YORK COUNTY CODE OF ORDINANCES
CHAPTER 155: ZONING CODE

ADOPTED FEBRUARY 21, 2022

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EXECUTIVE SUMMARY

Adopted February 21, 2022

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EXECUTIVE SUMMARY

PLANNING IN YORK COUNTY, SOUTH CAROLINA

The major purpose of the Zoning Code is to implement York County’s long-term planning policies found in its Comprehensive Plan. The Comprehensive Plan and the Small Area Plans (adopted as amendments to the Comprehensive Plan) establish long-term policies for land use. The Plans establish specific goals and strategies related to land use, economic development, housing, natural resources, cultural resources, community facilities, and transportation—many of which can be implemented through the Zoning Code.

The Zoning Code establishes development and land use metrics that implement the Comprehensive Plan, and zoning districts that align with the Future Land Use Map. The Zoning Code provides clear rules about what is expected of applicants in order to gain approval to develop land in the County.

The Comprehensive Plan and Future Land Use Map are revised in response to population and employment growth, new technology, market demands, public health, safety, environmental concerns, and emerging land use issues. Community participation is encouraged during these updates. Following adoption of a new or updated comprehensive plan, the County may amend the Zoning Code or other chapters of the County Code for consistency with the Plan.

HOW TO READ THIS DOCUMENT

The Zoning Code is written in a way that allows readers to quickly find information that is of interest to their property or neighborhood. Purpose statements are included to assist readers in understanding the intent of a regulation. In addition, the numbering conventions are consistent with the rest of the York County Code to maintain consistency.

How the Document is Organized

The Zoning Code is divided into 12 subchapters, some of which are further separated into parts and subparts. These are structured so that the most frequently used information appears first, with the definitions and technical information (such as submittal requirements) appearing later.

Subchapter A: Introduction contains basic information on the purpose of the Zoning Code. It sets the stage for the remainder of the document.

Subchapter B: Zoning Districts establishes the County’s base, special, overlay, and legacy districts. Development standards for each zoning district are included. These standards include metrics for residential density, height, setbacks, and lot coverage.

All parcels of land in York County are classified into a base or special district. Some parcels also are subject to the regulations of one or more overlay districts. For example, a particular area might experience special development pressures that warrant the placement of additional
development standards that apply only to that area (e.g., Lake Wylie). The base zoning district regulations and development standards apply to these areas, as do standards established by applicable overlay districts.

Subchapter C: Use Regulations establishes the uses allowed in each district. It states which uses are permitted; which uses are allowed subject to certain conditions, known as “conditional uses;” which uses are allowed in limited situations, known as “special exception uses;” and which uses are prohibited. A table showing the permitted, conditional, and special exception uses in all districts is presented in Part 2: Use Table.

Part 3 of this Subchapter specifies the conditions that apply to conditional and special exception uses. These standards are designed to address specific issues that are raised by the particular use—such as state or federal legal requirements, impact on surrounding neighborhoods, or development allowances or incentives.

This Subchapter also contains requirements for accessory uses and temporary uses that apply in all zoning districts.

Subchapter D: Development and Design Standards consolidates the development metrics that apply to all development and land uses in the County’s zoning jurisdiction. This includes standards for building design and site improvements such as parking, landscaping, and signs.

Subchapter E: Procedures tells the applicant how projects are entitled. This Subchapter provides information on the County’s administrative framework and procedural workflows. Part 1 provides general information about the application process, public hearings, and notification. The subsequent parts describe the procedures for zoning-related approvals, including rezonings, public service uses, zoning compliance, and text amendments. Processes to appeal and request variances from the Board of Zoning Appeals also are set out in this Subchapter.

Subchapter F: Nonconformities addresses situations where a use or building has been legally established before the adoption of new regulations that would otherwise not allow them. Under South Carolina law these uses are grandfathered, but may have standards that dictate whether and how they can expand or continue. This Subchapter also addresses the grandfathering of building permits that are in process when the Zoning Code, or changes to the Zoning Code, are adopted.

Subchapter G: Agencies establishes, or references York County Code or state statutes relating to, the agencies and bodies involved in administering the Zoning Code. These include the Planning and Development Services Department, Planning Commission, and Board of Zoning Appeals. The County Council is the County’s legislative body, and adopts amendments to this Chapter (including rezonings).

Subchapter H: Enforcement establishes procedures to enforce the Zoning Code, including penalties for violations.

Subchapter I: Rules of Interpretation and Measurement establishes general rules for interpreting the Zoning Code and Zoning Map; describes how to resolve conflicts in County
Codes, or with state law or federal law; and establishes rules for measurement or calculation of Zoning Code standards, such as setbacks, height, and density.

**Subchapter J: Definitions and Acronyms** provide the Zoning Code’s “glossary.” It defines terms and phrases used in the Zoning Code and the uses listed in the zoning districts.

**Subchapter K: Legal Provisions**, includes legal language such as the severability clause and the effective date.

**Subchapter L: Submittal Requirements**, provides the information applicants need to have a complete application that the County can process. It also cross-references fees established in other sections of the York County Code.

**Purpose Statements**

Many sections of the Zoning Code include a purpose statement. These statements are aids in explaining and interpreting this Chapter. They are not separate standards. They will not be used to deny or condition development, but they may be used to explain how the standards are applied. They may also include legislative findings, which provide facts that support code requirements.

**DETERMINING THE REGULATIONS FOR A SPECIFIC SITE**

**Step 1**

Find the site on the Zoning Map. The map will show the zoning district(s) that is/are applied to the site. The official Zoning Map is maintained online through the County’s Geographic Information Systems (GIS) website:

https://www.yorkcountygov.com/234/GIS

Every site has a base zoning district or special zoning district classification. Some sites also have an overlay zoning district classification.

**Step 2**

Go to Zoning Code Subchapter B: Zoning Districts to review the purpose of the district. Dimensional standards (e.g., lot area, height, and setbacks) for base zoning districts are consolidated into tables at the end of Part 2.

Dimensional standards for special zoning districts are specified within each district and/or in the rezoning ordinance associated with the site. Copies of approved rezoning ordinances may be obtained from the Planning and Development Services Department.
Step 3

If the site is also located in an overlay district, review the regulations for that district in Subchapter B: Zoning Districts, Part 4. Overlay district standards may enhance or relax otherwise applicable base or special district and development standards.

Step 4

Go to the Use Table in Subchapter C: Use Regulations, Part 2, to determine the uses allowed on the site. Allowed uses in a PD District are specified in the associated rezoning ordinance. Allowed uses for other special districts are specified in the Use Table, but may be modified by the associated rezoning ordinance.

Step 5

Go to Subchapter D: Development and Design Standards to review the regulations applicable to new development, redevelopment, and the establishment of new uses. This Subchapter specifies standards such as parking, buffers and screening, outdoor lighting, and signs.

DETERMINING WHICH PROCEDURES APPLY

Step 1

Prior to the establishment of a new conditional or special exception use, reestablishment of use after a period of non-use for 180 days or more or the undertaking of certain development activities, the property owner must receive zoning compliance approval (see Subchapter E: Procedures, Part 12: Zoning Compliance).

Step 2

Other procedures may apply if the property owner wants to use or develop a site. For example, if the proposed use is not permitted in the zoning district applied to the site, a rezoning application is submitted to request a new zoning classification. If the proposed use requires special exception use approval, the Board of Zoning Appeals must approve the use.

Step 3

Review the requirements in Subchapter E: Procedures, Part 1: General Provisions, which are applicable to some or all of the specific procedures.

Step 4

Following Part 1, Subchapter E: Procedures establishes the requirements for each specific zoning-related procedure. Each specific procedure includes a process workflow.
This starts with a section entitled “Applicability.” This section describes the situations where a particular process is needed. If the section applies, the reader should then consult the following sections, which describe how an application is initiated, how an application is processed, the criteria for review, and cross-references to other parts of the Zoning Code. In addition, a subsection entitled “Scope of Approval” describes the rights granted to an applicant by the approval of the permit.
§ 155.001 TITLE.

This Chapter is known and may be cited as the Zoning and Development Standards Ordinance of York County, and may be cited and abbreviated as the “York County Zoning Code” or the “Zoning Code.”

§ 155.002 PURPOSE.

The purposes of this Chapter are to:

(A) Implement the Comprehensive Plan;

(B) Protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County by providing for the orderly development of land within the county;

(C) Lessen congestion in the streets;

(D) Secure safety from fire, panic, and other dangers;

(E) Provide adequate light and air;

(F) Prevent the overcrowding of land;

(G) Avoid undue concentration of population;

(H) Protect scenic areas;

(I) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

(J) Promote desirable living conditions and the sustained stability of neighborhoods;

(K) Protect property against blight and depreciation;

(L) Secure economy in governmental expenditures;

(M) Conserve the value of land and buildings;

(N) Enforce the most appropriate use of land and buildings and structures;

(O) Conserve natural and environmental resources;

(P) Preserve agricultural land and working farms;

(Q) Protect historical and cultural resources;
(R) Protect neighborhoods from incompatible development;

(S) Accommodate housing that is affordable for the County's entire spectrum of households;

(T) Establish zoning districts with regulations that protect their character and their peculiar suitability for particular uses; and

(U) Establish procedures for processing development applications that encourage appropriate and streamlined land use decisions.

§ 155.003 AUTHORITY.

This Chapter is adopted pursuant to the authority conferred by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Title 6, Chapter 29, as amended.

§ 155.004 APPLICABILITY.

(A) The regulations in this Chapter apply to all land and improvements thereon in the unincorporated areas of York County, South Carolina.

(B) This Chapter applies to any land, buildings, structures, or uses of the County or its agencies or instrumentalities.

(C) Governmental entities are subject to this Chapter as provided in S.C. Code § 6-29-770.

§ 155.005 RELATIONSHIP TO COMPREHENSIVE PLAN.

(A) Pursuant to S.C. Code § 6-29-720, this Chapter is intended to implement the goals, objectives, and policies of the Comprehensive Plan, as adopted or as it may be amended from time to time. York County finds this Chapter to be consistent and in accordance with the Comprehensive Plan.

(B) Any amendments to this Chapter, including any rezoning approved pursuant to Subchapter E: Procedures, shall be made in accordance with the adopted Comprehensive Plan in effect at the time of such request for amendment. An amendment to the text of this Chapter is consistent with and in accordance with the Comprehensive Plan if it complies with the goals and policies stated in the Comprehensive Plan, as it may be amended from time to time.

§ 155.006 RELATIONSHIP TO OTHER REGULATIONS.

(A) This Chapter works in conjunction with Chapter 154: Land Development Code and the other chapters in York County Code Title XV: Land Usage to regulate the development, redevelopment, and use of land and structures in the county.
(B) The use and development of land and structures is subject to all applicable requirements of this Chapter, Chapter 154, and all other applicable requirements of the York County Code and state and federal law.

(C) In their interpretation and application, the provisions of this Chapter are considered the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general welfare. Meeting minimum requirements of this Chapter may not be sufficient to meet minimum requirements of Chapter 154 or other chapters of the County Code or state or federal law.

(D) When applicable regulations conflict with one another, the provisions of Subchapter I, Part 1: Rules of Interpretation apply.

§ 155.007 RESERVED.

§ 155.008 RESERVED.

§ 155.009 RESERVED.

§ 155.010 RESERVED.

§ 155.011 RESERVED.

§ 155.012 RESERVED.

§ 155.013 RESERVED.

§ 155.014 RESERVED.
YORK COUNTY, SOUTH CAROLINA CODE OF ORDINANCES

CHAPTER 155: ZONING CODE

SUBCHAPTER B: ZONING DISTRICTS

Adopted February 21, 2022
Amended through June 20, 2022

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§ 155.015 INTRODUCTION.

(A) **Generally.** This Subchapter describes the purpose of each base, special, overlay, and legacy zoning district in York County. The purpose statements provide a foundation for the various standards applicable to the various zoning districts, and assist in interpretation of the district standards. The purpose statements are not regulations, but rather a summary of the district character and regulatory intent.

(B) **Allowed Uses.** The particular uses allowed in each zoning district are set forth in Subchapter C, Part 2: *Use Table.*

   (1) Allowed uses in special districts, other than the PD District, are specified in the use table. The rezoning ordinance that establishes the special district shall specify which of the uses listed in the use table are allowed in the particular special district.

      (a) The rezoning ordinance may specify that all uses indicated in the use table for the special district are allowed, or may specify a subset of those uses that are allowed.

      (b) A special district rezoning ordinance may not allow a use that is not specified in the use table as an allowable use for the district.

   (2) Allowed uses in a PD District are specified in the rezoning ordinance that establishes the PD District and any amendments thereto.

(C) **Dimensional Standards.** Dimensional standards for the base districts, including setbacks and height limits, are specified in Subpart 2.2: *Base District Dimensional Standards.* Dimensional standards for the special districts are specified within each district and/or in the rezoning ordinance associated with a particular site.

(D) **Additional District Regulations.** Additional supplemental regulations for each district are also included, where applicable.

(E) **Compliance with Applicable District and Use Regulations.** No building, structure, or land shall be used, and no building, structure, or part thereof shall be erected, reconstructed, converted, enlarged, moved or structurally altered, unless in compliance with applicable zoning district regulations and use regulations set forth in this Subchapter and in Subchapter C: *Use Regulations.*
§ 155.016 DISTRICTS ESTABLISHED.

The unincorporated areas of York County are divided into 16 base districts, four special districts, five overlay districts, and one legacy district. Table 155.016-1: Zoning Districts lists the 26 zoning districts established by this Chapter.

<table>
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<th>District Category</th>
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| Base              | Base districts establish uniform use, dimensional, and development standards for each class or kind of building, structure, or use in a district. | PR: Parks and Recreation  
AGC: Agricultural Conservation  
AGC-I: Agricultural Conservation-I  
RUD: Rural Development  
RUD-I: Rural Development-I  
RSF-40: Residential Single-Family 40  
RSF-30: Residential Single-Family 30  
RMX-20: Residential Mixed 20  
RMX-10: Residential Mixed 10  
RMX-6: Residential Mixed 6  
RC: Rural Commercial  
NC: Neighborhood Commercial  
OA: Outdoor Amusements  
OI: Office and Institutional  
GC: General Commercial  
RI: Rural Industrial  
LI: Light Industrial  
ID: Industrial Development |
| Special           | Special districts are similar to base districts, except development in special districts is subject to a site plan approved as part of a rezoning application. | BT: Business and Technology Park  
MU: Mixed Use  
PD: Planned Development  
BV: Baxter Village Traditional Neighborhood Development |
| Overlay           | Overlay districts establish additional standards that supplement the base or planned districts. | A-O: Airport Overlay  
HS-O: Historic Sites Overlay  
LW-O: Lake Wylie Overlay  
SC-O: Scenic Overlay  
TCP-O: Transportation Corridor Preservation Overlay |
| Legacy            | Obsolete districts that cannot be expanded or added to the zoning map. | UD: Urban Development |
§ 155.017 ZONING MAP.

(A) The location and boundaries of the zoning districts established in this Chapter are shown and maintained as part of York County's Geographic Information System (GIS) under the direction of the Planning and Development Services Director and the GIS Division of the Information Technology (IT) Department.

(B) The Zoning GIS layer constitutes York County's Official Zoning Map and is part of this Chapter. All notations, references, and other information shown have the same force and effect as if fully set forth or described in this Chapter.

(C) The Official Zoning Map is the final authority as to the current zoning status of land and water areas, buildings, and other structures in York County.

(D) When County Council authorizes amendments to the Official Zoning Map (see Subchapter E: Procedures), the Planning and Development Services Director is authorized to work with the IT Department to revise the Official Zoning Map.

(E) All amendments to the Official Zoning Map shall be:

1. Made promptly after County Council approves the amendment; and
2. Identified by updating the original digital data of each change, together with the date of the change.

(F) No change of any nature shall be made on the Official Zoning Map, except in conformity with the procedures set forth by this Chapter. Any unauthorized change of whatever kind by any person or persons is considered a violation of this Chapter. [See Subchapter H: Enforcement]

§ 155.018 RESERVED.

§ 155.019 RESERVED.

§ 155.020 RESERVED.

§ 155.021 RESERVED.

§ 155.022 RESERVED.

§ 155.023 RESERVED.

§ 155.024 RESERVED.
PART 2: BASE DISTRICTS

SUBPART 2.1: DESCRIPTION OF BASE DISTRICTS

§ 155.025 PR (PARKS AND RECREATION).

(A) Purpose.

(1) The Parks and Recreation District (PR) includes areas designated for parklands, conservation, and open space. Land in this district may remain largely in its natural state, though some areas may provide for active and passive recreational uses.

(2) This district is not intended to include all open spaces required to be conserved within existing and future development, but may include such areas.

(3) A PR District classification does not abrogate any requirement of the York County Code to otherwise preserve required open space through conservation easements, deed restrictions, or other legal mechanisms.

(B) Dimensional Standards. See Subpart 2.2: Base District Dimensional Standards.

(C) Permitted, Conditional, and Special Exception Uses. See Subchapter C: Use Regulations.

§ 155.026 AGC (AGRICULTURAL CONSERVATION).

(A) Purpose.

(1) The Agricultural Conservation District (AGC) generally consists of the most agriculturally productive soils, and their loss cannot be readily compensated. Therefore, the district is intended to:

(a) Preserve areas under cultivation and prime agricultural soils for continued agricultural and agriculturally-oriented uses; and

(b) Protect and support the business of agriculture; and

(c) Protect agricultural character.

(2) AGC generally is an appropriate zoning classification in areas designated as Agricultural or Conservation on the Comprehensive Plan Future Land Use Map.

(B) Dimensional Standards. See Subpart 2.2: Base District Dimensional Standards.

(C) Permitted, Conditional, and Special Exception Uses. See Subchapter C: Use Regulations.
(D) **Right to Farm.**

(1) York County supports the right to farm within this zoning district.

(2) In addition to allowing the continuation of all existing agricultural operations using generally accepted agricultural management practices without interference from adjacent property owners, York County allows the establishment and continuation of new agricultural operations involving crop production or grazing of livestock using generally accepted agricultural management practices without interference from adjacent property owners.

(3) Furthermore, any subdivision created within this district must grant a right to farm easement to allow operations using generally acceptable agricultural management practices on adjacent parcels to generate noise, odors, dust, light, and other impacts from said practices.

§ 155.027  **AGC-I (AGRICULTURAL CONSERVATION-I).**

(A) **Purpose.**

(1) The Agricultural Conservation I District (AGC-I) is intended to protect and preserve agricultural character, allowing for homes at very low densities on large lots.

(2) AGC-I generally is an appropriate zoning classification in areas designated as Agricultural or Conservation on the Comprehensive Plan Future Land Use Map.

(B) **Dimensional Standards.** See Subpart 2.2: *Base District Dimensional Standards.*

(C) **Permitted, Conditional, and Special Exception Uses.** See Subchapter C: *Use Regulations.*

(D) **Right to Farm.**

(1) York County supports the right to farm within this zoning district.

(2) In addition to allowing the continuation of all existing agricultural operations using generally accepted agricultural management practices without interference from adjacent property owners, York County allows the establishment and continuation of new agricultural operations involving crop production or grazing of livestock using generally accepted agricultural management practices without interference from adjacent property owners.

(3) Furthermore, any subdivision created within this district must grant a right to farm easement to allow operations using generally acceptable agricultural management practices on adjacent parcels to generate noise, odors, dust, light, and other impacts from said practices.

§ 155.028  **RUD (RURAL DEVELOPMENT).**

(A) **Purpose.** The Rural Development District (RUD):
(1) Is intended to protect and preserve areas of the County that are presently rural or agricultural in character and use;

(2) Serves to discourage rapid growth while allowing growth through orderly use and timely transition of rural areas; and

(3) Is generally appropriate in areas designated as Rural Residential on the Comprehensive Plan Future Land Use Map.

(B) Dimensional Standards. See Subpart 2.2: Base District Dimensional Standards.

(C) Permitted, Conditional, and Special Exception Uses. See Subchapter C: Use Regulations.

(D) Right to Farm.

(1) York County supports the right to farm within this zoning district.

(2) In addition to allowing the continuation of all existing agricultural operations using generally accepted agricultural management practices without interference from adjacent property owners, York County allows the establishment and continuation of new agricultural operations involving crop production or grazing of livestock using generally accepted agricultural management practices without interference from adjacent property owners.

(3) Furthermore, any subdivision created within this district must grant a right to farm easement to allow operations using generally acceptable agricultural management practices on adjacent parcels to generate noise, odors, dust, light, and other impacts from said practices.

§ 155.029 RUD-I (RURAL DEVELOPMENT-I).

(A) Purpose. The Rural Development-I District (RUD-I):

(1) Is intended to protect and preserve the rural character of developing areas;

(2) Supports limited growth in areas where development pressure is increasing, but public water and sewer are not readily available; and

(3) Is generally appropriate in areas designated as Rural Residential on the Comprehensive Plan Future Land Use Map.

(B) Dimensional Standards. See Subpart 2.2: Base District Dimensional Standards.

(C) Permitted, Conditional, and Special Exception Uses. See Subchapter C: Use Regulations.

(D) Right to Farm.
(1) York County supports the right to farm within this zoning district.

(2) In addition to allowing the continuation of all existing agricultural operations using generally accepted agricultural management practices without interference from adjacent property owners, York County allows the establishment and continuation of new agricultural operations involving crop production or grazing of livestock using generally accepted agricultural management practices without interference from adjacent property owners.

(E) Furthermore, any subdivision created within this district must grant a right to farm easement to allow operations using generally acceptable agricultural management practices on adjacent parcels to generate noise, odors, dust, light, and other impacts from said practices.

§ 155.030 RSF-40 (RESIDENTIAL SINGLE-FAMILY 40).

(A) Purpose. The Residential Single-Family 40 (RSF-40) District:

(1) Accommodates detached single-family residential uses and compatible institutional and non-residential land uses on lots generally with a minimum area of 40,000 square feet;

(2) Is designed to preserve and protect the character of existing large-lot residential subdivisions in areas transitioning from rural to suburban development patterns;

(3) Is intended to encourage residential development that complements the character of large-lot residential subdivisions; and

(4) Is generally appropriate in areas designated as Single-Family Residential on the Comprehensive Plan Future Land Use Map.

(B) Dimensional Standards. See Subpart 2.2: Base District Dimensional Standards.

(C) Permitted, Conditional, and Special Exception Uses. See Subchapter C: Use Regulations.

§ 155.031 RSF-30 (RESIDENTIAL SINGLE-FAMILY 30).

(A) Purpose. The Residential Single-Family 30 (RSF-30) District:

(1) Accommodates detached single-family residential uses and compatible institutional and non-residential land uses on lots generally with a minimum area of 30,000 square feet;

(2) Is designed to preserve and protect the character of existing large-lot residential subdivisions in suburban areas;

(3) Is intended to encourage residential development that complements the character of existing large-lot residential subdivisions; and
(4) Is generally appropriate in areas designated as Single-Family Residential on the Comprehensive Plan Future Land Use Map.

(B) **Dimensional Standards.** See Subpart 2.2: *Base District Dimensional Standards.*

(C) **Permitted, Conditional, and Special Exception Uses.** See Subchapter C: *Use Regulations.*

§ 155.032 **RMX-20 (RESIDENTIAL MIXED 20).**

(A) **Purpose.** The Residential Mixed 20 District (RMX-20):

(1) Is designed to allow a diversity of housing types at variable densities based on residential land use, on lots generally with a minimum area of 20,000 square feet.

(2) Is applied principally to undeveloped parcels where housing type and density flexibility will complement the character of existing residential neighborhoods, and where public water and sewer is readily available; and

(3) Is generally appropriate in areas designated as Neighborhood Residential on the Comprehensive Plan Future Land Use Map.

(B) **Dimensional Standards.** See Subpart 2.2: *Base District Dimensional Standards.*

(C) **Permitted, Conditional, and Special Exception Uses.** See Subchapter C: *Use Regulations.*

§ 155.033 **RMX-10 (RESIDENTIAL MIXED 10).**

(A) **Purpose.** The Residential Mixed 10 District (RMX-10):

(1) Is designed to allow a diversity of housing types at variable, moderate densities based on residential land use, on lots generally with a minimum area of 10,000 square feet;

(2) Is applied principally to undeveloped parcels where housing type and density flexibility will complement existing residential neighborhoods, and where public water and sewer is readily available;

(3) Is generally appropriate in areas designated as Neighborhood Residential on the Comprehensive Plan Future Land Use Map; and

(4) May be appropriate in areas within or in proximity to a Neighborhood Center, Town Center, Community Center, or Village Center as designated on the Comprehensive Plan Future Land Use Map.

(B) **Dimensional Standards.** See Subpart 2.2: *Base District Dimensional Standards.*
§ 155.034  RMX-6 (RESIDENTIAL MIXED 6).

(A) **Purpose.** The Residential Mixed 6 District (RMX-6):

(1) Is designed to allow a diversity of housing types, including multifamily buildings, at variable, moderate densities based on residential land use, on lots generally with a minimum area of 6,000 square feet;

(2) Is applied to parcels where development or redevelopment into higher density residential uses will not adversely impact existing residential neighborhoods, and where compatibility and connectivity to existing or proposed commercial development can be achieved;

(3) Is generally appropriate in areas designated as Neighborhood Residential on the Comprehensive Plan Future Land Use Map; and

(4) Is generally appropriate in areas within or in close proximity to a Neighborhood Center, Town Center, Community Center, or Village Center as designated on the Comprehensive Plan Future Land Use Map.

(B) **Dimensional Standards.** See Subpart 2.2: *Base District Dimensional Standards.*

(C) **Permitted, Conditional, and Special Exception Uses.** See Subchapter C: *Use Regulations.*

§ 155.035  RC (RURAL COMMERCIAL).

(A) **Purpose.** The Rural Commercial District (RC):

(1) Is designed to provide rural areas with small-scale commercial services, professional offices, and convenience uses;

(2) Principally serves residents of rural areas; and

(3) Is generally appropriate for areas designated as Rural Center on the Comprehensive Plan Future Land Use Map.

(B) **Dimensional Standards.** See Subpart 2.2: *Base District Dimensional Standards.*

(C) **Permitted, Conditional, and Special Exception Uses.** See Subchapter C: *Use Regulations.*

(D) **Maximum Building Size.**
(1) The maximum gross floor area of any building in the RC District is 20,000 square feet.

(2) For the purposes of this Section, gross floor area includes the floor area of any outdoor areas that are covered by a roof.

§ 155.036 NC (NEIGHBORHOOD COMMERCIAL).

(A) Purpose. The Neighborhood Commercial District (NC) is:

(1) Designed to provide residential areas with small-scale commercial services, professional offices, and convenience uses;

(2) Intended to principally serve residential neighborhoods located within the Urban Services Boundary; and

(3) Generally appropriate for areas designated as Neighborhood Center on the Comprehensive Plan Future Land Use Map and other areas where small-scale commercial uses are appropriate.

(B) Dimensional Standards. See Subpart 2.2: Base District Dimensional Standards.

(C) Permitted, Conditional, and Special Exception Uses. See Subchapter C: Use Regulations.

(D) Maximum Building Size.

(1) Except for grocery stores, the maximum gross floor area of any building in the NC District is 15,000 square feet.

(2) For the purposes of this Section, gross floor area includes the floor area of any outdoor areas that are covered by a roof.

§ 155.037 OI (OFFICE AND INSTITUTIONAL).

(A) Purpose. The Office and Institutional District (OI) is:

(1) Designed to provide land area for office and institutional development;

(2) May be appropriate as a transitional district between industrial and commercial areas or between commercial and residential areas; and

(3) Generally appropriate for areas designated as Employment Center, I-77 Corridor Employment, Town Center, and Commercial Infill on the Comprehensive Plan Future Land Use Map and other areas where office, educational, healthcare, and other institutional land uses are appropriate.

(B) Dimensional Standards. See Subpart 2.2: Base District Dimensional Standards.
§ 155.038 GC (GENERAL COMMERCIAL).

(A) **Purpose.** The General Commercial District (GC):

1. Is intended to provide for areas where large-scale commercial and business development may occur;
2. Is designed to support regional shopping centers and business complexes of greater scale and intensity than permitted by the NC and OI Districts;
3. Accommodates a wide range of business and commercial uses, generally clustered for "cumulative attraction" and optimum accessibility; and
4. Is generally appropriate for areas designated as Community Center, Town Center, and Commercial Infill on the Comprehensive Plan Future Land Use Map.

(B) **Dimensional Standards.** See Subpart 2.2: *Base District Dimensional Standards.*

(C) **Permitted, Conditional, and Special Exception Uses.** See Subchapter C: *Use Regulations.*

§ 155.039 OA (OUTDOOR AMUSEMENTS).

(A) **Purpose.**

1. In 2010, York County adopted *The Exit 90 Carowinds Boulevard Master Plan.* The plan identifies a long-term implementation goal to rezone parcels in the plan area from their current designation, which the plan found resulted in land use conflicts. The plan area includes a unique theme park land use that is not necessarily appropriate in other non-residential zoning districts. This led to the creation of the Outdoor Amusements District (OA).

2. The Outdoor Amusements District (OA):
   
   (a) Accommodates outdoor recreation and entertainment uses that typically generate greater impacts, such as traffic and noise, than is appropriate in other non-residential districts;
   
   (b) Allows supportive uses, such as hotels, restaurants, retail, gas stations, cultural facilities, and event venues; and
   
   (c) Provides an alternative to LI or ID zoning for these more intensive land uses, which helps to preserve industrially zoned land for industrial uses.

(B) **Dimensional Standards.** See Subpart 2.2: *Base District Dimensional Standards.*
(C) **Permitted, Conditional, and Special Exception Uses.** See Subchapter C: *Use Regulations.*

**§ 155.040 RI (RURAL INDUSTRIAL).**

(A) **Purpose.**

(1) The Rural Industrial District (RI) accommodates, in areas outside the Urban Services Boundary (USB), industrial uses that:

   (a) Are compatible with rural character;

   (b) Do not require urban services, such as water and sewer; and

   (c) Typically require large land areas and separation from residential uses or where the primary activities typically occur outdoors.

(2) Whenever possible, this district should be separate from residential districts by natural or structural boundaries such as drainage channels, sharp breaks in topography, strips of vegetation, traffic arteries, and similar features.

(3) RI is appropriate for areas outside the USB that are designated as Agriculture on the Comprehensive Plan Future Land Use Map, but is not necessarily appropriate in all areas with this designation.

(4) RI may be appropriate in or adjacent to areas designated as Rural Center on the Comprehensive Plan Future Land Use Map.

(B) **Dimensional Standards.** See Subpart 2.2: *Base District Dimensional Standards.*

(C) **Permitted, Conditional, and Special Exception Uses.** See Subchapter C: *Use Regulations.*

**§ 155.041 LI (LIGHT INDUSTRIAL).**

(A) **Purpose.**

(1) The intent of the Light Industrial District (LI) is to create and protect industrial areas for light manufacturing and distribution.

(2) LI is intended to accommodate less intensive industrial uses with operations primarily conducted indoors. The district’s less intensive uses protect nearby residential areas from the encroachment of heavy industrial uses.

(3) Whenever possible, this district should be separate from residential districts by natural or structural boundaries such as drainage channels, sharp breaks in topography, strips of vegetation, traffic arteries, and similar features.
(4) LI is generally appropriate for areas designated as Industrial, Employment Center, or I-77 Corridor Employment on the Future Land Use Map.

(B) **Dimensional Standards.** See Subpart 2.2: *Base District Dimensional Standards.*

(C) **Permitted, Conditional, and Special Exception Uses.** See Subchapter C: *Use Regulations.*

§ 155.042  **ID (INDUSTRIAL DEVELOPMENT).**

(A) **Purpose.**

(1) The Industrial Development District (ID) is intended to accommodate the most intensive industrial land uses, which may include mining, waste management, and heavy manufacturing.

(2) Uses allowed in this district typically are not compatible with other, non-industrial land uses and therefore are intended to be separated and buffered from adjacent development.

(3) ID is generally appropriate for areas designated as Industrial on the Future Land Use Map.

(B) **Dimensional Standards.** See Subpart 2.2: *Base District Dimensional Standards.*

(C) **Permitted, Conditional, and Special Exception Uses.** See Subchapter C: *Use Regulations.*

§ 155.043  **RESERVED.**

§ 155.044  **RESERVED.**

§ 155.045  **RESERVED.**

§ 155.046  **RESERVED.**

§ 155.047  **RESERVED.**

§ 155.048  **RESERVED.**

§ 155.049  **RESERVED.**
§ 155.050  RESERVED.

§ 155.051  RESERVED.

§ 155.052  RESERVED.

§ 155.053  RESERVED.

§ 155.054  RESERVED.
SUBCHAPTER B: ZONING DISTRICTS
PART 2: BASE DISTRICTS

§ 155.055 GENERALLY.

(A) The standards in this Part apply to all development in the base zoning districts except where indicated.

(B) Refer to Subchapter I: Rules of Interpretation and Measurement for rules on how to measure or calculate the base district dimensional standards.

§ 155.056 LOT SIZE.

Table 155.056-1: Lot Size by Use and Zoning District specifies the minimum lot area for each base zoning district, based on the use of the lot.

<table>
<thead>
<tr>
<th>Lot Use</th>
<th>AGC/AGC-I</th>
<th>RUD/RUD-I</th>
<th>RSF-40</th>
<th>RSF-30</th>
<th>RMX-20</th>
<th>RMX-10</th>
<th>RMX-6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Detached Dwelling</td>
<td>5 ac</td>
<td>43,560 sf</td>
<td>40,000 sf</td>
<td>30,000 sf</td>
<td>20,000 sf</td>
<td>10,000 sf</td>
<td>6,000 sf</td>
</tr>
<tr>
<td>Cluster Subdivision Home</td>
<td>14,500 sf</td>
<td>14,500 sf</td>
<td>14,500 sf</td>
<td>10,000 sf</td>
<td>8,000 sf</td>
<td>6,000 sf</td>
<td>4,000 sf</td>
</tr>
<tr>
<td>Cottage Court</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>20,000 sf</td>
<td>20,000 sf</td>
<td>16,000 sf</td>
</tr>
<tr>
<td>Townhouse Sublot</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>1,800 sf</td>
<td></td>
</tr>
<tr>
<td>Duplex</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>20,000 sf</td>
<td>10,000 sf</td>
<td>8,000 sf</td>
</tr>
<tr>
<td>Triplex</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>20,000 sf</td>
<td>10,000 sf</td>
<td>8,000 sf</td>
</tr>
<tr>
<td>Quadplex</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>20,000 sf</td>
<td>10,000 sf</td>
<td>8,000 sf</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>2 ac</td>
<td></td>
</tr>
<tr>
<td>All Other Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Without Public Water &amp; Sewer</td>
<td>5 ac</td>
<td>43,560 sf</td>
<td>43,560 sf</td>
<td>43,560 sf</td>
<td>43,560 sf</td>
<td>43,560 sf</td>
<td></td>
</tr>
<tr>
<td>With Public Water &amp; Sewer</td>
<td>5 ac</td>
<td>43,560 sf</td>
<td>40,000 sf</td>
<td>30,000 sf</td>
<td>20,000 sf</td>
<td>10,000 sf</td>
<td>6,000 sf</td>
</tr>
</tbody>
</table>

Key: ac = acres | sf = square feet | -- = use not permitted in zoning district

1 All lot sizes specified in this table are the minimum required area.

2 There are no minimum lot sizes in the RC, NC, OI, GC, OA, RI, LI, and ID districts, unless otherwise specified in Subchapter C: Use Regulations for a particular use.
§ 155.057 LOT WIDTH.

(A) Minimum Lot Width.

(1) Arterial and Collector Roads. Table 155.057-1: Minimum Width of Lots on Arterial and Collector Roads specifies the minimum required width for lots located on principal arterials, minor arterials, and major collectors.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Arterial Lot Width (min)</th>
<th>Major Collector Lot Width (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, RMX-6</td>
<td>350 ft</td>
<td>150 ft</td>
</tr>
<tr>
<td>RC, NC, OI, GC, OA, RI, LI, ID</td>
<td>150 ft</td>
<td>150 ft</td>
</tr>
</tbody>
</table>

Key: min = minimum required | ft = feet

Driveways for all lots shall meet the minimum driveway spacing requirements in LDC Subchapter C, Part 3: Access Management and Driveways. Lots may need to exceed the minimum width specified in this Table in order to meet the driveway spacing requirements.

(2) Minor Roads. Table 155.057-2: Minimum Width of Lots on Minor Roads specifies the minimum required width for lots located on minor roads, based on zoning district and lot use.

(B) Exception. Minimum lot width does not apply in cluster subdivisions.

<table>
<thead>
<tr>
<th>Zoning District / Lot Use</th>
<th>Lot Width (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RC</td>
<td>100 ft</td>
</tr>
<tr>
<td>Single-Family Detached Dwellings</td>
<td>65 ft</td>
</tr>
<tr>
<td>Duplexes, Triplexes, Quadplexes</td>
<td>80 ft</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>100 ft</td>
</tr>
<tr>
<td>RMX-10</td>
<td>20 ft per du</td>
</tr>
<tr>
<td>Triplexes, Quadplexes</td>
<td>50 ft</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>20 ft</td>
</tr>
<tr>
<td>Townhouse Sublots</td>
<td>20 ft</td>
</tr>
<tr>
<td>RMX-6</td>
<td>18 ft per du</td>
</tr>
<tr>
<td>Triplexes, Quadplexes</td>
<td>100 ft</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>40 ft</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>100 ft</td>
</tr>
</tbody>
</table>

Key: min = minimum required | ft = feet | du = dwelling unit
Table 155.057-2: Minimum Width of Lots on Minor Roads

<table>
<thead>
<tr>
<th>Zoning District / Lot Use</th>
<th>Lot Width (min)¹,²</th>
</tr>
</thead>
</table>

¹ Driveways for all lots shall meet the minimum driveway spacing requirements in LDC Subchapter C, Part 3: Access Management and Driveways. Lots may need to exceed the minimum width specified in this Table in order to meet the driveway spacing requirements.

² For lots located on a cul-de-sac, the minimum lot width at the front lot line is 35 ft and the district minimum lot width must be met at the front setback for the district (see Subchapter I, Part 2, Subpart 2.6: Lot Area, Width, and Coverage).

§ 155.058 SETBACKS AND HEIGHT.

(A) Minimum Setbacks and Maximum Height.

(1) Table 155.058-1: Minimum Setbacks and Maximum Height in Base Districts establishes setback and height standards for each base zoning district.

(2) Table 155.058-2: Minimum Front and Rear Setbacks for Rear-Loaded Lots establishes front and rear setbacks for lots where garages or parking areas are accessed by a rear alley.

(B) Gas Canopies. In addition to the zoning district setbacks specified in this Section, all gas canopies shall be located at least 25 feet from all rights-of-way.

(C) Cluster Subdivisions. Lots in cluster subdivisions are subject to the setbacks specified in this Section, except that:

(1) Side setbacks shall be a minimum of five feet; and

(2) When a cluster subdivision lot is rear-loaded, the rear setback may be three feet or a minimum of 20 feet.

(D) Internal Setbacks for Multi-Family Dwellings. The minimum side setback specified in Table 155.058-1: Minimum Setbacks and Maximum Height in Base Districts also applies between multi-family dwellings located on the same lot.

(E) Exceptions.

(1) Setbacks on nonconforming lots may be reduced as specified in Subchapter F: Nonconformities.

(2) Certain site and building elements may encroach into required setbacks as specified in Subchapter I, Part 2, Subpart 2.7: Setbacks and Yards.
### Table 155.058-1: Minimum Setbacks and Maximum Height in Base Districts

<table>
<thead>
<tr>
<th>Zoning District / Lot Use</th>
<th>Front (Major Road)</th>
<th>Front (Minor Road or No Road Frontage)</th>
<th>Side</th>
<th>Rear</th>
<th>Height (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PR</td>
<td>50 ft</td>
<td>25 ft</td>
<td>25 ft</td>
<td>None</td>
<td>50 ft</td>
</tr>
<tr>
<td>AGC, AGC-I</td>
<td>100 ft</td>
<td>100 ft</td>
<td>30 ft</td>
<td>30 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td>RUD, RUD-I</td>
<td>50 ft</td>
<td>25 ft</td>
<td>10 ft</td>
<td>25 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td>RSF-40, RSF-30</td>
<td>50 ft</td>
<td>25 ft</td>
<td>10 ft</td>
<td>25 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td>Cottage Courts</td>
<td>50 ft</td>
<td>25 ft</td>
<td>10 ft</td>
<td>25 ft</td>
<td>1.5 stories</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>50 ft</td>
<td>25 ft</td>
<td>10 ft</td>
<td>25 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td>Cottage Courts</td>
<td>30 ft</td>
<td>25 ft</td>
<td>5 ft</td>
<td>25 ft</td>
<td>1.5 stories</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>30 ft</td>
<td>25 ft</td>
<td>5 ft</td>
<td>25 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td>Single-Family Detached Dwellings, Duplexes, Triplexes, and Quadplexes</td>
<td>25 ft</td>
<td>25 ft</td>
<td>5 ft</td>
<td>20 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td>Cottage Courts</td>
<td>25 ft</td>
<td>25 ft</td>
<td>5 ft</td>
<td>20 ft</td>
<td>1.5 stories</td>
</tr>
<tr>
<td>Townhouses</td>
<td>25 ft</td>
<td>25 ft</td>
<td>0 ft / 10 ft</td>
<td>20 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>25 ft</td>
<td>25 ft</td>
<td>15 ft</td>
<td>30 ft</td>
<td>60 ft</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>25 ft</td>
<td>25 ft</td>
<td>5 ft</td>
<td>20 ft</td>
<td>60 ft</td>
</tr>
<tr>
<td>RC</td>
<td>30 ft</td>
<td>25 ft</td>
<td>10 ft</td>
<td>25 ft</td>
<td>40 ft</td>
</tr>
<tr>
<td>NC</td>
<td>25 ft</td>
<td>20 ft</td>
<td>10 ft</td>
<td>25 ft</td>
<td>40 ft</td>
</tr>
<tr>
<td>OI, GC, LI</td>
<td>30 ft</td>
<td>25 ft</td>
<td>10 ft / 30 ft</td>
<td>10 ft / 30 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td>OA</td>
<td>30 ft</td>
<td>25 ft</td>
<td>10 ft / 30 ft</td>
<td>10 ft / 30 ft</td>
<td>No max</td>
</tr>
</tbody>
</table>
### Table 155.058-1: Minimum Setbacks and Maximum Height in Base Districts

<table>
<thead>
<tr>
<th>Zoning District / Lot Use</th>
<th>Front (Major Road)</th>
<th>Front (Minor Road or No Road Frontage)</th>
<th>Side</th>
<th>Rear</th>
<th>Height (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RI</td>
<td>50 ft</td>
<td>30 ft</td>
<td>15 ft</td>
<td>30 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td>ID</td>
<td>30 ft</td>
<td>25 ft</td>
<td>10 ft / 30 ft</td>
<td>10 ft / 30 ft</td>
<td>60 ft</td>
</tr>
</tbody>
</table>

**Key:** min = minimum required | max = maximum allowed | ft = feet

1. On corner lots, the minimum required front setback applies along both street frontages (see Subchapter I, Part 2, Subpart 2.6: Setbacks and Yards).

2. The minimum setback between individual townhouse dwelling units is 0 ft. The minimum setback between an end townhouse unit and its side lot line is 10 ft.

3. The lesser setback applies when the lot line is adjacent to a lot in a non-residential zoning district. The greater setback applies when the lot line is adjacent to a lot in a residential zoning district.

### Table 155.058-2: Minimum Front and Rear Setbacks for Rear-Loaded Lots

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Front Setback (min) (Minor Road or No Road Frontage)</th>
<th>Rear Setback (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RMX-10</td>
<td>20 ft</td>
<td>25 ft</td>
</tr>
<tr>
<td>RMX-6</td>
<td>15 ft</td>
<td>25 ft</td>
</tr>
</tbody>
</table>

**Key:** min = minimum required | ft = feet

### § 155.059 IMPERVIOUS SURFACE.

Table 155.059-1: *Maximum Percentage of Impervious Surface* specifies the maximum amount of impervious surface allowed on a lot by use type for all zoning districts, unless otherwise specified in this Chapter.

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Impervious Surface (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural and Single-Family Detached Dwellings</td>
<td>50%</td>
</tr>
</tbody>
</table>
### Table 155.059-1: Maximum Percentage of Impervious Surface

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Impervious Surface (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplex, Triplex, Quadplex, Townhouse, and Multi-Family Dwellings; Cottage Courts; and Manufactured Home Parks&lt;sup&gt;1&lt;/sup&gt;</td>
<td>65%</td>
</tr>
<tr>
<td>Office, Commercial, and Institutional</td>
<td>75%</td>
</tr>
<tr>
<td>Industrial</td>
<td>85%</td>
</tr>
</tbody>
</table>

**Key:** max = maximum allowed

<sup>1</sup> For these land uses, the maximum percentage of impervious surface applies to the overall development and not to individual lots within the development.

### § 155.060 RESIDENTIAL DENSITY.

(A) **Generally.** This Section establishes the maximum number of permitted dwelling units based upon gross density, as defined in Subchapter J: Definitions and Acronyms. Gross density requirements shall not be varied.

(B) **Maximum Allowable Residential Density.**

(1) Table 155.060-1: Residential Density in Base Zoning Districts establishes the maximum allowable residential density for each base zoning district that allows residential uses.

(2) The maximum number of dwellings allowed in a cottage court is specified in Subchapter C, Part 3, Subpart 3.11: Cottage Courts.

(C) **Density Not Granted by Right.** The maximum density established in a zoning district is not granted by right. The development must meet all applicable standards, such as parking and buffers, which may reduce the size or intensity of development a particular site can accommodate.

### Table 155.060-1 Residential Density in Base Zoning Districts

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Land Use</th>
<th>Gross Density (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGC</td>
<td>Single-family detached dwellings</td>
<td>0.4 du/ac</td>
</tr>
<tr>
<td></td>
<td>Manufactured homes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cluster subdivisions</td>
<td>0.5 du/ac</td>
</tr>
<tr>
<td>AGC-I</td>
<td>Single-family detached dwellings</td>
<td>0.2 du/ac</td>
</tr>
<tr>
<td></td>
<td>Cluster subdivisions</td>
<td>0.5 du/ac</td>
</tr>
</tbody>
</table>
## Table 155.060-1 Residential Density in Base Zoning Districts

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Land Use</th>
<th>Gross Density (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RUD</td>
<td>Single-family detached dwellings</td>
<td>1 du/ac</td>
</tr>
<tr>
<td></td>
<td>Manufactured homes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cluster subdivisions</td>
<td></td>
</tr>
<tr>
<td>RUD-I</td>
<td>Single-family detached dwellings</td>
<td>1 du/ac</td>
</tr>
<tr>
<td></td>
<td>Cluster subdivisions</td>
<td></td>
</tr>
<tr>
<td>RSF-40</td>
<td>Single-family detached dwellings</td>
<td>1 du/ac</td>
</tr>
<tr>
<td></td>
<td>Cluster subdivisions</td>
<td>1.25 du/ac</td>
</tr>
<tr>
<td>RSF-30</td>
<td>Single-family detached dwellings</td>
<td>1.5 du/ac</td>
</tr>
<tr>
<td></td>
<td>Manufactured homes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cluster subdivisions</td>
<td>2 du/ac</td>
</tr>
<tr>
<td>RMX-20</td>
<td>Single-family detached dwellings</td>
<td>2 du/ac</td>
</tr>
<tr>
<td></td>
<td>Cluster subdivisions</td>
<td>2.5 du/ac</td>
</tr>
<tr>
<td></td>
<td>Duplexes</td>
<td>4 du/ac</td>
</tr>
<tr>
<td></td>
<td>Triplexes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Quadplexes</td>
<td></td>
</tr>
<tr>
<td>RMX-10</td>
<td>Single-family detached dwellings</td>
<td>2.5 du/ac</td>
</tr>
<tr>
<td></td>
<td>Cluster subdivisions</td>
<td>3.5 du/ac</td>
</tr>
<tr>
<td></td>
<td>Manufactured home parks on well and septic</td>
<td>4 du/ac</td>
</tr>
<tr>
<td></td>
<td>Duplexes</td>
<td>8 du/ac</td>
</tr>
<tr>
<td></td>
<td>Triplexes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Quadplexes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Manufactured home parks on public water and sewer</td>
<td>8 du/ac</td>
</tr>
<tr>
<td>RMX-6</td>
<td>Single-family detached dwellings</td>
<td>5 du/ac</td>
</tr>
<tr>
<td></td>
<td>Cluster subdivisions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Duplexes</td>
<td>12 du/ac</td>
</tr>
<tr>
<td></td>
<td>Townhouses</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Triplexes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Quadplexes</td>
<td></td>
</tr>
<tr>
<td>NC, GC</td>
<td>Upper-story dwellings (in mixed use buildings)</td>
<td>12 du/ac</td>
</tr>
</tbody>
</table>

**Key:** max = maximum allowed | du/ac = dwelling units per acre
(D) **Density Bonus for Affordable Housing.**

(1) *Purpose.* To promote a diversity of housing stock and encourage the provision of housing that is affordable to all economic levels of residents and meets the needs of the County’s diversifying population, a density bonus is available for multi-family developments that meet the requirements of this Paragraph.

(2) *Density Bonus.* Where at least 20% of the total number of dwelling units in a multi-family development are affordable dwelling units, as defined in this Paragraph, the maximum density specified in Table 155.060-1: *Residential Density in Base Zoning Districts* may be increased by up to 20%.

(3) **Affordable Dwelling Units Defined.**

(a) Affordable dwelling units are renter-occupied units where the monthly gross rental rate, which includes contract rent plus average tenant-paid utilities, does not exceed 30% of the monthly household income for a household earning no more than 80% of the median family income for the Charlotte-Concord-Gastonia, NC-SC HUD Metro FMR Area, as published annually by the U.S. Department of Housing and Urban Development.

(b) For the purposes of this Section, qualifying units shall not exceed the maximum monthly gross rents per bedroom for York County established in the most recent "Maximum Income & Gross Rent Limits for 80% of Median Income" published by the South Carolina State Housing Finance & Development Authority.

(4) *Term of Affordability.*

(a) Affordable dwelling units shall be limited by deed restriction to remain affordable, as defined herein, for a period of at least 25 years after issuance of the certificate of occupancy.

(b) Prior to the issuance of a building permit for any portion of the development, the owner shall submit a copy of the executed deed restrictions to the Zoning Administrator.

(5) *Long-Term Monitoring.* The owner of the multi-family development shall annually submit a report to the Zoning Administrator documenting compliance with the provisions of this Paragraph.

§ 155.061 RESERVED.

§ 155.062 RESERVED.

§ 155.063 RESERVED.

§ 155.064 RESERVED.
§ 155.065 RESERVED.

§ 155.066 RESERVED.

§ 155.067 RESERVED.

§ 155.068 RESERVED.

§ 155.069 RESERVED.
PART 3: SPECIAL DISTRICTS

SUBPART 3.1: GENERAL PROVISIONS

§ 155.070 GENERAL DEVELOPMENT STANDARDS.

(A) The standards in this Subpart apply to all special districts unless otherwise indicated. The following subparts include provisions unique to each special district.

(B) Where a specific standard is not given for a particular development standard in this Part, or where such standard is not established as part of the approval of the rezoning, the associated site plan, or a sub-plan (such as the Master Landscape Plan), the generally applicable standards of the Zoning Code and Land Development Code shall apply.

§ 155.071 OPEN SPACE AND AMENITIES.

(A) Open Space. All special districts are subject to the open space requirements in LDC Subchapter D, Part 3: Open Space.

(B) Amenities.

   (1) In accordance with LDC Subchapter D, Part 3: Open Space, each special district must include on-site amenities for the use and enjoyment of employees, customers, and residents that reinforce a cohesive and integrated plan for the district. Care should be taken to distribute amenity areas and amenity improvements throughout the district.

   (2) Amenities must be accessible by pedestrians.

   (3) In addition to the number and type of amenities required by LDC Subchapter D, Part 3: Open Space, a minimum of 5% of the total land area of a special district must be devoted to amenity areas, unless County Council approves a lesser amount.

§ 155.072 DIMENSIONAL STANDARDS.

(A) The site plan and rezoning petition shall establish the dimensional standards for each lot and building site within the district.

(B) At a minimum, standards shall be proposed for the following:

   (1) Minimum lot size;

   (2) Minimum lot width;

   (3) Setbacks;

   (4) Height;
§ 155.073 LANDSCAPING, BUFFERING, AND SCREENING.

(A) Master Landscape Plan Required. The site plan and rezoning petition shall establish a Master Landscape Plan for each district that presents a cohesive and attractive appearance for the site, with integrated vegetation and manmade landscape features along the perimeter and within the interior of the district. The Master Landscape Plan shall address the following elements:

1. Street Trees. Street trees shall be required along each interior street and exterior street along the perimeter of the property. Street trees shall be chosen from those species that are included in the Approved Species List and shall be installed in accordance with LDC Subchapter C, Part 2: Streets.

2. Entryway Landscaping. Each street access point to the district shall be landscaped in a manner that helps to define the prominence of the access. Landscaping at entryways shall be integrated with entryway signage.

3. Parking Area Landscaping. In addition to the parking area landscaping standards specified in LDC Subchapter B, Part 2: Site Design, the exterior of any parking area, other than those associated with single-family dwellings, located within 100 feet of a street right-of-way shall be screened from the view of the street by either a minimum three-foot-high masonry knee-wall, shrubbery with a minimum mature height of three feet, or a combination of the two along the entire perimeter of the parking area.

4. Fences and Walls. The location, height, style, and permitted materials for all fences and walls visible from a street right-of-way shall be established in the Master Landscape Plan. Fences and walls shall present a cohesive and consistent style throughout the development, including architectural consistency with buildings within the district.

5. Approved Planting List. Each Master Landscape Plan shall include a list of approved plantings for each installation type (street trees, parking lots, etc.).

6. Buffering. The site plan and rezoning petition shall establish the type and location of buffers within and around the perimeter of the district.

   a. Within the district, undisturbed or planted vegetation, fences, and walls shall be used to separate higher intensity uses from lower intensity uses.

   b. Along the exterior property boundaries of the district, an undisturbed vegetated buffer with a minimum width as specified in Table 155.073-1: Perimeter Buffer Width in Special Districts shall be provided between the district and any property that is used or
zoned for residential purposes, or that is designated for residential use on the Future Land Use Map.

<table>
<thead>
<tr>
<th>District</th>
<th>Perimeter Buffer Width (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BT</td>
<td>50 ft</td>
</tr>
<tr>
<td>MU</td>
<td>20 ft</td>
</tr>
<tr>
<td>PD</td>
<td>20 ft</td>
</tr>
<tr>
<td>BV</td>
<td>20 ft</td>
</tr>
</tbody>
</table>

Key: min = minimum required | ft = feet

(7) Screening.

(a) All ground and building mounted utility, mechanical, electrical, plumbing, and similar equipment; service areas (such as solid waste collection points); and loading areas shall be screened from view of adjacent streets. This requirement does not apply to any building or site that is in use for industrial purposes.

(b) Screening shall be accomplished through the use of architecturally integrated fences and walls, vegetation, or, in the case of building mounted equipment, architecturally integrated screening features (such as parapets).

§ 155.074 SIGNS.

(A) A Master Sign Plan is required to be approved for each Special District prior to the construction or placement of any signs within the site. The Master Sign Plan is intended to establish a cohesive style of signs for the district and shall govern the construction and placement of all signs within the district.

(B) The Master Sign Plan shall contain standards for the following sign characteristics:

1. Dimensions (area, height, setback);
2. Type (freestanding, building mounted, marquee, projecting, temporary, etc.);
3. Location;
4. Materials;
5. Lighting; and
6. Colors.
§ 155.075 ARCHITECTURAL STANDARDS.

(A) A Master Architectural Plan for the district shall be established with the rezoning petition.

(B) The Master Architectural Plan shall govern the design and appearance of all buildings and structures within the district in order to ensure that the built environment in the district presents a cohesive and integrated appearance throughout the district. The plan shall address the following design components:

   1. General architectural style and/or elements of each building type (industrial, office, commercial, residential, etc.);
   2. Distinctive architectural elements common to buildings throughout the site;
   3. Building orientation and placement;
   4. Permitted exterior building cladding materials (including material colors);
   5. Minimum glazing standards (including glass transparency ratios);
   6. Roof style(s);
   7. Residential garage design, location, and prominence, on front facades; and
   8. Fence and wall design standards (architecturally consistent with building design).

§ 155.076 PARKING.

(A) Parking Demand Study Allowed.

   1. A parking demand study based on the most recent versions of the ITE Parking Generation Manual may be developed for each district based on the permitted uses proposed and the amount of building area devoted to each use.

   2. The parking demand study shall establish the minimum required amount of parking for each building and use within the district, with the exception of any single-family residential uses, which shall provide off-street parking at the generally applicable rate specified in the Zoning Code.

   3. The parking demand study shall be prepared in accordance with the requirements in Subchapter D, Part 5, Subpart 5.4: Alternative Parking Plans.

(B) Shared Parking. Shared parking between uses in the district with differing demand peaks is encouraged to reduce the amount of impervious surface in the district.
(C) **Carpool / Vanpool Parking.** All vehicular parking areas serving buildings or uses with a capacity of more than 100 employees shall provide reserved carpool / vanpool parking at a rate of 10% of the overall number of spaces provided.

(D) **Bicycle Parking.**

1. Bicycle parking, through the use of fixed bicycle racks and/or lockers, shall be provided adjacent to each vehicular parking lot at a rate of one space per 10 vehicular parking spaces that are provided, with the exception of single-family residential uses.

2. Bicycle parking areas shall be located within 100 feet of the building that they serve.

(E) **Location of Vehicular Parking Areas.** Vehicular parking areas for all uses other than single family dwellings shall be sited to the rear or side of the building that they serve.

§ 155.077 **INTERNAL STREETS.**

(A) Each district shall provide an internal street network with significant connectivity between employment, commercial, and residential areas within the district.

(B) The internal street network shall be designed in a manner that distributes traffic efficiently to the external street network.

(C) Streets within the district shall be designed and constructed to the standards of the Land Development Code.

(D) In the MU and PD Districts, the use of cul-de-sacs shall be permitted only to allow development in areas where a street connection is physically impossible due to topography or other environmental constraints.

§ 155.078 **PEDESTRIAN CONNECTIVITY.**

(A) Sidewalks and/or multi-use paths shall be required along both sides of all internal streets within the district to provide connections between employment, commercial, and residential areas, and to connect to the external pedestrian network. All buildings shall provide pedestrian connections between each customer, employee, or resident entrance and the district’s internal pedestrian network.

(B) The design and construction of sidewalks and paths shall conform to the standards in the Land Development Code.

(C) Where a plan adopted, approved, or accepted by the County Council indicates a greenway or trail on the subject property, the applicant and County Council may agree to a designation, dedication, easement, or other mutually-agreeable means of facilitating the portion of the greenway or trail on the property. This may be by development agreement or other agreed-to condition of approval.
§ 155.079 LIGHTING.

(A) A Master Lighting Plan shall be established with the site plan.

(B) The lighting plan shall specify the type, location, and mounting height of all site, street, pedestrian, and parking lot lighting within the district.

(C) Lighting plans shall prescribe the style of each type of lighting fixture and mounting feature, and shall provide a consistent lighting style throughout the district.

§ 155.080 WATER, SEWER, AND UTILITIES.

(A) All development within a Special District shall connect to public water and wastewater utilities, subject to the availability of adequate capacity to serve the development.

(B) All wire utilities within the district shall be placed underground.

(C) Any above ground utility features, such as backflow preventers, transformers, switches, and similar features shall be screened from adjacent streets.

§ 155.081 PROCEDURES FOR SPECIAL DISTRICTS.

(A) Establishment of Special Districts.

   (1) A Special District is established through the rezoning process, in accordance with the procedures and approval criteria in Subchapter E: Procedures.

   (2) The Planning and Development Services Department maintains copies of approved rezoning ordinances and supporting materials, including lists of allowed uses and applicable development standards, for each special district.

(B) Submittal Requirements. Application submittal requirements for Special Districts are specified in Subchapter L: Submittal Requirements.

(C) Development Agreements. The applicant and the County Council may enter a development agreement, pursuant to Chapter 153: Planning and Development, or other documented condition of approval, to address mitigation of the proposed district’s impacts on public facilities, on-site design and construction features, phasing of the district, or other relevant areas agreed to by the parties.

§ 155.082 RESERVED.

§ 155.083 RESERVED.

§ 155.084 RESERVED.
§ 155.085 RESERVED.

§ 155.086 RESERVED.

§ 155.087 RESERVED.

§ 155.088 RESERVED.

§ 155.089 RESERVED.
§ 155.090 PURPOSE.

(A) The Business and Technology Park District (BT) is a specialized district that is intended to facilitate job growth by providing land to attract target industries of regional and statewide importance such as manufactured goods and services, large corporate offices, high tech, and financial services.

(B) The district accomplishes this by limiting the permitted uses in the district to those that achieve York County’s economic development goals, including limits on the amount of land that can be used for warehousing and distribution facilities in the district. Complimentary uses that support the employees and operations of the enterprises in the district, such as hotels, restaurants, and personal services, along with limited residential uses are permitted as well.

(C) The site development standards for the BT district are intended to create well-planned, visually cohesive, environmentally friendly employment centers at a scale that is viable to attract major employers in the desired sectors.

§ 155.091 APPLICABILITY.

Business and Technology Park Districts may be established through the approval of a site-specific Special District rezoning petition within areas that are designated as Industrial, Employment Center, or I-77 Corridor Employment on the Future Land Use Map.

§ 155.092 MINIMUM DISTRICT SIZE.

The minimum size for a Business and Technology Park District is 20 acres of contiguous land. Business and Technology Park Districts may be amended to expand into contiguous land areas, provided that internal street access is provided to the existing district and the allocation of permitted uses proposed in the expansion area would not cause the overall site to fall outside of the requirements of the allocation standards for the district in § 155.093(B), below.

§ 155.093 ALLOWED USES AND ALLOCATION STANDARDS.

(A) **Allowed Uses.** The specific uses permitted within a Business and Technology Park shall be established with the rezoning petition, but shall conform to those listed as permitted or conditional principal, accessory, or temporary uses in Subchapter C, Part 2: Use Table, subject to the following standards and exceptions:

(B) **Minimum Employment Use Standard.** A minimum of 50% of the gross floor area of buildings within a Business and Technology Park shall be devoted to employment generating uses that include one or more of the business, professional, scientific, and technical uses listed as permitted uses for the BT District in Subchapter C, Part 2: Use Table.
(C) **Supportive Uses.** Commercial, retail, and service uses that complement and support the focus of the Business and Technology Park District are encouraged to be included within the development plan. Proposed supportive uses shall have a clear nexus with the needs of the employees working within the district. Examples of supportive uses include restaurants, childcare centers, personal services, hotels, and convenience retail.

(D) **Limitation on Warehousing, Wholesale, and Distribution Uses.** No more than 20% of the land area within a Business and Technology Park development may be allocated to Warehousing, Wholesale, and Distribution Establishments.

(E) **Limitation on Residential Uses.** No more than 20% of the land area within a Business and Technology Park District may be allocated to residential uses.

(F) **Calculation of Minimum and Maximum Allocation.** The minimum and maximum allocations of land area dedicated to the uses specified in this Section shall be exclusive of land area that is dedicated to street right-of-way, required open space, floodplains, and other undevelopable land.

§ 155.094 **MAXIMUM BUILDING HEIGHT.**

The maximum height of buildings located within 200 feet of the external boundary of a Business and Technology Park District is limited to 50 feet.

§ 155.095 **ACCESS.**

(A) Each Business and Technology Park shall provide access to at least one external street that is designated as a Major Collector or higher, as specified in the Land Development Manual. Additional external access points shall be provided in accordance with the requirements of the Traffic Impact Analysis (see LDC Subchapter G: Procedures) to ensure that traffic is distributed efficiently to the external transportation network.

(B) External street access points to adjoining properties that are identified on the Future Land Use Map as Industrial, Employment Center, or I-77 Corridor Employment shall be provided at locations that will permit the development of an integrated transportation network within the district.

(C) Where adjacent developed properties with compatible development styles and uses have provided a stub street connection to a property proposed for a Business and Technology Park District, the site plan shall provide for the extension of the stub street into the district.

§ 155.096 **TRANSPORTATION DEMAND MANAGEMENT PROGRAM.**

(A) Any proposed Business and Technology Park District that will generate more than 1,000 weekday peak hour automobile trips (AM or PM) shall be required to develop and implement a Transportation Demand Management Program with a goal of reducing peak hour trip generation by 10%.
(B) Options for meeting the peak hour trip generation goal shall include, but are not limited to:

(1) The provision of pedestrian connected public transit stops within or immediately adjacent to the district.

(2) Funding of transit service route extensions to a district.

(3) Implementation of bike-friendly workplace programs, including secure indoor bike storage, changing/shower rooms, and incentives for bike commuting.

(4) Employer sponsored rideshare, carpool, and vanpool programs.

(5) Variable employee workday hours to avoid peak travel times.

(6) Variable employee work-from-home or telecommuting arrangements.

(7) Funding off-site bicycle and pedestrian improvements to improve external connections.

(8) Employer / developer sponsored bikeshare programs.

§ 155.097 RESIDENTIAL DENSITY STANDARD.

The site plan and rezoning petition shall establish the permitted residential density within each district, provided that residential density shall not exceed the maximum number of dwelling units per acre allowed in the RMX-6 District.

§ 155.098 RESERVED.

§ 155.099 RESERVED.

§ 155.100 RESERVED.

§ 155.101 RESERVED.

§ 155.102 RESERVED.

§ 155.103 RESERVED.

§ 155.104 RESERVED.

§ 155.105 RESERVED.
§ 155.106 RESERVED.

§ 155.107 RESERVED.

§ 155.108 RESERVED.

§ 155.109 RESERVED.
§ 155.110 PURPOSE.

(A) The Mixed Use District (MU) is a specialized district that is intended to facilitate the development of compact, pedestrian-friendly developments that integrate a range of residential housing types with supporting commercial, service, office, and community facilities, such as libraries, parks, and schools.

(B) The site-specific development standards are intended to create a cohesive development pattern within each district through the adoption of common standards throughout the district for landscaping, architectural design, signage, and street design.

§ 155.111 APPLICABILITY.

Mixed Use Districts may be established through the approval of a site-specific Special District rezoning petition within areas that are designated as Neighborhood Center, Town Center, Community Center, or Village Center on the Future Land Use Map.

§ 155.112 MINIMUM DISTRICT SIZE.

(A) The minimum size for a Mixed Use District is:

(1) 10 acres of contiguous land for proposed districts that do not include single-family residential areas and

(2) 20 acres for districts that include single-family residential areas.

(B) Mixed Use Districts may be amended to expand with contiguous land area, if:

(1) Internal street access is provided to the existing district and

(2) The allocation of permitted uses proposed in the expansion area does not cause the overall site to fall outside of the requirements of the allocation standards for the district specified in § 155.113: Allowed Uses and Allocation Standards.

§ 155.113 ALLOWED USES AND ALLOCATION STANDARDS.

The specific uses permitted within a Mixed Use development shall be established with the rezoning petition, but shall conform to those listed as permitted principal or accessory uses in Subchapter C, Part 2: Use Table, subject to the following standards and exceptions:

(A) **Minimum Residential Use Standard.** A minimum of 25% of the land area of each proposed Mixed Use District shall be dedicated to residential land uses. Where a district is proposed that includes residential uses only in vertically mixed use structures (mixed commercial and residential buildings), the minimum allocation of residential uses shall be a
minimum of 25% of the gross floor area of all proposed buildings within the district (this does not require residential uses within each building).

(B) **Residential Mixture Requirement.** Where a proposed Mixed Use District includes single-family residential uses, the total number of single-family dwelling units within the district shall not exceed 50% of the total number of all residential dwelling units within the district.

(C) **Minimum Nonresidential Use Standard.** A minimum of 30% of the land area of each proposed Mixed Use District shall be dedicated to nonresidential uses. A minimum of 25% of the combined gross floor area of the ground floor level of all buildings or portions of buildings proposed for nonresidential use shall be reserved for retail, personal services, dining, entertainment, and similar “active” uses (this does not require each qualifying building to contain such uses).

(D) **Calculation of Minimum and Maximum Allocation.** The minimum and maximum allocations of land area dedicated to the uses specified in this Section shall be exclusive of land area that is dedicated to street right-of-way, required open space, floodplains, easements, and other undevelopable land.

§ 155.114 **ACCESS.**

(A) Each Mixed Use District shall provide access to at least one external street that is designated as a Major Collector or higher, as specified in the Land Development Manual.

(B) External street access points to adjoining properties shall be provided at locations that will permit the development of an integrated transportation network between the district and neighboring properties that have similar compatible future land use or zoning designations.

(C) Where adjacent developed properties with compatible development styles and uses have provided a stub street connection to a property proposed for a Mixed Use District, the site plan shall provide for the extension of the stub street into the district.

§ 155.115 **RESIDENTIAL DENSITY STANDARD.**

The site plan and rezoning petition shall establish the permitted residential density within each district and the total permitted number of dwelling units by type, subject to the residential mixture requirement of § 155.113: *Allowed Uses and Allocation Standards.*

§ 155.116 **BLOCK LENGTH AND CUL-DE-SAC STANDARDS.**

(A) **Block Length.** Within single-family residential portions of the district, block lengths shall be between 400 and 600 feet to promote connectivity and walkability.

(B) **Cul-de-Sac Streets.**

(1) Cul-de-sac streets shall not exceed 400 feet in length.
(2) Cul-de-sac streets shall be connected via a sidewalk or multi-use path to at least one of the following:

(a) Other nearby cul-de-sac streets;

(b) The closest minor road; or

(c) A compatible adjacent land use, such as a school, park, library, or neighborhood commercial area.

§ 155.117 PEDESTRIAN ORIENTATION.

All buildings shall be sited, oriented, and constructed in such a manner that addresses the pedestrian environment as their primary focus, with building facades constructed to a standard build-to line adjacent to a street-facing sidewalk. Primary customer entrances shall be located on the street-facing sidewalk of each building.

§ 155.118 NON-RESIDENTIAL STREET AMENITIES.

(A) Pedestrian Zone. Those portions of the site containing non-residential or mixed use buildings shall provide an enhanced street environment that supports pedestrian and outdoor activity. The active pedestrian zone between building fronts and the back of curb within these areas shall have a minimum width of 14 feet and shall include seating areas, outdoor dining areas, street trees, and similar amenities to support active street life.

(B) Parallel Parking.

(1) Parallel parking is required along both sides of all non-residential streets.

(2) Parallel parking shall be constructed concurrently with adjacent development.

§ 155.119 RESERVED.

§ 155.120 RESERVED.

§ 155.121 RESERVED.

§ 155.122 RESERVED.

§ 155.123 RESERVED.

§ 155.124 RESERVED.

§ 155.125 RESERVED.
§ 155.126  RESERVED.

§ 155.127  RESERVED.

§ 155.128  RESERVED.

§ 155.129  RESERVED.
SUBPART 3.4: PD (PLANNED DEVELOPMENT)

§ 155.130 PURPOSE.
The purpose of the Planned Development District is to provide flexibility in the development of land to:

(A) Achieve the goals and objectives of the comprehensive plan;
(B) Promote a compatible mix of uses that increases transportation choices and reduces travel demands;
(C) Improve the design, character, and quality of new development;
(D) Protect and preserve natural resources and sensitive environmental features;
(E) Promote a mix of housing types and arrangements that respond to demographic needs;
(F) Minimize land use conflicts;
(G) Promote the fiscal health of York County;
(H) Facilitate the efficient provision of streets and utilities; and
(I) Preserve the natural and scenic features of open areas.

§ 155.131 APPLICABILITY.
Planned Development zoning may be applied within any future land use category, provided that the overall project density or intensity of the proposed uses are consistent with the established future land use category and these regulations.

§ 155.132 MINIMUM DISTRICT SIZE.
There is no minimum land area requirement for rezoning to a Planned Development District; however, the site shall be of sufficient size to accommodate the required mixture of residential and nonresidential uses.

§ 155.133 ALLOWED USES AND ALLOCATION STANDARDS.

(A) Any use, proposed by a developer and considered by the County Council to be compatible with existing and planned land uses within and beyond the district, may be permitted in the districts upon approval by the County Council. Thereafter, the uses permitted in the district will be restricted to those listed, approved, and adopted, and any future addition to these uses will constitute a major change.
(B) Each planned development shall include a compatible mixture of residential and nonresidential uses, as well as a mixture of dwelling unit types and densities, subject to the following standards:

1. **Mixture of Residential Use Types.** Planned Development Districts shall include a mixture of at least two different housing types, such as single-family and apartments, townhomes and apartments, or some other combination of residential use types.

2. **Mixture of Residential and Nonresidential Uses.** Planned Development Districts shall consist of both residential and nonresidential components. Neither residential or nonresidential components of the proposed development may exceed an allocation of more than 80% of the gross area of the district.

3. **Calculation of Maximum Allocation.** The maximum allocations of land area dedicated to the uses specified in this Section shall be exclusive of land area that is dedicated to street right-of-way, required open space, floodplains, and other undevelopable land.

§ 155.134 **RESIDENTIAL DENSITY STANDARD.**

The site plan and rezoning petition shall establish the permitted residential density within each district and the total permitted number of dwelling units by type, provided that the overall density of the residential portions of the district shall not exceed 15 dwelling units per acre.

§ 155.135 RESERVED.

§ 155.136 RESERVED.

§ 155.137 RESERVED.

§ 155.138 RESERVED.

§ 155.139 RESERVED.

§ 155.140 RESERVED.

§ 155.141 RESERVED.

§ 155.142 RESERVED.

§ 155.143 RESERVED.

§ 155.144 RESERVED.
§ 155.145  PURPOSE.

(A) The purpose of the Baxter Village Traditional Neighborhood District (BV) is to promote flexibility in development and encourage a mix of uses and housing types and create the sense of community common in neighborhoods planned using traditional design principles.

(B) The BV is intended to:

   (1) Encourage development based on a neighborhood model where housing, businesses, and other nonresidential uses coexist, providing the conveniences and comforts of modern living in an environment that lessens dependency on the automobile and provides feasible alternatives such as walking or bicycling;

   (2) Promote development with a definable center that contains a variety of uses within walking distance of residential areas;

   (3) Encourage the protection of natural resources and open space by concentrating development and establishing requirements for open space conservation;

   (4) Allow denser development to provide the efficient use of infrastructure, including roads, water, sewer, and other utilities; and

   (5) Provide a variety of housing types for varying incomes and ages.

§ 155.146  APPLICABILITY.

(A) This district is intended for undeveloped areas under development pressure or in redeveloping areas of the county that are served by adequate infrastructure.

(B) In order to be considered for a BV zoning district designation, the project site must:

   (1) Contain at least 80 acres; and

   (2) Have direct access to at least one arterial road as defined in the Land Development Manual.

§ 155.147  DEFINITIONS.

For the purpose of this Subpart, the following definitions shall apply unless the context clearly indicates or requires a different meaning. This definition section supplements Subchapter J: Definitions and Acronyms.
(A)

**ATTACHED HOUSE.** A single dwelling unit located on a single deeded lot, attached to another dwelling unit on one or two sides.

**ACCESSORY STRUCTURE.** A structure that is subordinate in use and square footage to a principal structure to be used for residential, parking, storage, workshop or artist studio space or other permitted uses. Accessory structures and their associated uses will comply with any applicable performance standards contained herein. All accessory uses will be contained in completely enclosed buildings. An accessory structure can in no way be affixed or attached to the principal structure.

(B)

**BIKEWAY.** Interconnected, paved paths that provide bicycle passage through blocks running from street to street. The **BIKEWAY** must be paved and a minimum of eight feet in width.

**BLOCK.** An area composed of private/public lots and alleys surrounded by public streets.

(C)

**CIVIC USE.** Police stations, libraries, day cares, fire stations, meeting halls, recreational facilities, government buildings, museums, schools, performing arts centers, religious buildings or any cultural, civic, or social use. **CIVIC USES** will be equally available to all residents of the BV.

**CLOSE.** The **CLOSE** provides frontage space for deep lots and buildings to the interior of the block. The design is usually a roadway loop around a green focal area utilized instead of a cul-de-sac. The close roadway loop will be a one-way, counterclockwise travel lane with a minimum pavement width of 20 feet and will be designed in accordance with local road standards (see BV Design Standards Manual, Figure 14).

**COLONNADE.** A roof or building structure, extending over the sidewalk, open to the street and sidewalk except for supporting columns or piers. **COLONNADES** will have, at the sidewalk, a minimum clear height of ten feet (excluding signage or lighting) and a minimum clear width of eight feet. **COLONNADES** will be constructed a minimum of five feet from the curb. Supporting structures will not encroach into the required easements or required rights-of-way.

**COMMERCIAL USE.** Business and retail establishments providing consumer services and products. (See individual lot restrictions.)

**COMMUNITY CENTER USE.** A community center is an optional feature within the BV providing for larger scale commercial retail/office uses in buildings that front a square. A portion of the community center square may be used for parking.
(D)

**DETACHED HOUSING.** A single dwelling unit not attached to any other dwelling unit, located on a single deeded lot with an open yard on all sides of the home (perimeter yard or zero lot line).

(E)

**ENCROACHMENT.** The part of a structure which intrudes into a setback.

(F)

**FACADE.** The exterior wall of a building, parallel at the frontage line.

**FORECOURTS.** Open space areas which act as buffers between residential and nonresidential buildings or streets and are entirely bounded by streets. It is recommended that forecourts be planted parallel to all street rights-of-way. The forecourt roadway loop will be a one-way clockwise travel lane with a minimum pavement width of 20 feet and must be designed in accordance with local road standards as defined herein (see BV Design Standards Manual, Figure 13).

**FRONTAGE LINES.** The shorter building lot line which coincides with the right-of-way of the street or square. In the case of a building lot abutting upon only one street, the frontage line is the line parallel to and common with the right-of-way. In the case of a corner lot, that part of the building lot having the narrowest frontage on any street will be considered the frontage line.

**FRONT PORCH.** A front porch is an unairconditioned, roofed structure attached to the front of the unit. A front porch will have a minimum depth of six feet and a minimum width of 12 feet.

(J)

**JOINT USE PARKING.** An off-street parking space that is shared by businesses with varying peak periods of demand.

(L)

**LIGHT ASSEMBLY.** A use engaged in assembly, predominantly from previously prepared materials, of finished products or parts. Light assembly includes processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of these products, but excluding basic industrial processing.

**LIMITED COMMERCIAL.** Retail, business, service, or office space located on the ground floor level of a building up to 2,000 square feet.

**LIMITED INDUSTRIAL.** Buildings used for the small-scale production of goods and service-oriented businesses.
**LIMITED INDUSTRIAL** uses are most often associated with, but not limited to, workshop lots.

**LIMITED LODGING.** A use also referred to as “bed and breakfast” that takes place within a single-family residence, which consists of renting one or more dwelling rooms on a daily basis to tourists, vacationers and business people, where provision of meals is limited to breakfast.

**LIMITED OFFICE.** Office space located within a single-family or multi-family dwelling, used for the transaction of business or professional services.

**LOCAL ROAD.** A road designed primarily for access directly to adjoining low to medium density residential land uses. Serves travel over relatively short distances, compared with collectors and other higher systems. Comprises all facilities not on higher systems (see BV Design Standards Manual, Figures 11 and 12).

**LODGING.** Buildings, other than limited lodging, providing food service and bedrooms for rent or lease.

(M)

**MAINTENANCE EASEMENT.** A perpetual eight-foot wide maintenance easement will be provided on a lot adjacent to a zero lot line property line. The easement will be kept free of structures, shown on the plat and incorporated into each deed transferring title to the property.

**MEETING HALL.** A building designed for public assembly, containing at least one room having a minimum area of 2,400 gross square feet.

**MULTI-FAMILY.** Any group of attached housing containing more than two dwelling units on a single lot.

(N)

**NEIGHBORHOOD CENTER.** The geographic and social center of the BV contains a central public space and the most intensive and greatest mix of development.

**NEIGHBORHOOD PROPER.** Includes all the area between the neighborhood center and the mile radius. The uses in this area are detached home lots, attached home lots, multi-family home lots, civic use lots, retail/office lots, public use lots, neighborhood parks and greenways.

**NEIGHBORHOOD PERIMETER.** The area from the edge of the neighborhood proper to the mile radius. The uses in this zone are residential detached, attached, and multi-family home lots.

(O)

**OFFICE USE.** Business, professional, service, and governmental occupations, institutions, and commercial activities not involved with the sale of merchandise.
PEDESTRIAN PATHWAYS. Interconnected, paved walkways that provide pedestrian passage through blocks running from street to street. The pathway will be paved and a minimum of four feet and a maximum of eight feet in width.

PLANTING STRIPS. The strips of grass between the curb and sidewalk, parallel to the street.

PRIVATE OPEN SPACE. Space on each building lot that is for the private use of inhabitants. This space will be separate from the main dwelling and open to the sky. Gardens, lawns, landscaped areas, walks, patios, and other similar spaces will count as private open space, and up to one-third of the private open space area may be a roof terrace. Private open space will not be utilized for the purpose of parking cars or storage.

PUBLIC USE TRACTS. Tracts of land within the BV reserved for public use such as street rights-of-way, pedestrian pathways, squares, parks, and other open spaces.

RESIDENTIAL. A lot, parcel or tract of land containing a building or structure used for permanent dwelling purposes.

SQUARE. An open space surrounded by a minimum of 75% of its perimeter by streets, totaling at least one acre in area.

STREET VISTA. A view framed by buildings at the termination of the axis of a thoroughfare.

STREET WALL. A masonry wall, wood wall or electrostatic plated black aluminum or wrought iron fence between three feet and 12 feet in height, not more than 50% opaque and built along the frontage line. Any openings in a street wall must be gated.

§ 155.148 TRADITIONAL NEIGHBORHOOD DEVELOPMENT MODEL.

(A) The BV incorporates standards that were used to design towns in the United States until the 1940’s. These standards control the layout of lots, blocks, and neighborhoods. The developmental approach is to consider growth as the building of consistent segments of a growing town rather than incremental and unconnected sprawl along rural highways.

(B) The scale of a traditional development is based on a one-mile radius, with a definable center composed of commercial and residential uses to serve the neighborhood population. The mile is a traditional planning standard based on a five-minute walk which is considered the farthest convenient walking distance for a person. This Subpart is devised to foster the development of neighborhoods with at least three distinct geographic areas:
(1) Neighborhood Center. The geographic and social center of the BV, containing a central public space and the most intensive and greatest mix of development. The central public space is usually a square which may substitute for the true geographic center if major topographical or major highways contribute to a need for a shift. Should the center shift, as described, the mile radius would be consistently measured from the mandatory central public space.

(2) Neighborhood Proper. This includes all the area between the neighborhood center and the mile radius. The lots in this area are generally detached home lots, attached home lots, multi-family home lots, civic use lots, workshop lots and retail/office lots.

(3) Neighborhood Perimeter. This is the area from the edge of the neighborhood proper to the mile radius. The uses in this zone are generally residential detached, attached, and multi-family home lots.

(4) Community Center. A community center is optional to the BV providing for larger scale commercial retail/office uses in buildings that front a square. A portion of the community center square may be used for parking. A community center becomes an important component of a traditional neighborhood when the neighborhood center requires larger scale operations or when multiple centers are used to increase the efficiency of providing services. Each of the multiple centers would follow the pattern described above.

(5) Employment Campus Lot (ECL). Employment campus lots are also optional to the BV, providing greater employment opportunities and diversity in the types of employment offered within the district. By including employment campus lots within a BV, greater flexibility and a more efficient community result, providing a place where residents can live, work, and shop without the need for commuting. Employment campus lots are to be located within the neighborhood perimeter and linked directly to other neighborhood sectors of the BV.

(C) Traditional neighborhood development allows a variety of uses, including: a full range of residential densities, commercial/retail, business/office, civic and open space. The uses are intended to serve the daily needs of the residents while also fostering a sense of community among the residents. Traditional neighborhood developments typically have a boundary where development ends and the rural countryside begins. This edge prevents development from sprawling out infinitely into rural areas.

(D) The BV promotes a greater flexibility of land uses and densities than other zoning districts within the county.

§ 155.149 PERMITTED AND SPECIAL EXCEPTION USES.

(A) Permitted Uses. The following uses are permitted within the BV District and will be known as “permitted uses.” Permitted uses will be built in accordance with the development standards contained herein.

(1) Residential. Within the BV, the following residential housing types are permitted:
(a) Multi-family dwellings, including:
   1. Apartment buildings;
   2. Quadplexes;
   3. Triplexes; and
   4. Upper-story residential dwellings.

(b) Duplexes;

(c) Townhouses;

(d) Single-family residential homes, including:
   1. Garage apartments;
   2. Patio homes;
   3. Zero lot line homes.

(2) Open Space. Any open space types defined within the open space, general lot development standards and types of open space sections of this chapter.

(3) Civic Use. Civic uses will be equally available to all residents of the neighborhood. The following are permitted civic uses in BV, as well as any other cultural, civic, or social use as designated on the approved site plan:

(a) Fire stations;

(b) Government buildings;

(c) Libraries;

(d) Meeting halls;

(e) Museums;

(f) Performing arts centers;

(g) Police stations;

(h) Recreational facilities;

(i) Religious buildings;

(j) Schools.
(4) **Limited Office.** Office space located on an attached or detached home lot used for the transaction of business or professional services, provided:

(a) The business will not change the residential character of the dwelling;

(b) No outside storage associated with the limited office or limited commercial use is permitted;

(c) No more than 25% of the home will be used in connection with the limited office use;

(d) Vehicles used primarily as passenger vehicles only will be permitted in connection with the limited office use;

(e) All permitted uses specified in Subchapter C, Part 2: *Use Table* for the Office and Institutional District (OI), are consistent with limited office.

(5) **Limited Commercial.** Auxiliary retail, business, service, or office space, limited to 2,000 square feet, located on the ground floor level of a building with a main use other than commercial. All permitted uses (except for restaurants with drive-through service windows) specified in Subchapter C, Part 2: *Use Table* for the Neighborhood Commercial District (NC) are consistent with limited commercial.

(6) **Limited Industrial.**

(a) Buildings for the small-scale production of goods and services. The uses include, but are not limited to:

1. Artist studios;
2. Automobile body shops;
3. Dry-cleaning establishments;
4. Restaurants.

(b) Lots used for limited industrial uses must be designated as such on the approved BV plan and will be separated from residential areas by natural or structural boundaries such as walls, alleys, drainage channels, sharp breaks in topography and/or open space lots. All permitted uses (except for retail establishments of not more than 10,000 square feet) specified by the Light Industrial District (LI), are consistent with the limited industrial. Retail establishments of not more than 5,000 square feet may be permitted when associated with products manufactured or assembled in the same building.

(7) **Community Center Use.** A community center is an optional area designated in the neighborhood center of the BV providing for larger scale commercial retail/office uses in buildings that front on a square. All uses and special exceptions specified in Subchapter C, Part 2: *Use Table*, for the General Commercial District (GC) may be permitted within the
community center. Permitting is as specified in each section. A portion of the community center square may be used for parking.

(8) Commercial Use. Business and retail establishments providing consumer services and products. Excluding limited commercial, the locations of commercial areas are restricted to areas designated as such on the approved BV plan. All uses and special exceptions specified by the General Commercial District (GC), General, may be permitted within the commercial use. Permitting is as specified in each section.

(9) Office Use. Business, professional, service, and governmental occupations, institutions, and commercial activities not involved with the sale of merchandise. All permitted uses specified in Subchapter C, Part 2: Use Table for the Office and Institutional District (OI) are consistent with office use.

(B) Special Exception Uses.

(1) Any use not expressly or implicitly listed in the BV ordinance may be proposed by the property owner and may be permitted by the York County Board of Zoning Appeals upon determination that the proposed use is compatible to other nearby uses.

(2) A listing of “uses not expressly permitted” within a particular BV District may be proposed during the initial approval process and will be adopted as part of the amendments that apply to that BV. These uses are prohibited uses and may not be considered for permitting otherwise.

§ 155.150 PROHIBITED USES.

Notwithstanding the provisions in Subchapter C, Part 2: Use Table, the following uses are expressly prohibited in the BV:

(A) Chemical manufacturing;

(B) Video poker establishments;

(C) Storage or distribution uses that require more than 5,000 square feet;

(D) Manufactured homes;

(E) Billboards;

(F) Kennels, other than those associated with veterinarian offices;

(G) Prisons and detention centers; and

(H) Any use that produces the following adverse impacts:

(1) Noise at a level greater than typical street or traffic noise;
(2) Offensive vibration; or

(3) The emission of noxious solids, liquids, or gases.

§ 155.151 REQUIRED LAND USE RATIOS.

(A) A minimum of 50% of the gross land area of a BV district will be permanently allocated to open space. Up to one-half of this open space may, at the discretion of the county, be dedicated on a parcel not part of the traditional neighborhood. This open space must have a direct relationship and have connectivity (pedestrian bridges, tunnels, or overpasses) with the traditional neighborhood. Residents of the traditional neighborhood must have free access and admission to this open space. The remainder of the open space must be dedicated within the traditional neighborhood. Civic lots will constitute a minimum of 5% of the gross area of the BV district. All ratios must be indicated on the site plan as required within the administrative procedures of this Chapter.

(1) Neighborhood Center. The neighborhood center will compose a maximum of 10% of the gross land area. However, in no case will the neighborhood center be less than five acres. At least 75% of the neighborhood center will be within 1,320 feet of the mandatory square of the BV unless as provided within the traditional neighborhood development model of this Chapter.

(2) Neighborhood Proper. The neighborhood proper will compose a minimum of 25% of the BV. At least 75% of the neighborhood proper will be within 2,640 feet of the mandatory square of the BV.

(3) Neighborhood Perimeter. The neighborhood perimeter will compose a minimum of 65% of the BV. At least 50% of the neighborhood perimeter will be within 3,960 feet of the mandatory square of the BV.

(B) A mix of residential and nonresidential uses is required for the neighborhood center and neighborhood proper.

(1) Within the neighborhood center, a minimum of 30% and a maximum of 70% of all developable land area must include nonresidential uses.

(2) Within the neighborhood proper, a minimum of 10% and a maximum of 40% of all developable land area must include nonresidential uses.

(3) Non-residential uses are not permitted in the neighborhood perimeter (except for employment campus lots which are designated/approved at the conceptual plan phase).

(4) Mixed-use buildings shall be allowed, provided they consist of retail and/or office use only on the ground floor, at a minimum, and residential use on the remaining floors. Mixed-use buildings are to be designated as non-residential and are only allowed within the neighborhood center and neighborhood proper. Mixed-use buildings that are initially used as purely residential buildings and that are subsequently converted to mixed-uses shall be
designated as residential. The percentages of developable land area by use must be submitted in the conceptual phase.

(C) Table 155.151-1: Required Land Use Ratios specifies maximum percentages of developable land area, designated as residential or non-residential in accordance with paragraph (B), above, by use within each of the designated neighborhood sectors within the BV. Land use percentages by use will be submitted during the preliminary plat process. Table 155.151-1: Required Land Use Ratios identifies, by use, maximum allowable percentages of developable land, designated residential or non-residential, by use per neighborhood sector.

(1) For example, in the neighborhood center, a maximum of 35% of the developable land area designated as residential within the neighborhood center in a 200-acre BV may be residential detached uses. The area of a lot containing a mixed-use building shall be divided, for purposes of satisfying maximum allowable percentages by use constraints, in accordance with the proportions of each use within the building occupying the lot. The percentage of floor area within a mixed-use building designated as retail or office shall be applied to the total area of the lot containing the mixed-use building and used to satisfy maximum requirements for the non-residential retail office category.

(2) The remainder of the lot land area shall be used to satisfy maximum requirements for the residential attached and multi-family category. For example, should the first floor, measuring 2,500 square feet, of a mixed-use building on a one-acre lot be designated retail and the remaining two floors, measuring 2,500 square feet each, be designated residential, then 1/3 of the one-acre lot shall be counted towards the maximum allowable land area for retail office land area and 2/3 of the one-acre lot shall be counted towards the maximum allowable land area for attached and multi-family land area.

(3) Buildings that are converted from purely residential to mixed-use shall not require the building to be reallocated for purposes of satisfying maximum percentages by use. Civic lots, public use lots, squares, courtyards, neighborhood parks, and greenways may be included in the platting of all BV areas.

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<th>Table 155.151-1: Required Land Use Ratios</th>
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<tbody>
<tr>
<td><strong>BV Lot Types</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Neighborhood Center</td>
</tr>
<tr>
<td>Non-Residential:</td>
</tr>
<tr>
<td>Retail Office Lots</td>
</tr>
<tr>
<td>Workshop Lots</td>
</tr>
<tr>
<td>Residential:</td>
</tr>
<tr>
<td>Attached and Multi-Family Lots</td>
</tr>
<tr>
<td>Detached Lots</td>
</tr>
</tbody>
</table>
Table 155.151-1: Required Land Use Ratios

<table>
<thead>
<tr>
<th>BV Lot Types</th>
<th>BV Land Area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>80-125 acres</td>
</tr>
</tbody>
</table>

**Neighborhood Proper**

<table>
<thead>
<tr>
<th>Non-Residential:</th>
<th>Retail Office Lots</th>
<th>40%</th>
<th>40%</th>
<th>40%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Workshop Lots</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential:</th>
<th>Attached and Multi-Family Lots</th>
<th>50%</th>
<th>50%</th>
<th>50%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Detached Lots</td>
<td>80%</td>
<td>80%</td>
<td>80%</td>
</tr>
</tbody>
</table>

**Neighborhood Perimeter**

<table>
<thead>
<tr>
<th>Residential:</th>
<th>Attached and Multi-Family Lots</th>
<th>20%</th>
<th>30%</th>
<th>40%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Detached Lots</td>
<td>90%</td>
<td>90%</td>
<td>90%</td>
</tr>
</tbody>
</table>

§ 155.152 DENSITY DISTRIBUTION AND ALLOWABLE DENSITIES.

(A) **Density Distribution.** The density distribution within a BV district will be associated with the three geographic areas: the neighborhood center, neighborhood proper, and neighborhood perimeter. The spatial distribution of density increases relative to the neighborhood center. The neighborhood perimeter is the least dense and should transition into rural land or estate homes.

(B) **Maximum Density.** Within the BV District, densities are controlled by the concept plan, land use ratios, and individual lot development standards contained herein.

(C) **Maximum Building Footprint.**

(1) A maximum of 60% of any residential lot may be occupied by the building footprint(s).

(2) A maximum of 90% of the lot may be occupied by the building footprint(s) in the neighborhood center or community center.

(D) **Land Use Densities.** Table 155.152-2: Land Use Densities gives a summary of the maximum possible density within the BV District. Within the neighborhood center and neighborhood proper, maximum residential densities do not apply. Actual densities will be controlled by the lot standards in the general lot development standards and by the land use table contained herein.
Table 155.152-2: Land Use Densities

<table>
<thead>
<tr>
<th>BV Lot Types</th>
<th>BV Land Area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>80-125 acres</td>
</tr>
<tr>
<td>Neighborhood Center</td>
<td></td>
</tr>
<tr>
<td>Non-Residential</td>
<td>2.4 FAR²</td>
</tr>
<tr>
<td>Residential</td>
<td>no max³</td>
</tr>
<tr>
<td>Neighborhood Proper</td>
<td></td>
</tr>
<tr>
<td>Non-Residential</td>
<td>1.2 FAR²</td>
</tr>
<tr>
<td>Residential</td>
<td>no max³</td>
</tr>
<tr>
<td>Neighborhood Perimeter</td>
<td></td>
</tr>
<tr>
<td>Non-Residential</td>
<td>no max⁴</td>
</tr>
<tr>
<td>Residential</td>
<td>5 du/ac⁵</td>
</tr>
</tbody>
</table>

Key: FAR = floor area ratio | du/ac = dwelling units per acre

1 FAR and du/ac are calculated by lot or aggregate lots. Aggregate is any number of lots within the same block.

2 Maximum allowable building square footage is calculated by multiplying the FAR by the lot size (in square feet).

3 Maximum residential densities do not apply.

4 Maximum FAR does not apply.

5 Maximum number of dwelling units allowed is calculated by multiplying the maximum du/ac by the site area (in acres).

§ 155.153 GENERAL LOT DEVELOPMENT STANDARDS.

(A) All applications for building permits as required by the County’s building code will be accompanied by a property owners’ association (POA) compliance letter and sealed survey.

(B) Nonresidential, commercial, industrial, and multi-family projects also require a civil construction plan.

(C) The sealed survey must:

1. Be drawn to scale showing the actual dimensions and shape of the lot;
2. Depict exact sizes and locations of structures already existing, if any; and
3. Show the location and dimensions of the proposed structure (or alteration) in relationship to the road right-of-way(s) and property lines.

