

Ordinance 23-13

An Ordinance Amending the Lexington County Zoning Ordinance to Include Regulations Specific to Tiny Homes and to Invoking the Application of the Pending Ordinance Doctrine



ARTICLE 1 – GENERAL PROVISIONS

Chapter 2. Construction of Language and Definitions

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.

Dwelling: a building, or portion thereof, ~~designed exclusively used, intended, or designed to be built, used, rented, leased, let, or hired out~~ for residential occupancy, or which are occupied for living purposes. This shall include ~~ing~~ single dwellings, duplexes, and multiple dwelling units, but not including transient occupancy. *The current Residential Building Code, as adopted by the State of South Carolina shall be referenced.*

Dwelling Unit: one or more ~~rooms~~ **units** in a residential building or residential portion of a building, which are arranged, designed, used, or intended for **providing complete independent living facilities** for use by one or more persons, ~~living together and maintaining a common household, and which shall include permanent lawful cooking space and lawful sanitary facilities reserved for occupants thereof~~ **space for living, sleeping, eating, cooking, and sanitation.** *The current Residential Building Code, as adopted by the State of South Carolina shall be referenced.*

Residence: a building or part of a building containing one or more dwelling units, including mobile homes, ~~and~~ manufactured housing, **and tiny homes.** Mobile home **and tiny 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.

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

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 or Tiny Home Parks Three or more mobile homes, **tiny homes,** ~~or~~ mobile home spaces, **or tiny 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 **and/or tiny homes** shall not be considered a mobile home **or tiny home** park if one of the three mobile homes **and/or tiny homes** ~~is~~ **are** occupied by the property owner and is their legal residence. Additional mobile homes **or tiny homes** may be allowed by the Zoning Administrator without creating a mobile home **or tiny home** park, provided the mobile home **or tiny 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 **or tiny 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 **or tiny home** park land use.

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

Mobile Home **or Tiny 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 **or Tiny Home** Park:

- a. A mobile home **and/or tiny home** on a parcel(s) shall be counted toward the maximum number allowed even if the mobile home **or tiny 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, **tiny homes**, ~~or~~ mobile home spaces, **or tiny home spaces** into two or more legal entities for the purpose of avoiding being defined as a mobile home **or tiny home** park is not allowed.
- d. The number of mobile homes **and/or tiny homes** within a 1,000 foot radius, whether located on the same parcel or different parcels, as defined in the mobile home **or tiny home** park definition.

Tiny Home activities are typically residential units, which may also be used for rental communities, which are generally 400 square feet or less in size, excluding lofts. Tiny home construction/manufacturing may consist as a site-built/stick built structure, modular unit, manufactured home (reference “Mobile Home”), recreational vehicle, or park model. Regardless of construction, Tiny Home land uses shall be regulated as an individual land use activity. Tiny Home subdivisions shall also comply with all standards for Mobile Home and Tiny Home Parks, as regulated within Article 7 of this Ordinance, and applicable provision provided within the International Residential Code, Appendix AQ, as amended.

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 or Tiny 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 17 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

R1	R2	R3	D	RA	RD	LC	C1	C2	ID	LR	ACTIVITIES
		✓			✓			✓	✓	✓	Mobile Home or Tiny Home Parks (Limited)*
		✓			✓			✓	✓	✓	Mobile Home or Tiny Home Parks (Extensive)*
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Natural Reserves
				✓	✓	✓	✓	✓	✓	✓	Non-Assembly Cultural
☑	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Nursing Homes
					✓		✓	✓	✓	✓	Personal Convenience Services
					✓				✓	✓	Power Plants
					✓				✓	✓	Radioactive Materials Handling
					✓				✓	✓	Railroad
					✓				✓	✓	Recycling Centers
					✓			✓	✓	✓	Research Services
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Residential Detached
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Residential Detached (Limited)*
		✓			✓		✓	✓	✓	✓	Residential Attached - Duplex
					✓			✓	✓	✓	Residential Attached - Multifamily
		✓			✓		✓	✓	✓	✓	Residential Attached - Townhouse
☑	☑	✓	☑	☑	✓	✓	✓	✓	✓	✓	Retirement Centers/Assisted Living
					✓			✓	✓	✓	Salvage/Wrecking Yards and Scrap Operations (Limited)*
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Solar Energy Systems
					✓		✓	✓	✓	✓	Business Parks
					✓			✓	✓	✓	Shopping Centers
					✓				✓	✓	Industrial Parks
✓	✓	✓		✓	✓			✓	✓	✓	Tiny Home
					✓			✓	✓	✓	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

