

Council Members

District 4: Larry Honeycutt, Chair

District 1: Terry Graham

District 3: Billy Mosteller

**County Attorney**

John K. DuBose III

Clerk to Council

Sherrie Simpson

June 9, 2020**3:00 PM****101 North Main Street
Lancaster, SC 29720**

**LANCASTER COUNTY
Infrastructure and Regulation Committee
County Council Chambers, County Administration Building, 101 North Main Street,
Lancaster, SC 29720**

AGENDA

1. Call to Order - Committee Chair Larry Honeycutt

2. Approval of the Agenda

[deletions and additions of non-substantive matters]

3. Citizens Comments

[While in-person Citizens Comments are not currently suspended, due to public health and safety considerations and the need for continued social distancing, the County is strongly encouraging citizen input and comments be submitted in writing prior to the meeting. Comments may be submitted via mail, email at ssimpson@lancastersc.net or by using the following link on our website where you can submit Citizens Comments online (look for the link on the right hand side of the page) - <https://www.mylancastersc.org/index.asp?SEC=DF11C6C4-BC53-4CD5-8A07-0847EAA1F478> Comments must be no longer than approximately 3 minutes when read aloud. Comments received will be acknowledged during the Citizens Comments portion of the meeting. Comments will need to be received prior to 4:00 p.m. on the day before the meeting. Please use the same link above in order to submit input/comments for Public Hearings.]

4. Approval of Minutes

- a. Approval of Minutes from the February 11, 2020 Infrastructure And Regulation (I & R) Committee Regular Meeting

5. Discussion/Action Items

- a. Update on recent Storms and Solid Waste Recycling Sites - Jeff Catoe
- b. Discussion of Airport Operations - Steve Willis/Paul Moses
- c. Update of Edgewater Development - John DuBose/Rox Burhans
- d. UDO Update Consultation - Rox Burhans
- e. Review of Ordinance 2020-1659 regarding Amending the Unified Development Ordinance ("UDO") regarding Replacing the Existing Provisions for Home Occupations (Will be up for 2nd Reading at the next Council Meeting)

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance Chapter 2.5.3 To Allow Home Occupations In The PB And RB Districts; To Amend Chapter 5.4 To Replace The

Existing Provisions For Home Occupations With New Provisions Concerning Major And Minor Home Occupations; To Amend Chapter 7.2.4 To Modify Parking Requirements For Home Occupations; And To Amend Chapter 10 To Provide For Appropriate Definitions. - ***Planning Department Case Number: UDO-TA-20-0309. Planning Commission recommended approval by a vote of 4-1. Passed 7-0 at the April 27, 2020 County Council Meeting. - Rox Burhans***

6. Executive Session

a. One Item:

1. Legal Briefing on One Contractual Matter. SC Code 30-4-70(a)(2).

7. Adjournment

Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting. Lancaster County Infrastructure and Regulation Committee agendas are posted at the Lancaster County Administration Building and are available on the Website:

www.mylancastersc.org

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Chelsea Gardner/Deputy Clerk to Council

Department: County Clerk

Date Requested to be on Agenda: 6/9/2020

Issue for Consideration:

Approve or amend the minutes from the February 11, 2020 Infrastructure and Regulation (I & R) Committee regular meeting.

Points to Consider:

The minutes from the February 11, 2020 I & R Committee meeting are attached for the Committee's review and approval.

Funding and Liability Factors:

N/A

Options:

The Committee can approve or amend the minutes.

Recommendation:

Approve the minutes as written.

ATTACHMENTS:

Description

Upload Date

Type

Draft Minutes from the 2-11-2020 Infrastructure and Regulation (I & R)
Committee Regular Meeting

6/4/2020

Backup Material

Council Members

District 4: Larry Honeycutt, Chair

District 1: Terry Graham

District 3: Billy Mosteller

**County Attorney**

John K. DuBose III

Clerk to Council

Sherrie Simpson

February 11, 2020**3:00 PM****101 North Main Street
Lancaster, SC 29720****LANCASTER COUNTY****Infrastructure and Regulation Committee****Administration Office Conference Room, County Administration Building, 101 North Main Street, Lancaster, SC 29720****MINUTES****DRAFT**

Committee Members present at the Infrastructure and Regulation (I & R) Committee regular meeting were Larry Honeycutt, Terry Graham and Billy Mosteller. Also present at the meeting were Council Member Steve Harper, County Administrator Steve Willis, County Attorney John DuBose, Deputy County Administrator Alison Alexander, Clerk to Council Sherrie Simpson, Development Services Director Rox Burhans, Zoning Director Shannon Catoe, Recreation Director Hal Hiott, various Department Heads, various staff and citizens. A quorum of the Lancaster County I & R Committee was present for the meeting.

The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: *Lancaster News*, *Kershaw News Era*, *The Rock Hill Herald*, Cable News 2, Channel 9 and the local Government Channel. The agenda was posted in the lobby of the County Administration Building and also on the county website for the required length of time.

Call to Order - Committee Chair Larry Honeycutt

Committee Chair Larry Honeycutt called the Infrastructure and Regulation (I & R) Committee meeting to order at approximately 3:00 p.m.

Approval of the Agenda

Billy Mosteller moved to amend the agenda to move Discussion Item 5.d to the beginning of the Discussion/Action Items. There was no further discussion. The motion to approve the agenda as amended passed by unanimous vote of 3-0.

Citizens Comments

Randall Moore, Lancaster, SC, spoke regarding a subdivision that he built off of Country Club Drive in 2005. Mr. Moore stated that the subdivision was built out in 2011 and the original rules mentioned that once the subdivision was 80% built out then the County would take over that road. He stated that the County has yet to take over the road. Mr. Moore brought some documents for the appropriate person(s) to review and work on getting the issue resolved.

Larry Honeycutt noted that County Attorney, John DuBose, and Public Services Director, Jeff Catoe, would look at the documentation that Mr. Moore brought and that this item would be placed on the next I & R

Committee meeting agenda.

Approval of Minutes

Terry Graham moved to approve the minutes from the January 14, 2020 Infrastructure and Regulation (I & R) Committee regular meeting. The motion was seconded by Billy Mosteller. The motion to approve the I & R Committee meeting minutes from January 14, 2020 passed by unanimous vote of 3-0.

Discussion/Action Items

a. Update from the Trail Advisory Committee - Rox Burhans

Rox Burhans gave a brief update from the Trail Advisory Committee stating that the idea being that the UDO is requiring these trails to be constructed with new development within this system in many cases they will be dedicated/handed off to the County for maintenance and ownership.

Rox explained that Trail Advisory Committee Member David Basri had the suggestion early on which was coming up with the concept of organizing a 501(c)(3) or a non profit organization that could be used to help fund-raise for some of these activities as well as taking on other responsibilities. This led them to having conversations with the Carolina Thread Trail directly.