(D) Prior to the “rough-in” inspection (framing, electrical, plumbing, or mechanical), a sealed foundation survey must be submitted to the York County Building Department confirming the location of the proposed structure(s).
(E) A structure constructed near a road right-of-way and/or property line is subject to additional construction requirements regarding fire ratings and the percentage of openings as listed in Table 600 (Fire Resistance Ratings) of the Standard Building Code.

(F) Unless otherwise specified within the BV standards, civil construction plans must be submitted in accordance with the applicable ordinances and procedures listed in the York County Zoning Code. The York County Zoning Administrator may request that applications be amended to include other information deemed necessary to provide for enforcement or amended to include other information necessary to determine conformity with the York County Code.

(G) General Lot and Building Standards.

(1) The entire land area of a BV will be divided into neighborhood center, proper and perimeter.

(2) All neighborhood designations will be divided into blocks, streets, lots and open space/greenway areas.

(3) Open space and civic uses are considered compatible with all BV land uses.

(4) All lots will share a frontage line with a road that meets county standards.

(5) Within the neighborhood center and neighborhood proper, all lots will have direct access to an uninterrupted sidewalk five feet wide.

(6) Wetlands will be maintained in accordance with federal and state laws.

(7) All buildings, except accessory structures, will have their main entrance opening onto a street, square, courtyard, or park. NOTE: An accessory structure can in no way be affixed or attached to the principal structure.

(8) Stoops, open colonnades, and open porches may encroach into setback areas as indicated in this chapter.

(9) Fences and walls will conform to the accessory buildings/uses standards contained within this chapter, unless otherwise specified in this section.

(10) Building height will be measured as the vertical distance from the highest finished grade at the street frontage, up to the eaves or the highest level of a (flat) roof. Heights of structures and buildings will be as specified in the following lot development standards. Otherwise, heights will not exceed 50 feet, except in the neighborhood center and on employment campus lots where heights shall not exceed 80 feet.

(11) The provisions which provide for lot area and lot frontage reduction do not apply within the BV.
12. Uses pre-existing within a BV District prior to the approval of the site plan will be permitted in the district as nonconforming uses and will be subject to the development standards for nonconforming uses.

13. Development within the BV District will not be subject to the standards specified within the bufferyard requirements of this chapter.

14. The maximum impervious surface ratio on a lot in the BV District is 100%.

15. A grading permit may be issued for development within the BV District prior to the issuance of a zoning compliance.

(H) Detached Home Lot. The detached home lot is designed to control the placement of single-family homes and accessory structures in the BV. (NOTE: An accessory structure can in no way be affixed or attached to the principal structure.) Detached homes are located close to the street, and front porches are encouraged. Permitted uses for detached home lots are residential, limited office and limited lodging.

1. Lot Area. Detached homes will have a minimum lot size as determined by the minimum requirements to meet building code, setback, and tree ordinance requirements.

2. Yard and Building Setbacks.

   (a) Buildings on a detached home lot will be set back from the side lot lines a minimum of one foot (cumulative ten feet minimum for both sides). Stoops, open porches, decks, balconies, stairs, bay windows and awnings are permitted to encroach into setback area four feet. No zero lot line conditions are permitted on corner lots. Setbacks are as follows:

   1. Front: 10 feet minimum;
   2. Side: 1 foot minimum (cumulative 10 feet minimum for both sides);
   3. Rear: 30 feet minimum; 5 feet minimum. Screening in the form of vegetation or fencing, not less than 25% transparent, a minimum of six feet in height and extending along the length of the rear lot line, shall be required when home lot is not adjacent to an alley or public use lot. Mechanical equipment, such as air conditioning units, shall not be located along the rear of the house when home lot is adjacent to an alley or public use lot.

   (b) Front setbacks for accessory structures must be at least 20 feet minimum. Side setbacks for accessory structures will be the same as for the principal building on the site. Rear setbacks for accessory structures will be five feet. NOTE: An accessory structure can in no way be affixed or attached to the principal structure.

3. Lot Width. Minimum lot width requirements shall be determined by building code, fire code, building area requirements, setback, and tree ordinance requirements.
(4) **Off-Street Parking.** Attached, front-loaded garages may be located on the side of the house lot, provided the garage front is recessed from the front main building wall by a minimum of two feet and does not face a public use lot.

(5) **Lot Consolidation.** A maximum of two detached home lots may be consolidated for the purpose of constructing a single residence. Setbacks on a consolidated lot will apply as on a single lot. A maximum of 50% of all detached home lots within a block may be consolidated.

(I) **Attached Home Lot.** Attached home lots are reserved for townhomes, condominiums, or rowhouses. Parking is typically accessed by an alley in the rear of each unit. Each lot will have a minimum 15 feet of street frontage, and dwelling units will be constructed in groups of two to 12. Land designated for attached home lots will contain buildings for which the primary function is residential, but may contain limited office and limited lodging uses. However, 100% of the building area above the ground floor in the principal dwelling will be residential.

(1) **Lot Area.** Attached homes will have a minimum lot size of 1,600 square feet.

(2) **Yard and Building Setbacks.** A five-foot encroachment into a front setback and a ten-foot encroachment into the rear yard area is permitted for building stoops, open porches, decks, balconies, stairs, bay windows and awnings. Side and front setbacks for accessory structures will be the same as for the principal building on the site. Rear setbacks for accessory structures will be five feet. NOTE: An accessory structure can in no way be affixed or attached to the principal structure. Setbacks are as follows:

(a) Front: 5 feet minimum;

(b) Side: 0 feet minimum (5 feet between end structure and side property line);

(c) Rear: 30 feet minimum; 5 feet minimum when adjacent to an alley or public use lot.

(3) **Lot Width.** Lot dimension area is as follows: Width: 15 feet minimum.

(4) **Open Space.** A minimum of 10% of the lot will be retained as private open space.

(5) **Off-Street Parking.** All off-street parking will be to the side or rear of the building except in cases where front-loaded garages or ten-foot landscaped buffers are provided.

(6) **Lot Consolidation.** Consolidation of attached home lots is not allowed.

(J) **Multi-Family Home Lot.** Multi-family lots allow two or more attached, single-family dwelling units to be located on one lot. Multi-family lots are reserved for duplexes, quadraplexes, condominiums, and apartment buildings. Multi-family home lots are to be primarily residential use, with limited commercial (excluding retail sales) and office permitted on ground floors.
(1) **Lot Area.** Multi-family units will have a minimum lot size of 12,000 square feet.

(2) **Yard and Building Setbacks.**

   (a) Setbacks are as follows:
   
   1. Front: 10 feet minimum;
   2. Side: 8 feet minimum;
   3. Rear: 30 feet minimum; 5 feet minimum when adjacent to an alley or public use lot.

   (b) Front porches, stoops, steps, awnings, and balconies may encroach eight feet into the setback area.

(3) **Lot Width.** Lot dimension area is as follows:

   (a) Width: 15 feet minimum;
   (b) Depth: 70 feet minimum.

(4) **Open Space.** A minimum of 10% of the lot will be retained as public or private open space.

(5) **Building Height.** Building height limited to 50 feet, neighborhood center and employment campus lots limited to 80 feet. NOTE: Wall signage cannot be located above the ground floor level.

(6) **Off-Street Parking.** All off-street parking will be in the side and/or rear yard except in cases where front-loaded garages or ten-foot landscaped buffers are provided.

(K) **Retail/Office Building Lot.** Retail office building lots are reserved for retail, office, and residential uses, where residential uses are used in conjunction with retail or office uses and are not located on the first floor. Buildings which are initially purely residential and are subsequently converted to mixed-use buildings shall not be considered retail/office building lots for purposes of this chapter. Structures on these lots provide a variety of uses and will be designed to be flexible and compatible with residential and commercial uses. The retail/office building lot configuration promotes a pedestrian-oriented shopping district with parking at the rear of buildings. These lots compose the neighborhood center and to a much lesser extent the neighborhood proper.

   (1) **Lot Area.** Retail/office building lots will have a minimum lot size of 2,560 square feet.

   (2) **Yard and Building Setbacks.**
(a) Within the neighborhood center, the road centerline may be used to enforce the standards pertaining to percentages of openings in building facades. Setbacks are as follows:

1. Front: 0 feet minimum;
2. Side: 0 feet minimum;
3. Rear: 15 feet minimum.

(b) Overhead balconies, awnings, bay windows and their supports may encroach five feet into the sidewalk.

(3) **Lot Lines.** Retail/office building lots will have their rear lot lines measured from an alley with a 20-foot area clear of obstructions. This standard will not apply where an interior block service and parking are serving as a common area for two or more buildings or where a driveway provides access to the rear of the lot for parking and service.

(4) **Building Height.** Maximum building height at the eaves line will be 50 feet. Neighborhood center and employment campus lots limited to 80 feet. NOTE: Wall signage cannot be located above the ground floor level.

(5) **Accessory Structures.** Accessory structures are permitted if used to reduce visibility of parking lots and other service areas from public view. Specifically, car parking facilities are allowed.

(L) **Employment Campus Lot.** The employment campus lot standards provide for business office use within a site designed around a “campus environment.” Any retail/commercial use proposed for an employment campus lot must be listed and approved as part of the rezoning process. Retail/commercial uses are intended to occupy the ground floor of a business office building, with the exception of hotel uses. The consolidation of lots is encouraged to form a single development. Employment campus lots are to be located on the perimeter of the BV and may be grouped to accommodate single large scale uses. It is intended that the employment campus lots are to be directly linked to the neighborhood sectors of the BV, creating a multi-center form within the BV model. Employment campus lots will be located within a geographic area of the BV without intrusive uses. The location of employment campus lots shall be considered the same as the location of the majority of the employment campus of which the lot is associated. For example, should the majority of the employment campus be located greater than 1/4-mile from the neighborhood center, then all employment campus lots associated with the employment campus shall be considered as being greater than 1/4-mile from the neighborhood center.

(1) **Lot Area.** Employment campus lots located greater than mile from the neighborhood center will have a minimum development size of five acres.

(2) **Yard and Building Setbacks.**

(a) Minimum setbacks:
1. Front (Main entrance): 40 feet;
2. Side: 20 feet;
3. Rear: 20 feet.

(b) Employment campus lots located of a mile or less from the neighborhood center will have a minimum lot frontage of 50 feet.

(3) **Lot Width and Building Footprint.** Employment campus lots located of a mile or less from the neighborhood center will have lot configurations that adhere to block standards set forth within the parking and loading standards contained herein.

(4) **Buffer.** When designating employment campus lots within the neighborhood perimeter, housing densities should be concentrated around the ECL’s lot line. Along the ECL lot line where residential lots are platted, the ECL will provide a minimum 100-foot buffer. At a minimum, the first 30 feet of the 100-foot buffer will meet with the planting requirements of landscaping and bufferyards adjacent to a residential district contained herein.

(5) **Building Height.** The maximum building height will not exceed 50 feet. Neighborhood center and employment campus lots limited to 80 feet. NOTE: Wall signage cannot be located above the ground floor level.

(M) **Workshop Building Lot.** Workshop building lots are reserved for light industrial and service- oriented businesses within the BV. The following uses may be permitted on workshop building lots: office, retail, light industry, light assembly, commercial, gas stations and second story residential. Workshop lots containing office and commercial uses may be grouped with retail/office building lots to form community centers. Within the neighborhood proper, all workshop lots will be grouped together in one geographic area with no intrusive uses.

(1) **Yard and Building Setbacks.**

(a) Within the neighborhood center, buildings on workshop lots will have a zero-foot minimum setback from the frontage line and setbacks at street intersections will not be more than five feet from the frontage line and side street line. Within the neighborhood proper, building setbacks are as follows:

1. Front (Main entrance): 40 feet;
2. Side yard: 20 feet;
3. Rear yard: 20 feet.

(b) A workshop building lot will have its rear lot line measured from an alley, except where the lot line adjoins a greenway.
(2) Building Height. Buildings on workshop lots will not exceed 50 feet in height. Neighborhood center and employment campus lots limited to 80 feet. Wall signage cannot be located above the ground floor level.

(3) Lot Consolidation. Not allowed.

(N) Community Center. A community center is optional within the BV. The community center provides for larger scale commercial retail/office uses. The community center will meet all requirements of the retail/office building lot as modified below and all other requirements of the BV, including requirements for parking lots (off-street parking) as contained herein. For a development plan to qualify as a community center, the proposed location must meet the following requirements:

   (1) A community center will only be located where major collectors or higher classification streets within the neighborhood center intersect;

   (2) There will be no more than one community center in a BV;

   (3) The community center square will be a minimum of one acre; and

   (4) There will be direct street connection between the mandatory square and the community center.

(O) Civic Lot. Land which is designated for civic purposes will contain buildings that are open to the public and are in the common interest of the community, such as: libraries, post offices and police stations, and provide necessary daily services that should be within walking distance of residential areas. These buildings are traditionally located to serve as corner stones of a community. Land allocated for civic lots will contain the following uses: police stations, libraries, day cares, fire stations, meeting halls, recreational facilities, government buildings, museums, schools, performing arts centers, religious buildings, pump stations, utility receiver stations, satellite dishes, or any other cultural, civic, or social uses.

   (1) Civic lots will have a minimum lot size of 4,000 square feet.

      (a) Setbacks are as follows:

         1. Front: 10 feet minimum;

         2. Side: 8 feet minimum;

         3. Rear: 30 feet minimum.

      (b) Stoops, open porches, decks, balconies, stairs, bay windows and awnings are permitted to encroach into the setback area four feet.

   (2) Civic lots may utilize on-street parking as part of the parking requirements, provided the on-street parking is located within 300 feet of the civic lots. All off-street parking
will be located in the rear and/or side yard. Access may be through the frontage. Parking lots will conform to the off-street parking requirements contained herein.

(3) Accessory structures are allowed on civic lots, subject to the following terms, conditions, and regulations:

(a) An accessory structure can in no way be affixed or attached to the principal structure;

(b) The size of the accessory structure must not exceed 10% of the total building footprint of the principal structure;

(c) The structure must be constructed with building materials consistent with the principal structure;

(d) The structure must be designed in a manner consistent in architectural style and theme with the principal structure;

(e) The structure must meet minimum setbacks for civic lot uses as described in § 155.153(O)(1)(a), above; and

(f) The structure must not exceed the height of the principal structure.

(P) Public Use Lot. Public use lots are reserved for open space throughout the BV and will not be occupied by buildings, parking lots, private residential yards, easements, setbacks, and streets except as recreational support facilities. Land designated for public use lots will be in the form of squares, courtyards, neighborhood parks, and greenways. Public use lots must demonstrate an accessible relationship to all areas of the BV and will contain open space structured to preserve existing quality woodlands and other unique features of the BV and to provide open space in areas which are developed for residential, commercial, corporate, and other land uses. They may be improved and cleared of underbrush (unless otherwise specified) so that it is accessible. A minimum of 5% of the gross land area of the BV will be permanently allocated to tracts containing neighborhood parks and squares. Fifty percent of the gross land area can be allocated from nonutility and non-infrastructure civic uses. Public use lots will not be formed from residual areas.

(1) Each neighborhood will contain at least one square or park. No single square or park can be more than 50% of the public use area required for the BV. The remaining public use lots will be distributed so that no portion of the BV is further than 1,200 feet from a public use lot, excluding streets and alleys.

(2) Neighborhoods along waterfronts will provide park and square requirements along the waterfront. Streams, creeks, wetlands, and other natural corridors located within the village will be preserved as greenways with a minimum width of 100 feet. Bodies of water may be used in calculating open space requirements.
(3) Private or public golf courses may account for no more than 50% of open space requirements. Large scale recreational uses such as golf courses and ball fields may be located on the perimeter of the BV within the greenway.

(4) There are no parking requirements for public use lots.

§ 155.154 TYPES OF PUBLIC USE LOTS.

(A) **Square.** A square is an open space area surrounded by streets on a minimum of 75% of its perimeter. The square provides formal public open space in an urban location and will serve as a place for formal and informal public gatherings. Each neighborhood will contain at least one square or park. No single square or park can be more than 50% of the public use area required for the BV. A mandatory square will be located within the neighborhood center.

   (1) Squares should be located at the terminus of public streets and major vistas. The actual geometry may deviate from a square to conform to the specific geometry created by adjoining roads and lots.

   (2) A square must have a minimum size of one acre.

(B) **Courtyard.** A courtyard is a decoratively paved open space located in conjunction with civic, retail/commercial, workshop or employment campus lots. Courtyards serve as a gathering place and will be bordered by a street on at least 25% of its perimeter. It is a location for a variety of nonpermanent activities, such as markets, street vendors, parking, community festivals, and the like. Courtyards will be relatively flat or stepped with a maximum slope of 3%. A courtyard must have a minimum size of 2,000 square feet.

(C) **Neighborhood Parks.** Neighborhood parks are areas for active and passive recreation within walking distance of residential areas. They are surrounded by public streets on a minimum of 25% of their perimeter. Neighborhood parks may be provided in combination with other civic uses such as schools or libraries and may be integrated with the greenway. Each neighborhood will contain at least one square or park. No single square or park can be more than 50% of the public use area required for the BV. A neighborhood park must have a minimum size of 1 acre, but will not exceed 40 acres.

(D) **Greenway.** A greenway is an area of open space interspersed throughout the BV and along the perimeter of a BV. The greenway buffers noncompatible uses from the neighborhood such as industrial districts, highways, noxious agricultural uses and other noncompatible land uses. Nonresidential uses other than commercial uses existing within the perimeter buffer prior to the approval of the concept plan will be considered nonconforming and subject to all applicable nonconforming use requirements contained herein.

   (1) The greenway will be a minimum of 100 feet in width and will buffer the BV perimeter. The minimum width along a state or US highway is 100 feet; along an interstate, the minimum greenway width is 150 feet. The perimeter buffer width may be reduced to 50 feet when adjacent to civic uses or churches located outside of the BV.
(2) The following uses will not be located within the wooded portions (areas with vegetation exceeding six inches DBH) of the perimeter buffer and along road rights-of-way:

(a) Golf course buildings and accessory structures (golf course tee boxes, greens, fairways, cart paths, and accessory hole markers will be allowed to encroach 50 feet);

(b) Civic buildings/uses;

(c) Athletic fields;

(d) Community agricultural plots;

(e) Hiking, biking and equestrian paths may be located within the greenway areas, including the perimeter buffer and along road rights-of-way.

(3) Existing open spaces and/or greenways may be allocated toward the required BV 50% open space requirement provided:

(a) A direct relationship exists between the existing open space/greenway area and the proposed BV (existing open space/greenway must be adjacent to the BV);

(b) A direct non-vehicular access must be provided from the BV to the existing open space/greenway via pedestrian underpasses, overwalks or street crosswalks where street crosswalks are located at signalized intersections and connect to a vehicular drop-off area;

(c) The allocation of areas from an existing open space/greenway does not exceed 50% of the required open space/greenway for the BV.

(E) Civic Use Lots. Civic use lots may be utilized as a public use lot and accommodate those structures typically associated with infrastructure or utility requirements which are for the service of the BV community.

§ 155.155 OWNERSHIP AND MAINTENANCE OF PUBLIC USE LOTS, GREENWAYS, AND CIVIC USE BUILDINGS.

(A) Land designated as such may not be separately sold, subdivided, or developed. These areas will be maintained so that their use and enjoyment as open space are not diminished or destroyed. Buildings designated for civic uses may not be sold or used for purposes other than those identified for civic uses under the street development standards of this chapter, unless a comparable replacement building is provided. Should a building be only partially designated for a civic use, then only that portion of the building will be subject to these requirements. Open space areas and civic buildings may be owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof:

(1) Dedication of and acceptance by the governing authority;
(2) Common ownership by a property owner’s association (POA) which assumes full responsibility for its maintenance;

(3) Deed restricted, private ownership which will prevent development and/or subsequent subdivision of the open space land or use of civic buildings for other than uses permitted under the street development standards of this chapter and provide the maintenance responsibility of the open space of civic building.

(B) In the event that any private owner of open space fails to maintain the same, the county may, in accordance with the open space plan and following reasonable notice, demand that deficiency of maintenance be corrected and enter the open space to maintain the same. The cost of the maintenance will be charged to those persons having the primary responsibility for maintenance of the open space.

§ 155.156 STREET DEVELOPMENT STANDARDS.

(A) Streets serve as the main public space of any town and are the primary vantage points from which a town is observed. Streets will be designed as a public space containing sidewalks, trees, lighting, and signs. Design of streets should provide both the movement of traffic and intermodal opportunities within the BV. Street networks should be designed to be a series of interconnected streets to allow traffic to filter through a variety of routes rather than concentrating all traffic from a neighborhood onto a single major collector road. The primary objective of the street network is to facilitate the movement of traffic at a slower speed and to encourage pedestrian activity. Slower speeds are encouraged by use of on-street parking, narrower streets, smaller curb radii and placing buildings closer to the streets.

(B) All streets, alleys and pedestrian pathways will connect to other streets within the neighborhood and connect to existing and projected through streets outside the development. Where practical, a continuous network of alleys to the rear of lots within the BV will be provided. Alleys will terminate at the intersection of another street or at the rear of a private or public lot.

(C) Street designs will accommodate the use of the streets by cars, bicyclists and pedestrians. Pavement widths, design speeds and the number of vehicle lanes should be minimized without compromising safety. The specific design of any given street must consider the building types which front on the street and the relationship of the street to the BV street network.

§ 155.157 STREET STANDARDS.

(A) All streets will meet the requirements of the York County Land Development Code, set forth in Chapter 154, unless otherwise stated in this Section. All streets that are owned and maintained by the SCDOT will follow all SCDOT standards.

(B) Intersections.
(1) The minimum street intersection angle will be 80 degrees. Street right-of-way lines may approach a street intersection at any angle up to 90 degrees instead of adhering to a curved line design parallel to the curb radius. When the intersection angle approaching 90 degrees is used instead of a radius, the right-of-way line will not be closer than six feet to the back of the curb at any point.

(2) Where a centerline offset occurs at any intersection, the distance between centerlines of the two intersecting streets will not be less than 100 feet. Intersections with a major collector or higher road classification will be at least 200 feet apart, measured from centerline to centerline, except alleys (see BV Design Standards Manual, Figure 15).

(3) A sight triangle will be designed in accordance with the LDC.

(4) Any street that ends in a close (see BV Design Standards Manual, Figure 14), will not exceed 800 feet in length from the nearest intersection (measured from the nearest intersection to the beginning of the close).

(C) **Blocks.** The perimeter of all blocks within the neighborhood center and neighborhood proper of the BV will not exceed 2,500 feet. No block side will have more than 1,000 feet of street frontage. The Zoning Administrator may waive the block design standard in cases where pedestrian street traffic is minimal and/or topographic situations warrant the design changes.

(D) **Horizontal and Vertical Alignment.**

(1) All streets will be designed according to the road classification as defined in the definition section herein and the street standards (see BV Design Standards Manual, Figures 1 through 14).

(2) All private and public lots will be accessible by a public or private street built in accordance with York County standards.

(3) Grades on a major collector street type will not exceed 8%. Grades on all other streets within the BV will not exceed 12%.

(4) Tangents are not required between reverse curves unless the roadway is superelevated. If superelevated, a minimum 200-foot tangent is required.

(E) **Pavement Sections.** Major, minor collectors and local streets will be constructed according to the York County Subdivision Ordinance, set forth in Chapter 154, and the street standards (see BV Design Standards Manual, Figures 1 through 14) contained herein. All streets utilizing on-street parking must maintain a minimum 20-foot unobstructed travel lane width.

(F) **Street Markers.**

(1) All street markers will be installed by the developer prior to final plat approval.
(2) All street markers will conform to the York County sign requirements. Decorative poles and accessories are acceptable when used with a standard York County reflective road sign and will be maintained by the POA.

(G) **Speed Limits.** All streets with a design speed of less than 35 mph will be posted in accordance with the Manual on Uniform Traffic Control Devices.

(H) **Curbs.**

(1) Curb and gutter is required as shown in the streets standards (see BV Design Standards Manual, Figures 1 through 14) and along all streets with marked parking.

(2) Standard 24-inch curb and gutter will be constructed in accordance with the Land Development Code set forth in Chapter 154.

(3) Standard 18-inch curb and gutter will be constructed (in accordance with BV Design Standards Manual, Figure 6) using materials approved by York County.

(4) Pavement width does not include curb and gutter.

(5) Streets without curb and gutter will be constructed as per the York County Land Development Code.

(6) The paved width section for an alley may be reduced to 14 feet when a one-foot wide ribbon curb is added to both sides, keeping the total alley width at 16 feet.

(I) **Sidewalks.** Sidewalks are required on both sides of the street on major and minor collectors and on at least one side of all local streets. Sidewalks will be provided on the same side of and parallel to all on-street parking.

(J) **Bike Lanes.**

(1) A bike lane is a four-foot wide lane dedicated for the use of bicycles. A bike lane will be a minimum of four feet wide and will be measured from the edge of a vehicular travel lane to the beginning of the shoulder or gutter line. The shoulder or gutter will not be used in calculating the four-foot dimension. Bike lanes will be striped and marked according to AASHTO Standards.

(2) Bike lanes may be incorporated into the design of any street type.

(K) **Traffic Calming.** The use of traffic calming devices such as mid-block chokers or chicanes, neck downs, speed humps, raised crosswalks and intersections with four way stop signs will be implemented at least once every 750 feet on all streets classified as minor collectors within the BV that have a total length of 1,200 feet or more (see BV Design Standards Manual, Figure 6).
Table 155.157-3: Street Locations Within the BV by Lot Type

<table>
<thead>
<tr>
<th>Lot Type</th>
<th>Detached Home Lot</th>
<th>Attached Home Lot</th>
<th>Civic Lot</th>
<th>Retail/Office Lot</th>
<th>Employment Campus Lot</th>
<th>Workshop Lot</th>
<th>Public Use Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Collector</td>
<td>Yes¹</td>
<td>Yes¹</td>
<td>Yes</td>
<td>Yes¹</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Minor Collector w/curb and gutter</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Minor Collector w/out curb and gutter</td>
<td>Yes (min. ½ acre)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Local</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Local Forecourt and Close</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Secondary Access Drive</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

¹ Access to lot must be by rear, secondary access drive or one of the road types above.

§ 155.158  ENCROACHMENT Permitting (Excluding Utilities).

(A) Encroachment into a publicly maintained right-of-way for items including, but not limited to, street trees, street lights, decorative poles or signs must first be reviewed and approved by the appropriate governing body such as the SCDOT or York County.

(B) Request for nonutility encroachment into a right-of-way that is dedicated or is to be dedicated to York County must first complete an application for encroachment permit and submitted to the York County Planning and Development Services Department for review prior to construction.

(C) Encroachment items must meet all requirements shown in the York County BV Design Standards Manual, encroachment permit and safety regulations, and must not damage the structural integrity of the road or roads.

(D) Once improvements are completed, an inspection of the improvements will be conducted by York County. Any deficiencies or inconsistencies with requirements outlined within this chapter or the applicable encroachment permit will be noted in writing. The permit applicant will have 30 days to correct these items before York County issues a noncompliance. A noncompliance will result in denial of future permits until problems are corrected.

(E) Final approval of the encroachment permit will be given in writing. All items placed within York County rights-of-way will be the permanent responsibility of the encroachment applicant or their designee and will not be maintained by York County. Failure to properly
maintain any item may result in repair by York County, in which the encroachment permit applicant would either be billed for all work required or total removal of the item and billing of the applicant.

§ 155.159 PARKING AND LOADING STANDARDS.

(A) Parking and loading areas will conform to the following sections of this Chapter:

1. Accessible parking spaces;
2. Parking storage and use of certain vehicles;
3. Design standards (except parallel parking which is permitted in the BV);
4. Off-street loading requirements.

(B) Where parking requirements for a BV District conflict with other sections of this Chapter, the section applicable to the BV will apply.

1. **On-Street Parking.** On-street parking may result in a 50% reduction in the off-street parking requirements for individual parcels, provided:

   a. A key map allocating the provided on-street parking to the lot/parcel number utilizing the off-street parking reduction. The overlapping of the same on-street parking space(s) for multiple parcels is prohibited;

   b. The on-street parking is located within 300 feet of an entrance for a multi-family parcel, within 600 feet of an entrance for a commercial/industrial parcel located outside of the neighborhood center and within 1,200 feet of an entrance for a commercial/industrial parcel inside the neighborhood center;

   c. Parallel parking stalls will be a minimum of 7 feet by 20 feet, (one inch of gutter and six feet of pavement);

   d. Diagonal parking with a 60-degree angle has an 11-foot through lane.

2. **Off-Street Parking.**

   a. Parking lots and parking garages will:

      1. Not abut street intersections of civic use lots;
      2. Not be adjacent to squares or parks (unless the parking lot is expressly for a recreational facility);
      3. Have commercial, office, residential or retail uses at street level.
(b) All parking lots will be landscaped in accordance with the major road requirements within this chapter. See POA responsibilities contained herein for additional landscaping requirements for parking lots within a BV.

(c) Corner lots with frontage on arterial or major collectors will have access only from the lower classified street.

(d) Properties with a single frontage on a street with no alley access within 200 feet will be limited to a maximum of one ingress and one egress lane 12 feet wide, separated by a minimum of 20 feet or one two-lane, vehicular entry 24 feet wide.

(e) Adjacent parking lots will have vehicular connections.

(3) **Joint Use Parking.** Joint use parking is encouraged and feasibility should be demonstrated by the developer. The Zoning Administrator shall, based upon the circumstances associated with and operation of the businesses requesting joint use parking, approve or deny the request. Written approvals specifying the joint use reduction in required off-street parking will be provided to the developer during the site plan review process.

§ 155.160 UTILITIES.

(A) The diagrams in the BV Design Standards Manual, Figures 1 through 5, depict examples of water and sewer placements within or adjacent to street rights-of-way in BV Districts. The figures, and the following notes, are provided as minimum requirements and guidance for the utility design engineer. This information in no way absolves the engineer from conformance with all applicable local, state, and federal regulations governing the design of public water and sewer systems. All plans will be subject to review and approval by the York County Planning and Development Services Department. Apart from the specific applications to BV design noted herein, all other aspects of the water and sewer design will conform to York County standards.

(B) **Easements.** Where water and sewer mains are located outside the public right-of-way, an easement will be created in favor of the County in accordance with the standard utility easement agreement in effect by York County.

(C) **Water Main Replacement.** All water mains will have a minimum bury of three feet, unless a reduction in cover is approved by the County Engineer and ductile iron pipe is provided. All mains will have a minimum eight-foot horizontal separation from trees. Where mains are located within the paved street, they will be a minimum of three feet from the face of the curb, will be located out of the travel lane wherever on-street parking is provided and will have a minimum of a 10-foot horizontal separation from sanitary sewer lines, unless a reduction is approved by the County Engineer and SCDHEC. All valves within the paved street will be accessible, will not be located within parking zones, will be located in alignment with the curb return radius at intersections where possible, and will be a minimum of eight feet from any tree (see BV Design Standards Manual, Figures 1 through 5 for details).
(D) **Sewer Replacement.** Sanitary sewer lines will be within the paved street section to the maximum extent possible, while maintaining a ten-foot horizontal separation from water mains. Sanitary sewer manholes will be no closer than three feet to the curb and gutter, and under no circumstances will the ring and cover be placed in the gutter (seeBV Design Standards Manual, Figures 1 through 5 for details).

(E) **Fire Hydrants.** The final placement of all fire hydrants will be subject to approval by the County Engineer and Fire Marshal. In general, all residential homes will have a fire hydrant within 500 lineal feet from the farthest corner of the house based on actual laying length along the access to the house. Single story multi-family units will meet this same standard. Multiple story units and retail commercial buildings will have a fire hydrant within 200 lineal feet of the farthest corner of the building based on actual laying length. Hydrants will be accessible and will not be located behind on-street parking. Where required in cases of on-street parking, protected islands will be provided to allow access to hydrants. All placements will be approved by the County Engineer and Fire Marshal.

§ 155.161 **TREE REQUIREMENTS FOR RESIDENTIAL LOTS.**

(A) All residential lots require the presence of trees in order to provide shade, erosion control, and a pleasant pedestrian experience.

(B) The following provisions require a minimum number of existing trees to be retained or new trees to be planted by residential lot size and type:

1. **Attached Home Lot.** Attached home lots are required to have one small maturing tree (1-inch cal. DBH) located in the front yard. Attached home lots are also required to have one large canopy tree (3-inch cal. DBH) per two attached home lots in the rear yard.

2. **Detached Home Lot.**
   
   (a) Detached home lots less than 65 feet in width are required to have one small maturing tree (1-inch cal. DBH) and one large maturing tree (3-inch cal. DBH) located in the front yard.

   (b) Detached home lots greater than or equal to 65 feet in width and less than 90 feet in width are required to have one small maturing tree (1-inch cal. DBH) and one large maturing tree (3-inch cal. DBH) located in the front yard. Detached home lots greater than or equal to 65 feet in width and less than 90 feet in width are also required to have one large maturing tree (3-inch cal. DBH) located in the rear yard.

   (c) Detached home lots greater than or equal to 90 feet in width are required to have one small maturing tree (1-inch cal. DBH) and one medium maturing tree (2-inch cal. DBH) and one large maturing tree (3-inch cal. DBH) located in the front yard. Detached home lots greater than or equal to 90 feet in width are also required to have one large maturing tree (3-inch cal. DBH) and one small maturing tree (1-inch cal. DBH) located in the rear yard.
§ 155.162 RESERVED.
§ 155.163 RESERVED.
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§ 155.167 RESERVED.
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§ 155.169 RESERVED.
§ 155.170 PURPOSE.

(A) The purpose of the Airport Overlay District is to regulate and restrict the height of structures, objects, or natural growth, regulate the locations of noise sensitive uses, and otherwise regulate the use of property in the vicinity of the Rock Hill-York County Airport/Bryant Field Airport (UZA) by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; providing for enforcement; and establishing penalties.

(B) The Airport Overlay (AO) District is established to protect the dual interests of the Rock Hill-York County Airport/Bryant Field and neighboring land uses, and to:

   (1) Protect and promote the general health, safety, and welfare of the airport environ;

   (2) Prevent the impairment of the airport while promoting its utility and safety;

   (3) Promote land use compatibility between the airport and surrounding development;

   (4) Protect the character and stability of existing land uses in the vicinity of the airport;

   (5) Enhance environmental conditions in areas affected by airport operations;

   (6) Strive for development consistency with the Rock Hill/York County Airport (Bryant Field) Airport master plan; and

   (7) Promote land use compatibility between the airport and surrounding development in compliance with specific state and federal assurances required for acceptance of past and future airport improvement program grants.

§ 155.171 APPLICABILITY.

(A) Nothing herein shall require any change in any lawfully constructed building, structure, or use in existence at the time of adoption or amendment of the ordinance codified herein for its current lawful use.

(B) The provisions of this Subpart apply to the following types of development in the A-O District:

   (1) Moving or Relocation of Building or Structure. The moving or relocation of any building or structure to a new site or new location;
(2) **Change of Use.** Any change in use;

(3) **Building or Structure.** The development of a new building or principal structure;

(4) **Multi-Zoned Parcels.** For the purposes of this Subpart, a parcel may be located in one or more airport land use protection zones. In these cases, the property shall be subject to the restrictions of each applicable zone.

(5) **Partial Zoned Parcels.** In cases where only a portion of a parcel lies within the boundaries of the airport land use protection zone(s), all new construction located within the boundaries of airport land use protection zone must comply with all restrictions of that applicable zone(s). Densities in these areas may not exceed maximum densities prescribed within this subchapter and may not be averaged throughout the entirety of the parcel (to include areas within the same parcel, but outside of the airport land use protection zone) to achieve the maximum allowed densities.

§ 155.172 Definitions.

For the purpose of this Subpart, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Other definitions are located in Subchapter J: Definitions and Acronyms.

**AIRPORT.** Rock Hill-York County Airport/Bryant Field.

**AIRPORT ELEVATION.** Six hundred and sixty-seven (667) feet above mean sea level.

**AIRPORT MASTER PLAN.** The appropriate documents and drawings concerning the development of a specific airport from a physical, economic, social, and political jurisdictional perspective.

**AIRPORT OVERLAY DISTRICT ZONES.** The approach, transitional, horizontal, conical, and airport land use protection zones. These zones are as set forth in § 155.173: Airport Overlay District Zones.

**APPROACH SURFACE.** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this subchapter.

**CONICAL SURFACE.** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

**HAZARD TO AIR NAVIGATION.** An obstruction determined to have an adverse effect on the safe and efficient utilization of the navigable airspace.

**HEIGHT.** For the purpose of determining the height limits in all zones set forth in this chapter and shown on the height and hazard protection map, the datum shall be mean sea level elevation unless otherwise specified.
**HORIZONTAL SURFACE.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.

**NOISE CONTOUR STUDY.** A mapping analysis that depicts the 20-year anticipated future noise contours for the airport environs prepared for the Rock Hill-York County Airport/Bryant Field in August 2007, or as periodically revised upon airport master plan updates.

**OBSTRUCTION.** Any structure, growth or other object, including a mobile home, which exceeds a limiting height set forth in this subchapter.

**PRIMARY SURFACE.** A surface longitudinally centered on the runway and extending 200 feet beyond each end of the runway. The width of the PRIMARY SURFACE is 1,000 feet. The elevation of any point on the PRIMARY SURFACE is the same as the elevation of the nearest point on the runway centerline.

**TRANSITIONAL SURFACES.** The planes extending outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. TRANSITIONAL SURFACES for those portions of the approach surfaces which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

**TREE.** Any object of natural vegetation.

**§ 155.173 AIRPORT OVERLAY DISTRICT ZONES.**

(A) In order to carry out the provisions of this Subpart, there are hereby created and established within the county certain zones that include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, conical surfaces, and the airport land use protection zones as they apply to the Rock Hill-York County Airport/Bryant Field Airport. The various zones are hereby established and defined as follows:

1. **Runway Approach Zones.** The inner edge of these approach zones coincides with the width of the primary surface and is 1,000 feet wide. The approach zones expand outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of runway.

2. **Transitional Zones.** The transitional zones are the areas beneath the transitional surfaces.

3. **Horizontal Zone.** The horizontal zone is established by swinging arcs of 10,000 feet from the center of each end of the primary surface of the runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
(4) **Conical Zone.** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

(5) **Airport Land Use Protection Zones.**

(a) Airport use zone is defined as those areas located within the projected 65 dBA Ldn noise contour.

(b) Airport compatibility zone is defined as the area within one-half mile of the airport runway.

(c) Airport influence zone is defined as the area within the projected 55 dBA Ldn noise contour.

(B) These zones constitute the Airport Overlay District, which is comprised of zones that impose additional requirements, limitations, and prohibitions upon the underlying zoning district(s) whose geographic boundaries do not coincide with the boundaries of the overlay district. The Airport Overlay District is designated on the official zoning map. A parcel located in more than one of the zones specified in § 155.173(A)(1) through (A)(4), above, is only considered to be in the zone with the more restrictive height limitation.

(C) These zones are depicted in Figure 155.173-1: *Airport Height and Hazard Zone Map* and Figure 155.173-2: *Airport Land Use Protection Zone Map.*
Figure 155.173-1: Airport Height and Hazard Zone Map
Figure 155.173-2: Airport Land Use Protection Zone Map
§ 155.174 DEVELOPMENT STANDARDS.

(A) Height Limitations Established. Except as otherwise provided in this Subpart, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Subpart to a height in excess of the applicable height established in this Subpart for the zone. Such applicable height limitations are hereby established for each of the zones as follows:

1. Runway Approach Zones. Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes outward 40 feet horizontally for each foot upward to an additional horizontal distance of 40,000 feet along the extended runway centerline.

2. Transitional Zones. Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the runway approach zones project beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

3. Horizontal Zone. Established at 150 feet above the airport elevation.

4. Conical Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(B) Use Restrictions. In the A-O, allowed uses are determined by the underlying or base zoning district. However, the provisions of this Subpart are intended to augment and modify the use and development standards of the base zoning district.

1. Notwithstanding any other provisions of this Chapter, no use may be made of land or water within any zone established by this Subpart in such a manner as to:
   (a) Create electrical interference with navigational signals or radio communication between the airport and aircraft;
   (b) Diminish the ability of pilots to distinguish between airport lights and other lights;
   (c) Result in glare in the eyes of pilots using the airport;
   (d) Impair visibility in the vicinity of the airport; or
(e) Create bird strike hazards or other wildlife hazards; or

(f) Otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

(2) **Prohibited Uses in All Airport Land Use Protection Zones.** Within all the airport land use protection zones, the following uses are prohibited:

(a) Radio and television broadcasting studios;

(b) Wireless communication towers, except as authorized by the Federal Aviation Administration;

(c) Above-ground storage of explosive, hazardous, flammable, or combustible materials, and related facilities or operations that could pose a threat to the welfare of the public in the event of an aircraft crash or other mishap;

(d) Petroleum refining and other related uses that may be susceptible to explosion or fire;

(e) Landfills and incinerators;

(f) Outdoor storage of certain goods and materials including, but not limited to, oxides, coal, ores, minerals, produce, furniture, building supplies, paper and frame products, salvage or junkyards; and

(g) Wildlife sanctuaries, refuges, and other uses that may attract birds or other wildlife.

(3) **Prohibited Uses in the Airport Use Zone.** Within the airport use zone, all non-airport related uses are prohibited; however, customary accessory uses within the airport confines are permitted.

(4) **Prohibited Uses in the Airport Compatibility Zone.** Within the airport compatibility zone, the following uses are prohibited:

(a) Single-family detached dwelling units with a gross density greater than two units per acre;

(b) Single-family attached dwelling units;

(c) Multi-family residential development;

(d) Group homes and transitional housing or other similar uses;

(e) Daycare (adult or child) and child care;

(f) Schools (public or private);
(g) Health care facilities (e.g., medical office, hospitals, clinics, institutional care, nursing homes, assisted living centers) or other similar uses;

(h) Indoor/outdoor recreation;

(i) Movie theaters, stadiums, amphitheaters, concert venues;

(j) Conference, community, youth, and senior centers;

(k) Outdoor shooting ranges;

(l) Flea markets;

(m) Lodges and clubs;

(n) Museums;

(o) Campgrounds;

(p) Churches and religious institutions; and

(q) Libraries.

(C) **Maximum Interior Noise Level.**

(1) Within the airport influence zone, new residential dwellings and buildings where the public will be received shall be structurally designed and constructed to temper and minimize the impact on noise sensitive uses by achieving a maximum interior Day Night Average Sound Level (DNL) of 45 decibels (dBA).

(2) All other permitted uses and structures not specified above are exempt from this Paragraph.

(3) Noise level reduction can be achieved through incorporation, into the design and construction of all proposed uses, of appropriate sound insulation materials and methods for improving acoustic insulation performance.

(4) A qualified professional shall certify that the design standards, construction standards, and/or materials used to construct the structure will limit the maximum interior noise level to 45 dBA or less prior to the issuance of a building permit.

(D) **Electronic Signal Regulations.** Any electronic impulse or signal that interferes with radio communications between aircraft and the airport, or that interferes with established navigation aids, is prohibited in the airport land use protection zones.

(E) **Lighting Regulations.** The following lighting is prohibited within any airport land use protection zone:
(1) Any moving, pulsating, flashing, rotating, or oscillating lights, other than navigational markings or lights marking potential obstructions in accordance with Federal Aviation Administration requirements;

(2) Flood lights, spot lights, or other lighting devices that are not shielded so as to prevent illumination in an upward direction;

(3) Any lights that interfere with a pilot's ability to identify airport directional, guide, or runway lights; and

(4) Any lights that result in glare or interference to the vision of pilots utilizing the airport; or that impair visibility in the vicinity of the airport; or that otherwise or in any way endanger or interfere with the landing, takeoff, or maneuvering of an aircraft intending to use the airport.

§ 155.175 PROPERTY DISCLOSURES REQUIRED.

(A) All subdivision plats, civil construction plans, planned unit development plats, townhouse plats, and condominium documents involving property within an airport land use protection zone shall contain an airport land use protection zone disclosure statement.

(B) All sales contracts involving a non-residential property located within an airport land use protection zone shall include an airport land use protection zone non-residential property disclosure form, which shall be signed by the buyer(s), seller(s), and witness(es) as part of the sales contract. This form shall be filed with the deed and/or plat at the York County Clerk of Court's Office upon real estate closing.

(C) Standard disclosure forms are available from the Planning and Development Services Department.

§ 155.176 OBSTRUCTION MARKING AND LIGHTING.

Any permit or variance granted may be conditioned so as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary, if such action is deemed advisable to effectuate the purpose of this Subpart and be reasonable under the circumstances.

§ 155.177 PERMITS REQUIRED; EXCEPTIONS.

(A) Permit Required.

(1) Except as specifically provided in this Section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created by this Subpart unless a permit therefore shall have been applied for and granted.
(2) Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to provide for a determination whether the resulting use, structure, or tree would conform to the regulations prescribed in this Subpart. If such determination is in the affirmative, the permit shall be granted.

(3) No permit for a use inconsistent with the provisions of this Subpart shall be granted unless a variance has been approved in accordance with Subchapter E: Procedures.

(B) Exceptions.

(1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground.

(2) In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground.

(3) In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground.

(4) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this Chapter. However, any construction or alteration above that height must be reported to the Rock Hill-York County Airport Commission if it exceeds the height of an imaginary surface extending outward and upward at a slope of 100:1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway or if it is within (under) the approach zones. Any construction or alteration of a highway, railroad, or other traverse way for mobile objects which, if adjusted upward 17 feet for primary highways, otherwise 15 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater; or 23 feet for a railroad; and for a waterway or any other traverse not previously mentioned an amount equal to the height of the highest mobile object that would normally traverse it, if it would exceed the height of the imaginary surface set forth above, must likewise be reported.

§ 155.178 RESERVED.

§ 155.179 RESERVED.

§ 155.180 RESERVED.

§ 155.181 RESERVED.

§ 155.182 RESERVED.
§ 155.183 RESERVED.

§ 155.184 RESERVED.
SUBPART 4.2: HS-O (HISTORIC SITES OVERLAY)

§ 155.185 PURPOSE.

The regulations in this Subpart are enacted for the purpose and with the legislative intent of conserving, preserving, protecting, and perpetuating historically and/or architecturally significant sites, structures, and landmarks in York County.

§ 155.186 APPLICABILITY.

This Subpart applies to lots in any zoning district that comprise or contain an historical or architectural site, structure, or landmark that is listed in the York County Historical and Architectural Inventory.

§ 155.187 HISTORICAL AND ARCHITECTURAL INVENTORY.

(A) Official Inventory.

(1) The official York County Historical and Architectural Inventory:

(a) Contains a list, map, and field survey of historically and architecturally significant sites, structures, and landmarks located in York County;

(b) Is adopted and maintained by the York County Culture and Heritage Commission; and

(c) May be modified from time to time by official action of the York County Culture and Heritage Commission.

(2) A copy of the York County Historical and Architectural Inventory is on file with the York County Planning and Development Services Department.

(B) Removal of a Site, Structure, or Landmark from the Official Inventory. A lot owner may request removal of their lot from the Historical and Architectural Inventory by providing an historical survey/report prepared by a qualified third party that demonstrates the site, structure, or landmark does not meet the criteria for inclusion on the official inventory.

§ 155.188 CHANGES TO HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT SITES, STRUCTURES, OR LANDMARKS.

(A) Zoning Compliance Required. The lot owner shall obtain zoning compliance approval prior to the renovation, relocation, removal, demolition, or destruction of a site, structure, or landmark that is subject to the provisions of this Subpart.
(B) **Renovations or Alterations.** Renovations to or alterations of a site, structure, or landmark shall follow the [Secretary of the Interior's Standards for the Treatment of Historic Properties](https://www.nps.gov/history/standards/).  

(C) **Relocation of Structures.** A lot owner who desires to relocate an historic or architecturally significant structure shall demonstrate that they have explored alternatives to relocation. Relocation may be appropriate if the only viable alternative is demolition of the structure.  

(D) **Demolition of Structures.**  

(1) Requests to demolish an historic or architecturally significant structure may require up to a 365-day delay.  

(2) This delay is intended to provide time for York County and the York County Culture and Heritage Commission to:  

   (a) Work with the lot owner to identify possible alternatives to demolition;  
   (b) Allow the lot owner time to find a site and prepare the structure for relocation, if relocation is a viable alternative to demolition;  
   (c) Document the structure through photographs or drawings; and/or  
   (d) Work with interested groups to salvage usable architectural materials.  

(E) **Approval Criteria.**  

(1) In evaluating a zoning compliance application for the renovation, relocation, removal, demolition, or destruction of a site, structure, or landmark, the Zoning Administrator shall consider the following criteria:  

   (a) The historical or architectural significance of the site, structure, or landmark;  
   (b) The current condition of the site, structure, or landmark;  
   (c) The nature of the work or action proposed by the applicant and its consistency with the purpose and intent of this Subpart;  
   (d) The impact of the approval of the zoning compliance application on the conservation, preservation, and maintenance of historically or architecturally significant structures in York County;  
   (e) The burden of ownership and maintenance on the owner of the site, structure, or landmark when balanced against the public benefit in the conservation, preservation, and maintenance of the historically or architecturally significant site, structure, or landmark; and
(f) Other factors as may be relevant to the application.

(2) In evaluating a zoning compliance application for the renovation, relocation, removal, demolition, or destruction of a site, structure, or landmark, the Zoning Administrator may seek input from the York County Culture and Heritage Commission.

§ 155.189 RESERVED.

§ 155.190 RESERVED.

§ 155.191 RESERVED.

§ 155.192 RESERVED.

§ 155.193 RESERVED.

§ 155.194 RESERVED.
§ 155.195 PURPOSE.

The purpose of the Lake Wylie Overlay is to:

(A) Encourage high quality development in ways not provided for in traditional regulations by addressing the unique character and environment of the Lake Wylie community;

(B) Ensure that development both enhances the desirability and ambiance of the community as a place in which to live and work and assists the community’s economic viability;

(C) Encourage new growth that paces appropriately with infrastructure and coordinated planning efforts;

(D) Enhance the character and appearance of both the natural and the man-made environment;

(E) Allow landowners, developers, and businesses flexibility in order that they may be creative in the design of landscaping and signage;

(F) Provide guidelines and standards that are financially feasible to meet; and

(G) Recognize and be sensitive to both existing and probable future land use and development.

§ 155.196 APPLICABILITY.

This Subpart applies to all land located within the boundaries of the LW-O, as described in § 155.197: Boundary.

§ 155.197 BOUNDARY.

(A) The Lake Wylie Overlay District consists of an area of land within the boundaries depicted in Figure 155.197-1: Lake Wylie Zoning Overlay District Map.

(B) Generally, the LW-O is bounded by the North Carolina state line to the north; the waters of Lake Wylie to the east; Lake Wylie and Little Allison Creek to the south; and a western boundary comprised of the following roads running south to north: Paraham Road, Charlotte Highway, Kingsbury Road, Highway 557, and Riddle Mill Road.
Figure 155.197-1: Lake Wylie Zoning Overlay District Map
§ 155.198 USE SEPARATION.

(A) Purpose.

(1) The Lake Wylie Small Area Plan establishes goals to promote a balanced mix of land uses that minimize adverse impacts on the existing transportation network and to foster opportunities for distinctive, pedestrian-oriented development.

(2) The Lake Wylie Small Area Plan identifies a potential over-concentration of the land uses regulated in this Section, which detracts from the goals identified in the plan.

(3) The automobile-oriented uses regulated in this Section can have a detrimental impact on nearby residential properties due to their potential to operate 24 hours per day, produce noise, generate traffic, and encourage queuing of automobiles.

(4) The uses regulated in this Section detract from the desired character of commercial areas in the LW-O as active, pedestrian-oriented commercial areas.

(5) Therefore, the purposes of this Section are to:

(a) Prevent the concentration of automobile-oriented land uses in the LW-O; and

(b) Promote the development of pedestrian-oriented, mixed use commercial areas.

(B) Minimum Separation Between Uses and Districts.

(1) The use separation requirements in this Paragraph apply to all of the following land uses:

(a) Automobile, truck, recreational vehicle, boat and marine, and motorcycle and ATV service, repair, and customization facilities;

(b) Car washes and detail shops;

(c) Gasoline sales;

(d) Restaurants or other prepared food establishments with drive-thru or drive-in facilities; and

(e) Self-storage facilities.

(2) The land uses specified in § 155.198(B)(1), above, shall be located at least 660 feet from any other land use listed in § 155.198(B)(1).
§ 155.199 DRIVEWAY SPACING.


(B) Existing Driveways. Existing driveways that do not meet SCDOT driveway spacing standards and that are not essential to business operations conducted on the lot shall be closed if:

1. The total number of parking spaces is increased by 10% or more;
2. The gross floor area of any building on the lot is increased by 35% or more; or
3. A building permit is issued for construction of a new building that has a gross floor area of 400 square feet or more.

§ 155.200 LANDSCAPING.

(A) Purpose and Intent. The purpose and intent of the landscaping requirements of this Section are to protect and enhance community appearance by the installation of appropriate landscaping and screening materials within the district, and:

1. To reduce and diffuse heat from paved surfaces and buildings;
2. To improve the quality and control of stormwater flowing from and within developments and to reduce the amount of impervious surfaces;
3. To screen and reduce the visual impact of undesirable aspects of commercial development from the view of the public street and adjacent residential and commercial areas;
4. To preserve a vegetated strip of land adjacent to the rights-of-way that will reduce interference between activities adjacent to the road and the traffic flow; and
5. To provide and encourage the maintenance of healthy, flourishing plants within this scenic area, and to protect the area’s existing vegetation.

(B) Landscaping Requirements.

1. Required Screening. All trash collection facilities and exterior metal siding will be screened from horizontal view of adjacent properties and public road rights-of-way. The screening may include evergreen hedges, wood stockade fences (which are 80% or more opaque), berms or solid masonry walls. Deciduous plants alone will not be considered an adequate screen.
§ 155.201 RESIDENTIAL DEVELOPMENT STANDARDS – SINGLE-FAMILY DETACHED.

(A) Applicability. The requirements of this Section apply to all new single-family detached homes constructed within a major subdivision, with the following exceptions:

1. Homes constructed on lots of one acre or more, and are located at least 50 feet away from the right-of-way are exempt from the provisions of this Section;

2. Homes constructed on lots within a phase of a subdivision where home construction within that phase commenced prior to January 1, 2021 are exempt from the provisions of this Section;

3. Homes constructed on lots within a phase of a subdivision where home construction within that phase commenced after January 1, 2021 are exempt from this Section if lots in prior phases constitute 60% or more of the overall lots within a major subdivision;

4. Homes constructed on lots that received preliminary plat approval prior to January 1, 2021 are exempt from (B) Block Length, (C) Lot Standards, and (D) Open Space of this Section; and

5. Developments with parcel-specific zoning conditions that establish residential design standards through the rezoning process or a development agreement, adopted prior to January 1, 2021, are exempt from the provisions of this Section.

6. New homes intended for occupation by persons aged 55 or older, as stated in a subdivision’s covenants, conditions, and restrictions (CCRs), constructed on lots that received preliminary plat approval prior to January 1, 2021 are exempt from the provisions of this Section.

(B) Lot Standards.

1. Any proposed lot that has a width less than 60 feet at the lot line must meet the traditional development standards detailed in § 155.202: Traditional Development Standards.

2. Minimum required setbacks.

   a. Front setback: 15 feet
   b. Rear setback: 25 feet
   c. Side setback: 10 feet
   d. Garage door setback (front or corner side only): 25 feet

3. Encroachments. In addition to encroachments permitted in Subchapter I, Subpart 2.7: Setbacks and Yards, bay windows and the eaves and soffits of all rooflines may extend up to 18 inches into the required setbacks.
(C) **Open Space.** In addition to the open space requirements of LDC Subchapter D, Part 3: *Open Space*, when open space is required as part of a single-family detached development, at least 15% of the dwelling units of the overall development must front onto open space that is interior to the development. This percentage may be reduced if the opportunities to front appropriately designed common open spaces have been maximized, but this percentage cannot be reasonably met.

1. Streets and buildings should be arranged to frame open space to the maximum extent practicable.
2. Dwelling units that are separated by a street from an open space may be included in the 15% requirement.
3. Required open space area must have a minimum width and depth of at least 40 feet, excluding right-of-way.

(D) **Raised Foundations.** The finished floor level of the front façade must be an average of at least 14 inches above grade.

1. Exposed foundation walls or piers must be clad in face brick, stone, stucco, or some other masonry material accurately imitating these materials. Latticework screening must be installed between piers on front and side building façades.
2. Nothing in this Paragraph will prevent the use of slab foundations, provided the slab is clad in the materials required, and extends to the minimum height above grade as specified in this section above.
3. New homes intended for occupation by persons either aged 55 and over, as stated in a subdivision’s covenants, conditions, and restrictions (CCRs), are exempt from this requirement.

(E) **Façade Variation.** The front façade of a dwelling must be distinctly different from the front façades of the dwellings on the two lots to either side and directly across the street from the given dwelling. “Distinctly different” means that a single-family detached dwelling’s elevation differs from the other evaluated house elevations in at least three of the following ways:

1. The use of different surface materials or the use of like materials that differ significantly in either texture or orientation;
2. Variations in roof lines, pitches, or the use of dormers;
3. Variation in the location, proportion, or style of front porches;
4. Variation in the location or proportion of garages and garage doors; or
5. Variation in the number of stories.
(F) **General Design Standards.**

1. Plywood, exposed concrete block, synthetic stucco (EIFS), metal siding, and vinyl siding are prohibited on all building façades.

2. All dwellings must be oriented so that the primary entrance faces the street.

3. The primary entrance shall be both architecturally and functionally designed on the façade of the building facing the street. Such entrances shall be designed to convey their prominence on the façade to the street. No primary entrance shall be recessed more than four feet behind the nearest wall of the front façade of the building.

4. Façades facing a street must incorporate wall offsets in the form of projections and/or recesses in the façade plane at least every 25 feet of façade frontage. Wall offsets, resets, and projections must have a minimum depth of 18 inches, a minimum length of six feet, and minimum height of eight feet. Covered porches count towards this requirement.

5. Front porches must have a minimum depth of six feet. Front porch columns must have a minimum width and depth of six inches and be trimmed and painted to match the front façade.

6. Where a dwelling is located at the intersection of two streets, the architectural elements of the front façade must continue along the entire corner side façade. There must be a similar variation in massing, similar pattern of openings, and at least one projection or recess along the corner side façade unless it consists solely of the garage width.

7. Changes in materials are allowed at external corners. The material from the front façade of a projection must continue along the sides of the projection. Brick and stone on the front façade must always return at external corners at least 24 inches. Changes in material may occur at internal corners.

8. Windows and doors must appear to be recessed within the façade in which they are located or have dimensional surrounds/trim a minimum of four inches wide.

9. There must be a minimum six-inch roof overhang on all elevations.

(G) **Garage Standards.**

1. Where garages are provided, at least 30% of the houses in a development phase must have any of the following garage configurations:

   a. Front-loaded garages of a dwelling, including detached garages, are recessed at least 10 feet behind the primary front façade (habitable area). Detached rear garages are encouraged.

   b. Side-loaded garages.

   c. Rear-loaded garages.
(d) All garage doors on the specific dwelling must meet the above configuration to satisfy the 30% requirement.

(2) **Front-Loaded Attached Garages.**

(a) Along the front façade, the total interior width of the garage space must be equal to or less than the total interior width of the living space of the associated single-family dwelling.

(b) All front-loaded garages must be recessed at least two feet behind the primary front façade (habitable area) of the associated single-family dwelling.

(c) Where there is a front-loaded three-car garage, at least one of these garages must be recessed at least 10 feet behind the primary front façade (habitable area) of the associated single-family dwelling.

(d) Where there is more than one front-loaded garage door, there must be a minimum of 12 inches separation between each garage door.

(3) **Side-Loaded Attached Garages.** The garage portion of the front façade may extend no more than five feet beyond the primary front façade (habitable area) of the dwelling, and must incorporate architectural details and windows to mimic living space.

(4) **Rear-Loaded Garages.** Single-family detached dwellings with rear-loaded garages must follow the traditional development standards detailed in § 155.202: Traditional Development Standards.

(5) Garage doors facing a street or open space must be recessed within the façade and include windows and detailing elements to create visual interest.

(H) **Driveway Standards.**

(1) The driveway width shall be no more than 20 feet within the right of way, and may begin to flare five feet after the property line, to a maximum of 32 feet wide.

(2) Driveways must be surfaced with asphalt, concrete, brick, pavers, or an equivalent material. Driveways composed of dirt or gravel are not permitted.

(3) No parking is permitted in the front yard except for within the driveway.

(I) **Equipment Screening.** Mechanical equipment, including a/c condenser units, shall be placed in the side or rear yards and screened with a fence, wall, or hedging when visible from a street or open space.

§ 155.202 **TRADITIONAL DEVELOPMENT STANDARDS.**

(A) **Intent.** Traditional development standards provide for single-family detached configurations that place a garage at the rear of a lot where an alley exists. This lot
configuration is intended for housing styles that emphasize the front porch as the primary element of the front façade and those with building footprints that are significantly narrower and deeper than conventional suburban housing styles.

(B) **Traditional House Lot.**

(1) **Applicability.**

(a) The traditional house lot configuration may only be platted for single-family detached homes with alley-loaded garages or off-street parking spaces.

(b) Developments with parcel-specific zoning conditions which establish residential design standards through the rezoning process or a development agreement, adopted prior to January 1, 2021, are exempt from the provisions of this Section.

(2) **Dimensional Standards.**

<table>
<thead>
<tr>
<th>Table 155.202-1: Dimensional Standards for Traditional House Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size (min)</td>
</tr>
<tr>
<td>Lot Width (min)</td>
</tr>
<tr>
<td>Front Setback (min)</td>
</tr>
<tr>
<td>Interior Side Setback (min)</td>
</tr>
<tr>
<td>Street Side Setback (min)</td>
</tr>
<tr>
<td>Rear Setback (Garage)</td>
</tr>
</tbody>
</table>

Key: min = minimum required | ft = feet

(3) Garages and parking pads must be accessed from the alley or similar off-street shared driveway access and not from a street.

(4) Driveways are not permitted in the front or street side setbacks of alley-loaded lots.

(C) **Required On-Street Parking.** Traditional house lots must front a street where at least one side of the street provides parallel on-street parking that is striped and delineated with bulb-outs.

§ 155.203 **RESIDENTIAL DESIGN STANDARDS – SINGLE-FAMILY ATTACHED.**

(A) **Applicability.** The requirements of this Section apply to all new single-family attached homes developed with a preliminary plat that was approved after January 1, 2021.
(B) **Exemption.** Developments with parcel-specific zoning conditions that establish residential design standards through the rezoning process or a development agreement, adopted prior to January 1, 2021, are exempt from the provisions of this Section.

(C) **General Design Standards.**

1. Building façades facing a street or open space must be composed of at least 50% brick or stone. Stucco may only be used as an accent to a façade. Plywood, exposed concrete block, synthetic stucco (EIFS), metal siding and vinyl siding are prohibited on all building façades.

2. All single-family attached dwellings must be oriented so that the primary entrance faces the street. For corner lots, the primary entrance must face the street from which the dwelling derives its street address.

3. The primary entrance shall be both architecturally and functionally designed on the façade of the building facing the street. Such entrances shall be designed to convey their prominence on the façade to the street. No primary entrance shall be recessed more than four feet from the primary façade of the building.

4. Façades must incorporate wall offsets in the form of projections and/or recesses in the façade plane at least every 15 feet of façade frontage. Wall offsets, resets, and projections must have a minimum depth of 18 inches and a minimum length and height of 42 inches. Covered porches count towards this requirement.

5. Front porches must have a minimum depth of six feet. Front porch columns must have a minimum width and depth of six inches and be trimmed and painted to match the front façade.

6. Where a dwelling is located at the intersection of two streets, the architectural details elements of the front façade must continue along the entire corner side façade. There must be a similar variation in massing, similar pattern of openings, and at least one projection or recess along the street side façade.

7. Changes in materials shall not occur at external corners, but may occur at interior corners. Materials must return at external corners at least 24 inches.

8. Windows and doors must appear to be recessed within the façade in which they are located or have dimensional surrounds/trim a minimum of four inches wide.

9. Walls and fencing must be no more than four feet tall in the front yard, and six feet tall in the street side yard and rear yard.

10. There must be a minimum six-inch roof overhang on all elevations.

(D) **Raised Foundations.** There must be a minimum six-inch rise between the top of the walkway and the floor level of the front porch or stoop of the associated attached dwelling unit.
(1) Exposed foundation walls or piers must be clad in face brick, stone, stucco, or some other masonry material accurately imitating these materials. Latticework screening must be installed between piers on front and side building façades.

(2) Nothing in this Paragraph will prevent the use of slab foundations, provided the slab is clad in the materials required, and extends to the minimum height above grade as specified in this Paragraph.

(3) New homes intended for occupation by persons either aged 55 and over, as stated in a subdivision’s covenants, conditions, and restrictions (CCRs), are exempt from this requirement.

(E) Mechanical Equipment Screening.

(1) Mechanical equipment, including a/c condenser units, shall be located to the rear or interior side yard and screened with a fence, wall, or hedging when visible from a street or open space.

(2) All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) must be located on the rear elevations or configured to have a minimal visual impact as seen from a street or open space. For flat roofs, a parapet should extend far enough above the roof plane that any mechanical equipment is concealed from view at street level.

§ 155.204 RESIDENTIAL DEVELOPMENT STANDARDS – MULTI-FAMILY.

(A) Applicability.

(1) The requirements of this Section apply to all new multi-family developments approved after January 1, 2021 with the following exception:

(2) Developments with parcel-specific zoning conditions which establish residential design standards through the rezoning process or a development agreement, adopted prior to January 1, 2021, are exempt from the provisions of this Section.

(B) Encroachments. Open-air covered porches, balconies, stoops, stairs, bay windows, and awnings are permitted to encroach into the front setback up to eight feet. Eaves of covered porches may extend up to 18 inches beyond the eight-foot encroachment.

(C) Building Size. Each multi-family building footprint is limited to 15,000 square feet.

(D) Building Entrances.

(1) All multi-family buildings must be oriented so that the primary entrance(s) and street-level dwelling entries, if any, front a street. Primary access to the building from the street is encouraged.
(2) The primary entrance(s) shall be both architecturally and functionally designed on the façade(s) of the building fronting a street or interior open space. Such entrances shall be designed to convey their prominence on the façade using projections or recesses and a canopy, awning, balcony, or similar feature.

(3) Exterior open corridors (i.e., breezeways) designed to provide primary access to dwellings on any floor of a building shall not be visible from a street or open space.

(4) Doors not serving dwellings or community amenities must be placed on less visible façades of the building.

(E) General Design Standards.

(1) All building elevations must be treated in a consistent manner regarding the design, materiality, color, and complexity, unless the elevation exclusively fronts a service area or alley, or is otherwise not visible from a street or open space.

(2) Building façades facing a street or open space must be composed of at least 50% brick or stone. Otherwise, façades must be composed of at least 30% brick or stone. Stucco may only be used as an accent to a façade. Plywood, exposed concrete block, synthetic stucco (EIFS), metal siding and vinyl siding are prohibited on all building façades.

(3) Changes in materials should not occur at external corners, but may occur at interior corners.

(4) All building façades must include a distinguishable and distinct base, middle, and top such that the base of the building relates to the pedestrian scale.

(5) All building façades must incorporate wall offsets in the form of projections and/or recesses in the façade plane at least every 30 feet of façade frontage. Wall offsets, resets, and projections must have a minimum depth of 18 inches and a minimum length and height of 42 inches. Covered porches count towards this requirement.

(6) Porches and true balconies must have a minimum depth of six feet. Juliet balconies must have a minimum projection of 12 inches from the façade where placed.

(7) Windows and doors should be recessed within the façade in which they are located or have dimensional surrounds/trim a minimum of four inches wide.

(F) Required Design Elements. Building façades must provide a minimum of four of the following design elements in a cohesive manner for each residential unit fronting onto a public street or open space unless there are unique and challenging circumstances that would otherwise make the incorporation of these features not feasible.

(1) One or more dormer windows or cupolas above the corresponding residential unit.
(2) A projecting or recessed balcony for at least 50% of the units facing a street or open space and a covered porch for each unit at the ground-level facing a street or open space.

(3) Ornamental pilasters, columns, or other similar architectural features integrated into the overall architectural design.

(4) One or more bay windows with a minimum 12-inch projection from the façade plane.

(5) Eaves with a minimum of six-inch projection from the façade plane.

(6) A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form.

(7) Multiple windows grouped together to establish a design feature that can be either recessed or projecting with a minimum four-inch wide trim.

(8) Windows that incorporate ornamental elements such as shutters, an arched window, a transom window, or any other design feature that would otherwise add ornamental characteristics to a window or group of windows.

(9) Other prominent design details that are consistent with the overall architectural character and scale of the building.

(G) Roof Forms.

(1) Pitched roofs must have multiple planes and elements including hips, gables, and dormers reflecting required wall offsets or other architectural features of the building, with at least one additional roof plane or feature for every 60 feet of façade frontage.

(2) Flat roofs should include elements that act as a prominent visual termination for the building, such as projecting architectural features, cornices, and eaves. Where a flat roof is used, a parapet should extend above the roof plane and include an element that provides a visual termination of the façade.

(H) Mechanical Equipment Screening.

(1) Mechanical equipment, including a/c condenser units, shall be located to the rear or interior side yard and screened with a fence, wall, or hedging.

(2) All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) must be located on the rear elevations or configured to have a minimal visual impact as seen from a street or open space. For flat roofs, a parapet should extend far enough above the roof plane that any mechanical equipment is concealed from view at street level.
(I) **Open Space.** In addition to the open space requirements in LDC Subchapter D, Part 3: *Open Space*, when open space is required as part of a multi-family development, at least 20% of the dwelling units of the overall development must front onto open space that is interior to the development. This percentage may be reduced if the opportunities to front appropriately designed common open spaces have been maximized, but this percentage cannot be reasonably met.

1. Streets and buildings should be arranged to frame open space to the maximum extent practicable.

2. Dwelling units that are separated by a street from an open space may be included in the 20% requirement.

3. Required open space areas must have a minimum width and depth of at least 40 feet, excluding right-of-way. Areas that are at least 20 feet wide and that have hard surface trails at least five feet wide connecting at least two points in a sidewalk system may also count towards required open space area.

(J) **Parking and Garages.**

1. Off-street parking areas associated with multi-family dwellings cannot be located between the building and the street.

2. Off-street parking areas, including drive aisles, located adjacent to a building must not occupy more than 25% of the parcel’s street frontage.

3. A garden wall, fence, or hedge with a minimum height of three feet must be installed along any street frontage adjacent to parking areas.

4. Garages shall not front a street and must not be located between a multi-family building and a nearby street or open space.

5. Garages must have similar materials, design elements, and roof forms to the multi-family buildings in the development.

6. Garage doors facing an open space must be recessed within the façade and include windows and detailing elements to create visual interest.

7. On-street parking that is striped and delineated with bulb-outs along private roads may count towards required parking spaces.

8. The parking or storage of trailers, boats, recreational vehicles, or other major recreational equipment must either be prohibited through covenants, rules, and restrictions, or must be provided in a parking area separate from regular automotive parking for the residents. Such parking areas do not count towards required off-street parking spaces.

(K) **Pedestrian Walkways.**
(1) Continuous internal pedestrian walkways must be provided to connect off-street parking lots with primary building entrances and the public sidewalk system.

(2) At least one internal pedestrian walkway with a minimum width of five feet must be provided from the primary building entrance(s) to the public sidewalk system at a major connection point. In the case of corner lots, a connection must be made to the sidewalk of both streets.

(3) Where a trail network runs through or adjacent to the property, the pedestrian walkways must connect to it. Required amenities must also have access to that trail.

§ 155.205 ACCESSORY STRUCTURES – SINGLE-FAMILY DETACHED.

(A) Applicability. The following standards apply only to accessory structures to single-family detached homes on lots less than one acre, or that are adjacent to Lake Wylie, that are zoned RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, or PD (unless otherwise specified).

(B) Size and Proportion.

(1) An accessory structure must be clearly subordinate to the principal structure in all dimensional aspects.

(2) The maximum building coverage of all accessory structures shall not exceed 50% of the building footprint of the principal structure on the lot, or 600 square feet, whichever is greater.

(C) Location.

(1) Accessory structures must be located at or behind the front building line of the principal structure on the lot.

(2) Accessory structures less than 15 feet tall must be set back at least five feet from interior side and rear lot lines. Accessory structures at least 15 feet tall, except alley-loaded detached garages, must be set back at least 10 feet from interior side and rear lot lines.

(3) Alley-loaded detached garages must be set back from the rear property line either three feet or at least 20 feet.

(4) Accessory structures smaller than 600 square feet of floor area must be separated by at least five feet from any other structure on the lot. Accessory structures containing at least 600 square feet of floor area must be separated by at least 10 feet from any other structure on the lot.

(5) Accessory structures must not be located in any platted or recorded easement, right-of-way, or septic drain field, unless otherwise expressly stated.

(D) Attachment. The following examples of physical attachment to a principal structure will be considered detached structures that must meet the standards in this Section:
(1) A structure that is not architecturally integrated into the principal structure.

(2) A structure that is connected to the principal structure by means of an open breezeway.

(E) **Compatibility.** Accessory structures, both attached and detached, must consist of materials, colors, and styles that are similar to the principal dwelling. Metal or vinyl siding are not considered similar to fiber cement siding.

§ 155.206 **SIGNS.**

(A) **Applicability.** This Section supplements the requirements and standards of Subchapter D, Part 6: **Signs** for all property in the Lake Wylie Overlay District. To the extent that the regulations of this Section conflict with another portion of Subchapter D, Part 6: **Signs**, the regulations of this Section control.

(B) **Prohibited Signs.** A person may not construct, install, operate, display, or use the following types of signs in the Lake Wylie Overlay District:

(1) Searchlights;

(2) Inflatable signs;

(3) Pennants, balloons, banners or any other animated, rotating, fluttering or nonstationary devices designed to attract attention, except flags as specified in Subchapter D, Part 6, § 155.936: **Incidental Signs**.

(4) Banners used as temporary signs, unless the County issues a zoning compliance approval as specified in Subchapter D, Part 6, § 155.937: **Temporary Signs**; and

(5) Awning signs.

§ 155.207 **RESERVED.**

§ 155.208 **RESERVED.**

§ 155.209 **RESERVED.**

§ 155.210 **RESERVED.**

§ 155.211 **RESERVED.**

§ 155.212 **RESERVED.**

§ 155.213 **RESERVED.**
§ 155.214  RESERVED.
§ 155.215 PURPOSE.

The purpose of the SC-O is to preserve and enhance the natural beauty and appearance of the Anne Springs Close Greenway, Broad River, Catawba River, Historic Brattonsville, Kings Mountain National Military Park, Kings Mountain State Park, and Catawba Bend Preserve. These landmarks are assets to economic development, tourism, recreation, and conservation. Protecting the scenic viewsheds of these assets preserves their value as retreats from urban development.

§ 155.216 APPLICABILITY.

This Subpart applies to all lots and development within the boundary of the SC-O.

§ 155.217 BOUNDARY.

(A) The boundary of the SC-O is 500 feet from each of the following landmarks:

(1) Anne Springs Close Greenway;
(2) Broad River;
(3) Catawba River;
(4) Historic Brattonsville;
(5) Kings Mountain National Military Park;
(6) Kings Mountain State Park; and
(7) Catawba Bend Preserve.

(B) The 500-foot boundary is measured in a straight line from either:

(1) The lot lines of the parcel(s) that comprise the landmark; or
(2) The mean annual high water mark of the river; or
(3) The edge of the right-of-way or easement in which the greenway is located.

§ 155.218 PERMITTED USES.

All permitted, conditional, and special exception uses specified by Subchapter C, Part 2: Use Table for the base zoning district are allowed, subject to the use’s approval process, unless the use is prohibited by § 155.219: Prohibited Uses.
§ 155.219 PROHIBITED USES.

The following uses are expressly prohibited within the SC-O:

(A) Automobile and equipment impound yards;
(B) Commercial incinerators;
(C) Hazardous waste storage or treatment facilities;
(D) Landfills;
(E) Manufactured homes that are less than 20 feet in width;
(F) Manufactured home parks;
(G) Mining (major and minor resource extraction);
(H) Nonmetallic mineral product manufacturing;
(I) Petroleum bulk stations and terminals;
(J) Telecommunication towers; and
(K) Trucking operations.

§ 155.220 BUFFER REQUIRED.

All new non-residential development in the SC-O shall maintain or install a right-of-way bufferyard in accordance with Subchapter D, Part 3, Subpart 3.3: Perimeter and Right-of-Way Bufferyards, except that the minimum width shall be 25 feet.

§ 155.221 HEIGHT.

(A) Maximum Building Height. The maximum height of structures in the SC-O is 35 feet.

(B) Exception. Agricultural structures are exempt from the height limit in this Section.

§ 155.222 RESERVED.

§ 155.223 RESERVED.

§ 155.224 RESERVED.

§ 155.225 RESERVED.
§ 155.226  RESERVED.

§ 155.227  RESERVED.

§ 155.228  RESERVED.

§ 155.229  RESERVED.
SUBCHAPTER B: ZONING DISTRICTS

PART 4: OVERLAY DISTRICTS

SUBPART 4.5: TCP-O (TRANSPORTATION CORRIDOR PRESERVATION OVERLAY)

§ 155.230 PURPOSE.

The York County Council finds the need for additional setbacks for funded road improvements identified in the Capital Projects Sales and Use Tax Programs and/or the Rock Hill-Fort Mill Area Transportation Study (RFATS) Long Range Transportation Plan to:

(A) Assist in the preservation of public health, safety, and welfare and to aid in the harmonious, orderly, and beneficial development of the county in accordance with the Comprehensive Plan;

(B) Provide for the preservation and protection of corridors where transportation improvements are scheduled to occur; and

(C) Minimize impacts associated with road widening and new road construction.

§ 155.231 APPLICABILITY.

This Subpart applies to all land within York County that abuts or is located within corridors planned and funded for improvements identified within the Capital Projects Sales and Use Tax Programs and/or the Rock Hill-Fort Mill Area Transportation Study (RFATS) Long Range Transportation Plan.

§ 155.232 LOCATION.

The corridors subject to the TCP-O and the extent of each preservation setback are set forth in York County Preserved Transportation Corridors, a document maintained and kept on file with the York County Planning and Development Services Department.

§ 155.233 MINIMUM PRESERVATION CORRIDOR.

(A) Relation to Generally Required Setback. When determining the cumulative setback requirement for property within the identified corridors, the setback requirement provided in this Subpart is in addition to the setback requirement of the zoning district, if applicable, in which the property is located.

(B) Protection from Encroachment. No building, structure, or facility shall be erected, constructed, reconstructed, moved, added to, or structurally altered within the limits of the Minimum Preservation Corridor as defined in § 155.232: Location for any proposed street or highway improvement included within the Capital Projects Sales and Use Tax Programs and/or the Rock Hill-Fort Mill Area Transportation Study (RFATS) Long Range Transportation Plan.

(C) Establishment of Setbacks.
(1) When a future alignment right-of-way for a road improvement has been established by the appropriate reviewing agency, the setback and bufferyard requirements shall be applied to the approved alignment right-of-way.

(2) Where an alignment for expanding an existing road or highway has not been determined, no construction or development shall occur on properties within the limits of the Minimum Preservation Corridor until:

(a) A final alignment has been determined by the appropriate agency; or

(b) The York County Planning and Development Services Department, in coordination with appropriate agencies, has determined that the proposed construction or development will not have a negative impact on the future alignment or corridor.

§ 155.234 RESERVED.

§ 155.235 RESERVED.

§ 155.236 RESERVED.

§ 155.237 RESERVED.

§ 155.238 RESERVED.

§ 155.239 RESERVED.
PART 5: LEGACY DISTRICTS

SUBPART 5.1: GENERAL PROVISIONS

§ 155.240 LEGACY DISTRICTS BOUNDARIES.

(A) No land shall be rezoned to a legacy zoning district. The County anticipates that all lots eventually will be rezoned out of legacy districts. A rezoning may only be initiated in accordance with the procedure specified in Subchapter E: Procedures. Landowners are encouraged to rezone land from a legacy zoning district classification.

(B) The boundaries of existing legacy zoning districts shall not be expanded.

(C) County Council may modify the allowed uses and development standards within legacy zoning districts through amendments to the Zoning Code text (see Subchapter E: Procedures).

(D) Development in a legacy zoning district is subject to all requirements of that district and all other applicable regulations of the County Code, including this Chapter and Chapter 154: Land Development Code.

§ 155.241 RESERVED.

§ 155.242 RESERVED.

§ 155.243 RESERVED.

§ 155.244 RESERVED.

§ 155.245 RESERVED.

§ 155.246 RESERVED.

§ 155.247 RESERVED.

§ 155.248 RESERVED.

§ 155.249 RESERVED.
§ 155.250 PURPOSE.

(A) The Urban Development District was designed to permit, in certain areas of the County, maximum use flexibility in response to existing conditions and characteristics existing at the adoption of zoning. The objective of this district was to maximize land use flexibility and minimize land use conflicts in the process.

(B) Over the years, however, this maximum flexibility has resulted in land use conflicts, as many UD Districts are located near municipal boundaries. The UD District often allows significantly more intensive uses than those allowed by the adjacent municipality.

(C) The Comprehensive Plan establishes a goal for new development to be compatible with local character. Several goals and strategies recommend that new development is compatible in scale, orientation, and character with existing nearby development. The UD District generally does not support these community goals.

(D) For the reasons specified above, the UD District is classified as a legacy district.

§ 155.251 APPLICABILITY.

(A) The provisions in this Subpart apply to all UD Districts in existence on the effective date of this Chapter.

(B) Section § 155.240: Legacy Districts Boundaries prohibits the establishment of new UD Districts and the expansion of existing UD Districts.

§ 155.252 DIMENSIONAL STANDARDS.

(A) Generally. Table 155.252-1: UD Dimensional Standards specifies dimensional standards for the UD District.

(B) Impervious Surface Ratio. Section 155.059: Impervious Surface specifies the maximum impervious surface coverage allowed based on the type of land use.
§ 155.252-1: UD Dimensional Standards

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
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<tbody>
<tr>
<td>Lot Size (min)</td>
<td>None</td>
</tr>
<tr>
<td>Lot Width (min)</td>
<td>150 ft</td>
</tr>
<tr>
<td>Front (Major Road)</td>
<td>30 ft</td>
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<tr>
<td>Front (Minor Road or No Road Frontage)</td>
<td>25 ft</td>
</tr>
<tr>
<td>Side</td>
<td>10 ft / 30 ft¹</td>
</tr>
<tr>
<td>Rear</td>
<td>10 ft / 30 ft¹</td>
</tr>
<tr>
<td>FAR (max)</td>
<td>0.25</td>
</tr>
<tr>
<td>Height (max)</td>
<td>50 ft</td>
</tr>
</tbody>
</table>

Key: min = minimum required | max = maximum allowed | ft = feet | FAR = floor area ratio

¹ The lesser setback applies when the lot line is adjacent to a lot in a non-residential zoning district. The greater setback applies when the lot line is adjacent to a lot in a residential zoning district.

§ 155.253 ALLOWED USES.

See Subchapter C: Use Regulations.

§ 155.254 RIGHT TO FARM.

(A) York County supports the right to farm within this zoning district.

(B) In addition to allowing the continuation of all existing agricultural operations using generally accepted agricultural management practices without interference from adjacent property owners, York County allows the establishment and continuation of new agricultural operations involving crop production or grazing of livestock using generally accepted agricultural management practices without interference from adjacent property owners.

§ 155.255 RESERVED.

§ 155.256 RESERVED.

§ 155.257 RESERVED.

§ 155.258 RESERVED.

§ 155.259 RESERVED.
# Chapter 155: Zoning Code

## Subchapter C: Use Regulations

Adopted February 21, 2022  
Amended through July 17, 2023

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§ 155.260 PURPOSE.

(A) In General. The purpose of this Subchapter is to promote the public health, safety, morals, or general welfare, and to protect and preserve places and areas of historical, cultural, or architectural importance and significance. These regulations are adopted in accordance with the comprehensive plan and are designed to:

1. Distribute land uses to meet the physical, social, cultural, economic, and energy needs of present and future populations;
2. Ensure that new development is compatible with surrounding development in use, character, and size;
3. Provide for land uses that serve important public needs, such as affordable housing and employment generators;
4. Promote mixed-use districts and neighborhoods;
5. Promote infill housing and retail and residential development;
6. Integrate civic uses into neighborhoods;
7. Protect natural resources; and
8. Encourage retail development in urban, neighborhood, and regional centers in appropriate locations.

(B) Regulation of Land Use. In accordance with the purposes described in Paragraph (A), this Subchapter establishes regulations intended to:

1. Establish the land uses allowed in each zoning district;
2. Establish supplemental regulations for conditional and certain special exception uses, which have unique operational characteristics or impacts; and
3. Establish regulations for accessory, temporary, and public service uses.

§ 155.261 APPLICABILITY.

(A) This Subchapter regulates the use of land throughout unincorporated York County.

(B) Part 2: Use Table of this Subchapter applies to all uses in all zoning districts.
(C) Part 3: Conditional and Special Exception Uses of this Subchapter applies to all conditional uses (as specified in Part 2: Use Table) and certain special exception uses. These standards supplement the other requirements of this Chapter.

(D) Part 4: Accessory Uses and Structures of this Subchapter applies to all accessory uses, buildings, and structures.

(E) Part 5: Temporary Uses and Structures of this Subchapter applies to all temporary uses.

§ 155.262 ZONING COMPLIANCE REQUIRED.

(A) Prior to a change in use or establishment of a new conditional, accessory, or temporary use, an applicant must receive zoning compliance approval (see Subchapter E: Procedures).

(B) All special exception uses also require zoning compliance approval, following approval by the Board of Zoning Appeals and prior to the establishment of the use.

§ 155.263 REPLACEMENT OF AN EXISTING SINGLE-FAMILY DWELLING.

(A) The Zoning Administrator may issue conditional zoning compliance approval for the construction of a conforming single-family detached dwelling to replace an existing single-family detached dwelling, if the lot owner files a cash performance bond/letter of credit to ensure the demolition and removal of the dwelling being replaced.

(B) This conditional zoning compliance allows the lot owner to reside in the existing single-family detached dwelling during the construction of another single-family detached dwelling located on the same lot.

(C) The bond or letter of credit will be in an amount and form as will be sufficient to guarantee for the demolition and removal of the dwelling and all debris in an approved manner. The bond or letter of credit will be in a form and amount approved by and acceptable to the Zoning Administrator and the Building Official.

(D) Upon approval and acceptance of the bond/letter of credit under this Section, the lot owner must complete the demolition and removal of the existing dwelling within 90 days of the issuance of a certificate of occupancy for the new dwelling, with hardship extensions of 90 days upon review and approval by the Zoning Administrator.

(E) If the owner fails to demolish and remove the existing dwelling within the required period of time, the bond/letter of credit will be forfeited and applied to the costs of demolition and removal of the existing dwelling. This provision in no way releases the owner from financial liability incurred above the value of the bond to demolish and remove the existing dwelling.

(F) A request for a conditional zoning compliance and the posting of a bond/letter of credit will constitute a waiver and absolute forfeiture of the right to request a variance from the above referenced requirements of the Zoning Code.
§ 155.264 MANUFACTURED HOME USED AS DWELLING UNIT DURING CONSTRUCTION OF A NEW PRINCIPAL DWELLING.

The Zoning Administrator may issue zoning compliance approval to permit the use and occupancy of a manufactured home during construction of a new principal dwelling if:

(A) The zoning district allows manufactured homes; and

(B) The owner, lessee, or occupant of the manufactured home agrees in writing to remove the manufactured home prior to the issuance of a certificate of occupancy for the new principal dwelling or upon expiration of the building permit for the new principal dwelling, whichever occurs first.

§ 155.265 RECREATIONAL VEHICLE AS A TEMPORARY DWELLING DURING CONSTRUCTION OF A NEW PRINCIPAL DWELLING.

(A) Application for Zoning Compliance. Notwithstanding any other provisions in the York County Code of Ordinances, the Zoning Administrator may issue zoning compliance approval to permit the temporary use and occupancy of a single recreational vehicle during construction of a new principal dwelling if:

(1) The applicant is the owner of the property and the recreational vehicle proposed for temporary occupancy;

(2) The property is one acre or greater in size;

(3) The applicant has an approved building permit for a single-family detached principal dwelling intended for the owner’s occupation on that property; and,

(4) The placement of a recreational vehicle is not contrary to filed covenants and restrictions for any subdivision in which the temporary dwelling is sought.

(B) Term. A temporary zoning compliance for a recreational vehicle as a temporary dwelling shall not exceed six months, with one six-month extension upon a showing of good cause (i.e., unforeseen circumstances, including delays, revised completion date, etc.) to the Zoning Administrator.

(C) Conditions. The following conditions shall apply to temporary dwellings approved pursuant to this Section:

(1) There shall be no more than one temporary dwelling per parcel;

(2) A current vehicular license shall be maintained for the recreational vehicle used as a temporary dwelling;

(3) The temporary dwelling shall be maintained in a manner that will allow for its removal by the expiration date of the permit;
(4) The temporary dwelling shall not be served by a driveway separate from that serving the principal dwelling;

(5) The placement of the temporary dwelling must meet SCDHEC requirements for water and wastewater connections and York County requirements for temporary electrical service; and

(6) Setback requirements applicable to a residential structure shall be met.

(D) Expiration.

(1) Occupancy of a temporary dwelling shall cease immediately upon expiration of the zoning compliance approval, the expiration of the building permit for the principal dwelling, or the issuance of a certificate of occupancy for the principal dwelling, whichever shall occur first.

(2) Failure to cease occupancy and remove the temporary dwelling from property upon the expiration shall subject the owner(s) of the parcel to any of the penalties contained in Subchapter H: Enforcement.

§ 155.266 RESERVED.

§ 155.267 RESERVED.

§ 155.268 RESERVED.

§ 155.269 RESERVED.
PART 2: USE TABLE

§ 155.270 INTRODUCTION.

(A) Generally. Section 155.271: Use Table establishes the categories of uses specified in Table 155.270-1: Categories of Uses for all of the base zoning districts and special zoning districts, except for the Planned Development (PD) District.

(B) Allowed Uses in Special Districts.

(1) Allowed uses in a PD District are specified in the rezoning ordinance that established the PD District and any amendments thereto.

(2) Allowed uses in other special districts are specified in the use table, but may be modified by the rezoning ordinance that established the district and any amendments thereto (see Subchapter B: Zoning Districts).

(3) The Planning and Development Services Department maintains copies of approved rezoning ordinances and supporting materials, including lists of allowed uses, for each special district.

<table>
<thead>
<tr>
<th>Notation</th>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>Permitted Use</td>
<td>The use is allowed.</td>
</tr>
<tr>
<td>C</td>
<td>Conditional Use</td>
<td>The use is allowed, subject to the conditions specified in Part 3: Conditional and Special Exception Uses.</td>
</tr>
<tr>
<td>SE</td>
<td>Special Exception Use</td>
<td>The use is allowed, subject to any conditions specified in Part 3: Conditional and Special Exception Uses and approval by the Board of Zoning Appeals (see Subchapter E: Procedures).</td>
</tr>
<tr>
<td>T</td>
<td>Temporary Use</td>
<td>The use is allowed on a temporary basis, subject to the requirements in Part 5: Temporary Uses and Structures.</td>
</tr>
<tr>
<td>[blank cell]</td>
<td>Prohibited Use</td>
<td>Uses identified by a blank cell are not allowed in that particular zoning district.</td>
</tr>
</tbody>
</table>

(C) More Than One Principal Use on a Lot. When more than one principal use is proposed on a lot, each principal use shall meet the requirements of this Subchapter.

(D) More Than One Principal Dwelling on a Lot in AGC. In the AGC District, up to two principal dwellings are allowed on one lot if each dwelling is sited so that all applicable lot size, lot width, and setback requirements are met as if the dwellings were established on individual lots. This is intended to ensure both dwellings meet applicable Zoning Code requirements in the event the lot on which the dwellings are located is subsequently subdivided.
(E) **Accessory Uses.** Requirements for accessory uses are provided in Part 4: *Accessory Uses and Structures.*

(F) **Compliance with Applicable District and Use Regulations.** No building, structure, or land shall be used, and no building, structure, or part thereof shall be erected, reconstructed, converted, enlarged, moved, or structurally altered, unless in compliance with applicable use regulations and zoning district regulations set forth in this Subchapter and in Subchapter B: *Zoning Districts.*

(G) **Unlisted Uses Prohibited.** Any use not listed for an applicable zoning district in the Use Table is prohibited.

§ 155.271 **USE TABLE.**

(A) Table 155.271-1: *Use Table* specifies the uses allowed in the PR, AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, and RMX-6 Districts.

(B) Table 155.271-2: *Use Table* specifies the uses allowed in the RC, NC, OI, GC, OA, RI, LI, ID, and UD Districts.
<table>
<thead>
<tr>
<th>Uses</th>
<th>Use Conditions</th>
</tr>
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<tbody>
<tr>
<td>ACCESSORY USES</td>
<td>PR  AGC  AGC-I RUD  RUD-I  RSF-40  RSF-30  RMX-20  RMX-10  RMX-6</td>
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<tr>
<td>Refer to Subchapter C, Part 4 for accessory uses for all districts.</td>
<td></td>
</tr>
<tr>
<td>ACCOMMODATION AND GROUP LIVING</td>
<td></td>
</tr>
<tr>
<td>Assisted Living, Skilled Nursing, Continuing Care</td>
<td>SE  SE  SE  SE  P  P</td>
</tr>
<tr>
<td>Retirement Facilities</td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfasts</td>
<td>Subpart 3.5</td>
</tr>
<tr>
<td>Subpart 3.5</td>
<td>SE  SE  SE  SE  SE  SE  SE  SE</td>
</tr>
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<td>Community Residences, Long-Term (up to 5 residents)</td>
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<tr>
<td>Community Residences, Long-Term (up to 15 residents)</td>
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<tr>
<td>Community Residences, Short-Term</td>
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Table 155.271-1: Use Table (PR, AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, and RMX-6 Districts)
## Table 155.271-1: Use Table (PR, AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, and RMX-6 Districts)

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### ARTS, ENTERTAINMENT, AND RECREATION

<p>| Adult Businesses                                  | Subpart 3.1    |     |     |       |     |       |        |        |        |        |       |
| Amphitheaters, Outdoor Stages, Bandstands, or Similar Structures, Neighborhood | P               |     |     |       |     |       |        |        |        |        |       |
| Amphitheaters, Outdoor Stages, Bandstands, or Similar Structures                  | SE  | SE  | SE   |     |       |        |        |        |        |        |       |
| Amusement or Theme Parks                        |                |     |     |       |     |       |        |        |        |        |       |
| Art Galleries                                   |                |     |     |       |     |       |        |        |        |        |       |
| Art Studios                                     |                |     |     |       |     |       |        |        |        |        |       |
| Artisan Workshops                               |                |     |     |       |     |       |        |        |        |        |       |</p>
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**BUSINESS, PROFESSIONAL, SCIENTIFIC, AND TECHNICAL**

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**INDUSTRIAL, MANUFACTURING, AND PRODUCTION**

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Table 155.271-1: Use Table (PR, AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, and RMX-6 Districts)
## Table 155.271-1: Use Table (PR, AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, and RMX-6 Districts)

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### Uses
- **PR**: Permitted
- **AGC**: Allowed with Conditions
- **AGC-I**: Allowed in Industrial Areas
- **RUD**: Requiring Developmental Review
- **RUD-I**: Requiring Developmental Review in Industrial Areas
- **RSF-40**: Requiring Special Use Permit - 40 ft. Setback
- **RSF-30**: Requiring Special Use Permit - 30 ft. Setback
- **RMX-20**: Requiring Mixed Use Permit - 20 ft. Setback
- **RMX-10**: Requiring Mixed Use Permit - 10 ft. Setback
- **RMX-6**: Requiring Mixed Use Permit - 6 ft. Setback

### Conditions
- **C**: Conditional Use
- **P**: Permitted Use
## Table 155.271-1: Use Table (PR, AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, and RMX-6 Districts)

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### RETAIL AND SERVICES

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### Table 155.271-1: Use Table (PR, AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, and RMX-6 Districts)

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**TRANSPORTATION AND UTILITIES**

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**WAREHOUSING AND STORAGE**

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**WASTE MANAGEMENT FACILITIES**

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Table 155.271-1: Use Table (PR, AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, and RMX-6 Districts)

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| Farmers’ Markets                         | C C C C C C C C
## Table 155.271-2: Use Table (RC, NC, OI, GC, OA, RI, LI, ID, BT, MU, UD Districts)

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<td>Farming, Indoor</td>
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<td>Greenhouses, Nurseries, and Accessory Equipment</td>
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# Table 155.271-2: Use Table (RC, NC, OI, GC, OA, RI, LI, ID, BT, MU, UD Districts)

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## BUSINESS, PROFESSIONAL, SCIENTIFIC, AND TECHNICAL

| Banks, Credit Unions, and Savings & Loans (without drive-through)     | P P P P P P   |
| Business Support Sales and Services                                  | P P P P       |
### Table 155.271-2: Use Table (RC, NC, OI, GC, OA, RI, LI, ID, BT, MU, UD Districts)

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<td>Medical Facilities, Small</td>
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<td>Medical Facilities, Large</td>
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**INDUSTRIAL, MANUFACTURING, AND PRODUCTION**

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<td>Petroleum and Coal Products Manufacturing</td>
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Table 155.271-2: Use Table (RC, NC, OI, GC, OA, RI, LI, ID, BT, MU, UD Districts)
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<td>Colleges and Universities</td>
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<tr>
<td>Crematories</td>
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<td>Funeral Homes</td>
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<tr>
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<tr>
<td>Lodges and Civic Clubs</td>
<td>P  P  P  P  P  P  P  P</td>
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<tr>
<td>Schools, K-12, Either Public or Private, and Administrative School Buildings</td>
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<td>Schools, Technical or Trade</td>
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### RESIDENTIAL

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<td>Duplex Dwellings</td>
<td>Subpart 3.14</td>
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<tr>
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<td>Multi-Family Dwellings</td>
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<td>Single-Family Detached Dwellings</td>
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<td>Townhouse Dwellings</td>
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<td>Triplex Dwellings</td>
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### RETAIL AND SERVICES

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<td>Animal and Pet Services (with outdoor kennels, runs, or play areas)</td>
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Table 155.271-2: Use Table (RC, NC, OI, GC, OA, RI, LI, ID, BT, MU, UD Districts)

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<td>Funeral Homes</td>
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<td>Lodges and Civic Clubs</td>
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<td>Commercial Uses with Drive-Through or Drive-In</td>
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**Table 155.271-2: Use Table (RC, NC, OI, GC, OA, RI, LI, ID, BT, MU, UD Districts)**

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<td>Tattoo and Body Piercing Establishments</td>
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**TRANSPORTATION AND UTILITIES**

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Table 155.271-2: Use Table (RC, NC, OI, GC, OA, RI, LI, ID, BT, MU, UD Districts)

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<thead>
<tr>
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<td><strong>WAREHOUSING AND STORAGE</strong></td>
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<td>Motor Vehicle, Recreational Vehicle, or Boat Storage</td>
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<td>Petroleum Bulk Stations and Terminals</td>
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<td>Self-Storage Facilities</td>
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<td>Warehousing, Wholesale and Distribution Establishments</td>
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<td><strong>WASTE MANAGEMENT FACILITIES</strong></td>
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<td>Composting Facilities</td>
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<td>Hazardous Waste Storage or Treatment Facilities</td>
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<td>Incinerators, Commercial</td>
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<td>Landfills (Cellulose)</td>
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<td>Landfills (Inert)</td>
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<td>Landfills (Sanitary)</td>
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<td>Recovered Materials Processing Facilities</td>
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<td><strong>TEMPORARY USES</strong></td>
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<td>Construction-Related Offices and Storage (other than Subdivision Sales and Construction Centers)</td>
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<td>Commercial Filming and Film Production Activities (outdoor)</td>
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## Table 155.271-2: Use Table (RC, NC, OI, GC, OA, RI, LI, ID, BT, MU, UD Districts)

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<td>Seasonal Sales – Roadside Agricultural and Produce Stands</td>
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<td>Seasonal Sales – Trees or Pumpkins</td>
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§ 155.272 RESERVED.

