

3. REGULATIONS

3.1 Applicable Regulations

Except for the following described and specific exclusions, and except to the extent an express waiver or variance is set out in this Ordinance or subsequent amendments to the Ordinance, all development shall comply with the Unified Development Ordinance, as it existed and was in effect on September 28, 1998. The provisions of the Unified Development Ordinance applicable to the Property under this Section shall be referred to in this Ordinance as the Applicable Regulations. If there is a conflict between the express provisions of this Ordinance and the Applicable Regulations, the provisions of this Ordinance are intended to be controlling and shall supersede the inconsistent Applicable Regulations.

Buildings constructed within the Property shall be constructed in accordance with uniform building codes adopted by the County and their respective local amendments, as those uniform building codes may exist and be uniformly enforced Countywide at the times plans for buildings are submitted to the County for review.

The Property shall not be subject to any future planned development ordinances adopted by the County. Furthermore, no other ordinance, code provision, regulation, or rule adopted and enforced by the County, relating to development and zoning, shall be applicable to the development of all or any part of the Property unless expressly made applicable by this Ordinance or the written consent of the Property Owner with jurisdiction over an area of the Property affected by the ordinance, code provision, regulation, or rule.

3.2 Amendments to the Applicable Regulations

One or more amendments to the Applicable Regulations may be appropriate to facilitate planned developments of large acreage tracts such as the Property. If such a determination is made by the County, the County shall adopt such an ordinance considering input from the Property Owner as to the appropriate characteristics of such an ordinance. The Property Owner may elect, at its sole and exclusive option, by written notice to County to subject some or all of the Property to all, or any one or more, future amendments or revisions to, or restatements or substitutions of, the Applicable Regulations.

3.3 Permits

Permits and approvals required from governmental agencies for any development permitted by this Ordinance shall be obtained. The property shall not be substantially altered through excavation, construction of substantial structures or other activities that result in substantial changes prior to the issuance of such permits and approvals.

3.4 Fees

Any fees due to the County under the Applicable Regulations in connection with any application required by or requested in accordance with this Ordinance shall be paid to the County. The fees shall be the fees generally charged by the County for similar applications filed with the County, as adopted by ordinance of uniform application throughout the County. Fees shall be paid upon submission of a signed application or notice of appeal.

3.5 Permitted Uses

The uses permitted shall be those identified in Section 10 of this Ordinance.

4. ADMINISTRATIVE BODIES

4.1 Building and Zoning Department of Lancaster County

The Building and Zoning Department shall have the authority to administer and enforce all of the provisions of this Ordinance pertaining to zoning under the provisions of Section 7.1.1 of the Unified Development Ordinance.

4.2 Planning Department of Lancaster County

The Planning Department shall have the authority to administer and enforce all of the provisions of this Ordinance pertaining to land development and subdivisions of land under the provisions of Section 7.1.2 of the Unified Development Ordinance.

4.3 Architectural Control Committee

An Architectural Control Committee (the “Committee”) shall be established. For a period of fifteen years subsequent to the adoption of this ordinance, the Committee shall consist of five (5) members, two (2) of whom shall be appointed by the County and three (3) of whom shall be appointed by the Property Owner at the time of the adoption of this Ordinance. After the expiration of this fifteen year period, the Committee membership shall be selected from the membership of the property owners’ association established by the Property Owner for this purpose. The determination of architectural compatibility and neutrality of residential, retail, golf, clubhouse, sales and community buildings with the adjoining properties as well as the remainder of the Property shall be made by majority vote of the Committee.

5. DEVELOPMENT APPROVAL

All requests and procedures for development approval shall be in conformance with Chapter 20 of the Unified Development Ordinance. The permit-issuing authority may require more information or accept as sufficient less information according to the circumstances of the particular case.

