

Planning Commission Members

District 1: Alan Patterson
District 2: Tamecca Neely
District 3: Charles Deese, Chair
District 4: James Barnett, Vice-Chair
District 5:
District 6: Sheila Hinson
District 7: Ben Levine

**County Attorney**

John K. DuBose III

Clerk to Planning Commission

Jennifer Bryan

Development Services Director

Rox Burhans

June 2, 2022

5:00 PM

**101 North Main Street
Lancaster, SC 29720**

**LANCASTER COUNTY PLANNING COMMISSION
County Council Chambers, County Administration
Building, 101 North Main Street, Lancaster, SC 29720**

Planning Commission Regular Meeting AGENDA

- 1. Call to Order Regular Meeting and Roll Call Vote**
- 2. Approval of the Agenda**
- 3. Citizen's Comments**

[Lancaster County welcomes comments and input from citizens who may not be able to attend meetings in person. Written comments may be submitted via mail to ATTN: Jennifer Bryan, Post Office Box 1809, Lancaster, SC, 29721, by email to Jennifer Bryan at jbryan@lancastersc.org 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 of the meeting. Please use the same link above in order to submit input/comments for Public Hearings.]

4. Approve Minutes

- a.** March 15, 2022 Regular Minutes

Item forwarded to this agenda: insufficient votes for quorum at 4/7/22, 4/19/22, 5/5/2022 and 5/17/2022vmeetings.

- b.** May 5, 2022 Regular Minutes

Item forwarded to this agenda: insufficient votes for quorum at 5/17/2022 meeting.

- c.** May 17, 2022 Regular Minutes

5. Public Items

- a.** RZ-2022-0672 Purser*

Application by Nathaniel B. Purser to rezone 1 acre parcel at 7984 Taxahaw Road (TM# 0093-00-004.04) from Rural Business (RUB) to Agricultural Residential (AR) zoning district, for the purpose of converting a former commercial building into a residence. (Deferred to this agenda from 5/17/2022).

- b.** UDO-TA-2021-2980 Interim Ordinance*

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 includes modifications to the Cluster Subdivision Overlay District, which may include significant modification or elimination of said overlay district.

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

6. New Business

- a. Overview of next month's Agenda
- b. Other

7. Adjourn

****The Planning Commission makes a recommendation to County Council on these items. Recommendations made at this meeting are tentatively scheduled for consideration by County Council in the following month. County Council agendas are posted online at <https://lancastersc.novusagenda.com/agendapublic/meetingsresponsive.aspx>***

*****The Planning Commission makes the final decision on these items.***

Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting. Lancaster County Planning Commission 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/boards___commissions/planning_commission/planning_commission_meetings.php***

Agenda Item Summary

Ordinance # / Resolution #: March 15, 2022 Regular Minutes

Contact Person / Sponsor: J. Bryan

Department: Planning

Date Requested to be on Agenda: 6/2/2022

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
March 15, 2022 Regular Minutes	3/16/2022	Exhibit



MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION

CHARLES DEESE, DISTRICT 3, CHAIRMAN
JAMES BARNETT, DISTRICT 4, VICE-CHAIRMAN
TAMECCA NEELY, DISTRICT 2
, DISTRICT 5
SHEILA HINSON, DISTRICT 6
ALAN PATTERSON, DISTRICT 1
BEN LEVINE, DISTRICT 7
CLERK: JENNIFER BRYAN

MINUTES
Lancaster County Planning Commission
March 15, 2022 6:00 p.m.

Chairman Deese called the meeting to order at 6:00 p.m.

1. **ROLL CALL:** Quorum is present (Four Commissioners)

Commissioners Present:

Tamecca Neely	James Barnett
Charles Keith Deese	Alan Patterson

Absent: Ben Levine, Sheila Hinson

No appointment has yet been made to fill District 5 seat. (Redistricting in progress)

Staff Present:

Rox Burhans, Development Services Director
Ashley Davis, Senior Planner
Robert Tefft, Senior Planner

Clerk: Jennifer Bryan

Others present: Billy Mosteller, Council member District 3
County Attorney John DuBose

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

2. **APPROVE AGENDA**

Chairman Deese called for a motion to approve the Agenda.

Llewellyn Development has withdrawn; **Motion to Approve agenda with item 5a withdrawn**, by **James Barnett**; 2nd by **Alan Patterson**.

Called vote: 4:0. Motion approved unanimously.

3. **CITIZEN'S COMMENTS** [see Sign-In sheet attached] none signed in.

4. APPROVE MINUTES

a. February 15, 2022 Regular Minutes

Chairman Deese called for a motion to approve February 15, 2022 Regular Minutes as written. Motion to Approve by **Alan Patterson**; 2nd by **James Barnett**.

Called vote: 4:0. Motion approved unanimously

b. March 3, 2022 Workshop Minutes

Chairman Deese stated that as Commissioner Tamecca Neely was absent on March 3, there was not a quorum to vote on approval of March 3, 2022 Workshop Minutes.

Item is continued to the next meeting.

5. PUBLIC ITEMS

a. RZ-2021-2975 Llewellyn Development LLC

Application by Llewellyn Development LLC to rezone approximately 37.9 acres of land located at 10695, 10681, and 10749 Harrisburg Road from Low Density Residential (LDR) District to Medium Density Residential (MDR) District.

Item withdrawn by applicant prior to meeting.

b. MX-2020-2051 The Lodges

Application by NR Property Owners LLC to approve a Master Development Plan and Preliminary Plat for approximately 38.88 acres of land located at the north side of Fort Mill Highway, approximately 325 feet east of Rosemont Drive (TM#s 0006-00-086.00, 0006-00-087.00, 0006-00-087.03, and 0006-00-087.04) for a 261-unit multi-family development.

Staff Presentation: Robert Tefft, Senior Planner, presented the application consistent with the staff report. Staff Recommendations: Conditional approval, subject to addressing remaining TRC/Evolve and staff comments.

Questions to staff: **Alan Patterson** asked if sidewalks connect to nearby commercial areas.

Comment from applicant(s): **Kevin Murphy** (Charlotte NC) The revised plan has same number of bedrooms and no changes to the footprint of buildings from prior plan, the changes are all through interior reconfiguration. Sidewalk extends to property line.

R. Tefft and **A. Davis** reviewed aerial views on-line, and concluded that sidewalks do connect to nearby commercial districts.

Questions from Commissioners: **Alan Patterson** asked if new impact fees would apply to this resubmission; attorney **John DuBose** said that they might apply to the additional units proposed [difference between original plan 217 and proposed 261], but details are still being worked out about how fees or a percentage thereof will be assessed.

Public Hearing: (See attachments: Sign-in Sheets) none signed in.

Chairman Deese closed Public hearing and called for a motion on item **MX-2020-2051 The Lodges.**

Motion to approve subject to stated conditions (page 4 of Staff Report), by Tamecca Neely; 2nd by James Barnett.

Discussion: none

Called vote: 4:0. **Motion is approved unanimously.**

This item does not require a hearing by County Council.

a. RZ-2022-0175 Gabriel Jon Hardy

Application by Gabriel Jon Hardy to rezone approximately 38.92 acres located at the northwest corner of intersection of Hwy 9 and Catoe Road (TM# 0069-00-071.00) from Low Density Residential (LDR) to Medium Density Residential (MDR) district.

Staff Presentation: Ashley Davis, Senior Planner, presented the applications consistent with the staff report. TIA will come in with preliminary plat. LCWSD is working with applicant on sewer service to proposed development. Staff Recommendations: approval.

Questions to staff: none.

Comment from applicant(s): **Jon Hardy** (Lancaster resident): concurs with staff presentation; plan on bringing water and sewer service from Hollybrook; in response to comment by Chairman Deese, notes that sewer upgrade presents some challenges due to steep grade and wetlands.

Questions from Commissioners: **James Barnett** thanked applicant for bringing a project to southern part of County.

Public Hearing: (See attachments: Sign-in Sheets) none signed in.

Chairman Deese closed Public hearing and called for a motion on item **RZ-2022-0175 Gabriel Jon Hardy**

Motion to approve by James Barnett; 2nd by Tamecca Neely.

Discussion: **Alan Patterson** thanked developer for paying attention to connectivity, especially in southern part of the county.

Called vote: 4:0. **Motion is approved unanimously.**

Chairman Deese stated the item will go to County Council for consideration, and applicants will be notified of time and date.

6. NEW BUSINESS

- a. **Overview of Next Month's Agenda:** per discussion at 3/3 workshop, April agenda will be split between two meetings:
April 7, 2022 at 5:00 p.m.: preliminary plat, Kershaw text amendment, and Heath Springs rezoning.
April 19, 2022 at 5:00 p.m.: rezoning and development agreement for Arbor Walk; preliminary plat for Edgewater Sunset Pointe (863 lots); possibly the presentation on Interim Ordinance, but not confirmed.
- b. **Other:**
Comprehensive Plan (Ashley Davis): external website and survey are now live; over 60 responses so far on survey. Focus area meetings are next.
Commissioners requested a weekly update on survey responses.

UDO (Robert Tefft): finalizing Interim Ordinance for presentation in April/May.

7. ADJOURN

Motion to adjourn by James Barnett; 2nd by Alan Patterson. Approved by unanimous consent. Adjourned at 6:29 p.m.



PLANNING COMMISSION Public Hearing Sign In Sheet



Item 3: CITIZEN'S COMMENTS

General Comments or comments on matters not on tonight's agenda.

Council Chambers
101 N. Main Street, Lancaster South Carolina
Tuesday, March 15, 2022

Citizens are allowed 3 minutes per person to speak. Everyone speaking before Council will be required to do so in a civil manner. Council will not tolerate personal attacks on individual Council Members, County Staff or any person or group. Racial slurs will not be permitted. Council's number one priority is to conduct business for the citizens of this county.

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PLANNING COMMISSION Public Hearing Sign In Sheet

WITHDRAWN

Item 5a: RZ-2021-2975 Llewellyn Development LLC

Application by Llewellyn Development to rezone 3 parcels totaling approximately 37.9 acres (TM#s 0003-00-043.00, 0003-00-043.02, & 0003-00-044.00) located at 10695, 10681 & 10749 Harrisburg Road, from Low Density Residential (LDR) to Medium Density Residential (MDR) zoning district for the purpose of developing a single-family residential neighborhood.

Council Chambers
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PLANNING COMMISSION Public Hearing Sign In Sheet

Item 5b: MX-2020-2051 The Lodges

Application by NR Property Owners LLC to approve a Master Development Plan and Preliminary Plat for approximately 38.88 acres of land located at the north side of Fort Mill Highway, approximately 325 feet east of Rosemont Drive (TM#s 0006-00-086.00, 0006-00-087.00, 0006-00-087.03, and 0006-00-087.04) for a 261-unit multi-family development.



Council Chambers
101 N. Main Street, Lancaster South Carolina
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PLANNING COMMISSION Public Hearing Sign In Sheet

Item 5c: RZ-2022-0175 Gabriel Jon Hardy

Application by Gabriel Jon Hardy to rezone approximately 38.92 acres located at the northwest corner of intersection of Hwy 9 and Catoe Road (TM# 0069-00-071.00) from Low Density Residential (LDR) to Medium Density Residential (MDR) district.



Council Chambers
101 N. Main Street, Lancaster South Carolina
Tuesday, March 15, 2022

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Agenda Item Summary

Ordinance # / Resolution #: Thursday, May 5, 2022 Regular Minutes

Contact Person / Sponsor: J. Bryan

Department: Planning

Date Requested to be on Agenda: 6/2/2022

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
Thursday, May 5, 2022 Regular Minutes	5/6/2022	Exhibit



MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION

CHARLES DEESE, DISTRICT 3, CHAIRMAN
JAMES BARNETT, DISTRICT 4, VICE-CHAIRMAN
TAMECCA NEELY, DISTRICT 2
, DISTRICT 5
SHEILA HINSON, DISTRICT 6
ALAN PATTERSON, DISTRICT 1
BEN LEVINE, DISTRICT 7
CLERK: JENNIFER BRYAN

MINUTES
Lancaster County Planning Commission
May 5, 2022 5:00 p.m.

Chairman Deese called the meeting to order at 5:00 p.m.

1. ROLL CALL: Quorum is present (5 Commissioners)

Commissioners Present:

Tamecca Neely Ben Levine James Barnett
Sheila Hinson Charles Keith Deese

Absent: Alan Patterson

No appointment has yet been made to fill District 5 seat.

Staff Present:

Rox Burhans Clerk: Jennifer Bryan
Ashley Davis

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

2. APPROVE AGENDA

Chairman Deese called for a motion to approve the Agenda.

Motion to Amend Agenda to defer items **5a: RZ-2022-0387** and **5b: DA-20220387** (Arbor Walk Rezoning and Development Agreement respectively) per applicant's request, by James Barnett; 2nd by Sheila Hinson.

Discussion: no questions.

Called vote: 5:0. **Motion approved unanimously**

Motion to Approve amended agenda by James Barnett; 2nd by Sheila Hinson.

Called vote: 5:0. **Motion approved unanimously.**

3. CITIZEN'S COMMENTS [see Sign-In sheet attached]

Chairman Deese opened the floor to comments from the public. None signed in; floor was closed to Citizens' Comments.

4. **APPROVE MINUTES**

a. **March 15, 2022 Regular Minutes**

Item forwarded to this agenda: insufficient votes for a quorum at 4/7/2022 and 4/19/2022 meetings.

Chairman Deese called for a motion to approve; Commissioner Levine noted that both he and Sheila Hinson had been absent for the March 15, 2022 meeting, therefore there were insufficient votes for a quorum. **Item is deferred to May 17, 2022 meeting.**

b. **April 19, 2022 Regular Minutes**

Chairman Deese called for a motion to approve April 19, 2022 Regular Minutes as written. Motion to Approve by Ben Levine; 2nd by Sheila Hinson. Commissioner Neely abstains as absent from the meeting in question.

Called vote: 4:0. **Motion approved.**

5. **PUBLIC ITEMS**

a. **RZ-2022-0387 Arbor Walk**

Application by Arbor Walk, LLC to rezone approximately 112.5 acres located at or adjacent to 2991 Vance Baker Road (TM# 0009-00-015.00) from Low Density Residential (LDR) to Medium Density Residential- Cluster Subdivision Overlay (MDR-CSO) to create a 233-lot single-family residential development.

APPLICANT REQUESTED DEFERRAL TO JUNE 21, 2022

b. **DA-2022-0387 Arbor Walk**

Application by Arbor Walk, LLC for a Development Agreement for approximately 112.5 acres located at or adjacent to 2991 Vance Baker Road (TM# 0009-00-015.00) to create a 233-lot single-family residential development. [*Presented conjointly with item b) DA-2022-0387*]

APPLICANT REQUESTED DEFERRAL TO JUNE 21, 2022

c. **RZ-2022-0355 Couch**

Application by Robert Glenn Couch to rezone approximately 0.728 acres located at or adjacent to 547 Old Dixie Road (TM# 081D-0B-011.00) from Rural Neighborhood (RN) to General Business (GB), to allow construction of a salon and boutique.

Staff Presentation: Rox Burhans, Development Services Director, presented the application consistent with the staff report by Robert Tefft.

Staff Recommendations: Approval (no conditions).

Questions to staff: none.

Comment from applicant(s): not present.

Public Hearing: (See attachments: Sign-in Sheets) none signed in

[NOTE: Public Hearing was inadvertently skipped; Chairman Deese returned to this item for Public Hearing after item 5d was presented.]

Chairman Deese called for a motion on item 5c: **RZ-2022-0355**.

Motion to approve by Sheila Hinson; 2nd by James Barnett.

Discussion:

T. Neely asked if in cases such as this where the Future Land Use designation (Urban or Transitional) reflects potential annexation to City of Lancaster, there was any conversation with City planners. **R. Burhans** responded that the City does not at present have a Comprehensive Plan with Future Land Use designations, so such conversations do not routinely take place, but that in cases where annexation might further the applicant's proposed use, staff does encourage applicants to consult with City planning and zoning. City representatives are involved in aspects of the current Comprehensive Plan update, and the cooperative role may expand in the future.

Called vote: 5:0. **Motion is approved unanimously.**

Chairman Deese stated the item will go to County Council for consideration, and applicants will be notified of time and date.

d. RZ-2022-0412 Coulston

Application by Earl Coulston to rezone approximately 43.67 acres located at or adjacent to the southeast corner of Fork Hill Road and Little Dude Avenue (TM# 0141-00-024.00) from High Density Residential (HDR) to Medium Density Residential (MDR) district, for the purpose of creating a single-family residential development.

Staff Presentation: Ashley Davis, Senior Planner, presented the application consistent with the staff report. Staff Recommendations: Approval (no conditions).