22.02 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

A	C	L	RL6	RL5	RL4	RL2	RL1	B	LL & Max. Limits	ACTIVITIES	
✓	✓	✓								Mining (Limited)	
✓	✓	✓								Mining (Intermediate)	
✓	✓									Mining (Extensive)	
✓	✓	✓	✓	✓	✓	✓			✓	Mini-Parks	
✓	✓	✓								Mini-Warehouses	
✓	✓	✓	✓	✓	✓	✓	✓		✓	Mobile Homes	
✓	✓	✓	✓						✓	6 DU/acre	Mobile Home or Tiny 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
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		Residential Detached
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		Residential Detached (Limited)
✓	✓	✓	✓	✓				✓	✓	6DU/acre	Residential Attached - Duplex
✓	✓	✓						✓			Residential Attached - Multifamily
✓	✓	✓	✓					✓	✓	6 DU/acre	Residential Attached - Townhouse
✓	✓	✓	✓					✓	✓	6 DU/acre	Retirement Centers/Assisted Living
✓	✓	✓									Salvage/Wrecking Yards and Scrap Operations (Limited)
✓	✓	✓									Salvage/Wrecking Yards and Scrap Operations (Extensive)
✓	✓	✓				✓	✓		✓		Solar Energy Systems
✓	✓	✓						✓			Business Parks
✓	✓	✓						✓			Shopping Centers
✓	✓	✓									Industrial Parks
✓	✓	✓			✓	✓	✓				Tiny Home
✓	✓	✓									Towing and Impoundment Lot
✓	✓	✓									Trade Enterprises
✓	✓	✓									Transient Habitation
✓	✓	✓									Transport & Warehousing (Limited)
✓	✓	✓									Transport & Warehousing (Extensive)
✓	✓	✓									Transport Services
✓	✓	✓									Undertaking
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		Utilities
✓	✓	✓						✓			Vehicle Parking

A	C	L	RL6	RL5	RL4	RL2	RL1	B	LL & Max. Limits	ACTIVITIES
✓	✓	✓							✓	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.

22.20 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

Mobile Home or Tiny Home Parks
Tiny Home

2 per mobile home space lot or unit
2 per unit

For the purpose of this Ordinance, additional parking areas located within a residential development common area shall be regulated as a Group Assembly (Limited) land use and must conform to all applicable Lexington County development related ordinances and regulations.

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, excluding Residential Detached, ~~and~~ Mobile Home, and Tiny Home land uses, shall be in accord with the following listings for the zoning districts and street classifications, the most restrictive of which shall apply. **All Residential Detached, excluding Limited, and Mobile Home, and Tiny Home land use activities shall have a maximum residential density of four (4) dwelling units per exact acre, unless the zoning district or street classification density allowance is more restrictive.** 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

23.62 Special Rules

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

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.

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R. O. W.	Total	Partial
Mobile Home or Tiny 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 or Tiny 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.							
Tiny Home	R	1		10	10		
	I	3		10	10		

Chapter 5. Signs

26.50 Business Signs

26.53 Specialty Signs

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 or tiny 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.

ARTICLE 4 – AIRPORT DISTRICT

Chapter 1. General Provisions

Chapter 2. Designation of Columbia Metropolitan Airport District

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:

<u>65+ DNL</u>	<u>60-65 DNL</u>	<u>55-60 DNL</u>
Business Offices	-----	-----
Churches	Churches	-----
Community Education	Community Education	-----
Child or Adult Day Care	-----	-----
# Group Assembly Limited	# Group Assembly -----	# Group Assembly -----
Intermediate	Intermediate	-----
Extensive	Extensive	Extensive
Group Housing	Group Housing	Group Housing
Hospitals	Hospitals	Hospitals
Medical Services	-----	-----
Mobile Homes	-----	-----
Mobile/ Tiny Home Parks Limited	Mobile/ Tiny Home Parks -----	-----
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
Tiny Homes	-----	-----
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.

Chapter 3. Designation of the Lexington County Airport District

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:

<u>BRL</u>	<u>Existing RPZ</u>	<u>Ultimate RPZ</u>
-----	Business Offices	Business Offices

----- Churches Community Education * Group Assembly BRL	Child or Adult Day Care Churches Community Education * Group Assembly Existing RPZ	Child or Adult Day Care Churches Community Education * Group Assembly Ultimate RPZ
Group Housing Hospitals ----- Mobile Homes Mobile/ Tiny Home Parks Non-Assembly Cultural Nursing Homes ----- ----- Residential Detached Residential Attached Retirement Centers/ALF Transient Habitation Tiny Home	Group Housing Hospitals Medical Services Mobile Homes Mobile/ Tiny Home Parks Non-Assembly Cultural Nursing Homes Professional Services Research Services Residential Detached Residential Attached Retirement Centers/ALF Tiny Home	Group Housing Hospitals Medical Services Mobile Homes Mobile/Tiny Home Parks Non-Assembly Cultural Nursing Homes Professional Services Research Services Residential Detached Residential Attached Retirement Centers/ALF Tiny Home

