

Council Members

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

**County Administrator**

Dennis E. Marstall

County Attorney

Ginny L. Merck-Dupont

Clerk to Council

Sherrie Simpson

February 15, 2023

4:00 PM

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

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

AGENDA

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

[deletion and additions of non-substantive matter]

5. **Citizens Comments**

[Lancaster County Council welcomes comments and input from citizens who may not be able to attend Council meetings in person. Written comments may be submitted via mail to ATTN: Sherrie Simpson, Post Office Box 1809, Lancaster, SC, 29721, by email to Sherrie Simpson at ssimpson@lancastersc.net or by online submission by selecting the "Citizens Comments" quick link located on the County website homepage at <https://www.mylancastersc.org/>. Comments must be no longer than approximately 3 minutes when read aloud. Comments received will be acknowledged during the Citizens Comments portion of the meeting. Comments will need to be received prior to 4:00 p.m. on the day before the meeting. Please use the same link above in order to submit input/comments for Public Hearings.]

6. **Discussion and Action Items**

- a. Discussion regarding Amending the Unified Development Ordinance (UDO) regarding Chapters 2 and 4 related to standards for Medium Density Residential District and Cluster Subdivision Overlay District - Allison Hardin, Interim Planning Director
- b. Follow-up Discussion on Amending the Unified Development Ordinance (UDO) and Policy Changes regarding BillBoards - Allison Hardin, Interim Planning Director
- c. Follow-up Discussion on Amending the Unified Development Ordinance (UDO) regarding Minimum Parking Standards - Allison Hardin, Interim Planning Director

7. **Adjournment**

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

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

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1841 / Planning Case Number: UDO-TA-2022-2606 Chapters 2 and 4

Contact Person / Sponsor: Allison Hardin / Interim Planning Director

Department: Administration

Date Requested to be on Agenda: 2/15/2023

Issue for Consideration:

Whether to proceed with an application by Lancaster County to amend Unified Development Ordinance Chapters 2, 4, and related provisions regarding standards for Medium Density Residential (MDR) District and Cluster Subdivision Overlay (CSO) District.

Growth management has been an active discussion with the County Council over the course of the last several months. With the previously proposed Interim Ordinance being disapproved, active discussion and citizen engagement has occurred prompting the County Council to initiate proposed changes to the Medium Density Residential (MDR) Zoning District and its associated Cluster Subdivision Overlay District (CSOD).

The underlying intent of the amendments as discussed at the December Committee of the Whole meeting (and understood by staff) was to develop more desirable single family neighborhoods to include: 1) Decreasing density of residential developments, 2) Increasing residential lot sizes, 3) Increasing useable open space acreage in neighborhoods, 4), Breaking up residential block faces, and 5) increasing lot setbacks to lengthen driveway parking within neighborhoods.

The proposed amendments are also a recognition that additional rezonings may be forthcoming in association with the Cane Creek Basin Sewer Extension Project (i.e. Roselyn) and wishing to be better prepared for future growth in this area prior to completion of the full rewrite of the UDO.

Points to Consider:

Whether or not Council wishes to address shortcomings of the MDR and Cluster Subdivision Overlay District in the areas of density, lot sizes, open space, driveway parking, and related topics prior to adoption of the full UDO Rewrite.

Funding and Liability Factors:

Not applicable.

Council Options:

Whether to move the drafted text amendment forward to County Council consideration.

Recommendation:

The Planning Commission considered this item at their January meeting and unanimously recommended **approval**. The recommendation reflected support for Version 2 of the amendment. A memo has been prepared to better explain the two versions of the amendment and is attached.

Planning Commissioners did express some concern with the proposed changes regarding how density is calculated and its impact on the financial feasibility of projects. The proposed changes were requested by County Council and only permit 50% of environmentally encumbered land to be considered within density calculations. The current UDO allows all gross acreage to be included in the density calculation.

Staff also recommended approval of the proposed amendments. Staff shares Planning Commission's concern regarding changes to density calculations.

ATTACHMENTS:

Description	Upload Date	Type
Planning Commission Follow Up Memo	1/26/2023	Backup Material
Staff Report	1/10/2023	Backup Material
Application	1/10/2023	Backup Material
Draft Chapter 2	1/10/2023	Backup Material
Draft Chapter 4-Version 1	1/10/2023	Backup Material
Draft Chapter 4-Version 2	1/10/2023	Backup Material



Date: January 26, 2023

To: County Council

From: Rox Burhans, Development Services Director

SUBJECT: PLANNING COMMISSION STAFF REPORT AND RECOMMENDATION

This memo provides additional information regarding the Planning Commission recommendation and the two versions of the proposed amendments that were presented to them.

At the January 17, 2023 Planning Commission meeting, staff presented proposed amendments to Unified Development Ordinance (UDO) Chapters 2 and 4 to modify provisions within the Medium Density Residential (MDR) District and its associated Cluster Subdivision Overlay District (CSOD).

One specific provision within the text amendment included proposed changes to the lot size variety requirement within the CSOD. While this district permits 50-ft wide lots, it also requires a total of 3-distinct lot types with a minimum 10-ft of width separating each lot type (i.e. 50-ft, 60-ft, and 70-ft). Staff had proposed changes to this system to create more flexibility in its administration and create more distinct lots. This is accomplished by creating two categories of lots with a larger, 20-ft gap between them (i.e. 50-ft and 70-ft).

At the January 5th Planning Commission workshop, Commissioners asked staff to prepare a second version to these changes that eliminated the minimum gap between lot types and simply allowed a certain percentage of lots to be 50-ft wide (49% of lots). Versions 1 and 2 of this amendment were presented to the Planning Commission for consideration (see staff report and attachments).

At the January 17th Planning Commission meeting, Commissioners unanimously recommended approval of the proposed text amendments. This recommendation included support for Version 2 of the lot size variety changes that were suggested by Planning Commission at their workshop. Planning Commissioners felt Version 2 of the amendment would help better integrate the two lot types within a proposed subdivision phase and may result in larger lots overall in a CSOD project. Staff does not have any concerns with Version 2 of the lot size variety changes.

Staff wished to explain the background of the two versions of the amendment discussed in the staff report and the associated Planning Commission recommendation.

Please feel free to contact the Planning and Zoning Department if you have any questions.

PROPOSAL:	Amend Unified Development Ordinance Chapters 2 and 4: Standards for Medium Density Residential District and Cluster Subdivision Overlay District.
APPLICABLE CHAPTER(S):	UDO Chapters 2 and 4
APPLICANT:	Lancaster County
STATUTORY NOTICES:	Hearing notice published 12/31/2022 in The Lancaster News And 1/11/2023 in Carolina Gateway Posted agenda in lobby 1/10/2023

PROJECT SUMMARY & PROPOSAL:

Growth management has been an active discussion with the County Council over the course of the last several months. With the previously proposed Interim Ordinance being disapproved, active discussion and citizen engagement has occurred prompting the County Council to initiate proposed changes to the Medium Density Residential (MDR) Zoning District and its associated Cluster Subdivision Overlay District (CSOD).

