411					
2.2.2	Paint, glass or wallpaper store	44412					
2.2.3	Hardware store	44413					
2.2.4	Retail nurseries, lawn and garden supply store	444220					
2.2.5	Manufactured home dealer	453930					
2.3	Retail trade store/center—General merchandise—Large scale						

2.4	Retail store—Food (including grocery stores)	445110					
2.4.1	Open air market (farm, crafts, produce, etc.)						
2.5				Retail/service facility—Transpo dealers			
2.5.1	Motor vehicles dealer (new and/or used)	4411					
2.5.2	Auto supply store	45299					
2.5.3	Gasoline service station (Shall comply with the regulations of section 4.1.11)	447190					C
2.5.4	Boat and marine supplies dealer	4412					
2.5.5	Recreation vehicle dealer	4412					
2.5.6	Motorcycle dealer	4412					
2.5.6.1	Automobile dealers, not elsewhere classified						
2.6	Retail store—General—Small scale (i.e.) clothing, shoe, antiques	448 & 451					
2.7	Retail store—Home furniture, furnishings and appliances	442 & 4431					
2.8				Retail/service facility—Eating ar ing places			
2.8.1	Bars and taverns						
2.8.2	Nightclubs						

2.8.3	Restaurants						
2.8.4	Fast food with drive through window						
2.8.5	Banquet hall		C				C
2.9					Automobile related busine		
2.9.1	Car wash (full service)						
2.9.2	Car wash (self service)						
2.9.3	Convenience store with fuel	445120					C
2.9.4	Convenience store without fuel						C
2.10	Office/banks, savings and loans and credit unions						
2.11	General office						
2.12					Rooming services—Hotels anc lodging places		
2.12.1	Hotels and motels	72111					
2.12.2	Tourist homes and other temporary residences renting by the day or week						
2.13					Office—Transportation serv		
2.13.1	Travel arrangement and reservation services	5615					
2.13.2	Freight transportation arrangement agency	488510					
2.13.3	Miscellaneous incidental transportation service	1488					

2.13.4	Rooming and boarding houses	721310					
2.13.5	Camps and recreational vehicle parks	7212					
2.14					Personal services		
2.14.1	Personal and laundry services	821					
2.14.2	Florist shop	453110					
2.14.3	Funeral service and crematories	812210					
2.15					Automobile service—Mainte repair, parking		
2.15.1	Automotive rental and leasing agency	53211					
2.15.2	Automobile parking						
2.15.3	Automotive wrecking, and/or junk, salvage yard (Shall comply with the regulations of section 4.1.11)						
2.15.4	Automotive repair shop (Shall comply with the regulations of section 4.1.11)	8111 except 81119					
2.15.5	Automotive service (except repair)	81119					
2.16	Miscellaneous repair services	8114 8112					
2.17	Motion picture facilities/service						

2.17.1	Drive-in movie theater						
2.17.2	Motion picture production and/or distribution services	512110					
2.17.3	Motion picture theater						
2.17.4	Video tape rental store						
2.18					Amusement and recreation fa (non-public)		
2.18.1	Special events						
2.18.2	Pistol, rifle, skeet range or turkey shoot (commercial or fund raiser)						
2.18.3	Private or commercial horse stables		C	C	C	C	C
2.18.4	Motorized race and testing tracks						
2.18.5	Adult establishments						
2.19					Health services and facilit		
2.19.1	Offices and clinics of doctors, dentists, and other health practitioners	6711 6213					
2.19.2	Nursing and personal care facility	623110					
2.19.3	Hospital						
2.19.4	Chemical dependency treatment center	623220					
2.19.5	Medical or dental laboratory	6215 339116					

2.19.6	Miscellaneous health or allied service	6214 62199					
3					*Industrial—Mining and extraction of minerals*		
3.1	Building construction—General contractors facility (no outdoor storage)	233					
3.1.1	Building construction general contractors facility (with outdoor storage)	233					
3.2	Heavy construction contractors facilities (other than building construction)	234					
3.3	Construction—Special trade contractors	235					
3.4	Food processing plant (See section 4.1.16)	311					
3.5	Tobacco processing plant (See section 4.1.16)						
3.6	Textiles dye and finish processing plant (Fabric, knitting, carpet, yarn, etc.) (See section 4.1.16)	313					
3.7	Apparel and other finished products factory (See section 4.1.16)						
3.8	Lumber, logging, and wood products mill/factory (except furniture) (See section 4.1.16)	321					

3.9	Furniture and fixtures plant (residential and non-residential products) (See section 4.1.16)	337					
3.10	Paper, paperboard, pulp, and allied products mill (See section 4.1.16)	322					
3.11	Printing, publishing and allied industries plant (See section 4.1.16)	323					
3.12	Chemical/allied products plant (See section 4.1.16)	325					
3.13	Petroleum refining and related products plant (See section 4.1.16)	324					
3.14	Industrial and commercial factories (See section 4.1.16)						
3.15	Manufacturing of hi-tech products (See section 4.1.16)						
3.16	Motor freight warehousing facility						
3.16.1	Mini-warehouse facilities						
3.16.2	Construction, demolition and land clearing debris						
3.16.3	Public warehousing and storage facility	493					
3.17					Waste recycling/disposa		
3.17.1	Recycling facilities, convenience centers and resource recovery facilities		C	C	C	C	C

3.17.2	Sanitary landfills						
3.17.3	Solid waste storage and transfer facilities, waste tire treatment sites and composting facilities						
3.17.4	Solid waste collection, treatment and/or disposal facility						
3.17.5	Recoverable waste collection and recycling centers						
3.18	Durable goods—Wholesale/distribution facility	421					
3.19	Nondurable goods—Wholesale/distribution facility	422					
4						*Public/institutional*	
4.1	United States Postal Service facility	491110	PC	PC	PC	PC	PC
4.2					Educational services and fac		
4.2.1	Elementary or secondary school	611110	PC	PC	PC	PC	PC
4.2.2	College, university or professional school	6113 6114	PC	PC	PC	PC	PC
4.2.3	Library	514120	PC	PC	PC	PC	PC

4.2.4	Vocational school	6115 6116 6117					
4.2.5	Schools and educational service facility (not elsewhere classified)	6115 6116 6117					
4.3	Museums and art galleries	712110					
4.4					Government/social services or		
4.4.1	Job training and vocational rehabilitation service	624310					
4.4.2	Child day care service or facility	624110					
4.4.3	Adult day care service or facility						
4.4.4	Residential care service or facility (i.e.) children's home, halfway house	623992					
4.4.7	Intermediate care institution	623311					
4.4.8	Nursing care institution	6223110					
4.5	Membership organization facilities (i.e.) business, civic, social	8134					
4.5.1	Religious institution		ZP	ZP	ZP	ZP	ZP
4.6	Coliseum, stadium, or arena						
4.6.1	Coliseum, stadium, or arena designed for capacity greater than 1,000 people						

4.7	Government offices						
4.8					Justice, public order, and safety		
4.8.1	Courthouse						
4.8.2	Police station		PC	PC	PC	PC	PC
4.8.3	Fire station		PC	PC	PC	PC	PC
4.8.4	Ambulance service/rescue squad		PC	PC	PC	PC	PC
4.8.5	Detention center						
4.8.6	Prison						
4.8.7	Other public order and safety facility						
4.8.8	Taxi company facility						
4.8.9	Intercity and rural bus transportation facility	485210					
4.8.10	Charter bus service facility	485510					
4.8.11	School bus facility						
4.8.12	Independent motor vehicle terminal, service, or maintenance facility						
4.9	Motor freight transportation facilities (except warehousing, see section 3.16)						
4.9.1	Trucking and courier service facility (except air)	492110					

4.9.2	Motor freight transportation terminal and maintenance facility						
4.10	Air transportation terminal						
4.11					Communication facilitie		
4.11.1	Telephone communications facilities		ZP	ZP	ZP	ZP	ZP
4.11.2	Telegraph or other message communications facilities						
4.11.3	Radio or television broadcasting facilities	5131					
4.11.4	Cable or other pay television facilities	5132					
4.11.5	Wireless communication towers (i.e. cellular communications)	5133	C	C	C	C	C
4.12	Electricity, water, sewer, and petroleum distribution/collection facilities and services						PC
5					*Park/recreation/conservatio*		
5.1					Community facilities—Parks, re and cemeteries		
5.1.1	Park or playground		ZP	ZP	ZP	ZP	ZP
5.1.2	Campground						

5.1.3	Recreation facility (except golf courses)						
5.1.4	Golf course (public or membership)		ZP	ZP	ZP	ZP	ZP
5.1.5	Nature preserve or wildlife sanctuary		ZP	ZP	ZP	ZP	ZP
5.1.6	Hunting preserve (public or membership)						
5.1.7	Paintball range						BZA
5.1.8	Botanical or zoological garden		ZP	ZP	ZP	ZP	ZP
5.1.9	Cemetery/mausoleum		ZP	ZP	ZP	ZP	ZP
5.1.10	Other designated community open space area		ZP	ZP	ZP	ZP	ZP
6					*Agriculture, forestry*		
6.1					Agricultural production—Live and animal specialties		
6.1.1	Livestock facility (except commercial meat production centers)		ZP	ZP	ZP	ZP	ZP
6.1.2	Commercial meat production centers						
6.1.4	General agricultural activities (i.e.) general row crop production, free-range livestock operations, pasture land, hay land, woodland and wildlife management areas		ZP	ZP	ZP	ZP	ZP

6.2	Forest production—Including Christmas trees		ZP	ZP	ZP	ZP	ZP
6.3					Fishing, hunting and trapping		
6.3.1	Commercial fishing	1141					
6.3.2	Fish hatchery or preserve	112511					ZP
6.3.3	Hunting, trapping or game propagation	114210					

(Ord. No. 323, 2-1-99; Ord. No. 591, 2-23-04; Ord. No. 696, 10-3-05; Ord. No. 731, 3-27-06; Ord. No. 748, 5-1-06; Ord. No. 790, 12-4-06; Ord. No. 876, 12-3-07; Ord. No. 1153, § 1, 7-9-2012; Ord. No. 1242, § 1.A, 1-27-2014)

TABLE OF PERMISSIBLE USES

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

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

	Use Description	NAICS GRP#	MF	B-1	B-2	B-3	B-4	I-1

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

1.3	Multi-family housing							
1.3.1	Multi-family apartments		ZP	ZP				
1.3.2	Multi-family townhomes		ZP	ZP				
1.3.3	Multi-family converted or other multi-family housing (not elsewhere classified)		ZP	ZP				
1.4	Temporary dependent care residences		C	C	C	C	C	
1.5	Temporary emergency, construction, and repair residence		C	C	C	C	C	
1.6	Temporary Structure used in connection with the construction of a permanent building or for some non-recurring purpose		C	C	C	C	C	
1.7	Home occupation		C	C	C	C	C	
1.8	Bed and breakfast	721191	ZP	ZP	ZP	ZP	ZP	
1.9	Temporary employee housing							C
2	*Commercial*							
2.1	Service—Agricultural service facility							
2.1.1	Support activities for crop production	11511			ZP	ZP		ZP
2.1.3	Animal service (except veterinary)	115210		ZP	ZP	ZP		

2.1.4	Veterinary service with indoor pens - Animal hospital - Veterinarian office/clinic - Veterinary testing labs	54190		ZP	ZP	ZP		
2.1.4.1	Veterinary service with outdoor pens	54190				C		
2.1.4	Commercial kennels with indoor pens	812910		ZP	ZP	ZP		
2.1.4.1	Commercial kennels with outdoor pens	812910				C		
2.1.5	Support facilities for animal production	115210						
	- Breeding services for animals							
	- Pedigree record services			ZP	ZP	ZP		
	- Boarding horses							
	- Dairy herd improvements							
	- Livestock spraying							
	- Sheep dipping and shearing							
2.1.6	Farm labor and management service	076			ZP	ZP		
2.1.7	Landscape and horticultural service	541320 561730			ZP	ZP		ZP
2.2	Retail trade store—Building materials, hardware and manufactured homes							

2.2.1	Lumber and/or other building materials dealer	44411				ZP		
2.2.2	Paint, glass or wallpaper store	44412			ZP	ZP		
2.2.3	Hardware Store	44413			ZP	ZP		
2.2.4	Retail nurseries, lawn and garden supply store	444220			ZP	ZP		
2.2.5	Manufactured home dealer	453930				ZP		
2.2.6	Manufactured home storage lot					C		
2.3	Retail trade store/center—General merchandise—Large scale					ZP		
2.4	Retail store—Food (including grocery stores)	445110			ZP	ZP		
2.4.1	Open air market (farm, crafts, produce, etc.)				ZP	ZP		
2.5	Retail/service facility—transportation dealers							
2.5.1	Motor vehicles dealer (new and/or used)	4411				ZP		
2.5.1	Motor vehicle dealer (used)				C			
2.5.2	Auto supply store	45299				ZP		
2.5.3	Gasoline service station (shall comply with regulations of section 4.1.11)	447190				C		

2.5.4	Boat and marine supplies dealer	4412				ZP		
2.5.5	Recreation vehicle dealer	4412				ZP		
2.5.6	Motorcycle dealer	4412				ZP		
2.5.6.1	Automobile dealers, not elsewhere classified	5599				ZP		
2.6	Retail store—General—Small scale (i.e.) clothing, shoe, antiques	448 & 451			ZP	ZP		
2.7	Retail store—Home furniture, furnishings and appliances	442 & 4431				ZP		
	Retail store—Liquor store					ZP		
2.8	Retail/service facility—Eating and drinking places							
2.8.1	Bars and taverns					ZP		
2.8.2	Nightclubs					ZP		
2.8.3	Restaurants				ZP	ZP		ZP
2.8.4	Fast food with drive through window					ZP		ZP
2.8.5	Banquet hall			C	C	C		
2.9	Automobile related businesses							
2.9.1	Car wash (full service)					ZP		
2.9.2	Car wash (self service)					ZP		
2.9.3	Convenience store with fuel	445120				ZP		

2.9.4	Convenience store without fuel					ZP		
2.10	Office/banks, savings & loans and credit unions	60		ZP	ZP	ZP		
2.11	General office			ZP	ZP	ZP		ZP
2.12	Rooming services—Hotels and other lodging places							
2.12.1	Hotels and motels	72111			C	ZP		
2.12.2	Tourist homes and other temporary residences renting by the day or week			ZP	ZP			
2.13	Office—Transportation services							
2.13.1	Travel arrangement and reservation services	5615		ZP	ZP	ZP		
2.13.2	Freight transportation arrangement agency	488510			ZP	ZP		
2.13.3	Miscellaneous incidental transportation service	1488			ZP	ZP		
2.13.4	Rooming and boarding houses	721310		ZP	ZP			
2.13.5	Camps and recreational vehicle parks	7212						
2.14	Personal services							
2.14.1	Personal and laundry services	821		ZP	ZP	ZP		
2.14.2	Florist shop	453110		ZP	ZP	ZP		
2.14.3	Funeral service and crematories	812210		ZP	ZP	ZP		ZP

	Body piercing and body branding establishments and tatoo [tattoo] parlors					C	BZA		
2.15	Automobile service—Maintenance, repair, parking								
2.15.1	Automotive rental and leasing agency	53211				ZP	ZP	ZP	
2.15.2	Automobile parking			ZP	ZP	ZP	ZP	ZP	
2.15.3	Automotive wrecking, and/or junk, salvage yard						BZA	BZA	E
2.15.4	Automotive repair shop (shall comply with regulations of section 4.1.11)	8111 except 81119				C	C	C	
2.15.5	Automotive service (except repair)	81119			ZP	ZP			
2.16	Miscellaneous repair services	8114 8112				ZP		ZP	
2.17	Motion picture facilities/service								
2.17.1	Drive-in movie theater					ZP			
2.17.2	Motion picture production and/or distribution services	512110				ZP		ZP	
2.17.3	Motion picture theater				ZP	ZP			
2.17.4	Video tape rental store				ZP	ZP			
2.18	Amusement and recreation facilities (non-public)				ZP	ZP		ZP	
2.18.1	Special events			BZA	BZA	BZA	BZA	BZA	E

2.18.2	Pistol, rifle, skeet range or turkey shoot (commercial or fund raiser)							
2.18.3	Private or commercial horse stables				C			
2.18.4	Motorized race and testing tracks					BZA	BZA	BZA
2.18.5	Adult establishments						BZA	
2.18.6	Video game machine establishment						BZA	
2.19	Health services and facilities							
2.19.1	Offices and clinics of doctors, dentists, & other health practitioners	6211 6213		ZP	ZP	ZP		
2.19.2	Nursing and personal care facility	623110				ZP		
2.19.3	Hospital			JPC	JPC	JPC		
2.19.4	Chemical dependency treatment center	623220			BZA	BZA		
2.19.5	Medical or dental laboratory	6215 339116			ZP	ZP		ZP
2.19.6	Miscellaneous health or allied service	6214 62199			ZP	ZP		ZP
3	*Industrial—Mining and extraction of minerals, oil, ores, gas, etc.*							

3.1	Building construction—General contractors facility (no outdoor storage)	233			ZP	ZP	ZP	ZP	
3.1.1	Building construction—General contractors facility with outdoor storage	233					ZP	ZP	
3.2	Heavy construction contractors facilities (other than building construction)	234					ZP	ZP	
3.3	Construction—Special trade contractors	235			ZP	ZP	ZP	ZP	
3.4	Food processing plant (see section 4.1.16)	311						C	
3.5	Tobacco processing plant (see section 4.1.16)							C	
3.6	Textiles dye/finish processing plant (fabric, knitting, carpet, etc.) (see section 4.1.16)	313						C	
3.7	Apparel and other finished products factory (see section 4.19)							C	
3.8	Lumber, logging, and wood products mill/factory (except furniture) (see section 4.1.16)	321						C	
3.9	Furniture and fixtures plant (residential and non-residential products) (see section 4.1.16)	377						C	

3.10	Paper, paperboard, pulp, and allied products mill (see section 4.1.16)	322						C	
3.11	Printing, publishing and allied industries plant (see section 4.1.16)	323						C	
3.12	Chemical/allied products plant (see section 4.1.16)	325						C	
3.13	Petroleum refining and related products plant (see section 4.1.16)	324						C	
3.14	Industrial and commercial factories (see section 4.1.16)							C	
3.15	Manufacturing of hi-tech products (see section 4.1.16)					C		C	
3.16	Motor freight warehousing facility								
3.16.1	Mini-warehouse facilities					C		C	
3.16.2	Construction, demolition and land clearing debris					BZA		BZA	E
3.16.3	Public warehousing and storage facility	493						ZP	
3.17	Waste recycling/disposal								
3.17.1	Recycling facilities, convenience centers and resource recovery facilities		C	C	C	C	C	C	
3.17.2	Sanitary landfills							BZA	

3.17.3	Solid waste storage and transfer facilities, waste tire treatment sites and composting facilities							BZA	
3.17.4	Solid waste collection, treatment and/or disposal facility							BZA	E
3.17.5	Recoverable waste collection and recycling centers				BZA	BZA		BZA	E
3.18	Durable goods—Wholesale/distribution facility	421				ZP		ZP	
3.19	Nondurable goods—Wholesale/distribution facility	422				ZP		ZP	
3.20	Ice plants					C		C	
3.21	Mining (see section 2.1.6)								C
4	*Public/institutional*								
4.1	United States Postal Service Facility	491110	JPC	JPC	JPC	JPC	JPC	JPC	J
4.2	Educational services and facilities								
4.2.1	Elementary or secondary school	611110	JPC	JPC	JPC	JPC			
4.2.2	College, university or professional school	6113 6114	JPC	JPC	JPC	JPC			
4.2.3	Library	514120	JPC	JPC	JPC	JPC			

4.2.4	Vocational school	6115 6116 6117		JPC	JPC	JPC		ZP	
4.2.5	Schools and educational service facility (not elsewhere classified)	6115 6116 6117		JPC	JPC	JPC			
4.3	Museums and art galleries	712110		ZP	ZP	ZP			
4.4	Government/social services or facilities								
4.4.1	Job training and vocational rehabilitation service	624310			ZP	ZP			
4.4.2	Child day care service or facility	624410		ZP	ZP	ZP			
4.4.3	Adult day care service or facility			ZP	ZP	ZP			
4.4.4	Residential care service or facility (i.e.) children's home, halfway house	623990			ZP	ZP			
4.4.7	Intermediate care institution	623311				ZP			
4.4.8	Nursing care institution	623110				ZP			
4.5	Membership organization facilities (i.e.) business, civic, social	8134		ZP		ZP			
4.5.1	Religious institution		ZP	ZP	ZP	ZP	ZP		
4.6	Coliseum, stadium, or arena								
4.6.1	Coliseum, stadium, or arena designed for capacity greater than 1000 people					JPC			

4.7	Government offices			JPC	JPC	JPC			
4.8	Justice, public order, and safety facility								
4.8.1	Courthouse			JPC	JPC	JPC			
4.8.2	Police station		JPC	JPC	JPC	JPC	JPC	JPC	J
4.8.3	Fire station		JPC	JPC	JPC	JPC	JPC	JPC	J
4.8.4	Ambulance service/rescue squad		JPC	JPC	JPC	JPC	JPC	JPC	J
4.8.5	Detention center				JPC	JPC			
4.8.6	Prison								
4.8.7	Other public order and safety facility				JPC	JPC			
4.8.8	Taxi company facility				ZP	ZP		ZP	
4.8.9	Intercity and rural bus transportation facility	485210				ZP		ZP	
4.8.10	Charter bus service facility	485510				ZP		ZP	
4.8.11	School bus facility					JPC		JPC	
4.8.12	Independent motor vehicle terminal, service, or maintenance facility					ZP		ZP	
4.9	Motor freight transportation facilities (except warehousing, see 3.16)								
4.9.1	Trucking and courier service facility (except air)	492110				ZP	ZP	ZP	
4.9.2	Motor freight transportation terminal and maintenance facility					ZP	ZP	ZP	

4.10	Air transportation terminal						JPC	ZP	
4.11	Communication facilities								
4.11.1	Telephone communications facilities		ZP	ZP	ZP	ZP	ZP	ZP	
4.11.2	Telegraph or other message communications facilities			ZP	ZP	ZP		ZP	
4.11.3	Radio or television broadcasting facilities	5131				ZP		ZP	
4.11.4	Cable or other pay television facilities	5132			ZP	ZP			
4.11.5	Wireless communication towers (i.e. cellular communications)	5133	C	C	C	C	C	C	
4.12	Electricity, water, sewer, and petroleum distribution/collection facilities and services		JPC	JPC	JPC	JPC	JPC	JPC	J
5	*Park/recreation/conservation*								
5.1	Community facilities—Parks, recreation and cemeteries								
5.1.1	Park or playground		ZP	ZP	ZP	ZP	ZP	ZP	
5.1.2	Campground								
5.1.3	Recreation facility (except golf courses)			ZP	ZP	ZP			
5.1.4	Golf course (public or membership)					ZP			

5.1.5	Nature preserve or wildlife sanctuary		C	C	C	C	C	C	
5.1.6	Hunting preserve (public or membership)								
5.1.7	Paintball range					BZA			
5.1.8	Botanical or zoological garden		ZP	ZP	ZP	ZP	ZP	ZP	
5.1.9	Cemetery/mausoleum			ZP	ZP	ZP	ZP		
5.1.10	Other designated community open space area		ZP	ZP	ZP	ZP	ZP	ZP	
6	*Agriculture, forestry*								
6.1	Agricultural production—Livestock and animal specialties								
6.1.1	Livestock facility (except commercial meat production centers)					ZP	ZP	ZP	
6.1.2	Commercial meat production centers								
6.1.4	General agricultural activities (i.e.) general row crop production, free-range livestock operations, pasture land, hay land, woodland and wildlife management areas		ZP	ZP	ZP	ZP	ZP	ZP	
6.2	Forest production—Including Christmas trees			ZP	ZP	ZP	ZP	ZP	
6.3	Fishing, hunting and trapping facility								

6.3.1	Commercial fishing	1141							
6.3.2	Fish hatchery or preserve	112511							
6.3.3	Hunting, trapping or game propagation	114210							

(Ord. No. 323, 2-1-99; Ord. No. 390, 8-28-00; Ord. No. 471, 11-26-01; Ord. No. 453, 10-1-01; Ord. No. 509, 8-26-02; Ord. No. 539, 4-29-03; Ord. No. 615, 8-1-04; Ord. No. 748, 5-1-06; Ord. No. 790, 1-8-07; Ord. No. 832, 7-9-07; Ord. No. 867, 11-26-07; Ord. No. 876, 12-3-07; Ord. No. 1008, 1-4-10; Ord. No. 1012, 1-25-10; Ord. No. 1153, § 1, 7-9-2012; Ord. No. 1161, § 1, 11-12-2012; Ord. No. 1207, § 2, 4-8-2013; Ord. No. 1223, § 1, 9-9-2013; Ord. No. 1241, § 1, 11-25-2013; Ord. No. 1242, § 1.B, 1-27-2014; Ord. No. 1270, § 1, 5-12-2014)

Editor's note— Ord. No. 1207, § 2, adopted April 8, 2013, is effective January 1, 2015.

Footnotes:

CHAPTER 4. - CONDITIONAL AND SPECIAL EXCEPTION USES

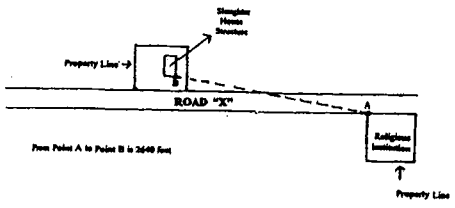
Section 4.1 - Purpose for conditional uses.

Due to the nature and potential impact of uses listed in this portion of this chapter, such uses shall only be allowed within Lancaster County if all of the listed conditions pertaining to each use are met. If all of the listed conditions pertaining to each use are met, no further review is required. Variances from these minimum requirements shall not be approved unless the applicant can demonstrate a hardship would occur if the ordinance is applied to the site as written.

Section 4.1.1 - How to measure separation requirements.

The distance is measured by following a straight line from the closest point of the lot line of the lot which contains the use which the conditional or special exception use is to be separated from to the closest point where the proposed conditional or special exception use is to be located on the site.

For example: A slaughter house is to be located at least 2,640 feet from a religious institution. See diagram below.



Section 4.1.2 - Adult day care.

Adult day care, provided that:

1. No sign exceeding four square feet in area shall be permitted and all signs shall be non-illuminated; and
2. The lot size shall be no less than 30,000 square feet; and
3. The construction and operation of such facilities shall comply with all applicable federal, state or local codes.
4. If located in an R-45A or R-45B district the requirements of section 4.1.4 apply to this use.

Section 4.1.2.5 - Banquet hall.

For a banquet hall, the following conditions apply:

1. A building used as a banquet hall shall be situated on a minimum [minimum] five (5) acre tract. If the building used as a banquet hall is located in the R-15, Moderate Density Residential/Agricultural District, it shall be situated on a minimum ten (10) acre tract.
2. In residential zones, use of any outside music or outside sound system associated with a banquet hall must comply with the provisions of Article II, Chapter 23, Lancaster County Code (Noise Ordinance) and shall only be allowed between the hours of 10:00 a.m. and 12:00 midnight on Friday and Saturday and shall only be allowed between the hours of 10:00 a.m. and 10:00 p.m. on Sunday through Thursday.
3. Signage for a banquet hall shall follow the requirements for the particular zoning district where the banquet hall is located.
4. A Type 3 buffer yard (twenty-five feet (25') in width) shall be installed along the side and rear property lines for the lot on which the banquet hall is located. The width of a Type 3 buffer yard shall not be reduced for properties where banquet halls are located.
5. Plans for a new or renovated building to be used as a banquet hall shall be approved by the Development Review Committee (DRC) prior to construction.
6. A building used for a banquet hall must have a one hundred foot (100') minimum separation from the property line of any residential use, whether or not that residence is located within a residential use district.
7. A banquet hall that will be located in an R-45A, Rural Residential/ Intense Agricultural District or R-45B, Rural Residential/Business/Agricultural District is exempt from the provisions of Section 4.1.4 (Business uses (any non-single-family use) allowed in the R-45A and R-45B Districts) of the Unified Development Ordinance of Lancaster County.
8. Any building in a residential zone used as a banquet hall shall contain no more than six thousand (6,000) square feet of gross floor area.
9. The requirements of Section 12.11.2 (Street yard landscaping) of the Unified Development Ordinance of Lancaster County shall be met for properties where the banquet halls are located.
10. There shall be no more than one banquet hall structure located on a five (5) acre tract of land.

(Ord. No. 1242, § 2, 1-27-2014)

Section 4.1.3 - Bed and breakfast.

1. The bed and breakfast shall be operated in a principal structure constructed before the effective date of this ordinance and not in any accessory structure.
2. No exterior additions or alterations shall be made for the express purpose of creating or maintaining a bed and breakfast.
3. The owner of the bed and breakfast or full time manager shall reside in the structure.
4. The use of the dwelling unit for the bed and breakfast shall be clearly incidental and subordinate to its use as a principal residence.
5. The structure must contain one full bathroom for the exclusive use of the owner or resident manager and other members of the immediate household.
6. The guest rooms shall be offered primarily to transient persons for rental or lease by the day or week. Maximum length of stay is limited to 14 days in any 30-day period of time. The property owner or full time manager shall keep a current guest register including names, addresses, and dates of occupancy of all guests. These records shall be available for inspection by the building and zoning official.
7. For bed and breakfast establishments, one off-street parking space for the owner/manager and one space per guest room shall be required. The required off-street parking may be located on the lot containing the bed and breakfast provided that it is not located in the front yard.
8. Not more than one sign advertising the existence of a bed and breakfast operation may be erected on the lot where such use is located. No side of this sign may exceed four square feet in surface area. The sign may not be internally illuminated.

Section 4.1.4 - Business uses (any non-single-family use) allowed in the R-45A and R-45B Districts.

Business uses allowed in these districts shall meet the following requirements:

1. Property is located at the intersection of two roads. One road shall be part of the state highway system.
2. No business use shall be allowed on a lot having frontage on a local street.
3. Commercial buildings shall contain no more than 6,000 square feet of gross floor area. Exception: Retail—"Food store" can contain up to 12,000 square feet of gross floor area.
4. A Type 2 buffer yard shall be provided along the side and rear property lines.
5. The requirements of section 12.11.2, street yard landscaping shall be met.

Section 4.1.5 - Child day care.

Child day care, provided that:

1. When a center is licensed for six to 29 children, inclusive, there shall be 75 square feet per child of outdoor play area for the total number of children for which the center is licensed. In addition, the total number of children on the playground shall not exceed the number the space will accommodate at 75 square feet per child;

   When a center is licensed for 30 or more children, there shall be 75 square feet per child of outdoor play area for a least one-half of the total number for which the center is licensed, provided that the minimum amount of space on the outdoor play area must be enough to accommodate at least 30 children. In addition, the total number of children on the playground shall not exceed the number the space will accommodate at 75 square feet per child;

2. The entire play area is enclosed by a fence having a minimum height of at least four feet and constructed in such a manner that maximum safety to the children is ensured; and
3. No outside sign in excess of four square feet in area shall be permitted. The sign shall be non-illuminated; and
4. The construction and operation of such facilities shall comply with all applicable federal, state or local codes; and
5. An off-street dropoff/pickup area shall be provided.
6. The center shall not have access to a local road.
7. If located in an R-45A or R-45B District the requirements of section 4.1.4 apply to this use.

Section 4.1.6 - Commercial kennels.

Commercial kennels shall be sited to meet the following requirements:

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

Section 4.1.7 - Convenience centers.

1. *Reserved.*
2. Facilities shall be located a minimum of 500 feet away from any religious institution, school, historical place, public park, day care center, or existing residential use or district.
3. All buildings and structures involved in the operation of this type of facility shall be a minimum of 75 feet from the centerline of any public road. All recyclable materials shall be kept behind all buildings and structures involved in the operation. Such parcels shall have direct access to a collector or arterial 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 collector or arterial street so as to accommodate truck traffic.
4. Facilities shall be screened by a Type 4 buffer yard, as defined in Chapter 12. Where the required buffer yard is to be installed adjacent to a residential district or use, all plants used to meet this requirement shall be evergreens.
5. 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 nonflammable material. Materials such as woodchips or other large bulky items shall be exempt from having to be placed in containers or enclosures.
6. Sites shall be maintained free of litter and all other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present.

7. Space shall be provided on-site for customers to circulate, park and deposit recyclable materials and solid waste.
8. 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. All applicable permits shall be obtained from the SCDHEC and any other permitting agency.

(Ord. No. 1073, § 1, 12-29-10)

Section 4.1.8 - Home occupations.

Home occupations shall comply with the following requirements:

1. Shall not have an adverse impact on the surrounding neighborhood.
2. Shall not display goods, stock in trade or other commodity outside of a fully enclosed structure.
3. The on-site retail sales of goods not produced on-site is prohibited.
4. No more than one (1) person who does not reside on the site shall be employed in the business.
5. The operation shall not create any objectionable noise, fumes, order, dust or electrical interference.
6. No more than 25 percent of the total gross floor area of the residential building shall be used for the home occupation or more than 1,000 square feet of gross floor area, (whichever is less).
7. Can only use vehicles which are primarily used as passenger vehicles in connection with the home occupation.

Section 4.1.9 - Hotel/motel.

Motels and hotels, provided that:

1. The lot size is a minimum of one acre;
2. The sole means of ingress and egress shall be via an arterial road;
3. The property shall have a minimum two-hundred foot (200) frontage on an arterial road;
4. Any building on the site must be a minimum of two hundred (200) feet from any residential district; and
5. When adjacent to residentially used or zoned property, outdoor lighting is required to be installed so that light shall not shine or reflect directly onto the adjacent property.
6. When adjacent to residentially used or zoned property a Type "3" buffer yard shall be installed along all property lines abutting a residentially used or zoned property.

Section 4.1.10 - Livestock auction houses.

Livestock auction houses shall be sited a minimum of 500 feet (measured in a straight line) from the property line on which the use is located.

Section 4.1.11 - Motor vehicle related businesses.

1.

All businesses which work on motor vehicles and/or store motor vehicles on site for any period of time, such as a junkyards, garages, wrecking services, etc. shall be required to be screened from public view by installing a Type 2 Buffer yard around the perimeter of all the property which is between the building on the site and the street right-of-way from which the site has its main access. If there is no building on the site, the same type fence shall be required to be installed in a manner which shall completely screen all vehicles from the street right-of-way. This provision shall not apply to new or used car dealerships.

2. The side and rear property lines shall be screened as is deemed appropriate by the staff of the building and zoning department. For example, if all the adjoining property is vacant, no fence would be required. However, if these sites were developed for residences at a later time, the owner of the property would be required to install the appropriate fencing prior to the residence being occupied.

Section 4.1.12 - Manufactured homes.

The setup, location, and movement of a manufactured home not in a manufactured home park shall meet the following requirements:

1. As used in this ordinance, the term "mobile home" or "manufactured home" shall be interpreted to mean a vehicle or structure that is designed to be movable on its own chassis for conveyance on public thoroughfares and designed without a permanent foundation. A manufactured home may consist of one or more components that can be disassembled for towing purposes or two or more units that can be towed separately, but designed to be attached as one (1) integral unit. All manufactured homes produced since June 15, 1976, must be inspected by the Department of Housing and Urban Development during the manufacturing process and display an emblem of approval on the manufactured home. No manufactured home produced before June 15, 1976, shall be brought into and located in the county. The manufactured home dimensions shall be a minimum of 32 feet in length and eight feet in width. Placement of this type of dwelling/residence on a permanent foundation does not constitute a change in its classification. For the purpose of this ordinance, a manufactured home used for business purposes or classrooms are subject to the requirements of subsection 6. of this section.
2. Scope and jurisdiction.
   a. Sworn law enforcement personnel of the county shall assist the building and zoning department in the enforcement of all applicable requirements of this section and ordinance upon reasonable request and notification.
   b. Upon notice from the building and zoning official, placement of a manufactured home contrary to the provisions of this section shall be immediately ceased. Such notice shall be in writing and shall be transmitted to the mover of the manufactured home in violation. Notice shall state the violation and the conditions under which the violation shall be corrected. Written notice shall be sufficient if mailed by registered mail, hand delivered, or accepted by an agent or relative of the owner of the manufactured home in violation.
   c.

It shall be unlawful for any public utility to provide service to any manufactured home where a permit is required under this ordinance prior to the issuance of required permit (s) or to maintain any such service upon notification by the building and zoning official that such violation was made against the provisions of this ordinance. This service restriction includes temporary connections for installation purposes.

3. Permit administration.
   a. It shall be unlawful for any person to place a manufactured home on a lot without filing an application with the building and zoning department and obtaining the necessary permit. Each application for a permit shall be made on a form required by the building and zoning department. Part of this process includes a site inspection and a verification of the assigned 911 address. Such a permit shall be valid for six months from the day it is issued.
   b. The building and zoning department shall make every reasonable effort to assist an applicant in completing the application forms; however, the applicant for such a permit is fully responsible for supplying and entering complete and accurate information on the application forms. If the application is deemed incomplete, inaccurate, or nonconforming to the provisions of this or other pertinent ordinances, the building and zoning department may reject such application in writing and indicate what action the applicant must take to comply with these regulations.
   c. Upon approval of a manufactured home permit involving placement, the building and zoning department shall issue a placement decal or card which shall be permanently affixed to the manufactured home by the owner. Upon approval of a manufactured home involving movement within or from Lancaster County, the building and zoning department shall issue a moving permit which shall be conspicuously displayed on the rear of the manufactured home while it is being moved.
4. Permit fees.
   a. No permit shall be issued by the building and zoning department until the appropriate fee for the placement/setup/moving of any manufactured home or the appropriate fee for moving any manufactured home, out of the county, has been paid in full.
   b. When, as a result of incomplete applications, violations, or errors of permit holder/applicant, additional inspections must be performed, the permit holder/applicant shall pay an additional fee of $25.00 for each additional inspection thereafter.
   c. Where any activity regulated by this ordinance is commenced prior to issuance of the required permits, the applicable permit fee shall be doubled.
   d. The Lancaster County School District shall be exempt from paying the fees established by this subsection only.
   e. If a manufactured home is located on a parcel without meeting all the regulations contained in this ordinance, then the mover of the manufactured home (not the property owner) shall be fined accordingly and it shall be the responsibility of the mover to correct the situation. Such a mover may also be fined for any other reason the building and zoning official believes is the responsibility of the mover.
5. Requirements.
   a. Such structures shall be occupied as residences unless otherwise specified by this ordinance.

   b. One (1) manufactured home and one (1) single-family detached home shall be allowed to occupy the same lot provided one (1) of the homes shall be owner occupied and each home shall have separate and independent utility (i.e., electric, gas, water, sewer) facilities situated on a minimum lot size of 1.5 acres (65,340 square feet). One of the two (2) units shall be maintained as an owner occupied unit and only one (1) of these two (2) structures shall be a manufactured home. At no time shall both units become rental units.
   c. The manufactured home shall not be located within the required yard space of the single-family dwelling and at least 20 feet from the other dwelling or manufactured home.
   d. All tires and rims shall be removed from the manufactured home. The only exception to this requirement shall be for a manufactured home which is used for a temporary dependent care residence, or for a temporary emergency, construction or repair structure. To receive this exemption, the conditions for either a temporary dependent care residence or a temporary emergency, construction, or repair structure shall be met prior to any permits being issued.
   e. Manufactured homes shall be supported, properly tied down and underpinned as specified by the Uniform Standards Code for Manufactured Housing and Regulations (SC Code Ann. Section 40-29-10 et seq., at amended) and (23 SC Code Ann. Regs. 19-425 et seq.).

      The manufactured home shall be completely underpinned at the time the last inspection is conducted and prior to the final power permit being issued. If this is not complete, the certificate of completion shall not be issued by the building and zoning department.

      Manufactured homes shall be oriented on the site so that the front door faces the road from which the site has its access. This requirement shall apply to all lots located in manufactured home parks and subdivisions.

   Exception to the above is:

   f. Manufactured homes placed in the floodplain shall meet the floodplain ordinance requirements.
   g. Properly constructed steps and landings with minimum dimensions of three (3) feet by three (3) feet of masonry or weather resistant material shall be installed at each entrance and exit (as per section 1012.1.6 or 1997 SBC). If a manufactured home is installed at a height that any portion of the land or deck is more than thirty (30) inches above finished grade, handrails and guardrails of weather resistant material must be provided with a minimum height of thirty-six (36) inches and no more than four (4) inches between pickets (as per 1997 SBC).
   h. Manufactured homes shall be connected to properly installed sewage disposal systems, potable water supply, approved electric service supply as per the most recent edition of SCDHEC regulations, Standard Plumbing Code, National Electric Code, etc. All utilities shall be either overhead or underground.
   i. All existing manufactured homes, including those that do not meet the formal definition of such, shall meet the requirements specified by this section within 180 days of the effective date of this ordinance.
   j. Manufactured homes shall not be used for storage space.

   k. Manufactured homes built prior to June 15, 1976 shall not be disconnected from power and then reconnected. Therefore, such manufactured homes shall not be moved from one site in the county to another.
6. Modular units as special occupancies.
   a. Modular units may be used for temporary offices provided the owner or lessee obtains a "temporary certificate of zoning compliance" and "certificate of occupancy" from the building and zoning department and is registered with the county. The placement and installation of modular homes for temporary use shall meet the requirements of such use as per the standard applicable codes or ordinances.
   b. Provided the use or location does not violate provisions of this ordinance and the owner or lessee obtains a "certificate of occupancy" signed by the building and zoning department, a modular unit, intended and used as an office or other relevant approved use, may be used for said purposes and must be registered with Lancaster County and meet all applicable standard codes for use. Said use shall meet all applicable standard codes for occupancy.
   c. A modular unit may be used as a classroom by a school or religious institution, provided it is registered with Lancaster County and meets all applicable requirements of the standard codes and ordinances of the county.
7. Moving permits required.
   a. Moving permits shall be filed on forms provided by the building and zoning department. The moving permit shall be issued when all taxes due on the manufactured home have been paid. The permit shall be valid for 15 days with an extension approved by the building and zoning department for just cause; however, any such extension shall not exceed 15 days.
   b. The manufactured home moving permit shall accompany the manufactured home while it is being moved. The permit shall be displayed on the rear of the manufactured home in a conspicuous place. It shall be the duty of the transporter that the requested moving permit is properly displayed and accompanies the manufactured home while in transport.
   c. A manufactured home dealer or other agency repossessing a manufactured home under a security agreement, or upon receipt of a legal repossession document from the principal of the security agreement, may move a manufactured home from where it is located and relocate it to a secure location within Lancaster County until a moving permit can be obtained, not to exceed 15 days. Under no circumstances shall the manufactured home leave the boundaries of the county until all taxes and other county liens are satisfied and a moving permit is issued.
   d. When a dealer moves a manufactured home for rental purposes.
8. Permits not required.
   a. A manufactured home dealer brings a Class A or Class B manufactured home into Lancaster County for resale purposes. No Class C manufactured homes shall be allowed to be moved into and located in the county.
   b. A manufactured home dealer delivers a manufactured home that is sold from the sales lot.

(Ord. No. 323, 2-1-99; Ord. No. 362, 1-31-00; Ord. No. 412, 12-18-00; Ord. No. 561, 8-25-03; Ord. No.

1023, 4-12-10; Ord. No. 1035, 6-7-10)

Section 4.1.13 - Manufactured home parks.

(See Chapter 13 for development regulations.)

Section 4.1.14 - Manufactured home storage lots.

1. Such lots shall be screened from public view and from all adjoining lots by a Type 2 buffer yard. All plants shall be evergreens.
2. Manufactured homes built prior to June 15, 1976 shall not be allowed to be stored on any property within the county.

(Ord. No. 323, 2-1-99)

Section 4.1.15 - Manufactured home subdivisions.

Manufactured home subdivisions are allowed only in those districts where individual manufactured homes are allowed. Lots and yards within a manufactured home subdivision shall be developed to the standards of the zoning district in which it is located. All manufactured homes located in such developments shall also comply with all applicable conditions contained in section 13.13 of this ordinance.

(Ord. No. 323, 2-1-99)

Section 4.1.16 - Manufacturing/processing uses.

1. *Purpose.* The purpose of this section 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 section.
2. *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:

Steady-State Vibration Limits

	Peak Particle Velocity (Inches Per Second)	
	Daytime	Nighttime
Residential property line	0.03	0.01
Non-residential property line	0.06	0.06

Nighttime limits shall be considered to prevail from 7:00 p.m. to 7:00 a.m. local time.

3. *Reserved.*
4. *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. Maximum permissible sound pressure levels at the lot line for notice radiated continuously from a facility between the hours of 7 p.m. and 7 a.m.

TABLE I. NIGHTTIME SCHEDULE

	Sound Pressure Levels (In Decibels)	
Frequency Band (In Cycles Per Second)	At Non-residential Lot Line	At Residential Lot Line
20—74	69	65
75—149	60	50
150—299	56	43
300—599	51	38
600—1,199	42	33
1,200—2,399	40	30
2,400—4,799	38	28
48,00—10,000	35	20

TABLE II. DAYTIME SCHEDULE

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

Type of Operation In Character of Noise	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	minus 5
*Apply to the preceding table one of these corrections only.	

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

5. *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 or any other appropriate state agency. Air pollution emanating from construction activities between 7 a.m. and 7 p.m. shall be exempt from these requirements.
6. *Reserved.*
7. *Reserved.*
8. *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 by SC DHEC or any other appropriate agency. 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.
9. *Exterior illumination.* All operations, activities, and uses shall be conducted so 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.

	Column A	Column B
Bare incandescent bulbs	15 watts	40 watts
Illuminated buildings	15 ft. candles	30 ft. candles
Backlighted or luminous back ground signs	150 ft. lamberts	250 ft. lamberts

Outdoor illuminated signs & poster panels	25 ft. candles	110 ft. candles
Any other un-shielded 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.

(Ord. No. 1034, 6-7-10)

Section 4.1.17 - Mini-warehouses.

Due to the need to better integrate mini-warehouses into the fabric of the community, all such uses shall meet the following requirements:

1. Mini-warehousing sites shall be at least two acres but not more than ten acres in size.
2. Lot coverage of all structures shall be limited to 50 percent of the total area.
3. Vehicular ingress/egress shall be limited to one point for each side of property abutting on a street lot line.
4. No business activities conducted by tenants other than rental of storage units shall be permitted on the premises.
5. There shall be no outside storage of materials.
6. All outdoor lighting shall be installed so as not to exceed ten (10) feet in height and shall not shine or reflect directly onto any surrounding properties.
7. A Type 3 buffer yard, as defined in Chapter 12, shall be installed along any street frontage and any property line which abuts a residential district. All plants used to meet the requirements of the Type 3 buffer yard shall be evergreens.
8. When abutting any nonresidential district, a minimum of a Type I buffer yard shall be installed.
9. Individual storage units may be used for the storage of goods which are associated with any office, retail, or other business use. However, no business shall be allowed to operate from an individual storage unit.
10. The storage of radioactive materials, explosives, flammable, or hazardous chemicals shall be prohibited.
11. No parking spaces or drive aisles are allowed in any required side or rear yard.
12. The minimum drive aisle width shall be 24 feet in width and the entrance shall be set back a minimum of 75 feet from the right-of-way or easement line of the street from which the site has access.
13.

The entrance to the site shall have a gate. The gate shall be set back a minimum of 75 feet from the right-of-way or easement line of the adjacent street. This space is required to allow for one (1) tractor trailer and one (1) automobile to be stacked while waiting to open the front gate.

14. The storage of vehicles on a temporary basis is only allowed to the rear of all the buildings on site.
15. The maximum building height limitation for B-3, General Commercial District is 50 feet; 1-2, Heavy Industrial District is 60 feet; and all other zoning districts are 35 feet. If the building is not protected by sprinklers it can not exceed 35 feet in height for B-3, General Commercial or 1-2, Heavy Industrial District properties.

(Ord. No. 1338, § 1, 3-23-2015)

Section 4.1.18 - Private or commercial horse stables.

Due to environmental consequences of keeping horses in residential areas, and 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 contain a minimum of two acres if the horse is to be fed by the property owner or a minimum of three acres if the horse is to graze. If the horses are to be fed by the property owner, an additional minimum one-half acre (21,780 square feet) for each horse or horse stall located on the site is required. If the animals are to graze, the minimum additional area required per horse shall be to three acres (130,680 square feet).
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 to 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 50 feet from any dwelling or any pool, patio or other residential structure on an adjoining lot and from any property line. This requirement shall apply to residential uses in the residential zoning areas only.
6. If the animals are in a contained area, all manure shall be removed at least twice daily from confined areas so as to prevent propagation of flies and creation of odors. Owners of horses in confined areas are encouraged to use a Rabon supplement as this will reduce the propagation of flies.
7. All grain on the lot must be stored in rodent-proof containers.
8. The exercise and training areas on the lot shall be dampened so as to prevent dust.

Section 4.1.19 - 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, all such uses shall meet the following requirements:

1. *Reserved.*
2.

Facilities shall be located a minimum of five hundred (500) feet away from any religious institution, school, historical place, public park, day care center, or existing residential use or district.

3. All buildings and structures involved in the operation of these facilities shall be a minimum of three hundred (300) feet (measured in a straight line) from the centerline of any public road. Such parcels shall have direct access to a collector or arterial street. Access roads/easements shall maintain a minimum travel surface of eighteen (18) feet and have a width of thirty (30) feet at the entrance intersection with a collector or arterial street, so as to accommodate truck traffic.
4. Facilities shall be screened by a Type 4 buffer yard, as defined in Chapter 12. Where the required buffer yard is to be installed adjacent to a residential district or use, all plants used to meet this requirement shall be evergreens.
5. 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 nonflammable material. Materials such as woodchips or other large bulky items shall be exempt from having to be placed in containers or enclosures.
6. Sites shall be maintained free of litter and all other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present.
7. Space shall be provided on site for customers to circulate, park, and deposit recyclable materials and solid waste.
8. 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. All applicable permits shall be obtained from the SCDHEC and any other permitting agency.

(Ord. No. 1073, § 2, 12-29-10)

Section 4.1.20 - Site built or modular single-family detached house located in the commercial, industrial or multiple-family districts.

In any area located from the parcels fronting on the southern right-of-way line of S.C. Highway 5 northward to the state line, eastward to the Union County (NC) line and westward to the York County line and which are zoned MF, B-1, B-2, B-3, B-4, I-1 and I-1 Light Industrial/Agricultural District, where both water and sewer is available and the parcel to be subdivided contains at least ten acres, subdivisions shall be allowed and shall comply with the requirements for single-family homes located in the R-15P, Moderate Density Residential/Agricultural/ Panhandle District.

In any other area of the county which is zoned MF, B-1, B-2, B-3, B-4, I-1 or I-2 Heavy Industrial District, where both water and sewer is available and the parcel to be subdivided contains at least ten acres, subdivisions shall be allowed and shall comply with the following requirements:

1. *Density:* The minimum lot shall be as outlined below. The maximum density is two and one-half (2.5) dwelling units per acre. The total number of dwelling units allowed on the site shall be based on the gross acreage of the site. For example, a one hundred-acre parcel of land shall be allowed to have two hundred fifty (250) dwelling units built on the site.

2. *Lot size:* The maximum lot size allowed in these areas shall be three-fourth (¾) of an acre. Minimum standard lot size is ten thousand (10,000) square feet.
3. *Lot width and setback requirements:*

Lot width:	70 feet
Front yard:	30 feet
Side yard:	10 feet

However, the side yard requirement may be reduced to zero (0) provided the following conditions are met:

a. A windowless wall is placed on one side property line and the total side yard requirement is provided on the opposite side property line. For example, if a lot is sixty (60) feet in width, then a twelve-foot side yard would be required to be placed on the opposite property line from where the windowless wall is placed.
b. The structure shall not encroach upon or be placed on the side yard property line adjacent to a street.
c. Whenever a structure is located within four (4) feet of a side property line, a perpetual easement for wall and roof maintenance shall be provided on the adjacent lot. The minimum width of this maintenance access shall be four (4) feet. This easement shall be incorporated into each deed.
d. Zero lot line development is only allowed in subdivisions where all of the lots shall use this technique.

Rear Yard, Principle Structure:	45 feet
Rear Yard Accessory Structure:	10 feet

e. *From external streets:* The minimum setback from external streets shall be same as is prescribed in the underlying zoning district.
f. *Between buildings:* The minimum distance between any two (2) buildings within this type of development shall be governed by the Standard Building Code. However, the director of emergency preparedness shall approve the fire protection measures for any development where the principal buildings are separated by less than twenty (20) feet.

4. Failure to achieve any of these provisions shall be sufficient reason for the planning commission to disapprove the subdivision request.

(Ord. No. 400, 4-8-02; Ord. No. 696, 10-3-05; Ord. No. 748, 5-1-06)

Section 4.1.21 - Reserved.

Editor's note— Former section 4.1.21 formerly contained regulations for solid waste storage and transfer facilities, waste tire treatment sites, and composting facilities which derived Ord. No. 309, adopted Sept. 28, 1998. Identical provisions were also included as § 4.2.8. As § 4.2.8 has been amended the editor has reserved former § 4.1.21 to avoid potential conflicts. Please see § 4.2.8 of this UDO.

Section 4.1.22 - Stockyards, slaughter houses, commercial poultry houses, commercial meat production centers and swine lots.

Such uses shall meet the following requirements:

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 a minimum of 500 feet (measured in a straight line) from the property line on which the production unit is located, and on a parcel of land of no less than 100 acres.
2. Signs advertising such use shall be subject to the same regulations as would apply under the Chapter 10, Signs if the property is commercially zoned, except that in no case shall more than one (1) freestanding sign be erected and that sign shall not exceed 32 square feet in sign surface area.
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 a minimum of 100 feet (measured in a straight line) from any water supply (public or private), stream, or watercourse.
4. 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 a minimum of 500 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.
5. The minimum separation requirement between this use and the following uses shall be as follows:

Neighboring Use	Separation Requirement (Ft.)
A residential use	1,320
A religious institution	2,640
Public or private schools and educational facilities	2,640
Public parks and recreational facilities	2,640
Commercial meat production center	2,640
Commercial and industrial uses	2,640

Incorporated municipal limits within Lancaster County	5,280

6. At a minimum, the applicant shall submit at the time an application is submitted 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 the Natural Resources Conservation Service stating that there are appropriate acres and crops to handle the expected quantity of waste.
7. Uses in this section shall obtain a zoning permit from the building and zoning department. As required in the Chapter 6, Permit Approval, of this ordinance, the applicant for a zoning permit for any use listed in this section which would produce any objectionable elements shall acknowledge in writing his understanding of the siting requirements of this ordinance and shall submit with the zoning permit application a compliance guarantee agreement to conform with such requirements at all times. Any violation of this compliance guarantee shall constitute a violation of this ordinance and shall be treated accordingly.

Section 4.1.23 - Temporary dependent care residences.

1. On any lot at least one and one-half acres (65,340 square feet) in size used for single-family residential purposes, the building and zoning official may issue a zoning permit to allow a manufactured home to be located on such a lot on a temporary basis under the following circumstances and conditions:
   a. The applicant for the permit presents a written certificate from a licensed physician stating that, because of poor health, there is a need for the direct custodial care between the occupant(s) of the principal residence on such a lot and the occupant(s) of the manufactured home;
   b. The occupants of the two (2) residences are related by blood or marriage or there is a legal guardianship relationship between them;
   c. The applicant submits a letter from the Lancaster County water and sewer district that demonstrates that separate water and sewer facilities for the manufactured home have been installed.
2. Permits for temporary dependent care residences authorized under this section shall be valid for a period of 12 months from the date of issuance, except the building and zoning official may renew such a permit in one (1) year increments if a written certificate from a licensed physician is obtained which states there is still a need for direct custodial care between the occupant(s) of the principal residence on such a lot and the occupants of the manufactured home. The Zoning Administrator is authorized to order the removal of the structure at the termination of the dependent care with a period of up to 90 days.

3. Temporary residences authorized under this section shall not be subject to the density and dimensional regulations of this ordinance, but shall be subject to applicable setback requirements.

(Ord. No. 1328, § 1, 2-9-2015)

Section 4.1.24 - Temporary emergency, construction, or repair residences.

Permits for temporary residences to be occupied pending the construction, repair or renovation of the permanent residential building on a site shall expire within twelve (12) months after the date of issuance, except that the building and zoning official may renew such permits in three (3) month increments if he determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation or restoration work necessary to make such building habitable. Temporary residences shall be removed within thirty (30) days of the completion of the project. The type of structures which shall be allowed as a temporary residence for purposes of meeting the requirements of this section shall only include manufactured homes, RV's, and travel trailers as long as the structure is set up to an approved septic system or to county water and sewer.

(Ord. No. 362, 1-31-00; Ord. No. 420, 2-5-01)

Section 4.1.25 - Temporary structures other than residences.

As indicated in the Table of Permissible Uses temporary structures used in connection with the construction of a permanent building or for some other non-recurring purpose are permissible with a zoning permit in all districts. However, all such uses shall meet the following requirements:

1. Permits for such uses shall expire automatically within the period established by the building and zoning official, and the expiration date shall be written on the face of the permit. In determining the initial period (which shall not exceed two years) the building and zoning official shall consider (among other relevant factors) the need for the temporary structure and the degree to which the temporary structure adversely affects adjoining or neighboring properties. Using similar criteria, the building and zoning official shall renew the permit for not more than two additional periods of not more than six months each.
2. Upon the expiration of a permit or when the original reason for the temporary structure no longer exists, whichever occurs first, the structure shall be removed within one week.

Section 4.1.26 - Wireless communications transmission facilities.

1. *Preamble.* The expansion of wireless communications technology has produced an increased need for antennae and the wireless communications transmission facilities to support them. The purposes of the Federal Telecommunications Act of 1996 are "To promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies."

The Lancaster County Council finds the rapid development of this technology is in the public interest. Therefore, the council desires to enact zoning regulations and other changes in public policy which will allow such services to be rendered in conformity with the Federal Telecommunications Act of 1996, to meet the goals of the county's comprehensive plan, which is entitled The New Millennium; A Comprehensive Plan for Lancaster County and Its Municipalities, and to serve and protect the public health, safety, convenience, order, appearance, prosperity, and general welfare pursuant to the South

Carolina Code of Laws (1976) as amended. The County Council further finds the regulation of wireless communications transmission facilities will provide for the orderly protection and retention of limited public resources such as skylines and vistas.

2. *Definitions.*
   a. *Wireless communications transmission facilities.* Wireless communications transmission facilities, as used in this ordinance, shall mean a tower, pole, or similar structure more than 30 feet in height erected on the ground or on a building or other structure, used primarily for the support of one or more antenna(e) which are used as support for any personal wireless services as defined in the Federal Telecommunications Act of 1996 including cellular, personal communications services (PCS), paging equipment and similar services that currently exist or may in the future be developed. This term shall not include radio and television stations' antenna(e), residential television antenna, any antenna(e) which is part of a communication system used by a business to communicate with their employees or satellite dishes, etc.
   b. *Concealed or camouflaged wireless communications transmission facilities.* Wireless communications transmission facilities and associated equipment which are totally concealed within an architectural feature of a building, within a structure or camouflaged so it is architecturally indiscernible or located on a water tower or electrical high tension tower, etc.
   c. *Fall zone.* The area on the ground within a prescribed radius from the base of a wireless communications transmission facility within which there is a potential hazard from falling debris or collapsing material.
   d. *Height.* Height of a wireless communications transmission facility is the distance from the base of the wireless communications transmission facility to the top of the wireless communications transmission facility which shall include any antenna(e) that extends above the top of the wireless communications transmission facility.
   e. *Personnel communications service.* This technology is similar to traditional cellular technology. However, it operates over a network of smaller coverage cells, requires more facilities to cover an area, and uses lower radio frequencies to transmit data.
3. *General provisions.* The provisions contained within this section are intended to achieve a reasonable balance between public safety, health, convenience, appearance considerations, and the need to encourage flexible and efficient delivery of communications services. All applicable health, nuisance, noise, fire, building, and safety code requirements shall apply in addition to the provisions of this section. All zoning code provisions except those specifically superseded by this section shall also apply.
4. *Concealed or camouflaged wireless communications transmission facilities.* A concealed wireless communications transmission facility which is located within a structure such as a church steeple, or bell tower, or is attached to a bell tower, a water tank, an electrical high tension tower, etc. shall be exempt from these regulations except from those contained in this subsection. In addition, such wireless communications transmission facilities shall be a permitted use in all zoning districts, including residential.

If meeting the definition of a concealed or camouflaged wireless communications transmission facility requires any addition to an existing structure, any modification to any architectural feature of a structure or the construction of a structure to conceal or help camouflage a wireless communications transmission facility, the planning staff shall review the plans for such changes or new construction

prior to any permit being issued. In reviewing such plans, staff shall at least consider whether the addition, feature or new construction is architecturally harmonious in such aspects as material, height, proportion, bulk, scale and design with the building or complex of which it is a part. If it is a stand-alone structure, it shall be reviewed as to whether the structure is harmonious with the surrounding area. In reviewing such a request, should the planning staff not consider the addition, modification or new construction to be a concealed or camouflaged wireless communications transmission facility, the applicant shall have the right to appeal this decision to the board of zoning appeals.

In any zoning district, communication antennae are a permitted use when attached to electrical high tension towers or water tanks, etc. as long as:

   a. The increase in height to the structure shall not exceed 30 feet; and
   b. The applicant provides a satisfactory structural analysis of the electrical high tension tower or water tank, etc. prior to the issuance of any permit. Such an analysis shall be conducted by a structural engineer.
5. *Wireless communications transmission facilities.* The following requirements shall apply to all wireless communications transmission facilities except those listed in subsection 4.
   a. Applicant shall demonstrate that the proposed tower is necessary. A proposed wireless communications transmission facility shall not be approved if an existing wireless communications transmission facility can be reasonably modified to meet the applicant's technical design requirements and will function as required by applicable regulations. If this cannot be accomplished, then prior to consideration of a permit for location on private property which must be acquired, the applicant must demonstrate that available alternative sites, whether publicly or privately owned and which are occupied by a compatible use, are unsuitable for the operation of the facility under applicable communications regulations, cannot meet the applicant's technical design requirements or are otherwise not reasonably available. Only after all preceding options are exhausted, shall the county consider an application for a new wireless communications transmission facility.
   b. Setbacks: Wireless communications transmission facilities shall be allowed in all zoning districts, except a planned development district (PDD), based on the requirements of this section. The placement of a wireless communications transmission facility in a PDD shall be governed by the regulations establishing the PDD. Along all property lines, which are adjacent to residentially zoned property or property which is used for residential purposes, the setback requirements shall be equal to the height of the tower. This setback requirement shall also apply along any road rights-of-way/easements regardless of how the adjacent property is zoned or used. Residential districts shall include all "R" districts and the MF, Multiple-family, and MHP, Manufactured Home Park Districts. Where the adjacent property is zoned either commercially or industrially, the setback shall be equal to the fall zone for the tower or 60 percent of the height of the tower, (whichever would establish the greater setback requirement). The fall zone of the tower shall be determined by the applicant based on documentation from a structural engineer or the product representative. Subsequent to the establishment of a wireless communications transmission facility, no rezoning of an external lot shall increase the setback requirements of the existing facility. An adjacent property owner

can waive this setback requirement but shall not be able to waive the setback requirement along a road right-of-way or easement if the property owner provides the building and zoning department with the following statement which has been signed and notarized:

"I understand that by signing this statement I am authorizing a wireless communications transmission facility, a cellular tower, to be built closer to my property line than is recommended by the county. Additionally, I understand there is a possibility that if the subject wireless communications transmission facility was to collapse, which is a rare occurrence, that a portion or all of the structure could fall on my property. Therefore, I relieve the county of any legal responsibility for any injury which may occur to an individual on my property or for any damage which may occur to any structure, vehicle, etc. which maybe located on my property and accept all responsibility for any damages which may occur from allowing this structure to be built closer to my property line than is recommended by the county."

   c. The only structures which will be allowed to be constructed within the setback requirements of a tower will be those structures which are considered to be accessory to the tower. Such structures would include, but not be limited to, storage, maintenance and equipment buildings.
   d. Buffering requirements:
      (1) Existing mature trees and natural land forms on the site shall be preserved to the extent feasible. However, vegetation that causes interference with the transmission of an antenna or, if the vegetation inhibits access to any accessory structure on the site, it shall be allowed to be cut.
      (2) An eight-foot tall fence shall be installed around the outer perimeter of the base of the wireless communications transmission facility and any associated building(s). The fence shall enclose all structures comprising the facility into one defined area. A wall of any building which is used as part of the operation of a wireless communications transmission facility on the site may be used in combination with a fence to form this enclosure.
   e. Any tower up to 180 feet in height shall be designed and equipped with the technological and structural capability to accommodate at least two (2) wireless communications carriers. Any tower over 180 feet in height shall be designed and equipped with the technological and structural capability to accommodate at least three (3) wireless communications carriers. The applicant shall provide documentation from a structural engineer or the product representative showing the wireless communications transmission facility antenna capacity by type and number, and a certification that the wireless communications transmission facility is designed to withstand winds in accordance with ANSI/TIA 222 (latest revision) standards.
   f. Wireless community transmission facilities located near airports: If a structure is located in an area which could interfere with established flight patterns surrounding an airport, the height of the structure shall be reviewed by both the Federal Aviation Administration (FAA) and the Lancaster County Airport Commission. The airport commission will make its recommendation no more than 30 days after submittal. In determining if the proposed location of a wireless communications transmission facility could interfere with established flight patterns, the applicant shall contact both the FAA and the Lancaster County Airport Commission. A copy of

the agencies' findings shall be provided to the Lancaster County Planning Department and the building and zoning department prior to any building permits being issued. The review shall be completed by the chairman of the commission.

g. No wireless communications transmission facility subject to these provisions shall be erected having a separation of less than ½ mile (2640 feet as measured in a straight line) from an existing wireless communications transmission facility subject to these provisions. This provision may be waived upon certification by the applicant that technical reasons require a closer placement and staff agrees with their information.

h. The owner of the tower shall make excess capacity not reserved for its own use available at fair market value to other providers and shall submit a notarized statement indicating their willingness to adhere to this condition.

i. No permit application shall be considered for the location of a wireless communications transmission facility on property not either leased or owned by the applicant or for which a contingent lease or purchase contract is in place. The amount of land either purchased or leased shall be equal to the amount of land necessary to meet the requirements of subsection 5.b. To show this requirement has been met, the applicant shall provide the county with a survey of the land and a copy of the lease or contract of sale or deed.

j. On sites where there is an existing building, a wireless communications transmission facility shall not be located between the structure and any road right-of-way or easement for a road.

k. Wireless communications transmission facilities shall not be lighted unless required by FAA regulations. When required, lighting shall conform with the minimum applicable FAA regulations.

l. Wireless communications transmission facilities shall contain only equipment meeting applicable FCC regulations.

m. Wireless communications transmission facilities shall be a blending color such as light gray, unless otherwise prescribed by FAA regulations. A properly maintained and unpainted galvanized steel surface shall meet this requirement.

n. A single sign, not exceeding two square feet in area, shall be placed in a visible location on the wireless communications transmission facility identifying the owner, date of construction, and a 24-hour emergency telephone number.

o. Prior to issuing a permit, county officials may make use of technical services of any competent source of such services, to determine that all required standards are met.

p. To assure the removal of a wireless communications transmission facility which ceases to be used for any telecommunications purpose, the wireless communications transmission facility owner shall submit to the county planning department a performance bond for each wireless communications transmission facility erected after the effective date of this section and a notarized statement stating the owner shall be responsible for the removal of such wireless communications transmission facility within 90 days of the owner providing staff notice that the wireless communications transmission facility is considered to be no longer in use. The performance bond shall be for an amount which is equal to 125 percent of the estimated cost of having the structure removed. The estimated cost shall be based upon written certification from the owner's engineer that the estimated amount is adequate to cover the cost of removal. A wireless communications transmission facility is considered to be no longer in use

if it is not used for any telecommunications purpose for more than 120 days. The board of zoning appeals may grant additional time to the wireless communications transmission facility owner.

