Council Members
District 1: Terry Graham
District 2: Charlene McGriff
District 3: Billy Mosteller, Secretary
District 4: Larry Honeycutt
District 5: Steve Harper, Chair
District 6: Allen Blackmon
District 7: Brian Carnes, Vice-Chair

County Administrator
Dennis Marstall

County Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

August 10, 2022 | **4:00 PM** | **101 North Main Street, Lancaster, SC 29720**

LANCASTER COUNTY COUNCIL
COMMITTEE OF THE WHOLE
County Council Chambers, County Administration Building, 101 North Main Street, Lancaster, SC 29720

AGENDA

1. **Call to Order - Chairman Steve Harper**
2. **Welcome and Recognition - Chairman Steve Harper**
3. **Pledge of Allegiance and Invocation - Council Member Billy Mosteller**
4. **Approval of Agenda**

   [deletion and additions of non-substantive matter]
5. **Citizens Comments**

   [Lancaster County Council welcomes comments and input from citizens who may not be able to attend Council meetings in person. Written comments may be submitted via mail to ATTN: Sherrie Simpson, Post Office Box 1809, Lancaster, SC, 29721, by email to Sherrie Simpson at ssimpson@lancastersc.net or by online submission by selecting the "Citizens Comments" quick link located on the County website homepage at https://www.mylancastersc.org/. 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.]
6. **Discussion and Action Items**

   a. Discussion of Proposed Ordinance regarding Trespassing on County Property - Sheriff Barry Faile

   b. Countywide Inventory of Nuisance Conditions - Rox Burhans/Shannon Catoe

   c. Discussion of Structure for Fire and Rescue Services - Dennis Marstall / Administration

   d. Discussion of Ordinance 2022-1811 regarding the Interim Unified Development Ordinance (UDO) - Dennis Marstall/Rox Burhans/John DuBose
7. **Adjournment**

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

Meetings are live streamed and can be found by using the following link: https://mylancastersc.org/government/lancaster_county_council/County_Council_Meetings.php

Agenda Item Summary

Ordinance # / Resolution #: Not Yet Assigned
Contact Person / Sponsor: Sheriff Barry Faile / Lancaster County Sheriff's Office
Department: Sheriff Department
Date Requested to be on Agenda: 8/10/2022

Issue for Consideration:
At times, the County has to deal with irate or unruly citizens or event participants, including at the County Administration building and recreation facilities and at other County buildings. Sometimes, asking that citizen to leave is not enough to truly diffuse the situation.

The current State trespassing statute, 16-11-620, relates to property "of another person." Furthermore, South Carolina appellate courts and Attorney General's Opinions have concluded, with two exceptions, that public property is not property "of another person." Public property is owned by the public and, therefore, a member of the public cannot be ordered to leave or put on trespass notice or charged with trespassing on public property.

There are two exceptions, which include school district property and public housing authority property. Those two types of property are excepted because there are specific state statutes providing that trustees of school districts are the owners of school district property (16-11-530) and members of housing authority boards are the owners of housing authority property (16-11-525) for the purpose of the trespassing and malicious injury to property statutes.

Points to Consider:
Under the current State statute, the Lancaster County Sheriff's Department could not make a misbehaving parent at a recreation ballgame leave or put them on trespass notice or charge them for returning under the state statute, 16-11-620.

The County could charge them with breach of peace or disorderly conduct if the behavior rose to that level. Likewise, the County could not take the same type enforcement action, for example, on an irate taxpayer in the county administration building who is giving employees in the treasurer's office a hard time.

Lancaster County would like to discuss whether a county ordinance, patterned after the state statute, might help with these periodic difficult circumstances.

Funding and Liability Factors:
There are no funding or liability factors to discuss at this time.

Council Options:
This item is for discussion only for County Council feedback and input.

Recommendation:
N/A

Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Rox Burhans/Shannon Catoe
Department: Planning
Date Requested to be on Agenda: 8/10/2022

Issue for Consideration:
Review of the County Code Enforcement Department's work regarding nuisance conditions, which involve properties containing trash and similar debris, unfit/unsafe houses, and/or inoperable vehicles.

Points to Consider:
In the spring of this year, County Code Enforcement staff along with support from Public Works staff undertook a countywide inventory of nuisance conditions. With the support of County GIS staff, this information is organized into a consolidated map, with over 650 identified properties.

At the meeting, staff will present the nuisance conditions map and provide a very broad overview of the Ordinances and potential tools to address these properties.

Given the number of identified properties and the magnitude of the nuisance conditions existing in the County, staff will seek County Council input into proactively addressing such a large inventory of nuisance properties.

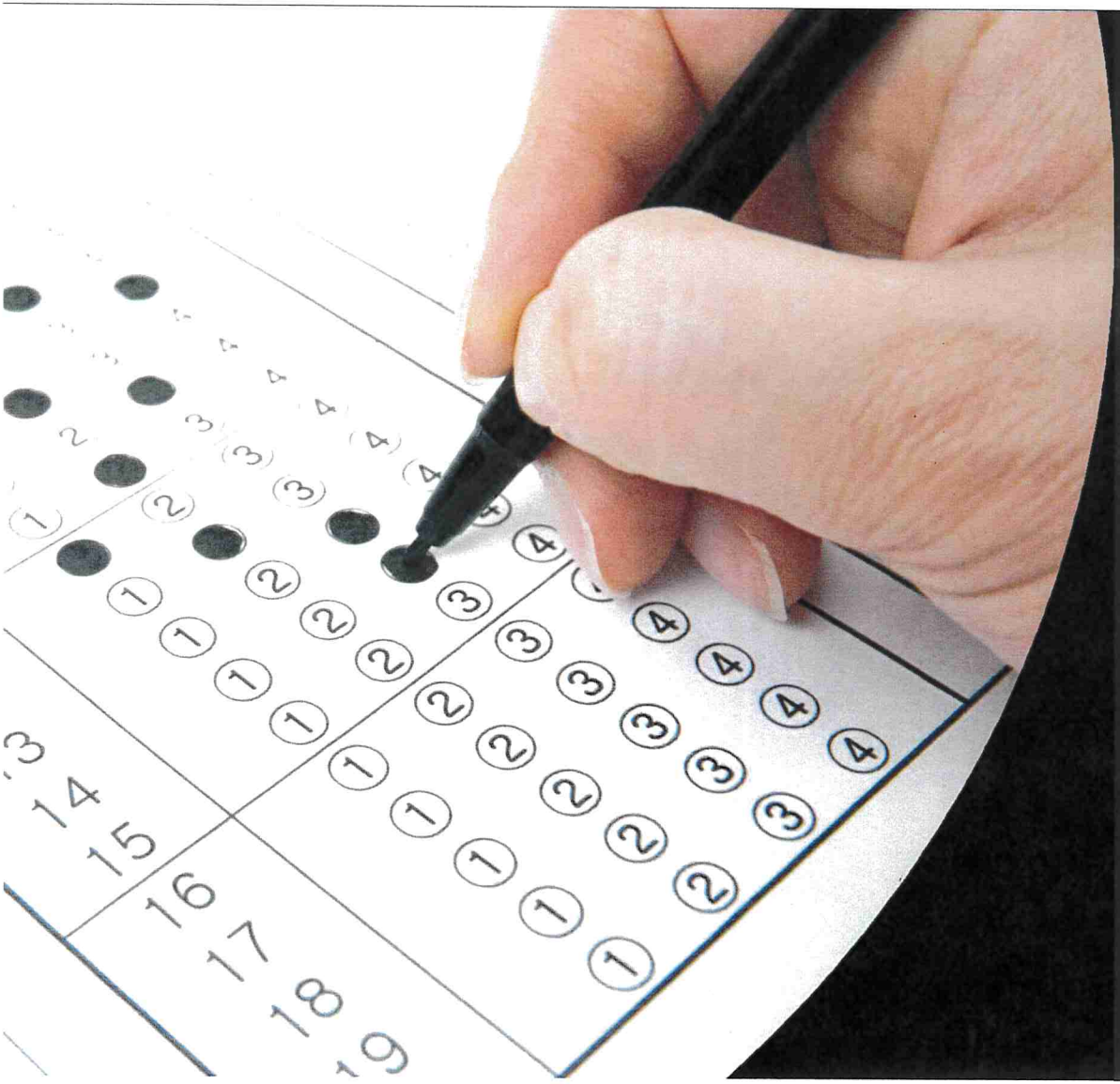
Funding and Liability Factors:
This is for discussion purposes only, but the County does have $100,000 in the annual budget to help remediate nuisance conditions for FY 23.

Council Options:
This is for discussion purposes only.

Recommendation:
This is for discussion purposes and to seek County Council input.

ATTACHMENTS:

Description	Upload Date	Type
Code Enforcement Assessment Presentation	8/8/2022	Presentation



Code Enforcement Assessment

Reasons for this Assessment and Proposed New Programs

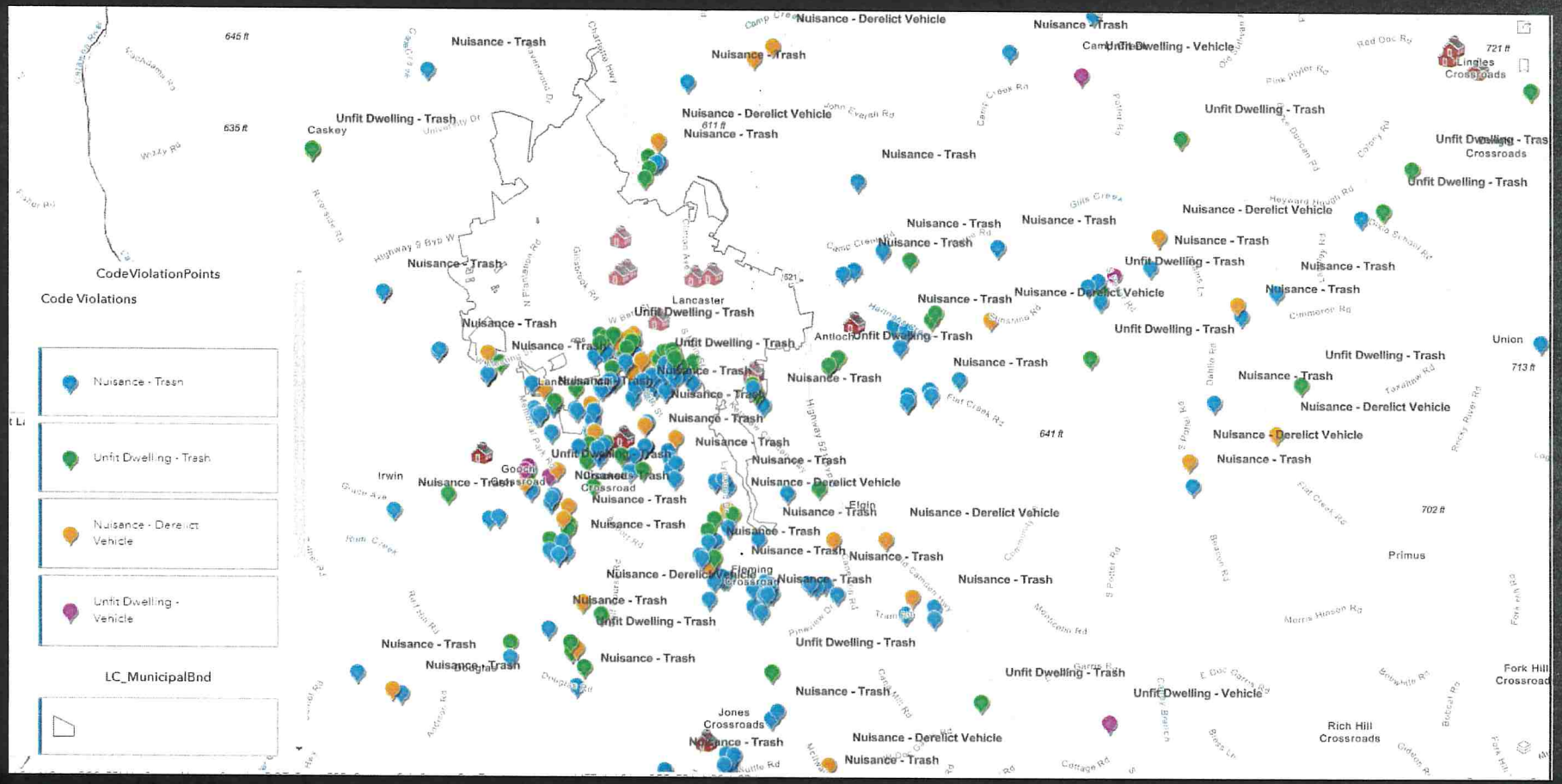
- With Continued growth at a rapid pace, Complaints continue to increase.
- Citizens do not like to see the conditions that are eyesores and harm property value.
- These conditions further blight and crime, sending a negative message community wide .
- Process can be used to assist Sheriffs Office in known crime spots.

Code Enforcement Assessment Process

- Code Enforcement proactively conducted inspections while working in the field on a daily route and on Saturdays.
- Additional staff from Public Works assisted us in the field with the collection of violations and pictures.
- Keep Lancaster County Beautiful also provided locations within the county.
- Fire Services also provided us with locations of vacant structures.
- The Sheriffs office also provided information on vacant structures.
- GIS created a Code Enforcement Map that includes the different types of violations.

A Huge Thank You to all Departments that helped in the collection of information for this Assessment.

- Map also includes Violent crime areas, Property Crimes area, 5 - mile radius, to school, Census Tracts, and County Council Districts.



Overview/Total of Violations by Type

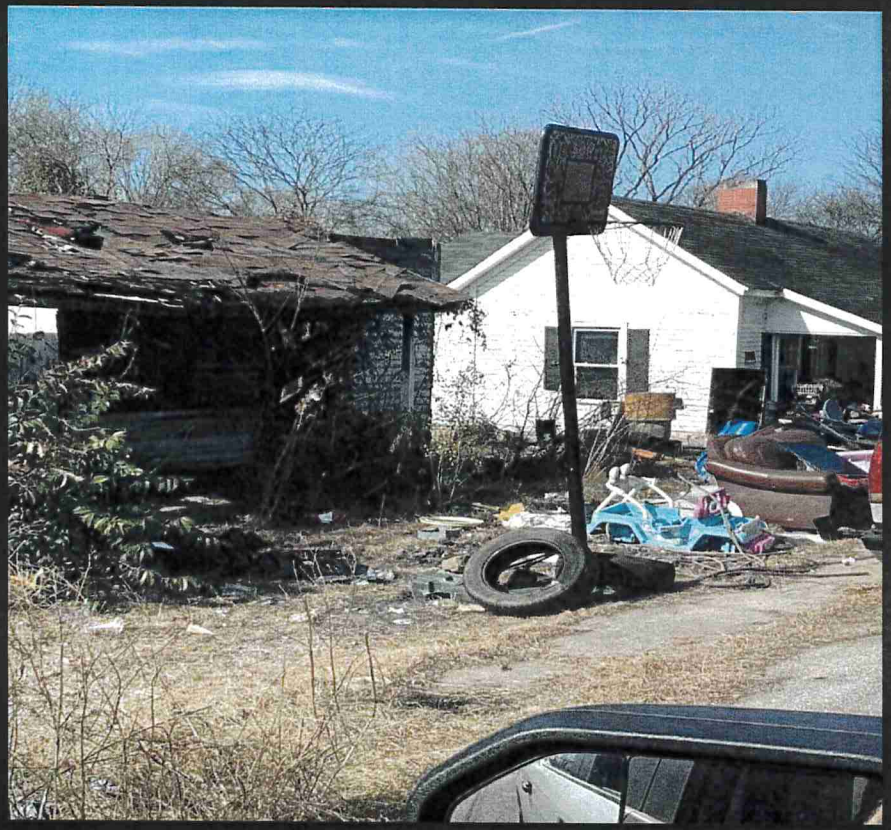
645 –Total Violations throughout Lancaster County

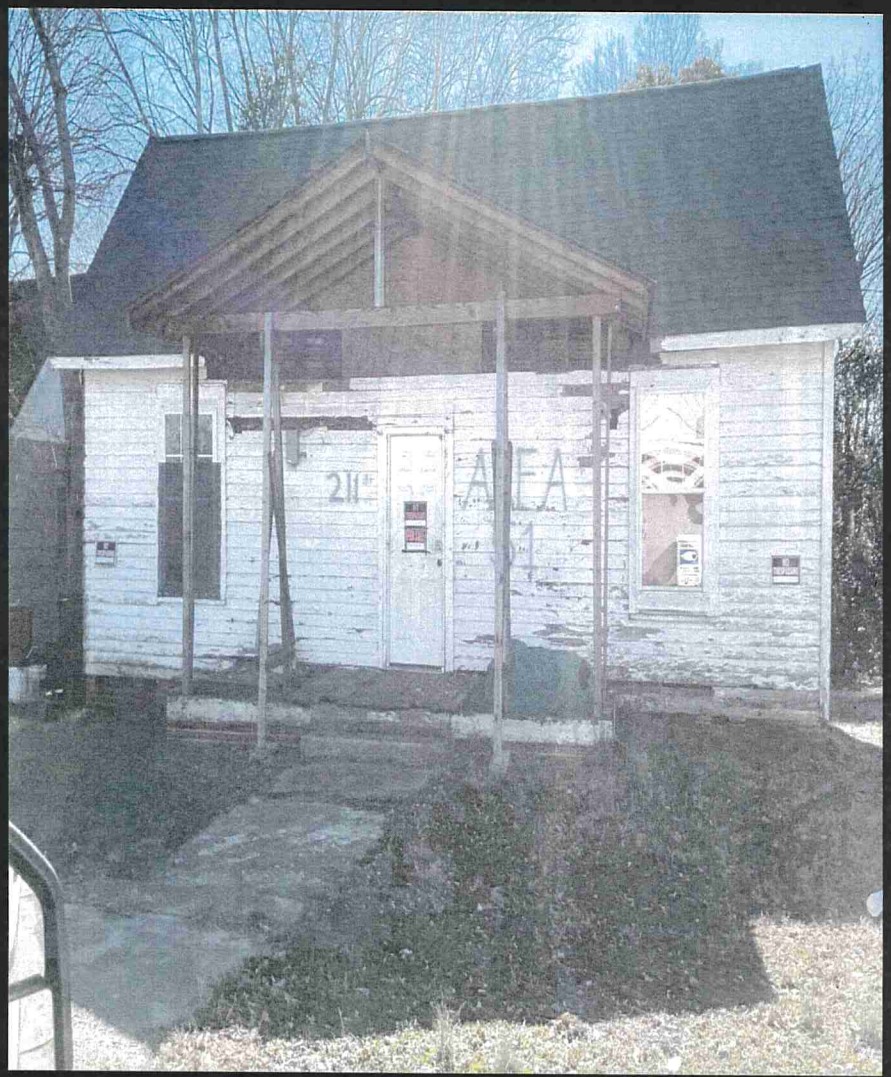
- 190 - Unfit / Unsafe Dwelling
  - 140 - Stick Built with 109 Vacant and 31 Occupied
  - 50 - Mobile Homes with 36 Vacant and 14 Occupied

- 423 – Nuisances (Overgrown grass, weeds, undergrowth, trash, junk, used equipment, garbage, household appliances, furniture, discarded clothing, building materials, glass, wood or other such relevant miscellaneous litter and debris).