§ 155.273 RESERVED.

§ 155.274 RESERVED.

§ 155.275 RESERVED.

§ 155.276 RESERVED.

§ 155.277 RESERVED.

§ 155.278 RESERVED.

§ 155.279 RESERVED.
PART 3: CONDITIONAL AND SPECIAL EXCEPTION USES

SUBPART 3.1: ADULT BUSINESSES

§ 155.280 APPLICABILITY.

This Subpart applies to all adult businesses that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.281 NUMBER OF ESTABLISHMENTS PER LOT.

No more than one adult business shall be located on any lot.

§ 155.282 MINIMUM SEPARATION BETWEEN USES AND DISTRICTS.

An adult business shall be located:

(A) At least 1,000 feet from any other adult business; and

(B) At least 1,000 feet from:

(1) Any lots located in the PR, AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, and RMX-6, zoning districts; and

(2) Any lots containing dwelling units, schools, day care centers, religious facilities, or public parks, whether or not such lots are located in the incorporated or unincorporated area of York County.

§ 155.283 RESERVED.

§ 155.284 RESERVED.

§ 155.285 RESERVED.

§ 155.286 RESERVED.

§ 155.287 RESERVED.

§ 155.288 RESERVED.

§ 155.289 RESERVED.
§ 155.290 APPLICABILITY.

This Subpart applies to all airports and heliports that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.291 COMPLIANCE WITH FAA REGULATIONS REQUIRED.

(A) Prior to issuance of a zoning compliance approval for the use, an air transportation facility owner shall demonstrate compliance with 14 CFR Part 157, Notice of Construction, Alteration, Activation, and Deactivation of Airports and 14 CFR Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace, as applicable.

(B) All airports shall be designed in accordance with Federal Aviation Administration Advisory Circular 150/5300-13A, dated February 26, 2014, as may be amended or supplemented from time to time.

(C) All heliports shall be designed in accordance with Federal Aviation Administration Advisory Circular 150/5390-2c, dated April 24, 2012, as may be amended or supplemented from time to time.

§ 155.292 IMPACT STATEMENT REQUIRED.

In conjunction with the zoning compliance or special exception use application, as applicable, the applicant shall submit an “Impact Statement,” quantifying the impact of the proposed facility on existing land uses, transportation, and community facilities, and the County’s Comprehensive Plan.

§ 155.293 BUFFERYARDS.

For the purpose of determining bufferyard requirements (see Subchapter D, Part 3: Buffers, Screening, and Landscaping), an air transportation facility is considered an industrial use.

§ 155.294 EMERGENCY SERVICES AIRCRAFT.

Nothing in this Subpart shall be construed to prohibit or limit the ability of an emergency services aircraft from landing or taking off as part of an emergency response.

§ 155.295 RESERVED.

§ 155.296 RESERVED.

§ 155.297 RESERVED.

§ 155.298 RESERVED.

§ 155.299 RESERVED.
SUBPART 3.3: ALTERNATIVE LENDING INSTITUTIONS

§ 155.300 PURPOSE.

(A) Alternative lending institutions potentially degrade surrounding neighborhoods by drawing disposable income and savings from residents, which has a detrimental impact on their property values, crime rates, home maintenance, and appearance.

(B) The clustering of alternative lending institutions in certain areas of York County can have a detrimental impact on the surrounding commercial and residential areas.

(C) The purpose of this Subpart, therefore, is to impose separation and location requirements for these businesses in order to:

   (1) Protect and promote the public health, safety, and general welfare;

   (2) Protect the character of established residential neighborhoods; and

   (3) Maintain economically vibrant and visually attractive business and commercial areas.

§ 155.301 APPLICABILITY.

This Subpart applies to all alternative lending institutions that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.302 MINIMUM SEPARATION BETWEEN USES AND DISTRICTS.

An alternative lending institution shall be located:

(A) At least 1,320 feet from any other alternative lending institution; and

(B) At least 660 feet from:

   (1) Any lots located in the PR, AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, RC, NC, PD, MU, HS-O, and SC-O zoning districts; and

   (2) Any lots containing dwelling units, schools, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of York County.

§ 155.303 LOCATION.

All alternative lending institutions shall be located within either a multi-tenant commercial building or entirely within a grocery store, or other non-residential building that has a minimum area of 30,000 square feet.
§ 155.304  HOURS OF OPERATION.

An alternative lending institution shall operate only between the hours of 8 a.m. and 10 p.m.

§ 155.305  VEHICLE SALES AND STORAGE PROHIBITED.

The sale and/or storage of vehicles is strictly prohibited.

§ 155.306  RESERVED.

§ 155.307  RESERVED.

§ 155.308  RESERVED.

§ 155.309  RESERVED.
SUBPART 3.4: BARS AND NIGHTCLUBS

§ 155.310 APPLICABILITY.

(A) This Subpart applies to all bar and nightclub uses that are specified as conditional or special exception uses in § 155.271: Use Table.

(B) Any accessory outdoor gathering areas are subject to the use regulations in Subpart 4.9: Outdoor Gathering Areas.

§ 155.311 MINIMUM SEPARATION BETWEEN USES AND DISTRICTS.

A new bar or nightclub shall be located at least 300 feet from:

(A) Any lots located in the PR, AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, RC, NC, PD, HS-O, and SC-O zoning districts; and

(B) Any lots containing dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of York County.

§ 155.312 RESERVED.

§ 155.313 RESERVED.

§ 155.314 RESERVED.
§ 155.315 APPLICABILITY.

This Subpart applies to all bed and breakfasts that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.316 PRIMARY RESIDENCE OF OWNER.

(A) The owner or manager of a bed and breakfast must live on the lot where the bed and breakfast is located. The bed and breakfast use is secondary to the principal use of the lot for a residential dwelling, but is not considered an accessory use.

(B) The owner or manager must be present on the site during the period when any or all of the guest rooms are occupied.

§ 155.317 MAXIMUM DURATION OF STAY.

A bed and breakfast may provide only short-term lodging (less than 30 days). Therefore, rentals with a duration of 30 days or more are prohibited.

§ 155.318 GUEST ROOMS AND MEALS.

(A) Guest rooms shall be located within the principal structure or an accessory structure in existence on the effective date of this Chapter.

(B) Guest rooms shall not contain cooking facilities.

(C) Meals shall be served to registered guests only.

§ 155.319 RESIDENTIAL APPEARANCE AND CHARACTER.

The bed and breakfast use shall produce no alterations or changes in the character or exterior appearance of the principal building from that of a dwelling.

§ 155.320 RESERVED.

§ 155.321 RESERVED.

§ 155.322 RESERVED.

§ 155.323 RESERVED.

§ 155.324 RESERVED.
§ 155.325 APPLICABILITY.

This Subpart applies to all bingo halls that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.326 MINIMUM SEPARATION BETWEEN USES AND DISTRICTS.

A new bingo hall shall be located:

(A) At least 300 feet from any other bingo hall; and

(B) At least 500 feet from:

(1) Any lots located in the PR, AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, RC, NC, PD, MU, HS-O, and SC-O zoning districts; and

(2) Any lots containing dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of York County.

§ 155.327 RESERVED.

§ 155.328 RESERVED.

§ 155.329 RESERVED.
SUBPART 3.7: CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS

§ 155.330  APPLICABILITY.

This Subpart applies to all campgrounds and recreational vehicle parks that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.331  MINIMUM LOT SIZE.

The minimum lot size for campgrounds and recreational vehicle parks is 10 acres.

§ 155.332  OCCUPANCY LIMITATIONS.

(A)  Caretaker Residence. Campgrounds and recreational vehicle parks may have one caretaker residence. This residence will be the only structure used as a permanent residence on the site and must meet the definition of a single-family detached dwelling.

(B)  Staff Accommodations. Campgrounds and recreational vehicle parks may provide overnight sleeping accommodations to employees and volunteers serving as staff, but staff shall only occupy the premises seasonally and may not reside on site as a permanent resident unless housed in the caretaker residence.

(C)  Overnight Guests. All campers, paying guests, and all other visitors who are not volunteers for or employees of the organization or person operating the campground or recreational vehicle park shall occupy the site on a temporary basis for periods not to exceed 15 days and may not reside on-site as a permanent residence unless housed in the caretaker residence.

§ 155.333  DEVELOPMENT STANDARDS.

(A)  Campsite Design and Layout. Campsites shall be designed in accordance with the National Park Service Campground Development Guidelines.

(B)  Campsite Density. To ensure an appropriate amount of space between campsites, there shall be no more than 15 campsites per acre.

(C)  Recreation Facilities. At least 25% of the total site shall be reserved for outdoor recreation and educational purposes, including but not limited to shuffleboard, volleyball courts, horseshoe pits, walking trails, open space, and swimming areas.

(D)  Manufactured Homes Prohibited. Manufactured homes are expressly prohibited and may not be used as permanent or temporary dwellings on the site.

(E)  Accessory Structures. Accessory buildings and structures, including bathhouses, storage buildings, dining halls, meeting halls, boathouses, and stables are allowed.

(F)  Cooking Facilities. Other than the caretaker residence, shelters designed or intended for overnight occupancy will not be equipped with any interior cooking facilities, but common
cooking and dining facilities not attached to a structure intended for overnight occupancy may be provided as an accessory building.

(G) **Parking and Circulation.** The campground will provide off-street parking and access and interior roads, which may be constructed of gravel or pervious material.

(H) **Limitation on Impervious Surfaces.** The area covered by impervious surfaces, including off-street parking and access and interior roads, shall not exceed 50% of the lot size.

(I) **Site Plan Review.** A site plan must be submitted in accordance with all applicable provisions of this Chapter.

(J) **Regulatory Approvals.** SCDHEC regulatory approval for septic facilities or any other aspect of the development is required prior to site plan approval.

§ 155.334 ADDITIONAL DEVELOPMENT STANDARDS FOR RECREATIONAL VEHICLE PARKING.

The following additional development standards shall apply to all campgrounds and recreational vehicle parks that provide overnight parking sites for recreational vehicles:

(A) **Utilities.** Sanitary sewage, storm drainage, water, and refuse disposal facilities are required. Utility hook-ups for recreational vehicles must be provided at each parking site for recreational vehicles. All utilities for parking sites, including, electric, water, and sewer will be placed underground.

(B) **Circulation.** Roadways must be paved with cement, asphalt, or other durable material and must have a minimum travel width of 20 feet, exclusive of parking. Internal roadways will not be accepted as public streets and must be maintained by the operator of the facility.

(C) **Parking.**

   (1) One off-street parking space must be provided per recreational vehicle parking site;

   (2) Parking spaces will be paved, properly marked, and lighted; and

   (3) Parking spaces for recreational vehicles must be “head-in” parking bays with concrete curbs or other appropriate car stops installed at the end. “Drive-through” parking bays are not allowed.

(D) **Access.** No external public roadway access to a site containing recreational vehicle parking will be located closer than 150 feet to the intersection of any two public roadways.

(E) **Recreational Vehicle Storage.** Areas for storage of recreational vehicles are permitted, provided the area:

   (1) Does not exceed 20% of the development area;
(2) Shall be set located at least 100 feet from all exterior lot lines;

(3) Shall be screened as provided in Part 4, Subpart 4.11: Outdoor Storage; and

(4) Is limited to storage of recreational vehicles as an accessory use in conjunction with the principal campground and recreational vehicle park use.

§ 155.335 RESERVED.

§ 155.336 RESERVED.

§ 155.337 RESERVED.

§ 155.338 RESERVED.

§ 155.339 RESERVED.
§ 155.340 APPLICABILITY.

This Subpart applies to all cemeteries that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.341 PERPETUAL CARE REQUIRED.

All new cemeteries established in York County shall be perpetual care cemeteries, as defined by S.C. Code Ann. § 40-8-30(17).

§ 155.342 SETBACKS.

(A) Location of Burial Sites, Mausoleums, and Columbaria. All burial sites, mausoleums, and columbaria shall be located at least 50 feet from all property lines.

(B) Location of All Other Structures. All other structures shall meet the setback requirements of the zoning district.

§ 155.343 SCREENING.

A lot used for cemetery purposes shall be screened with a Type C buffer.

§ 155.344 VEHICULAR AND PEDESTRIAN CIRCULATION AND PARKING.

(A) Circulation and Parking Plan. The applicant for a cemetery use shall submit a vehicular and pedestrian circulation and parking plan that demonstrates:

(1) Safe pedestrian access will be provided throughout the publicly-accessible portions of the cemetery, including from parking areas to burial sites, mausoleums, and columbaria; and

(2) The manner in which parking is proposed to be accommodated within the cemetery grounds (e.g., along the edges of drive aisles, in small parking areas dispersed throughout the cemetery); and

(3) The proposed vehicular routing and parking plan for funerals, which may vary based on the location within the cemetery of the burial or interment site; and

(4) The site design provides sufficient drive aisle width, turning radii, and vertical clearance for access by fire and emergency apparatus.

(B) Parking Areas.

(1) If the cemetery has an administration or management building, off-street parking shall be provided to serve the building in accordance with Subchapter D, Part 5: Parking.
(2) Parking spaces and drive aisles located within the cemetery grounds are not subject to Subchapter D, Part 5: Parking.

§ 155.345 REGULATORY COMPLIANCE.

All cemeteries shall comply with S.C. Code Ann. Title 40, Chapter 8: South Carolina Perpetual Care Cemetery Act and other applicable local, state, and federal laws and permitting requirements.

§ 155.346 RESERVED.

§ 155.347 RESERVED.

§ 155.348 RESERVED.

§ 155.349 RESERVED.
SUBPART 3.9: COMMUNICATIONS TOWERS

§ 155.350 PURPOSE.

The purpose and intent of this Section is to:

(A) Promote the health, safety, and general welfare of the public by regulating the siting of wireless communications facilities;

(B) Minimize the impacts of communications towers on surrounding areas by establishing standards for location, structural integrity, and compatibility;

(C) Encourage the location and collocation of wireless communications equipment on existing structures, thereby minimizing visual, aesthetic, and public safety impacts and effects upon the natural environment and wildlife, and reducing the need for additional communications towers;

(D) Accommodate the growing need and demand for wireless communications services;

(E) Encourage coordination between providers of communications providers in York County;

(F) Protect the character, scale, stability, and aesthetic quality of the residential districts of York County by imposing certain reasonable restrictions on the placement of communications towers;

(G) Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as to not unreasonably discriminate between providers of functionally equivalent personal wireless service or to prohibit or have the effect of prohibiting personal wireless service in York County;

(H) Establish predictable and balanced regulations governing the construction and location of wireless communications facilities within the confines of permissible local regulation;

(I) Establish review procedures to ensure that applications for wireless communications facilities are reviewed and acted upon within a reasonable period of time;

(J) Provide for the removal of unused communications towers; and

(K) Provide for the replacement or removal of nonconforming communications towers and other antenna supporting structures.

§ 155.351 APPLICABILITY.

(A) In General. This Subpart applies to all communications towers that are specified as conditional or special exception uses in § 155.271: Use Table and to all communications antennas affixed to communications towers.

(B) Exempt Communications Towers. This Subpart does not apply to any tower:
(1) Less than 100 feet in height that used solely to support antennas operated by a licensed amateur radio operator; or

(2) Licensed by the Federal Communications Commission (FCC) for radio and television broadcasts.

(C) **Exempt Communications Antennas.** This Subpart does not apply to:

(1) Ground based receiving antennae up to five meters in diameter, including antennae less than one meter in diameter used for space-based services for residences;

(2) Antennas less than two meters in diameter used in non-residential areas for space-based services; or

(3) Antennas legally operated by FCC-licensed amateurs.

(D) **Towers Prohibited in Certain Districts.** Communications towers shall be prohibited in the Historic Sites Overlay (HS-O) and Scenic Overlay District (SC-O).

(E) **Routine Maintenance.** This Subpart does not apply to ordinary maintenance of existing communications antennas and communications towers that does not materially change the communications antenna or communications tower.

**§ 155.352 MAJOR AND MINOR MODIFICATIONS.**

(A) **Major Modifications.** Major modifications are changes to existing communications towers or communications antennas that result in a substantial increase to the existing structure. As described in this Subpart, major modifications and new communications towers require a special exception permit approved by the BZA.

(B) **Minor Modifications.** Minor modifications are modifications to existing communications tower, existing communications antennas, or the colocation of new communications antennas that result in a material change to the facility or support structure but are of a level, quality, or intensity that is less than a substantial increase. A minor modification is intended to implement federal regulations relating to expedited review for eligible facilities requests codified in 47 CFR § 1.6100: Wireless Facilities Modifications. As described in this Subpart, zoning compliance for a minor modification may be approved by the Zoning Administrator.

(C) **Substantial Increases.** For the purposes of this Subpart, a substantial increase to an existing structure occurs when:

(1) For towers other than towers in the public rights-of-way, it increases the height of the tower as originally approved or constructed by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
§ 155.353: MINOR MODIFICATIONS TO EXISTING TOWERS.

(A) Permit Required for Changes to Communications Towers and Antennas. All communications providers must obtain a zoning compliance (see Subchapter E: Procedures) prior to locating a new antenna on an approved tower or modifying an existing tower.

(B) Changes Requiring Approval. The following changes to existing towers must be submitted for zoning compliance review (see Subchapter E: Procedures):

1. Minor Modifications. Minor modifications, including new collocations, shall be permitted in any zoning district after administrative review and administrative approval in accordance with the standards set forth in this Subpart; and

2. Change of Ownership. Transfer of ownership of an existing communications tower.

(C) Standard for Approval of Minor Modifications. An application meeting the standards for a minor modification will be approved by the Zoning Administrator. An application that is
determined not to meet the standards for a minor modification shall be reviewed as a major modification.

(D) **Design Standards.** The following standards will apply to the review of applications for minor modifications to existing towers:

1. The additional loading on the tower caused by the proposed changes shall not exceed the tower's design as previously submitted;

2. Changes will be made to the tower's design and construction to safely accommodate the additional antenna(s); and

3. The proposed changes will not alter the camouflage design of a previously approved communications tower or antenna.

§ 155.354 **NEW COMMUNICATIONS TOWERS AND MAJOR MODIFICATIONS TO EXISTING TOWERS.**

(A) **Permit Required for New Communications Towers and Major Modifications to Existing Towers.** In zoning districts where communications towers are a special exception use, a zoning compliance for a new communications tower may be issued by the Planning and Development Services Department only after approval by the Board of Zoning Appeals of a special exception use application based on information required by this Subpart, information and evidence provided during the public review and public hearing, and compliance with all requirements and standards established by this Chapter. A tower shall not be approved unless it is used to support operating antennas or is itself an antenna.

(B) **Other Applicable Standards.** The general requirements for all structures are applicable to communication towers, antennas, and related support facilities. All applicable health, nuisance, noise, fire, building, and safety code requirements shall apply in addition to the specific requirements of this Subpart. Regulations covering visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except those specifically superseded by this communications tower Subpart apply to the use.

§ 155.355 **CRITERIA FOR COMMUNICATIONS TOWER USE.**

The following criteria shall apply to the review of all new communication tower uses in all districts in which communications towers are a conditional or special exception use:

(A) **Use by a Communications Provider.** The applicant shall be a communications provider as defined in this code, or if the applicant is not a communications provider as defined in this code, the applicant must submit evidence that one communications provider as defined in this code has executed an agreement to locate and operate antennas on the proposed communications tower;
(B) **Necessity.** The proposed communication tower is necessary to provide wireless communication services for one communication provider, and the proposed communications tower is not speculative;

(C) **Design Standards.** The proposed communication tower is designed to current technical and structural standards and can accommodate the co-location of additional antennas by other communications providers;

(D) **Public Safety.** The use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;

(E) **Separation Requirement.**

   (1) No communication tower shall be approved within a 2,640-foot radius of an existing communication tower unless an existing tower within a 2,640-foot radius of the proposed tower site cannot meet reasonable structural specifications or technical design requirements of the applicant and space on an existing tower within a 2,640-foot radius of the proposed tower site is not available for co-location at fair market value;

   (2) No communication tower shall be approved within a 2,640-foot radius of a structure designated architecturally or historically significant and that is included in the Historic Sites Overlay District (HS-O) unless an existing tower within a 2,640-foot radius of the proposed tower site cannot meet reasonable structural specifications or technical design requirements of the applicant and space on an existing tower within a 2,640-foot radius of the proposed tower site is not available for co-location at fair market value;

(F) **Regulatory Compliance.** The proposed tower shall meet all applicable Federal Communication Commission rules and will be operated in compliance with Federal Communication Commission rules and regulations;

(G) **Airport Overlay.** The proposed tower will not have an adverse effect on air space associated with the Rock Hill-York County Airport and conforms to Federal Aviation Administration rules and regulations and is consistent with the York County Zoning Ordinance Airport Overlay District contained in this code; and

(H) **Insurance Requirements.** All applicants, communications providers, and owners of the tower shall procure and maintain in force one or more public liability insurance policies with policy limits of not less than $1,000,000 for liability claims for personal injury, death, or damage to property.

§ 155.356 **HEIGHT AND APPEARANCE STANDARDS.**

(A) **For Freestanding Towers.**

   (1) Table 155.356-1: *Tower Height and Appearance Standards* specifies the maximum height for ground-mounted freestanding or guyed towers or the overall height of a tower mounted on an existing structure, except for minor modifications approved under this
Subpart, which may increase the height of an existing tower by the greater of 10% of the current height or 20 feet above the current height.

(2) The height standards in Table 155.356-1: *Tower Height and Appearance Standards* for the ID and LI Districts may be increased by up to 100 feet upon approval by the Board of Zoning Appeals as part of a Communications Tower Permit application pursuant to Subchapter E: *Procedures* based on a showing that a proposed tower will decrease the need for additional towers in the service area and will not have a significant visual impact on residential districts.

(3) The height limitations of this Section do not apply to communications towers and antennas constructed or used by York County or its designee for county public services uses, including but not limited to public safety, firefighting, law enforcement, medical, emergency, 911 public service uses, and potential use for any subsidiary commercial co-locator user designated by the County.

(B) **For Towers Mounted on Existing Structures.** Height limitation for towers mounted on existing structures, including buildings, water tanks, and other structures shall not exceed 25 feet in height above the highest point of the existing physical structure and must be a single server tower constructed onto or attached and affixed to part of the physical structures (buildings, water tanks, and the like). For purposes of this Subpart, an existing communications tower is not considered a structure on which another tower may be erected. The total height of a communication tower and existing structure on which it is located shall not exceed the height in Table 155.356-1: *Tower Height and Appearance Standards*, applicable to the zoning district in which the tower is located, except for minor modifications approved under this Subpart, which may increase the height of an existing tower by the greater of 10% of the current height or 20 feet above the current height.

(C) **Color.** Communication towers, antennas, and equipment affixed to the tower must be a blending color such as light gray, unless required to be painted by the Federal Aviation Administration. Properly maintained unpainted galvanized steel color will meet this condition.

(D) **Appearance.**

(1) **Camouflage Design.** Communication towers located in the districts specified for camouflage design in Table 155.356-1: *Tower Height and Appearance Standards* shall incorporate camouflage design and construction techniques. The camouflage design techniques selected shall be consistent with the context of other features in the immediate vicinity, such as the architecture of buildings or species of trees.

(2) **Appearance.** In all districts, effort shall be made to minimize the visual impact of the tower considering height, design, appearance, proposed screening, and location on a site relative to other features, such as vegetation and topography.
Table 155.356-1: Tower Height and Appearance Standards

<table>
<thead>
<tr>
<th>District</th>
<th>Tower Height (max)</th>
<th>Camouflage Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>PR</td>
<td>150 ft</td>
<td>Y</td>
</tr>
<tr>
<td>AGC, AGC-I</td>
<td>250 ft</td>
<td>N</td>
</tr>
<tr>
<td>RUD, RUD-I</td>
<td>250 ft</td>
<td>N</td>
</tr>
<tr>
<td>RSF-40</td>
<td>100 ft</td>
<td>Y</td>
</tr>
<tr>
<td>RSF-30</td>
<td>100 ft</td>
<td>Y</td>
</tr>
<tr>
<td>RMX-20</td>
<td>100 ft</td>
<td>Y</td>
</tr>
<tr>
<td>RMX-10</td>
<td>100 ft</td>
<td>Y</td>
</tr>
<tr>
<td>RMX-6</td>
<td>100 ft</td>
<td>Y</td>
</tr>
<tr>
<td>RC</td>
<td>150 ft</td>
<td>N</td>
</tr>
<tr>
<td>NC</td>
<td>100 ft</td>
<td>Y</td>
</tr>
<tr>
<td>OI</td>
<td>199 ft</td>
<td>N</td>
</tr>
<tr>
<td>GC</td>
<td>199 ft</td>
<td>N</td>
</tr>
<tr>
<td>OA</td>
<td>250 ft</td>
<td>N</td>
</tr>
<tr>
<td>RI</td>
<td>250 ft</td>
<td>N</td>
</tr>
<tr>
<td>LI</td>
<td>250 ft</td>
<td>N</td>
</tr>
<tr>
<td>ID</td>
<td>250 ft</td>
<td>N</td>
</tr>
<tr>
<td>BT</td>
<td>199 ft</td>
<td>N</td>
</tr>
<tr>
<td>MU</td>
<td>100 ft</td>
<td>Y</td>
</tr>
<tr>
<td>UD</td>
<td>199 ft</td>
<td>N</td>
</tr>
</tbody>
</table>

Key: max = maximum allowed | ft = feet | Y = yes, required | N = no, not required

§ 155.357 SETBACKS.

(A) In General. Communications towers, equipment enclosures, and ancillary appurtenances must meet the minimum setback requirements for the zoning district in which they are proposed.

(B) Setback Distance. Communications towers must be set back a distance equal to the lesser of 75% of their overall height or the fall zone for the communications tower as certified.
by a South Carolina Professional Engineer from the lot line for any lot in a zoning district; however, guy-wire anchors need only comply with the provisions of Subsection (A), above.

(C) **Replacement of Existing Towers.** An existing tower may be replaced with another tower of a height no greater than the existing tower without complying with the setback required by this Section.

(D) **More Restrictive Standard Applies.** If more than one of the above setback requirements applies to a communications tower, the more restrictive requirement will govern.

(E) **Measurement.** The setback must be measured from the foundation of the tower to the nearest portion of the lot line for a use specified in this Section.

§ 155.358 **LIGHTING.**

(A) **Lighting Requirement.** Communication towers must not be lighted unless required by the federal review authority or a variance is granted for safety reasons. When lighting is required, lighting may be strobe during the daylight hours.

(B) **Type of Lighting.** Lighting required by the federal review authority may only be red in color. Lights must be shaded to minimize visibility from the ground.

§ 155.359 **FENCING.**

(A) **Fencing Required.** Communications towers, all associated structures, and anchors must be completely enclosed by a security fence.

(B) **Fencing Design.** At a minimum, the required security fencing must be a chain link fence eight feet in height.

(C) **Area to be Fenced.** Fencing shall be constructed with sufficient space to accommodate all cabinets or structures to house equipment and apparatus for the maximum number of antennas that could be co-located on the tower.

§ 155.360 **BUFFERYARDS AND SCREENING.**

(A) **Screening Outside Fence.** A communications tower site must be screened by the installation of landscaping outside of and along the security fence required by § 155.359: *Fencing.* The screening must conform with the standards for foundation landscaping for industrial use required in Subchapter D, Part 3, § 155.811: *Foundation Landscaping.*

(B) **Additional Bufferyards.** Additional landscaping and bufferyards must be provided along each property line that is adjacent to residential uses or districts. The required bufferyard must conform with the standards for Industrial, Manufacturing, and Production; Transportation and Utilities; Warehousing and Storage use required by Subchapter D, Part 3, § 155.823: *Bufferyards for Non-Residential, Multi-Family, and Quadplex Uses.*
§ 155.361 IDENTIFICATION OF OWNER.

One sign of no more than two square feet in size must be placed in a visible location on the required fencing identifying the owner's name, street address, an all-hours emergency telephone number, and the owner's identification number for the tower. The sign may also identify other users of the tower.

§ 155.362 COMMENCEMENT OF CONSTRUCTION.

(A) Commencement Requirement. Construction of approved towers must be commenced within 90 days of Board of Zoning Appeals approval or the permit will be considered expired, and the applicant must re-apply prior to construction. An approved tower must be in a condition to meet a final inspection within 180 days of the issuance of a construction permit.

(B) Extension of Time. An extension not exceeding 90 days may be granted at staff's discretion based on written documentation showing that an unforeseen hardship delayed the commencement or completion of the construction.

(C) Failure to Construct Tower. A communications tower that is not constructed within the times allowed by this Section shall be removed pursuant to § 155.363: Removal of Towers Not in Use.

§ 155.363 REMOVAL OF TOWERS NOT IN USE.

(A) Discontinuation of Use. Any tower that is not used for a period of more than 180 days, or that is not constructed within the time period allowed in § 155.362: Commencement of Construction will be deemed abandoned.

(B) Notice to Remove. The County will provide written notice to the owner of an unused communications tower giving the owner the opportunity to take such action(s) as may be necessary to return the tower to active use within 30 days of receipt of the written notice.

(C) Requirement to Remove. In the event the owner of a communications tower fails to return the tower to active use within the 30-day period, the owner shall be required to remove the tower within three months of the expiration of the 30-day period to return the tower to active use.

§ 155.364 RESERVED.

§ 155.365 RESERVED.

§ 155.366 RESERVED.

§ 155.367 RESERVED.

§ 155.368 RESERVED.

§ 155.369 RESERVED.
§ 155.370 APPLICABILITY.

This Subpart applies to all composting facilities that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.371 DEVELOPMENT STANDARDS.

All composting facilities shall meet the following standards:

(A) Minimum Lot Size. Any composting facility must be located on a parcel of at least five acres in size;

(B) Setbacks. All structures/buildings and composting equipment or facilities, such as compost stockpiles, composting bins, windrows, composting structures, or other approved methods of composting used in the operation shall be located at least 125 feet from all property lines; and

(C) Bufferyards. The site must provide bufferyards that comply with the bufferyard requirements for the industrial district stated in Subchapter D, Part 3: Buffers, Screening, and Landscaping.

§ 155.372 REGULATORY COMPLIANCE.

All composting facilities must be permitted through the South Carolina Department of Health and Environmental Control.

§ 155.373 RESERVED.

§ 155.374 RESERVED.
§ 155.375 APPLICABILITY.

(A) This Subpart applies to all cottage courts that are specified as conditional or special exception uses in § 155.271: Use Table.

(B) Cottage courts also are subject to the site design standards in LDC Subchapter B, Part 6: Cottage Courts.

§ 155.376 MAXIMUM NUMBER OF COTTAGE DWELLINGS.

A cottage court may contain up to the maximum number of dwellings specified in Table 155.376-1: Maximum Number of Dwellings Allowed in a Cottage Court.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Number of Dwellings (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RMX-20</td>
<td>3</td>
</tr>
<tr>
<td>RMX-10</td>
<td>5</td>
</tr>
<tr>
<td>RMX-6</td>
<td>7</td>
</tr>
</tbody>
</table>

Key: max = maximum allowed

§ 155.377 DIMENSIONAL STANDARDS.

(A) Minimum Lot Size.

(1) Cottage Courts. Each cottage court shall be located on a lot with the minimum area specified in Subchapter B, Part 2, § 155.056: Lot Size.

(2) Cottage Dwellings. When a cottage court includes dwellings located on fee simple lots, there is no minimum lot size for individual cottage dwelling lots.

(B) Maximum Dwelling Size. A cottage dwelling may have the maximum dimensions and floor area specified in Table 155.377-1: Maximum Dwellings Size.
Table 155.377-1: Maximum Dwellings Size

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Dimensions (max)</th>
<th>GFA (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RMX-20</td>
<td>40 ft (length), 40 ft (width)</td>
<td>1,600 sf</td>
</tr>
<tr>
<td>RMX-10</td>
<td>40 ft (length), 40 ft (width)</td>
<td>1,200 sf</td>
</tr>
<tr>
<td>RMX-6</td>
<td>30 ft (length), 30 ft (width)</td>
<td>900 sf</td>
</tr>
</tbody>
</table>

Key: max = maximum allowed | GFA = gross floor area | ft = feet | sf = square feet

(C)  **Setbacks.**

1. The zoning district setbacks specified in Subchapter B, Part 2, Subpart 2.2: *Base District Dimensional Standards* apply along the perimeter of a cottage court lot.

2. Cottage dwellings within a cottage court shall be spaced at least six feet apart, measured from building wall to building wall.

§ 155.378  DEVELOPMENT STANDARDS.

(A)  **Off-Street Parking.**

1. Off-street parking spaces shall be provided as specified in Subchapter D, Part 5: *Parking*, and located as specified in LDC Subchapter B, Part 6: *Cottage Courts*.

2. Where desired, the developer may construct carports, detached garages, or other detached covered enclosed parking structures to serve the dwelling units in the cottage court.

(B)  **Bufferyards and Screening.** The lot must provide bufferyards that comply with the bufferyard requirements for quadplexes stated in Subchapter D, Part 3: *Buffers, Screening, and Landscaping*.

§ 155.379  ARCHITECTURAL DESIGN.

(A)  **Unity of Design.** All structures within a Cottage Court shall utilize unifying architectural styling, including roof pitch, exterior cladding materials, and complementary material colors. This provision shall apply to cottage dwellings, common structures, garages, and other accessory structures.

(B)  **Orientation of Cottage Dwellings.** Each cottage dwelling shall be oriented so that the front of the building faces the central courtyard.

(C)  **Porches.** Covered front porches, having a minimum depth of six feet and occupying at least 70% of the width of the front of the building, shall be required on each cottage dwelling.

§ 155.380  COMMON BUILDING.

(A)  One common building is allowed in a cottage court.
(B) Uses contained in the common building shall be accessory to the residential uses in the cottage court. Use examples include, but are not limited to, gathering areas, laundry facilities, and storage areas.

(C) The common building shall not:

1. Be designed or used as a dwelling, including temporary or guest lodging; and

2. Exceed 10% of the area of the courtyard.

§ 155.381 RESERVED.

§ 155.382 RESERVED.

§ 155.383 RESERVED.

§ 155.384 RESERVED.
SUBPART 3.12: CRAFT BREWERIES, MICRO-DISTILLERIES, AND WINERIES, TYPE II

§ 155.385 APPLICABILITY.

This Subpart applies to all type II craft breweries, micro-distilleries, and wineries that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.386 MINIMUM LOT SIZE.

In the AGC and AGC-I Districts, the minimum lot size required to establish a type II craft brewery, micro-distillery, or winery is five acres.

§ 155.387 MAXIMUM GROSS FLOOR AREA.

In the MU District, the maximum gross floor area of a type II craft brewery, micro-distillery, or winery is 10,000 square feet.

§ 155.388 ACCESSORY ACTIVITIES ALLOWED.

(A) Types of Accessory Activities.

(1) A type II craft brewery, micro-distillery, or winery may include one or more accessory activities including, but not limited to:

(a) Tasting room;

(b) Outdoor gathering areas, subject to the use regulations in Subpart 4.9: Outdoor Gathering Areas;

(c) Tours of the type II craft brewery, micro-distillery, or winery facility; and

(d) Ancillary retail sale of products produced on the premises and other related goods.

(2) A type II craft brewery also may include an accessory tap room, subject to the use regulations in Subpart 4.13 Tap Rooms.

(B) Hours of Operation for Accessory Activities. In the AGC and AGC-I Districts, hours of operation for accessory activities, are limited to between 10:00 a.m. and 8:00 p.m. Sunday through Wednesday and 10:00 a.m. and 9:00 p.m. Thursday through Saturday.

§ 155.389 OFF-STREET PARKING FOR ACCESSORY ACTIVITIES.

(A) Additional parking spaces are required for accessory activities as specified in Table 155.389-1: Required Number of Off-Street Parking Spaces for Accessory Activities. However, if more than one accessory activity is proposed, the Zoning Administrator may modify the number of required parking spaces based on the operational characteristics of the proposed activities.
Table 155.389-1: Required Number of Off-Street Parking Spaces for Accessory Activities

<table>
<thead>
<tr>
<th>Type of Accessory Activity</th>
<th>Required Number of Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tasting room</td>
<td>One space per each 100 square feet of gross floor area of the tasting room</td>
</tr>
<tr>
<td>Outdoor gathering area</td>
<td>One space per each 100 square feet of the outdoor gathering area</td>
</tr>
<tr>
<td>Tours of the facility</td>
<td>One space per each two people that can be accommodated at one time during a tour</td>
</tr>
<tr>
<td>Ancillary retail sales</td>
<td>One space per each 100 square feet of gross floor area of the retail area</td>
</tr>
</tbody>
</table>

(B) Notwithstanding the provisions of Subchapter D, Part 5: Parking, in the AGC and AGC-I Districts, parking may be constructed of pervious materials. However, accessible parking spaces shall be constructed in accordance with ADA Standards for Accessible Design.

§ 155.390 RESERVED.

§ 155.391 RESERVED.

§ 155.392 RESERVED.

§ 155.393 RESERVED.

§ 155.394 RESERVED.
§ 155.395 APPLICABILITY.

This Subpart applies to all drive-in theaters that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.396 MINIMUM SEPARATION BETWEEN USES AND DISTRICTS.

A new drive-in theater shall be located at least 300 feet from:

(A) Any lots located in the PR, AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, RC, NC, PD, MU, HSC-O, and SC-O zoning districts; and

(B) Any lots containing dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of York County.

§ 155.397 MAXIMUM CAPACITY.

In all zoning districts except the OA District, a drive-in theater shall have a maximum capacity of 400 automobiles.

§ 155.398 VEHICULAR ACCESS, CIRCULATION, AND PARKING.

(A) Separate Entrances and Exits Required.

(1) Separate vehicular entrances and exits shall be provided.

(2) Entrances and exits shall meet the curb cut separation and other requirements specified in LDC Subchapter C, Part 3: Access Management and Driveways.

(B) Circulation Plan. In conjunction with the conditional or special exception use application, the applicant for a drive-in theater use shall submit a vehicular circulation plan that demonstrates:

(1) Adequate space for vehicle queuing will be provided on-site at each vehicular entrance to reduce congestion on adjacent roads;

(2) An adequate number of vehicular entrances and exits are provided based on the maximum capacity of the theater; and

(3) The site design provides sufficient drive aisle width, turning radii, and vertical clearance for access by fire and emergency apparatus.

(C) Parking Areas.

(1) Parking spaces and drive aisles immediately adjacent to parking spaces are not subject to the surfacing and marking requirements in Subchapter D, Part 5: Parking.
(2) Drive-in theaters are not subject to the parking lot landscaping requirements in Subchapter D, Part 5: Parking.

(3) All other applicable provisions of Subchapter D, Part 5: Parking apply to the use.

§ 155.399 ORIENTATION OF SCREEN OR STAGE.

All screens and stages associated with a drive-in theater shall be sited and oriented so as to limit visibility from adjacent lots and rights-of-way.

§ 155.400 RESERVED.

§ 155.401 RESERVED.

§ 155.402 RESERVED.

§ 155.403 RESERVED.

§ 155.404 RESERVED.
SUBPAR 3.14: DUPLEX, TRIPLEX, AND QUADPLEX DWELLINGS

§ 155.405 PURPOSE.

The intent of this Subpart is to:

(A) Establish regulations that enable duplex, triplex, and quadplex dwellings to be consistent with the character of moderate density residential neighborhoods;

(B) Maintain the character of existing neighborhoods;

(C) Increase the diversity of allowable housing types; and

(D) Increase the availability of affordable housing.

§ 155.406 APPLICABILITY.

This Subpart applies to all duplex dwellings, triplex dwellings, and quadplex dwellings that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.407 DEVELOPMENT STANDARDS.

(A) Separation Requirements for Triples and Quadplexes. Triples and quadplexes shall not be located on lots immediately adjacent to another triplex or quadplex.

(B) Off-Street Parking.

(1) Off-street parking spaces shall be provided as specified in Subchapter D, Part 5: Parking, except that all parking spaces shall be located to the rear of the dwelling.

(2) If the duplex, triplex, or quadplex dwelling includes a garage, it shall either be detached or shall be facing the side or rear lot line. Detached garages shall be located in the rear yard.

(C) Bufferyards for Quadplex Dwellings. All quadplex dwellings shall be screened by a type A perimeter bufferyard and a right-of-way bufferyard as specified by Subchapter D, Subpart 3.3: Perimeter and Right-of-Way Bufferyards for the zoning district in which the dwelling is located. The type A bufferyard may be reduced to a minimum width of five feet along side lot lines.

§ 155.408 BUILDING DESIGN AND DIMENSIONAL STANDARDS.

(A) Building Appearance and Configuration.

(1) The exterior appearance of duplex, triplex, and quadplex dwellings shall be designed to resemble a single-family detached dwelling.

(2) Duplex, triplex, and quadplex dwellings shall be appropriate to the bulk and scale of existing buildings in the surrounding area. This can be accomplished through overall...
building footprint, as well as through design techniques such as wall plane offsets and façade articulation.

(B) **Building Height in the RMX-10 and RMX-20 Districts.** Duplex, triplex, and quadplex dwellings located in the RMX-10 and RMX-20 Districts are limited to two stories and an overall building height as specified in Subchapter B, Subpart 2.2: *Base District Dimensional Standards.*

§ 155.409 RESERVED.

§ 155.410 RESERVED.

§ 155.411 RESERVED.

§ 155.412 RESERVED.

§ 155.413 RESERVED.

§ 155.414 RESERVED.
§ 155.415 APPLICABILITY.

This Subpart applies to all equestrian uses that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.416 MINIMUM LOT SIZE.

All equestrian uses, including all private and personal buildings and structures related to the care, sheltering, and use of horses, riding trails, riding area, pastures, and riding rings, shall be located on lots that are at least five acres in area.

§ 155.417 RESERVED.

§ 155.418 RESERVED.

§ 155.419 RESERVED.
SUBPART 3.16: EVENT VENUES

§ 155.420 APPLICABILITY.

This Subpart applies to all event venues and large capacity event venues that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.421 DEVELOPMENT STANDARDS.

(A) Venue Capacity. The maximum number of users an event venue or large capacity event venue may accommodate at one time shall be limited to the maximum capacity of the venue, as determined by applicable building code, fire code, and/or parking requirements.

(B) Minimum Lot Size.

(1) There is no minimum lot size required for event venues located in the GC, OA, and MU districts.

(2) All event venues in the AGC, AGC-I, RUD, RUD-I, and RC Districts must be located on a lot of at least ten acres in size. Event venue uses, other than large capacity event venues, can be on lots smaller than ten acres with an approved Special Exception.

(C) Vehicular Access. Vehicular access to the site shall be adequate in terms of width, vertical clearance, and construction to support emergency vehicles, and shall meet all applicable provisions of the adopted fire code.

(D) Parking.

(1) Surface Materials. Parking associated with an event venue or large capacity event venue in any zoning district may be paved or constructed of pervious materials.

(2) Rural Surface Materials. In the AGC, AGC-I, RUD, RUD-I, and RC Districts, parking may be surfaced with grass or gravel, if properly graded.

(3) Handicap Parking. Required handicap parking spaces shall be constructed in accordance with the version of the Americans with Disabilities Act Standards for Accessible Design (ADA Standards) in effect at the time of the permit application.

(4) On-Street Parking Prohibited. Parking associated with an event venue or large capacity event venue shall not occur in a public or private right-of-way or easement.

(E) Separation. Outdoor gathering areas, including parking areas, decks, patios, gazebos, fire pits, and docks, shall be located at least 300 feet from any dwelling units not located on the same parcel as the event venue, whether or not such dwelling units are located in the incorporated or unincorporated area of York County. For the purposes of this Section, measurements shall be taken in a straight line from the portion of the outdoor gathering area nearest the dwelling unit to the dwelling unit.
(F) **Rural Design Exception.** Buildings utilized for event venue uses in the AGC, AGC-I, RUD, and RUD-I Districts are exempt from the requirements of Subchapter D, Part 2: *Non-Residential and Mixed Use Building Design.*

(G) **Building Permits.** Building permit applications associated with an event venue or large capacity event venue may be filed concurrently with a zoning compliance application or pursuant to an approved zoning compliance. As required by § 40-3-280 of the South Carolina Code of Laws, all drawings submitted for building permits for buildings of assembly must be sealed by an architect registered in South Carolina.

§ 155.422 **OPERATION REGULATIONS.**

(A) **On-Site Management.** An on-site manager shall be present and available for the duration of all events occurring at the event venue or large capacity event venue. Up-to-date contact information for the on-site manager shall be included in the venue's operational plan. Updated contact information shall be provided to the Zoning Administrator whenever the on-site manager's contact information changes.

(B) **Hours of Operation for Outdoor Gathering Areas.**

1. With the exception of parking areas, outdoor gathering areas associated with an event venue or large capacity event venue that are located within 300 feet of a dwelling unit on another lot shall cease operation by 10:00 p.m. This distance shall be measured in a straight line from the edge of the outdoor gathering area nearest the dwelling unit to the dwelling unit.

2. Amplified music or other sound in any outdoor gathering areas shall cease no later than 11:00 p.m.

(C) **Noise Ordinance.** At all times, the facility shall comply with the maximum permitted sound levels identified in Subchapter D, Part 7: *Performance Standards.*

§ 155.423 **OPERATIONS PLAN.**

(A) An operational plan for all event venues and large capacity event venues shall be submitted with the application, describing generally how the facility will operate.

(B) Substantive changes to the operational plan or substantive changes in the actual operation of the venue that vary from the approved plan shall require additional approval by the BZA or the Zoning Administrator, as applicable.

(C) The operational plan submitted with the permit application shall include, at a minimum, the following items:

1. Maximum capacity of the facility, based on building code, fire code, and/or parking requirements;

2. Contact information for the on-site facility manager;
(3) Whether the venue will operate seasonally or year-round;
(4) Type(s) of events anticipated/marketed;
(5) Anticipated annual number of events; and
(6) How solid waste will be disposed of (private vs. public collection).

§ 155.424 RESERVED.
§ 155.425 RESERVED.
§ 155.426 RESERVED.
§ 155.427 RESERVED.
§ 155.428 RESERVED.
§ 155.429 RESERVED.
SUBCHAPTER C: USE REGULATIONS
PART 3: CONDITIONAL AND SPECIAL EXCEPTION USES

§ 155.430 APPLICABILITY.

This Subpart applies to all farmers’ markets that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.431 LOCATION AND SIZE.

(A) All Farmers’ Markets. A farmers’ market shall:

   (1) Be located at least one-half mile from any other farmers’ market, regardless of the days of operation; and

   (2) Have a minimum of five vendors present as averaged over the season the market is in operation, except as specified for the NC District in § 155.431(B), below.

(B) Farmers’ Markets in the NC District. In the NC District, a farmers’ market shall have:

   (1) A minimum of three vendors present as averaged over the season the market is in operation; and

   (2) A maximum of 12 vendors on-site at any one time.

§ 155.432 SITE MAINTENANCE.

All market materials, such as vehicles, display items, or produce, shall be removed when the market is not in operation.

§ 155.433 RESERVED.

§ 155.434 RESERVED.
SUBPART 3.18: FUNERAL HOMES

§ 155.435 APPLICABILITY.

This Subpart applies to all funeral homes that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.436 FUNERAL PROCESSION PLAN.

(A) In conjunction with the conditional or special exception use application, the applicant for a funeral home use shall submit a funeral procession plan that demonstrates how pedestrians and vehicles will safely move from the funeral home to the cemetery during a funeral.

(B) This requirement applies whether the cemetery is located on the same site as the funeral home or is located off-site.

(C) If the cemetery is located on-site:

(1) Safe and convenient pedestrian access shall be provided from the funeral home to the cemetery; and

(2) Vehicular access from the funeral home parking area to the cemetery shall be accommodated on-site, such that a vehicle does not have to exit the funeral home lot and use a public road to access the cemetery.

(D) If the cemetery is located off-site, the funeral procession plan shall:

(1) Indicate whether vehicles will leave the funeral home in a single procession or at different times, which may vary based on the size of the funeral, the location of the cemetery, or other factors; and

(2) Describe any proposed on- or off-site traffic control measures, including proposed assistance from the York County Sheriff’s Department, to ensure the safe movement of vehicles from the funeral home onto the adjacent public road.

§ 155.437 RESERVED.

§ 155.438 RESERVED.

§ 155.439 RESERVED.
SUBPART 3.19: MANUFACTURED HOME PARKS

§ 155.440 APPLICABILITY.
This Subpart applies to all new and expanded manufactured home parks that are specified as special exception uses in § 155.271: Use Table.

§ 155.441 MINIMUM LOT SIZE.
(A) A manufactured home park shall be located on a lot of at least 10 acres in size.
(B) Each manufactured home site within a manufactured home park shall be at least 2,000 square feet in area.

§ 155.442 MANUFACTURED HOME PARKS PROHIBITED IN CERTAIN OVERLAY DISTRICTS.
A manufactured home park may not be developed within the Scenic Overlay District (SC-O) or the Historic Sites Overlay District (HS-O).

§ 155.443 RECREATIONAL VEHICLES IN MANUFACTURED HOME PARKS.
(A) Recreational vehicles are prohibited in manufactured home parks.
(B) A recreational vehicle, regardless of when it was placed, located in an existing manufactured home park prior to the effective date of this Chapter may remain for a period of five years from the effective date of this Chapter. After that time, the recreational vehicle shall be removed.

§ 155.444 DENSITY STANDARDS.
The maximum number of manufactured homes in a manufactured home park shall not exceed:
(A) Four per acre where private wells and septic systems are proposed; and
(B) Eight per acre where community water and sewer are proposed.

§ 155.445 DEVELOPMENT STANDARDS.
(A) Utilities and Infrastructure. Manufactured home parks must provide the following infrastructure and utilities:
   (1) Electricity and water service must be provided to each manufactured home site;
   (2) Stormwater drainage must be addressed pursuant to the standards of this Chapter; and
   (3) SCDHEC must approve all septic systems and sewage plans.
(B) **Parking and Circulation.** Manufactured housing parks must comply with the following requirements for parking and circulation of vehicles:

1. Parking spaces will be provided in accordance with the parking requirements of this Chapter. Concrete curbs or other appropriate car stops will be installed. If parking spaces are paved, then curb stops are optional;

2. Private drives, which are not to be dedicated as public streets, will have a minimum travel width of 20 feet with a 2-inch base of stabilized stone and a 1-inch asphalt surface;

3. All internal roadway intersections will be a minimum of 200 feet apart and have a minimum 100-foot sight easement triangle;

4. All internal intersections will be lighted by a streetlight;

5. All roadways to be dedicated to York County will be constructed in accordance with the York County Subdivision Code; and

6. No access roadway to a manufactured home park will be located closer than 150 feet to any public street intersection.

(C) **Setbacks.** All structures and manufactured housing located in a manufactured home park must be located at least 30 feet from all exterior property lines.

(D) **Open Space Requirement.** A manufactured home park shall incorporate at least 400 square feet of common open space for each manufactured housing site located within the park.

(E) **Manufactured Housing Standards.** All manufactured housing units in a manufactured home park shall be set up in compliance with Subpart 3.20 *Manufactured Homes.*

§ 155.446 **REGULATORY COMPLIANCE AND PERMITTING OF MANUFACTURED HOMES.**

The manufactured home park must be constructed according to the approved site plan. Permits for manufactured homes within the park will not be issued until a representative of the Planning and Development Services Department has conducted an inspection of the park and has determined that the park has been constructed according to the approved plan.

§ 155.447 RESERVED.

§ 155.448 RESERVED.

§ 155.449 RESERVED.
§ 155.450 APPLICABILITY.

(A) This Subpart applies to all new or relocated manufactured homes, except manufactured homes located in manufactured home parks in existence on the effective date of this Chapter, that are specified as conditional or special exception uses in § 155.271: Use Table.

(B) For safety reasons, manufactured homes constructed prior to June 15, 1976 shall not be placed or relocated in York County, except for relocation to a manufactured housing sales lot or to an authorized recycling, salvage, or landfill facility.

§ 155.451 RELOCATION OF EXISTING MANUFACTURED HOMES.

(A) Existing (“used”) manufactured homes may be relocated to zoning districts within York County as specified in § 155.271: Use Table.

(B) Prior to relocation of an existing manufactured home, the property owner must obtain a Manufactured Home Permit from the Planning and Development Services Department.

(C) The relocated manufactured home must comply with all requirements in this Subpart.

§ 155.452 SETUP STANDARDS.

(A) Compliance with State or Manufacturer Specifications. All manufactured homes shall be set up in accordance with South Carolina Uniform Standards Code for Manufactured Housing (S.C. Code Title 40, Chapter 29) and the South Carolina Manufactured Housing Board Regulations (South Carolina Code of Regulations, Chapter 79), or in accordance with the manufacturer’s specifications, whichever is stricter. In the case of a conflict with the standards in this Section, the state or manufacturer specifications control.

(B) Underpinning Required.

(1) All manufactured homes shall be underpinned with permanent brick, block, stucco, stone, Z-brick, or equivalent, except as provided in § 155.452(B)(2), below. The underpinning must be installed in accordance with the manufacturer’s specifications.

(2) Vinyl underpinning may be used for manufactured homes that are less than 20 feet in width and manufactured homes that are more than 20 feet in width and located in an AGC or RUD zoning district if:

  (a) The underpinning is vented in accordance with the York County Building Code; and

  (b) The vinyl underpinning is installed in accordance with the manufacturer’s installation instructions or, if not provided by the manufacturer, with the following (see Figure 155.452-1: Vinyl Manufactured Home Kit Installation Setup Standards):
1. All vertical framing members and horizontal framing members not at ground level must be two-inch by four-inch galvanized steel studs or pressure treated lumber studs with a minimum preservative of 0.25 pound per cubic foot (pcf). Untreated wood, including but not limited to, telephone poles, sawmill lumber, and the like, is not acceptable;

2. Horizontal framing members at ground level must be four-inch galvanized steel tracks or pressure treated lumber plates with a minimum preservative of 0.25 pcf;

3. Vertical framing members (galvanized steel or pressure treated lumber with a minimum preservative of 0.25 pcf), must be installed a maximum of eight feet on center;

4. Horizontal framing members (galvanized steel or pressure treated lumber with a minimum preservative of 0.25 pcf) must be at ground level and at the center of the distance between ground level and the bottom of the home if the bottom of the home is more than 36 inches from the ground;

5. Horizontal framing members (galvanized steel or pressure treated lumber with a minimum preservative of 0.25 pcf) at ground level must be spiked into the ground at four-foot intervals and a minimum of 12 inches deep.

Figure 155.452-1: Vinyl Manufactured Home Kit Installation Setup Standards

(3) When the manufactured home is elevated more than six feet above grade, an engineer must design the footings. The design plan must be sealed by a South Carolina registered engineer. In no case can a manufactured home setup exceeding six feet in height be underpinned with vinyl.
(4) For manufactured homes located in a floodplain, the requirements set forth in Chapter 151: Floodplain Management take precedence over the requirements of § 155.452(B)(1) and (2), above.

§ 155.453 DESIGN STANDARDS FOR THE RSF-30 DISTRICT.

All manufactured homes located in the RSF-30 District shall comply with the following design standards:

(A) **Exterior Siding.** Exterior siding shall be made of non-reflective and non-metallic materials. Acceptable siding materials include vinyl, wood, stucco, brick, stone, or other masonry materials, or any combination of these materials.

(B) **Color/Texture.** Color and texture of exterior materials shall be compatible with the adjacent single-family structures.

(C) **Underpinning.** All manufactured homes shall be underpinned with permanent wood, stucco, brick, stone, or other masonry materials, or any combination of these materials.

(D) **Roof Structure.** Except for authorized deck areas, all roof structures shall have a minimum pitch of at least 3/12 and provide an eave projection of at least two inches but no greater than 30 inches.

(E) **Roofing Material.** All roofing material shall consist of one of the following categories: wood, shingle, wood shake, synthetic composite shingle, concrete tile, or any other material that the Zoning Administrator deems to meet the intent of this Subpart. Metallic roofing surfaces are not permitted on a manufactured home or on any garage or carport unless approved by the Planning and Development Services Director.

(F) **Minimum Floor Area.** The minimum floor area for a manufactured home that is not part of a manufactured home park is 800 square feet, excluding the garage or carport.

(G) **Minimum Width.** The minimum width of a manufactured home that is not part of a manufactured home park is 16 feet.

(H) **Front Porch Required.** All manufactured homes shall have a front porch with a minimum depth of four feet.

§ 155.454 RESERVED.

§ 155.455 RESERVED.

§ 155.456 RESERVED.

§ 155.457 RESERVED.

§ 155.458 RESERVED.

§ 155.459 RESERVED.
§ 155.460 APPLICABILITY.

This Subpart applies to all manufactured home sales and service that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.461 MINIMUM LOT SIZE.

All manufactured home sales and service uses must be located on a parcel of at least two acres in size.

§ 155.462 OUTDOOR DISPLAY FOR MANUFACTURED HOME SALES.

(A) Site Plan Review. The outdoor display area for manufactured home sales and service shall be designated as such on the site plan. No outdoor retail display is allowed in other areas of the premises.

(B) Storage and Display of Units for Sale. Manufactured home sales and service establishments may display manufactured housing units for sale or display purposes not to exceed eight units per acre of such sale or display units.

(C) Access and Siting of Units for Sale. Manufactured home sales and service uses shall provide display pads for manufactured housing units that may be constructed of gravel or another durable permeable surface. The display pads must be accessible by paved drives. The drives shall have a minimum travel width of 20 feet and shall be constructed with a minimum of a two-inch base of stabilized stone and a one-inch asphalt surface and must comply separately with all applicable off-street parking standards in Subchapter D, Part 5: Parking.

(D) Location. Outdoor retail displays of manufactured homes shall not be located within an ADA accessible route, landscaped area, right-of-way, or required parking space.

§ 155.463 OUTDOOR STORAGE FOR MANUFACTURED HOME SALES AND SERVICE.

(A) Storage Area for Equipment and Parts.

(1) Manufactured home sales and service uses may include accessory outdoor storage areas for operable vehicles, equipment, and parts pursuant to Part 4, Subpart 4.10: Outdoor Retail Displays.

(2) The regulations of this Subpart apply only to materials to be used in installation of manufactured housing, operable vehicles, and operable equipment. The outdoor storage areas authorized in this Subpart shall not be used for the storage of junked, salvaged, or inoperable manufactured housing units, vehicles, trucks, trailers, equipment, parts, and materials.

(B) Screening of Storage Areas. All storage areas authorized by this Section shall be screened as provided in Part 4, Subpart 4.11: Outdoor Storage.
§ 155.464 RESERVED.
§ 155.465 RESERVED.
§ 155.466 RESERVED.
§ 155.467 RESERVED.
§ 155.468 RESERVED.
§ 155.469 RESERVED.
§ 155.470 APPLICABILITY.

This Subpart applies to all mixed-use buildings that are specified as a conditional or special exception use in § 155.271: Use Table.

§ 155.471 GROUND FLOOR USES IN MIXED-USE BUILDINGS.

(A) Maximum Gross Floor Area Per Tenant Space. Each tenant space may contain a maximum gross floor area of 3,000 square feet.

(B) Prohibited Ground Floor Uses. The ground floor of a mixed-use building shall not contain any of the following uses:

1. Adult entertainment establishments;
2. Alternative lending institutions;
3. Auto-oriented uses;
4. Bars and nightclubs;
5. Bingo halls;
6. Residential dwellings; or
7. Self-storage facilities.

§ 155.472 RESERVED.

§ 155.473 RESERVED.

§ 155.474 RESERVED.
SUBPART 3.23: MOTOR VEHICLE, RECREATIONAL VEHICLE, AND BOAT STORAGE

§ 155.475 APPLICABILITY.

This Subpart applies:

(A) To all vehicle and boat storage facilities that are specified as conditional or special exception uses in § 155.271: Use Table; and

(B) Whether the facility is the sole use of the lot or is established with another principal use, such as a self-storage facility.

§ 155.476 DESIGN STANDARDS.

Vehicle and boat storage facilities shall be designed in accordance with the provisions in LDC Subchapter B, Part 2, § 154.027: General Parking Area Design Standards.

§ 155.477 SCREENING STANDARDS.

Except for vehicular access points, all outdoor vehicle and boat storage facilities shall be screened by an opaque wall or fence at least eight feet in height, if not otherwise required by Subchapter D, Part 3: Buffers, Screening, and Landscaping.

§ 155.478 RESERVED.

§ 155.479 RESERVED.
§ 155.480 APPLICABILITY.

This Subpart applies to all neighborhood amenities that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.481 SETBACKS AND BUFFERYARDS.

(A) **Setbacks.** When a neighborhood amenity use is located adjacent to a lot that contains or is planned to contain a dwelling unit, all associated structures shall be set back at least 50 feet from the common lot line.

(B) **Bufferyards.** Neighborhood amenity uses, except golf courses, shall provide:

   (1) A type B perimeter bufferyard along all shared lot lines; and

   (2) A right-of-way bufferyard in accordance with Subchapter D, Part 3: Buffers, Screening, and Landscaping.

§ 155.482 GOLF COURSES DESIGNATED AS OPEN SPACE.

(A) Neighborhood amenity golf courses shall be designated as open space on all development plans.

(B) Neighborhood amenity golf courses may count towards required open space in accordance with LDC Subchapter D, Part 3: Open Space.

§ 155.483 RESERVED.

§ 155.484 RESERVED.
§ 155.485 APPLICABILITY.

This Subpart applies to all nonmetallic mineral product manufacturing facilities that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.486 MINIMUM LOT SIZE.

All nonmetallic mineral product manufacturing facilities must be located on a parcel of at least five acres in size.

§ 155.487 MINIMUM SEPARATION BETWEEN USES AND DISTRICTS.

A nonmetallic mineral product manufacturing use shall be located at least 500 feet from:

(A) Any lots located in the RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, RC, NC, PD, MU, HS-O, LW-O, and SC-O zoning districts; and

(B) Any lots containing dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of York County.

§ 155.488 SETBACKS AND SCREENING.

(A) Setbacks. All elements of the nonmetallic mineral product manufacturing facility, including structures, buildings, equipment, parking areas, and access roads, shall be located at least 125 feet from all property lines; except that access roads may cross the 125-foot setback area and utilities may be located within the 125-foot setback area.

(B) Screening.

(1) A Type D bufferyard shall be required for nonmetallic mineral product manufacturing along all property lines regardless of the adjacent land use.

(2) The Board of Zoning Appeals may require supplemental buffering including, but not limited to, additional buffer width, supplemental plantings in other areas of the buffer, or a privacy fence, if the BZA determines the placement of the utilities in the buffer negatively impacts adjacent property owners.

(3) When located within 1,000 feet of a residential use, the BZA may require additional screening measures in order to protect nearby residential areas from noise and visual blight.

§ 155.489 VEHICULAR ACCESS.

In the Industrial District, vehicular access to the site of all nonmetallic mineral product manufacturing uses shall be located on a major road, as defined in the Land Development Manual, unless otherwise approved by the BZA.
§ 155.490 ACCESS AND ROUTING PLAN.

(A) The zoning compliance or special exception application, as applicable, shall include an access and routing plan as specified in Subchapter L: Submittal Requirements.

§ 155.491 DUST REDUCTION MEASURES.

Nonmetallic mineral product manufacturing facilities shall employ dust reduction measures to minimize on-site and off-site dust nuisance generated by the manufacturing use. These measures may include, but are not limited to:

(A) Utilization of stabilized roadways within the site;

(B) On-site speed limits to minimize disturbance; and

(C) Application of water and other dust palliatives.

§ 155.492 RESERVED.

§ 155.493 RESERVED.

§ 155.494 RESERVED.
§ 155.495 APPLICABILITY.

This Subpart applies to all of the following uses when the use is specified as a conditional or special exception use in § 155.271: Use Table:

(A) Animal and Pet Services (with outdoor kennels, runs, or play areas);

(B) Animal Hospitals and Veterinarian Clinics (with outdoor kennels, runs, or play areas); and

(C) Commercial Kennels.

§ 155.496 NOISE MITIGATION.

(A) Applicability. This Section applies when the use is located on a lot that is adjacent to:

(1) Any lot located in the RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, or MU zoning district; or

(2) Any lot containing a dwelling unit, school, or religious facility, whether or not such lot is located in the incorporated or unincorporated area of York County.

(B) Noise Mitigation Required. Outdoor kennels, runs, and play areas shall be fenced or walled with an acoustic fence or other sound-absorbing materials. At all times, the facility shall comply with the maximum permitted sound levels identified in Subchapter D, Part 7: Performance Standards.

(C) Exceptions. This Section does not apply when all portions of the outdoor kennels, runs, and play areas are located at least 100 feet from all lot lines.

§ 155.497 OVERNIGHT BOARDING.

Kennels or portions of kennels where animals are housed overnight shall be located indoors.

§ 155.498 RESERVED.

§ 155.499 RESERVED.
§ 155.500 APPLICABILITY.

This Subpart applies to all outdoor recreation and amusement uses that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.501 OUTDOOR LIGHTING.

(A) Separation Requirement. An outdoor recreation and amusement use that is illuminated using artificial lighting shall be located at least 500 feet from any dwelling units not located on the same parcel as the outdoor recreation and amusement use, whether or not such dwelling units are located in the incorporated or unincorporated area of York County.

(B) Measurement. Distances in this section are to be measured in a straight line from the edge of the proposed illuminated area of the outdoor recreation and amusement use nearest a dwelling unit to the dwelling unit.

§ 155.502 NOISE CONTROL.

At all times, the outdoor recreation and amusement use shall comply with the maximum permitted sound levels identified in Subchapter D, Part 7: Performance Standards.

§ 155.503 RESERVED.

§ 155.504 RESERVED.
SUBPART 3.28: RACETRACKS

§ 155.505 APPLICABILITY.

This Subpart applies to all racetracks that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.506 MINIMUM SEPARATION BETWEEN USES AND DISTRICTS.

A racetrack shall be located at least 1,000 feet from:

(A) Any lots located in the RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, RC, NC, PD, MU, HS-O, LW-O, and SC-O zoning districts; and

(B) Any lots containing dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of York County.

§ 155.507 DEVELOPMENT STANDARDS.

(A) Setbacks. All elements of the racetrack facility must be located at least 300 feet from all property lines of the parcel on which it is located, except that access roads and utilities may be located in the 300-foot setback area.

(B) Bufferyards. The site must provide bufferyards that comply with the bufferyard requirements for industrial uses stated in Subchapter D, Part 3: Buffers, Screening, and Landscaping.

§ 155.508 RESERVED.

§ 155.509 RESERVED.
§ 155.510 APPlicABILITY.

This Subpart applies to all major resource extraction and minor resource extraction mining facilities that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.511 HOURS OF OPERATION.

Resource extraction uses may operate seven days per week, but the hours of operation are limited to between 7:00 a.m. and 7:00 p.m., except for blasting. Blasting operations are limited to between 8:00 a.m. and 7:00 p.m.

§ 155.512 MINIMUM SEPARATION BETWEEN USES AND DISTRICTS.

(A) Major Resource Extraction. A major resource extraction use shall be located at least 1,000 feet from:

1. Any lots located in the RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, RC, NC, PD, MU, HS-O, and SC-O zoning districts; and
2. Any lots containing dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of York County.

(B) Minor Resource Extraction. A minor resource extraction use shall be located at least 500 feet from:

1. Any lots located in the RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, RC, NC, PD, MU, HS-O, and SC-O zoning districts; and
2. Any lots containing dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of York County.

§ 155.513 SETBACKS AND SCREENING.

(A) Major Resource Extraction.

1. Setbacks. All elements of the facility, including structures, buildings, equipment, parking areas, and access roads, shall be located at least 125 feet from all property lines; except that access roads may cross the 125-foot setback area and utilities may be located within the 125-foot setback area.

2. Screening.

   a. A Type D bufferyard shall be required along all property lines regardless of the adjacent land use.
(b) The Board of Zoning Appeals may require supplemental buffering including, but not limited to, additional buffer width, supplemental plantings in other areas of the buffer, or a privacy fence, if the BZA determines the placement of the utilities in the buffer negatively impacts adjacent property owners.

(c) All existing trees within the buffer area shall be preserved, except to allow for construction of necessary road crossings and utilities.

(d) When a variance or other unusual circumstance causes the mining use to be located within 1,000 feet of a residential use, the BZA may require additional screening measures in order to protect nearby residential areas from noise and visual blight.

(B) Minor Resource Extraction.

(1) Setbacks. All elements of a minor resource extraction facility, including structures, buildings, equipment, parking areas, and access roads, shall be located at least 75 feet from all property lines; except that access roads may cross the 75-foot setback area and utilities may be located within the 75-foot setback area.

(2) Existing Vegetation. All existing vegetation located within the setback area shall remain undisturbed, except for construction of access roads and installation of utilities. Only the minimum amount of disturbance necessary shall be allowed for construction of access roads and installation of utilities.

(3) Screening. Due to the short-term nature of a minor resource extraction use, no supplemental planting or additional screening is necessary, unless otherwise required by the BZA.

§ 155.514 PONDS.

Ponds must be directly supplied by a perennial stream or the design must be reviewed and recognized by the Natural Resources Conservation Service as a pond with a good probability of maintaining a high water level.

§ 155.515 DUST REDUCTION MEASURES.

Dust reduction measures shall be employed to minimize on-site and off-site dust nuisance generated by the mining use. These measures may include, but are not limited to:

(A) Stabilization of nonactive exposed soil and stockpiles through vegetation, mulching, chemical stabilizers, and/or stone/gravel layering;

(B) Utilization of stabilized roadways within the site;

(C) On-site speed limits to minimize disturbance; and

(D) Application of water and other dust palliatives.
§ 155.516 OPERATIONS PLAN.

The special exception application for major resource extraction facilities shall include an operations plan addressing, at a minimum, the following items:

(A) Proposed date mining will begin;
(B) Commodity to be mined;
(C) Estimated annual production;
(D) Estimated total production;
(E) Method of extraction;
(F) Total number of disturbed acres;
(G) Maximum anticipated depth of mining;
(H) Method of processing, if applicable;
(I) Mine phasing, if applicable;
(J) Life of the mine;
(K) Drainage and erosion control methods to be used; and
(L) Reclamation plan.

§ 155.517 VEHICULAR ACCESS.

In the Industrial District, vehicular access to the site of all major resource extraction uses shall be located on a major road, as defined in the Land Development Manual, unless otherwise approved by the BZA.

§ 155.518 ACCESS AND ROUTING PLAN.

The zoning compliance or special exception application, as applicable, shall include an access and routing plan that addresses the elements specified in Subchapter L: Submittal Requirements.

§ 155.519 FENCING PLAN.

A fencing plan shall be submitted with the special exception application to ensure areas of land disturbance within the site, extraction, or other unsafe conditions are enclosed within a security fence of at least six feet in height.
§ 155.520  END USE PLAN.

(A) Plan Contents. An end use plan demonstrating how the mining site will be restored shall accompany the special exception application, and shall address, at a minimum, the following items:

(1) The type of uses that the site will be restored to accommodate.;

(2) A restoration plan to properly restore or stabilize the property for the proposed end use.

(3) How the proposed end use will comply with all applicable supplemental regulations, if any, currently required by this Chapter;

(4) If recreational uses are proposed, a management plan shall be submitted identifying, at a minimum, the type(s) of uses and facilities proposed, the anticipated owner of the facility, and the expected users of the facility;

(5) Description of any agreement (e.g., lease) with landowner regarding end use restoration costs and acknowledgment by the land owner, that he or she shall be held ultimately responsible for implementation of the approved end use plan;

(6) The identification of the party currently responsible for the end use plan;

(7) Estimated cost of site restoration to implement the end use plan prepared by an engineer licensed to practice in South Carolina;

(8) Plans for periodically updating the end use plan; and

(9) If the proposed end use is also subject to special exception use approval, it shall not require additional special exception use approval prior to establishment unless there are substantive changes to the end use plan.

(B) Performance Guarantee. The performance requirements below ensure that costs associated with the implementation of the end use plan after a mining use has been discontinued:

(1) Prior to issuance of a building permit, the applicant must provide the County with a performance guarantee in the form of a bond, irrevocable letter of credit and agreement, or other financial security acceptable to the County in the amount of 125% of the estimated decommission cost minus the salvageable value, or $50,000, whichever is greater. Estimates shall be determined by an engineer licensed to practice in South Carolina.

(2) All performance bonds must renew automatically; provide a minimum 90-day notice to the County prior to cancellation; be approved by the Planning and Development Services Director; and be provided by a company on the U.S. Department of Treasury's Listing of Certified Companies.
(3) The County will request a new engineer’s estimate of probable cost of decommissioning every five years from the initial submission. The bond, letter of credit, or other financial security acceptable to the County shall be adjusted upward or downward, as necessary.

§ 155.521 TERM AND EXTENSION OF MINOR RESOURCE EXTRACTION PERMIT.

(A) Term of Special Exception Permit. Notwithstanding any other provision of this Chapter, special exception approval for minor resource extraction uses shall be valid for not more than one year from the start of mining operations, except when the Zoning Administrator grants an extension pursuant to the provisions of this Section.

(B) Extensions of Special Exception Permit for Minor Resource Extraction.

(1) One-Time Extension. One extension of up to six months may be approved by the Zoning Administrator upon a showing of good cause by the applicant.

(2) Application for Extension. The extension must be requested, in writing, and the Zoning Administrator’s action must occur prior to the expiration of the one-year approval timeframe.

(3) Basis for Extension. The applicant shall describe the reason(s) for the request and provide a schedule demonstrating the work will be completed and the mine closed within six months of the expiration of the one-year approval timeframe.

(4) Approval of Extension. The extension request shall be approved, provided the Zoning Administrator verifies the mining operation continues to comply with all applicable Zoning Code provisions in effect at the time of special exception approval and all conditions (if any) placed upon the approval by the BZA; and there are no outstanding county code violations on the property, including, but not limited to, unresolved building code citations and code enforcement actions.

§ 155.522 RESERVED.

§ 155.523 RESERVED.

§ 155.524 RESERVED.
§ 155.525 APPLICABILITY.
This Subpart applies to all salvage operations that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.526 MINIMUM SEPARATION BETWEEN USES AND DISTRICTS.
A salvage operations use shall be located at least 500 feet from:

(A) Any lots located in the RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, RC, NC, PD, MU, HS-O, LW-O, and SC-O zoning districts; and

(B) Any lots containing dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of York County.

§ 155.527 SETBACKS AND SCREENING.

(A) Setbacks. All elements of the salvage operations facility, including structures, buildings, equipment, and parking areas shall be located at least 125 feet from all property lines; except that access roads may cross the 125-foot setback area and utilities may be located within the 125-foot setback area.

(B) Screening.

(1) A Type D bufferyard shall be required for salvage operations along all property lines regardless of the adjacent land use.

(2) The Board of Zoning Appeals may require supplemental buffering including, but not limited to, additional buffer width, supplemental plantings in other areas of the buffer, or a privacy fence, if the BZA determines the placement of the utilities in the buffer negatively impacts adjacent property owners.

(3) When located within 1,000 feet of a residential use, the BZA may require additional screening measures in order to protect nearby residential areas from noise and visual blight.

§ 155.528 SALVAGE OPERATIONS USE.
Salvage operations must comply with the following conditions:

(A) No material that is discarded and incapable of being reused in some form will be stored in the open; and

(B) No material will be stored in the open in such a manner that it is capable of being moved off the premises by wind, water, or other causes.
§ 155.529  RESERVED.
SUBPART 3.31: SELF-STORE FACILITIES

§ 155.530 APPLICABILITY.

(A) This Subpart applies to all self-storage facilities that are specified as conditional or special exception uses in § 155.271: Use Table.

(B) All outdoor storage areas associated with a self-storage facility are subject to the requirements of Subpart 4.11: Outdoor Storage.

(A) All motor vehicle, recreational vehicle, and boat storage areas associated with a self-storage facility are subject to the requirements of Subpart 3.23: Motor Vehicle, Recreational Vehicle, and Boat Storage.

§ 155.531 DESIGN STANDARDS.

(A) All Self-Storage Facilities. All impervious surface areas intended for vehicle access shall be paved. Recreational vehicle and boat storage areas may be surfaced with pervious materials, including gravel.

(B) Buildings with Exterior Entrances to Storage Units.

   (1) Screening of Storage Unit Entrances. The entrances to individual storage units shall be designed or screened in such a manner that they are not readily visible from:

      (a) Any adjacent lot located in the RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, or RMX-6 District; or

      (b) Any public right-of-way adjacent to the lot.

   (2) Maximum Height. The maximum building height is 20 feet.

   (3) Roof-Mounted Equipment.

      (a) Roof-mounted equipment shall be screened in accordance with Subchapter D, Part 2: Non-Residential and Mixed Use Building Design; and

      (b) Roof-mounted equipment and screening may exceed the 20-foot height limit as allowed by Subchapter I, Subpart 2.5: Height.

   (4) On-Site Circulation.

      (a) Drive aisles between buildings shall be at least 24 feet in width. Drive aisles located along a building’s perimeter and all other areas must be a minimum of 20 feet in width.

      (b) The site design shall provide sufficient drive aisle width, turning radii, and vertical clearance for access by fire and emergency apparatus.
(C) **Buildings with Interior Entrances to Storage Units.**

(1) *Primary Entrances.* All storage units shall be accessed through one or more primary entrances, which may be separate from the management office entrance.

(2) *Minimum Transparency.*

(a) Street-facing building walls shall include windows or glass doors such that at least 15% of the street-facing wall plane is transparent.

(b) All other building walls shall include windows or translucent cladding materials that closely resemble windows such that at least 7.5% of each wall provides either transparency or the illusion of transparency when viewed from abutting lots.

(3) *Customer Loading Area.* The customer loading area, including adequate turnaround space for emergency apparatus, shall be:

(a) Located to the side or rear of the building; and

(b) Designed or screened in such a manner that it is not readily visible from:

1. Any adjacent lot located in the RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, or RMX-6 District; or

2. Any public right-of-way adjacent to the lot.

(4) *Reduced Buffer.* In meeting the design standards of this section, self-storage facilities with interior entrances to storage units have a reduced impact on neighboring properties. For the purposes of determining the bufferyard required in Table 155.823-2: *Bufferyard Specifications for Non-Residential, Multi-Family, and Quadplex Uses*, such facilities shall be considered a “Retail and Service” land use.

**§ 155.532 CARETAKER DWELLING UNIT ALLOWED.**

(A) For security purposes, one dwelling unit may be built on-site for use as a caretaker’s dwelling.

(B) The dwelling type may be a detached single-family dwelling, including modular homes, or a dwelling unit attached to a building used primarily for office use. The caretaker dwelling shall not be a manufactured home.

(C) The dwelling unit must be occupied by the owner or a full-time employee of the self-storage facility.

**§ 155.533 STORAGE OF HAZARDOUS MATERIALS PROHIBITED.**

The storage of explosives, flammable materials, or materials that emit noxious odors is prohibited.
§ 155.534  RESERVED.

§ 155.535  RESERVED.

§ 155.536  RESERVED.

§ 155.537  RESERVED.

§ 155.538  RESERVED.

§ 155.539  RESERVED.
SUBPART 3.32: SHOOTING RANGES

§ 155.540 APPLICABILITY.

(A) This Subpart applies to all indoor and outdoor shooting ranges that are specified as conditional or special exception uses in § 155.271: Use Table.

(B) This Subpart does not apply to private, non-commercial shooting ranges that are operated and used by the lot owner.

§ 155.541 DEVELOPMENT STANDARDS FOR ALL SHOOTING RANGES.

(A) Special Exception Permit. Shooting ranges are a unique land use that present the risk of significant on-site and off-site impacts. A new or expanded shooting range must submit a special exception permit application that addresses the following particular issues relevant to shooting ranges and particularly to the issues of design and operations addressed in the United States Department of Energy's Range Design Criteria (2012) and the issues of operations and waste disposal addressed in the United States Environmental Protection Agency’s Best Management Practices for Lead at Outdoor Shooting Ranges (2005):

1. Proposed hours of operation to minimize interference with surrounding land uses;
2. Site design, range orientation and configuration, and topography;
3. Lighting for the site;
4. The noise level at the perimeter of the site;
5. Proposed perimeter fencing and the delineation of and warnings for the firing range;
6. Design and position of the firing line;
7. Overhead containment baffles and covers;
8. Target line design and backstop strategies;
9. Side containment strategies;
10. Landscaping, proposed surfaces, and configuration of berms;
11. Backstops and baffled bullet stops;
12. Proposed collection and disposal of cartridges, casings, and shot; and
13. For indoor shooting ranges, additional information about the structural and antiballistic performance of building components and the strategies to prevent fired rounds from piercing the building envelope.
(B) **Permit Review.** In considering a special exception permit application for a shooting range, the BZA shall consider the unique site characteristics of the parcel for the proposed use and the surrounding area. In particular, the BZA shall consider the way applicant addresses the following issues relevant to shooting ranges and particularly to the issues of design and operations addressed in the [United States Department of Energy’s Range Design Criteria](https://energy.gov/energy/resource/residential-shooting-range) (2012) the issues of operations and waste disposal addressed in the [United States Environmental Protection Agency's Best Management Practices for Lead at Outdoor Shooting Ranges](https://www.epa.gov/lead/best-management-practices-outdoor-shooting-ranges) (2005):

1. Proposed hours of operation to minimize interference with surrounding land uses;
2. Site design, range orientation and configuration, and topography;
3. Lighting for the site;
4. The noise level at the perimeter of the site;
5. Proposed perimeter fencing and the delineation of and warnings for the firing range;
6. Design and position of the firing line;
7. Overhead containment baffles and covers;
8. Target line design and backstop strategies;
9. Side containment strategies;
10. Landscaping, proposed surfaces, and configuration of berms;
11. Backstops and baffled bullet stops;
12. Proposed collection and disposal of cartridges, casings, and shot; and
13. For indoor shooting ranges, the structural and antiballistic performance of building components and the strategies to prevent fired rounds from piercing the building envelope.

§ 155.542 **OPERATIONS REGULATIONS FOR ALL SHOOTING RANGES.**

(A) **On-Site Management.** An on-site manager shall be present and available during all hours of operation. Updated contact information for the on-site managers shall be provided to the Zoning Administrator anytime the on-site managers’ contact information changes.

(B) **Hours of Operations.** Outdoor shooting ranges may operate seven days per week, but the hours of operation shall be limited to between 8:00 a.m. and 7:00 p.m. The operations of indoor shooting ranges shall be limited to between 8:00 a.m. and 9:00 p.m.
(C) *Noise Ordinance.* At all times, the facility shall comply with the maximum permitted sound levels identified in Subchapter D, Part 7: *Performance Standards.*

§ 155.543 DEVELOPMENT STANDARDS FOR OUTDOOR SHOOTING RANGES.

(A) *Minimum Lot Size.* All outdoor shooting ranges must be located on a parcel of at least 10 acres in size.

(B) *Setbacks.* All elements of the outdoor shooting range facility must be located at least 300 feet from all property lines of the parcel on which it is located, except that access roads and utilities may be located in the 300-foot setback area.

(C) *Bufferyards.* The site must provide bufferyards that comply with the bufferyard requirements for industrial uses stated in Subchapter D, Part 3: *Buffers, Screening, and Landscaping.*

(D) *Separation Requirements.* An outdoor shooting range shall be located at least 1,000 feet from:

1. Any lots located in the RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, RC, NC, PD, MU, HS-O, and SC-O zoning districts; and

2. Any lots containing dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of York County.

(E) *Measurement.* For the purposes of this Section, measurements shall be taken in a straight line from the nearest portion of the lot line where the outdoor shooting range is proposed to the nearest portion of the lot line or zoning district boundary line of the uses and districts specified in this Section.

§ 155.544 MINIMUM SEPARATION BETWEEN USES AND DISTRICTS.

An indoor shooting range shall be located at least 500 feet from any lots containing dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of York County.

§ 155.545 RESERVED.

§ 155.546 RESERVED.

§ 155.547 RESERVED.

§ 155.548 RESERVED.

§ 155.549 RESERVED.
§ 155.550   APPLICABILITY.

This Subpart applies to all short-term rentals that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.551   SHORT-TERM RENTAL USE.

(A) Location. A short-term rental shall only occur in a dwelling unit or an accessory dwelling unit.

(B) Annual Limit for Rentals. A dwelling unit or accessory dwelling unit shall not be rented for overnight accommodations for more than 120 days per calendar year.

(C) Restrictions on Number of Guests. A short-term rental shall not be occupied during the day by more than 20 guests or overnight by more than eight guests.

(D) Maximum Duration of Stay.

   (1) A short-term rental may provide only short-term lodging, which will be considered overnight occupancy for a continuous period of less than 30 days.

   (2) Rentals with a duration of 30 days or more are considered long-term and are not subject to the regulations of this Subpart but are required to comply with any other applicable regulations of this Chapter.

§ 155.552   OWNER REGISTRATION REQUIRED.

(A) Permit Required. Short-term rental use may not be initiated, established, or maintained without a valid permit, which shall be issued upon the completion of an application and the payment of the required filing fee.

(B) Application.

   (1) The owner of a dwelling unit or accessory dwelling unit who desires to initiate short-term rental use shall file a completed zoning compliance application with the Planning and Development Services Department describing the location of the proposed short-term rental and providing contact information for the owner or a property manager and shall pay the filing fee established by the County Council.

   (2) The application shall include written documentation from the York County Assessor’s office that the dwelling unit or accessory dwelling unit serves as the lot owner’s primary residence.

(C) Annual Renewal. All permits shall be renewed with verified contact information annually on a rolling basis from the anniversary date of the issuance of the initial permit.
§ 155.553 RESERVED.
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§ 155.560 PURPOSE.

(A) Intent. Through reasonable regulatory standards and requirements, to facilitate the siting and installation of small wireless facilities in York County in a manner that promotes wireless communications and ensures the protection of the health, safety, and general welfare of the citizens while mitigating adverse impacts to adjacent streetscapes and land uses.

(B) Purpose. This section is adopted for the following purposes:

1. To promote public safety by preventing interference with the use of streets, sidewalks, traffic light poles, or other utility poles, and other public ways;

2. To ensure that the design and appearance of the facilities are compatible with surrounding land uses;

3. To ensure traffic safety by preventing visual and physical obstructions that are hazardous to vehicular and pedestrian traffic;

4. To prevent interference with the operations of existing facilities located in rights-of-way or on public property;

5. Preservation of the character of neighborhoods where facilities are installed;

6. To preserve the integrity, dignity, and aesthetic quality of the natural, cultural, and scenic resources and developed environments and promote the quality of our citizens’ lives;

7. To promote the most efficient use of existing structures for collocating small wireless facilities, and to properly site new small wireless facilities; and

8. To otherwise promote the public health, safety, and general welfare.

§ 155.561 APPLICABILITY.

(A) In General. This Subpart applies to all small wireless facilities, either installed on a new pole or collocated on an existing pole or wireless support structure, that are specified as conditional or special exception uses in § 155.271: Use Table, including those located on private property and in rights-of-way.

(B) Applicable Only to Small Wireless Facilities. Nothing in this Subpart limits the County’s powers with respect to wireless facilities that are not small wireless facilities or to communications towers or poles that are used for purposes other than installation of small wireless facilities.
§ 155.562 PERMITTING.

(A) Permitted Use. Small wireless facilities, either installed on a new pole or collocated on an existing pole or wireless support structure, are permitted on both private property and rights-of-way and are subject to the supplemental regulations contained in this Subpart. Zoning compliance approval is required to collocate small wireless facilities and to install a new, modified, or replacement pole or support structure associated with a small wireless facility in the right-of-way and on private property.

(B) Compliance with Other Requirements. Prior to zoning compliance approval, small wireless facilities proposed in a right-of-way must receive an encroachment permit from the respective entities that control the right-of-way. The general requirements for all structures are applicable to small wireless facilities. All applicable health, nuisance, noise, fire, building, and safety code requirements shall apply in addition to the specific requirements of this Subpart, except that the applicant shall not be required to obtain or pay for a separate building permit, as the permit granted under this Subpart constitutes the building permit for the small wireless facilities and poles.

(C) The County will publish and keep current a list of each additional permit that is required for the collocation of a small wireless facility or the installation of a new, modified, or replacement pole.

(D) Permit Applications. All applications for permits under this Subpart shall be governed by this Subpart and additional procedures for zoning compliance review (see Subchapter E: Procedures).

(E) Application Requirements. The application shall be made by the applicant, or its duly authorized representative as noted in a notarized statement from the applicant, and shall contain the following:

(1) The applicant’s name, address, telephone number, and email address, including emergency contact information for the Applicant;

(2) The names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;

(3) A general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed;

(4) Detailed construction drawings regarding the proposed use of the right-of-way;

(5) To the extent the proposed facility involves collocation on a pole, decorative pole, or support structure, a structural report performed by a duly licensed engineer in South Carolina evidencing that the pole, decorative pole, or support structure will structurally support the collocation, or that the pole, decorative pole, or support structure may and will be modified to meet structural requirements, in accordance with applicable codes;
(6) For any new aboveground facilities, visual depictions or representations if such are not included in the construction drawings;

(7) Information indicating the approximate horizontal and vertical locations, relative to the boundaries of the right-of-way, of the small wireless facility for which the application is being submitted;

(8) If the application is for the installation of a new pole or replacement of a decorative pole, a certification that the wireless provider has determined after diligent investigation that it cannot meet the service objectives of the application by collocating on an existing pole or support structure on which:

   (a) The wireless provider has the right to collocate subject to reasonable terms and conditions; and

   (b) Such collocation would be technically feasible and would not impose significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and shall provide a written summary of the basis for such determination;

(9) If the small wireless facility will be collocated on a pole or support structure owned by a third party, other than a County pole, a certification that the wireless provider has permission from the owner to collocate on the pole or support structure;

(10) An affirmation that the applicant is, on the same date, submitting applications for other required permits identified in the list the County maintains pursuant to § 155.562(B);

(11) Any additional information reasonably necessary to demonstrate compliance with the criteria set forth in § 155.565: Review of Applications, of this Subpart; and

(12) For any applicant that is not a wireless services provider, an attestation that a wireless services provider has requested in writing that the applicant collocate the small wireless facilities or install, modify, or replace the Pole at the requested location.

(F) Information Updates. Any amendment to information contained in an application shall be submitted in writing to the County within 10 business days after the change necessitating the amendment.

§ 155.563 CONSOLIDATED APPLICATIONS.

(A) Limitations on Consolidated Applications. An applicant seeking to collocate small wireless facilities may submit a single consolidated application, provided that such a consolidated application shall be:

   (1) For a geographic area no more than two miles in diameter; and

   (2) For no more than 30 small wireless facilities.
(B) **Permitting of Consolidated Applications.** The applicant may receive a single permit for the collocation of multiple small wireless facilities with a consolidated application.

(C) **Effect of Denial.** The denial of one or more small wireless facilities in a consolidated application will not delay processing of any other small wireless facilities in the same consolidated application. Solely for purposes of calculating the number of small wireless facilities in a consolidated application, a small wireless facility includes any pole on which such small wireless facility will be collocated.

§ 155.564 **APPLICATION FEES.**

The County determines that the following fees for applications are reasonable and nondiscriminatory and do not recover more than the direct costs for processing an application. For each application, the applicant shall pay the following application fees:

(A) **Collocations.** For applications to collocate small wireless facilities on existing poles or support structures, one hundred dollars ($100) each for the first five small wireless facilities in the same application and fifty dollars ($50) for each additional small wireless facility in the same application;

(B) **New Poles.** For applications to collocate small wireless facilities on new poles, $1,000 for each pole, which fee covers both the installation of the new pole and the collocation on the new pole of associated small wireless facilities; and

(C) **Modified or Replacement Poles.** For applications to collocate small wireless facilities on modified or replacement poles, $250 for each pole, which fee covers both the modification or replacement of the pole and the collocation on the pole of associated small wireless facilities.

§ 155.565 **REVIEW OF APPLICATIONS.**

The Zoning Administrator will review the application and issue a zoning compliance if all of the requirements of this Subpart are met. The applicant must consider the following factors, and the Zoning Administrator may deny an applicant’s proposed collocation of a small wireless facility or a proposed installation, modification, or replacement of a pole, decorative pole, or support structure if the proposed collocation, installation, modification, or replacement:

(A) Interferes with the safe operation of traffic control or public safety equipment;

(B) Interferes with sight lines or clear zones for transportation or pedestrians;

(C) Interferes with compliance with the Americans with Disabilities Act or similar federal or State standards regarding pedestrian access or movement;

(D) Requests that ground-mounted Small Wireless Facility equipment be located more than seven and one-half feet in radial circumference from the base of the pole, decorative pole, or support structure to which the wireless antenna is to be attached, provided that the County shall not deny the application if a greater distance from the base of the pole, decorative pole,
or support structure is necessary to avoid interfering with sight lines or clear zones for transportation or pedestrians or to otherwise protect public safety;

(E) Fails to comply with the height limitations permitted by this Subpart or (if applicable) in the Design Manual, or with the reasonable and nondiscriminatory horizontal spacing requirements of for new poles set out in this Subpart;

(F) Designates the location of a new pole, decorative pole, or support structure for the purpose of collocating a small wireless facility within seven feet in any direction of an electrical conductor, unless the wireless provider obtains the written consent of the power supplier that owns or manages the electrical conductor;

(G) Fails to comply with applicable codes;

(H) Fails to comply with the requirements applicable to the aesthetic, stealth, and concealment requirements contained in Subpart, with the requirements applicable to Supplemental Review Districts, or (if applicable) with the Design Manual;

(I) Fails to comply with laws of general applicability that address pedestrian and vehicular traffic and safety requirements; or

(J) Fails to comply with laws of general applicability that address the occupancy or management of the right-of-way and that are not otherwise inconsistent with this article.

§ 155.566 EFFECT OF PERMIT.