6. *Appeals and variances.* If the building and zoning official has denied an application or failed to act thereon within 60 days, unless extended by mutual agreement, the applicant may appeal to the board of zoning appeals. Such appeals, other appeals concerning interpretation or administration of this section, and appeals for a variance from the provisions of this section shall be made pursuant to the provisions of Chapter 8 of the Lancaster County Unified Development Ordinance. In addition to the authority and obligations conferred by the aforementioned chapter, the board of zoning appeals in considering a variance shall conform to the provisions of Section 4 of the Federal Telecommunications Act of 1996 requiring "substantial evidence contained in a written record" be provided prior to the denial of any variance requested, shall require that an applicant satisfy all provisions of this section except requirements for which a variance is approved and may impose additional conditions deemed necessary for the public health and safety and protection of adjacent property.

7. *Application requirements.* An application to the board of zoning appeals shall be completed and the applicable application fee paid. The fee for this application shall be the same fee charged for a standard variance application. This fee shall be in addition to any other building or permit fees. The planning director may waive portions of these application requirements which are found not to be applicable to a particular tower/antenna installation.

   The application shall include the following elements:

   a. A site plan showing property boundaries, all zoning district boundaries in the area, required setbacks, existing structures, use of adjacent properties, the proposed tower location, site elevation, tower height, guy anchors, driveway(s), parking area(s), fencing and landscaping.
   b. Plans and specifications for the proposed wireless communications transmission facility including foundation, wind and ice loading, antennae and accessories, and any accessory structure(s).
   c. A current map or update for an existing map on file, showing the locations of all of the applicant's existing and proposed wireless communications transmission facilities within the county which are reflected in public records and serving any property within the county.
   d. Identification of the owners of all antennae and related equipment to be located on the site; written authorization from the site owner for the application; evidence that a valid FCC license for the proposed activity, if applicable, has been applied for; and a copy of FCC form 854 (Application for antenna structure registration), if applicable.
   e. Any additional information as may be required by the planning director or building official to determine that all applicable regulations shall be met, including certifications by the applicant or other documentation evidencing compliance with the provisions of this section.

(Ord. No. 413, 12-18-00; Ord. No. 602, 4-5-04; Ord. No. 748, 5-1-06)

Section 4.1.27 - Motor vehicle dealer (used).

Motor vehicle dealer (used) shall be sited to meet the following requirements:

1. Such use shall be located in the B-2 Community Business District.

2. The lot shall not contain more than twenty-five (25) vehicles for sale or lease at any one time.
3. No stringed pennants or streamers, typically associated with automobile dealerships, shall be permitted.
4. Signage shall be in compliance with the B-2 zoning specifications.
5. Parking shall be provided which is in compliance with the standards contained in chapter 11 for car sales or rental.
6. Proof shall be required that required licenses, fees, etc. have been obtained and paid.
7. A street yard shall be planted on the site in accordance with the requirements of Chapter 12, Landscaping Requirements.
8. Around the foundation of any building, shrubs shall be planted in an area which is a minimum of fifteen (15) feet in width. The shrubs shall be appropriately spaced based on the width of the shrub at maturity. These shrubs shall be evergreens and shall meet the minimum requirements contained in Chapter 12, Landscaping Requirements, for the installation of shrubs.
9. A Type 3 buffer yard shall be installed along that portion of any property line which adjoins a residentially zoned or residentially used parcel of land.

(Ord. No. 539, 4-29-03)

Editor's note— Ord. No. 539, adopted April 29, 2003, amended the unified land development regulations by adding provisions designated as section 4.1.13. In order to avoid conflicts in section numbering the editor has redesignated the provisions of Ord. No. 539 as section 4.1.27.

Section 4.1.28 - Body piercing establishment, body branding establishment, or tattoo parlors.

This use shall meet the following requirements:

1. The use shall be located no closer than 500 feet from the following uses:
   a. Adult day care;
   b. Child day care;
   c. Educational institution (public or private);
   d. Public facility (library, park, playground, recreational facility, etc.);
   e. Religious institution;
   f. Residential zoning district; and
   g. Another body piercing establishment, body branding establishment or tattoo parlor.
2. Any permits required by SC DHEC, LLC and any other federal, state or local governmental department or agency which has rules and regulations governing these types of uses.

(Ord. No. 509, 8-16-02; Ord. No. 615, 8-2-04)

Section 4.1.29 - Mining and extraction operations.

Such uses shall meet the following requirements:

1. A mining permit shall be obtained from the South Carolina Department of Health and Environmental Control (DHEC) or any successor agency with authority to regulate mining prior to securing a zoning permit. The mining permit shall have been issued within six months of the date prior to the request for the zoning permit.

2. A copy of the reclamation plan as required by DHEC shall accompany the application.
3. The applicant shall provide the Lancaster County Building & Zoning Department with a copy of the approved application regarding mining/blasting activities and shall comply with all applicable requirements of S.C. Code Ann. Regs. 71-8302 et seq. as they may be amended from time to time.
4. To protect against damage to structures from vibration, in all blasting operations the maximum peak particle velocity measured in any three mutually perpendicular directions shall not exceed one inch per second at the immediate location of any dwelling, public building, school, church, or commercial or institutional building. The minimum distance shall be determined by the current weight distance formula adopted under S.C. Code Ann. Regs. 89-150 F-G as they may be amended from time to time or any DHEC approved alternative methods of determining compliance such as seismographic monitoring.
5. Blasting operations shall be conducted in compliance with the contiguous property setback requirements of S.C. Code Ann. Regs. 89-150 H as it may be amended from time to time, or in compliance with any variance or other approval issued by DHEC. For the purposes of this subsection, a contiguous property shall not include parcels under the ownerships, lease, or control of the applicant, or where the property owner has signed a written waiver of this setback requirement.
6. In accordance with the requirements of R. 89-150 I as it may be amended from time to time, the DHEC mining permit shall specify a minimum blasting separation distance between the nearest point of blasting and any offsite structures in existence as of the date of the completed DHEC mine permit application.
7. Neither the maximum peak particle velocity requirement nor the minimum separation distance requirement apply to structures within the permitted area, within any area that is owned, leased, or controlled by the operator; or to any structure for which the owner has executed a waiver of damage claim.
8. A type 4 bufferyard shall be required along the margins of the property boundary. In the required bufferyard, existing trees and vegetation can remain in a natural state provided the property width of the type 4 bufferyard is maintained. Existing vegetation shall count toward the proposed buffer. Evergreen plants shall be used to meet this requirement.
9. The site shall have direct access to either a collector or arterial street.
10. 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 collector or arterial street. An area on the site shall be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up onto any public or private right-of-way or easement. This area shall be designated to handle the anticipated traffic.
11. The requirements of Chapter 4, Section 4.1.19, Manufacturing/processing uses, shall be applicable to any ore processing facility associated with mining operations.

(Ord. No. 979, 4-27-09)

Sec. 4.1.30 - Golf courses.

Due to the potential hazard of collisions between aircraft and birds, golf courses shall meet the following requirements

1. No portion of a golf course shall be located within five thousand (5,000) feet of the outermost boundaries of a parcel whereupon is situated a primary surface to which an instance of an Aviation Corridor Overlay is oriented, and which serves only propeller-driven aircraft not exceeding twelve thousand five hundred (12,500) pounds gross weight.
2. No portion of a golf course shall be located within ten thousand (10,000) feet of the outermost boundaries of a parcel whereupon is situated a primary surface to which an instance of an Aviation Corridor Overlay is oriented, and which serves propeller-driven aircraft exceeding twelve thousand five hundred (12,500) pounds gross weight and/or jet aircraft.

(Ord. No. 1018, 2-22-10)

Sec. 4.1.31 - Livestock production.

Due to the potential hazard of collisions between aircraft and birds, livestock production facilities shall meet the following requirements:

1. No portion of a livestock production facility shall be located within five thousand (5,000) feet of the outermost boundaries of a parcel whereupon is situated a primary surface to which an instance of an Aviation Corridor Overlay is oriented, and which serves only propeller-driven aircraft not exceeding twelve thousand five hundred (12,500) pounds gross weight.
2. No portion of a livestock production facility shall be located within ten thousand (10,000) feet of the outermost boundaries of a parcel whereupon is situated a primary surface to which an instance of an Aviation Corridor Overlay is oriented, and which serves propeller-driven aircraft exceeding twelve thousand five hundred (12,500) pounds gross weight and/or jet aircraft.

(Ord. No. 1018, 2-22-10)

Sec. 4.1.32. - Wastewater treatment facilities.

Due to the potential hazard of collisions between aircraft and birds, waste treatment facilities shall meet the following requirements:

1. No portion of a wastewater treatment facility shall be located within five thousand (5,000) feet of the outermost boundaries of a parcel whereupon is situated a primary surface to which an instance of an Aviation Corridor Overlay is oriented, and which serves only propeller-driven aircraft not exceeding twelve thousand five hundred (12,500) pounds gross weight.
2. No portion of a wastewater treatment facility shall be located within ten thousand (10,000) feet of the outermost boundaries of a parcel whereupon is situated a primary surface to which an instance of an Aviation Corridor Overlay is oriented, and which serves propeller-driven aircraft exceeding twelve thousand five hundred (12,500) pounds gross weight and/or jet aircraft.

(Ord. No. 1018, 2-22-10)

Section - 4.1.33 Temporary employee housing.

For temporary employee housing, the following conditions must be met:

1. Total acreage of the development to exceed seventy-five (75) acres.
2. Housing is for employees and not for public use.
3. Housing to be temporary and employee stay not to exceed more than one (1) year.

4. Housing acreage not to exceed five percent (5%) of the total acreage.
5. Temporary employees to stay in temporary housing not to exceed ten percent (10%) of the employees employed on the site, with the maximum number not to exceed forty (40) employees employed on site.
6. Temporary housing to comply with the section 5.5, Accessory building setback requirements.
7. Housing to be built to current adopted International Building Code.
8. Housing structures to be located in the temporary housing area is not to exceed two (2) stories and four (4) total buildings.
9. Emergency access from public streets to be provided to the location of the temporary housing. Streets and/or driveways located on the company property are to be maintained by the company. Must meet the requirements of the International Fire Codes as to the design and capabilities of the road surface and the widths, radii, and other design criteria. If they are gated, they will need to meet the Lancaster County ordinance related to gated communities. The residential access should not go through the industrial area. If there is an emergency—fire, leak, spill, or the like—the residential component needs to have independent access/exit from the property.
10. Temporary housing to be subject to fire marshal inspection.
11. A minimum of a two hundred foot (200') separation distance is required between the housing and industrial structure.
12. Subject to review and approval by the Lancaster County Development Review Committee.

(Ord. No. 1223, § 2, 9-9-2013)

Section 4.2 - Purpose for special exceptions.

Due to the nature and potential impact of uses listed in this section, the board of zoning appeals shall call for and conduct a public hearing on any application to establish such a use in the county, having given at least 15 days notice of time and place of the hearing in a newspaper of general circulation in Lancaster County. Variances from these minimum requirements should not be approved unless the applicant can demonstrate a hardship would occur if the ordinance is applied to the site as written.

Section 4.2.1 - Automotive wrecking, and/or junk, and/or salvage yards.

Due to the environmental consequences and potential negative impact, unregulated open storage of junk or salvage material shall be restricted to junk and salvage yards, as defined by this ordinance, and shall meet the following requirements:

1. Such uses shall be located no closer than 2,640 feet to any residential zoning district, religious institution, school, historical place, public park, or day care center, or 1,320 feet to an existing residential use not in a residential zoning district (a residential structure on the site is exempt from this requirement).
2. No material which 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 with an opaque vegetative buffer yard equal to a Type 4 Buffer yard as defined in Chapter 12. The buffer yard shall contain plants which, when mature, shall buffer all parts of the site from public view. All plants used for the buffer yard shall be evergreens.
6. This use shall comply with the regulations of section 4.1.11 of this ordinance.

Section 4.2.2 - Adult uses.

It is the purpose of this section to regulate adult entertainment establishments to promote the health, safety, and general welfare of the citizens of the county. It is also the purpose of this ordinance to establish reasonable and uniform regulations to prevent the future incompatible location and concentration of adult establishments within the county. The provisions of this section have neither the purpose nor effect of imposing any limitations or restrictions on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict access by adults to sexually oriented entertainment or materials protected by the First Amendment, or to deny the distributors and exhibitors of sexually oriented entertainment access to their intended market. Neither is it the intent or effect of this section to condone or legitimize the observance of adult entertainment or the distribution of sexually oriented material.

Section 4.2.2.1 - Classifications.

Adult entertainment uses and establishments include, but are not limited to, adult arcades, adult bookstores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, adult video stores, escort motels, escort services, and sexual encounter centers, as defined in Chapter 19, Definitions, of this ordinance, and any other establishment which contains activities characterized by the performance, depiction, or description of specific anatomical areas or specific sexual activities.

Section 4.2.2.2 - Location.

Measurements of distance separation shall be as described in section 4.1.1 with no consideration given to intervening structures, roads, or land forms.

1. Adult establishments shall not be located closer than 2,640 feet from any:
   a. Residential zoning district or structure used as a residence at time of the application for a special exception permit;
   b. Religious institution;
   c. Day care center;
   d. Public or private educational facility;
   e. Public library, playground, park, recreation facility, or other public facility;
   f. Other adult establishment that provides adult entertainment or engages in the sale or rental of adult material as one of their principal business purposes;
   g. Designated commercial, office, or industrial park.
2. No more than one (1) adult establishment shall be located on a parcel or in the same building, structure or portion thereof.
3. No other principal or accessory use shall occupy the same parcel, building, structure, or portion thereof with any adult establishment.

Section 4.2.3 - Construction, demolition, and land clearing debris landfills.

Use as a class two Landfill shall be permitted to operate in the county by both the county board of zoning appeals and SCDHEC and shall meet the following requirements:

1. *Reserved.*
2. Unless otherwise approved by the county, the site for a new class two landfill or expansion of an existing class two landfill shall meet the following standards:
   a. The boundary of the fill area shall not be located within one thousand (1,000) feet of any residence, school, daycare center, church, hospital, or publicly owned recreational park area unless such features are included in the site design for a planned end use or otherwise approved by the county. The determination whether the new class two landfill or expansion of an existing class two landfill meets this requirement shall be made as of the date the use permit is requested.
   b. The boundary of the fill area shall not be located within one hundred (100) feet of any property line. An exemption may be issued by the county upon receipt of written approval from adjacent property owners.
   c. The boundary of the fill area shall not be located within two hundred (200) feet of any surface water that holds visible water for greater than six (6) consecutive months, excluding drainage ditches, sedimentation ponds and other operational features on the site.
   d. Waste material shall not be placed on or within any property rights-of-way or within fifty (50) feet of underground or above ground utility equipment or structures, such as water lines, sewer lines, storm drains, telephone lines, electric lines, and natural gas lines, without the written approval of the impacted utility.
3. Use as a class two landfill shall be located on a parcel containing a minimum of one hundred (150) fifty acres.
4. 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.
5. All materials and activities shall be screened in such fashion as to substantially minimize visual contact between adjacent uses and to create a strong impression of spatial separation through the use of a Type 4 Buffer yard.
6. The site shall be restored and revegetated on completion of use as a landfill.
7. The parcel shall have direct access via road frontage to a collector street. Access road/easements shall maintain a minimum travel surface of eighteen (18) feet and have a width of thirty (30) feet at the entrance intersection with a collector street, so as to accommodate truck traffic.
8. Reserved.

(Ord. No. 1073, § 3, 12-29-10)

Section 4.2.4 - Reserved.

Editor's note— Ord. No. 979, adopted April 27, 2009, repealed former section 4.2.4 in its entirety which pertained to mining and extraction operations and derived from Ord. No. 309, adopted Sept. 28, 1998.

Section 4.2.5 - Motorized race and testing tracks.

Motorized race and testing tracks are declared by this ordinance to be incompatible with residential development. Additionally, such uses have the potential of negatively impacting many nonresidential uses. As a result, all such uses shall meet the following requirements:

1. No such use shall be located within one (1) mile of any residential use.
2. A Type 4 buffer yard shall be provided along all property lines which are adjacent to the racing/testing track and/or parking areas.
3. The site shall have direct access to either a collector or arterial street.

Section 4.2.6 - Pistol, rifle or skeet range.

All such uses shall meet the following requirements:

1. No such use shall be located within one (1) mile from any residential use, church, school or day care facility.
2. The use shall be oriented away from inhabited areas.
3. The site upon which the use is proposed shall be suitable in size and topography to insure the safety of area residents.
4. The range shall have a natural earth embankment a minimum of 10 feet in height placed behind all targets within the shooting range.
5. The hours of operation shall be as follows:

   Monday through Saturday: 9:00 a.m. until sunset.

   Sunday 1:30 p.m. until 6:00 p.m. or as stated on a request for a special event as outlined below.

   Up to two times per calendar year, such businesses may be permitted to operate prior to 1:30 p.m. on Sundays for special events (i.e. state tournament). If such a business wants to hold a special event which would require the business to open before 1:30 p.m. on Sundays, the owner shall submit a written request to the planning director. This request shall include the name of the business, the business address, name of owner, what would be opening and closing time, and the date of the event. Additionally, the owner shall submit a list of all adjacent property owners so each can be sent a notice of which Sunday the business will open during hours other than between 1:30 p.m. and 6:00 p.m. Accompanying this list shall be an addressed, stamped envelope for each person on the list of adjacent property owners. Such businesses shall only be permitted to hold two special events per calendar year which require them to operate prior to 1:30 p.m. on Sunday.

   The hours of operation listed in this subsection are the maximum hours such an operation shall be allowed to operate. During the special exception process, if the board of zoning appeals determines the surrounding conditions warrant more restrictive hours of operation, the board shall have the right to set such hours of operation.

(Ord. No. 323, 2-1-99; Ord. No. 470, 11-26-01)

Section 4.2.7 - Sanitary landfills.

Due to consideration for the public health and safety and potential pollution to the environment

resulting from class three landfills, any such use shall meet the following requirements:

1. *Reserved.*
2. *Reserved.*
3. New class three landfills and class three landfill expansions shall meet the following buffer zone requirements:
   a. The boundary of the fill area shall not be located within five thousand two hundred eighty (5,280) feet of any residence, day-care center, church, school, hospital or publicly owned recreational park area unless such features are included in the site design for a planned end use or otherwise approved by the county. The determination whether the new class three landfill or expansion of an existing class three landfill meets this requirement shall be made as of the date the use permit is requested.
   b. The boundary of the fill area shall not be located within two (200) hundred feet of any property line not under control of the owner or operator.
   c. The boundary of the fill area shall not be located within two hundred (200) feet of any surface water that holds visible water for greater than six (6) consecutive months, excluding ditches, sediment ponds, and other operational features on the site.
   d. Waste material shall not be placed on or within any property rights-of-way or within fifty (50) feet of underground or above ground utility equipment or structures, such as water lines, sewer lines, storm drains, telephone lines, electric lines, and natural gas lines, without the written approval of the impacted utility.
4. The new class three landfill or class three landfill expansion shall be located on a parcel containing a minimum of two hundred fifty (250) acres.
5. *Reserved.*
6. A drainage and sedimentation plan showing all off-site runoff shall accompany the request.
7. The site shall have direct access to either a collector or arterial street. Access roads/easements shall maintain a minimum travel surface of eighteen (18) feet and have a width of thirty (30) feet at the entrance intersection with a collector or arterial street, so as to accommodate truck traffic.
8. The facility shall be screened in such a fashion as not to be visible from off-site. A Type 4 Buffer yard, as defined in Chapter 12, shall be installed to meet this requirement. All plants used to meet this requirement shall be evergreens of sufficient size to accomplish buffering and screening at the time of installation.
9. No waste materials capable of being blown from the site shall remain uncovered or unsecured at the end of a work day.
10. The site shall be restored and revegetated on completion of use as a class three landfill.
11. All applicable permits shall be obtained from SCDHEC and any other permitting agency and all the agency regulations shall be followed.
12. *Reserved.*
13. Owners or operators of new class three landfills, existing class three landfills and expansions of existing class three landfills must meet the following airport safety requirements:
    a.

For landfills that are located within ten thousand (10,000) feet (3,048 meters) of the end of any airport runway used by turbojet aircraft or within five thousand (5,000) feet (1,524 meters) of the end of any airport runway used only by piston-type aircraft, the owner or operator of the landfill must demonstrate the landfill is designed and operated so that the landfill does not pose a bird threat to aircraft.

b. If the new class three landfill or the expansion of an existing class three landfill is proposed to be sited within a six (6) miles radius of the end of any airport runway used by turbojet or piston-type aircraft, the owner or operator must notify the affected airport and the Federal Aviation Administration.
c. The owner or operator must place the demonstration required by subsection 13.a. above in the operating record and notify the SCDHEC that it has been place in the operating record.
d. As used in this section:
   (1) *Airport* means a public use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities; and
   (2) *Bird hazard* means an increase in the likelihood of bird and aircraft collisions that may cause damage to the aircraft or injury to its occupants.

(Ord. No. 1001, § 2, 11-2-09; Ord. No. 1073, § 4, 12-29-10; Ord. No. 1086, § 1, 5-23-11)

Section 4.2.8 - Solid waste storage and transfer facilities, waste tire treatment sites, and composting facilities.

All solid waste transfer facilities must meet the following requirements unless otherwise approved by the county:

1. *Reserved.*
2. *Reserved.*
3. The active waste handling area of a transfer facility shall not be located within one hundred (100) feet of any property line. The active waste handling area of a transfer facility shall not be located within two hundred (200) feet of any residence, school, hospital or recreational park area.
4. The solid waste transfer facility shall be located on a parcel containing a minimum of five (5) acres.
5. A Type 4 Buffer yard shall be installed along all property boundaries. All plants used to meet this requirement shall be evergreens.
6. 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 nonflammable material.
7. The site shall be maintained free of litter and all other undesirable materials, and shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present.
8. Space shall be provided on site for vehicles to circulate, park, and deposit materials and solid waste.
9. All applicable permits shall be obtained from the SCDHEC and any other permitting agency

and all the agency regulations shall be followed.

10. The solid waste transfer facility shall have direct access to either a collector or arterial 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 collector or arterial street, so as to accommodate truck traffic.
11. *Reserved.*
12. *Reserved.*
13. *Reserved.*

(Ord. No. 1018, 2-22-10; Ord. No. 1073, § 5, 12-29-10)

Section 4.2.9 - Special events.

1. In deciding whether a permit for a special event should be denied for any reason specified in Chapter 6, Permit Approval, of this ordinance, or in deciding what additional conditions to impose, the board of zoning appeals shall ensure that the special event meets the following requirements:
   a. The hours of operation allowed shall be compatible with the uses adjacent to the activity;
   b. The amount of noise generated shall not disrupt the activities of adjacent land uses;
   c. The applicants shall guarantee that all litter generated by the special event be removed at no expense to the county;
   d. The parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property.
2. In cases where it is deemed necessary, the building and zoning department shall require the applicant to post a bond to ensure compliance with the conditions of the special exception permit.
3. If the applicant requests the county to provide extraordinary services or equipment, or if the county otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the county a fee sufficient to reimburse the county for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

Section 4.2.10 - Video game machine establishments.

The placement or location of a video game machine establishment shall meet the following criteria:

1. No such establishment shall be located within 300 feet of another video game machine establishment.
2. No such video game machine establishment shall be permitted within 1,320 feet of any religious institution, residential zoning district, day care center, public or private educational facility, public library, playground, park recreational facility or other public facility.
3. No other principal or accessory use shall occupy the same parcel, building, structure, or portion thereof with any such establishment.
4. No more than one (1) such establishment shall be located on a parcel or in the same building,

structure or portion thereof.

(Ord. No. 453, 10-1-01)

Section 4.2.11. - Turkey shoots.

1. No firing point may be located less than 200 feet in any direction from any property line.
2. The minimum distance from any firing point, measured in the direction of fire to the nearest property line, may not be less than 300 feet or 300 yards from a dwelling, school, church, or other occupied building, park or recreation area or any other type of public gathering place, whichever is greater. A turkey shoot, operated by a recognized gun club, meeting the standards as recommended by the National Rifle Association or an equally recognized firearms safety authority for the type of caliber of firearms being fired, are exempt from the above requirements.
3. The property where the turkey shoot is located must be fenced, posted or otherwise restricted so that access to the site is controlled to insure the safety of contestants, spectators and the public at large.
4. Operating hours for turkey shoots located within or immediately adjacent to residentially zoned areas is restricted to the hours of between 12:00 p.m. and 11:00 p.m. Friday and Saturday.
5. A special event on Thanksgiving Thursday and Sunday shall be allowed from 2:00 to 7:00 p.m.
6. A permit for a turkey shoot will be valid only for the months of October, November and December of the year in which it is issued.
7. The equivalent of two off-street parking spaces per firing point must be provided. Use should be oriented away from inhabited areas.
8. The site should have sufficient pellet restraints placed behind each target.
9. The site should be suitable in size.

(Ord. No. 470, 11-26-01)

Section 4.2.12 - Solid waste processing facilities.

All solid waste processing facilities must meet the following requirements unless otherwise approved by the county:

1. Solid waste processing facilities shall be adjacent to or have direct access to roads which are of all weather construction and capable of withstanding anticipated load limits.
2. No solid waste processing unit shall extend closer than one hundred (100) feet to any property line.
3. The active waste handling area of a solid waste processing facility shall not extend closer than two hundred (200) feet to residences, schools, hospitals and recreational park areas.
4. The solid waste processing facility shall be located on a parcel containing a minimum of five (5) acres.
5. A Type 4 Buffer yard shall be installed along all property boundaries. All plants used to meet this requirement shall be evergreens.
6. 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 nonflammable material.
7.

The site shall be maintained free of litter and all other undesirable materials, and shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present.

8. Space shall be provided on site for vehicles to circulate, park, and deposit materials and solid waste.
9. All applicable permits shall be obtained from the SCDHEC and any other permitting agency and all the agency regulations shall be followed.
10. Solid waste processing facilities shall have direct access to either a collector or arterial street. Access roads and easements shall maintain a minimum travel surface of eighteen (18) feet and have a width of thirty (30) feet at the entrance intersection with a collector or arterial street, so as to accommodate truck traffic.

(Ord. No. 1073, § 6, 12-29-10)

Section 4.2.13 - Waste tires processing facilities (recycling).

All waste tire processing facilities must meet the following requirements unless otherwise approved by the county:

1. Waste tires processing facilities shall be adjacent to or have direct access to roads which are of all weather construction and capable of withstanding anticipated load limits.
2. No waste tires processing unit shall extend closer than one hundred (100) feet to any property line.
3. The active waste handling area of a waste tires processing facility shall not extend closer than two hundred (200) feet to residences, schools, hospitals and recreational park areas.
4. The waste tires processing facility shall be located on a parcel containing a minimum of five (5) acres.
5. A Type 4 Buffer yard shall be installed along all property boundaries. All plants used to meet this requirement shall be evergreens.
6. 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 nonflammable material.
7. The site shall be maintained free of litter and all other undesirable materials, and shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present.
8. Space shall be provided on site for vehicles to circulate, park, and deposit materials and solid waste.
9. All applicable permits shall be obtained from the SCDHEC and any other permitting agency and all the agency regulations shall be followed.
10. Waste tires processing facilities shall have direct access to either a collector or arterial street. Access roads and easements shall maintain a minimum travel surface of eighteen (18) feet and have a width of thirty (30) feet at the entrance intersection with a collector or arterial street, so as to accommodate truck traffic.

(Ord. No. 1073, § 7, 12-29-10)

Section 4.2.14 - Composting facilities.

All composting facilities must meet the following requirements unless otherwise approved by the county:

1. Composting facilities shall be adjacent to or have direct access to roads which are of all weather construction and capable of withstanding anticipated load limits.
2. A fifty-foot minimium [minimum] buffer shall be required between all property lines and compost pad or storage area.
3. A two hundred-foot minimum buffer shall be required between compost pad or storage area and residences or dwellings.
4. The composting facility shall be located on a parcel containing a minimum of five (5) acres.
5. A Type 4 Buffer yard shall be installed along all property boundaries. All plants used to meet this requirement shall be evergreens.
6. All exterior storage of materials, other than yard waste, 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 nonflammable material.
7. The site shall be maintained free of litter and all other undesirable materials, and shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present.
8. Space shall be provided on site for vehicles to circulate, park, and deposit materials and solid waste.
9. All applicable permits shall be obtained from the SCDHEC and any other permitting agency and all the agency regulations shall be followed.
10. Composting facilities shall have direct access to either a collector or arterial street. Access roads and easements shall maintain a minimum travel surface of eighteen (18) feet and have a width of thirty (30) feet at the entrance intersection with a collector or arterial street, so as to accommodate truck traffic.

(Ord. No. 1073, § 8, 12-29-10)

Section 4.2.15 - Paintball ranges.

For paintball ranges, the following conditions apply:

1. The tract of land must be at least five (5.0) acres.
2. The paintball range may operate only on the following days during the specified hours: Friday and Saturday between the hours of 9:00 a.m. and 6:00 p.m. and on Sunday between the hours of 1:00 p.m. and 7:00 p.m.
3. A minimum fifty-foot landscape buffer must be provided and maintained by the property owner along the property perimeters. Existing trees and vegetation may be used to help provide the required landscape buffers. In areas that have no existing buffering, the applicant must install a Type 1 Buffer (see UDO, chapter 12, for plantings only).
4. The applicant shall obtain permits and comply with all applicable requirements of the South Carolina Department of Health and Environmental Control. The applicant shall provide adequate potable water and sanitary sewer for the public.
5. No loud speakers or call systems which are audible from an adjacent property right-of-way

shall be used on the property.

6. The applicant shall submit a site plan with the application for the special exception permit.
7. Except for security lighting, the recreation area must not be lighted.
8. Approval is limited to the site plan submitted with the application for the special exception permit. Any expansion of the use, including, but not limited to, additional structures or uses, that is not consistent with the site plan submitted with the application will require the approval of an amendment to the special exception permit.
9. The requirements for signs contained in chapter 10 of the UDO apply.
10. The requirements for parking contained in chapter 11 of the UDO apply.
11. The County reserves the right to impose additional requirements that are not listed for safety purposes.

(Ord. No. 1153, § 2, 7-9-2012)

CHAPTER 5. - DENSITY AND DIMENSIONAL REGULATIONS

Section 5.1 - Minimum lot size requirements.

1. Subject to subsection 2., all lots in the following zones shall have a minimum of the amount of square footage indicated in the following table:

Zone	Minimum Square Feet on Central Water and Sewer
R-45B	43,560
R-45A	43,560
R-45	43,560
R-30D	29,040
R-30P	29,040
R-30S	29,040
R-30	29,040
R-15P	29,040
R-15D	14,520
R-15S	14,520
R-15	14,520
MF	14,520

B-1	3,000
B-2	5,000
B-3	7,000
B-4	7,000
I-1	No Minimum
I-2	No Minimum
If served by well and/or septic tanks, SCDHEC regulations shall determine area of lot(s). However, if SCDHEC regulations allow the area of a lot or lots to be smaller than what is required by this table then the minimums established by this table shall apply.	

2. The minimum lot sizes set forth in this section are permissible only if and to the extent that adequate water and sewer facilities are or can be made available to serve every lot.
3. Public utility companies shall be exempt from the minimum lot area and width requirements if the lot being created is to be used for a use which does not require bathroom facilities and/or water service to be extended to the site. The structure(s) placed on these parcels shall be required to meet all applicable setback requirements. A Type I buffer yard shall be installed around the entire perimeter of the property.

(Ord. No. 323, 2-1-99; Ord. No. 696, 10-3-05)

Section 5.2 - Residential density.

1. In areas which are zoned R-15 and R-30 and where both water and sewer services are available and adequate, any subdivision shall comply with the following requirements:

Zone	Minimum Square Footage per Dwelling Units If Central Water & Sewer Is Not Available	Minimum Square Footage per Dwelling Units If Central Water & Sewer Is Available
R-45B	43,560	43,560
R-45A	43,560	43,560
R-45	43,560	43,560
R-30D	29,040	29,040

R-30P	29,040	29,040
R-30S	29,040	29,040
R-30	29,040	10,000*
R-15D	29,040	29,040
R-15P	29,040	29,040
R-15S	29,040	29,040
R-15	29,040	10,000*
MF	5,445**	5,445**
B-1	3,000**	3,000**
B-2	5,000**	5,000**
B-3	7,000**	7,000**
B-4	7,000**	7,000**
I-1	7,000**	7,000**
I-2	7,000**	7,000**

*See subsection 4.

**See Section 4.1.21.

2. Two-family conversions and primary residences with an accessory apartment.
   a. Two-family conversions and primary residences with an accessory apartment shall be allowed only on lots having at least one hundred fifty (150) percent of the minimum square footage required for a lot in the district where the property is located. With respect to multifamily conversions into three (3) or four (4) dwelling units, the minimum lot size shall be two hundred (200) percent and two hundred fifty (250) percent respectively of the minimum required for one (1) dwelling unit.
   b. *Primary residence with accessory apartment* shall mean a secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot. The secondary dwelling unit shall be developed in accordance with the standards set forth in the

(local code) and only in those zoning districts where the use is permitted. The accessory dwelling unit cannot be more than 25 percent of the gross floor area of the primary residence. There shall only be one accessory apartment allowed per lot.

3. The lot size requirements established in this section are based on whether adequate water and sewer facilities are available (See the chart, above). The lots sizes set forth in this section are permissible only when adequate water and sewer facilities are or shall be made available to serve the proposed density in accordance with the provisions of the utilities chapter [Ch. 15] of this appendix.
4. In areas which are zoned R-15 or R-30 and where both central water and sewer services are available and adequate, or in areas zoned R-15D or R-15S, where both central water and sewer services are available and adequate and the proposed subdivision is to be constructed with either site-built or modular homes, any subdivision shall comply with the following requirements:
   a. *Density:* The maximum density is two and one-half (2.5) dwelling units per acre. The total number of dwelling units allowed on the site shall be based on the gross acreage of the site. For example, a one hundred-acre parcel of land shall be allowed to have two hundred fifty (250) dwelling units built on the site.
   b. *Lot size:* Minimum standard lot size is ten thousand (10,000) square feet.
   c. *Lot width and setback requirements:* If the square footage of the lot contains at least twenty-nine thousand forty (29,040) square feet, then the requirements for front, side and rear yards shall be the same as those contained in Chapter 5, Density and Dimensional Regulations, based on how the property is zoned.

   If the square footage of the lot is at least ten thousand (10,000) square feet but less than twenty-nine thousand forty (29,040) square feet, then the following setback requirements shall apply:

Lot width:	70 feet
Front yard:	30 feet
Side yard:	10 feet

However, the side yard requirement may be reduced to zero (0) provided the following conditions are met:

(1) A windowless wall is placed on one side property line and the total side yard requirement is provided on the opposite side property line. For example, if a lot is sixty (60) feet in width, then a twelve-foot side yard would be required to be placed on the opposite property line from where the windowless wall is placed.

(2) The structure shall not encroach upon or be placed on the side yard property line adjacent to a street.

(3)

Whenever a structure is located within four (4) feet of a side property line, a perpetual easement for wall and roof maintenance shall be provided on the adjacent lot. The minimum width of this maintenance access shall be four (4) feet. This easement shall be incorporated into each deed.

(4) Zero lot line development is only allowed in subdivisions where all of the lots shall use this technique.

Rear Yard, Principle Structure:	45 feet
Rear Yard, Accessory Structure:	10 feet

   d. *Open space:* At least sixty-five (65) percent of each lot shall not be covered by impervious surfaces.
   e. *From external streets:* The minimum setback from external streets shall be same as is prescribed in the underlying zoning district.
   f. *Between buildings:* The minimum distance between any two (2) buildings within this type of development shall be governed by the Standard Building Code. However, the director of emergency preparedness shall approve the fire protection measures for any development where the principal buildings are separated by less than twenty (20) feet.
5. Failure to achieve any of these provisions shall be sufficient reason for the planning commission to disapprove the subdivision request.

(Ord. No. 323, 2-1-99; Ord. No. 400, 4-8-02; Ord. No. 529, 2-3-03; Ord. No. 696, 10-3-05; Ord. No. 748, 5-1-06; Ord. No. 981, 4-27-09)

Section 5.3 - Minimum lot widths.

1. No lot shall be created that is so narrow or otherwise so irregularly shaped that it would be impractical to construct on it a building that:
   a. Could be used for purposes that are permissible in that zoning district;
   b. Could satisfy any applicable setback requirements for that district.
2. The lot width shall be measured along a straight line connecting the points at which a line that demarcates the required setback from the street intersects with lot boundaries lines at opposite sides of the lot.
3. No lot created after the effective date of this ordinance shall contain less land or be smaller in width than the minimum lot area and width established by this section.

Public utility companies shall be exempt from the minimum lot area and width requirements if the lot being created is to be used for a use which does not require bathroom facilities and/or water service to be extended to the site. The structure(s) placed on these parcels shall be required to meet all applicable setback requirements. A Type I buffer yard shall be installed around the entire perimeter of the property.

Zone	Lot Width on Central Sewer	Lot Width on Septic Tank

R-45B	120	130
R-45A	120	130
R-45	120	130
R-30D	100	130
R-30P	130	130
R-30S	100	130
R-30	100	130
R-15D	90	N/A
R-15P	130	130
R-15S	90	N/A
R-15	90	N/A
MF	90	130
B-1	60	130
B-2	60	130
B-3	60	130
B-4	60	130
I-1	60	130
I-2	60	130

(Ord. No. 323, 2-1-99; Ord. No. 696, 10-3-05)

Section 5.4 - Principal building setback requirements.

1. Subject to sections 5.5 and 5.6 and the other provisions of this section, no portion of any building shall be located on any lot closer to any lot line or to a street than is authorized in the table set for the below.
   a.

If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the street setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the street setback shall be measured from the street centerline.

   b. As used in this section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.

2. Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.
3. Setback distances shall be measured from the property line or street right-of-way or easement line to the nearest portion of any building, excluding:
   a. Any step, eave, gutter, canopy, or similar fixture;
   b. A deck or patio if no portion of the same extends more than twselve [twelve] (12) inches off the ground;
   c. Any structure that is a mere appendage to a building, e.g., a flagpole.
   d. Any heating or air conditioning unit, so long as such unit is located as close as reasonably possible to the wall of the building it serves.

PRINCIPAL BUILDING SETBACK REQUIREMENTS

Zone	Minimum Distance (Ft.)			
	Street Row Line**	Street Center Line**	Side Yard**	Rear Yard**
R-45B	40	70	20	25
R-45A	40	70	20	25
R-45	40	70	20	25
R-30D	40	70	20	25
R-30P	40	70	20	25
R-30S	40	70	20	25
R-30	40	70	20	25
R-15D	35	65	10	25
R-15P	40	70	20	25

R-15S	35	65	10	25
R-15	35	65	10	25
MF	40	70	25*	25*
B-1	25***	55	10*	10*
B-2	25***	55	10*	10*
B-3	75***	105	15*	15*
B-4	25***	55	15*	15*
I-1	40	70	25*	25*
I-2	50	80	35*	35*

*For any multiple-family or nonresidential structure which is located immediately adjacent to a single family residential use or district, the lot boundary line minimum distance shall be determined as follows: For ever foot of building height, the developer shall provide setbacks equal to the height of the building. At no time shall the setback be less than what is indicated in the above table.

**See Section 16.15, Setbacks From Streams Outside Designated Floodplains, and Section 10.14, Location and Height Requirements (Signs).

****The front setback in the B-3, General Commercial District, may be reduced from 75 feet to 25 feet and in the B-1, Business/Office District, B-2, Community Business District and B-4, Restricted Commercial District, may be reduced from 25 feet to 20 feet only if certain conditions are met. For the list of conditions which must be met to reduce the front setback in any commercial district, see subsection 5 of this section of the Ordinance. If these conditions cannot be met or the property owner does not want to meet these requirements, then the front setback shall be 75 feet in the B-3 District, and 25 feet in B-1, B-2 and B-4 Districts.

4. The following modifications shall apply, where applicable:
   a. Where more than one (1) main building or structure is to be located on a lot, the required setback shall be maintained around the group of buildings.
   b. Where a lot fronts on any corner lot shall provide front yard setbacks only along the property line where the principal access to the building located on the parcel is oriented.
   c. Notwithstanding the front yard setback 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 four hundred (400) feet of the proposed use.
   d.

Commercial condominium projects are allowed to share interior property lines; provided that twenty-foot setbacks shall be required on the end units; further provided that such projects (buildings) shall not exceed six hundred (600) feet parallel to the street providing principal access.

   e. For townhouses, there shall be no minimum between units, but a setback equal to the height of the building (minimum twenty-five (25) feet) shall be required between the end unit and the external property line, and between buildings on the project site. No more than six (6) units may be attached.
   f. For multi-family and attached single-family dwellings, a twenty-five-foot setback shall be required between buildings on the project site.
   g. Where a lot fronts on two nonintersecting streets, a front yard setback requirement shall be provided on the street/road which is considered to have the higher street classification. On the lower classified street, the front yard shall be considered a rear yard. In this area, the rear yard setback requirement shall be one-half (½) the required front setback requirement.
5. In order to reduce the front setback requirement in the B-3, General Commercial District, from 75 feet to 25 feet and in the B-1, Business/Office District, B-2, Community Business District and B-4, Restricted Commercial District, from 25 feet to 20, the following conditions shall be met.
   a. All parking shall be located to the sides and the rear of the building. Parking shall not be permitted in the front twenty-five-foot setback area (the area between the building and the adjacent street frontage). On corner lots, front yard setback requirements will be required on both streets. In both of these areas no parking will be allowed. The developer will submit to the building and zoning department a site plan with the proposed setback plan. The developer must submit a plan that shows a consistent setback for the entire development. The setbacks on internal/private roads within a commercial development will have no setback requirements.
   b. No blank walls shall be allowed to front any adjoining street. To meet this requirement, a minimum of sixty (60) percent of the total square footage of any faade [facade] which fronts an adjoining street shall contain either windows or entryways. At a minimum, at least one entryway shall be provided along the street frontage to each commercial or office use located in the building. Windows and doors shall contain clear, transparent glass. All doors which are adjacent to the street frontage shall be made of at least fifty (50) percent clear, transparent glass. No window or door shall be horizontally separated by more than fifteen (15) feet from the nearest other window or door located on the same faade [facade] which is visible from the adjacent street.
   c. A planting strip which is a minimum of ten (10) feet in width shall be installed immediately adjacent to the road right-of-way. The planting strip can be located within the front twenty-five-foot setback. This planting strip shall contain at least one (1) non-ornamental tree every forty (40) feet or one (1) ornamental tree every twenty-five (25) feet. This spacing requirement for non-ornamental trees is greater than the spacing requirement for these same type of trees contained in Chapter 12, Landscaping Requirements, as a means to help create a traditional, small town commercial district appearance and feel. In addition, six (6) small shrubs shall be planted between each of the trees planted to meet this requirement.
   d.

A sidewalk that is at least six (6) feet in width shall be provided in each of the following locations: 1) between the building and the adjoining street frontage, 2) between the building and the parking area located to the rear of the building and 3) along both sides of all internal streets. All sidewalks shall be constructed using brick, brick panels, concrete or some other similar type of material. Where outdoor seating for restaurants, etc. will occupy part of a public sidewalk, there shall be a minimum of six (6) feet of clearance for adequate pedestrian passing.

e. Signage requirements for this type of development shall follow the signage requirements contained in Chapter 10, Signs, with one exception. The exception is one (1) sign shall be allowed on the side of the building facing the street frontage and one (1) sign shall be allowed between the building and the parking area. These signs can only be wall signs, shall be the same size and the size shall be determined as outlined in section 10.10. Maximum sign surface area for other than freestanding signs.

(Ord. No. 323, 2-1-99; Ord. No. 454, 10-1-01; Ord. No. 696, 10-3-05; Ord. No. 746, 5-1-06; Ord. No. 861, 11-5-07; Ord. No. 930, 7-7-08)

FIGURE 1

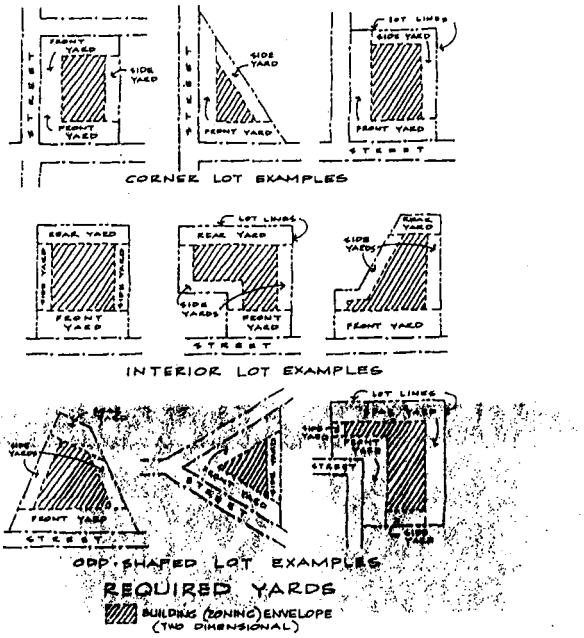
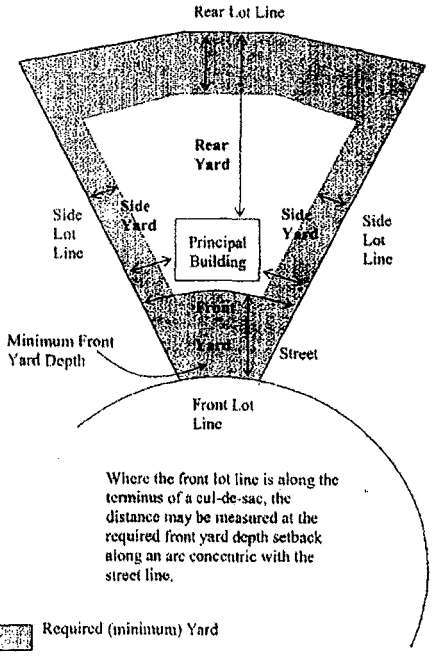


ILLUSTRATION OF LOT FRONTAGE MEASUREMENT ON CUL-DE-SAC

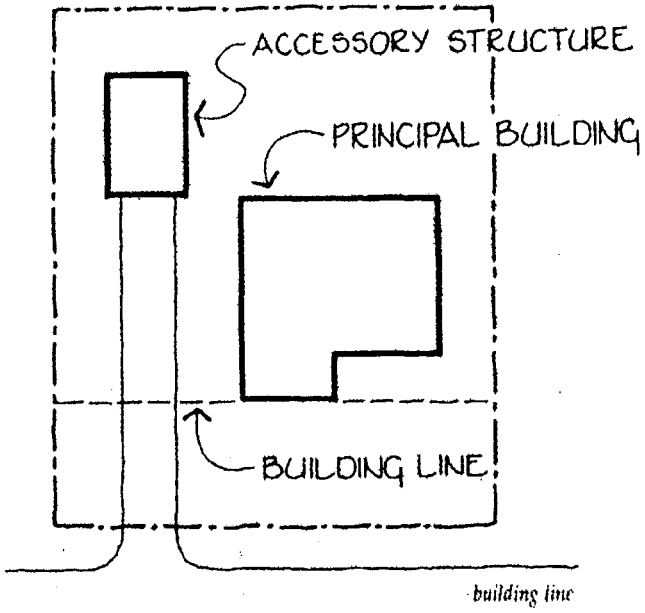


Section 5.5 - Accessory building setback requirements.

1. Subject to the remaining provisions of this section, accessory buildings shall be required to comply with the setback standards set forth in section 5.4.

2. Accessory buildings in residential districts shall either be located entirely behind the front of the principal building, or no closer than one hundred (100) feet from the right-of-way or easement line of the street. If a lot has frontage on more than one (1) street, no accessory building shall be located between a street and the wall line of the principal building that faces that street. For accessory structures which are in excess of fifteen (15) feet in height or six hundred (600) square feet in gross floor area, see subsection (6).
3. Accessory buildings in residential districts, subject to subsection (2) shall not be allowed within five (5) feet of a rear or side boundary line.
4. Barns and structures housing livestock and the keeping of swine or fowl regardless of the type of enclosure shall be located a minimum of one hundred (100) feet from the nearest property line.
5. Off-street parking spaces shall be a minimum of five (5) feet from the nearest property line.
6. Accessory buildings or structures in excess of fifteen (15) feet in height or six hundred (600) square feet in gross floor areas, satellite dishes, ham radio towers and domestic kennels and pens shall observe the following minimum setback requirements.
   a. *Front:* Must be located entirely behind the front of the principal buildings, or no closer than one hundred (100) feet from the right of-way or easement line of a street. If a lot has frontage on more than one (1) street, no accessory building shall be located between a street and the wall line of the principal building that faces that street.
   b. *Side and rear yards:* The same as is required for a principal building located in that particular zoning district.
7. Uses that are accessory to the principal structure such as swimming pools (in ground and above), hot tubs, temporary or permanent, shall observe the same setback requirements as the principal use regardless of the size or type. The only exception to this requirement is that the rear setback for these types of structures shall be ten (10) feet instead of twenty-five (25) feet.

(Ord. No. 323, 2-1-99; Ord. No. 554, 7-7-03; Ord. No. 746, 5-1-06; Ord. No. 747, 5-1-06; Ord. No. 872, 12-3-07)



Acessory Building Setback

Section 5.6 - Building height limitations.

1. For purposes of this section:
   a. Subject to subsection 1.b., the height of a building shall be the vertical distance between the average mean elevation of the finished grade at the front of the building and the highest part of the structure, but not including skylights, and roof structures for elevators, stairways, tanks, heating ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building.
   b.

With respect to single-family detached residences, the height of a building shall be the vertical distance between the average mean elevation of the finished grade at the front of the building and the highest part of the structure, but not including skylights, and roof structures for elevators, stairways, tanks, heating ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building.

   c. A point of access to a roof shall be the top of any parapet wall or the lowest point of a roofs surface, whichever is greater. Roofs with slopes greater than 75 percent are regarded as walls.
2. Subject to the remaining provisions of this section, building and structure height limitations in the various zoning districts shall be as follows:

Zone	Maximum Height (see subsection (4))
B-3	50 feet
I-2	60 feet
All other districts	35 feet

3. The following features are exempt from the district height limitations set forth in subsection 2.:
   a. Chimneys, church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage (but parapets and similar structural appendages shall not be exempt);
   b. Flagpoles and similar devices;
   c. Towers and antennas (to the extent such uses are allowed in the Table of Permissible Uses) and excluding wireless communication towers.
   d. Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices.
4. Notwithstanding subsection (2), in any zoning district the vertical distance from the ground to a point of access to a roof surface of any building shall not exceed 35 feet unless the building and zoning official certifies to the permit-issuing authority, after consultation with the director of emergency preparedness, that such building is designed to provide adequate access for fire fighting personnel or the building is otherwise designed or equipped to provide adequate protection against the dangers of fire. In the B-3 and I-2 Districts, the height limitations shall be followed unless the building and zoning official certifies to the permit issuing authority, after consultation with the director of emergency preparedness that the structure is designed to provide adequate access for fire fighting personnel or such building is designed or is equipped to provide adequate protection against the dangers of fire, or that such building is served by an internal fire service organization.
5. The height limits contained in the Airport Overlay District may apply additional height limitations to a specific piece of property. Check the regulations in Chapter 2, Zoning Districts and zoning map, of the unified development ordinance and with the building and zoning department to determine how these regulations apply to a specific piece of property.

(Ord. No. 1004, 11-30-09)

Section 5.7 - Density on lots where portion dedicated to county.

1. Subject to the other provisions of this section, if any portion of a tract lies within an area that the county would like to acquire or have dedicated as part of a proposed school site, public park, greenway, other open space area, or public right-of-way and before the tract is developed, the owner of the tract, with the concurrence of the county, dedicates to the county or the state that portion of the tract that lies within such an area, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder shall be developed shall be calculated in accordance with the provisions of this section.
2. If the proposed use of the remainder is a single-family detached residential subdivision, then the lots in such subdivision may be reduced by up to 25 percent except that the developer need not set aside open space to the extent that an equivalent amount of land has previously been dedicated to the county in accordance with subsection 1.
3. If the proposed use of the remainder is a two-family or multifamily project, then the permissible density at which the remainder shall be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.
4. If the portion of the tract that remains after dedication as provided in subsection 1. is divided in such a way that the resultant parcels are intended for future subdivision or development, then each of the resultant parcels shall be entitled to its pro rata share of the "density bonus" provided for in subsections 2. and 3.

Section 5.8 - Impervious surface standards.

1. 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 measured 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.
2. 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 "black topping" is declared by this ordinance to be an unacceptable practice.
3. The following uses shall be limited in the amount of on-site impervious surface areas to the prescribed ratios:

Proposed Use	Percent Total Lot/Site Area
Residential	55
Commercial/business	80
Industrial/warehousing/storage	80
Institutional	65

Section 5.9 - 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 the subject parcel contains a minimum lot area of one acre regardless of the zoning district in which it is located.

Institutional buildings

Industrial buildings

Multi-family dwellings

Commercial buildings

Planned development projects

Manufactured home parks in accord with section 13.13

Manufactured homes in accord with section 4.1.12

Section 5.10 - FAA notice requirements.

The owner of any parcel whereupon the construction, erection, or alteration of any existing or proposed building or structure that exceeds two hundred (200) feet above ground level shall comply with the provisions of 14CFR77 subpart B by filing a Notice of Construction or Alteration with the Federal Aviation Administration (FAA).

(Ord. No. 1024, 4-12-10)

CHAPTER 6. - PERMIT APPROVAL

Section 6.1 - Zoning, special exception, and sign permits.

Section 6.1.1 - Permits required.

The use made of property shall not be substantially changed, excavation shall not be commenced, and buildings or other substantial structures shall not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits:

1. Zoning permit issued by the building and zoning department.
2. Sign permit issued by the building and zoning department.
3. Special exception permit issued by the board of zoning appeals.

Zoning permits, sign permits, and special exception permits are issued under this ordinance in respect to plans submitted by the applicant that demonstrate compliance with the ordinance provisions contained herein. Such plans as are finally approved are incorporated into any permit issued in reliance thereon, and all development shall occur strictly in accordance with such approved plans.

A zoning permit, sign permit, or special exception permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-

issuing authority. It shall be the responsibility of the applicant and/or agent to comply with all other federal, state, and local laws that pertain to the development authorized by permit under this ordinance.

Section 6.1.2 - No occupancy, use, or sale of lots until requirements fulfilled.

Issuance of a zoning permit, sign permit, or special exception permit authorizes the recipient to commence the activity resulting in a change in use of the land or, subject to obtaining a building permit or other permits or approvals required by law, to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures. However, except as provided in sections 6.1.7.1 and 6.1.8.6, the intended use shall not be commenced and no building shall be occupied until the recipient has complied with all of the requirements of this ordinance and all additional requirements imposed pursuant to the issuance of a zoning permit, sign permit, special exception permit or building permit.

Section 6.1.3 - Who may submit permit applications.

1. Applications for zoning permits, sign permits, or special exception permits shall be accepted only from persons having the legal authority to take action in accordance with the permit approval. By way of illustration, this means that applications shall be filed by the owner of the property, his agent (with written consent of the property owner), lessees of the property or their agent (with written consent of the property owner), or persons who have contracted to purchase the property contingent upon their ability to acquire the necessary permits under this ordinance and with consent of the property owner or the agent of such persons (who shall make application in the name of such owners, lessees, or contract vendees and with the written consent of the property owner).
2. Every application for a permit under Chapter 6 shall be signed by the property owner or his agent, and the permit issuing authority may require an applicant to submit evidence of his authority to submit the application in accordance with subsection 1.

Section 6.1.4 - Applications to be complete.

1. All applications for zoning permits, sign permits, or special exception permits shall be complete before the permit issuing authority is required to consider the application.
2. Subject to subsection 3., an application is complete when it contains all of the information that is necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this ordinance.
3. In this ordinance, detailed or technical design requirements and construction specifications relating to various types of improvements may be set forth in one or more of the chapters of this ordinance or may be specified in the regulations of other state or local agencies (e.g., South Carolina Department of Transportation). It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with these technical specifications, so long as the plans provide sufficient information to allow the permit-issuing authority to evaluate the application in the light of the substantive requirements set forth in the text of this ordinance. However, whenever a certain element of a development is required to be constructed in accordance with such technical specifications or whenever it reasonably appears to the permit-issuing authority that such construction drawings are necessary to demonstrate that construction details will comply with plans submitted and approved as part of the permit-issuing process, then no construction work on such element may be commenced until detailed

construction drawings have been submitted to and approved by the permit issuing authority. A description of the construction plan submittal and approval process is provided in section 6.2. Failure to comply with the requirements set forth herein shall result in permit revocation, or other penalty as provided in the Chapter 7, Enforcement and Review, of this ordinance.

4. The presumption established by this ordinance is that all of the information set forth in Chapter 20 is necessary to satisfy the requirement of subsection (2). However, it is recognized that each development is unique, and therefore the permit-issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. For applications submitted to the Board of Zoning Appeals, the applicant shall rely in the first instance on the recommendations of the planning department as to whether more or less information than that set forth in Chapter 20 should be submitted.
5. The permit-issuing authority shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In cases where a minimal amount of information is necessary to enable the permit issuing authority to determine compliance with this ordinance, such as applications for zoning permits to construct single-family houses or duplexes, or applications for sign permits, or building permits the permit issuing authority shall develop standard forms that shall expedite the submission of the necessary plans and other required information.

Section 6.1.5 - Staff consultation before formal application.

To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this ordinance, pre-application consultation between the developer and the permit-issuing authority is recommended as provided in this section.

Section 6.1.6 - Staff consultation after application submitted.

Upon receipt of a formal application for a zoning permit or special exception permit, the planning department or building and zoning department shall review the application and confer with the applicant to ensure that he understands the staff's interpretation of the applicable requirements of this ordinance, that he has submitted all of the information required under this ordinance, and that the application represents precisely and clearly what he proposes to do.

Section 6.1.7 - Zoning permits.

1. A completed application form for a zoning permit shall be submitted to the building and zoning department by filing a copy of the application with the building and zoning department.
2. The building and zoning department shall issue the zoning permit unless it finds, after reviewing the application and consulting with the applicant, that:
   a. The requested permit is not within its jurisdiction according to the Table of Permissible Uses; or
   b. The application is incomplete; or
   c. If completed as proposed in the application, the development will not comply with one or more requirements of this ordinance (not including those requirements for which a variance has been granted or those the applicant is not required to comply with under the circumstances specified in Chapter 9, Nonconforming Situations, of this ordinance).

Section 6.1.7.1 - Authorizing use or occupancy before completion of development under zoning permit.

In cases when, because of weather conditions or other factors beyond the control of the zoning permit recipient, it would be unreasonable to require the zoning permit recipient to comply with all of the requirements of this ordinance (exclusive of health and safety-related requirements) prior to commencing the intended use of the property or occupying any buildings, the building and zoning official may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this ordinance are concerned) if the permit recipient provides a performance bond or other security satisfactory to the building and zoning official to ensure that all of the requirements of this ordinance will be fulfilled within a reasonable period (not to exceed six (6) months) determined by the building and zoning official.

Section 6.1.8 - Special exception permits. (Also see Section 8.2.4)

1. An application for a special exception permit shall be submitted to the board of zoning appeals by filing a copy of the application with the planning department.
2. The board of zoning appeals shall issue the requested permit unless it concludes, based upon the information submitted at the hearing, that:
   a. The requested permit is not within its jurisdiction according to the Table of Permissible Uses; or
   b. The application is incomplete; or
   c. If completed as proposed in the application, the development will not comply with one or more requirements of this ordinance (not including those the applicant is not required to comply with under the circumstances specified in Chapter 9, Nonconforming Situations, of this ordinance); or
   d. If completed as proposed, the development:
      i. Will materially endanger the public health or safety; or
      ii. Will substantially injure the value of neighboring property (except that if the board concludes that the use is a public necessity, a finding that it will injure the value of neighboring property shall not preclude the board from issuing the permit); or
      iii. Will not be in compliance with the general plan for the physical development of the county, as embodied in this ordinance or other plans or policies officially adopted by the county council.

Section 6.1.8.1 - Burden of presenting evidence; burden of persuasion.

1. The burden of presenting a complete application (as described in section 6.1.4) to the board of zoning appeals shall be upon the applicant. However, unless the Board informs the applicant at the hearing in what way the application is incomplete and offers the applicant an opportunity to complete the application (either at that meeting or at a continuation hearing) the application shall be presumed to be complete.
2. The burden of persuasion on the issue of whether the application should be turned down for any of the reasons set forth in section 6.1.8 rests on the party or parties urging that the requested permit be denied, unless the information presented by the applicant in his application and at the public hearing is sufficient to conclude that a reason exists for denying the application as provided in section 6.1.8 [2. (a. c. or d)].
3. The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this ordinance remains at all times on the applicant.

Section 6.1.8.2 - Recommendations on special exception permit applications.

1. When presented to the board of zoning appeals at the hearing, the application for a special exception permit shall be accompanied by a report setting forth the planning department's findings concerning the application's compliance with section 6.1.4 (Application to be complete) and the other requirements of this ordinance, as well as any staff recommendations for additional requirements to be imposed by the board of zoning appeals.
2. If the staff makes finding or conclusion that the application fails to comply with section 6.1.4 or any other requirements of this ordinance, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.

Section 6.1.8.3 - Board of zoning appeals action on special exception permit applications.

In considering whether to approve an application for a special exception permit, the board of zoning appeals shall proceed according to the following format:

1. The board shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete) then this shall be taken as an affirmative finding by the board that the application is complete.
2. The board shall consider whether the application complies with all of the applicable requirements of this ordinance. If a motion to this effect passes, the board need not make further findings concerning such requirements. If such a motion fails or is not made then a motion shall be made that the application fails to comply with one or more of the requirements of this ordinance. Such a motion shall specify the particular requirements the application fails to meet. Separate votes shall be taken with respect to each requirement not met by the application. It shall be conclusively presumed that the application complies with all requirements not found by the Board to be unsatisfied through this process.
3. If the board concludes that the application fails to comply with one or more requirements of this ordinance, the application shall be denied. If the board concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in section 6.1.8. Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.

Section 6.1.8.4 - Additional requirements on special exception permits.

1. Subject to subsection 2., in granting a special exception permit, the board of zoning appeals shall attach to the permit such reasonable requirements in addition to those specified in this ordinance as shall ensure that the development in its proposed location:
   a. Shall not endanger the public health or safety;
   b. Shall not injure the value of adjacent or abutting property;
   c. Shall be in harmony with the area in which it is located;
   d. Shall be in conformity with the plan for the physical development of the county, as embodied in this ordinance or other policies or plans officially adopted by the county council.
2. The board shall not attach additional conditions that modify or alter the specific requirements set forth in this ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.
3. Without limiting the foregoing, the board may attach to a permit a condition limiting the permit to a specified duration.

4. All additional conditions or requirements shall be entered on the permit.
5. All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this ordinance.

Section 6.1.8.5 - Reconsideration of action.

Whenever the board of zoning appeals disapproves an application for a special exception permit or the board of zoning appeals disapproves an application for a variance on any basis other than the failure of the applicant to submit a complete application, such action shall not be reconsidered by the board at a later time unless the applicant clearly demonstrates that:

a. Circumstances affecting the property that is the subject of the application have substantially changed; or
b. The application is changed in some substantial way; or
c. New information is available that could not with reasonable diligence have been presented at a previous hearing.

Section 6.1.8.6 - Authorizing use, occupancy, or sale before completion of development under special exception permit.

In cases when, because of weather conditions or other factors beyond the control of the special exception permit recipient (exclusive of financial hardship), it would be unreasonable to require the permit recipient to comply with all of the requirements of this ordinance (including any conditions imposed under section 6.1.8.4 and exclusive of safety-related requirements) before commencing the intended use of the property or occupying any buildings, the board of zoning appeals may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this ordinance are concerned) if the permit recipient provides a performance bond, letter of credit or other security satisfactory to the board to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed six (6) months).

