

## 5 USE REGULATIONS **DRAFT 9.2.16**

### 5.1 APPLICABILITY

There are certain uses that exist which may be constructed, continued, and/or expanded provided they mitigate impacts of their design and operation. Such conditions ensure compatibility so that different uses may be located in proximity to one another without adverse effects to either. When uses are listed in the Use Matrices in Chapter 2 as uses Permitted with Review (PR), uses requiring Conditional Use (CU) permit, or uses requiring a Special Exception (SE), they shall comply with the additional criteria set forth in this chapter for that use in addition to other applicable criteria contained in this ordinance.

#### 5.1.1 PERMITTED WITH REVIEW (PR)

- A. Permitted uses with special requirements are uses permitted by right, provided that the specific standards set forth in this article are met.
- B. The specified standards are intended to insure that these uses fit the vision of the zoning districts in which they are permitted, and that these uses are compatible with other development permitted within the districts.
- C. Approval procedures for uses Permitted with Review are found in Chapter 9, Administration.

#### 5.1.2 CONDITIONAL USE (CU)

- A. Conditional Uses are uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the County as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
- B. All Conditional Uses shall at a minimum meet the standards for the zoning district in which they are located and the specific standards set forth in this article for that use.
- C. Individual consideration of the use may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare.
- D. Approval procedures for Conditional Use permits are found in Chapter 9, Administration.

#### 5.1.3 SPECIAL EXCEPTION (SE)

- A. Special Exceptions are uses which may have an adverse impact on the surrounding neighborhood or the County as a whole due to their unique and intrusive characteristics, requiring individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
- B. All Special Exceptions shall at a minimum meet the standards for the zoning district in which they are located and the specific standards set forth in this article for that use.
- C. Approval procedures for Special Exceptions are found in Chapter 9, Administration.

#### 5.1.4 SEPARATION REQUIREMENTS

- A. **Purpose:** Separation requirements are included in this chapter for certain uses which, by their nature, tend to have a detrimental blighting effect upon surrounding properties when they are permitted to cluster in groups of more than one such use or when they are located too near to an adjacent property.

**B. Requests for Waiver or Reduction of Separation Requirements**

1. **For Uses that are Permitted with Review (PR):** A waiver or reduction of the applicable separation requirements of this chapter shall require a use Permitted with Review according to the process outlined in Chapter 9. The Board of Zoning Appeals shall consider the request for a waiver or reduction of the applicable separation requirements in accordance with 5.1.4.A above, taking into account the characteristics of the particular use in question.
  2. **For Uses that require a Conditional Use Permit (CU):** The Planning Commission shall consider the request for a waiver or reduction of the applicable separation requirements of this chapter in accordance with 5.1.4.A above as part of the Conditional Use permit hearing, taking into account the characteristics of the particular use in question.
  3. **For Uses that require a Special Exception (SE):** The Board of Zoning Appeals shall consider the request for a waiver or reduction of the applicable separation requirements in accordance with 5.1.4.A above, taking into account the characteristics of the particular use in question.
- C. Where minimum separation distances are required between certain conditional uses and other uses; the separation distance shall not apply retroactively if the specified condition does not exist at the time the conditional use is approved.

**5.1.5 CONFLICT WITH OTHER REGULATIONS**

- A. If there is a conflict between the standards set forth in this chapter and any other requirements of this ordinance, the most restrictive standard shall control except as set forth below.
- B. The zoning district in which a particular use is permitted is controlled by the use listings found for the individual districts. In the event of any inconsistency between this article and the use listings for the districts, the use listings found in Chapter 2 shall control.

**5.2 RESIDENTIAL USES****5.2.1 DWELLING – TWO FAMILY [MDR, PB, HDR]**

- A. **Building Location:** Two Family Dwellings shall be limited to one per block face.
- B. **Building Type:** Two Family Dwellings (duplexes) shall be restricted to the Detached House building type as shown in Chapter 3 with a maximum of 2 units.
- C. **Exterior Appearance**
  1. Two Family Dwellings shall be designed such that a maximum of 2 main entrances are on the fronting facade. Additional building entrances may be provided on the side and rear of the building.
  2. Two Family Dwellings on corner lots must be designed such that a building entrance is on each facade fronting a street.

**5.2.2 DWELLING – MULTIFAMILY [GB, RB, INS, HDR, RMX, MX]**

- A. **HDR District:** Multifamily uses in this district shall be allowed and must comply with the following requirements:
  1. **Building Location:** Buildings with multifamily uses shall be limited to one per block face.
  2. **Building Type:** Buildings shall be limited to a maximum of 5 units on a single lot.
- B. **MX Districts:** Multifamily uses shall be limited to the second and higher floors in vertical mixed-use buildings only.

- C. RMX and MX Districts:** Multifamily uses in these districts shall be subject to standards in accordance with Chapter 3.

### 5.2.3 DWELLING – ACCESSORY [AR, RR, RN, LDR, MDR, PB, UR, HDR]

- A. Number of Accessory Dwellings Allowed:** Only one accessory dwelling is permitted per lot in districts.
- B. Placement on the Lot:** A detached accessory dwelling shall be sited to the rear of the principal building. If the lot exceeds 2 acres in size, the accessory dwelling may be sited to the side of the principal building.
- C. Compatibility**
1. The accessory dwelling shall meet all applicable design standards for the zoning district in which it is located in accordance with Section 1.4.7.
  2. The accessory dwelling shall be clearly subordinate (size, etc.) to the main structure. The maximum size shall be 50 percent of the heated living area of the principal dwelling.
  3. The exterior of the accessory dwelling shall be similar to the primary residence in material selection, color, and roof alignment and pitch.
- D. Manufactured Housing, Campers, Recreational Vehicles, Etc. Prohibited For Use:** Manufactured housing, campers, travel trailers, and recreational vehicles are not permitted for use as an accessory dwelling, except as a temporary use when a primary dwelling unit on the same lot is under construction or rehabilitation (see Section 5.12.4). Upon issuance of Certificate of Occupancy for the primary dwelling unit, the accessory dwelling shall be removed within 60 days.
- E. Outside Entrance:** If located within the principal dwelling, the accessory dwelling unit may have a private outside entrance, but such an entrance shall be located along the side or rear of the principal dwelling.
- F. Accessory Dwelling Unit Features:** The unit must contain complete kitchen facilities, including a stove or cook top, bedroom, and a full bath, including lavatory, water closet, and tub or shower (or combination). The unit must meet the habitability requirements of the International Property Maintenance Code and International Residential Code.
- G. Parking:** One off-street parking space, which meets the Vehicle Parking Standards in Chapter 7, shall be provided in addition to those required for the principal dwelling.

### 5.2.4 HALFWAY HOMES [GB, INS]

- A. Separation Requirement:** No such use may be located within 2,640 feet (or ½ mile) of a Family Care Home, Residential Care Facility, Boarding or Rooming House, or another such use measured as a straight line on a map.
- B. Maximum Number of Residents:** Halfway Homes shall accommodate a maximum of 6 residents per use and a maximum of 1 resident per bedroom.

### 5.2.5 LIVE-WORK UNITS [RUB, PB, NB, RMX, MX, IMX]

Construction shall meet requirements of the International Building Code and the following:

- A.** Non-residential use areas shall meet accessibility requirements of the Accessible and Usable Building and Facilities Code (including site access and parking).
- B.** The maximum total size of a Live-Work unit is 3,000 square feet and 3 stories in height.
- C.** The non-residential area function shall be limited to the first or main floor only.
- D.** A maximum of 5 non-residential workers or employees are allowed to occupy the non-

residential area at any one time.

- E.** The work area shall occupy 50 percent or less of the total unit.
- F.** The same tenant shall occupy the work area and living area.
- G.** No equipment or process shall be used in connection with the non-residential function which creates noise, vibration, glare, fumes, fire hazard, odors, dust, or electrical or communication interference detectable to the normal senses outside the unit. No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises.

## **5.2.6 MANUFACTURED HOMES [AR, RR, MH]**

### **A. Standards for All Manufactured Homes**

- 1.** Each manufactured home shall be set up in accordance with the requirements of the current edition of the South Carolina Regulations for Manufactured Homes, Uniform Standards Code for Manufactured Housing and Regulations (SC Code Ann. Section 40-29-10 et seq., as amended) and (23 SC Code Ann. Regs. 19-425 et seq.).
- 2.** All wheels, axles, lights, and other mechanisms designed for transporting the manufactured home must be removed.
- 3.** Skirting, steps, decks, or porches for manufactured homes shall be installed before final inspection and shall be properly maintained.
- 4.** All manufactured homes shall have a permanent foundation and shall be tied down per manufacturers' instructions. Underpinning shall consist of a continuous brick or masonry curtain, fiber cement siding, or vinyl wall combined with masonry piers or similar piers; shall remain un-pierced except for required ventilation and access; shall be installed under the perimeter of the manufactured home; and shall conform to the home's exterior dimensions.
- 5.** Manufactured homes shall be permanently connected to local utilities or be served with an approved septic tank or well.
- 6.** Each manufactured home stand and space/lot shall be graded to provide adequate storm drainage away from the structure.
- 7.** Each manufactured home space or lot shall have a permanent address, approved by the Administrator that is clearly visible from the street directly in front of the home. If the length of the access drive is greater than 50 feet, the address must be visible from the access drive also.

### **B. Age Limit**

Manufactured homes built earlier than 30 years of the current year shall not be permitted. Existing manufactured homes older than 30 years shall remain, but, if removed, such manufactured homes shall be replaced with those built no earlier than 30 years from the current year.

### **C. Standards for Manufactured Home Parks**

- 1.** All manufactured homes within a Manufactured Home Park must meet the Standards for All Manufactured Homes in Section 5.2.6.A and 5.2.6.B.
- 2.** No manufactured home park shall be approved for a site less than 5 contiguous acres under single ownership or control.
- 3.** The manufactured home park shall be screened from all adjacent property and street frontage with a Type C Buffer Yard (see Chapter 7). Only evergreen canopy and understory

trees may be used, no deciduous trees.

- 4.** The operator/manager of a manufactured home park shall designate and enforce a uniform type of underpinning of all manufactured homes in the community.
- 5.** A minimum of two automobile parking spaces surfaced with 4 inches of gravel shall be provided adjacent to each manufactured home space, but shall not be located within any public right-of-way or public easement or within any street.
- 6.** All streets within a manufactured home park shall comply with the standards set forth in Chapter 6 and Appendix C, Manual of Specification and Standard Details (MSSD), including the following:
  - a.** Roadways in manufactured home parks shall have a minimum travel width of 22 feet exclusive of parking.
  - b.** All roadways in manufactured home parks shall be paved.
  - c.** All on-site roadway intersections shall be provided with a street light and one interior light shall be provided for each 400 feet of street length.
- 7.** The maximum density for a manufactured home park shall not exceed 3 units per acre (43,560 square feet). Each lot or space within the park shall contain at least 14,520 square feet and shall be at least 80 feet in width. No more than one manufactured home shall be erected on one space. The maximum density allowed for a manufactured home park shall be based on the total acreage of the site minus the acreage required for recreational proposes.
- 8.** Each manufactured home site shall be at least 30 feet from any other manufactured home or property line and at least 30 feet from the edge of any drive which provides common circulation. Accessory structures shall be at least 10 feet from any manufactured home other than the home to which the building is accessory and only one accessory structure shall be permitted per manufactured home.
- 9.** Manufactured homes shall be permanently connected to local utilities or be served with an approved septic tank or well and provided screened refuse disposal facilities.
- 10.** Each manufactured home stand and space/lot shall be graded to provide adequate storm drainage away from the structure.
- 11.** Manufactured home sites shall only have direct access to internal park streets.
- 12.** Existing trees and other natural site features shall, to the extent feasible, be preserved. Variations in the street pattern, block shapes, and location of manufactured home stands shall be employed as methods to preserve existing trees and other natural site features.
- 13.** All manufactured home parks shall reserve and develop for recreational purposes a minimum of 15 percent of the park site.
- 14.** No storage of unoccupied and/or damaged manufactured homes is permitted.
- 15.** A permanent park identification sign displaying the name of the park and a permanent park directory sign displaying the address for and direction to each manufactured home in the park shall be erected at each entrance to the park. The required entrance and directory signs may be combined on one sign.
- 16.** All spaces within a manufactured home park shall be serially numbered for mailing address purposes. These numbers shall be displayed in the front of the manufactured home on the driveway side with four-inch lettering.
- 17.** Civic and open space shall be provided in accordance with Chapter 7.

- 18. No additions shall be added to any manufactured home except for those structures specifically designed for manufactured housing and those meeting the International Building Code.
- 19. Class C Manufactured Homes as defined in Chapter 10 are not permissible within any zoning district. No Class C Manufactured Home located in a park shall be replaced with another Class C Manufactured Home.

#### 5.2.7 RESIDENTIAL CARE FACILITIES (6 OR MORE RESIDENTS) [RUB, NB, GB, RB, INS, MX, IMX]

- A. **Buffering:** Residential care facilities must be buffered from adjacent residentially zoned property with a Type A buffer in accordance with Section 7.7.2.
- B. **Licensing:** Prior to the submission of an application for a Certificate of Zoning Compliance, an owner/operator of a residential care facility shall have received a license from the State of South Carolina for such a facility.
- C. **Number of Units:** Unless located and having access on a collector or arterial street, no residential care facility shall contain more than 16 units.
- D. **Maximum Density:** The maximum gross density for residential care facilities shall not exceed the number of units per acre requirement for the district in which the development is located. Each dwelling in a duplex, townhouse, garden apartment, apartment building, every 4 beds in a residential personal care unit, and each 6 beds in a skilled care nursing facility shall constitute 1 dwelling unit for the purposes of calculating the density.
- E. **Development Standards:** To the extent practical, the facility shall provide access connectivity (vehicular and pedestrian) to adjacent neighborhoods.
- F. **Separation Requirement:** Residential care facilities shall be located at least 1,000 feet away from any other residential care facilities, fraternity/sorority houses, and/or boarding or rooming houses.
- G. **Accessory Uses:** The following accessory uses are permitted: congregate dining facilities, recreational and social facilities, health care facilities and similar service, gift shops, snack shops, banks, and barber/beauty shops for residents.

### 5.3 LODGING USES

#### 5.3.1 BED AND BREAKFAST HOMES [AR, RR, RN, RUB, PB, NB, INS, UR, HDR, MX, IMX] AND INNS [NB, INS, UR, MX, IMX]

- A. The bed and breakfast shall be operated in a principal structure constructed before the effective date of this ordinance and not in any accessory structure.
- B. No exterior additions or alterations shall be made for the express purpose of creating or maintaining a bed and breakfast.
- C. The use of the dwelling unit for the bed and breakfast shall be clearly incidental and subordinate to its use as a principal residence.
- D. The guest rooms shall be offered primarily to transient persons for rental or lease by the day or week. Maximum length of stay is limited to 14 days in any 30-day period of time. The property owner or full time manager shall keep a current guest register including names, address, and dates of occupancy of all guests. These records shall be available for inspection by the building official and zoning official.
- E. For bed and breakfast establishments, one off-street parking space for the owner/manager and one space per guest shall be required. The required off-site parking may be located on the lot

containing the bed and breakfast provided that it is not located in the front yard.