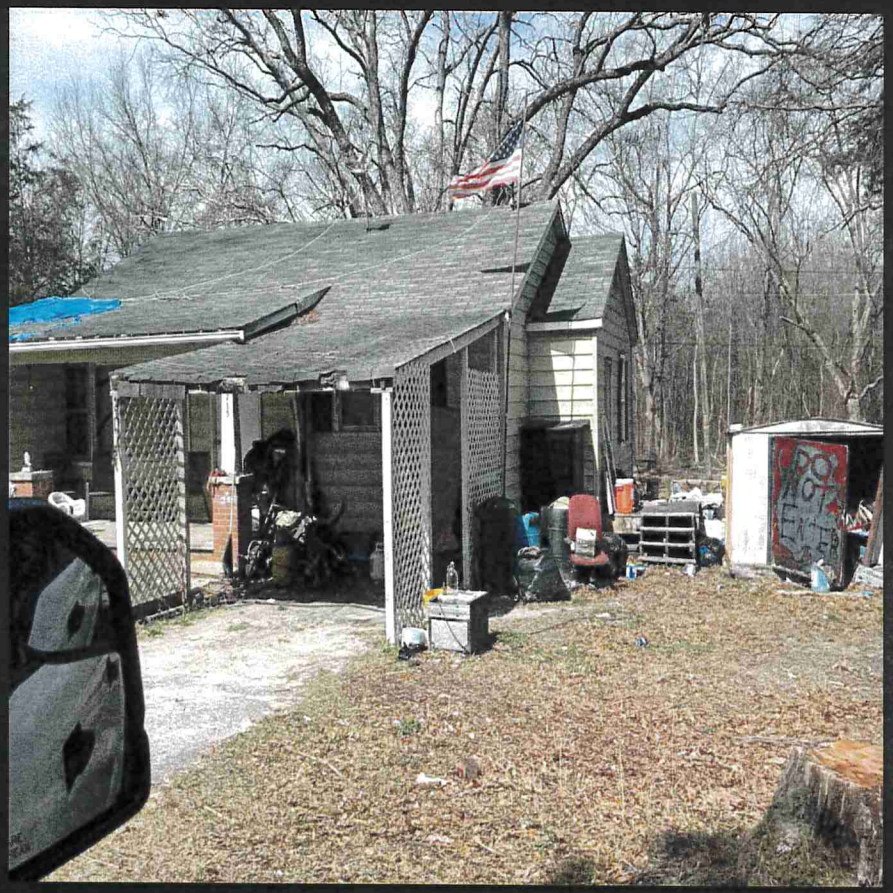
- 32 - Derelict Vehicles

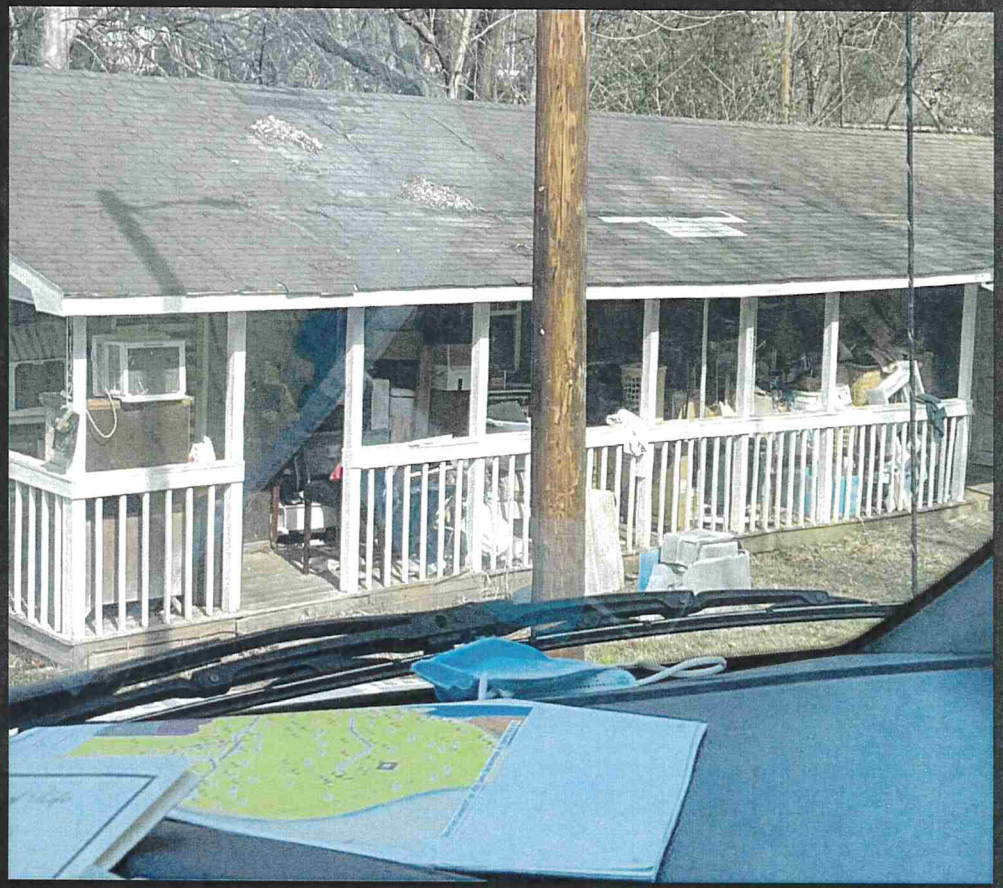
Unfit/Unsafe Structures



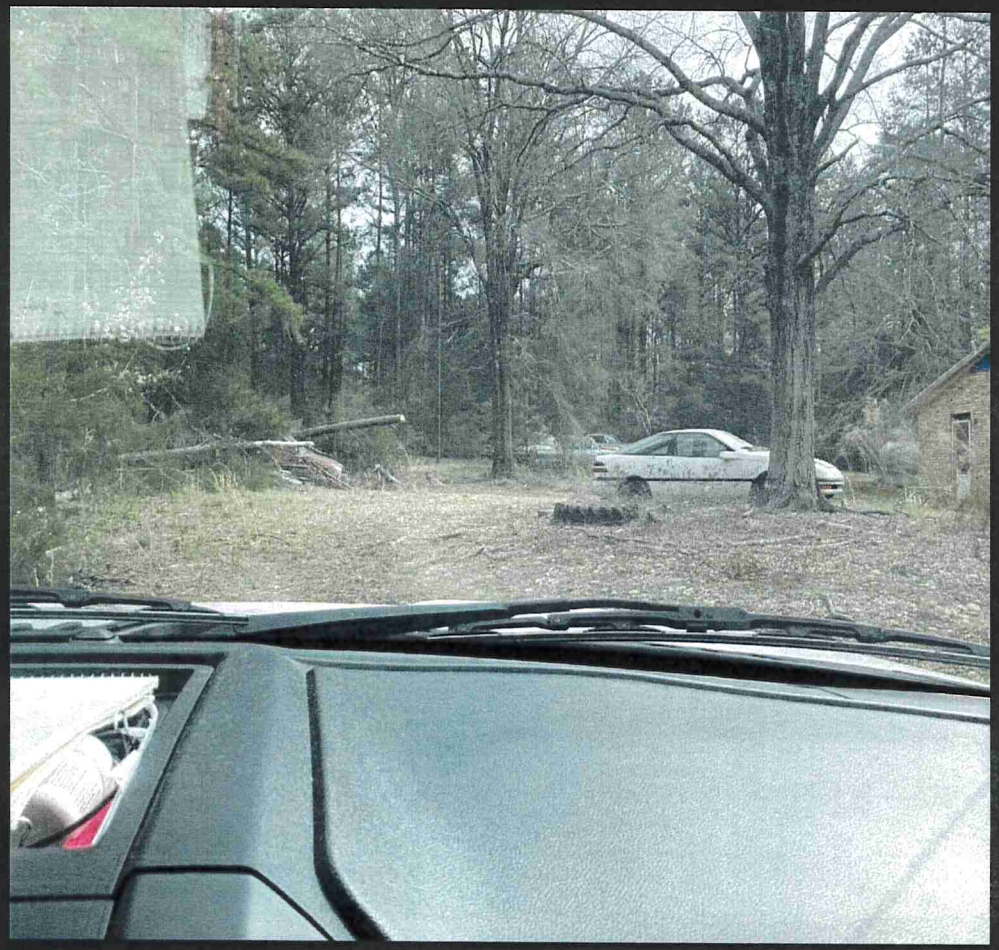


Nuisances





Derelict Vehicles



Current Violation Process

Unfit / Unsafe Structures

- Site inspection performed and Notification of Violation mailed to property owner listed on Tax Records .
- Hearing is scheduled with the Bldg. Official ,Zoning Official, Code Enforcement, and Property Owner.
- Bldg. Official decides if the structure is Unfit/Unsafe or if the Structure can be repaired.
- In both cases the Finding /Fact letter will typically give them (30 days) to pull a Demolition permit or a building permit which ever the decisions was by the Bldg. Official.
- If the order is to demo the structure the property owner has(60 days) to appeal to the circuit court.
- If no appeal and the County has to remove the structure, then the project is sent out for a bid with procurement. (This process has not been exercised as of this date.)
- The cost of such shall be a lien against the real property and shall be collected in the same manner as county taxes. (This process has not been exercised as of this date.)
  - Price for Asbestos /Demolition Removal June 14, 2021, was $18,063.00
- Note we have had six (6) Unfit/Unsafe Dwelling hearing and all 6 were ordered Demolition and the Property owner complied with the order. Four (4) were investment companies and two (2) were privately owned. All were demolitioned by the property owners.

Nuisance

- Site inspection performed and a warning is issued for the violation to be removed within (15 days).
- If violation is not removed, a Notice of Violation is issued given (30 days) and the option to appeal the decision with the Board of Appeals.
- If no appeal has been submitted and the violation still exist a Summons is issued to appear before Magistrate Court.
- Magistrate Court may or may not fine the property owner. Past experiences, the Court typical deferred the case to the following month or request the two parties work on a resolution before the case appears before the judge. (This typically prolongs the process).
- If violation still exists after Magistrate Court , an Abatement Hearing will be scheduled by the Zoning Official. The cost of such shall be a lien against the real property and shall be collected in the same manner as County taxes. (This process has not been exercised as of this date.)

Derelict Vehicles

- No person or property shall park, store, or leave any abandoned or derelict vehicles.
- A warning letter will be sent to property owner giving them 5 days to remove the violation.
- If violation is not removed the Code Enforcement Officer will place the Color Tags on Vehicle and contact the Towing Company to remove.

This is the newest ordinance and has been a great tool.

Summary

Vehicle

- 32 - Derelict Vehicles
- Vehicle violations currently being addressed under the new Vehicle Towing Ordinance.

Nuisance

- 423- Nuisance
- Using current tools may not gain compliance by owner.
- New County Code Amendment for Abatement process

Unfit/Unsafe Dwellings

- 190- Active Cases
- Using current tools may not gain compliance by owner .
- County may need to facilitate abatement if visible results are desired.

Research from Surrounding Areas

- Chester County- Only utilize Magistrates Office(Without great success in remediating violations)
- City of Lancaster-Budgets 28,000.00 for boarding up structure, including supplies, grass mowing, cleaning site, and etc. (Actual violation still exists)
- York County – Only utilizes Magistrates Office(Without great success in remediating violations)
- City of Rock Hill -Has a program that has been very successful since 2014.

Next Steps/Council Feedback

Council Has options to Consider

- Option 1: Continue with current practice
  - Cite housing and nuisance cases
  - Use Magistrate for fines, if possible
  - Hopefully, property owner takes action

- Option 2: Develop a proactive strategy to achieve meaningful results
  - Utilize budgeted $100k
  - Develop a program using models' other communities have successfully developed and partner with Public Works, Sheriffs Office, Fire Services, Keep Lancaster County Beautiful and other agencies
  - Achieve compliance more quickly.

Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Dennis Marstall/ Administration and Darren Player /Lancaster Fire and Rescue
Department: Administration
Date Requested to be on Agenda: 8/10/2022

Issue for Consideration:
This is a follow-up presentation from the May Committee of the Whole meeting to provide more information regarding how the County should evaluate the structure and funding of the fire service going forward.

Points to Consider:
During the May presentation, Council was presented information about the current fire structure with the 19 fire districts and the request by several of the fire districts to have the ability to become fee districts and generate funding from rooftop fees from their district.

The presentation also highlighted information from the 2019 Fitch Study that addressed future staffing and facility needs, understanding the reality of the current structure and its reliance on volunteer firefighters and the struggles most fire districts are having in maintaining and recruiting fire volunteers.

This presentation further focuses on the existing structure of the fire service, including the three components of Fire and Rescue, Emergency Management, and the Fire Marshall operations and how these three areas will need to evolve as the County continues to grow.

The Council will also be presented with the request from the Indian Land and Pleasant Valley Fire District Fee Boards' to merge and the policy, structure, and financial considerations that entails.

Funding and Liability Factors:
Funding and the future of the fire service are directly connected, particularly when looking at models that include more career or paid employees versus the ability to utilize volunteers, plus provide for facilities that have sleeping quarters for 24/7 staffing, and fire equipment and apparatus for a growing county population.

The County has been operating with a $90 per rooftop fee, for the established fee districts, but that rate is inadequate to fund the staffing, facilities and equipment needed in a fee district. Council will be presented with a new per rooftop fee that will generate the needed revenue for a merged fire district of Indian Land and Pleasant Valley..

Over the long term, County Council will be asked to determine if they believe the fire service should be funded by a rooftop fee, a district-wide or countywide tax millage or some other funding mechanism to provide the necessary fire service for the rapidly growing county population.

Council Options:
This is for discussion only and is part of a multi-month review of the existing fire service and how County Council might want to make some changes to address the growth demands on the fire service.

Recommendation:
This item is for discussion and County Council input.

ATTACHMENTS:

Description	Upload Date	Type
Future of the Fire Service Presentation	8/8/2022	Presentation

LANCASTER COUNTY FIRE RESCUE

Future of the Fire Service
August 10th, 2022

Fire Rescue & Emergency Management Relationship

2

Fire Rescue & Emergency Management Relationship

3

- Current Ordinances do not accurately reflect titles & roles of these agencies
- Future need to split Emergency Management into its own department with separate Director from Fire Rescue
  - Combined agencies are still common, but increasing responsibilities of Emergency Management are outpacing available staffing – effective span of control not feasible
  - Increased demand for comprehensive planning for variety of disasters (population growth)
  - Increase in standalone capabilities of Emergency Management from advancement of technology & doctrine

Indian Land & Pleasant Valley Fire Depts. Merger

- Indian Land & Pleasant Valley Fire Departments are working towards merging into a combined department. Both Fee Boards support this effort.
- Funding & expenditure planning for this process are indicative of what can be expected for staffing, equipment, & building costs for any new stations across the county.
- Current expected annual budget for combined department:
  - Personnel (45 total): *$3,794,578.80*
  - Operations (including supplies, equipment, capital, G.O. bond debt, etc.): *$1,260,400*
  - Total annual budget for combined Indian Land/Pleasant Valley Fire Department: ***$5,054,978.80***

5

Indian Land & Pleasant Valley Fire Depts. Merger

- Current funding for both fire departments is derived from a rooftop fee ($90); this fee amount is not sustaining current operations.
- Proposed budget for combined departments would require fee to be increased to $275 for residential properties and $275/1,500 sq. ft. of commercial properties.
- This fee increase would provide enough funding for the proposed budget, but would not provide any additional funding to build reserves without the addition of a millage
- Any action taken by County Council right now will not go into effect until Jan. 2024.

6

Future Moving Forward

- Based on the Indian Land/Pleasant Valley merger, median annual personnel cost is $68,714 ea., new station cost is between $5.5 million and $6.2 million. New apparatus cost ranges between $600,000 and $1,500,000.
- These cost figures are representative of what can be expected for any new stations built in the county; any new County-owned stations would use a standard station design for ease of project management
- Further discussion to be had at Fire Commission regarding details of model moving forward

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2022-1811 / Planning Case Number: UDO-TA-2021-2980
Contact Person / Sponsor: Rox Burhans/Development Services Director
Department: Planning
Date Requested to be on Agenda: 8/10/2022

Issue for Consideration:
Amend the Unified Development Ordinance (UDO) to create three new Flexible Zoning Districts (FR, FNR, and FMU) and associated standards and processes. The amendment includes modifications to the Mixed Use category of zoning districts and the Cluster Subdivision Overlay District.

The Committee of the Whole (COW) received an update on the UDO Interim Ordinance at their July 20th meeting. At this meeting, Council raised questions regarding the role of Development Agreements with the Interim Ordinance, how density increase requests will be managed, and other ordinance questions.

At the August COW meeting, staff intends to elaborate further on the role of Development Agreements, discuss how potential requests for increased density would be managed, and review more detailed aspects of the ordinance. The attached memo was previously shared after the July COW meeting that also addressed these items.