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

ARTICLE 5 – NEIGHBORHOOD APPEARANCE DISTRICT

Chapter 1. General Provisions

51.10 Residential Standards

All parcels that contain a residential activity, such as residential detached, residential attached, ~~or~~ mobile home, **or tiny 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, Fowl, and/or Livestock* – No more than four (4) domestic chickens and/or fowl are allowed per residential lot at one time, excluding roosters, which are prohibited. Domestic chickens and/or fowl 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. Livestock, to include, but not limited to, cows, horses, goats, swine, alpaca, llama, sheep, and goats are prohibited. Certified and/or pedigreed miniature livestock shall be exempt from these provisions, provided proof the miniature livestock is registered by an authorized pedigree service (i.e., Miniature Potbellied Pig Registry Service, Inc. or MPPRSI). All waste, odors, and pests must be managed, such as not to create a nuisance for neighboring properties. The slaughtering of domestic chickens, fowl, or livestock is prohibited. Domestic chickens, fowl, and/or livestock used for commercial purposes, such as the sale of products; raising of, young; 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.

51.50 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 or tiny home parks are covered within Section 72.50 and 164.35 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 7 – MOBILE HOME **OR TINY HOME** PARKS

Chapter 1. General Provisions

71.00 Purpose

The purpose of this article is to address the unique needs of Mobile Home **and Tiny 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 **or Tiny 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 **or Tiny Home** Parks Three or more mobile homes, **tiny homes**, ~~or~~ mobile home spaces, **or tiny 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 **and/or tiny homes** shall not be considered a mobile home **or tiny home** park if one of the three mobile homes **and/or tiny homes** ~~is~~ **are** occupied by the property owner and is their legal residence. Additional mobile homes **or tiny homes** may be allowed by the Zoning Administrator without creating a mobile home **or tiny home** park, provided the mobile home **or tiny 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 **or tiny 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 **or tiny home** park land use.

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

Mobile Home **or Tiny 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 or Tiny Home Park:

- e. A mobile home and/or tiny home on a parcel(s) shall be counted toward the maximum number allowed even if the mobile home or tiny 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, tiny homes, or mobile home spaces, or tiny home spaces into two or more legal entities for the purpose of avoiding being defined as a mobile home or tiny home park is not allowed.
- h. The number of mobile homes and/or tiny homes within a 1,000 foot radius, whether located on the same parcel or different parcels, as defined in the mobile home or tiny home park definition.

Tiny Home activities are typically residential units, which may also be used for rental communities, which are generally 600 square feet or less in size, excluding lofts. Tiny home construction/manufacturing may consist as a site-built/stick built structure, modular unit, manufactured home (reference "Mobile Home"), recreational vehicle, or park model. Regardless of construction, Tiny Home land uses shall be regulated as an individual land use activity. Tiny Home subdivisions shall also comply with all standards for Mobile Home and Tiny Home Parks, as regulated within Article 7 of this Ordinance.

71.30 Application of Regulation

Upon the effective date of these regulations, Mobile Home or Tiny Home Parks can be developed or expanded only in accordance with the applicable restrictions contained herein. Legally nonconforming Mobile Home or Tiny Home Parks are subject to the provisions found in Article 16.

71.40 Special Exception Review

71.41 A request for a permit for a mobile home or tiny 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 or tiny home park in a manner that addresses the unique conditions that are created by ~~rental~~ mobile home or tiny home park 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 or tiny home park addresses the unique conditions ~~of a rental~~ the community, the applicant must demonstrate the ability to effectively manage the park;
- b. As demonstration that the mobile home or tiny 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 **or tiny 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 **or Tiny Home** Park owner to establish and operate a Mobile Home **or Tiny 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 **or tiny 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 16.

71.70 Enforcement

The Zoning Administrator, upon sixty days notice, may withdraw a zoning permit issued to the Mobile Home **or Tiny 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 **or Tiny 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 **and Residential Codes**, **and** the Assessor’s Mobile Home Registration process, **the South Carolina Department of Motor Vehicles (SCDMV) registration process, and the Auditor’s Office registration process.**

Chapter 2. Regulations

72.00 Driveways

All driveways which provide access to any activities within a Mobile Home **or Tiny 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 **or tiny 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 **or tiny home** park shall comply with Section 22.30 and the design standards of this article.

