

LANCASTER COUNTY PLANNING COMMISSION

March 18, 2014
6:30 PM
Lancaster Co.
Adm. Bldg., #224
(803) 285-6005

Type of meeting:	General Business Meeting	Facilitator:	Planning Staff
Clerk:	Judy Barrineau		
Please read:	Agenda Packet		
Please bring:	Agenda Packet & UDO		
Call To Order	Chairman		
Roll Call	Chairman		
Approve Agenda	Chairman		
Citizen's Comments	Chairman		
Approval of minutes – February 18, 2014 Regular Minutes	Chairman		
Chairman's Report	Chairman		
Director's Report – Included in packet	Penelope Karagounis		
This is the application of Mr. Steve Willis, Lancaster County Administrator, who is proposing to rezone 5.57 acres of property from B-3, General Commercial District, to I-1, Light Industrial District. RZ 014-007 {Public Hearing} pgs. 1-14 Tax Map # 0032-00-018.00	Kathy Johnson		
Rezoning application of Mr. Robert Stiegele representing TDON Development, to rezone the property from R-30P, Low Density Residential/Agricultural Panhandle District to R-30P, Low Density Residential/Agricultural Panhandle District with a Cluster Subdivision Overlay District. RZ 014-009 {Public Hearing} pgs. 15-48 Tax Map #14, Parcel 41 & Tax Map #15, Parcels 5.01, 7.01, & 10	Penelope Karagounis		
UDO-TA-014-006 Tabled at the February 18, 2014 Meeting UDO-TA-014-006 – This text amendment is to establish & include a Highway Corridor Overlay District in Lancaster County. The purpose of which is to preserve and enhance corridors that serve as major gateways leading to, from, and within Lancaster County. {Public Hearing} pgs. 49-132	Penelope Karagounis		
UDO-TA-014-007 – Application of Steve Willis, Lancaster County Administrator, to amend the text of Chapter 14, Streets and Sidewalks, Section 14.1.5, Procedure for Changing the Name of an Existing Road, in the Unified Development Ordinance. {Public Hearing} pgs. 133-137	Kathy Johnson		
New Business: Nominations for Board Member of the Year			
Old Business:			

Lancaster County Planning Department

101 N. Main St., Ste. 108

P.O. Box 1809

Lancaster, South Carolina 29721-1809

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Memo

To: Lancaster County Planning Commission Members
From: Penelope G. Karagounis, Lancaster County Planning Director
Date: March 6, 2014
Re: Director's Report for the March 18, 2014

Message:

On February 21, 2014, I was sad to receive an email of an official resignation from our District 5, Planning Commission Member, Mr. Ken Faulkenberry. His formal resignation letter to Mr. Steve Willis, County Administrator stated that he appreciated his trust in appointing him, but felt in the best interest of his family and his businesses that he should resign from the Lancaster County Planning Commission. The entire Lancaster County Planning Department staff appreciates all of Mr. Faulkenberry's hard work and time he gave while serving on the Commission. We will certainly miss him on our Planning Commission board. We wish him well.

For the March Development Review Committee calendar, we only have one DRC case. The DRC case is Signature Services representing them is the Timmons Group. This is a new commercial building in the Edgewater Business Park. It is approximately an 8,000 square foot building. It is a T-Shirt printing company and will have some storage in the rear of the building for their merchandise.

The Planning Department has established some new deadlines for the Overlay District rezoning and preliminary plan applications for new subdivisions. Those deadlines are always due before 5:00 p.m. on the first Monday of each month. This will give us ample time to be able to conduct our newspaper advertisements which are longer than the 15 day notice requirements for typical rezoning applications. All other rezoning and text amendments will still have the same deadline of the third Tuesday of each month. I do anticipate after our UDO analysis and rewrite that these deadlines will all be streamlined together to have a consistent process. In the meantime, we will be following these deadlines. The deadlines are on our website.

*Proud to serve the citizens of Lancaster County,
and the Towns of Heath Springs & Kershaw*

I will also be providing an update about the rewrite of the Comprehensive Plan at the March 18, 2014 Planning Commission Meeting.

This is the application of Mr. Steve Willis, Lancaster County Administrator, who is proposing to rezone 5.57 acres of property from B-3, General Commercial District, to I-1, Light Industrial District. RZ 014-007 {Public Hearing} pgs. 1-14

Kathy Johnson

Tax Map # 0032-00-018.00

Conclusions:

Action items:	Person responsible:	Deadline:

PLANNING STAFF REPORT RZ-014-007

I. Facts

A. General Information

Proposal: This is the application of Mr. Steve Willis, Lancaster County Administrator, who is proposing to rezone 5.57 acres of property from B-3, General Commercial District, to I-1, Light Industrial District.

Property Location: The property is located at 3758 Charlotte Highway (US Highway 521) in Lancaster County, South Carolina.

Legal Description: TMS# 0032-00-018.00

Voting District: (District 1, Larry McCullough)

Zoning Classification: Current: B-3, Proposed: I-1

Future Land Use Map: The future land use along Charlotte Highway in this area is shown as residential.

B. Site Information

Site Description: This is a 5.57 acre parcel of land located on the eastern shoulder of Charlotte Highway approximately 1,000 feet north of the intersection of Charlotte Highway and East North Corner Road. The property is owned by Lancaster County and is presently the home of the Lancaster County Economic Development Corporation. A concrete block building with two paved parking lots is located on this site.

C. Vicinity Data

Surrounding Conditions: The property is adjacent to properties zoned B-3, General Commercial District, R-30, Low Density Residential/Agricultural District and R-30S, Low Density Residential/Manufactured Housing/Agricultural District. In addition to the business located on this site, there are primarily single family residences in the immediate area. Lancaster County Water and Sewer District has a water tower located on the southeastern border of this site. The property directly to the north of the site is vacant land. A site built home and pasture land is located across Charlotte Highway to the west of this address. Various site built, modular and mobile homes are located to the south and east of the property.

Exhibits:

1. Rezoning Application
2. Real Property Inquiry
3. Location Map
4. UDO Chapter 2, Sections 2.1.2 & 2.1.3
5. Table of Uses for B-3 & I-1

II. Findings

Code Considerations:

- A. The B-3, General Commercial District, is designed to accommodate a wide variety of general commercial uses characterized primarily by retail, office and service establishments which are oriented primarily towards major traffic corridors and/or extensive areas of predominantly commercial usage and characteristics. Commercial uses encouraged in this district are generally patronized in single purpose trips and emphasize large general merchandise establishments, sale of large or bulky items, commercial services, repair services, automobile related sales and repair, various types of convenience stores, restaurants, and other recreational and entertainment uses. This district is also suited to accommodate travel oriented uses such as hotels and motels and gas stations.

Outdoor storage is permitted if a Type 1 Buffer yard is installed around the outside of the storage area when the area is adjacent to a nonresidential district. A Type 3 Buffer yard is required around the storage area when it is adjacent to a residential district or use and all such areas shall be located completely behind the building. No storage areas shall be located in any required or not required front or side yard. Automobile dealerships are allowed to park automobiles in the front or side yard of the property.

- B. Section 2.1.3 Industrial districts. The I-1 and I-2 districts are designed to accommodate businesses engaged in the manufacturing, processing, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment.

The I-1, Light Industrial District, is designed to accommodate industries that do not tend to have adverse impacts on surrounding properties.

III. Conclusions

There are several properties currently zoned B-3, General Commercial District, located along the eastern side of Charlotte Highway just north of its intersection with East North Corner Road. Despite this fact, the majority of the parcels in this area are zoned residential. The future land use map indicates residential use for property located along Charlotte Highway in this area. There are several existing single family homes located adjacent to this address.

The Planning Department staff feels that the impacts from light industrial use could be detrimental to surrounding residences and therefore an I-1 zoning would not be suitable for this property. The facts and findings of this report show that the rezoning of the property would **not be appropriate.**

IV. Recommendation

It is therefore the recommendation of the planning staff that the rezoning application be **denied.**

LANCASTER COUNTY
SOUTH CAROLINA

APPLICATION TO AMEND OR CHANGE THE TEXT OR MAP OF THE
LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE

Do Not Write In This Box

Application No. RZ 014-007 Date Received 2-11-14 Fee Paid _____

1. The application is for amendment to the: (check one)

District Boundary Map (fill in all items #2,3,4,5,6,7,&9 only)

Ordinance Text (fill in items # 8 & 9 only)

2. Give either exact address or tax map reference to property for which a district boundary change is requested: 0032-00-018,00 3758 Charlotte Highway

TMS #: 0032-00-018,00

5.578 acres

3. How is this property presently designated on the map? B-3

4. How is the property presently being used? AGRI BUSINESS + LCEOC

5. What new designation or map change do you propose for this property? I-1

6. What new use do you propose for the property? PLASTIC EXTRUSION COMPANY

EXPLAIN UNDER ITEM #9 WHY THIS AREA SHOULD BE REDESIGNATED OR CHANGED.

7. Does the applicant own the property proposed for this change? YES NO If no, give the name and address of the property owner and attach notarized letter from property owner:

8. If this involves a change in the Ordinance text, what section or sections will be affected? _____

9. Explanation of and reasons for proposed change: WORKING WITH LCEOC TO BRING

A NEW BUSINESS TO LANCASTER COUNTY

(use back of form if additional space is needed)

NOTE: It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

APPLICANT'S NAME (PRINT)

LANCASTER COUNTY

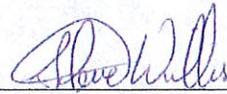
ADDRESS:

PO Box 1809

LANCASTER, SC 29734

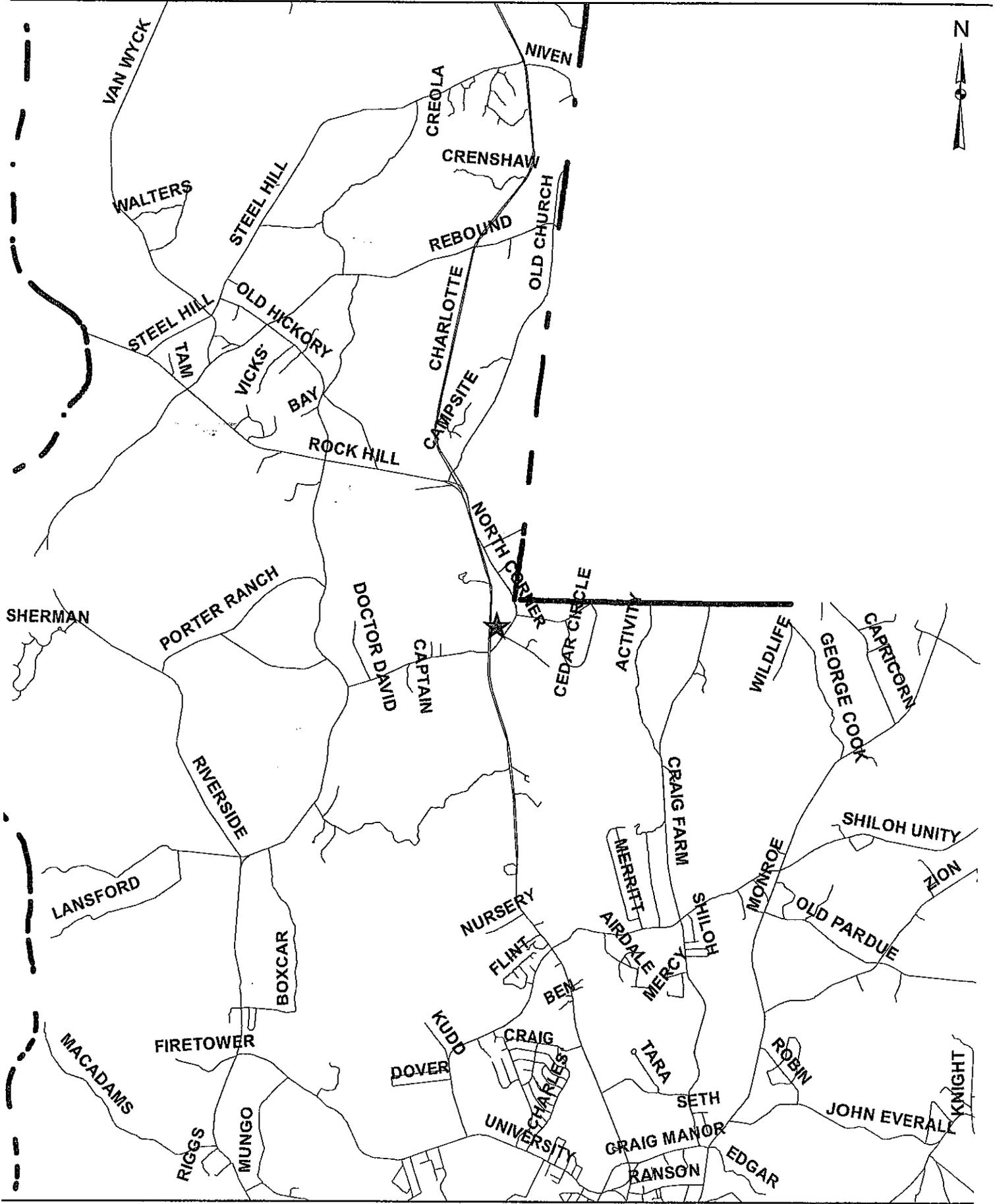
Phone:

416-9300



SIGNATURE

LCEDC
B-3 to I-1



Section 2.1.2 Commercial districts.

The following commercial districts are hereby established: B-1, B-2, B-3, and B-4. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this section. Additionally, any use allowed in these districts shall comply with the regulations contained in section 4.1.17 [applicable regulations of Chapter 4].

In addition to the stated objectives of each zoning district, all districts are designed to encourage the perpetuation of general agricultural activities such as general row crop production, free-range livestock operations and pasture land, hay land, woodland and wildlife management areas. Intensive agricultural enterprises such as turkey barns, hog farms and other confined livestock operations shall only be allowed in the R-45A district.

The use of vinyl, tin, metal and masonry block except split face/decorative masonry shall be prohibited on the exterior walls of any building located on a parcel that has frontage on U.S. Highway 521 from the southern right-of-way line of S.C. Highway 75 northward to the state line or frontage on S.C. Highway 160 from U.S. Highway 521 westward to the county line. All sides of the building shall comply with this requirement with the exception of any side of a building that is not visible from any point on an adjoining road(s) right-of-way. Sides of the building that are screened with landscaping, a fence or some combination of the two shall be considered to be visible from an adjoining street. This requirement is being added to these regulations for aesthetic purposes only and has nothing to do with the enforcement of building code requirements or standards.