(A) **Timing of Installation.** Installation or collocation for which a permit is granted pursuant to this Subpart must be completed within one year of the permit issuance date unless the County and the applicant agree to extend this period, or a delay is caused by the lack of commercial power or by the lack of communications facilities to be provided to the site by an entity that is not an affiliate, as that term is defined in 47 U.S.C. Section 153(2), of the applicant.

(B) **Effect and Term of Permit.** Approval of an application authorizes the applicant to:

1. Undertake the installation or collocation; and

2. Subject to applicable relocation requirements and the applicant’s right to terminate at any time, operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of ten years, which may be renewed for equivalent durations so long as the installation or collocation is in compliance with the criteria set forth in this ordinance and the permit.

(C) **Conditions and Obligations.** Any conditions contained in a permit, including without limitation conditions designed to reduce the visibility of the small wireless facility and associated pole, or to make any portion of the same appear to be something other than a small wireless facility, shall apply for the entirety of the permit term and shall include a duty to maintain and replace components as necessary to ensure continued compliance.
§ 155.567 SITING.

(A) Site Selection in Residential Districts. For applications to place poles in residential zoning districts to deploy small wireless facilities, the County may propose an alternate location in the right-of-way within 150 feet of the location set forth in the application, and the applicant shall use the County’s proposed alternate location unless the location is not technically feasible or imposes significant additional costs. If the applicant does not agree to the alternative location, the applicant shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for this determination.

(B) Guidelines. The applicant should consider the following when siting a small wireless facility:

   1. The most efficient use of existing wireless support structures and poles for the collocation of new wireless antennas and equipment.

   2. Whether small wireless facilities that are proposed within or abutting residential zones could operate as effectively if located instead within or abutting a non-residential zone in the vicinity of the proposed site.

   3. Potential adverse impacts on the safety, visibility, and convenience of the ordinary travel of vehicles, bicycles, and pedestrians along the public rights-of-way.

   4. Potential adverse impacts on significant historical or architectural sites in the county.

   5. Potential adverse impacts on the appearance or character of areas located within overlay districts and along state-designated scenic byways.

(C) Standards.

   1. Small wireless facilities should be collocated on existing wireless support structures or poles. Collocation on decorative poles that are less than 20 feet in height is prohibited.

   2. New poles must be at least 500 feet from any other poles that have been installed for the purpose of siting a small wireless facility. Installation of poles for small wireless facilities within this separation distance is permitted only if the Zoning Administrator determines that collocation on an existing wireless support structure or pole is not technically feasible.

   3. Small wireless facilities shall not interfere with public safety (i.e., police, traffic control, fire, and emergency services) equipment.

   4. Small wireless facilities and associated poles should maintain either a minimum six-foot-wide pedestrian clear zone from back-of-curb to the inward edge of a small wireless facility or a minimum five-foot-wide pedestrian clear zone between the outward edge of a small wireless facility and the back-of-sidewalk.
(5) Small wireless facilities and associated poles should be located at least 10 feet from a driveway and must be placed outside of sight triangles.

(6) Small wireless facilities and associated poles should be located at least 50 feet from a single-family dwelling, and at least ten feet from the edge of existing trees that are 12 inches or greater in diameter.

(7) Small wireless facilities and associated poles shall be located at least seven feet from an electrical conductor, unless the wireless services provider obtains written permission from the power supplier that owns or manages the electrical conductor.

(8) Ground-mounted antenna equipment shall not be located more than 7.5 feet in radial circumference from the base of the pole or support structure to which a wireless antenna is attached, except when necessary, to avoid interference with sight lines or clear zones, or to protect public safety.

(D) Decorative Poles. An applicant may be permitted to collocate on or replace decorative poles when necessary to deploy a small wireless facility. Collocation on or replacement of decorative poles is subject to the following conditions:

(1) A replacement must be with a decorative pole that reasonably conforms to the design aesthetics of the original decorative pole, provided these requirements are technically feasible.

(2) For applications to collocate small wireless facilities on decorative poles or to replace decorative poles to deploy small wireless facilities, the County may propose an alternate location in the right-of-way within 150 feet of the location set forth in the application. The applicant shall use the County’s proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The applicant shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

§ 155.568 DESIGN STANDARDS.

(A) Cabinet Size. Cabinets serving small wireless facilities must meet both of the following qualifications:

(1) Each wireless provider’s antenna could fit within an enclosure of no more than six cubic feet in volume; and

(2) All other wireless equipment associated with the small wireless facility, whether ground or pole mounted, is cumulatively no more than 28 cubic feet in volume.

(B) Maximum Height of Support Structures. Wireless support structures that support small wireless facilities shall not exceed the greater of the following height limitations:

(1) 50 feet above ground level; or
(2) No more than 10 feet in height above the tallest existing pole in place as of the effective date of this article located within 500 feet of the new pole in the right-of-way of the same road.

(C) **Maximum Height of Small Wireless Facilities.** New small wireless facilities (including any related antennas) may not extend more than 10 feet above an existing pole in place as of the effective date of this Subpart, or for small wireless facilities (including any related antennas) on a new pole, above the height permitted for a new pole pursuant to this Section.

(D) **Appearance.** In general, small wireless facilities and support structures should meet the following appearance standards. However, such requirements may be waived by the County upon a showing that the particular location of a small wireless facility does not warrant stealth or concealment treatments or imposes an excessive expense. The waiver shall be granted or denied within 45 days after the date of the request.

   (1) A small wireless facility shall have stealth elements integrated into its design in order to blend in with the shape, style, design, and color of the pole or wireless support structure to which it is attached.

   (2) New and replacement poles shall be of a similar material, shape, style, design, and color as existing poles in the vicinity. Replacement decorative poles shall be substantially similar to and have identical light fixtures and attachments as the original decorative pole.

   (3) Antennas shall be mounted to the top of the pole within a canister where technically feasible. Otherwise, antennas shall be mounted as close to the pole as possible and concealed to minimize visual impact.

   (4) All radio and network interface equipment shall be concealed within the pole, on the pole, underground, or in a ground-mounted cabinet.

   (5) New antennas and equipment collocated on existing poles shall be mounted behind a shroud. No more than two shrouds shall be installed on each pole.

   (6) Cabling shall be neatly trained and concealed in conduit, duct, shrouded, or within the pole.

   (7) Fiber or cable to the radio shall be over existing overhead routes or underground. Overhead wires should not be used in locations where existing electrical utilities are located underground.

   (8) Electric meters shall either be a single pole mount unit or mounted within the pole. Electric meters and disconnect switches shall not be located on the side of the pole that faces the sidewalk.

   (9) The grounding rod may not extend above the top of sidewalk and must be placed in a pull box. The ground wire between the pole and ground rod must be inside an underground conduit.
(10) All pull boxes must be vehicle load bearing and comply with all applicable SCDOT requirements. A concrete apron must be installed around all pull boxes not located in the sidewalk. No new pull boxes may be located in pedestrian ramps.

(11) Cabinets associated with small wireless facilities must be screened by vegetative or other compatible screening as required by the Zoning Administrator.

§ 155.569 COLLOCATIONS ON COUNTY POLES OR STRUCTURES.

(A) **Annual Rate.** The rate to collocate a small wireless facility on a County pole shall be $50 per year. The County reserves the right to require a pole attachment agreement to further define the terms and conditions of attachments to County poles. The rates specified in this section shall not apply to poles owned, or operated and accounted for as an asset of, a County electric utility.

(B) **Make-Ready Work.** The applicant is responsible to reimburse the County for make-ready work or to undertake the make-ready work, as provided by this Section. The rates, fees, terms, and conditions for make-ready work to collocate on a County pole will be nondiscriminatory, competitively neutral, commercially reasonable, and in compliance with this Subpart.

(1) The County will provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation by a wireless provider, including pole replacement if necessary, within 60 days after receipt of a complete application. Alternatively, the County may require the wireless provider to perform the make-ready work and notify the wireless provider of such within the sixty-day period. If the wireless provider or its contractor performs the make-ready work, the wireless provider shall indemnify the County for any negligence by the wireless provider or its contractor in the performance of such make-ready work and the work shall otherwise comply with applicable law.

(2) Make-ready work performed by or on behalf of the County, including any pole replacement, will be completed within 60 days of written acceptance of the good faith estimate by the applicant. The County may require replacement of the pole if it demonstrates that the collocation would make the pole structurally unsound.

§ 155.570 MAINTENANCE, REPAIR, AND OTHER CHANGES THAT DO NOT REQUIRE A PERMIT.

(A) **Routine Maintenance and Changes.** A permit shall not be required for the following:

(1) Routine maintenance;

(2) The replacement of a small wireless facility with another that is substantially similar or smaller; or

(3) The removal of antennas or antenna equipment from an existing small wireless facility.
(B) **Micro Wireless Facilities.** A permit shall not be required for the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables that are suspended between existing poles or support structures that are in compliance with applicable codes by a wireless provider that is authorized to occupy the right-of-way and that is remitting a consent, franchise, or administrative fee pursuant to S.C. Code Ann. § 58-9-2230.

(C) **Special Situations Requiring Permits.** Notwithstanding the foregoing, the County may require that prior to performing any activity described above, an applicant must apply for and receive a permit for work that requires excavation or closure of sidewalks or vehicular lanes within the right-of-way for such activity.

(D) **Repair of Damage.** A wireless provider shall repair all damage to the right-of-way directly caused by the activities of the wireless provider in the right-of-way and shall return the right-of-way to its functional equivalence before the damage. If the wireless provider fails to repair damage to the right-of-way in compliance with this division within 30 calendar days after written notice, the county may repair such damage and charge the applicable party the reasonable, documented cost of such repairs; provided, however, that the wireless provider may request additional time to make such repairs, and the county shall not unreasonably deny such a request.

§ 155.571 **DISCONTINUATION OF USE.**

A wireless provider shall notify the authority at least 30 days before its abandonment of a small wireless facility. Following receipt of such notice, the County may direct the wireless provider to remove all or any portion of the small wireless facility if the County determines that such removal is in the best interest of the public safety and public welfare. If the wireless provider fails to remove the abandoned facility within 90 days after such notice, the County may undertake to do so and recover the actual and reasonable expenses of doing so from the wireless provider, its successors, or assigns.

§ 155.572 **REMOVAL AND RELOCATION.**

The small wireless facility must be removed or relocated at the wireless services provider's expense at the request of the County or the South Carolina Department of Transportation for the purpose of road maintenance, construction, or other work within the right-of-way adjacent to the wireless facility.

§ 155.573 **RESERVED.**

§ 155.574 **RESERVED.**

§ 155.575 **RESERVED.**

§ 155.576 **RESERVED.**

§ 155.577 **RESERVED.**
§ 155.578 RESERVED.

§ 155.579 RESERVED.
§ 155.580 PURPOSE.

(A) Intent. To facilitate the siting, construction, installation, and operation of solar energy facilities in York County in a manner that promotes economic development and ensures the protection of the health, safety and general welfare of the citizens while avoiding adverse impacts to adjacent land uses and property owners.

(B) Purpose. This section is adopted for the following purposes:

(1) To promote alternative and sustainable energy sources in York County;

(2) To preserve the dignity and aesthetic quality of the natural and built environment;

(3) To conserve and ensure access to the county's natural and scenic resources; and

(4) To preserve the physical integrity of land in close proximity to residential areas.

§ 155.581 APPLICABILITY.

This Subpart applies to all solar energy facilities that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.582 SETBACKS.

All buildings, structures, equipment, and parking areas related to a solar energy facility shall be setback at least:

(A) 125 feet from all property lines;

(B) 125 feet from all public rights-of-way; and

(C) 500 feet from all public rights-of-way along a designated South Carolina Scenic Byway.

§ 155.583 HEIGHT.

The maximum height of all equipment that is part of a solar energy facility shall not exceed 20 feet above the average site grade.

§ 155.584 BUFFERYARDS AND SCREENING.

(A) Visual Buffer Plan. The applicant must submit a visual buffer plan with the application for special exception. The site plan must show all property lines as well as water features and contour lines. The plan must also show the placement, species, and initial and mature heights of proposed plantings within the vegetative buffer, as well as the location and details of proposed fences and/or walls on the property. Applicants who seek alternative compliance by
special exception, as described below, must also submit a tree survey, berm contour lines, or graphic evidence of topographic features that reduce visual impacts of a solar energy facility.

(B) **Bufferyard and Screening.** Solar energy facilities must be screened from adjacent properties and rights-of-way with a vegetative buffer and opaque fence or wall with the following specifications:

1. A vegetative buffer with a minimum depth of 75 feet shall be installed in compliance with the Type D bufferyard standards described in Subchapter D, Part 3: **Buffers, Screening, and Landscaping.**

2. The vegetative buffer shall also include a row of evergreens which are a minimum of six feet in height at the time of planting and are spaced not more than eight feet apart which at maturity will form an intermittent visual barrier to a height of 15 feet. Evergreens shall be selected to reach a minimum height of ten feet within three years from planting. Evergreens shall be a species included in the Approved Species List;

3. A separate row of shrubs that are dense, low-lying, continuous, and planted so as to visually fill in the low-lying gaps between the trunks of the evergreens. Shrubs shall be a species native to the Carolina Piedmont; and

4. A minimum six-foot-tall fence or wall that is constructed in a durable fashion of brick, vinyl, stone, wood posts and planks, or any combination of these materials. The fence or wall shall have a completely opaque surface, and the finished side of the fence shall face towards the right-of-way and adjacent properties. A chain link fence is permitted only to secure equipment internal to the solar energy facility and must be screened from rights-of-way and adjacent properties. The Zoning Administrator shall determine the most effective placement of the opaque fence in relation to the vegetative buffer to meet screening requirements.

5. The Board of Zoning Appeals may modify the height specifications described above where topography prevents said requirements from meeting the intent of this section.

(C) **Alternative Compliance by Special Exception.** The Board of Zoning Appeals may modify the buffer and screening requirements where alternative compliance is proposed in the visual buffer plan as follows:

1. There are existing vegetated areas located on the same property as the solar energy facility that are within or include the required bufferyard, and are of sufficient height, length, and depth, and contain adequate and sufficient healthy vegetation to meet the intent of this section;

2. There are topographical features located on the subject and/or adjacent properties that reduce the visual impact of the solar energy facility on adjacent properties and rights-of-way so that required buffers and screening is not necessary to meet the intent of this section;

3. There are water features located on the subject property that would be adversely impacted by buffer and screening requirements; or
(4) The applicant proposes to construct a berm in lieu of the required fence or wall, provided that the height and location of the berm meet the intent of this section.

(D) **Bufferyard Standards.** All other applicable requirements for bufferyards and fencing in this Chapter that are not referenced by this Section must be adhered to.

§ 155.585 **GLARE STANDARDS.**

(A) **Air Hazard Protection.** The design and construction of solar energy facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations of airports located within five nautical miles of the proposed solar energy facility.

(B) **Ground Transportation Protection.** Solar energy facilities equipment is to be designed and located in a way to avoid directing glare or reflection onto adjacent properties and roadways and shall not interfere with vehicle traffic or create a safety hazard.

§ 155.586 **ENVIRONMENTAL STANDARDS.**

(A) **Facility Siting.** Improved areas of a solar energy facility shall not be located in wetlands nor within a Special Flood Hazard Area (SFHA) as shown on the effective flood insurance rate map.

(B) **Facility Maintenance.** Environmentally-friendly vegetative management practices must be employed; use of herbicides should be avoided for vegetive management; provided however, spot herbicide treatment may occasionally be applied to deter growth of new trees on the site. Soil sterilants shall not be used on the site.

§ 155.587 **ADDITIONAL DESIGN STANDARDS.**

(A) **Sign.** An attached sign meeting the dimensional standards of this Chapter shall be posted and maintained at the entrance(s), which lists the name and phone number of the operator. Freestanding signs are prohibited.

(B) **Utilities.** On-site electrical interconnections and power lines shall be installed underground to the extent feasible. Existing above ground utility lines shall be allowed to remain in their current location.

(C) **Access Roads.** All access roads and storage areas shall be established on a minimum 20-foot wide easement to a public right-of-way.

§ 155.588 **AVIATION AUTHORITY NOTIFICATION.**

(A) **Site information.** For consideration of potential impacts to civilian flight paths for airport operations located within five nautical miles from an airport listed in the National Plan of Integrated Airport Systems, notification of intent to construct a solar energy facility shall be sent to the airport manager or designated official and the appropriate Federal Aviation Administration's (FAA) Airport District Office (ADO). Notification shall include:
(1) The location of solar energy facility (i.e., map, latitude and longitude coordinates, address or parcel ID);

(2) Type of solar technology (i.e., roof-mounted solar photovoltaic, ground-mounted fixed PV, tracked PV, solar thermal, etc.); and

(3) The area of system (e.g., 10 acres).

(B) Hazard Analysis Testing. In addition to providing notification of intent to construct a solar energy facility, the proponent of the solar energy facility shall use the latest version of the Solar Glare Hazard Analysis Tool (SGHAT) to evaluate the solar glare aviation hazard on airports meeting the criteria described above for each flight path and observation point.

(C) Notification. The applicant must submit the information and data described in Paragraphs (A) and (B) to the aviation authorities identified in Paragraph (A) at least 30 days prior to site plan approval, along with the contact information for the Zoning Administrator. Proof of delivery of notification and date of delivery shall be submitted with permit application.

(D) Supplemental Information. Any applicable solar energy facility design changes (e.g., module tilt, module reflectivity, etc.) after initial submittal must be rerun in the SGHAT tool and the new full report must be sent without undue delay to the contact specified in Paragraph (A) above for accurate records of the as-built system.

§ 155.589 DECOMMISSIONING.

(A) Performance Guarantee. The performance requirements below ensure that costs associated with the restoration or stabilization of a site can be preserved for future use after a solar energy facility use has been discontinued:

(1) Prior to issuance of a building permit, the applicant must provide the county with a performance guarantee in the form of a bond, irrevocable letter of credit and agreement, or other financial security acceptable to the county in the amount of 125% of the estimated decommission cost minus the salvageable value, or $50,000, whichever is greater. Estimates shall be determined by an engineer licensed to practice in South Carolina.

(2) All performance bonds must renew automatically; provide a minimum 90-day notice to the County prior to cancellation; be approved by the Planning and Development Services Director; and be provided by a company on the U.S. Department of Treasury's Listing of Certified Companies.

(3) The county will request a new engineer's estimate of probable cost of decommissioning every five years from the initial submission. The bond, letter of credit, or other financial security acceptable to the county shall be adjusted upward or downward, as necessary.

(B) Decommissioning Plan. A decommissioning plan that details the planned shut down or removal of a solar energy facility from operation or usage must address the following items and be signed by both the party responsible for decommissioning and the landowner, if
different, and shall be recorded in the York County Register of Deeds prior to the issuance of a building permit. The applicant shall submit an unsigned decommissioning plan for staff review to ensure compliance with the requirements below prior to any party signatures and recordation of the document in the Register of Deeds:

1. List the type of panels, storage facilities, and materials to be installed at the site.
2. Restoration plan to properly restore or stabilize the property for future use, as determined by the Zoning Administrator.
3. Removal of solar panels, buildings, cabling, electrical components, roads, and any other associated facilities.
4. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, abandonment, etc.).
5. The timeframe for completion of decommissioning activities. The maximum time permitted for decommissioning and restoring the site shall be six months.
6. Description of any agreement (e.g., lease) with landowner regarding decommissioning and acknowledgment by the landowner, that he or she shall be held ultimately responsible for decommissioning.
7. The identification of the party currently responsible for decommissioning.
8. Estimated cost of site restoration prepared by an engineer licensed to practice in South Carolina.
9. Plans for periodically updating the decommissioning plan.

§ 155.590 ABANDONMENT.

(A) Cessation of Operations. Any solar energy facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned. Should a solar energy facility cease to produce energy on a continuous basis for 12 months, it will be considered abandoned unless the current responsible party (or parties) with ownership interest in the solar energy facility provides substantial evidence, which must be updated every three months after 12 months of no energy production, to the Planning and Development Services Director of the intent to maintain and reinstate the operation of that facility.

(B) Notification to Restore the Site. Upon determination of abandonment, the Planning and Development Services Director shall notify the party (or parties) responsible that they must remove the solar energy facility and properly restore or stabilize the property for future use, as determined by the Zoning Administrator, within six months of the notice.

(C) Remedies of Failure to Restore Site. If the responsible party (or parties) fails to comply after six months from the date of notice has passed, the county may pursue all actions available at law or in equity, including, but not limited to; breach of contract, specific
performance, mandatory injunctions, fines, abatement, nuisance, liens, assessments, and judicial sale of the property.

§ 155.591  ENFORCEMENT.

Any person found to be in violation of any provision of this Section shall be subject to the penalties described in Subchapter H: Enforcement.

§ 155.592  RESERVED.

§ 155.593  RESERVED.

§ 155.594  RESERVED.
SUBPART 3.36: TATTOO AND BODY PIERCING ESTABLISHMENTS

§ 155.595 APPLICABILITY.

This Subpart applies to all tattoo and body piercing establishment uses that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.596 MINIMUM SEPARATION BETWEEN USES AND DISTRICTS.

A tattoo and body piercing establishment shall be located:

(A) At least 300 feet from any other tattoo and body piercing establishment; and

(B) At least 200 feet from any lot located in a residential district or any residential dwelling.

§ 155.597 RESERVED.

§ 155.598 RESERVED.

§ 155.599 RESERVED.
SUBPART 3.37: VEHICLE AND HEAVY MACHINERY SALES/RENTAL, REPAIR, AND SERVICE

§ 155.600 APPLICABILITY.

This Subpart applies to the following uses when they are specified as conditional or special exception uses in § 155.271: Use Table:

(A) Heavy machinery sales, rental, or repair;
(B) Vehicle sales or rental; and
(C) Vehicle service, repair, and customization.

§ 155.601 OUTDOOR DISPLAY FOR VEHICLE AND HEAVY MACHINERY SALES AND RENTAL.

(A) Site Plan Review. The outdoor display area for vehicle and heavy machinery sales and rental uses shall be designated as such on the site plan. No outdoor retail display is allowed in other areas of the premises.

(B) Vehicle Display Pads. Vehicle and heavy machinery sales and rental uses may have up to one display pad for every 100 feet of street frontage. The display pad may be elevated up to two feet above adjacent displays or grade level. Any rack that raises or tilts a vehicle or machine to show the underside must be located inside a showroom.

(C) Off-Street Parking Standards for Display of Vehicles for Sale. Vehicle and heavy machinery sales and rental uses must provide paved surfaces for sales displays, vehicle storage, and customer parking, including all access and driving surfaces. These areas must comply with all applicable off-street parking standards in Subchapter D, Part 5: Parking, except:

(1) Vehicular display parking spaces may be 8 feet by 18 feet, but adequate customer parking must be provided according to the standards in Subchapter D, Part 5: Parking; and

(2) Smaller parking spaces than otherwise would be required for automobiles may be used for smaller vehicles, such as golf carts, motorcycles, and all-terrain vehicles used for recreational purposes.

(D) Location. Outdoor retail displays of vehicles or machinery may not be located within an ADA accessible route, landscaped area, right-of-way, or required parking space.

(E) Heavy Machinery Storage.

(1) Heavy machinery sales and rental uses may operate unpaved storage yards for heavy machinery, but the outdoor storage use is limited to operable vehicles and equipment.
(2) All storage areas of heavy machinery authorized by this Section shall be screened by an opaque wall or fence at least eight feet in height, if not otherwise required by Subchapter D, Part 3: Buffers, Screening, and Landscaping.

§ 155.602 VEHICLE AND HEAVY MACHINERY REPAIR AND SERVICE USES.

The following regulations apply to all vehicle and heavy machinery repair and service uses, whether conducted by an establishment that solely conducts repairs or as an accessory or complement to another use, such as vehicle sales or gasoline sales.

(A) Outdoor Work Prohibited. The repair and service of vehicles and heavy machinery must be performed inside an enclosed building but may occur inside bays with the bay doors open.

(B) Storage Area for Vehicles During Repair. Vehicle and heavy machinery repair and service uses must provide temporary parking for vehicles while they are being serviced. All vehicles that are not stored inside a building overnight must be stored in a paved parking area that is enclosed by a fence as provided by this section. The location of the storage area must comply with the applicable setback requirements for the zoning district in which the lot is located.

(C) Temporary Storage Only. The storage area for vehicles subject to this section is for temporary use only. Outdoor storage of any vehicle longer than 30 days is prohibited. The outdoor storage areas authorized in this Section may not be used for the storage of junked, salvaged, or inoperable vehicles, trucks, trailers, equipment, parts, and materials.

(D) Screening of Storage Area. All storage areas authorized by this Section shall be enclosed by an opaque fence or wall at least eight feet in height.

§ 155.603 RESERVED.

§ 155.604 RESERVED.
SUBPART 3.38: WAREHOUSING, WHOLESALE, AND DISTRIBUTION ESTABLISHMENTS

§ 155.605 APPLICABILITY.

This Subpart applies to all warehousing, wholesale, and distribution establishments that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.606 DEVELOPMENT STANDARDS.

(A) Applicability. This Section applies to all warehousing, wholesale, and distribution establishments that are at least 50,000 square feet in area.

(B) Separation Requirements. A warehousing, wholesale, and distribution establishments shall be located at least 250 feet from:

(1) Any lots located in the PR, AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, RC, NC, PD, MU, HS-O, and SC-O zoning districts; and

(2) Any lots containing dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of York County.

(C) Outdoor Storage. Outdoor storage areas must be screened from public view by an opaque fence or wall at least six feet in height. The height of stored materials and equipment must not exceed the height of the screening fence or wall.

(D) Loading Docks. Loading docks are not permitted on building frontage.

(1) When practical, all loading docks should be located at the rear of the building.

(2) Cross docking facilities may locate loading docks on the building sides.

(E) Noise Control. Outdoor speakers or public address systems must not be audible offsite.

(F) Accommodation for Safe Vehicle Turning. The site shall be designed to prohibit vehicles from backing into the site or onto the street, and all points of access shall be sufficient to accommodate safe turning movements into and out of the site.

(G) Access and Routing Plan. The zoning compliance or special exception application, as applicable, shall include an access and routing plan as specified in Subchapter L: Submittal Requirements.

§ 155.607 SPECIAL EXCEPTION REQUIRED FOR WAREHOUSING IN INTERSTATE 77 AREA

To ensure the compatibility of proposed warehousing, wholesale, and distribution establishments with existing development, as described in the I-77 South Corridor Small Area Plan, all such uses located in full or in part within two linear miles of Interstate 77, south of the
Catawba River, are required to obtain an approved special exception pursuant to this Subpart regardless of the use regulations for the zoning district in which the parcel is located. The distance shall be measured from the edge of the right-of-way to the nearest property line of the subject property.

§ 155.608 RESERVED.

§ 155.609 RESERVED.
SUBPART 3.39: WASTE MANAGEMENT FACILITIES

§ 155.610 APPLICABILITY.

This Subpart applies to all solid waste convenience centers, solid waste transfer stations, landfills (cellulose), landfills (inert), landfills (sanitary), hazardous waste storage or treatment facilities, recovered materials processing facilities, and commercial incinerators that are specified as conditional or special exception uses in § 155.271: Use Table.

§ 155.611 MINIMUM LOT SIZE FOR CERTAIN WASTE MANAGEMENT FACILITIES.

All landfills (cellulose), landfills (inert), landfills (sanitary), hazardous waste storage or treatment facilities, and commercial incinerators must be located on a lot that is at least 10 acres in size.

§ 155.612 MATERIALS AND STORAGE AT SOLID WASTE CONVENIENCE CENTERS.

Solid waste convenience centers shall not:

(A) Accept commercial, industrial, or construction waste; or

(B) Store waste on-site for more than seven days.

§ 155.613 MINIMUM SEPARATION BETWEEN USES AND DISTRICTS.

A solid waste transfer station, landfill (cellulose), landfill (inert), landfill (sanitary), hazardous waste storage or treatment facility, and commercial incinerator shall be located at least 500 feet from:

(A) Any lots located in the RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, RC, NC, PD, MU, HSC-O, and SC-O zoning districts; and

(B) Any lots containing dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of York County.

§ 155.614 SETBACKS AND SCREENING.

(A) Setbacks. All elements of a solid waste transfer station, landfill (cellulose), landfill (inert), landfill (sanitary), hazardous waste storage or treatment facility, and commercial incinerator facility, including structures, buildings, equipment, parking areas, and access roads, shall be located at least 125 feet from all property lines; except that access roads may cross the 125-foot setback area and utilities may be located within the 125-foot setback area.

(B) Screening.

(1) A Type D bufferyard shall be required for all waste management facilities as stated in Subchapter D, Part 3: Buffers, Screening, and Landscaping, except that solid waste convenience centers shall provide a Type C bufferyard;
(2) The Board of Zoning Appeals may require supplemental buffering including, but not limited to, additional buffer width, supplemental plantings in other areas of the buffer, or a privacy fence, if the BZA determines the placement of the utilities in the buffer negatively impacts adjacent property owners.

(3) All existing trees within the buffer area shall be preserved, except for reasonable allowances for construction of necessary road crossings and utilities.

(4) When located within 1,000 feet of a residential use, the BZA may require additional screening measures in order to protect nearby residential areas from noise and visual blight.

§ 155.615 VEHICULAR ACCESS.

In the Industrial District, vehicular access to the site of all waste management facility uses shall be located on a major road, as defined in the Land Development Manual, unless otherwise approved by the BZA.

§ 155.616 ACCESS AND ROUTING PLAN.

(A) The zoning compliance or special exception application, as applicable, shall include an access and routing plan as specified in Subchapter L: Submittal Requirements.

§ 155.617 REGULATORY COMPLIANCE.

(A) Solid Waste Transfer Stations. All solid waste transfer stations must be permitted as transfer stations by the South Carolina Department of Health and Environmental Control (SCDHEC).

(B) Landfills (Cellulose). All landfills (cellulose) must be permitted as a Class I Landfill by SCDHEC.

(C) Landfills (Inert). All landfills (inert) must be permitted as a Class II Landfill by SCDHEC.

(D) Landfills (Sanitary). All landfills (sanitary) must be permitted as a Class III Landfill by SCDHEC.

(E) Recovered Materials Processing Facilities, Hazardous Waste Storage or Treatment Facilities, and Commercial Incinerators. All recovered materials processing facilities, hazardous waste storage or treatment facilities, and commercial incinerators must be permitted by applicable state and federal regulatory authorities.

§ 155.618 RESERVED.

§ 155.619 RESERVED.
PART 4: ACCESSORY USES AND STRUCTURES

SUBPART 4.1: GENERAL PROVISIONS

§ 155.620 APPLICABILITY.

(A) This Part applies to any subordinate use of a building or other structure, or use of land that is:

(1) Conducted on the same lot or an adjacent lot as the principal use to which it is related; and

(2) Clearly incidental to, and customarily found in connection with, the principal use or structure.

(B) Where a principal use or structure is permitted in § 155.271: Use Table, such use shall include accessory uses and structures subject to this Subpart.

§ 155.621 ESTABLISHMENT.

(A) Permitted Accessory Uses and Structures. Accessory uses and structures that are subordinate and incidental to and customarily associated with the principal use or structure and that are located on the same lot with the principal use are generally allowed, subject to the limitations of this Chapter.

(B) Conditional Accessory Uses and Structures. Certain accessory uses and structures are subject to additional use-specific conditions, which are specified in Subpart 4.2 through the end of this Part.

(C) Use Must be Accessory. Accessory structures and uses may not be constructed or established without an associated principal structure or use. The accessory structure may be constructed at the same time as the principal structure. However, a certificate of occupancy for the accessory structure shall not be issued prior to the certificate of occupancy for the associated principal structure.

(D) Accessory Use Must be Located on Same Lot as Principal Use. Except as provided in § 155.621(E), below, an accessory structure or use may only be located on the same lot as the principal structure or use that it serves. An accessory building or use may not be established on a vacant lot.

(E) Exceptions.

(1) Accessory Use for Adjacent Lots. Residential accessory buildings and structures and residential accessory uses may be placed across side and/or rear property lines, if:

(a) Two or more contiguous parcels are owned by the same owner(s); and

(b) Only one parcel has an established principal structure.
(2) **Accessory Building for Vacant Lot.** One accessory building may be placed on a vacant lot if:

(a) The owner submits an Accessory Use Letter of Acknowledgment to the Zoning Administrator on a form provided by the Planning & Development Services Department;

(b) The accessory building is used only for the storage of items related to the maintenance and upkeep of the vacant lot;

(c) On lots less than one acre in size, the gross floor area of the accessory building is 200 square feet or less; and

(d) On lots one acre or larger in size, the gross floor area of the accessory building is 400 square feet or less.

(3) **Permitted Docks.** The requirements of this Section do not apply to residential docks and piers located on public bodies of water that are subject to a permit requirement by the agency charged with the management of the body of water.

§ 155.622 **SETBACKS, HEIGHT, AND SIZE.**

(A) **Setbacks for Accessory Uses and Structures.**

(1) Table 155.622-1: *Minimum Required Setbacks for Accessory Uses and Structures* specifies the minimum distance an accessory structure or use must be located from the lot line.

(2) For the purposes of this Section, accessory uses and structures are categorized as major or minor depending on their characteristics.

(a) **Major Accessory Uses and Structures.**

1. Major accessory uses and structures are substantial uses and structures that are generally obvious from outside the parcel and will vary by district.

2. Examples of major agricultural accessory uses and structures include farm labor housing, animal shelters, animal pens, kennels, barns, farm equipment sheds, manure stock piles, feed stations, and troughs.

3. Examples of major residential accessory buildings include dwellings, utility buildings, storage sheds, workshops, stables, private kennels, and detached garages.

4. Examples of major residential accessory uses and structures include tennis courts, swimming pools, stables, satellite dishes, and antennas (ham radio, CB, TV).
5. Examples of major commercial or industrial accessory uses and structures include garbage dumpster surrounds and pads, loading docks, and storage yards.

(b) **Minor Accessory Uses and Structures.** Minor accessory uses and structures include uses and structures that are not unique to a particular land use, including utility poles; mailboxes; flagpoles; fences; landscape features; fruit, vegetable, and ornamental gardens; driveways; parking areas; and retaining walls less than four feet in height.

**Table 155.622-1: Minimum Required Setbacks for Accessory Uses and Structures**

<table>
<thead>
<tr>
<th>Accessory Use or Structure</th>
<th>Setbacks (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front (Major Road)</td>
</tr>
<tr>
<td>Major Agricultural, Commercial, or Industrial Accessory Uses and Structures</td>
<td>Same as zoning district (see Subchapter B, Subpart 2.2: Base District Dimensional Standards)</td>
</tr>
<tr>
<td>Major Residential Accessory Buildings, except Alley-Loaded Garages</td>
<td>Same as zoning district (see Subchapter B, Subpart 2.2: Base District Dimensional Standards)</td>
</tr>
<tr>
<td>Major Residential Accessory Buildings, Alley-Loaded Garages Only</td>
<td>n/a</td>
</tr>
<tr>
<td>Major Residential Accessory Uses and Structures, except Swimming Pools</td>
<td>Same as zoning district (see Subchapter B, Subpart 2.2: Base District Dimensional Standards)</td>
</tr>
<tr>
<td>Major Residential Accessory Uses and Structures, Swimming Pools Only</td>
<td>n/a</td>
</tr>
<tr>
<td>Minor Accessory Uses and Structures</td>
<td>0 ft</td>
</tr>
<tr>
<td>Retaining Walls Greater than 4 ft in height</td>
<td>Same as zoning district (see Subchapter B, Subpart 2.2: Base District Dimensional Standards)</td>
</tr>
</tbody>
</table>

**Key:** min = minimum required | ft = feet | sf = square feet | n/a = not applicable

\(^{1}\) The lesser setback applies to lots that are 8,500 sf or less in size or 65 ft or less in width. The greater setback applies to all other lots.
(B) **Height Limitations for Accessory Structures.** Accessory structures are limited to 125% of the height of the principal structure on the lot, but in no case shall the accessory structure exceed the maximum height specified for the zoning district in which the structure is located (see Subchapter B, Subpart 2.2: *Base District Dimensional Standards*).

(C) **Maximum Size of Accessory Structures.**

   1. On lots less than one acre in size, the maximum gross floor area of an accessory structure is 50% of the gross floor area of the principal structure.

   2. On lots one acre or larger in size, there is no limit on maximum gross floor area of the accessory structure.

§ 155.623 RESERVED.

§ 155.624 RESERVED.

§ 155.625 RESERVED.

§ 155.626 RESERVED.

§ 155.627 RESERVED.

§ 155.628 RESERVED.

§ 155.629 RESERVED.
§ 155.630 APPLICABILITY.

(A) This Subpart applies to all accessory dwelling units.

(B) Accessory dwelling units are allowed as an accessory use to a single-family detached dwelling in the AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, and MU zoning districts.

§ 155.631 ESTABLISHMENT AND USE.

(A) Limit on Number of Accessory Dwelling Units. Only one accessory dwelling unit may be constructed or established per lot.

(B) Configuration. An accessory dwelling unit may be in the same building or a separate building from the principal dwelling unit and may be located within or above the same structure as the garage.

(C) Owner-Occupancy Requirement. In order to establish and maintain use as an accessory dwelling unit, the lot owner must maintain their primary residence on the lot in either the principal dwelling or the accessory dwelling.

(D) Prohibited Dwelling Types. A manufactured home, recreational vehicle, tiny house on wheels, travel trailer, or camper shall not be used as an accessory dwelling unit.

§ 155.632 DIMENSIONS.

(A) Minimum Size. The habitable floor area of an accessory dwelling unit shall be at least 400 square feet.

(B) Maximum Size. The habitable floor area of an accessory dwelling unit shall not exceed 50% of the habitable floor area of the principal dwelling unit on the lot.

(C) Height Limitation. If the accessory dwelling unit is in a separate building, then the height of the building containing the accessory dwelling unit may not exceed 125% of the height of the principal dwelling unit on the lot.

§ 155.633 REQUIRED FEATURES.

(A) Living Facilities. An accessory dwelling unit shall provide a complete, independent living facility for one or more people, including permanent provisions for living, sleeping, eating, cooking, and sanitation in accordance with the Building Code.

(B) Parking Requirement. An accessory dwelling unit must have at least one off-street parking space per bedroom, in addition to the parking spaces required for the principal dwelling unit.
(C) **Materials and Design.** An accessory dwelling unit shall have the same or similar roof pitch, roofing material, siding material, and exterior color palette as the principal dwelling unit.

§ 155.634 **RESERVED.**

§ 155.635 **RESERVED.**

§ 155.636 **RESERVED.**

§ 155.637 **RESERVED.**

§ 155.638 **RESERVED.**

§ 155.639 **RESERVED.**
SUBPART 4.3: ACCESSORY RETAIL SALES

§ 155.640 APPLICABILITY.

This Subpart applies to all retail sales uses that are accessory to manufacturing uses in the Industrial Development, Light Industrial, Business and Technology, and Rural Industrial districts listed in § 155.271: Use Table.

§ 155.641 ACCESSORY RETAIL SALES USE.

Any permitted manufacturing or industrial enterprise may engage in retail sales of products manufactured by the enterprise to the general public on the same lot as the manufacturing facility, but the building area used for retail sales shall not exceed 50% of the gross floor area of the facility.

§ 155.642 RESERVED.

§ 155.643 RESERVED.

§ 155.644 RESERVED.
SUBPART 4.4: AGRITOURISM

§ 155.645 PURPOSE.

The purpose of this Subpart is to:

(A) Support local farms; and
(B) Preserve rural and agricultural character; and
(C) Support local and regional tourism by encouraging the development of opportunities for visitors and residents to experience heritage and cultural tourism; and
(D) Encourage entrepreneurship and remove barriers to the establishment of small businesses.

§ 155.646 APPLICABILITY.

(A) This Subpart applies to all agritourism uses that are specified as conditional or special exception uses in § 155.271: Use Table.

(B) Agritourism uses must be incidental to and directly supportive of the agricultural use of the property and shall not have significant impacts on the agricultural viability or rural character of neighboring properties.

§ 155.647 MAXIMUM NUMBER OF PARTICIPANTS.

Agritourism uses shall be designed to accommodate 250 or fewer customers or participants.

§ 155.648 PARKING.

Off-street parking shall be provided in accordance with Subchapter D, Part 5: Parking, except that parking may be constructed of pervious materials. However, accessible parking spaces shall be constructed in accordance with ADA Standards for Accessible Design.

§ 155.649 OPERATIONAL PLAN REQUIRED.

In conjunction with the zoning compliance or special exception application, as applicable, the applicant shall submit an operational plan that includes, at a minimum, the following information:

(1) Type of agritourism activity(ies) offered;
(2) Anticipated dates and hours of operation; and
(3) Anticipated number of participants.
§ 155.650 RESERVED.
§ 155.651 RESERVED.
§ 155.652 RESERVED.
§ 155.653 RESERVED.
§ 155.654 RESERVED.
SUBCHAPTER C: USE REGULATIONS
PART 4: ACCESSORY USES AND STRUCTURES

SUBPART 4.5: BACKYARD CHICKEN KEEPING OR BEEKEEPING

§ 155.655 APPLICABILITY.

In addition to the animal production and livestock use of poultry and bees allowed by § 155.271: Use Table, chickens and bees may be kept as an accessory use to a single-family detached dwelling in the AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, and MU Districts.

§ 155.656 NUMBER AND TYPE ALLOWED.

(A) Maximum Number of Chickens Allowed. Up to six chickens shall be allowed per lot.

(B) Roosters Prohibited. Except within the Lake Wylie Overlay, it shall be unlawful to keep a rooster, defined as a male chicken of at least one year of age.

(C) Maximum Number of Bee Colonies Allowed. Up to three colonies, each consisting of one queen European honey bee and her workers and drones, shall be allowed per lot.

§ 155.657 ENCLOSURE REQUIRED.

(A) Chickens shall be provided with a covered, predator-proof coop or cage that is sufficiently ventilated and drained. The coop or cage shall allow for at least two square feet per chicken.

(B) Chickens shall have access to an outdoor enclosure that is fenced in a manner that contains the birds on the property and prevents predation.

(C) To prevent offensive odors or the attraction of nuisance animals, coops, cages, bee colonies, and outdoor enclosures shall be kept in a sanitary condition, including the removal of accumulated waste or excess feed.

(D) To prevent bees from congregating at water sources on neighboring properties, such as swimming pools, a supply of fresh water shall be provided on site throughout the day.

§ 155.658 LOCATION AND SETBACK OF ENCLOSURE.

(A) Coops, cages, bee colonies, and outdoor enclosures shall not be located in a front yard.

(B) Coops, cages, bee colonies, and outdoor enclosures shall be located no closer than 30 feet from a rear yard or side yard lot line.

§ 155.659 PROHIBITED ACTIVITIES.

It shall be unlawful to slaughter or process a chicken outdoors.

§ 155.660 RESERVED.

§ 155.661 RESERVED.
§ 155.662 RESERVED.

§ 155.663 RESERVED.

§ 155.664 RESERVED.
SUBPART 4.6: FARM LABOR HOUSING

§ 155.665 APPLICABILITY.

(A) This Subpart applies to any structure designed or constructed as seasonal accommodations for transient farm workers and located on a bona fide farm.

(B) Farm labor housing must be incidental to and directly supportive of the principal agricultural use of the property.

§ 155.666 MAXIMUM NUMBER OF HOUSING UNITS.

The maximum number of farm labor housing units shall not exceed one unit per five acres, with a maximum total of five farm labor housing units on a farm property.

§ 155.667 OCCUPANCY.

Farm labor housing shall be occupied only by employees of the farm and their immediate family, including spouses, domestic partners, children, and dependent adult family members.

§ 155.668 REQUIRED FEATURES.

(A) Parking Requirement. Parking shall be provided at a ratio of one space per dwelling unit.

(B) Laundry Facilities. Laundry facilities, including washers and dryers, shall be provided on-site.

§ 155.669 RESERVED.
SUBPART 4.7: HOME OCCUPATIONS

§ 155.670 APPLICABILITY.

(A) This Subpart applies to any occupation, profession, or business activity that is customarily conducted, incidental, and subordinate to the use of a dwelling unit for dwelling purposes. A home occupation is carried on by a resident of the dwelling unit and does not change the residential character of the dwelling unit.

(B) A home occupation is allowed as an accessory use to a dwelling unit in any zoning district if it meets the requirements of this Subpart.

§ 155.671 HOME OCCUPATION PERMIT REQUIRED.

(A) Permit Required. Except as provided by this Subpart, home occupation use may not be initiated, established, or maintained without a valid home occupation permit (see Subchapter E, Part 4: Home Occupation Permits). A site plan is required for any large lot home occupation use that involves any activity or storage located outside of a completely enclosed building.

(B) Validity. After the permit has been issued, it shall be renewed annually subject to fee payment.

§ 155.672 EXEMPT HOME OCCUPATIONS.

The activities listed in § 155.672(A) through (F), below, are subject to all applicable home occupation regulations and standards of this Subpart, but are not required to obtain a home occupation permit, if all persons engaged in such activities reside on the premises:

(A) Artists, sculptors, and composers, with no retail sales permitted on the premises;

(B) Craft work, such as jewelry-making and pottery, with no retail sales permitted on the premises;

(C) Home offices with no client visits to the home permitted;

(D) Telephone answering and message services;

(E) Home-based food production operations, as defined by S.C. Code Section 44-1-143; and

(F) Day care for six or fewer children registered as a Family Child Care Home by the South Carolina Department of Social Services.

§ 155.673 CLASSIFICATION OF HOME OCCUPATIONS.

For the purposes of this Subpart, a home occupation use is classified as either a large lot home occupation or a small lot home occupation.
A large lot home occupation is allowed on a lot that is at least two acres in size. Large lot home occupation uses may be more intensive than small lot home occupations.

A small lot home occupation is allowed on a lot that is less than two acres in size. Stricter performance standards apply for small lot home occupation uses.

§ 155.674 HOME OCCUPATION USES.

Table 155.674-1 identifies uses allowed as home occupations and uses expressly prohibited as home occupations.

New and unlisted uses are prohibited pursuant to § 155.270: Introduction.

<table>
<thead>
<tr>
<th>Use or Activity</th>
<th>Large Lot Home Occupation</th>
<th>Small Lot Home Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal grooming, boarding, training, breeding, or medical treatment</td>
<td>●</td>
<td>X</td>
</tr>
<tr>
<td>Automotive repair</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Barber shops and beauty salons that serve only one customer at a time</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Child care (with a maximum of six children)</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Dance or gymnastic studios</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Equipment repair and maintenance within an enclosed structure</td>
<td>●</td>
<td>X</td>
</tr>
<tr>
<td>Hotels or motels</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Massage services provided by a licensed massage therapist</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Mortuaries</td>
<td>●</td>
<td>X</td>
</tr>
<tr>
<td>Music, art, craft, or similar instruction</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Production activities</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Professional offices</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>On-site retail sales</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Outdoor recreation</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Public or private clubs</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Restaurants or commercial food preparation</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
Table 155.674-1: Home Occupation Uses

<table>
<thead>
<tr>
<th>Use or Activity</th>
<th>Large Lot Home Occupation</th>
<th>Small Lot Home Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service uses, unless otherwise listed</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Tattoo and body piercing establishments</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Key: ● = the use is allowed | X = the use is prohibited

§ 155.675 PERFORMANCE STANDARDS.

(A) Home occupations shall comply with the performance standards set forth in Table 155.675-1: Home Occupation Performance Standards.

Table 155.675-1: Home Occupation Performance Standards

<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Large Lot Home Occupation</th>
<th>Small Lot Home Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The use is clearly incidental and secondary to residential occupancy.</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>The total area occupied by the home occupation does not exceed 5,000 square feet.</td>
<td>●</td>
<td>□</td>
</tr>
<tr>
<td>The use is conducted entirely within the principal dwelling or entirely within an accessory building.</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>If conducted within the principal dwelling, not more than 25% of the gross floor area of the principal dwelling is used for the conduct of the home occupation.</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>If conducted within an accessory building, the accessory building does not exceed 1,500 square feet or the gross floor area of the principal dwelling, whichever is less.</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Any outdoor activities, other than outdoor storage, occur at least 200 feet from any dwelling not located on the same lot as the home occupation use.</td>
<td>□</td>
<td>●</td>
</tr>
<tr>
<td>Any outdoor storage meets the requirements in § 155.675(B), below.</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Storage of goods and materials occurs inside and does not include flammable, combustible, or explosive materials.</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>There is no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of a home occupation.</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>The use involves up to two non-resident employees working on-site.</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>The use involves up to one non-resident employee working on-site.</td>
<td>●</td>
<td>●</td>
</tr>
</tbody>
</table>
Table 155.675-1: Home Occupation Performance Standards

<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Large Lot Home Occupation</th>
<th>Small Lot Home Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The home occupation receives not more than six client visits per day (limit one visit per day per each client), except as specified below.</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>A music, art, craft, or similar instruction use receives not more than 12 client visits per day (limit one visit per day per each client).</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>Client visits occur between 8:00 a.m. and 8:00 p.m.</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Parking areas are located at least 10 feet from the road right-of-way.</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>Parking is provided only in the driveway.</td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>Any commercial vehicle associated with the home occupation is not parked outside of an enclosed building on a regular basis, except those primarily used as passenger vehicles.</td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>Mechanized equipment is used only in a completely enclosed building.</td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>Any equipment or process does not create audible or visual interference in any radio or television receivers on any adjacent lots.</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Dust, odors, noise, vibration, or electrical interference or fluctuation are not perceptible beyond the property line.</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Deliveries and pickups are made by carriers that typically serve residential areas and do not block traffic circulation.</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Public facilities and utilities are adequate to safely accommodate equipment used for home occupation.</td>
<td>●</td>
<td>●</td>
</tr>
</tbody>
</table>

Key: ● = the performance standard applies | [blank cell] = the performance standard does not apply

(B) Outdoor Storage Performance Standards for Large Lot Home Occupations.

Outdoor storage shall comply with the following standards:

1. Storage is limited to materials related to the business and does not involve any hazardous materials;

2. Outdoor storage areas comply with the outdoor storage requirements of Subpart 4.11: Outdoor Storage and do not occupy an area of land exceeding 80 square feet; and

3. Materials shall not be stacked to a height exceeding four feet and shall not be visible from the public right-of-way or an adjacent lot or parcel zoned or occupied for residential use. Any screening required to comply with this Paragraph shall use wood or masonry fencing or a vegetative hedge.
§ 155.676  UNSAFE HOME OCCUPATIONS.

(A)  **Order to Protect Safety.** If any home occupation has become dangerous or unsafe; presents a safety hazard to the public, pedestrians on public sidewalks, or motorists on a public right-of-way; or presents a safety hazard to adjacent or nearby properties, residents, or businesses, the Planning and Development Services Director shall issue an order to the dwelling owner or tenant on the property on which the home occupation is being undertaken, directing that the home occupation immediately be made safe or be terminated.

(B)  **Safety Compliance.** The property owner or tenant shall take the necessary corrective steps or measures but, in the event of a failure to do so by the owner or tenant, after notice and a reasonable period of time, the Planning and Development Services Director may take enforcement actions as specified in Subchapter H: *Enforcement*, including revocation of the home occupation permit.

§ 155.677  RESERVED.

§ 155.678  RESERVED.

§ 155.679  RESERVED.
§ 155.680 APPLICABILITY.

This Subpart applies to all micro wineries, which are only allowed in the AGC, AGC-I, RUD, and RUD-I zoning districts as an accessory use to a residential use.

§ 155.681 MINIMUM LOT SIZE.

The minimum lot size required to establish a micro winery is five acres.

§ 155.682 ANCILLARY ACTIVITIES.

(A) An accessory micro winery may include one or more associated activities, limited to:

(1) Tasting room, if the gross floor area comprises 1,000 square feet or less;

(2) Outdoor gathering areas, if:

(a) They are located at least 200 feet from all dwelling units not located on the same parcel as the micro winery. This distance shall be measured in a straight line from the edge of the outdoor gathering area nearest the dwelling unit to the dwelling unit. Outdoor gathering areas include, but are not limited to, decks, patios, gazebos, fire pits, and docks;

(b) The gross square footage comprises 1,000 square feet or less; and

(c) There is no amplified music or other amplified sound.

(3) Tours of the micro winery facility; and

(4) Ancillary retail sale of wine produced on the premises, if the gross floor area of the retail area comprises 500 square feet or less.

(B) Hours of operation for ancillary activities are limited to between 10:00 a.m. and 8:00 p.m. Sunday through Wednesday and between 10:00 a.m. and 10:00 p.m. Thursday through Saturday.

§ 155.683 OFF-STREET PARKING.

(A) The number of required off-street parking spaces shall be in accordance with the requirements for industrial, manufacturing, and processing uses, as specified in Subchapter D, Part 5: Parking, in addition to parking required for all other principal uses located on the same parcel.

(B) Additional parking spaces are required for ancillary activities as specified in the table below; however, if more than one activity is proposed, the BZA may consider modifying the number of required parking spaces based on the operational characteristics of the proposed activities.
Table 155.683-1: Required Number of Off-Street Parking Spaces for Ancillary Activities at Accessory Micro Wineries

<table>
<thead>
<tr>
<th>Ancillary Activity</th>
<th>Required Number of Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tasting room</td>
<td>One space per each 100 square feet of gross floor area of the tasting room</td>
</tr>
<tr>
<td>Outdoor gathering area</td>
<td>One space per each 100 square feet of the outdoor gathering area</td>
</tr>
<tr>
<td>Tours of the winery facility</td>
<td>One space per each two people that can be accommodated at one time during a tour</td>
</tr>
<tr>
<td>Ancillary retail sales</td>
<td>One space per each 100 square feet of gross floor area of the retail area</td>
</tr>
</tbody>
</table>

(C) Notwithstanding the provisions of Subchapter D, Part 5: Parking, parking may be constructed of pervious materials; however, accessible parking spaces shall be constructed in accordance with ADA Standards for Accessible Design.

§ 155.684 APPROVAL PROCESS.

All micro wineries require Special Exception Use approval by the Board of Zoning Appeals (see Subchapter E: Procedures).

§ 155.685 RESERVED.

§ 155.686 RESERVED.

§ 155.687 RESERVED.

§ 155.688 RESERVED.

§ 155.689 RESERVED.
§ 155.690 APPLICABILITY.

This Subpart applies to outdoor gathering areas, including decks, patios, gazebos, fire pits, and docks, associated with a bar, nightclub, restaurant, brewpub, hotel, or other use that provides such outdoor areas for its customers.

§ 155.691 OPERATION REGULATIONS.

(A) Hours of Operation.

(1) Outdoor gathering areas, including decks, patios, gazebos, fire pits, and docks, that are located within 500 feet of a dwelling unit shall cease operation by 10:00 p.m. This limitation does not apply to parking areas. This distance shall be measured in a straight line from the edge of the outdoor area nearest the dwelling unit to the dwelling unit.

(2) Amplified music or other amplified sound in any outdoor gathering area shall cease no later than 11:00 p.m.

(B) Noise Ordinance. At all times, the facility shall comply with the maximum permitted sound levels identified in Subchapter D, Part 7: Performance Standards.

§ 155.692 RESERVED.

§ 155.693 RESERVED.

§ 155.694 RESERVED.
SUBPART 4.10: OUTDOOR RETAIL DISPLAYS

§ 155.695 APPLICABILITY.

(A) This Subpart applies to all outdoor retail display uses.

(B) This Subpart does not apply to outdoor storage uses which are subject to the use regulations in Subpart 4.11: Outdoor Storage.

§ 155.696 OUTDOOR RETAIL DISPLAY USE.

(A) Site Plan Review. The outdoor retail display area shall be designated as such on the site plan. No outdoor retail display is allowed in other areas.

(B) Location. Outdoor retail displays shall:

  (1) Be located to the side or rear of the principal building or within 25 feet of the front building façade; and

  (2) Not be located within an ADA accessible route, landscaped area, right-of-way, or required parking space

(C) Screening. When located to the side or rear of a building, an outdoor retail display area shall be screened from adjacent rights-of-way by a Type B bufferyard, as described in Subchapter D, Part 3: Buffers, Screening, and Landscaping.

§ 155.697 RESERVED.

§ 155.698 RESERVED.

§ 155.699 RESERVED.
SUBPART 4.11: OUTDOOR STORAGE

§ 155.700 APPLICABILITY.

This Subpart establishes regulations for permanent outdoor storage areas in the ID, LI, and RI districts for permitted uses listed for those districts in § 155.271: Use Table but does not apply to salvage operations and vehicle sales/rental, service, and repair, which are separately regulated in Part 3: Conditional and Special Exception Uses.

§ 155.701 OUTDOOR STORAGE USE.

(A) In General. Establishments engaged in manufacturing, industrial, fabrication, construction, and other commercial uses that require large volumes of inputs and materials or specialized equipment may establish permanent outdoor storage areas for materials and equipment in the Industrial Development, Light Industrial, and Rural Industrial zoning districts, subject to the regulations of this Subpart. Temporary outdoor storage incidental to ongoing construction activities is permitted in all zoning districts.

(B) Storage as Accessory Use Only. Outdoor storage may only occur as an accessory use to a principal use permitted in the district, and no lot may be used for outdoor storage as a principal use.

(C) Storage for Trucking Operation.

(1) Storage Limited to Operable Vehicles. Trucking operations may operate storage yards for trucks and trailers, but the outdoor storage use is limited to operable trucks and trailers.

(2) Repair of Vehicles. Service and repair of operable trucks and trailers shall be conducted at least 30 feet back behind the line of the building’s front façade, so that the repairs occur further away from the primary road frontage than the front of the building.

(D) Not Applicable to Salvage Operations. The regulations of this Subpart apply only to materials to be used in a manufacturing process and operable vehicles and equipment. The outdoor storage areas authorized in this Subpart shall not be used for the storage of junked, salvaged, or inoperable vehicles, trucks, trailers, equipment, parts, and materials, which requires a special exception permit for salvage operations as authorized by Part 3: Conditional and Special Exception Uses.

§ 155.702 SCREENING STANDARDS.

All storage areas authorized by this Subpart shall be screened by an opaque wall or fence at least eight feet in height, if not otherwise required by Subchapter D, Part 3: Buffers, Screening, and Landscaping.
§ 155.703  RESERVED.
§ 155.704  RESERVED.
§ 155.705   APPLICABILITY.

(A) This Subpart applies to all shipping containers, which are allowed as a conditional accessory use in AGC, AGC-I, RUD, RUD-I, RI, LI, and ID.

(B) This Subpart does not apply to temporary shipping containers placed on a lot for less than 180 days. Temporary shipping containers typically are rented by an individual or business for the temporary storage of materials, and are commonly used by homeowners relocating from one home to another.

§ 155.706   DEVELOPMENT STANDARDS.

(A) **Location.** All shipping containers must be located behind the principal building.

(B) **Number.** A maximum of three shipping containers per lot are allowed, except as provided in paragraph (D), below.

(C) **Screening.**

   (1) All shipping containers shall be screened so they are not readily visible from adjacent lots or rights-of-way.

   (2) Screening may be accomplished through the use of vegetation, fences, walls, other structures, or a combination of these.

(D) **Accessory to a Dwelling.** When a shipping container is accessory to a dwelling, the following requirements apply in addition to those specified above:

   (1) The minimum lot size is five acres; and

   (2) A maximum of one shipping container per lot is allowed.

§ 155.707   RESERVED.

§ 155.708   RESERVED.

§ 155.709   RESERVED.
§ 155.710 APPLICABILITY.

(A) This Subpart applies to all tap rooms, which are only allowed as an accessory use to a brewery or craft brewery (type I and type II).

(B) The associated brewery shall meet the requirements in Subpart 3.12: Craft Breweries, Micro-Distilleries, and Wineries, Type II, if applicable.

(C) A tap room is not considered a craft brewery, brewery, or brewpub.

§ 155.711 DEVELOPMENT STANDARDS.

(A) Maximum Size. An accessory tap room, including all associated outdoor decks and/or patios, may not exceed 50% of the gross square footage of the building or tenant space where the brewery or craft brewery is located.

(B) Food and Beverage Sales.

   (1) Water and non-alcoholic beverages may be sold on-site, but the sale of liquor or wine is prohibited.

   (2) Food may be prepared, sold, and served in a tap room.

(C) Off-Street Parking. Minimum parking requirements for a tap room is one space for every 100 square feet of gross floor area.

(D) Outdoor Amplified Sound. Outdoor amplified sound associated with a tap room is not permitted.

(E) Compliance with State Law. Tap rooms must meet all State of South Carolina laws and maintain associated permits to operate.

§ 155.712 RESERVED.

§ 155.713 RESERVED.

§ 155.714 RESERVED.
PART 5: TEMPORARY USES AND STRUCTURES

SUBPART 5.1: GENERAL PROVISIONS

§ 155.715 PURPOSE.

Temporary uses and structures are allowed in accordance with the provisions of this Subpart, which are intended to minimize or mitigate potential negative impacts of such uses and structures on the surrounding area and to provide safe and convenient access to permitted temporary uses and structures.

§ 155.716 EXEMPTIONS.

The following uses are exempt from the requirements of this Part:

(A) Lawful picketing and demonstrations; and

(B) Weddings, receptions, parties, and similar private, non-commercial events held on private property; and

(C) Temporary emergency dwellings constructed in accordance with York County Code Chapter 156: Temporary Emergency Dwelling Permits.

§ 155.717 ZONING COMPLIANCE REQUIRED.

(A) Prior to the establishment of a temporary use, an applicant must receive zoning compliance approval if required by § 155.718: Temporary Use Table (see Subchapter E, Part 12: Zoning Compliance). Temporary uses that do not require zoning compliance approval must comply with all applicable provisions of this Part.

(B) In addition to the requirements of Subchapter E, Part 12: Zoning Compliance, zoning compliance applications for temporary uses shall be accompanied by a site plan depicting, at a minimum, the following items as applicable:

(1) Location of the temporary use and associated temporary structures;

(2) Location of permanent structures;

(3) Location and number of parking spaces;

(4) Location of vehicular access(es) to the site;

(5) Type, size, and location of all temporary signs associated with the temporary use;

(6) Location and description of all temporary lighting;

(7) Location of restroom facilities; and
(8) Method of solid waste disposal.

(C) For temporary uses, other than special events, that require zoning compliance approval and where the applicant anticipates minimal or no resulting impact on surrounding properties, the Zoning Administrator may, following a pre-application meeting with the applicant, waive any or all of the site plan submittal requirements. In making a determination in this regard, the Zoning Administrator shall consider the factors listed below and shall provide a written notice of decision to the applicant identifying the basis of the decision:

(1) Nature of the proposed temporary use;
(2) Location of the proposed site;
(3) Use of surrounding properties;
(4) Capacity of the transportation network to adequately serve the proposed temporary use; and
(5) Public safety.

§ 155.718 TEMPORARY USE TABLE.

(A) Temporary Use Table. Temporary uses are allowed for the length of time and in the locations specified in Table 155.718-1: Temporary Uses, if the use complies with all applicable supplemental regulations and other provisions of this Part.

(B) Unlisted Temporary Uses.

(1) The Zoning Administrator shall determine whether a proposed temporary use or structure not otherwise listed in the table in this Section is compatible with the particular zoning district in which it is proposed, based on the following criteria:

(a) Whether the temporary use meets the purpose and intent of the zoning district in which it is proposed to be located;

(b) Whether the temporary use is allowed as a principal use in the zoning district in which it is proposed to be located;

(c) Whether the temporary use is compatible with other uses allowed in the zoning district in which it is proposed to be located;

(d) Whether similar temporary uses are permitted in the same zoning district; and

(e) Whether similar temporary uses have supplemental regulations that should be applied to the proposed use.

(2) The Zoning Administrator’s written determination shall be maintained in the files of the Planning and Development Services Department and a copy provided to the applicant.
<table>
<thead>
<tr>
<th>Temporary Use</th>
<th>Use Conditions</th>
<th>Zoning Compliance Required?</th>
<th>Maximum Duration of Use (per site)</th>
<th>Permitted Location(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction-related offices and storage</td>
<td>Yes, if the use is not located on the same site as the associated construction</td>
<td>No maximum, if the associated construction has an active building permit. Must be removed within 30 days of issuance of a final certificate of occupancy.</td>
<td>All districts, if the use/structure is located on or adjacent to the associated construction site. AGC, AGC-I, RC, OA, GC, RI, LI, and ID, if the use is not located on or adjacent to the same site as the associated construction.</td>
<td></td>
</tr>
<tr>
<td>(other than subdivision sales and construction centers)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial filming and film production activities (outdoor)</td>
<td>Yes</td>
<td>No maximum</td>
<td>All districts</td>
<td></td>
</tr>
<tr>
<td>Farmers’ markets</td>
<td>Subpart 5.2</td>
<td>No</td>
<td>No maximum</td>
<td>All districts</td>
</tr>
<tr>
<td>Laydown yards</td>
<td>Subpart 5.3</td>
<td>Yes, if the use is not located on or adjacent to the same site as the associated construction</td>
<td>No maximum, if the associated construction is active. Must be removed within 30 days of issuance of a final certificate of occupancy or completion of the utility or road project.</td>
<td>All districts, if the use is located on or adjacent to the associated construction site. AGC, RC, OA, GC, RI, LI, and ID, if the use is not located on or adjacent to the same site as the associated construction.</td>
</tr>
<tr>
<td>Mobile vending</td>
<td>Subpart 5.4</td>
<td>No</td>
<td>No maximum, but mobile vending units shall not remain on-site overnight</td>
<td>All districts</td>
</tr>
<tr>
<td>Parking area for associated temporary use</td>
<td>See § 155.719: Development Standards</td>
<td>No</td>
<td>Same as associated temporary use</td>
<td>All districts, if the temporary parking area serves a permitted temporary use</td>
</tr>
<tr>
<td>Temporary Use</td>
<td>Use Conditions</td>
<td>Zoning Compliance Required?</td>
<td>Maximum Duration of Use (per site)</td>
<td>Permitted Location(s)</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------</td>
<td>----------------------------</td>
<td>----------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Seasonal sales - roadside agricultural and produce stand</td>
<td>Subpart 5.5</td>
<td>Yes</td>
<td>6 cumulative months per calendar year</td>
<td>AGC, AGC-I, RUD, RUD-I, RC, GC, OA, RI, LI, ID, UD</td>
</tr>
<tr>
<td>Seasonal sales – fireworks</td>
<td></td>
<td>Yes</td>
<td>30 consecutive days per occurrence; up to 3 occurrences per calendar year</td>
<td>RC, NC, GC, OA, RI, LI, ID</td>
</tr>
<tr>
<td>Seasonal sales - Trees or pumpkins</td>
<td>Subpart 5.6</td>
<td>No</td>
<td>45 consecutive days per calendar year</td>
<td>All districts</td>
</tr>
<tr>
<td>Special event on private property</td>
<td>Subpart 5.7</td>
<td>Yes</td>
<td>5 consecutive days; up to 4 events per calendar year; not to exceed 10 total days per year</td>
<td>All districts</td>
</tr>
<tr>
<td>Special event on public property</td>
<td>Subpart 5.7</td>
<td>Yes</td>
<td>3 consecutive days per event; up to 2 events per calendar year (per applicant, not per site)</td>
<td>Public facilities and public rights-of-way</td>
</tr>
<tr>
<td>Subdivision sales center</td>
<td>Subpart 5.8</td>
<td>Yes, if the use is not located on the same site as the associated construction</td>
<td>Must be removed when 85% of all dwellings in the subdivision have received a certificate of occupancy</td>
<td>AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, MU, PD, BV</td>
</tr>
</tbody>
</table>

§ 155.719 DEVELOPMENT STANDARDS.

(A) Parking.

1. For all temporary uses that require zoning compliance approval pursuant to Table 155.718-1: Temporary Uses, parking shall be provided in the amounts specified in Subchapter D, Part 5: Parking unless otherwise specified in this Part.

2. Based on the operational characteristics of the proposed temporary use, the Zoning Administrator may make a written determination requiring additional or fewer parking spaces as needed to adequately serve the use. The determination will include the basis for the
Zoning Administrator’s determination and shall be maintained on file and provided to the applicant.

(3) Parking may be located on the same site as the temporary use or may be located off-site, provided the off-site parking area provides safe, accessible pedestrian access to the site on which the temporary use is located, and the property owner provides written permission.

(4) All other off-street parking and loading requirements are not applicable to temporary uses.

(B) **Lighting.** Lighting associated with a temporary use or structure shall be shielded or directed away from adjoining properties and streets in order to minimize light trespass and glare.

(C) **Signs.** Signs associated with a temporary use or structure are subject to the provisions of Subchapter D, Part 6: *Signs*, as applicable.

(D) **Temporary Structures.** Temporary structures shall:

   (1) Meet all applicable principal structure setback requirements for the district in which the temporary use is located;

   (2) Not be located within a required bufferyard; and

   (3) Meet all applicable Building and Fire Code requirements.

§ 155.720 PROPERTY OWNER CONSENT REQUIRED.

(A) The applicant proposing a temporary use must obtain permission from the property owner to operate at the proposed location.

(B) For temporary uses that require zoning compliance approval, the applicant shall provide with the zoning compliance application written permission from the property owner to operate at the proposed location.

§ 155.721 RESERVED.

§ 155.722 RESERVED.

§ 155.723 RESERVED.

§ 155.724 RESERVED.
SUBPART 5.2: FARMERS’ MARKETS

§ 155.725 APPLICABILITY.

This Subpart applies to all temporary farmers’ markets.

§ 155.726 MARKET MANAGER REQUIRED.

All temporary farmers’ markets shall have a market manager authorized to direct the operations of all vendors participating in the market on the site of the market during all hours of operation.

§ 155.727 PARKING.

All temporary farmers’ markets shall provide at least three off-street parking spaces for each vendor stall.

§ 155.728 TRASH AND RECYCLING RECEPTACLES.

A temporary farmers’ market shall:

(A) Provide trash and recycling receptacles for patron use; and

(B) Remove all trash and recycling from the site each day.

§ 155.729 RESERVED.
SUBPART 5.3: LAYDOWN YARDS

§ 155.730 APPLICABILITY.
(A) This Subpart applies to all laydown yards, including those located on the associated construction site.
(B) A laydown yard shall be associated with one or more specific projects with an approved land disturbance, building, or demolition permit; or an approved utility or road construction project.

§ 155.731 CURB CUTS.
(A) All vehicular ingress/egress to the laydown yard shall comply with the standards in LDC Subchapter C, Part 3: Access Management and Driveways.
(B) Proposed curb cuts require approval of an encroachment permit by the York County Public Works Department or SCDOT, as applicable.
(C) To prevent mud, dirt, gravel, or other materials from transferring from vehicles and equipment onto the public right-of-way, the contractor shall install pavement or other surfacing approved by the Public Works Department at all curb cuts from the edge of the public right-of-way into the site for a minimum of 50 feet.

§ 155.732 EMERGENCY ACCESS.
The laydown yard shall meet design and construction standards for fire and emergency apparatus access.

§ 155.733 RESERVED.

§ 155.734 RESERVED.
§ 155.735 APPLICABILITY.

(A) This Subpart applies to all mobile vending uses except:

(1) Mobile vendors that are part of an approved special event;

(2) Mobile vendors that actively move throughout their business hours, generally stopping only to make a sale;

(3) Mobile food vendors that actively move to multiple sites during one meal time;

(4) Mobile food vendors that are hired to cater a private event; or

(5) Temporary food establishments, as defined by SCDHEC Regulation 61-25: Retail Food Establishments, Section 1-201.10.

(B) This Subpart does not apply to mobile service providers that provide services upon request by the occupant of a lot (e.g., mobile pet grooming, vehicle windshield repair) and that do not make sales or offer services to walk-up or drive-up customers.

§ 155.736 LOCATION.

A mobile vending unit:

(A) Shall not operate while parked in a public right-of-way, unless the mobile vending unit is located in a marked on-street parking space;

(B) May operate on a privately owned lot in any zoning district;

(C) Shall not occupy or obstruct access to parking spaces required for the principal use on a lot; and

(D) Shall not obstruct driveways, sidewalks, or other vehicular or pedestrian access to or within a lot.

§ 155.737 TRASH AND RECYCLING RECEPTACLES FOR MOBILE FOOD VENDORS.

A mobile food vendor shall:

(A) Provide trash and recycling receptacles for patron use;

(B) Remove all trash and recycling from the site each day; and

(C) Dispose of grease and sewage in accordance with SCDHEC regulations or other applicable regulations.
§ 155.738  RESERVED.

§ 155.739  RESERVED.
SUBPART 5.5: SEASONAL ROADSIDE AGRICULTURAL AND PRODUCE STANDS

§ 155.740 APPLICABILITY.

This Subpart applies to all seasonal roadside agricultural and produce stands.

§ 155.741 MAXIMUM SIZE.

The maximum size of the covered portion of a seasonal roadside agricultural and produce stand shall be 1,500 square feet or less.

§ 155.742 SETBACKS.

All seasonal roadside agricultural and produce stands shall be located at least 25 feet from all road rights-of-way.

§ 155.743 TIME LIMITATION, EXTENSION, AND EXEMPTION.

(A) The Zoning Administrator may approve an additional three-month period for the sale of seasonal items if such a request is made at least 10 business days prior to expiration of the timeframe specified in Table 155.717-1: Temporary Uses and upon a written determination that the property:

1. Has remained in code compliance during previous seasonal sales operations; and
2. Has not been cited for life safety or public health violations.
3. Failure to cease operation at the conclusion of the time period specified in Table 155.718-1: Temporary Uses and this Section may result in the issuance of an ordinance summons by the county.

(B) Individuals who grow and sell their produce and home-processed goods on property in their ownership are exempt from the time limitations of this Section and Table 155.718-1: Temporary Uses.

§ 155.744 RESERVED.
SUBPART 5.6: SEASONAL SALES (TREES OR PUMPKINS)

§ 155.745  APPLICABILITY.

This Subpart applies to all seasonal sales of trees or pumpkins.

§ 155.746  MINIMUM LOT SIZE.

On lots where the principal use is a dwelling unit, the minimum lot size to establish a temporary seasonal sales use is five acres.

§ 155.747  RESERVED.

§ 155.748  RESERVED.

§ 155.749  RESERVED.
§ 155.750  APPLICABILITY.

This Subpart applies to all special events located on private or public property.

§ 155.751  EVENT PLAN REQUIRED.

An event plan shall be submitted in conjunction with the zoning compliance application. The event plan shall include, at a minimum, the following items as applicable:

(A) Description of the proposed event and associated activities;

(B) Anticipated number of attendees/participants;

(C) Emergency access and public safety plan;

(D) Letter(s) of coordination from other departments or agencies, as applicable, including, but not limited to: Sheriff's Office, Department of Fire Safety, SCDHEC, private sanitation or solid waste collection company, and/or as requested by the Zoning Administrator.

§ 155.752  LARGE SPECIAL EVENTS.

For a special event that is expected to attract 500 or more attendees or participants:

(A) Special exception use approval by the Board of Zoning Appeals is required and applies only to a single event; and

(B) Prior to submittal of an application to the Board of Zoning Appeals, the applicant shall attend a pre-application meeting with staff to discuss the operational characteristics of the proposed event and whether and in what manner the applicant must coordinate with other agencies or County departments.

§ 155.753  EVENTS ON PUBLIC PROPERTY.

A York County Venue Agreement shall be executed prior to approval of a zoning compliance application for a special event located on public property and/or in a public right-of-way. This Section does not apply to County-sponsored events held on County-owned property.

§ 155.754  RESERVED.

§ 155.755  RESERVED.

§ 155.756  RESERVED.

§ 155.757  RESERVED.

§ 155.758  RESERVED.
§ 155.759 RESERVED.
SUBPART 5.8: SUBDIVISION SALES CENTERS

§ 155.760 APPLICABILITY.

This Subpart applies to all subdivision sales centers. A subdivision sales center may be located in a permanent dwelling unit that will eventually be converted to residential use (a "model home") or in a temporary structure.

§ 155.761 MINIMUM SUBDIVISION SIZE.

(A) To establish a subdivision sales center, the associated subdivision shall contain at least 50 lots.

(B) One additional sales center may be established for each additional 50 lots in a subdivision.

§ 155.762 ACCESSIBILITY.

(A) Subdivision sales centers are required to meet ADA accessibility requirements. When a model home is used as a sales center, the sales office(s) portion of the model home and at least one restroom must be handicap accessible.

(B) Accessible parking spaces shall be provided in accordance with Subchapter D, Part 5: Parking.

§ 155.763 PARKING.

(A) Each subdivision sales center shall provide at least one off-street parking space and at least one off-street, handicap accessible parking space per each 300 square feet of sales office space.

(B) Parking spaces may be created in the driveway that will serve the residence following the sale of the model homes/sales center.

(C) Additional parking may be required by the Zoning Administrator based on the operational characteristics of the proposed use.

(D) On-street parking is prohibited.

§ 155.764 ENFORCEMENT AND PENALTIES.

Any violation of this Subpart will result in the stoppage of all inspections and permits within the subdivision until the violation is resolved.
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§ 155.770 PURPOSE.

This Subchapter establishes development and building design standards that:

(A) Implement the Comprehensive Plan;

(B) Implement the purposes established for the Zoning Code and zoning districts;

(C) Ensure that potential impacts to surrounding properties from new development, structures, land uses, and redevelopment are adequately mitigated; and

(D) Ensures that development is consistent with best practices for public safety and community design.

§ 155.771 APPLICABILITY.

(A) Generally. This Subchapter applies to:

(1) All zoning districts, and

(2) Unless otherwise provided, any application for:

(a) Zoning compliance;

(b) Rezoning to a special district;

(c) Special exception use; and

(d) A major subdivision.

(B) Special Districts.

(1) Any lot located within a special district may be subject to additional regulations beyond those in this Subchapter.

(2) The regulations applicable to a special district may be more restrictive than those set out herein, but generally should meet the minimum requirements in this Subchapter.

§ 155.772 DESIGN AND IMPROVEMENTS.

(A) Generally. Building design elements, buffers and screening, outdoor lighting, parking, and other improvements shall be installed in each new development and redevelopment in accordance with the standards and requirements of this Subchapter and all other applicable

(B) Construction of Required Improvements.

(1) The applicant shall construct all improvements for the development as may be required by this Subchapter.

(2) No final certificate of occupancy shall be granted until all required improvements are complete and approved.

§ 155.773 RESERVED.

§ 155.774 RESERVED.

§ 155.775 RESERVED.

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§ 155.779 RESERVED.
PART 2: NON-RESIDENTIAL AND MIXED USE BUILDING DESIGN

§ 155.780 PURPOSE.

The purpose of this Part is to promote a high-quality design aesthetic for non-residential and mixed-use development in York County through the application of context-sensitive standards that are consistent with the land use and development goals of the Comprehensive Plan and the diverse development character of the County.

§ 155.781 APPLICABILITY.

(A) Generally.

(1) The standards established by this Part are generally applicable to all buildings and sites designed for non-residential use and occupancy, as well as mixed-use buildings containing both non-residential and residential occupancies, unless otherwise specifically exempted herein.

(2) Table 155.781-1: *Applicability of Building Design Standards* generally summarizes the applicability of the standards in this Part.
### Table 155.781-1: Applicability of Building Design Standards

<table>
<thead>
<tr>
<th>Development Type</th>
<th>Building Wall Modulation and Articulation Requirements</th>
<th>Building Entrance Requirements</th>
<th>Exterior Cladding Materials</th>
<th>Glazing Requirements</th>
<th>Awnings</th>
<th>Roof Form</th>
<th>Orientation of Certain Architectural Features</th>
<th>Screening of Mechanical and Utility Equipment</th>
<th>Building Reuse Design Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>All buildings that front an arterial road</td>
<td>●</td>
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<td>●</td>
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<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>All buildings containing over 2,500 sf GFA</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
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<td>●</td>
</tr>
<tr>
<td>Any building containing over 5,000 sf GFA</td>
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<td>●</td>
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<td>●</td>
</tr>
<tr>
<td>Any building, without regard to size, when located within a development containing buildings with a combined GFA greater than 20,000 sf</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Buildings located within the RC District</td>
<td></td>
<td>●</td>
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<td>●</td>
<td>●</td>
<td>●</td>
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</tr>
<tr>
<td>Any single occupancy retail building larger than 50,000 sf</td>
<td>●</td>
<td>●</td>
<td>●</td>
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<td>●</td>
<td>●</td>
<td>●</td>
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<td>●</td>
</tr>
</tbody>
</table>

**Key:** ● = the requirement applies | sf = square feet | GFA = gross floor area

(B) **General Exemptions.** The following building types are exempt from compliance with the standards of this Part, except as noted:

1. Educational facilities, churches and religious institutions, museums, libraries, and other buildings designed and constructed specifically for civic or cultural use are exempt from all standards of this Part with the exception of the exterior cladding material standards.

2. Agricultural buildings that are designed and used for the cultivation of crops, the keeping of livestock, equestrian facilities, and similar agricultural purposes are exempt from all standards contained in this Part.
(3) Buildings used for industrial, warehousing, manufacturing, or similar purposes are exempt from the standards of this Part when located within an RI, LI, or ID district unless the parcel upon which the building is situated is adjacent to an arterial road.

(4) Buildings designed as open-air structures are exempt from the standards of this Part.

(C) **Context Sensitive Design Standards.** As noted in the statement of purpose, the standards contained in this Part are not intended to be generally applicable throughout York County. To ensure that the appropriate regulations are applied in the unique development contexts of the County, some aspects of building design will have different standards that are applicable based on their zoning district and/or Future Land Use Map designation.

§ 155.782 BUILDING WALL TYPES.

(A) The design requirements for buildings regulated under this Part are defined and controlled, in large part, by the function and orientation of the wall to which the regulations are applied.

(B) For the purposes of this Part, the following definitions apply:

(1) **Primary Building Wall.** Any building wall plane that is oriented toward a public street or internal access drive, or that contains the primary building entrance (single occupancy structures) or entrances (multi-occupancy structures). Buildings may have more than one Primary Building Wall based on their type, design, location, or orientation. Such walls are always Active Building Walls.

(2) **Secondary Building Wall.** All building wall planes that are not defined as a Primary Building Wall, Utility / Service Building Wall, or Industrial Building Wall. Secondary Building Walls may be active or inactive depending on location.

(3) **Utility / Service Building Walls.** The building wall plane, or portion thereof, that contains utility and service areas (such as loading docks, waste storage, and similar functions).
Figure 155.782-1: Primary, Secondary, and Utility / Service Walls
Figure 155.782-2: Primary Building Wall

Figure 155.782-3: Secondary Building Wall

Figure 155.782-4: Utility / Service Wall
(4) **Active Building Wall.** Any building wall plane, or portion of a wall plane, whether along a Primary or Secondary Building Wall, that:

(a) Contains a primary entrance;

(b) Is oriented toward a public street or internal access drive;

(c) Is adjacent to a pedestrian walkway; or

(d) Is adjacent to a customer parking area.

*Figure 155.782-5: Active and Inactive Building Walls*
(5) **Industrial Building Walls.** Each wall of an industrial, warehousing, or similarly used building that is not adjacent to interior space used for offices, customer service, retail areas, product display areas, or similar non-industrial or storage spaces.

*Figure 155.782-6: Industrial Building Walls*

---

§ 155.783 **BUILDING WALL MODULATION AND ARTICULATION REQUIREMENTS.**

(A) **Applicability.**

(1) The standards for building wall modulation and articulation apply to:

(a) All buildings fronting an arterial road;

(b) Any building containing over 5,000 square feet of gross floor area; and

(c) Any other building, without regard to size, when located within a development containing buildings with a combined gross floor area greater than 20,000 square feet.

(2) Buildings within the RC district are exempt from these standards.

(B) **Horizontal Modulation Requirements.**

(1) Primary Building Walls greater than 40 feet in width shall be modulated through the use of projections or recessions of the building wall from the base wall plane.

(a) Projections or recessions used to meet this requirement shall project or recede from the base wall plane by the greater of three feet or 5% of the length of the building façade, with the maximum required projection/recession not exceeding 10 feet, regardless of the length of the base wall plane.

(b) The cumulative width of the modulated portion(s) of the building shall be equal to a minimum of 20% of the width of the base wall plane.
SUBCHAPTER D: DEVELOPMENT AND DESIGN STANDARDS
PART 2: NON-RESIDENTIAL AND MIXED USE BUILDING DESIGN
REQUIREMENTS.

§ 155.783 BUILDING WALL MODULATION AND ARTICULATION

(2) Industrial Building Walls that are visible from an arterial road shall be designed in a manner that provides horizontal modulation of the building wall to break up long expanses of the wall plane. This should be achieved by the inclusion of Primary Building Wall area (such as offices or other non-industrial space) along the same wall plane as the Industrial Building Wall facing the arterial road. Where a Primary Building Wall occupies less than 40% of the width of a wall plane containing an Industrial Building Wall, the physical modulation of the Industrial Building Wall is required.

(C) Vertical Articulation Requirements.

(1) Vertical articulation shall be provided on each Primary and Secondary Building Wall, as well as on all Industrial Building Walls that are visible from an arterial road, by using a minimum of three of the techniques specified in the list below:

(a) Using visually “heavy” or more coarsely textured building materials, such as stone, on lower surfaces and “lighter” or more finely textured materials on higher surfaces;

(b) Using different colors of materials along the vertical wall plane, with darker colors used on lower surfaces and lighter colors used on higher surfaces. The painting of cladding materials does not satisfy this option;

(c) Projecting the base of the building outward from the base wall plane to create an architecturally distinct ledge along the base;

(d) Recessing upper stories on multi-story buildings by at least 3 feet;

(e) Using pitched roof forms [see § 155.788(B)];
(f) Varying the height of different portions of a building, using stepped parapets, or providing other vertical projections, such as towers;

(g) Using tall windows;

(h) Using distinct masonry patterns or inlays that extend vertically along the building wall;

(i) Using pilasters or columns that extend vertically along the building wall;

(2) All buildings with three or more stories above grade, or that are taller than 40 feet above grade, shall be designed with a visually distinct base.

Figure 155.783-2: Vertical Building Articulation Example
(D) **Horizontal Articulation Requirements.**

(1) Active Building Walls shall be articulated in a manner that provides visual interest and emphasizes the human scale by using three or more of the below referenced techniques, or by an alternative method that achieves the stated goal.

(2) Examples of features that can be used to provide horizontal articulation and emphasize the desired human scale of an Active Building Wall include:

(a) Awnings;
(b) Trellises;
(c) Arcades;
(d) Recessed storefronts;
(e) Arbors;
(f) Porticoes;
(g) Windows;
(h) Customer entrances; and

(i) Decorative metalwork or inlays of brick, masonry, stone, or tile.

*Figure 155.783–4: Example Methods of Horizontal Articulation*
(3) With the exception of features that project perpendicularly from the building wall, such as awnings and porticoes, all architectural features used to satisfy this requirement shall begin no higher than three feet above the adjacent grade.

(4) A minimum of 75% of the width of the horizontal wall plane of the Primary Building Wall(s) shall contain articulating features.

(5) A minimum of 50% of the width of the horizontal wall plane of Secondary Building Walls shall contain articulating features.

(6) Features used to satisfy these requirements shall not be separated by a gap wider than 10 feet between the outer edges of each individual feature.

§ 155.784 BUILDING ENTRANCE REQUIREMENTS.

(A) Applicability.

(1) The standards for building entrances apply to:

   (a) All buildings fronting on an arterial road;

   (b) Any building containing over 2,500 square feet of gross floor area; and

   (c) Any other building, without regard to size, when located within a development containing buildings with a combined gross floor area of greater than 20,000 square feet.

(2) Buildings located within the RC District are exempt from these standards.

(B) Building Entrances.

(1) The primary entrance(s) to each building or tenant space shall be oriented toward the adjacent public street, or, when located in the interior of a larger development, toward an internal access drive, pedestrian walkway, or an adjacent building.

(2) Primary building entrances shall be clearly defined by distinct architectural features. Each primary entrance shall be defined by a minimum of three of the following features:

   (a) Awnings or porticoes;

   (b) Recesses/projections of the building wall;

   (c) Arcades;

   (d) Stepped parapets over the entry;

   (e) Pitched roof forms;
(f) Arched architectural features;

(g) Outdoor patios or seating areas;

(h) Display windows;

(i) The use of cladding materials around the entrance that are visually distinct from other materials on the building wall;

(j) Masonry, tile, metal, or glass inlays around the entrance; or

(k) Columns or similar vertical features.

*Figure 155.784-1: Defined Building Entrances*
§ 155.785 EXTERIOR CLADDING MATERIALS.

(A) Applicability. The standards for exterior cladding materials apply to all buildings in the manner set forth below.

(B) Permitted Primary and Secondary Building Wall Cladding Materials. High-quality, durable building materials shall be used to clad each Primary and Secondary Building Wall, excluding glazed areas (windows, doors, etc.). Permitted exterior cladding materials are as follows:

(1) Brick or an equivalent material having the appearance of brick, such as cast concrete panels with a brick design;

(2) Natural or synthetic / cultured stone;

(3) Glazed, textured, and integrally colored concrete masonry units (CMUs);

(4) Glass curtain walls;

(5) Natural or synthetic water managed stucco cladding systems (EIFS);

(6) Natural wood, synthetic wood, and cement fiberboard siding materials

(7) Architectural metal siding panels;

(8) Ceramic or glass tile; or

(9) Another equivalent high-quality, durable material approved by the Director of Planning and Development Services.
(C) **Mixture of Cladding Materials.** In order to provide visual interest and enhance the articulation of building walls, each structure shall be designed with a designated primary cladding material, which shall be utilized to clad a minimum of 70% of each Primary and Secondary Building Wall, and up to three additional secondary cladding materials, which shall, at a minimum, be used to clad 10% of each building wall.

(D) **Consistent Application of Materials.** The primary and secondary cladding materials applied to the Primary Building Wall(s) shall be applied in a consistent manner in terms of proportion, color, and design, to the Secondary Building Wall(s).

(E) **Standards for Utility / Service Walls.** Building walls meeting the standard of the definition of a Utility / Service wall are not required to meet the cladding material standards, and, in addition to the other materials permitted as primary or secondary materials, shall be permitted to use the following as cladding for the Utility / Service Wall(s):

1. Field painted concrete masonry units (CMUs); and
2. Tilt-up cast concrete panels.

(F) **Standards for Industrial Building Walls.** Industrial Building Walls visible from an arterial road shall utilize the permitted cladding material specified in § 155.785(B), provided that the material type, style, and colors shall be consistent with those used on any non-Industrial Building Wall area along the same wall plane.

§ 155.786 **GLAZING REQUIREMENTS.**

(A) **Applicability.** The standards in this Section apply to all buildings without regard to their size or location, except that buildings located within the RC district are exempt from these standards.

(B) **Minimum Glazed Surface Standard.**

1. Primary Building Walls shall be designed with a minimum glazed area of 30% of the surface area of the ground floor building wall plane as measured between three and 10 feet above grade.

2. The Primary and Secondary Building Walls of multi-story buildings shall be designed with a minimum glazed area of 25% of the surface area of each building wall above the first story. Each upper story building wall shall contain a proportional amount of glazed area as each other story above the ground floor.
(C) **General Requirements for Glazed Surfaces.** The following general requirements shall apply:

1. Glazed areas may not be separated by a distance of greater than 15 feet on any portion of a building wall on which glazing is required.

2. Interior framing with visible dimensions of four inches or less shall be included in the glazed surface calculation, provided that the glazed area inside such framing has a minimum surface area of six square feet or greater.

3. Reflective glass with a mirror finish is prohibited.

4. Color tinted glass is permitted, provided that it is tinted a shade of blue.

5. Glass block that obscures interior visibility may not be used to satisfy the minimum glazing requirement.

(D) **Bird Safe Glazing.** A minimum of 50% of all glazed surfaces shall be composed of “Bird Safe” glazing materials. Examples of permitted methods of compliance include:

1. Fritted or etched glass with dot patterns, vertical lines (1/4-inch lines with 4-inch spacing), horizontal lines (1/8-inch lines with 2-inch spacing), or other designs that make the glazed area visible to birds;

2. The use of UV coated glass designed to be visible to birds;

3. The use of screens, louvers, or other visible barriers; or
(4) Another industry-accepted Bird Safe glazing treatment, as approved by the Zoning Administrator.

§ 155.787 AWNINGS.

(A) Applicability. The standards in this Section shall apply to awnings installed on all buildings.

(B) Awning Materials Standards.

(1) High-quality, durable building materials shall be used to cover awnings, such as wood, metal, canvas, vinyl or polyester composite fabric, acrylic fabric, or vinyl fabric.

(2) Awnings may not be constructed of or covered in rigid plastic or other similar material.

(C) Awning Design Standards.

(1) A single awning may not extend across the building wall to cover multiple window openings, customer entrances, or storefronts.

Figure 155.787-1: Improperly Applied Awnings Covering Multiple Window Openings and Storefronts
Figure 155.787–2: Properly Applied Awnings Covering Individual Window Openings and Storefronts

(2) Awnings shall maintain a clear height of at least eight feet above grade.

(3) Awnings may not be backlit or outlined with neon, LEDs, or other lighting.

(4) Awnings shall be compatible with shape of the openings that they are shading. Examples: Only simple shed type awnings are permitted above square or rectangular openings. Rounded or barrel shaped awnings are permitted above curved openings.

(5) Awnings may not be used on windows located above the ground floor.

§ 155.788 ROOF FORM.

(A) Applicability. The standards in this Section apply to the roof form for all buildings exceeding 2,500 square feet of gross floor area.

(B) Pitched Roofs. The following standards shall apply to buildings with pitched roofs.

(1) All pitched roofs shall be designed with overhanging eaves that are proportional in their extent to the size of the building and roof structure.

(2) Pitched roofs longer than 50 feet in length shall include changes in form or height that align with the modulation of the building wall.

(3) Mansard roof forms are prohibited.
(C) **Parapet Walls.** The following standards shall apply to buildings with flat roof structures.

1. Parapet walls shall be utilized to conceal any flat or minimally pitched roof form.
2. Where parapet walls are used as the primary roof form, the parapet shall extend around all sides of the building, excluding Utility / Service Walls.
3. Parapet walls may not exceed 10 feet in height.
4. Where provided, cornices shall continue around all sides of a parapet wall.
5. Stepped parapet walls, parapets that include segments that vary in height, must include returns clad with the same finish material that extend on the sides of the higher segment at the same elevation as the higher segment to screen all framing and structural supports for the parapet. Figure 155.788-2 illustrates a stepped parapet wall with the correct return configuration. Figure 155.788-3 illustrates a stepped parapet wall that lacks the required return configuration.
Figure 155.788-2. Stepped Parapet with Correct Return Configuration

Figure 155.788-3. Stepped Parapet Lacking Necessary Return
§ 155.789 ORIENTATION OF CERTAIN ARCHITECTURAL FEATURES.

(A) **Applicability.** The standards in this Section apply to all buildings, regardless of size or location, except that buildings located within the RC district are exempt from these standards.

(B) **Automobile Service Bays and Maintenance Equipment.**

   (1) Automobile service bay doors shall be oriented perpendicular to the primary street frontage or located on the rear of the building.

   (2) Automobile maintenance equipment, such as vacuums and air pumps, shall be located to the side or rear of the building.

*Figure 155.789-1: Proper Orientation of Automobile Service Bays Doors Perpendicular to Street Frontage*

(C) **Drive Through Windows.** Drive through windows shall be oriented perpendicular to the primary street frontage or located on the rear of the building.

(D) **Exterior Open Corridors.** Exterior open corridors (i.e., breezeways) designed to provide primary access to dwellings on any floor of a mixed use building shall not be visible from a street or open space.

(E) **Utility/Service Walls.** Building walls that contain utility and service areas shall be oriented so that they are not visible from adjacent public streets or internal access drives (except dedicated service drives).

§ 155.790 SCREENING OF MECHANICAL AND UTILITY EQUIPMENT.

(A) **Applicability.**
(1) The screening requirements in this Section shall apply to:

(a) All buildings located on an arterial road;

(b) All buildings located within an area designated as a Town Center on the Future Land Use Map;

(c) Any building containing more than 5,000 square feet of gross floor area; and

(d) Any building, regardless of size, that is located in a development containing buildings with a combined gross floor area of more than 20,000 square feet.

(2) Exterior mechanical equipment associated with an industrial use shall be exempt.

(B) Screening Requirements.

(1) All building mounted mechanical and utility equipment shall be located on the Utility/Service Wall(s).

(2) Ground level building mounted mechanical and utility equipment shall be screened by walls that are composed of the same cladding material that is used on the building wall adjacent to their mounting location.

(3) Mechanical and utility equipment that extends along the vertical wall plane above a height of six feet from grade shall be painted to match the color of the primary material on that building wall.

(4) All rooftop mounted mechanical equipment, loading docks, and dumpsters shall be screened or located in a manner that it is not visible from any point on a street or sidewalk adjacent to an Active Building Wall.

Figure 155.790–1: Mechanical Equipment Painted to Blend with Primary Cladding Material
§ 155.791 BUILDING REUSE DESIGN REQUIREMENTS.

