LEXINGTON COUNTY

ZONING ORDINANCE

October 28, 2014

Community Development

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ARTICLE 1 – GENERAL PROVISIONS

Chapter 1. Introduction

11.00 Authority

This Ordinance is enacted pursuant to authority conferred by Title 6, Chapter 29 of the South Carolina Code of Laws, 1976, as amended, to promote the public health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of Lexington County, South Carolina.

11.10 Title

This Ordinance may be cited as the Zoning Ordinance for Lexington County, South Carolina. The map portion, including overlays, may be cited separately as the Zoning Maps for Lexington County, South Carolina.

11.20 Jurisdiction

The regulations set forth herein shall apply to all land and improvements thereon as described on the Zoning Maps for Lexington County, South Carolina.

11.30 Scope of Regulations

11.31 New Activities

Upon the effective date of this Ordinance any building, structure, or tract of land shall be used, constructed, or developed only in accordance with the applicable regulations contained herein.

11.32 Existing Activities

Any activity legally established prior to the effective date of this Ordinance which does not comply with its regulations shall be subject to the nonconforming use provisions of Article 11.

11.33 Existing Permits

Building permits lawfully issued before the effective date of this Ordinance or subsequent amendments shall remain in effect for as long as provided by the Lexington County Building Code. Zoning permits lawfully issued before the effective date of amendments to this Ordinance shall remain in effect as long as provided for in Section 121.10.

11.40 Establishment of Districts

In order to implement the provisions of this Ordinance, the following districts are hereby established:

11.41 Restrictive Development Districts

R1 - Low Density Residential
R2 - Medium Density Residential
R3 - High Density Residential
D - Development
RA - Recreational/Agricultural
RD - Restrictive Development

11.42 Intensive Development Districts

LC - Limited Commercial
C1 - Neighborhood Commercial
C2 - General Commercial
ID - Intensive Development

11.43 Limited Restriction District (LR)

The regulations contained in this Ordinance apply in the Limited Restriction District only when specifically noted. Within this District all property within 400 feet of an Arterial shall be regulated as if it was in an Intensive Development District, and all other property shall be regulated as if it was in a Restrictive Development District.

11.44 Special Overlay Districts

Airport District – *see Article 4*
Drainage and Flood Plain District – *see Article 5*

11.45 Planned Development District

The regulations governing the Planned Development District are found in Article 6.

11.50 Incorporation of Maps

The boundaries of districts established by this Ordinance are shown on the Zoning Maps, which are hereby incorporated into the provisions of this Ordinance. The location and boundaries of the special overlay districts are shown upon the Zoning Maps or by special overlays or maps. These maps and overlays in their entirety, including all map amendments, shall be as much a part of this Ordinance as if fully set forth and described herein.

11.60 District Boundary Interpretations

Whenever the location of a district boundary on the Zoning Maps which are a part of this Ordinance (including subsequent amendments) approximates the edge or centerline, as the case may be, of a street, alley, railroad, or other right-of-way, incorporated municipality, county, river, stream, pond, lake, flood plain, or topographic feature, which was in existence when the boundary was first established, then the location of the district boundary shall be interpreted to be such edge or centerline. Whenever the location of a district boundary line approximates the predominant alignment of a block or a lot within a block, or lines bounding parcels, or a straight line drawn between two identifiable points, shown on the official tax maps of Lexington County, then the location of the district boundary shall be interpreted to follow such predominant alignment.

Whenever the above method of interpretation is not applicable, the location of the district boundary shown on the Zoning Maps shall be determined by the use of the scale on the map. Should any further uncertainty exist, the location shall be determined by the Zoning Administrator, which shall be subject to appeal to the Board of Zoning Appeals.

11.70 Exclusions

In the interest of meeting the public need for services in an efficient and timely manner, and because such activities are developed with benefit of public input, any facility or activity owned and operated by Lexington County is exempt from the provisions of this Ordinance. However, the location and operation of all such exempt activities shall be conducted with a diligent effort to meet the spirit of the Ordinance.

Utilities owned and operated by a municipality are exempt from the provision of this Ordinance.

Chapter 2. Construction of Language and Definitions

12.00 Rules for Construction of Language

a. The particular shall control the general.

b. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.

c. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

d. The "building" or "structure" includes any part thereof.

e. Words used in the present tense shall include the future, and words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

f. All public officials, bodies, and agencies to which reference is made are those of Lexington County unless otherwise indicated.

g. The word "County" or "Lexington County" shall mean the area of jurisdiction of Lexington County, South Carolina, excluding all incorporated municipalities.

12.10 Definitions

Except when definitions are specifically included in the text, words in the text of this Ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail. In cases of conflicting definitions, the Zoning Administrator shall be required to define any word or interpret any definition.

Accessory: an activity or structure that is customarily associated with and appropriately incidental and subordinate to a principal activity and/or structure, and is located on the same zone lot except as provided under the provisions for accessory off-street parking.

Activity: the performance of a function or operation which constitutes the use of the land.

Attached: buildings which share one or more common walls with other buildings. As pertains to residential activity, dwelling units may also be considered attached when sharing structures in a manner other than just common walls, except in Planned Cluster Developments.

Buffering Restrictions: limits imposed upon land uses with respect to their height by means of height control slopes, with respect to their proximity by means of buffer and setback distances, and with respect to their visibility by means of screening requirements.

Building: a structure having a roof supported by columns or walls.

Building Footprint: the outline of a building as it appears in a plan view.

Detached: a building which is surrounded by yards or other open areas.

Dwelling: a building, or portion thereof, designed exclusively for residential occupancy, including single dwellings, duplexes, and multiple dwelling units, but not including transient occupancy.

Dwelling Unit: one or more rooms in a residential building or residential portion of a building, which are arranged, designed, used, or intended for use by one or more persons living together and maintaining a common household, and which shall include lawful cooking space and lawful sanitary facilities reserved for occupants thereof.

Grandfathered Residential Use: *see Residential Use.*

Gross Acreage: is to be measured as the total area of land confined within the property boundaries, including those which are permanently under water or subject to inundation, or which are contained in an easement or grant of use other than existing publicly dedicated road rights-of-way.

Landowner: *see Property Owner*.

Line of Sight: the linear distance along the line of vision offered by a window, door, or other opening in a principal or accessory building to the property line.

Parcel: a lot or contiguous lots under the same ownership.

Performance Standards: limits imposed upon land uses with respect to their noise, toxic matter and hazardous waste, fire and explosive hazards, radioactive materials, and light and glare.

Principal Activity: an activity which fulfills a primary function of an establishment, institution, household, or other entity.

Principal Building: a building which contains the principal activity or use located on a zone lot on which the building is situated.

Property Owner: the legal or beneficial owner or owners of all the land proposed to be included in a development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 50 years in duration, or other person having an enforceable proprietary interest may be considered a "property owner" for the purposes of this Ordinance.

Protected Property: property which is protected from the impacts of land uses upon surrounding properties by means of specified buffering restrictions and performance standards.

Protected Property Line: a property boundary or portion thereof from which, across which, or at which buffering restrictions or performance standards are measured.

Residence: a building or part of a building containing one or more dwelling units, including mobile homes and manufactured housing. Mobile home parks and group housing activities are considered residential activities within the body of this Ordinance. However, residences do not include transient habitation, detention centers, nursing homes, and hospitals.

Residential Use: pertaining to a residence. An attached garage is considered a residential use, whereas a detached garage is considered an accessory use. In a mixed building, that part of the structure used for nonresidential purposes is not considered a residential use.

> Grandfathered Residential Use: residential use in existence or permitted for construction before the dates below:
>
> Dutch Fork Planning Area – August 14, 1980
> Eastern Lexington County Planning Area – August 14, 1980
> Central Lexington County Planning Area – December 9, 1986
> Northern Lexington County Planning Area – August 2, 1987
> Western Lake Murray Lexington County Planning Area – March 21, 1989
> Southern Lexington County Planning Area – January 13, 1998
> Western Lexington County Planning Area – November 14, 2001
>
> An abandoned residential structure which is derelict or uninhabitable for a continuous period of 12 months or greater shall not be considered a grandfathered use. An uninhabited residence shall not in and of itself constitute abandonment.

Right-of-Way Plan: the plan adopted by the Lexington County Planning Commission which defines and designates the various categories of roads within Lexington County according to potential right-of-way needs.

Road: the term is interchangeable with street, avenue, etc.

Roof Line: the outermost extension of a roof beyond the wall of a building.

Single Ownership: means the proprietary interest of a property owner as herein defined.

Street: *see Road.*

Structure: any object constructed or installed by man, including, but not restricted to buildings, towers, smokestacks, and overhead transmission lines.

Use: the performance of a function or operation which constitutes the use of land.

ARTICLE 2 – APPLICATION OF REGULATIONS

Chapter 1. Schedule of Permitted Uses

21.00 General Classification Rules

The purpose of this chapter is to classify all uses into a number of specially defined activities on the basis of common functional characteristics and similar compatibility with other uses. This classification system provides a basis for the regulation of these activities and their assignment to districts later in this chapter. Vacant land, itself, shall not constitute an activity type. In the event of conflicting interpretations, or uncertain references to a particular use, the Zoning Administrator will assign uses to the most appropriate activity category. Any disagreement with that assignment may be appealed to the Board of Zoning Appeals.

21.10 Description of Principal Activities

Administrative Offices are of a non-service nature where patrons are not served on the premises.

Advertising Signs are any signs, pictorial or otherwise, regardless of size or shape, which direct attention to businesses, commodities, attractions, professions, services, or entertainment conducted, sold, offered, manufactured, existing, or provided at locations other than on the premises where the signs are located or to which they are affixed. Such signs are sometimes called off-premise signs, and include, but are not limited to those signs commonly referred to as outdoor advertising signs, billboards, or poster boards.

Airports and landing strips, including heliports, consist of the runways, landing areas, and terminals only. Activities comprising other airport related uses shall be classified according to the specific activity as found within these descriptions.

Animal Operations include the keeping, grazing, or feeding of animals for animal products, animal increase or value increase. Notwithstanding any other provisions of this Ordinance, the activity of Animal Operations shall be governed exclusively by state law and regulations of the Department of Health and Environmental Control (DHEC). All applicable existing requirements under Section 47-20-20 of the Code of Laws of South Carolina, 1976, as amended ("Confined Swine Feeding Operations"), and DHEC R. 61-43 ("Standards for the Permitting of Agricultural Animal Facilities"), as amended shall apply.

Boat Docks, other than that allowed as an accessory use under Section 21.20, shall include wet storage of water craft, or dry storage where no structures are erected to house the water craft. Access to the water must be provided through a parcel carrying the appropriate zoning district designation. Ramps are allowed for entrance into the water provided they are used only for launching and retrieving those water craft having space either in the boat slips or in the dry storage area. Boat Docks shall be issued a zoning permit only after receiving a favorable response from all agencies having jurisdiction over such activities. A list of these agencies shall be maintained by the Zoning Administrator.

Bus and Transit Terminals.

Business Services include clerical or goods brokerage services; banks, savings and loans, or other financial, consulting, or administrative activities; communication related services; book and newspaper publishing; multicopying, blueprinting, and custom printing; and other such activities where clientele are served on the premises with nothing other than a service rendered.

Cemeteries.

Child or Adult Day Care includes any facility for the regular care, supervision, or guidance of pre-teenage children, senior citizens, or adults with disabilities, which is subject to registration or licensing by the South Carolina Department of Social Services. Regular care, supervision, or guidance of no more than 6 such individuals may qualify as a Home Occupation under Section 21.22.

Churches, temples, and other places of worship.

Communication Towers (Limited) include those used for telephone transmittal. The buildings attendant to such use may be included in this activity as long as the size does not exceed 300 square feet.

Vegetation. Towers to preserve existing vegetation.

Illumination. Towers shall be illuminated only to the extent required by applicable federal or state statute or regulation.

Co-location. Satisfactory evidence shall be submitted that alternative towers, buildings, or other structures are not available for use within the communication tower site search area that are structurally capable of supporting the intended wireless communication antenna or meeting the necessary height criteria, or provide a location free of interference from other communication towers. The applicant for a new tower shall sign an instrument, maintained by the County, agreeing to encourage and promote the joint use of telecommunications towers within the County and, to that extent, committing that there shall be no unreasonable act or omission that would have the effect of excluding, obstructing or delaying joint use of any tower where fair and reasonable market compensation is offered for such use.

Color. Towers shall be light gray, except as otherwise required by applicable federal or state statute or regulation.

Fall zone letter required. A tower must be designed such that, in the event of structural failure, it would not fall within a public right-of-way or onto adjoining property. A signed letter from a registered professional structural engineer certifying to this will be required unless the setback exceeds the height of the tower.

Communication Towers (Extensive) include those used for radio and television transmittal. The buildings attendant to such use may be incorporated into the Business Services activity.

Vegetation. Towers to preserve existing vegetation.

Illumination. Towers shall be illuminated only to the extent required by applicable federal or state statute or regulation.

Color. Towers shall be light gray, except as otherwise required by applicable federal or state statute or regulation.

Fall zone letter required. A tower must be designed such that, in the event of structural failure, it would not fall within a public right-of-way or onto adjoining property. A signed letter from a registered professional structural engineer certifying to this will be required unless the setback exceeds the height of the tower.

Community Education activities include public, parochial, and private kindergartens, primary and secondary schools, colleges, junior colleges, technical education centers, and universities. Day care centers, stadiums, dormitories and other activities attendant to scholastic endeavors shall be dealt with as separate activity types, not to be included within the scope of this definition.

Construction Services include the storage of materials and equipment used to operate a construction business.

Crops include the raising of trees, vines, field, forage or other plant crops intended to provide food or fiber.

Detention Centers, prisons, or correctional institutions, but not halfway houses.

Essential Services include all facilities which provide power, communications, or personal health protection and emergency services as specified below. Any such facility owned and/or operated by the Irmo Fire District is exempt from the provisions of this Ordinance, provided all locations are approved by Lexington County Council.

Essential Services (Limited) shall include communication equipment installations and exchanges, natural gas substations, electric substations, neighborhood newspaper distribution centers, and post offices (excluding major mail processing centers).

Essential Services (Extensive) shall include recycling stations, solid waste transfer stations, law enforcement stations, fire stations, ambulance substations, and emergency first aid stations.

Fancier's Kennel/Cattery includes a private kennel or cattery maintained by a fancier to keep or train cats or dogs. A fancier means a person who owns or keeps 3 or more dogs or cats for noncommercial hunting or for breeding purposes in order to regularly participate in exhibition in shows or field trials, or obedience of performance trials at the AKC (American Kennel Club), UKC (United Kennel Club), or the CFA (Cat Fancier Association) licensed shows.

Food Services include functions performed by restaurants or other establishments wherein prepared food or beverages are sold for take-out, home delivery, or on-site consumption. A drive-through operation is considered accessory to the performance of the activity. Entertainment activities accessory to the principal activity may be permitted.

General Repair and Maintenance Services include activities such as appliance repair, furniture repair and/or refinishing, electronics repair, small engine repair, welding shops (excluding fabrication), and minor mechanical repairs. Work is completed primarily on-site, to include the storage of parts and items under repair.

General Retail (Limited) activities include the wholesale or retail sale or rental of goods or services customarily associated with clothing shops, convenience stores, drug stores, jewelry shops, florist shops, specialty gift shops, appliance stores, pet shops, hardware stores, garden supply shops, shoe stores, book stores, art studios, photography studios, stationary stores, and the like wherein the goods or services are offered at one location, either in the same building or in a series of buildings, which, in the aggregate, do not exceed 5,000 square feet in size. This activity also includes the sale of tires, batteries and vehicle accessories wherein the storage and/or display of goods and materials is conducted inside the buildings. The dispensing of petroleum products may be included as accessory to a General Retail (Limited) activity. Amusement centers featuring electronic games shall be included within this activity type.

General Retail (Extensive) activities include the wholesale or retail sale or rental of goods or services wherein a wide variety of such goods or services are offered at one location, either in the same building or in a series of buildings.

Golf Courses include the playing course itself as well as the support activities essential to its operation such as a pro shop, food service, group assembly (for less than 500 participants), maintenance sheds, daylight driving range, and cart storage. Any other activity must meet the requirements of the appropriate category as defined in this section.

Group Assembly (Limited) activities include the provision of cultural, entertainment, educational, recreational, and athletic services to assembled groups of spectators or participants smaller than 250 in number. This activity includes clubs, lodges, meeting halls, and temporary festivals. It also includes a single lane boat ramp access into a body of water provided it is not available to the general public. Parcels located on water may also support fishing piers, swimming areas, and courtesy docks provided no water craft are docked overnight. Overnight dry storage of water craft is allowed, but not in structures or on a waterfront parcel.

Group Assembly (Intermediate) activities include the provision of cultural, entertainment, educational, recreational, and athletic services to assembled groups of spectators or participants greater than 250 in number but smaller than 5,000 in number. This activity includes clubs, lodges, meeting halls, and temporary fairs, circuses, and festivals. It also includes boat ramp access into a body of water provided it is not available to the general public.

Group Assembly (Extensive) activities include the provision of cultural, entertainment, educational, recreational, and athletic services to assembled groups of spectators or participants greater than 5,000 in number. This activity includes clubs, lodges, meeting halls, and temporary fairs, circuses, and festivals. It also includes boat ramp access into a body of water provided it is not available to the general public.

Group Housing activities include retirement homes, convents, monasteries, orphanages, membership lodging such as fraternity and sorority houses, halfway houses, residence hotels, residence halls, dormitories, and homes for the mentally and physically handicapped (except as specifically exempted in SC State Statute 6-29-770, as amended; these activities shall be included in the Residential Detached or Residential Attached activity types, as appropriate.) This activity does not include convalescent homes, nursing facilities, or retirement centers. (See also "Nursing Homes," "Retirement Centers.")

Hospitals include institutions providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institutions, related facilities such as laboratories, outpatient facilities, or training facilities.

Kennels, Catteries, and Stables include any person, establishment, partnership, corporation, or other legal entity that owns, keeps, harbors, or is custodian of domestic animals and/or domestic fowl kept or used for stud for which a fee is charged and/or for breeding purposes for which a fee is charged for the offspring, or for the purpose of commercial boarding, grooming, sale*, or training. Animal rescue and/or adoption facilities, whether operated for profit or as nonprofit organization, shall be included in this category. Activities under this category shall not include livestock and other farm animals used in customary and normal agricultural husbandry practices or fancier's kennel or cattery or an Animal Hospital maintained by a licensed veterinarian.

*A pet shop, as defined as any person, partnership or corporation, whether operated separately or in connection with another business enterprise or other legal entity that buys or brokers any species of animal for resale as pets, shall be classified as General Retail (Limited) unless the activity is included within a larger General Retail (Extensive) activity.

Landfills include all of the following activities as defined by the South Carolina Department of Health and Environmental Control (SCDHEC) now or in the future. These SCDHEC definitions are published for reference only and are not a part of this Ordinance. Within this Ordinance landfills are classified as either limited, intermediate, or extensive and may include solid waste activities exempt from review by SCDHEC. Recycling activities which involve construction, demolition and/or land-clearing debris are regulated in the same manner as the landfill classification within which they are listed, even if there is no landfill at the location of the recycling activity

DHEC Landfill Categories

Municipal Solid Waste Landfills

Construction, Demolition, and Land-Clearing (C&D) Debris Landfills

Short-Term C&D Landfills (Part I).

Land-Clearing Debris and Yard Trash Landfills (Part II).

Permanent Industrial C&D Landfills (Part III).

Long-Term C&D Landfills (Part IV).

Industrial Solid Waste Landfills

Landfills (Limited) shall have a landfill area which does not exceed 4 acres and is operational for less than 2 years. This activity category does not include a Municipal or Industrial Solid Waste Landfill or the disposal of hazardous materials, or the on-site processing of construction, demolition, and/or land-clearing debris for recycling.

Landfills (Intermediate) shall have a landfill area which does not exceed 12 acres. This activity category does not include the disposal of hazardous materials, but may include the on-site processing of construction, demolition, and/or land-clearing debris for recycling provided the amount of unprocessed material stored above ground does not exceed 6000 cubic yards.

Landfills (Extensive) include all other landfills not included within the definition of Landfill (Limited) or Landfill (Intermediate). This activity category also includes the on-site processing of construction, demolition, and/or land-clearing debris for recycling.

Manufacturing (Light Assembly) activities include the final assembly, packaging, incidental storage, sale and distribution of small products from a number of purchased components. This classification will be for manual assembly of components using light tools. All portions of the activity must be within an enclosed building.

Manufacturing (Limited) activities include, among others, the manufacturing, compounding, processing, assembling, packaging, treatment, fabrication, or storage of products and services associated with the following:

apparel accessories such as hats, jewelry, umbrellas, footwear, and garments;
art objects;
bakery goods;
beverages (bottling plants for non-alcoholic drinks or storage for same);
dairy products;
instruments for medical, dental, engineering, scientific, or like purposes;
optical instruments and lenses;
major mail processing centers;
motion picture production lots;
printed matter;
research science;
signs; and
activities and operations which include the following, among others:

book binding;
photoengraving;
precision machining of dies, jigs, and fixtures;
record pressing; and
upholstering.

Manufacturing (Intermediate) includes any manufacturing activity not included within Limited Manufacturing which is conducted within an enclosed space except for:

arsenals, explosives and fireworks plants;
atomic reactors;
chemical manufacturing in excess of 1 ton per day;
offal processing;
paper mill;
petroleum refining;
pulp mill and manufacturing; and
waste disposal by incineration or other means as a principal use.

Manufacturing (Extensive) includes all other manufacturing activities not included within the definition of Limited or Intermediate Manufacturing except for those specialized activities awarded a separate activity classification within the body of this Ordinance (Radioactive Materials Handling, Scrap Operations, etc.).

Marinas include public boat ramps, and wet or dry storage of water craft. Provisions for food service, convenience retailing (including petroleum dispensing), engine repair, etc., customarily associated with marinas shall be considered as separate principal activities according to the respective descriptions within this section. Access to the water must be provided through a parcel carrying the appropriate zoning district designation. Marinas shall be issued a zoning permit only after receiving a favorable response from all agencies having jurisdiction over such activities. A list of these agencies shall be maintained by the Zoning Administrator.

Medical Services include the therapeutic, preventative, or corrective personal treatment of people normally performed by physicians, dentists, or other practitioners, as well as medical testing and analysis services. This activity may include a public health clinic but would exclude any facilities providing extended or inpatient care.

Military Installations.

Mining includes the extraction or removal of minerals for sale, processing, or consumption even if the mining activity is not required to obtain a mining permit from the South Carolina Department of Health and Environmental Control (SCDHEC). It does not include grading, backfilling, plowing, or excavating areas for agriculture or on-site construction, unless the extraction or removal of minerals exceeds 25,000 cubic yards or the activity continues for longer than 6 months.

Mining (Limited) includes all mining operations where the mining area does not exceed 5 acres. This activity category does not permit on-site mineral processing, including but not limited to, milling,

crushing, screening, washing, flotation, or refining. This activity category does not include chemical leaching of minerals, hard rock quarrying, or blasting.

Mining (Intermediate) includes all mining operations where the mining area does not exceed 25 acres. This category permits on-site mineral processing, chemical leaching of minerals, hard rock quarrying, or blasting, provided that the blasting or chemical leaching of minerals meets the buffering restrictions of the Mining (Extensive) category.

Mining (Extensive) includes all other mining activities not included within the definition of Mining (Limited) or Mining (Intermediate). This activity category permits on-site mineral processing, chemical leaching, and blasting.

Mini-Parks are recreational areas with no more than playground equipment and picnic facilities.

Mini-Warehouses include the operation of warehousing and storage wherein the storage capacity of individual units is less than 1000 square feet of floor area and individual keys are provided to lock each unit during the term of a rental agreement.

Mobile Home activities, including manufactured homes, are transportable dwellings intended for permanent residential occupancy. They may be contained in either one unit or multiple units designed to be joined together into one integral unit, arrive at a site complete and ready for occupancy except for minor and incidental assembly operations, and are constructed so that they may be used without a permanent foundation. This activity shall not include modular residential construction, as defined within the South Carolina Modular Buildings Construction Act of 1976. Modular residential construction shall be included in the Residential Detached or Residential Attached activity types, as appropriate.

Mobile Home Parks Three or more mobile homes or mobile home spaces, exclusive of a mobile home occupied by the property owner as a legal residence that are located within the vicinity of one another and operated in any coordinated manner. The park may be located on a single parcel, or multiple parcels in the same or different ownership.

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

Mobile Home Parks (Extensive) The minimum size of an individual mobile home space in this type of development is 6000 square feet.

NOTE: The following shall be used in determining compliance with the definition above of a Mobile Home Park:

a. A mobile home on a parcel(s) shall be counted toward the maximum number allowed even if the mobile home is unoccupied, used for storage, or not currently connected to electricity.

b. The subdividing of a parcel(s) in order to circumvent this Ordinance is not allowed by this definition.

c. Separating the ownership of mobile homes or mobile home spaces into two or more legal entities for the purpose of avoiding being defined as a mobile home park is not allowed. If the mobile homes or mobile home spaces are in the same vicinity and their management is not clearly handled as separate entities, then they shall be considered part of a single mobile home park.

d. "Vicinity" means being near and not remote, but does not have to be adjacent. It does not include sites that are miles apart, but may include sites that are adjacent to each other, across the street from each other, or thousands of feet away from each other, but in the same general area or proximity.

Natural Reserves and undeveloped open spaces include parks with minimum equipment, botanical gardens and arboretums, and the like.

Non-Assembly Cultural activities include public, parochial and private museums, art galleries, libraries, and observatories.

Nursing Homes include convalescent homes, convalescent hospitals and clinics. Skilled care is typically provided to residents/patients. (See also "Retirement Centers.")

Personal Convenience Services including barbering, laundromats, beauty care, dry cleaning, and the repair of personal apparel, and similar items, but not including motor vehicles, structures, or engines.

Plant Nurseries include the cultivation, for sale, of horticultural specialties such as flowers, shrubs, trees, and bushes intended for ornamental or landscaping purposes.

Power Plants (non-atomic).

Professional Services include those performed by recognized professionals such as lawyers, architects, engineers, CPAs, private instructors with less than 30 students at one time, real estate brokers and the like.

Radioactive Materials Handling includes the use, in any way, of significant amounts of radioactive or atomic material, to include atomic power plants or radioactive waste treatment or storage. Incidental amounts of such material incorporated into activities of scientific measurement or diagnostic practice shall not be included in this classification.

Railroad terminals and yards (freight and passenger).

Recycling Centers include the processing and storage of consumer goods/materials to be sold for the purpose of creating post-consumer use products. This activity does not include the recycling of construction, demolition, and/or land-clearing debris. Such recycling operations shall be regulated as landfills in accordance with the provisions of Article 9.

Research Services are research activities of a scientific or industrial nature which are offered as an independent service, and do not include medical testing and analysis and routine product testing.

Residential Detached are single dwelling units in a single structure which are surrounded by yards or other open area.

Residential Attached are two or more dwelling units (DUs) in a single structure.

Retirement Centers/Assisted Living Facilities include those complexes offering a combination of housing options with the following accessory activities allowed on site as long as they are for the residents only: support services, light retail/personal services, food services, and/or medical services. Activities may take place under one roof or in separate buildings. (See also "Nursing Homes.")

Salvage/Wrecking Yards activities include the dismantling or wrecking of used automobiles, vehicles, crafts and trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles or bulk of two or more vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of a salvage/wrecking yard. (See also "Scrap Operations.")

Scrap Operations include the storage or sale of used or waste material or other items except when such activities are incidental to a manufacturing operation. (See also "Salvage Yard.")

Speculative Development includes nonresidential projects where specific activities are unknown at the time of development or individual tenants may not yet be identified. The following designations may be selected provided that individual tenants must meet all applicable requirements for their principal activity and be permitted separately before locating within the designated development.

> Business Parks include nonresidential projects that are developed with the intent of housing activities such as those identified as "Administrative Offices," "Medical Services," and "Professional Services."
>
> Shopping Centers include nonresidential projects developed with the intent of housing activities such as "General Retail," "Food Services," "Business Services," "Personal Convenience Services," and "Professional Services."

Industrial Parks are those nonresidential projects developed with the intent of housing activities such as those identified as "Manufacturing," "Research Services," and "Transport and Warehousing."

Towing and Impoundment Lot includes the temporary storage of automobiles, vehicles, crafts and trailers, as part of a towing or repossession activity. To include parking and dispatch of tow truck or wrecker equipment, but not the repair or sale of vehicles and/or their parts.

Trade Enterprises include services such as HVAC repair, plumbing, pest control, and electrical repair where service is typically provided at the home or business. Storage on-site of items for parts or repair is minimal.

Transient Habitation activities include lodging services to transient guests, such as camper parks, motels, hotels, etc., and include restaurants and certain attendant recreational activities as accessory thereto.

Transport and Warehousing activities include the operation of warehousing and storage, freight handling, shipping services and a building or area in which freight brought by truck or rail spur is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

Transport and Warehousing (Limited) shall include the above where the total storage area is 5,000 square feet or less.

Transport and Warehousing (Extensive) shall include the above where the total storage area exceeds 5,000 square feet.