Trail Advisory Committee member, David Basri, explained that the thread trail spans fifteen counties. This would be an opportunity to be a sub group of the Carolina Thread Trail and operating under a 501(c)(3). Last month the Trail Advisory Committee agreed that the next step was for the Carolina Thread Trail to formally consider and approve. He gave a handout which was the email of the Carolina Thread Trail approving the development of the LC Chapter. The email is on file with the written minutes in the Clerk to Council's office as Schedule A. There is also an attachment on file with the written minutes in the Clerk to Council's office regarding the Carolina Thread Trail Affiliate Chapters attached as Schedule B.

Larry Honeycutt asked how Lancaster County would be involved financially?

Rox stated that there may need to be seed money provided to get the group up and going; but the idea is for the group to bring in money rather than use money from the County. Under that arrangement, which is not definite, any money that is brought in from this sub chapter through a fundraising type of activity would be divided 70% to stay in Lancaster County and 30% to the Carolina Thread Trail for support of there mission.

Billy Mosteller made the motion to send to full Council with no recommendation. The motion was seconded by Terry Graham. The motion to send to full Council passed by unanimous vote of 3-0.

b. Potential Development Agreement Projects - Rox Burhans

Rox Burhans stated that this is a continuation from last month's Committee meeting where there was discussion regarding developers approaching the County to do projects that do not necessarily fit perfectly within the confines of the ordinance. They have approached the staff about the County's willingness to deviate from the standards using a development agreement as a vehicle to deviate from those standards and what the County's comfort level may be on specific projects.

Rox Burhans has three potential projects that this scenario has come up in. Rox briefly explained the three projects to the Committee and answered any questions that the Committee may have had. Rox gave handouts and briefly reviewed the handouts with the Committee. The handouts are attached as Schedule C, Schedule D and Schedule E.

Larry Honeycutt asked for a motion regarding this matter.

Rox Burhans stated that what staff can do is that if the developer wished to continue through the process, then staff can convey that they have had high level conversations at the Committee level and that the same Committee would be the Committee reviewing the development agreements and they share some of the same concerns.

c. Land Water and Conservation Fund Park Conversions - Hal Hiott

Recreation Director, Hal Hiott stated that they have identified five parcels of property that have land water conservation funds tied up in them. Those parks were built back in the late 1970's. Some of the parks are located in the County but the City owns them. The City has agreed to get them off the books as well. Hal stated that they are trying to start the process and have already done the letters and the next step would be when they approve it and the County chooses to purchase the property then all will be good and ready to go.

Larry Honeycutt made the motion to complete the conversion process on the parks properties listed above into the new park acquisition. The motion was seconded by Terry Graham. The vote to send the recommendation above to full Council passed by unanimous vote of 3-0.

d. Zoning Enforcement Issue/Litter Officer - Larry Honeycutt

During the approval of the agenda this Discussion Item was moved to the beginning of the Discussion/Action Items.

Steve Willis noted that Lancaster County now has a Keep Lancaster Beautiful Coordinator, Mandy Catoe. He stated that during the first couple of weeks she will be completing an evaluation of the County and plans to meet with Aiken. Aiken has a program where so much mileage equals so many hours of community service and there doesn't have to be someone supervising them. The equipment would be given to them and then they would notify the County and let them know when they were done for that day so the bags of trash could be picked up.

Steve Willis noted that anything that County Council passes as a County Ordinance is not going across the street to General Sessions. The most that could be done would be a \$500.00 dollar fine and/or 30 days in jail and by statute that is Magistrate Court. They cannot pass an ordinance that would put someone in General Sessions.

John DuBose briefly explained the process used regarding littering and General Sessions.

Adjournment

Terry Graham made the motion to adjourn the I & R Committee meeting. The motion was seconded by Billy Mosteller. The motion to adjourn the I & R Committee meeting passed by unanimous vote of 3-0.

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Rox Burhans/Development Services Director

Department: Planning

Date Requested to be on Agenda: 6/9/2020

Issue for Consideration:

The UDO update consultant (CodeWright) will be interviewing approximately 20-community stakeholders to better understand the positives and negatives of the current UDO developed by the COG. Staff is requesting the I&R Committee appoint a Council member to speak with the consultant for approx. 30-minutes (conference call) to discuss any Council concerns with the UDO.

Points to Consider:

N/A

Funding and Liability Factors:

N/A

Options:

N/A

Recommendation:

Staff recommends the I&R Committee appoint a member of Council to speak with the UDO update consultant.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1659/Planning Department Case Number: UDO-TA-20-0309

Contact Person / Sponsor: Robert Tefft / Planning

Department: Planning

Date Requested to be on Agenda: 6/9/2020

Issue for Consideration:

Amend the Unified Development Ordinance Section 2.5.3 to allow Home Occupations in the PB and RB Districts; to amend Chapter 5.4 to replace the existing provisions for Home Occupations with new provisions concerning Major and Minor Home Occupations; to amend Chapter 7.2.4 modify parking requirements for home occupations; and to amend Chapter 10 to provide for appropriate definitions.

Points to Consider:

SUMMARY & PROPOSAL:

The Lancaster County Infrastructure and Regulation Committee has submitted a request to amend the provisions of the Unified Development Ordinance (UDO) concerning home occupations so as to provide for two sets of provisions: one specific to larger home occupations that may occur in rural areas on larger lots (major home occupations) and the other specific to smaller, more traditional home occupations that may occur countywide (minor home occupations).

OUTLINE OF TEXT AMENDMENT:

Detailed standards for both the Major and Minor Home Occupation use types are proposed to be added to Chapter 5 in order to accommodate this use type. The Parking and Definition chapters will also be amended. See Attachment 1. The following chapter(s) of the UDO have been amended or created:

Chapter 2.5.3, Use Table: Amend to allow Home Occupations in the Professional Business (PB) and Regional Business (RB) Districts where residential uses are currently permitted, but a home occupation is not.

Chapter 5.4, Office/Service Uses: Amend to replace 5.4.2 in its entirety with new provisions addressing Major and Minor Home Occupation types.

Chapter 7.2.4, Off-Street Parking and Loading Requirements: Amend Parking Requirements by Use Table to include specific language pertaining to home occupations.

Chapter 10, Definitions: Add applicable definitions.

FINDINGS AND CONCLUSIONS:

The proposed text amendment has been found to be consistent with all applicable provisions of the Comprehensive Plan as required by Chapter 9.2.15.B.3. The proposed amendments will help bring minor home occupation regulations up to a contemporary standard while providing opportunities for larger, home-based service businesses to operate in the rural residential areas of the County.

Funding and Liability Factors:

N/A

Options:

To approve or deny the proposed text amendment.

Recommendation:

The Planning Department staff recommends the approval of the proposed text amendment.