6. WAIVERS, VARIANCES AND APPEALS

6.1 Waivers & Variances from Applicable Regulations

Lancaster County ordinances and State of South Carolina statutes provide that the County may modify any requirement imposed by the County Unified Development Ordinance or any other ordinance. The following waivers and variances from the County Unified Development Ordinance are approved and granted by the County:

- (a) Access of Lots - For the purposes of the development of the Property, a variance is granted to require each lot in a subdivision within the Property to abut either a dedicated public street or a private street.
- (b) Block and Roadway Configuration - A variance to permit cul-de-sac roads as well as varying block lengths and widths, without any further approval from the County.
- (c) Sidewalks and Public Crosswalks - A variance shall be granted to permit deletion of sidewalks in residential or business park areas.
- (d) Driveways - A variance is granted to allow the unrestricted location of driveways for non-residential uses.
- (e) Submission Requirements: Environmental Characteristics of the Site - For the purposes of the development of the Property, a variance is granted to permit the Property Owner to submit only one hundred (100) year frequency flood information at the time of subdivision approval; however, no buildings shall be permitted in a floodway.

Consideration of additional variances from the applicable regulations may be requested as the Property is developed. Consideration and action on any such variances may be procured under Section 7 of this Ordinance. For requests that cannot be administratively approved under Section 7, the County shall grant variances of requirements or ordinances governing development without unreasonably delaying or withholding its consent.

6.2 Appeals

Appeals from decisions of the Administrator or Planning Director, which are adverse to the Property Owner, may be appealed under Section 8.2 of the Unified Development Ordinance.

7. AMENDMENTS

7.1 Text Amendments

Amendments to the text of the Ordinance may be initiated by the County or the Property Owner, subject to the provisions of Chapter 18 of the Unified Development Ordinance.

7.2 Amendments to the Master Plan

The Master Plan is a conceptual plan for the development of the Property. In response to changes in market conditions or other circumstances, amendments may be made to the Master Plan. The Property Owner shall determine the need for such changes. No change shall be considered a zoning change or a substantial change under the Unified Development Ordinance. Therefore, each of the changes shall be made by either the Administrator or the Planning Director in accordance with Section 7.3 below without review or approval by the County Council, Planning Commission, or any other board or commission of the County. Such changes may be made at any time. Changes in land use from those depicted on the Master Plan may be made in accordance with the following:

- (a) A specific residential land use designation shown for any Component or portion of a Component on the Master Plan may be changed to any other type of residential
- (b) A nonresidential land use shown for any Component or portion of a Component on the Master Plan may be changed to any residential use which, in a commercial area, may include residential uses, on floors above retail uses.

- (c) A portion of a residential use may be changed to a commercial use, *subject to the provisions of Section 11.2.*
- (d) The density of residential use in any separately shown use area of a Component, separated by roads, common area, boundary as shown on the Master Plan, or recreational area may be increased, subject to the provisions of Section 11. 2.
- (e) Increases or decreases in recreational area or open space of up to twenty percent (20%) for any Component, provided that a decrease in one Component shall be offset by an equivalent or greater increase in one or more other Components in recreational area or open space.

Note: The property Owner shall be entitled to make necessary alterations to lot lines and dimensions, roadway alignments, and other alterations needed to implement any changes in land use permitted in this Section 7.2.

7.3 Procedure for Administrative Approval of Amendments

Any amendment proposed or approved by the Property Owner shall be submitted to the Administrator in the form of a proposed site plan or a proposed text amendment to this Ordinance or the Development Agreement. The information provided shall be sufficient to make minor technical corrections, revisions, or modifications.

The Administrator shall not unreasonably withhold or delay the approval of any such proposed amendment, and each such proposed amendment shall be executed by the Property Owner and by the Administrator on behalf of the County. In determining whether to approve a proposed site plan or text amendment (other than those that comply with Section 7.2, which must be approved), the Administrator shall consider sound land planning principles and market conditions, including the demand or desire of potential purchasers. The opinion of the Property owner as to market conditions for all purposes under this Ordinance shall be presumed correct absent manifest error. The Administrator shall deliver specific, detailed written objections to Crescent within fourteen (14) days of receipt of a written request for amendment. If such objections are not received by Crescent, Crescent shall notify the Administrator of the expiration of the 14-day period, at which time the Administrator shall have an additional 7-days to deliver any objections to Crescent. If such objections are not received at the end of the additional 7-day period, then consent of the Administrator to Crescent's request shall be deemed to be granted.

