# Lexington County Zoning Ordinance

**October 13, 2020**

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# ARTICLE 1 – GENERAL PROVISIONS

## Chapter 1. Introduction

### 11.00 Authority

This Ordinance is enacted pursuant to authority conferred by Title 6, Chapter 29 of the South Carolina Code of Laws, 1976, as amended, to promote the public health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of Lexington County, South Carolina.

### 11.10 Title

This Ordinance may be cited as the Zoning Ordinance for Lexington County, South Carolina. The map portion, including overlays, may be cited separately as the Zoning Maps for Lexington County, South Carolina.

### 11.20 Jurisdiction

The regulations set forth herein shall apply to all land and improvements thereon as described on the Zoning Maps for Lexington County, South Carolina.

### 11.30 Scope of Regulations

#### 11.31 New Activities

Upon the effective date of this Ordinance any building, structure, sign, or tract of land shall be used, constructed, or developed only in accordance with the applicable regulations contained herein.

#### 11.32 Existing Activities

Any activity legally established prior to the effective date of this Ordinance which does not comply with its regulations shall be subject to the nonconforming use provisions of Article 14.

#### 11.33 Existing Permits

Building permits lawfully issued before the effective date of this Ordinance or subsequent amendments shall remain in effect for as long as provided by the Lexington County Building Code. Zoning permits lawfully issued before the effective date of amendments to this Ordinance shall remain in effect as long as provided for in Section 141.10.

### 11.40 Establishment of Districts

In order to implement the provisions of this Ordinance, the following districts are hereby established:

**11.41 Restrictive Development Districts:** These districts are more restrictive in nature and generally encourage residential land use activities and less intensive non-residential land use activities.

R1 - Low Density Residential
R2 - Medium Density Residential
R3 - High Density Residential
D - Development
RA - Recreational/Agricultural
RD - Restrictive Development

**11.42 Intensive Development Districts:** These districts are less restrictive in nature and generally encourage non-residential land use activities and more intensive land use activities.

LC - Limited Commercial
C1 - Neighborhood Commercial
C2 - General Commercial
ID - Intensive Development

Sections 21.31 and 22.02 of this Ordinance are charts of permitted land use activities and should be referenced to verify if a certain activity is allowed in a particular zoning district and/or street classification.

### 11.43 Limited Restriction District (LR)

The regulations contained in this Ordinance apply in the Limited Restriction District only when specifically noted.

### 11.44 Special Overlay Districts

Airport District – *see Article 4*
Neighborhood Appearance District – *see Article 5*

### 11.45 Planned Development District

The regulations governing the Planned Development District are found in Article 6.

## 11.50 Incorporation of Maps

The boundaries of districts established by this Ordinance are shown on the Zoning Maps, which are hereby incorporated into the provisions of this Ordinance. The location and boundaries of the special overlay districts are shown upon the Zoning Maps or by special overlays or maps. These maps and overlays in their entirety, including all map amendments, shall be as much a part of this Ordinance as if fully set forth and described herein. The official Zoning Maps are provided and updated by the Lexington County Planning and GIS Department; however, the Zoning Administrator shall be the final interpreter as to the current zoning district or street classification if there is a discrepancy or question concerning a zoning district or street classification.

## 11.60 District Boundary Interpretations

Whenever the location of a district boundary on the Zoning Maps which are a part of this Ordinance (including subsequent amendments) approximates the edge or centerline, as the case may be, of a street, alley, railroad, or other right-of-way, incorporated municipality, county, river, stream, pond, lake, flood plain, or topographic feature, which was in existence when the boundary was first established, then the location of the district boundary shall be interpreted to be such edge or centerline. Whenever the location of a district boundary line approximates the predominant alignment of a block or a lot within a block, or lines bounding parcels, or a straight line drawn between two identifiable points, shown on the official tax maps of Lexington County, then the location of the district boundary shall be interpreted to follow such predominant alignment.

Whenever the above method of interpretation is not applicable, the location of the district boundary shown on the Zoning Maps shall be determined by the use of the scale on the map. Should any further uncertainty exist, the location shall be determined by the Zoning Administrator, which shall be subject to appeal to the Board of Zoning Appeals.

## 11.70 Exclusions

In the interest of meeting the public need for services in an efficient and timely manner, and because such activities are developed with benefit of public input, any facility or activity owned and/or operated by Lexington County is exempt from the provisions of this Ordinance. However, the location, development, and operation of all such activities shall be conducted to meet all applicable provisions of this Ordinance, where practicable.

Utilities owned and operated by a municipality, rural water district, or the Joint Municipal Water and Sewer Commission are exempt from the provision of this Ordinance. Facilities owned and operated by the Irmo Fire District are exempt from the provisions of this Ordinance, provided such locations are approved by Lexington County Council.

In the interest of the safety and well-being for the public, temporary facilities for public safety and temporary facilities to aid in disaster relief and/or recover are exempt from the provisions of this Ordinance. These facilities may include, but not be limited to, offices, staging areas, and living quarters.

# Chapter 2. Construction of Language and Definitions

## 12.00 Rules for Construction of Language

a. The particular shall control the general.

b. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.

c. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

d. The "building" or "structure" includes any part thereof.

e. Words used in the present tense shall include the future, and words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

f. All public officials, bodies, and agencies to which reference is made are those of Lexington County unless otherwise indicated.

g. The word "County" or "Lexington County" shall mean the area of jurisdiction of Lexington County, South Carolina, excluding all incorporated municipalities.

## 12.10 Definitions

Except when definitions are specifically included in the text, words in the text of this Ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail. In cases of conflicting definitions, the Zoning Administrator shall be required to define any word or interpret any definition.

Accessory: an activity or structure that is customarily associated with and appropriately incidental and subordinate to a principal activity and/or structure, and is located on the same zone lot except as provided under the provisions for accessory off-street parking.

Activity: the performance of a function or operation which constitutes the use of the land.

Attached: buildings which share one or more common walls with other buildings. As pertains to residential activity, dwelling units may also be considered attached when sharing structures in a manner other than just common walls, except in Planned Cluster Developments. This includes covered walkways, and similar structures, that connect primary residential units to residential accessory structures.

Buffering Restrictions: limits imposed upon land uses with respect to their height by means of height control slopes, with respect to their proximity by means of buffer and setback distances, and with respect to their visibility by means of screening requirements.

Building: a structure having a roof supported by columns or walls.

Building Footprint: the outline of a building as it appears in a plan view.

Charitable Donation Container: an unattended container, box, or like unit used for soliciting and collecting donations, including, but not limited to, clothing, footwear, books, textiles, and other re-usable home goods.

Detached: a building which is surrounded by yards or other open areas.

Dwelling: a building, or portion thereof, designed exclusively for residential occupancy, including single dwellings, duplexes, and multiple dwelling units, but not including transient occupancy.

Dwelling Unit: one or more rooms in a residential building or residential portion of a building, which are arranged, designed, used, or intended for use by one or more persons living together and maintaining a common household, and which shall include lawful cooking space and lawful sanitary facilities reserved for occupants thereof.

Grandfathered Residential Use: *see Residential Use*.

Gross Acreage: is to be measured as the total area of land confined within the property boundaries, including those which are permanently under water or subject to inundation, or which are contained in an easement or grant of use other than existing publicly dedicated road rights-of-way.

Landowner: *see Property Owner*.

Line of Sight: the linear distance along the line of vision offered by a window, door, or other opening in a principal or accessory building to the property line.

Parcel: a lot or contiguous lots under the same ownership.

Performance Standards: limits imposed upon land uses with respect to their noise, toxic matter and hazardous waste, fire and explosive hazards, radioactive materials, and light and glare.

Principal Activity: an activity which fulfills a primary function of an establishment, institution, household, or other entity.

Principal Building: a building which contains the principal activity or use located on a zone lot on which the building is situated.

Property Owner: the legal or beneficial owner or owners of all the land proposed to be included in a development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 50 years in duration, or other person having an enforceable proprietary interest may be considered a "property owner" for the purposes of this Ordinance.

Protected Property: property which is protected from the impacts of land uses upon surrounding properties by means of specified buffering restrictions and performance standards.

Protected Property Line: a property boundary or portion thereof from which, across which, or at which buffering restrictions or performance standards are measured.

Residence: a building or part of a building containing one or more dwelling units, including mobile homes and manufactured housing. Mobile home parks and group housing activities are considered residential activities within the body of this Ordinance. However, residences do not include transient habitation, detention centers, nursing homes, retirement centers/assisted living facilities, and hospitals.

Residential Use: pertaining to a residence. An attached garage is considered a residential use, whereas a detached garage is considered an accessory use. In a mixed building, that part of the structure used for nonresidential purposes is not considered a residential use.

> Grandfathered Residential Use: residential use in existence or permitted for construction before the dates below:
>
> > Dutch Fork and Seven Oaks Planning Area – October 17, 1974
> > Eastern Lexington County Planning Area – February 14, 1980
> > Central Lexington County Planning Area – December 9, 1986
> > Northern Lexington County Planning Area – August 2, 1987
> > Western Lake Murray Lexington County Planning Area – March 21, 1989
> > Southern Lexington County Planning Area – January 13, 1998
> > Western Lexington County Planning Area – November 14, 2001
>
> An abandoned residential structure which is derelict, uninhabitable, or in significant disrepair (i.e., missing doors, broken windows, holes within the roof, or otherwise not secure) for a continuous period of 12 months or greater shall not be considered a grandfathered use. An uninhabited residence shall not in and of itself constitute abandonment.

Right-of-Way Plan: the plan adopted by the Lexington County Planning Commission which defines and designates the various categories of roads within Lexington County according to potential right-of-way needs.

Road: the term is interchangeable with street, avenue, etc.

Roof Line: the outermost extension of a roof beyond the wall of a building.

Single Ownership: means the proprietary interest of a property owner as herein defined.

Street: *see Road.*

Structure: any object constructed or installed by man, including, but not restricted to buildings, towers, smokestacks, and overhead transmission lines.

Use: the performance of a function or operation which constitutes the use of land.

Yard: a descriptive term to delineate open spaces on lots or parcels. The terms front, rear, side, and back may be used to describe certain portions of the yard in relation to the orientation of a principal building or structure on a lot or parcel.

# ARTICLE 2 – APPLICATION OF REGULATIONS

## Chapter 1. Schedule of Permitted Uses

### 21.00 General Classification Rules

The purpose of this chapter is to classify all uses into a number of specially defined activities on the basis of common functional characteristics and similar compatibility with other uses. This classification system provides a basis for the regulation of these activities and their assignment to districts later in this chapter. Vacant land, itself, shall not constitute an activity type. In the event of conflicting interpretations, or uncertain references to a particular use, the Zoning Administrator will assign uses to the most appropriate activity category. Any disagreement with that assignment may be appealed to the Board of Zoning Appeals.

### 21.10 Description of Principal Activities

Advertising Signs are any signs, pictorial or otherwise, regardless of size or shape, which direct attention to businesses, commodities, attractions, professions, services, or entertainment conducted, sold, offered, manufactured, existing, or provided at locations other than on the premises where the signs are located or to which they are affixed. Such signs are sometimes called off-premise signs, and include, but are not limited to those signs commonly referred to as outdoor advertising signs, billboards, or poster boards.

Airports and landing strips, including heliports, consist of the runways, landing areas, and terminals only. Activities comprising other airport related uses shall be classified according to the specific activity as found within these descriptions.

Agricultural Operations include the keeping, grazing, or feeding of animals for animal products and/or animal increase or value increase; the raising of trees, vines, field, forage, or other plant crops intended to provide food or fiber; and/or the cultivation, for sale, of horticultural specialties such as flowers, shrubs, trees, turf, and/or bushes intended for ornamental or landscaping purposes. Notwithstanding any other provisions of this Ordinance, agricultural animal operations (ex. poultry and swine farms) are governed exclusively by state law and regulations of the Department of Health and Environmental Control (SCDHEC). Only structures shall be reviewed for the permitting of this activity. Office, retail, packaging, shipping, and other support activities affiliated with an agricultural operation must meet applicable requirements of the appropriate land use as defined within this Section of the Ordinance.

Boat Docks other than that allowed as an accessory use under Section 21.20, shall include wet storage of water craft, or dry storage where no structures are erected to house the water craft. Access to the water must be provided through a parcel carrying the appropriate zoning district designation. Ramps are allowed for entrance into the water provided they are used only for launching and retrieving those water craft having space either in the boat slips or in the dry storage area. Boat Docks shall be issued a zoning permit only after receiving a favorable response from all agencies having jurisdiction over such activities. A list of these agencies shall be maintained by the Zoning Administrator.

Bus and Transit Terminals.

Business Offices include traditional office-type environments recognized by professionals such as lawyers, architects, engineers, CPAs, real estate brokers and the like; clerical or goods brokerage services; banks, savings and loans, or other financial, consulting, or administrative activities; communication related services; book and newspaper publishing; multicopying, blueprinting, and custom printing; and other such activities where clientele are served on the premises with nothing other than a service rendered.

Cemeteries for the purpose of this ordinance, single burial sites shall not be considered a cemetery land use activity.

Child or Adult Day Care includes any facility for the regular care, supervision, or guidance of pre-teenage children, senior citizens, or adults with disabilities, which is subject to registration or licensing by the South Carolina Department of Social Services. Regular care, supervision, or guidance of no more than 6 such individuals may qualify as a Home Occupation under Section 21.22.

Churches temples, and other places of worship. Child day care and/or preschool activities shall be allowed as an accessory to churches, provided such activities are on-premise of the church and directly affiliated with the principal church activity.

Communication Towers (Limited) include those used for telephone transmittal. The buildings attendant to such use may be included in this activity as long as the size does not exceed 300 square feet.

*Vegetation.* Towers to preserve existing vegetation.

*Illumination.* Towers shall be illuminated only to the extent required by applicable federal or state statute or regulation.

*Co-location.* Satisfactory evidence shall be submitted that alternative towers, buildings, or other structures are not available for use within the communication tower site search area that are structurally capable of supporting the intended wireless communication antenna or meeting the necessary height criteria, or provide a location free of interference from other communication towers. The applicant for a new tower shall sign an instrument, maintained by the County, agreeing to encourage and promote the joint use of telecommunications towers within the County and, to that extent, committing that there shall be no unreasonable act or omission that would have the effect of excluding, obstructing or delaying joint use of any tower where fair and reasonable market compensation is offered for such use.

*Color*. Towers shall be light gray, except as otherwise required by applicable federal or state statute or regulation.

*Fall zone letter required.* A tower must be designed such that, in the event of structural failure, it would not fall within a public right-of-way or onto adjoining property. A signed letter from a registered professional structural engineer certifying to this will be required unless the setback exceeds the height of the tower.

*Airport Height Control.* Towers must meet applicable height regulations as determined by the Federal Aviation Administration (FAA) and/or South Carolina Aeronautics Commission for towers within proximity to or located within an airport approach, transition, or other overlay zone.

Communication Towers (Extensive) include those used for radio and television transmittal. The buildings attendant to such use may be incorporated into the Business Services activity.

*Vegetation.* Towers to preserve existing vegetation.

*Illumination.* Towers shall be illuminated only to the extent required by applicable federal or state statute or regulation.

*Color*. Towers shall be light gray, except as otherwise required by applicable federal or state statute or regulation.

*Fall zone letter required.* A tower must be designed such that, in the event of structural failure, it would not fall within a public right-of-way or onto adjoining property. A signed letter from a registered professional structural engineer certifying to this will be required unless the setback exceeds the height of the tower.

*Airport Height Control.* Towers must meet applicable height regulations as determined by the Federal Aviation Administration (FAA) and/or South Carolina Aeronautics Commission for towers within proximity to or located within an airport approach, transition, or other overlay zone.

Community Education activities include public, parochial, and private kindergartens, primary and secondary schools, colleges, junior colleges, technical education centers, and universities. Day care centers, stadiums, dormitories and other activities attendant to scholastic endeavors shall be dealt with as separate activity types, not to be included within the scope of this definition.

Construction Services include the storage of materials and equipment, including office area, used to operate a construction-type business. Construction Services activities may include the temporary on-site storage of construction and demolition debris limited to masonry-type products, concrete, asphalt, and like materials, provided the storage and recycling is located at an established facility, which includes an office and equipment storage; the debris is directly related to a project that the activity/business is currently involved with; the amount of unprocessed material does not exceed 6,000 cubic yards at any given time; 75 percent of the debris must be processed or recycled within a one year time frame; and all

applicable buffering restrictions and performance standards are met for the principal activity. The owner and/or operator shall also supply documentation that such debris recycling is in compliance with SCDHEC as a Construction and Demolition (C&D) Debris Recycling Facility. The recycling of land clearing debris and/or yard waste is not an allowed accessory to Construction Services. In the event the before mentioned parameters cannot be met, the on-site storage and/or recycling of construction and/or land clearing debris shall constitute a landfill land use activity and be regulated as such (See "Landfills").

Detention Centers, prisons, or correctional institutions, but not halfway houses.

Essential Services include all facilities which provide power, communications, or personal health protection and emergency services as specified below. Any such facility owned and/or operated by the Irmo Fire District is exempt from the provisions of this Ordinance, provided all locations are approved by Lexington County Council.

> Essential Services (Limited) shall include communication equipment installations and exchanges, natural gas substations, electric substations, neighborhood newspaper distribution centers, solar farms, and post offices (excluding major mail processing centers).
>
> Essential Services (Extensive) shall include government agency facilities, such as recycling stations, solid waste transfer stations, law enforcement stations, fire stations, ambulance substations, courts of law, and emergency communication stations.

Food Services include functions performed by restaurants or other establishments wherein prepared food or beverages are sold for take-out, home delivery, or on-site consumption. A drive-through operation is considered accessory to the performance of the activity. Food truck courts shall be regulated as a Food Service land use activity.

General Repair and Maintenance Services include activities such as appliance repair, furniture repair and/or refinishing, electronics repair, small engine repair, welding shops (excluding fabrication), and minor mechanical repairs. Work is completed primarily on-site, to include the storage of parts and items under repair.

General Retail (Limited) activities include the wholesale or retail sale or rental of goods or services customarily associated with clothing shops, convenience stores, drug stores, jewelry shops, florist shops, specialty gift shops, appliance stores, pet shops, hardware stores, garden supply shops, shoe stores, book stores, art studios, photography studios, stationary stores, and the like wherein the goods or services are offered at one location, either in the same building, in a series of buildings, or exterior sales, which, in the aggregate, do not exceed 5,000 square feet in size. This activity also includes the sale of tires, batteries and vehicle accessories wherein the storage and/or display of goods and materials is conducted inside the buildings. Portable sales units used in conjunction with seasonal sales or special events must be removed within 30 days of the end of the season or event.

General Retail (Extensive) activities include the wholesale or retail sale or rental of goods or services wherein a wide variety of such goods or services are offered at one location, either in the same building or in a series of buildings. General retail activities that are open 24 hours on any given day and/or dispense and/or sell petroleum products for immediate refueling of vehicles shall be included within this category.

Golf Courses include the playing course itself as well as the support activities essential to its operation such as a pro shop, food service, group assembly (for less than 500 participants), maintenance sheds, daylight driving range, and cart storage. Any other activity must meet the requirements of the appropriate category as defined in this section.

Group Assembly (Limited) activities include the provision of cultural, entertainment, educational, recreational, and athletic services to assembled groups of spectators or participants smaller than 250 in number. This activity includes clubs, lodges, and meeting halls. It also includes a single lane boat ramp access into a body of water provided it is not available to the general public. Parcels located on water may also support fishing piers, swimming areas, and courtesy docks provided no water craft are docked overnight. Overnight dry storage of water craft is allowed, but not in structures or on a waterfront parcel.

Group Assembly (Intermediate) activities include the provision of cultural, entertainment, educational, recreational, and athletic services to assembled groups of spectators or participants 250 in number but smaller than 5,000 in number. This activity includes clubs, lodges, meeting halls, and temporary fairs, circuses, and festivals. It also includes boat ramp access into a body of water provided it is not available to the general public.

Group Assembly (Extensive) activities include the provision of cultural, entertainment, educational, recreational, and athletic services to assembled groups of spectators or participants 5,000 or greater in number. This activity includes clubs, lodges, meeting halls, and temporary fairs, circuses, and festivals. It also includes boat ramp access into a body of water provided it is not available to the general public.

Group Housing activities include convents, monasteries, orphanages, membership lodging such as fraternity and sorority houses, halfway houses, residence hotels, residence halls, dormitories, and homes for the mentally and physically handicapped (except as specifically exempted in SC State Statute 6-29-770, as amended; these activities shall be included in the Residential Detached or Residential Attached activity types, as appropriate.) This activity does not include convalescent homes, nursing facilities, or retirement centers. (See also "Nursing Homes," "Retirement Centers.")

Hospitals include institutions providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institutions, related facilities such as laboratories, outpatient facilities, or training facilities.

Kennels, Catteries, and Stables include any person, establishment, partnership, corporation, or other legal entity that owns, keeps, harbors, or is custodian of domestic animals and/or domestic fowl kept or used for stud for which a fee is charged and/or for breeding purposes for which a fee is charged for the offspring, or for the purpose of commercial boarding, grooming, sale*, or training. Animal rescue and/or adoption facilities, whether operated for profit or as nonprofit organization, shall be included in this category. Private kennels or catteries maintained by a fancier to keep or train cats or dogs for noncommercial hunting or for breeding purposes in order to regularly participate in exhibition in shows or field trials, or obedience of performance trials at the AKC (American Kennel Club), UKC (United Kennel Club), or the CFA (Cat Fancier Association) licensed shows. Activities under this category shall not include livestock and other farm animals used in customary and normal agricultural husbandry practices or fancier's kennel or cattery or an Animal Hospital maintained by a licensed veterinarian.

*A pet shop, as defined as any person, partnership or corporation, whether operated separately or in connection with another business enterprise or other legal entity that buys or brokers any species of animal for resale as pets, shall be classified as General Retail (Limited) unless the activity is included within a larger General Retail (Extensive) activity.

Landfills include all of the following activities as defined by the South Carolina Department of Health and Environmental Control (SCDHEC) of the Lexington County Solid Waste Ordinance, now or in the future, and/or land use activities that collect and store solid waste material for immediate or future disposal. Landfills may consist of above and/or below ground waste storage. Landfills are classified as either limited, intermediate, or extensive and may include solid waste activities exempt from review by SCDHEC. Recycling activities which involve recovered materials, construction, demolition and/or land-clearing or yard debris are regulated in the same manner as the landfill classification within which they are listed, even if there is no landfill at the location of the recycling activity unless affiliated with a Construction Services land use activity and within the thresholds of such allowances (See "Construction Services"). Landfill activities must also comply with applicable provisions of the Lexington County Solid Waste Ordinance. Structurally filled areas, as approved by SCDHEC, shall not constitute a landfill.

> Landfills (Limited) shall have a landfill area which does not exceed 4 acres and is operational for less than 2 years. This activity category does not include facilities such as municipal or industrial solid waste landfills or the disposal of hazardous materials, or the on-site processing of recovered materials, such as, construction, demolition, and/or land-clearing or yard debris for recycling.
>
> Landfills (Intermediate) shall have a landfill area which does not exceed 12 acres. This activity category does not include the disposal of hazardous materials, but may include the on-site processing of recovered materials, such as, construction, demolition, and/or land-clearing or yard debris for recycling provided the amount of unprocessed material stored above ground does not exceed 10,000 cubic yards.
>
> Landfills (Extensive) include all other landfills not included within the definition of Landfill (Limited) or Landfill (Intermediate). This activity category also includes the on-site processing of recovered materials, such as, construction, demolition, and/or land-clearing or yard debris for recycling.

Manufacturing (Limited) activities include, among others, the manufacturing, compounding, processing, assembling, packaging, treatment, fabrication, or storage of products and services where all portions of

the activity are within an enclosed building and where the total building area does not exceed 10,000 square feet.

Manufacturing (Intermediate) includes any manufacturing activity where the total building area is greater than 10,000 SF in size. This activity may be located outside of a building.

Manufacturing (Extensive) includes all manufacturing activities associated with the following uses: arsenals, explosive and fireworks plants; atomic reactors; chemical manufacturing exceeding 1-ton per day; offal processing; paper, pulp, or other forest product mill; petroleum refining; waste disposal by incineration or other means; vehicle or craft production; and the like.

Marinas include public boat ramps, and wet or dry storage of water craft. Provisions for food service, convenience retailing (including petroleum dispensing), engine repair, etc., customarily associated with marinas shall be considered as separate principal activities according to the respective descriptions within this section. Access to the water must be provided through a parcel carrying the appropriate zoning district designation. Marinas shall be issued a zoning permit only after receiving a favorable response from all agencies having jurisdiction over such activities. A list of these agencies shall be maintained by the Zoning Administrator.

Medical Services include the therapeutic, preventative, or corrective personal treatment of people normally performed by physicians, dentists, or other practitioners, as well as medical testing and analysis services. This activity may include a public health clinic but would exclude any facilities providing extended or inpatient care. Veterinarian services are included within this category, excluding outdoor kennels and/or associated pet boarding.

Military Installations.

Mining includes the extraction or removal of minerals for sale, processing, or consumption even if the mining activity is not required to obtain a mining permit from the South Carolina Department of Health and Environmental Control (SCDHEC). It does not include grading, backfilling, plowing, or excavating areas for agriculture or on-site construction, nor does it include exploratory mining as defined by the SCDHEC. Borrow pits owned, operated, and/or managed by the South Carolina Department of Transportation (SCDOT) or the County of Lexington exclusively for road or infrastructure construction do not constitute a mining activity by this Ordinance; however, the extraction or removal of minerals from such borrow pits for the purposes not directly associated with SCDOT or County roadway project, will require the use to meet all applicable requirements for mining operations.

> Mining (Limited) includes all mining operations where the mining area does not exceed 5 acres. This activity category does not permit on-site mineral processing, including but not limited to, milling, crushing, screening, washing, flotation, or refining. This activity category does not include chemical leaching of minerals, hard rock quarrying, or blasting.
>
> Mining (Intermediate) includes all mining operations where the mining area does not exceed 25 acres. This category permits on-site mineral processing, chemical leaching of minerals, hard rock quarrying, or blasting, provided that the blasting or chemical leaching of minerals meets the buffering restrictions of the Mining (Extensive) category.
>
> Mining (Extensive) includes all other mining activities not included within the definition of Mining (Limited) or Mining (Intermediate). This activity category permits on-site mineral processing, chemical leaching, and blasting.

Mini-Parks are recreational areas with no more than playground equipment, bicycle trails, pedestrian walking trails, and picnic facilities.

Mini-Warehouses include the operation of warehousing and storage wherein the storage capacity of individual units is less than 1000 square feet of floor area and individual keys are provided to lock each unit during the term of a rental agreement.

Mobile Home activities, also defined as manufactured homes, are transportable dwellings intended for permanent residential occupancy that are built entirely in a factory under federal construction and safety standards administered by the U.S. Department of Housing and Urban Development (HUD). They may be single- or multi-section, and are transported to the site and installed. This activity shall not include modular residential construction, as defined within the South Carolina Modular Buildings Construction Act. Modular residential construction shall be included in the Residential Detached or Residential Attached activity types, as appropriate.

Mobile Home Parks Three or more mobile homes or mobile home spaces that are located within 1,000 feet of one another and operated in any coordinated manner. The park may be located on a single parcel, or multiple parcels in the same or different ownership. For the purpose of this Ordinance, three mobile homes shall not be considered a mobile home park if one of the three mobile homes is occupied by the property owner and is their legal residence. Additional mobile homes may be allowed by the Zoning Administrator without creating a mobile home park, provided the mobile home is to be the primary residence for an immediate family member with special needs (i.e., disabled, handicapped, elderly, ill, or other special/dire circumstance) and other requirements of the Ordinance are met. Immediate family members may include grandparents, parents, spouses, siblings, children, grandchildren, and/or legal guardians. At such time the additional home is no longer utilized to house an immediate family member with special needs, the mobile home must either be removed from the site within 60 days or the property(s) shall conform to the current requirements for a mobile home park land use.

Mobile Home Parks (Limited) The minimum size of an individual mobile home space in this type of development is 20,000 square feet.

Mobile Home Parks (Extensive) The minimum size of an individual mobile home space in this type of development is 6000 square feet.

**NOTE:** The following shall be used in determining compliance with the definition above of a Mobile Home Park:

a. A mobile home on a parcel(s) shall be counted toward the maximum number allowed even if the mobile home is unoccupied, used for storage, or not currently connected to electricity.

b. The subdividing of a parcel(s) in order to circumvent this Ordinance is not allowed by this definition.

c. Separating the ownership of mobile homes or mobile home spaces into two or more legal entities for the purpose of avoiding being defined as a mobile home park is not allowed.

d. The number of mobile homes within a 1,000 foot radius, whether located on the same parcel or different parcels, as defined in the mobile home park definition.

Natural Reserves and undeveloped open spaces include parks with minimum equipment, botanical gardens and arboretums, and the like.

Non-Assembly Cultural activities include public, parochial and private museums, art galleries, libraries, and observatories.

Nursing Homes include convalescent homes, convalescent hospitals and clinics. Skilled care is typically provided to residents/patients. (See also “Retirement Centers.”)

Personal Convenience Services including barbering, laundromats, beauty care, dry cleaning, tattoo parlors, body piercing studios, and the repair of personal apparel, and similar items, but not including motor vehicles, structures, or engines.

Power Plants (non-atomic).

Radioactive Materials Handling includes the use, in any way, of significant amounts of radioactive or atomic material, to include atomic power plants or radioactive waste treatment or storage. Incidental amounts of such material incorporated into activities of scientific measurement or diagnostic practice shall not be included in this classification.

Railroad terminals and yards (freight and passenger).

Recycling Centers include the processing, collection, and/or temporary storage of consumer goods/materials, such as aluminum cans, newspaper, office paper, plastic bottles, glass bottles, cardboard, and similar-type materials, to be sold for the purpose of creating post-consumer use products. Materials collected on-site must be stored within designated bins or containers. This activity does not include the recycling of construction, demolition, and/or land-clearing or yard debris. Such recycling operations shall

be regulated as landfills in accordance with the provisions of Article 9. This activity does not include the collection, storage, process, etc. of scrap metal or the wrecking, storage, dumping, sale, and/or dismantling of used/wrecked automobiles, vehicles, crafts, and trailers for their parts. (See "Salvage/Wrecking Yards and Scrap Operations") and Article 11.

Research Services are research activities of a scientific or industrial nature which are offered as an independent service, and do not include medical testing and analysis and routine product testing.

Residential Detached are single dwelling units in a single structure which are surrounded by yards or other open area.

Residential Attached are two or more dwelling units (DUs) in a single structure.

Retirement Centers/Assisted Living Facilities include those complexes offering a combination of housing options with the following accessory activities allowed on site as long as they are for the residents only: support services, light retail/personal services, food services, and/or medical services. Activities may take place under one roof or in separate buildings. (See also "Nursing Homes.")

Salvage/Wrecking Yards and Scrap Operations activities include the dismantling or wrecking of used automobiles, vehicles, crafts and trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles/crafts or their parts and/or the storage, processing, and/or sale of used or waste material or other items except when such activities are incidental to a manufacturing operation. The presence on any lot or parcel of land of two or more motor vehicles/crafts or bulk of two or more vehicles/crafts, which, for a period exceeding 90 days, have not been capable of operating under their own power, are not properly registered/licensed, and/or from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of a salvage/wrecking yard. This activity shall include facilities storing wrecked vehicles/crafts and/or vehicles/crafts that have been deemed a total loss for a period exceeding 90 days. This activity does not include the recycling of recovered materials, such as construction, demolition, and/or land-clearing or yard debris for recycling. Such recycling operations shall be regulated as landfills in accordance with the provisions of Article 9. This activity must also comply with applicable provisions of the Lexington County Solid Waste Ordinance and may be subject to SCDHEC regulations.

> Salvage/Wrecking Yards and Scrap Operations (Limited) include activities that are 2 acres or less in area.
>
> Salvage/Wrecking Yards and Scrap Operations (Limited) include activities that are greater than 2 acres in area.

Speculative Development includes nonresidential projects where specific activities are unknown at the time of development or individual tenants may not yet be identified. The following designations may be selected provided that individual tenants must meet all applicable requirements for their principal activity and be permitted separately before locating within the designated development.

> Business Parks include nonresidential projects that are developed with the intent of housing activities such as those identified as "Business Offices," "Medical Services," and "Research Services."
>
> Shopping Centers include nonresidential projects developed with the intent of housing activities such as "General Retail," "Food Services," "Business Offices," and "Personal Convenience Services."
>
> Industrial Parks are those nonresidential projects developed with the intent of housing activities such as those identified as "Manufacturing," "Research Services," and "Transport and Warehousing."

Towing and Impoundment Lot includes the temporary storage or impoundment of automobiles, vehicles, crafts and trailers, as part of a towing business, repossession activity, or other principal activities that temporarily impound automobiles, vehicle, crafts and/or trailers. This activity includes accessory activities such as parking, receiving, and dispatching of tow truck or wrecker equipment, but not the repair or sale of vehicles and/or their parts or activities that would be classified as Salvage/Wrecking Yards and Scrap Operations.

Trade Enterprises include services such as HVAC repair, plumbing, pest control, landscaping, and electrical repair where service is typically provided off-site, such as at a home or business. Storage on-site of items for parts, materials, and/or repair shall be less than 5,000 square feet in area. Such activities with on-site storage of 5,000 square feet in area or greater shall be considered a Construction Services land use activity.

Transient Habitation activities include lodging services to transient guests, such as camper parks, motels, hotels, etc., and include restaurants and certain attendant recreational activities as accessory thereto. The presence of 2 or more campers, recreational vehicles, or other similar vehicle or craft manufactured for habitation, that is intended and/or used for long or short term habitation shall be considered Transient Habitation.

Transport and Warehousing activities include the operation of warehousing and storage, freight handling, shipping services and a building or area in which freight brought by truck or rail spur is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored in conjunction with a legitimately conducted shipping and/or receiving operation or on sites specifically for such parking or storage.

Transport and Warehousing (Limited) shall include the above where the total storage area is 5,000 square feet or less.

Transport and Warehousing (Extensive) shall include the above where the total storage area exceeds 5,000 square feet.

Transport Services include taxi services, non-emergency medical transport services, etc.

Undertaking activities and attendant facilities (including a crematorium).

Utilities include all facilities used for water and sewer treatment and storage except septic tanks and individual wells. Distribution and collection lines, lift stations and booster pumps, and wells for ground water systems are also not considered as principal activities for regulation by this Ordinance.

Vehicle Parking activities include surface, subsurface, and high-rise facilities which house automotive, vehicular, and craft parking and storage activities, excluding the parking and/or storage of commercial vehicles or equipment.

Vehicle Repair and/or Sales activities include the repair and tune-up of engines, transmissions, etc.; painting, body work, and major accessory installation for automobiles, vehicles, and crafts; the sale of goods and the provision of services which are generally required in the operation and maintenance of automobiles, vehicles, and crafts; and the wholesale or retail sale or rental of vehicles, crafts, and related equipment, to include automotive auctions.

Vehicle Servicing activities include self-service automotive washing establishments with no employees laboring on the premises, the washing and polishing of vehicles, and the sale and installation of electronic and minor automotive accessories.

Zoos include zoological gardens and petting zoos.

## 21.20 Accessory Activities

Each principal activity above shall be deemed to include activities customarily associated with and appropriate, incidental, and subordinate to the principal activity when located on the same lot and when meeting the further conditions set forth in Sections 21.21 and 21.22 below. Such accessory activities shall be controlled in the same manner as its associated principal activity except as otherwise provided in this Ordinance.