Transport Services include taxi services, non-emergency medical transport services, etc.

Undertaking activities and attendant facilities (including a crematorium).

Utilities include all facilities used for water and sewer treatment and storage except septic tanks and individual wells. Distribution and collection lines, lift stations and booster pumps, and wells for ground water systems are also not considered as principal activities for regulation by this Ordinance.

Utilities (Limited) include "package" sewer treatment plant without lagoons and water system storage facilities.

Utilities (Intermediate) include "package" sewer treatment plants with lagoons and water treatment facilities which use a surface water supply.

Utilities (Extensive) include all sewer treatment plants other than "package" plants.

Vehicle Parking activities include surface, subsurface, and high-rise facilities which house automotive, vehicular, and craft parking and storage activities.

Vehicle Repair activities include the major repair and tune-up of engines, transmissions, etc., painting, body work, and major accessory installation for automobiles, vehicles, and crafts.

Vehicle Sales activities include the wholesale or retail sale or rental of vehicles, crafts, and related equipment with incidental maintenance.

Vehicle Servicing (Limited) activities include self-service automotive washing establishments with no employees laboring on the premises.

Vehicle Servicing (Extensive) activities include the sale of goods and the provision of services which are generally required in the operation and maintenance of automobiles, vehicles, and crafts. This principally includes the sale and dispensing of petroleum products; the sale of tires, batteries, and automotive accessories; the replacement of small items; lubricating services; the performance of minor repairs; and the washing and polishing of vehicles.

Veterinarian Services. This activity excludes outdoor kennels. (See also "Kennels and Stables.")

Zoos include zoological gardens and petting zoos.

21.20 Accessory Activities

Each principal activity above shall be deemed to include activities customarily associated with and appropriate, incidental, and subordinate to the principal activity when located on the same lot and when meeting the further conditions set forth in Sections 21.21 and 21.22 below. Such accessory activities shall be controlled in the same manner as its associated principal activity except as otherwise provided in this Ordinance.

21.21 Partial List of Accessory Activities

Such accessory activities include, but are not limited to, the activities indicated below:

a. Off-street parking, driveways, dumpsters, etc., serving the principal activity, whether located on the same lot or on a different lot, but only if the facilities involved are reserved for the residents, patrons, employees, or other persons participating in the principal activity.

b. Residential occupancy in connection with a principal nonresidential activity on the same lot.

c. Operation of a cafeteria for employees, residents, patrons, or others participating in the principal activity on the same lot.

d. Production of goods for sale by a firm engaged in a principal commercial activity on the same lot, but only if:

   1. All goods so produced are sold at retail by the same firm on the same lot;

   2. Such production does not utilize more than 49 percent of the total floor area occupied by such firm on the same lot;

   3. Such production does not in any case occupy more than 2000 square feet of such floor area; and

   4. Such production occurs only in an enclosed building.

e. Storage of goods sold by a firm engaged in a principal commercial activity on the same lot, provided such storage does not occupy more than 49 percent of the total floor area.

f. Temporary 1-day sale of goods from a residential dwelling or other principal activity provided such sale does not occur more often than four times in any given year at the same location.

g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of a principal activity.

h. Temporary conduct of a real estate office which is directly related to the development of a subdivision of five or more lots.

i. Boat docks on waterfront parcels supportive of residential use. These may be common docks shared by no more than five dwelling units provided the boat slips number no more than five. For every dwelling unit on a non-waterfront parcel served by the common docks, there must be one dwelling unit located on a waterfront parcel served by the common docks.

j. Vehicles without a current license plate or vehicles under repair for longer than 30 days, are an allowed accessory activity to residential use only if fully screened from the road right-of-way and any surrounding properties.

   In the case of a single vehicle on a property meeting this description, a cloth automotive cover may be used provided that it is designed and sold specifically for use as a car/truck cover and is in excellent condition. A tarpaulin may not be used as screening. For multiple cars, total screening must be provided as described in Article 2, Section 23.40 Screening.

k. The repetitive overnight parking of commercial-type vehicles shall be allowed as an accessory activity to a residential use only through compliance with the following restrictions or through a variance from the Board of Zoning Appeals. The parking of any vehicle shall

not violate the vision clearance requirements of this Ordinance. There are also no grandfathering provisions for any existing violations of these restrictions.

1. Allowed without any restrictions:

   Pickup – two-door
   Pickup – four doors with extended cab
   Pickup/truck – six wheels (dual rear wheels)

2. Allowed if parked completely off the road right-of-way:

   Small van or mini-van used commercially (i.e., name on side, no windows)
   Tour van
   Privately-owned ambulance
   Recreational vehicle and accessories
   School bus

3. Allowed if parked beyond any setback lines imposed by this Ordinance:

   Large step van

4. Allowed if completely screened from the road and all surrounding property:

   Tow truck or standard wrecker
   Car carrier (flat-bed tilt)
   Glass carrier
   Tour minibus
   Tractor trailer rig
   Tractor trailer – cab only
   Tractor trailer – trailer only
   Dump truck
   Garbage truck
   Large van/truck – "moving van"
   Flatbed truck – single chassis
   Flatbed truck – tractor/trailer
   "Bucket" truck
   Trailers with commercial materials

Such accessory activities shall <u>not</u> include any of the following:

The repetitive overnight parking of the following commercial-type vehicles as an accessory activity to residential use. Since these activities are prohibited, a variance is not allowed as a method of relief from these restrictions, nor are there any grandfathering provisions for any existing violations.

Full size tour bus
Any vehicle hauling hazardous materials (e.g., pesticides, flammable liquids/gases)
Tanker truck
Backhoe
Motor grader, front-end loader, or other earthmoving equipment
(This list does not include yard and garden equipment not used commercially)

21.22 Home Occupations

Except as otherwise provided below (in items a. through h.), a home occupation is an accessory activity of a nonresidential nature which is performed within a dwelling unit, or within an accessory structure to a residence. It shall not occupy more than 25 percent of the total floor area of such dwelling unit and in no event occupy more than 750 square feet of floor area. A home occupation shall not include the manufacture or repair of transportation related equipment or animal impoundment activities (kennel) and shall be subject to the performance standards contained in this Ordinance as applicable. Home occupations shall require zoning permits in addition to those of their residential principal activities.

The following shall <u>not</u> be permitted as part of a home occupation unless an appropriate variance is granted by the Board of Zoning Appeals:

a. Exterior displays, display of goods or chattels visible from the outside, or exhibit on the premises by any method which would indicate from the exterior that the dwelling unit, or accessory structure, is being utilized in whole or in part as a home occupation;

b. Use, in connection with the home occupation, of any mechanical, chemical, or electrical device which would pose a potential hazard to the residential setting, and which may be considered to be an unusual piece of equipment in the residential environment;

c. Storage of materials, goods, chattels, etc., outside of a principal or accessory building or other structure;

d. External structural alterations not customary in residential buildings;

e. Traffic generation substantially in excess of that which would normally be expected in a residential setting;

f. Teaching of more than six pupils simultaneously; or

g. Employment at the residence housing the home occupation of a person other than a resident of the dwelling unit.

The following shall not be permitted as part of a home occupation unless a special exception is granted by the Board of Zoning Appeals:

h. Regular care, supervision, or guidance of more than six individuals (pre-teenage children, senior citizens, or adults with disabilities), counting those who live at the site of the home occupation. No special exception may be granted for a home occupation day care of more than 12 such individuals; nor may any special exception for a home occupation day care extend beyond the operator or site originally granted the special exception. No special exception may be granted for home occupation day care of both children and adults at the same location under this Ordinance.

However, home occupation day care is not subject to the 25 percent of the total floor area restriction, or the 750 square feet of floor area restriction imposed on other home occupations. Also, home occupation day care may be conducted outside on the premises using yard furnishings customary to the residential setting. Additional traffic generation from one delivery and one pick up of each individual each day shall be considered within the limitations of item "e" above. The Board of Zoning Appeals' deliberations shall include, but not limited to, the following items:

1. The size of the residence and the outside recreation area;

2. Parking and vehicular access to the residence and its ability to accommodate the drop-off and pick-up of the additional individuals;

3. The stated opinions of the surrounding property owners; and

4. If requested, the acceptability of having an employee ("caregiver" as defined by the South Carolina Department of Social Services) who is not a resident of the dwelling unit.

21.30 Permitted Uses by District

The columnar chart that follows describes the activities permitted within each district. This chart is based upon the list of principal activities defined in Section 21.10 of this Ordinance and the districts established in Section 11.40, and is subject to the following:

a. The listing of a permitted activity within a district may be voided upon the application of the special overlay district regulations pertaining to flooding, drainage, or airports found in Articles 4 and 5 of this Ordinance.

b. The provisions of Chapters 2, 3, and 4 of this article shall apply in all districts to all listed activities as applicable. The application of these provisions may prohibit an activity from locating in a particular district.

c. Within the Limited Restriction (LR) district, all activities except the following are permitted without review for compliance with the specific provisions of this Ordinance:

Extremely Hazardous Materials as regulated by Article 3
Mining Operations as regulated by Article 8
Mobile Home Parks as regulated by Article 7
Sexually Oriented Businesses as regulated by Article 10

21.31 Chart of Permitted Activities by District

Those activities that are marked by an asterisk (*) are allowed only when granted a special exception by the Board of Zoning Appeals as outlined in Article 12 of this Ordinance.

R1	R2	R3	D	RA	RD	LC	C1	C2	ID	LR	ACTIVITIES
					✓	✓	✓	✓	✓	✓	Administrative Offices
					✓		✓	✓	✓	✓	Advertising Signs
				✓	✓	✓	✓	✓	✓	✓	Airports
			✓	✓	✓				✓	✓	Animal Operations
		✓		✓	✓		✓	✓	✓	✓	Boat Docks
					✓				✓	✓	Bus and Transit Terminals
					✓			✓	✓	✓	Business Services
	✓	✓	✓	✓	✓			✓	✓	✓	Cemeteries
☑	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Child or Adult Day Care
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Churches
				✓	✓	✓	✓	✓	✓	✓	Communication Towers (Limited)
					✓				✓	✓	Communication Towers (Extensive)
✓	✓	✓	✓	✓	✓			✓	✓	✓	Community Education
					✓			✓	✓	✓	Construction Services
			✓	✓	✓				✓	✓	Crops
					✓				✓	✓	Detention Centers
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Essential Services (Limited)
	✓	✓	✓	✓	✓			✓	✓	✓	Essential Services (Extensive)
✓			✓	✓	✓			✓	✓	✓	Fancier's Kennel/Cattery
				✓	✓		✓	✓	✓	✓	Food Services
					✓			✓	✓	✓	General Repair and Maintenance Services
					✓		✓	✓	✓	✓	General Retail (Limited)
					✓			✓	✓	✓	General Retail (Extensive)
✓##	✓##	✓##	✓##	✓	✓	✓	✓	✓	✓	✓	Golf Courses
✓#	✓#	✓#	✓#	✓	✓		✓	✓	✓	✓	Group Assembly (Limited)
				✓	✓			✓	✓	✓	Group Assembly (Intermediate)
					✓			✓	✓	✓	Group Assembly (Extensive)
		✓	✓	✓	✓	✓	✓	✓	✓	✓	Group Housing
					✓		✓	✓	✓	✓	Hospitals
			✓	✓	✓			✓	✓	✓	Kennels, Catteries, and Stables
					✓				✓	✓	Landfills (Limited)
					✓				✓	✓	Landfills (Intermediate)
					✓				✓	✓	Landfills (Extensive)
					✓			✓	✓	✓	Manufacturing (Light Assembly)
					✓				✓	✓	Manufacturing (Limited)
					✓				✓	✓	Manufacturing (Intermediate)
					✓				✓	✓	Manufacturing (Extensive)
					✓			✓	✓	✓	Marinas
					✓	✓	✓	✓	✓	✓	Medical Services
					✓				✓	✓	Military Installations

R1	R2	R3	D	RA	RD	LC	C1	C2	ID	LR	ACTIVITIES	
			✓		✓			✓	✓	✓	Mining (Limited)	
					✓				✓	✓	Mining (Intermediate)	
					✓				✓	✓	Mining (Extensive)	
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Mini-Parks	
					✓			✓	✓	✓	Mini-Warehouses	
	✓	✓	✓	✓	✓		✓	✓	✓	✓	Mobile Homes	
		✓			✓			✓	✓	✓	Mobile Home Parks (Limited)*	
		✓			✓			✓	✓	✓	Mobile Home Parks (Extensive)*	
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Natural Reserves	
				✓	✓	✓	✓	✓	✓	✓	Non-Assembly Cultural	
☑	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Nursing Homes	
					✓		✓	✓	✓	✓	Personal Convenience Services	
			✓	✓	✓	✓	✓	✓	✓	✓	Plant Nurseries	
					✓				✓	✓	Power Plants	
					✓	✓	✓	✓	✓	✓	Professional Services	
					✓				✓	✓	Radioactive Materials Handling	
					✓				✓	✓	Railroad	
					✓				✓	✓	Recycling Centers	
					✓			✓	✓	✓	Research Services	
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Residential Detached	
	✓	✓			✓	✓	✓	✓	✓	✓	Residential Attached (2 dwelling units)	
		✓			✓			✓	✓	✓	Residential Attached (3 or more dwelling units)	
☑	☑	✓	☑	☑	✓	✓	✓	✓	✓	✓	Retirement Centers/Assisted Living	
					✓				✓	✓	Salvage/Wrecking Yard	
					✓				✓	✓	Scrap Operations	
					✓		✓	✓	✓	✓	Business Parks	Speculative Development
					✓			✓	✓	✓	Shopping Centers	Speculative Development
					✓				✓	✓	Industrial Parks	Speculative Development
					✓			✓	✓	✓	Towing and Impoundment Lot	
					✓			✓	✓	✓	Trade Enterprises	
					✓			✓	✓	✓	Transient Habitation	
					✓			✓	✓	✓	Transport and Warehousing (Limited)	
					✓				✓	✓	Transport and Warehousing (Extensive)	
					✓		✓	✓	✓	✓	Transport Services	
					✓			✓	✓	✓	Undertaking	
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Utilities	
					✓			✓	✓	✓	Vehicle Parking	
					✓			✓	✓	✓	Vehicle Repair	
					✓			✓	✓	✓	Vehicle Sales	
					✓		✓	✓	✓	✓	Vehicle Servicing (Limited)	
					✓			✓	✓	✓	Vehicle Servicing (Extensive)	
				✓	✓			✓	✓	✓	Veterinarian Services	
				✓	✓				✓	✓	Zoos	

The permitting of this activity in this district is allowed only if the Group Assembly (Limited) activity is a membership facility owned, operated, and used by the property owners in the surrounding residential area for which the facility is being established.

The permitting of this activity in this district is allowed only if the Golf Course activity is part of a planned development that includes residential development as a part of its design.

☑ The permitting of this activity in this district is allowed only if the access to the activity is by an Arterial (A) or Collector (C) street.

Chapter 2. General Requirements

22.00 Street Classifications and Access

All streets on the Zoning Maps shall be designated as one of the following classifications as shown on the Right-of-Way Plan. The columnar chart which follows in Section 22.02 identifies the type of street required to provide access to each activity.

Arterial (A): A street of regional importance or a main road of the community which is expected to carry either heavy vehicular traffic volumes or high-speed traffic or both. Traffic intensive commercial, industrial and high-density residential activities should be encouraged to develop on Arterial roads.

Collector (C): A street which is used or intended to be used for moving traffic from local streets to Arterials. Collectors are generally shorter than Arterials, but carry high volumes of traffic. Therefore, development of land along Collectors should be compatible with high traffic volumes.

Local (L): A street which primarily provides access to nonresidential land uses and connects residential streets to the Arterials and Collectors. Land uses should be compatible with higher traffic volumes. However, the most intensive land uses which generate extremely high levels of traffic should be prohibited from direct access. The following additional categories of Local streets are established to handle the special circumstances described:

Residential Local Six (RL6): A street with frontage over 50 percent residentially developed at the time of enactment of this Ordinance or platted as a residential subdivision. This type street is intended to accommodate residential activities at six dwelling units per acre. Access will be limited to this type development and allowed home occupations or accessory activities.

Residential Local Five (RL5): A street with frontage over 50 percent residentially developed at the time of enactment of this Ordinance or platted as a residential subdivision. This type street is intended to accommodate some residential activities at five dwelling units per acre. Access will be limited to this type development and allowed home occupations or accessory activities.

Residential Local Four (RL4): A street with frontage over 50 percent residentially developed at the time of enactment of this Ordinance or platted as a residential subdivision. This type street is intended to accommodate some residential activities at four dwelling units per acre. Access will be limited to this type development and allowed home occupations or accessory activities.

Limited Local (LL): A street that contains a locational or design flaw which limits traffic volume. The conditions of the problem should be virtually impossible to correct or very unlikely to be improved. Access to this type street will be limited to those activities expected to generate traffic volumes equal to or less than Detached Residential development at four dwelling units per acre.

22.01 New Streets Created

Whenever new streets are added to the roadway system within the zoning jurisdiction of Lexington County, these streets shall be classified according to the criteria specified within this section. The Zoning Administrator, upon the approval and confirmation of the classification by the Planning Commission, shall cause same to be placed upon the Zoning Map.

22.02 Chart of Permitted Access by Street Classification

The following chart designates the street classifications necessary to access each of the major activities. A principal activity which is restricted from access to a specific street classification may not locate where the activity is reachable only through the use of a street with such a restricted classification.

If a street right-of-way has been annexed by a municipality, the access necessary for a major activity will be determined by using the street classification in existence before the annexation.

There are limits placed on some activities allowed to access a Limited Local (LL) street classification. The last column in the chart describes the specific nature of these limits where they exist. They are expressed in either maximum number of dwelling units (DU) per acre, maximum number of beds per acre, or maximum floor area ratio (FAR). A floor area ratio is an

expression of the total floor area of a structure or building, including useable basements, compared to the total lot area. For example a 1000 square foot building on a 10,000 square foot lot would have a floor area ratio of .10.

A	C	L	RL6	RL5	RL4	LL & Max. Limits	ACTIVITIES
✓	✓	✓				✓ .09 FAR	Administrative Offices
✓							Advertising Signs
✓	✓	✓					Airports
✓	✓	✓					Animal Operations
✓	✓	✓	✓				Boat Docks
✓	✓						Bus and Transit Terminals
✓	✓	✓				✓ .05 FAR	Business Services
✓	✓	✓				✓	Cemeteries
✓	✓	✓	✓				Child or Adult Day Care
✓	✓	✓					Churches
✓	✓	✓				✓	Communication Towers (Limited)
✓	✓	✓				✓ .03 FAR	Communication Towers (Extensive)
✓	✓	✓					Community Education
✓	✓	✓					Construction Services
✓	✓	✓				✓	Crops
✓	✓						Detention Centers
✓	✓	✓				✓	Essential Services (Limited)
✓	✓	✓					Essential Services (Extensive)
✓	✓	✓					Fancier's Kennel/Cattery
✓	✓	✓					Food Services
✓	✓	✓					General Repair & Maintenance Services
✓	✓	✓				✓ .03 FAR	General Retail (Limited)
✓	✓	✓				✓ .03 FAR	General Retail (Extensive)
✓	✓	✓	✓##	✓##	✓##		Golf Courses
✓	✓	✓	✓*	✓*	✓*		Group Assembly (Limited)
✓	✓	✓	✓*	✓*	✓*		Group Assembly (Intermediate)
✓	✓	✓#					Group Assembly (Extensive)
✓	✓	✓	✓			✓ 5.5 DU/acre	Group Housing
✓	✓	✓#					Hospitals
✓	✓	✓					Kennels, Catteries, and Stables
✓	✓	✓					Landfills (Limited)
✓	✓	✓**					Landfills (Intermediate)
✓	✓**						Landfills (Extensive)
✓	✓	✓					Manufacturing (Light Assembly)
✓	✓	✓					Manufacturing (Limited)
✓	✓	✓					Manufacturing (Intermediate)
✓	✓						Manufacturing (Extensive)
✓	✓	✓					Marinas
✓	✓	✓				✓ .07 FAR	Medical Services
✓	✓						Military Installations
✓	✓	✓					Mining (Limited)
✓	✓	✓					Mining (Intermediate)
✓	✓						Mining (Extensive)
✓	✓	✓	✓	✓	✓	✓	Mini-Parks
✓	✓	✓					Mini-Warehouses
✓	✓	✓	✓	✓	✓	✓ 4 DU/acre	Mobile Homes
✓	✓	✓	✓			✓ 6 DU/acre	Mobile Home Parks

A	C	L	RL6	RL5	RL4	LL & Max. Limits	ACTIVITIES	
✓	✓	✓	✓	✓	✓	✓	Natural Reserves	
✓	✓	✓	✓				Non-Assembly Cultural	
✓	✓	✓	✓			✓ 12 Beds/acre	Nursing Homes	
✓	✓	✓				✓ .03 FAR	Personal Convenience Services	
✓	✓	✓				✓	Plant Nurseries	
✓	✓						Power Plants	
✓	✓	✓				✓ .09 FAR	Professional Services	
✓	✓						Radioactive Materials Handling	
✓	✓						Railroad	
✓	✓	✓					Recycling Centers	
✓	✓	✓				✓ .09 FAR	Research Services	
✓	✓	✓	✓	✓	✓	✓ 4 DU/acre	Residential Detached	
✓	✓	✓	✓	✓		✓ 4DU/acre	Residential Attached (2 Dwelling Units)	
✓	✓	✓	✓			✓ 6 DU/acre	Residential Attached (3 or more Dwelling Units)	
✓	✓	✓	✓			✓ 6 DU/acre	Retirement Centers/Assisted Living	
✓	✓	✓					Salvage/Wrecking Yard	
✓	✓	✓					Scrap Operations	
✓	✓	✓					Business Parks	Speculative Development
✓	✓	✓					Shopping Centers	
✓	✓	✓					Industrial Parks	
✓	✓	✓					Towing and Impoundment Lot	
✓	✓	✓					Trade Enterprises	
✓	✓	✓					Transient Habitation	
✓	✓	✓					Transport & Warehousing (Limited)	
✓	✓	✓					Transport & Warehousing (Extensive)	
✓	✓	✓					Transport Services	
✓	✓	✓					Undertaking	
✓	✓	✓	✓	✓	✓	✓	Utilities	
✓	✓	✓					Vehicle Parking	
✓	✓	✓				✓	Vehicle Repair	
✓	✓	✓				✓ .03 FAR	Vehicle Sales	
✓	✓	✓					Vehicle Servicing (Limited)	
✓	✓	✓					Vehicle Servicing (Extensive)	
✓	✓	✓					Veterinarian Services	
✓	✓	✓					Zoos	

* Access by this classification is allowed only if the Group Assembly (Limited) activity is a membership facility owned, operated, and used by the property owners in the surrounding residential area for which the facility is being established.

** Access by this classification is allowed only if the street is paved.

Access by this classification is allowed only if the activity also has access to an Arterial or Collector street.

Access by this classification is allowed only if the Golf Course activity is a part of a planned development that includes residential development as a part of its design.

22.10 Driveway and Street Restrictions

22.11 Vision Clearance

For the safety of the traveling and pedestrian public, all intersections will maintain a vision clearance triangle. These triangles must be kept clear of all vegetation, walls, or structures

between a height of 2 ½ feet and 10 feet to provide for safer movement of motorists and pedestrians. Depending on the location, intersections must meet one of the following criteria:

a. Intersections with stop signs must provide vision clearance by meeting intersection sight distance as described in Section 22.15 (a).

b. Intersections that either presently contain automated traffic control signals, or have the potential to become thus signalized in the future, shall be designed with a vision clearance triangle as described below. This vision clearance is applied in addition to any sight distance requirements. Vision clearance at these intersections shall be determined by the designation of a triangular area formed by the intersection of the street right-of-way lines and a distance of 40 feet along said lines, connected by a straight line at the points thus determined.

22.12 Corner Clearance

Driveways shall be located in a manner to comply with the following minimum corner clearances measured from the intersection of the street right-of-way lines:

Arterial	50 feet
Collector	45 feet
Local	40 feet

22.13 Driveway Location

There shall be only one driveway per road frontage allowed for each development parcel of land (for activities other than Detached Residential or Mobile Homes). That driveway shall be located in the following manner:

a. The driveway is to be aligned with the other opposing roads or driveways unless such an alignment violates other provisions of this Ordinance.

b. Driveway installation requires a favorable approval of an encroachment permit application to the South Carolina Department of Transportation or Lexington County Public Works Department, depending on which agency has maintenance responsibility for the road being accessed.

c. For developments with expected high average daily traffic counts, the South Carolina Department of Transportation or the Lexington County Public Works Department may require a more detailed access plan to be developed and implemented. Such a plan would be required to address the installation of improvements such as deceleration/acceleration lanes, traffic control devices, turn lanes, additional driveways, etc. The developer of the property may choose to prepare a traffic impact study to demonstrate the viability of various access improvements. If such a study is done, it must meet the criteria of the Institute of Transportation Engineers and shall be conducted by a qualified engineer.

Multiple parcels developed at the same time shall be required to create a plan for use of a single driveway for access. Out-parcels developed as part of a larger tract of land shall be required to use the single access created for the larger parcel.

Access must be by defined driveways. Continuous access along the road frontage is not allowed.

22.14 Parking Lot Connectivity

Where possible, adjoining parking lots are to be designed in a manner to allow them to be connected for vehicular traffic. The design may be such that if the connection does not occur, that portion of the parking lot could be used for parking or other purposes either later or in the interim.

22.15 Sight Distance

In an effort to provide the safest environment possible for the traveling public, driveways will be located at a point which provides optimum sight distance along the roadway. Depending on the location, driveways must meet one of the following criteria:

a. Driveways on Arterial, Collector, and Local streets not in a residential subdivision shall be located in a manner to allow at least 100 feet of sight distance for each 10 miles per hour of the speed limit. Sight distance shall be measured from a seeing height of 3½ feet to an object 4¼ feet in height. Sight triangles are then obtained by measuring from a point 15 feet from the edge of the pavement of the road being accessed to the points providing the minimum intersection sight distance in each direction. These triangles must be kept clear of all vegetation, walls, or structures between a height of 2½ and 10 feet to provide for safe movement of motorists and pedestrians.

b. Roads within residential subdivisions will be considered to have met road design standards for safe stopping sight distances, therefore providing safe driveway locations. This is measured from a seeing height of 3½ feet to an object 6 inches in height. However, where the road design does not meet these standards the Zoning Administrator shall have the authority to require that driveways be located at a point that provides the optimum sight distance along the road way.

22.20 Parking

Vehicular parking and storage shall comply with the following minimum requirements. For the purpose of this Ordinance, accessory off-street parking is considered a support function of the principal activity on a zone lot. If, for any reason, the required minimum parking spaces cannot be accommodated on the same lot as the principal activity, then the Board of Zoning Appeals may entertain a variance request to permit off-site parking provided such site is no more than 500 feet removed from the lot on which the principal activity is conducted.

An automotive parking space is determined to consist of a space no less than 9 feet by 18 feet for standard size vehicles and no less than 7 feet by 15 feet for compact cars if so marked. No more than 25 percent of the parking requirements of this Ordinance may be satisfied with compact car spaces.

When determining parking area requirements for uses other than a Detached Residential activity accessed by a Local street, portions of the public right-of-way or street may not be considered as permissible for maneuvering incidental to parking.

The required ratios of parking per activity shall be as indicated in the chart below. When an activity is composed of two or more separate uses, the parking ratios for each separate activity shall be calculated and applied in the aggregate to the entire tract. It is important to remember that these are minimums and therefore may not be adequate for a particular proposed activity.