- F. Not more than one sign advertising the existence of a bed and breakfast operation may be erected on the lot where such use is located. No side of the sign may exceed 4 square feet in surface area. The sign may not be internally illuminated.

### 5.3.2 BOARDING OR ROOMING HOUSE [INS]

- A. **Separation Requirement:** All boarding or rooming houses shall be located a minimum of 1,000 feet from any Family Care Home, Residential Care Facility, Fraternity or Sorority House, Halfway Home, and other Boarding or Rooming House.
- B. **Development Standards**
  - 1. A Type B Buffer is required along the side and rear property lines.
  - 2. Parking areas shall not be permitted within the front yard.
  - 3. All of the lot area which is not used for parking, sidewalks, buildings, utility structures, or site access must be landscaped and maintained.

### 5.3.3 CAMPGROUND [AR, RR, OSP]

- A. **Campground Use:** Campgrounds are limited to temporary occupancy by travel trailers, tents, and recreational vehicles (RVs) used by campers, vacationers, tourists, visitors, or the traveling public. Auxiliary uses, including retail store for guests, laundry, recreational facilities, snack shop, office, and security watchmen structure are also permitted. One office modular or site built office building may be allowed within the campground to be used as an office for the persons responsible for the operation and maintenance of the campground.
- B. **Access:** No campsite shall be located so as to allow direct vehicular access to a road. A 25-foot wide safe, convenient private drive shall be provided to each camp site, except in the case of one-way drives which shall not be less than 12 feet in width. Such drives shall be maintained at all times the campground is open to provide a smooth, all weather, well-drained surface, free of objectionable dust. Cul-de-sacs shall not exceed 1,000 feet in length and shall have an improved turn-around radius of 90 feet.
- C. **Registration of Occupants and Guests:** Every owner or manager of a campground shall maintain a register containing a record of all campsite or travel trailer occupants (guests). Such register shall be made available for inspection by law enforcement officials. Such register shall contain:
  - 1. Names of all campsite or trailer occupants (guests).
  - 2. Make and license number of the travel trailer.
  - 3. Dates of arrival and departure of travel trailer or occupants of a campsite.

**D. Dimensional Standards:**

Minimum Size	20 acres
Minimum Open Space <sup>1</sup>	40% of total property
Minimum Street Frontage	350 feet
Maximum Density	15 campsites/acre
Minimum Campsite Size	900 square feet/travel trailer; 500 square feet/tent
Minimum Campsite Setback	50 feet from property lines
Minimum Separation between Travel Trailers or Tents	20 feet
Maximum Primitive Campsites <sup>2</sup>	25% of the total number of tent campsites
Minimum Water Facilities	1 per 15 campsites
Minimum Sewer Hook Ups	1 per 15 trailer campsites
Minimum Garbage Containers	1 per 15 campsites
Minimum Service Buildings <sup>3</sup>	1 per 15 campsites without individual hook-ups. At least 1 per campground use.

- Open space areas shall be maintained in a natural state, including trees and open grassed areas. Site amenities, including streams, ponds, other natural areas, and open play areas are encouraged and may be included in the required percentage. Outdoor play facilities may also be counted in required percentage.*
- Primitive tent campsites are those campsites without electrical, water, or sewer hook-ups.*
- Service buildings must include lighted public restrooms and shower facilities. Such buildings shall be located no more than 350 feet to any primitive tent campsite. Such service buildings shall be maintained in a clean and sanitary condition and in good repair at all times.*

**5.4 OFFICE/SERVICE USES****5.4.1 CREMATORIA [RUB, RB, LI]****A. General Standards**

- The use shall comply with all applicable public health and environmental laws and rules, and the use shall obtain and maintain all applicable licenses and permits.
- Prior to the operation of the use, the owner/operator shall submit to the Administrator a certification by the South Carolina Department of Health and Environmental Control (SCDHEC) that either all air quality regulations have been complied with or that no permits are required.
- This use is prohibited within a Special Flood Hazard Area (SFHA).

**B. Separation Requirement for AR District Only:** All structures housing such uses shall be located at least 500 feet from any property line adjoining a lot or parcel under different ownership from the property on which the crematorium is located.

**5.4.2 HOME OCCUPATION [AR, RR, RN, MH, LDR, MDR, UR, HDR, RMX, MX, IMX]****A. General Standards**

- The home occupation shall be clearly incidental and secondary to residential occupancy.
- The use shall be carried on entirely within an enclosed structure on the premises.
- The home occupation shall be operated by a resident of the dwelling.
- A maximum of 25 percent of the gross floor area of the dwelling unit or 500 square feet, whichever is less, may be used for the home occupation.
- A maximum of one full-time equivalent non-residents of the dwelling may be employed on



the premises.

6. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
7. The home occupation shall not involve the use of any commercial vehicles and semi tractor trailers for the delivery of materials to or from the premises. Common and routine frequency for residential parcel delivery service is not prohibited.
8. No equipment or process shall be used in connection with the use which creates noise, vibration, glare, fumes, fire hazard, odors, dust, or electrical or communication interference detectable to the normal senses off the premises (in the case of a detached dwelling, off the lot; in the case of an attached unit, outside the dwelling unit). No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises.
9. The home occupation shall not cause an increase in the use of any one or more utilities (water, sewer, electricity, gas, garbage, etc.) such that the combined total use for dwelling and home occupation purposes exceeds a level normally expected in a residential neighborhood.

#### **B. Exterior Appearance**

1. Storage of goods and materials associated with the home occupation must be completely within an enclosed structure.
2. Parking areas in the front yard shall be limited to the existing residential driveway only. Additional parking may be provided in the rear yard only, but shall not include more than one non-commercial vehicle used in connection with the home occupation parked or stored on the premises.
3. No display of goods, products, services, or other advertising (except permitted signage as set forth in Chapter 7) shall be visible from outside of the dwelling.

#### **C. Standards for Specific Types of Home Occupations**

1. Personal Services, including cosmetic services, salons, barber shops, and non-permanent makeup services, but not including nail salons, may be permitted provided they comply with all of the following:
  - a. Such uses shall meet all applicable state requirements;
  - b. Any exterior entrance/exit to an area of the principal building shall be on the side or rear (and not the front) of the building;
  - c. Only 1 barber/styling chair shall be permitted;
  - d. No more than 2 hair drying chairs shall be permitted;
  - e. Only incidental sales of hair products shall be allowed on the premises;
  - f. Must meet all accessibility features, including restroom facilities, etc., meeting the International Building Code in accordance with the Americans with Disabilities Act;
  - g. No more than 1 sign identifying, or in any way pertaining to, such uses shall be permitted, and such sign shall meet all requirements of Chapter 7 of this ordinance; and
  - h. All barber/styling chairs and hair drying chairs shall be located together in either the main dwelling or the accessory building, not split between both.
2. No group instruction service, including but not limited to dance, music, exercise, arts, and crafts, may be provided for a group larger than 8 persons.

3. Retail sales shall be limited to the resale of handmade items grown or produced on-site such as food items, crafts, antiques, jewelry, and clothing.
- D. Uses Prohibited as Home Occupations:** The following uses are prohibited as home occupations because the nature of their operation has the tendency to impair the use and value of properties in a residential district:
1. Residential Care Facilities
  2. Halfway Homes
  3. Any Lodging Uses (Section 2.5.3.)
  4. Kennels
  5. Medical Clinic
  6. Personal Services, Restricted
  7. Veterinary Clinic
  8. Any Commercial/Entertainment Uses (Section 2.5.3), except specifically those retail uses noted in Section 5.4.2.C.3 above.
  9. Correctional Institution
  10. Day Treatment Center
  11. Hospital
  12. Any Automotive Uses (Section 2.5.3)
  13. Any Industrial/Wholesale/Storage Uses (Section 2.5.3)
  14. Nail Salons
  15. Barber Shops/Salons with more than one chair.

#### 5.4.3 KENNELS, INDOOR [AR, RR, RN, RUB, NB, GB, RB, INS, LI, MX, IMX]

##### A. General Standards

1. The clinic or kennel must be within a completely enclosed building with no outside facilities for animals.
2. The clinic or kennel shall be designed so that sound emitted through the exterior walls, roofs, and enclosed areas where animals are treated or kept shall not exceed 45 decibels as certified by a registered architect or acoustical engineer.
3. An outdoor area for the supervised therapy and exercise of animals is permitted when such area complies with all of the following requirements:
  - a. The area must meet the setback requirements for principal buildings along any property lines shared with a residential use or zone, unless the adjoining residential property is occupied exclusively by a nonresidential use or uses. No setback required in other cases.
  - b. The area shall be located in the rear yard only and must be enclosed by a fence not less than 6 feet in height. The fence shall be wood, brick, or masonry block. It need not be solid.
  - c. The maximum size of such area shall be 1,200 square feet.
  - d. No more than 4 animals shall be present in the area at one time.

- e. The area may be used only between the hours of 8 AM and 6 PM daily, except in cases of documented emergencies.
- f. Any animal present in the area shall be accompanied by a human supervisor in the area at all times.

**B. Disposal of Waste**

- 1. All animal solid and liquid waste shall be disposed of daily in an approved septic tank or public sewerage system. All stalls, cages, and animal runs shall be cleaned daily.
- 2. Animal wastes shall not be stored within 150 feet of any property line or surface waters unless located indoors.

**5.4.4 KENNELS, OUTDOOR [AR, RR, RN, RUB, RB, INS, LI]**

- A. Minimum Lot Size:** The minimum lot size for such uses in the RB and LI Districts shall be 2 acres.

**B. General Standards**

- 1. Areas used for exercising or training of animals shall be securely fenced to prevent the animals from straying.
- 2. Any outside run shall be enclosed on at least 3 sides with a wall of cement block, or similar construction, to a height of at least 4 feet. Outside runs shall not be permitted in the front yard.
- 3. The kennel building shall be of masonry construction.

**C. Disposal of Waste**

- 1. All animal solid and liquid waste shall be disposed of daily in an approved septic tank or public sewerage system. All stalls, cages, and animal runs shall be cleaned daily.
- 2. Animal wastes shall not be stored within 150 feet of any property line or surface waters unless located indoors.

- D. Buffering:** All such outdoor kennels and similar animal shelters shall be buffered from any adjoining residentially zoned property with a Type C buffer in accordance with Section 7.7.2.

- E. Separation Requirement:** Any building or pen housing animals, or any animal exercise area, shall be located a minimum of 500 feet from any residential use or zone and 150 feet from any street or non-residential property.

**5.4.5 MEDICAL CLINIC [RUB, PB, NB, GB, RB, MX, IMX]**

- A. The use shall be carried on entirely within an enclosed structure on the premises.
- B. The use shall not change the residential character of the dwelling for PB districts.
- C. Storage of goods and materials associated with the clinic must be completely within an enclosed structure.
- D. Parking must be provided in the third layer only (rearyard) for PB districts.

**5.4.6 PERSONAL SERVICES, RESTRICTED [RB]**

- A. Personal Services, Restricted** shall comply with the following:

- 1. **Separation:** A Personal Services, Restricted facility shall be a minimum of 1,000 feet from property line to property line of all Residential uses, all Civic uses, and all Educational/Institutional uses as per the Use Table in Section 2.5.3.

2. **Spacing:** The minimum spacing between one Personal Services, Restricted facility to another similar facility shall be 500 feet from property line to property line.
3. **Access:** Access shall be from an interior street within the development, not from an exterior local, collector, or arterial road.
4. **Federal, State, and other Local Permits Required:** An applicant shall obtain all permits required by the South Carolina Department of Health and Environmental Control or any other federal, state or local government department or agency that has rules and regulations governing Personal Services, Restricted uses such as tattoo or body piercing and check cashing facilities, prior to receiving a Zoning Compliance Certificate from Lancaster County.

## 5.5 COMMERCIAL/ENTERTAINMENT USES

### 5.5.1 AMUSEMENTS, OUTDOOR [RUB, RB, LI]

- A. **Separation Requirement:** No Outdoor Amusements shall be located closer than 250 feet to any residential district or use.
- B. **Operational Standards**
  1. Lighting systems shall be installed and operated in accordance with requirements of Chapter 7, General Development Standards.
  2. Lights and loudspeaker systems shall not be operated between the hours of 10 PM and 8 AM the following morning.
  3. Facility usage is limited to indoor activities between the hours of 10 PM and 6 AM the following morning unless special permission is received from the Administrator.
  4. No equipment, machinery, or mechanical device of any kind (other than customary HVAC systems) may be operated within 200 feet of any residentially-zoned property except as needed for routine maintenance of the grounds or facility.
  5. Adequate provisions shall be made for the disposal of waste products and the control of noise associated with the use.

### 5.5.2 BAR/TAVERN/BREW PUB [RUB, GB, RB, MX]

- A. **Separation Requirement:** All new bar/tavern/brew pub in the GB and RB districts shall be located no closer than 500 feet to all Residential uses, all Civic uses, and all Educational/Institutional uses as per the Use Table in Section 2.5.3 or other existing bar/tavern/brew pub.
- B. **Minimum Net Floor Area:** All bar/tavern/brew pub shall have a minimum net floor area of 1,200 square feet.
- C. **Hours of Operation:** In issuing a Conditional Use permit for this use, the Planning Commission shall consider the surroundings and restrict the hours of operation of the business if they deem it warranted.

### 5.5.3 FOOD TRUCKS [GB, RB, INS, LI, HI, MX, IMX]

- A. Food trucks can only be located on a lot containing a principal building or use and the maximum number of food trucks per lot is limited as follows:
  1. Maximum of 2 food trucks on lots of ½ acre or less;
  2. Maximum of 3 food trucks on lots between ½ acre and 1 acre; and

3. Maximum of 4 food trucks on lots greater than 1 acre.
- B. Food trucks must be located at least 100 feet from the main entrance to any eating establishment or similar food service business, and 100 feet from any outdoor dining area, as measured from the designated location on the lot accommodating the food truck. In the event that one or more of the aforementioned uses locates within the minimum separation requirement subsequent to food truck location being approved, nothing shall prohibit the property owner from continuing to operate at the approved location until the food truck permit has expired.
  - C. Food trucks must be located at least 5 feet from the edge of any driveway or sidewalk, utility boxes and vaults, handicapped ramp, building entrance, exit or emergency access/exit way, or emergency call box and must not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. Food trucks must be located a minimum distance of 15 feet in all directions of a fire hydrant.
  - D. Food trucks and associated seating, if any, must not occupy parking spaces required to fulfill the minimum requirements of the principal use, unless the principal use's hours of operation do not coincide with those of the food truck business. Such trucks and seating must not occupy parking spaces that may be leased to other businesses and uses to fulfill their minimum parking requirements and not occupy any handicap accessible parking spaces. Food trucks and associated outdoor seating must be removed from all permitted locations during impermissible hours of operation and must not be stored, parked, or left overnight on any street or sidewalk.
  - E. No free-standing signage or audio amplification is allowed as part of the food truck's vending operation. Outdoor seating areas associated with a food trucks vending operation are only permitted on lots 2 acres or greater in size.
  - F. Hours of operation are limited to the hours between 6 AM and 3 AM unless the designated location on the lot accommodating the food truck is located within 150 feet of the property line of a single-unit or two-unit dwelling in which case the hours of operation are limited to the hours between 7 AM and 10 PM.
  - G. The food truck operator or their designee must be present at all times except in cases of an emergency.
  - H. The food truck vendor is responsible for the proper disposal of waste and trash associated with the operation. Vendors must remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor must keep all areas within 5 feet of the truck and any associated seating area clean of grease, trash, paper, cups, or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains, or onto the sidewalks, streets, or other public space. Under no circumstances can grease be released or disposed of in a sanitary sewer system.
  - I. With the exception of allowable outdoor seating areas, all equipment required for the operation must be contained within, attached to, or within 3 feet of the food truck, and all food preparation, storage, and sales/distribution made in compliance with all applicable County, State and Federal Health Department sanitary regulations.
  - J. A zoning permit must be obtained by the property owner (as listed in the Lancaster County tax records) for any lot proposed to accommodate one or more food trucks. If at any time evidence is provided that the lot is being used other than in compliance with these regulations, the zoning permit will be rendered null and void and a violation issued. This zoning permit must be required to be renewed annually.

