

1 INTRODUCTORY PROVISIONS **DRAFT 7.24.16**

1.1 LEGAL PROVISIONS

1.1.1 TITLE

These development ordinances and map delineating the location and use of land for trade, industry, housing, recreation, and other uses, and dividing such uses into zones or zoning districts each with design and development standards, shall be known as the Unified Development Ordinance, or UDO.

1.1.2 AUTHORITY

The development regulations contained in the UDO have been adopted pursuant to the authority conferred by the South Carolina Code of Laws, as amended. Specifically, principal authorization comes in the South Carolina Code of Laws, Title 6, Chapter 29 (South Carolina Local Government Comprehensive Planning Enabling Act of 1994), as amended. The Lancaster County UDO also uses powers granted in other sections of the South Carolina Code of Laws, as amended, relating to particular types of development or particular development issues.

1.1.3 JURISDICTION

The provisions of the UDO shall apply within the boundaries of Lancaster County, South Carolina and outside of the incorporated jurisdictions, as identified on the Zoning Map of Lancaster County. A digital copy of the Zoning Map is on file with the Administrator of this ordinance. The map and its boundaries shall be incorporated and made a part of this ordinance.

1.1.4 PURPOSE AND INTENT

The regulations contained in the UDO have been adopted in accordance with the Comprehensive Plan for Lancaster County, South Carolina, as adopted, in order to:

- A. Promote a strong, diverse economy that supports a wide variety of businesses and enterprises.
- B. Provide sustainable, well-managed growth that maintains quality of life, protects open space and environmental quality, retains the natural character of the region, and maximizes the efficiency of the infrastructure investments.
- C. Promote a safe and healthy environment with good air and water quality.
- D. Support increased collaboration among jurisdictions on issues that transcend boundaries, including growth management, transportation, and environmental concerns, in a manner that recognizes both regional and local needs.
- E. Promote community leadership and cooperative volunteerism for all residents.
- F. Create high quality educational opportunities that are available to all residents.
- G. Encourage community and stakeholder collaboration in development decisions, which are predictable, fair, and cost effective.
- H. Preserve open space, farmland, natural beauty, and critical environmental areas.
- I. Strengthen and direct development towards existing communities.
- J. Encourage mix of land uses with compact building design and walkable neighborhoods.
- K. Create a range of housing opportunities and choices.
- L. Foster distinctive, attractive communities with a strong sense of place.

1.1.5 CONSISTENCY WITH ALL ADOPTED PLANS AND POLICIES

A. PLANS AND POLICIES

In accordance with South Carolina Code of Laws, Title 6, Chapter 29, as amended, all development plans and subdivision master plans shall be in conformance with all adopted plans and policies (including comprehensive plans, transportation plans, neighborhood plans, open space and greenway plans, corridor plans, or any other plan adopted by the Lancaster County Council).

B. PLAN IMPLEMENTATION

The UDO is intended to apply the goals, policies, and implementation actions of the Comprehensive Plan for Lancaster County as adopted on December 8, 2014 and any plans, policies, and resolutions incorporated by reference into that document.

C. UDO AND COMPREHENSIVE PLAN AMENDMENTS

Any amendments to, or actions pursuant to, this ordinance should be consistent with the Comprehensive Plan. The Comprehensive Plan for Lancaster County may be amended, and this Unified Development Ordinance and the incorporated Zoning Map should reflect those changes.

D. VARIATIONS TO ADOPTED PLANS

Specific alignments, locations, or areas of public facilities noted in any adopted plan may be varied on a site by site basis as requested by the developer or the Administrator, provided the integrity of the proposed network and connections, location, or area shown in the plan are maintained. Such variations are subject to the authority of the appropriate approving agency as described in Chapter 9.

E. CONFLICTS WITH ADOPTED PLANS

In the event of a conflict or inconsistency between this ordinance and any adopted plans, the requirements of this ordinance shall take precedence.