The underlying intent of the amendments (as understood by staff) include: 1) Decreasing density of residential developments, 2) Increasing residential lot sizes, 3) Increasing useable open space acreage in neighborhoods, 4), Breaking up residential block faces, and 5) Expanding driveway parking within neighborhoods.

The proposed amendments are also a recognition that additional rezonings may be forthcoming in association with the Cane Creek Basin Sewer Extension Project (i.e. Roselyn) and wishing to be better prepared for future growth in this area prior to completion of the full rewrite of the UDO.

OUTLINE OF TEXT AMENDMENT:

The following sections of the UDO are proposed to be amended:

UDO Section 2.4 (Dimensional Table): The changes to this section include the following items:

- Increases MDR District front setback to 40-ft for garages only (provide more driveway parking)
- Increases MDR District lot area to 12,000 sq. ft. to better accommodate setback changes and create lots more in keeping with Lancaster County character
- Reduces density to 2.0 dwelling units per-acre (from 2.5). The current density limit has never been achieved under this UDO (to staff's knowledge). The proposed changes will further reduce density opportunities. Council (and staff) would like to have a more realistic maximum density.

- Notational changes at bottom of the dimensional table to implement modifications related to MDR District density calculation and open space. The amendments implementing these changes will apply to both Cluster Subdivisions and the MDR District and therefore staff is simply making references in the use table (for code writing efficiency). Under this amendment, conventional MDR projects will meet the same open space standards as the CSOD.

UDO Section 4.4.1: Cluster Subdivision Overlay District: At the 1/5/23 Planning Commission Workshop, there was feedback received to consider not having two distinct lot types in the proposed CSOD amendment. In place of distinct lot types, the suggestion was to establish a minimum 70-ft lot type and allow a lesser amount of smaller, 50-ft lot types. This suggestion also requires modifying the minimum lot areas and other CSOD sections.

Staff has proposed two versions of the Chapter 4 amendments for Planning Commission consideration that includes the version presented at the workshop (Version #1) and the alternative version (Version # 2). The alternative provisions in Version 2 have been highlighted in yellow. The remaining sections are consistent with Version 1. The following will outline the proposed changes to Chapter 4.

- Increases CSOD front setback for garages only to 40-ft (provide more driveway parking)
- Increases CSOD minimum lot area for 50-ft wide lots to 7,000 sq. ft. in recognition the existing minimum 5,000 sq. ft. lot area may not be in keeping with the character of Lancaster County. Minimum lot areas for 70-ft wide lots were established for the alternative ordinance version.
- Limits the amount of floodplain being eligible as required open space to 50%. The CSOD already prohibits stream channels, water bodies, and wetlands from being included (i.e. Primary Conservation land). This section also carries over the 5% park space requirement from the conventional MDR District to make the two sections consistent.
- Creates block face breaks in order to reduce the number of uninterrupted lots along a block face.
- Limits the site acreage used for density calculations. Under the proposed amendment, no more than 50% of Primary Conservation land and floodplain acreage may be used for calculating required density. The current UDO allows 100% to be included.
- Deleted Section K regarding formula calculations as it duplicates formulas already outlined in CSOD Sections 4.4.1.F and G.

Based on staff's findings, we offer the modifications attached to the Draft Ordinance for the Commission's consideration. For ease of reference, new text is referenced in red/underlined font and deletions are referenced in ~~striketrough~~ font. The proposed language is found in Attachment 1.

FINDINGS AND CONCLUSIONS:

The proposed text amendment has been found to be consistent with 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.

This amendment will improve the quality of new subdivisions within the MDR District and its associated CSOD by virtue of increasing lots sizes, incorporation of more useable open space, proving more onsite parking, and reducing uninterrupted block faces.

STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed text amendment. Staff also recommends Planning Commission and County Council give further consideration regarding the proposed changes to the site acreage used in density calculations (i.e. 50% of Primary Conservation and floodplain) as it may challenge the feasibility of development projects.

ATTACHMENTS:

1. Proposed Text Amendment
2. TA Application

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 2 and 4

Current Text Refer to Exhibit A

Proposed Text Refer to Exhibit A

Description of Need for Proposed Text The proposed UDO text amendment contemplates changes to the Medium Density Residential (MDR) District and the Cluster Subdivision Overlay District (CSOD).

The changes are intended to address known issues with these districts related to front setbacks, usable open space, lot sizes, CSOD lot mix, block face lengths, and density calculation.

☐ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name Lancaster County

Address 101 North Main Street

City Lancaster State SC Zip 29701 Phone 803.416.9422

Fax _____ Email rburhans@lanastercounty.sc.net

APPLICATION CERTIFICATIONS

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Dennis S. Marstad County Administrator
Applicant

1/2/23 1/10/23
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 20222606 Date Received _____ Receipt Number _____

Amount Paid NA Check Number _____ Cash Amount _____

Received By JLB Planning Commission Meeting Date January 17, 2023

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.

STANDARD	Low Density Residential (LDR)	Medium Density Residential (MDR)	Professional Business (PB)	Neighborhood Business (NB)	General Business (GB)	Regional Business (RB)
1. DEVELOPMENT STANDARDS						
A. District/Development Area (min)	n/a	n/a	n/a	n/a	n/a	n/a
B. Development/District Exterior Setback/Buffer	n/a	n/a	n/a	n/a	n/a	n/a
C. Density (max)	1.5 unit/acre	2.5 2.0 units/acre (6)	n/a	n/a	n/a	n/a
D. Open Space (min)	10%	20% (7)	n/a	n/a	n/a	n/a
E. Park Space (min)	5%	5%	n/a	n/a	n/a	n/a
2. LOT STANDARDS						
A. Lot Area (min)	29,040 sf	40,000 12,000 sf	5,000 sf	n/a	n/a	n/a
B. Lot Width at Front Setback (min)	90 ft Water/Sewer OR 130 ft Septic See Below (5)	70 ft Water/Sewer OR 130 ft Septic See Below (5)	100 ft	100 ft	100 ft	100 ft
C. Pervious Surface (min)	45%	45%	24%	24%	24%	24%
3. PRINCIPAL BUILDING						
A. Principal Front Setback (min)	40 ft	30 ft 40-ft (8)	10 ft	25 ft	50 ft	50 ft
B. Street Side/Secondary Front Setback (min)	20 ft	15 ft	10 ft	10 ft	15 ft	15 ft
C. Side (from adjacent lot) Setback (min)	20 ft	10 ft	10 ft	10 ft	15 ft	15 ft
D. Rear Setback (min)	25 ft	25 ft	10 ft	10 ft	15 ft	15 ft
E. Other Standards	n/a	n/a	See Below (4)	See Below (4)	See Below (4)	See Below (4)
4. ACCESSORY STRUCTURE						
A. Side Setback	5 ft	5 ft	40 ft	40 ft	50 ft	50 ft
B. Rear Setback	5 ft	5 ft	30 ft	30 ft	30 ft	30 ft
C. Other Standards	See Below (1,3)	See Below (1, 2)	See Below (1, 2)	See Below (1,2)	See Below (1, 2)	See Below (1, 2)
5. PARKING CONFIGURATION						
A. Parking Location per Section 7.2.3	See Chart 7.2	See Chart 7.2		Per building type	Per building type	Per building type
B. Parking in Exterior Setback/Buffer	n/a	n/a	n/a	n/a	n/a	n/a
6. BUILDING HEIGHT						
A. Principal Building (max)	35 ft	35 ft	35 ft	35 ft or 3 stories (whichever is greater)	35 ft or 3 stories (whichever is greater)	50 ft
B. Accessory Structure (max)	2 stories	2 stories	35 ft	35 ft	35 ft	35 ft
C. Additional Height Permitted with Additional Setback	n/a	n/a	n/a	n/a	1 ft additional height permitted with each 2 ft horizontal setback	1 ft additional height permitted with each 2 ft horizontal setback