#### 5.5.4 GENERAL COMMERCIAL [RUB, NB, GB, RB, MX, IMX]

- A. All Districts:** Such uses located adjacent to any AR, RR, RN, MH, LDR, MDR, UR, or HDR Districts shall be subject to the following standards:

Required Buffer Yard	Type B along side and rear property lines. Type C where parking areas, dumpsters, loading docks, or other utility structures are visible from adjacent properties.
Minimum Required Setback for Buildings and Loading Dock/Service Areas	50 feet from side and rear property lines.
Maximum Height	35 feet at 50-foot setback line. 1-foot additional height may be added for every 1 additional foot in setback from property lines, up to the maximum allowed height for the district.
Facade Materials and Articulation	Building walls visible from adjacent residential properties shall be treated as primary facades.

#### B. Night Club [RB]

- 1. Separation Requirement:** All new night clubs in the RB district shall be located no closer than 500 feet to all Residential uses, all Civic uses, and all Educational/Institutional uses, as per the Use Table in Section 2.5.3, or other existing public or private clubs.
- 2. Minimum Net Floor Area:** All night clubs shall have a minimum net floor area of 1,200 square feet.
- 3. Hours of Operation:** In issuing a Conditional Use permit for this use, the Planning Commission shall consider the surroundings and restrict the hours of operation of the business if they deem it warranted.

#### 5.5.5 OUTSIDE SALES [RUB, NB, GB, RB, INS, MX, IMX]

- A. Applicability:** These standards are intended to regulate outside sales which are conducted on an everyday basis, either within a permanent open-air structure, an uncovered outdoor sales area, or on private pedestrian walkways. Outside sales which are temporary or seasonal in nature, or which are intended to be located in parking areas, shall be permitted pursuant to the standards in Section 3.12.4.

#### B. Permitted Location and Size

- Outside sales shall not take up an area greater than 25 percent of the total building area of the primary use within the associated permanent structure.
- Outside sales must be clearly secondary to the primary use within the associated permanent structure and shall generally be located to the side or rear of the principal structure.

#### C. Required Setbacks

- 1. INS, MX, and IMX Districts:** Display of merchandise for outside sales in the front yard shall not exceed a maximum of 12 feet from the front face of the building. Such displays may be located on a private sidewalk provided that they are located on a private sidewalk abutting the principal structure and adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet).
- 2. GB and RB Districts:** Display of merchandise for outside sales in the front yard shall be no closer than 50 feet to a street unless such displays are located on a private sidewalk abutting the principal structure and adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet).

#### 5.5.6 OUTSIDE SALES, SIDEWALK SALES [RUB, NB, GB, RB, INS, MX, IMX]

- A. Applicability:** These standards are intended to regulate outside sales which are conducted on an everyday or seasonal basis on public pedestrian walkways. Outside sales which are not located on public sidewalks or walkways are regulated by Section 3.5.6.
- B. Standards**
  - 1. Merchandise for sale may be placed on the public sidewalk in front of the shop where the building is directly adjacent to the sidewalk provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet). Such displays shall be removed from the sidewalk when the business is not open.
  - 2. Sidewalk sale shall not take up an area greater than 25 percent of the total building area of the primary use within the associated permanent structure.
  - 3. Display of merchandise for outside sales shall not exceed a maximum of 12 feet from the front face of the building.

#### 5.5.7 PAWNSHOPS [RUB, GB, RB]

All new pawnshops shall be located no closer than 400 feet to any existing pawnshop.

#### 5.5.8 RACETRACK [HI]

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

- A.** No such use shall be located within one mile of all Residential uses, all Civic uses, and all Educational/Institutional uses as per the Use Table in Section 2.5.3.
- B.** A Type C buffer yard shall be provided along all property lines which are adjacent to the racing/testing track and/or parking areas.
- C.** The site shall have direct access to either a collector or arterial street.

#### 5.5.9 RESTAURANT [RUB, NB, GB, RB, INS, MX, IMX]

- A. Kitchen Exhaust:** Kitchen exhaust fans shall be located no closer than 100 feet to any existing Single Family or Two Family (duplex) dwelling.
- B. Buffering:** All restaurants shall be screened from existing Single Family or Two Family (duplex) dwellings by a Type C buffer yard as set forth in Chapter 7.

#### 5.5.10 SEXUALLY ORIENTED BUSINESS/ADULT ESTABLISHMENT [HI]

- A. Purpose**
  - 1. The Lancaster County Council finds that it is necessary to set forth the appropriate special requirements by which Sexually Oriented Business/Adult Entertainment may be established within the County's zoning jurisdiction.
  - 2. Sexually Oriented Businesses/Adult Entertainment, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when they are located near residential areas or educational, religious, or recreational uses.
  - 3. Studies have shown that lower property values and increased crime rates tend to accompany and are brought about by the concentration of adult establishments.
  - 4. The County Council finds that the regulation of these uses is necessary to ensure that these adverse effects do not contribute to the blighting of surrounding neighborhoods and to protect the quality of life in Lancaster County.

5. It is not the intent of the County Council in adopting this section to suppress any activities protected by the First Amendment, but rather to enact a content neutral standard that addresses the secondary effects that adult establishments have on the County.

**B. Separation Requirements**

1. Such uses shall not be located closer than 5,280 feet (or 1 mile) to any of the following:
  - a. All Residential uses, all Civic uses, and all Educational/Institutional uses as per Use Table in Section 2.5.3.
  - b. Other adult establishment that provides adult entertainment or engages in the sale or rental of adult material as one of their principal business purposes.
  - c. Designated commercial, office, or industrial park.
2. Such uses shall not be located closer than 1,320 feet (or ¼ mile) to any highway access points (on-ramps/off-ramps). The waiver of separation requirements allowance in Section 3.1.3. shall not be applicable to this requirement.

- C. **Buffering:** Adult Establishments shall be buffered from adjoining property with a Type C buffer as set forth in Section 7.7.2.

**D. Signs and Displays**

1. No sexually oriented printed material, slide, video, photograph, written text, live show, or other sexually oriented visual display shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.
2. The sale or distribution of any material or related item shall be made from within the building premises (excluding mail order or catalogue sales) and shall not be displayed or otherwise advertised, exhibited, or promoted so as to be visible to the public from a public street or park.

**E. Location**

1. No more than one adult establishment shall be located on a parcel or in the same building, structure, or portion thereof.
2. No other principal or accessory use shall occupy the same parcel, building, structure, or portion thereof with any adult establishment.

**5.5.11 SHOOTING RANGE, INDOOR [RUB, GB, RB, LI, HI]**

- A. **Applicability:** This use includes the shooting of firearms, bows, and cross-bows at, or in conjunction with, both for-profit and non-profit facilities. It does not include incidental target practice by individuals on private property.
- B. **Noise Mitigation:** The facility shall be designed such that sound generated at the facility shall not be detectable to the normal senses at any off-site property.
- C. **Shot Containment:** The range shall be designed to provide a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems, and acoustical treatment for sound attenuation suitable for the range's approved use.
- D. **Design:** The design of the facility shall be guided by the design standards recommended by the National Rifle Association (NRA) for the appropriate caliber firearm(s) or weapon(s) being used on the site as described in "The NRA Range Source Book," published by the NRA, insofar as they do not conflict with any of the specific requirements contained in this section. Detailed plans for site layout, backstops, and baffles (when used for noise mitigation) shall be



submitted with the application.

- E. Lead Recovery:** Firing range wastes are regulated under the Resource Conservation and Recovery Act (RCRA) and 40 Code of Federal Regulations (CFR) 260-266. These measures shall be complied with.
- F. Range Supervision:** A competent adult supervisor, approved by the owner/manager, shall be present at all times when the range is open for business.

#### 5.5.12 SHOOTING RANGE, OUTDOOR [AR, LI, HI]

- A. Applicability:** This use includes the shooting of firearms, bows, and cross-bows at, or in conjunction with, both for-profit and non-profit facilities. It does not include incidental target practice by individuals on private property.
- B. Buffering:** A minimum 60-foot buffer, undisturbed except for fence installation and vegetative planting, must be provided around the entire perimeter of the subject property and be delineated on the site plan.
- C. Separation Requirement:** Outdoor shooting ranges shall be located no closer than 1,000 feet to all Residential uses, all Civic uses, and all Educational/Institutional uses per the Use Table in Section 2.5.3. measured from the security fence described below to the property line(s) of the aforementioned uses. In addition, the range, itself, may not cross or penetrate any public utility easement.
- D. Noise Mitigation:** The facility shall be designed such that sound generated at the facility shall not exceed the following levels (in decibels) measured at any off-site property:

Use	Decibel Level
Residential Use	55 db
Institutional Use	55 db
Commercial Use	65 db
Public Use	65 db
Public Right-of-Way	65 db
Industrial Use	75 db

- E. Shot Containment:** The range shall be designed to contain the bullets, shot, arrows, or other projectiles on the range facility.
  - F. Hours of Operation:** The Board of Zoning Appeals may regulate these as necessary as a condition of the Special Exception.
  - G. Design:** The design of the facility shall be guided by the design standards recommended by the National Rifle Association (NRA) for the appropriate caliber firearm(s) or weapon(s) being used on the site as described in “The NRA Range Source Book,” published by the NRA, insofar as they do not conflict with any of the specific requirements contained in this section. Detailed plans for site layout, backstops, and baffles (when used for noise mitigation) shall be submitted with the application.
1. A site plan sealed by a South Carolina registered engineer must be submitted attesting that the proposed shooting range plan complies with all applicable safety and design standards for outdoor firing range provisions and live fire shoot houses set out in Section 4, Outdoor Range Design; Section 6, Live Fire Shoot House; and Attachments 1-2 through 120, of the Range Design Criteria (June 2012) as published by the U.S. Department of Energy’s Office of Health, Safety, and Security for the type of shooting range proposed; except that Section 4.b(10), the words “or administrative” in the first sentence of Section 4.c(7), the second sentence of Section 4.c(7), and Section 6.a(1) do not apply to outdoor shooting ranges under this ordinance.

2. The detailed site plan must show the boundary of the subject property in its entirety and depict all discernible, existing uses and structures within 300 feet of the subject property's boundary.
  3. Surface danger zones must be located entirely on the subject property and must be designed to contain all projectiles and debris caused by the type of ammunition, targets, and activities to be used or to occur on the property. The layout of the proposed range with the accompanying safety fans must be delineated on the required site plan. All firing stations must be set back at least 180 feet from all boundaries of the subject property.
- H. **Security:** The facility shall be enclosed with a minimum 6-foot high security fence with locking gates. A sign, at least 2 square feet in size but not greater than 6 square feet, warning that a firing range is inside the fence shall be posted every 50 feet along the fence. These signs shall not count against any sign allotment as provided in Chapter 7.

#### 5.5.13 THEATER, OUTDOOR [AR, RUB, RB, INS, OSP]

- A. **Buffering:** Outdoor theaters shall be buffered from adjoining Residential uses with a Type C buffer as set forth in Chapter 7.
- B. **Separation Requirement:** The performance and audience areas for any outdoor theater in the districts shall be located a minimum of 200 feet from any adjacent property zoned LDR, MDR, HDR, UR, or RMX.
- C. **Access:** Primary access to all outdoor theaters in the AR, RR, RB, NMX, and IMX districts shall be to a collector or higher order street.
- D. **Operational Standards:** Lights and loud speaker systems shall not be operated between the hours of midnight and 8 AM.

## 5.6 CIVIC USES

#### 5.6.1 CEMETERY [AR, RR, RN, RUB, LDR, MDR, NB, GB, RB, INS, HDR, IMX]

- A. **Minimum Lot Size:** A minimum of 3 contiguous acres shall be required to establish a cemetery, columbarium, or mausoleum not located on the same tract of land as a church.
- B. **Minimum Yard Requirements**
  1. The minimum yard required for all burial plots, columbariums, mausoleums, and any other structures is 30 feet from any exterior property line or the required district setback, whichever is greater. This requirement does not apply where the adjacent property contains an existing cemetery. Gatehouses shall be excluded from any minimum yard requirement provided they meet the sight triangle requirement for driveways in Chapter 6.
  2. Where graves or burial plots are closer than 50 feet to an adjacent street, a low-planted screen in accordance with Chapter 7 shall be provided between the street and the cemetery.

#### 5.6.2 EVENT VENUE/BANQUET HALL [AR, RR, RN, RUB, PB, NB, GB, RB, INS, MX, IMX]

- A. **In the RN, RUB, NB, GB, RB, INS, MX, AND IMX Districts**
  1. Minimum lot size for use shall be 5 acres and no more than one structure shall be located on the lot, not including accessory uses.
  2. Outside sound systems shall only be allowed between the hours of 10 AM and 10 PM Sunday through Thursday, 10 AM and Midnight on Friday through Saturday, and shall be in compliance with Lancaster County applicable noise ordinances.
  3. Type C buffers are required along the side and rear property lines.

4. The structure shall be located a minimum of 100 feet from the adjacent property lines.

**B. In the RN and PB Districts:** Maximum square footage use shall not exceed 6,000 square feet.

### **5.6.3 PLACES OF ASSEMBLY [AR, RR, RN, RUB, MH, LDR, MDR, PB, NB, GB, RB, INS, LI, HDR, MX, IMX]**

#### **A. In the MX and IMX Districts**

1. **Prohibited Except as an Accessory Use:** Places of Assembly are prohibited from operating in a commercial or mixed-use building type except as an accessory use (less than 50 percent of the total first floor area) to an otherwise permitted use. All such operations shall be to the rear of the structure away from the public frontage or in upper stories. The use of upper stories is not limited.
2. **Operating Hours:** Commercial uses related to Places of Assembly (e.g., bookstores) must be open for business during typical business hours (from 8 AM to 5 PM on regular non-holiday weekdays) in order to be considered as a primary use.

#### **B. In all Districts**

1. Places of Assembly shall be buffered from adjoining residential uses with a Type B buffer in accordance with Section 7.7.2.
2. The sum of all principal and accessory structures may not exceed the allowable floor space for this use in the district in which it is located (i.e. over or under 15,000 square feet). Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building.

### **5.6.4 PRIVATE RECREATION FACILITIES [RUB, NB, GB, RB, INS, MX, IMX]**

#### **A. Applicability**

1. Golf courses that are a part of a residential development shall be exempt from these requirements.
2. Restaurant and/or bar uses in conjunction with a Private Recreation Facility shall require a Conditional Use (CU) permit.