ACTIVITY	MINIMUM NUMBER OF PARKING SPACES
Administrative Offices	1 per 300 square feet of gross floor area
Advertising Signs	not applicable
Airports	no minimum established
Animal Operations	no minimum established
Boat Docks	1 per 2 slips
Bus and Transit Terminals	1 per 100 square feet of waiting room area
Business Services	1 per 300 square feet of gross floor area
Cemeteries	no minimum established
Child or Adult Day Care	1 per 350 square feet of gross floor area
Churches	1 per 4 seats in sanctuary
Communication Towers	no minimum established
Community Education	4 per classroom (high school) 1½ per classroom (all other)
Construction Services	no minimum established
Crops	no minimum established
Detention Centers	no minimum established
Essential Services (Limited)	1 per 300 square feet of gross floor area
Essential Services (Extensive)	1 per 500 square feet of gross floor area
Food Services	1 per 4 seats
General Repair and Maintenance Services	1 per 500 square feet of gross floor area
General Retail (Limited)	1 per 300 square feet of sales floor area
General Retail (Extensive)	1 per 250 square feet of sales floor area
Group Assembly	1 per 4 seats/participants
Group Housing	1 per 2 rooms
Hospitals	1 per 2 patient beds

Kennels, Catteries, and Stables	1 per 300 square feet of gross floor area
Landfills	no minimum established
Manufacturing (Light Assembly)	1 per 500 square feet of gross floor area
Manufacturing (Limited)	1 per 500 square feet of gross floor area
Manufacturing (Intermediate)	no minimum established
Manufacturing (Extensive)	no minimum established
Marinas	1 per 2 slips
Medical Services	1 per 200 square feet of gross floor area
Military Installations	no minimum established
Mining	no minimum established
Mini-Parks	no minimum established
Mini-Warehouses	no minimum established
Mobile Homes	2 per unit
Mobile Home Parks	2 per mobile home space
Natural Reserves	no minimum established
Non-Assembly Cultural	1 per 500 square feet of gross floor area
Nursing Homes	1 per 2 patient beds
Personal Convenience Services	1 per 200 square feet of gross floor area
Plant Nurseries	1 per 300 square feet of sales floor area
Power Plants	no minimum established
Professional Services	1 per 300 square feet of gross floor area
Radioactive Materials Handling	no minimum established
Railroad	no minimum established
Recycling Centers	no minimum established
Research Services	1 per 500 square feet of gross floor area
Residential Detached	2 per dwelling unit
Residential Attached	2 per dwelling unit
Retirement Centers/Assisted Living	1 per dwelling unit/patient room
Salvage/Wrecking Yard	no minimum established
Scrap Operations	no minimum established
Speculative Development	
Business Parks	1 per 300 square feet of gross floor area
Shopping Centers	1 per 250 square feet of sales floor area
Industrial Parks	no minimum established
Towing and Impoundment Lot	no minimum established
Trade Enterprises	1 per 1000 square feet of gross floor area
Transient Habitation	1 per room
Transport & Warehousing (Limited)	1 per 500 square feet of gross floor area
Transport & Warehousing (Extensive)	1 per 1000 square feet of gross floor area
Transport Services	no minimum established
Undertaking	1 per 300 square feet of gross floor area
Utilities	no minimum established
Vehicle Parking	not applicable
Vehicle Repair	1 per 150 square feet of gross floor area
Vehicle Sales	1 per 150 square feet of sales floor area
Vehicle Servicing	1 per 500 square feet of gross floor area
Veterinarian Services	1 per 300 square feet of gross floor area
Zoos	no minimum established

22.30 Residential Density

Residential types of activities as permitted in R1, R2, R3, D, and RA districts are subject to maximum density limits to support the contemplated activity. Density is to be measured as the total area of land within the property boundaries, including those which are permanently under water or subject to inundation, or which are contained in an easement, proposed roads, or other grant of use. However, density calculations shall not include rights-of-way for existing roads.

The allowable density of residential development shall be in accord with the following listings for the zoning districts and street classifications, the most restrictive of which shall apply. Minimum lot areas are then established via this table in conjunction with adherence to the buffering restrictions of Article 2, Chapter 3. However, nothing contained herein shall be construed so as to circumvent the specific lot area requirements of DHEC regulations as administered by the Lexington County Health Department for individual wells and septic tanks.

ZONING DISTRICT	DENSITY (dwelling units per gross acre)
R3	20
R2	8
R1, D, RA	4

STREET CLASSIFCATION		DENSITY (dwelling units per gross acre)
A	Arterial	Unlimited
C	Collector	12
L	Local	8
RL6	Residential Local Six	6
RL5	Residential Local Five	5
RL4	Residential Local Four	4
LL	Limited Local	4 *

* Refer to Section 22.00 for a full understanding of the Limited Local restrictions.

A lot in existence prior to the adoption of this Ordinance, which does not comply with the requirements of this section, shall be allowed to support one dwelling unit without regard to density or lot area, provided the activity complies with all other zoning requirements and any applicable health and safety standards.

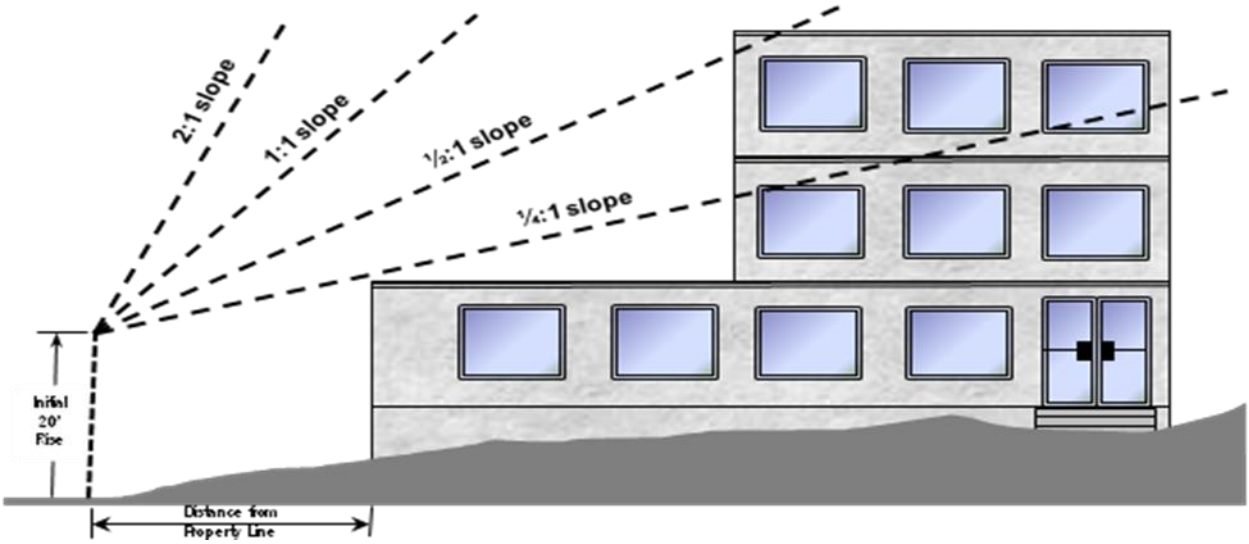
Chapter 3. Buffering Restrictions

23.00 Purpose

Buffering restrictions are a key component of this Ordinance which strive to achieve compatibility of neighboring activities. To accomplish this goal, each principal activity classification has a separate set of recommended maximum buffering restrictions which address height, buffers, setbacks, and screening. These principal activity categories will find themselves located in projects containing varying degrees of intensity depending on the layout, size, shape, design, etc., of the specific activity itself, the accessory activities, and the associated buildings and structures. Determination of the ideal buffering restrictions for each specific principal activity will be subject to a process outlined in this chapter. Likewise subdivisions and other new developments which may contain a variety of activities will be given internal flexibility with the application of these restrictions in order to achieve a maximum level of creativity in the formation of their project layout.

23.10 Height Regulations

Height regulations are based on the establishment of a height control slope. Initially, a 20-foot rise is permitted at the property line perpendicular to the property line. Then, based on the district concerned, and the activity involved, a height control slope is specified in terms of a ratio of vertical rise to horizontal distance. For example, a 2:1 ratio means that for every 2 feet of vertical rise, an additional 1 foot of horizontal distance is measured off into the interior of the property. The following diagram describes the nature of the height control slope:



The *International Residential Code for One- and Two-family Dwellings* allows no more than three stories above-grade in height; therefore, any Residential Detached or Residential Attached (2 dwelling units) activity that meets a 10-foot setback from adjoining property is exempt from the height requirements of this section.

The following chart is published to assist in determining the maximum permissible structure height allowed with various height control slopes. Heights are listed in feet based upon an initial 20-foot rise at the property line.

Distance from the Property Line	Height Control Slope					
	¼:1	½:1	1:1	2:1	3:1	4:1
5	21.25	22.5	25	30	35	40
10	22.5	25	30	40	50	60
15	23.75	27.5	35	50	65	80
20	25	30	40	60	80	100
25	26.25	32.5	45	70	95	120
30	27.5	35	50	80	110	140
35	28.75	37.5	55	90	125	160

Distance from the Property Line	Height Control Slope					
	¼:1	½:1	1:1	2:1	3:1	4:1
40	30	40	60	100	140	180
45	31.25	42.5	65	110	155	200
50	32.5	45	70	120	170	220
55	33.75	47.5	75	130	185	240
60	35	50	80	140	200	260
65	36.25	52.5	85	150	215	280
70	37.5	55	90	160	230	300
75	38.75	57.5	95	170	245	320
80	40	60	100	180	260	340
85	41.25	62.5	105	190	275	360
90	42.5	65	110	200	290	380
95	43.75	67.5	115	210	305	400
100	45	70	120	220	320	420

A maximum of two above-ground stories are permitted in the LC district.

The chart in Section 23.50 lists the height requirements of this Ordinance by activity type and location.

23.11 Special Requirements for Waterfront Property

In order to protect the unique scenic vistas of significant waterways in Lexington County, special requirements are to be applied to the development of properties in the vicinity of the Saluda River, the Edisto River, the Congaree River, and Lake Murray. Where there are multiple methods for computing the allowed height for a building in this chapter, the most restrictive shall apply. *The International Residential Code for One- and Two-family Dwellings* allows no more than three stories above-grade in height; therefore, any Residential Detached or Residential Attached (2 dwelling units) activity is exempt from the Special Requirements for Waterfront Property.

Lake Murray: A special height control slope of ½:1 is to be used along the shores of Lake Murray where the regulated property is designated as a Restrictive Development District. If the property is designated as an Intensive Development District, then a height control slope of 2:1 shall apply. Along the shores of Lake Murray, the location of the initial 20-foot rise shall be considered to be the location of the 360-foot (mean sea level) contour or the waterfront property line, whichever is the least restrictive. All property within 1000 feet of the 360-foot contour and designated as a Restrictive Development District shall also comply with the following additional height restrictions which are based on the street classification providing access to the proposed activity:

Local (L) street – No building taller than 70 feet is allowed. That height is measured from the average elevation of the building as it leaves the ground.

Collector (C) street – No building taller than 100 feet is allowed. That height is measured from the average elevation of the building as it leaves the ground.

Arterial (A) street – Height of buildings shall be determined by the other requirements from this chapter.

Congaree River: Because of the extremely varied terrain along the banks of this river, it is very difficult to determine the best elevation from which to measure the "initial 20-foot rise" referenced in Section 23.10. For this river, the beginning elevation for calculating the height control slope for the waterfront property line shall be uniform along the river bank. That elevation shall be the same as the highest elevation on the property that falls within 300 feet of the waterfront property line. A height control slope of 1:1 shall apply to this waterfront property line.

Saluda River: Because of the unique scenic character of the Saluda River, stricter height requirements apply to the adjacent lands. All buildings within 500 feet of the waterfront property lines shall not exceed 50 feet. Buildings farther than 500 feet but within 1000 feet of the waterfront property lines shall not exceed 70 feet. That height is measured from the highest elevation of the building as it leaves the ground. For the purpose of this Ordinance,

the Saluda River is considered to begin 4000 feet downstream from its discharge point below the Lake Murray Dam.

Edisto River: Because of the unique "black water" aspects of the North Fork of the Edisto River, stricter height requirements apply to the adjacent lands. All buildings within 500 feet of the waterfront property lines shall not exceed 50 feet. That height is measured from the highest elevation of the building as it leaves the ground. For the purpose of this Ordinance, the Edisto River is considered to begin at the I-20 bridge crossing.

The average elevation as referenced in these regulations shall be computed by selecting the halfway point between the highest and lowest ground elevations surrounding the structure.

23.20 Buffer

A buffer is an area in which no activity is permitted other than necessary utility functions such as transmission lines, underground conduits, etc. A single driveway access may encroach upon this buffer when that driveway location is the only possible point of access for the parcel. This area is described by a linear measurement from the property line inward and will vary depending on the nature of an activity and its location. The chart in Section 23.50 lists the required buffers.

23.30 Setbacks

Setbacks delineate certain open spaces on lots. These spaces are linear distances measured from property lines inward. Buildings or other principal structures comprising the activity of the lot may not encroach this space. A setback may accept an accessory activity such as parking, unless superseded by a buffer. However, accessory buildings to residential activities must maintain a minimum 3-foot setback from adjoining property lines. The chart in Section 23.60 lists two types of setbacks based on the type of activity and location. They are measured either from a road right-of-way or an adjoining property line. Setbacks abutting existing roads shall be measured from the proposed right-of-way as shown in the Right-of-Way Plan if that width is greater than the existing right-of-way. However, for Residential Detached or Mobile Home activities being established on an existing dead-end road, which has limited potential for future widening, the existing road right-of-way shall be used.

23.40 Screening

Screening consists of natural vegetation, landscaped vegetation (including planted berms), walls, or fences designed to lessen the visual interaction between adjacent activities or accessories thereto. Vegetation used for screening must be evergreen, drought-tolerant, and disease resistant. Screening may be required with no buffer involved, or in combination with a buffer. The height of the screening shall be sufficient to block the view of the activity for which the screening is required from the adjoining property. The substance of the screening shall be determined by the Zoning Administrator in consultation with the property owners involved and based on the nature of the activity proposed, with the final arbiter being the Board of Zoning Appeals. The two types of screening listed in the chart in Section 23.60 are total and partial, and are measured in linear feet. If the activity occurs within the designated distance of the property line, then that type screening is required. Total screening is defined as being visually opaque. Partial screening is defined as being approximately 50 percent visually opaque.

23.50 Architectural Standards

The buffering restrictions contained in this article are designed to improve the compatibility of adjoining activities, especially where a nonresidential activity is located adjacent to a residential activity or within a Restrictive Development District. For that reason the more intense activities are required to meet larger buffering restrictions. Architectural standards are offered as an alternative to compliance with the full extent of these restrictions.

Any activity meeting the following architectural standards will be allowed to reduce the buffering restrictions of this article by 50 percent:

a. Structures shall have an appearance that would be considered more of a residential than commercial style. They shall also have exterior elements that are created at a human scale.

b. All structures will include the use of exterior materials that are commonly used for house construction in the area, such as brick, stucco, etc.

c. Roofing design should generally be gabled rather than flat, mansard, etc., unless that is the residential roofing design in the area.

d. Windows should generally be something other than solid expanses of glass. Smaller panes and window with mullions, or other designs more compatible with the residential setting, would be expected as a part of the design.

e. All accessory structures shall be designed with the same "residential pattern" as the primary structures. This would include accessory features such as porticos, sheds, canopies, equipment structures, other buildings, etc.

f. All business signs will meet the standards found in Section 26.55, which concerns signs on scenic corridors. Unless a more restrictive height limit is found in that section, business signs must be designed as "pedestal signs" that do not exceed a height of 12 feet. Marquee and canopy signs are not allowed and wall signs shall be the minimum size necessary to be readable from the adjoining roadway and drive.

g. A landscape plan must be proposed that exceeds the requirements of the Lexington County Landscape and Open Space Ordinance by including shrubbery that enhances the site in the same way that it adds to the visual appeal of a residential setting.

In determining if a proposed development meets these architectural standards, the Zoning Administrator shall act as the initial evaluator and will be required to render a decision as to whether the proposed design meets the intent of this section of the Ordinance. Anyone disagreeing with that decision may file an appeal with the Board of Zoning Appeals which shall act as the final arbiter.

23.60 Chart of Maximum Buffering Restrictions

The columnar chart below lists the maximum buffering restrictions defined in this chapter as they apply to the list of principal activities. The procedure for determining the actual buffering restrictions that will apply to a particular project or site shall be as outlined in the following paragraphs.

A request for a zoning permit which utilizes the maximum buffering restrictions as published shall be approved with respect to the requirements of this chapter. A request for a zoning permit which proposes to utilize buffering restrictions less than the maximum numbers listed must employ the following procedure:

> If the owner of any protected property wished to sanction the selection of a lesser specific restriction, such consent shall be noted on a form provided by Lexington County. This consent shall become valid only upon verification by the Zoning Administrator and attachment to the applicable zoning permit.
>
> If the process outlined above does not produce the buffering restriction desired by the applicant requesting a zoning permit, the applicant may apply to the Board of Zoning Appeals for a decision following the variance procedures outlined in Chapter 2 of Article 12 – Administration. Once the Board renders a decision, the applicant may not utilize the process outlined in the previous paragraph unless significant aspects of the permit request have been modified or the ownership of the protected property has changed.

In the development of a subdivision or other new development which may contain a variety of activities, the internal buffering restrictions shall be determined by the design of the project. Internal shall be defined as those buffering restrictions intended to determine the relationship between properties contained wholly within the boundaries of the project. Buffering restrictions with respect to surrounding properties shall be determined as outlined in the previous paragraphs, as will any internal buffering restrictions not specified in documents and on plats recorded with the Register of Deeds. Setbacks from internal rights-of-way for roads to be constructed as part of the project may also be reduced provided all off-street parking requirements, sight distances, and applicable Building Code restrictions are met.

Following are general rules and special rules for interpreting the chart:

23.61 General Rules

1. The restrictive (R) requirements in the chart apply to protected property lines within a Restrictive Development District or those which serve as the boundary between a Restrictive

Development District and a Limited Restriction District, a municipality within Lexington County, or an adjacent county.

2. The intensive (I) requirements in the chart apply to protected property lines within an Intensive Development District or those which serve as a boundary between an Intensive Development District and a Limited Restriction District, a municipality within Lexington County, or an adjacent county.

3. For property lines which serve as the boundary between a Restrictive Development District and an Intensive Development District, the restrictive (R) requirements shall apply for the protection of property on the Restrictive Development District side of the boundary relative to land uses on the Intensive Development District side of the boundary. Similarly, the intensive (I) requirements shall apply for the protection of property on the Intensive Development District side of the boundary relative to land uses on the Restrictive Development District side of the boundary.

4. When an activity is located on a parcel which is separated from surrounding protected property by existing road or railroad rights-of-way, by utility rights-of-way, by water bodies, or by other parcels, then the buffering restrictions applicable to that activity shall be measured across such separation from the protected property lines.

5. Activities that provide total screening using existing natural vegetation and/or landscaped vegetation (including planted berms) shall be eligible for a 50 percent reduction in buffer and setback requirements. Acceptability of screening for this reduction shall be determined by the Zoning Administrator. The following activities <u>are</u> <u>not</u> eligible: Detention Centers, Recycling Centers, Salvage/Wrecking Yards, Scrap Operations, Mining, Landfills, Sexually Oriented Businesses, and Utility Substations.

23.62 Special Rules

However, the general rules above for interpreting the chart shall be modified by the special rules below in items “1” through “5” where applicable.

1. Grandfathered residential uses within an Intensive Development District shall be afforded the restrictive (R) requirements in the chart relative to land uses on surrounding properties in the following manner:

   Those portions of the property lines of a grandfathered residential use which are within 125 feet of that use’s principal activity [generally the building footprint(s)] shall be considered protected property lines to the extent of 100 percent of the restrictive (R) requirements in the chart relative to the applicable activity on the surrounding property.

   Those portions of the property lines of a grandfathered residential use which are within 250 feet of, but more than 125 feet from, that use’s principal activity [generally the building footprint(s)] shall be considered protected property lines to the extent of 50 percent of the restrictive (R) requirements in the chart relative to the applicable activity on the surrounding property. This 50 percent level of protection shall be determined by halving the distances imposed for the height, buffer, setback from adjoining property, total screening, and partial screening requirements.

   Those portions of the property lines of a grandfathered residential use which are more than 250 feet from that use’s principal activity [generally the building footprint(s)] shall be considered protected property lines to the extent of 100 percent of the intensive (I) requirements in the chart relative to the applicable activity on the surrounding property.

2. Those portions of the property lines of a parcel within a Restrictive Development District which serve as the boundary between the Restrictive Development District and an Intensive Development District, and which have no grandfathered residential use within 125 feet, shall be considered protected property lines to the extent of 50 percent of the restrictive (R) requirements in the chart relative to the applicable activity in the Intensive Development District. This 50 percent level of protection shall be determined by halving the distances imposed for the height, buffer, setback from adjoining property, total screening, and partial screening requirements.

3. Notwithstanding special rules 1 and 2 above, certain portions of the property lines of a parcel within either a Restrictive Development District or an Intensive Development District, or both, upon which there is an existing nonresidential principal activity, shall be considered protected property lines only to the extent of 100 percent of the intensive (I) requirements in the chart relative to the applicable activity on the surrounding property. The portions of the property line so protected shall be those within 250 feet of either the principal or accessory uses of this nonresidential activity.

4. When a protected property line runs through or borders an impoundment of water, but not a free-flowing watercourse, then the distances imposed for the buffer, setback from adjoining property, total screening, and partial screening, but not height, requirements (as first determined by applying the general rules and special rules above) shall be measured such that each linear foot of traverse over the water impoundment shall count as only ½ foot toward the total distance imposed. On Lake Murray the water impoundment is considered to be that area bounded by the 360-foot contour (MSL). Since screening of activities on water surfaces is not feasible, the partial screening requirements will typically control the distance separation over water impoundments.

5. All activities shall provide partial screening, as applicable, relative to Residential Detached and Mobile Home activity already in use or permitted prior to October 28, 1998, on surrounding properties also located in an Intensive Development District. In such cases the extent of this extra protection, if any, shall be determined in accordance with Special Rule #1.

   Any Residential Detached or Mobile Home activity in an Intensive Development District in use or permitted after October 27, 1998, shall be responsible for providing their own screening, if desired, from adjacent land uses.

In all districts, all permitted activities shall comply with the Performance Standards contained in Chapter 4. For activities particularly associated with anticipated higher degrees of noise and light, the zoning application and site plan submittal shall address the proposed method(s) of compliance with the Performance Standards of this Ordinance.

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R. O. W.	Total	Partial
Administrative Offices	R	½	20	30	30	30	50
	I	3					
Advertising Signs	R	¼	30	50	30	50	75
	I	3		10	10		
Additional height limitations are found in Section 26.60.							
Airports	R	½	400	200*/500	200		
	I	4					
* This setback applies to terminals only. 1000' buffer is required from ends of runways.							
Animal Operations	R	1		30	30		
	I	3					
Setbacks apply to buildings only.							
Boat Docks	R	½	30	50	30	50	75
	I	2					
Bus and Transit Terminals	R	¼	70	100	50	150	225
	I	1					
Business Services	R	½	30	50	30	50	75
	I	3					
Cemeteries	R	½	10	10	30	20	40
	I	3	10	10	20		

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R. O. W.	Total	Partial
Child or Adult Day Care	R	¼	30	50	30	50	75
	I	3					
Churches	R	¼	30	50	30		
	I	3					
Communication Towers (Limited)	R	1	30	50	30	50*	100*
	I	4					
* Screening requirements apply to the first 20' of the tower above the ground.							
Communication Towers (Extensive)	R	1	30	50	30	50*	100*
	I	4					
* Screening requirements apply to the first 20' of the tower above the ground.							
Community Education	R	¼	50	75	30	75	100
	I	2					
Construction Services	R	¼	70	100	50	150	225
	I	3					
Crops	R	½		30	30		
	I	3					
Setbacks apply to buildings only.							
Detention Centers	R	¼	300	400	100	1000	1500
	I	1	50	100	50	500	750
Total road frontage screening is required in the Restrictive Development District.							
Essential Services (Limited)	R	¼	30	50	30	50	75
	I	2					
Total road frontage screening is required for a utility substation in any Restrictive Development District.							
Essential Services (Extensive)	R	¼	50	75	30	50	75
	I	2					
Fancier's Kennel/Cattery	R	¼	30	50	30	50	75
	I	2					
Food Services	R	½	50	75	40	75	100
	I	2					
General Repair and Maintenance Services	R	¼	50	75	30	75	100
	I	3					
General Retail (Limited)	R	¼	50	75	40	75	100
	I	2					
General Retail (Extensive)	R	¼	70	100	50	150	225
	I	2					
Golf Courses	R	1			30		
	I	3					
Group Assembly (Limited)	R	¼	30	75	40	75	100
	I	3					
Group Assembly (Intermediate)	R	¼	70	100	50	100	150
	I	3					
Group Assembly (Extensive)	R	¼	100	250	100	150	300
	I	3					

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R. O. W.	Total	Partial
Group Housing	R	½	20	20*	20		
	I	3					
* Setback must maintain a minimum 30' line of sight.							
Hospitals	R	¼	70	100	50	150	225
	I	3					
Kennels, Catteries, and Stables	R	¼	50	75	40	75	100
	I	2					
Landfills (Limited)	R	¼	50	150/200#	30	700	1000
	I	1	20	75/200#	20	300/700#	600/1000#
Landfills (Intermediate)	R	¼	100	200/500#	50	900	1400
	I	1	30	100/500#	20	400/900#	700/1500#
Landfills (Extensive)	R	¼	200	300/1000#	100	1200	2000
	I	1	70	100/1000#	50	600/1200#	900/2000#
Total road frontage screening is required in all districts. # This extra protection shall be afforded in all districts, but only relative to Residential Detached and Mobile Home activity already in use on the surrounding properties. In such cases the extent of this extra protection, if any, shall be determined in accordance with Special Rule #1 as if the Residential Detached or Mobile Home activity was a Grandfathered Residential Use within an Intensive Development District.							
Manufacturing (Light Assembly)	R	¼	50	75	30	75	100
	I	3					
Manufacturing (Limited)	R	¼	70	100	50	150	225
	I	3					
Manufacturing (Intermediate)	R	¼	125	250	150	200	300
	I	2					
Manufacturing (Extensive)	R	¼	250	500	200	500	750
	I	1	100	150	100		250
Marinas	R	½	50	70	40	75	100
	I	3					
Medical Services	R	½	20	30	30	30	50
	I	3					
Military Installations	R	¼	500	1000	200	600	1000
	I	1	250	500	100		
Mining (Limited)	R	¼	50	150	30	700	1000
	I	1	20	75	20	300	600
Mining (Intermediate)	R	¼	100	200	50	900	1200
	I	1	30	100	20	400	700
Mining (Extensive)	R	¼	200	300	100	1200	1800
	I	1	70	100	50	600	900
Total road frontage screening is required in all districts.							
Mini-Parks	R	½	30	50	20		
	I	3					
Mini-Warehouses	R	¼	70	100	50	100	150
	I	3					

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R. O. W.	Total	Partial
Mobile Homes	R	1		10*	20**		
	I	3		10*	20**		
* Setback may be reduced to 5' if a minimum 10' line of sight is maintained. ** Setback from road rights-of-way may be reduced to a minimum of 5' on Local roads provided off-street parking and sight distance requirements are met.							
Mobile Home Parks (Limited)	R	½	0/30#	20/75#	30	0/50#	0/75#
	I	3	0/30#	20/75#	30	0/50#	0/75#
Mobile Home Parks (Extensive)	R	½	30/60#	75/150#	75	50/100#	75/150#
	I	3	0/60#	20/150#	30	0/100#	0/150#
# This extra protection shall be afforded in all districts, but only relative to Residential Detached and Mobile Home activity already in use on surrounding properties. In such cases the extent of this extra protection, if any, shall be determined in accordance with Special Rule #1 as if the Residential Detached or Mobile Home activity was a Grandfathered Residential Use within an Intensive Development District.							
Natural Reserves	R	½			30		
	I	3					
Non-Assembly Cultural	R	½	20	30	30	30	50
	I	3					
Nursing Homes	R	¼	30/50#	50/70#	30	100#	150#
	I	3		20*	30		
* Setback may be reduced to 10' if a minimum 20' line of sight is maintained. # This extra protection shall be afforded in all districts, but only relative to Residential Detached and Mobile Home activity already in use on surrounding properties. In such cases the extent of this extra protection, if any, shall be determined in accordance with Special Rule #1 as if the Residential Detached or Mobile Home activity was a Grandfathered Residential Use within an Intensive Development District.							
Personal Convenience Services	R	½	30	50	30	50	75
	I	3					
Plant Nurseries	R	½		30	30		30
	I	3					
Power Plants	R	¼	250	500	200	500	750
	I	1	100	150	100		250
Professional Services	R	½	20	30	30	30	50
	I	3					
Radioactive Materials Handling	R	¼	4000	6000	500	8000	
	I	1	2000	3000	500	5000	
Railroad	R	¼	250	400	200	500	750
	I	3					
Recycling Centers	R		30	50	30	**	
	I					**	
** Total screening required.							
Research Services	R	½	30	50	30	50	75
	I	3					
Residential Detached	R	1		10*	10**		
	I	3		10*	10**		
* Setback may be reduced to 5' if a minimum 10' line of sight is maintained. ** Setback from road rights-of-way may be reduced to a minimum of 5' on Local roads provided off-street parking and sight distance requirements are met.							

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R. O. W.	Total	Partial
Residential Attached (2 dwelling units)	R	1		10*	10**		
	I	3		10*	10**		

* Setback may be reduced to 5' if a minimum 10' line of sight is maintained.
** Setback from road rights-of-way may be reduced to a minimum of 5' on Local roads provided off-street parking and sight distance requirements are met.

Residential Attached (3 or more dwelling units)	R	½	100#	20*/100#	20**	120#	180#
	I	3		20*	20**		

* Setback may be reduced to 10' if a minimum 20' line of sight is maintained.
** Setback from road rights-of-way may be reduced to a minimum of 5' on Local roads provided off-street parking and sight distance requirements are met.
\# This extra protection shall be afforded in all districts, but only relative to Residential Detached and Mobile Home activity already in use on surrounding properties. In such cases the extent of this extra protection, if any, shall be determined in accordance with Special Rule #1 as if the Residential Detached or Mobile Home activity was a Grandfathered Residential Use within an Intensive Development District.