Points to Consider:
Whether or not the County should adopt this ordinance amendment to help improve the regulation of land development projects or wait until the full UDO is rewritten.

Funding and Liability Factors:
N/A

Council Options:
This is for discussion purposes to determine what additional information is needed to advance the Interim UDO to a Council vote.

Recommendation:
This is for discussion purposes only, but the Planning Commission held a public hearing on the Interim UDO at their June 2nd meeting and recommended conditional **approval** by a vote of 5 to 1 subject to staff comments.

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	5/20/2022	Executive Summary
Application	5/19/2022	Backup Material
Interim Ordinance	6/20/2022	Ordinance
Interim Ordinance-Use Table	6/20/2022	Ordinance
Interim Ordinance Follow Up Memo	8/8/2022	Backup Material

PROPOSAL:	Amend the Unified Development Ordinance (UDO) to create three new Flexible Zoning Districts (FR, FNR, and FMU) and associated standards and processes. A component of this amendment is to convert the five existing Mixed-Use category zoning districts (UR, HDR, RMX, MX and IMX) into legacy districts. This amendment also includes modifications to the Cluster Subdivision Overlay District, which may include significant modification or elimination of said overlay district.
APPLICABLE CHAPTER(S):	Chapters 1, 2, 3, 4, 5, 6, 7, 9, and 10 and Associated Appendices.
APPLICANT:	Lancaster County

PROJECT SUMMARY & PROPOSAL:

Lancaster County initiated a full rewrite of the UDO in October 2021 to address substantive issues with its content. The UDO rewrite project is a 2-year process. In light of the significant development interest in the community and the desire to not entitle projects using an ineffective ordinance, the County directed its UDO consultant (White and Smith) to prepare an interim ordinance for use until the full UDO rewrite is adopted. The interim ordinance will help address more glaring issues associated with larger projects and is not a substitute for the more comprehensive ordinance rewrite.

The interim ordinance will facilitate creation of binding development plans that will provide staff, Planning Commission, and County Council with more tools to achieve higher quality development projects and mitigate potential impacts to the community. The interim ordinance also creates three new Flexible Zoning Districts, which consist of Flexible Residential (FR), Flexible Non-Residential (FNR), and Flexible Mixed Use (FMU). Additional subdivision and open space standards were created to accompany these districts that address major issues with the current UDO.

Applicants wishing to rezone to one of the flexible zoning districts will submit a concept plan, building representations, a terms and conditions document, and a traffic impact analysis. Rezoning approvals to a flexible district will represent approval of a "project" versus approval of a general zoning district. This approach will help create more certainty to ensure that what is approved, is what is constructed. The ordinance also enables applicants to request flexibility from certain UDO standards, subject to County Council approval. Guardrails have been incorporated into the ordinance to prevent inappropriate requests related to increased density and other key standards.

Another element of this UDO amendment is the conversion of the five existing Mixed-Use category zoning districts consisting of Urban Residential, Residential Mixed Use, High Density Residential, Mixed Use, and Industrial Mixed Use into legacy districts. Under the legacy status, the existing districts will remain on the zoning map, however, new rezonings to these districts or expansions of existing districts will be prohibited. Undeveloped properties with Mixed-Use zoning will be permitted to develop under the legacy standards or they may be rezoned to a new district.

The proposed ordinance also includes the elimination or modification of the Cluster Subdivision Overlay District (CSO), which is only applicable in the Medium Density Residential Zoning District (MDR). The following three CSO options have been created for consideration.

1. Retaining the CSO District in its current form; or
2. Elimination of the CSO District; or
3. Retaining the CSO District in its current form for properties currently zoned MDR until full UDO rewrite is complete.

A brief evaluation of the above options is noted below.

CLUSTER SUBDIVISION OPTIONS COMPARISON

Option	Pros	Cons
Retain CSO in Current Form	-Developer friendly approach	-Will entitle development that may be inconsistent with goals -Dilutes purpose of interim ordinance
Eliminate CSO	-Prevents new development that may be inconsistent with goals	-May be unfair to existing MDR zoned property owners
Retain CSO Only for Existing MDR Properties	-Reduces new development that may be inconsistent with goals -More equitable approach to existing MDR property owners	-Will entitle some development that may be inconsistent with goals

OUTLINE OF TEXT AMENDMENT:

See Attachment 2 for proposed ordinance amendment prepared by White and Smith.

The proposed interim ordinance makes minor changes to each chapter of the UDO, which accounts for its 53-page length. Many of the pages in the draft reflect ~~strikeout~~s of existing text or insertion of new administrative text that must be included or modified for ordinance functionality. The core content of the proposed ordinance occurs in UDO Chapters 2 and 3.

Staff will provide its comments on the current draft to the Planning Commission at its June 2, 2022 meeting.

FINDINGS AND CONCLUSIONS:
The proposed text amendment has been found to be consistent with the applicable provisions of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as with the applicable provisions of SC Code Title VI.

STAFF RECOMMENDATION:
Staff recommends **approval** of the proposed text amendment (subject to comments provided under separate cover).

In regards to the options proposed for the CSO District, staff recommends retaining the district for existing properties zoned MDR as of the date of this text amendment application. This option strikes the best balance between fairness and advancement of the new ordinance.

ATTACHMENTS:
1. Application
2. Proposed Ordinance

STAFF CONTACT:
Rox Burhans, Development Services Director
rburhans@lancastersc.net

Planning Department
P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@lancastercountysc.net
www.mylancastersc.org

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended: UDO Chapters 1, 2, 3, 4, 5, 6, 7, 9, 10, and Appendicies.

Current Text: See Attached

Proposed Text: See Attached

Expansion of original UDO text amendment application 2021-2980.

Description of Need for Proposed Text:

Application by Lancaster County to amend the Unified Development Ordinance to eliminate or modify the Cluster Subdivision Overlay District, reclassify the five Mixed-Use Districts as legacy districts, and to implement three new Flexible Zoning Districts. The proposed ordinance amendment is needed to help better manage complex development projects and ultimately achieve higher quality development.

☐ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name: Lancaster County

Address: P.O. Box 1809

City: Lancaster State: SC Zip: 29721 Phone: 803-416-9422

Fax: _____ Email: planning@lancastersc.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.

Dennis E Marstall — Applicant

5/16/22 — Date

N/A — 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 _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS

1. **Submit Application**
   - The deadline for this application is at least 30 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.

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.

INTERIM ORDINANCE: FLEXIBLE DISTRICTS

REVIEW DRAFT 06-14-22

LANCASTER COUNTY, SC

UNIFIED DEVELOPMENT ORDINANCE UPDATE

Review Draft

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Review Draft

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OVERVIEW

This proposed approach establishes three Flexible Districts (Residential, Non-Residential, and Mixed Use) to address the County's desire for flexibility and predictability in the rezoning process and for increased collaboration with developers who elect to use this approach in the design of new developments. Each Flexible District is a base zoning district that allows applicants to propose alternative UDO standards to achieve a final result that builds on the code's minimum standards to achieve compliance with the County's Comprehensive Plan and policies.

This document proposes UDO revisions necessary to:

- Implement the Flexible Districts;
- Reclassify the five Mixed-Use Districts as legacy districts; and
- Eliminate the Cluster Subdivision Overlay District.

HOW TO USE THIS INTERIM ORDINANCE

This Interim Ordinance is organized by UDO chapter. Each chapter indicates the nature and extent of proposed revisions within that chapter necessary to effectuate the Flexible Districts, reclassify the five Mixed-Use Districts as legacy districts, and eliminate the Cluster Subdivision Overlay District. The "revisions key" below describes the formatting used for the proposed revisions.

This Interim Ordinance proposes to repeal Chapter 3: *Mixed-Use Districts* in its entirety and replace it with a new Chapter 3: *Flexible Districts*. Chapter 3 includes all provisions for the Flexible Districts, some of which may be relocated to other UDO chapters at a later point in the UDO Update project.

If County Council adopts this Interim Ordinance, the UDO document will be revised to incorporate the revisions proposed herein. These provisions may be revisited during the full UDO rewrite project, based on the County's experience with them in the meantime.

REVISIONS KEY

<Text in brackets and yellow highlight describes the necessary revisions to the referenced Chapter, Section, or Subsection.>

Existing UDO text proposed to remain is shown in plain text.

~~**Text proposed for deletion**~~

Proposed new text

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LANCASTER COUNTY, SC UDO

1 INTRODUCTORY PROVISIONS

<Revise Sections 1.2 and 1.3 as indicated below. No other changes to Chapter 1.>

1.1 LEGAL PROVISIONS

<no changes>

1.2 ZONING MAP

<Revise Subsection 1.2.1.B. as indicated below.>

1.2.1 OFFICIAL ZONING MAP

B. **Overlay Districts:** Certain overlay districts such as the Carolina Heelsplitter Overlay District, Carolina Thread Trail Overlay District, ~~**Cluster Subdivision Overlay District,**~~ Equestrian Oriented Subdivision Overlay District, Highway Corridor Overlay District, and McWhirter Field Aviation Overlay District are hereby established and incorporated by reference.

1.3 ZONING DISTRICTS

<Revise Subsections 1.3.1, 1.3.2, and 1.3.3 as indicated below.>

1.3.1 GENERAL USE ZONING DISTRICTS

The following general use zoning districts are established and applied to property as set forth on the Official Zoning Map:

Rural Districts

- **AR** Agricultural Residential
- **RR** Rural Residential
- **RN** Rural Neighborhood
- **RUB** Rural Business
- **MH** Manufactured Housing

Special Districts

- **INS** Institutional
- **OSP** Open Space Preservation
- **LI** Light Industrial
- **HI** Heavy Industrial
- **M** Mining

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Transitional Districts	~~Neighborhood Mixed-Use~~ Flexible Districts
• **LDR** Low Density Residential	• ~~**UR Urban Residential**~~ **FR Flexible Residential**
• **MDR** Medium Density Residential	• ~~**HDR High Density Residential**~~ **FMU Flexible Mixed Use**
• **PB** Professional Business	• ~~**RMX Residential Mixed-Use**~~ **FNR Flexible Non-Residential**
• **NB** Neighborhood Business	• ~~**MX Mixed-Use**~~
• **GB** General Business	• ~~**IMX Industrial Mixed-Use**~~
• **RB** Regional Business	

1.3.2 OVERLAY DISTRICTS

The following overlay districts are established and applied to property as set forth on the Official Zoning Map:

- **CHO** Carolina Heelsplitter Overlay
- **CTTO** Carolina Thread Trail Overlay
- **CSO** Cluster Subdivision Overlay
- **ESO** Equestrian Oriented Subdivision Overlay
- **HCO** Highway Corridor Overlay
- **MFAO** McWhirter Field Aviation Overlay

Note: Standards for flood damage prevention and river buffers are included in Chapter 8, Natural Resources Protection.

1.3.3 LEGACY DISTRICT**S**

The following district**s** ~~**is**~~ **are** referred to as ~~**a**~~ legacy district**s**:

- **PDD** Planned Development District
- **UR Urban Residential District**
- **HDR High Density Residential District**
- **RMX Residential Mixed-Use District**

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- **MX Mixed-Use District**
- **IMX Industrial Mixed-Use District**

A. ~~**This district**~~ **The PDD** exists in the previous UDO Chapter 2, Zoning Districts and Zoning Map, and will eventually be replaced with a UDO zoning district in 1.3.1. ~~**No new legacy district may be added to the Official Zoning Map, nor may any boundary of an existing legacy district be modified.**~~ Refer to Appendix A, Legacy Planned Development Districts (PDD), for PDD district numbers, names, ordinance numbers, and development agreement ordinance numbers, as applicable.

B. **The Mixed-Use Districts (UR, HDR, RMX, MX, and IMX) were previously regulated by Chapter 3, and were reclassified as Legacy Districts upon adoption of the Flexible District regulations.**

1. **Existing Mixed-Use Districts are subject to the provisions of their associated Development Agreement and rezoning ordinance.**

2. **If an existing Mixed-Use District does not have an associated Development Agreement or Master Development Plan that prescribes specific development standards, a Master Development Plan must be approved in accordance with Chapter 9: *Administration* prior to development.**

C. **No new legacy district may be added to the Official Zoning Map, nor may any boundary of an existing legacy district be modified.**

1.4 GENERAL PROVISIONS

<no changes>

2 DISTRICT STANDARDS

<Revise Sections 2.1, 2.2, 2.3, 2.4, and 2.5 as indicated below.>

2.1 INTENT

For the purposes of this ordinance, the various **base** districts have been categorized as ~~**either urban districts as neighborhood mixed-use or rural/suburban districts as**~~ rural, transitional, ~~**and**~~ special**, and flexible** districts. In general, standards and provisions for ~~**urban**~~ **flexible** districts are designed to ~~create walkable, mixed-use environments~~ **foster innovative development** whereas the rural**, transitional,** and ~~**suburban**~~ **special** districts are more reflective of ~~**the existing, primarily automobile-dependent configuration**~~ **traditional development patterns**. In order to implement the intent of this ordinance, there are hereby created several base districts with the designations and general purposes listed under each and the specifically permitted uses, special uses, dimensional standards, and permitted building types included.

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2.2 OFFICIAL ZONING MAP

<Revise Subsection 2.2.1.B. as indicated below.>

2.2.1 OFFICIAL ZONING MAP

B. **Overlay Districts:** Certain overlay districts such as the Carolina Heelsplitter Overlay District, Carolina Thread Trail Overlay District, ~~**Cluster Subdivision Overlay District,**~~ Equestrian Oriented Subdivision Overlay District, Highway Corridor Overlay District, and McWhirter Field Aviation Overlay District are hereby established and incorporated by reference.

2.3 DISTRICTS

In order to maintain existing auto-oriented commercial and industrial areas, and conventionally-developed residential subdivisions, there are hereby continued several base districts with the designations and general purposes listed under each and the specifically permitted uses, special uses, and dimensional standards included. ~~**The mixed-use base districts are established to support pedestrian and employment centers in accordance with the adopted Comprehensive Plan.**~~

<Delete the rows for the Mixed-Use Districts. Add new rows for Flexible Districts.>

BASE DISTRICT	DESCRIPTION
~~**Urban Residential District (UR)**~~	~~**The Urban Residential District is established to accommodate a variety of housing types in a neighborhood setting with a density of 4 dwellings units per acre. The regulations of this district are intended to provide areas of the community for those persons desiring urban-sized in relatively high density neighborhoods within walking or biking distance from mixed-use centers.**~~
~~**High Density Residential District (HDR)**~~	~~**The High Density Residential District is established to serve as a transitional zoning district between rural and urban developments at a density of 8.0 dwelling units per acre. These regulations are further intended to discourage any detrimental effects to the predominately single-family residential areas adjacent to the district that provides for multiple family residential dwellings.**~~
~~**Residential Mixed-Use District (RMX)**~~	~~**The Residential Mixed-Use District is intended to provide for mixed-use transitional areas immediately adjacent to or in close proximity of mixed-use centers that permit some limited commercial uses and a wide variety of housing types in pedestrian-scaled, residential-style structures.**~~
~~**Mixed-Use District (MX)**~~	~~**The Mixed-Use District is established as a pedestrian-scaled, mixed-use district which caters to the everyday needs of nearby neighborhoods, stressing accessibility by automobiles, bicycles, and pedestrians. This district accommodates an active, pedestrian-friendly area of community-scale commercial, residential, office, and civic uses in both vertically mixed-use, as well as free-standing buildings. Retail should be placed at street level, with residential uses in rear or upper stories.**~~

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BASE DISTRICT	DESCRIPTION
~~Industrial Mixed-Use District (IMX)~~	~~The Industrial Mixed-Use District is established to promote the development of mixed-use environments supported by artists, craftsman, and cultural activities and may be in transitional areas previously occupied by industrial development. These areas will accommodate limited commercial and institutional uses, some light industrial uses, and a wide variety of residential uses in order to encourage the redevelopment of existing warehouses and the development of a pedestrian-oriented neighborhood.~~
Flexible Residential (FR)	The Flexible Districts are established to facilitate innovative approaches proposed by developers electing this alternative to create developments that prioritize open space and tree preservation; pedestrian, bicycle, and vehicular connectivity; architectural quality; attractive landscaping; and other Comprehensive Plan policy goals. The Flexible Residential District accommodates residential subdivisions and developments, which may include one or more types of residential uses and non-residential uses commonly located in residential districts.
Flexible Mixed Use (FMU)	The Flexible Districts are established to facilitate innovative approaches proposed by developers electing this alternative to create developments that prioritize open space and tree preservation; pedestrian, bicycle, and vehicular connectivity; architectural quality; attractive landscaping; and other Comprehensive Plan policy goals. The Flexible Mixed Use District accommodates a cohesive mixture of residential and non-residential uses.
Flexible Non-Residential (FNR)	The Flexible Districts are established to facilitate innovative approaches proposed by developers electing this alternative to create developments that prioritize open space and tree preservation; pedestrian, bicycle, and vehicular connectivity; architectural quality; attractive landscaping; and other Comprehensive Plan policy goals. The Flexible Non-Residential District accommodates office, retail, commercial, institutional, industrial, and other non-residential land uses.

2.4 DISTRICT DEVELOPMENT STANDARDS

<Revise Section 2.4 as indicated below.>

The following tables outline the primary development standards for each base zoning district in Lancaster County**, except the Flexible Districts (see Chapter 3)**. For development on infill lots and additions to existing development, the standards in Chapter 1 shall also apply.

