

## 4 OVERLAY DISTRICTS **DRAFT 9.2.16 WITH PROPOSED EDITS 10.3.16**

### 4.1 GENERAL PROVISIONS

#### 4.1.1 DISTRICT INTENT STATEMENTS

For purposes of managing certain environmentally sensitive or visually important geographic areas, certain overlay districts have been established to impose design, use, or other standards in addition to the requirements of the underlying base district.

#### 4.1.2 OVERLAY DISTRICTS DESCRIPTIONS

OVERLAY DISTRICT	DESCRIPTION
<b>ENVIRONMENTAL OVERLAYS</b>	
<b>A. McWhirter Field Aviation Overlay</b>	Designed to restrict development within and adjacent to the flight paths of McWhirter Field that may pose a hazard to aviation.
<b>B. Carolina Heelsplitter Overlay</b>	Imposes certain restrictions on new development that drains into the Six Mile Creek Watershed Basin to protect the endangered species and its habitat.
<b>C. Pipeline Overlay</b>	<del>Established to protect the general public from unnecessary risk, promote public health, safety, and welfare associated with transmission pipelines corridors by providing a margin of restricted use within close proximity to hazardous pipelines.</del>
<b>CORRIDOR OVERLAYS</b>	
<b>A. Carolina Thread Trail Overlay</b>	Established to preserve and develop the proposed greenway corridors identified in the Lancaster County Carolina Thread Trail Greenway Master Plan, 2011.
<b>B. Highway Corridor Overlay</b>	Creates design standards for all parcels fronting on or within 1,000 feet of the right-of-way of U.S. Highway 521 from the state line to Highway 75 (Waxhaw) and parcels that front Highway 160.
<b>CHARACTER PROTECTION OVERLAYS</b>	
<b>A. Cluster Subdivision Overlay</b>	Alternative to traditional subdivision design, with the principle purpose being to encourage open space and conservation in Medium Density Residential District. Site planning technique concentrates buildings and structures to the most buildable areas, preserving the remaining area as open space for recreation and preservation of significant site features.
<b>B. Equestrian Oriented Subdivision Overlay</b>	Established for residential developments with an emphasis on equestrian activities and amenities; i.e. Black Horse Run development.

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

## 4.2 ENVIRONMENTAL ~~HAZARDOUS~~ OVERLAYS

### 4.2.1 MCWHIRTER FIELD AVIATION OVERLAY DISTRICT (MFA0)

#### A. PURPOSE AND INTENT

The McWhirter Field Aviation Overlay District is established to set height and land use limitations for airport safety within the vicinity of McWhirter Field in accordance with the Airport Layout Plan. The intent of the McWhirter Field Aviation Overlay is to promote the health, safety, and general welfare of the residents of Lancaster County. The following requirements pertain to the compatibility of land uses within the vicinity of McWhirter Field as well as height considerations of structures and natural vegetation such as trees. All applicable requirements meet the Code of Laws of South Carolina, as amended, and are adopted under authority granted by South Carolina Code of Laws, Title 55, Section 55-9-240 and Section 55-9-260, as amended.

#### B. DISTRICT BOUNDARIES AND APPLICABILITY

This ordinance shall be applicable to the area designated with Lancaster County in the vicinity of McWhirter Field as shown on the map entitled McWhirter Field [Aviation Overlay](#) Land Use ~~Restriction and Limitation~~ Zones Map as incorporated with the Official Zoning Map as maintained by the Lancaster County Planning Department.

#### C. PERMITTED USES AND DETERMINATIONS OF COMPATIBILITY

As an overlay, the McWhirter Field Aviation Overlay supplements standards established elsewhere in the UDO. Any use permitted in the underlying zoning district, set forth in Chapter 2 of the UDO, shall be permitted in the McWhirter Field Aviation Overlay District provided it complies with the provisions of Section D, Height Restrictions and Limitations, and Section E, Land Use Restrictions and Limitations. However, if a use is compatible with the Airport Land Use Compatibility Guidance, but is not permitted in the base zoning district, such use is not allowed.

The South Carolina Airport Compatible Land Use Evaluation (CLUE) Tool is an online map that evaluates the location of developments within the McWhirter Field Aviation Overlay District. Title 55 of the South Carolina Code, as amended, requires the South Carolina Aeronautics Commission (SCAC) to develop and provide maps of airport-specific Safety Zones and Land Use Zones via the CLUE tool to local jurisdictions owning or located near publicly-owned airports, and requires jurisdictions to notify SCAC of certain land use changes in these zones. The intent of these requirements is to enhance the level of land use compatibility near all public-use airports in South Carolina. The CLUE tool is accessible to the public at [www.scaeronautics.com/CLUE](http://www.scaeronautics.com/CLUE).

#### D. HEIGHT RESTRICTIONS AND LIMITATIONS

##### 1. Height Restriction Zones Established

In order to carry out this ordinance, certain zones are hereby created and established by FAR Part 77, which includes [all](#) of the land lying beneath the approach surfaces, primary surface, transitional surfaces, horizontal surface, and conical surface as they apply to the current Airport Layout Plan for McWhirter Field. Such zones are shown on the McWhirter Field Aviation Overlay Land Use Zones [as incorporated with the Official Zoning](#) Map. An area located in more than one of the following zones is considered to be only in the zone with the ~~more~~ [most](#) restrictive height limitation. The various Airspace Zones are hereby established and defined as follows:

- a. **Approach Zones:** The approach zones are the areas beneath the Part 77 approach surfaces, as defined by Part 77, §77.19(d), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.
- b. **Primary Zone:** The primary zone is that area of the primary surface, as defined by Part 77, §77.19(c), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.
- c. **Transitional Zones:** The transitional zones are the areas beneath the Part 77 transitional surfaces, as defined by Part 77, §77.19(e), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.
- d. **Horizontal Zone:** The horizontal zone is the area beneath the Part 77 horizontal surface, as defined by Part 77, §77.19(a), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.
- e. **Conical Zone:** The conical zone is the area beneath the Part 77 conical surface, as defined by Part 77, §77.19(b), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

## 2. Height Limitations

No structure or tree shall be erected, altered, allowed to grow, or maintained in the airport zones to a height in excess of the height limit as determined by the aerial contours appearing on the McWhirter Field Aviation Overlay Land Use Zones Map or referred to in Section 4.2.1.D of this Document. If a tree is determined to be an airport hazard, Lancaster County will coordinate with the property owner(s) to bring such tree into conformance with this ordinance.

## E. LAND USE RESTRICTIONS AND LIMITATIONS

### 1. Land Use Restriction Zones Established

In order to carry out this ordinance, certain zones are hereby created and established, which include land lying beneath the Airport Land Use Zones as they apply to the current Airport Layout Plan for McWhirter Field. Such zones are shown on the McWhirter Field Aviation Overlay Land Use Zones Map. An area located in more than one of the zones described herein is considered to be only in the zone with the ~~more~~ most restrictive limitation. The various Airport Land Use Zones are hereby established and defined as follows:

- a. **Zone A:** Zone A is the Runway Protection Zone, as defined in the Federal Aviation Administration Advisory Circular 150/5300-13A, Section 310, or in successor FAA advisory circulars.
- b. **Zone B1:** Zone B1 is that portion of the Approach Zone to where each approach surface is 150 feet of height above their respective runway end elevations, not including Zone A.
- c. **Zone B2:** Zone B2 is that portion of the Approach Zone, from the outer edge of Zone B1 to the end of the Approach Zone, or 10,000 feet from inner edge of the Approach Zone, whichever it reaches first.
- d. **Zone C1:** Zone C1 is formed by offsetting the primary surface edge outward by 1,050 feet, and extending each of its ends to its respective runway end's Approach Zone, or extended and squared off at the outer edge of Zone B1, whichever that extension reaches first.
- e. **Zone C2:** Zone C2 is formed by offsetting the primary surface edge outward by 1,050 feet, and extending each of its ends to its respective runway end's Approach Zone, or

extended and squared off at the outer edge of Zone B1, whichever that extension reaches first.

- f. **Zone D:** Zone D is that ~~area~~ portion of the Transitional and Horizontal Zones not part of Zones A, B1, B2, ~~or~~ C1 or C2.
- g. **Zone E:** Zone E is identical in area, dimensions, and location to the Conical Zone.
- h. **Zone F:** Zone F is a 6 mile boundary from McWhirter Field that prohibits new Municipal Solid Waste Landfills (MSWL) within Zones A, B1, B2, C1, C2, D, E, and F.

## 2. Land Use Limitations

Such applicable land use limitations are hereby established for each of the Airport Land Use Zones in order to prevent incompatible land uses which would compromise aeronautical activity at McWhirter Field, to protect people and property on the ground in case of an accident, to limit population and building density in the runway approach areas, to create sufficient open space, and to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from McWhirter Field and minimize injury to the occupants of aircraft involved in accidents. The following land use limitations within Zones A, B1, B2, C1, C2, D, ~~and~~ E, and F shall apply to those portions of the parcel contained within the underlying zones as indicated on the attached McWhirter Field Aviation Overlay Land Use Zones Map.

Table Key moved to page 4-7.

## McWhirter Field Land Use Compatibility Guidance \*

Airport Land Use Zone Designation	Zone A	Zone B1 & C2	Zone B2	Zone C1	Zone D	Zone E	Zone F
<b>Agriculture, Farming and Animal Keeping</b>							
Crop Production-Dry and Irrigated Farming	C 1,2	P	P C 2	C 1,2	P	P	P
Specialty Crops, Nurseries/Greenhouses, Landscape Materials	-	P	P	-	P	P	P
Row-Crop Processing and Packaging, Wineries	-	P	P	-	P	P	P
Animal Processing and Packaging	-	C 2,3	P	-	P	P	P
Truck Farming, Roadside Stands, Farmers Markets	-	C 2,3	C 2,5	-	P	P	P
Pasture and Rangeland Grazing	-	P	P	P	P	P	P
Animal Feed Lots (Commercial Hogs, Dairies)	-	P	P	-	P	P	P
Animal Feed Lots (Commercial Poultry)	-	-	-	-	P	P	P
Game Preserves, Fish Farming	-	-	C 2	-	P	P	P
Feed Lots, Stockyards, Animal Commodity Sales Yards	-	C 2	C 2	-	P	P	P
Animal Hospital, Veterinary Clinic, Kennels, Pet Boarding	-	C 3	C 5	-	P	P	P
Equestrian Facilities, Exotic Animals	-	C 3	C 5	-	P	P	P
<b>Public Use Facilities, Institutions and Utilities</b>							
Civic-Use Convention Center, Auditorium, Concert Hall	-	-	-	-	C 1,2	P	P
Schools, Hospitals, and Correctional Facilities	-	-	-	-	C 1,2	P	P
Libraries, Museums, Churches, Day Care, Social/Civic Clubs	-	-	-	-	C 1,2	P	P
Parks, Athletic Fields, Playgrounds, Picnic Areas	-	-	-	-	C 1,2	P	P
Cemeteries	-	P	P	-	P	P	P
Public Utilities (Excludes Electric Power Plants, Lines)	-	C 1,2	C 1,2	-	C 1,2	C 1,2	P
Electric Power Plants and Overhead Transmission Lines	-	C 1,2	C 1,2	-	C 1,2	C 1,2	P
Solid-Hazardous Waste, Landfills (Excludes Transfer Stations)	-	-	-	-	-	-	-
Recycling	-	C 2,3	C 2,5	C 2	C 2	C 2	P
<b>Residential</b>							
Single Family Residential	-	C 2,4,7	C 2,4,7	-	C 7	P	P
Multi-Family Residential, Mobile Home Units/Parks	-	C 2,4,7	C 2,4,7	-	C 2,6,7	P	P
Group Homes, Convalescent Facilities, Nursing/Family Care	-	-	-	-	C 2,6,7	P	P
Apartments, Duplexes, Townhomes, Condominiums	-	C 2,4,7	C 2,4,7	-	C 2,6,7	P	P
Temporary Housing	-	C 2,4,7	C 2,4,7	-	C 2,6,7	P	P

(P) Permitted Land Use

(C) Conditional Land Use

(-) Prohibited Land Use

\* See Table Key on page 4-7

## McWhirter Field Land Use Compatibility Guidance \*

Airport Land Use Zone Designation	Zone A	Zones B1 & C2	Zone B2	Zone C	Zone D	Zone E	Zone F
<b>Commercial Recreational</b>							
Swimming Pools, Water Park, Water Slides	-	-	P	-	P	P	<a href="#">P</a>
Gyms, Health Spas, Indoor Theaters, Auditoriums	-	-	C 5	-	C 6	P	<a href="#">P</a>
Bowling Alleys, Skating Rinks, Dance and Pool Halls, Arcades	-	-	C 5	-	C 6	P	<a href="#">P</a>
Outdoor Theaters, Amusement Parks, Carnivals, Fairs	-	-	-	-	C 6	P	<a href="#">P</a>
Golf Courses, Tennis Courts	-	-	P	-	P	P	<a href="#">P</a>
<b>Commercial Business, Retail, and Services</b>							
Aeronautical Businesses	-	-	P	P	P	P	<a href="#">P</a>
General Retail Stores/Complexes, Restaurants, Convenient	-	-	P	-	P	P	<a href="#">P</a>
General Offices, Executive Offices, Research Facilities	-	C 3	C 5	C 4	P	P	<a href="#">P</a>
Vehicle Sales, Building and Lumber Materials, Food-Beverage	-	-	C 5	-	P	P	<a href="#">P</a>
Appliance-Equipment Repair Facilities, Vehicle Wash	-	C 3	C 5	C 4	P	P	<a href="#">P</a>
Shopping Malls and Centers, Home Improvement Centers	-	-	C 5	-	C 6	P	<a href="#">P</a>
Banks, Financial Institutions	-	-	C 5	-	C 6	P	<a href="#">P</a>
Gasoline Service Stations	-	-	P	-	P	P	<a href="#">P</a>
Modular Self-Storage Facilities, Mini Storage Units	-	C 3	C 5	C 2	P	P	<a href="#">P</a>
Personal Health Clinics, Well-Being and Care Facilities	-	-	C 5	-	P	P	<a href="#">P</a>
Motels, Hotels, Bed and Breakfast	-	-	C 4	-	C 6	P	<a href="#">P</a>
RV Parks, Camping Areas	-	-	C 4	-	P	P	<a href="#">P</a>
Mass Transit Facility/Depot	-	-	C 5	P	C 6	P	<a href="#">P</a>
Broadcast Studios	-	-	P	-	P	P	<a href="#">P</a>
<b>Commercial Industrial, Manufacturing &amp; Warehousing</b>							
Manufacturing Facilities, Industrial Plants, Warehousing	-	-	C 5	C 4	C 6	P	<a href="#">P</a>
Warehouse, Wholesale, Distribution	-	C 3	C 5	C 4	C 6	P	<a href="#">P</a>
Heavy Industrial/Manufacturing	-	-	C 5	-	C 6	P	<a href="#">P</a>
Light Industrial/Manufacturing	-	C 3	C 5	C 4	C 6	P	<a href="#">P</a>
Petroleum and Chemical Product Dealers-Bulk Storage	-	C 3	C 5	-	C 6	P	<a href="#">P</a>
Mining-Sand, Gravel, Fill Dirt	-	-	C 1,2	-	C 1,2	C 1,2	<a href="#">P</a>

(P) Permitted Land Use

(C) Conditional Land Use

(-) Prohibited Land Use

\*See Table Key on page 4-7

**(P) Permitted Land Use:** The associated land use groups are at a level of intensity or density, or location, which ~~is~~are not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use.

