

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

August 11, 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 to ATTN: Sherrie Simpson, Post Office Box 1809, Lancaster, SC, 29721, 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 June 9, 2020 Infrastructure And Regulation (I & R) Committee Regular Meeting

5. Discussion/Action Items

- a. Presentation from Lennar, Inc. regarding proposed Residential Improvement District(s) - Steve Willis/John DuBose/Representative from Lennar
- b. Discussion of Timberline Road - Jeff Catoe
- c. Review of Ordinance 2020-1659 regarding Amending the Unified Development Ordinance ("UDO") regarding Replacing the Existing Provisions for Home Occupations
- 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. (Infrastructure and Regulation Committee - Favorable Recommendation on 6-9-2020 with potential change from 5 acre minimum lot size to 3 acre minimum lot size). Passed 5-2 at the June 22, 2020 County Council Meeting (Steve Harper and Allen Blackmon opposed). - Rox Burhans***

- d. Discussion of Technical Review Committee - Larry Honeycutt

6. 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: 8/11/2020

Issue for Consideration:

Approve or amend the minutes from the June 9, 2020 Infrastructure and Regulation (I & R) Committee regular meeting.

Points to Consider:

The minutes from the June 9, 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 6-9-2020 Infrastructure and Regulation (I & R) Committee Regular Meeting	7/17/2020	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

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

MINUTES

DRAFT

Committee Members present at the Infrastructure and Regulation (I & R) Committee regular meeting were Larry Honeycutt and Billy Mosteller. Committee member Terry Graham was absent. Also present at the meeting were County Administrator Steve Willis, County Attorney John DuBose, Deputy County Administrator Alison Alexander, Clerk to Council Sherrie Simpson, Development Services Director Rox Burhans, Public Services Director Jeff Catoe, Airport Manager Paul Moses, 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: *The 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 approve the agenda. The motion was seconded by Larry Honeycutt. There was no further discussion. The motion to approve the agenda passed by a vote of 2-0.

Citizens Comments

There were no citizens who submitted written comments and there no citizens who signed up for nor came forward to speak during Citizens Comments.

Approval of Minutes

Billy Mosteller made the motion to approve the minutes from the February 11, 2020 Infrastructure and Regulation (I & R) Committee meeting. The motion was seconded by Larry Honeycutt. The motion passed by a vote of 2-0.

Discussion/Action Items

DRAFT

a. Update on recent Storms and Solid Waste Recycling Sites - Jeff Catoe

Jeff Catoe, Public Services Director, gave a brief report and stated that in *The Lancaster News* there would be an ad run showing the changes to the recycling center hours effective Friday, June 12, 2020. He stated that he is hoping that those hours work and stay the same until they get to daylight savings time. They have as many extra cans on the sites and the walls as they can. Prior to COVID-19, the sites were closing at 6:00 p.m but now they are closing at 7:00 p.m. They are going to come back and propose to cut those hours back to 6:00 p.m. during daylight savings time. He explained that they are still trying to clean up from the storms. They had a lot of man hours and overtime in during the clean up, but he noted that they are close to getting things cleaned up at the sites.

b. Discussion of Airport Operations - Steve Willis/Paul Moses

Paul Moses, Airport Manager and Ken Holt, with Holt Consulting, came forward and spoke regarding possible funding and future plans for the airport.

Billy Mosteller made the motion to send to full Council to discuss using the bond money for an airport terminal, plus the \$500,000 that they can get from the bond/grant. The motion was seconded by Larry Honeycutt.

Billy Mosteller asked Steve Willis to arrange with Ken Holt and Paul Moses to give the presentation to full Council.

c. Update of Edgewater Development - John DuBose/Rox Burhans

Development Services Director, Rox Burhans, gave a brief update on the Edgewater Development. Jeff Catoe, John DuBose and Rox Burhans answered any questions that the Committee may have had.

d. UDO Update Consultation - Rox Burhans

Development Services Director, Rox Burhans, stated that Council members may recall that discussion was had about doing a strategic update to the Unified Development Ordinance (UDO). The Planning Department has hired a consultant to help with the update and his name is Chad Meadows with Code Right. Rox Burhans explained that the consultant is currently in the process of reaching out to stakeholders in the Community that use the UDO or are effected by it and to have interviews with them to get their thoughts. They thought that it would be a good idea to have a conversation with a committee member from the I&R Committee. Larry Honeycutt stated that he was thinking that Councilman Blackmon would be a good candidate for the interview.

Billy Mosteller made the motion to find someone to have the interview and discuss the details with Chad Meadows with Code Right. The motion was seconded by Larry Honeycutt. The motion passed by a vote of 2-0.

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.

Public Services Director Rox Burhans stated that the proposed ordinance came about from a code enforcement violation. Senior Planner, Robert Tefft, gave a general overview of the ordinance.

Billy Mosteller made the motion to send to full Council with a favorable recommendation. The motion was seconded by Larry Honeycutt. The motion passed by a vote of 2-0.