<No changes to tables, except Footnote 5 after the last table as indicated below.>

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5. *Subject to approval by the Fire Marshal Office, the height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, tanks, equipment, conveyors, flagpoles, masts, and antennas (provided evidence from appropriate authorities is submitted to the effect that such building or buildings will not interfere with any airport zones or flight patterns). With the exception of water towers, observation towers, transmission towers, and antennas, in no instance shall a non-habitable structure exempted under this section exceed a height of 90-ft or 70-ft when located within 100 feet of a residential use or district.* ~~***Said height exemption for non-habitable structures shall also apply to the UDO Chapter 3 MX Districts subject to Fire Marshal Office approval.***~~ *See Section 4.2.1, McWhirter Field Aviation Overlay District, and Chapter 5, Use Regulations, for additional height limitations related to airports zones and communications towers. (Ord. No. 2019-1608, 11.12.19)*

2.5 USES PERMITTED

<Revise Subsections 2.5.2 and 2.5.3 as indicated below.>

2.5.1 USE CATEGORIES

<no changes>

2.5.2 INTERPRETATION OF USE MATRICES

<Add a new Paragraph D, as follows:>

D. **Uses in Flexible Districts: Uses that may be allowed in the FR, FMU, and FNR Districts are indicated by an asterisk (*) in the Use Table. See Section 3.4: *Use Regulations* (Flexible Districts) for further explanation.**

2.5.3 USE TABLE[1]

<Delete the columns for the Neighborhood Districts (UR, HDR, RMX, MX, IMX). Add columns for FR, FMU, and FNR as follows:>

<Add column for FR and add asterisks (*) in each row under Use Categories A (Residential), except Dwelling – Multifamily Uses; B (Lodging), except Hotel/Motel; E (Civic), except Conference/Convention Center, Private Recreation Facility, and Sports Arena/Stadium; I (Agriculture); J (Infrastructure), except Airstrip/Airport; and K (Other).>

<Add column for FMU and add asterisks (*) in each row in the table (all Use Categories).>

<Add column for FNR and add asterisks (*) in each row under Use Categories B (Lodging); C (Office/Service); D (Commercial/Entertainment); E (Civic); F (Educational/Institutional); G (Automotive); H (Industry/Wholesale/Storage); I (Agriculture); J (Infrastructure); and K (Other).>

[1] A "clean" version of the use table that implements the changes proposed in this Section is provided in a separate document.

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<Add footnote to table clarifying the meaning of the asterisks in the Flexible Districts column, as follows:>

*** = Indicates the use may be allowed. See Section 2.5.2.D: *Uses in Flexible Districts.***

3 FLEXIBLE DISTRICTS

<Repeal existing Chapter 3: *Mixed-Use Districts* and replace with the following.>

3.1 INTENT

3.1.1 PURPOSE

A. This Chapter establishes three Flexible Districts:

1. Flexible Residential (FR);
2. Flexible Mixed Use (FMU); and
3. Flexible Non-Residential (FNR).

B. The Flexible Districts are intended to:

1. Encourage innovative land planning and design;
2. Create well-planned, cohesive developments;
3. Provide flexibility in land development to:
   a. Achieve the applicable goals and policies of the Comprehensive Plan;
   b. Improve the design, character, and quality of new development;
   c. Protect and preserve natural resources and open space;
   d. Improve pedestrian and bicycle mobility;
   e. Promote interconnectivity and consolidation of access drives; and
   f. Minimize land use conflicts and ensure compatibility;
4. Allow the incorporation of emerging best practices into proposed developments, provided the flexibility afforded by this Chapter is consistent with the general spirit and intent of the UDO, is consistent with and accomplishes the policies of the comprehensive plan, and meets a public need; and
5. Create opportunities to exceed minimum development standards.

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3.1.2 FOUNDATIONAL PRINCIPLES

A. The principles in this Subsection shall guide the development of Flexible Districts. These principles are aids in explaining and interpreting this Chapter, and are not separate standards. They will not be used to deny or condition development, but they may be used to explain how the standards are applied.

B. The UDO serves as the basis for standards in a Flexible District. A Flexible District is not intended to waive otherwise applicable UDO requirements.

C. A Flexible District advances the goals described in the Comprehensive Plan, Southern Panhandle Small Area Plan, and RFATS Collector Road policies.

D. Development proposed in a Flexible District is generally expected to incorporate each of the following elements into its design:

1. **Efficient street configuration and traffic calming techniques;**
2. **Vehicular cross access/connectivity between uses within the Flexible District and to the external street network;**
3. **Safe and convenient pedestrian circulation/sidewalks;**
4. **Architectural quality;**
5. **Compatibility with surrounding area;**
6. **Sufficient overflow parking (residential);**
7. **Attractive native landscaping and community aesthetics; and**
8. **High quality open space (quantity, location and design/usability, amenities, tree protection).**

3.2 APPLICABILITY

3.2.1 GENERALLY

The Flexible Districts are available for implementation anywhere in unincorporated Lancaster County.

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3.2.2 MINIMUM THRESHOLDS FOR IMPLEMENTATION[2]

A. Flexible Residential. The Flexible Residential (FR) District may be implemented for proposed development that includes at least 45 dwelling units.[3]

B. Flexible Mixed Use. The Flexible Mixed Use (FMU) District may be implemented for sites that contain at least 45 dwelling units or at least 5 acres.

C. Flexible Non-Residential. The Flexible Non-Residential (FNR) District may be implemented for sites that contain at least 5 acres.

3.3 DEFAULT DISTRICT

A. Each Flexible District Development Plan shall establish a "default district" that serves as the basis for the applicable use, dimensional, and development standards in the Flexible District, as provided in this Section.

1. A Flexible Mixed Use District may establish two or more default districts to effectively accommodate the required mixture of residential and non-residential uses.

2. The Flexible District Development Plan shall establish the areas where each default district applies.

B. The regulations applicable to the default district apply unless modified in the approved Flexible District Development Plan.

C. Table 3.3-1 establishes the allowable default districts for each type of Flexible District.

Table 3.3-1: Allowable Default Districts

FLEXIBLE DISTRICT	ALLOWABLE DEFAULT DISTRICTS
FR	AR, RR, RN, MH, LDR, MDR
FMU	AR, RR, RN, RUB, LDR, MDR, INS, PB, NB, GB, RB
FNR	INS, RUB, PB, NB, GB, RB

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[2] The current Mixed-Use Districts require a minimum of 25 acres. Proposed here is to set minimum thresholds based on acreage or number of dwelling units. Minimum acreage for Flexible Mixed Use and Flexible Non-Residential is proposed at 5 acres to accommodate smaller neighborhood commercial/retail developments.
[3] This is the approximate number of dwelling units that triggers a TIA according to UDO Section 6.8.

3.4 USE REGULATIONS

3.4.1 GENERALLY

A. The land uses allowed in a Flexible District are the same as those specified for the default district(s) in Section 2.5: ***Uses Permitted***, as modified by the Flexible District Development Plan (see Subsection 3.9.5), except that residential uses are prohibited in the Flexible Non-Residential District even if allowed by the default district(s).

B. Any principal use not expressly allowed by the default district(s) or the Flexible District Development Plan is prohibited.

3.4.2 ALLOWED USES

A. Flexible Residential District. Allowed uses in a Flexible Residential District should be primarily residential, but may include compatible uses from the allowable use categories specified in Table 3.4.1-1 and included part of an approved Flexible District Development Plan.

B. Flexible Mixed Use District.

1. Allowed uses in a Flexible Mixed Use District must include at least one residential use and one non-residential use.

2. At least 10%[4] and not more than 90% of the net land area in a Flexible Mixed Use District shall be designated for non-residential uses.

a. For the purposes of this Paragraph, "net land area" means the total area of the Flexible Mixed Use District, excluding the Primary Conservation Area and Open Space required by Section 3.6, public and private rights-of-way, and areas used for stormwater or wastewater management.

b. For mixed use developments where residential uses are located above non-residential uses in the same building, the land area for such buildings shall be included as non-residential land area.

C. Flexible Non-Residential District. Residential uses are not allowed in a Flexible Non-Residential District. When the default district proposed for an FNR District allows residential uses, those uses are prohibited in the FNR District.

D. Principal and Temporary Uses.

[4] This minimum percentage of non-residential land area is intended to prevent the inclusion of "token" non-residential uses in order to achieve the maximum density allowed in a Flexible Mixed Use District. At staff's suggestion, the consultant team analyzed the recently approved Exchange development to arrive at this percentage. In the Exchange, approximately 13% of the total land area (and approximately 25% of the developed land area) is devoted to non-residential (retail) uses.

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1. In addition to the uses allowed by the default district, a Flexible District Development Plan may propose to add one or more uses allowed by Section 2.5.3: *Use Table*.

2. Additional uses in a Flexible District shall be selected from the allowable use categories specified in Table 3.4.1-1.

3. Section 2.5.3: *Use Table* specifies the uses allowed in each use category. Uses allowed in a Flexible District are indicated by an asterisk (*) in the Use Table.

Table 3.4.1-1: Allowable Use Categories for Additional Uses in Flexible Districts

FLEXIBLE DISTRICT TYPE	ALLOWABLE USE CATEGORIES
FR	Residential (except Dwelling – Multifamily uses), Lodging (except Hotel/Motel uses), Civic (except Conference/Convention Center, Private Recreation Facility, and Sports Arena/Stadium uses), Agriculture, Infrastructure (except Airstrip/Airport uses), Other
FMU	Residential, Lodging, Office/Service, Commercial/Entertainment, Civic, Educational/Institutional, Automotive, Industry/Wholesale/Storage, Agriculture, Infrastructure, Other
FNR	Lodging, Office/Service, Commercial/Entertainment, Civic, Educational/Institutional, Automotive, Industry/Wholesale/Storage, Agriculture, Infrastructure, Other

E. Use Designations. Uses in a Flexible District may be designated as permitted, permitted with review, conditional, special exception, or prohibited.

1. "Permitted uses" are allowed by-right;

2. "Permitted with review uses" require compliance with the use conditions specified in Chapter 5: *Use Regulations;*

3. "Conditional uses" require compliance with the use conditions specified in Chapter 5: *Use Regulations* and all requirements specified in Subsection 9.2.16: *Conditional Use*;

4. "Special exception uses" require compliance with the use conditions, if any, specified in Chapter 5: *Use Regulations* and all requirements specified in Subsection 9.2.13: *Special Exceptions (SE)*; and

5. "Prohibited uses" are not allowed in a Flexible District.

3.5 DENSITY

A. Maximum residential density allowed in a Flexible Residential or Flexible Mixed Use District is based on the type of Flexible District and default district proposed

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(see Table 3.5-1: *Maximum Density in Flexible Residential and Flexible Mixed Use Districts*).

B. For the purposes of this Section, "base density" is the number of dwelling units per acre allowed by-right in a Flexible District. County Council may approve additional density, up to the maximum specified in Table 3.5-1, through the Flexible District rezoning process.[5] County Council may consider approving additional density when one or more of the following criteria are met:

1. **The development is located near a major employment area;**
2. **The development includes housing designated for senior citizens;**
3. **The development includes below-market rate housing;**
4. **The development includes more open space than required by Subsection 3.7.2: *Minimum Amount and Location of Open Space*; and**
5. **The development includes a public amenity or improvement, such as a school, library, or recreation facility.**

C. In any case, a Flexible District is limited to the maximum residential density specified in the approved Flexible District Development Plan.

D. Density is calculated using the gross site acreage of the proposed Flexible District.

Table 3.5-1: Maximum Density in Flexible Residential and Flexible Mixed Use Districts

Flexible District Type	Default District	Density (base)	Density (max, subject to County Council approval)
Flexible Residential	AR, RR, RN, MH	1.0 du/ac	1.0 du/ac
	LDR	1.5 du/ac	2.5 du/ac
	MDR	2.5 du/ac	3.5 du/ac for detached single-family residential dwellings; 8.0 du/ac for townhomes and other attached dwellings
Flexible Mixed Use	AR, RR, RN, RUB	1.0 du/ac	1.0 du/ac
	LDR	1.5 du/ac	2.5 du/ac

[5] The proposed base densities in the Flexible Residential District align with the current densities in the specified default districts. The proposed base densities for an FMU with a default commercial or industrial district and the maximum densities for all default districts align with the density ranges specified in the Comprehensive Plan, Appendix A: *Community Types*.

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Table 3.5-1: Maximum Density in Flexible Residential and Flexible Mixed Use Districts			
Flexible District Type	Default District	Density (base)	Density (max, subject to County Council approval)
	MDR	2.5 du/ac	3.5 du/ac for detached single-family residential dwellings 8.0 du/ac for townhomes and other attached dwellings; 9.0 du/ac for multi-family dwellings
	INS	4.0 du/ac	6.0 du/ac
	PB, NB, GB	6.0 du/ac	12.0 du/ac
	RB	8.0 du/ac	12.0 du/ac

Key: max = maximum allowed | du/ac = dwelling units per acre

3.6 PARKING

Parking for uses in a Flexible District shall be provided in accordance with Section 7.2: *Parking and Driveways* unless modified by the Flexible District Development Plan. All required parking for uses located in the Flexible District shall be accommodated within the boundaries of the district.

3.7 PRIMARY CONSERVATION AREA AND OPEN SPACE[6]

3.7.1 PRIMARY CONSERVATION AREA

A. Primary Conservation Area includes those areas that cannot otherwise be built upon or improved and therefore would be preserved in a conventional development.

B. Primary Conservation Area may include wetlands, surface waters, intermittent stream channels, floodplains, land with steep slopes (greater than 15%), and historically or archaeologically significant areas.

C. Primary Conservation Area may count as up to 50% of the minimum required amount of open space in a Flexible District.

3.7.2 MINIMUM AMOUNT AND LOCATION OF OPEN SPACE

A. Minimum Amount of Open Space.

[6] These standards are included for "interim" purposes. We anticipate revisiting open space requirements during the full rewrite process of a new UDO Open Space chapter.

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1. **Each Flexible District shall reserve, in perpetuity, the amount of open space required by Table 3.7.2-1.**

Table 3.7.2-1: Minimum Amount of Open Space Required in Flexible Districts	
DISTRICT	**MINIMUM AMOUNT OF OPEN SPACE REQUIRED**
FR	**25%**
FMU	**15%**
FNR	**10%**

2. **The calculation of the minimum amount of required open space is based on the total acreage of the Flexible District minus the acreage of Primary Conservation Area. The calculation is represented by the following equation:**

TOS = (TFD – PCA) * OSP

ABBREVIATION	MEANING
TOS	Total Open Space Required (acres)
TFD	Total Flexible District (acres)
PCA	Primary Conservation Area (acres)
OSP	Open Space Percentage (per Table 3.7.2-1)

B. **Location of Open Space.**

1. Open space areas should be prominently placed and serve as focal points in the development.

2. Usable open space shall be located in areas readily and conveniently accessible to lots and buildings in the Flexible District.

3. **Open space areas shall be contiguous to the extent practicable when not restricted by topography, existing water bodies, and other natural features.**[7]

3.7.3 COMPOSITION OF OPEN SPACE

A. Types of Open Space. Required open space may include natural areas, passive parks, and active recreation areas.

B. Open Space Improvements Required. In general, usable open space areas should be improved with landscaping and passive amenities such as gathering and seating areas, picnic areas, and similar improvements. Active amenities shall be provided in accordance with 3.7.3.C, below.

C. Active Amenities Required.

[7] Carried forward from UDO Section 4.4.1.F.5. (Cluster Subdivision Overlay).

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1. To ensure that open space is functional and usable, one or more open space areas shall contain active amenities such as gazebos, seating areas, an improved surface trail network, docks, dog parks, sports courts, improved sports fields, playgrounds, clubhouses, water features, public art, improved community gardens, or other similar focal feature that enhances the development and serves as a gathering area.

2. Amenities shall be provided in the amount required by Table 3.7.3-1.

Table 3.7.3-1: Minimum Number of Active Amenities Required

FLEXIBLE DISTRICT	SIZE	NUMBER OF ACTIVE AMENITIES REQUIRED
FR	45 to 75 du	1
	76 to 149 du	2
	150 or more du	3 + 1 per each 75 additional du
FMU (Residential Uses)	45 to 75 du	1
	76 to 149 du	2
	150 or more du	3 + 1 per each 75 additional du
FMU (Non-Residential Uses)	99 or fewer parking spaces	1
	100 to 199 parking spaces	2
	200 or more parking spaces	3 + 1 per each 100 additional parking spaces
FNR	99 or fewer parking spaces	1
	100 to 199 parking spaces	2
	200 or more parking spaces	3 + 1 per each 50 additional parking spaces

Key: du = dwelling units

3. In addition to the amenities specified in Table 3.7.3-1, each Flexible Residential or Flexible Mixed Use District that includes more than 250 dwelling units shall include a neighborhood amenity center. A neighborhood amenity center shall include at least three of the following amenities:

   a. Fitness center with fitness equipment;

   b. Swimming pool;

   c. Playground;

   d. Indoor or outdoor putting green or sports court, such as basketball, tennis, pickleball, or bocce court;

   e. Indoor recreation or game room containing features such as billiards tables, game tables, and video game consoles;

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f. Theater or movie viewing area;

g. Common cooking or dining facility;

h. Outdoor kitchen and lounge area; and

i. Bicycle workshop and storage area.

4. Dimensions of Amenity Areas. To ensure amenity areas are accessible and usable for recreation purposes, all required amenity areas shall be at least 30 feet in width and 30 feet in depth, except for trails which shall be at least 5 feet in width.

3.8 RESIDENTIAL SUBDIVISION STANDARDS

3.8.1 APPLICABILITY

This Section applies to all subdivisions containing detached single-family residential dwellings, two-family dwellings, and/or townhome dwellings.

3.8.2 VARIETY OF LOT SIZES[8]

A. When a Flexible District Development Plan proposes a reduction in minimum lot area or width for detached single-family residential lots in a Flexible Residential or Flexible Mixed Use District, individual lots shall vary in size and layout.

B. No more than 51% of the lots in a Flexible Residential or Flexible Mixed Use District shall have a single designated lot width. Each designated lot width shall vary at least 20 feet from other designated lot widths. For example, if 51% of lots require a minimum width of 65 feet, the remaining 49% of lots must have a minimum width of at least 45 or 85 feet.

3.8.3 FRONT SETBACKS

A. When the parking area for a single-family detached dwelling is accessed from the front of the lot, the minimum front setback is 40 feet.

B. When the parking area for a dwelling is accessed from the rear of the lot (i.e., via an alley), the minimum front setback is the same as the default district or as modified in the Flexible District Development Plan.

3.8.4 OVERFLOW PARKING AREAS

A. Overflow parking areas with perimeter screening shall be disbursed throughout the development.

[8] Carries forward the Cluster Subdivision Overlay District requirement for a variety of lot sizes (UDO Section 4.4.1.D).