(A) To minimize the blighting effect that empty large scale retail establishments have on surrounding properties, any single occupancy retail building larger than 50,000 square feet shall be designed so that it may be readily subdivided into usable, independently accessible retail spaces of 25,000 square feet or less.

(B) The applicant must demonstrate that the building has been architecturally designed for reuse as a subdivided facility through designs that incorporate separate entrances for each subdivided area along the front of the building and building dimensions that allow for each space to have no more than a four to one (4:1) depth to width ratio.

§ 155.792 RESERVED.

§ 155.793 RESERVED.

§ 155.794 RESERVED.

§ 155.795 RESERVED.

§ 155.796 RESERVED.

§ 155.797 RESERVED.

§ 155.798 RESERVED.

§ 155.799 RESERVED.
PART 3: BUFFERS, SCREENING, AND LANDSCAPING

SUBPART 3.1: GENERAL PROVISIONS

§ 155.800 PURPOSE.

The purpose of this Part is to:

(A) Separate different land uses from each other in order to eliminate or minimize potential nuisances, such as dirt, litter, noise, glare, signs, and unsightly building or parking areas;

(B) Provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions;

(C) Reduce nuisances between adjacent land uses or between a land use and a public road;

(D) Protect environmental, historical, and cultural resources.

§ 155.801 APPLICABILITY.

(A) This Part generally applies to all lots and regulates both bufferyards and buffers. It also requires landscaping in certain instances.

(B) Overlay districts may establish different standards for perimeter and right-of-way bufferyards (see Subchapter B, Part 4: Overlay Districts).

(C) Perimeter and right-of-way bufferyards for special districts are specified in Subchapter B, Part 3: Special Districts, and may be modified through the special district rezoning process (see Subchapter E: Procedures).

(D) Subchapter C: Use Regulations specifies perimeter and right-of-way bufferyard requirements for certain land uses, such as mining, that apply in addition to the standards in this Part.

(E) All lots also are subject to the provisions of Land Development Code Subchapter D, Part 4: Tree Conservation.

§ 155.802 RESPONSIBILITY FOR BUFFERS AND BUFFERYARDS.

When the use of a lot is proposed, the lot owner shall:

(A) Preserve any buffers required by Subpart 3.5 Riparian Buffers and Subpart 3.6 Abandoned Cemetery Buffers; and
§ 155.803 EXISTING VEGETATION PREFERRED.

(A) In all buffers and bufferyards, existing vegetation is preferred over new plantings if it achieves the same purpose.

(B) Existing vegetation may be used to satisfy any buffer or bufferyard requirements as follows:

1. Any existing, healthy, native tree over six inches (caliper) may be counted as one tree;

2. Any healthy native woody shrub over three feet (height or spread) may count as one shrub; and

3. Where the number of existing trees exceeds the minimum tree planting requirements for a bufferyard established in Table 155.823-1: Bufferyard Types for Non-Residential, Multi-Family, and Quadplex Uses, supplemental plantings to meet the minimum shrub requirements may be waived by the Zoning Administrator.

§ 155.804 CLEAR CUTTING OF BUFFERS AND BUFFERYARDS PROHIBITED.

(A) Clear cutting of trees and natural vegetation occupying a perimeter bufferyard is prohibited. The bufferyard shall remain in its natural state to the extent that the natural vegetation provides equal or better “buffering” than the requirements of this Subchapter.

(B) Clear cutting of trees and natural vegetation occupying a riparian buffer or an abandoned cemetery buffer is prohibited.

(C) Clear cutting of trees and natural vegetation occupying a right-of-way bufferyard may be allowed pursuant to Subpart 3.7 Alternative Compliance.

§ 155.805 TREES REMOVED DURING CONSTRUCTION.

(A) If existing trees located in a required bufferyard are removed during construction, the total number of inches (DBH) of trees removed shall be replaced with an equal or greater number of inches of trees.

(B) Minimum tree size is specified in § 155.806: Minimum Plant Size.

(C) Replacement trees shall be selected from the Approved Species List.
§ 155.806  MINIMUM PLANT SIZE.

All landscape planting materials shall conform to the minimum size or height standards in Table 155.806-1: Minimum Plant Size at the time of planting, as well as meet the American Standard for Nursery Stock (ANSI Z60.1).

<table>
<thead>
<tr>
<th>Plant Material Type</th>
<th>Size (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Trees</strong></td>
<td></td>
</tr>
<tr>
<td>Small Maturing Trees</td>
<td>1.5 in (caliper)</td>
</tr>
<tr>
<td>Large Maturing Trees</td>
<td>2 in (caliper)</td>
</tr>
<tr>
<td>Evergreen</td>
<td>2 in (caliper)</td>
</tr>
<tr>
<td><strong>Shrubs</strong></td>
<td></td>
</tr>
<tr>
<td>Deciduous</td>
<td>3 gal and 18 in (height or spread)</td>
</tr>
<tr>
<td>Evergreen</td>
<td>3 gal and 18 in (height) or 15 in (spread)</td>
</tr>
<tr>
<td>Large Evergreen</td>
<td>7 gal and 36 in (height)</td>
</tr>
</tbody>
</table>

Key: min = minimum required | ft = feet | gal = gallons | in = inches

§ 155.807  RESERVED.

§ 155.808  RESERVED.

§ 155.809  RESERVED.
§ 155.810 APPLICABILITY.

(A) This Subpart applies to all non-residential, multi-family, and quadplex development.

(B) This Subpart does not apply to agricultural buildings.

§ 155.811 FOUNDATION LANDSCAPING.

(A) Minimum Size and Planting Requirements.

(1) Landscaping is required along high visibility building façades, including street-facing façades and façades that face public areas, such as parking lots and multi-use paths.

(2) Building foundations shall be surrounded by a landscaped area with a minimum depth of six feet. The landscaped area shall meet the minimum requirements specified by Table 155.811-1: Planting Requirements Per 10 ft of Public Area Building Perimeter.

(3) Shrubs, grasses, or groundcovers shall be utilized and chosen from the Approved Species List.

(4) Multiple species may be used around the building, although groups of less than three shrubs of each species is discouraged, unless used as an accent in the landscape.

(5) Planter boxes or other containers may be used for foundation landscaping if the containers complement the architectural design of the building and do not obstruct pedestrian areas.

Table 155.811-1: Planting Requirements Per 10 ft of Public Area Building Perimeter

<table>
<thead>
<tr>
<th>Building Use</th>
<th>Small or Medium Maturing Trees</th>
<th>Shrubs</th>
<th>Grasses or Groundcovers</th>
<th>Linear Feet Per Planting Area (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quadplex</td>
<td>0.5</td>
<td>4</td>
<td>10 sf</td>
<td>10</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>1</td>
<td>4</td>
<td>20 sf</td>
<td>12</td>
</tr>
<tr>
<td>Office/Institutional</td>
<td>0.5</td>
<td>4</td>
<td>10 sf</td>
<td>10</td>
</tr>
<tr>
<td>Commercial</td>
<td>0.25</td>
<td>4</td>
<td>10 sf</td>
<td>6</td>
</tr>
<tr>
<td>Industrial</td>
<td>0.2</td>
<td>4</td>
<td>1 sf</td>
<td>6</td>
</tr>
</tbody>
</table>

Key: ft = feet | min = minimum required

(B) Measuring Building Perimeter for Foundation Landscaping.

(1) Only the publicly-visible perimeter of the building is measured and counted towards the foundation landscaping requirement.
(2) Building perimeter is measured along the major plane of the building façade and does not include minor architectural offsets.

(3) The measurement does not include portions of the façade that face loading and service areas, wooded areas, or other areas not normally visible to the public visiting the site.

§ 155.812 INTERNAL LOT BOUNDARY LANDSCAPING.

(A) **Applicability.** Where Subpart 3.3 Perimeter and Right-of-Way Bufferyards does not require a perimeter bufferyard for a proposed use, plantings shall be provided within a landscape strip along all interior lot lines.

(B) **Minimum Size and Planting Requirements.**

(1) The landscape strip shall have a total minimum width of eight feet.

   (a) When two adjacent lots are proposed for development at the same time, a landscape strip with a minimum width of four feet shall be provided on each lot.

   (b) When only one lot is proposed for development, the landscape strip shall have a minimum width of five feet. When the adjacent lot is proposed for development, the landscape strip shall have a minimum width of three feet.

(2) Table 155.812-1: Planting Requirements per 100 lf of Property Boundary specifies the minimum number of trees and shrubs required.

(3) Plantings shall be selected from the Approved Species List. At least 50% of the trees must be large-maturing, and 75% of the shrubs must be evergreen.

<table>
<thead>
<tr>
<th>Use</th>
<th>Trees (min)</th>
<th>Shrubs (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quadplex</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>Office, Institutional, and Commercial</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>Industrial</td>
<td>3</td>
<td>10</td>
</tr>
</tbody>
</table>

_key: lf = linear feet | min = minimum required_

§ 155.813 MAINTENANCE.

(A) Landscaped areas shall be maintained in good condition and kept free of dead plants, weeds, or debris.
(B) Failure to maintain or replace dead, damaged, or diseased plant material within 30 days of notification constitutes a violation of this Subpart.

(C) If a catastrophic event occurs that destroys a large quantity of vegetation, the owner or lessee must replant within a reasonable time period determined by the Director, normally during the next planting season, which is November through March. Replaced plant material must be in compliance with the minimum size, spacing, and quantity standards of this Part.

§ 155.814 RESERVED.
§ 155.815 RESERVED.
§ 155.816 RESERVED.
§ 155.817 RESERVED.
§ 155.818 RESERVED.
§ 155.819 RESERVED.
§ 155.820 APPLICABILITY.

(A) Bufferyards Required.

(1) Perimeter and right-of-way bufferyards are required for all new:

(a) Non-residential development;

(b) Multi-family residential development;

(c) Quadplex dwellings;

(d) Manufactured home parks; and

(e) Major residential subdivisions.

(2) Perimeter and right-of-way bufferyards are required for changes to existing non-residential and multi-family residential development; quadplexes; and manufactured home parks, if the changes meet one of the following thresholds:

(a) Any expansion of an existing building that increases the gross floor area by more than the percentage shown in Table 155.820-1: Perimeter and Right-of-Way Bufferyard Applicability to Building Expansions;

(b) Any change to an existing land use with primarily outdoor or open-air structures or facilities that increases the total impervious surface area on the lot by more than 15%; or

(c) Any expansion of an existing manufactured home park.

Table 155.820-1: Perimeter and Right-of-Way Bufferyard Applicability to Building Expansions

<table>
<thead>
<tr>
<th>Building Size (GFA)</th>
<th>Percent Increase in GFA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,999 sf or less</td>
<td>50%</td>
</tr>
<tr>
<td>2,000 sf to 4,999 sf</td>
<td>35%</td>
</tr>
<tr>
<td>5,000 sf to 9,999 sf</td>
<td>30%</td>
</tr>
<tr>
<td>10,000 sf or more</td>
<td>25%</td>
</tr>
</tbody>
</table>

Key: GFA = gross floor area | sf = square feet

(3) Perimeter and right-of-way bufferyards are required when the use of any developed lot is changed to one of the following uses:
§ 155.821 LOCATION.

(A) Generally.

(1) Perimeter and right-of-way bufferyards:

(a) Are located along the outer perimeter of a lot, extending to the lot line; and

(b) Are not located on any portion of an existing public or private street or areas encumbered by a recorded easement, except as allowed in § 155.821(D), below.

(2) For non-residential, multi-family, and quadplex developments:

(a) Automobile, Truck, Recreational Vehicle, Boat and Marine, Motorcycle, and ATV Sales or Rental;

(b) Automobile, Truck, Recreational Vehicle, Boat and Marine, Motorcycle and ATV Service, Repair, and Customization (w/ overnight outdoor storage);

(c) Car Washes and Detail Shops;

(d) Commercial Use with Drive-Through or Drive-In;

(e) Gasoline Sales;

(f) Racetracks, Go Kart Tracks, and similar;

(g) Recreation and Amusement, Outdoor; and

(h) Shooting Range, Outdoor.

(B) Exemptions. Perimeter and right-of-way bufferyards are not required:

(1) On individual lots used for single-family dwellings; or

(2) For any change of use of an existing building that does not increase the floor area of the building, except as provided in § 155.820(A)(3), above. If the land use between two abutting lots changes so that a lesser buffer would be required under these regulations, the width of the buffer may be reduced accordingly.

(C) Alternate Bufferyard Plans. Applicants may propose alternate plans for right-of-way bufferyards in accordance with Subpart 3.7 Alternative Compliance.

(D) Unified Developments on Separate Lots. When two or more lots are proposed for development as a single, unified site under one plan, bufferyard requirements apply only to the exterior lot lines of the unified development site and not to internal lot lines within the unified site.
§ 155.821 LOCATION.

(a) Perimeter bufferyards are located along all lot lines that are not adjacent to a public or private right-of-way; and

(b) Right-of-way bufferyards are located along all lot lines that are adjacent to a public or private right-of-way.

(3) For major residential subdivisions, perimeter bufferyards are located along all lot lines, including those adjacent to a public or private right-of-way. The provisions for right-of-way bufferyards do not apply.

(B) Relationship to Required Yards. Where front, side, and rear setbacks (required yards) are required by this Chapter, perimeter and right-of-way bufferyards may be established within the setback area (required yards).

(C) Perimeter and Right-of-Way Bufferyards for Partial Lot Development. Whenever a portion of a lot is developed, the required perimeter and right-of-way bufferyards shall be terminated no less than 100 feet past the developed area as illustrated in Figure 155.821-1: Perimeter and Right-of-Way Bufferyards for Partial Lot Development. The bufferyard plantings must extend the entire length of the lot if less than 100 feet of lot line remains.

(D) Perimeter and Right-of-Way Bufferyards Along Utility Line Easements or Rights-of-Way. Perimeter and right-of-way bufferyards installed along utility line easements or rights-of-way shall meet one of the following requirements:
§ 155.822 GENERAL BUFFERYARD STANDARDS.

(A) Maintenance of Existing Vegetation in Bufferyards.

(1) All trees six inches DBH or greater shall be retained in a bufferyard, except as provided in § 155.822(A)(3), below.

(2) The area within the drip line of a tree that is six inches DBH or greater may only be cleared by hand.

(3) The removal of any vegetation that exceeds six inches DBH may be approved by the Zoning Administrator, if information provided by a certified arborist or professional landscape architect indicates the following:

   (a) The tree is diseased;
   (b) York County’s soil and climate are not suitable for the proper growth and health of the tree;
   (c) The tree is prone to cause property damage or personal injury; or
   (d) Existing topographic conditions prevent the construction of safe and reasonable ingress and egress.

(4) To ensure compliance with this Subpart, the Zoning Administrator may require submittal of a tree survey that depicts all trees of six inches DBH or greater within the required bufferyard as part of the site plan.

(B) Planting Requirements for All Perimeter and Right-of-Way Bufferyards.

(1) Variety of Vegetation Required. Bufferyards shall contain a variety of plant types, species, maturity limits, and growth rates.
§ 155.823 BUFFERYARDS FOR NON-RESIDENTIAL, MULTI-FAMILY, AND QUADPLEX USES

(A) Types of Bufferyards.

(1) Table 155.823-1: Bufferyard Types for Non-Residential, Multi-Family, and Quadplex Uses establishes four types of perimeter bufferyards and two types of right-of-way bufferyards with varying widths and planting requirements based on lot size. Some bufferyard types require an opaque constructed element, which may be a wall, fence, or berm.

(2) Section 155.823(B), below, specifies the required bufferyard type based on land use.

(2) Ground Cover Required. All bufferyard areas not devoted to trees and plants shall be seeded with turf grass or covered with other permanent ground cover, as specified in the Approved Species List. Mulch may also satisfy this requirement.

(3) Planting Requirements for Trees.

(a) At least 30% of the trees proposed in any perimeter or right-of-way bufferyard shall be large maturing trees listed in the Approved Species List.

(b) At least 25% of the trees proposed in any perimeter bufferyard shall be evergreen trees of any size category (large, medium, or small maturing) listed in the Approved Species List.

(4) Planting Requirements for Shrubs.

(a) Shrubs in bufferyards may be grouped or formed in a straight line.

1. If shrubs are clustered, they must be grouped in clusters of three or more. A maximum of three clusters of shrubs per 100 linear feet of bufferyard is allowed.

2. If shrubs are formed in a straight line, the line must be continuous. “Continuous” means that, at maturity, there are no gaps present between the shrubs.

(b) At least 75% of shrubs proposed in a perimeter bufferyard shall be evergreen.

(c) For the purposes of calculating the required number of shrubs per 100 linear feet of perimeter bufferyard in Table 155.823-1: Bufferyard Types for Non-Residential, Multi-Family, and Quadplex Uses and Table 155.824-1: Bufferyard Types for Major Residential Subdivisions and Manufactured Home Parks, large evergreen shrubs listed in the Approved Species List may be counted as 4 shrubs.

(C) Bufferyard Design Examples. The Land Development Manual provides typical bufferyard design examples that applicants may use for reference purposes.
(3) Where Table 155.823-1: Bufferyard Types for Non-Residential, Multi-Family, and Quadplex Uses requires an opaque constructed element:

(a) The fence, wall, or berm may be located anywhere within the required bufferyard, if there is adequate room for maintenance of the fence, wall, or berm;

(b) The finished side of the fence or wall shall face outward so that it is visible from adjacent lots and streets; and

(c) For non-residential uses, a chain link fence with wood or vinyl slats does not meet the requirement for an opaque fence or wall.

### Table 155.823-1: Bufferyard Types for Non-Residential, Multi-Family, and Quadplex Uses

<table>
<thead>
<tr>
<th>Bufferyard Type</th>
<th>Requirement</th>
<th>Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>&lt; 2 ac</td>
</tr>
<tr>
<td>Type A (aesthetic)</td>
<td>Width (min)</td>
<td>10 ft</td>
</tr>
<tr>
<td></td>
<td>Trees (per 100 lf)</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Shrubs (per 100 lf)</td>
<td>10</td>
</tr>
<tr>
<td>Type B (semi-opaque)</td>
<td>Width (min)</td>
<td>15 ft</td>
</tr>
<tr>
<td></td>
<td>Trees (per 100 lf)</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Shrubs (per 100 lf)</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Height of Opaque Element</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 ft</td>
</tr>
<tr>
<td>Type C (opaque)</td>
<td>Width (min)</td>
<td>20 ft</td>
</tr>
<tr>
<td></td>
<td>Trees (per 100 lf)</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Shrubs (per 100 lf)</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Height of Opaque Element</td>
<td>6 ft</td>
</tr>
<tr>
<td></td>
<td></td>
<td>--</td>
</tr>
<tr>
<td>Type D (opaque)</td>
<td>Width (min)</td>
<td>30 ft</td>
</tr>
<tr>
<td></td>
<td>Trees (per 100 lf)</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Shrubs (per 100 lf)</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>Height of Opaque Element</td>
<td>8 ft</td>
</tr>
<tr>
<td></td>
<td></td>
<td>--</td>
</tr>
<tr>
<td>ROW - Major Road (aesthetic)</td>
<td>Width (min)</td>
<td>20 ft</td>
</tr>
<tr>
<td></td>
<td>Trees (per 100 lf)</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Shrubs (per 100 lf)</td>
<td>35</td>
</tr>
<tr>
<td>ROW - Minor Road (aesthetic)</td>
<td>Width (min)</td>
<td>10 ft</td>
</tr>
<tr>
<td></td>
<td>Trees (per 100 lf)</td>
<td>3</td>
</tr>
</tbody>
</table>
Table 155.823-1: Bufferyard Types for Non-Residential, Multi-Family, and Quadplex Uses

<table>
<thead>
<tr>
<th>Bufferyard Type</th>
<th>Requirement</th>
<th>&lt; 2 ac</th>
<th>2 ac to &lt; 10 ac</th>
<th>10 ac and higher</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shrubs (per 100 lf)</td>
<td>14</td>
<td>14</td>
<td>14</td>
<td></td>
</tr>
</tbody>
</table>

Key: ac = acres | lf = linear feet | ft = feet | min = minimum required | ROW = right-of-way | -- = not required

(B) Bufferyard Specifications.

(1) Table 155.823-2: Bufferyard Specifications for Non-Residential, Multi-Family, and Quadplex Uses specifies the perimeter and right-of-way bufferyard types required for proposed development based on land use.

(2) To determine the bufferyard required between two adjacent lots or between a lot and a street:

(a) In the leftmost column of the applicable table, locate the row for the proposed use of the lot on which development is proposed;

(b) For each lot line (or segment thereof), identify the adjacent land use or type of right-of-way and locate the applicable column;

(c) The table cell where the row and column intersect specifies the applicable bufferyard type (see § 155.822: General Bufferyard Standards).

Table 155.823-2: Bufferyard Specifications for Non-Residential, Multi-Family, and Quadplex Uses

<table>
<thead>
<tr>
<th>Proposed Land Use</th>
<th>Accommodations and Group Living</th>
<th>Agriculture and Natural Resources Uses</th>
<th>Arts, Entertainment, and Recreation (Outdoor)</th>
<th>Business, Professional Services, Scientific, and Technical</th>
<th>Industrial, Manufacturing, and Processing</th>
<th>Institutional</th>
<th>Multi-Family and Quadplex Dwellings</th>
<th>Retail and Service Arts, Entertainment, and Recreation (Indoor)</th>
<th>Single-Family, Townhouse, Duplex, and Triplex Dwellings</th>
<th>Waste Management Facilities</th>
<th>Undeveloped Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodations and Group Living</td>
<td>--</td>
<td>B</td>
<td>B</td>
<td>A</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>A</td>
<td>C</td>
<td>B</td>
<td>A</td>
</tr>
</tbody>
</table>
## Table 155.823-2: Bufferyard Specifications for Non-Residential, Multi-Family, and Quadplex Uses

<table>
<thead>
<tr>
<th>Existing Adjacent Land Use</th>
<th>Accommodations and Group Living</th>
<th>Agriculture and Natural Resources</th>
<th>Arts, Entertainment, and Recreation (Outdoor)</th>
<th>Business, Professional Services, Scientific, and Technical</th>
<th>Institutional</th>
<th>Multi-Family and Quadplex Dwellings</th>
<th>Retail and Service; Arts, Entertainment, and Recreation (Indoor)</th>
<th>Undeveloped Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture and Natural Resources</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>C</td>
<td>B</td>
<td>C</td>
</tr>
<tr>
<td>Arts, Entertainment, and Recreation (Outdoor)</td>
<td>B</td>
<td>B</td>
<td>--</td>
<td>C</td>
<td>A</td>
<td>C</td>
<td>D</td>
<td>B</td>
</tr>
<tr>
<td>Business, Professional Services, Scientific, and Technical</td>
<td>B</td>
<td>A</td>
<td>B</td>
<td>--</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>--</td>
</tr>
<tr>
<td>Industrial, Manufacturing, and Production; Transportation and Utilities; Warehousing and Storage</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>B</td>
<td>--</td>
<td>D</td>
<td>D</td>
<td>C</td>
</tr>
<tr>
<td>Institutional</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>A</td>
<td>B</td>
<td>--</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>Multi-Family and Quadplex Dwellings</td>
<td>A</td>
<td>B</td>
<td>B</td>
<td>A</td>
<td>B</td>
<td>A</td>
<td>--</td>
<td>A</td>
</tr>
<tr>
<td>Retail and Service; Arts, Entertainment, and Recreation (Indoor)</td>
<td>A</td>
<td>B</td>
<td>B</td>
<td>--</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>--</td>
</tr>
</tbody>
</table>
§ 155.824 BUFFERYARDS FOR MAJOR RESIDENTIAL SUBDIVISIONS AND MANUFACTURED HOME PARKS.

(A) Types of Bufferyards.

(1) Table 155.824-1: Bufferyard Types for Major Residential Subdivisions and Manufactured Home Parks establishes two types of perimeter bufferyards with varying widths and planting requirements based on residential density.

(2) Paragraph 155.824(B), below, specifies the required perimeter bufferyard type based on development type.

Table 155.824-1: Bufferyard Types for Major Residential Subdivisions and Manufactured Home Parks

<table>
<thead>
<tr>
<th>Bufferyard Type</th>
<th>Density</th>
<th>&lt; 1 du/ac</th>
<th>1 du/ac to 1.5 du/ac</th>
<th>&gt; 1.5 du/ac to 2 du/ac</th>
<th>&gt; 2 du/ac</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type E</td>
<td>Width (min)</td>
<td>0 ft</td>
<td>10 ft</td>
<td>25 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td></td>
<td>Trees</td>
<td>--</td>
<td>5</td>
<td>10</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>Shrubs</td>
<td>--</td>
<td>15</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>Type F</td>
<td>Width (min)</td>
<td>25 ft</td>
<td>50 ft</td>
<td>75 ft</td>
<td>100 ft</td>
</tr>
</tbody>
</table>
Table 155.824-1: Bufferyard Types for Major Residential Subdivisions and Manufactured Home Parks

<table>
<thead>
<tr>
<th>Bufferyard Type</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&lt; 1 du/ac</td>
</tr>
<tr>
<td>Trees</td>
<td>10</td>
</tr>
<tr>
<td>Shrubs</td>
<td>20</td>
</tr>
</tbody>
</table>

Key: du = dwelling unit | ac = acres | min = minimum required | -- = not required

(B) Bufferyard Specifications.

(1) Table 155.824-2: Bufferyard Specifications for Major Residential Subdivisions and Manufactured Home Parks specifies the type of bufferyard required for perimeter bufferyards by development type.

(2) Expansion of existing manufactured home parks shall provide perimeter bufferyards in accordance with Table 155.824-2: Bufferyard Specifications for Major Residential Subdivisions and Manufactured Home Parks.

(3) In addition to the standards in § 155.822: General Bufferyard Standards, any portion of a bufferyard that is void of existing trees at the time of development shall be supplemented with one large maturing tree (see Approved Species List), planted every 20 feet on center, spaced appropriately based on the location of existing trees.

Table 155.824-2: Bufferyard Specifications for Major Residential Subdivisions and Manufactured Home Parks

<table>
<thead>
<tr>
<th>Development Type</th>
<th>Bufferyard Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Other Major Residential Subdivisions</td>
<td>E</td>
</tr>
<tr>
<td>Cluster Subdivisions and Manufactured Home Parks</td>
<td>F</td>
</tr>
</tbody>
</table>

(C) Bufferyard Must Be Platted Separately. A type E or F bufferyard shall be platted separately and not included as a part of a residential lot.

§ 155.825 USE OF BUFFERYARDS.

(A) The following site elements may be located in a required bufferyard:

(1) Sidewalks and other pedestrian or bicycle paths;

(2) Signs;
§ 155.826 MAINTENANCE.

(A) The maintenance of required perimeter and right-of-way bufferyards is the responsibility of the lot owner.

(B) All required perimeter and right-of-way bufferyards shall be properly maintained to ensure continued buffering. Dead trees shall be removed; debris and litter shall be cleaned; and fences, walls, and berms shall be maintained at all times.

(C) Failure to properly maintain a required perimeter or right-of-way bufferyard is a violation of this Chapter and may be remedied as provided in Subchapter H: Enforcement.

§ 155.827 RESERVED.

§ 155.828 RESERVED.

§ 155.829 RESERVED.

§ 155.830 RESERVED.

§ 155.831 RESERVED.

§ 155.832 RESERVED.

§ 155.833 RESERVED.

§ 155.834 RESERVED.
§ 155.835 PURPOSE.
The regulations in this Subpart are intended to provide visual screening between overhead transmission utility lines and poles and nearby residential lots and dwellings.

§ 155.836 APPLICABILITY.
This Subpart applies to new major residential subdivisions and new multi-family residential developments where an overhead transmission utility line easement or right-of-way is or will be located on the interior of the proposed development.

§ 155.837 LOCATION AND WIDTH OF UTILITY LINE BUFFERYARDS.
(A) Location.
(1) Utility line bufferyards shall be located:
   (a) Along both sides of a utility line easement or right-of-way; and
   (b) Parallel to the utility line.
(2) Utility line bufferyards may be located on:
   (a) A separate lot, if the subdivision plat includes a note specifying the party responsible for maintenance of the bufferyard; or
   (b) An individual residential lot, if the subdivision plat includes a note indicating the requirement and the responsibility for maintenance of the bufferyard by the lot owner.
(3) Where a utility line bufferyard would overlap a perimeter or right-of-way bufferyard, the required vegetation in the perimeter or right-of-way bufferyard may be used to satisfy the requirements of this Subpart.
(B) Width. Each side of a utility line bufferyard shall be at least 25 feet in width.

§ 155.838 UTILITY LINE BUFFERYARD STANDARDS.
(A) A utility line bufferyard shall include at least 10 trees per 100 linear feet of bufferyard.
(B) At least 30% of the trees proposed in any utility line bufferyard shall be large maturing and at least 50% of the proposed trees shall be evergreen trees of any size category (large, medium, or small maturing), as listed in the Approved Species List.
(C) A minimum 20-foot clearance is required from a large maturing tree to the nearest point of a distribution line, as shown in Figure 155.838-1: *Minimum Clearance Between Trees and Overhead Power Lines*.

*Figure 155.838-1: Minimum Clearance Between Trees and Overhead Power Lines*
§ 155.839  RESERVED.

§ 155.840  RESERVED.

§ 155.841  RESERVED.

§ 155.842  RESERVED.

§ 155.843  RESERVED.

§ 155.844  RESERVED.
SUBPART 3.5: RIPARIAN BUFFERS

§ 155.845 PURPOSE.

Riparian buffers are established to:

(A) Promote public health by protecting private and public drinking water supplies from excessive non-point source contaminants, including sediment, chemicals, pollutants, and nutrients;

(B) Support natural resources by enhancing wildlife habitat, including wildlife corridors, fisheries, and the quality of water bodies;

(C) Prevent and control flooding, storm damage, and erosion through more even dissipation of drainage flows;

(D) Enhance the scenic and recreation qualities of publicly utilized water bodies; and

(E) Promote and protect the public health, safety, order, appearance, prosperity, and general welfare.

§ 155.846 APPLICABILITY.

(A) Generally.

(1) This Subpart requires vegetated buffers along:

(a) The shoreline of Lake Wylie;

(b) Both banks of the Catawba River below the dam;

(c) The east bank of the Broad River; and

(d) Both banks of any perennial stream, as defined by the USGS, that drains directly into any of the waterbodies listed in § 155.846(A)(1)(a) through (c), above.

(2) This Subpart applies to any existing, undeveloped, or new lot that:

(a) Has any portion of its boundaries adjacent to the shoreline of Lake Wylie, the Catawba River, or the Broad River; or

(b) Contains or has any portion of its boundaries adjacent to any perennial stream that drains directly into Lake Wylie, the Catawba River, or the Broad River.

(B) Exemptions.

(1) Utilities.
§ 155.846 APPLICABILITY.

(a) New easements for public and private utility facilities, including transmission or conveyance lines; communication, sewer, water, or gas lines; and erosion control or storm water structures that bisect a riparian buffer at an angle of 60 degrees or less from a line perpendicular to the buffer edge, are exempt from this Subpart if any land disturbance is conducted in compliance with the applicable land disturbance regulations and the buffer is restored as soon as possible.

(b) Any existing utility easements located within a riparian buffer is exempt from this Subpart if any repair or replacement activities shall also meet the conditions specified in Paragraph (B)(1)(a), above.

(c) All other new or proposed utility easements may be located within the riparian buffer but must set back a minimum of 10 feet from the top edge of a perennial or intermittent stream bank. In addition, a 40-foot buffer must be retained along the interior edge of the utility easement, which will result in a total undisturbed buffer width of 50 feet.

(2) Agricultural and Forestry Uses.

(a) Any property five acres or larger that would otherwise be subject to these regulations and that is being utilized principally for the raising of livestock, cultivation of agricultural or nursery plants, or harvesting of timber is exempt from this Subpart if the lot owner documents that the use existed as of April 16, 2001 (the original effective date of these buffer regulations) and has existed continuously thereafter.

(b) This exemption shall be maintained and continued only so long as the agricultural uses permitted under this Paragraph are maintained or continued. If the use is discontinued for more than six months, this exemption will terminate.

(c) The owners of all such exempt property must conduct all agricultural or forestry operations in accordance with the buffer and best management practices (BMPs) described in South Carolina's Best Management Practices for Forestry or the USDA Standards and Specifications for Conservation Practices for the specific agricultural use specified in the USDA Index, as amended from time to time.

(3) Road Crossings. Roads, vehicular crossings, and pedestrian trails through a riparian buffer, including clearing and grading required for their construction, are exempt from this Subpart, if such facilities are built in accordance with the standards of the applicable governing authority for the property location and dedicated for public use after completion. The dedication of such facilities to a bona fide homeowners association is considered a public use for the purposes of this Paragraph.

(4) Emergency Operations. Activities associated with emergency operations, such as hazardous materials removal, flood or fire control, evacuations, and storm damage clean-up are exempt from this Subpart, if the activity is authorized by an appropriate government agency or conducted in accordance with prior emergency management legislation.

(C) Alternate Bufferyard Plans. Applicants may propose alternate plans for riparian buffers in accordance with Subpart 3.7 Alternative Compliance.
§ 155.847 DEFINITIONS.

(A) The definitions in this Section apply only in this Subpart, and supplement those in Subchapter J: Definitions and Acronyms.

(B) CONSTRUCTION ACTIVITY. Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one (1.0) acre or more, including land disturbance of less than one (1.0) acre that is part of a Larger Common Plan of Development. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

(C) LAND DISTURBING ACTIVITY. Any use of the land by any person that results in a change in the natural cover or topography that may cause erosion and contribute sediment and alter the quality and quantity of stormwater runoff. Such activities include but are not limited to clearing, removal of vegetation that disturbs the soil, stripping, grading, grubbing, excavation, filling, logging, and storing of materials. Clearing of areas where soils are not exposed and an adequate vegetative structure is left in place is not considered land disturbance, provided that the clearing is not in anticipation of other construction activities such as grubbing and grading.

(D) LOT BOUNDARY. Any lot line adjacent to Lake Wylie, the Catawba River, the Broad River, a perennial or intermittent stream, a pond or lake fed by a perennial or intermittent stream, or jurisdictional wetlands. When a lot line lies below the shoreline, stream bank, pond or lake bank, or wetland boundary, then the shoreline, stream bank, pond or lake bank, or wetland boundary, as applicable, shall be considered the lot boundary for the purposes of this Subpart.

(E) PERMIT. The authorization necessary to conduct a land disturbing activity under the provisions of this Subpart.

(F) PROTECTED WATERBODY. All waterbodies listed in § 155.846(A)(1).

(G) STABILIZATION. The installation of vegetative or non-vegetative (structural measures) to establish a soil cover to prevent and/or reduce soil erosion and sediment loss in areas exposed during the construction process.

(H) WATER-DEPENDENT STRUCTURES. Structures that facilitate access to or use of the waters of a protected waterbody, including piers, docks, covered or uncovered boat slips, fixed gazebos, diving platforms, and similar recreational structures. Water-dependent structures typically are located entirely within a riparian buffer. Installation and construction of water-dependent structures along the Lake Wylie and Catawba River shorelines is specifically governed by Duke Power Company’s Shoreline Management Guidelines.
§ 155.848  LOCATION AND WIDTH OF RIPARIAN BUFFERS.

(A) Lots that are adjacent to or contain one or more protected waterbodies shall incorporate a natural buffer along the entire length of the lot boundary with the minimum width specified in Table 155.848-1: Location and Minimum Width of Riparian Buffers.

<table>
<thead>
<tr>
<th>Waterbody</th>
<th>Buffer Location</th>
<th>Buffer Width (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Wylie</td>
<td>Shoreline</td>
<td>50 ft</td>
</tr>
<tr>
<td>Catawba River or Broad River</td>
<td>Shoreline</td>
<td>100 ft</td>
</tr>
<tr>
<td>Perennial Stream</td>
<td>Stream Bank</td>
<td>50 ft</td>
</tr>
</tbody>
</table>

Key: min = minimum required | ft = feet

(B) **Interior Edge of Buffer.** The interior edge of the buffer (furthest from the shoreline or stream bank) shall duplicate the course and direction of the lake or river shoreline or the top of the bank of the perennial stream, whichever applies.

(C) **Measurement of Buffer Width.** The distance of the interior edge of the buffer shall be measured horizontally such that, at any point along the interior edge, a horizontal line would be exactly 50 or 100 feet, as applicable, from a vertical line extending up from the lake or river shoreline or the top of the bank of the stream channel.

§ 155.849  USE OF RIPARIAN BUFFERS.

(A) **Land Disturbance and Construction Activities.** Except as expressly provided in this Subpart, the following land disturbance and construction activities conducted for any purpose are prohibited in a riparian buffer:

1. Installation of any new structures;
2. Disturbance of the existing terrain;
3. Removal of existing vegetation; and
4. Any disturbance or removal of topsoil, trees, and other natural growth located in the buffers.

(B) **Existing Structures.** Any existing structure located within a riparian buffer on a lot as of the effective date of this Chapter is allowed to remain as a nonconforming structure (see Subchapter F: Nonconformities).

(C) **Planting New Vegetation.**
(1) Lot owners may plant additional trees, shrubs, and native plants that will enhance water quality by providing root stabilization (trees, shrubs) and/or filtration (ground cover) and for the purpose of enhancing wildlife or aquatic habitats if the lot owner:

(a) Does not remove, damage, or destroy existing trees, shrubs, or plants; and

(b) Installs trees, shrubs, and native plants listed on the Approved Species List, and generally present in the vicinity of the riparian buffer.

(2) Zoning compliance approval is not required for the planting of additional trees, shrubs, and native plants as provided in this Paragraph.

§ 155.850 VEGETATION REMOVAL.

(A) Zoning Compliance Approval Not Required. Vegetation removal, as may be allowed by this Section, does not require zoning compliance approval.

(B) Manual Labor. No motorized vehicles or heavy equipment are permitted within the buffer, except as specifically provided in this Subpart. All removal of vegetation as allowed by this Section shall be completed using only manual labor and small equipment, such as hand or chain saws, hand-powered mechanical equipment, and small lawn or brush mowers.

(C) Tree Removal.

(1) Within the buffer, trees less than six inches DBH may be removed.

(2) A dead tree may be removed, and a diseased tree may be removed to prevent further transmission of the disease. A registered landscape architect or arborist must make the determination that the tree is dead or diseased and submit findings to the Zoning Administrator for review and approval prior to tree removal.

(3) An invasive species tree may be removed.

(4) No grubbing, stump removal, or land disturbing activity is allowed.

(5) Lot owners may supplement buffers with native vegetation that will enhance water quality by providing root stabilization (trees and shrubs) and/or filtration (ground cover) and/or will enhance wildlife/aquatic habitats. A list of acceptable plants and trees is included in the Approved Species List.

(D) Underbrush Removal.

(1) Underbrush may be removed within the buffer.

(2) This activity may also include removal of any natural or man-made debris lying within the buffer.
(E)  **Pruning and Trimming.**

(1) Pruning and trimming of trees within the buffer is allowed, if pruning is limited to tree branches beginning at the ground and extending up the tree trunk no more than one-half the total height of the tree.

(2) Trimming or pruning may also be performed on any limbs or branches that are diseased or naturally damaged.

(3) The topping of trees is not permitted within the buffer, with the exception of a utility clearing a right-of-way or easement for overhead utility lines.

§ 155.851 **VIEW AND ACCESS CORRIDORS.**

(A) **Zoning Compliance Approval Required.** Vegetation removal as allowed by this Section requires zoning compliance approval (see Subchapter E: Procedures).

(B) **View Corridors.**

(1) Tree removal within buffers is allowed for the purpose of creating view corridors of Lake Wylie, the Catawba River, or the Broad River, if such removal does not:

   (a) Exceed 10 feet in width; and

   (b) Constitute an area greater than one-fifth of the total buffer area required on a lot.

(2) Alternatively, trees may be removed randomly for the purpose of improving the views of the lake, river, or stream, if an amount not greater than one-tenth of the total DBH of all trees located in the buffer area of a lot is removed.

(3) Any tree removal shall be manually performed using hand or chain saws. Stump removal, grubbing, and land disturbance is not allowed.

(4) Any view corridors or open area created through the utilization of this provision shall be stabilized and improved with shrubs, low-growing trees, or other natural ground cover plantings.


(C) **Access Corridors.**

(1) Limited tree removal within buffers is allowed if the purpose is to:

   (a) Provide an access corridor to the protected waterbody;
§ 155.852 SHORELINE STABILIZATION.

(A) Lake Wylie, Broad River, and Catawba River.

(1) Buffers along the Lake Wylie, Broad River, and Catawba River shorelines may be adjusted to accommodate shoreline stabilization. All shoreline stabilization work for Lake Wylie and the Catawba River must be in full compliance with Duke Energy’s Shoreline Management Guidelines.

(a) A zoning compliance from York County must be obtained prior to performing shoreline stabilization work or obtaining a permit from Duke Energy.

(b) A York County Land Disturbance Permit may be required if the planned or actual land disturbance associated with the project equals or exceeds the minimums established per York County Code Chapter 152: Stormwater Management and Sediment Control.

(c) All permits must be obtained and clearly displayed prior to and during the shoreline stabilization work.

(d) Failure to obtain and clearly display all permits during shoreline stabilization work may result in the issuance of a stop work order by York County staff as well as the issuance of and ordinance summons, fines and penalties as prescribed in Subchapter H: Enforcement.

(2) In general, shoreline stabilization shall not extend above a height of five feet above the normal lake or river elevation level.

(3) Any land disturbance that occurs as a result of conducting shoreline stabilization work shall be immediately stabilized and revegetated with shrubs, low-growing trees, and other natural groundcover plantings that closely match the existing terrain upon completion of the work to prevent further erosion and stormwater runoff.
(a) When additional stabilization is required, to the extent authorized by a permit, the bank of the lot boundary along the Lake Wylie or Catawba River shoreline may be graded at an acceptable slope back toward the interior of the lot. The slope shall be stabilized with vegetative plantings or terraced retaining walls.

(b) When such work is permitted and such grading is employed, the interior edge of the buffer must be adjusted inward by the same distance that the stabilization activity extends from the lot boundary along the Lake Wylie or Catawba River shoreline to normal elevation level into the original buffer.

(c) The length of such adjustment shall be equal to the length of a horizontal line extending from the interior edge of the stabilization to a vertical line extending up from the lot boundary along the Lake Wylie or Catawba River shoreline.

(B) Perennial Streams.

(1) Buffers along York County’s perennial stream banks may be adjusted to accommodate bank and channel stabilization, provided that all stabilization work is performed in full compliance with U.S. Army Corps of Engineer’s regulations, including but not limited to, Section 404 of the Clean Water Act (CWA), South Carolina Reg. 19-450: Permits for Construction in Navigable Waters, and South Carolina Department of Natural Resources guidelines.

(a) A zoning compliance from York County must be obtained prior to obtaining a permit from the South Carolina Department of Health and Environmental Control (SCDHEC) and/or the South Carolina Department of Natural Resources (SCDNR) to perform bank and channel stabilization work.

(b) A York County Land Disturbance Permit may be required if the planned or actual land disturbance associated with the project equals or exceeds the minimums established per York County Code Chapter 152: Stormwater Management and Sediment Control.

(c) All permits must be obtained and clearly displayed prior to and during the shoreline stabilization work.

(d) Failure to obtain and clearly display all permits during bank and channel stabilization work may result in the issuance of a stop work order by York County staff as well as the issuance of and ordinance summons, fines and penalties as prescribed in Subchapter H: Enforcement.

§ 155.853 MARKING OF BUFFERS.

(A) Buffer Boundaries Shall Be Marked. The interior edges of all buffers required by this Subpart shall be delineated using permanent survey markers. These markers shall be installed at each point where there is a change in the course and direction of the buffer's interior edge.
(B) **Boundary Survey Required.** If a boundary survey has not been previously prepared and recorded, a full boundary survey showing the buffer location shall be recorded prior to the:

1. Approval of any plat containing the subject lot;
2. Approval of a zoning compliance application; or
3. Issuance of a building permit.

§ 155.854 RESERVED.
§ 155.855 RESERVED.
§ 155.856 RESERVED.
§ 155.857 RESERVED.
§ 155.858 RESERVED.
§ 155.859 RESERVED.
SUBPART 3.6: ABANDONED CEMETERY BUFFERS

§ 155.860 PURPOSE.

The regulations set forth in this Subpart are intended to preserve and protect from destruction, peril, or other adversity all abandoned cemeteries in York County.

§ 155.861 DEFINITION OF ABANDONED CEMETERY.

(A) Abandoned cemeteries consist of any area formerly used for the burial of the deceased, including headstones, cemetery fencing, cemetery walls, and cemetery stones. “Formerly used” means the cemetery had no recorded burials within the past 20 years.

(B) An abandoned cemetery may include historical markers, statuaries, significant trees, artistic carvings, and other features identified through an historic survey of York County.

(C) The York County Culture and Heritage Commission maintains an official inventory of all known abandoned cemeteries in York County and may update the inventory from time to time by official action of the Commission.

§ 155.862 APPLICABILITY.

This Subpart applies to:

(A) All lots that contain an abandoned cemetery, whether or not the cemetery is listed on the York County Culture and Heritage Commission’s official inventory; and

(B) All lots that are immediately adjacent to a lot that contains an abandoned cemetery that is listed on the York County Culture and Heritage Commission’s official inventory.

§ 155.863 REQUIRED BUFFER.

(A) Minimum Buffer Width.

(1) When an abandoned cemetery is located on a lot proposed for development, a buffer with a minimum width of 10 feet is required along the entire perimeter of the cemetery.

(2) When an abandoned cemetery is located adjacent to a lot proposed for development, the lot proposed for development shall provide a buffer with a minimum width of 10 feet along the lot line shared with the abandoned cemetery.

(3) In all cases, the buffer shall remain undisturbed except as provided in § 155.863(B), below.

(B) Access Corridors.
§ 155.864 REMOVAL OF ABANDONED CEMETERIES.

Abandoned cemeteries may be removed only in accordance with the provisions of S.C. Code § 27-43-10 et seq.

§ 155.865 RESERVED.

§ 155.866 RESERVED.

§ 155.867 RESERVED.

§ 155.868 RESERVED.

§ 155.869 RESERVED.
§ 155.870 PURPOSE.

(A) The perimeter and right-of-way bufferyard and riparian buffer requirements are intended to encourage development that is economically viable and environmentally sensitive. The standards are not intended to be so specific as to inhibit creative development or create unnecessary hardship.

(B) Project conditions associated with individual sites may justify approval of alternative methods of compliance. Conditions may arise where normal compliance is impractical or impossible, or where maximum achievement of the purpose and intent of this Subpart can only be obtained through alternative compliance.

§ 155.871 APPLICABILITY.

This Subpart allows alternative methods of meeting the requirements of this Part for perimeter and right-of-way bufferyards and riparian buffers.

§ 155.872 ALTERNATIVE COMPLIANCE FOR BUFFERYARDS.

(A) Applicability.

(1) Requests for alternative compliance review may be submitted in conjunction with any permit application for a non-residential or multi-family residential use to which the perimeter and right-of-way bufferyard requirements apply, when one or more of the following conditions are met:

(a) Low impact development techniques are used on the lot (see Land Development Code Subchapter D, Part 2: Low Impact Development);

(b) A higher level of opacity would result from alternative compliance;

(c) Topography, soil, vegetation, drainage, or other site conditions are such that full compliance is impractical;

(d) Existing plant material is unhealthy, invasive, or otherwise undesirable;

(e) Spatial limitations, unusually shaped lots, prevalence of overhead power lines, unusual servitude requirements, or prevailing practices in the surrounding neighborhood justify alternative compliance;

(f) Public safety considerations make alternative compliance appropriate; or

(g) Public improvement projects make alternative compliance appropriate.
(2) Alternative compliance may deviate from the minimum widths or plantings as required by Table 155.823-1: Bufferyard Types for Non-Residential, Multi-Family, and Quadplex Uses, but must meet the intent of the required bufferyard through alternative landscaping treatments.

(B) Written and Graphic Documentation Required.

(1) Requests for alternative compliance shall be accompanied by written explanation and bufferyard plan drawings to allow staff evaluation and decision.

(2) Documentation and plan drawings shall be prepared and stamped by a State of South Carolina Registered Landscape Architect.

(C) Approval Criteria. Staff may approve, approve with conditions, or disapprove an alternative bufferyard plan using the following approval criteria:

(1) The proposed bufferyard plan is at least equivalent to one that complies with this Subpart in terms of aesthetics, innovation, and creativity;

(2) The proposed bufferyard plan results in significant anticipated mature canopy coverage of the lot’s vehicular use area;

(3) The bufferyard plan incorporates existing vegetation, where present, and topographical conditions;

(4) The bufferyard plan functions to buffer different uses of adjacent lots where appropriate;

(5) The bufferyard plan uses a variety of complementary species of trees and shrubs; and

(6) For proposals to clear cut existing vegetation, the bufferyard plan shall include a survey of all trees six inches DBH and greater proposed for removal.

§ 155.873 ALTERNATIVE COMPLIANCE FOR RIPARIAN BUFFERS.

(A) Applicability. Requests for alternative compliance review may be submitted in conjunction with any permit application for development on a lot that is subject to this Subpart.

(B) Written and Graphic Documentation Required.

(1) Requests for alternative compliance shall be accompanied by written explanation and buffer plan drawings to allow staff evaluation and decision.

(2) Documentation and plan drawings shall be prepared and stamped by a State of South Carolina Registered Landscape Architect.
(C) **Standards for an Alternative Buffer Plan.** Any buffer plan submitted for alternative compliance review shall comply with the following standards.

1. The buffer plan shall not:
   
   a. Involve disturbance of more than 25% of the total buffer area;
   
   b. Incorporate impervious surfaces; or
   
   c. Create a nonconformity or increase the degree of nonconformity of a principal or accessory structure or use.

2. The buffer plan shall:

   a. Utilize Best Management Practices (BMPs);

   b. Incorporate native plants listed on the Approved Species List and generally present in the vicinity of the riparian buffer; and

   c. Demonstrate that water quality and runoff control measures are enhanced as a result of the proposed project.

3. The buffer plan may:

   a. Incorporate pervious pavers as a substitute for traditional impervious paved surfaces such as patios, stone surfaces, paved paths, and the like, that are proposed in the buffer as part of the overall plan;

   b. Incorporate the installation of water quality features such as recirculating ponds, cisterns, rain gardens, and other features that capture and/or filter water prior to reaching the protected waterbody; and

   c. Incorporate terracing where this practice will provide for more effective runoff control than a natural slope towards the protected waterbody.

(D) **Approval Criteria.**

1. Staff may approve, approve with conditions, or disapprove an alternative buffer plan using the following approval criteria:

   a. The buffer plan meets the standards in § 155.873(C), above;

   b. The buffer plan does not and will not violate the spirit and intent of this Subpart or adversely affect the rights of other property owners in any material manner;

   c. The applicant sufficiently demonstrates that:

      1. The deviation is a result of unique conditions of the property; or
2. The deviation will result in a project that is at least equal to or better than what would be accomplished under the strict application of this Subpart.

(2) In making its determination, staff shall consider the relationship of the alternative buffer plan to the history, topography, soils, natural vegetation, and current shoreline conditions relating to erosion control for the lot where the buffer plan is proposed.

§ 155.874 RESERVED.

§ 155.875 RESERVED.

§ 155.876 RESERVED.

§ 155.877 RESERVED.

§ 155.878 RESERVED.

§ 155.879 RESERVED.
PART 4: OUTDOOR LIGHTING

§ 155.880 PURPOSE.

These outdoor lighting standards:

(A) Regulate exterior lighting to ensure the safety of motorists and pedestrians and minimize adverse impacts on adjacent properties;

(B) Regulate lighting to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists;

(C) Ensure that all site lighting is designed and installed to maintain adequate lighting levels on-site while limiting negative lighting impacts on adjacent lands; and

(D) Provide safety and security for persons, property, and vehicular traffic.

§ 155.881 APPLICABILITY.

(A) The provisions of this Part apply to all new development unless exempted by § 155.882: Exemptions and to new light fixtures installed on an existing developed property.

(B) A lighting plan, including a photometric plan as may be necessary, shall be included with all permit applications for new construction (see Subchapter L: Submittal Requirements).

§ 155.882 EXEMPTIONS.

If the proposed fixtures are fully-shielded, the following types of outdoor lighting are exempt from this Part:

(A) New lighting used for the principal purpose of illuminating streets and sidewalks;

(B) New lighting used for the principal purpose of illuminating signs (see Part 6 Signs);

(C) Seasonal lighting;

(D) Lighting for single-family detached, single-family attached, and duplex dwellings; and

(E) Street lights that are maintained, owned, or operated by a utility provider and located within a street right-of-way.

§ 155.883 DESIGN STANDARDS FOR OUTDOOR LIGHTING.

(A) Exterior architectural, display, and decorative lighting visible off-site shall be generated from a concealed (cut-off) light source with low-level fixtures.
(B) Any light fixture shall be of such design so as to minimize the amount of ambient lighting perceptible from adjacent lots.

(C) Lighting shall not impair the vision of motorists.

(D) All interior lighting shall be designed to prevent the light source or high levels of light from being visible from a public right-of-way.

(E) Entrances into developments from any street may be lighted for traffic safety reasons, if the lighting is:

   (1) Approved by the agency maintaining the roadway and does not exceed the applicable footcandle requirements specified in this Subpart; or

   (2) Otherwise in conformance with the most current version of the American Association of State Highway and Transportation Officials (AASHTO) Roadway Lighting Design Guide.

(F) All outdoor lighting shall maintain maximum illumination values of not more than 0.5 footcandles at lot lines adjacent to single-family dwellings or developments and not more than 2.5 footcandles at lot lines adjacent to all other uses.

(G) All commercial light fixtures shall be located at least five feet from all lot lines.

(H) Strobe, flashing, blinking, pulsing, and revolving lights are prohibited.

§ 155.884 LIGHT FIXTURES.

(A) Any light fixture shall be fully-shielded, whose source is completely concealed with opaque housing and shall not be visible from any street. This provision includes lights mounted on poles and buildings, as well as architectural display and decorative lighting visible from streets. Figure 155.884-1: Examples of Fully-Shielded Fixtures provides examples of fully-shielded fixtures.

(B) Fixtures shall be mounted in such a manner that the cone of light is not directed at any lot line of the site.

(C) Only incandescent, fluorescent, metal halide, LED, or mercury vapor light sources may be used. The same type of lighting must be utilized for all fixtures and light sources on the site.

(D) Only white or off-white may be used for any light source.

(E) Wall packs on buildings may be used at secondary entrances to a building to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting.
(1) Wall packs on the exterior of the building shall be fully-shielded (e.g., true cutoff type bulb or light source not visible from off-site) to direct the light vertically downward and have a light output of 1,000 lumens or less.

(2) Wall pack light sources visible from any location off the site are prohibited.

*Figure 155.884-1: Examples of Fully-Shielded Fixtures*
§ 155.885 ILLUMINATION LEVELS.

(A) All site lighting shall be designed so that the level of illumination measured in footcandles at any one point meets the standards in Table 155.885-1: *Illumination Standards*.

(B) Points of measurement shall not include the area of the building or areas that do not lend themselves to pedestrian traffic.

<table>
<thead>
<tr>
<th>Location or Type of Lighting</th>
<th>Minimum Level (FC)(^1)</th>
<th>Average Level (FC)(^2)</th>
<th>Maximum Level (FC)(^1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscape and decorative</td>
<td>0.0</td>
<td>0.50</td>
<td>5.0</td>
</tr>
<tr>
<td>Non-residential parking areas</td>
<td>0.6</td>
<td>2.40</td>
<td>10.0</td>
</tr>
<tr>
<td>Residential shared parking areas</td>
<td>0.2</td>
<td>1.50</td>
<td>10.0</td>
</tr>
<tr>
<td>Areas for display of outdoor merchandise</td>
<td>1.0</td>
<td>5.0</td>
<td>15.0</td>
</tr>
<tr>
<td>Gas station canopies</td>
<td>2.0</td>
<td>10.0</td>
<td>20.0</td>
</tr>
</tbody>
</table>

**Key:** FC = footcandles

\(^1\) Minimum and maximum levels are measured at any one point.

\(^2\) Average level is not to exceed the calculated value and is derived using only the area of the site included to receive illumination.

§ 155.886 ILLUMINATION OF OUTDOOR SPORTS FIELDS AND PERFORMANCE AREAS.

(A) **Applicability.** This Section applies to lighting fixtures for all outdoor sports fields and performance areas.

(B) **Glare Control Package.** All lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so their beams are directed and fall within the primary playing or performance area.

(C) **Hours of Operation.** The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.

(D) **Height of Fixtures.** Light fixtures shall not exceed a height of 80 feet.

(E) **Bufferyards Adjacent to Residential Lots.** To prevent light spillover and glare, a Type C perimeter bufferyard is required when the use is located adjacent to residentially zoned lots.

§ 155.887 RECOMMENDED FIXTURES.

The utilization of fixtures certified as “Dark-Sky Approved” through the International Dark-Sky Association Fixture Seal of Approval (FSA) program is encouraged.
§ 155.888  RESERVED.

§ 155.889  RESERVED.

§ 155.890  RESERVED.

§ 155.891  RESERVED.

§ 155.892  RESERVED.

§ 155.893  RESERVED.

§ 155.894  RESERVED.
PART 5: PARKING

SUBPART 5.1: GENERAL PROVISIONS

§ 155.895 PURPOSE.

This Part sets minimum standards for off-street parking requirements for new construction and expansion of or changes to existing uses and structures in order to:

(A) Ensure uses have a minimum level of off-street parking to avoid congestion on surrounding streets without creating excessive parking;

(B) Ensure uses with drive-through services provide a minimum amount of queuing lanes to avoid congestion on surrounding streets; and

(C) Provide flexibility to accommodate alternative parking solutions.

§ 155.896 APPLICABILITY.

(A) Generally. This Part generally applies to all lots in York County. All off-street parking spaces and lots shall be established, maintained, and marked in accordance with this Part and the Land Development Manual.

(B) Expansion of Existing Building or Structure. Where the use of a building or structure does not change, increases in floor area or useable seating area of the building or structure are exempt from providing additional parking, up to a maximum of 10 spaces. For example, if a building expansion requires seven additional parking spaces, no new parking spaces must be provided. If a building expansion requires 14 additional parking spaces, four new spaces must be provided.

(C) Change of Use. If the use of any developed lot is changed to a use that requires additional off-street parking spaces pursuant to Table 155.905-1: Off-Street Parking Table, all requirements of this Part apply to that lot.

§ 155.897 LOCATION OF REQUIRED PARKING SPACES.

(A) Unless otherwise approved through an Alternative Parking Plan, required off-street parking spaces:

(1) Shall be located on a lot that:

(a) Is in the same ownership of the use served by the parking spaces; and

(b) Has the same zoning classification of the lot on which the use is located.

(2) May be located on:
§ 155.898 PARKING AND STORAGE OF VEHICLES IN THE AGRICULTURAL, RESIDENTIAL, AND URBAN DEVELOPMENT DISTRICTS.

(A) Applicability. Except as provided in § 155.898(E), below, this Section applies to lots in the AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, RMX-6, and UD zoning districts.

(B) Outside Parking and Storage of One Unlicensed Automobile, Truck, or Trailer.

(1) The outside parking and storage of one unlicensed automobile, truck, or trailer of any kind is permitted on lots with an existing residential dwelling, if:

(a) The vehicle is stored in the rear yard at least 25 feet from the rear property line and 10 feet from the side property lines; and

(b) The storage of any additional unlicensed vehicles occurs within completely enclosed and roofed structures (garages).

(2) On lots less than five acres in size, the vehicle shall be parked on a paved surface.

(3) The outside parking and storage of unlicensed automobiles, trucks, or trailers of any kind is prohibited on vacant lots.

(C) Outside Parking and Storage of Recreational Vehicles.
(1) The outside parking and storage of recreational vehicles is permitted on lots with an existing residential dwelling, if the recreational vehicles are:

(a) Listed in the ownership of the property owner or tenant; and

(b) Stored in the rear yard at least 25 feet from the rear lot line and 10 feet from the side lot lines.

(2) On lots less than five acres in size, the vehicle shall be parked on a paved surface.

(3) Recreational vehicles shall not be used as an intermittent, temporary, or permanent residence while parked or stored on a lot.

(4) The parking and storage of recreational vehicles on vacant lots is prohibited.

(D) Trucks and Farm Equipment. Trucks and other farm equipment may be stored outdoors on lots used for agricultural production, if the vehicles and equipment are essential to and in active use for farming operations.

(E) Tractor-Trailer Trucks and Containers.

(1) This Paragraph (E) applies to lots in the AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, and UD districts that are at least one acre in size.

(2) One tractor trailer truck and associated trailer/travel container may be parked on a lot with an existing residential dwelling, if the tractor trailer truck and associated trailer/travel container are:

(a) Listed in the ownership of the property owner or tenant;

(b) Stored within completely enclosed and roofed structures; and

(c) Parked in the rear yard at least 25 feet from the rear property line and at least 10 feet from the side property lines.

(3) Exclusively parking a trailer/travel container without a tractor trailer truck is prohibited.

(4) The parking of a tractor trailer truck and associated trailer/travel container of any kind on vacant lots is prohibited.

§ 155.899 RESERVED.

§ 155.900 RESERVED.

§ 155.901 RESERVED.
§ 155.902  RESERVED.

§ 155.903  RESERVED.

§ 155.904  RESERVED.
§ 155.905 OFF-STREET PARKING TABLE.

(A) Minimum Number of Off-Street Parking Spaces.

(1) Table 155.905-1: Off-Street Parking Table establishes the minimum number of off-street parking spaces required for the land uses listed in Subchapter C, Part 2: Use Table.

(2) Where the minimum number of off-street parking spaces is established via a parking demand study (“Parking demand study required”), the applicant shall submit a parking demand study that complies with § 155.915 Parking Demand Studies.

(3) Although this Subpart does not specify a minimum number of parking spaces for the uses listed in Table 155.905-2: Uses with Unspecified Minimum Parking Ratios, the applicant shall provide sufficient parking to accommodate the use. Sufficient parking accommodates the maximum number of employees on-site at a given time and the number and frequency of customer or client visits.

(B) Maximum Number of Off-Street Parking Spaces.

(1) The maximum number of off-street parking spaces allowed is 150% of the minimum number of spaces specified in Table 155.905-1: Off-Street Parking Table.

(2) This provision does not apply to residential uses, except for multi-family dwellings.

(C) Calculation of Required Number of Off-Street Parking Spaces.

(1) In calculating the number of off-street parking spaces required for any building, structure, development, or change in use, the total parking requirements shall be the sum of the individual off-street parking space requirements specified in Table 155.905-1: Off-Street Parking Table for each category of use included in the building, structure, or development, except where a shared parking reduction is allowed pursuant to § 155.912: Shared Parking Plans.

(2) If the final calculation of the minimum or maximum number of required off-street parking spaces includes a fractional space, the number of required parking spaces is rounded up to the nearest whole number, regardless of the fraction.

(D) Parking for Uses Located in Special Districts. Uses located in special districts are subject to the parking requirements established in the rezoning ordinance(s) for the particular district (see Subchapter B, Part 3: Special Districts).

(E) Parking for Uses with Unique or Variable Parking Needs. Uses with unique or variable parking needs, such as indoor recreation and amusement uses that accommodate
periodic athletic tournaments, shall propose an alternative parking plan pursuant to Subpart 5.3 *Alternative Parking Plans*.

(F) **Unlisted Uses.** The Zoning Administrator shall determine the parking space requirements for any use not listed in Table 155.905-1: *Off-Street Parking Table*, based on the requirements for similar uses and any documentation from the applicant of parking demand generation for the particular use.

<table>
<thead>
<tr>
<th>Table 155.905-1: Off-Street Parking Table</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
</tr>
<tr>
<td><strong>Proposed Parking Ratio</strong></td>
</tr>
<tr>
<td><strong>ACCESSORY USES</strong></td>
</tr>
<tr>
<td>Refer to Subchapter C, Part 4 for parking requirements for certain accessory uses.</td>
</tr>
<tr>
<td><strong>ACCOMMODATION AND GROUP LIVING</strong></td>
</tr>
<tr>
<td>Assisted Living, Skilled Nursing, Continuing Care Retirement Facilities</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
</tr>
<tr>
<td>Community Residence</td>
</tr>
<tr>
<td>Emergency Shelters</td>
</tr>
<tr>
<td>Group Living, including Rooming Houses, Dormitories, and Fraternity and Sorority Houses</td>
</tr>
<tr>
<td>Hotels and Motels</td>
</tr>
<tr>
<td>Transitional Housing</td>
</tr>
<tr>
<td><strong>AGRICULTURE AND NATURAL RESOURCES</strong></td>
</tr>
<tr>
<td>Agricultural Processing</td>
</tr>
<tr>
<td>Agricultural Support Sales and Services</td>
</tr>
<tr>
<td>Farmers Markets</td>
</tr>
<tr>
<td>Greenhouses, Nurseries, and Accessory Equipment</td>
</tr>
<tr>
<td>Landscape Supply Facility</td>
</tr>
</tbody>
</table>
### Table 155.905-1: Off-Street Parking Table

<table>
<thead>
<tr>
<th>Use</th>
<th>Proposed Parking Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resource Extraction</td>
<td>1 space per employee for the largest shift; plus 25% to allow for shift change overlap; plus 1 space per 300 sf of office area</td>
</tr>
<tr>
<td><strong>ARTS, ENTERTAINMENT AND RECREATION</strong></td>
<td></td>
</tr>
<tr>
<td>Adult Businesses</td>
<td>1 space per 150 sf GFA</td>
</tr>
<tr>
<td>Amphitheater, Outdoor Stage, Bandstand, or Similar Structure</td>
<td>1 space per 4 seats</td>
</tr>
<tr>
<td>Amusement or Theme Park</td>
<td>Parking demand study required</td>
</tr>
<tr>
<td>Art Galleries</td>
<td>1 space per 250 sf GFA</td>
</tr>
<tr>
<td>Art Studios</td>
<td>1 space per 500 sf GFA</td>
</tr>
<tr>
<td>Artisan Workshops</td>
<td>1 space per 500 sf GFA</td>
</tr>
<tr>
<td>Bingo Halls</td>
<td>1 space per every 4 occupants permitted by applicable building code or fire code requirements</td>
</tr>
<tr>
<td>Campgrounds and RV Parks</td>
<td>1 space per campsite/RV site</td>
</tr>
<tr>
<td>Drive-In Theaters</td>
<td>1 space per 300 sf of office and retail areas</td>
</tr>
<tr>
<td>Event Venues</td>
<td>1 space per every 4 occupants permitted by applicable building code or fire code requirements</td>
</tr>
<tr>
<td>Fairgrounds</td>
<td>Parking demand study required</td>
</tr>
<tr>
<td>Golf Courses</td>
<td>6 spaces per hole, plus 2 spaces for each driving box on a driving range</td>
</tr>
<tr>
<td>Gymnastics Centers</td>
<td>1 space per 150 sf GFA</td>
</tr>
<tr>
<td>Health Clubs and Fitness Centers</td>
<td>1 space per 150 sf GFA</td>
</tr>
<tr>
<td>Marinas</td>
<td>1 space per 3 boat slips</td>
</tr>
<tr>
<td>Movie Theaters</td>
<td>1 space per 4 seats</td>
</tr>
<tr>
<td>Museums and Cultural Facilities (unless otherwise listed)</td>
<td>1 space per every 4 occupants permitted by applicable building code or fire code requirements</td>
</tr>
<tr>
<td>Neighborhood Amenities -- Golf Courses</td>
<td>6 spaces per hole, plus 2 spaces for each driving box on a driving range</td>
</tr>
</tbody>
</table>
### Table 155.905-1: Off-Street Parking Table

<table>
<thead>
<tr>
<th>Use</th>
<th>Proposed Parking Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks, Playgrounds, and Athletic Fields</td>
<td><strong>Parks and Playgrounds</strong>: 1 space per 5,000 sf of lot area</td>
</tr>
<tr>
<td></td>
<td><strong>Softball, Baseball, or Football Fields</strong>: 1 space per 3,000 sf of field area or 1 space per 6 spectator seats, whichever is greater</td>
</tr>
<tr>
<td></td>
<td><strong>Tennis Courts (Indoor or Outdoor)</strong>: 4 spaces per court or 1 space per 4 spectator seats, whichever is greater</td>
</tr>
<tr>
<td></td>
<td><strong>Swimming Pools (Indoor or Outdoor)</strong>: 1 space per 100 sf of water area or 1 space per 4 spectator seats, whichever is greater</td>
</tr>
<tr>
<td>Performing Arts Center/Theater</td>
<td>1 space per 4 seats</td>
</tr>
<tr>
<td>Racetracks, Go Kart Tracks, and similar</td>
<td>1 space per 5,000 sf of lot area, plus 1 space per 4 seats</td>
</tr>
<tr>
<td>Recreation and Amusement, Indoor</td>
<td>1 space per 150 sf GFA</td>
</tr>
<tr>
<td>Shooting Ranges</td>
<td>2 spaces, plus 1 space per shooting lane</td>
</tr>
<tr>
<td>Special Interest Schools</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Zoos</td>
<td>Parking demand study required</td>
</tr>
<tr>
<td><strong>BUSINESS, PROFESSIONAL, SCIENTIFIC, AND TECHNICAL</strong></td>
<td></td>
</tr>
<tr>
<td>Banks, Credit Unions, and Savings &amp; Loans</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Business Support Sales and Services</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Communications and Information</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Data Centers</td>
<td>1 space per employee for the largest shift, plus 25% to allow for shift change overlap</td>
</tr>
<tr>
<td>Medical Facilities, Small</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Medical Facilities, Large</td>
<td>1 space per 300 sf GFA, plus 1 space per patient bed</td>
</tr>
<tr>
<td>Office Use (Unless Otherwise Listed)</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Research and Development Facilities</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td><strong>INDUSTRIAL, MANUFACTURING, AND PRODUCTION</strong></td>
<td></td>
</tr>
<tr>
<td>All Industrial, Manufacturing, and Production Uses, except for those uses expressly listed below</td>
<td>1 space per employee for the largest shift; plus 25% to allow for shift change overlap; plus 1 space per 300 sf of office area</td>
</tr>
</tbody>
</table>
### Table 155.905-1: Off-Street Parking Table

<table>
<thead>
<tr>
<th>Use</th>
<th>Proposed Parking Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile and Equipment Impound Yard</td>
<td>1 space per employee, plus 1 space per 300 sf of office area</td>
</tr>
<tr>
<td>Construction Services</td>
<td>1 space per 500 sf GFA</td>
</tr>
<tr>
<td>Craft Breweries, Micro-Distilleries, and Wineries</td>
<td>1 space per 1,000 sf GFA</td>
</tr>
<tr>
<td>Salvage Operations (metal crushing, recycling, scrap yards, and wrecked automobile storage facilities)</td>
<td>1 space per employee, plus 1 space per 300 sf of office area</td>
</tr>
<tr>
<td>Shell Buildings for Industrial, Manufacturing, and Production Uses</td>
<td>1 space per 500 sf GFA</td>
</tr>
<tr>
<td>Trade Services</td>
<td>1 space per 500 sf GFA</td>
</tr>
<tr>
<td><strong>INSTITUTIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Armories</td>
<td>1 space per every 4 occupants permitted by applicable building code or fire code requirements</td>
</tr>
<tr>
<td>Child and Adult Day Care Centers</td>
<td>1 per classroom, plus 1 per 4 clients based on design capacity</td>
</tr>
<tr>
<td>Churches and Religious Institutions</td>
<td>1 space per 4 seats</td>
</tr>
<tr>
<td>Colleges and Universities</td>
<td>1 per classroom, laboratory, or instruction area; plus 1 per 4 students based on design capacity</td>
</tr>
<tr>
<td>Crematories</td>
<td>1 space per 1,000 sf GFA</td>
</tr>
<tr>
<td>Funeral Homes</td>
<td>1 space per 4 seats</td>
</tr>
<tr>
<td>Libraries</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Lodges and Civic Clubs</td>
<td>1 space per 150 sf GFA</td>
</tr>
<tr>
<td>Schools, K-12, Either Public or Private, and Administrative School Buildings</td>
<td>Elementary &amp; Junior High Schools: 2 spaces per classroom</td>
</tr>
<tr>
<td></td>
<td>High Schools: 1 space per classroom, laboratory, or instruction area, plus 1 space per 4 students based on design capacity</td>
</tr>
<tr>
<td></td>
<td>Administrative School Buildings and Office Areas Within Schools: 1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Schools, Technical or Trade</td>
<td>1 space per classroom, laboratory, or instruction area, plus 1 per 4 students based on design capacity</td>
</tr>
</tbody>
</table>
### Table 155.905-1: Off-Street Parking Table

<table>
<thead>
<tr>
<th>Use</th>
<th>Proposed Parking Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
</tr>
<tr>
<td>Cluster Subdivisions</td>
<td>Based on type of dwelling unit</td>
</tr>
<tr>
<td>Cottage Courts</td>
<td>2 spaces per dwelling</td>
</tr>
<tr>
<td>Duplex Dwellings</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>Manufactured Home Parks</td>
<td>2 spaces for each manufactured home space, plus 1 space per each 4 manufactured homes (guest parking)</td>
</tr>
<tr>
<td>Manufactured Homes</td>
<td>2 spaces per dwelling</td>
</tr>
<tr>
<td>Multi-Family Dwellings</td>
<td>1 space for each 1 bedroom unit and 2 spaces for each 2 or more bedroom unit</td>
</tr>
<tr>
<td>Quadplex Dwellings</td>
<td>1 space for each 1 bedroom unit and 2 spaces for each 2 or more bedroom unit</td>
</tr>
<tr>
<td>Single-Family Detached Dwellings</td>
<td>2 spaces per dwelling</td>
</tr>
<tr>
<td>Townhouse Dwellings</td>
<td>2 spaces per dwelling</td>
</tr>
<tr>
<td>Triplex Dwellings</td>
<td>1 space for each 1 bedroom unit and 2 spaces for each 2 or more bedroom unit</td>
</tr>
<tr>
<td>Upper-Story Dwellings</td>
<td>1 space for each 1 bedroom unit and 2 spaces for each 2 or more bedroom unit</td>
</tr>
<tr>
<td><strong>RETAIL AND SERVICES</strong></td>
<td></td>
</tr>
<tr>
<td>Alternative Lending Institutions</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Animal and Pet Services</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Animal Hospitals and Veterinarian Clinics</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Bars and Nightclubs</td>
<td>1 space per 80 sf GFA, to include outdoor seating areas</td>
</tr>
<tr>
<td>Brewpubs</td>
<td>1 space per 80 sf GFA, to include outdoor seating areas</td>
</tr>
<tr>
<td>Building Material and Supply Stores</td>
<td><strong>Stores with 50,000 sf GFA or less:</strong> 1 space per 150 sf GFA <strong>Stores with more than 50,000 sf GFA:</strong> 1 space per 250 sf GFA</td>
</tr>
<tr>
<td>Car Washes and Detail Shops</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Commercial Kitchen, Caterers, and Banquet Services</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Commercial Use with Drive-Through or Drive-In</td>
<td>Reference commercial use type</td>
</tr>
</tbody>
</table>
## Table 155.905-1: Off-Street Parking Table

<table>
<thead>
<tr>
<th>Use</th>
<th>Proposed Parking Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm and Garden Supply with Equipment Sales and Service</td>
<td>1 space per 250 sf GFA</td>
</tr>
<tr>
<td>Flea Markets (indoor and outdoor)</td>
<td>3 spaces for each booth or table</td>
</tr>
<tr>
<td>Fortune-Telling, Psychics, and Mediums</td>
<td>1 space per 250 sf GFA</td>
</tr>
<tr>
<td>Gasoline Sales, Gas Stations</td>
<td>1 space per fueling position, which may be accommodated at the gas pump</td>
</tr>
<tr>
<td>Heavy Machinery Sales, Rental, or Repair</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Kennels, Commercial</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Liquor Sales</td>
<td>1 space per 250 sf GFA</td>
</tr>
<tr>
<td>Manufactured Home Sales and Service</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Mixed Use Buildings</td>
<td>Reference each use in building</td>
</tr>
<tr>
<td>Personal Services (unless otherwise listed)</td>
<td>1 space per 250 sf GFA</td>
</tr>
<tr>
<td>Rental Services and Stores</td>
<td>1 space per 250 sf GFA</td>
</tr>
<tr>
<td>Restaurants and Other Prepared Food Establishments</td>
<td>1 space per 80 sf GFA</td>
</tr>
<tr>
<td>Retail Sales or Service Establishments (unless otherwise listed)</td>
<td>Grocery Stores and Convenience Stores: 1 space per 150 sf GFA</td>
</tr>
<tr>
<td></td>
<td>All Other Retail Uses: 1 space per 250 sf GFA</td>
</tr>
<tr>
<td>Service Station with Gasoline Sales</td>
<td>3 spaces per repair bay, plus 1 space per 300 sf of office area</td>
</tr>
<tr>
<td>Tattoo and Body Piercing Studios</td>
<td>1 space per 250 sf GFA</td>
</tr>
<tr>
<td>Vehicle Sales or Rental</td>
<td>1 space per 300 sf GFA</td>
</tr>
<tr>
<td>Vehicle Service, Repair, and Customization</td>
<td>3 spaces per repair bay, plus 1 space per 300 sf of office area</td>
</tr>
</tbody>
</table>

### TRANSPORTATION AND UTILITIES

<table>
<thead>
<tr>
<th>Use</th>
<th>Proposed Parking Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airports and Heliports (commercial and private)</td>
<td>Commercial Airports and Heliports: Parking demand study required</td>
</tr>
<tr>
<td></td>
<td>Private Airports and Heliports: 1 space per hangar, plus 1 space per tiedown, plus 1 space per 300 sf of office area</td>
</tr>
<tr>
<td>Bus Terminals</td>
<td>Parking demand study required</td>
</tr>
<tr>
<td>Communication Towers</td>
<td>1 space</td>
</tr>
<tr>
<td>Use</td>
<td>Proposed Parking Ratio</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Public Transportation Facilities</td>
<td>Parking demand study required</td>
</tr>
<tr>
<td>Solar Energy Facilities</td>
<td>1 space</td>
</tr>
<tr>
<td><strong>WAREHOUSING AND STORAGE</strong></td>
<td></td>
</tr>
<tr>
<td>Petroleum Bulk Stations and Terminals</td>
<td>1 space per employee for the largest shift; plus 25% to allow for shift change overlap; plus 1 space per 300 sf of office area</td>
</tr>
<tr>
<td>Self-Storage Facilities</td>
<td><strong>Buildings with Exterior Entrances to Storage Units</strong>: 1 space per 300 sf of office area; plus 1 space for any caretaker dwelling unit</td>
</tr>
<tr>
<td><strong>Buildings with Interior Entrances to Storage Units</strong>: 1 space per 50 units; plus 1 space per 300 sf of office area; plus 1 space for any caretaker dwelling unit</td>
<td></td>
</tr>
<tr>
<td>Warehousing, Wholesale and Distribution Establishments (&lt; 50,000 sf)</td>
<td>1 space per employee for the largest shift; plus 25% to allow for shift change overlap; plus 1 space per 300 sf of office area</td>
</tr>
<tr>
<td>Warehousing, Wholesale and Distribution Establishments (≥ 50,000 sf)</td>
<td>1 space per employee for the largest shift; plus 25% to allow for shift change overlap; plus 1 space per 300 sf of office area</td>
</tr>
<tr>
<td><strong>WASTE MANAGEMENT FACILITIES</strong></td>
<td></td>
</tr>
<tr>
<td>All Waste Management Facilities</td>
<td>1 space per employee for the largest shift; plus 25% to allow for shift change overlap; plus 1 space per 300 sf of office area</td>
</tr>
<tr>
<td><strong>TEMPORARY USES</strong></td>
<td></td>
</tr>
<tr>
<td>Construction-Related Offices and Storage (other than Subdivision Sales Centers)</td>
<td>1 per 300 sf of office area</td>
</tr>
<tr>
<td>Mobile Vending</td>
<td>2 spaces</td>
</tr>
<tr>
<td>Seasonal Sales - Roadside Agricultural and Produce Stands</td>
<td>2 spaces</td>
</tr>
<tr>
<td>Seasonal Sales - Fireworks</td>
<td>3 spaces</td>
</tr>
<tr>
<td>Seasonal Sales - Trees or Pumpkins</td>
<td>3 spaces</td>
</tr>
<tr>
<td>Subdivision Sales Centers</td>
<td>1 space and 1 accessible space per 300 sf of office area</td>
</tr>
</tbody>
</table>
### Table 155.905-2: Uses with Unspecified Minimum Parking Ratios

<table>
<thead>
<tr>
<th>Animal Production and Livestock (Keeping or Raising)</th>
<th>Cemeteries</th>
<th>Equestrian Uses (non-commercial)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Farming (cultivation of field crops, orchards, groves or similar, or truck gardens)</td>
<td>Hunting and Fishing Club Facility</td>
<td>Indoor Farming</td>
</tr>
<tr>
<td>Motor Vehicle, Recreational Vehicle, or Boat Storage</td>
<td>Neighborhood Amenities, excluding Golf Courses</td>
<td>Parking Areas</td>
</tr>
<tr>
<td>Parking Areas Associated with a Temporary Use</td>
<td>Recreation and Amusement, Outdoor</td>
<td>Short-Term Rentals</td>
</tr>
<tr>
<td>Small Wireless Facilities</td>
<td>Temporary Commercial Filming and Film Production Activities (outdoor)</td>
<td>Temporary Laydown Yards</td>
</tr>
<tr>
<td>Temporary Special Events</td>
<td>Trucking Operations</td>
<td>Utility Facilities, Major</td>
</tr>
</tbody>
</table>

§ 155.906 RESERVED.

§ 155.907 RESERVED.

§ 155.908 RESERVED.

§ 155.909 RESERVED.
§ 155.910 PURPOSE.

The minimum and maximum off-street parking ratios are intended to encourage development that is economically viable and environmentally sensitive. The vehicle queuing requirements are intended to limit the impact of new drive-through uses and services on adjacent roads. The standards in this Part are not intended to be so rigid as to require significantly more or fewer parking spaces or significantly longer or shorter queuing lanes than a particular use demands, or to inhibit creative development. Project conditions associated with individual sites may justify the use of alternative parking plans as provided in this Subpart.

§ 155.911 APPLICABILITY.

(A) Alternative parking plans may be submitted in conjunction with any application, subject to the requirements in the applicable section of this Subpart.

(B) Alternative parking plans may modify the provisions of § 155.897: Location of Required Parking Spaces or Subpart 5.2: Off-Street Parking Ratios, but shall not modify any other provisions of this Part.

(C) Shared parking is allowed in all zoning districts, while on-street parking is only allowed in the zoning districts specified in § 155.914: On-Street Parking Plans.

(D) Remote parking is allowed in non-residential districts for uses that accommodate large events (e.g., athletic tournaments) up to 12 times per year.

(E) Parking demand studies are required for certain uses and districts, and are optional for any use as specified in § 155.915: Parking Demand Studies.

§ 155.912 SHARED PARKING PLANS.

(A) Purpose. Uses on contiguous lots or uses within a mixed use development, shopping center, office/business park, or medical or school campus may have different hours of operation and peak parking demand hours. Shared parking offers the potential to reduce the amount of impervious area and to enhance the efficiency of site design.

(B) Applicability. The provisions in this Section are available for uses on contiguous lots and for uses within:

1. A mixed use development;
2. A retail or shopping center;
3. An office, business, or industrial park; or
4. A medical or school campus.
(C) Generally. Off-street parking spaces may be shared among more than one use, whether the uses are on the same lot or on separate lots, if the total number of off-street parking spaces is at least equal to the sum of the individual off-street parking space requirements for each use specified in Table 155.905-1: Off-Street Parking Table, except as provided in Paragraph (E), below.

(D) Shared Parking Agreement Required.

   (1) When off-street parking spaces are shared among more than one use, a legally sufficient agreement ensuring the perpetual joint usage and maintenance of the shared parking area(s) shall be recorded with the York County Register of Deeds.

   (2) An executed shared parking agreement shall be submitted to the Zoning Administrator prior to zoning compliance approval and recorded within 30 days of approval.

   (3) If a shared parking agreement is revoked by the parties to the agreement, off-street parking shall be provided in another location in accordance with the requirements of this Part.

(E) Reduction in Required Number of Off-Street Parking Spaces.

   (1) Where off-street parking spaces are shared among two or more uses that have different hours of operation or peak parking demand hours, the Zoning Administrator may allow a reduction in the total number of required parking spaces.

   (2) The reduction shall be based on a shared parking analysis prepared by a professional engineer or transportation planner that clearly demonstrates the feasibility of shared parking.

   (3) In the shared parking analysis, the professional engineer or transportation planner shall assess:

       (a) Site-specific elements, including the size and type of the proposed development and the composition of uses or tenants; and

       (b) The anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses, using:

           1. Actual parking counts for uses or combinations of uses that are the same or comparable to the proposed use(s) in terms of density, scale, bulk, area, type of activity, and location; and/or

           2. Relevant data from the Institute of Transportation Engineers (ITE) or another generally accepted resource for parking demand data.

       (c) The availability of current or planned public transportation routes, greenways, and other pedestrian and bicycle connections.
§ 155.913 REMOTE PARKING PLANS.

(A) **Applicability.** Remote parking may be provided for uses that regularly accommodate large events (e.g., athletic tournaments) occurring more frequently than temporary special events, but not more than 12 times per calendar year.

(B) **Parking Demand Study Required.**

   (1) All remote parking plans shall be accompanied by a parking demand study prepared in accordance with § 155.915: *Parking Demand Studies.*

   (2) The parking demand study shall identify the total number of parking spaces required to accommodate event attendees.

(C) **Number of Spaces.**

   (1) At least the minimum number of parking spaces required for the use by Table 155.905-1: *Off-Street Parking Table* shall be accommodated on the lot where the use is located.

   (2) Remote parking facilities may accommodate up to 100% of parking spaces needed for the periodic events.

(D) **Location.** Remote parking:

   (1) Shall not be located in a residential district;

   (2) Shall be safely accessible by pedestrians;

   (3) May be located on a lot that is not contiguous to the lot where the use is located; and

   (4) Shall not be separated from the associated use by an arterial road, unless a remote parking shuttle bus service, signalized pedestrian crosswalk along a designated pedestrian route, or other traffic control device allowing the protected crossing of pedestrians is provided.

(E) **Remote Parking Agreement Required.**

   (1) An agreement ensuring the intermittent use of the remote parking area by the associated use shall be submitted in conjunction with the application.

   (2) If a remote parking agreement is revoked by the parties to the agreement, off-street parking shall be provided in another location in accordance with the requirements of this Part.
§ 155.914 ON-STREET PARKING PLANS.

(A) Applicability.

(1) On-street parking may be provided on minor collector and local roads in the RMX-10, RMX-6, BT, MU, and PD districts if the on-street parking spaces comply with this Subpart.

(2) On-street parking may be provided in the BV District if the on-street parking spaces comply with Subchapter B, Subpart 3.5: BV (Baxter Village Traditional Neighborhood District).

(3) On-street parking on State roads is subject to review and approval by the SCDOT.

(B) On-Street Parking May Constitute Up to 50% of Required Parking. In the RMX-10, RMX-6, BT, MU, and PD districts, on-street parking spaces may be used to satisfy up to 50% of the parking spaces required for any use if the on-street parking is located within:

(1) 250 feet of any building entrance for a residential use;

(2) 500 feet of the main building entrance for a commercial use; and

(3) 1,000 feet of the main building entrance for an industrial use.

(C) On-Street Parking Map Required. The applicant shall provide a key map allocating the provided on-street parking to the lot/parcel number utilizing the spaces. The overlapping of the same on-street parking space(s) for multiple uses is prohibited.

(D) On-Street Parking Space Design. All on-street parking spaces shall be designed and constructed in accordance with the Land Development Manual.

§ 155.915 PARKING DEMAND STUDIES.

(A) Purpose. The purpose of a parking demand study is to demonstrate the appropriate off-street parking ratio for a proposed use, based on operational characteristics of the particular use and relevant site-specific factors.

(B) Applicability.

(1) The applicant for any use where Table 155.905-1: Off-Street Parking Table specifies that the minimum number of off-street parking spaces is established via a parking demand study shall submit a parking demand study in conjunction with the relevant application.

(2) The applicant for a special district rezoning may submit a parking demand study pursuant to Subchapter B, Part 3: Special Districts.
(3) The applicant for any use may submit a parking demand study in conjunction with the relevant application if the applicant believes the parking ratio specified in Table 155.905-1: Off-Street Parking Table is inappropriate for the proposed use.

(C) Documentation of Parking Demand Required.

(1) The parking demand study shall be prepared by a professional engineer or transportation planner.

(2) The professional engineer or transportation planner shall provide documentation verifying parking demand based on:

   (a) Relevant data for the proposed use, if available, such as number of employees, hours of operation, and number and frequency of customer or client visits; and/or

   (b) Actual parking counts for uses or combinations of uses that are the same or comparable to the proposed use(s) in terms of density, scale, bulk, area, type of activity, and location; and/or

   (c) Data from the Institute of Transportation Engineers (ITE) or another generally accepted resource for parking demand data.

(3) The parking demand study shall consider the availability of current or planned public transportation routes, greenways, and other pedestrian and bicycle connections.

(D) Total Number of Parking Spaces Required. The approved parking demand study shall establish the minimum required number of parking spaces required for the use or development.

§ 155.916 RESERVED.

§ 155.917 RESERVED.

§ 155.918 RESERVED.

§ 155.919 RESERVED.
SUBPART 5.4: OFF-STREET LOADING

§ 155.920 APPLICABILITY.

(A) This Subpart applies to all buildings that contain one or more of the land uses specified in Table 155.921-1: Minimum Required Number of Off-Street Loading Berths.

(B) In addition, the provisions in § 155.923: Passenger Loading Areas apply to all medical facilities.

(C) Off-street loading and passenger loading areas do not count towards meeting the minimum off-street parking requirements specified in Subpart 5.2: Off-Street Parking Ratios.

§ 155.921 NUMBER OF OFF-STREET LOADING BERTHS.

All land uses subject to this Subpart shall provide a sufficient number of off-street loading berths for their operational requirements, but all uses shall provide at least the minimum number of loading berths specified in Table 155.921-1: Minimum Required Number of Off-Street Loading Berths.

Table 155.921-1: Minimum Required Number of Off-Street Loading Berths

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>GFA or DU</th>
<th>Number of Loading Berths (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assisted Living, Skilled Nursing, and Continuing Care Retirement Facilities; Business, Professional, Scientific, and Technical Uses; Hotels and Motels; Personal Services; and All Other Uses Not Expressly Listed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt; 10,000 sf</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>&gt; 10,000 sf</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Industrial, Manufacturing, and Production</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt; 25,000 sf</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>&gt; 25,000 sf</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Multi-Family</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt; 50 DU</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>&gt; 50 DU</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt; 3,000 sf</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>&gt; 3,000 sf</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Warehousing and Storage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt; 5,000 sf</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>&gt; 5,000 sf</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

Key: GFA = gross floor area | DU = dwelling units | min = minimum required | < = less than | > = greater than | sf = square feet
§ 155.922 LOCATION AND DESIGN OF OFF-STREET LOADING AREAS.

(A) Location of Off-Street Loading Areas.

(1) Off-street loading areas:
   (a) Shall be located to the rear or side of the building;
   (b) Shall have adequate off-street maneuvering areas with safe and convenient access to a street;
   (c) Shall not interfere with or degrade the function of parking spaces, drive aisles, internal circulation, driveway access, or fire lanes; and

(2) Vehicles waiting to be or being loaded or unloaded in connection with normal operations shall not stand in or project into a public street.

(3) The location of off-street loading areas and berths shall be depicted on the site plan associated with the proposed development.

(B) Design of Off-Street Loading Areas. Off-street loading areas shall be:

   (a) Paved;
   (b) Delineated by signs and pavement striping or other marking; and
   (c) Of sufficient size to accommodate the types of vehicles likely to use the loading area.

§ 155.923 PASSENGER LOADING AREAS.

All medical facilities shall provide at least one accessible passenger loading area adjacent to the primary building entrance that meets the design and dimensional standards for vehicle pull-up spaces specified in Section 503 of the ADA Accessibility Standards.

§ 155.924 RESERVED.

§ 155.925 RESERVED.

§ 155.926 RESERVED.

§ 155.927 RESERVED.

§ 155.928 RESERVED.

§ 155.929 RESERVED.
PART 6: SIGNS

§ 155.930 PURPOSE.

The purpose of this Part is to:

(A) Provide a comprehensive and balanced system to regulate signs;

(B) Protect state and federal constitutional rights to free speech by:

(1) Providing ample opportunities for expression through signs;

(2) Avoiding regulatory triggers or distinctions based on a sign’s content; and

(3) Providing clear standards for approval of signs.

(C) Protect public health and safety by:

(1) Minimizing visual traffic hazards, distractions, and obstructions for motorists, cyclists, and pedestrians;

(2) Preventing signs that could confuse motorists because the signs resemble traffic control signs;

(3) Reducing hazards caused by signs that overhang or project over the public right-of-way;

(4) Encouraging sign users to upgrade, update, or remove poorly maintained and nonconforming signs; and

(5) Preventing signs that are potentially dangerous due to structural deficiencies and disrepair.

(D) Promote the County’s appearance, character, quality, and business climate by:

(1) Encouraging attractive and functional signs; and

(2) Encouraging signs that harmonize with the sign’s site and buildings and with surrounding buildings and developments.

(E) Prevent visual clutter or deterioration of the community’s appearance and attractiveness that would promote blight; and

(F) Implement the goals and policies of the Comprehensive Plan by establishing uniform standards and procedures to regulate the size, type, number, design, placement, illumination, timeframe for display, and maintenance of signs.
§ 155.931 APPLICABILITY.

(A) Generally.

(1) This Part applies to applications for zoning compliance approvals for signs and to new and existing signs within York County.

(2) This Part does not prohibit signs required by state or federal law and does not authorize signs prohibited by state or federal law.

(3) A person may not construct, install, operate, display, or otherwise use any sign that this Part prohibits.

(4) A person may not construct, install, erect, operate, display, or otherwise use any sign at a time, place, or manner that this Part prohibits.

(5) This Part requires a zoning compliance approval before a person may construct, install, operate, display, or otherwise use any sign as specified in the applicable Section for each sign type governed by this Part.

(B) Lake Wylie Overlay District. Subchapter B, Subpart 4.3: LW-O (Lake Wylie Overlay District) provides additional requirements and standards for all signs in the Lake Wylie Overlay District. To the extent that the regulations of this Part conflict with Subchapter B, Subpart 4.3, the regulations of Subchapter B, Subpart 4.3 control.

(C) Message Neutrality.

(1) Content Neutrality. Despite any other provision of this Part, the content of a sign’s message does not limit its permissibility under this Part.

(2) Substitution Allowed. Any sign with a commercial message may contain any non-commercial message. Any sign with a non-commercial message may contain any other non-commercial message.

(D) Special Districts and Master Sign Plans.

(1) Applicability. This Part applies to signs within a Special District and to master sign plans for development projects. The Planning Commission will review all master sign plans.

(2) Special Districts. Subchapter B, Part 3: Special Districts requires a master sign plan for Special Districts. If the Planning Commission does not approve a master sign plan for the Special District, all signs must comply with the sign standards of this Part in effect at the time the sign user constructs or installs any signs.

(3) Regional Non-Residential Developments. Developments containing 100,000 or more square feet of non-residential floor space require a master sign plan. If the Planning Commission does not approve a master sign plan for the development, all signs must comply
with the sign standards of this Part in effect at the time the sign user constructs or installs any signs.

(4) **Master Sign Plans.** The Planning Commission may approve modifications to the standards of this Part for Special Districts and other large-scale developments, based on a master sign plan submitted by the applicant for review and approval. This Part controls all sign standards that an approved master sign plan does not address.

§ 155.932 **PROHIBITED SIGNS.**

A person may not construct, install, operate, display, or use the following types of signs:

(A) Flashing signs;

(B) Billboards;

(C) Pole signs;

(D) Portable signs;

(E) Roof signs;

(F) Searchlights;

(G) Signs attached to or painted on a fence, power or telephone pole, tree, stone, or any other natural object;

(H) Signs emitting sounds, odors, or visible matter;

(I) Signs of a size, location, movement, coloring, or manner of illumination that may cause confusion for drivers because of the sign’s similarity to a traffic control device or that hides any traffic or street sign or signal from view;

(J) Strings of lights or any illuminated tubing outlining property lines, outdoor display areas, and features of buildings and structures, such as roof lines, doors, edges of signs, and windows. However, sign users may display strings of lights and illuminated tubing for one consecutive 60-day period each year;

(K) Vehicle Signs;

(1) **Vehicle Used as a Sign.** A vehicle, including trailers or other non-motorized wheeled vehicles carrying signs, may not be parked so that it functions primarily as a sign.