At its meeting of March 17, 2020, the Planning Commission voted 4-1 to recommend approval of the proposed text amendment.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1659	6/5/2020	Ordinance
Ordinance 2020-1659- EXHIBIT 1	4/19/2020	Exhibit
Staff Report	3/10/2020	Exhibit
Ex 1: Proposed Text Amendment	3/11/2020	Exhibit
Ex 2: Application	3/10/2020	Exhibit

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2020-1659

COUNTY OF LANCASTER

)

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AN ORDINANCE

TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE CHAPTER 2.5.3 TO ALLOW HOME OCCUPATIONS IN THE PB AND RB DISTRICTS; TO AMEND CHAPTER 5.4 TO REPLACE THE EXISTING PROVISIONS FOR HOME OCCUPATIONS WITH NEW PROVISIONS CONCERNING MAJOR AND MINOR HOME OCCUPATIONS; TO AMEND CHAPTER 7.2.4 MODIFY PARKING REQUIREMENTS FOR HOME OCCUPATIONS; AND TO AMEND CHAPTER 10 TO PROVIDE FOR APPROPRIATE DEFINITIONS.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) Lancaster County Infrastructure and Regulation Committee made application for text amendment of the Unified Development Ordinance (“UDO”) Chapters 2.5.3 Use Table and 5.4 Use Regulations to update the existing provisions for home occupations. It will also modify Chapters 7.2.4 Parking requirements and 10 Definitions. The amendment organizes home occupations into Major classifications that are intended for the rural areas on larger lots and Minor classifications that may locate countywide.
- (b) The proposed text amendments have been found to be consistent with all applicable provisions of the Comprehensive Plan as required by Chapter 9.2.15.B.3. Further, the proposed text amendments have been reviewed for compliance with the applicable provisions of SC Code Title VI and has been found to be consistent with those provisions.
- (c) The proposed amendments will help bring minor home occupation regulations up to contemporary standards while providing opportunities for larger, home-based service businesses to operate in the rural residential areas of the County.
- (d) Lancaster County Planning Commission considered the proposed text amendment at its meeting on March 17, 2020, and by a vote of 4-1 recommended approval of the text amendment.

Section 2. Amendment of Ordinance 2016-1442

Ordinance 2016-1442 (Unified Development Ordinance) Chapter 2.5 Use Table, is amended as set forth in “Exhibit 1” attached hereto and incorporated herein by reference.

Ordinance 2016-1442 (Unified Development Ordinance) Chapter 5.4, Use Regulations, is amended as set forth in “Exhibit 1” attached hereto and incorporated herein by reference.

Ordinance 2016-1442 (Unified Development Ordinance) Chapter 7.2, Parking and Driveways, is amended as set forth in “Exhibit 1” attached hereto and incorporated herein by reference.

Ordinance 2016-1442 (Unified Development Ordinance) Chapter 10, Definitions is amended as set forth in “Exhibit 1” attached hereto and incorporated herein by reference.

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: April 27, 2020

Second Reading:

Public Hearing:

Third Reading:

Approved as to form:

John DuBose, County Attorney

EXHIBIT 1

Section 2.5.3 Use Table (For detailed Use Definitions see Chapter 10.)

	RURAL					TRANSITIONAL						SPECIAL					NEIGHBORHOOD					
USE TYPES	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF

C. OFFICE/SERVICE	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF
ATM	-	-	-	P	-	-	-	-	P	P	P	P	-	P	-	-	-	-	-	P	P	
Banks, Credit Unions, Financial Services	-	-	-	P	-	-	-	-	P	P	P	P	-	P	-	-	-	-	-	P	P	
Business Support Services	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-	-	-	-	P	P	
Crematoria	-	-	-	-	-	-	-	-	-	-	CU	-	-	CU	-	-	-	-	-	-	-	5.4.1
Dry Cleaning and Laundry Services	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	-	-	-	P	P	
Funeral Homes	-	-	-	P	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	P	P	
Home Occupation	PR	PR	PR	-	PR	PR	PR	PR	-	-	PR	-	-	-	-	-	PR	PR	PR	PR	PR	5.4.2
Kennels, Indoor	PR	PR	PR	PR	-	-	-	-	PR	PR	PR	PR	-	PR	-	-	-	-	-	PR	PR	5.4.3
Kennels, Outdoor	PR	PR	CU	PR	-	-	-	-	-	-	CU	CU	-	CU	-	-	-	-	-	-	-	5.4.4
Medical Clinic	-	-	-	PR	-	-	-	PR	PR	PR	PR	-	-	-	-	-	-	-	-	PR	PR	5.4.5
Personal Services	-	-	-	P	-	-	-	-	P	P	P	P	-	P	-	-	-	-	-	P	P	
Personal Services, Restricted	-	-	-	-	-	-	-	-	-	-	PR	-	-	-	-	-	-	-	-	-	-	5.4.6
Post Office	-	-	-	P	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	P	P	
Professional Services	-	-	-	P	-	-	-	P	P	P	P	P	-	P	-	-	-	-	-	P	P	
Small Equipment Repair/Rental	-	-	-	P	-	-	-	-	-	P	P	-	-	P	-	-	-	-	-	P	P	
Veterinary Clinic	-	-	-	P	-	-	-	-	P	P	P	-	-	P	-	-	-	-	-	P	P	

5 USE REGULATIONS

5.4 OFFICE/SERVICE USES

~~5.4.2 HOME OCCUPATION [AR, RR, RN, MH, LDR, MDR, UR, HDR, RMX, MX, IMX]~~

~~A. General Standards~~

- ~~1. The home occupation shall be clearly incidental and secondary to residential occupancy.~~
- ~~2. The use shall be carried on entirely within an enclosed structure on the premises.~~
- ~~3. The home occupation shall be operated by a resident of the dwelling.~~
- ~~4. A maximum of 25 percent of the gross floor area of the dwelling unit or 500 square feet, whichever is less, may be used for the home occupation.~~
- ~~5. A maximum of one full-time equivalent non-residents of the dwelling may be employed on the premises.~~
- ~~6. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.~~
- ~~7. The home occupation shall not involve the use of any commercial vehicles and semi tractor trailers for the delivery of materials to or from the premises. Common and routine frequency for residential parcel delivery service is not prohibited.~~
- ~~8. No equipment or process shall be used in connection with the use which creates noise, vibration, glare, fumes, fire hazard, odors, dust, or electrical or communication interference detectable to the normal senses off the premises (in the case of a detached dwelling, off the lot; in the case of an attached unit, outside the dwelling unit). No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises.~~
- ~~9. The home occupation shall not cause an increase in the use of any one or more utilities (water, sewer, electricity, gas, garbage, etc.) such that the combined total use for dwelling and home occupation purposes exceeds a level normally expected in a residential neighborhood.~~

~~B. Exterior Appearance~~

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

~~C. Standards for Specific Types of Home Occupations~~

- ~~1. Personal Services, including cosmetic services, salons, barber shops, and non-permanent makeup services, but not including nail salons, may be permitted provided they comply with all of the following:~~
 - ~~a. Such uses shall meet all applicable state requirements;~~