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B. Overflow parking shall be provided at a rate of at least one parking space:

1. For each 10 single-family detached dwellings;

2. For each five two-family dwellings; and

3. For each five townhome dwelling units.

3.8.5 ROADSIDE BUFFER[9]

A. A semi-opaque buffer with a minimum width of 50 feet is required along the frontage of all existing public streets. The buffer shall consist of trees, shrubs, and ground cover. A minimum of 25% of the trees and 75% of the shrubs shall be evergreens.

B. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the buffer requirements. Where there is insufficient natural vegetation to provide a visual buffer for principal structures, plantings shall be installed by the developer.

C. Ingress/egress to the property is allowed within the perimeter buffer, as well as utility easements and sidewalks.

3.8.6 TRAIL SYSTEM

A. A trail system with an improved surface at least 5 feet in width is required as an open space amenity.

B. The trail system shall be integrated throughout the development, with access convenient to all lots in the development.

3.9 FLEXIBLE DISTRICT REZONING PROCEDURE

3.9.1 APPLICABILITY

This Section applies to all applications to amend the Zoning Map to the Flexible Residential District, Flexible Mixed Use District, or Flexible Non-Residential District and applications for modifications to an approved Flexible District.

3.9.2 PROCESS TYPE

The Flexible District rezoning procedure is a legislative procedure requiring approval by County Council as specified in this Section.

[9] Carries forward the Cluster Subdivision Overlay District requirement for a perimeter buffer (UDO Section 4.4.1.I.8).

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3.9.3 INITIATION AND NEIGHBORHOOD MEETINGS

A. Applicant Eligibility.

1. A Flexible District rezoning application may be submitted by the owner of the property proposed for rezoning, or the owner's agent.

2. If the property subject to the rezoning application has more than one owner, the application for rezoning must be filed jointly by all the owners, or their agents.

B. Pre-Application Conference With UDO Administrator.[10] Prior to submittal of a Flexible District rezoning application, the applicant shall meet with the Administrator to discuss the proposed development plan. The purpose of this conference is to provide clarification and assistance in the preparation and submission of the rezoning application.

C. Project Introduction Session With County Council.

1. Following the pre-application conference and prior to application submittal, the applicant shall participate in a project introduction session with the Council Committee of the Whole or other designated County Council subcommittee.

2. The purpose of this session is for staff and the applicant to share conceptual information about the proposed development with the Council subcommittee and respond to questions.

3. This session is for discussion purposes only and the Council subcommittee shall not take any action regarding the proposed development. Comments made by the Council subcommittee shall not be construed as a development approval, condition of approval, denial, or an obligation to take a particular course of action.

4. At least 10 business days prior to the project introduction session, the applicant shall submit to the Administrator a memorandum describing the proposed development.

D. Sketch Plan Review.

1. Following the project introduction session and prior to application submittal, the applicant shall submit to the Administrator a Sketch Plan that meets the requirements specified in UDO Section 9.2.5 B.

2. The provision of a Sketch Plan will allow the Administrator an opportunity to review the proposal before the applicant expends funds on the preparation of a detailed Flexible District Development Plan.

[10] This paragraph carries forward UDO Subsection 9.2.9.B.3. with minor revisions.

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E. Neighborhood Meetings.

1. Following application submittal and at least 30 days prior to the Planning Commission public hearing, the applicant shall hold at least two public meetings to obtain public input on the proposed Flexible District in accordance with UDO Section 9.2.4.D.

2. The applicant shall conduct at least one meeting during the day (between 9 a.m. and 3 p.m.) and at least one meeting during the evening (between 5 p.m. and 7 p.m.).

3. Neighborhood meetings shall have a minimum duration of one hour in order to provide sufficient time for community input.

4. All reasonable efforts shall be employed to host the meeting near the property subject to the rezoning application.

3.9.4 REQUIRED APPLICATION MATERIALS

A. Generally. Each Flexible District rezoning application shall include the required form (available from the Development Services Department) and all information listed in this Subsection, as applicable for the proposed development. The Administrator may approve exemptions to one or more submittal requirements when an applicant demonstrates such requirement(s) is not applicable or relevant to the proposed Flexible District.

B. Neighborhood Meetings Report.

1. A complete Flexible District application includes a detailed summary of all neighborhood meetings held to receive public input on the proposed Flexible District, including:

a. A description of the how the applicant advertised the meetings;

b. The date, time, and location of each meeting;

c. The total number of attendees at each meeting;

d. Names and contact information for all meeting attendees willing to provide this information;

e. A summary of comments received; and

f. A description of how the Flexible District Development Plan intends to incorporate and address neighborhood input.

2. Pursuant to Section 3.9.3.D, neighborhood meetings must occur after application submittal. As such, the neighborhood meetings report is submitted separately from the remainder of the application. The report may be submitted at any time following the neighborhood meetings, but shall be submitted at least 14 days prior to the Planning Commission public hearing.

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C. **Site Analysis and Existing Conditions. A complete Flexible District application includes a Site Analysis as described in UDO Section 9.2.5 A. and a map of existing site conditions**[11] **including:**

1. **Existing zoning classification of subject property and adjacent properties;**
2. **Property lines and required setbacks (dimensioned);**
3. **Location, width, and purpose of all existing easements on subject property;**
4. **Location and dimension of all existing structures on the subject property;**
5. **Location of all existing driveways, parking areas and total number of existing parking spaces on subject property;**
6. **Abutting street right-of-way width;**
7. **Location of all existing structures, driveways, and parking areas within 300 feet of the subject property's boundary;**
8. **Existing water bodies (lakes, rivers, creeks, wetlands, etc.) on subject property;**
9. **Location of existing tree lines and wooded areas on the subject property;**
10. **Size and location of existing utilities within adjacent right-of-way and easements serving subject property; and**
11. **Location of all existing surface water drainage facilities on subject property.**

D. **Flexible District Development Plan. A complete Flexible District application includes a Flexible District Development Plan prepared in accordance with Subsection 3.9.5: *Flexible District Development Plan.***

E. **Transportation Impact Analysis (TIA). A complete Flexible District application includes a TIA if the proposed development meets the threshold specified in UDO Section 6.8: *Transportation Impact Analysis (TIA).***

F. **Additional Application Materials. A complete Flexible District application includes the following components, if applicable for the proposed development:**

1. **Phasing Plan, if the application proposes to phase the development;**
2. **Parking demand study, if the application proposes to reduce the minimum parking ratios specified in UDO Subsection 7.2.4;**
3. **Shared internal parking plan, if the application proposes certain land uses share required parking spaces;**

[11] Applicants are currently required to depict these existing conditions on Master Development Plans for the Mixed-Use Districts (UDO Section 9.2.9.B.4.).

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4. Development Agreement, if proposed; and

5. Legal agreements necessary to effectuate the Flexible District requirements (e.g., maintenance agreements; covenants, conditions, and restrictions).

3.9.5 FLEXIBLE DISTRICT DEVELOPMENT PLAN

A. Generally

1. Each Flexible District is regulated through its own unique Flexible District Development Plan, which specifies the use regulations and dimensional and development standards that apply in the particular district. Where not modified by the Flexible District Development Plan or specified in the UDO for the Flexible District type, the standards applicable to the default district(s) apply.

2. The Terms and Conditions Document, Conceptual Plan, and Master Architectural Plan together constitute the Flexible District Development Plan.

3. A Flexible District Development Plan shall not propose to:

a. Limit, expand, or change the scope of the applicant's vested rights as provided by law;

b. Modify any standards or requirements of this Chapter 3, except the provisions in Paragraph 3.8.2.B: *Variety of Lot Sizes* and Paragraph 3.8.4.B: *Overflow Parking*;

c. Reduce side setbacks for detached single-family residential uses to less than 7.5 feet;

d. Reduce or diminish open space requirements;

e. Reduce the minimum parking ratios specified in UDO Subsection 7.2.4, unless the applicant submits a parking demand study that clearly demonstrates the proposed reduction is expected to produce a sufficient number of parking spaces for the proposed use;

f. Alter the Building Code;

g. Alter the provisions in Chapter 8 related to Stormwater Management and to Sediment and Erosion Control; or

h. Alter the standards applicable for:

(1) The McWhirter Field Aviation Overlay District (UDO Subsection 4.2.1);

(2) The Carolina Heelsplitter Overlay District (UDO Subsection 4.2.2);

(3) Tree protection (UDO Subsection 7.1.2);

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(4) Signs (UDO Section 7.4);

(5) Environmentally sensitive lands (UDO Section 8.6);

(6) Administration and procedures (UDO Chapter 9); or

(7) Definitions (UDO Chapter 10).

B. Terms and Conditions Document

1. The Terms and Conditions Document shall include, at a minimum, all of the following:

a. The intent of the proposed development;

b. Relationship of the proposed development to the Comprehensive Plan;

c. The default district(s) that serves as the basis for the applicable use, dimensional, and development standards in the Flexible District (see Section 3.3: *Default District*) and, for a Flexible Non-Residential District, a statement that residential uses are prohibited even if allowed by the default district(s);

d. A summary table listing each chapter or section of the UDO and whether variations are proposed to one or more standards in that chapter or section;

e. Use regulations, if modifications to the use regulations applicable to the default district are proposed;

f. Dimensional standards, if modifications to the use regulations applicable to the default district are proposed:

(1) Setbacks;

(2) Height;

(3) Lot coverage;

(4) Lot size and width;

(5) Maximum use size, as applicable;

(6) Building floor area (minimum and/or maximum), as applicable; and

(7) Use separation requirements;

g. Maximum residential density;

h. Landscaping and screening standards;

i. Parking and loading standards;

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j. **Outdoor lighting standards;**

k. **Sidewalk and walkway requirements;**

l. **Road improvement standards;**

m. **Open space standards; and**

n. **The anticipated build-out schedule.**

C. **Conceptual Plan. The Conceptual Plan includes, at a minimum:**

a. **Location map clearly showing the roads adjacent to the proposed development;**

b. **General street and lot layout;**

c. **General location of pedestrian system;**

d. **General location of land uses and approximate acreage devoted to each type of land use;**

e. **General location and acreage of open space;**

f. **Square footage or acreage of Primary Conservation Area;**

g. **Location, number, and type of amenities in open space areas; and**

h. **As applicable:**

(1) **Locations where each default district applies, if the Flexible District Development Plan proposes more than one default district;**

(2) **Total number and type of dwellings;**

(3) **Residential density;**

(4) **Total floor area of non-residential buildings; and**

(5) **Total size of non-residential use areas located outside of a building.**

D. **Master Architectural Plan**.[12] **The Master Architectural Plan should reflect the use of architectural grade masonry materials (e.g., brick or stone), the creation of highly articulated façades, and the minimal use of vinyl siding for wall cladding. The Plan shall include, at a minimum:**

[12] These requirements are slightly different from the five items listed under Building Details in UDO Section 9.2.9 B. This list excludes "elevation views of building additions," as it's unclear how that differs from "typical elevation views of all sides of each building type." This list provides more specificity for the "building materials" requirement. "Gross and net floor area" is listed under 3.6.3.A.9, above.

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1. Elevations depicting the typical architectural style and/or elements of each side of all building types (industrial, office, retail, residential, etc.);

2. Permitted and prohibited exterior building cladding materials, including material colors for all building types except attached and detached single-family dwellings;

3. Minimum glazing standards, including glass transparency ratios, for all building types except detached single-family dwellings; and

4. Roof style(s).

3.9.6 PUBLIC NOTIFICATION

A. Flexible District rezoning applications require Level 1, 2, and 3 public notifications.

B. Required notice shall be provided in accordance with the provisions in Subsection 9.2.4: ***Public Notification***, except that Level 3 mailed notices shall be provided to:

1. All owners of property located within 500 feet of the property subject to the Flexible District Rezoning Application; and

2. All property owner associations associated with properties located within 500 feet of the property subject to the Flexible District Rezoning Application.

3.9.7 APPROVAL PROCESS

A. Completeness Review. Following submittal of a Flexible District application, the Administrator shall conduct a completeness review in accordance with UDO Section 9.2.2.C.

B. TRC Review.[13] The TRC shall review all complete Flexible District rezoning applications.

C. Administrator Report. Following the TRC review, the Administrator shall schedule the matter for a public hearing before the Planning Commission.

D. Planning Commission Review and Recommendation.

1. The Planning Commission shall conduct a public hearing to receive public input on the application.

2. The Planning Commission shall provide a recommendation to County Council for approval, approval subject to specific conditions or

[13] This paragraph carries forward current text in UDO Section 9.2.9.B.5., and revises to require the Administrator to conduct the required completeness review (rather than the TRC) in accordance with Section 9.2.2.C.

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modifications, or disapproval of the application within 30 days[14] of its first consideration on the matter.

3. **A recommendation for disapproval of the application shall not preclude consideration or approval of the application by the County Council.[15]**

E. County Council Decision.[16] Following receipt of the TRC's report and the Planning Commission's recommendation, the County Council shall conduct a public hearing on the application. The County Council may:

1. **Refer the application back to the Planning Commission for further consideration;**

2. **Approve the proposed Flexible District;**

3. **Approve the proposed Flexible District with modifications; or**

4. **Disapprove the proposed Flexible District.**

3.9.8 APPROVAL CRITERIA

A. In reviewing a Flexible District rezoning application, the Planning Commission and County Council shall consider the following factors:

1. **The relationship of the proposed Flexible District to the Comprehensive Plan and Future Land Use Map, Southern Panhandle Small Area Plan, and RFATS Collector Street Plan;**

2. **The compatibility of allowed uses in the proposed Flexible District with surrounding land uses and zoning districts;**

3. **The compatibility of the scale of the proposed Flexible District with surrounding land uses and zoning districts;**

4. **The adequacy of existing and planned infrastructure (e.g., roads, water, sewer) to serve the proposed Flexible District and surrounding areas; and**

5. **The availability of public facilities and services (e.g., police, fire, emergency medical services, schools, libraries) to serve the proposed development.**

B. The Planning Commission and County Council may consider other factors relevant to compliance with the provisions of this Chapter, the UDO, and the Comprehensive Plan.

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[14] UDO Section 9.2.15 B.3. requires the Planning Commission to provide its recommendation on a proposed rezoning to County Council "within 35 days of its first consideration on the matter." Proposed here is to reduce that timeframe to 30 days for consistency with S.C. Code § 6-29-760(A).

[15] Carries forward current text in UDO Subsection 9.2.15.B.3.

[16] This paragraph carries forward, with minor revisions, County Council's current process for Text Amendments and Rezonings in UDO Subsection 9.2.15.C.2.

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3.9.9 SCOPE OF APPROVAL

A. Approval of a Flexible District rezoning application authorizes the applicant to proceed with the next applicable permitting phase.

B. Within 60 days of approval of a Flexible District rezoning application, the applicant shall record the Flexible District Development Plan and the associated rezoning ordinance with the Lancaster County Register of Deeds Office. This helps ensure future property owners in the Flexible District are aware of the applicable regulations.

C. All development that occurs within the Flexible District shall conform to:

1. The rezoning ordinance adopted by County Council that establishes the Flexible District;

2. The Flexible District Development Plan;

3. The UDO standards applicable to the Flexible District, as applicable and where not modified by the Flexible District Development Plan; and

4. All other applicable County ordinances.

D. Where applicable provisions conflict, the following order of control applies:

1. The Flexible District Terms and Conditions document;

2. The Flexible District Conceptual Plan;

3. The Flexible District Architectural Plan; and

4. The UDO (if amended after approval of the Flexible District rezoning, then the amended version of the UDO applies).

3.9.10 MODIFICATIONS

A. Minor Modifications.

1. The Administrator may approve administrative modifications to an approved Flexible District. However, the Administrator may refer a modification request for review and action as a moderate or major modification upon written findings that the nature, scale, and impact of the request sufficiently warrant County Council review.

1. "Minor modifications" are incidental changes that reflect minor adjustments to the site layout caused by environmental features, adaptations to comply with regulatory requirements, and other changes considered incidental by County staff. Generally, minor modifications shall only be to the Conceptual Plan and not to a specific development standard set forth within the Terms & Conditions Document. The Administrator shall determine what shall constitute a Minor Modification and have the authority to administratively approve such.

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B. Moderate Modifications.

1. **County Council may approve moderate modifications to an approved Flexible District following a public hearing (with Level 1 and 2 public notice).**

2. **"Moderate modifications" do not alter the overall intent and characteristics of the Flexible District, create no adverse impacts on adjacent uses or public services and facilities, are not caused by environmental features, are not adaptations to comply with regulatory requirements, and are not considered by the Administrator to be incidental changes.**

C. Major Modifications.

1. **All modifications to an approved Flexible District that are not considered minor or moderate as defined in Paragraphs 3.9.10 A. and B, above, are considered major.**

2. **Major modifications require review by the Planning Commission and County Council through the Flexible District Rezoning Procedure specified in this Section 3.9. This requires the applicant to submit a new application, including fee payment, participate in another pre-application conference and project introduction session, and conduct additional neighborhood meetings.**

3. **A major modification also includes reclassification of one type of Flexible District to another (e.g., to change from a Flexible Non-Residential District to a Flexible Mixed Use District).**

3.9.11 RESUBMITTAL OF DISAPPROVED APPLICATIONS

When County Council disapproves a Flexible District rezoning application, the County shall not accept the same Flexible District rezoning application affecting the same property or portion thereof within the next 12 months after disapproval.[17] **However, the County may accept a rezoning application for a different Flexible District or another zoning district at any time following disapproval of the original Flexible District rezoning application.**

4 OVERLAY DISTRICTS

<Revise Subsections 4.1.2, 4.4.1, and 4.4.2 as indicated below. No other changes to Chapter 4.>

[17] Current UDO Subsection 9.2.15.D. requires a 12-month waiting period for text amendment and rezoning applications.