1. The B-1, Business Office District, is designed to accommodate the office, governmental, and institutional needs of the community in areas within the County's planning jurisdiction. It shall function as a transitional land use between residential developments and more intense commercial districts. To further the use of this district as a transitional zoning district, multiple-family developments (excluding duplexes and manufactured housing) shall be permitted in this district. No outdoor storage shall be permitted. The maximum density permitted in this district is eight (8) dwelling units per acre. If property is developed for residential purposes, see Chapter 17 for recreational facilities and open space requirements.
2. The B-2, Community Business District, is designed to accommodate small-scale independent businesses or small-scale commercial centers (excluding automobile-service and repair businesses), which are oriented primarily toward retail and personal service activities. This district also serves as a transitional land use between residential areas and more intense commercial and industrial land uses. Such businesses are limited to 6,000 square feet or less of floor space. Uses appropriate in this district serve localized market areas, provide for smaller scale items not requiring large storage areas or deliveries to customers and generally do not generate high volumes of vehicular traffic.

The outdoor storage or display of merchandise, materials or inventory is prohibited except for the storage or display of plant and garden supplies, farmer's markets and open air markets. Such areas shall be screened with a Type 3 Buffer yard when adjacent to a residential district or use, and all such areas shall be located completely behind the rear of the building. No storage area shall be allowed in any required or not required front or side yard.

3. The B-3, General Commercial District, is designed to accommodate a wide variety of

general commercial uses characterized primarily by retail, office and service establishments which are oriented primarily towards major traffic corridors and/or extensive areas of predominantly commercial usage and characteristics. Commercial uses encouraged in this district are generally patronized in single purpose trips and emphasize large general merchandise establishments, sale of large or bulky items, commercial services, repair services, automobile related sales and repair, various types of convenience stores, restaurants, and other recreational and entertainment uses. This district is also suited to accommodate travel oriented uses such as hotels and motels and gas stations.

Outdoor storage is permitted if a Type 1 Buffer yard is installed around the outside of the storage area when the area is adjacent to a nonresidential district. A Type 3 Buffer yard is required around the storage area when it is adjacent to a residential district or use and all such areas shall be located completely behind the building. No storage areas shall be located in any required or not required front or side yard. Automobile dealerships are allowed to park automobiles in the front or side yard of the property.

4. The B-4, Restricted Commercial District, is designed to accommodate business operations which tend to have adverse impacts on adjacent properties. All commercial uses which are not permitted in any other district shall require a special exception permit.

Some of the uses allowed in this district have separation requirements from other uses (see Chapter 4). The separation requirements contained in Chapter 4 between a proposed commercial use not permitted in any other district and an existing residential structure shall only apply when the existing residential structure is located in a zoning district other than a B-4 District. All other separation requirements shall be followed.

Outdoor storage is permitted if a Type 1 buffer yard is installed around the outside of the storage area when the area is adjacent to a nonresidential district. A Type 3 buffer yard is required around the storage area when it is adjacent to a residential district or use and all such areas shall be located completely behind the building. No storage areas shall be located in any required or not required front or side yard.

(Ord. No. 323, 2-1-99; Ord. No. 330, 4-26-99; Ord. No. 871, 12-3-07)

Section 2.1.3 Industrial districts.

The following industrial districts are hereby established: I-1 and I-2. These districts are designed to accommodate businesses engaged in the manufacturing, processing, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. Other objectives of these districts are explained in the remainder of this section.

In addition to the stated objectives of each zoning district, all districts are designed to encourage the perpetuation of general agricultural activities such as general row crop production, free-range livestock operations and pasture land, hay land, woodland and wildlife management areas. Intensive agricultural enterprises such as turkey barns, hog farms and other confined livestock operations shall only be allowed in the R-45A district.

The use of vinyl, tin, metal and masonry block except split face/decorative masonry shall be prohibited on the exterior walls of any building located on a parcel that has frontage on U.S. Highway 521 from the southern right-of-way line of S.C. Highway 75 northward to the state line or frontage on S.C. Highway 160 from U.S. Highway 521 westward to the county line. All sides of the building shall comply with this requirement with the exception of any side of a building that is not visible from any point on an adjoining road(s) right-of-way. Sides of the building that are screened with landscaping, a

fence or some combination of the two shall be considered to be visible from an adjoining street. This requirement is being added to these regulations for aesthetic purposes only and has nothing to do with the enforcement of building code requirements or standards.

1. The I-1, Light Industrial District, is designed to accommodate industries that do not tend to have adverse impacts on surrounding properties.
2. The I-2, Heavy Industrial District, is designed to accommodate industries that tend to have adverse impacts on surrounding properties.
3. All uses allowed in these districts shall comply with the regulations contained in section 4.1.17 [applicable regulations of Chapter 4].

(Ord. No. 871, 12-3-07)

USES PERMITTED:

1. Bed and Breakfast
3. Service -- Agricultural Service Facility
4. Veterinary Service w/outdoor pens
5. Veterinary Service w/indoor pens -- Animal Hospital, Veterinarian Office/Clinic, Veterinary Testing Labs
6. Pedigree Record Services
7. Commercial Kennels w/indoor pens
8. Commercial Kennels w/outdoor pens
9. Farm Labor and Management Service
10. Landscape and Horticultural Service
11. Liquor Stores
12. Lumber and/or Other Building Materials Dealer
13. Paint, Glass or Wallpaper Store
14. Hardware Store
15. Retail Nurseries, Lawn and Garden Supply Store
16. Manufactured Home Dealer
17. Retail Trade Store/Center -- General Merchandise -- Large Scale
18. Retail Store-Food (Including Grocery Stores)
19. Open Air Market (farm, crafts, produce),etc.)
20. Motor Vehicles Dealer (new and/or used)
21. Auto Supply Store
22. Boat and Marine Supplies Dealer
23. Recreation Vehicle Dealer
24. Motorcycle Dealer
25. Automobile Dealers, not elsewhere classified
26. Retail Store -- General -- Small Scale (i.e.) Clothing, Shoe, Antiques
27. Retail Store -- Home Furniture, Furnishings and Appliances
28. Bars and Taverns
29. Nightclubs with alcohol
30. Restaurants
31. Fast Food with drive through window
32. Car Wash (Full Service)
33. Car Wash (Self Service)
34. Convenience Store with Fuel
35. Convenience Store without Fuel
36. Office/Banks, Savings & Loans and Credit Unions
37. General Office
38. Hotels and Motels (Except Casino Hotels)
39. Travel Arrangement and Reservation Services
40. Freight Transportation Arrangement Agency
41. Miscellaneous Incidental Transportation Service
42. Personal and Laundry Services

43. Florist Shop
44. Funeral Service and Crematories
45. Automotive Rental and Leasing Agency
46. Automobile Parking
47. Automotive Service (except repair)
48. Miscellaneous Repair Services
49. Drive-In Movie Theater
50. Motion Picture Production and/or Distribution Services
51. Motion Picture Theater
52. Video Tape Rental Store
53. Amusement and Recreation Facilities (Non-Public)
54. Offices and Clinics of Doctors, Dentists, & Other Health Practitioners
55. Nursing and Personal Care Facility
56. Medical or Dental Laboratory
57. Miscellaneous Health or Allied Service
58. Building Construction – General Contractors Facility (no outdoor storage)
59. Construction – Special Trade Contractors
60. Durable Goods – Wholesale/Distribution Facility
61. Nondurable Goods – Wholesale/Distribution Facility
62. Museums and Art Galleries
63. Job Training and Vocational Rehabilitation Service
64. Child Day Care Service or Facility
65. Adult Day Care Service or Facility
66. Residential Care Service or Facility (i.e.) Children's Home, Halfway House
67. Intermediate Care Institution
68. Nursing Care Institution
69. Membership Organization Facilities (i.e.) Business, Civic, Social
70. Religious Institution
71. Taxi Company Facility
72. Intercity and Rural Bus Transportation Facility
73. Charter Bus Service Facility
74. Independent Motor Vehicle Terminal, Service, or Maintenance Facility
75. Trucking and Courier Service Facility (except air)
76. Motor Freight Transportation Terminal and Maintenance Facility
77. Telephone Communications Facilities
78. Telegraph or Other Message Communications Facilities
79. Radio or Television Broadcasting Facilities
80. Cable or Other Pay Television Facilities
81. Park or Playground
82. Recreation Facility (except golf courses)
83. Golf Course (public or membership)
84. Botanical or Zoological Garden
85. Cemetery/Mausoleum
86. Other Designated Community Open Space Area

BUSINESS B-3 / UPDATED 1/22/07

- 87. Livestock Facility (except Commercial Meat Production Centers)**
- 88. General Agricultural Activities (i.e.) general row crop production, free-range livestock operations, pasture land, hay land, woodland and wildlife management areas**
- 89. Forest Production – Including Christmas Trees**

CONDITIONAL USES:

- 1. Site Built Single-Family Detached House**
- 2. Modular Single-Family Detached House (Meets CABO Building Code)**
- 3. Temporary Dependent Care Residences**
- 4. Temporary emergency, construction, and repair residence**
- 5. Temporary Structure used in connection with the construction of a Permanent building or for some non-recurring purpose**
- 6. Home Occupation**
- 7. Manufactured Home Storage Lot**
- 8. Gasoline Service Station**
- 9. Automotive Repair Shop**
- 10. Manufacturing of Hi-Tech Products**
- 11. Mini-Warehouse Facilities**
- 12. Recycling Facilities, Convenience Centers and Resource Recovery Facilities**
- 13. Wireless Communication Towers (i.e. Cellular Communications)**
- 14. Nature Preserve or Wildlife Sanctuary**
- 15. Deer Processing**

USES REQUIRING REVIEW BY BOARD OF ZONING APPEALS:

- 1. Special Events**
- 2. Motorized Race and Testing Tracks**
- 3. Chemical Dependency Treatment Center**
- 4. Recoverable Waste Collection and Recycling Centers**

USES REQUIRING REVIEW BY PLANNING COMMISSION:

- 1. Hospital**
- 2. United States Postal Service Facility**
- 3. Elementary or Secondary School**
- 4. College, University or Professional School**
- 5. Library**
- 6. Vocational School**
- 7. Schools and Educational Service Facility (not elsewhere classified)**
- 8. Coliseum, Stadium, or Arena designed for capacity greater than 1000 people**
- 9. Government Offices**
- 10. Courthouse**
- 11. Police Station**

USES PERMITTED:

1. Support Activities for Crop Production
2. Veterinary Service w/outdoor pens
3. Support Activities for Animal Production: Breeding Services for Animals
4. Boarding Horses
5. Dairy Herd Improvements
6. Livestock Spraying
7. Sheep Dipping and Shearing
8. Landscape and Horticultural Service
9. Retail Store-Home Furniture, Furnishings and Appliances
10. Restaurants
11. Fast Food with drive through window
12. Funeral Service and Crematories
13. Automotive Rental and Leasing Agency
14. Automobile Parking
15. Miscellaneous Repair Services
16. Drive-In Movie Theater
17. Motion Picture Production and/or Distribution Services
18. Amusement and Recreation Facilities (Non-Public)
19. Medical or Dental Laboratory
20. Miscellaneous Health or Allied Service
21. Building Construction-General Contractors Facility (no outdoor storage)
22. Building Construction-General Contractors Facility with outdoor storage
23. Heavy Construction Contractors Facilities(other than building construction)
24. Construction-Special Trade Contractors
25. Public Warehousing and Storage Facility
26. Durable Goods-Wholesale/Distribution Facility
27. Nondurable Goods-Wholesale/Distribution Facility
28. Vocational School
29. Religious Institution
30. Taxi Company Facility
31. Intercity and Rural Bus Transportation Facility
32. Charter Bus Service Facility
33. Independent Motor Vehicle Terminal, Service, or Maintenance Facility
34. Trucking and Courier Service Facility (except air)
35. Motor Freight Transportation Terminal and Maintenance Facility
36. Air Transportation Terminal
37. Telephone Communications Facilities
38. Telegraph or Other Message Communications Facilities
39. Radio or Television Broadcasting Facilities
40. Park or Playground
41. Botanical or Zoological Garden
42. Other Designated Community Open Space Area

INDUSTRIAL I-1 / UPDATED 7/11/07/Ord.#832

43. **Livestock Facility (except Commercial Meat Production Centers)**
44. **General Agricultural Activities (i.e.) general row crop production, free-range Livestock operations, pasture land, hay land, woodland and wildlife Management areas**
45. **Forest Production-Including Christmas Trees**

CONDITIONAL USES:

1. **Home Occupation**
2. **Automotive Repair Shop**
3. **Food Processing Plant**
4. **Tobacco Processing Plant**
5. **Textiles Dye/Finish Processing Plant (Fabric, Knitting, Carpet, etc.)**
6. **Apparel and Other Finished Products Factory**
7. **Lumber, Logging, and Wood Products Mill/Factory (except furniture)**
8. **Furniture and Fixtures Plant (Residential and Non-Residential Products)**
9. **Paper, Paperboard, Pulp, and Allied Products Mill**
10. **Printing, Publishing and Allied Industries Plant**
11. **Chemical/Allied Products Plant**
12. **Petroleum Refining and Related Products Plant**
13. **Industrial and Commercial Factories**
14. **Manufacturing of Hi-Tech Products**
15. **Mini-Warehouse Facilities**
16. **Recycling Facilities, Convenience Centers and Resource Recovery Facilities**
17. **Wireless Communication Towers (i.e. Cellular Communications)**
18. **Nature Preserve or Wildlife Sanctuary**

USES REQUIRING REVIEW BY BOARD OF ZONING APPEALS:

1. **Automotive Wrecking, and/or Junk, Salvage Yard (Shall comply with the Regulations of (See Section 4.2.1)**
2. **Special Events (See Section 4.2.9)**
3. **Motorized Race and Testing Tracks (See Section 4.2.5)**
4. **Construction, Demolition and Land Clearing Debris (See Section 4.2.3)**
5. **Sanitary Landfills (See Section 4.2.7)**
6. **Solid Waste Storage and Transfer Facilities, Waste Tire Treatment Sites And Composting Facilities (See Section 4.2.8)**
7. **Solid Waste Collection, Treatment and/or Disposal Facility**
8. **Recoverable Waste Collection and Recycling Centers**

USES REQUIRING REVIEW BY PLANNING COMMISSION:

1. **United States Postal Service Facility**
2. **Police Station**
3. **Fire Station**
4. **Ambulance Service/Rescue Squad**
5. **School Bus Facility**

6. Electricity, Water, Sewer, and Petroleum Distribution/Collection Facilities and Collections

Rezoning application of Mr. Robert Stiegele representing TDON Development, to rezone the property from R-30P, Low Density Residential/Agricultural Panhandle District to R-30P, Low Density Residential/Agricultural Panhandle District with a Cluster Subdivision Overlay District. RZ 014-009 {Public Hearing} pgs. 15-48

Penelope Karagounis

Tax Map #14, Parcel 41 & Tax Map #15, Parcels 5.01, 7.01, & 10

Conclusions:

Action items:	Person responsible:	Deadline:

PLANNING STAFF REPORT

I. Facts

A. General Information

Proposal: Rezoning application of Mr. Robert Stiegele representing TDON Development, to rezone the property from R-30P, Low Density Residential/Agricultural Panhandle District to R-30P, Low Density Residential/Agricultural Panhandle District with a Cluster Subdivision Overlay District. The density will remain at 1.5 units per acre but the application is asking to rezone to the Cluster Subdivision Overlay District to be able to use those regulations. Currently in the R-30P, the minimum lot width is 130, while TDON Corporation would like to use the Cluster Subdivision Overlay District to be able to build 70 and 90 foot lot widths.