- Accessory structures over 600 sf must comply with principal setback requirement.
- No accessory structures may be located on corner lots between the street and wall line of the principal structure.
- No accessory structures may be located on corner lots between the street and wall line of the principal structure, unless front setback requirements are provided on both streets.
- For any nonresidential structure which is located immediately adjacent to a single family residential use or district, the lot boundary line minimum distance shall be determined as follows: For every foot building height, the developer shall provide setbacks equal to the height of the building. At no time shall the setback be less than what is indicated in the above table.
- Any development/ subdivision connected to both public water and sewer shall utilize the alternate dimensional standards given in the table.
- Major subdivisions in the MDR District shall comply with the Maximum Density requirements of UDO Chapter 4: Cluster Subdivision Overlay District (UDO Section 4.4.1.G). This section establishes the amount

of environmentally encumbered acreage that may be included within the site area for calculating maximum residential density.

7. Major subdivisions in the MDR District shall comply with the Open Space Requirements of UDO Chapter 4: Cluster Subdivision Overlay District.
8. 40-ft front setback for front and side loaded garages only.

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Amendment Version 1

4 OVERLAY DISTRICTS

4.4 CHARACTER PROTECTION OVERLAYS

4.4.1 CLUSTER SUBDIVISION OVERLAY DISTRICT (CSO)

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

A. MINIMUM ACREAGE

The minimum tract area for a cluster subdivision shall be 30 gross acres [unless a larger minimum acreage is required as part of the Development Agreement Process (i.e. 25-acres of highland)], shall consist of contiguous parcels, and must adjoin or have direct access to at least one collector street. (Ord. No. 2019-1623, 12.9.19)

B. MINIMUM LOT AREA

The minimum lot area (in square feet) per dwelling unit within a cluster subdivision shall be ~~5,000~~ 7,000 square feet. This shall be the minimum lot area allowed for any lot with the minimum lot width of 50 -feet, as defined in Section C below. The minimum lot area per dwelling unit shall increase proportionately with an increase in lot width.

C. MINIMUM LOT WIDTH

In a cluster subdivision, where both central water and sewer services are available and adequate, the minimum lot width shall be 50-feet.

D. VARIETY OF LOT SIZES

Individual lots in a cluster subdivision shall vary in size and layout. No more than ~~34~~ 51-percent of the lots in a cluster subdivision shall have a single designated lot width. The following shall also apply:

1. The minimum separation between any two designated lot widths shall be ~~40~~ 20-feet. For example, if ~~34~~ 51-percent of the total number of lots has a lot width of 50-feet, ~~34~~ 49-percent could have a lot width of ~~60~~ 70 feet, and the remaining could have a lot width of ~~70~~ 70-feet or greater.
2. The Planning Commission may allow a developer to vary the width of individual lots to accommodate site restrictions (i.e., easements, corner lot widths, etc). However, such lots shall be counted with the nearest designated lot width.

E. SETBACKS

The following minimum setbacks are required for individual lots within a cluster subdivision:

1. **Front Yard:** The minimum front yard setback for the principal structure shall be 20 feet. The minimum front yard setback for any principle front or side accessed garages shall be 40-ft. The front yard setback for a corner lot shall be as set forth in Chapters 2 and 3 of the UDO;
2. **Rear Yard:** The minimum rear yard setback shall be 30 feet;
3. **Side Yard:** The minimum side yard setback shall be 7 ½ feet.

F. OPEN SPACE REQUIREMENT

For a cluster subdivision, no less than 25 percent of the site acreage, not including primary conservation areas as defined in Item 3 below, shall be set aside in perpetuity as open space. No more than 50% of the set-aside open space may consist of floodplain. A minimum of 5% of the open space set aside shall consist of park space. Open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Open space in a cluster subdivision is also subject to the following:

1. Open space may include, but is not limited to, passive recreation, natural preservation of important scenic vistas, environmentally sensitive lands, habitat for wildlife, and historically or archaeologically significant areas. Structures, swimming pools, and athletic facilities shall not count as open space. However, structures are permitted in the open space when they serve an accessory function, such as a gazebo, fishing dock, playground equipment, or play structures (Ord. No. 2019-1623, 12.9.19);
2. The amount of open space required to be set aside shall be determined by the following formula:

~~Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas~~

$$TO = ((TP - PC) \times OSP) + PC \quad TO = TP \times OSP*$$

*TO may not include PC and may only include up to 50% floodplain.

TO	= Total Open Space Set Aside	(acres)
TP	= Total Parcel	(acres)
PC	= Primary Conservation Areas	(acres)
OSP	= Open Space Percentage	(% of Improvable Area)

3. Primary Conservation area includes those areas that cannot otherwise be built upon or improved and therefore would be preserved in a conventional development. Such areas specifically include wetlands, surface waters, and intermittent stream channels;
4. To fulfill the requirements of this item (f), the following shall be included in the required open space where practicable:
 - a. Wooded areas;
 - b. Scenic vistas;
 - c. Streams, ponds, wetlands, and floodplains (up to 50%);
 - d. Buffers, including landscaped, perimeter, river, and stream;

- e. Areas containing slopes in excess of 25 percent;
 - f. Other areas containing unusual natural site features (such as major rock formations); and
 - g. Other environmentally, historically, or archaeologically significant or unique areas;
5. Open space shall be contiguous to the extent practicable when not restricted by topography, existing water body, and other natural features;
 6. Pedestrians shall have access to open space;
 7. Open space shall be deed restricted and shall not be developed for use other than open space;
 8. Open space shall remain under the ownership and control of the developer (or successors) or a homeowners association or similar organization. The person or entity identified as having the right of ownership and control over such open space shall be responsible for the continuing upkeep and proper maintenance of the open space. The County shall have no responsibility for the maintenance of open space areas. If open space location meets a need in the County comprehensive plan, the County and developer may consider conveyance of completed open space to the County, upon Planning Commission and Council approval.

The person or entity having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same. It shall not be the responsibility of the County to maintain these areas.