72.20 Mobile Home or Tiny Home Spaces

A mobile home or tiny home space is the leasable area or lot provided to an individual tenant. In a Mobile Home or Tiny 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 or Tiny 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 or tiny home space shall be exclusive of the prescribed buffer area, and all mobile home or tiny 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 and/or tiny homes, or any mobile home/tiny home and a common building (laundry, etc.). Where entrances/exits of mobile homes or tiny homes do not face each other, the minimum setback may be 10 feet from the mobile home or tiny home space delineation line. Accessory structures for individual mobile homes or tiny homes shall be located a minimum of 6 feet from any adjoining mobile home or tiny home.

72.40 Parking

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

72.50 Operational Requirements

All grounds, common buildings, and mobile homes located within Mobile Home or Tiny Home Parks are to be maintained in a clean, sanitary and safe manner. The mobile home or tiny 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 or Tiny 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 or Tiny 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 or Tiny Home Park shall adhere to the buffering restrictions covering height regulations, buffers, setbacks, and screening as outlined in Chapter 3 of Article 2.

ARTICLE 13 – LAKE MURRAY RESIDENTIAL DISTRICT

Chapter 2. Designation of the Lake Murray Residential District

132.20 Scope of Regulations

The density regulations set forth in the Article apply only to new residential detached, residential attached - duplex, residential attached – townhouse, ~~and~~ mobile home, **and tiny home** land use activities proposed following the enactment of these regulations. Residential Detached (Limited) land uses shall follow the development guidelines and regulations as covered within Article 12 of this Ordinance.

132.21 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 (**excluding portions of properties below the 360-foot elevation along the shores of Lake Murray**), 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).

132.22 Maximum Permitted Residential Density

The maximum allowed density limits for residential detached, residential attached - duplex, residential attached – townhouse, ~~and~~ mobile home, **and tiny 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)	3
Local (L)	2
Residential Local Six (RL6)	2
Residential Local Five (RL5)	2
Residential Local Four (RL4)	2
Residential Local Two (RL2)	1
Residential Local One (RL1)	1
Boulevard (B)	4

132.30 Nonconformity

- a. Any residential detached, residential attached - duplex, residential attached – townhouse, ~~and~~ mobile home, **or tiny 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.
- b. In the event a nonconforming residential detached, residential attached - duplex, residential attached – townhouse, ~~and~~ mobile home, **or tiny 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.
- c. Existing, developing, and/or approved residential detached, residential attached - duplex, residential attached – townhouse, ~~and~~ mobile home, **or tiny 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.

- d. 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.

ARTICLE 14 – AGRICULTURAL DISTRICT

Chapter 2. Regulations

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.

142.22 Maximum Permitted Residential Density

The maximum allowed density limits for residential detached, residential attached - duplex, residential attached – townhouse, ~~and~~ mobile home, **or tiny 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
Local (L)	3
Residential Local Six (RL6)	3
Residential Local Five (RL5)	3
Residential Local Four (RL4)	2
Residential Local Two (RL2)	2
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, **or tiny 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, **or tiny 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, **or tiny 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.

ARTICLE 16 – NONCONFORMITY

Chapter 2. Legal Nonconformity

Chapter 4. Nonconforming Mobile Home **or Tiny Home Parks**

164.00 General

This Chapter shall regulate Mobile Home **or Tiny Home** Parks which are legal nonconformities.

164.10 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.

164.20 Required Conformance of a Mobile Home Park

Any Mobile Home **or Tiny 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 **or Tiny 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 **or tiny 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 **and Residential Codes**, ~~and~~ the Assessor’s Mobile Home Registration process, **SCDMV and Auditor’s Office registration requirements** must be met. Proposed name changes to nonconforming Mobile Home **or Tiny Home** Parks must be approved by the Lexington County Planning and GIS Department.

164.30 General Provisions

164.31 Abandonment

Whenever 50 percent of the mobile homes **or tiny homes** within a Mobile Home **or Tiny Home** Park are removed or become unoccupied for a continuous period of 12 months, the Mobile Home **or Tiny Home** Park may be reestablished only through compliance with all the restrictions applicable to a new park.

164.32 Damage

If a structure in a legally nonconforming Mobile Home **or Tiny 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.

164.33 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 or Tiny Home Park. However, no alterations are allowed except in compliance with Section 162.20.

164.34 Change in Use

If a nonconforming Mobile Home or Tiny Home Park is replaced by an allowed use, and the owner wishes to re-establish the Mobile Home or Tiny 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.

164.35 Operational Requirements

All nonconforming Mobile Home or Tiny Home Parks shall comply with the operational requirements listed in Section 72.50 of this Ordinance.

Pending Ordinance Effective Date: Applications for permits of sufficient form and content as determined by County staff, received by the County prior to the date of the beginning of first reading of the adoption of this Ordinance, may be reviewed and processed by the County. Otherwise, the provisions of this Ordinance shall be effective under pending ordinance doctrine from the date of approval of first reading.

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: _____