1.1.6 REQUIRED CONFORMANCE WITH THIS ORDINANCE AND OTHER LAWS

- A.** No land or structure shall be used or occupied, and no structure or parts shall be constructed, erected, altered, or moved, unless in conformity with all of the regulations herein specified for the zoning district in which it is located and all other applicable local, state, and federal laws. Every building erected, moved, or structurally altered shall be located on a lot conforming to the requirements of the district.
- B.** From and after the adoption of the UDO, no real property lying within the unincorporated areas of Lancaster County shall be subdivided except in conformance with all applicable provisions of the UDO. In addition, after the effective date of the UDO, no plat for subdivision of land within the unincorporated areas of Lancaster County shall be certified for recording by the Administrator until it has been submitted and approved in accordance with the provisions of the UDO.
- C.** All existing lots of record, platted prior to the adoption of this ordinance and upon which no buildings have been erected, shall be grandfathered upon the date of adoption of this ordinance and shall not be subject to the new lot standards herein. However, buildings upon such lots shall be subject to standards in this ordinance, including all related site improvements.
- D.** All development approvals granted in accordance with the UDO and other County ordinances and policies in effect prior to the effective date for this ordinance established in Section 1.1.11, shall have until two (2) years to complete the approved development under the terms of the previous ordinances and policies. After such time, all development must be completed in accordance with the provisions of this UDO.

1.1.7 TRANSITIONAL PROVISIONS

The following transitional provisions shall apply to various activities, actions, and other matters pending or occurring as of the effective date of this ordinance.

A. CONTINUATION OF PERMITS AND APPROVALS ISSUED UNDER PREVIOUS ORDINANCES

Any approval or permit issued for a building, development, or use of property prior to the effective date of the UDO, or any amendment thereto, shall continue to be valid according to the terms of the ordinance(s) under which such approval or permit was granted. If such building, development, or use of property does not comply with the requirements in this ordinance, it shall be subject to the standards of Chapter 9 as a nonconforming use or structure.

B. CONTINUATION OF VIOLATIONS

Any violation of any previous ordinance of Lancaster County shall continue to be a violation under this ordinance and shall be subject to the penalties set forth at the time of the violation, unless the use, development, construction, or other activity is clearly consistent with the express terms of this ordinance.

C. COMPLETION OF CURRENT DEVELOPMENT PLANS UNDER PREVIOUS ORDINANCES

1. Permit Issued

Any building or development for which a permit was issued prior to the effective date of the UDO, or any amendment thereto, may be completed in conformance with the issued permit and other applicable permits and conditions.

2. Application Filed

- a. Any type of land development application which has been officially filed with the appropriate County official prior to the effective date of this ordinance or any amendment thereto, may continue to be processed under the land use rules and regulations in effect prior to said date.
- b. The application approval process for such applications must be completed within 2 years of the filing date.
- c. If the application approval process is not completed within the specified time, then the application process may be completed only in strict compliance with the requirements of this ordinance.
- d. The specified time may be extended at the discretion of the Administrator due to delays in approvals from agencies external to Lancaster County.

1.1.8 CONFLICT WITH OTHER LAWS

- A. This ordinance is not intended to abrogate any other law, ordinance, or regulation. However, wherever the requirements of this ordinance are in conflict with other requirements of laws of the United States or the State of South Carolina, or with other lawfully adopted County rules, regulations, ordinances, and policies, the most restrictive, or that imposing the highest standards, shall govern.
- B. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easement, covenants, or other agreements between parties. However, where the regulations of this chapter are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this ordinance shall govern. Unless deed restrictions, covenants, or other contracts directly involve Lancaster County as a party in

- C. interest, the County shall have no administrative responsibility for enforcing such deed restrictions or covenants.
- D. In the event of a conflict or inconsistency between the text of the UDO and any caption, figure, illustration, or map contained herein, the text shall control.

1.1.9 SEVERABILITY

It is the legislative intent that, in adopting this ordinance, all of its provisions shall be liberally construed to protect and preserve the peace, health, safety and general welfare of Lancaster County. It is the further legislative intent of the County Council that this ordinance shall stand, notwithstanding the invalidity of any part, and that, should any provision of this ordinance be held to be unconstitutional or invalid, such holding shall not be construed as affecting the validity of the remaining provisions.

1.1.10 INTERPRETATION

In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations and are adopted for the promotion of the public health, safety, and general welfare.

1.1.11 EFFECTIVE DATE

Many provisions herein are a restatement of previous provisions of the zoning, subdivision, and other officially adopted ordinances. Those provisions are hereby continued without interruption. All other provisions of this ordinance shall become effective (insert date), 2016.