9. A cluster subdivision shall include provisions for the protection of trees and other natural amenities within the area or areas designated for open space. The removal of trees and natural vegetation in designated open space is strongly discouraged, though it is permitted during the development phases for the purpose of trails and other such recreational improvements as approved by planning staff. All open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Trees over 24 inches in diameter (DBH) shall be preserved and incorporated in designated open space where practicable, and upon the request of planning staff such trees existing within areas designated for trails and other such recreational improvements may also need to be shown and labeled. Upon completion of development phases, no person or entity shall remove or destroy any trees or natural vegetation from designated open space without approval from the Administrator. However, normal maintenance and removal of dead or fallen trees are permitted and recommended, and shall be the responsibility of the person or entity identified as having the right of ownership as outlined in Item 8 above.
10. A maximum of 10-residential lots may be located on a single block face when not interrupted by an intersecting street (excluding alleys) or a useable open space set-aside. Open space set-asides used to interrupt the block face shall be meet or exceed the minimum lot width and area of the smallest lot on the block face and have landscaping and active and/or passive amenities incorporated within it. A block face is defined as the portion of a block or tract of land facing the same side of a single street and located between the closest intersecting streets, railroad ROW, and/or lake or pond.

G. MAXIMUM DENSITY

The maximum number of dwelling units allowed per acre for a cluster subdivision shall not exceed the maximum for the residential use district in which it is located, as set forth in Chapter 2 of the UDO, where the total number of dwelling units allowed shall be based on the gross developable acreage of the site and up to 50 percent of the primary conservation open space

acreage and up to 50% of the floodplain acreage. For example, when the CSO is located within the MDR, Medium Density Residential, where the maximum density is two dwelling units per acre, a 100 acre parcel of land with 80-acres of developable land and 20 acres of primary conservation land and floodplain shall be allowed to have no more than ~~200~~ 180 dwelling units built on the site.

- H. COMMERCIAL REQUIREMENT:** There shall be no required commercial within a cluster subdivision.
- I. SITE PLANNING REVIEW STANDARDS:** A cluster subdivision shall follow the site plan review standards and procedures as set forth in Chapter 9 of the UDO, including but not limited to Section 9.2. Furthermore, planning staff shall also include the following in their review:
1. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships;
 2. The site layout shall accommodate and preserve any features of historic, cultural, archaeological, or sensitive environmental value. Individual lots, buildings, structures, streets, parking areas, utilities, and infrastructure shall be designed and sited to minimize the alteration of natural features, vegetation, and topography;
 3. Where practicable, individual lots, buildings, structures, streets, parking areas, utilities, and infrastructure should be designed and sited to be compatible with surrounding development patterns;
 4. Where practicable, open space shall be located on a site in such a manner so that view sheds from existing public right-of-way are not obstructed, but are enhanced by the open space;
 5. Private streets are permitted in a cluster subdivision, provided such streets meet the construction standards of Chapter 6 and Appendix C of the UDO. The following shall apply:
 - a. As required in Chapter 6 of the Lancaster County Code, as amended, the minimum right-of-way and pavement width shall be as follows:

Road Type	Right-of-Way (feet)	Pavement (feet)
Local (closed drainage)	50	22
Local (open drainage)	66	22
Collector	66	24

- b. On-street parking is permitted in a cluster subdivision where adequate right-of-way and pavement width is provided in accordance with standards of the South Carolina Department of Transportation; and
 - c. To ensure adequate clearance for emergency vehicles in a cluster subdivision, the Planning Commission may require signage and/or pavement markings to clearly indicate areas where on-street parking is prohibited;
6. Installing sidewalks on both sides of local streets in a cluster subdivision is encouraged. At a minimum, a sidewalk will be required on at least one side of every local street, with a sidewalk required on both sides of arterial and collector streets. Local, arterial, and collector streets shall be clearly labeled as such on any preliminary or final plat submitted for review;

7. In general, landscaping requirements for a cluster subdivision shall comply with the requirements of Chapter 7 of the UDO. However, the Planning Commission may vary such requirements in response to applications demonstrating alternative landscaping based on creative site planning. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the landscaping requirements;
8. The following buffer requirements shall apply for a cluster subdivision:
 - a. In general, buffer requirements for a cluster subdivision shall comply with the requirements of Chapter 7 of the UDO where a buffer yard may be required between adjacent zoning districts;
 - b. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the buffer requirements;
 - c. Ingress/egress to the property shall be allowed within a buffer, as well as utility easements and sidewalks;
 - d. A 50 foot buffer shall be required on the frontage of all existing public streets. Where there is insufficient natural vegetation to provide a visual buffer for principal structures, plantings shall be installed by the developer. A minimum of 25 percent of the trees and 75 percent of the shrubs shall be evergreens;
 - e. The Planning Commission may allow a developer to vary the buffer requirement to preserve view sheds from existing view sheds, as required in Item 4 above.
 - f. Buffer requirements within a cluster subdivision shall count as open space where it is contiguous with other areas designated as open space.
9. Variety in architecture and building materials shall be encouraged within a cluster subdivision. It is encouraged that buildings are constructed using quality finish materials (i.e., brick, masonry, stone, concrete siding, or stucco). Vinyl siding is permissible if in combination with other building materials.

J. OTHER ZONING REQUIREMENTS

The Cluster Subdivision Overlay District, may contain zoning and development standards and requirements that are inconsistent with or conflict with zoning and development standards and requirements contained elsewhere in the UDO. The standards and requirements contained in the Cluster Subdivision Overlay District supersede all other zoning and development standards and requirements. The Cluster Subdivision Overlay District is deemed controlling. If the Cluster Subdivision Overlay District is inconsistent with or conflicts with zoning and development standards and requirements contained elsewhere in Chapter 4, then the zoning and development standards and requirements contained in Chapter 4 supersede the standards and requirements contained in the Cluster Subdivision Overlay District and the provisions contained in Chapter 4 are deemed controlling.

~~K. EXAMPLES OF APPLYING FORMULAS~~

~~Below are examples of applying formulas to determine the total number of dwelling units allowed and the amount of the site acreage to be set aside as open space within a Cluster Subdivision Overlay District.~~

~~Example: Assume that a 50 acre parcel is being developed. The residential use district is MDR, Medium Density Residential District, where the maximum density is 2.5 dwelling units per acre. Assume that there are 5 acres of Primary Conservation area. The open space percentage is 25 percent (or as a decimal, .25).~~

- ~~1. The following formula would be used to determine the total number of dwelling units allowed:~~

~~Total Dwelling Units Allowed = Total Parcel multiplied by Maximum Dwelling Units per Acre~~

$$TU = (TP) (DUA)$$

TU	= Total Units Allowed	(dwelling units)
TP	= Total Parcel	(acres)
DUA	= Maximum Dwelling Units per Acre	(dwelling units/acres)

$$TU = (50) (2.5)$$

~~TU = 125 Total Lots or Dwelling Units Allowed~~

- ~~2. The following formula would be used to determine the amount of the site acreage to be set aside as open space:~~

~~Total Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas~~

$$TO = ((TP - PC) OSP) + PC$$

TO	= Total Open Space Set Aside	(acres)
TP	= Total Parcel	(acres)
PC	= Primary Conservation Areas	(acres)
OSP	= Open Space Percentage	(% of Site Acreage excluding PC)

~~TO = Total Open Space Set Aside~~

~~TP = 50 acres Total Parcel~~

~~PC = 5 acres Primary Conservation Areas~~

~~OSP = 25% (or .25) Open Space Percentage~~

$$TO = ((50 - 5) .25) + 5$$

$$TO = ((45) .25) + 5$$

$$TO = (11.25) + 5$$

~~TO = 16.25 acres of Total Open Space Set Aside~~

4.4.2 EQUESTRIAN ORIENTED SUBDIVISION OVERLAY DISTRICT (EOSO)

Equestrian Oriented Subdivision Overlay District is hereby established. Equestrian oriented subdivisions are residential developments which are designed with particular emphasis placed on equestrian activities and which provide such facilities as community stables, riding rings, pastures, and riding trails. In addition, private stables may be located on individual residential lots. Equestrian oriented subdivisions are permitted in all agricultural and residential zoning districts except for the MH, Manufactured Housing District, subject to the following provisions:

A. BUILDING AND STRUCTURE

All buildings and structures related to the care or housing of horses and to the operation of the riding facilities on the common property shall be located at least 100 feet from any exterior property line of the development.