Property Location: The property is located along Jim Wilson Road to the southeast of its intersection with Henry Harris Road, Lancaster County, South Carolina

Legal Description: Tax Map Number 14, Parcel 41 and Tax Map 15, Parcels 5.01, 7.01, and 10.

Zoning Classification: R-30P, Low Density Residential/Agricultural Panhandle District

Voting District: District 1, Larry McCullough

B. Site Information

Site Description: The properties included for this rezoning application are primarily vacant/agricultural land.

C. Vicinity Data

Surrounding Conditions: The property is surrounded by R-30P, Low Density Residential/Agricultural Panhandle District, R-15P, Moderate Density Residential/Agricultural Panhandle District, R-30D, Low Density Residential/Manufactured Housing/Agricultural District, R-45, Rural Residential/Agricultural District, and Planned Development District (PDD-8) Edenmoor.

D. Exhibits

1. Rezoning Application
2. Location Map
3. Tax Parcel Map
4. Tax Inquiry Sheet
5. Cluster Subdivision Overlay District Ordinance

II. Findings

- a. Code Considerations: R-30P, Low Density Residential/Agricultural Panhandle District, is designed to accommodate single-family residential developments (not including manufactured homes) in the southern part of the panhandle. This zoning district will allow residential uses and related residential uses such as religious institutions, fire station, etc.

The maximum density allowed in this zoning district is 1.5 dwelling per acre (1.5 du/acre), minimum lot size is 29,040 square feet and the minimum lot width is 130 feet. The availability of water and/or sewer shall not change: (1) the maximum density allowed; (2) the minimum lot size and (3) and the minimum lot width is 130 feet if a septic system is used or 120 feet if on central water and sewer.

- b. Cluster Subdivision Overlay District- Cluster subdivisions are residential developments which offer an alternative to traditional subdivision design, with the principle purpose being to encourage open space in exchange for a reduced lot size. 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 CSOD, and such reductions are only permissible within a CSOD. 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 low to moderate density single-family residential districts, specifically, (i) R-30, Low Density Residential/Agricultural District, (ii) R-30P, Low Density Residential/Agricultural Panhandle District, (iii) R-15, Moderate Density Residential/Agricultural District, and (iv) R-15P, Moderate Density Residential/Agricultural Panhandle District. Cluster subdivisions are not permitted in any residential use district in which multiple-family developments or manufactured homes are allowed. See **Exhibit 5**

Additional Information: The site is a total of 182.12 acres. The proposed development for the Bent Creek Subdivision would have a total of 273 lots. Their proposal is for 70 foot and 90 foot lot widths. A total of +/- 149 lots for 70 foot lot widths and a total of +/-125 lots for 90 foot lot widths. The required open space would be 53.46 acres and their proposal for the bubble plan has +/- 82.9 acres of open space. The traffic impact study was included in the rezoning application even though it is not required at the time of the rezoning application. It is though required at the time of the Preliminary Plan Application for a subdivision submittal to the Lancaster County Planning Commission. It was prepared by Ramey Kemp and Associates. The County will submit the traffic impact study to a third party to review the study so we can have comments when the Bent Creek Preliminary Plan goes to the Lancaster County Planning Commission after the rezoning process is complete with County Council.

III. Conclusions----

The Cluster Subdivision Overlay District was approved on January 13, 2014 with Ordinance Number 2013-1251. A full set of the Preliminary Plan requirements for a site plan will be conducted at the second part of the process only at the Planning Commission stage, if this rezoning does get approved from County Council. It is important to note that with this rezoning application for the first part of the process, no Preliminary Plan is approved. We will have an additional public hearing meeting at the Lancaster County Planning Commission at a later day (if the rezoning to the Cluster Subdivision Overlay becomes approved by County Council). The future land use map of Lancaster County designates this property as low density residential. This new zoning classification would support the low density residential that is defined on the Lancaster County Future Land Use Map because the overall density for the R-30P, Low Density Residential/Agricultural Panhandle District with the Cluster Subdivision Overlay District would be 1.5 units per acre.

IV. Recommendation:

It is therefore the recommendation of the planning staff that the TDON Development rezoning request for the property located along Jim Wilson Road to the southeast of its intersection with Henry Harris Road to be rezoned from R-30P, Low Density Residential/Agricultural Panhandle District to R-30P, Low Density Residential/Agricultural Panhandle District with the Cluster Subdivision Overlay District be approved.

RECEIVED
2-18-14

LANCASTER COUNTY
SOUTH CAROLINA

APPLICATION TO AMEND OR CHANGE THE TEXT OR MAP OF THE
LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE

Do Not Write In This Box		
Bent Creek TDDN Development		
Application No. RZ 014-009	Date Received 2-18-14	Fee Paid <input checked="" type="checkbox"/>

- The application is for amendment to the: (check one)
 - District Boundary Map (fill in all items #2,3,4,5,6,7,&9 only)
 - Ordinance Text (fill in items # 8 & 9 only)
- Give either exact address or tax map reference to property for which a district boundary change is requested: 0014-00-041.00, 0015-00-005.01, 0015-00-010.00, 0015-00-007.01
- How is this property presently designated on the map? Zoned R-30p
- How is the property presently being used? Vacant
- What new designation or map change do you purpose for this property? Rezone to R-30p Cluster
- What new use do you propose for the property? Single Family Residential Community

EXPLAIN UNDER ITEM #9 WHY THIS AREA SHOULD BE REDESIGNATED OR CHANGED.

- Does the applicant own the property proposed for this change? YES NO If no, give the name and address of the property owner and attach notarized letter from property owner:
See Attached -List of Owner Names/Addresses
See Attached-Owner Authorization Forms
- If this involves a change in the Ordinance text, what section or sections will be affected?
- Explanation of and reasons for proposed change: Property will be purchased and developed as a new single family "cluster subdivision" community.

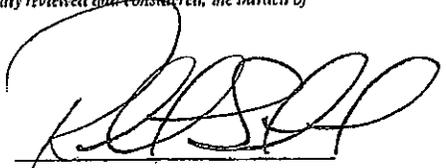
(use back of form if additional space is needed)

NOTE: It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

APPLICANT'S NAME (PRINT)
Robert Stiegele

ADDRESS:
TDDN Development
811# Coral Ridge Road
Coral Springs, FL 33071
Phone:

*Please send information to:
ESP Associates, P.A.
c/o Peter Tatge
3475 Lakemont Blvd.
Fort Mill, SC 29708
980.721.0186



SIGNATURE

TDON Development

Bent Creek

Property Owner Names/Addresses

1. Haas Dorothy F
3623 Round Oak Rd
Charlotte, NC 28210
PIN# 0014-00-041.00

2. Yarbrough Agnes W Living Trus/c/o Carol Ostendorff
343 Swampfox Drive
Fort Mill, SC 29715
PIN# 0015-00-005.01

3. Ostendorff Carol Etal, Trustee
343 Swampfox Drive
Fort Mill, SC 29715
PIN# 0015-00-010.00

4. Monroe Hardware Company
PO Box 5015
Monroe, NC 28111
PIN# 0015-00-007.01

December 11, 2013

Ms. Penelope Karagounis
Planning Director
Lancaster County Planning
Administration Building
101 North Main Street
Lancaster, SC 29720

Re: Jim Wilson Road Site & Monroe Company Hardware Property - Rezoning and Preliminary Plat applications

This letter serves to notify all interested parties that I/we consent to TDON Development Corporation, request for Lancaster County to accept and consider application(s) for rezoning and subsequently Preliminary Plat review for property we own/control located on Jim Wilson Road located in Lancaster County, South Carolina known as Tax Parcel 0014-00-041-00. This letter serves to represent our signature(s) on both the Rezoning and Preliminary Plat applications.

Dorothy E. Haas -

By: *Lisa H. Pope*
LISA H. POPE, HOIR
print name

Date: 12-10-13

Owner: *Lisa H. Pope*
LISA H. POPE
print name

Date: 12-10-13

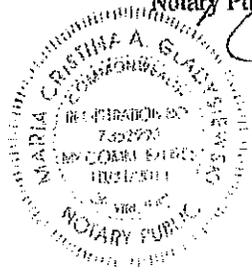
~~STATE OF SOUTH CAROLINA~~ VIRGINIA
~~COUNTY OF LANCASTER~~ FAIRFAX

I, MARIA CRISTINA GLADYSIENSKA, A Notary Public for said County and State, do hereby certify that LISA H. POPE personally appeared before me this day and acknowledged the due execution of the foregoing Owner's Certification for Applicant to apply for Rezoning and Preliminary Plat through Lancaster County.

WITNESS my hand and notarial seal, this the 10TH day of DECEMBER, 2013.

My commission Expires: 10-31-2014

Maria Cristina Gladysiencka
Notary Public



December 11, 2013

Ms. Penslope Karagounis
Planning Director
Lancaster County Planning
Administration Building
101 North Main Street
Lancaster, SC 29720

Re: Jim Wilson Road Site & Monroe Company Hardware Property - Rezoning and Preliminary Plat applications

This letter serves to notify all interested parties that I/we consent to TDON Development Corporation, request for Lancaster County to accept and consider application(s) for rezoning and subsequently Preliminary Plat review for property we own/control located on Jim Wilson Road located in Lancaster County, South Carolina known as Tax Parcel 0014-00-041-00. This letter serves to represent our signature(s) on both the Rezoning and Preliminary Plat applications.

~~Dorothy F. Haas~~

By: Jurwal Gallagher, heir Date: 12-10-2013
Laura H. Gallagher, heir
print name

Owner: Jurwal Gallagher Date: 12-10-2013
Laura H. Gallagher
print name



STATE OF ~~SOUTH CAROLINA~~ NORTH CAROLINA

COUNTY OF ~~LANCASTER~~ MECKLENBURG

I, VICKY M. NEAL, A Notary Public for said County and State, do hereby certify that LAURA H. GALLAGHER personally appeared before me this day and acknowledged the due execution of the foregoing Owner's Certification for Applicant to apply for Rezoning and Preliminary Plat through Lancaster County.

WITNESS my hand and notarial seal, this the 10th day of DECEMBER 2013.
Vicky M. Neal
Notary Public

My commission Expires: My Commission Expires April 12, 2014

December 11, 2013

Ms. Penelope Karagounis
Planning Director
Lancaster County Planning
Administration Building
101 North Main Street
Lancaster, SC 29720

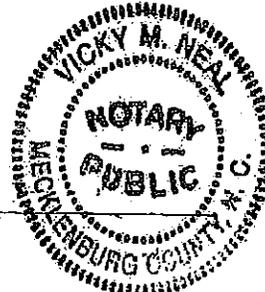
Re: Jim Wilson Road Site & Mouroe Company Hardware Property - Rezoning and Preliminary Plat applications

This letter serves to notify all interested parties that I/we consent to TDON Development Corporation, request for Lancaster County to accept and consider application(s) for rezoning and subsequently Preliminary Plat review for property we own/control located on Jim Wilson Road located in Lancaster County, South Carolina known as Tax Parcel 0014-00-041-00. This letter serves to represent our signature(s) on both the Rezoning and Preliminary Plat applications.

~~Dorothy F. Haas~~

By: Susan H Wyatt Date: _____
Susan H Wyatt, heir 12/10/13
print name

Owner: Susan H Wyatt Date: 12/10/13
Susan H Wyatt
print name



STATE OF ~~SOUTH CAROLINA~~ NORTH CAROLINA

COUNTY OF ~~LANCASTER~~ MECKLENBURG

I, VICKY M. NEAL, A Notary Public for said County and State, do hereby certify that SUSAN H WYATT personally appeared before me this day and acknowledged the due execution of the foregoing Owner's Certification for Applicant to apply for Rezoning and Preliminary Plat through Lancaster County.

WITNESS my hand and notarial seal, this the 10th day of DECEMBER, 2013.
Vicky M Neal
Notary Public

My commission Expires: My Commission Expires April 12, 2014

December 11, 2013

Ms. Penelope Karagounis
Planning Director
Lancaster County Planning
Administration Building
101 North Main Street
Lancaster, SC 29720

Re: Jim Wilson Road Site & Monroe Company Hardware Property - Rezoning and Preliminary Plat applications

This letter serves to notify all interested parties that I/we consent to TDON Development Corporation, request for Lancaster County to accept and consider application(s) for rezoning and subsequently Preliminary Plat review for property we own/control located on Jim Wilson Road located in Lancaster County, South Carolina known as Tax Parcel 0015-00-005-01. This letter serves to represent our signature(s) on both the Rezoning and Preliminary Plat applications.