**B. Connectivity to Surrounding Neighborhoods:** Outdoor recreation facilities shall be connected to adjacent neighborhoods to the extent practical via street connections, driveways, and/or pedestrian/bicycle paths.

#### **C. Operational Standards**

1. Lighting systems shall be installed and operated in accordance with requirements of Chapter 7 Lighting and the International Energy Conservation Code.
2. Lights and loudspeaker systems shall not be operated between the hours of 10 PM and 8 AM.
3. No equipment, machinery, or mechanical device of any kind (other than customary HVAC systems) may be operated within 200 feet of any residentially-zoned property except as needed for routine maintenance of the grounds or facility.
4. Adequate provisions shall be made for the disposal of waste products and the control of noise associated with the recreational industry.

#### 5.6.5 PUBLIC RECREATION FACILITIES [AR, RR, RN, RUB, OSP, MH, LDR, MDR, HDR, PB, NB, GB, RB, INS, UR, RMX, MX, IMX]

- A. Applicability:** Golf courses that are a part of a residential development shall be exempt from these requirements.
- B. Connectivity to Surrounding Neighborhoods:** Such facilities shall be connected to adjacent neighborhoods to the extent practical via street connections, driveways, and/or pedestrian/bicycle paths.
- C. Operational Standards:** Such facilities shall conform to the following operational standards except for athletic tournaments, festivals, and other special instances as allowed by the Administrator:
  - 1. Lighting systems shall be installed and operated in accordance with requirements of Chapter 7, Lighting.
  - 2. Lights and loudspeaker systems shall not be operated between the hours of midnight and 8 AM the following morning.
  - 3. No equipment, machinery, or mechanical device of any kind (other than customary HVAC systems) may be operated within 200 feet of any residentially-zoned property except as needed for routine maintenance of the grounds or facility.
  - 4. Adequate provisions shall be made for the disposal of waste products and the control of noise associated with the recreational industry.

#### 5.6.6 SPORTS ARENA/STADIUM [RB, INS, LI, IMX]

- A. Access:** Primary access to all sports arenas/stadiums shall be to a collector or higher order street.
- B. Buffering:** Such uses in the OSP, RB, INS, and LI districts shall be buffered from adjoining residential uses with a Type C buffer as set forth in Section 7.4.2.A.
- C. Operational Standards**
  - 1. Lighting systems shall be installed and operated in accordance with requirements of Chapter 7, Lighting, and the International Energy Conservation Code.
  - 2. Lights and loudspeaker systems shall not be operated between the hours of 11 PM and 8 AM the following morning.
  - 3. No equipment, machinery, or mechanical device of any kind (other than customary HVAC systems) may be operated within 200 feet of any residentially-zoned property except as needed for routine maintenance of the grounds or facility.
  - 4. Adequate provisions shall be made for the disposal of waste products and the control of noise associated with the recreational industry.

### 5.7 EDUCATIONAL/INSTITUTIONAL USES

#### 5.7.1 CHILD/ADULT DAY CARE HOME (5 OR LESS PERSONS) [AR, RR, RN, RUB, MH, LDR, MDR, HDR, PB, NB, GB, RB, INS, UR, HDR, RMX, MX, IMX]

- A. Compliance with State Requirements:** Child/Adult Day Care Homes shall meet the certification requirements of the South Carolina Department of Health and Human Service's "Adult Day Care and Day Health Services Standards for Certification" and/or the "Family Child Care Home Regulations." Such uses provide an organized program of services during the day in a community group setting.

- B. **Location:** Child/Adult Day Care Homes shall be permitted only in a private residence occupied by the authorized operator.
- C. **Separation Requirement:** All Child/Adult Day Care Homes shall be located at least 500 feet from another Child/Adult Day Care Home.

#### 5.7.2 CHILD/ADULT DAY CARE CENTER (6 OR MORE PERSONS) [NB, GB, RB, INS, MX, IMX]

- A. **Compliance with State Requirements:** Child/Adult Day Care Centers shall meet the requirements of the South Carolina Department of Health and Human Service's "Adult Day Care and Day Health Services Standards for Certification" and/or the "Child Care Center Regulations." Such uses provide an organized program of services during the day in a community group setting. Where such uses are part of a "recreation facility" offering community recreational opportunities to a wide range of age groups or residents, the day-care center may be considered part of the "recreation facility" as provided for and regulated by this ordinance.
- B. **Passenger Loading Space:** Adequate access meeting accessibility requirements to and from the site, as well as adequate off-street space must be provided for the pickup and discharge of children and adults.
- C. **Child Day Care:** Child day care facilities shall comply with all relevant state requirements. Child day care facilities shall also comply with the following:
  - 1. **Outdoor Play Areas:** Outdoor play areas shall be provided and shall be safely segregated from parking, loading, or service areas.
  - 2. **Buffering:** A landscaped hedge or solid fence shall be provided along any rear or side property line adjoining a residential lot. The hedge or fence shall be designed and/or planted to be at least 4 feet in height at maturity.
  - 3. **Parking Area, Vehicular Circulation, and Drop-Off and Pick-Up:** The parking areas and vehicular circulation for the child day care shall be designed to:
    - a. Ensure the safety of children as they arrive at and leave the facility;
    - b. Provide a designated pickup and delivery area that is located in such a way that children do not have to cross vehicular travel ways to enter or exit the center and traffic congestion is minimized.

#### 5.7.3 COMMUNITY SUPPORT FACILITY [RUB, GB, RB, INS]

Any Community Support Facility which includes facilities that provide overnight shelter shall be subject to the following additional standards.

- A. **Temporary Shelter Only:** Lodging facilities shall be limited to temporary shelter for no more than 12 individuals for a period not to exceed 90 days.
- B. **Separation Requirement:** No Community Support Facility with lodging facilities may be located within 1,320 feet (or ¼ mile) of another such use as measured by a straight line on a map unless as part of an accessory use to an existing religious institution.

#### 5.7.4 CORRECTIONAL INSTITUTION [INS, LI, HI]

- A. **Buffering:** Correctional institutions shall be buffered from adjoining property with a Type C buffer as set forth in Section 7.4.2.A.
- B. **County Jail Permitted in the INS District:** The only correctional institutions allowed in the INS district shall be the Lancaster County Detention Center as operated by the Lancaster County Sheriff's Office and the South Carolina Department of Corrections.

**5.7.5 DAY TREATMENT CENTERS [GB, RB, INS, LI]**

- A. Separation Requirement:** Centers shall be located at least 100 feet from any building in residential use.
- B. Hours of Operation:** Centers shall not operate to serve consumers/clients on-site between the hours of 9 PM and 6 AM the following morning.

**5.7.6 SCHOOLS – ELEMENTARY AND SECONDARY [AR, RR, RN RUB, LDR, MDR, PB, NB, GB, RB, INS, UR, HDR, RMX, MX, IMX]****A. For All Schools**

- 1.** Athletic fields and parking areas must be buffered from adjacent residentially-zoned property with a Type B buffer as set forth in Chapter 7.
- 2.** Connectivity (vehicular, pedestrian, and bicycle) to surrounding residential areas is required. Where a full vehicular connection is impractical, a multi-use trail connection shall be provided for pedestrian and bicycle accessibility.

- B. For Schools in the AR, RR, RN, RUB, and LDR Zones Only:** To encourage walking and bicycle accessibility by schoolchildren to schools, it is incumbent upon the applicant to demonstrate how such accessibility can be achieved, given the low density nature of these districts. Accommodation may include the construction of additional off-premise sidewalks, multi-use trails/paths, or greenways to connect to existing networks.

**5.8 AUTOMOTIVE USES****5.8.1 DRIVE-THRU/DRIVE-IN FACILITY [RUB,NB, GB, RB, LI, HI, MX, IMX]****A. Location**

- 1. NB Districts:** Such facilities shall be limited to designated parking space(s) for picking up carryout orders only. Such parking areas shall be subject to the requirements in Chapter 7.
- 2. MX and IMX Districts:** Menu boards, drive-thru service windows, vehicle queuing/stacking areas, and similar facilities shall be located and accessed only in the third layer of a lot as defined in Chapter 7. In addition, such facilities shall not be located on any portion of the building facing a street frontage.
- 3. GB, RB, LI, and HI Districts:** Menu boards, drive-thru service windows, vehicle queuing/stacking areas, and similar facilities located along any street frontage or on any portion of the building facing a street frontage must be buffered from the street by a low wall or hedge, minimum of 3 feet tall, and a Type B buffer as set forth in Section 7.7.2.

- B. Circulation:** Vehicle queuing/stacking areas for drive-thru uses shall be located outside of and physically separated from the right-of-way of any street and shall not cause interruption of any sidewalk or bicycle facility.

**5.8.2 Electric Vehicle Charging Stations [AR, RR, RN, RUB, MH, LDR,MDR, PB, NB, GB, RB, INS, OSP, LI, HI, M, UR, HDR, RMX, MX, IMX]****A. General**

- 1.** Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses in all zoning districts.
- 2.** Public EV charging stations are permitted as accessory uses to allowed nonresidential uses in all zoning districts.

**B. Parking**

1. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.
2. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle.

**C. Equipment:** Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle, or wheelchair movement or create safety hazards on sidewalks.

**5.8.3 HEAVY EQUIPMENT/MANUFACTURED HOME RENTAL/SALES [RB, LI, HI]**

**A. Screening:** A Type A Buffer must be maintained at all property lines and along any street frontage, except that a Type C Buffer must be maintained where the property abuts Residential uses.

**B. Buffers:** Outdoor display/storage of vehicles shall be set back at least 50 feet from any right-of-way line, unless such display/storage of vehicles excludes any used or pre-owned vehicles, in which case the display/storage of vehicles shall not encroach into the required building setbacks. In addition, outdoor display/storage of vehicles shall not encroach into floodways or stream buffers.

**5.8.4 PARKING LOT/STRUCTURE – PRINCIPAL USE [GB, RB, INS, LI, HI, MX, IMX]**

Where an above-ground parking structure fronts a street, the ground level, at a minimum, shall be screened in such a way that vehicles are not visible from the streetscape or sidewalk, such as landscaping standards included in Chapter 7.

**5.8.5 VEHICLE RENTAL/LEASING/SALES [RUB, GB, RB, MX, IMX]**

**A. Outdoor Vehicle Display:** No vehicles displayed for sale or awaiting work or pick-up shall be located closer than 5 feet to any adjoining property line, within a required landscape area, or in any public rights-of-way.

**B. Conditional Use Permit Required for Non-Franchised Dealerships:** All such uses that are within 200 feet of a Residential use and are not a manufacturer-franchised dealership must obtain a Conditional Use permit.

**C. Screening:** All boundaries of a property containing such uses that directly adjoin a Single Family residential district shall be buffered with a solid fence extending from the ground to a height of not less than 6 feet and a Type B buffer in accordance with Chapter 7.

**D. In the MX and IMX Districts:**

1. Vehicle sales are restricted to manufacturer-franchised dealerships only.
2. In new construction, or renovation to a building which amounts to greater than 50 percent of the building's value, vehicle bays shall not face the street or shall be screened from direct view by landscaping.
3. Vehicle painting and body and fender repair are specifically prohibited as service/repair functions, except by those establishments also conducting vehicle sales as restricted above.

**5.8.6 VEHICLE SERVICES – MINOR MAINTENANCE/REPAIR [NB, GB, RB, LI, HI, MX, IMX]**

**A. Outdoor Vehicle Storage:** All outdoor storage of vehicles awaiting work or pick-up shall be screened by a Type C buffer in accordance with Chapter 7. No vehicles or awaiting work or pick-up shall be located closer than 5 feet to any adjoining property line, within a required landscape area, or in any right-of-way. No outside storage of junk vehicles or parts shall be permitted unless a permit for an outdoor storage yard is also obtained.

- B. Vehicle Bays:** Vehicle bays which are not set perpendicular to the street must be screened from direct view by a hedge or other landscaping. Bays facing the street must also incorporate awnings, windows, and/or other articulation/ornamentation sufficient to reduce the impact of the repair bays on the street as determined by the Technical Review Committee (TRC).
- C. Noise:** No noises resulting from the occasional repair or maintenance of a motor vehicle shall be audible at or beyond the property line between 8 PM and 7 AM the following morning. Intercom/sound systems shall not be audible at or beyond the property line.
- D. Repair Work:** All repair work shall be conducted entirely within an enclosed structure; car wash activities may be done outside when all requirements of stormwater management are met.
- E. Screening:** All boundaries of a property containing such uses that directly adjoin a Single Family residential district shall be buffered with a solid fence extending from the ground to a height of not less than 6 feet and a Type B buffer.
- F. Accessory Structure Location:** Accessory structures such as self-service vacuum cleaners, air pumps, and other self-service structures must be setback 50 feet from any residential use and 25 feet from any right-of-way.
- G. Fueling Islands:** Each drive-up fueling facility permitted under this title shall have off-street driveway stacking space that shall not inhibit or impede access to or from any parking space or drive.
- H. Canopies over Gas Pumps**
  - 1. Canopies over gas pumps shall have the same roof shape and exterior materials as the primary structure.
  - 2. Canopies shall meet the setback requirements for the principal structure.
- I. Lighting**
  - 1. Canopy lighting fixtures shall be hidden inside a canopy so as not to be visible from off-site.
  - 2. Freestanding lighting fixtures shall not exceed 15 feet in height if the use adjoins an existing residential district or residential lot. All light fixtures shall be cutoff luminaries that block the light source from off-site view.
- J. Car Wash Allowed as Accessory Use:** A one-bay car wash may be allowed as an accessory use. The car wash shall meet the setbacks for the principal use and not exceed 900 square feet in area. The car wash bay shall not be oriented toward the public right-of-way. Car washes are required to have operational recycled water systems where a minimum of 50 percent of water utilized is recycled.

#### 5.8.7 VEHICLE SERVICES – MAJOR REPAIR/BODY WORK [RUB, GB, RB, LI, HI]

- A. Outdoor Vehicle Storage:** No outside storage of junk vehicles or parts shall be permitted unless a permit for an outdoor storage yard is also obtained. No vehicles awaiting work or pick-up shall be located closer than 5 feet to any adjoining property line, within a required landscape area, or in any right-of-way.
- B. Vehicle Bays:** Vehicle bays which are not set perpendicular to the street must be screened from direct view by a hedge or other landscaping. Bays facing the street must also incorporate awnings, windows, and/or other articulation/ornamentation sufficient to reduce the impact of the repair bays on the street as determined by the Technical Review Committee.
- C. Noise:** No noises resulting from the repair, maintenance, or body work of a motor vehicle shall be audible at or beyond the property line between 8 PM and 8 AM the following morning. Intercom/sound systems shall not be audible at or beyond the property line.



- D. **Repair Work:** All repair work shall be conducted entirely within an enclosed structure; car wash activities may be done outside when all requirements of stormwater management are met.
- E. **Screening:** All boundaries of a property containing such uses that directly adjoin a Single Family residential district or street shall be buffered with a solid fence extending from the ground to a height of not less than 6 feet and a Type C buffer.