**(C) Conditional Land Use:** The associated land use groups are at a level of intensity or density, or location, which is not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use, contingent upon attainment of conditions presented (See Conditional Uses Below). The descriptions below are based on dwelling units per acre or number of persons per acre, not on the number of persons per building.

1 - Allowed only if use does not interfere with normal Airport operations (as defined by the FAA/South Carolina Aeronautics Commission).

2 - Prohibits uses that constitute a hazard to flight, including but not limited to tall physical objects, glare, dust, or other visual or electric interference to a pilot and aircraft, and uses that may attract hazardous wildlife.

3 - ~~Use intensity restricted to 5 or less persons per acre; or equivalent per household.~~ Low density up to 4 dwelling units per acre; or 10 persons per acre.

4 - ~~Use intensity restricted to 15 or less persons per acre; or equivalent per household.~~ Medium density 5-10 dwelling units per acre; or 10-25 persons per acre.

5 - ~~Use intensity restricted to 25 or less persons per acre in structures/buildings; and 50 or less persons per acre outdoors.~~ High density more than 10 dwelling units per acre; or more than 25 persons per acre.

6 - Use intensity restricted to 100 or less persons per acre.

7 - Residential land uses permitted, with Residential Fair Disclosure required.

**(-) Prohibited Land Use:** The associated land use groups are at a level of intensity or density, or location, which presents a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use.

### 3. Other Land Use Requirements

- a. New residential subdivisions and new residential uses located within McWhirter Field Aviation Overlay Land Use Zones A, B1, B2, C1, C2, and/or D require a Residential Fair Disclosure Statement in the purchase contract or rental agreement upon the selling or renting of a residential structure. The Residential Fair Disclosure Statement should state:

“This subject property and residential structure considered for purchase or rental located at [insert physical address] is located within 10,000 feet of McWhirter Field. Information regarding McWhirter Field can be received from Lancaster County.”

- b. Future applications made to Lancaster County requesting approval of manmade structures, which also require filing a notice with the FAA as per Part 77, §77.9, of Title 14 of the Code of Federal Regulations, or in successor federal regulations, shall first submit a FAA form 7460-1, “Notice of Proposed Construction or Alteration”, to the FAA for a review of impacts to airspace in the vicinity of the Airport, prior to placing of the request on the Planning Commission meeting agenda. If the FAA determines an adverse impact to the Airport’s airspace may occur, the FAA decision should serve as governing height limitation for such a man-made structure.

## F. NONCONFORMITIES

### 1. Nonconforming Uses – Regulations Not Retroactive

- a. This regulation shall not be construed to require the alteration of any lot or removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction or intended use of any property or structure for which the construction or alteration was started or for which a building permit was acquired prior to the effective date of this ordinance.
- b. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to allow the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Lancaster County Airport Commission to indicate to the operators of aircraft in the vicinity of the airport the presence of such obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the McWhirter Field. Reference FAA Advisory Circular 70-7460-1K, or successor advisory circulars, for further guidance.

### 2. Existing Structures

Except as specifically provided in this section, it is not permissible for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. Physical alteration of structures or the placement of new structures on open land is unlawful if they result in an increase in the total amount of space devoted to a nonconforming use or greater nonconformity with respect to land use limitation.

- 3. **Abandoned Structures:** Whenever the Administrator determines that a nonconforming structure has been abandoned or more than 80 percent torn down (or damaged more than 80 percent of the current County tax value), physically deteriorated, or decayed, no permit shall be granted that would allow such structure to otherwise deviate from the height and land use regulations.
- 4. **Temporary Structures:** Temporary structures constructed or erected incidental to a development, and solely used for the designated purpose, can only remain while needed and for a maximum of one year.

## G. PERMIT REQUIREMENTS

### 1. Permits Required – Existing Uses

Before any existing use or structure may be replaced or substantially altered within any area of the McWhirter Field Aviation Overlay Land Use Zones Map, a permit shall be secured authorizing such replacement, change, or repair. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change, or repair of an existing, structure shall be granted.



## 2. Permits Required – Future Uses

- a. No change shall be made in the use of land or increasing or establishing a structure or tree unless a permit has been applied for and granted by the Administrator. Each application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use or structure would conform to the regulations prescribed in this article.
- b. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with Chapter 9 Administration.
- c. No building permits will be approved for the construction of any new structures within the McWhirter Field Aviation Overlay Land Use Zones Map established in Sections D.1 and E.1, and as depicted on the McWhirter Field Aviation Overlay Land Use Zones Map unless recommended by the Lancaster County Planning Department and Zoning Department.

No permit of any type shall be issued for any development, building permit, or activity subject to parcel areas underlying McWhirter Field Aviation Overlay Land Use Zones Map Zone A and Zone B1 herein defined, until Lancaster County has an opportunity to be ~~awarded~~ granted an aviation easement by the property owner(s) in a form prescribed by the Lancaster County Airport Commission, and as recorded in a form acceptable to Lancaster County.

## 3. Permit Applications

A permit application, as required per Section 4.2.1.G.1, shall accompany a preliminary plat to contain the information as indicated in Chapter 9. A non-refundable application fee as per the current Lancaster County fee schedule shall be submitted with the permit application.

## 4. Review by County Airport Commission

No permit regulated by this ordinance shall be issued by the Administrator unless approved by the Lancaster County Airport Commission, or its designee.

Table 1: Compatible Land Uses										
Zone Type		Top Elev.	General Characteristics of Permissible Base Zoning	Residential	Commercial	Industrial	Institutional	Recreational	Fuel Sales, Storage & Distribution	Wildlife Attractants
Airport Safety Zones	A	Tallest height of structure (or vegetation) does not penetrate Part 77 surfaces.	Airport related uses	None						
	B1 & C2		Low density commercial uses low density industrial uses	Low density residential uses such as: large lot single family homes	Low density commercial uses such as: specialty shops, printing & shipping shops, banks, laundromats, vehicle repair shops, bakeries, hardware shops	Low density industrial uses such as: towing/vehicle storage, building supply yards, exterminators	None			
	C1		Low density residential uses (lots 1 acre or larger) low density commercial uses low density industrial uses low density institutional uses low density recreational uses	Low density residential uses such as: large lot single family homes	Low density commercial uses such as: specialty shops, printing & shipping shops, banks, laundromats, vehicle repair shops, bakeries, hardware shops	Low density industrial uses such as: towing/vehicle storage, building supply yards, exterminators	Low density institutional uses such as: single doctor offices, specialist offices, dentist/orthodontist offices, medical laboratories, urgent care facilities	Low density recreational uses such as: small gyms, dance studios	None	
Airport Land Use	B2		Low density residential uses low & medium density commercial uses low & medium density industrial uses low density institutional uses low & medium density recreational uses	Low density residential uses such as: single family homes	Low & medium density commercial uses such as: fast food restaurants, small cafés, small restaurants/bars, small & medium size offices, specialty shops, printing & shipping shops, banks, laundromats, vehicle repair shops, bakeries, hardware shops	Low & medium density industrial uses (without smoke/steam) such as: machine shops, general manufacturing, recycling centers, towing/vehicle storage, building supply yards, exterminators	Low density institutional uses such as: single doctor offices, specialist offices, dentist/orthodontist offices, medical laboratories, urgent care facilities	Low & medium density recreational uses such as: bowling alleys, skating rinks, tennis/swimming facilities, sports parks, gyms, dance studios	Small fueling facility uses such as: gas stations, truck fueling facilities	None
	D		All		Low & medium density commercial uses such as: fast food restaurants, small cafés, small restaurants/bars, small & medium size offices, specialty shops, printing & shipping shops, banks, laundromats, vehicle repair shops, bakeries, hardware shops	Low & medium density industrial uses (without smoke/steam) such as: machine shops, general manufacturing, recycling centers, towing/vehicle storage, building supply yards, exterminators	Low & medium density institutional uses such as: small libraries, small museums, small religious assemblies, single doctor offices, specialist offices, dentist/orthodontist offices, medical laboratories, urgent care facilities	Low & medium density recreational uses such as: bowling alleys, skating rinks, tennis/swimming facilities, sports parks, gyms, dance studios	All	None
	E		All							

Table 2: Incompatible Land Uses

Zone Type		Top Elev.	General Characteristics of Permissible Base Zoning	Residential	Commercial	Industrial	Institutional	Recreational	Fuel Sales, Storage & Distribution	Wildlife Attractants
Airport Safety Zones	A	Tallest height of structure (or vegetation) penetrates threshold siting surfaces (TSS)	Non-airport related uses	All						
	B1 & C2		All residential uses and all high & ultra high density uses	High & ultra high density residential uses such as: large apartment complexes, mobile home parks, high rise condominiums	High & ultra high density commercial uses such as: big-box stores, large offices, multi-floor complexes, restaurants, shopping malls, nightclubs	High & ultra high density industrial uses such as: heavy manufacturing, mining/extraction, water treatment	High & ultra high density institutional uses, as well as any schools, hospitals, nursing homes, day-cares, libraries, museums, religious assemblies, municipal/county administration offices, public community centers, convention or performing arts centers	High & ultra high recreational uses such as: indoor theaters, small amusement parks, stadiums, large amusement parks, racetracks	All	All wildlife attractants such as: landfills, wastewater treatment plants, open mining operations with water bodies, construction soil/debris piles, detention ponds, fountains, or created wetlands
	C1		High & ultra high density uses	High & ultra high density residential uses such as: large apartment complexes, mobile home parks, high rise condominiums	High & ultra high density commercial uses such as: big-box stores, large offices, multi-floor complexes, restaurants, shopping malls, nightclubs	High & ultra high density industrial uses such as: heavy manufacturing, mining/extraction, water treatment	High & ultra high density institutional uses such as: colleges, universities, hospitals, community centers, large religious assemblies, convention or performing arts centers, all schools, hospitals, nursing homes and day-cares	High & ultra high density recreational uses such as: indoor theaters, small amusement parks, stadiums, large amusement parks, racetracks	All	All wildlife attractants except detention ponds such as: landfills, wastewater treatment plants, open mining operations with water bodies, large construction soil/debris piles, fountains, or created wetlands
Airport Land Use	B2		High & ultra high density uses	High & ultra high density residential uses such as: large apartment complexes, mobile home parks, high rise condominiums	High & ultra high density commercial uses such as: big-box stores, large offices, multi-floor complexes, restaurants, shopping malls, nightclubs	High & ultra high density industrial uses such as: heavy manufacturing, mining/extraction, water treatment	High & ultra high density institutional uses such as: colleges, universities, hospitals, community centers, large religious assemblies, convention or performing arts centers, all schools, hospitals, nursing homes and day-cares	High & ultra high density recreational uses such as: indoor theaters, small amusement parks, stadiums, large amusement parks, racetracks	Large fueling facilities such as: regional fuel distribution facilities	Landfills, water treatment facilities and open mining operations with water bodies
	D		None		Ultra high density uses such as: mega malls	Ultra high industrial uses and industrial uses that emit persistent, significantly large and dense plumes that may pose a hazard to aircraft such as: 1000 MW power plant with cooling towers	Ultra high density uses such as: universities, mega churches	Ultra high density recreational uses such as: stadiums, large amusement parks, racetracks	None	Landfills, water treatment facilities and open mining operations with water bodies
	E		None							