1.2 ZONING MAP

1.2.1 OFFICIAL ZONING MAP

- A. **Zoning Districts:** The boundaries of each zoning district are shown on a map entitled "Lancaster County Official Zoning Map" which is hereby made a portion of this ordinance.
- B. **Overlay Districts:** Certain overlay districts such as the Carolina Heelsplitter Overlay District, Carolina Thread Trail Overlay District, Cluster Subdivision Overlay District, Equestrian Oriented Subdivision Overlay District, Hazardous Liquid Pipeline/Rail Overlay District, Highway Corridor Overlay District, and McWhirter Field Aviation Overlay District are hereby established and incorporated by reference.
- C. **Administration and Maintenance of Zoning Map:** The Official Zoning Map shall be maintained in the Lancaster County Planning Department. The Administrator shall separately maintain the digital files that comprise the map. All map amendments will also be contained within these digital files.

1.2.2 INTERPRETATION OF BOUNDARIES

When uncertainty exists with respect to the boundaries or districts as shown on the Official Zoning Map, the following rules shall apply:

- A. District boundary lines are generally intended to be along or parallel to property lines, lot lines, the center line of street, alleys, railroads, easements, other rights-of-way, and creeks, streams, or other water channels.
- B. In the absence of specified distances on the map, dimensions or distances shall be determined by the scale of the Official Zoning Map.
- C. Where the Zoning Map shows a district boundary dividing a lot, each part of the lot shall conform to the standards established by this ordinance for the land development or overlay district in which that part is located.

- D. When the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, the Administrator shall interpret the district boundaries of this ordinance in accordance with Chapter 9.

1.3 ZONING DISTRICTS

1.3.1 GENERAL USE ZONING DISTRICTS

The following general use zoning districts are established and applied to property as set forth on the Official Zoning Map:

Rural Districts

- **AR** Agricultural Residential
- **RR** Rural Residential
- **RN** Rural Neighborhood
- **RUB** Rural Business
- **MH** Manufactured Housing

Special Districts

- **INS** Institutional
- **OSP** Open Space Preservation
- **LI** Light Industrial
- **HI** Heavy Industrial
- **M** Mining

Transitional Districts

- **LDR** Low Density Residential
- **MDR** Medium Density Residential
- **PB** Professional Business
- **NB** Neighborhood Business
- **GB** General Business
- **RB** Regional Business

Neighborhood Mixed-Use Districts

- **UR** Urban Residential
- **HDR** High Density Residential
- **RMX** Residential Mixed-Use
- **MX** Mixed-Use
- **IMX** Industrial Mixed-Use

1.3.2 OVERLAY DISTRICTS

The following overlay districts are established and applied to property as set forth on the Official Zoning Map:

- **CHO** Carolina Heelsplitter Overlay
- **CTTO** Carolina Thread Trail Overlay
- **CSO** Cluster Subdivision Overlay
- **ESO** Equestrian Oriented Subdivision Overlay
- **HLPRO** Hazardous Liquid Pipeline/Rail Overlay
- **HCO** Highway Corridor Overlay
- **MFAO** McWhirter Field Aviation Overlay

Note: Standards for flood damage prevention and river buffers are included in Chapter 8 Natural Resources Protection.

1.3.3 LEGACY DISTRICT

The following district is referred to as a legacy district:

- **PDD** Planned Development District

This district exists in the former Chapter 2 Zoning Districts and Zoning Map, and will eventually be replaced with a UDO zoning district in 1.3.1. No new legacy district may be added to the Official Zoning Map, nor may any boundary of an existing legacy district be modified. Refer to Appendix A, Legacy Planned Development Districts (PDD), for PDD district numbers, names, and ordinance numbers; and development agreement ordinance numbers, as applicable.

1.4 GENERAL PROVISIONS

1.4.1 APPLICABILITY

The provisions of this chapter shall apply generally to all development regardless of the underlying zoning district provisions.

1.4.2 INTERPRETATION OF DIMENSIONAL AND DENSITY STANDARDS

When any requirement of this ordinance results in a fraction of a unit, a fraction of $\frac{1}{2}$ or more shall be considered a whole unit and a fraction of less than $\frac{1}{2}$ shall be disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, any fractional component shall be disregarded and rounded down to the nearest whole number.