B. PRIVATE STABLES

Private stables on individual residential lots shall be located at least 5 feet, but not more than 60 feet, from any rear property line or horse trail; 20 feet from any interior property line; 40 feet from any corner yard property line, and in the front yard it shall be located behind the front facade of the principal building. However, along the exterior property line of the development, the setback shall be 100 feet unless a horse trail separates the property from the land located outside the development. In such a case, the setbacks shall be as stated above.

C. MINIMUM LOT SIZE

If a horse or miniature horse is to be kept on a lot which is located within this designation, the minimum lot size shall be ½ acre. The number of horse(s) allowed is one horse or two miniature horses per ½ acre. The owner of a lot which contains less than ½ acre shall not be allowed to keep a horse on that lot. Otherwise, the minimum lot size shall be the same as is required by the underlying zoning district. The minimum lot width and setback requirements shall be the same as is required by the underlying zoning district.

D. RIDING TRAILS

Riding trails shall generally be located in the interior of the development. However, if a riding trail is to be located along the exterior property line of the development, it shall be set back 30 feet from the exterior property line of the development.

E. STABLES

The lots with stables located on them shall be designed and maintained to drain so as to prevent ponding, the propagation of insects, and the pollution of adjacent streams and other water bodies.

F. MAINTENANCE

The premises shall be maintained in a sanitary condition through the proper use of lime and pesticides.

G. HORSES IN CONTAINED AREAS

If the horses are in a contained area, all manure shall be removed at least twice a day from the confined area so as to prevent the propagation of flies and the creation of odors. Owners of horses kept in a confined area are encouraged to use a Rabon supplement as this will reduce the propagation of flies.

H. STORAGE OF GRAIN

All grain on the lot shall be stored in rodent-proof containers.

I. EXERCISE AND TRAINING AREAS

All exercise and training areas shall be dampened so as to prevent dust.

J. COMMUNITY RIDING FACILITIES

All proposed community riding facilities, including community stables, riding rings, pastures, and riding trails shall be indicated on the plans. As part of the information submitted when applying for an Equestrian Oriented Subdivision Overlay District, a written statement describing the proposed means of ownership and proposed program for maintenance of these facilities shall be included. A copy of this information shall be kept on file in the Planning Department and the Building and Zoning Department.

Amendment Version 2

4 OVERLAY DISTRICTS

4.4 CHARACTER PROTECTION OVERLAYS

4.4.1 CLUSTER SUBDIVISION OVERLAY DISTRICT (CSO)

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

A. MINIMUM ACREAGE

The minimum tract area for a cluster subdivision shall be 30 gross acres [unless a larger minimum acreage is required as part of the Development Agreement Process (i.e. 25-acres of highland)], shall consist of contiguous parcels, and must adjoin or have direct access to at least one collector street. (Ord. No. 2019-1623, 12.9.19)

B. MINIMUM LOT AREA

The minimum lot area (in square feet) per dwelling unit within a cluster subdivision shall be ~~5,000~~ 9,500 square feet. This shall be the minimum lot area allowed for any lot with the minimum lot width of ~~70~~ 50 feet, as defined in Section C below. The minimum lot area per dwelling unit ~~may~~ shall increase decrease proportionately with any ~~increase~~ decrease in lot width, as referenced in Sections 4.4.1.C and D.

C. MINIMUM LOT WIDTH

In a cluster subdivision, where both central water and sewer services are available and adequate, the minimum lot width shall be ~~50~~ 70-feet except as specified in Section 4.4.1.D below.

D. VARIETY OF LOT SIZES

Individual lots in a cluster subdivision ~~shall~~ may vary in size and layout. Up to 49% of the lots may have a minimum lot width of 50-ft. with a minimum lot area of 7,000 sq. ft. ~~No more than 34 percent of the lots in a cluster subdivision shall have a single designated lot width.~~ The following shall also apply:

- ~~1. The minimum separation between any two designated lot widths shall be 10 feet. For example, if 34 percent of the total number of lots has a lot width of 50 feet, 34 percent could have a lot width of 60 feet, and the remaining could have a lot width of 70 feet or greater.~~
2. The Planning Commission may allow a developer to vary the width of individual lots to accommodate site restrictions (i.e., easements, corner lot widths, etc). However, such lots shall be counted with the nearest designated lot width.

E. SETBACKS

The following minimum setbacks are required for individual lots within a cluster subdivision:

1. **Front Yard:** The minimum front yard setback for the principal structure shall be 20 feet. The minimum front yard setback for any principle front or side accessed garages shall be 40-ft. The front yard setback for a corner lot shall be as set forth in Chapters 2 and 3 of the UDO;
2. **Rear Yard:** The minimum rear yard setback shall be 30 feet;
3. **Side Yard:** The minimum side yard setback shall be 7 ½ feet.

F. OPEN SPACE REQUIREMENT

For a cluster subdivision, no less than 25 percent of the site acreage, not including primary conservation areas as defined in Item 3 below, shall be set aside in perpetuity as open space. No more than 50% of the set-aside open space may consist of floodplain. A minimum of 5% of the open space set aside shall consist of park space. Open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Open space in a cluster subdivision is also subject to the following:

1. Open space may include, but is not limited to, passive recreation, natural preservation of important scenic vistas, environmentally sensitive lands, habitat for wildlife, and historically or archaeologically significant areas. Structures, swimming pools, and athletic facilities shall not count as open space. However, structures are permitted in the open space when they serve an accessory function, such as a gazebo, fishing dock, playground equipment, or play structures (Ord. No. 2019-1623, 12.9.19);
2. The amount of open space required to be set aside shall be determined by the following formula:

~~Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas~~

$$TO = ((TP - PC) \times OSP) + PC \quad \underline{TO = TP \times OSP*}$$

*TO may not include PC and may only include up to 50% floodplain.