### 21.21 Partial List of Accessory Activities

Such accessory activities include, but are not limited to, the activities indicated below:

a. Off-street parking, driveways, dumpsters, etc., serving the principal activity, whether located on the same lot or on a different lot, but only if the facilities involved are reserved for the residents, patrons, employees, or other persons participating in the principal activity.

b. Residential occupancy in connection with a principal nonresidential activity on the same lot.

c. Operation of a cafeteria for employees, residents, patrons, or others participating in the principal activity on the same lot.

d. Production of goods for sale by a firm engaged in a principal commercial activity on the same lot, but only if:

   1. All goods so produced are sold at retail by the same firm on the same lot;

   2. Such production does not utilize more than 49 percent of the total floor area occupied by such firm on the same lot;

   3. Such production does not in any case occupy more than 2000 square feet of such floor area; and

   4. Such production occurs only in an enclosed building.

e. Storage of goods sold by a firm engaged in a principal commercial activity on the same lot, provided such storage does not occupy more than 49 percent of the total floor area.

f. Temporary 1-day sale of goods from a residential dwelling or other principal activity provided such sale does not occur more often than four times in any given year at the same location.

g. Sale of personally owned vehicles or crafts from a residence, provided such activity does not occur more than four times per year, sale items are placed on the same property as the residence, the owner of such vehicles or crafts must reside at the residence, and the sale of such items is not coordinated through a dealer or broker service.

h. Temporary 1-day or 2-day special events, such as concerts, cultural events, fund raising events, and the like, which are either located on vacant properties, not located on the same property as the principal activity, or not directly affiliated with the principal activity where the event is held, provided such activity does not occur more often than three times per year.

i. Temporary construction, grading, and/or demolition activities which are necessary and incidental to the development or maintenance of a principal activity, utilities, or public infrastructure. The on-site grinding/recycling of construction debris shall be limited to the hours of 7:00 a.m. until 7:00 p.m. and shall be completed within 60 days of the initial construction, with the exception of public road projects, which are exempt from such provisions.

j. Temporary conduct of a real estate office which is directly related to the development of a subdivision of five or more lots.

k. Boat docks on waterfront parcels of Lake Murray supportive of residential uses not located within a platted residential subdivision that includes a lake-front amenity or dock. These may be common docks shared by no more than five dwelling units provided the boat slips number no more than five. For every dwelling unit on a non-waterfront parcel served by the common docks, there must be one dwelling unit located on a waterfront parcel served by the common docks.

l. Vehicles without a current license plate and/or registration or vehicles under repair for longer than 30 days, are an allowed accessory activity to residential use only if fully screened from the road right-of-way and any surrounding properties and located on private property. Vehicles include cars, trucks, sport utility vehicles, crossovers, motorcycles, boats, watercraft, etc.

   In the case of two vehicles on a property meeting this description, a cloth automotive cover may be used provided that it is designed and sold specifically for use as a car/truck/vehicle cover and is in excellent condition. A tarpaulin may not be used as screening. For multiple vehicles, total screening must be provided as described in Article 2, Section 23.40 Screening. The storage of such vehicles within an enclosed garage or carport shall also be acceptable.

m. The repetitive parking of commercial-type vehicles shall be allowed as an accessory activity to a residential use only through compliance with the following restrictions or through a variance from the Board of Zoning Appeals. The parking of any vehicle shall not violate the vision clearance requirements of this Ordinance or be located within a road right-of-way. There are also no grandfathering provisions for any existing violations of these restrictions.

1. Allowed without any restrictions:

   Pickup – two-door
   Pickup – four doors with extended cab
   Pickup/truck – six wheels (dual rear wheels)

2. Allowed if parked completely off the road right-of-way and properly licensed and/or registered:

   Small van or mini-van used commercially (i.e., name on side, no windows)
   Tour van
   Privately-owned ambulance
   Recreational vehicle and accessories
   School bus
   Garden or personal farm tractors and accessories and lawn mowers

3. Allowed if parked beyond any setback lines imposed by this Ordinance:

   Large step van
   Individual tractor trailer – cab only
   Tow truck, standard wrecker, or similar type vehicle
   Commercial-type vehicles and/or equipment for "on-call" employees
   (Such employees are considered on-call by an employer, and not self-employed; the storage of commercial vehicles does not exceed more than 48-hours within a one-week period; and the storage of such commercial vehicles does not violate private restrictions or covenants (ex. HOA restrictions).

4. Allowed per residential use if completely screened from the road and all surrounding property:

   Car carrier (flat-bed tilt)
   Glass carrier
   Tour minibus
   Tractor trailer – cab and trailer
   Tractor trailer – trailer only
   Dump truck
   Large van/truck – "moving van"
   Flatbed truck – single chassis, tractor cab and trailer
   Trailers with commercial materials
   Backhoe

Such accessory activities shall <u>not</u> include any of the following:

The repetitive parking of the following commercial-type vehicles as an accessory activity to residential use. Since these activities are prohibited, a variance is not allowed as a method of relief from these restrictions, nor are there any grandfathering provisions for any existing violations.

Full size tour bus
Any vehicle hauling hazardous materials (e.g., pesticides, flammable liquids/gases)
Tanker truck containing hazardous or flammable liquid/gases
Motor grader, front-end loader, or other earthmoving equipment
Garbage truck
"Bucket" truck
(This list does not include yard and garden equipment not used commercially)

n. Centralized mail kiosks, provided they conform to the United States Postal Service and all other federal, state, and local requirements.

o. The temporary use of a single camper, recreational vehicle, or similar-type vehicle as a temporary residence is an allowed accessory, provided the location complies with applicable density requirements, buffering restrictions of the principal activity, and Section 21.21 l and m of this Ordinance.

p. Cargo, shipping, or similar-type storage containers used for storage are allowed, provided the storage container(s) are totally screened from all road rights-of-way and adjoining properties, comply with the buffering restrictions for the principal activity, and are not oriented between the main structure(s) and street (i.e., the front yard for residential uses). There are no restrictions for the use of such containers for temporary construction activities.

q. Charitable donation containers shall be allowed on-site of the company or organization that owns and maintains the container. Allowed donation containers must display the name and address of the property owner and the name of any entity that benefits from the donations collected from the contents of the container. No more than two charitable donation containers may be displayed on-site at any time. Such containers shall also comply with the buffering restrictions for the principal activity for which they are located and comply with Section 23.51 of this Ordinance.

r. The temporary storage of three or more vehicles that are inoperable, wrecked, de-titled, unregistered, and/or under repair is allowed for non-residential activities, regardless of the type of activity, provided such storage does not exceed 30 days and the vehicles are totally screened from all rights-of-way and adjoining properties. The storage of such vehicles shall comply with the buffering restrictions for the principal activity listed in Chapter 3 of this Ordinance. Vehicles, include cars, trucks, sport utility vehicles, crossovers, motorcycles, boats, watercraft, etc.

s. Mobile food trucks that provide a temporary service are allowed at existing non-residential developments, provided the location is within the parameters of the development or for on-site construction activities. Food trucks located at a permanent location or food truck courts must meet applicable requirements for a Food Services activity.

t. The exterior display of goods and/or merchandise commonly associated with flea markets, sidewalk sales, temporary vendors, clearance events, consignment stores, thrift stores, and the like, are allowed accessories to the principal retail activity, provided the location of the sale and items complies with the buffering restrictions for the principal activity and the goods and/or merchandise must be located within an enclosed structure or building overnight.

## 21.22 Home Occupations

Except as otherwise provided below (in items a. through h.), a home occupation is a business-type activity of a nonresidential nature which is based and/or performed within a dwelling unit, or within an accessory structure to a residence. A home occupation would also include an activity that is being based from a dwelling unit or within an accessory structure, but not performed within the dwelling unit or within a residential accessory structure. The owner/operator of the home occupation must reside at the residence. Any single commercial type vehicle being used for the home occupation must meet the requirements of Section 21.21 m, and will not count toward the actual square footage being used. However, a home occupation shall not be allowed for an activity with multiple commercial type vehicles that require screening. It shall not occupy more than 25 percent of the total floor area of such dwelling unit and in no event occupy more than 750 square feet of floor area. A home occupation shall not include the manufacture or repair of transportation related equipment; the temporary storage of wrecked, dismantled, unregistered, or other vehicles for sale; sexually oriented businesses; transient habitation activities (i.e., bed and breakfast); or animal impoundment activities (kennel) and shall be subject to the performance standards contained in this Ordinance as applicable. Home occupations shall require zoning permits in addition to those of their residential principal activities.

The following shall <u>not</u> be permitted as part of a home occupation unless an appropriate variance is granted by the Board of Zoning Appeals:

a. Exterior displays, display of goods or chattels visible from the outside, or exhibit on the premises by any method which would indicate from the exterior that the dwelling unit, or accessory structure, is being utilized in whole or in part as a home occupation;

b. Use, in connection with the home occupation, of any mechanical, chemical, or electrical device which would pose a potential hazard to the residential setting, and which may be considered to be an unusual piece of equipment in the residential environment;

c. Storage of materials, goods, chattels, etc., outside of a principal or accessory building or other structure;

d. External structural alterations not customary in residential buildings;

e. Traffic generation substantially in excess of that which would normally be expected in a residential setting;

f. Teaching of more than six pupils simultaneously; or

g. Employment at the residence housing the home occupation of a person other than a resident of the dwelling unit.

The following shall not be permitted as part of a home occupation unless a special exception is granted by the Board of Zoning Appeals:

h. Regular care, supervision, or guidance of more than six individuals (pre-teenage children, senior citizens, or adults with disabilities), counting those who live at the site of the home occupation. No special exception may be granted for a home occupation day care of more than 12 such individuals; nor may any special exception for a home occupation day care extend beyond the operator or site originally granted the special exception. No special exception may be granted for home occupation day care of both children and adults at the same location under this Ordinance.

However, home occupation day care is not subject to the 25 percent of the total floor area restriction, or the 750 square feet of floor area restriction imposed on other home occupations. Also, home occupation day care may be conducted outside on the premises using yard furnishings customary to the residential setting. Additional traffic generation from one delivery and one pick up of each individual each day shall be considered within the limitations of item "e" above. The Board of Zoning Appeals' deliberations shall include, but not limited to, the following items:

1. The size of the residence and the outside recreation area;

2. Parking and vehicular access to the residence and its ability to accommodate the drop-off and pick-up of the additional individuals;

3. The stated opinions of the surrounding property owners; and

4. If requested, the acceptability of having an employee ("caregiver" as defined by the South Carolina Department of Social Services) who is not a resident of the dwelling unit.

## 21.30 Permitted Uses by District

The columnar chart that follows describes the activities permitted within each district. This chart is based upon the list of principal activities defined in Section 21.10 of this Ordinance and the districts established in Section 11.40, and is subject to the following:

a. The listing of a permitted activity within a district may be voided upon the application of the special overlay district regulations pertaining to airports found in Articles 4 of this Ordinance.

b. The provisions of Chapters 2, 3, and 4 of this article shall apply in all districts to all listed activities as applicable. The application of these provisions may prohibit an activity from locating in a particular district.

c. Within the Limited Restriction (LR) district, all activities except the following are permitted without review for compliance with the specific provisions of this Ordinance:

Extremely Hazardous Materials as regulated by Article 3
Landfills as regulated by Article 9
Mining Operations as regulated by Article 8
Mobile Home Parks as regulated by Article 7
Salvage/Wrecking Yards and Scrap Operations as regulated by Article 11
Sexually Oriented Businesses as regulated by Article 10

### 21.31 Chart of Permitted Activities by District

Those activities that are marked by an asterisk (*) are allowed only when granted a special exception by the Board of Zoning Appeals as outlined in Article 15 of this Ordinance.

| R1 | R2 | R3 | D | RA | RD | LC | C1 | C2 | ID | LR | ACTIVITIES |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | ✓ | | ✓ | ✓ | ✓ | ✓ | Advertising Signs |
| | | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Airports |
| | | | ✓ | ✓ | ✓ | | | | ✓ | ✓ | Agricultural Operations |
| | | ✓ | | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | Boat Docks |
| | | | | | ✓ | | | | ✓ | ✓ | Bus and Transit Terminals |
| | | | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Business Offices |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Cemeteries |
| ☑ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Child or Adult Day Care |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Churches |
| | | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Communication Towers (Limited) |
| | | | | | ✓ | | | | ✓ | ✓ | Communication Towers (Extensive) |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | Community Education |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | Construction Services |
| | | | | | ✓ | | | | ✓ | ✓ | Detention Centers |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Essential Services (Limited) |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Essential Services (Extensive) |
| | | | | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | Food Services |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | General Repair and Maintenance Services |
| | | | | | ✓ | | ✓ | ✓ | ✓ | ✓ | General Retail (Limited) |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | General Retail (Extensive) |
| ✓## | ✓## | ✓## | ✓## | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Golf Courses |
| ✓# | ✓# | ✓# | ✓# | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | Group Assembly (Limited) |
| | | | | ✓ | ✓ | | | ✓ | ✓ | ✓ | Group Assembly (Intermediate) |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | Group Assembly (Extensive) |
| | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Group Housing |
| | | | | | ✓ | | ✓ | ✓ | ✓ | ✓ | Hospitals |
| | | | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | Kennels, Catteries, and Stables |
| | | | | | ✓ | | | | ✓ | ✓ | Landfills (Limited)* |
| | | | | | ✓ | | | | ✓ | ✓ | Landfills (Intermediate)* |
| | | | | | ✓ | | | | ✓ | ✓ | Landfills (Extensive)* |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | Manufacturing (Limited) |
| | | | | | ✓ | | | | ✓ | ✓ | Manufacturing (Intermediate) |
| | | | | | ✓ | | | | ✓ | ✓ | Manufacturing (Extensive) |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | Marinas |
| | | | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Medical Services |
| | | | | | ✓ | | | | ✓ | ✓ | Military Installations |
| | | | ✓ | | ✓ | | | ✓ | ✓ | ✓ | Mining (Limited)* |
| | | | | | ✓ | | | | ✓ | ✓ | Mining (Intermediate)* |
| | | | | | ✓ | | | | ✓ | ✓ | Mining (Extensive)* |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Mini-Parks |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | Mini-Warehouses |
| | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | Mobile Homes |
| | | ✓ | | | ✓ | | | ✓ | ✓ | ✓ | Mobile Home Parks (Limited)* |
| | | ✓ | | | ✓ | | | ✓ | ✓ | ✓ | Mobile Home Parks (Extensive)* |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Natural Reserves |
| | | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Non-Assembly Cultural |
| ☑ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Nursing Homes |

| R1 | R2 | R3 | D | RA | RD | LC | C1 | C2 | ID | LR | ACTIVITIES | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | ✓ | | ✓ | ✓ | ✓ | ✓ | Personal Convenience Services | |
| | | | | | ✓ | | | | ✓ | ✓ | Power Plants | |
| | | | | | ✓ | | | | ✓ | ✓ | Radioactive Materials Handling | |
| | | | | | ✓ | | | | ✓ | ✓ | Railroad | |
| | | | | | ✓ | | | | ✓ | ✓ | Recycling Centers | |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | Research Services | |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Residential Detached | |
| | ✓ | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Residential Attached (2 dwelling units) | |
| | | ✓ | | | ✓ | | | ✓ | ✓ | ✓ | Residential Attached (3 or more dwelling units) | |
| ☑ | ☑ | ✓ | ☑ | ☑ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Retirement Centers/Assisted Living | |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | Salvage/Wrecking Yards and Scrap Operations (Limited)* | |
| | | | | | ✓ | | | | ✓ | ✓ | Salvage/Wrecking Yards and Scrap Operations (Extensive)* | |
| | | | | | ✓ | | ✓ | ✓ | ✓ | ✓ | Business Parks | Speculative Development |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | Shopping Centers | |
| | | | | | ✓ | | | | ✓ | ✓ | Industrial Parks | |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | Towing and Impoundment Lot | |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | Trade Enterprises | |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | Transient Habitation | |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | Transport and Warehousing (Limited) | |
| | | | | | ✓ | | | | ✓ | ✓ | Transport and Warehousing (Extensive) | |
| | | | | | ✓ | | ✓ | ✓ | ✓ | ✓ | Transport Services | |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | Undertaking | |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Utilities | |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | Vehicle Parking | |
| | | | | | ✓ | | | ✓ | ✓ | ✓ | Vehicle Repair and/or Sales | |
| | | | | | ✓ | | ✓ | ✓ | ✓ | ✓ | Vehicle Servicing | |
| | | | | ✓ | ✓ | | | | ✓ | ✓ | Zoos | |

# The permitting of this activity in this district is allowed only if the Group Assembly (Limited) activity is a membership facility owned, operated, and used by the property owners in the surrounding residential area for which the facility is being established.

## The permitting of this activity in this district is allowed only if the Golf Course activity is part of a planned development that includes residential development as a part of its design.

☑ The permitting of this activity in this district is allowed only if the access to the activity is by an Arterial (A) or Collector (C) street.

# Chapter 2. General Requirements

## 22.00 Street Classifications and Access

All streets on the Zoning Maps shall be designated as one of the following classifications as shown on the Right-of-Way Plan. The columnar chart which follows in Section 22.02 identifies the type of street required to provide access to each activity and the table listed in Section 22.30 lists the maximum residential density allowed to access each street.

Arterial (A): A street intended to accommodate all land use activities, including high density residential and intensive non-residential uses.

Collector (C): A street intended to accommodate most land use activities, including moderate to high density residential uses and non-residential uses.

Local (L): A street intended to accommodate a variety of land use activities, including low to moderate density residential uses and non-residential uses.

Residential Local Six (RL6): A local-type street intended to accommodate residential activities at six dwelling units per acre.

Residential Local Five (RL5): A local-type street intended to accommodate residential activities at five dwelling units per acre.

Residential Local Four (RL4): A local-type street intended to accommodate residential activities at four dwelling units per acre.

Residential Local Two (RL2): A local-type street intended to accommodate residential activities at two dwelling units per acre.

Residential Local One (RL1): A local-type street intended to accommodate residential activities at one dwelling unit per acre.

Limited Local (LL): Access to this type of street will be limited to those activities expected to generate traffic volumes equal to or less than residential detached developments at four dwelling units per acre and limited commercial and essential services.

Boulevard (B): A parkway-type street that contains or has the potential to contain a variety of design features intended to accommodate mixed use developments.

### 22.01 New Streets Created, Streets Relocated, and/or Streets Closed

Whenever new streets are added to the roadway system within the zoning jurisdiction of Lexington County, these streets shall be classified according to the criteria specified within this Section. Roadways requiring street classifications shall be limited to approved public or privately maintained roads, as recognized and regulated by the Lexington County Subdivision Ordinance, Lexington County Land Development Manual, and Lexington County Public Works. Named driveways may be classified in the same manner as public and private roadways, upon request of the Lexington County Planning and GIS Department. Whenever a street is relocated, the current street classification shall remain with the relocation. Whenever a street is formally closed, the street classification of the closed street will no longer be valid and the Zoning Administrator will recommend the zoning district classification for the property, based upon the current zoning district boundaries and surrounding land uses. The Zoning Administrator, upon the approval and confirmation of the classifications by the Planning Commission, shall cause same to be placed upon the Zoning Map.

### 22.02 Chart of Permitted Access by Street Classification

The following chart designates the street classifications necessary to access each of the major activities. A principal activity which is restricted from access to a specific street classification may not locate where the activity is reachable only through the use of a street with such a restricted classification.

If a street right-of-way has been annexed by a municipality, the access necessary for a major activity will be determined by using the street classification in existence before the annexation.

There are limits placed on some activities allowed to access a Limited Local (LL) street classification. The last column in the chart describes the specific nature of these limits expressed in maximum number of dwelling units (DU) per exact acre.

| A | C | L | RL6 | RL5 | RL4 | RL2 | RL1 | B | LL & Max. Limits | ACTIVITIES |
|---|---|---|---|---|---|---|---|---|---|---|
| ✓ | | | | | | | | | | Advertising Signs |
| ✓ | ✓ | ✓ | | | | | | | | Airports |
| ✓ | ✓ | ✓ | ✓^ | ✓^ | ✓^ | ✓ | ✓ | ✓^ | | Agricultural Operations |
| ✓ | ✓ | ✓ | ✓ | ✓ | | | | ✓ | | Boat Docks |
| ✓ | ✓ | | | | | | | | | Bus and Transit Terminals |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓& | | | ✓ | ✓ | Business Offices |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | Cemeteries |
| ✓ | ✓ | ✓ | ✓ | | | | | | ✓ | Child or Adult Day Care |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Churches |
| ✓ | ✓ | ✓ | | | | | | | ✓ | Communication Towers (Limited) |
| ✓ | ✓ | ✓ | | | | | | | ✓ | Communication Towers (Extensive) |
| ✓ | ✓ | ✓ | ✓& | | | | | ✓ | ✓& | Community Education |
| ✓ | ✓ | ✓ | | | | | | | | Construction Services |
| ✓ | ✓ | | | | | | | | | Detention Centers |
| ✓ | ✓ | ✓ | ✓& | ✓& | | | | | ✓ | Essential Services (Limited) |
| ✓ | ✓ | ✓ | ✓& | ✓& | | | | ✓ | ✓ | Essential Services (Extensive) |
| ✓ | ✓ | ✓ | ✓ | ✓& | ✓& | | | ✓ | ✓& | Food Services |
| ✓ | ✓ | ✓ | | | | | | | | General Repair & Maintenance Services |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓& | | | ✓ | ✓ | General Retail (Limited) |
| ✓ | ✓ | ✓ | | | | | | ✓ | ✓ | General Retail (Extensive) |
| ✓ | ✓ | ✓ | ✓## | ✓## | ✓## | ✓## | ✓## | ✓ | ✓ | Golf Courses |
| ✓ | ✓ | ✓ | ✓* | ✓* | ✓* | ✓* | ✓* | ✓ | ✓ | Group Assembly (Limited) |
| ✓ | ✓ | ✓ | ✓* | ✓* | ✓* | ✓* | ✓* | ✓ | | Group Assembly (Intermediate) |
| ✓ | ✓ | ✓# | | | | | | ✓ | | Group Assembly (Extensive) |
| ✓ | ✓ | ✓ | ✓ | | | | | | ✓ 5.5 DU/acre | Group Housing |
| ✓ | ✓ | ✓# | | | | | | | | Hospitals |
| ✓ | ✓ | ✓ | | | | ✓ | ✓ | | | Kennels, Catteries, and Stables |
| ✓ | ✓ | ✓ | | | | | | | | Landfills (Limited) |
| ✓ | ✓ | ✓** | | | | | | | | Landfills (Intermediate) |
| ✓ | ✓** | ✓** | | | | | | | | Landfills (Extensive) |
| ✓ | ✓ | ✓ | | | | | | | | Manufacturing (Limited) |
| ✓ | ✓ | ✓ | | | | | | | | Manufacturing (Intermediate) |
| ✓ | ✓ | | | | | | | | | Manufacturing (Extensive) |
| ✓ | ✓ | ✓ | | | | | | | | Marinas |
| ✓ | ✓ | ✓ | ✓ | ✓& | ✓& | | | ✓ | ✓ | Medical Services |
| ✓ | ✓ | | | | | | | | | Military Installations |
| ✓ | ✓ | ✓ | | | | | | | | Mining (Limited) |
| ✓ | ✓ | ✓ | | | | | | | | Mining (Intermediate) |
| ✓ | ✓ | | | | | | | | | Mining (Extensive) |

| A | C | L | RL6 | RL5 | RL4 | RL2 | RL1 | B | LL & Max. Limits | | ACTIVITIES | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | | Mini-Parks | |
| ✓ | ✓ | ✓ | | | | | | | | | Mini-Warehouses | |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | 4 DU/acre | Mobile Homes | |
| ✓ | ✓ | ✓ | ✓ | | | | | | ✓ | 6 DU/acre | Mobile Home Parks | |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | Natural Reserves | |
| ✓ | ✓ | ✓ | ✓ | | | | | ✓ | | | Non-Assembly Cultural | |
| ✓ | ✓ | ✓ | ✓ | | | | | | ✓ | 12 Beds/acre | Nursing Homes | |
| ✓ | ✓ | ✓ | ✓& | ✓& | ✓& | | | ✓ | ✓ | | Personal Convenience Services | |
| ✓ | ✓ | | | | | | | | | | Power Plants | |
| ✓ | ✓ | | | | | | | | | | Radioactive Materials Handling | |
| ✓ | ✓ | | | | | | | | | | Railroad | |
| ✓ | ✓ | ✓ | | | | | | | | | Recycling Centers | |
| ✓ | ✓ | ✓ | | | | | | | ✓ | | Research Services | |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | 4 DU/acre | Residential Detached | |
| ✓ | ✓ | ✓ | ✓ | ✓ | | | | ✓ | ✓ | 4DU/acre | Residential Attached (2 Dwelling Units) | |
| ✓ | ✓ | ✓ | ✓ | | | | | ✓ | ✓ | 6 DU/acre | Residential Attached (3 or more Dwelling Units) | |
| ✓ | ✓ | ✓ | ✓ | | | | | ✓ | ✓ | 6 DU/acre | Retirement Centers/Assisted Living | |
| ✓ | ✓ | ✓ | | | | | | | | | Salvage/Wrecking Yards and Scrap Operations (Limited) | |
| ✓ | ✓ | ✓ | | | | | | | | | Salvage/Wrecking Yards and Scrap Operations (Extensive) | |
| ✓ | ✓ | ✓ | | | | | | ✓ | | | Business Parks | Speculative Development |
| ✓ | ✓ | ✓ | | | | | | ✓ | | | Shopping Centers | |
| ✓ | ✓ | ✓ | | | | | | | | | Industrial Parks | |
| ✓ | ✓ | ✓ | | | | | | | | | Towing and Impoundment Lot | |
| ✓ | ✓ | ✓ | | | | | | | | | Trade Enterprises | |
| ✓ | ✓ | ✓ | | | | | | | | | Transient Habitation | |
| ✓ | ✓ | ✓ | | | | | | | | | Transport & Warehousing (Limited) | |
| ✓ | ✓ | ✓ | | | | | | | | | Transport & Warehousing (Extensive) | |
| ✓ | ✓ | ✓ | | | | | | | | | Transport Services | |
| ✓ | ✓ | ✓ | | | | | | | | | Undertaking | |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | Utilities | |
| ✓ | ✓ | ✓ | | | | | | ✓ | | | Vehicle Parking | |
| ✓ | ✓ | ✓ | | | | | | | ✓ | | Vehicle Repair and/or Sales | |
| ✓ | ✓ | ✓ | | | | | | | | | Vehicle Servicing | |
| ✓ | ✓ | ✓ | | | | | | | | | Zoos | |

* Access by this classification is allowed only if the Group Assembly (Limited) activity is a membership facility owned, operated, and used by the property owners in the surrounding residential area for which the facility is being established.

** Access by this classification is allowed only if the street is paved.

# Access by this classification is allowed only if the activity also has access to an Arterial or Collector street.

## Access by this classification is allowed only if the Golf Course activity is a part of a planned development that includes residential development as a part of its design.

^ Access by this classification for Agricultural Operations is allowed for existing uses established prior to the designation of the street classification. New or expansions to building/structures is permissible for such uses, provided it is within the scope of the current agricultural use. The existing agricultural use may be converted to another agricultural use (ex. pastureland to row crops, timber to roaming livestock, row crops to pastureland, and so forth), provided the conversion does not require permitting by SCDHEC, under DHEC R.61-43, swine and animal facilities.

& The basis of such approval is a demonstration by the applicant that the proposed activity will conform to all applicable zoning requirements including, but not limited to, parking, buffering restrictions, signage, noise, light/glare, exterior color, and architectural standards. In addition, the proposed activity shall conform to all architectural standards and access an existing paved road. The applicant must demonstrate the proposed activity will not create a substantial increase in traffic generation, which may require the need for a detailed traffic study. Zoning staff shall examine the proximity to other nonresidential activities, site plans, architectural designs, landscape plans, traffic impact studies, the location of the proposed activity in relation to prominent intersections, and other extraordinary conditions when reviewing proposed activities along Residential Local Streets. Properties located within a platted residential subdivision and/or where the activity will access an unpaved road are disallowed under these special circumstances.

Access for a Mining activity may be approved by Lexington County Council, regardless of street classification allowances, as outlined in Section 82.30.

## 22.10 Driveway and Street Restrictions

### 22.11 Vision Clearance

For the safety of the traveling and pedestrian public, all intersections will maintain a vision clearance triangle. These triangles must be kept clear of all vegetation, walls, or structures between a height of 2 ½ feet and 10 feet to provide for safer movement of motorists and pedestrians. Depending on the location, intersections must meet one of the following criteria:

a. Intersections with stop signs must provide vision clearance by meeting intersection sight distance as described in Section 22.15.

b. Intersections that either presently contain automated traffic control signals, or have the potential to become thus signalized in the future, shall provide vision clearance by meeting intersection sight distance as described in Section 22.15.

c. All intersections must meet applicable vision clearance requirements as regulated by the South Carolina Department of Transportation or Lexington County Public Works.

### 22.12 Corner Clearance

Driveways shall be located in a manner to comply with the following minimum corner clearances measured from the intersection of the street right-of-way lines:

| | |
|---|---|
| Arterial | 50 feet |
| Collector | 45 feet |
| Local and Boulevard | 40 feet |

### 22.13 Driveway Location

There shall be only one driveway per road frontage allowed for each development parcel of land (for activities other than Detached Residential or Mobile Homes). That driveway shall be located in the following manner:

a. The driveway is to be aligned with the other opposing roads or driveways unless such an alignment violates other provisions of this Ordinance.

b. Driveway installation requires a favorable approval of an encroachment permit application to the South Carolina Department of Transportation or Lexington County Public Works, depending on which agency has maintenance responsibility for the road being accessed.

c. For developments with expected high average daily traffic counts, the South Carolina Department of Transportation or Lexington County Public Works may require a more detailed access plan to be developed and implemented. Such a plan would be required to address the installation of improvements such as deceleration/acceleration lanes, traffic control devices, turn lanes, additional driveways, etc. The developer of the property may choose to prepare a traffic impact study to demonstrate the viability of various access improvements. If such a study is done, it must meet the criteria of the Institute of Transportation Engineers and shall be conducted by a qualified engineer. The developer must provide documentation that all necessary improvements required by the traffic impact study have been installed and approved by the appropriate permitting agency prior to the start of the new or expanding land use activity.

d. Additional driveways may be allowed if the Lexington County Department of Emergency Services, or another federal, state, or local public safety agency, recommends additional access points for emergency ingress/egress and to ensure the safety of the general public.

Multiple parcels developed at the same time shall be required to create a plan for use of a single driveway for access. Out-parcels developed as part of a larger tract of land shall be required to use the single access created for the larger parcel.

Access must be by defined driveways. Continuous access along the road frontage is not allowed.

### 22.14 Parking Lot Connectivity

Where possible, adjoining parking lots are to be designed in a manner to allow them to be connected for vehicular traffic. The design may be such that if the connection does not occur, that portion of the parking lot could be used for parking or other purposes either later or in the interim.

### 22.15 Sight Distance

In an effort to provide the safest environment possible for the traveling public, driveways will be located at a point which provides optimum sight distance along the roadway. Depending on the location, driveways must meet one of the following criteria:

a. Driveways on Arterial, Collector, Local, and Boulevard streets not in a residential subdivision shall be located in a manner that complies with South Carolina Department of Transportation or Lexington County Public Works sight distance requirements, depending on which agency has maintenance responsibility for the road being accessed. In the event the driveway access is to a privately maintained road, the sight distance requirements of Lexington County Public Works shall be met The responsible party for the land use activity must provide proof that sight distance requirements have been satisfied (i.e., encroachment permit, letter from permitting agency, final inspection report, or other acceptable means of documentation). For information purposes, sight distance shall be measured from a seeing height of 3½ feet to an object 4¼ feet in height. Sight triangles are obtained by measuring from a point 15 feet from the edge of the pavement of the road being accessed to the points providing the minimum intersection sight distance in each direction. These triangles must be kept clear of all vegetation, walls, or structures between a height of 2½ and 10 feet to provide for safe movement of motorists and pedestrians.

b. Roads within residential subdivisions will be considered to have met road design standards for safe stopping sight distances, therefore providing safe driveway locations. This is measured from a seeing height of 3½ feet to an object 6 inches in height. However, where the road design does not meet these standards the Zoning Administrator shall have the authority to require that driveways be located at a point that provides the optimum sight distance along the road way.

c. Additional measures required by the South Carolina Department of Transportation or Lexington County Public Works to obtain optimal sight distances (ex. sight distance easements, vegetation removal, etc.) must be met prior to the use of the driveway access.

## 22.20 Parking

Vehicular parking and storage shall comply with the following minimum requirements. For the purpose of this Ordinance, accessory off-street parking is considered a support function of the principal activity on a zone lot. If, for any reason, the required minimum parking spaces cannot be accommodated on the same lot as the principal activity, then the Board of Zoning Appeals may entertain a variance request to permit off-site parking provided such site is no more than 500 feet removed from the lot on which the principal activity is conducted.

An automotive parking space is determined to consist of a space no less than 9 feet by 18 feet for standard size vehicles and no less than 7 feet by 15 feet for compact cars if so marked. No more than 25 percent of the parking requirements of this Ordinance may be satisfied with compact car spaces.

When determining parking area requirements for uses other than a Detached Residential activity accessed by a Local street, portions of the public right-of-way or street may not be considered as permissible for maneuvering incidental to parking.