Agnes W. Yarborough Living Trust / % Carol Ostendorff

By: Carol Ostendorff Kay Y. Sloan Date: 12-23-13

Carol Ostendorff Kay Y. Sloan
print name SCOL #2004 P06195

Owner: Agnes W. Yarborough Living Trust Date: 12-23-13

print name

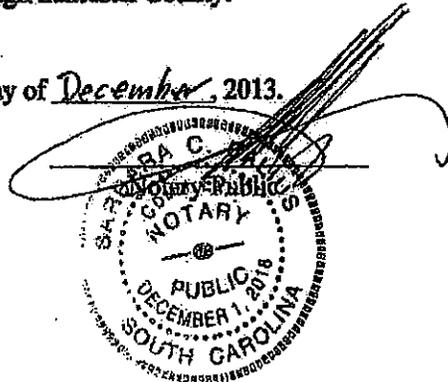
STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

I, Barbara J. ..., A Notary Public for said County and State, do hereby certify that Carol Y. Ostendorff and Kay Y. Sloan personally appeared before me this day and acknowledged the due execution of the foregoing Owner's Certification for Applicant to apply for Rezoning and Preliminary Plat through Lancaster County.

WITNESS my hand and notarial seal, this the 23rd day of December, 2013.

My commission Expires: 12-1-18



December 11, 2013

Ms. Penelope Karagounis
Planning Director
Lancaster County Planning
Administration Building
101 North Main Street
Lancaster, SC 29720

Re: Jim Wilson Road Site & Monroe Company Hardware Property - Rezoning and Preliminary Plat applications

This letter serves to notify all interested parties that I/we consent to TDON Development Corporation, request for Lancaster County to accept and consider application(s) for rezoning and subsequently Preliminary Plat review for property we own/control located on Jim Wilson Road located in Lancaster County, South Carolina known as Tax Parcel 0015-00-007-01. This letter serves to represent our signature(s) on both the Rezoning and Preliminary Plat applications.

Monroe Hardware Company

By: James G. Allred Date: 12/09/2013
JAMES G. ALLRED, PRESIDENT
print name

Owner: _____ Date: _____

print name

~~STATE OF SOUTH CAROLINA~~ NORTH CAROLINA

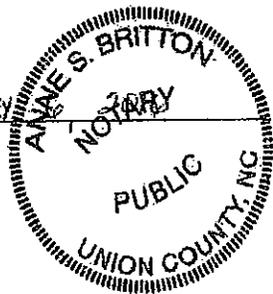
~~COUNTY OF LANCASTER~~ UNION

I, ANNE S. BRITTON, A Notary Public for said County and State, do hereby certify that JAMES G. ALLRED personally appeared before me this day and acknowledged the due execution of the foregoing Owner's Certification for Applicant to apply for Rezoning and Preliminary Plat through Lancaster County.

WITNESS my hand and notarial seal, this the 9th day of DECEMBER, 2013.

Anne S. Britton
Notary Public

My commission Expires: FEBRUARY



December 11, 2013

Ms. Penelope Karagounis
Planning Director
Lancaster County Planning
Administration Building
101 North Main Street
Lancaster, SC 29720

Re: Jim Wilson Road Site & Monroe Company Hardware Property - Rezoning and Preliminary Plat applications

This letter serves to notify all interested parties that I/we consent to TDON Development Corporation, request for Lancaster County to accept and consider application(s) for rezoning and subsequently Preliminary Plat review for property we own/control located on Jim Wilson Road located in Lancaster County, South Carolina known as Tax Parcel 0015-00-010-00. This letter serves to represent our signature(s) on both the Rezoning and Preliminary Plat applications.

Carol Ostendorff et al, Trustee

By: Carol Ostendorff Kay Y. Sloan Date: 12-23-13

Carol Ostendorff Kay Y. Sloan
print name SEP #004106195
SEP 004106195

Owner: Agnes W. Yarbrough Living Trust Date: 12-23-13

print name

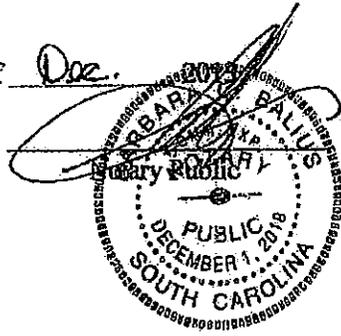
STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

I, Be. Balis, A Notary Public for said County and State, do hereby certify that Carol Y. Ostendorff and Kay Y. Sloan personally appeared before me this day and acknowledged the due execution of the foregoing Owner's Certification for Applicant to apply for Rezoning and Preliminary Plat through Lancaster County.

WITNESS my hand and notarial seal, this the 23rd day of Dec.

My commission Expires: 12-1-18





February 25, 2014

**RE: Neighborhood Meeting - Rezoning Petition
Project: Bent Creek Subdivision
Rezoning Request R-30P to R-30P Cluster**

Dear Neighbor:

TDON Development, Inc., a reputable residential developer invites you to a Neighborhood Meeting to share their development plans for Bent Creek. The current development plans are for an upscale, single-family residential cluster subdivision. The proposed development will be located near the southeast intersection of Jim Wilson Road and Henry Harris Road.

Please join us to hear more about this project:

Neighborhood Meeting Location:

Carolina Reserve – Model Home
3021 Angel Carrie Lane
Indian Land, SC 29707

Date & Time:

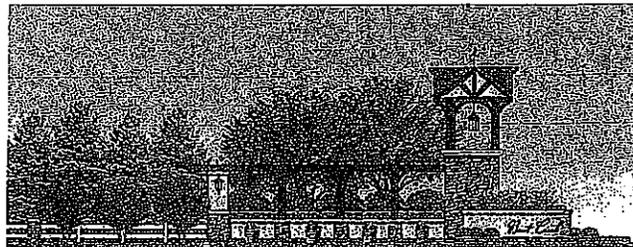
Tuesday, March 4, 2014
Meeting begins promptly at 6:00PM until 7:15PM.

Please find the enclosed map and directions to the meeting. Thank you in advance for your interest and participation. We look forward to meeting you and sharing more information about this exciting new residential project. Should you have any questions or need additional information, please do not hesitate to contact Peter Tatge/ESP Associates at (803) 802-2440.

Cordially,

A handwritten signature in black ink, appearing to read "R. Stiegele", written over a horizontal line.

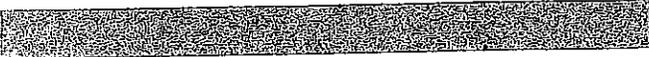
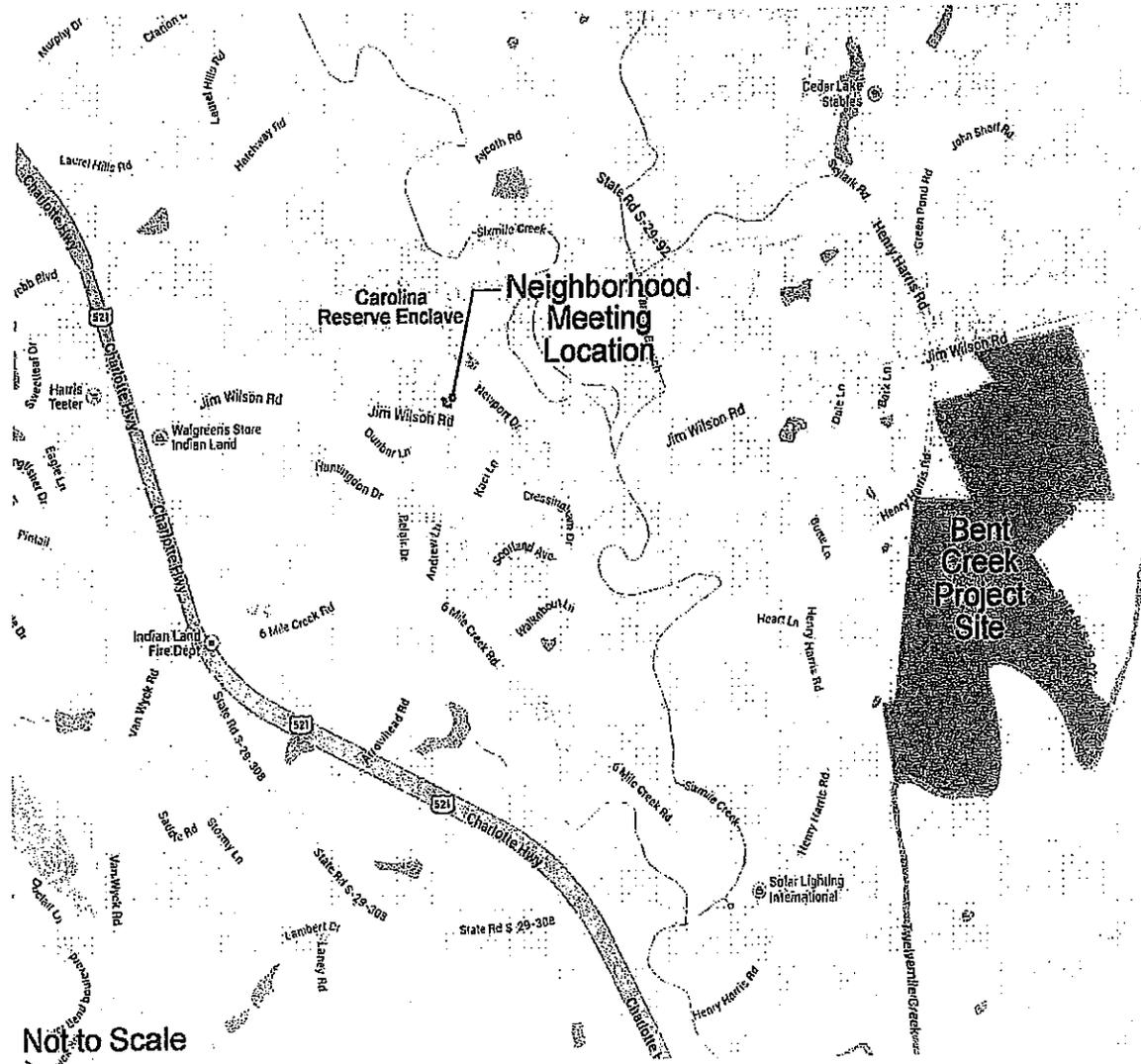
Robert Stiegele, President
TDON Development, Inc.



Bent Creek Neighborhood Meeting

Location of the Carolina Reserve Model Home

From Highway 521, turn east onto Jim Wilson Road. Turn left into Lennar's Carolina Reserve subdivision (Wallace Lake Road). Enter the roundabout and take the first right onto Newport Drive. Take the first Right onto Angel Carrie Lane. The model home is located at the end of the cul-de-sac.