Questions to staff:

B. Levine asked if staff knew why the parcel was zoned HDR. A. Davis responded that remaining documentation suggests that there were proposals or discussions at the time to develop the property as workforce housing for Haile Gold Mine. Chairman Deese confirmed that such use had been proposed but that developers never actually submitted plans subsequent to those discussions.

Comment from applicant(s): [See 2 attached letters from Town of Kershaw]

Dale Robertson (Kershaw SC): Mr. Robertson is a partner in R & C Investments, owns the property with Mr. Coulston. He provided copies of letters from the Town of Kershaw regarding utility infrastructure and the town government's support for the proposed project, and described the pressing need for housing in the Kershaw area.

Questions from Commissioners:

S. Hinson agreed that there is a desperate need for housing in Kershaw.

Public Hearing: (See attachments: Sign-in Sheets). None signed in.
Chairman Deese closed Public hearing and called for a motion on item 5d:
RZ-2022-0412.

Motion to approve by Sheila Hinson; 2nd by Ben Levine.

Discussion: none.

Called vote: 5:0. **Motion is approved unanimously.**

Chairman Deese stated the item will go to County Council for consideration, and applicants will be notified of time and date.

6. NEW BUSINESS

a. Overview of Next Month's Agenda;

Rox Burhans reviewed upcoming agenda for May 17, 2022:

One large rezoning with associated DA [Two Capital Partners a/k/a Tadlock, RZ/DA-2021-2803] and another smaller rezoning [RZ-2022-0672 Purser]. The Interim Ordinance [UDO-TA-2021-2980] will be presented at the June 2 meeting, to be held as a voting meeting for that purpose.

- Chairman Deese asked that an agenda item for May 17 be created under New Business for general discussion of the Interim Ordinance

b. Other

Comprehensive Plan Presentation: [see attached images of presentation slides]
Representatives from Benchmark (consultants) presented baseline data research and results of survey, and discussed the process going forward.

7. ADJOURN

Motion to Adjourn by James Barnett; 2nd by Ben Levine. Approved by unanimous consent. Meeting adjourned at **5:57 PM.**



PLANNING COMMISSION Public Hearing Sign In Sheet

Item 3: CITIZEN'S COMMENTS

General Comments or comments on matters not on tonight's agenda.



Council Chambers
101 N. Main Street, Lancaster South Carolina
Thursday, May 5, 2022

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PLANNING COMMISSION Public Hearing Sign In Sheet

Item 5c: RZ-2022-0355 Couch

Application by Robert Glenn Couch to rezone approximately 0.728 acres located at or adjacent to 547 Old Dixie Road (TM# 081D-0B-011.00) from Rural Neighborhood (RN) to General Business (GB), to allow construction of a salon and boutique.

A handwritten signature in black ink, appearing to be "Robert Glenn Couch", is written over the signature line.

Council Chambers
101 N. Main Street, Lancaster South Carolina
Thursday, May 5, 2022

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PLANNING COMMISSION Public Hearing Sign In Sheet

Item 5d: RZ-2022-0412 Coulston

Application by Earl Coulston to rezone approximately 43.67 acres located at or adjacent to the southeast corner of Fork Hill Road and Little Dude Avenue (TM# 0141-00-024.00) from High Density Residential (HDR) to Medium Density Residential (MDR) district, for the purpose of creating a single-family residential development.

A handwritten signature in black ink, appearing to be "Earl Coulston", is written over a circular stamp or seal.

Council Chambers
101 N. Main Street, Lancaster South Carolina
Thursday, May 5, 2022

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TOWN OF KERSHAW

*Continued Progress,
A Goal*



*Community Pride,
A Reality*

Monday, December 13, 2021

Earl Coulston
8332 Regent Parkway
Fort Mill, SC 29715

Dear Mr. Coulston,

This letter is to inform you that the Town of Kershaw has the capacity to provide sewer services for your proposed improvements to the property located at the corner of Little Dude Ave. and Fork Hill Road, parcel ID number 0141-00-024.00. It is the towns understanding the proposed usage for this property is to build 115 single family residences. The Town of Kershaw has the capacity to provide sewer services if the following conditions are met:

1. The owner/developer agrees to fund all cost associated with upgrade and/or installation of new sewer infrastructure to include but not limited to the upgrade and or installation of existing infrastructure such as force main lines and existing sewer lines.
2. The owner/developer agrees to fund all cost associated with upgrade and/or installation of new pump/lift stations.
3. The owner/developer/engineer shall provide the town with all engineering drawings or maps at no cost to the town.
4. All executed easements necessary for the installation of the system(s) shall be dedicated to the Town of Kershaw at no cost prior to acceptance. Certified plats shall be provided to the Town of Kershaw when requested.
5. No liability whatsoever for injuries/damages resulting from system(s) installation shall be transferred to the Town and the owner/developer/engineer shall keep in force and effect all necessary liability insurance necessary to indemnify the Town should it be sued for such.
6. The developer will provide the names and contact details of all contractors responsible for the installation of the system(s).

To reiterate, The Town of Kershaw Wastewater Treatment Plant does have the capacity to provide services for the current proposed number of units for this project. Should the details of the project change, please communicate these changes to us as soon as possible so that we can reevaluate capacity.

Please feel free to contact me with any questions or concerns.

Sincerely,

Ryan McLemore
Administrator
Town of Kershaw

TOWN OF KERSHAW

*Continued Progress,
A Goal*



*Community Pride,
A Reality*

Lancaster County Planning Commission
P.O. Box 1809
Lancaster, SC 29720

RE: RZ-2022-0412

Dear Commissioners,

The Town of Kershaw would like to express its support for the rezoning of property located at the corner of Fork Hill Rd. and Little Dude Ave., (TM# 0141-00-024.00). Although this property is not located within the cooperative limits of the town of Kershaw, we believe the planned development will have a significant impact not only for the Town of Kershaw but for the southern end of Lancaster County as well. This area is in dire need of more housing, and this will be a welcoming venture.

Thank you all for your time and consideration on this rezoning issue.

Sincerely,

Ryan McLemore
Administrator
Town of Kershaw

Lancaster 2040

COMPREHENSIVE PLAN



Planning Commission Meeting
May 5, 2022

Purpose of the Plan

- Community Vision for the Future of Lancaster County
- Guide for land use and development throughout the County
- Guide for capital investments and community initiatives
- Compliance with the Comprehensive Planning Enabling Act of 1994
- Particular focus on:

Growth Management Strategies	Recreation and Open Space
Transportation	Economic Development
Loss of Agricultural and Rural Lands	Community Beautification
Natural Resource Extraction	Panhandle, Greater Lancaster, Southern Lancaster

Steering Committee Guidance

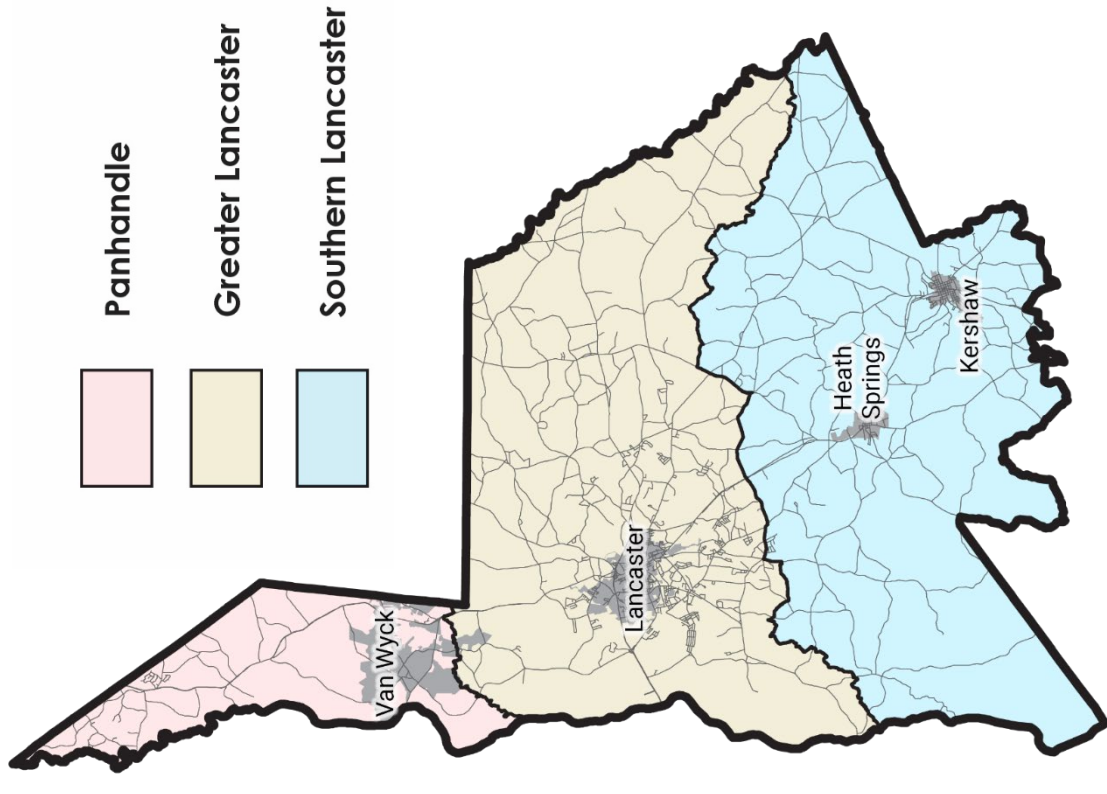
- 15 members appointed by the County Council
- Intended to act as an advisory body to the consultant and County staff
- Review and discuss information, ideas, and recommendations
- Assist with public outreach and engagement
- Give final recommendation to the Plan prior to advancing to the Planning Commission and County Council
- Will meet approximately 12 times during the process



Have already
held 4 meetings

Planning Areas

- 3 Distinct Geographic Areas
- Panhandle, Greater Lancaster, Southern Lancaster
- Planning Area Focus Groups for Each Area
- One member from each Focus Group on Steering Committee
- Provide specific input on the Planning Areas as the process moves forward
- Will meet approximately 5 times with each Focus Group



Scope of Work and Timeline

- **5 major phases to be completed over 21 months**

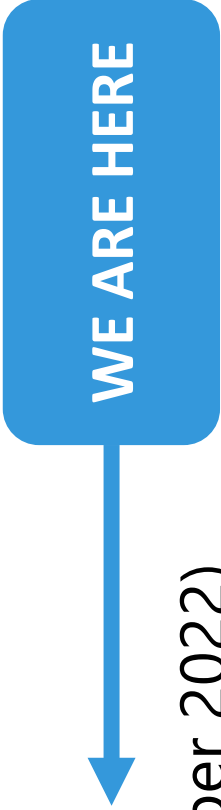
- Baseline Review (March 2022)

- Key Topic Exploration (September 2022)

- Prepare Area Plans (November 2022)

- Prepare Full Plan (March 2023)

- Adoption Process (Adopted by July 2023)



WE ARE HERE

Public Engagement Plan

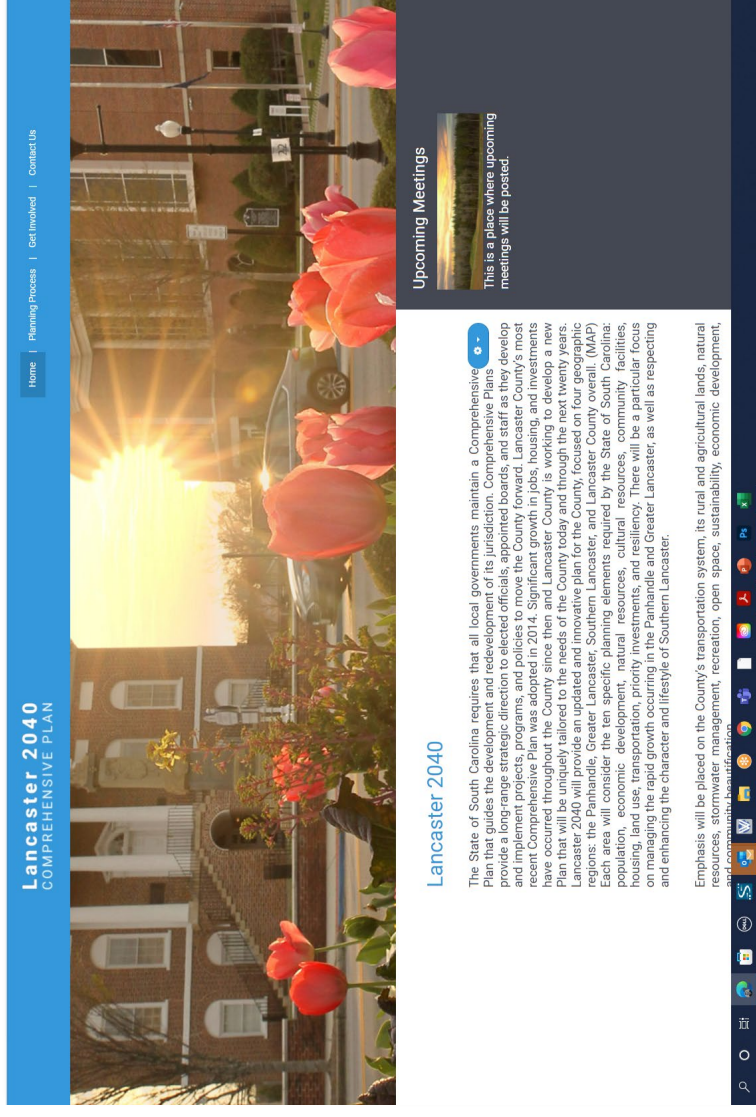
- Steering Committee Engagement (12x)
- Focus Group Engagement (5x – for each Planning Area)
- Planning Commission (4x)
- County Council (6x)
- Listening Sessions
- General Public Meetings (10x)

Listening Sessions

- Approximately 40 people were interviewed in small groups
 - February 10th & 11th in-person
 - February 23rd & 24th by phone
- Variety of Groups and Expertise
 - Public Works, EMS, Coroner's Office, MUSC (Hospital), Non-Profit Groups, Sheriff, Emergency Management, Developers, County Schools, USC Lancaster, County Planning / Development, Utility Providers, Parks and Recreation, Economic Development, City of Lancaster, Town of Van Wyck

Public Outreach

- **Digital Engagement**
 - Website (Lancaster2040.com)
 - Project Updates
 - Community Survey
 - Interactive Engagement Tools
 - Social Media
 - Email Lists
- **Traditional Outreach**
 - Local media outlets
 - Press Releases



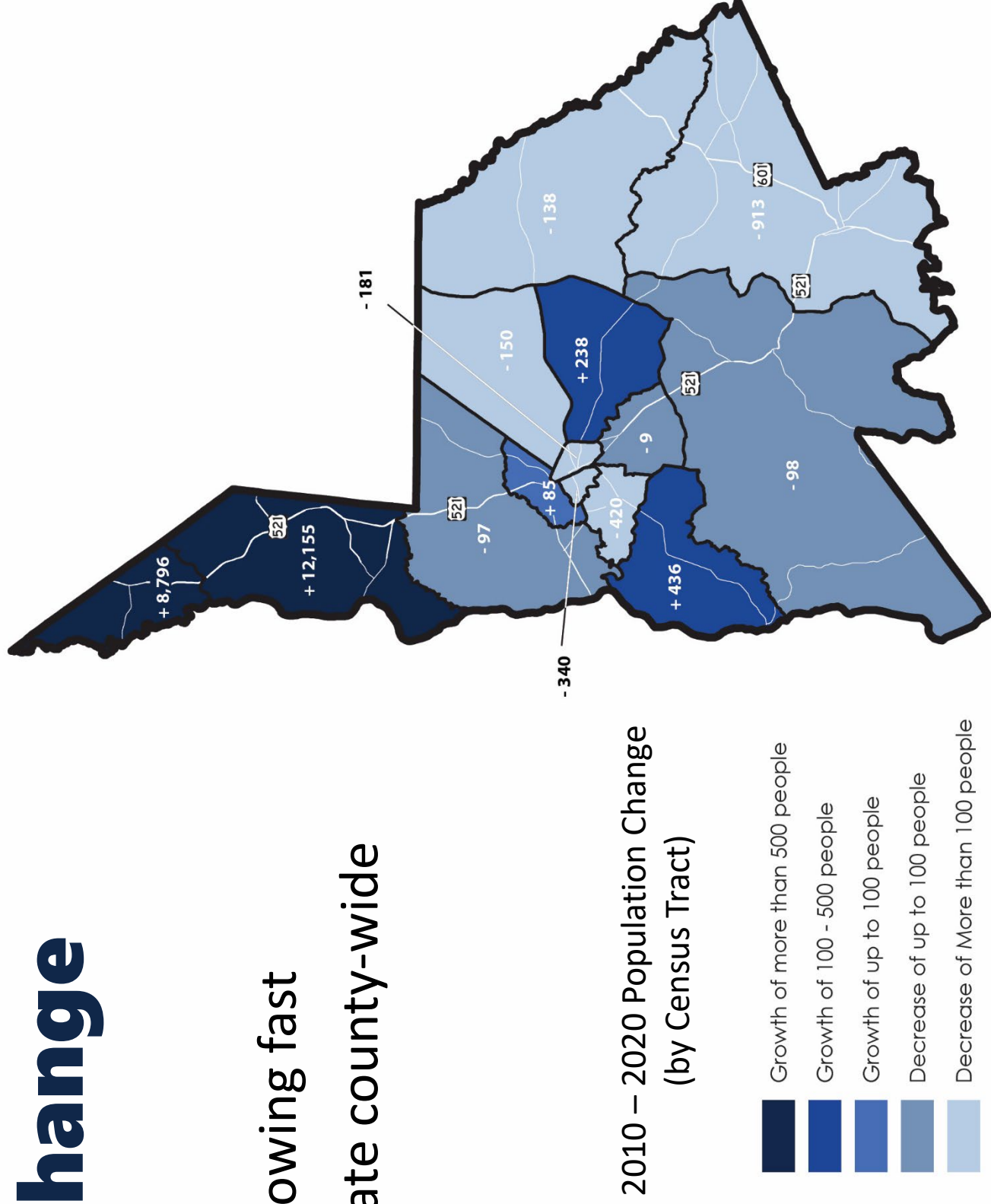
Public Engagement Updates

- Online Engagement
 - 1,945 survey participants
 - 3,637 website views
 - 1,172 unique users visited Lancaster2040.com
 - 112 people have joined the email update list
 - 8,500 people reached through Facebook ads
 - 850 actual engagements through Facebook