Section 6.1.9 - Expiration of permits.

1. Zoning, sign and special exception permits shall expire automatically if six months after the issuance of such permits:
   a. The use authorized by such permits has not commenced.
   b. Less than ten percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site.
2. If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of one year, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of section 6.1.10.
3. The permit-issuing authority may extend for a period of up to one (1) year the date when a permit would otherwise expire pursuant to subsections (1) and (2) if it concludes that the permit has not yet expired, the permit recipient has proceeded with due diligence and in good faith, and conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods of up to one (1) year upon the same findings. All such extensions shall be granted without resorting to the formal processes and fees required for a new permit.
4.

For purposes of this section, a permit is issued when a copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant.

5. Notwithstanding any of the provisions of Chapter 9, Nonconforming Situations, of this ordinance, this section shall be applicable to permits issued prior to the effective date of this ordinance.

(Ord. No. 665, 5-2-05)

Section 6.1.10 - Effect of permits on successors and assigns.

Zoning, sign, and special exception permits authorize the permittee to make use of the land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:

1. No person (including successors or assigns of the person who obtained the permit) shall make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit;
2. The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time of the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued.

Section 6.1.11 - Amendments to and modifications of permits.

1. Subject to subsection (5), insignificant deviations from the permit (including approved plans) issued by the building and zoning department are permissible, and the building and zoning department shall authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
2. Subject to subsection (5), minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. Unless it is requested by the permit-issuing authority, no public hearing shall be required for such minor modification. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
3. Subject to subsection 5., all other requests for changes in approved plans shall be processed as new applications. These requests are required to be acted upon by the board of zoning appeals, and new conditions may be imposed in accordance with section 6.1.8.4.
4. The building and zoning department shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections 1., 2., and 3.
5. An applicant requesting a change in approved plans shall point out to the building and zoning department, specifically and in writing, what deviation or changes are requested. The building and zoning department shall respond in writing. No changes shall be authorized except in conformity with this section.

CHAPTER 7. - ENFORCEMENT AND REVIEW

Section 7.1 - Building and zoning department and planning department.

Section 7.1.1 - Building and zoning department.

The building and zoning department is hereby given the authority to administer and enforce all of the provisions of this ordinance pertaining to zoning as defined in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994. The building and zoning department shall accept and examine all applications for construction, land use or reuse, and shall issue building, zoning, and sign permits where such applications are in accordance with the provisions of this ordinance and applicable building codes. The building and zoning department shall provide direction to parties in conflict with this ordinance, be required to keep records and files of any and all matters referred to it, and shall prepare any and all reports as county council may require.

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

Section 7.1.2 - Planning department.

The planning department is hereby given the authority to administer and enforce all the provisions of this ordinance pertaining to land development and subdivisions of land as defined in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994. The Planning Department shall accept and examine all applications for subdivision sketch, preliminary, and final plat approval; rezonings; text amendments; and zoning appeals issues where such applications are in accordance with the provisions of this ordinance.

Section 7.2 - Complaints regarding violations.

Whenever the building and zoning department receives a written and signed complaint, or observes a violation of this ordinance, it shall take whatever action is warranted.

Written and signed complaints received by the building and zoning department shall be confidential. However, such complaints may be made available to the property owner against whom the complaint was filed upon written request after a determination by the building and zoning department that the complaint was without merit.

(Ord. No. 323, 2-1-99)

Section 7.3 - Persons liable.

The owner of any building or land or part thereof who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Section 7.4 - Procedures upon discovery of violations.

1. If the building and zoning department finds that any provision of this ordinance is being violated, it shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the building and zoning department's discretion.

2. The final written notice (and the initial written notice may be the final notice) shall state what action the building and zoning department intends to take if the violation is not corrected and shall advise that the building and zoning department's decision or order may be appealed to the board of zoning appeals or the construction board of appeals as provided in the Chapter 8, Administrative Mechanisms, of this ordinance.
3. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety, or welfare, the building and zoning department may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in section 7.5.

Section 7.5 - Penalties and remedies for violations.

1. Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special exception permits, and violations of stop work orders, shall constitute a misdemeanor, punishable as provided by state law.
2. Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special exception permits, shall also subject the offender to a fine and/or imprisonment as provided for in section 1-10 of the Lancaster County Code of Ordinances.
3. This ordinance may also be enforced by any appropriate equitable action.
4. Each day that any violation continues after notification by the building and zoning department that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
5. Any combination of the foregoing penalties and remedies may be used to enforce this ordinance.

(Ord. No. 664, 5-2-05; Ord. No. 846, 9-10-07)

Section 7.6 - Permit revocation.

1. A zoning, sign, or special exception permit may be revoked by the permit-issuing authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this ordinance, or any additional requirements lawfully imposed by the board of zoning appeals or the construction board of appeals, or if it appears that any portion of the application submitted to obtain such permit or approval, or any representation made by the applicant or his agents, was false or misleading.
2. Before a special exception permit may be revoked, all of the notice and hearing and other requirements of Chapter 8, Administrative Mechanisms, of this ordinance shall be followed. The notice shall inform the permit recipient of the alleged grounds for the revocation.
   a. The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any of the reasons set forth in subsection 1. shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.
   b. A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
3.

Before a zoning or sign permit may be revoked, the building and zoning department shall give the permit recipient ten days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Building and Zoning Department shall provide to the permittee a written statement of the decision and the reasons therefore.

4. No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, or special exception permit after such permit has been revoked in accordance with this section.

Section 7.7 - Judicial review.

1. Every decision of the board of zoning appeals granting or denying a special exception permit and every final decision of the board of zoning appeals shall be subject to review by the circuit court of Lancaster County by proceedings in the nature of certiorari.
2. Any petition for a writ of certiorari shall be filed with the Lancaster County clerk of court within 30 days after a written copy of the board's decision has been filed in the planning department, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such a copy with the secretary or chairperson of the board at the time of its hearing of the case, whichever is later. The decision of the board may be delivered to the aggrieved party either by personal service or by certified mail return receipt requested.
3. A copy of the petition for the writ of certiorari shall be served upon the county.

Section 7.8 - Stop work orders.

1. Whenever the building and zoning official determines that a person is engaged in doing work that constitutes, creates, or results in a violation of this ordinance and that substantial injury will occur if the violation is not terminated immediately, the building and zoning official may order the specific part of the work that constitutes, creates, or results in a violation of this ordinance to be immediately stopped.
2. A stop work order issued under this section shall be in writing, directed to the person doing the work and shall state the specific work to be stopped, the specific reasons therefore, and the conditions under which the work may be resumed. A copy of the stop work order shall also be sent forthwith to the owner of the property where the work is taking place and the developer, if different from the owner.
3. Any person aggrieved by the issuance of a stop work order may appeal the issuance of the order to the board of zoning appeals pursuant to Chapter 8, Administrative Mechanisms, of this ordinance. However, an appeal shall not stay the operation of the stop work order except as provided in subsection 4. of this section.
4. The board of zoning appeals shall meet and act upon the appeal within 30 days after receipt of the appeal notice. If the board fails to comply with this requirement, the stop work order shall be stayed automatically beginning on the day following the expiration of this 30 day period, and the stay shall remain in effect until the Board of Zoning Appeals meets and acts on the appeal.
5. The notice of hearing requirements set forth in Chapter 8, Administrative Mechanisms, of this ordinance shall not apply to appeals of stop work orders. However, the staff shall orally notify the appellant of the date, time, and place of the hearing as soon as it has been scheduled and shall send to the appellant a written confirmation of this notice as soon as possible.
6.

Neither the person upon whom a stop work order is served nor an owner or developer served with a copy under subsection 2. may thereafter cause, suffer, or permit a violation of the order while it remains in effect, except during a period in which the operation of the order is stayed under subsection 4.

CHAPTER 8. - ADMINISTRATIVE MECHANISMS

Section 8.1 - Board of zoning appeals.

Section 8.1.1 - Appointment and terms of the board of zoning appeals.

(a) The Lancaster County Board of Zoning Appeals shall be composed of seven (7) members appointed by the county council. One (1) member shall be appointed from each of the seven (7) county council districts, upon recommendation of the council member elected from that district. The board member must reside in the district for which the board member is appointed.

(b) (1) The term of office for all board members is four (4) years. All terms end on June 30. A person who has served two (2) consecutive terms on the board is ineligible for appointment for an additional term unless a period at least two (2) years has elapsed since the expiration of the person's last term; provided, however, upon a two-thirds (2/3) vote of the county council members, a person may be reappointed to the board notwithstanding the term limitation. Time served in filling a vacancy is not included in the term limitation. Members serve until their successors are appointed and qualified. Vacancies must be filled for the unexpired term in the same manner as the original appointment.

(2) A member of the board who misses three (3) consecutive meetings of the board during any fiscal year or a total of five (5) meetings in any fiscal year vacates the office to which the member is appointed. The vacancy in the office exists as of the end of the meeting missed by the member that triggers the vacancy and the vacancy shall be filled in the same manner as other vacancies. When a vacancy occurs pursuant to this item, the board chair or the planning director shall notify the clerk to council in writing as soon as possible.

(3) Any member of the board may be removed at any time by county council for cause.

(c) All members serve without compensation, but may be reimbursed for actual expenses and mileage pursuant to county policy after approval by the board chair and the county administrator.

(d) (1) The budget, if any, for the board shall be included in the budget for the planning department, unless otherwise provided by county council.

(2) Expenditures of money by the board, if any, are subject to the purchasing rules and financial procedures of the county as adopted by the county council.

(3) The county shall include the board in the annual independent audit of the financial records of the county.

(4) The board is subject to the county personnel policies including wage and salary guidelines.

(e) Within one (1) year of the member's appointment and at such other times as may be required by county council, the member shall attend a training session provided by the county on the topics of fiduciary duties, county fiscal and personnel policies, and other responsibilities and duties of a board member.

(Ord. No. 1013, § 4.A, 5-3-10)

Section 8.1.2 - Rules and procedures.

The board shall adopt rules and procedures. The board shall elect the chairperson from among its members; meetings of the board shall be held at the call of the chairperson and at such other times as the board shall determine; and four members of the board shall constitute a quorum. 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 secretary to the board and shall be a public record. The decisions of the board shall be by resolution, which 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, 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 8.1.2.1 - Rules of procedure.

Section 8.1.2.1.1 - Rules.

These rules of procedure are adopted pursuant to S.C. Code § 6-29-790 for the Lancaster County Board of Zoning Appeals which consists of seven (7) members appointed by the Lancaster County Council.

Section 8.1.2.1.2 - Officers.

The officers of the board shall be a chairman and vice-chairman elected for one year terms. The yearly election of officers shall be held at the July meeting. The board shall appoint a member of the planning staff as secretary of the board.

(Ord. No. 603, 4-5-04)

Section 8.1.2.1.3 - Chairman.

The chairman shall be a voting member of the board and shall:

a. Call meetings of the board;
b. Preside at meetings and hearings; and swear in witnesses;
c. Act as spokesperson for the board;
d. Sign documents for the board;
e. Have orders of the board served on parties; and
f. Perform other duties approved by the board.

Section 8.1.2.1.4. - Vice-chairman.

The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

Section 8.1.2.1.5 - Secretary.

[The secretary of the board shall perform the following duties and functions:]

a. Provide and publish notice of appeals and meetings;
b. Assist the chairman in preparation of agenda;
c. See that property involved in appeals for variances or special exceptions is properly posted;

d. Keep recordings and minutes of meetings and hearings;
e. Maintain board records as public records;
f. Serve board decisions on parties;
g. Attend to board correspondence; and
h. Perform other duties normally carried out by a secretary.

Section 8.1.2.2 - Meeting.

Section 8.1.2.2.1 - Time and place.

An annual schedule of regular meetings shall be adopted, published and posted at the office of the Lancaster County Planning Department in December of each year. Special meetings may be called by the chairman upon 24 hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place and time stated in the notices, and shall be open to the public.

(Ord. No. 368, 2-28-00; Ord. No. 748, 5-1-06)

Section 8.1.2.2.2 - Agenda.

A written agenda shall be furnished by the secretary to each member of the board and news media, and shall be posted at least five days prior to each regular meeting, and at least 24 hours prior to a special meeting. Items may be removed or postponed at a meeting by majority vote.

Section 8.1.2.2.3 - Quorum.

A majority of the members of the board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

Section 8.1.2.2.4 - Rules of order.

Robert's rules of order shall govern the conduct of meetings except as otherwise provided by the rules of procedure.

Section 8.1.2.2.5 - Voting.

A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, give it to the chairman in writing, have it placed in the minutes, and refrain from deliberating or voting on the question.

Section 8.1.2.2.6 - Conduct.

Except for public hearings, no person shall speak at a board meeting unless invited to do so by the board.

Section 8.1.2.3 - Appeals procedure.

Section 8.1.2.3.1 - Form of appeal.

Appeals from administrative decisions, applications for variances, and applications for special exceptions shall be filed on forms approved by the board and provided to applicants by the secretary. The board may require additional information deemed necessary. The failure to submit adequate information may be grounds for dismissal. An application filed by an agent shall be accompanied by written designation of the agent signed by the applicant or party in interest.

Section 8.1.2.3.2 - Time for appeal.

An appeal from an administrative decision must be filed within 15 days after actual notice of the decision by delivery of the approved appeal form to the secretary of the board who shall notify the official appealed form.

Section 8.1.2.3.3 - Reserved.
Section 8.1.2.3.4 - Calendar.

Appeals and applications shall be marked with the date of receipt and placed on the hearing calendar in the order in which received. Appeals shall be heard in the order on the calendar unless otherwise set by the board for good cause shown.

Section 8.1.2.3.5 - Withdrawal of appeal.

Any appeal or application may be withdrawn by written notice delivered to the secretary prior to action by the board. An appeal from an administrative decision which is withdrawn may not be refiled after the fifteen (15) day time for appeal has expired. Withdrawn applications for variances and special exceptions may be refiled after six (6) months and shall be placed on the calendar according to the date refiled.

Section 8.1.2.3.6 - Continuances.

The hearing of an appeal or application may be continued one time by the board for good cause shown.

Section 8.1.2.3.7 - Notice.

Public notice of a hearing of the board shall be published in a local newspaper of general circulation throughout the county and posted on or adjacent to the property affected at least 15 days prior to the hearing. The notice in the newspaper shall contain a brief description of each matter to be heard, identify the applicant and property affected, and indicate the time and place of the hearing. The notice on the property shall contain information as to where any interested person may obtain detailed information regarding the application. Additionally, the county planning department shall notify all property owners located immediately adjacent to the affected property. This notice shall be by first-class mail and shall contain a description of the matter to be heard, identify the applicant and the affected property, and indicate the time and place of the hearing. Immediately adjacent property owners shall mean those persons who own land which physically touches the affected property or is separated from the affected property by any type of right-of-way, easement or water body (i.e. a river, creek, stream or lake), etc.

(Ord. No. 363, 1-31-00)

Section 8.1.2.4 - Hearing procedure.
Section 8.1.2.4.1 - Appearances.

The applicant or any party in interest may appear in person or by agent or attorney. The Board may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of an applicant.

Section 8.1.2.4.2 - Witnesses.

Anyone giving testimony before the board of zoning appeals shall present testimony under oath. Witnesses may be compelled to attend by subpoena requested at least ten (10) days prior to a hearing and signed by the chairman. The board may call its own witnesses when deemed appropriate.

(Ord. No. 369, 2-28-00)

Section 8.1.2.4.3 - Cross-examination.

No party shall have the right to cross-examine witnesses; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly manner. Intimidation of witnesses will not be allowed.

Section 8.1.2.4.4 - Evidence.

Relevant documents, photographs, maps, plans, drawings, etc., will be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative or hearsay will be received. The chairman will rule on all evidentiary matters. Evidence may be placed in the record with an objection noted.

Section 8.1.2.4.5 - Conduct of hearing.

All testimony given before the board shall be given under oath. The normal order of hearing, subject to modification by the chairman, shall be:

a. Statement of matter to be heard (chairman or secretary);
b. Presentation by applicant (five-minute limit);
c. Presentation by official appealed (five-minute limit);
d. Presentation by proponents (five-minute limit);
e. Rebuttal by applicant (five-minute limit);
f. Public comment when appropriate;
g. The board may question participants at any point in the hearing;
h. Matters in which additional time is granted may be moved to the end of the agenda.

(Ord. No. 369, 2-28-00)

Section 8.1.2.4.6 - Oath to be administered by the chairman.

Would the (applicant)/(county representative) please step forward and state your name. Please raise your right hand. Do you _____ solemnly affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Section 8.1.2.4.7 - Disposition.

The board may deliberate and make a final disposition of a matter by majority vote of members present at the hearing and qualified to vote; provided that not less than a quorum are qualified to vote. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which the member has not heard. Deliberations shall be conducted and voting shall be in public.

Section 8.1.2.4.8 - Form of order.

An order shall be issued disposing of a matter by granting or denying relief with such conditions as may be deemed necessary; or affirming, modifying, or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. Findings of fact and conclusions of law shall be separately stated in an order.

Section 8.1.2.4.9 - Service of order.

The secretary shall deliver a copy of an order to each party in interest by certified mail within thirty (30) calendar days after the decision of the board is rendered.

(Ord. No. 1037, 6-7-10)

Section 8.1.2.4.10 - Rehearing.

The board may grant a rehearing of an application which has been dismissed or denied upon written request filed with the secretary within fifteen (15) days after delivery of the order accompanied by new evidence which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.

Section 8.1.2.5 - Records.
Section 8.1.2.5.1 - Minutes.

The secretary shall record all meetings and hearings of the board electronically which shall be preserved in accordance with the records retention schedule as promulgated by the South Carolina Department of Archives and History and as adopted by Lancaster County. The secretary shall prepare minutes of each meeting for approval by the board at the next regular meeting. Minutes shall be maintained as public records.

(Ord. No. 1256, § 1, 2-10-2014)

Section 8.1.2.5.2 - Orders and documents.

The secretary shall assist in the preparation and service of all orders of the board in appropriate form. Copies of all notices, correspondence, documentary evidence, orders and forms shall be maintained as public records.

Section 8.1.2.5.3 - Reserved.

Editor's note— Ord. No. 1013, § 4.B, adopted May 3, 2010, repealed former § 8.1.2.5.3 in its entirety which pertained to attendance at board meetings and derived from Ord. No. 309, adopted Sept. 28, 1998.

Section 8.1.2.6 - Adoption.

These rules were adopted by vote of a majority of the members of the board at a regular public meeting on April 20, 1998. These rules may be amended at any regular meeting of the board by majority vote of the members of the board at least seven (7) days after the written amendment is delivered to all members.

Section 8.1.3 - 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 8.2 - Appeals from text and map interpretations, and for variances and special exceptions.
Section 8.2.1 - Appeal from text interpretation.

1. An appeal from any final order or decision of the building and zoning department shall be taken to the board of zoning appeals by any person aggrieved. An appeal is taken by filing with the planning department a written notice of appeal specifying the grounds therefore. When delivered to the planning department, a notice of appeal shall be considered filed and the date and time of filing shall be entered on the notice.

2. An appeal shall be filed within 15 days following the date of the decision or order appealed.
3. Whenever an appeal is filed, the planning department shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action is appealed.
4. An appeal stays all actions by the building and zoning department seeking enforcement of or compliance with the order or decision appealed from, unless the building and zoning department certifies to the board of zoning appeals that (because of facts stated in the certificate) a stay would, in its opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the board of zoning appeals or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the building and zoning department.
5. The board of zoning appeals shall reverse or affirm (wholly or partly) or shall modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the case before it. To this end, the board shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board, in the execution of its duties for which it was appointed, may subpoena witnesses in the case of contempt.

Section 8.2.2 - Appeal from zoning map interpretations.

1. As the result of an appeal, the board of zoning appeals is authorized to interpret the official zoning map and to vote upon disputed questions of district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the building and zoning department, it shall be handled as provided in section 8.2.1.
2. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:
   a. Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;
   b. Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries;
   c. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines;
   d. Where a district boundary divides a lot or where distances are not specifically indicated on the official zoning map, the boundary shall be determined by measurements, using the scale of the official zoning map;
   e. Where any street or alley is hereafter officially vacated or abandoned, the regulation applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

Section 8.2.3 - Appeal for variance.

1. An application for a variance shall be submitted to the board of zoning appeals by filing a copy of the application with the planning department. Applications shall be handled in the same manner as applications for special exception permits in conformity with the provisions of Chapter 6, Permit Approval, of this ordinance.
2. A variance may be granted by the board of zoning appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:
   a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

b. These conditions do not generally apply to other property in the vicinity;
c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this ordinance or the comprehensive plan;
e. The board shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically nonconforming use of land, or to change the district boundaries shown on the official zoning map.

3. In exercising the previously listed powers, the board of zoning appeals may, in conformity with the provisions of this ordinance, 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.
4. In granting variances, the board of zoning appeals may impose such reasonable conditions as will ensure that the use of the property to which the variance applies shall be as compatible as practicable with the surrounding properties.
5. A variance may be issued for either a specified duration or an indefinite duration.
6. The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit (or the zoning permit shall simply note the issuance of the variance and refer to the written record of the variance for further information). All such conditions are enforceable in the same manner as any other applicable requirement of this ordinance.

Section 8.2.4 - Appeal for special exception. (Also see Sections 6.1.8 through 6.1.8.6)

1. An appeal for a special exception shall be submitted to the board of zoning appeals by filing an application with the planning department. Applications shall be handled in the same manner as indicated in section 6.1.8.
2. The board of zoning 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:
   a. The relationship of the proposed use with respect to the county's comprehensive plan;
   b. 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;
   c. The impact of the proposed use on nearby property;
   d. 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.
3. In granting special exceptions, the board of zoning appeals may impose such reasonable conditions as will ensure that the use of the property to which the special exception applies will be as compatible as practicable with the surrounding properties.

4. The special exception and any conditions attached to it shall be entered on the face of the zoning permit (or the zoning permit shall note the issuance of a special exception and refer to the written record of the special exception for further information). All such conditions are enforceable in the same manner as any other applicable requirement of this ordinance.

Section 8.2.5 - Burden of proof in text and map appeals, variances, and special exceptions.

1. When an appeal is taken to the board of zoning appeals in accordance with section 8.2.1 or section 8.2.2, the board's staff shall have the initial burden of presenting to the board sufficient evidence and argument to justify the order or decision appealed. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.
2. The burden of presenting evidence sufficient to allow the board of zoning appeals to reach the conclusions set forth in sections 8.2.3 and 8.2.4, as well as the burden of persuasion on those issues, remains with the applicant making an appeal, requesting a variance, or seeking a special exception.

Section 8.2.6 - Board of zoning appeals action on text and map appeals, variances, and special exceptions.

1. With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings that support that motion.
2. Before granting a variance, the board must take a separate vote and vote affirmatively on each of the required findings stated in section 8.2.3. Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in section 8.2.3 shall include a statement of the specific reasons or findings of fact supporting such motion.
3. If the board votes to approve a request for a special exception, it approves the location of that specific use only on the property which is the subject of the application based on all of the conditions contained in section 8.2.4, as well as all the conditions attached to the request by the board at the public hearing when it considers the application.
4. A motion to deny a variance shall be made on the basis that any one or more of the criteria set forth in section 8.2.3 are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it.

Section 8.3 - Hearing procedures for appeals and applications.

All appeals and applications shall be subject to the public meeting requirements set forth in the rules of procedure for the Lancaster County board of zoning appeals. (See Section 8.1.2.1)

Section 8.4 - Decisions of the board of zoning 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 zoning appeals, the board shall inform in writing all the parties involved of its decision and the reasons therefor.

Section 8.5 - Appeals from decision of board of zoning appeals.

Any person who may have a substantial interest in any decision of the board of zoning 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 sent by certified mail to all interested parties.

Section 8.6 - Construction board of adjustment and appeals.

Section 8.6.1 - Appointments and terms of the construction board of adjustment and appeals.

(a) The construction board of adjustment and appeals shall be composed of seven (7) members appointed by the county council. Each council member shall recommend one (1) member to represent the respective council member's district; however, residency in the council member's district is not required. Board members should be individuals with knowledge and experience in the technical codes, such as design professionals, contractors, or building industry representatives. In addition to the regular members, there shall be two alternate members appointed by county council, one member-at-large from the building industry and one member-at-large from the public. A board member shall not act in a case in which he has a personal or financial interest.

(b) (1) The term of office for board members is four (4) years. All terms end on June 30. A person who has served two (2) consecutive terms on the board is ineligible for appointment for an additional term unless a period of at least two (2) years has elapsed since the expiration of the person's last term; provided, however, upon a two-thirds (2/3) vote of the county council members, a person may be reappointed to the board notwithstanding the term limitation. Time served in filling a vacancy is not included in the term limitation. Members serve until their successors are appointed and qualified. Vacancies must be filled for the unexpired term in the same manner as the original appointment.

(2) A member of the board who misses three (3) consecutive meetings of the board during any fiscal year or a total of five (5) meetings in any fiscal year vacates the office to which the member is appointed. The vacancy in the office exists as of the end of the meeting missed by the member that triggers the vacancy and the vacancy must be filled in the same manner as other vacancies. When a vacancy occurs pursuant to this item, the board chair or the chief administrative officer of the board shall notify the clerk to council in writing as soon as possible.

(3) Any member of the board may be removed at any time by county council for cause.

(c) A simple majority of the board shall constitute a quorum. In varying any provision of the applicable adopted code, the affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. In modifying a decision of the building official, not less than four (4) affirmative votes, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

(d) Each year, the board shall elect a chair and vice-chair. The building official shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

(e) All members serve without compensation, but may be reimbursed for actual expenses and mileage pursuant to county policy after approval by the board chair and the county administrator.

(f) Within one (1) year of the member's appointment and at such other times as may be required by county council, the member shall attend a training session provided by the county on the topics of fiduciary duties, county fiscal and personnel policies, and other responsibilities and duties of a board member.

(Ord. No. 1013, § 2.A, 5-3-10)

Section 8.6.2 - Appeals of decisions and interpretation of the building official.

The county construction board of adjustment and appeals shall have the power to hear appeals of decisions and interpretations of the building official. The owner of a building, structure, or service system, or his duly authorized agent may appeal a decision of the building official to the county construction board of adjustment and appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure, or service system.
2. The provisions of the applicable adopted code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of the applicable adopted code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

(Ord. No. 1013, § 2.B, 5-3-10)

Section 8.6.3 - Variances of the technical codes.

The county construction board of adjustment and appeals, when so appealed to and after a hearing, may vary the application of any provision of the applicable adopted code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following.

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by the applicable adopted code to other buildings, structures, or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of the applicable adopted code and will not be detrimental to the public health, safety and general welfare.

(Ord. No. 1013, § 2.C, 5-3-10)

Section 8.6.4 - Conditions of the variance.

In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with the applicable adopted code. Violation of the conditions of a variance shall be deemed a violation of the Code.

(Ord. No. 1013, § 2.D, 5-3-10)

Section 8.6.5 - Notice of appeal.

Notice of appeal shall be in writing and filed within thirty (30) calendar days after the decision is rendered by the building official. Appeals shall be in the form acceptable to the building official. In case of a building, structure or service system which, in the opinion of the building official is unsafe, unsanitary or dangerous, the building official may limit the time for such appeals to a shorter period.

Section 8.6.6 - Rules and procedures.

(a) The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of the applicable adopted code. The board shall meet at the call of the chair. The board shall meet within thirty (30) calendar days after notice of appeal has been received.
(b) The budget, if any, for the board shall be included in the budget for the department of building and zoning, unless otherwise provided by county council.
(c) Expenditures of money by the board, if any, are subject to the purchasing rules and financial procedures of the county as adopted by the county council.
(d) The county shall include the board in the annual independent audit of the financial records of the county.
(e) The board is subject to the county's personnel policies including wage and salary guidelines.

(Ord. No. 1013, § 2.E, 5-3-10)

Section 8.6.7 - Decisions of the construction board of adjustment and appeals.

The construction board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of the applicable adopted code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the applicant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final, subject, however, to such remedy as an aggrieved party might have at law or in equity.

(Ord. No. 1013, § 2.F, 5-13-10)

Section 8.7 - Function, power, and duties of local planning commission.

Section 8.7.1 - [Function.]

It is the function and duty of the planning commission, when created by an ordinance to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the area within its jurisdiction. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of its area of jurisdiction. Specific planning elements must be based upon

careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation. The planning commission may make, publish, and distribute maps, plans and reports and recommendations relating to the plans and programs and the development of its area of jurisdiction to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The planning commission, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner of after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the planning commission shall be liable for any injury or damage to property resulting therefrom. In general, the planning commission has the powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction.

Section 8.7.2 - [powers and duties.]

In the discharge of its responsibilities, the local planning commission has the power and duty to:

a. Prepare and revise periodically plans and programs for the development and redevelopment of its area as provided in this chapter; and
b. Prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plans and programs in its area:
   1. Zoning ordinances to include zoning district maps and appropriate revisions thereof, as provided in this chapter;
   2. Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted as provided in this chapter;
   3. An official map and appropriate revisions on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces within its political jurisdiction or a specified portion of it, as set forth in this chapter;
   4. A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;
   5. A capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the governmental bodies responsible for implementation prior to preparation of their capital budget; and
   6. Policies or procedure to facilitate implementation of planning elements.

Sections 8.7.3—8.7.6 - Reserved.

Editor's note— Ord. No. 1013. § 3.C, adopted May 3, 2010, repealed former §§ 8.7.3—8.7.6 in their entirety. These former sections derived from Ord. No. 309, adopted Sept. 28, 1998 and pertained to the following:

Section	Subject Matter

8.7.3	Limitations on membership.
8.7.4	Members not to hold elected public office.
8.7.5	Interests and concerns represented.
8.7.6	Appointment of officers, organization and calling of meetings.

Section 8.7.7 - [Adoption of rules of procedure.]

(a) The commission shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, and determinations, which record must be a public record.
(b) Expenditures of money by the commission, if any, are subject to the purchasing rules and financial procedures of the county as adopted by the county council.
(c) The county shall include the commission in the annual independent audit of the financial records of the county.
(d) The commission is subject to the county's personnel policies including wage and salary guidelines.

(Ord. No. 1013, § 3.C, 5-3-10)

Section 8.7.8 - [Report to be submitted to governing authority.]

The governing authority may provide for the reference of any matters or class of matters to the local planning commission, with the provision that final action on it may not be taken until the planning commission has submitted a report on it or has had a reasonable period of time, as determined by the governing authority to submit a report.

Section 8.7.9 - [Cooperation with other agencies.]

The planning commission may cooperate with, contract with, or accept funds from federal government agencies, state government agencies, local general purpose governments, school districts, special purpose districts, including those of other states, public or eleemosynary agencies, or private individuals or corporations; it may expand the funds; and it may carry out such cooperative undertakings and contracts as it considers necessary.

Section 8.7.10 - Rules of procedure.

These rules of procedure are adopted pursuant to S.C. Code Section 6-29-360 for the Lancaster County Planning Commission.

(Ord. No. 748, 5-1-06; Ord. No. 1013, § 3.D, 5-3-10)

Editor's note— Ord. No. 684, §§ 1—3, adopted Aug. 1, 2005, changed the former joint planning commission to a county planning commission. Appointment of members was amended to be based on county council districts.

Cross reference— Planning commission, § 25-21 et seq.

Section 8.7.10.2 - Officers.

The yearly election of officers shall be held at the July meeting.

(Ord. No. 604, 4-5-04; Ord. No. 1013, § 3.D, 5-3-10)

Section 8.7.10.3 - Chairman.

The chairman shall be a voting member of the commission and shall:

a. Call meetings of the commission;
b. Preside at meetings and hearings;
c. Act as spokesperson for the commission;
d. Sign documents for the commission;
e. Transmit reports and recommendations to council, and
f. Perform other duties approved by the commission.

Section 8.7.10.4 - Vice-chairman.

The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

Section 8.7.10.5 - Secretary.

The secretary shall:

a. Provide notice of meetings;
b. Assist the chairman in preparation of agenda;
c. Keep minutes of meetings and hearings;
d. Maintain commission records as public records;
e. Attend to commission correspondence, and
f. Perform other duties normally carried out by a secretary.

Section 8.7.10.6 - Time and place.

An annual schedule of regular meetings shall be adopted, published and posted at the office of the county planning department in December of each year. Special meetings may be called by the chairman upon 24 hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place and time stated in the notices, and shall be open to the public.

(Ord. No. 368, 2-26-01; Ord. No. 748, 5-1-06)

Section 8.7.10.7 - Agenda.

A written agenda shall be furnished by the secretary to each member of the commission and news media, and shall be posted at least five days prior to each regular meeting, and at least 24 hours prior to a special meeting. Items may be added to the agenda at a meeting by majority vote.

Section 8.7.10.8 - Quorum.

A majority of the members of the commission shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

Section 8.7.10.9 - Rules of order.

Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by the rules of procedure.

Section 8.7.10.10 - Voting.

A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, give it to the chairman in writing, have it placed in the minutes, and refrain from deliberating or voting on the question.

Section 8.7.10.11 - Conduct and public comment.

Except for the public comment portion of the meeting and public hearing, no person shall speak at a commission meeting unless invited to do so by the chairman. Individuals wanting to speak during the public comment section of the meeting will need to sign up to speak prior to the beginning of the meeting. A register for people to sign will be available at each regularly scheduled monthly meeting. The register shall have a place for the speaker's name, address telephone number and subject matter. Anyone needing assistance to register should contact the Lancaster County Planning Department prior to the meeting. The list of those wishing to speak will be taken up when the chairman calls the meeting to order. The commission will be informed by the chairman as to how many people have requested to speak. Each speaker will be allowed approximately three (3) minutes. If there are still people on the list who have not spoken at the end of the 30 minutes, the commission shall decide whether to extend the public comments section of the meeting or whether to delay it until a later time in the agenda. Delaying would allow the commission the opportunity to consider those agenda items which should not be postponed and to hear from the people who the commission has asked to be there for a specific reason. Each person will speak in the order they signed in. Citizens will address the commission and will not be allowed to engage in a debate between the commission, staff or other citizens. The planning director will take notes and will respond at the appropriate time to any questions which are raised during the public comment portion of the meeting.

(Ord. No. 354, 11-11-99; Ord. No. 748, 5-1-06)

Section 8.7.10.12 - Public hearing notice.

1. [Reserved.]
2. A district boundary map amendment initiated pursuant to the procedure set forth in section 18.2.2, District boundary map amendments, shall require public notice of the hearing, which shall be published in a newspaper of general circulation throughout the county, which must appear no earlier than thirty (30) days prior to the day of the hearing, and which must appear no later than fifteen (15) days prior to the day of the hearing. The notice in the newspaper shall contain a brief description of the matter to be heard, identify the applicant and property affected, and indicate the time and place of the hearing.

In addition to the notice in the newspaper, notice shall be posted on or adjacent to the property along each public road which the property abuts. The notice on or adjacent to the property shall contain information as to where any interested party can obtain detailed information regarding the application.

In addition, the Lancaster County Planning Department shall notify all immediately adjacent property owners. Immediately adjacent property owners shall mean all property owners whose land physically touches the affected property, or which is separated from the affected property by any type of easement, right-of-way, or water body (i.e., creek, lake, river, stream, etc.). The notice shall be by first class mail and shall contain a brief description of the matter to be heard, identify the applicant and the affected property, and indicate the time and place of the hearing.

3. A street name change, text amendment, or other action of the Lancaster County Planning Commission requiring a public hearing, except as otherwise provided in subsections (1—2) of this section, shall require public notice of the hearing, which shall be published in a newspaper of general circulation throughout the county, which must appear no earlier than thirty (30) days prior to the day of the hearing, and which must appear no later than fifteen (15) days prior to the day of the hearing.

The notice in the newspaper shall contain a brief description of the matter to be heard, identify the applicant and where applicable, the property or street affected, and indicate the time and place of the hearing.

(Ord. No. 363, 1-31-00; Ord. No. 1020, 3-1-10; Ord. No. 1273, §§ 1, 2, 5-19-2014)

Section 8.7.10.13 - Public hearing procedure.

In matters brought before the commission for public hearing which were initiated by an applicant:

1. Staff will provide a brief overview of the facts surrounding the application;
2. The applicant, his agent or attorney shall be heard next;
3. After going into public hearing, members of the public will be heard next;
4. Staff will finalize its report and make any recommendations next; and
5. The applicant shall have the right to reply last.

No person may speak for more than five minutes without consent of the commission. No person speaking at a public hearing shall be subject to cross-examination. All questions shall be posed by members of the commission. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the commission shall determine.

Section 8.7.10.14 - Minutes.

The secretary shall record all meetings and hearings of the commission on tape which shall be preserved for at least five years from the date final action was taken by the governing body. The secretary shall prepare minutes of each meeting for approval by the commission at the next regular meeting. Minutes shall be maintained as public records.

Section 8.7.10.15 - Reports.

The secretary shall assist in the preparation and forwarding of all reports and recommendations of the commission in appropriate form. Copies of all notices, correspondence, reports and forms shall be maintained as public records.

Section 8.7.10.16 - Attendance.

The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The commission shall recommend to the governing body the removal for cause of any member who is absent from three (3) consecutive meetings without adequate reason.

Section 8.7.10.17 - Zoning amendments.

Proposed zoning text and district amendments shall be considered and recommendations shall be forwarded to the governing body within 30 days after receipt of the proposed amendments, unless additional time is given by the governing body. When so authorized, the planning commission shall conduct any required public hearing prior to making a recommendation.

Section 8.7.10.18 - Plats.

Plats submitted for review pursuant to land development regulations shall be reviewed by designated staff members who may approve the recording of plats of existing lots of record, minor subdivisions of land which meet all zoning requirements, and subdivisions which are exempt from regulation pursuant to S.C. Code § 6-29-1110(2). A list of staff plat approvals is available in the clerk of court's office and same shall serve as the public record of such actions. All other plats shall be subject to review and approval by the commission.

Section 8.7.10.19 - Comprehensive plan.

All zoning and land development regulation amendments shall be reviewed first for conformity with the comprehensive plan. Conflicts with the comprehensive plan shall be noted in any report to the governing body on a proposed amendment. The elements of the comprehensive plan shall be reviewed and updated on a schedule adopted by the commission meeting the requirements of S.C. Code § 6-29-510(E).

Section 8.7.10.20 - Reconsideration.

The commission may reconsider any review when so requested by the governing body, or when an applicant brings to the attention of the commission new facts, a mistake of fact in the original review, correction of clerical error, or matters not the fault of the applicant which affect the result of the review. Reconsidered items shall be advertised only if the item was advertised when it was first heard by the commission.

Section 8.7.10.21 - Budget.

The commission shall submit written recommendations to the governing body for funding in the annual budget. The recommendations shall include an explanation and justification for proposed expenditures.

Section 8.7.10.22 - Reserved.

Editor's note— Ord. No. 1159, § 1, adopted Aug. 13, 2012, repealed § 8.7.10.22, which pertained to expenditures of funds by the planning commission, and derived from original codification.

Section 8.7.10.23 - Reserved.

Editor's note— Ord. No. 1159, § 2, adopted Aug. 13, 2012, repealed § 8.7.10.23, which pertained to employment of staff and consultants, and derived from original codification.

Section 8.7.10.24 - Reserved.

Editor's note— Ord. No. 1159, § 3, adopted Aug. 13, 2012, repealed § 8.7.10.24, which pertained to

adoption of rules, and derived from original codification.

Section 8.7.10.25 - Amendment.

These rules may be amended at any regular meeting of the commission by majority vote of the members of the commission at least seven days after the written amendment is delivered to all members.

Section 8.8 - Powers and duties of the zoning code official.

Section 8.8.1 - General.

The section establishes the duties and responsibilities for the zoning code official and other officials and agencies, with respect to the administration of this code. The zoning code official and/or designee shall be referred to hereafter as "the code official."

Section 8.8.2 - Duties.

The building official may appoint such number of technical officers and other employees as shall be authorized from time to time. The building official shall be permitted to deputize such employees as may be necessary to carry out the functions of this code.

Section 8.8.3 - Review and approvals.

The building official shall be authorized to undertake reviews, make recommendations and grant approvals as set forth in this code.

Section 8.8.4 - Comprehensive plan.

The planning official shall assist the planning commission in the development and implementation of the comprehensive plan.

Section 8.8.5 - Administrative reviews and permits.

All applications for building permits and amendments thereto shall be submitted to the building official for review and approved prior to permit issuance. Each applicant shall include a set of building plans and all data necessary to show that the requirements of this code are met.

Section 8.8.5.2 - Site plan review.

The building official shall receive all applications for site plan review and review for completeness and prepare submittals for review by the appropriate body.

Section 8.8.5.3 - Conditional use permits and variances.

The planning official shall receive all applications for conditional uses and variances or other plans as shall be permitted or approved as required by this code, review for completeness and prepare submittals for review by the appropriate body.

Section 8.8.5.4 - Amendments.

All requests for amendments or changes to the comprehensive plan or zoning code or map shall be submitted to the planning official for processing.

Section 8.9 - Interpretations.

The interpretation and application of the provisions of this code shall be by the building official. An appeal of an interpretation by the building official shall be submitted to the board of zoning appeals, who, unless otherwise provided, is authorized to interpret the code, and such interpretation shall be considered final.

Section 8.10 - Liability.

The building official or planning official, charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties described in this code, shall not be personally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the building official or employee because such act or omission performed by the building or planning official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the enforcement agency shall be defended by the jurisdiction until final termination of such proceedings, and any jurisdiction.

This Code shall not be construed to relive from or lessen the responsibility of any person owning, operating or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency or its jurisdiction be held as assuming any such liability by reason of the reviews or permits issued under this Code.

Section 8.11 - Cooperation of other officials and officers.

The building or planning official may request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

CHAPTER 9. - NONCONFORMING SITUATIONS
FOOTNOTE(S):

--- (7) ---

Editor's note—Ord. No. 668, adopted June 27, 2005, repealed for Ch. 9, §§ 9.1—9.8, in its entirety which pertained to similar subject matter and derived from Ord. No. 309, adopted Sept. 28, 1998.

Section 9.1 - Purpose.

It is the intent of this section to provide for continuance of lawful nonconformities without unduly restricting their maintenance or improvement. It is the intent of this section to permit lawful nonconforming uses and structures created by adoption of Unified Development Ordinance to continue until removed by economic or other factors. It is not the intent of this section to encourage survival of these nonconformities due to incompatibility with the provisions of the comprehensive plan and this unified development ordinance.

(Ord. No. 668, 6-27-05)

Section 9.2 - Continuation of nonconforming situations.

Nonconforming situations that were otherwise lawful on the effective date of this ordinance or any amendments to this ordinance may be continued, subject to the provisions of this chapter. This shall include the right of the property owner to sell a nonconforming business or lot to another person

based on the other stipulations contained in this chapter. Situations that were not lawful on the effective date of the ordinance or any amendment to this ordinance are not entitled to claim nonconforming status based on the regulations contained in this chapter.

When a property owner claims protection as a nonconforming situation, the burden of proving the extent and existence of the nonconforming situation rests on the property owner. The property owner must establish the following: 1) the building, lot or use existed before the adoption of the regulation(s) which created the nonconforming situation and 2) the nonconforming situation was lawful when it was established.

(Ord. No. 668, 6-27-05)

Section 9.3 - Preventing conditional and special exception uses from becoming nonconforming uses based on the distance separation requirements contained in Chapter 4.

Most of the conditional and special exception uses listed in Chapter 4 of this ordinance contain a distance separation requirement from a particular use, such as, religious institutions. If a conditional or special exception use met all established distance separation requirements at the time it was approved, then such a use shall not become a nonconforming use based on a use for which there is a distance separation requirement being built closer to the conditional or special exception use than the required separation distance.

For example, if a commercial kennel is built on a site which is 500 feet from the nearest religious institution it would meet the established distance separation requirement for a commercial kennel. If subsequent to the commercial kennel being built, a religious institution is built 200 feet from the kennel, the construction of the religious institution would not make the existing commercial kennel a nonconforming use. Furthermore, the commercial kennel would be allowed to expand so long as it meets all of the yard requirements of the district in which it is located.

Section 9.4 - Nonconforming lots.

1. When two or more adjoining lots with contiguous frontage are in one ownership and said lots individually have area or width which does not conform to the dimensional requirements of the district where it is located, but such lots were of record at the time of adoption of this ordinance or any subsequent amendment which renders such lots nonconforming, such lots shall be combined as a single lot or several lots conforming to the maximum extent possible with lot area and width requirements of the district in which it is located, provided compliance is achieved with regard to setback dimensions and other requirements of this ordinance.
2. When a lot has an area or width which does not conform to the dimensional requirements of the district where it is located, but such lot was recorded at the time of adoption of this ordinance or any subsequent amendment which renders such lot nonconforming, then such lot be built upon if compliance is achieved with regard to the setback dimensions and other requirements, except lot area or width.

(Ord. No. 668, 6-27-05)

Section 9.5 - Extension or enlargement of nonconforming situations.

1.

Except as specifically provided in this chapter, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

a. An increase in the total amount of space devoted to a nonconforming use; or
b. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking requirements.

2. Exceptions to a. and b. above:
   a. Structural alterations or repairs of a non-conforming building or structure required by the law shall be permitted.
   b. Structural alterations related with normal building maintenance may be permitted providing there is no increase in the existing encroachments.
   c. Provided that the result is to change the status of a building, structure or use from non-conforming to conforming, such building, structure or use may be:
      i. Structurally altered;
      ii. Added to or enlarged;
      iii. Moved or relocated, in whole or in part;
      iv. Expanded or extended;
      v. Changed; or
      vi. Restored or reconstructed.
3. When the cost of reconstructing or restoring a damaged non-conforming building or structure is less than 75 percent of the replacement cost of the entire building or structure, it may be reconstructed or restored if initiated within six months of the date of the partial destruction, and diligently pursued to completion.
4. a. A nonconforming use may be extended throughout any portion of the same in which it was originally located. However, a nonconforming use may not be extended to additional buildings or to land outside the original building. Furthermore, it shall not be permissible to enclose a previously unenclosed area devoted to a nonconforming use. An area is unenclosed unless, on the effective date of this ordinance or any subsequent amendments, at least 75 percent of the area was marked by a permanently constructed wall or fence.
   b. For purposes of this section, continued excavation on a parcel of land being legally excavated at the time this ordinance adoption and adhering to the requirements of any applicable permits shall not constitute an expansion of a nonconforming use. Excavation of adjoining parcels shall constitute a new use unless included in a site plan covered by applicable permits.
   c. An exception to the requirements contained in section 9.5, subsection 1. shall apply for any structure used for single-family residential purposes. Such structures may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback, parking and buffer requirements. This paragraph is subject to the limitations stated in section 9.8 (Abandonment, discontinuance, damage, or destruction of nonconforming situations). If a nonconforming manufactured home is replaced with a site-built or modular home, the site-built or modular home shall only be required to

adhere to front, side and rear setback requirements which are provided by a majority of the developed (site-built/modular) lots located on either side of the street where such lot is located and within 500 feet of such lot.

(Ord. No. 668, 6-27-05)

Section 9.6 - Repair and replacement of nonconforming signs.

On any nonconforming structure or portion of a structure containing a nonconforming use, normal repairs or replacement on non bearing walls, fixtures, wiring or plumbing may be performed in a manner not in conflict with the other provisions of this ordinance. However, nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part there of declared to be unsafe by any official charged with protecting the public safety, upon order of such official. For regulations concerning the repair, maintenance, reconstruction and renovation of signs, see sections 10.19 and 10.19.1 of the Unified Development Ordinance of Lancaster County.

(Ord. No. 668, 6-27-05; Ord. No. 1177, § 1, 11-12-2012)

Section 9.7 - Change in use of property where a nonconforming situation exists.

1. Any nonconforming use may be changed to any use permitted in the district in which it is located. Once a nonconforming use is changed to a conforming use, the use of the site shall never revert to being used for any nonconforming use.
2. Any nonconforming use of land or structure may be changed to another nonconforming us of the same nature or less intensive nature if no structural alterations are involved and if it is found that the relation of the structure and proposed use to surrounding property is such that adverse effects on occupants and neighboring property will not be greater than if the original nonconforming use continued. Approval of such a change shall be approved by the Lancaster County Board of Zoning Appeals. The board of zoning appeals in making its decision on the requested change in use shall at a minimum consider the following:
   a. The character and history of the use and of development in the surrounding area;
   b. The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line;
   c. The comparative numbers and kinds of vehicular trips to the site;
   d. The comparative amount and nature of outside storage, loading and parking;
   e. The comparative visual appearance;
   f. The comparative hours of operation; and
   g. Other factors which tend to reduce conflicts of incompatibility with the character or need of the area.

(Ord. No. 668, 6-27-05)

Section 9.8 - Abandonment, discontinuance, damage, or destruction of nonconforming situations.

1. When a nonconforming use is discontinued or changed to a conforming use for a continuous period of at least 180 days or damaged beyond 75 percent of the fair market value, it shall not be re-established, and the use of the structure or site thereafter shall be inconformity with the regulations for the district in which it is located. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use.
2.

An exception to the standards in subsection (1), above, shall apply to single-family homes. When a nonconforming single-family home, which shall include site-built, modular or manufactured homes, is discontinued or changed to a conforming use for a continuous period of at least 365 days or damaged beyond 75 percent of the fair market value, it shall not be re-established, and the use of the structure or site thereafter shall be inconformity with the regulations for the district in which it is located. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use.

3. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for six (6) months shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained.
4. When a structure or operation made nonconforming by this ordinance is vacant or discontinued on the effective date of this ordinance or subsequent amendment to this ordinance, the 180 day period for purposes of this section begins to run on the effective date of this ordinance or any subsequent amendment to this ordinance. However, if the structure or operation was nonconforming under the previous zoning ordinance, then the 180 day period for purposes of this section shall be calculated from the initial date of the vacancy or discontinuance. These same regulations shall apply to non-conforming single-family structures with the exception being that the time frame shall 365 days as stated in subsection (1), above.
5. A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if destroyed by fire, act of God, an explosion, act of public enemy or accidental casualty loss to an extent not to exceed 75 percent of the fair market value subject to the following restrictions:
   a. A letter of intent to reconstruct shall be received by the building inspector within six months from the time of destruction; and
   b. A building permit shall be obtained from the building inspector within one year from the time the damage or destruction took place; and
   c. The total amount of space devoted to the nonconforming use may not be increased, except as provided in section 9.5 above; and
   d. The reconstructed building may not be more nonconforming with respect to dimensional restrictions such as yard requirements, height limitations or density requirements, and such dimensional nonconformities must be eliminated if that can reasonable be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such building.

(Ord. No. 668, 6-27-05)

CHAPTER 10. - SIGNS
FOOTNOTE(S):

--- (8) ---

Editor's note—Ord. No. 417, adopted March 13, 2001, amended former Ch. 10 of Appendix B in its entirety to read as herein set out. Former Ch. 10 pertained to similar subject matter and derived from Ord. No. 309, adopted Sept. 28, 1998.

--- (9) ---

Editor's note—Ord. No. 990, §§ 1, 2, adopted Aug. 31, 2009, enacted a moratorium on the issuance of permits for the erection, enlargement or substantial alteration of a billboard in the S.C. 9 and U.S. 521 corridors. The moratorium ends on Aug. 31, 2010.

Section 10.1 - Purpose.

The purpose of this chapter is to promote and protect the public health, safety and welfare of the county; to enhance opportunities for visual communications; to preserve property values; to create a more attractive economic and business climate within the commercial and industrial districts of the county; to allow for adequate and effective signage while preventing signs from dominating the visual appearance of the area in which each is located and to reduce the distractions, obstructions and hazards to pedestrians and auto traffic caused by the excessive number, size, height, inappropriate types of illumination, indiscriminate placement or unsafe construction of signs.

(Ord. No. 417, 3-13-01)

Section 10.2 - Definitions.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this chapter shall have the meaning indicated when used in this chapter.

Roof line. The highest point of a flat roof and the lowest point of a pitched roof excluding any cupolas, chimneys or other projection. For a mansard roof, it shall be the point where the parapet extends above the main roof.

Shopping center. A commercial development which contains five or more establishments and a minimum 40,000 square feet of heated floor space which is open to the public.

Sign. Any device that is sufficiently visible to persons not located on the lot where such device is located and is designed to attract the attention of such persons or to communicate information to them.

Sign, abandoned. A sign structure not containing a sign for 180 continuous days, a sign not in use for 180 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists, or to which it refers.

Sign, animated. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

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

Sign, back lit. The letters are raised beyond the sign's background and lighting sources which illuminate the background. The lighting sources shall be covered so that they are not visible and only the background is illuminated.

Sign, back-lit awning. An awning whose covering material exhibits the characteristics of luminosity obtained by means of a source of illumination contained within its framework.

Sign, balloon. A spherical, flexible, nonporous bag inflated with air or a gas lighter than air, such as helium. Such balloons may be of various shapes, sizes and characters.

Sign, banner (advertising). A sign made of flexible material used to advertise a business or a product for sale.

Sign, banner (non-advertising). A sign made of flexible material used for purposes including seasonal displays, municipal displays, public information and the like.

Sign, beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same parcel as the light source; also any light with one or more beams that rotate or move.

Sign, billboard. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold or offered at a location other than the premises on which the sign is located.

Sign, bulletin board or activity. A sign used to announce noncommercial messages or meetings or programs to be held on the premises of a religious institution, school, auditorium, library, museum, community recreation center or similar noncommercial place of public assembly.

Sign copy. Any words, letters, numbers, figures, characters, symbols, logos or insignia that are used on the sign surface area.

Sign, commercial electronic variable message or *CEVMS.* A commercial electronic variable message sign or CEVMS is a sign on which light is turned on or off intermittently by any means and includes (i) any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when the sign is in use, (ii) alternative sign displays of a digital or controlled light emitting variety such as digital signs that may be scrolling message boards, liquid crystal display (LCD) or plasma display panels, electronic billboards, projection screens, or other emerging display types (e.g., living surfaces such as organic light-emitting diode (OLEDS), light emitting diode (LED), light emitting polymer (LEP) and organic electroluminescence (OEL)), that can be controlled electronically using a computer or other devices and allows direct or remote access and control of graphic, text, or content, and which may vary in intensity or color. A CEVMS does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices approved by the Federal Highway Administrator as the national standard. This definition is for digital billboard signs that change the static message or copy on the sign by electronic means.

Sign, construction. A sign that is erected temporarily on the premises on which construction is occurring, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role of interest with respect to the structure or project.

Sign, directory. A sign on which the names and locations of occupants or the use of a building or

property are identified. The name or logo of the complex may also be included on the sign.

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

Sign, freestanding. A sign that is not directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign, but is instead attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as "sandwich board sign," is also a freestanding sign.

Sign, governmental flag. Flags of the United States, State of South Carolina and any other flag of a state, nation or other political entity flown for noncommercial purposes.

Sign, ground. A freestanding sign, other than a monument, pylon, or pole sign, placed upon or supported by the ground independently of any other structure.

Sign height. The vertical distance as measured at the highest point of the sign to the elevation of the nearest street grade level to which the sign is oriented. However, under no circumstances shall the maximum height for a freestanding sign be less than six feet. Altering the topography of the land through the placement of a berm, mound, hill, etc. for the purpose of elevating a sign, is not allowed.

Sign, identification. A sign giving the name, trademark or other readily recognized symbol or address, or any combination thereof, of a building, business, development or establishment on the premises where it is located.

Sign, incidental. A sign that contains no advertising message but that provides information for the convenience or safety of the public, including, without limitation, signs that provide property identification names or numbers, signs on mailboxes or paper tubes, signs warning the public against trespassing or danger from animals, and signs relating to parking or directing traffic.

Sign, inflatable. Any device which is supported by air pressure or inflated with air or gas which is used to attract the attention of the public, whether or not it displays any specific advertising message.

Sign, monument. A sign in which the bottom of the sign is flush with the ground and the vertical dimension of the sign is greater than the horizontal dimension.

Sign, mural. A sign painted on the wall of a building and has no sign surface.

Sign, nonconforming. A sign that, on the effective date of this ordinance, does not conform to one or more of the regulations set forth in this ordinance.

Sign, off-premise directional. A sign designed to guide vehicular and/or pedestrian traffic to a religious institution, school or public institution and limited in content to the name of the place of worship, school or public institution and symbols or text indicating the distance and/or direction to such places.

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

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

Sign permit. A permit issued by the building and zoning department that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

Sign, pole. A sign erected and maintained on a freestanding mast or pole and not attached to any building, but not including pylon and ground signs.

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. Such a sign is designed to be transported or movable and shall include but not be limited to the following:

(a) Signs with wheels or with wheels removed;
(b) Signs with chassis or support constructed without wheels;
(c) Signs designed to be transported by trailers, wheels, etc.;
(d) Signs converted to or constructed as A or T-frame signs;
(e) Signs attached temporarily to the ground, structures or other signs; and
(f) Signs mounted on a motor vehicle for advertising purposes, parked on or off the public right-of-way and visible from the public right-of-way, except signs identifying the related business when the motor vehicle is being used in the normal day-to-day operations of that business.

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, pylon. A type of freestanding sign, other than a pole or ground sign, not attached to a building or any other structure, which is secured permanently to the ground. Its height is greater in length than its width and it is constructed such that it has a uniform width and depth from its top to its base.

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 top walk or edge 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. Signs located on building towers, cupolas, etc. are considered roof signs if located above the main roof line of the building.

Sign, sandwich board. A freestanding sign consisting of two panels joined together at the top and configured in the shape on an inverted "V" so that the bottom of the sign rests upon or near the ground.

Sign, shopping center entrance. Such signs shall contain only the name of the shopping center or the name of the shopping center and its tenants. No other type of advertisement shall be allowed on this type of sign. In addition, the name of as many tenants as can be placed on the sign shall be allowed so long as the sign surface area of the entire sign does not exceed the maximum allowed.

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

Sign, temporary. A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

Sign, wall. A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

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

Substantially altered. This term shall not include changes in sign surface area so long as the dimensions of the sign surface area are not altered and the new copy does not constitute an off-premise sign.

(Ord. No. 417, 3-13-01; Ord. No. 1176, § 1, 10-22-2012)

Section 10.3 - Prohibited signs.

The following signs are prohibited in all zoning districts.

1. No sign shall be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
2. No sign shall be erected so that by its location, color, size, shape, nature, or message would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
3. Portable signs.
4. It shall be unlawful for any person to attach, paint, print, write, stamp or paste any sign, advertisement or other matter within any public/private rights-of-way or easement or upon any sidewalk, overhead sidewalk or curb, or upon any post, pole (i.e. telephone or utility, etc.), tree, tree stake or guard, shrub, roof, fence, rock or other natural feature, or fire hydrant in the public/private rights-of-way or easement or upon any bridges or overpasses located within the county. The exceptions are as follows: signs of duly constituted governmental bodies, including traffic regulatory devices, legal notices and warnings at railroad crossings; name and

address signs on mailboxes; signs on newspaper boxes and signs attached to fences which are part of a school or park ball field area. Authorized county personnel shall have the authority to remove any notice, sign or written material found to be in violation of this section.

5. A sign placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed by this ordinance.
6. Off-premise signs. A sign shall only be located on the site, lot or parcel which contains the business the sign is advertising. Permanent signs shall not be located on undeveloped lots or parcels. Outdoor advertising signs (billboards) and signs listed in section 10.6 (No. 11) are exempt from this standard.
7. Roof signs. (See section 10.22).
8. Freestanding signs other than ground mounted signs or monument signs.
9. Signs which are displayed on a truckbed or on a licensed trailer.
10. Back-lit awnings or canopies either with or without a sign.
11. Beacons.
12. Animated signs.
13. Inflatable signs and tethered balloons.
14. Any illuminated tubing or string of lights outlining property lines or open sales areas, roof lines, doors, windows or wall edges of any building, except for "holiday season" lights.
15. Any sign which displays intermittent or flashing illumination; lights of changing degrees of intensity; running lights, lights which create the illusion of movement, lights which vary in color or use electrical pulsations, lights which scintillate, blink or flicker, except signs indicating time, date and/or weather conditions or similar information and which changes alternating on not less than a five-second cycle and traditional barber poles.
16. Any sign which exhibits statements, words or pictures of obscene or pornographic subjects.
17. Signs that move or give the appearance of moving, including pennants, streamers, flags in excess of 24 square feet and other signs which flutter, undulate, swing, rotate, oscillate or otherwise move by natural or artificial means.
18. Signs which are structurally unsafe or hazardous.
19. Any sign which is not listed as being permitted.

(Ord. No. 417, 3-13-01)

Section 10.4 - Maintenance of signs.

All signs and all components thereof, including without limitation, supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.

The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including illumination sources, in compliance with this chapter and all applicable laws. Such signs shall be kept in a safe, secure, neat and orderly condition and in good-working order at all times. The owner of the sign and property shall prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign.

(Ord. No. 417, 3-13-01)

Section 10.5 - Permit required for signs.

1. Except as otherwise provided in sections 10.6 and 10.7 (Signs Excluded from regulation) and 10.8 (Certain temporary signs: permit exceptions and additional regulations), no sign shall be erected, moved, enlarged, or substantially altered except in accordance with the provisions of this chapter.
2. If plans submitted for a zoning permit or special exception permit include sign plans in sufficient detail so the permit issuing authority can determine whether the proposed sign or signs comply with the provisions of this ordinance, then issuance of the requested zoning or special permit shall constitute approval of the proposed sign(s).
3. Signs not approved as provided in subsection (4) or exempted under the provisions referenced in subsection (1) shall be erected, moved, enlarged, or substantially altered only in accordance with a sign permit issued by the building and zoning department. Sign permit applications and sign permits shall be governed by the same provisions of this ordinance applicable to zoning permits.
   a. *Shopping center signs*:*

      Entrance signs. For each entrance to a shopping center, one ground mounted or monument sign which shall not exceed two faces which are located back to back, neither of which shall exceed 100 square feet of sign surface area (See Section 10.11, for calculations). However, only one such sign shall be allowed on any street which abuts the development. Therefore, if a site has two entrances on one street, only one sign shall be allowed.

      Signs for outparcels. Each outparcel shall be allowed one ground mounted or monument identification sign which shall not exceed two faces which are located back to back, neither of which exceed 40 square feet in sign surface area (See section 10.11, for calculations). Each facade of the structure built on the outparcel shall be allowed one other than freestanding sign. The maximum sign surface area for these signs shall be calculated as (½) square foot of sign surface area for every two linear feet of building frontage either facing an external street or the surrounding parking area. Such signs not exceed 25 square feet.

      *No more than one-half (½) of the street frontage of the original parcel on which a shopping center is located shall not be allowed to be used for the creation of outparcels. Therefore, if a parcel has 1000 feet of frontage on a street, then 500 feet shall be allowed to be used for the creation of outparcels.

   b. *Business, office and industrial parks identification signs.* For each entrance to such a park, one (1) ground mounted or monument sign which shall not exceed two (2) faces which are located back to back, neither of which shall exceed 100 square feet of sign surface area (See Section 10.11, for calculations). However, only one such sign shall be allowed on any street which abuts the exterior of the development. Therefore, if a site has two entrances on one street, only one sign shall be allowed.

      Each parcel within the park shall be allowed one ground mounted or monument sign which shall not exceed two faces which are located back to back, neither of which shall exceed 40 square feet of sign surface area (See section 10.11, for calculations). If the parcel abuts more than one street, one sign which shall not exceed two faces, neither of which shall exceed 40 square feet of sign surface area shall be allowed along each street.
4. Political signs. Signs erected in connection with elections or political campaigns, so long as:

a. Such signs shall be removed within fifteen (15) days following the election (primary, run-off, general) or conclusion of the campaign.
b. No such sign shall exceed eight square feet in a residential district or 32 square feet in a nonresidential district or in the R-45A and R-45B Districts.
c. Such signs shall not be located within a public/private right-of-way or public/private easement, in any location at an intersection where such signs would tend to obstruct the view of any person about to enter such intersection or any traffic within or about to enter such intersection. Signs erected at least 50 feet back from any point of intersection of the traveled surfaces of intersecting streets shall be deemed in compliance with this requirement.
d. Such signs shall not be affixed to trees, utility poles, traffic control devices, or other structures or fixtures within a public/private right-of-way or easement.
e. A permit shall be obtained which is accompanied by a $35.00 fee. The fee is refundable after the primary or general election, provided the candidate has removed all of his or her signs.

(Ord. No. 417, 3-13-01; Ord. No. 917, 6-2-08; Ord. No. 1217, § 4(Att.), 6-24-2013)

Section 10.6 - Signs excluded from regulation and which shall not count towards the total amount of sign surface area allowed on the parcel.

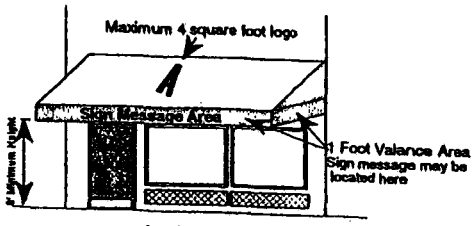
The following signs are exempt from regulation under this ordinance except for the regulations of sections 10.3 (subsection 1 and 2), 10.14(4) and 10.17(1) which shall apply to all signs:

1. Incidental signs.
2. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs or signs erected by or on behalf of a public utility which are noncommercial in nature.
3. Flags and emblems. The maximum sign surface area for any flag including but not limited to governmental flags, flags containing solid color(s), flags displaying purely ornamental or noncommercial information, such as graphic depictions such as flowers and the like shall not exceed 24 square feet. In any other zoning district except single-family zoning districts, no more than four flags of any type shall be allowed on a parcel of land. If the property owner wants more than four flags on a site, then the square footage of each flag over the four flags allowed (i.e.) the fifth flag shall count as part of the total sign surface area allowed on the site for freestanding signs. When more than four flags are located on a non-single-family site, it shall be considered to be commercial advertisement and shall count toward the total freestanding sign surface area allowed on the site. Flags of any type in a single-family residential district which are used for single-family purposes shall be exempt from these regulations.
4. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
5. Licensed motor vehicles. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
6. Signs attached to the interior of a window (but not a glass door) that are visible through such window, so long as such signs are not internally illuminated or externally illuminated by spotlighting or other illuminating technique designed to draw particular attention to them.