See Indian Land Inset For Detail

Exhibit 2 Property Location

MECKLENBURG

COUNTY

CO
Pleasant Valley

160

521

75

Indian Land Elem
Indian Land High Sch

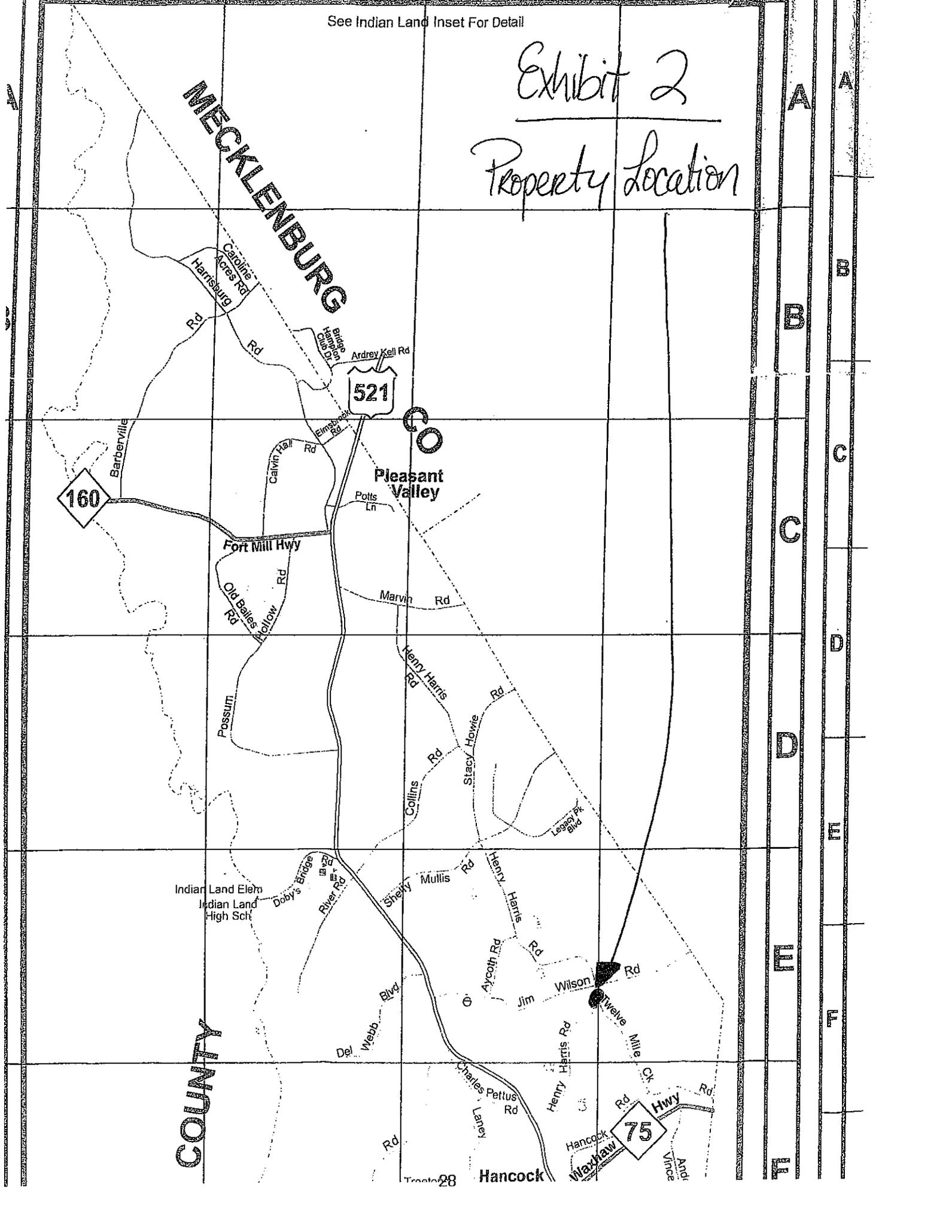
Tract 28

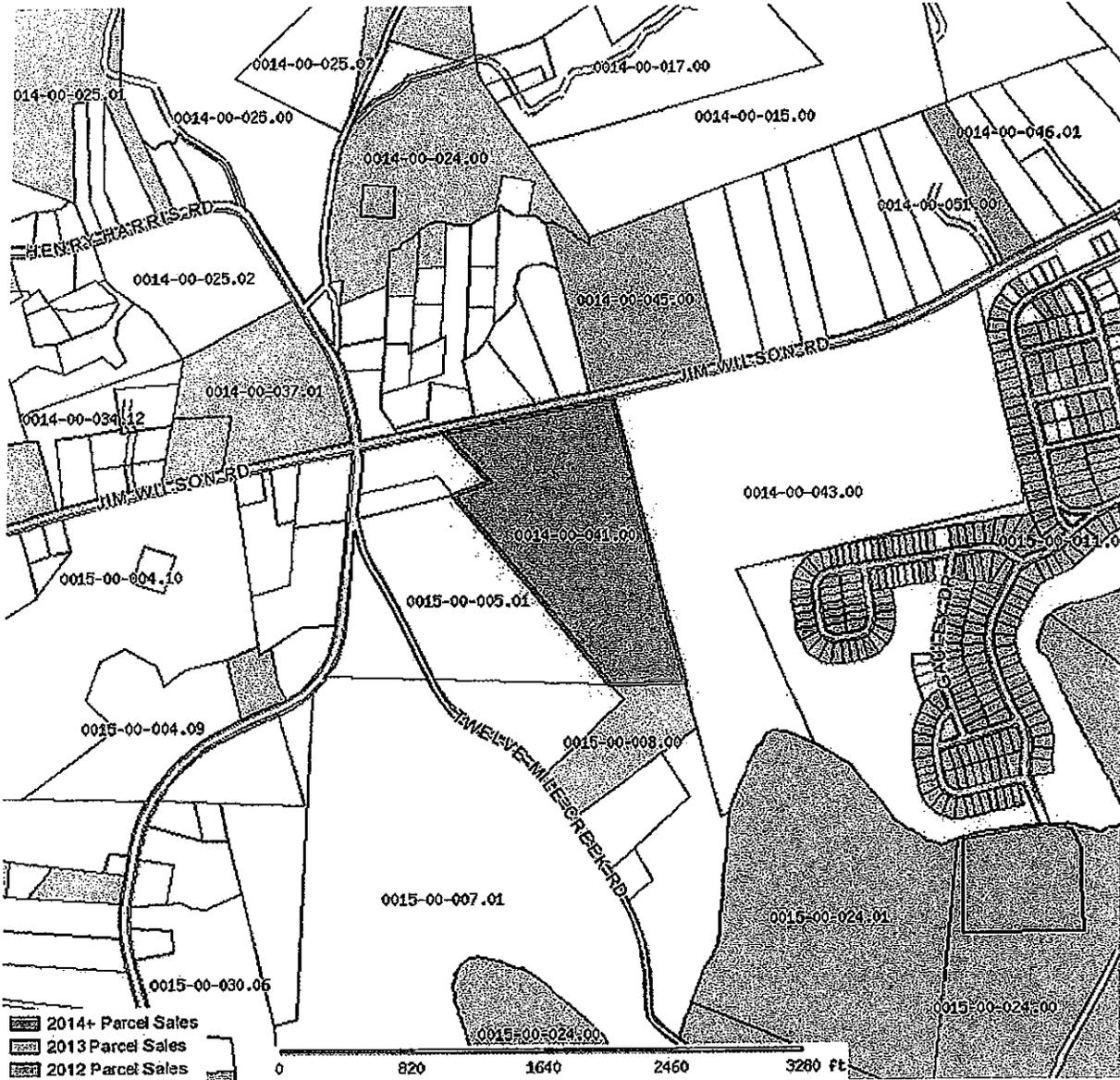
Hancock

Hancock
Waxhaw

A
B
C
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G

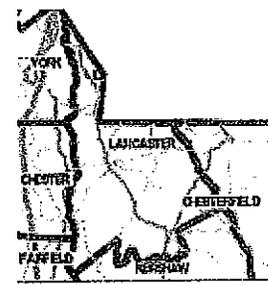
A
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2014+ Parcel Sales
 2013 Parcel Sales
 2012 Parcel Sales

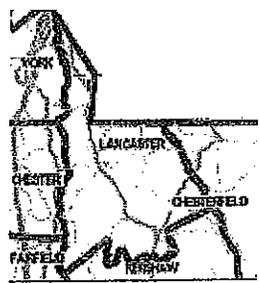
Lancaster County Assessor			
Parcel: 0014-00-041.00 Acres: 37.6			
Name	WYATT SUSAN KATHERINE HASS ETA	Land Value	\$1,323,992.00
Site	JIM WILSON ROAD	Improvement Val	\$0.00
Sale	\$\$\$ on 01-2014 Vacant= Qual=90	Accessory Value	\$0.00
Mail	6611 CEDAR SPRINGS RD CHARLOTTE, NC 28212	Total Value	\$1,323,992.00



The Lancaster County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER LANCASTER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS —THIS IS NOT A SURVEY—
 Date printed: 02/27/14 : 11:36:25

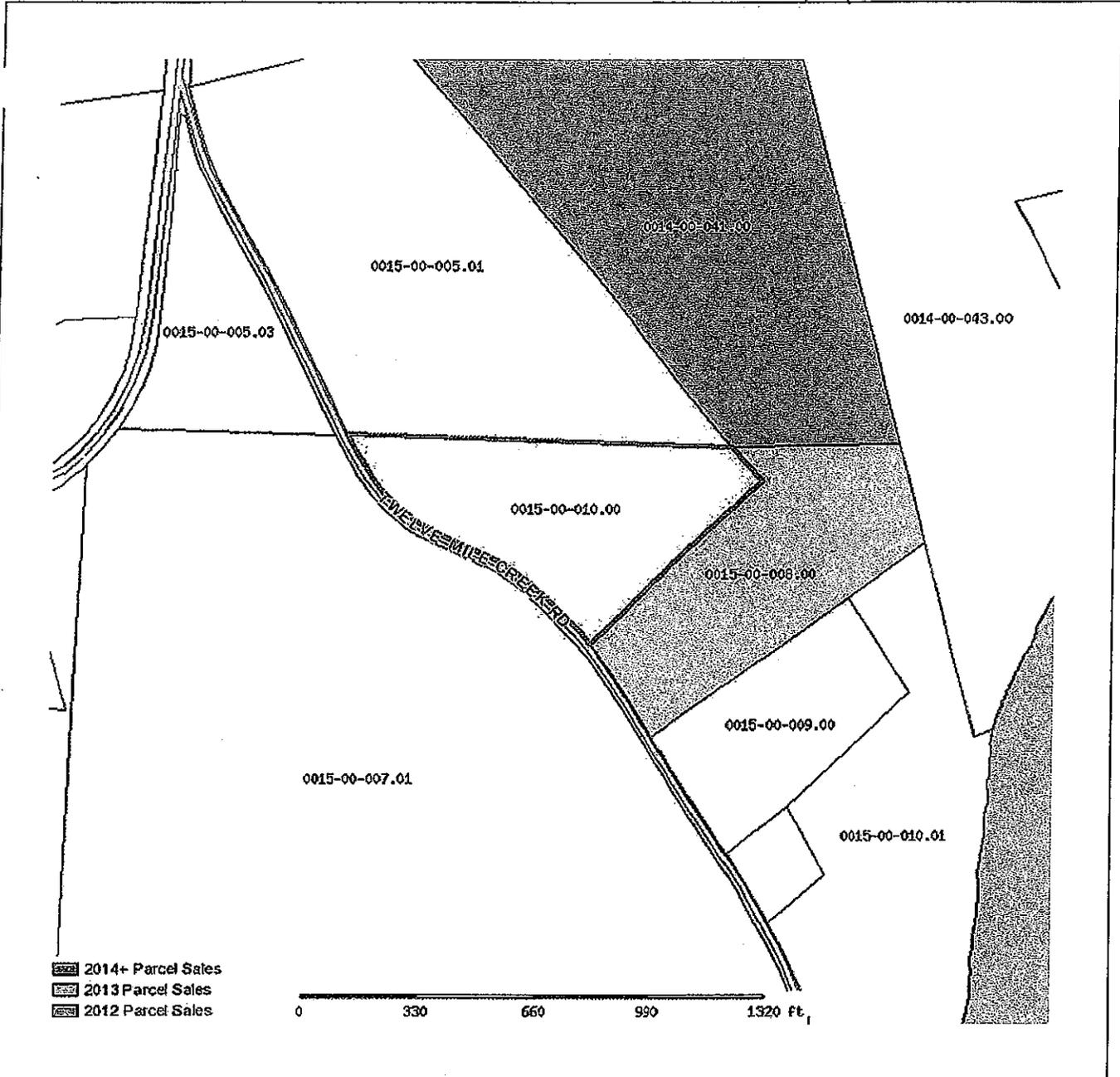


Lancaster County Assessor			
Parcel: 0015-00-005.01 Acres: 23			
Name	BOROUGH AGNES W LIVING TRUS % CA	Land Value	\$729,549.00
Site	CO RD 92	Improvement Val	\$0.00
Sale	\$91 on 09-2001 Vacant= Qual=9J	Accessory Value	\$0.00
Address	343 SWAMPFOX DRIVE FORT MILL, SC 29715	Total Value	\$729,549.00

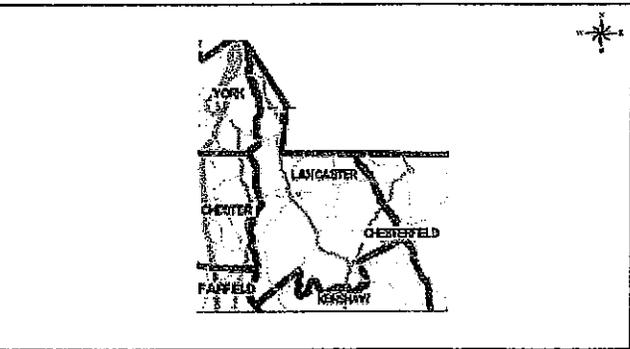


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Date printed: 02/27/14 : 13:08:19

Exhibit 3

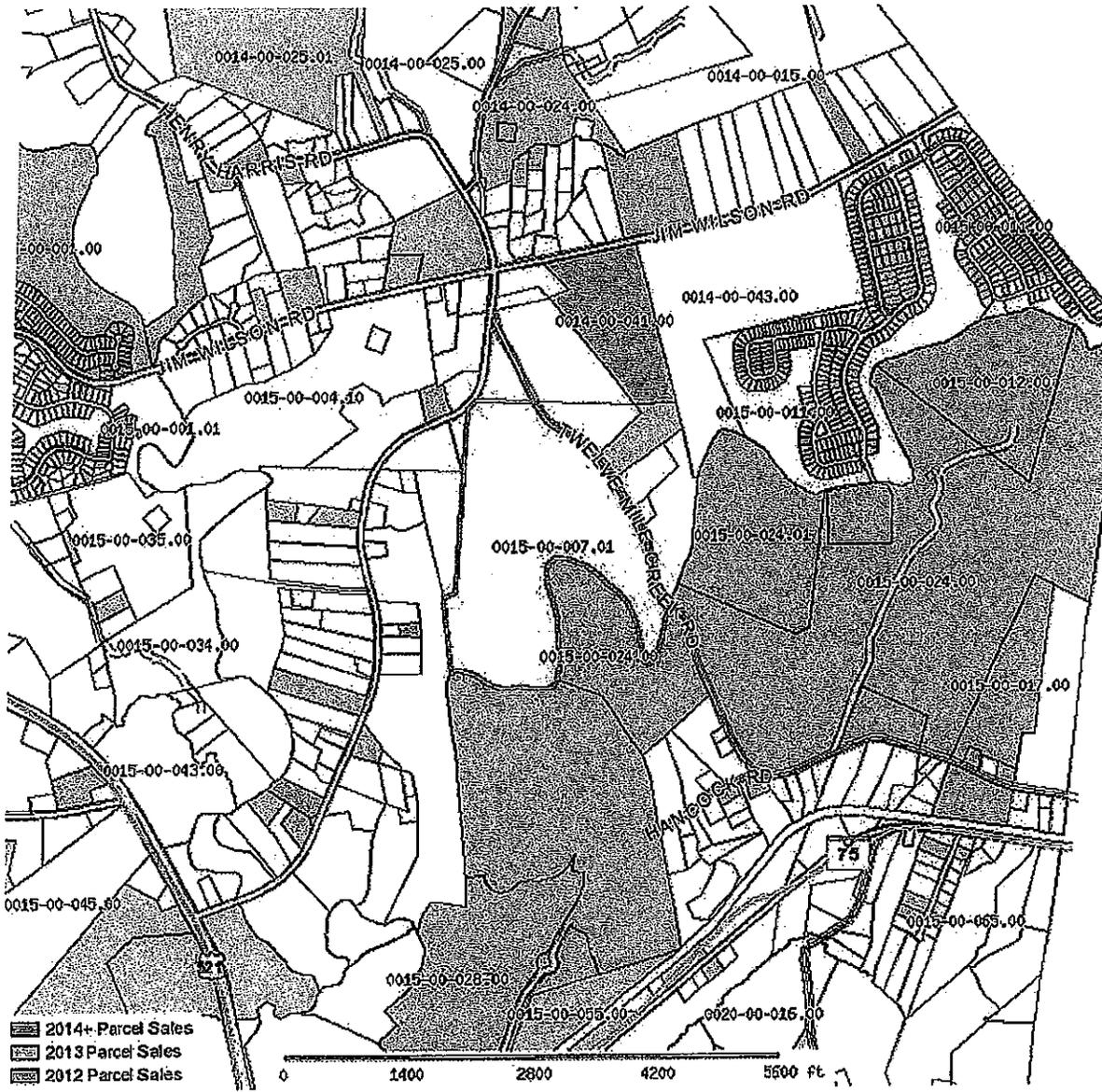


Lancaster County Assessor			
Parcel: 0015-00-010.00 Acres: 17.64			
Name:	OSTENDORFF CAROL ETAL, TRUSTEE	Land Value:	\$177,901.00
Site:	HWY 92	Improvement Val:	\$0.00
Sale:	\$0 on 08-2008 Vacant= Qual=90	Accessory Value:	\$0.00
Address:	343 SWAMPFOX DR FORT MILL, SC 29715	Total Value:	\$177,901.00