DRAFT

1. **Executive Session**

a. One Item:

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

Committee Chairman Honeycutt stated that there would be no Executive Session.

Adjournment

Billy Mosteller made the motion to adjourn the Infrastructure and Regulation (I & R) Committee meeting. The motion was seconded by Larry Honeycutt. The motion to adjourn the Infrastructure and Regulation (I & R) Committee meeting passed by a vote of 2-0.

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis/ Administration and John DuBose/County Attorney

Department: Administration

Date Requested to be on Agenda: 8/11/2020

Issue for Consideration:

Potential establishment of a Residential Improvement District for the Lennar - Roselyn project and the Harris Mill project.

Points to Consider:

This will be our first time utilizing a Residential Improvement District. The operation is very similar to the Public Works improvement District that Council is familiar with (Sun City and Walnut Creek) but the Residential Improvement District provides for both on-site improvements and off-site improvements. That is an important distinction since the Roselyn project will involve significant off-site sewer improvements. The line, which will be dedicated to the Lancaster County Water and Sewer District for operation once completed, will open up that entire section of the county for improved sanitary sewer service.

Ultimately this matter will go before the Planning Commission for recommendation and Council for a decision on proceeding.

As with our other districts, Lennar is proposing to utilize Municap to handle the financial aspects. Our Finance staff has a long-standing good relationship with Municap.

The legal teams will make the presentation to I&R.

Funding and Liability Factors:

The presentation will cover how a Residential Improvement District is financed but Council is aware this is handled by a special assessment on property tax bills.

Options:

To recommend approval or not.

Recommendation:

I feel the Roselyn project could be a "game changer" for this portion of Lancaster County and will bring benefits in many areas ranging from housing stock, recreational opportunities, enhanced utility availability, to the growth of commercial options that will inevitably follow the rooftops. The Harris Mill project would be another quality development. We have a good track record working with Jon Hardy and I recommend we do so again.

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: 8/11/2020

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	7/17/2020	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
Questions and Answers regarding the Home Occupations Ordinance	7/13/2020	Backup Material

STATE OF SOUTH CAROLINA

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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: June 22, 2020

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

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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.

HOME OCCUPATION ORDINANCE QUESTIONS AND ANSWERS

- 1. LOT SIZE IN BOTH TYPES OF HOME OCCUPATIONS SEEM TO BE TOO LARGE. RESEARCHING THESE TYPE ORDINANCES, ACREAGE IS USUALLY MUCH SMALLER THAN WHAT IS PROPOSED OR IS NOT EVEN CONSIDERED. WHAT IS THE INDUSTRY STANDARD AND WHERE CAN IT BE FOUND?**

Minor Home Occupations, which do not include storage of large vehicles, etc. do not have a lot size requirement.

The proposed Major Home Occupation ordinance requires a min. of 3-acres. The intent was to ensure adequate land area exists for businesses that may involve the storage of large vehicles/semi-trucks, storage of goods and equipment, and to ensure suitable area exists for the home site.

Staff is unaware of an industry standard for Major Home Occupation min. lot area. We did speak with an adjacent county that requires a minimum of 2.3-acres (100k sq. ft.) for rural home occupations. Staff can reduce or eliminate the 3-acre requirement if desired by Council.

- 2. REQUIRING A CONDITIONAL USE PERMIT (CUP) REQUIRES THE APPLICANT TO POSSIBLY SPEND THOUSANDS TO OPERATE. PLEASE PROVIDE A CONDITIONAL USE PERMIT APPLICATION AND EXPLAIN THE PROCESS TO THE I&R COMMITTEE.**

Staff will provide a copy of the CUP application to the I&R Committee.

The fee for a CUP is \$325. You are correct that the concept plan associated with typical CUPs, combined with the application fee, can be a substantive expense. A concept plan for a home occupation CUP may not need to be drawn by a design professional since it would largely be used to show the location of parking, storage, and screening and would not be associated with construction activities (in most cases).

The I&R Committee specifically requested the CUP to help give County Council some level of oversight in the process. If Council believes that such oversight is unnecessary or unwanted, then this requirement can be removed.

- 3. GIVING THE CONDITIONAL USE AUTHORITY TO ADD ADDITIONAL REQUIREMENTS. ALL REGULATIONS NEED TO BE PRESENTED UP FRONT WITH NO SURPRISES.**

This was inserted into the proposed ordinance in order to give the Council some ability to regulate characteristics for Major Home Occupations that may be individual to a specific business type. Staff can remove this provision if Council feels this is not needed.

- 4. WHY ARE DIRT ROADS NOT INCLUDED AS ALLOWABLE FOR EGRESS FOR A MAJOR HOME OCCUPATION?**

The intent is to have business which are reliant on large vehicles such as semi-trailers, etc. located on the major arterials and collectors within the County and not on smaller local or private roads (that are commonly not paved) which could result in such vehicles traveling past and possibly disturbing residential properties. Staff can remove this restriction if desired by Council.