1.4.3 BASIC LOT AND USE STANDARDS

A. LOT DIVISIONS

1. **Lot Lines:** Unless otherwise noted on an existing lot on record or natural features such as streams, side lot lines shall be substantially at right angles to straight street lines and radial to curved street lines for a minimum distance of 100 feet from the front lot line.
2. **Corner Lots:** Corner lots and lots abutting a sidewalk for residential uses shall have extra width to permit appropriate building setback from and orientation to both streets.
3. **Lot Remnants:** All remnants of lots below the minimum required size for the district that are left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

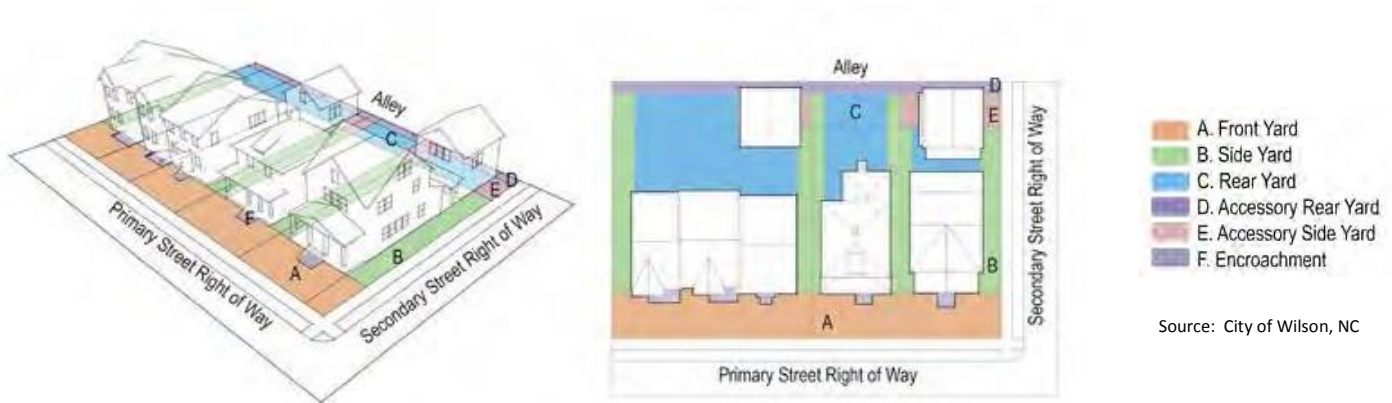
B. LOTS TO FRONT ON STREET OR APPROVED PUBLIC SPACE

1. **Stormwater Lots:** Lots platted for the sole purposes of being sites for stormwater control structures or as conservation areas shall not be required to abut a street. Adequate access by easement shall be provided.
2. **Commercial or Mixed-Use Lots:** Commercial or mixed-use buildings (as defined in Chapter 10) may be erected or used on a lot which does not abut a dedicated street provided that the lot is part of a development in which other individual lots abut a street, and provided the lot fronts one of the following:
 - a. A privately-maintained drive in a public parking area, or
 - b. An approved open space or park shared with other lots, or
 - c. Some other designated area used in common with other lots.
3. **Alley Access Residential Lots:** With provision of alley access, residential lots may front upon a public open space, but access shall be of sufficient design to allow for the provision of emergency services.
4. **Other Lots:** All other lots shall front upon a street right-of-way constructed to the infrastructure standards given in Chapter 6.

C. INTERPRETATION OF DIMENSIONAL STANDARDS

1. **Yard Requirements**
 - a. **General:** A building, structure or lot shall not be developed, used or occupied unless it meets the minimum yard requirements for the district, and any applicable overlay district, in which it is located.