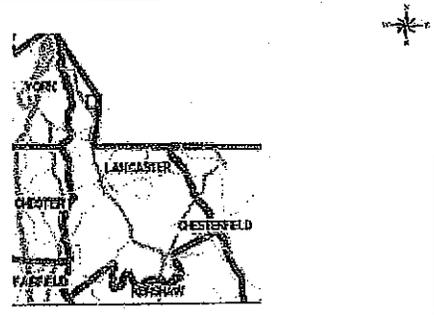


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Date printed: 02/27/14 : 13:09:07



Lancaster County Assessor			
Parcel: 0015-00-007.01 Acres: 112.16			
Name	MONROE HARDWARE COMPANY	Land Value	\$3,534,864.00
Site	TWELVE MILE CREEK ROAD	Improvement Val	\$21,600.00
Sale	\$681,184 on 09-2001 Vacant= Qual=0	Accessory Value	\$0.00
Mail	P O BOX 5015 MONROE, NC 28111-5015	Total Value	\$3,556,464.00



The Lancaster County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER LANCASTER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS -- THIS IS NOT A SURVEY --
Date printed: 02/27/14 : 13:09:43

Parcel ID: 0014-00-001-000 Card 1 of 1 Location: JIM WILSON ROAD, Indian Land Cost: \$4

ID/Factors/Taxes

Current Ownership

#1 Title: WYATT Last Name: _____
 #2 Street: 6611 CEDAR SPRINGS RD Fill
 #3 Street #2: _____ List
 City/Town: CHARLOTTE Verify
 Province/State: NC Postal: 28212 Verify
 County: _____ Account Type: _____
 ID: B MMDDYY Legal Reference: 781-104
 Owner Occupied: _____ Sale Date: 1/23/2014 Owner Lookup Number: 75175

Prior Owner

First Name: SUSAN KATHERINE HASS ETAL Res: ex % Own
 Home Phone: _____ Cell Phone: _____
 Work Phone: _____ Email: _____

Separate Bill: _____ Valid Owner: _____
 Private Info: _____

Sales Exemptions More Owners Other Parties
 Open 2/27/2014 1:10 PM 1754 QuickList

Exhibit 4

M Parcel ID: 0015-00-005-01

Account: 1783 Card: 171

Sticker # District: 01 - County

Location: CO RD 02 Lancaster Ent Parcel Area: 23 - AC

Address: QUISE-CUBIAG Neigh: 01 - 01

Owner: YARBOROUGH HAGNES WILMING TRUS Own Type:

Market Adj Value	Current	Year 2013	Legal Description
Calc Land Area	23.000		
Full Market Value	729,549		
Full Land Value	729,549		
Building Value			
Yard Items			
Land Value	2,806		
Total Value	2,806		
Assessed Value	112		
Capped Total	2,806		

Sales Information

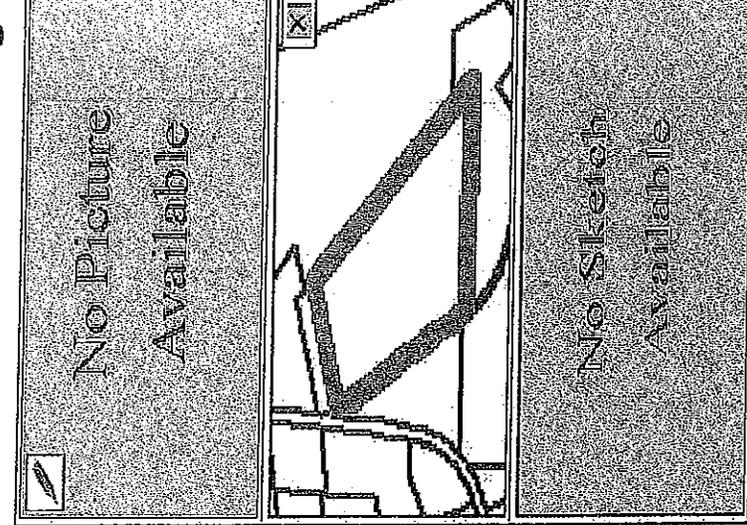
Grantor: YARBOROUGH HAGNES W Reval/Market Districts: 01

Sale Price: Validity: 9J Narrative Description

Sale Date: 9/13/2007 Sold/Vacant No:

Legal Ref: 0132-0314

Office Notes: Notes:



No Picture Available

No Sketch Available

Exhibit 4

Parcel ID: 0015-00-005.01 Card of: Location: 00 RD 92 Lancaster Cost: \$2.8

Current Ownership **Prior Owner** **ID/Factors/Taxes**

#1	YARBOROUGH AGNES W LIVING TRUS	Fill	Home Phone	Resex	Type
#2	% CAROL OSTENDORFF	List	Cell Phone		
#3	848 SWAMPEOX DRIVE	Verify	Work Phone		
	FORT MILL	Verify	Email		
	Province/State SC	Accom Type			
	Country	Legal Reference			
	DOB	Sale Date			
	Owner Occupied	Owner Lookup Number			
					52111

Open 2/27/2014 1:11 PM 1788 QuickList

Exhibit 4

Parcel ID: 0015-00-007-01
 Account: 1790
 District: 01 County
 Ent Parcel Area: 112.169 AC
 Card: 1791

Location: TWELVE MILE CREEK ROAD Lancaster
 Land Use: QUSE - QuidAg
 Neigh: 01 - 01
 Own Type:

Market Adj Value	Current	Year	2013	Legal Description
Calc Land Area	112.160	112.160		
Full Market Value	3,556,464	3,556,464		
Full Land Value	3,534,864	3,534,864		
Building Value	21,600	21,600		
Yard Items				
Land Value	157,074	157,074		
Total Value	178,674	178,674		
Assessed Value	10,459	10,459		
Capped Total	178,674	178,674		

Sales Information
 Grantor: GLOVER VERLENE
 Sale Price: 681,184
 Sale Date: 9/19/2001
 Legal Ref: 0125-0212
 Validity: 0
 Sold Vacant: No

Reval/Market Districts: 01
Narrative Description:
 This parcel contains 112.169 AC of land mainly classified as QuidAg with a Single Fam Dvw Building built about 1966, having primarily Concrete Block Exterior and 936 Square Feet with 0 Unit 1 Bath 0 3/4 Bath 0 Half Bath 0 Rooms and 0 Bdrm



No Picture Available

Open 2/27/2014 1:12 PM Display Main Record Card Screen 1790 QuickList

Exhibit 4

Parcel ID: 00115-00100701 Location: TWELVE MILE CREEK ROAD, Lancaster Cost: \$178.6

Current Owner: **Prior Owner** ID/Factors/Taxes

Current Ownership

#1	MONROE HARDWARE COMPANY	Res. Ex	% Own	Type
#2				
#3				

Title: Home Phone: Cell Phone: Work Phone: Email:

Street #1: Fill: List: Verify: Verify: Account Type: Separate Bill:

Street #2: Legal Reference: Valid Owner:

City/Town: Sales Date: Private Info:

Province/State: Postal Code: Owner Lookup Number: 1467

Sales: Exemptions: More Owners: Other Parties:

Open: 2/27/2014 1:13 PM 1790 QuickList

Exhibit 4

M Parcel ID: 0015-00-010-00
 Account: 1798
 Sticker #:
 Location: HWY 92 Lancaster
 Land Use: QUSE - QuiaAg
 Owner #1: OSTENDOREE CAROLETAL TRUSTEES
 Card: 171
 District: 01 - County
 Est Parcel Area: 17.64 - AC
 Neigh: 02 - 02
 Own Type:
 Legal Description:
 Year: 2013
 Current: 17640
 Full Market Value: 177901
 Full Land Value: 177901
 Building Value:
 Yard Items:
 Land Value: 2152
 Total Value: 2152
 Assessed Value: 86
 Capped Total: 2152
 Reval Market Districts: 01
 Narrative Description:
S Market Adj Value
 Calc Land Area:
 Full Market Value:
 Full Land Value:
 Building Value:
 Yard Items:
 Land Value:
 Total Value:
 Assessed Value:
 Capped Total:
Sales Information
 Grantor: YARBOROUGH AGNES W
 Sale Price: 0
 Sale Date: 8/6/2008
 Legal Ref: 479-41
 Valian: 90
 Sold Vacant: No
P Office Notes Notes

Exhibit 4

Add Mod Del Save Cancel
 Indexed By Parcel ID Card #

Parcel ID: 0016-00-010-00 Location: HWY-92 Lancaster Card: 1 of 1 Cost: \$2

Current Ownership **Prior Owner** **ID/Factors/Taxes**

#	Title	Last Name	First Name	Res Ex	% O/M	Type
1	OSTENDORFF		CAROL ETAL. TRUSTEES			
2						
3						

Home Phone: [] Cell Phone: [] Work Phone: [] Email: []
 Account Type: [] Legal Reference: 479-44
 Sale Date: 8/8/2008 Owner Lookup Number: 52093

Current Owner **Prior Owner** **ID/Factors/Taxes**
 Title: [] Last Name: [] First Name: [] Res Ex: [] % O/M: [] Type: []
 Street #1: 343 SWAMPFOX DR
 Street #2: []
 City/Town: FORT MILL
 Province/State: SC Postal: 29715
 Country: []
 D.O.B: MM/DD/YY
 Owner Occupied: []
 Sales: [] Exemptions: []

Open 2/27/2014 1:11 PM More Owners Other Parties 1798 QuickList

Exhibit 4

STATE OF SOUTH CAROLINA

)

COUNTY OF LANCASTER

)

ORDINANCE NO. 2013-1251

~~Indicates Matter Stricken~~

Indicates New Matter

AN ORDINANCE

TO AMEND SECTION 2.1.5 OF APPENDIX B OF THE LANCASTER COUNTY CODE (UNIFIED DEVELOPMENT ORDINANCE OF LANCASTER COUNTY), RELATING TO OVERLAY DISTRICTS, SO AS TO PROVIDE FOR CLUSTER SUBDIVISION OVERLAY DISTRICTS; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Cluster Subdivision Overlay Districts.

Section 2.1.5 of Appendix B of the Lancaster County Code (Unified Development Ordinance of Lancaster County) is amended by adding:

- /6. The CSOD, 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 exchange for a reduced lot size. 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 CSOD, and such reductions are only permissible within a CSOD. 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 low to moderate density single-family residential districts, specifically, (i) R-30, Low Density Residential/Agricultural District, (ii) R-30P, Low Density Residential/Agricultural Panhandle District, (iii) R-15, Moderate Density Residential/Agricultural District, and (iv) R-15P, Moderate Density Residential/Agricultural Panhandle District. Cluster subdivisions are not permitted in any residential use district in which multiple-family developments or manufactured homes are allowed. Cluster Subdivision Overlay Districts are subject to the following general provisions:

- a. **Minimum acreage:** The minimum tract area for a cluster subdivision shall be thirty (30) gross acres, shall consist of contiguous parcels, and must adjoin or have direct access to at least one collector street.
- b. **Minimum lot area:** The minimum lot area (in square feet) per dwelling unit within a cluster subdivision shall be 5,000 square feet. This shall be the minimum lot area allowed for any lot with the minimum lot width of fifty feet (50'), as defined in item (c). 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 fifty feet (50').
- d. **Variety of lot sizes:** Individual lots in a cluster subdivision shall vary in size and layout. No more than thirty-four percent (34%) 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 ten feet (10'). For example, if thirty-four (34%) of the total number of lots has a lot width of fifty feet (50'), thirty-four (34%) could have a lot width of sixty feet (60'), and the remaining could have a lot width of seventy feet (70') 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 shall be twenty feet (20'). The front yard setback for a corner lot shall be as set forth in Chapter 5 of the UDO;
 - 2. **Rear Yard:** The minimum rear yard setback shall be thirty feet (30');
 - 3. **Side Yard:** The minimum side yard setback shall be seven feet (7'). However, a minimum side yard setback of five feet (5') is permissible provided all of the following conditions are met:
 - i. Dwelling units shall have fire resistant siding within a side yard. These materials are to be approved by the Lancaster County Building Official (i.e. brick, masonry, stone, concrete siding). Vinyl siding is not permissible with a five foot (5') side yard;
 - ii. Vented soffits are not permissible within a five foot (5') side yard. Unvented soffits shall be permissible if no less than ten feet (10') from an adjacent dwelling unit or structure; and
 - iii. Windows of dwelling units shall be offset from the windows of adjacent units within a five foot (5') side yard.
- f. **Open space requirement:** For a cluster subdivision, no less than twenty-five percent (25%) of the site acreage, not including primary conservation areas as defined in subitem (3) of this item (f), shall be set aside in perpetuity as open 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 shall be defined as set forth in Chapter 19 of the UDO and as outlined in Section 17.1 of the UDO. Open space may include, but is not limited to, passive recreation, and 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;
 - 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

$$TO = ((TP - PC) \text{ OSP}) + PC$$

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

Note: See Item 1 of this Subsection 6 for an example of how these formulas are applied;

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:
 - i. Wooded areas;
 - ii. Scenic vistas;
 - iii. Streams, ponds, wetlands and floodplains;
 - iv. Buffers, including landscaped, perimeter, river and stream;
 - v. Areas containing slopes in excess of twenty-five percent (25%);
 - vi. Other areas containing unusual natural site features (such as major rock formations); and
 - vii. 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 that satisfies the criteria established in Section 17.4 and 17.5 of the UDO. 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; and
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 twenty-four inches (24") 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 zoning 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 subitem (8) of this item (f).

- 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 Section 2.1.1 of the UDO, where the total number of dwelling units allowed shall be based on the gross acreage of the site. For example, when the CSOD is located within the R-30, Low Density Residential/Agricultural District, where the maximum density is two and one-half (2.5) dwelling units per acre, a one hundred (100)-acre parcel of land shall be allowed to have no more than two hundred fifty (250) dwelling units built on the site. By comparison, when the CSOD is located within the R-30P, Low Density Residential/Agricultural Panhandle District, where the maximum density is one and one-half (1.5) dwelling units per acre, a one hundred (100)-acre parcel of land shall be allowed to have no more than one hundred fifty (150) dwelling units built on the site (See Item 1 of this Subsection 6 for additional examples).
- h. **Commercial requirement:** There shall be no required commercial uses within a cluster subdivision.
- i. **Connectivity:** The proposed cluster subdivision must have a minimum connectivity index of 1.4 as set forth in Section 13.7.9.1 of the UDO. The following shall also apply:
 - 1. Any cluster subdivision which will result in one hundred fifty (150) or more dwelling units dependent on a single point of access shall require the provision of a second means of ingress/egress and is subject to the requirements of Section 13.7.8.9 of the UDO;
 - 2. One (1) stubbed out street shall be required to be provided to any adjacent undeveloped parcel or parcel used for a single-family home that contains a minimum of five (5) acres as set forth in Section 13.7.10.3 of the UDO. However, the planning commission may alter this requirement if the developer demonstrates that the connection would be difficult to provide because of topographical reasons; and
 - 3. Where practicable, the proposed cluster subdivision is required to connect to open space (i.e. bike paths, walking/hiking trails, etc) in adjacent developments.
- j. **Site planning review standards:** A cluster subdivision shall follow the site plan review standards and procedures as set forth in Chapter 13 of the UDO, including but not limited to Section 13.6. 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 13 of the UDO and Chapter 26 of the Lancaster County Code. The following shall apply:
 - i. As required in Section 26-61 of the Lancaster County Code, the minimum right-of-way and pavement width shall be as follows:

Road Type	Right-of-Way (feet)	Pavement (feet)
Local (closed drainage)	50	20
Local (open drainage)	66	20
Collector	66	24

- ii. 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 (SCDOT); and
 - iii. 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. A traffic impact analysis shall be provided to the Development Review Committee (DRC) at the time of the DRC submittal for any development within a CSOD, as required in Section 13.7.10.1 (c) of the UDO. The traffic impact analysis must be conducted and sealed by a licensed South Carolina professional engineer hired by the applicant. The cost of the traffic impact analysis shall be paid by the applicant. Any road improvements, which are determined to be necessary, based on the results of the traffic impact analysis, shall be required to be incorporated into the final site plan prior to approval being given by the Development Review Committee. The traffic impact analysis shall be reviewed by the County and in conjunction with the South Carolina Department of Transportation. If a County level traffic planner is not available to review the traffic impact analysis, the County may choose to hire a third-party consultant to assist in this review at the request of the planning department. The applicant is responsible for fees associated with this review;
 8. In general, landscaping requirements for a cluster subdivision shall comply with the requirements of Chapter 12 and Chapter 22 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;
 9. The following buffer requirements shall apply for a cluster subdivision:
 - i. In general, buffer requirements for a cluster subdivision shall comply with the requirements of Chapter 12 of the UDO where a buffer yard may be required between adjacent zoning districts;
 - ii. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the buffer requirements;
 - iii. Ingress/egress to the property shall be allowed within a buffer, as well as utility easements and sidewalks;
 - iv. A fifty foot (50') 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 twenty-five percent (25%) of the trees and seventy-five percent (75%) of the shrubs shall be evergreens;

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

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 = 500 acres Total Parcel
 PC = 100 acres Primary Conservation Areas
 OSP = 25% (or .25) Open Space Percentage

$$TO = ((500 - 100) .25) + 100$$

$$TO = ((400) .25) + 100$$

$$TO = (100) + 100$$

$$TO = 200 \text{ acres of Total Open Space Set Aside}$$

Example C Assume that a one thousand (1000) acre parcel is being developed. The residential use district is R-30, Low Density Residential/Agricultural District, where the maximum density is two and one-half (2.5) dwelling units per acre. Assume that there are one hundred (100) acres of Primary Conservation area. The open space percentage is twenty-five percent (25%) (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)

$$TU = (1000) (2.5)$$

$$TU = 2500 \text{ Total Lots or Dwelling Units Allowed}$$

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 = 1000 acres Total Parcel
PC = 100 acres Primary Conservation Areas
OSP = 25% (or .25) Open Space Percentage

TO = ((1000 - 100) .25) + 100
TO = ((900) .25) + 100
TO = (225) + 100
TO = 325 acres of Total Open Space Set Aside/

Section 2. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 3. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained in the Lancaster County Code or other County orders, resolutions and ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

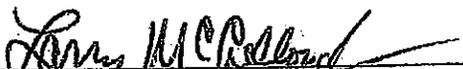
Section 4. Effective Date.

This ordinance is effective upon third reading.

SIGNATURES FOLLOW ON NEXT PAGE.

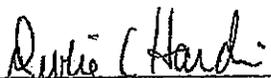
AND IT IS SO ORDAINED, this 13th day of January, 2014.

LANCASTER COUNTY, SOUTH CAROLINA


Larry McCullough, Chair, County Council

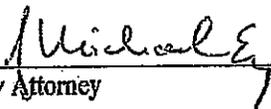

Jack Estridge, Secretary, County Council

ATTEST:


Debbie C. Hardin, Clerk to Council

First Reading: November 25, 2013
Second Reading: December 9, 2013
Third Reading: January 13, 2014

Approved as to form:


County Attorney

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

UDO-TA-014-006 Tabled at the February 18, 2014 Meeting

Penelope Karagounis

UDO-TA-014-006 -- This text amendment is to establish & include a Highway Corridor Overlay District in Lancaster County. The purpose of which is to preserve and enhance corridors that serve as major gateways leading to, from, and within Lancaster County. {Public Hearing} pgs. 49-132

Conclusions:

Action items:

Person responsible:

Deadline:

Action items:	Person responsible:	Deadline:

PLANNING STAFF REPORT

I. Facts

A. General Information

This text amendment is to establish and include a Highway Corridor Overlay District in Lancaster County. The purpose of which is to preserve and enhance corridors that serve as major gateways leading to, from and within Lancaster County. This is in response to a desire of the resident's of Lancaster County to provide standards relative to connectivity, aesthetic appearance, and safety along major gateways. The intent of this district is to provide unified land development regulations that promote a sense of place and create consistency along significant corridors by improving the visual character of adjacent development. As this is the first phase of implementation, the Highway Corridor Overlay District shall apply to US Highway 521 and SC Highway 75 (Waxhaw) northward to the North/South Carolina state line and SC Highway 160 from US Highway 521 westward to the Lancaster/York County.

Section 2.1.5 Overlay Districts

Proposed Text: Highway Corridor Overlay District (see attached text, Exhibit 3). Exhibit 2 contains the drafts for the Highway Corridor Overlay District. Those three drafts are dated January 23, 2014, February 6, 2014 and February 18, 2014.

II. Findings

The Lancaster County Planning Department received approval from County Council in 2013 to proceed with ColeJenest and Stone with creating a Highway Corridor Overlay District for parcels fronting on US Highway 521 and SC Highway 75 (Waxhaw) northward to the North/South Carolina state line and for parcels fronting on SC Highway 160 from US Highway 521 westward to the Lancaster/York County. On May 14, 2013, a contract was signed between Lancaster County and ColeJenest and Stone for the consultant to begin the work. We had our first open house meeting for any concerned citizens at the Del Webb Library on Friday, June 14, 2013. We had a good amount of citizens from Lancaster County, specifically from the Indian Land community. We also had a second open house meeting in October, which we invited the development community to voice their concerns. The third and final open house meeting in Indian Land was held on December 18th to get any last comments from the citizens before the consultant began to draft the Highway Corridor Overlay text amendment draft. We also held joint workshop meeting between the Lancaster County Council and the Lancaster County Planning Commission boards. This was extremely cooperative because the consultant was able to identify both board's needs and concerns for the Highway Corridor Overlay District. It was evident that the focus of the Highway Corridor Overlay District should be more on aesthetics than excluding certain uses in the Highway Corridor Overlay District. Exhibit 2 is the proposed text amendment for the Highway Corridor Overlay District. This is the first phase in creating the Highway Corridor Overlay

District. If this text amendment becomes approved at the County Council level, the second phase would be that Lancaster County would rezone the parcels fronting on US Highway 521 from SC Highway 75 (Waxhaw) northward to the North/South Carolina state line and the parcels fronting on SC Highway 160 from US Highway 521 westward to the Lancaster/York County line to the Highway Corridor Overlay District. The underlying zoning for those parcels would remain the same, however the Highway Corridor Overlay District would be a separate zoning layer on top of the original zoning layer of each particular parcel on the Highway Corridor.

III. Recommendation

It is the recommendation of the planning staff that the above text amendment be **approved**. The Highway Corridor Overlay text amendment would preserve and enhance corridors that serve as major gateways. This is the first phase for the Highway Corridor Overlay for parcels fronting on US Highway 521 from SC Highway 75 (Waxhaw) northward to the North/South Carolina state line and SC Highway 160 from US Highway 521 westward to the Lancaster/York County line.

LANCASTER COUNTY
SOUTH CAROLINA

APPLICATION TO AMEND OR CHANGE THE TEXT OR MAP OF THE
LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE

Do Not Write In This Box		
Application No. <u>UDO-TA-014-006</u>	Date Received <u>1-21-14</u>	Fee Paid <u>_____</u>

- The application is for amendment to the: (check one)
 - District Boundary Map (fill in all items #2,3,4,5,6,7,&9 only)
 - Ordinance Text (fill in items # 8 & 9 only)
- Give either exact address or tax map reference to property for which a district boundary change is requested: _____
- How is this property presently designated on the map? _____
- How is the property presently being used? _____
- What new designation or map change do you purpose for this property? _____
- What new use do you propose for the property? _____

EXPLAIN UNDER ITEM #9 WHY THIS AREA SHOULD BE REDESIGNATED OR CHANGED.

- Does the applicant own the property proposed for this change? YES NO If no, give the name and address of the property owner and attach written authorization to file this application: _____
- If this involves a change in the Ordinance text, what section or sections will be affected? Chapter 2 – Zoning Districts and Zoning Map, Section 2.1.5 – Overlay Districts
- Explanation of and reasons for proposed change: The reason for the proposed change is to establish and include a Highway Corridor Overlay District. The purpose of which is to preserve and enhance corridors that serve as major gateways leading to, from and within Lancaster County. This is in response to a desire of the resident's of Lancaster County to provide standards relative to connectivity, aesthetic appearance, and safety along major gateways. The intent of this district is to provide unified land development regulations that promote a sense of place and create consistency along significant corridors by improving the visual character of adjacent development. As this is the first phase of implementation, the Highway Corridor Overlay District shall apply to US Highway 521 from SC Highway 75 northward to the North/South Carolina state and SC Highway 160 from US Highway 521 westward to the Lancaster/York county line.

(Use back of form if additional space is needed)

NOTE: It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

APPLICANT'S NAME (PRINT)
Lancaster County
Steve Willis, County Administrator

ADDRESS:
P.O. Box 1809
Lancaster, SC 29720
Cc: ColeJenest & Stone
200 South Tryon Street, Suite 1400
Charlotte, NC 28202
Phone: 803-285-6005



SIGNATURE

Section 2.1.5 of the Unified Development Ordinance of Lancaster County is amended by adding:

17. The Highway Corridor Overlay District is hereby established, and is subject to the following general provisions:
- a. **Purpose and Intent:** The Highway Corridor Overlay District is established to preserve and enhance corridors that serve as major gateways leading to, from and within Lancaster County. As both commercial and residential land uses exist along such corridors, there is a desire of the residents of Lancaster County to provide standards relative to connectivity, aesthetic appearance, and safety along major gateways. The land use recommendations and design requirements contained here within are the result of a community-wide effort. As such, the intent of this district is to provide unified land development regulations that promote a sense of place and create consistency along significant corridors by improving the visual character of adjacent development. The County Council may choose to establish Highway Corridor Overlay Districts by ordinance on roads in various areas of Lancaster County by amending item (b) (1) of this subsection (7).
 - b. **District Boundaries and Applicability:** The Highway Corridor Overlay District applies to the following:
 1. All parcels fronting on or within one thousand (1,000) feet of the right-of-way of the roads listed below, except for those properties zoned and used for single family residential, including the single-family portion of a PDD development:
 - i. US Highway 521 from SC Highway 75 northward to the North/South Carolina state line; and
 - ii. SC Highway 160 from US Highway 521 westward to the York/Lancaster county line.
 2. This district shall apply to all non-residential portions of a PDD development and all HOA controlled or maintained subdivision entrances; and
 3. This district shall also apply to all shared access easements and/or cross-access easements located within the areas defined in item (b) (1) of this section that are used to access to any parcel or parcels beyond the boundaries of this district.
 - c. **Permitted Uses:** As an overlay, the Highway Corridor Overlay District supplements standards established elsewhere in the Unified Development Ordinance of Lancaster County (the "UDO"). Any use permitted in the underlying zoning district, set forth in § 3.1 Table of Permissible Uses of the UDO, shall also be permitted in the Highway Corridor Overlay District provided it complies with the provisions of this subsection (7).
 - d. **Exceptions and Non-conforming Situations:** Any property zoned and used for a single-family residential use shall be exempt from the provisions of this subsection (7). However, if such property is rezoned for any use other than single-family, such property shall be subject to all regulations established here within. Likewise, existing development that is not single-family (including PDD development) being lawfully established prior to adoption of this Ordinance, shall also be exempt from the provisions of this section, until such time the Building Official determines renovation or expansion of the site or development exceeds fifty (50) percent of its appraised value set by the Lancaster County Tax Assessor (or the Building Official for tax exempt developments). In addition, amendment of a PDD district being lawfully established prior to adoption of this Ordinance shall also require PDD developments within such amended district to comply with this subsection (7).
 - e. **Design Review:** All development design and plan reviews, as required by the UDO, shall apply to this subsection (7).
 - f. **General Requirements and Development Standards:**
 1. **Building Placement:** All buildings shall front onto a public or private street, or share a frontage line with a square or other similar common open space. The front façade of buildings shall be generally parallel to front property lines when placed along a corridor right-of-way. The following shall also apply:

Proposed Lancaster County, SC UDO Text Amendment:
Highway Corridor Overlay District