The required ratios of parking per activity shall be as indicated in the chart below. When an activity is composed of two or more separate uses, the parking ratios for each separate activity shall be calculated and applied in the aggregate to the entire tract. It is important to remember that these are minimums and therefore may not be adequate for a particular proposed activity.

| ACTIVITY | MINIMUM NUMBER OF PARKING SPACES |
|---|---|
| Advertising Signs | not applicable |
| Airports | no minimum established |
| Agricultural Operations | no minimum established |
| Boat Docks | 1 per 2 slips |
| Bus and Transit Terminals | 1 per 100 square feet of waiting room area |
| Business Offices | 1 per 300 square feet of gross floor area |
| Cemeteries | no minimum established |
| Child or Adult Day Care | 1 per 350 square feet of gross floor area |
| Churches | 1 per 4 seats in sanctuary |
| Communication Towers | no minimum established |
| Community Education | 4 per classroom (high school)<br>1½ per classroom (all other) |
| Construction Services | 1 per 1,000 square feet of gross floor area |
| Detention Centers | no minimum established |
| Essential Services (Limited) | 1 per 500 square feet of gross floor area |
| Essential Services (Extensive) | 1 per 500 square feet of gross floor area |
| Food Services | 1 per 3 seats |
| General Repair and Maintenance Services | 1 per 500 square feet of gross floor area |
| General Retail (Limited) | 1 per 300 square feet of sales floor area |
| General Retail (Extensive) | 1 per 250 square feet of sales floor area |
| Group Assembly | 1 per 3 seats/participants |
| Group Housing | 1 per 2 rooms |
| Hospitals | 1 per 2 patient beds |
| Kennels, Catteries, and Stables | 1 per 300 square feet of gross floor area |
| Landfills | no minimum established |
| Manufacturing | no minimum established |
| Marinas | 1 per 2 slips |
| Medical Services | 1 per 300 square feet of gross floor area |
| Military Installations | no minimum established |
| Mining | no minimum established |
| Mini-Parks | no minimum established |
| Mini-Warehouses | no minimum established |
| Mobile Homes | 2 per unit |
| Mobile Home Parks | 2 per mobile home space |
| Natural Reserves | no minimum established |
| Non-Assembly Cultural | 1 per 500 square feet of gross floor area |

| | |
|---|---|
| Nursing Homes | 1 per 2 patient beds |
| Personal Convenience Services | 1 per 200 square feet of gross floor area |
| Power Plants | no minimum established |
| Radioactive Materials Handling | no minimum established |
| Railroad | no minimum established |
| Recycling Centers | no minimum established |
| Research Services | 1 per 500 square feet of gross floor area |
| Residential Detached | 2 per dwelling unit |
| Residential Attached | 2 per dwelling unit |
| Retirement Centers/Assisted Living | 1 per dwelling unit/patient room |
| Salvage/Wrecking Yard and Scrap Operations | no minimum established |
| Speculative Development | |
| Business Parks | 1 per 300 square feet of gross floor area |
| Shopping Centers | 1 per 250 square feet of sales floor area |
| Industrial Parks | no minimum established |
| Towing and Impoundment Lot | 1 per 500 square feet of office and lobby area |
| Trade Enterprises | 1 per 1,000 square feet of gross floor area |
| Transient Habitation | 1 per room |
| Transport & Warehousing | 1 per 1,000 square feet of gross floor area |
| Transport Services | no minimum established |
| Undertaking | 1 per 300 square feet of gross floor area |
| Utilities | no minimum established |
| Vehicle Parking | not applicable |
| Vehicle Repair and/or Sales | 1 per 500 square feet of gross floor area |
| Vehicle Servicing | 1 per 500 square feet of gross floor area |
| Zoos | no minimum established |

## 22.30 Residential Density

Residential types of activities are subject to maximum density limits to support the contemplated activity. Density is to be measured as the total area of land within the property boundaries, including those which are permanently under water or subject to inundation, or which are contained in an easement, proposed roads, area dedicated for stormwater management, open space, amenity areas, or other similar grant of use. However, density calculations shall not include rights-of-way for existing roads.

The allowable density of residential development shall be in accord with the following listings for the zoning districts and street classifications, the most restrictive of which shall apply. Minimum lot areas are then established via this table in conjunction with adherence to the buffering restrictions of Article 2, Chapter 3 and requirements of the Lexington County Subdivision Ordinance, Lexington County Landscape and Open Space Ordinance, Lexington County Building Code Ordinance, and Lexington County Land Development Manual. Nothing contained herein shall be construed so as to circumvent the specific lot area requirements of SCDHEC regulations for individual wells and septic tanks.

| ZONING DISTRICT | DENSITY (dwelling units per exact acre) |
|---|---|
| R3 | 20 |
| R2 | 8 |
| R1, D, RA | 4 |

| STREET CLASSIFICATION | DENSITY (dwelling units per exact acre) |
|---|---|
| Arterial (A) Four Lanes | 20 |
| Arterial (A) Two Lanes | 12 |
| Collector (C) Four Lanes | 12 |
| Collector (C) Two Lanes | 8 |
| Collector (C) Unpaved | 6 |
| Local (L) Paved | 6 |
| Local (L) Unpaved | 4 |
| Residential Local Six (RL6) | 6 |
| Residential Local Five (RL5) | 5 |
| Residential Local Four (RL4) | 4 |
| Residential Local Two (RL2) | 2 |
| Residential Local One (RL1) | 1 |
| Boulevard (B) Four Lanes | 12 |
| Boulevard (B) Two Lanes | 8 |

A lot in existence prior to the adoption of this Ordinance, which does not comply with the requirements of this section, shall be allowed to support one dwelling unit without regard to density or lot area, provided the activity complies with all other zoning requirements and any applicable health and safety standards.

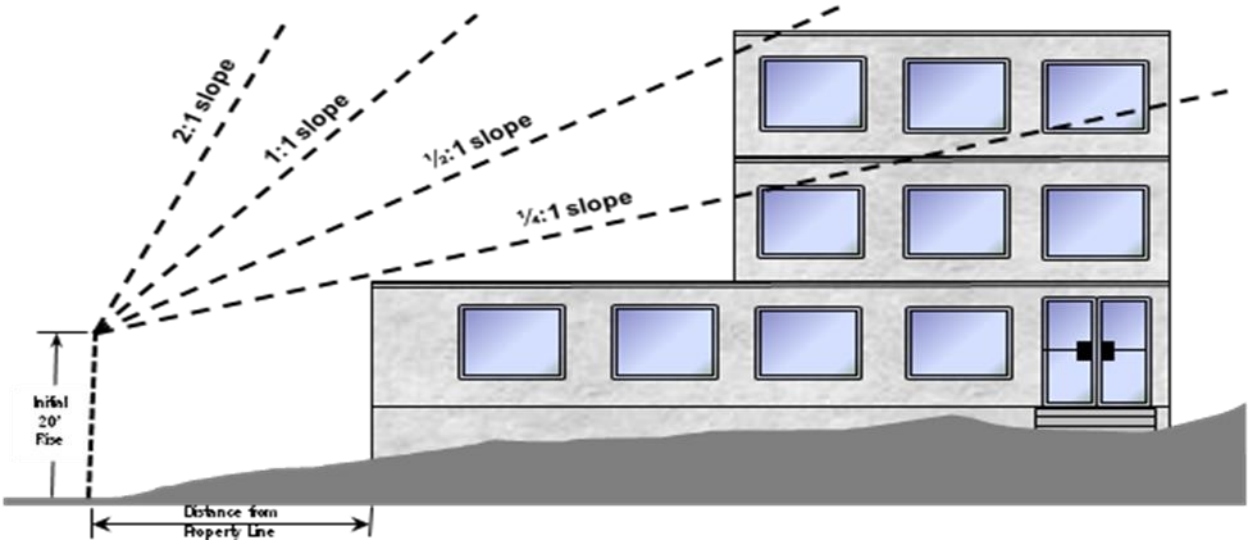
# Chapter 3. Buffering Restrictions

## 23.00 Purpose

Buffering restrictions are a key component of this Ordinance which strive to achieve compatibility of neighboring activities. To accomplish this goal, each principal activity classification has a separate set of recommended maximum buffering restrictions which address height, buffers, setbacks, and screening from surrounding properties and road rights-of-way. These principal activity categories will find themselves located in projects containing varying degrees of intensity depending on the layout, size, shape, design, etc., of the specific activity itself, the accessory activities, and the associated buildings and structures. Determination of the ideal buffering restrictions for each specific principal activity will be subject to a process outlined in this chapter. Likewise subdivisions and other new developments which may contain a variety of activities will be given internal flexibility with the application of these restrictions in order to achieve a maximum level of creativity in the formation of their project layout.

## 23.10 Height Regulations

Height regulations are based on the establishment of a height control slope. Initially, a 20-foot rise is permitted at the property line perpendicular to the property line. Then, based on the district concerned, and the activity involved, a height control slope is specified in terms of a ratio of vertical rise to horizontal distance. For example, a 2:1 ratio means that for every 2 feet of vertical rise, an additional 1 foot of horizontal distance is measured off into the interior of the property. The following diagram describes the nature of the height control slope:




The *International Residential Code for One- and Two-family Dwellings* allows no more than three stories above-grade in height; therefore, any Residential Detached or Residential Attached (2 dwelling units) activity that meets a 5-foot setback from adjoining property is exempt from the height requirements of this section.

The following chart is published to assist in determining the maximum permissible structure height allowed with various height control slopes. Heights are listed in feet based upon an initial 20-foot rise at the property line.

| Distance from the Property Line | Height Control Slope | | | | | |
|---|---|---|---|---|---|---|
| | ¼:1 | ½:1 | 1:1 | 2:1 | 3:1 | 4:1 |
| 5 | 21.25 | 22.5 | 25 | 30 | 35 | 40 |
| 10 | 22.5 | 25 | 30 | 40 | 50 | 60 |
| 15 | 23.75 | 27.5 | 35 | 50 | 65 | 80 |
| 20 | 25 | 30 | 40 | 60 | 80 | 100 |
| 25 | 26.25 | 32.5 | 45 | 70 | 95 | 120 |
| 30 | 27.5 | 35 | 50 | 80 | 110 | 140 |
| 35 | 28.75 | 37.5 | 55 | 90 | 125 | 160 |

| Distance from the Property Line | Height Control Slope | | | | | |
|---|---|---|---|---|---|---|
| | ¼:1 | ½:1 | 1:1 | 2:1 | 3:1 | 4:1 |
| 40 | 30 | 40 | 60 | 100 | 140 | 180 |
| 45 | 31.25 | 42.5 | 65 | 110 | 155 | 200 |
| 50 | 32.5 | 45 | 70 | 120 | 170 | 220 |
| 55 | 33.75 | 47.5 | 75 | 130 | 185 | 240 |
| 60 | 35 | 50 | 80 | 140 | 200 | 260 |
| 65 | 36.25 | 52.5 | 85 | 150 | 215 | 280 |
| 70 | 37.5 | 55 | 90 | 160 | 230 | 300 |
| 75 | 38.75 | 57.5 | 95 | 170 | 245 | 320 |
| 80 | 40 | 60 | 100 | 180 | 260 | 340 |
| 85 | 41.25 | 62.5 | 105 | 190 | 275 | 360 |
| 90 | 42.5 | 65 | 110 | 200 | 290 | 380 |
| 95 | 43.75 | 67.5 | 115 | 210 | 305 | 400 |
| 100 | 45 | 70 | 120 | 220 | 320 | 420 |

A maximum of two above-ground stories are permitted in the LC district.

The chart in Section 23.50 lists the height requirements of this Ordinance by activity type and location.

**23.11 Special Requirements for Waterfront Property**

In order to protect the unique scenic vistas of significant waterways in Lexington County, special requirements are to be applied to the development of properties in the vicinity of the Saluda River, the Edisto River, the Congaree River, and Lake Murray. Where there are multiple methods for computing the allowed height for a building in this chapter, the most restrictive shall apply. *The International Residential Code for One- and Two-family Dwellings* allows no more than three stories above-grade in height; therefore, any Residential Detached or Residential Attached (2 dwelling units) activity is exempt from the Special Requirements for Waterfront Property.

Lake Murray: A special height control slope of ½:1 is to be used along the shores of Lake Murray where the regulated property is designated as a Restrictive Development District. If the property is designated as an Intensive Development District, then a height control slope of 2:1 shall apply. Along the shores of Lake Murray, the location of the initial 20-foot rise shall be considered to be the location of the 360-foot (mean sea level) contour or the waterfront property line, whichever is the least restrictive. All property within 1000 feet of the 360-foot contour and designated as a Restrictive Development District shall also comply with the following additional height restrictions which are based on the street classification providing access to the proposed activity:

Local (L) or Boulevard (B) street – No building taller than 70 feet is allowed. That height is measured from the average elevation of the building as it leaves the ground.

Collector (C) street – No building taller than 100 feet is allowed. That height is measured from the average elevation of the building as it leaves the ground.

Arterial (A) street – Height of buildings shall be determined by the other requirements from this chapter.

Congaree River: Because of the extremely varied terrain along the banks of this river, it is very difficult to determine the best elevation from which to measure the "initial 20-foot rise" referenced in Section 23.10. For this river, the beginning elevation for calculating the height control slope for the waterfront property line shall be uniform along the river bank. That elevation shall be the same as the highest elevation on the property that falls within 300 feet of the waterfront property line. A height control slope of 1:1 shall apply to this waterfront property line.

Saluda River: Because of the unique scenic character of the Saluda River, stricter height requirements apply to the adjacent lands. All buildings within 500 feet of the waterfront property lines shall not exceed 50 feet. Buildings farther than 500 feet but within 1000 feet of the waterfront property lines shall not exceed 70 feet. That height is measured from the highest elevation of the building as it leaves the ground. For the purpose of this Ordinance,

the Saluda River is considered to begin 4000 feet downstream from its discharge point below the Lake Murray Dam.

Edisto River: Because of the unique "black water" aspects of the North Fork of the Edisto River, stricter height requirements apply to the adjacent lands. All buildings within 500 feet of the waterfront property lines shall not exceed 50 feet. That height is measured from the highest elevation of the building as it leaves the ground. For the purpose of this Ordinance, the Edisto River is considered to begin at the I-20 bridge crossing.

The average elevation as referenced in these regulations shall be computed by selecting the halfway point between the highest and lowest ground elevations surrounding the structure.

## 23.20 Buffer

A buffer is an area in which no activity is permitted other than necessary utility functions such as transmission lines, underground conduits, stormwater management devices, septic systems, etc. A single driveway access may encroach upon this buffer when that driveway location is the only possible point of access for the parcel. This area is described by a linear measurement from the property line inward and will vary depending on the nature of an activity and its location. The chart in Section 23.60 lists the required buffers. Land use activities where buffers are not required cannot encroach upon properties not approved for the activity or encroach upon a designated road right-of-way, unless otherwise permitted in this Ordinance. The Zoning Administrator may require buffers to be clearly delineated, by an approved material, for activities where the buffer area is likely to be encroached.

## 23.30 Setbacks

Setbacks delineate certain open spaces on lots. These spaces are linear distances measured from property lines inward. Buildings or other principal structures, or areas, comprising the principal activity of the lot may not encroach this space. A setback may accept an accessory activity, unless superseded by a buffer. Accessory buildings to residential activities must maintain a minimum 3-foot setback from adjoining property lines. The chart in Section 23.60 lists two types of setbacks based on the type of activity and location. They are measured either from a road right-of-way or an adjoining property line. Setbacks abutting existing roads shall be measured from the proposed right-of-way as shown in the Right-of-Way Plan if that width is greater than the existing right-of-way. However, for Residential Detached or Mobile Home activities being established on an existing dead-end road, which has limited potential for future widening, the existing road right-of-way shall be used. Mechanical equipment, steps, ramps, and/or landings necessary for building access, or other necessary utilities, attached to a principal structure shall not be taken into consideration when determining the setback. Land use activities where setbacks are not required cannot encroach upon properties not approved for the activity or encroach upon a designated road right-of-way, unless otherwise permitted in this Ordinance.

## 23.40 Screening

Screening shall consist of natural vegetation and/or landscaped vegetation (including planted berms), walls, or fences designed to lessen the visual interaction between adjacent activities or accessories thereto. Vegetation used for screening must be evergreen, drought-tolerant, insect and disease resistant, and appropriate for the area. The two types of screening listed in the chart in Section 23.60 are total and partial, and are measured in linear feet. If the activity occurs within the designated distance of the property line, then the more restrictive screening is required to the extent of the combined linear distance of both the required total and partial screening. Total screening is defined as being visually opaque and must be adequately sized and placed to provide the necessary screen. Partial screening is defined as being approximately 50 percent visually opaque and should include the protection of naturally vegetated areas.

Required plantings for total screening must be a minimum of 6-feet in overall height at planting and should be installed in at least two staggered rows. Required plantings to supplement natural vegetation for partial screening must be a minimum of 4 to 5 feet in overall height at planting and may be installed in a single row. The spacing of such plantings will vary depending on the plant species/variety, planting conditions, required opacity, and size of plants at installation. Smaller sized plantings, consistent with parking lot screening requirements regulated by the Lexington Landscape and Open Space Ordinance, may be considered for partial screening that is required for properties across a street. All vegetation installed to meet applicable screening requirements must supply the necessary screening within three growing seasons following installation. Vegetative screening may be installed in conjunction with street, buffer, and/or parking lot landscaping required by the Lexington County Landscape and Open Space Ordinance.

The use of fencing, wall, or landscaped berms may be considered by the Zoning Administrator for larger areas that require total screening or for the screening vehicle, craft, and/or scrap impoundment areas of, allowed residential accessory vehicles, and like activities. In all cases, the materials, height, and type of screening must be approved by the Zoning Administrator with factors such as topography, surrounding land uses, development acreage, and immediate environment taken into consideration. Tarpaulins and weed-control mesh shall not be used for screening. All screening must be located on-site of the land use required to provide the screening and must conform to applicable requirements of the Lexington County Landscape and Open Space Ordinance.

## 23.50 Architectural Standards

The standards contained in this article are designed to improve the compatibility of adjoining activities, especially where a nonresidential activity is located adjacent to a residential activity or within a Restrictive Development District. Any portion of a new land use activity that adjoins and is within 100 feet of a designated Scenic Corridor 1 or 2, as listed within the Lexington County Landscape and Open Space Ordinance; any land use that adjoins and is within 100 feet of a street with the zoning street classification of Boulevard (B); or any land use actively seeking approval by special exception as noted within Section 22.02 of this Ordinance, shall comply with the following architectural standards.

Any activity meeting the following architectural standards will be allowed to reduce the buffering restrictions of this article by 50 percent, unless otherwise required by this Ordinance:

a. Structures shall have an appearance that would be considered more of a residential than commercial style. They shall also have exterior elements that are created at a human scale.

b. All structures will include the use of exterior materials that are commonly used for house construction in the area, such as brick, stucco, etc.

c. Roofing design should generally be gabled rather than flat, mansard, etc., unless that is the residential roofing design in the area. For larger buildings where gabled roofing is not practicable, additional architectural features and/or decorative facades should be incorporated within the building design.

d. Windows should generally be something other than solid expanses of glass. Smaller panes and windows with mullions, or other designs more compatible with the residential setting, would be expected as a part of the design.

e. All accessory structures shall be designed with the same “residential pattern” as the primary structures. This would include accessory features such as porticos, sheds, canopies, equipment structures, other buildings, etc. Fencing shall also be consistent with a residential setting, to include wooden or vinyl privacy-type fencing and decorative fencing. For the purposes of this Section, cyclone fencing or chain link fencing shall not be considered.

f. All building, structure, fence, wall, canopy, and sign construction shall use earth tone colors, similar to those illustrated in Section 26.55 of this Ordinance. The use of other colors may be considered, provided they are consistent with existing residential structures in the general area. The use of bright, neon, and/or fluorescent colors is prohibited.

g. All business signs will meet the standards found in Section 26.55, which concerns signs on scenic corridors. Unless a more restrictive height limit is found in that section, business signs must be designed as “monument signs” that do not exceed a height of 10 feet. Wall signs shall be the minimum size necessary to be readable from the adjoining roadway and drive.

h. A landscape plan must be approved that exceeds the requirements of the Lexington County Landscape and Open Space Ordinance by including shrubbery, ground cover, seasonal plantings, additional tree planting/preservation, etc., that enhances the site in the same way that it adds to the visual appeal of a residential setting.

### 23.51 Exterior Colors

In all districts, all exterior building, structure, wall, fence, and canopy construction which are visible from adjoining properties and road rights-of-way shall be earth tone in color, similar to those illustrated in Section 26.55 of this Ordinance. The use of other colors may be considered, provided they are consistent with existing residential structures in the general area.

The use of bright, vivid, or otherwise highlighting or contrasting colors may be used for trim, edging, identification signage, and the like, provided such features do not exceed 10 percent of the particular wall, façade, side, or face of the individual structure. These color allowances cannot be prorated, nor can the allowable area be substituted for allowable area on another wall, façade, side, or face.

Although painted murals are not regulated in Chapter 5 of this Ordinance, they shall also conform to the exterior color provisions. Agricultural operations, residential detached, residential attached (2 dwelling units), and individual mobile homes are exempt from these provisions.

In determining if a proposed development meets these architectural standards, the Zoning Administrator shall act as the initial evaluator and will be required to render a decision as to whether the proposed design meets the intent of this section of the Ordinance. Anyone disagreeing with that decision or seeking relief from these standards may file an appeal or special exception with the Board of Zoning Appeals which shall act as the final arbiter. The Board of Zoning Appeals shall take in consideration the stated opinions of the surrounding property owners, the surrounding design features and colors of surrounding structures and properties, visibility from surrounding properties and road rights-of-way, the condition of other properties in the immediate area, and any other extraordinary conditions or circumstances that may apply when deliberating a special exception request.

## 23.60 Chart of Maximum Buffering Restrictions

The columnar chart below lists the maximum buffering restrictions defined in this chapter as they apply to the list of principal activities. The procedure for determining the actual buffering restrictions that will apply to a particular project or site shall be as outlined in the following paragraphs.

A request for a zoning permit which utilizes the maximum buffering restrictions as published shall be approved with respect to the requirements of this chapter. A request for a zoning permit which proposes to utilize buffering restrictions less than the maximum numbers listed must employ the following procedure:

If the owner of any protected property wished to sanction the selection of a lesser specific restriction, to include business sign setback requirements from adjoining properties, such consent shall be noted on a form provided by Lexington County. This consent shall become valid only upon verification by the Zoning Administrator and attachment to the applicable zoning permit.

If the process outlined above does not produce the buffering restriction desired by the applicant requesting a zoning permit, the applicant may apply to the Board of Zoning Appeals for a decision following the variance procedures outlined in Chapter 2 of Article 15 – Administration. Once the Board renders a decision, the applicant may not utilize the process outlined in the previous paragraph unless significant aspects of the permit request have been modified or the ownership of the protected property has changed.

In the development of a subdivision or other new development which may contain a variety of activities, the internal buffering restrictions shall be determined by the design of the project. Internal shall be defined as those buffering restrictions intended to determine the relationship between properties contained wholly within the boundaries of the project. Buffering restrictions with respect to surrounding properties shall be determined as outlined in the previous paragraphs, as will any internal buffering restrictions not specified in documents and on plats recorded with the Register of Deeds. Setbacks from internal rights-of-way for roads to be constructed as part of the project may also be reduced provided all off-street parking requirements, sight distances, and applicable Building Code restrictions are met. These allowances only applies to the creation of lots within new subdivisions.

Following are general rules and special rules for interpreting the chart:

### 23.61 General Rules

1. The restrictive (R) requirements in the chart apply to protected property lines within a Restrictive Development District or those which serve as the boundary between a Restrictive Development District and a Limited Restriction District, a municipality within Lexington County, or an adjacent county.

2. The intensive (I) requirements in the chart apply to protected property lines within an Intensive Development District or those which serve as a boundary between an Intensive

Development District and a Limited Restriction District, a municipality within Lexington County, or an adjacent county.

3. For property lines which serve as the boundary between a Restrictive Development District and an Intensive Development District, the restrictive (R) requirements shall apply for the protection of property on the Restrictive Development District side of the boundary relative to land uses on the Intensive Development District side of the boundary. Similarly, the intensive (I) requirements shall apply for the protection of property on the Intensive Development District side of the boundary relative to land uses on the Restrictive Development District side of the boundary.

4. When an activity is located on a parcel which is separated from surrounding protected property by existing road or railroad rights-of-way, by utility rights-of-way, by water bodies, or by other parcels, then the buffering restrictions applicable to that activity shall be measured across such separation from the protected property lines.

**23.62 Special Rules**

However, the general rules above for interpreting the chart shall be modified by the special rules below in items "1" through "6" where applicable.

1. Grandfathered residential detached and mobile home uses within an Intensive Development District shall be afforded the restrictive (R) requirements in the chart relative to land uses on surrounding properties in the following manner:

   Those portions of the property lines of a grandfathered residential detached or mobile home use which are within 100 feet of that use's principal activity [generally the building footprint(s)] shall be considered protected property lines to the extent of 100 percent of the restrictive (R) requirements in the chart relative to the applicable activity on the surrounding property.

   Those portions of the property lines of a grandfathered residential detached or mobile home use which are within 200 feet of, but more than 100 feet from, that use's principal activity [generally the building footprint(s)] shall be considered protected property lines to the extent of 50 percent of the restrictive (R) requirements in the chart relative to the applicable activity on the surrounding property. This 50 percent level of protection shall be determined by halving the distances imposed for the height, buffer, setback from adjoining property, total screening, and partial screening requirements.

   Those portions of the property lines of a grandfathered residential detached or mobile home use which are more than 200 feet from that use's principal activity [generally the building footprint(s)] shall be considered protected property lines to the extent of 100 percent of the intensive (I) requirements in the chart relative to the applicable activity on the surrounding property.

2. Those portions of the property lines of a parcel within a Restrictive Development District which serve as the boundary between the Restrictive Development District and an Intensive Development District, and which have no grandfathered residential detached or mobile home use within 200 feet, shall be considered protected property lines to the extent of 50 percent of the restrictive (R) requirements in the chart relative to the applicable activity in the Intensive Development District. This 50 percent level of protection shall be determined by halving the distances imposed for the height, buffer, setback from adjoining property, total screening, and partial screening requirements.

3. Notwithstanding special rules 1 and 2 above, certain portions of the property lines of a parcel within either a Restrictive Development District or an Intensive Development District, or both, upon which there is an existing nonresidential principal activity, shall be considered protected property lines only to the extent of 100 percent of the intensive (I) requirements in the chart relative to the applicable activity on the surrounding property. However, within a Restrictive Development District, all activities must meet 100 percent of the applicable restrictive (R) screening requirements and provide buffer landscaping, as regulated within the Lexington County Landscape and Open Space Ordinance.

4. When a protected property line runs through or borders Lake Murray or at the primary channel of a river, then the distances imposed for the buffer, setback from adjoining property, total screening, and partial screening, but not height, requirements (as first determined by applying the general rules and special rules above) shall be measured such that each linear foot of traverse over the water impoundment shall count as only ½ foot toward the total distance imposed. On Lake Murray the water impoundment is considered to be that area bounded by the 360-foot contour (MSL). Since screening of activities on water surfaces is not feasible, the partial screening requirements will typically control the distance separation over water impoundments.

5. All activities shall provide buffer landscaping as regulated within the Lexington County Landscape and Open Space Ordinance, relative to residential detached and mobile home activities already in use or permitted on adjoining properties also located in an Intensive Development District. In such cases the extent of this extra protection, if any, shall be determined in accordance with Special Rule #1. This requirement does apply to non-grandfathered residential detached and mobile home activities located across a road right-of-way.
6. Activities that provide total screening using existing natural vegetation or provide total screening with vegetation when it is not required shall be eligible for a 50 percent reduction in buffer and setback requirements. Acceptability of the screening for this reduction shall be determined by the Zoning Administrator. The following activities <u>are not</u> eligible: Detention Centers, Recycling Centers, Salvage/Wrecking Yards and Scrap Operations, Mining, Landfills, Sexually Oriented Businesses, and Utility Substations.

   Existing residential attached and mobile home park activities are not subject to the extra protection afforded to residential uses noted within this Section of the Ordinance.

<u>In all districts, all permitted activities shall comply with the Performance Standards contained in Chapter 4. For activities particularly associated with anticipated higher degrees of noise and light, the zoning application and site plan submittal shall address the proposed method(s) of compliance with the Performance Standards of this Ordinance.</u>

| ACTIVITIES | | HEIGHT (#/1) | BUFFER | SETBACKS from | | SCREENING | |
|---|---|---|---|---|---|---|---|
| | | | | Adjoining Property | Road R. O. W. | Total | Partial |
| Advertising Signs | R | ¼ | 30 | 50 | 10 | | |
| | I | 3 | | 10 | 10 | | |
| Additional height limitations are found in Section 26.60. | | | | | | | |
| Airports | R | ½ | 400 | 200*/500 | 200 | | |
| | I | 4 | | | | | |
| * This setback applies to terminals only. 1000' foot buffer is required from ends of runways. | | | | | | | |
| Agricultural Operations | R | 1 | | 30* | 30* | | |
| | I | 3 | | | | | |
| * Setbacks apply to buildings only. | | | | | | | |
| Boat Docks | R | ½ | 30 | 50 | 30 | 50 | 75 |
| | I | 2 | | | | | |
| Bus and Transit Terminals | R | ¼ | 100 | 150 | 50 | 150 | 250 |
| | I | 1 | | | | | |
| Business Offices | R | ½ | 30 | 50 | 30 | 50 | 75 |
| | I | 3 | | | | | |
| Cemeteries | R | ½ | 10 | 10 | 10 | | |
| | I | 3 | | | | | |
| Child or Adult Day Care | R | ¼ | 30 | 50 | 30 | 50 | 75 |
| | I | 3 | | | | | |

| ACTIVITIES | | HEIGHT (#/1) | BUFFER | SETBACKS from | | SCREENING | |
|---|---|---|---|---|---|---|---|
| | | | | Adjoining Property | Road R. O. W. | Total | Partial |
| Churches | R | ¼ | 30 | 50 | 30 | | |
| | I | 3 | | | | | |
| Communication Towers (Limited) | R | 1 | 30 | 50 | 30 | 50* | 100* |
| | I | 4 | | | | | |
| * Screening requirements apply to the first 20-feet of the tower above the ground. | | | | | | | |
| Communication Towers (Extensive) | R | 1 | 30 | 50 | 30 | 50* | 100* |
| | I | 4 | | | | | |
| * Screening requirements apply to the first 20'-foot of the tower above the ground. | | | | | | | |
| Community Education | R | ¼ | 75 | 100 | 40 | 100 | 150 |
| | I | 2 | | | | | |
| Construction Services | R | ¼ | 75 | 150 | 50 | 150 | 250 |
| | I | 3 | | | | | |
| Detention Centers | R | ¼ | 500 | 700 | 200 | 1,000 | 1,500 |
| | I | 1 | 50 | 100 | 50 | 500 | 750 |
| Total road frontage screening is required in the Restrictive Development District. | | | | | | | |
| Essential Services (Limited) | R | ¼ | 30 | 50 | 30 | 50 | 75 |
| | I | 2 | | | | | |
| Essential Services (Extensive) | R | ¼ | 50 | 75 | 30 | 50 | 75 |
| | I | 2 | | | | | |
| Food Services | R | ½ | 50 | 75 | 40 | 75 | 100 |
| | I | 2 | | | | | |
| General Repair and Maintenance Services | R | ¼ | 75 | 100 | 40 | 100 | 150 |
| | I | 3 | | | | | |
| General Retail (Limited) | R | ¼ | 50 | 75 | 40 | 75 | 100 |
| | I | 2 | | | | | |
| General Retail (Extensive) | R | ¼ | 75 | 100 | 50 | 150 | 250 |
| | I | 2 | | | | | |
| Golf Courses *Setback applies to buildings only. | R | 1 | | 30 | 30 | | |
| | I | 3 | | | | | |
| Group Assembly (Limited) | R | ¼ | 50 | 100 | 40 | 100 | 150 |
| | I | 3 | | | | | |
| Group Assembly (Intermediate) | R | ¼ | 75 | 150 | 50 | 150 | 200 |
| | I | 3 | | | | | |
| Group Assembly (Extensive) | R | ¼ | 100 | 250 | 100 | 200 | 300 |
| | I | 3 | | | | | |
| Group Housing | R | ½ | 20 | 20 | 20 | | |
| | I | 3 | | | | | |
| Hospitals | R | ¼ | 75 | 150 | 50 | 150 | 250 |
| | I | 3 | | | | | |
| Kennels, Catteries, and Stables | R | ¼ | 50 | 75 | 40 | 100 | 150 |
| | I | 2 | | | | | |

| ACTIVITIES | | HEIGHT (#/1) | BUFFER | SETBACKS from | | SCREENING | |
|---|---|---|---|---|---|---|---|
| | | | | Adjoining Property | Road R. O. W. | Total | Partial |
| Landfills (Limited) | R | ¼ | 50 | 150 | 30 | 700 | 1,000 |
| | I | 1 | 20 | 75 | 20 | 300 | 600 |
| Landfills (Intermediate) | R | ¼ | 100 | 200 | 50 | 900 | 1,400 |
| | I | 1 | 30 | 100 | 20 | 400 | 700 |
| Landfills (Extensive) | R | ¼ | 200 | 300 | 100 | 1,200 | 2,000 |
| | I | 1 | 70 | 100 | 50 | 600 | 900 |
| Total road frontage screening is required in all districts. | | | | | | | |
| Manufacturing (Limited) | R | ¼ | 75 | 100 | 50 | 150 | 250 |
| | I | 3 | | | | | |
| Manufacturing (Intermediate) | R | ¼ | 150 | 200 | 100 | 200 | 300 |
| | I | 2 | | | | | |
| Manufacturing (Extensive) | R | ¼ | 250 | 500 | 200 | 500 | 750 |
| | I | 1 | 100 | 150 | 100 | 150 | 250 |
| Marinas | R | ½ | 50 | 70 | 40 | 75 | 100 |
| | I | 3 | | | | | |
| Medical Services | R | ½ | 20 | 30 | 30 | 30 | 50 |
| | I | 3 | | | | | |
| Military Installations | R | ¼ | 500 | 1000 | 200 | 600 | 1,000 |
| | I | 1 | 250 | 500 | 100 | | |
| Mining (Limited) | R | ¼ | 50 | 150 | 30 | 700 | 1,000 |
| | I | 1 | 20 | 75 | 20 | 300 | 600 |
| Mining (Intermediate) | R | ¼ | 100 | 200 | 50 | 900 | 1,400 |
| | I | 1 | 30 | 100 | 20 | 400 | 700 |
| Mining (Extensive) | R | ¼ | 200 | 300 | 100 | 1,200 | 2,000 |
| | I | 1 | 70 | 100 | 50 | 600 | 900 |
| Total road frontage screening is required in all districts. | | | | | | | |
| Mini-Parks<br>*Setbacks apply to structures and equipment only. | R | ½ | 10 | 20* | 10* | | |
| | I | 3 | | | | | |
| Mini-Warehouses | R | ¼ | 75 | 100 | 50 | 150 | 200 |
| | I | 3 | | | | | |
| Mobile Homes | R | 1 | | 5 | 10 | | |
| | I | 3 | | 5 | 10 | | |
| Mobile Home Parks (Limited) | R | ½ | 0/30# | 20/75# | 30 | 0/50# | 0/75# |
| | I | 3 | 0/30# | 20/75# | 30 | 0/50# | 0/75# |
| Mobile Home Parks (Extensive) | R | ½ | 30/60# | 75/150# | 75 | 50/100# | 75/150# |
| | I | 3 | 0/60# | 20/150# | 30 | 0/100# | 0/150# |
| # This extra protection shall be afforded in all districts, but only relative to Residential Detached and Mobile Home activity already in use on surrounding properties. In such cases the extent of this extra protection, if any, shall be determined in accordance with Special Rule #1 as if the Residential Detached or Mobile Home activity was a Grandfathered Residential Use within an Intensive Development District. | | | | | | | |
| Natural Reserves | R | ½ | | | | | |
| | I | 3 | | | | | |

| ACTIVITIES | | HEIGHT (#/1) | BUFFER | SETBACKS from | | SCREENING | |
|---|---|---|---|---|---|---|---|
| | | | | Adjoining Property | Road R. O. W. | Total | Partial |
| Non-Assembly Cultural | R | ½ | 20 | 30 | 30 | 30 | 50 |
| | I | 3 | | | | | |
| Nursing Homes | R | ¼ | 50 | 70 | 30 | 100 | 150 |
| | I | 3 | | 20 | 30 | | |
| Personal Convenience Services | R | ½ | 50 | 75 | 30 | 75 | 100 |
| | I | 3 | | | | | |
| Power Plants | R | ¼ | 250 | 500 | 200 | 500 | |
| | I | 1 | 100 | 150 | 100 | 150 | |
| Radioactive Materials Handling | R | ¼ | 4,000 | 6,000 | 500 | 8,000 | 9,500 |
| | I | 1 | 2,000 | 3,000 | 500 | 5,000 | 7,500 |
| Railroad | R | ¼ | 250 | 400 | 200 | 500 | 750 |
| | I | 3 | | | | | |
| Recycling Centers | R | | 50 | 75 | 30 | ** | |
| | I | | | | | ** | |
| ** Total screening required. | | | | | | | |
| Research Services | R | ½ | 30 | 50 | 30 | 50 | 75 |
| | I | 3 | | | | | |
| Residential Detached | R | 1 | | 5 | 10 | | |
| | I | 3 | | 5 | 10 | | |
| Residential Attached (2 dwelling units) | R | 1 | | 5 | 10 | | |
| | I | 3 | | 5 | 10 | | |
| Residential Attached (3 or more dwelling units) | R | ½ | 30 | 75 | 20 | 100 | 150 |
| | I | 3 | | 20 | 20 | | |
| Retirement Centers/Assisted Living | R | ¼ | 50 | 70 | 30 | 100 | 150 |
| | I | 3 | | 20 | 20 | | |
| Salvage/Wrecking Yards and Scrap Operations (Limited) | R | ¼ | 150 | 250 | 100 | ** | |
| | I | 1 | 20 | 50 | 30 | ** | |
| ** Total screening required in all districts. | | | | | | | |
| Salvage/Wrecking Yards and Scrap Operations (Extensive) | R | ¼ | 250 | 400 | 200 | ** | |
| | I | 1 | 30 | 75 | 50 | ** | |
| **Total screening is required in all districts. | | | | | | | |
| Speculative Development - Individual tenants must meet all applicable requirements for their principle activity and be permitted separately before locating within the designated development. Individual tenants may have less restrictive requirements than the Speculative Development. | | | | | | | |
| Business Parks | R | ¼ | 30 | 50 | 30 | 50 | 75 |
| | I | 2 | | | | | |
| Shopping Centers | R | ¼ | 75 | 100 | 50 | 150 | 250 |
| | I | 2 | | | | | |
| Industrial Parks | R | ¼ | 250 | 500 | 200 | 500 | 750 |
| | I | 1 | 100 | 150 | 100 | 150 | 250 |

| ACTIVITIES | | HEIGHT (#/1) | BUFFER | SETBACKS from | | SCREENING | |
|---|---|---|---|---|---|---|---|
| | | | | Adjoining Property | Road R. O. W. | Total | Partial |
| Towing and Impoundment Lot<br>**Total screening of an impoundment yard is required in all districts. | R | ¼ | 50 | 75 | 30 | 75** | 100 |
| | I | 1 | | | | ** | |
| Trade Enterprises | R | ¼ | 50 | 75 | 40 | 100 | 150 |
| | I | 2 | | | | | |
| Transient Habitation | R | ¼ | 75 | 100 | 50 | 150 | 225 |
| | I | 3 | | | | | |
| Transport and Warehousing (Limited) | R | ¼ | 75 | 100 | 50 | 150 | 225 |
| | I | 3 | | | | | |
| Transport and Warehousing (Extensive) | R | ¼ | 150 | 200 | 100 | 200 | 350 |
| | I | 2 | | | | | |
| Transport Services | R | ¼ | 50 | 75 | 40 | 75 | 100 |
| | I | 2 | | | | | |
| Undertaking | R | ½ | 20 | 30 | 30 | 30 | 50 |
| | I | 3 | | | | | |
| Utilities | R | ½ | 20 | 30 | 20 | 50 | 75 |
| | I | 3 | | | | | |
| Vehicle Parking | R | ½ | 30 | 50 | 30* | 75 | 100 |
| | I | 3 | | | | | |
| *Road R.O.W. setback applies to building only. | | | | | | | |
| Vehicle Repair and/or Sales<br>*Storage areas for vehicles and/or crafts under repair, to be repaired, damaged, and like must be totally screened in all districts.<br>**Road R.O.W. setback for vehicle sales applies to buildings only. | R | ¼ | 75 | 100 | 50** | 150* | 250 |
| | I | 1 | | | | * | |
| Vehicle Servicing | R | ½ | 50 | 75 | 30 | 75 | 100 |
| | I | 2 | | | | | |
| Zoos | R | ¼ | 100 | 150 | 50 | 150 | 225 |
| | I | 3 | | | | | |

# Chapter 4. Performance Standards

## 24.00 General Rules

In all districts, any permitted activity shall comply with the performance standards contained in this chapter.