Upon execution, the terms and provisions of any such amendment shall be recorded in the Real Property Records of Lancaster County, South Carolina. Appeals from decisions of the Administrator, which are adverse to the Property Owner, may be appealed pursuant to the provisions of Section 6.2.

8. ENFORCEMENT

The County shall have and exercise all powers to enforce the provisions of this Ordinance as it applies to the Property as are otherwise available to enforce or remedy a violation of the County Unified Development Ordinance that occurs on territory within the County's boundary limits, including without limitation those civil and criminal enforcement powers described in the Unified Development Ordinance.

9. DEFINITIONS

In this Ordinance, each of the following terms shall have the meaning assigned to it:

Administrator - the Administrator of the County or, if the County ceases to have an administrator or the County Administrator ceases to be the chief executive officer of the County, the Chief Executive Officer of the County.

Applicable Regulations - the code provisions, ordinances, rules, and regulations of the County that apply to the Property as specified in Section 3.

Assignment of Property Owner Rights - A written instrument in recordable form by which the Master Developer assigns its rights as Property Owner under this Ordinance to a single entity as sub-developer with respect to a particular Component designated in the Assignment of Property Owner Rights. The Assignment of Property Owner Rights may include such limitations on the sub-developer assignee as the Master Developer desires including, without limitation, restrictions on the type of units that may be constructed within a Component, the location where those units may be constructed within the Component, the number of units of a particular type that may be constructed within the Component, the minimum lot requirements for the Component (including requirements for setback, lot area, building height, lot width, buffers, and number of units per lot). All such restrictions contained within the Assignment of Property Owner Rights shall be binding upon the sub-developer designated in that Assignment of Property Owner Rights and each person who ultimately owns any real estate within the designated Component. Any such limitations shall be in addition to any private contractual restrictions placed upon all or any part of any Component by the Master Developer.

Attached Housing - A single dwelling unit attached to another dwelling unit on one or more sides.

Civic Use - Police stations, libraries, daycare facilities, fire stations, meeting halls, recreational facilities, government buildings, museums, schools, performing arts centers, religious buildings, or any other cultural, civic or social use.

Commercial Marina - a facility containing docks, boat slips, boat launch, storage buildings, and removal equipment for dockage of watercraft by any boat owners, including residents and non-residents of the Property. A commercial marina may contain ancillary facilities to boat dockage, including facilities for the public sale of boats and boating-related supplies, and services including gasoline, provisions, boat repairs, parts and equipment, and any other use permitted in a Commercial/Retail/Office area, including eating and entertainment establishments.

Commercial Use - Business and retail establishments providing consumer services and products.

County - Lancaster County, South Carolina, a political subdivision of the State of South Carolina.

County Council - County Council of Lancaster, South Carolina or such other body that governs the County if the County Council ever ceases to exist.

County Council Chairman - the duly elected Chairman of the Lancaster County Council.

Detached Housing - A single dwelling unit not attached to any other dwelling unit, with an open yard on all sides of the structure.

Golf Course - golf courses to be built in the approximate locations shown on the Master Plan, whether used for public, private, or semi-private play.

Industrial Use - Any use associated with the manufacturing of goods, research and development, testing services, warehousing services, and assembly services.

Institutional Use - Schools, religious buildings, hospitals or other care facilities, and other private or public facilities that support the community.

Internal Roadways - all roadways hereafter constructed within the Property.

Land Use Designations - the use to which a particular area of the Property may be put as shown on the Master Plan and described more particularly in Section 10.

Master Developer – Crescent Resources , Inc. or a successor owner to whom Crescent Resources, Inc. sells the entire Property, and not just a portion of such Property.

Master Plan - the conceptual master plan for the development of the Property.

Multi-Family Housing- Any group of attached housing containing two or more dwelling units on a single lot. Multi-family housing may include but not be limited to the following: duplexes, quadraplexes, townhouses, apartments, and condominiums.

Office Use - Business, professional, service, or governmental occupations, and institutions and commercial activities not involved with the sale of merchandise.

Open Space - any open space designated for use as Park and/or Open Space on the Master Plan.

Planning Commission - the Planning Commission of the County or some other body as may succeed to the duties of the present Planning Commission.