(2) **Factors.** The following factors determine whether a vehicle is used primarily as a sign:

   (a) The vehicle is parked at a prominent location on the lot;
(b) The vehicle is parked at the same or similar locations for more than eight consecutive hours during the same day or for more than three consecutive days during the same week; and

(c) A viewer in the right-of-way can read the sign copy.

(3) Presumption of Use as a Sign. While other factors may also establish a violation of the prohibition of vehicle signs, a vehicle presumptively violates this provision if the vehicle satisfies the three factors, and the owner of the vehicle does not provide a compelling reason to justify the parking location as opposed to another less conspicuous location.

(L) Any other sign not permitted by this Part.

§ 155.933 EXEMPT SIGNS.

This Part does not apply to:

(A) Indoor Signs. This Part does not apply to the placement of a sign inside a structure not visible from any point outside the structure (for example, inside a shopping center mall). For indoor signs, “visible” includes any sign displayed within three feet of a window or other transparent opening and oriented to the window so that a person outside of the building could see the sign;

(B) Signs Not Visible Off-Site. This Part does not apply to signs not visible off-site. A sign is considered not visible where it is fully obstructed by natural changes in grade, buildings, or landscaping that provides a complete year-round visual barrier. “Fully obstructed” means that the signs are not visible at ground level from the edge of the public right-of-way or the property line for an adjacent residential property line;

(C) Government Signs. This Part does not apply to signs erected, maintained, or displayed by the State, Federal, or County government. Government uses in all zoning districts may include signs;

(D) Required Signs. This Part does not apply to any sign or device the State, Federal, or County government requires a person to erect, maintain, or display;

(E) Traffic Control Devices. This Part does not apply to traffic control devices on private or public property the Manual on Uniform Traffic Control Devices adopted in this State requires; and

(F) Landscape Signs. This Part does not apply to living plants and hedges that a person arranges or cuts in a form representing objects, numbers, or letters or a combination of those elements.
§ 155.934 GENERAL SIGN STANDARDS.

(A) Other Requirements Apply. This Part does not supersede the requirements of other regulations of the York County Code of Ordinances. A zoning compliance approval for a sign does not satisfy the requirement for a building permit under Chapter 150: Building Regulations. An applicant must obtain all necessary permits for the construction and installation of a sign.

(B) Location.

   (1) Signs in the Right-of-Way. A person may not display a permanent ground sign in the right-of-way of any public street or highway unless the Board of Zoning Appeals approves a variance based on the factors in Subchapter E, Part 9: Variances.

   (2) Setbacks. Signs may encroach on required bufferyards and yard setbacks provided by this Chapter. However, all signs must comply with the minimum sign setback provided for each sign type in this Part. The setbacks stated for each sign type apply to front and side property lines unless otherwise noted. Setback distance is the horizontal distance from the portion of the sign (base or face) nearest to a road right-of-way or property line.

(C) Measurements.

   (1) Height of Sign.

      (a) For ground signs, height is the distance from the highest point of the sign to the base of the sign at the ground level. Figure 155.934-1: Sign Height Measurement illustrates this measurement. This Part defines a maximum sign height for sign types. A sign user may not alter the topography of the land, through the placement of a berm, mound, or hill to elevate a sign.

      (b) If the site of a sign is lower than the elevation of the street the lot fronts, the maximum height is the greater of:

         1. The distance from the highest point of the sign to the base of the sign at the ground level; or

         2. The difference in elevation from the site of the sign to the elevation of the street the lot fronts plus an additional 50% of the maximum allowed height for the sign type and district specified by this Part.
(2) **Sign Face Area.** The sign face area, measured in square feet ("sf"), is the width multiplied by the height of a single rectangle, parallel with the ground, that contains all sign copy, decorative embellishments, and internally illuminated or backlit panels, fabric, or similar material that is not an architectural design element of the building. Figures 155.934-2 & -3: *Sign Face Area Measurements* illustrate this measurement.
SUBCHAPTER D: DEVELOPMENT AND DESIGN STANDARDS
PART 6: SIGNS

§ 155.934 GENERAL SIGN STANDARDS.

Figure 155.934-3: Sign Face Area Measurements

(a) For ground signs, sign area includes cabinets, background panels, or colors but does not include building architecture or the sign support or base.

(b) For wall signs, sign face area for a single sign includes all related sign elements on the same exterior wall or structure. Related sign elements have similar construction and are no more than five feet apart, measured horizontally or vertically.

(c) Multi-Faced Signs. Figure 155.934-4: Sign Face Area for Multi-Faced Signs illustrates sign face area measurements for multi-faced signs.

1. If the faces of a multi-faced sign have the same area, have an interior angle of less than 45 degrees, and are not more than 18 inches apart, then the sign face area is the area of one face of the sign.

2. Where the faces of a multi-faced sign are not the same size, the interior angle formed by the faces is less than 45 degrees, and the faces are not more than 18 inches apart, the sign face area is the area of the larger sign face.

3. If the interior angle formed by the faces of a multi-faced sign is more than 45 degrees, or if the faces are more than 18 inches apart, then the sign face area is the cumulative area of all sides of the sign.
**Figure 155.934-4: Sign Face Area for Multi-Faced Signs**

(d) The sign face area for an irregularly shaped sign is the sum of separate rectangles that each contain a portion of the sign elements.

(e) The total amount of sign face area on a building façade with two or more signs is the cumulative sign face area of all signs on the facade.

(3) **Wall Area.**

(a) The “wall area” is the width of a building façade multiplied by the height.

(b) For multitenant developments, tenant separation partitions define the boundary for the wall width used to calculate wall area, as shown in Figure 155.934-5: **Wall Area Measurement for Multitenant Development.**
Figure 155.934-5: Wall Area Measurement for Multitenant Development

(D) Sign Features.

(1) Lighting.

(a) Where indicated in the standards for each sign type, a sign may include internal illumination, halo illumination, or indirect illumination. A sign may not include direct illumination.

(b) Externally lighted signs must have shielding to prevent the lights from shining directly onto adjacent properties or into the line of vision of the drivers and pedestrians on adjacent roads or sidewalks.

(2) Manual Reader Boards.

(a) Signs may include manual reader boards as indicated in the sign standards for each district. Signs in residential developments may not include reader boards.

(b) The sign standards express the maximum portion of the sign face area that may consist of a reader board as a percentage.

(3) Electronic Reader Boards.

(a) Signs may feature electronic reader boards as indicated in the sign standards for each district. Signs in residential developments or the Lake Wylie Overlay Sign District may not include electronic reader boards.

(b) The sign standards express the maximum portion of the sign face area that may consist of a reader board as a percentage.

(c) The message must not change more frequently than once per minute.
(d) The message itself and the transition to a new message must not include scrolling, animation, zoom, fade, dissolve, exploding, or any other simulation of movement.

(e) Electronic reader boards shall consist of a black or similar dark background. The background color may not be white.

(f) Electronic reader boards shall have ambient light monitors to automatically adjust the brightness of the sign so that it does not exceed 5,000 nits during daylight hours and 500 nits from dusk to dawn.

(g) A sign user shall not display an electronic reader board within 150 feet of a dwelling unit.

(E) Repairs. Repairs, changes of parts, and preventive maintenance of signs do not require zoning compliance.

(F) Maintenance. A sign user shall maintain that user's signs in sound structural and aesthetic condition. Sign users shall repair, remove, or replace any sign that becomes deficient. A “deficient” sign means a sign with conditions such as chipped paint, broken plastic, missing letters, bent frames or support structures, rusted frames or support structures, or exposed light bulbs.

(G) Anchoring.

(1) All permanent ground signs must have self-supporting structures permanently anchored in concrete foundations.

(2) Sign users shall firmly implant temporary ground signs in the ground, but temporary signs do not require a permanent foundation.

(H) Clearance. A sign user shall not install a projecting sign, awning sign, canopy sign, or any other sign extending over a sidewalk or driveway that is less than nine feet above grade.
(I) **Sign Districts.** This Part regulates sign characteristics by district. Many zoning districts have common characteristics for the purposes of sign regulations, and this Part combines zoning districts into common sign districts. Table 155.934-1: *Sign Districts* designates the zoning districts included in each sign district.

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Sign District</th>
<th>Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>AOS</td>
<td>Agricultural/ Open Space</td>
<td>AGC: Agricultural Conservation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>AGC-I: Agricultural Conservation-I</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PR: Parks and Recreation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>RI: Rural Industrial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>RUD: Rural Development</td>
</tr>
<tr>
<td></td>
<td></td>
<td>RUD-I: Rural Development-I</td>
</tr>
<tr>
<td>RES</td>
<td>Residential</td>
<td>RSF-40: Residential Single-Family 40</td>
</tr>
<tr>
<td></td>
<td></td>
<td>RSF-30: Residential Single-Family 30</td>
</tr>
<tr>
<td></td>
<td></td>
<td>RMX-20: Residential Mixed 20</td>
</tr>
<tr>
<td></td>
<td></td>
<td>RMX-10: Residential Mixed 10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>RMX-6: Residential Mixed 6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>BV: Baxter Village Traditional Neighborhood Development</td>
</tr>
<tr>
<td>SSC</td>
<td>Small-Scale Commercial</td>
<td>NC: Neighborhood Commercial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>OI: Office and Institutional</td>
</tr>
<tr>
<td></td>
<td></td>
<td>RC: Rural Commercial</td>
</tr>
</tbody>
</table>
Table 155.934-1: Sign Districts

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Sign District</th>
<th>Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>CI</td>
<td>Commercial and Industrial</td>
<td>BT: Business and Technology Park</td>
</tr>
<tr>
<td></td>
<td></td>
<td>OA: Outdoor Amusements</td>
</tr>
<tr>
<td></td>
<td></td>
<td>GC: General Commercial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ID: Industrial Development</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LI: Light Industrial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>UD: Urban Development</td>
</tr>
<tr>
<td>LW</td>
<td>Lake Wylie Overlay</td>
<td>LW-O: Lake Wylie Overlay¹</td>
</tr>
</tbody>
</table>

¹ The Lake Wylie Overlay regulations control over any sign standard for the base district.

§ 155.935 PERMANENT SIGN STANDARDS.

(A) Permanent Sign Types. Table 155.935-1: Permanent Sign Type Illustrations shows examples of the primary permanent sign types allowed by this Part.

Table 155.935-1: Permanent Sign Type Illustrations

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Image</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Awning and Canopy Signs</td>
<td></td>
</tr>
</tbody>
</table>
### Table 155.935-1: Permanent Sign Type Illustrations

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Image</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freestanding Canopy Sign</td>
<td><img src="image1.png" alt="Image" /></td>
</tr>
<tr>
<td>Monument Sign</td>
<td><img src="image2.png" alt="Image" /></td>
</tr>
</tbody>
</table>
### Table 155.935-1: Permanent Sign Type Illustrations

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Image</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projecting Sign</td>
<td><img src="image1.png" alt="Projecting Sign Image" /></td>
</tr>
<tr>
<td>Subdivision Entry Sign</td>
<td><img src="image2.png" alt="Subdivision Entry Sign Image" /></td>
</tr>
</tbody>
</table>
Table 155.935-1: Permanent Sign Type Illustrations

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Image</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall Sign</td>
<td>![Wall Sign Image]</td>
</tr>
<tr>
<td>Window Sign</td>
<td>![Window Sign Image]</td>
</tr>
</tbody>
</table>

(B) **Permanent Sign Permitting Requirements.** Table 155.935-2: *Permanent Sign Permitting Requirements* states the permitting requirements for each permanent sign type and district. A sign user must obtain a permit before initiating any construction or use of a sign that requires a permit.

Table 155.935-2: Permanent Sign Permitting Requirements

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>AOS</th>
<th>RES</th>
<th>SSC</th>
<th>CI</th>
<th>LW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awning and Canopy Signs</td>
<td>NR</td>
<td>NR</td>
<td>P</td>
<td>P</td>
<td>NR</td>
</tr>
<tr>
<td>Freestanding Canopy Signs</td>
<td>No</td>
<td>No</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Ground Signs</td>
<td>NR</td>
<td>NR</td>
<td>P</td>
<td>P</td>
<td>NR</td>
</tr>
<tr>
<td>Projecting Signs</td>
<td>—</td>
<td>—</td>
<td>P</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Subdivision Entry Signs</td>
<td>P</td>
<td>P</td>
<td>—</td>
<td>—</td>
<td>P</td>
</tr>
</tbody>
</table>
\textbf{Table 155.935-2: Permanent Sign Permitting Requirements}

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>AOS</th>
<th>RES</th>
<th>SSC</th>
<th>CI</th>
<th>LW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall Signs</td>
<td>NR</td>
<td>NR</td>
<td>P</td>
<td>P</td>
<td>NR</td>
</tr>
<tr>
<td>Window Signs</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
</tbody>
</table>

\textbf{Key:} A=Allowed without a permit | “—” =Not allowed | NR=Allowed for non-residential uses - requires a permit | P=requires a permit for any use.

(C) \textbf{Awning and Canopy Sign Standards.}

(1) \textit{Sign Standards.} Awning and canopy signs shall comply with the standards in Table 155.935-3: \textit{Awning and Canopy Sign Standards}.

\textbf{Table 155.935-3: Awning and Canopy Sign Standards}

<table>
<thead>
<tr>
<th>Standard</th>
<th>Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number (Max.)</td>
<td>1 per Wall</td>
</tr>
<tr>
<td>Area (In % of Awning/Canopy Face Area)</td>
<td>10%</td>
</tr>
<tr>
<td>Max. Sign Area per Wall - All Sign Types (sf)</td>
<td>200</td>
</tr>
</tbody>
</table>

\textbf{Additional for Multitenant Buildings}

<table>
<thead>
<tr>
<th>Number</th>
<th>Max Area (sf)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4</td>
</tr>
</tbody>
</table>

\textbf{Sign Features}

<table>
<thead>
<tr>
<th>Illumination</th>
<th>Manual Reader Board</th>
<th>Electronic Reader Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

\textbf{Key:} Yes = sign type or characteristic allowed | No = sign type or characteristic not allowed | sf = square feet

(2) A sign user may install an awning or canopy sign on the same wall as a wall sign, but the total sign area for all signs on the wall must not exceed 200 square feet.

(3) Each tenant in a multitenant development with separate entrances for each tenant may display one awning or canopy sign in lieu of a wall sign.

(4) A tenant in a multitenant development with separate entrances for each tenant under a permanent canopy, awning, or roof structure may display one additional under-canopy sign under this Paragraph or a wall sign as provided in Paragraph (H) of this Section. If the tenant displays an under-canopy sign, it must comply with the following requirements:

(a) The sign shall not exceed four square feet in area;
(b) It shall attach beneath the permanent canopy, awning, or roof structure;

(c) It shall have a clearance at least nine feet above-grade; and

(d) The sign user must orient the sign perpendicular to the entrance facade of the tenant.

(D) Freestanding Canopy Sign Standards.

(1) Sign Standards. Freestanding canopy signs shall comply with the standards in Table 155.935-4: Freestanding Canopy Sign Standards.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number (Max. per Canopy Face)</td>
<td>1</td>
</tr>
<tr>
<td>Area (In % of Canopy Face Area)</td>
<td>10%</td>
</tr>
<tr>
<td>Max. Sign Area per Canopy-All Sign Types (sf)</td>
<td>200</td>
</tr>
<tr>
<td>Illumination</td>
<td>Yes</td>
</tr>
<tr>
<td>Manual Reader Board (% of sign area)</td>
<td>50%</td>
</tr>
<tr>
<td>Electronic Reader Board (% of sign area)</td>
<td>50%</td>
</tr>
</tbody>
</table>

Key: Yes=sign type or characteristic allowed | No=sign type or characteristic not allowed | sf=square feet

1 Electronic reader boards are not allowed in the Lake Wylie Overlay Sign District.

(2) Freestanding Canopy Sign in Addition to Wall Sign. The area of a freestanding canopy sign does not count towards the 200 square foot wall sign maximum provided by this Section.

(E) Ground Sign Standards.

(1) Sign Standards. A sign user shall only install a ground sign on a developed lot and shall comply with the standards in Table 155.935-5: Ground Signs by District.

(2) Location. A sign user may locate a ground sign in a required bufferyard or yard setback. However, a sign user may not locate a ground sign within a 10-foot setback from a street right-of-way or a side property line.

(3) Regional, Major, and Minor Nonresidential Developments.

(a) A regional nonresidential development is a development containing at least 100,000 square feet of nonresidential floor space.

(b) A major nonresidential development is a development containing at least 45,000 but not more than 99,999 square feet of nonresidential floor space.
(c) A minor nonresidential development is a development containing less than 45,000 square feet of nonresidential floor space.

<table>
<thead>
<tr>
<th>Standard</th>
<th>AOS</th>
<th>RES</th>
<th>SSC</th>
<th>CI</th>
<th>LW</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regional Nonresidential (Max.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number per Frontage</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Area (sf)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>Height (ft)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td><strong>Major Nonresidential (Max.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number per Frontage</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Area (sf)</td>
<td>50</td>
<td>50</td>
<td>75</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Height (ft)</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>12</td>
<td>15</td>
</tr>
<tr>
<td><strong>Minor Nonresidential (Max.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number per Frontage</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Area (sf)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>75</td>
<td>75</td>
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<tr>
<td>Height (ft)</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>12</td>
<td>15</td>
</tr>
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</table>

**Sign Features**

<table>
<thead>
<tr>
<th></th>
<th>NR</th>
<th>NR</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manual Reader Board (% of sign area)</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>Electronic Reader Board (% of sign area)</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
<td>No</td>
</tr>
</tbody>
</table>

**Key:** Yes=sign type or characteristic allowed | No=sign type or characteristic not allowed | NR=sign type allowed for nonresidential uses only | “—”=standard does not apply | ft=linear feet | sf=square feet

(4) **Developments with Multiple Frontages.** If a lot has frontages on two or more streets, the sign users may display one ground sign on each of two road frontages. This standard limits the maximum number of signs per frontage to one, regardless of the number of sign users located on the lot.

(5) **Developments without Frontage.** Sign users on one or more developed lots without street frontage may share a joint ground sign installed on an adjacent developed lot with street frontage with the sign user located on the lot with street frontage, subject to the following conditions:

(a) The same person does not own or control the lot without street frontage and the adjacent lot with street frontage;

(b) The sign users must construct the joint ground sign on the lot fronting to the street or driveway that provides ingress and egress for the lot without frontage;
(c) A joint ground sign requires the consent of the owner of the lot with road frontage; and

(d) The sign area of a joint ground sign for two or more lots under this Subparagraph may be 50% larger than the sign area allowed in Table 155.935-5: *Ground Signs by District*, but the increase shall not exceed 50% regardless of the number of lots that share a common ground sign.

(6) *Multitenant Developments*. Multitenant developments must comply with the general standards of this Subsection regardless of the number of tenants or the number of lots. Each tenant may not display a separate ground sign.

(7) *Design Standards*.

(a) A ground sign with a sign face area of 20 square feet or less may be a monument sign, post sign, or swinging sign. Post and swinging signs shall not exceed 8 feet in height.

(b) A ground sign with a sign face area larger than 20 square feet must be a monument sign.

(F) *Projecting Sign Standards*.

(1) *Sign Standards*. Projecting signs shall comply with the standards in Table 155.935-6: *Projecting Sign Standards*. A sign user may only display a projecting sign in the Small-Scale Commercial (SSC) sign district.

(2) *Projecting Sign in Lieu of Wall Sign*.

(a) If allowed in the sign district, a sign user may display a projecting sign in lieu of a wall sign allowed by this Section. A sign user may not display a projecting sign on the same wall as a wall sign.

(b) The sign face area of a projecting sign in lieu of a wall sign shall not exceed the allowance for wall sign area provided by this Section.

(3) *Design Standards*.

(a) A projecting sign shall not extend above the roofline of the building.

(b) A projecting sign that extends over a public sidewalk may not extend over the sidewalk by more than two-thirds the width of the sidewalk or four feet, whichever is less, as measured from the building facade.
Table 155.935-6: Projecting Sign Standards

<table>
<thead>
<tr>
<th>Standard</th>
<th>SSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number (Max.)</td>
<td>1</td>
</tr>
<tr>
<td>Area (Max. % of Wall Area)</td>
<td>10%</td>
</tr>
<tr>
<td>If in Addition to Wall Sign (sf)</td>
<td>12</td>
</tr>
<tr>
<td><strong>Sign Features</strong></td>
<td></td>
</tr>
<tr>
<td>Illumination</td>
<td>Yes</td>
</tr>
<tr>
<td>Manual Reader Board</td>
<td>No</td>
</tr>
<tr>
<td>Electronic Reader Board</td>
<td>No</td>
</tr>
</tbody>
</table>

Key: Yes=sign type or characteristic allowed | No=sign type or characteristic not allowed | sf=square feet

(G) **Subdivision Entry Sign Standards.**

1. **Sign Standards.** A sign user may only install a subdivision entry sign on the site of a residential development and shall comply with the standards in Table 155.935-7: Subdivision Entry Signs by District.

2. **Major and Minor Residential Developments.**

    (a) A major residential development is a development containing at least 150 residential dwelling units, either in a subdivision or in a multifamily development.

    (b) A minor residential development is a development containing less than 150 residential dwelling units, either in a subdivision or in a multifamily development.

3. **Location Standards.** A sign user may only locate a subdivision entry sign at the intersection of a public street and an entry road or private driveway into a residential development or at the entry to a separate phase of a residential development. A sign user may install a subdivision entry sign or signs with one of the following orientations:

    (a) Two signs with one sign face each, located on opposite sides of the entrance road or private driveway;

    (b) One sign with two faces located within a landscaped area dividing two one-way entrance roads or private driveways; or

    (c) One sign with one sign face, located on one side of the entrance road or private driveway.

4. **Design Standards.** Subdivision entry signs shall consist of stone, brick, concrete, metal, routed wood planks or beams, or similar durable materials that harmonize with the architectural style of the development.
Table 155.935-7: Subdivision Entry Signs by District

<table>
<thead>
<tr>
<th>Standard</th>
<th>AOS</th>
<th>RES</th>
<th>LW</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Major Residential (Max.)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number per Entrance</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Area (sf)</td>
<td>50</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>Height (ft)</td>
<td>8</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td><strong>Minor Residential (Max.)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number per Entrance</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Area (sf)</td>
<td>30</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Height (ft)</td>
<td>8</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Setback (ft)</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

**Sign Features**

<table>
<thead>
<tr>
<th>Standard</th>
<th>AOS</th>
<th>RES</th>
<th>LW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illumination</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Manual Reader Board (% of sign area)</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Electronic Reader Board (% of sign area)</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

**Key:** Yes=sign type or characteristic allowed | No=sign type or characteristic not allowed | ft=linear feet | sf=square feet

(H) Wall Sign Standards.

(1) **Sign Standards.** Wall signs shall comply with the standards in Table 155.935-8: Wall Signs Standards.

Table 155.935-8: Wall Sign Standards

<table>
<thead>
<tr>
<th>Standard</th>
<th>Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number (Max. per Wall.)</td>
<td>1</td>
</tr>
<tr>
<td>Area (In sf per Linear ft of Wall Width)</td>
<td>1 sf / ft</td>
</tr>
<tr>
<td>Max. Sign Area per Wall (sf)</td>
<td>200</td>
</tr>
<tr>
<td>Illumination</td>
<td>Yes</td>
</tr>
<tr>
<td>Manual Reader Board</td>
<td>No</td>
</tr>
<tr>
<td>Electronic Reader Board</td>
<td>No</td>
</tr>
</tbody>
</table>

**Key:** Yes=sign type or characteristic allowed | No=sign type or characteristic not allowed | ft=linear feet | sf=square feet

(2) **Sign Area.**
(a) A sign user may display one square foot of wall sign for each linear foot of the wall, as measured at the foundation of the building.

(b) A tenant in a multitenant development with separate entrances for each tenant may display one wall sign on the frontage for that tenant’s primary public entrance.

(3) A tenant in a multitenant development with separate entrances for each tenant under a permanent canopy, awning or roof structure may display one additional sign that will be either a wall sign under this Paragraph (as shown in Figure 155.935-1: Secondary Wall Sign) or a canopy sign under Paragraph (C) of this Section. If the tenant displays a wall sign, it must comply with the following requirements:

(a) The sign shall not exceed four square feet in area;

(b) The sign user must affix the sign so that it does not protrude more than two inches from the wall; and

(c) The sign user must affix the sign within two linear feet of the primary public entrance to the establishment.

Figure 155.935-1: Secondary Wall Sign

(4) Exemption for Integral Signs. The regulations for wall signs do not apply to integral signs less than four square feet in sign face area.

(I) Window Sign Standards.
(1)  **Sign Standards.** Window signs shall comply with the standards in Table 155.935-9: *Window Signs by District.*

<table>
<thead>
<tr>
<th>Standard</th>
<th>AOS</th>
<th>RES</th>
<th>SSC</th>
<th>CI</th>
<th>LW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed?</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Permit Required?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Area (Max. % per Window)</td>
<td>25%</td>
<td>25%</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
</tr>
</tbody>
</table>

**Sign Features**

<table>
<thead>
<tr>
<th>Sign Features</th>
<th>AOS</th>
<th>RES</th>
<th>SSC</th>
<th>CI</th>
<th>LW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illumination</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Manual Reader Board</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Electronic Reader Board</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

**Key:** Yes=sign type or characteristic allowed | No=sign type or characteristic not allowed

(2)  **Area and Number.** The cumulative area for all signs in one window pane or light may not exceed the percentage of the window area for the area standards for the district, regardless of the number of separate signs.

(3)  **Measurement.** The area of transparent and perforated elements counts toward the sign face area without a reduction for window area not covered with sign elements.

### § 155.936 INCIDENTAL SIGNS.

(A)  **Sign Standards.** A sign user may install incidental signs without a permit in all districts. A sign user shall only install incidental signs on a developed lot and shall comply with the standards in Table 155.936-1: *Incidental Signs by District.*

<table>
<thead>
<tr>
<th>Standard</th>
<th>AOS</th>
<th>RES</th>
<th>SSC</th>
<th>CI</th>
<th>LW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incidental Sign Setback (Min. ft)</td>
<td>10</td>
<td>10</td>
<td>20</td>
<td>30</td>
<td>30</td>
</tr>
</tbody>
</table>

**Lot Perimeter**

<table>
<thead>
<tr>
<th>Standard</th>
<th>AOS</th>
<th>RES</th>
<th>SSC</th>
<th>CI</th>
<th>LW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number (Per Entrance)</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Sign Area (Max. sf)</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Sign Height (Max. ft)</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

**Lot Interior**

<table>
<thead>
<tr>
<th>Standard</th>
<th>AOS</th>
<th>RES</th>
<th>SSC</th>
<th>CI</th>
<th>LW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number (Max. per Acre)</td>
<td>10</td>
<td>10</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Sign Area (Max. sf)</td>
<td>10</td>
<td>10</td>
<td>20</td>
<td>30</td>
<td>20</td>
</tr>
<tr>
<td>Sign Height (Max. ft)</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>7</td>
</tr>
</tbody>
</table>
Table 155.936-1: Incidental Signs by District

<table>
<thead>
<tr>
<th>Standard</th>
<th>AOS</th>
<th>RES</th>
<th>SSC</th>
<th>CI</th>
<th>LW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copy Height (Max. in)</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>

**Sign Features**

<table>
<thead>
<tr>
<th></th>
<th>AOS</th>
<th>RES</th>
<th>SSC</th>
<th>CI</th>
<th>LW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illumination</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Manual Reader Board</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Electronic Reader Board</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Key: Yes=sign type or characteristic allowed | No=sign type or characteristic not allowed | ft=linear feet | sf=square feet | in= inches

(B) **Incidental Sign Setback.** The incidental sign setback is the setback from any street frontage that regulates the location and size of incidental signs. Table 155.936-1: *Incidental Signs by District* defines the incidental sign setback for each district. A sign user may place incidental signs on a lot subject to the applicable incidental sign setback for the district.

(1) **Lot Perimeter Signs.** Lot perimeter signs are signs that may be located between the right-of-way and the applicable sign setback.

(2) **Lot Interior Signs.** Lot interior signs must be located on the interior of a lot and may not be located within the sign setback.

(C) **Number and Location.**

(1) **Lot Perimeter Signs.** Table 155.936-1: *Incidental Signs by District* defines the maximum number of lot perimeter signs per entrance to a public street. All lot perimeter signs must be located within 15 feet of an entrance to a public street.

(2) **Lot Interior Signs.** Table 155.936-1: *Incidental Signs by District* defines the maximum number of lot interior signs per acre. However, a sign user may display lot interior signs on a building façade if the building is within the incidental sign setback.

(3) **Design Standards.** An incidental sign on a wall shall affix flush against the wall of the building.

(D) **Flags.**

(1) A sign user on a residential lot may display flags pursuant to the following standards:

(a) A maximum of five flags per lot;

(b) Flag poles shall not exceed 25 feet in height; and

(c) A sign user may not use flagpoles as supports for other signs.
§ 155.937 TEMPORARY SIGNS.

(2) A sign user on a nonresidential lot may display flags pursuant to the following standards:

(a) A maximum of five flags per lot;

(b) Flag poles shall not exceed the height standards for the zoning district required by Subchapter B: Zoning Districts; and

(c) A sign user may not use flagpoles as supports for other signs.

§ 155.937 TEMPORARY SIGNS.

(A) Temporary Sign Types. Table 155.937-1: Temporary Sign Type Illustrations shows examples of some temporary sign types allowed by this Part.

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Image</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-Frame Sign</td>
<td>![A-Frame Sign Image]</td>
</tr>
<tr>
<td>Banner Sign</td>
<td>![Banner Sign Image]</td>
</tr>
</tbody>
</table>
## Table 155.937-1: Temporary Sign Type Illustrations

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Image</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feather Sign</td>
<td><img src="image1.jpg" alt="Image" /></td>
</tr>
<tr>
<td>Inflatable Device</td>
<td><img src="image2.jpg" alt="Image" /></td>
</tr>
<tr>
<td>Post Sign</td>
<td><img src="image3.jpg" alt="Image" /></td>
</tr>
<tr>
<td>Stake Sign</td>
<td><img src="image4.jpg" alt="Image" /></td>
</tr>
</tbody>
</table>
(B) **Sign Standards.** Temporary signs shall comply with the standards in Table 155.937-2: *Temporary Signs by District.*

<table>
<thead>
<tr>
<th>Table 155.937-2: Temporary Signs by District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard</strong></td>
</tr>
<tr>
<td>--------------</td>
</tr>
<tr>
<td>Allowed?</td>
</tr>
<tr>
<td>Permit required?</td>
</tr>
<tr>
<td>Temporary Sign Setback (Min. ft)</td>
</tr>
</tbody>
</table>

**Lot Perimeter Signs**

| Number (Max.) | 1 | 1 | 1 | 1 | 1 |
| Sign Area (Max. sf) | 4 | 4 | 4 | 4 | 4 |
| Sign Height (Max. ft) | 4 | 4 | 4 | 4 | 4 |

**Lot Interior Signs**

| Number (Max.) | 6 | 6 | 6 | 6 | 6 |
| Sign Area (Max. Number of Each Size Sign and Max. sf per Sign) | 1 at 32 sf 5 at 4 sf | 1 at 32 sf 5 at 4 sf | 1 at 32 sf 5 at 4 sf | 1 at 32 sf 5 at 16 sf | 1 at 32 sf 5 at 16 sf |
| Sign Height (Max. Number of Signs and Max. Height in ft per Sign) | 1 at 8 ft 5 at 4 ft | 1 at 8 ft 5 at 4 ft | 1 at 8 ft 5 at 4 ft | 1 at 8 ft 5 at 15 ft | 1 at 8 ft 5 at 15 ft |

**Sign Features**

| Illumination | No | No | No | No | No |
| Manual Reader Board | No | No | No | No | No |
| Electronic Reader Board | No | No | No | No | No |

**Key:** Yes=sign type or characteristic allowed | No=sign type or characteristic not allowed | ft=linear feet | sf=square feet

(C) **Permit Requirement.** Where Table 155.937-2: *Temporary Signs by District* requires a permit, the permit requirement only applies to signs larger than four square feet.

(D) **Location.**

(1) **Temporary Sign Setback.** The temporary sign setback is the setback from any street frontage that regulates the location and size of temporary signs. Table 155.937-2: *Temporary Signs by District* defines the temporary sign setback for each district. A sign user may place temporary signs on a lot subject to the applicable temporary sign setback for the district.

(a) **Lot Perimeter Signs.** Lot perimeter signs are signs that may be located between the right-of-way and the applicable sign setback.
(b) Lot Interior Signs. Lot interior signs must be located on the interior of a lot and may not be located within the sign setback.

(2) Design Standards. A sign user must implant or anchor temporary signs in the ground or affix them to a wall.

(E) Number. Table 155.937-2: Temporary Signs by District defines the maximum number of lot perimeter and interior signs per lot.

(F) Sign Area and Height. Table 155.937-2: Temporary Signs by District allows different sizes of signs in different numbers for each district. Generally, a sign user may display one larger temporary sign that exceeds the sign area and height allowance for smaller temporary signs.

(G) Duration for Display. A sign user may not display any single temporary sign more than twice per year and for no more than 30 consecutive days.

(H) A-Frame Signs. A sign user may display one A-frame sign per lot and per tenant in a multitenant development in the Small-Scale Commercial Sign District. A-frame sign area does not affect other sign allowances in this Section and does not require a permit. The following standards apply to A-frame signs:

1. Maximum of six square feet in face area per side;
2. Maximum of four feet in height;
3. Placed within 10 feet of the primary public entrance to the establishment but shall not block any required ADA pedestrian path; and
4. Stored indoors overnight.

§ 155.938 BILLBOARDS.

(A) In General. A person may not construct, install, operate, display, or use new a new billboard. Sign users may maintain existing billboards in accordance with the provisions of this Section.

(B) Nonconforming Billboards. Sign users may maintain billboards existing at the time of adoption of this Part as a nonconforming use, provided that:

1. A person may not enlarge, extend, relocate, structurally reconstruct, or alter a nonconforming billboard or sign supporting structure. However, a sign user may change or replace the copy on the sign face if the change does not increase the face area, height, projection, or sign features;
2. A sign user may only alter, replace, or reinstall a billboard affected by street or highway maintenance or expansion pursuant to the South Carolina Highway Advertising Control Act, codified at S.C. Code Ann. § 57-25-110, et seq., and regulations promulgated
under that Act. A sign user must reinstall a sign falling under this provision at the closest point to the existing location, but no closer (for any portion of the billboard) than ten feet to the new road right-of-way. Any sign relocated under this provision must conform with all regulations, standards, and requirements for a non-conforming billboard;

(3) A sign user may not alter, replace, or reinstall a nonconforming billboard destroyed or damaged by natural causes, wear and tear, or any other cause to an extent that the cost to alter, replace, or reinstall the sign exceeds 50% of its appraised value;

(4) A sign user may repair or restore a nonconforming billboard damaged or destroyed by natural causes, wear and tear, or any other cause to an extent equal to or less than 50% of its appraised value but cannot enlarge or expand the sign. If the sign user does not repair or restore a damaged sign within 90 days, the sign user must remove the nonconforming billboard; and

(5) This Part does not prevent normal maintenance or the repair or restoration of any part of a billboard to a safe condition unless the sign experiences damage by natural causes, wear and tear, or any other cause to an extent that the cost to repair or restore the sign exceeds 50% of its appraised value.

(C) Unsafe Signs and Sign Supporting Structures. If a billboard or sign supporting structure is unsafe, the building official may take enforcement actions authorized by Chapter 150: Building Regulations and require or undertake all corrective or remedial actions authorized by the International Existing Building Code as adopted in that Chapter. The Building Official may make any inspections and undertake any enforcement actions necessary to prevent unsafe conditions in billboards or sign supporting structures.

(D) Removal of Illegal Billboards.

(1) If a person erects, constructs, or maintains a billboard in violation of this Chapter, the Zoning Administrator will provide written notice of the violation to the recorded owner of the parcel and order that the sign user must correct the violation or remove the sign. The Zoning Administrator will deliver the notice by certified mail, return receipt requested.

(2) If the sign user does not comply with the order within 30 days, the County may remove or cause the removal of the illegal billboard and may collect the costs of removal incurred by the County in any manner allowed by law.

§ 155.939 NONCONFORMING AND ABANDONED SIGNS.

(A) Nonconforming Signs.

(1) A sign user may not alter, replace, or reinstall a nonconforming sign destroyed or damaged by natural causes, wear and tear, or any other cause to an extent that the cost to alter, replace, or reinstall the sign exceeds 50% of its full replacement cost;
(2) A sign user can repair or restore a nonconforming sign damaged and destroyed by natural causes, wear and tear, or any other cause to an extent equal to or less than 50% of its full replacement cost. If the sign user does not repair or restore a damaged sign within 90 days, the sign user must remove the nonconforming sign; and

(3) This Part does not prevent normal maintenance or the repair or restoration of any part of a nonconforming sign to a safe condition unless the sign experiences damage by natural causes, wear and tear, or any other cause to an extent that the cost to repair or restore the sign exceeds 50% of its full replacement cost.

(B) Abandoned Signs.

(1) Conforming Signs. A sign user must remove or cover the sign face of an abandoned sign or a sign that was used by an ongoing business or noncommercial entity that has ceased to do business or no longer conducts operations at that location within 180 days after the abandonment or disuse.

(2) Nonconforming Signs. A sign user must remove a nonconforming sign and support structure that is an abandoned sign or a sign that was used by an ongoing business or noncommercial entity that has ceased to do business or no longer conducts operations at that location within 180 days after the abandonment or disuse.

§ 155.940 RESERVED.

§ 155.941 RESERVED.

§ 155.942 RESERVED.

§ 155.943 RESERVED.

§ 155.944 RESERVED.
PART 7: PERFORMANCE STANDARDS

§ 155.945 PURPOSE.
The purpose of this Part is to protect public health, safety, welfare, and quality of life from the potential adverse effects of noise; fire and explosive hazards; radioactive emissions; smoke, dust, and dirt; fumes, vapors, and gases; vibration; heat, cold, dampness, or movement of air; odor; and glare produced by the land uses regulated in this Part.

§ 155.946 APPLICABILITY.
(A) This Part applies to:

(1) All uses allowed in the ID, LI, and UD Districts (see Subchapter C: Use Regulations); and

(2) All special exception uses in all zoning districts (see Subchapter C: Use Regulations).

(B) This Part regulates the emission or existence of dangerous, detrimental, and objectionable elements and applies as long as the use is in existence.

§ 155.947 NOISE PERFORMANCE STANDARDS.
(A) Maximum Sound Levels. The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not exceed the values provided in Table 155.947-1: Maximum Sound Levels Using Preferred Frequency Octave Bands or Table 155.947-2: Maximum Sound Levels Using Pre-1960 Octave Bands, as applicable.

(B) Exceptions. The following uses and activities are exempt from the requirements of this Section:

(1) Noises not directly under the control of the property user;

(2) Noises emanating from construction and maintenance activities between 7:00 a.m. and 9:00 p.m.;

(3) The noises of safety signals, warning devices, and emergency pressure relief valves; and

(4) Transient noises of moving sources such as automobiles, trucks, airplanes, railroad cars, and locomotives.

(C) Measurement.
(1) The instruments used for the measurement of sound levels shall conform to all current American National Standards Institute (ANSI) specifications.

(2) Impact noises shall be measured by means of an impact noise analyzer. Impact noises are those whose peak values are more than five decibels higher than the values indicated by Table 155.947-1: Maximum Sound Levels Using Preferred Frequency Octave Bands or Table 155.947-2: Maximum Sound Levels Using Pre-1960 Octave Bands, as applicable.

Table 155.947-1: Maximum Sound Levels Using Preferred Frequency Octave Bands

<table>
<thead>
<tr>
<th>Preferred Center Frequency (Cycles per Second)</th>
<th>Sound Levels (dB) (max)¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.5</td>
<td>86</td>
</tr>
<tr>
<td>63</td>
<td>75</td>
</tr>
<tr>
<td>125</td>
<td>64</td>
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<td>2000</td>
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<td>4000</td>
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</tr>
<tr>
<td>8000</td>
<td>41</td>
</tr>
</tbody>
</table>

Key: dB = decibels | max = maximum allowed

¹ Between the hours of 7:00 p.m. and 7:00 a.m., the permissible sound levels at residential district boundaries shall be reduced by 5 dB in each octave band, or in the overall band for impact noises.
Table 155.947-2: Maximum Sound Levels
Using Pre-1960 Octave Bands

<table>
<thead>
<tr>
<th>Octave Bands (Cycles per Second)</th>
<th>Sound Levels (dB) (max)¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 - 75</td>
<td>77</td>
</tr>
<tr>
<td>75 - 150</td>
<td>65</td>
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<tr>
<td>150 - 300</td>
<td>58</td>
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<td>300 - 600</td>
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<tr>
<td>600 - 1200</td>
<td>50</td>
</tr>
<tr>
<td>1200 - 2400</td>
<td>47</td>
</tr>
<tr>
<td>2400 - 4800</td>
<td>44</td>
</tr>
<tr>
<td>4800 - 10 KC</td>
<td>42</td>
</tr>
</tbody>
</table>

Key: dB = decibels | max = maximum allowed

¹ Between the hours of 7:00 p.m. and 7:00 a.m., the permissible sound levels at residential district boundaries shall be reduced by 5 dB in each octave band, or in the overall band for impact noises.

§ 155.948 OTHER PERFORMANCE STANDARDS.

(A) **Fire and Explosive Hazards.** All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against the hazards of fire and explosion including adequate firefighting and fire suppression equipment.

(B) **Radioactive Emissions.** There shall be no radiation emitted from radioactive emission measured at the lot line.

(C) **Fumes, Vapors, and Gases.** There shall be no emission of any fumes, vapors, or gases of a noxious, toxic, or corrosive nature, which can cause any damage or irritation to health, animals, vegetation, or to any form of property.

(D) **Vibration.** There shall be no perceptible earth vibrations measured at the lot line.

(E) **Heat, Cold, Dampness, or Movement of Air.** Activities that could produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line are prohibited.

(F) **Odor.** There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the lot line. Any process that may involve the creation or emission of any such odor shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.
(G) **Glare.** There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding, or any other source, so as to be visible in any residential district.

§ 155.949 RESERVED.

§ 155.950 RESERVED.

§ 155.951 RESERVED.

§ 155.952 RESERVED.

§ 155.953 RESERVED.

§ 155.954 RESERVED.
YORK COUNTY, SOUTH CAROLINA CODE OF ORDINANCES

CHAPTER 155: ZONING CODE

SUBCHAPTER E: PROCEDURES

Adopted February 21, 2022

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SUBCHAPTER E: PROCEDURES

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§ 155.1044 RESERVED

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SUBCHAPTER E: PROCEDURES

PART 1: GENERAL PROVISIONS

§ 155.955 PURPOSE.

The purposes of this Subchapter are to:

(A) Consolidate the procedures and outline clear standards for filing and processing applications for zoning approvals required by this Chapter;

(B) Allow applicants, County officials, and the public to quickly and efficiently ascertain the steps involved in obtaining zoning approvals; and

(C) Implement the Comprehensive Plan, neighborhood and area plans, and functional plans developed by the County.

§ 155.956 APPLICABILITY.

(A) This Subchapter controls the procedures for the initiation, review, and decision for all zoning permits or approvals required by this Chapter.

(B) This Subchapter controls the procedures for the administration of this Chapter and amendments to this Chapter.

§ 155.957 SUMMARY OF PROCEDURES.

The procedures established in this Subchapter are summarized in Table 155.957-1: Summary of Procedures.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Review, Decision-Making, &amp; Appeal Bodies</th>
<th>Public Hearing Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Staff</td>
<td>BZA</td>
</tr>
<tr>
<td>Appeal of Administrative Decisions</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Communications Tower Permit</td>
<td>D/R</td>
<td>A/D</td>
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<tr>
<td>Home Occupation Permits</td>
<td>D</td>
<td>A</td>
</tr>
<tr>
<td>Public Project Review</td>
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<td>R</td>
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</table>
Table 155.957-1: Summary of Procedures

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Review, Decision-Making, &amp; Appeal Bodies</th>
<th>Public Hearing Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Staff</td>
<td>BZA</td>
</tr>
<tr>
<td>Small Wireless Application</td>
<td>D</td>
<td>A</td>
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<tr>
<td>Special Districts</td>
<td>R</td>
<td>R</td>
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<td>Special Exception Permit</td>
<td>R</td>
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<td>Variances</td>
<td>R</td>
<td>D</td>
</tr>
<tr>
<td>Zoning Code Interpretations</td>
<td>D</td>
<td>A</td>
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<tr>
<td>Zoning Code Text Amendments</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Zoning Compliance</td>
<td>D</td>
<td>A</td>
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<tr>
<td>Zoning Map Amendments (Rezoning)</td>
<td>R</td>
<td>R</td>
</tr>
</tbody>
</table>

Key: Staff = Planning and Development Services Department staff | BZA = Board of Zoning Appeals | PC = Planning Commission | CC = County Council | R = Review Body | D = Decision-Making Body | A = Appeal Body

§ 155.958 GENERAL PROCEDURAL REQUIREMENTS AND AUTHORITY.

(A) General Requirements.

(1) Application Forms. All applications shall be made on forms maintained for each permit or approval by the Planning and Development Services Department, which are available online or in-person at the County’s offices.

(2) Submittal Requirements. Applications filed under this Subchapter must include the information required by Subchapter L: Submittal Requirements, including all information required on the application checklist maintained by the department for the particular permit or approval.

(3) Application Fees. The applicant shall pay all applicable fees at the time of the application (see Subchapter L: Submittal Requirements).

(B) Conformance with Application. Zoning compliances and approvals issued on the basis of plans and applications approved under this Chapter authorize only the use, arrangement, and construction set forth in the approved plans and applications, and do not authorize any other use, arrangement, or construction.

(C) Written Findings.
(1) Unless otherwise specifically provided in this Chapter, written findings are not required for a final decision on any application.

(2) At the request of an applicant or a party with standing to challenge an application under the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, codified as Chapter 29 of Title 6 of the South Carolina Code of Laws, or on its own initiative, the approving authority may make a decision subject to the subsequent adoption of written findings. In those cases, the decision is not final until the written findings are adopted.

(D) **Workflow Summary.** This Subchapter sets up rules for procedures, such as pre-application meetings, notices, and public hearings. It then describes the process for specific land use decisions. The procedures generally share a common workflow and description, as follows:

<table>
<thead>
<tr>
<th>Table 155.958-1: Procedure Workflows</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Element</strong></td>
</tr>
<tr>
<td>Purpose</td>
</tr>
<tr>
<td>Applicability</td>
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<td>Initiation</td>
</tr>
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<td>Notice</td>
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<td>Decision</td>
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<td>Approval Criteria</td>
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<td>Appeals</td>
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<tr>
<td>Scope of Approval</td>
</tr>
<tr>
<td>Recordkeeping</td>
</tr>
</tbody>
</table>

§ 155.959 **COMPLETENESS REVIEW.**

(A) **When Applications Deemed Complete.**

(1) The County will not process incomplete applications.
(2) An application is not complete until the applicant submits all required items (see Subchapter L: Submittal Requirements).

(3) Planning and Development Services Department staff will review applications for completeness and determine whether the application is complete.

(a) If Department staff determines that the application is not complete, staff will transmit the determination to the applicant within 10 business days of the application’s filing date and will specify those parts of the application that are incomplete and will indicate how they can be made complete, including a list and description of the information needed to complete the application.

(b) The Department staff and the review and decision-making bodies are not obligated to further review the application until the required information is provided.

(c) If the applicant fails to provide the required information within 180 days of the application filing date, then the application expires and an applicant may be required to re-file an application for any further consideration.

(4) A time period required by this Chapter to process an application does not commence until the Department staff determines that the application has been properly submitted and the applicant has corrected any deficiencies in the application. Review for completeness of application forms is solely to determine whether preliminary information required for submission with the application is sufficient to allow further processing. It does not constitute a decision as to whether an application complies with this Chapter.

(5) If the applicant elects not to pursue an application for any reason, the application expires 180 days after the application filing date, and the applicant may be required to re-file an application for any further consideration. Applications that are withdrawn without a formal decision by the decision-making body may be re-filed regardless of any limitation on subsequent applications in this Subchapter.

(6) The regulations provided in Part 3 Communications Towers and Part 6 Small Wireless Applications modify the completeness review provisions of this Section.

(B) Application and Submission Deadlines.

(1) The Planning and Development Services Department or the review and decision-making bodies may provide submission deadlines for materials required in support of any application provided for in this Chapter.

(2) Compliance with those deadlines required by the Planning and Development Services Department or the review and decision-making bodies must occur for the application to be placed on an agenda to be heard by the review or decision-making body.

§ 155.960 Pre-Application Meeting.

(A) Applicability.
§ 155.961 NEIGHBORHOOD MEETING.

(A) **Applicability.** This Section applies when a neighborhood meeting:

1. **Pre-application meetings are required for a Special District Development Application.**

2. **Pre-application meetings for all other procedures are voluntary. An applicant may request a pre-application meeting for any type of application required by this Subchapter.**

3. **Planning and Development Services Department staff may waive the pre-application meeting requirement upon finding the applicant has sufficient familiarity with the approval process that a pre-application meeting would not serve a valid purpose.**

(B) **Submittals.** Prior to the scheduled pre-application meeting, the applicant may submit to the Planning and Development Services Department a copy of plans and information relevant to the application.

(C) **Overview of Meeting.**

1. **Pre-application meetings may occur in person, by telephone, or by other remote meeting technology.**

2. **The pre-application meeting is for informational purposes for the applicant and Planning and Development Services Department staff, and no formal decisions are made.**

3. **The applicant may provide a brief overview of the project, including proposed location, uses, densities, project layout, design features, and other information relevant to the application.**

4. **The Planning and Development Services Department will provide information and comments at the pre-application meeting but will not take formal action on the application. In addition to providing verbal information, the Planning and Development Services Department may provide a pre-application meeting checklist.**

5. **The applicant’s and Planning and Development Services Department staffs’ comments are for purposes of information but are not binding on either the County or the applicant.**

6. **Planning and Development Services Department staff may request input on the proposed application from other County departments, state agencies, utility providers, and other reviewing agencies.**

(D) **Documentation.** The Planning and Development Services Department may record in writing (paper or electronic) any pertinent information concerning the proposed application described by the applicant, as well as a brief record of written or verbal guidance provided by County staff or other reviewing agencies.
(1) Is required by this Subchapter;

(2) Is conducted based on a request from the County as provided in Subsection (B);

or

(3) Is conducted voluntarily by the applicant.

(B) **Request to Conduct Neighborhood Meeting.** The Planning and Development Services Director, Board of Zoning Appeals, Planning Commission, or County Council may direct an applicant to conduct a neighborhood meeting for any application under this Chapter involving a potentially impactful land use in terms of compatibility with surrounding uses, traffic, aesthetics, or other areas of concern.

(C) **Procedure.**

(1) **Before the Neighborhood Meeting.**

   (a) **Select a Date, Time, and Location.** If it is required by this Chapter, the neighborhood meeting must take place at least 15 calendar days before the Planning Commission or Board of Zoning Appeals meeting on the application. It must take place after 6 p.m. on a Monday, Tuesday, Wednesday, or Thursday, and it must take place in a location that is generally accessible to neighbors who reside in close proximity to the land that is the subject of the application.

   (b) **Give Public Notice.** At least 14 calendar days before the neighborhood meeting, the applicant must mail a notice that states the time, place, location, and reason for the meeting to the same people who will receive notice of the public hearing, as well as the County Council member for the district that is involved. Staff will provide the applicant with a list of addresses for the required invitees to the neighborhood meeting.

(2) **During the Neighborhood Meeting.** The applicant must explain the development proposal and must answer any questions and respond to any concerns voiced by people who attend the meeting. County staff may attend the neighborhood meeting for the purpose of advising the attendees regarding the procedures or standards of this Chapter but will not serve as facilitators or become involved in negotiations during the neighborhood meeting. The applicant must provide a sign-in sheet for attendees and must take notes during the meeting.

(3) **After the Neighborhood Meeting.**

   (a) The applicant must provide the Planning and Development Services Director with a written summary of the neighborhood meeting within five business days of its conclusion. The written summary must include a list of those in attendance, a summary of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information that the applicant deems appropriate.

   (b) This written summary may include a response to the applicant’s written summary of the neighborhood meeting. These summaries will be included as part of the
application materials that go forward for consideration and will be made available to the public for review during regular business hours.

(c) Within 10 business days of the meeting, any person in attendance may submit an additional written summary stating the person’s understanding of the issues related to the development proposal, comments by those in attendance about the development proposal, and any other information deemed appropriate.

§ 155.962 NOTICE PROVISIONS.

(A) Generally.

(1) This Section establishes various requirements for public notice of applications, hearings, and meetings.

(2) Table 155.962-1: Type & Description of Notice, describes the various types of notice and its contents. More specific notice requirements are located in each procedural section.

<table>
<thead>
<tr>
<th>Type of Notice</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mail</td>
<td>Planning and Development Services Department staff will mail the required notices. Regular mail is sufficient unless certified mail is required by a specific process or state law. Notices to property owners will be mailed to owner listed in the County’s tax records.</td>
</tr>
<tr>
<td>Posted</td>
<td>Planning and Development Services Department staff will post at least one sign on the subject parcel(s) visible from each public street the parcel abuts.</td>
</tr>
<tr>
<td>Publication</td>
<td>Planning and Development Services Department staff will place a notice in a newspaper of general circulation in the County.</td>
</tr>
</tbody>
</table>

(B) Posted Notice.

(1) Posting by County. If posted notice is required, County staff will post at least one notice sign in a conspicuous location on the subject lot(s) visible from each public street the lot abuts.

(2) Maintenance by Applicant. Once notice is posted on the subject property or properties by County staff, the property owner or applicant is responsible for maintaining the signs up until the hearing. If the sign or signs are removed, become damaged and unreadable, or are not visible from each street that abuts the property after posting by County staff for the advertised hearing date, the hearing may be postponed upon motion and affirmative vote of the decision-making body to postpone, at which time the hearing must be re-advertised at the expense of the applicant. The application may not be rescheduled until the applicant has reimbursed the County for this cost.
(C) **Written Notification Policy.** The Planning and Development Services Department shall maintain a written notification policy that may be amended from time to time. This policy may include additional notice requirements that exceed minimum South Carolina statutory requirements and the requirements of this Code.

(D) **Substantial Compliance.** All notice provisions require substantial compliance.

(E) **Application Deferrals.** When an application is deferred at the request of the applicant and additional public notice is required, the applicant is responsible for all additional expenses related to the additional notice.

§ 155.963 **PUBLIC HEARINGS.**

(A) **Purpose.** A public hearing gives interested parties an opportunity to be heard.

(B) **Public Input and Recordkeeping.** If an application requires a public hearing:

   (1) The review and decision-making bodies will allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, present evidence relevant to the application, and rebut evidence presented by others.

   (2) The review and decision-making bodies will make an accurate written summary of the proceedings.

(C) **Rules of Procedure for Public Hearings.** The County Council, Board of Zoning Appeals, and the Planning Commission may adopt rules of procedure for public hearings by resolution or bylaws.

§ 155.964 **PENDING ORDINANCE DOCTRINE.**

(A) While the County Council is considering amendments to this Chapter, they may elect to impose the “pending ordinance doctrine.” If Council affirmatively elects to impose the pending ordinance doctrine, either by ordinance title or by motion of Council when considering a proposed ordinance or a proposed amendment to this Chapter, the issuance of zoning applications and approvals will be subject to the provisions of the more stringent standard of the proposed amendment or the existing provisions of the applicable zoning regulations.

(B) For purposes of applying the pending ordinance doctrine in the County, an ordinance shall be considered pending when the County Council has resolved to consider a particular scheme of change or rezoning ordinance or amendment, and has advertised to the public its intention to hold public hearings on the change or rezoning ordinance or amendment, prior to the issuance of permits or prior to the commencement of construction.

(C) County officials and employees shall not issue permits or authorize commencement of construction when the permit or proposed construction would allow the establishment of a use which is inconsistent or repugnant to a pending zoning or rezoning change, amendment or ordinance.
§ 155.965 REVIEW OF DECISIONS AND INTERPRETATIONS.

The Zoning Administrator shall provide an annual report to the County Council on decisions of the Board of Zoning Appeals under Part 2 *Appeals of Administrative Decisions* and code interpretations rendered under Part 10 *Zoning Code Interpretations*. The report shall include any recommendations for amendments to this Chapter needed for consistency with these decisions.

§ 155.966 RESERVED.

§ 155.967 RESERVED.

§ 155.968 RESERVED.

§ 155.969 RESERVED.
PART 2: APPEALS OF ADMINISTRATIVE DECISIONS

§ 155.970 PURPOSE.

This Part provides a process for applicants to request the review and correction of decisions by administrative officials that they believe are in error.

§ 155.971 APPLICABILITY.

This Part applies to appeals of an order, requirement, decision, or determination made by the Zoning Administrator or any other administrative official in the enforcement of this Chapter.

§ 155.972 INITIATION.

(A) Applicant Eligibility. An appeal of an administrative decision may be initiated by a person aggrieved by an order, requirement, decision, or determination made by the Zoning Administrator or any other administrative official in the enforcement of this Chapter or by any officer, department, board, or bureau of the County.

(B) Application Requirements. An appeal must be filed with the Zoning Administrator on an application provided by the Planning and Development Services Department within 30 days of the written decision or other action that is the subject of the appeal.

(C) Effect on Other Proceedings. An appeal stays all legal proceedings by the County relating to the action appealed from, unless the Zoning Administrator certifies to the Board of Zoning Appeals, after the appeal application has been filed, that a stay would cause an imminent peril to life and property. In cases where there is an imminent peril to life and property, proceedings will not be stayed unless a restraining order is granted by the Board or by a court of record on application.

§ 155.973 NOTICE.

The notice required by Table 155.973-1 applies to an appeal of an administrative decision.

| Table 155.973-1: Required Notice for Appeals of Administrative Decisions |
|-----------------|--------|-----------------|-----------------|
| Type            | Required? | To Whom?         | When?           |
| Mail            | Yes      | Applicant/Parties | Due Notice      |
|                 |          | Adjoining Landowners | N/A             |
|                 |          | Interest Groups    | N/A             |
| Posting         | Yes      | General Public     | 15 days, if the matter is unique to an individual property |
| Publication     | Yes      | General Public     | 15 days before BZA meeting |
§ 155.974 DECISION.

(A) The Board of Zoning Appeals will hear appeals of all administrative decisions and will render a decision in each matter.

(B) The Board will hear an appeal of an administrative decision within a reasonable time of the date the application is deemed complete.

(C) Based on the hearing, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination, and has all the powers of the officer from whom the appeal is taken to issue or direct the issuance of a permit.

(D) The Board will issue a written decision within 45 days of the hearing on the matter.

(E) All final decisions or orders of the Board will be delivered to parties-in-interest by certified mail.

§ 155.975 APPROVAL CRITERIA.

In considering an appeal of an administrative decision, the Board shall apply the standards of this Chapter, other applicable law, and previous interpretations of this Chapter by the Board.

§ 155.976 SUBSEQUENT APPLICATIONS.

If an appeal is denied, the aggrieved person may not initiate the same or a similar appeal application for the parcel for a period of one year, unless conditions have changed substantially and the Board votes unanimously to rehear the matter.

§ 155.977 APPEALS.

Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal from any decision of the Board to a court of competent jurisdiction in and for York County, filing with the clerk of such court a petition in writing setting forth plainly, fully, and distinctly wherein the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Board is mailed.

§ 155.978 SCOPE OF APPROVAL.

Approval of an appeal does not authorize development. Any development that occurs after the decision on the appeal is subject to all applicable requirements of this Chapter, as amended by the Board of Zoning Appeals’ decision, if applicable.

§ 155.979 RECORDKEEPING.

(A) The Board will keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating the fact.
(B) The Board will issue a written decision to all parties involved in the matter.

(C) All final decisions and orders of the Board must be in writing and will be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board.

§ 155.980 RESERVED.

§ 155.981 RESERVED.

§ 155.982 RESERVED.

§ 155.983 RESERVED.

§ 155.984 RESERVED.
PART 3: COMMUNICATIONS TOWERS PERMITS

§ 155.985 PURPOSE.

This Part provides a process for the review of new communications towers and antennas and modifications to existing communications towers and antennas to ensure they comply with the standards in this Chapter, have appropriate design and infrastructure, and comply with any conditions of zoning compliance or special exception use.

§ 155.986 APPLICABILITY.

(A) In General. This Part applies to applications for all communications towers and to all communications antennas affixed to communications towers as defined in Subchapter C, Part 3.9: Communications Towers.

(B) Interpretation. The intent of this Part is to comply with applicable federal and state requirements. This Part will be implemented, enforced, and construed in accordance with these requirements. In the instance of a conflict, applicable state or federal law governs.

(C) Minor Modifications. If a communication antenna installation or communication tower modification or alteration meets the criteria for a minor modification as defined in Subchapter C, Part 3.9: Communications Towers, a zoning compliance approval is required. Therefore, the procedural requirements of Part 12 Zoning Compliance of this Subchapter will apply as modified by this Part.

(D) Major Modifications. All new communications towers and communication antenna installation or communication tower construction, installations, modifications, or alterations that do not meet the criteria for a minor modification as defined in Subchapter C, Part 3.9: Communications Towers require a special exception permit. Therefore, the procedural requirements of Part 8 Special Exception Uses of this Subchapter will apply as modified by this Part.

§ 155.987 INITIATION.

(A) Applicant Eligibility. A communications tower application may be initiated by:

(1) A communications provider;

(2) An agent of a communications provider; or

(3) If the applicant is not a communications provider or its agent, the applicant must submit evidence that a communications provider as defined in this Chapter has executed an agreement to locate and operate antennas on the proposed communications tower.

(B) Application Requirements. A communications tower application:
(1) Shall be filed with the Planning and Development Services Department on an application form provided by the Planning and Development Services Department;

(2) Shall include all submittal requirements depending on the proposed use as minor modification or a new communications tower/major modification (see Subchapter L: Submittal Requirements);

(3) May be filed concurrently with all other building and construction reviews and applications;

(4) Applications for new communications towers with proposed communications antennas will be considered as one application requiring only a single application fee.

(C) Neighborhood Meetings.

(1) Modifications to Existing Towers. Applications for minor modifications and major modifications do not require compliance with the neighborhood meeting provisions of § 155.961: Neighborhood Meeting.

(2) New Communications Towers. Applications for new communications towers do require compliance with the neighborhood meeting provisions of § 155.961: Neighborhood Meeting.

§ 155.988 Completeness.

(A) Incomplete Applications.

(1) If the Zoning Administrator determines that the application is not complete, the Administrator will specify those parts of the application that are incomplete and will indicate how they can be made complete, including a list and description of the information needed to complete the application.

(2) If the Zoning Administrator informs the applicant of an incomplete application within ten business days, the overall timeframe for review under this Part is suspended until the applicant provides the requested information.

(3) If the applicant supplements the application with additional information, the Zoning Administrator will review additional information for completeness and determine whether the application is complete. The Administrator will transmit the determination to the applicant within 10 business days.

(4) If the applicant fails to provide all required information within 60 days of the application filing date, then the application expires and must be re-filed for any further consideration.

(B) Outside Review. The Zoning Administrator may require independent verification to ensure completeness of the application for technical design requirements, coverage requirements, the need for an additional communication tower at the proposed site, and other
technical or engineering evidence by a qualified disinterested person or entity at the expense of the applicant. The Zoning Administrator will select a disinterested person or entity from a list of candidates provided by the applicant as a part of the request of additional information to the applicant.

§ 155.989 NOTICE.

(A) Minor Modifications. Notice is not required for minor modifications.

(B) Major Modifications. Major modifications and new communications towers must comply with the notice requirements of Part 8 Special Exception Uses.

§ 155.990 DECISION.

(A) Minor Modifications.

(1) The Zoning Administrator will issue a written decision granting or denying zoning compliance for an application for a minor modification within 60 days of the submission of the initial application unless:

(a) The Zoning Administrator notified the applicant that its application was incomplete within 10 business days of filing. If so, the remaining time from the 60-day total review time is suspended until the applicant provides the missing information; or

(b) An extension of time is agreed to by the applicant.

(2) The Zoning Administrator will provide the applicant with written justification for the denial. A denial will be based on substantial evidence of inconsistencies between the application and this Chapter.

(3) The Zoning Administrator may require independent verification to review the technical design requirements, coverage requirements, the need for an additional communication tower at the proposed site, and other technical or engineering evidence by a qualified disinterested person or entity at the expense of the applicant. The Zoning Administrator will select a disinterested person or entity from a list of candidates provided by the applicant as a part of a request for additional information to the applicant.

(B) Major Modifications and New Towers.

(1) In General. The decision process for approval for major modifications and new communications towers must comply with the requirements of Part 8 Special Exception Uses.

(2) Major Modifications. The Board of Zoning Appeals will hear the matter and will issue an order granting or denying a special exception permit for an application for colocations that are major modifications within 90 days of the submission of the initial application unless:
(a) The Zoning Administrator notified applicant that its application was incomplete within 10 business days of filing. If so, the remaining time from the 90-day total review time is suspended until the applicant provides the missing information; or

(b) An extension of time is agreed to by the applicant.

(3) **Siting of New Towers.** The Board of Zoning Appeals will hear the matter and will issue an order granting or denying a special exception permit for an application for new communications towers within 150 days of the submission of the initial application unless:

(a) The Zoning Administrator notified the applicant that its application was incomplete within 10 business days of filing. If so, the remaining time from the 150-day total review time is suspended until the applicant provides the missing information; or

(b) An extension of time is agreed to by the applicant.

(4) **Outside Review.** The Zoning Administrator may require independent verification to review the technical design requirements, coverage requirements, the need for an additional communication tower at the proposed site, and other technical or engineering evidence by a qualified disinterested person or entity at the expense of the applicant. The Zoning Administrator will select a disinterested person or entity from a list of candidates provided by the applicant as a part of a request for additional information to the applicant.

(5) **Concurrent Zoning Compliance Review.** The Zoning Administrator will review the application for zoning compliance concurrently with the special exception review and will provide the applicant with written explanation of the decision. A denial will be based on substantial evidence of inconsistencies between the application and this Chapter.

§ 155.991 APPROVAL CRITERIA.

(A) **Standard of Review.** A decision on a communications tower application will be based on substantial evidence of inconsistencies between the application and this Chapter.

(B) **Minor Modifications.**

(1) The Zoning Administrator will approve zoning compliance for an application for a minor modification that meets the requirements of Subchapter C, Part 3.9: *Communications Towers.*

(2) An application that is determined not to meet the standards for a minor modification shall be reviewed as a major modification.

(C) **Major Modifications and New Communications Towers.** The Board of Zoning Appeals will review an application for a new communications tower or a major modification to an existing tower or antenna based on the standards of Subchapter C, Part 3.9: *Communications Towers.*
§ 155.992 SUBSEQUENT APPLICATIONS.

(A) If an application for a new communications tower is denied, the applicant may not initiate the same or a similar application for the parcel for a period of one year, unless conditions have changed substantially and the Board votes unanimously to rehear the matter.

(B) Applications for modifications of existing towers that are denied may be resubmitted within the one year period.

(C) If an application is withdrawn or if the applicant fails to provide all required information within 60 days of the application filing date, the application may be re-filed within the one-year period.

§ 155.993 APPEALS.

(A) Minor Modifications. An appeal of zoning compliance approval for minor modifications must comply with the appeal procedures of Part 2 Appeals of Administrative Decisions.

(B) Major Modifications and New Communications Towers.

(1) Appeals of Board decisions on special exceptions for major modifications and new communications towers must comply with the appeals procedures of Part 8 Special Exception Uses.

(2) Appeals of the Zoning Administrator’s decisions on zoning compliance for major modifications and new communications towers must comply with the appeals procedures of Part 2 Appeals of Administrative Decisions.

§ 155.994 SCOPE OF APPROVAL.

(A) In General. An approved communications tower application does not authorize construction or development. Any construction or development that occurs after approval of a zoning compliance or special exception permit requires additional approvals, which may include building permits. All communications tower permits may be pursued concurrently.

(B) Concurrent Review. The approval of an application for a new communications tower or major modification will include concurrent review for a zoning compliance and a special exception permit. This type of application will not require a separate application for zoning compliance approval. All other applications and approvals may be pursued concurrently with a communications tower application.

(C) Commencement Requirement. Construction of approved towers must be commenced within 180 days of Board of Zoning Appeals approval, or the permit will be considered expired, and the applicant must re-apply prior to construction.

(D) Annual Use Confirmation. If approved, the applicant shall submit to the Planning and Development Services Director a notarized letter at the request of the Zoning Administrator.
confirming that the communications tower continues to be used only as approved by the permit.

§ 155.995 RECORDKEEPING.

The Zoning Administrator shall maintain a record of all communications tower applications and related materials. A copy shall be furnished upon a written request of any person.

§ 155.996 RESERVED.

§ 155.997 RESERVED.

§ 155.998 RESERVED.

§ 155.999 RESERVED.
PART 4: HOME OCCUPATION PERMITS

§ 155.1000 PURPOSE.

The purpose of a home occupation permit is to ensure that home occupations are in compliance with this Chapter prior to their initiation.

§ 155.1001 APPLICABILITY.

This Part applies to home occupation permits. An applicant shall submit an application for a home occupation permit if one is required by Subchapter C, Part 4, Subpart 4.7: Home Occupations before initiating a home occupation on a lot in a residential zoning district.

§ 155.1002 INITIATION.

(A) Applicant Eligibility. A home occupation permit application may be initiated by:

   (1) The lot owner or resident of the lot where the home occupation will be located; or

   (2) An agent of the lot owner or resident of the lot where the home occupation will be located, with a notarized authorization from the property owner or resident, as applicable.

(B) Application Requirements. A home occupation permit application shall be filed with the Zoning Administrator on an application form provided by the Planning and Development Services Department.

§ 155.1003 DECISION.

(A) Administrative Approval. The Zoning Administrator may approve or deny a properly completed home occupation permit application based on the standards of this Chapter.

(B) Inspection. The Zoning Administrator may require an inspection prior to issuing a permit.

§ 155.1004 APPROVAL CRITERIA.

The Zoning Administrator shall approve a properly completed home occupation permit application if the home occupation conforms with the home occupation performance standards established in Subchapter C, Part 4, Subpart 4.7: Home Occupations.

§ 155.1005 SUBSEQUENT APPLICATIONS.

An applicant may re-submit a home occupation permit application that has been rejected if the new application resolves any deficiencies in the original application.
§ 155.1006 SCOPE OF APPROVAL.

(A) **In General.** A home occupation permit authorizes the initiation or continuation of a home occupation. It does not authorize construction of any buildings or structures that may be necessary or incidental to the home occupation. Construction may require additional approvals, such as zoning compliance approval and building permits.

(B) **Annual Renewal.** The applicant shall renew a home occupation permit annually by the anniversary date of the initial permit approval. Annual renewal is subject to an application fee.

§ 155.1007 RECORDKEEPING.

The Zoning Administrator shall maintain a record of all home occupation permit applications and related materials. A copy shall be furnished upon a written request of any person.

§ 155.1008 RESERVED.

§ 155.1009 RESERVED.

§ 155.1010 RESERVED.

§ 155.1011 RESERVED.

§ 155.1012 RESERVED.

§ 155.1013 RESERVED.

§ 155.1014 RESERVED.
PART 5: PUBLIC PROJECT REVIEW

§ 155.1015 PURPOSE.

(A) S.C. Code § 6-29-540 requires the Planning Commission to review proposed public projects for conformance with the County’s Comprehensive Plan. These public projects include new streets, structures, utilities, squares, parks, or other public ways, grounds, or open spaces, or public buildings for any use, whether publicly or privately owned.

(B) The review required by S.C. Code § 6-29-540 is separate and distinct from the regulatory compliance and other reviews required under this Chapter, Chapter 154: Land Development Code, and other chapters of the County Code.

§ 155.1016 APPLICABILITY.

(A) This Part applies to all public projects except those expressly exempt under S.C. Code § 6-29-540, including small utility network components that distribute water, wastewater, electricity, natural gas, or communications (e.g., telephone, cable, broadband, fiber optic) services within a residential or non-residential development.

(B) Public projects by entities exempted from public project review by S.C. Code § 6-29-540 shall submit construction information to the Planning Commission as required by the statute.

§ 155.1017 INITIATION.

An application for public project review:

(A) Is filed with the Planning and Development Services Department;

(B) Shall be submitted, and the public project review procedure completed, prior to submittal of any other application required by this Chapter for the proposed project, except as provided in Paragraph (C), below;

(C) May be submitted concurrently with an application for a communications tower permit, if the proposed communications tower is subject to the provisions of this Part; and

(D) May be submitted concurrently with a sketch plan or preliminary plat application (see Chapter 154: Land Development Code) for the proposed project.

§ 155.1018 NOTICE.

The notice required by Table 155.1018-1 applies to all public project review applications.
§ 155.1019 DECISION.

(A) In accordance with S.C. Code § 6-29-540, the Planning Commission reviews a proposed public project for compatibility with the Comprehensive Plan but does not approve or disapprove proposed public projects.

(B) The Planning Commission shall issue its findings within 60 days of the submittal of a complete application.

(C) If the Planning Commission finds the proposed public project to be in conformance with the Comprehensive Plan, the Commission shall state this finding for the record.

(D) If the Planning Commission finds the proposed public project to be in conflict with the Comprehensive Plan, the Commission shall state this finding for the record and transmit in writing its findings and the particulars of the conflict(s) to the entity proposing the public project (the “applicant”).

(E) In accordance with S.C. Code § 6-29-540, if the Planning Commission finds a proposed public project to be in conflict with the Comprehensive Plan and the applicant determines to go forward with the project as originally proposed, the applicant’s governing or policy-making body shall prepare a public notice that states its intention to proceed and the reasons for the action. The applicant shall:

   (1) Transmit a copy of this public notice to York County Council, the Planning Commission, and the Planning and Development Services Director; and

   (2) Publish this public notice in a newspaper of general circulation in York County at least 30 days prior to awarding a contract or beginning construction on the proposed public project.

§ 155.1020 APPROVAL CRITERIA.

In accordance with S.C. Code § 6-29-540, the Planning Commission reviews the location, character, and extent of public project applications for compatibility with the Comprehensive Plan, including the Future Land Use Map.

§ 155.1021 SUBSEQUENT APPLICATIONS.

(A) There is no time limit on resubmitting a withdrawn public project review application.
§ 155.1022 APPEALS.

The public project review procedure is an informational procedure required by S.C. Code § 6-29-540 and does not result in a decision. Therefore, there is no appeals process.

§ 155.1023 SCOPE OF APPROVAL.

Completion of the public project review procedure enables an applicant to proceed with any other application required by this Chapter, Chapter 154: Land Development Code, or other chapters of the County Code for the proposed project, including special exception use applications and zoning compliance applications.

§ 155.1024 RECORDKEEPING.

The Planning and Development Services Director shall maintain a record of all public project review applications, the Planning Commission’s findings, and public notices provided by applicants, if applicable.

§ 155.1025 RESERVED.

§ 155.1026 RESERVED.

§ 155.1027 RESERVED.

§ 155.1028 RESERVED.

§ 155.1029 RESERVED.
PART 6: SMALL WIRELESS APPLICATIONS

§ 155.1030 PURPOSE.

This Part provides a process that allows the Zoning Administrator to review small wireless facilities to ensure they comply with the standards in this Chapter and have appropriate design and infrastructure.

§ 155.1031 APPLICABILITY.

(A) In General. This Part applies to zoning compliance applications for small wireless facilities as defined in Subchapter C, Part 3.34: Small Wireless Facilities. Zoning compliance approval is required to collocate small wireless facilities and to install a new, modified, or replacement pole or support structure associated with a small wireless facility in the right-of-way and on private property. Therefore, the procedural requirements of Part 12 Zoning Compliance of this Subchapter will apply unless modified by this Part.

(B) Interpretation. The intent of this Part is to comply with applicable federal and state requirements. This Part will be implemented, enforced, and construed in accordance with these requirements. In the instance of a conflict, applicable state or federal law governs.

§ 155.1032 INITIATION.

(A) Applicant Eligibility. A small wireless facility application may be initiated by:

(1) A wireless provider;

(2) An agent of a wireless provider; or

(3) If the applicant is not a wireless provider or its agent, the applicant must submit evidence that a wireless provider as defined in this Chapter has executed an agreement to operate the small wireless facility.

(B) Application Requirements. A small wireless facility application:

(1) Shall be filed with the Planning and Development Services Department on an application form provided by the Planning and Development Services Department;

(2) Shall include all submittal requirements for small wireless facilities (see Subchapter L: Submittal Requirements); and

(3) Will include concurrent review for a building permit and other necessary development permits. An additional filing fee for a building permit will not be required.

(C) Consolidated Applications.
(1) **Limitations on Consolidated Applications.** An applicant seeking to collocate small wireless facilities may submit a single consolidated application, provided that such a consolidated application shall be:

(a) For a geographic area no more than two miles in diameter; and

(b) For no more than 30 small wireless facilities.

(2) **Separate Applications Required.** All other small wireless facilities must be the subject of a separate application.

(D) **Encroachment Permit Required.** Prior to zoning compliance approval, small wireless facilities proposed in a right-of-way must receive an encroachment permit from the respective entities that control the right-of-way.

§ 155.1033 **COMPLETENESS.**

(A) **Incomplete Applications.**

(1) If the Zoning Administrator determines that the application is not complete, the Administrator will specify those parts of the application that are incomplete and will indicate how they can be made complete, including a list and description of the information needed to complete the application.

(2) If the Zoning Administrator informs the applicant of an incomplete application within 10 business days, the overall timeframe for review under this Part will reset when the applicant provides the requested information.

(3) If the applicant supplements the application with additional information, the Zoning Administrator will review additional information for completeness and determine whether the application is complete. The Administrator will transmit the determination to the applicant within 10 business days.

(4) If the applicant fails to provide all required information within 60 days of the application filing date, then the application expires and must be re-filed for any further consideration.

§ 155.1034 **DECISION.**

(A) **For Colocations on Existing Poles.**

(1) The Zoning Administrator will issue a written decision granting or denying zoning compliance for an application for colocation of a small wireless facility on an existing pole within 60 days of the submission of the initial application unless:
(a) The Zoning Administrator notified applicant that its application was incomplete within 10 business days of filing. If so, the 60-day total review time is reset when the applicant provides the missing information; or

(b) An extension of time is agreed to by the applicant.

(2) The Zoning Administrator will provide the applicant with written justification for the denial. A denial will be based on substantial evidence of inconsistencies between the application and this Chapter.

(3) The Building Official will issue a building permit if the proposed small wireless facility complies with the standards of Chapter 150: Building Regulations of the York County Code of Ordinances.

(B) For Installation of and Colocation on New Poles.

(1) The Zoning Administrator will issue a written decision granting or denying zoning compliance for an application for the construction of a new pole and the colocation of a small wireless facility on a new pole within 90 days of the submission of the initial application unless:

(a) The Zoning Administrator notified applicant that its application was incomplete within 10 business days of filing. If so, the total 90-day review time is reset when the applicant provides the missing information; or

(b) An extension of time is agreed to by the applicant.

(2) The Zoning Administrator will provide the applicant with written justification for the denial. A denial will be based on substantial evidence of inconsistencies between the application and this Chapter.

(3) The Building Official will issue a building permit if the proposed small wireless facility complies with the standards of Chapter 150: Building Regulations of the York County Code of Ordinances.

§ 155.1035 APPROVAL CRITERIA.

The Zoning Administrator will approve or deny an application for a small wireless facility using the requirements of Subchapter C, Part 3.34: Small Wireless Facilities.

§ 155.1036 SUBSEQUENT APPLICATIONS.

If an application is withdrawn or if the applicant fails to provide all required information within 60 days of the application filing date, the application may be re-filed.
§ 155.1037 APPEALS.

Appeals of denials of applications for small wireless facilities must comply with the appeal procedures of Part 12 Zoning Compliance.

§ 155.1038 SCOPE OF APPROVAL.

(A) Permitting of Consolidated Applications. The applicant may receive a single permit for the collocation of multiple small wireless facilities with a consolidated application.

(B) Effect of Denial. The denial of one or more small wireless facilities in a consolidated application will not delay processing of any other small wireless facilities in the same consolidated application. Solely for purposes of calculating the number of small wireless facilities in a consolidated application, a small wireless facility includes any pole on which such small wireless facility will be collocated.

(C) Compliance with Other Requirements. The permit granted under this Part constitutes the building permit for the small wireless facilities and poles. The applicant shall not be required to obtain or pay for a separate building permit. The general requirements for all structures are applicable to small wireless facilities. All applicable health, nuisance, noise, fire, building, and safety code requirements shall apply in addition to the specific requirements of this Part.

(D) Timing of Installation. Installation or collocation for which a permit is granted pursuant to this Part must be completed within one year of the permit issuance date unless the County and the applicant agree to extend this period, or a delay is caused by the lack of commercial power or by the lack of communications facilities to be provided to the site by an entity that is not an affiliate, as that term is defined in 47 U.S.C. Section 153(2), of the applicant.

(E) Effect and Term of Permit. Approval of an application authorizes the applicant to:

1. Undertake the installation or collocation; and

2. Subject to applicable relocation requirements and the applicant’s right to terminate at any time, operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of ten years, which may be renewed for equivalent durations so long as the installation or collocation is in compliance with the criteria set forth in this Ordinance and the permit.

(F) Conditions and Obligations. Any conditions contained in a permit, including without limitation conditions designed to reduce the visibility of the small wireless facility and associated pole, or to make any portion of the same appear to be something other than a small wireless facility, shall apply for the entirety of the permit term and shall include a duty to maintain and replace components as necessary to ensure continued compliance.
§ 155.1039 RECORDKEEPING.

The Zoning Administrator shall maintain a record of all small wireless facility applications and related materials. A copy shall be furnished upon a written request of any person.

§ 155.1040 RESERVED.

§ 155.1041 RESERVED.

§ 155.1042 RESERVED.

§ 155.1043 RESERVED.

§ 155.1044 RESERVED.
PART 7: SPECIAL DISTRICTS

§ 155.1045 PURPOSE.

This Part provides a way to amend the zoning map to a Special District designation as outlined in Subchapter B, Part 3: Special Districts and to ensure that a proposed development in a Special District meets overall community standards and the requirements of this Chapter. Special District rezonings usually are requested by property owners to provide for a more flexible framework of land uses and site design for larger innovative developments.

§ 155.1046 APPLICABILITY.

This Part applies to any application to amend the Zoning Map to a Special District as defined in Subchapter B, Part 3: Special Districts. In addition to the specific standards of this Part, the general standards of Part 13 Zoning Map Amendments (Rezonings) apply unless this Part provides otherwise.

§ 155.1047 INITIATION.

(A) Applicant Eligibility. A Special District rezoning or proposal may be initiated by:

(1) The property owner of the property proposed for the Special District, provided that the site must be listed in one ownership, or if listed in several ownerships, the application for rezoning must be filed jointly by all of the owners; or

(2) An agent of the property owner of the property proposed for the Special District, with a notarized authorization from the property owner, provided that the site must be listed in one ownership, or if listed in several ownerships, the application for rezoning must be filed jointly by agents for all of the owners.

(B) Pre-Application Meeting. A pre-application meeting is required (see § 155.960: Pre-Application Meetings). At or before the pre-application meeting, the applicant shall submit a draft site plan for study by the Planning and Development Services Department.

(C) Application Requirements. A rezoning application for a Special District must be filed with the Planning and Development Services Department on an application provided by the Planning and Development Services Department. Any communication purporting to be an application for a change will be regarded as mere notice to seek relief until it is made on the form required.

(D) Neighborhood Meeting. An applicant shall conduct a neighborhood meeting for a Special District rezoning application pursuant to the procedures of § 155.961: Neighborhood Meeting.
§ 155.1048 NOTICE.

The notice required by Table 155.1048-1 applies to a rezoning to a Special District.

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<td>15 days before County Council public hearing</td>
</tr>
<tr>
<td>Publication</td>
<td>Yes</td>
<td>General Public</td>
<td>15 days before County Council hearing</td>
</tr>
</tbody>
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§ 155.1049 DECISION.

(A) Administrative Review.

   (1) Draft Site Plan Review.

   (a) The Planning and Development Services Department staff and other departments and agencies, as appropriate, will review the proposed draft site plan and application for consistency with the objectives of the Special District, the Comprehensive Plan, the suitability of the site for the proposed project with this Chapter, and other applicable codes and ordinances.

   (b) The Zoning Administrator will forward the draft site plan, rezoning application, and supporting documents and data to the Planning and Development Services Director to ensure compliance with the Comprehensive Plan Future Land Use Map, and for needed amendments to the Plan and Map.

   (c) After review of the draft site plan and Special District rezoning application, the applicant will be notified in writing of any discrepancies, conflicts, or amendments required in relation to the Comprehensive Plan Future Land Use Map.

   (d) The Zoning Administrator, Planning and Development Services Director, other appropriate agencies and County departments and the applicant may meet or otherwise confer regarding the proposed Special District.

   1. The applicant and staff may propose changes to the Special District proposal, additional meetings may be held, and additional material may be requested to guide in determinations.

   2. Planning and Development Services Department staff may request input on the proposed application from other County departments, state agencies, utility providers, and other reviewing agencies.

   3. If the applicant does not desire to participate in Draft Site Plan review meetings, the Planning and Development Services Department will base its report to the Planning Commission and County Council on the application as received.
4. If the applicant does not desire to continue any additional Draft Site Plan review meetings, the applicant will notify the Director and submit a Final Site Plan for approval review.

(2) Final Site Plan Review.

(a) After the Draft Site Plan review meetings are concluded, the applicant will submit:

1. A Final Site Plan, amended application, if necessary, and any other supporting materials that reflect the final proposal for the Special District.

2. An application for an amendment in the Comprehensive Plan Future Land Use Map Amendment pursuant to Chapter 153: Planning and Development, if any amendments are necessary to ensure consistency of the adopted Comprehensive Plan Future Land Use Map with the proposed Special District.

(b) After the Draft Site Plan review meetings are concluded, the Director will prepare a written report to the Planning Commission containing the following information:

1. Type of Special District proposed, physical characteristics of the land, relation of the proposed development to surrounding areas, and existing and probable future development;

2. The adequacy of the proposed Site Plan and other regulatory standards to ensure the accomplishment of the objectives of the Special District;

3. Relation to major roads, utilities, and other facilities and services;

4. Adequacy of evidence of unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guarantees, or other instruments, and the need for the instruments or for amendments in those proposed;

5. The suitability of plans proposed or the desirability of amendments with supporting reasons;

6. Desirable specific modifications in regulations or required amendments to the Comprehensive Plan Future Land Use Map as applicable in the particular case, based on determinations that the modifications are necessary or justified by demonstration that the public purposes of the current Plan or other regulations would be met to at least an equivalent degree by the proposal of the applicant;

7. The general criteria for rezoning identified in § 155.1139: Decision; and

8. A recommendation to approve or deny the application.
(B) **Planning Commission Review.**

(1) The process for Planning Commission review is the same process outlined for Zoning Map Amendments in § 155.1139: *Decision.*

(2) In addition to the factors for review referenced in § 155.1139: *Decision,* the Planning Commission may also consider the issues presented by the Director’s report referenced in Paragraph (A), above.

(3) If the Comprehensive Plan or Future Land Use Map must be amended, the Planning Commission will first make recommendations for an amendment of the Comprehensive Plan Future Land Use Map, as provided in Chapter 153: *Planning and Development,* before proceeding with a recommendation on the Special District application.

(4) The Planning Commission may:

   (a) Recommend approval of the application;

   (b) Recommend approval of the application subject to specific conditions to or modifications of the proposal or other applicable regulations; or

   (c) Recommend disapproval of the application.

(C) **County Council Review.**

(1) The process for review by the County Council is the same process outlined for Zoning Map Amendments in § 155.1139: *Decision.*

(2) The County Council may:

   (a) Approve the application;

   (b) Approve the application subject to specific conditions to or modifications of the proposal or other applicable regulations; or

   (c) Disapprove the application.

(3) If the Comprehensive Plan Future Land Use Map must be amended, the Council will first act on an amendment of the Comprehensive Plan Future Land Use Map as provided in Chapter 153: *Planning and Development* before proceeding with the final Special District plan approval.

(4) To establish the approved Special District, Council may adopt and require relative agreements, development agreements, contracts, deed restrictions, sureties, or other instruments to ensure the appropriate development of the Special District plan. Before development may proceed, the instruments must be approved by the appropriate County officers and agencies.
§ 155.1050 APPROVAL CRITERIA.

(A) In considering an application for a rezoning to a Special District or a proposal for a development in a Special District, the Planning Commission and the County Council will apply the purposes and standards for the particular type of district as set out in Subchapter B, Part 3: Special Districts.

(B) The Commission and Council also may use the general criteria for a rezoning addressed in § 155.1139: Decision and any specific issues identified by the report of the Director provided in § 155.1049(A): Administrative Review.

§ 155.1051 SUBSEQUENT APPLICATIONS.

If an application is denied, the property owner or the owner’s agent may not initiate another application for a Special District affecting all or part of the same parcel or property for 12 months following denial of the request by the County Council. However, the County Council may initiate an amendment request affecting the same parcel or property, or any part thereof, within this 12-month period.

§ 155.1052 APPEALS.

This Chapter does not authorize new rights to an appeal from or remedies for adverse decisions by County Council, but interested parties may pursue existing remedies from the Circuit Court.

§ 155.1053 SCOPE OF APPROVAL.

(A) In General.

(1) Approval of the Special District plan shall constitute general acceptance of the land uses, intensity, road layout, and utility service as being consistent with the Comprehensive Plan.

(2) Vesting, pursuant to state law, for the final land use mix, intensity, road layout, and utilities shall occur at the approval of the final Special District rezoning plan application and associated final site plans and plats, which must comply with the terms of the approval and any other applicable development standards.

(3) Upon approval or concurrent with the Special District rezoning procedure, the applicant must submit development plans in accordance with all applicable standards contained in the York County Code. However, the proposed development plans cannot receive preliminary plat approval until the completion of the rezoning process.

(4) If the final Special District application is approved, the development must conform with the approved plan and other applicable agreements, codes, and ordinances. The approved plan will conform to any time or priority limitations established by Council for the beginning and completion of the development as a whole, or for specified stages.
(5) Once a Special District is established on the Official Zoning Map, no development permits (zoning, building, grading, and the like) will be issued in the District until the appropriate departments have reviewed the approved plans and found that the plans conform with the approval and/or conditions, if any, of the Council and other applicable regulations of the York County Code. The form and content of additional plans and reports will be those required by the Zoning Ordinance, Land Development Code, or other applicable regulations and other County Departments.

(B) **Changes to a Special District Plan.** Changes to the approved Special District Plan shall comply with the following requirements.

(1) **Minor Change.** The Planning and Development Services Director may authorize minor changes administratively, as may be requested by the applicant, County Council, or the County Manager; or, if deemed necessary, may require a minor change to be reviewed and approved by County Council as a major change. The term “minor changes” as used in this section is considered to represent changes that do not alter the overall characteristics of the total plan and that create no adverse impacts on adjacent uses or public services and facilities. Minor changes include, but are not limited to:

   (a) Changes in location and type of landscaping and/or screening, so long as the approved character and intent is maintained;

   (b) Changes in the orientation of portions of parking areas, so long as the effectiveness of the overall site circulation and parking is maintained; parking areas shall be relocated not closer than 20 feet to any residential structure or 10 feet to any street or right-of-way lines; and the number of parking spaces shall not be reduced by the relocation;

   (c) Changes in the location of sidewalks and pathways, provided that adequate continuity of pedestrian circulation remains;

   (d) The reorientation, but not complete relocation, of structures;

   (e) Changes that will not impact properties or uses outside of and adjacent to the Special District; or

   (f) Redesign of open space that does not decrease the recreational, buffering, or environmental benefits of the open space.

(2) **Major Change.**

   (a) All changes to the approved Special District Plan not defined as minor changes in the preceding paragraphs shall be deemed “major” and shall be processed as an amendment to the special district zoning ordinance. Special district amendments require review by the Planning Commission and County Council through the procedure specified in this Part.

   (b) Proposals for major changes require a public hearing and notice to affected parties and the public as provided in § 155.1048: Notice.
(c) Major changes include, but are not limited to:
   1. Change in the permitted uses;
   2. Increased overall impervious coverage or gross floor area of structures;
   3. Increased density or intensity of use;
   4. Increased demand for traffic circulation and public utilities; or
   5. Decrease in public or private open space.

(d) A major change to the approved Special District Plan will only be approved if the applicant establishes that the change is required as a result of:
   1. Changes in conditions that occurred after the Special District Plan approval;
   2. Changes in the development policy of the community; or
   3. Conditions that were reasonably unforeseen at the time of Special District Plan approval.

§ 155.1054 RECORDKEEPING.

(A) Upon approval of the rezoning, the Special District Plan and supporting documentation will be stamped as an approved plan, and a Special District will be established on the Official Zoning Map. The approval stamp will reference Council action in approval of the rezoning.

(B) Any changes that are approved for the Special District Plan shall be recorded as amendments to the previously recorded plan and/or plat.

§ 155.1055 RESERVED.

§ 155.1056 RESERVED.

§ 155.1057 RESERVED.

§ 155.1058 RESERVED.

§ 155.1059 RESERVED.
PART 8: SPECIAL EXCEPTION PERMITS

§ 155.1060 PURPOSE.

Some land uses, buildings, or structures are not appropriate under all circumstances in a given zoning district but may be appropriate if adequate precautions are taken to assure compatibility with surrounding uses, public need, and the County as a whole. This Part allows those uses by granting a Special Exception Permit.

§ 155.1061 APPLICABILITY.

This Part applies to an application for a Special Exception Permit. An applicant shall obtain a Special Exception Permit before changing a use to or establishing a new use that is a special exception use for the district, as shown in Subchapter C, Part 2: Use Table.

§ 155.1062 INITIATION.

(A) Applicant Eligibility. A special exception permit application may be initiated by:

(1) The property owner or tenant of the property proposed for the use; or

(2) An agent of the property owner or tenant of the property proposed for the use, with a notarized authorization from the property owner or tenant, as applicable.

(B) Application Requirements.

(1) A special exception permit application must be filed with the Planning and Development Services Department on an application provided by the Planning and Development Services Department.

(2) A conceptual site plan with adequate detail of features such as building layout, setbacks, easements, parking, circulation systems, and buffers must be submitted to the Planning and Development Services Department. An application filed without an adequate conceptual site plan is considered incomplete.

(C) Traffic Impact Analysis. Based on the proposed use, a Traffic Impact Analysis (TIA) may be required and must be submitted prior to the Planning and Development Services Department accepting the special exception application and approved prior to presenting the application to the Board of Zoning Appeals.

(D) Neighborhood Meeting. An applicant shall conduct a neighborhood meeting for a special exception permit application pursuant to the procedures of § 155.961: Neighborhood Meeting.

(E) Effect on Other Proceedings. A special exception permit request that would correct a zoning violation stays all legal proceedings by the County on the zoning violation, unless the Zoning Administrator certifies to the Board of Zoning Appeals, after the special exception
application has been filed, that a stay would cause an imminent peril to life and property. In cases where there is an imminent peril to life and property, proceedings will not be stayed unless a restraining order is granted by the Board or by a court of record on application.

§ 155.1063 NOTICE.

(A) The notice required by Table 155.1063-1 applies to an application for a special exception permit.

(B) If the Board remands a special exception permit request to the Zoning Administrator for further review, the Board may set a hearing without further public notice for a time certain within 60 days unless otherwise agreed to by the parties. The Board must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing must be mailed to these persons before the rehearing.

| Table 155.1063-1: Required Notice for Special Exception Permits |
|---------------------------------|------------------|-------------------|
| Type               | Required? | To Whom?          | When?            |
| Mail               | Yes       | Applicant/Parties | Due Notice       |
|                    |           | Adjoining Landowners | N/A              |
|                    |           | Interest Groups    | N/A              |
| Posting            | Yes       | General Public     | 15 days before BZA meeting |
| Publication        | Yes       | General Public     | 15 days before BZA meeting |

§ 155.1064 DECISION.

(A) The Board of Zoning Appeals will hear all applications for special exception permits and will render a decision in each matter.

(B) The Board will hear a special exception request within 30 days of the date the application is deemed complete.

(C) Based on the hearing and probable impact of the proposed use on surrounding uses and conditions, the Board may approve, approve with conditions (lot configuration standards, open space and bufferyard requirements, impose restrictions, or increase typical development standards, and the like), or deny the request.

(D) On its own motion or the motion of a party, the Board may remand a special exception permit request to the Zoning Administrator if the Board determines the record is insufficient for review. Special exception permit requests that are remanded must be rescheduled for hearing within 60 days unless the parties agree on an extension.

(E) The Board will issue a written decision within 45 days of the final hearing on the matter.
(F) All final decisions or orders of the Board will be delivered to parties-in-interest by certified mail.

§ 155.1065 APPROVAL CRITERIA.

(A) In considering an application for a special exception permit, the Board shall apply the standards for the proposed special exception use as set out in Subchapter C, Part 3: Conditional and Special Exception Uses.