## 5.9 INDUSTRY/WHOLESALE/STORAGE USES

### 5.9.1 INDUSTRY, RESTRICTED [HI]

#### A. Purpose

1. The Lancaster County Council finds that it is necessary to set forth the appropriate special requirements by which Industry, Restricted may be established within the unincorporated areas of Lancaster County.
2. Industry, Restricted is having serious objectionable operational characteristics, particularly when they are located near residential areas or educational, religious, or recreational uses.
3. The County Council finds that the regulation of these uses is necessary to ensure that potential adverse effects do not contribute to the blighting of surrounding neighborhoods and to protect the quality of life in Lancaster County.

#### B. Permitted Location and Size

1. Such uses shall be sited on a parcel of not less than 10 acres.
2. Such uses shall be sited only in areas zoned for Heavy Industry.
3. All storage of hazardous materials shall comply with the provisions of the International Fire Code.
4. Exterior storage of hazardous materials not contained in vehicles for transportation, permanent on-site storage vessels, or containers shall be maintained so as to not create environmental hazards that may pose a threat to ground or surface water quality, air quality, wildlife, and/or humans.
5. All exterior storage of hazardous materials shall not exceed a height of 12 feet and arranged carefully to provide adequate spacing between incompatible substances as approved by the Fire Marshal.

#### C. Separation Requirements

1. Such uses shall not be located closer than 2,640 feet (or 1/2 mile) to any of the following:
  - a. LDR, MDR, HDR, PB, NB, INS, UR, RMX, MX, and IMX Districts;
  - b. All Residential uses, all Civic uses, and all Educational/Institutional uses as per the Use Table in Section 2.5.3.
  - c. All essential public facilities, or other similar uses.
2. Such uses shall not be located closer than 1,320 feet (or 1/4 mile) to any highway access points (on-ramps/off-ramps), except as required to gain immediate access to the facility from a road. The waiver of separation requirements allowance in Section 3.1.3 shall not be applicable to this requirement.
3. Such uses shall not be located closer than 500 feet from any floodplain or wetland area and a berm shall be constructed such that any runoff of water or other liquids will not enter the floodplain or wetland area.

4. A 6-foot high berm shall encompass the entire property where it adjoins with other properties, except on the frontage or address side of the property where it adjoins a road.
5. Such uses shall not be located closer than 600 feet to another Industry, Restricted except where a single 6-foot high berm and 6-foot high chain-link fence separates the properties and the 300-foot setback is maintained from the property line to all structures and/or roadways except necessary inspection wells and access routes to inspection wells on both properties.
6. Such uses shall not be located closer than 300 feet to any Industrial use.
7. Separation from Storage - Warehouse Indoor, Restricted and Wholesaling and Distribution, Restricted shall not be required provided the 300-foot setback is maintained from the property line to all structures and/or roadways except necessary inspection wells and access routes to inspection wells.

#### D. Required Setbacks

1. Such uses shall maintain a 300-foot setback from the property line to all structures and/or roadways except necessary inspection wells and access routes to inspection wells.
2. Such uses shall maintain a 300-foot setback from roads and sidewalks.

#### E. Screening

1. A minimum 100-foot buffer area is required along all property lines and public rights-of-way. No materials, processes, or activities, including parking, access roads, or buildings, shall occur in the buffer area. Roads for access to the site may cross the 100-foot area, and monitoring wells may be located within the 100-foot area. All existing trees within the buffer area shall be preserved, except to allow for construction of necessary road crossings and monitoring of wells.
2. A chain link security fence, a minimum of 6 feet in height, shall enclose the entire site. The fence may not be placed inside the 100-foot buffer area.

#### F. Vehicular Access

Vehicular access to the site shall be provided on a major or minor thoroughfare or on a road improved to necessary industrial capacity as determined by the Administrator.

#### G. Reclamation Plan Required

Applicant shall file with the Emergency Management, Fire Rescue, and Register of Deeds a reclamation plan for the site facilities and location. The plan shall indicate any anticipated hazardous materials, secondary materials, spent materials or sludges or other products which will require reclamation, the name of the applicant, or other entity approved by Lancaster County Council, as the owner and which shall remain the owner and liable for the site forever, or until Lancaster County Council approval is given to release this requirement.

### 5.9.2 JUNKYARD [HI]

- A. **Exemptions:** These requirements shall not apply to Outdoor Storage Yards as defined in Chapter 10
- B. **Minimum Size:** The minimum site size for sites used only for the storage of scrap metals, junk vehicles, and other salvage materials shall be 2 acres.
- C. **Separation Requirement:** All landfill and junkyard uses must be located a minimum distance of 2,640 feet from the LDR, MDR, HDR, and UR Districts.
- D. **Location:** No such facilities shall be located in a designated water supply watershed, special flood hazard area or wetland area, or block a natural drainage-way so that water is impounded.

### E. Setbacks

1. The setbacks in the following table shall apply along all property lines and public rights-of-way for all junkyard storing activities, including parking, access roads, buildings, or disposal.

	Adjacent District	Required Setback
Sites used only for the storage of scrap metals, junk vehicles, and other salvage materials	AR, RR, RN, MH, LDR, MDR, UR, PB, HDR, RMX, MX, IMX	100 feet
	NB, GB, RB	50 feet
	LI, HI, M	50 feet

2. Roads for access to the site may cross the 100-foot area, and monitoring wells may be located within the 100-foot area. All existing trees within the buffer area shall be preserved, except to allow for construction of necessary road crossings and monitoring of wells.

### F. Screening

1. A Type C buffer shall be required along all property lines and public rights-of-way regardless of the adjacent zoning. Existing plant material may be included in the computation of the required plantings, with approval of the Administrator.
2. A chain link security fence, a minimum of 6 feet in height, shall enclose the entire site. The fence must be placed inside the required Type C buffer and may be placed inside the buffer area.

**G. Vehicular Access:** Vehicular access to the site shall be provided on a major or minor thoroughfare or on a road improved to necessary industrial capacity as determined by the Administrator.

**H. Reclamation Plan Required:** Applicant shall file in the office of the Register of Deeds, prior to issuance of a Certificate of Occupancy, a reclamation plan for the reuse of the site. Such plan shall indicate that the applicant, or other entity approved by the Lancaster County Council, shall remain the owner and be liable for the site forever, or until County Council approval is given to release this requirement.

**I. Burning Prohibited:** No waste, junk, scrap materials, or any vehicle, including automobiles and trucks, shall be burned on the premises.

**J. Automobile Salvage Records Required:** Records shall be kept on each motor vehicle and/or motor vehicle engine salvaged and stored on-site. Records shall be kept for 3 years and shall be available for inspection by the County Sheriff at reasonable times. Each record shall show the following:

1. Description of item.
2. Person or corporation from whom obtained.
3. Serial or motor number, if any.

### 5.9.3 LANDFILL - CLASS TWO [LI, HI]

**A. Exemptions:** These requirements shall not apply to the following uses or activities:

1. Landfills classified as Construction, Demolition and Land Clearing Debris and Yard Waste facilities operated in association with an active building permit on the same or adjacent parcel according to the definition for such facilities in South Carolina Solid Waste Policy and Management Act of 1991, as amended October 2000. Such facilities shall be subject to the operational requirements in Lancaster County and any other applicable State requirements.

**2 Storage:** Outdoor Storage Yards as defined in Chapter 10.

- B. Minimum Size:** The minimum site size for solid waste landfills shall be 150 acres.
- C. Separation Requirement:** All landfill uses must be located a minimum distance of 1,000 feet from all Residential uses, Civic uses, and Educational/Institutional uses.
- D. Location:** No such facilities shall be located in a designated water supply watershed, special flood hazard area or wetland area, or block a natural drainage-way so that water is impounded.
- E. Setbacks**
  - 1.** A 100-foot setback shall apply along all property lines and public rights-of-way for all landfill, including parking, access roads, buildings, or disposal.
  - 2.** Roads for access to the site may cross the 100-foot area, and monitoring wells may be located within the 100-foot area. All existing trees within the buffer area shall be preserved, except to allow for construction of necessary road crossings and monitoring of wells.
- F. Screening**
  - 1.** A Type C buffer shall be required along all property lines and public rights-of-way regardless of the adjacent zoning. Existing plant material may be included in the computation of the required plantings, with approval of the Administrator.
  - 2.** A chain link security fence, a minimum of 6 feet in height, shall enclose the entire site. The fence must be placed inside the required Type C buffer and may be placed inside the buffer area.
- G. Vehicular Access:** Vehicular access to the site shall be provided on a major or minor thoroughfare or on a road improved to necessary industrial capacity as determined by the Administrator.
- H. Reclamation Plan Required:** Applicant shall file in the office of the Register of Deeds, prior to issuance of a Certificate of Occupancy, a reclamation plan for the reuse of the site. Such plan shall indicate that the applicant, or other entity approved by the Lancaster County Council, shall remain the owner and be liable for the site forever, or until County Council approval is given to release this requirement.
- I. Burning Prohibited:** No waste, junk, scrap materials, or any vehicle, including automobiles and trucks, shall be burned on the premises.

#### 5.9.4 LANDFILL – CLASS 3 [HI]

- A. Exemptions:** These requirements shall not apply to the following uses or activities:
  - 1.** Landfills classified as Construction, Demolition and Land Clearing Debris and Yard Waste facilities operated in association with an active building permit on the same or adjacent parcel according to the definition for such facilities in South Carolina Solid Waste Policy and Management Act of 1991, as amended October 2000. Such facilities shall be subject to the operational requirements in Lancaster County and any other applicable State requirements.
  - 2 Storage:** Outdoor Storage Yards as defined in Chapter 10.
- B. Minimum Size:** The minimum site size for solid waste landfills shall be 250 acres.
- C. Separation Requirement:** All landfill uses must be located a minimum distance of 2,640 feet from the LDR, MDR, HDR, and UR Districts.
- D. Location:** No such facilities shall be located in a designated water supply watershed, special flood hazard area or wetland area, or block a natural drainage-way so that water is impounded.

**E. Setbacks**

1. A 100-foot setback shall apply along all property lines and public rights-of-way for all landfill, including parking, access roads, buildings, or disposal.
2. Roads for access to the site may cross the 100-foot area, and monitoring wells may be located within the 100-foot area. All existing trees within the buffer area shall be preserved, except to allow for construction of necessary road crossings and monitoring of wells.

**F. Screening**

1. A Type C buffer shall be required along all property lines and public rights-of-way regardless of the adjacent zoning. Existing plant material may be included in the computation of the required plantings, with approval of the Administrator.
2. A chain link security fence, a minimum of 6 feet in height, shall enclose the entire site. The fence must be placed inside the required Type C buffer and may be placed inside the buffer area.

**G. Vehicular Access:** Vehicular access to the site shall be provided on a major or minor thoroughfare or on a road improved to necessary industrial capacity as determined by the Administrator.

**H. Reclamation Plan Required:** Applicant shall file in the office of the Register of Deeds, prior to issuance of a Certificate of Occupancy, a reclamation plan for the reuse of the site. Such plan shall indicate that the applicant, or other entity approved by the Lancaster County Council, shall remain the owner and be liable for the site forever, or until County Council approval is given to release this requirement.

**I. Burning Prohibited:** No waste, junk, scrap materials, or any vehicle, including automobiles and trucks, shall be burned on the premises.

**5.9.5 MINING – MAJOR IN DEPTH RESOURCE EXTRACTION AND MINOR SURFACE RESOURCES EXTRACTION (SEE SECTION 5.9.6 AND SECTION 5.9.7)**

**A. Separation Requirement:** All outdoor storage yards must be located a minimum distance of 500 feet from all Residential uses, all Civic uses, and all Educational/Institutional uses as per the Use Table in Section 2.5.3.

**B. Screening**

A minimum 100-foot buffer area is required along all property lines and public rights-of-way. No materials recovery and waste transfer activities, including parking, access roads, buildings, or disposal shall occur in the buffer area. Roads for access to the site may cross the 100-foot area, and monitoring wells may be located within the 100-foot area. All existing trees within the buffer area shall be preserved, except to allow for construction of necessary road crossings and monitoring of wells.

**C.** A mining permit shall be obtained from SCDHEC or any successor agency with authority to regulate mining prior to securing a zoning permit. The mining permit shall have been issued within six months of the date prior to the request for the zoning permit.

**D.** A copy of the reclamation plan as required by SCDHEC shall accompany the application as required in Chapter 9, Administration.

**E.** The applicant shall provide the Administrator with a copy of the approved application regarding mining/blasting activities and shall comply with all applicable requirements of S.C. Code Ann. Regs. 71-8302 et seq. as they may be amended from time to time.

**F.** To protect against damage to structures from vibration, in all blasting operations the maximum peak particle velocity measured in any three mutually perpendicular directions

shall not exceed one inch per second at the immediate location of any dwelling, public building, school, church, or commercial or institutional building. The minimum distance shall be determined by the current weight distance formula adopted under S.C. Code Ann. Regs. 89-150 F-G as they may be amended from time to time or any SCDHEC approved alternative methods of determining compliance such as seismographic monitoring.

- G. Blasting operations shall be conducted in compliance with the contiguous property setback requirements of S.C. Code Ann. Regs. 89-150 H as it may be amended from time to time, or in compliance with any variance or other approval issued by SCDHEC. For the purposes of this subsection, a contiguous property shall not include parcels under the ownerships, lease, or control of the applicant, or where the property owner has signed a written waiver of this setback requirement.
- H. In accordance with the requirements of S.C. Code Ann. Regs. 89-150 I as it may be amended from time to time, the SCDHEC mining permit shall specify a minimum blasting separation distance between the nearest point of blasting and any off-site structures in existence as of the date of the completed SCDHEC mine permit application.
- I. Neither the maximum peak particle velocity requirement nor the minimum separation distance requirement apply to structures within the permitted area; within any area that is owned, leased, or controlled by the operator; or to any structure for which the owner has executed a waiver of damage claim.
- J. Access roads/easements shall maintain a minimum travel surface of 18 feet and have a width of 30 feet at the entrance intersection with a collector or arterial street. An area on the site shall be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up onto any public or private right-of-way or easement. This area shall be designated to handle the anticipated traffic.
- K. **Height:** No equipment shall exceed 30 feet in height above the lowest natural grade on the site.
- L. **Hours of Operation:** The hours of operation are limited to 6:30 AM to 6:30 PM, Monday – Saturday.
- M. **Stormwater:** The site shall be designed so that the quantity and quality of runoff reaching any surface water, on-site, or discharging off-site, shall be controlled through Lancaster County approved Best Management Practices (BMP).

#### 5.9.6 MINING – MAJOR IN-DEPTH RESOURCE EXTRACTION [HI, M]

- A. **Specific to Projects Greater than Five Acres:** Mining/resource extraction of over 5 acres shall comply with the following standards:
  - 1. **Berm to Address Noise:** The site shall be bermed to ensure that the maximum noise at the property line does not exceed 65 decibels and the berm shall be located outside of the required buffers.
  - 2. **Groundwater:** If groundwater is encountered, the following shall be demonstrated:
    - a. Probable maximum pumping rates and cone of depression impacts on surrounding public and private wells and the long-term water table.
    - b. The disposal method for pumped water and its effect on water quality and flooding.
    - c. A study shall be done before submittal of the application to ensure pumping during the active use of the site does not result in groundwater contamination or salt-water intrusion. Monitoring wells shall be installed to monitor any groundwater pumping. If groundwater contamination or salt-water intrusion occurs, Lancaster County shall require the mine to be closed immediately and require the mine

operator/landowner to undertake corrective action and pay for any damages resulting from the operation. The mine operator shall be strictly liable for any harm to adjacent lands.