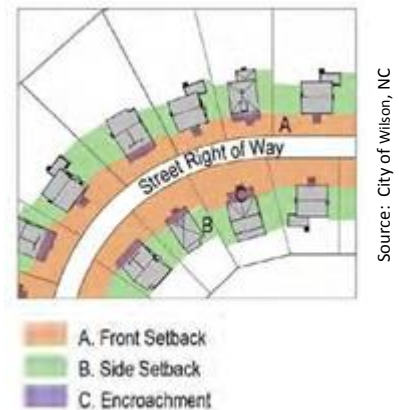
- b. **Calculating Yards:** The minimum yard is the area defined by measuring perpendicularly from, and along the entire boundary of, the lot line (property line) to the building line as shown in the diagram below:



- c. **Assumed Right-of-Way:** Where no right-of-way exists, or if the right-of-way is only inclusive of the street pavement, then the front setback shall be measured from an assumed right-of-way line that is parallel to the edge of pavement and setback a minimum of 10 feet. This calculation is for setback calculation purposes only and does not represent any expressed or implied taking of property.

2. Irregular Lot Setbacks

- a. **General:** The location of required front, side and rear yards (or setbacks) on irregularly shaped lots shall be determined by the Administrator. The determination will be based on the intent and purpose of this ordinance to achieve an appropriate spacing and location of buildings and buildings on individual lots. Where questions arise as to appropriateness, the subdivider may be requested to provide additional design information.
- b. **Setbacks Along Thoroughfares:** Setbacks along thoroughfares shall be measured from the future right-of-way only if there is a specifically-adopted corridor plan that shows, at a minimum, the horizontal alignment of the future roadway, pedestrian and bicycle amenities, streetscape and necessary right-of-way.



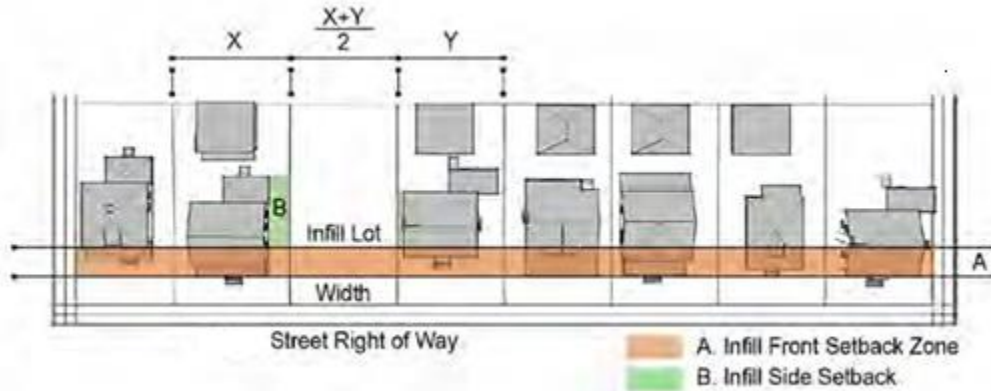
1.4.4 INFILL LOT AND HOME ADDITIONS

A. INFILL LOTS

1. **Front Yard and Street Yard:** The minimum front or street yard required may be reduced for any lot where the average established front yard on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less than the minimum required yard. In such cases, the minimum front or street yard may be less than that required, but not less than the average of the

existing front yards on the developed lots within 300 feet of each side.

- 2 **Side Yard and Lot Width:** For existing vacant lots and for new lots created from existing larger lots, the lot width at the front line and the side yard setbacks shall be consistent with the immediately adjacent neighboring parcels on the same side of the street.



Source: City of Wilson, NC

B. ADDITIONS TO DWELLINGS

1. **Garage Additions:** The required front or street yard for any garage additions to single family homes or duplexes shall be the average established front yard on developed lots located within 300 feet on each side of the proposed addition and fronting on the same street as the proposed addition.
2. **All Other Additions:** All other additions to single family homes shall comply with the front and street setbacks established for that district in Chapter 2 and Chapter 3.

1.4.5 ENCROACHMENTS

The features listed below may encroach into a required yard.