Baseline Information Review

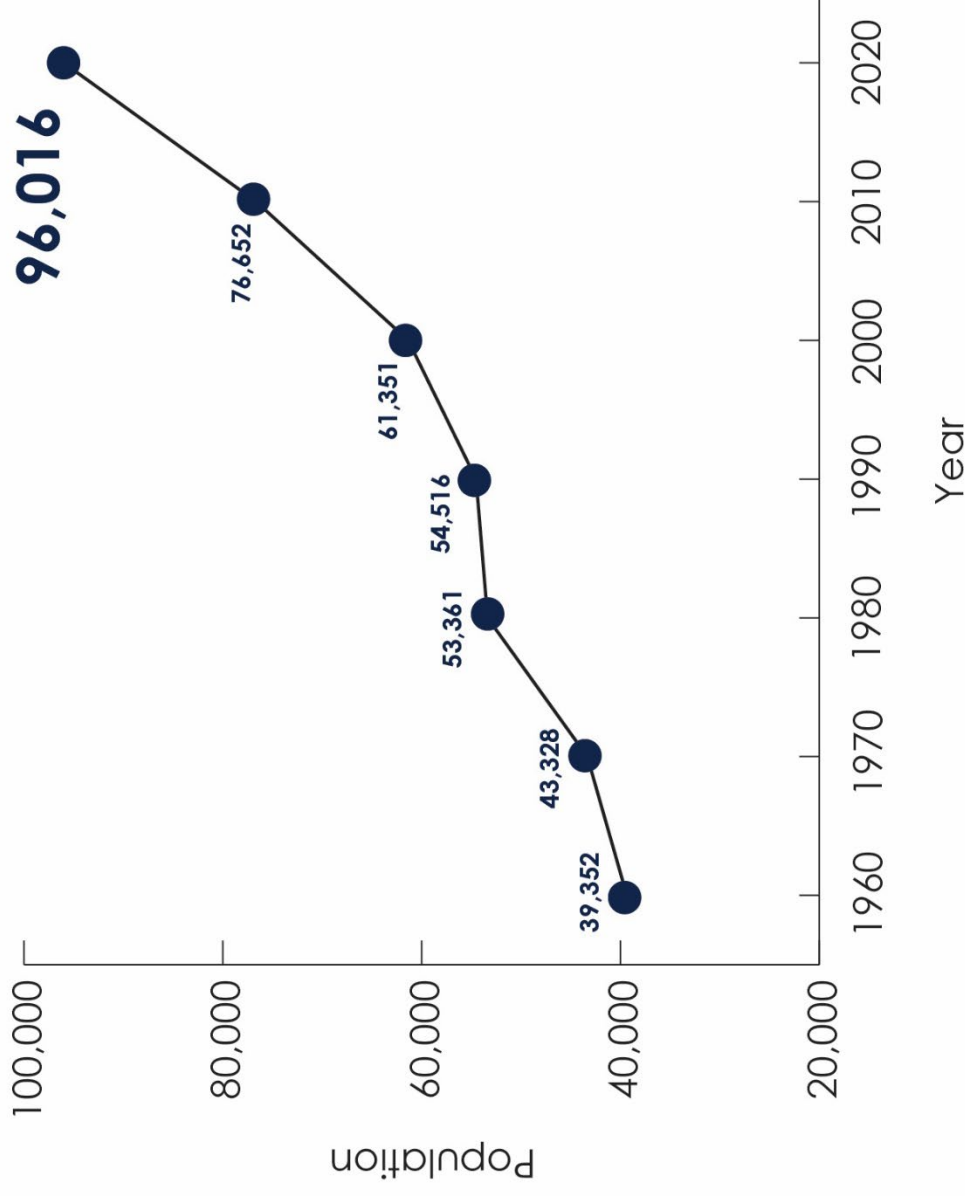
Population Change

- The County as a whole is growing fast
- Although not at the same rate county-wide



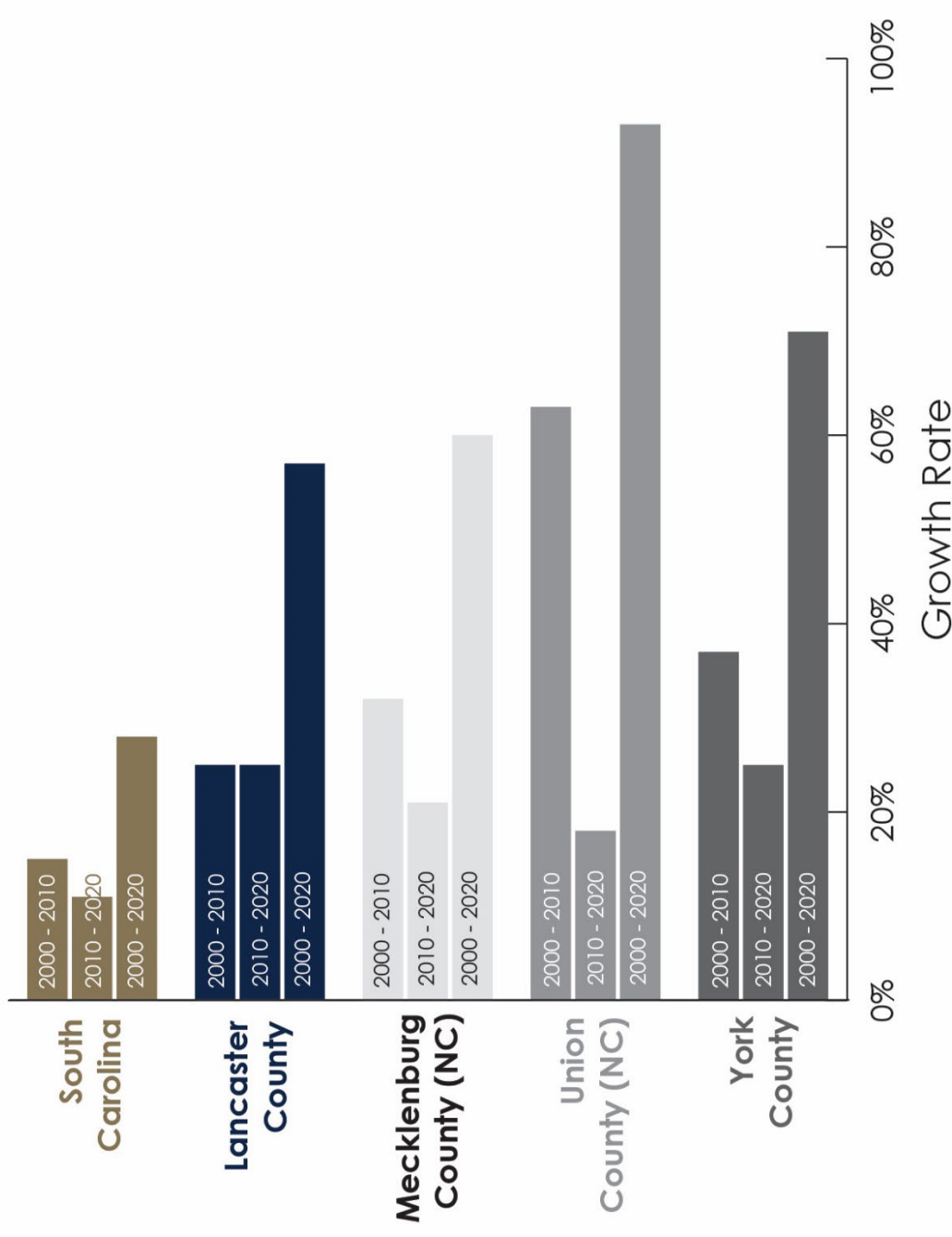
Population Change

- 56,600+ new residents in 50 years
- Greatest growth occurring in last 20 years

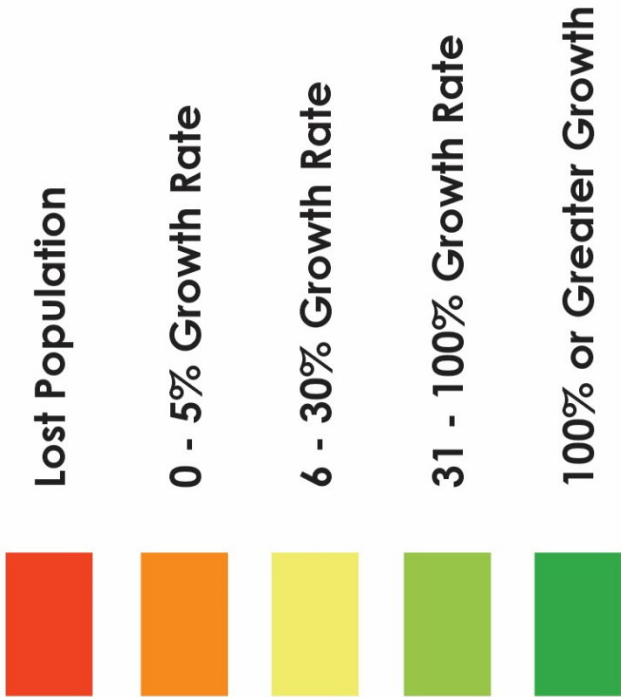


Population Growth Comparisons

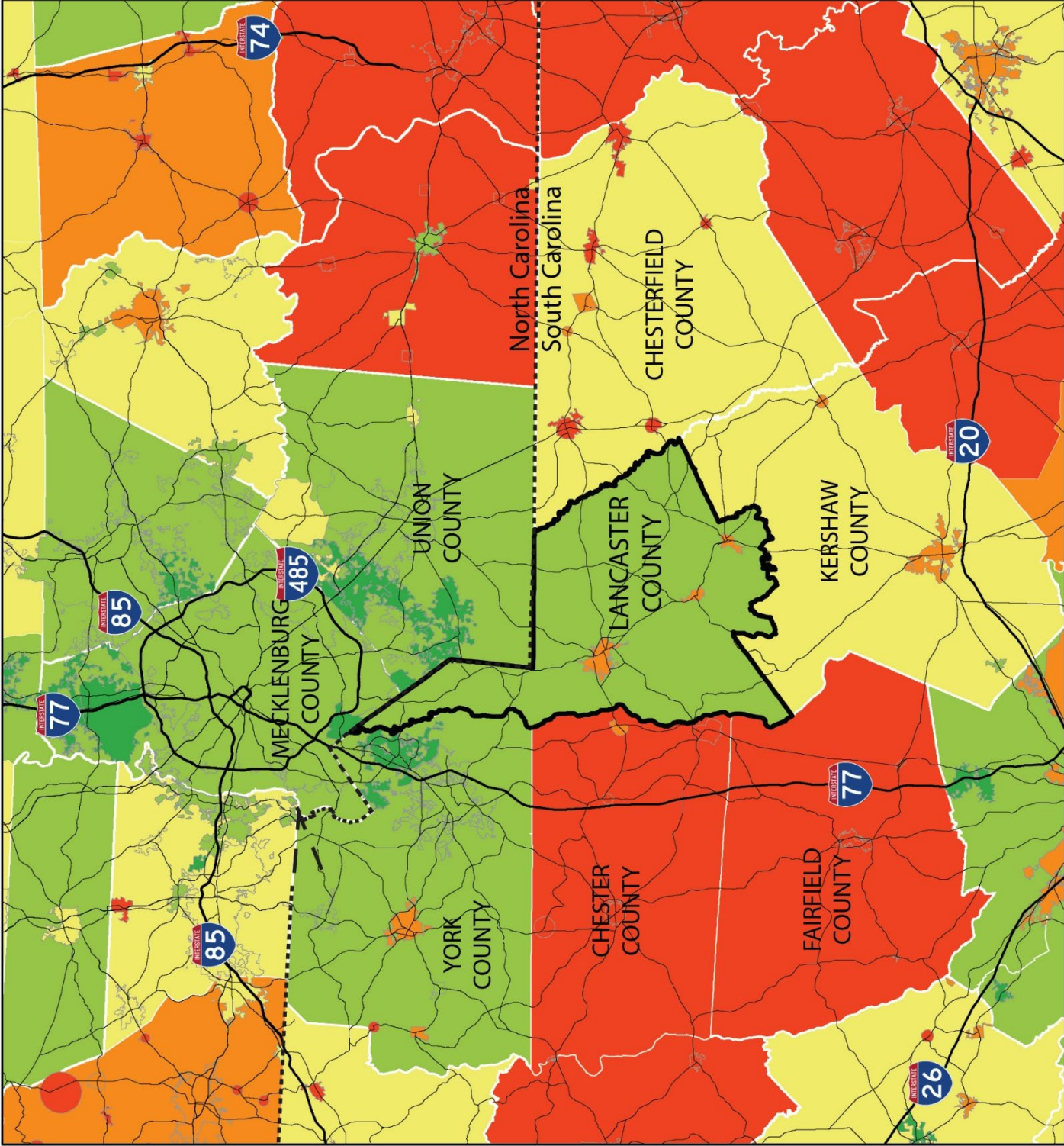
- Population growth rate around 60% in last 20 years
- Generally comparable to the region as a whole
 - Slightly ahead from 2010 - 2020
- Growing twice as fast as the State



2000 - 2020 Population Change

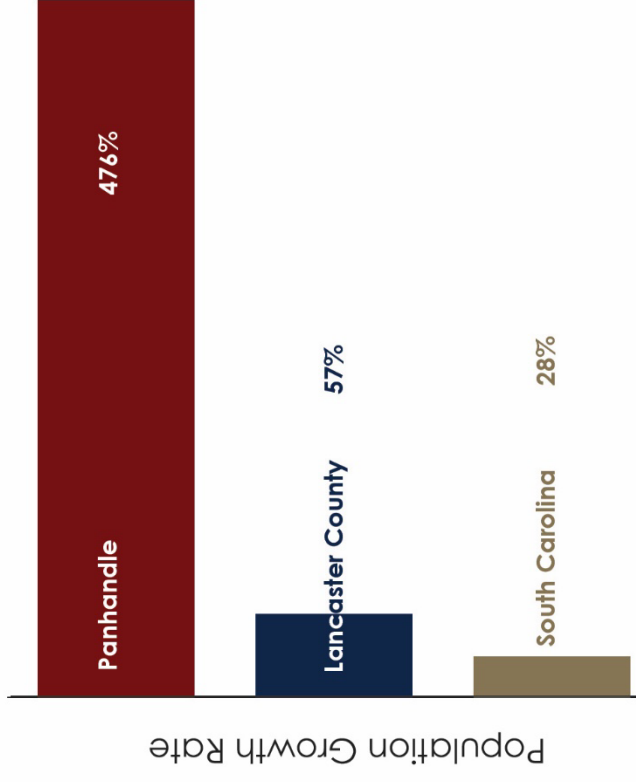
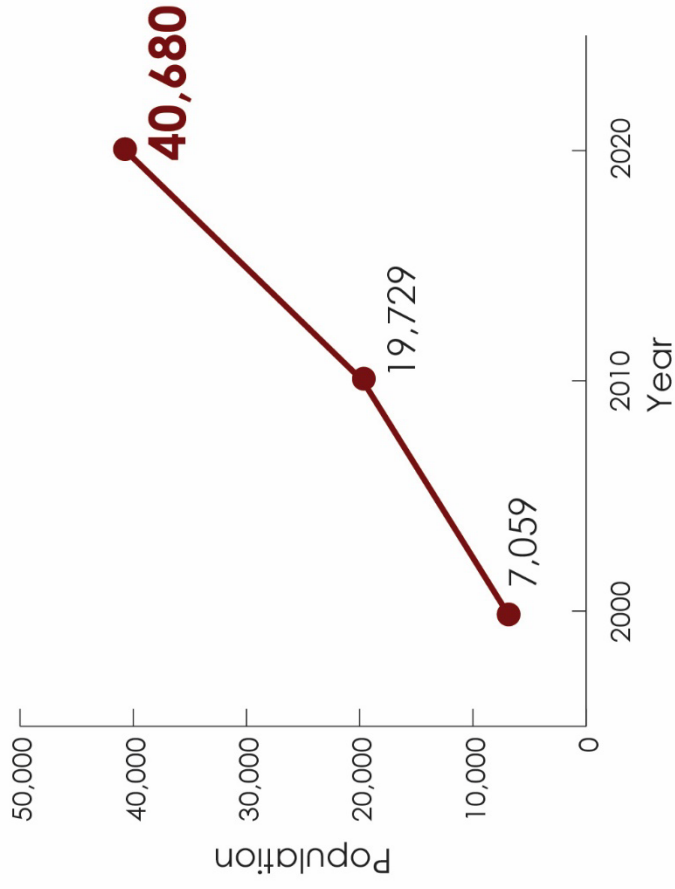