Performance standards are not applicable to noises generated from the broadcasting of music, live band performances, garbage collection, or motor vehicle engine noise from parking areas. These noises shall be considered nuisance noises and addressed in Lexington County Ordinance, Chapter 26, Article II, Noise.

In case of conflict between the performance standards set forth herein and regulations adopted by any other governmental agencies, the more restrictive shall apply. The same shall apply to a conflict with other requirements of this Ordinance.

For the purposes of determining the applicability of the provisions of this chapter only, an adjacent grandfathered residential use is a grandfathered residential use within 200 feet of the property line.

## 24.10 Noise

### 24.11 Definitions

Decibel: a unit of intensity of sound pressure. The decibel scale is a logarithmic scale of ratios of pressure with respect to a reference point pressure of 0.0002 microbars. It is abbreviated as "dB."

Frequency: the number of times that a sound pressure fluctuation completely repeats itself in one second of time. Frequency is designated in cycles per second and is abbreviated as "cps."

Impact Sound: a separate, distinct noise heard above normal, consistent noise or sound levels produced by an activity. Impact sounds may be produced by two or more objects (or parts of a machine) striking each other or various other means.

Noise: a subjective description of an undesirable or unwanted sound.

Overall Sound Level: total sound pressure level in the entire frequency spectrum between 20 and 20,000 cycles per second.

Sound: repeat fluctuations of atmospheric pressure which are audible to persons.

Sound Level Meter: an instrument to measure the overall sound level. It shall comply with applicable specifications of the American National Standards Institute (ANSI) and the International Electrotechnical Commission (IEC).

Steady State: a noise or vibration which is continuous such as from a fan or compressor.

### 24.12 Method of Measurement

For the purpose of measuring the intensity or frequency of sound, a sound level meter may be employed. Sound measurements shall utilize the peak intensity of sound, measured in decibels, the "A" frequency weighting and the "slow" response characteristic of a sound level meter conforming in all respects to ANSI standard S 1.4-1071, as revised, for Type 1 or Type 2 instruments and the EIC.

The microphone used to measure the intensity of a noise may be placed at any point on the exterior of the property line of the complaining party and shall be at least five (5) feet from any wall, fence, or structure and not less than three (3) feet above ground.

### 24.13 Maximum Permitted Sound Pressure Levels

Any operation or land use activity shall not create, assist in creating, permit, or permit the continuance of any noise in excess of 75 decibels (dB) for adjacent Restrictive Development Districts and adjacent grandfathered residential uses or any noise in excess of 85 decibels (dB) for

adjacent Intensive Development Districts. Impact sounds shall not exceed 85 decibels (dB) for adjacent Restrictive Development Districts and adjacent grandfathered residential uses or 95 decibels (dB) for adjacent Intensive Development Districts. Between the hours of 7:00 p.m. and 7:00 a.m. all of the permissible noise levels indicated shall be reduced by 5 decibels. An independent analysis and the means to address excessive noise may be required by the Zoning Administrator prior to permitting of a new activity that may generate excessive noise or in the event an existing permitted activity potentially exceeds the allowances within this Section of the Ordinance.

**24.14 Exemptions**

The following activities are exempt from the provisions of this Section provided they conform to the specific conditions listed:

a. Residential Accessory Activities: Noises generated as a result of accessory activities to residential living including, but not limited to, animal noise, lawn mowers, chain saws, string trimmers, etc.

b. Audible Warning Devices: Noises attributable to audible warning devices required on vehicles by either the U.S. Occupational Safety and Health Administration (OSHA) or the U.S. Mining Safety and Health Administration (MSHA).

c. Transportation and Vehicular Traffic: Noises not directly attributable to an activity located on the same parcel, such as transportation activities and traffic generated on public or privately maintained roads.

d. Temporary Activities: Noise generated from construction, grading, and demolition activities which are necessary and incidental to the development of a principal activity or noise generated from activities not regulated by this Ordinance as described in Article 2, Chapter 1, Section 21.21 of this Ordinance.

e. Agricultural Equipment Sporting Events: Events involving competitive showing, racing, or running of agricultural equipment are exempt only on Fridays and Saturdays between the hours of 12:00 p.m. and 9:00 p.m. and on Sundays between the hours of 1:00 p.m. and 6:00 p.m. The exemption for this category is limited to five (5) calendar days per year.

f. School Cultural and Athletic Rehearsal/Practice Events: Extra-curricular rehearsal and/or practice held on school property are exempt between the hours of 7:00 a.m. and 7:00 p.m. This would commonly include activities such as the marching band, football, softball, soccer, etc.

g. Regularly Scheduled School, Cultural, and Athletic Events: Extra-curricular activities held on school property are exempt during the hours of 10:00 a.m. to 11:00 p.m. This would commonly include activities such as marching band competitions and exhibitions; football, baseball, softball, and soccer games; track meets, etc.

h. Annual Community-Sponsored Festivals: Festivals sponsored by local communities within the unincorporated areas of the County are exempt only between the hours of 9:00 a.m. and 12:00 a.m. The exemption for this category is limited to two (2) times per calendar year per sponsor/festival.

i. Recreation Commission Sporting Events: Normal sporting events held at County Recreation Commission locations are exempt between the hours of 9:00 a.m. and 11:00 p.m.

j. Social, Cultural, Historical and Fund Raising Events: Events held for the purpose of raising charitable funds, rallies for the promotion of community and cultural purposes, Civil and Revolutionary War re-enactments, scouting jamborees, and the like, are exempt between the hours of 10:00 a.m. and 10:00 p.m. The exemption for this category is limited to two (2) times per calendar year per sponsor/event.

Nothing in this Ordinance shall preclude the enforcement of Lexington County Ordinance, Chapter 26, Article II, Noise, in which any excessive noise may be addressed without regarding

to the standards of this Section by the Lexington County Sheriff's Department. There are no grandfathering provisions for existing noise violations.

## 24.20 Toxic Matter and Hazardous Waste

### 24.21 Definitions

Toxic Matter: Materials or substances which, either singly or in combination with other materials or substances, through synergistic action, pose a threat to the health of human beings, either acutely or chronically.

Hazardous Waste: Materials or substances which are not biodegradable and which, due to such fact, pose a threat to living organisms through chemical contamination of the ecosystem.

### 24.22 Determination of Material Status

The determination that a material or substance is either toxic or poses a threat as a hazardous waste shall be based upon the listing published by the Environmental Protection Agency under the Toxic Substances Control Act of 1976 and the rules and regulations promulgated for identification of such by the SC Department of Health and Environmental Control (SCDHEC).

### 24.23 Compliance with Existing Statutes

Any facility proposing to locate within the jurisdiction of this Ordinance which would utilize toxic matter or produce hazardous waste in the process of manufacturing, fabricating, assembling, packaging or any related activity, shall provide to the Zoning Administrator for Lexington County documentation from all applicable SCDHEC Bureaus indicating compliance with the rules and regulations administered by those agencies. Only until such certification is received from SCDHEC shall the facility be permitted.

Nothing contained herein shall be intended to preempt or abrogate the requirement for a user of toxic matter or generator of hazardous waste to adhere to the administrative and procedural requirements of state or federal agencies with regard to environmental protection, or additional regulations contained within Article 3 of this Ordinance.

### 24.24 Special Requirements

Notwithstanding the requirements of state and federal agencies charged with the administration of the rules and regulations governing the operation of facilities utilizing toxic matter or generating or storing hazardous waste, any facility involved in such identified material shall provide an on-site containment area for the material so that a leak or spill is contained entirely on the facility's property and thus prevented from entering the surface or subsurface drainage system, man-made or natural, within the County. The review of the containment structure as to its design and acceptability shall remain with the Zoning Administrator who may rely upon the expertise provided by the County Land Development Division or any other agency as necessary to ascertain satisfaction that the proposed structure will provide compliance with the intent of this section.

### 24.25 List of Materials

Materials and substances considered as either toxic matter or hazardous waste shall be those contained within the listing published by the Environmental Protection Agency, as amended, under the provision of the Toxic Substances Control Act of 1976. A further listing of such materials is found in Regulation No. 61-79.1 of the Rules and Regulations of the State of South Carolina, appended to the 1976 Code of Laws, as amended.

## 24.30 Fire and Explosive Hazards

Activities involving the storage, utilization, or manufacture of materials or products which are considered detonable (non-atomic), flammable, or ignitable shall be subject to the rules and regulations of the South Carolina Department of Health and Environmental Control for such.

### 24.31 Particular Requirements for Lexington County

Vehicular fuels shall be stored in accordance with the following storage capacity limits:

| | ADJACENT GRANDFATHERED RESIDENTIAL USE or ADJACENT RESTRICTIVE DEVELOPMENT DISTRICT | ADJACENT INTENSIVE DEVELOPMENT DISTRICT |
|---|---|---|
| Underground Tank | 80,000 gallons/acre | Unlimited |
| Above Ground Tank | 40,000 gallons/acre | 150,000 gallons/acre |

Where above ground storage is proposed in excess of 100,000 gallons, a minimum distance of 500 feet shall be required from such storage to any property line.

## 24.40 Radioactive Materials

The manufacture, storage, or utilization of radioactive materials shall be in accord with the requirements of the South Carolina Department of Health and Environmental Control. Reference is made to Regulations 61-63 and 61-83 appended to the South Carolina Code of Laws, 1976, as amended. Pertinent activities shall also comply with Article 3 of this Ordinance.

## 24.50 Light and Glare

### 24.51 Definitions

Foot Candle: a unit of illumination. Technically, the illumination at all points 1 foot distant from a uniform point source of 1 candlepower.

Glare: the disturbing quality of direct illumination which, although not necessarily providing a measurable amount of light from a given vantage point, nonetheless is an attractive nuisance to the eye to the point of causing discomfort when viewed.

### 24.52 Limitation of Illumination

Any land use activity producing light from a non-mobile source, which includes the storage of inoperable vehicles, shall not cause illumination in excess of 1.0 foot candle when measured in a Restrictive Development District or across the protected property line of an adjacent grandfathered residential use.

### 24.53 Limitation of Glare

Any land use activity producing glare from a non-mobile source, which includes the storage of inoperable vehicles, shall be developed so that glare is not directed into a Restrictive Development District, across the protected property line of an adjacent grandfathered residential use, or into traffic lanes of public roads. Pole mounted lighting fixtures shall be located along so that the direction of the light is directed inward away from the property lines. All exterior lighting should be either shielded or recessed within an awning, eve, canopy, or in such manner to reduce excessive glare. Other measures, including, but not limited to, tinting, blinds, non-reflective backgrounds, or low wattage lighting may be necessary to meet these provisions.

### 24.54 Prohibited Forms of Light and Glare

The use of flashing, blinking, or strobe-type lights, or any type of pulsating or moving light, by an activity is prohibited in all districts; however, this Section is not intended to regulate seasonal and/or cultural decorations (i.e., holiday lighting).

# Chapter 5. Signs

## 25.00 Intent and Purpose

The purpose of this chapter is intended to accomplish the following objectives:

a. To encourage a high standard for signs to enhance the aesthetic appearance and attractiveness of the community, and to further create an environment that contributes to the ability of the community to attract economic development and growth.

b. To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised.

c. To minimize distractions and obstructions-of-views that contributes to traffic hazards and endanger the public.

d. To allow for adequate and effective signs for communicating identifications and promoting businesses.

e. In the interest of public safety, the visibility of street name signs, street address information, and address numbers for use by emergency responders (fire, police, and medical) is of preeminent importance and should be considered during the placement of signs covered under this chapter.

## 26.00 Definitions

Advertising Signs. Any signs, pictorial or otherwise, regardless of size or shape, which direct attention to a business, commodity, attraction, profession, service, or entertainment conducted, sold, offered, manufactured, existing, or provided at a location other than on the premises where this sign is located or to which it is affixed. Such signs are sometimes called off-premise signs, and include, but are not limited to, those signs commonly referred to as outdoor advertising signs, billboards, or poster boards.

Audible Sign. Signs which emit any sound capable of being detected on a public road or adjoining property.

Banners. Signs intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, governmental, or corporate organizations.

Business Signs. Any signs, pictorial or otherwise, regardless of size or shape, which direct attention to an activity, business, commodity, attraction, profession, service, or entertainment conducted, sold, offered, manufactured, existing, or provided on the premises where the sign is located or to which it is affixed. Such signs shall also include such representations painted on or otherwise affixed to any exterior portion of a business. Business signs are sometimes called on-premise signs.

Canopy Signs. Signs that are erected on a separate, freestanding roof-like covering.

Changeable Copy Signs. Signs on which message copy is changed manually through the utilization of attachable letters, numbers, symbols, and other similar characters or changeable pictorial panels. Poster panels and printed boards are not considered changeable copy signs.

Commercial Center. A commercial complex consisting of more than one retail, commercial, or office establishment grouped together, usually developed under one ownership or management, and generally sharing parking areas and vehicular entrances and exits.

Contractor's Signs. Signs displaying the names of the builders, contractors, architects, engineers, craftsmen, artisans, and similar information erected upon the premises of any work, construction, major repairs, or improvements.

Directory Signs. Signs that display information pertinent to the safety, legal responsibilities, or the well being of the general public to include, but not limited to, warning, no trespassing, restrooms, public telephones, walkways, entrance and exit drives, traffic directions, addresses, and similar information.

Display Area. That area of a sign including the entire area within a regular geometric shape (square, rectangle, triangle, circle, or semicircle) or combination of regular geometric shapes enclosing all of the elements of informational or representational matter displayed, including blank masking or any surface shape intended to convey ideas, information, or meaning. The display area shall also include any painted portion, whether on a sign or building edifice, that serves as a part or all of a logo or other advertisement for any business product or activity. Frames or structural members not bearing informational or representational matter shall not be included in calculating the display area. For double-faced signs that are relatively parallel (forming an angle of 45 degrees or less) and supported by the same structure, the display area of the sign equals the total display area of the largest face. The display area of other multiple-faced signs equals the total display area of all faces.

Driveway Signs. Signs indicating the direction of travel for driveway ingress and/or egress.

Earth Tone. Color scheme that reflects a palette of natural colors found in rocks, soil, and vegetation. These colors are usually represented by muted shades of brown, tan, gray, green, and red.

Electronic Message Board. An electrical or electronic sign using digital technology or a pattern of lights to form various words or graphics which is capable of changing copy continuously.

Flag. A piece of durable fabric of distinctive design that is used as a symbol or decorative feature. Pennants do not qualify under this definition.

Flashing Signs. Signs that use blinking, intermittent, or flashing light source.

Freestanding Signs. Signs that are permanently secured in the ground and which are not attached to, supported by, or erected on a building or other structure having a principal function other than the support of such signs.

Illuminated Signs. Signs either internally or externally lighted by an artificial source.

Incidental Signs. Signs used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

Inflatable Signs. Any signs that are either expanded to their full dimensions or supported by gases contained with the sign parts, at a pressure greater than atmospheric pressure. Untethered airships are not considered to be inflatable signs. Also see Portable or Moveable Signs.

Moving Signs. Any sign that has movement caused by means other than the movement of air over the face of the sign or into the body of the sign. See Windblown Signs.

Off-Premise Signs. See Advertising Signs.

On-Premise Signs. See Business Signs.

Pennants. Any lightweight plastic, fabric, or other material, regardless of shape, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move with the wind.

Political Campaign Signs. Signs announcing candidates seeking public office or relating to any election or public referendum.

Portable or Moveable Signs. Any signs that are not permanently attached to the ground, a structure, a frame, building, or other surface. Such signs include, but are not limited to, the following: trailer signs, signs mounted to and/or displayed from a parked vehicle, sandwich board signs, sidewalk or curb signs, push-in signs, temporary banners, decorative flags, and inflatable signs.

Projection Signs. Any signs or graphics that are projected on a wall, building, street, screen, or natural backdrop, originating from any projection device which would include, but not be limited to, laser lights, slide or video projections, and any other computer or electronic device.

Public Service Signs. Signs that display information relative to a public service activity including assisting the public in finding the location of such an activity. Such activities shall only include those which do not exist for the purpose of acquiring an income for the personal gain of the owner(s) or operator(s). They shall be limited to those activities that exist solely for the purpose of providing a desired

service, pastime, endeavor, leisure interest, etc., for members of the general public. Public service activities shall include but are not limited to the following: churches, public education, recreation, cultural, entertainment, community clubs, and veterans clubs.

Real Estate Signs. Signs offering real estate for sale, rent, or lease.

Residential/Commercial/Industrial Subdivision and Residential Development Signs. Permanent signs displaying no information other than the name of the subdivision, group housing development, apartment/condominium complex, or mobile home park.

Seasonal Signs. On-Premise Signs advertising seasonal or holiday products or services.

Sign. Any device which informs or attracts attention.

Short-Term Information Signs. Signs such as garage sale, lost and found pets, civic, religious, or cultural event, and wedding and reception directions.

Sponsorship Signs. Signs employed by a school or by a civic, fraternal, religious, charitable or similar organization, which identifies the sponsor (by name, address and/or logo, crest, insignia, trademark or emblem only) of recreational or sports facilities provided on the premises where such signs are displayed. "Sponsorship Fence Signs" shall mean sponsorship signs affixed to permanent fencing. "Facility" shall mean the entire premises of an elementary or secondary school or a recreation or sports facility.

Street Frontage. That property line of a parcel that abuts a public or private road. In those cases where no property lines abut a road, 25 percent of the parcel's perimeter shall be a substituted measurement for street frontage for the purpose of calculating the maximum display area and number of freestanding signs allowed, as though that parcel had only one street frontage.

Temporary Signs. Signs which are not permanently installed in the ground or affixed to any structure or building, and which are erected or displayed for a period of time as allowed in this Ordinance.

Vehicular Signs. Signs on vehicles or trailers, which are in a street legal operating condition.

Wall Signs. Signs attached to the exterior wall of a building or structure.

Window Signs. Signs intended for viewing from the exterior of a window or door.

Windblown Signs. Any banner, device, or display designed to be moved by natural or artificially generated sources of air, which contains a written or pictorial message.

## 26.10 General Provisions

### 26.11 Zoning Permit

Zoning permits are required for the following temporary and permanent signs: portable or moveable signs; off-premise subdivision/development signs; freestanding business signs, including changeable copy signs, commercial center signs and electronic message boards; canopy signs; residential/commercial/industrial subdivision and development signs; wall signs; high rise building signs; and advertising signs.

### 26.12 Construction Standards

All signs shall comply with the appropriate provisions of the County's Building Code, and shall maintain clearances from all overhead electrical conductors in accordance with the National Electric Code, provided that no sign shall be installed within a 10-foot radius from any conductor. Temporary signs shall be erected or placed to remain in the intended location and not to become a safety hazard or litter problem. All signs shall comply with section 23.51 of this Ordinance for the use of bright or vivid colors, unless otherwise regulated or prohibited, such as projects along Scenic Corridors or those implementing Architectural Standards.

### 26.13 Unsafe or Hazardous Signs

No signs shall be erected or allowed to remain erected that, in the opinion of the County Building Official or Zoning Administrator, is structurally unsafe and constitutes a danger to the public

safety. If any sign should become insecure, in danger of falling, or otherwise unsafe, the owner thereof or the person maintaining the sign shall immediately secure or remove the sign.

### 26.14 Maintenance

To ensure that signs are maintained in a safe and aesthetic manner, the following maintenance requirements shall apply to all signs:

a. No signs shall be allowed to have more than 20 percent of its display area, reverse side, or structure missing or covered with disfigured, chipped, cracked, ripped, or peeling paint or poster paper for a period of more than 30 successive days.

b. No sign shall be allowed to remain with a bent or broken display area, broken supports, loose appendages or struts, missing displays or cabinets, or stand more than 15 degrees away from the perpendicular for a period of more than 30 successive days.

c. No sign shall be allowed to have weeds, trees, vines, or other wild vegetation growing upon it for a period of more than 30 successive days.

d. No indirect or internally illuminated sign shall be allowed to have only partial illumination for a period of more than 30 successive days.

Any sign that fails to comply with the requirements above must be immediately removed by the owner of the property or the person responsible for the sign.

### 26.15 Public Right-of-Way

No portion of any sign shall overhang or encroach upon any public right-of-way.

### 26.16 Illuminated Signs

All illuminated signs must meet the performance standards related to light and glare as described in Article 2, Section 24.50.

## 26.20 Exempt Signs

The following are not subject to these sign regulations:

a. Signs not exceeding 1 square foot in area and bearing only property numbers, post office box numbers, or names of occupants on premises not having commercial connotations.

b. The single flag or insignia of the United States or any other governmental or corporate entity, except when displayed in connection with commercial promotion.

c. Legal notices or identification, public information signs, and directional signs erected as required by governmental bodies.

d. Integral decorations or architectural features of buildings or grounds, except letters, trademarks, moving parts, or moving lights.

e. Signs not exceeding 4 square feet in area directing and guiding traffic on private property.

f. Wall identification signs and commemorative plaques not more than 4 square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event.

g. Signs which are not designed to be visible beyond the boundaries of the parcel on which they are located or from any public thoroughfare or right-of-way

h. Incidental signs or trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps.

## 26.30 Prohibited Signs

### 26.31 Signs Imitating Traffic or Emergency Signals

No sign shall be allowed which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which displays intermittent lights resembling the color, size, shape, or order of lights customarily used in traffic signals, on emergency vehicles, or on law enforcement vehicles, except as part of a permitted private or public traffic control sign.

### 26.32 Audible Signs

No sign shall be allowed which emits any sound capable of being detected on a public road or adjoining property.

### 26.33 Flashing Signs

No sign, including exempt signs and signs that do not require permitting, shall be allowed which utilizes flashing, blinking, or strobe-type lights, or any type of pulsating or moving light. Electronic message boards may only be used in accordance with the provisions of this chapter.

### 26.34 Moving Signs

No sign shall be allowed which moves or presents the illusion of movement in any manner, when such movement is provided by means other than movement generated from wind.

### 26.35 Signs Attached to or Painted on Selected Features

No sign shall be allowed which is attached to a utility pole, light pole, or street sign, or is attached to or painted on trees, rocks, or other natural objects.

## 26.40 Temporary Signs

In keeping with Section 25.00 Intent and Purpose, temporary signs that are in compliance with the requirements of Section 22.10 Driveway and Street Restrictions, Section 26.10 General Provisions, Section 155.00 Conflict with Other Laws, and all other applicable requirements of this Ordinance, shall be allowed.

### a. Banners Over Public Rights-of-Way

Banners spanning over public rights-of-way are allowed, subject to approval by the appropriate State DOT agency or appropriate local governmental (County or Municipal) agency responsible for maintenance of the right-of-way. Banners attached to existing utility poles shall require the approval of such utility agency.

### b. Contractors' Signs

Contractors' Signs displaying the names of the builders, contractors, architects, engineers, craftsmen, artisans, and similar information may be erected upon the premises of any work, construction, major repairs, improvements, or new development. The display area of such signs shall not exceed 32 square feet. Such signs shall be removed within 7 days of the completion of the work. Temporary signs advertising that a new activity is coming soon shall comply with the requirements of this category and may not be installed until a valid Zoning Permit has been issued for the activity.

### c. Political Campaign Signs

Signs announcing candidates seeking public office or relating to any election or public referendum shall be allowed. Such signs shall be placed only on private property with the property owner's permission, and removed within 7 days after the election or referendum. These signs do not have to be set back from road rights-of-way.

### d. Portable or Movable Signs

Portable or Movable Signs shall be permitted up to two separate times per year for a period not to exceed 30 consecutive days per occurrence. Portable signs must be located at least 20 feet from any adjoining business signs or advertising signs. Pennants are allowed only in conjunction with a permit

under this section and are limited to two strands per 100 feet of road frontage. A strand is defined as being between two attachment points.

Individual business centers and commercial centers may have one portable sign per 200 feet of street frontage or portion thereof. Tenants are limited to one portable sign per occurrence. A parcel with frontage on different streets shall have the frontages regulated independently as to number of signs allowed. Multiple signs allowed on the same frontage of the same parcel must be located at least 200 feet apart. Private restrictive covenants and/or lease agreements for business centers and commercial centers may include more restrictive policies for these types of signs.

**e. Real Estate Signs**

Real Estate Signs are temporary signs offering real estate for sale, rent, or lease. These signs do not have to be set back from road rights-of-way, but still must comply with the engineering criteria found in the Lexington County Land Development Manual and the driveway restrictions found in Section 22.10 of this Ordinance.

On-Premise – The real estate sign display area shall not exceed 6 square feet for individual parcels restricted for residential use only and 32 square feet for all other parcels. There may be only one sign per 200 feet of street frontage or portion thereof and such signs shall be removed within 7 days of the conveyance or lease of the property.

Off-Premise – Real estate signs not exceeding 4 square feet in area and 2½ feet in height are allowed off-premises, provided they are located on private property with the property owner's permission. These signs do not have to be set back from road rights-of-way. Such signs shall be removed within 7 days of the conveyance or lease of the property.

On-Premise Subdivision/Development Signs shall be allowed in addition to the permanent Subdivision/Development Signs provided they do not exceed 32 square feet, one per entrance, and are removed after 100 percent of the original lots, units, etc., have been sold or leased to a party no associated with a developer and/or builder in the development.

Off-Premise Subdivision/Development Signs shall be permitted provided they are located on private property with the property owner's permission and meet the following requirements:

1. They must be located no further from the subdivision or development than the first intersection with an Arterial (A) street. If there are multiple directions to arrive at the project there may be multiple signs with the maximum distance allowed determined independently in each direction.

2. These signs shall not contain more than 24 square feet in display area.

3. The maximum height of the sign shall be 4 feet.

4. These off-premise signs must be removed after 90 percent of the lots, units, etc., have been sold or leased.

5. These off-premise signs advertising an individual development cannot be located closer than 300 feet from another permitted off-premise subdivision/development sign. No more than of these off-premise signs is allowed per parcel of land.

6. Multiple subdivisions/developments desiring to share an off-premise sign must meet the same locational standards of this Section; however, the maximum height of the sign shall be 8 feet and the maximum display shall be 48 square feet, provided each development is represented with equal dimensions on the sign.

**f. Seasonal Signs**

Seasonal Signs are on-premise signs advertising seasonal or holiday products or services. These signs shall not exceed 32 square feet in area and must be located on private property with the property owner's permission. There may be only one sign per 500 feet of street frontage or portion thereof and such signs must be removed within 7 days after the end of the season. These signs do not have to be setback from road rights-of-way.

### g. Short-Term Information Signs

Short-term Information Signs, such as garage sale, lost and found pets, temporary directional signs for civic, religious, community, or cultural activities, and wedding and reception directions, are allowed provided they are located on private property with the property owner's permission. These signs shall not exceed 12 square feet in size, are limited to no more than 7 consecutive days, and must be removed within 24 hours after the completion of the event. There may be only one sign per 500 feet of street frontage and these signs do not have to be set back from road rights-of-way.

### h. Sponsorship Signs

Sponsorship Signs are signs employed by a school or by a civic, fraternal, religious, charitable or similar organization, which identifies the sponsor (by name, address and/or logo, crest, insignia, trademark or emblem only) of recreational or sports facilities provided on the premises where such signs are displayed. "Sponsorship Fence Signs" shall mean sponsorship signs affixed to permanent fencing. "Facility" shall mean the entire premises of an elementary or secondary school or a recreation or a sports facility. These signs are intended to be used for a specific event or sporting season. They must meet all safety standards and local event/location restrictions imposed by the event committee, site owner, etc. Such signs intended to remain beyond the event or sporting season limitation shall be regulated as permanent signs under the appropriate definitions found in this Ordinance.

### i. Vehicular Signs

Vehicular Signs are signs on vehicles or trailers, which are in street legal operating condition. Signage, no matter how attached or painted, on a currently, properly licensed vehicle (motorized or not – including trailers) used in the everyday conduct of the business or activity that it is advertising, is allowed. Vehicles with such signage may be parked in normal designated parking places, but not on grassy areas, sidewalks, or other locations not normally available to customers or patrons of the business. Disabled or unlicensed vehicles, on which signage has been placed, shall be regulated as permanent signs under the appropriate definitions found in this Ordinance. Signs resting upon, mounted to and/or displayed from a parked vehicle, used other than as described above, shall be considered as Portable or Movable Signs.

## 26.50 Business Signs

### 26.51 Location

In all districts, any portion of a business sign must maintain at least a 10-foot setback from all property lines and the existing road right-of-way, unless otherwise specifically stated in this Ordinance. If the distance from the edge of the closest travel lane in the road to the right-of-way is greater than 20 feet, the 10-foot setback from the road right-of-way shall not apply. No sign shall be allowed to violate any of the requirements of Section 22.10 Driveway and Street Restrictions.

### 26.52 Maximum Display Area, Height, and Number of Signs

Individual businesses, commercial centers, and educational campuses may have one freestanding business sign per 500 feet of street frontage or portion thereof. These signs shall comply with the following height and display area requirements:

| Location | Maximum Static Display | Maximum Changeable Copy or Electronic Message Board | Maximum Height |
|---|---|---|---|
| Restrictive Development District | 75 square feet | 40 square feet | 8 feet |
| Intensive Development District | 100 square feet | 60 square feet | 20 feet |
| Commercial Centers in ID District | 300 square feet | 80 square feet | 35 feet |
| Commercial Centers in RD District | 150 square feet | 40 square feet | 15 feet |
| Educational Campus in ID District | 475 square feet | 100 square feet | 36 feet |
| Educational Campus in RD District | 150 square feet | 40 square feet | 15 feet |

The maximum height allowed for business signs along roadways shall be measured from the elevation of the roadway, unless the elevation of the sign location is higher than the roadway. In those instances, the maximum height allowed shall be as listed in the chart above. This interpretation of allowed heights shall also be used in Section 26.55 Business Signs on Scenic Corridors.

Both the maximum static display area and the maximum changeable copy/electronic message board area may be utilized as part of each allowed individual or commercial center sign. However, the maximum display area per sign shall not be increased with any exchange or substitution of the allowable area for changeable copy or electronic message.

A parcel with frontage on different streets shall have the frontages regulated independently as to number of signs allowed.

A parcel with street access only by an easement over another parcel may consider that easement frontage as an allowed location for a business sign provided it is allowed by the easement agreement. A similar parcel that includes ownership of the strip of property which provides access may also consider that frontage as an allowed location for a business sign. In both situations, the signs must meet all of the requirements of this section including location restrictions.

Multiple signs allowed on the same frontage of the same parcel must be located at least 500 feet apart.

Permanent signs attached to fences or freestanding walls that are not attached to a building shall be considered a business sign. Such signs shall conform to all display, height, and setback requirements for business signs. The entire fence or wall area for which the sign is placed shall not be calculated as part of the display area, provided it serves as a frame or structural support and does not bear informational or representational matter.

Business and commercial center signs shall not utilize banners as a form of construction.

Changeable Copy Signs. Signs on which message copy is changed manually through the utilization of attachable letters, numbers, symbols, and other similar characters or changeable pictorial panels. Poster panels and printed boards are not considered changeable copy signs.

Commercial Center. A commercial complex consisting of more than one retail, commercial, or office establishment grouped together, usually developed under one ownership or management, and generally sharing parking areas and vehicular entrances and exits.