- ~~b. Any exterior entrance/exit to an area of the principal building shall be on the side or rear (and not the front) of the building;~~
- ~~c. Only 1 barber/styling chair shall be permitted;~~
- ~~d. No more than 2 hair drying chairs shall be permitted;~~
- ~~e. Only incidental sales of hair products shall be allowed on the premises;~~
- ~~f. Must meet all accessibility features, including restroom facilities, etc., meeting the International Building Code in accordance with the Americans with Disabilities Act;~~
- ~~g. No more than 1 sign identifying, or in any way pertaining to, such uses shall be permitted, and such sign shall meet all requirements of Chapter 7 of this ordinance; and~~
- ~~h. All barber/styling chairs and hair drying chairs shall be located together in either the main dwelling or the accessory building, not split between both.~~
- ~~2. No group instruction service, including but not limited to dance, music, exercise, arts, and crafts, may be provided for a group larger than 8 persons.~~
- ~~3. Retail sales shall be limited to the resale of handmade items grown or produced on-site such as food items, crafts, antiques, jewelry, and clothing.~~
- ~~D. Uses Prohibited as Home Occupations:~~** The following uses are prohibited as home occupations because the nature of their operation has the tendency to impair the use and value of properties in a residential district:
 - ~~1. Residential Care Facilities~~
 - ~~2. Halfway Homes~~
 - ~~3. Any Lodging Uses (Section 2.5.3.)~~
 - ~~4. Kennels~~
 - ~~5. Medical Clinic~~
 - ~~6. Personal Services, Restricted~~
 - ~~7. Veterinary Clinic~~
 - ~~8. Any Commercial/Entertainment Uses (Section 2.5.3), except specifically those retail uses noted in Section 5.4.2.C.3 above.~~
 - ~~9. Correctional Institution~~
 - ~~10. Day Treatment Center~~
 - ~~11. Hospital~~
 - ~~12. Any Automotive Uses (Section 2.5.3)~~
 - ~~13. Any Industrial/Wholesale/Storage Uses (Section 2.5.3)~~
 - ~~14. Nail Salons~~
 - ~~15. Barber Shops/Salons with more than one chair.~~

5.4.2 HOME OCCUPATION [AR, RR, RN, MH, LDR, MDR, PB, RB, UR, HDR, RMX, MX, IMX]

A. General Standards

1. The home occupation must be clearly incidental and secondary to the use of the dwelling for residential occupancy and must not to change the residential nature thereof.
2. The home occupation shall not be operated by any person other than residents living in the dwelling.
3. The pedestrian and vehicular traffic generated by the home occupation shall be no greater in volume than would normally be expected at a similar residence where no home occupation is conducted. Commercial vehicles / trailers otherwise allowed pursuant to Section 5.4.2.B. shall be exempt from the aforementioned traffic volumes.
4. Any parking associated with the home occupation shall occur on the premises and not within the public or private right-of-way. Further, any parking in the front yard shall be limited to the existing or expanded residential driveway. Additional parking may be provided in the rear yard, but shall not include space for more than two vehicles used in connection with the home occupation to be parked or stored on the premises.
5. No marked vehicle used in conjunction with a home occupation shall be parked on the property or contiguous to a right-of-way in such a manner so as to identify, advertise or otherwise attract offsite attention to the home occupation. This provision shall not preclude a marked vehicle used in conjunction with the home occupation from being parked in a customary parking space such as the driveway of a home, or multi-family parking lot.
6. No equipment or process shall be used in connection with the home occupation which creates noise, vibration, glare, fumes, fire hazard, odors, dust, or electrical or communication interference detectable to the normal senses off the premises (in the case of a detached dwelling, off the lot; in the case of an attached unit, outside the dwelling unit). No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises.
7. Any client visit to the home occupation shall be by appointment only.
8. Hours of operation for deliveries, clients, and operation of mechanical or electrical equipment shall be limited to 7:00 a.m. to 8:00 p.m.

B. Standards for Major Home Occupations [AR, RR, RN, MH]

Major home occupations are occupations that, by their nature, appearance and inherent operational activities and characteristics, are potentially more intensive in character and activity than a minor home occupation. Major home occupations may consist of businesses such as, but not limited to, independent electrical or plumbing contractors, landscapers and similar businesses that have employees and require the storage of commercial vehicles or equipment on the property.

1. **Conditional Use Permit Required:** All major home occupations shall be required to obtain a Conditional Use Permit.
2. **Minimum Lot Size:** All major home occupations shall be located on a lot that is at least five acres in size.
3. **Use of Commercial Vehicles / Semi-Tractor Trailers**
 - a. The major home occupation may involve the use of commercial vehicles and semi-tractor trailers, provided the number of semi-tractor trailers is limited to no more than two onsite at any time; and,
 - b. All commercial vehicles and semi-tractor trailers accessing the site shall take ingress and egress from either a paved arterial or paved collector right-of-way.

4. Any parking or storage of commercial vehicles, trailers, or equipment shall be fully screened with a solid wooden or vinyl fence or masonry wall, berm, and/or opaque evergreen landscaping from adjacent properties or roads.
5. When located within the dwelling, the major home occupation shall not exceed 25 percent of the gross floor area of the dwelling or 500 square feet, whichever is less.
6. The floor area of an accessory building or buildings used by the major home occupation shall not cumulatively exceed 3,000 square feet or 75 percent of the gross floor area of the principal dwelling, whichever is greater.
7. The major home occupation shall not employ more than two non-residents of the dwelling for employment or mobilization at the dwelling.
8. The major home occupation, as well as any associated storage of goods and materials, shall be carried on entirely within an enclosed structure on the premises. Any storage of goods and materials outside of an enclosed structure shall be prohibited. Outdoor storage of commercial vehicles or trailers used in conjunction with the major home occupation shall not be prohibited under this provision.
9. The conditional use permit approving authority may impose additional conditions of approval based on the characteristics of the proposed use and site-specific conditions to ensure the major home occupation does not create impacts to adjacent properties.

C. Standards for Minor Home Occupations [AR, RR, RN, MH, LDR, MDR, PB, RB, UR, HDR, RMX, MX, IMX]

Minor home occupations are occupations that, by their nature, appearance and inherent operational activities and characteristics, are potentially less intensive and less likely to have a noticeable and negative impact on the surrounding neighborhood. Minor home occupations may consist of businesses such as, but not limited to, artists, home offices for financial services or architectural/engineering services, and independent electrical or plumbing contractors that do not require the parking of commercial vehicles or equipment onsite.

1. The minor home occupation shall be located within the dwelling (and not an accessory structure) and shall not exceed 25 percent of the gross floor area of the dwelling or 500 square feet, whichever is greater.
2. The minor home occupation shall not employ more than one non-resident of the dwelling for employment at the dwelling, and under no circumstances shall the property be used for the mobilization of vehicles to operate outside of the property.
3. The minor home occupation, as well as any associated storage of goods and materials, shall be carried on entirely within an enclosed structure on the premises. Any storage of good and materials outside of an enclosed structure shall be prohibited.
4. The minor home occupation shall not involve the use of any commercial vehicles and semi-tractor trailers for the delivery of materials to or from the premises. Common and routine residential parcel delivery service to the minor home occupation via commercial vehicles is not prohibited.
5. The minor home occupation shall not involve the onsite parking of commercial vehicles, equipment, or trailers used in conjunction with the home occupation.