Retirement Centers/Assisted Living	R	¼	30/50#	50/70#	30	80#	120#
	I	3		20*	30		

* Setback may be reduced to 10' if a minimum 20' line of sight is maintained.
\# This extra protection shall be afforded in all districts, but only relative to Residential Detached and Mobile Home activity already in use on surrounding properties. In such cases the extent of this extra protection, if any, shall be determined in accordance with Special Rule #1 as if the Residential Detached or Mobile Home activity was a Grandfathered Use within an Intensive Development District.

Salvage/Wrecking Yard	R	¼	250	400	200	**	
	I	1	30	75	50	**	

** Total screening required.

Scrap Operations	R	¼	250	400	200		
	I	1	30	75	50		

Total screening is required in all districts.

Speculative Development - Individual tenants must meet all applicable requirements for their principle activity and be permitted separately before locating within the designated development. Individual tenants may have less restrictive requirements than the Speculative Development.

Business Parks	R	¼	50	75	30	75	100
	I	2					
Shopping Centers	R	¼	70	100	50	150	225
	I	2					
Industrial Parks	R	¼	250	500	200	500	750
	I	1	100	150	100		250
Towing and Impoundment Lot	R	¼	50	75	30	75	100
	I	1					

Total screening of an impoundment yard is required in all districts.

Trade Enterprises	R	¼	50	75	30	75	100
	I	2					
Transient Habitation	R	¼	70	100	50	150	225
	I	3					
Transport and Warehousing (Limited)	R	¼	70	100	50	100	150
	I	3					

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R. O. W.	Total	Partial
Transport and Warehousing (Extensive)	R	¼	150	200	100	200	350
	I	2					
Transport Services	R	¼	30	50	30	50	75
	I	2					
Undertaking	R	½	20	30	30	30	50
	I	3					
Utilities (Limited)	R	½	20	30	20	30	50
	I	3					
Utilities (Intermediate)	R	¼	40	50	30	60	100
	I	2					
Utilities (Extensive)	R	¼	100	150	50	150	225
	I	1		50	50	75	125
Vehicle Parking	R	½	30	50	30	75	100
	I	3					
Road R.O.W. setback applies to building only.							
Vehicle Repair	R	¼	70	100	50	150	225
	I	1				25	50
Vehicle Sales	R	¼	70	100	50	150	225
	I	3					
Vehicle Servicing (Limited)	R	½	50	75	30	75	100
	I	2					
Vehicle Servicing (Extensive)	R	¼	70	100	40	100	175
	I	2					
Veterinarian Services	R	½	20	30	30	30	50
	I	3					
Zoos	R	¼	100	150	50	150	225
	I	3					

Chapter 4. Performance Standards

24.00 General Rules

In all districts, any permitted activity shall comply with the performance standards contained in this chapter.

Performance standards are not applicable to the temporary constructions, excavation, grading, and demolition activities which are necessary for the development of facilities.

In case of conflict between the performance standards set forth herein and regulations adopted by any other governmental agencies, the more restrictive shall apply. The same shall apply to a conflict with other requirements of this Ordinance.

For the purpose of determining the applicability of the provisions of this chapter only, an adjacent grandfathered residential use is a grandfathered residential use within 250 feet of the property line.

24.10 Noise

24.11 Definitions

Decibel: a unit of intensity of sound pressure. The decibel scale is a logarithmic scale of ratios of pressure with respect to a reference point pressure of 0.0002 microbars. It is abbreviated as "dB."

Frequency: the number of times that a sound pressure fluctuation completely repeats itself in one second of time. Frequency is designated in cycles per second and is abbreviated as "cps."

Impact Noise Analyzer: an instrument to measure the peak sound pressure of an impact sound.

Impact Sound: a sound produced by two or more objects (or parts of a machine) striking each other, so as to be heard as separate distinct noises.

Noise: a subjective description of an undesirable or unwanted sound.

Octave Band: a band of frequencies in which the upper limit of the band is twice the lower limit.

> Preferred Frequency Octave Bands: the preferred frequency bands are designated by a single number which corresponds to their geometric center frequency. Nine octave bands cover the entire range of frequencies of interest in industrial and community noise, and are described in USASI Standard No. S1.6-1960 (USASI is now ANSI).

Octave Band Analyzer: an instrument to measure the octave band composition of a noise, by means of bandpass filters. It shall meet all requirements of the USASI (now ANSI). For the purposes of this Ordinance, the Octave Band Analyzer shall be calibrated to the Preferred Frequency Octave Bands.

Overall Sound Level: total sound pressure level in the entire frequency spectrum between 20 and 20,000 cycles per second.

Sound: repeat fluctuations of atmospheric pressure which are audible to persons.

Sound Level Meter: an instrument to measure the overall sound level. It shall comply with applicable specifications of the USASI (now ANSI).

Steady State: a noise or vibration which is continuous such as from a fan or compressor.

24.12 Method of Measurement

For the purpose of measuring the intensity or frequency of sound, the sound level meter, octave band analyzer and the impact analyzer may be employed. The instruments to be used for these noise measurements shall conform to all current applicable USASI (now ANSI) standards. During the measurements, the instruments shall be set on the "EXT" weighing scale with the meter set for slow response.

24.13 Maximum Permitted Sound Pressure Levels

In all districts, any operation or activity producing noise shall meet the standards of this section, unless expressly exempted.

The maximum permitted sound pressure levels in decibels across protected property lines and district boundaries shall be in accordance with the following table:

PREFERRED CENTER FREQUENCY (Cycles/Second)	ADJACENT GRANDFATHERED RESIDENTIAL USE or ADJACENT RESTRICTIVE DEVELOPMENT DISTRICT	ADJACENT INTENSIVE DEVELOPMENT DISTRICT
31.5	78dB	82dB
63	75	80
125	73	76
250	67	70
500	61	64
1000	56	59
2000	50	53
4000	44	47
8000	39	42
Impact Noise	85dB	95dB

For the purposes of this Ordinance, impact noises shall be considered to be those noises whose peak values are more than three decibels higher than the values indicated on the sound level meter.

Between the hours of 7:00 p.m. and 7:00 a.m. all of the permissible noise levels indicated in the previous table for Adjacent Grandfathered Residential Use or Adjacent Restrictive Development District boundaries shall be reduced by 5 decibels.

Noise attributable to audible warning devices required on vehicles by either the U.S. Occupational Safety and Health Administration (OSHA) or the U.S. Mining Safety and Health Administration (MSHA) are excluded from the above limitation between the hours of 7:00 a.m. and 7:00 p.m. only.

Noises not directly attributable to an activity located on the same lot are excluded from the above limitations (such as transportation activities on public roads). Noises which are the result of activities accessory to residential living (including but not limited to animal noise, lawn mowers, chain saws, etc.) shall be exempt from the provisions of this section. However, these activities must comply with the provisions of Lexington County Ordinance, Chapter 26, Article II, Noise.

Nothing in this Ordinance shall preclude the enforcement of Lexington County Ordinance, Chapter 26, Article II, Noise, in which any excessive noise may be addressed without regard to the standards of this section.

24.20 Toxic Matter and Hazardous Waste

24.21 Definitions

Toxic Matter: Materials or substances which, either singly or in combination with other materials or substances, through synergistic action, pose a threat to the health of human beings, either acutely or chronically.

Hazardous Waste: Materials or substances which are not biodegradable and which, due to such fact, pose a threat to living organisms through chemical contamination of the ecosystem.

24.22 Determination of Material Status

The determination that a material or substance is either toxic or poses a threat as a hazardous waste shall be based upon the listing published by the Environmental Protection Agency under

the Toxic Substances Control Act of 1976 and the rules and regulations promulgated for identification of such by the SC Department of Health and Environmental Control (DHEC).

24.23 Compliance with Existing Statutes

Any facility proposing to locate within the jurisdiction of this Ordinance which would utilize toxic matter or produce hazardous waste in the process of manufacturing, fabricating, assembling, packaging or any related activity, shall provide to the Zoning Administrator for Lexington County a certificate from either the Bureau of Solid and Industrial Waste Management or the Compliance and Enforcement Division of the NPDES Permits Administration of DHEC, or both, indicating compliance with the rules and regulations administered by those agencies. Only until such certification is received from DHEC shall the facility be permitted for occupancy.

Nothing contained herein shall be intended to preempt or abrogate the requirement for a user of toxic matter or generator of hazardous waste to adhere to the administrative and procedural requirements of state or federal agencies with regard to environmental protection.

24.24 Special Requirements

Notwithstanding the requirements of state and federal agencies charged with the administration of the rules and regulations governing the operation of facilities utilizing toxic matter or generating or storing hazardous waste, any facility involved in such identified material shall provide an on-site containment area for the material so that a leak or spill is contained entirely on the facility's property and thus prevented from entering the surface or subsurface drainage system, man-made or natural, within the County. The review of the containment structure as to its design and acceptability shall remain with the Zoning Administrator who may rely upon the expertise provided by the County Stormwater Management Office or any other agency as necessary to ascertain satisfaction that the proposed structure will provide compliance with the intent of this section.

24.25 List of Materials

Materials and substances considered as either toxic matter or hazardous waste shall be those contained within the listing published by the Environmental Protection Agency, as amended, under the provision of the Toxic Substances Control Act of 1976. A further listing of such materials is found in Regulation No. 61-79.1 of the Rules and Regulations of the State of South Carolina, appended to the 1976 Code of Laws, as amended.

24.30 Fire and Explosive Hazards

Activities involving the storage, utilization, or manufacture of materials or products which are considered detonable (non-atomic), flammable, or ignitable shall be subject to the rules and regulations of the South Carolina Department of Health and Environmental Control for such.

24.31 Particular Requirements for Lexington County

Vehicular fuels shall be stored in accordance with the following storage capacity limits:

	ADJACENT GRANDFATHERED RESIDENTIAL USE or ADJACENT RESTRICTIVE DEVELOPMENT DISTRICT	ADJACENT INTENSIVE DEVELOPMENT DISTRICT
Underground Tank	80,000 gallons/acre	Unlimited
Above Ground Tank	40,000 gallons/acre	150,000 gallons/acre

Where above ground storage is proposed in excess of 100,000 gallons, a minimum distance of 500 feet shall be required from such storage to any property line.

24.40 Radioactive Materials

The manufacture, storage, or utilization of radioactive materials shall be in accord with the requirements of the South Carolina Department of Health and Environmental Control. Reference is made to Regulations 61-63 and 61-83 appended to the South Carolina Code of Laws, 1976, as amended.

24.50 Light and Glare

24.51 Definitions

Foot Candle: a unit of illumination. Technically, the illumination at all points 1 foot distant from a uniform point source of 1 candlepower.

Glare: the disturbing quality of direct illumination which, although not necessarily providing a measurable amount of light from a given vantage point, nonetheless is an attractive nuisance to the eye to the point of causing discomfort when viewed.

24.52 Limitation of Illumination

In all districts, any operation or activity producing light from a non-mobile source (cars, trucks, and other vehicles traveling on highways, etc., are exempt) shall not cause illumination in excess of 1.0 foot candle when measured in a Restrictive Development District or across the protected property line of an adjacent grandfathered residential use.

24.53 Limitation of Glare

In all districts, any activity producing glare from a non-mobile source (cars, trucks, and other vehicles and crafts are exempt from these provisions) shall be so constructed so that glare is not directed into a Restrictive Development District, across the protected property line of an adjacent grandfathered residential use, or into traffic lanes of public roads. Pole mounted lighting fixtures are encouraged to be located along the perimeter of the area to be illuminated so that the direction of the light may be inward away from the property lines. Certain fixtures must be shielded to mitigate the effects of glare.

Chapter 5. Signs

25.00 Intent and Purpose

The purpose of this chapter is intended to accomplish the following objectives:

a. To encourage a high standard for signs to enhance the aesthetic appearance and attractiveness of the community, and to further create an environment that contributes to the ability of the community to attract economic development and growth.

b. To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised.

c. To minimize distractions and obstructions-of-views that contributes to traffic hazards and endanger the public.

d. To allow for adequate and effective signs for communicating identifications and promoting businesses.

e. In the interest of public safety, the visibility of street name signs, street address information, and address numbers for use by emergency responders (fire, police, and medical) is of preeminent importance and should be considered during the placement of signs covered under this chapter.

26.00 Definitions and Quick Reference Chart

Advertising Signs. Any signs, pictorial or otherwise, regardless of size or shape, which direct attention to a business, commodity, attraction, profession, service, or entertainment conducted, sold, offered, manufactured, existing, or provided at a location other than on the premises where this sign is located or to which it is affixed. Such signs are sometimes called off-premise signs, and include, but are not limited to, those signs commonly referred to as outdoor advertising signs, billboards, or poster boards.

Audible Sign. Signs which emit any sound capable of being detected on a public road or adjoining property.

Awning Signs. See Marquee Signs definition.

Banners. Signs intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, governmental, or corporate organizations.

Business Signs. Any signs, pictorial or otherwise, regardless of size or shape, which direct attention to a business, commodity, attraction, profession, service, or entertainment conducted, sold, offered, manufactured, existing, or provided on the premises where the sign is located or to which it is affixed. Such signs shall also include such representations painted on or otherwise affixed to any exterior portion of a business. Business signs are sometimes called on-premise signs.

Canopy Signs. Signs that are erected on a separate, freestanding roof-like covering.

Changeable Copy Signs. Signs on which message copy is changed manually through the utilization of attachable letters, numbers, symbols, and other similar characters or changeable pictorial panels. Poster panels and printed boards are not considered changeable copy signs.

Commercial Center. A commercial complex consisting of more than one retail, commercial, or office establishment grouped together, usually developed under one ownership or management, and generally sharing parking areas and vehicular entrances and exits.

Contractor's Signs. Signs displaying the names of the builders, contractors, architects, engineers, craftsmen, artisans, and similar information erected upon the premises of any work, construction, major repairs, or improvements.

Directory Signs. Any signs listing only the names, uses, or locations of more than one business, activity, firm, professional office, or tenant within a building, group of buildings, or commercial center.

Display Area. That area of a sign including the entire area within a regular geometric shape (square, rectangle, triangle, circle, or semicircle) or combination of regular geometric shapes enclosing all of the elements of informational or representational matter displayed, including blank masking or any surface shape intended to convey ideas, information, or meaning. The display area shall also include any painted portion, whether on a sign or building edifice, that serves as a part or all of a logo or other advertisement for any business product or activity. Frames or structural members not bearing informational or representational matter shall not be included in calculating the display area. For double-faced signs that are relatively parallel (forming an angle of 45 degrees or less) and supported by the same structure, the display area of the sign equals the total display area of the largest face. The display area of other multiple-faced signs equals the total display area of all faces.

Driveway Signs. Signs indicating the direction of travel for driveway ingress and/or egress.

Electronic Message Board. An electrical or electronic sign using digital technology or a pattern of lights to form various words or graphics which is capable of changing copy continuously.

Flag. A piece of durable fabric of distinctive design that is used as a symbol or decorative feature. Pennants do not qualify under this definition.

Flashing Signs. Signs that use blinking, intermittent, or flashing light source.

Freestanding Signs. Signs that are permanently secured in the ground and which are not attached to, supported by, or erected on a building or other structure having a principal function other than the support of such signs.

Illuminated Signs. Signs either internally or externally lighted by an artificial source.

Incidental Signs. Signs used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

Inflatable Signs. Any signs that are either expanded to their full dimensions or supported by gases contained with the sign parts, at a pressure greater than atmospheric pressure. Untethered airships are not considered to be inflatable signs. Also see Portable or Moveable Signs.

Marquee Signs. Any signs erected, stenciled, engraved on, attached to, or suspended from a marquee. A marquee is defined as any hood, awning (with or without stanchions), or roof-like structure of permanent construction, which is supported from a wall of a building and projects beyond the building wall, and is generally designed and constructed to provide protection against weather.

Moving Signs. Any sign that has movement caused by means other than the movement of air over the face of the sign or into the body of the sign. See Windblown Signs.

Off-Premise Signs. Any signs, pictorial or otherwise, regardless of size or shape, which direct attention to a business, commodity, attraction, profession, service, or entertainment conducted, sold, offered, or manufactured, existing, or provided at a location other than on the premises where the sign is located or to which it is affixed. Such signs include, but are not limited to, signs commonly referred to as outdoor advertising signs, billboards, or poster boards.

On-Premise Signs. Any signs, pictorial or otherwise, regardless of size or shape, which direct attention to a business, commodity, attraction, profession, service, or entertainment conducted, sold, offered, manufactured, existing, or provided on the premises where the sign is located or to which it is affixed. Such sign shall also include such representations painted on or otherwise affixed to any exterior portion of a business. See Business Signs.

Pennants. Any lightweight plastic, fabric, or other material, regardless of shape, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move with the wind.

Political Campaign Signs. Signs announcing candidates seeking public office or relating to any election or public referendum.

Portable or Moveable Signs. Any signs, which rest upon, but are not attached to the ground, a structure, a frame, building, or other surface. Such signs include, but are not limited to, the following: trailer signs,

signs mounted to and/or displayed from a parked vehicle (see Section 26.40k for allowable vehicle signs), sandwich board signs, sidewalk or curb signs, and inflatable signs.

Projecting Signs. Any signs which are erected on a building wall or structure and extend beyond the wall of the building more than 12 inches.

Projection Signs. Any signs or graphics that are projected on a wall, building, street, screen, or natural backdrop, originating from any projection device which would include, but not be limited to, laser lights, slide or video projections, and any other computer or electronic device.

Public Information Signs. Signs that display information pertinent to the safety, legal responsibilities, or the well being of the general public to include, but not limited to, warning, no trespassing, restrooms, public telephones, walkways, entrance and exit drives, and traffic directions.

Public Service Signs. Signs that display information relative to a public service activity including assisting the public in finding the location of such an activity. Such activities shall only include those which do not exist for the purpose of acquiring an income for the personal gain of the owner(s) or operator(s). They shall be limited to those activities that exist solely for the purpose of providing a desired service, pastime, endeavor, leisure interest, etc., for members of the general public. Public service activities shall include but are not limited to the following: churches, public education, recreation, cultural, entertainment, community clubs, and veterans clubs.

Real Estate Signs. Signs offering real estate for sale, rent, or lease.

Residential/Commercial/Industrial Subdivision and Residential Development Signs. Permanent signs displaying no information other than the name of the subdivision, group housing development, apartment/condominium complex, or mobile home park.

Seasonal Signs. On-Premise Signs advertising seasonal or holiday products or services.

Sign. Any device which informs or attracts attention.

Short-Term Personal Information Signs. Signs such as garage sale, lost and found pets, and wedding and reception directions.

Sponsorship Signs. Signs employed by a school or by a civic, fraternal, religious, charitable or similar organization, which identifies the sponsor (by name, address and/or logo, crest, insignia, trademark or emblem only) of recreational or sports facilities provided on the premises where such signs are displayed. "Sponsorship Fence Signs" shall mean sponsorship signs affixed to permanent fencing. "Facility" shall mean the entire premises of an elementary or secondary school or a recreation or sports facility.

Street Frontage. That property line of a parcel that abuts a public or private road. In those cases where no property lines abut a road, 25 percent of the parcel's perimeter shall be a substituted measurement for street frontage for the purpose of calculating the maximum display area and number of freestanding signs allowed, as though that parcel had only one street frontage.

Temporary Directional Signs. Directional signs intended for use with seasonal activities and civic or community special events not associated with permanent business activities.

Temporary Signs. Signs which are not permanently installed in the ground or affixed to any structure or building, and which are erected or displayed for a period of time as allowed in this Ordinance.

Vehicular Signs. Signs on vehicles or trailers, which are in a street legal operating condition.

Wall Signs. Signs attached to the exterior wall of a building or structure, which do not extend beyond the building wall more than 12 inches.

Window Signs. Signs intended for viewing from the exterior of a window or door.

Windblown Signs. Any banner, device, or display designed to be moved by natural or artificially generated sources of air, which contains a written or pictorial message.

Quick Reference Chart

LEGEND: **T** = Temporary **P** = Permanent **$** = Permit Required **E** = Exempt **X** = Not Allowed

NOTE: All allowed or exempt signs, including flags, must meet the requirements as outlined in this Ordinance.

Sign Type	Ordinance Section Reference	T	P	E	X	Required Setback From Right-of-Way	Required Setback From Adjoining Property	Display Area, Height and/or Spacing Restrictions
Advertising Signs	26.60		✓$			10 ft.*	10 ft.*	✓
Audible Signs	26.32				✓			
Banners	**							
Banners over Public R/W	26.40a	✓						
Business Signs	26.50		✓$			10 ft.*	10 ft.*	✓
Canopy Signs	26.53		✓$			10 ft.*	10 ft.*	✓
Changeable Copy Signs	26.52		✓$			10 ft.*	10 ft.*	✓
Commercial Center Signs	26.52		✓$			10 ft.*	10 ft.*	✓
Contractor's Signs	26.40b	✓						✓
Directory Signs	26.52		✓$			10 ft.*	10 ft.*	✓
Driveway Signs	26.53		✓				10 ft.*	✓
Electronic Message Board	26.52	**	**					
Flag	26.20			✓				
Flashing Signs	26.33				✓			
Illuminated Signs	26.13d 26.15 26.55	** ** **	** ** **					
Incidental Signs	26.20h			✓				
Inflatable Signs	**							
Marquee Signs	26.52 26.53		✓$ ✓$			10 ft.* 10 ft.*	10 ft.* 10 ft.*	✓ ✓
Moving Signs	26.34				✓			
Pennants	26.40c	✓$				10 ft.*		✓
Political Campaign Signs	26.40d	✓						
Portable or Movable Signs	26.40e	✓$						✓
Projecting Signs	26.53		✓$			10 ft.*	10 ft.*	✓
Projection Signs	**							
Public Information Signs	26.20c			✓				
Public Service Signs	26.53		✓$			10 ft.*	10 ft.*	✓

Sign Type	Ordinance Section Reference	T	P	E	X	Required Setback From Right-of-Way	Required Setback From Adjoining Property	Display Area, Height and/or Spacing Restrictions
Real Estate Signs								
On-Premise	26.40f	✓						✓
Off-Premise	26.40f	✓						✓
On-Premise Sub/Dev Signs	26.40f	✓						✓
Off-Premise Sub/Dev Signs	26.40f	✓$						✓
Residential/Commercial/Industrial Subdivision and Residential Development Signs	26.53		✓$			10 ft.*	10 ft.*	✓
Seasonal Signs	26.40g	✓						✓
Short-Term Personal Information Signs	26.40h	✓						✓
Sponsorship Signs	26.40i	✓						
Temporary Directional Signs	26.40j	✓						✓
Vehicular Signs	26.40k	✓						
Wall Signs	26.53		✓$					✓
Window Signs	26.20g			✓				
Windblown Signs	**							

* If the distance from the edge of the road to the edge of the right-of-way is greater than 20 feet, the 10-foot setback from the road right-of-way shall not apply.

** Not considered a type of sign, but as an optional form of construction or method of display.

26.10 General Provisions

26.11 Construction Standards

All signs shall comply with the appropriate provisions of the County's Building Code, and shall maintain clearances from all overhead electrical conductors in accordance with the National Electric Code, provided that no sign shall be installed closer than 10 feet horizontally or vertically from any conductor. Temporary signs shall be erected or placed to remain in the intended location and not to become a safety hazard or litter problem.

26.12 Unsafe or Hazardous Signs

No signs shall be erected or allowed to remain erected that, in the opinion of the County Building Official, is structurally unsafe and constitutes a danger to the public safety. If any sign should become insecure, in danger of falling, or otherwise unsafe, the owner thereof or the person maintaining the sign shall immediately secure or remove the sign.

26.13 Maintenance

To ensure that signs are maintained in a safe and aesthetic manner, the following maintenance requirements shall apply to all signs:

a. No signs shall be allowed to have more than 20 percent of its display area, reverse side, or structure missing or covered with disfigured, chipped, cracked, ripped, or peeling paint or poster paper for a period of more than 30 successive days.

b. No sign shall be allowed to remain with a bent or broken display area, broken supports, loose appendages or struts, or stand more than 15 degrees away from the perpendicular for a period of more than 30 successive days.

c. No sign shall be allowed to have weeds, trees, vines, or other wild vegetation growing upon it for a period of more than 30 successive days.

d. No indirect or internally illuminated sign shall be allowed to have only partial illumination for a period of more than 30 successive days.

Any sign that fails to comply with the requirements above must be immediately removed by the owner of the property or the person responsible for the sign.

26.14 Public Right-of-Way

No portion of any sign shall overhang or encroach upon any public right-of-way.

26.15 Illuminated Signs

All illuminated signs must meet the performance standards related to light and glare as described in Article 2, Section 24.50.

26.20 Exempt Signs

The following are not subject to these sign regulations:

a. Signs not exceeding 1 square foot in area and bearing only property numbers, post office box numbers, or names of occupants on premises not having commercial connotations.

b. The single flag or insignia of the United States or any other governmental or corporate entity, except when displayed in connection with commercial promotion.

c. Legal notices or identification, public information signs, and directional signs erected as required by governmental bodies.

d. Integral decorations or architectural features of buildings or grounds, except letters, trademarks, moving parts, or moving lights.

e. Signs not exceeding 4 square feet in area directing and guiding traffic on private property.

f. Wall identification signs and commemorative plaques not more than 4 square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event.

g. Signs which are not designed to be visible beyond the boundaries of the parcel on which they are located or from any public thoroughfare or right-of-way

h. Incidental signs or trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps.

26.30 Prohibited Signs

26.31 Signs Imitating Traffic or Emergency Signals

No sign shall be allowed which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which displays intermittent lights resembling the color, size, shape, or order of lights customarily used in traffic signals, on emergency vehicles, or on law enforcement vehicles, except as part of a permitted private or public traffic control sign.

26.32 Audible Signs

No sign shall be allowed which emits any sound capable of being detected on a public road or adjoining property.

26.33 Flashing Signs

No sign shall be allowed which utilizes flashing, blinking, or strobe-type lights, or any type of pulsating or moving light. Electronic message boards may only be used in accordance with the provisions of this chapter.

26.34 Moving Signs

No sign shall be allowed which moves or presents the illusion of movement in any manner, when such movement is provided by means other than the movement of air.

26.35 Signs Attached to or Painted on Selected Features

No sign shall be allowed which is attached to a utility pole or street sign, or is attached to or painted on tree trunks, rocks, or other natural objects.

26.40 Temporary Signs

In keeping with Section 25.00 Intent and Purpose, temporary signs that are in compliance with the requirements of Section 22.10 Driveway and Street Restrictions, Section 26.10 General Provisions, Section 125.00 Conflict with Other Laws, and all other applicable requirements of this Ordinance, shall be allowed.

a. Banners Over Public Rights-of-Way

Banners spanning over public rights-of-way are allowed, subject to approval by the appropriate State DOT agency or appropriate local governmental (County or Municipal) agency responsible for maintenance of the right-of-way. Banners attached to existing utility poles shall require the approval of such utility agency.

b. Contractors' Signs

Contractors' Signs displaying the names of the builders, contractors, architects, engineers, craftsmen, artisans, and similar information may be erected upon the premises of any work, construction, major repairs, or improvements. The display area of such signs shall not exceed 32 square feet in Restrictive Development Districts and 50 square feet in Intensive Development Districts. Such signs shall be removed within 7 days of the completion of the work.

c. Pennants

Pennants are any lightweight plastic, fabric, or other material, regardless of shape, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move with the wind. Pennants shall be limited to two strands for every 100 feet of road frontage or portion thereof. A strand is defined as being between two attachment points. Pennants and/or attachment points shall be set back a minimum of 10 feet from the road rights-of-way. Pennants are allowed only in conjunction with the permitting of Portable or Movable Signs.

d. Political Campaign Signs

Signs announcing candidates seeking public office or relating to any election or public referendum shall be allowed. Such signs shall be placed only on private property, and removed within 7 days after the election or referendum. These signs do not have to be set back from road right-of-ways.

e. Portable or Movable Signs

Portable or Movable Signs shall be permitted up to two separate times per year for a period not to exceed 30 consecutive days per occurrence. Portable signs must be located at least 20 feet from any adjoining business signs or small advertising signs. Pennants are allowed only in conjunction with a permit under this section and in accordance with Section 26.40c.

Individual business centers and commercial centers may have one portable sign per 200 feet of street frontage or portion thereof. Tenants are limited to one portable sign per occurrence. A parcel with frontage on different streets shall have the frontages regulated independently as to number of signs allowed. Multiple signs allowed on the same frontage of the same parcel must be located at least 200

feet apart. Private restrictive covenants and/or lease agreements for business centers and commercial centers may include more restrictive policies for these types of signs.

f. Real Estate Signs

Real Estate Signs are temporary signs offering real estate for sale, rent, or lease. These signs do not have to be set back from road rights-of-way, but still must comply with the engineering criteria found in the Lexington County Land Development Manual and the driveway restrictions found in Section 22.10 of this Ordinance.

On-Premise – The real estate sign display area shall not exceed 6 square feet for individual parcels restricted for residential use only and 32 square feet for all other parcels. There may be only one sign per 200 feet of street frontage or portion thereof and such signs shall be removed within 7 days of the conveyance or lease of the property.