Educational Campus. An educational campus devoted to all or a portion of a K-12 education. It may also be the location of a campus for higher education or vocational training that generally involves an academic curriculum resulting in the awarding of a degree. It will commonly consist of multiple buildings and/or structures such as athletic facilities sharing parking areas and vehicular entrances and exits. Educational programs such as distance learning centers, satellite campuses, or continuing education and advanced degree schools housed in locations such as

commercial centers, business parks, or stand-alone office buildings shall not be considered an educational campus

Electronic Message Board. An electrical or electronic sign using digital technology or a pattern of lights to form various words or graphics which is capable of changing copy continuously. Images displayed using digital technology must be static messages and the content shall not include animated, flashing, scrolling, or full-motion video elements. Static images may not be continuously changing in such a manner that the changes are prominently visible to the traveling public. Electronic Message Boards may change static messages once every 15 seconds provided the message does not change through flashing, scrolling, or any type of animation. All digital business signs shall have a method for controlling the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists. These signs shall not exceed a maximum illumination of 7500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign face. This illumination can be regulated either by an automatic dimmer and photo cell sensor or through the use of computerized controls that accurately replicates these maximum illumination requirements.

## 26.53 Specialty Signs

Canopy Signs are any signs which are erected on a separate, freestanding roof-like covering. Only business logos or names are allowed as canopy signs, with a maximum of one logo or name on each canopy face. A logo is the symbol or trademark of a company. No portion of a canopy sign shall be permitted above the top of the roof of the covering to which it is attached, or permitted to be lower than 8 feet above ground level. An owner of a business with a canopy connected to a building has the option of using either canopy or wall signage, but not both.

Directory Signs are signs containing no message, copy, announcement, or decoration other than instructions or directions to the public except for subordinate identity. Such signs include, but are not limited to, identifying the following: restrooms, public telephones, walkways, entrance and exit drives, freight entrances, and traffic directions. Information signs shall be allowed on business lots provided that no such sign shall exceed 10 square feet in display area and 4 feet in overall height. Directory signs shall not count toward the maximum number of signs allowable or the maximum display area of signs allowed.

Driveway Signs indicating the direction of travel on all one-way driveways. These signs must be above-ground signs, with a maximum height of 2½ feet, and located at the edge of the existing road right-of-way.

Public Service Signs are signs that display information relative to a public service activity including assisting the public in finding the location of such an activity. Such activities shall only include those which do not exist for the purpose of acquiring an income for the personal gain of the owner(s) or operator(s). They shall be limited to those activities that exist solely for the purpose of providing a desired service, pastime, endeavor, leisure interest, etc., for members of the general public. Public service activities shall include but are not limited to the following: churches, public education, recreation, cultural, entertainment, community clubs, non-profit organizations, and veterans clubs.

On-premise Public Service Signs shall comply with all of the requirements for Business Signs as found in this chapter of the Zoning Ordinance.

Off-premise Public Service Signs shall be allowed provided they are located on private property with the property owners' permission and meet the following requirements:

1. They must be located no further from the public service activity than the first intersection with an Arterial (A) street. If there are multiple directions to arrive at the activity there may be multiple signs with the maximum distance allowed determined independently in each direction.

2. These signs shall not contain more than 24 square feet in display area. The decorative structure on which the sign is displayed may not exceed 32 square feet.

3. The maximum height of the sign and/or decorative structure shall be 5 feet.

Multiple public service activities desiring to place off-premise direction signs on the same property are encouraged to share a single sign structure. They must meet the same size and

location requirements of this section, however, the maximum height of the sign structure may be 8 feet. Materials used should be of similar quality as the permanent on-site signs, i.e., painted plywood would not be acceptable. A second sign in the same location that is not sharing a sign structure may not obstruct the view of the first sign.

Residential/Commercial/Industrial Subdivision and Development Signs are permanent signs displaying no information other than the name of the subdivision, group housing development, apartment/condominium complex, business or industrial park, or mobile home park. Such signs may be either single signs or gateway signs (paired signs on each side of an entrance). These signs shall not exceed 100 square feet each in display area, and shall not exceed a height of 8 feet. Within the same project, a single sign or pair of gateway signs must be at least 300 feet from another single sign or pair of gateway signs. Such signs shall also be exempt from the area and height limitations in Section 26.55 and the 10-foot setback restriction of Section 26.51, but still must comply with the engineering criteria found in the Lexington County Land Development Manual and the driveway restrictions found in Section 22.10 of this Ordinance. A sign can be located in a road right-of-way median if such sign complies with all engineering criteria found in the Lexington County Land Development Manual.

Wall Signs are signs attached to the exterior wall of a building or structure. Individual activities or businesses may erect one wall sign per wall. Individual tenants within a commercial center or similar multi-tenant building may erect only one wall sign, unless the tenant is located on the end-cap of the building, where that tenant may erect an additional wall sign. Such signs directly facing a street shall not exceed 15 percent of the area of the wall of the first story of the building or business to which it is attached. Such signs not directly facing a street shall not exceed 5 percent of the area of the wall of the first story of the building or business to which it is attached. A maximum of 12 feet in height can be used for the percentage measurements. No portion of a wall sign shall be permitted to project above the wall of the building to which it is attached except in the case of signs mounted to the roof in which case no portion shall project above the top of the roof. The wall sign information may be dispersed anywhere on the wall as long as the total display area of all information does not exceed the percentage requirements. A “mural” is a painting applied to a wall containing no advertisement for any business product or activity. A mural, as defined, will not be considered a wall sign.

Window Signs are signs attached to the interior and/or exterior of windows and doors and are intended for view from the exterior of the building or structure. Window signs cannot exceed 10 percent of the gross transparent window and door area of a building or structure.

### 26.54 High Rise Buildings

Buildings which exceed five stories in height shall be permitted to erect one wall sign per wall at the top story of the building. Such signs shall only identify the name of the building or the major tenant. The display area of such signs shall not exceed 2 percent of the area of the wall to which it is attached. Such signs shall be permitted in addition to the requirements of this chapter.

### 26.55 Business Signs on Scenic Corridors

The following additional restrictions shall apply on Scenic Corridors as defined in the Lexington County Landscape and Open Space Ordinance.

| Location | Maximum Static Display Area per Sign | Maximum Changeable Copy Area | Maximum Height |
|---|---|---|---|
| Business Sign in Scenic Corridor 1 | 60 square feet | 30 square feet | 6 feet |
| Business Sign in Scenic Corridor 2 | 60 square feet | 30 square feet | 6 feet |
| Business Sign in Scenic Corridor 3 | 100 square feet | 60 square feet | 10 feet |
| Commercial Center in Scenic Corridor 1 | 100 square feet | 30 square feet | 10 feet |
| Commercial Center in Scenic Corridor 2 | 150 square feet | 40 square feet | 15 feet |
| Commercial Center in Scenic Corridor 3 | 200 square feet | 60 square feet | 20 feet |
| Educational Campus in Scenic Corridor 1 | 60 square feet | 30 square feet | 6 feet |
| Educational Campus in Scenic Corridor 2 | 120 square feet | 40 square feet | 10 feet |
| Educational Campus in Scenic Corridor 3 | 200 square feet | 60 square feet | 20 feet |

Illuminated signs, including changeable copy area, for individual businesses and commercial centers located in Scenic Corridors 1 and 2, shall meet one of the following conditions:

Internally illuminated signs must be constructed so that only letters, numbers, and/or logos are illuminated; shall not have light reflecting backgrounds or letters; and shall have a matte finish.

Externally illuminated signs shall have a steady stationary light source that is shielded and directed solely at the sign, shall have white light sources, and shall not have light reflecting backgrounds or letters.

Signs, including canopy, directory, and wall signs, located on Scenic Corridors shall not use any bright, neon, or fluorescent colors. Additionally, signs located on Scenic Corridors shall use only earth tone colors intended to be more harmonious and compatible with the surrounding natural environment. The only exception to this restriction shall be the display of a registered mark or logo, as exhibited in the certificate of registration issued by the United States Patent and Trademark Office. Freestanding business and commercial center signs along a Scenic Corridor 3 may use a white backing, provided the remainder of the sign conforms to the below color palette. The Board of Zoning Appeals will act as the final arbitrator for any special exceptions pertaining to scenic corridor color allowances. The Board of Zoning Appeals shall take in consideration the stated opinions of the surrounding property owners, the surrounding design features and colors of surrounding structures and signs, visibility from surrounding properties and road rights-of-way, the condition of other properties and signs in the immediate area, and any other extraordinary conditions or circumstances that may apply when deliberating a special exception request.

The following color palette shall be referenced when determining acceptable color schemes for business signs along designated Scenic Corridors. The Zoning Administrator may allow colors similar in nature to the below chart or other colors, including white, provided they are not bright in nature and are similar with the surrounding natural environment and/or consistent with existing residential structures in the general area.

If digital technology is used, it must replicate the appearance standards outlined above and the illumination standards found under the Electronic Message Boards in Section 26.52. Images displayed must be static messages and the content shall not include animated, flashing, scrolling, or full-motion video elements. Static images may not be continuously changing in such a manner that the changes are visible to the traveling public. However, it is permissible to change images to communicate new information; however, the electronic message boards may only change static messages once every 15 seconds.

## 26.60 Advertising Signs

This chart is a summary of many of the following restrictions concerning advertising signs:

| Locations Where Advertising Signs are Allowed | Maximum Display Area per Sign | Minimum Spacing | Maximum Height | Minimum Height for Display Surface |
|---|---|---|---|---|
| Advertising Sign on interstate highways | 672 square feet | 2,000 feet from sign on the same side | 110 feet | None |
| Advertising Sign on arterial (with at least 4 lanes) | 378 square feet | 1,000-foot radius from another sign | 45 feet | 25 feet |
| Advertising Sign on arterial (with only 2 lanes) | 288 square feet | 1,000-foot radius from another sign | 45 feet | 25 feet |

**26.61 Location**

Advertising signs are identified as principal activities in this article and are therefore subject to all other provisions of this Ordinance. They shall be permitted only in the zoning districts where they are allowed, and only where they meet the street access requirements of this Ordinance. Regardless of the street access restrictions, advertising signs are allowed to locate on interstate highways, expressways, and frontage roads (except when classified RL4, RL5, or RL6) where their right-of-way is contiguous to an interstate highway or expressway; these signs, however, must be located within 200 feet of the right-of-way of the interstate or frontage road, if applicable. Advertising signs will not be allowed to locate in a portion of the County that is at least 75 percent surrounded by lands under the jurisdiction of a municipality, or on property within 2,000 feet of a municipal boundary, if that portion of the municipality prohibits the location of advertising signs. No advertising sign shall be allowed on Scenic Corridors 1 and 2, as defined in the Lexington County Landscape and Open Space Ordinance, or within 1,000 feet of the banks of the Saluda, Congaree, or Edisto Rivers. Advertising signs will also not be allowed on Arterial (A) streets with only two lanes unless the location of the sign meets the following criteria:

a. There are at least two nonresidential activities on two separate locations in the Intensive Development District within 600 feet of the proposed sign,

b. The nearest grandfathered residential use in the Intensive Development District is at least 600 feet from the sign, measured to the footprint of the actual residence, and

c. The nearest non-grandfathered residential use in the Intensive Development District is at least 300 feet from the sign, measured to the footprint of the actual residence.

All portions of advertising signs must maintain at least a 10-foot setback from all property lines and the existing road right-of-way. If the distance from the edge of the closest travel lane to the right-of-way is greater than 20 feet, the 10-foot setback from the road right-of-way shall not apply. In some locations, the required minimum setbacks may be greater than this. Such signs shall also comply with all provisions of Section 22.10 Driveway and Street Restrictions.

To minimize the opportunity for visual distraction during vehicular merge operations, advertising signs will be restricted within the vicinity of interstate interchanges and rest areas. No advertising sign located along an interstate may be erected within 500 feet of an interchange or rest area. The interchange or rest area is considered to begin or end at the point where the pavement widens for an entrance or exit ramp/lane. When the entrance or exit ramp/lane is not on the same side of the road as the proposed advertising sign, the point of measurement shall be determined by identifying the location of the relative pavement widening and applying it to an identical point on the side of the road where the advertising sign is proposed to be located.

**26.62 Maximum Display Area**

The maximum display area for any adverting sign located along an interstate shall be 672 square feet plus a 10 percent allowance for copy extensions. A copy extension is the part of the copy which extends beyond the edge or border of the sign, sometimes called a “cut-out” or “drop-out.”

The maximum display area of advertising signs on any other highway shall be 288 square feet plus a 10 percent allowance for copy extensions, except for portions of Arterial (A) streets that have at least four lanes, which may have a maximum display area of 378 square feet plus a 10 percent allowance for copy extensions. Those designated portions must have the appropriate zoning district to support advertising signs.

**26.63 Minimum Spacing**

No advertising sign located along an interstate shall be permitted to locate within 2,000 feet of another sign on the same side of the roadway. For non-interstate highways, no advertising signs shall be permitted to locate within 1,000-foot radius of another advertising sign.

**26.64 Maximum Height**

Advertising signs along interstates shall be permitted to a height of 110 feet above the elevation of the highest travel lane at the location of the sign. The maximum height of advertising signs along other roadways shall not exceed 45 feet above the elevation of the roadway.

**26.65 Minimum Height**

There shall be no minimum height of the display surface for advertising signs located along interstates.

The minimum height of the display surface of advertising signs on Arterial streets shall be 25 feet above the elevation of the roadway.

**26.66 Digital Technology**

Advertising signs using digital technology which allows static images to be changed instantly must follow the following restrictions:

a. Images displayed must be static messages and the content shall not include animated, flashing, scrolling, or full-motion video elements.

b. The static images may be changed in succession at a rate no faster than once every 6 seconds.

c. Spacing of digital faces of these signs which are visible from the same direction shall not be closer than 2,000 feet apart.

d. All digital advertising signs 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. These signs shall not exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign face.

**26.67 South Carolina Code of Laws**

The sign regulations contained in this Ordinance are supplemented by the requirements of the State of South Carolina Department of Transportation which regulates off-premise advertising signs on interstate and federal aid road systems. A permit from the State of South Carolina may contain some restrictions which are in addition to the requirements of this Ordinance. Issuance of a Lexington County Zoning Permit does not imply approval of, or constitute a privilege to violate, any other applicable state or local ordinances, codes, laws, or private restrictive covenants.

# ARTICLE 3 – EXTREMELY HAZARDOUS MATERIALS

## Chapter 1. General Provisions

### 31.00 Purpose

The purpose of this article is to address the unique issues that are associated with the handling of extremely hazardous materials, in order that these activities operate in a manner that is protective of the natural environment and the lives therein and is compatible with the surrounding area.

### 31.10 Jurisdiction

The regulations set forth herein shall apply to any property located within the jurisdiction of this Ordinance that is now or is proposed to be the location for any activities involving the handling of extremely hazardous materials.

### 31.20 Definitions

Hazardous Materials are any extremely hazardous substances identified in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 40 CFR Part 355 – Appendix A, as amended, which is considered a part of this Ordinance as though copied herein, present in an amount(s) above the Threshold Planning Quantity. The Zoning Administrator shall have the authority to identify explosive substances or materials as extremely hazardous substances/materials based on the particular chemistry, quantity, or irresponsible handling of the substances or materials.

Hazardous Materials Handling includes any activity involving the storage, processing, manufacture, disposal, repackaging, or distribution of hazardous materials as defined above.

### 31.30 Scope of Regulations

#### 31.31 New Activities

Upon the effective date if these regulations, hazardous materials handling activities can be commenced, developed, or expanded only in accordance with the applicable restrictions contained herein.

#### 31.32 Existing Activities

Any hazardous materials handling activity lawfully permitted or in existence prior to the effective date of these regulations is not required to meet all of the provisions listed in Chapter 2, but are subject to the provisions of Section 31.50 and the nonconformity provisions found in Article 11.

### 31.40 Zoning Permit

It shall be the responsibility of a hazardous materials handler to establish and operate the activity in accordance with the regulations set forth in this Ordinance. The zoning permit shall be issued on the basis of compliance with these regulations and any other applicable County regulations.

### 31.50 Enforcement

If there is a veritable threat to the health and/or safety of the environment and/or the lives therein, such as repeated releases or discharges of hazardous materials or violation of Federal, State, or County regulations, the Zoning Administrator may seek injunctive relief in Circuit Court to require the operation to cease immediately. Such action shall only be taken after consultation with the County Administrator, County Attorney, and Council Chairman, or in his absence, Vice-Chairman.

# Chapter 2. Regulations

## 32.00 Adherence to Other Regulations

All activities defined as hazardous materials handling must also be declared to be one of the other principal activities listed in Article 2, Chapter 1. That declaration will establish the minimum restrictions and standards that must be met for compliance with this Ordinance.

## 32.10 Special Exception Review

**32.11** A request for a permit for hazardous materials handling activities will require special exception approval from the Board of Zoning Appeals. The basis for such approval is a demonstration by the hazardous material handler that the owner/operator can operate in a responsive and responsible manner that is protective of the natural environment and the lives therein. Special exception approval may be given upon a finding by the Board that the hazardous material handler can meet the following criteria:

a. As demonstration of responsible hazardous material handling, a hazardous material inventory and management plan will be in place for the duration of the hazardous material use, to include the handling, storage and/or manufacture of the substance(s);

b. The surrounding properties can be reasonably protected from the flammable, explosive, toxic, corrosive or other potentially damaging characteristic(s) of the hazardous material(s) through appropriate buffering restrictions;

c. For the protection of the surrounding environment and the lives therein, a safety and emergency response plan will be operational during the life of the activity;

d. As evidence of responsible business practice, the hazardous material handler has reasonable liability insurance coverage, based on the typical insurance coverage of a hazardous material handler with similar risk; and

e. Demonstration that the individuals who will be responsible for the operational decision making at the local site, to include plant design and daily operations, can be reasonably expected to design or operate the hazardous materials handling activity with a low risk of endangerment to the surrounding environment or the lives therein.

**32.12** For the Board to rule on a hazardous materials handling special exception request based on these criteria, the following information must be submitted for consideration with the application:

a. A copy of all hazardous materials inventory statements and hazardous materials management plans and/or other chemical inventory forms, plans, etc. as required by the South Carolina Emergency Management Division (SCEMD), South Carolina Department of Health and Environmental Control, Lexington County Emergency Services, and/or the International Fire Code (IFC);

b. Detailed site plan of the hazardous materials handling activity showing all of the property on which it is to be located and the relationship with all surrounding property. This plan must show the buffering restrictions being proposed to insure that the activity is totally compatible with the surrounding area;

c. Detailed safety and emergency response plan including those elements required by the Title III: Emergency Planning and Community Right-to-Know Act of the Superfund Amendments and Reauthorization Act of 1986 (SARA);

d. Evidence of liability insurance coverage that would reasonably be expected of the hazardous material handling activity, based on the typical insurance coverage of a hazardous materials handler with similar risk;

e. Names of any owners, investors, employees, or subcontractors who will be responsible for operational decision making for a Lexington County hazardous material activity site, to

include plant design and daily operations, who have been convicted of a criminal violation regarding the handling of hazardous materials or have demonstrated a pattern of negligence in the handling of hazardous materials;

f. For the purpose of providing independent additional and/or clarification of information to the Board regarding the desired hazardous material handling activity, the applicant may submit names of recognized independent experts or any additional information the applicant deems necessary to support his application; and

g. The County shall have the option of having its own independent expert review the materials submitted by the applicant and offer an opinion as to the adequacy of the materials to the Board of Zoning Appeals.

## 32.20 Buffering Restrictions

Hazardous materials handling activities must first meet all of the restrictions and standards as required by this Ordinance for the appropriate principal activity classification. Any special exception approval by the Board of Zoning Appeals for the handling of hazardous materials must include a plan for the minimum additional buffering restrictions if necessary for the responsible operation of that particular activity.

## 32.30 Operational Requirements

**32.31** All hazardous materials handling activities are required to comply with all of the applicable sections of the International Fire Code (IFC).

**32.32** All hazardous materials handling activities are required to comply with all of the applicable sections of Title III: Emergency Planning and Community Right-to-Know Act of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

**32.33** Hazardous materials handling activities are not allowed to operate without annual proof of liability insurance coverage.

# ARTICLE 4 – AIRPORT DISTRICT

## Chapter 1. General Provisions

### 41.00 Purpose

The concentration of people and sound-sensitive activities on lands adjacent to airport or heliport operations and the maximum height of buildings, other structures, and trees in such areas shall be regulated by airport district overlay zones as set forth in this article. In order to protect people and property in the vicinity of airports and heliports from the danger of aircraft accidents and the impact of excessive noise levels, certain land use activities shall not be permitted in designated noise exposure overlay zones surrounding such facilities. Establishment of sound-sensitive activities on lands in less intense noise exposure overlay zones may be permitted if specified soundproofing standards are met. To preserve the safety and efficiency of air navigation, height control overlay zones may be designated around airfields to limit the obstruction of landing, takeoff, and maneuvering airspace by buildings, other structures, and trees. Such controls serve to protect the public investment in airports or heliports by restricting adjacent land uses incompatible with the use, growth, or expansion of these facilities.

### 41.10 Application of Airport District Overlay Zones

The land use controls associated with airport district overlay zones shall be in addition to and shall only apply where underlying zoning districts and their controls have been established under other articles of this Ordinance. Where airport district overlay zone controls conflict with the controls of underlying zoning districts, the more restrictive controls shall apply.

### 41.20 Definitions

Columbia Metropolitan Airport Plan: the official and most current Airport Layout Plan (ALP) set approved by the Federal Aviation Administration (FAA) that is associated with the development of the Columbia Metropolitan Airport. The defined FAA location identifier for Columbia Metropolitan Airport is CAE.

Day-Night Average Sound Level (DNL): means the 24-hour average sound level, in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between midnight and 7 a.m., and between 10 p.m., and midnight, local time.

Elevation: a numerical representation of a vertical distance in relation to mean sea level.

Height: a numerical representation of a vertical distance in relation to existing ground level or some other specified reference level.

Heliport: a facility specifically designed to accommodate the operational characteristics of helicopters and other rotary wing aircraft, separate and apart from inclusion in an airport facility.

Primary Surfaces: horizontal planar surfaces which, in plan view, are longitudinally centered on runways, extending 200 feet horizontally beyond the runway ends, and of constant width for a given runway.

Runway: a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Slope: a surface of which one end or side is at a higher level than the other.

Structure: an object, including a mobile object, constructed or installed by man, including but without limitation to buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Tree: a hard-wooded perennial plant of a species which normally reaches a height of 8 feet or more at maturity.

# Chapter 2. Designation of Columbia Metropolitan Airport District

## 42.00 Introduction

The Columbia Metropolitan Airport District is hereby established pursuant to the purposes of this article, comprising all those lands within the noise exposure and height control overlay zones as further delineated in this chapter.

## 42.10 Noise Exposure Overlay Zones

Three noise exposure overlay zones are designated for the Columbia Metropolitan Airport, based on the DNL (day/night noise level) contours described in the most current FAR Part 150 Noise and Land Use Compatibility Study approved by the Federal Aviation Administration. The following activities are not permitted in the designated zones:

| | 65+ DNL | 60-65 DNL | 55-60 DNL |
|---|---|---|---|
| | Business Offices | ---------- | ---------- |
| | Churches | Churches | ---------- |
| | Community Education | Community Education | ---------- |
| | Child or Adult Day Care | ---------- | ---------- |
| # | Group Assembly | # Group Assembly | # Group Assembly |
| | Limited | ---------- | ---------- |
| | Intermediate | Intermediate | ---------- |
| | Extensive | Extensive | Extensive |
| | Group Housing | Group Housing | Group Housing |
| | Hospitals | Hospitals | Hospitals |
| | Medical Services | ---------- | ---------- |
| | Mobile Homes | ---------- | ---------- |
| | Mobile Home Parks | Mobile Home Parks | ---------- |
| | Limited | ---------- | ---------- |
| | Extensive | Extensive | ---------- |
| | Non-Assembly Cultural | Non-Assembly Cultural | ---------- |
| | Nursing Homes | Nursing Homes | Nursing Homes |
| | Research Services | ---------- | ---------- |
| ** | Residential Detached | Residential Detached (>4 DU/acre) | Residential Detached (>8 DU/acre) |
| | Residential Attached | Residential Attached (>6 DU/acre) | Residential Attached (>10 DU/acre) |
| | Retirement Centers/ALF | Retirement Centers/ALF | Retirement Centers/ALF |
| | Transient Habitation | ---------- | ---------- |

\# Outdoor facilities and their related accessory activities are allowed in these three Noise Exposure Overlay Zones.

** Existing Residential Detached activities are allowed to do renovations and construct additions and accessory structures. New houses are allowed only if approved by the Airport Commission in accordance with conditions and requirements consistent with the Columbia Metropolitan Airport Layout Plan.

## 42.20 Height Control Overlay Zones

Four types of height control overlay zones are established for the Columbia Metropolitan Airport District, based on the present and proposed runway configuration described in the Columbia Metropolitan Airport Plan (see definitions) and the most current edition of Federal Aviation Administration Advisory Circular # 150/5190-4A, A Model Zoning Ordinance to Limit Height of Objects Around Airports, or in successor Federal Aviation Administration advisory circulars. Figure 1 represents the present and proposed runway configuration as well as the related primary surfaces (see definitions).

The elevations of the primary surfaces are different for each runway end, according to this table:

| RUNWAY END | PRIMARY SURFACE ELEVATION |
|---|---|
| 11 | 229 feet as far east as the centerline of runway 5/23 |
| 29 | 210 feet as far west as the centerline of runway 5/23 |
| 5 | 228 feet as far north as the centerline of runway 11R/29L |
| 23 | 209 feet as far south as the centerline of runway 11R/29L |

**42.21 Approach Zones**

Approach zones (Figures 1 and 2) are delineated for each of the four runway approaches. The beginning of each approach zone is coincident with, as wide as, and at the same elevation as the end of the primary surface for the respective runway end. Each approach zone expands outward uniformly to its ultimate width which is at a distance measured horizontally from the end of the primary surface. The centerline of each approach zone is the horizontal continuation of the centerline for the respective runway end. The six approach zones are dimensioned as follows:

| APPROACH ZONE | WIDTH at END of PRIMARY SURFACE * | ELEVATION at END of PRIMARY SURFACE | ULTIMATE WIDTH * | HORIZONTAL LENGTH of APPROACH ZONE # |
|---|---|---|---|---|
| 11 | 1,000 feet | 229 feet | 16,000 feet | 50,000 feet |
| 29 | 1,000 feet | 210 feet | 16,000 feet | 50,000 feet |
| 5 | 1,000 feet | 228 feet | 16,000 feet | 50,000 feet |
| 23 | 1,000 feet | 207 feet | 3,500 feet | 10,000 feet |

* Width is measured horizontally, perpendicular to the horizontal extension of the runway centerlines.

\# Length is measured along the horizontal extension of the runway centerlines.

**42.22 Transitional Zones**

Transitional zones (Figure 2) are established adjacent to the sides, but not past the wide ends, of the approach zones and the sides, in plan view, of the primary surfaces, except that the transitional zones shall not overlay, in plan view, any primary surfaces. Transitional zones shall be 5,000 feet wide, measured horizontally and perpendicular to the runway centerlines, and the runway centerlines extended.

**42.23 Horizontal Zone**

The horizontal zone (Figure 2) is established by swinging radii 10,000 feet, measured horizontally, from the midpoints of the ends of the primary surfaces (see runway diagram) at runway ends 11, 5, 23, and 29, and then connecting the adjacent arcs by drawing straight lines tangent to those arcs. All lands within the outermost boundary so formed are in the horizontal zone.

**42.24 Conical Zone**

The conical zone (Figure 2) begins at any given point on the periphery of the horizontal zone and extends outward from the airport for a horizontal distance of 4,000 feet, measured perpendicular to a line tangent to the periphery of the horizontal zone at the given point.

**42.25 Height Limits**

The maximum height of buildings, other structures, and trees shall be restricted within each height control overlay zone. Where these zones overlap each other, the most restrictive height limitation shall apply. However, the height limits of this article shall not prohibit the construction

or maintenance of any building or other structure, or the growth of any tree up to a height of 50 feet above the land surface elevation as it existed at the date of enactment of this Ordinance. Following are the height limits for the height control overlay zones.

a. Approach Zones 11, 29, and 5: starting at the end of and at the same elevation as the primary surface at the respective runway ends, measure a slope 1 foot vertically upward for each 50 feet horizontally outward from the runway end, for a distance of 10,000 feet measured parallel to the horizontal extension of the runway centerline. Subsequently, measure a slope 1 foot vertically upward for each 40 feet horizontally outward from the runway end, for a distance of 40,000 feet measured parallel to the horizontal extension of the runway centerline.

b. Approach Zones 23, 11, and 29: starting at the end of and at the same elevation as the primary surface at the respective runway ends, measure a slope 1 foot vertically upward for each 34 feet horizontally outward from the runway end, for a distance of 10,000 feet measured parallel to the horizontal extension of the runway centerline.

c. Transitional Zones: starting at the side of and at the same elevation as the primary surfaces, and also starting at any given point on the sides of the approach zones at the same elevation as the approach zone height limit for the given point, measure a slope 1 foot vertically upward for each 7 feet horizontally outward from the runway, for a distance of 5,000 feet measured perpendicular to the runway centerline or the horizontal extension of the runway centerline.

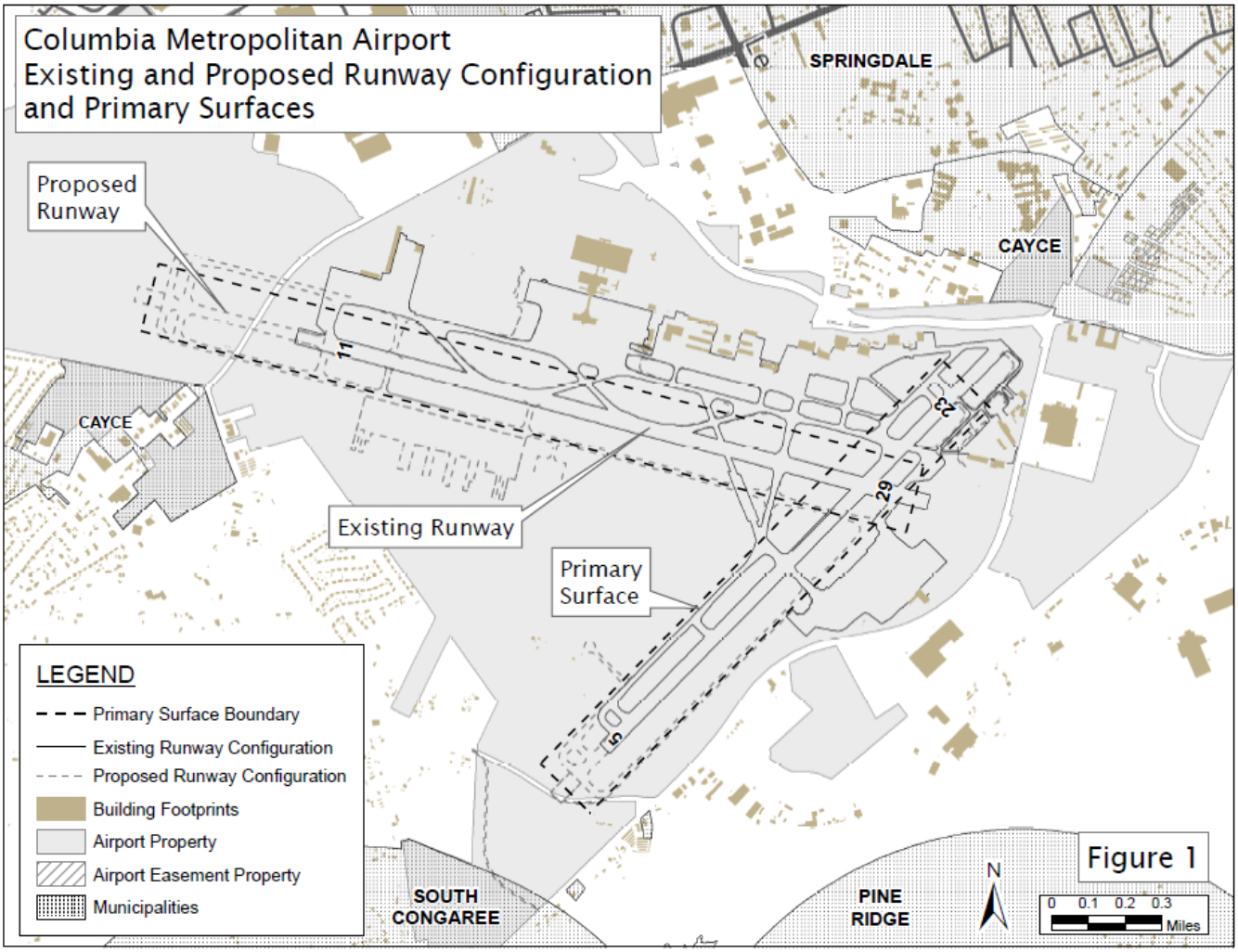
d. Horizontal Zone: the height limit for the horizontal zone is 385 feet above mean sea level.

e. Conical Zone: starting at any given point on the periphery of the horizontal zone and at the same elevation as the horizontal zone height limit, measure a slope 1 foot vertically upward for each 20 feet horizontally outward from the airport, for a distance of 4,000 feet measured perpendicular to a line tangent to the periphery of the horizontal zone at the given point.

Figure 2 illustrates a cross sectional perspective of the height limits for the height control overlay zones of a portion of the Columbia Metropolitan Airport (see the X and Y arrows on the runway diagram for the corresponding location of the corner on the perspective illustration).

**42.30 Other Use Restrictions**

Notwithstanding any other provisions of this Ordinance, no use may be made of any land or water body within the Columbia Metropolitan Airport District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, takeoff, or maneuvering of aircraft using the airport. Existing nonconforming activities shall comply with Article 14 of this Ordinance.