- 5. Why are LDR and MDR not included in major home occupations? How many parcels in MH are 5 or more acres?**

Major Home Occupations were excluded from the LDR and MDR Districts as the intent was to allow/focus these uses in the more rural areas of the County and not within the areas that have subdivisions. Out of the 445 parcels zoned Manufactured Housing (MH) District within unincorporated

Lancaster County, there are 61 parcels which are greater than or equal to three acres, and 39 which are greater than or equal to five acres. Staff can revise the ordinance to include additional districts or remove certain districts from consideration for Major Home Occupations if desired by the Council.

- 6. THE THREE MX DISTRICTS WILL HAVE VERY FEW IF ANY THREE-ACRE HOME SITES WHEN THEY ARE DEVELOPED. THESE ARE ALL HIGH DENSITY DISTRICTS.**

Major Home Occupations would not be permitted in any of the MX Districts. Only Minor Home Occupations that do not have an acreage requirement would be permitted.

- 7. HOME OCCUPATION PERMITS? SOME REFER TO THIS AS BUSINESS LICENSES OR REGISTRATIONS. PLEASE SPECIFY WHO WOULD BE REQUIRED TO APPLY FOR THIS PERMIT.**

Home occupation permits exist today in Lancaster County. These permits are distinct from business licenses or registrations in that they contemplate a review activity to ensure the business is in compliance with County standards. A license or registration is more generalized and simply grants a business permission to operate with little or no standards or review processes.

- 8. DON'T SEE HOW YOU CLASSIFY A PLUMBER OR PLUMBING CONTRACTOR AS A HOME OCCUPATION. PLEASE EXPLAIN. NO CUSTOMER OR CLIENT WILL EVER VISIT THEIR HOMES, 100 % OF THEIR CUSTOMERS INTERACTION HAPPENS AWAY FROM THE PLUMBERS RESIDENCE, THE SAME WITH MOST BUSINESSES ASSOCIATED WITH THE CONSTRUCTION INDUSTRY. PLEASE PROVIDE A LIST OF ALL BUSINESSES THAT YOU CLASSIFY AS HOME OCCUPATIONS, BOTH MAJOR AND MINOR.**

If the plumbing contractor runs their business from their home, then they would be considered a home occupation. This is consistent with the ordinance currently in effect. If the plumber simply has a small van that is parked in the driveway, they would most likely be classified as Minor Home Occupation and could locate in any residential district with a simple administrative permit. They would be considered a Major Home Occupation if they have commercial vehicles, trailers, equipment storage needs, etc.

Even though a plumber's primary responsibilities are conducted away from the home, they are considered a home occupation by virtue of the administrative work conducted onsite, vehicle storage, employee mobilization activities, etc. This is why we have created two categories of home occupations. A minor administrative process for contractors/businesses with a "small footprint" and a major process for contractors/businesses with a "large footprint."

Staff did not develop a detailed list of businesses that require a home occupation permit. The ordinance establishes general parameters by which all home occupations would be generally governed. Staff did identify specific uses that are prohibited. Staff can revise the ordinance to exempt specific businesses from needing to obtain a home occupation permit if desired by Council.

- 9. PLEASE EXPLAIN GRANDFATHERED HOME OCCUPATIONS, SECTION 1.**

The proposed UDO Section 5.4.2.F.1 reads as follows: *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.*

This means that any business that has already been issued a home occupation permit under the current ordinance shall not be required to come into compliance with the new ordinance or obtain a new permit.

IN REVIEWING THIS PROPOSED ORDINANCE, VERY FEW IF ANY CURRENT HOME BASED BUSINESSES OR SERVICES WILL BE IN COMPLIANCE WITH THIS ORDINANCE. THE UDO IS UNDER REVIEW BY AN OUTSIDE ORGANIZATION, THEY SHOULD LOOK AT THIS ORDINANCE BEFORE IT MOVES FORWARD.

IF THIS IS TO GO FORWARD , THERE NEEDS TO BE AN ARTICLE IN THE PAPER TO INFORM ANYONE WHO MAY NOT BE COMPLIANT WITH THESE NEW REGULATIONS AND EXPLAIN TO THEM ABOUT REGISTRATION OF THEIR OPERATIONS WITH THE COUNTY AND EXPLAIN TO THEM WHY THEY ARE NON-COMPLIANT.

Please keep in mind that the businesses referenced above are likely not in compliance with the ordinance in effect today. You may recall the I&R Committee initiated the proposed because a business owner was in violation of the UDO and had no other recourse except to remove the business from the home site.

While this may not be considered the perfect ordinance, it is a good start to creating opportunities for service type businesses to legally operate in our community. Staff is willing to make any specific change requested by Council. Staff is also open to revisiting the ordinance after a set time period to identify any refinements that may be needed based on lessons learned.

We also agree that informative material needs to be prepared such as pamphlets, etc. to help guide small business owners through the process. Staff would be open to working with local newspapers regarding an informative article if desired by Council.