Planning Director - the Director of the Planning and Zoning Department of Lancaster County, South Carolina or such other individual as may succeed the duties of the present Planning Director.

Property - all of the land comprising the Catawba Ridge development.

Property Owner - The Master Developer of the Property or, as to a particular Component, any single sub-developer the Property Owner designates in an Assignment of Property Owner Rights.

Residential - any residential land use permitted in the Unified Development Ordinance.

Residential Marina - a facility containing docks, boat slips and boat launch and removal equipment for use exclusively by the residents of the Property.

Retail Use - Any use associated with the sale of consumer goods, products or merchandise.

Unified Development Ordinance - the Unified Development Ordinance of Lancaster County and Zoning Map of the County, adopted September 28,1998.

Component - any one of the seven Components depicted on the Master Plan.

10. LAND USE DESIGNATIONS

10.1 Commercial/Retail/Office

An area devoted to any retail, hotel, medical, commercial, commercial marina, church or office use (including professional offices). Residential uses shall be permitted on floors above ground level.

10.2 Business Park

An area devoted to any research and development use, which may involve, among other things, office, business distribution, research, testing services, warehousing services, assembly services, custom manufacturing, light manufacturing, and any industrial or other use as authorized either as a permitted or conditional use in the Applicable Regulations, except for those uses prohibited below:

- (a) Manufacture and commercial storage of hazardous chemicals and/or materials. Use and storage of such chemicals/materials in normal production/research processes or production of such chemicals/materials as a byproduct of normal production/research shall not be prohibited
- (b) Scrap and salvage
- (c) Resource extraction, other than that related to timber or other forest-related products or as permitted in Paragraph 12.5 of this Ordinance
- (d) Sawmills
- (e) Stockyards or commercial animal husbandry operations
- (f) Landfills and commercial waste disposal operations
- (g) Campgrounds

10.3 Civic/Institutional

An area devoted to any governmental, civic or institutional uses, such as municipal offices, hospitals or clinics, police and fire services, schools, recreational uses (excluding horse stables and pistol/rifle ranges), meeting facilities, religious buildings and other uses appropriate to public, governmental or civic use.

10.4 Low Density Residential

An area devoted to any residential use with a density not to exceed three (3) dwelling units per acre, on average. Such use shall be located within a self-contained low density residential use area within a Component separated by a common area, recreational area, roads, or boundaries as depicted on the Master Plan.

10.5 Medium Density Residential

An area devoted to any residential use with a density not to exceed five (5) dwelling units per acre, on average. Such use shall be located within a self-contained medium density residential use area within a Component separated by a common area, recreational area, roads, or boundaries as depicted on the Master Plan.

10.6 High Density Residential

An area devoted to any residential use with a density of more than five (5), not to exceed fifteen (15), dwelling units per acre, on average. Such use shall be located within a self-contained high density residential use area within a Component separated by a common area, recreational area, roads, or boundaries as depicted on the Master Plan.

10.7 Assisted Care

An area for residential facilities for senior citizens or persons unable or unwilling to reside in a setting without some form of assistance. Such facilities may include nursing homes, homes for the aged, assisted living, or apartments with common dining facilities for the residents or areas for group activities.

10.8 Marina

An area for a commercial marina facility containing docks, boat slips and boat launch and removal equipment for dockage of watercraft by any boat owners, including residents and non-residents of the Property. A commercial marina may contain ancillary facilities to boat dockage, including facilities for the public sale of boats and boating-related supplies, and services including gasoline, provisions, boat repairs, parts and equipment, and any other use permitted in a Commercial/Retail/Office area, including eating and entertainment establishments.

10.9 Golf Clubhouse

An area for an enclosed facility to serve golfers using the adjacent golf course. Such facilities may include locker rooms, sales of golf and recreational clothes and equipment, instructional areas for golf, food and banquet service, storage of golf clubs, storage and repair of golf carts, sales and marketing offices, and welcoming centers.