Off-Premise – Real estate signs not exceeding 4 square feet in area and 2½ feet in height are allowed off-premises, provided they are located on private property with the property owner's permission. These signs do not have to be set back from road rights-of-way. Such signs shall be removed within 7 days of the conveyance or lease of the property.

On-Premise Subdivision/Development Signs shall be allowed in addition to the permanent Subdivision/Development Signs provided they do not exceed 32 square feet, one per entrance, and are removed after 100 percent of the original lots, units, etc., have been sold or leased.

Off-Premise Subdivision/Development Signs shall be allowed provided they are located on private property with the property owner's permission and meet the following requirements:

1. They must be located no further from the subdivision or development than the first intersection with an Arterial (A) street. If there are multiple directions to arrive at the project there may be multiple signs with the maximum distance allowed determined independently in each direction.

2. These signs shall not contain more than 24 square feet in display area. The decorative structure on which the sign is displayed may not exceed 32 square feet.

3. The maximum height of the sign and/or decorative structure shall be 4 feet.

4. These structures and signs must have the same appearance as the permanent on-site signs and be constructed of the same or similar materials.

5. These off-premise signs must be removed after 90 percent of the lots, units, etc., have been sold or leased.

Multiple subdivisions/developments desiring to place off-premise directional signs on the same property are encouraged to share a single sign structure. They must meet the same size and location requirements of this section, however, the maximum height of the sign structure may be 8 feet. Materials used should be of similar quality as the permanent on-site signs; i.e., painted plywood would not be acceptable. A second sign in the same location that is not sharing a sign structure may not obstruct the view of the first sign.

g. Seasonal Signs

Seasonal Signs are on-premise signs advertising seasonal or holiday products or services. These signs shall not exceed 32 square feet in area and must be located on private property with the property owner's permission. There may be only one sign per 500 feet of street frontage or portion thereof and such signs must be removed within 7 days after the end of the season. These signs do not have to be setback from road rights-of-way.

h. Short-Term Personal Information Signs

Short-term Personal Information Signs, such as garage sale, lost and found pets, and wedding and reception directions, are allowed provided they are located on private property with the property owner's permission. These signs shall not exceed 6 square feet in size, are limited to no more than 7 consecutive days, and must be removed within 24 hours after the completion of the event. These signs do not have to be set back from road rights-of-way.

i. Sponsorship Signs

Sponsorship Signs are signs employed by a school or by a civic, fraternal, religious, charitable or similar organization, which identifies the sponsor (by name, address and/or logo, crest, insignia, trademark or emblem only) of recreational or sports facilities provided on the premises where such signs are displayed. "Sponsorship Fence Signs" shall mean sponsorship signs affixed to permanent fencing. "Facility" shall mean the entire premises of an elementary or secondary school or a recreation or a sports facility. These signs are intended to be used for a specific event or sporting season. They must meet all safety standards and local event/location restrictions imposed by the event committee, site owner, etc. Such signs intended to remain beyond the event or sporting season limitation shall be regulated as permanent signs under the appropriate definitions found in this Ordinance.

j. Temporary Directional Signs

Temporary Directional Signs are intended for use with seasonal activities for civic, church, or community special events not associated with permanent business activities. These signs shall not exceed 12 square feet per sign and must be located on private property with the property owner's permission. There may be only one sign per 500 feet of street frontage or portion thereof and such signs do not have to be set back from the road rights-of-way. These signs must be removed within 7 days after the end of the season or after the individual event for which it was intended. Such signs do not constitute a land use unto themselves and are not considered Off-Premise Advertising Signs.

k. Vehicular Signs

Vehicular Signs are signs on vehicles or trailers, which are in street legal operating condition. Signage, no matter how attached or painted, on a currently, properly licensed vehicle (motorized or not – including trailers) used in the everyday conduct of the business or activity that it is advertising, is allowed. Vehicles with such signage may be parked in normal designated parking places, but not on grassy areas, sidewalks, or other locations not normally available to customers or patrons of the business. Disabled or unlicensed vehicles, on which signage has been placed, shall be regulated as permanent signs under the appropriate definitions found in this Ordinance. Signs resting upon, mounted to and/or displayed from a parked vehicle, used other than as described above, shall be considered as Portable or Movable Signs.

26.50 Business Signs

26.51 Location

In Intensive Development Districts these signs must comply with the same buffering restrictions as the principal activity for which they advertise, except that they may be erected within the required setback unless other more restrictive provisions of this Ordinance apply. In Restrictive Development Districts these signs must comply with the same buffering restrictions as the principal activity for which they advertise. However, in all districts, any portion of a business sign must maintain at least a 10-foot setback from all property lines and the existing road right-of-way, unless otherwise specifically stated in this Ordinance. If the distance from the edge of the road to the right-of-way is greater than 20 feet, the 10-foot setback from the road right-of-way shall not apply. No sign shall be allowed to violate any of the requirements of Section 22.10 Driveway and Street Restrictions.

26.52 Maximum Display Area, Height, and Number of Signs

Individual businesses and commercial centers may have one freestanding business sign per 500 feet of street frontage or portion thereof. These signs shall comply with the following height and display area requirements:

Location	Maximum Static Display	Maximum Changeable Copy or Electronic Message Board	Maximum Height
Restrictive Development District	75 square feet	40 square feet	8 feet
Intensive Development District	100 square feet	60 square feet	20 feet
Commercial Centers in ID District	300 square feet	80 square feet	35 feet
Commercial Centers in RD District	150 square feet	40 square feet	15 feet

The maximum height allowed for business signs along roadways shall be measured from the elevation of the roadway, unless the elevation of the sign location is higher than the roadway. In those instances, the maximum height allowed shall be as listed in the chart above. This interpretation of allowed heights shall also be used in Section 26.55 Business Signs on Scenic Corridors.

Both the maximum static display area and the maximum changeable copy/electronic message board area may be utilized as part of each allowed individual or commercial center sign. However, the maximum display area per sign shall not be increased with any exchange or substitution of the allowable area for changeable copy or electronic message.

A parcel with frontage on different streets shall have the frontages regulated independently as to number of signs allowed.

A parcel with street access only by an easement over another parcel may consider that easement frontage as an allowed location for a business sign provided it is allowed by the easement agreement. A similar parcel that includes ownership of the strip of property which provides access may also consider that frontage as an allowed location for a business sign. In both situations, the signs must meet all of the requirements of this section including location restrictions.

Multiple signs allowed on the same frontage of the same parcel must be located at least 500 feet apart.

The maximum display area allowed for commercial centers includes any directory signs. In addition, each business within a commercial center may erect one wall, projecting, or marquee sign; and, each individual business not within a commercial center may erect one wall, projecting, or marquee sign per street frontage.

Changeable Copy Signs. Signs on which message copy is changed manually through the utilization of attachable letters, numbers, symbols, and other similar characters or changeable pictorial panels. Poster panels and printed boards are not considered changeable copy signs.

Commercial Center. A commercial complex consisting of more than one retail, commercial, or office establishment grouped together, usually developed under one ownership or management, and generally sharing parking areas and vehicular entrances and exits.

Directory Sign. Any sign listing only the names, uses, or locations of more than one business, activity, firm, professional office, or tenant within a building, group of buildings, or commercial center.

Electronic Message Board. An electrical or electronic sign using digital technology or a pattern of lights to form various words or graphics which is capable of changing copy continuously. Images displayed using digital technology must be static messages and the content shall not include animated, flashing, scrolling, or full-motion video elements. Static images may not be continuously changing in such a manner that the changes are prominently visible to the traveling public. Electronic Message Boards may change static messages once every 15 seconds provided the message does not change through flashing, scrolling, or any type of animation. All digital business signs shall have a method for controlling the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists. These signs shall not exceed a maximum illumination of 7500 nits (candelas per square meter) during daylight hours and a

maximum illumination of 500 nits between dusk to dawn as measured from the sign face. This illumination can be regulated either by an automatic dimmer and photo cell sensor or through the use of computerized controls that accurately replicates these maximum illumination requirements.

26.53 Specialty Signs

Canopy Signs are any signs which are erected on a separate, freestanding roof-like covering. Only business logos or names are allowed as canopy signs, with a maximum of one logo or name on each canopy face. A logo is the symbol or trademark of a company. No portion of a canopy sign shall be permitted above the top of the roof of the covering to which it is attached, or permitted to be lower than 8 feet above ground level. An owner of a business with a canopy connected to a building has the option of using either canopy or marquee signage, but not both.

Driveway Signs indicating the direction of travel are required on all one-way driveways. These signs must be above-ground signs, with a maximum height of 2½ feet, and located at the edge of the existing road right-of-way.

Marquee Signs are any signs erected, stenciled, engraved on, attached to, or suspended from a marquee. A marquee is defined as any hood, awning, or roof-like structure of permanent construction, which is supported from a wall of a building and projects beyond the building wall, and is generally designed and constructed to provide protection against the weather. Such a sign shall not exceed 15 percent of the area of the wall of the first story of the building or business to which it is attached. A maximum of 12 feet in height can be used for this 15 percent measurement. No portion of a marquee sign shall be permitted above the top of the roof of the building to which it is attached, or permitted to be lower than 8 feet above ground level. The marquee sign information may be dispersed anywhere on the marquee as long as the total display area of all information does not exceed the 15 percent requirement.

Public Information Signs are sign containing no message, copy, announcement, or decoration other than instructions or directions to the public except for subordinate identity. Such signs include, but are not limited to, identifying the following: restrooms, public telephones, walkways, entrance and exit drives, freight entrances, and traffic directions. Information signs shall be allowed on business lots provided that no such sign shall exceed 6 square feet in display area. Information signs shall not count toward the maximum number of signs allowable or the maximum display area of signs allowed.

Public Service Signs are signs that display information relative to a public service activity including assisting the public in finding the location of such an activity. Such activities shall only include those which do not exist for the purpose of acquiring an income for the personal gain of the owner(s) or operator(s). They shall be limited to those activities that exist solely for the purpose of providing a desired service, pastime, endeavor, leisure interest, etc., for members of the general public. Public service activities shall include but are not limited to the following: churches, public education, recreation, cultural, entertainment, community clubs, and veterans clubs.

On-premise Public Service Signs shall comply with all of the requirements for Business Signs as found in this chapter of the Zoning Ordinance.

Off-premise Public Service Signs shall be allowed provided they are located on private property with the property owners' permission and meet the following requirements:

1. They must be located no further from the public service activity than the first intersection with an Arterial (A) street. If there are multiple directions to arrive at the activity there may be multiple signs with the maximum distance allowed determined independently in each direction.

2. These signs shall not contain more than 24 square feet in display area. The decorative structure on which the sign is displayed may not exceed 32 square feet.

3. The maximum height of the sign and/or decorative structure shall be 5 feet.

Multiple public service activities desiring to place off-premise direction signs on the same property are encouraged to share a single sign structure. They must meet the same size and location requirements of this section, however, the maximum height of the sign structure may be 8 feet. Materials used should be of similar quality as the permanent on-site signs, i.e.,

painted plywood would not be acceptable. A second sign in the same location that is not sharing a sign structure may not obstruct the view of the first sign.

Projecting Signs are any signs which are erected on a building wall or structure and extend beyond the building wall more than 12 inches. Such a sign shall not exceed 15 percent of the area of the wall of the first story of the building or business to which it is attached. A maximum of 12 feet in height can be used for this 15 percent measurement. No portion of a projecting sign shall be permitted above the top of the roof of the building to which it is attached, or permitted to be lower than 8 feet above ground level.

Residential/Commercial/Industrial Subdivision and Residential Development Signs are permanent signs displaying no information other than the name of the subdivision, group housing development, apartment/condominium complex, or mobile home park. Such signs may be either single signs or gateway signs (paired signs on each side of an entrance). These signs shall not exceed 100 square feet each in display area, and shall not exceed a height of 6 feet. However, the display area and height restrictions are not intended to apply to the entire decorative structure in which the sign is displayed. Within the same project, a single sign or pair of gateway signs must be at least 300 feet from another single sign or pair of gateway signs. Such signs shall also be exempt from the area and height limitations in Section 26.55 and the 10-foot setback restriction of Section 26.51, but still must comply with the engineering criteria found in the Lexington County Land Development Manual and the driveway restrictions found in Section 22.10 of this Ordinance. A sign can be located in a road right-of-way median if such sign complies with all engineering criteria found in the Lexington County Land Development Manual.

Wall Signs are signs attached to the exterior wall of a building or structure which do not extend beyond the building wall more than 12 inches. Such a sign shall not exceed 15 percent of the area of the wall of the first story of the building or business to which it is attached. A maximum of 12 feet in height can be used for this 15 percent measurement. No portion of a wall sign shall be permitted to project above the wall of the building to which it is attached except in the case of signs mounted to the roof in which case no portion shall project above the top of the roof. The wall sign information may be dispersed anywhere on the wall as long as the total display area of all information does not exceed the 15 percent requirement. A “mural” is a painting applied to a wall containing no advertisement for any business product or activity. A mural, as defined, will not be considered a wall sign.

26.54 High Rise Buildings

Buildings which exceed five stories in height shall be permitted to erect one wall sign per wall at the top story of the building. Such signs shall only indentify the name of the building or the major tenant. The display area of such signs shall not exceed 2 percent of the area of the wall to which it is attached. Such signs shall be permitted in addition to the requirements of this chapter.

26.55 Business Signs on Scenic Corridors

The following additional restrictions shall apply on Scenic Corridors as defined in the Lexington County Landscape and Open Space Ordinance.

Location	Maximum Static Display Area per Sign	Maximum Changeable Copy Area	Maximum Height
Business Sign in Scenic Corridor 1	60 square feet	30 square feet	6 feet
Business Sign in Scenic Corridor 2	60 square feet	30 square feet	6 feet
Business Sign in Scenic Corridor 3	100 square feet	60 square feet	10 feet
Commercial Center in Scenic Corridor 1 or 2	150 square feet	40 square feet	15 feet
Commercial Center in Scenic Corridor 3	200 square feet	60 square feet	20 feet

Illuminated signs, including changeable copy area, for individual businesses and commercial centers located in Scenic Corridors 1 and 2, shall meet one of the following conditions:

Internally illuminated signs must be constructed so that only letters, numbers, and/or logos are illuminated; shall not have light reflecting backgrounds or letters; and shall have a matte finish.

Externally illuminated signs shall have a steady stationary light source that is shielded and directed solely at the sign, shall have white light sources, and shall not have light reflecting backgrounds or letters.

Signs located on Scenic Corridors shall not use any fluorescent colors. Additionally, signs located on Scenic Corridors 1 and 2 shall use only earth tone colors intended to be more harmonious and compatible with the surrounding natural environment. The only exception to this restriction shall be the display of a registered mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office.

If digital technology is used, it must replicate the appearance standards outlined above and the illumination standards found under the Electronic Message Boards in Section 26.52. Images displayed must be static messages and the content shall not include animated, flashing, scrolling, or full-motion video elements. Static images may not be continuously changing in such a manner that the changes are visible to the traveling public. However, it is permissible to change images daily or hourly as necessary to communicate new information. Electronic message boards on a Scenic Corridor 3 may change static messages once every 15 seconds.

26.60 Advertising Signs

This chart is a summary of many of the following restrictions concerning advertising signs:

Locations Where Advertising Signs are Allowed	Maximum Display Area per Sign	Minimum Spacing	Maximum Height	Minimum Height for Display Surface
Advertising Sign on interstate highways	672 square feet	2000 feet from sign on the same side	110 feet	None
Advertising Sign on arterial (with at least 4 lanes)	378 square feet	1000-foot radius from another sign	45 feet	25 feet
Advertising Sign on arterial (with only 2 lanes)	288 square feet	1000-foot radius from another sign	45 feet	25 feet

26.61 Location

Advertising signs are identified as principal activities in this article and are therefore subject to all other provisions of this Ordinance. They shall be permitted only in the zoning districts where they are allowed, and only where they meet the street access requirements of this Ordinance. Regardless of the street access restrictions, advertising signs are allowed to locate on interstate highways, expressways, and frontage roads (except when classified RL4, RL5, or RL6) where their right-of-way is contiguous to an interstate highway or expressway; these signs, however, must be located within 200 feet of the right-of-way of the interstate or frontage road, if applicable. Advertising signs will not be allowed to locate in a portion of the County that is at least 75% surrounded by lands under the jurisdiction of a municipality, or on property within 2000 feet of a municipal boundary, if that portion of the municipality prohibits the location of advertising signs. No advertising sign shall be allowed on Scenic Corridors 1 and 2, as defined in the Lexington County Landscape and Open Space Ordinance, or within 1000 feet of the banks of the Saluda, Congaree, or Edisto Rivers. Advertising signs will also not be allowed on Arterial (A) streets with only two lanes unless the location of the sign meets the following criteria:

a. There are at least two nonresidential activities on two separate locations in the Intensive Development District within 600 feet of the proposed sign,

b. The nearest grandfathered residential use in the Intensive Development District is at least 600 feet from the sign, measured to the footprint of the actual residence, and

c. The nearest non-grandfathered residential use in the Intensive Development District is at least 300 feet from the sign, measured to the footprint of the actual residence.

All portions of advertising signs must maintain at least a 10-foot setback from all property lines and the existing road right-of-way. If the distance from the edge of the road to the right-of-way is greater than 20 feet, the 10-foot setback from the road right-of-way shall not apply. In some locations, the required minimum setbacks may be greater than this. Such signs shall also comply with all provisions of Section 22.10 Driveway and Street Restrictions.

To minimize the opportunity for visual distraction during vehicular merge operations, advertising signs will be restricted within the vicinity of interstate interchanges and rest areas. No advertising sign located along an interstate may be erected within 500 feet of an interchange or rest area. The interchange or rest area is considered to begin or end at the point where the pavement widens for an entrance or exit ramp/lane. When the entrance or exit ramp/lane is not on the same side of the road as the proposed advertising sign, the point of measurement shall be determined by identifying the location of the relative pavement widening and applying it to an identical point on the side of the road where the advertising sign is proposed to be located.

26.62 Maximum Display Area

The maximum display area for any adverting sign located along an interstate shall be 672 square feet plus a 10 percent allowance for copy extensions. A copy extension is the part of the copy which extends beyond the edge or border of the sign, sometimes called a “cut-out” or “drop-out.”

The maximum display area of advertising signs on any other highway shall be 288 square feet plus a 10 percent allowance for copy extensions, except for portions of Arterial (A) streets that have at least four lanes, which may have a maximum display area of 378 square feet plus a 10 percent allowance for copy extensions. Those designated portions must have the appropriate zoning district to support advertising signs.

26.63 Minimum Spacing

No advertising sign located along an interstate shall be permitted to locate within 2000 feet of another sign on the same side of the roadway. For non-interstate highways, no advertising signs shall be permitted to locate within 1000-foot radius of another advertising sign.

26.64 Maximum Height

Advertising signs along interstates shall be permitted to a height of 110 feet above the elevation of the highest travel lane at the location of the sign. The maximum height of advertising signs along other roadways shall not exceed 45 feet above the elevation of the roadway.

26.65 Minimum Height

There shall be no minimum height of the display surface for advertising signs located along interstates.

The minimum height of the display surface of advertising signs on Arterial streets shall be 25 feet above the elevation of the roadway.

26.66 Digital Technology

Advertising signs using newer digital technology which allows static images to be changed instantly must follow the following restrictions:

a. Images displayed must be static messages and the content shall not include animated, flashing, scrolling, or full-motion video elements.

b. The static images may be changed in succession at a rate no faster than once every 6 seconds.

c. Spacing of digital faces of these signs which are visible from the same direction shall not be closer than 2000 feet apart.

d. All digital advertising signs shall have an automatic dimmer and a photo cell sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists. These signs shall not exceed a maximum illumination of 7500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign face.

26.67 South Carolina Code of Laws

The sign regulations contained in this Ordinance are supplemented by the requirements of the State of South Carolina Department of Transportation which regulates off-premise advertising signs on interstate and federal aid road systems. A permit from the State of South Carolina may contain some restrictions which are in addition to the requirements of this Ordinance. Issuance of a Lexington County Zoning Permit does not imply approval of, or constitute a privilege to violate, any other applicable state or local ordinances, codes, laws, or private restrictive covenants.

ARTICLE 3 – EXTREMELY HAZARDOUS MATERIALS

Chapter 1. General Provisions

31.00 Purpose

The purpose of this article is to address the unique issues that are associated with the handling of extremely hazardous materials, in order that these activities operate in a manner that is protective of the natural environment and the lives therein and is compatible with the surrounding area.

31.10 Jurisdiction

The regulations set forth herein shall apply to any property located within the jurisdiction of this Ordinance that is now or is proposed to be the location for any activities involving the handling of extremely hazardous materials.

31.20 Definitions

Hazardous Materials are any extremely hazardous substances identified in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 40 CFR Part 355 – Appendix A, as amended, which is considered a part of this Ordinance as though copied herein, present in an amount(s) above the Threshold Planning Quantity. The Zoning Administrator shall have the authority to identify explosive substances or materials as extremely hazardous substances/materials based on the particular chemistry, quantity, or irresponsible handling of the substances or materials.

Hazardous Materials Handling includes any activity involving the storage, processing, manufacture, disposal, repackaging, or distribution of hazardous materials as defined above.

31.30 Scope of Regulations

31.31 New Activities

Upon the effective date if these regulations, hazardous materials handling activities can be commenced, developed, or expanded only in accordance with the applicable restrictions contained herein.

31.32 Existing Activities

Any hazardous materials handling activity lawfully permitted or in existence prior to the effective date of these regulations is not required to meet all of the provisions listed in Chapter 2, but are subject to the provisions of Section 31.50 and the nonconformity provisions found in Article 11.

31.40 Zoning Permit

It shall be the responsibility of a hazardous materials handler to establish and operate the activity in accordance with the regulations set forth in this Ordinance. The zoning permit shall be issued on the basis of compliance with these regulations and any other applicable County regulations.

31.50 Enforcement

If there is a veritable threat to the health and/or safety of the environment and/or the lives therein, such as repeated releases or discharges of hazardous materials or violation of Federal, State, or County regulations, the Zoning Administrator may seek injunctive relief in Circuit Court to require the operation to cease immediately. Such action shall only be taken after consultation with the County Administrator, County Attorney, and Council Chairman, or in his absence, Vice-Chairman.

Chapter 2. Regulations

32.00 Adherence to Other Regulations

All activities defined as hazardous materials handling must also be declared to be one of the other principal activities listed in Article 2, Chapter 1. That declaration will establish the minimum restrictions and standards that must be met for compliance with this Ordinance.

32.10 Special Exception Review

32.11 A request for a permit for hazardous materials handling activities will require special exception approval from the Board of Zoning Appeals. The basis for such approval is a demonstration by the hazardous material handler that the owner/operator can operate in a responsive and responsible manner that is protective of the natural environment and the lives therein. Special exception approval may be given upon a finding by the Board that the hazardous material handler can meet the following criteria:

a. As demonstration of responsible hazardous material handling, a hazardous material inventory and management plan will be in place for the duration of the hazardous material use, to include the handling, storage and/or manufacture of the substance(s);

b. The surrounding properties can be reasonably protected from the flammable, explosive, toxic, corrosive or other potentially damaging characteristic(s) of the hazardous material(s) through appropriate buffering restrictions;

c. For the protection of the surrounding environment and the lives therein, a safety and emergency response plan will be operational during the life of the activity;

d. As evidence of responsible business practice, the hazardous material handler has reasonable liability insurance coverage, based on the typical insurance coverage of a hazardous material handler with similar risk; and

e. Demonstration that the individuals who will be responsible for the operational decision making at the local site, to include plant design and daily operations, can be reasonably expected to design or operate the hazardous materials handling activity with a low risk of endangerment to the surrounding environment or the lives therein.

32.12 For the Board to rule on a hazardous materials handling special exception request based on these criteria, the following information must be submitted for consideration with the application:

a. A copy of the Hazardous Materials Inventory Statement and a Hazardous Materials Management Plan as defined in either Appendix C, Standard Fire Prevention Code, as amended, and/or Tier II, Hazardous Chemical Inventory Form as required by the South Carolina State Emergency Response Commission (SERC);

b. Detailed site plan of the hazardous materials handling activity showing all of the property on which it is to be located and the relationship with all surrounding property. This plan must show the buffering restrictions being proposed to insure that the activity is totally compatible with the surrounding area;

c. Detailed safety and emergency response plan including those elements required by the Title III: Emergency Planning and Community Right-to-Know Act of the Superfund Amendments and Reauthorization Act of 1986 (SARA);

d. Evidence of liability insurance coverage that would reasonably be expected of the hazardous material handling activity, based on the typical insurance coverage of a hazardous materials handler with similar risk;

e. Names of any owners, investors, employees, or subcontractors who will be responsible for operational decision making for a Lexington County hazardous material activity site, to include plant design and daily operations, who have been convicted of a criminal violation

regarding the handling of hazardous materials or have demonstrated a pattern of negligence in the handling of hazardous materials;

f. For the purpose of providing independent additional and/or clarification of information to the Board regarding the desired hazardous material handling activity, the applicant may submit names of recognized independent experts or any additional information the applicant deems necessary to support his application; and

g. The County shall have the option of having its own independent expert review the materials submitted by the applicant and offer an opinion as to the adequacy of the materials to the Board of Zoning Appeals.

32.20 Buffering Restrictions

Hazardous materials handling activities must first meet all of the restrictions and standards as required by this Ordinance for the appropriate principal activity classification. Any special exception approval by the Board of Zoning Appeals for the handling of hazardous materials must include a plan for the minimum additional buffering restrictions if necessary for the responsible operation of that particular activity.

32.30 Operational Requirements

32.31 All hazardous materials handling activities are required to comply with all of the applicable sections of the Standard Fire Prevention Code.

32.32 All hazardous materials handling activities are required to comply with all of the applicable sections of Title III: Emergency Planning and Community Right-to-Know Act of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

32.33 Hazardous materials handling activities are not allowed to operate without annual proof of liability insurance coverage.

ARTICLE 4 – AIRPORT DISTRICT

Chapter 1. General Provisions

41.00 Purpose

The concentration of people and sound-sensitive activities on lands adjacent to airport or heliport operations and the maximum height of buildings, other structures, and trees in such areas shall be regulated by airport district overlay zones as set forth in this article. In order to protect people and property in the vicinity of airports and heliports from the danger of aircraft accidents and the impact of excessive noise levels, certain land use activities shall not be permitted in designated noise exposure overlay zones surrounding such facilities. Establishment of sound-sensitive activities on lands in less intense noise exposure overlay zones may be permitted if specified soundproofing standards are met. To preserve the safety and efficiency of air navigation, height control overlay zones may be designated around airfields to limit the obstruction of landing, takeoff, and maneuvering airspace by buildings, other structures, and trees. Such controls serve to protect the public investment in airports or heliports by restricting adjacent land uses incompatible with the use, growth, or expansion of these facilities.

41.10 Application of Airport District Overlay Zones

The land use controls associated with airport district overlay zones shall be in addition to and shall only apply where underlying zoning districts and their controls have been established under other articles of this Ordinance. Where airport district overlay zone controls conflict with the controls of underlying zoning districts, the more restrictive controls shall apply.

41.20 Definitions

Columbia Metropolitan Airport Plan: the official Land Use/Noise Contour Plan associated with the development of the Columbia Metropolitan Airport as prepared by the LPA Group, Inc., and accepted by the Federal Aviation Administration as a component of the Environmental Impact Statement of March 1987. Section 42.10 will also refer to the Airport Plan prepared by Wilbur Smith and Associates and adopted by the Columbia Metropolitan Airport Commission on February 9, 1982.

Elevation: a numerical representation of a vertical distance in relation to mean sea level.

Height: a numerical representation of a vertical distance in relation to existing ground level or some other specified reference level.

Heliport: a facility specifically designed to accommodate the operational characteristics of helicopters and other rotary wing aircraft, separate and apart from inclusion in an airport facility.

Primary Surfaces: horizontal planar surfaces which, in plan view, are longitudinally centered on runways, extending 200 feet horizontally beyond the runway ends, and of constant width for a given runway.

Runway: a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure: an object, including a mobile object, constructed or installed by man, including but without limitation to buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Tree: any object of natural growth.

Chapter 2. Designation of Columbia Metropolitan Airport District

42.00 Introduction

The Columbia Metropolitan Airport District is hereby established pursuant to the purposes of this article, comprising all those lands within the noise exposure and height control overlay zones as further delineated in this chapter.