Review Draft

4.1 GENERAL PROVISIONS

4.1.1 DISTRICT INTENT STATEMENTS

<no changes>

4.1.2 OVERLAY DISTRICTS DESCRIPTIONS

<Delete Row A. Cluster Subdivision Overlay (Character Protection Overlays)>

4.2 ENVIRONMENTAL OVERLAYS

<no changes>

4.3 CORRIDOR OVERLAYS

<no changes>

4.4 CHARACTER PROTECTION OVERLAYS

<Revise the first paragraph in Subsection 4.4.1: *Cluster Subdivision Overlay District* (CSO) as follows. No other changes. >

The Cluster Subdivision Overlay District, is hereby established. Cluster subdivisions are residential developments which offer an alternative to traditional subdivision design, with the ~~**principle**~~ **principal** purpose being to encourage open space in medium density residential districts. Cluster subdivisions shall be designed using a site planning technique that concentrates buildings and structures to the most buildable areas of a site in order to preserve the remaining area as open space for recreation and preservation of significant site features. Reductions below the minimums otherwise required by the UDO for lot area, lot width, and setbacks are allowed within a CSO, and such reductions are only permissible within a CSO. By preserving open space, a cluster subdivision will provide another tool by which the County **may** preserve its rural character **as provided for in the comprehensive plan**. Cluster subdivisions are permitted **only** ~~**in moderate density single family residential districts, specifically,**~~ **for properties zoned** Medium **Density** Residential District **as of the date of adoption of the Flexible Districts Interim Ordinance (TBD, 2022)**. Cluster subdivisions are not permitted in any other zoning districts. Development of a Cluster Subdivision requires submission of a Development Agreement (see UDO 9.2.18). (Ord. No. 2019-1623, 12.9.19) The following general provisions apply to the Cluster Subdivision Overlay District:

5 USE REGULATIONS

<Delete all references to the Mixed-Use Districts, which appear throughout Chapter 5. Add a new Subsection 5.1.5 as indicated below and re-number Subsection 5.1.5: *Conflict With Other Regulations* as Subsection 5.1.6.>

Review Draft

5.1 APPLICABILITY

5.1.1 PERMITTED WITH REVIEW (PR)

<no changes>

5.1.2 CONDITIONAL USE (CU)

<no changes>

5.1.3 SPECIAL EXCEPTION (SE)

<no changes>

5.1.4 SEPARATION REQUIREMENTS

<no changes>

5.1.5 USES IN FLEXIBLE DISTRICTS

<Add the following text:>

A. The land uses allowed in a Flexible District are the same as those specified in Section 2.5: *Uses Permitted* for the Flexible District's default district, as modified by the Flexible District Development Plan (see Subsection 3.9.5). In addition to the uses allowed by the default district, a Flexible District Development Plan may propose to add one or more uses allowed by Section 2.5.3: *Use Table*.

B. **All uses in a Flexible District that are designated as "Permitted With Review," "Conditional," and "Special Exception" are subject to the use regulations in this Chapter 5, unless modified by the Flexible District Development Plan.**

5.1.6 CONFLICT WITH OTHER REGULATIONS

<No changes, except to re-number as Subsection 5.1.6.>

6 SUBDIVISION AND INFRASTRUCTURE STANDARDS

<Revise Subsection 6.4.4 and Section 6.13 B., as indicated below. No other changes to Chapter 6.>

6.4.4 TRANSIT CONNECTIONS AT PEDESTRIAN AND EMPLOYMENT CENTERS

Projects located within Pedestrian and Employment Centers on the Future Land Use Map ~~and for projects within mixed-used districts~~ shall be reviewed by the Technical Review Committee (TRC) for the identification of well-located spaces for future potential transit needs.

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6.13 ROADS, BRIDGES, AND PUBLIC WAYS

B. Roads within a planned development district/mixed-use districts, **a Flexible District,** a residential subdivision, or other developments that are identified and created through the submission of a preliminary plat after January 1, 2015, will be private. Subject only to the specific exception noted below, the approval process for these roads shall have the following two requirements:

7 GENERAL DEVELOPMENT STANDARDS

<Revise Sections 7.1, 7.2, 7.3, and 7.4 as indicated below.>

7.1 LANDSCAPING AND SCREENING

<Revise Subsections 7.1.1, 7.1.3, and 7.1.4 as indicated below.>

7.1.1 TREE PROTECTION AND APPLICABILITY MATRIX

<Revise the key below the image in Subsection 7.1.1.A. No other changes to 7.1.1.>

A. REQUIRED SITE LANDSCAPING AREAS

The diagram below is intended to provide guidance by illustrating the type of landscaping areas and buffer yards required by this chapter. This diagram is not inclusive of the required landscaping and buffer areas for all development applications.

[IMAGE]

1. Building perimeter landscaping (PB, NB, GB, and RB Districts only)

2. Commercial building (PB, NB, GB, RB Districts)

3. Planting strip (5-foot minimum width) and sidewalk

4. Parking areas

5. Mixed-use buildings ~~***(RMX, MX, IMX Districts)***~~

6. Watercourse buffer (not applicable)

7. Required buffer yard

8. Single family detached residential lots (AR, RR, RN, LDR, MDR, ~~***UR, RMX***~~ *Districts)*

7.1.2 TREE PROTECTION ON PRIVATE PROPERTY

<no changes>

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7.1.3 STREET TREE AND BUILDING PERIMETER PLANTINGS

<Revise Subsection 7.1.3 as indicated below. No other changes to 7.1.3.>

It is the desire of the County to maintain tree-lined, pedestrian-friendly streets specifically in ~~**Mixed-Use**~~ **Flexible** Districts and in Transitional and Special Districts. Street trees shade the pedestrian realm of the street, encourage cars to move more slowly, improve pedestrian safety by creating a buffer between the moving cars and the sidewalk, absorb stormwater, absorb pollutants from tailpipe emissions, and add value to the fronting properties.

A. STREET TREE PLANTING REQUIREMENTS

Street trees shall be planted in all rights-of-way adjacent to the development, between the street and the sidewalk, in accordance with the table and provisions below:

District	Requirement
AR, RR, RN, OSP Districts	Not required
MH, LDR, MDR, ~~**HDR, UR, RMX**~~ Districts	Rate: 1 Canopy Tree for every 40 feet of street frontage Spacing: Maximum of 50 feet on-center Location: In Planting Strip (5-foot minimum width)*
~~**MX, IMX,**~~ PB, NB, GB, RB, INS, LI, HI, M Districts	Rate: 1 Canopy Tree for every 50 feet of street frontage Spacing: Maximum of 50 feet on-center Location: In Planting Strip (5-foot minimum width)* or Tree Well (25-square-foot minimum area)
~~**MX, IMX,**~~ NB, GB Districts with On-Street Parking and Ground Floor Retail	Rate: 1 Canopy Tree for every 40 feet of street frontage Spacing: Maximum of 50 feet on-center Location: Tree Well (25-square-foot minimum area)*
Existing Development with Non-Conforming Frontages	See Section 7.1.1*

** Understory Trees may be substituted for Canopy Trees in existing development with planting strips less than 5 feet wide or tree wells less than 25 square feet.*

7.1.4 PARKING LOT AREA LANDSCAPING

<no changes>

7.1.5 BUFFERS AND SCREENING

<Revise the table in Subsection 7.1.5.A as indicated below. No other changes to 7.1.5.>

Buffer yards are planting areas designed to separate incompatible adjacent uses and provide privacy and protection against potential adverse impacts of an adjoining incompatible use or zoning district.

A. REQUIRED BUFFER YARDS

Review Draft

1. **Required Yards by District:** Buffer yards shall be required in accordance with the table below, and the buffer yard types defined Section 7.1.5.B.

District of Proposed Development	Adjacent Zoning District								
	AR, RR, RM, OSP, MH, LDR, MDR~~, HDR~~	**FR**	~~UR, RMX,~~ INS	NC, GB	~~MX, IMX,~~ PB, NB, GB	**FNR**	**FMU**	RB	LI, HI, M
AR, RR, RN, OSP, MH, LDR, MDR~~, HDR~~	X	A	X	X	X	B	C	C*	C*
FR	A	A	A	A	B	B	B	C*	C*
~~UR, RMX,~~ INS**	A	A	X	X	X	A	A	X	X
NB, GB**	B	B	A	X	X	A	A	X	X
~~MX, IMX,~~ PB, NB, GB	A	B	A	X	X	A	A	X	X
FMU	B	B	A	A	A	A	A	A	B
FNR	B	B	A	A	A	A	A	A	B
RB	C	C	C	B	A	A	A	X	X
LI, HI, M	C	C	C	C	C	C	C	B	X

* Only required where adjacent, more intense use is pre-existing and no equivalent buffer is provided on the adjacent property

** Only multifamily and non-residential uses shall provide buffers between adjacent single family uses in detached homes

X = No Buffer Required

Review Draft

7.2 PARKING AND DRIVEWAYS

<Revise Subsections 7.2.3 and 7.2.4 as indicated below. No other changes to Section 7.2.>

7.2.1 PURPOSE AND INTENT

<no changes>

7.2.2 APPLICABILITY

<no changes>

7.2.3 PERMITTED PARKING LOCATIONS

<Revise Subsection 7.2.3 as indicated below. No other changes to 7.2.3. >

The following table details the permitted parking locations for each district according to the building types defined in Chapter 10 of this ordinance. Additional locational requirements may apply to parking areas for specific uses. Such requirements are outlined in Chapter 5, Use Regulations.

		Civic	Detached House	3 and 4-Family	Townhouse	Apartment	General	Mixed-Use	Industrial	All Other Bldgs
Rural	AR	U	U	n/a	n/a	n/a	n/a	n/a	n/a	U
	RR	U	U	n/a	n/a	n/a	n/a	n/a	n/a	U
	RN	U	n/a	n/a	n/a	n/a	n/a	n/a	n/a	U
	RUB	U	n/a	n/a	n/a	n/a	n/a	n/a	n/a	U
	MH	U	U	n/a	n/a	n/a	n/a	n/a	n/a	U
Transitional	LDR	U	U	n/a	-	-	-	-	-	-
	MDR	U	U	n/a	-	-	-	-	-	-
	~~HDR~~	~~C~~	~~U~~	~~n/a~~	-	-	-	-	-	-
	PB	U	-	U	A	A	A	-	-	-
	NB	U	-	n/a	B	B	C	-	-	-
	GB	U	-	n/a	B	B	U	U	-	-
	RB	U	-	n/a	B	B	U	U	-	-
Special	INS	B	U	n/a	B	B	B	B	-	-
	OSP	-	-	n/a	-	-	-	-	-	-
	LI	U	-	n/a	-	-	U	U	U	U
	HI	U	-	n/a	-	-	U	U	U	U
	M	U	-	n/a	-	-	U	U	U	U
Flexible	FR	U	U	U	U	U	U	U	U	U
	FMU	U	U	U	U	U	U	U	U	U
	FNR	U	U	U	U	U	U	U	U	U
~~Neighborhood~~	~~UR~~	~~C~~	~~U~~	~~n/a~~	~~B~~	~~B~~	-	~~B~~	-	-

Permitted Parking Configurations

(Also see diagrams on next page)

Location A – *Parking permitted in 3rd Layer only*

Location B – *Parking permitted in 2nd and 3rd Layers only*

Location C – *Parking permitted in 2nd and 3rd Layers. Parking in 1st Layer restricted to one drive aisle with two bays.*

U - *Unrestricted*

Review Draft

	Civic	Detached House	3 and 4-Family	Townhouse	Apartment	General	Mixed-Use	Industrial	All Other Bldgs
~~RMX~~	~~B~~	~~U~~	~~n/a~~	~~B~~	~~B~~	~~C~~	~~B~~	-	-
~~MX~~	~~B~~	-	~~n/a~~	~~B~~	~~B~~	~~B~~	~~B~~	-	-
~~IMX~~	~~B~~	-	~~n/a~~	~~B~~	~~B~~	~~B~~	~~B~~	~~B~~	-

7.2.4 OFF-STREET PARKING AND LOADING REQUIREMENTS

<Revise Subsection 7.2.4.C as indicated below. No other changes to 7.2.4. >

C. **EXEMPTIONS AND ADJUSTMENTS**

1. **Exemptions:** Uses in the AR, RR, RN, **and** OS~~, and IMX~~ Districts are exempt from the minimum parking requirements of this subsection.

2. **Residential Care Facilities:** The Administrator may authorize a reduction in off-street parking requirements for multifamily dwellings that provide Residential Care Facilities (including dwelling two family and multifamily buildings of 4 or more units) to no less than 3 off-street parking spaces for each 4 dwelling units or fraction thereof. Should a change of use occur such that the building is no longer providing Residential Care Facilities as the primary use, parking requirements shall meet the minimum ratio for residential uses as required in the table above.

3. **Tree Preservation:** The minimum number of parking spaces required may be adjusted by the Administrator when it has been determined that the reductions are necessary to preserve a healthy tree or trees (with a 12 inch or greater diameter at breast height) from being damaged or removed.

7.3 LIGHTING

<Revise Subsection 7.3.1 as indicated below. No other changes to Section 7.3.>

7.3.1 GENERAL DESIGN REQUIREMENTS

A. DISTRICT LIGHTING STANDARDS IN FOOTCANDLES (FC)

	AR, RN, RR, LDR, MDR, ~~HDR,~~ MH, FR	~~UR, RMX~~ FMU	PB, NB, INS	GB, RB, LI, HI, M, ~~IMX~~ FNR
Light Trespass Off Property[1]	1	1	1	1

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	AR, RN, RR, LDR, MDR, ~~HDR,~~ MH, FR	~~UR, RMX~~ FMU	PB, NB, INS	GB, RB, LI, HI, M, ~~IMX~~ FNR
Maximum On-Site Lighting[2]	n/a	10	10	10
Outside Sales Areas[3]	n/a	10	20	20

1. This requirement shall only apply to light trespass from non-residential properties onto residential properties and shall be measured as the maximum point of illuminance at the property line.
2. This shall be measured as the maximum point of illuminance on the property.
3. This shall be measured as the average point of horizontal illuminance, provided that in all districts the maximum uniformity ratio shall be 4:1 minimum to average.

7.4 SIGNS

<Revise Subsections 7.4.5 and 7.4.6 as indicated below. No other changes to Section 7.4.>

7.4.1 GENERAL PURPOSE AND INTENT

<no changes>

7.4.2 APPLICABILITY

<no changes>

7.4.3 COMPUTATION OF SIGNAGE MEASUREMENTS

<no changes>

7.4.4 GENERAL PROVISIONS

<no changes>

7.4.5 SIGNAGE STANDARDS BY CATEGORY

Signage shall be permitted subject to the standards in the tables below. Additional standards for specific signage types are outlined in Section 7.4.5.C.

<Revise Table Row A in Subsection 7.4.5.A. and Table Rows A, B, and C in Subsection 7.4.5.B. as indicated below.>

Review Draft

A. ATTACHED SIGN STANDARDS

	Permitted Location	Maximum Area	Maximum Height	Other Requirements	Maximum Number
A. Wall Signs	AR, RR, RN, LDR, MDR, ~~**HDR,**~~ ~~**UR,**~~ RUB, PB, ~~**HDR**~~ **FR** (non-residential uses only, but not Home Occupations)	30 sq ft OR 1 sq ft per linear ft of building wall, whichever is greater. 50 sq ft building maximum	No sign shall extend above the roofline	12 inch maximum protrusion	None. May not exceed maximum calculated square footage on any wall (cannot move allotment from one wall to another)
	NB, INS, ~~**RMX, MX, IMX**~~ **FMU**	30 sq ft OR 1 sq ft per linear ft of building wall, whichever is greater. 50 sq ft building maximum.			
	LI, HI, GB, RB, **FNR**	50 sq ft OR 1sq ft per linear ft of building wall, whichever is greater. 75 sq ft building maximum.			

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B. FREESTANDING SIGN STANDARDS

	Permitted Location	Maximum Area	Maximum Height	Other Requirements	Maximum Number
A. Monument / Ground Signs	AR, RR, RN, LDR, MDR, ~~HDR, UR,~~ FR, PB (non-residential uses only, but not Home Occupations)	25 sq ft per sign	6 ft	5 ft minimum front setback and 10 ft minimum side setback. No sign shall be located in any required buffer yard or within 20 ft of any right-of- way intersection. Signs shall have a base at least 50% wider than the overall width of the sign OR include landscape plantings at the base of the sign. Additional standards and allowances apply for multi- tenant commercial developments according to the provisions of Chapter 5.	1 per street frontage
	NB, INS, ~~RMX, MX, IMX,~~ FMU	40 sq ft per sign	10 ft		
	INS	40 sq ft for the first sign. One additional sign per street front of 30 sq ft	10 ft for first sign, 6 ft for additional signs		1 per 300 ft of development lot frontage
	LI, HI, GB, RB, FNR	40 sq ft OR 0.25 sq ft per linear foot of lot frontage on streets up to 100 sq ft total	10 ft		1 per street frontage
B. Bracket Signs	Business and Home Occupations in all districts ~~except IMX~~	4 sq ft per side	4.5 ft	5 ft minimum front setback and 10 ft minimum side setback No sign shall be located in any required buffer yard or within 20 ft of any right-of- way intersection.	1 per public entrance
C. Portable / A- Frame Signs	NB, PB, ~~RMX, MX~~ FMU	8 sq ft per side, no more than two sides	4.5 ft	Signs may be located on a public sidewalk, but must maintain at least 48 inches of unobstructed pedestrian space. Signs must be placed within 20 ft of the main entrance. The sign must be removed at the close of business each day. Illumination of signs is prohibited.	1 per public entrance

Review Draft

7.4.6 OTHER PERMITTED SIGNAGE STANDARDS

A. DRIVE-THROUGH MENU BOARDS

<no changes>

B. GAS PUMP ISLAND CANOPY SIGNS

<no changes>

C. CHANGEABLE SIGNS

1. **Manually-Activated Changeable Signs:** Any permitted sign may be a manually-activated changeable sign.

2. **Electrically-Activated Changeable Signs (On-Premises):** Any permitted sign in the GB, RB, LI, and HI districts, or on any property with 500 feet or more of frontage on a street with at least 2 travel lanes in each direction, may be, or include as part thereof, an electrically-activated changeable sign not to exceed 20 square feet in area, provided that the size of the sign may not exceed the area originally allotted.