- 3. Additional Submittal Requirements:** The following plans shall be submitted as part of the application:
- a. Truck Routing Plan:** A truck routing plan shall be included as part of a traffic impact analysis (see Chapter 6.3, Traffic Impact Analysis), which ensures:
    - i. Truck traffic through existing residential areas is mitigated or avoided to the maximum extent practicable;
    - ii. The capacity of all truck route roads to carry traffic from the site to arterial or collector roads is evaluated; and
    - iii. Any substandard roads are brought up to adequate standards, both before and after mining activities, as determined by the Administrator and/or South Carolina Department of Transportation (SCDOT).
  - b. Operations Plan:** An operations plan shall identify the specific types of activities that are necessary for successful operation of the use, specific technologies that will be incorporated into the use, potential impacts on adjacent lands and mitigation measures, the size of the operation, the number of employees, and the operating hours of the use.
  - c. End Use Plan:** An end use plan shall be approved that demonstrates after completion of the mining/excavation, the site will be restored. The end use plan shall address the following:
    - i. The ground surface on the site is restored to a condition permitting one of the following uses: agricultural, residential, recreation, or non-residential.
    - ii. If recreation is identified as the restored use, its management is established in the end use plan.
    - iii. Risks from any sub-surface materials to future restored use(s) is identified and mitigated.
    - iv. If surface water will be present, likely chemical water quality shall be identified.
    - v. Where permanent water bodies are created as a result of surface mining, littoral shelves and wetland vegetation are encouraged to promote water quality and natural habitat.
    - vi. A chain link security fence, a minimum of 6 feet in height, shall enclose the entire site. The fence may be placed inside the 100-foot buffer area.
- 4. Final Excavation Plan:** Where surface water features remain, or a depressed area is created during mining/excavation, a final excavation plan shall be submitted that is consistent with the end use plan and approved as part of the Certificate of Completion. The final excavation plan shall demonstrate that sufficient land will remain unexcavated and/or that the excavation will be done in a manner that allows the development to conform to this chapter's requirements without variances.

#### 5.9.7 MINING – MINOR SURFACE RESOURCE EXTRACTION [AR, RR, RN, RUB, GB, RB, INS, LI, HI, M, RMX, MX, IMX]

- A. Specific to Projects Five Acres or Less:** Mining/resource extraction of 5 acres or less shall comply with the following standards:
- 1. Maximum Depth of Excavation:** Land shall be excavated no deeper than 12 feet from

existing grade.

2. **Engineer's Report Required for Disturbance Greater than 10,000 Square Feet:** Any excavation resulting in land disturbance of 10,000 square feet or greater shall provide a certified engineer's report ensuring that drainage and runoff do not adversely impact the property or surrounding properties.
3. **Truck Routing Plan:** A truck routing plan shall be submitted that ensures that truck traffic through residential areas is avoided or mitigated to the extent practicable. Any roads brought to substandard condition due to work on the site as determined by SCDOT and/or the County must be brought up to standard. At a minimum, a road must be returned to its initial condition.
4. **Noise:** Maximum noise at the property line shall not exceed 65 decibels.

#### 5.9.8 PRIVATE RECYCLING COLLECTION STATIONS [INS, LI, HI]

- A. **Separation Requirement:** All outdoor storage, collection, loading, and processing areas must be located a minimum distance of 500 feet from the LDR, MDR, HDR and UR Districts.
- B. **Yard Requirements:** Recycling collection stations shall meet the minimum yard requirements for the district in which they are located.
- C. **Recycling Materials:** All recyclable material must be contained within a defined area or structure and shall not be allowed to spill out into adjacent areas. The recycling collection area shall be kept clean with no accumulation of trash and debris permitted.
- D. **Yard Requirements:** All aspects of the recycling collection station shall be no closer than 50 feet to adjacent property lines.
- E. **Buffering:** Recycling collection stations shall be screened from the street and from adjacent properties with a Type C buffer as set forth in Chapter 7.

#### 5.9.9 PUBLIC RECYCLING AND WASTE COLLECTIONS FACILITIES [RUB, INS, LI, HI]

A community waste collection and recycling facility shall comply with the following:

- A. **Only Residential and Office Waste Accepted:** Only residential and office waste shall be accepted by this use. Commercial, industrial, auto or machinery generated waste shall not be accepted.
- B. **Buffers:** A 100-foot wide buffer with 100 percent opacity is required around the entire property excluding the entrance. Trash bins shall not be visible from any neighboring property or right-of-way.
- C. **Cutoff Lighting:** Only cutoff lighting fixtures shall be used. If the adjacent property is residential, the height of the pole shall not exceed 15 feet from the top of finished grade level.

#### 5.9.10 STORAGE – OUTDOOR STORAGE YARD [RB, LI, HI]

- A. **Separation Requirement:** All outdoor storage yards must be located a minimum distance of 500 feet from the LDR, MDR, HDR, and UR Districts and any parallel conditional district to those districts.
- B. **Screening**
  1. A Type C buffer shall be required in the buffer area along all public rights-of-way and property boundaries with zones other than the LI and HI districts. With approval of the Administrator, existing plant material may be included in the computation of the required plantings.
  2. All stored materials shall be neatly stacked to a height that does not exceed the height of



the required screen, except that those materials stored more than 100 feet from any property lines may be stacked to a maximum height of 35 feet.

3. Site plan approval is required prior to the construction of the screen. Those sides of such businesses that do not require the above-described screen shall be enclosed with a chain-link fence extending from the ground to a height of not less than 6 feet or the above-described screen.

**C. Junk, Salvage, and Scrap Materials Prohibited:** The storage of junk vehicles, scrap metal, or other salvage or waste materials shall be prohibited.

**D. Combustible Materials**

1. Gas and oil and other combustible materials shall be stored in a building of fire proof construction which shall be constructed in full compliance with all applicable provisions of the Lancaster County Code and state law.
2. All gas and oil shall be drained from vehicles stored or placed in any outdoor storage yard.

**E. Environmental Hazards:** All establishments shall be maintained so as not to create environmental hazards (such as oil or gasoline leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife, and/or humans.

**F. Exceptions For Uses Adjacent to Railroads:** Those businesses directly adjoining a railroad right-of-way or rail spur shall be exempt from the following:

1. From the screening requirements in Section 3.9.4.B.1 for those property boundaries that directly adjoin the railroad right-of-way, except that a chain-link fence extending from the ground to a height of not less than 6 feet shall still be required; and
2. From the stacking restrictions in Section 5.9.4.B.5 for all areas of the property further than 100 feet of a public right-of-way and within 400 feet of the railroad right-of-way.

#### 5.9.11 STORAGE – SELF-SERVICE [GB, RB, LI, HI]

**A. Permitted Commercial Activities:** The owner or operator of any self-storage warehouse, or portion thereof, shall not conduct any type of commercial activity except for the following:

1. Leasing of the storage units;
2. Rental and/or sale of moving supplies;
3. Rental and/or sale of moving equipment (the rental or sale of any moving trailers, trucks, or other vehicles shall only be permitted in districts that also permit Vehicle Rental/Sales/Leasing); and
4. Auctions or other sales of property that occur on a strictly temporary basis.

**B. Sale of Personal Goods:** It shall be unlawful for a lessee of any self-storage warehouse, or portion thereof, to sell or offer for sale any item of personal property or to conduct any type of commercial activity of any kind whatsoever, except in auctions organized by the owner or operator of the facility that occur on a strictly temporary basis.

**C. Buffering:** Such facilities must be buffered from adjacent properties with a Type A buffer in accordance with Chapter 7.

**D. Accessory Dwellings:** One accessory dwelling unit for a resident manager or security personnel only shall be permitted on the premises in a detached structure. No portion of any self-storage warehouse shall be used, on a temporary or permanent basis, as a dwelling unit.

#### 5.9.12 STORAGE – WAREHOUSE, INDOOR STORAGE [GB, RB, LI, HI, IMX]

**A. Temporary Storage:** Storage within motor truck trailers, utility trailers, or similar structures

is prohibited under this section except as temporary storage less than 30 days, for unloading and loading, in the rear yard only.

- B. Sale of Goods:** It shall be unlawful for any owner, operator, or lessee of any warehouse or portion thereof to offer for sale, or to sell any item of personal property, or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units.
- C. Dwellings Prohibited:** No portion of any storage warehouse shall be used, on a temporary or permanent basis, as a dwelling.

### 5.9.13 STORAGE – WAREHOUSE INDOOR, RESTRICTED [LI, HI]

#### A. Purpose

1. The Lancaster County Council finds that it is necessary to set forth the appropriate special requirements by which Storage – Warehouse Indoor, Restricted may be established within the unincorporated areas of Lancaster County.
2. Storage – Warehouse Indoor, Restricted, because of the very nature, is recognized as having serious objectionable operational characteristics, particularly when they are located near residential areas or educational, religious, or recreational uses.
3. The County Council finds that the regulation of these uses is necessary to ensure that potential adverse effects do not contribute to the blighting of surrounding neighborhoods and to protect the quality of life in Lancaster County.

#### B. Permitted Location and Size

1. Such uses shall be sited on a parcel of not less than 5 acres.
2. All structures housing hazardous materials shall be of fire resistant construction and meet applicable International Building Code requirements.
3. All storage of hazardous materials shall comply with applicable International Fire Code requirements, as amended.
4. Outside storage of hazardous materials is prohibited.

#### C. Separation Requirements

1. Such uses shall not be located closer than 1,320 feet (or ¼ mile) to any of the following:
  - a. LDR, MDR, HDR, PB, NB, INS, UR, RMX, MX, and IMX Districts; or
  - b. All Residential uses, all Civic uses, and all Educational/Institutional uses as per the Use Table in Section 2.5.3.
2. Such uses located closer than 500 feet from any floodplain or wetland area shall have a berm constructed such that any contaminated runoff of water or other liquids will not enter the floodplain or wetland area.
3. A 3-foot high berm shall encompass the entire property where it adjoins with other properties, except on the frontage or address side of the property where it adjoins a road.
4. Such uses shall not be located closer than 250 feet to any Industry, Restricted except where a single 6-foot high berm and 6-foot high chain-link fence separates the properties and the 250-foot setback is maintained from the property line to all structures and/or roadways and the 300-foot setback is maintained from the property line to any roads or structures within the Industry, Restricted zoned parcel except as required for necessary inspection wells and access routes to inspection wells.
5. Such uses shall not be located closer than 250 feet to any Industrial use.

6. Such uses shall not be located adjacent to Storage - Warehouse Indoor Restricted or Wholesaling and Distribution Restricted.

**D. Required Setbacks**

Such uses shall maintain a 250 feet' setback from the property line to all structures and/or roadway and from roads and sidewalks.

**E. Screening**

1. A minimum 100-foot buffer area is required along all property lines and right-of-way. No materials, processes, or activities, including parking, access roads, or buildings, shall occur in the buffer area. All existing trees within the buffer area shall be preserved, except to allow for construction of necessary road crossings and monitoring of wells.
2. A chain link security fence, a minimum of 6 feet in height, shall enclose the entire site. The fence may be placed inside the 100-foot buffer area.

**F. Vehicular Access**

Vehicular access to the site shall be provided on a major or minor thoroughfare, or on a road improved to necessary industrial capacity as determined by the Administrator.

**5.9.14 WHOLESALING AND DISTRIBUTION**

Wholesaling and distribution shall comply with the following:

- A. Access:** The use shall have direct access onto an arterial or major collector road.
- B. Screening of Outdoor Storage Areas:** The use shall locate outdoor storage areas to the rear of the principal structure to the maximum extent practicable and screen them with a wooden fence or masonry wall no less than 8 feet in height in accordance with Chapter 7. One evergreen shrub shall be installed for every 5 linear feet of fence or wall on the side of the fence or wall facing a neighboring property or public right-of-way.
- C.** The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.

**5.9.15 WHOLESALING AND DISTRIBUTION RESTRICTED [LI, HI]**

**A. Purpose**

1. The Lancaster County Council finds that it is necessary to set forth the appropriate special requirements by which Wholesaling and Distribution Restricted may be established within the unincorporated areas of Lancaster County.
2. Wholesaling and Distribution Restricted, because of the very nature, is recognized as having serious objectionable operational characteristics, particularly when they are located near residential areas or educational, religious, or recreational uses.
3. The County Council finds that the regulation of these uses is necessary to ensure that potential adverse effects do not contribute to the blighting of surrounding neighborhoods and to protect the quality of life in Lancaster County.

**B. Permitted Location and Size**

1. Such uses shall be sited on a parcel of not less than 5 acres.
2. All structures housing hazardous materials shall be of fire resistant contrition and meet applicable International Building Code requirements.
3. All storage of hazardous materials shall comply with applicable International Fire Code requirements, as amended.

4. Outside storage of hazardous materials is prohibited.

**C. Separation Requirements**

1. Such uses shall not be located closer than 1,320 feet (or ¼ mile) to any of the following:
  - a. LDR, MDR, HDR, PB, NB, INS, UR, RMX, MX, and IMX Districts;
  - b. All Residential uses, all Civic uses, and all Educational/Institutional uses as per the Use Table in Section 2.5.3.
2. Such uses located closer than 500 feet from any floodplain or wetland area shall have a berm constructed such that any contaminated runoff of water or other liquids will not enter the floodplain or wetland area.
3. A 3-foot high berm shall encompass the entire property where it adjoins with other properties, except on the frontage or address side of the property where it adjoins a road.
4. Such uses shall not be located closer than 250 feet to any Industry, Restricted except where a single 6-foot high berm and 6-foot high chain-link fence separates the properties and the 250-foot setback is maintained from the property line to all structures and/or roadways and the 300-foot setback is maintained from the property line to any roads or structures within the Industry, Restricted zoned parcel except as required for necessary inspection wells and access routes to inspection wells.
5. Such uses shall not be located closer than 250 feet to any Industrial use.
6. Such uses shall not be located adjacent to Storage - Warehouse Indoor, Restricted or Wholesaling and Distribution, Restricted.

**D. Required Setbacks**

Such uses shall maintain a 250-foot setback from the property line to all structures and/or roadways, and from roads and sidewalks.

**E. Screening**

1. A minimum 100-foot buffer area is required along all property lines and public rights-of-way. No materials, processes, or activities, including parking, access roads, or buildings, shall occur in the buffer area. All existing trees within the buffer area shall be preserved, except to allow for construction of necessary road crossings and monitoring of wells.
2. A chain link security fence, a minimum of 6 feet in height, shall enclose the entire site. The fence may not be placed inside the 100-foot buffer area.

**F. Vehicular Access**

Vehicular access to the site shall be provided on a major or minor thoroughfare, or on a road improved to necessary industrial capacity as determined by the Administrator.

**G. Reclamation Plan Required**

Applicant shall file with the Emergency Management, Fire Rescue, and Register of Deeds a reclamation plan for the site facilities and location. The plan shall indicate any anticipated hazardous materials, secondary materials, spent materials or sludges, or other products which will require reclamation, the name of the applicant, or other entity approved by Lancaster County Council, as the owner and which shall remain the owner and liable for the site forever, or until Lancaster County Council approval is given to release this requirement.