42.10 Noise Exposure Overlay Zones

Three noise exposure overlay zones are designated for the Columbia Metropolitan Airport, based on the LDN (day/night noise level) contours described in the 1987 Environmental Impact Statement approved by the Federal Aviation Administration and shown on the Columbia Metropolitan Airport Plan. However, the 1982 version of the Airport Plan contained two different noise exposure overlay zones, based on the NEF (noise exposure forecast) contours. Since the NEF contours have been on the Lexington County Zoning Maps since 1985, and the LDN contours are based on uncertain levels of future air traffic, this Ordinance combines the areas restricted by both sets of noise contours, though excluding the 70-75 LDN contour for now. The following activities are not permitted in the designated zones:

75+ LDN/NEF 40	65-70 LDN/NEF 30
Business Services	----------
Child or Adult Day Care	----------
Churches	----------
Community Education	Community Education
# Group Assembly	# Group Assembly
Limited	----------
Intermediate	Intermediate
Extensive	Extensive
Group Housing	Group Housing
Limited	Limited
Extensive	Extensive
Hospitals	Hospitals
Medical Services	----------
Mobile Homes	----------
Mobile Home Parks	----------
Non-Assembly Cultural	Non-Assembly Cultural
Nursing Homes	Nursing Homes
Professional Services	----------
Research Services	----------
** Residential Detached	* Residential Detached
Residential Attached	* Residential Attached
Transient Habitation	----------

\# Outdoor sports facilities and their related accessory activities are allowed in these two Noise Exposure Overlay Zones; however, this does not include outdoor concert facilities.

** Allowed only if approved by the Airport Commission in accordance with conditions and requirements consistent with the Columbia Metropolitan Airport Plan.

* Allowed if the following requirements are met:
1. Residential developments must not exceed a maximum density of 10 dwelling units per acre.
2. All glass openings shall be double glazed.
3. Any large areas of glass that exceed 30 percent of the wall area shall be triple glazed.
4. Full year air-conditioning must be installed.
5. Exterior doors must be solid core with gaskets. If a storm door is used, then any exterior door can be used as long as door gaskets are installed.

6. At least 50 percent of the roof area must encompass attic space.
7.These provisions shall not apply to dwelling units that are not intended for long-term occupancy such as a laundry room, a storage closet, or a bathroom.

42.20 Height Control Overlay Zones

Four types of height control overlay zones are established for the Columbia Metropolitan Airport District, based on the present and proposed runway configuration described in the Columbia Metropolitan Airport Plan (see definitions) and the Federal Aviation Administration Advisory Circular # 150/5190-4, A Model Zoning Ordinance to Limit Height of Objects Around Airports, dated August 23, 1977. Figure 1 represents the present and proposed runway configuration as well as the related primary surfaces (see definitions).

The elevations of the primary surfaces are different for each runway end, according to this table:

RUNWAY END	PRIMARY SURFACE ELEVATION
11L	229 feet as far east as the centerline of runway 5/23
29R	210 feet as far west as the centerline of runway 5/23
5	228 feet as far north as the centerline of runway 11R/29L
23	209 feet as far south as the centerline of runway 11R/29L
11R	190 feet as far east as the centerline of runway 5/23
29L	206 feet as far west as the centerline of runway 5/23

42.21 Approach Zones

Approach zones (Figures 1 and 2) are delineated for each of the six runway approaches. The beginning of each approach zone is coincident with, as wide as, and at the same elevation as the end of the primary surface for the respective runway end. Each approach zone expands outward uniformly to its ultimate width which is at a distance measured horizontally from the end of the primary surface. The centerline of each approach zone is the horizontal continuation of the centerline for the respective runway end. The six approach zones are dimensioned as follows:

APPROACH ZONE	WIDTH at END of PRIMARY SURFACE *	ELEVATION at END of PRIMARY SURFACE	ULTIMATE WIDTH *	HORIZONTAL LENGTH of APPROACH ZONE #
11L	1,000 feet	229 feet	16,000 feet	50,000 feet
29R	1,000 feet	210 feet	16,000 feet	50,000 feet
5	1,000 feet	228 feet	16,000 feet	50,000 feet
23	1,000 feet	209 feet	3,500 feet	10,000 feet
11R	500 feet	190 feet	3,500 feet	10,000 feet
29L	500 feet	206 feet	3,500 feet	10,000 feet

* Width is measured horizontally, perpendicular to the horizontal extension of the runway centerlines.

\# Length is measured along the horizontal extension of the runway centerlines.

42.22 Transitional Zones

Transitional zones (Figure 2) are established adjacent to the sides, but not past the wide ends, of the approach zones and the sides, in plan view, of the primary surfaces, except that the transitional zones shall not overlay, in plan view, any primary surfaces. Transitional zones shall be 5,000 feet wide, measured horizontally and perpendicular to the runway centerlines, and the runway centerlines extended.

42.23 Horizontal Zone

The horizontal zone (Figure 2) is established by swinging radii 10,000 feet, measured horizontally, from the midpoints of the ends of the primary surfaces (see runway diagram) at runway ends 11L, 5, 23, and 29L, and then connecting the adjacent arcs by drawing straight lines

tangent to those arcs. All lands within the outermost boundary so formed are in the horizontal zone.

42.24 Conical Zone

The conical zone (Figure 2) begins at any given point on the periphery of the horizontal zone and extends outward from the airport for a horizontal distance of 4,000 feet, measured perpendicular to a line tangent to the periphery of the horizontal zone at the given point.

42.25 Height Limits

The maximum height of buildings, other structures, and trees shall be restricted within each height control overlay zone. Where these zones overlap each other, the most restrictive height limitation shall apply. However, the height limits of this article shall not prohibit the construction or maintenance of any building or other structure, or the growth of any tree up to a height of 50 feet above the land surface elevation as it existed at the date of enactment of this Ordinance. Following are the height limits for the height control overlay zones.

a. Approach Zones 11L, 29R, and 5: starting at the end of and at the same elevation as the primary surface at the respective runway ends, measure a slope 1 foot vertically upward for each 50 feet horizontally outward from the runway end, for a distance of 10,000 feet measured parallel to the horizontal extension of the runway centerline. Subsequently, measure a slope 1 foot vertically upward for each 40 feet horizontally outward from the runway end, for a distance of 40,000 feet measured parallel to the horizontal extension of the runway centerline.

b. Approach Zones 23, 11R, and 29L: starting at the end of and at the same elevation as the primary surface at the respective runway ends, measure a slope 1 foot vertically upward for each 34 feet horizontally outward from the runway end, for a distance of 10,000 feet measured parallel to the horizontal extension of the runway centerline.

c. Transitional Zones: starting at the side of and at the same elevation as the primary surfaces, and also starting at any given point on the sides of the approach zones at the same elevation as the approach zone height limit for the given point, measure a slope 1 foot vertically upward for each 7 feet horizontally outward from the runway, for a distance of 5,000 feet measured perpendicular to the runway centerline or the horizontal extension of the runway centerline.

d. Horizontal Zone: the height limit for the horizontal zone is 385 feet above mean sea level.

e. Conical Zone: starting at any given point on the periphery of the horizontal zone and at the same elevation as the horizontal zone height limit, measure a slope 1 foot vertically upward for each 20 feet horizontally outward from the airport, for a distance of 4,000 feet measured perpendicular to a line tangent to the periphery of the horizontal zone at the given point.

On the following page is a cross-sectional perspective illustration (Figure 2) of the height limits for the height control overlay zones of a portion of the Columbia Metropolitan Airport (see the X and Y arrows on the runway diagram for the corresponding location of the corner on the perspective illustration).

42.30 Other Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of any land or water body within the Columbia Metropolitan Airport District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, takeoff, or maneuvering of aircraft using the airport.

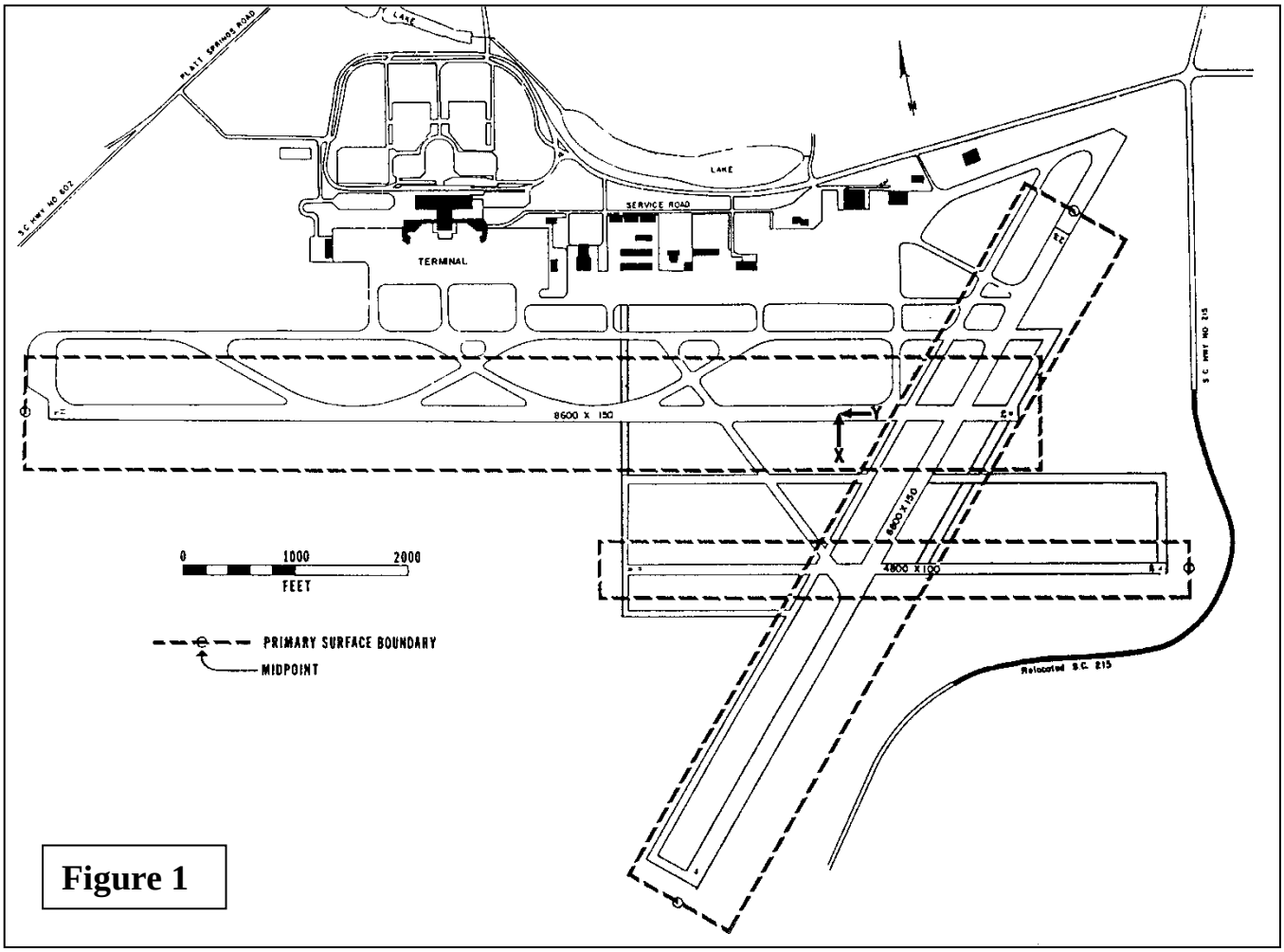


Figure 1

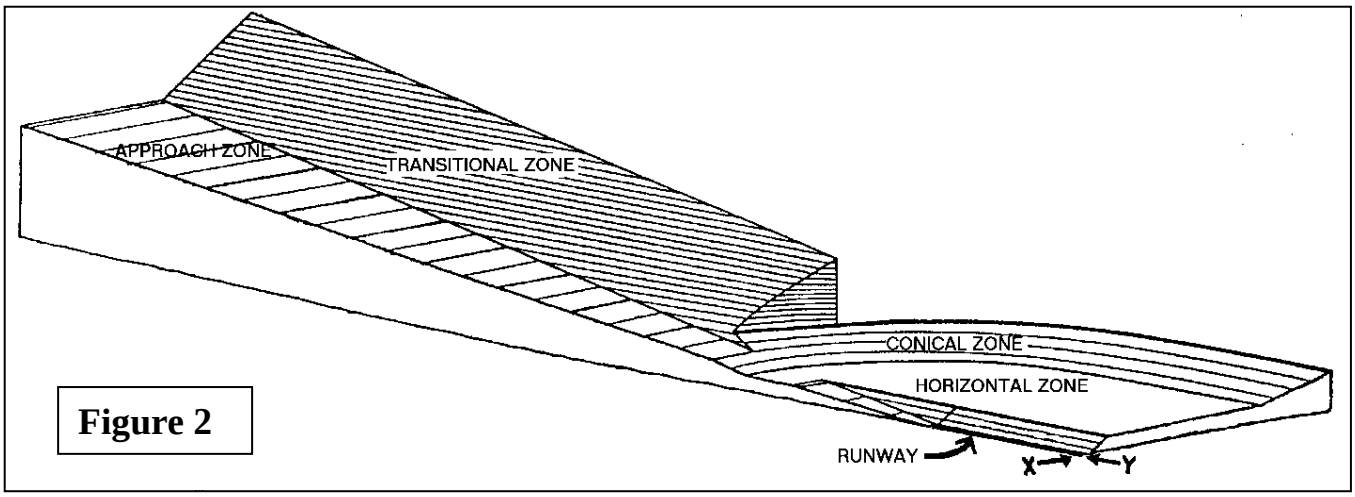


Figure 2

Chapter 3. Designation of the Lexington County Airport District

43.00 Introduction

The Lexington County Airport District is hereby established pursuant to the purposes of this article, comprising all those lands within the overlay zones as further delineated in this chapter.

43.10 Purpose

The concentration of people and sound-sensitive activities on lands adjacent to airport or heliport operations and the maximum height of buildings, other structures, and trees in such areas shall be regulated by airport district overlay zones as set forth herein. In order to protect people and property in the vicinity of airports and heliports from the danger of aircraft accidents and the impact of excessive noise levels, certain land use activities shall not be permitted in designated overlay zones surrounding such facilities. To preserve the safety and efficiency of air navigation, height control overlay zones may be designated around airfields to limit the obstruction of landing, takeoff, and maneuvering airspace by buildings, other structures, and trees. Such controls serve to protect the public investment in airports or heliports by restricting adjacent land uses incompatible with the use, growth, or expansion of these facilities.

43.20 Application of Airport District Overlay Zones

Overlay zones are established for the Lexington County Airport District, based on the present runway configuration described in the *Airport Layout Plan*, dated July 1987, and the *Approach and Profile Plan*, dated June 1987. Both plans were prepared by The LPA Group Incorporated. These zones are further referenced in the *Pelion Corporate Airport Master Plan Update*, dated November 2003, prepared by Wilbur Smith Associates, and approved by the Federal Aviation Administration in November 2005.

The land use and height controls associated with these airport district overlay zones shall be in addition to and shall only apply where underlying zoning districts and their controls have been established under other articles of this Ordinance. Where the Airport District overlay zone controls conflict with the controls of underlying zoning districts, the more restrictive shall apply.

43.30 Height Control Overlay Zones

Four types of height control overlay zones as described below and in Figure 3 are established for the Lexington County Airport District, based on the present runway configuration.

43.31 Approach Zones

Approach zones (Figure 3) are delineated for each of the two runway approaches. The beginning of each approach zone is 500 feet wide and is coincident with and at the same elevation as the respective runway end. Both zones expand outward uniformly to an ultimate width of 2,000 feet which is at a distance of 5,000 feet measured horizontally from the end of the primary surface. The centerline of each approach zone is the horizontal continuation of the centerline of the respective runway end.

43.32 Transitional Zones

Transitional zones (Figure 3) are established adjacent to the sides of the runway and the approach zones, but shall be exclusive of both. These zones shall be 1,000 feet wide, measured horizontally and perpendicular to the sides of the runway. At the end of the runways the zone shall decrease in width until it intersects the approach zones at the point where the horizontal zone surface is at the same elevation as the approach zone.

43.33 Horizontal Zone

The horizontal zone (Figure 3) is established as all the area within 5,000 feet, measured horizontally, from any part of the runway surface, exclusive of the transitional and approach zones.

43.34 Conical Zone

The conical zone (Figure 3) is established as all the area within 9,000 feet, measured horizontally, from any part of the runway surface, exclusive of the transitional, horizontal, and approach zones.

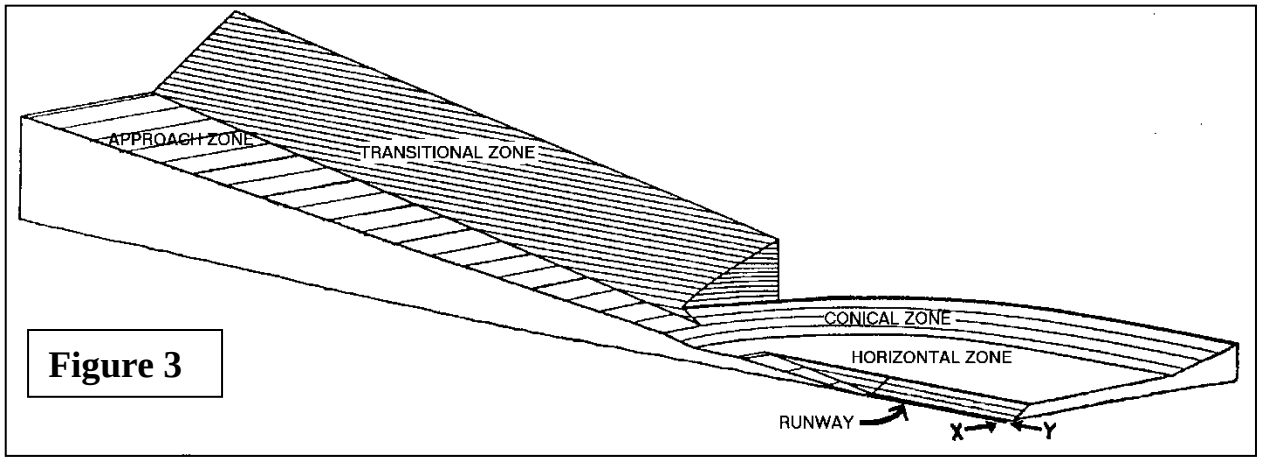


Figure 3

43.35 Height Limits

The maximum height of buildings, other structures, and trees shall be restricted within each height control overlay zone. Where these zones overlap each other, the most restrictive height limitation shall apply. The following are the height limits for the height control overlay zones.

a. Approach Zones: starting at the end of and at the same elevation as the respective runway ends, measure a slope 1 foot vertically upward for each 20 feet horizontally outward from the runway end, for the full extent of the approach zones.

b. Transitional Zones: starting at the side of and at the same elevation as the runway surface, and also starting at any given point on the sides of the approach zones at the same elevation as the approach zone height limit for the given point, measure a slope 1 foot vertically upward for each 7 feet horizontally outward from the runway, for the full extent of the transitional zones.

c. Horizontal Zone: the height limit for the horizontal zone is 601 feet above mean sea level.

d. Conical Zone: starting at any given point on the periphery of the horizontal zone and at the same elevation as the horizontal zone height limit, measure a slope 1 foot vertically upward for each 20 feet horizontally outward from the airport, to the full extent of the conical zone.

43.40 Land Use Overlay Zones

Three land use overlay zones for Runway 35, as depicted in Figure 4, are designated for the Lexington County Airport District. They are the Existing Runway Protection Zone (Existing RPZ), the Ultimate Runway Protection Zone (Ultimate RPZ), and the Building Restriction Line (BRL). No buildings, except facilities required by their function to be located near runways and taxiways, are allowed within the Building Restriction Line and the following activities are not permitted in these designated zones:

BRL	Existing RPZ	Ultimate RPZ
---	Business Services	Business Services
---	Child or Adult Day Care	Child or Adult Day Care
Churches	Churches	Churches
Community Education	Community Education	Community Education
* Group Assembly	* Group Assembly	* Group Assembly
Group Housing	Group Housing	Group Housing
Hospitals	Hospitals	Hospitals
---	Medical Services	Medical Services

BRL	Existing RPZ	Ultimate RPZ
Mobile Homes	Mobile Homes	Mobile Homes
Mobile Home Parks	Mobile Home Parks	Mobile Home Parks
Non-Assembly Cultural	Non-Assembly Cultural	Non-Assembly Cultural
Nursing Homes	Nursing Homes	Nursing Homes
----------	Professional Services	Professional Services
----------	Research Services	Research Services
Residential Detached	Residential Detached	Residential Detached
Residential Attached	Residential Attached	Residential Attached
Transient Habitation	Transient Habitation	Transient Habitation

* Outdoor sports facilities and their related accessory activities are allowed in these Overlay Zones; however, this does not include outdoor concert facilities.

43.50 Other Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of any land or water body within the Lexington County Airport District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, takeoff, or maneuvering of aircraft using the airport.

The owner of any existing nonconforming structure or tree shall permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary for safety. Such markers shall be installed, operated, and maintained at the expense of the owners of the airport.

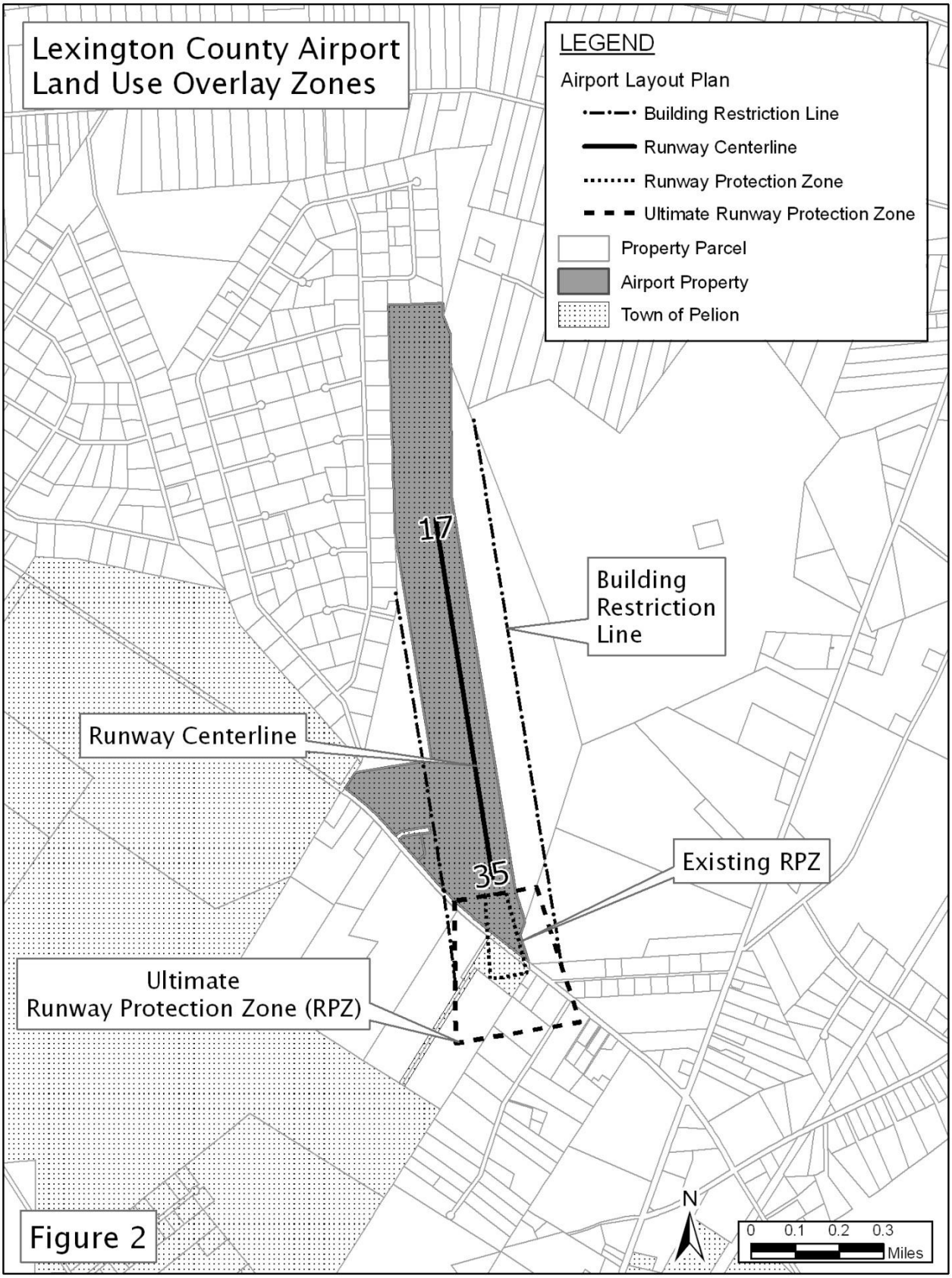

Lexington County Airport
Land Use Overlay Zones
LEGEND
Airport Layout Plan
Building Restriction Line
Runway Centerline
Runway Protection Zone
Ultimate Runway Protection Zone
Property Parcel
Airport Property
Town of Pelion
17
35
Building Restriction Line
Runway Centerline
Existing RPZ
Ultimate Runway Protection Zone (RPZ)
N
0 0.1 0.2 0.3
Miles

Figure 2

Chapter 4. Designation of Other Airport Districts

44.00 Introduction

Other Airport Districts are hereby established pursuant to the purposes of this article, comprising all those lands within the overlay zones as further delineated in this chapter. In order to qualify for designation under this chapter, an airport must be of such a nature as to require approval from the Federal Aviation Administration (FAA).

44.10 Height Control Overlay Zones

Four types of height control overlay zones are established for these Airport Districts, based on the runway configuration.

44.11 Approach Zones

Approach zones (Figure 3) are delineated for each of the two runway approaches. The beginning of each approach zone is 500 feet wide and is coincident with and at the same elevation as the respective runway end. Both zones expand outward uniformly to an ultimate width of 2,000 feet which is at a distance of 5,000 feet measured horizontally from the end of the primary surface. The centerline of each approach zone is the horizontal continuation of the centerline of the respective runway end.

44.12 Transitional Zones

Transitional zones (Figure 3) are established adjacent to the sides of the runway and the approach zones, but shall be exclusive of both. These zones shall be 1,000 feet wide, measured horizontally and perpendicular to the sides of the runway. At the end of the runways the zone shall decrease in width until it intersects the approach zones at the point where the horizontal zone surface is at the same elevation as the approach zone.

44.13 Horizontal Zone

The horizontal zone (Figure 3) is established as all the area within 5,000 feet, measured horizontally, from any part of the runway surface, exclusive of the transitional and approach zones.

44.14 Conical Zone

The conical zone (Figure 3) is established as all the area within 9,000 feet, measured horizontally, from any part of the runway surface, exclusive of the transitional, horizontal, and approach zones.

44.15 Height Limits

The maximum height of buildings, other structures, and trees shall be restricted within each height control overlay zone. Where these zones overlap each other, the most restrictive height limitation shall apply. However, the height limits of this chapter shall not prohibit the construction or maintenance of any building or other structure, or the growth of any tree up to a height of 50 feet above the land surface elevation as it existed at the date of enactment of this chapter. The following are the height limits for the height control overlay zones.

a. Approach Zones: starting at the end of and at the same elevation as the respective runway ends, measure a slope 1 foot vertically upward for each 20 feet horizontally outward from the runway end, for the full extent of the approach zones.

b. Transitional Zones: starting at the side of and at the same elevation as the runway surface, and also starting at any given point on the sides of the approach zones at the same elevation as the approach zone height limit for the given point, measure a slope 1 foot vertically upward for each 7 feet horizontally outward from the runway, for the full extent of the transitional zones.

c. Horizontal Zone: the height limit for the horizontal zone is 150 feet above the highest point of the runway(s).

d. Conical Zone: starting at any given point on the periphery of the horizontal zone and at the same elevation as the horizontal zone height limit, measure a slope 1 foot vertically upward for each 20 feet horizontally outward from the airport, to the full extent of the conical zone.

44.20 Buffering Restrictions

Airport Districts must meet all of the restrictions and standards as required by this Ordinance for the appropriate principal activity classification. One of the requirements is a buffer measuring at least 1,000 feet at the end of each runway in this district. This buffer may be greater if topographic features would not enable structures or vegetation on adjacent properties up to a height of 50 feet as described in Section 44.15.

44.30 Other Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of any land or water body within these Airport Districts in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, takeoff, or maneuvering of aircraft using the airport.

The owner of any existing nonconforming structure or tree shall permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary for safety. Such markers shall be installed, operated, and maintained at the expense of the owners of the airport.

ARTICLE 5 – DRAINAGE AND FLOOD PLAIN DISTRICT

Chapter 1. General Requirements

51.00 Purpose

The development of land subject to flooding and the encroachment upon natural waterways and major drainage channels shall be regulated by special controls set forth in this article. These regulations are established to protect lives and property of persons living in the vicinity of flood prone areas and to preserve our natural drainage ways for the benefit of all citizens of Lexington County.

51.10 Regulations

All activities regulated by this Ordinance must comply with the provisions of the Lexington County Land Development Manual. The Drainage Map and Flood Maps of that ordinance are attached to and made part of this Zoning Ordinance as though copied herein.

51.20 Application of the District Regulations

The regulations associated with the Drainage and Flood Plan District shall be in addition to other provisions of this Ordinance. Where these district controls conflict with the controls of the underlying zoning district, the more restrictive controls shall apply.

51.30 Alterations to the District Boundaries

Alterations to the boundaries of the Drainage and Flood Plan District shall only be requested and permitted in accordance with procedures outlined in the Lexington County Land Development Manual.

51.40 Variances

A request for a variance to the provisions of this article shall only be submitted and considered in accordance with the procedures outlined in the Lexington County Land Development Manual.