Zone Type		Top Elev.	General Characteristics of Permissible Base Zoning	Residential	Commercial	Industrial	Institutional	Recreational	Fuel Sales, Storage & Distribution	Wildlife Attractants	Condition Summary
Airport Safety Zones	A	Tallest height of structure (or vegetation) falls between Part 77 surfaces and TSS	None	None							
	B1 & C2		Medium density commercial uses medium density industrial uses	Medium density residential uses such as: apartment complexes, duplexes, townhomes	Medium density commercial uses such as: fast food restaurants, small cafés, small restaurants/bars, small & medium size offices	Medium density industrial uses such as: machine shops, general manufacturing, recycling centers	Low and medium density institutional uses except for: schools, hospitals, nursing homes, day-cares, libraries, museums, religious assemblies, municipal/county administration offices, public community centers, convention	Low & medium density recreational uses such as: bowling alleys, skating rinks, tennis/swimming facilities, sports parks, small gyms, dance studios	None	None	Part 77 Avigation Easement + Hold Harmless Agreement
	C1		Low density residential uses (lots less than 1 acre) medium density uses	Medium density residential uses such as: apartment complexes, duplexes, townhomes	Medium density commercial uses such as: fast food restaurants, small cafés, small restaurants/bars, small & medium size offices	Medium density industrial uses such as: machine shops, general manufacturing, recycling centers	Medium density institutional uses such as: small libraries, small museums, small religious assemblies	Medium density recreational uses such as: bowling alleys, skating rinks, tennis/swimming facilities, sports parks	None	Detention ponds	Avigation Easement if necessary for current/planned instrument approaches + Disclosure Letter
Airport Land Use	B2		Medium density residential uses medium density institutional uses	Medium density residential uses such as: apartment complexes, duplexes, townhomes	None	None	Medium density institutional uses such as: small libraries, small museums, small religious assemblies	None	Medium size fueling facilities such as: local fuel distribution facilities	All wildlife attractants except for landfills, water treatment facilities and open mining operations with water bodies	Disclosure Letter
	D		All		High density commercial uses such as: restaurants, shopping malls, nightclubs	High density industrial uses (with no or little smoke/steam emissions) such as: heavy manufacturing	High density institutional uses such as: colleges, hospitals, community centers, large religious assemblies, convention or performing arts centers	High density recreational uses such as: indoor theaters, small amusement parks	None	All wildlife attractants except for landfills, water treatment facilities and open mining operations with water bodies	Flight path modification plan, if needed
	E		None								

#### 4.2.2 CAROLINA HEELSPLITTER OVERLAY DISTRICT (CHO)

The Carolina Heelsplitter Overlay District is hereby established. The natural habitat of the Carolina Heelsplitter, which is a federally endangered species, is in waters that are cool, clean, and well-oxygenated. Stable, silt free stream bottoms appear to be critical to the continuation of the species. Typically, stable areas occur where the stream banks are well-vegetated with trees and shrubs. Similar to other freshwater mussels, the Carolina Heelsplitter feeds by siphoning and filtering food particles from the water in the creek, stream, or river in which they are located.

The decline in the numbers of Carolina Heelsplitter is related to changes in their natural environment. These changes can occur from clear-cutting trees and other vegetation near creek, stream, and river banks which increases erosion and silt in these water bodies. Some activities that can cause this to occur are residential, commercial, and industrial development and road construction and maintenance. Additionally, the discharge of pollutants into these water bodies, habitat alterations from impoundments and uncontrolled stormwater, as well as, other man-made changes can negatively impact the natural habitat of the Carolina Heelsplitter. Any one of these activities or a combination of these activities can negatively impact the Carolina Heelsplitter's natural environment, which has contributed to the decline of the species. Additionally, a number of studies have shown that stream habitat and water quality degradation occurs with increased coverage by impervious surfaces in a watershed.

This overlay district is created to help protect the natural habitat of the Carolina Heelsplitter and, therefore, maintain the existing populations of Carolina Heelsplitter located in Lancaster County.

##### A. REGULATIONS THAT APPLY

1. Basin means the Six Mile Creek drainage basin, as designated by the United States Geologic Survey (USGS), and any successor entity, hydrographic unit number 03050103030010.
2. Best management practices (BMPs) include but are not limited to practices defined in the South Carolina Department of Health and Environmental Control (SCDHEC) Stormwater Management BMP Handbook.
3. Carolina Heelsplitter Overlay District means an overlay district that imposes certain restrictions and limitations on development in the basin.
4. Development means the creation of impervious surfaces or any master planned development.
5. Impervious surface means a hard surface which slows or prevents water from infiltrating the soil and/or causes water to run off surface more rapidly or in greater quantities than under natural conditions. Impervious surfaces include, but are not limited to, asphalt and concrete surfaces, building footprints, sidewalks, rooftops, patios, pools, sport surfaces, garages, carports, sheds, driveways, parking lots, streets, and compacted roadways. Those surfaces excluded from the measurement of impervious surface would include, but are not limited to, landscaped areas, grass fields, golf courses, playgrounds, agricultural fields, and non-compacted roads. Advanced building materials such as a porous concrete and porous asphalt, under laid with sand or similar materials to match infiltration characteristics of surrounding lands, would also be considered porous.
6. Intermittent streams are streams that generally have defined natural watercourses that do not flow year-round, but beyond periods of rainfall and with greater frequency than similarly located ephemeral streams. Designation of a stream as intermittent shall be confirmed by using stream delineation techniques as outlined in the document titled "U.S. Army Corps of Engineers Jurisdictional Determination Guidebook". For the purposes, hereof, the term "intermittent stream" shall not include any waters that the U.S. Army Corps of Engineers has determined or shall determine are not subject to its jurisdiction.

7. Land development means development activities which cause a change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, manufactured home parks, or similar developments for sale, lease, or any combination of owner and rental characteristics.
8. Perennial streams means, generally, those blue lined streams indicated on a USGS 1:24,000 topographical map. Designation of a stream as perennial shall be confirmed by using stream delineation techniques as outlined in the document titled "U.S. Army Corps of Engineers Jurisdictional Determination Guidebook". For the purposes, hereof, the term "perennial stream" shall not include any waters that the U.S. Army Corps of Engineers has determined or shall determine are not subject to its jurisdiction.
9. Riparian buffer means an area of natural vegetation that is adjacent to a body of water and which is managed to maintain the integrity of stream channels and shorelines, to reduce the impact of upland sources of pollution by trapping, filtering, and converting sediments, nutrients, and other chemicals, and to supply food, cover, and thermal protection to fish and other wildlife.
10. Riparian buffer impact means any activity within 200 feet of any perennial stream or 100 feet of any intermittent stream, excluding agricultural practices, except clear cutting and grading, which removed vegetation with the riparian buffer, as defined in these regulations, or the prevention of re-growth of the natural vegetation within these areas. Where riparian buffers have been impacted due to agricultural practices, these areas will be expressly allowed to revert to their natural state in the event of any transition of land use.

## **B. RESTRICTIONS AND LIMITATIONS**

1. When the development involves either the creation of less than 8,000 square feet of new impervious surface (gravel roads located outside of the riparian buffer are excluded from this calculation) or land development project with 10 percent or less impervious surface, and existing riparian buffers are not disturbed, then the development may proceed as of right, subject to:
  - a. Adherence to ordinary requirements for development approval or permitting;
  - b. Maintenance of a native forested buffer, and no disturbance of the natural vegetation within a distance of 200 feet of the edge-of-bank for perennial streams or within one hundred feet (100') of any intermittent stream within the basin. The 100-foot or 200-foot native forested buffer shall be measured from the top of the bank on either side of the intermittent/perennial creek or stream and wraps around the head of the stream at the intermittent/ephemeral breakpoint.
  - c. A fence shall be allowed in the buffer areas, as long as the fence is either part of an agricultural practice or does not impede the re-growth of a natural vegetation.
  - d. Curb and gutter are not required within the CHO. The use of grass swale, etc. is encouraged, and the use of sidewalks is considered optional.
  - e. A pond shall require a 100-foot riparian buffer only if it is an integral part of a stream and the stream section immediately below the pond is classified as perennial. Other types of ponds, such as catch basin and stormwater ponds which only drain out intermittently, shall not require a riparian buffer.
2. When the development involves the creation of 8,000 or more square feet of new impervious surface (gravel roads located outside of the riparian buffer are excluded from this calculation) or any land development project with more than 10 percent impervious surface, or disturbs existing riparian buffers, then the development may proceed, subject to:
  - a. Adherence to ordinary requirements for development approval or permitting;

- 4-15



## C. RESTRICTIONS AND LIMITATIONS EXCLUSIONS

The CHO will not apply to the installation, maintenance, or operation of water and sewer services by Lancaster County Water and Sewer District.

### 4.2.3 **PIPELINE OVERLAY (PO)**

#### **A. PURPOSE AND INTENT**

~~The presence of underground hazardous liquid transmission pipelines poses a risk to land uses and human life in proximity to the pipeline. This overlay district regulates the degree and extent to which new development activities and redevelopment may encroach on the pipeline by imposing physical separation requirements for specific land uses. The intent of this overlay is to protect the health, safety, and welfare of the citizens and their property from the risk of catastrophic rupture of pipelines and to minimize the risk to pipelines from land disturbance and development activities.~~

#### **B. GENERAL REQUIREMENTS AND LAND USE COMPATIBILITY**

~~The purpose of this section is to limit exposure of the public, and high consequence land use populations that are difficult to evacuate, from the risk of injury or damage in the event of a pipeline failure.~~

##### **1. No Habitable Structures**

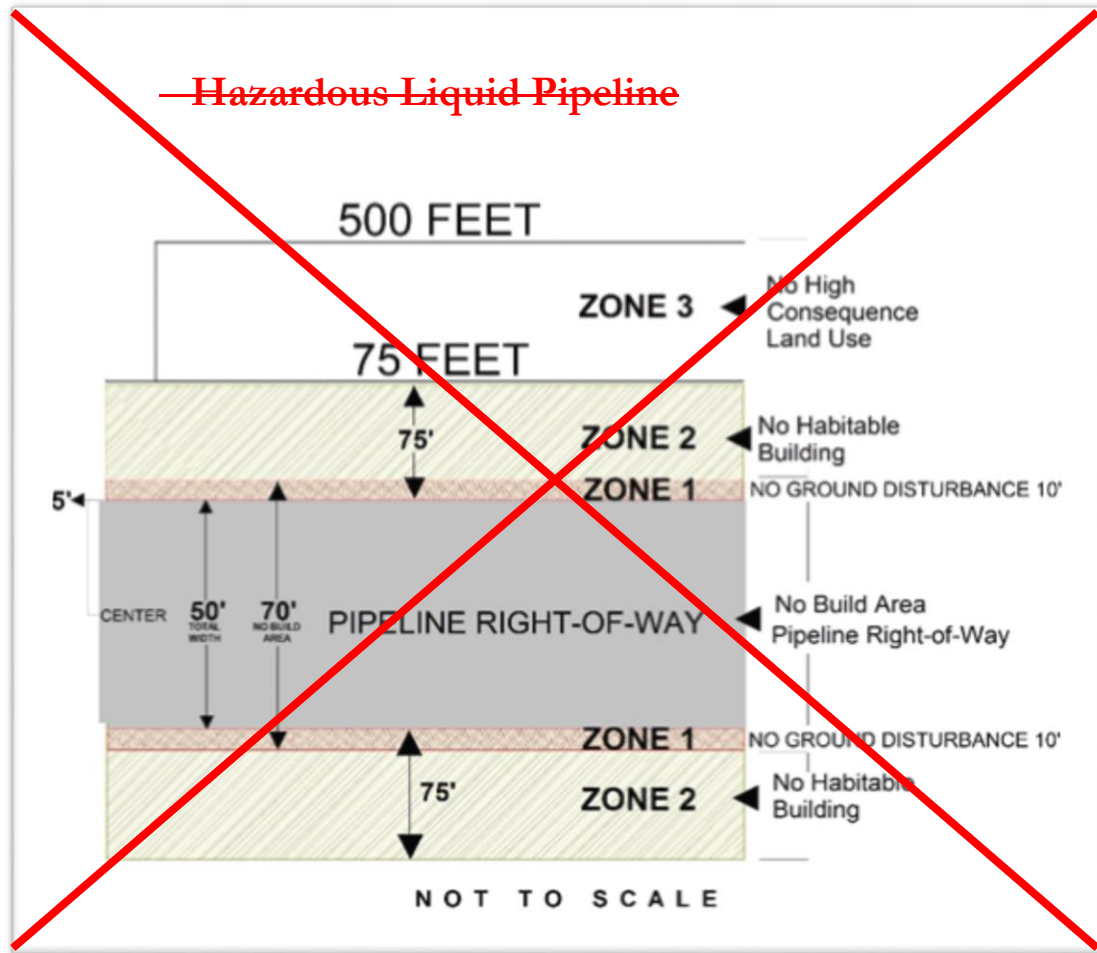
~~The No Habitable Structures setback distance applies to all structures, excluding accessory structures, within 75 feet from the pipeline right-of-way. Accessory structures including fences, posts, trees, shrubs, and other such small ground disturbing installations shall be setback 10 feet from the pipeline right-of-way. Habitable Structures are defined in Section 10.4, Definitions Generally.~~

##### **2. No Build Area for High Consequence Land Uses**

~~The No Build Area setback applies to all buildings or structures with High Consequence Land Uses and shall extend a setback distance of 500 feet from the hazardous liquid pipeline rights-of-way. These buildings or structures include but are not limited to:~~

- ~~a. Schools~~
- ~~b. Hospitals~~
- ~~c. Other Educational/Institutional uses~~
- ~~d. Dwellings Multifamily~~
- ~~e. Residential Care Facilities (6 or more residents)~~
- ~~f. Other Similar Uses~~





*Source: Lancaster County Fire Rescue/Emergency Management, 2016*

### ~~C. HAZARDOUS CORRIDOR EXCEPTIONS AND NONCONFORMANCE~~

~~The setback distances in zones for No Habitable Structure and No High Consequence Land Use may be modified if the applicant demonstrates the following:~~

- ~~1. The setback would deny all reasonable use of the property; or~~
- ~~2. That the structure would be protected from radiant heat of an explosion by berming or other physical barriers; or~~
- ~~3. The setback would be impractical or unnecessary due to existing geographical features, streets, lot lines, or easements; or~~
- ~~4. Modifications to existing buildings within the setback that do not increase the on-site population, or hinder evacuation, or change evacuation routes are exempt from this requirement; or~~
- ~~5. A new nonconformance is not created; or~~
- ~~6. That the applicant will construct a hazardous liquid or gas transmission containment system or other mitigating actions if the County finds that leakage could accumulate within the pipeline. Any containment system or other mitigating actions shall meet all applicable federal, state and local regulations.~~

## 4.3 CORRIDOR OVERLAYS

### 4.3.1 CAROLINA THREAD TRAIL OVERLAY DISTRICT (CTTO)

The Carolina Thread Trail Overlay District is hereby established and is subject to the following general provisions:

#### A. PURPOSE AND INTENT

The Carolina Thread Trail Overlay District is established to preserve and enhance trail corridors identified in the Lancaster County Carolina Thread Trail Master Plan adopted by the County on October 24, 2011. The Carolina Thread Trail is a 15-county regional trail network in North and South Carolina that will connect 2.3 million residents to local and regional destinations ~~designations~~. The Lancaster County Carolina Thread Trail Master Plan identifies four categories for greenway benefits: 1) Connecting communities by providing neighborhood connections, connecting communities to nature, and building regional partnerships; 2) Health benefits through encouraging physical activity and relieving stress and improving psychological health; 3) Economic impacts of increasing property values, attracting tourism, and fostering new businesses and retaining nearby businesses; and 4) Environmental benefits through preserving and protecting natural and agricultural land uses and improving water quality.