7. Any sign that is required by law.
8. Name and address signs. One name and address signs, each not exceeding two square feet in sign surface area per single-family dwelling unit or two-family dwelling unit. Such signs shall be allowed on mailboxes but shall otherwise be setback five feet from any property line and shall not be over five feet above the ground unless mounted flush against a building wall. The name of the building or the family living at the address may be included.
9. Directional on-premise signs. Private traffic directional signs located on the premises for which directions are indicated not exceeding three square feet in sign surface area for each sign and four feet in height. Horizontal directional signs on and flush with paved areas shall be allowed unlimited sign surface area.
10. Directional off-premise signs. Such signs shall be non-illuminated and shall not exceeding four (4) square feet in sign surface area and six (6) feet in height limited exclusively to the identification of a religious institution, school or public institution and limited in content to the name of the religious institution, school or public institution and/or text indicating the distance and/or direction to such an institution.
11. Temporary, freestanding, off-premise real estate signs. Such sign shall be non-illuminated and shall not exceed 16 square feet and eight (8) feet in height. These signs shall be used to only advertise subdivisions and shall only contain the name of the subdivision and how to get to the site. On a yearly basis, real estate companies or other companies which erect such signs shall pay a yearly fee of $35.00 to the building and zoning department. The owner of the property where the sign is to be located shall give written permission to the real estate company or other company which wants to install the sign on the site. This permission shall be obtained for each site where such a sign is located. Individual property owners shall be allowed such a sign which does not exceed two (2) square feet. No fee shall be charged for these signs erected by an individual. Neither type of sign shall be located more than two (2) miles from the property for which it is being used to advertise.
12. Signs setting forth the names of buildings, date of erection, monumental citations, commemorative tablets and the like, when carved into stone, concrete or similar material or made of metal or other permanent construction material and made an integral part of the structure.
13. Machinery/equipment/vending machine signs. Signs attached to machinery or equipment which is necessary or customary to the business including, but not limited to, devices such as gasoline pumps, vending machines, ice machines, etc. provided that such signs refer exclusively to products or services offered on the premises. Vending machines shall be placed inside of a building so that such sign shall not be visible from any public or private right-of-way or easement.
14. Signs which cannot be seen off the lot or premises.
15. Home security signs. Such signs shall be limited to no more than two (2) square foot in area and shall be limited to no more than four (4) sign per zoning lot.
16. Displays of merchandise offered for sale or rent on the premises where displayed. Only merchandise of the type that is actually for sale or rent, and not pictorial or other representations of such merchandise, falls within this exemption.
17.

New subdivision or commercial development signs. Such signs shall be non-illuminated and shall not to exceed 32 square feet in sign surface area. It shall be used to announce a new subdivision or commercial development on the site. Such signs shall be placed not less than 500 feet apart and shall be removed when 50 percent of the lots have been conveyed or in nonresidential districts when 50 percent of the building(s) is occupied.

18. Litter receptacles and benches. Signs on litter receptacles and benches in nonresidential areas and on private property including, but not limited, signs advertising businesses, services, commodities or entertainment conducted, offered or sold on or off the premises where such signs are located. Such signs shall be an integral part of the receptacle or bench and shall not protrude beyond the edges of such.
19. Directory signs. Any directory sign not greater than six (6) square feet in sign surface area This sign is required to be a ground mounted or monument sign and the height of the sign shall not exceed two (2) times its width.
20. Drive-thru menu board. Such signs shall not exceed 32 square feet of sign surface area and shall only be oriented towards the drive-thru window traffic.
21. Gasoline service station. In addition to any other signs on the site, each gasoline pump shall be allowed one (1) sign on top of each gasoline pump which shall not exceed one (1) square foot. This sign shall only contain the price of gasoline. Any freestanding sign on the site shall not exceed the limits contained in section 10.11. Freestanding signs may contain the name of the station and/or the type of gasoline sold and shall incorporate the price of gasoline into the design of the sign. A separate sign showing the price of gasoline shall not be allowed.
22. Signs for home occupations. In the R-15 Districts, such a sign shall not exceed six (6) square feet; in the R-30 Districts such a sign shall not exceed six (6) square feet and in the R-45 Districts such a sign shall not exceed ten (10) square feet. Such signs shall not exceed six (6) feet in height.
23. Canopy or awning sign. The valance area of the awning or canopy sign which shall be an area of one square foot may be used as a sign surface area and does not count towards the allowed sign allotment. The remaining area of the awning or canopy sign may not be used as a sign surface area. This area may contain a logo for the use that shall be no more than four square feet in size. The bottom one foot of the awning or canopy shall be used for the message area for those that do not have a specific valance area. See illustration below.



Awning/Canopy Sign

An awning or canopy sign having a sign surface area in excess of the amount listed above becomes part of the other than freestanding sign allotment. The sign shall meet the requirements for an other than freestanding sign and shall require a sign permit. Any awning or canopy sign that does not meet these restrictions shall go before the board of zoning appeals for a variance.

These signs shall not be placed lower than nine (9) feet above the pavement. If the one (1) foot valance is made of flexible material, this area can hang below the structure. These signs may not extend closer than 18 inches from the back of the curb. Additionally, these signs can not be placed higher than the bottom of the second floor or no higher than the roof line.

(Ord. No. 417, 3-13-01)

Section 10.7 - Signs excluded from regulations but which count towards the total sign surface area for the parcel.

1. On-premise religious institution or other institutional signs. Bulletin boards and identification signs, which do not exceed one sign per abutting street, 32 square feet in area and that are not internally illuminated. Such signs may set forth the name and/or any simple announcement for any public, charitable, educational or religious institution located entirely within the premises of the institution. Such a sign shall also comply with the regulations of Section 10.15, Sign illumination and signs containing lights.
2. One sign displaying the name, address and any other information which is pertinent to the operation of a multiple-family development, condominium development or manufactured home park, shall be permitted on each lot frontage of such a development on a public/private right-of-way. Such sign shall not exceed two faces which are back to back, neither of which shall exceed 32 square feet in sign surface area and shall not exceed ten feet in height when freestanding and shall be externally illuminated.

(Ord. No. 417, 3-13-01)

Section 10.8 - Certain temporary signs; permit exemptions and additional regulations.

1. The following temporary signs are permitted without requiring a zoning, sign, or special exception permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this ordinance except those contained in sections 10.10 (Maximum sign surface area for other than freestanding signs) and 10.12 (Number of freestanding signs).
   a. *Real estate signs.* Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner and/or agent. Such signs shall not exceed six (6) square feet in residential areas and 32 square feet in nonresidential areas or in the R-45A and R-45B Districts and shall be removed immediately after sale, lease, or rental An exception to the requirement for such signs in a residential district, shall be for such signs indicating the lots in a new subdivision or rural acreage is for sale. This type of sign shall be allowed to be 32 square feet and for subdivisions such signs shall be removed when 50 percent of the lots are sold for which the sign is advertising. Therefore, if such a for sale sign advertises that there are 50 lots for sale in the first phase of a subdivision, then when 26 lots are sold the sign shall be removed. For signs advertising rural acreage, the sign shall be removed when the land is sold.
   For lots having a street frontage in excess of 500 feet, a second sign which does not exceed the sign limits established above shall be allowed. Such signs shall not be illuminated.

   b. *Construction site identification signs.* Such signs shall identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and shall contain related information. For lots having 500 feet of lot frontage or less, not more than one (1) such sign shall be erected per site and it shall not exceed 32 square feet in area. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within ten days after the issuance of the final occupancy permit. Such a sign shall not be illuminated. For lots having a street frontage in excess of 500 feet, a second sign which does not exceed the sign limits established above shall be allowed.
   c. *Grand opening, going out of business signs, etc.* Signs indicating that, on the lot where the sign is located, a business that did not previously exist is opening, a previously existing business is going out of business, a one-time auction is planned, or some other non-recurring activity of a similar nature is scheduled. Signs referring to sales or other events designed to promote a preexisting, ongoing business or commercial venture or any specific product or service offered by such business or commercial venture are not authorized under this subsection. Signs authorized under this subsection shall not be erected for more than two weeks. The sign surface area of such a sign shall not exceed 100 square feet.
   d. *Holiday signs.* Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within 30 days following the holiday and shall not be considered a roof sign when located on a residential structure.
   e. *Special event signs.* Signs indicating that a special event such as a fair, carnival, circus, festival, civic event, religious event, or similar happening is to take place on the lot where the sign is located. Such signs shall be erected not sooner than two (2) weeks before the event and must be removed not later than seven (7) days after the event. Such sign shall not exceed 32 square feet of sign surface area. These signs shall not be illuminated.
   f. *Roadside stand.* Signs advertising the existence of a roadside stand selling fruits or vegetables grown on the lot where the stand is located or on other land owned by or leased to the person operating the stand, or a farm or tract upon which are grown fruits or vegetables that will be picked or gathered by the purchaser. No such sign shall exceed 32 square feet in surface area, Such sign shall not be erected more than two weeks before the seasonal opening of such enterprises and shall be removed not later than seven days after the enterprise closes for the season.
   g. Signs of mechanics, painters and other artisans erected and maintained during the period such persons are performing work on the premises on which the sign is erected; provided the sign surface area does not exceed six (6) square feet in a residential district or 16 square feet in any other zoning district. Such signs shall not be erected prior to the day the work begins and shall be removed within seven (7) days after the completion of the work.
   h. Banners for religious, charitable, civic, fraternal or similar organizations provided:
      (1) No more than one (1) sign per street frontage shall be permitted per event.
      (2) Signs shall be located on the property on which the event will occur.
      (3) Signs shall be erected no sooner than 14 days before and removed seven days after the event.
      (4) Banners shall be limited to 100 square feet.

Banners shall have reinforced eyelets in each corner and a continuous reinforced border around the perimeter of the banner and air vents shall be provided in each banner to allow air to pass through the banner.

   i. Banners in non-residential districts provided:
      (1) Only one (1) banner per establishment shall be allowed at a time;
      (2) Banners shall not exceed 100 square feet.
      (3) All banners shall be attached in total to a building wall or permanent canopy extending from the building; The only banners which shall be allowed to be located over a right-of-way shall be banners which advertise an event or cause which is of a county-wide, public nature. These signs shall receive written permission from SCDOT for the proposed location prior to the sign being installed;
      (4) No paper banners shall be allowed;
      (5) Banners shall have reinforced eyelets in each corner and a continuous reinforced border around the perimeter of the banner and air vents shall be provided in each banner to allow air to pass through the banner;
      (6) Banners shall be erected for a period not to exceed two weeks;
      (7) No more than two such signs per establishment shall be erected within a calendar year; and
      (8) No banner shall be erected above the level of the roof of the building on which it is located.
   j. Temporary signs not covered in the foregoing categories, so long as such signs meet all of the following restrictions:
      (1) Not more than one such sign shall be located on any lot.
      (2) No such sign shall exceed four square feet in surface area.
      (3) Such sign shall not be displayed for longer than three consecutive days nor more than a total of ten days out of any 365-day period.
2. Other temporary signs not listed in subsection (1) shall be regarded and treated in all respects as permanent signs.

(Ord. No. 417, 3-13-01)

Section 10.9 - Computation of sign surface area.

1. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, section emblem, or other display, together with any material or color forming an integral part of the background of the display used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself. (See section 10.22)
2. If the sign consists of more than one (1) section or module, all of the area, excluding the area between sections or modules, shall be included in the computation of the sign surface area. (See Section 10.22)
3.

With respect to two-sided, multi-sided, or three dimensional signs, the sign surface shall be computed by including the total of all sides designated to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing:

   a. The sign surface area of a double faced, back to back sign shall be calculated by using the area of only one (1) side of such sign, so long as the distance between the backs of such signs does not exceed three feet.
   b. The sign surface area of a double faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as at no point does the distance between the backs of such sides exceed ten feet and only one of the two sides of the sign can be read from any public/ private right-of-way or easement.
4. The sign surface area of any sign located on the wall of a structure where the closest element of the sign is at least 500 feet from the edge of the traveled portion of the street then the sign surface area shall be computed by multiplying the true sign surface area by 0.3.

(Ord. No. 417, 3-13-01)

Section 10.10 - Maximum sign surface area for other than freestanding signs.

1. Unless otherwise provided in this section, the total surface area devoted to all signs (other than freestanding signs) on any lot shall not exceed the limitations set forth in this section, and all signs except exempt signs, section 10.6 and section 10.7, and temporary signs described in section 10.8 subsection (1) shall be included in this calculation.
2. Unless otherwise provided in this ordinance, the maximum sign surface area (other than freestanding signs) permitted on a lot in any residential district is four (4) square feet. Commercial businesses which are permitted in any residential district shall be allowed a sign based on the requirements of this section. However, because these commercial uses are not located in areas which are primarily commercial, the maximum sign surface area shall be equal to 32 square feet.
3. Subject to the other provisions of this section, the maximum sign surface area (excluding freestanding sign surface area) permitted on any building in a commercial or industrial zoning district shall be one square foot of sign surface area for each linear foot of frontage for each designated lease area located within the proposed commercial component, not to exceed 75 square feet per leased area in a commercial district or 100 square feet located in an industrial district.
4. If a building in a commercial or industrial zoning district has frontage on more than one street, then the total sign surface area permitted on that building shall be the sum of the sign surface area allotments related to each street (as determined in accordance with subsection 3.) on which the building has frontage. However, the total sign surface area that is oriented toward a particular street shall not exceed the portion of the building's total sign surface area allocation that is derived from frontage on that street.

For example, if a building, in a commercial district, has 75 feet of building frontage on Road "A" and 50 feet of building frontage on Road "B" then the maximum sign surface area for each sign shall be as follows: The sign surface area for the sign facing Road "A" shall not exceed 75 square feet. The sign surface area for the sign facing Road "B" shall not exceed 50 square feet. Under no circumstances shall any portion of the sign surface area for the sign facing Road "A" be allowed to be transferred to

the sign facing Road "B" or vise versa. Additionally, no portion of the sign surface area from either of these signs can be used to allow a sign on a portion of the building which does not face either Road "A" or Road "B".

(Ord. No. 417, 3-13-01)

Section 10.11 - Freestanding sign surface area.

1. Unless otherwise provided in this ordinance, the maximum freestanding sign surface area permitted on any lot in a residential district is four (4) square feet.
2. Unless otherwise provided in this ordinance, a freestanding sign in a commercial or industrial district shall not exceed one square foot of sign surface area for each foot of street frontage along the street toward which such sign is primarily oriented. However, in no case shall such sign exceed 50 square feet in the B-1, Business/Office District or the B-2, Community Business District or 100 square feet in the B-3, General Commercial District, B-4, Restricted Commercial District, I-1, Light Industrial District and I-2, Heavy Industrial District. Commercial businesses which are permitted in any residential district shall be allowed a sign based on the requirements of this section. However, because these commercial uses are not located in areas which are primarily commercial, then the maximum sign surface area shall be equal to 32 square feet.
3. Whenever a lot is situated such that it has no street frontage and an applicant desires to install a sign that is oriented toward a street, then the total sign surface area permitted on that lot shall be the sign surface area that would be allowed if the entire length of the property line closest to the street toward which such sign is to be oriented fronted on such street. Such lots shall be allowed only one freestanding sign.

(Ord. No. 417, 3-13-01)

Section 10.12 - Number of freestanding signs.

1. Except as authorized by this section, there shall be no more than one freestanding sign on a single lot.
2. If a development is located on a corner lot that has at least 500 feet of frontage on each of the two intersecting public streets, then the development shall have not more than one freestanding sign along each side of the development bordered by such streets.
3. If a development is located on a lot that is bordered by two public streets that do not intersect at the lot's boundaries (double front lot), then the development shall have not more than one freestanding sign on each street.
4. If a corner lot contains a building, then a freestanding sign may be located along each of the intersecting streets that abut such lot if the freestanding signs are located such that, when a person is standing next to one such sign, the building on that lot totally obscures the view of the other freestanding sign.

(Ord. No. 417, 3-13-01)

Section 10.13 - Residential development entrance signs.

1. Subject to subsection 2., at any entrance to a residential development, there shall be not more than one double-sided sign identifying such development, and neither sign shall exceed 32 square feet. If the sign is single-sided, then two such signs shall be allowed neither of which shall exceed 32 square feet.
2.

The sign surface area limitations for residential development identification signs set forth in subsection 1. may be exceeded when a sign at an entrance to the development is attached to a significant architectural feature, such as a wall constructed of brick, stone, or other masonry, so long as the sign surface area does not exceed 36 square feet.

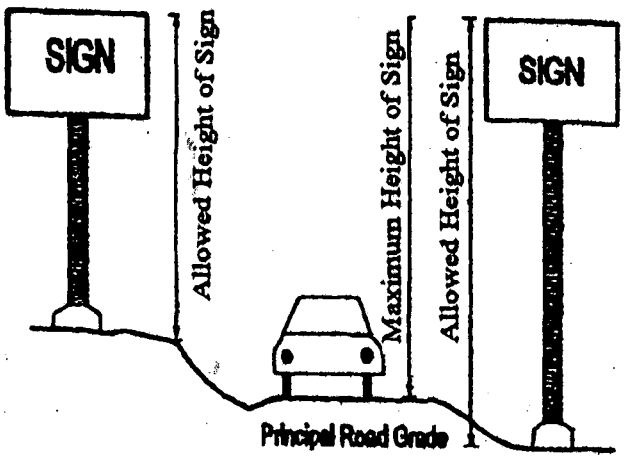
3. Such a sign shall not exceed ten feet in height and shall only be a ground or monument sign.

(Ord. No. 417, 3-13-01)

Section 10.14 - Location and height requirements.

1. Freestanding signs shall have a setback requirement of five feet from any property line or right-of-way line. No sign shall exceed a height of 25 feet. The only exception is for billboards which shall also be setback a distance which is equal to the height of the sign from any existing right-of-way and shall not exceed a height of 25 feet. The height of all signs shall be measured from the highest point of the sign to the elevation of the nearest street grade level to which the sign is oriented.
2. No sign or supporting structure shall be located in or over the traveled portion of any public/private right-of-way or public/private easement.
3. No sign shall be erected on a private easement except for regulatory signs unless permission to erect such a sign is obtained from the property owner. No sign shall be erected within a road right-of-way except for regulatory signs including traffic signs and similar regulatory notices erected on behalf of a duly constituted governing body.
4. Non-residential signs located within 500 feet of any officially designated historical site or monument shall conform to the following requirements; the total sign surface area for such a sign shall not exceed one foot of sign surface area for each foot of lot frontage; the maximum sign surface area shall be 32 square feet and if the sign is illuminated, then it shall be externally illuminated.

(Ord. No. 417, 3-13-01)



Allowable Sign Height

Section 10.15 - Sign illumination and signs containing lights.

1. Unless otherwise prohibited by this ordinance, signs may be illuminated if such illumination is in accordance with this section.
2. No sign within 150 feet of a residential zoning district or any sign located within a residential district shall be illuminated between the hours of 10:00 p.m. and 6:00 a.m. Such signs can be either internally or externally illuminated provided such illumination is supplied by an exterior light source unless the illumination is approved by the board of zoning appeals. The board shall look at brightness, hours it is on, the impact of such lighting beyond the boundaries of the lot where it is located and any other criteria it believes is necessary to avoid disturbing the neighbors. No fee shall be charged for this type of review.
3. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public or private right-of-way, public easement, or residential premises.
4. If ground lights are used to illuminate a sign(s), then low evergreen shrubs shall be planted to screen such lights from the view of any public/private right-of-way or easement.

(Ord. No. 417, 3-13-01; Ord. No. 530, 2-3-03)

Section 10.16 - Outdoor advertising signs (billboards).

Outdoor advertising signs (billboards) shall be located only in the I-1 and I-2 Districts.

a. No billboard shall have more than two sign surface areas mounted back to back and each face shall be the same height and width;
b. No more than one billboard shall be allowed on a lot;
c. No billboard shall be erected upon the roof of any building, attached to any building or painted or posted on any building;
d. No billboard shall be set back less than the height of the sign from any public/private right-of-way or easement. No billboard shall exceed 24 feet in height at its highest point.
e. No billboard shall be less than 1,500 feet from any other billboard located on the same side of the same public/private right-of-way, public or private easement;
f. At street intersections, no billboard shall be located less than 500 feet from any other billboard sign.
g. No billboard shall be located within 200 feet of any right-of-way of any underpass, overpass, bridge, tunnel or any plaza serving such facility;
h. No billboard shall be located less than 500 feet from any residential district and/or use;
i. The maximum sign surface area allowed for such a sign shall be 150 square feet;
j. Such signs shall only be allowed on parcels which contain at least 150 feet of road frontage.
k. Such signs shall be permitted on premises where other businesses or permitted uses are established provided such signs are located at least 75 feet from any part of the property occupied by any portion of the established use including off-street parking areas.
l. Signs subject to regulation under SCDOT outdoor advertising control may require a permit from the South Carolina Department of Transportation in addition to any permit required under this ordinance.

(Ord. No. 417, 3-13-01)

Section 10.17 - Miscellaneous restrictions and prohibitions.

1. Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure will be moved by the wind or other forces of nature and cause injury to persons or property. All such signs shall comply with applicable provision of the Standard Building Code.
2. 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.
3. Any sign erected within a corner triangle shall be less than two feet in height or the bottom of such sign shall be at least ten feet above the ground. The width of the supporting member(s) shall not exceed 12 inches. Furthermore, no sign shall be erected which obstructs the free and clear vision of pedestrian or vehicular traffic.

(Ord. No. 417, 3-13-01)

Section 10.18 - Required landscaping.

1. All freestanding signs and billboards shall have landscaping in accordance with the standards set forth in subsections (2., 3., 4., and 5.) of this section.

2. For signs requiring landscaping, the area within which landscaping shall be provided shall consist of a square, rectangle, oval, or circle whose area shall be determined in the manner indicated below:
   a. For ground or monument signs, the minimum landscape area shall be three feet in depth from each side of the base of the sign. (See section 10.22);
   b. For billboards, the minimum landscape area shall be equal to 20 percent of the area of one (1) sign surface area. (See section 10.22.)
3. All signs requiring landscaping shall be located in the center of the landscaping area.
4. Landscape areas shall contain continuous plantings of species approved by the South Carolina Forestry Commission for planting in Lancaster County. Plantings shall be free of disease and maintained in healthy condition and shall be replaced in the event that any die. (See Chapter 22.)
5. All sign base landscaping shall be located so as not to obstruct any motorist's view of other vehicles moving within a parking lot or entering/exiting a driveway.

(Ord. No. 417, 3-13-01)

Section 10.19 - Nonconforming signs.

1. Nonconforming signs shall be governed by the provisions of this section and not those found in the Nonconforming Situations chapter of this ordinance.
2. Reserved.
3. No person shall engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign shall be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor shall illumination be added to any nonconforming sign.
4. A nonconforming sign shall not be moved or replaced except to bring the sign into complete conformity with this ordinance. Normal maintenance to a nonconforming sign is permitted provided no other provisions of this section are violated.
5. If a nonconforming sign is destroyed by natural causes, it shall not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a nonconforming sign is "destroyed" if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds 75 percent of the value listed for tax purposes as stated on the initial sign permit of such damaged sign.
6. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (e.g., by creating an off-premises sign under circumstances where such a sign would not be allowed).
7. Subject to the other provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed within any 12-month period 75 percent of the value listed for tax purposes as stated on the initial sign permit of such sign.
8. If a nonconforming sign remains blank for a continuous period of six months, that sign shall be deemed abandoned and shall within 30 days after such abandonment, be altered to comply with this section or be removed by either the sign owner or owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is "blank" if:
   a. It advertises a business, service, commodity, accommodation, attraction, or other enterprise

or activity that is no longer operating or being offered or conducted;
   b. The advertising message it displays becomes illegible in whole or substantial part;
   c. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

(Ord. No. 417, 3-13-01; Ord. No. 1179, § 1, 11-12-2012)

Section 10.19.1 - Nonconforming outdoor advertising signs (billboards only).

Legal nonconforming outdoor advertising signs (billboards) in commercial and industrial zoning districts may be replaced in whole or in part by commercial electronic variable message signs upon compliance with the following regulations.

1. A permit to replace legal nonconforming outdoor advertising sign (billboard) surface area with a CEVMS surface area shall be obtained, provided that there is no increase in the face area, height or projection.
2. Messages on a CEVMS shall remain fixed for a period of at least ten (10) seconds between changes. The change sequence must be accomplished within an interval of two (2) seconds or less.
3. A CEVMS shall not include animated, continuous, moving, rolling, scrolling messages, no fluttering, blinking, of flashing elements or video displays.
4. A CEVMS shall have an automatic dimmer and a photo cell sensor to adjust the illumination intensity, or brilliance of the sign so that it shall not cause glare or impair the vision of motorists, and shall not interfere with any driver's operation of a motor vehicle. The CEVMS should not exceed a maximum illumination of seven thousand five hundred (7,500) nits (candelas per square meter) during daylight hours and a maximum illumination of five hundred (500) nits between dusk to dawn as measured from the sign's face at maximum brightness. Any external illumination devices shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of a street or highway, or any residential use.
5. Existing metal sign support structures may be replaced with a new single pole metal sign support structure, provided, however, any new metal sign support shall not exceed the height of the existing metal sign support.
6. There shall be five thousand two hundred eighty (5,280) feet (5,280 feet = 1 mile) distance between one (1) outdoor advertising sign (two-sided billboard) to another CEVMS (two-sided billboard) facing in the same direction. On the opposite side of the road there shall be a one thousand-foot separation distance. If a legal nonconforming outdoor advertising sign (billboard) has two (2) faces in one (1) direction, that sign can be converted only to a single faced CEVMS with a maximum area not to exceed the larger of the two (2) existing faces.
7. At least once in every twelve (12) messages there shall be included on a pro-bono basis, one (1) public or community message. A public message must relate to public safety or emergency management and shall be provided to the owner or operator of the CEVMS by the county's Department of Emergency Management. Public messages shall have priority over community messages. A community message shall include messages relating to meetings and events sponsored by community organizations within the county, which are open to the entire community to attend. The community organizations shall make requests directly to the owner

or operator of the CEVMS. The owner or operator of the CEVMS shall give priority to requests for messages from community groups within close proximity of the location of the CEVMS. No public or community message shall be issue-oriented, religious or political in nature.
   a. *"Community messages" definitions and examples:* Festivals and events must be open to the entire community to attend. Civic groups, churches, neighborhoods, towns, and Lancaster County Departments may host such events.
   b. *Examples that are allowed under pro-bono "community messages" include:*
      Indian Land Fall Festival—Open to all and sponsored by Indian Land Rotary Club;
      Fall BBQ Dinner—Open to all, sponsored by Osceola [Osceola] Methodist Church;
      Elgin Volunteer Fire Department BBQ—Open to all, sponsored by Elgin VFD;
      Spring BBQ event—Open to all, sponsored by Indian Land Masonic Lodge;
      Regional Soccer Tournament—Open to all to attend, sponsored by Lancaster County Recreation Department;
      US 521 Corridor Study—Public Input Meeting—Open to all to attend, and hosted by Lancaster County Planning Department;
      Candidate Forum—Open to all, sponsored by Lancaster Chamber of Commerce;
      Vote November 6th—Open to all, sponsored by Lancaster County Election Commission.
   c. *Examples that are not allowed under pro-bono "community messages" include:*
      Come Join our Church—Open to all, sponsored by Faith Presbyterian Church—They must pay for an ad—Religious based;
      Vote for John Smith for Sheriff—Must pay for advertising—Political based;
      Republican Party forum—Must buy an advertisement—Political based;
      Support Referendum 604—Must buy an advertisement—Issue based;
      *Vote Yes for ******—Must buy an advertisement—Issue/political based.

(Ord. No. 1177, § 2, 11-12-2012)

Section 10.20 - Freedom of expression for noncommercial messages.

1. Notwithstanding any other provision of this ordinance, it shall be permissible to place on any lot, with the permission of the owner or person in possession of such premises, one (1) sign not to exceed 16 square feet in area, that contains a noncommercial message. No sign permit shall be required to erect such signs, but such signs shall be subject to the limitations set forth in section 10.3, subsections (1. and 2.), section 10.14 (4.) and section 10.17, subsection (1.).
2. Notwithstanding any other provision of this ordinance, noncommercial copy may be substituted for commercial copy or other noncommercial copy on any sign that is permissible under this ordinance.

(Ord. No. 417, 3-13-01)

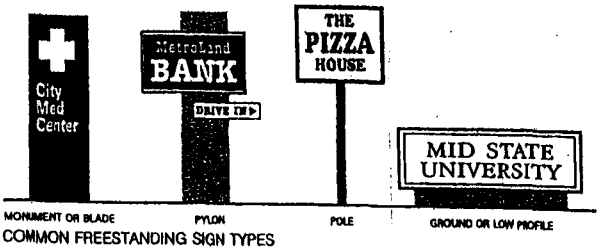
Section 10.21 - Removal of abandoned signs.

All abandoned signs, as defined in section 10.2, shall be taken down and removed in its entirety by the owner, agent or person having the beneficial use of the building, structure or lot upon which such signs shall be found within 30 days after written notification from the building official. Upon failure to comply with such notice within the time specified in such order, the building official is hereby authorized to cause removal of sign, and any expense incidental thereto shall be paid by the owner of the building, lot or structure to which the sign is attached. Whenever a bill for such charges remains unpaid for 60 days after it has been rendered, an assessment against the property owner shall become a lien on the property, shall be added to the annual tax levy, and shall be collected by the county in the same manner as the annual property tax. Nonconforming signs deemed abandoned shall also be governed by the following: No such sign shall be reestablished after the activity, business or usage to which it relates has been discontinued for 180 days or longer.

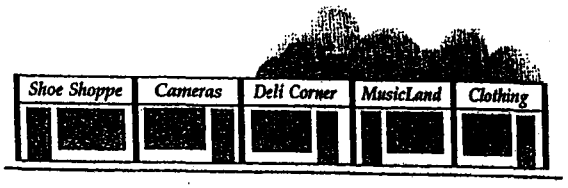
(Ord. No. 417, 3-13-01)

Section 10.22 - Illustrations.

GENERAL SIGN TYPES

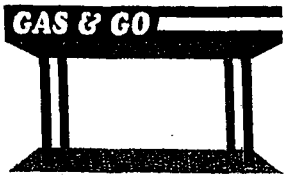


COMMON FREESTANDING SIGN TYPES



OTHER THAN FREESTANDING SIGNS ON STOREFRONTS

ROOF SIGN

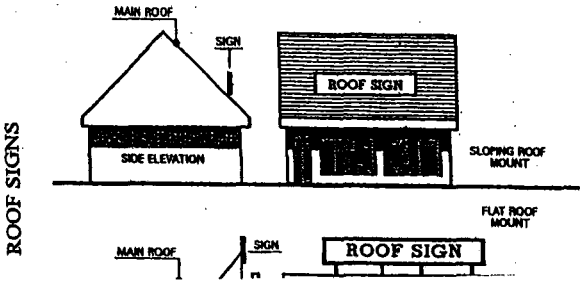


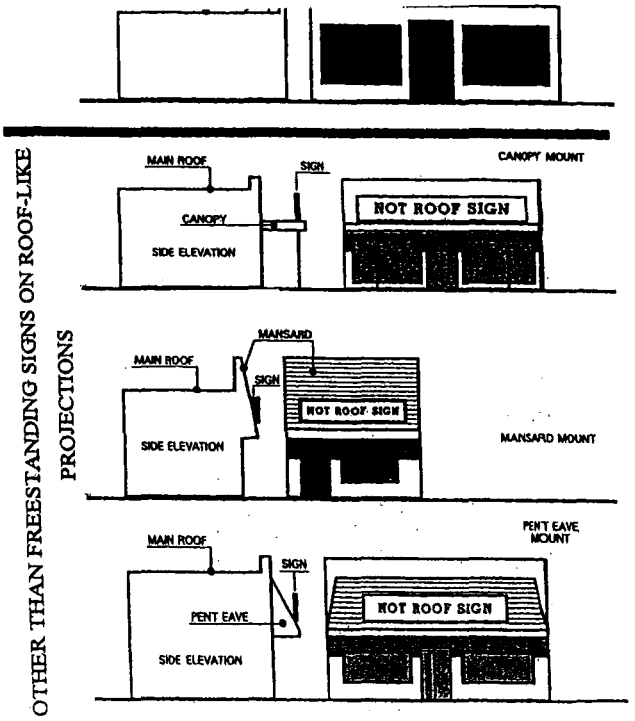
CANOPY SIGN
ON FREESTANDING CANOPY

PROJECTING SIGN

General Sign Types

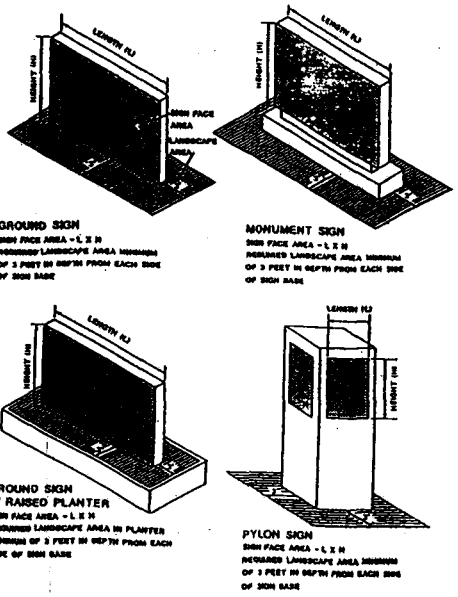
COMPARISON: ROOF & OTHER THAN FREESTANDINGS

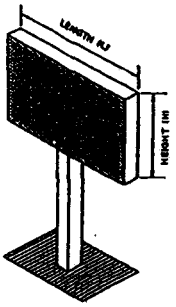




Roof and Other Than Freestandings

EXAMPLES OF HOW TO FIGURE THE LANDSCAPING REQUIREMENTS FOR DIFFERENT TYPES OF SIGNS





CHAPTER 11. - PARKING

Section 11.1 - Definitions.

1. Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this chapter.
2. *Circulation area.* That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
3. *Driveway.* That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
4. *Gross floor area.* The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
5. *Loading and unloading area.* That portion of the vehicle accommodation area used to satisfy the requirements of section 11.11.
6. *Parking area aisles.* That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
7. *Parking space.* A portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.
8. *Vehicle accommodation area.* That portion of a lot used by vehicles for access, circulation, parking, loading, and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.
9. *Vehicle storage area.* That portion of a vehicle accommodation area used in connection with an automotive repair or wrecking business as a place to park vehicles temporarily while they are waiting to be worked on or pending the pickup of such vehicles by their owners.

Section 11.2 - Number of parking spaces required.

a. All developments shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question. In addition, all automobile repair and service establishments shall provide sufficient vehicle storage area to accommodate the number of vehicles likely to be on the premises awaiting work or pending removal by their owners,

b. The presumptions established by this section are that: (a) a development must comply with the parking standards set forth in subsections a. and e., (b) any development that does meet these standards is in compliance, and (c) on-street parking spaces shall not count towards meeting the required number of parking spaces established in subsection (e) for each use. However, the table of parking requirements is only intended to establish the minimum number of parking spaces required for each use listed and should be flexibly administered, as provided in section 11.3.

c. The table of parking requirements is arranged alphabetically by use description. When determination of the number of parking spaces required by the table below results in a requirement of a fractional space, any fraction of one-half (0.5) or less shall be disregarded, while a fraction in excess of one-half (0.5) shall be counted as one (1) parking space.

d. The county council recognizes that the table of parking requirements set forth in subsection (e) cannot and does not cover every possible situation that shall arise. Therefore, in cases not specifically covered, the building inspections department is authorized to determine the parking requirements using this table as a guide.

e. Table of parking requirements:

Use description	Parking requirement
Accessory apartment.	1 space
Adult use.	1 space per 200 square feet of gross floor area.
Agricultural, silvicultural, mining and quarrying.	1 space for every employee on maximum shift plus 1 per facility vehicle.
Airport, bus station, train station.	1 space per 2 employee on the largest shift plus 1 for each vehicle used in connection with the facility plus 1 space per 4 seats in any waiting area.
Antique shop.	1 spaces per 500 square feet of gross floor area.
Art gallery.	1 spaces per 500 square feet of gross floor area
Auto and motorcycle racing tracks.	1 space for every 3 seats.

Banks with drive-in windows.	1 space per 300 square feet of area within main building plus reservoir land capacity equal to 3 spaces per window.
Bowling alley,	3 spaces per lane
Billiard and pool hall.	2 spaces per table.
Car sales or rental.	1 space per 400 square feet of gross floor area plus 4 spaces per service bay plus 1 space per wrecker or service. For car rental establishments, an additional 1 space per rental vehicle shall be provided.
Car wash. Automatic wash:	4 spaces per bay; self-service: 2 spaces per bay.
Coliseums, stadiums, etc.	1 space for every 4 seats.
Colleges, universities, and community colleges.	0.5 spaces per full-time faculty member and employee plus 1 space per full-time or equivalent 3 students
Commercial: high-volume traffic.	1 space per 200 square feet of gross floor area.
Commercial: high-volume traffic, outdoor storage allowed.	1 space per 200 square feet of gross floor area plus 1 space per employee.
Commercial: low-volume traffic.	1 space per 400 square feet of gross floor area.
Commercial: low-volume traffic, outdoor storage allowed.	1 space per 400 square feet of gross floor area.
Day care.	1 space per 10 children plus 1 per employee.
Drive-in movie theaters.	1 space per speaker outlet.

Dry cleaner.	1 space per 300 square feet of gross floor area plus storage space for 3 vehicles at each drive-thru window.
Emergency services.	One space per person on duty on the maximum shift plus 1 space per motor vehicle operated in connection with such use.
Funeral home.	1 space per 4 seats plus 1 per vehicle used in relation to the business plus 1 per employee.
Gas station, service station.	1 space per employee, plus 3 spaces per service bay, plus 1 space per 250 square feet of gross floor area devoted to retail sales if facility includes mini-mart sales area, plus.
Greenhouse.	1 space per 500 square feet of gross floor area devoted to sales space and offices plus 1 space per 2500 square feet of outdoor display area.
Group homes.	1 space for every 5 clients or fraction thereof plus 1 per employee of the largest shift; if clients may not own a vehicle, then 1 space per 600 square feet of gross floor area.
Health and fitness facility.	1 space per 200 square feet of gross floor area.
Heavy equipment sales, rental and service establishment.	1 space per 500 square feet of sales/rental floor area, plus 1 space per 2500 square feet of open sales/rental display lot area, plus 2 spaces per service bay, plus 1 space per employee.
Home occupations.	1 space in addition to residential requirement.

Horseback riding/stables.	1 space per horse that could be kept at the stable when occupied to maximum capacity.
Horticultural sales.	1 space per 400 square feet of gross floor area devoted to sales.
Hospitals, clinics, etc.	1 space per 2 beds plus 1 per medical staff member plus 1 per 2 employees on the maximum shift plus 1 per hospital vehicle.
Industrial.	0.75 spaces per employee on largest shift, plus 1 space per company vehicle or piece of mobile equipment used directly in the conduct of the business.
Junkyards.	1 space per employee
Kennel.	1 space per 400 square feet of gross floor area.
Landfill.	1 space for every 2 employees on maximum shift.
Laundromat: Self-service.	1 space per two washing or cleaning machines
Libraries.	1 space per 300 square feet of gross floor area.
Manufacturing.	0.75 spaces per employee on largest shift, plus 1 space per company vehicle or piece of mobile equipment used directly in the operation of the business.
Mental institutions.	1 space per 2 beds.
Military reserve or national guard center.	1 space per 300 square feet of gross floor area.
Movie theaters.	1 space for every 4 seats.

Multifamily and two-family housing.	1.5 spaces for each dwelling unit, multifamily units limited to persons of low or moderate income or the elderly require only 0.75 space per unit.
Nursing homes, convalescent center.	1 space per 3 residents plus 1 per 2 employees on the largest shift.
Office, General:	1 space per 300 square feet of gross floor area.
Office, Medical/Dental.	1 space per 200 square feet of gross floor area.
Open air markets.	2 spaces per stand.
Outdoor recreation or entertainment.	1 space per 200 square feet of area within enclosed buildings, plus 1 space for every 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.
Post office.	1 space per 150 square feet of customer service area plus 0.70 spaces per employee on largest shift.
Prison, correctional institution.	1 space per employee on largest shift.
Recreational uses such as golf driving ranges, par 3's, miniature golf, tennis centers and similar recreational uses.	1.5 spaces per tee, green, court and/or other method of participation.
Religious institution.	1 space per every 4 seats in the portion of the building to be used for services.
Research and development facility.	1 space per 1.5 employee on largest shift, plus 1 space for each vehicle used in the operation of the facility and stored on the lot.

Restaurant—Carryout and delivery, drive-in service, service or consumption outdoors.	1 space per 3 seats plus 1 per each 2 employees plus reservoir lane capacity equal to 5 spaces per drive-in window plus 5 spaces designated for the ordering station.
Restaurant—No carryout or delivery, no drive-in, no service or consumption outdoors.	1 space per 3 seats plus 1 per each 2 employees.
Rooming and boarding houses.	1 space for each bedroom or boarder plus the normal parking requirement for the dwelling unit.
Schools: elementary and secondary.	Elementary schools: 2 spaces per classroom plus 1 per office plus 1 per school owned or operated vehicle. High schools: 1 space per staff member plus 1 per 4 students (based on design capacity) plus 1 per school owned or operated vehicle.
Schools: business, trade or vocational.	1 per 3 student plus per 0.7 spaces per employee
Shopping Center.	Up to 400,000 square feet of gross floor area: 1 space per 250 square feet of gross floor area; over 400,000 square feet of gross floor area. 1 space per 200 square feet of gross floor area.
Single-family housing.	2 spaces per dwelling unit plus 1 space per room rented out (see accessory uses, section 31-34).
Skating (ice and roller) and skate board facility.	1 space per 200 square feet of skating area.

Social clubs, lodges, union halls, etc.	1 per 4 persons of the rated capacity.
Storage.	1 space for every 2 employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside).
Tourist homes and hotels.	1 space for each room to be rented, plus additional spaces required for other uses associated with the establishment in accordance with other sections of this section.
Veterinarian offices or hospital.	4 spaces for each veterinarian plus 0.7 spaces per employee plus 1 space per vehicle used in the operation of the business.
Warehousing, distribution.	1 space for every employee on the maximum shift.

(Ord. No. 323, 2-1-99; Ord. No. 545, 5-19-03)

Section 11.3 - Flexibility in administration required.

1. The county council recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in section 11.2 subsection 5. may result in a development with either inadequate parking space or parking space far in excess of its needs. The former situation shall lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation results in a waste of money as well as a waste of space that could more desirably be used for valuable development or environmentally useful open space. Therefore, as suggested in section 11.2, the permit-issuing authority shall permit deviations from the presumptive requirements of section 11.2 subsection 5. and shall require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in section 11.2 subsection 1. In addition, that same flexible approach shall be followed with respect to the vehicle storage area requirements set forth in the preceding table.
2. Whenever the permit-issuing authority allows or requires a deviation from the presumptive parking requirements set forth in section 11.2 subsection 5., it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.
3.

If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by section 11.2 subsection 5. for a particular use description is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements in accordance with the procedures set forth in Chapter 18, Amendments, of this ordinance.

Section 11.4 - Parking space dimensions.

1. Subject to subsections 2. and 3., parking spaces shall contain a rectangular area at least nine feet wide and 18 feet long. Lines demarcating parking spaces shall be drawn at various angles in relation to curbs or aisles, as long as the parking spaces so created contain within them the rectangular area required by this section.
2. In parking areas containing 10 or more spaces, up to 20 percent of the parking spaces may be set aside for the exclusive use of subcompact cars. A subcompact parking space shall contain a rectangular area eight feet wide and 16 feet long. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
3. Wherever parking consists of spaces set aside for parallel parking, such spaces shall not be less than nine feet wide and 24 feet long.

Section 11.5 - Required width of parking area aisles and driveways.

a. Parking area aisles shall have a minimum width between parking spaces that complies with the following table.

Aisle Type	0 Degrees	30 Degrees	45 Degrees	60 Degrees	90 Degrees
One-way traffic	12'	12'	12'	18'	24'
Two-way traffic	24'	24'	24'	24'	24'

b. Driveways shall be not less than twelve (12) feet in width for one-way traffic and twenty-four feet (24) in width for two-way traffic, except that ten-foot wide driveways are permissible for two-way traffic when (a) the driveway is not longer than fifty (50) feet, (b) it provides access to not more than ten (10) spaces, and (c) sufficient turning space is provided so that vehicles need not back into a public street.
c. All driveway entrances and other openings onto city maintained streets shall, at a minimum, conform to the requirements set forth in the MRT current edition of the South Carolina Department of Transportation's Access and Roadside Management Standards.

(Ord. No. 545, 5-19-03)

Section 11.6 - General design requirements.

1. Vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles shall exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units.
2.

Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public right-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

3. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
4. Vehicle storage areas are not required to observe any particular configuration but shall be so located and designed so that the entire amount of required square footage of such areas can be used for the purpose intended without creating any substantial danger of injury to persons or property and without impeding vehicular movement in the adjacent street.
5. Lighting standards for lights used in the parking areas of all non-residential and multiple-family developments. Adequate lighting shall be provided in nonresidential and multifamily development s conforming with accepted engineering standards. Parking areas, sidewalks, and building entrances shall be lighted in order to contribute to the security of property and to facilitate the safe passage of persons using the roads, sidewalks and parking lots after dark. However, measures shall be provided to prevent light spillover onto adjacent properties and glare toward motor vehicle operators. The purpose of these standards is to assure that exterior lights shall be shielded so that they do not cast direct light beyond the property line. In accordance with these standards:
   a. The maximum illumination at the edge of the property line adjacent to residential zoning—½ foot candles.
   b. The maximum illumination at the edge of the property line adjacent to nonresidential zoning—Five foot candles.
   c. The maximum illumination at the edge of the property line adjacent to a street—Five foot candles.
   d. The maximum height for directional lighting fixture, which are defined as fixtures designed to insure that no light is emitted above a horizontal line parallel to the ground, shall be 25 feet.
   e. The maximum height for non-directional lighting fixtures, which are defined as fixtures designed to allow light to be emitted above a horizontal line parallel to the ground, shall be 12 feet. Light fixtures covered by this section must be translucent or have baffles to prevent views of the light source. These types of lighting fixtures are not recommended for lighting sidewalks, streets or parking areas. This type of lighting may not be used if the approval body determines that the off-site effects are incompatible with the surrounding neighborhood.
   f. The approving authority may adjust the standards for the maximum illumination at the edge of a property adjacent to another nonresidential use if the approving authority determines that the design and nature of the adjacent use creates a need to either reduce or increase the maximum illumination.
   g. Existing fixtures: Lighting fixtures existing at the time of the approval of this section may remain, and shall be considered nonconforming structures and shall comply with the requirements of Chapter 9, Nonconforming Uses. Renovations being made to existing buildings on a parcel, regardless of the cost of these renovations, shall not cause the existing lighting fixtures to be brought up to the standards contained in this section.
   h.

Modifications to our replacement of existing lighting fixtures shall conform with the standards of this section. Adding new lighting fixtures to existing parking areas or expansion of existing parking areas shall conform with the standards of this section.

   i. The following shall be exempt from these provisions:
      1. Outdoor lights used for a temporary event.
      2. Outdoor lights used exclusively for public recreational activities, concerts, plays or other outdoor events which are open to the public, provided that the event or function meets all other applicable zoning requirements.
      3. Outdoor lighting used in connection with these categories shall only be illuminated while the activity takes place and during high traffic periods before and after the event.
      4. Outdoor advertising signs constructed of translucent material and wholly illuminated from within and fossil fuel lights.
      5. Temporary emergency lighting needed by the police, fire department, utilities or other emergency services, as well as all vehicular luminaries.
      6. Hazard warning luminaries required by the federal regulatory agencies are except from the requirement of this section except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirements for the specific task.
      7. Motion detector security lights which are normally "off" and which are activated "on" for less than four minutes occasionally when motion is detected, are exempt from the strict control of the requirements of this section.

(Ord. No. 571, 1-5-04)

Section 11.7 - Vehicle accommodation area surfaces.

1. Vehicle accommodation areas in districts other than the I-1 and I-2 districts that are required to contain more than 1,000 square feet of combined vehicle parking areas and any drive aisles shall be graded and surfaced with asphalt, concrete, or other material that shall provide equivalent protection against potholes, erosion, and dust. Private drives or driveways in manufactured home parks or other multifamily residential developments containing more than three dwelling units shall be similarly surfaced. Vehicle accommodation areas paved with asphalt shall be constructed in the same manner as street surfaces (Chapter 21, Sections 21.6 through 21.9). If concrete is used as the paving material, vehicle accommodation areas shall be similarly constructed except six inches of concrete shall be used instead of two inches of asphalt. The public works director may allow other paving materials to be used so long as the equivalent level of stability is achieved.
2. Vehicle accommodation areas that are not provided with the type of surface specified in subsection 1. shall be constructed in the same manner as paved areas except that crushed stone of the following type may be used in lieu of asphalt, concrete, or other paving materials: Size 13 crushed stone. This alternative is to provide a surface that is stable and shall help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices.
3. Parking spaces in areas surfaced in accordance with subsection 1. shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with subsection 2. shall be demarcated wherever practical.
4.

Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (i.e., free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

(Ord. No. 1263, § 1, 4-14-2014)

Section 11.8 - Joint use of required parking spaces.

1. One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use shall not be credited to any other use.
2. To the extent developments wish to make joint use of the same parking spaces by businesses which operate at different times, the same spaces shall be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90 percent vacant on weekends, another development that operates only on weekends could be credited with 90 percent of the spaces on that lot. If a church parking lot is generally occupied only to 50 percent of capacity on days other than Sunday, another development could make use of 50 percent of the church lot's spaces on those other days.
3. If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of section 11.9 are also applicable.

Section 11.9 - Satellite parking.

1. If the number of off-street parking spaces required by this ordinance cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces shall be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as "satellite" parking spaces.
2. All such satellite parking spaces (except spaces intended for employee use) must be located within 400 feet of a public entrance of a principal building housing the use associated with such parking, or within 400 feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use shall be located within any reasonable distance.
3. The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer shall sign an acknowledgment that the continuing validity of his permit depends upon his continuing ability to provide the required number or parking spaces.
4. Persons who obtain satellite parking spaces in accordance with this section shall not be held accountable for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this section.

Section 11.10 - Special provisions for lots with existing buildings.

Notwithstanding any other provisions of this ordinance, whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this ordinance, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking requirements of section 11.2 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be

used for parking, then the developer need only comply with the requirements of section 11.2 to the extent that (i) parking space is practicably available on the lot where the development is located and (ii) satellite parking space is reasonably available as provided in section 11.9.

Section 11.11 - Loading and unloading areas.

1. Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area shall be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner. 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. In all cases, such areas shall be located on the same lot or parcel of land as the structure they are intended to serve.
2. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the permit-issuing authority shall require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

Square Feet of Gross Floor Area in Structure	Number of Berths
0—15,000	1
15,001—50,000	2
50,001—100,000	3
Each additional 100,000	1

Minimum dimensions of twelve (12) feet × fifty-five (55) feet and overhead clearance of fourteen (14) feet from the street grade.

1. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.
2. No area allocated to loading and unloading facilities shall be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(Ord. No. 545, 5-19-03)

Section 11.12 - No parking indicated near fire hydrants.

Whenever a fire hydrant is located adjacent to any portion of a vehicle accommodation area required to be paved under section 11.7, the pavement shall be clearly marked to indicate that parking within fifteen (15) feet of such hydrant is prohibited.

Section 11.13 - Handicapped parking.

Provisions relating to handicapped parking are set forth in the Standard Building Code and all vehicle accommodation areas shall comply with such requirements to the extent they are applicable.

Section 11.14 - Shade trees in parking areas.

1. Vehicle accommodation areas that are required to be paved by this chapter, as well as vehicle accommodation areas in the I-1 and I-2 Districts that contain more than twenty (20) parking spaces, shall be shaded by deciduous trees (either retained or planted by the developer) that have a minimum caliper of two (2.0) inches. When trees are planted by the developer to satisfy the requirements of this subsection, the developer shall choose trees that meet the standards set forth in chapter 22.
2. In vehicle accommodation areas that are required to be paved by this chapter, as well as vehicle accommodation areas in the I-1 and I-2 Districts that contain more than twenty (20) parking spaces, shall meet the following landscaping standards.
   a. *Street frontage:* Fifteen-foot landscaped strip along a street frontage. This area shall include one (1) shade tree per every fifty (50) feet of street frontage or fraction thereof, or two (2) ornamental trees per every fifty (50) feet of street frontage or fraction thereof and six (6) shrubs. Shrubs in this area shall not be allowed to grow over three (3) feet in height and trees shall have all limbs trimmed at least six (6) feet above the ground;
   b. *Perimeter landscaping strip other than along a street* frontage: Five (5) feet in width and tree requirements should be the same as for street frontage;
   c. *Interior landscaping:* A minimum of at least five (5) percent of the total interior square footage of the parking lots shall be landscaped. No less than a minimum of one (1) landscaped island shall be provided for every ten (10) parking spaces or fraction thereof. Landscaped island shall be a minimum of one hundred fifty (150) square feet (typically ten (10) feet by fifteen (15) feet). This area shall contain one tree having at least a two-inch caliper and six (6) shrubs at least eighteen (18) inches in height at the time of planting. Additionally, a landscaped island shall be provided at both ends of all parking aisles. Each of these landscaped islands shall contain one (1) shade tree and six (6) shrubs. Shrubs in this area shall not be allowed to grow over three (3) feet in height and trees shall have all limbs trimmed at least six (6) feet above the round.
3. No paving shall be placed within fifteen (15) feet (measured from the dripline) of any tree retained to comply with subsection (1), and new trees planted to comply with subsection (1). New trees planted to comply with subsection (1) shall be located so that they are surrounded by at least one hundred fifty (150) square feet of unpaved area. This area shall be at least fifteen (15) feet in width.
4. Vehicle accommodation areas shall be laid out and detailed to prevent vehicles from striking trees. Vehicles shall be presumed to have a body overhang of three (3) feet, six (6) inches.
5. The landscaping requirement for the vehicle accommodation areas shall not be used to meet any other buffering requirement of this unified development ordinance.

(Ord. No. 708, 1-9-06; Ord. No. 937, 11-11-08; Ord. No. 1151, § 1, 7-9-2012)

Section 11.15 - Parking, storage and use of certain vehicles.

1. Open storage of automobiles, trucks or trailers of any type without current license plates shall be prohibited on any parcel. Storage of any junked automobile(s), unit(s) or such equipment on a parcel shall be totally screened from view by placement in a building or other approved enclosure.
2. The parking or storage of tractor trailer rigs and/or cabs is not permitted in any residential district except for the R-45A or R-45B Districts.
3. Not more than one travel or camping trailer per family living on the premises shall be permitted on a lot in any residential 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 ninety (90) days of the effective date of this ordinance.

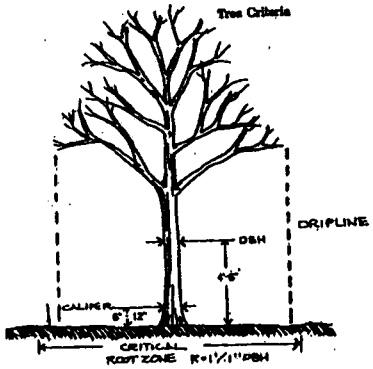
CHAPTER 12. - LANDSCAPING REQUIREMENTS

Section 12.1 - Definitions.

The following definitions shall apply to the regulation and control of landscaping within this article:

1. *Caliper:* A standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch caliper size, and twelve inches above the ground for larger sizes.
2. *Critical root zone (CRZ):* A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight feet.
3. *DBH:* Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of four and one-half (4.5) feet above the ground.
4. *Deciduous:* Those plants that annually lose their leaves.
5. *Drip line:* A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Figure 12.1.1



6. *Evergreen:* Those plants that retain foliage throughout the year.
7. *Evergreen screen:* A plant growing to over 20 feet in height at maturity that retains foliage year round that is planted to provide a dense vegetative screen for purposes of visual mitigation between zoning districts. See Figure 12.1.2 below.

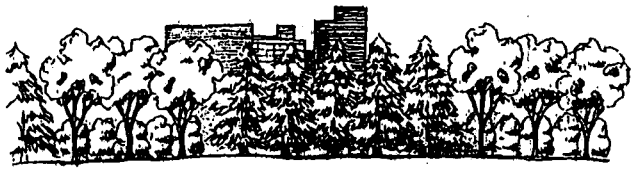


Figure 12.1.2 Evergreen Screen

Figure 12.1.2. Evergreen Screen. An evergreen screen may vary in style according to site requirements and the designer's interpretation. A simple tall hedge of one plant species may be most appropriate in a setting where there is already a variety of visual elements or significant architectural character. However, where a site lacks visual detail or interest, as in the case of a nondescript commercial structure with an abundance of conspicuous parking area, a screen of mixed species might provide needed interest and visual diversion.

8. *Ground cover:* A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Many ground covers survive in poor soils, shade and other adverse conditions.

9. *Landscaping:* The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover.
10. *Parking lot plantings:* Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.
11. *Planting area:* The area prepared for the purpose of accommodating the planting of trees, shrubs, and ground covers.
12. *Buffer yard:* The required installation of landscaping and screening materials between zoning districts.
    a. *Type 1 buffer yard:* A medium density screen having a minimum width of 15 feet which is intended to partially block visual contact between zoning classifications and create spatial separation.
    b. *Type 2 buffer yard:* A medium-high density screen having a minimum width of 20 feet which is intended to partially block visual contact between zoning classifications and create spatial separation.
    c. *Type 3 buffer yard:* A high density screen having a minimum width of 25 feet which is intended to substantially block visual contact between zoning classifications and create spatial separation. Type 3 buffer yard reduces lighting and noise that would otherwise intrude upon adjacent zoning classifications.
    d. *Type 4 buffer yard:* A very high density screen having a minimum width of 30 feet which is intended to substantially block visual contact between zoning classifications and create spatial separation. Type 4 buffer yard reduces lighting and noise that would otherwise intrude upon adjacent zoning classifications.

    (See Figure 12.1.3 next page)

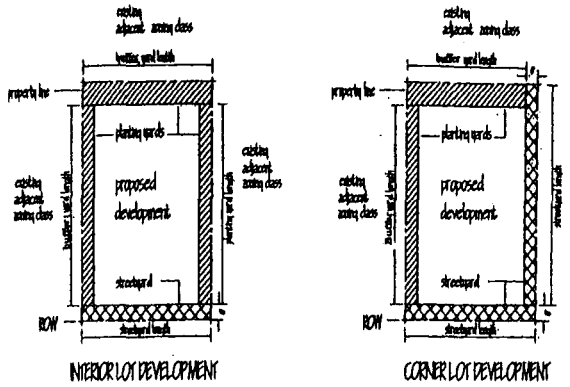


Figure 12.1.3 Street yards

Figure 12.1.3 Interior and Corner Developments

13. *Shrub, large:* A plant growing 10 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.
14. *Shrub, medium:* A plant growing five feet to ten feet in height at maturity that is planted for ornamental or screening purposes.
15. *Shrub, small:* A plant growing less than five feet in height at maturity that is planted for ornamental or screening purposes.
16. *Street tree:* A tree planted along the street behind the right-of-way.
17. *Street yard:* A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.
18. *Tree, ornamental:* A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.
19. *Tree, shade:* A large tree growing to over 40 feet in height at maturity, usually Deciduous, that is planted to provide canopy cover shade.
20. *Vines:* A woody plant that has a spreading pattern of growth. Vines may be used on the ground, or walls and on trellises.

(See Figure 12.1.4 next page.)

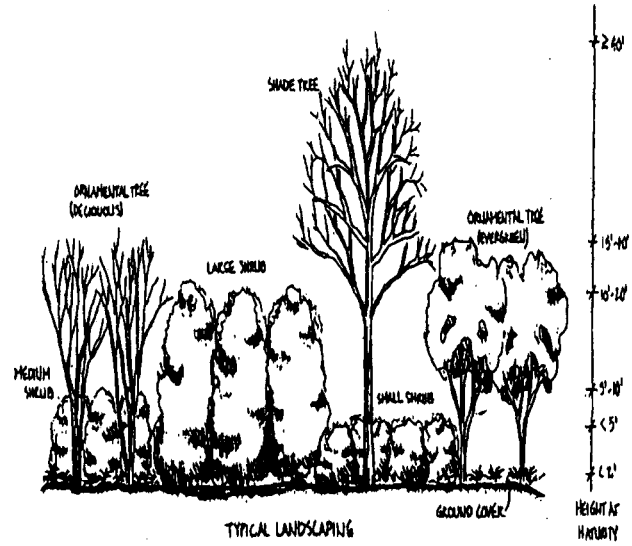


Figure 12.1.4 Plant Categories

Section 12.2 - Purpose and scope.

This article is intended to establish minimum standards for the design of landscape for all types of land uses including, but not limited to, residential, commercial and industrial so as to improve the community aesthetically, economically and environmentally. This chapter improves the appearance of the community through the provision of the preservation of trees in order to better control soil erosion, reduce the hazards of flooding, stabilize the ground water tables, absorb carbon dioxide, supply oxygen, provide shade for cooling, screen noise, dust, glare, and preserve, protect and enhance the natural environment.

The buffer yard regulations established herein are intended to minimize potential conflicts between abutting developments. The purpose of buffer yards is to ensure that a natural area of appropriate size and density of plants is located between zoning districts and/or uses.

(Ord. No. 873, 12-3-07)

Section 12.2.1 - County council findings concerning the need for screening requirements.

The county council finds that:

1. Screening between two lots lessens the transmission from one lot to another of noise, dust, and glare.
2. Screening can lessen the visual pollution that may otherwise occur within a developed area. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield entirely one use from the visual assault of an adjacent use.
3. Screening can establish a greater sense of privacy from visual or physical intrusion with the degree of privacy varying with the intensity of the screening.
4. The provisions of this chapter are necessary to safeguard the public health, safety, and welfare.

Section 12.2.2 - General screening standards.

Every development shall provide sufficient screening so that:

1. Neighboring properties are shielded from any adverse external effects of that development.
2. The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

Section 12.2.3 - Applicability.

The provisions of this ordinance shall apply to all uses other than single-family and two-family residential uses.

Section 12.3 - Location of buffer yards.

Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards 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, buffer yards and/or buffer yard structures shall be developed as an integral part of the proposed use. (See Figure 12.1.3)

Section 12.4 - Minimum plant size.

Plants shall be sufficiently sized to insure buffering and screening at the time of installation. Where the buffer yard 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 shall 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:

Plant Materials Type	Planting in Buffer Yards Abutting Structures, Fences, and Berms
Large Trees	2.0 inch caliper—25 gallon container
Ornamental trees	2.0 inch caliper—25 gallon container

Shrub deciduous or evergreen	3 gallon container

(Ord. No. 707, 1-9-06)

Section 12.5 - Containers and dumpsters.

1. Every multifamily development containing five (5) or more dwelling units, every manufactured home park designed to accommodate five (5) or more manufactured homes, and every nonresidential development likely to generate solid waste in volumes that equal or exceed those generated by five (5) or more single-family homes, shall provide one (1) or more dumpsters as necessary to handle the solid waste collection needs of such development. This dumpster(s) shall be provided by the developer.
2. Every development that is required to provide one (1) or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:
   a. Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way;
   b. Constructed to allow for collection without damage to the development site or the collection vehicle.
3. All such dumpsters shall be screened if and to the extent that, in the absence of screening they would be clearly visible to:
   a. Persons located within any dwelling unit on residential property other than that where the dumpster is located.
   b. Occupants, customers, or other invitees located within any building on nonresidential property other than that where the dumpster is located, unless such other property is used primarily for purposes permitted exclusively in an I-1 or I-2 zoning district;
   c. Persons traveling on any public street, sidewalk, or other public way.
4. When dumpster screening is required under this section, such screening shall be constructed, installed, and located to prevent or remedy the conditions requiring the screening. Such screening shall be opaque and shall be at least one (1) foot above the height of the container but shall not be required to be over eight (8) feet in height. The open side shall not be visible from the street.

Section 12.6 - Appearance of fences and walls.

All fences and walls used as part of the buffer yard requirements must have a finished side that is facing the 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 buffer yard requirements, they shall be established along the inside line of the buffer yards, 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 may also be established along the outer perimeter of the lot with approval of the planning department.

Section 12.7 - Required maintenance.

The maintenance of all required bufferyards shall be the responsibility of the property owner. All bufferyards shall be properly maintained so as to insure continued buffering. Failure to do so is a violation of this ordinance and shall be remedied in the manner prescribed for other violations.

Section 12.8 - Installation of buffer yard.

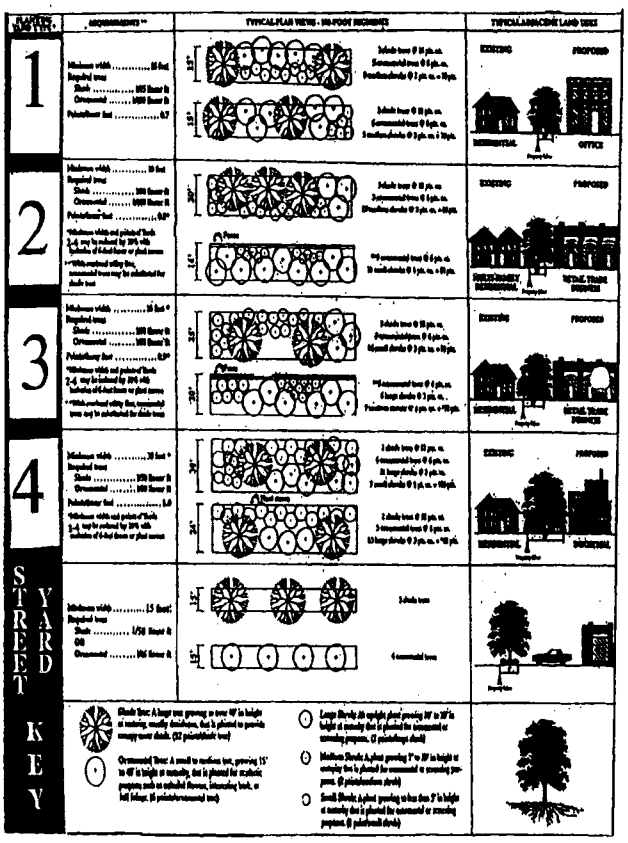
Any required bufferyard shall be required to be installed at the time of construction so long as this is within the usual growing period for the area. If the time of planting occurs in the non-growing period of the year, e.g., April through October, the bufferyard shall be installed during the next growing season, i.e., November through March. If this occurs, a performance bond shall be provided to the governing body in the amount equal to at least 125 percent of the cost of the required landscaping.