D. Additional Standards for Specific Types of Home Occupations

- 1. Personal Services.** Personal services, including cosmetic services, salons, barber shops, and non-permanent makeup services, but not including nail salons, may be permitted provided they comply with all of the following:
 - a. Shall meet all applicable state requirements;
 - b. Shall meet all applicable accessibility requirements, including restroom facilities, etc., meeting the International Building Code in accordance with the Americans with Disabilities Act;
 - c. Any exterior entrance/exit to an area of the principal building shall be on the side or rear (and not the front) of the building;
 - d. No more than one sign identifying, or in any way pertaining to, such uses shall be permitted, and such signage shall meet all requirements of Chapter 7 of this ordinance;
 - e. Only incidental sales of cosmetic and hair products shall be allowed on the premises;
 - f. No more than one barber/styling chair shall be permitted;
 - g. No more than two hair drying chairs shall be permitted; and,
 - h. All barber/styling chairs and hair drying chairs shall be located together in either the main dwelling or the accessory building, and shall not be split between said buildings.
- 2. Group Instruction Services.** Group instruction services, including but not limited to teaching art, dance, music, and tutoring may be provided so long as the group does not exceed four persons at any time. Additionally, adequate parking must be provided onsite for both the residents of the dwelling and the maximum number of clients receiving instructional services; however said parking for clients is not required to be permanent.
- 3. Retail Sales.** Onsite retail sales conducted directly from the home (not including internet sales business) shall be limited to the sale of handmade items grown or produced on-site such as: arts and crafts, clothing, foodstuffs, furniture, and/or jewelry.

E. Prohibited Home Occupations. The following are prohibited as home occupations due to the nature of their operation having the tendency to impair the use and value of surrounding properties in a residential district:

- 1. Automotive uses (Section 2.5.3);**
- 2. Civic uses (Section 2.5.3);**
- 3. Commercial/Entertainment uses (Section 2.5.3), except for those specific retail uses permitted by Section 5.4.3.B.;**
- 4. Educational/Institutional uses (Section 2.5.3), except for Child/Adult Day Care Home (5 or fewer persons) and Studio;**
- 5. Halfway Homes;**
- 6. Industry/Wholesale/Storage uses (Section 2.5.3);**
- 7. Infrastructure uses (Section 2.5.3);**
- 8. Lodging uses (Section 2.5.3.);**
- 9. Office/Services uses (Section 2.5.3), except for Personal Services permitted by Section 5.4.3.B., Business Support Services, and Professional Services; and,**

10. Residential Care Facilities.

F. Grandfathered Home Occupations

1. Home occupation permits issued prior to the effective date of this section shall be grandfathered. However, any subsequent home occupation permit issued at the same address must be in conformance with these standards.
2. Any expansion of a grandfathered home occupation shall be in compliance with the standards of Section 5.4.2.
3. Any change of a grandfathered home occupation to a different home occupation shall require that the new home occupation be in compliance with the standards Section 5.4.2.

7 GENERAL DEVELOPMENT STANDARDS

7.2 PARKING AND DRIVEWAYS

7.2.4 OFF-STREET PARKING AND LOADING REQUIREMENTS

A. PARKING REQUIREMENTS BY USE TABLE

The following table details the required minimum and maximum (where applicable) parking ratios by major land use. All area calculations use gross leasable area (GLA). For uses not covered in this table, the parking requirements shall be those of the most similar use as determined by the Administrator.

Use Category	Minimum Required Auto Spaces
Residential	
Dwelling – Single Family & Two Family	1 per unit
Dwelling – Three Family & Four Family	1.5 per unit
Dwelling – Multifamily & Townhome	1.5 per unit
Dwelling – Accessory	1 space per unit
Live-Work Units	1 per 500 sf
Residential Care Facilities	1 per 2 units
All Other Residential Uses	1 per unit
Lodging – All Uses	1 per room
Office/Service	
Home Occupation	None, unless required by Section 5.4.2
Medical Clinic	1 per 350 sf
All Other Office/Service Uses	1 per 500 sf
Commercial/Entertainment	
Amusements (Indoor & Outdoor)	No requirement
Restaurant	1 per 250 sf
Theater (Indoor & Outdoor)	1 per 80 sf in auditorium
All Other Commercial/Entertainment Uses	1 per 400 sf
Civic	
Places of Assembly (Residential Districts)	No requirement
Places of Assembly (All Other Districts)	1 per 80 sf in main assembly hall
Private Recreational Facility	1 per 250 sf
All Other Civic Uses	1 per 500 sf
Educational/Institutional	
Child/Adult Day Care Centers (6 or more persons)	1 per 500 sf
All Other Educational/Institutional Uses	1 per 1000 sf
Automotive	
Vehicle Services – Minor Maintenance/Repair	1 per gas pump and repair bay
Vehicle Services – Major Repair/Body Work	2 per repair bay
All Other Automotive Uses	1 per 400 sf of office space
Industrial/Wholesale/Storage – All Uses	No requirement
Agricultural – All Uses	No requirement
Infrastructure – All Uses	No requirement

10 DEFINITIONS

10.3 DEFINITIONS, USE TYPE

~~**HOME OCCUPATION** An occupation or profession conducted within a dwelling unit by a resident that is incidental to the primary use of the dwelling as a residence. Home Occupations are small and quiet businesses generally invisible from the frontage requiring little parking, little or no signage, and having only one or two employees and provide services such as professional services, music instruction, and hair styling. For the purposes of this ordinance, telecommuting shall not constitute the establishment of a home occupation.~~

~~**HOME OCCUPATION, MAJOR** An occupation, service or profession conducted in a from a dwelling unit or accessory structure thereto by a resident of the dwelling, and which is incidental and secondary to the residential use of the property, and which does not alter the residential character of the property or surrounding area. A major home occupation is a home business located in a rural area where residents use their home as a place of work, but may have employees and generate some vehicular traffic associated with clients and customers coming to the site. Major home occupations may also operate at a scale that is greater than a typical home occupation.~~

~~**HOME OCCUPATION, MINOR** An occupation, service or profession conducted from a dwelling unit or accessory structure thereto by a resident of the dwelling, and which is incidental and secondary to the residential use of the property, and which does not alter the residential character of the property or surrounding area. A minor home occupation generates little to no traffic from customers or clients coming to the home, and are unlikely to have a negative impact on surrounding properties.~~

~~**VEHICLE, COMMERCIAL** A vehicle used, maintained, or customized primarily to transport vehicles or trailers, goods or materials, or to operate a power attachment or tool. A passenger vehicle, trucks, sport utility vehicle, or van that has maintained its stock configuration but has advertising or other affixed business designation shall not be considered a commercial vehicle so long as it is not being used in a manner described above.~~

PROPOSAL: Amend the Unified Development Ordinance Chapter 5.4 to replace the existing provisions for Home Occupations with new provisions concerning Major and Minor Home Occupations; to amend Chapter 7.2.4 modify parking requirements for home occupations; and to amend Chapter 10 to provide for appropriate definitions.