#### B. DISTRICT BOUNDARIES AND APPLICABILITY

The Carolina Thread Trail Overlay District boundaries include all parcels that fall within the trails corridors identified on the Lancaster County Carolina Thread Trail Master Plan. These ~~trails~~ corridors are identified along rivers, roads, and abandoned rail corridors. The general requirements and development standards are applicable to all parcels for major land subdivision and development along the trails corridors in the Lancaster County Carolina Thread Trail Master Plan.

#### C. GENERAL REQUIREMENTS AND DEVELOPMENT STANDARDS

Every subdivider developing a major subdivision of land in the Carolina Thread Trail Overlay District shall:

1. Dedicate a portion of such land, as set forth in this ordinance, to be used for public use. (See Code of Laws of South Carolina 5-23-43.)
2. Additionally, construct a Pedestrian Trail in the subdivision. Minimum design standards for the construction of a hard surface Pedestrian Trail are shown in Appendix C, MSSD. A soft surface trail may be considered depending upon location, topography and need. The amount of land required for the trail, including right-of-way, can be utilized to meet the amenity/open space requirements.
3. A density bonus of up to 10 percent may be considered by the Planning Commission and County Council when the dedicated land is proposed to be used by the community at large in an effort to meet identified County-wide recreational needs.

#### D. EXCEPTIONS AND NON-CONFORMING SITUATIONS

Exceptions to the Carolina Thread Trail Overlay District General Requirements and Development Standards shall be considered by the Administrator upon consideration of topographic conditions that necessitates a reduction in the perpetual easement while still achieving the purpose and intent of the Lancaster County Carolina Thread Trail Overlay District.

Other exemptions shall include the following:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased, the resultant lots are equal to or exceed the Unified Development Ordinance requirements of the County, and no new street construction is involved.

2. The division of land into parcels greater than 10 acres in size where no new street construction is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets.
4. The conveyance to lineal descendants for the purpose of dividing real estate among said lineal descendants. At such time that any lineal descendants or their successors in interest develop or build upon their respective property, the property must conform in all respects to the regulations of Lancaster County.

#### **4.3.2 HIGHWAY CORRIDOR OVERLAY DISTRICT (HCO)**

The Highway Corridor Overlay District is hereby established and is subject to the following general provisions:

##### **A. PURPOSE AND INTENT**

The Highway Corridor Overlay District is established to preserve and enhance corridors that serve as major gateways leading to, from, and within Lancaster County. As both commercial and residential land uses exist along such corridors, there is a desire of the residents of Lancaster County to provide standards relative to connectivity, aesthetic appearance, and safety along major gateways. The land use recommendations and design requirements contained in the Highway Corridor Overlay District are the result of a community-wide effort. As such, the intent of this district is to provide unified land development regulations that promote a sense of place and create consistency along significant corridors by improving the visual character of adjacent development. Appendix B, Highway Corridor Overlay District Supplementary Diagrams is attached as a reference for the vision and intent of the HCO.

##### **B. DISTRICT BOUNDARIES AND APPLICABILITY**

The Highway Corridor Overlay District applies to the following:

1. The County Council shall designate the property that is subject to the provisions of the Highway Corridor Overlay District by rezoning the properties in accordance with the procedures and requirements applicable to map amendments. In general, for those highways identified for Highway Corridor Overlay District status, the district designation shall apply to all parcels fronting on or within 1,000 feet of the right-of-way of the designated highway. Only the following highways are designated as a Highway Corridor Overlay District:
  - a. US Highway 521 from SC Highway 75 (Waxhaw Highway) northward to the North/South Carolina state line; and
  - b. SC Highway 160 from US Highway 521 westward to the York/Lancaster County line.
2. The Highway Corridor Overlay District development regulations, as set forth in the Highway Corridor Overlay District, apply to all uses on the properties zoned Highway Corridor Overlay District except for single family housing as identified in Section 2.5, Permitted Uses. The development regulations applicable to single family housing are the development regulations of the underlying zoning district.
3. Any property within the Highway Corridor Overlay District zoned and used for industrial use, LI and HI, shall be subject to the provisions set forth in Section 4.3.2.N; and
4. This district shall also apply to all shared access easements and/or cross-access easements located within the areas defined in Section 4.3.2.B.1, including, but not limited to, those that may be used to access any parcel or parcels beyond the boundaries of this district.

##### **C. PERMITTED USES**

As an overlay, the Highway Corridor Overlay District supplements standards established elsewhere in the UDO. Any use permitted in the underlying zoning district, set forth in Chapter

2 of the UDO, shall also be permitted in the Highway Corridor Overlay District provided it complies with the provisions of the Highway Corridor Overlay District.

#### **D. EXCEPTIONS AND NON-CONFORMING SITUATIONS**

Any property zoned and used for a single family residential use, including the single family residential portion of a property zoned Planned Development District (PDD), shall be exempt from the development standards of the Highway Corridor Overlay District. When a parcel has a vested right in effect, that parcel may be exempt from certain provisions of the Highway Corridor Overlay District, as outlined in Chapter 9 of the UDO. The development standards of this overlay district shall apply to all other properties within the district boundaries as outlined in Section 4.3.2.B.

#### **E. DESIGN REVIEW**

All development design and plan reviews, as required by the UDO, shall apply to the Highway Corridor Overlay District.

#### **F. GENERAL REQUIREMENTS AND DEVELOPMENT STANDARDS**

- 1. Building Placement:** All buildings shall front onto a public or private street, or share a frontage line with a square or other similar common open space. The front facade of buildings shall be generally parallel to front property lines when placed along the corridor right-of-way. The following shall also apply:
  - a.** In general, the setback requirements set forth in Chapter 2 and Chapter 3 of the UDO shall apply. When fronting the corridor right-of-way, the front setback for buildings with a commercial district use may be reduced to a minimum of 25 feet. For commercial developments that were platted prior to the establishment of the Highway Corridor Overlay District, common setback flexibility will be considered by the Technical Review Committee (TRC).
  - b.** When fronting the corridor right-of-way, buildings shall have access from the front and rear of the building.
  - c.** The development of retail commercial centers or villages is favorable over commercial "strip development" in the Highway Corridor Overlay District.
- 2. Building Height:** Maximum building height shall not exceed that permitted in the underlying zoning district, set forth in Chapter 2 and Chapter 3, of the UDO.
- 3. Building Vernacular:** Variation in architecture and materials is required. There shall be no large expanse of blank exterior walls along the corridor. Variation in exterior walls may be achieved through the use of windows, projections, recesses, columns, horizontal and vertical offsets, awnings, canopies, or other architectural features. Rooflines of buildings adjacent to the corridor shall also be varied to add interest and complement the character of surrounding development and neighborhoods. Variation in rooflines may be achieved through the use of gables, eaves, parapets, cupolas, or other architectural features.
- 4. Materials:**
  - a.** Buildings, signs, walls, and other structures within the Highway Corridor Overlay District shall be constructed using quality finish materials (i.e., brick, wood, masonry, stone, concrete siding, or stucco). In general, the use of vinyl, tin, metal, and masonry block (except split face/decorative masonry) shall be prohibited on the exterior walls of any building located within this district. Metal is permissible if in combination with other building materials for use as trim, windows, doors, roofing, other architectural elements, and signs. All sides of the building shall comply with this requirement except any side of a building that is not visible from any point on an adjoining road right-of-way. Sides of the building that are screened with landscaping, a fence, or some

combination of the two shall be considered to be visible from an adjoining street and must comply with the requirements of the Highway Corridor Overlay District.

- b. Fencing shall be of durable construction using quality material (i.e., brick, stone, other masonry, wood, metal, decorative vinyl, or any combination thereof). The finished side of the fence shall face the corridor right-of-way or other adjacent property. Chain link, welded or woven wire, and other similar fencing are not permitted in the Highway Corridor Overlay District, unless their use is for sports fields and recreational complexes. In such conditions, the fencing shall be color coated with a manufacturer applied finish. Finish color must be approved by the Technical Review Committee. Such fencing may also be permitted for temporary use during construction and site development provided it is removed or replaced with a compliant material upon completion of construction. This requirement is for aesthetic purposes only and is not associated with building code requirements or standards.

## **5. Sidewalks and Pedestrian Amenities:**

### **a. Sidewalks and Connectivity:**

- i. At a minimum, sidewalks shall comply with the construction requirements set forth in Appendix C of the UDO;
- ii. Sidewalks shall be located to allow pedestrians to safely move from their vehicles to the building;
- iii. Sidewalks shall connect to existing pedestrian circulation of adjacent parcels where not restricted by topography or other existing site features;
- iv. When adjacent to a residential use district, sidewalks shall be provided to allow pedestrian access to and from a commercial retail development;
- v. Sidewalks shall be required on both sides of public or private streets within a commercial retail development.

### **b. Other Pedestrian Amenities:**

All retail commercial development or use with a gross indoor floor area in excess of 40,000 square feet shall provide improved common open space for use by patrons. Such common open space shall be a minimum of 500 square feet in area and may include squares, plazas, greens, or other similar spaces. The following shall also apply:

- i. "Improved" shall mean cleared of underbrush and debris, accessible to pedestrians, and shall include one or more of the following: landscaping, walls, fences, walks or similar paved surfaces, fountains, statues, common lawns or greens, tables and chairs, benches or other seating, water fountains, litter and recycling receptacles, playground equipment, or other similar furnishings and amenities;
- ii. Such spaces shall include canopy trees to provide shade. At installation, a canopy tree shall have a minimum caliper of 2.5 inches when measured 6 inches above ground with a minimum height of 10-12 feet;
- iii. Such spaces shall be accessible from sidewalks and other pedestrian circulation within the development; and
- iv. The property owners, occupants, and tenants or their agents shall be jointly and severally responsible for the maintenance and upkeep of all such common open space. All such areas shall be kept free of litter and debris and shall generally be maintained with a neat and orderly appearance.

## G. PARKING AND VEHICULAR ACCESS

1. **Off-Street Parking:** For buildings fronting on the corridor, off-street surface parking shall be located primarily to the rear of the building it serves. Side yard parking is permissible and shall occupy no more than 45 percent of the principle corridor frontage line. The following shall also apply:
  - a. ~~Side yard parking shall not be placed in an established side yard abutting an intersecting street;~~
  - b. Where dimensions or topographical constraints of existing parcels restrict the location of off-street parking to the rear of the building it serves, the restrictions on side yard parking may be modified, on a case-by-case basis, by the Administrator;
  - c. Uninterrupted areas of parking areas shall be limited in size. Parking areas with more than 20 space[s] shall be broken by buildings and/or landscape features as outlined in Section 4.3.2.K.6; and
  - d. Parking areas shall be designed to allow pedestrians to safely move from their vehicles to the building.
2. **On-Street Parking:** On-street parking is not permitted on the corridor or other street. On-street parking is permitted on private streets within a retail commercial development where adequate space for parking and maneuvering is provided outside of travel lanes. On-street parking shall comply with the requirements set forth in the latest edition of the South Carolina Department of Transportation (SCDOT) Access and Roadside Management Standards (ARMS) Manual.
3. **Parking Count and Dimension Requirements:** The number of parking spaces required and required parking space dimensions shall comply with the provisions set forth in Chapter 7 of the UDO.
4. **Off-Street Loading and Unloading Areas:** Off-street loading and unloading areas shall comply with the provisions set forth in Chapter 7 and shall be screened from view from all residential use districts and public rights-of-way using an opaque screen.
5. **Driveway and Internal Street Standards:**
  - a. All newly constructed streets within the Highway Corridor Overlay District shall meet the construction standards of Chapters 6 and Appendix C of the UDO. The minimum right-of-way and pavement widths shall comply with the provisions set forth in Chapter 6 and Appendix C of the Lancaster County Code, as amended. Where applicable, such streets shall also comply with the standards established by SCDOT;
  - b. Private and public roads are as defined in Chapter 6 and Chapter 10 of the UDO;
  - c. The minimum spacing between driveway accesses to the corridor shall comply with the provisions set forth in Section 4.3.2.G;
  - d. Curb and gutter shall be required on all newly constructed private streets, drives, and parking areas within the Highway Corridor Overlay District and shall comply with the requirements set forth in Chapter 6 of the UDO; and
  - e. Interconnectivity between adjacent parcels is required when there is not a conflict in use and is subject to the provisions set forth in Section 4.3.2.G.