ARTICLE 6 – PLANNED DEVELOPMENT DISTRICT

Chapter 1. General Requirements

61.00 Purpose

The Planned Development District was adopted in 1974 to permit and encourage the effective, efficient, and economical development of large tracts of land in Lexington County. The regulations of the District were specifically designed to accommodate the development of Harbison New Town, and were never applied to any other property. Subsequent changes in the Ordinance now allow innovative developments in a manner that makes a Planned Development District unnecessary, except to continue the regulations that apply to Harbison.

61.10 Establishment of the Planned Development District

The provisions of this article shall only apply to Harbison. Additional Planned Development Districts may not be established.

61.20 General Development Plan

In compliance with previous zoning regulations, Harbison has received approval of a General Development Plan from the Planning Commission. They shall be required to maintain this General Development Plan of their overall development. This Plan shall consist of two parts, a generalized drawing(s) and a descriptive statement.

61.21 Generalized Drawing(s)

The drawing(s) shall cover the entire Planned Development District and shall show the general pattern of development including the relationship proposed between the various proposed uses. The location of these uses should be depicted in a manner that will allow the Zoning Administrator to transfer that information to the Lexington County Maps as necessary for permitting construction.

61.22 Descriptive Statement

The Descriptive Statement shall include the following information for the Lexington County portion of Harbison:

a. A legal description of the boundaries.

b. The total number of acres.

c. The tentative number of residential units of various types.

d. A statement of the intended overall density of population of the development.

e. The percentages of the total land area intended to be devoted to the various uses depicted in the Generalized Drawing(s).

f. The covenants and restrictions governing the Harbison Homeowners Association or any other group with ownership and maintenance responsibilities in Harbison.

61.30 Modifications to the General Development Plan

Harbison may submit proposed changes to the General Development Plan at any time. These changes will be considered by the Planning Commission at one of their regularly scheduled meetings. If approved the Commission will instruct the Zoning Administrator to begin using the new Plan for reviewing permits.

Chapter 2. Regulations

62.00 Compliance with the General Development Plan

The Zoning Administrator shall not permit any activities in Harbison until it has been determined that they comply with the General Development Plan. If the Plan designation is for parks, greenways, and pathway systems, the area may be developed as residential. Uses designated for the more restricted areas are also allowed in the less restricted areas in accordance with the following list (most restrictive to least restrictive): parks, greenways, and pathway systems; residential; multi-family; commercial; light industrial/office. Any unassigned areas can be used as residential or parks, greenways, and pathway systems.

62.10 Ratio of Uses

The following ratio of uses shall be maintained within the Harbison development. The percentages listed apply to the total acreage in Lexington County only.

a. Not more than 60 percent shall be developed as residential and multi-family.

b. At least 20 percent shall be developed as commercial or light industrial/office.

c. At least 10 percent shall be devoted to parks, greenways, and pathway systems.

62.20 Density

The overall density in the Lexington County portion of Harbison shall not exceed eight dwelling units per acre. The gross acreage of the Planned Development District shall be used to determine density.

62.30 Exemptions from Regulations

Because Harbison must develop in accordance with the approved General Development Plan, and to allow for more innovative approaches to the development of the District, they are exempt from compliance with some of the provisions of this Ordinance. Except as outlined in this article, Harbison shall have no minimum lot area, no minimum lot width, no minimum setbacks, and no maximum height requirements. All other regulations contained in this Ordinance shall apply to the Planned Development District.

62.40 Other Requirements

a. Activities in Harbison shall comply with all other development ordinances of Lexington County.

b. Areas designated for open space and community uses shall be reserved and properly maintained for such uses by adequate covenants and restrictions.

c. Activities along any external property lines of the District shall conform to the setback, buffer, screening, and height requirements of this Ordinance.

d. Any land within the exterior boundaries of the District which has not been owned by Harbison shall be developed in accordance with the General Development Plan.

ARTICLE 7 – MOBILE HOME PARKS

Chapter 1. General Provisions

71.00 Purpose

The purpose of this article is to address the unique needs of Mobile Home Parks, in order that they may be considered a safe and healthy residential option to the residents of Lexington County.

71.10 Jurisdiction

The regulations set forth herein shall apply to any property located within the jurisdiction of this Ordinance that is now or is proposed to be developed as a Mobile Home Park.

71.20 Definitions

Mobile Homes: are transportable dwellings intended for permanent residential occupancy. They may be contained in either one unit or multiple units designed to be joined together into one integral unit, arrive at a site complete and ready for occupancy except for minor and incidental assembly operations, and are constructed so that they may be used without a permanent foundation. This activity shall not include modular residential construction, as defined within the South Carolina Modular Buildings Construction Act of 1976. Modular residential construction shall be included in the Residential Detached or Residential Attached activity types, as appropriate.

Mobile Home Parks: Three or more mobile homes or mobile home spaces, exclusive of a mobile home occupied by the property owner as a legal residence, that are located within the vicinity of one another and operated in any coordinated manner. The park may be located on a single parcel, or multiple parcels in the same or different ownership.

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

Mobile Home Parks (Extensive): The minimum size of an individual mobile home space in this type of development is 6,000 square feet.

NOTE: The following shall be used in determining compliance with the definition above of a Mobile Home Park:

a. A mobile home on a parcel(s) shall be counted toward the maximum number allowed even if the mobile home is unoccupied, used for storage, or not currently connected to electricity.

b. The subdividing of a parcel(s) in order to circumvent this Ordinance is not allowed by this definition.

c. Separating the ownership of mobile homes or mobile home spaces into two or more legal entities for the purpose of avoiding being defined as a mobile home park is not allowed. If the mobile home or mobile home spaces are in the same vicinity and their management is not clearly handled as separate entities, then they shall be considered part of a single mobile home park.

d. "Vicinity" means being near and not remote, but does not have to be adjacent. It does not include location sites that are miles apart, but may include sites that are adjacent to each other, across the street from each other, or thousands of feet away from each other, but in the same general area or proximity.

71.30 Application of Regulation

Upon the effective date of these regulations, Mobile Home Parks can be developed or expanded only in accordance with the applicable restrictions contained herein. Legally nonconforming Mobile Home Parks are subject to the provisions found in Article 11.

71.40 Special Exception Review

71.41 A request for a permit for a mobile home park will require special exception approval from the Board of Zoning Appeals. The basis for such approval is a demonstration by the applicant that the owner/operator can operate the mobile home park in a manner that addresses the unique conditions that are created by rental habitation. It will be the responsibility of the applicant to make evident to the Board that the following criteria can be met:

a. As demonstration that the day-to-day operations of the mobile home park addresses the unique conditions of a rental community, the applicant must demonstrate the ability to effectively manage the park;

b. As demonstration that the mobile home park community will be harmonious with the surrounding properties, the appropriate Buffering Restrictions, General Requirements and Performance Standards will be provided, if applicable; and

c. As assistance to the traveling public and public safety response agencies, adequate identification of the mobile home park will be provided.

71.42 For the Board to rule on a mobile home park special exception request based on these criteria, the following information must be submitted for consideration with the application:

a. One way to demonstrate the ability to manage the park is to submit a management plan. Such a plan could address such things as group gatherings, parking, care and control of household animals, traffic controls, disposal of household and other waste, grounds keeping, and mobile home maintenance;

b. A detailed site plan showing the buffering restrictions, parking, driveways, spacing and density shall be required, drawn in accordance with provisions published by the Board of Zoning Appeals; and

c. A plan for mobile home park identification signage and identification of the individual mobile homes in accordance with the Addressing and Road Naming Ordinance will be required.

71.50 Zoning Permit

It shall be the sole responsibility of a Mobile Home Park owner to establish and operate a Mobile Home Park in accordance with the regulations as set forth in this article. The zoning permit shall be issued on the basis of compliance with both these regulations and the regulations that are contained within South Carolina DHEC Regulation 61.40, and is considered a "permit to operate" by Lexington County. In Lexington County, South Carolina DHEC Regulation 61.40 shall also apply to all Mobile Home Parks, as defined in the text of this Ordinance.

71.60 Site Plan

All existing mobile home parks must have an appropriately prepared site plan that includes but is not limited to spaces, driveways, space numbers and/or addresses, parking and spacing between homes and boundaries of the park, submitted by January 1, 1997, to assist in the issuance of permits and to aid park owners in achieving future compliance with Article 11.

71.70 Enforcement

The Zoning Administrator, upon sixty days notice, may withdraw a zoning permit issued to the Mobile Home Park owner and require the park to cease operation. Other enforcement procedures are found elsewhere in this Ordinance.

71.80 Adherence to Existing Regulations and Guidelines

All new or expanding Mobile Home Parks must adhere to any applicable Federal, State, or County regulations or guidelines, including but not limited to DHEC Regulations, the Addressing and Road Naming Ordinances, the International Building Code, and the Assessor's Mobile Home Registration process.

Chapter 2. Regulations

72.00 Driveways

All driveways which provide access to any activities within a Mobile Home Park shall adhere to the following guidelines:

a. Driveways shall be a minimum of 18 feet in width, exclusive of parking.

b. All driveways shall be constructed in the following manner:

1. All unpaved driveways shall meet the minimum road design criteria as stated in the Private Road Policy adopted by the Lexington County Planning Commission. If the unpaved driveway connects to a paved road, a paved apron 50 feet in length measured from the existing pavement and with the appropriate intersection radii width must be provided. A maximum of 25 mobile home spaces may access one unpaved driveway.

2. Paved driveways shall meet all the applicable paved road design standards established by Lexington County, with the exception of roadway width.

72.10 Density

The density of a mobile home park shall comply with Section 22.30 and the design standards of this article.

72.20 Mobile Home Spaces

A mobile home space is the leasable area provided to an individual tenant. In a Mobile Home Park (Extensive) each space shall have a minimum area of 6,000 square feet, and shall be a minimum average width of 50 feet. In a Mobile Home Park (Limited) each space shall have a minimum area of 20,000 square feet, and shall also be a minimum average width of 75 feet. The mobile home space shall be exclusive of the prescribed buffer area, and all mobile home spaces shall be clearly delineated by fencing, vegetation, or other substantial means. The delineation of the spaces may be waived by the Board of Zoning Appeals if the park owner can demonstrate that maintenance and upkeep of the park will not suffer for lack of this measure. Even if the space delineation is waived, the prescribed buffer area must still be delineated to protect the required inactive character of that area.

72.30 Spacing

There shall be a minimum of 30 feet between any two mobile homes, or any mobile home and a common building (laundry, etc.). Where entrances/exists of mobile homes do not face each other, the minimum setback may be 10 feet from the mobile home space delineation line. Accessory structures for individual mobile homes shall be located a minimum of 6 feet from any adjoining mobile home.

72.40 Parking

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

72.50 Operational Requirements

All grounds and common buildings located within Mobile Home Parks are expected to be maintained in a clean, sanitary and safe manner, the mobile home spaces kept clear of refuse, debris and unnecessary clutter, and all refuse shall be stored, collected and disposed of in such a manner as not to create a nuisance, vector attractant, breeding or harborage problem, in accordance with South Carolina DHEC Regulation 61.40. The SC Department of Health and Environmental Control will be the enforcement agency for these operational requirements.

72.60 Buffering Restrictions

Each Mobile Home Park shall adhere to the buffering restrictions covering height regulations, buffers, setbacks, and screening as outlined in Chapter 3 of Article 2.

ARTICLE 8 – MINING OPERATIONS

Chapter 1. General Provisions

81.00 Purpose

The purpose of this article is to address the unique needs of Mining Operations in order that these activities function in a manner that is compatible with the surrounding area.

81.10 Jurisdiction

The regulations set forth herein shall apply to any property located within the jurisdiction of this Ordinance that is now or is proposed to be developed as a Mining Operation.

81.20 Definitions

Minerals are solids, liquids, or gases found in natural deposits on or in the earth, including, but not limited to, soil, sand, clay, gravel, stone, rock, coal, phosphate, metallic ore, petroleum, or natural gas.

Mining Area is the area of land from which overburden or minerals have been removed, or upon which overburden has been deposited, including the location of on-site mineral processing, stockpiles, settling ponds, mining vehicle operation, and active reclamation areas. The mining area does not include land which has been reclaimed, the access road, or earthen berms which are part of County approved noise containment.

Mining includes the extraction or removal of minerals for sale, processing, or consumption even if the mining activity is not required to obtain a mining permit from the South Carolina Department of Health and Environmental Control (SCDHEC). It does not include grading, backfilling, plowing, or excavating areas for agriculture or on-site construction, unless the extraction or removal of materials exceeds 25,000 cubic yards or the activity continues for longer than six months.

Mining (Limited) includes all mining operations where the mining area does not exceed 5 acres. This activity category does not permit on-site mineral processing, including, but not limited to, milling, crushing, screening, washing, flotation, or refining. This activity category does not include chemical leaching of minerals, hard rock quarrying, or blasting.

Mining (Intermediate) includes all mining operations where the mining area does not exceed 25 acres. This activity category permits on-site mineral processing, chemical leaching of minerals, hard rock quarrying, or blasting, provided that the blasting or chemical leaching of minerals meets the buffering restrictions of the Mining (Extensive) category.

Mining (Extensive) includes all other mining activities not included within the definition of Mining (Limited) or Mining (Intermediate). This activity category permits on-site mineral processing, chemical leaching, and blasting.

81.30 Application of Regulations

Upon the effective date of these regulations, Mining Operations can be developed or expanded only in accordance with the applicable restrictions contained herein. Legally nonconforming Mining Operations are subject to the provisions found in Article 11.

81.40 Zoning Permit

It shall be the sole responsibility of a Mining Operation owner to establish and operate a Mining Operation in accordance with the regulations as set forth in this article. The zoning permit shall be issued on the basis of compliance with all applicable state and local regulations.

Chapter 2. Mining Regulations

82.10 Adherence to Other Regulations

The Mining Operation regulations contained herein are in addition to any applicable regulations from the South Carolina Department of Health and Environmental Control (SCDHEC) and any other state and federal agencies. If a Mining Operation is regulated by SCDHEC it shall be issued a zoning permit after meeting all zoning requirements and after receiving a mining permit from that agency. There may be Mining Operations that are governed only by this Ordinance and other regulations of Lexington County.

82.20 Buffering Restrictions

Each Mining Operation shall adhere to the Buffering Restrictions covering height regulations, buffers, setbacks, and screening as outlined in Chapter 3 of Article 2, except where more restrictive regulations exist in this Article or elsewhere in this Ordinance. Where an existing residence is located less than 500 feet from the property line of a mining activity the required buffering restrictions shall be doubled. Where an existing residence is located between 500 and 1000 feet from the property line of a mining activity, the required buffering restrictions shall be 1 ½ times the published requisites.

82.21 Buffer

Buffering requirements are defined in Section 23.20.

82.22 Setbacks

While accessory activities such as driveways and parking and reclamation thereof can occur within the designated setback as defined in Section 23.30, mining operations may not encroach on any part of the setback area.

82.23 Screening

1. In all Districts all of the mining activity shall be screened from any neighboring property in accordance with the Chart of Maximum Buffering Restrictions of Section 23.60. This shall include, but is not limited to, buildings, structures, stockpiles, overburden storage areas, berms used for noise containment, etc.

2. All Mining Operations must use natural or landscaped vegetation for screening. The screening requirements do not exclude the use of fencing for safety reasons. Existing natural vegetation shall be left undisturbed in the buffer areas located in all Districts. In the portion of the setback areas beyond the required buffer areas, existing natural vegetation shall also be left undisturbed with the single exception of grading in this area that is necessary to implement the best Noise Containment Plan as required in Section 82.60. However, this exception is allowed only if the vegetative screening requirements of this section can be met.

3. Additional vegetation must be added and existing vegetation altered as necessary to meet the screening requirements and shall be planted in a random manner to replicate natural forest conditions. The vegetation used must include sufficient quantities that are evergreen, drought-tolerant, and disease resistant to ensure that the screening requirements of the Ordinance are met during all seasons of the year.

4. Total road frontage screening is required in all Districts, and the entrance shall be designed such that none of the mining activity shall be visible from the road.

82.30 Access Plan

Any new mining operation, or expansion of an existing mining operation creating a new access, shall submit a proposed Access Plan and must receive approval of a Plan from the Lexington County Council. This Plan shall show the anticipated routing of all truck traffic in compliance with this chapter as well as Section 22.02, Chart of Permitted Access by Street Classification. However, an alternate Plan that may not comply with all of these regulations may also be submitted if it is considered to have less of a traffic impact on the roads accessing the mining operation. Mining (Intermediate) and Mining (Extensive) activities are only allowed access by roads that are paved.

Any roads or bridges to be utilized must be capable of handling the additional traffic and weight loads of the mining activity. The entity responsible for the maintenance of such facilities will be asked to review the condition of any roads and bridges contained in the Access Plan and report that information along with recommendations to the Lexington County Council. This may be the South Carolina Department of Transportation, the Lexington County Department of Public Works, or a municipality.

The Lexington County Council will review the Access Plan(s) and reports from the maintenance entities and may require a different Plan using any roads available if it will lessen the impact of truck traffic in the immediate area.

82.40 Driveways

Driveway access to a paved road must consist of a paved apron at least 100 feet in length. Driveway access to an unpaved road must be stabilized in a manner to reduce excessive fugitive dust. Driveways may also be required to have deceleration and/or acceleration lanes as a part of an encroachment permit from either Lexington County or the South Carolina Department of Transportation.

82.50 Hours of Operation

The following hours of mining operation restrictions shall apply:

Mining (Limited):	7:00 a.m. to 7:00 p.m., Monday through Friday
Mining (Intermediate):	7:00 a.m. to 7:00 p.m., Monday through Saturday
Mining (Extensive):	No restriction for hours of operation in an ID District 7am to 7pm, Monday through Saturday in an RD District

82.60 Performance Standards

In addition to the requirements contained in this section, each Mining Operation shall adhere to any applicable Performance Standards outlined in Chapter 4 of Article 2.

Noise Containment Plan: To achieve the maximum protection from site-generated noise (i.e., mechanical and engine noise from mechanized equipment and vehicles, rock crushing, conveyors, etc.), a Noise Containment Plan shall be prepared and submitted for approval. That Plan must utilize earthen berms designed and integrated into the existing terrain so that there is a wall of dirt, natural or man-made, separating the source of the noise and all surrounding protecting property lines. In all Districts the berms must be located beyond the required buffer. They may only encroach into the setback area if doing so achieves a greater degree of noise containment due to the natural shape of the terrain. Such encroachments will be the minimum needed and inward toe of the berm must touch the setback line. Noise at any protected property line is limited to the following restrictions as regulated by the provisions of Section 24.13 Maximum Permitted Sound Pressure Levels.

Preferred Center Frequency (Cycles/Second)	Adjacent Grandfathered Residential Use or Adjacent Restrictive Development District	Adjacent Intensive Development District
31.5	78dB	82dB
63	75	80
125	73	76
250	67	70
500	61	64
1000	56	59
2000	50	53
4000	44	47
8000	39	42
Impact Noise	85dB	95dB

South Carolina Mining Act: The South Carolina Department of Health and Environmental Control (SCDHEC) regulates and monitors all activities governed by the South Carolina Mining Act. Mining Operations shall adhere to these and all other State requirements which address issues such as sediment and erosion control related to mining activities, dewatering/groundwater-related impacts, fugitive dust, surface blasting, etc.

82.70 Reclamation

An applicant for a mine not regulated by the SCDHEC shall submit a proposed Reclamation Plan with his application for a permit. The Plan must include as a minimum the following information:

a. Proposed practices to protect adjacent surface resources;

b. Specifications for surface gradient restoration to a surface suitable for the proposed use of the land after reclamation is completed, which must not exceed a 3 to 1 slope;

c. Manner and type of revegetation or other surface treatment of the affected areas;

d. Method of compliance with Lexington County's Stormwater Management Ordinance;

e. Method of rehabilitation of settling ponds;

f. Method of restoration or establishment of stream channels and stream banks to a condition minimizing erosion, siltation, and other pollution.

To the extent feasible, the Reclamation Plan must be conducted simultaneously with mining operations and be initiated at the earliest practicable time after completion or termination of mining on a segment of the permitted land. The Plan must provide that reclamation activities will be completed within six months after completion or termination of mining on each segment of the area for which a permit is requested.

82.80 Bonding

Each applicant for a zoning permit for a mine that is not regulated by the SCDHEC shall file with the Zoning Administrator, upon approval of the application, and maintain in force a performance bond to ensure the satisfactory completion of the Reclamation Plan. All bonds must be in favor of Lexington County with surety and procedures as determined by Lexington County Council. The amount of each bond must be based upon the area of affected land to be reclaimed under the approved Plan to which it pertains, less any area whose reclamation has been completed and released from coverage by the County.

ARTICLE 9 – LANDFILL OPERATIONS

Chapter 1. General Provisions

91.00 Purpose

The purpose of this article is to address the unique needs of Landfill Operations in order that these activities function in a manner that is compatible with the surrounding area.

91.10 Jurisdiction

The regulations set forth herein shall apply to any property located within the jurisdiction of this Ordinance that is now or is proposed to be developed as a Landfill Operation.

91.20 Definitions

Landfills include all of the following activities as defined by the South Carolina Department of Health and Environmental Control (SCDHEC) now or in the future. These SCDHEC definitions are published for reference only and are not part if this Ordinance. Within this Ordinance landfills are classified as either limited, intermediate or extensive and may include solid waste activities exempt from review by SCDHEC. Recycling activities which involve construction, demolition and/or land clearing debris are regulated in the same manner as the landfill classification within which they are listed, even if there is no landfill at the location of the recycling activity.

DHEC Landfill Categories

Municipal Solid Waste Landfills

Construction, Demolition, and Land-Clearing (C&D) Debris Landfills

- Short-Term C&D Landfills (Part I).
- Land-Clearing Debris and Yard Trash Landfills (Part II).
- Permanent Industrial C&D Landfills (Part III).
- Long-Term C&D Landfills (Part IV).

Industrial Solid Waste Landfills

Landfills (Limited) shall have a landfill area which does not exceed 4 acres and is operational for less than two years. This activity category does not include a Municipal or Industrial Solid Waste Landfill, the disposal of hazardous materials, or the on-site processing of construction, demolition, and/or land-clearing debris for recycling.

Landfills (Intermediate) shall have a landfill area which does not exceed 12 acres. This activity category does not include the disposal of hazardous materials, but may include the on-site processing of construction, demolition, and/or land-clearing debris for recycling provided the amount of unprocessed material stored above ground does not exceed 6,000 cubic yards.

Landfills (Extensive) include all other landfills not included within the definition of Landfill (Limited) or Landfill (Intermediate). This activity category also includes the on-site processing of construction, demolition, and/or land-clearing debris for recycling.

91.30 Application of Regulations

Upon the effective date of these regulations, Landfill Operations can be developed or expanded only in accordance with the applicable restrictions contained herein. Legally nonconforming Landfill Operations are subject to the provisions found in Article 11, Nonconformity.

91.40 Zoning Permit

It shall be the sole responsibility of a Landfill Operation owner to establish and operate a Landfill Operation in accordance with the regulations as set forth in this article. The zoning permit shall be issued on the basis of compliance with all applicable state and local regulations.

Chapter 2. Regulations

92.10 Adherence to Other Regulations

The Landfill Operation regulations contained herein are in addition to any applicable regulations from the South Carolina Department of Health and Environmental Control (SCDHEC) and any other state or federal agencies. A Landfill Operation shall be issued a zoning permit only after receiving an approval from Lexington County as to its compliance with all County Solid Waste Regulations.

92.20 Buffering Restrictions

Each Landfill Operation shall adhere to the buffering restrictions covering height regulations, buffers, setbacks, and screening as outlined in Chapter 3 of Article 2.

92.21 Buffer

In the event that an encroachment appears to be within the buffer area, and/or the buffer area is likely to be encroached unintentionally, the designated buffer area may be required to be clearly delineated by a material approved by the Zoning Administrator.

92.22 Setbacks

While accessory activities such as driveways and parking can occur within the designated setback, landfill operations may not encroach on any part of the setback area. Sites with natural vegetation may qualify for a reduction as stated in Section 92.23, paragraph 2 below.

92.23 Screening

1. Landfill (Limited) operations may install vegetative or man-made screening materials. However, man-made screening materials must be removed within 60 days of the closure of the site.

2. Landfill (Intermediate & Extensive) operations must use natural or landscaped vegetation for screening. This screening may include the use of earthen berms and does not exclude the use of fencing for safety reasons. A setback reduction of 25 percent may be obtained if existing natural vegetation meeting the partial screening requirement, as determined by the Zoning Administrator, is left undisturbed.

3. Total road frontage screening is required in all districts.

92.30 Access

The chart contained in Section 22.02 designates the street classification necessary to access Landfill Operations. The following additional requirements must be met:

1. A Landfill (Intermediate) operation is allowed access by a Local street provided that road is paved.

2. A Landfill (Extensive) operation is allowed access by a Collector road provided that road is paved.

The appropriate street access shall not be an issue if all of the vehicular activity associated with the landfill is self-contained on the site, as in a Permanent Industrial C&D Landfill (Part III).

92.40 Driveways

Driveway access to a paved road must consist of an asphalt apron at least 100 feet in length. Driveway access to an unpaved road must be stabilized in a manner to reduce excessive fugitive dust. Those driveways may also be required to have deceleration and/or acceleration lanes as a part of an encroachment permit from either Lexington County or the South Carolina Department of Transportation.

92.50 Hours of Operation

The following hours of operation restrictions shall apply:

Landfill (Limited)	7:00 a.m. to 7:00 p.m., Monday through Friday
Landfill (Intermediate)	7:00 a.m. to 7:00 p.m., Monday through Saturday
Landfill (Extensive)	No restriction for hours of operation

92.60 Limits on Traffic

The following operational limits shall apply in order to restrict the truck traffic in certain circumstances:

		Average Rate for the Day (Trucks per Hour)	**Actual Count per Hour (Trucks per Hour)**
Landfill (Limited)	Local Street (unpaved)	one	three
	Local Street (paved)	three	six
	Collector Street (unpaved)	three	six
	Collector Street (paved)	no limit	no limit
	Arterial Street	no limit	no limit
Landfill (Intermediate)	Local Street (unpaved)	no access is allowed	
	Local Street (paved)	three	six
	Collector Street (unpaved)	three	six
	Collector Street (paved)	no limit	no limit
	Arterial Street	no limit	no limit
Landfill (Extensive)	Local Street (unpaved)	no access is allowed	
	Local Street (paved)	no access is allowed	
	Collector Street (unpaved)	no access is allowed	
	Collector Street (paved)	no limit	no limit
	Arterial Street	no limit	no limit

92.70 Performance Standards

Each Landfill Operation shall adhere to the Performance Standards as outlined in Chapter 4 of Article 2. It should be noted that one of those standards that requires extra attention during the design of a Landfill Operation are the limits placed on noise. Earthen berms are one of the few methods that will contain the noise on-site at a level that meets the standards contained on this Ordinance.

ARTICLE 10 – SEXUALLY ORIENTED BUSINESSES

Chapter 1. General Provisions

101.00 Purpose

Whereas County Council is aware of studies done by other cities and counties throughout the United States which document the secondary effects that result from sexually oriented businesses, particularly when those businesses are concentrated together, it is the purpose of this Ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the County. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this Ordinance to deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Ordinance to condone or legitimize the distribution of obscene material nor to legalize any form of prohibited or illegal activities.

101.10 Description of Sexually Oriented Businesses

Sexually oriented businesses include, but are not limited to: adult arcade, adult bookstore/video store, adult cabaret/nightclub, adult campground/recreational area, adult escort service, adult model studio, adult motel, adult motion picture theater, adult peep show, adult sexual encounter center, adult theater, as defined herein; and any other establishment which contains activities characterized by the performance, depiction, or description of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas." Each sexually oriented business is considered a separate business regardless of ownership and must meet separation requirements. This definition does not include family oriented clothing optional campground/recreational areas which: 1) comply with all state and/or federal requirements that prohibit public indecency; 2) do not provide sexual stimulation or sexual gratification to customers; and 3) do not include "specified sexual activities." Family oriented clothing optional campground/recreational areas must meet all applicable buffering restrictions for the principal activity(ies); however, in all cases, total screening must be provided from the road right-of-way and adjoining properties.

Adult Arcade. Any establishment to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

Adult Bookstore/Video Store. An establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration books, magazines, sexual paraphernalia or instruments, films, motion pictures, video cassettes or video reproductions, slides or other visual representations (whether for viewing off premises or on premises by use of motion picture machines or other image producing devices), periodicals or other printed or pictorial materials which are intended to provide sexual stimulation or sexual gratification to such customers, and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

Adult Cabaret/Night Club. An establishment which, as one of its business purposes, offers to customers live entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing, or relating to "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

Adult Campground/Recreational Area. A membership facility which, as one of its business purposes, provides outdoor recreational opportunities to nude or semi-nude participants. This definition does not include family oriented clothing optional campground/recreational areas as defined above.

Adult Escort/Entertainment Service. A person or business association who furnishes, offers to furnish, or advertises to furnish as one of its business purposes for a fee, tip, or other consideration, private live entertainment which is distinguished by or characterized by an emphasis on depicting, describing, or relating to "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

Adult Model Studio. Any place where a person who appears in a "state of nudity" or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any form of consideration.