APPLICABLE CHAPTERS: Chapters 5, 7 and 10

APPLICANT: Lancaster County

PROJECT SUMMARY & PROPOSAL:

The Lancaster County Infrastructure and Regulation Committee has submitted a request to amend the provisions of the Unified Development Ordinance (UDO) concerning home occupations so as to provide for two sets of provisions: one specific to larger home occupations that may occur in rural areas on larger lots (major home occupations) and the other specific to smaller, more traditional home occupations that may occur countywide (minor home occupations).

OUTLINE OF TEXT AMENDMENT:

Detailed standards for both the Major and Minor Home Occupation use types are proposed to be added to Chapter 5 in order to accommodate this use type. The Parking and Definition chapters will also be amended. See Attachment 1.

The following chapter(s) of the UDO have been amended or created:

Chapter 5.4, Office/Service Uses: Amend to replace 5.4.2 in its entirety with new provisions addressing Major and Minor Home Occupation types.

Chapter 7.2.4, Off-Street Parking and Loading Requirements: Amend Parking Requirements by Use Table to include specific language pertaining to home occupations.

Chapter 10, Definitions: Add applicable definitions.

Based on staff's findings, we offer the modifications attached to the Draft Ordinance for the Board's consideration. For ease of reference, new text is referenced in red/underlined font and deletions are referenced in ~~striketrough~~ font. The proposed language is found in Attachment 1.

FINDINGS AND CONCLUSIONS:

The proposed text amendment has been found to be consistent with all applicable provisions of the Comprehensive Plan as required by Chapter 9.2.15.B.3. The proposed amendments will help bring minor home occupation regulations up to a contemporary a standard while providing opportunities for larger, home-based service businesses to operate in the rural residential areas of the County.

STAFF RECOMMENDATION:

Staff recommends Approval of the proposed changes.

ATTACHMENTS:

1. Proposed Text Amendment
2. Application

STAFF CONTACT:

Robert G. Tefft

Senior Planner

rtefft@lancastersc.net

803-416-9394

Section 2.5.3 Use Table (For detailed Use Definitions see Chapter 10.)

	RURAL					TRANSITIONAL						SPECIAL					NEIGHBORHOOD					
USE TYPES	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF

C. OFFICE/SERVICE	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF
ATM	-	-	-	P	-	-	-	-	P	P	P	P	-	P	-	-	-	-	-	P	P	
Banks, Credit Unions, Financial Services	-	-	-	P	-	-	-	-	P	P	P	P	-	P	-	-	-	-	-	P	P	
Business Support Services	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-	-	-	-	P	P	
Crematoria	-	-	-	-	-	-	-	-	-	-	CU	-	-	CU	-	-	-	-	-	-	-	5.4.1
Dry Cleaning and Laundry Services	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	-	-	-	P	P	
Funeral Homes	-	-	-	P	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	P	P	
Home Occupation	PR	PR	PR	-	PR	PR	PR	PR	-	-	PR	-	-	-	-	-	PR	PR	PR	PR	PR	5.4.2
Kennels, Indoor	PR	PR	PR	PR	-	-	-	-	PR	PR	PR	PR	-	PR	-	-	-	-	-	PR	PR	5.4.3
Kennels, Outdoor	PR	PR	CU	PR	-	-	-	-	-	-	CU	CU	-	CU	-	-	-	-	-	-	-	5.4.4
Medical Clinic	-	-	-	PR	-	-	-	PR	PR	PR	PR	-	-	-	-	-	-	-	-	PR	PR	5.4.5
Personal Services	-	-	-	P	-	-	-	-	P	P	P	P	-	P	-	-	-	-	-	P	P	
Personal Services, Restricted	-	-	-	-	-	-	-	-	-	-	PR	-	-	-	-	-	-	-	-	-	-	5.4.6
Post Office	-	-	-	P	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	P	P	
Professional Services	-	-	-	P	-	-	-	P	P	P	P	P	-	P	-	-	-	-	-	P	P	
Small Equipment Repair/Rental	-	-	-	P	-	-	-	-	-	P	P	-	-	P	-	-	-	-	-	P	P	
Veterinary Clinic	-	-	-	P	-	-	-	-	P	P	P	-	-	P	-	-	-	-	-	P	P	

5 USE REGULATIONS

5.4 OFFICE/SERVICE USES

~~5.4.2 HOME OCCUPATION [AR, RR, RN, MH, LDR, MDR, UR, HDR, RMX, MX, IMX]~~

~~A. General Standards~~

- ~~1. The home occupation shall be clearly incidental and secondary to residential occupancy.~~
- ~~2. The use shall be carried on entirely within an enclosed structure on the premises.~~
- ~~3. The home occupation shall be operated by a resident of the dwelling.~~
- ~~4. A maximum of 25 percent of the gross floor area of the dwelling unit or 500 square feet, whichever is less, may be used for the home occupation.~~
- ~~5. A maximum of one full-time equivalent non-residents of the dwelling may be employed on the premises.~~
- ~~6. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.~~
- ~~7. The home occupation shall not involve the use of any commercial vehicles and semi tractor trailers for the delivery of materials to or from the premises. Common and routine frequency for residential parcel delivery service is not prohibited.~~
- ~~8. No equipment or process shall be used in connection with the use which creates noise, vibration, glare, fumes, fire hazard, odors, dust, or electrical or communication interference detectable to the normal senses off the premises (in the case of a detached dwelling, off the lot; in the case of an attached unit, outside the dwelling unit). No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises.~~
- ~~9. The home occupation shall not cause an increase in the use of any one or more utilities (water, sewer, electricity, gas, garbage, etc.) such that the combined total use for dwelling and home occupation purposes exceeds a level normally expected in a residential neighborhood.~~

~~B. Exterior Appearance~~

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

~~C. Standards for Specific Types of Home Occupations~~

- ~~1. Personal Services, including cosmetic services, salons, barber shops, and non-permanent makeup services, but not including nail salons, may be permitted provided they comply with all of the following:~~
 - ~~a. Such uses shall meet all applicable state requirements;~~

- ~~b. Any exterior entrance/exit to an area of the principal building shall be on the side or rear (and not the front) of the building;~~
 - ~~c. Only 1 barber/styling chair shall be permitted;~~
 - ~~d. No more than 2 hair drying chairs shall be permitted;~~
 - ~~e. Only incidental sales of hair products shall be allowed on the premises;~~
 - ~~f. Must meet all accessibility features, including restroom facilities, etc., meeting the International Building Code in accordance with the Americans with Disabilities Act;~~
 - ~~g. No more than 1 sign identifying, or in any way pertaining to, such uses shall be permitted, and such sign shall meet all requirements of Chapter 7 of this ordinance; and~~
 - ~~h. All barber/styling chairs and hair drying chairs shall be located together in either the main dwelling or the accessory building, not split between both.~~
- ~~2. No group instruction service, including but not limited to dance, music, exercise, arts, and crafts, may be provided for a group larger than 8 persons.~~
 - ~~3. Retail sales shall be limited to the resale of handmade items grown or produced on-site such as food items, crafts, antiques, jewelry, and clothing.~~
- ~~**D. Uses Prohibited as Home Occupations:** The following uses are prohibited as home occupations because the nature of their operation has the tendency to impair the use and value of properties in a residential district:~~
- ~~1. Residential Care Facilities~~
 - ~~2. Halfway Homes~~
 - ~~3. Any Lodging Uses (Section 2.5.3.)~~
 - ~~4. Kennels~~
 - ~~5. Medical Clinic~~
 - ~~6. Personal Services, Restricted~~
 - ~~7. Veterinary Clinic~~
 - ~~8. Any Commercial/Entertainment Uses (Section 2.5.3), except specifically those retail uses noted in Section 5.4.2.C.3 above.~~
 - ~~9. Correctional Institution~~
 - ~~10. Day Treatment Center~~
 - ~~11. Hospital~~
 - ~~12. Any Automotive Uses (Section 2.5.3)~~
 - ~~13. Any Industrial/Wholesale/Storage Uses (Section 2.5.3)~~
 - ~~14. Nail Salons~~
 - ~~15. Barber Shops/Salons with more than one chair.~~