Regional Population Change



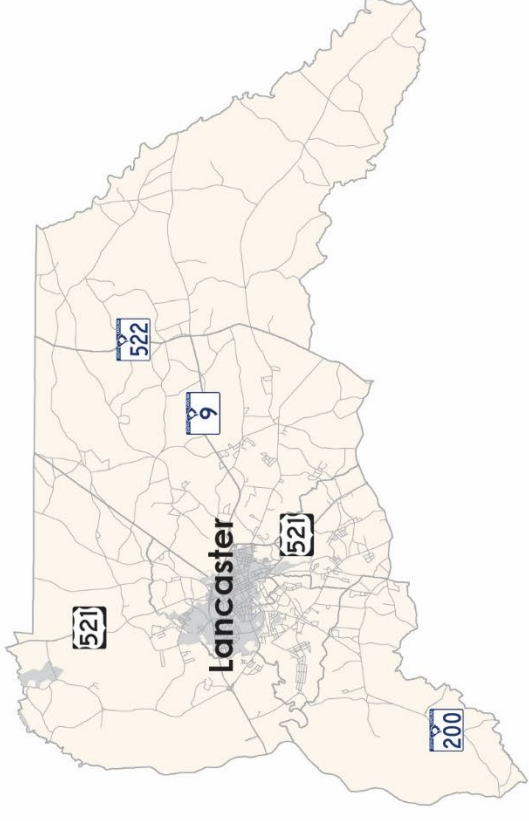
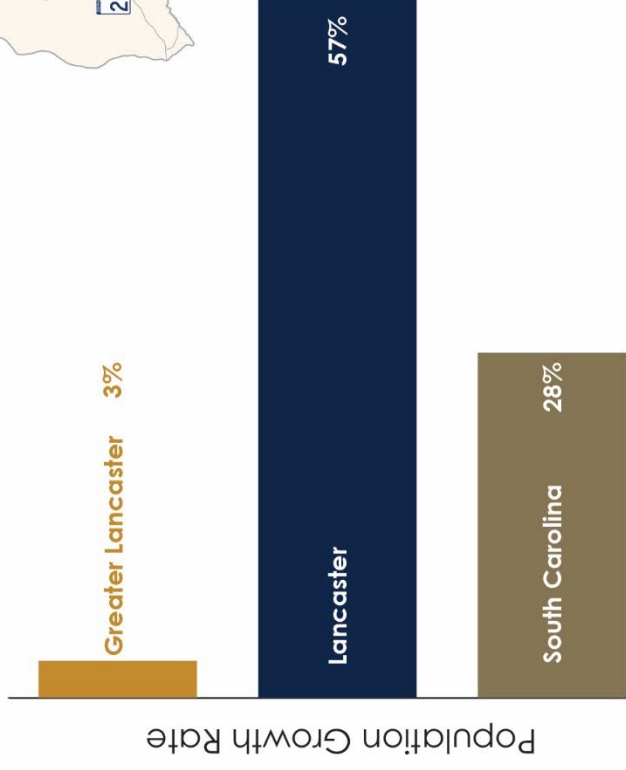
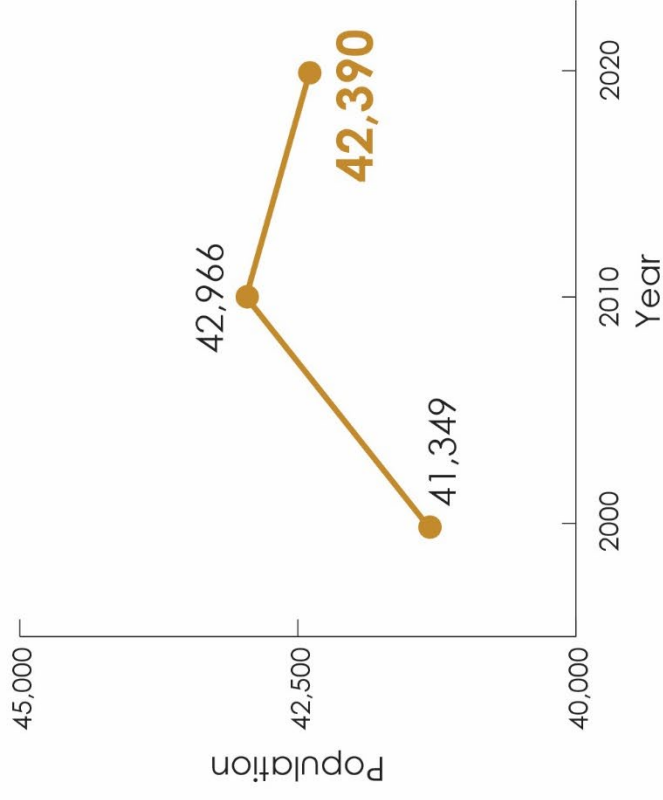
Panhandle Population

- Fastest growing region in the County
- 33,000+ new residents in 20 years



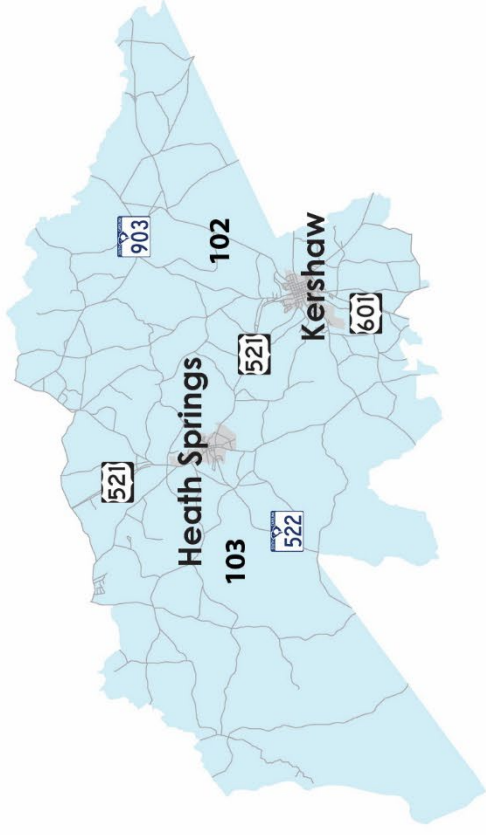
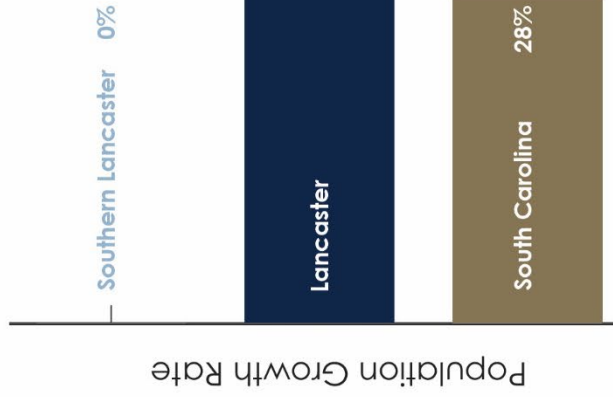
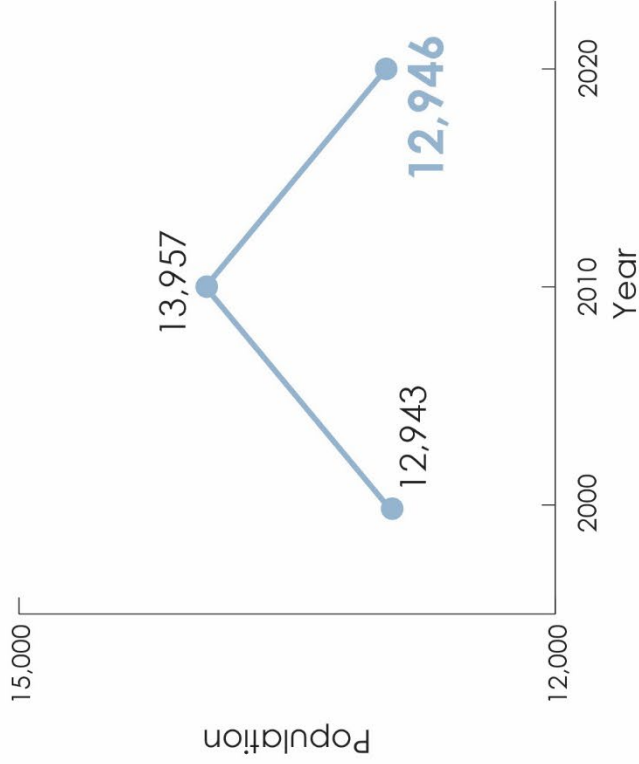
Greater Lancaster Population

- 1,000+ new residents in 20 years

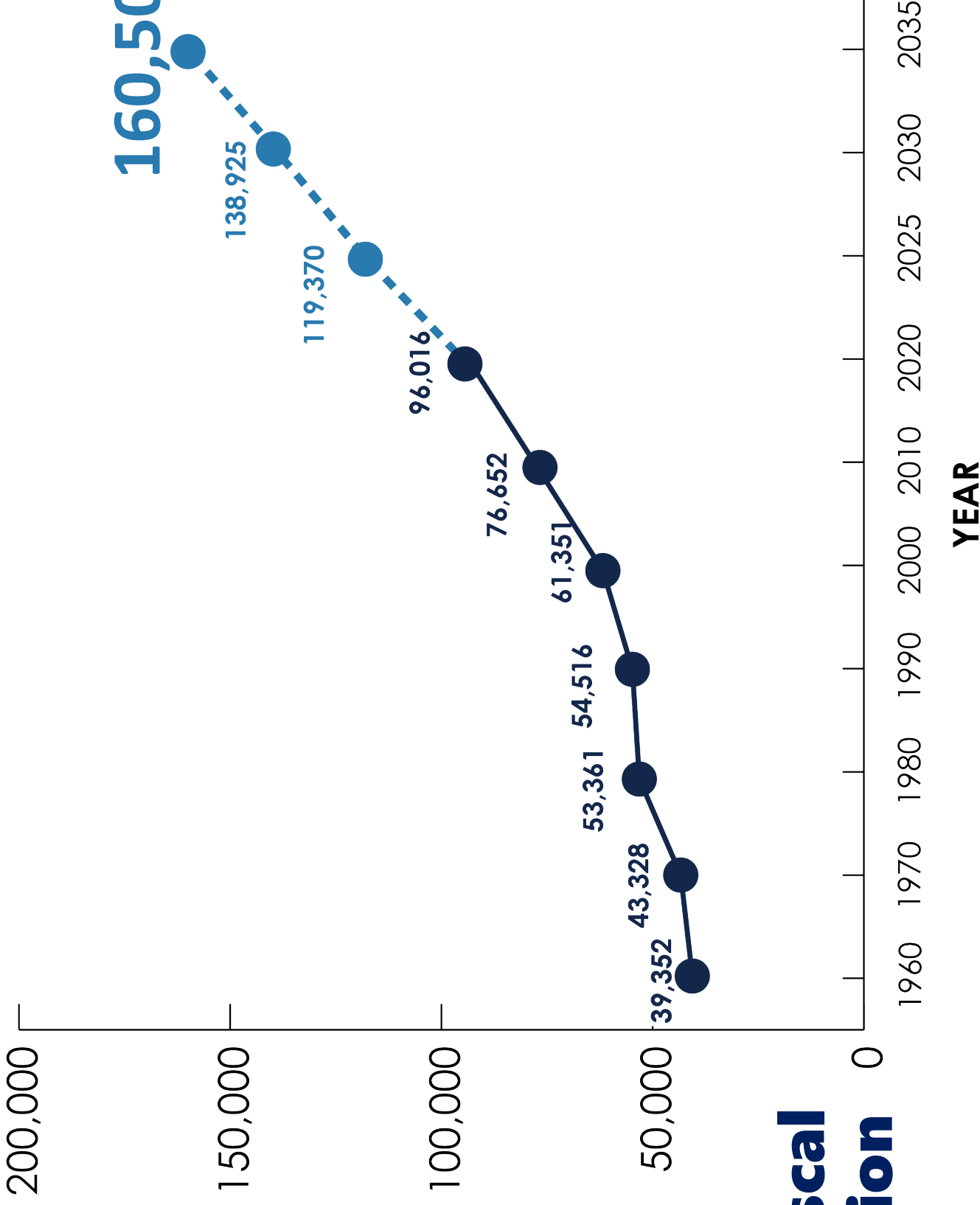


Southern Lancaster Population

- Static Population for 20 Years

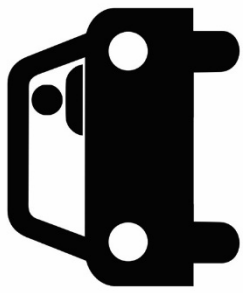


LANCASTER COUNTY POPULATION

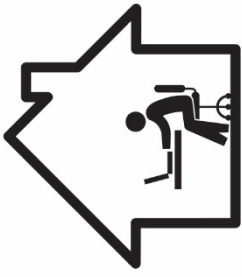


SC Dept. of Revenue and Fiscal Affairs Population Projection

Where do people travel to work?



84.4%
DROVE ALONE
TO WORK

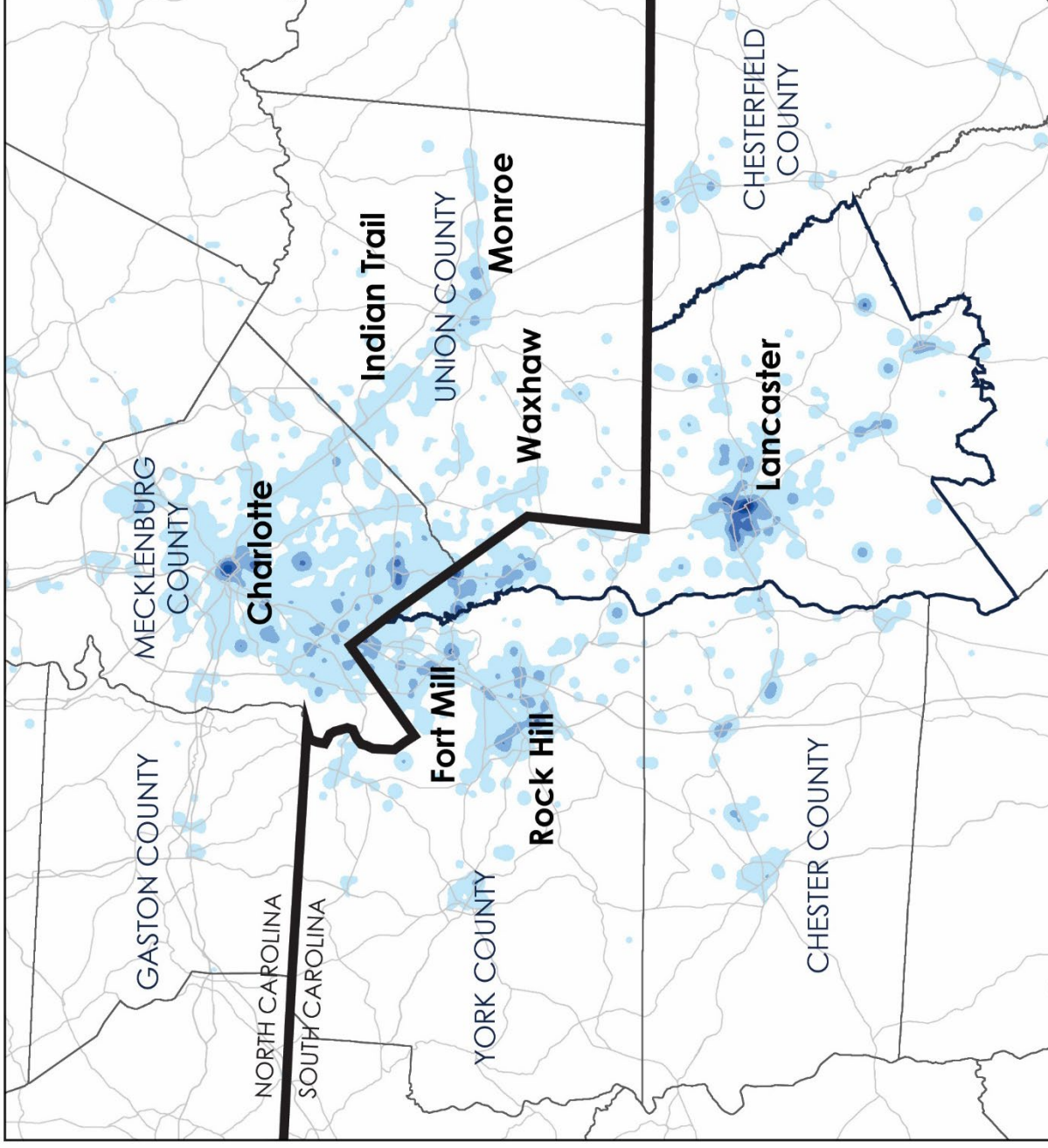
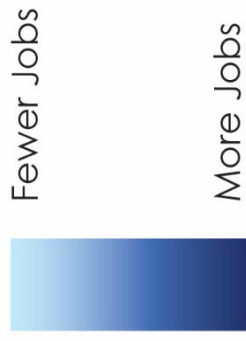


6.1%
WORKED FROM
HOME

30.5
minutes

AVERAGE
COMMUTE

LOCATION OF
EMPLOYMENT



County Commutes



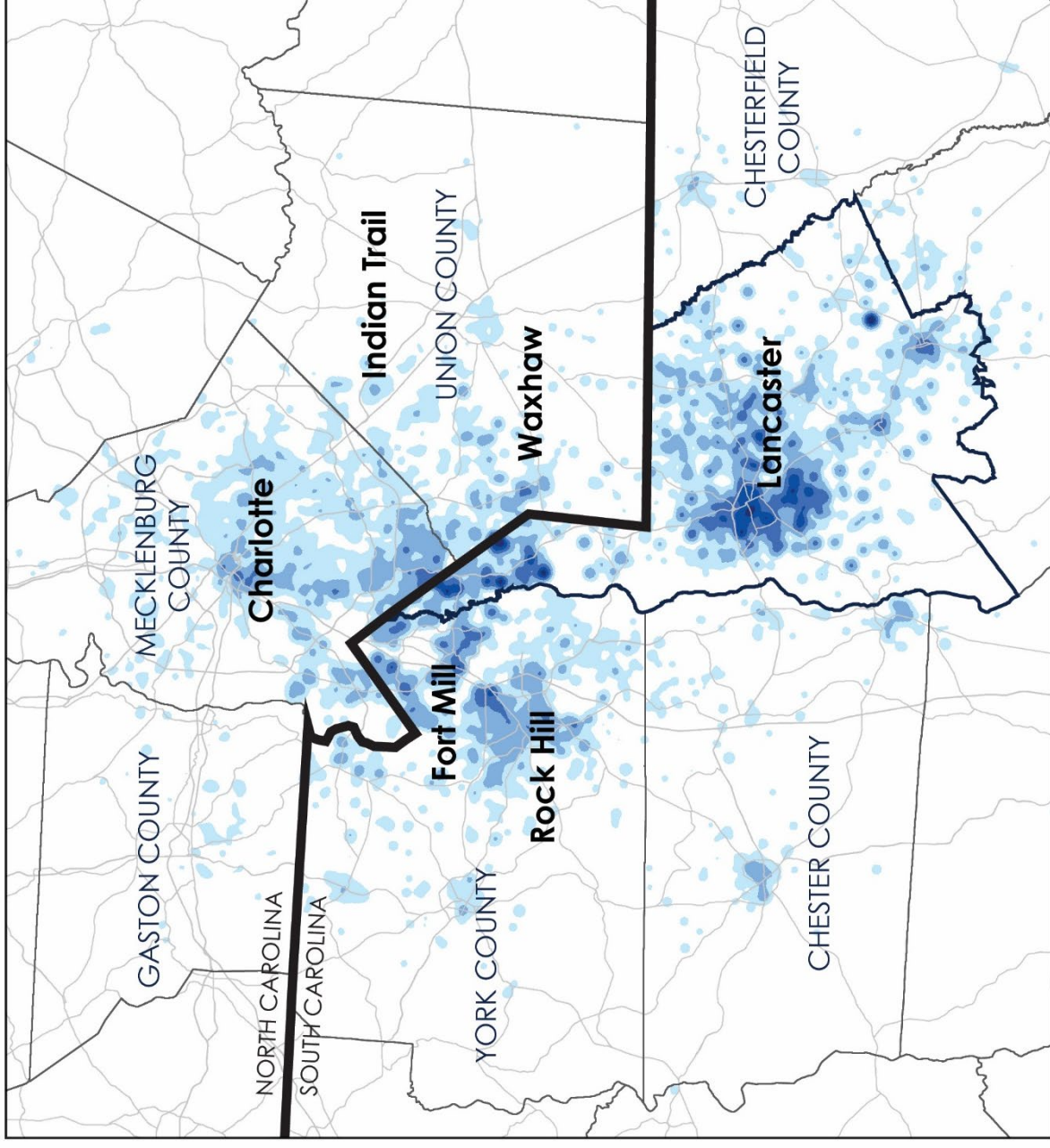
Where do people who work in Lancaster County live?

- Strong concentrations in Lancaster County
- A large number of employees also live in Rock Hill, Fort Mill, southern Mecklenburg County, and western Union County

**NUMBER OF WORKERS
BY LOCATION OF
RESIDENCE**

Fewer Workers

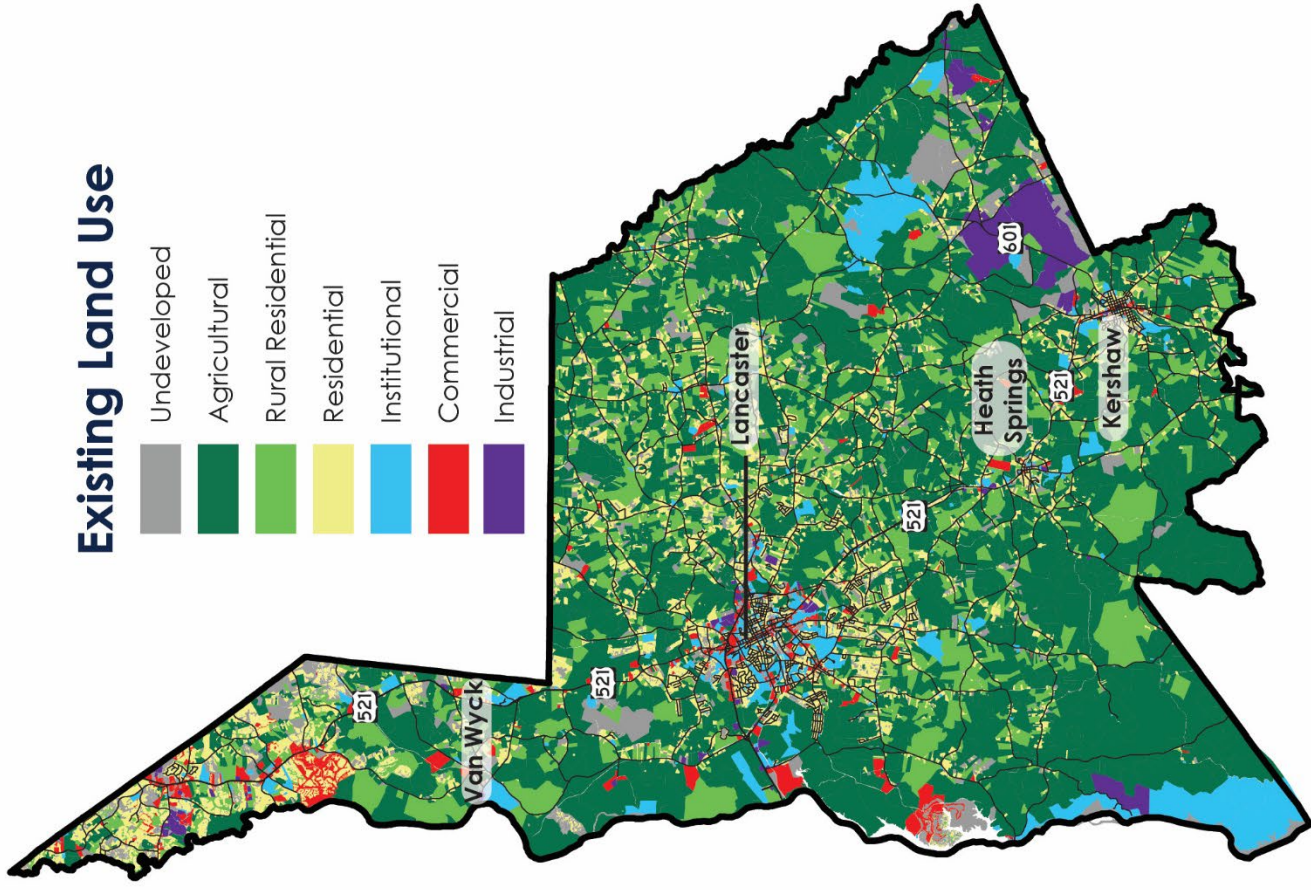
More Workers



Existing Land Use

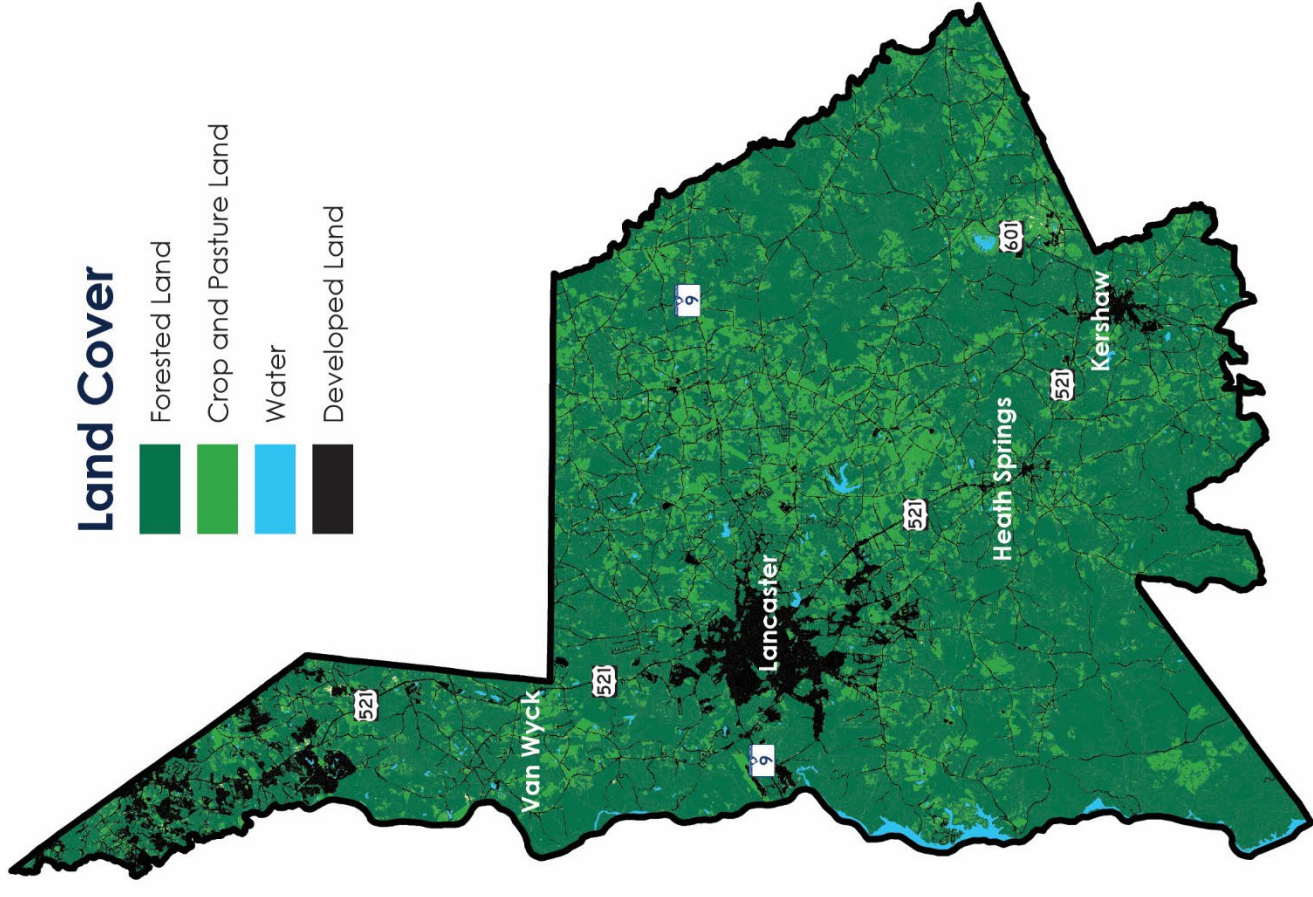
- A high percentage of land use is considered agriculture (55%)
- Significant amount of land is also Rural Residential (homes on 10 acres or greater)

GENERALIZED LAND USE	TOTAL ACREAGE	% OF AREA
Undeveloped	21,878	6.4%
Agricultural	188,144	54.9%
Rural Residential	62,273	18.2%
Residential	37,186	10.8%
Institutional	18,133	5.3%
Commercial	7,750	2.2%
Industrial	7,569	2.2%

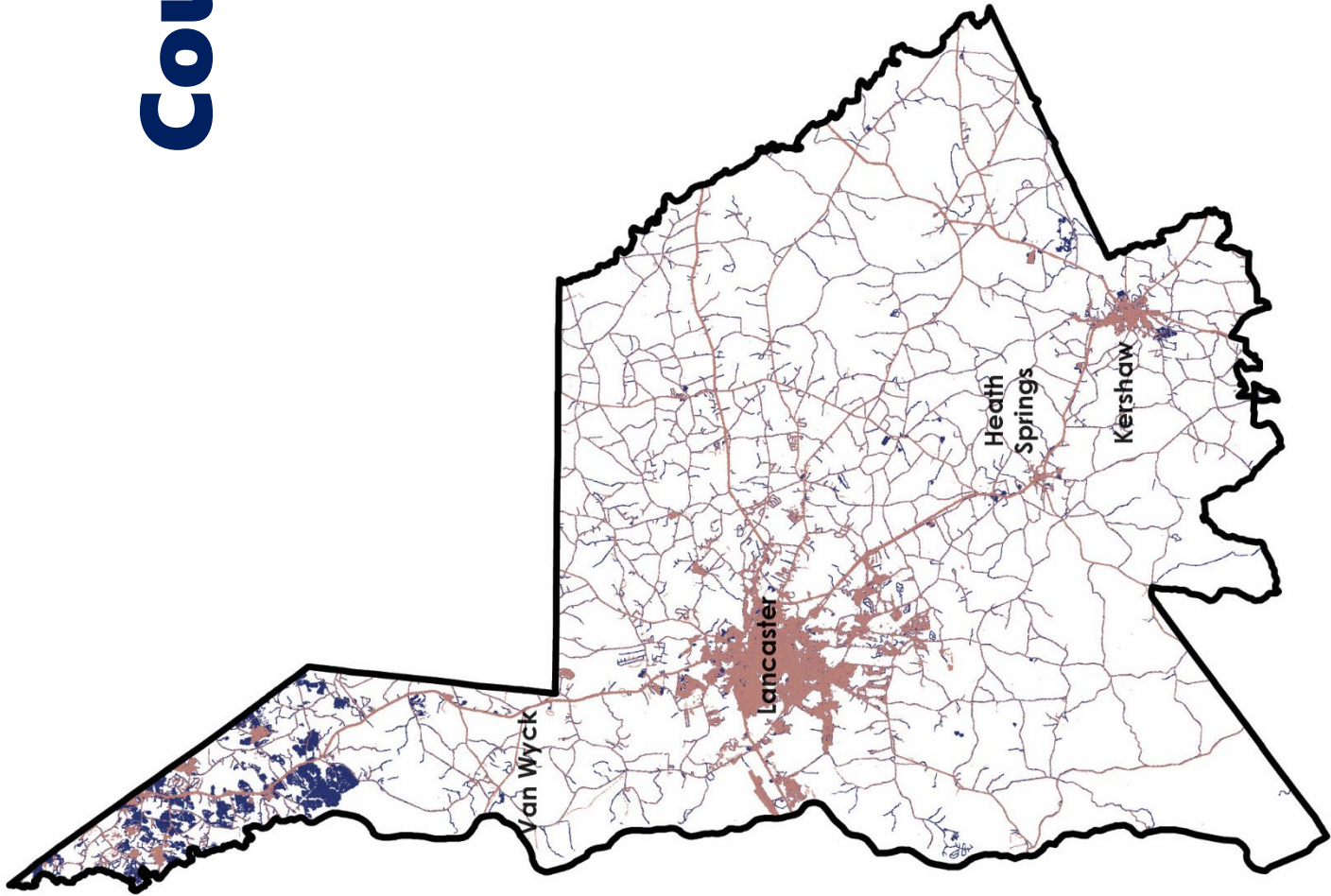


Land Cover

- Most of the land is considered forested, crop, or pasture land
- Development is largely concentrated in Panhandle, and in (and around) the municipalities of Lancaster, Heath Springs, and Kershaw

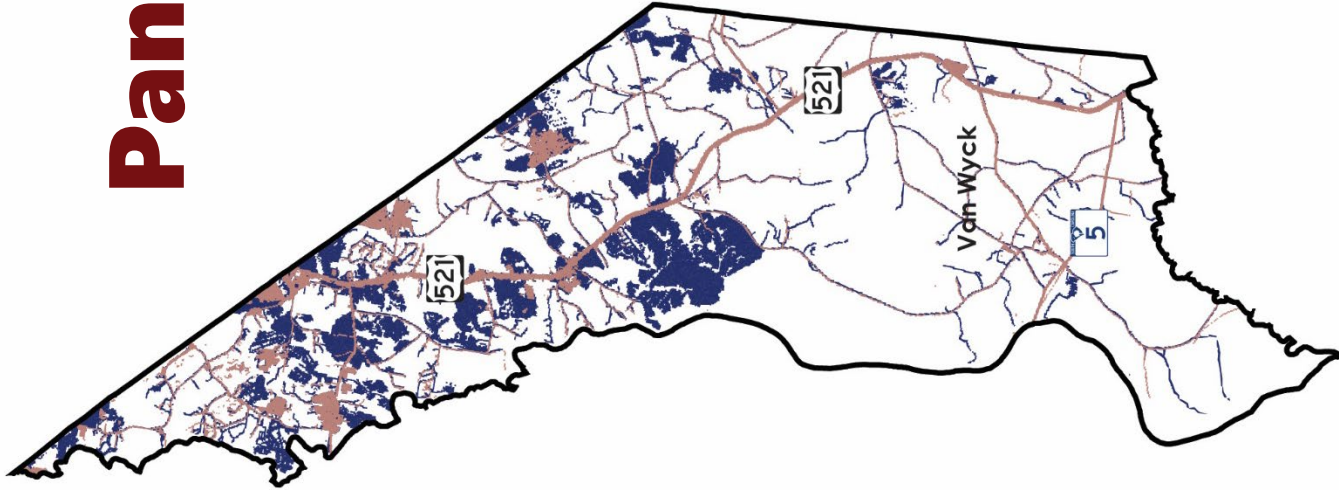


County - Change in Land Cover



LAND COVER	PERCENT OF TOTAL AREA (2010)	PERCENT OF TOTAL AREA (2020)	CHANGE IN PERCENT OF AREA (2010 - 2020)
Forested Land	69.6%	74.2%	+ 4.7%
Crop Land	2.3%	3.9%	+ 1.6%
Pasture Land	19.4%	10.7%	- 8.7%
Water	1.3%	1.5%	+ 0.2%
Developed Land	7.4%	9.7%	+ 2.2%

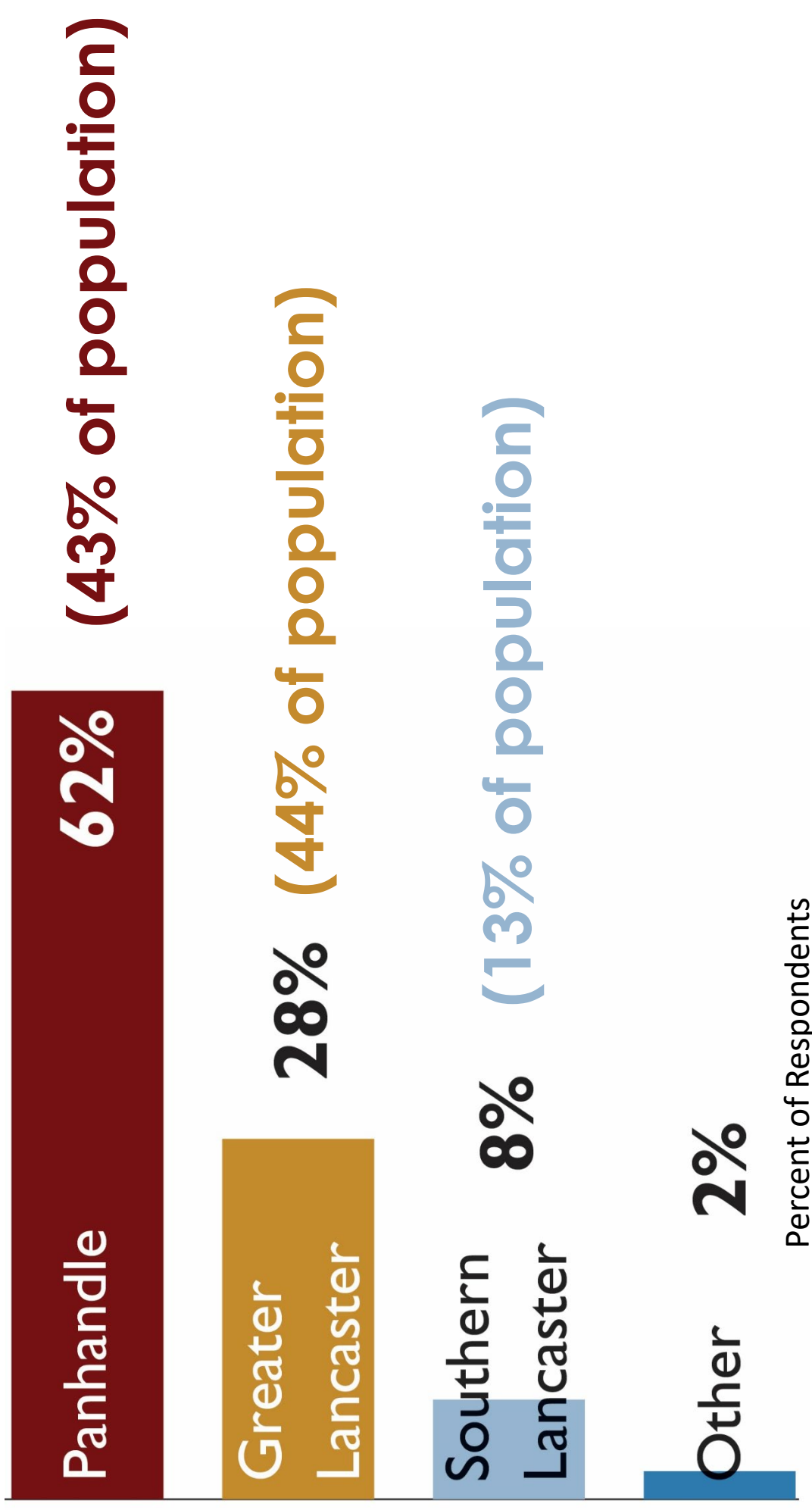
Panhandle - Change in Land Cover



LAND COVER	% OF AREA (2010)	% OF AREA (2020)	CHANGE IN AREA (2010 - 2020)
Forested	72.2%	68.8%	- 3.4%
Crop	2.8%	2.9%	+ 0.1%
Pasture	16.3%	7.8%	- 8.5%
Water	1.5%	1.6%	+ 0.1%
Developed	7.2%	18.9%	+ 11.7%

Community Survey Results

Question 1: Which part of the County do you live in?



Response Rates Compared to Population

Town of Van Wyck	3% of respondents	1% of population
City of Lancaster	13% of respondents	9% of population
Town of Heath Springs	1% of respondents	1% of population
Town of Kershaw	1% of respondents	2% of population

Question 5: Which issues are of most concern to you?

#1 Concern

Growth & Development

#2 Concern

Traffic Congestion

#3 Concern

Schools / Education

#4 Concern

Public Infrastructure

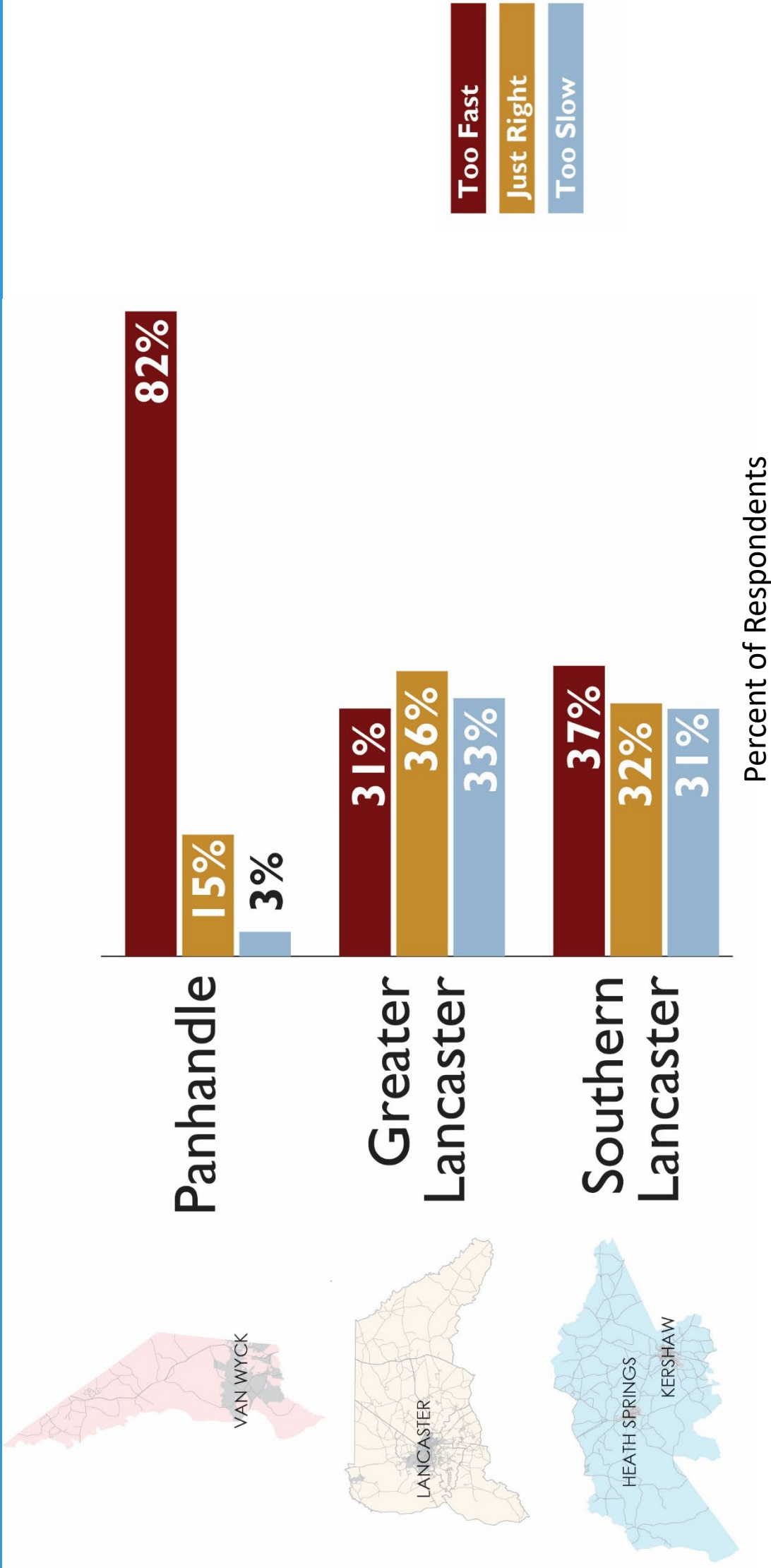
#5 Concern

Public Safety

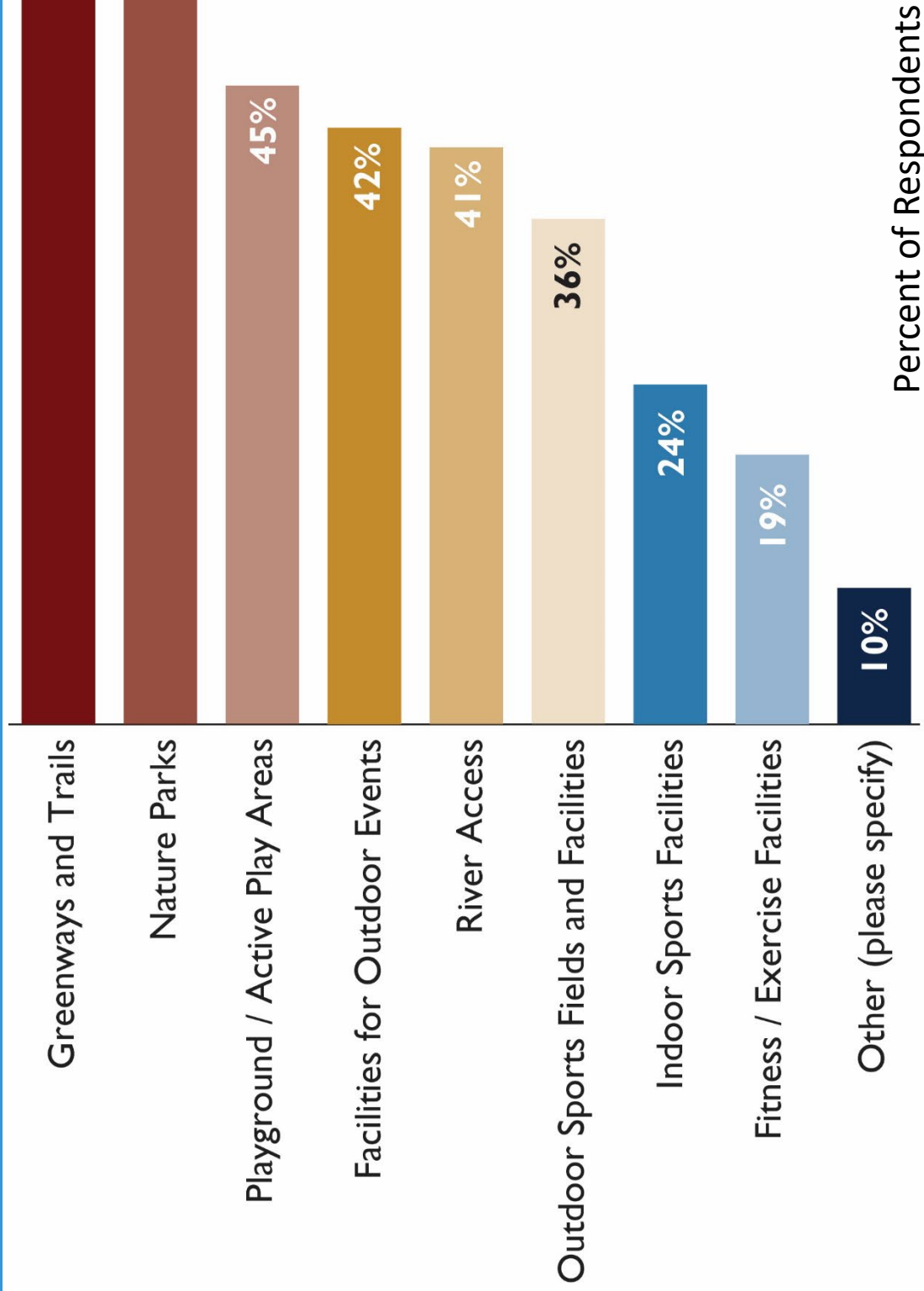
#6 Concern

Community Appearance

Question 6: What is your perception of the recent pace of growth?



Question 11: What types of recreation facilities would you like to see?



Question 11: What types of recreation facilities would you like to see?

PANHANDLE

#1 Greenways and Trails

#2 Nature Parks

#3 River Access

GREATER LANCASTER

#1 Nature Parks

#2 Facilities for Outdoor Events

#3 Playground / Active Play Areas

SOUTHERN LANCASTER

#1 Facilities for Outdoor Events

#2 Nature Parks

#3 Playground / Active Play Areas

Question 18: How would you describe Lancaster County to a friend?

DESCRIPTION	# OF RESPONSES
Growing / Developing	346
Crowded / Overdeveloped	295
Friendly / Welcoming	247
Beautiful / Pretty / Appealing	240
Outdated / Behind	144
Calm / Comfortable / Peaceful	140
Country / Rural	137
Lacking...(funds, infrastructure, green, etc.)	133
Close to Charlotte / Convenient / Central	126
Affordable / Low Cost of Living	113

Question 19: What are the most important topics for a long range plan?

TOPIC	# OF RESPONSES
Traffic Management	629
Growth Management	507
Education / Schools	475
Parks / Recreation / Open Spaces	325
Commercial Development	270
Economic Development / Employment	228
Infrastructure	205
Police Protection / Crime / Safety	174
Road Maintenance	173
Bike Lanes / Sidewalks / Multi-use Paths	115

Question 20: Please describe your vision for the future of Lancaster County

VISION	# OF RESPONSES
Control Growth / Slow Down Development	326
Build / Improve Roads	295
Parks / Greenspaces	222
Improve Schools	199
Encourage More Commercial Businesses	172
Stricter Zoning / Design Regulations	132
Economic Development	117
Keep Small Town Feel	105
Improve Aesthetic Appearance	103
Improve / Support Public Safety	99

Emerging Themes

Emerging Themes

Transportation

Economic
Development

Growth
Management

Recreation

Community
Appearance

Education

Equity

Environmental
Quality

Upcoming Activities

Upcoming Activities

- Council Meeting Presentation: May 11th
- Steering Committee Meeting: June 6th
- Public Kick-off Meetings in June (Tentative)
 - June 9th (Greater Lancaster and Southern Lancaster Areas)
 - June 14th (Panhandle Area)

Lancaster 2040

COMPREHENSIVE PLAN



Planning Commission Meeting
May 5, 2022

Agenda Item Summary

Ordinance # / Resolution #: May 17, 2022 Regular Minutes

Contact Person / Sponsor: J. Bryan

Department: Planning

Date Requested to be on Agenda: 6/2/2022

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
May 17, 2022 Regular Minutes	5/18/2022	Exhibit



MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION

CHARLES DEESE, DISTRICT 3, CHAIRMAN
JAMES BARNETT, DISTRICT 4, VICE-CHAIRMAN
TAMECCA NEELY, DISTRICT 2
, DISTRICT 5
SHEILA HINSON, DISTRICT 6
ALAN PATTERSON, DISTRICT 1
BEN LEVINE, DISTRICT 7
CLERK: JENNIFER BRYAN

MINUTES
Lancaster County Planning Commission
May 17, 2022 6:00 p.m.

Chairman Deese called the meeting to order at 6:00 p.m.

1. ROLL CALL: Quorum is present (Four Commissioners)

Commissioners Present:

Tamecca Neely	Sheila Hinson
Charles Keith Deese	Alan Patterson

Absent: Ben Levine James Barnett

No appointment has yet been made to fill District 5 seat.

Staff Present:

Rox Burhans

Clerk: Jennifer Bryan

Others Present:

Brandon Pridemore, R. Joe Harris & Associates.

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

2. APPROVE AGENDA

Chairman Deese called for a motion to approve the Agenda.

Motion to defer items 5a RZ-2021-2803 Two Capital Partners (Rezoning) and 5b: DA-2021-2803 Two Capital Partners (Development Agreement) to June 21, 2022 meeting, and to defer item 5c: RZ-2022-0672 Purser to June 2, 2022

By Alan Patterson; 2nd by Tamecca Neely.

Called Vote: 4:0. Motion approved unanimously.

Motion to Approve Amended Agenda by Alan Patterson; 2nd by Sheila Hinson

Called vote: 4:0. Motion approved unanimously.

3. **CITIZEN'S COMMENTS** [see Sign-In sheet attached]

Chairman Deese opened the floor to comments from the public. None signed in for comment; floor was closed to comments.

4. **APPROVE MINUTES**

a. **March 15, 2022 Regular Minutes**

Item forwarded to this agenda: insufficient votes for quorum at 4/7/22, 4/19/22, and 5/5/2022 meetings. Commissioners Ben Levine and Sheila Hinson were absent from the meeting of March 15, 2022.

With Mr. Barnett and Mr. Levine absent, there are not sufficient votes for a quorum on this item. This item is forwarded to the next meeting.

b. **May 5, 2022 Regular Minutes**

The meeting of May 5, 2022 was noticed as a full voting meeting in order to better distribute proposed agenda items. Commissioner Alan Patterson was absent from the meeting of May 5, 2022.

With Mr. Barnett and Mr. Levine absent, there are not sufficient votes for a quorum on this item. This item is forwarded to the next meeting.

5. **PUBLIC ITEMS**

a. **RZ-2021-2803 Two Capital Partners**

Application by Two Capital Partners to rezone 5 parcels comprising approximately 50.7 acres located at and adjacent to 9224 Tadlock Drive (TM#s 0010-00-051.00, 0010-00-052.00, 0010-00-052.01, 0010-00-052.02, 0010-00-052.03) from Neighborhood Business (NB) and General Business (GB) to Regional Business (RB) district, to facilitate a development with mixed commercial and multi-family residential uses. Presented conjointly with item 5b: DA-2021-2803 Development Agreement. **APPLICANT REQUESTS DEFERRAL TO JUNE 21, 2022 to allow for completion of TIA review.**

b. **DA-2021-2803 Two Capital Partners**

Application by Two Capital Partners for a Development Agreement for 5 parcels comprising approximately 50.7 acres located at and adjacent to 9224 Tadlock Drive (TM#s 0010-00-051.00, 0010-00-052.00, 0010-00-052.01, 0010-00-052.02, 0010-00-052.03) from Neighborhood Business (NB) and General Business (GB) to Regional Business (RB) district, to facilitate a development with mixed commercial and multi-family residential uses. (See above Rezoning Application).

APPLICANT REQUESTS DEFERRAL TO JUNE 21, 2022 to allow for completion of TIA review.

c. RZ-2022-0672 Purser

Application by Nathaniel B. Purser to rezone 1-acre parcel at 7984 Taxahaw Road (TM# 0093-00-004.04) from Rural Business (RUB) to Agricultural Residential (AR) zoning district, for the purpose of converting a former commercial building into a residence. **STAFF REQUESTS DEFERRAL TO JUNE 2, 2022 TO MEET STATUTORY POSTING REQUIREMENT**

6. NEW BUSINESS

a. Discussion & Information: Interim Ordinance UDO-TA-2021-2980

[See attached presentation slides re: Interim Ordinance]

Rox Burhans presented an overview of the proposed Interim Ordinance.

Discussion:

Chairman Deese expressed concern and a need for caution to make sure this proposed ordinance does not cross the line prohibiting conditional zoning. Mr. Burhans acknowledged the concern and confirmed that both the consultant and county's legal counsel were attending to the distinction closely.

Alan Patterson asked how the Interim Ordinance would impact the role of Planning Commission; Mr. Burhans explained that the application and approval process for the proposed flex districts would be comparable to the current Master Plan process, with the exception that with approval from the Commission and Council at the front end of the process, preliminary plat approval would shift to staff review.

Alan Patterson asked whether the preliminary presentation to Committee of the Whole could be construed as pre-approval of a project. Mr. Burhans explained that the nature of the presentation would be clearly defined as providing feedback for possible concerns, not approval or denial. Current process does not allow any way for the developer to gauge Council's interest until fairly late in the process, after significant investment by the applicant.

Alan Patterson asked at what point the applicant would request the flex option; Mr. Burhans clarified that the request and the specific terms and conditions would be clearly defined in writing by the time the application reached presentation to Planning Commission.

Mr. Burhans and the Commissioners discussed the impact of the proposed ordinance on staff workload, and ways in which the Commission could assist and support staff.

Alan Patterson asked if Mr. Pridemore could provide feedback about the presentation from the perspective of a developer [Mr. Pridemore was in attendance in relation to the agenda items for Two Capital Partners which were deferred].

Brandon Pridemore, engineer at R. Joe Harris: Concurred that the UDO revision was a huge undertaking; agreed with Mr. Burhans' evaluation of some of the specific changes (for example change from 3-tier to 2-tier lot sizes); commented that the most critical aspect would be the "guardrails" limiting what flexibility could be requested.

Tamecca Neely asked if she could receive copies of the presentation slides; Clerk J. Bryan agreed to email copies of the presentation to all Commissioners.

Chairman Deese and the Commission agreed that as of July, the meeting schedule would return to Workshop on first Thursday and regular voting meeting on third Tuesday of each month.

7. ADJOURN

Motion to adjourn by S. Hinson; 2nd by T. Neely. Motion approved by unanimous consent. Meeting adjourned at 7:32 PM.



PLANNING COMMISSION Public Hearing Sign In Sheet

Item 3: CITIZEN'S COMMENTS

General Comments or comments on matters not on tonight's agenda.

Council Chambers
101 N. Main Street, Lancaster South Carolina
Tuesday, May 21, 2022

Citizens are allowed 3 minutes per person to speak. ¹⁷Everyone speaking before Council will be required to do so in a civil manner. Council will not tolerate personal attacks on individual Council Members, County Staff or any person or group. Racial slurs will not be permitted. Council's number one priority is to conduct business for the citizens of this county.

PLEASE PRINT

1.
2.
3.
4.

UDO Interim Ordinance

Information Sharing Process

- Asked PC to watch the COW discussion and view PPT
- Held one-on-one meetings with PC to share information
- Tonight's presentation will be a further update
- UDO Interim Ordinance on June 2nd PC Agenda
- Interim Ordinance packet to go out Friday



Why Have an Interim Ordinance?

- October 2021 County: Initiated UDO Rewrite with White and Smith
 - Major issues with 2016 UDO
 - Two year process to complete
- Flooded with Major Development Inquiries in Both Panhandle and Greater Lancaster Area
 - Desirable community
 - Moratoriums
- County Concerned about Processing Major Projects with Flawed Ordinance. Not considering a moratorium.

Administrative Items

- Applicability
 - 45-Homes/Units For Residential (TIA threshold)
 - 5-Acres for Non-Residential
 - Combination of above for Mixed-Use
- Application Content (similar to MX)
 - Master Plan
 - Terms/Conditions Document
 - Traffic Study
 - Building Elevations
 - Other Items (as needed)
- Process
 - Follows general rezoning process*
 - Neighborhood meetings
 - COW project introduction



Interim Ordinance Approach

- Build Off Existing Ordinance (not attempting to rewrite UDO)
 - Improvements to process and standards for major projects
- Create a Project-Oriented Approach Versus District Based
 - Encourage collaborative master planning
 - Greater certainty of what will be built
- Enable Flexibility With Limits
- Convert Mixed Use Districts to Legacy Status
- Options for Cluster Subdivision



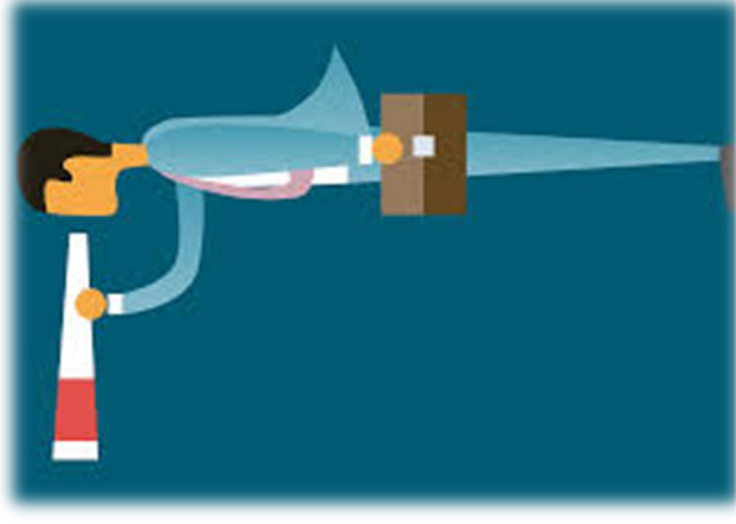
Content Overview

■ Interim Ordinance Creates Three New “Umbrella” Districts

- Flexible Residential (FR)
- Flexible Non-Residential (NFR)
- Flexible Mixed-Use (FMU)

■ Flexible District Process

- Pick FR, FNR or FMXU based on type of project
- Identify closest corresponding existing zoning district to base project
- Develop project standards in Terms and Conditions Document
 - ✓ Relate to existing UDO
 - ✓ Defined opportunities to request flexibility



Interim Ordinance Standards

- Created New or Modified Existing Standards
 - Fill missing gaps in current UDO
 - Improve under-performing existing standards
 - Kept those that worked well
- Create Improved Open Space Standards
 - Maintain 25% Open Space Requirement
 - ✓ Limit unbuildable lands to 50% of OSP calculation (e.g. wetlands, floodplain, creeks, etc.) to achieve more useable space
 - ✓ Require amenities based on a lot count sliding scale
 - ✓ Require amenity center with 500-lot or more subdivision
 - ✓ Maintain current 50-ft perimeter buffer along roads



Interim Ordinance Standards

- Update to SF Residential Lot Size Variety
 - Currently require three tiers of lots with 10-ft gap (e.g. 50-ft, 60-ft, and 70-ft typically). Limited to 34% for each type
 - Tough to distinguish difference
 - Proposal is to require two tiers with 20-ft gap and limit on 51%
- Help with On-Street Parking Issues
 - Increase SF Detached Front Setback Standard to 40-ft
 - ✓ Homeowners have evicted cars from garage
 - ✓ Potentially enable up to 4-cars in driveway
 - Require Overflow Parking for Residential Developments



Flexibility Requests

- Flexibility is a Request, not a Guarantee
- Could Potentially Include Items Such As
 - Lot sizes or dimensions
 - Densities (suggested criteria)
 - Road Configurations (e.g. cul-de-sac, block length, etc.)
- Limits to Flexibility Requests
 - Densities
 - No changes to key overlay districts (e.g. Airport, Heel Splitter, etc.)
- Creates Opportunity For Collaboration with County on Priorities
 - Tree saves
 - Better open space design/placement
 - Neighborhood/street design
 - Landscaping



MXU Districts and Cluster Subdivision

Lancaster
County

South Carolina

- Interim Ordinance Proposes Legacy Status for MXU Districts
- Projects That would be Previously Rezoned MXU Would be Accommodated As Follows:
 - Existing Regional Business District permits apartments
 - Townhomes or other residential permitted in new Flexible Residential District (no MF)
 - Flexible Mixed Use will support mixed-use development (requires 10% commercial)

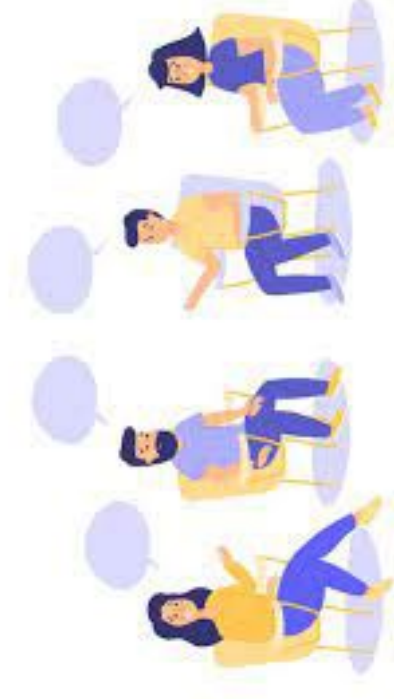
■ Three Options For Cluster Subdivision Overlay District

- Option 1: Retain as is until full UDO rewritten
 - ✓ Will entitle development that is inconsistent with goals
 - ✓ Dilutes purpose of Interim Ordinance
- Option 2: Delete From Ordinance
 - ✓ May not be fair to existing owners zoned MDR
 - ✓ Would eliminate expansion of developments completely
- Option 3: Retain for properties already zoned MDR
 - ✓ Equitable
 - ✓ Manages expansion of developments



Planning Commission Discussions

- Why is the Ordinance Needed?
- What are the Issues with Cluster Subdivisions?
- What Are the Issues with MX Districts?
- How Will This Improve our Current Approach?
- Is the Interim Ordinance Establishing Conditional Zoning?
- Staff Workload Concerns
 - Hitting PC/CC meeting dates
- Need Guard Rails on Flexibility



Wrap Up

- Interim Ordinance will Help Achieve Better Outcome For Community
 - Greater certainty with project approach versus district approach
- Common Tool Used With Peer Communities
- Help Resolve Project Challenges
 - Can help with compatibility issues
 - Some projects need ordinance to move forward
- Will Not Solve all UDO Issues, But will Address

Many With Larger Projects



Agenda Item Summary

Ordinance # / Resolution #: RZ-2022-0672 Purser

Contact Person / Sponsor: A. Davis

Department: Planning

Date Requested to be on Agenda: 6/2/2022

Issue for Consideration:

The applicant has requested to rezone a parcel one (1) acre in size. The intent is to renovate the existing structure to convert it to a residence.