TO	= Total Open Space Set Aside	(acres)
TP	= Total Parcel	(acres)
PC	= Primary Conservation Areas	(acres)
OSP	= Open Space Percentage	(% of Improvable Area)

3. Primary Conservation area includes those areas that cannot otherwise be built upon or improved and therefore would be preserved in a conventional development. Such areas specifically include wetlands, surface waters, and intermittent stream channels;
4. To fulfill the requirements of this item (f), the following shall be included in the required open space where practicable:
 - a. Wooded areas;
 - b. Scenic vistas;
 - c. Streams, ponds, wetlands, and floodplains (up to 50%);

- d. Buffers, including landscaped, perimeter, river, and stream;
 - e. Areas containing slopes in excess of 25 percent;
 - f. Other areas containing unusual natural site features (such as major rock formations); and
 - g. Other environmentally, historically, or archaeologically significant or unique areas;
5. Open space shall be contiguous to the extent practicable when not restricted by topography, existing water body, and other natural features;
 6. Pedestrians shall have access to open space;
 7. Open space shall be deed restricted and shall not be developed for use other than open space;
 8. Open space shall remain under the ownership and control of the developer (or successors) or a homeowners association or similar organization. The person or entity identified as having the right of ownership and control over such open space shall be responsible for the continuing upkeep and proper maintenance of the open space. The County shall have no responsibility for the maintenance of open space areas. If open space location meets a need in the County comprehensive plan, the County and developer may consider conveyance of completed open space to the County, upon Planning Commission and Council approval.

The person or entity having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same. It shall not be the responsibility of the County to maintain these areas.

9. A cluster subdivision shall include provisions for the protection of trees and other natural amenities within the area or areas designated for open space. The removal of trees and natural vegetation in designated open space is strongly discouraged, though it is permitted during the development phases for the purpose of trails and other such recreational improvements as approved by planning staff. All open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Trees over 24 inches in diameter (DBH) shall be preserved and incorporated in designated open space where practicable, and upon the request of planning staff such trees existing within areas designated for trails and other such recreational improvements may also need to be shown and labeled. Upon completion of development phases, no person or entity shall remove or destroy any trees or natural vegetation from designated open space without approval from the Administrator. However, normal maintenance and removal of dead or fallen trees are permitted and recommended, and shall be the responsibility of the person or entity identified as having the right of ownership as outlined in Item 8 above.
10. A maximum of 10-residential lots may be located on a single block face when not interrupted by an intersecting street (excluding alleys) or a useable open space set-aside. Open space set-asides used to interrupt the block face shall be meet or exceed the minimum lot width and area of the smallest lot on the block face and have landscaping and active and/or passive amenities incorporated within it. A block face is defined as the portion of a block or tract of land facing the same side of a single street and located between the closest intersecting streets, railroad ROW, and/or lake or pond.

G. MAXIMUM DENSITY

The maximum number of dwelling units allowed per acre for a cluster subdivision shall not exceed the maximum for the residential use district in which it is located, as set forth in Chapter

2 of the UDO, where the total number of dwelling units allowed shall be based on the gross developable acreage of the site and up to 50 percent of the primary conservation open space acreage and up to 50% of the floodplain acreage. For example, when the CSO is located within the MDR, Medium Density Residential, where the maximum density is two dwelling units per acre, a 100 acre parcel of land with 80-acres of developable land and 20 acres of primary conservation land and floodplain shall be allowed to have no more than ~~200~~ 180 dwelling units built on the site.

- H. COMMERCIAL REQUIREMENT:** There shall be no required commercial within a cluster subdivision.
- I. SITE PLANNING REVIEW STANDARDS:** A cluster subdivision shall follow the site plan review standards and procedures as set forth in Chapter 9 of the UDO, including but not limited to Section 9.2. Furthermore, planning staff shall also include the following in their review:
1. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships;
 2. The site layout shall accommodate and preserve any features of historic, cultural, archaeological, or sensitive environmental value. Individual lots, buildings, structures, streets, parking areas, utilities, and infrastructure shall be designed and sited to minimize the alteration of natural features, vegetation, and topography;
 3. Where practicable, individual lots, buildings, structures, streets, parking areas, utilities, and infrastructure should be designed and sited to be compatible with surrounding development patterns;
 4. Where practicable, open space shall be located on a site in such a manner so that view sheds from existing public right-of-way are not obstructed, but are enhanced by the open space;
 5. Private streets are permitted in a cluster subdivision, provided such streets meet the construction standards of Chapter 6 and Appendix C of the UDO. The following shall apply:
 - a. As required in Chapter 6 of the Lancaster County Code, as amended, the minimum right-of-way and pavement width shall be as follows:

Road Type	Right-of-Way (feet)	Pavement (feet)
Local (closed drainage)	50	22
Local (open drainage)	66	22
Collector	66	24

- b. On-street parking is permitted in a cluster subdivision where adequate right-of-way and pavement width is provided in accordance with standards of the South Carolina Department of Transportation; and
 - c. To ensure adequate clearance for emergency vehicles in a cluster subdivision, the Planning Commission may require signage and/or pavement markings to clearly indicate areas where on-street parking is prohibited;
6. Installing sidewalks on both sides of local streets in a cluster subdivision is encouraged. At a minimum, a sidewalk will be required on at least one side of every local street, with a

sidewalk required on both sides of arterial and collector streets. Local, arterial, and collector streets shall be clearly labeled as such on any preliminary or final plat submitted for review;

7. In general, landscaping requirements for a cluster subdivision shall comply with the requirements of Chapter 7 of the UDO. However, the Planning Commission may vary such requirements in response to applications demonstrating alternative landscaping based on creative site planning. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the landscaping requirements;
8. The following buffer requirements shall apply for a cluster subdivision:
 - a. In general, buffer requirements for a cluster subdivision shall comply with the requirements of Chapter 7 of the UDO where a buffer yard may be required between adjacent zoning districts;
 - b. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the buffer requirements;
 - c. Ingress/egress to the property shall be allowed within a buffer, as well as utility easements and sidewalks;
 - d. A 50 foot buffer shall be required on the frontage of all existing public streets. Where there is insufficient natural vegetation to provide a visual buffer for principal structures, plantings shall be installed by the developer. A minimum of 25 percent of the trees and 75 percent of the shrubs shall be evergreens;
 - e. The Planning Commission may allow a developer to vary the buffer requirement to preserve view sheds from existing view sheds, as required in Item 4 above.
 - f. Buffer requirements within a cluster subdivision shall count as open space where it is contiguous with other areas designated as open space.
9. Variety in architecture and building materials shall be encouraged within a cluster subdivision. It is encouraged that buildings are constructed using quality finish materials (i.e., brick, masonry, stone, concrete siding, or stucco). Vinyl siding is permissible if in combination with other building materials.

J. OTHER ZONING REQUIREMENTS

The Cluster Subdivision Overlay District, may contain zoning and development standards and requirements that are inconsistent with or conflict with zoning and development standards and requirements contained elsewhere in the UDO. The standards and requirements contained in the Cluster Subdivision Overlay District supersede all other zoning and development standards and requirements. The Cluster Subdivision Overlay District is deemed controlling. If the Cluster Subdivision Overlay District is inconsistent with or conflicts with zoning and development standards and requirements contained elsewhere in Chapter 4, then the zoning and development standards and requirements contained in Chapter 4 supersede the standards and requirements contained in the Cluster Subdivision Overlay District and the provisions contained in Chapter 4 are deemed controlling.