## H. SIGNS

In general, signage within the Highway Corridor Overlay District shall comply with the provisions set forth in Chapter ~~7~~ 9 of the UDO. The following additional regulations shall also apply specifically to this overlay district:

1. **Permitted Signs:** All signs that are permitted within the Highway Corridor Overlay District shall complement the surrounding buildings in material and architectural vernacular. The following signs are permitted in the Highway Corridor Overlay District:
  - a. **Free Standing Ground Monument Signs:** All ground monument signs shall have a setback requirement of 5 feet from any property line or right-of-way line. Ground monument signs shall not project into any street or highway right-of-way. No more than one ground monument sign shall be permitted per lot and may contain a sign face on no more than two sides;
  - b. **Wall Signs:** Wall signs attached flat against a wall shall not extend more than 18 inches from a wall. When a wall sign extends 2 or more inches from a wall it shall be a minimum of 8 feet above any sidewalk to provide for pedestrian clearance;
  - c. **Projecting Signs:** A projecting sign perpendicular to the wall of a building may be substituted for a wall sign provided it is a minimum of 8 feet above any sidewalk to provide for pedestrian clearance and projects no more than 6 feet from the wall on which it is mounted; and
  - d. **Canopy or Awning Signs:** A canopy or awning sign shall not be placed higher than the bottom of the second floor or higher than the roofline of single-story structures. A canopy or awning sign shall be a minimum of 8 feet above any sidewalk or other pavement to provide for pedestrian clearance.
2. **Commercial Retail Developments and Centers:** All retail commercial development or use with two or more businesses shall be allowed no more than one ground monument sign. Signage for individual businesses shall be consolidated onto one such ground monument. The following shall also apply:
  - a. Where such a development fronts two or more streets with more than 500 feet of frontage on each, additional ground monument signs may be permitted provided no more than one is located on each street;
  - b. Directional and wayfinding signs within a retail commercial development or center shall be grouped and shall be consistent in size, color, ornamentation, and materials, and shall complement the surrounding buildings; and
  - c. For such developments, a ground monument sign shall not exceed a height of 10 feet. Where such a development has a gross indoor floor area in excess of 40,000 square feet, the maximum height may be increased to no more than 20 feet for a ground monument sign.
3. **Size and Height of Signs:** The maximum size of any sign shall be as established in Chapter 7, Signs, of the UDO. A sign for any individual nonresidential use shall not exceed a height of 10 feet along the corridor and a height of 4 feet along any secondary street. A sign for a single family development shall not exceed a height of 10 feet along any street. For a multifamily residential or attached single family development, a sign shall not exceed 6 feet in height along the corridor and 4 feet along any secondary street. The height of all signs shall be measured from the lowest adjacent grade at the base of the sign.
4. **Prohibited Signs:** The following signs, in addition to those prohibited in Chapter 7 of the UDO, are prohibited in the Highway Corridor Overlay District:
  - a. Pylon signs;
  - b. Flashing and pulsating signs;
  - c. Signs imitating warning signals;
  - d. Painted or handwritten signs;

- e. Off-premise signs;
  - f. Animated signs;
  - g. Beacons;
  - h. Neon gas tubing or similar signs;
  - i. Inflatable signs and tethered balloons;
  - j. Banners in non-residential districts;
  - k. Illuminated tubing or string of lights typically used for outlining property lines, open sales areas, rooflines, doors, windows, or wall edges of any building, except for "holiday season" lights as permitted in Section 4.3.2.J.7;
  - l. Signs that move or give the appearance of moving, including but not limited to feather signs, pennants, inflatable figures, streamers, and other signs which flutter, undulate, swing, rotate, oscillate, or otherwise move by natural or artificial means;
  - m. Reader boards, digital message boards (including LED screens), or other similar commercial electronic variable message signs whose static message or copy change more than once every 20 seconds, and the change sequence must be accomplished within an interval of two seconds or less. Such signs shall not include animated, continuous, moving, rolling, or scrolling messages. Fluttering, blinking, or flashing elements including video is prohibited. In general, signs displaying continuous moving copy or image, whether digital or analog, shall not be permitted. In addition, such signs shall not be used for paid advertising. Note: Signs using Light-Emitting Diode (LED) illumination and/or displays are permissible provided they are not attached to a building and the copy or image being displayed remains static or changes no more than once every 20 seconds. This section only applies to the use of reader boards and LED displays on permitted signs. The regulations for outdoor advertising signs (billboards) are outlined in Chapter 5 and Chapter 7 in the UDO;
  - n. Any sign placed within any public/private rights-of-way or easement;
  - o. Any sign that obstructs or impedes traffic safety or obscures traffic signals, signs, or other similar traffic safety devices. Signs shall not obstruct the view of motorists using any street, driveway, parking aisles, or the approach to any street intersection so as to cause a traffic safety hazard. Any sight obstruction determined by the County or SCDOT shall be corrected immediately;
  - p. Any sign which exhibits statements, words, or pictures that are obscene in nature;
  - q. Any sign which is not permitted, abandoned signs, or signs which being structurally unsafe or hazardous; and
  - r. Any sign placed with the primary purpose of providing a sign not otherwise allowed by Section 4.3.2.I.4.a.
5. **Temporary Signs:** The following temporary signs are permitted provided their use complies with the requirements set forth in Chapter 7 of the UDO, including duration of display and removal regulations:
- a. Real estate signs;
  - b. Construction site identification signs;
  - c. Grand opening, going out of business signs, or similar;
  - d. Holiday signs;



- e. Special event signs;
  - f. Roadside stand signs;
  - g. Signs for on-site contractors;
  - h. Banners for religious, charitable, civic, fraternal, or similar organizations;
  - i. Other temporary signs as may be restricted by Chapter 7 of the UDO.
6. **Sign Illumination:** Illuminated signs, including those with internal illumination, are permitted and shall be placed and shielded so that glare from the sign does not adversely affect any adjacent property, residential use district, cause glare hazardous to pedestrians, or interfere with the operation of a vehicle on any street right-of-way. Signs shall not have light-reflecting backgrounds or letters. The intensity of light shall not exceed 20 foot candles at any point on the sign face.
7. **Sign Landscaping:** All ground monument signs shall have, at a minimum, landscaping in accordance with the standards set forth in Chapter 7 of the UDO. Landscaping shall be integral with other landscaped areas as required by this district. In general, minimum plant sizes at installation shall also comply with the Highway Corridor Overlay District. However, landscaping shall not obstruct the view of a sign. All landscaping at the base of a sign shall comply with Section 4.3.2.K.1.a.

## I. LIGHTING

In general, lighting within the Highway Corridor Overlay District shall comply with the provisions set forth in Chapter 7 of the UDO. The purpose of this section is to provide aesthetic regulations and to assure that exterior lights are shielded and do not cast direct light beyond a property line. Streets, driveways, parking areas, sidewalks, and building entrances shall be lighted in order to contribute to the security of a property and to facilitate the safe passage of persons using such streets, driveways, sidewalks, and parking areas after dark. However, measures shall be provided to limit the amount of ambient light perceptible from adjacent properties and glare that may impair the vision of motorists. The following shall also apply:

- 1. Light intensity shall not exceed 30 foot candles at any point in the Highway Corridor Overlay District. Light intensity shall not exceed 2 foot candles at a property line adjacent to a street right-of-way or non-residential use and shall not exceed 0.5 foot candle at a property line adjacent to a residential use district. A greater light intensity may be permitted for competitive sports fields during competitive play provided the light intensity does not exceed that set forth by the regulating athletic agency;
- 2. The following light intensities measured in foot candles (fc) shall also apply:
  - a. Parking Lots: 0.6fc Minimum/2.4fc Average/10fc Maximum;
  - b. Walkways and Driveways: 0.2fc Minimum/1.0fc Average/10fc Maximum;
  - c. Landscape and Decorative: 0fc Minimum/0.5fc Average/5.0fc Maximum; and
  - d. Outdoor Display of Merchandise: 0.5fc Minimum/1.0fc Average/15fc Maximum;
- 3. Signalized intersections shall be limited to locations where significant collector streets connect with the corridor. For example, along US Highway 521 such an intersection is at Possum Hollow Road, and along SC Highway 160 such an intersection is at Calvin Hall Road. Where a Traffic Impact Analysis requires a new signalized intersection, the standard metal or concrete poles as set forth by SCDOT shall be installed. This requirement shall also apply to an existing signalized intersection where additional lanes and signalization changes are required. All poles shall be professionally painted black. Wood poles are only permissible for temporary use during repairs and installation. Complete cost of the installation shall be paid by the developer. In addition, the County may require the developer to furnish a letter

of credit, cash escrow, or other guarantee acceptable to the County to cover future repairs and replacement;

4. All fixtures shall be consistent throughout a site in size, color, ornamentation, and materials and shall complement the surrounding buildings. Each fixture shall be a down-directional lighting fixture with its source being recessed within an opaque housing. All light fixtures shall be located, aimed, or shielded as to limit the amount of ambient light perceptible from adjacent properties and street rights-of-way. The color of all such light sources shall be white;
5. Street lighting, as required by Chapter 7 of the UDO, shall comply with SCDOT requirements where applicable. All street lights shall be consistent along the corridor and throughout a site. Such fixtures shall be shielded and down-directional except that unshielded decorative street lamps featuring globes or glass panes are permissible if designed to diffuse light and shall have caps to direct light downward. The color of all such light sources shall be limited to white or as required by SCDOT;
6. All wiring and service connections for all lighting must be underground. Likewise, the back of all signs shall have a finished appearance unless it is screened with an opaque screen and is not visible from any residential use or street right-of-way;
7. Holiday lighting displays, lighting for approved temporary events, and directional lighting during construction are exempt from these requirements provided they do not exceed the maximum foot candles and do not negatively impact safety;
8. Fixture heights shall not exceed 18 feet except in areas where the total number of parking spaces exceed 100 spaces. In such cases, fixtures shall not exceed 25 feet provided they are limited to the central areas of the parking area. A luminary located within 50 feet of a residential use district shall not exceed a height of 12 feet. Fixtures along the primary vehicular/pedestrian streets shall not exceed a height of 18 feet;
9. Outdoor lighting installed on canopies or drive-thru facilities are permitted with a maximum foot candle reading of 20 foot candles under any illuminated area. Fixtures located under a building canopy shall be flush-mount with a flat lens, shall use diffusers, and be shielded;
10. Buildings shall be safely illuminated at entry/exit locations and shall be illuminated using shielded lighting or off-building lighting that does not generate glare or otherwise allow the light to be viewed directly from an adjacent property. Building walls may be illuminated and may include up-lighting, provided such fixtures comply with Section I.2 above. However, no building illumination shall cause the site to exceed maximum light intensity limitation;
11. Landscape lighting may include up-lighting for accent, provided such fixtures comply with Section I.2 above. However, no landscaping illumination shall cause the site to exceed maximum light intensity limitation, and such fixtures shall be located, aimed, or shielded as to limit the amount of ambient light perceptible from adjacent properties and street right-of-way;
12. Security lighting shall be provided, particularly at pedestrian walkways. Motion detector security lights shall be exempt from the foot candle requirements of this item provided such lights are normally "off," and are limited to being "on" for four minutes or less when motion is detected;
13. Flood lights shall be permissible for security, loading areas, and other such applications provided they are focused toward the primary building or space intended to be illuminated. Likewise, they may be aimed at no higher than a 45 degree angle, and shall be generally aimed or shielded as to limit the amount of ambient light perceptible from adjacent properties and street right-of-way;

14. The following lighting fixtures are prohibited: non-directional lighting fixtures, searchlights, laser source lights, flashing lights, or any similar high-intensity light used to attract attention, except for use during emergencies by authorized emergency, police, and fire personnel;
15. Any damaged, broken, or malfunctioning light fixture or pole shall be repaired or replaced immediately; and
16. A professionally sealed site lighting plan shall be submitted as part of a County site plan review. The County may adjust the standards for the maximum illumination at a property line if it is determined that the design and nature of the adjacent use creates a need to either reduce or increase the maximum illumination. Likewise, the Administrator may require changes to fixtures to bring the lighting levels into compliance, or as necessary to reduce impact on adjacent properties and street right-of-way.

## **J. LANDSCAPING, BUFFER YARD, AND SCREENING REQUIREMENTS**

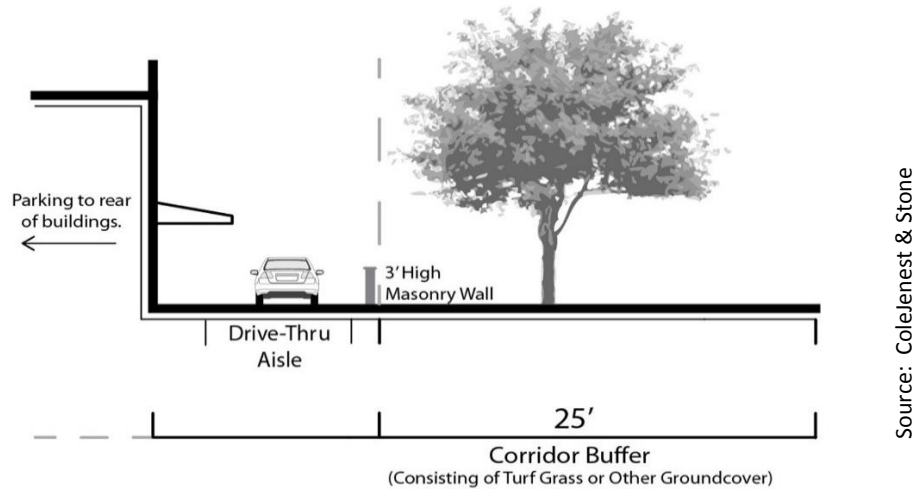
### **1. General Landscape Requirements**

- a. Landscaping shall comply with SCDOT sight distance and sight triangle requirements. Landscaping shall not obstruct or impede traffic safety or obscure traffic signals, signs, or other similar traffic safety devices. Likewise, landscaping shall not obstruct the view of motorists using any street, driveway, parking aisles, or the approach to any street intersection so as to cause a traffic safety hazard. Any sight obstruction determined by the County or SCDOT shall be corrected immediately;
- b. Native species and related cultivars shall be used. In general, all trees and shrubs shall be drought tolerant and locally adapted to the area and shall conform to the requirements in the latest edition of American Standards for Nursery Stock, published by the American Association of Nurserymen;
- c. The use of existing vegetation to satisfy the requirements of this item is permissible. However, supplemental plantings may be required, in addition to native plant material, by the Administrator;
- d. Vacant commercial parcels shall be landscaped while vacant to stabilize the site and maintain an attractive appearance along the corridor. At a minimum, such landscaping shall include turf grass or other vegetative ground cover to stabilize the soil;
- e. Earthen berms may be used to comply with the landscaping, buffer yard, and screening regulations of this item provided they comply with all other requirements of this district. Likewise, additional screening in the form of earthen berms (or fencing) may be required, on a case-by-case basis, by the Administrator. In general, the following shall also apply to earthen berms located within the Highway Corridor Overlay District:
  - i. Berms shall have a minimum height of 3 feet and a minimum crown width of 8 feet;
  - ii. Berms shall not exceed a maximum height of 6 feet;
  - iii. If 4 feet in height or less, a berm shall have a side slope no greater than 3:1. If greater than 4 feet in height, a berm shall have a side slope no greater than 4:1;
  - iv. Berms shall be designed and constructed with an undulating appearance to mimic the natural topographical features of a site; and
  - v. The Administrator may allow an exception to the minimum and maximum height requirements for an earthen berm where topography or other natural site features may justify such an exception.