5.4.2 HOME OCCUPATION [AR, RR, RN, MH, LDR, MDR, PB, RB, UR, HDR, RMX, MX, IMX]

A. General Standards

1. The home occupation must be clearly incidental and secondary to the use of the dwelling for residential occupancy and must not to change the residential nature thereof.
2. The home occupation shall not be operated by any person other than residents living in the dwelling.
3. The pedestrian and vehicular traffic generated by the home occupation shall be no greater in volume than would normally be expected at a similar residence where no home occupation is conducted. Commercial vehicles / trailers otherwise allowed pursuant to Section 5.4.2.B. shall be exempt from the aforementioned traffic volumes.
4. Any parking associated with the home occupation shall occur on the premises and not within the public or private right-of-way. Further, any parking in the front yard shall be limited to the existing or expanded residential driveway. Additional parking may be provided in the rear yard, but shall not include space for more than two vehicles used in connection with the home occupation to be parked or stored on the premises.
5. No marked vehicle used in conjunction with a home occupation shall be parked on the property or contiguous to a right-of-way in such a manner so as to identify, advertise or otherwise attract offsite attention to the home occupation. This provision shall not preclude a marked vehicle used in conjunction with the home occupation from being parked in a customary parking space such as the driveway of a home, or multi-family parking lot.
6. No equipment or process shall be used in connection with the home occupation which creates noise, vibration, glare, fumes, fire hazard, odors, dust, or electrical or communication interference detectable to the normal senses off the premises (in the case of a detached dwelling, off the lot; in the case of an attached unit, outside the dwelling unit). No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises.
7. Any client visit to the home occupation shall be by appointment only.
8. Hours of operation for deliveries, clients, and operation of mechanical or electrical equipment shall be limited to 7:00 a.m. to 8:00 p.m.

B. Standards for Major Home Occupations [AR, RR, RN, MH]

Major home occupations are occupations that, by their nature, appearance and inherent operational activities and characteristics, are potentially more intensive in character and activity than a minor home occupation. Major home occupations may consist of businesses such as, but not limited to, independent electrical or plumbing contractors, landscapers and similar businesses that have employees and require the storage of commercial vehicles or equipment on the property.

1. **Conditional Use Permit Required:** All major home occupations shall be required to obtain a Conditional Use Permit.
2. **Minimum Lot Size:** All major home occupations shall be located on a lot that is at least five acres in size.
3. **Use of Commercial Vehicles / Semi-Tractor Trailers**
 - a. The major home occupation may involve the use of commercial vehicles and semi-tractor trailers, provided the number of semi-tractor trailers is limited to no more than two onsite at any time; and,
 - b. All commercial vehicles and semi-tractor trailers accessing the site shall take ingress and egress from either a paved arterial or paved collector right-of-way.

4. Any parking or storage of commercial vehicles, trailers, or equipment shall be fully screened with a solid wooden or vinyl fence or masonry wall, berm, and/or opaque evergreen landscaping from adjacent properties or roads.
5. When located within the dwelling, the major home occupation shall not exceed 25 percent of the gross floor area of the dwelling or 500 square feet, whichever is less.
6. The floor area of an accessory building or buildings used by the major home occupation shall not cumulatively exceed 3,000 square feet or 75 percent of the gross floor area of the principal dwelling, whichever is greater.
7. The major home occupation shall not employ more than two non-residents of the dwelling for employment or mobilization at the dwelling.
8. The major home occupation, as well as any associated storage of goods and materials, shall be carried on entirely within an enclosed structure on the premises. Any storage of goods and materials outside of an enclosed structure shall be prohibited. Outdoor storage of commercial vehicles or trailers used in conjunction with the major home occupation shall not be prohibited under this provision.
9. The conditional use permit approving authority may impose additional conditions of approval based on the characteristics of the proposed use and site-specific conditions to ensure the major home occupation does not create impacts to adjacent properties.

C. Standards for Minor Home Occupations [AR, RR, RN, MH, LDR, MDR, PB, RB, UR, HDR, RMX, MX, IMX]

Minor home occupations are occupations that, by their nature, appearance and inherent operational activities and characteristics, are potentially less intensive and less likely to have a noticeable and negative impact on the surrounding neighborhood. Minor home occupations may consist of businesses such as, but not limited to, artists, home offices for financial services or architectural/engineering services, and independent electrical or plumbing contractors that do not require the parking of commercial vehicles or equipment onsite.

1. The minor home occupation shall be located within the dwelling (and not an accessory structure) and shall not exceed 25 percent of the gross floor area of the dwelling or 500 square feet, whichever is greater.
2. The minor home occupation shall not employ more than one non-resident of the dwelling for employment at the dwelling, and under no circumstances shall the property be used for the mobilization of vehicles to operate outside of the property.
3. The minor home occupation, as well as any associated storage of goods and materials, shall be carried on entirely within an enclosed structure on the premises. Any storage of good and materials outside of an enclosed structure shall be prohibited.
4. The minor home occupation shall not involve the use of any commercial vehicles and semi-tractor trailers for the delivery of materials to or from the premises. Common and routine residential parcel delivery service to the minor home occupation via commercial vehicles is not prohibited.
5. The minor home occupation shall not involve the onsite parking of commercial vehicles, equipment, or trailers used in conjunction with the home occupation.