(B) The Board will use the following general criteria for judging the compatibility of the proposal with the surrounding area:

(1) Adequacy of water and sewer facilities;

(2) Impacts on existing public services and public facilities (including, but not limited to, education, recreation, transportation, and water/sewer facilities) from the proposed use; and

(3) Compatibility of the proposed use with surrounding uses.

§ 155.1066 SUBSEQUENT APPLICATIONS.

If an application is denied, the property owner or the owner’s agent may not initiate the same or a similar special exception permit application for the parcel for a period of one year, unless conditions have changed substantially and the Board votes unanimously to rehear the matter.

§ 155.1067 APPEALS.

Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal from any decision of the Board to a court of competent jurisdiction in and for York County, filing with the clerk of such court a petition in writing setting forth plainly, fully, and distinctly wherein the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Board is mailed.

§ 155.1068 SCOPE OF APPROVAL.

An approved special exception permit application does not authorize construction or development. All special exception uses also require zoning compliance approval, following approval by the Board of Zoning Appeals and prior to the establishment of the use.

§ 155.1069 RECORDKEEPING.

(A) The Board will keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating the fact.
(B) All final decisions and orders of the Board must be in writing and will be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board.

§ 155.1070 RESERVED.

§ 155.1071 RESERVED.

§ 155.1072 RESERVED.

§ 155.1073 RESERVED.

§ 155.1074 RESERVED.
PART 9: VARIANCES

§ 155.1075 PURPOSE.
This Part establishes a procedure to avoid unnecessary hardships that could result from a strict application of this Chapter.

§ 155.1076 APPLICABILITY.
This Part applies to an application for a variance. An applicant shall obtain variance approval to construct, develop, or make a material change in any building or structure that does not comply with the standards of this Chapter or for approval of changes provided for in Subchapter B, Part 4, Subpart 4.1: Airport Overlay District.

§ 155.1077 INITIATION.
(A) Applicant Eligibility. A variance application may be initiated by:
   (1) The property owner or tenant of the property; or
   (2) An agent of the property owner or tenant of the property, with a notarized authorization from the property owner or tenant, as applicable.
(B) Application Requirements. A variance application must be filed with the Planning and Development Services Department on an application provided by the Planning and Development Services Department.
(C) Effect on Other Proceedings. A variance request that would correct a zoning violation stays all legal proceedings by the County on the zoning violation, unless the Zoning Administrator certifies to the Board of Zoning Appeals, after the variance application has been filed, that a stay would cause an imminent peril to life and property. In cases where there is an imminent peril to life and property, proceedings will not be stayed unless a restraining order is granted by the Board or by a court of record on application.

§ 155.1078 NOTICE.
(A) The notice required by Table 155.1078-1 applies to an application for a variance.

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<tr>
<td>Publication</td>
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<td>General Public</td>
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</tr>
</tbody>
</table>

(B) If the Board remands a variance request for further review, the Board may set a hearing without further public notice for a time certain within sixty days unless otherwise agreed to by the parties. The Board must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing and notice of the rehearing must be mailed to these persons before the rehearing.

§ 155.1079 DECISION.

(A) The Board of Zoning Appeals will hear all applications for variances and will render a decision in each matter.

(B) Based on the hearing and probable impact of the variance on surrounding uses and conditions, the Board may approve, approve with conditions (lot configuration standards, open space and bufferyard requirements, impose restrictions, or increase typical development standards, and the like), or deny the request.

(C) On its own motion or the motion of a party, the Board may remand a variance request to the Zoning Administrator if the board determines the record is insufficient for review. Variance requests that are remanded must be reschedule for hearing within 60 days unless the parties agree on an extension.

(D) The Board will issue a written decision within 45 days of the hearing on the matter.

(E) All final decisions or orders of the Board will be delivered to parties-in-interest by certified mail.

§ 155.1080 APPROVAL CRITERIA.

(A) In General. The Board of Zoning Appeals may issue a variance when strict application of the provisions of this Chapter would result in unnecessary hardship. A variance may be granted if the Board makes and explains in writing the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular parcel;

2. These conditions do not generally apply to other property in the vicinity;

3. Because of these conditions, the application of this Chapter to the parcel would effectively prohibit or unreasonably restrict the utilization of the property; and
(4) 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.

(B) **Airport Overlay District.** The following additional requirements apply to variance applications for lots located in the Airport Overlay District:

(1) The variance application shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

(2) The Zoning Administrator shall provide a copy of the application to the Rock Hill-York County Airport Commission for advice as to the aeronautical effects of the variance. If the Airport Commission does not respond to the application within 30 days after receipt, the Board of Zoning Appeals may act on its own to grant or deny the application.

(C) **Limitations on Variances.** The Board may not grant a variance the effect of which would be:

(1) To allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land; or

(2) To change the zoning district boundaries shown on the Official Zoning Map.

(3) To allow the creation of a new lot that is less than the minimum lot size required by this Chapter.

(D) **Economic Burden.** The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance. Other requirements may be prescribed by this Chapter.

(E) **Minimum Lot Width.** Due to compounding property access issues in the County, variance requests for the minimum lot width requirements of this Chapter are strongly disfavored.

(F) **Conditions of Approval.** In granting a variance, the Board may attach to it conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

§ 155.1081 **SUBSEQUENT APPLICATIONS.**

If an application is denied, the property owner or the owner’s agent may not initiate the same or a similar variance application for the parcel for a period of one year, unless conditions have changed substantially and the Board votes unanimously to rehear the matter.
§ 155.1082 APPEALS.

Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal from any decision of the Board to a court of competent jurisdiction in and for York County, filing with the clerk of such court a petition in writing setting forth plainly, fully, and distinctly wherein the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Board is mailed.

§ 155.1083 SCOPE OF APPROVAL.

An approved variance application does not authorize construction or development of the nonconforming structure. Any construction or development that occurs after approval of a variance request requires additional approvals, which may include zoning compliance approval and building permits.

§ 155.1084 RECORDKEEPING.

(A) The Board will keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating the fact.

(B) The Board will issue a written decision to all parties involved in the matter.

(C) All final decisions and orders of the Board must be in writing and will be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board.

§ 155.1085 RESERVED.

§ 155.1086 RESERVED.

§ 155.1087 RESERVED.

§ 155.1088 RESERVED.

§ 155.1089 RESERVED.
PART 10: ZONING CODE INTERPRETATIONS

§ 155.1090 PURPOSE.
A zoning code interpretation is a written decision issued by the Zoning Administrator regarding the interpretation of any provision set forth in the Zoning Code. It is intended to clarify ambiguities in the Zoning Code and to resolve any ambiguities in future amendments.

§ 155.1091 APPLICABILITY.
This Part applies to requests for a decision by the Zoning Administrator to interpret a possible ambiguous standard in this Chapter, to clarify a standard in this Chapter, to clarify conditions of approval pursuant to this Chapter, or to clarify standards approved for Special Districts.

§ 155.1092 INITIATION.
(A) **Applicant Eligibility.** Any person may submit a written request for a Zoning Code interpretation to the Zoning Administrator regarding any Section of this Chapter.

(B) **Application Requirements.** A request for a Zoning Code interpretation shall be filed with the Planning and Development Services Department. At a minimum, the request for a code interpretation shall be in writing and include:

1. The section of the Zoning Code, standard, or condition that is allegedly ambiguous or needing clarification;
2. The subject matter or nature of the request; and
3. A statement of facts relevant to the nature of the request.

§ 155.1093 DECISION.
(A) The Zoning Administrator may approve a request by issuing a written decision regarding the interpretation of any provision set forth in the Zoning Ordinance or standard identified in § 155.1091: Applicability.

(B) The Zoning Administrator may deny or reject the request in writing to the applicant that shall be delivered by regular mail.

§ 155.1094 APPROVAL CRITERIA.
(A) The Zoning Administrator may approve a request if there is an ambiguity or need for the clarification demonstrated by the applicant.

(B) The Zoning Administrator may deny or reject the request if there is no ambiguity or need for the clarification demonstrated by the applicant.
(C) The Zoning Administrator shall render only one interpretation per issue. If an interpretation is requested on an issue previously addressed, the Zoning Administrator shall provide a copy of the previous interpretation.

§ 155.1095 SCOPE OF APPROVAL.

(A) A Zoning Code interpretation will become effective upon execution by the Zoning Administrator.

(B) A Zoning Code interpretation does not authorize development. Any development that occurs after the Zoning Code interpretation has been issued is subject to all applicable requirements of this Chapter, as revised by the interpretation.

§ 155.1096 RECORDKEEPING.

(A) Identification and Retention. All code interpretations shall be numbered consecutively in order of their issuance. The Planning and Development Services Department shall maintain such interpretations for public access and review in hard copy and on its Internet site until the applicable section of the Zoning Code, if applicable, is amended to provide the necessary clarification.

(B) Indexing. The Planning and Development Services Department shall establish an index on its internet site that refers to the applicable section of the Zoning Code, if applicable, and the identification number of the code interpretations that relate to that section.
PART 11: ZONING CODE TEXT AMENDMENTS

§ 155.1105 PURPOSE.
This Part describes the way that the County changes the text of this Zoning Code.

§ 155.1106 APPLICABILITY.
This Part applies to any application to amend the text of Chapter 155: Zoning Code.

§ 155.1107 INITIATION.
(A) An amendment to this Chapter may be initiated by:
   (1) The York County Council by adoption of a motion; or
   (2) The York County Planning Commission by adoption of a motion.

(B) The Planning and Development Services Director, the Zoning Administrator, or the Office of County Attorney may provide recommendations to the Planning Commission or County Council regarding potential text amendments.

§ 155.1108 NOTICE.
The notice required by Table 155.1108-1 applies to a text amendment to the Zoning Code.

Table 155.1108-1: Required Notice for Text Amendments

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<td>General Public</td>
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§ 155.1109 DECISION.
(A) Planning Commission Review and Recommendation.
   (1) The Planning Commission shall review all proposals to amend this Chapter and prepare a report of recommendations.
   (2) The Planning Commission will have 30 days within which to submit its report. If the Planning Commission fails to submit a report to County Council within the 30-day period, it will be deemed to approve the requested amendment.
   (3) In making its report of recommendations, the Planning Commission will consider the following factors:
(a) The relationship of the proposed text amendment to the Comprehensive Plan and Future Land Use Map;

(b) The relationship of the proposed text amendment to other relevant plans adopted by the County;

(c) Whether the proposed text amendment is consistent with best practices for community planning and design; and

(d) Whether public necessity, safety, or general welfare justifies the text amendment.

(B) **County Council Decision.**

(1) County Council may amend the Zoning Code through the procedures for consideration of ordinances mandated in Chapter 30: Organization and Rules of County Council of the York County Code of Ordinances.

(2) County Council will consider the recommendation of the Planning Commission on each proposed text amendment. However, the Council is not bound by the Commission’s recommendation in making a final decision.

§ 155.1110 **SUBSEQUENT APPLICATIONS.**

If a text amendment proposal is denied, the Planning Commission may not initiate another proposal for text amendment on the same subject for 12 months following denial of the request by the County Council. However, the County Council may initiate an amendment request relating to the same subject matter within this 12-month period.

§ 155.1111 **APPEALS.**

This Chapter does not authorize new rights to an appeal from or remedies for adverse decisions by County Council, but interested parties may pursue existing remedies from the Circuit Court.

§ 155.1112 **SCOPE OF APPROVAL.**

(A) A text amendment will become effective as directed in the ordinance adopting the amendment by County Council and as provided in Chapter 30: Organization and Rules of County Council of the York County Code of Ordinances.

(B) Approval of a text amendment does not authorize development. Any development that occurs after the text amendment is adopted is subject to all applicable requirements of this Chapter, as revised by the text amendment.
§ 155.1113 RECORDKEEPING.

When the County Council approves changes to the text of the Zoning Code, those changes will be reflected in the York County Code of Ordinances as provided in Chapter 30: Organization and Rules of County Council of the York County Code of Ordinances.

§ 155.1114 RESERVED.

§ 155.1115 RESERVED.

§ 155.1116 RESERVED.

§ 155.1117 RESERVED.

§ 155.1118 RESERVED.

§ 155.1119 RESERVED.
PART 12: ZONING COMPLIANCE

§ 155.1120 PURPOSE.

Zoning compliance is a process that allows the Zoning Administrator to review new uses, structures, activities, and developments prior to establishment of the use or commencement of development activities to ensure they comply with the standards in this Chapter, have appropriate design and infrastructure, and comply with any conditions of rezoning, special exception use, or variance approval.

§ 155.1121 APPLICABILITY.

(A) This Part applies to an application for zoning compliance approval. Unless elsewhere exempted by this Chapter, an applicant shall obtain zoning compliance approval prior to:

(1) Establishing a new conditional or special exception use;

(2) Changing an existing use;

(3) Reestablishing a use after a period of non-use of 180 days or more;

(4) Constructing, moving, adding to, or structurally altering a building or other structure;

(5) Constructing, enlarging, moving, or replacing a sign;

(6) Commencing shoreline stabilization activities, removing trees measuring more than six inches DBH, or initiating land disturbance activity of any kind in a riparian buffer;

(7) Removing trees measuring more than six inches DBH or initiating land disturbance activity of any kind in a cemetery buffer; and

(8) Demolishing, destroying, removing, relocating, or renovating an historically or architecturally significant site, structure, or landmark located in the Historic Sites Overlay District.

(B) This Part does not apply to any change to or replacement of the permanent copy on an existing lawful sign if the copy change does not change the size or nature of the sign in such a manner as to render the sign in violation of this Chapter.

(C) Zoning compliance applications for communications towers or small wireless facilities are subject to the requirements in this Part and in Part 3: Communications Towers Permits and Part 6: Small Wireless Applications, as applicable.

(D) This Part does not apply to home occupation permits, which are provided for in Part 4 Home Occupation Permits.
§ 155.1122 INITIATION.

(A) **Applicant Eligibility.** A zoning compliance application may be initiated by:

1. The lot owner or tenant of the lot proposed for use or development; or
2. An agent of the lot owner or tenant of the lot proposed for the use or development.

(B) **Application Requirements.** A zoning compliance application:

1. Shall be filed with the Zoning Administrator on an application form provided by the Planning and Development Services Department;
2. May be filed concurrently with a commercial building plan review application;
3. May be filed concurrently with a non-residential or multi-family construction plan application;
4. May be filed concurrently with a building permit application for a residential dwelling or sign structure.

§ 155.1123 DECISION.

(A) **Approval Authority.** A zoning compliance application is reviewed and approved, approved with conditions, or disapproved by the Zoning Administrator.

(B) **Two-Part Approval.**

1. Zoning compliance applications have two components of approval:
   - (a) Site plan approval; and
   - (b) Final zoning compliance approval.

2. For a zoning compliance application proposing the establishment of a new use or change in use that does not require any associated construction or land development activities, the Zoning Administrator may issue final zoning compliance approval at the same time as site plan approval.

3. For a zoning compliance application proposing any construction or land development activities, the Zoning Administrator shall approve or approve with conditions the site plan prior to the issuance of building or land development permits, but shall not issue final zoning compliance approval until construction or land development is complete, except as provided in Paragraph (C), below.
(4) Prior to the issuance of a certificate of occupancy by the Building Official, the Zoning Administrator or Building Official shall conduct a field inspection to ensure the use(s) and structure(s) comply with the approved zoning compliance site plan.

(a) If the Zoning Administrator finds the use(s) and structure(s) comply with the approved zoning compliance site plan, the Administrator shall issue final zoning compliance approval.

(b) If the Zoning Administrator finds the use(s) or structure(s) does not comply with the approved zoning compliance site plan, the Administrator shall not issue final zoning compliance approval until the applicant corrects all deficiencies.

(C) Temporary Zoning Compliance Approval for Non-Residential Uses.

(1) Upon the applicant’s request and prior to the issuance of a certificate of occupancy by the Building Official, the Zoning Administrator may issue a temporary zoning compliance approval for a non-residential use if the applicant has met all requirements of this Chapter, except for the completion of impervious surfaces in parking areas, driveways, roads, sidewalks, and other areas.

(2) This does not include accessible parking spaces and accessways, which shall be surfaced prior to issuance of a temporary zoning compliance approval.

(3) A temporary zoning compliance approval may include certain safeguards and conditions in order to protect the safety of the occupants and the public.

(4) If the Zoning Administrator issues a temporary zoning compliance approval, the applicant shall submit to the Administrator financial assurance in the form of cash, a bank or cashier’s check, or an irrevocable letter of credit. The financial assurance shall be filed in an amount equal to 150% of the cost to install and complete the improvements.

(5) Upon approval of the financial assurance for the proposed improvements, the applicant shall complete the improvements within 180 days of the financial assurance approval date.

(6) If the applicant fails to complete the required improvements satisfactorily within the required period of time, the financial assurance shall be forfeited and applied to the cost of completion of the required improvements.

(7) This provision in no way releases the applicant from financial liability incurred above the value of the financial assurance in making the required improvements. A request for a temporary certificate of occupancy and the posting of a financial assurance will constitute a waiver and absolute forfeiture of the right to request a variance from the above referenced requirements of this Chapter.

(D) Zoning Compliance Approval for Activities in a Riparian or Cemetery Buffer.
(1) Activities in a riparian or cemetery buffer require two inspections by the Zoning Administrator.

(2) Prior to site plan approval, the Zoning Administrator shall conduct an inspection to ensure that the request meets the requirements of the Chapter.

(3) If all applicable requirements for the project have been met, the Zoning Administrator shall issue site plan approval and the proposed work may begin.

   (a) Prior to the initiation of work, the applicant shall install survey flagging to clearly indicate the location of:

      1. The shoreline, river bank, stream bank, or cemetery boundary, as applicable;
      2. The interior edge of the buffers;
      3. All trees six inches DBH or greater;
      4. All trees proposed to be removed; and
      5. All areas proposed to be disturbed on the subject lot.

   (b) The applicant shall have a period of 180 days from the issuance of the approval to complete the proposed work, at which time the permit shall expire.

(4) Upon completion of the work, the applicant shall notify the Zoning Administrator, and the second inspection shall be conducted to ensure that the scope of the work conforms to the activity authorized in the approved site plan.

   (a) If the Zoning Administrator finds the work complies with the approved zoning compliance site plan, the Administrator shall issue final zoning compliance approval.

   (b) If the Zoning Administrator finds the work does not comply with the approved zoning compliance site plan, the Administrator shall not issue final zoning compliance approval until the applicant corrects all deficiencies.

(5) Prior to the second inspection of work in a riparian buffer, the applicant shall install permanent survey markers indicating the location of the interior edge of the buffer in accordance with Subchapter D, Part 3, Subpart 3.5, § 155.853: Marking of Buffers.

§ 155.1124  APPROVAL CRITERIA.

(A) The Zoning Administrator shall review the zoning compliance application for compliance with this Chapter with respect to the following:

   (1) The application’s compliance with applicable provisions of the Zoning Code including, but not limited to:
§ 155.1125 SCOPE OF APPROVAL.

(A) Approval of Zoning Compliance Site Plans. Approval of a zoning compliance site plan is considered authorization to proceed with:

(1) Activity in a riparian or cemetery buffer, which must be completed within 180 days of site plan approval;

(2) Application for or issuance of a building permit for the lot(s) (see Chapter 150: Building Regulations); and

(3) Application for or issuance of land development permits as required by Chapter 151: Floodplain Management, Chapter 152: Stormwater Management and Sediment Control, and Chapter 154: Land Development Code, as applicable.

(B) Temporary Zoning Compliance Approval. Temporary zoning compliance approval:

(1) Is valid for a period not to exceed 180 days following approval of the financial assurance; and

(2) The relationship of the development to adjacent uses in terms of compatibility, access, setbacks, and any other possible negative impacts;

(3) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged;

(4) The use of landscaping and fencing, walls, or berms to provide adequate screening to shield lights, noise, movement, or activities from adjacent lots where required; and

(5) The use of outdoor lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent lots.
(2) Authorizes the issuance of a temporary certificate of occupancy in accordance with Chapter 150, § 150.05: Temporary or Conditional Certificates of Zoning Compliance and Occupancy.

(C) Final Zoning Compliance Approval. Final zoning compliance approval is considered authorization to proceed with:

(1) Establishment of the proposed use; and

(2) Application for or issuance of a certificate of occupancy.

§ 155.1126 RECORDKEEPING.

The Zoning Administrator shall maintain a record of all zoning compliance applications and related materials. A copy shall be furnished upon a written request of any person.

§ 155.1127 RESERVED.

§ 155.1128 RESERVED.

§ 155.1129 RESERVED.

§ 155.1130 RESERVED.

§ 155.1131 RESERVED.

§ 155.1132 RESERVED.

§ 155.1133 RESERVED.

§ 155.1134 RESERVED.
PART 13: ZONING MAP AMENDMENTS (REZONINGS)

§ 155.1135 PURPOSE.

This Part provides a way to change the official Zoning Map. Zoning Map changes can occur as the result of implementation of the Comprehensive Plan, changes in local conditions, new development proposals, or other factors. Rezonings are most often requested by property owners to provide a suitable framework for development.

§ 155.1136 APPLICABILITY.

This Part applies to any application to amend the Zoning Map (a “Rezoning”). If the proposed rezoning is to a Special District as defined in Subchapter B, Part 3: Special Districts, the procedural requirements of Part 7: Special Districts of this Subchapter will also apply.

§ 155.1137 INITIATION.

(A) Initiation of Rezoning. A rezoning may be initiated by:

(1) The York County Council by adoption of a motion;

(2) The York County Planning Commission by adoption of a motion;

(3) The property owner of the property proposed for rezoning, provided that the site must be listed in one ownership, or if listed in several ownerships, the application for rezoning must be filed jointly by all of the owners; or

(4) An agent of the property owner of the property proposed for rezoning, with a notarized authorization from the property owner, provided that the site must be listed in one ownership, or if listed in several ownerships, the application for rezoning must be filed jointly by agents for all of the owners.

(B) Initiation Requirements.

(1) On Application. A rezoning application by the property owner or agent must be filed with the Planning and Development Services Department on an application form provided by the department. Any communication purporting to be an application for a change will be regarded as mere notice to seek relief until it is made on the form required.

(2) On Motion. A rezoning initiated by the Planning Commission or the County Council may be made by motion that identifies the parcel, current zoning district, proposed zoning district, and the reason for the rezoning.

(C) Pre-Application Meeting. A pre-application meeting is encouraged if the application is filed by the property owner or the owner’s agent (see § 155.960: Pre-Application Meetings).

(D) Split-Zoned Lots.
(1) A rezoning application shall not propose more than one zoning district on a single lot.

(2) An applicant may not apply for the rezoning of a lot that is assigned to two or more different zoning districts unless the application seeks to unify the zoning for the lot into one zoning district. A change in the zoning district for only part of a lot may only be accomplished through the subdivision of the subject lot through the procedures of Chapter 154: Land Development Code.

(E) Rezoning for Parcels with Zoning Violation.

(1) Rezoning applications will not be accepted or processed when a zoning violation exists on or in the use of the land that is the subject of the requested change. The violation must be resolved before the application can be accepted, or if a violation is discovered during the processing of the application, the rezoning process will not proceed until the violation has been resolved.

(2) If the proposed rezoning will resolve a zoning violation or if the County Council elects to initiate a rezoning request for a parcel(s) with a zoning violation, the application may be accepted and/or processed. In these cases, a rezoning request stays all legal proceedings in furtherance of the requested relief, unless the Planning and Development Services Department certifies to the County Council, after the rezoning application has been filed, that by reason of facts stated in the application, a stay would, in the Department’s opinion, cause an imminent peril to life and property. In such cases, proceedings will not be stayed unless a restraining order is granted by the County Council or by a court of record on application.

§ 155.1138 NOTICE.

(A) In General. The notice required by Table 155.1138-1 applies to a rezoning application by a landowner.

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<td>15 days before County Council public hearing</td>
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<tr>
<td>Publication</td>
<td>Yes</td>
<td>General Public</td>
<td>15 days before County Council hearing</td>
</tr>
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</table>

(B) County-Initiated Rezoning.

(1) When the County Council or the Planning Commission initiates a rezoning, the Planning and Development Services Department will notify the owners of the property by written notice by registered or certified mail, return receipt requested. The letter must be mailed at least 21 days before the Council meeting at which the public hearing of the rezoning will be considered.
(2) If the addressee of any required notice under this Section fails or refuses to accept or sign a return receipt for the notice, or the notice is returned undelivered, the notice may be served by regular mail, deposited in the United States mail, properly stamped, to the address used by the addressee for tax purposes, or the notice may be served in any manner permitted under Rule 4 of the South Carolina Rules of Civil Procedure, and an affidavit of the official required to give the notice, setting forth the time and manner of service of the notice, will be conclusive evidence of the giving of the notice under this Section.

(3) Posted notice on each affected parcel is not required for County-initiated rezoning for large areas. Notice for rezoning of large areas will be posted at prominent locations and intersections.

§ 155.1139 DECISION.

(A) Planning Commission Review and Recommendation.

(1) The Planning Commission shall review all rezoning applications and County-initiated rezonings and prepare a report of recommendations. The Planning Commission will have 30 days within which to submit its report. If the Planning Commission fails to submit a report to County Council within the 30-day period, it will be deemed to recommend approval of the requested amendment.

(2) In making its report of recommendations, the Planning Commission will consider the following factors:

(a) The relationship between the request and the Comprehensive Plan and Future Land Use Map;

(b) Whether the request is consistent with the Comprehensive Plan and Future Land Use Map;

(c) Whether the allowed uses in the requested zoning district would be compatible with the surrounding land uses;

(d) Whether the scale of the proposed development is compatible with the surrounding land uses or the intended future land uses;

(e) Whether adequate capacity at public school facilities exists or is planned to serve the needs of the proposed development;

(f) Whether the proposed project will request to connect to public water and sewer service and what entity would provide these utilities;

(g) The relationship of the request to the existing road network, current road capacity, and the most recent annual average daily trip counts; and

(h) Whether the inclusion of certain conditions of approval for the request would better achieve the goals of the Comprehensive Plan.
(B) **County Council Decision.**

1. County Council may amend the Zoning Map, promulgated pursuant to this Chapter through the procedures for consideration of ordinances mandated in *Chapter 30: Organization and Rules of County Council* of the York County Code of Ordinances.

2. County Council will consider the recommendation of the Planning Commission on each proposed rezoning. However, the Council is not bound by the Commission’s recommendation in making a final decision.

**§ 155.1140 CONDITIONS OF APPROVAL FOR REZONINGS.**

(A) **Conditions of Approval.** The Planning Commission and the Director may recommend, and the County Council may impose, reasonable conditions upon the approval of any rezoning found necessary to ensure compliance with the intent of the Comprehensive Plan, Zoning Code, or other applicable County ordinances. Such conditions may be used when necessary to prevent or minimize adverse impacts upon property or the environment. For example, conditions may include, but shall not be limited to, the following:

1. Limitations or requirements on the size, intensity of use, bulk, and location of any structure;
2. Increased landscaping, bufferyard, screening or setback requirements from property lines or water bodies;
3. Greenspace and open space conservation;
4. Driveway curb cut limitations;
5. Prohibited locations for buildings, structures, and loading or parking areas;
6. The provision of adequate ingress and egress;
7. Making project improvements for streets, sidewalks, parks, or other community facilities;
8. Building height, massing, or compatible architectural design features;
9. Hours of operation;
10. Site or building modifications to ameliorate existing non-conformities; and
11. Other conditions that the County Council, Planning Commission, and/or Director find are necessary as a condition of approval of a rezoning the zoning map.

(B) **Conditions, Limitation, or Requirements.** Such conditions, limitations, or requirements shall be:
(1) Set forth in the motion approving the rezoning;
(2) Set forth in the local ordinance that officially records the rezoning; and
(3) In effect for the period of time specified in the ordinance. If no time period is stated, the conditions shall continue for the duration of the matter which it conditions and become an integral part of the rezoning to which the conditions are attached and shall be:

(a) Required of the property owner and all subsequent owners as a condition of their use of the property;
(b) Interpreted and continually enforced by the Department in the same manner as any other provision of the York County Code of Ordinances; and
(c) If a condition imposed by the County Council is not consistent with what is being proposed in regard to the use or development of the property and associated structures, the matter must be re-heard by the County Council through the rezoning process to modify any conditions established by the Council.

(C) Alterations to Conditions of Approval. Alterations or repeal of conditions attached to any rezoning, shall be made only by the County Council following a duly advertised public hearing and public notice conducted pursuant to procedures provided. Alterations or repeal of conditions must follow the applicable procedures for a rezoning.

§ 155.1141 SUBSEQUENT APPLICATIONS.

If a rezoning application is denied, the property owner or the owner's agent may not initiate another application for a rezoning affecting all or part of the same parcel or lot for 12 months following denial of the request by the County Council. However, the County Council may initiate rezoning affecting the same parcel or lot, or any part thereof, within this 12-month period.

§ 155.1142 APPEALS.

This Chapter does not authorize new rights to an appeal from or remedies for adverse decisions by County Council, but interested parties may pursue existing remedies from the Circuit Court.

§ 155.1143 SCOPE OF APPROVAL.

(A) Any rezoning will become effective immediately upon final approval by County Council.
(B) An approved rezoning application does not authorize development. Any development that occurs after approval of the rezoning application requires additional approval, which may include civil construction plan or subdivision plat approval, if applicable, and building permits and certificates of zoning compliance.
§ 155.1144 RECORDKEEPING.

(A) When the County Council approves changes to the district boundaries or other rezoning matters portrayed on the Official Zoning Map, the changes will be entered on the map promptly by the Planning and Development Services Department in accordance with Subchapter B, Part 1, § 155.017: Zoning Map.

(B) Any unauthorized change of the Official Zoning Map by any person or persons will be considered a violation of this Chapter and is punishable as provided by law, the York County Code of Ordinances, and this Chapter.

§ 155.1145 RESERVED.

§ 155.1146 RESERVED.

§ 155.1147 RESERVED.

§ 155.1148 RESERVED.

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§ 155.1150 PURPOSE.

(A) Applying new regulations to existing development can create situations where existing lot dimensions, development density or intensity, land uses, buildings, structures, landscaping, parking areas, signs, or other conditions do not strictly comply with new requirements.

(B) This Subchapter protects and regulates nonconforming lots, site improvements, structures, and uses (collectively referred to as "nonconformities"), and specifies the circumstances and conditions under which those nonconformities may continue.

(C) The County finds that nonconformities adversely affect the orderly development and value of other property and should not continue unless brought into compliance with new County regulations over a reasonable period of time. In addition, reinvestment in some properties that do not strictly comply with current regulations can maintain existing neighborhood assets and economic growth, and is allowed with appropriate conditions.

§ 155.1151 APPLICABILITY.

This Subchapter:

(A) Applies to nonconforming lots, site improvements, structures, and uses.

(B) Does not confer legal nonconforming status to expired approvals, abandoned uses and structures, nor to lots, site improvements, structures, or uses established inconsistent with County regulations in effect when the lot, site improvement, structure, or use was established.

§ 155.1152 AUTHORITY TO CONTINUE.

(A) Nonconformities may continue in accordance with the requirements of this Subchapter.

(B) In all cases, the burden of establishing a lawful nonconformity exists is the responsibility of the lot owner or the authorized user of the nonconforming lot, site improvement, structure, or use.

§ 155.1153 MINOR REPAIRS AND MAINTENANCE.

Minor repairs and routine maintenance required to keep nonconforming uses, structures, lots, and site improvements in safe condition are allowed if the minor repair or maintenance does not create a new nonconformity or increase the degree of the existing nonconformity.
§ 155.1154 APPLICATIONS AND PROJECTS IN PROCESS.

(A) Vested rights balance the right of property owners to reasonably rely on official governmental acts and the County’s obligation to reasonably respond to community changes and needs through revisions to this Chapter. By this Section the County recognizes and commits to protect vested rights as created by S.C. Code § 6-29-1510 et seq., County Code § 153.90 et seq., and other applicable law.

(B) The County will make vested rights determinations, at property owner request, according to County Code § 153.90 et seq. and all procedures, requirements, exemptions, and other applicable provisions of state law, upon the County receiving all information necessary to determine whether vested rights arise from official County actions impacting a lot.

§ 155.1155 RESERVED.

§ 155.1156 RESERVED.

§ 155.1157 RESERVED.

§ 155.1158 RESERVED.

§ 155.1159 RESERVED.
PART 2 NONCONFORMING LOTS

§ 155.1160 APPLICABILITY.

This Part applies to lots having less area, width, or depth than required by Subchapter B: Zoning Districts for the district in which the lot is located.

§ 155.1161 CREATION OF NONCONFORMING LOTS PROHIBITED.

The subdivision of any land shall not result in a lot area or dimension that does not meet the minimum standards of this Chapter.

§ 155.1162 USE OF NONCONFORMING LOTS.

A nonconforming lot may be used for any use allowed by Subchapter C: Use Regulations for the zoning district in which the nonconforming lot is located or by this Subchapter.

§ 155.1163 SETBACK REDUCTION FOR NONCONFORMING LOTS.

(A) The minimum front, side, and rear setbacks required by Subchapter B: Zoning Districts may be reduced by up to 40% by the Zoning Administrator. The applicant must demonstrate that the proposed setback reduction is necessary to accommodate a reasonable structure on the lot.

(B) To determine the minimum required setback on a nonconforming lot, multiply the minimum front, side, or rear setback specified by Subchapter B: Zoning Districts by 40%, then subtract the result from the minimum required setback.

§ 155.1164 RESERVED.

§ 155.1165 RESERVED.

§ 155.1166 RESERVED.

§ 155.1167 RESERVED.

§ 155.1168 RESERVED.

§ 155.1169 RESERVED.
§ 155.1170 APPLICABILITY.

(A) This Part applies to:

(1) Developed lots with site improvements that do not comply with the requirements of this Chapter; and

(2) Developed lots that exceed the maximum impervious surface coverage allowed by Subchapter B: Zoning Districts.

(B) This Part does not apply to buildings that do not comply with Subchapter D, Part 2: Non-Residential and Mixed Use Building Design, which are subject to the provisions in Part 4 Nonconforming Structures.

(C) Subchapter D, Part 6: Signs establishes additional provisions for damaged nonconforming signs.

§ 155.1171 ALTERATION OF A STRUCTURE ON A LOT WITH NONCONFORMING SITE IMPROVEMENTS.

(A) When Nonconforming Site Improvements Shall Be Brought Into Compliance.
Alteration of any structure located on a lot with nonconforming site improvements is not allowed unless the nonconforming site improvements are brought into complete conformity with the regulations applicable to the zoning district and use, except when the proposed alterations result in:

(1) An increase of no more than 2,500 square feet or 25% of the gross floor area of the existing building(s), whichever is less; or

(2) An increase in the number of required off-street parking spaces by 10 or fewer spaces.

(B) Alterations Are Cumulative Over a Five-Year Period. If the cumulative total of all alterations of a structure over any consecutive five-year period exceeds the maximum allowed by § 155.1170(C)(A)(1) and (A)(2), above, the nonconforming site improvements shall be brought into full compliance with this Chapter.

§ 155.1172 NONCONFORMING OUTDOOR LIGHTING.

(A) Nonconforming outdoor light fixtures may be maintained and repaired.

(B) Nonconforming outdoor light fixtures may only be replaced with new or different light fixtures that conform to the standards of Subchapter D, Part 4: Outdoor Lighting.
(C) Nonconforming outdoor light fixtures that are found to direct light or glare onto rights-of-way and/or residential lots may be declared a public nuisance if the luminaire exceeds the maximum light level at the lot line specified herein. Such fixtures shall be altered to reduce the light level to the maximum specified in Subchapter D, Part 4: Outdoor Lighting within 90 days of receipt of a written notice from the Zoning Administrator.

§ 155.1173 RESERVED.

§ 155.1174 RESERVED.

§ 155.1175 RESERVED.

§ 155.1176 RESERVED.

§ 155.1177 RESERVED.

§ 155.1178 RESERVED.

§ 155.1179 RESERVED.
PART 4 NONCONFORMING STRUCTURES

§ 155.1180 APPLICABILITY.

This Part applies to existing structures that:

(A) Do not comply with the minimum setbacks or maximum floor area ratio, building size, or height specified by Subchapter B: Zoning Districts for the district in which the lot is located; or

(B) Do not comply with the building design requirements specified in Subchapter B, Part 3: Special Districts, Subchapter B, Part 4: Overlay Districts, or Subchapter D, Part 2: Non-Residential and Mixed Use Building Design; or

(C) Are located within a riparian buffer; or

(D) Are located in a required bufferyard.

§ 155.1181 ALTERATION AND REPLACEMENT OF NONCONFORMING STRUCTURES.

(A) Applicability. This Section generally applies to all nonconforming structures. Section § 155.1184: Nonconforming Structures in Riparian Buffers, § 155.1185: Nonconforming Structures in the Airport Overlay District, and § 155.1186: Nonconforming Communications Towers establish additional provisions applicable in certain situations.

(B) Generally. Except as otherwise allowed in this Part, nonconforming structures shall not be enlarged or structurally altered, unless the alterations are required by applicable building codes, safety codes, or other state or federal law preempting local ordinances.

(C) Nonconforming Buildings Razed By Fire, Natural Causes, or Other Natural Disasters. Any nonconforming structure or portion thereof may be replaced if razed by fire, natural causes, or other natural disasters if:

   (1) The replacement does not increase the degree of nonconformity in any respect; and

   (2) A zoning compliance application (see Subchapter E: Procedures) is submitted within six months of the date of the damage.

(D) Nonconforming Buildings Destroyed or Demolished by Any Act Other Than Fire, Natural Causes, or Other Natural Disasters. Except as provided in § 155.1181(E), below, any nonconforming structure or portion thereof destroyed or demolished by any act other than fire, natural causes, or other natural disasters shall conform to all applicable development standards upon reconstruction.

(E) Nonconforming Residential Accessory Structures. Nonconforming structures that are accessory to a principal residential structure may be maintained, repaired, structurally
altered, or replaced if the altered accessory structure is located entirely within the original footprint of the nonconforming accessory structure.

(F) **Conversion of Dwellings Into Storage Buildings.** The conversion of a dwelling into a storage building in order to avoid a nonconforming situation is prohibited.

§ 155.1182 **CHANGE OF USE IN A NONCONFORMING STRUCTURE.**

When a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by securing zoning compliance approval (see Subchapter E: Procedures).

§ 155.1183 **NONCONFORMING BUILDING DESIGN ELEMENTS.**

(A) **Applicability.** This Section applies to any building that does not comply with the building design requirements in Subchapter B, Part 3: *Special Districts*, Subchapter B, Part 4: *Overlay Districts*, or Subchapter D, Part 2: *Non-Residential and Mixed Use Building Design*.

(B) **Building Additions.** Any addition to an existing building shall fully comply with all applicable building design standards.

§ 155.1184 **NONCONFORMING STRUCTURES IN RIPARIAN BUFFERS.**

(A) **Existing Structures Allowed to Remain.**

(1) Any existing structure located within a riparian buffer on a lot as of the effective date of this Chapter is allowed to remain as a nonconforming structure.

(2) The lot owner must be able to document the structure’s prior existence through property tax records, building permits, contracts for construction, or other clear evidence.

(B) **Alterations of Nonconforming Principal Structures.**

(1) **Maintenance, Repairs, and Interior Renovations.** Work to a nonconforming principal structure located in a riparian buffer may be undertaken for purposes of maintenance, repair, and interior renovation if:

   (a) The nonconformity is not expanded except as provided in § 155.1183(B)(2), below; and

   (b) The use of the nonconforming structure is not changed.

(2) **Additions.** Additions to nonconforming principal structures are allowed if the additions:

   (a) Are located entirely outside the buffer; or
(b) Are located to the side(s) of the nonconforming structure farthest from the water.

(C) **Alterations of Nonconforming Accessory Structures.** Except as provided in § 155.1184(D), below, any nonconforming accessory building or structure may be maintained, repaired, and renovated if the nonconforming structure is not expanded and the use of the nonconforming structure is not changed.

(D) **Alterations of Nonconforming Decks.** Any nonconforming deck, whether an accessory structure or attached to the principal structure, may remain and be maintained, repaired, and renovated if the area of the deck is increased by 25% or less of its original footprint.

(E) **Demolition and Reconstruction of Nonconforming Principal Structures.**

   (1) A nonconforming principal structure may be demolished and rebuilt within its existing footprint. The exterior dimensions of the replacement structure may be different from those of the nonconforming structure, but the replacement structure shall be located entirely within the footprint of the demolished nonconforming structure.

   (2) For purposes of this provision, existing nonconforming decks, patios, open porches, and other similar amenities are not considered part of the structure footprint.

   (3) If a nonconforming principal structure is rebuilt in conformance with this Section, new or relocated accessory structures may also be located entirely within the footprint of the demolished nonconforming principal structure.

§ 155.1185 **NONCONFORMING STRUCTURES IN THE AIRPORT OVERLAY DISTRICT.**

(A) Nonconforming structures located in the Airport Overlay District (A-O) are subject to all provisions in this Part.

(B) This Part does not permit a nonconforming structure located in the A-O to become a greater hazard to air navigation than it was on the effective date of this Chapter.

(C) This Chapter does not require any change to any lawfully constructed structure in the A-O.

§ 155.1186 **NONCONFORMING COMMUNICATIONS TOWERS.**

(A) Existing communications towers previously approved by or registered with the County are grandfathered to the extent of the location, height, and setbacks of such towers. Any future improvements other than those related to location, height, or setbacks shall conform to all requirements of this Chapter.

(B) For purposes of this Section, a communications tower “registered with the County” means:
(1) The communications tower existed on or before July 19, 1999, the date of the County’s original adoption of communications towers regulations; and

(2) The communications tower owner submitted the information required by the Zoning Code within 180 calendar days of the effective date of the original communications towers regulations.

§ 155.1187 RESERVED.

§ 155.1188 RESERVED.

§ 155.1189 RESERVED.
PART 5 NONCONFORMING USES

§ 155.1190 APPLICABILITY.

(A) This Part applies to any lawfully established use that does not meet the requirements in Subchapter C: Use Regulations.

(B) This Part does not apply to uses that do not comply with Subchapter D, Part 7: Performance Standards. Non-compliance with performance standards is considered a violation of this Chapter (see Subchapter H: Enforcement).

(C) The casual, intermittent, or temporary use of land or buildings will not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on a part of a lot or tract will not be construed to establish a nonconforming use on the entire lot or tract.

§ 155.1191 CONTINUATION AND EXPANSION OF NONCONFORMING USE.

(A) A nonconforming use may continue as long as it remains otherwise lawful. Any change to a nonconforming use shall be made in accordance with the provisions of this Part.

(B) A nonconforming use shall not be relocated on the same lot, expanded, enlarged, or increased in intensity.

(C) Accessory uses and structures related to a nonconforming use shall not be added to any lot that contains a nonconforming use.

(D) A use that is nonconforming because it was a permitted or conditional use at the time of establishment and now is a special exception use in the zoning district pursuant to Subchapter C: Use Regulations:

   (1) May continue; and

   (2) Shall not be relocated, expanded, enlarged, or increased in intensity without first receiving special exception use approval and zoning compliance approval (see Subchapter E: Procedures).

(E) A use that is nonconforming because it was a permitted use at the time of establishment and now is a conditional use in the zoning district pursuant to Subchapter C: Use Regulations:

   (1) May continue; and

   (2) Shall not be relocated, expanded, enlarged, or increased in intensity without first receiving zoning compliance approval (see Subchapter E: Procedures).
§ 155.1192 DISCONTINUATION OF NONCONFORMING USE.

(A) No building, structure, lot, or portion thereof used in whole or in part for a nonconforming use that remains idle or unused for a continuous period of 180 days, whether or not the equipment or fixtures are removed, shall be used again except in conformity with the regulations of the district in which the building or land is located.

(B) The burden of proving “continuous use” is upon the applicant/lot owner. Acceptable documentation for proving continuous use consists of, but is not limited to the following:

(1) Proper documentation from an appropriate power or utility company, including monthly consumption and payments;

(2) Income tax return that references the specific use and location of the business or use;

(3) Business documents, bill of sales, invoices, contracts, proposals, advertisements, promotional materials, and the like that reference the business or use location;

(4) Legal affidavits from adjacent property owners, patrons, employees, and the like having knowledge of the continuous operations of the business or use; and

(5) Applicable federal, state, and/or County licenses and registrations.

§ 155.1193 CHANGE OF NONCONFORMING USE.

(A) Any nonconforming use may be changed to a use conforming with these regulations established for the district in which the nonconforming use is located.

(B) A nonconforming use changed to a conforming use shall not in the future be changed back to a nonconforming use.

§ 155.1194 NONCONFORMING RESIDENTIAL DENSITY.

(A) A legally established residential use that exceeds the maximum density allowed by the zoning district in which the use is located is a nonconforming use.

(B) The density of such nonconforming residential use shall not be increased. However, buildings or structures on the lot on which the nonconforming residential use is located may be expanded, enlarged, or reconstructed in accordance with the applicable provisions of this Chapter and other applicable chapters of the County Code.

§ 155.1195 REPLACEMENT OF NONCONFORMING MANUFACTURED HOMES.

(A) In districts where existing manufactured homes are nonconforming, the Zoning Administrator may issue zoning compliance approval for construction of a new principal dwelling or other conforming use that allows for the occupancy of the manufactured home.
during construction, if the owner of the manufactured home agrees in writing to remove the manufactured home prior to the issuance of a certificate of occupancy the new principal dwelling or upon expiration of the permit for the new principal dwelling, whichever comes first.

(B) If the Zoning Administrator issues a zoning compliance approval pursuant to this Section, the applicant shall submit to the Administrator financial assurance in the form of cash, a bank or cashier's check, or an irrevocable letter of credit to ensure the removal of the manufactured home. The financial assurance shall be filed in an amount equal to 150% of the cost to remove the manufactured home.

(C) A nonconforming manufactured home shall not be replaced by another nonconforming manufactured home if the existing nonconforming manufactured home has not been lived in or has been removed for 180 days. The lot owner shall submit documentation to the County confirming that the manufactured home being replaced was legally permitted and legally connected to power within the required 180-day period.

§ 155.1196 RESERVED.

§ 155.1197 RESERVED.

§ 155.1198 RESERVED.

§ 155.1199 RESERVED.
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SUBCHAPTER G: AGENCIES

PART 1: GENERAL PROVISIONS

§ 155.1200 GENERALLY.

(A) This Subchapter formally establishes commissions, boards, or officials, or recognizes existing commissions, boards, or officials, that administer this Chapter.

(B) This Subchapter establishes the composition of those agencies, their jurisdiction, and related administrative matters.

§ 155.1201 RESERVED.

§ 155.1202 RESERVED.

§ 155.1203 RESERVED.

§ 155.1204 RESERVED.
PART 2: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

§ 155.1205 PLANNING AND DEVELOPMENT SERVICES DIRECTOR.

The Planning and Development Services Director has the following duties in the administration and enforcement of this Chapter:

(A) Advise applicants for permits concerning the provisions of this Chapter and assist applicants in preparing applications;

(B) Receive and forward to the Planning Commission all complete applications that require its review, pursuant to Subchapter E: Procedures;

(C) Provide public notice as required by Subchapter E: Procedures;

(D) Perform field inspections for individual applications to verify compliance with this Chapter;

(E) Provide public information relative to this Chapter;

(F) Maintain permanent and current records of matters pertaining to this Chapter, including:
   (1) All original and current zoning maps; and
   (2) Zoning ordinance text and map amendments.

(G) Execute any and all reports as the County Council may require; and

(H) Coordinate with other County departments and outside agencies as needed in the execution of these duties.

§ 155.1206 ZONING ADMINISTRATOR.

The Zoning Administrator has the following specific duties in the administration and enforcement of this Chapter:

(A) Receive and maintain records of accessory use letters of acknowledgement (see Subchapter E: Procedures);

(B) Receive, review, and act on zoning compliance applications (see Subchapter E: Procedures);

(C) Receive, review, and act on home occupation permit applications (see Subchapter E: Procedures);

(D) Receive and forward to the Board of Zoning Appeals all complete applications that require its review, pursuant to Subchapter E: Procedures;
(E) Develop interpretations of ambiguities in this Chapter and other issues in accordance with Subchapter E, Part 10: Zoning Code Interpretations;

(F) Provide public notice as required by Subchapter E: Procedures;

(G) Coordinate with the Building Official to confirm the sufficiency of a financial security provided for replacement of an existing single-family dwelling pursuant to Subchapter C, Part 2, § 155.263: Replacement of an Existing Single-Family Dwelling;

(H) Direct parties in conflict with this Chapter;

(I) Keep records and files of any and all matters referred to them;

(J) Execute files of any and all matters referred to them;

(K) Execute any and all reports as the County Council may require;

(L) Coordinate with other County departments and outside agencies as needed in the execution of these duties;

(M) Investigate, prepare reports, and issue notices of violations of this Chapter; and

(N) Order discontinuances of illegal use of land, buildings, or structures; removal of illegal buildings or structures of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions (see Subchapter H: Enforcement).

§ 155.1207 BUILDING OFFICIAL.

In addition to the duties specified in § 150.56: Powers and Authority of County Manager and Building and Codes Department Personnel, the Building Official shall have the duty to coordinate with the Zoning Administrator to confirm the sufficiency of a financial security provided for replacement of an existing single-family dwelling pursuant to Subchapter C, Part 2, § 155.263: Replacement of an Existing Single-Family Dwelling.
§ 155.1208 RESERVED.

§ 155.1209 RESERVED.

§ 155.1210 RESERVED.

§ 155.1211 RESERVED.

§ 155.1212 RESERVED.

§ 155.1213 RESERVED.

§ 155.1214 RESERVED.
PART 3: PUBLIC WORKS DEPARTMENT

§ 155.1215 DIRECTOR OF PUBLIC WORKS.

The Director of Public Works has the following duties in the administration and enforcement of this Chapter:

(A) Require the execution of a liability agreement for certain industrial land uses and special exception uses;

(B) Receive, review, and act on requests for placement of signs in a County right-of-way;

(C) Coordinate with the Zoning Administrator and Building Official on temporary certificates of occupancy and any associated bonds or letters of credit; and

(D) Receive, review, and act on applications for encroachment permits.

§ 155.1216 RESERVED.

§ 155.1217 RESERVED.

§ 155.1218 RESERVED.

§ 155.1219 RESERVED.
PART 4: PLANNING COMMISSION

§ 155.1220  ESTABLISHMENT OF PLANNING COMMISSION.

The Planning Commission is organized and has the powers assigned by Chapter 153: Planning and Development, §§ 153.15 et seq.

§ 155.1221  PLANNING COMMISSION DUTIES.

In addition to the duties specified in Chapter 153: Planning and Development, the Planning Commission also has the following duties in the administration and enforcement of this Chapter:

(A) To provide recommendations for approval, approval with conditions, or disapproval on all Zoning Map amendment applications;

(B) To provide recommendations for approval, approval with conditions, or disapproval on all special district rezoning and amendment applications;

(C) To provide recommendations for approval, approval with modifications, or disapproval of all proposed Zoning Code text amendments; and

(D) To review and issue findings for public project reviews (see Subchapter E: Procedures).

§ 155.1222  RESERVED.

§ 155.1223  RESERVED.

§ 155.1224  RESERVED.
PART 5: BOARD OF ZONING APPEALS

§ 155.1225 ESTABLISHMENT OF BOARD OF ZONING APPEALS.

This Part establishes a Board of Zoning Appeals (BZA) in accordance with S.C. Code § 6-29-780, et seq.

§ 155.1226 COMPOSITION AND ORGANIZATION OF BOARD OF ZONING APPEALS.

(A) **Members.** The Board of Zoning Appeals shall consist of seven members appointed by the County Council by Council District.

(B) **Terms.**

   (1) Terms of office are for three years.

   (2) No member will be appointed to serve more than two full consecutive terms on the BZA.

      (a) Previous service on the BZA for a full term shall be counted in determining a member’s service on the BZA for purposes of the limitations established by this Section, but partial terms on the BZA shall not be considered for purposes of the limitations contained in this Section.

      (b) No member shall be reappointed to the BZA after serving two consecutive terms until a minimum of one year has elapsed since the board member’s last date of service.

(C) **Compensation.** Members serve without pay, but may be reimbursed for any expenses incurred while representing the BZA.

(D) **Vacancies.**

   (1) Vacancies shall be filled for unexpired terms. No members shall be appointed for a term in excess of three years.

   (2) A vacancy in a term of office will occur whenever it is found that a member has resigned or has been removed by County Council upon written charges of:

      (a) Failure to attend 50% of properly called meetings within a calendar year without just cause;

      (b) Excessive tardiness and/or leaving meetings early without just cause;

      (c) Failure to comply with the education requirements for appointed officials provided in Article 9 of the South Carolina Local Government Comprehensive Planning Enabling Act, codified as S.C. Code § 6-29-1310 through § 6-29-1380;
(d) Failure to abstain on grounds of obvious conflict of interest;
(e) Meeting outside of scheduled meeting times for the purpose of soliciting or recommending a particular course of action that would normally be discussed during a scheduled meeting;
(f) Soliciting or recommending a course of action for the purpose of private gain;
(g) Moving their residence outside of the Council District for which they were appointed;
(h) Unauthorized, improper use, or disclosure of County records; or
(i) Malfeasance or misconduct in office.

(E) **Bylaws.** The BZA shall adopt bylaws and rules of procedure in accordance with the provisions of this Chapter and S.C. Code § 6-29-790.

§ 155.1227 **POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS.**

(A) **Issuance of Subpoenas.** The Board of Zoning Appeals may subpoena witnesses and in case of contempt may certify this fact in the circuit court having jurisdiction.

(B) **Decisions.** The majority vote of a quorum of the Board who are present at the hearing will be the decision on any procedure under this Chapter.

(C) **Appeals of Administrative Decisions.** The Board of Zoning Appeals has the power to hear and decide appeals where it is alleged there is error in an order, requirement, decision, interpretation, or determination made by an administrative official in the enforcement of this Chapter.

(D) **Variances.** The Board of Zoning Appeals has the power to hear and decide appeals for variance from the requirements of this Chapter when strict application of the provisions of this Chapter would result in unnecessary hardship.

(E) **Special Exception Uses.** The Board of Zoning Appeals has the power to permit uses by special exception subject to the terms and conditions for such uses as set forth in this Chapter.

(F) **Procedures.** Subchapter E: *Procedures* specifies the application and review process for appeals, variances, and special exceptions.

§ 155.1228 **MEETINGS OF THE BOARD OF ZONING APPEALS.**

(A) Meetings of the BZA shall be held each month at a date and time adopted by the BZA in a yearly calendar of meetings and at other times as the chairperson may determine.
(B) All BZA meetings shall be open to the public.

(C) At the meeting any applicant or party may appear in person or through an agent or attorney.

§ 155.1229 RESERVED.

§ 155.1230 RESERVED.

§ 155.1231 RESERVED.

§ 155.1232 RESERVED.

§ 155.1233 RESERVED.

§ 155.1234 RESERVED.
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§ 155.1235 GENERALLY.

This Subchapter establishes the procedures to enforce compliance with this Chapter and to mandate corrections for violations of this Chapter or conditions of an approval or permit issued under this Chapter.

§ 155.1236 VIOLATIONS.

(A) Generally.

(1) Any person who violates the provisions of this Chapter is subject to the remedies and penalties it provides.

(2) For purposes of this Section, an “activity” or “activities” includes:

(a) To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building or structure;

(b) To erect, construct, reconstruct, alter, repair, convert, maintain, or use any site improvement, including signs; and

(c) The use, alteration, or maintenance of any land.

(B) Types of Violations. The following activities, acts, failures to act, and conditions are violations of this Chapter and will be enforced using the penalties and remedies provided by this Subchapter, the York County Code, and any requirements or limitations of South Carolina law:

(1) Development or Use Without Permit or Approval. Any activity that is not authorized by the acquisition of all required permits, approvals, certificates, and authorizations required by this Chapter;

(2) Development or Use of Land Inconsistent With This Chapter. Any activity that is inconsistent with any zoning, development, landscaping, sign, or general regulation of this Chapter or any amendment to it;

(3) Development or Use Inconsistent with Conditions of Approval. Any activity that is inconsistent with any term, condition, or qualification placed by the County upon a required permit, certificate, rezoning, plan approval, or other form of authorization granted by the County to allow the use, development, placement of signs, or other activity upon land or improvements of land;

(4) Violation of Performance Standards. Engaging in a land use that does not comply with the requirements of Subchapter D, Part 7: Performance Standards;
(5) **Making a Lot or Yard Nonconforming.** Reducing or diminishing any lot area, lot width, lot depth, or setback so that the lot or yard is smaller than prescribed by the requirements of this Chapter;

(6) **Increasing Impervious Surface Coverage.** Increasing the impervious surface coverage on a lot so that it exceeds the maximum allowed by this Chapter;

(7) **Increasing the Intensity of Use.** Increasing the intensity or density of use of any land or structure, except in accordance with the procedural and substantive requirements of this Chapter;

(8) **Deficient Landscaping and Site Improvements.** Failing to install or maintain any landscaping, screening, or site improvements required by this Chapter;

(9) **Removal of Vegetation in Buffers and Bufferyards.** The unauthorized removal or disturbance of vegetation from required buffers or bufferyards, except in accordance with the provisions of Subchapter D, Part 3: *Buffers, Screening, and Landscaping;*

(10) **Disrupting Notice.** Removing, defacing, obscuring, or interfering with any notice posted or made pursuant to this Chapter;

(11) **Failure to Comply with a Stop Work Order.** Continuing construction or other site work on any development, building, or structure on any land or site after service of a stop work order issues by the County pursuant to this Subchapter;

(12) **Displaying a Temporary Sign Longer Than Permitted.** Displaying a temporary sign for a period of time in excess of that stated in the approval;

(13) **Unauthorized Changes to Zoning Code or Map.** Any change to the Zoning Code text or in zoning district boundaries on the Zoning Map that is not made in conformance with the procedures set forth in Subchapter E: *Procedures;*

(14) **Other Acts.** Any other act that is prohibited by this Chapter or the failure to do any act that is required by this Chapter is a violation under this Section and is punishable under this Chapter.

(C) **Each Day Constitutes a Separate Offense.** Each day that any violation of any provision of this Chapter continues constitutes a separate offense.

§ 155.1237 PENALTIES.

(A) **Violation is a Misdemeanor.** Any person who violates any provision of this Chapter by performing an act prohibited by it or by failing to perform an act required by it is guilty of a misdemeanor under the laws of the State of South Carolina. The County Council, County Attorney, Zoning Administrator, or Planning and Development Services Director may institute all necessary proceedings in any court of the County having jurisdiction or other appropriate venue to prosecute violations under this Chapter.
(B) **Remedies.** The County has the following remedies and enforcement powers:

1. **Fines.**
   
   (a) Violations of this Chapter’s regulations are punishable by a fine not to exceed $500 per day for each violation.
   
   (b) The maximum penalty set forth above shall be limited to a fine of not more than $500 for any continuous course of conduct if the person, firm, corporation, or other offending party:

   1. Ceases further unlawful actions after receiving actual notice of violation; and
   
   2. In cases of removal, damage, or destruction of the vegetation within a riparian or cemetery buffer, immediately undertakes to correct, remediate, or cure the violation by entering a mitigation/restoration agreement as specified in § 155.1238(D); and
   
   3. In cases where any building or structure is unlawfully erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of this Chapter or any regulations duly made under the authority conferred thereby, timely pursues such administrative remedies as may be available.

   (c) The offending party shall strictly abide with all the terms, conditions, and timeframes specified in such an agreement or applicable in any available administrative proceedings.

2. **Post Facto Permit Fees.** The permit or application fees for work upon a lot without the necessary permit shall be doubled in such cases where work is commenced upon the affected lot before obtaining the required permit. The payment of such post facto permit fees shall not relieve any person, firm, corporation, or other entity from complying with the conditions of the permits once they have been issued.

3. **Withholding Acceptance of Applications.**

   (a) The County may decline to accept any application specified in Subchapter E: *Procedures*, Chapter 154: *Land Development Code*, or other chapter of the County Code until the lot owner resolves all Zoning Code violations related to the lot and pays all related fines.

   (b) In instances where the action proposed in the application would resolve the violation, the County may accept and process the application.

4. **Withholding of Permits or Approvals.**

   (a) The County may deny or withhold all permits, certificates, plan approvals, or other forms of authorization on any building, structure, land, or improvements upon land on which there is an uncorrected violation of any provision of this Chapter or of a condition or
qualification of a permit, certificate, approval, or other authorization previously granted by the County. The authorization shall not be issued until all violations are resolved and any fines levied are paid.

(b) In instances where the issuance of the authorization would resolve the violation, the County may, instead of withholding or denying an authorization, grant the authorization.

(c) In instances where evidence of a violation is noted after the acceptance, processing, and/or issuance of a permit or other authorization, all activity with regards to the processing of the application, including inspections, shall cease until the lot is brought into compliance and all fines levied are paid.

(d) This Paragraph applies regardless of whether the current owner or applicant is responsible for the violation in question.

(5) **Stop Work.** With or without revoking permits, the County may issue a stop work order on any development, building, or structure on any land on which there is an uncorrected violation of a provision of this Chapter or a violation of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the County.

(6) **Revocation of Permits and Approvals.** The County may revoke all permits, certificates, plan or plat approvals, or other forms of authorization on any building, structure, land, or improvements upon land for which there is an uncorrected violation of any provision of this Chapter or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the County. [See § 155.1239: *Revocation of Permit or Approval.*]

(7) **Civil Remedies.** In case any building or structure is proposed to be erected, constructed, reconstructed, altered, maintained, or used; or any land is proposed to be used in violation of this Chapter or of any regulation or amendment thereof enacted or adopted by the governing body of the County under the authority granted by this Chapter, the governing body of York County, the County Attorney, or any owner of real estate within the district in which the building, structure, or land is situated may, in addition to other remedies provided by law, institute an injunction, abatement, or any appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

(8) **Other Remedies.** In addition to the enforcement powers and remedies specified in this Subchapter, the County may exercise any and all enforcement powers and remedies granted to it by South Carolina State law, as it may be amended from time to time.

(C) **Penalty for Violation of Riparian or Cemetery Buffer Requirements.**

(1) When a violation of a riparian or cemetery buffer occurs, no County permits for the subject lot shall be issued to any person, firm, corporation, or other entity violating the provisions of this Chapter until such violation is cured, as provided under this Subchapter, and
any citation which may have been issued on account of such violation has received final disposition.

(2) Permits may be issued in cases where the issuance of the permit would be part of the process to resolve the violation.

(3) In instances where evidence of a buffer violation is noted after the acceptance, processing, and/or issuance of a permit or approval, the Zoning Administrator shall immediately issue a stop work order and all activity with regards to the processing of the application and/or inspections will cease until the lot is brought into compliance and all fines levied are paid.

(D) **Penalty for Destruction of Graves, Graveyards, or Cemeteries.** Any person who willfully causes destruction of graves, graveyards, or any other cemetery is subject to the penalties specified by S.C. Code § 16-17-600, as amended.

(E) **Penalty for Removal of Items From a Cemetery.** Items removed from a cemetery without proper authorization from the state, county, or legitimate cemetery committee are subject to seizure by the York County Sheriff’s Department and will be placed in the custody of the Culture and Heritage Commission within 30 days or returned to the appropriate cemetery. The Culture and Heritage Commission will hold the items only to the extent that retention of cemetery property is permissible under S.C. Code § 6-1-35, as amended.

§ 155.1238 **ENFORCEMENT PROCEDURES.**

(A) **Notice of Violation.**

(1) If the Zoning Administrator finds a violation of any provision of this Chapter, the Zoning Administrator shall provide written notification to the person responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it.

(2) In the case of violations not involving continuing construction or development or any emergency situation, the Zoning Administrator shall give written notice of the nature of the violation to the owner, occupant, or agent of the property at the last known address.

(3) The contents of the notice shall describe the nature of the violation in terms that would reasonably allow the property owner or other responsible person, representative, or tenant to determine the nature of the violation to allow for self-abatement and shall mandate a 15-day time to cure before further enforcement action will be taken.

(4) The person to whom notice is directed shall correct the violation or be subject to further enforcement action.

(5) The notice shall be personally served or sent by certified mail, return receipt requested. Failure to sign for the certified mail or failure to pick up the notice from the post office is not deemed a lack of notice under this Chapter where delivery was attempted, and a record of this attempt was provided as required by procedures for restricted mail.
(B) **Immediate Enforcement.**

(1) If the Zoning Administrator determines that an emergency situation exists or continuing construction is occurring in violation of this Chapter, the County may immediately use the enforcement powers and remedies available to it pursuant to § 155.1237: Penalties and § 155.1239: Revocation of Permit or Approval.

(2) No other notification procedures are required as a prerequisite to an immediate enforcement action.

(C) **Action by Zoning Administrator.** The Zoning Administrator may:

(1) Order discontinuances of illegal use of land, buildings, or structures;

(2) Order the removal of illegal buildings or structures or illegal additions, alterations, or structural changes;

(3) Order the discontinuance of any illegal work being done;

(4) Order a plan for the mitigation and restoration of damage to, or destruction of, a riparian and cemetery buffer in accordance with § 155.1238(D), below;

(5) Take any other action authorized by this Chapter and governing law to ensure compliance with or to prevent violation of its provisions.

(D) **Buffer Mitigation and Restoration Plans.** For damage to or destruction of a riparian or cemetery buffer required by Subchapter D, Part 3: Buffers, Screening, and Landscaping, the Zoning Administrator may order a plan for the mitigation and restoration of the damage or destruction using the following criteria:

(1) In cases in which natural vegetation within the buffer has been removed, damaged, or destroyed, the lot owner shall:

(a) Submit a mitigation and restoration plan which, at a minimum, provides that for each diameter inch of trees or vegetation damaged, destroyed, or removed, new trees with a total diameter in inches equal to the trees removed, damaged, or destroyed must be planted. Replacement trees shall:

1. Be an appropriate species and at an appropriate location for the replacement area within which previously existing trees were removed, damaged, or destroyed; and

2. Allow the support of a healthy tree canopy;

(b) Plant replacement trees a minimum of two inches in diameter measured six inches above ground level;
(c) If the buffer area is of insufficient size, width, and depth to support an adequate number of new replacement trees, comply with a plan the Zoning Administrator may authorize or order to provide an increase in the buffer depth beyond the minimum required by this Chapter and/or require the use of larger caliper trees;

(d) Ensure that no new or replacement trees or vegetation are planted within 10 feet of the side property lines outside buffer areas; and

(e) Ensure that, in replanting or replacing trees or vegetation under the mitigation and restoration provisions of this Paragraph, any damage to ground cover vegetation resulting from the use of heavy equipment in the implementation of an approved mitigation and restoration plan is reestablished through reseeding or replacement of damaged vegetation immediately after completion of the planting of new trees or vegetation.

(2) The Zoning Administrator may order, authorize, or approve such additional requirements as may be necessary or appropriate in mitigation, restoration, or replacement plans, including requiring such plans be prepared by an arborist or landscape architect, in order to preserve and protect the buffers established by this Chapter, and to mitigate and restore removed, damaged, or destroyed trees and vegetation within the buffer area.

(3) The mitigation and restoration provisions of this Paragraph shall be cumulative to, and not in substitution or replacement of, any other remedies provided under this Chapter or by law.

(4) Any person who may have a substantial interest in a decision of the Zoning Administrator with respect to a mitigation or restoration decision under this Paragraph, or any County official charged with the enforcement of the County Code, may appeal such decision by filing an application for appeal of an administrative decision in accordance with Subchapter E: Procedures.

§ 155.1239 REVOCATION OF PERMIT OR APPROVAL.

(A) Basis for Revocation. A permit or approval may be revoked by the Zoning Administrator at any time prior to the completion of the use, building, structure, development, site improvement, or subdivision for which the permit was issued, when the Zoning Administrator determines that one or more of the following conditions is present:

(1) There is departure from the plans, specifications, or conditions as required under the terms of the permit;

(2) That the permit was procured by materially incorrect information;

(3) That the permit was issued in error; or

(4) That any of the provisions of this Chapter are being violated.

(B) Notice. Written notice of the revocation shall be served upon the owner, the owner’s agent or contractor, or any person employed in the building or structure for which the permit
was issued or shall be posted in a prominent location on the lot. Where notice of revocation is served or posted, all further construction, use, or development of the lot shall cease.

(C) **Appeal of Revocation.** Any revocation of a permit may be appealed to the Board of Zoning Appeals as provided in Subchapter E, Part 2: *Appeals of Administrative Decisions.*

§ 155.1240 RESERVED.

§ 155.1241 RESERVED.

§ 155.1242 RESERVED.

§ 155.1243 RESERVED.

§ 155.1244 RESERVED.
SECTION 155.1245 GENERAL RULES OF INTERPRETATION.

(A) This Part and York County Code Chapter 10: Rules of Construction; General Penalty establish rules for interpreting provisions in this Chapter.

(B) In their interpretation and application, the provisions of this Chapter are held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general welfare.

(C) For purposes of interpreting this Chapter, the following definitions of word use apply:

1. Words used in the present tense include the future tense;
2. Words used in the singular include the plural and words used in the plural include the singular;
3. Words of one gender include the other genders and firms, partnerships, and corporations;
4. The words "shall" and "must" are mandatory;
5. The words "may," "should," and "encouraged" are permissive;
6. The term "structure" includes the term "building;" and
7. The phrase "used for" includes "designed for," or "intended for," or "maintained for," and "occupied for."

(D) This Chapter contains a number of illustrations and graphics, which are designed to assist the reader in understanding the provisions of this Chapter. However, to the extent that there is any inconsistency between the text of this Chapter and any illustrations or graphics, the text shall control.

(E) Where this Chapter permits or requires an act on the part of an "owner," "lot owner," or "property owners" and a particular lot or tract of land is owned by several persons, whether in indivision, partnership, joint venture, or other form of joint ownership, the act shall be taken on behalf of, and with the express consent of, all such persons.

(F) Any reference to a statute, provision of the York County Code, other laws or regulations, reference documents, technical manuals, or other documents refer to the most recent versions
§ 155.1246 INTERPRETATION OF ZONING MAP.

(A) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules apply:

(1) Boundaries indicated as approximately following the centerlines of streets, highways, or roads shall be construed to follow the centerlines;

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines;

(3) Boundaries indicated as approximately following political boundaries shall be construed as following such lines;

(4) Boundaries indicated as following the centerline of waterways, creeks, and ditches shall be construed as following these lines; and

(5) Boundaries indicated as parallel to or an extension of features indicated in Paragraphs (A) (1) through (4) shall be so construed.

(B) Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

(C) When it is determined by the Zoning Administrator that lots are re-platted to form a more orderly configuration based on topographic features or poor surveying practices, the zoning district shall be adjusted to the new lines. This provision does not provide for the alteration of zoning district lines to accommodate additional development, lots, or financial gain.

(D) When it is found by the Zoning Administrator that a lot is not zoned, the lot in question will be subject to the provisions of the RSF-40 District. The Planning Commission will, as soon as practicable, recommend an appropriate zoning for the lot in question. No rezoning or application fee will be required in these instances.

§ 155.1247 CONFLICTING PROVISIONS.

(A) District Hierarchy.

(1) When base zoning district and overlay zoning district provisions conflict, the provisions of the overlay zoning district shall control.
(2) When special zoning district and overlay zoning district provisions conflict, the provisions of the special zoning district shall control except in the Airport Overlay District, where the provisions of the overlay district shall control.

(B) Stricter Standards in This Chapter. In accordance with S.C. Code § 6-29-960, where this Chapter imposes a greater width or size of yards, courts, or other spaces; a lower height of buildings or smaller number of stories; a greater percentage of lot to be left unoccupied; or otherwise imposes higher standards than are required in any other statute, ordinance, or regulation, the provisions of this Chapter shall govern.

(C) Stricter Standards in Other Statutes, Ordinances, or Regulations.

(1) It is not intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of the law or ordinance of any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises.

(2) If another applicable statute, ordinance, or regulation requires a higher standard than this Chapter, the provisions of that statute, ordinance, or regulation govern.

(D) Conflicts with Private Restrictions.

(1) It is not intended by these regulations to interfere with or abrogate or annul any easements, covenants, or other agreements between parties.

(2) Where this Chapter is more restrictive or imposes higher standards than a private restriction, this Chapter controls.

(3) Where a private restriction is more restrictive or imposes higher standards than this Chapter, the private restriction controls if properly enforced by a person having the legal right to enforce the restrictions. The County does not enforce private restrictions.

§ 155.1248 RESERVED.

§ 155.1249 RESERVED.
PART 2: RULES OF MEASUREMENT

SUBPART 2.1: GENERAL PROVISIONS

§ 155.1250 PURPOSE.

This Part establishes rules for measurement or calculation of Zoning Code standards, such as lot area and height.

§ 155.1251 RESERVED.

§ 155.1252 RESERVED.

§ 155.1253 RESERVED.

§ 155.1254 RESERVED.
§ 155.1255 GENERALLY.

(A) This Subpart describes how to calculate residential density, which is regulated in Subchapter B: Zoning Districts and Subchapter C: Use Regulations.

(B) Density for residential uses is expressed in dwelling units per acre of land.

(C) The calculation of maximum density is based on the gross lot area of all lots in a proposed development prior to the dedication of any rights-of-way, public parks, or other public areas.

§ 155.1256 CALCULATION OF MAXIMUM DENSITY.

(A) Calculation. To calculate the maximum number of dwelling units per acre allowed in a development, multiply the gross lot area by the maximum density standard for the zoning district. See Figure 155.1256-1: Example Calculation of Maximum Density.

(B) Rounding. When density calculations result in a fraction, the allowed number of dwelling units shall be rounded down to the next lowest whole number.

(C) Accessory Dwelling Units. Accessory Dwelling Units are not included in the calculation of minimum or maximum density.

<table>
<thead>
<tr>
<th>District</th>
<th>RSF-30 District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling Type</td>
<td>Single-family detached</td>
</tr>
<tr>
<td>Density (max)</td>
<td>1.5 du/ac</td>
</tr>
<tr>
<td>Gross Lot Area</td>
<td>927,543 sf</td>
</tr>
</tbody>
</table>

Step 1: Convert lot area to acres (1 ac = 43,560 sf)
927,543 sf / 43,560 sf = 21.29 ac

Step 2: Multiply gross lot area (in acres) by the maximum density
21.29 ac x 1.5 du/ac = 31.935 = 31 du (rounded)

Key: max = maximum allowed | du = dwelling unit | ac = acre | sf = square feet

§ 155.1257 RESERVED.

§ 155.1258 RESERVED.
§ 155.1259  RESERVED.
SUBPART 2.3: FLOOR AREA RATIO

§ 155.1260 GENERALLY.

This Subpart describes how to calculate floor area ratio, which is regulated in Subchapter B: Zoning Districts.

§ 155.1261 CALCULATION OF FLOOR AREA RATIO.

(A) Floor area ratio (FAR) is calculated by dividing the gross floor area (in square feet) of a structure by the total lot area (in square feet).

(B) A floor area ratio of 1.0 means the building floor area may equal the lot area; FAR 3.0 means the floor area may be up to three times the lot area; and FAR 0.25 means the floor area may not exceed one-quarter of the lot area.

§ 155.1262 RESERVED.

§ 155.1263 RESERVED.

§ 155.1264 RESERVED.
§ 155.1265 GENERALLY.

This Subpart describes how to calculate gross floor area, which is regulated in Subchapter B: Zoning Districts and Subchapter C: Use Regulations.

§ 155.1266 CALCULATION OF GROSS FLOOR AREA.

(A) Gross floor area (GFA):

(1) Is measured from the exterior faces of the exterior walls of the structure;

(2) Includes the total horizontal area of all floors of a structure, including interior balconies, mezzanines, corridors, stairways, closets, and elevator shafts; and

(3) Excludes shafts with no openings and interior courts that are open from the floor to the sky.

(B) The floor area of a structure or portion thereof without exterior walls is the usable area under the horizontal projection of the roof or floor above.

§ 155.1267 RESERVED.

§ 155.1268 RESERVED.

§ 155.1269 RESERVED.
§ 155.1270 GENERALLY.

This Subpart describes how to measure building and structure height and allows exceptions for certain structures or elements.

§ 155.1271 MEASUREMENT OF HEIGHT.

(A) Height Regulated in Feet. Where this Chapter regulates height in feet, the height of a building or structure is the vertical distance measured from the average level of the finished surface of the ground adjacent to the exterior walls to the highest point of the building or structure.

(B) Height Regulated in Stories. Height, where not regulated in feet, is regulated in stories.

   (1) A story is measured:

      (a) From top to top of two successive finished floor surfaces; and

      (b) For the topmost story, from the top of the highest finished floor to the top of the ceiling joists or to the top of the roof rafters if there is no ceiling.

   (2) A basement counts as a story if more than one-half of its height is above grade.

   (3) An attic counts as a story if it contains habitable attic space, as defined by the Building Code.

   (4) These provisions are illustrated in Figure 155.1271-1: Measurement of Height in Stories.
§ 155.1272 EXCEPTIONS.

(A) The projections listed in Table 155.1272-1: Exceptions to Maximum Building and Structure Height are exempt from the height limitations of this Chapter to the extent established below.

(B) These projections may be erected in accordance with other regulations or ordinances of York County or of other jurisdictions, such as the Federal Aviation Administration (FAA).

<table>
<thead>
<tr>
<th>Type of Projection</th>
<th>Height (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory farm structures</td>
<td>Exempt from height limit</td>
</tr>
<tr>
<td>Architectural features not intended for human occupancy including, but not limited to, ornamental cupolas and domes, spires, belfries, and steeples</td>
<td>Exempt from height limit</td>
</tr>
<tr>
<td>Communication, radio, television, broadcast, and transmission towers</td>
<td>Exempt from height limit</td>
</tr>
<tr>
<td>Flagpoles</td>
<td>Exempt from height limit</td>
</tr>
<tr>
<td>Type of Projection</td>
<td>Height (max)</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Necessary mechanical features that occupy 25% or less of the roof area</td>
<td>Exempt from height limit</td>
</tr>
<tr>
<td>Parapet walls</td>
<td>4 feet above the roof</td>
</tr>
<tr>
<td>Utility poles</td>
<td>Exempt from height limit</td>
</tr>
<tr>
<td>Water standpipes, water tanks, and water towers</td>
<td>Exempt from height limit</td>
</tr>
</tbody>
</table>

§ 155.1273 RESERVED.

§ 155.1274 RESERVED.
SUBPART 2.6: LOT AREA, WIDTH, AND COVERAGE

§ 155.1275  GENERALLY.

This Subpart describes how to measure lot area, lot width, and impervious surface coverage. These metrics are regulated in Subchapter B: Zoning Districts and Subchapter C: Use Regulations.

§ 155.1276  LOT AREA.

The area of a lot:

(A) Is calculated in square feet by multiplying the lot depth by the lot width, and

(B) Does not include any portion of a road right-of-way.

§ 155.1277  LOT WIDTH.

(A) Measurement.

(1) The width of a lot is the horizontal distance between the side lot lines at the building setback line measured parallel with the front lot line or, in the case of a curvilinear street, measured parallel to the chord of the arc between the intersection of the side lot lines and the street right-of-way line, except for lots on cul-de-sac streets pursuant to Paragraph (B), below.

(2) The zoning district minimum lot width shall be met at the front lot line.

(B) Lots on Cul-de-Sac Streets. For lots located on a cul-de-sac street, the minimum lot width at the front lot line is 35 feet and the zoning district minimum lot width must be met at the front setback for the district, as illustrated in Figure 155.1277-3: Measurement of Lot Width for Lots on Cul-de-Sac Streets.
§ 155.1278 IMPERVIOUS SURFACE.

(A) Measurement. Impervious surface coverage is:

(1) Expressed as a percentage of lot area; and

(2) Calculated by dividing the total area of all impervious surfaces within a lot by the total lot area, and multiplying the result by 100.

(B) Exceptions. Roof eaves to the extent of two feet and ordinary projections including, but not limited to, fireplaces and windows that extend from the exterior walls of the building 12 inches or less, shall not be counted in calculating impervious surface coverage.

§ 155.1279 RESERVED.

§ 155.1280 RESERVED.

§ 155.1281 RESERVED.
§ 155.1282 RESERVED.

§ 155.1283 RESERVED.

§ 155.1284 RESERVED.
§ 155.1285  GENERALLY.

(A) This Subpart describes how to measure yards and setbacks. These metrics are regulated in Subchapter B: Zoning Districts and Subchapter C: Use Regulations.

(B) Figure 155.1285-1: General Location of Yards and Setback Lines illustrates yards and setback lines on typical lots.

Figure 155.1285-1: General Location of Yards and Setback Lines
(C) When making determinations or, if necessary, interpretations under this Subpart, the Zoning Administrator shall consider the following characteristics of the lot and surrounding lots:

(1) The orientation of existing or proposed buildings containing the principal use;
(2) Means of gaining safe access;
(3) The relative dimensions of the lot and yards;
(4) Delivery of services to the lot, including mail and trash collection;
(5) Associated setbacks; and
(6) Other features related to site design and safe circulation.

§ 155.1286 MEASUREMENT OF SETBACKS.

Setbacks are measured from the lot line or edge of right-of-way, whichever is closer, to the closest projection of any portion of a building or structure, except for encroachments as allowed by § 155.1290: Encroachments.

§ 155.1287 FRONT YARDS AND SETBACKS.

(A) Definition.

(1) A front yard is an open, unoccupied space on a lot (except for encroachments as allowed by § 155.1290: Encroachments) that generally faces a street and extends:

(a) Across the entire width of a lot between the side lot lines; and

(b) From the front face of the principal structure to the front lot line.

(2) For lots without frontage on a street, the front lot line is the lot line where access to the lot is provided.

(3) For flag lots, the front lot line is the lot line that is perpendicular to and closest to the “flag pole” portion of the lot (see Figure 155.1287-1).
(4) The horizontal distance between the principal structure and the front lot line shall be at least equal to the minimum front setback required for the zoning district in which the lot is located (see Subchapter B: Zoning Districts).

(5) The horizontal distance between an accessory structure and the front lot line shall be at least equal to the minimum front setback required for the type of accessory structure (see Subchapter C, Part 4: Accessory Uses and Structures).

(B) **Front Setbacks on Corner Lots and Double Frontage Lots.** For corner lots and double frontage lots, the front setback requirements apply along both streets as illustrated in Figures 155.1287-1: Front Setbacks on Corner Lots and 155.1287-2: Front Setbacks on Double Frontage Lots.
Figure 155.1287-1: Front Setbacks on Corner Lots

Figure 155.1287-2: Front Setbacks on Double Frontage Lots
§ 155.1288 SIDE YARDS AND SETBACKS.

(A) A side yard is an open, unoccupied space (except for encroachments as allowed by § 155.1290: Encroachments) that extends:

(1) From the front yard to the rear yard; and

(2) From the side face of the principal structure to the side lot line.

(B) The horizontal distance between the principal structure and each side lot line shall be at least equal to the minimum side setback required for the zoning district in which the lot is located (see Subchapter B: Zoning Districts).

(C) The horizontal distance between an accessory structure and a side lot line shall be at least equal to the minimum side setback required for the type of accessory structure (see Subchapter C, Part 4: Accessory Uses and Structures).

§ 155.1289 REAR YARDS AND SETBACKS.

(A) A rear yard is an open, unoccupied space (except for encroachments as allowed by § 155.1290: Encroachments) that extends:

(1) Across the entire width of a lot between the side lot lines; and

(2) From the rear face of the principal structure to the rear lot line.

(B) The horizontal distance between the principal structure and the rear lot line shall be at least equal to the minimum rear setback required for the zoning district in which the lot is located (see Subchapter B: Zoning Districts).

(C) The horizontal distance between an accessory structure and the rear lot line shall be at least equal to the minimum rear setback required for the type of accessory structure (see Subchapter C, Part 4: Accessory Uses and Structures).

§ 155.1290 ENCROACHMENTS.

(A) Required yard means that portion of any yard constituting the minimum area required in any zoning district, but excluding that portion of the yard in excess of the minimum required area.

(B) Table 155.1290-1: Allowed Encroachments into Required Yards and Setbacks specifies allowed encroachments into required yards.
### Table 155.1290-1: Allowed Encroachments into Required Yards and Setbacks

<table>
<thead>
<tr>
<th>Feature</th>
<th>Yard(s) Where Encroachment is Allowed</th>
<th>Encroachment (max)</th>
<th>Setback from Lot Line(s) (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balconies and porches</td>
<td>Front, rear</td>
<td>5 ft</td>
<td>10 ft</td>
</tr>
<tr>
<td>Decks attached to the principal structure</td>
<td>Rear</td>
<td>5 ft</td>
<td>3 ft</td>
</tr>
<tr>
<td>Eaves, canopies, and roof extensions or overhangs</td>
<td>Any yard</td>
<td>3 ft</td>
<td>--</td>
</tr>
<tr>
<td>Mechanical units for residential uses</td>
<td>Any yard</td>
<td>No max</td>
<td>3 ft</td>
</tr>
<tr>
<td>Minor accessory uses and structures&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Any yard</td>
<td>No max</td>
<td>0 ft</td>
</tr>
<tr>
<td>Open fire escapes</td>
<td>Side</td>
<td>3 ft</td>
<td>--</td>
</tr>
<tr>
<td>Ordinary projections of window sills, belt courses, buttresses, chimneys, cornices, piers, and other architectural features</td>
<td>Any yard</td>
<td>3 ft</td>
<td>--</td>
</tr>
<tr>
<td>Protective awning, hood, or overhang above a doorway</td>
<td>Any yard</td>
<td>3 ft</td>
<td>--</td>
</tr>
<tr>
<td>Ramps for ADA accessibility</td>
<td>Any yard</td>
<td>No max</td>
<td>--</td>
</tr>
<tr>
<td>Retaining walls four feet in height and greater&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Any yard</td>
<td>--</td>
<td>3 ft</td>
</tr>
<tr>
<td>Unenclosed stairs that do not extend above the first floor level</td>
<td>Front, side</td>
<td>--</td>
<td>18 in (from front lot line or street line) 3 ft (from side lot line)</td>
</tr>
</tbody>
</table>

**Key:** max = maximum allowed | min = minimum required | ft = feet | in = inches | \(\sim\) = not applicable

<sup>1</sup> See Subchapter C, Part 4: Accessory Uses and Structures.

<sup>2</sup> This setback does not apply to roadway retaining walls.

§ 155.1291 RESERVED.

§ 155.1292 RESERVED.

§ 155.1293 RESERVED.

§ 155.1294 RESERVED.
§ 155.1295 GENERALLY.

(A) This Subpart describes how to measure the required minimum separation distance between certain conditional and special exception uses specified in Subchapter C, Part 3: Conditional and Special Exception Uses.

(B) Depending on the regulated use, Subchapter C, Part 3: Conditional and Special Exception Uses specifies a minimum separation distance between the new regulated use and:

1. The same type of existing use;
2. Certain zoning districts; and/or
3. Certain sensitive land uses, such as residential uses.

§ 155.1296 MEASUREMENT OF SEPARATION DISTANCE.

(A) Separation Between Uses.

1. When a minimum separation distance is required between a new regulated use and the same type of existing use or a sensitive land use, the measurement shall be taken in a straight line from the nearest point of the wall of the structure in which the regulated use is proposed to be located to the nearest point of the wall of the structure in which the same type of existing use or a sensitive land use is located.

2. If any regulated or existing use is not located within a structure, the measurement shall be taken in a straight line from the nearest point of the area where the regulated or existing use occurs to the other structure or area of use.

(B) Separation Between a Regulated Use and a Zoning District.

1. When a minimum separation distance is required between a new regulated use and a certain zoning district, measurements shall be taken in a straight line from the nearest portion of the lot line where the new regulated use is proposed to the nearest portion of the lot line or zoning district boundary line of the district from which the regulated use must be separated.

§ 155.1297 RESERVED.

§ 155.1298 RESERVED.

§ 155.1299 RESERVED.
SUBCHAPTER J: DEFINITIONS AND ACRONYMS

PART 1: DEFINITIONS

§ 155.1300 PURPOSE.

The purpose of this Subpart is to provide a common meaning for terms used in this Chapter.

§ 155.1301 DEFINED TERMS.

For the purpose of this Chapter, the definitions in this Section shall apply unless the context clearly indicates or requires a different meaning.

(A)

A-FRAME SIGN. A temporary, portable, freestanding sign in the shape of the letter "A" with back-to-back sign faces, an easel, or a similar configuration.

ABUTTING ADJOINING, OR ADJACENT. Located immediately next to each other or sharing a common wall or lot line, including properties separated only by land within the public rights-of-way or easements.

ACCESSORY BUILDING. A building subordinate to and separated from the principal building on a lot, which is used for purposes customarily incidental to those of the main building.

ACCESSORY BUILDING, AGRICULTURAL. A building subordinate to and separated from the principal building on a lot in a district in which agricultural use is a principal use and which is used for purposes customarily incidental to agricultural use, including animal shelters, pens, kennels, barns, silos, farm equipment sheds, manure stockpiles, and troughs.

ACCESSORY DWELLING UNIT (ADU). A secondary dwelling established in conjunction with, and clearly subordinate to, a primary dwelling unit on the same lot, whether a part of the same building as the primary dwelling unit or in a detached building.

ACCESSORY STRUCTURE. A structure subordinate to and separated from the principal building on a lot, which is used for purposes customarily incidental to those of the main building. Structures will be considered accessory only when a principal structure has been constructed or permitted on the parcel where the accessory structure is to be located.

ACCESSORY USE. A subordinate use which is incidental to, separated from, and customarily associated with the principal building or use and which is located on the same lot with the principal use. ACCESSORY USES are prohibited on vacant lots unless otherwise specified in Subchapter C, Part 4: Accessory Uses.
**ADULT BUSINESS.** An inclusive term used to describe collectively: adult bookstores, adult entertainment establishments, adult theaters, and sexual encounter establishments.

**ADULT BOOKSTORE.** An establishment that has a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, digital materials, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or

2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

**ADULT CABARET.** A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, digital materials, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT ENTERTAINMENT ESTABLISHMENT.** An establishment including, but not limited to, adult bookstores, adult cabarets, adult motion picture theaters, adult theaters, sexual encounter establishments and any other establishment which contains activities characterized by the performance, depiction, or description of “specified sexual activities,” or “specified anatomical areas.” NOTE: An establishment where a person appears in a state of nudity as part of a modeling class will not be construed as an adult entertainment establishment or a sexual encounter establishment if the establishment is operated:

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

2. 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; or

3. In a structure;
   a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
   b. Where, in order to participate in the class, a student must enroll at least three days in advance of the class; and
   c. Where no more than one nude model is on the premises at any one time.

**ADULT MOTION PICTURE THEATER.** An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, digital materials, or similar photographic reproductions are shown, and in which a substantial portion of the total
presentation time is devoted to the showing of material characterized by an emphasis on the
depiction or description of specified sexual activities or specified anatomical areas.

**ADULT THEATER.** A theater, concert hall, auditorium, or similar establishment characterized
by activities featuring the exposure of specified anatomical areas or by specified sexual
activities.

**AGRICULTURAL PROCESSING.** An agriculture-oriented industrial use that primarily involves
the processing and packaging of raw agricultural products for distribution or sale as an
intermediate or finished product, including packing sheds, mills for corn, rice, flour, and other
crops, oil pressing, milk and dairy product processing, freezing, canning, dehydrating, and
animal slaughtering and processing.

**AGRICULTURAL SUPPORT SALES AND SERVICES.** Agriculture-oriented retail and
services providers that primarily sell materials related to agricultural production and farming,
such as animal and livestock feed, fertilizers, pesticides, and tools and implements, as well as
outlets for direct sale of agricultural products, such as roadside farm stands, farmers markets,
and livestock markets.

**AGRICULTURE.** Any land, building, structure, pond, impoundment appurtenance, machinery,
or equipment that is used for the commercial production or processing of crops, trees,
livestock, animals, poultry, honeybees, honeybee products, livestock products, poultry
products, or products that are used in commercial aquaculture.

**AGRITOURISM.** Activities conducted on a working farm, ranch, or other agricultural facility that
offer opportunities to the general public or invited groups for education, entertainment,
recreation, and/or active involvement in the farm operation.

**AIRCRAFT.** Any machine or device, including airplanes, helicopters, gliders, and dirigibles,
capable of atmospheric flight.

**AIRPORT.** Any area of land or water designed and set aside for the landing and take-off of
aircraft, including all necessary facilities for the housing and maintenance of aircraft.

**ALTERATION, STRUCTURAL.** Any change, except those required by law or ordinance, which
would prolong the life of the supporting members of a building or structure, such as bearing
walls, columns, beams or girders, not including openings in bearing walls as permitted by other
ordinances.

**ALTERNATIVE LENDING INSTITUTION.** An establishment that provides short-term, high-
interest personal lending services. These institutions include check cashing establishments
(not including incidental check cashing), motor vehicle title lenders, pawnbrokers, payday
lenders, deferred presentment services, bail bonding, and other businesses with similar
business models and land use impacts. This definition does not include banks, credit unions,
savings and loan associations, precious metals dealers, or similar uses.

**AMERICANS WITH DISABILITIES ACT STANDARDS FOR ACCESSIBLE DESIGN.** Design
standards intended to promote accessibility for disabled individuals adopted by the United

States Department of Justice. Reference is made to the 2010 Design Standards, which are in effect at the time of adoption of this ordinance, but any reference in this Code shall be construed to refer to the version of the Design Standards in effect at the time of the application for a permit or other decision under this Code.

**AMPHITHEATER, OUTDOOR STAGE, BANDSTAND, OR SIMILAR STRUCTURE.** An outdoor structure providing a venue for musical and theatrical productions which may include fixed seating or space for seating on the ground for spectators.

**AMPHITHEATER, OUTDOOR STAGE, BANDSTAND, OR SIMILAR STRUCTURE, NEIGHBORHOOD.** An outdoor structure providing a venue for musical and theatrical productions which may include fixed seating or space for seating on the ground for not more than 100 spectators.

**AMUSEMENT OR THEME PARK.** An establishment that operates facilities offering activities and attractions for amusement, entertainment, and recreation, such as mechanical rides, water rides, games, shows, theme exhibits, restaurants or refreshment stands, picnic grounds, and the sale of merchandise. These establishments may lease space to others on a concession basis.

**ANIMAL AND PET SERVICES.** An establishment primarily engaged in providing services for household pets, such as grooming, daycare, and training. This use does not include veterinary services or commercial kennels.

**ANIMAL HOSPITALS AND VETERINARIAN CLINICS.** A facility for the prevention, treatment, surgery, cure, or alleviation of disease and/or injury in domestic animals and offices of licensed veterinary practitioners primarily engaged in the practice of veterinary medicine, dentistry, or surgery for animals, including overnight boarding indoors. In some districts, animal hospitals and veterinarian clinics may provide outdoor kennels, runs, or play areas as identified in Subchapter C, Part 2: Use Table.

**ANIMAL PRODUCTION AND LIVESTOCK (KEEPING OR RAISING).** This land use involves the raising of domesticated animals, including cattle, hogs and pigs, poultry, sheep and goats, bees, horses and other equines, fur-bearing animals, and animal aquaculture, for consumption or product production. Animal production does not include the keeping of domesticated animals as household pets, such as dogs, cats, backyard chickens, and potbellied pigs. See also **KENNEL, COMMERCIAL** and **EQUESTRIAN USE.**

**APARTMENT.** A dwelling unit located in a triplex, quadplex, or multi-family dwelling, or an upper story dwelling in a mixed-use building.

**APPLICANT.** A person who applies for any permit or approval controlled by this Chapter.

**APPLICATION, COMPLETE.** Any application for approval of a development permit pursuant to the Zoning Code that contains all materials required by Zoning Code Subchapter L: Submittal Requirements all applicable fees.
APPLICATION, NEW. Any application for approval of a development permit pursuant to the Zoning Code that was not complete and filed on or before the effective date of this Chapter.

AREA, GROSS. The entire area within the boundary lines of the property proposed for subdivision/development, including any areas to be dedicated or reserved for street and alley rights-of-way, stormwater management, utilities, and for public uses.

AREA, GROSS FLOOR (GFA). The total horizontal area of all floors of a structure (see Subchapter I: Rules of Interpretation and Measurement).

ARMORIES. Structures providing enclosed space designed for military training and storage of equipment and material. They may have incidental storage and office space within the main structure and are sometimes used for events.

ART GALLERY. A place or establishment arranged for the display and exhibition of works of art by one or more artists and for the sale of works of art.

ART STUDIO. An establishment for the preparation, display, and sale of individually crafted artwork, jewelry, metal work, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

ARTISAN WORKSHOPS AND MANUFACTURING. An establishment where articles of artistic quality or effect or handmade workmanship are produced. Examples include candle making, furniture making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.

ASSISTED LIVING, SKILLED NURSING, CONTINUING CARE RETIREMENT FACILITIES. A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. The facility generally includes a central kitchen, dining, recreational, and other facilities, with separate dwelling units, bedrooms, or living quarters.