- A. **Arcades:** Building arcades, if provided, should be designed to avoid the swing of car doors parked parallel to the arcade. In addition, the sidewalk within the arcade should be sufficient to accommodate the intended uses (i.e. outdoor seating) while providing suitable clearances per the Americans with Disabilities Act Accessibility Guidelines (ADAAG).
- B. **Awnings and Canopies:** All awnings and canopies, if provided, shall be supported by means of a frame attached directly to the building receiving beneficial use of the awning. In no case shall awnings be supported by a frame attached to a sidewalk or other public right-of-way. Awnings may encroach up to 6 feet into any required front or street yard. Where the required front or street yard is less than 6 feet, awnings may encroach over the sidewalk, but shall not encroach into the street tree planting area or across the street edge of the sidewalk. All awnings and canopies shall allow for a minimum height clearance of at least 8 feet.
- C. **Bay Windows and Balconies:** Bay windows, balconies and similar features projecting from the principal building may encroach up to 3 feet into any yard. Lots with side setbacks less than 10 feet shall not encroach into side setbacks.
- D. **Cornices and Gutters:** Cornices and gutters may encroach up to 2 feet into rear required yard.
- E. **Fences & Garden Walls:** Fences and garden/yard walls may encroach into required yards but, if higher than 2 feet, may not be placed within the site visibility triangle of a street, private street or driveway contained either on the property or on an adjoining property. See Section 6.14.1.J concerning the sight visibility triangle.

- F. **Handicapped Ramps:** Ramps for handicap accessibility and fire escapes that are required by the International Building Code may encroach into any required yard, but may not be closer than 3 feet to any property line.
- G. **Decks and Patios:** Uncovered and unenclosed decks, patios and other similar above grade features not exceeding an average finished-height-above-grade of 30 inches may encroach into the side and rear setback, but may not be closer than 15 feet to any property line. Lots with side setbacks less than 10 feet shall not encroach into side setbacks.
- H. **Swimming Pools:** Outdoor swimming pools may encroach to within 15 feet of a side or rear property line adjoining a street right-of-way, and to within 5 feet of any other side or rear property line.
- I. **Public Rights of Way Encroachments (Air Rights):** With approval of the County or SCDOT (whichever has authority over a street), upper story balconies or bay windows may encroach into the right of way, but shall be a minimum of 3 feet behind the curb, and shall allow for a minimum height clearance of at least 8 feet when such encroachments protrude over a sidewalk or pedestrian path.
- J. **Porches, Steps and Stairs:** Unenclosed porches and above-grade steps and stairs may encroach up to 7 feet into any required front or side yard. The Administrator may waive this requirement and allow any steps and stairs as deemed necessary for pedestrian access to lots with steep topography. Lots with side setbacks less than 10 feet shall not encroach into side setbacks.

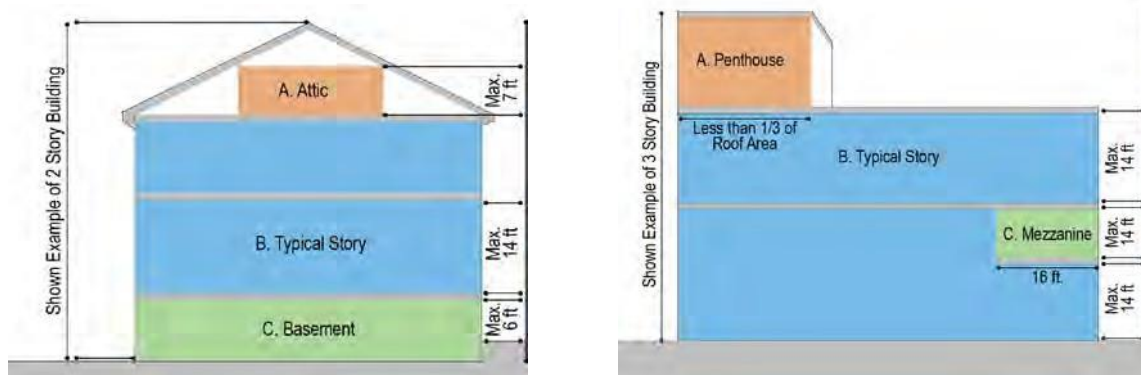
1.4.6 MEASUREMENT OF HEIGHT

Building heights shall be as specified in Chapter 2 and 3 shall be determined according to the provisions below.

A. STORY

A story is a habitable level within a building of no more than 14 feet in height from finished floor to finished ceiling. Unoccupied attics less than 7 feet in height and raised basements less than 6 feet in height (as measured from the average grade of the fronting sidewalk) are not considered stories for the purposes of determining building height. A mezzanine shall be considered a story if it is contiguous with at least 60% of the building’s front facade, is designed to be occupiable, and maintains an average depth of at least 16 feet. A penthouse shall be considered a story if it exceeds 1/3 of the area of the roof. The under-roof area with dormers does not count as a story.