Modeling studios will not be considered sexually oriented businesses if the person appearing in a state of nudity did so in a modeling class operated:

a. By a proprietary school, licensed by the State of South Carolina; a college, junior college, or university supported entirely or partly by taxation; or

b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

Adult Motel. A hotel, motel, or similar commercial establishment which:

a. Offers accommodations to the public for any form of consideration: provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

b. Offers a sleeping room for rent for a period of time that is less than 10 hours; or

c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater. A commercial establishment where, as one of its business purposes, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown, for any form of consideration, which are characterized by the depiction or description of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

Adult Peep Shows. A theater which presents materials in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged and which is not open to the public generally but excludes any minor by reason of age.

Adult Sexual Encounter Center. A business or commercial enterprise that, as one of its business purposes, offers for any form of consideration:

a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity; or

c. Sadistic/masochistic flagellation or torture (real or simulated) of one person by another and/or the fettering, binding, or physically restraining of one person by another.

Adult Theater. An establishment, containing a room with tiers or rows of seats facing a screen, projection area, or stage, which, as one of its business purposes, is the exhibition to customers of motion pictures or live entertainment which are intended to provide sexual stimulation or sexual gratification to such customers and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

101.20 Definitions

Nudity or State of Nudity. The appearance of a bare human buttocks, male genitals, female genitals, or female breast(s) or the use of opaque material that gives the appearance of less than completely or opaquely covered human buttocks, male genitals, female genitals, or female breast(s).

Semi-Nudity or State of Semi-Nudity. A state of dress in which clothing, or opaque material that gives the appearance of less than completely or opaquely covered human buttocks, male genitals, female genitals, or female breast(s), covers no more than the genitals, pubic region, areola of the female breast, and those portions of the body covered by supporting straps and devices.

Specified Anatomical Areas.

a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast areola; or

b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities.

a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

c. Masturbation, actual or simulated; or

d. Human genitals in a state of sexual stimulation or arousal; or

e. The fondling, erotic touching or other such contact with an animal by a human being; or

f. Excretory functions as part of or in connection with any of the activities set forth in (a) through (e) above.

Chapter 2. Regulations

102.00 Location

Sexually oriented businesses shall be located only in accordance with the following:

a. Only in the Intensive Development (ID) District and portions of the Limited Restriction (LR) District which are regulated as if an Intensive Development District, provided the business also meets the location requirements for the principal activity to which it is assigned.

b. At least 1,000 feet from any residential use, church, day care center, public or private elementary or secondary education school, public park, public library, cemetery, or motion picture establishment which shows G-rated or PG-rated movies to the general public on a regular basis, regardless of jurisdiction.

c. At least 2,000 feet from any other sexually oriented business, regardless of jurisdiction. Each sexually oriented business is considered a separate business regardless of ownership.

d. Measurements of distance separation shall be in a straight line from the closest points of the buildings or outdoor areas in which the sexually oriented business activity takes place to either:

   1. the closest point of the building in which the residential use, public library, motion picture establishment or other sexually oriented business is located, or

   2. the closest point of the property line of a church, day care center, public or private elementary or secondary education school, public park, or cemetery.

102.10 Signage & Exterior Decoration/Design

a. It shall be unlawful for the owner or operator of any sexually oriented business or any other person to erect, construct, or maintain any sign other than as provided herein and in Article 2, Chapter 5, Signs.

b. Signs and exterior decoration/design shall contain no photographs, silhouettes, drawings, titles, graphic or pictorial representations in any manner of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified anatomical areas," or "specified sexual activities."

c. Each sexually oriented business must display at least one sign, easily discernable prior to entering the establishment, which identifies it as such by using the word "Adult" (for example, "Adult Bookstore," "Adult Cabaret," "Adult Entertainment," etc.).

102.20 Permits

a. Sexually Oriented Business Zoning Permits shall be required in addition to Zoning Permits issued for their principal activities.

b. Property owners where sexually oriented businesses are located may not sanction the selection of a lesser buffering restriction as outlined in Section 23.60 if that restriction is applicable to another sexually oriented business.

c. Representatives of the Sheriff's Department, Department of Community Development, Department of Public Safety, or other County departments or agencies shall be allowed to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

d. An application for a Sexually Oriented Business Zoning Permit must be accompanied by a site plan drawn to a designated scale or drawn with marked dimensions. The site plan need not be professionally prepared, but must be drawn to an accuracy of plus or minus 6 inches. The site plan must include information and exhibits as deemed necessary by the Zoning Administrator in order to determine that the proposed use complies with this Ordinance.

e. The fact that a person possesses other types of State or County permits and/or licenses does not exempt that person from the requirement of obtaining a Sexually Oriented Business Zoning Permit.

102.30 Nonconformity for Sexually Oriented Businesses

a. Any sexually oriented business lawfully operating on May 13, 1997, that is in violation of any of the requirements of Article 10 shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed 5 years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two sexually oriented businesses are within 2,000 feet of one another and otherwise in a permissible location, the sexually oriented business which is currently in longest continuous operation at a particular location is considered to be the conforming use and the other business is considered to be the nonconforming use.

b. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the issuance of its Sexually Oriented Business Zoning Permit, of a residential use, church, day care center, public or private elementary or secondary school, public park, public library, cemetery, or motion picture establishment within 1,000 feet of the sexually oriented business. This provision applies only to the initial issuance of a valid Sexually Oriented Business Zoning Permit, and does not apply after a Sexually Oriented Business Zoning Permit has been revoked.

c. All existing sexually oriented businesses must apply for a Sexually Oriented Business Zoning Permit within 6 months of the enactment of this Ordinance, for the purpose of establishing the extent of any nonconformity which must be corrected within 5 years as required in paragraph "a." The Permit will note the degree of nonconformity, if any, as determined by the circumstances at the time from which the sexually oriented business has been in continuous operation at that location. Sufficient information to make such a determination must be provided to the satisfaction of the Zoning Administrator.

ARTICLE 11 – NONCONFORMITY

Chapter 1. General

111.00 Purpose

The purpose of this article is to control, improve, or terminate uses of land which do not conform to one or more provisions of this Ordinance. If a land use activity was legally established with all required local, state, and federal land use permits and approvals, yet does not currently conform to one or more provisions of this Ordinance, it may qualify as a legal nonconformity.

111.10 Right to Continue a Nonconformity

Subject to the requirements of Section 111.20, a legal nonconformity may be continued upon first becoming a nonconformity, if the degree of nonconformity is not increased as determined by the Zoning Administrator. This means that no expansion, extension, substitution, or other changes in the nonconforming activities or facilities are allowed, except as expressly provided herein or by other public laws.

111.20 Required Conformance of Legal Nonconformities

Except for nonconforming signs, which are covered in Chapter 3 of this article, any legal nonconformity may be continued for a period of 5 years, without increasing the degree of nonconformity. After 5 years, the activity may only continue in compliance with the applicable vision clearance, parking requirements, screening requirements, and performance standards. This section shall not apply to activities regulated by Article 8 Mining Operations, and Article 9 Landfill Operations.

111.30 Required Notice

Notice must be given by the Zoning Administrator at least 6 months prior to the enforcement of any of the provisions of this article, except for Sections 113.12 and 113.13 in which a 30-day notice shall be required.

Chapter 2. Legal Nonconformity

112.00 General

Except for nonconforming signs, which are covered in Chapter 3 of this article, this chapter shall further govern the treatment of legal nonconformities. Unless otherwise determined by the Zoning Administrator, any changes in a legal nonconformity shall require issuance of a new zoning permit. The new zoning permit shall not extend the period until required compliance.

112.10 Abandonment of a Legal Nonconformity

Whenever a legal nonconformity which is a disallowed use discontinues active operation for a continuous period of 12 months, it shall not be allowed to resume. Whenever a legal nonconformity which is an allowed use discontinues active operation for a continuous period of 12 months, it can be reestablished.

112.20 Damage to or Destruction of Structures

Any structure which is, or contains, a legal nonconformity and which is damaged or destroyed may be reconstructed and used as before. However, if reconstruction is not substantially begun within 12 months of the damage, the structure will be considered abandoned and subject to the provisions of Section 111.10. If the nonconformity is a disallowed use, the overall outside dimensions of the structure shall not increase, and the reconstruction shall not exceed the degree of nonconformity existing before the damage. If the nonconformity is an allowed use, the overall outside dimensions of the structure may increase, as long as the reconstruction does not exceed the degree of nonconformity existing before the damage.

112.30 Repairs and Alterations of Structures

Any structure which is, or contains, a legal nonconformity may be repaired. However, if the nonconformity is a disallowed use, no structural alterations shall be made.

112.40 Expansion of a Legal Nonconformity

A legal nonconformity which is a disallowed use may be expanded, provided the expansion is contained within an existing structure and the degree of nonconformity is not increased. Expansion of an actual disallowed use is only permitted if a variance is granted by the Board of Zoning Appeals. However, an expansion required to meet federal, state, or local health, safety, or access regulations and the like, may be allowed provided the expansion complies with any applicable buffering restrictions. Such an expansion must be limited to meeting the required regulation only and may not further expand the actual disallowed use.

A legal nonconformity which is an allowed use may be expanded if the degree of nonconformity is not increased.

112.50 Change of Use of a Legal Nonconformity

A legal nonconformity, whether abandoned or not, may change use to a different activity, if the new activity is an allowed use and the degree of nonconformity is not increased. The period until required compliance shall be measured from the effective date of this Ordinance which initiated the original nonconformity.

112.60 Nonconformity and Highway Expansion

The relocation of a road right-of-way by the South Carolina Department of Transportation or Lexington County Public Works shall not be deemed to create or increase a nonconformity, with respect to the required setback from the road right-of-way. When a parcel is located on more than one right-of-way, each of its frontages shall be treated separately under this section.

112.70 Exceptions to Screening of Nonconformities

A legal nonconformity which utilizes an impoundment of water for any part of its activity will not be required to provide screening along activities on water surfaces or the water frontage of the property.

A commercial legal nonconformity will not be required to provide screening along the road frontage.

Chapter 3. Nonconforming Signs

113.00 General Provisions

113.01 Nonconforming Activities

Signs associated with a nonconforming activity may be continued during the lawful life of the activity, but shall be made to comply with all other applicable sign provisions after 10 years.

113.02 Reconstruction

A nonconforming sign shall not be removed and rebuilt as a nonconforming sign, except when the South Carolina Department of Transportation or Lexington County Public Works requires the sign to be relocated for improvements within a road right-of-way. However, such relocation shall not increase the degree of nonconformity, as determined by the Zoning Administrator.

113.03 Extension or Enlargement

A nonconforming sign shall not be extended or enlarged except in conformity with these regulations.

113.04 Reconstruction after Damage

A nonconforming sign shall not be rebuilt, altered, or repaired except in conformity with these regulations after sustaining damage exceeding 50 percent of the replacement cost of the sign at the time of the damage.

113.05 Ordinary Maintenance

Nothing in this chapter shall be deemed to prevent the ordinary maintenance and repair of a nonconforming sign or replacement of a broken part of a nonconforming sign.

113.06 Change of Copy

Nothing in this chapter shall be deemed to prevent the ordinary change of copy on an advertising sign or a business changeable copy sign.

113.10 Amortization

The Board of Zoning Appeals may extend any deadlines contained in this chapter if it is determined that the regulation would be a financial hardship for the owner of the sign. This hardship must have occurred through contractual obligations in effect before the adoption of these restrictions. However, in the case of the principal activity category of Churches, the Board should give special consideration to any financial hardship.

113.11 Location

Signs which are not an allowed activity because of district designation or road classification shall be removed within 10 years after the effective date of these regulations.

113.12 Advertising Signs

All advertising signs which are nonconforming shall be allowed to remain as installed in their existing location as long as they comply with the provisions contained in Section 26.10.

Signs using digital technology as regulated in Section 26.66 shall be brought into compliance with these regulations within 90 days.

113.13 Business Signs

All business signs which are nonconforming shall be allowed to remain as installed in their existing location as long as they comply with the provisions contained in Section 26.10.

Electronic message boards as regulated in Section 26.52 shall be brought into compliance with these regulations within 90 days.

113.14 Temporary Signs

All nonconforming temporary signs shall be removed or made conforming within 1 year after the effective date of these regulations.

113.15 Special Requirements

Any sign violating the provisions of Sections 26.10, 26.20, or 26.30 shall be removed or made conforming within 90 days after the effective date of these regulations.

113.16 Windblown Signs

All nonconforming windblown signs shall be removed within 9 months after the effective date of these regulations.

113.20 Change in Business Signs

Whenever any nonconforming sign, or part thereof, is replaced, converted, or altered more than just the replacement of the sign face, the entire sign shall be brought into compliance with these regulations.

113.30 Substantial Repairs, Remodeling, or Expansion

Whenever a business is repaired, altered, remodeled, or expanded to an extent exceeding 50 percent of the current replacement cost of the building within any period of 12 months, all signs, other than freestanding signs, shall be brought into compliance with these regulations.

Chapter 4. Nonconforming Mobile Home Parks

114.00 General

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

114.10 Measurement of Period until Required Compliance

The period until required compliance for each nonconforming mobile home park shall be measured from the effective date of the initial enactment of this chapter of the Ordinance.

114.20 Required Conformance of a Mobile Home Park

Any Mobile Home Park which is a legal nonconformity may be continued for a period of 5 years, without increasing the degree of nonconformity. After 5 years, the Mobile Home Park may continue only through compliance with the parking and operational requirements of Article 7, and with the driveway restrictions, screening requirements and performance standards of Article 2. Also, any applicable Federal, State, or County regulations or guidelines, including but not limited to DHEC Regulations, the Addressing and Road Naming Ordinances, the International Building Code, and the Assessor's Mobile Home Registration process must be met.

114.30 General Provisions

114.31 Abandonment

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

114.32 Damage

If a structure in a legally nonconforming Mobile Home Park is damaged or destroyed during the period until required compliance, the structure may be repaired or replaced without increasing the degree of nonconformity. After the period until required compliance, a damaged structure may be repaired or replaced only in compliance with Section 112.20.

114.33 Repairs and Alterations

Nothing in this chapter shall be deemed to prevent the ordinary maintenance and repair of a structure in a legally nonconforming Mobile Home Park. However, no alterations are allowed except in compliance with Section 112.20.

114.34 Change in Use

If a nonconforming Mobile Home Park is replaced by an allowed use, and the owner wishes to re-establish the Mobile Home Park before the 12 month abandonment period for the park elapsed, the re-established park must comply with all restrictions applicable to a new park.

114.40 Nonconformity and Highway Expansion

The relocation of a road right-of-way by the South Carolina Department of Transportation or Lexington County Public Works shall not be deemed to create or increase a nonconformity, with respect to the required setback from the road right-of-way. When a parcel is located on more than one right-of-way, each of its frontages shall be treated separately under this section.

ARTICLE 12 – ADMINISTRATION

Chapter 1. General Provisions

121.00 Zoning Administrator

The administration and enforcement of this Ordinance shall be the responsibility of the Lexington County Zoning Administrator.

121.01 Duties of the Zoning Administrator

It shall be the duty of the Zoning Administrator to:

a. Administer and enforce all applicable provisions of this Ordinance.

b. Administer and enforce the actions of the Board of Zoning Appeals.

c. Attend all meetings of the Board of Zoning Appeals.

d. Maintain current and permanent records relative to the adoption, amendment, administration, and enforcement of this Ordinance.

e. Provide information to the public on all matters relating to this Ordinance.

121.02 Enforcement of Performance Standards

In all districts where performance standards apply, the Zoning Administrator may require a zoning permit application to be accompanied by a certification from a registered professional engineer of South Carolina that the proposed activity can meet the applicable performance standards. If the Zoning Administrator has reasonable belief that a violation may occur despite the opinion of the engineer, then he may reject the application, citing the reasons.

121.03 Right of Entry upon Land

The Zoning Administrator or persons engaged by him to perform tests or any other duties may enter upon any land within the jurisdiction of this Ordinance and make examinations and surveys. They may also place or remove public notices as required by these regulations. However, there shall be no right of entry into any building without the consent of the owner.

121.04 Measurement

If it is determined that following the issuance of a zoning permit a structure has been placed within the buffer and/or setback in error and all reasonable remedies (except variance) have been exhausted, the Zoning Administrator has the discretion to allow an encroachment up to 6 inches or 5 percent, whichever is greater. This remedy, when applicable, will only be applied to the required linear measurement for buffers and/or setbacks.

121.10 Zoning Permits

No building, structure, or tract of land within the zoned area of the County shall be used, constructed, or developed until the issuance of a valid zoning permit. The Zoning Administrator may require that an application for a zoning permit include information and exhibits as he deems necessary to determine that the proposed development of the property complies with this Ordinance. He shall have a reasonable time to consult with other governmental agencies and request additional information and data to evaluate the application.

A zoning permit shall be effective for two years from the date of the approval. Five one-year extensions of the zoning permit will be granted provided the obligations of the permit continue to be met, and provided there have been no amendments to these regulations that prohibit approval.

121.20 Zoning Compliance

No building, structure, or activity for which a zoning permit has been issued shall be used or occupied until the Zoning Administrator has indicated that compliance has been made with all applicable provisions of this Ordinance.

121.30 Fees

A fee established by County Council shall be assessed for every permit application reviewed for compliance with the provisions of this Ordinance. This fee shall be paid to Lexington County before or upon the issuance of any permit within the Zoned area of the County, except when deemed unnecessary by the Zoning Administrator for purposes of enforcement of this Ordinance.

Chapter 2. The Board of Zoning Appeals

122.00 Creation of the Board

The Board of Zoning Appeals is hereby created for Lexington County and shall be referred to in this Ordinance as the Board. It shall consist of nine members who shall have been residents of Lexington County for not less than three years immediately prior to appointment and who shall continue to be residents of that area as long as they serve. The Board shall be appointed by Lexington County Council. No person holding any other public office or position in Lexington County or a municipality within the County shall be eligible to serve on the Board concurrently.

122.01 Terms of Office of Board Members

The members of the Board shall serve for overlapping four-year terms, or until their respective successors are appointed. Lexington County Council shall maintain a schedule of staggered appointments with the terms of at least two members expiring each year.

122.02 Removals and Vacancies

A member of the Board may be removed from the Board by the County Council for continued absence or other just causes. Any member being so removed shall be provided, upon his request, a public hearing on the removal decision before the County Council. Vacancies on the Board shall be filled (for the unexpired term of those members whose positions have become vacant) in the same manner as the appointment of a new member.

122.03 Election of Officers

The Board shall elect from its members its own chairman and vice-chairman, who shall serve for one year. The Board shall also appoint a secretary, who may be an employee of Lexington County.

122.10 Powers of the Board

The Board is hereby vested with the following powers:

a. To hear and decide appeals where it is alleged in writing that there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in carrying out the enforcement of this Ordinance.

b. To hear and act upon applications for a variance from the terms of this Ordinance where a literal enforcement of these regulations will, in an individual case, result in an unnecessary hardship. Such a request for a variance may be due to the particular circumstances of a proposed activity and its relationship to existing or potential neighboring land uses. A Variance may grant relief from any of the regulations contained in this Ordinance except for those which specifically prohibit the location of an activity because of district designation or road classification.

c. To hear and decide special exceptions as required by Section 21.31 Chart of Permitted Activities. Such activities must not only conform to the appropriate district designations and road classifications, they must also have the benefit of public comment through the hearing process. Therefore, an activity requiring a special exception can be permitted only after approval by the Board of Zoning Appeals.

d. To hear and decide all matters referred to it by provisions of this Ordinance.

122.20 Meetings of the Board

The Board shall meet at least once each month when there are appeals or applications for variances or special exceptions. Special meetings may be held at the call of the chairman provided that at least a 24-hour notice of such a meeting is given to every member.

122.30 Rules and Proceedings of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall include at least the following requirements:

a. The presence of five members shall constitute a quorum and motions shall pass or fail by the majority vote of those members actually voting. Motions which receive an equal number of votes for and against shall be deemed to fail. Only members in attendance at a meeting shall be eligible to vote upon motions before the Board. Proxy votes shall not be used.

b. No action shall be taken by the Board on any case until after a public hearing, which shall include the posting of the property involved, as applicable, and the publication of a legal notice in a newspaper of general circulation in Lexington County, both at least 15 days before the date set for a public hearing. Written notice of the public hearing shall be sent by mail to the appellant and all directly affected property owners postmarked at least five days before the hearing date. No appeal shall be considered and heard before the Board less than 15 days after filing such appeal. If, after action by the Board upon an appeal, pertinent new information is uncovered that could not have reasonably been made available to the Board during the relevant public hearing, the Board shall establish a date for the rehearing of the matter in accordance with the appropriate procedures herein.

c. All hearings shall be open to the public.

d. The Board may call upon any other agency of Lexington County for information in the performance of its duties and it shall be the duty of such other agency to render such information to the Board as may be reasonably required.

e. The County Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board.

f. An appeal must be filed within 30 days from the date if refusal by the Zoning Administrator to issue a zoning permit or certify compliance with this Ordinance.

g. Any member of the Board who shall have a direct or indirect interest in any property which is the subject of, or affected by, a decision of the Board shall be disqualified from participating in the discussion, decision, or proceedings of the Board in connection with that case.

122.40 Application for Variances, Special Exceptions, or Appeals

A written application for a variance, special exception, or appeal shall be filed with the Zoning Administrator by the property owner or his designated agent or the aggrieved party. Copies of the application shall be transmitted to the members of the Board. A fee established by County Council shall accompany every application.

122.50 Public Hearing

A public hearing shall be held by the Board on all appeals and proposed variances and special exceptions. Notices of such shall be handled as follows:

a. The Zoning Administrator shall give notice in a newspaper of general circulation in Lexington County at least 15 days prior to the public hearing.

b. At least 15 days prior to the public hearing, the Zoning Administrator shall cause at least one sign, not less than 4 square feet, to be posted on the property in question (if the application is a proposed variance or special exception). This sign shall contain the nature of the requested variance and the time, date, and place of the public hearing, and shall be located so that it is visible from each public thoroughfare that abuts the property.

c. Prior to the public hearing before the Board, the affected property owners (if the application is a proposed variance or special exception) shall be notified by the Zoning Administrator of the proposed variance or special exception and the time, date, and place of the public hearing.

122.60 Standards for Variances

The Board may grant a variance if it makes the following findings:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

b. These conditions do not generally apply to other property in the vicinity;

c. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The Board shall also consider the following when hearing a variance request in these sections of the Ordinance:

Section 22.10 Driveway and Street Restrictions – Many of the regulations found in this section are based upon laws of physics and engineering standards that help achieve sight lines, sight distances, etc., that provide for safer movement of motorists and pedestrians. Such restrictions should not be decreased without the support of a qualified engineering study.

Chapter 5. Signs, from Article 2 – Application of Regulations – This chapter contains many standards that implement comprehensive aesthetic and safety initiatives of Lexington County. Most of these regulations are articulated in a manner that provides an equal opportunity for all to advertise their activity and many help businesses avoid becoming a nonconformity upon annexation into a municipality. The Board should not approve a variance that destroys this equitable balance of opportunity, that damages the County's aesthetic and safety initiatives, or that creates a nonconformity problem for a business in future years.

122.70 Extent of Relief Granted

The Board may grant less relief, but not more relief, than formally requested by the applicant.

122.80 Resubmittal of Variances

A variance request which has been wholly or partially denied cannot be resubmitted within 12 months from the date of the previous corresponding application. Resubmittal means application for relief from the same kinds of zoning restrictions for the same activity on the same property.

122.90 Appeal of a Decision of the Board

Any person with a substantial interest in a decision of the Board, or any County officer, agency, or department may appeal any decision of the Board to the Circuit Court in and for the County. Such appeal shall be filed within 30 days after the decision of the Board is mailed.

122.100 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after such notice of appeal shall have been filed, that by reason of the facts stated in the certification, such stay would cause imminent peril to life or property. In such a case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown.

Chapter 3. Amendments

123.00 Purpose

The Lexington County Council may, from time to time, amend the text of this Ordinance or the Zoning Maps which are part of this Ordinance in the manner set forth below, where it is alleged that there was an error in the original Zoning Ordinance, where conditions have changed so as to warrant a change in zoning, or where in the opinion of the Lexington County Council such change shall serve to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Lexington County.

123.10 Procedures

Map or text amendments may be proposed by the Lexington County Council or the Lexington County Planning Commission. Property owners may request map amendments, but only for a change in the district classification of their property or for a change in the classification of the street that directly accesses their property. If another person or entity is representing the property owner(s) in the amendment request, a letter of agency must be submitted with the application.

123.11 Application for Amendment

An application for an amendment shall be filed with the Zoning Administrator, who shall transmit copies thereof to the Planning Commission and to County Council. A fee established by County Council shall accompany every application for an amendment.

123.12 Review by the Planning Commission

The Lexington County Planning Commission shall review and make recommendations to the County Council on proposed amendments to this Ordinance. The Commission shall make such recommendation within 30 days of the receipt of the application. Upon the expiration of the 30-day time limit, if the Planning Commission has not made a recommendation, the County Council may proceed to act as it deems proper.

123.13 Public Hearing

A public hearing shall be held by the County Council before enacting or amending any zoning regulations or maps. Notices of such shall be handled as follows:

a. The Zoning Administrator shall give notice in a newspaper of general circulation in Lexington County at least 15 days prior to the public hearing. If the proposed amendment is to the Zoning Maps, the notice shall specify the location, current zoning, and proposed zoning of the property involved.

b. At least 15 days prior to the public hearing, the Zoning Administrator shall cause at least one sign, not less than 4 square feet, to be posted on the property in question (if the application is a proposed map amendment). This sign shall contain the nature if the requested change and time, date, and place of the public hearing, and shall be located so that it is visible from each public thoroughfare that abuts the property.

c. Prior to the public hearing before County Council, the adjacent property owners (if the application is a proposed map amendment) shall be notified by the Zoning Administrator of the proposed amendment and the time, date, and place of the public hearing.

123.20 Extent of Amendment Granted

In making a decision on a map amendment application, the County Council may grant any of the Zoning Districts or Street Classifications that fall between the existing and requested District or Street Classification in the following chart:

Districts		Street Classifications	
R1	- Low Density Residential	RL4	- Residential Local Four
R2	- Medium Density Residential	RL5	- Residential Local Five
R3	- High Density Residential	RL6	- Residential Local Six
D	- Development	LL	- Limited Local
RA	- Recreational/Agricultural	L	- Local
RD	- Restrictive Development	C	- Collector
LC	- Limited Commercial	A	- Arterial
C1	- Neighborhood Commercial		
C2	- General Commercial		
ID	- Intensive Development		
LR	- Limited Restriction		

123.30 Enactment

Upon enactment of an amendment by County Council, the Zoning Administrator shall immediately cause said amendment to be placed upon the Zoning Maps or inserted into the text of the Ordinance.

123.40 Resubmittal of Amendments

A map amendment request, which has been denied for the same property or substantially the same property, shall not be resubmitted within twelve months in the same form as previously submitted. The twelve months shall be measured from the date of the application. This shall not prohibit resubmittal if new facts are uncovered.

Chapter 4. Enforcement

124.00 Violations

Wherever the Zoning Administrator or his authorized representative finds a violation of this Ordinance, he shall direct compliance as he deems necessary, to include the issuance of verbal and/or written compliance orders. Additional enforcement actions may include the following:

a. The revocation of any Zoning Permits issued;

b. The withholding of any related permits, plats, inspections, or other permissions, approvals, or privileges authorized by any County ordinances; or

c. Redress through legal action as described in the following section.

124.10 Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person, firm, or corporation who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than the maximum allowable penalty jurisdiction of the Magistrate's Court. Each day such violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Notice of violation shall be sufficient if directed to the owner or the agent of the owner and left at his known place of residence of place of business.

The Zoning Administrator or other appropriate County official may also seek injunctive relief or any other appropriate action in courts of competent jurisdiction to enforce the provisions of this Ordinance.

124.20 Liability

Any Board member, the Zoning Administrator, or other employee charged with the enforcement of this Ordinance, acting for Lexington County in the discharge of his duties, shall not thereby render himself liable personally. He is hereby relieved from all personal liability and shall be held harmless by Lexington County of any damage that may accrue to persons or property as a result of any act required or permitted in the proper discharge of his duties. Any suit brought against a Board member, the Zoning Administrator, or employee charged with the enforcement of this Ordinance because of such act performed by him in the enforcement of any provision of this Ordinance shall be defended by legal representatives furnished by Lexington County until the final termination of such proceedings.

Chapter 5. Legal Status

125.00 Conflict with Other Laws

Whenever the provisions of the Ordinance impose regulations that are in conflict with those of other County ordinances, other governmental agencies, or privately executed restrictions, the more restrictive regulations shall apply. The same shall be true if there is a conflict between provisions within the body of this Ordinance.

125.10 Repeal of Prior Regulations

All ordinances regulating zoning adopted prior to these regulations are hereby repealed.

125.20 Separability

Should any article, section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole of any other article, section, clause, or provision of this Ordinance.