D. Additional Standards for Specific Types of Home Occupations

- 1. Personal Services.** Personal services, including cosmetic services, salons, barber shops, and non-permanent makeup services, but not including nail salons, may be permitted provided they comply with all of the following:
 - a. Shall meet all applicable state requirements;
 - b. Shall meet all applicable accessibility requirements, including restroom facilities, etc., meeting the International Building Code in accordance with the Americans with Disabilities Act;
 - c. Any exterior entrance/exit to an area of the principal building shall be on the side or rear (and not the front) of the building;
 - d. No more than one sign identifying, or in any way pertaining to, such uses shall be permitted, and such signage shall meet all requirements of Chapter 7 of this ordinance;
 - e. Only incidental sales of cosmetic and hair products shall be allowed on the premises;
 - f. No more than one barber/styling chair shall be permitted;
 - g. No more than two hair drying chairs shall be permitted; and,
 - h. All barber/styling chairs and hair drying chairs shall be located together in either the main dwelling or the accessory building, and shall not be split between said buildings.
- 2. Group Instruction Services.** Group instruction services, including but not limited to teaching art, dance, music, and tutoring may be provided so long as the group does not exceed four persons at any time. Additionally, adequate parking must be provided onsite for both the residents of the dwelling and the maximum number of clients receiving instructional services; however said parking for clients is not required to be permanent.
- 3. Retail Sales.** Onsite retail sales conducted directly from the home (not including internet sales business) shall be limited to the sale of handmade items grown or produced on-site such as: arts and crafts, clothing, foodstuffs, furniture, and/or jewelry.

E. Prohibited Home Occupations. The following are prohibited as home occupations due to the nature of their operation having the tendency to impair the use and value of surrounding properties in a residential district:

- 1. Automotive uses (Section 2.5.3);**
- 2. Civic uses (Section 2.5.3);**
- 3. Commercial/Entertainment uses (Section 2.5.3), except for those specific retail uses permitted by Section 5.4.3.B.;**
- 4. Educational/Institutional uses (Section 2.5.3), except for Child/Adult Day Care Home (5 or fewer persons) and Studio;**
- 5. Halfway Homes;**
- 6. Industry/Wholesale/Storage uses (Section 2.5.3);**
- 7. Infrastructure uses (Section 2.5.3);**
- 8. Lodging uses (Section 2.5.3.);**
- 9. Office/Services uses (Section 2.5.3), except for Personal Services permitted by Section 5.4.3.B., Business Support Services, and Professional Services; and,**

10. Residential Care Facilities.

F. Grandfathered Home Occupations

1. Home occupation permits issued prior to the effective date of this section shall be grandfathered. However, any subsequent home occupation permit issued at the same address must be in conformance with these standards.
2. Any expansion of a grandfathered home occupation shall be in compliance with the standards of Section 5.4.2.
3. Any change of a grandfathered home occupation to a different home occupation shall require that the new home occupation be in compliance with the standards Section 5.4.2.

7 GENERAL DEVELOPMENT STANDARDS

7.2 PARKING AND DRIVEWAYS

7.2.4 OFF-STREET PARKING AND LOADING REQUIREMENTS

A. PARKING REQUIREMENTS BY USE TABLE

The following table details the required minimum and maximum (where applicable) parking ratios by major land use. All area calculations use gross leasable area (GLA). For uses not covered in this table, the parking requirements shall be those of the most similar use as determined by the Administrator.

Use Category	Minimum Required Auto Spaces
Residential	
Dwelling – Single Family & Two Family	1 per unit
Dwelling – Three Family & Four Family	1.5 per unit
Dwelling – Multifamily & Townhome	1.5 per unit
Dwelling – Accessory	1 space per unit
Live-Work Units	1 per 500 sf
Residential Care Facilities	1 per 2 units
All Other Residential Uses	1 per unit
Lodging – All Uses	1 per room
Office/Service	
Home Occupation	None, unless required by Section 5.4.2
Medical Clinic	1 per 350 sf
All Other Office/Service Uses	1 per 500 sf
Commercial/Entertainment	
Amusements (Indoor & Outdoor)	No requirement
Restaurant	1 per 250 sf
Theater (Indoor & Outdoor)	1 per 80 sf in auditorium
All Other Commercial/Entertainment Uses	1 per 400 sf
Civic	
Places of Assembly (Residential Districts)	No requirement
Places of Assembly (All Other Districts)	1 per 80 sf in main assembly hall
Private Recreational Facility	1 per 250 sf
All Other Civic Uses	1 per 500 sf
Educational/Institutional	
Child/Adult Day Care Centers (6 or more persons)	1 per 500 sf
All Other Educational/Institutional Uses	1 per 1000 sf
Automotive	
Vehicle Services – Minor Maintenance/Repair	1 per gas pump and repair bay
Vehicle Services – Major Repair/Body Work	2 per repair bay
All Other Automotive Uses	1 per 400 sf of office space
Industrial/Wholesale/Storage – All Uses	No requirement
Agricultural – All Uses	No requirement
Infrastructure – All Uses	No requirement

10 DEFINITIONS

10.3 DEFINITIONS, USE TYPE

~~**HOME OCCUPATION** An occupation or profession conducted within a dwelling unit by a resident that is incidental to the primary use of the dwelling as a residence. Home Occupations are small and quiet businesses generally invisible from the frontage requiring little parking, little or no signage, and having only one or two employees and provide services such as professional services, music instruction, and hair styling. For the purposes of this ordinance, telecommuting shall not constitute the establishment of a home occupation.~~

~~**HOME OCCUPATION, MAJOR** An occupation, service or profession conducted in a from a dwelling unit or accessory structure thereto by a resident of the dwelling, and which is incidental and secondary to the residential use of the property, and which does not alter the residential character of the property or surrounding area. A major home occupation is a home business located in a rural area where residents use their home as a place of work, but may have employees and generate some vehicular traffic associated with clients and customers coming to the site. Major home occupations may also operate at a scale that is greater than a typical home occupation.~~

~~**HOME OCCUPATION, MINOR** An occupation, service or profession conducted from a dwelling unit or accessory structure thereto by a resident of the dwelling, and which is incidental and secondary to the residential use of the property, and which does not alter the residential character of the property or surrounding area. A minor home occupation generates little to no traffic from customers or clients coming to the home, and are unlikely to have a negative impact on surrounding properties.~~

~~**VEHICLE, COMMERCIAL** A vehicle used, maintained, or customized primarily to transport vehicles or trailers, goods or materials, or to operate a power attachment or tool. A passenger vehicle, trucks, sport utility vehicle, or van that has maintained its stock configuration but has advertising or other affixed business designation shall not be considered a commercial vehicle so long as it is not being used in a manner described above.~~

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant
- Fees associated with Application

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended SEC. 2.5.3 ; 5.4.2 ; 7.2.4.A ; AND 10.3

Current Text SEE ATTACHED ORDINANCE.

Proposed Text SEE ATTACHED ORDINANCE.

Description of Need for Proposed Text AMEND HOME OCCUPATION REGULATIONS TO ACCOMMODATE HOME OCCUPATIONS IN SEVERAL AREAS OF THE COUNTY.

☒ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name ROX BURHANS

Address 101 N. MAIN ST.

City LANCASTER State SC Zip 29720 Phone 803-416-9422

Fax _____ Email rburhans@lancaster-sc.net

APPLICATION CERTIFICATIONS

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Rox H. Burdick
Applicant

2-13-2020
Date

Property Owner(s)

Date

Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number 2020-0309 Date Received 1-31-20 Receipt Number —

Amount Paid — Check Number — Cash Amount —

Received By [Signature] Planning Commission Meeting Date 03-17-20

SCHEDULE/PROCESS

1. Submit Application

- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Text Amendment Application Fee - \$325.00

2. Planning Commission

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval.