

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

July 20, 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**

AMENDED AGENDA

1. **Call to Order - Chairman Steve Harper**
2. **Welcome and Recognition - Chairman Steve Harper**
3. **Pledge of Allegiance and Invocation - Councilmember Larry Honeycutt**
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. American Rescue Plan Act (ARPA) Update and Potential Funded Projects - Dennis Marstall/Kim Belk
 - b. Discussion of Ordinance 2022-1811 regarding the Interim Unified Development Ordinance (UDO) - Dennis Marstall/Rox Burhans/John DuBose
 - c. Legacy Subdivision Discussion - Rox Burhans/Jeff Catoe
 - d. Strategic Plan Process Outline - Dennis Marstall/John Bodner
7. **Executive Session**

- a. Two Items (AFTER EXECUTIVE SESSION, COUNCIL MEMBERS MAY MAKE MOTIONS IN OPEN SESSION):

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

2. *Discussion of Economic Development Matters: Proposed Incentives. SC Code 30-4-70(a)(5).*

8. **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 #: N/A

Contact Person / Sponsor: Dennis Marstall / Administration

Department: Finance

Date Requested to be on Agenda: 7/20/2022

Issue for Consideration:

Status of ARPA Funded Projects to date and consideration of potential projects to be funded.

Points to Consider:

The County has been allocated \$19,037,682 in federal ARPA funds and has committed \$12,931,656 to date.

Each of the ARPA-funded projects are in various stages of progress, with significant movement on many of the IT-related projects, such as security and technology upgrades.

County Administration last presented a list of prioritized projects at the June Committee of the Whole meeting and since that presentation, Council approved at the June 27 regular meeting \$660,000 for Sheriff's Office replacement vehicles.

Several Council members at that meeting mentioned interest in funding other projects including a smaller bus for EMS and the storage facility for Fire. This meeting is the opportunity to discuss any other projects that Council would like County Administration to obtain more information, bring forward for approval, or discuss any items on the current list that Council would like to see removed from consideration.

The County Administrator is reviewing a request from the Pleasant Valley Fire District for certain members of that Fire District be paid the public safety \$3,000 premium pay that was provided to other County first responders via COVID/ARPA funds on July 29, 2021. For a variety of reasons, members of the Pleasant Valley Fire District were not included in that payout, but a better understanding of the situation may prompt a different recommendation that could impact \$90,000 in ARPA funds.

Given the supply chain issues and long implementation times for ARPA projects, County Administration wants to keep bringing projects forward to ensure we meet federal timelines for the use of funds. All ARPA funding has to be obligated by December 31, 2024.

Funding and Liability Factors:

The total cost estimate for a smaller EMS bus is \$1,012,010. If this project is authorized, \$13,943,666 will have been obligated, leaving \$5,094,016.

County Administration will continue to bring forward more projects from the prioritized list or consider additional Council requests with this remaining funding.

Council Options:

Identify projects for potential ARPA funding.

Recommendation:

None at this time.

ATTACHMENTS:

Description	Upload Date	Type
Priority List	7/12/2022	Presentation
Pending and Approved Project Categorization	7/12/2022	Presentation
EMS Bus Proposal	7/18/2022	Backup Material

Remaining Prioritized Projects			
Department	Project	Cost	Notes
Multiple	Barnett Building Renovations	1,000,000	Finish renovations at the Barnett Building to allow for more county departments to locate there and accommodate space needs in other facilities.
Sheriff	Embedded Mental Health Services	375,000	Provide contracted mental health services to public safety departments/employees.
Registration and Elections	New and Expanded Facility	1,000,000	New requirements with early voting locations has put a strain on space needs for this department. They need to have a space to adequately run their operations and early voting.
Emergency Management	Storage Warehouse	840,000	Storage space for stockpile of personal protective equipment and supplies including gloves, masks, gowns, etc.
Building Maintenance	Water Fountain Replacement	48,000	Replacement of 40 current water fountains across County facilities with a water bottle feature to help reduce the spread of germs.
Risk Management	Personal Protective Equipment (PPE)/Supplies	50,000	Two years of PPE and covid supplies including gloves, masks, and disinfectants.

Department	Project	Cost	Notes
Stormwater	Ander Vincent Culvert Replacement	900,000	Ander Vincent overtops frequently. This would improve culvert efficiencies to minimize flooding. It may need to be supplemented with stormwater funds to complete the project.
EMS	Mass Transport Bus	1,012,010	The bus would allow EMS to treat/transport more patients at a time which would keep them from pulling units from stations across the County when a response for multiple patients is required.
	Nonprofits/Community Program	100,000	Allow for external community groups with eligible uses to submit for funding.
	Contingency	781,016	
		6,106,026	

Approved Projects			
Department	Project	Cost	Notes
IT & Administration	Audio Visual Upgrades in Chambers	69,260	Audio visual system replacement including the microphones, sound and live stream video equipment in Council Chambers to provide better citizen service during meetings both in person and virtually.
IT	County-wide Network Overhaul	1,895,680	The overhaul would address underperforming firewalls and switches which cause slow load times to the internet and internal servers, memory has been maxed out and reduces the capacity for remote work back into the network. We would have an enterprise strength solution that meets user
IT & Sheriff	Bandwidth and Remote Operations Upgrade	657,375	The office also has needs for more bandwidth and remote operations upgrade including hardware which will help increase functionality for officers in the field or administrative staff working remotely.
IT	Remote Workstations	43,000	Laptops and docking stations which would allow for more remote work capabilities
IT	Administration Building Security Upgrades	63,900	Replacement of current system to include motion sensors, cameras and the burglar alarm to increase building security for employees and citizens.
911 Communications	Avigilon Camera System	50,295	Replacement of malfunctioning camera system which has some cameras completely down right now.

Department	Project	Cost	Notes
Register of Deeds & Assessor	Digital Records Indexing	125,000	A collaborative project which would expand and cleanup some of the digital records that our citizens access on the website. This would provide more of a one-stop shop with access to digitized deed and plat index books with less clicking back and forth between the two departments.
IT & GIS	GIS Server Replacement	43,115	These are some of the oldest servers we have left. They are currently at maximum storage capacity. The funding is for three virtual servers.
Procurement	Vendor Software	34,435	Replacement of the current software as it is failing to meet the needs of vendors as well as project evaluators.
IT & Airport	Airport Internet Capability	20,800	Extend the fiber from the road to the airport terminal for greater internet speed which currently runs very slow and struggles to meet basic needs for staff and visitors.
Coroner	Building Expansion	1,770,000	Expansion of their current office space due to significant increases in caseload and complexity of cases.
Lancaster County Water and Sewer District	Water/Sewer Infrastructure	500,000	Wastewater Hannah's Creek upsize phase 1a

Department	Project	Cost	Notes
Multiple	Premium Pay	1,329,800	Certain employees in the Coroner's Office, EMS, Fire Rescue and Emergency Management, Public Safety Communications, Sheriff's Office and Detention Center, and Solid Waste received a retroactive payment for 300 hours worked at \$10.00 per hour.
EMS/Coroner's Office	PAPR Masks	377,928	Powered Air Purifying Respirators for EMS and Coroner's Office employees.
Multiple	Glass Barriers	65,000	Installation of glass barriers at remaining locations within the County Administration Building.
LACH	Temporary Housing Shelter	334,213	Temporary Homeless Shelter and Housing Relocation Project.
Multiple	HVAC Unit Replacement	1,310,000	Replacement of outdated units at various County Facilities to help reduce spread of viral infections such as COVID.
Administration	Badge controller for Administration Building	34,855	Replace current controller with one capable of handling all doors within the building.
Sheriff	Decontamination Shower	93,000	Construction of both male and female facilities to protect employees.
Sheriff	Wall construction	14,000	Construction of a wall between front desk and records to prevent contamination from lobby area.

Department	Project	Cost	Notes
EMS	Headquarters Bay Construction	400,000	The bay would allow for an additional unit to be at headquarters to be used as a backup as needed. Also includes cost for storage of requested bus.
Recreation	Springdale Parking Lot Reclamation and Addition	1,100,000	Reclamation as well as the addition of parking at Melvin Steele with the increased use of parks facilities which grant a safe outdoor space for citizens during the pandemic.
Sheriff	Evidence Storage	1,440,000	Expansion of evidence storage is needed with an increased population and more evidence being collected, the Sheriff's Office must follow the retention periods per state law. The backlog in General Sessions court which has grown over the COVID pandemic time period has exacerbated the needs.
Clerk of Court	Public Defender's Office Addition	500,000	Addition due to the increased staff over the last few years and to allow for future growth.
Sheriff	Replacement Vehicles	660,000	This funding is to replace up to 12 aging vehicles at the Sheriff's Office. This funding is to be utilized in conjunction with the capital budget in the FY2023 budget to replace 20 total vehicles.
		12,931,656	

Unfunded Requests			
Department	Project	Cost	Notes
Sheriff	Administrative Assistant-Case Management	95,964	Removes an administrative assistant for the investigations division to focus on case file preparation and speed up case delivery to the Solicitor.
Sheriff	Personal Protective Equipment/Supplies	13,500	Removes PPE and supplies for the department.
Emergency Management	Storage Warehouse	1,073,000	Removes a portion of the request for a storage warehouse.
Stormwater	Water Quality and Roadway Improvements	3,070,000	Removes Calvin Hall, Black Horse Run and Man O War for culvert replacement.
	Total	4,252,464	

ARPA Funds
Expenditure Category Summary
7/13/2022

Approved Projects Assigned to: Revenue Replacement Category		
Maximum Allowed for this Category:		10,000,000.00
Project	Category	Amount Allocated
Admin Building Security Upgrades - IT	6.1 - Revenue Replacement - Government Services	63,900.00
Vendor Software - Procurement	6.1 - Revenue Replacement - Government Services	34,435.00
Camera System for 911 Communications - 911 Communications	6.1 - Revenue Replacement - Government Services	50,295.00
GIS Server Replacement - IT & GIS	6.1 - Revenue Replacement - Government Services	43,115.00
Badge controller for Admin - Administration	6.1 - Revenue Replacement - Government Services	34,855.00
Recreation Parking Lot Reclamation - Recreation	6.1 - Revenue Replacement - Government Services	1,100,000.00
Evidence Building - Sheriff	6.1 - Revenue Replacement - Government Services (pending further research)	1,440,000.00
Replacement Vehicles - Sheriff	6.1 - Revenue Replacement - Government Services (pending further research)	660,000.00
Total Approved and Assigned to Revenue Replacement Category		3,426,600.00

Pending Projects Assigned to: Revenue Replacement Category		
Barnett Building Renovation - Multiple Depts.	6.1 - Revenue Replacement - Government Services	1,000,000.00
Storage Warehouse - Emergency Management	6.1 - Revenue Replacement - Government Services (pending further research)	840,000.00
Total Pending Projects Assigned to Revenue Replacement Category		1,840,000.00
Total Pending and Approved Assigned to Revenue Replacement Category		5,266,600.00
Remaining Funds allowed for Revenue Replacement Category		4,733,400.00

Note that while the Revenue Replacement category has additional capacity, in total, nearly all of the ARPA funds are accounted for with our current approved & pending projects - see "Total Remaining ARPA funds Available" below

Approved Projects Assigned to Other Categories		
Project	Category	Amount Allocated
Premium Pay - Multiple Depts.	4.1 - Premium Pay	1,329,800.00
PAPR Masks - EMS & Coroner	1.5 - Personal Protective Equipment	377,927.64
Glass Barriers - Multiple Depts.	1.4 - Prevention in Congregated Settings	65,000.00
Temporary Housing Shelter - LACH	2.18 - Housing Support	334,213.00
HVAC Unit Replacement - Multiple Depts.	1.4 - Prevention in Congregated Settings	1,310,000.00
Decontamination Shower - Sheriff	1.7 - Other Covid-19 Public Health Expenses	93,000.00
Wall construction - Sheriff	1.4 - Prevention in Congregated Settings	14,000.00
AV Upgrades to Council Chambers - IT & Administration	1.4 - Prevention in Congregated Settings	69,260.00
Remote Workstations - IT	1.4 - Prevention in Congregated Settings	43,000.00
County-Wide Network Overhaul - IT	3.5 - Public Sector Capacity: Effective Service Delivery	1,895,680.00
Enhanced Bandwidth & Remote operations - IT & Sheriff	3.5 - Public Sector Capacity: Effective Service Delivery	657,375.00
Digital Records Indexing - RoD & Assessor	1.4 - Prevention in Congregated Settings	125,000.00
Fiber Internet Capability - Airport	5.21 - Broadband: Other Projects	20,800.00
Building Expansion - Coroner	1.7 - Other Covid-19 Public Health Expenses	1,770,000.00
Wastewater Project - Hannah's Creek - LCWSD	5.2 - Clean Water: Centralized Wastewater Collection & Conveyance	500,000.00
EMS HQ Bay Construction - EMS	1.7 - Other Covid-19 Public Health Expenses	400,000.00
Public Defender Office Addition - Clerk of Court	2.37 - Economic Impact Assistance (Other)	500,000.00
Total Approved and Assigned to Other Categories		9,505,055.64

Pending Projects Assigned to Other Categories		
Embedded Mental Health Services - Sheriff	3.1 - Public Sector Workforce: Payroll and Benefits for Public Health, Public Safety, or Human Services Workers	375,000.00
Water Fountain Replacement - Building Maintenance	1.4 - Prevention in Congregated Settings	48,000.00
New and Expanded Facility - Registration & Elections	1.4 - Prevention in Congregated Settings	1,000,000.00
Personal Protective Equipment (PPE)/Supplies - Risk Management	1.5 - Personal Protective Equipment	50,000.00
Alder Vincent Culvert Replacement - Stormwater	5.6 - Clean Water: Stormwater	900,000.00
Nonprofit/Community Programs - External	Pending Program Development (possibly 1.9 or 2.34)	100,000.00
EMS Mass Transport Bus - EMS	1.7 - Other Covid-19 Public Health Expenses	1,012,010.00
Total Pending Projects Assigned to Other Categories		3,485,010.00
Total Allocated to All Other Categories		12,990,065.64

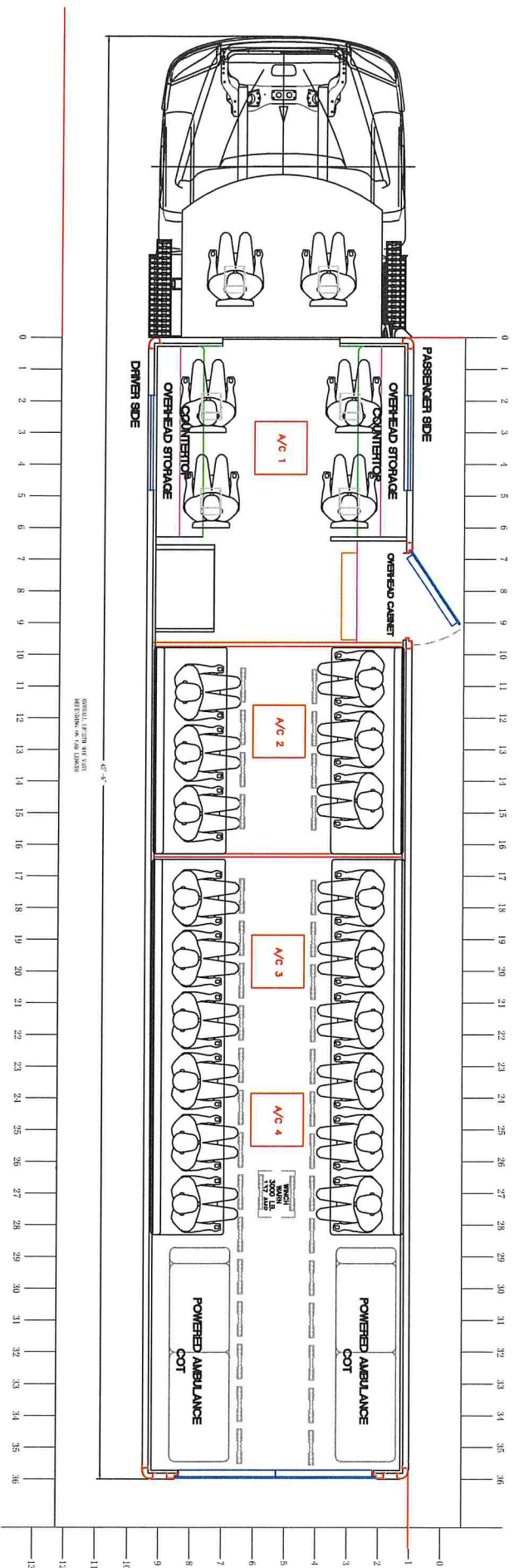
Total ARPA Funds Awarded 19,037,682.00
Total Allocated to All Categories 18,256,665.64
Total Remaining ARPA Funds Available 781,016.36

EMS Mass Event Bus Proposal

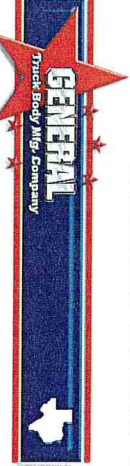
Large BusSmall Bus

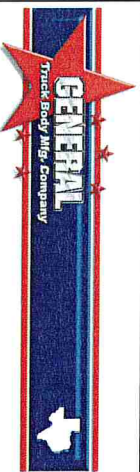
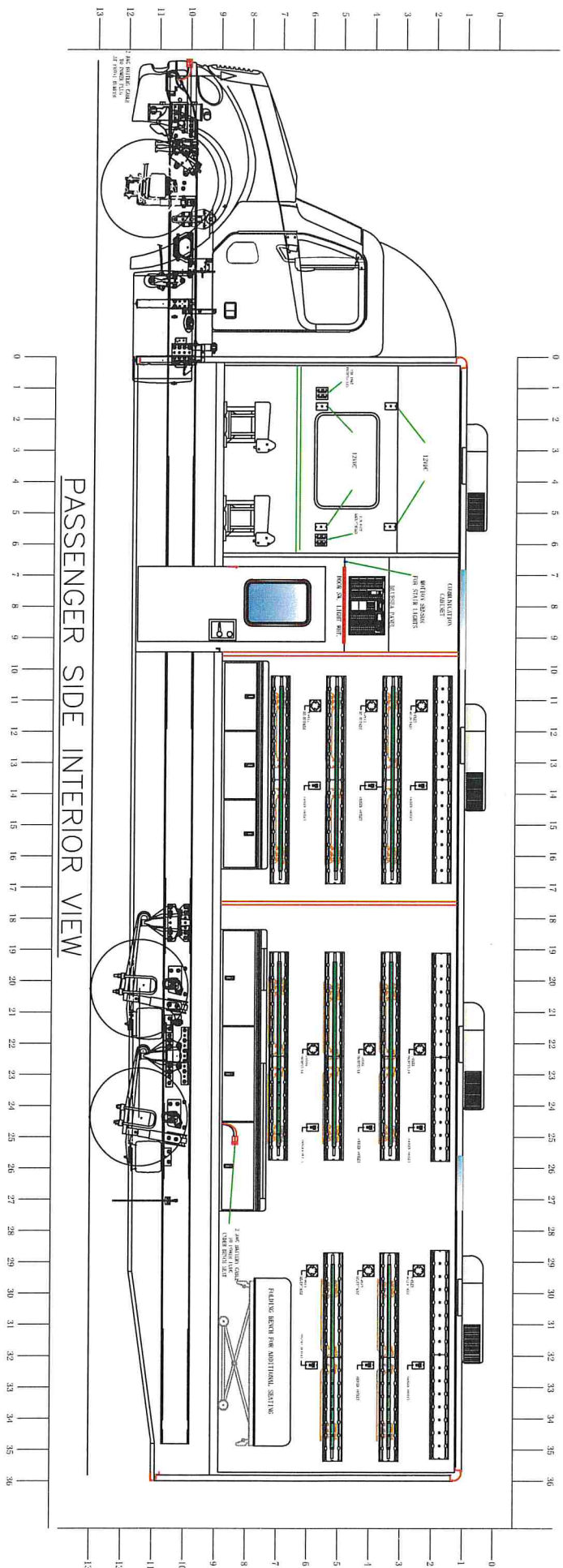
<u>2023 Freightliner 46 ft (46L x 8.5 W x 13.5 H)</u>	<u>2024 Freightliner 34 ft (34L x 8.5W x 13.5 H)</u>
Transport 20 Patients	Transport 12 Patients
Crew member Seats 6	Crew Member Seats 4
4 Rooftop AC/Heat Units	3 Rooftop AC/Heat Units
30 KW Generator	20 KW Generator
2 Stretchers	1 Stretcher
8 Cardiac Monitors	6 Cardiac Monitors
2 Stair Chairs	None
Cost for Truck - \$1,186,552	Cost for Truck - \$647,971
Cost for DHEC Equipment - \$273,903	Cost for DHEC Equipment - \$205,600
Plus Taxes	Plus Taxes
Total = \$1,460,455	Total = \$853,571

Large Bus Proposal



OVERHEAD VIEW

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		DRAWN BY: V.G. CHECKED BY: J.A.B. DATE: 12/15/2021 TITLE: 36' MPV	
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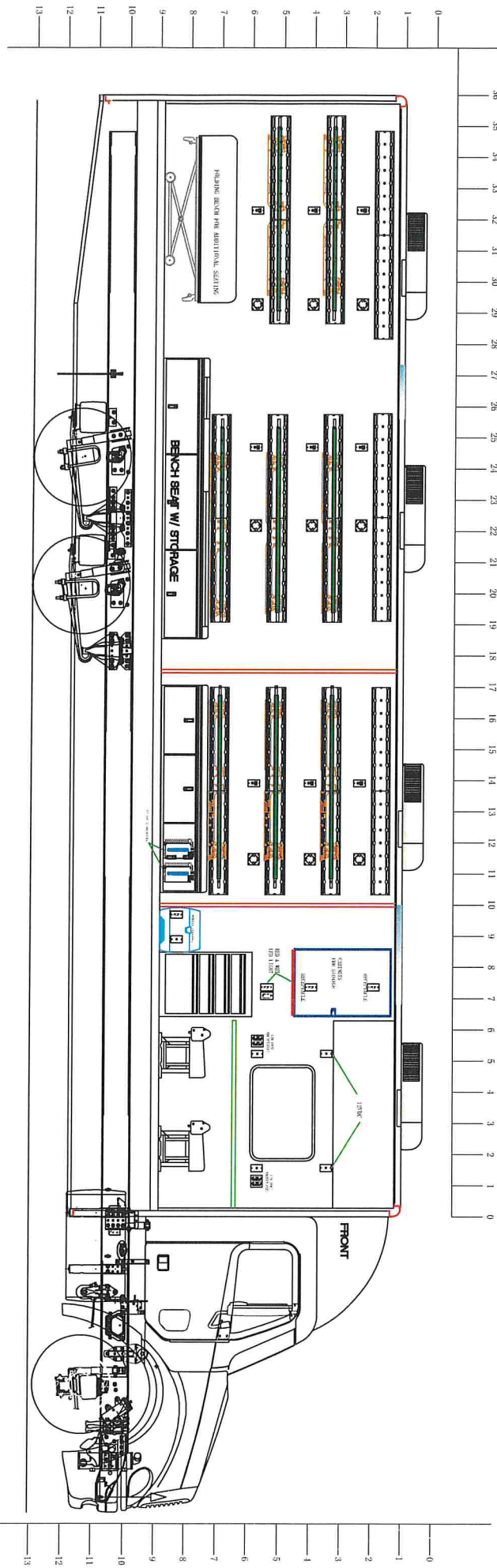
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APPR. DATE	12/15/2021

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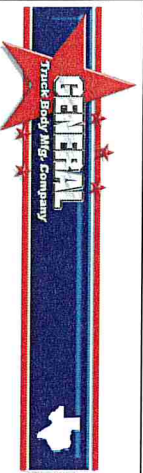
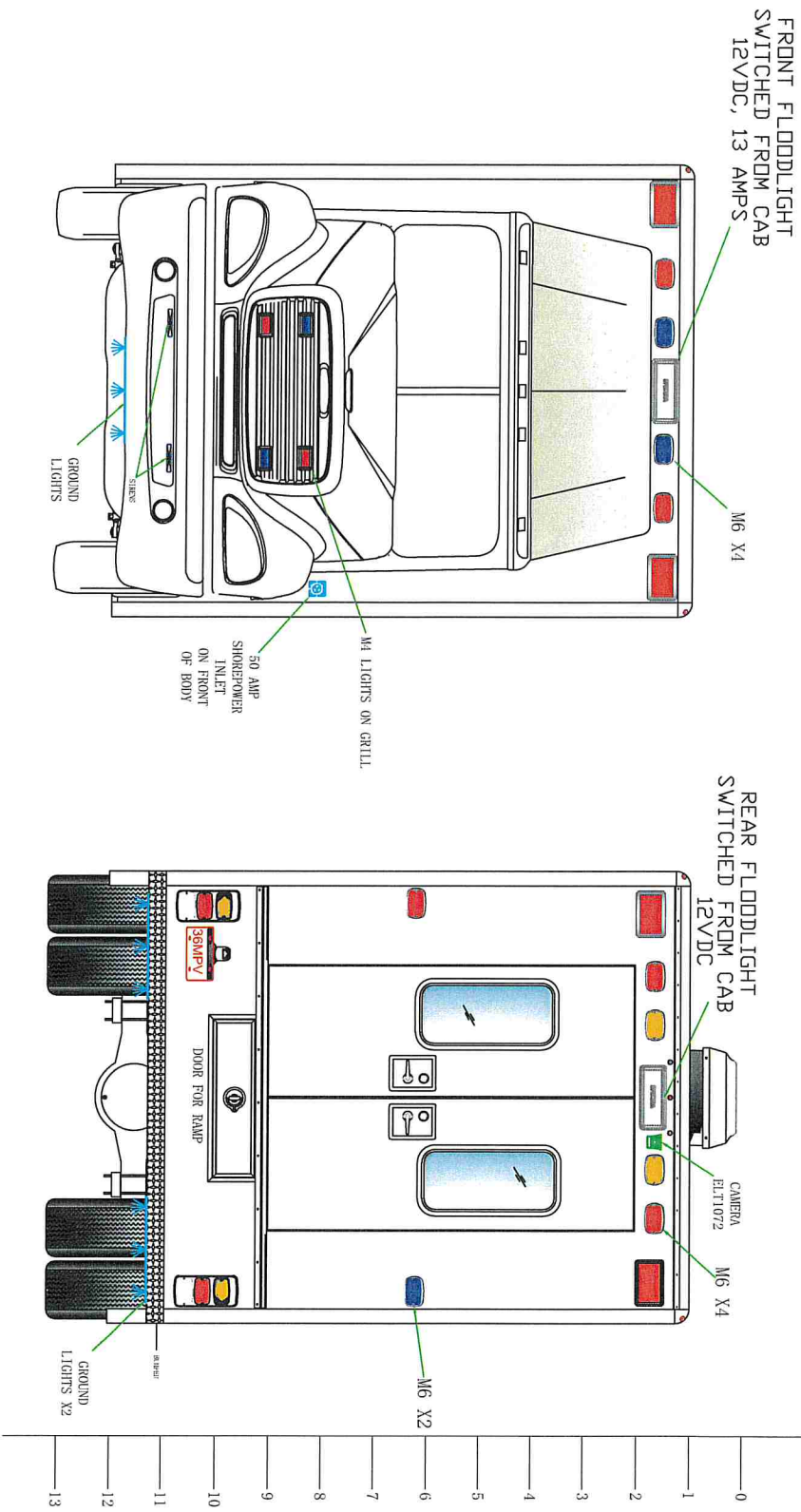
DRIVER SIDE INTERIOR VIEW



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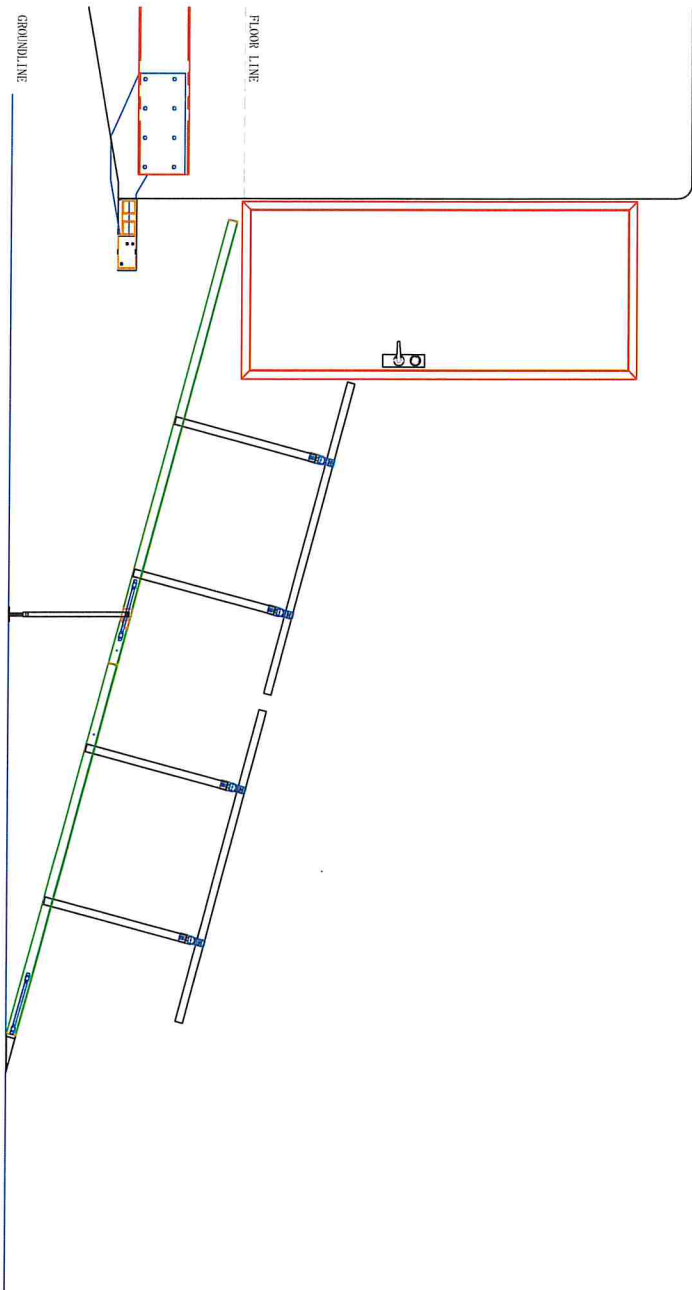
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DATE: N/A	SHEET: 6	REV: A
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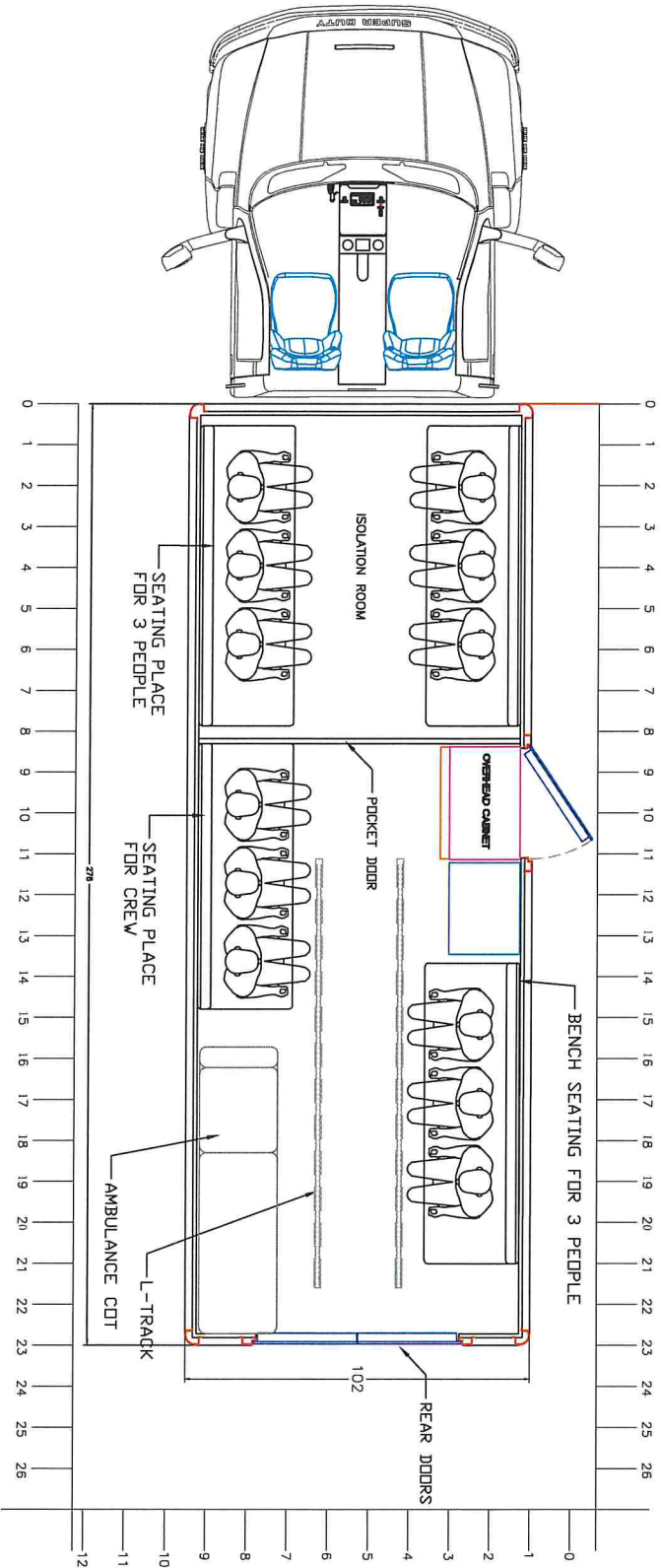


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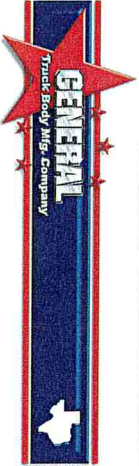
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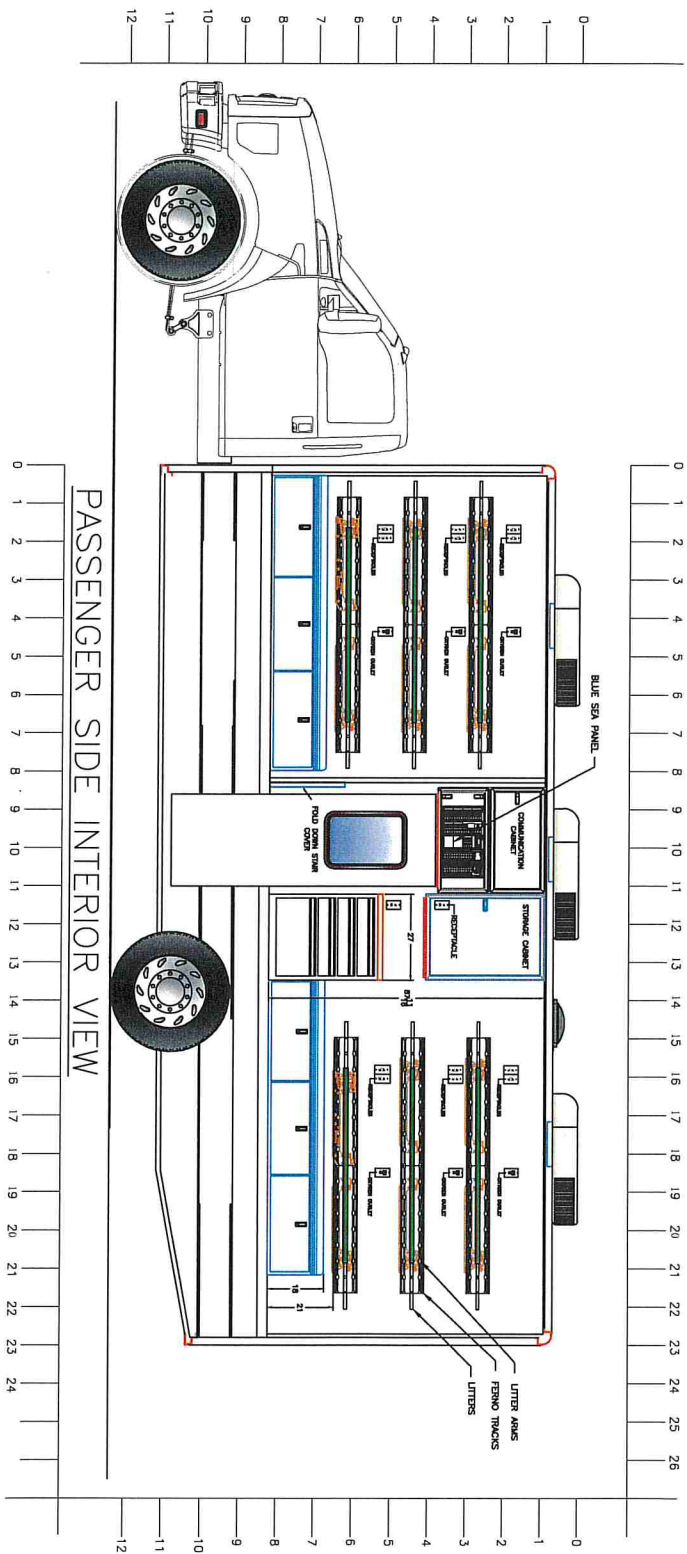
DRAWN BY:	V.G.	DATE:	12/15/2021
APPROVED BY:	J.A.B.	DATE:	12/15/2021
TITLE:	36 MPV		
DATE: N/A	SHEET: 7	REV:	A

Small Bus Proposal



OVERHEAD VIEW

		CUSTOM BODY DIVISION 6901 AVENUE V HOUSTON, TEXAS 77011 TELEPHONE: 713-933-3686 TOLL FREE: 800-395-8585 FAX: 713-923-7515 WWW.GENERALBODY.COM	
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TITLE: 23' MPV WITH ISOLATION ROOM		APPROVED BY: N/A	APPROVAL DATE: 03/21/2022



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APPROVED BY:		APPROVED DATE:	03/21/2022
TITLE:	23' MPV WITH ISOLATION ROOM		
DATE:	03/21/2022		
REV:	-		

This diagram illustrates the interior layout of a 2007 ambulance, detailing the placement of medical equipment and crew seating. The vehicle's dimensions are provided in feet and inches along the top and right edges. Key components include:

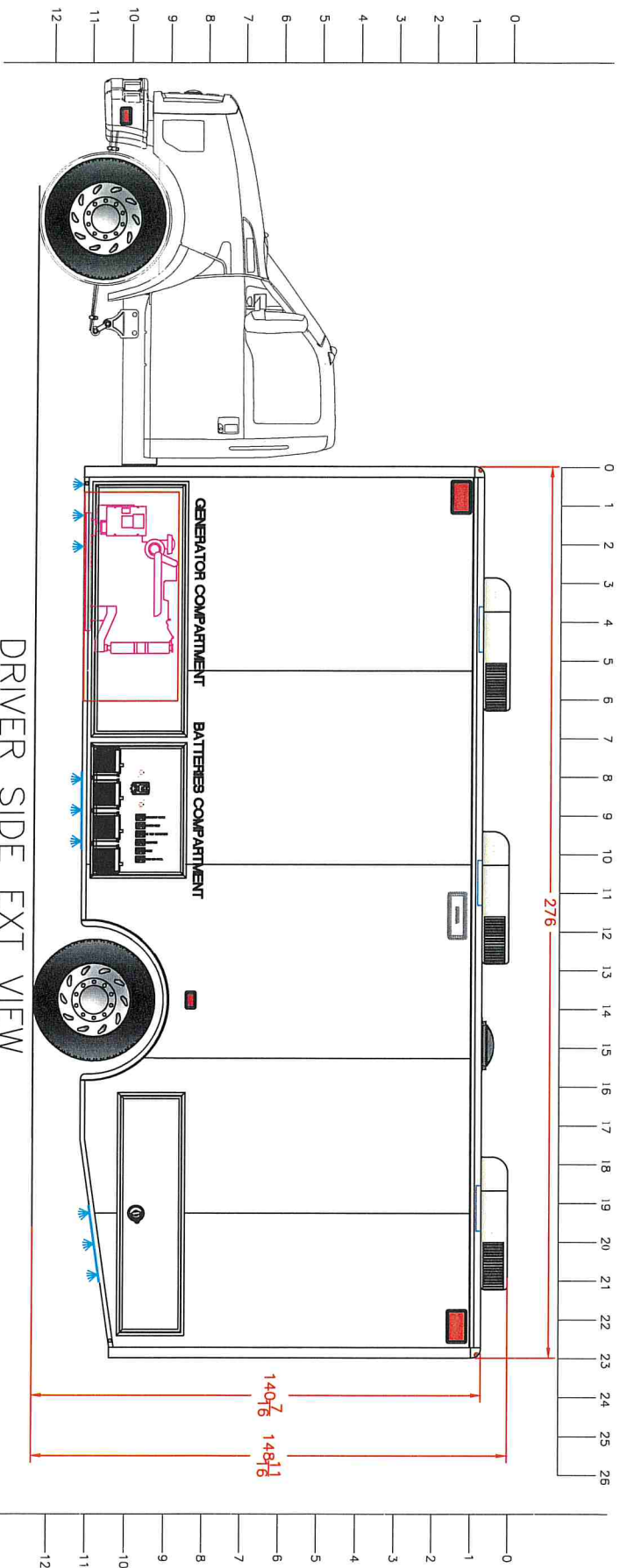
- Overhead Cabinet:** Located at the front of the vehicle, featuring clear flex slide doors.
- Ultrax Rugs:** Two sets of ultrax rugs are positioned at the front and rear of the patient area.
- Ferno Trainers:** Two ferno trainers are located near the front entrance.
- Stretchers:** Two stretchers are positioned in the center of the vehicle, with a 60-inch clearance between them.
- Benches:** Benches are located on the left side of the vehicle, providing seating for the crew.
- Medical Equipment:** Various medical equipment, including monitors and storage units, are distributed throughout the vehicle.
- Dimensions:** The overall length of the vehicle is 26 feet 2 inches. The width is 7 feet 6 inches. The height of the interior is 6 feet 10 inches. The distance from the front entrance to the rear entrance is 11 feet 10 inches.

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DATE	DATE
03/21/2022	03/21/2022



DRIVER SIDE EXT VIEW



CUSTOM BODY DIVISION

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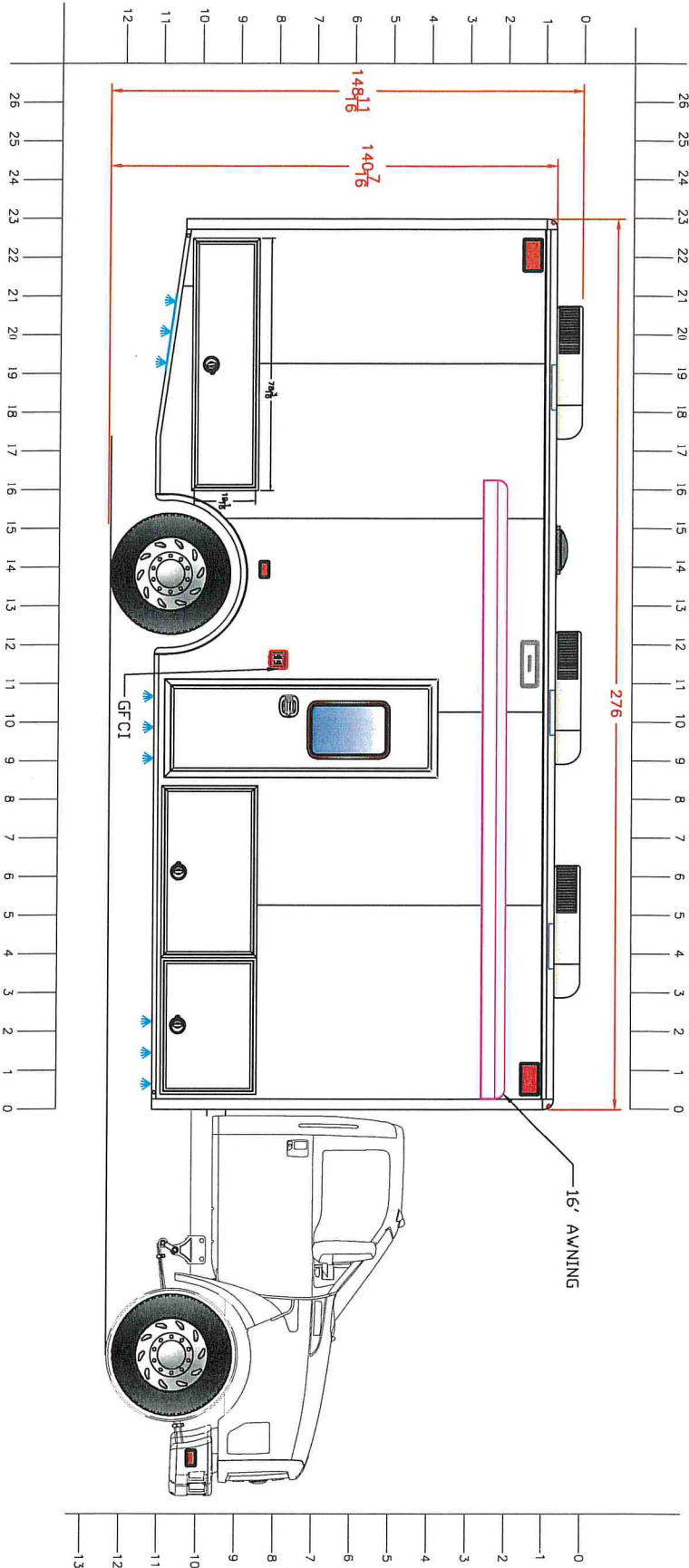
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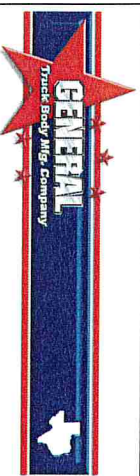
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CHECK BY:	APPR. DATE:
	03/21/2022
TITLE:	
23' MPV WITH ISOLATION ROOM	

DWG. NO.:	REV.:
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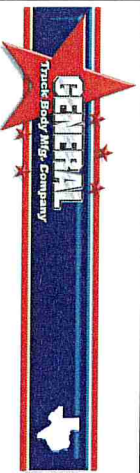
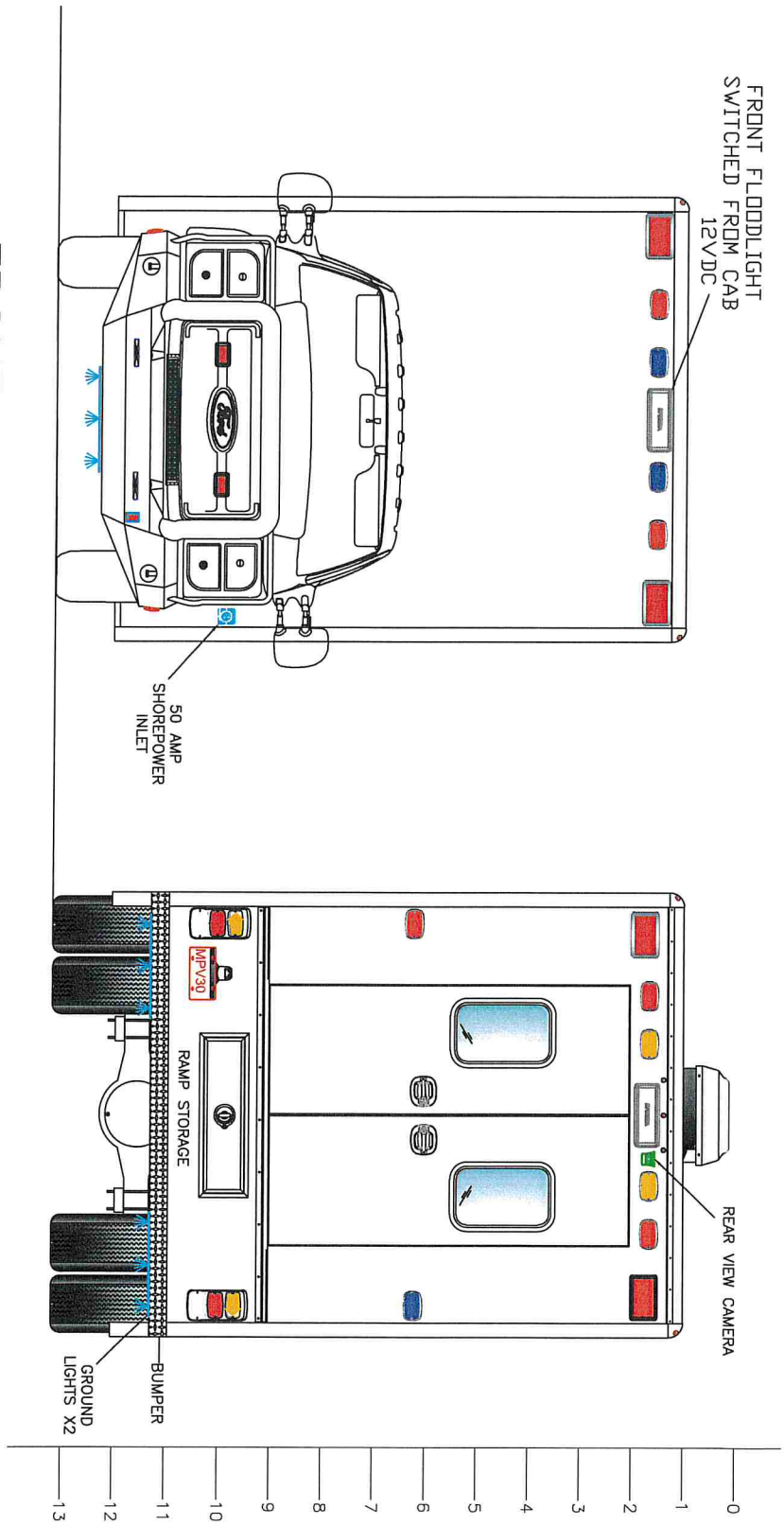
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DATE	03/21/2022
BY	ISOLATION ROOM
DATE	
BY	



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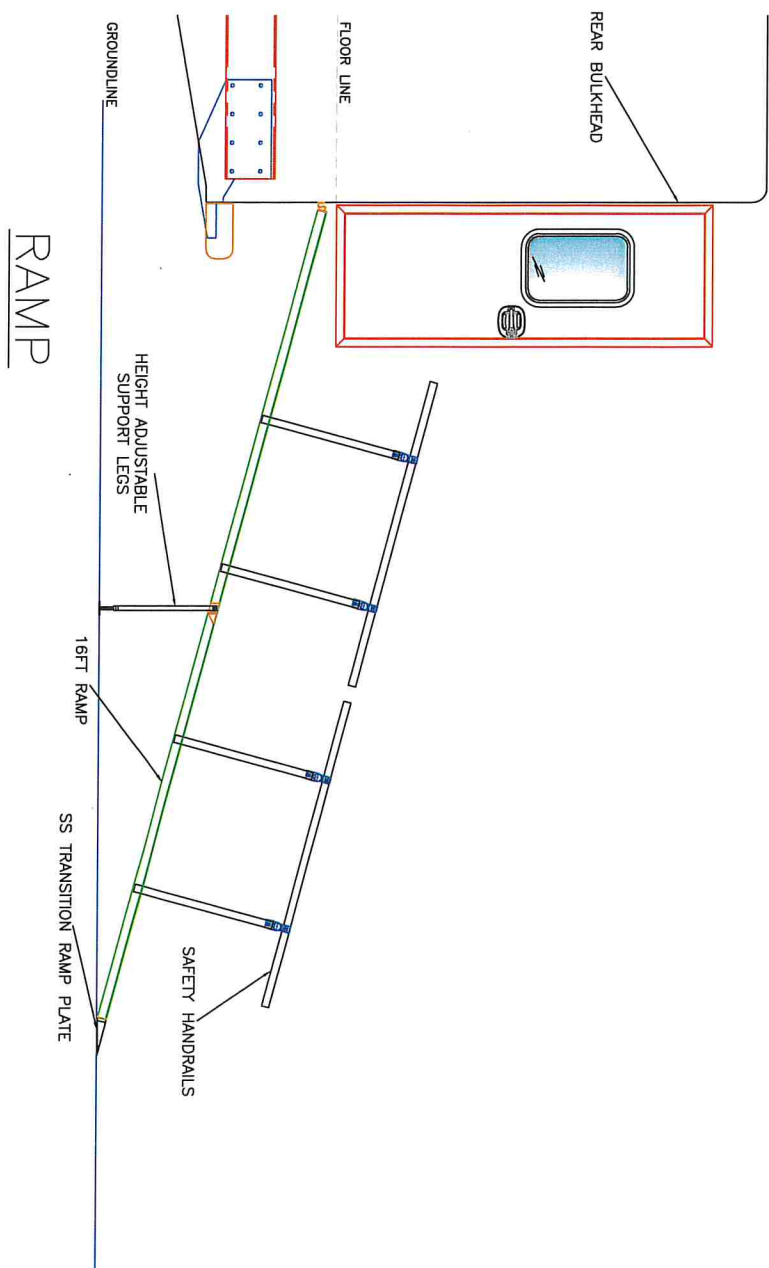
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TITLE:	30FT MPV
DATE:	08/24/2018

DATE:	N/A
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DESIGNED BY
V. GUNDAMNEEDI

DATE: 03/21/2022

TITLE

23' MPV WITH
ISOLATION ROOM

DATE: 03/21/2022

DATE: 03/21/2022

DATE: N/A

N/A

REV: -

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: 7/20/2022

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. A component of this amendment will be to convert the five existing Mixed-Use category zoning districts (UR, HDR, RMX, MX and IMX) into legacy districts. This amendment also limits new Cluster Subdivisions to only those properties that are zoned Medium Density Residential as of the date of the adopted ordinance amendment.

The proposed ordinance amendment will amend all chapters of the UDO with the exception of Chapter 8.

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:

To approve, disapprove, or modify the proposed ordinance amendment.

Recommendation:

The Planning Commission held a public hearing on this matter at their June 2nd meeting and recommended conditional **approval** by a vote of 5 to 1 subject to staff comments. The draft ordinance amendment has since been updated to address these comments and is attached. The Commissioner making the dissenting vote was pleased with the ordinance amendment, however, they wished to eliminate the Cluster Subdivision Ordinance entirely with the proposed amendment.

At the meeting, Commissioners provided feedback the following items:

1. Mixed opinions regarding the need for a Project Introduction Meeting with the Council prior to submittal. If conducted, feedback from meeting should be made public.
2. Thought the amendment would help increase the quality of development and help maintain or enhance existing property values
3. Inquired about relationship to impact fees (no impact to these fees)
4. Sidewalks should be prioritized
5. Wanted to retain ability to execute Development Agreements (no impact to requesting a DA with amendment)
6. Liked the requirement of having amenities in subdivisions
7. Generally regarded the amendment as improving the community

Staff also recommended approval.

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

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 ~~strikeouts~~ 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@lanastercountysc.net

www.mylanastersc.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@lanastersc.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 S. Marston
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

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

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

Transitional Districts

- **LDR** Low Density Residential
- **MDR** Medium Density Residential
- **PB** Professional Business
- **NB** Neighborhood Business
- **GB** General Business
- **RB** Regional Business

Neighborhood Mixed-Use Flexible Districts

- ~~UR Urban Residential~~
FR Flexible Residential
- ~~HDR High Density Residential~~
FMU Flexible Mixed Use
- ~~RMX Residential Mixed-Use~~
FNR Flexible Non-Residential
- ~~MX Mixed-Use~~
- ~~IMX Industrial Mixed-Use~~

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 DISTRICTS

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

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

- 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.

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.~~

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)	<u>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.</u> <u>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.</u>
Flexible Mixed Use (FMU)	<u>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.</u> <u>The Flexible Mixed Use District accommodates a cohesive mixture of residential and non-residential uses.</u>
Flexible Non-Residential (FNR)	<u>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.</u> <u>The Flexible Non-Residential District accommodates office, retail, commercial, institutional, industrial, and other non-residential land uses.</u>

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.>

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 TABLE¹

<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.

<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.

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.

3.2.2 MINIMUM THRESHOLDS FOR IMPLEMENTATION²

- 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

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

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.

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

<u>FLEXIBLE DISTRICT TYPE</u>	<u>ALLOWABLE USE CATEGORIES</u>
<u>FR</u>	<u>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</u>
<u>FMU</u>	<u>Residential, Lodging, Office/Service, Commercial/Entertainment, Civic, Educational/Institutional, Automotive, Industry/Wholesale/Storage, Agriculture, Infrastructure, Other</u>
<u>FNR</u>	<u>Lodging, Office/Service, Commercial/Entertainment, Civic, Educational/Institutional, Automotive, Industry/Wholesale/Storage, Agriculture, Infrastructure, Other</u>

- 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

(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

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

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*.

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)
	<u>MDR</u>	<u>2.5 du/ac</u>	<u>3.5 du/ac for detached single-family residential dwellings</u> <u>8.0 du/ac for townhomes and other attached dwellings;</u> <u>9.0 du/ac for multi-family dwellings</u>
	<u>INS</u>	<u>4.0 du/ac</u>	<u>6.0 du/ac</u>
	<u>PB, NB, GB</u>	<u>6.0 du/ac</u>	<u>12.0 du/ac</u>
	<u>RB</u>	<u>8.0 du/ac</u>	<u>12.0 du/ac</u>

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 SPACE⁶**

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.

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

<u>DISTRICT</u>	<u>MINIMUM AMOUNT OF OPEN SPACE REQUIRED</u>
<u>FR</u>	<u>25%</u>
<u>FMU</u>	<u>15%</u>
<u>FNR</u>	<u>10%</u>

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:

$$\text{TOS} = (\text{TFD} - \text{PCA}) * \text{OSP}$$

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

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).

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;

- 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 SIZES⁸

- 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).

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 BUFFER⁹

- 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).

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.

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.

- 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 conditions¹¹ 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.).

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);

- (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;

- 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.

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.

modifications, or disapproval of the application within 30 days¹⁴ 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.

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 Rezoning in UDO Subsection 9.2.15.C.2.

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.

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.

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.>

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.

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>

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

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.

		Adjacent Zoning District							
	AR, RR, RM, OSP, MH, LDR, MDR, ~~HDR~~	<u>FR</u>	~~UR, RMX,~~ INS	NC, GB	~~MX, IMX,~~ PB, NB, GB	<u>FNR</u>	<u>FMU</u>	RB	LI, HI, M
District of Proposed Development	AR, RR, RN, OSP, MH, LDR, MDR, ~~HDR~~	X	A	X	X	B	C	C*	C*
	<u>FR</u>	A	A	A	B	B	B	C*	C*
	~~UR, RMX,~~ INS**	A	A	X	X	A	A	X	X
	NB, GB**	B	B	A	X	A	A	X	X
	~~MX, IMX,~~ PB, NB, GB	A	B	A	X	A	A	X	X
	<u>FMU</u>	B	B	A	A	A	A	A	B
	<u>FNR</u>	B	B	A	A	A	A	A	B
	RB	C	C	C	B	A	A	A	X
	LI, HI, M	C	C	C	C	C	C	C	B
* Only required where adjacent, more intense use is pre-existing and no equivalent buffer is provided on the adjacent property									X = No
** Only multifamily and non-residential uses shall provide buffers between adjacent single family uses in detached homes									Buffer Required

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	Permitted Parking Configurations
	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	-	-	-	-	-	-	(Also see diagrams on next page)
	MDR	U	U	n/a	-	-	-	-	-	-	
	HDR	U	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	-	-	Location A – Parking permitted in 3rd Layer only
	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	Location B – Parking permitted in 2nd and 3rd Layers only
	FMU	U	U	U	U	U	U	U	U	U	
	FNR	U	U	U	U	U	U	U	U	U	
Neighborhood	UR	U	U	n/a	B	B	-	B	-	-	Location C – Parking permitted in 2nd and 3rd Layers. Parking in 1st Layer restricted to one drive aisle with two bays.

U - Unrestricted

	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, <u>FR</u>	~~UR~~ , RMX <u>FMU</u>	PB, NB, INS	GB, RB, LI, HI, M, ~~IMX~~ <u>FNR</u>
Light Trespass Off Property ¹	1	1	1	1

	AR, RN, RR, LDR, MDR, HDR, MH, <u>FR</u>	<u>UR, RMX</u> <u>FMU</u>	PB, NB, INS	GB, RB, LI, HI, M, <u>IMX</u> <u>FNR</u>
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.>

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~~ , <u>FMU</u>	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, <u>FNR</u>	50 sq ft OR 1sq ft per linear ft of building wall, whichever is greater. 75 sq ft building maximum.			

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

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>

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:

- 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:

- 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.>

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.

<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.>

C. FLEXIBLE DISTRICT SUBDIVISION (MAJOR) – PRELIMINARY PLAT¹⁸

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.

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.~~

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.

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	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	

P – Permitted by Right **PR** – Permitted with Review **CU** – Conditional Use Required **SE** – Special Exception Required * - Use May Be Allowed (see Sec. 2.5.2.D: *Uses in Flexible Districts*)

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

P – Permitted by Right PR – Permitted with Review CU – Conditional Use Required SE – Special Exception Required * - Use May Be Allowed (see Sec. 2.5.2.D: Uses in Flexible Districts)

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	

P – Permitted by Right **PR** – Permitted with Review **CU** – Conditional Use Required **SE** – Special Exception Required * - Use May Be Allowed (see Sec. 2.5.2.D: Uses in Flexible Districts)

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

P – Permitted by Right PR – Permitted with Review CU – Conditional Use Required SE – Special Exception Required * - Use May Be Allowed (see Sec. 2.5.2.D: Uses in Flexible Districts)

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

P – Permitted by Right **PR** – Permitted with Review **CU** – Conditional Use Required **SE** – Special Exception Required * - Use May Be Allowed (see Sec. 2.5.2.D: Uses in Flexible Districts)

(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**)

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Rox Burhans/ Planning and Jeff Catoe/Public Works

Department: Planning

Date Requested to be on Agenda: 7/20/2022

Issue for Consideration:

Development Services and Public Services staff have noticed a growing interest in home construction within Lancaster County's Legacy Subdivisions. Legacy Subdivisions are subdivisions platted prior to County adoption of subdivision regulations, which generally require infrastructure installation prior to lots being platted. While individual lots within Legacy Subdivisions are platted/established, the subdivisions often do not contain adequate County or private roads for emergency vehicle access, utilities, fire hydrants, and/or floodplain separation.

Charlotte-area homebuilders have recently been purchasing batches of lots within Legacy subdivisions with the intent of constructing homes without installing improved infrastructure prior to home construction. Parallel to this trend, individual lot owners are also wishing to build their homes on lots lacking suitable infrastructure.

Development Services and Public Services staff will share with the Council an inventory of known Legacy subdivisions and provide a general briefing on this issue. The County Attorney will also provide the Council with an overview of the County's legal position, which will help shape how the County addresses ensuring adequate infrastructure in Legacy subdivisions.

Points to Consider:

Discussion with County Council regarding the status of Legacy subdivisions that were platted prior to County adoption of subdivision ordinances.

Funding and Liability Factors:

Informational briefing only.

Council Options:

Informational briefing only.

Recommendation:

Informational briefing only.