- f. Plants shall complement the surrounding structures in form, color, and height. Compliance of this requirement shall be determined during site plan review by the County; and
  - g. Landscaping Completion and Maintenance:
    - i. Completion: All landscaping shall be installed pursuant to the requirements of the Highway Corridor Overlay District or County approved landscaping plans unless substitutions are approved under the regulations set forth in Chapter 7 of the UDO. A Certificate of Occupancy for any business or use within the Highway Corridor Overlay District shall not be issued until the required landscaping is installed by the property owners, occupants, and tenants or their agents. If agreeable to the County, a Certificate of Occupancy may be issued prior to the installation of required landscaping provided the owner furnishes a letter of credit, cash escrow, or other guarantee acceptable to the County assuring completion of all landscaping, including labor. Acceptance of any such form of guarantee is at the discretion of the County; and
    - ii. Maintenance: The property owners, occupants, and tenants or their agents shall be jointly and severally responsible for the maintenance of all landscaping. All landscaping required by or installed pursuant to the requirements of the Highway Corridor Overlay District or County approved landscaping plans shall be free of disease and maintained in a healthy condition. All required landscaping shall be kept free of litter and debris, and shall be free of dead, diseased, or severely damaged plants. Likewise, any plants removed as the result of death, disease, or damage shall be replaced in a timely manner.
2. **Corridor Frontage Buffer:** A Corridor Frontage Buffer shall be required within the first 25 feet of front yard as measured from the edge of the road right-of-way. The following shall apply:
- a. Three 3 canopy trees shall be planted per 100 feet of corridor frontage and shall be equally spaced on center where possible. Where overhead utility lines exist, 5 understory trees shall be planted per 100 feet of corridor frontage instead and shall be equally spaced on center where possible. At installation, canopy trees shall have a minimum caliper of 2.5 inches when measured 6 inches above ground with a minimum height of 10-12 feet; understory trees shall have a minimum caliper of 2.5 inches when measured 6 inches above ground with a minimum height of 8-10 feet;
  - b. In addition to the tree requirement, the Corridor Frontage Buffer shall consist of any combination of shrubs, turf grass, or other ground cover. In general, no portion of the Corridor Frontage Buffer shall contain bare soil;
  - c. No impervious surface shall be allowed in this area except for streets and driveways connecting to the point of ingress and egress, signs permitted in the Highway Corridor Overlay District, or sidewalks when connecting to a site; and
  - d. There shall be no display of merchandise for sale or other similar display within this area.
3. **Screening and Buffer Yards:** To minimize potential conflicts between zoning districts and/or uses, the screening and buffer yard regulations established in Chapter 7, General Development Standards, of the UDO shall apply. The following shall also apply:
- a. Containers, dumpsters, mechanical equipment, and similar structures shall be located to the rear and/or side of the building they serve. New utility boxes shall also be located to the rear and/or side of the building they serve;

- b. All containers, dumpsters, mechanical equipment, utility boxes, and similar structures shall be screened from view from all adjacent properties, residential use districts, and public right-of-way using an opaque screen;
  - c. Where applicable, containers, dumpsters, and similar structures shall be screened from view, using a semi-opaque screen, from the upper levels of adjacent buildings;
  - d. Roof-top mounted mechanical equipment shall be screened to their full height by a parapet or other structure that is complementary to the building in material and color. Ground-mounted mechanical equipment shall be screened to their full height on all sides using an opaque screen;
  - e. Outdoor vending machines and similar devices shall be located as to limit view from residential use districts and corridor right-of-way;
  - f. Stormwater management basins shall be screened from view from the corridor with a continuous evergreen screen as outlined in Section 4.3.2.K.6.a.ii;
  - g. Boundary fences or walls as may be permitted in Chapter 7 of the UDO shall comply with the materials requirements of Section 4.3.2.F.4; and
  - h. Chain link, welded or woven wire, and other similar fencing is not permitted.
4. **Drive-Thru Facilities:** For buildings fronting on the corridor, the preferred location for drive aisles associated with drive-thru facilities is to the rear of the building or within the side-yard of the building served. However, if topography or other site constraints preclude drive-thru aisle placement to the rear or side of the building, drive aisles may be placed between the building and the required 25 foot HCOD Corridor Frontage Buffer. In this instance service areas shall remain on the side or rear of the building and the following requirements shall be met:
- a. Drive-thru facilities shall not encroach into the required 25 foot HCOD Corridor Frontage Buffer;
  - b. Drive-thru facilities shall be screened so that views of vehicles from the US Highway 521 or SC HWY 160 right-of-ways are partially concealed and screened from visibility of passing cars and pedestrians. Appropriate visibility for safety and functionality shall be maintained. This shall be accomplished through the use of decorative masonry walls and landscaping as follows:
    - i. A decorative masonry wall shall be a minimum height of 36 inches as measured from finished grade on the corridor side of the wall and shall complement the surrounding buildings in material and architectural vernacular.
    - ii. Both the decorative masonry as noted in items (a) and (b) above shall be located outside of the 25 foot HCOD Corridor Frontage Buffer;
    - iii. The screening elements outlined in this section shall be designed in a manner to allow unobstructed pedestrian access to the site at a minimum of one location. Such access may be necessary in more than one location for larger sites and development. When a sidewalk is provided along the corridor, a perpendicular connection shall be provided between the required pedestrian access and the provided corridor sidewalk.
    - iv. The preferred material for decorative masonry walls is the stacked stone precedent for the US Highway 521 corridor in Indian Land. See example below. At a minimum, the materials shall comply with Section 4.3.2.F.4.

HWY 521 Typical Section . NTS



5. **Median and Right-of-Way Landscaping:** In general, there shall be no bare soil between the right-of-way and edge of pavement. At a minimum, this area shall include maintained turf grass. Maintenance is the responsibility of the owner. Additional median and/or street right-of-way landscaping shall be required for retail commercial development or use with a gross indoor floor area in excess of 40,000 square feet. This requirement shall also apply to all non-residential portions of a PDD development and all Homeowners' Association (HOA) controlled or maintained subdivision entrances. Such additional landscaping shall consist of a combination of trees, shrubs, turf grass or other ground cover as approved by SCDOT and the TRC. The following provisions shall apply:
  - a. All landscape improvements shall be approved by SCDOT, and shall comply with the requirements set forth in the latest edition of the SCDOT ARMS Manual;
  - b. An encroachment permit with SCDOT shall be required for any landscape work performed within a public street or highway right-of-way;
  - c. Median improvements shall include the entire width of the median, not just the side adjacent to the commercial development. At a minimum such improvements shall extend the full length of the proposed commercial development. However, in some cases SCDOT may require median improvements to extend to the nearest median crossover;
  - d. Landscape improvements shall comply with SCDOT sight distance and sight triangle requirements. Any sight obstruction determined by the County or SCDOT shall be corrected immediately; and
  - e. Irrigation shall be required as determined necessary by SCDOT, per the latest edition of the ARMS Manual;
  - f. As required by SCDOT, applicants shall furnish, install, and maintain all plantings. Owner(s) shall be responsible for perpetual maintenance of all vegetation (and irrigation when applicable) within the right-of-way that is contiguous with the landscape improvements. SCDOT shall not be responsible for providing water, fertilizer, labor, materials, or maintenance within the landscaping limits of the right-of-way.

## 6. Parking Area Landscaping and Screening

### a. Perimeter Parking Area Planting:

- i. A perimeter landscape strip with a minimum width of 8 feet shall be required on all sides of parking areas. This area shall not be located within the required Corridor Frontage Buffer;
- ii. A continuous evergreen shrub screen is required within the perimeter landscape strip. Evergreen shrubs shall be at least 36 inches in height with a minimum spread of 24 inches at time of planting, and shall be spaced no more than 5 feet on center. Shrubs shall have an average mature height of 6 feet. A masonry wall, 3 feet above ground level, may be used in place of a continuous evergreen shrub screen. Such perimeter screen may be penetrated for ingress/egress, including stub out and shared drive easements;
- iii. Canopy trees shall line the perimeter of all parking areas and shall be spaced no more than 40 feet on center. At installation, canopy trees shall have a minimum caliper of 2.5 inches when measured 6 inches above ground with a minimum height of 10-12 feet. Where overhead utility lines exist, understory trees shall be planted instead and shall be spaced no more than 25 feet on center. Understory trees shall have a minimum caliper of 2.5 inches when measured 6 inches above ground with a minimum height of 8-10 feet. All trees shall have all limbs trimmed at least 6 feet above ground level;
- iv. No less than a minimum of one tree planting area shall be provided for every 10 parking spaces. Additionally, a tree planting area shall be provided at both ends of all parking aisles. Each tree planting area shall be a minimum of 200 square feet in area, being at least 10 feet in width, and shall be edged with a curb at least 6 inches in height. Each tree planting area shall be planted with one canopy tree shall have a minimum caliper of 2.5 inches when measured 6 inches above ground with a minimum height of 10-12 feet. Where overhead utility lines exist, understory trees shall be planted instead and shall have a minimum caliper of 2.5 inches when measured 6 inches above ground with a minimum height of 8-10 feet. In addition to the tree requirement, each tree planting area shall consist of any combination of shrubs, turf grass, or other ground cover so that no portion of the tree planting area shall contain bare soil. Where sight lines may not permit shrubs, tree planting areas shall contain turf grass or other ground cover. Shrubs in tree planting areas shall be maintained at a maximum height of 30 inches. All trees shall have all limbs trimmed at least 6 feet above ground level;
- v. The landscaping requirements of this Item J.1.e shall not be used to meet any other landscaping, buffer yard, or screening requirements of the UDO; and
- vi. Parking areas with less than 20 spaces shall not be subject to the provisions of Section 4.3.2.K.6.
- vii. Lists of Recommended Trees and Shrubs: The following lists are the recommended trees and shrubs for the Highway Corridor Overlay District. Plants were selected for inclusion on these lists according to their general suitability for the climate and soil conditions of this area, ease of maintenance, tolerance of area conditions, and availability from area nurseries. If an introduced species has proven highly effective in this area, it too may be a proper selection. However, plants not included in the following lists shall be approved by the Administrator prior to installation.

Canopy Trees Common Name	Scientific Name
Red Maple	Acer rubrum
Sugar Maple	Acer saccharinum
River Birch	Betula nigra
Bitternut Hickory	Carya cordiformis
Pecan	Carya illinoensis
Shagbark Hickory	Carya ovata
Chinese Chestnut	Castanea mollissima
Sugar Hackberry	Celtis laevigata
Common Hackberry	Celtis occidentalis
Beech	Fagus grandifolia
White Ash	Fraxinus americana
Green Ash	Fraxinus pennsylvanica
Ginkgo	Ginkgo biloba 'Fairmont' or 'LakeView'
Kentucky Coffeetree	Gymnocladus dioica
Chinese Flame Tree	Koelreuteria bipinnata
Tulip poplar	Liriodendron tulipifera
Cucumber Magnolia	Magnolia acuminata
Dawn Redwood	Metasequoia glyptostroboides
London Planetree	Platanus x acerifolia
Sawtooth Oak	Quercus acutissima
White Oak	Quercus alba
Scarlet Oak	Quercus coccinea
Southern Red Oak	Quercus falcata
Laurel Oak	Quercus hemisphaerica
Overcup Oak	Quercus lyrata
Water Oak	Quercus nigra
Nuttall Oak	Quercus nuttallii
Pin Oak	Quercus palustris
Willow Oak	Quercus phellos
Red Oak	Quercus rubra



Shumard Oak	Quercus shumardii
Black Oak	Quercus velutina
Japanese Pagoda Tree	Sophora japonica
Bald Cypress	Taxodium distichum
Little Leaf Linden	Tilia cordata
Lacebark Elm	Ulmus parvifolia
Japanese Zelkova	Zelkova serrata
Understory Trees Common Name	Scientific Name
Trident Maple	Acer buergerianum
Amur Maple	Acer ginnala
Paperbark Maple	Acer griseum
Japanese Maple	Acer palmatum
Serviceberry	Amelanchier arborea
Eastern Redbud	Cercis canadensis
Chinese Redbud	Cercis chinensis
Chinese Fringetree	Chionanthus retusus
Fringetree	Chionanthus virginicus
Flowering Dogwood	Cornus florida
Rutger's Hybrid Dogwood	Cornus x 'Cultivar'
Smoketree	Cotinus coggygia
Washington Hawthorn	Crataegus phaenopyrum
Green Hawthorne	Crataegus viridis 'Winter King'
Carolina Silverbell	Halesia carolina
Golden Rain Tree	Koelreuteria paniculata
Crape Myrtle	Lagerstroemia indica, Lagerstroemia x fauriei
Star magnolia	Magnolia stellata
Saucer Magnolia	Magnolia x soulangeana
Japanese Flowering Crabapple	Malus floribunda
Flowering Crabapple	Malus hybrida
Wax Myrtle	Myrica cerifera
Sourwood	Oxydendrum arboreum