Points to Consider:

The subject property is predominately surrounded by AR and a few INS Districts. The surrounding uses are primarily residential in nature, with some timber and agricultural use and a scattering of institutional activities such as churches, cemeteries, and fire departments.

The property currently has an empty building formerly used for commercial purpose. If the rezoning were to be approved (changing the zoning district to Agricultural Residential) the building on the property would need to be removed or renovated as a residence in order to conform to AR District requirements.

Recommendation:

Staff recommends approval of the request to rezone.

ATTACHMENTS:

Description	Upload Date	Type
Planning Staff Report	5/10/2022	Planning Staff Report
Exhibit 1: Application	5/10/2022	Exhibit
Exhibit 2: Zoning Map	5/10/2022	Exhibit

PROPOSAL: Request to rezone one acre of property
PROPERTY LOCATION: 7984 Taxahaw Road (TM# 0093-00-004.04)
CURRENT ZONING DISTRICT: Rural Business (RUB) District
PROPOSED ZONING DISTRICT: Agricultural Residential (AR) District
APPLICANT: Nathaniel B. Purser
COUNCIL DISTRICT: District 6, Alan Blackmon

OVERVIEW:

Proposal

The applicant has requested to rezone a parcel one (1) acre in size. The intent is to renovate the existing structure to convert it to a residence, to be utilized for its highest and best use.

Site Information

The parcel proposed to be rezoned is currently in disuse. There is a structure on the property formerly used for commercial purposes. Access will be provided via Taxahaw Road.

Summary of Adjacent Zoning and Uses

The properties are surrounded predominantly by AR zoned properties, with a few INS properties within a one-mile radius.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	AR	Residential & Agricultural
South	Lancaster County	AR	Land Only
East	Lancaster County	AR, INS	Land Only, Cemetery
West	Lancaster County	AR	Residential

ANALYSIS & FINDINGS:

Zoning Districts

As previously noted, the subject property is currently in the RUB District. Pursuant to UDO Chapter 2.3, the RUB District *is established for rural crossroads that represent the small nodes of commercial activity along rural highways. This district will accommodate small-scale businesses, such as gas stations, convenience stores, or restaurants, and serve some daily needs of the surrounding rural population.*

Requested GB

UDO Chapter 2.3 describes the requested AR District as *a district in which the principal uses of the land are restricted due to lack of available utilities, unsuitable soil types, steep slopes, or for the protection of prime agricultural lands.*

Compatibility with Surrounding Area

As noted previously, the subject property is predominately surrounded by AR and a few INS Districts. The surrounding uses are primarily residential in nature, with some timber and agricultural use and a scattering of institutional activities such as churches, cemeteries, and fire departments.

Non-Conformance Status

The property currently has an empty building formerly used for commercial purpose. If the rezoning were to be approved (changing the zoning district to Agricultural Residential) the building on the property would need to be removed or renovated as a residence in order to conform to AR District requirements.

RELATIONSHIP TO PUBLIC PLANS

The Future Land Use Category of the subject properties is Rural Living. The adopted Comprehensive Plan states that the Rural Living Community Type *“includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded “conservation subdivisions” whose aim is to preserve open landscape, and traditional buildings, often with a mix of residential and commercial uses that populate crossroads in countryside locations.”* The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

The Rural Living Future Land Use Category extends across the southern and eastern portions of the county, from Highway 160 in the lower panhandle, down to the city of Lancaster, following the arc east, south and then west around the transitional areas outside of the city of Lancaster. Rural Living is in essence the base zoning district of large portions of the rural eastern and southern parts of the county.

The requested AR District is consistent with Rural Living Future Land Use Category.

Rural Living: Land Use Considerations		
Church	Restaurant	Woodlands/Timber Harvesting
Convenience /Hardware Store	Natural Area	Gas Station
Barns/Storage	Mobile Home	Single-Family Detached Home
Light Industrial (ancillary to farming)	Cultivated Farmland/ Livestock/Arable	Smaller Lot Single-Family and Townhomes

INFRASTRUCTURE CONSIDERATIONS

Transportation

There are no issues with traffic generated from this request at this time.

Public Utilities

There are no issues with public utilities generated from this request at this time.

Public Schools

There are no capacity concerns for the schools within this area pertaining to this change.

PHOTOS OF PROJECT AREA:



Street view of subject parcel.



Aerial view of subject Parcel



Aerial view of area surrounding the subject parcel .

STAFF RECOMMENDATION:

Staff recommends **approval** of the request to rezone one (1) acre (TM# 0093-00-004.04) from Rural Business (RUB) District to Agricultural Residential (AR) District, pursuant to the following findings of fact:

1. That the subject project consists of the following parcel: TM# 0093-00-004.04;
2. That the subject property is currently zoned RUB District and proposed to be rezoned AR District;
3. That the subject property has a Future Land Use designation of Rural Living Use; and
4. That the proposed AR District is generally consistent with the surrounding area which is comprised of AR and INS Districts.

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map

STAFF CONTACT:

Ashley Davis, Senior Planner
adavis@lancastersc.net | 803-416-9433

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- Deed and survey plat or boundary survey
- Fees associated with review

GENERAL INFORMATION

Property Address 7984 Taxahaw Rd Lancaster SC
City Lancaster State SC Zip 29720 Tax Parcel ID 0093-00-004.04
Current Zoning RUB Current Use not in use
Proposed Zoning AR Total Acres 1.26
Project Description convert commercial building into Residential house

Surrounding Property Description Farm Land / Residential

CONTACT INFORMATION

Applicant Name Nathaniel B. Purser
Address 1696 Betha Knight Rd
City Lancaster State SC Zip 29720 Phone 803 246 2595
Fax — Email Purser's heating and air @ gmail.com
Property Owner Name Nathaniel B. Purser
Address 1696 Betha Knight Rd
City Lancaster State SC Zip 29720 Phone 803 246 2595
Fax — Email Purser's heating and air @ gmail.com

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.

Nathan B. Russ
Applicant

March 25/22
Date

Nathan B. Russ
Property Owner(s)

March 25/22
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 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Rezoning Application Fee – single parcel \$435.00
- Rezoning Application Fee – multi parcel \$610.00

For 5/17 deadline 4/1
For 6/21 deadline 5/6
For 7/19 deadline 6/3

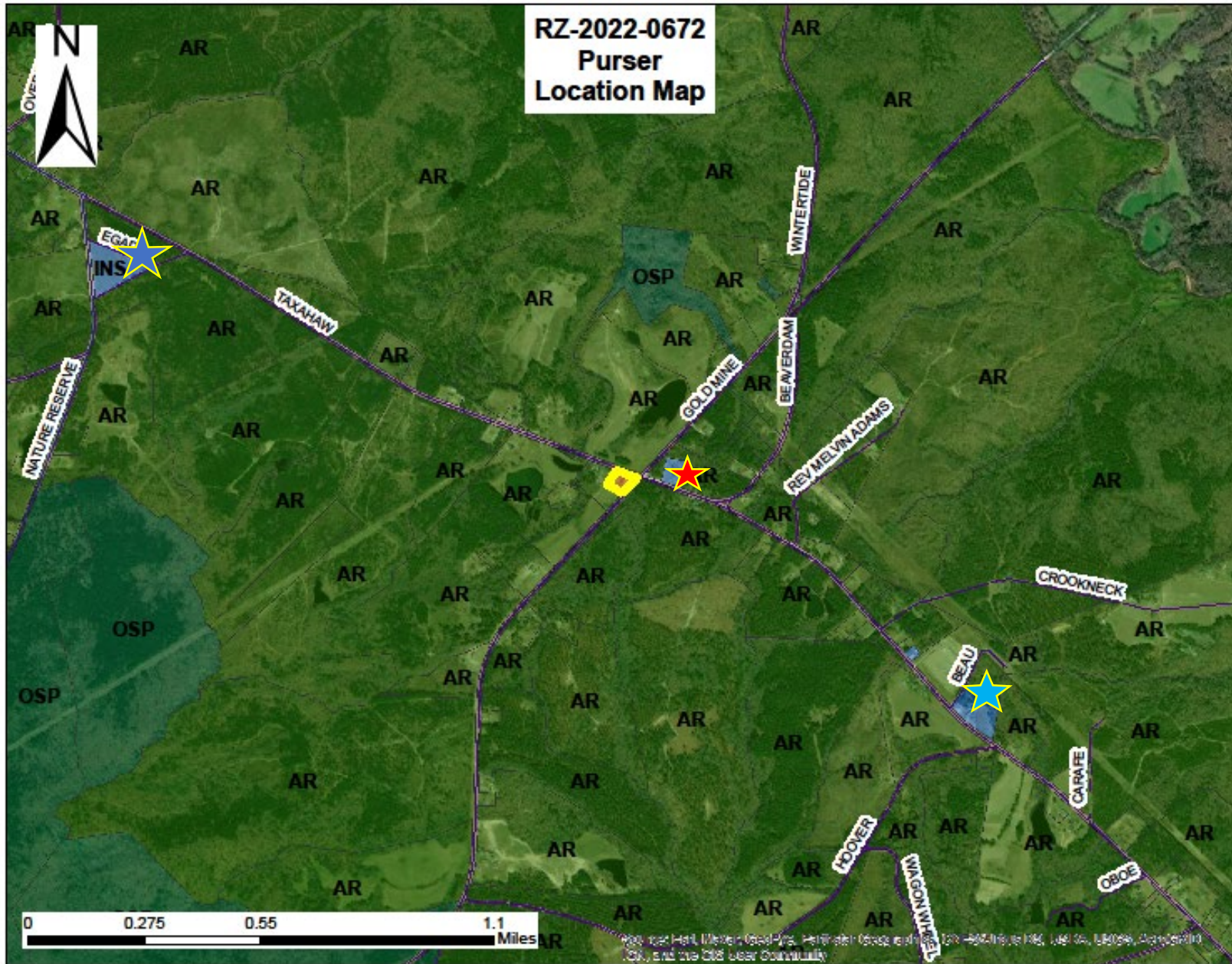
2. Planning Commission

- 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

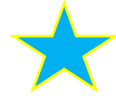
- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval.
- Subsequent to final County Council action on rezoning, notice of action will be provided to the applicant, owner, and adjacent property owners.
- If applicant would like to request a special presentation, please notify the County Clerk @ (803) 416-9307 before 5:00pm on the first Monday of the month to make arrangements.

RZ-2022-0672
Purser
Location Map



Proposal:
Request to rezone from
RUB to AR

Legend:

-  Subject Property
-  Taxahaw Baptist Church
-  Blackman Cemetery
-  Rocky Branch Baptist Church

Agenda Item Summary

Ordinance # / Resolution #: UDO-TA-2021-2980

Contact Person / Sponsor: Rox Burhans/Development Services Director

Department: Planning

Date Requested to be on Agenda: 6/2/2022

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	5/20/2022	Executive Summary
Application	5/19/2022	Backup Material
Interim Ordinance	5/19/2022	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 05-11-22

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.~~
<u>Flexible Residential (FR)</u>	<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>
<u>Flexible Mixed Use (FMU)</u>	<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>
<u>Flexible Non-Residential (FNR)</u>	<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 TABLE

<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); 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).>

<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 IMPLEMENTATION¹

- A. Flexible Residential. The Flexible Residential (FR) District may be implemented for proposed development that includes at least 45 dwelling units.²
- 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.

¹ 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.

² This is the approximate number of dwelling units that triggers a TIA according to UDO Section 6.8.

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, LI, HI</u>
<u>FNR</u>	<u>INS, RUB, PB, NB, GB, RB, LI, HI</u>

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).
- 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%³ 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.
 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, 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>

³ 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. 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.

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

FLEXIBLE DISTRICT TYPE	ALLOWABLE USE CATEGORIES
-------------------------------	---------------------------------

FNR	<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.⁴ 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;

⁴ 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*.

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, less the acreage of the Primary Conservation Area.

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)</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>7.0 du/ac for townhouse dwellings;</u> <u>9.0 du/ac for multi-family 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>
	<u>MDR</u>	<u>2.5 du/ac</u>	<u>3.5 du/ac for detached single-family residential dwellings</u> <u>7.0 du/ac for townhouse 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>16.0 du/ac</u>
	<u>LI, HI</u>	<u>6.0 du/ac</u>	<u>15.0 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 SPACE⁵

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.
 - 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.

⁵ These standards are included for “interim” purposes. We anticipate incorporating more robust open space requirements into a new UDO Open Space chapter.

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.⁶

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.
 1. To ensure that open space is functional and usable, one or more open space areas shall contain active amenities such as gazebos, improved surface trail network, docks, dog parks, sports courts, improved sports fields, playgrounds, clubhouses, or improved community gardens.
 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

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

⁶ Carried forward from UDO Section 4.4.1.F.5. (Cluster Subdivision Overlay).

Table 3.7.3-1: Minimum Number of Active Amenities Required

<u>FLEXIBLE DISTRICT</u>	<u>SIZE</u>	<u>NUMBER OF ACTIVE AMENITIES REQUIRED</u>
	<u>200 or more parking spaces</u>	<u>3 + 1 per each 50 additional parking spaces</u>

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 499 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, duplex dwellings, and/or townhouse dwellings.

3.8.2 VARIETY OF LOT SIZES⁷

- A. When a Flexible District Development Plan proposes a reduction in minimum in 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.

3.8.3 FRONT SETBACKS

- A. When the parking area for a 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

Overflow parking areas shall be disbursed throughout the development. At least one overflow parking space for each five dwelling units shall be provided.

3.8.5 ROADSIDE BUFFER⁸

- A. A buffer with a minimum width of 50 feet is required along the frontage of all existing public streets. 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.

3.8.1 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.

⁷ Carries forward the Cluster Subdivision Overlay District requirement for a variety of lot sizes (UDO Section 4.4.1.D).

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

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.

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.⁹ 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.

⁹ This paragraph carries forward UDO Subsection 9.2.9.B.3. with minor revisions.

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.

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 conditions¹⁰ 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*.

¹⁰ 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.).

- 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;
 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;
 - c. Reduce side setbacks for detached single-family residential uses to less than 10 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*);
 - 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.¹¹ The Master Architectural Plan should reflect the use of architectural grade masonry materials, the creation of highly articulated façades, and the minimal use of vinyl siding for wall cladding. The Plan shall include, at a minimum:

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.¹² 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.

¹¹ 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 “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.

¹² 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.

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 modifications, or disapproval of the application within 30 days¹³ 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.¹⁴

E. County Council Decision.¹⁵ 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

¹³ 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).

¹⁴ Carries forward current text in UDO Subsection 9.2.15.B.3.

¹⁵ 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.

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.

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.

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 Planning Commission or 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 held by the Planning Commission (with Level 1 and 2 public notice) and a recommendation by the Planning Commission.
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.¹⁶ 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.>

¹⁶ 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

<Delete Subsection 4.4.1: *Cluster Subdivision Overlay District* (CSO). Renumber Subsection 4.4.2: *Equestrian Oriented Subdivision Overlay District* as Subsection 4.4.1.>

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-use 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	X	B	C	C*	C*
	<u>FR</u>	A	A	A	A	B	B	B	C*	C*

UR, RMX, INS**	A	A	X	X	X	A	A	X	X
NB, GB**	B	B	A	X	X	A	A	X	X
~~MX, IMX~~ , PB, NB, GB	A	B	A	X	X	A	A	X	X
<u>FMU</u>	B	B	A	A	A	A	A	A	B
<u>FNR</u>	B	B	A	A	A	A	A	A	B
RB	C	C	C	B	A	A	A	X	X
LI, HI, M	C	C	C	C	C	C	C	B	X
* Only required where adjacent, more intense use is pre-existing and no equivalent buffer is provided on the adjacent property ** Only multifamily and non-residential uses shall provide buffers between adjacent single family uses in detached homes									X = No Buffer Required

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	C	U	n/a	-	-	-	-	-	-	
	PB	U	-	U	A	A	A	-	-	-	
	NB	U	-	n/a	B	B	C	-	-	-	
	GB	U	-	n/a	B	B	U	U	-	-	
	RB	U	-	n/a	B	B	U	U	-	-	
Special	INS	B	U	n/a	B	B	B	B	-	-	Location B – Parking permitted in 2nd and 3rd Layers 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 C – Parking permitted in 2nd and 3rd Layers. Parking in 1st Layer restricted to one drive aisle with two bays.
	FMU	U	U	U	U	U	U	U	U	U	
	FNR	U	U	U	U	U	U	U	U	U	
Neighborhood	UR	C	U	n/a	B	B	-	B	-	-	U - Unrestricted
	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
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~~ FMU	30 sq ft OR 1 sq ft per linear ft of building wall, whichever is greater. 50 sq ft building maximum.			
	LI, HI, GB, RB, FNR	50 sq ft OR 1sq ft per linear ft of building wall, whichever is greater. 75 sq ft building maximum.			

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 PLAT¹⁷

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 and a Stormwater Permit shall be required as prerequisite approvals.
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.

¹⁷ 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.