10.10 Park/Open Space and Golf Course

10.10.1 Park/Open Space

An area of open space for the use and enjoyment of the residents of the Property. Park areas may have residential uses, including private or commercial horse stables, golf courses, nature trails, preserved natural areas, parkland, picnic facilities, clubhouses (including golf clubhouses), playing fields, playground equipment, swimming facilities, meeting rooms, paved roadways providing access or other uses typically associated with parks. Recreational facilities typically associated with parks may also be constructed within the Nature Area shown on the Master Plan.

10.10.2 Golf Course

An area for any golf course to be used for public, private or semi-private play and related facilities, including clubhouses, cart barns and paths for utilization by motorized and/or electric golf carts. Golf courses may be constructed in any portion of the Property, including the two areas designated on the Master Plan for the construction of two golf courses.

11. GENERAL DEVELOPMENT STANDARDS

11.1 Purpose of Development Standards

The General Development Standards establish restrictions applicable to all development, and shall supersede any similar requirements in the Applicable Regulations. No limitation shall apply to

restrict height, setback, impervious cover, buffers, percentage of green space on a lot, or similar restriction, unless set forth in this Section 11 or Section 12 below.

11.2 Intensity of Development

11.2.1 Permitted Development Intensity

Development intensity for a particular use shall not exceed the use densities set forth in this Section 11.2. The Property Owner may vary the intensity of development within any Component or any use category of any Component on one or more occasions by up to twenty percent (20%) without further approval, provided the total number of units of residential housing and the number of acres of Commercial/Retail/Office and Business Park within the overall development does not increase. Also, any parcel within a high density residential use area may be developed at a density of 15 dwelling units per acre (DUA), provided the overall average density for the high density residential of 10 DUA is not exceeded. The development intensity shall be consistent with the Master Plan, which yields a total for each use as follows:

| Land Use | Density | Total Number of Acres[Units/Facilities |
|---|--|---|
| Assisted Care | 40 DUA | 46 acres |
| High Density Residential | 15 DUA, maximum | 3,300 units based on 10 DUA for an overall average |
| Medium Density Residential | 5 DUA, on average | 3,665 units |
| Low Density Residential | 3 DUA, on average | 9,534 units (8,109 units if all of Component 5 is converted to Business Park) |
| Business Park | Up to 10,000 square feet of building area per acre, on average | 1229 acres |
| Commercial/Retail/Office | Up to 10,000 square feet of building area per acre, on average | 555 acres |
| Commercial Marinas | 200 boat slips | Up to 3 |
| Residential Marinas serving riparian residents (installed on their property for their personal use) | -- | No limit |
| Residential Marinas serving non-riparian boat owners | | Up to 1 per Component having frontage on the water |
| Golf Courses | | Minimum of 2 |
| Recreation Center | | Minimum of 1 |

11.2.2. Permitted Transfer of Development

Subject to the provisions of Paragraph 11.2.1, the Property Owner may freely transfer development uses or intensity (the number of residential units or the number of acres devoted to any particular use) within the Property by transferring density from any Component within the Property to any other Component within the Property so long as the total intensity of development within the Property as a whole (measured in total number of residential units or acreage, as applicable) does not increase. If any density (total number of dwelling units or building area of commercial or industrial property) allocated to a Component by an Assignment of Property Owner Rights is not utilized, as determined with reference to approved site plans for all areas within the Component (or if a Component includes more than one use, as evidenced by approved site plans for all areas within the Component provided for a particular use, treating high density residential, medium density residential, and low density residential as separate uses), the unused density shall revert to the Master Developer for allocation to any other Component,

11.2.3. Confirmation of Development Intensity

The Property Owner shall issue a certificate stating the maximum development intensity allowable on any tract within the Property consistent with Section 11.2 of this Ordinance. The certificate will state the number of dwelling units and/or the amount, in acres, of Commercial, Retail, Office, or Business Park uses, as applicable, that may be developed on the tract. The County shall be responsible for creating and maintaining a record of the number of dwelling units and/or *acres* allocated to each tract as well as the total number of dwelling units or floor area actually constructed on each tract.

