

**Ordinance 23-12**  
**Amendments to the**  
**Zoning Ordinance Amending the Agricultural**  
**District Regulations and Overlay Map**



# **ARTICLE 14 – AGRICULTURAL DISTRICT**

## **Chapter 1. General Provisions**

### **141.00 Purpose**

The purpose of this Article is to ensure proper, sustainable, and functional growth, as well as to preserve and promote agribusiness, agricultural operations, and natural resources management in Lexington County by identifying areas within the unincorporated areas of the County that are essential to the production, marketing, sales, and/or distribution of agricultural crops and commodities, both locally and regionally. The intent of this Article is not to restrict growth and development; however, standards set forth in this Article are intended to maintain rural surroundings consistent with agriculturally based communities and to maintain a harmonious transition between agriculture operations, with their unique characteristics, and differing land uses.

### **141.10 Establishment of the Agricultural District**

The provisions of this Article shall only apply to the unincorporated areas of the County that have been included within the Agricultural District overlay. A map shall be published as a part of this Article and it may be revised following the same procedures contained in this Ordinance for zoning text amendments.

### **141.20 Application of Regulations**

Upon the effective date of these regulations, land use activities located within the Agricultural District can be developed or expanded only in accordance with the applicable restrictions contained herein.

### **141.30 Zoning Permit**

It shall be the responsibility of all responsible parties to establish and operate land use activities in accordance with the regulations set forth within this Article. The zoning permit shall be issued on the basis of compliance with all applicable local regulations.

### **141.40 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 Landscape and Open Space Ordinance, Lexington County Building Code Ordinance, Lexington County Stormwater Ordinance, Lexington County Land Development Manual, Lexington County Subdivision Ordinance, other regulations set forth within this Ordinance, or SCDHEC regulations.

Whenever the provisions of the Article impose regulations that are in conflict with those of other County ordinances or other governmental agencies, the more restrictive regulations shall apply.

### **141.50 Exemptions**

Land use activities that are currently and actively engaged as an agricultural operation; ~~or~~ other land uses directly associated with the production, sales, shipping, storage, marketing, packaging, manufacturing, and/or distribution of commodities in conjunction with the active agricultural operation; and individual residential detached, individual residential attached, or individual mobile homes or residential subdivisions with less than 10 lots or with average residential lot sizes of more than 1.5 acres in area, are exempt from the Performance Standards for noise, as outlined in Chapter 2 of Article 2, and the provisions of the Neighborhood Appearance District, as outlined in Article 5.

## **Chapter 2. Regulations**

### **142.00 Land Use Allowances**

The underlying zoning district(s) and street classification(s) shall be utilized to determine allowed land uses within the Agricultural District. Sections 21.31 and 22.02 of this Ordinance should be referenced for a list of allowed land use activities per zoning district and street classification.

### **142.10 Buffering Restrictions**

Proposed land use activities shall adhere to the Buffering Restrictions covering height, 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 or other County Ordinance. The following special provisions shall apply for proposed land use activities that adjoin an agricultural operation which is either existing, permitted, and/or under development. The restrictive (R) requirements shall be applied for extra protection listed within this Section for buffer and screening requirements. Agricultural operations that have discontinued active operation for a continuous period of 7 years shall not be afforded the extra protection listed within the Buffering Restrictions section of this Article.

#### **142.11 Buffer**

The required buffer ~~shall be 1 ½ times the published requisites~~, as defined in Section 23.20 ~~and listed in Section 23.60 of this Ordinance~~, **shall be a minimum of 75 feet, unless greater as listed in Section 23.60 of this Ordinance**, for all new developments that adjoin agricultural operations that are afforded extra protection through this Article.

#### **142.12 Setbacks**

~~Residential detached, residential attached, or mobile homes that are located within a proposed residential subdivision of greater than 10 lots or a residential subdivision with average residential lots of less than 1 ½ acres in area and which adjoin an agricultural operation which is either existing, permitted, and/or under development must setback 50 feet from the adjoining property lines. All other land uses activities shall comply with the published requisites as defined in Section 23.30 and listed in Section 23.60 of this Ordinance.~~

#### **142.13 Screening**

Screening shall consist of natural or landscaped vegetation, as defined in Section 23.40 and listed in Section 23.60. The protection of all existing naturally forested, wooded, and/or vegetated sites shall be utilized to conform to the screening requirements.