Chinese Pistache	<i>Pistacia chinensis</i>
Purpleleaf Plum	<i>Prunus cerasifera</i> 'Pissardii'
Kwanzan Cherry	<i>Prunus serrulata</i> 'Kwanzan'
Weeping Cherry	<i>Prunus subhirtella pendula</i>
Okame Cherry	<i>Prunus x incam</i> 'Okame'
Yoshino Cherry	<i>Prunus x yedoensis</i>
Chinese Elm	<i>Ulmus parvifolia</i>
Evergreen Trees (Large Maturing) Common Name	Scientific Name
Deodar Cedar	<i>Cedrus deodara</i>
Japanese Cedar	<i>Cryptomeria japonica</i>
Savannah Holly	<i>Ilex x attenuata</i> 'Savannah'
Eastern Red Cedar	<i>Juniperus virginiana</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Shortleaf Pine	<i>Pinus echinata</i>
Loblolly Pine	<i>Pinus taeda</i>
Japanese Black Pine	<i>Pinus thunbergiana</i>
Laurel Oak	<i>Quercus laurifolia</i>
Green Giant Arborvitae	<i>Thuja (standishii x plicata)</i> 'Green Giant'
American Arborvitae	<i>Thuja occidentalis</i>
Canadian Hemlock	<i>Tsuga canadensis</i>
Carolina Hemlock	<i>Tsuga caroliniana</i>
Evergreen Trees (Small Maturing) Common Name	Scientific Name
Hinoki Flasecypress	<i>Chamaecyparis obtusa</i> 'Filicoides'
Foster Holly	<i>Ilex x attenuate</i> 'Fosteri'
American Holly	<i>Ilex opaca</i>
Greenleaf Holly	<i>Ilex opaca</i> 'Greenleaf'
Yaupon Holly	<i>Ilex vomitoria</i>
'Emily Bruner' Holly	<i>Ilex x 'Emily Bruner'</i>
Nellie Stevens Holly	<i>Ilex x 'Nellie R. Stevens'</i>
Holly (large cultivars/varieties)	<i>Ilex x 'Cultivar'</i>
Little Gem Magnolia	<i>Magnolia grandiflora</i> 'Little Gem'

Virginia Pine	Pinus virginiana
Carolina Cherry Laurel	Prunus caroliniana
Emerald Arborvitae	Thuja occidentalis 'Emerald'
Shrubs (Under 6 feet) Common Name	Scientific Name
Glossy Abelia	Abelia x grandiflora
Wintergreen Barberry	Berberis julianae
Japanese Barberry	Berberis thunbergii
Purple Beautyberry	Callicarpa dichotoma
Flowering Quince	Chaenomeles speciosa
Japanese Falsecypress	Chamaecyparis pisifera 'Cultivar'
Spreading Euonymus	Euonymus kiautschovicus
Smooth Hydrangea	Hydrangea arborescens
Bigleaf Hydrangea	Hydrangea macrophylla
Oakleaf Hydrangea	Hydrangea quercifolia
Mountain Hydrangea	Hydrangea serrata
Dwarf Burford Holly	Ilex cornuta 'Burfordii Nana'
Chinese Holly	Ilex cornuta 'Cultivar'
Convexa Japanese Holly	Ilex crenata 'Convexa'
Japanese Holly	Ilex crenata 'Cultivar'
Little Leaf Japanese Holly	Ilex crenata 'Microphylla'
Roundleaf Japanese Holly	Ilex crenata 'Rotundifolia'
Dwarf Yaupon Holly	Ilex vomitoria 'Stokes Dwarf'
Chinese Juniper	Juniperus chinensis 'Cultivar'
Juniper	Juniperus sp.
Pfitzer Juniper	Juniperus x pfitzeriana
Drooping Leucothoe	Leucothoe fontanesiana
Leatherleaf Mahonia	Mahonia bealei
Nandina	Nandina domestica 'Cultivar'
Japanese Andromeda	Pieris japonica
Narrow Leaved English Laurel	Prunus laurocerasus 'Angustifolia'
India Hawthorn	Raphiolepis indica

Yeddo Hawthorn	Rhaphiolepis umbellata
Glenn Dale Azalea	Rhododendron x 'Cultivar'
Gunrei Satzuki Azalea	Rhododendron x 'Cultivar'
Kaempferi Azalea	Rhododendron kaempferi
Reeves' Spirea	Spiraea cantoniensis
Thunberg's Spirea	Spiraea thunbergii
Japanese Yew	Taxus cuspidata
Sandankwa Viburnum	Viburnum suspensum
Shrubs (Over 6 Feet) Common Name Scientific Name	
Aucuba	Aucuba japonica
Butterfly Bush	Buddleia davidii
Camellia	Camellia japonica
Sasanqua Camellia	Camellia sasanqua
Cleyera	Cleyera japonica
Twig Dogwood	Cornus sericea
Thorny Elaeagnus	Elacagnus pungens
Winged Euonymus	Euonymus alatus
Greenspire Euonymus	Euonymus japonica
Border Forsythia	Forsythia x intermedia
Vernal Witch Hazel	Hamamelis vernalis
Common Witch Hazel	Hamamelis virginiana
Hybrid Witch Hazel	Hamamelis x intermedia
Panicle Hydrangea	Hydrangea paniculata
English Holly	Ilex aquifolium
Burford Holly	Ilex cornuta 'Burfordii'
Chinese Holly	Ilex cornuta 'Cultivar'
Japanese Holly	Ilex crenata 'Cultivar'
Hetzi Japanese Holly	Ilex crenata 'Hetzii'
Inkberry Holly	Ilex glabra
Lusterleaf Holly	Ilex latifolia
Yaupon Holly	Ilex vomitoria

Emily Bruner Holly	Ilex x 'Emily Bruner'
Small Anise Tree	Illicium parviflorum
Chinese Juniper	Juniperus chinensis 'Cultivar'
Hollywood Juniper	Juniperus chinensis 'Kaizuka'
Laurel	Laurus nobilis
Loropetalum	Loropetalum chinense
Star Magnolia	Magnolia stellata
Wax Myrtle	Myrica cerifera
Northern Bayberry	Myrica pensylvanica
Japanese Pittosporum	Pittosporum tobira
Podocarpus	Podocarpus macrophyllus maki
English Laurel	Prunus laurocerasus
Indian Azalea	Rhododendron indica
Bridalwreath Spirea	Spiraea prunifolia 'Plena'
Vanhoutte Spirea	Spiraea x vanhouttei
Oriental Arborvitae	Thuja orientalis
Doublefile Viburnum	Viburnum plicatum f. tomentosum
Leatherleaf Viburnum	Viburnum rhytidophyllum
Laurustinus Viburnum	Viburnum tinus
Judd Viburnum	Viburnum xjuddii

**K. IMPERVIOUS SURFACE STANDARDS** The amount of on-site impervious surface areas shall be limited to the prescribed ratios set forth in Chapters 2, 3, and 8 of the UDO.

**L. OPEN SPACE AND TREE PRESERVATION**

- 1. Open Space:** A minimum of 10 percent of the site must be devoted to usable open space which may include greens, unaltered natural features, or other similar areas not covered by impervious surface as required in Chapters 2, 3, and 8 of the UDO. Required setbacks and buffer yards may be included in calculating this requirement. The Administrator may reduce this requirement for parcels 5 acres or less on a case-by-case basis. All open space shall be clearly labeled as such on any plans submitted for County review;
- 2. Tree Preservation:** All required setbacks and buffer yards shall be used as tree preservation areas. The provisions set forth in Chapter 7 of the UDO, retention and protection of large trees, shall be required for all development within the Highway Corridor Overlay District. In addition, all canopy trees with a diameter breast height (DBH) greater than 24 inches shall be incorporated into the site plan unless there is no suitable alternative due to unavoidable grading or because of required configuration of a street, driveway, sidewalk, permitted sign, essential utility, or buildings. The following shall also apply:

- a. Such trees may only be removed under one or more of the following conditions:
  - i. The tree is unhealthy, diseased, or dead;
  - ii. The tree causes a safety hazard to nearby buildings or pedestrian or vehicular circulation;
  - iii. The tree is of a species that may drop debris or sap that can significantly affect property;
  - iv. The tree is interfering with an existing underground utility line;
  - v. The tree is located within the building envelope as determined by building placement standards within the UDO;
  - vi. The tree is causing significant structural damage to a building or other similar structure; and/or
  - vii. It is necessary to allow construction of a street or driveway essential for access to a parcel.
- b. To ensure protection of existing trees, protection shall be provided around tree preservation areas and shall comply with the provisions set forth in Chapter 7 of the UDO;
- c. The mitigation requirements set forth in Chapter 7 of the UDO shall apply. Any canopy trees with a diameter (DBH) greater than 24 inches that are removed shall also be replaced with another similar tree elsewhere on the parcel. Any replacement tree within the Highway Corridor Overlay District shall have a minimum caliper of 2.5 inches when measured 6 inches above ground with a minimum height of 10-12 feet.

#### M. INDUSTRIAL DISTRICTS

In general, the requirements of the Highway Corridor Overlay District shall apply to all industrial use. The following exceptions shall apply to industrial use:

- 1. **Setbacks:** When fronting the corridor, a front setback of 25 feet is permitted and preferred for buildings with an industrial use. The setback requirements set forth in Chapter 2 and Chapter 3 of the UDO shall otherwise apply;
- 2. **Building Vernacular:** At a minimum, variation in architectural appearance is required for an industrial use fronting the corridor. Large expanse of blank exterior walls fronting the corridor shall be limited through the use of varied color, pattern, horizontal and vertical lines, or other architectural features; and
- 3. **Off-Street Parking:** For buildings with an industrial use fronting on the corridor, it is preferred that off-street surface parking is located primarily to the rear or side of the building it serves. However, industrial use parking may also be located at the front of the building it serves. The parking area landscaping and screening requirements of the Highway Corridor Overlay District shall apply.

#### N. OTHER ZONING REQUIREMENTS

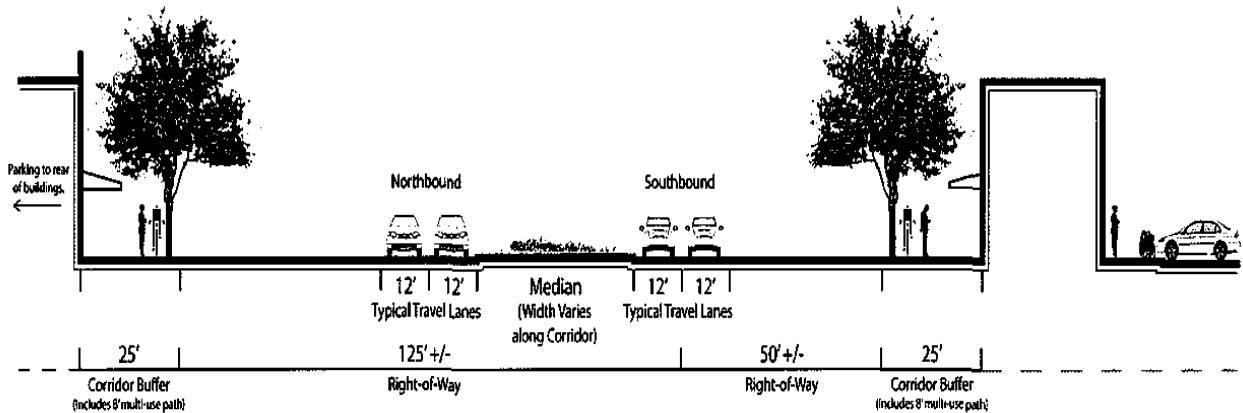
To the extent that the Highway Corridor Overlay District may contain land development standards and requirements that are inconsistent with or conflict with land development standards and requirements contained elsewhere in the UDO, including permitted uses of the zoning districts which underlie this overlay district, the more restrictive and stringent regulations shall be deemed controlling. Likewise, when any existing County ordinance is amended, the more restrictive provisions of such revised ordinance shall apply even if the provisions of the Highway Corridor Overlay District are more relaxed. All projects within the Highway Corridor Overlay

District shall comply with all other applicable provisions of the UDO which are not in conflict with the preceding provisions of the Highway Corridor Overlay District.

#### O. TYPICAL CORRIDOR CROSS SECTION

The following illustration is a typical cross section along the Highway Corridor Overlay district.

HWY 521 Typical Section, NTS



Source: ColeJenest & Stone

### 4.4 CHARACTER PROTECTION OVERLAYS

#### 4.4.1 CLUSTER SUBDIVISION OVERLAY DISTRICT (CSO)

The Cluster Subdivision Overlay District, is hereby established. Cluster subdivisions are residential developments which offer an alternative to traditional subdivision design, with the principle purpose being to encourage open space in medium density residential districts. Cluster subdivisions shall be designed using a site planning technique that concentrates buildings and structures to the most buildable areas of a site in order to preserve the remaining area as open space for recreation and preservation of significant site features. Reductions below the minimums otherwise required by the UDO for lot area, lot width, and setbacks are allowed within a CSO, and such reductions are only permissible within a CSO. By preserving open space, a cluster subdivision will provide another tool by which the County shall preserve its rural character. Cluster subdivisions are permitted in moderate density single family residential districts, specifically, Medium Residential District. Cluster subdivisions are not permitted in any other zoning districts. The following general provisions apply to the Cluster Subdivision Overlay District:

##### A. MINIMUM ACREAGE

The minimum tract area for a cluster subdivision shall be 30 gross acres, shall consist of contiguous parcels, and must adjoin or have direct access to at least one collector street.