11.3 Dimensional Requirements

11.3.1 Setbacks and Yards

A setback or yard is open space that lies between the principal or accessory building or buildings and the nearest lot line. "Setback" refers to the front yard, or the distance a building is set back from the street right-of way line that serves as a property boundary. The purpose of the setback and yard requirements is to ensure the provision of light and open space between structures. All buildings and structures shall meet or exceed the following setback and yard requirements:

| Land Use | Min. Setback | Min. Side Yard | Min. Rear Yard |
|----------------------------|---------------------|---------------------------|---------------------------|
| Low Density Residential | 20' | 10' | 25' |
| Medium Density Residential | 10' | 7.5' | 15' |
| High Density Residential | 10' | 7.5' | 15' |
| Commercial/Retail/Office | 0 | 0 | 15' |
| Civic/Institutional | 10' | 8' | 30' |
| Business Park | 40' | 20' | 20' |
| Assisted Care | 30' | 10' | 40' |
| Marina | NA | NA | NA |
| Park/Open Space | 40' | 20' | 20' |
| Golf Clubhouse | 20' | 20' | 20' |

Notes:

- For single family detached zero lot line developments, the side yard provided shall equal the sum of the two required side yard dimensions.

- "Side yard" shall refer to the separation between the side property line and the building edge, not the distance between the walls of two dwelling units.
- Front porches, stoops, steps, awnings, balconies may encroach 8' into the setback area.
- Decks may encroach 4' into side yards and 8' into rear yards.
- Eaves, cornices, chimneys, gutters, vents and other minor architectural features may project up to 24 inches into the setback area.

11.3.2 Building Height

The building height is the vertical distance measured from the highest finished grade at the street frontage to the highest point of the structure. The purpose of building height limitations is to reduce or eliminate potential conflict between low- and high-rise development and to ensure the provision of light and air as well as compatibility of scale with the surrounding environment. Structural appendages not intended as places of occupancy or storage such as skylights, chimneys, church spires, roof structures for elevators, stairways, tanks, and heating ventilation, air conditioning or other equipment required for the operation and maintenance of the building are excluded from this height measurement. Other features identified in Section 5.6 (3) of the Unified Development Ordinance of Lancaster County shall also be exempt from these height limitations. Maximum building heights permitted are as follows:

| Land Use | Maximum Building Height |
|----------------------------|--------------------------------|
| Low Density Residential | 35' |
| Medium Density Residential | 35' |
| High Density Residential | 50' |
| Commercial/Retail/Office | 60' / 6 stories for hotels |
| Civic/Institutional | 60' |
| Business Park | 60' |
| Assisted Care | 75' |
| Marina | 35' |
| Park/Open Space | 35' |
| Golf Clubhouse | 50' |

11.3.3 Lot Size

The lot size is a measure of the surface area within the boundaries that define the lot. The purpose of lot size standards is to ensure the creation of lots that are large enough to accommodate buildings that could be used for purposes that are permissible in that land use designation. All lots shall have the minimum number of square feet (sf) indicated in the following table:

| Land Use | Minimum Lot Size* |
|----------------------------|--|
| Low Density Residential | 6,500 sf |
| Medium Density Residential | 3,600 sf for detached units/ none for attached |
| High Density Residential | 2,800 sf for detached units/ none for attached |
| Commercial/Retail/Office | 15,000 sf |
| Civic/Institutional | 4,000 sf |
| Business Park | 43,560 sf |
| Assisted Care | 11,000 sf |
| Marina | No minimum |
| Park/Open Space | No minimum |
| Golf Clubhouse | No minimum |

* Lot size excludes road right-of-way, common open space, and other areas within a subdivision that typically are not owned by the lot owner.

11.3.4 Lot Width

The lot width is the distance between the side property boundary lines that define the lot. The lot width shall be measured along a straight line connecting the points at which a line demarcating the minimum front setback intersects with the side property boundary lines. The purpose of lot width standards is to ensure the creation of lots that are not too narrow or too irregularly shaped to accommodate buildings that could be used for purposes that are permissible in that land use designation. All lots shall meet or exceed the minimum widths indicated in the following table:

| Land Use | Minimum Lot Width |
|----------------------------|--------------------------|
| Low Density Residential | 70' |
| Medium Density Residential | 30' for detached units |
| High Density Residential | 30' for detached units |
| Commercial/Retail/Office | 32' |
| Civic/Institutional | No minimum |
| Business Park | No minimum |
| Assisted Care | No minimum |
| Marina | NA |
| Park/Open Space | NA |
| Golf Clubhouse | NA |