Columbia Metropolitan Airport
Existing and Proposed Runway Configuration
and Primary Surfaces
Proposed Runway
Existing Runway
Primary Surface
SPRINGDALE
CAYCE
CAYCE
SOUTH CONGAREE
PINE RIDGE
LEGEND
Primary Surface Boundary
Existing Runway Configuration
Proposed Runway Configuration
Building Footprints
Airport Property
Airport Easement Property
Municipalities
N
0 0.1 0.2 0.3
Miles
Figure 1

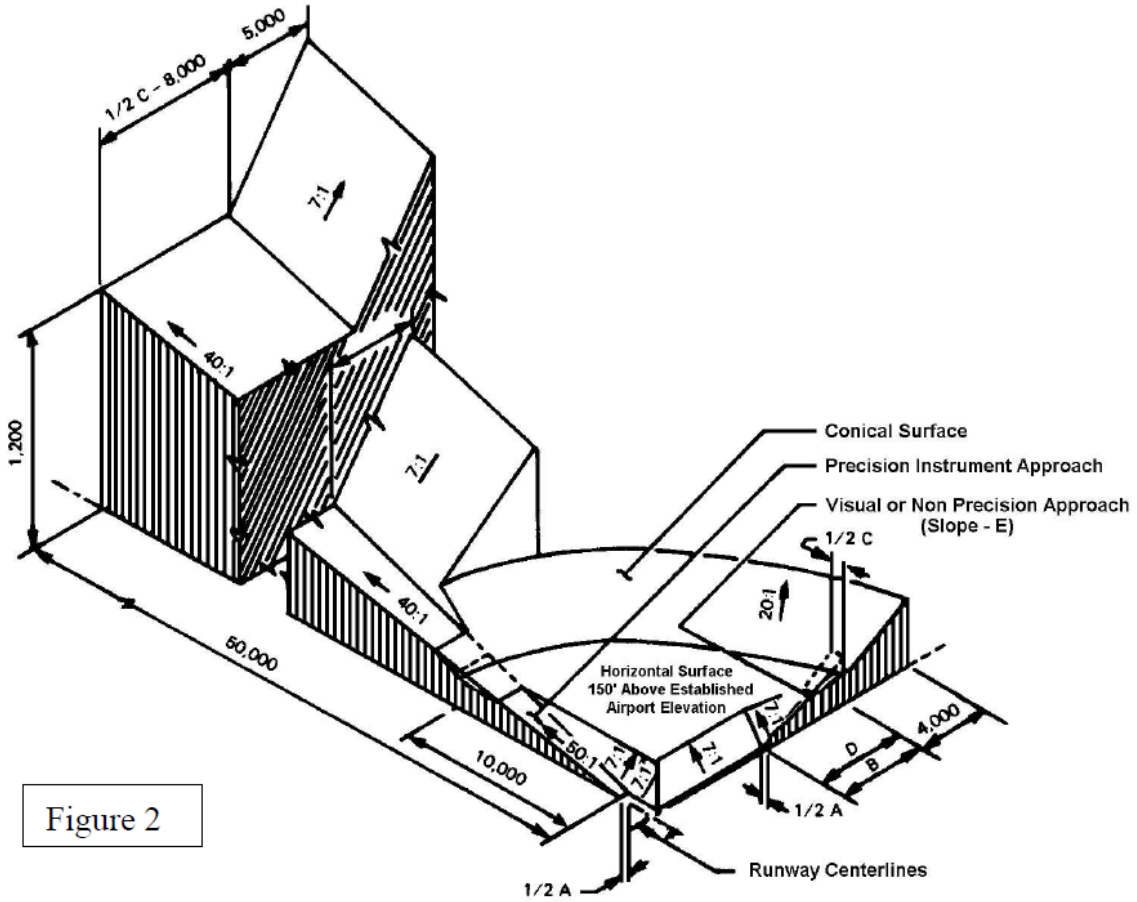



Figure 2

Source: NOAA National Geodetic Survey, FAA 3D-Diagram of FAR Part-77 Surfaces

# Chapter 3. Designation of the Lexington County Airport District

## 43.00 Introduction

The Lexington County Airport District is hereby established pursuant to the purposes of this article, comprising all those lands within the overlay zones as further delineated in this chapter. Lexington County Airport is strictly to be used as a reference in the event the name of the airport should change or be modified. The defined FAA location identifier for this airport is 6J0.

## 43.10 Purpose

The concentration of people and sound-sensitive activities on lands adjacent to airport or heliport operations and the maximum height of buildings, other structures, and trees in such areas shall be regulated by airport district overlay zones as set forth herein. In order to protect people and property in the vicinity of airports and heliports from the danger of aircraft accidents and the impact of excessive noise levels, certain land use activities shall not be permitted in designated overlay zones surrounding such facilities. To preserve the safety and efficiency of air navigation, height control overlay zones may be designated around airfields to limit the obstruction of landing, takeoff, and maneuvering airspace by buildings, other structures, and trees. Such controls serve to protect the public investment in airports or heliports by restricting adjacent land uses incompatible with the use, growth, or expansion of these facilities.

## 43.20 Application of Airport District Overlay Zones

Overlay zones are established for the Lexington County Airport District, based on the present runway configuration described in the most current *Pelion Corporate Airport Master Plan*.

The land use and height controls associated with these airport district overlay zones shall be in addition to and shall only apply where underlying zoning districts and their controls have been established under other articles of this Ordinance. Where the Airport District overlay zone controls conflict with the controls of underlying zoning districts, the more restrictive shall apply.

## 43.30 Height Control Overlay Zones

Four types of height control overlay zones as described below and in Figure 3 are established for the Lexington County Airport District, based on the present runway configuration.

### 43.31 Approach Zones

Approach zones (Figure 3) are delineated for each of the two runway approaches. The beginning of each approach zone is 1,000 feet wide and is coincident with and at the same elevation as the respective runway end. Both zones expand outward uniformly to an ultimate width of 2,000 feet which is at a distance of 5,000 feet measured horizontally from the end of the primary surface. The centerline of each approach zone is the horizontal continuation of the centerline of the respective runway end.

### 43.32 Transitional Zones

Transitional zones (Figure 3) are established adjacent to the sides of the runway and the approach zones, but shall be exclusive of both. These zones shall be 1,000 feet wide, measured horizontally and perpendicular to the sides of the runway. At the end of the runways the zone shall decrease in width until it intersects the approach zones at the point where the horizontal zone surface is at the same elevation as the approach zone.

### 43.33 Horizontal Zone

The horizontal zone (Figure 3) is established as all the area within 5,000 feet, measured horizontally, from any part of the runway surface, exclusive of the transitional and approach zones.

### 43.34 Conical Zone

The conical zone (Figure 3) is established as all the area within 10,000 feet, measured horizontally, from any part of the runway surface, exclusive of the transitional, horizontal, and approach zones.

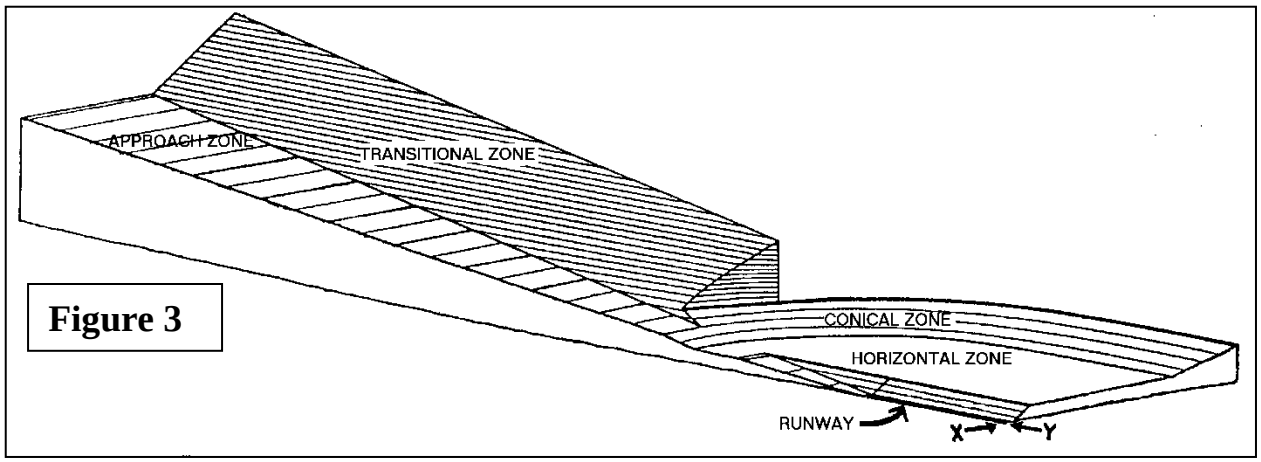



**Figure 3**

### 43.35 Height Limits

The maximum height of buildings, other structures, and trees shall be restricted within each height control overlay zone. Where these zones overlap each other, the most restrictive height limitation shall apply. The following are the height limits for the height control overlay zones.

a. Approach Zones: starting at the end of and at the same elevation as the respective runway ends, measure a slope 1 foot vertically upward for each 20 feet horizontally outward from the runway end, for the full extent of the approach zones.

b. Transitional Zones: starting at the side of and at the same elevation as the runway surface, and also starting at any given point on the sides of the approach zones at the same elevation as the approach zone height limit for the given point, measure a slope 1 foot vertically upward for each 7 feet horizontally outward from the runway, for the full extent of the transitional zones.

c. Horizontal Zone: the height limit for the horizontal zone is 601 feet above mean sea level.

d. Conical Zone: starting at any given point on the periphery of the horizontal zone and at the same elevation as the horizontal zone height limit, measure a slope 1 foot vertically upward for each 20 feet horizontally outward from the airport, to the full extent of the conical zone.

### 43.40 Land Use Overlay Zones

Three land use overlay zones for Runway 18 and 36, as depicted in Figure 4, are designated for the Lexington County Airport District (FAA location identifier 6J0). They are the Existing Runway Protection Zone (Existing RPZ), the Ultimate Runway Protection Zone (Ultimate RPZ), and the Building Restriction Line (BRL). No buildings, except facilities required by their function to be located near runways and taxiways, are allowed within the Building Restriction Line and the following activities are not permitted in these designated zones:

| BRL | Existing RPZ | Ultimate RPZ |
|---|---|---|
| --- | Business Offices | Business Offices |
| --- | Child or Adult Day Care | Child or Adult Day Care |
| Churches | Churches | Churches |
| Community Education | Community Education | Community Education |
| * Group Assembly | * Group Assembly | * Group Assembly |

| BRL | Existing RPZ | Ultimate RPZ |
|---|---|---|
| Group Housing | Group Housing | Group Housing |
| Hospitals | Hospitals | Hospitals |
| ---------- | Medical Services | Medical Services |
| Mobile Homes | Mobile Homes | Mobile Homes |
| Mobile Home Parks | Mobile Home Parks | Mobile Home Parks |
| Non-Assembly Cultural | Non-Assembly Cultural | Non-Assembly Cultural |
| Nursing Homes | Nursing Homes | Nursing Homes |
| ---------- | Professional Services | Professional Services |
| ---------- | Research Services | Research Services |
| Residential Detached | Residential Detached | Residential Detached |
| Residential Attached | Residential Attached | Residential Attached |
| Retirement Centers/ALF | Retirement Centers/ALF | Retirement Centers/ALF |
| Transient Habitation | Transient Habitation | Transient Habitation |

* Outdoor facilities and their related accessory activities are allowed in these Overlay Zones.

**43.50 Other Use Restrictions**

Notwithstanding any other provisions of this Ordinance, no use may be made of any land or water body within the Lexington County Airport District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, takeoff, or maneuvering of aircraft using the airport. Existing nonconforming activities shall comply with Article 14 of this Ordinance.

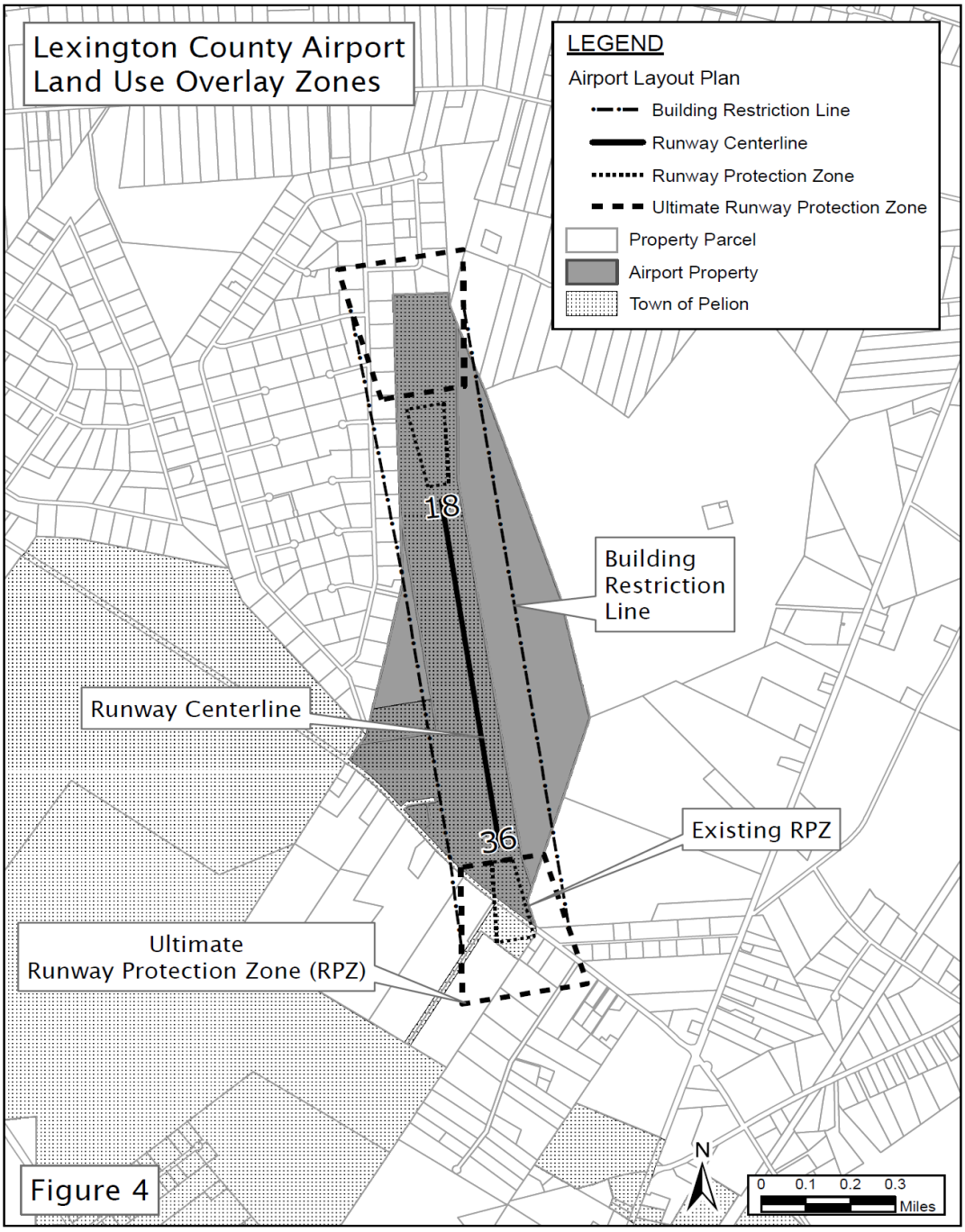

Lexington County Airport
Land Use Overlay Zones
LEGEND
Airport Layout Plan
Building Restriction Line
Runway Centerline
Runway Protection Zone
Ultimate Runway Protection Zone
Property Parcel
Airport Property
Town of Pelion
18
36
Building Restriction Line
Runway Centerline
Existing RPZ
Ultimate Runway Protection Zone (RPZ)
N
0 0.1 0.2 0.3
Miles

Figure 4

# Chapter 4. Designation of Other Airport Districts

## 44.00 Introduction

Other Airport Districts are hereby established pursuant to the purposes of this article, comprising all those lands within the overlay zones as further delineated in this chapter. In order to qualify for designation under this chapter, an airport must be of such a nature as to require approval from the Federal Aviation Administration (FAA).

## 44.10 Height Control Overlay Zones

Four types of height control overlay zones are established for these Airport Districts, based on the runway configuration.

### 44.11 Approach Zones

Approach zones (Figure 3) are delineated for each of the two runway approaches. The beginning of each approach zone is 500 feet wide and is coincident with and at the same elevation as the respective runway end. Both zones expand outward uniformly to an ultimate width of 2,000 feet which is at a distance of 5,000 feet measured horizontally from the end of the primary surface. The centerline of each approach zone is the horizontal continuation of the centerline of the respective runway end.

### 44.12 Transitional Zones

Transitional zones (Figure 3) are established adjacent to the sides of the runway and the approach zones, but shall be exclusive of both. These zones shall be 1,000 feet wide, measured horizontally and perpendicular to the sides of the runway. At the end of the runways the zone shall decrease in width until it intersects the approach zones at the point where the horizontal zone surface is at the same elevation as the approach zone.

### 44.13 Horizontal Zone

The horizontal zone (Figure 3) is established as all the area within 5,000 feet, measured horizontally, from any part of the runway surface, exclusive of the transitional and approach zones.

### 44.14 Conical Zone

The conical zone (Figure 3) is established as all the area within 9,000 feet, measured horizontally, from any part of the runway surface, exclusive of the transitional, horizontal, and approach zones.

### 44.15 Height Limits

The maximum height of buildings, other structures, and trees shall be restricted within each height control overlay zone. Where these zones overlap each other, the most restrictive height limitation shall apply. However, the height limits of this chapter shall not prohibit the construction or maintenance of any building or other structure, or the growth of any tree up to a height of 50 feet above the land surface elevation as it existed at the date of enactment of this chapter. The following are the height limits for the height control overlay zones.

a. Approach Zones: starting at the end of and at the same elevation as the respective runway ends, measure a slope 1 foot vertically upward for each 20 feet horizontally outward from the runway end, for the full extent of the approach zones.

b. Transitional Zones: starting at the side of and at the same elevation as the runway surface, and also starting at any given point on the sides of the approach zones at the same elevation as the approach zone height limit for the given point, measure a slope 1 foot vertically upward for each 7 feet horizontally outward from the runway, for the full extent of the transitional zones.

c. Horizontal Zone: the height limit for the horizontal zone is 150 feet above the highest point of the runway(s).

d. Conical Zone: starting at any given point on the periphery of the horizontal zone and at the same elevation as the horizontal zone height limit, measure a slope 1 foot vertically upward for each 20 feet horizontally outward from the airport, to the full extent of the conical zone.

### 44.20 Buffering Restrictions

Airport Districts must meet all of the restrictions and standards as required by this Ordinance for the appropriate principal activity classification.

### 44.30 Other Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of any land or water body within these Airport Districts in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, takeoff, or maneuvering of aircraft using the airport. Existing nonconforming activities shall comply with Article 14 of this Ordinance.

# ARTICLE 5 – NEIGHBORHOOD APPEARANCE DISTRICT

## Chapter 1. General Provisions

### 51.00 Purpose

The purpose of this Article is to protect and enhance the character, appearance, and image of Lexington County through appropriate maintenance of property and structures, with the additional benefit of protecting property values and improving the safety of its residents by averting the formation of objectionable and illicit activities in neighborhoods and commercial developments. The regulations set forth in this Article are minimum standards and are not intended to address deed restrictions or private covenants that have been placed on properties.

### 51.10 Residential Standards

All parcels that contain a residential activity, such as residential detached, residential attached or mobile home, to include accessory structures, or parcels that are considered developable lots and which are located within a platted residential subdivision with at least 10 residential lots and where the average residential lot sizes do not exceed 1-acre in area, shall comply with the following standards:

(a) *Swimming Pools* – Swimming pools, spas, and similar structures above ground, on ground, or in ground, shall be in a proper operating condition and/or shall be appropriately maintained to provide a safe, clean, and sanitary condition. Properly sized and installed pool covers or other means (i.e., operational drainage system) are acceptable to prevent stagnant water accumulation in un-used swimming pools.

(b) *Un-kept Yards and Landscaped Areas* – Grassed areas, lawns, and yard areas are to be maintained in an evenly mowed condition and not allowed to grow uncontrolled. Landscaped areas and foundation plantings shall be properly maintained so that woody plant materials do not block ingress/egress to a residence, impair vehicle vision clearance and/or sight distance, or cause structural disrepair. Landscaped areas and foundation plantings should be clearly delineated (i.e., mulch, border, etc.) and be predominately free of uncultivated weeds or vegetation. The discarding of yard debris and leaf litter within the road or storm drain system is prohibited. Natural areas preserved and managed for habitat protection (i.e., certified garden for wildlife) are exempt from these provisions, provided such natural areas are located within the rear or backyard of the primary residential use.

(c) *Exterior Storage* – Items being stored must be contained within a fully enclosed structure or in the back yard if they are totally screened from view from the public roadway or any adjacent property. The type of structure or total screening must be approved by the Zoning Administrator and shall be consistent with other structures and privacy fencing in the residential development. The exterior storage of materials for a current on-site construction project is allowed, provided the storage of such materials does not exceed one hundred twenty (120) consecutive days. Portable storage units utilized for temporary storage shall be used only in a transitory manner if they are visible from any adjacent property or public roadway. These storage units may not remain on a parcel in this manner in excess of sixty (60) consecutive days and for no more than two (2) separate occurrences during a twelve-month period, unless the units contain the contents of a residence undergoing a renovation and/or expansion. These units shall be no larger than eight feet high by eight feet wide by sixteen feet long and shall not be considered an accessory structure. Dumpsters used for the collection of construction debris and storage units used by homebuilders and contractors as part of a construction project are not considered portable storage units in the context of this paragraph. The owner and/or occupant of any parcel on which a storage unit is placed or the person to whom the unit is leased shall be responsible for ensuring that it is maintained in good condition – free from evidence of deterioration, weathering, graffiti, rust, ripping, tearing, holes, or breaks.

(d) *Structural Disrepair and Maintenance* – Structures, which include fences, decks, patios, and the like, shall be maintained free from evidence of deterioration, rotting materials, graffiti, rust, ripping,

tearing, holes, breaks, or various other forms of disrepair when such disrepair is visible from adjoining properties and/or road rights-of-way. Vacant structures are to be maintained as if occupied.

(e) *Domestic Chickens* – No more than four (4) domestic chickens are allowed per residential lot at one time, excluding roosters, which are prohibited. Domestic chickens cannot free roam or be located under the residential structure (i.e., crawl space), must be located within a rear yard, and contained within a designated fenced area, pen, or coop area. Coops shall meet all applicable accessory structure setbacks and all applicable Building Code requirements. All waste, odors, and pests associated with domestic chickens must be managed, such as not to create a nuisance for neighboring properties. The slaughtering of domestic chickens is prohibited. Domestic chickens used for commercial purposes, such as the sale of eggs, raising of chicks, and/or sale for meat products must conform to all applicable requirements for Agricultural Operations, as well as state and federal law. Nothing in this Section shall preclude the enforcement of Lexington County Ordinance, Chapter 26, Article II, Noise, in which any excessive noise may be addressed by the Lexington County Sheriff's Department.

(f) *Vehicle Parking and Storage* – Vehicles shall only be repetitively parked and/or stored in the driveway, the adjacent side yard adjoining the driveway, and/or the rear or backyard within residential lots. Vehicles shall not be parked or stored on developable vacant lots. The parking and/or storage of vehicles shall also conform to Section 21.21 of this Ordinance. Vehicles include cars, trucks, sport utility vehicles, crossovers, motorcycles, boats, watercraft, recreational vehicles, etc. These provisions do not pertain to temporary or visitor parking.

## 51.20 Commercial Standards

All parcels that contain a commercial, non-residential, residential attached not regulated within the residential standards, and/or group housing-type activity or developable lots within commercial subdivisions, business/industrial parks, and the like shall comply with the following standards:

(a) *Un-Kept Landscaped Areas* – Grassed areas, lawns, and yard areas are to be maintained in an evenly mowed condition and not allowed to grow uncontrolled. Landscaped areas shall be properly maintained so that woody plant materials do not block ingress/egress to a structure, impair vehicle vision clearance and/or sight distance, or cause structural disrepair. Landscaped areas shall also be predominately free of uncultivated weeds and vegetation and all mulched areas shall be maintained as such. All dead plant materials shall be removed and shall be replaced as regulated by the Lexington County Landscape and Open Space Ordinance.

(b) *Exterior Storage* – Waste materials and refuse shall be stored either within a completely enclosed structure or within an area totally screened from view of all adjoining properties. The type of structure or total screening must be approved by the Zoning Administrator and shall be consistent with the provisions of this Ordinance for nonresidential or commercial developments. Garbage shall be stored within a dumpster and that dumpster shall be screened and landscaped in accordance with applicable provisions of the Landscape and Open Space Ordinance. The exterior storage of materials for a current, on-site construction project is allowed, provided the storage of such materials does not exceed one hundred twenty (120) consecutive days. Portable storage units utilized for temporary storage shall be used only in a transitory manner if they are visible from any adjacent property or public roadway. These storage units may not remain on a parcel in this manner in excess of sixty (60) consecutive days and for no more than two (2) separate occurrences during a twelve-month period, unless the units contain the contents of a commercial-type operation undergoing a renovation and/or expansion. Dumpsters used for the collection of construction debris and storage units used by contractors as part of a construction project are not considered portable storage units in the context of this paragraph. The owner and/or occupant of any parcel on which a storage unit is placed or the person to whom the unit is leased shall be responsible for ensuring that it is maintained in good condition – free from evidence of deterioration, weathering, graffiti, rust, ripping, tearing, holes, or breaks.

(c) *Structural Disrepair and Maintenance* – Structures, which include fences, decks, patios, and the like, shall be maintained free from evidence of deterioration, rotting materials, graffiti, rust, ripping, tearing, holes, breaks, or various other forms of disrepair when such disrepair is visible from adjoining properties and/or road rights-of-way. Vacant structures are to be maintained as if occupied.

(d) *Vehicle Parking, Sales, and Storage* – Parking areas associated with closed, vacant, and/or abandoned non-residential activities and/or located on developable lots within a commercial subdivision, business/industrial park, and the like shall not be utilized for the repetitive parking and/or storage of commercial-type vehicles or the sale of personally owned vehicles or crafts.

(e) *Exterior Tire Storage* - Used tires, whether intended for resale or for discarding, shall only be stored within an enclosed structure or neatly stacked directly adjacent to the primary structure of the principal non-residential activity. The storage of used tires directly adjacent to a street or road right-of-way is prohibited and such storage must comply with all other state and local laws. Tire storage shall also be managed in a manner to deter standing water and reduce the potential to create mosquito or other vector breeding areas.

**51.30 Adherence to Other Regulations**

The regulations contained herein are in addition to other applicable ordinances or requirements, such as, but not limited to the Lexington County Solid Waste Ordinance, Lexington County Landscape and Open Space Ordinance, Lexington County Building Code Ordinance, Lexington County Land Development Manual, other regulations set forth within this Ordinance, or SCDHEC regulations.

Buildings or structures that are deemed unsafe or derelict mobile homes shall conform to applicable requirements of the Lexington County Building Code Ordinance prior to the enforcement of this Section. Buildings or structures that have been damaged by flooding shall conform to applicable requirements of the Lexington County Flood Damage Prevention Ordinance prior to the enforcement of this Section.

**51.40 Exemptions**

These provisions do not apply to vacant and/or unimproved properties, wetlands, conservation easements, forests, pasture land, open fields, grassed areas and/or open space utilized for recreation (ex., golf courses, athletic fields, passive trails), floodplains and floodways, stormwater management devices, naturally vegetated buffers required by Lexington County, vegetated areas along water bodies (ex. streams, rivers, ponds, or lakes), stables or barns, and/or agricultural operations, unless otherwise stated within these regulations.

**51.50 Scope of Regulations**

The provisions of this Article are enacted for the unincorporated portions of Lexington County, which meet the standards previously noted and located in the adopted Neighborhood Appearance District or unincorporated parcels of land that are adjoined and surrounded by municipal boundaries on at least seventy-five (75) percent of the respective property lines. A Neighborhood Appearance District Map shall be published as a part of this Article and be revised following the same procedures contained in this Ordinance for zoning text amendments. There are also no grandfathering provisions for any existing violations of these restrictions. Property maintenance for mobile home parks are covered within Section 72.50 and 144.35 of this Ordinance.

Anyone who disagrees with the Zoning Administrator's interpretation or seeks relief from these standards may file an appeal or special exception with the Board of Zoning Appeals, which shall act as the final arbiter. The Board of Zoning Appeals shall take in consideration the stated opinions of the surrounding property owners, the size and condition of the overall property and/or structures, visibility from surrounding properties and road rights-of-way, the condition of other properties in the immediate area, and any other extraordinary conditions or circumstances that may apply when deliberating a special exception request.

# ARTICLE 6 – PLANNED DEVELOPMENT DISTRICT

## Chapter 1. General Requirements

### 61.00 Purpose

The Planned Development District was adopted in 1974 to permit and encourage the effective, efficient, and economical development of large tracts of land in Lexington County. The regulations of the District were specifically designed to accommodate the development of Harbison New Town, and were never applied to any other property. Subsequent changes in the Ordinance now allow innovative developments in a manner that makes a Planned Development District unnecessary, except to continue the regulations that apply to Harbison.

### 61.10 Establishment of the Planned Development District

The provisions of this article shall only apply to Harbison. Additional Planned Development Districts may not be established.

### 61.20 General Development Plan

In compliance with previous zoning regulations, Harbison has received approval of a General Development Plan from the Planning Commission. They shall be required to maintain this General Development Plan of their overall development. This Plan shall consist of two parts, a generalized drawing(s) and a descriptive statement.

#### 61.21 Generalized Drawing(s)

The drawing(s) shall cover the entire Planned Development District and shall show the general pattern of development including the relationship proposed between the various proposed uses. The location of these uses should be depicted in a manner that will allow the Zoning Administrator to transfer that information to the Lexington County Maps as necessary for permitting construction.

#### 61.22 Descriptive Statement

The Descriptive Statement shall include the following information for the Lexington County portion of Harbison:

a. A legal description of the boundaries.

b. The total number of acres.

c. The tentative number of residential units of various types.

d. A statement of the intended overall density of population of the development.

e. The percentages of the total land area intended to be devoted to the various uses depicted in the Generalized Drawing(s).

f. The covenants and restrictions governing the Harbison Homeowners Association or any other group with ownership and maintenance responsibilities in Harbison.

### 61.30 Modifications to the General Development Plan

Harbison may submit proposed changes to the General Development Plan at any time. These changes will be considered by the Planning Commission at one of their regularly scheduled meetings. If approved the Commission will instruct the Zoning Administrator to begin using the new Plan for reviewing permits.

# Chapter 2. Regulations

## 62.00 Compliance with the General Development Plan

The Zoning Administrator shall not permit any activities in Harbison until it has been determined that they comply with the General Development Plan. If the Plan designation is for parks, greenways, and pathway systems, the area may be developed as residential. Uses designated for the more restricted areas are also allowed in the less restricted areas in accordance with the following list (most restrictive to least restrictive): parks, greenways, and pathway systems; residential; multi-family; commercial; light industrial/office. Any unassigned areas can be used as residential or parks, greenways, and pathway systems.

## 62.10 Ratio of Uses

The following ratio of uses shall be maintained within the Harbison development. The percentages listed apply to the total acreage in Lexington County only.

a. Not more than 60 percent shall be developed as residential and multi-family.

b. At least 20 percent shall be developed as commercial or light industrial/office.

c. At least 10 percent shall be devoted to parks, greenways, and pathway systems.

## 62.20 Density

The overall density in the Lexington County portion of Harbison shall not exceed eight dwelling units per acre. The gross acreage of the Planned Development District shall be used to determine density.

## 62.30 Exemptions from Regulations

Because Harbison must develop in accordance with the approved General Development Plan, and to allow for more innovative approaches to the development of the District, they are exempt from compliance with some of the provisions of this Ordinance. Except as outlined in this article, Harbison shall have no minimum lot area, no minimum lot width, no minimum setbacks, and no maximum height requirements. All other regulations contained in this Ordinance shall apply to the Planned Development District.

## 62.40 Other Requirements

a. Activities in Harbison shall comply with all other development ordinances of Lexington County.

b. Areas designated for open space and community uses shall be reserved and properly maintained for such uses by adequate covenants and restrictions.

c. Activities along any external property lines of the District shall conform to the setback, buffer, screening, and height requirements of this Ordinance.

d. Any land within the exterior boundaries of the District which has not been owned by Harbison shall be developed in accordance with the General Development Plan.

# ARTICLE 7 – MOBILE HOME PARKS

## Chapter 1. General Provisions

### 71.00 Purpose

The purpose of this article is to address the unique needs of Mobile Home Parks, in order that they may be considered a safe and healthy residential option to the residents of Lexington County.

### 71.10 Jurisdiction

The regulations set forth herein shall apply to any property located within the jurisdiction of this Ordinance that is now or is proposed to be developed as a Mobile Home Park.

### 71.20 Definitions

Mobile Home activities, also defined as manufactured homes, are transportable dwellings intended for permanent residential occupancy that are built entirely in a factory under federal construction and safety standards administered by the U.S. Department of Housing and Urban Development (HUD). They may be single- or multi-section, and are transported to the site and installed. This activity shall not include modular residential construction, as defined within the South Carolina Modular Buildings Construction Act. Modular residential construction shall be included in the Residential Detached or Residential Attached activity types, as appropriate.

Mobile Home Parks Three or more mobile homes or mobile home spaces that are located within 1,000 feet of one another and operated in any coordinated manner. The park may be located on a single parcel, or multiple parcels in the same or different ownership. For the purpose of this Ordinance, three mobile homes shall not be considered a mobile home park if one of the three mobile homes is occupied by the property owner and is their legal residence. Additional mobile homes may be allowed by the Zoning Administrator without creating a mobile home park, provided the mobile home is to be the primary residence for an immediate family member with special needs (i.e., disabled, handicapped, elderly, ill, or other special/dire circumstance) and other requirements of the Ordinance are met. Immediate family members may include grandparents, parents, spouses, siblings, children, grandchildren, and/or legal guardians. At such time the additional home is no longer utilized to house an immediate family member with special needs, the mobile home must either be removed from the site within 60 days or the property(s) shall conform to the current requirements for a mobile home park land use.

Mobile Home Parks (Limited): The minimum size of an individual mobile home space in this type of development is 20,000 square feet.

Mobile Home Parks (Extensive): The minimum size of an individual mobile home space in this type of development is 6,000 square feet.

**NOTE:** The following shall be used in determining compliance with the definition above of a Mobile Home Park:

e. A mobile home on a parcel(s) shall be counted toward the maximum number allowed even if the mobile home is unoccupied, used for storage, or not currently connected to electricity.

f. The subdividing of a parcel(s) in order to circumvent this Ordinance is not allowed by this definition.

g. Separating the ownership of mobile homes or mobile home spaces into two or more legal entities for the purpose of avoiding being defined as a mobile home park is not allowed.

h. The number of mobile homes within a 1,000 foot radius, whether located on the same parcel or different parcels, as defined in the mobile home park definition.

## 71.30 Application of Regulation

Upon the effective date of these regulations, Mobile Home Parks can be developed or expanded only in accordance with the applicable restrictions contained herein. Legally nonconforming Mobile Home Parks are subject to the provisions found in Article 14.

## 71.40 Special Exception Review

**71.41** A request for a permit for a mobile home park will require special exception approval from the Board of Zoning Appeals. The basis for such approval is a demonstration by the applicant that the owner/operator can operate the mobile home park in a manner that addresses the unique conditions that are created by rental habitation. It will be the responsibility of the applicant to make evident to the Board that the following criteria can be met:

a. As demonstration that the day-to-day operations of the mobile home park addresses the unique conditions of a rental community, the applicant must demonstrate the ability to effectively manage the park;

b. As demonstration that the mobile home park community will be harmonious with the surrounding properties, the appropriate Buffering Restrictions, General Requirements and Performance Standards will be provided, if applicable; and

c. As assistance to the traveling public and public safety response agencies, adequate identification of the mobile home park will be provided. For E911 purposes, the name and addressing of the Mobile Home Park shall be approved by the Lexington County Planning and GIS Department.

**71.42** For the Board to rule on a mobile home park special exception request based on these criteria, the following information must be submitted for consideration with the application:

a. One way to demonstrate the ability to manage the park is to submit a management plan. Such a plan could address such things as group gatherings, parking, care and control of household animals, traffic controls, disposal of household and other waste, grounds keeping, and mobile home maintenance;

b. A detailed site plan showing the buffering restrictions, parking, driveways, spacing and density shall be required, drawn in accordance with provisions published by the Board of Zoning Appeals; and

c. A plan for mobile home park identification signage and identification of the individual mobile homes in accordance with the Addressing and Road Naming Ordinance will be required.

## 71.50 Zoning Permit

It shall be the sole responsibility of a Mobile Home Park owner to establish and operate a Mobile Home Park in accordance with the regulations as set forth in this article. The zoning permit shall be issued on the basis of compliance with both these regulations and the regulations that are contained within South Carolina DHEC Regulation 61.40, and is considered a “permit to operate” by Lexington County.