3. Permitted signs in the NB~~, RMX, MX,~~ and INS Districts may be, or include as part thereof, only time and weather informational signs as electrically-activated changeable signs. Time and weather messaging restrictions shall not apply to schools, colleges and universities, public safety stations, worship centers, public recreation facilities, and hospital uses. (Ord. No. 2019-1609, 10.14.19)

4. In multi-tenant commercial developments of 40 or more acres, up to 200 square feet or 50 percent, whichever is less, of any allotted freestanding sign may be an electrically-activated changeable sign.

D. TEMPORARY COMMERCIAL SIGNS

<no changes>

E. MULTI-TENANT COMMERCIAL DEVELOPMENTS

<no changes>

F. OFF-PREMISES ADVERTISING SIGNS (BILLBOARDS)

<no changes>

G. RESIDENTIAL DEVELOPMENT ENTRY SIGNAGE

<no changes>

8 NATURAL RESOURCES PROTECTION

<no changes>

Review Draft

9 ADMINISTRATION

<Revise Sections 9.1 and 9.2 as indicated below. No other changes to Chapter 9.>

9.1 REVIEW AGENCIES

<Revise Subsections 9.1.2, 9.1.3, and 9.1.4 as indicated below. No other changes to Section 9.1.>

9.1.1 DESIGNATION OF ADMINISTRATOR

<no changes>

9.1.2 COUNTY COUNCIL

A. **POWERS AND DUTIES**

Lancaster County Council shall have the following powers and duties to be carried out in accordance with the terms of this ordinance.

1. To conduct any and all business in accordance with their Charter and South Carolina General Statutes.

2. To amend the Comprehensive Plan and other plans, as necessary.

3. UDO Decisions: The County Council shall render final decisions regarding the following permits types:

   a. Text Amendments

   b. Map Amendments/Rezoning

   c. Conditional Uses

   d. ~~**Mixed-Use Districts Master Development Plans**~~ **Flexible District Development Plans and major modifications to approved plans**

   e. Development Agreements

9.1.3 TECHNICAL REVIEW COMMITTEE

A. **POWERS AND DUTIES**

Lancaster County's Technical Review Committee (TRC) shall have the following powers and duties to be carried out in accordance with the terms of this ordinance.

1. To assist in the establishment of technical requirements for all applications, including: submission schedules, size and number of drawings, type of media, etc.

2. **UDO Review:** The Technical Review Committee shall serve as the reviewing entity for the following permit types:

Review Draft

a. Site Plan

b. Minor Subdivisions Preliminary Plats

c. Major Subdivision Preliminary Plats

d. Minor Subdivision Final Plat

e. Major Subdivision Final Plat

f. ~~**Mixed-Use Districts/Master Development Plans**~~ **Flexible District Development Plans and major modifications to approved plans**

g. Development Agreements

3. **UDO Decisions:** The Technical Review Committee shall render final decisions regarding the following permits types:

a. Minor Subdivisions Preliminary Plats

b. Minor Subdivision Final Plat

c. Major Subdivision Final Plat

d. Site Plan

e. All previously approved plats.

B. **MEMBERSHIP**

<no changes>

9.1.4 PLANNING COMMISSION

A. POWERS AND DUTIES

Lancaster County Planning Commission shall have the following powers and duties to be carried out in accordance with the terms of this ordinance.

1. To perform studies and surveys of the present conditions and probable future development of the County and its environs, including but not limited to, studies and surveys of land uses, population, traffic, parking, etc.

2. Study the resources and needs of the County and prepare maps and plans for the systematic future development and betterment of the County.

3. To formulate and recommend to the County Council the adoption and amendment of a Comprehensive Plan and other plans, as necessary.

4. **UDO Review:** The Planning Commission shall review and make recommendations regarding the following permit types:

Review Draft

a. Text Amendments

b. Map Amendments/Rezoning

c. Conditional Uses

d. ~~**Mixed-Use Districts/Master Development Plans**~~ **Flexible District Development Plans and moderate and major modifications to approved plans**

e. Vested Rights

f. Development Agreements

5. **UDO Decisions:** The Planning Commission shall render final decisions regarding the following permits types after proper referral and consideration of recommendations and requirements from appropriate Federal, State, and Local Agencies:

   a. Major Subdivision Preliminary Plats, except those associated with a Flexible District

   b. Street Name Changes

6. The Planning Commission shall also have any additional powers and duties as may be set forth in other laws and regulations or at the direction of the County Council.

B. **MEMBERSHIP AND QUORUM**

<no changes>

9.2 REVIEW PROCEDURES

<Revise Subsections 9.2.3, 9.2.4, 9.2.5, 9.2.9, 9.2.15, and 9.2.18 as indicated below.>

9.2.1 PURPOSE AND INTENT

<no changes>

9.2.2 GENERAL PROVISIONS AND APPLICABILITY

<no changes>

9.2.3 PERMIT/PROCESS TYPE TABLE

<Delete row for Mixed-Use District/Master Development Plan and add new row for Flexible District Development Plan, as indicated below.>

Review Draft

Permit/Process Type	Section	Permit/Process Type	Reviewing Agency	Public Notification	Approving Agency	Appeal Process	Approval Period	Approval Extension
~~Mixed-Use District/Master Development Plan~~	~~9.2.9.B~~	~~Legislative~~	~~PC~~	~~Yes (1, 2, 3)~~	~~County Council~~	~~CP~~	~~2 years~~	~~1 year~~
Flexible District Rezoning	Chapter 3	Legislative	PC	Yes (1, 2, 3)	County Council	CP	n/a	n/a
Flexible District Development Plan	Chapter 3	Legislative/Administrative	PC	Yes (1, 2, 3)	County Council	CP	2 years	1 year
Flexible District Subdivision (Major) -- Preliminary Plat	Chapter 3	Administrative	TRC	None	Admin	BZA	2 years to Final Plat	1 year

9.2.4 PUBLIC NOTIFICATION

<Revised 9.2.4.D: *Neighborhood Meeting* as indicated below. No other changes.>

D. **NEIGHBORHOOD MEETING**

Neighborhood meetings are optional **for all applications except Flexible District rezoning applications**, but may be encouraged by the Administrator for certain applications prior to any public hearing or review by a board or commission. Neighborhood meetings allow the applicant to explain the proposed project and hear the concerns of the neighborhood. A summary of the meeting in the form of meeting notes or minutes along with a list and contact information for all attendees may be submitted to the Administrator and/or the appropriate board or commission for their review. Lancaster County is not responsible for organizing or coordinating such neighborhood meetings.

9.2.5 APPLICATION REQUIREMENTS

The following general standards for various applications are intended to require only that data/information necessary to render an informed decision by the reviewing agency. The County has determined that it is unnecessary to require a full set of architectural or engineering drawings for review by the various review and decision-making boards unless the application is such that a specific level of detail is necessary (e.g., floodplain/stormwater variance). The "Application Submittal Requirements" list on file in the Planning Department is intended to provide further guidance to applicants as to the necessary level of detail for each application component listed below.

Review Draft

<Delete row for Mixed-Use District/Master Development Plan and add new row for Flexible District Development Plan, as indicated below. No other changes to this Subsection.>

Permit/Process Type	Section	Site Analysis	Sketch Plan*	Preliminary Plat	Construction Drawings	As-Built Drawings	Final Plat	Building Elevations	Sedimentation & Erosion Control Plan	Floodplain Development Plan
~~Mixed-Use District/Master Development Plan~~	~~9.2.9.B~~	~~X~~	~~X~~	~~X~~				~~X~~	~~X~~	~~X~~
Flexible District Development Plan	3.9									

X - Required | X (a) – on an "as needed" basis as determined by the Administrator
**Sketch Plans shall be reviewed as binding documents for Unified Development Ordinance Zoning Permit (Zoning Permits), and for any other permits or approvals for which the Administrator requires only a Sketch Plan to be submitted with the application. Sketch Plans shall be used for non-binding review for all other development application processes in which they are required.*

9.2.6 GENERAL REQUIREMENTS FOR QUASI-JUDICIAL HEARINGS AND DECISIONS

<no changes>

9.2.7 ADMINISTRATIVE PERMITS

<no changes>

9.2.8 ENVIRONMENTAL PROTECTION PERMITS

<no changes>

9.2.9 SITE PLAN & MASTER DEVELOPMENT PLAN PROCESS CHART

<Delete flow chart for Mixed-Use District/Master Development Plan Process. Delete 9.2.9.B: *Mixed-Use District/Master Development Plan*. No other changes.>

9.2.10 SUBDIVISIONS

<Add a new paragraph C as indicated below. Reletter existing paragraph C as D.>

Review Draft

C. FLEXIBLE DISTRICT SUBDIVISION (MAJOR) – PRELIMINARY PLAT[18]

1. **Process Type: Administrative.**

2. **Permit Required Before Any Land Disturbing Activity: No land-disturbing activity shall take place until a Preliminary Plat has been approved.**

3. **Required Application Information: A Flexible District Development Plan is required as a prerequisite approval.**

4. **Determination of Compliance: Once an application is deemed complete by the Administrator, the TRC shall review the application and recommend approval, denial, or approval with conditions of the Preliminary Plat based on compliance with the Flexible District Development Plan approved by County Council.**

5. **Public Notification: None required.**

6. **Decisions: The Administrator may approve, approve with conditions, or disapprove a Preliminary Plat application. If no action is taken by the Administrator within 65 working days of its submittal, the Preliminary Plat shall be deemed approved. Following an approval or approval with conditions of the Preliminary Plat by the Administrator, the applicant will be directed to prepare detailed Construction Documents for review by the Administrator and members of the TRC (as necessary). If the TRC disapproves or approves the Construction Documents, the reasons for such action shall be stated in writing. The applicant may make changes and submit a revised plan which revision shall be submitted, reviewed, and acted on in accordance with the procedures set forth in this section. Once the applicant secures an approved Preliminary Plat and Construction Documents, the applicant will be directed to proceed to the preparation of a Final Plat.**

7. **Appeals: Appeals of the decisions of the Administrator or TRC shall be heard by the Board of Zoning Appeals. Such an appeal must be made in writing within 30 days of the receipt of the decision by the property owner or the property owner's agent.**

8. **Permit Validity: Approval of a Preliminary Plat shall be valid for 2 years from the date of approval. If the approved Preliminary Plat provides for multiple phases within the subdivision, a Final Plat approval for any one phase shall extend the Preliminary Plat approval for all other phases for a period of up to 2 years from the date of the Final Plat approval for that phase. If a Final Plat approval has not been obtained prior to the end of this 2-year period, the Preliminary Plat approval shall become void.**

Review Draft

[18] This new paragraph authorizes staff to approve a Preliminary Plat for a major subdivision located in a Flexible District, if it is consistent with the Flexible District Development Plan approved by County Council.

9. **Permit Extension: The Administrator may grant a single extension of this time period of up to one year upon submittal by the applicant of sufficient justification for the extension.**

9.2.11 STREET NAMES

<no changes>

9.2.12 VARIANCES

<no changes>

9.2.13 SPECIAL EXCEPTIONS (SE)

<no changes>

9.2.14 APPEAL OF ADMINISTRATIVE DECISIONS

<no changes>

9.2.15 TEXT AMENDMENTS AND REZONINGS

The County Council may from time to time amend any part of the text of this ordinance or amend the Zoning Map of the County. **See Chapter 3: *Flexible Districts* for requests to rezone to a Flexible District.**

<no other changes>

9.2.16 CONDITIONAL USE

<no changes>

9.2.17 VESTED RIGHTS

<no changes>

9.2.18 DEVELOPMENT AGREEMENTS

<Delete Subsection 9.2.18.A.2. Revise Subsections 9.2.18.A.3. and 9.2.18.C.22. as indicated below. No other changes.>

A. **APPLICABILITY**

~~2. Development Agreements are required for all land development projects that wish to develop property utilizing the Cluster Subdivision Overlay District.~~

Review Draft

3. Development Agreements ~~are required for all land development projects that seek rezoning to a mixed-use zoning district.~~ **may be proposed by a developer in conjunction with a Flexible District rezoning application.**

B. **FILING PROCEDURES**

<no changes>

C. **REQUIRED AGREEMENT INFORMATION**

22. For properties proposed to be rezoned to one of the ~~**Mixed-Use**~~ **Flexible** Districts in UDO Chapter 3, a complete ~~**Mixed-Use**~~ **Flexible** District Development Plan prepared in accordance with UDO Chapter ~~9.2.9(B)~~ **3**; and

10 DEFINITIONS

<Revise Sections 10.1 and 10.4 as indicated below. No other changes.>

10.1 INTENT

For the purpose of interpreting this ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this ordinance shall have their everyday meaning as determined by their dictionary definition.

Section 10.3 includes all definitions listed on the Use Table in Section 2.5.3. Section 10.4 are all definitions more general in nature and includes definitions specific to the legacy mixed-use districts **(see Section 1.3.3: *Legacy Districts*)**; the aviation regulations in Chapter 4~~;~~ and the floodplain and stormwater regulations in Chapter 8.

10.2 RULES OF CONSTRUCTION

<no changes>

10.3 DEFINITIONS, USE TYPE

<no changes>

10.4 DEFINITIONS, GENERALLY

<Add the following definitions in alphabetical order:>

INDUSTRIAL BUILDING A building type that accommodates one or more light, heavy, or restricted industry uses, as defined in Section 10.3: *Definitions, Use Type.*

FOUR-FAMILY BUILDING (QUADRAPLEX) A building type that accommodates four dwelling units, including modular homes, attached side-by-side or one on top of another sharing common walls or common floors and ceilings.

Review Draft

THREE-FAMILY BUILDING (TRIPLEX) **A building type that accommodates three dwelling units, including modular homes, attached side-by-side or one on top of another sharing common walls or common floors and ceilings.**

Review Draft

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

USE TYPES	RURAL					TRANSITIONAL						SPECIAL					FLEXIBLE			
A. RESIDENTIAL	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	FR	FMU	FNR	REF
Dwelling - Single Family	P	P	P	-	P	P	P	P	-	-	-	-	-	-	-	-	*	*		
Dwelling - Two Family	-	-	-	-	-	-	PR	PR	-	-	-	-	-	-	-	-	*	*		5.2.1
Dwelling – Three Family, Four Family	-	-	-	-	-	-	-	PR	-	-	-	-	-	-	-	-	*	*		5.2.3
Dwelling - Townhome	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	*	*		
Dwelling - Multifamily	-	-	-	-	-	-	-	-	-	-	PR	-	-	-	-	-		*		5.2.2
Dwelling - Accessory	PR	PR	PR	-	-	PR	PR	PR	-	-	-	-	-	-	-	-	*	*		5.2.3
Halfway Homes	-	-	-	-	-	-	-	-	-	SE	-	SE	-	-	-	-	*	*		5.2.4
Live-Work Units	-	-	-	PR	-	-	-	PR	PR	-	-	-	-	-	-	-	*	*		5.2.5
Manufactured Housing	PR	PR	-	-	PR	-	-	-	-	-	-	-	-	-	-	-	*	*		5.2.6
Manufactured Home Park	SE	-	-	-	SE	-	-	-	-	-	-	-	-	-	-	-	*	*		5.2.6
Residential/Family Care Home (5 or fewer residents)	P	P	P	-	P	P	P	-	-	-	-	-	-	-	-	-	*	*		
Residential Care Facilities (6 or more residents)	-	-	-	PR	-	-	-	-	PR	PR	PR	PR	-	-	-	-	*	*		5.2.8

B. LODGING	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	FR	FMU	FNR	REF
Bed and Breakfast Homes (up to 8 rooms)	PR	PR	PR	PR	-	PR	-	PR	PR	-	-	PR	-	-	-	-	*	*	*	5.3.1
Bed and Breakfast Inn (up to 12 rooms)	-	-	-	-	-	-	-	-	PR	-	-	PR	-	-	-	-	*	*	*	5.3.1
Boarding or Rooming House	-	-	-	-	-	-	-	-	-	-	-	PR	-	-	-	-	*	*	*	5.3.2
Campground	SE	SE	-	-	-	-	-	-	-	-	-	-	SE	-	-	-	*	*	*	5.3.3
Dormitory	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	*	*	*	
Fraternity/Sorority House	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	*	*	*	
Hotel/Motel	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-		*	*	

C. OFFICE/SERVICE	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	FR	FMU	FNR	REF
ATM	-	-	-	P	-	-	-	-	P	P	P	P	-	P	-	-		*	*	
Banks, Credit Unions, Financial Services	-	-	-	P	-	-	-	-	P	P	P	P	-	P	-	-		*	*	
Business Support Services	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-		*	*	
Crematoria	-	-	-	-	-	-	-	-	-	-	CU	-	-	CU	-	-		*	*	5.4.1
Dry Cleaning and Laundry Services	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-		*	*	
Funeral Homes	-	-	-	P	-	-	-	-	P	P	P	-	-	-	-	-		*	*	
Home Occupation	PR	PR	PR	-	PR	PR	PR	-	-	-	-	-	-	-	-	-		*	*	5.4.2
Kennels, Indoor	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	-	-	-	-	-		*	*	5.4.5

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Lancaster County Unified Development Ordinance – Use Table

USE TYPES	RURAL					TRANSITIONAL						SPECIAL					FLEXIBLE			
C. OFFICE/SERVICES (CONTINUED)	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	FR	FMU	FNR	REF
Personal Services	-	-	-	P	-	-	-	-	P	P	P	P	-	P	-	-		*	*	
Personal Services, Restricted	-	-	-	-	-	-	-	-	-	-	PR	-	-	-	-	-		*	*	5.4.6
Post Office	-	-	-	P	-	-	-	P	P	P	P	P	-	-	-	-		*	*	
Professional Services	-	-	-	P	-	-	-	P	P	P	P	P	-	P	-	-		*	*	
Small Equipment Repair/Rental	-	-	-	P	-	-	-	-	-	P	P	-	-	P	-	-		*	*	
Veterinary Clinic	-	-	-	P	-	-	-	-	P	P	P	-	-	P	-	-		*	*	-