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Dennis Marstall / Administration / John Bodner / Assistant County Administrator

Department: Administration

Date Requested to be on Agenda: 7/20/2022

Issue for Consideration:

Input into process for the County's Strategic Plan Development

Points to Consider:

The FY 23 budget includes funding for the development of a county-wide strategic plan.

County Administration is developing a Request for Proposal (RFP) to solicit consultant assistance to help in the development of the strategic plan

County Administration has researched other local government strategic plan processes and implementation to help inform how the County will write the RFP. There are several good examples where communities utilized comprehensive input to help develop the key components of a strategic plan, as well as a variety of ways in which different local governments have implemented and updated their strategic plan every three to five years.

The intent is for Lancaster County's strategic plan to be a policy document adopted by County Council to help guide budget and other policies that is then linked to a work plan for each department and ultimately a guiding document that can also be a connection point for each employees' individual performance evaluation.

This will be a presentation to solicit County Council input into the Strategic Planning development and implementation process before an RFP is issued.

Funding and Liability Factors:

This is for discussion and input only.

Council Options:

This is for discussion and input only.

Recommendation:

This is for discussion and input only.

ATTACHMENTS:

Description	Upload Date	Type
Strategic Plan overview	7/18/2022	Backup Material
Ft Collins, CO Strategic Plan Process	7/18/2022	Backup Material



Strategic Planning

WHAT IS STRATEGIC PLANNING?

Strategic planning is an ongoing and evolving process that organizations go through to document an organizations current state and guide the future with fundamental data driven decisions and actions.



Why do we need it	How it works	Next Steps
 Local Government agencies are faced with many challenges in todays world and we must be prepared to deal with those challenges as they arise. The success of an agency relies on the agencies ability to understand their direction. Strategic planning guides an agency to understanding their direction by aligning leadership, management and staff toward a common vision or mission	 The process of strategic planning sets a vision for the organization and helps identify the goals and objectives for the agency. Strategic planning also helps to prioritize the goals and objectives of the agency and continually measure the organizations progress on achieving these goals and objectives.	 We will be going through an RFP process to receive bids from vendors to assist us with the creation and implementation of our strategic plan. We expect that teams and focus groups will be formed once we have selected a vendor but we will rely on guidance from that vendor for the structure that will work for us. We expect that all functional areas will have some form of representation in this process.



"If you fail to plan, you are planning to fail."

-Benjamin Franklin-

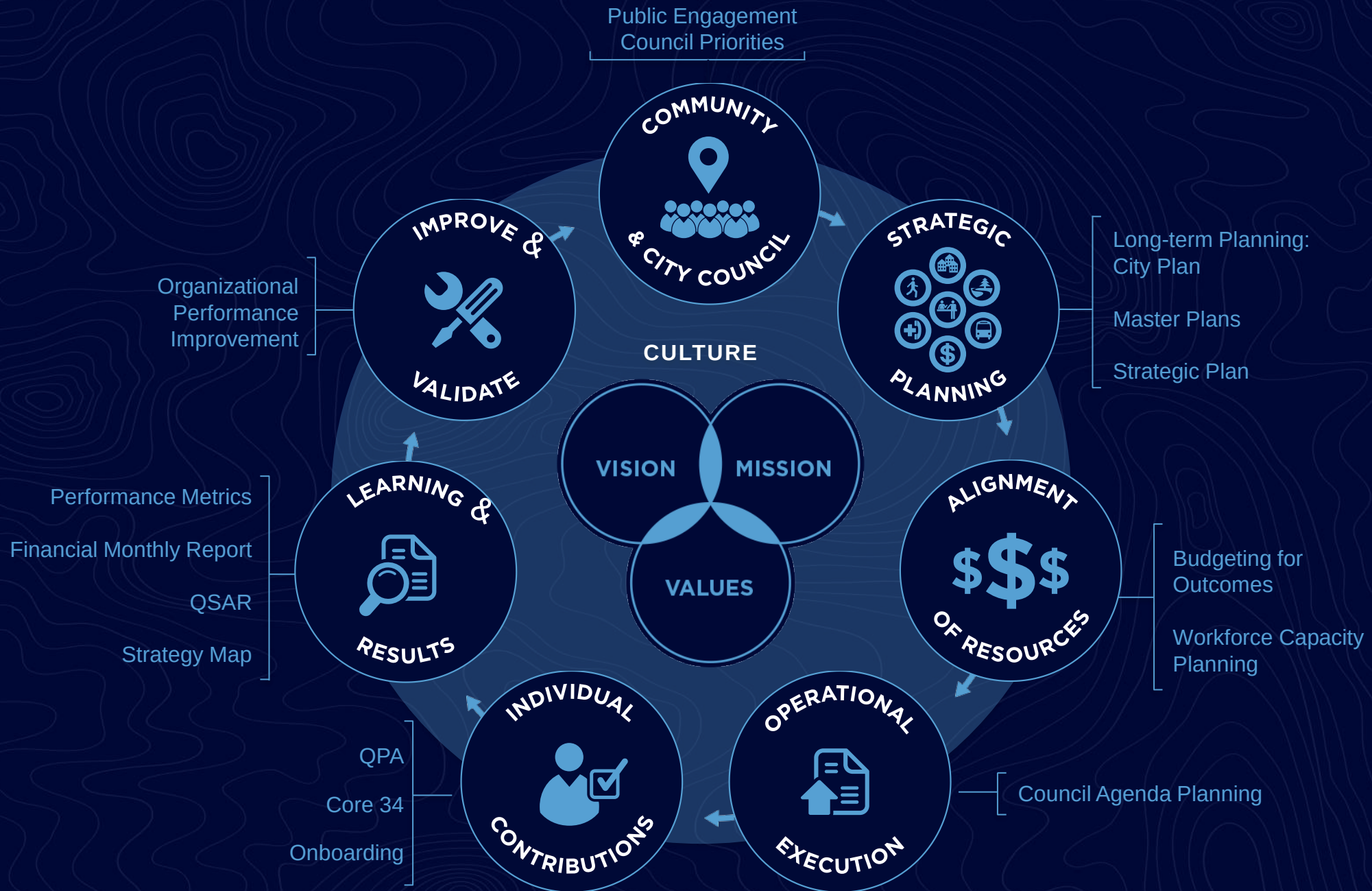




Q3 2021

Strategic Planning Process 2021-22

Strategic Planning Core Team:
Kyle Stannert, Lawrence Pollack, Terri
Runyan, Travis Storin, Tyler Marr



2 A Leadership System- Strategic Planning is a Key Component



- Culture & Recreation
- Neighborhood Livability & Social Health
- Economic Health
- Environmental Health
- Safe Community
- Transportation & Mobility
- High Performing Government

Strategic Planning & Budgeting Two Year Look



Cascade of Council Influence Starting with the On-Boarding Process

Strategic Planning- *Where do you fit in?*

Resident Input & Priorities

- Community Survey
- Focus Groups/Outreach
- Boards & Commissions
- Resident Priorities

Council Input & Priorities

- Community Concerns
- Council Priorities

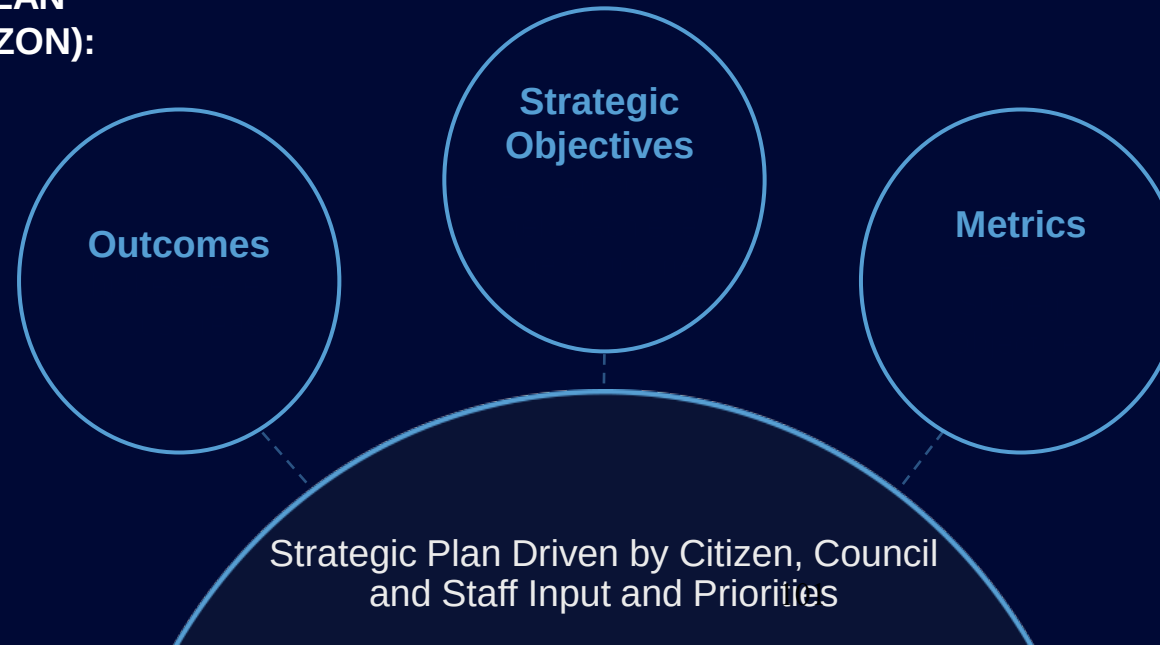
Organizational Priorities

- City Plan & Master Plans
- Economics & Financials
- Emerging Trends / Issues
- Infrastructure Issues
- Workforce trends
- Metrics

STRATEGIC WORK & ANALYSIS

- Implications, Conclusions, Challenges, Advantages, Priorities
- Define Issues to be addressed in Strategic Objectives

STRATEGIC PLAN (5 YEAR HORIZON):



2020 Strategic Planning Process

1. Set Process

- SP Core team reviews evaluation from last cycle, makes changes to process
- Create timeline

2. Gather Inputs

- Depts. complete SP “Issues” document
- Council Priorities (CPIO) Community outreach conducted
- Current/future financial/economic indicators reviewed

3. Develop Issues/ Opportunities Matrix

- Each issue (approx. 100) is placed in the appropriate Outcome (Excel)

4. Write Strategic Objectives (SOs)

- Map issues matrix to prior cycle SOs
- Write contextual bullets
- Highlight new SOs

5. Outcome & Input “Check” plus Metrics

- ELT, BFO Chairs, Dept. Heads, SMEs - verify, clarify draft SOs
- Discuss/ add metrics to SOs

6. Executive Review SP Draft

- ELT, BFO Chairs review first draft of entire SP including: introduction, SCs & SAs, Outcome descriptions, SOs, & bullets

7. SP Draft presented to City Council

- SP Draft reviewed at Council Work Session
- Changes made to SP based on Council input