## 71.60 Site Plan

All existing mobile home parks should have an appropriately prepared site plan that includes but is not limited to spaces, driveways, space numbers and/or addresses, parking and spacing between homes and boundaries of the park to assist in the issuance of permits and to aid park owners in achieving future compliance with Article 14.

## 71.70 Enforcement

The Zoning Administrator, upon sixty days notice, may withdraw a zoning permit issued to the Mobile Home Park owner and require the park to cease operation. Other enforcement procedures are found elsewhere in this Ordinance.

### 71.80 Adherence to Existing Regulations and Guidelines

All new or expanding Mobile Home Parks must adhere to any applicable Federal, State, or County regulations or guidelines, including but not limited to SCDHEC Regulations, the Addressing and Road Naming Ordinances, the International Building Code, and the Assessor's Mobile Home Registration process.

## Chapter 2. Regulations

### 72.00 Driveways

All driveways which provide access to any activities within a Mobile Home Park shall adhere to the following guidelines:

a. Driveways shall be a minimum of 18 feet in width, exclusive of parking.

b. All driveways shall be constructed in the following manner:

1. All unpaved driveways shall meet the minimum road design criteria as stated in the Private Road Policy adopted by the Lexington County Planning Commission. If the unpaved driveway connects to a paved road, a paved apron 50 feet in length measured from the existing pavement and with the appropriate intersection radii width must be provided. A maximum of 25 mobile home spaces may access one unpaved driveway.

2. Paved driveways shall meet all the applicable paved road design standards established by Lexington County, with the exception of roadway width.

### 72.10 Density

The density of a mobile home park shall comply with Section 22.30 and the design standards of this article.

### 72.20 Mobile Home Spaces

A mobile home space is the leasable area provided to an individual tenant. In a Mobile Home Park (Extensive) each space shall have a minimum area of 6,000 square feet, and shall be a minimum average width of 50 feet. In a Mobile Home Park (Limited) each space shall have a minimum area of 20,000 square feet, and shall also be a minimum average width of 75 feet. The mobile home space shall be exclusive of the prescribed buffer area, and all mobile home spaces shall be clearly delineated by fencing, vegetation, or other substantial means. The delineation of the spaces may be waived by the Board of Zoning Appeals if the park owner can demonstrate that maintenance and upkeep of the park will not suffer for lack of this measure. Even if the space delineation is waived, the prescribed buffer area must still be delineated to protect the required inactive character of that area.

### 72.30 Spacing

There shall be a minimum of 30 feet between any two mobile homes, or any mobile home and a common building (laundry, etc.). Where entrances/exists of mobile homes do not face each other, the minimum setback may be 10 feet from the mobile home space delineation line. Accessory structures for individual mobile homes shall be located a minimum of 6 feet from any adjoining mobile home.

### 72.40 Parking

A minimum of two parking spaces, exclusive of the common Mobile Home Park driveway(s), shall be provided per mobile home space. Parking of recreational vehicles and craft must be exclusive of the minimum two parking spaces for the mobile home and may not encroach the driveway area for the Mobile Home Park.

### 72.50 Operational Requirements

All grounds, common buildings, and mobile homes located within Mobile Home Parks are to be maintained in a clean, sanitary and safe manner. The mobile home spaces shall be kept clear of

accumulation, refuse, debris, garbage, and unnecessary clutter, and all garbage and refuse shall be stored, collected and disposed of in a centralized and totally screened garbage collection area, such as a dumpster, in a manner as not to create a nuisance, vector attractant, breeding or harborage problem. Mobile Home Park grounds shall be maintained in a groomed and evenly mowed condition and not allowed to grow uncontrolled, landscaped areas shall be properly maintained, and dead and/or dying trees that are deemed hazardous to pedestrians and property must be removed immediately. All mobile home units and common buildings shall be maintained and kept free of deterioration, rotting materials, graffiti, rust, tearing, holes, breaks, or other forms of structural disrepair. Tenants within Mobile Home Parks are prohibited from storing un-registered vehicles and/or vehicles under repair for longer than 30 days on-site.

### 72.60 Buffering Restrictions

Each Mobile Home Park shall adhere to the buffering restrictions covering height regulations, buffers, setbacks, and screening as outlined in Chapter 3 of Article 2.

# ARTICLE 8 – MINING OPERATIONS

## Chapter 1. General Provisions

### 81.00 Purpose

The purpose of this article is to address the unique needs of Mining Operations in order that these activities function in a manner that is compatible with the surrounding area.

### 81.10 Jurisdiction

The regulations set forth herein shall apply to any property located within the jurisdiction of this Ordinance that is now or is proposed to be developed as a Mining Operation.

### 81.20 Definitions

Minerals are solids, liquids, or gases found in natural deposits on or in the earth, including, but not limited to, soil, sand, clay, gravel, stone, rock, coal, phosphate, metallic ore, petroleum, or natural gas.

Mining Area is the area of land from which overburden or minerals have been removed, or upon which overburden has been deposited, including the location of on-site mineral processing, stockpiles, settling ponds, mining vehicle operation, and active reclamation areas. The mining area does not include land which has been reclaimed, the access road, or earthen berms which are part of County approved noise containment.

Mining includes the extraction or removal of minerals for sale, processing, or consumption even if the mining activity is not required to obtain a mining permit from the South Carolina Department of Health and Environmental Control (SCDHEC). It does not include grading, backfilling, plowing, or excavating areas for agriculture or on-site construction, nor does it include exploratory mining as defined by the SCDHEC. Borrow pits owned, operated, and/or managed by the South Carolina Department of Transportation (SCDOT) or the County of Lexington exclusively for road or infrastructure construction do not constitute a mining activity by this Ordinance; however, the extraction or removal of minerals from such borrow pits for the purposes not directly associated with SCDOT or County roadway project, will require the use to meet all applicable requirements for mining operations.

Mining (Limited) includes all mining operations where the mining area does not exceed 5 acres. This activity category does not permit on-site mineral processing, including, but not limited to, milling, crushing, screening, washing, flotation, or refining. This activity category does not include chemical leaching of minerals, hard rock quarrying, or blasting.

Mining (Intermediate) includes all mining operations where the mining area does not exceed 25 acres. This activity category permits on-site mineral processing, chemical leaching of minerals, hard rock quarrying, or blasting, provided that the blasting or chemical leaching of minerals meets the buffering restrictions of the Mining (Extensive) category.

Mining (Extensive) includes all other mining activities not included within the definition of Mining (Limited) or Mining (Intermediate). This activity category permits on-site mineral processing, chemical leaching, and blasting.

### 81.30 Application of Regulations

Upon the effective date of these regulations, Mining Operations can be developed or expanded only in accordance with the applicable restrictions contained herein. Legally nonconforming Mining Operations are subject to the provisions found in Article 14.

### 81.40 Special Exception Review

**81.41** A request for a permit for a mining operation will require special exception approval from the Board of Zoning Appeals. The basis for such approval is a demonstration by the applicant that the owner/operator can manage and operate the mining operation in a manner that addresses the varying conditions and circumstances associated with such land use activities. It will be the responsibility of the applicant to make evident to the Board that the following criteria can be met:

a. The applicant must demonstrate the day-to-day operations of the mining operation and the ability to manage the various tasks associated with the land use;

b. As demonstration that the mining operation will be harmonious with the surrounding properties and the appropriate buffering restrictions, general requirements, performance standards, landscape and/or vegetation requirements, and County Council approval of the access plan, if applicable;

c. As evidence that the applicant has obtained all other local, state, and/or federal permits to operate such activity, if applicable; and

d. For the protection of the surrounding environment, a response plan to address environmental or public safety related incidents.

**81.42** For the Board to rule on a mining operation special exception based on these criteria, the following information must be submitted for consideration with the application:

a. Demonstrate the ability to manage and operate the mining operation in accordance with the regulated hours of operation, performances standards, truck traffic to include stacking along the road and/or entrance driveways, roadway noise, fugitive dust, and on-going compliance with various environmental-type permits;

b. A detailed plan illustrating the buffering restrictions, landscape or vegetation plan, access plan, berming or noise containment plan;

c. Methods and/or protocols for addressing non-compliance related issues with the mining operation or nuisance complaints (i.e., noise or dust) associated with the operation;

d. Emergency plans and protocols in the event of a fire or environmental-related issue, such as ground or surface water contamination; and

e. A plan illustrating how the mining operation will be reclaimed once the mining in certain areas of the property or properties has ended or if the activity were to cease.

### 81.50 Zoning Permit

It shall be the sole responsibility of a Mining Operation owner to establish and operate a Mining Operation in accordance with the regulations as set forth in this article. The zoning permit shall be issued on the basis of compliance with all applicable state and local regulations.

## Chapter 2. Mining Regulations

### 82.10 Adherence to Other Regulations

The Mining Operation regulations contained herein are in addition to any applicable regulations from the South Carolina Department of Health and Environmental Control (SCDHEC) and any other state and federal agencies. If a Mining Operation is regulated by SCDHEC it shall be issued a zoning permit after meeting all zoning requirements and after receiving a mining permit from that agency. There may be Mining Operations that are governed only by this Ordinance and other regulations of Lexington County.

### 82.20 Buffering Restrictions

Each Mining Operation shall adhere to the Buffering Restrictions covering height regulations, buffers, setbacks, and screening as outlined in Chapter 3 of Article 2, except where more restrictive regulations exist in this Article or elsewhere in this Ordinance. Where an existing residence is located less than 500 feet from the property line of a mining activity the required buffering restrictions shall be doubled. Where an existing residence is located between 500 and 1000 feet from the property line of a mining activity, the required buffering restrictions shall be 1 ½ times the published requisites.

### 82.21 Buffer

Buffering requirements are defined in Section 23.20. In the event that an encroachment appears to be within the buffer area, and/or the buffer area is likely to be encroached unintentionally, the designated buffer area may be required to be clearly delineated by a material approved by the Zoning Administrator.

### 82.22 Setbacks

While accessory activities such as driveways and parking and reclamation thereof can occur within the designated setback as defined in Section 23.30, mining operations may not encroach on any part of the setback area.

Blasting that is associated with mining operations must be setback a minimum of 1,500 feet from all properties that contain an existing residential use and from properties located within Restrictive Development zoning districts. The required blasting setback shall be measured from the property line of the protected properties.

### 82.23 Screening

1. In all Districts all of the mining activity shall be screened from any neighboring property in accordance with the Chart of Maximum Buffering Restrictions of Section 23.60. This shall include, but is not limited to, buildings, structures, stockpiles, overburden storage areas, berms used for noise containment, etc.

2. All Mining Operations must use natural or landscaped vegetation for screening. The screening requirements do not exclude the use of fencing for safety reasons. Existing natural vegetation shall be left undisturbed in the buffer areas located in all Districts. In the portion of the setback areas beyond the required buffer areas, existing natural vegetation shall also be left undisturbed with the single exception of grading in this area that is necessary to implement the best Noise Containment Plan as required in Section 82.60. However, this exception is allowed only if the vegetative screening requirements of this section can be met.

3. Additional vegetation must be added and existing vegetation altered as necessary to meet the screening requirements and shall be planted in a random manner to replicate natural forest conditions. The vegetation used must include sufficient quantities that are evergreen, drought-tolerant, and disease resistant to ensure that the screening requirements of the Ordinance are met during all seasons of the year.

4. Total road frontage screening is required in all Districts, and the entrance shall be designed such that none of the mining activity shall be visible from the road.

## 82.30 Access Plan

Any new intermediate or extensive mining operation, or expansion of an existing intermediate or extensive mining operation creating a new access, shall submit a proposed Access Plan and must receive approval of a Plan from the Lexington County Council. This Plan shall show the anticipated routing of all truck traffic in compliance with this chapter as well as Section 22.02, Chart of Permitted Access by Street Classification. However, an alternate Plan that may not comply with all of these regulations may also be submitted if it is considered to have less of a traffic impact on the roads accessing the mining operation. Mining (Intermediate) and Mining (Extensive) activities are only allowed access by roads that are paved. Internal access for individual mining operations where parcels are separated by roadways do not require Access Plan approval, provided the point of access is not a main access for external truck traffic and the street classification and road conditions allow such access.

Any roads or bridges to be utilized must be capable of handling the additional traffic and weight loads of the mining activity. The entity responsible for the maintenance of such facilities will be asked to review the condition of any roads and bridges contained in the Access Plan and report that information along with recommendations to the Lexington County Council. This may be the South Carolina Department of Transportation, the Lexington County Department of Public Works, or a municipality.

The Lexington County Council will review the Access Plan(s) and reports from the maintenance entities and may require a different Plan using any roads available if it will lessen the impact of truck traffic in the immediate area.

**82.40 Driveways**

Driveway access to a paved road must consist of a paved apron at least 100 feet in length. Driveway access to an unpaved road must be stabilized in a manner to reduce excessive fugitive dust. Driveways may also be required to have deceleration and/or acceleration lanes as a part of an encroachment permit from either Lexington County or the South Carolina Department of Transportation.

**82.50 Hours of Operation**

The following hours of mining operation restrictions shall apply:

| | |
|---|---|
| Mining (Limited): | 7:00 a.m. to 7:00 p.m., Monday through Friday |
| Mining (Intermediate): | 7:00 a.m. to 7:00 p.m., Monday through Saturday |
| Mining (Extensive): | No restriction for hours of operation in an ID District |
| | 7am to 7pm, Monday through Saturday in an RD District |

In the event of a natural or man-made disaster, the Zoning Administrator may temporarily suspend the restrictions for mining hours of operation so these facilities can assist in disaster relief and/or recovery during and following such events. The Zoning Administrator shall make such announcement, via the Public Information Officer, regarding both the suspension and reinstatement of the mining hours of operation restrictions.

**82.60 Performance Standards**

In addition to the requirements contained in this section, each Mining Operation shall adhere to any applicable Performance Standards outlined in Chapter 4 of Article 2.

Noise Containment Plan: To achieve the maximum protection from site-generated noise (i.e., mechanical and engine noise from mechanized equipment and vehicles, rock crushing, conveyors, etc.), a Noise Containment Plan shall be prepared and submitted for approval. That Plan must utilize earthen berms designed and integrated into the existing terrain so that there is a wall of dirt, natural or man-made, separating the source of the noise and all surrounding protected property lines. In all Districts the berms must be located beyond the required buffer. They may only encroach into the setback area if doing so achieves a greater degree of noise containment due to the natural shape of the terrain. Such encroachments will be the minimum needed and inward toe of the berm must touch the setback line. Noise at any protected property line is limited to the following restrictions as regulated by the provisions of Section 24.13 Maximum Permitted Sound Pressure Levels.

South Carolina Mining Act: The South Carolina Department of Health and Environmental Control (SCDHEC) regulates and monitors all activities governed by the South Carolina Mining Act. Mining Operations shall adhere to these and all other State requirements which address issues such as sediment and erosion control related to mining activities, dewatering/groundwater-related impacts, fugitive dust, surface blasting, etc.

# ARTICLE 9 – LANDFILL OPERATIONS

## Chapter 1. General Provisions

### 91.00 Purpose

The purpose of this article is to address the unique needs of Landfill Operations in order that these activities function in a manner that is compatible with the surrounding area.

### 91.10 Jurisdiction

The regulations set forth herein shall apply to any property located within the jurisdiction of this Ordinance that is now or is proposed to be developed as a Landfill Operation.

### 91.20 Definitions

Landfills include all of the following activities as defined by the South Carolina Department of Health and Environmental Control (SCDHEC) of the Lexington County Solid Waste Ordinance, now or in the future, and/or land use activities that collect and store solid waste material for immediate or future disposal. Landfills may consist of above and/or below ground waste storage. Landfills are classified as either limited, intermediate, or extensive and may include solid waste activities exempt from review by SCDHEC. Recycling activities which involve recovered materials, construction, demolition and/or land-clearing or yard debris are regulated in the same manner as the landfill classification within which they are listed, even if there is no landfill at the location of the recycling activity unless affiliated with a Construction Services land use activity and within the thresholds of such allowances (See "Construction Services"). Landfill activities must also comply with applicable provisions of the Lexington County Solid Waste Ordinance. Structurally filled areas, as approved by SCDHEC, shall not constitute a landfill.

Landfills (Limited) shall have a landfill area which does not exceed 4 acres and is operational for less than 2 years. This activity category does not include facilities such as municipal or industrial solid waste landfills or the disposal of hazardous materials, or the on-site processing of recovered materials, such as, construction, demolition, and/or land-clearing or yard debris for recycling.

Landfills (Intermediate) shall have a landfill area which does not exceed 12 acres. This activity category does not include the disposal of hazardous materials, but may include the on-site processing of recovered materials, such as, construction, demolition, and/or land-clearing or yard debris for recycling provided the amount of unprocessed material stored above ground does not exceed 10,000 cubic yards.

Landfills (Extensive) include all other landfills not included within the definition of Landfill (Limited) or Landfill (Intermediate). This activity category also includes the on-site processing of recovered materials, such as, construction, demolition, and/or land-clearing or yard debris for recycling.

### 91.30 Application of Regulations

Upon the effective date of these regulations, Landfill Operations can be developed or expanded only in accordance with the applicable restrictions contained herein. Legally nonconforming Landfill Operations are subject to the provisions found in Article 14, Nonconformity.

### 91.40 Special Exception Review

**91.41** A request for a permit for a landfill operation will require special exception approval from the Board of Zoning Appeals. The basis for such approval is a demonstration by the applicant that the owner/operator can manage and operate the landfill operation in a manner that addresses the varying conditions and circumstances associated with such land use activities. It will be the responsibility of the applicant to make evident to the Board that the following criteria can be met:

a. The applicant must demonstrate the day-to-day operations of the landfill operation and the ability to manage the various tasks associated with the land use;

b. As demonstration that the landfill operation will be harmonious with the surrounding properties and the appropriate buffering restrictions, general requirements, performance standards, and landscape and/or vegetation requirements, if applicable;

c. As evidence that the applicant has obtained all other local, state, and/or federal permits to operate such activity, if applicable; and

d. For the protection of the surrounding environment, a response plan to address environmental or public safety related incidents.

**91.42** For the Board to rule on a landfill operation special exception based on these criteria, the following information must be submitted for consideration with the application:

a. Demonstrate the ability to manage and operate the landfill operation in accordance with the regulated hours of operation, performances standards, truck traffic to include stacking along the road and/or entrance driveways, odor, roadway noise, fugitive dust, on-going compliance with various environmental-type permits;

b. A detailed plan illustrating the buffering restrictions, landscape or vegetation plan, access plan, berming or noise containment plan;

c. Detailed plan on how materials brought to the site are monitored/inspected prior to acceptance into the facility;

d. Methods and/or protocols for addressing non-compliance related issues with the landfill operation or nuisance complaints (i.e., explosions) associated with the operation;

e. Emergency plans and protocols in the event of a fire or environmental-related issue, such as ground or surface water contamination; and

f. A plan illustrating how the landfill operation will be reclaimed once the landfill in certain areas of the property or properties has ended or if the activity were to cease.

### 91.50 Zoning Permit

It shall be the sole responsibility of a Landfill Operation owner to establish and operate a Landfill Operation in accordance with the regulations as set forth in this article. The zoning permit shall be issued on the basis of compliance with all applicable state and local regulations.

## Chapter 2. Regulations

### 92.10 Adherence to Other Regulations

The Landfill Operation regulations contained herein are in addition to any applicable regulations from the South Carolina Department of Health and Environmental Control (SCDHEC), Federal Aviation Administration (FAA) regulations pertaining to landfill locations in proximity to airports, and any other state or federal agencies. A Landfill Operation shall be issued a zoning permit only after receiving an approval from Lexington County as to its compliance with all County Solid Waste Regulations.

### 92.20 Buffering Restrictions

Each Landfill Operation shall adhere to the buffering restrictions covering height regulations, buffers, setbacks, and screening as outlined in Chapter 3 of Article 2, except where more restrictive regulations exist in this Article or elsewhere in this Ordinance. Where an existing residence is located less than 500 feet from the property line of a landfill activity the required buffering restrictions shall be doubled. Where an existing residence is located between 500 and 1000 feet from the property line of a landfill activity, the required buffering restrictions shall be 1 ½ times the published requisites.

#### 92.21 Buffer

Buffering requirements are defined in Section 23.20. In the event that an encroachment appears to be within the buffer area, and/or the buffer area is likely to be encroached unintentionally, the designated buffer area may be required to be clearly delineated by a material approved by the Zoning Administrator.

### 92.22 Setbacks

While accessory activities such as driveways and parking can occur within the designated setback as defined in Section 23.30, landfill operations may not encroach on any part of the setback area.

### 92.23 Screening

1. In all Districts all of the landfill activity shall be screened from any neighboring property in accordance with the Chart of Maximum Buffering Restrictions of Section 23.60. This shall include, but is not limited to, buildings, structures, stockpiles, overburden storage areas, berms, surface debris/refuse, etc.

2. All Landfill Operations must use natural or landscaped vegetation for screening. The screening requirements do not exclude the use of fencing for safety reasons. Existing natural vegetation shall be left undisturbed in the buffer areas located in all Districts. In the portion of the setback areas beyond the required buffer areas, existing natural vegetation shall also be left undisturbed with the single exception of grading in this area that is necessary to implement berms for noise containment necessary to comply with Section 92.70. However, this exception is allowed only if the vegetative screening requirements of this Section can be met.

3. Additional vegetation must be added and existing vegetation altered as necessary to meet the screening requirements and shall be planted in a random manner to replicate natural forest conditions. The vegetation used must include sufficient quantities that are evergreen, drought-tolerant, and disease resistant to ensure that the screening requirements of the Ordinance are met during all seasons of the year.

4. Total road frontage screening is required in all districts.

## 92.30 Access

The chart contained in Section 22.02 designates the street classification necessary to access Landfill Operations. The following additional requirements must be met:

1. A Landfill (Intermediate) operation is allowed access by a Local street provided that road is paved.

2. A Landfill (Extensive) operation is allowed access by a Local or Collector road provided that road is paved.

The appropriate street access shall not be an issue if all of the vehicular activity associated with the landfill is self-contained on the site.

## 92.40 Driveways

Driveway access to a paved road must consist of a paved apron at least 100 feet in length. Driveway access to an unpaved road must be stabilized in a manner to reduce excessive fugitive dust. Those driveways may also be required to have deceleration and/or acceleration lanes as a part of an encroachment permit from either Lexington County or the South Carolina Department of Transportation.

## 92.50 Hours of Operation

The following hours of operation restrictions shall apply:

| | |
|---|---|
| Landfill (Limited) | 7:00 a.m. to 7:00 p.m., Monday through Friday |
| Landfill (Intermediate) | 7:00 a.m. to 7:00 p.m., Monday through Saturday |
| Landfill (Extensive) | No restriction for hours of operation |

## 92.60 Performance Standards

Each Landfill Operation shall adhere to the Performance Standards as outlined in Chapter 4 of Article 2. It should be noted that one of those standards that requires extra attention during the design of a Landfill Operation are the limits placed on noise. Earthen berms are one of the few methods that will contain the noise on-site at a level that meets the standards contained on this Ordinance.

# ARTICLE 10 – SEXUALLY ORIENTED BUSINESSES

## Chapter 1. General Provisions

### 101.00 Purpose

Whereas County Council is aware of studies done by other cities and counties throughout the United States which document the secondary effects that result from sexually oriented businesses, particularly when those businesses are concentrated together, it is the purpose of this Ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the County. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this Ordinance to deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Ordinance to condone or legitimize the distribution of obscene material nor to legalize any form of prohibited or illegal activities.

### 101.10 Description of Sexually Oriented Businesses

Sexually oriented businesses include, but are not limited to: adult arcade, adult bookstore/video store, adult cabaret/nightclub, adult campground/recreational area, adult escort service, adult model studio, adult motel, adult motion picture theater, adult peep show, adult sexual encounter center, adult theater, as defined herein; and any other establishment which contains activities characterized by the performance, depiction, or description of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas." Each sexually oriented business is considered a separate business regardless of ownership and must meet separation requirements. This definition does not include family oriented clothing optional campground/recreational areas which: 1) comply with all state and/or federal requirements that prohibit public indecency; 2) do not provide sexual stimulation or sexual gratification to customers; and 3) do not include "specified sexual activities." Family oriented clothing optional campground/recreational areas must meet all applicable buffering restrictions for the principal activity(ies); however, in all cases, total screening must be provided from the road right-of-way and adjoining properties.

Adult Arcade. Any establishment to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five 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 "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

Adult Bookstore/Video Store. An establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration books, magazines, sexual paraphernalia or instruments, films, motion pictures, video cassettes or video reproductions, slides or other visual representations (whether for viewing off premises or on premises by use of motion picture machines or other image producing devices), periodicals or other printed or pictorial materials which are intended to provide sexual stimulation or sexual gratification to such customers, and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

Adult Cabaret/Night Club. An establishment which, as one of its business purposes, offers to customers live entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing, or relating to "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

Adult Campground/Recreational Area. A membership facility which, as one of its business purposes, provides outdoor recreational opportunities to nude or semi-nude participants. This definition does not include family oriented clothing optional campground/recreational areas as defined above.

Adult Escort/Entertainment Service. A person or business association who furnishes, offers to furnish, or advertises to furnish as one of its business purposes for a fee, tip, or other consideration, private live entertainment which is distinguished by or characterized by an emphasis on depicting, describing, or relating to "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

Adult Model Studio. Any place where a person who appears in a "state of nudity" or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any form of consideration.

Modeling studios will not be considered sexually oriented businesses if the person appearing in a state of nudity did so in a modeling class operated:

a. By a proprietary school, licensed by the State of South Carolina; a college, junior college, or university supported entirely or partly by taxation; or

b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

Adult Motel. A hotel, motel, or similar commercial establishment which:

a. Offers accommodations to the public for any form 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 "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

b. Offers a sleeping room for rent for a period of time that is less than 10 hours; or

c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater. A commercial establishment where, as one of its business purposes, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown, for any form of consideration, which are characterized by the depiction or description of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

Adult Peep Shows. A theater which presents materials in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged and which is not open to the public generally but excludes any minor by reason of age.

Adult Sexual Encounter Center. A business or commercial enterprise that, as one of its business purposes, offers for any form of consideration:

a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

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 semi-nudity; or

c. Sadistic/masochistic flagellation or torture (real or simulated) of one person by another and/or the fettering, binding, or physically restraining of one person by another.

Adult Theater. An establishment, containing a room with tiers or rows of seats facing a screen, projection area, or stage, which, as one of its business purposes, is the exhibition to customers of motion pictures or live entertainment which are intended to provide sexual stimulation or sexual gratification to such customers and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

**101.20 Definitions**

Nudity or State of Nudity. The appearance of a bare human buttocks, male genitals, female genitals, or female breast(s) or the use of opaque material that gives the appearance of less than completely or opaquely covered human buttocks, male genitals, female genitals, or female breast(s).

Semi-Nudity or State of Semi-Nudity. A state of dress in which clothing, or opaque material that gives the appearance of less than completely or opaquely covered human buttocks, male genitals, female genitals, or female breast(s), covers no more than the genitals, pubic region, areola of the female breast, and those portions of the body covered by supporting straps and devices.

Specified Anatomical Areas.

a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast areola; or

b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities.

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; or

d. Human genitals in a state of sexual stimulation or arousal; or

e. The fondling, erotic touching or other such contact with an animal by a human being; or

f. Excretory functions as part of or in connection with any of the activities set forth in (a) through (e) above.

# Chapter 2. Regulations

## 102.00 Location

Sexually oriented businesses shall be located only in accordance with the following:

a. Only in the Intensive Development (ID) District and portions of the Limited Restriction (LR) District which are regulated as if an Intensive Development District, provided the business also meets the location requirements for the principal activity to which it is assigned.

b. At least 1,000 feet from any residential use, church, day care center, public or private elementary or secondary education school, public park, public library, cemetery, or motion picture establishment which shows G-rated or PG-rated movies to the general public on a regular basis, regardless of jurisdiction.

c. At least 2,000 feet from any other sexually oriented business, regardless of jurisdiction. Each sexually oriented business is considered a separate business regardless of ownership.

d. Measurements of distance separation shall be in a straight line from the closest points of the buildings or outdoor areas in which the sexually oriented business activity takes place to either, except properties that are within 100 feet of the county boundary line or are contiguous with and/or extend beyond the county boundary:

   1. the closest point of the building in which the residential use, public library, motion picture establishment or other sexually oriented business is located, or

   2. the closest point of the property line of a church, day care center, public or private elementary or secondary education school, public park, or cemetery.

e. For properties that are within 100 feet of the county boundary line or are contiguous with and/or extend beyond the county boundary line, the property lines of the sexually oriented business shall be used to measure separation distances for protected land uses located within Lexington County and the county boundary shall be used to measure separation distances in adjoining counties.

## 102.10 Signage & Exterior Decoration/Design

a. It shall be unlawful for the owner or operator of any sexually oriented business or any other person to erect, construct, or maintain any sign other than as provided herein and in Article 2, Chapter 5, Signs.

b. Signs and exterior decoration/design shall contain no photographs, silhouettes, drawings, titles, graphic or pictorial representations in any manner of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified anatomical areas," or "specified sexual activities."

c. Each sexually oriented business must display at least one sign, easily discernable prior to entering the establishment, which identifies it as such by using the word "Adult" (for example, "Adult Bookstore," "Adult Cabaret," "Adult Entertainment," etc.).

## 102.20 Permits

a. Sexually Oriented Business Zoning Permits shall be required in addition to Zoning Permits issued for their principal activities.

b. Property owners where sexually oriented businesses are located may not sanction the selection of a lesser buffering restriction as outlined in Section 23.60 if that restriction is applicable to another sexually oriented business.

c. Property owners where sexually oriented businesses are located may not sanction the selection of a lesser buffering restriction as outlined in Section 23.60 to seek relief for the required separation distances from protected land uses.

d. Representatives of the Sheriff's Department, Department of Community Development, Department of Emergency Services, or other County departments or agencies shall be allowed to inspect the

premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

e. An application for a Sexually Oriented Business Zoning Permit must be accompanied by a site plan drawn to a designated scale or drawn with marked dimensions. The site plan need not be professionally prepared, but must be drawn to an accuracy of plus or minus 6 inches. The site plan must include information and exhibits as deemed necessary by the Zoning Administrator in order to determine that the proposed use complies with this Ordinance.

f. The fact that a person possesses other types of State or County permits and/or licenses does not exempt that person from the requirement of obtaining a Sexually Oriented Business Zoning Permit.

**102.30 Nonconformity for Sexually Oriented Businesses**

a. Any sexually oriented business lawfully operating or which have previously permitted building construction in progress on June 25, 2019, that is in violation of any of the requirements of Article 10 shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed 3 years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. The 3 year nonconformity period shall begin upon the issuance of a Certificate of Occupancy for nonconforming uses that are under construction at the time these regulations are enacted. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two sexually oriented businesses are within 2,000 feet of one another and otherwise in a permissible location, the sexually oriented business which is currently in longest continuous operation at a particular location is considered to be the conforming use and the other business is considered to be the nonconforming use.

b. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the issuance of its Sexually Oriented Business Zoning Permit, of a residential use, church, day care center, public or private elementary or secondary school, public park, public library, cemetery, or motion picture establishment within 1,000 feet of the sexually oriented business. This provision applies only to the initial issuance of a valid Sexually Oriented Business Zoning Permit, and does not apply after a Sexually Oriented Business Zoning Permit has been revoked.

c. All existing sexually oriented businesses must apply for a Sexually Oriented Business Zoning Permit within 6 months of the enactment of this Ordinance, for the purpose of establishing the extent of any nonconformity which must be corrected within 3 years as required in paragraph "a." The Permit will note the degree of nonconformity, if any, as determined by the circumstances at the time from which the sexually oriented business has been in continuous operation at that location. Sufficient information to make such a determination must be provided to the satisfaction of the Zoning Administrator.

d. In the event that the original investment expenses have not been recouped during the 3 year nonconformity period, the Board of Zoning Appeals may entertain a variance request to grant additional time. In the event a hardship is claimed, the burden of proof relies solely upon the owner, operator, and/or developer to provide such documentation to support the hardship.

e. Nothing within this Article prohibits a nonconforming sexually oriented business from seeking relief of the required separation distances through the variance process. In the event a successful variance is granted by the Board of Zoning Appeals, which provides relief for all nonconformities relating to buffering restrictions and/or separation distances, the sexually oriented business shall be considered a conforming use.

# ARTICLE 11 – SALVAGE/WRECKING YARDS AND SCRAP OPERATIONS

## Chapter 1. General Provisions

**111.00 Purpose**

The purpose of this Article is to address the unique issues that are associated with Salvage/Wrecking Yards and Scrap Operations land use activities, in order that these activities operate in a manner that is compatible with surrounding land uses and protective of the environment.

**111.10 Jurisdiction**

The regulations set forth herein shall apply to any property located within the jurisdiction of this Ordinance that is now or is proposed to be developed as a salvage/wrecking yard and/or scrap operation.

**111.20 Definitions**

Salvage/Wrecking Yards and Scrap Operations activities include the dismantling or wrecking of used automobiles, vehicles, crafts and trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles/crafts or their parts and/or the storage, processing and/or sale of used or waste material or other items except when such activities are incidental to a manufacturing operation. The presence on any lot or parcel of land of two or more motor vehicles/crafts, or bulk of two or more vehicles/crafts, which, for a period exceeding 90 days, have not been capable of operating under their own power, are not properly registered/licensed, and/or from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of a salvage/wrecking yard. This activity shall include facilities storing wrecked vehicles/crafts and/or vehicles/crafts that have been deemed a total loss for a period exceeding 90 days. This activity does not include the recycling of recovered materials, such as construction, demolition, and/or land-clearing or yard debris for recycling. Such recycling operations shall be regulated as landfills in accordance with the provisions of Article 9. This activity must also comply with applicable provisions of the Lexington County Solid Waste Ordinance and may be subject to SCHEC regulations.

Salvage/Wrecking Yards and Scrap Operations (Limited) include activities that are 2 acres or less in area.

Salvage/Wrecking Yards and Scrap Operations (Extensive) include activities that are greater than 2 acres in area.

**111.30 Scope of Regulations**

Upon the effective date of these regulations, salvage/wrecking yards or scrap operations can be developed or expanded only in accordance with the applicable restrictions contained herein. Legal nonconforming Salvage/Wrecking Yards or Scrap Operations are subject to provisions found in Article 14.

**111.40 Special Exception Review**

**111.41** A request for a permit for a salvage/wrecking yard or scrap operations will require special exception approval from the Board of Zoning Appeals. The basis of such approval is a demonstration by the applicant that the owner/operator can operate the activity in a responsive and responsible manner that is protective of the environment and lives therein and is compatible to the surrounding land uses. It is the responsibility of the applicant to make evident to the Board that the following criteria can be met:

a. The applicant must demonstrate the day-to-day operations of the salvage/wrecking yard or scrap operation and the ability to manage the various tasks associated with the land use;

b. As demonstration that the salvage/wrecking yard or scrap operation will be harmonious with the surrounding properties and the appropriate buffering restrictions, general requirements, performance standards, and landscape and/or vegetation requirements, will be provided, if applicable;

c. As evidence that the applicant has obtained all other local, state, and/or federal permits to operate such activity, if applicable; and

d. For the protection of the surrounding environment, a response plan to address environmental or public safety related incidents.