### **142.20 Residential Density**

In order to promote the traditional rural environment of the Agricultural District, the method for calculating and the allowed maximum residential density prescribed in this Section shall be followed, unless the street classification is more restrictive, which in these instances, the more restrictive density shall apply. Residential Detached (Limited) land uses shall follow the development guidelines and regulations as covered within Article 12 of this Ordinance.

#### **142.21 Calculation of Maximum Residential Density**

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 road (reference Section 22.30 of this Ordinance).

#### **142.22 Maximum Permitted Residential Density**

The maximum allowed density limits for residential detached, residential attached - duplex, residential attached – townhouse, and mobile home land use activities shall be in accordance with the following street classifications. In the event an underlying zoning district or street classification has a lesser residential density allowance, the more restrictive shall apply.

| <u>STREET CLASSIFICATION</u> | <u>DENSITY (dwelling units per exact acre)</u> |
|------------------------------|--|
| Arterial (A)                 | 4  |
| Collector (C)                | 4 <del>3</del>                                 |
| Local (L)                    | <del>3</del> 2                                 |
| Residential Local Six (RL6)  | <del>3</del> 2                                 |
| Residential Local Five (RL5) | <del>3</del> 2                                 |
| Residential Local Four (RL4) | 2  |
| Residential Local Two (RL2)  | <del>2</del> 1                                 |
| Residential Local One (RL1)  | 1  |
| Boulevard (B)                | 4  |

#### **142.30 Nonconforming Land Uses**

- a. Any land use activity legally operating prior to the enactment of this Article, which are in violation of any of the requirements of this Article, including disallowed uses, shall be deemed a nonconforming use. The nonconforming use shall be permitted to continue, provided the use complies with all applicable sections of Article 16.
- b. Nonconforming land use activities, including disallowed uses, shall comply with Article 16, Chapter 2 for any expansion, change in land use, repair or alteration of a structure, damage repair, and/or abandonment of land use.
- c. Agricultural operations that have discontinued active operation for a continuous period of 7 years shall not be afforded the extra protection listed within the Buffering Restrictions section of this Article.
- d. Any residential detached, residential attached - duplex, residential attached – townhouse, and mobile home activity legally established or permitted that exceeds the maximum density allowance set forth in this Article, shall be deemed a nonconforming use. The nonconforming use shall be allowed to continue, provided the use complies with all applicable Sections of Article 16.
- e. In the event a nonconforming residential detached, residential attached - duplex, residential attached – townhouse, and mobile home activity is destroyed or damaged by fire, natural disaster, or other means, it may be re-established or repaired provided the degree of nonconformity, in terms of residential density, is not increased.
- f. Existing, developing, and/or approved residential detached, residential attached - duplex, residential attached – townhouse, and mobile home developments that do not conform to the provisions of this Article shall be allowed to continue. Such developments may expand utilizing the previously incorporated design of the initial development (i.e., setbacks, lot sizes, density, structural design, parking, etc.) provided the degree of nonconformity is not increased, connectivity between the existing and new phase(s) is provided, the developer of the new phase(s) is the same entity as the existing phase(s), and is consistent with a master

plan of the overall development submitted in conjunction with the Development Review Meeting and/or submittal of the initial phases. Previous approvals shall be subject to Section 161.10 of this Ordinance relating to vested rights.

- g. 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.

**Effective Date.** This Ordinance shall be effective from the date of its third reading and enactment.

**DONE IN MEETING DULY ASSEMBLED,** this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Beth A. Carrigg  
Chairwoman, Lexington County Council

ATTEST:

\_\_\_\_\_  
Jessica C. Hendrix, Clerk

First Reading: October 10, 2023

Second Reading: \_\_\_\_\_

Third & Final Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Filed with Clerk of Court: \_\_\_\_\_

# Proposed Agricultural Overlay District Expansion Map