Unfinished space beneath the base floor elevation of structures which are raised to meet base floor elevation requirements in floodplains are not considered stories for the purposes of determining building height.



Source: City of Wilson, NC

B. DIMENSIONAL HEIGHT STANDARDS FOR STRUCTURES

Where a specific dimension is used in the calculation of height, it shall be measured from the highest ground level at the structure foundation to the highest point of the structure, excluding chimneys and antennas.

C. ITEMS NOT INCLUDED IN HEIGHT CALCULATIONS

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas (provided evidence from appropriate authorities is submitted to the effect that such building or buildings will not interfere with any airport zones or flight patterns). See Section 4.2.1, McWhirter Field Aviation Overlay District, and Chapter 5, Use Regulations, for additional height limitations related to airports zones and communications towers.

1.4.7 ACCESSORY USES AND STRUCTURES

The purpose of this section is to establish standards for accessory uses and structures in Lancaster County’s land use jurisdiction. Except as provided elsewhere in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move or replace any accessory use or structure without first obtaining a Certificate of Zoning Compliance from the Administrator.

A. GENERAL

1. **Accessory Uses and Structures:** Accessory uses and structures may only be used for purposes permitted in the district in which they are located.
2. **Not for Dwelling Purposes:** Accessory structures shall not be used for dwelling purposes except as approved Accessory Dwelling Units (see Section 5.2.3)
3. **Building Permits May Be Required:** Depending on the size of the structure and the incorporation of various improvements (e.g., electrical, plumbing), a building permit may also be required.

B. LOCATION, MAXIMUM NUMBER AND MAXIMUM AREA

Standards	Single-Family/Two-Family Lots – Less than ½ Acre	Single-Family/Two-Family Lots – ½ Acre to 2 Acres	All Other Uses and Lots Larger than 2 Acres
1. Permitted Location	Side/rear yard only	Side/rear yard only	Permitted in all yards – may not be closer than 30 ft to right-of-way
2. Maximum Number Permitted	2	2	No maximum
3. Maximum Building Footprint	750 sq. ft. per structure; Aggregate area no greater than 75% of the principal structure	1500 sq. ft. per structure; Aggregate area no greater than 75% of the principal structure	No maximum

C. OTHER REQUIREMENTS

1. **Distance to Single Family Dwelling:** No accessory uses and/or structures shall be closer than the distance specified in the currently-applicable building code to a single family dwelling; except that an unenclosed (open on all sides) carport and/or an unenclosed breezeway no wider than 9 feet at its widest point may be attached to or placed any distance from a principal building.
2. **Lighting:** Exterior lighting for accessory uses and/or structures shall meet the requirements by which principal structures are governed as set forth in Chapter 7.

D. EXCEPTIONS

The following accessory uses are exempt from the locational requirements of this section and the setback requirements in Chapter 2 as noted below:

1. Transit shelters and bicycle racks may be located in the front or side yard as necessary.
2. Backflow preventers and other customary utility structures may be located in the front yard as necessary.
3. Gatehouses and gazebos, including security gatehouses, may be located in the front yard provided they do not have a footprint greater than 100 square feet.
4. Neighborhood entrance ground signs may be located in the front or side yard of a lot according to the standards of Chapter 7.
5. Neighborhood gatehouses including security gatehouses, may be located in the front yard provided they do not have a footprint greater than 100 square feet.
6. Up to 2 small accessory uses and and/or structures, child play structures or backyard pens/coops located in the side or rear yard are exempt from the limitations in Chapter 2. To be considered exempt, such accessory buildings shall not, under the International Building Code, be required to obtain a building permit.

E. WIRELESS TELECOMMUNICATION FACILITIES AS ACCESSORY STRUCTURES

The following facilities shall be allowed as accessory structures provided they are “related to” and “customarily incidental” to the principal use and or structure:

1. Television satellite dishes,
2. Antennas and their support structures (including combinations of the two) 60 feet in height or less.
3. Antennas and their support structures (including combinations of the two) more than 60 feet in height, but less than 100 provided such structures are accessory to a residence.