Zoning District of buffer Yard Provider	Zoning District of Affected Property Owner	Total Floor Space of all Structures on Lot	Minimum Screening Type to Be Provided
MF, B-1	All residential districts (*)	Up to 20,000 sq. ft. Over to 20,000 sq. ft.	Type 1 buffer yard Type 2 buffer yard
MHP	All other residential districts (*)	Not applicable	See section 4.2.3
B-2	All residential districts (*); any B district when developed with a residential use; manufactured home parks	Not applicable	Type 2 buffer yard
B-3	All residential districts (*); any B district when developed with a residential use; manufactured home parks; B-1 and B-2	Not applicable	Type 3 buffer yard

B-4	All residential districts (*); any B district when developed with a residential use; manufactured home parks; B-1, B-2 and B-3	Not applicable	Type 4 buffer yard
I-1, I-2	B-1 and B-2	Not applicable	Type 3 buffer yard
	All residential districts (*); any B district when developed with a residential use; manufactured home parks	Not applicable	Type 4 buffer yard

(*) All non-residential uses located in a residential district shall be required to provide a Type 2 buffer yard along all side and rear property lines.

For Planned Development Districts (PDD), see section 13.12 for buffer yard requirements.



Buffer Yard Types

TABLE 12-3

Points for Planting Yards

	Points
Shade Tree	12
Ornamental Tree	6
Large Shrub	3
Medium Shrub	2
Small Shrub	1

Planting Yard Landscaping

Yard Type	*Min. Width*	*Trees* Shade*	*(c) Orn.*	*Shrubs Small*	*Shrubs Medium*	*Shrubs Large*	*Required Points Per Linear Ft.*
1	15'	1/75'	25/100'		Optional		0.7
2	20'	1/50'	25/100'		Optional		0.8
3	25'	1/50'	25/75'		Optional		0.9
4	35'	1/50'	25/50'		Optional		1.0

*Or fraction thereof

Section 12.9 - Bufferyard requirements and illustrations.

TABLE 12-4

Street Yard Landscaping

	Min. Width	Trees*(c)(d) Shade/Orn.	Shrubs**

Requirements	15	1/50 or 1/25	Optional

*or fraction thereof

**Shrubs are optional, but the tree requirement must be met.

a. A wall or fence, a minimum of six feet in height (constructed of masonry or pressure treated lumber), maybe used to reduce both the minimum width of the buffer yards and the corresponding number of points per linear foot by 20 percent.
b. In all buffer yards, ornamental trees may be substituted for shade trees at the rate of two (2) ornamental trees for each required shade tree.
c. In the case of a conflict with utility lines, one (1) ornamental tree may be substituted for each required shade tree.
d. All trees in street yards shall be planted no closer than eight feet from any public right-of-way.
e. For the purpose of this section, building setbacks shall supersede buffer yard landscaping requirements.

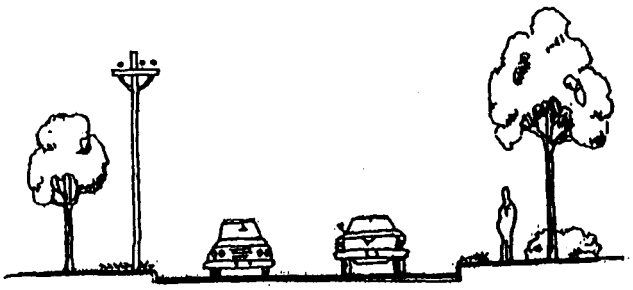


Figure 12.1.6 Conflict with utility lines. Ornamental trees may be substituted for shade trees under or adjacent to utility lines. See Table 10-3 (c) of Ordinance.

Conflict with Utility Lines

Typical Retail Development

Buffer Yards:	
Type 3 Buffer Yard:	
100 linear feet × .9	= 90 points required
2 shade trees (required)	= 24 points
3 ornamentals (2 required)	= 18 points
16 large shrubs	= 48 points
Total	= 90 points
Type 1 Bufferyard:	
167 linear feet × .7	= 116.9 points required
6 ornamentals (2 required)	= 36 points
33 small shrubs	= 33 points
43 shade trees	= 48 points
Total	= 117 points
Street Yard	
100 linear feet	= 2 shade trees (shown) or 4 ornamentals

Section 12.10 - Flexibility in administration required.

1. The county council recognizes that, because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible screening requirements. Therefore, the permit-issuing authority may permit deviations from the presumptive requirements of section 12.1.9 and may require either more intensive or less intensive screening whenever it finds such deviations are more likely to satisfy the standard set forth in section 12.2.2 without imposing unnecessary costs on the developer.
2.

Whenever the permit-issuing authority allows or requires a deviation from the presumptive requirements set forth in section 12.1.9, it shall enter on the face of the permit the screening requirement that it imposes to meet the standard set forth in section 12.2.2 and the reasons for allowing or requiring the deviation.

3. If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that a presumption established by section 12.1.9 is erroneous, it shall initiate a request for an amendment to the *Table of Screening Requirements* in accordance with the procedures set forth in the Chapter 18 of this ordinance.
4. The exact placement of required plants shall be the decision of the developer except evergreen (or conifers) plant materials shall be planted in clusters rather than individually to maximize their chances of survival and increase screening. All buffer yard areas not devoted to plants shall be seeded with lawn grass or suitable ground cover. Examples of how a buffer yard can be installed are shown in section 12.9, above.
5. During periods of severe drought or extreme drought, as declared by the Drought Response Committee of South Carolina and/or the Lancaster County Water and Sewer Authority, or level 2 low inflow condition as declared by Duke Power, the planning director shall have the authority to temporarily suspend buffering and/or landscaping requirements until such time as the drought conditions are terminated.

(Ord. No. 866, 11-26-07)

Section 12.11 - Shading and tree protection.

Section 12.11.1 - County council findings and declaration of policy on shade trees.

1. The county council finds that:
   a. Trees, shrubs, and other plants are proven producers of oxygen and a necessary element for human survival;
   b. Trees, shrubs, and other plants appreciably reduce the carbon dioxide content of the air and play a vital role in purifying the air we breathe;
   c. Trees, shrubs, and other plants precipitate dust and other particulate airborne pollutants from the air;
   d. Trees, shrubs, and other plants transpire considerable mounts of water each day and thereby purify the air much like the air-washer devices used on commercial air conditioning systems;
   e. Trees, shrubs, and other plants have an important role in neutralizing waste water passing through the ground from the surface to ground water tables and lower aquifers;
   f. Trees, shrubs, and other plants through their root systems stabilize the ground water tables and play an important and effective part in soil conservation, erosion control, and flood control;
   g. Trees provide valuable physical, aesthetic, historic, and psychological benefits to a developed setting, making life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare, and breaking the monotony of human developments on the land, particularly parking areas;
   h. Trees, shrubs, and other plants have an important impact on the desirability of land and, consequently, on property values.
2.

Based upon the findings set forth in subsection (1), the county council declares that it is important for the health, safety, and welfare of all persons living or working within the county to protect certain existing trees and, under the circumstances set forth in this chapter, to require the planting of new trees in certain types of developments.

Section 12.11.2 - Street yard landscaping.

Along both sides of all newly created streets with respect to which an offer of dedication is required to be made by this ordinance or for any new development, then the developer shall either plant or retain sufficient trees so that, between the paved portion of the street and a line parallel to and 50 feet from the right-of-way line of the street, there is for every 50 feet of street frontage at least an average of one shade or two ornamental trees. When trees are planted by the developer pursuant to this chapter, the developer shall choose trees that meet the standards set forth in Chapter 22. The area where the trees are to be planted shall be at least 15 feet in width and no more than 15 percent of this area can be used for walkways, fountains, or walls. No parking or storage is allowed in this area. These requirements shall apply to new construction on existing streets and all additions shall comply with the requirements of section 12.11.5.

Section 12.11.2.1 - Landscaping and design standard for street yards.

A street yard consists of a planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

1. Street yards shall be a minimum of 15 feet wide.
2. Street yards shall contain one shade tree per 50 linear feet or one ornamental trees per 35 linear feet, except in the case of a conflict with utility lines. These trees shall be generally equally distributed along the street frontage, but they are not required to be at absolute equal intervals. This will allow for some flexibility in design while discouraging long intervals without trees. Shrubbery may be planted in clusters where trees are not practical.
3. No more than 20 percent of the street yard may be used for walkways or signs.
4. Parking, merchandise display and off-street loading are prohibited in the street yard.
5. No tree or shrub shall be planted within the sight triangle.

Section 12.11.3 - Retention and protection of large trees.

1. The county council encourages the retention and protection of existing large trees to the maximum extent possible, consistent with the development process.
2. The county council discourages any excavation or other subsurface disturbance or the placement of any impervious surface within the dripline of any tree 12 inches in diameter or more. For purposes of this subsection, a dripline is defined as a perimeter area formed by the point farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.
3. A landscaping plan which includes a tree survey shall be submitted and approved prior to any building permits being issued.
4. No building permit shall be issued in conjunction with projects involving new construction unless the project has met one of the following minimum standards:
   a.

If a tree which meets the minimum plant size requirements of this chapter exists in the front, rear, or side yard of any development affected by this article, it shall be retained, except when it is necessary to meet any requirements of this ordinance. The total number of trees to be retained shall be at least 15 trees per acre which meet the minimum plant size requirements of this Chapter. For sites proposed for partial development, only the acreage of that portion of the site to be developed shall be utilized in calculating the number of trees to be preserved; the undeveloped portion shall not be utilized in calculating the number of trees to be preserved or in determining the number of retained trees;

b. If there are less than 15 trees per acre which meet the minimum plant size requirements of this chapter existing on the site, then the difference shall be replaced with new trees, to a total of 15 trees per acre equaling at least one and one-half (1.5) caliper inches per tree planted;

c. If there are no trees which meet the minimum plant size requirements of this chapter existing on the site, then at least 15 new trees per acre equaling at least 1.5 caliper inches per tree planted.

Trees which meet the minimum plant size requirements of this section that are retained shall be used to fulfill some or all of the landscaping requirements of the street yard, parking facilities, or buffer yard sections, provided they are adequately protected from damage from construction activities or the intended use of the property.

5. If any new or retained tree which meets the minimum plant size requirements of this section, that is shown on the approved site plan, dies within 12 months after issuance of the certificate of occupancy, it shall be replaced by planting a new tree having a caliper of two inches. For unauthorized removal of a new or retained tree during construction or after the issuance of the certificate of occupancy, its replacement shall be the planting of four new trees each having a minimum caliper of 1.5 inches in addition to any other enforcement provisions specified within this section.

Section 12.11.4 - Protection of trees during construction.

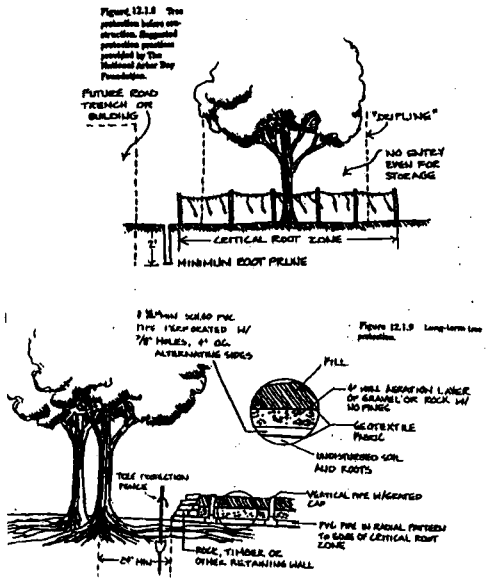
1. The permit recipient shall be responsible for ensuring that all existing trees specifically shown on approved plans as being retained to provide screening or shading are protected during the construction process from removal, destruction, or injury. Without limiting the generality of the foregoing, the permit recipient shall ensure that, before any excavation takes place on the site, a barrier is erected around the dripline of all such trees sufficient to put on notice all construction personnel that the area within the dripline of such trees is not to be disturbed.
2. If a violation of subsection 1. occurs and as a result a tree is removed or dies within two years after a certificate of occupancy is granted for that portion of a development where such tree is or was located, then the permit recipient (or his successor) shall be required to replace the tree with one at least of equal diameter. Such replacement must take place within one year after the death or removal of the tree occurs, and this obligation shall be a continuing condition of the validity of the permit.
3. Existing trees shall be preserved whenever feasible. Credits for tree preservation are offered when a tree preservation plan is submitted prior to grading the site. A tree preservation plan must show that there will be no disturbance in the critical root zone (CRZ). A disturbance is considered trenching, placing backfill in the CRZ, driving or parking equipment in the CRZ, and dumping of trash, oil, paint or other materials detrimental to plant health in close proximity of the trees(s). See Figure 12.1.8 and Figure 12.1.9, below.

When selecting which trees to preserve, the following shall be considered: existing and proposed grading; age, condition, and type of tree; and location of site improvements and utility connections.

Credits for existing trees within parking lots and buffer yards will be given at the rate of 12 points per four inches in diameter at breast height (DBH) of existing plant material preserved. Minimum size requirement to quality for tree preservation is four inches (DBH).

Should any tree designated for preservation in the tree preservation plan die at anytime after approval of the plan or issuance of a certificate of occupancy, the owner shall replace sufficient landscaping equal to the tree preservation credit within 180 days. The replacement tree shall be a minimum of two inches in caliper for a shade tree and a minimum of six feet in height for an ornamental tree (six feet from the top of root ball to top of tree) at the time of planting.

4. Avoid compaction of the soil around existing trees due to heavy equipment through the use of root protection measures outlined in Minnesota book (root bridges, fences, etc.) Do not pile dirt or other materials beneath the crown of the tree.
5. Keep fires or other sources of extreme heat a minimum of 15 feet from the dripline and critical root zone.
6. Exposed roots should be covered with topsoil. If branches are damaged, the tree shall be properly pruned. Injured trees must be thoroughly watered during the ensuing growing year.



Section 12.11.5 - Landscaping required for expansions to existing principal structures or uses.

1. For expansions to existing principal structures or uses, the following table shall be utilized in calculating the extent of the landscaping upgrade required for the previously developed portions of the site (up to the maximum landscaping requirements of this article.) All newly developed portions of the site shall be subject to the full landscaping requirements of this article.

Amount of Expansion	Required Landscaping		Parking Facility	Buffer yard
	Tree Preserv.	Street Yard		

	15/ac.	4'		
26-50% increase in gross floor area; or over 10,000 sq. ft. increase in gross floor area; or 21—50 new parking spaces as required section 11.12, whichever is more restrictive.	15/ac	4'	75% of amount required by section 11.14	Full buffer yard as required for new construction. If this can not be provided, a 6-foot tall opaque fence is required.
Greater than 50% increase in gross floor area; or over 20,000 sq. ft. increase in gross floor area; or more than 50 new parking spaces required by section 11.2, whichever is more restrictive.	15/ac.	Full width as required for new construction.	100% of amount required by section 11.14.	Full buffering as required for new construction.

2. When subdivision of previously developed property occurs and a building permit for new construction is obtained for any newly created tract within two (2) years of the effective date of the subdivision, all parcels of the original tract shall be subject to the above provisions for expansions to existing structures or uses.
3. For consecutive expansions occurring within a two-year period, the amount of the expansions shall be summed and the maximum landscaping requirements for the total extent of the expansions shall be provided.
4. Notwithstanding the above requirements, expansions to existing structures or uses amounting to not more than a total increase of five hundred square feet in gross floor area over a two-year period shall be exempted from meeting the street yard and parking facility landscaping requirements.

Section 12.12 - Landscape standards and specifications.

1. The developer shall furnish and install all plant materials listed on the plan schedule.
2. Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, which is published by the American Association of Nurserymen.
3. Plant materials must be from an approved species list. (See section 22.5).
4. All trees (ball and burlap) shall have a minimum of 1.5 inch caliper. All other trees shall be in a 25-

gallon container.

5. No tree may be planted in the sight triangle. (See Figure 12.1.11 below)
6. Do not use staking materials unless it is absolutely necessary. If staking is necessary, then the developer/property owner must remove the staking materials after one growing season.
7. The developer shall ensure that all plant pits, vine pits, hedge trenches, and shrub beds are excavated as follows:
   a. All pits shall be generally circular in outline, with vertical sides. The tree pit shall be deep enough to allow one-eighth of the ball to be above existing grade. Soil within the buffer areas shall be free of rock, debris, inorganic compositions and chemical residues detrimental to plant life. Soil shall be compatible with the composition of the existing sub-soil and sufficiently blended to ensure adequate exchange of air and water between the planting area and the adjacent soil strata. Plants shall rest on well-compacted surface. The tree pit shall be a minimum of nine inches larger on every side than the ball of the tree. (See Figure 12.1.12 below)
   b. If areas are designated as shrub beds or hedge trenches, they shall be cultivated to at least 18 inches in depth. Areas designated for ground covers and vines shall be cultivated to at least 12 inches in depth. (See Figure 12.1.13 below)
8. Each tree, shrub, or vine shall be pruned in an appropriate manner, in accordance with accepted standard practice.
9. All trenches and shrub beds shall be edged and cultivated in the lines shown on the drawings. The areas around isolated plants shall be edged and cultivated to the full diameter of the pit.
10. Existing trees shall be preserved whenever possible.
11. All planting areas shall be mulched with a two-to-three inch layer of bar, pine needles, or other similar material to cover the complete planting area.

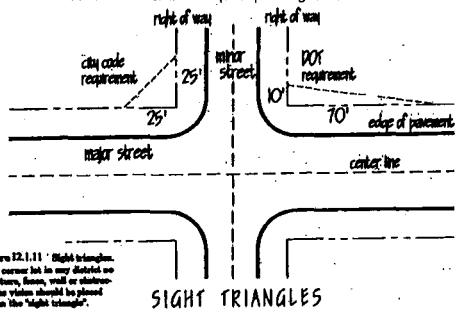
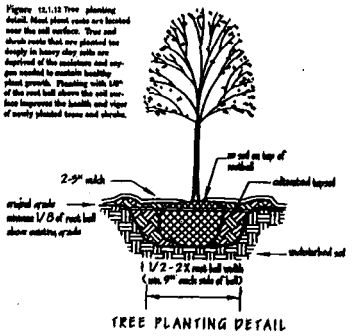


Figure 12.1.11 Sight triangles. On a corner lot in any district no structure, fence, wall or shrubbery in vision should be placed within the "sight triangle".



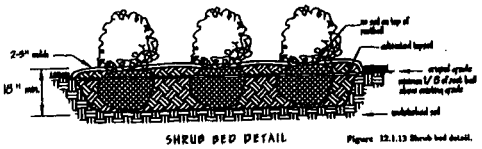


Figure 12.1.13 Shrub bed detail.

Section 12.13 - Plant substitution.

Due to seasonal planting problems and a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting plans may be approved by the director of planning or the board of zoning appeals based on the planning director's decision if:

1. There is no reduction in the quantity of plant material.
2. There is no significant change in size or location of plant materials.
3. The new plants are of the same general category (i.e., shade tree, ornamental tree, evergreen, or shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

Section 12.14 - Requirements for submitting landscaping site plan.

In order for a plan to be reviewed a site plan containing the following information must be submitted:

1. General location, type and quantity of existing plant materials.
2. Existing plant materials and areas to be left in natural state.

3. Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
4. Locations, size and labels for all proposed plants
5. Plant lists with common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
6. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights and courtyards or paved areas.
7. Planting and installation details as necessary to ensure conformance with all required standards.
8. Location and type of irrigation system, if applicable.
9. Location of any proposed buildings.
10. Layout of parking and traffic patterns.
11. Location of overhead and underground utilities.
12. Location of signage.
13. Connections to existing streets.
14. Zoning designation of adjacent properties.
15. Site plan shall be drawn to scale and include a North arrow and necessary interpretive legends.

See attached diagram. Circled numbers refer to the corresponding numbers on the list of site plan submittal requirements above. This plan shall be submitted to the building and zoning department at the time a building permit is requested. (See next page)

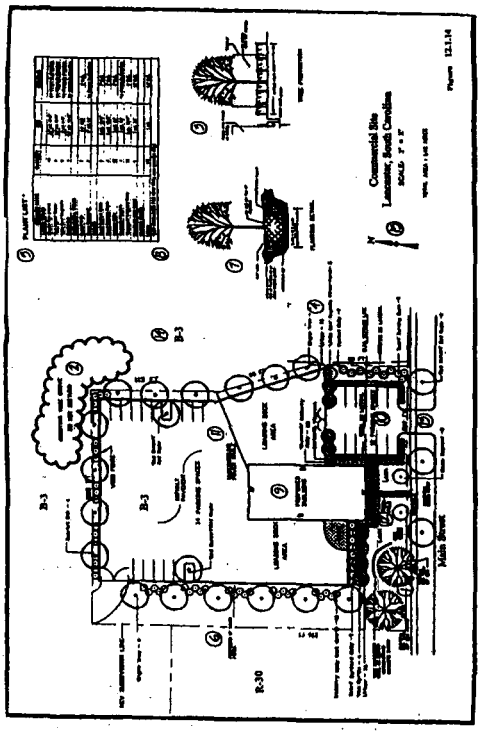
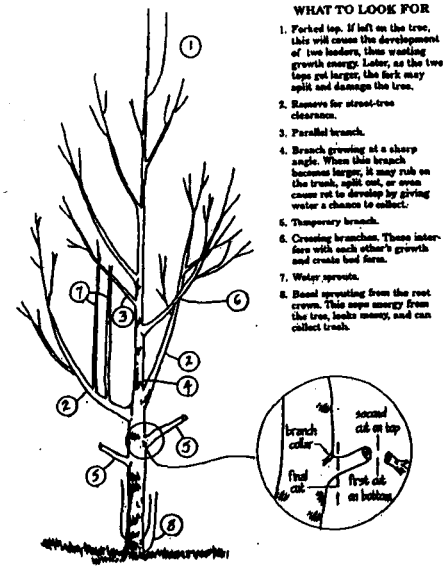


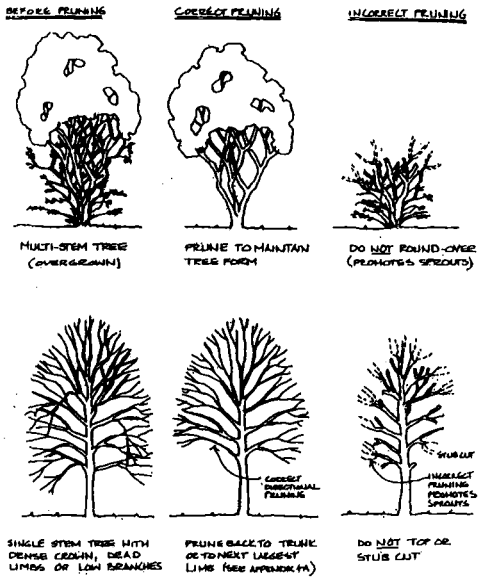
Figure 12.1.14

Figure 12.1.15



pruning diagram

Figure 12.1.15 continued



CHAPTER 13. - LAND DEVELOPMENT REGULATIONS [SUBDIVISIONS]
FOOTNOTE(S):

--- (10) ---

Editor's note—The provisions of Ord. No. 328, adopted April 12, 1999 replaced the former subdivision regulations of the county enacted by Ord. No. 165, adopted Oct. 31, 1988. The provisions of Ord. No. 328 have also been treated as superseding the subdivision regulations enacted by Ord. No. 309, adopted Sept. 28, 1998, and set out as Ch. 13 of the Unified Development Ordinance.

Section 13.1 - Authority and jurisdiction.
Section 13.1.1 - Authority.

These subdivision regulations are adopted under authority granted by SC Code Article 7, Section 6-29-1110 through 6-29-1200.

(Ord. No. 328, 4-12-99)

Section 13.1.2 - Jurisdiction.

These regulations shall apply to all land subdivision within the unincorporated areas of Lancaster County as now or hereafter established, and any incorporated municipality which contracts with county council for these regulations to be administered within such municipality.

(Ord. No. 328, 4-12-99)

Section 13.2 - Purpose and short title.
Section 13.2.1 - Purpose.

The purpose of this ordinance is to protect and promote the public health, safety and general welfare of the present and future residents of Lancaster County, South Carolina, providing for the orderly development of land there. These regulations are established for the following specific purposes, among others, as stated in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (Section 6-29-1120 of the Code of Laws of South Carolina, 1976):

1. To encourage the development of an economically sound and stable county;
2. To assure the timely provision of required roads, utilities and other facilities and services to new land development;
3. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
4. To assure the provision of needed public open space and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes; and
5. To assure, in general, the wise and timely development of new areas in the county.

(Ord. No. 328, 4-12-99)

Section 13.2.2 - Short title.

This ordinance shall be known and cited as the "Lancaster County Land Development Regulations".

(Ord. No. 328, 4-12-99)

Section 13.3 - Definitions.

When used in this chapter, the following words and terms shall have the meaning indicated. Words and terms not herein defined shall have their customary dictionary definitions. The term "shall" is mandatory. When not inconsistent with the content words used in the singular number include the plural and those used in the plural number include the singular.

Block: A parcel of land entirely surrounded by roads or highways, railroad right-of-ways, waterway, or combination thereof.

Block Length: As the distance along a street between the centerline of two intersection through streets, included "T" intersections, but excluding cul-de-sacs.

Building line; A line beyond which no foundation, wall, or part of the structure of any building shall project, with the exception of subsurface projection of footings.

Building permit: See Chapter 19.

Building, principal: A building in which the primary use of the lot on which the building is located is conducted. In any residential district, any dwelling shall be deemed to be the principal building of the lot on which the same is situated.

Comprehensive plan: Any legally adopted part or element of the Lancaster County Comprehensive Plan. This plan may include, but not limited to the following elements: 1) Population; 2) Housing; 3) Economic Development; 4) Historic/Cultural Resources; 5) Natural Resources; 6) Community Facilities and 7) Land Use.

Convenience store: Any retail establishment that sells groceries and may also sell gasoline; does not include automotive service stations or vehicle repair shops.

Crosswalk: A right-of-way (within a block) ten feet or more in width, dedicated for public use, and intended for pedestrian access to adjacent land areas.

Cul-de-sac: A local road with one end open to traffic and the other end terminated with a planned vehicular turnaround. The turnaround shall have an 80-foot minimum diameter to the edge of the pavement and a 100-foot minimum diameter to the right-of-way.

Density: The number of dwelling units or lots per acre of land developed or used for residential purposes.

Low density: 1.5 or less dwelling units per acre

Medium density: From 1.6 to 3.0 dwelling units per acre

High density: Over 3 dwelling units per acre

Developer: See Chapter 19.

DBEC: South Carolina Department of Health and Environmental Control.

Dwelling: A building or portion of a building arranged and/or designed to provide living quarters for one or more families where each dwelling is provided with separate kitchen and bathroom facilities.

Dwelling (one-family or single family): A detached dwelling designed for or occupied exclusively by one family on a single lot.

Dwelling (two-family or duplex): A building arranged or designed to be occupied by two families living independently of each other on a single lot.

Dwelling (multiple): A building or series of buildings on the same lot used or designed as a dwelling place for two (2) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling unit: See Chapter 19.

Easement: A grant by a property owner for the use, for a specific purpose, of a strip or parcel of land. Such grant may be made to and accepted by the general public, a corporation, or a certain person or persons.

Egress: An exit.

Flood: A general and temporary condition of partial or complete water coverage of normally dry land area because of the accumulation or runoff of surface waters from any source.

Flag lots: An interior lot with little or no road frontage, but having guaranteed access via a permanent right-of-way across an adjoining parcel.

Garden Center (nursery): A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, and machinery, garden and farm variety tools and utensils.

Gas Station, full-service: a facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automobile accessories. In addition, such a facility must provide minor vehicle servicing, minor repairs, and maintenance, and may provide engine re-building but not reconditioning of motor vehicles, no collision services such as body, frame, or fender straightening and no repair, or overall painting of automobiles.

Gas tank sales: Bulk storage tanks of flammable and combustible liquids, compressed gases or liquefied petroleum gas (LP gas) for business use, retail sale, wholesale, or wholesale distributing.

Half road: A road adjacent to a proposed subdivision tract boundary where only half of the road (from centerline to right-of-way) is platted. These roads are platted to be completed at a later date with development of adjacent phases or subdivisions.

Impervious surface: Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation area.

Ingress: Access or entry point or entrance.

Land development: Development activities which cause a change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, manufactured home parks or similar developments for sale, lease or any combination of owner and rental characteristics.

Lot: A single parcel or tract of contiguous land intended as a unit for transfer of ownership, or for building development, or both.

Area: The total gross area of the lot including easements.

Corner: A lot with frontage on each of two intersecting roads located at the point of intersection.

Depth: The horizontal distance between the front and rear lot lines.

Double frontage: lot A parcel having frontage on two or more roads which is not located at any intersection of such roads.

Lot size requirement: The lot area and lot width requirements of the applicable zoning district.

Lot width: The horizontal distance between the side lot lines at the building setback line measured parallel with the front lot line or in the case of a curvilinear road measured parallel to the chord of the arc between the intersection of the side lot lines and the road right-of-way line.

Manufactured home: See definition in Chapter 19.

Manufactured home subdivision: A parcel of land which has been planned, subdivided and improved, for sale or transfer, to receive the placement of manufactured homes for non transient use.

Motor vehicle body shop: Any building or portion thereof used for the repair or straightening of a motor vehicle body or frame or painting of motor vehicles. Maintenance, service, and engine repair may be performed as an accessory function to the bodywork.

Motor vehicle repair garage: Any building or structure in which a business, service, or industry involving the maintenance, repair, servicing, or painting of vehicles is conducted or rendered.

Motor vehicle repair and service establishment, minor: The business of minor repairs to any motor vehicle, including repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers.

Oil change facility: Operations that provided lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. It is intended that these services will be provided while customers wait, generally within a 15 to 20 minute time period.

Open space, active: Open space that may be improved and set aside, dedicated, designated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, court games, picnic tables, etc.

Open space, passive: Open space that is essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or for the use and enjoyment of owners and occupants.

Open space, public: Open space owned and maintained by a public agency for the use and benefit of the general public.

Open space, private: A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open space site: A tract of land provided in residential subdivisions to meet the local recreational needs and desires of residents. Such tracts may include play areas, small parks, natural woods and areas of unusual scenic beauty.

Outdoor storage: The storage of any material for a period greater than 24 hours, including items for

sale, lease, processing, and repair (including vehicles) not in an enclosed building.

Owner's engineer: The engineer registered and in good standing with the S.C. Board of Registration for Professional Engineers and Land Surveyors who is the agent of the owner of the land proposed to be subdivided, or which is in the process of being subdivided.

Owner's land surveyor: The land surveyors registered and in good standing with the SC Board of Registration for Professional Engineers and Land Surveyors who is the agent of the owner of the land proposed to be subdivided, or which is in the process of being subdivided.

Parking lot, commercial: A parcel of land or portion thereof used for the parking or storage of motor vehicles as a commercial enterprise for which any fee is charged independently of any other use of the premises.

Parking, off-street: An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public road arranged so that no maneuvering incidental to parking shall be on any road.

Parking structure: A structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

Parking structure, accessory use: A facility, partially or fully above ground, accessory to another facility or a primary use, at which a fee may be charged for the temporary storage of passenger vehicles.

Parking structure, principal use: Parking spaces and adjacent access drives, aisles, and ramps that are located in a structure with two or more levels, where the parking structure is the principal use of the premises. This term includes commercial parking operations as well as parking structures. This term does not include private one-story garages for single-, two-, or multi-family dwellings.

Pervious surface: Area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

Pet shop: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry.

Planning commission: The Lancaster County Planning Commission of Lancaster County, South Carolina.

Plat: A map or drawing which is an accurate graphical representation of a subdivider's plan for a subdivision or development.

Sketch plan: A simple sketch of a proposal subdivision layout showing roads and other principal features.

Preliminary plat: A drawing which shows the proposed layout of a subdivision in sufficient

detail to indicate its working ability in all aspects.

Portable pool: Means a container of water that can readily be disassembled for storage and reassembled to original integrity.

Portable storage units: (PODS) Temporary (or portable) storage units (also known as "PODS," portable on-demand storage structures) are transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential property.

Private drives: Any private access which accesses two or fewer single family residences or lots.

Private road: A road is private unless its right-of-way has been dedicated to and accepted by the State of South Carolina or Lancaster County Council. All such non-dedicated roads must be indicated on the plat of the subdivision prior to subdivision approval. Maintenance arrangements for such roads must be stated in writing on subdivision plat submittals. A private road is an undedicated private right-of-way which affords access to abutting properties.

Sanitary sewer: A constructed conduit connected with or as a sewer system for the carrying of liquids and solids other than storm waters to a sanitary treatment facility.

Setback line The line indicating the minimum distance permitted between the road right-of-way line and any building, or any projections thereof, other than steps, eaves, chimneys, bay windows, and fire escapes.

Septic systems: A system for the treatment and disposal of domestic sewage by means of a septic tank and soil absorption systems. All such systems are subject to the review and approval of the South Carolina Department of Health and Environmental Control.

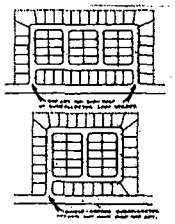
Spa or Hot tub: Means a hydro-massage pool or tub for recreational or therapeutic use, designed for immersion of users which may or may not have a filter, heater and motor driven blower.

Streets:

1. *Divided street:* A street having an island or other barrier separating moving lanes.
2. *Marginal access street:* A service street that runs parallel to a higher-order which, for purposes of safety, provides access to abutting properties and separation from through traffic. May be designed as a residential access street or subcollector as anticipated daily traffic dictates.
3. *Residential access street:* The lowest order of residential street. Provides frontage for access to private lots, and carries traffic having destination or origin on the street itself. Designed to carry traffic at slowest speed. Traffic volume should not exceed 250 ADT at any point of traffic concentration. The maximum number of housing units should front on this class of street. Each half of a loop street may be classified as a single residential access street, but the total traffic volume generated on the loop street shall not exceed 500 ADT, nor shall it exceed 250 ADT at ay point of traffic concentration.
4.

Residential collector: The highest order of residential street. Conducts and distributes traffic between lower-order residential street and higher-order streets such as arterials and expressways. Since its function is to promote free traffic flow, access to homes and parking should be prohibited. Collectors should be designed to prevent use as shortcuts by non-neighborhood traffic. Total traffic volume should not exceed 3,000 ADT.

5. *Residential subcollector:* Middle order of residential streets. Provides frontage for access to lots and carries traffic to and from adjoining residential access streets. Traffic should have origin or destination in the immediate neighborhood. It is not designed to interconnect adjoining neighborhoods or subdivisions and should not carry regional through traffic. Traffic volume should not exceed 500 ADT at any point of traffic concentration. Each half of a loop subcollector street may be classified as a single subcollector street, but the total traffic volume generated on the loop street shall not exceed 1,000 ADT, nor shall it exceed 500 ADT at any point of traffic concentration.
6. *Street hierarchy:* The conceptual arrangement of streets based upon function. A hierarchical approval to street function, from high-traffic arterial roads down to streets whose function is residential access. Systematizing street design into a road hierarchy promotes safety, efficient land use and residential quality.



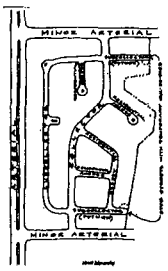


Illustration: ADT volume for subcollectors

Street Classification

1. In all new developments, public streets shall be classified as provided in subsection 3. of this definition
   a. The classification shall be based upon the function of the street and projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;
   b. The number of dwelling units to be served by the street shall be used as a useful indicator of the number of trips but is not conclusive.
2.

Whenever a street within a new development continues an existing street that formerly terminated outside the development, or it is expected that a new street will be continued beyond the development at some future time, the classification of the street shall be based upon the street in its entirety, both within and outside of the development.

3. The classification of streets shall be as follows:
   a. *Arterial.* A street whose principal function is to carry large volumes of traffic at higher speeds through the county or from one part of the county to another or to circulate traffic into, out of, or around the municipalities within the county. It should exclude residential areas and should have an ADT of over 3,000.
      i. *Arterial access.* A street that is parallel to and adjacent to an arterial street and that is design to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.
      ii. *Major arterial.* An arterial that is part of the state's primary road system.
      iii. *Minor arterial.* All arterials other than major arterials.
   b. *Collector.* A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than one hundred (100) dwelling units and is designed to be used or is used to carry more than eight hundred (800) trips per day.
   c. *Cul-de-sac.* A local road with one end open to traffic and the other end terminated with a planned vehicular turnaround. This type road shall be classified and designed according to anticipated ADT level. A residential access cul-de-sac shall have a maximum ADT level of 250 and a subcollector cul-de-sac shall have a maximum ADT level of 500. The turnaround shall have an 80-foot minimum diameter to the edge of the pavement and 100-foot minimum diameter to the right-of-way.
   d. *Local.* A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and handles less than 800 trips per day.
   e. *Loop street.* A street that has its beginning and ending points on the same road.

Subdivider: Any person, firm, corporation, or other legal entity subdividing land within the jurisdiction of this ordinance.

Subdivision: A division of a tract or parcel of land into two or more lots, building sites, or other divisions. The land is divided for sale, lease or building development, whether immediately or in the future. The definition includes all land divisions involving a new street or change in existing streets. The definition includes all land divisions involving further division or relocation of lot lines of any lot or lots within a previously approved or recorded subdivision. The definition covers the alteration of any streets or the establishment of any new streets within any previously approved or recorded subdivision as well as combination of lots of record. See section 13.4 for review procedures and regulations.

Subdivision, minor and major: A minor subdivision includes one or more of the following:

a. The combination or recombination of portions of previously platted lots, where the total number of lots is not increased and the resultant lots meet the standards of the governing authority.
b. The completion of existing subdivisions where the subdivision plat has already been recorded prior to the adoption of these regulations and where construction of all streets and utilities have been substantially completed within one year from the adoption of these regulations.
c. The division of a tract of land into no more than 10 lots by a single owner, where all resultant lots are in compliance with the UDO and have at least 25 feet of road frontage.
d. Dividing land into parcels of five acres or more where no new street is involved.
e. Combining or recombining entire lots of record where no new street or change in existing streets is involved.

A major subdivision is the division of a tract of land into more than ten lots.

See section 13.4 for review procedures and regulations.

Swimming pool: Means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent, either above or below ground and that is used primarily for the purpose of wading or swimming, excluding portable pools as defined.

Terrain classifications: Classification of terrain by grade ranges as follows:

Level—Grade range of 0% to 8%

Rolling—Grade range of 8.1 to 15%

Hilly—Grade range of over 15%

Utilities: Utilities shall consist of any and all utility services to a subdivision, including water, electricity, telephone, cable television, gas, and sanitary sewerage, whether such utilities are supplied by a private individual, private company, or a governmental entity.

Yard: A space on the same lot with a principal building open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

Yard (front): A yard situated between the front building line and the front lot line extending the full width of the lot.

Yard (rear): A yard situated between the rear building line and the rear lot line extending the full width of the lot.

Yard (side): A yard between side building line and a side lot line extending from the front yard to the rear yard.

(Ord. No. 328, 4-12-99; Ord. No. 361, 7-31-00; Ord. No. 728, 3-6-06; Ord. No. 740, 4-3-6; Ord. No. 745, 5-1-06; Ord. No. 748, 5-1-06; Ord. No. 1262, § 1, 4-14-2014)

Section 13.4(a) - Regulation of subdivisions.
1.

All subdivisions of property must be reviewed by the Lancaster County Planning Commission. However, minor subdivisions are included only for the purpose of requiring that the planning commission be informed and have record of such subdivision. Also, major subdivisions reviewed by planning staff (11—40 lots), upon approval, are required to be presented to the planning commission for information in regard to subdivision name, number of lots approved and location. Minor subdivision plats may be submitted to the Lancaster County Planning Department for approval in final plat form without being subject to preliminary subdivision review by county planning commission.

2. Major subdivisions are subject to a three step approval process:
   a. A sketch plan may be required (at the discretion of the planning director) prior to submission of a preliminary plan;
   b. Preliminary plan approval; and
   c. Final plat approval; sale of lots is permitted only after the final plat has been approved and recorded with the Lancaster County Clerk of Court.

Preliminary plans for subdivisions of more than forty lots are subject to the three step approval process and are to be reviewed by the county planning commission. Preliminary plans for major subdivisions for forty or fewer lots are subject to the three step approval process, but may be reviewed and approved by the planning staff, provided two signatures of approval are provided. Physical improvements to the land to be subdivided are authorized by this preliminary plan approval issued by the county planning commission and/or the planning staff.

All major subdivisions are subject to Section 13.6, Approval Procedures. The planning department reserves the right to submit any major subdivision plat to the planning commission for approval.

Major subdivisions reviewed by planning staff (11—40 lots) shall be posted within seven days of the submittal of a preliminary plan application. The planning department shall accept public comment on the application for fourteen (14) days from the date of the posting of the property.

Major subdivisions reviewed by the planning commission shall be subject to section 8.7.10.11, Public hearing notice and section 8.7.10.12, Public hearing procedure.

3. Minor subdivisions only require a one (1) step approval process: final plat approval. Subdivisions plat submittals falling under Section 13.3, No. 34.c., shall be accompanied by written approval of water supply and waste disposal system(s) from the appropriate division of DHEC and, if applicable, the utility entity that will supply central water and/or waste disposal service. Subdivisions plat submittals falling under Section 13.3, No. 34.d., must be received by county planning commission as information and indicate the fact on the plats. The planning department reserves the right to submit any minor subdivision plat to the planning commission for approval.
4. Final plats for major and minor subdivisions and development plans, once approved by the appropriate entity, must be recorded within 60 days with the county clerk of court. If the plat or plan is not recorded within that time, the approval of the plat or plan is null and void. Approval of the plat or plan is then subject to full review as outlined by the Land Use Regulations.

(Ord. No. 328, 4-12-99; Ord. No. 361, 7-31-00; Ord. No. 748, 5-1-06)

Section 13.4(b) - Transfer of title to follow approval and recording of development plan; violation is a misdemeanor.

The owner or agent of the owner of any property being developed within the county may not transfer title to or lease any lots or parts of the development unless a land development plan or subdivision has been approved by the planning commission or designated authority and an approved plan or plat recorded in the office of the county clerk of court. A transfer of title in violation of this provision is a misdemeanor and, upon conviction, must be punished in the discretion of the court (see section 13.14). A description by metes and bounds in the instrument of transfer or other document used in the process of transfer does not exempt the transaction of these penalties. Lancaster County may enjoin the transfer by appropriate action. The county planning department reserves the right to review deeds before approval by the county clerk of Courts. All deeds which subdivide land must be accompanied by a recorded plat before it can be recorded by the county clerk of courts.

(Ord. No. 328, 4-12-99; Ord. No. 748, 5-1-06)

Section 13.5 - Unapproved plat prohibition.

No plat of the subdivision of any land within the unincorporated areas of Lancaster County shall be filed with or recorded by the county clerk of court until such plat shall have been submitted to and approved by the county planning commission or its designee according to the procedures set forth in this ordinance. No road or other way or land shall be accepted or maintained, nor shall any water lines, sewerage, road lighting or similar improvements by extended or connected, nor shall any permit be issued by any department of the county for any building or other improvements in any subdivision established hereafter which has not been approved by the county planning commission or its designee and met such requirements as prescribed by county council.

(Ord. No. 328, 4-12-99; Ord. No. 748, 5-1-06)

Section 13.6 - Approval procedures.
Section 13.6.1 - Sketch plan review.
Section 13.6.1.1 - Submittal and review.

Sketch plan submittal is optional (at the discretion of the planning director). A subdivider shall submit seven (7) sketch plan copies and an application form. The planning director shall obtain input from affected agencies and shall provide comments in the form of a composite list to the subdivider within fifteen (15) working days of sketch plan submitted.

(Ord. No. 328, 4-12-99)

Section 13.6.1.2 - Appeal.

If the subdivider disagrees with comments provided, the subdivider may request review by the Lancaster County Planning Commission provided the planning director is notified in writing of such request at least ten working days prior to the next regularly scheduled commission meeting. If commission review is not requested, then changes necessary to accommodate sketch plan comments shall be a condition precedent to acceptance of a preliminary plat submitted.

(Ord. No. 328, 4-12-99)

Section 13.6.1.3 - Commission review.

In reviewing a sketch plan and sketch plan comments, the Lancaster County Planning Commission may affirm such comments or modify to the extent such modifications do not depart from the provisions of these regulations.

(Ord. No. 328, 4-12-99)

Section 13.6.2 - Preliminary plan (required).
Section - 13.6.2.1 Submittal.

A subdivider shall apply for preliminary plan approval on forms specified by the planning director. Application shall be accompanied by copies of the preliminary plan and other required exhibits in numbers required by the planning director along with the application fee established by county council.

(Ord. No. 328, 4-12-99)

Section 13.6.2.3 - Distribution.

The planning director shall distribute copies to at least the following agencies for input unless written approval by such agency accompanies the application.

a. Soil and Water Conservation Office.
b. Appropriate division of DHEC.
c. Appropriate public service district or city as applicable.
d. County public works department.
e. Fire commission.

The planning director may distribute copies to any other agency as appropriate (e.g. Lancaster County School Board).

(Ord. No. 328, 4-12-99)

Section 13.6.2.4 - Lancaster County Planning Commission and/or planning department staff review.

The Lancaster County Planning Commission shall review and act upon the preliminary plan submittal at their regular meeting next following the date of a composite report by the planning director detailing the comments of agencies by which review was requested. The county planning commission shall not override the requirements of an outside agency or department but may seek to resolve conflicts by mutual agreement. If the planning commission is not responsible for reviewing the application (see section 13.4), the planning department staff will review and act upon the preliminary application.

(Ord. No. 328, 4-12-99; Ord. No. 361, 7-31-00; Ord. No. 748, 5-1-06)

Section 13.6.2.5 - Deadlines.

In an effort to achieve balance between the need for thorough review and timely response, the following deadlines are required.

a. Agencies and departments shall provide written comments to the planning director within 20 days of the date of the preliminary plan application.
b. In accordance with section 13.4, the planning commission or the planning department shall render a decision within 60 days of the date of when the preliminary plan application is first heard by the planning commission. This time limit may be extended by mutual agreement between planning staff and the applicant. Failure to act within this time limit shall constitute

approval of the plat. The county planning commission or planning department's action and reasons shall be transmitted in writing to the subdivider, and noted on copies of a preliminary plan.

(Ord. No. 328, 4-12-99; Ord. No. 361, 7-31-00; Ord. No. 748, 5-1-06)

Section 13.6.2.6 - Appeal.

A subdivider or other party, materially affected by the commission's decision, may appeal for review by county council. Such appeal shall detail the reasons therefore and be made in writing within ten working days of commission action. At the regular meeting next following filing of appeal, council shall decide whether and when to conduct a hearing. Affected parties shall be notified in writing of council's determination.

A person who may have a substantial interest in any decision of the planning commission or an officer or agent of the appropriate governing authority may appeal a decision of the commission to the circuit court in and for the County of Lancaster by filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly why the decision is contrary to law. The appeal shall be filed within 30 days after the decision of the commission is mailed to the applicant. (Not effective until May 1, 1999).

If the planning staff is designated as the approving authority, a party may appeal a staff action to the planning commission. The commission must act on the appeal within 60 days of the day the staff made a decision on the plat. A party may appeal the decision only to circuit court within 30 days after the decision of the commission is mailed to the applicant. (Not effective until May 1, 1999).

(Ord. No. 328, 4-12-99; Ord. No. 748, 5-1-06)

Section 13.6.2.7 - Establishment of a vested right.

A vested right shall be deemed established once the local governing body has taken final action on a site-specific development plan or a phase development plan that meets all of the requirements contained in the county's preliminary subdivision/vested rights application.

A vested right shall also be deemed established for a site-specific development plan or a phase development plan for which a variance or special exception is necessary. The variance or special exception does not confer a vested right until the board of zoning appeals has taken final action on the request.

If a site-specific development plan is approved by the local governing body for each phase of a phased development, then the phased development plan shall be considered to have a vested right for development purposes.

As part of establishing a vested right, the local governing body shall not require a landowner to waive his or her vested right as a condition of approval or conditional approval of a site specific or phased development plan.

No vested right in a specific development plan or phase development plan shall attach or be established until plans have been received and meet all requirements contained in the application required for submittal, all required approvals have been given or granted and all fees have been paid in accordance with the procedures contained in the unified development ordinance.

No developer or landowner shall proceed with investment in grading, installation of utilities, streets or other infrastructure, or shall undertake other significant expenditures necessary to prepare for an application for a building permit before a site specific development plan or phased development plan authorizing such improvements and expenditures has been approved by the local governing body.

(Ord. No. 328, 4-12-99; Ord. No. 673, 6-27-05)

Section 13.6.2.7.1 - Duration of vested rights.

Once a vested right is established based on these regulations, the vested right is established for two years from the effective date of the local governing body's final action. An extension of this time period is allowed in one- year increments and the maximum number of time extensions allowed is one.

Prior to the end of the initial two-year vested rights period, it shall be the responsibility of the landowner/developer to submit a written request to the planning department requesting the local governing body, that originally approved the plan, hold an administrative hearing to consider extending the vested right for an additional one-year period. If there is just cause for the extension and the public interest is not adversely affected by granting the time extension, the local governing body shall be required to approve the request. However, if an amendment to the land development ordinance has been adopted that prohibits approval of the requested time extension, the local governing body shall deny the requested time extension.

If the landowner/developer does not submit the required written notice to the planning department for a time extension, the vesting period or annual extension applicable to such real property shall expire at the end of the vesting period or the annual extension.

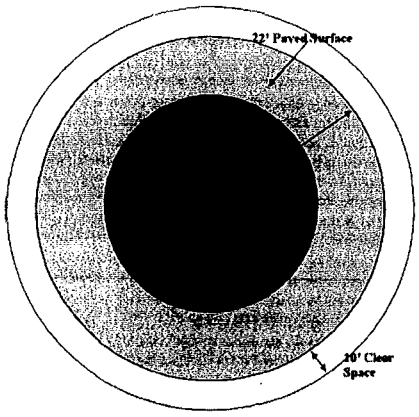
(Ord. No. 673, 6-27-05; Ord. No. 748, 5-1-06)

Section 13.6.2.7.2 - Vested right attaches to real property.

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

(Ord. No. 673, 6-27-05)

Commercial Traffic Circle



or both types of roundabouts a minimum of twenty-two (22) feet of paved surface should be rovided.

he overall minimum right-of-way shall be one hundred fifty (150) feet in diameter for esidential roundabouts and one hundred seventy (170) feet in diameter for commercial oundabouts.

328, 4-12-99; Ord. No. 751, 5-1-06; Ord. No. 748, 5-1-06; Ord. No. 931, 7-7-08; Ord. No. 955, rd. No. 1285, § 2, 7-28-2014)

.7.10.9 - Road construction.

eral, all roads shall be constructed in accordance with the SC Highway Department's Specifications for Highway Construction" (latest edition) as it relates to earthwork, bases, paved surfaces, etc., and the following requirements:

aved road surfaces are required for all new public roads for subdivisions. The roads and avement are required to be tested and inspected by a certified engineer during construction the cost of the developer.

ocal roads road base shall include 450 lbs. of stone per yard (approx. four inches with a two-ich surface course in asphaltic concrete or bituminous (triple treatment/type 3) paving.

Collector roads road base shall include 550 lbs. of stone per square yard (approx. five inches) with two two-inch surface course of asphaltic concrete or bituminous paving (triple treatment/type 3) paving.

d. Road paving for new nonresidential subdivisions falling under the jurisdiction of this ordinance is required. Pavement design requirements for non-residential subdivision shall be in accordance with sound engineering principles as outlined in procedures adopted by the American Association of State Highway and Transportation Officials; or the Portland Cement Institute; or the Asphalt Institute. All designs shall be subject to review and approval of the Lancaster County Planning Commission. However, in no case shall the paving standard be less than the standard required for new residential subdivisions.

pes of us

e. Maintenance of dedicated areas until acceptance.
   1. Subject to subsection 2., all facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.
   2. The planning department may relieve the developer of the requirements of this section if he determines that a property owners' association has been established for the development and that this association has assumed and is capable of performing the obligation set forth in subsection 1.
f. Following acceptance for maintenance by Lancaster County of any road, the developer/owner shall be financially responsible for all maintenance necessary due to deficiencies resulting from initial construction for a period of one year from the date the road is accepted.
g. For private roads accessing more than two lots or more than two single-family residences, the road shall meet the private road standards as follows:

   Private roads shall be maintained by the adjoining property owners and/or developer and will not be accepted for public maintenance. New unpaved private roads shall be permitted only if each meets all of the following criteria:
   1. No more than five lots may be accessed by a newly created private road.
   2. Private roads must meet SCDOT minimum right-of-way standards. The travel way must be at least twenty-two feet (22') wide with gravel four inches deep. In addition, the first 25 feet of the road must be twenty-two feet (22') wide and paved when the private road adjoins a paved road.
   3. Vehicle turnarounds must be provided at the end of all dead end roads.
   4. The subdivider is responsible for obtaining a permit to access a state maintained road.
   5. A right-of-way maintenance agreement must be documented on the subdivision plat which is recorded with the county clerk of court.
h. All bridges shall be constructed in accordance with the standards and specifications of SCDOT.

(Ord. No. 328, 4-12-99; Ord. No. 748, 5-1-06; Ord. No. 1285, § 3, 7-28-2014)

Section 13.7.10.10 - Half roads.

Half roads are prohibited. Whenever a road is planned adjacent to the proposed subdivision tract boundary, the entire road right-of-way shall be platted.

(Ord. No. 328, 4-12-99)

7.10.11 - Road swells and channels.

dway ditches and channels shall be designed to contain, at minimum, a peak flow from a 20-ency storm. All roadway ditches and channels shall be designed so that the velocity of flow om a 20-year frequency storm shall not exceed the permissible velocities for the type of . Rip rap shall be placed for stops in road drainage swells as instructed by the public works vells shall be stabilized against erosion by grassing with a mixture of rye and Bermuda l swells shall be installed at a maximum depth of three feet and be designed to enable adjoining property owners.

28, 4-12-99)

7.10.12 - Road maintenance signs.

subdivision roads are not to be dedicated to the state or county for public maintenance, the shall install and maintain signs at the beginning of the private subdivision roads which state nty Maintenance Ends."

28, 4-12-99)

7.10.13 - Roadside drainage.

may be constructed with drainage swells and six-foot wide shoulders (12:1 slope) provided does not exceed six percent. Where road grade exceeds six percent, curb and gutter, paved vells, or rip rap swells shall be provided. Curb and gutter may be roll-type or standard 90 .

7.10.14 - Required upgrades to county dirt and gravel roads.

g lots, parcels and tracts (lots) of record (recorded in the Office of the Register of Deeds as 006, which is the date of this text amendment) fronting on any unimproved (dirt/gravel) ntained road may be subdivided; provided no more than four additional lots shall be m each existing lot, parcel or tract. Existing lots, parcels and tracts (lots) of record, as bove fronting on an unimproved (dirt/gravel) county maintained road shall not be into five or more lots, unless and until the unimproved (dirt/gravel) county maintained road e lot has frontage is improved to the county paved road standards. This shall mean the h of the unimproved (dirt/gravel) county maintained road shall be improved before a final e approved for recording.

oving county dirt/gravel roads to meet the paved road standards, the county may assist the owner by use of its power of imminent domain to secure the necessary right-of-way, should ight-of-way be required.

36, 4-3-06)

7.11 - Drainage and storm water.

7.11.1 - General requirements.

The planning commission shall not approve any subdivision plat subdivision which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage systems shall be separate and independent of any sanitary sewer system. Inlets shall be provided so that surface water is not carried across or around any intersection except where routing around of small volumes is approved in writing by the public works director.

(Ord. No. 328, 4-12-99; Ord. No. 748, 5-1-06)

Section 13.7.11.2 - Nature of storm water facilities.

The applicant may be required by the planning commission to carry away pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with accepted engineering standards and specifications. All swells, ditches, or other open drainage shall be established against erosions directed by the public works director.

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

Section 13.7.11.3 - Accommodation of upstream drainage areas.

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The owner's engineer or surveyor shall determine and certify to the necessary size of the facility.

Section 13.7.11.4 - Effect on downstream drainage areas.

The owner's engineer or surveyor shall study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the planning commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition. No subdivision shall be approved unless adequate drainage will be provided.

(Ord. No. 328, 4-12-99; Ord. No. 748, 5-1-06)

Section 13.7.11.5 - Flood plain areas.

Whenever a plat is submitted for an area which is subject to inundation by a 100-year frequency flood, the planning commission may approve such subdivisions provided that the applicant fills the affected area (according to a method proposed and certified to by the owner's engineer or surveyor) so as to provide a building site on all lots which is at least one foot above the 100-year frequency flood level. The planning commission may also approve other methods of flood prevention which provide an equivalent degree of protection. In no case, however, shall the planning commission permit any filling or impeding of the water in the floodway of any watercourse.

(Ord. No. 328, 4-12-99; Ord. No. 748, 5-1-06)

Section 13.7.11.6 - Drainage easement.

a. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose,

as determined by the planning commission. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

b. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-ways, perpetual unobstructed easements at least (12) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

c. When a proposed drainage system will increase the maximum flow of water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

d. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, included in areas for dedication, shall be preserved and retained in their natural state as drainage ways except where improvements such as grassing, walkway, and playground areas are specifically approved by the planning commission.

(Ord. No. 328, 4-12-99)

Section 13.7.11.7 - Retaining natural vegetation.

As a means to help protect the health, safety and general welfare of the residents of Lancaster County, a minimum of 20 percent of all trees on a parcel of land to be subdivided into a major subdivision with a density of 1.5 dwelling units per acre shall be retained. Retaining these trees will help reduce amount and rate of runoff, preserve water quality in the streams, creeks, lakes and river within the county, and help preserve the natural beauty of the area. The areas within these subdivisions where these trees are to be preserved are to be shown on any preliminary or final plat as "tree preservation areas". Tree preservation areas shall mean the trees located within these areas are not to be removed or damaged during any phase of development. If needed, some trees located within these areas could be removed to place a home on the parcel. However, tree preservation areas should be placed in a portion of a lot where it is not likely that they will need to be removed. A tree survey will be required for these subdivisions to show that this requirement has been met. It is recommended that "tree preservation areas" be located in the rear of lots or other similar locations where the likelihood that these trees will be removed by the property owner at some future date will be reduced.

(Ord. No. 753, 5-22-06)

Section 13.7.12 - Water facilities.

Section 13.7.12.1 - General requirements.

a. Where a public water main is within 1,000 of a subdivision boundary, the subdivider shall connect thereto and install adequate central water facilities. Where the accessible public main is six inches or greater in diameter, distribution lines shall be at least six inches except along permanent cul-de-sacs or circles less than 1,000 feet in length where as little as two-inch lines may be permissible if approved by the appropriate utility entity.

b. Water distribution systems shall be approved by the utility entity and DHEC Environmental Quality Control.

c. The location and design of all water system improvements shall be shown on the preliminary plat, and the cost of installing same shall be included in any bond to be furnished by the developer.

d. When a water line is located under the road surface to serve the abutting lots, a connection shall

be stubbed out to the property line to serve each lot before the road is surfaced.

(Ord. No. 328, 4-12-99)

Section 13.7.12.2 - Individual wells and central water systems.

If a public water system is not available wells may be used or a package central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Central water systems shall be approved by the appropriate division of DHEC. Orders of approval shall be submitted to the planning commission. If a central water system is provided by an entity other than Lancaster Water and Sewer District, that system must be constructed according to specifications outlined by Lancaster Water and Sewer District, and upon completion and approval by DHEC, will be turned over to the water and sewer district for control and operation. Control and operation shall be approved by the planning commission.

(Ord. No. 328, 4-12-99; Ord. No. 748, 5-1-06)

Section 13.7.12.3 - Fire hydrants.

Fire hydrants shall be required for all subdivisions except where individual wells are used or a water main of less than six-inch diameter is permitted. No portion of any structure shall be located more than 500 feet from a fire hydrant and shall be approved by the applicable fire protection entity. To avoid future road cutting, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a road shown on the subdivision plat.

(Ord. No. 328, 4-12-99; Ord. No. 849, 9-10-07)

Section 13.7.13 - Wastewater facilities.

Section 13.7.13.1 - General requirements.

The applicant shall install sanitary sewer facilities in a manner prescribed by the appropriate utility entities construction standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the county health department or other appropriate agency. Plans shall be approved by such entities.

(Ord. No. 328, 4-12-99)

Section 13.7.13.2 - Central sewerage system requirements.

a. Where a public sanitary sewerage system is reasonably accessible, the applicant shall connect with same and provide sewers accessible to each lot in the subdivision. When the sewer line is located in a road right-of-way and it will be necessary to cut into the road surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the road.

b. Sanitary sewer shall be designed and installed to the design standards and specifications of the city, county, or public service district into whose sewer system the subdivision is connecting and all design standards and specifications of the appropriate DHEC division.

c. Where public sanitary sewerage systems are not reasonably accessible, waste collection/treatment may be by package type central or individual system(s) approved by the appropriate division of DHEC prior to approval of any preliminary subdivision plan.

d.

If a central sewage system is provided by an entity other than Lancaster Water and Sewer District, that system must be constructed according to specifications outlined by water and sewer district, and upon completion and approval by DHEC, will be turned over to water and sewer district for control and operation. Control and operation shall be approved by the planning commission.

(Ord. No. 328, 4-12-99; Ord. No. 748, 5-1-06)

Section 13.7.14 - Nonresidential subdivisions.

a. *General.* If a proposed subdivision includes land that is proposed for commercial, industrial or other nonresidential purposes, the layout of the subdivision, shall incorporate such provisions as the planning commission may require based on case by case consideration of nature, type, and mix of anticipated development.

b. *Standards.* In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the planning commission that the road, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

1. Proposed nonresidential parcels shall meet the minimum requirements for lot area established in Chapter 5 of the Lancaster County Unified Development Ordinance.
2. Road right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated.
3. Special requirements may be imposed by the local government with respect to road, curb, gutter, and sidewalk design and construction.
4. Special requirements may be imposed by the local government with respect to the installation of public utilities, including, water, sewer, and storm water drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
6. Road carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent exiting or potential residential areas.
7. The location and spacing of driveways shall be as follows:
   (a) All driveways along the arterial and collector roads shall have a property line offset of seventy-five (75) feet, measured from the back of the curb to the nearest property line. This distance shall be measured along the street right-of-way. Single lot sites are exempt from the property line offset requirement.
   (b) One (1) driveway per lot or development, except one (1) additional driveway per lot or development is allowed if the property abuts a collector road.
8. Two one-way driveways may be considered as a single driveway provided that:
   (a) The minimum spacing between the two driveways shall be 150 feet.
   (b) The driveways are clearly signed and marked as one-way driveways, using pavement arrows and standard traffic signs.
   (c) The maximum combined pavement width of both driveways at the street property line is 40 feet and the minimum width of a single driveway is 13 feet.

   (d) All other requirements of this provision are met.
9. Added lanes and tapers.
   (a) Turn lanes and tapers, or acceleration and deceleration lanes shall be required along all arterial and collector roads as the volume of traffic using the proposed driveway(s) may significantly interfere with the flow of traffic on the abutting public street. These turn lanes shall have a minimum of 150 feet of storage and 20:1 transition tapers. Where necessary, additional side clearances to accommodate such turn lanes and tapers may also be required.
   (b) The cost of turn lanes, turn tapers, and deceleration lanes required in conjunction with a driveway permit shall be paid by the developer. Property owners shall not be entitled to any claims or reimbursement for the expenditures involved in such construction on public right-of-way. All construction improvements located within public right-of-way shall be built to SCDOT standards and shall become public.

(Ord. No. 328, 4-12-99; Ord. No. 737, 4-3-06; Ord. No. 748, 5-1-06; Ord. No. 1178, § 1, 11-12-2012; Ord. No. 1196, § 1, 3-11-2013)

Section 13.7.15 - Authorizing sale of subdivided lots before completion of improvements.

Where the required physical improvements have not been completed prior to the submission of the final plat for approval, approval of the plat shall be subject to the owner filing a performance guarantee satisfactory to the finance director to ensure installation of all improvements within a reasonable time period (not to exceed 12 months). The amount of the performance guarantee shall be 125 percent of written contracts and/or quotations guaranteeing the installations of the required improvements. Upon completion of the required improvements within the required period of time, written notice thereof shall be given by the subdivider to the Public Works Department, who shall verify that the remaining improvements are satisfactory. If all improvements are satisfactory and completed within the time period, the finance director shall release the cash and/or security given within 30 days of the date of notice by the public works department.

The planning department may decline to exercise this discretion and instead refer the request to the planning commission.

(Ord. No. 328, 4-12-99; Ord. No. 748, 5-1-06)

Section 13.8 - Plat requirements.

Section 13.8.1 - Sketch plan.

A sketch plan is intended for submission to staff as a simplified drawing of the proposed subdivision. When a development concept is at this stage, a subdivider has not incurred substantial cost and can secure guidance concerning proposed layout as well as determine requirements before undertaking detailed plans.

Prior to sketch plan submittal, the subdivider is encouraged to interact with the County Soil and Water Conservation District to obtain soil survey information and written site evaluation comments to include as part of the sketch plan submittal.