K. ~~EXAMPLES OF APPLYING FORMULAS~~

~~Below are examples of applying formulas to determine the total number of dwelling units allowed and the amount of the site acreage to be set aside as open space within a Cluster Subdivision Overlay District.~~

~~Example: Assume that a 50 acre parcel is being developed. The residential use district is MDR, Medium Density Residential District, where the maximum density is 2.5 dwelling units per acre. Assume that there are 5 acres of Primary Conservation area. The open space percentage is 25 percent (or as a decimal, .25).~~

1. ~~The following formula would be used to determine the total number of dwelling units allowed:~~

~~Total Dwelling Units Allowed = Total Parcel multiplied by Maximum Dwelling Units per Acre~~

$$TU = (TP) (DUA)$$

TU	= Total Units Allowed	(dwelling units)
TP	= Total Parcel	(acres)
DUA	= Maximum Dwelling Units per Acre	(dwelling units/acres)

$$TU = (50) (2.5)$$

~~TU = 125 Total Lots or Dwelling Units Allowed~~

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$$TO = ((45) .25) + 5$$

$$TO = (11.25) + 5$$

~~TO = 16.25 acres of Total Open Space Set Aside~~

4.4.2 EQUESTRIAN ORIENTED SUBDIVISION OVERLAY DISTRICT (EOSO)

Equestrian Oriented Subdivision Overlay District is hereby established. Equestrian oriented subdivisions are residential developments which are designed with particular emphasis placed on equestrian activities and which provide such facilities as community stables, riding rings, pastures, and riding trails. In addition, private stables may be located on individual residential lots. Equestrian oriented subdivisions are permitted in all agricultural and residential zoning districts except for the MH, Manufactured Housing District, subject to the following provisions:

A. BUILDING AND STRUCTURE

All buildings and structures related to the care or housing of horses and to the operation of the riding facilities on the common property shall be located at least 100 feet from any exterior property line of the development.

B. PRIVATE STABLES

Private stables on individual residential lots shall be located at least 5 feet, but not more than 60 feet, from any rear property line or horse trail; 20 feet from any interior property line; 40 feet from any corner yard property line, and in the front yard it shall be located behind the front facade of the principal building. However, along the exterior property line of the development, the setback shall be 100 feet unless a horse trail separates the property from the land located outside the development. In such a case, the setbacks shall be as stated above.

C. MINIMUM LOT SIZE

If a horse or miniature horse is to be kept on a lot which is located within this designation, the minimum lot size shall be ½ acre. The number of horse(s) allowed is one horse or two miniature horses per ½ acre. The owner of a lot which contains less than ½ acre shall not be allowed to keep a horse on that lot. Otherwise, the minimum lot size shall be the same as is required by the underlying zoning district. The minimum lot width and setback requirements shall be the same as is required by the underlying zoning district.

D. RIDING TRAILS

Riding trails shall generally be located in the interior of the development. However, if a riding trail is to be located along the exterior property line of the development, it shall be set back 30 feet from the exterior property line of the development.

E. STABLES

The lots with stables located on them shall be designed and maintained to drain so as to prevent ponding, the propagation of insects, and the pollution of adjacent streams and other water bodies.

F. MAINTENANCE

The premises shall be maintained in a sanitary condition through the proper use of lime and pesticides.

G. HORSES IN CONTAINED AREAS

If the horses are in a contained area, all manure shall be removed at least twice a day from the confined area so as to prevent the propagation of flies and the creation of odors. Owners of horses kept in a confined area are encouraged to use a Rabon supplement as this will reduce the propagation of flies.

H. STORAGE OF GRAIN

All grain on the lot shall be stored in rodent-proof containers.

I. EXERCISE AND TRAINING AREAS

All exercise and training areas shall be dampened so as to prevent dust.

J. COMMUNITY RIDING FACILITIES

All proposed community riding facilities, including community stables, riding rings, pastures, and riding trails shall be indicated on the plans. As part of the information submitted when applying for an Equestrian Oriented Subdivision Overlay District, a written statement describing the proposed means of ownership and proposed program for maintenance of these facilities shall be included. A copy of this information shall be kept on file in the Planning Department and the Building and Zoning Department.

Agenda Item Summary

Ordinance # / Resolution #: Not Yet Assigned
Contact Person / Sponsor: Allison Hardin / Interim Planning Director
Department: Administration
Date Requested to be on Agenda: 2/15/2023

Issue for Consideration:

How to proceed with request to consider billboards on County property along Highway 521 and other highways in the County.

Points to Consider:

In summer of 2022, several Councilmembers were approached with a request to utilize county-owned land along major traffic corridors in the County to place billboards.

The County Council received an overview at the June 15, 2022 Committee of the Whole meeting regarding the many land-use and zoning restrictions for billboards throughout the County.

In July 2022, County Attorney John DuBois sent a letter to Mr. Hal Crenshaw, outlining the many issues identified with changing current billboard policies. That letter is attached.

Since then, legal counsel has continued to work to outline the many issues that would need to be addressed, including specific changes to the UDO in sections:

7.4

7.4.4

7.4.6 (f)

Include billboards in the Institutional District Zoning use chart

Amend Off premises advertising standards

4.3.2 Highway Overlay Corridor

In addition to changes to these local ordinances, the primary hurdle is the Highway Beautification Act of 1965, 23 U.S.C. § 131 that requires the various states to provide for the control of outdoor advertising along federal highways. States which fail to comply with those requirements are subject to a withdrawal of federal funding for non-compliance. 23 U.S.C. § 131(b).

In response to Section 131, the South Carolina General Assembly enacted the “Highway Advertising Control Act” (the Act), S.C. Code Ann. §§ 57-25-110–220 (1991). The purpose of the Act, in part, is to prevent distraction of operators of motor vehicles, to promote the safety, convenience, and enjoyment of travel on highways within this State, and to preserve and enhance the natural scenic beauty and aesthetic features of highways and adjacent areas. § 57-25-130.

Section 57-25-140 of the Act prohibits the erection of billboards along interstate or federal-aid primary highways with limited exceptions. None of the exceptions are applicable to the County property that Lancaster County has been approached about leasing to commercial outdoor advertisers. The County property that advertisers have expressed interest in directly abuts SC Highway 521, which is a federal-aid primary highway.

County staff will outline the many policy and legal challenges that may arise by going forward with a billboard proposal as outlined, but will also highlight other areas in the County where billboards would be permissible.

Funding and Liability Factors:

None identified for this presentation, without fully understanding the value of land being proposed, billboard rental rates and other terms that would need to be vetted before advancing such a proposal.

Council Options:

Whether to proceed with a variety of amendments and policy decisions that would need to be made regarding billboards.

Recommendation:

Staff is requesting direction from Council regarding how to proceed with regard to allowing billboards.

ATTACHMENTS:

Description	Upload Date	Type
Letter from Attorney regarding Billboard Lease	2/13/2023	Letter

SMITH ROBINSON

Forward thinking. Results driven.

Smith Robinson Holler DuBose and Morgan, LLC

COLUMBIA 2530 Devine Street, Columbia, SC 29205
P: 803.254.5445 F: 803.254.5007

SUMTER 126 N. Main Street, Sumter, SC 29151
P: 803.778.2471 F: 803.778.1643

CAMDEN 935 Broad Street, Camden, SC 29020
P: 803.432.1992 F: 803.432.0784

Reply to Columbia Office

July 12, 2022

VIA ELECTRONIC & FIRST-CLASS MAIL

Hal Crenshaw

Post Office Box 947

Lancaster, SC 29721

Hal.Crenshaw@TheCrenshawCompany.com

Mr. Crenshaw:

I write in response to your recent oral proposal to Lancaster County wherein you have requested a 99-year lease on a portion of two (2) Lancaster County owned properties for the purpose of erecting billboards. You have proposed to deed Lancaster County a ten (10) acre parcel of real property as consideration for the leases.