##### B. MINIMUM LOT AREA

The minimum lot area (in square feet) per dwelling unit within a cluster subdivision shall be 5,000 square feet. This shall be the minimum lot area allowed for any lot with the minimum lot width of 50 feet, as defined in Section C below. The minimum lot area per dwelling unit shall increase proportionately with an increase in lot width.

##### C. MINIMUM LOT WIDTH

In a cluster subdivision, where both central water and sewer services are available and adequate, the minimum lot width shall be 50 feet.

#### D. VARIETY OF LOT SIZES

Individual lots in a cluster subdivision shall vary in size and layout. No more than 34 percent of the lots in a cluster subdivision shall have a single designated lot width. The following shall also apply:

1. The minimum separation between any two designated lot widths shall be 10 feet. For example, if 34 percent of the total number of lots has a lot width of 50 feet, 34 percent could have a lot width of 60 feet, and the remaining could have a lot width of 70 feet or greater.
2. The Planning Commission may allow a developer to vary the width of individual lots to accommodate site restrictions (i.e., easements, corner lot widths, etc). However, such lots shall be counted with the nearest designated lot width.

#### E. SETBACKS

The following minimum setbacks are required for individual lots within a cluster subdivision:

1. **Front Yard:** The minimum front yard setback shall be 20 feet. The front yard setback for a corner lot shall be as set forth in Chapters 2 and 3 of the UDO;
2. **Rear Yard:** The minimum rear yard setback shall be 30 feet;
3. **Side Yard:** The minimum side yard setback shall be 7 ½ feet.

#### F. OPEN SPACE REQUIREMENT

For a cluster subdivision, no less than 25 percent of the site acreage, not including primary conservation areas as defined in Item 3 below, shall be set aside in perpetuity as open space. Open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Open space in a cluster subdivision is also subject to the following:

1. Open space shall be defined as set forth in Chapter 7 of the UDO. Open space may include, but is not limited to, passive recreation, natural preservation of important scenic vistas, environmentally sensitive lands, habitat for wildlife, and historically or archaeologically significant areas. Structures, swimming pools, and athletic facilities shall not count as open space. However, structures are permitted in the open space when they serve an accessory function, such as a gazebo, fishing dock, playground equipment, or play structures;
2. The amount of open space required to be set aside shall be determined by the following formula:

Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

$$TO = ((TP - PC) \text{ OSP}) + PC$$

TO	= Total Open Space Set Aside	(acres)
TP	= Total Parcel	(acres)
PC	= Primary Conservation Areas	(acres)
OSP	= Open Space Percentage	(% of Improvable Area)



3. Primary Conservation area includes those areas that cannot otherwise be built upon or improved and therefore would be preserved in a conventional development. Such areas specifically include wetlands, surface waters, and intermittent stream channels;
4. To fulfill the requirements of this item (f), the following shall be included in the required open space where practicable:
  - a. Wooded areas;
  - b. Scenic vistas;
  - c. Streams, ponds, wetlands, and floodplains;
  - d. Buffers, including landscaped, perimeter, river, and stream;
  - e. Areas containing slopes in excess of 25 percent;
  - f. Other areas containing unusual natural site features (such as major rock formations); and
  - g. Other environmentally, historically, or archaeologically significant or unique areas;
5. Open space shall be contiguous to the extent practicable when not restricted by topography, existing water body, and other natural features;
6. Pedestrians shall have access to open space;
7. Open space shall be deed restricted and shall not be developed for use other than open space;
8. Open space shall remain under the ownership and control of the developer (or successors) or a homeowners association or similar organization. The person or entity identified as having the right of ownership and control over such open space shall be responsible for the continuing upkeep and proper maintenance of the open space. The County shall have no responsibility for the maintenance of open space areas. If open space location meets a need in the County comprehensive plan, the County and developer may consider conveyance of completed open space to the County, upon Planning Commission and Council approval.

The person or entity having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same. It shall not be the responsibility of the County to maintain these areas.
9. A cluster subdivision shall include provisions for the protection of trees and other natural amenities within the area or areas designated for open space. The removal of trees and natural vegetation in designated open space is strongly discouraged, though it is permitted during the development phases for the purpose of trails and other such recreational improvements as approved by planning staff. All open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Trees over 24 inches in diameter (DBH) shall be preserved and incorporated in designated open space where practicable, and upon the request of planning staff such trees existing within areas designated for trails and other such recreational improvements may also need to be shown and labeled. Upon completion of development phases, no person or entity shall remove or destroy any trees or natural vegetation from designated open space without approval from the Administrator. However, normal maintenance and removal of dead or fallen trees are permitted and recommended, and shall be the responsibility of the person or entity identified as having the right of ownership as outlined in Item 8 above.

## G. MAXIMUM DENSITY

The maximum number of dwelling units allowed per acre for a cluster subdivision shall not exceed the maximum for the residential use district in which it is located, as set forth in Chapter 2 of the UDO, where the total number of dwelling units allowed shall be based on the gross acreage of the site. For example, when the CSO is located within the MDR, Medium Density Residential, where the maximum density is two dwelling units per acre, a 100-acre parcel of land shall be allowed to have no more than 200 dwelling units built on the site.

**H. COMMERCIAL REQUIREMENT:** There shall be no required commercial within a cluster subdivision.

**I. SITE PLANNING REVIEW STANDARDS:** A cluster subdivision shall follow the site plan review standards and procedures as set forth in Chapter 9 of the UDO, including but not limited to Section 9.2. Furthermore, planning staff shall also include the following in their review:

1. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships;
2. The site layout shall accommodate and preserve any features of historic, cultural, archaeological, or sensitive environmental value. Individual lots, buildings, structures, streets, parking areas, utilities, and infrastructure shall be designed and sited to minimize the alteration of natural features, vegetation, and topography;
3. Where practicable, individual lots, buildings, structures, streets, parking areas, utilities, and infrastructure should be designed and sited to be compatible with surrounding development patterns;
4. Where practicable, open space shall be located on a site in such a manner so that view sheds from existing public right-of-way are not obstructed, but are enhanced by the open space;
5. Private streets are permitted in a cluster subdivision, provided such streets meet the construction standards of Chapter 6 and Appendix C of the UDO. The following shall apply:
  - a. As required in Chapter 6 of the Lancaster County Code, as amended, the minimum right-of-way and pavement width shall be as follows:

Road Type	Right-of-Way (feet)	Pavement (feet)
Local (closed drainage)	50	22
Local (open drainage)	66	22
Collector	66	24

- b. On-street parking is permitted in a cluster subdivision where adequate right-of-way and pavement width is provided in accordance with standards of the South Carolina Department of Transportation; and
  - c. To ensure adequate clearance for emergency vehicles in a cluster subdivision, the Planning Commission may require signage and/or pavement markings to clearly indicate areas where on-street parking is prohibited;
6. Installing sidewalks on both sides of local streets in a cluster subdivision is encouraged. At a minimum, a sidewalk will be required on at least one side of every local street, with a

sidewalk required on both sides of arterial and collector streets. Local, arterial, and collector streets shall be clearly labeled as such on any preliminary or final plat submitted for review;

7. In general, landscaping requirements for a cluster subdivision shall comply with the requirements of Chapter 7 of the UDO. However, the Planning Commission may vary such requirements in response to applications demonstrating alternative landscaping based on creative site planning. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the landscaping requirements;
8. The following buffer requirements shall apply for a cluster subdivision:
  - a. In general, buffer requirements for a cluster subdivision shall comply with the requirements of Chapter 7 of the UDO where a buffer yard may be required between adjacent zoning districts;
  - b. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the buffer requirements;
  - c. Ingress/egress to the property shall be allowed within a buffer, as well as utility easements and sidewalks;
  - d. A 50 foot buffer shall be required on the frontage of all existing public streets. Where there is insufficient natural vegetation to provide a visual buffer for principal structures, plantings shall be installed by the developer. A minimum of 25 percent of the trees and 75 percent of the shrubs shall be evergreens;
  - e. The Planning Commission may allow a developer to vary the buffer requirement to preserve view sheds from existing view sheds, as required in Item 4 above.
  - f. Buffer requirements within a cluster subdivision shall count as open space where it is contiguous with other areas designated as open space.
9. Variety in architecture and building materials shall be encouraged within a cluster subdivision. It is encouraged that buildings are constructed using quality finish materials (i.e., brick, masonry, stone, concrete siding, or stucco). Vinyl siding is permissible if in combination with other building materials.

## **J. OTHER ZONING REQUIREMENTS**

The Cluster Subdivision Overlay District, may contain zoning and development standards and requirements that are inconsistent with or conflict with zoning and development standards and requirements contained elsewhere in the UDO. The standards and requirements contained in the Cluster Subdivision Overlay District supersede all other zoning and development standards and requirements. The Cluster Subdivision Overlay District is deemed controlling. If the Cluster Subdivision Overlay District is inconsistent with or conflicts with zoning and development standards and requirements contained elsewhere in Chapter 4, then the zoning and development standards and requirements contained in Chapter 4 supersede the standards and requirements contained in the Cluster Subdivision Overlay District and the provisions contained in Chapter 4 are deemed controlling.

## **K. EXAMPLES OF APPLYING FORMULAS**

Below are examples of applying formulas to determine the total number of dwelling units allowed and the amount of the site acreage to be set aside as open space within a Cluster Subdivision Overlay District.

Example: Assume that a 50 acre parcel is being developed. The residential use district is MDR, Medium Density Residential District, where the maximum density is 2.5 dwelling units per acre. Assume that there are 5 acres of Primary Conservation area. The open space percentage is 25 percent (or as a decimal, .25).

1. The following formula would be used to determine the total number of dwelling units allowed:

Total Dwelling Units Allowed = Total Parcel multiplied by Maximum Dwelling Units per Acre

$$TU = (TP) (DUA)$$

TU	= Total Units Allowed	(dwelling units)
TP	= Total Parcel	(acres)
DUA	= Maximum Dwelling Units per Acre	(dwelling units/acres)

$$TU = (50)(2.5)$$

TU = 125 Total Lots or Dwelling Units Allowed

2. The following formula would be used to determine the amount of the site acreage to be set aside as open space:  
Total Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

$$TO = ((TP - PC) OSP) + PC$$

TO	= Total Open Space Set Aside	(acres)
TP	= Total Parcel	(acres)
PC	= Primary Conservation Areas	(acres)
OSP	= Open Space Percentage	(% of Site Acreage excluding PC)

TO = Total Open Space Set Aside

TP = 50 acres Total Parcel

PC = 5 acres Primary Conservation Areas

OSP = 25% (or .25) Open Space Percentage

$$TO = ((50 - 5) .25) + 5$$

$$TO = ((45) .25) + 5$$

$$TO = (11.25) + 5$$

TO = 16.25 acres of Total Open Space Set Aside

#### **4.4.2 EQUESTRIAN ORIENTED SUBDIVISION OVERLAY DISTRICT (EOSO)**

Equestrian Oriented Subdivision Overlay District is hereby established. Equestrian oriented subdivisions are residential developments which are designed with particular emphasis placed on equestrian activities and which provide such facilities as community stables, riding rings, pastures, and riding trails. In addition, private stables may be located on individual residential lots. Equestrian oriented subdivisions are permitted in all agricultural and residential zoning districts except for the MH, Manufactured Housing District, subject to the following provisions:

##### **A. BUILDING AND STRUCTURE**

All buildings and structures related to the care or housing of horses and to the operation of the riding facilities on the common property shall be located at least 100 feet from any exterior property line of the development.

##### **B. PRIVATE STABLES**

Private stables on individual residential lots shall be located at least 5 feet, but not more than 60 feet, from any rear property line or horse trail; 20 feet from any interior property line; 40 feet from any corner yard property line, and in the front yard it shall be located behind the front facade of the principal building. However, along the exterior property line of the development, the setback shall be 100 feet unless a horse trail separates the property from the land located outside the development. In such a case, the setbacks shall be as stated above.

##### **C. MINIMUM LOT SIZE**

If a horse or miniature horse is to be kept on a lot which is located within this designation, the minimum lot size shall be ½ acre. The number of horse(s) allowed is one horse or two miniature horses per ½ acre. The owner of a lot which contains less than ½ acre shall not be allowed to keep a horse on that lot. Otherwise, the minimum lot size shall be the same as is required by the underlying zoning district. The minimum lot width and setback requirements shall be the same as is required by the underlying zoning district.

##### **D. RIDING TRAILS**

Riding trails shall generally be located in the interior of the development. However, if a riding trail is to be located along the exterior property line of the development, it shall be set back 30 feet from the exterior property line of the development.

##### **E. STABLES**

The lots with stables located on them shall be designed and maintained to drain so as to prevent ponding, the propagation of insects, and the pollution of adjacent streams and other water bodies.

##### **F. MAINTENANCE**

The premises shall be maintained in a sanitary condition through the proper use of lime and pesticides.

##### **G. HORSES IN CONTAINED AREAS**

If the horses are in a contained area, all manure shall be removed at least twice a day from the confined area so as to prevent the propagation of flies and the creation of odors. Owners of horses kept in a confined area are encouraged to use a Rabon supplement as this will reduce the propagation of flies.

##### **H. STORAGE OF GRAIN**

All grain on the lot shall be stored in rodent-proof containers.

**I. EXERCISE AND TRAINING AREAS**

All exercise and training areas shall be dampened so as to prevent dust.

**J. COMMUNITY RIDING FACILITIES**

All proposed community riding facilities, including community stables, riding rings, pastures, and riding trails shall be indicated on the plans. As part of the information submitted when applying for an Equestrian Oriented Subdivision Overlay District, a written statement describing the proposed means of ownership and proposed program for maintenance of these facilities shall be included. A copy of this information shall be kept on file in the Planning Department and the Building and Zoning Department.