(Ord. No. 328, 4-12-99)

Section 13.8.1.2 - Scale.

The sketch plan shall be drawn at an approximate scale of not less than 1" equals 200' and shall include a vicinity map at a scale of not less than one inch equals two miles showing the relationship of the proposed subdivision to the surrounding areas.

(Ord. No. 328, 4-12-99)

Section 13.8.1.3 - Submittal.

A subdivider shall submit a sketch plan of the entire tract even though his present plans call for the actual development of only a part of the property.

All sketch plan submittals shall include the following in sketch or narrative form.

a. An accounting of total acreage in the tract to be divided and number of lots proposed;
b. Arrangement, shape, dimensions, and area of proposed lots;
c. Location of existing property lines, easements, road right-of-ways, buildings, or other public ways adjoining the tract to be subdivided;
d. Alignment, right-of-way width, and clarification of proposed roads;
e. Topography by contour at intervals of not more than ten feet (as from USCG quad sheets);
f. Map scale, north arrow, and date;
g. Name/address/telephone number of legal owner or agent and the professional (surveyor or engineer) who will undertake detailed subdivision layout and improvements design;
h. Location of water courses and land subject to flooding based on a 100-year frequency flood;
i. The existing and proposed uses of land throughout the subdivision;
j. Proposed method of water supply and water treatment and other utility service;
k. The proposed name of the subdivision.

(Ord. No. 328, 4-12-99)

Section 13.8.2 - Preliminary plan and supporting data.

The preliminary plan shall be drawn at a scale of 200 feet to one inch or greater and include a vicinity sketch at a scale of not less than 1" = 2 miles. Sheet sizes should be 11" × 17", 18" × 24", or 24" × 36". This map and supporting data shall be prepared according to standards of section 13.7.3 of these regulations and shall be prepared according to the rules and regulations. One set of plans shall be submitted on 8.5" × 11" paper for those plans which have to be presented to the planning commission.

(Ord. No. 328, 4-12-99; Ord. No. 748, 5-1-06)

Section 13.8.2.1 - General.

a. The proposed name of the subdivision, name/address/telephone of owner and/or subdivider, and name/address/telephone of surveyor and/or engineer.
b. A graphic scale, north arrow and date (north arrow shall be identified as magnetic, true, or grid).
c. The acreage to be subdivided.
d. The boundaries of the tract to be subdivided with all bearings and distances and indicated.

(Ord. No. 328, 4-12-99)

Section 13.8.2.2 - Existing conditions.

a. Zoning classifications of area to be subdivided as well as adjacent areas (if applicable).

b. Deed record names of adjoining property owners or subdivisions.
c. Location of streams, lakes, and land subject to 100-year flood on or adjoining the property to be subdivided.
d. Location of adjoining property lines and existing buildings on the property to be subdivided.
e. Location and right-of-way of roads, railroads, and utility lines either on or adjoining the property to be subdivided.
f. Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within the road or within the right-of-way of roads or roads adjoining the tract unless same are clearly shown on construction plans required under section 13.8.2.3.
g. The acreage of each drainage area affecting the proposed subdivision.
h. Topography by contour at intervals of not more than ten feet.
i. Elevations shall refer to Mean Sea Level Datum.
j. If applicable, location of city and county boundary lines, and a statement identifying the location of the nearest central water and sewer lines and the distance from same to the tract being subdivided.

(Ord. No. 328, 4-12-99)

Section 13.8.2.3 - Proposed conditions.

a. Layout of roads, public crosswalks, road names, or designations, grades, and cross sections.
b. Profile of proposed roads showing natural and finished grades.
c. Layout of all lots, including area (in acres); building setback lines; scaled dimensions of lots; lot and block numbers; utility easements with width and use.
d. Where individual septic waste disposal is proposed, a preliminary letter of approval, therefore, from the appropriate division of DHEC.
e. Construction plan of sanitary sewers (if applicable) with grade, pipe size, and location of outlet. Storm sewers shall be sized to accommodate runoff based upon the previous twenty-five (25) years of rainfall frequency.
f. Construction plan for water supply system (if applicable) with pipe size and location of hydrants and valves and permit to construct from DHEC and, where applicable, approval of the appropriate utility provider.
g. Designation of all land (if any) to be reserved or dedicated for public use.
h. Designation of proposed use of all lots.
i. Proposed major contour changes in area where substantially cut and/or fill is to be done.
j. Total number of lots, total acreage, total length of new roads.

NOTE: See section 13.7.3 for survey requirements.

Section 13.8.3 - Final plat.

An application for final plat approval shall be accompanied by six (6) plats, each with raised seals. In addition to the six (6) plats with raised seals, for any plat which creates ten (10) or more lots, two (2) copies of the plat shall be submitted in a digital (dwg. or dxf. file) form and one (1) digital copy (pdf) format for emergency management acceptable to the county. If the final plat is drawn in two or more sections, each section shall be accompanied by a key map showing the location of the several sections. Final plats shall be drawn at a scale of no less than is legible as determined by the approving agent. It is

recommended that the scale be no less than one (1) inch equals 100 feet. Final plats shall only be accepted if drawn on sheets of paper, etc. which meet the following size requirements: 8.5" × 11", 8.5" × 14", 11" × 17", 18" × 24", 24" × 36", or 30" × 42" if prepared according to the standards of section 4.4 hereof, if the size of the text on the plat is no less than 0.06 of an inch, and if space is left somewhere on the plat for the approval stamp, which is 2.8" in length by 1.75" in height, and shall contain the following information:

a. Name of owner of record.
b. Name of subdivision and identification number assigned, date, north arrow, and graphic scale. The tax map number is required for the existing parcel or parcel from which the new lot is being subdivided.
c. Name, registration number, and seal of registered surveyor.
d. Sufficient surveying data to determine readily and reproduce accurately on the ground the location, bearing, and length of every road line, lot line, easement, boundary line, and building line whether curved or straight. Curve boundaries will be defined by curve data to include the radius, delta angle, total arc length and the long chord by bearing and distance or shown as a traverse of chords around the curve using bearings and distance.
e. Names of owners of record of all adjoining land, all property boundaries, water courses, roads, easements, utilities and other such improvements, which cross or form a boundary line of the tract being subdivided.
f. Exact boundaries of the tract of land being subdivided as noted in section 13.7.3.
g. Roads, right-of-ways, percent of grades and road names. Property lines extending to road centerlines is a condition requiring setting of iron stake corner markers for lots on an offset with location clearly shown on the plan and selected so corners lie on a line of survey or a prolongation of such lines.
h. Right-of-ways or easement; location, widths, and purposes.
i. Lot lines, minimum building setback lines, and lot and block indicators.
j. Any parks, school sites, or other public spaces (assuming some exist or are proposed).
k. All dimensions shall be to the nearest one hundredth (1/100) of a foot and angles to the nearest 20 seconds.
l. Accurate description of the location of all monuments and markers.
m. Utility easements, showing the widths of the following: (1) water, (2) gas, (3) sanitary sewer, (4) storm drainage, and (5) electrical line.
n. Location of all proposed fire hydrants on final plat.
o. Where individual septic waste disposal is proposed, a letter of final subdivision approval therefore from the appropriate division of DHEC identifying each lot for which individual waste disposal is approved. Areas or lots not so approved shall not be included on the final plat unless restricted to prohibit construction of building space thereon by such notation as "reserved exclusively for open space", etc.
p. The following certificates shall appear on the final plat which is submitted to the planning department by the subdivider.
   (1) Certificate of Accuracy (signed when submitted).

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Lancaster County Land Development Regulations and the monuments shown have been placed to the specifications set forth in said regulations.

_____, Yr._____

Registration No. _____

_____
Registered Land Surveyor

(2) Certificate of Ownership and Dedication (signed when submitted).
It is hereby certified that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby dedicate all roads, alleys, walks, parks, and other sites to public or private use as noted.

_____ _____
Date Owner

_____
Owner

(4) Certificate of Approval (to be signed upon approval).
The subdivision plat hereon has been found to comply with the Lancaster County Land Development Regulations and has been approved for recording in the office of the Clerk of Court.

_____ _____
Date Planning Director

q. Where the improvements required have not been completed prior to the submission of the final plat for approval, approval of the plat shall be subject to the owner filing a performance guarantee in the form of cash and/or irrevocable letter of credit, which must be redeemable at a bank within one hundred (100) miles of Lancaster County, payable to Lancaster County. The Letter of Credit shall contain a provision creating an additional, automatic renewal by the issuer in an identical amount and subject to the same terms and conditions that are applicable to the initial twelve month period. Notwithstanding this requirement, should the issuer notify Lancaster County Director of Finance in writing not less than thirty (30) days prior to the expiration of the initial twelve (12) month period that, based upon the certification of the owner's engineer (a copy of the certification being attached thereto), the improvements are completed to such a degree that a reduction in the amount of the Letter of Credit is justified and reasonable. The engineer's certification shall also state with specificity the additional time necessary to conclude the infrastructure installation. Upon receipt, the Lancaster County Director of Finance shall be authorized to accept from the issuer a new Letter of Credit for a reduced amount and for a reduced period of time deemed appropriate in the Director's sole judgment based upon the best interests of Lancaster County. Upon completion of the required improvements within the required period of time, written notice thereof shall be given by the subdivider to the Finance Director who shall cause an inspection

of the remaining improvements to be conducted to determine if the improvements are satisfactory. Such inspection shall take place within 30 days of the date of written notice authorizing the release of the cash and/or security given.

Approval of the final plat shall be subject to the infrastructure being installed by the developer and subsequently tested, inspected, and found to be in acceptable condition by the utility provider or conversely the respective utility provider shall supply documentation that arrangements have been made with the developer to guarantee the installation of the utility service. This required documentation shall be provided by the utility provider, not the developer, and shall state that the utility infrastructure is guaranteed to be installed.

r. Protection against work defects.
   (1) The final plat for all subdivisions that include facilities or improvements intended for dedication shall include the "Certificate Against Work Defects" in accordance with section 20.9
   (2) The county shall not accept the offer of dedication of any facilities or improvements unless and until a competent professional has certified to the county that such improvements or facilities have been constructed in accordance with the requirements of this ordinance and any other applicable county standards. This certification may be made by a county employee or by an architect or engineer retained by the developer.
   (3) For purposes of this section, the term "defects" refers to any condition in publicly dedicated facilities or improvements that requires the county to make repairs in such facilities over and above the amount of maintenance that they would normally require. If such defects appear, the certification shall be enforced regardless of whether the facilities or improvements were constructed in accordance with the requirements of this ordinance.

s. Emergency access to gated communities.
   (1) The following notes are required on the final plat for gated communities.
      a. Note on final plat stating the development is a gated community.
      b. The developer will be required to install and maintain a "Click 2 Enter" system. This system is designed to use the emergency vehicles radio equipment to activate a sensor at the entrance and open the gate. The controller would be purchased and maintained by the developer of the gated community.
      c. The county will require the development to have a back-up Knox Key Switch system. This is a system that uses the Knox Key to override the gate controller. This system is used only if the "Click 2 Enter" system does not work.

(Ord. No. 414, 12-18-00; Ord. No. 614, 5-24-04; Ord. No. 849, 9-10-07; Ord. No. 850, 9-10-07; Ord. No. 1259, § 1, 3-10-2014; Ord. No. 1314, § 1, 11-24-2014)

Section 13.12 - Planned Development Districts.

Section 13.12.1 - General design criteria and development standards.

In order to qualify as a Planned Development District, a project request must generally meet the following requirements; however, these requirements shall be modified based on specific proposals by the applicant which shall be approved by the planning commission and county council.

1.

The site must contain at least fifty acres, have a minimum width between any two points on opposite boundary lines of 400 feet, and must adjoin or have direct access to at least one collector street.

2. The site shall be in one ownership, or if in several ownerships, the application for amendment to the zoning ordinance shall be filed jointly by all of the owners.
3. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged. Common open space shall be located so as to enhance the living environment of the proposed development. Generally, this shall mean that the common open space shall be distributed throughout the site and not aggregated in large areas that provide little or no benefit to the individual uses or the development at large.
4. Maximum building height and development density shall be proposed for each appropriate section of the PDD as part of the master plan submittal and shall be subject to approval or modification by the planning commission and county council. Any PDD must incorporate a 20 percent minimum usable open space and 60 percent maximum impervious surface requirement in the proposal. Additionally, a minimum of 20 percent of the gross acreage of the PDD shall be used for commercial, office or manufacturing uses.
5. In general, parking and loading requirements for each PDD District shall comply with the requirements of the parking chapter of this ordinance. However, the planning commission and county council may vary such requirements upon a finding that adequate parking, loading, and vehicle circulation can be provided on the basis of alternative criteria or techniques. Areas designated for parking and loading or for traffic ways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicle ingress and egress. All uses shall be located in a manner conducive to safe ingress and egress. Access points to public streets shall conform to the design standards outlined by the SCDOT's Access and Roadside Management Standards.
6. Any use proposed by the developer and considered by the planning commission as being compatible to other nearby uses within and beyond the district shall be permitted in such a district, upon approval by the planning commission and county council. A listing of permitted uses within a particular PDD shall be proposed by the applicant and, subject to modification, adopted as part of the district master plan. After approval by the planning commission and county council, the list or portion thereof shall be adopted as part of the regulations applying to that particular PDD. Thereafter, the uses permitted in the district shall be restricted to those uses listed in the district regulations and approved by county council.
7. Planned Development Districts shall be so located and developed that each shall not exceed the capacity of the adjacent roads which shall serve the property or the capacity of public sewer and water systems, unless the applicant shall dedicate right-of-way or easement, contribute to the construction of new facilities, or create such facilities to the extent of his fair share of such as the percentage of his land developed and so served. The rate of development of the PDD shall not exceed the rate of construction and increasing capacity of the limiting facility.
8.

Private streets are permitted in an approved PDD, provided such streets meet the construction standards of the Lancaster County Uniform Subdivision Regulations. However, the planning commission and county council may vary other street design standards in response to alternative standards proposed by the applicant.

9. All uses shall have adequate solid waste collection areas with adequate ingress/egress that does not require solid waste collection vehicles to back onto or off of a public street.
10. Setback, screening, and front, side and rear yard requirements.
   a. *Residential.* For single-family and two-family structures in a PDD, a minimum setback of ten feet shall be maintained from all property lines adjoining a different zoning district and/or the right-of-way or easement line of any existing or planned public road which abut the site. For multifamily or townhouse structures in a PDD, a minimum setback of 25 feet shall be maintained from all property lines adjoining an existing single-family residential district and a minimum setback of 10 feet shall be maintained from all property lines adjoining any other zoning district and/or the right-of-way or easement line of any existing or planned public road which abut the site.
   b. *Commercial and office.* For commercial and office uses, a minimum setback of 25 feet shall be maintained from all property lines adjoining a nonresidential zoning district and/or the right-of-way or easement line of any existing of planned public road which abut the site. Where commercial and office uses abut an existing residentially zoned district the minimum setback shall be 35 feet. Additional screening in the form of earthen berms or fencing may be required by the planning commission and county council.
   c. *Manufacturing, public, or institutional Uses.* For manufacturing, public, or institutional uses, a minimum setback of 25 feet shall be maintained from all property lines adjoining a nonresidential zoning district and/or the right-of-way or easement line of any existing or planned public road which abut the site. Where such uses shall adjoin an existing residentially zoned district, the minimum setback shall be 50 feet. Additional screening in the form of earthen berms or fencing may be required by the planning commission and county council.
   d. *Internal setbacks.* Except for setbacks required from the perimeter of the district, there shall be no established minimum lot size or minimum front, side, or rear yard requirements for any lot within a Planned Development District other than as specified in an approved master plan.
   e. *Landscaping.* In general, landscaping requirements for each PDD shall comply with the requirements of the screening and trees and guide for landscaping chapters of this ordinance. However, the planning commission and county council may vary such requirements in response to applications demonstrating alternative landscaping based on creative site planning. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the landscaping requirement.
   f. *Parking restrictions in setbacks.* Setbacks shall not be used for streets or for parking except for entrances which may penetrate the setback.
11. Additional requirements.
   a. *Acreage.* Required minimum of fifty acres for a PDD.
      50—200 acres: 10 points

201+ acres: 20 points

   b. *Common open space/density requirement.* Required minimum of 20 percent open space of gross acreage.
      i. Some form of open space is required within a quarter of a mile from all residents in the proposed PDD.
      ii. Open Space.
         A. Open space refers to an area that:
            1) Is not encumbered with any substantial structure;
            2) Is not devoted to use as a roadway, parking area or sidewalk;
            3) Is not part of any privately owned lot; and
            4) Is legally and practicable accessible to the general public or to the residents development where the open space is located
         B. Narrow strips of common area that separate lots within a development from each other, from streets, or from adjoining tracts shall generally not be regarded as open space unless such areas:
            1) Are at least 50 feet in width and capable of functioning as a substantial visual buffer; and
            2) Are configured and/or improved (e.g., through the installation of trails) in such a way as to be conducive to actual use for passive recreational purposes (e.g., walking or jogging) by residents of the development where located; and
         C. The following areas may be regarded as open space if such areas satisfy at least the criteria set forth in A1), A2) and A3), above:
            1) Utility easements outside of street right-of-ways;
            2) Cemeteries located on a tract prior to its development; and
            3) Golf courses constructed as part of a residential development (exclusive of buildings, parking areas and maintenance areas).
      iii. Active open space (AOS): Recreation facilities, Playgrounds, Tennis courts, Community swimming pools, etc.
      iv. Passive open space (POS): Walking trails, bike trails, horse trails, etc.—Essentially unimproved land.
      v. Natural preservation open space (NOS): Historical sites, Endangered species, Archeological sites, wetlands, river buffer, etc.

         AOS—1% of total site = 1 point

         POS—-1% of total site = 2 points

         NOS—-1% of total site = 4 points

         For example, if 20 percent of a site contains passive open space, then the proposed PDD will receive 40 extra points.

      vi. Floodplain:; No lots may be located in floodplain. However, floodplain can count towards open space requirement. (No points rewarded)
      vii. Useable land: If 25 percent of the total amount of open space, is buildable land, then

it will be worth ten extra points.

(Net buildable land excludes areas such as: floodplain, river and stream buffers, etc.).

viii. Density: Density is based on buildable land. Common Open Space cannot be used to calculate density. Roads will be allowed to be included when determining density.

Percentage of common open space/density provided:

Maximum density single family: 4 units/acre

20% common open space and 1—2 units/acre: 40 points

25% common open space and 2—3 units/acre: 20 points

30% common open space and 3—4 units/acre: 10 points

Maximum density multifamily: 8 units/acre

20% common open space and 4—5 units/acre: 40 points

25% common open space and 5—6 units/acre: 20 points

30% common open space and 6—7 units/acre: 10 points

35% common open space and 7—8 units/acre: 0 points

* For this section, any calculation, which results in a fraction equal to or greater than .51, shall be rounded upward to the next number. For example, 10.6 dwelling units pr acre shall be considered to be 11.0 dwelling units per acre. However, if 20 percent common open space is required, and 19.6 percent common open space is provided then the application will not be considered to have met the minimum requirement.

ix. Lot width: The minimum lot width allowed for single-family development is 55 ft. If a development has a lot width of 60 ft. or less, then rear access to each unit via an alley is required.

x. Varity of lot sizes: A maximum of 33% of the lots in residential developments are allowed to have the same lot frontage.

For example, 33 percent of the total number of lots can have a minimum lot width of 60 feet, 33 percent can have 70 feet minimum lot width, and 33 percent can have 80 feet minimum lot widths.

xi. Commercial open space: Five percent of the total commercial area to be used in the PDD must be used for open space. Parking lots, and the landscaped island in parking lots do not count towards open space. Examples include, plazas, fountains, picnic areas, or just green open common area.

d. Sidewalks.

i. A sidewalk will be required on at least one side of every street. (0 points)

ii. A sidewalk will be required on both sides of arterial and collector streets. (0 points)

iii. Installing sidewalks on both sides of the street. (10 extra points)

iv. Sidewalks are not allowed in the bubble portion of cul-de-sacs.

v. If a cul-de-sac is longer than 100 ft. to the start of the bubble, then a sidewalk is

required on at least one side of the street.

vi. Sidewalks must connect all components of the PDD.

d. Commercial or industrial development. Minimum requirement of five of land set aside for commercial/industrial development.

A maximum of 95 percent of land can be set-aside for commercial/industrial development.

Percentage of land set aside for commercial development:

5—15%	0 points
16—20%	5 points
21—25%	10 points
26—30%	15 points
31—35%	20 points
36—40%	25 points
41—45%	30 points
46—50%	35 points
51%+	40 points

*Land set aside for commercial development cannot count towards open space requirements.

*If it is appropriate, institutional land set aside for public use may replace the commercial or industrial development requirement.

f. Building standards.

i. Developments where the exterior of the buildings are constructed using brick, stone, or stucco will receive ten extra points for the front of buildings built with brick, stone, or stucco and ten more points for both sides, as well as ten more points for the rear. —Residential

ii. A minimum of 33% of the total square footage of all 1st floor walls that front any adjacent street shall contain windows or doors.— Nonresidential

iii. Land with a slope of 20 percent or greater is not considered developable.

g. Setbacks.

i. Residential.

1) There is a minimum requirement of a seven-foot side yard for residential uses.

2) There shall be no encroachment over two feet.

3) If homes are to have side or rear load garages then the development will receive 20 points.

ii. Commercial.

1) There is a minimum requirement of a 25-foot setback for commercial/office uses from other commercial/office uses. There is also a minimum 75-foot setback along all road frontages.

2) If all parking is located behind the front facade, then the proposed PDD will receive 20 extra points.

h. General landscaping.

i. The general landscaping for each planned development district will follow what is currently in Chapter 12 of the UDO for landscaping.

ii. A minimum of at least one tree (3 inches in diameter) must be planted in each lot.

iii. Minimum tree sizes:

By caliper: Minimum diameter of five inches (commercial)
Minimum diameter of 3 in. (residential)

By height: Minimum height five ft.

i. Buffers.

i. The border of the proposed PDD that is not adjacent to a road must be buffered by a minimum of 40-foot undisturbed buffer. Within this 40-foot undisturbed ingress/egress to the property shall be allowed, as well as utility easements and sidewalks.

ii. Where there is insufficient nature buffer, plantings shall be installed.

iii. The developer can gain points by increasing the perimeter buffer.

iv. A minimum of 25 percent of the trees and 75 percent of the shrubs shall be evergreens.

v. The 40-foot required buffer cannot count towards open space requirements.

j. Buffers, point scale

i. Perimeter buffer:

40 ft—0 points

41—45 ft.—5 points

45.01—55.00 ft.—10 points

55.01—65.00 ft.—15 points

65.01—70.00 ft.—20 points

70.01—75.00 ft.—25 points

75.01 ft.+—30 points

ii. River buffer:

100-foot undisturbed buffer—0 pts.

125 feet—150 feet—10 pts.

151 feet—200 feet—20 pts.

201 feet—250 feet—30 pts.

For each additional 25 feet provided, 12 points will be add to the point total.

There will be a 50-foot buffer required on both sides of all streams/creeks, or on one side depending on if the PDD is on one or both sides of the stream/creek.

No structure shall be built within 50 feet of a stream, or creek.

A 30-foot landscaped buffer and a minimum six-foot berm will be required on the frontage of all roads.

k. Connectivity.

i. The proposed development must have a minimum connectivity index of 1.4 and follow what is currently in the UDO.

ii. Entrances to each proposed PDD will be dealt with on an individual basis. One (1) divided entrance to each PDD is required.

iii. The entrance into each PDD on all major federal and state highways is required to be at least 200 feet. in length before a turn off is allowed.

iv. A stubbed out may be required to additional adjacent parcels, and is subject to staff review.

v. The proposed PDD is required to connect to adjacent bike paths; walking/hiking trails, etc. in adjacent developments.

l. Preservation of existing vegetation.

i. Each area of preserved vegetation shall be identified by acreage.

ii. Vegetation is to be defined as trees.

90% to 100% preservation of vegetation for the entire site .....20 pts.

50% to 89% preservation of vegetation for the entire site .....10 pts.

20% to 49% preservation of vegetation for the entire site .....4 pts.

Less than 20% preservation of vegetation for the entire site .....20 pts.

iii. A landscaping plan shall indicate the location of any new trees or other plant materials and where existing trees and other plant materials are to be preserved. When preserving existing trees and plant materials, the applicant shall provide the method for protecting them during construction.

iv. In addition, the site plan shall include a construction limit lines and topographic layout of the lot or subdivision. The limit line shall designate areas that are not to be disturbed and all areas or required cut and fill. Outside this limit line, no tree survey shall be required, and the project developer shall be required to leave undisturbed all areas of native vegetation, including trees, shrubs, and understory vegetation, to a reasonable and feasible extent.

m. Road capacity.
   i. The developer must provide a traffic impact study. This is required when the application is submitted.
   ii. If the traffic impact study indicates a traffic signal is required, then it shall be installed at the developers expense, and it shall not contain overhead lines. The traffic lights shall be suspended from metal poles. (Similar to those used on main streets)
   iii. The adjacent roads and intersections will serve the proposed development with sufficient capacity to handle the trips generated by the proposed development as determined by a traffic engineer—20 pts.
   iv. The adjacent roads and intersections will not serve the proposed development with sufficient capacity to handle the trips generated by the proposed development as determined by a traffic engineer—0 pts.
   v. Acceleration and Deceleration lanes will be required on all major state or federal highways when a proposed PDD contains 50 or more residential units.
   vi. All roads within the proposed PDD shall be required to line up with existing roads outside the PDD. (Unlike Sun City and Jim Wilson Road.)
   vii. No crossovers on Highway 521 shall be relocated.
n. Use of cul-de-sacs.
   i. Cul-de-sacs are limited to 1,000 ft. in length, and only allowed in physically restrictive areas.
   ii. The proposed residential area provides streets in a grid or modified grid pattern, which avoids or severely limits the use of cul-de-sacs—10 pts.
   iii. The street pattern in the proposed residential area does not avoid or severely limit the use of cul-de-sacs—0 pts.

*Note: All aspects of each proposed planned development district are different. There may be requirements not mentioned that could be presented by the planning staff, Lancaster County Council, or the planning commission.

A applicant must have their PDD within a numerical value of five percent of the PDD guidelines for processing.

*Final layout of development required before 3rd reading at council

*Proof of contract to purchase the land must be submitted before third reading as well.

(Ord. No. 705, 4-24-06; Ord. No. 748, 5-1-06; Ord. No. 1074, § 1, 2, 12-13-10; Ord. No. 1193, § 1, 2-11-2013)

Section 13.12.2 - Administrative procedures and review process.

The planned development district review process consists of three steps:

1. *Pre-application conference.* Before submitting an application for PDD zoning classification, it is recommended that the applicant confer with the planning department and other appropriate county staff to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data.
2.

Master plan. When submitting an application for PDD zoning classification, the applicant shall submit ten copies of a master plan. The master plan must be submitted 60 days prior to the regularly scheduled meeting of the planning commission at which the PDD request is to be reviewed. The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect, and/or planner. The master plan shall meet the requirements of Chapter 20 of this ordinance.

a. *Submission of application to planning department for review and conference.*
   i. Applicant or owner shall submit a complete site plan to the planning department for study. The staff and other agencies as appropriate shall review the proposal for compliance with the comprehensive land use plan and the regulations herein, the objectives of the district, and the suitability of the site for the proposed project.
   ii. Following such study, unless complete conformity is found, the applicant shall be notified of any discrepancies, and of the willingness of the planning department and other appropriate officials to confer for the purpose of assisting in bringing the site plan submitted as nearly as possible into conformity with requirements and/or to define specific modifications of regulations or of the comprehensive plan that seem justified in view of the proposal.
   iii. If the applicant joins in such conference, changes may be made in the original proposal, further conferences may be held, and additional material may be requested to guide in determinations. In the course of such conferences, any recommendations for change shall be recorded in writing, with reasons therefore, and shall become part of the record in the case. Applicants shall indicate, in writing, their agreement to such recommendations, or their disagreement and reasons therefore, which shall also be included in the record.
b. *Action by planning department.* At the conclusion of the pre-application review and in conjunction with a master plan submittal, the planning department shall report to the planning commission as to the:
   i. Type of PDD proposed, physical characteristics of the land, relation of the proposed development to surrounding areas, and existing and probable future development;
   ii. Relation to major roads, utilities and other facilities and services;
   iii. Adequacy of evidence of unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guarantees, or other instruments, or the need for such instruments, or for amendments in those proposed;
   iv. The suitability of plans proposed, or the desirability of amendments, with reasons therefore;
   v. Desirable specific modifications in regulations or the comprehensive plan as applicable in the particular case, based on determinations that such modifications are necessary or justified in the particular case by demonstration that the public purposes of the PDD or other regulations would be met to at least an equivalent degree by the proposal of the applicant.

   Based on such findings, the planning department shall recommend approval of the PDD amendment as proposed, approval conditioned on specific stated modifications, or disapproval, with recorded reasons therefore.

3. *Action by planning commission and county council.* If the amendment is granted, county council shall, in its amending action, approve the application as it may have been changed during earlier procedures, or indicate required modification; and such approved application with required modifications, if any, shall be binding on the applicant. If modifications are required, county council shall officially state its reasons for in the record.

   Development shall occur in accordance with the approved PDD, meeting the requirements of these and other regulations, as may be supplemented or specifically modified as part of the amending action, and shall conform to any time or priority limitations established by county council on beginning and completion of the development as a whole, or in specified stages.

   In taking action to amend the zoning map to establish the approved PDD, county council shall pass upon the adequacy of the application, in form and substance relative to any agreements, contracts, deed restrictions, sureties, or other instruments involved; before development may proceed, such instruments shall be approved by appropriate officers and agencies.

   Actions by the planning commission and county council shall be as provided for amendments generally. County council may grant the application, may include specific modifications of the proposal or other applicable regulations, or may deny the application. The procedures for public hearing and consideration by the planning commission and county council shall be as set forth in the amendments chapter of this ordinance. County council may require additions, deletions, and/or changes to the master plan prior to approval. Upon approval of the master plan by the county council, the planned development district shall be deemed established. Thereafter, all amendments to the master plan, which are considered to be major changes (see subsection 5) by the planning director, shall be in accord with the amendments chapter of this ordinance. The master plan shall guide the general location of all features shown therein, including land uses, densities, roads, public uses, and other features. The developer will be required to furnish a surety bond, letter of credit, cash escrow, or other guarantee acceptable to county council assuring completion of all public improvements and streets shown on final plans.
4. *Plan revision time limit, and extension.* Following the establishment of a Planned Development District and approval by the county council of a master Plan, the applicant shall within 60 days and prior to seeking development related permits or approvals, submit a revised master plan that incorporates all modifications and conditions approved by planning commission and county council.

   Site development must commence within 12 months of master plan approval by county council unless the developer requests a time extension, not to exceed 12 months, which may be approved by the planning commission. If development has not commenced by the end of the time extension, the planning commission may recommend to county council that another time extension be granted or that the property be rezoned to its prior or other appropriate classification.
5. *Changes to master plan.* If major changes to the master plan are being requested, the changes must be made through the zoning map amendment process. Major changes in the master plan are defined as those which alter the concept or intent of the planned development including but not limited to the following: changes in area use designations, increases in density, decreases in proposed open space, substantial changes in the location of proposed

   streets, particularity if streets are to be deleted or access points to the development are moved so that traffic flows both inside and outside the development are affected, change in location of any public easement, change in the proportion of housing types by more than 15 percent of the approved dwelling unit count, a violation of any specific condition set forth by the planning commission and the County Council, and any changes in the final governing agreements, provisions or covenants. The planning director shall make the determination as to whether any other requested changes shall be considered to be a major or minor change to the master plan. Because a planned development and related plans for an area are recognized as a legislative act, no other development of any other kind shall be constructed on the land affected by the rezoning. In the event the land is sold, the buyer of the land will be expected to develop the land in accordance with an approved master plan for the area. If the buyer wishes to construct his project in a different manner, he shall have his plans approved according to the provisions of this section. The planning director shall have the authority to approve all minor changes to the Master plan.
6. *Addition of land to an existing planned development.* Additional land area may be added to an existing planned development if it is adjacent to (except for public roads), forms a logical addition to, and is under the same ownership or control as the original development. The procedure for an addition shall be the same as if an original application were filed, and the requirements of this article shall apply, except the minimum acreage requirement.

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

Section 13.12.3 - Effect of establishing a PDD.

Establishment of a PDD, upon approval of the master plan for that district, confers upon the owners, their agents, or successors, no greater rights to initiate and pursue development of all or any portion of the planned development than are conferred by establishment of any other zoning district classification. Any and all development activity must be initiated and completed in full conformance with all relevant provisions of applicable local, state, and federal laws and regulations except, and only to the extent, that provisions of local regulations within the county's authority, shall have been modified as specifically included as a part of master plan approval. All submittals required under applicable local regulations, such other information as may be reasonably required by appropriate county officials and copies of information submitted to and permits or approvals issued by other regulatory entities shall be provided to the county, with written approval as to conformance with the approved master plan required, prior to the initiation of any component of development activity within the PDD area. The following list of requirements is by no means exhaustive and is only intended to establish reasonable understanding of the intended effect of this section.

1. Grading plans and related sedimentation or other permits shall be submitted for prior review and approval by DHEC.
2. To the extent subdivision of land is involved, requirements of the Lancaster County Uniform Subdivision Regulations related to final plat review and recording shall be complied with fully.
3. Plans for the construction of water and wastewater systems shall be submitted to the county for prior review and approval and evidence of approval by SCDHEC shall be submitted prior to commencing construction.
4.

Requirements of county building codes and other applicable construction standards, including the submittal of detailed site plans, construction drawings, and specifications shall be complied with fully.

5. Evidence of approval by appropriate entities for installation of such systems as gas, electric power, telephone, cable TV, exterior lighting, etc., shall be provided.
6. County occupancy permit requirements shall be followed.

Section 13.12.4 - Master plan requirements.

a. *In general.* It is presumed that all of the information listed in this section must be submitted with an application for a PDD zoning to enable the permit-issuing authority to determine whether the development, if completed as proposed, will comply with all the requirements of this chapter. However, the planning commission and county council may require more information or accept as sufficient less information according to the circumstances of the particular case.

b. *Written applications.* Every applicant for PDD zoning district shall complete a written application containing at least the following information:
   1. The name, address, and phone number of the applicant, and the date of application.
   2. If the applicant is not the owner of the property in question, (1) the name, address, and phone number of the owner, and (2) the legal relationship of the applicant to the owner that entitles the applicant to make application.
   3. A succinct statement of the nature of the development proposed and a statement of planning objectives for the site.
   4. Identification of the property in question by street address and tax map reference.
   5. The zoning district(s) within which the property lies.
   6. The number of square feet in the lot where the development is to take place.
   7. The gross floor area of all existing or proposed buildings located on the lot where the development is to take place.
   8. As additional data, the master plan shall contain a table which shows, for each section or area of different uses, the proposed use, the approximate phasing, the maximum density and approximate number of dwelling units for residential areas, square feet of floor space for commercial or industrial areas, approximate acreage of each use, including streets, recreational areas, and other public and/or private reservations, and approximate number of off-street parking/loading spaces.
   9. If the applicant proposes to construct the development in phases, such phases shall be identified on the master plan and the application shall include a proposed construction schedule.

c. *Development site plans.* Every application for PDD zoning district shall contain plans that locate the development site and graphically demonstrate existing and proposed natural, manmade and legal features on and near the site in question which shall, at minimum, include the following:
   1. The plans shall include a location map showing the general location of the project within the county.
   2. Development site plans shall be drawn to scale, using such a scale that all features required to be shown on the plans are readily discernible. Very large developments may require that plans show the development in sections to accomplish this objective without resorting to plans that are so large as to be cumbersome, or the objective may be accomplished by using

different plans or plans drawn to different scales to illustrate different features. In all cases, the planning staff shall make the final determination whether the plans submitted are drawn to the appropriate scale.

   3. Development site plans should show on the first page the name of applicant, name of development (if any), north arrow, legend and graphic scale. In addition, plans shall indicate the phasing of development.
   4. Existing natural, manmade and legal features. Development site plans shall show all existing natural manmade and legal features on the lot where the development is taking place, including, but not limited to, those listed below. In addition, the plans shall also indicate the use made of adjoining properties.

      Existing natural features:

      (a) Tree line of wooded area with notation of approximate average tree diameter and type.
      (b) Orchards or other agricultural groves by common or scientific name.
      (c) Streams, ponds, drainage ditches, swamps, boundaries of floodways and floodplains.

      Existing manmade features:

      (a) Vehicle accommodation areas including parking areas, loading areas and circulation areas, all designed by surface material and showing the layout of existing parking spaces and direction of travel lanes, aisles, or driveways.
      (b) Streets, private roads, sidewalks, and other walkways, all designated by surface material.
      (c) Curbs and gutters, curb inlets and curb cuts, drainage grates and other storm water or drainage facilities, including manholes, pipes, and drainage ditches.
      (d) Underground utility lines, including water, sewer, electric power, telephone, gas, cable television.
      (e) Above ground utility lines and other utility facilities including fire hydrants.
      (f) Buildings, structures, and signs (including dimensions of each).
      (g) Location of exterior light fixtures and solid waste collection areas and containers.

      Existing legal features:

      (a) The zoning of the property, including zoning district lines where applicable.
      (b) Property lines (with dimensions identified).
      (c) Street right-of-way lines and utility or other easement lines.
   5. Proposed changes in existing features or new features. Development site plans shall show proposed changes in existing natural features, existing manmade features and existing legal features (especially new property lines, street right-of-way lines, and utility and other easements), as well as proposed manmade features, including, but not limited to, the following:
      (a) The approximate boundaries of each section, land use or density.
      (b) The number of square feet in every lot created.
      (c) Lot dimensions, including lot widths.
      (d) The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances of buildings and freestanding signs are set back from property lines, streets or street right-of-way lines.

      (e) Principal side(s) buildings elevations for typical units of new buildings or exterior remodeling of existing buildings, showing building heights and proposed wall sign or window sign area.
      (f) The location and dimensions of all recreational areas, with each area designated as to type of use.
      (g) Areas intended to remain as open space or designated screening areas.
      (h) All areas proposed for dedication to public use within the project.
      (i) Streets, labeled by classification and street name, showing whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths. Private drives shall also be shown and clearly labeled as such.
      (j) Curb and gutters, curb inlets and curb cuts, drainage grates and other storm water or drainage facilities, including manholes, pipes, drainage ditches, retention ponds, etc.
      (k) Sidewalks and walkways, showing widths and surface material.
      (l) Outdoor illumination with lighting fixtures sufficiently identified.
      (m) Underground utility lines, including water, sewer, electric power, telephone, gas, cable television and above-ground utility lines and other facilities including fire hydrants, solid waste collection areas, etc.

(Ord. No. 336, 6-7-99)

Section 13.13 - Manufactured home parks.

1. The maximum density for a manufactured home park shall not exceed three units per acre (43,560 square feet). Each lot or space within the park shall contain at least 14,520 square feet and shall be at least 80 feet in width. No more than one manufactured home shall be erected on one space. The maximum density allowed for a manufactured home park shall be based on the total acreage of the site minus the acreage required for recreational proposes (see subsection 12. of this section). For example, the density for a ten-acre manufactured home park would be calculated as follows: Ten acres (total tract acreage) 1.5 acres (required recreational area) equals 8.5 acres, 8.5 acres times 3 units per acre equals 26 manufactured homes. Therefore, a ten-acre tract would be allowed to have 26 manufactured homes which meet all of the other requirements for manufactured homes located in a manufactured home park.
2. As used in this ordinance, the term "mobile home" or "manufactured home" shall be interpreted to mean a vehicle or structure that is designed to be movable on its own chassis for conveyance on public thoroughfares and designed without a permanent foundation. A manufactured home may consist of one or more components that can be disassembled for towing purposes or two or more units that can be towed separately, but designed to be attached as one integral unit. All manufactured homes produced since June 15, 1976, must be inspected by the Department of Housing and Urban Development during the manufacturing process and display an emblem of approval on the manufactured home. No manufactured home produced before June 15, 1976, shall be brought into and located in the County. The manufactured home dimensions shall be a minimum of 32 feet in length and eight feet in width. Placement of this type of dwelling/residence on a permanent foundation does not constitute a change in its classification.
3. The minimum park or court area shall be five acres.

4. A system of storm drainage and refuse disposal facilities shall be required.
5. Roadways in manufactured home parks which are not to be dedicated as public streets shall have a minimum travel width of 18 feet exclusive of parking.
6. All roadways in manufactured home parks shall be paved.
7. All on site roadway intersections shall be provided with a street light and one interior light shall be provided for each 400 feet of street length.
8. Each manufactured 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. Accessory buildings shall be at least 10 feet from any manufactured home other than the home to which the building is accessory and only one (1) accessory structure shall be permitted per manufactured home.
9. Manufactured homes shall be supported, properly tied down and underpinned as specified by the Uniform Standards Code for Manufactured Housing and Regulations (SC Code Ann. Section 40-29-10 et seq., at amended) and (23 SC Code Ann. Regs. 19-425 et seq.).

   The manufactured home shall be completely underpinned at the time the last inspection is conducted and prior to the final power permit being issued. If this is not complete, the certificate of completion shall not be issued by the building and zoning department.

   Exception to the above is:

   Manufactured homes placed in the floodplain shall meet the floodplain ordinance requirements.
10. No manufactured home stand shall have direct access to a public street.
11. Existing trees and other natural site features shall, to the extent feasible, be preserved. Variations in the street pattern, block shapes and location of manufactured home stands shall be employed as methods to preserve existing trees and other natural site features.
12. All manufactured home parks shall reserve and develop for recreational purposes a minimum of 15 percent of the park site.
13. No living compartment or structure other than a "Florida room" or other prefabricated structure, specifically designed for manufactured home use or extension, shall be added to any manufactured home. Porches covered with a roof and open on three (3) sides shall be permitted if the setback requirements of this ordinance are not violated.
14. A minimum of two (2) automobile parking spaces surfaced with four (4) inches of gravel shall be provided adjacent to each manufactured home space, but shall not be located within any public right-of-way or public easement or within any street.
15. All spaces within a manufactured home park shall be serially numbered for mailing address purposes. These numbers shall be displayed in the front of the manufactured home on the driveway side with four-inch lettering.
16. The *Table of Permissible Uses* indicates that Class C manufactured homes are not permissible within any zoning district. No Class C manufactured home located in a park shall be replaced with another class C manufactured home.
17. A Type 4 Buffer yard shall be installed at the time the manufactured home park is established along all abutting road frontages and a Type 2 buffer yard shall be installed along all other property lines. Such buffer yards shall only contain evergreen plants.

18. All tires and rims shall be removed from the manufactured home.
19. All utilities shall be either overhead or underground.
20. All applicable conditions contained in section 4.1.12 shall be followed.

(Ord. No. 323, 2-1-99; Ord. No. 328, 4-12-99; Ord. No. 561, 8-25-03)

Section 13.14 - Variances.

When the subdivider can show that a provision of these regulations would cause unnecessary hardship because conditions unique to the site (ex. unique topography) and in the opinion of the planning commission a departure may be made without destroying the intent of such provisions, the planning commission may approve a variance. Any variance that is approved is required to be entered in writing in the minutes of the county planning commission along with the reason for which such departure was justified.

(Ord. No. 328, 4-12-99; Ord. No. 748, 5-1-06)

Section 13.15 - Violations and penalties.

Development plans are to comply with all regulations. The submission of an unapproved plan for recording is a misdemeanor.

After the local governing authority has adopted land development regulations, no subdivision plat or other land development plan within the jurisdiction of the regulations may be filed or recorded in the clerk of courts office, and no building permit may be issued until the plat or plan bears the stamp of approval and is properly signed by the designated authority. The submission of a subdivision plat or other land development plan without proper approval as required by this ordinance is declared a misdemeanor and, upon conviction, is punishable as provided by law.

(Ord. No. 328, 4-12-99)

Section 13.16 - Legal status provisions.
Section 13.16.1 - Interpretation.

The regulations expressed in this document shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public.

(Ord. No. 328, 4-12-99)

Section 13.16.2 - Conflict with other laws, ordinances, or regulations.

Whenever the requirements made under authority of these regulations impose higher standards than are required in any statute or local ordinance or regulation, provisions of the regulations shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by these regulations, the provisions of such statute or local ordinance or regulations shall apply.

(Ord. No. 328, 4-12-99)

Section 13.16.3 - Separability.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the ordinance as a whole, or any other part thereof, other than the part so declared to be unconstitutional or invalid.

(Ord. No. 328, 4-12-99)

Section 13.16.4 - Repeal of conflicting ordinances.

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section 13.16.5 - Amendments.

The planning commission shall hold a public hearing on any proposed amendment to these regulations, notice of which shall be given not less than 30 days prior to the hearing date. The notice shall be placed in a general circulation newspaper within the community. Amendments shall be adopted on the 3rd reading of an ordinance by the county council.

(Ord. No. 328, 4-12-99; Ord. No. 748, 5-1-06)

CHAPTER 14. - STREETS AND SIDEWALKS
FOOTNOTE(S):

--- (11) ---

Editor's note—Ord. No. 916, adopted June 2, 2008, amended and restated former Ch. 14 in its entirety to read as herein set out. Former Ch. 14 pertained to the same subject matter and derived from Ord. No. 309, 9-28-98; Ord. No. 328, 4-12-99; Ord. No. 748, 5-1-06; Ord. No. 846, 9-10-07.

Section 14.1 - Street names and house numbers.
Section 14.1.1 - System established.

There is hereby established an official system of road names in the County as shown on a map entitled "Lancaster County Official Streets and Highways Map," a copy of which is on file and available for reference at the Lancaster County Building and Zoning Department and made a part hereof by reference. Names of roads shall remain as shown on said map unless officially changed as herein provided. The E-911 Database Coordinator shall maintain an up to date index listing the names of all known public roads.

(Ord. No. 916, 6-2-08)

Section 14.1.2 - Conditions of acceptance.

No new road shall be accepted by the county until such road has been named as herein provided.

1. A master list of the names, including suffixes of all roads and streets, within Lancaster County shall be maintained by the E-911 Coordinator and kept on file in the Planning Department.
2. Road names on all plats must be first approved by the planning department/E-911 coordinator before the plat may be recorded in the register of deeds office.

Section 14.1.3 - Road name standards.
1.

Any road in excess of one thousand (1,000) feet in length shall be designated as either "road" "street," "avenue" or "drive." The acceptable abbreviations for these suffixes are "Rd", "St", "Ave", and "Dr".

2. Any road less than one thousand (1,000) feet in length or any road that is cul-de-sac or any road that begins and ends on the same road shall be designated as "court, way, place, terrace, or lane." The acceptable abbreviations for these are "Ct., Way, Pl., Ter., and Ln."
3. Any previously unnamed road or new road with center line offsets at intersections of less than one hundred (100) feet shall be given the same name, except in a subdivision. The roads will be allowed two (2) separate road names under the discretion of the approval of the Lancaster County Addressing Coordinator. Excluding roads with in an approved subdivision or PDD.
4. Any continuous road shall have the same name over its entire length even though its direction may change.
5. No road name hereafter established, regardless of suffixes or directionals, shall duplicate either phonetically or by spelling, another road name in the unincorporated area of the county.
6. No road name hereafter established shall exceed fifteen (15) characters, including spaces and suffix abbreviations.
7. No special characters, such as hyphens, apostrophes, periods, or decimals, shall be used.
8. Areas of surrounding counties, which share Postal Service zip codes or multi-jurisdictional emergency services agreements with areas of Lancaster County, shall be considered when determining duplicates.
9. The E-911 addressing department will not allow use of words which in its opinion are overused, either in the immediate area or county-wide, as such overuse is likely to cause confusion.
10. Directional names (N, S, E, W or combination thereof) shall not be allowed.
11. Proposed road names, which are intentionally misspelled, obscene, derogatory or other offensive words shall not be permitted.

(Ord. No. 916, 6-2-08)

Section 14.1.4 - Procedure for naming a new road.

1. Any person, firm, corporation, developer or right-of-way owner shall submit an application obtained from the planning department when requesting to name a new road. Such request shall include any descriptive/locational information required by the planning department; designate a spokesperson by name, address, and telephone number; provide first and second road name choices; and be accompanied by a petition, signed by seventy-five (75) percent of the property owners with parcels having frontage on the affected road.
2. If the request is consistent with standards included the section entitled "Road Name Standards," above, the planning department shall approve said request giving written notice of that action within sixty (60) days of the date of such request.
3. If the request is denied by the planning department, written notice including reasons for that action shall be provided within sixty (60) days of the date of such request.
4. Decisions of the planning department, whether affirmative or negative, shall be final subject to written appeal to Lancaster County Planning Commission filed with the clerk to the commission within fifteen (15) calendar days of the notice date of the planning department's decision. Such appeal shall set out the specific grounds upon which the planning department's decision is

questioned. The fifteen-day appeal period shall commence on the date of the planning department's written notice of decision, which shall be sent to the person signing the affected road name request.

5. A person laying out a street is guilty of a misdemeanor if he shows an unapproved street name on a plat, street marker or deed. If convicted, the court decides the punishment.
6. Naming a previously unnamed road or driveway does not change the maintenance responsibility; if it was privately maintained prior to its naming, it will remain privately maintained.
7. Any road or driveway, whether publicly or privately maintained, that serves as the sole access for three (3) or more permanent residential or business structures must be named and brought up to private road standards (Section 13.7.10.9). An occupied manufactured home is considered a permanent structure.

(Ord. No. 916, 6-2-08)

Section 14.1.5 - Procedure for changing the name of an existing road.

1. Any person, firm, or corporation shall submit a written request to the planning department which proposes to change the name of a previously named road. Such request shall include any descriptive/locational information required by the planning department; designate a spokesperson by name, address, and telephone number; provide first and second road name choices; and be accompanied by a petition, signed by seventy-five (75) percent of the owners addressed on the affected road. The request must also include a reason for the name change. When the request is submitted by the Public Safety Communications Department, or its successor entity, for a road name change based on the provisions of Section 23-47-60(C)(2) of the Code of Laws of South Carolina 1976, as amended, or when needed to rename road segments for computer aided dispatch database purposes, the requirement for the request to be accompanied by a petition does not apply.
2. Upon receipt of such request, the planning department shall schedule consideration of same by the Lancaster County Planning Commission. The planning commission's consideration shall be conducted during any regular meeting of the planning commission. The public notice requirement for this type of application shall be the same as is contained in section 18.5.
3. The proposed road name change shall be posted at integral points along the affected road.
4. Within sixty (60) days of first consideration, the Lancaster County Planning Commission shall render a decision on the request, which decision shall be final and binding. Such decisions of the planning commission, along with reason(s) for any denied request, shall be provided in writing to the spokesperson of the affected petitioning group.
5. Where road name signs have been installed and replacement is necessitated as a result of a road name change approval, the petitioning group involved shall pay the expense of new sign materials prior to installation in the form of an application fee collected by the planning department.
6. After reasonable notice in a general circulation newspaper in the community, the Lancaster County Planning Commission may change the name of an existing street or road within its jurisdiction. The commission can make the change when one of the following occurs.
   a. There is a duplication of names which tends to confuse the public or persons delivering mail, orders or messages.
   b. A change may simplify markings or giving directions to persons looking for an address.
   c. Any other good and just reason that may appear to the commission.

After reasonable opportunity for public hearing, the planning commission issues its certificate designating the change. It is recorded in the office of the clerk of court. The change and certified name becomes the legal name of the street.

(Ord. No. 916, 6-2-08; Ord. No. 1269, § 1, 5-12-2014)

Section 14.1.6 - Notice to affected entities.

Upon approval of any road name, the E-911 addressing coordinator shall notify affected entities which shall include at least the county tax assessor, public works director, emergency preparedness coordinator, law enforcement agency, ems, telephone company and the postal service.

(Ord. No. 916, 6-2-08)

Section 14.1.7 - Penalties.

1. It shall be unlawful for any person to establish or name any street or road by any marking on any sign, plat, deed or other instrument without first obtaining the approval of the Planning Department, or Lancaster County Planning Commission, as appropriate. Any person, firm, or corporation violating this provision shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not greater than two hundred dollars ($200.00) and/or imprisonment of thirty (30) days.
2. It shall be unlawful for any person to remove or deface street signs or tamper with the direction of signs. Any person violating this provision shall be guilty of a misdemeanor and, upon conviction shall be punished by a fine not greater than two hundred dollars ($200.00) and/or imprisonment of thirty (30) days.
3. Failure by the owner, occupant or agent responsible for a building to place or cause to be placed on each building proper numbers as provided by this ordinance shall constitute a violation of this ordinance, and the owner, occupant or agent shall be deemed guilty and subject to a fine not to exceed five hundred dollars ($500.00) per day, issued by the county building and zoning department.

(Ord. No. 916, 6-2-08)

Section 14.1.8 - Naming state secondary roads.

All roads in the county contained in the secondary portion of the state highway system shall be named in accordance with appropriate provisions of this chapter.

(Ord. No. 916, 6-2-08)

Section 14.2 - Uniform addressing and numbering.

Section 14.2.1 - Uniform numbering system.

A uniform system of numbering properties and principal buildings, as shown on the map identified by the title, "Uniform Numbering System Map, County of Lancaster, S.C." (hereinafter referred to as "property number map"), which is filed with the E-911 database coordinator in the building and zoning department, is hereby adopted for use in the county. This map and all explanatory matter thereon, is hereby adopted and made a part of this ordinance.

(Ord. No. 916, 6-2-08)

Section 14.2.2 - Assignment of numbers.

1. All properties or structures within the county shall hereafter be identified by references to the uniform numbering system adopted herein; provided further, that all existing street numbers assigned to a parcel and/or not in conformity with the provisions of this section shall be changed to confirm to the system herein adopted.
2. A modified grid system is utilized for addressing the county. The reference streets for numbering are:
   a. The north/south axis is U.S. Highway 521;
   b. The east/west axis is S.C. Highway 9;
   c. All buildings north of east/west streets and east of north/south streets shall bear even numbers and all buildings on the south side of east/west streets and west of north/south streets shall bear odd numbers. All streets running more nearly north/south shall be numbered as north/south streets, and all streets running more nearly east/west shall be numbered as east/west streets.
3. All numbers shall be assigned by the E-911 addressing coordinator on the basis of two (2) numbers for each twenty-five (25) feet of frontage along the street.
4. No single building shall be assigned more than one (1) number.
5. Notwithstanding any other provisions of this article, when multiple buildings have frontage within one (1) or more assigned twenty-five-foot frontage areas and under the remaining provisions of this article, each such building would be assigned a separate number designation.
6. All new streets shall be numbered with odd numbers on the left side of the road and even numbers on the right side of the road, leaving at least two (2) numbers for every twenty-five (25) feet of road frontage.
7. The E-911 addressing coordinator shall notify the applicant of the following information as a complete proper address:
   a. A house or structure number.
   b. a correct street name.
   c. The proper E-911 community name and the postal community name if different from the E-911 community name.
   d. The proper zip code.

   Such notification should be within sixty (60) days of the date the 911 addressing application was received.
8. Each structure shall have its own distinct address.
   a. Each single, detached structure shall have its own individual number.
   b. Collective developments (such as mobile home parks and apartments) containing only one street or located along only one street shall be assigned either: one (1) central number with a unit number or apartment number or each building may be assigned its own individual number along that street.
   c. Collective developments containing more than one (1) street or built along more than one (1) street may have an individual number assigned to each structure. The road name shall be the one that provides access to the building. Each street in the development shall be assigned a name consistent with this chapter.
   d.

Units in strip shopping centers, units in duplexes, and like developments shall be assigned a central number along with suite numbers or individual numbers along the street which provides them vehicular access. The outbuilding of strip shopping centers shall be considered single, detached structures and given an individual number.

9. The following Lancaster County building and zoning permitting process must be followed and paperwork must be obtained and available to the 911 addressing coordinator before a 911 address can be issued. The following permitting process is required prior to the 911 address being issued:
   a. Recorded plat and deed.
   b. Zoning application.
   c. Zoning permit.
   d. Septic tank permit.
   e. 911 addressing permit.

(Ord. No. 916, 6-2-08)

Section 14.2.3 - Location of number.

1. When each house or building has been assigned its respective number or numbers, the owner, occupant, or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform system as provided in this chapter.
2. Such numbers shall be placed on existing buildings on or before the effective date of this article, and within thirty (30) days after the assigning of the proper number in the case of numbers assigned after the effective date of this article. The cost of the numbers shall be paid for by the property owner. Residential numbers shall not be less than three (3) inches in height, and business numbers shall not be less than four (4) inches in height. These numbers shall be made of durable and clearly visible material and shall be in a contrasting color from the building.
3. The numbers shall be conspicuously placed immediately above, on, or at the side of the proper door of each building so that the number is clearly legible from the nearest public travel way. Should the structure be too far from the public travel way for reasonably sized numerals to be seen, the property owner shall also erect where the main driveway to the building intersects the public travel way an additional set of numerals which are to be legible from vehicles traveling at the speed limit on the roadway.

(Ord. No. 916, 6-2-08)

Section 14.2.4 - Administration.

1. For the purpose of facilitating correct numbering, grid maps of all streets, avenues, and public ways within the county showing the proper address ranges shall be kept on file in the building and zoning department. These grid maps shall be open to inspection of all persons during the normal office hours of the building and zoning department.
2. It shall be the duty of the E-911 addressing coordinator to inform any party applying therefore of the number or numbers belonging to or embraced within the limits or any said lot or property as provided in the section. In case of conflict as to the proper number to be assigned to any building, the E-911 addressing coordinator shall determine the number of such building.
3.

Whenever any house, building, or structure shall be erected or located in the county after the establishment of the uniform system of numbering provided for herein has been completed, in order to preserve the continuity and uniformity of numbers of the houses, buildings, and structures, it shall be the duty of the owner to procure the correct number or numbers as designated by the building and zoning department for the property and to immediately fasten the number or numbers so assigned upon the building as provided by this article. No building permit shall be issued for any house, building or structure until the owner has procured from the building and zoning department the official number of the premises.

4. After the adoption of this chapter whenever any house, building, or structure shall be erected or located in the county after the establishment of the uniform system of numbering provided for herein has been completed, in order to preserve the continuity and uniformity of street numbers for houses, buildings, and structures, it shall be the duty of the owner to procure the correct number or numbers as designated by the E-911 addressing coordinator for the property and to immediately fasten the number or numbers so assigned upon the building as provided by this chapter. No final inspection shall be passed from the Lancaster County Building and Zoning Department for any house, building or structure until the owner has complied with section 14.2.3 of this ordinance.
5. Whenever any house, building, or structure shall be erected or located in the unincorporated section of the county, it shall be the duty of the E-911 addressing coordinator to assign its proper street number based on the uniform numbering system set forth in this chapter. The Lancaster County Planning Department shall also number all subdivision plats prior to their being recorded in the register of deeds and shall number all commercial/industrial development and manufactured home park plats and site plans at the time such plats and plans are permitted by the county. It shall be the duty of the building and zoning department to inform any party applying for a permit that they must obtain a proper address from the E-911 addressing coordinator prior to receiving a certificate of occupancy.
6. Existing numbers shall be changed only where it is necessary in the judgment of the E-911 addressing coordinator to maintain the order and uniformity sought by this ordinance.

(Ord. No. 916, 6-2-08)

CHAPTER 15. - UTILITIES

Section 15.1 - Utility ownership and easement rights.

1. In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer may transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities. Without limiting the generality of the foregoing, whenever a development proposes to connect to central water and sewer lines the developer shall be required to convey to the service provider sufficient land for, and to construct upon such land, such facilities as pump stations, water towers, and booster pumps.
2. Whenever a subdivision is to be served by central water or sewer lines located within the right-of-way of any street proposed for dedication to the County or state, then deeds conveying the utility to the service provider for such water or sewer lines shall be recorded prior to or simultaneously with the final plat for any subdivision.

Section 15.2 - Lots served by public water or sewer lines.

Whenever it is legally possible and practical in terms of topography to connect a lot with a central water or sewer line by running a connecting line not more than the distance set forth below from a subdivision which creates at least three lots, then no use requiring water or sewage disposal service shall be made of such lots unless connection is made to such line.

If the tracts in question are proposed to be developed with the number of dwelling units indicated in the left hand column or with a nonresidential use that places a comparable demand on the water or sewer system, then the distance within which the tracts must be connected is indicated in the right hand column:

Dwelling Units	Within a Distance of
1-25	200'
26-50	300'
51-100	750'
101-150	1500'
151-200	2500'
More than 200	5000'

In determining the number of dwelling units proposed for a subdivision, the relevant inquiry relates to the number proposed for the entire subdivision rather than a single phase of the proposed project.

For purposes of this section, a lot is "served" by a central water or sewer line if a connection(s) is required by this section.

Application for a connection(s) to central water or sewer lines shall be made to the appropriate service provider, and all connections shall be made in accordance with applicable utility policies and procedures.

Section 15.3 - Sewage disposal facilities required.

1. Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.
2. All sewer lines intended for public dedication within the County's planning jurisdiction shall be dedicated to either the Lancaster County Water and Sewer District or the City of Lancaster, or Towns of Heath Springs and Kershaw.
3.

Whenever a development is proposed to be served by a package treatment plant, the planning department and/or planning commission shall require such package plants be dedicated to the Lancaster County Water and Sewer District or the City of Lancaster, or the towns of Heath Springs and Kershaw.

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

Section 15.4 - Determining compliance with section 15.3.

1. Primary responsibility for determining whether a proposed development will comply with the standard set forth in section 15.3 often lies with an agency other than the county, and the developer shall comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in subsection 2. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing a permit under this ordinance shall rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with section 15.3. Alternatively, the plat may be approved subject to a condition that such other agency shall approve the proposed sewage treatment system. However, construction of such system shall not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.
2. In the following table, the column on the left describes the type of development and the column on the right indicates the agency that shall certify to the county whether the proposed sewage disposal system complies with the standard set forth in section 15.3. Use of the term "certify" is not intended to signify any sort of guarantee of performance or adequacy by the certifying individual or agency; rather, such certification constitutes merely the informed opinion of the certifying agency or individual.

IF	THEN
The use is located on a lot that is served by a county sewer system or a previously approved package treatment plant, and the use can be served by a simple connection to the system (as in the case of a single-family residence) rather than the construction of an internal collection system (as in the case of a shopping center or apartment complex).	No further certification is necessary.

The use (other than a subdivision) is located on a lot that is not served by a county system or a previously approved package treatment plant, but the developer proposes to extend lines to make such connection.	The Lancaster County Water and Sewer District manager or city public works director shall certify to the county that the proposed extension meets their specifications and will be accepted by the service provider. (A "Permit to Construct" shall be obtained from SCDHEC-EQC.)
The use (other than a subdivision) is located on a lot that is serviced by a central sewer system but service to the use necessitates construction of an internal collection system (as in the case of a shopping center or apartment complex):	
The internal collection system is to be transferred to and maintained by the district or City.	The Lancaster County Water and Sewer District manager or city public works director shall certify to the county that the proposed internal collection system meets their specifications and will be accepted by the service provider. (A "Permit to Construct" shall be obtained from SCDHEC-EQC.)
The internal collection system is to be privately owned and maintained.	The SCDHEC-EQC shall certify to the county that the proposed internal collection system is adequate. (A "Permit to Construct" shall be obtained from the SCDHEC-EQC.)
The use (other than a subdivision) is not served by a central system but is to be served by a privately operated sewage treatment system (that has not previously been approved) with 3,000 gallons or less design capacity, the effluent from which does not discharge to surface waters.	The SCDHEC-EQC shall certify to the county that the proposed system complies with all applicable state and local health regulations.

The use (other than a subdivision) is to be served by a privately operated sewage treatment system (not previously approved) with a design capacity of more than 3,000 gallons or that discharges effluent into surface waters.	The SCDHEC-EQC shall certify to the County that the proposed system complies with all applicable state regulations. (A "Permit to Construct" and a "Permit to Discharge" must be obtained from SCDHEC-EQC.)
The proposed use is a subdivision:	
Lots within the subdivision are to be served by simple connection to existing county lines or lines of a previously approved private system.	The operator of the existing system shall certify to the county that the system has adequate capacity to serve the proposed development.
Lots within the subdivision are to be served by a central system but the developer will be responsible for installing the necessary additions to the public system.	The Lancaster County Water and Sewer District manager or city public works director shall certify to the county that the proposed system meets their specifications and will be accepted by the service provider. (A "Permit to Construct" shall be obtained from the SCDHEC-EQC.)
Lots within the subdivision are to be served by a sewage treatment system that has not been approved, that has a design capacity of 3,000 gallons or less, and that does not discharge into surface waters.	The SCDHEC-EQC shall certify to the county that the proposed system complies with all applicable state and local health regulations. If each lot within the subdivision is to be served by a separate on-site disposal system, the SCDHEC-EH shall certify that each lot shown on a major subdivision preliminary and final plat has been evaluated for the use of an on-site disposal system. See section 15.5.
Lots within the subdivision are to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity in excess of 3,000 gallons or that discharges effluent into surface waters.	The SCDHEC-EQC shall certify to the county that the proposed system complies with all applicable state regulations. (A "Permit to Construct" and a "Permit to Discharge" shall be obtained from SCDHEC-EQC.)

Section 15.5 - Preliminary evaluation of subdivision lots for septic tank suitability.