D. COMMERCIAL/ENTERTAINMENT	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	FR	FMU	FNR	REF
Alcoholic Beverage Sales Store	-	-	-	P	-	-	-	-	-	P	P	-	-	-	-	-		*	*	
Amusements, Indoor	-	-	-	P	-	-	-	-	-	P	P	-	-	P	-	-		*	*	
Amusements, Outdoor	-	-	-	PR	-	-	-	-	-	-	CU	-	-	CU	-	-		*	*	5.5.1
Bar/Tavern/Brew Pub	-	-	-	CU	-	-	-	-	-	CU	PR	-	-	-	-	-		*	*	5.5.2
Billiard/Pool Hall	-	-	-	CU	-	-	-	-	-	-	P	-	-	-	-	-		*	*	
Brewery	-	-	-	P	-	-	-	-	-	P	P	-	-	-	-	-		*	*	
Distillery	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-		*	*	
Food Truck	-	-	-	-	-	-	-	-	-	PR	PR	PR	-	PR	PR	-		*	*	5.5.3
General Commercial	-	-	-	PR	-	-	-	-	PR-	PR	PR	-	-	-	-	-		*	*	5.5.4
Night Club	-	-	-	-	-	-	-	-	-	-	PR	-	-	-	-	-		*	*	
Outside Sales	-	-	-	PR	-	-	-	-	PR	PR	PR	PR	-	-	-	-		*	*	5.5.5
Outside Sales, Sidewalk Sales	-	-	-	PR	-	-	-	-	PR	PR	PR	PR	-	-	-	-		*	*	5.5.6
Pawnshops	-	-	-	PR	-	-	-	-	-	PR	PR	-	-	-	-	-		*	*	5.5.7
Racetrack	-	-	-	-	-	-	-	-	-	-	-	-	-	-	CU	-		*	*	5.5.8
Restaurant	-	-	-	PR	-	-	-	-	CU	PR	PR	PR	-	-	-	-		*	*	5.5.9
Riding Stables	P	P	P	P	-	-	-	-	-	-	-	-	P	-	-	-		*	*	
Sexually Oriented Business/Adult Entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	-		*	*	5.5.10
Shooting Range, Indoor	-	-	-	PR	-	-	-	-	-	PR	PR	-	-	PR	PR	-		*	*	5.5.11
Shooting Range, Outdoor	SE	-	-	-	-	-	-	-	-	-	-	-	-	SE	SE	-		*	*	5.5.12
Theater, Indoor Movie or Live Performance	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-		*	*	
Theater, Outdoor (Amphitheater)	PR	-	-	PR	-	-	-	-	-	-	PR	PR	PR	-	-	-		*	*	5.5.13

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Lancaster County Unified Development Ordinance – Use Table

USE TYPES	RURAL					TRANSITIONAL						SPECIAL					FLEXIBLE			
E. CIVIC	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	FR	FMU	FNR	REF
Cemetery	PR	PR	PR	PR	-	PR	PR	-	PR	PR	PR	PR	-	-	-	-	*	*	*	5.6.1
Conference/Convention Center	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-		*	*	
Cultural or Community Facility	-	-	-	P	-	-	-	-	P	P	P	P	-	-	-	-	*	*	*	
Event Venue/Banquet Hall	P	P	PR	PR	-	PR	PR	PR	PR	PR	PR	PR	-	-	-	-	*	*	*	5.6.2
Places of Assembly	PR	PR	PR	PR	CU	CU	CU	PR	PR	PR	PR	PR	-	PR	-	-	*	*	*	5.6.3
Private Recreation Facilities	-	-	-	PR	-	-	-	-	PR	PR	PR	PR	-	-	-	-		*	*	5.6.4
Public Recreation Facilities	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	-	-	-	*	*	*	5.6.5
Public Safety Station	P	P	P	P	-	-	-	P	P	P	P	P	-	P	P	-	*	*	*	
Sports Arena/Stadium (4,000 or more seats)	-	-	-	-	-	-	-	-	-	-	CU	CU	-	CU	-	-		*	*	5.6.6

F. EDUCATIONAL/INSTITUTIONAL	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	FR	FMU	FNR	REF
Child/Adult Day Care Home (5 or fewer persons)	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	-	-	-	-		*	*	5.7.1
Child/Adult Day Care Home (6 or more persons)	-	-	-	-	-	-	-	-	PR	PR	PR	PR	-	-	-	-		*	*	5.7.2
College/University	-	-	-	-	-	-	-		-	-	-	P	-	-	-	-		*	*	
Community Support Facility	-	-	-	PR	-	-	-	-	-	PR	PR	PR	-	-	-	-		*	*	5.7.3
Correctional Institution	-	-	-	-	-	-	-	-	-	-	-	CU	-	SE	SE	-		*	*	5.7.4
Day Treatment Center	-	-	-	-	-	-	-	-	-	PR	PR	PR	-	PR	-	-		*	*	5.7.5
Hospital	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-		*	*	
Operations, Maint., and Fleet Service Facility	-	-	-	SE	-	-	-	-	-	PR	PR	PR	-	PR	PR	-		*	*	5.7.6
Schools – Elementary and Secondary	PR	PR	PR	PR	-	PR	CU	CU	CU	CU	CU	PR	-	-	-	-		*	*	5.7.7
Schools – Vocational/Technical	-	-	-	P	-	-	-	-	P	P	P	P	-	P	P	-		*	*	
Studio – Art, dance, martial arts, music	P	-	-	P	-	-	-	P	P	P	P	P	-	P	-	-		*	*	

G. AUTOMOTIVE	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	FR	FMU	FNR	REF
Drive-Thru/Drive-In Facility	-	-	-	PR	-	-	-	-	CU	PR	PR	-	-	PR	PR	-		*	*	5.8.1
Electric Vehicle Charging Stations	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR		*	*	5.8.2
Heavy Equipment/Manufactured Home Rental/Sales/Repair	-	-	-	-	-	-	-	-	-	-	SE	-	-	PR	PR	-		*	*	5.8.3
Parking Lot/Structure – Principal Use	-	-	-	-	-	-	-	-	-	PR	PR	PR	-	PR	PR	-		*	*	5.8.4
Vehicle Rental/Leasing/Sales	-	-	-	PR	-	-	-	-	-	PR	PR	-	-	-	-	-		*	*	5.8.5
Vehicle Services – Minor Maintenance/Repair	-	-	-	P	-	-	-	-	CU	CU	PR	-	-	PR	PR	-		*	*	5.8.6
Vehicle Services – Major Repair/Body Work	-	-	-	PR	-	-	-	-	-	CU	PR	-	-	PR	PR	-		*	*	5.8.7

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Lancaster County Unified Development Ordinance – Use Table

USE TYPES	RURAL					TRANSITIONAL						SPECIAL					FLEXIBLE			
H. INDUSTRY/WHOLESALE/STORAGE	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	FR	FMU	FNR	REF
Artist Studio/Light Manufacturing Workshops	-	-	-	P	-	-	-	-	-	P	P	-	-	P	P	-		*	*	
Industry, Light	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-		*	*	
Industry, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-		*	*	
Industry, Restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PR	-		*	*	5.9.1
Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	-		*	*	5.9.2
Landfill – Class One	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	-		*	*	5.9.16
Landfill – Class Two	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	SE	-		*	*	5.9.3
Landfill – Class Three	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	-		*	*	5.9.4
Mining - Major In-Depth Resource Extraction	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	P		*	*	5.9.5/6
Mining - Minor Surface Resource Extraction	PR	PR	PR	PR	-	-	-	-	-	PR	PR	PR	-	PR	PR	P		*	*	5.9.6/7
Private Recycling Collection Stations	-	-	-	-	-	-	-	-	-	-	-	PR	-	PR	PR	-		*	*	5.9.8
Public Recycling and Waste Collection Facilities	-	-	-	PR	-	-	-	-	-	-	-	PR	-	PR	PR	-		*	*	5.9.9
Research and Development Facilities	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	-		*	*	
Storage – Outdoor Storage Yard	-	-	-	-	-	-	-	-	-	PR	PR	-	-	PR	PR	-		*	*	5.9.10
Storage – Self Service (Mini)	-	-	-	-	-	-	-	-	-	PR	PR	-	-	PR	PR	-		*	*	5.9.11
Storage – Warehouse Indoor	-	-	-	-	-	-	-	-	-	CU	PR	-	-	PR	PR	-		*	*	5.9.12
Storage – Warehouse Indoor, Restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	PR	PR	-		*	*	5.9.13
Wholesaling and Distribution	-	-	-	-	-	-	-	-	-	-	PR	-	-	P	P	-		*	*	5.9.14
Wholesaling and Distribution, Restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	PR	PR	-		*	*	5.9.15

I. AGRICULTURE	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	FR	FMU	FNR	REF
Agriculture and Crop Production/Harvesting	P	P	P	P	-	-	-	-	-	-	-	P	P	P	P	-	*	*	*	
Agricultural Support Services/Nurseries	P	P	P	P	-	-	-	-	P	P	P	-	-	P	P	-	*	*	*	
Agritourism	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	
Animal Production/General Farms	PR	PR	PR	PR	-	PR	-	-	-	-	-	-	-	-	-	-	*	*	*	5.10.1
Animal Production Facilities, Non-Swine	PR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	5.10.2
Animal Production Facilities, Swine	SE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	5.10.3
Apiculture (Bee Keeping)	P	P	P	P	-	P	-	-	P	-	-	P	P	-	-	-	*	*	*	
Backyard Pens/Coops	P	P	P	P	-	P	PR	PR	-	-	-	PR	-	-	-	-	*	*	*	5.10.4

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Lancaster County Unified Development Ordinance – Use Table

USE TYPES	RURAL					TRANSITIONAL						SPECIAL					FLEXIBLE			
I. AGRICULTURE (CONTINUED)	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	FR	FMU	FNR	REF
Commercial Stables	P	P	P	P	-	-	-	-	P	P	P	-	-		-	-	*	*	*	
Ecotourism	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	
Farmer's Markets and Roadside Stands	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	*	*	*	
Forestry	P	P	P	P	-	P	-	-	-	P	P	P	P	P	P	P	*	*	*	
Gardens (Community and Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*	*	*	
Wineries	PR	PR	PR	PR	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	

J. INFRASTRUCTURE	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	FR	FMU	FNR	REF
Airstrip/Airport	-	-	-	-	-	-	-	-	-	-	-	PR	-	-	PR	-		*	*	5.11.1
Geothermal Energy Systems	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	*	*	*	5.11.2
Solar Energy Systems	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	*	*	*	5.11.3
Solar Farms	CU	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	5.11.4
Utilities – Class 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*	*	*	
Utilities – Class 2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*	*	*	
Utilities – Class 3	P	P	-	-	-	-	-	-		-	-	PR	-	P	P	-	*	*	*	5.11.6
Wireless Communication Facility (Concealed)	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	-	PR	PR	PR	*	*	*	5.11.5
Wireless Communication Facility (Up to 60.00')	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	-	PR	PR	PR	*	*	*	5.11.5
Wireless Communication Facility (60.01'to 199.99')	SE	SE	SE	SE	SE	SE	SE	PR	PR	PR	PR	PR	-	PR	PR	PR	*	*	*	5.11.5
Wireless Communication Facility (200' and Over)	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	SE	SE	*	*	*	5.11.5

K. OTHER	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	FR	FMU	FNR	REF
Temporary Uses	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	*	*	*	5.12

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(Ord. No. 2017-1468, 9.25.17; Ord. No. 2018-1492, 2.12.18; Ord. No. 2018-1494, 3.12.18; Ord. No. 2018-1519, 7.16.18; Ord No. 2019-1607, 10.14.19; Ord No. 2019-1620, 12.9.19; Ord No. 2019-1634, 1.27.20; Ord No. 2020-1645, 2.24.20; Ord. No. 2020-1698, 12.14.20; Ord. No. 2021-1708, 04.12.21; Ord. No. 2022-____, XX.XX.22)

Lancaster County
South Carolina

Date: July 27, 2022

To: Lancaster County Council Chairman and Councilmembers

From: Rox Burhans, Development Services Director

SUBJECT: UDO UPDATE INTERIM ORDINANCE: COW MEETING FOLLOW UP

Staff provided a detailed overview of the proposed UDO Interim Ordinance at the July 20, 2022 Committee of the Whole (COW) meeting. During this discussion, Council raised several questions and expressed a desire to review the proposed ordinance more thoroughly. The County Administrator will coordinate a meeting to further discuss the proposed ordinance.

I would like to follow up below on a couple questions that were raised and provide additional information that may be helpful as Council reviews the ordinance. For ease of reference, the Council question/topic area is noted in **bold** font with staff's additional information noted in plain font underneath.

REQUESTS FOR DENSITY INCREASE

Some members of Council raised concerns regarding the ability to request additional density in the Interim Ordinance and the opportunity for inappropriate requests to be submitted and/or approved. The following outlines the rationale for the density increase request process and the measures in place to guide its use.

- *Replacement for Mixed Use Districts*: As noted during the presentation, the current UDO utilizes the Mixed Use (MX) category of zoning districts to accommodate most higher-density forms of development (e.g. apartments, townhomes, etc.). The proposed Interim Ordinance is structured to sunset the MX Districts into a legacy status and utilize existing districts (under the Flexible Zoning model) to accommodate most higher density development. The ability to request higher density is a key element of the Interim Ordinance, in order to enable the County's existing zoning districts to accommodate higher density development. Without this provision in the Interim Ordinance, there will be no ability to permit multifamily projects (outside of the RB District at 8 du/acre), townhome communities, and any mixed-residential communities.

  As discussed at the July COW meeting, the County Council has several tools for evaluating a proposed density request. These tools include:

  1. County Comprehensive Plan;
  2. Decisional criteria in the Interim Ordinance (see "Structure Requested" below);
  3. Recommendations from professional Planning staff;
  4. Citizen feedback; and
  5. Recommendations from the advisory Planning Commission.

Staff agrees with comments made at the July COW meeting that the County is unlikely to see density increase requests for conventional single-family detached home communities. The existing density limits in the MDR District (2.5 du/acre) are suitable to accommodate most projects.

- *Structure Requested*: During previous discussions with Council regarding the proposed Interim Ordinance, it was requested that any potential developer requests for flexibility have limits established. In response to this feedback, the Interim Ordinance establishes very specific maximums for density requests and provided decisional criteria for the County Council to consider prior to approving or disapproving said request. The alternative to this approach would be to simply enable requests for increased density without any established maximums subject to Council approval.

FLEXIBILITY PROCESS

There was discussion at the COW meeting and afterwards regarding how a request for ordinance flexibility may be approved or disapproved. Request for ordinance flexibility would be explicitly noted in a standalone section of the terms and conditions document. This will ensure transparency regarding what is being requested and allows staff and the Planning Commission to make very specific recommendations on the requests. It also gives Council the ability to approve or disapprove flexibility requests as a whole or on a line-item basis.

The Interim Ordinance also identifies specific areas that are ineligible for flexibility requests such as open space standards, Airport Overlay standards, Heel Splitter Overlay standards, and other important UDO provisions. As previously noted, in reviewing flexibility requests, Council would have the benefit of consulting with adopted plans, receiving a Planning staff recommendation, having citizen feedback, and receiving a Planning Commission recommendation prior to approving or disapproving any request for flexibility.

USE OF A DEVELOPMENT AGGREEMENT FOR FLEXIBILITY

A question was raised after the COW meeting regarding whether or not the County could use a Development Agreement (DA) to achieve the flexibility elements in the Interim Ordinance. The DA can be used to solidify a concept plan that fully meets current ordinance requirements. It cannot be used to approve flexibility in the same manner as the Interim Ordinance or a PDD. The DA is a useful tool to memorialize public-private partnerships and/or any financial contributions that are not contemplated by current fee ordinances. An example of where Council used a DA as a partnership tool is with the Wilson Creek roundabout at Henry Harris Road and Shelley Mullis Road.

40-FT FRONT SETBACK

Some Council members raised a concern with the proposed 40-ft front setback for single-family residential communities. The concern was this standard could negatively impact the density that could be potentially achieved in designing a residential neighborhood when compared to current, smaller setbacks. For reference, the existing Cluster Subdivision Ordinance permits 20-ft front setbacks and the conventional MDR District permits 30-ft front setbacks. As a further reference, a conventional four door sedan is approximately 16-ft in length and a conventional, full size four door pickup truck is approximately 19-ft in length. The intent of the proposed larger front setback in the Interim Ordinance was to provide additional parking stalls on each lot to reduce on-street parking and vehicle overhang into the public sidewalk. This is in recognition that garages are generally infrequently used for vehicle parking and that families generally having more vehicles per-household than in prior years.

Council members may recall that vehicle overhang into the sidewalk and on-street parking were issues cited by Council during the March 11, 2022 Community Driving Tour. Staff and Council has raised concerns about the budget and manpower burden of undertaking parking enforcement. Staff proposed the above-noted setback standard in response to what can be commonly observed and Council's feedback. If Council is not comfortable with the proposed standard, other alternatives may be developed. These alternative approaches may include: 1) Enlarging the front setback for the garage portion of the home only (where driveway is located), 2) Increasing the required quantity of designated on-street parking stalls, and/or 3) Generally widening the streets to enable parking throughout the community, while continuing to allow emergency vehicle passage.

PRE-SUBMITTAL MEETING

Some Council members expressed concerns about the proposed Interim Ordinance requirement for a pre-submittal meeting with the full County Council prior to submittal of a rezoning application. The intent of this step was to provide Council with an early project introduction. It was also intended to provide the developer with potential early feedback obtained through the question/answer period regarding whether or not their project was within "the ballpark" of what the County envisioned for the community. It was not intended to provide any feedback that could be construed as reflective of a likely rezoning outcome.

The pre-submittal meeting was also proposed in the Interim Ordinance at the recommendation of a Council member recognizing the time and financial investment necessary to gain zoning entitlement. As many Council members are aware, the entitlement process for large projects that require concept planning and other technical studies can cost hundreds of thousands of dollars and several months to complete. The creation of an early introduction step with the County Council is a relatively common technique used for large projects requiring significant time and financial investment.

The pre-submittal meeting process is a very minor element of the Interim Ordinance that can be easily removed. If this is Council's direction, staff would like to receive guidance regarding how an early introduction and feedback opportunity can be achieved before initiating a large development project.

Please feel free to contact me at 416-9422 if you have any questions regarding the Interim Ordinance or this memo. Planning staff would be happy to further elaborate on the content of the ordinance and its associated rationale.