**111.42** For the Board to rule on a salvage/wrecking yard or scrap operation special exception based on these criteria, the following information must be submitted for consideration with the application:

a. Demonstrate the ability to manage and operate the salvage/wrecking yard or scrap operation in accordance with the regulated performances standards, truck traffic to include stacking along the road and/or entrance driveways, fugitive dust, and on-going compliance with various related permits and regulations;

b. A detailed site plan illustrating the buffering restrictions, landscape or vegetation plan, traffic flow to and within the facility, noise containment plan, and proposed method of screening;

c. A detailed plan on how materials brought to the site are monitored/inspected prior to acceptance into the facility. This should include how vehicles are inspected/verified for proper documentation and titles and the removal of tanks that may explode during processing and/or circulation within the facility;

d. Methods and/or protocols for addressing non-compliance related issues with the salvage/wrecking yard or scrap operation or nuisance complaints (i.e., explosions, rodents, snakes, or standing water) associated with the operation;

e. Emergency plans and protocols in the event of a fire or environmental-related issue, such as ground or surface water contamination; and

f. In the event the activity should cease, a plan to remove the salvaged and/or scrap materials from the site and methods to ensure there is not soil or water contamination on-site.

### 111.50 Zoning Permit

It shall be the sole responsibility of the owner to establish and operate a Salvage/Wrecking Yard or Scrap Operation in accordance with the regulations as set forth in this Article. The zoning permit shall be issued on the basis of compliance with all applicable state and local regulations.

### 111.60 Enforcement

The Zoning Administrator, upon a 60 day notice, may withdraw a zoning permit issued for a salvage/wrecking yard or scrap operation and require the activity to cease. This option is intended for facilities that have reoccurring zoning compliance issues and/or issues with environmental hazards and/or public safety concerns.

## Chapter 2. Regulations

### 112.10 Adherence to Existing Regulations and Guidelines

The Salvage/Wrecking Yard and Scrap Operations regulations contained herein are in addition to any applicable local, state, or federal regulations. All or varying aspects of these activities may be governed solely by this Ordinance and other regulations of Lexington County.

### 112.20 Buffering Restrictions

Each salvage/wrecking yard or scrap operation shall adhere to the buffering restrictions covering height regulations, buffers, setbacks, and screening as outlined in Chapter 3 of Article 2, except where more restrictive regulations exist in this Article or elsewhere in this Ordinance.

### 112.21 Buffer

Buffering requirements are defined in Section 23.20 and listed in Section 23.60. In the event that an encroachment appears to be within the buffer area, and/or the buffer area is likely to be encroached unintentionally, the designated buffer area may be required to be clearly delineated by a material approved by the Zoning Administrator.

### 112.22 Setbacks

While accessory activities such as driveways and parking can occur within the designated setback as defined in Section 23.30 and listed in Section 23.60, salvage/wrecking yards and scrap operations may not encroach on any part of the setback area.

### 112.23 Screening

In all Districts, the entire salvage/wrecking yard and scrap operations activity shall be totally screened from all neighboring properties in accordance with Section 23.60. This shall include, but is not limited to, buildings, structures, stockpiles, overburden storage areas, berms, etc. The type, material, height, and other specifications for the required screening must be approved prior to installation. Section 23.40 details screening requirements for land use activities.

## 112.30 Locational Standards

In addition to a salvage/wrecking yard and scrap operation being an allowed use per zoning district and street classification, these land uses shall not be permitted on property within 2000 feet of a municipal boundary, if that portion of the municipality prohibits the location of an activity that is synonymous to a salvage/wrecking yard or scrap operation, by definition.

All exterior surface areas which contain, but are not limited to, the storage of wrecked/dismantled automobiles, vehicles crafts, etc. and/or their parts, exposed metals, or the dismantling, processing, or separation of such automobiles, vehicles, crafts, scrap metals, shall be located 1,500 feet from any surface body of water (i.e., lake, pond, river, creek, stream, wetland) and all commercial-type agricultural areas that are actively and currently involved in the raising of trees, vines, field, forage, or other plant crops intended for food or fiber.

## 112.40 Operational Requirements

The facility must conform to all local, state, and federal regulations, including current requirements of the International Fire Code (IFC).

The owner/operator shall be responsible for record keeping of all materials and amounts brought to the facility. These records must be readily available to the Zoning Administrator or authorized representative.

The owner/operator shall be responsible for debris and other refuse material and ensure such material does not litter roadways or adjoining properties. The open storage of salvaged or scrap material that may be transported via wind, water, or other causes is prohibited. Cloth, paper, fiber, and/or other types of porous material shall be contained within an enclosed structure, except for necessary loading and unloading of the salvage or scarp materials. All on-site debris and refuse material is considered part of the land use and must be totally screened.

The owner/operator shall manage the site in accordance with all local, state, and federal environmental regulations, including those administered through the Lexington County Land Development Division, that pertain to erosion control, water quality, and/or illicit discharge. In the event that a potential environmental-related issues is discovered or brought to the Zoning Administrator's attention, the Zoning Administrator may require the facility to cease operation until proper measures have been taken/completed and the issue(s) has been resolved. The Zoning Administrator will work with cooperation of other local, state, and/or federal agencies during this process.

**112.50 Performance Standards**

Each salvage/wrecking yard and scrap operation shall adhere to the Performance Standards as outlined in Chapter 4 of Article 2. Due to the potential for excessive noise, earthen berms and the protection of forested areas are methods that may help contain the noise on-site at a level that meets the standards contained in this Ordinance.

**112.60 Site Remediation**

An applicant for a new facility or expansion to an existing salvage/wrecking yard or scrap operation must submit a proposed site remediation plan, in the event the activity should cease. The plan must include as a minimum the following information:

a. Proposed practice(s), policy, procedure(s), and timelines to remove and properly discard all remaining waste materials, including salvaged/wrecked automobiles, crafts, and similar motor vehicles;

b. Plans for an environmental assessment of the property and method of mitigation and/or treatment in the event of soil, surface/ground water (including sedimentation), and/or other type of contamination;

c. Manner and type of revegetation and/or restoration of the area to stabilize the soil and minimize erosion, protect water quality, and to minimize effects of other forms of pollution;

d. Method of compliance with Lexington County's Stormwater Management Ordinance, Lexington County Land Development Manual, and/or SCDHEC environmental regulations, if applicable;

e. Method of ensuring the site is secure to protect from looting, loitering, trespassing, etc. to the best extent practicable;

The site remediation plan must provide that the remediation activities will be completed within six months after the closing or termination of the activity within the area for which a permit is requested.

**112.70 Bonding**

Each applicant for a zoning permit for a salvage/wrecking yard or scrap operation shall file with the Zoning Administrator, upon approval of the application, and maintain in force a performance bond to ensure the satisfactory completion of the Site Remediation Plan. All bonds must be in favor of Lexington County with surety and procedures as determined by Lexington County Council. The amount of each bond must be based upon the area of affected land to be restored under the approved plan to which it pertains, less any area restoration has been completed and released from coverage by the County.

**112.80 Nonconformity for Salvage/Wrecking Yards and Scrap Operations**

a. Any salvage/wrecking yard or scrap operation lawfully operating prior to the adoption of this ordinance which currently does not comply with any Section of this Article shall be deemed a nonconforming use. Expansions to such nonconforming uses must meet the current requirements of Article 11.

b. All nonconforming salvage/wrecking yards and scrap operations shall also comply with the requirements and provisions of Article 14.

# ARTICLE 12 – *RESERVED*

# ARTICLE 13 – *RESERVED*

# ARTICLE 14 – NONCONFORMITY

## Chapter 1. General

### 141.00 Purpose

The purpose of this article is to control, improve, or terminate uses of land which do not conform to one or more provisions of this Ordinance. If a land use activity was legally established with all required local, state, and federal land use permits and approvals, yet does not currently conform to one or more provisions of this Ordinance, it may qualify as a legal nonconformity. The burden of proof for a prior nonconforming use shall be the responsibility of the party claiming such nonconformity.

Nothing within this Ordinance shall prohibit the change in use of existing, conforming activities, provided that change in use is a similar or less intensive use, minimum parking requirements are satisfied, and there are no special circumstances related to the previous use, such as, but not limited to, approval from the Board of Zoning Appeals or buffering restriction consent forms.

### 141.10 Right to Continue a Nonconformity

Subject to the requirements of Section 141.20, a legal nonconformity may be continued upon first becoming a nonconformity, if the degree of nonconformity is not increased as determined by the Zoning Administrator. This means that no expansion, extension, substitution, or other changes in the nonconforming activities or facilities are allowed, except as expressly provided herein or by other public laws.

### 141.20 Required Conformance of Legal Nonconformities

Except for nonconforming signs, which are covered in Chapter 3 of this article, any legal nonconformity may be continued for a period of 5 years, without increasing the degree of nonconformity. After 5 years, the activity may only continue in compliance with the applicable vision clearance, parking requirements, screening requirements, and performance standards. This section shall not apply to activities regulated by Article 8 Mining Operations, and Article 9 Landfill Operations. There shall be no grandfathering provisions for allowed accessories to principal activities or Neighborhood Appearance District requirements, unless previously approved by a valid zoning permit.

### 141.30 Required Notice

Notice must be given by the Zoning Administrator at least 6 months prior to the enforcement of any of the provisions of this article, except for Sections 143.12 and 143.13 in which a 30-day notice shall be required and Section 142.30 in which a notice is not required for alterations of exterior colors.

# Chapter 2. Legal Nonconformity

## 142.00 General

Except for nonconforming signs, which are covered in Chapter 3 of this article, this chapter shall further govern the treatment of legal nonconformities. Unless otherwise determined by the Zoning Administrator, any changes in a legal nonconformity shall require issuance of a new zoning permit. The new zoning permit shall not extend the period until required compliance.

## 142.10 Abandonment of a Legal Nonconformity

Whenever a legal nonconforming land use activity discontinues active operation for a continuous period of 12 months, it can be reestablished only in the same manner as previously established, provided the degree of nonconformity is not increased. If other nonconformity provisions are included within this Ordinance or otherwise specifically noted in Article 14 (i.e., Sexually Oriented Businesses, Mobile Home Parks, Advertising Signs), the more restrictive shall apply.

## 142.20 Damage to or Destruction of Structures

Any structure which is, or contains, a legal nonconformity and which is damaged or destroyed may be reconstructed and used as before. If the nonconformity is a disallowed use, the overall outside dimensions of the structure shall not increase, and the reconstruction shall not exceed the degree of nonconformity existing before the damage. If reconstruction of a nonconforming disallowed use is not substantially begun within 12 months of the damage, the structure will be considered abandoned and subject to provisions of Section 141.10. If the nonconformity is an allowed use, the overall outside dimensions of the structure may increase, as long as the reconstruction does not exceed the degree of nonconformity existing before the damage.

## 142.30 Repairs and Alterations of Structures

Any structure which is, or contains, a legal nonconformity may be repaired or altered, provided the degree of nonconformity is not increased. Existing activities may only alter exterior building, canopy, fence, wall, or structure color as regulated in Section 23.51 of this Ordinance.

## 142.40 Expansion of a Legal Nonconformity

A legal nonconformity which is a disallowed use may be expanded, provided the expansion does not exceed 50 percent of the existing developed area of the site and conforms to all applicable Restrictive Development buffering restrictions. In addition, the entire activity, existing and expansion, must also comply with all applicable vision clearance, parking requirements, screening requirements, and performance standards. Expansion of an actual disallowed use is only permitted if a special exception is granted by the Board of Zoning Appeals. However, an expansion required to meet federal, state, or local health, safety, or access regulations and the like, may be allowed provided the expansion complies with any applicable buffering restrictions, parking requirements, vision clearance requirements and performance standards. Such an expansion must be limited to meeting the required regulation only and may not further expand the actual disallowed use, unless granted a special exception by the Board of Zoning Appeals. The Board of Zoning Appeals shall take in consideration the stated opinions of the surrounding property owners, the surrounding land uses, the existing condition and circumstances of the property in relation to the expansion, the condition of other properties in the immediate area, conformance of the current use and expansion in relation to various zoning requirements, and any other extraordinary conditions or circumstances that may apply when deliberating a special exception request.

A legal nonconformity which is a disallowed use may convert to a less intensive use, provided the activity conforms to all applicable vision clearance, parking requirements, screening requirements, and performance standards. An expansion may only occur as allowed under this Section of the Ordinance.

A legal nonconformity which is an allowed use may be expanded if the degree of nonconformity is not increased. If the expansion does increase the degree of nonconformity, the expansion area must meet all current Zoning requirements.

The required compliance notice shall not pertain for the expansion of legal nonconformities.

### 142.50 Change of Use of a Legal Nonconformity

A legal nonconformity, whether abandoned or not, may change use to a different activity, if the new activity is an allowed use and the degree of nonconformity is not increased. The period until required compliance shall be measured from the effective date of this Ordinance which initiated the original nonconformity.

### 142.60 Nonconformity and Highway Expansion

The relocation of a road right-of-way by the South Carolina Department of Transportation or Lexington County Public Works shall not be deemed to create or increase a nonconformity, with respect to the required setback from the road right-of-way. When a parcel is located on more than one right-of-way, each of its frontages shall be treated separately under this section.

### 142.70 Exceptions to Screening of Nonconformities

A legal nonconformity which utilizes an impoundment of water for any part of its activity will not be required to provide screening along activities on water surfaces or the water frontage of the property.

A commercial legal nonconformity will not be required to provide screening along the road frontage.

## Chapter 3. Nonconforming Signs

### 143.00 General Provisions

#### 143.01 Nonconforming Activities

Signs associated with a nonconforming activity may be continued during the lawful life of the activity, but shall be made to comply with all other applicable sign provisions after 10 years.

#### 143.02 Reconstruction

A nonconforming sign shall not be removed and rebuilt as a nonconforming sign, except when the South Carolina Department of Transportation or Lexington County Public Works requires the sign to be relocated for improvements within a road right-of-way. However, such relocation shall not increase the degree of nonconformity, as determined by the Zoning Administrator.

#### 143.03 Extension or Enlargement

A nonconforming sign shall not be extended or enlarged except in conformity with these regulations.

#### 143.04 Reconstruction after Damage

A nonconforming sign shall not be rebuilt, altered, or repaired except in conformity with these regulations after sustaining damage exceeding 50 percent of the replacement cost of the sign at the time of the damage.

#### 143.05 Ordinary Maintenance

Nothing in this chapter shall be deemed to prevent the ordinary maintenance and repair of a nonconforming sign or advertising sign or replacement of a broken part of a nonconforming sign or advertising sign.

#### 143.06 Change of Copy

Nothing in this chapter shall be deemed to prevent the ordinary change of copy on an advertising sign or a business changeable copy sign.

### 143.10 Amortization

The Board of Zoning Appeals may extend any deadlines contained in this chapter if it is determined that the regulation would be a financial hardship for the owner of the sign. This hardship must have occurred through contractual obligations in effect before the adoption of these restrictions.

### 143.11 Location

Signs which are not an allowed activity because of district designation or road classification shall be removed within 10 years after the effective date of these regulations.

### 143.12 Advertising Signs

All advertising signs which are nonconforming shall be allowed to remain as installed in their existing location as long as they comply with the provisions contained in Section 26.10. Nonconforming advertising signs converting from static display will be allowed structural improvements and/or display replacement, provided the digital display meets the requirements of Section 26.66 Digital Technology and the display area and the degree of nonconformity are not increased.

Signs using digital technology as regulated in Section 26.66 shall be brought into compliance with these regulations within 90 days.

### 143.13 Business Signs

All business signs which are nonconforming shall be allowed to remain as installed in their existing location as long as they comply with the provisions contained in Section 26.10.

Electronic message boards as regulated in Section 26.52 shall be brought into compliance with these regulations within 90 days.

### 143.14 Temporary Signs

All nonconforming temporary signs shall be removed or made conforming within 90 days after the effective date of these regulations.

### 143.15 Special Requirements

Any sign violating the provisions of Sections 26.10, 26.20, or 26.30 shall be removed or made conforming within 90 days after the effective date of these regulations.

## 143.20 Change in Business Signs

Whenever any nonconforming sign, or part thereof, is replaced, converted, or altered more than just the replacement of the sign face, the entire sign shall be brought into compliance with these regulations.

## 143.30 Substantial Repairs, Remodeling, or Expansion

Whenever a business is repaired, altered, remodeled, or expanded to an extent exceeding 50 percent of the current replacement cost of the building within any period of 12 months, all signs, other than freestanding signs, shall be brought into compliance with these regulations.

Nonconforming advertising signs are allowed to perform structural improvements in order to replace the existing display as part of ordinary maintenance, update the type of display (i.e., convert to digital technology), or to ensure the sign is structurally safe, provided there is no increase in the height, display area, or degree of nonconformity.

# Chapter 4. Nonconforming Mobile Home Parks

## 144.00 General

This Chapter shall regulate Mobile Home Parks which are legal nonconformities.

## 144.10 Measurement of Period until Required Compliance

The period until required compliance for each nonconforming mobile home park shall be measured from the effective date of the initial enactment of this chapter of the Ordinance.

## 144.20 Required Conformance of a Mobile Home Park

Any Mobile Home Park which is a legal nonconformity may be continued for a period of 5 years, without increasing the degree of nonconformity. After 5 years, the Mobile Home Park may continue only through compliance with the parking and operational requirements of Article 7, and with the driveway restrictions, screening requirements and performance standards of Article 2. Required screening for nonconforming mobile home parks shall be limited to Restrictive Development zoning districts and protected grandfathered residential uses only. Also, any applicable Federal, State, or County regulations or guidelines, including but not limited to SCDHEC Regulations, the Addressing and Road Naming Ordinances, the International Building Code, and the Assessor's Mobile Home Registration process must be met. Proposed name changes to nonconforming Mobile Home Parks must be approved by the Lexington County Planning and GIS Department.

## 144.30 General Provisions

### 144.31 Abandonment

Whenever 50 percent of the mobile homes within a Mobile Home Park are removed or become unoccupied for a continuous period of 12 months, the Mobile Home Park may be reestablished only through compliance with all the restrictions applicable to a new park.

### 144.32 Damage

If a structure in a legally nonconforming Mobile Home Park is damaged or destroyed during the period until required compliance, the structure may be repaired or replaced without increasing the degree of nonconformity. After the period until required compliance, a damaged structure may be repaired or replaced only in compliance with Section 112.20.

### 144.33 Repairs and Alterations

Nothing in this chapter shall be deemed to prevent the ordinary maintenance and repair of a structure in a legally nonconforming Mobile Home Park. However, no alterations are allowed except in compliance with Section 142.20.

### 144.34 Change in Use

If a nonconforming Mobile Home Park is replaced by an allowed use, and the owner wishes to re-establish the Mobile Home Park before the 12 month abandonment period for the park elapsed, the re-established park must comply with all restrictions applicable to a new park.

### 144.35 Operational Requirements

All nonconforming Mobile Home Parks shall comply with the operational requirements listed in Section 72.50 of this Ordinance.

## 144.40 Nonconformity and Highway Expansion

The relocation of a road right-of-way by the South Carolina Department of Transportation or Lexington County Public Works shall not be deemed to create or increase a nonconformity, with respect to the required setback from the road right-of-way. When a parcel is located on more than one right-of-way, each of its frontages shall be treated separately under this section.

# ARTICLE 12 – ADMINISTRATION

## Chapter 1. General Provisions

### 151.00 Zoning Administrator

The administration and enforcement of this Ordinance shall be the responsibility of the Lexington County Zoning Administrator.

#### 151.01 Duties of the Zoning Administrator

It shall be the duty of the Zoning Administrator to:

a. Administer and enforce all applicable provisions of this Ordinance.

b. Administer and enforce the actions of the Board of Zoning Appeals.

c. Attend all meetings of the Board of Zoning Appeals.

d. Maintain current and permanent records relative to the adoption, amendment, administration, and enforcement of this Ordinance.

e. Provide information to the public on all matters relating to this Ordinance.

#### 151.02 Enforcement of Performance Standards

In all districts where performance standards apply, the Zoning Administrator may require a zoning permit application to be accompanied by a certification from a registered professional engineer of South Carolina that the proposed activity can meet the applicable performance standards. If the Zoning Administrator has reasonable belief that a violation may occur despite the opinion of the engineer, then he may reject the application, citing the reasons.

#### 151.03 Right of Entry upon Land

The Zoning Administrator or persons engaged by him to perform tests or any other duties may enter upon any land within the jurisdiction of this Ordinance and make examinations and surveys. They may also place or remove public notices as required by these regulations. However, there shall be no right of entry into any building without the consent of the owner.

#### 151.04 Measurement

If it is determined that following the issuance of a zoning permit a structure has been placed within the buffer and/or setback in error and all reasonable remedies (except variance) have been exhausted, the Zoning Administrator has the discretion to allow an encroachment up to 6 inches or 5 percent, whichever is greater. This remedy, when applicable, will only be applied to the required linear measurement for buffers and/or setbacks.

### 151.10 Zoning Permits

No building, structure, sign, or tract of land within the zoned area of the County shall be used, constructed, or developed until the issuance of a valid zoning permit. The Zoning Administrator may require that an application for a zoning permit include information and exhibits as he/she deems necessary to determine that the proposed development of the property complies with this Ordinance. He/she shall have a reasonable time to consult with other governmental agencies and request additional information and data to evaluate the application. Sign permits associated with on-site land use activities shall not be issued until a valid zoning permit, or other form of necessary zoning approval, has been issued for the associated activity.

A zoning permit shall be effective for two years from the date of the approval. Five one-year extensions of the zoning permit will be granted provided the obligations of the permit continue to be met, and provided there have been no amendments to these regulations that prohibit approval.

## 151.20 Zoning Compliance

No building, structure, sign, or activity shall continue, be utilized, and/or occupied until the Zoning Administrator has indicated that compliance has been made with all applicable provisions of this Ordinance.

## 151.30 Fees

A fee established by County Council shall be assessed for every permit application reviewed for compliance with the provisions of this Ordinance. This fee shall be paid to Lexington County before or upon the issuance of any permit within the Zoned area of the County, except when deemed unnecessary by the Zoning Administrator for purposes of enforcement of this Ordinance.

## 151.40 Development Review Meetings

Zoning requirements for proposed developments that are disclosed by staff during development review meetings, as required by the Lexington County Subdivision Ordinance, and/or development review meetings where preliminary designs are provided, shall remain valid for a period of six months following the date of the development review meeting, regardless of any amendments to this Ordinance. After six months, the proposed development may only be permitted in accordance to the current provisions of this Ordinance.

If County Council enacts a pending ordinance doctrine for proposed amendments to the Zoning Ordinance during the six month period, new development submittals received after the enactment of the pending ordinance doctrine, including those which development review meetings have been held, may be required to conform to the pending amendments.

# Chapter 2. The Board of Zoning Appeals

## 152.00 Creation of the Board

The Board of Zoning Appeals is hereby created for Lexington County and shall be referred to in this Ordinance as the Board. It shall consist of nine members who shall have been residents of Lexington County for not less than three years immediately prior to appointment and who shall continue to be residents of that area as long as they serve. The Board shall be appointed by Lexington County Council. No person holding any other public office or position in Lexington County or a municipality within the County shall be eligible to serve on the Board concurrently.

### 152.01 Terms of Office of Board Members

The members of the Board shall serve for overlapping four-year terms, or until their respective successors are appointed. Lexington County Council shall maintain a schedule of staggered appointments with the terms of at least two members expiring each year.

### 152.02 Removals and Vacancies

A member of the Board may be removed from the Board by the County Council for continued absence or other just causes. Any member being so removed shall be provided, upon his request, a public hearing on the removal decision before the County Council. Vacancies on the Board shall be filled (for the unexpired term of those members whose positions have become vacant) in the same manner as the appointment of a new member.

### 152.03 Election of Officers

The Board shall elect from its members its own chairman and vice-chairman, who shall serve for one year. The Board shall also appoint a secretary, who may be an employee of Lexington County.

## 152.10 Powers of the Board

The Board is hereby vested with the following powers:

a. To hear and decide appeals where it is alleged in writing that there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in carrying out the enforcement of this Ordinance.

b. To hear and act upon applications for a variance from the terms of this Ordinance where a literal enforcement of these regulations will, in an individual case, result in an unnecessary hardship. Such a request for a variance may be due to the particular circumstances of a proposed activity and its relationship to existing or potential neighboring land uses. A Variance may grant relief from any of the regulations contained in this Ordinance except for those which specifically prohibit the location of an activity because of district designation or road classification.

c. To hear and decide special exceptions as required by Section 21.31 Chart of Permitted Activities. Such activities must not only conform to the appropriate district designations and road classifications, they must also have the benefit of public comment through the hearing process. Therefore, an activity requiring a special exception can be permitted only after approval by the Board of Zoning Appeals.

d. To hear and decide all matters referred to it by provisions of this Ordinance.

## 152.20 Meetings of the Board

The Board shall meet at least once each month when there are appeals or applications for variances or special exceptions. Special meetings may be held at the call of the chairman provided that at least a 24-hour notice of such a meeting is given to every member.

## 152.30 Rules and Proceedings of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall include at least the following requirements:

a. The presence of five members shall constitute a quorum and motions shall pass or fail by the majority vote of those members actually voting. Motions which receive an equal number of votes for and against shall be deemed to fail. Only members in attendance at a meeting shall be eligible to vote upon motions before the Board. Proxy votes shall not be used.

b. No action shall be taken by the Board on any case until after a public hearing, which shall include the posting of the property involved, as applicable, and the publication of a legal notice in a newspaper of general circulation in Lexington County, both at least 15 days before the date set for a public hearing. Written notice of the public hearing shall be sent by mail to the appellant and all directly affected property owners postmarked at least five days before the hearing date. No appeal shall be considered and heard before the Board less than 15 days after filing such appeal. If, after action by the Board upon an appeal, pertinent new information is uncovered that could not have reasonably been made available to the Board during the relevant public hearing, the Board shall establish a date for the rehearing of the matter in accordance with the appropriate procedures herein.

c. All hearings shall be open to the public.

d. The Board may call upon any other agency of Lexington County for information in the performance of its duties and it shall be the duty of such other agency to render such information to the Board as may be reasonably required.

e. The County Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board.

f. An appeal must be filed within 30 days from the date if refusal by the Zoning Administrator to issue a zoning permit or certify compliance with this Ordinance.

g. Any member of the Board who shall have a direct or indirect interest in any property which is the subject of, or affected by, a decision of the Board shall be disqualified from participating in the discussion, decision, or proceedings of the Board in connection with that case.

## 152.40 Application for Variances, Special Exceptions, or Appeals

A written application for a variance, special exception, or appeal shall be filed with the Zoning Administrator by the property owner or his designated agent or the aggrieved party. Copies of the application shall be transmitted to the members of the Board. A fee established by County Council shall accompany every application.

## 152.50 Public Hearing

A public hearing shall be held by the Board on all appeals and proposed variances and special exceptions. Notices of such shall be handled as follows:

a. The Zoning Administrator shall give notice in a newspaper of general circulation in Lexington County at least 15 days prior to the public hearing.

b. At least 15 days prior to the public hearing, the Zoning Administrator shall cause at least one sign, not less than 4 square feet, to be posted on the property in question (if the application is a proposed variance or special exception). This sign shall contain the nature of the requested variance and the time, date, and place of the public hearing, and shall be located so that it is visible from each public thoroughfare that abuts the property.

c. Prior to the public hearing before the Board, the affected property owners (if the application is a proposed variance or special exception) shall be notified by the Zoning Administrator of the proposed variance or special exception and the time, date, and place of the public hearing.

**152.60 Standards for Variances**

The Board may grant a variance if it makes 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; and

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 the granting of the variance.

The Board shall also consider the following when hearing a variance request in these sections of the Ordinance:

Section 22.10 Driveway and Street Restrictions – Many of the regulations found in this section are based upon laws of physics and engineering standards that help achieve sight lines, sight distances, etc., that provide for safer movement of motorists and pedestrians. Such restrictions should not be decreased without the support of a qualified engineering study.

Chapter 5. Signs, from Article 2 – Application of Regulations – This chapter contains many standards that implement comprehensive aesthetic and safety initiatives of Lexington County. Most of these regulations are articulated in a manner that provides an equal opportunity for all to advertise their activity and many help businesses avoid becoming a nonconformity upon annexation into a municipality. The Board should not approve a variance that destroys this equitable balance of opportunity, that damages the County's aesthetic and safety initiatives, or that creates a nonconformity problem for a business in future years.

**152.70 Extent of Relief Granted**

The Board may grant less relief, but not more relief, than formally requested by the applicant.

**152.80 Resubmittal of Variances**

A variance request which has been wholly or partially denied cannot be resubmitted within 12 months from the date of the previous corresponding application. Resubmittal means application for relief from the same kinds of zoning restrictions for the same activity on the same property.

**152.90 Appeal of a Decision of the Board**

Any person with a substantial interest in a decision of the Board, or any County officer, agency, or department may appeal any decision of the Board to the Circuit Court in and for the County. Such appeal shall be filed within 30 days after the decision of the Board is mailed.

**152.100 Stay of Proceedings**

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after such notice of appeal shall have been filed, that by reason of the facts stated in the certification, such stay would cause imminent peril to life or property. In such a case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown.

# Chapter 3. Amendments

## 153.00 Purpose

The Lexington County Council may, from time to time, amend the text of this Ordinance or the Zoning Maps which are part of this Ordinance in the manner set forth below, where it is alleged that there was an error in the original Zoning Ordinance, where conditions have changed so as to warrant a change in zoning, or where in the opinion of the Lexington County Council such change shall serve to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Lexington County.

## 153.10 Procedures

Map or text amendments may be proposed by the Lexington County Council or the Lexington County Planning Commission. Property owners may request map amendments, but only for a change in the district classification of their property or for a change in the classification of the street that directly accesses their property. If another person or entity is representing the property owner(s) in the amendment request, a letter of agency must be submitted with the application. Map amendments which involve proposed changes to street classifications that encompass multiple streets and/or corridors, shall only be proposed by Lexington County Council or the Lexington County Planning Commission.

### 153.11 Application for Amendment

An application for an amendment shall be filed with the Zoning Administrator, who shall transmit copies thereof to the Planning Commission and to County Council. A fee established by County Council shall accompany every application for an amendment.

### 153.12 Review by the Planning Commission

The Lexington County Planning Commission shall review and make recommendations to the County Council on proposed amendments to this Ordinance. The Commission shall make such recommendation within 30 days of the receipt of the application. Upon the expiration of the 30-day time limit, if the Planning Commission has not made a recommendation, the County Council may proceed to act as it deems proper.

### 153.13 Public Hearing

A public hearing shall be held by the County Council before enacting or amending any zoning regulations or maps. Notices of such shall be handled as follows:

a. The Zoning Administrator shall give notice in a newspaper of general circulation in Lexington County at least 15 days prior to the public hearing. If the proposed amendment is to the Zoning Maps, the notice shall specify the location, current zoning, and proposed zoning of the property involved.

b. At least 15 days prior to the public hearing, the Zoning Administrator shall cause at least one sign, not less than 4 square feet, to be posted on the property in question (if the application is a proposed map amendment). This sign shall contain the nature if the requested change and time, date, and place of the public hearing, and shall be located so that it is visible from each public thoroughfare that abuts the property. For proposed amendments that involve large areas (ex. corridors, overlay districts, mass re-zoning), the Zoning Administrator shall install multiple signs at strategic locations throughout the proposed amendment area.

c. Prior to the public hearing before County Council, the adjacent property owners (if the application is a proposed map amendment) shall be notified by the Zoning Administrator of the proposed amendment and the time, date, and place of the public hearing by mail. Property owners of adjacent parcels that are greater than 5 acres in size shall be notified by certified mail. Additional techniques, such as the internet (ex. webpage, social media, etc.), additional sign postings, and/or community meetings may also be utilized. Due to the unique circumstances involved with map amendment requests, staff will consult with County Council on the method(s) of notification for each public hearing.

## 153.20 Extent of Amendment Granted

In making a decision on a map amendment application, the County Council may grant any of the Zoning Districts or Street Classifications that fall between the existing and requested District or Street Classification in the following chart:

| Districts | | Street Classifications | |
|---|---|---|---|
| R1 | - Low Density Residential | B | - Boulevard |
| R2 | - Medium Density Residential | RL1 | - Residential Local One |
| R3 | - High Density Residential | RL2 | - Residential Local Two |
| D | - Development | RL4 | - Residential Local Four |
| RA | - Recreational/Agricultural | RL5 | - Residential Local Five |
| RD | - Restrictive Development | RL6 | - Residential Local Six |
| LC | - Limited Commercial | LL | - Limited Local |
| C1 | - Neighborhood Commercial | L | - Local |
| C2 | - General Commercial | C | - Collector |
| ID | - Intensive Development | A | - Arterial |
| LR | - Limited Restriction | | |

In addition, the following guidelines must be taken in to consideration for map amendments involving changes to the existing street classification(s):

a. The definition of the proposed street classification should be consistent with the existing, permitted, and/or vested developments or land use activities along the street corridor.

b. Any changes of a street classification should not purposely disallow an existing, permitted, and/or vested development or land use activity.

c. The proposed street classification will not create nonconforming issues in regards to density for existing, permitted, and/or vested developments or land use activities.

## 153.30 Enactment

Upon enactment of an amendment by County Council, the Zoning Administrator shall immediately cause said amendment to be placed upon the Zoning Maps or inserted into the text of the Ordinance.

## 153.40 Resubmittal of Amendments

A map amendment request, which has been denied for the same property or substantially the same property, shall not be resubmitted within twelve months in the same form as previously submitted. The twelve months shall be measured from the date of the application. This shall not prohibit resubmittal if new facts are uncovered.

# Chapter 4. Enforcement

## 154.00 Violations

Wherever the Zoning Administrator or his authorized representatives, and/or those who are authorized by County Council, finds a violation of this Ordinance, he shall direct compliance as he deems necessary, to include the issuance of verbal and/or written compliance orders or the posting of the subject property and/or structure. Additional enforcement actions may include the following:

a. The revocation of any Zoning Permits issued;

b. The withholding of any related permits, plats, inspections, or other permissions, approvals, or privileges authorized by any County ordinances;

c. The removal and discarding of signs illegally placed within public rights-of-way; or,

d. Redress through legal action as described in the following section.

## 154.10 Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person, firm, or corporation who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than the maximum allowable penalty jurisdiction of the Magistrate's Court. Each day such violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Notice of violation shall be sufficient if directed to the owner or the agent of the owner and left at his known place of residence of place of business.

The Zoning Administrator or other appropriate County official may also seek injunctive relief or any other appropriate action in courts of competent jurisdiction to enforce the provisions of this Ordinance.

## 154.20 Liability

Any Board member, the Zoning Administrator, or other employee charged with the enforcement of this Ordinance, acting for Lexington County in the discharge of his duties, shall not thereby render himself liable personally. He is hereby relieved from all personal liability and shall be held harmless by Lexington County of any damage that may accrue to persons or property as a result of any act required or permitted in the proper discharge of his duties. Any suit brought against a Board member, the Zoning Administrator, or employee charged with the enforcement of this Ordinance because of such act performed by him in the enforcement of any provision of this Ordinance shall be defended by legal representatives furnished by Lexington County until the final termination of such proceedings.

# Chapter 5. Legal Status

## 155.00 Conflict with Other Laws

Whenever the provisions of the Ordinance impose regulations that are in conflict with those of other County ordinances, other governmental agencies, or privately executed restrictions, the more restrictive regulations shall apply. The same shall be true if there is a conflict between provisions within the body of this Ordinance.

## 155.10 Repeal of Prior Regulations

All ordinances regulating zoning adopted prior to these regulations are hereby repealed.

## 155.20 Separability

Should any article, section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole of any other article, section, clause, or provision of this Ordinance.