**5.10 AGRICULTURE USES****5.10.1 ANIMAL PRODUCTION FACTORY FARMING [AR]**

**A.** The minimum separation distances are required between this use, including all buildings and structures, and the following uses:

1. 5,280 feet from any municipal boundary
2. 2,640 feet from schools, hospitals, religious institutions, public recreation facilities, and cultural or community facilities
3. 1,320 feet from the nearest off-property residence
4. 100 feet from perennial streams
5. 100 feet from property boundaries
6. 100 feet from well or septic tank

**B.** Such uses shall meet the following requirements:

1. All buildings and structures involved in the operation of the aforementioned uses, including but not limited to, animal barns and decomposition facilities, shall be sited a minimum of 500 feet (measured in a straight line) from the property line on which the production unit is located and on a parcel of land of no less than 100 acres.
2. Signs advertising such use shall be subject to the same regulations as would apply under Chapter 7, Signs, if the property is commercially zoned, except that in no case shall more than one freestanding sign be erected, and that sign shall not exceed 32 square feet in sign surface area.
3. All buildings and structures involved in the operation of the aforementioned uses, including but not limited to, animal barns and decomposition facilities, shall be sited a minimum of 500 feet (measured in a straight line) from the centerline of any road. Parcels upon which the production unit is located shall have direct access via road frontage or indirect access via recorded easement to a major local street. Access roads/easements shall maintain a minimum travel surface of 18 feet and have a width of 30 feet at the entrance intersection with a major local street so as to accommodate truck traffic.

**5.10.2 BACKYARD PENS/COOPS [LDR, MDR, PB, INS, IMX]**

**A. Applicability:** These regulations do not pertain to the keeping of dogs or cats as pets.

**B. Standards for Animals**

- 1. Permitted Animals:** The following animals may be kept in the permitted districts subject to the provisions in this section:
  - a. Small Animals:** Poultry, rabbits, or other similar small creatures subject to the discretion of the Administrator.
  - b. Large Animals:** Horses, ponies, goats, and miniature/pot-bellied pigs, not including swine.
- 2. Prohibited Animals:** Exotic animals such as tigers, lions, bears, leopards, and other similar animals are not allowed in these districts or any other zoning district in Lancaster County.
- 3. Location:** Permitted animals shall only be kept in the rear yard of residential lots.
- 4. Enclosure:** All animals shall be kept in a fenced area, or other enclosure, sufficient to prevent their encroachment on neighboring properties.
- 5. Number of Animals Allowed:**

Lot size	Number of animals allowed
Residential lots (1 acre-2 acres)	Per the discretion of the Administrator
Residential lots (2 acre-3 acres)	Maximum of 10 small animals or 1 large animal
Residential lots (greater than 3 acres)	Additional animals shall be permitted at the rate of 10 small animals OR 1 large animal per additional acre over 3 acres.*

**5.10.3 FARMER'S MARKETS AND ROADSIDE STANDS [ALL DISTRICTS]**

- A.** Shall not be permitted along any four-lane, or higher, divided section of road with an average annual daily trip rate (AADT) of more than 30,000 trips.
- B.** Shall be located on private property. The written permission of the property owner shall be required prior to issuance of a permit for a roadside stand.
- C.** Minimum setbacks shall be 15 feet from any property line.
- D.** Signage shall meet the standards of Chapter 7. No off-premise signs shall be permitted. Signs shall be removed when the roadside stand is removed.
- E.** A driveway encroachment permit shall be required from the SCDOT or Lancaster County, as appropriate. Vehicle parking shall be accommodated without interfering with the safe flow of traffic on adjacent roads.
- F.** All display stands, shelters, etc. associated with the roadside stand shall be temporary and moveable. No permanent structures shall be permitted.
- G.** In addition to produce, roadside stands may also sell products such as flowers, firewood, and seafood.
- H.** Be operated by a governmental agency, non-profit agencies, or one or more farm producers.
- I.** At least 50 percent of the vendors must be farmers, fishermen, and other agricultural producers who sell produce, eggs, plants, flowers, local seafood, and other value-added farm products such as jams, jellies, and honey.
- J.** Shall be required to obtain a driveway encroachment permit from the SCDOT or Lancaster County, as appropriate. Vehicle parking shall be accommodated without interfering with the safe flow of traffic on adjacent roads.

- K. If located on private property, must receive written permission from the property owner. If located on public property, must receive written permission from the governmental agency.

#### 5.10.4 WINERIES

- A. The minimum lot size for such uses shall be 5 acres in size.
- B. The applicant shall provide a copy of an approved permit from the State of South Carolina Department of Revenue, Alcohol Beverage Licensing. All winery uses shall also comply with applicable agency requirements such as SCDHEC requirements.
- C. **Operational Standards**
  - 1. On-premise sale of wine and wine consumption (tasting room and accessory retail limited to 1,500 square feet, days and hours of operation limited to Monday thru Saturday from 10:00 AM to 7:00 PM).
  - 2. Daily tours limited to Monday thru Saturday from 10:00 AM to 7:00 PM;
  - 3. Special events, including festivals (limited to 5 special event permits per calendar year, no more than 10 consecutive days). Special events permits shall be issued only if adequate parking and sanitary facilities are provided to serve the proposed use or activity in accordance with the requirements of the UDO.

### 5.11 INFRASTRUCTURE USES

#### 5.11.1 AIRSTRIP/AIRPORT [INS, HI]

Private airstrip/airports shall provide the Administrator a copy of the Federal Aviation Administration (FAA) Form 7480 prior to Certificate of Compliance.

#### 5.11.2 GEOTHERMAL ENERGY SYSTEMS [ALL DISTRICTS]

- A. **General:** Geothermal heat exchange systems are permitted as an accessory use in all zoning districts.
- B. **Location:** Geothermal heat exchange systems must be located entirely within the lot lines of the subject property or within appropriate easements.

#### 5.11.3 SOLAR ENERGY SYSTEMS [ALL DISTRICTS]

- A. **General:** Accessory solar energy systems must comply with all applicable building and electrical code requirements.
- B. **Building-Mounted Solar Energy Systems**
  - 1. Building-mounted solar energy systems may be mounted on principal and accessory structures.
  - 2. All applicable setback regulations apply to building-mounted solar energy systems. Systems mounted on principal structures may encroach into interior side and rear setbacks in accordance with Chapter 1.
  - 3. Only building-integrated and/or flush-mounted solar energy systems may be installed on street-facing building elevations.
  - 4. Solar energy systems may not extend more than 3 feet above the applicable maximum building height limit for the subject building type or more than 5 feet above the highest point of the roofline, whichever is less.

**C. Ground-Mounted Solar Energy Systems**

1. In residential zoning districts, ground-mounted solar energy systems may not be located in a required street setback or street yard area.
2. Ground-mounted solar energy systems may be located within required interior side and rear setbacks.
3. Ground-mounted solar energy systems are subject to applicable accessory structure height and lot coverage regulations.

**5.11.4 SOLAR FARMS**

**A. Applicability:** The purpose of this subsection is to provide standards for fixed-panel photovoltaic solar farms consisting of ground-mounted solar panels that capture energy from the sun and convert it to electricity. The provisions of this section are based on a ground-mounted photovoltaic facility using a construction technique and panels that support the flow of rainwater between each module and the growth of vegetation beneath the arrays, thereby limiting the impacts of stormwater runoff with minimal disturbance to the existing ground and grading of the site. Based on solar farm designs, the use is low intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use is compatible in rural agricultural areas and industrial uses.

**B. Setbacks/Height:** Solar farms shall be setback from adjacent street right-of-way at least 50 feet. In addition, solar power plant structures must be located at least 150 feet from all residentially zoned property or residential uses. Additional setbacks may be required to mitigate noise and glare impacts or to provide designated road or utility corridors, as identified in the review process. Structures shall not exceed 20 feet in height.

**C. Landscaping/Screening Requirements:** In addition to setbacks, screening shall be required by providing landscape within the buffer which achieves a minimum height of 10 feet within 3 years. The intent is to provide sufficient screening, through a combination of buffers, fencing, landscaping, and/or landscaped berms to obscure the solar equipment from exterior view from adjoining property owners and public right of ways.

A visually opaque screen shall be provided for any adjacent property that is residentially zoned or residential use. An opaque screen is intended to exclude a visual contact with the solar equipment from any protected property, street or public right of way. An opaque screen may be composed of a fence, landscaping, landscaped berm, or combination thereof. Natural areas as detailed below may also be used to meet screening requirements.

Natural areas: An existing vegetated area located on the same property as the solar farm; is within or includes the required buffer; and is of sufficient height, length, and depth and contains adequate and sufficient healthy vegetation to provide a visually opaque screen where required. The Administrator may determine that further screening improvements shall not be required.

**D. Fencing:** A security fence shall be required at least 8 feet in height to secure the solar equipment unless a taller fence is needed in order to obscure the solar equipment from exterior view; the fence can be on top of the berm in order to achieve this goal. A chain link fence shall not be allowed unless it is screened from exterior view from adjoining property owners and public right of ways; screening may include plantings to create a "living fence", or to obscure the view of the fence. Breaks in fencing may be allowed or required to facilitate wildlife needs where natural features provide appropriate barriers to access by humans for security and safety purposes.

**E. Construction and Operation:** The design, construction, and operation of the facility shall



minimize soil disturbance to the maximum extent possible and shall not substantially alter drainage from the site nor prohibit continued use of the site for wildlife passage.

**F. Application Requirements:**

1. A site plan shall denote the dimensions of the parcel, proposed solar farm location (arrangement of panels), distance from the proposed area to all property lines, and location of the driveway(s). No portion of the system area may encroach into the required setbacks and any buffer area(s).
2. The site plan should also identify setbacks and any project boundary buffer(s), access routes, and proposed road improvements.
3. The site plan should show any adjacent existing inhabitable structures and residentially zoned property or residential uses; existing utilities, pipelines, and transmission lines; proposed utility lines; utility and maintenance structures; existing topographic contours; proposed grading; areas of natural vegetation removal; revegetation areas and methods; existing and proposed drainage; erosion control; any floodplains or wetlands; and other relevant items identified by the Administrator or Planning Commission.
4. Horizontal and vertical (elevation) to-scale drawings with dimensions must be submitted. The drawings must show the location of the system on the property.
5. State and local Stormwater permits may be required based upon ground cover.
6. All facilities shall be required to obtain all necessary permits from the South Carolina Department of Health and Environment Control and all applicable federal permits.

**G. Installation and Design**

1. Approved Solar Components – Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
2. Compliance with Building and Electrical Code – All solar farms shall meet all requirements of the International Building Code with South Carolina Amendments.
3. Lighting – Lighting of the solar facility and accessory structures shall be limited to the minimum necessary and full cut-off lighting may be required when determined to be necessary to mitigate visual impacts.
4. Glare - No facility shall produce glare that would constitute a nuisance to occupants of neighboring properties or person traveling neighboring roads.
5. Noise - No noise shall be produced that exceeds 45 dBA, as measured at any existing neighboring residence.
6. Buffers and Landscaping – The facility must comply with Chapter 7 buffers and landscaping requirements.
7. Clearly visible warning signs shall be placed on the fence/facility perimeter to inform individuals of potential voltage hazards.

**H. Height Restrictions and FAA Hazard Review:** Compliance with any applicable McWhirter Field Aviation Overlay requirements and the ability to comply with FAA regulations pertaining to hazards to air navigation must be demonstrated.

- I. **Decommissioning Plan:** The plan shall describe the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the project, including evidence of proposed commitments with affected parties (County, any lessor, or property owner, etc.) that ensure proper final reclamation of the solar

energy project. Among other things, revegetation and road repair activities should be addressed in the plan.

#### 5.11.5 WIRELESS COMMUNICATIONS FACILITY [AR, RR, RN, RUB, MH, LDR, MDR, PB, NB, GB, RB, INS, LI, HI, M, UR, HDR, RMX, MX, IMX]

**A. Scope:** This section shall regulate all communications broadcasting, towers, support structures, antennas, broadcast receiving facilities and equipment, and any combination thereof, except the following:

1. Television sets.
2. AM and FM radio receivers.
3. Amateur (HAM) radio receivers and transmitters.
4. Citizen band (CB) radio receivers and transmitters, cellular telephones, pagers, and similar personal communication devices.
5. Facilities which qualify as accessory structures as per Chapter 1.

**B. Permitted Locations:** The following wireless telecommunications facilities are permitted, as outlined in Section 2.5.3 provided they meet the supplemental use standards in this section.

Height of Proposed Facility	Use Allowance	Permitted Districts	Other Permitted Locations (in any district)	Additional Standards
60' or Less And Concealed	PR	All Districts except OSP	Government facilities; Public parks and utility structures; Within any building or structure whose primary purpose is not to support communications equipment, such that the facility is completely concealed.	Setbacks shall be the same as for any principal or accessory structure in the district.
60.01'-199.99'	PR	PB, NB, GB, RB, INS, LI, HI, M	n/a	The facility shall be camouflaged in a manner so as to reflect the characteristics of the neighborhood or its environs as approved by the Administrator.
60.01'-199.99'	SE	AR, RR, RN, RUB, MH, LDR, MDR, UR, HDR, RMX, MX, IMX	n/a	The facility shall be camouflaged in a manner so as to reflect the characteristics of the neighborhood or its environs as approved by the Board of Zoning Appeals.
200' and Over	SE	LI, HI, M	n/a	The facility shall be camouflaged in a manner so as to reflect the characteristics of the neighborhood or its environs as approved by the Board of Zoning Appeals.

**C. Prohibited Locations:** No new Telecommunications Facilities shall be permitted within 300 feet of any residential use.