11.4 Buffers

Buffers shall be provided in accordance with the bufferyard requirements in Section 2.1.4.1 of the Unified Development Ordinance. The bufferyards are to remain as open space, except to the extent necessary to accommodate berms, walls, fences, signs and graphics, lighting fixtures, access points, drainage, utility lines and other facilities, and other uses identified in the Unified Development Ordinance. If the Property Owner can demonstrate that the topography or elevation of a development site, the size of the parcel to be developed, or the presence of a greenway, buffer or screening on adjacent property would make strict adherence to the requirements of the Unified Development Ordinance serve no meaningful purpose, the County shall waive the buffer requirements for that site.

11.5 Parking

Parking shall be provided in accordance with the requirements of Chapter 11 of the Unified Development Ordinance. Single family housing may utilize on street and/or alley parking to meet the requirements of the Unified Development Ordinance.

11.6 Utilities

The design and construction of utilities shall be completed in time to service the residents of the property as they move in.

11.7 Roadways & Traffic

The number, location and alignment of the internal roadways shown on the Master Plan may be modified, provided that they are constructed in conformance with the roadway design and construction criteria set forth below:

- (a) All internal roadways shall be built to the County's construction standards set forth in the Applicable Regulations except as otherwise specified in (b) through (d) of this section.
- (b) All internal roadways will be constructed in accordance with the following minimum standards:

| Roadway Type | Pavement Width | Right-of-way Width |
|---------------------|-----------------------|---------------------------|
| Local | 18 feet | 50 feet |
| Collector | 22 feet | 66 feet |

- (c) Any portion of the Property may have private roads.
- (d) Any internal roadway may be constructed with or without curbs and gutters, at the developer's discretion.

11.8 Street Lighting

Community street lighting shall be provided within the Property, and shall be designed and constructed in accordance with the following criteria:

- (a) Light posts shall not exceed twenty-five feet (25') in height as measured from the grade level to the highest point on the fixture.
- (b) Lighting shall be wholly or partially shielded from sides and top so that the cone of light is generally directed toward the ground.
- (c) All community street lighting within each Component shall be of uniform design and all lighting throughout the Property shall be complementary.
- (d) The community street lighting shall be part of an overall street lighting program for the Property. The street lighting shall be maintained and operated by the appropriate electric utility, a property owners association, or some other non-profit entity.

Note: Nothing in this section shall be construed to limit or otherwise impair the ability of any individual resident or lot owner to construct or install lighting anywhere on such resident's or owner's lot. Such lighting, however, shall be appropriately shielded so that it does not interfere with the reasonable enjoyment of neighboring properties.

11.9 Signage

A master signage and graphics system shall be adopted and shall conform to the standards of Chapter 10 of the Unified Development Ordinance. Furthermore, all street signs and identifying signs for each Component, subdivision or establishment within the Property shall conform to uniform design criteria to facilitate a harmonious appearance. All freestanding building and tenant identification signs and graphics installed shall be complementary in scale and appearance to the structures that they identify. Public information signs and graphics shall be easily understood and shall be complementary in scale and appearance.

11.10 Nonconformance of Existing Improvements

Any existing improvements that are not in conformance with the requirements of this Ordinance or the Applicable Regulations are entitled to protection as a nonconforming situation under Chapter 9 of the Unified Development Ordinance and shall not require any updating, retrofitting, or other modifications to bring such improvements into conformance. All existing and future improvements to a property may be demolished, removed, expanded, or otherwise altered in any manner whatsoever, so long as the demolition, removal, expansion, or alteration is completed in conformance with the requirements of this Ordinance and the Applicable Regulations.

12. SPECIAL REQUIREMENTS FOR CERTAIN USES OR ACTIVITIES

12.1 Annexation

No portion of the Property shall be annexed to the City of Lancaster or any other city without the consent of the Property Owner and the approval of the majority of the registered voters who are residents of the Property who choose to vote in an annexation election.