8. FINAL SP

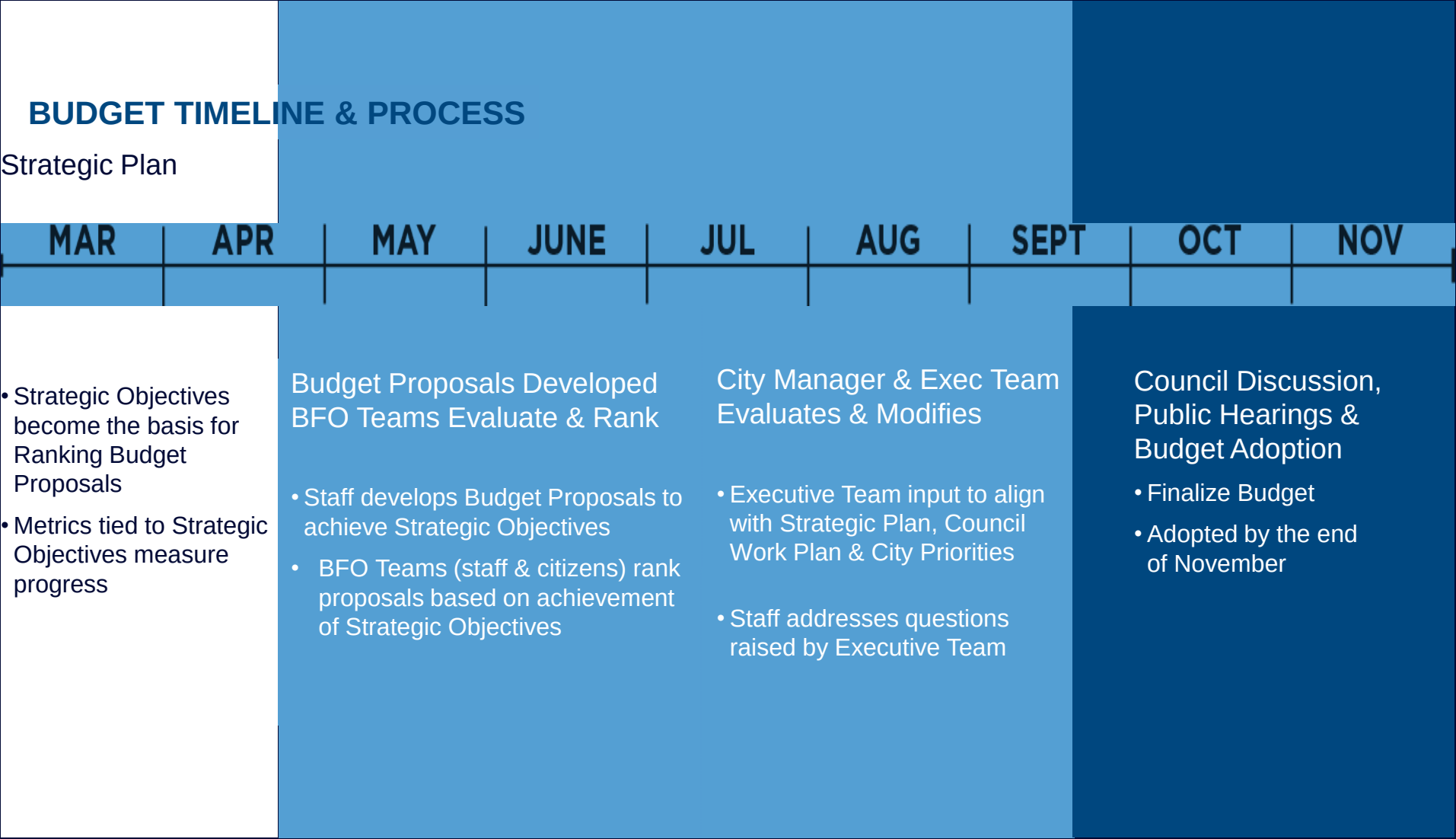
- Final SP presented to Council for adoption
- Deployed to BFO Teams/Sellers at BFO kick-off
- Posted on fcgov.com

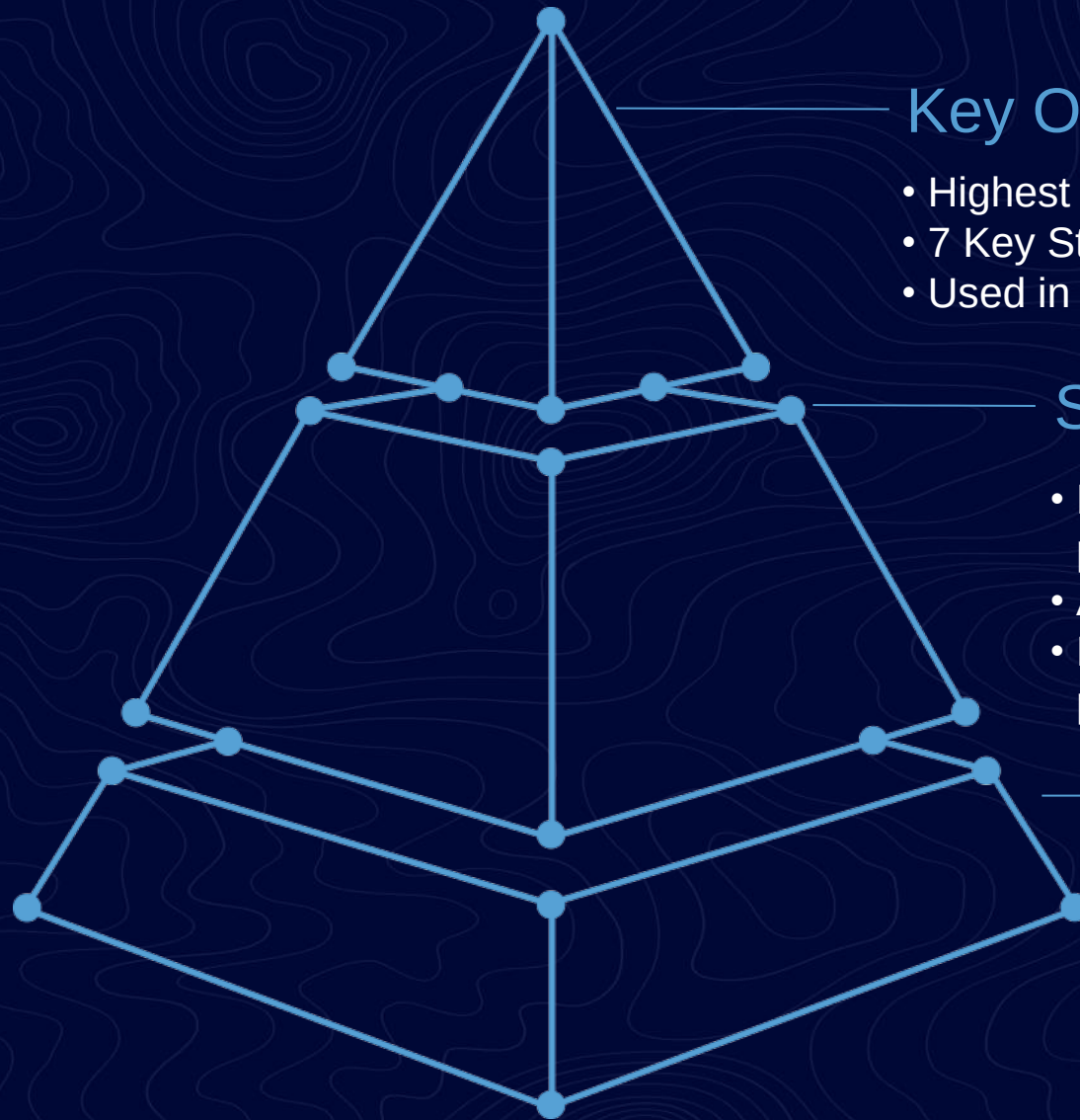
Strategy: Budgeting for Outcomes (BFO) Process



How does strategy drive budgeting?

Strategy: The BFO Process





Key Outcome Areas

- Highest level Strategic Goals
- 7 Key Strategic Outcomes
- Used in City Plan, Strategic Plan, BFO, Etc.

Strategic Objectives

- Multiple Strategic Objectives (SO) per Outcome
- Achieving SOs helps achieve our Outcomes
- Performance demonstrated by metrics per SO

Budgeted Initiatives (BFO)

- Reflects all City programs and services
- Multiple BFO Initiatives for each SO
- Initiatives designed to achieve SO

2022 Strategic Planning Process Timeline

Sept – Oct

1. SP Communication Outreach
2. SPP Road Shows
3. SA work on Input Sheets
4. Input Sheets DUE OCT 30

Nov-Dec

1. Core Teamwork- assess Input Sheets and create first draft SOs
2. SPP Lunch & Learn

Dec-Jan

1. Strategy Outcome Area meetings
2. Write narratives
3. Update SOs and descriptions
4. Update metrics for each SO

Jan-Feb

1. ELT/BFO Chair meetings
2. Core Team finalize narratives, SOs and descriptions
3. CPIO editing and formatting

March

1. Council Work Sessions and resolution
2. Load into BART for BFO

2022 Strategic Plan Timeline (beginning in 2021)

- September/October Service Area Road Shows
- August 31 Input templates delivered to departments
- October 31 Departmental inputs due
- Nov -Jan Core Team drafts SOs w/ Outcome Teams input
- Jan- Feb Steering Committee finalizes draft strategic plan
- February 22 Council work session: review draft strategic plan
- Early March Council resolution of strategic plan
- Mid-March BART opened for Offers with new Strategic Objectives

Input Sheets

- **Department inputs should:**
 - Be very specific with the issue/opportunity being submitted
 - Only include the ‘what’ and the ‘why,’ not the ‘how’
 - Include data that illustrates/quantifies the issue
 - Help us be clear on what specific improvements or outcomes are needed – without defining how.
- **Core Team & Outcome Teams will confirm existing / develop new metrics, as applicable, for each SO**
 - During Strategic Objective (SO) development, metrics will be reviewed / proposed
 - Outcome Teams will have an opportunity for review / provide input on draft SOs
 - Final metrics reviewed by Steering Committee (ELT & BFO Chairs)Inputs

What is your role?

- Discuss potential strategic “issues” as a management team
- Communicate the strategic planning message and your identified issues to your departments
- Review the 2020 Strategic Plan and applicable sections of City Plan
 - Note that some key strategic objectives for your department may be in multiple Outcomes
- Complete departmental input templates by **October 31st**
 - Issues and Opportunities should be very specific
 - Include data, as applicable, to support your input
 - Focus on the ‘what’ and the ‘why’
 - Do not include ideas on how to address the issue or opportunity
- Ask questions of the Core Team members
 - Terri R, Tyler M, Lawrence P, Kyle S., Travis S.

THANK YOU!