- D. Co-Location:** Co-location is an arrangement whereby more than one user occupies a single tower or structure. In order to maximize the use of towers and to reduce the number of towers needed to serve the community, the following co-location requirements shall apply to all users, except accessory uses to a residence.
1. Co-location on a previously-approved tower is permitted provided that all conditions of the previously-approved permit are complied with.
  2. Co-location on a building or substantial structure, such as a water tower, shall effect a waiver of any requirement, but all other applicable provisions of this section, and the ordinance, shall be met and be approved by the Technical Review Committee. The TRC may require that additional information be filed if it is in doubt as to whether or not a given proposal is in keeping with the spirit of the ordinance. In an effort to further the purpose stated above, Lancaster County encourages co-location on its facilities.
  3. Where a new tower is proposed, documentation shall be required to substantiate why the proposed antenna(s) and/or equipment cannot be accommodated on a previously-approved tower due to one or more of the following reasons:
    - a. The planned equipment would exceed the structural capacity of previously approved towers, considering their existing and planned use, and those towers cannot be reinforced to accommodate the planned or equivalent equipment at a reasonable cost; or
    - b. The planned equipment would cause radio frequency interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost; or
    - c. Previously approved towers do not have space on which the planned equipment can be placed so it can function effectively and reasonably in parity with the existing and/or planned equipment of the present user(s); or
    - d. Other reasons which make it impractical to place the planned equipment on previously approved towers. Such reasons shall be explained and documented in detail.
  4. Where a new tower is proposed and sufficient reasons for a new tower exist, favorable consideration will be given to towers designed to accommodate other future users. Documentation shall be required describing the capacity of the proposed tower in terms of today's technology (including the number and type of antennas that it can accommodate). Approval of such new tower will be conditioned on space being made available to such fixture users at a reasonable fee and any necessary costs of adapting the facilities to the proposed future use.
  5. Where a new tower is proposed and sufficient reasons for a new tower exist and the tower will not be designed to accommodate other future users, documentation justifying the proposal shall be required.
  6. Towers shall not be closer than 2,640 feet (or ½ mile) to another such use. This requirement may be waived upon certification by the applicant that technical needs require a closer placement and approved by the Administrator. Favorable consideration for closer placement may also be given for proposed new towers if the location where the tower and any accessory buildings are proposed can be screened by existing vegetation, land forms, or structures.
- E. Setbacks (Use Separation Requirements):** The minimum tower setback from any property line shall be:
1. Equal to the height of the tower; or

2. The Fall Zone shall be determined by an engineer certified by the State of South Carolina in a letter which includes the engineer's signature and seal. The applicant/owner of the proposed tower shall own/lease the entire Fall Zone. No Habitable Structures are allowed in the Certified Fall Zone. The only structures which will be allowed to be constructed within the Fall Zone of a tower will be those structures which are considered to be accessory to the tower. Such structures include, but are not limited to, storage, maintenance, and equipment buildings.
  3. For towers not exceeding 80 feet in height:
    - a. Equal to the engineer-approved guy point distances for guy-wire-supported towers, or
    - b. Equal to  $\frac{1}{2}$  the tower height for self-supporting towers; or
  4. For a steel monopole tower with a base diameter greater than or equal to 1 foot, equal to  $\frac{1}{2}$  of the height of the tower, provided that a professional engineer certifies that the tower is of sufficient strength to withstand hurricane-force winds of a velocity that have occurred, or can be expected to occur, in the area, and that should winds of greater velocity occur, the design of the tower is such as to bend rather than fall; provided that in no case shall a tower in excess of 150 feet in height be setback less than 50 feet from any property line. This requirement shall not apply to communications equipment co-located on facilities located in the public right-of-way (such as telephone poles and light standards) or electric power company easements as long as all other applicable requirements of the ordinance are met. Accessory buildings and structures on lots shall meet the setback requirements for same in their district.
- F. Security:** Security fencing at least 6 feet in height shall be installed around the base of the tower or the tower shall be equipped with an engineer-certified anti-climb device. Published data or documentation for an anti-climb device must be provided to support such device and must be of such nature to enable the building inspector to easily determine that the anti-climb device has been installed in accordance with such data, otherwise a professional engineer must certify that the anti-climb device has been properly installed. This requirement shall not apply to communications equipment co-located on facilities located in the public right-of-way (such as telephone poles and light standards) or electric power company easements as long as all other applicable requirements of the ordinance are met.
- G. Signs:** No business signs, billboards, or other advertising shall be installed on the tower or security fencing.
- H. Lighting:** Towers shall not be artificially lighted unless required by the Federal Aviation Administration or other federal or state authority, and in no case shall exceed the required minimum. Every effort should be made to obtain waivers to FAA coloring and lighting requirements if such waivers would not affect aircraft safety. To the extent allowed by the FAA, strobes shall not be used for night time lighting. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to construction of the tower, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.
- I. Abandonment:** Any tower that ceases to be used for communications broadcasting and/or broadcast receiving as permitted by this ordinance for a period of more than 6 months shall be removed by the owner of the wireless communication facility. This removal shall occur within 180 days of the end of such 6-month period. Upon removal, the site shall be re-vegetated to blend with the existing surrounding vegetation.
- J. Screening:** Where the tower is not an accessory use and the site abuts or is visible from residentially-developed land, residential zoning districts, or a street designated as a major thoroughfare by the current Lancaster County Comprehensive Plan, except for fence and wall entrances, the security fencing described in provision 5.11.3 F, above, shall be screened with

healthy plants which possess growth characteristics of such a nature as to produce within 5 years a planting screen not less than 6 feet high that will obscure objects behind the screen at a distance of 50 feet. This planting screen shall be installed within 90 days of construction of the security fencing and shall be maintained as required herein for the life of the tower. Alternatives may be permitted by the Board of Zoning Appeals based on security or other reasons without the necessity of following the variance procedure. This screening is required in addition to any other screening required by other sections of the UDO. The Board of Zoning Appeals may impose this requirement on accessory uses when appropriate. This requirement shall not apply to communications equipment co-located on facilities located in the right-of-way (such as telephone poles and light standards) or electric power company easements as long as all other applicable requirements of the ordinance are met.

#### **K. Design**

- 1.** Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques should be evaluated, taking into consideration the site as built.
- 2.** Freestanding towers shall be screened, constructed, and/or colored to blend, as much as possible, with the area and the background against which they are most commonly seen.
- 3.** The Administrator may specify the type of construction (monopole versus lattice, etc.) as a requirement of the Permit with Review in cases where it is determined that a particular type of construction is better suited for a particular area for safety and/or aesthetic reasons.
- 4.** Towers and antennas on a building or substantial structure shall be screened, constructed, and/or colored to match the structure to which they are attached. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character or color.
- 5.** Where an antenna or antennas are co-located on a structure such as a light standard, telephone pole, fence pole, etc., the height of the structure supporting the antenna(s) shall not exceed the average height of similar structures in the vicinity by more than 10 percent.

#### **L. Accessory Buildings, Structures, and Uses**

- 1.** These are subject to applicable district requirements.
- 2.** Outside storage in conjunction with these uses is permitted only in the LI and HI districts.

**M. Site Plan:** A site plan demonstrating compliance with these regulations and meeting the requirements of Chapter 9 must be submitted to, reviewed, and approved by the TRC.

**N. Required Permits:** A building permit, a zoning permit, and planning review permit are required. No permit application shall be considered for the location of a wireless communication transmission facility on property not either leased or owned by the applicant or for which a contingent lease or purchase contract is in place. The amount of land either purchased or leased shall be equal to the amount of land necessary to meet the Fall Zone area. To show this requirement has been met, the applicant shall provide the County with a sealed site plan clearly delineating the leased or owned area and a lease agreement or deed. Both of these documents must be recorded with the Lancaster County Register of Deeds.

## **5.12 OTHER USES**

**5.12.1 TEMPORARY USES [ALL DISTRICTS]**

All permitted temporary uses listed in this section require a Temporary Use Permit that shall be reviewed and issued by the Administrator subject to the following requirements:

- A. Separation Requirement:** Except for yard sales, Christmas tree sales, and produce stands, no temporary use shall be located closer than 100 feet to a dwelling unit unless the owners of such properties provide written consent of the temporary use to the Administrator.
- B.** Plans for security and safety must be provided for civic/cultural events prior to receiving a Temporary Use Permit.
- C.** The sponsor, owner, or manager of any temporary use shall be responsible for ensuring that the site remains free of debris or waste upon the conclusion of each day's sale or use.
- D.** No more than one temporary use shall be permitted per lot at any given time.
- E. Exemption for Annual Fairs on County, City, or School Property:** Fairs or other special recreational or entertainment events which usually occur on an annual basis and are held in the following locations shall be allowed at these locations and are hereby exempt from the provisions of this section:
  1. Lancaster County Fairgrounds,
  2. Public parks, if authorized by the Administrator; and
  3. School or college grounds, if authorized by the School Superintendent or College President.

**5.12.2 TEMPORARY USES ALLOWED IN ALL DISTRICTS**

Use	Maximum Duration for Each Use or Event (per site)	Permitted Location(s)
Yard or garage sales	2 days – 6 days per year maximum	Any lot with an occupied residential dwelling – No temporary use permit required
Civic/cultural events (sponsored by a governmental agency, non-profit group, or places of assembly)	30 days per year maximum – no renewal for 3 months	All districts
Christmas tree and ornament sales	45 consecutive days – no renewal within 1 year	All districts
Temporary uses associated with construction (including contractor's office, equipment/storage sheds, security watchman temporary office/residence, and mobile office space for displaced workers during construction)	During construction period, 1 year permit – annual renewal if warranted	All districts, subject to requirements in 5.12.4
Temporary real estate office	See 5.12.4.D below	All districts, subject to requirements in 5.12.4.D
Temporary relocation mobile homes for displaced residents	1 year, except by extension when authorized by the Administrator	Within a designated redevelopment or a disaster area, subject to requirements in 5.12.4.E
Temporary use recreational vehicle or travel trailer	1 year – up to 1 year extension when authorized by the Administrator	All districts, subject to requirements in 5.12.4.F

**5.12.3 TEMPORARY USES LIMITED TO SPECIFIC DISTRICTS**

Use	Maximum Duration for Each Use or Event (per site)	Permitted Districts
Annual fairs, festivals, carnivals, or similar types of events	14 days – no renewal within 1 year	NB, GB, RB, INS, and MX
Special recreational or entertainment events	1 day – no renewal within 1 month	NB, GB, RB, INS, and MX
Outdoor bazaars and tent sales	3 days – no renewal within 6 months	NB, GB, RB, INS, and MX
Temporary food vendors on private property	90 days – no renewal within 1 month	NB, GB, RB, INS, and MX
Special sales or seasonal flea markets*	5 days – no renewal within 6 months	NB, GB, RB, INS, and MX
Weekend flea markets**	Fridays, Saturdays, and Sundays only – annual renewal required	RB and LI only

\* When conducted exclusively as part of the permanent business or industrial use on the same lot, a Temporary Use Permit is not required. See additional standards in Section 5.12.4.C.

\*\* See additional standards in Section 5.12.4.C.

**5.12.4 TEMPORARY USES WITH SPECIFIC REQUIREMENTS****A. Temporary Uses Associated with Construction**

1. A contractor's office, equipment/storage sheds, security watchman's office/residence, and/or mobile office space for displaced workers may be placed in any district temporarily on the site of construction for a development for which a Certificate of Zoning Compliance and Building Permit have been issued.
2. Temporary offices for displaced office workers shall be allowed only on the construction site and for the specific purpose of providing temporary relocation office space required during construction activities involving renovation, expansion, or reconstruction of an existing facility.
3. Such uses shall be located at least 5 feet from other structures and 15 feet from adjacent property lines.
4. Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one year as if approved by the Administrator. All temporary construction buildings and trailers shall be placed on the site no earlier than 90 days prior to construction and shall be completely removed from the site within 30 days of issuance of a Certificate of Occupancy or completion of the project, whichever comes first.

**B. Special Sales or Seasonal Flea Markets**

1. **Exemption:** When such uses are conducted exclusively as part of a business or industrial use on their lot, parking area, or private sidewalk, a temporary use permit is not required. Such uses shall not be limited in length of time that they may be conducted except that they shall only be conducted on an occasional or seasonal basis. The standards given below for such uses shall still apply.
2. Such uses shall be conducted or authorized by an existing permanent business or industrial use which is in a permanent structure.
3. Such uses shall only be allowed on the lot with the permanent business or industrial use, except as provided in 4 below.

4. Such uses may be allowed on parking areas on the same lot as the permanent business or industrial use, or on abutting property with parking areas that serve the permanent business or industrial use.
5. Such uses may be conducted within the front yard and may include the occasional use of temporary tents, other similar structures, or vehicles used for purposes of displaying and selling merchandise, including utility or trucktrailers or trucks.

**C. Weekend Flea Markets**

1. All such uses shall be located at least 250 feet from any MH, LDR, MDR, HDR, and/or UR district, however, this requirement shall not apply to properties located across streets/highways of 4 or more lanes or across railroad rights-of-way.
2. Other uses to be housed within the confines of the flea market (such as restaurants, amusements, storage, etc.) must comply with the district requirements for those uses.
3. Such uses may include the use of temporary tents, tables, other similar temporary structures, and/or vehicles used for purposes of displaying and selling merchandise, including trucks or utility/truck trailers. Temporary tents, tables, etc., shall be removed from the site after the close of business for the weekend.
4. Permanent accessory structures shall be limited to office and bathroom facilities.
5. No structures of any type shall be located closer than the established setbacks for the district.
6. No vehicles shall be parked closer than 5 feet to any adjoining property line.
7. There is no minimum parking requirement, but adequate turf or surfaced parking must be provided on-site, except in the IMX district.
8. Outdoor trash and recycling facilities shall be provided as otherwise required by the ordinance.
9. The site shall be maintained in a clean and orderly fashion at all times. Dumpsters and other waste containers must be emptied when full, during operating hours, and at least once a week.
10. No overnight camping shall be permitted on the flea market site.
11. An annual temporary use permit is required.

**D. Temporary Real Estate Office**

1. A construction trailer, temporary modular unit, or model dwelling unit may be used as a real estate sales office in a new residential development of 20 or more units or lots in a residential subdivision.
2. Temporary real estate offices in a construction trailer, temporary modular unit, or model dwelling unit shall be allowed in any new construction project in any district, provided that such structure shall be used for the sale of units within that project only.
3. Only one such temporary structure per builder or developer shall be allowed for use as a real estate sales office.
4. Temporary real estate offices in construction trailers or temporary modular units may remain on the site for no more than one year or until 80 percent of the units for the project are completed, whichever occurs first.

**E. Temporary Relocation Mobile Homes for Displaced Residents:** Residents displaced as a result of a natural or manmade disaster, or a publicly-sponsored redevelopment project in a neighborhood or area, shall be allowed provided they meet the following requirements:



1. Temporary mobile homes may occupy designated disaster areas or redevelopment project areas only. Mobile homes shall only be allowed to occupy redevelopment project areas, as designated by County Council, following an advertised public hearing.
2. The mobile homes shall be permitted for not more than 2 years.
3. The mobile homes shall be properly installed according to state requirements and connected with public utilities as set forth in Lancaster County ordinances.
4. The mobile homes shall be located at least 30 feet from one another or other structures.
5. Each mobile home unit shall be accessible to public service and emergency vehicles as determined and approved by the Administrator.
6. Adequate provision shall be made for parking and waste management in compliance with County ordinances and policies.

**F. Temporary Recreational Vehicle or Travel Trailer**

1. This use is for a single temporary recreational vehicle or travel trailer (RV) located on a residential site during construction/rehabilitation of the principal building when occupied by owners of the site. This is an administratively-issued Temporary Use Permit.
2. An active building permit for the principal building on the property is a prerequisite for a permit to conduct this temporary use. Progress towards completion of the project is essential in order to continue to hold this permit, and lack thereof over a period of 3 months or more shall be sufficient grounds for revocation of this temporary use permit.
3. The RV may be used for dwelling purposes including, but not limited to, sleeping and major cooking activities.
4. The initial permit shall cover one year (unless revoked for reasons stated above). A one-year extension may be authorized by the Administrator when circumstances merit same.
5. The RV shall be located completely on private property and shall not impede access by emergency vehicles to the property or any adjoining properties.
6. The RV shall be occupied by the owner of record of the property on which it is located.
7. Use of public utilities and disposal of waste generated by the RV shall comply with all applicable County ordinances and policies.

**5.12.5 TEMPORARY USES NOT LISTED**

If a Temporary Use Permit is sought for a use other than a specific use listed in the table above, the Administrator shall have the authority to determine which of the use categories above most closely resembles the use or activity in question. In the event that a particular use is not listed, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this section. If the Administrator determines that a materially similar use does exist, the regulations governing the similar use shall apply to the particular use not listed. The Administrator's decision shall be recorded in writing. Should the Administrator determine that a materially similar use does not exist, this section may be amended to establish a specific listing for the use in question through the text amendment process established in Chapter 9.