AUTOMOBILE AND EQUIPMENT IMPOUND YARDS. An outdoor facility used for the temporary storage of vehicles and equipment, including the storage of vehicles towed from parking areas and vehicles and equipment to be claimed by their titleholders or lienholders. All vehicles and equipment stored in an impound yard must remain mechanically operable and licensed at all times. This term does not include SALVAGE OPERATIONS.

AWNING. An architectural projection from an exterior wall of a building that provides weather protection, identity, or decoration. An awning has a lightweight frame structure covered by a lightweight covering such as fabric or vinyl.

AWNING SIGN. A permanent, on-premises sign attached or applied to an awning.
(B)

**BANKS, CREDIT UNIONS, AND SAVINGS & LOANS.** An establishment that provides retail banking services, mortgage lending, or similar financial services to an individual or business.

**BANNER.** A temporary, generally flexible, sign applied on lightweight material, such as plastic or fabric of any kind, hung either with or without a frame.

**BAR.** Any establishment, whether public or operated as a private club, including cocktail lounges, taverns, and the like, serving an adult clientele whose primary business (51% of gross income) is the sale of alcoholic beverages, including beer and wine, for consumption on the premises, and where the purchase of food is at the option of the customers and not required by the operator. The sale of alcoholic beverages, beer, and wine must be licensed by the State Alcoholic Beverage Commission.

**BED AND BREAKFAST.** A detached dwelling and accessory buildings on a lot occupied by the owner where short-term lodging rooms are provided for compensation and a full or continental breakfast is served.

**BEST MANAGEMENT PRACTICES (BMPS).** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**BEVERAGE MANUFACTURING.** An industrial facility that produces or processes beverages for human consumption, including alcoholic beverages. **BEVERAGE MANUFACTURING** does not include craft breweries, brewpub, or winery as defined in this Subchapter.

**BILLBOARD.** A permanent, off-premises sign or sign structure attached on which a person places copy on a poster or panel mounted on a pole or metal structure. Typically, a billboard has one of the following configurations: (1) wood posts or pole supports with dimensional lumber as the secondary support (A-frame) with a wood or metal catwalk with display panels, (2) steel A-frame constructed with angle iron or steel supports with metal framing, catwalk, with display panels, (3) multi-mast structure constructed with steel poles, I-beam, or equivalent member as the primary support, with a catwalk, and display panels, or (4) monopole structure constructed with tubular steel support, tubular steel framing, metal catwalk and display panels with a concrete foundation.

**BINGO HALL.** An establishment primarily engaged in operating bingo games and may also include the sale of food and beverages. **BINGO HALLS** do not include gambling establishments offering other games of chance, such as casinos.

**BOARD OF ZONING APPEALS (BZA).** The York County Board of Zoning Appeals as established by Subchapter G: Agencies.
**BODEY PIERCING.** The creation of an opening in the body of a human being so as to create a permanent hole for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose, or eyebrow, but does not include piercing an ear lobe with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear lobe.

**BREWERY, CRAFT, TYPE I.** A facility that commercially produces less than 6,000,000 barrels of beer and similar beverages per year. Such facilities include all aspects of production and may include administrative offices and a tap room. A **CRAFT BREWERY** is not considered a brewpub, a tap room, or a beverage manufacturing facility, and must adhere to all applicable state laws that regulate breweries.

**BREWERY, CRAFT, TYPE II.** A facility that meets the definition of craft brewery type I and that hosts special events, hosts outdoor events, or conducts retail sales.

**BREWPUB.** A restaurant, bar, or hotel that produces on the permitted premises a maximum of 2,000 barrels a year of beer for sale on the premises. A **BREWPUB** is not considered a craft brewery, brewery, or tap room and must adhere to all applicable state laws that regulate brewpubs.

**BROAD RIVER SHORELINE.** See **SHORELINE, BROAD RIVER.**

**BUILDING.** Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property.

**BUILDING FRONTAGE.** The vertical wall area between the foundation and roof cornice on any side of a building facing a street and providing a customer entrance.

**BUILDING HEIGHT.** See Subchapter I, Subpart 2.5: **Height.**

**BUILDING MATERIAL AND SUPPLY STORE.** An establishment primarily engaged in retailing new building materials and supplies for construction operations, such as lumber, plumbing goods, electrical goods, floor coverings, heating and air conditioning components, tools, housewares, and hardware.

**BUFFER.** A conserved, vegetated area intended to protect environmental and historic resources.

**BUFFERYARD.** A dedicated strip of land with natural or planted vegetation located adjacent to a property line and/or road right-of-way, intended to separate and partially obstruct view of two adjacent land uses or properties from one another. A **BUFFERYARD** may include required walking paths, multi-use trails, fences, berms, and plantings.

**BUS TERMINALS.** An indoor or outdoor facility primarily engaged in transit and ground passenger transportation, including a variety of passenger transportation activities, such as urban transit systems, chartered buses, school bus, and interurban bus transportation, and repair or support facilities for these operations.
**BUSINESS SUPPORT SALES AND SERVICES.** Establishments offering specialized sales and support services used in the conduct of commerce. These services may include employment services, copying and printing services, advertising and mailing services, building maintenance services, management and consulting services, protective services, equipment rental and leasing and sales of office equipment and supplies.

(C)

**CABINET AND COUNTERTOP PRODUCTION.** An establishment primarily engaged in manufacturing wood or plastics laminated on wood cabinets, vanities, shelving, and countertops on a stock or custom basis.

**CAMOUFLAGE DESIGN.** An innovative approach to hiding, blending, or disguising communication towers such that the tower appears to be a tree, church steeple, architectural feature, extension of an existing high power transmission line, similar unobtrusive landscape feature, and/or locating the tower on a parcel of property so as to not be easily visible to neighboring residences, roadways, or other significant features.

**CAMPGROUND.** A site or parcel of land under one ownership with temporary or permanent buildings, tents, sites for parking of recreational vehicles, or other structures established or maintained as temporary living quarters, as well as accessory structures for cooking, dining, bathing, and recreation, operated for recreation, religious, education, or vacation purposes. A campground includes residential recreation camps, summer camps, and primitive campgrounds.

**CANOPY.** A permanent structure that projects from an exterior wall of a building or is freestanding, is of rigid construction, covered by a permanent material, and that provides weather protection, identity, or decoration.

**CANOPY SIGN.** A permanent, on-premises sign attached or applied to a canopy.

**CAR WASHES AND DETAIL SHOPS.** An indoor or outdoor facility primarily engaged in cleaning, washing, or waxing automotive vehicles, such as passenger cars, trucks, vans, and trailers.

**CATAWBA RIVER SHORELINE:** See SHORELINE, CATAWBA RIVER.

**CEMETERY.** A place used, dedicated, or designated for the burial of the deceased, including any one or combination of:

1. Perpetual care cemeteries;
2. Burial parks for earth interment;
3. Mausoleums;
4. Columbaria;
(5) Graves and graveyards; and
(6) Abandoned cemeteries.

**CHEMICAL MANUFACTURING.** A land use category for industrial establishments engaged in the transformation of organic and inorganic raw materials by a chemical process and the formulation of products.

**CHURCHES AND RELIGIOUS INSTITUTIONS.** A building used for public assembly or worship regardless of denomination or religious affiliation, including other ancillary activities, such as parsonages, offices, classrooms, day care, and recreation facilities.

**CLEAR CUTTING.** The clearing, cutting, or removal of all or a majority of trees and vegetation from a lot or portion of a lot.

**CLUB.** Buildings and facilities used for social, educational, or recreational purposes operated by an organization that requires membership for participation, is primarily non-profit, and does not render a service which is customarily carried on as a business.

**CLUSTER SUBDIVISION.** A form of development that provides reduced lot area while maintaining the same number of lots and overall density. Buildings are clustered on parts of the site, permitting the remaining land area to be devoted to open space, active recreation areas, environmentally-sensitive land preserves, or agriculture.

**COLLEGES AND UNIVERSITIES.** Academic institutions of higher education that are accredited or recognized by the State Department of Education and that offer a program or series of programs of academic study.

**COLLOCATE OR COLLOCATION.** A situation in which one or more antennas are placed on a communications tower or pole, or the addition or the replacement of antennas on an existing communications tower or pole. Collocation includes combined antennas but does not include roof- or surface-mounted small wireless facilities, or the placement of any personal wireless service antenna on an amateur radio antenna within a residential district.

**COMMERCIAL FILMING AND FILM PRODUCTION ACTIVITIES (OUTDOOR).** Outdoor video and audio recording of performers for motion pictures, television, and other media.

**COMMERCIAL KITCHEN, CATERERS, AND BANQUET SERVICES.** Kitchen facilities for the preparation or catering of food to be served off-site and ancillary offices and other support facilities. This definition includes ghost kitchens, commissary kitchens, and delivery-only restaurants.

**COMMISSARY.** A permitted retail food establishment that is authorized and permitted by SCDHEC to provide a servicing area for mobile food units or mobile food pushcarts for the purposes of storage of food, supplies, and single-service articles. A commissary supports the following operations:

(1) Food preparation;
(2) Equipment and utensil washing;
(3) Disposal of sewage and solid waste;
(4) Obtainment of potable water; and
(5) Provides a mobile food unit or mobile food pushcart servicing and storage area.

COMMUNICATIONS AND INFORMATION. A use classification for establishments that produce or distribute information, including publishing, motion pictures and sound recording, telecommunications and broadcasting, and information services and data processing industries.

COMMUNICATIONS ANTENNA. An antenna operated by a communications provider that is affixed to a communications tower or that is itself a communications tower.

COMMUNICATIONS PROVIDER. Any entity required to be licensed or whose over the air emissions are regulated by the FCC.

COMMUNICATIONS TOWER or TOWER. A structure more than 60 feet in height used primarily for the support of one or more communications antennas erected on the ground or a similar structure of up to 25 feet in height above the highest point on a physical structure. The height of the tower must include any antenna that extends above the top of the tower.

COMMUNITY GARDEN. A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

COMMUNITY RESIDENCE. A residential living arrangement for unrelated individuals with disabilities, living as a single, functional family in a single dwelling unit, who are in need of the mutual support furnished by other residents of the community residence as well as the support services, if any, provided by the staff of the community residence. Residents may be self-governing or supervised by a sponsoring entity or its staff that provides habilitative or rehabilitative services related to the residents’ disabilities. A community residence seeks to emulate a family environment to normalize its residents and integrate them into the surrounding community. Its primary purpose is to provide shelter in a family-like environment; treatment is incidental as in any home.

Community residences include functional family sober living environments, also known as “recovery houses” or “sober houses.” The term does not include transitional housing or any other group living arrangement for unrelated individuals who are not disabled. The term also does not include a home serving nine or fewer mentally or physically handicapped persons that provides care on a 24-hour basis and is approved or licensed by a state agency or department or under contract with the agency or department for that purpose, which is exempt from zoning regulations (see S.C. Code Ann. § 6-29-770(E)).

There are two types of community residences:
(1) **COMMUNITY RESIDENCE, LONG-TERM.** A relatively permanent residential living arrangement for unrelated people with disabilities, with no limit on how long a resident may live in the home. The length of tenancy typically is measured in years. Long-term community residences may accommodate up to five or up to 15 residents, depending on zoning district.

(2) **COMMUNITY RESIDENCE, SHORT-TERM.** A relatively temporary residential living arrangement for up to 15 unrelated people with disabilities. The length of tenancy typically is measured in weeks or months.

**COMPATIBLE.** Buildings, structures, activities, or uses that can coexist without infringing on the normal use and enjoyment of the adjacent properties.

**COMPOST.** A humus-like organic material produced from the process of composting.

**COMPOSTING.** The aerobic biological decomposition of organic matter under managed conditions and minimum time-temperature relationships resulting in compost.

**COMPOSTING FACILITY.** A facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes, but does not include composting of material produced on the same lot or multiple lots under the same ownership or control. Activities of a **COMPOSTING FACILITY** may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

**COMPREHENSIVE PLAN.** A document adopted by York County Council in accordance with S.C. Code Title 6, Chapter 29, Article 3, to address elements considered critical, necessary, and desirable to guide the development and redevelopment of its area of jurisdiction. The Comprehensive Plan includes an inventory of existing conditions, a statement of needs and goals, and implementation strategies with timeframes. When used in this Chapter, **COMPREHENSIVE PLAN** means the mostly recently adopted version of the plan and any amendments thereto.

**COMPUTER AND ELECTRONIC PRODUCTS MANUFACTURING.** Establishments that manufacture computers, computer peripherals, communications equipment, and similar electronic products, and establishments that manufacture components for such products.

**CONSTRUCTION-RELATED OFFICES AND STORAGE.** The temporary use of one or more buildings or a portion of a building for conducting the management and daily affairs of an active construction project and the indoor storage of construction-related materials. For temporary outdoor storage of construction-related materials, see **LAYDOWN YARD**.

**CONSTRUCTION SERVICES.** Establishments that are primarily engaged in site preparation or the construction of buildings or infrastructure. This definition includes services within NAICS Sector 23, such as general contractors, homebuilders, and specialty building trades or subcontractors engaged in site preparation, new construction, additions, alterations, demolition, or maintenance and repairs. The operations of these establishments generally are managed at a fixed place of business where offices are located and equipment and materials may be stored, but the construction operations are usually performed off-site.
CONSTRUCTION VEHICLE. A vehicle weighing 2,000 pounds or more that is used for any off-site development activity, excluding licensed automobiles, vans, or pickup trucks.

CONTIGUOUS. In contact with, abutting, or adjacent to another lot, structure, or a delineated area.

CONVENIENCE STORE. A small retail establishment that typically sells a limited range of prepackaged food and beverage items, household goods, and personal care items to customers who generally purchase only a few items at a time.

COUNTY POLE. A pole owned, managed, or operated by or on behalf of the County; provided, however, such term shall not include any pole, support structure, electric transmission structure, or equipment of any type that is part of a County owned or controlled electric plant or system for furnishing of electricity to the public for compensation. The term County pole shall include, without limitation, poles that the County leases, rents, licenses, or otherwise compensates the owner thereof for the provision of street lighting.

COTTAGE COURT. A type of residential development comprised of a group of small, detached dwelling units arranged around a shared courtyard that is visible from the street. COTTAGE DWELLING. A dwelling located in a cottage court.

CREMATORIES. Facilities containing properly installed, certified apparatus intended for use in the act of cremation of human or animal remains.

CULTIVATION OF FIELD CROPS (NON-COMMERCIAL). A private facility for cultivation of fruits, and vegetables by one person or family that is not operated for commercial or retail sale of produce.

CULTURAL FACILITY. A use providing for display, performance, or enjoyment of heritage, history, or the arts.

(D)

DAY CARE FACILITIES. Includes:

(1) FAMILY DAY CARE HOME. A home in which care is given to no more than six children, including the day care provider’s own children, at any one time, and is registered with or licensed by the South Carolina Department of Social Services.

(2) CHILD AND ADULT DAY CARE CENTER. A home, center, agency, or place that provides custodial care to people not related to the operator, whether for compensation, reward, or otherwise, during part of any 24-hour period; does not include residential continuous care; and that is registered or licensed with the South Carolina Department of Social Services. This definition includes group day care homes.

DATA CENTER. A facility containing one or more large-scale computer systems, located within a building or group of buildings, used for data storage and processing for off-site users.
Key components of a data center include routers, switches, firewalls, storage systems, servers, and application-delivery controllers. Typical supporting equipment includes back-up batteries and/or power generators, cooling units, fire suppression systems, and enhanced security features. This definition includes cryptocurrency mining operations.

**DAY-NIGHT AVERAGE SOUND LEVEL (DNL), also symbolized \( L_{dn} \).** The A-weighted average sound level in decibels during a 24-hour period with a 10-decibel weighting applied to nighttime sound levels.

**DBH (DIAMETER BREAST HEIGHT).** The diameter of a tree as measured at a point 4.5 feet above the tree's base.

**DECIBEL (DBA).** The standard A-weighted unit for measuring sound, as perceived by the human ear.

**DECORATIVE POLE.** A pole that is specifically designed and placed for aesthetic purposes and may have attached informational or directional signage and/or pole banners.

**DENSITY, GROSS.** The number of dwelling units located or proposed to be located on a parcel divided by the gross area of the parcel.

**DEVELOPMENT.** Any man-made change to or subdivision of improved or unimproved real estate, including the construction of or substantial improvements to buildings or other structures that requires a permit or approval from the County. Development includes the placement of mobile homes, mining, dredging, filling, grading, paving, excavation, or drilling operations. The term **DEVELOPMENT** also includes design and planning of a **DEVELOPMENT** unless otherwise specified.

**DEVELOPMENT PERMIT.** Any permit or approval governed or required by:

1. **Chapter 150: Building Regulations**;
2. **Chapter 151: Floodplain Management**;
3. **Chapter 152: Stormwater Management and Sediment Control**;
4. **Chapter 153: Planning and Development**;
5. **Chapter 154: Land Development Code**;
6. **Chapter 155: Zoning Code**;
7. **Chapter 156: Temporary Emergency Dwelling Permits**;
8. A Development Agreement;
9. A Special District plan or similar regulating plan; and
(10) Any other permit, permission, master plan, plan, or approval issued by York County that authorizes development and that is not exempted.

**DISTILLERY, MICRO, TYPE I.** A facility for the distilling, blending, and bottling of alcoholic liquors with an alcohol content greater than 17% that produces a maximum quantity of 125,000 cases per year. Such facilities include all aspects of production as well as administrative offices and a tasting room. A **MICRO-DISTILLERY** is not considered a beverage manufacturing facility, and must adhere to all applicable state laws that regulate micro-distilleries.

**DISTILLERY, MICRO TYPE II.** A facility that meets the definition of micro-distillery type I and that hosts special events, hosts outdoor events, and/or conducts retail sales.

**DISTRICT.** See **ZONING DISTRICT.**

**DRIVE-IN ESTABLISHMENT.** An establishment that provides products or services to patrons who remain in their vehicles. This definition excludes establishments that have parking spaces reserved for vehicles picking up previously ordered goods, but that predominantly provide goods or services to patrons who enter the building.

**DRIVE-IN THEATERS.** A facility where motion pictures are displayed for viewing by patrons who remain in their cars for an admission fee and may include food and beverage service.

**DRIVE-THROUGH ESTABLISHMENT.** An establishment that provides or is designed to provide goods or services to patrons in their vehicles at a window or other opening in the building adjacent to a drive area through which vehicles can pass.

**DRY CLEANING AND LAUNDRY PLANTS.** A facility used for cleaning fabrics, textiles, apparel, or other articles by immersion in volatile solvents and a facility used for large-scale cleaning of fabrics, textiles, apparel, or other articles using water and detergents.

**DUPLEX.** A building located on a single lot, designed exclusively for residential purposes containing two dwelling units, either side-by-side or on different floors.

**DWELLING UNIT.** A single unit that provides complete independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation.

**(E)**

**ELECTRIC VEHICLE CHARGING STATION.** A public or private parking space served by equipment used for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

**ELECTRICAL EQUIPMENT, APPLIANCE, AND COMPONENT MANUFACTURING.** Establishments that manufacture products that generate, distribute, and use electrical power, such as electric lamp bulbs, lighting fixtures, and parts; small and major electrical appliances
and parts; electric motors, generators, transformers, and switchgear apparatus; and batteries, wire, and wiring devices.

**EMERGENCY SHELTER.** A facility, other than a community residence, that provides short-term housing and a protective sanctuary for victims of fire, economic hardship, crime, abuse, or neglect, including emergency housing during crisis intervention for victims of rape, child abuse, or domestic violence. This term does not include facilities used for temporary shelter during a natural disaster.

**EQUESTRIAN USE.** Any area, place, parcel, or tract of land that is occupied or intended for occupancy or use of horses and horsemanship.

**EROSION.** The wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.

**EVENT VENUE.** A commercial facility rented to individuals, groups, or organizations and used to host gatherings such as weddings, receptions, parties, meetings, and conferences. An event venue may be comprised of a permanent structure(s), temporary structure(s), uncovered outdoor gathering area(s), or any combination of these features. This definition does not include lodges, civic clubs, community centers, religious facilities, or publicly-owned facilities.

**EVENT VENUE, LARGE CAPACITY.** An event venue with a capacity greater than 150 people, as determined by applicable building code, fire code, and/or parking requirements.

**(F)**

**FABRICATED METAL PRODUCT MANUFACTURING.** Establishments engaged in manufacturing processes that transform metal into intermediate or end products, other than machinery, computers and electronics, and metal furniture, or treat metals and metal formed products fabricated elsewhere. Typical operations include forging, stamping, bending, forming, and machining to shape individual pieces of metal as well as welding and assembling of parts.

**FAIRGROUNDS.** A facility that includes buildings and outdoor areas for animal shows and judging, carnivals, circuses, community meetings, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters, but does not include racetracks or motorized contests of speed.

**FAMILY.** A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: (1) any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship; (2) up to five unrelated people; or (3) two unrelated people and any children related to either of them.

**FARM AND GARDEN SUPPLY WITH EQUIPMENT SALES AND SERVICE.** A retail establishment that primarily sells goods and materials related to horticulture and agriculture, such as plants, animal and livestock feed, fertilizers, pesticides, tools and implements, and equipment. The facility may also provide ancillary equipment repair and service.
**FARM LABOR HOUSING.** Any structure designed or constructed as seasonal accommodations for transient farm workers.

**FARM PRODUCTS.** Horticultural, aquacultural, viticultural, forestry, floricultural, dairy, livestock, poultry, bee, and other products ordinarily produced on farms.

**FARM PRODUCTS, VALUE-ADDED.** Any product processed from a farm product, such as baked goods, jams, jellies, and soaps.

**FARMERS’ MARKET.** A temporary or permanent retail facility that is open to the public; that is operated by a governmental agency, a non-profit corporation, or one or more farmers’ market vendors; and at which at least 75% of the vendors sell farm products or value-added farm products.

**FARMING, GENERAL (CULTIVATION OF FIELD CROPS, ORCHARDS, GROVES OR SIMILAR, OR TRUCK GARDENS).** A parcel used for agricultural production of crops or products such as vegetables, fruits, nuts, grain, flowers, and trees and includes treating and storing products raised on the premises.

**FARMING, INDOOR.** A facility where field crops are grown entirely indoors.

**FEATHER SIGN.** A temporary banner in the shape of a feather, quill, sail, blade, or teardrop mounted on a solid or flexible pole or cord. Sometimes referred to as “quill signs” or “sail banners.”

**FIBERGLASS MANUFACTURING.** Establishments engaged in manufacturing processes that incorporate fiberglass into intermediate or end products, such as insulation, containers, plumbing fixtures, building materials, and furniture.

**FINAL DEVELOPMENT APPROVAL.** Generally, the approval of a final subdivision plat. For uses or developments within subdivisions with an approved final subdivision plat or for uses and developments not requiring approval of a subdivision plat, the issuance of a building permit.

**FLAG.** A piece of durable fabric or other flexible material with distinctive colors and patterns mounted by attaching one side to a freestanding pole or a pole attached to a building.

**FLASHING SIGN.** An internally or externally illuminated sign with an intermittent, blinking, alternating, or flashing light source.

**FLEA MARKETS (INDOOR AND OUTDOOR).** A building or open area in which stalls or sales areas are rented or provided for individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique, and may include the sale of new or used goods by businesses or individuals who are generally engaged in a retail trade.

**FLOOD HAZARD AREA (SFHA).** Any area of the county subject to the 100-year flood and so designated on the current Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.
FLOOR AREA RATIO. The ratio of gross floor area of all structures on a lot to total lot area.

FOOD MANUFACTURING. An industrial facility that produces or processes food for human or animal consumption.

FOOD TRUCK. See MOBILE FOOD UNIT.

FOOTCANDLE. The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.

FORTUNE-TELLING, PSYCHICS, AND MEDIUMS. Establishments providing advice, predictions, or interpretations on or about future events or human affairs or providing communications with supernatural beings.

FREESTANDING CANOPY. A permanent structure that is structurally independent of a building, is of rigid construction, and over which a covering is attached that provides weather protection, identity, or decoration.

FREESTANDING CANOPY SIGN. A permanent, on-premises sign attached or applied to the fascia of a freestanding canopy.

FRONTAGE. The orientation of the front of a structure to a street, measured along the street right-of-way line.

FULLY-SHIELDED LIGHT FIXTURE. A light fixture constructed and installed in such a manner that all light emitted by the light fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the light fixture, is projected below the horizontal plane through the light fixture’s lowest light-emitting part.

FUNERAL HOME. A building or part of a building used for human funeral services. FUNERAL HOMES may also contain facilities for embalming and other services used in the preparation of the dead for burial, the sale of caskets, funeral urns, and other related funeral supplies, and facilities for cremation.

FURNITURE MANUFACTURING. Establishments that make furniture and related articles, such as mattresses, window blinds, cabinets, and fixtures using materials such as wood, metal, glass, textiles, plastics, and rattan. Small-scale establishments may be classified as Artisan Workshops and Manufacturing.

(G)

GAS STATION OR GASOLINE SALES. An establishment where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles and may also offer retail sale of convenience items.
GLARE. Excessive brightness from insufficiently shielded light sources that cause visual discomfort or annoyance, or reduces visibility.

GOLF CARTS. A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes. For the purposes of the Chapter, golf carts will be considered the equivalent of automobiles.

GOLF COURSE. An outdoor area designed playing golf, and frequently includes a clubhouse, rest rooms, and locker rooms. A golf course may provide retail sales and services customarily related to golf and food and beverage facilities.

GREENHOUSES, NURSERIES, AND ACCESSORY EQUIPMENT. Retail businesses whose principal activity is selling live plants and related products and that may have outdoor storage, growing, or display areas.

GROCERY STORE. A retail establishment in which the majority of the building’s floor area is devoted to the sale of food products, including fresh fruits and vegetables, dairy products, and meats, for home preparation and consumption. A GROCERY STORE is substantially larger and carries a broader range of merchandise than a convenience store.

GROUND SIGN. A structure, device, or object that is structurally independent of a building, anchored firmly to or below the ground surface, and that is a sign itself or is the support structure for a sign.

GROUP LIVING, INCLUDING ROOMING HOUSES, DORMITORIES, AND FRATERNITY AND SORORITY HOUSES. A residential structure used by more than five people who are not defined as a family, on a weekly basis or longer. These facilities typically provide common areas for recreation and dining.

(H)

HAZARDOUS WASTE STORAGE OR TREATMENT FACILITY. A commercial facility regulated by the state or federal government for the purpose of treating, storing or disposing of hazardous waste generated at any off-site location. HAZARDOUS WASTE STORAGE OR TREATMENT does not include incineration.

HEALTH CLUBS AND FITNESS CENTERS. Establishments primarily used for exercise, physical fitness, and recreation, including the use of exercise equipment and the offering of exercise classes. This use frequently includes locker rooms or changing rooms and may provide limited food and beverage service.

HEAVY MACHINERY SALES, RENTAL, OR REPAIR. A facility primarily engaged in the sale, rental, or repair of new and used heavy-duty machinery and vehicles, such as forklifts, loaders, cranes, rollers, excavators, tractors and bulldozers. The facility may offer heavy machinery repair services and may contain ancillary storage areas.

HEIGHT. See Subchapter I, Subpart 2.5: Height.
HELIPORT. A landing and terminal facility for rotary wing aircraft, including facilities for fueling, servicing, and maintaining such aircraft.

HOME OCCUPATION. Any activity carried out for financial gain by a resident of a dwelling that is conducted as an accessory use to the primary residential use of the dwelling.

HOTELS AND MOTELS. A building or group of buildings designed and occupied as a temporary habitation for individuals. To be classified as a Hotel or Motel, an establishment shall furnish customary Hotel services such as linen, housekeeping service, telephone, and use and upkeep of furniture.

HUNTING AND FISHING CLUB FACILITY. An area reserved for public or private hunting of wildlife and fishing, including accessory structures in support of those activities. May also provide services customarily related to hunting and fishing, as well as food and beverage facilities and overnight accommodations.

(1) ILLUMINATED SIGN. "Illuminated sign" means any sign whose design or installation incorporates artificial light, including direct illumination, halo illumination, indirect illumination, or internal illumination.

   (1) DIRECT ILLUMINATION. A source of illumination of a sign, such as an incandescent bulb, light emitting diode bulb, neon tube, or fluorescent tube that a person standing on the ground can see.

   (2) HALO ILLUMINATION. A source of illumination entirely within an individual letter, cabinet or structure that makes the sign visible at night by lighting the background of the sign face. Typically, these signs have opaque letters that appear in silhouette against the background. Also called "internal indirect" or "reverse channel" lighting.

   (3) INDIRECT ILLUMINATION. Partial or complete illumination of a sign at any time by a light source shielded from a viewer on the ground.

   (4) INTERNAL ILLUMINATION (OR “BACKLIGHTED”). A sign with a light source located inside or behind the sign face that transmits light through a translucent sign face or surface surrounding the sign face.

IMPERVIOUS SURFACE. Those surfaces that do not readily absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas covered with gravel, concrete and asphalt will be considered IMPERVIOUS SURFACES within this definition. In addition, other areas determined by the Zoning Administrator to be impervious within the meaning of this definition will also be classed as IMPERVIOUS SURFACES.

INCIDENTAL SIGN. A small permanent sign, freestanding or attached to a building, used in addition to the primary sign types for the property, such as wall signs and monument signs, and that has a height and scale subordinate to the primary sign types allowed for the property. Examples of typical incidental signs include occupant names or directories, directional information, drive-through menu boards, gas pumps, and parking information. The list of examples does not limit the content of incidental signs. The County will not review the content of incidental signs.

INCINERATOR, COMMERCIAL. A facility that processes waste using controlled flame combustion to break down the waste.

INDUSTRIAL, HEAVY. The assembly, fabrication, finishing, manufacturing, packaging, processing, or distribution of goods and materials by means that ordinarily have greater than average impacts on the use and enjoyment of adjacent property in terms of noise, fumes, odors, glare, health, and safety hazards, or that otherwise does not constitute “light manufacturing.”

INDUSTRIAL, LIGHT. The assembly, fabrication, or processing of goods and materials by means that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where the assembly, fabrication, or processing takes place; where the processing is housed entirely within a building. LIGHT INDUSTRIAL does not include hazardous material treatment and storage facilities, plating or enameling, or petroleum and gas refining.

INFLATABLE DEVICE. A temporary sign type where air inflates an object with or without a portable blower motor that provides a constant flow of air into the device. The device consists of flexible fabric, and rests on the ground or a structure.

INTEGRAL SIGN. A permanent, attached sign embedded, extruded, or carved into the material of a building façade or constructed of bronze, brushed stainless steel or aluminum, or similar material and permanently attached to the building façade so that it is an architectural detail of the building.

INSTITUTIONAL USE. A non-profit, public, or quasi-public use, such as a religious institution, library, public, or private school, hospital, or government-owned or government-operated facility.

(J)

JUNK, SALVAGE, SCRAP, OR WRECKING YARDS. Any use involving the commercial storage, selling, or processing of inoperable, disused, dismantled, or wrecked vehicles, equipment, or machinery or the storage or the processing of scrap metal, waste paper, rags, or other scrap, salvage, waste, or junk materials.

JURISDICTIONAL. In reference to wetland or stream features, means that the U.S. Army Corps of Engineers determined the water body to fall under their definition of waters of the United States. SCDHEC has determined the presence and location of water bodies that falls
under their definition of waters of the state or the United States. Jurisdiction may overlap and be concurrent with both levels of government or it may be reposed only to the state. Typically only perennial, intermittent and modified natural streams and wetlands are regulated by SCDHEC and the US Army Corps of Engineers.

(K)

KENNEL, COMMERCIAL. A facility where dogs, cats, or other household pets are regularly boarded overnight, and where breeding, boarding, or selling of animals is conducted as a business. This includes the housing, keeping, and boarding of dogs, cats, or other household pets for animal adoption agencies.

KENNEL, PRIVATE. A building or structure designed or arranged for the boarding and care of dogs, cats, or other household pets belonging to the occupant of the parcel are kept for the purposes of show, hunting, or as pets. This definition does not include fenced yards or dog houses with an area of 25 square feet or less.

KITCHEN. An area with a sink and permanent provisions for food preparation and cooking.

(L)

LAKE WYLIE SHORELINE. See SHORELINE, LAKE WYLIE.

LANDFILL. As follows:

1. CELLULOSE LANDFILL. A landfill solely for the disposal of vegetative matter. This includes land-clearing debris such as trees, wood chips, stumps, and brush, or yard trash generated from landscaping activities. May not accept, dispose of, or process other types of waste. Classified as a Class I landfill by SCDHEC.

2. INERT LANDFILL. A landfill that disposes of solid wastes generated by construction, demolition, land-clearing, or industrial activities. This includes, but is not limited to, broken concrete; crushed stone; clay wastes; glass; earthen material; and nondurable, nonhazardous waste, such as ash and cinders. May additionally accept cellulose solid wastes. Inert waste may be processed for resale or recycling on a landfill as an accessory use, provided that the use conditions for nonmetallic mineral product manufacturing are met. Classified as a Class II landfill by SCDHEC.

3. SANITARY LANDFILL. A landfill that accepts household garbage, municipal solid waste, commercial waste, and nonhazardous industrial waste. Classified as a Class III landfill by SCDHEC.

LANDSCAPE SUPPLY FACILITY. Establishments primarily engaged in sales of nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, as well as materials for use in landscaping, such as pine straw, mulch, rock, stone, and pavers.
**LANDSCAPED AREA OR LANDSCAPING.** An area that is permanently devoted to and maintained for the growing of trees, shrubbery, and ornamental grass.

**LANDSCAPED SIGN.** Living plants arranged and hedging cut in a manner that represents an object, number, or letter or a combination of those elements.

**LAYDOWN YARD.** A temporary outdoor area associated with an approved construction project where construction materials and equipment are stored while the associated construction project is active.

**LEATHER AND ALLIED PRODUCTS MANUFACTURING.** Establishments that transform animal hides into leather by tanning or curing and fabricating the leather into finished products or goods.

**LEVEL OF SERVICE.** The adopted performance standard for service delivery.

**LIBRARY.** A facility owned by a public or non-profit organization that maintains collections of documents (e.g., books, journals, newspapers, and music) and facilitates the use of the documents to meet the informational, research, educational, or recreational needs of its users. These establishments may also acquire, research, store, preserve, and generally make accessible to the public historical documents, photographs, maps, audio material, audiovisual material, and other archival material of historical interest. All or portions of these collections may be accessible by electronic means.

**LIGHT FIXTURE.** A complete lighting unit, consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

**LIQUOR SALES.** A retail establishment primarily engaged in the sale of alcoholic liquors for off-premises consumption. *LIQUOR SALES* does not include retail establishments that sell only beer and/or wine for off-premises consumption.

**LIVESTOCK.** Domesticated animals customarily kept by humans for the purpose of providing food, clothing, or work, such as cattle, hogs and pigs, poultry, sheep, goats, and fur-bearing animals, raised for home use or for profit. Dogs, cats, backyard chickens, pot-bellied pigs and other animals typically kept as household pets are not considered *LIVESTOCK*.

**LOADING AREA.** An off-street area logically and conveniently located for the loading and unloading of goods, supplies, or equipment.

**LOADING BERTH.** Space within a loading area where a vehicle is parked during the loading or unloading process.

**LODGES AND CIVIC CLUBS.** Establishments that organize and promote civic activities; support various causes through grantmaking and donations; advocate various social and political causes; promote and defend the interests of their members; and provide opportunities for their members to socialize.
**LOT.** A single parcel or tract of contiguous land intended as a unit for transfer of ownership or for building development or both.

**LOT, CORNER.** A lot abutting upon the right-of-way of two or more streets at their intersection.

**LOT, DOUBLE FRONTAGE.** A lot having a frontage on two nonintersecting roads, as distinguished from a corner lot. Also referred to as a THROUGH LOT.

**LOT AREA.** See Subchapter I, Subpart 2.6: Lot Area, Width, and Coverage.

**LOT LINE.** A line dividing one lot from another or from a street or any public place.

**LOT OF RECORD.** A lot or parcel of land, the plat or deed of which has been recorded at the York County Clerk of Court prior to the effective date of this Chapter.

**LUMEN.** The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).

**(M)**

**MACHINE OR MACHINERY SHOPS.** Establishments engaged in machining metal and plastic parts and parts of other composite materials on a job or order basis. Generally, machine shops use machine tools, such as lathes, automatic screw machines, and machines for boring, grinding, milling, and additive manufacturing.

**MACHINERY MANUFACTURING.** Establishments that manufacture end products that apply mechanical force to perform work, including machinery used in agriculture, construction, mining, industry, and commerce as well as specialized machinery for ventilation, heating, air-conditioning, commercial refrigeration, metalworking, and engine, turbine, and power transmission.

**MANUFACTURED HOME.** A dwelling unit constructed off-site located on an individual lot with private yards on all four sides. The manufactured home must be approved by the Secretary of the Department of Housing and Urban Development (HUD). Sectional homes and “double wide homes” (consisting of two or more sections) must be factory-fabricated and designed specifically for the purpose of creating one single-family residence. A recreational vehicle is not considered a manufactured home. A manufactured home is a structure that:

1. Is transportable in one or more sections;
2. Is at least eight feet in width or at least 40 feet in length or when erected on-site is 320 or more square feet;
3. Is built on a permanent chassis;
4. Is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and
(5) Includes the plumbing, heating, air conditioning, and electrical systems contained therein.

**MANUFACTURED HOME PARK.** Any site or parcel of land under one ownership where land is rented for the placement and occupancy of manufactured homes.

**MANUFACTURED HOME SALES AND SERVICE.** An establishment primarily engaged in the retail sale of new and used manufactured homes and may also provide ancillary installation and repair services.

**MARINA.** A docking and storage facilities for boats that may retail fuel and marine supplies and may also repair, maintain, or rent boats.

**MASTER SIGN PLAN.** A document or series of documents that provide for uniform standards for signs on a development site, generally for a special district development or large commercial development. These standards frequently include matters such as materials, colors, and illumination methods to create a uniform aesthetic appearance for the development.

**MEDICAL FACILITIES, SMALL.** A use classification that includes doctor offices, dentist offices, urgent care facilities, and similar facilities concerned with the diagnosis, treatment, and care of human beings that are 20,000 square feet or less in gross floor area.

**MEDICAL FACILITIES, LARGE.** A use classification that includes hospitals, medical office buildings, long-term/institutional care facilities, and similar facilities concerned with the diagnosis, treatment, and care of human beings that are more than 20,000 square feet in gross floor area.

**MICRO WIRELESS FACILITY.** A small wireless facility that meets the following criteria:

1. Is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height; and
2. Any exterior antenna is no longer than 11 inches.

**MINING.** See **RESOURCE EXTRACTION.**

**MISCELLANEOUS MANUFACTURING.** A use category that includes industries that make a wide range of products that cannot readily be classified in specific NAICS subsectors in manufacturing.

**MITIGATION.** Measures or facilities installed or constructed with the intent of reducing the impact of development on public facilities, the environment, or adjacent properties.

**MIXED-USE BUILDING.** A structure that contains a ground floor devoted to non-residential uses and upper story dwellings.
MOBILE FOOD UNIT. A fully enclosed mobile kitchen that prepares, cooks, or serves food as defined in SCDHEC Regulation 61-25: Retail Food Establishments and permitted by SCDHEC.

MOBILE VENDING. A use category that includes the sale of food and merchandise from a mobile vending unit.

MOBILE VENDING UNIT. Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand, or other device designed to be portable and not permanently attached to the ground from which any merchandise other than food is offered for sale.

MODULAR BUILDING. Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes and transported to the point of use for installation or erection. A MODULAR BUILDING includes the necessary electrical, plumbing, heating, ventilating, and other service systems necessary for permanent occupancy, and is not designed for ready removal to another site. A MODULAR BUILDING meets the requirements of the South Carolina Modular Buildings Construction Act (S.C. Code § 23-43).

MONUMENT SIGN. A permanent, on-premises ground sign with a low profile that has a base and support structure with a solid appearance measuring at least one-half of the width of the widest part of the sign’s face.

MOTOR VEHICLE, RECREATIONAL VEHICLE, OR BOAT STORAGE. An indoor or outdoor facility for the overnight storage of motor vehicles, recreational vehicles, and/or boats.

MOVIE THEATER. A specialized theater for showing movies or motion pictures.

MULTI-FAMILY DWELLING. A building that contains three or more dwelling units. Triplexes and quadplexes are excluded from this definition of multi-family dwellings.

MULTI-TENANT BUILDING OR DEVELOPMENT. A building or series of buildings on a parcel or a parcel with multiple buildings under common ownership, management, and control and whose occupants are distinct users that each occupy a portion of the multi-tenant building or development.

MUSEUM. An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

(N)

NEIGHBORHOOD AMENITY. A use classification for facilities offering sports and recreation activities for residents of a neighborhood, including tennis courts, swimming pools, parks, and play fields. Such facilities may also engage in retail sales of specialty products and services and provide ancillary indoor activities such as restaurants, concessions, and locker rooms.

NIT. A unit of illuminative brightness equal to one candle per square meter, measured perpendicular to the rays of the source.
NONCONFORMING SIGN. A sign that does not meet the requirements of this Code.

NONCONFORMING USE. A use of land, building or premises that lawfully existed prior to the enactment of a zoning ordinance, and that is maintained after the effective date of such ordinance, even though it does not comply or even violates the use restrictions, limitations, and prohibitions applicable to the area in which it is situated after the enactment of a zoning ordinance.

NONMETALLIC MINERAL PRODUCT MANUFACTURING. An industrial facility used for the manufacturing and production of Clay Product and Refractory Manufacturing (NAICS 3271); Glass and Glass Product Manufacturing (NAICS 3272); Cement and Concrete Product Manufacturing (NAICS 3273); Lime and Gypsum Product Manufacturing (NAICS 3274); and Other Nonmetallic Mineral Product Manufacturing (NAICS 3279). This includes facilities that engage in the recycling, storage, processing, resale, or reuse of recovered materials.

(O)

OFF-PREMISES SALE. An outdoor retail event that does not occur on the same parcel as the sponsoring retail business.

OFF-PREMISES SIGN. A sign that advertises businesses, organizations, goods, products, or services that are not located, sold, manufactured, or distributed on or from the premises or facilities where the sign is located.

OFFICE. A room or group of rooms used to conduct the affairs of a business, profession, service industry, or government.

OFFICE BUILDING. A building used primarily for offices that may include ancillary services for office workers, such as a restaurant, coffee shop, newsstand, or snack bar.

ON-PREMISES SIGN. A sign that advertises businesses, organizations, goods, products, or services that are located, sold, manufactured, or distributed on or from the premises or facilities where the sign is located.

OPEN SPACE. A tract of land and/or water bodies used for active or passive recreation, amenity, conservation, natural resource preservation, wildlife preservation, or buffer that qualifies as an open space type under LDC Subchapter D, Part 3: Open Space.

OUTDOOR PROMOTIONAL EVENT. An occurrence outside of a permanent building or structure designed to draw attention to a particular business or group of businesses and located on the same site as the promoting business(es). Examples include, but are not limited to, sidewalk sales, open houses, grand openings, etc.
**PAD SITE.** The location for an independent commercial building that is located within a coordinated commercial development.

**PAPER AND WOOD PRODUCTS MANUFACTURING.** Establishments that make wood products, such as lumber, veneers, wood flooring, and wood trusses, or that make pulp, paper, or converted paper products.

**PARCEL.** Any existing piece of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership, or in a manner as to specifically identify the dimensions and/or boundaries under common title that may be transferred according to applicable laws and ordinances without further surveying or platting being required.

**PARKING AREA.** An open, unoccupied space used or required for use for parking of vehicles.

**PARKING SPACE, OFF-STREET.** An area permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway that provides ingress and egress for automobiles.

**PARKS, PLAYGROUNDS, AND ATHLETIC FIELDS.** A non-commercial facility designed to serve the active and/or passive recreation needs of the residents of the community.

**PASSENGER VEHICLE.** A motor vehicle, except for motorcycles and mopeds, designed for carrying 10 or fewer passengers and used primarily for the transportation of people.

**PERFORMING ARTS CENTER/THEATER.** A building designed to accommodate a variety of cultural arts performances, including dance, music, and stage performances.

**PERFORMING ARTS CENTER/THEATER, NEIGHBORHOOD.** A building designed to accommodate a variety of cultural arts performances, including dance, music, and stage performances that has a GFA of 10,000 square feet or less.

**PERMANENT SIGN.** A sign constructed from durable materials affixed to a building, a structure, or the ground so that the sign resists environmental loads, such as wind, and that precludes ready removal or movement of the sign.

**PERSON.** Any natural person or an entity created by law, such as a corporation (profit or nonprofit), partnership, or association, and includes a trustee, receiver, assignee, or personal representative of a person.

**PERSONAL SERVICES.** A use category that includes establishments primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, nails salons, spas, tanning salons, shoe repair shops, tailor shops, dry cleaning pick-up/drop-off stores, and laundromats.

**PETROLEUM AND COAL PRODUCTS MANUFACTURING.** Establishments that transform crude petroleum and coal into usable products.
PETROLEUM BULK STATIONS AND TERMINALS. Establishments with bulk liquid storage facilities primarily engaged in the merchant wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum gas.

PHARMACEUTICAL AND MEDICINE MANUFACTURING. Establishments primarily engaged in one or more of the following:

1. Manufacturing biological and medicinal products;
2. Processing (i.e., grading, grinding, and milling) botanical drugs and herbs;
3. Isolating active medicinal principals from botanical drugs and herbs; and
4. Manufacturing pharmaceutical products intended for internal and external consumption in such forms as ampoules, tablets, capsules, vials, ointments, powders, solutions, and suspensions.

PLANNING AND DEVELOPMENT SERVICES DIRECTOR. The director of the Planning and Development Services Department, or their administrative designee. Also referred to as the PLANNING DIRECTOR or DIRECTOR.

PLANNING COMMISSION. The York County Planning Commission.

PLANS. All drawings, including general plans, cross sections, profiles, working details, and specifications that the applicant is required to prepare to show the character, extent, and details of proposed improvements.

PLASTICS AND RUBBER PRODUCTS MANUFACTURING. Establishments that make goods by processing plastics materials and raw rubber.

POLE. A vertical pole such as a utility, lighting, traffic control, decorative, or similar pole made of wood, concrete, metal, or other material that is lawfully located, or to be located, within a right-of-way. Such term shall not include a wireless support structure or electric transmission structure.

POLE SIGN. A permanent ground sign supported by one or more poles or vertical members that are less than one-half of the width of the widest part of the sign’s face.

POLLUTANT. Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid, solid, and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables: pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure.
PORTABLE SIGN. Any sign structure without a permanent foundation or otherwise permanently attached to a fixed location that a person or vehicle can carry, tow, haul, or drive. Examples of portable signs include:

1. Portable signs with the wheels removed;
2. Portable signs with a chassis or support constructed without wheels; and
3. Signs designed for use on a trailer or on wheels.

PORTABLE STORAGE CONTAINER. Any container designed for the temporary storage of personal or business property and that is delivered and removed by truck.

POST SIGN. A permanent or temporary ground sign, eight feet or less in height, and mounted to one or more posts, constructed of wood, masonry, iron, or similar materials. A permanent post sign must be an on-premises sign.

PREMISES. An area of land with its appurtenance structures and buildings that, because of its unity of use, is the smallest conveyable unit of real estate.

PRIMARY ABUTTING STREET. The largest capacity street abutting a property. If two arterial streets abut a single site, both shall be considered primary abutting streets.

PRIMARY METAL MANUFACTURING. Establishments that smelt and/or refine ferrous and nonferrous metals from ore, pig, or scrap, using electrometallurgical and other process metallurgical techniques; or that manufacture metal alloys and superalloys by introducing other chemical elements to pure metals.

PROJECTING SIGN. A permanent attached on-site sign type affixed to and projecting more than 18 inches from the wall of a building, generally perpendicular to the building façade. A projecting sign does not include signs located on a canopy or awning.

PROPERTY LINE. See LOT LINE.

PUBLIC PROJECT. Any project by or for a public agency using real property, as owner or tenant, that falls within the jurisdiction of York County. These public agencies include:

1. Agencies and departments of the State of South Carolina,
2. Counties, county agencies, and county departments, and
3. Municipalities, municipal agencies, and municipal departments.

PUBLIC TRANSPORTATION FACILITY. A facility used for the purposes of providing regular, continuing shared-ride surface transportation services to the public. PUBLIC TRANSPORTATION FACILITIES include bus terminals, subway terminals, taxi stands, trolley and cable car terminals, and railroad terminals.
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(Q)

QUADPLEX. A single building that contains four dwelling units and is located on a single lot.

QUALIFIED PROFESSIONAL. A professional licensed or registered in the State of South Carolina and performing services only in his or her area of competence. This term shall include only registered land surveyors, registered engineers, registered architects, and registered landscape architects.

(R)

RACETRACKS. A facility where vehicles of any size, model aircraft, and similar reduced-scale objects, or animals are raced for speed and/or endurance. This definition includes go-kart tracks.

READER BOARD. An area of a sign with changeable lettering.

READER BOARD, ELECTRONIC. A sign or part of a sign capable of displaying content or visual displays that a sign user can electronically or mechanically change by remote or automatic means.

READER BOARD, MANUAL. A sign that serves as a display for characters, letters, or illustrations that a sign user can manually change or rearrange without altering the face or surface of the sign.

RECOVERED MATERIALS PROCESSING FACILITY. A facility engaged solely in the recycling, storage, processing, and resale or reuse of recovered materials.

RECREATION AND AMUSEMENT, INDOOR. A use classification for establishments that operate facilities offering sports, recreation, and amusement that primarily occur inside a building, including game arcades, billiard halls, bowling centers, skating rinks, fitness and recreational sports centers, and fitness and dance studios. Such facilities may also engage in retail sales of specialty products and services and serve food and beverages. INDOOR RECREATION AND AMUSEMENT does not include indoor shooting ranges or gambling or bingo halls.

RECREATION AND AMUSEMENT, OUTDOOR. A use classification for establishments that operate facilities offering sports and recreation activities that primarily occur outside a building, including tennis courts, swimming pools, parks and play fields, golf driving ranges, golf courses, miniature golf courses, hunting and fishing clubs, zip line facilities, natural public swimming areas, skate parks, basketball courts, frisbee golf courses, water parks, splash parks, velodromes, batting cages, and climbing wall facilities. Such facilities may also engage in retail sales of specialty products and services and provide ancillary indoor activities such as restaurants, concessions, and locker rooms.

RECREATIONAL VEHICLE. A vehicular-type portable structure without a permanent foundation, which can be towed, hauled, or driven and is primarily designed as a temporary
living accommodation for recreational camping travel use, including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. A RECREATIONAL VEHICLE does not include manufactured housing and is not considered a single-family dwelling.

REDEVELOPMENT. The replacement, rehabilitation, or repurposing of existing improvements on an already developed lot.

REGULATIONS. As the term applies to the York County Code of Ordinances, the rules, requirements, or other directives set forth within each chapter of the York County Code.

RENTAL SERVICES AND STORES. Establishments that offer home furnishings, appliances, televisions and other electronics, and similar household goods and equipment to the public for rent.

RESEARCH AND DEVELOPMENT FACILITY. A facility used for creative and systematic work undertaken in order to increase the stock of knowledge—including knowledge of humankind, culture, and society—and to devise new applications using available knowledge. RESEARCH AND DEVELOPMENT FACILITIES Research and development facilities typically include one or more of the following types of activity: basic research, applied research, and experimental development.

RESOURCE EXTRACTION. The process or business of extracting ore, minerals, sand, gravel, stone, clay and/or dirt from the earth’s surface, including borrow pits and/or sites. Ponds are not subject to mining requirements as here-in written.

RESOURCE EXTRACTION, MAJOR. Mining activities including more than five acres of land area, regardless of parcel size, or which will be in operation for more than one year.

RESOURCE EXTRACTION, MINOR. Mining activities involving:

1. Five acres or less of land area, regardless of total parcel size; and
2. Which will be in operation for one year or less.

RESTAURANT OR OTHER PREPARED FOOD ESTABLISHMENT. Any establishment, whether open to the public or operated as a private club, whose primary business (51% of gross income) is serving food or meals prepared on the premises. When alcoholic beverages, including beer and wine, are served, menus must be available and table service provided to patrons. Any defined portion of the restaurant where alcoholic beverages, including beer and wine, are served, but the purchase of food is optional, will clearly be subordinate to the main dining area where the purchase of food is expected and required by the operator. The sale of alcoholic beverages, including beer and wine, must be licensed by the State Alcoholic Beverage Commission.

RESTAURANT OR OTHER PREPARED FOOD ESTABLISHMENT, NEIGHBORHOOD. Any establishment that meets the definition of restaurant or other prepared food establishment and that is 2,000 square feet or less in gross floor area.
**RETAIL SALES OR SERVICE ESTABLISHMENTS.** Establishments that form the final step in the distribution of merchandise. **RETAIL ESTABLISHMENTS** are organized to sell goods in small quantities to the general public for personal or household consumption, though they may also serve businesses and institutions. Some establishments may further provide after-sales services, such as repair and installation.

**RIGHT-OF-WAY.** An area owned or maintained by the City, County, the State of South Carolina, federal government, a public utility, a railroad, or a private entity for the placement of utilities and/or facilities for the passage of vehicles or pedestrians, including roads, streets, pedestrian walkways, utilities, or railroads.

**RIGHT-OF-WAY LINE.** See **STREET LINE**.

**RIPARIAN BUFFER.** A buffer along a watercourse that filters stormwater and stormwater runoff and provides wildlife habitat.

**ROADS OR STREETS.** As follows:

1. **MAJOR.** A major road or street is one designed principally to move traffic within the county, not to access property. A complete list of **MAJOR ROADS** can be found in the Land Development Manual. Roads so classified in York County are defined as:
   
   (a) **PRINCIPAL ARTERIAL.** A roadway designed to serve statewide and interstate travel and connects urbanized areas, cities, and towns. It is designed to accommodate moderate to high volumes of traffic at moderate to high speeds.
   
   (b) **MINOR ARTERIAL.** A roadway designed to link cities and towns, forming an integrated network providing interstate, intrastate and intra-county service. A minor arterial is spaced at proper intervals so that all developed areas are within a reasonable distance of an arterial highway. It is designed to accommodate moderate volumes of traffic at moderate to high speeds.
   
   (c) **MAJOR COLLECTOR.** A roadway designed to serve urban areas and other traffic generating areas and uses of intra-county importance that are not served by higher systems, linking such areas and uses with nearby towns and cities, or with routes of higher classification. It is designed to carry moderate volumes of traffic at moderate speeds.

2. **MINOR.** A road or street designed principally to provide property access, and includes all County- and State-maintained roads in York County not specifically designated as major.

**ROOF SIGN.** A sign located on the roof of the building that has the roof as a principal means of sign support. Signs located on awnings, canopies, building towers, cupolas, and similar architectural features are roof signs if more than 50% of the sign face area extends above the roof line of the building.

**RUNWAY.** The defined area on an airport prepared for landing and takeoff of aircraft along its length.
(S)

**SALVAGE OPERATIONS.** Any use involving the commercial storage, selling, and processing of inoperable, disused, dismantled, or wrecked vehicles, equipment, or machinery, or the storage or the processing of scrap metal, waste paper, rags, or other scrap, salvage, waste, or junk materials. Establishment types include metal crushing facilities, metal recycling operations, scrap yards, and wrecked automobile storage facilities (junk yards).

**SCHOOL, K-12, EITHER PUBLIC OR PRIVATE, AND ADMINISTRATIVE SCHOOL BUILDINGS.** A public or private institution for the State-mandated teaching of children or a comparable equivalent.

**SCHOOL, SPECIAL INTEREST.** A facility that offers instruction in a specific subject, such as performing and visual arts, karate and martial arts, automobile driving, and exam preparation and other tutoring.

**SCHOOL, TECHNICAL OR TRADE.** A facility that offers vocational and technical training in a variety of technical subjects and trades, such as computer programming, cosmetology, and commercial vehicle driving. The training often leads to job-specific certification.

**SEASONAL ROADSIDE AGRICULTURAL AND PRODUCE STANDS.** A temporary use, building or structure, not to exceed a covered area of 1,500 square feet, from which agricultural products are sold by an individual vendor.

**SEASONAL SALES.** A temporary use where produce, agricultural products, and/or products associated with a traditionally accepted holiday are sold.

**SEDIMENT.** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

**SELF-STORAGE FACILITY.** A facility composed of one or multiple structures designed and used for the purpose of renting or leasing individual storage space to occupants who have access to the space for the purpose of storing and removing personal property.

**SERVICE STATION WITH GASOLINE SALES.** A facility that provides minor automotive services, including replacement or installation of minor parts and accessories but excluding major repair work, and also offers gasoline for sale to the general public.

**SETBACK.** A line establishing the minimum allowable distance between the nearest portion of any building excluding unenclosed steps, gutters, and similar fixtures, and the property line/road right-of-way, when measured perpendicularly thereto. A required bufferyard may exceed the minimum **SETBACK**, effectively increasing the minimum allowable distance.

**SEXUAL ENCOUNTER ESTABLISHMENT.** An establishment other than a hotel, motel, or similar establishment offering public accommodations, which for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specific sexual activities or the exposure of specified anatomical areas. This...
definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.

**SHIPPING CONTAINER.** A six-sided steel unit originally constructed as a general cargo container used for the transport of goods and materials. Also referred to as an intermodal shipping container or a conex container.

**SHORELINE, BROAD RIVER.** The mean annual high water line of the Broad River.

**SHORELINE, CATAWBA RIVER.** The mean annual high water line of the Catawba River.

**SHORELINE, LAKE WYLIE.** The full pond elevation contour as defined under the FERC regulatory provisions governing Duke Power Company in its management and ownership of the impoundment. Also referred to as the “mean high water line.”

**SHORT-TERM RENTAL.** A dwelling unit or accessory dwelling unit, or a portion of a dwelling unit where short-term lodging is provided for periods not to exceed 30 days in exchange for compensation.

**SHOOTING RANGE.** An area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, skeet, trap, or any similar firearm for the purpose of sport shooting or military/law enforcement training.

**SIGN.** A visual display of an object or device that includes elements such as colors, lights, motion, symbols, images, icons, letters, numerals, figures, characters, or combines any of those elements, that a person intends to communicate, advertise, identify, announce, direct, inform, or attract attention, and that a viewer can see and comprehend from a public right-of-way. The term “sign” includes a structure used to support or display a sign.

**SIGN COPY.** Words, numbers, symbols, images, icons, letters, numerals, figures, characters other symbolic representations displayed on or by a sign.

**SIGN SUPPORT OR SIGN STRUCTURE.** The supporting members of the sign such as frame poles, brackets, or structures used to mount a sign or affix it to a building or the ground.

**SIGN USER.** A person who constructs, installs, operates, displays, or uses a sign. Sign user includes the owner of the lot serving as the sign’s location, the owner of the sign or support structure, a person who installs or constructs a sign, and a person whose message a sign displays.

**SINGLE-FAMILY DWELLING, ATTACHED (“TOWNHOUSE”).** A row of two or more attached single-family dwelling units, each with its own lot and outside entrance, that are joined together by a common wall located on a common property line.

**SINGLE-FAMILY DWELLING, DETACHED (“HOUSE”).** A building designed exclusively for residential purposes and for occupancy by one family. **DETACHED SINGLE-FAMILY DWELLINGS** are constructed on an individual lot with private yards on all four sides.
SIGN MANUFACTURING AND PRODUCTION. A facility that fabricates signs, typically for use on buildings or as freestanding structures. This definition does not include the printing of signs on paper or fabric, such as banners.

SITE IMPROVEMENT. A human-made element on a lot, other than a building, that the Zoning Code requires as a condition of development or redevelopment. Site improvements include, but are not limited to, bufferyards, landscaping, parking, outdoor lighting, and signs.

SITE PLAN. A scale drawing showing the relationship between the lot lines and their uses, buildings, or structures, existing or proposed on a lot, including such details as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tank tile fields, existing and proposed water and sewer utility lines, utility lines, proposed detention basins, existing or proposed easements, or a special or particular use.

SMALL WIRELESS FACILITY. This term has the same meaning specified in S.C. Code § 58-11-810(28).

SOLAR ENERGY FACILITY. An energy generating facility or area principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems. This definition shall exclude those facilities that are installed on the roof of a building, where the primary purpose of such building is not for the commercial production of solar energy.

SOLID WASTE CONVENIENCE CENTER. A facility that accepts only bagged residential waste and specified recyclable goods.

SOLID WASTE TRANSFER STATION. A facility where waste materials are taken from smaller collection vehicles (e.g., compactor trucks) and placed in larger transportation vehicles (e.g., over-the-road tractors utilizing trailers that are top-loaded) for movement to designated disposal areas (usually landfills).

SPECIAL EVENT. An educational, recreational, cultural, or social occurrence open to the general public and designed to attract more than 100 attendees or participants. Examples include, but are not limited to, festivals, fairs, carnivals, distance runs run/walks, parades, art shows, and concerts.

SPECIFIED ANATOMICAL AREA. As used herein, SPECIFIED ANATOMICAL AREA means and includes any of the following;

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
2. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. As used herein, SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:
(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including, intercourse, oral copulation, or sodomy;

(3) Masturbation, actual or simulated;

(4) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this definition.

**STABILIZATION.** Final stabilization of a site means that all soil disturbing activities at the site have been completed and either of the two following criteria are met:

(1) A uniform (such as evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures.

(2) Equivalent permanent stabilization measures (such as the use of rip-rap, gabions or geotextiles) have been employed.

**STAKE SIGN.** A temporary, rigid sign constructed of plastic, vinyl, metal, or wood.

**STEALTH ELEMENTS.** The application of covers, decorative elements, foliage, design concepts, and faux elements for the purpose of minimizing the visual impact of a small wireless facility on a surrounding streetscape.

**STREAM, INTERMITTENT.** A watercourse that flows in a well-defined channel for a significant part of the year during normal rainfall conditions, but is dry for part of the average year.

**STREAM, PERENNIAL.** A stream or river channel that has continuous flow in parts of its bed all year round during years of normal rainfall. Base flow is maintained by ground water discharge, as the stream channel is usually below the water table.

**STREET.** See ROAD OR STREET.

**STREET, LINE.** A dividing line between a lot, tract or parcel of land and an abutting street.

**STREET, STUB.** A street that is temporarily terminated but is planned for future continuation.

**STORMWATER.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**STORMWATER RUNOFF.** Direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm sewer or other concentrated flow during and following the precipitation.

**STORY.** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. See Subchapter I, Part 2, Subpart 2.5: Height.
**STRUCTURE.** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

**STRUCTURE, TEMPORARY.** A structure without any footing or foundation and that is removed when the temporary use for which the structure was erected has ceased.

**SUBDIVISION ENTRY SIGN.** A type of permanent ground sign located at the entry to a subdivision or multifamily development in a residential district or a distinct phase of a subdivision in a residential district.

**SUBDIVISION SALES CENTER.** A temporary use of land associated with new residential subdivisions where information on the development and available real estate is provided to prospective buyers.

**SWINGING SIGN.** A permanent, on-site ground sign suspended by nonrigid attachments attached from a horizontal structure, supported by one or more posts constructed of wood, masonry, iron, or similar materials.

**(T)**

**TAP ROOM.** An accessory use to a brewery or craft brewery where beer brewed on-site is offered for sample or sale. A TAP ROOM is not considered a craft brewery, brewery, or brewpub, and must adhere to all applicable state laws that regulate tap rooms.

**TATTOO.** The process of applying an indelible mark or color to the skin by subcutaneous introduction of nontoxic dyes or pigments. The practice of tattooing does not include the removal of tattoos, the practice of branding, cutting, scarification, skin braiding, or the mutilation of any part of the body.

**TAVERN.** See BAR or BREWPUB.

**TEMPORARY SIGN.** A sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, and displayed for a limited time only. Temporary sign includes banners, feather signs, inflatable devices, post signs, stake signs, and A-frame signs. Examples of common temporary signs include political signs, public demonstrations, grand opening signs, contractor signs, real estate signs, and signs that announce an event such as a carnival, circus, or similar event. The list of examples does not limit the content of temporary signs. The County will not review the content of temporary signs.

**TENANT.** A distinct user that occupies a portion of a multi-tenant building, lot, or development, regardless of the legal arrangement allowing occupancy between the owner of the building, lot, or development and the user.

**TEXTILE AND APPAREL MANUFACTURING.** Establishments that transform natural or synthetic fiber into products, such as yarn or fabric, to be further manufactured into textile products; or manufacture textile products, such as clothing, by knitting, cutting, and sewing fabric.
THROUGH LOT. See LOT, DOUBLE FRONTAGE.

TOBACCO PRODUCT MANUFACTURING. An industrial facility that produces or processes tobacco products, such as cigarettes, chewing tobacco, and cigars for human consumption.

TOWNHOUSE: See SINGLE-FAMILY DWELLING, ATTACHED.

TRADE SERVICES. Establishments that are a fixed place of business where offices are located and equipment and materials may be stored, but that offer specialty services off-site, which commonly provide both parts and labor. This definition includes specialty trade contractors within NAICS Subsector 238, such as framing, glazing, roofing, electrical, plumbing, HVAC, and flooring contractors, but also includes services within NAICS Industry Group 5617, such as landscaping and pest control services. Such establishments with more than 5,000 square feet of outdoor storage area shall be considered CONSTRUCTION SERVICES.

TRAFFIC CONTROL DEVICES. A sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction as controlled by the Federal Highway Administration’s Manual on Uniform Traffic Control Devices.

TRAFFIC IMPACT ANALYSIS (TIA). A report analyzing anticipated traffic and roadway conditions within and near an applicant’s proposed development.

TRANSITIONAL HOUSING. A housing facility that is part of the criminal justice system, but is not a correctional facility. TRANSITIONAL HOUSING provides a safe, structured, and supervised environment for individuals, and may provide employment counseling, job placement, financial management assistance, and other programs and services. Also known as residential reentry centers.

TRANSPORTATION EQUIPMENT MANUFACTURING. Establishments that produce equipment for transporting people and goods, such as the manufacture, assembly, and production of motor vehicles or cargo trailers.

TRIPLEX. A single building that contains three dwelling units and is located on a single lot.

TRUCK GARDEN. A specialty farm, usually smaller in scale, that grows fruits, vegetables, flowers, and similar products that are generally sold directly to restaurants or in farmers markets.

TRUCKING OPERATION. A facility for the dispatch, storage, and maintenance of operable trucks and trailers. Storage and assemblage of goods does not occur on-site.
(U)

**UNDERBRUSH.** Nuisance vegetation, including shrubs, vines, and similar plant growth, located beneath the tree canopy.

**URBAN SERVICES BOUNDARY (USB).** A growth management tool used by the County to designate areas that should receive urban services and utilities, such as water and sewer, and those areas that should remain rural. Outside of the USB, facilities such as schools, parks, and public safety facilities should be limited to those that primarily serve the rural population.

**UPPER-STORY DWELLING.** A dwelling unit located on one or more floors above the ground floor of a mixed-use building in which the ground floor is used for one or more allowed non-residential uses.

**USE.** Any purpose for which a lot, building, or other structure or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

**USE, ACCESSORY.** See **ACCESSORY USE**.

**USE, CONDITIONAL.** A use that is allowed subject to the conditions specified in Subchapter C, Part 3: *Conditional and Special Exception Uses*.

**USE, PERMITTED.** A use that is allowed by-right.

**USE, PRINCIPAL.** The primary use of land or buildings, as distinguished from subordinate or accessory uses.

**USE, SPECIAL EXCEPTION.** A use that is allowed, subject to any conditions specified in Subchapter C, Part 3: *Conditional and Special Exception Uses* and approval by the Board of Zoning Appeals (see Subchapter E: *Procedures*).

**USE, TEMPORARY.** A use of land limited in both duration and the number of annual occurrences, excluding uses and events customarily associated with the principal land use (e.g., weddings at a church, sporting events at a stadium).

**UTILITY FACILITY, MAJOR.** A structure or facility that is a primary component of an infrastructure system providing community- or region-wide electric, gas, steam, water, or wastewater services. Examples of **MAJOR UTILITY FACILITIES** include electrical substations, gas compressor stations, and water and sewer treatment plants.

**UTILITY FACILITY, MINOR.** Small utility network components that distribute water, wastewater, electricity, natural gas, or communications (e.g., telephone, cable, broadband, fiber optic) services within a residential or non-residential development.
UTILITY, PRIVATE. Any agency that, under private ownership, provides the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other services.

UTILITY, PUBLIC. Any agency that, under public franchise or ownership, provides the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other services.

(V)

VARIANCE. An adjustment in the application of the specific regulations of this Chapter to a particular lot.

VEHICLE SALES OR RENTAL. An establishment primarily engaged in the retail sale or the rental of new and used vehicles, including automobiles, trucks, passenger and cargo vans, motorcycles, mopeds, golf carts, all-terrain vehicles, and boats, and may also provide ancillary repair and service operations.

VEHICLE SERVICE, REPAIR, AND CUSTOMIZATION. A land use category for vehicle repair and customization, such as painting, body and fender work, engine overhauling, or other major repairs of vehicles. Vehicles that may be serviced by these establishments include automobiles, trucks, passenger and cargo vans, motorcycles, mopeds, golf carts, all-terrain vehicles, and boats, and may also provide ancillary repair and service operations.

VEHICLE SIGN. Signs on parked vehicles visible from the public right-of-way.

(W)

WALL SIGN. A permanent, on-site, attached sign:

(1) Fastened to or affixed on an exterior wall of a building or other structure so that the wall becomes the supporting structure for, or forms the background surface of, the sign;

(2) With an exposed face oriented in a plane parallel to the exterior wall; and

(3) That extends less than 18 inches from the surface of the wall.

WAREHOUSING, WHOLESALE, AND DISTRIBUTION ESTABLISHMENTS. Facilities that include warehouses or similar structures stocked with products or goods to be redistributed to retailers, wholesalers, directly to consumers, or otherwise transported off-site. Such establishments that comprise no more than 40% of the total floor area of all buildings on a site may be considered an accessory use incidental to a manufacturing facility.

WASTE MANAGEMENT FACILITY. Includes all facilities that handle, treat, transport, process, store, or dispose of solid waste and recyclable materials, including solid waste convenience
centers, solid waste transfer stations, landfills (cellulose), landfills (inert), landfills (sanitary), hazardous waste storage or treatment facility, and commercial incinerators.

**WETLANDS.** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. **WETLANDS** generally include swamps, marshes, bogs, and similar areas.

**WINDOW.** An opening constructed in an exterior which admits light or air to a building or structure, is framed and spanned with glass, and which may be mounted to permit opening and closing.

**WINDOW SIGN.** A temporary or permanent sign posted, painted, placed, or affixed to the inside of a window or glass door.

**WINERY, MICRO.** A facility where grapes or other fruit not typically grown on-site are processed into wine or similar spirits, and that produces no more than 1,500 finished gallons of wine or spirits per year. Such facilities include all aspects of production, including growing, crushing, fermenting, aging, blending, bottling, and storage, as well as administrative offices.

**WINERY, TYPE I.** A facility where grapes or other fruit are processed into wine or similar spirits. Such facilities include all aspects of production, including growing, crushing, fermenting, aging, blending, bottling, and storage, as well as administrative offices and a tasting room. A winery that produces 50,000 or more cases of wine per year is considered a beverage manufacturing facility.

**WINERY, TYPE II.** A facility that meets the definition of Winery, Type I, and that hosts special events, hosts outdoor events, and/or conducts retail sales.

**WIRELESS ANTENNA.** Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services; or similar equipment used for the transmission or reception of surface waves.

**WIRELESS INFRASTRUCTURE PROVIDER.** Any person, including a person authorized to provide telecommunications service in the State, acting to build or install wireless communication transmission equipment, small wireless facilities, or support structures, but that is not a wireless services provider.

**WIRELESS PROVIDER.** A wireless infrastructure provider or a wireless services provider.

**WIRELESS SERVICES.** Any services provided using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, delivered to the public using small wireless facilities.

**WIRELESS SERVICES PROVIDER.** A person who provides wireless services.
**WIRELESS SUPPORT STRUCTURE.** A building, billboard, water tank, or other structure to which a small wireless facility is or may be attached. Such term shall not include a pole or electric transmission structure.

(Y)

**YARD.** An unoccupied area of a lot, open and unobstructed from the ground to the sky, except as otherwise provided in this chapter.

**YARD, FRONT.** A yard across the full width of the lot extending from the front line of the main building to the front line of the lot or road right-of-way. On corner lots, the front yard will face the shortest street dimension of the lot, except that if the lot is square or almost square, then the front yard may face either street. Front yards for lots without County- or State-maintained road frontage will be established as the property line dissected by the driveway.

**YARD, REAR.** A yard extending the full width of the lot between the main building and rear lot line.

**YARD, SIDE.** A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.

(Z)

**ZONING ADMINISTRATOR.** The individual designated to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed herein.

**ZONING DISTRICT.** Any portion of the area of unincorporated York County in which the regulations governing the use of land, buildings, and structures are uniform for each class or kind of building, structure, or use. The Zoning Code establishes four types of zoning districts: base, special, overlay, and legacy (see Subchapter B, Part 1, § 155.016: Districts Established).

**ZONING DISTRICT, RESIDENTIAL.** A base zoning district in which the predominant uses are residential dwellings. The following districts are considered Residential Zoning Districts: AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RMX-20, RMX-10, and RMX-6.

**ZONING DISTRICT, NON-RESIDENTIAL.** A base zoning district in which the predominant uses are commercial or other non-residential uses. The following districts are considered Non-Residential Zoning Districts: RC, NC, OA, OI, GC, PR, RI, LI, ID, and UD.

**ZONING ORDINANCE.** The officially adopted York County Zoning and Development Standards Ordinance.

**ZOO.** An indoor or outdoor facility that exhibits animals for viewing by the public.
§ 155.1302  RESERVED.

§ 155.1303  RESERVED.

§ 155.1304  RESERVED.
PART 2: ACRONYMS

§ 155.1305 PURPOSE.
The purpose of this Part is to define acronyms used in this Chapter.

§ 155.1306 LIST OF ACRONYMS.

(A, B, C)

**AASHTO.** American Association of State Highway and Transportation Officials

**ADA.** Americans with Disabilities Act

**ADU.** Accessory dwelling unit

**ANSI.** American National Standards Institute

**BMP.** Best management practice

**BZA.** Board of Zoning Appeals

**CFR.** Code of Federal Regulations

**CMU.** Concrete masonry unit

(D, E, F)

**dB.** Decibels

**dBA.** A-weighted decibels

**DBH.** Diameter at breast height

**DHEC or SCDHEC.** South Carolina Department of Health and Environmental Control

**DNL or LDN.** Day-night average sound level

**FAA.** Federal Aviation Administration

**FAR.** Floor area ratio

(G, H, I)

**GFA.** Gross floor area
(J, K, L)

LDN or DNL. Day-night average sound level

(M, N, O)

(P, Q, R)

PDF. Portable document format (electronic file format)

(S, T, U)

SCDHEC or DHEC. South Carolina Department of Health and Environmental Control

TIA. Traffic Impact Analysis

USB. Urban Services Boundary

USACE. United States Army Corps of Engineers

USGS. United States Geological Survey

(V, W, X, Y, Z)

§ 155.1307 RESERVED.

§ 155.1308 RESERVED.

§ 155.1309 RESERVED.
SUBCHAPTER K: LEGAL PROVISIONS

§ 155.1310 PRIVATE RESTRICTIONS................................................................. 584
§ 155.1311 SEVERABILITY............................................................................. 584
§ 155.1312 REPEAL OF EXISTING CODE. ..................................................... 585
§ 155.1313 EFFECTIVE DATE. ................................................................. 585
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§ 155.1318 RESERVED................................................................................. 585
§ 155.1319 RESERVED................................................................................. 585
§ 155.1310  PRIVATE RESTRICTIONS.

(A)  Effect on Private Restrictions.

   (1)  The regulations in this Chapter do not interfere with, abrogate, or annul any easements, covenants, or other agreements between parties.

   (2)  However, where the regulations in this Chapter impose a greater width or size of yards, courts or other spaces, a lower height of building or less stories, a greater percentage of lot to be left unoccupied, or otherwise imposes higher standards than are required in any private restriction, the provisions of this Chapter shall govern as provided in Subchapter I, Part 1, § 155.1247: Conflicting Provisions.

(B)  In Reviewing Applications.

   (1)  The Planning and Development Services Department will request information on applications about the existence of a recorded covenant on the lot that is contrary to, conflicts with, or prohibits the permitted activity as required by S.C. Code Ann. § 6-29-1145.

   (2)  If the Planning and Development Services Department receives actual notice of a restrictive covenant from the permit application or from other sources, the Department will not issue a permit or approval governed by this Chapter until the applicant provides confirmation of a release from the covenant. However, this limitation does not apply to:

      (a)  An authorization to build or place a structure on a tract or parcel of land; and

      (b)  A restriction concerning the type of structure that may be built or placed on a tract or parcel of land.

   (3)  This Section is intended to give effect to the requirements of S.C. Code Ann. § 6-29-1145 and will be interpreted according to its terms.

§ 155.1311  SEVERABILITY.

County Council declares that the requirements and provisions of this Chapter are severable. If a court of competent jurisdiction declares any section or part of this Chapter to be unconstitutional or invalid, the court’s decision does not affect the validity of the Chapter as a whole or any section or part of this Chapter other than the section or part declared unconstitutional or invalid.
§ 155.1312  REPEAL OF EXISTING CODE.

This Chapter repeals Chapter 155: Zoning Code of the York County Code of Ordinances, and all amendments to it, in effect prior to the effective date below.

§ 155.1313  EFFECTIVE DATE.

This Chapter, the Zoning Code of the County of York, South Carolina, shall take effect on the 1st day of March, 2022.

§ 155.1314  RESERVED.

§ 155.1315  RESERVED.

§ 155.1316  RESERVED.

§ 155.1317  RESERVED.

§ 155.1318  RESERVED.

§ 155.1319  RESERVED.
PART 1 : GENERAL REQUIREMENTS

§ 155.1320 PURPOSE.  
§ 155.1321 FORMAT OF APPLICATIONS.  
§ 155.1322 AUTHORIZATION OF AGENT.  
§ 155.1323 APPLICATION CHECKLISTS.  
§ 155.1324 TRAFFIC IMPACT ANALYSES.  
§ 155.1325 PHOTOMETRIC PLANS.  
§ 155.1326 PERMITS REQUIRED BY OTHER AGENCIES.  
§ 155.1327 TECHNICAL STUDIES.  
§ 155.1328 FEES.  
§ 155.1329 RESERVED.  
§ 155.1330 RESERVED.  
§ 155.1331 RESERVED.  
§ 155.1332 RESERVED.  
§ 155.1333 RESERVED.  
§ 155.1334 RESERVED.  

PART 2 : ADDITIONAL REQUIREMENTS FOR CERTAIN LAND USES

§ 155.1335 PURPOSE.  
§ 155.1336 ACCESS AND ROUTING PLANS.  
§ 155.1337 COMMUNICATIONS TOWERS.  
§ 155.1338 SMALL WIRELESS FACILITIES.  
§ 155.1339 RESERVED.  
§ 155.1340 RESERVED.  
§ 155.1341 RESERVED.  
§ 155.1342 RESERVED.  
§ 155.1343 RESERVED.  
§ 155.1344 RESERVED.
§ 155.1320 PURPOSE.

This Subchapter establishes the information that applications must include in order to be considered complete for review under Subchapter E: Procedures.

§ 155.1321 FORMAT OF APPLICATIONS.

(A) Digital Copies Required. The applicant shall submit one complete digital copy of all application materials.

(B) Paper Copies May Be Required by Staff. The applicant shall also provide up to four complete paper copies of all application materials if requested by the Planning and Development Services Department.

§ 155.1322 AUTHORIZATION OF AGENT.

The following applications shall include a notarized authorization from the owner for the agent to act on the owner’s behalf, if an agent of a lot owner submits an application on the owner’s behalf:

(1) Special exception permit application;

(2) Special District rezoning application;

(3) Variance application; and

(4) Zoning map amendment (rezoning) application.

§ 155.1323 APPLICATION CHECKLISTS.

(A) The Planning and Development Services Department maintains application submittal requirements checklists for each type of procedure described in Subchapter E: Procedures. Each application must include all elements required by this Chapter and the applicable checklist.

(B) Part 2 of this Subchapter establishes additional application submittal requirements for certain land uses.
§ 155.1324 TRAFFIC IMPACT ANALYSES.

The following types of applications shall include a Tier 1 or Tier 2 traffic impact analysis, as applicable for the proposed use or development (see LDC Subchapter G, Part 7: Traffic Impact Analysis):

1. Special exception use applications;
2. Rezoning applications for a special district;
3. Preliminary plat subdivision approval (see LDC Subchapter G, Part 4: Preliminary Plats); and

§ 155.1325 PHOTOMETRIC PLANS.

For applications for which they are required, a photometric plan shall include a scaled site plan diagram depicting the location of all light poles and building mounted light fixtures and a numerical grid not to exceed 10 feet by 10 feet of the maintained lighting levels that the fixtures will produce for the development site and 10 feet off-site in all directions. All values shall be at grade unless otherwise stipulated.

§ 155.1326 PERMITS REQUIRED BY OTHER AGENCIES.

(A) Proof of Permits to be Provided with Application. The applicant for any permit under this Subchapter shall submit one complete digital (PDF) copy of all final approvals to operate from any other required local, state, and/or federal permitting agencies. All approvals must be demonstrated to be up-to-date and in effect.

(B) Permit Not Issued at Time of Application. In cases where final permitting agency approval has not been rendered at the time a County application is submitted, the applicant shall provide one complete digital (PDF) copy of the application submitted to other permitting agencies. Once final approval is received, the applicant shall provide one complete digital (PDF) copy of the permit to County staff prior to the start of operations.

§ 155.1327 TECHNICAL STUDIES.

(A) Purpose.

1. In the administration of this Chapter, review and decision-making bodies will occasionally be required to consider proposed development that has unusually significant impacts on adjacent lands and resources and other members of the community.

2. In those cases, the review and decision-making bodies may find that the procedures specified in the sections of this Chapter that govern the case do not allow a full and
complete examination and articulation of the environmental and other impacts of the proposed
development. This situation is expected since those procedures are generally tailored to the
more routine cases and are designed to balance the need of the review and decision-making
bodies for complete information against the burdens that a more complete procedure imposes
upon landowners.

(3) Therefore, this Section provides a special procedure to handle more complex
cases or applications.

(B) Applicability.

(1) The Planning and Development Services Director, Zoning Administrator, Board
of Zoning Appeals, or County Council may require the submission of a technical report or study
prior to acting on any of the following types of applications:

(a) Zoning compliance applications (see Subchapter E, Part 12: Zoning Compliance);

(b) Rezoning applications of any type, and any amendments to existing
special districts (see Subchapter E, Part 7: Special Districts and Part 13: Zoning Map
Amendments (Rezonings));

(c) Special exception use applications (see Subchapter E, Part 8: Special
Exception Permits); or

(d) Variance applications (see Subchapter E, Part 9: Variances).

(2) These technical reports and studies may include one or more of the following:

(a) Historical or cultural resources study;

(b) Engineering study;

(c) Environmental impact report;

(d) Noise study;

(e) Parking study; or

(f) Traffic impact analysis.

(3) The 30-day timeframe for the issuance of Planning Commission reports specified
in S.C. Code § 6-29-760 limits the Commission’s ability to require a technical study prior to
issuing its recommendation on a rezoning application. For this reason, the Planning
Commission may recommend that County Council require a technical study prior to taking
action on the application.

(C) General Requirements.
§ 155.1327 TECHNICAL STUDIES.

(1) Before starting the study, the Planning and Development Services Director must verify the qualifications of the person or firm the applicant wishes to prepare the requested technical report. The decision of the Director is an appealable administrative decision, pursuant to Subchapter E, Part 2: Appeals of Administrative Decisions.

(2) The applicant shall bear the costs of all reports and studies.

(3) Any decision by the BZA or the County Council to require a technical study is final.

(D) Determination That Technical Reports or Studies Are Needed.

(1) When the BZA or the County Council has before it an application listed in this Section, it may, for reasons stated in a written determination, decide that the particular application raises unusually significant questions of impact on the community or members of the community, which would be best understood and mitigated by further technical study.

(2) The written determination shall set forth the impact questions on which the BZA or Council requires research, data, and input from affected or interested persons. The listing of impact questions can include items of data this Chapter already enables the County to obtain, or it may include additional items of information that are relevant to the impact questions specified in the written determination.

(3) The written determination may establish:
   (a) A date for the return of the requested data and information; and
   (b) The format in which the data is to be presented.

(E) Technical Report or Study Findings

(1) All technical reports or studies shall address the impact questions raised pursuant to this Section, including concluding findings and any recommended mitigation to address identified issues.

(2) In acting on an application, the approval authority may require implementation of any or all mitigation recommended in the technical report or study as a condition of approval.

(3) Costs associated with implementation of recommended on-site mitigation in a technical report or study shall be borne by the applicant.

(4) Costs associated with implementation of recommended off-site mitigation in a technical report or study shall be evaluated for impacts that may be attributed to different sources. A cost sharing/allocation agreement for off-site mitigation shall be entered between the County and the applicant. The applicant shall be responsible for costs equivalent to a proportionate share of the impact estimated to be directly attributable to the application.

(F) Suspension of Time Limits to Allow for Technical Study and Review.
(1) Unless time limits are mandated by state or federal law, County time limits on submittals or approvals may be suspended to permit the BZA or County Council sufficient time to have conducted a technical study under this Section.

(2) If time limits set by state or federal law prohibit reasonable time for technical study, the BZA or County Council may formally request the applicant consent to a reasonable and adequate extension of time.

§ 155.1328 FEES.

(A) Fees Established. County Code § 31.01: Rates, Fees and Charges for Zoning Appeals, Applications for Variances, Rezoning Requests, Permits, Inspections, Plan Reviews and Other Applications, Procedures and Services Rendered By the York County Planning and Development Department and the York County Engineering Department establishes fees for applications required pursuant to this Chapter.

(B) Fees Required. All applicable fees must be paid for an application to be considered complete for review.

(C) Fee for Re-Advertising.

(1) The applicant must pay the expense for posting the property and publication to re-advertise the public hearing if:

   (a) The applicant requests a deferral or delay of a public hearing; or

   (b) A public hearing does not proceed because the posted notice signs have been removed, became damaged and unreadable, or were not visible from each street that abuts the property after posting by County staff for the advertised hearing date.

(2) The application may not be rescheduled until the applicant has reimbursed the County for this cost.

§ 155.1329 RESERVED.

§ 155.1330 RESERVED.

§ 155.1331 RESERVED.

§ 155.1332 RESERVED.

§ 155.1333 RESERVED.

§ 155.1334 RESERVED.
SUBCHAPTER L: SUBMITTAL REQUIREMENTS

§ 155.1334 RESERVED.
PART 2: ADDITIONAL REQUIREMENTS FOR CERTAIN LAND USES

§ 155.1335 PURPOSE.

This Part and Subchapter C, Part 3: Conditional and Special Exception Uses establish additional application submittal requirements for certain land uses. Where required, the applicant shall submit these plans in conjunction with a zoning compliance or special exception application, as applicable for the use and zoning district.

§ 155.1336 ACCESS AND ROUTING PLANS.

(A) **Purpose.** The purpose of an access and routing plan is to avoid unreasonable impacts of certain industrial uses on residential land uses and to maintain the safe conditions of public roads in the vicinity of the proposed use, which may deteriorate or be damaged by heavy truck traffic associated with the use.

(B) **Applicability.** Pursuant to Subchapter C: Use Regulations, an applicant shall submit an access and routing plan in conjunction with a zoning compliance or special exception application, as applicable, for any of the following land uses:

1. Mining;
2. Non-metallic mineral product manufacturing;
3. Warehousing and distribution facilities of at least 50,000 sf; and
4. Waste management facilities.

(C) **Contents of Plan.** An access and routing plan shall address the following elements:

1. All public roads within two miles of any property boundary of the proposed site;
2. Access ways to the site, including public rights-of-way, intersections, existing and proposed paving, and drainage improvements;
3. State- and federally-designated truck routes; and
4. County roadway classifications for each public road.

(D) **Review Criteria.** The access and routing plan shall demonstrate compliance with the following criteria:

1. Reasonable steps have been taken to avoid regular hauling and transport routes and points of access in residential areas;
(2) All means of access for heavy trucks is onto a major road, as defined by Subchapter J: Definitions and Acronyms, unless the Zoning Administrator or Board of Zoning Appeals, as applicable, determine that:

(a) The minor road is sufficient to accommodate safe turning movements into and out of the site;

(b) The minor road is built to conditions sufficient to withstand the impacts of heavy truck ingress and egress to the site or the applicant commits to necessary upgrades or to repairs, if needed, through a liability agreement pursuant to LDC Subchapter C, Part 7: Liability Agreements;

(c) Ingress and egress by heavy truck traffic at the proposed access points will not unreasonably impact residential land uses or districts; and

(d) Measures are included at all intersections where access drives connect with a public right-of-way to limit dirt, rocks, and other debris from collecting on the road surface;

(3) Minor roads are not used for regular hauling and transport within the two-mile plan area, unless the Zoning Administrator or Board of Zoning Appeals determine that:

(a) Regular hauling and transport routes will not unreasonably impact residential land uses or districts; and

(b) Minor roads in the plan area are built to conditions sufficient to withstand the impacts of heavy truck traffic, based on projected trips to and from the site; or the applicant commits to necessary upgrades to the minor roads or to any repairs attributable to the use, through a liability agreement;

(4) The applicant has instituted procedures for ensuring drivers of heavy trucks associated with the site are provided with maps indicating the roads within the two-mile plan area approved for regular hauling and transport.

(E) Liability Agreement May Be Required. If the Zoning Administrator, in consultation with the Director of Public Works, determines that any road designated for regular hauling and transport is not adequately constructed to meet the weight and volume of heavy truck traffic associated with the proposed use, the applicant shall execute a liability agreement (see LDC Subchapter C, Part 7: Liability Agreements) with the County prior to final zoning compliance approval.

§ 155.1337 COMMUNICATIONS TOWERS.

(A) Applicability. This Section applies to applications for communications towers and to communications antennas affixed to communications towers, as defined in Subchapter C, Part 3.9: Communications Towers. This Section further provides additional application and submission requirements for communications towers and communications antennas.
(B) Application Requirements.

(1) *Minor Modifications.* An applicant seeking approval for a minor modification, as that term is defined in Subchapter C, Part 3.9: *Communications Towers,* shall submit:

   (a) A statement from the applicant or the applicant’s agent that the proposed modifications meet the definition of a minor modification;

   (b) A site plan showing property boundaries, zoning district and required setbacks, existing structures, latitude and longitude, and zoning and uses of adjacent property. The site plan must also indicate the tower location, site elevation, tower height, guy anchors, driveway, and parking, fencing, and landscaping; and

   (c) A statement from a duly licensed engineer in South Carolina that:

      1. The additional loading on the tower will not exceed the tower’s design as previously submitted; or

      2. Detailing the changes that will be made to the tower to accommodate the additional antenna(s).

(2) *Major Modifications and New Communications Towers.* An applicant seeking approval for a major modification, as that term is defined in Subchapter C, Part 3.9: *Communications Towers,* or a new communications tower shall submit the following information:

   (a) A site plan showing property boundaries, zoning district and required setbacks, existing structures, latitude and longitude, and zoning and uses of adjacent property. The site plan must also indicate the proposed tower location, site elevation, tower height, guy anchors, driveway, and parking, fencing, and landscaping;

   (b) Written authorization from the owner of the site, if the applicant is not the owner;

   (c) A site-impact analysis, such as balloon modeling, computer generated renderings of the location, photographs with superimposed scaled renditions of the tower or other such submittals showing the potential visual and aesthetic impact of the proposed communication tower on properties and uses within 2,640 feet of the proposed tower site;

   (d) Evidence of the necessity for the location of a communication tower at the proposed site. The applicant may submit evidence such as the wattage, power, coverage, range of commercially available telephones, and any other such information which may support the application for the proposed tower. The approval authority may request other such information as needed to thoroughly evaluate the necessity of the tower and its location;

   (e) A list of other users of the proposed tower;

   (f) A map showing all of applicant’s antenna sites that serve York County;
(g) A certification from a professional engineer registered in the State of South Carolina indicating that the proposed installation, including the tower, antenna(s), and appurtenances, including any accessory buildings, meet the requirements of the building codes, include those for wind and ice loading. Manufacturer sealed certifications must be sufficient to satisfy the engineer’s certification requirement. When manufacturer sealed certifications are submitted to satisfy the engineer’s certifications requirement, the contractor must certify on the approved site plan that the installation will be in accordance with the manufacturer sealed certifications and/or specifications;

(h) Manufacturer’s typical specifications for the proposed structure and antenna, including design characteristics and material. Design characteristics must be sufficient for building permit review of wind and ice loading and foundation requirements;

(i) A certification that the proposed tower meets all applicable Federal Communication Commission rules and will be operated in compliance with Federal Communication Commission rules and regulations;

(j) A copy of the FCC license or other evidence of FCC approval of the proposed installation. If applicant has not applied for FCC license(s), applicant shall indicate what service(s) are to be provided by reference to FCC license application or other FCC standards and/or requirements. If no FCC license is required, applicant must indicate the purpose of the tower;

(k) A copy of FCC form 854, Application for Antenna Structure Registration or the same information in a similar format if the tower is not subject to FCC registration. Any information on form 854 may be referenced on other documents;

(l) The applicant shall certify that the proposed tower will not have an adverse effect on air space associated with the Rock Hill-York County Airport and conforms to Federal Aviation Administration rules and regulations and is consistent with the York County Zoning Ordinance Airport Overlay District contained in this code; and

(m) Written evidence that the applicant, communications provider and owner of the tower have procured and maintain in force one or more public liability insurance policies with policy limits of not less than $1,000,000 for liability claims for personal injury, death, or damage to property.

§ 155.1338 SMALL WIRELESS FACILITIES.

(A) **Applicability.** This Section applies to zoning compliance applications for small wireless facilities as defined in Subchapter C, Part 3.34: Small Wireless Facilities. This Section provides additional application and submission requirements for small wireless facilities.

(B) **Fees.** The following fees apply to applications for small wireless facilities:
(1) For applications to collocate small wireless facilities on existing poles or structures, $100 each for the first five small wireless facilities in the same application and $50 for each additional small wireless facility in the same application;

(2) For applications to collocate small wireless facilities on new poles, $1,000 for each pole, which fee covers both the installation of the new pole and the collocation on the new pole of associated small wireless facilities; and

(3) For applications to collocate small wireless facilities on modified or replacement poles, $250 for each pole, which fee covers both the modification or replacement of the pole and the collocation on the pole of associated small wireless facilities.

(C) Application Requirements. The application shall be made by the applicant, or its duly authorized representative as noted in a notarized statement from the applicant, and shall contain the following:

(1) The applicant’s name, address, telephone number, and email address, including emergency contact information for the applicant;

(2) The names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;

(3) A general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed;

(4) Detailed construction drawings regarding the proposed use of the right-of-way;

(5) To the extent the proposed facility involves collocation on a pole, decorative pole, or support structure, a structural report performed by a duly licensed engineer in South Carolina evidencing that the pole, decorative pole, or support structure will structurally support the collocation, or that the pole, decorative pole, or support structure may and will be modified to meet structural requirements, in accordance with applicable codes;

(6) For any new aboveground facilities, visual depictions or representations if such are not included in the construction drawings;

(7) Information indicating the approximate horizontal and vertical locations, relative to the boundaries of the right-of-way, of the small wireless facility for which the application is being submitted;

(8) If the application is for the installation of a new pole or replacement of a decorative pole, a certification that the wireless provider has determined after diligent investigation that it cannot meet the service objectives of the application by collocating on an existing pole or support structure on which:
(a) The wireless provider has the right to collocate subject to reasonable terms and conditions; and

(b) Such collocation would be technically feasible and would not impose significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and shall provide a written summary of the basis for such determination;

(9) If the small wireless facility will be collocated on a pole or support structure owned by a third party, other than a County pole, a certification that the wireless provider has permission from the owner to collocate on the pole or support structure;

(10) An affirmation that the applicant is, on the same date, submitting applications for other required permits identified in the list the County maintains pursuant to Subchapter C, Part 3.34, § 155.562: Permitting.

(11) Any additional information reasonably necessary to demonstrate compliance with the criteria set forth in Subchapter C, Part 3.34, § 155.565: Review of Applications; and

(12) For any applicant that is not a wireless services provider, an attestation that a wireless services provider has requested in writing that the applicant collocate the small wireless facilities or install, modify, or replace the Pole at the requested location.

(D) **Information Updates.** Any amendment to information contained in an application shall be submitted in writing to the County within 10 business days after the change necessitating the amendment.

§ 155.1339 RESERVED.

§ 155.1340 RESERVED.

§ 155.1341 RESERVED.

§ 155.1342 RESERVED.

§ 155.1343 RESERVED.

§ 155.1344 RESERVED.