1. The provisions of this section apply to tracts that are proposed to be developed into lots served by septic tank systems. This section establishes the procedures that are recommended or required to reduce the risk that (i) developers may incur unnecessary costs in developing lots that cannot receive final plat approval because they are unsuitable for development with septic tanks, and (ii) final plat approval is given for lots that are undevelopable because they are unsuitable for septic tanks.
2. Before preparation of the sketch plan required under the Lancaster County Uniform Subdivision Regulations, the developer of a proposed subdivision is strongly encouraged to have a soils analysis done of the subdivision tract by a competent professional to identify those areas containing sufficient suitable soils to support development utilizing septic tank systems.
3. Before approval by the planning department of a preliminary plat for a major residential subdivision, it must appear from a report issued by the SCDHEC that all lots shown on the preliminary plat appear likely to be developable for at least a three (3) bedroom home using septic tank systems.
   a. The developer shall stake all four corners of the proposed lots and shall otherwise identify the proposed lot boundaries as required to enable the SCDHEC to inspect such lots;
   b. Upon application and payment of such fees as are established by the SCDHEC, the SCDHEC shall evaluate the property and make a preliminary determination as to its suitability for development using septic tank systems. The SCDHEC shall issue a written report to the developer describing its findings and making any appropriate recommendations for changes in lot lines, locations, or dimensions;
   c. The developer shall reconfigure proposed lots as necessary such that the lots shown on the preliminary plat submitted to the county for approval under this ordinance can be approved in accordance with the standards established herein.
4. Before final plat approval is obtained pursuant to the Lancaster County Uniform Subdivision Regulations, the SCDHEC shall complete a lot-by-lot evaluation of all lots shown on the final plat and issue a written report on its findings.
5. Approval of a preliminary or final plat pursuant to this section and the other provisions of this ordinance shall not constitute a guarantee or warranty that all lots developed and sold in accordance with such plats shall ultimately be issued the "improvement permit" required under state regulations for the installation of a septic tank system. Many factors can affect the determination of whether an improvement permit can be issued, including the size of a house, the location of the driveway, grading of the lot, and changes in the state regulations.

Section 15.6 - Water supply system required.

Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

Section 15.7 - Determining compliance with section 15.6.

1. Primary responsibility for determining whether a proposed development will comply with the standard set forth in section 15.6 often lies with an agency other than the county, and the developer shall comply with the detailed standards and specifications of such other agency. The

relevant agencies are listed in subsection (2). Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing a permit under this ordinance shall rely upon a preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance with section 15.6. Alternatively, the permit may be issued subject to a condition that such other agency shall approve the proposed water supply system. However, construction of such system shall not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

2. In the following table, the column on the left describes the type of development and the column on the right indicates the agency that shall certify to the county whether the proposed water supply system complies with the standard set forth in section 15.6.

IF	THEN
The use is located on a lot that is served by a central water system or a previously approved public water supply system and the use can be served by a simple connection to the system (as in the case of a single-family residence) rather than the construction of an internal distribution system (as in the case of a shopping center or apartment complex).	No further certification is necessary.
The use (other than a subdivision) is located on a lot that is not served by a central water system or previously approved privately owned public water supply system, but the developer proposes to extend lines to make such a connection.	The Lancaster County Water and Sewer District manager or city public works director shall certify to the county that the proposed extension meets their specifications and will be accepted by the service provider. (A "Permit to Construct" shall be obtained from SCDHEC-EQC.)
The use (other than a subdivision) is located on a lot that is served by a central water system but service to the use necessitates construction of an internal distribution system (as in the case of a shopping center or apartment complex):	

The internal distribution system is to be transferred to and maintained by the district or city.	The Lancaster County Water and Sewer District manager or city public works director shall certify to the county that the proposed internal distribution system meets their specifications and will be accepted by the service provider. (A "Permit to Construct" shall be obtained from SCDHEC-EQC.)
The internal distribution system is to be privately maintained.	The SCDHEC-EQC shall certify to the County that the proposed collection system is adequate.
The use (other than a subdivision) is located on a lot not served by a central system or a previously approved, privately owned public water supply system:	
The use is to be served by a privately owned public water supply system that has not previously been approved.	The SCDHEC-EQC shall certify to the county that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" shall be obtained from SCDHEC-EQC.) The SCDHEC-EH shall also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day. The Lancaster County Water and Sewer District manager or city public works director shall also approve the distribution lines for possible future addition to the central system.
The use is to be served by some other source (such as an individual well).	The SCDHEC-EH shall certify to the county that the proposed system meets all applicable state and local regulations.
The proposed use is a subdivision:	

Lots within the subdivision are to be served by simple connection to existing central lines or lines of a previously approved public water supply system.	The operator of the existing system shall certify to the county that the system has adequate capacity to serve the proposed development.
Lots with the subdivision are to be served by a central system but the developer will be responsible for installing the necessary additions to such system.	The Lancaster County Water and Sewer District manager or city public works director shall certify to the County that the proposed system meets their specifications and will be accepted by the service provider. (A "Permit to Construct" shall be obtained from SCDHEC-EQC.)
Lots within the subdivision are to be served by a privately owned public water supply system that has not previously been approved.	The SCDHEC-EQC must certify to the county that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" shall be obtained from Environmental Heath Division.) The SCDHEC-EH shall also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day. The Lancaster County Water and Sewer District manager or city public works director shall also approve the distribution lines for possible future addition to the central system.
Lots within the subdivision are to be served by individual wells.	The SCDHEC-EH shall certify to the county that each lot intended to be served by a well can probably be served in accordance with applicable health regulations.

Section 15.8 - Lighting requirements.

1. All public and private drives, roads, sidewalks, and other common areas or facilities in developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, roads, sidewalks, and other common areas or facilities.
2. All entrances and exits in substantial buildings used for nonresidential purposes and in two-family or multifamily residential developments containing more than four (4) dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.

Section 15.9 - Excessive illumination.

1. Within any zoning district, lighting within any lot that unnecessarily illuminates any other lot used for residential purposes and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if the standard set forth in section 15.8 could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.
2. Lighting shall not interfere with the line of sight of persons driving vehicles on any public road.

(Ord. No. 323, 2-1-99)

Section 15.10 - Underground utilities.

1. It is recommended that all electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters or capacitors which shall be pad mounted), telephone, gas distribution, and cable television lines in subdivisions constructed after the effective date of this ordinance be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with applicable SCDOT requirements.
2. It is recommended that whenever an unsubdivided development is hereafter constructed on a lot that is undeveloped on the effective date of this ordinance, then all electric power, telephone, gas distribution, and cable television lines installed to serve the development that are located on the development site outside of the previously existing public street right-of-way should be placed underground in accordance with the specifications and policies of the respective utility companies.

Section 15.11 - Utilities to be consistent with internal and external development.

1. Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary, duplication of service.
2. All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

Section 15.12 - As-built drawings required.

Whenever a developer installs or causes to be installed any utility line in any public right of way, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the permit-issuing authority with a copy of a drawing that shows the exact location of such utility lines. Such drawings shall be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

Section 15.13 - Fire hydrants.

1. Every development (subdivided or unsubdivided) that is served by a public water system with sufficient pressure shall include a system of fire hydrants. The hydrant system shall provide adequate fire protection for the buildings located or intended to be located within such development.
2. The presumption established by this ordinance is that to satisfy the standard set forth in subsection (1), fire hydrants must be located so that all parts of every building within the development shall be served by a hydrant by laying not more than 1,000 feet of hose connected to

such hydrant. However, the permit-issuing authority shall authorize or require a deviation from this standard if it concludes that another arrangement more satisfactorily complies with the standard set forth in subsection 1.

3. The permit-issuing authority shall review all fire hydrant locations and fire hydrant specifications. Final approval of locations and specifications shall be by the permit issuing authority in consultation with the water service provider.
4. Water lines that serve hydrants shall be at least six (6) inch lines, and, unless no other practicable alternative is available, no such lines shall be dead-end lines.
5. All water lines and fire hydrants shall be installed according to the standards established by the county fire commission.

CHAPTER 16. - FLOOD, DRAINAGE, STORMWATER, SEDIMENT, AND EROSION CONTROLS FOOTNOTE(S):

--- (12) ---

Cross reference— Flood damage prevention, § 9-21 et seq.

Section 16.1 - Flood damage prevention.

Section 16.1.1 - Findings of fact, intent, applicability.

1. The county council finds that:
   a. The flood hazard areas of Lancaster County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare;
   b. These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated or otherwise unprotected from flood damages.
2. Based upon the foregoing, this Chapter is designed to achieve the following objectives:
   a. Protect human life and health;
   b. Minimize expenditure of public money for costly flood control projects;
   c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
   d. Minimize prolonged business interruptions;
   e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in flood plains;
   f. Maintain the benefits provided by the watershed district flood control lakes;
   g. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
   h. Insure that potential home buyers are notified that property is in a flood area.
3. To achieve the foregoing objectives, the provisions of this chapter are designed to:
   a. Prohibit uses which are dangerous to health, safety, and properly due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
   b. Prevent the alteration of natural floodplains, stream channels, and natural protective barriers

which are involved in the accommodation of flood waters;
   c. Prevent filling, grading, dredging, and other development which may increase erosion or flood damage;
   d. Prevent the construction of flood barriers which will unnaturally divert flood waters or which will increase flood hazards to other lands.
4. The provisions of this section shall apply to those areas located within floodways and floodplains, as defined below.

Section 16.1.2 - Definitions.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this section.

1. *Area of shallow flooding.* A designated A0 or V0 Zone on the County's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
2. *Area of special flood hazard.* The land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year. Also referred to as the "floodplain."
3. *Base flood.* The flood having a one percent chance of being equaled or exceeded in any given year.
4. *Flood or flooding.* A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.
5. *Flood Hazard Boundary Map (FHBM).* An official map of the County, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
6. *Flood Insurance Rate Map (FIRM).* An official map of the County, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the county.
7. *Flood Insurance Study.* The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
8. *Floodplain.* Any land area susceptible to being inundated by water from the base flood. As used in this ordinance, the term refers to that area designated as subject to flooding from the base flood (100 year flood) on the "Flood Hazard Boundary Map" prepared by the U.S. Department of Housing and Urban Development and dated March 30, 1983, a copy of which is on file in the building and zoning official's office. The term floodplain is used interchangeably in this section with the term "area of special flood hazard."
9. *Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. As used in this ordinance, the term refers to that area designated as a floodway on the "Flood Hazard Boundary Map" prepared by the U.S. Department of Housing and Urban Development and dated March 30, 1983, a copy of which is on file in the building and zoning official's office.

10. *Levee.* A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
11. *Mean Sea Level.* The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For proposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).
12. *National Geodetic Vertical Datum (NGVD).* A vertical control used as a reference for establishing varying elevations within the floodplain.

Section 16.1.3 - Restrictions applicable to floodways.

1. No artificial obstruction shall be located within any floodway, except as provided in subsection (2). For purposes of this subsection, an artificial obstruction is any obstruction, other than a natural obstruction, that is capable of reducing the flood carrying capacity of a stream or may accumulate debris and thereby reduce the flood carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway by a nonhuman cause.
2. No permit to make use of land within a floodway shall be issued unless the proposed use is in the following list:
   a. General farming, pasture, forestry, and wildlife management;
   b. Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses.
3. No building shall be constructed and no substantial improvement of an existing building shall take place within any floodway.

Section 16.1.4 - Setbacks from streams outside designated floodplains.

In any area that is located outside a designated floodplain, but where a stream is located, no building or fill shall be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or twenty-five (25) feet each side from the top of the bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Section 16.1.5 - Location of boundaries of floodplain and floodway districts.

As used in this section, the terms floodplain and floodway refer in the first instance to certain areas whose boundaries are determined by the most recent maps available through FEMA's NFIP (National Flood Insurance Program) FIRMS (Flood Insurance Rate Map) or approved revisions accepted by FEMA (Federal Emergency Management Administration). Therefore, the floodplain administrator is authorized to make necessary interpretations as to the exact location of the boundaries of floodways or floodplains if there appears to be a conflict between a mapped boundary and actual field conditions. Such interpretations by the floodplain administrator may be appealed to the board of zoning appeals in accordance with the applicable provisions of this ordinance.

(Ord. No. 712, 1-30-06)

Section 16.1.6 - Warning and disclaimer of liability.

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that the land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Lancaster County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 16.2 - Drainage, erosion control, storm water management.
Section 16.2.1 - Natural drainage system utilized to extent feasible.

All development shall conform to the natural contour of the land and natural drainage ways shall remain undisturbed.

Section 16.2.2 - Development must drain properly.

1. All development shall be provided with a stormwater management system containing drainage facilities that are adequately designed and constructed to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
   a. The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or stormwater run-off control plan;
   b. The retention is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.
2. No surface water shall be channeled or directed into a sanitary sewer.
3. Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways surrounding properties or streets.
4. Use of drainage swales rather than curb and gutter and storm sewers in subdivisions is provided for in Chapter 14, Streets and Sidewalks of this ordinance and Chapter 21 of this ordinance. Access ways within unsubdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.
5. The minimum design frequency for all drainage facilities shall be ten (10) years, except that minimum design frequencies for facilities crossing streets shall be twenty-five (25) years.
6. Drainage culverts and associated facilities shall be suitably sized to accommodate designated storm frequencies and shall be suitably constructed and installed to insure that the facilities shall function adequately and shall not deteriorate within an unreasonably short period of time. All drainage facilities located within street rights-of-way shall comply with SCDOT standards.

Section 16.2.3 - Stormwater management.

All development shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such development. More specifically:

1. No development shall be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.
2.

No development shall be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties. To ensure compliance with this standard, the permit issuing authority may require that a professional engineer retained by the developer certify to the county that the post development rate of runoff from the development site shall not exceed the predevelopment rate.

Section 16.2.4 - Sedimentation and erosion control.

1. No zoning, special use permit, or subdivision plat approval shall be issued with respect to any development that would cause land disturbing activity requiring prior submission of an erosion and sedimentation control plan to SCDHEC under the S.C. Sedimentation and Erosion Control Act (i.e., where more than two acres are to be uncovered).
2. For purposes of this section, "land disturbing activity" means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation except activities that are exempt under S.C. Sedimentation and Erosion Control Act. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.

CHAPTER 17. - OPEN SPACE

Section 17.1 - Open space.

1. The county council finds that when land is developed for residential proposes, the public health, safety, and welfare are best served when substantial portions of the tracts so developed remain as common open space. The preservation of such open space areas serves the following important objectives, to the benefit of the residents of such developments, as well as the general public:
   a. Provision of areas for passive recreation, such as walking or jogging;
   b. Preservation of important scenic vistas;
   c. Preservation of environmentally sensitive lands;
   d. Preservation of habitat for wildlife;
   e. Preservation of historically or archaeologically significant areas.
2. For purposes of this section:
   a. Open space refers to an area that:
      i. Is not encumbered with any substantial structure;
      ii. Is not devoted to use as a roadway, parking area, or sidewalk;
      iii. Is not part of any privately owned lot;
      iv. Is legally and practicably accessible to the general public or to the residents development where the open space is located.
   b. Narrow strips of common area that separate lots within a development from each other, from streets, or from adjoining tracts shall generally not be regarded as open space within the meaning of this section unless such areas:
      i. Are at least 50 feet in width and capable of functioning as a substantial visual buffer;
      ii.

Are configured and/or improved (e.g., through the installation of trails) in such a way as to be conducive to actual use for passive recreational purposes (i.e., walking or jogging) by residents of the development where located.

   c. The following areas may be regarded as open space if such areas satisfy at least the criteria set forth in a.i., ii., and iii. of subsection 2. of this section:
      i. Utility easements located outside of street rights-of-way;
      ii. Cemeteries located on a tract prior to its development;
      iii. Golf courses constructed as part of a residential development (exclusive of buildings, parking areas and maintenance areas).
3. Subject to the necessity of complying with the provisions of subsection 3. of this section, the permit issuing authority may require that the land set aside to fulfill the requirements of this section include or consist of the following types of land or areas:
   a. Wooded areas;
   b. Scenic vistas;
   c. Streams, ponds, wetlands and floodplains;
   d. Areas containing slopes in excess of 25 percent;
   e. Other areas containing unusual natural features (such as major rock formations);
   f. Other environmentally, historically or archaeologically significant or unique areas.
4. For purposes of this section, the term "development" refers to the entire project developed on a single tract or contiguous multiple tracts under common ownership or control, regardless of whether the development is constructed in phases or stages.

(Ord. No. 336, 6-7-99; Ord. No. 400, 4-8-02)

Sections 17.2, 17.3 - Reserved.

Section 17.4 - Ownership and maintenance of recreational facilities and open space.

1. Recreational facilities and open space shall remain under the ownership and control of the developer (or successors) or a homeowners association or similar organization that satisfies the criteria established in section 17.5. Such recreational facilities and open space shall be made available to all residents of the development under reasonable rules and regulations established to encourage and govern the use of such facilities and open space by the residents without payment of separate optional fees or charges other than membership fees in a homeowners' association. Such facilities and open space shall be made available to a limited extent on a fee basis to persons who are not residents of the development where such facilities or open space are located, so long as such use does not become so extensive as to remove the facilities and open space from the category of an accessory use to a residential development and transform the use to a separate principal use classification under the Table of Permissible Uses.
2. The person or entity identified in subsection 1. as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same. It shall not be the responsibility of the county to maintain these areas.

Section 17.5 - Homeowners' association.

Homeowners' associations or similar legal entities that are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:

1. Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied.
2. The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities.
3. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.
4. The association shall establish a capital fund for the maintenance and upkeep of common areas and facilities and a method of contributing to that fund which shall spread the costs of said maintenance and upkeep to the residents over a number of years.

Section 17.6 - Flexibility in administration authorized.

1. The requirements set forth in this article concerning the amount, size, location, and nature of recreational facilities and open space to be provided in connection with residential developments are established by the county council as standards that shall result in the provision of that amount of recreational facilities and open space that is consistent with the objectives of this ordinance. The county council recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit issuing authority is authorized to permit minor deviations from these standards whenever it determines that the objectives underlying these standards can be met without strict adherence to them and because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.
2. Whenever the permit issuing authority authorizes some deviation from the standards set forth in this article pursuant to subsection (1), the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

CHAPTER 18. - AMENDMENTS

Section 18.1 - Amendment authorization and procedure.

This ordinance, including the District Boundary Map, may be amended from time to time. However, 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.

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

Section 18.2 - Initiation of amendment.

Section 18.2.1 - Text amendments.

Amendments to the text of the ordinance may be initiated by the county council, the planning commission, or any citizen. However, if an amendment is denied, then an application for the same amendment shall not be submitted for a period of 12 months from the date the original request was heard and denied by the county council. This 12 month period does not apply to actions initiated by either the county council or the planning commission.

(Ord. No. 363, 1-31-00; Ord. No. 748, 5-1-06)

Section 18.2.2 - District boundary map amendments.

Amendments to the District Boundary Map may be initiated by the county council, the planning commission, the property owner, his agent (with written consent of the property owner), lessees of the property or their agent (with written consent of the property owner), or persons who have contracted to purchase the property contingent upon their ability to acquire the necessary permits under this ordinance of the agent of such person (who shall make application in the name of such owners, lessees or contract vendees and with the written consent of the property owner). However, no such amendment shall be initiated for the same change of zoning request affecting the same property or any part thereof within 12 months of a hearing and decision on such zoning change by the county council, as provided in section 18.7. This 12-month period does not apply to actions initiated by either the county council or the planning commission.

Section 18.3 - Application requirements.

Section 18.3.1 - Text amendments.

Any request for an amendment to the ordinance shall be submitted on a standard application provided by the planning department.

Completed forms shall be submitted with an application fee covering the cost of processing the submitted application and the expenses associated with advertising for the public hearing, plus any additional information the applicant or planning department deems necessary, to the planning department.

Section 18.3.2 - District boundary map amendments.

Any request for an amendment to the District Boundary Map shall be submitted on a standard application provided by the planning department.

Completed forms shall be submitted with an application fee covering the cost of processing the submitted application and the expenses associated with advertising for the public hearing, plus any additional information the applicant or planning department deems necessary, to the planning department.

All applications shall be signed by the applicant or in the case of multiple parcels all applications and shall state the:

a. Name;
b. Tax map number;
c. Telephone number;
d. Correct E-911 address;
e. Legal description of the land affected by the amendment;
f. Description of the proposed map change;
g. Concise statement of the reasons why the petitioner believes the proposed amendment would be in the public interest.

Withdrawal of a district boundary map amendment application shall be in writing.

Section 18.4 - Application procedures.

Once all required information is submitted to the planning department, the planning commission shall schedule a date to consider such application and hold a public hearing. The planning commission shall act on an application within 30 days of the public hearing. All applications shall be submitted to the planning department by the commission's meeting date prior to the date the commission is to hold a public hearing on the subject.

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

Section 18.5 - Notice and public hearing by the planning commission.

Public notice of a hearing of the commission shall be published in a local newspaper of general circulation throughout the county at least 15 days prior to the hearing. The notice in the newspaper shall contain a brief description of each matter to be heard, identify the applicant and property affected, and indicate the time and place of the hearing.

When a proposed amendment would change the zoning district classification of a piece of property, a hearing notice shall also be made by posting the subject property at least 15 days prior to the hearing. The notice on the subject property shall contain information as to where any interested person may obtain detailed information regarding the application and shall be conspicuously located on or adjacent to the affected property with at least one such notice being visible from each public thoroughfare that abuts the affected property. Additionally, the planning department shall notify all property owners located immediately adjacent to the affected property. This notice shall be by first-class mail and shall contain a description of the matter to be heard, identify the applicant and the affected property, and indicate the time and place of the hearing. Immediately adjacent property owners shall mean those persons who own land which physically touches the affected property or is separated from the affected property by any type of right-of-way, easement or water body (i.e. a river, creek, stream or lake), etc.

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 director of planning. The planning commission shall review and augment such data with testimony presented at the hearing. Such testimony shall 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.

If a landowner whose land is the subject of a proposed amendment will be allowed to present oral or written comments to the planning commission, at least ten days' notice then an opportunity to comment in the same manner shall be given to other interested members of the public, including owners of adjoining property.

An owner of adjoining land or his representative has standing to bring an action contesting the ordinance or amendment. However, this subsection does not create any new substantive right to any party.

No challenge to the adequacy of notice or challenge to the validity of a regulation or map, or amendment to it, whether enacted before or after the effective date of this section, may be made 30 days after the decision of the governing body if there has been substantial compliance with the notice requirements of this section or with established procedures of the governing authority of the planning commission.

(Ord. No. 363, 1-31-00; Ord. No. 748, 5-1-06)

Section 18.6 - 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:

a. How the proposed amendment relates to and affects the county's comprehensive land use and development plan.
b. The validity of the plan relative to the area under consideration.
c. The need to correct an error or a deficiency in the ordinance or accompanying map.
d. Any benefits which would be derived from the proposed amendment.
e. Any cost to the county in terms of expenditures for public improvements, facilities and services.
f. Public testimony.
g. Public interest.

The recommendation shall be determined by a majority of the planning 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.

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

Section 18.7 - Decision of the county council.

The county council shall act on the recommendation by the planning commission and provide written notice of its action. Public hearings in addition to the one held by the planning commission are optional and may be held at the discretion of the county council.

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

Section 18.8 - Permit moratorium.

After first reading by county council of an ordinance to amend these regulations, there shall be a moratorium on the issuance of all incompatible and/or nonconforming permits by the building and zoning department. The moratorium shall cease when county council acts on the application as outlined in section 18.7.

CHAPTER 19. - 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; 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 standard English dictionary or in the *New Illustrated Book of Development Definitions* (Moskowitz and Lindbloom).

Access. A means of vehicular or pedestrian 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 prurient interests, contains patently offensive depictions of sexual conduct, and have no serious literary, artistic, political, or scientific value.

Adult arcade. Any establishment to which the public is permitted or invited wherein coin, slug, electrically, electronically, or mechanically operated, controlled, still, or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specific anatomical areas or specific sexual activities.

Adult bookstore or adult video store. A commercial establishment which, as one of its principal business purposes, offers for sale, rental, or consideration any one or more of the following:

a. Books, magazines, periodicals, or other printed material, photographs, films, motion pictures, video cassettes, video reproductions, slides or other visual representations which depict or describe specific anatomical areas or specific sexual activities;
b. Instruments, devices, or paraphernalia which are designed for use in connection with specific sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale, rental or consideration of material depicting or describing specific anatomical areas or specific sexual activities and still be classified as an adult establishment;
c. Such other business purposes will not serve to exempt such commercial establishment from being classified as an adult establishment so long as one of its principal purposes is the offering for sale, rental, or consideration the specific materials which depict or describe specific anatomical areas or specific sexual activities.

Adult cabaret. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

a. Persons who appear in a state of nudity;
b. Live performances which are characterized by the exposure of specific anatomical areas or specific sexual activities;
c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specific anatomical areas of specific sexual activities.

Adult motel. A hotel, motel, or similar establishment which:

a. Offers accommodations to the public for any forms of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specific anatomical areas or specific sexual activities and has a sign visible from the public right of way which advertises the availability of this type of adult photographic reproductions;
b. Offers a sleeping room for rent for a period of time that is less than ten hours;
c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

Adult motion picture theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specific anatomical areas or specific sexual activities.

Adult theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specific anatomical areas or specific sexual activities.

Aircraft. Any contrivance used or designated for navigation of or flight in the air by one or more persons.

Airport. An area of land or water that is designed or used on a recurring basis for the landing and takeoff of aircraft, except that an airstrip shall not be considered an airport.

Airstrip. An area of land or water, located on private property, which the owner of such land uses (or authorizes the use of) for the landing and takeoff of not more than two (2) aircraft owned or leased by the owner of such property or aircraft engaged in crop dusting of land owned or leased by the owner of the airstrip and which airstrip is not used in connection with flying lessons or the rental or sale of aircraft, parts, or fuel.

Animal grooming services. Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

(Ord. No. 731, 3-27-06)

Animal hospital/veterinary clinic. Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases where the animals are limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

(Ord. No. 731, 3-27-06)

Antenna. Equipment designed to transmit or receive electronic signals.

Approved/Approval: Final action by the local governing body or an exhaustion of all administrative remedies that results in the authorization of a site specific development plan or a phased development plan.

(Ord. No. 673, 6-27-05)

Arterial. A street whose principal function is to carry large volumes of traffic at higher speeds though the county or from one part of the county to another or to circulate traffic into, out of, or around the municipalities within the county.

a. *Arterial access.* A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.
b. *Major arterial.* An arterial that is part of the State's primary road system.
c. *Minor arterial.* All arterials other than major arterials.

Automatic teller machine, freestanding. A machine or device through which a customer can conduct certain banking transactions and which is not located on the same lot as the bank or financial institution with which such machine is associated. The purpose of this definition is to distinguish between teller machines operated as accessory uses to banks located in principal buildings where customers can choose to do their banking either inside the building or at the teller machine, and teller machines that are totally separate from bank buildings and therefore generate additional traffic.

Backyard composting. The on-site composting of yard waste from residential, commercial, or industrial property by the owner or tenant for non-revenue generating use when all materials are generated and composted on-site.

Banquet hall. An establishment which is rented by individuals or groups to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries and other celebrations. The establishment may include (i) kitchen facilities for the preparation or catering of food, (ii) the sale of alcoholic beverages for on-premises consumption only during scheduled events that are not open to the general public, and (iii) outdoor gardens or reception facilities. Civic, religious and community owned buildings and grounds are not included in this definition.

(Ord. No. 1242, § 3, 1-27-2014)

Bed and breakfast. A use that takes place within a building that, before the effective date of this ordinance, was designed and used as a single-family detached dwelling, that consists of a single dwelling unit together with the rental of one (1) or more dwelling rooms on a daily or weekly basis to tourists, vacationers, or similar transients, where the provision of meals, if provided at all, is limited to the breakfast meal for guests, and where the bed and breakfast operation is conducted primarily by persons who reside within the dwelling unit, with the assistance of not more than the equivalent of one (1), full-time employee.

Biodegradable. Capable of being decomposed by natural biological processes.

Boarding house. A residential use consisting of at least one (1) dwelling unit together with more than two (2) rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

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 is subordinate to and serves a principle structure or a principle use, is subordinate in area, extent, and purpose to the principal structure or use served, is located on the same lot as the principal structure or use served, and 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 permit. A written warrant or license issued by a building official that authorizes the construction or renovation of a building or structure at a specific location.

(Ord. No. 673, 6-27-05)

BZA. Lancaster County Board of Zoning Appeals.

Certify. Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the county, the county may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the county may accept certification by telephone from some agency when the circumstances warrant it, or the county may require that the certification be in the form of a letter or other document.

Child care home. A home for not more than five (5) orphaned, abandoned, dependent, abused, or neglected children.

Clear space. Clear space shall be defined as the area encompassing the inner and outer circumference of a traffic circle. This area is required to be constructed and maintained free of obstructive structures, poles, posts, trees, fire hydrants, or any object(s) greater than the height of the paved surface of the traffic circle or greater than the height of the back of the curbing if the traffic circle is so constructed. The purpose of the unobstructed area is to allow "swing room" for emergency vehicle and other traffic as they maneuver around the circle without the possibility of impacting objects adjacent to the circle.

(Ord. No. 956, 12-1-08)

Collector. A street whose principal function is to carry traffic between local streets and arterial streets by that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than one hundred dwelling units and is designed to be used or is used to carry more than eight hundred trips per day.

Commercial kennel. A commercial establishment wherein any person, for profit, buys, sells, boards, breeds or grooms small or large animals. (Note: See definitions for small and large animals)

(Ord. No. 731, 3-27-06)

Commercial meat production centers. A commercial enterprise where poultry (e.g., turkeys, chickens, ducks, geese, or other domestic fowl), hogs, or rabbits are raised in large numbers (exceeding on a regular basis 25 hogs or rabbits or 50 fowl), usually in relatively confined quarters, for sale as meat.

Community center. A publicly-sponsored, nonprofit indoor facility providing for one (1) or several of various types of recreational uses. Facilities in a community center may include, but are not limited to gymnasiums, swimming pools, indoor court areas, meeting/activity rooms, and other similar uses. For the purposes of this section, the term publicly-sponsored means that a significant investment by the county or a municipality is involved in some fashion in the facility's development or operations.

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

Composting. The process of making compost.

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.

Composting pad. A surface, whether soil or manufactured, where the process of composting takes place, and where raw and finished materials are stored.

Conditionally approved/Conditional approval: An interim action taken by a local governing body that provides authorization for a site specific development plan or a phased development plan but is subject to approval.

(Ord. No. 673, 6-27-05)

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

Construction and demolition debris. Discarded solid waste resulting from construction, remodeling, repair and demolition of structures, road building, and land clearing. The waste includes, but is 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.

Convenience store. A retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of "stop and go" traffic.

Council. The county council of Lancaster County.

County. Lancaster County, South Carolina.

Craft shop. Any building or structure in which as 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.

Cul-de-sac. A street that terminates in a vehicular turn-around.

Day care center, adult. A day care facility providing day care on a regular basis for more than two (2) hours per day for more than five (5) people.

Day care center, child. A day care facility providing day care on a regular basis for more than two (2) hours per day for more than five (5) children.

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 improvements, according to records in the tax assessor's office of receipt of a valid building permit in said amount.

Developer. A person who is responsible for any undertaking that requires a zoning permit, sign permit, special exception permit, or plat approval.

Development. That which is to be done pursuant to a zoning permit, sign permit, special exception permit, or plat approval.

Disposal. The discharge, deposition, injection, dumping, spilling, or placing of any solid waste into or on any land or water, so that the substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Domestic animal Any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter.

(Ord. No. 731, 3-27-06)

Domestic farm animal. Cattle, calves, horses, mules, swine, sheep, goats, poultry or other similar birds and animals.

(Ord. No. 731, 3-27-06)

Domestic fowl animal. Domesticated birds commonly associated with farms and used for eggs or meat. Domestic fowl include, but are not limited to, chickens, ducks, geese and turkeys.

(Ord. No. 731, 3-27-06)

Drainage facilities. Any temporary or permanent natural or man-made facility utilized to divert, convey, or store storm water runoff. Such facilities shall include (but are not limited to): drainage pipes and culverts, swales and ditches, intermittent and permanent streams, catch basins, drainage junction boxes and manholes, yard inlets, retention and detention basins and ponds, curbing which will carry runoff, dams and weirs, and culvert outlet stabilization and protection devices.

Dripline. A perimeter area formed by the point farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground directly beneath it.

Drive, private. See "Private drive."

Duplex. See "Residence, duplex."

Dwelling unit. An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

Easement. A privately held tract of land, or portion thereof, governed by special regulations and dedicated to a specific public or private function.

(Ord. No. 323, 2-1-99)

Easement, private. An easement dedicated to a specific private function; for example, conservation of an environmentally sensitive area.

(Ord. No. 323, 2-1-99)

Easement, public. An easement dedicated to a specific function; for example, a highway or placement of public utility lines.

(Ord. No. 323, 2-1-99)

Escort. A person, who for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other forms of consideration.

Local. A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and handles less than 800 trips per day.

Loop street. A street that has its beginning and ending points on the same road.

Sexually oriented establishment. Includes any of the following:

a. The opening or commencement of any sexually oriented business as a new business;
b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
c. The additions of any sexually oriented business to any other existing sexually oriented business;
d. The relocation of any sexually oriented business.

Expenditure. A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

Family. One (1) or more persons related by blood, marriage, adoption, or guardianship, not more than five persons not related, occupying a dwelling unit and living as a single housekeeping unit, and not more than nine mentally or physically handicapped persons for whom care is provided on a 24-hour basis, in accord with Title 6-29-770 of the S.C. code of Laws.

Family care home. A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than five (5) resident aged, infirm, or handicapped persons.

Farm animal. Animals commonly raised or kept in an agricultural, rather than an urban, environment including, but not limited to, chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys, and mules.

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.

Floor. The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in a frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Gross floor area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Groundwater. Water beneath the land surface in the saturated zone.

Handicapped person. A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others.

Handicapped, aged, or infirm institution. A facility that provides residential care for more than nine (9) aged, disabled or handicapped persons whose principal need is a home with the sheltered or personal care their age or disability requires. Medical care at such a facility is only occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. The residents of such a facility do not occupy separate dwelling units, and this distinguishes such a facility from a multifamily development occupied by the elderly, handicapped or disabled.

Hazardous waste. Waste materials defined as hazardous in the South Carolina Solid Waste Management Act.

Home occupation. A commercial activity that is conducted by a person on the same lot (in a residential district) where such person resides and is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use, but that can be conducted without any significantly adverse impact on the surrounding neighborhood. Without limiting the generality of the foregoing, in order. The following is a non exhaustive list of examples of enterprises that may be home occupations if they meet the foregoing defined criteria: the office or

studio of a physician, dentist, artist musician, lawyer, architect, teacher, or similar professional, workshops, greenhouses, or kilns, and tailoring or hairdressing studios. Without limiting the generality of the foregoing, automobile repair shops, body shops, and garages shall not be regarded as home occupations.

Impervious surface ratio. 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 total site area.

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 nonprofit 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.

Intermediate care institution. An institutional facility maintained for the purpose of providing accommodations for persons needing medical care and supervision at a lower level than that provided in a nursing care institution, but at a higher level than that provided in institutions for the handicapped or infirm.

Intermittent stream. A stream or portion of a stream that flows only in direct response to precipitation. It receives little or no water from springs and only temporary supply from melting shows or other sources. It is dry for a large part of the year.

Junk or salvage yard. A junk or salvage yard is defined as a place where three or more wrecked or disabled vehicles, without current license tags and/or 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 or scrap or waste material.

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

Land development. The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, manufactured home parks, or similar developments for sale, lease, or any combination of owner and rental characteristics.

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.

Landfill, construction and demolition. A disposal facility for 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.

Landfill, inert. A disposal facility for solid waste which is generated solely from land clearing activities, but does not include solid waste from agricultural or silvicultural operations.

Landfill, municipal solid waste. Any sanitary landfill or landfill unit, publicly or privately owned, that receives household waste. The landfill may also receive other types of solid waste, such as commercial waste, non-hazardous sludge, and industrial solid waste.

Landfill, sanitary. A SCDHEC approved land disposal site employing an engineered method of disposing of solid waste in a manner that minimizes environmental hazards.

Landowner: An owner of a legal or equitable interest in real property including the heirs, devisees, successors, assigns and personal representative of the owner. Landowner may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act on his/her agent or representative for purposes of submitting a proposed site specific development plan or a phased development plan pursuant to these regulations.

(Ord. No. 673, 6-27-05)

Large animal. Any animal larger than the largest breed of dogs. This term includes horses, cows, and other mammals customarily kept in corrals or stables

(Ord. No. 731, 3-27-06)

Leachate. The liquid that has percolated through or drained from solid waste or man-emplaced materials and that contains soluble, partially soluble, or miscible components removed from such waste.

Livestock facility. A commercial enterprise where livestock (cattle, horses, goats, etc.) are raised in numbers in excess of 25 animals on a regular basis. Animals on private property, not exceeding 25, shall have an area of two (2) acres for the first two (2) animals and for each additional animal the property shall contain the additional amount of land as is required by the Clemson Extension Service for each additional animal.

Local Governing Body:

(1) Lancaster County Council;
(2) A county body authorized by statute or by the governing body of the county to make land use decisions.

(Ord. No. 673, 6-27-05)

Lot. A single parcel or tract of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. If a public body or any authority with the power of eminent

domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot. The permit-issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this ordinance.

Lot area. The total area contained within the boundary lines of a lot, except that when the legal instrument creating a lot shows the boundary of the lot extending to the center of a public street right-of-way or into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or a line running parallel to and 30 feet from the center of the traveled portion of the street if the right-of-way line cannot be determined, and in a residential district, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

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

Manufactured home park. A residential use in which more than two (2) manufactured homes are located on a single lot.

Manufactured home, class a. A manufactured home constructed after June 15, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

a. The home has a minimum of 900 square feet;
b. The pitch of the home's roof has a minimum vertical rise of at least four feet for each twelve feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
c. The exterior siding consists of wood, hardboard, aluminum (vinyl covered or painted), or vinyl, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
d. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy;
e. A continuous, permanent masonry curtain wall, unpierced except for required ventilation and access, is installed under the home after placement on the lot and before occupancy.

Manufactured home, Class B. A manufactured home constructed after June 15, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy all of the criteria necessary to qualify the house as a class A manufactured home.

Manufactured home, Class C. Any manufactured home that does not meet the defined criteria of a Class A or Class B manufactured home.

Mining. Mining means and shall include all or part of the processes involved in the extraction and processing of mineral materials. Mining activity shall include and shall normally be divided into four distinct phases:

(a) Exploration which is the on site geologic examination from the surface of an area by core, rotary, percussion, geophysical (including seismic operation percussion or explosives), or other drilling for the purpose of searching for mineral deposits. Exploration includes associated activities such as clearing and preparing sites or constructing roads for drilling;
(b) Prospecting which is the examination of an area for the purpose of determining the quality and quantity of minerals other than by exploration, but including the obtaining of ore samples by physical means;
(c) Operation which is the preparation for production and the mineral extraction or processing for commercial purposes; including the transportation thereof and the processing, treatment and disposal of waste products, mining or related to mining, generated on-site; and
(d) Reclamation which is the process by which an area physically or environmentally affected by mining is rehabilitated to either its original state or to a pre-agreed state of long-term environmental stability.

Mining includes (i) the breaking of the surface soil to facilitate or accomplish the extraction or removal of ores or mineral solids for sale or processing or consumption in the regular operation of a business and (ii) the removal and storage of overburden lying above natural deposits of ore or mineral solids and removal of the mineral deposits exposed, or by removal of ores or mineral solids from deposits lying exposed in their natural state. Mining does not include (i) the removal of overburden and the mining of limited amounts of ores or mineral solids when done only for the purpose of determining location, quantity, or quality of a natural deposit if no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business and if the affected land does not exceed two (2) acres in area, (ii) plants engaged in processing minerals except as the plants are an integral on-site part of the removal of ores or mineral solids from natural deposits, or (iii) the excavation or grading when conducted solely in aid of on-site farming or of on-site construction; or (iv) the drilling of core holes, drilling bore holes or conducting geophysical and geochemical sampling and analysis. As used in this definition, "affected land" shall mean:

(a) The area of land from which overburden or minerals have been removed or upon which overburden has been deposited, or both, including an area on which a plant is located which is an integral part of the process of the removal of ores or mineral solids from natural deposits; or
(b) Stockpiles and settling ponds located on or adjacent to lands from which overburden or minerals have been removed.

(Ord. No. 1160, § 1, 11-12-2012; Ord. No. 1207, § 3, 4-8-2013)

Modular home. A dwelling unit constructed in accordance with the standards set forth in the Standard Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other

possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the Standard Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

Motor vehicle. Every self propelled vehicle designed to run upon the highways and every vehicle designed to run upon the highways that is pulled by a self propelled vehicle, except that a manufactured home or modular home shall not be regarded as a motor vehicle.

Mulch. Wood chips, leaves, straw, etc., spread on the ground around plants to prevent evaporation of water from soil, freezing of roots, etc.

Municipal solid waste. Any solid waste resulting from the operation of residential, commercial, governmental, or institutional establishments that would normally be collected, processed, and disposed through a public or private solid waste management service. The term includes yard trash and industrial solid waste.

Nonconforming. Lots, structures, signs, uses of land and structures, and characteristics of uses which are prohibited under the terms of this ordinance, but were lawful on the date of the ordinance's enactment.

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

Nude model studio. Any place where a person who appears in a state of nudity or displays specific anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or a state or nudity. The appearances of a human bare buttock, anus, male or female genitals, or entire female breast without a fully opaque cloth covering over the entire nipple and areola.

Nursing care institution. An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital.

Open dumping. Any solid waste disposal activity that is not permitted.

Open space.

a. An open space refers to an area that:
   1. Is not encumbered with any substantial structure;
   2. Is not devoted to use as a roadway, parking area or sidewalk;
   3. Is not part of any privately owned lot; and
   4. Is legally and practicable accessible to the general public or to the residents development where the open space is located.
b. Narrow strips of common area that separate lots within a development from each other, from streets, or from adjoining tracts shall generally not be regarded as open space unless such areas:
   1. Are at least 50 feet in width and capable of functioning as a substantial visual buffer; and

2. Are configured and/or improved (i.e., through the installation of trails) in such a way as to be conducive to actual use for passive recreational purposes (i.e., walking or jogging) by residents of the development where located.

c. The following areas may be regarded as open space if such areas satisfy at least the criteria set forth in a.1., a.2. and a.3, above:
   1. Utility easements outside of street right-of-ways;
   2. Cemeteries located on a tract prior to its development; and
   3. Golf courses constructed as part of a residential development (exclusive of buildings, parking areas and maintenance areas).

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.

Outside display of goods for sale or rent. Display outside of a fully enclosed building of the particular goods or pieces of merchandise or equipment that are themselves for sale. Outside display is to be distinguished from outside storage of goods that are not prepared and displayed for immediate sale or rent.

Owners. See "Property owners."

Paintball range. A paintball range is an outdoor facility used for the discharging of paintball guns for the purpose of target practice, mock war games, or similar competitions. Excluded from these facilities are general hunting and the unrestricted and nonrecurring discharge of firearms.

(Ord. No. 1153, § 3, 7-9-2012)

Parcel. See "Lot."

Perennial stream. A stream that flows continuously during most or all of the year.

Person. An individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any legal entity as defined by South Carolina laws.

(Ord. No. 673, 6-27-05)

Permittee and/or licensee. A person in whose name a permit and/or license to operate an establishment has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

Phased development plan. A development plan submitted to a local governing body by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in phases, but which do not satisfy the requirements for a site specific development plan.

(Ord. No. 673, 6-27-05)

PC. Lancaster County Planning Commission.

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

Plat. A map showing a plan for the development of land which is submitted for approval and is ultimately submitted in final form for recording at the clerk of court's office. t

Portable pool. A container of water that can readily be disassembled for storage and reassembled to original integrity.

(Ord. No. 722, 2-6-06)

Private drive. For single-family residential developments of three or fewer lots, private drives shall meet all SCDOT specifications except paving. Six inches of crusher run stone may be substituted in lieu of paving in the above mentioned circumstances. All other developments utilizing private drives shall meet SCDOT specifications including paving unless specifically exempted by this ordinance.

Property owners. Those listed as owners of property on the records of the Lancaster County assessor's office.

Real estate. A piece, lot, or parcel of land and all the physical property related to it, including houses, fences, landscaping, and all the rights to the air above and earth below the property.

Real property/property. All real property that is subject to the land use and development ordinances or regulations of a local governing body, and includes the earth, water and air above, below, or on the surface, and includes improvements or structures customarily regarded as a part of real property.

(Ord. No. 673, 6-27-05)

Recyclable material. Those materials which are capable of being reused or transformed into a new product 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.

Religious institution. A church, mosque, synagogue, temple or other place of religious worship, including any accessory use or structure, such as a school, office, day care, or dwelling located on the same lot.

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.

Residence, duplex. A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Residence, multifamily. A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

Residence, multifamily apartments. A multifamily residential use other than a multifamily conversion or multifamily townhome.

Residence, multifamily conversion. A multifamily residence containing not more than four dwelling units, that results from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this ordinance and that was originally designed, constructed and occupied as a single-family residence.

Residence, multifamily townhome. A multifamily residential use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one (1) other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Residence, primary with accessory apartment. A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as a primary dwelling unit or a detached dwelling unit on the same lot. The secondary dwelling unit shall be developed in accordance with the standards set forth in the (local code) and only in those zoning districts where the use is permitted. The accessory dwelling unit cannot be more than 25 percent of the gross floor area of the primary residence. There shall be only one accessory apartment allowed per lot.

(Ord. No. 731, 3-27-06)

Residence, single-family detached. A residential use consisting of a single detached building containing one (1) dwelling unit and located on a lot containing no other dwelling units.

Residence, temporary emergency, construction, or repair. A residence (which may be a manufactured home) that is located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, is located on the same lot as a residence that is under construction and occupied by the persons intending to live in such permanent residence when the work is completed; or is located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

Residence, two-family apartment. A two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.

Residence, two-family conversion. A two-family residence resulting from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed, and occupied as a single-family residence.

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.

Right-of-way. A parcel of land or portion thereof which is held by a public entity or public utility, is governed by special regulations and is dedicated to a specific public function.

(Ord. No. 323, 2-1-99)

Rooming house. See "Boarding House."

Roundabout. A roundabout is a street design with a one-way circulatory travel way around a curbed central island forty-three-feet or more in radius usually with flared approaches to allow multiple vehicle entry.

(Ord. No. 956, 12-1-08)

Runoff. Any rainwater, leachate, or other liquid that drains over land from any part of a facility.

Satellite dish. An antenna and attendant processing equipment for reception of electronic signals from satellites. (satellite dishes are generally regarded as accessory uses to residential uses).

SCDHEC. South Carolina Department of Health and Environmental Control.

SCDHEC-EH. South Carolina Department of Health and Environmental Control Environmental Health.

SCDHEC-EQC. South Carolina Department of Health and Environmental Control Environmental Quality Control.

SCDOT. South Carolina Department of Transportation.

Semi-nude. A state of dress in which clothing covers no more than the male or female genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual encounter center. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or is semi-nude.

Sexually oriented business. An adult arcade, adult bookstore, adult cabaret, adult motel, adult movie theater, adult video store, escort service, escort motel, or sexual encounter center.

Signs. See Chapter 10 of this ordinance.

Silvicultural waste. Waste materials produced from the care and cultivation of forest trees, including bark and woodchips.

Site specific development plan. A development plan submitted to a local governing body by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. The plan may be in the form of, but is not limited to, the following plans or approvals: planned unit development; subdivision plat; preliminary or general development plan; variance; conditional use or special exception permit plan; or other land use approval designations as are used by Lancaster County.

(Ord. No. 673, 6-27-05)

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, as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1964, as amended. Also excluded from this definition are application of fertilizer and animal manure during normal agricultural operations or refuse as defined and regulated pursuant to the South Carolina Mining Act, including processed mineral waste, which will not have a significant adverse impact on the environment.

Solid waste management facility. Any solid waste disposal area, volume reduction plant, transfer station, or other facility, the purpose of which is the storage, collection, transportation, treatment, utilization, processing, recycling, or disposal, or any combination thereof, of solid waste. The term does not include a recovered materials processing facility or facilities which use or ship recovered materials, except that portion of the facilities which is managing solid waste.

Solid waste 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.

Solid waste 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.

Spa or *Hot tub.* A hydro-massage pool or tub for recreational or therapeutic use, designed for immersion of users which may or may not have a filter, heater and motor driven blower.

(Ord. No. 722, 2-6-06)

Special events. Circuses, fairs, carnivals, festivals, or other types of special events that run for not longer than two (2) weeks, are intended to or likely to attract substantial crowds, and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special exception permit. A permit issued by the board of zoning appeals that authorizes the recipient to make use of property in accordance with the requirements of this ordinance as well as any additional requirements imposed by the board.

Specific anatomical areas. The male genitals in a state of sexual arousal and/or more intimate parts of the female genitals.

Specific sexual activities. Includes any of the following:

a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
c. Masturbation, actual or simulated;
d. Excretory functions as part of or in connection with any of the activities set forth in a. through c.

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

Stream. A body of water flowing in a natural surface channel; flow may be continuous or only during wet periods.

Street. A public street or a street with respect to which an offer of dedication has been made.

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.

Structure. Anything constructed or erected.

Subdivision. The division of a tract of land into two (2) or more lots, building sites, or other divisions. The land is divided for sale, lease, or building development (whether immediate or future), and including all divisions of land involving the dedication of a new street or a change in existing streets, and includes resubdivisions which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; however, the following exemptions shall not be included within this definition nor be subject to the regulations of this ordinance applicable strictly to subdivisions:

a. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this ordinance;
b. The division of land into parcels of five acres or more where no new street right-of-way dedication is involved;
c. The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

Subdivision, major. Any subdivision other than a minor subdivision.

Subdivision, minor. A subdivision of residentially zoned property that does not involve the creation of more than a total of ten lots, the creation of any new public streets, the extension of public water or sewer lines, or the installation of drainage improvements though one or more lots to serve one or more other lots.

Surface water. Lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within territorial limits, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private.

Swimming pool. Any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent, either above or below ground and that is used primarily for the purpose of wading or swimming, excluding portable pools as defined.

(Ord. No. 722, 2-6-06)

Tire recycling. Any process by which waste tires, processed tires, or residuals are reused or returned to use in the form of products or raw materials.

Tourist home. A use that consists of at least one dwelling unit together with one or more rooms that are rented out on a daily or weekly basis (with or without board) to tourists, vacationers, or similar transients, but which rooms, individually or collectively, do not constitute separate dwelling units, and where the dwelling unit is occupied by the owners or operators of the tourist home business.

Tower. Any structure whose principal function is to support an antenna.

Tract. An area, parcel, site, piece of land, or property that is the subject of a development application (See "Lot").

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.

Travel trailer. A structure that is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the defined criteria of a manufactured home.

Tree diameter. The width of a tree's trunk, measured four and one half feet above the ground.

Tree, canopy. A deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars, and others. Such trees shall grow to between 40 and 80 feet in height at maturity.

Tree, evergreen. A tree that remains green throughout the year.

Tree, understory. 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. Such trees shall grow to between 20 and 40 feet in height at maturity.

Untreated woodwaste. Wood that has not undergone any type of treatment for preservation, etc.

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 as listed in the Table of Permissible Uses.

Utility facilities. Any structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Exempted from this definition are utility lines and supporting structures listed in Chapter 3, Permissible Uses, of this ordinance.

Utility facilities, neighborhood. Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

Utility facilities, regional. All utility facilities other than neighborhood facilities.

Variance, zoning. A grant of permission by the board of zoning appeals that authorizes the recipient to do that which, according to the strict letter of this ordinance, he could not otherwise legally do.

Vested right. The right to undertake and complete the development of property under the terms and conditions of a site-specific development plan or a phased development plan as provided in this section and in this chapter.

(Ord. No. 673, 6-27-05)

Video game machine."Machine" means an electronic video game machine that, upon insertion of cash, coins or tokens purchased for coins or cash is available to play or simulate the play of games utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash.

(Ord. No. 323, 2-1-99; Ord. No. 336, 6-7-99)

*Video game machine establishment.*Any establishment where one or more video game machines are located.

(Ord. No. 323, 2-1-99)

Waste tire collection site. A permitted site, or a site exempted from the permit requirement, used for the temporary storage of waste tires prior to treatment or recycling.

Waste tire disposal facility. A site where waste tires are disposed of by burial or are recycled.

Waste tire processing facility. A site where equipment is used to recapture reusable byproducts from waste tires or to cut, burn, or otherwise alter whole waste tires so that they are no longer whole. The term includes mobile waste tire processing equipment.

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:

a. All vehicles serviced are owned or leased by the owner or operator of the service facility;
b. No more than two hundred waste tires are accumulated for a period of not more than thirty days at a time;
c. The facility does not accept any tires from sources other than its own; and
d. 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 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.

Wholesale sales. On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

Yard trash. Solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

Zoning permit. A permit issued by the building and zoning department that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this ordinance. Generally, terms used in only one chapter are defined in a section within that chapter, and terms used only within a particular section are defined within that section.

(Ord. No. 731, 3-27-06)

CHAPTER 20. - INFORMATION REQUIRED WITH APPLICATIONS.

Section 20.1 - In general.

1. It is presumed that all of the information listed in this chapter shall be submitted with an application for a building permit, sign permit, special exception permit, land development application, or subdivision application to enable the permit-issuing authority to determine whether the development, if completed as proposed, shall comply with all the requirements of this ordinance. Applications for variances are subject to the same provisions. However, the permit-issuing authority may require more information or accept as sufficient less information according to the circumstances of the particular case.
2. An application for a PDD which contains 1,000 or more acres shall be required to submit only the following:
   a. Master plan which shall contain the acreage set aside for each proposed use and the proposal density for each residential category, and the development agreement for the PDD.

   b. Before construction begins on any phase of the development, detailed plans for each phase which meets the requirements of this chapter shall be submitted to the planning staff for approval. If these detailed plans have changed from the conceptual master plan, approval by the planning commission shall be required.
3. The building and zoning department and planning department shall develop application processes, including standard forms, to simplify and expedite applications for simple developments that do not require the full range of information called for in this chapter. In particular, developers seeking only permission to construct single-family houses or duplexes or to construct new or modify existing signs should contact the staff for standard forms.

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

Section 20.2 - Written applications.

Every applicant for a variance or a building permit, sign permit, special exception permit, land development, or subdivision shall complete a standard, written application provided by the permit-issuing authority.

Section 20.3 - Development site plans.

Subject to section 20.1, every application for a variance or a building permit, sign permit, special exception permit, land development, or subdivision shall contain plans that locate the development site and graphically demonstrate existing and proposed natural, manmade, and legal features on and near the site in question, all in conformity with sections 20.4 through 20.6.

Section 20.4 - Graphic materials required for plans.

1. The plans shall include a location map that shows the general location of the project within the County at a scale of 1 inch = 2 miles.
2. Development site plans shall be drawn to scale, using such a scale that all features required to be shown on the plans are readily discernible. Very large developments may require that plans show the development in sections to accomplish this objective without resorting to plans that are so large as to be cumbersome, or the objective may be accomplished by using different plans or plans drawn to different scales to illustrate different features. In all cases, the permit-issuing authority shall make the final determination whether the plans submitted are drawn to the appropriate scale, but the applicant shall rely in the first instance on the recommendations of the planning department.
3. Development site plans shall show on the first page the following information:
   a. Name of applicant;
   b. Name of development (if any);
   c. North arrow;
   d. Legend;
   e. Scale.
4. All of the features required to be shown on plans by sections 20.5 and 20.6 may be included on one (1) set of plans, so long as the features are distinctly discernible.

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

Section 20.5 - Existing natural, manmade and legal features.

1.

Development site plans shall show all existing natural, man-made, and legal features on the lot where the development is to take place, including but not limited to those listed below. In addition, the plans shall also show those features indicated below by a double asterisk (**) that are located within 50 feet in any direction of the lot where the development is to take place, and shall specify (by reference to the Table of Permissible Uses or otherwise) the use made of adjoining properties.

2. Existing natural features:
   a. Tree line of wooded areas;
   b. The location and sizes of all trees greater than 12 inches in diameter, that are located within or near areas proposed to be disturbed;
   c. Orchards or agricultural groves by common or scientific name;
   d. Streams, ponds, drainage ditches, swamps, wetlands, boundaries of floodways and floodplains** where floodways and floodplains are identified and shown on the Flood Hazard Boundary Maps for Lancaster County, latest edition, all development shall comply with the county's Flood Hazard Ordinance. 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. Additionally, a letter from the Corps stating their findings shall be sent to the Building and Zoning Department and the Planning Department prior to the issuance of such a permit.
   e. If the proposed development is a subdivision or manufactured home park of more than 50 lots or if more than five acres of land are to be developed, base flood elevation data;
   f. Contour lines (shown as dotted lines) with no larger than two-foot contour intervals. (as indicated in section 20.6 subsection (2.q.) proposed contour lines shall be shown as solid lines.)**
   g. Soil maps equal to the scale of the site plan with reports on the suitability for building. 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 the Soil Survey prepared for Lancaster County by the USDA Soil Conservation Service, as presenting severe limitations to development: Blaney, Chewacla, Colfax, Congaree, Enon, Gills, Golden, 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.
   h. Acreage of drainage areas.
   i. If any of the features listed in items d. or g. are identified on the site, then sound engineering solutions shall be required to reduce or eliminate any negative effects of the proposed solutions are needed, such solutions shall be noted on the application;

3. Existing manmade features:
   a. Vehicle accommodation areas (including parking areas, loading areas and circulation areas, all designated by surface material and showing the layout of existing parking spaces and direction of travel lanes, aisles, or driveways)**;
   b. Street, private roads, sidewalks, and other walkways, all designated by surface material;
   c. Curbs and gutters, curb inlets and curb cuts, and drainage grates;
   d. Other storm water or drainage facilities, including manholes, pipes, and drainage ditches;
   e. Underground utility lines, including water, sewer, electric power, telephone, gas, and cable television;
   f. Above ground utility lines and other utility facilities;
   g. Fire hydrants**;
   h. Buildings, structures and signs (including dimensions of each)**;
   i. Location of exterior light fixtures;
   j. Location of dumpsters**.
4. Existing legal features;
   a. The zoning of the subject property and adjacent properties, including zoning district lines and/or city limit lines where applicable;
   b. Property lines (with dimensions and acreage identified);
   c. Street right-of-way lines;
   d. Utility or other easement lines;
   e. Adjacent property owner(s).

Section 20.6 - Proposed changes in existing features or new features.

1. Development site plans shall show proposed changes in existing natural features (see section 20.5 subsection 2.), existing manmade features (see section 20.5 subsection 3., and existing legal features (see Section 20.5 subsection (4)).
2. Development site plans shall also show proposed new legal features (especially new property lines, street right-of-way lines, and utility and other easements), as well as proposed manmade features, including, but not limited to, the following:
   a. The number of square feet in every lot created by a new subdivision;
   b. Lot dimensions;
   c. The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets or street right-of-way lines;
   d. Principal side(s) buildings elevations for typical units of new buildings or exterior remodelings of existing buildings, showing building heights and proposed wall sign or window sign area;
   e. The location and dimensions of all recreational areas with each area designated as to type of use;
   f. Areas intended to remain as open or designated screening;
   g. Streets and street name showing whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths. Private drives in subdivisions shall also be shown and clearly labeled as such;

h. Curb and gutters, curb inlets and curb cuts, drainage grates;
i. Other storm water or drainage facilities, including manholes, pipes, drainage ditches, retention ponds, etc.;
j. Sidewalks and walkways, showing widths and surface material;
k. Bridges;
l. Outdoor illumination with lighting fixtures sufficiently identified;
m. Underground utility lines, including water, sewer, electric power, telephone, gas, cable television;
n. Above ground utility lines and other facilities;
o. Fire hydrants;
p. Dumpsters;
q. New contour lines resulting from earth movement (shown as solid lines) with no larger than ten (10) foot contour intervals (existing lines should be shown as dotted lines);
r. Scale drawings of all signs together with the exact location and dimensions of all such signs;
s. Vehicle accommodation areas (including parking areas, loading areas, and circulation areas), all designated by surface material and showing the dimensions and layout of proposed parking spaces and the dimensions and direction of travel lanes, aisles, and driveways;
t. Proposed plantings or construction of other devices to comply with requirements of Chapter 12. Plans shall label shrubbery by common and scientific name, show the distance between plants and indicate the height at the time of planting and expected mature height and width. Plans shall label trees by common and scientific name, show the circles of the mature crowns (major trees shall be drawn at diameter = 30 feet; dwarf or decorative trees shall be drawn at their actual mature crown), and indicate the height at the time of planting.

Section 20.7 - Documents and written information in addition to plans.

In addition to the written application and the plans, whether the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representation list of the types of information or documents that shall be requested:

1. Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.
2. Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, and that all necessary easements have been provided.
3. Evidence that a stormwater management and sediment control plan has been submitted to and/or approved by SCDHEC.
4. Descriptive information or specifications on recreational equipment.
5. Legal documentation establishing homeowners' associations or other legal entities responsible for control over required common areas and facilities.
6. Bonds, letters of credit, or other surety devices.
7. Stamped envelopes containing the names and addresses of all those to whom notice of a public hearing must be sent.

8. Complete documentation justifying any requested deviation from specific requirements established by this ordinance as presumptively satisfying design standards.
9. Written evidence of good faith efforts to acquire satellite parking.
10. A study from a competent professional describing the anticipated input of the proposed development on traffic volumes or patterns.

Section 20.8 - Number of copies of plans and documents.

With respect to all plans and other documents required by this chapter, the developer shall submit the number of copies that the department responsible for reviewing the application deems necessary to expedite the review process and to provide necessary permanent records.

Section 20.9 - Certificates required on final plat.

The following certificates shall appear on the final plat which is submitted to the planning department by the subdivider.

Certificate of Accuracy (signed when submitted)

I hereby certify that the plan shown hereon is a true and correct survey to the accuracy required by the Lancaster County Subdivision Regulations and the monuments shown have been placed to the specifications set forth in said regulations.

Date _____

Registration Number _____ _____ Registered Land Surveyor

Certificate of Ownership and Dedication (signed when submitted)

It is hereby certified that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby dedicate all roads, alleys, walks, parks, and other sites to public or private use as noted.

Date _____ _____ Owner

Certificate of Septic Tank Evaluation (if applicable)

I hereby certify that _____ _____ Subdivision, as shown hereon, has been evaluated on a lot-by-lot basis for the use of individual sewage disposal systems by the SCDHEC Office of Environmental Health.

SEAL

_____
SCDHEC, Environmental Health

Certificate of Ownership and Maintenance of Private Roads

I hereby certify that I am the owner of the property described hereon, that I hereby freely adopt this plan of subdivision, and that I shall provide for perpetual maintenance of all areas shown on this plat as private roads. Responsibility for maintenance of private roads shall be divided equally among owners of lots in the subdivision and such responsibility shall be indicated by a deed restriction to be filed with the Lancaster County Clerk of Court.

Date _____ _____ Owner

Certificate Against Work Defects

I (we) certify that I (we) shall correct all defects in all improvements and facilities intended for dedication to public use for a period of twelve (12) months after the offer of dedication of such facilities is accepted.

Date _____ _____ Owner

Certificate of Approval (to be signed upon approval)

The subdivision plat hereon has been found to comply with the Lancaster County Subdivision Regulations and has been approved for recording in the office of the Clerk of Court.

Date _____ _____ Lancaster County Planning Department

CHAPTER 21. - SPECIFICATIONS FOR STREET DESIGN AND CONSTRUCTION

The following design specifications are intended to be general guidelines. Alternate constructions methods may be used if such methods are approved in writing by the county engineer.

Section 21.1 - Design speed, sight distance, centerline radius.

	Minor	Local	Sub-Collector	Collector
Design speed	25 mph	25 mph	30 mph	35 mph
Minimum sight distance on vertical curve	150 feet	150 feet	200 feet	200 feet
Minimum centerline radius	150 feet	150 feet	200 feet	250 feet

Section 21.2 - Cut and fill slopes.

Cut and fill slopes on any street right-of-way shall not exceed the ratio of 2:1.

Section 21.3 - Sight distances at intersections.

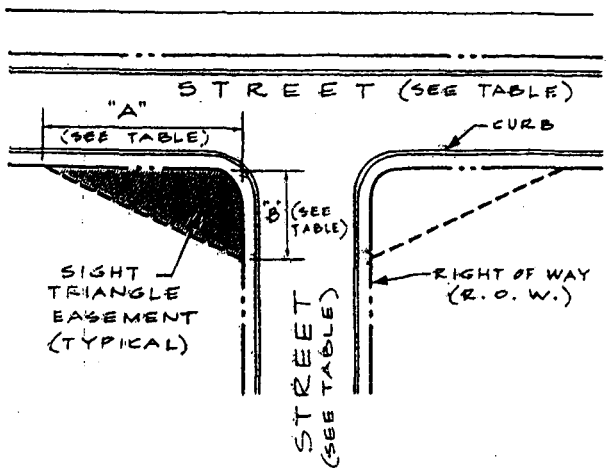
The dimensions of a sight distance triangle shall be based on the table below.

TYPICAL REQUIREMENTS BY STREET TYPE
(Measured Along R.O.W. Line)

"A" (Distance in Feet)		"B" (Distance in Feet)			
		Residential Access	Residential Subcollector	Collector	Arterial
30	Residential access	30	100	120	130—150

100	Residential subcollector	30	100	120	130—150
120	Collector	30	100	120	130—150
130—150	Arterial	30	100	120	130—150

(Ord. No. 706, 1-9-06)



Sight Triangle

Section 21.4 - Radius at street intersections.

At street intersections, the intersections of the paved surfaces shall be rounded with a minimum radius as shown in Standard Drawings No. 4 and No. 5. Where streets intersect at less than right angles, a greater radius may be required.

Section 21.5 - Clearing and grubbing.

Clearing and grubbing shall be performed within the limits shown on the plans. All timber, brush roots, stumps, trees, or other vegetation cut during the clearing operations shall become the contractor's responsibility to dispose of, and shall be either removed from the project by the developer, or satisfactorily disposed of on-site.

Section 21.6 - Grading and compaction.

Street shall be graded in accordance with the lines and grade set by the engineer. Before placing curb and gutter or base on the graded subgrade, the subgrade shall be compacted to one hundred (100) percent AASHO T99 for a depth of six (6) inches and then shall be proof rolled in the presence of the engineer. Places that are found to be loose, or soft, or composed of unsuitable materials, whether in the subgrade or below it, must be dug out and refilled with suitable material. All embankments or fills shall be made in one-foot horizontal lifts of suitable material. The fill shall be rolled with a sheepsfoot roller after each lift, followed by a wheel roller, each weighing not less than eight (8) tons.