As we recently discussed, there are a host of legal and practical issues that would make your proposal difficult to achieve. All of these were identified during the public County Council meeting on June 15, 2022, and included:

1. A zoning overlay district, the Highway Corridor Overlay (HCO) District, is prohibitive of the billboards you envision and would need to undergo significant text amendments to allow your proposed billboard uses at the identified locations and with the size of billboard you propose.
2. The County owned properties are zoned Institutional (INS) District and the proposed billboard use is not an allowed use in the INS zoning district. The property would either need to be rezoned to an industrial district to allow the proposed billboards or the use chart for INS District would need to be amended to add billboards as an allowed use.
3. Lancaster County believes there are legal and practical difficulties in enacting amendments to the UDO that would allow billboards on only Lancaster County-owned properties, as you have proposed. Furthermore, the required amendments to the UDO would need to be consistent with Lancaster County's Comprehensive Plan.
4. There are legal, policy and practical concerns with allowing the long-term leases that you have requested and in allowing the conveyance of real property to serve as the consideration for the lease agreement.
5. If Lancaster County were supportive of your proposal as a general policy consideration, the lease of county-owned property for billboards would almost certainly be through a

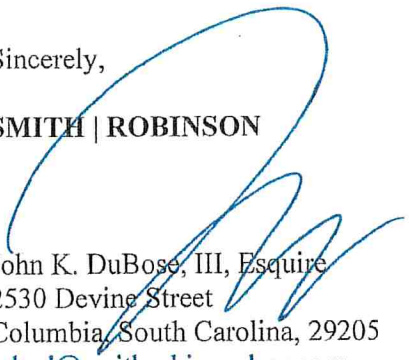
procurement process and a request for proposals (RFP) approach. Lancaster County would need to lease the properties at fair market value and maximize the return on any county-owned properties presented for commercial lease.

6. In addition to the challenges with local regulation, there may be Federal and State regulations that are prohibitive of, or an impediment to, your proposal.

In short, as we discussed, there are many legal and practical challenges that would need to be overcome for your lease proposal to become a reality.

Sincerely,

SMITH | ROBINSON



John K. DuBose, III, Esquire
2530 Devine Street
Columbia, South Carolina, 29205
johnd@smithrobinsonlaw.com

Attorney for Lancaster County

JKDIII/kw

Agenda Item Summary

Ordinance # / Resolution #: Not Yet Assigned
Contact Person / Sponsor: Allison Hardin / Interim Planning Director
Department: Administration
Date Requested to be on Agenda: 2/15/2023

Issue for Consideration:

Whether or not to amend the Unified Development Ordinance to increase the minimum parking standard requirements.

Points to Consider:

At the January 9, 2023 County Council meeting, the County Council asked that a discussion about the parking standards, particularly for commercial and institutional uses, be put on a future Committee of the Whole agenda.

The Uniform Development Ordinance outlines parking requirements or standards by land use type, with residential having different requirements than commercial, and others.

The Ordinance currently outlines the number of parking spaces either by the number of units in a building or by square footage, such as a medical office building has to have one parking space per 350 square feet, a restaurant has to have one parking space per 75 square feet of indoor dining area, and a day care center has to have one parking space per 500 square feet.

In addition to the type of use, there are parking stall width, length and parking drive aisle requirements. These are also dependent on use, but may also be impacted by a maximum number of parking stalls allowed for a use or project.

The County Council's interest in the parking topic appears to be more focused on the parking stall width and length, plus aisle widths to accommodate various types of vehicles.

The current minimum parking stall standard for parking with a 90 degree angle, and is against a wall or adjoining parking space is 18 feet long, with a driving aisle width of 23 feet wide.

There are many scenarios of parking stall requirements, depending if angled parking is being utilized and if two parking rows are divided by a landscape median and other factors. Attached with the agenda item is a diagram outlining some parking requirements and parking stall dimensions.

Funding and Liability Factors:

N/A

Council Options:

Whether Council wishes to proceed with a text amendment amending the UDO regarding minimum parking standards.

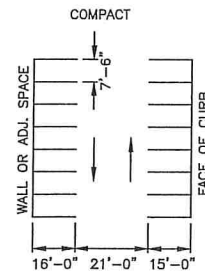
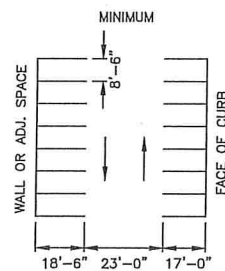
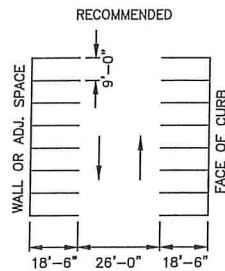
Recommendation:

Staff is requesting direction from Council regarding a change in policy.

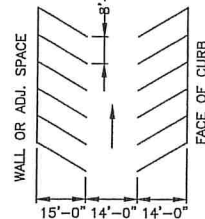
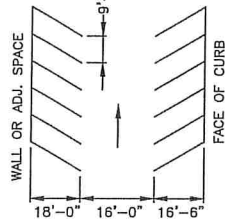
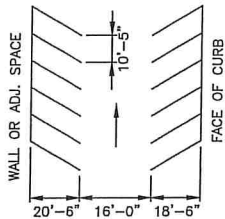
ATTACHMENTS:

Description	Upload Date	Type
Parking stall diagram and standard dimensions	2/13/2023	Ordinance

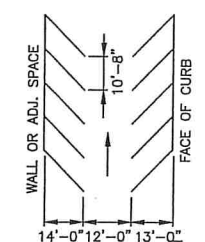
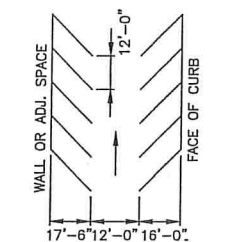
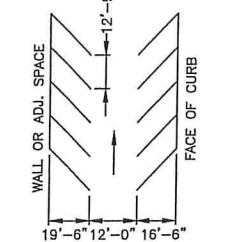
PARKING ANGLE 90°
(TWO WAY OPERATION ONLY)



PARKING ANGLE 60°
(ONE WAY OPERATION ONLY)



PARKING ANGLE 45°
(ONE WAY OPERATION ONLY)



NOTES:

1. PAVEMENT MARKINGS SHALL BE 4" WHITE PAINT.
2. ALTERNATIVE PARKING ANGLES, AISLE WIDTHS, AND OPERATION (TWO-WAY ANGLED PARKING OR REVERSE-ANGLE PARKING) WILL BE CONSIDERED ON A CASE-BY-CASE BASIS.

NOT TO SCALE

Lancaster County South Carolina	
EFFECTIVE DATE	REVISIONS:
11/26/2016	

PARKING STANDARDS

DETAIL No.
R20
SHEET 1 OF 3