12.2 Parks, Golf Courses, Schools, Marinas, Open Space and Tennis Courts

The Property shall be developed with provisions for parks, golf courses, schools, marinas, open space and tennis courts. The location and configuration of each as shown on the Master Plan may be modified as permitted in this section or elsewhere in this Ordinance.

12.2.1 Parks and Preserves

Except as herein provided, all parkland and preserve land shall remain private. The Property Owner may convey parkland to any property owners association. Additionally, the Property Owner may convey preserve land to any property owners association, the County or any other governmental agency, the Nature Conservancy, or any other not for profit ecological organization.

12.2.2 Golf Courses

A minimum of two (2) golf courses shall be constructed within the Property. The location of golf courses shall be determined by the Property Owner. All general permits and approvals necessary from all governmental agencies to complete the golf courses shall be secured prior to commencement of construction.

12.2.3 Marinas

- (a) Commercial Marinas - One or more commercial marinas are permitted in any commercial/Retail/Office area. Commercial marinas may have up to 200 boat slips in the aggregate. All general permits and approvals necessary from all governmental agencies to complete the marinas shall be secured prior to commencement of construction.
- (b) Residential Marinas - Residential marinas may be constructed in any Component having water frontage. There is no limit to the number of residential marinas that may be constructed to serve riparian residents if such marinas are installed on their lots for their own personal use. Up to one residential marina per Component may be constructed to serve non-riparian residents of the Property. Residential marinas shall not contain any sales or servicing facilities except that residential marinas designed to serve non-riparian residents of the Property may have a snack bar or vending machines limited in size to that reasonably necessary to serve the authorized users of the marina.

12.2.4 Tennis Courts

Any number of public or private tennis courts shall be permitted for the Property. Tennis courts may be located in any of the following:

- (a) common areas of any residential use
- (b) private lots with a minimum area of one acre
- (c) Commercial/Retail/Office areas
- (d) Business Park areas
- (e) Civic/Institutional areas
- (f) Park/Open Space areas

All general permits and approvals necessary from all governmental agencies to complete the tennis courts shall be secured prior to commencement of construction.

12.3 Retail Sites

Retail sites shall have a reasonable level of architectural compatibility with adjoining residential development and shall have a reasonable level of architectural neutrality with the remainder of the Property. Such design shall be subject to review and approval by the Architectural Control Committee.

12.4 Models, Sales Offices, and Welcoming Centers

Models, sales offices, and welcoming centers may be constructed and occupied prior to the completion of infrastructure within a Component and prior to the time a Component is ready for occupancy, provided all permits necessary to construct and occupy such structures have been obtained.

12.5 Mass Grading & Timber Harvesting

The Property Owner may mass grade all or any portion of the Property, sell or relocate excess soils resulting from such mass grading, and harvest and process timber within the Property.

12.6 Wetlands Mitigation

If wetland mitigation is required by the Army Corps of Engineers or the State of South Carolina, off-site land may be substituted in lieu of on-site mitigation of wetlands.

13. MISCELLANEOUS PROVISIONS

13.1 Effective Date

These regulations shall become effective on _____.

13.2 Severability

The sections, paragraphs, sentences, phrases, and clauses of this Ordinance are severable. If any provision of this Ordinance is found to be illegal, invalid, or unenforceable by a court of competent jurisdiction, then, and in that event, the remainder of the Ordinance shall not be affected thereby. In lieu of each provision of this Ordinance that is illegal, invalid, or unenforceable, a provision shall be added that is as similar in terms to such illegal, invalid, or unenforceable provision as may be possible, and that is legal, valid, and enforceable.

AND BE IT SO ORDAINED that this Ordinance replaces Ordinance #322 in its entirety.

AND IT IS SO ORDAINED this 25th day of October, 1999.

LANCASTER COUNTY COUNCIL

Ray E. Gardner, Chairman

Polly C. Jackson, Secretary

Approved as to form and content:

William R. Sims, County Attorney

ATTEST:

Irene Plyler, Clerk to Council

1st reading: 09-27-99
2nd reading: 10-11-99
3rd reading: 10-25-99

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