Section 21.7 - Street base.

Base course for streets shall generally be eight (8) inches thick, unless otherwise directed by the county engineer, and shall be crushed stone conforming to SCDOT Type ABC stone. The stone base course shall be placed in four-inch layers, watered as necessary, and compacted to 100 percent AASHO T99. The contractor shall be responsible for keeping the stone base free of contamination from clay or other foreign materials. Handling and placement of stone base shall all be in accordance with SCDOT specifications.

Section 21.8 - Street surfaces.

The asphalt surface course shall meet SCDOT specifications for Type 1 or 2 asphalt. The asphalt shall be placed in one two-inch layer, and shall be handled and placed in accordance with SCDOT specifications.

Section 21.9 - Pavement section variations.

Sections 21-6, 21-7, and 21-8 set the standards that shall apply under normal soil conditions. However, where soils are unusually good or unusually unstable, the county engineer may allow or require the developer to have soil tests run and a pavement design made by a qualified soils engineer. Under these circumstances, the county engineer may allow pavement sections constructed to lesser standards than those set forth above (for good soils) or require pavement sections constructed to greater standards than those set forth above (for unstable soils).

Section 21.10 - Street cross sections.

Streets shall be constructed and utilities located in accordance with Standard Drawing No. 6 or No. 7.

Section 21.11 - Curb and gutter.

1. The concrete curb and gutter shall be constructed according to the lines and grades established by the engineer. The concrete shall meet the state highway requirements and the curb and gutter shall be 18 inches wide.
2. Curb and gutter shall be constructed in accordance Standard Drawing No. 8.

Section 21.12 - Sidewalks.

Sidewalk construction shall be similar to street construction, with subgrade compacted to 100 percent AASHO T99. Concrete sidewalks shall be four inches thick (increasing to six inches thick at driveway entrances), and shall be at least four feet wide. Expansion joints shall be provided every 300 feet; false joints at 10 feet.

Section 21.13 - Wheel chair ramps.

Where required, wheel chair ramps shall be constructed in accordance with Standard Drawing No. 9.

Section 21.14 - Storm water runoff control.

1. The minimum design frequency for storm runoff shall be ten years for storm sewer collection and 25 years for cross drainage (i.e., drainage facilities crossing a street).
2. All storm drainage pipe shall be reinforced concrete or advanced drainage systems N-12 corrugated smooth bore HDPE pipe (or equivalent). Pipe shall be sized by a Tier B surveyor or registered professional engineer. No pipe shall be smaller than 12 inches in diameter or less than 12 inches of top cover. If less than 12 inches of cover is available, the pipe must be reinforced concrete.
3. Culvert outlet protection and swale erosion protection shall be designed based on a ten-year storm.
4. All storm drainage structures and pipes shall be designed and constructed in accordance with SCDOT specifications and Standard Drawings No. 10 through No. 14. However, in case of a conflict, the standard drawings shall prevail.
5. All storm drainage systems must meet SCDHEC standards for stormwater management and sediment reduction.

Section 21.15 - Sedimentation control.

Road shoulders, swales, back-of-curbs, and cut and fill banks shall be completely dressed up by the contractor and seeded as soon as possible. The contractor shall be responsible for maintenance of these areas until a permanent stand of grass is established.

CHAPTER 22. - GUIDE FOR LANDSCAPING.

Section 22.1 - Standards for street and parking lot trees.

Trees planted in compliance with the requirements of sections 12.2.2 and 12.2.4 shall have most or all of the following qualities. The trees recommended in section 22.5 represent the best combinations of these characteristics.

1. *Hardiness:*
   a. Resistance to extreme temperatures;
   b. Resistance to drought;
   c. Resistance to storm damage;
   d. Resistance to air pollution;
   e. Ability to survive physical damage from human activity.
2. *Foliage and branching:*
   a. Appropriate form for location;
   b. Relatively dense foliage for maximum shading.

3. *Maintenance:*
   a. Resistance to pests;
   b. Resistance to plant diseases;
   c. Little or no pruning requirements;
   d. No significant litter problems.

Section 22.4 - Guide for planting shrubs.

All shrubs shall be planted in the same manner as trees except for guying and stacking.

Section 22.5 - Lists of recommended trees and shrubs.

The following lists indicate plantings which will meet the screening and shading requirements of Chapter 12 of the *Unified Development Ordinance*. The lists are by no means comprehensive and are intended merely to suggest the types of flora which would be appropriate for screening and shading purposes. Plants were selected for inclusion on these lists according to the general suitability for the climate and soil conditions of this area, ease of maintenance, tolerance of area conditions, and availability from area nurseries. When selecting new plantings for a particular site, a developer should first consider the types of plants which are thriving on or near that site. However, if an introduced species has proven highly effective for screening or shading in this area, it too may be a proper selection.

1. *Large trees for screening:*

Common Name	Scientific Name	Evergreen or Deciduous
River Birch	Betula nigra	D
American Hornbeam	Carpinus caroliniana	
Eastern Redbud	Cercis canadensis	
Flowering Dogwood	Cornus florida	
Washington Hawthorn	Cretagus phaenopyrum	
Russian Olive	Elaeagnus angustifolia	
Mountain Silverbell	Halesia monticola	
American Holly	Ilex opaca	
Golden Rain Tree	Koelreuteria paniculata	
Crape Myrtle	Lagerstroemia indica	

Sourwood	Oxydendrum arboreum	D
Carolina Cherry-Laurel	Prunus caroliniana	
Green Ash	Fraxinus pennsylvanica	D
Tulip poplar	Liriodendron tulipfera	D
Black Gum	Nyssa sylvatica	D
Loblolly Pine	Pinus taeda	E
White Oak	Quercus alba	D
Shumard Oak	Quercus shumardii	D
Bald Cypress	Taxodium distichum	D
Lacebark Elm	Ulmus parviflora	D
Japanese Zelkova	Zelkova serrata	D
Ironwood Hornbeam	Carpinus carolina	D
Deodar Cedar	Cedrus deodara	E
Southern Magnolia	Magnolia grandiflora	E
Eastern Red Cedar	Cryptomeria japonica	E

2. *Large trees for shading:*

Common Name	Scientific Name	Evergreen or Deciduous
Red Maple	Acer rubrum	D
Ginkgo	Ginko biloba "Fairmont" or "LakeView"	D

Honeylocust	Gleditsia triacanthos var. inermis "Shademaster"	
Sweet Gum	Liquidambar styraciflua "Rotundiloba"	D
London Plane-Tree	Plantanus x acerifolia	
Sycamore	Plantanus occidentalis	
Southern Red Oak	Quercus falcata	
Willow Oak	Quercus phellos	D
Scarlet Oak	Quercus coccinea	D
Laurel Oak	Quercus hemisphaerica	
Littleleaf Linden	Tilia cordata	D
Thornless honeylocust	Gleditsia triacanthos var. intermis	D
American sycamore	Platanus occidentalis	D

3. *Ornamental trees:*

Common Name	Scientific Name	Evergreen or Deciduous
Amur Maple	Acer ginnala	D
Japanese Maple	Acer palmatum	D
Serviceberry	Amelanchier aborea	D
Redbud	Cercis canadensis	D
Flowering Dogwood	Cornus florida	D
Kousa Dogwood	Cornus kousa	D

Washington Hawthorn	Crataegus phaenopyrum	D
Carolina Silverbell	Halesia carolina	D
American Holly	Ilex opaca	E
Holly (large types)	Ilex x cultivar	E
Golden Raintree	Koelreuteria paniculata	D
Crape Myrtle	Lagerstroemia indica (x faurei)	D
Saucer Magnolia	Magnolia x soulangeana	D
Sweetbay Magolia	Magnolia virginiana	Semi-E
Flowering Crabapple	Malus hybrid	D
Chinese Pistache	Pistachia chinensis	D
Flowering Cherry	Prunus species	D
Sassafras	Sassafras albidum	D
Emerald Arborvitae	Thuja occidentallis "Emerald"	E
Muskogee crapemyrtle	Lagerstromia indica "Muskogee"	D
Star magnolia	Magnolia sellata	D
Carolina cherry-laurel	Prunus caroliniana	E
Natchez crapemyrtle	Lagerstromia indica "natchez"	D

4. *Shrubs:*

Common Name	Scientific Name	Evergreen or Deciduous
Glossy Abelia	Abelia grandflora	E

Wintergreen Barberry	Berberis julianae	E
Japanese Barberry	Berberis thunbergii	D
Butterfly Bush	Buddleia davidii	D
Purple Beautyberry	Callicarpa dictoma	D
Camellia	Camellia japonica, C. sasanqua	E
Japanese Falsecypress	Chamaecyparis pisifera cultivar	E
Winged Euonymous	Euonymous alatus	D
Border Forsythia	Forsythia x intermedia	D
Witch Hazel Hybrid	Hammamelis x intermedia	D
Hydrangea	Hydrangea species	D
Japanese Holly	Ilex crenata cultivars	E
Chinese Holly	Ilex comuta cultivars	E
Inkberry Holly	Ilex glabra	E
Yaupon Holly	Ilex vomitoria	E
Winterberry	Ilex verticillata	D
Small Anise-Tree	Illicium parviflorum	E
Juniper	Juniperus cultivars	E
Japanese Privet	Ligustrum japonicum	E
Wax Myrtle	Myrica cerifera	E
Nandina	Nandina domestica	E
Fortune's Osmanthus	Osmanthus x fortunei	E
Zabel Skip Laurel	Prunus lauroceracus "Zabel"	E

Spirea	Spirea species	D
Viburnum	Viburnum species	D
White fringetree	Chionanthus virginicus	D
Thorny elaeagnus	Elacagnus pungens	E
Tuscarora crapemyrtle	Lagerstromia indica "Tuscaronra"	D
Tuskegge crapemyrtle	Lagerstromia indica "Tuscaronra"	D
Bufford Holly	Ilex cornuta "Burfordii"	
Laurel or Sweet Bay	Magnolia virginiuna	
Fortune Tea Olive	Osmathnus x formnei	
Lauretinus Viburnum	Viburnmum tinus	
Azalea	Azalea indica	
Fringetree	Chionanthus virginicus	D
Border Forsythia	Forsythia x intermedia	D
Vernal Witch Hazel	Hammamelis vernalis	D
Common Witch Hazel	Hammamelis verginiana	D
Pfitzer Juniper	Juniperus chinensis "Pfitzeriana"	E
Drooping Leucothoe	Leucothoe fontanesiana	E
Winter Honeysuckle	Lonicera fragrantissima	D
Star Magnolia	Magnolia stellata	D
Northern Bayberry	Myrica pensylvanica	E
Judd Viburnum	Viburnum x juddii	D
Doublefile Viburnum	Viburnum plicatum tomentosum	D

Warty Barberry	Berberis vermculosa	D
Dwarf Horned Holly	Ilex comuta "Rotunda"	E
Littleleaf Japanese Holly	Ilex cranata "Micmphylla"	E
Convexa Japanese Holly	Ilex crenata "Convexa"	E
India Hawthorn	Raphiolepis indica	E
Japanese Yew	Taxus cuspidata	E

Section 22.6 - Plant purchasing specifications.

1. *General conditions of agreement:*
   a. Price of bid shall include shipping and handling to the site specified by the buyer.
   b. All bids must be signed with firm name and by an officer or an employee having the authority to bind the company or firm by his or her signature.
   c. The vendor will deliver plant materials at the direction of the buyer and shall notify the buyer of the definite time of delivery.
   d. The buyer reserves the right to inspect the plant material prior to acceptance of the bid.
   e. The buyer reserves the right to inspect the plant material on nursery premises or at the delivery site and reject all material which does not meet written specifications.
   f. No substitutions in species/variety/or cultivar will be accepted without prior approval of buyer.
2. *Plant specifications:*
   a. Plant materials shall comply with the recommendations and requirements of ANSI Z60.1 1990 "American Standard for Nursery Stock". All trees must be uniform in size and shape with the minimum required root ball size relative to caliper for balled and burlapped plants.
   b. The vendor will provide healthy, vigorous stock grown under climatic conditions similar to those in the locality of the planting project. Nursery stock shall be free of disease, insects, eggs, larvae, injury, and defects such as abrasions or disfigurement. Plants shipped from hardiness zones more than 2 zones away shall be approved by buyer prior to shipment.
   c. The buyer reserves the right to inspect all trees at place of growth or point of purchase for compliance with requirements for name, size, quality and quantity. A minimum of 72 hours shall be given for the scheduling of this inspection of proposed nursery stock.
   d. All trees shall be delivered from the growing site to the planting site in closed or covered truck. Plants shall be protected at all times from sun or drying winds.
   e. The vendor shall maintain all landscape material in a first class condition until product is delivered and final acceptance is granted.
   f. Trees moved by winch or crane shall be thoroughly protected from all mechanical damage to roots and trunk by means of burlap, wood battens, or other arboriculturally approved products and methods.

   g. Plant materials will be true to name and variety established by the American Joint Committee on Horticultural Nomenclature "Standardized Plant Names".
   h. Trees with natural upright growth habit will have a single, straight trunk that is well formed and sturdy. Trees with multiple leaders, unless specified, will be rejected.
   i. Lateral branching shall be plentiful and uniformly distributed. At least half the trunk should have lateral branches. Excessive pruning of lower half of lateral branches shall be cause for rejection.
   j. Trees which have been "topped" shall be rejected.
   k. Pruning scars should be clean cut leaving little or no protrusion from the trunk or branch.
   l. Trees shall be free of cold injury and sun scald.
   m. Caliper of the trunk shall be taken six inches above the ground for diameters up to and including four inch caliper size, and twelve inches above the ground for larger sizes.
   n. Trees shall be densely supplied with healthy, vigorous leaves of normal size, shape, texture, and of deep green color.
   o. Pest or mechanical destruction shall not exceed approximately ¼ of individual leaves nor affect more than five percent of the total foliage.
   p. Roots shall be sturdily established. Root mass shall not be excessively root bound. Kinked and circling roots are not acceptable. There shall be no large roots growing out of container.
   q. Rooting medium shall be weed-free.
   r. There should be no "included" bark between branches.
   s. Live Oaks are not to be dug and transplanted before December 1st.
3. *Installation:*
   a. Planting shall be done in the dormant season after leaf drop in the fall until bud break in spring unless planting palmetto trees or special precautions are taken to ensure survival.
   b. Plants shall be protected at all times from sun and drying winds.
   c. The minimum rooting area for small trees should be 4×4 feet in dimension, for larger trees rooting area should be 6×6 feet. Islands should provide at least 400 square feet of rooting area.
   d. The planting hole shall be dug as deep as the root ball and at least twice as wide.
   e. The tree shall be placed in the hole at its original growing level.
   f. Ropes and straps or containers shall be removed. All burlap shall be cut and removed from the upper 1/3 of the rootball and wire baskets shall be cut so they do not protrude above the final grade.
   g. Trees shall be watered sufficiently to settle the soil and thoroughly wet the root ball.
   h. A berm or basin shall be constructed around the outside of the back-filled area to hold water.
   i. A four-inch layer of mulch shall be placed over the planting area from the outside of the berm to the base of the trunk.
   j. The "planting area" comprises the root ball, hole, backfill, and outside rim of the berm.
   k. Staking and guying shall only be used where support is necessary. Ties shall be made of a broad, soft, strapping material. Staking shall allow slight movement of the trunk. The use of rubber hoses are not recommended.
   l. Pruning shall be limited to broken branches.

   m. Fertilizer shall not be used at planting time.
   n. Tree wrap shall not be used.
   o. The use of root barriers is not recommended.
   p. The contractor shall guarantee all plant material to be in healthy and flourishing condition for a period of one year from the date of acceptance.

CHAPTER 23. - DEVELOPMENT AGREEMENTS

Section 23.1 - Short title.

This chapter may be cited as the Development Agreement Ordinance for Lancaster County, South Carolina.

(Ord. No. 663, § 1, 4-25-05)

Section 23.2 - Definitions.

a. As used in this chapter:
   1. *Act* means the South Carolina Local Government Development Agreement Act, codified as S.C. Code §§ 6-31-10 to -160 (2004), as may be amended from time-to-time.
   2. *Agreement* means a development agreement as authorized by the Act.
   3. *Clerk* means the clerk of the council.
   4. *Code* means the South Carolina Code of Laws, 1976, as amended.
   5. *Council* means the Lancaster County Council.
b. Unless the context clearly indicates otherwise, terms not otherwise defined in this ordinance have the meanings set forth in the Act.

(Ord. No. 663, § 2, 4-25-05)

Section 23.3 - Intent.

It is the intent of the council to require an agreement when planned development district zoning, as provided in the county's unified development ordinance, is sought for property containing 200 or more acres. Nothing in this chapter prohibits the county approving or a person seeking an agreement for property zoned other than planned development district or for property containing less than 200 acres.

(Ord. No. 663, § 3, 4-25-05)

Section 23.4 - Minimum requirement.

Property subject to an agreement must contain 25 acres or more of highland.

(Ord. No. 663, § 4, 4-25-05)

Section 23.5 - Initiation and consideration of agreements.

a. At the time a developer makes application for planned development district zoning and the property is two hundred acres or more, the developer shall submit to the clerk:
   1. A letter stating that the developer is seeking planned development district zoning for property containing 200 acres or more;
   2. A proposed agreement containing, at a minimum, the information required by section 23.6; and
   3. A check as required by section 23.10.

b. Upon receipt by the clerk, the clerk shall provide copies of the developer's letter and proposed agreement to each member of the council.
c. Council may, in its discretion:
   1. Provide for the appointment of an ad hoc committee of the council, to review and make recommendations to the council on the content and disposition of the proposed agreement;
   2. Request the review by and comment of any county agency, department, board or commission and such agency, department, board or commission shall, upon request of the council, make appropriate resources and personnel available to the council to facilitate the council's review and consideration of the proposed agreement;
   3. Make arrangements as may be necessary or proper to enter into agreements, including negotiating and drafting of agreements; and
   4. Engage such consultants and professional service providers as may be needed including, but not limited to, engineering, financial, legal or other special services.
d. The clerk shall forward a copy of the proposed agreement to the planning commission. The planning commission shall review the proposed agreement and make recommendations to the council not later than the time the planning commission makes its recommendations to the council on the proposed planned development district.
e. At least two public hearings on the proposed agreement shall be conducted. One of the two required public hearings shall be held by the planning commission and the other shall be held by council. Not less than 15 days' notice of the time and place of each hearing shall be published in at least one newspaper of general circulation in the county. The notices published for the public hearings must include the information required to be published by Code Section 6-31-50(B).
f. No agreement may be entered into by the county unless the agreement has been approved by council through the adoption of an ordinance. Any agreement approved by council must contain the information required by section 23.6.

(Ord. No. 663, § 5, 4-25-05)

Section 23.6 - Mandatory content of agreement.

The proposed agreement filed by the developer, as provided in section 23.5, must include:

a. A legal description of the property subject to the agreement and the names of the property's legal and equitable owners;
b. The duration of the agreement which must comply with Code Section 6-31-40;
c. A representation by the developer of the number of acres of highland contained in the property subject to the agreement;
d. The then current zoning of the property and a statement, if applicable, of any proposed rezoning of the property;
e. The development uses that would be permitted on the property pursuant to the agreement, including population densities, building intensities and height;
f. A description of the public facilities that will service the development, including who provides the facilities, the date any new facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development construction timeline for those facilities. If the agreement provides that the county shall

provide certain public facilities, the agreement shall provide that the delivery date of the public facilities will be tied to defined completion percentages or other defined performance standards to be met by the developer;

g. A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property as may be required or permitted pursuant to laws in effect at the time of entering into the agreement;

h. A description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions;

i. A finding that the development permitted or proposed is consistent, or will be consistent by the time of execution of the agreement, with the county's comprehensive plan and land development regulations;

j. A description, where appropriate, of any provisions for the preservation and restoration of historic structures;

k. A development schedule including commencement dates and interim completion dates at no greater than five year intervals;

l. If more than one local government is made party to the agreement, a provision stating which local government is responsible for the overall administration of the agreement;

m. A listing of the laws and land development regulations that will apply to the development of the property subject to the agreement, including citation to specific ordinance numbers or portions of the County Code of Ordinances or both;

n. A provision, consistent with Code Section 6-31-80, addressing the circumstances under which laws and land development regulations adopted subsequent to the execution of the agreement apply to the property subject to the agreement;

o. A provision stating whether the agreement continues to apply to the property or portions of it that are annexed into a municipality or included in a newly-incorporated area and, if so, that the provisions of Code Section 6-31-110 apply;

p. A provision that:

1. The agreement may be amended or cancelled by mutual consent of the parties to the agreement or their successors in interest;
2. If the amendment constitutes a major modification of the agreement, the major modification may occur only after public notice and a public hearing by the council, provided, that, for purposes of this subitem, a "major modification" means: (i) significant changes to the development scheduled time-frames set forth in the agreement; (ii) density modifications; (iii) land use changes; (iv) any major miscalculations of infrastructure or facility needs which create demand deficiencies; or (v) any other significant deviation from the development as contained in the agreement;
3. If the developer requests an amendment to the development schedule, including commencement dates and interim completion dates, then the dates must be modified by the council if the developer is able to demonstrate and establish that there is good cause to modify those dates; and

4. The agreement must be modified or suspended as may be necessary to comply with any state or federal laws or regulations enacted after the agreement is entered into which prevents or precludes compliance with one or more of the provisions of the agreement;

q. A provision for periodic review, consistent with the provisions of section 23.8;

r. A provision addressing the effects of a material breach of the agreement, consistent with the provisions of section 23.9;

s. A provision that the developer, within 14 days after the county enters into the agreement, will record the agreement with the county clerk of court;

t. A provision that the burdens of the agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement; and

u. A provision addressing the conditions and procedures by which the agreement may be assigned.

(Ord. No. 663, § 6, 4-25-05)

Section 23.7 - Optional content of agreement.

The agreement approved by the council must include the information listed in section 23.6 and, in addition, may include:

a. A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the council for the public health, safety, or welfare of the county's citizens;

b. Requirements that the entire development or any phase of it be commenced or completed within a specified period of time;

c. Defined performance standards to be met by the developer;

d. Identification of any laws or land development regulations anticipated to be adopted by the council subsequent to the execution of the agreement and made applicable to the property subject to the agreement;

e. Any other matter not inconsistent with the Act not prohibited by law.

(Ord. No. 663, § 7, 4-25-05)

Section 23.8 - Periodic review.

At least every 12 months, the zoning administrator must review compliance with the agreement by the developer. At the time of review the developer must demonstrate good faith compliance with the terms of the agreement.

(Ord. No. 663, § 8, 4-25-05)

Section 23.9. - Breach of agreement.

a. If, as a result of the periodic review provided for in section 23.8, the zoning administrator finds and determines that the developer has committed a material breach of the terms or conditions of the agreement, the zoning administrator shall serve notice in writing, within 30 days after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the developer 30 days to respond with a corrective action plan to cure the material breach. The zoning administrator may approve a corrective action plan which provides for a cure of the material breach in one year or

less. Corrective action plans providing for a cure of the material breach in excess of one year must be reviewed and approved by the council. The zoning administrator and council may establish a time for the cure of the material breach different from that proposed by the developer.

b. If the developer fails to respond to the zoning administrator's notice within 30 days or cure the material breach within the time approved by the zoning administrator or council, the council unilaterally may terminate or modify the agreement, provided, that the council has first given the developer the opportunity:

1. To rebut the finding and determination; or
2. To consent to amend the agreement to meet the concerns of the council with respect to the findings and determinations.

c. The failure of a developer to meet a commencement or completion date shall not, in and of itself, constitute a material breach of the agreement, but must be judged based on the totality of the circumstances.

(Ord. No. 663, § 9, 4-25-05)

Section 23.10 - Cost of consideration.

The developer must pay a fee, to defray the cost of consideration of the proposed agreement by the council, and the amount of the fee shall be determined in the following manner: $25.00 per acre for each acre of highland proposed to be included in the agreement with the total fee not to exceed twenty thousand dollars. The developer shall pay the fee by check made payable to Lancaster County and the check shall be included with the material submitted to the clerk as provided in section 23.5. The fee shall be deposited in a special account and used at the direction of the council only for the purpose of defraying expenses incurred by the county in the review and consideration of the proposed agreement. Any unused fee shall be returned to the developer within six months of the county's disposition of the proposed agreement.

(Ord. No. 663, § 10, 4-25-05)

Land Development Regulations of Lancaster County: See Unified Development Ordinances of Lancaster County

Chapter 26 - ROADS, BRIDGES AND PUBLIC WAYS
FOOTNOTE(S):

--- **(1)** ---

State Law reference— County supervision of roads, S.C. Code 1976, § 57-17-10.

ARTICLE I. - IN GENERAL
FOOTNOTE(S):

--- **(2)** ---

Editor's note—Sections 26-1—26-4 of article I, deriving from Ord. No. 79, §§ 7—9, adopted March 30, 1982, have been deleted by the editor as being superseded by the provisions of Ord. No. 169, adopted Feb. 27, 1989, as set out in article II of this chapter.

Secs. 26-1—26-20. - Reserved.
ARTICLE II. - ACCEPTANCE, MAINTENANCE AND USE OF ROADS, BRIDGES AND RIGHTS-OF-WAY
FOOTNOTE(S):

--- **(3)** ---

Editor's note—Ord. No. 169, adopted Feb. 27, 1989, amended Ord. No. 79, adopted March 30, 1982, in its entirety. Ord. No. 79 pertained to similar subject matter and comprised §§ 26-1—26-4, 26-21—26-27, of articles I and II of this chapter. At the editor's discretion, the provisions of Ord. No. 169 have been included as a new article II, §§ 26-21—26-33, and § 26-28 of article II, not affected by Ord. No. 169, has been redesignated as § 26-34 to accommodate the new material. (It should be noted that references to "this article" in §§ 26-21—26-33 do not embrace § 26-34.)

Sec. 26-21. - Prerequisites for acceptance—Preparation of plat and deed.

(a) Before any road or right-of-way is accepted by Lancaster County for ownership, maintenance or use, the owner shall provide the county administrator a copy of a recorded certified plat of the road which must specifically show the distance, width and location of the road.

(b) The owner wishing to transfer a road or right-of-way shall prepare a deed and deliver the deed to the county administrator along with the recorded plat and the opinion of the owner's legal counsel that the grantor of the right-of-way has marketable fee simple title. Before any road is accepted, all owners of the road must have executed the deed. The deed must not be recorded before the road or right-of-way has been accepted by the county. If the road or right-of-way is accepted, the county administrator shall provide the owner a certificate of acceptance which must be recorded with the deed.

(Ord. No. 169, § 1, 2-27-89; Ord. No. 915, § 1, 12-8-08; Ord. No. 1105, § 2, 7-25-11)

Sec. 26-22. - Same—Inspection.

The roadway owner shall provide the county a set of "as-built" drawings for the roadway and the drawings must show all details related to the roadway, including, but not limited to, storm drainage. The county public works director or the director's designee shall inspect, or cause to be inspected by an engineer retained by the county, the roadway proposed for acceptance. The requirements of

section 26-71 apply to the inspections required by this section. The roadway owner must pay a road inspection fee to cover the cost of the inspection. The road inspection fee shall be set annually in the county budget.

(Ord. No. 169, § 2, 2-27-89; Ord. No. 1105, § 2, 7-25-11)

Sec. 26-23. - Warranty

(1) Before any road or right-of-way is accepted by Lancaster County, the developer shall provide a warranty to cover defects in workmanship and materials of the road or right-of-way. The warranty must be secured by the developer providing an acceptable letter of credit to the county finance director. In lieu of a letter of credit, the developer may deposit cash with the county finance director. The dollar amount of the letter of credit or cash deposit must be not less than fifty (50) percent of the cost of the final one and one-half-inch asphalt overlay. The warranty period begins with the date of acceptance by the county and ends one-year later.

(2) If a road or right-of-way is accepted into the county road system prior to the installation of the final one and one-half inch asphalt overlay, then the developer shall provide an acceptable letter of credit to the county finance director to insure installation of the final asphalt overlay. In lieu of a letter of credit, the developer may deposit cash with the county finance director. The dollar amount of the letter of credit or cash deposit must be not less than one hundred twenty-five (125) percent of the engineer's estimated cost of installation of the final asphalt overlay.

(Ord. No. 1105, § 2, 7-25-11)

Sec. 26-24. - Reserved.

Editor's note— Ord. No. 915, § 2, adopted Dec. 8, 2008, repealed former § 26-23 in its entirety. Former § 26-23 pertained to geometric road design criteria and derived from Ord. No. 169, § 3, 3-27-89.

Sec. 26-25. - Variances.

County council may vary appropriate provisions of this article upon a written finding that compliance with such provisions would result in undue hardship for the owner/developer or owners fronting upon a road proposed for acceptance. Requests for variances shall be submitted in writing by the owner/developer in advance of or simultaneously with a request for road acceptance. Such requests shall identify the provision or provisions for which a waiver is requested and shall substantiate the reasons that expenditures necessary to meet such provisions are not reasonably recoverable. Any variance granted shall be the minimum necessary to avoid unreasonable prejudice. To the extent that expenditures are recoverable on a reasonable basis, such as through the sale of lots fronting a road proposed for acceptance, prejudice shall not be found to exist. Approval of any variance shall be by no less than the affirmative vote of a majority plus one (1) additional member of council.

(Ord. No. 169, § 5, 2-27-89)

Sec. 26-26. - Roads names; name and regulatory signs.

All roads must be named in accordance with section 14.1.4 of the Unified Development Ordinance of Lancaster County. The developer or owner is responsible for the purchase and erection of road name signs and regulatory signs in conformation with the type sign designated by county council. All persons may purchase road name signs for approved names or regulatory signs through county purchasing.

(Ord. No. 169, § 6, 2-27-89; Ord. No. 1105, § 2, 7-25-11)

Cross reference— Street and road names, § 26-41 et seq.

Sec. 26-27. - Acceptance of roads.

(a) This amendment shall not impact those roads previously accepted into the Lancaster County roadway system.

(b) There is hereby established several categories of roads that may be considered by council for acceptance into the public road system, namely:

(1) *Legacy roads.* These roads are considered to be those roads that have been platted and built prior to the passage of Lancaster County Ordinance No. 2008-915, passed on December 1, 2008. To be accepted by the county, each of the following conditions must be met on or before December 31, 2015:

a. The roadway must have a soil compaction of not less than ninety five (95) percent and a roadbed of four (4) inches of stone and two (2) inches of asphalt.

b. The roadway must have a dedicated right-of-way of at least fifty (50) feet and a paved area of not less that eighteen (18) feet in width.

c. The roadway must be inspected by the Lancaster County Public Works Director prior to acceptance. Any repair work, less and excepting any normal aging, must be completed and approved prior to acceptance.

d. Prior to acceptance, the owner must provide to the county the following documentation:

1. Attorney's opinion letter regarding legal authority to transfer road;
2. Recorded plat indicating road(s) to be transferred;
3. Recorded deed describing road(s) to be transferred;
4. Engineering report and verification that roadway standard noted herein has been met;
5. If any repairs noted in subsection (b)(1)c above were necessary, owner must provide a one-year written warranty on the said repairs.

e. Upon the prior conditions having been met, the roadway shall be accepted by the county staff without the requirement of council approval.

f. Under no circumstances shall the county accept ownership or responsibility for sidewalks, landscaped medians, stormwater infrastructure outside the road right-of-way, detention ponds, street trees, decorative stamped asphalt or concrete pavers, street lights or other similar items.

(2) *Post Ordinance No. 2008-915 roads.* These roads are considered to be those roads that were "identified and created through the submission of a preliminary plan" following the passage of Lancaster County Ordinance No. 2008-915 on December 1, 2008, but prior to January 1, 2015. To be accepted by the county, the following shall be mandatory:

a. Each requirement and condition set forth in Ordinance No. 2008-915 must be accomplished;

b. Each requirement shall be completed by the owner on or before December 31, 2017.

(3)

Roads within a planned development district, a residential subdivision or cluster subdivision overlay community that are identified and created through the submission of a preliminary plan after January 1, 2015, will be private. Subject only to the specific exception noted below, the approval process for these roads shall have the following two (2) requirements:

a. The platted roadway must indicate with specificity on the plat to be recorded that the road will remain privately owned and privately maintained.

b. The owner of the roadway must provide to Lancaster County sufficient proof that there is in existence a legally created property owners association or other similar entity for the purpose of providing perpetual maintenance and repairs for the road.

c. One exception shall exist to the requirements set forth in subsections (b)(3)a and b. Upon proof that the road in question has been built in full compliance with Ordinance No. 2008-915, council may vote to accept the road into the county system upon a finding that the road provides connectivity to the county road system or is a necessary component for the proper development of the county road system.

   1. Council's favorable consideration shall be by an affirmative resolution vote of at least two-thirds (2/3) of the council members.
   2. The resolution must contain language establishes a finding that the road fully meets the two (2) conditions cited in subsection (b)(3)c above.
   3. Under no circumstances shall the county accept ownership or responsibility for sidewalks, landscaped medians, stormwater infrastructure outside the road right-of-way, detention ponds, street trees, decorative stamped asphalt or concrete, pavers, street lights and similar items.

(Ord. No. 169, § 7, 2-27-89; Ord. No. 915, § 3, 12-8-08; Ord. No. 915, § 3, 12-8-08; Ord. No. 1105, § 2, 7-25-11; Ord. No. 1299, § 1, 12-8-2014)

Editor's note— Ord. No. 1299, § 1, adopted Dec. 8, 2014, amended the catchline of § 26-27 to read as herein set out. Section 26-27 was formerly catchlined "Acceptance contingent upon meeting standards."

Sec. 26-28. - Priority for maintenance.

Maintenance shall be performed on all county roads based on the following factors:

(1) The utilizations of the road by county residents;

(2) The availability of funds;

(3) The availability of other access roads.

School bus routes and heavily traveled roads will have priority as to maintenance.

(Ord. No. 169, § 8, 2-27-89)

Sec. 26-29. - Abandoned or private roads not maintained.

The county shall not maintain any road if the road is abandoned nor shall the county maintain any private road.

(Ord. No. 169, § 9, 2-27-89; Ord. No. 1105, § 2, 7-25-11)

Sec. 26-30. - Restrictions upon use.

The county council shall have the authority to restrict the use of any road maintained or deeded to Lancaster County as follows when such action is indicated based upon a traffic and engineering study:

(1) Restrict the use of a county maintained road to cars only;
(2) Restrict the use of a county maintained road to certain weight limits;
(3) Restrict the use of a county maintained road to those persons living on the road or traveling to a residence on the road by designating the road a non-throughway, through road, or thoroughfare;
(4) Restrict the speed limit on county maintained roads, if necessary;
(5) If the county maintained road is unsafe or abandoned, close the road;
(6) Restrict the use of any bridge maintained by the county to certain weight limits, and to terminate the use of any bridge that is unsafe.

The county council shall not restrict the use of any road as to vehicles by this article without posting an appropriate sign or signs to properly notify persons of the restrictions.

(Ord. No. 169, § 10, 2-27-89; Ord. No. 942, 9-8-08)

Sec. 26-31. - Utility lines or pipes.

No utility lines or pipes shall be installed in or across any county road bed without the written consent of the county public works director.

(Ord. No. 169, § 10(h), 2-27-89; Ord. No. 1105, § 2, 7-25-11)

Sec. 26-32. - "Crime watch" signs on rights-of-way.

The county authorizes "crime watch" signs on rights-of-way in accordance with regulations of the South Carolina Department of Transportation, or its successor agency, as outlined herein:

(1) Signs shall not contain any advertising or name of sponsor. Legends shall be germane to the crime watch program.
(2) Signs shall not exceed three (3) feet by four (4) feet.
(3) An application for encroachment permit should be prepared showing the size and design of the signs, the quality of signs to be installed and general location of each (a map should be attached to illustrate), and size of supporting posts (should be breakable). The application must contain a statement indicating that the applicant will be responsible for installation and maintenance.
(4) After receiving the permit, the applicant or his designee shall review actual sites with the appropriate representative of the South Carolina Department of Transportation, or its successor agency, to stake the precise location for each sign.
    a. Each position is to be chosen so the crime watch sign will not interfere with visibility of a traffic sign.
    b. Lateral clearance should be as great as possible to provide maximum safety but so the sign will be visible to approaching motorists.
    c. A five-foot height (bottom of sign above edge of roadway pavement) should be provided except where pedestrians walk adjacent to the sign or where parking would block view of the sign; then a seven-foot height should be used.

(Ord. No. 169, § 11, 2-27-89; Ord. No. 1105, § 2, 7-25-11)

Sec. 26-33. - Penalty for violation.

The penalty for the violation of any standards or conditions of this article shall be a fine and/or imprisonment as provided for in section 1-10 of the Lancaster County Code of Ordinances for each day the violation is in existence.

(Ord. No. 169, § 12, 2-27-89; Ord. No. 846, 9-10-07)

Sec. 26-34. - Road improvement and maintenance fee; exemption.

(a) *Fee levied; fund.* The owners of every motor vehicle, except trailers, required to be registered and licensed by the South Carolina Department of Motor Vehicles, or its successor agency, shall pay annually to the county treasurer at the same time he/she pays his/her county vehicle taxes, a county road improvement and maintenance fee as established in the annual county budget on each such vehicle. The proceeds from the fee shall be deposited into the county general fund and be accounted for within a separate and distinct revenue account. These funds must be used solely for improving and maintaining county roads. Funds not used in any fiscal year shall be carried forward and used exclusively for the improvement and maintenance of roads.

(b) *Penalties for nonpayment of fee.* Penalties for the nonpayment of the county road maintenance fee are established as follows:

(1) In the event an individual does not pay the road maintenance fee at the time the personal property taxes are paid on the vehicle, a penalty of five dollars ($5.00) for each day the road maintenance fee is unpaid shall be levied against such individual. Each day which a violation occurs is deemed a separate and distinct offense.

(2) The penalty shall apply to each vehicle fee that is unpaid.

(3) An individual may pay the road maintenance fee under protest and shall follow the same procedures required for payment of personal property tax under protest.

(4) If the road maintenance fee and penalties are not paid after the expiration of sixty (60) days from the date the individual paid the personal property taxes on the vehicle, the fees and penalties shall be enforced by judgment and attachment or by other means permissible under the general law. Nothing in this section shall be construed as a limit on the time for the bringing of an action to collect such fees and penalties. In addition to the penalties provided herein, the county may recover reasonable attorney's fees and other expense of litigation or collection.

(c) *Exemption.*

(1) When an individual owns a vehicle which is not operated or nonoperational and such individual certifies this fact to the county auditor, therein certifying that the vehicle in question is not being operated on the roads of South Carolina, such individual shall be exempt from paying the road maintenance fee for that vehicle. Disabled veterans, disabled individuals, or organizations, as certified to the county auditor by the South Carolina Department of Revenue, pursuant to the following provisions of S.C. Code § 12-37-220, as amended, shall be exempt from paying the fee on two (2) vehicles registered in their name and a fifteen-dollar fee will be levied on all subsequent vehicles registered by the individual receiving the exemption:

a.

Two (2) private passenger vehicles owned or leased by any disabled veteran designated by the veteran for which special license tags have been issued by the Department of Motor Vehicles, or its successor agency, under the provisions of S.C. Code §§ 56-3-1110 to 56-3-1130 or, in lieu of the license, if the veteran has a certificate signed by county service officer or the Veterans Administration of the total and permanent disability which must be filed with the department of motor vehicles, or its successor agency.

b. Two (2) private passenger vehicles owned or leased by recipients of the Medal of Honor.

c. Two (2) personal motor vehicles, owned or leased either solely or jointly by persons required to use wheelchairs, who quality for special license tags under the provisions of S.C. Code § 56-3-1910.

d. Two (2) private passenger vehicles or trucks, not exceeding three-quarter (¾) ton, owned or leased by and licensed and registered in the name of any member or fanner member of the armed forces who was a prisoner of war (POW) in World War I, World War IT, the Korean Conflict, or the Vietnam Conflict and who is a legal resident of this state. This exemption also extends to the surviving spouse of a qualified fanner POW for the lifetime or until the remarriage of the surviving spouse.

e. One (1) personal motor vehicle owned or leased by a legal guardian of a minor who is blind or required to use a wheelchair when the vehicle is used to transport the minor.

(2) All nonprofit and government vehicles shall be exempted from paying the road maintenance fee.

(3) The road maintenance fee shall be paid the same day any exempted therefrom vehicle is licensed for operation and any person not paying such fee shall be subject to the penalties set forth in this section. The first day of the month displayed on the license tag for a vehicle placed back in operation shall be deemed to be the first day of operation for the purpose of imposing any penalty. Individuals shall not be subject to fees or penalties for the years the vehicle was not licensed for operation and was exempt pursuant to this subsection. The exemption shall not be applied retroactively.

(4) Personal property taxes on parked or nonoperational vehicles are still due and payable each year and are not in any way exempted, excused or abated by this subsection.

(Ord. No. 162, 6-27-88; Ord. No. 166, 11-7-88; Ord. No. 219, § 2, 6-24-93; Ord. No. 236, § 2, 6-27-94; Ord. No. 296, § 2, 6-27-97; Ord. No. 310, § 2, 6-8-98; Ord. No. 337, § 2, 6-7-99; Ord. No. 384, § 3, 6-12-00; Ord. No. 424, 3-26-01; Ord. No. 846, 9-10-07; Ord. No. 1105, § 2, 7-25-11; Ord. No. 1319, § 1, 2-9-2015)

Secs. 26-35—26-40. - Reserved.
ARTICLES III, IV. - RESERVED
FOOTNOTE(S):

--- **(4)** ---

Editor's note—Chapter 14 of App. B, titled Streets and Sidewalks, has been treated by the editor as superseding the provisions of former Arts. III and IV of Ch. 26.

Former Art. III, §§ 26-41—26-48, pertained to street and road names and derived from Ord. No. 164, §§ 1.0—9.0, 10-31-88; Ord. No. 216, 6-3-93; Ord. No. 226, 12-6-93.

Former Art. IV, §§ 26-49—26-56, pertained to uniform addressing and numbers and derived from Ord.

No. 216, adopted 6-3-93.

Secs. 26-41—26-60. - Reserved.
ARTICLE V. - ROAD CONSTRUCTION STANDARDS
DIVISION 1. - STANDARDS FOR PRIVATELY MAINTAINED ROADS
Sec. 26-61. - Road design (geometric criteria).

In general, geometric criteria for road design for roads that will be privately maintained shall be in accordance with standards of the South Carolina Department of Transportation (SCDOT). Said standards are those contained in the latest edition of "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials. Local and collector residential roads which shall be privately maintained shall be designed in accordance with the following standards:

(1) Minimum right-of-way and pavement width shall be as follows:

Road Type	Right-of-Way (feet)	Pavement (feet)
Local (closed drainage)	50	22
Local (open drainage)	66	22
Collector	66	24

Additional right-of-way or pavement width will be provided as determined necessary by county council for high density residential or nonresidential subdivisions or portions thereof.

(2) Cul-de-sacs shall not exceed one thousand (1,000) feet in length, except where unusual topographic or other physical conditions dictate otherwise, and shall have a turnaround with seventy (70) feet minimum diameter to pavement edge and one hundred (100) feet minimum diameter to right-of-way line. Dead end streets without turnarounds are prohibited.

(3) Horizontal curvature shall be introduced at any change in road direction. Minimum centerline radius shall be one hundred and fifty (150) feet for local roads and two hundred and fifty (250) feet for collector roads. Major road curvature shall be in accordance with SCDOT standards. Minimum tangent between reverse curves shall be one hundred (100) feet for local roads, two hundred (200) feet for collector roads, and sixty (60) feet from curve to any intersecting road.

(4) Stopping sight distance on vertical curves shall be at least one hundred and fifty (150) feet (twenty-five (25) miles per hour design speed) for local roads and three hundred and twenty-five (325) feet (forty-five (45) miles per hour design speed) for collector roads. If a collector road may reasonably be expected to serve more than one (1) subdivision, it shall be designed for at least a fifty-five (55) miles per hour design speed (four hundred and fifty (450) minimum sight distances). Minimum sight distance at intersections shall be established by provision of a clear sight triangle measured along centerlines for one hundred (100) feet, which triangle shall be entered upon the final plat prior to recording.

(5)

Roads shall be designed to intersect as nearly as possible at right angles, but no less than seventy-five (75) degrees. Minimum radius or curb or pavement edge at intersections shall be at least twenty (20) feet at intersections with local roads and twenty-five (25) feet at intersections with collector roads.

(6) Unless necessitated by unusual topographic conditions approved by county council, minimum and maximum road grade shall be one (1) percent and eight (8) percent, respectively. Road crown shall be three-eights (3/8) inch per foot.

(7) Proposed intersections on one side of a road shall coincide with existing or proposed intersections on the opposite side. Minimum centerline offset for intersections on opposite sides of a road shall be one hundred and fifty (150) feet. No two (2) roads may intersect on the same side of a road at a centerline separation distance of less than four hundred (400) feet.

(Ord. No. 915, § 4, 12-8-08; Ord. No. 1105, § 2, 7-25-11; Ord. No. 1285, § 1, 7-28-2014)

Sec. 26-62. - Road construction.

In general, all roads that will be privately maintained shall be constructed in accordance with the South Carolina Department of Transportation's "Standard Specifications for Highway Construction" (latest edition) as it relates to earthwork, bases/subbases, paved surfaces, etc., and the following requirements.

(1) Paved road surfaces are required for any road except where such road is within a residential subdivision where all lots exceed five (5) acres in size.

a. Local roads: Road base shall include (approximately six (6) inches crushed stone compacted) with a two (2) inch surface course in compacted asphaltic concrete.

b. Collector/subcollector roads: Road base shall include approximately eight (8) inches crushed stone compacted with two (2) inch surface course of compacted asphaltic concrete.

(2) In subdivisions with all lots five (5) acres or more in area, local roads may be constructed with a six-inch crushed stone (crusher run) driving surface, drainage swales, and six-foot stabilized shoulders.

(3) Road paving for nonresidential roads is required. Pavement design requirements for nonresidential subdivisions shall be in accordance with sound engineering principles as outlined in procedures adopted by the American Association of State Highway and Transportation Officials, or the Portland Cement Institute, or the Asphalt Institute. However, in no case shall the paving standard be less than the standard required for residential roads.

(4) All roadway ditches and channels shall be designed to contain, at a minimum, a peak flow from a twenty-year frequency storm. All roadway ditches and channels shall be designed so that the velocity of flow expected from a twenty-year frequency storm shall not exceed the permissible velocities for the type of lining used. Riprap shall be placed for stops in road drainage swales as needed. Swales shall be stabilized against erosion by grassing with a mixture of rye and Bermuda grass. Road swales shall be installed at a maximum depth of three (3) feet and be designed to enable mowing by adjoining property owners.

(5)

Roads may be constructed with drainage swales and six-foot-wide shoulders (12:1 slope) provided road grade does not exceed six (6) percent. Where road grade exceeds six (6) percent, curb and gutter, paved drainage swales, or riprap swales shall be provided. Curb and gutter may be roll-type or standard ninety-degree curb.

(Ord. No. 915, § 4, 12-8-08)

Sec. 26-63. - Variances.

County council may vary appropriate provisions of this division upon a written finding that compliance with such provisions would result in undue hardship for the owner/developer or owners fronting upon a proposed road. Requests for variances shall be submitted in writing by the owner/developer. Such requests shall identify the provision or provisions for which a waiver is requested and shall substantiate the reasons that expenditures necessary to meet such provisions are not reasonably recoverable. Any variance granted shall be the minimum necessary to avoid unreasonable prejudice. To the extent that expenditures are recoverable on a reasonable basis, such as through the sale of lots fronting a road proposed for acceptance, prejudice shall not be found to exist. Approval of any variance shall be by no less than the affirmative vote of a majority of council.

(Ord. No. 915, § 4, 12-8-08)

Sec. 26-64. - Reserved.

DIVISION 2. - STANDARDS FOR COUNTY MAINTAINED ROADS

Sec. 26-65. - Road design (geometric criteria).

In general, geometric criteria for road design for roads that will be maintained by the county shall be in accordance with standards of the South Carolina Department of Transportation (SCDOT). Said standards are those contained in the latest edition of "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials. Local and collector residential roads that will be maintained by the county shall be designed in accordance with the following standards.

(1) Minimum right-of-way and pavement width shall be as follows:

Road Type	Right-of-Way (feet)	Pavement (feet)
Local (closed drainage)	50	22
Local (open drainage)	66	22
Collector	66	24

Additional right-of-way or pavement width will be provided as determined necessary by county council for high density residential or nonresidential subdivisions or portions thereof.

(2)

Cul-de-sacs shall not exceed one thousand (1,000) feet in length, except where unusual topographic or other physical conditions dictate otherwise, and shall have a turnaround with seventy (70) feet minimum diameter to pavement edge and one hundred (100) feet minimum diameter to right-of-way line. Dead end streets without turnarounds are prohibited.

(3) Horizontal curvature shall be introduced at any change in road direction. Minimum centerline radius shall be one hundred and fifty (150) feet for local roads and two hundred and fifty (250) feet for collector roads. Major road curvature shall be in accordance with SCDOT standards. Minimum tangent between reverse curves shall be one hundred (100) feet for local roads, two hundred (200) feet for collector roads, and sixty (60) feet from curve to any intersecting road.

(4) Stopping sight distance on vertical curves shall be at least one hundred and fifty (150) feet (twenty-five (25) miles per hour design speed) for local roads and three hundred and twenty-five (325) feet (forty-five (45) miles per hour design speed) for collector roads. If a collector road may reasonably be expected to serve more than one (1) subdivision, it shall be designed for at least a fifty-five (55) miles per hour design speed (four hundred and fifty (450) minimum sight distances). Minimum sight distance at intersections shall be established by provision of a clear sight triangle measured along centerlines for one hundred (100) feet, which triangle shall be entered upon the final plat prior to recording.

(5) Roads shall be designed to intersect as nearly as possible at right angles, but no less than seventy-five (75) degrees. Minimum radius or curb or pavement edge at intersections shall be at least twenty (20) feet at intersections with local roads and twenty-five (25) feet at intersections with collector roads.

(6) Unless necessitated by unusual topographic conditions approved by county council, minimum and maximum road grade shall be one (1) percent and eight (8) percent, respectively. Road crown shall be three-eights (3/8) inch per foot.

(7) Proposed intersections on one side of a road shall coincide with existing or proposed intersections on the opposite side. Minimum centerline offset for intersections on opposite sides of a road shall be one hundred and fifty (150) feet. No two (2) roads may intersect on the same side of a road at a centerline separation distance of less than four hundred (400) feet.

(Ord. No. 915, § 4, 12-8-08; Ord. No. 1105, § 2, 7-15-11)

Sec. 26-66. - Road standards.

In general, all roads that will be maintained by the county shall be constructed in accordance with the South Carolina Department of Transportation's "Standard Specifications for Highway Construction" (latest edition) as it relates to earthwork, bases/subbases, paved surfaces, etc., and the following requirements. Types of roads are defined in Chapter 13 of the Unified Development Ordinance of Lancaster County.

(1) Paved road surfaces are required for all roads.

Between March 1 and November 30:

a. *Local roads:* Road base shall include six (6) inches of crushed stone with a two-inch intermediate asphalt course. Alternate designs will be acceptable if they have the same or greater coefficient of strength and with prior written approval from the public works director. Road shall be left down one and a half (1.5) inches for future overlay ninety-five-percent build out of entire project, even if phased. A local road shall mean a route

providing service which is of relatively low average traffic volume, short average trip length or minimal through-traffic movements, and high land access for abutting property. Total cross section for local roads: six (6) inches crushed stone compacted, two (2) inch compacted intermediate asphalt course, one and a half (1.5) inches compacted asphalt surface course.

b. *Collector/subcollector roads:* Road base shall include eight (8) inches of compacted crushed stone with a two (2) inches compacted intermediate asphalt course. Alternate designs will be acceptable if they have the same or greater coefficient of strength and with prior written approval from the public works director. Road shall be left down one and a half (1.5) inches for future asphalt overlay after eighty-five (85) percent build out of entire project, even if phased, or two (2) years from completion date, whichever comes first. A collector/subcollector road shall mean a route providing service which is of higher average traffic flow, serving as a main route for interior/exterior traffic and land/property access related to the designed project. Total cross section for collector/subcollector roads: eight (8) inches compacted crushed stone, two (2) inches compacted intermediate asphalt course, one and a half (1.5) inches compacted asphalt surface course.

c. *Commercial/arterial roads:* Road base shall include eight (8) inches of crushed stone with a four-inch asphalt binder course and two-inch surface asphalt course. Alternate designs will be acceptable if they have the same or greater coefficient of strength and with prior written approval from the public works director. Commercial or arterial roads shall be accompanied by a CBR study of the soils, and a traffic study based on repetitive traffic, including construction traffic per lot during building phase(s). Note: If CBR and traffic study supports a cross section below the proposed standard, proposed standard will still be used. If road needs a heavier section, then the pavement design shall be included in plan review by the project engineer/geotechnical engineer. Lancaster County may also incorporate a mandatory lime/cement treated subgrade for such roads identified as commercial or arterial roads. A commercial/arterial road shall mean any road inside a business or industrial park and those roads providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.

Between December 1 and February 28 (29), road work requires the advance approval of the Lancaster County Public Works Department and the following standards shall apply unless a written variance is granted by the public works director:

a. *Local roads, collector/subcollector roads:* Road base shall be treated with lime or cement base stabilization and shall include four (4) inches of asphalt base with a two (2) inches compacted intermediate asphalt course. Road shall be left down one and a half (1.5) inches for future overlay after eighty- five (85) percent build out of entire project, even if phased, or two (2) years from completion date, whichever comes first.

b. *Commercial/arterial roads:* Road base shall be treated with lime or cement base stabilization and shall include ten (10) inches of full depth asphalt. Commercial or arterial roads shall be accompanied by a CBR study of the soils, and a traffic study based on repetitive traffic, including construction traffic per lot during building phase(s). Note: If CBR and traffic study supports a cross section below the proposed standard, proposed

standard will still be used. If road needs a heavier section, then the pavement design shall be included in plan review by the project engineer / geotechnical engineer. Lancaster County may also incorporate a mandatory lime/cement treated subgrade for such roads identified as commercial or arterial roads.

(2) All entrances shall be paved with ten (10) inches full depth asphalt fifty (50) feet (minimum) from edge of intersecting road ROW. An entrance is defined as wherever asphalt begins of an intersecting street, or end of a previous phase.

(3) Any utility cuts in asphalt shall be saw cut, primed, and replaced with eight (8) inches minimum hot asphalt mix.

(4) All conduit crossings shall extend from edge to edge of the right-of-way of the road, and must be installed before curb and gutter is to be poured. Developer is responsible for ensuring dry utilities (power, cable/phone, natural gas) are properly installed and compacted. Dry utilities are subject to inspection by Lancaster County Public Works, and any deficiencies must be corrected immediately.

(5) All curb must be, or transitioned to, SCDOT vertical standard curb at all creek crossings. A ten-foot transition is also required from curb to all drainage structures.

(6) All roadway ditches and channels shall be designed to contain, at a minimum, a peak flow from a twenty-year frequency storm. All roadway ditches and channels shall be designed so that the velocity of flow expected from a twenty-year frequency storm shall not exceed the permissible velocities for the type of lining used. Riprap shall be placed for stops in road drainage swales as needed. Swales shall be stabilized against erosion by grassing with a mixture of rye and Bermuda grass. Road swales shall be installed at a maximum depth of three (3) feet and be designed to enable mowing by adjoining property owners.

(7) Roads may be constructed with drainage swales and six-foot-wide shoulders (12:1 slope) provided road grade does not exceed six (6) percent. Where road grade exceeds six (6) percent, curb and gutter, paved drainage swales, or riprap swales shall be provided. Curb and gutter may be roll-type or standard ninety-degree curb.

(Ord. No. 915, § 4, 12-8-08; Ord. No. 1105, § 2, 7-25-11)

Sec. 26-67. - Proof rolls.

For roads that will be maintained by the county, the following requirements apply:

(1) Curb subgrade shall be proof rolled with a loaded pan or loaded dump truck. Proof roll equipment must be approved by Lancaster County Public Works. No weight ticket will be necessary for curb subgrade proof roll.

(2) Curb subgrade proof rolls shall be scheduled between the hours of 8:30 a.m. and 2:30 p.m. (Monday through Thursday). Any curb subgrade proof roll scheduled on Friday or the day prior to a holiday must be approved by Lancaster County Public Works. A twenty-four-hour notice is required.

(3) Curb proof rolls shall be scheduled accordingly, despite size or phasing of project. Lancaster County will not "piece mill" proof rolls for curb placement.

(4) Curb subgrade shall be smooth on top with no loose material, cracks, ruts, or organic material roots visible in subgrade. Exposed rock shall be at least six (6) inches below subgrade.

(5) The contractor or project engineer will schedule proof rolls.

(6) All sewer lines shall be tested by the project engineer, and all road crossing conduits installed before curb subgrade proof roll.

(7) Curb subgrade shall be compacted properly with no visible movement, and at optimum moisture content in order for proof roll to pass.

(8) If proof roll fails, a re-inspection fee in an amount established by the Lancaster County annual budget shall be collected before the rescheduled proof roll.

(9) Any undercut areas must be replaced with material approved by the Lancaster County Public Works Department.

(10) All concrete shall meet or exceed SCDOT and all local government requirements. Concrete shall be three thousand six hundred (3,600) psi, or greater. Temperatures must be above forty (40) degrees Fahrenheit to pour curb. If temperatures fall below freezing (32 degrees F.) overnight, all finished curb shall be covered with insulation blankets.

(11) Lancaster County reserves the right to have any material and/or utility trenches tested by an independent engineering firm, at the developer's/ contractor's expense.

(12) Pour is to start within twenty-four (24) hours of passed proof roll. If project receives significant rainfall, the proof roll shall be rescheduled. In the event of rainfall, any undermined curb and gutter shall be removed and repoured. Finished curb must have a minimum seventy-two-hour period curing time, and be properly backfilled, before any stone is placed on the subgrade.

(13) Lancaster County shall have final decision on the acceptance of all proof rolls.

(Ord. No. 915, § 4, 12-8-08)

Sec. 26-68. - Roadway subgrade.

For roads that will be maintained by the county, the following requirements apply:

(1) Roadway subgrade shall be proof rolled with a loaded tandem dump truck with a minimum fifteen (15) tons loaded on truck, or a maximum of fifty-four thousand (54,000) pounds gross weight. Current weight ticket shall be provided to Lancaster County. Note: The use of water trucks, regardless of gross weight, is unacceptable.

(2) Road subgrade proof rolls shall be conducted from the hours of 8:30 a.m. and 1:00 p.m. (Monday through Thursday). No road subgrade shall be proof rolled on Fridays or the day prior to a holiday.

(3) The contractor or project engineer will schedule proof rolls. A representative of the paving contractor must be present at all subgrade proof rolls.

(4) If a soils engineer is employed by the developer for quality control, the soils engineer shall be present at all proof rolls.

(5) Subgrade proof rolls shall be scheduled accordingly, despite project size or phasing. Lancaster County will not "piece mill" proof rolls for stone placement. If subgrade is covered, contractor (s) shall make every effort to pave the road. Any stone left dormant over extended periods of time shall be considered contaminated, removed from the road base, and subgrade reworked.

(6) Curb and gutter shall be properly backfilled and compacted before any roadway subgrade proof roll is scheduled. Backfill shall be inspected prior to any subgrade proof roll. Right-of-way shall be smooth and graded for positive drainage, with no ruts and all conduits/utility services properly tamped/compacted.

(7) Roadway crown/grade shall be checked by the paving contractor, with a Lancaster County representative present, at fifty-foot intervals minimum. If grade is inconsistent, the proof roll automatically fails and shall be rescheduled. A re-inspection fee in an amount established by the Lancaster County annual budget shall be collected before the rescheduled proof roll.

(8) Proper erosion control measures shall be installed and maintained to prevent silt from contaminating roadway subgrade. Lancaster County reserves the right to have additional erosion control measures (ex. silt fencing, rip rap check dams, diversion ditches, etc.) installed to protect the roadway subgrade.

(9) Roadway subgrade shall be smooth on top, with no visible cracks, ruts, or exposed organic material/roots present. Any exposed rock shall be at least six (6) inches below subgrade, if conditions require rock to stay in place. Organics/roots shall be removed from the subgrade.

(10) Roadway subgrade shall have no visible movement or deflection, and be at optimum moisture content, in order for proof roll to pass. Excessive "scaling" or movement in the top unbonded lift of soil shall be deemed failing, and unacceptable to Lancaster County.

(11) Any undercut material must be approved by Lancaster County. Isolated marginal areas may use extra compacted crushed stone. Largely inconsistent areas must be reworked. Undercut areas shall be a minimum twelve (12) inches in depth, and are subject to a reinspection fee.

(12) Stone is to begin being placed within twenty-four (24) hours following satisfactory proof roll.

(13) Every effort shall be made to protect the subgrade/stone base. Construction traffic shall be monitored, and in certain cases, isolated failing areas may cause entire proof roll to fail. Upon completion of a satisfactory proof roll, construction traffic shall be limited to the forces of the paving contractor only. Utilities shall not be trenched in the road right-of-way of unpaved, undeveloped roads.

(14) Stone shall not be placed on frozen or excessively wet subgrade. Temperatures must be above thirty-five (35) degrees to place stone. In the event temperatures fall under freezing overnight, proof roll shall be rescheduled.

(15) All material shall meet SCDOT standards, as well as local government standards. Lancaster County reserves the right to have any material tested by an independent engineering firm, at the developer's/ contractor's expense.

(16) Lancaster County shall have final decision on all proof rolls.

(Ord. No. 915, § 4, 12-8-08)

Sec. 26-69. - Roadway stone base.

For roads that will be maintained by the county, the following requirements apply:

(1) Stone base shall be proof rolled with a loaded tandem truck with fifteen (15) tons loaded on the truck, or a maximum gross weight of fifty-four thousand (54,000) pounds. Current weight ticket shall be checked.

(2) Stone base shall be properly set and sealed, with no visible movement in order for proof roll to pass. No loose gravel, or segregation of stone on top, shall be permitted. Those areas shall be wet and rolled, or broomed/undercut until satisfactory surface is present. If proof roll fails, a re-inspection fee in an amount established by the Lancaster County annual budget shall be collected before the rescheduled proof roll.

(3)

Proof rolls shall be conducted from the hours of 8:30 a.m. and 1:00 p.m. (Monday through Thursday). Any proof roll scheduled on Friday or the day prior to a holiday must be approved by Lancaster County Public Works. A twenty-four-hour notice is required.

(4) Stone base proof roll shall be scheduled by the paving contractor only.

(5) Pavement is to begin within twenty-four (24) hours following satisfactory proof roll.

(6) Every effort shall be made to pave the stone base. Traffic shall be monitored and routed around subgrade before, during, and after stone base is set or being set. In certain cases, isolated areas could cause entire proof roll to fail.

(7) Any isolated areas shall be undercut and removed to the subgrade for full depth patching. Undercut areas will be a minimum of six (6) inches.

(8) Any areas of contaminated stone shall be undercut/removed before any asphalt is placed.

(9) Pavement shall not be placed on frozen or excessively wet subgrade. Temperatures must be above fifty (50) degrees by 10:00 a.m. to place asphalt. In the event temperatures fall under freezing overnight, proof roll shall be rescheduled. In the event of significant rainfall, proof roll shall be rescheduled.

(10) All material shall meet SCDOT standards, as well as local government standards. Lancaster County reserves the right to have any material, fill, or trench tested by an independent engineering firm, at the developer's/ contractor's expense.

(11) Proper measures shall be installed at catch basins to drain roadway properly after initial asphalt course is placed. These measures shall be the responsibility of the developer to maintain from the time of asphalt placement to the end of the warranty period.

(12) Lancaster County shall have final decision on all proof rolls.

(Ord. No. 915, § 4, 12-8-08)

Sec. 26-70. - Storm drain inspections.

The following requirements apply to storm drains:

(1) Storm drain system must be initially inspected after catch basins are tied into curb and gutter (ten-inch transition from curb to drainage structure). Storm drain system shall be cleaned and flushed before final acceptance inspection of roadway. A forty-eight-hour notice is required. All drainage infrastructure must have a video inspection completed by the developer or requestor and submitted to the public works director.

(2) Catch basins must be free of excess silt and mud for inspection to pass. All throat/hood openings shall conform to SCDOT specifications, and all pipe shall be reinforced concrete pipe (RCP). Any failures or deficiencies noticed in any pipe crossings flashed in roadway must be corrected before stone base is put down. Minor issues such as grouting boxes, changing grates, adding steps can be completed before final inspection.

(3) All materials used in the storm drain system must be SCDOT approved.

(4) All outfall pipes must have a flared end with rip rap outlet protection properly installed.

(5) Developer/contractor shall be required to have weepholes, pipes, or some form of temporary drainage, installed to the catch basins to protect the road subgrade/stone base/intermediate asphalt base course.

(Ord. No. 915, § 4, 12-8-08; Ord. No. 1105, § 2, 7-25-11)

Sec. 26-71. - Pavement inspections.

For roads that will be maintained by the county the following requirements apply:

(1) Pavement shall pose no drainage or safety hazard during its warranty period.

(2) Upon installation of the intermediate asphalt course, Lancaster County Public Works will conduct monthly inspections of the roadway. Any immediate hazards will be forwarded in writing to the project engineer and/or developer. These repairs must be done immediately, or developer will be found in default, with the possibility of the suspension of building permits and certificates of occupancy for the project.

(3) Pavement will be cored for Lancaster County Public Works at random intervals, determined by Lancaster County Public Works. Any failing areas must be made good immediately.

(Ord. No. 915, § 4, 12-8-08)

DIVISION 3. - GENERAL

Sec. 26-72. - Technical procedures.

The director of public works is authorized to publish and utilize departmental technical procedures and processes to carry out the provisions of this chapter.

(Ord. No. 915, § 4, 12-8-08; Ord. No. 1105, § 2, 7-25-11)