- i. Where practicable, the development of retail commercial centers or villages is desired. Commercial "strip development" is not permitted in the Highway Corridor Overlay District.
2. **Building Height:** Maximum building height shall not exceed that permitted in the underlying zoning district, set forth in Chapter 5 of the UDO.
3. **Building Vernacular:** Variation in architecture and materials is required. There shall be no large expanse of blank exterior walls along a corridor. Variation in exterior walls may be achieved through the use of windows, projections, recesses, columns, horizontal and vertical offsets, awnings, canopies, or other architectural features. Likewise, rooflines of buildings adjacent to a corridor shall also be varied to add interest and complement the character of surrounding neighborhoods and development. Variation in rooflines may be achieved through the use of gables, eaves, parapets, cupolas, or other architectural features.
4. **Materials:** Buildings, signs, walls, and other structures within the Highway Corridor Overlay District shall be constructed using quality finish materials (i.e. brick, wood, masonry, stone, concrete siding, or stucco). In general, the use of vinyl, tin, metal and masonry block except split face/decorative masonry shall be prohibited on the exterior walls of any building located within this district. Metal is permissible if in combination with other building materials for trim, windows, doors, other architectural elements, and signs. All sides of the building shall comply with this requirement with the exception of any side of a building that is not visible from any point on an adjoining road right-of-way. For the purposes of this subsection (7), sides of the building that are screened with landscaping, a fence or some combination of the two shall be considered to be visible from an adjoining street and must comply with the requirements of this section. Fencing shall be of durable construction using quality material (i.e. brick, stone, other masonry, wood, metal, decorative vinyl, or any combination thereof). The finished side of the fence shall face a corridor right-of-way or other adjacent property. Chain link, welded or woven wire, and other similar fencing are not permitted in the Highway Corridor Overlay District. This requirement is for aesthetic purposes only and is not associated with building code requirements or standards.
5. **Sidewalks and Pedestrian Amenities:**
 - i. **Sidewalks and Connectivity:**
 1. Sidewalks shall be located to allow pedestrians to safely move from their vehicles to the building;
 2. Sidewalks shall connect to existing pedestrian circulation of adjacent parcels where practicable;
 3. When adjacent to a residential use district, sidewalks shall be provided to allow residents pedestrian access to and from a commercial retail development;
 4. Sidewalks shall be required on both sides of local streets within a commercial retail development;
 5. Wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian circulation. Wheelchair ramps and depressed curbs shall conform to the requirements of the Americans with Disabilities Act. Likewise, wheelchair ramps shall be constructed in accordance with SCDOT standards and all other applicable building codes;
 6. A multi-use path shall be required adjacent to a corridor right-of-way and shall be located in the Corridor Frontage Buffer. The following shall also apply:
 - a. The multi-use path shall have a shared use for both pedestrian and bicycle circulation;

- b. The multi-use path shall be a minimum of eight (8) feet in width, and shall be constructed of asphalt;
- c. The multi-use shall be located behind the required trees of the Corridor Frontage Buffer; and
- d. The multi-use path shall be designed and constructed in a meandering appearance as to avoid long straight runs, and shall accommodate the natural topographical features of the site as much as possible.

ii. Other Pedestrian Amenities:

- 1. All retail commercial development or use with a gross indoor floor area in excess of forty thousand (40,000) square feet shall provide improved common open space for use by patrons. Such common open space may include squares, plazas, greens or other similar spaces. This requirement shall also apply to all non-residential portions of a PDD development. The following shall also apply:

- a. For purposes of this section, "improved" shall mean cleared of underbrush and debris, accessible to pedestrians and shall include one or more of the following: landscaping, walls, fences, walks or similar paved surfaces, fountains, statues, common lawns or greens, tables and chairs, benches or other seating, water fountains, litter and recycling receptacles, playground equipment or other similar furnishings and amenities;
- b. If included, fountains, statues, playground equipment or other larger amenities shall be located toward the interior of the common open space, as to not interfere with vehicular safety and circulation;
- c. Such spaces shall include at least one (1) canopy tree per one thousand (1,000) square feet of improved common open space as to provide shade. At installation, a canopy tree shall have a minimum caliber of 2.5 inches when measured six (6) inches above ground with a minimum height of 12-14'; and
- d. The property owners, occupants, and tenants or their agents shall be jointly and severally responsible for the maintenance and upkeep of all such common open space. All such areas shall be kept free of litter and debris, and shall generally be maintained with a neat and orderly appearance.

g. Access Management:

1. Curb Cuts and Parcel Access:

- i. All curb cuts shall adhere to the standards set forth by the South Carolina Department of Transportation ("SCDOT"), and shall comply with the requirements set forth in the Access and Roadside Management Standards ("ARMS Manual") as published by the SCDOT Traffic Engineering Division. However, within the Highway Corridor Overlay District, curb cuts along a corridor right-of-way shall be limited to one every three hundred (300) feet of street frontage. A greater distance of separation may be required as justified by a Traffic Impact Analysis review by SCDOT;
- ii. Parcels having three hundred (300) or more feet of corridor frontage may be permitted additional points of access provided they comply with this subsection (7) and are justified by a Traffic Impact Analysis or review by SCDOT;
- iii. Access points for smaller parcels, where access to a shared driveway is limited, shall be subject to SCDOT approval and shall adhere to SCDOT standards;
- iv. Corner parcels located at an intersection of a corridor and an adjacent street shall obtain access from the adjacent street. Where such parcels have three

- hundred (300) or more feet of corridor frontage, a point of access to a corridor may be considered provided no other corridor access is located within three hundred (300) feet, and it adheres to SCDOT standards. Such additional access shall be considered on a case-by-case basis, and is subject to approval by the Planning Commission, County Council, and/or Zoning Administration;
- v. Existing median crossovers are to remain. When applicable, access to a parcel shall be aligned directly with existing median crossover. When access does not align directly with existing median crossover, such access must adhere to the SCDOT ARMS Manual; and
 - vi. A Traffic Impact Analysis shall be required for all parcels over (5) acres and shall meet the requirements set forth in § 13.7.10.1 (c) of the UDO. The Traffic Impact Analysis must be conducted and sealed by a licensed South Carolina professional engineer. Any road improvements, which are determined to be necessary, based on the results of the Traffic Impact Analysis, shall be incorporated into the final site plan prior to County approval. The Traffic Impact Analysis shall be reviewed by the County and in conjunction with the South Carolina Department of Transportation. If a County level traffic planner is not available to review the Traffic Impact Analysis at the time of submittal, the County may choose to hire a third-party consultant to assist in this review at the request of the planning department. The cost of the Traffic Impact Analysis, including any additional reviews requested by the County, shall be paid for by the applicant.
2. Connectivity: Reduction of access points to a corridor is required. The following shall apply:
- i. Consolidation of Access Points:
 1. Shared driveways between two or more parcels shall be required where practicable and shall require mutually executed shared access agreements; and
 2. To the extent practicable, adjoining parking lots serving non-residential buildings shall be connected and shall require mutually executed shared access agreements and/or cross-access easements.
 - ii. Stub Outs
 1. Where an undeveloped adjacent parcel exists, a stub out or cross-access easement for future stub out, shall be required to allow for connection to future parking and/or shared driveways.
- h. Parking and Vehicular Access:**
1. Off-street Parking: Off-street surface parking shall be located primarily to the rear of the building it serves. Side yard parking is permissible and shall occupy no more than forty five percent (45%) of the principle corridor frontage line. The following shall also apply:
 - i. Side yard parking shall not be placed in an established side yard abutting an intersecting street;
 - ii. Where dimensions or topographical constraints of existing parcels restrict the location of off-street parking to the rear of the building it serves, the restrictions on side yard parking may be modified, on a case-by-case basis, by the Planning Commission, County Council, and/or Zoning Administration;
 - iii. Uninterrupted areas of parking areas shall be limited in size. Larger parking areas shall be broken by buildings and/or landscape features as outlined in item (k)(5) of this subsection (7); and
 - iv. Parking areas shall be designed to allow pedestrians to safely move from their vehicles to the building.
 2. On-street Parking: On-street parking is permitted within a retail commercial development where adequate space for parking and maneuvering is provided outside of travel lanes.

- On-street parking shall comply with the requirements set forth in the SCDOT ARMS Manual.
3. **Parking Count and Dimension Requirements:** The number of parking spaces required and required parking space dimensions shall comply with the provisions set forth in § 11.2 and § 11.4 of the UDO.
 4. **Off-street Loading and Unloading Areas:** Off-street loading and unloading areas shall comply with the provisions set forth in § 11.11 and shall be screened from view from all residential use districts and public right-of way using an opaque screen. Such screening requirements may be increased, on a case-by-case basis, at the recommendation of the Planning Commission, County Council, and/or Zoning Administrator.
 5. **Driveway and Internal Street Standards:**
 - i. All newly constructed streets within the Highway Corridor Overlay District shall meet the construction standards of Chapter 13 of the UDO and Chapter 26 of the Lancaster County Code. The minimum right-of-way and pavement widths shall comply with the provisions set forth in § 26-61 of the Lancaster County Code. Where applicable, such streets shall also comply with the standards established by SCDOT;
 - ii. The minimum spacing between driveway accesses to a corridor shall comply with the provisions set forth in item (g) of this subsection (7).
 - iii. Curb and gutter shall be required on all newly constructed streets and parking areas within the Highway Corridor Overlay District; and
 - iv. Interconnectivity between adjacent parcels is required and shall comply with the provisions set forth in item (g) of this subsection (7).
 - i. **Signs:** In general, signage within the Highway Corridor Overlay District shall comply with the provisions set forth in Chapter 10 of the UDO. The following additional regulations shall also apply specifically to this overlay district:
 1. **Permitted Signs:** All signs that are permitted within the Highway Corridor Overlay District shall compliment the surrounding buildings in material and architectural vernacular. The following signs are permitted in the Highway Corridor Overlay District:
 - i. **Free standing ground monument signs:** All ground monument signs shall have a setback requirement of five feet from any property line or right-of-way line. Ground monument signs shall not project into any street or highway right-of-way. No more than one (1) ground monument sign shall be permitted per lot and may contain a sign face on one (1) or more sides;
 - ii. **Wall signs:** Wall signs attached flat against a wall shall not extend more than eighteen (18) inches from a wall. When a wall sign extends two (2) or more inches from a wall it shall be a minimum of eight (8) feet above any sidewalk;
 - iii. **Projecting signs:** A projecting sign perpendicular to the wall of a building may be substituted for a wall sign provided it is a minimum of eight (8) feet above any sidewalk and projects no more than six (6) feet from the wall on which it is mounted;
 - iv. **Canopy or awning signs;**
 2. **Commercial Retail Developments and Centers:** All retail commercial development or use with two or more businesses shall be allowed no more than one (1) ground monument sign. Signage for individual businesses shall be consolidated onto one (1) such ground monument. The following shall also apply:
 - i. Where such a development fronts two (2) major streets with more than five hundred (500) feet of frontage on each, one (1) additional ground monument sign may be permitted provided no more than one (1) is on each street;
 - ii. Directional and way finding signs within a retail commercial development or center shall be grouped where practicable, shall be consistent in size, color, ornamentation, and materials, and shall compliment the surrounding buildings; and

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- iii. For such developments, a ground monument sign shall not exceed a height of twelve (12) feet. Where such a development has a gross indoor floor area in excess of forty thousand (40,000) square feet, the maximum height may be increased to no more than twenty (20) feet for a ground monument sign.
3. **Size and Height of Signs:** The maximum size of any sign shall be as established in Chapter 10 of the UDO. A sign for any individual nonresidential use shall not exceed a height of twelve (12) feet along a corridor and a height of (4) feet along any other street. A sign for a single-family development shall not exceed a height of ten (10) feet along any street. For a multifamily residential or attached single-family development, a sign shall not exceed six (6) feet in height along a corridor and (4) feet along any other street. The height of all signs shall be measured from the lowest adjacent grade at the base of the sign;
4. **Prohibited Signs:** The following signs, in addition to those prohibited in Chapter 10 of the UDO, are prohibited in the Highway Corridor Overlay District.
 - i. Pylon signs;
 - ii. Flashing and pulsating signs;
 - iii. Signs imitating warning signals;
 - iv. Attached or painted signs;
 - v. Off-premise signs;
 - vi. Animated signs;
 - vii. Beacons;
 - viii. Neon gas tubing or similar signs;
 - ix. Inflatable signs and tethered balloons;
 - x. Illuminated tubing or string of lights typically used for outlining property lines, open sales areas, roof lines, doors, windows or wall edges of any building, except for "holiday season" lights as permitted in item (j) of this subsection (7);
 - xi. Signs that move or give the appearance of moving, including but not limited to feather signs, pennants, inflatable figures, streamers, and other signs which flutter, undulate, swing, rotate, oscillate or otherwise move by natural or artificial means;
 - xii. Reader boards, digital message boards (LED), or other similar commercial electronic variable message signs whose static message or copy change more than once every ten (10) seconds;
 - xiii. Any sign that obstructs or impedes traffic safety or obscures traffic signals, signs, or other similar traffic safety devices. Signs shall not obstruct the view of motorists using any street, driveway, parking aisles or the approach to any street intersection as to cause a traffic safety hazard. Any sight obstruction determined by the County shall be corrected immediately;
 - xiv. Any sign which exhibits statements, words or pictures that are obscene in nature and
 - xv. Any sign which is not permitted, abandoned signs, or signs which being structurally unsafe or hazardous;
 - xvi. Any sign placed with the primary purpose of providing a sign not otherwise allowed by this section.
5. **Temporary Signs:** The following temporary signs are permitted provided there use complies with the requirements set forth in Chapter 10 of the UDO, including duration of display and removal requirements:
 - i. Real estate signs;
 - ii. Construction site identification signs;
 - iii. Grand opening, going out of business signs, or similar;
 - iv. Holiday signs;
 - v. Special event signs;

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- vi. Roadside stand signs;
 - vii. Signs for onsite contractors;
 - viii. Banners for religious, charitable, civic, fraternal or similar organizations;
 - ix. Banners in non-residential districts;
 - x. Other temporary signs as may be restricted by Chapter 10 of the UDO.
6. **Sign Illumination:** Illuminated signs, including those with internal illumination, are permitted and shall be placed and shielded so that glare from the sign does not adversely affect any adjacent property, residential use district, cause glare hazardous to pedestrians, or interfere with the operation of a vehicle on any street right-of-way. Signs shall not have light-reflecting backgrounds or letters. The intensity of light shall not exceed twenty (20) foot candles at any point on the sign face;
7. **Sign Landscaping:** All ground monument signs shall have, at a minimum, landscaping in accordance with the standards set forth in Chapter 10 of the UDO. Where practicable, landscaping shall be integral with other landscaped areas as required by this district. Minimum plant sizes at installation shall comply with this subsection (7). All landscaping at the base of a sign shall be located so as not to obstruct any motorist's view of other vehicles moving within a parking lot or entering/exiting a driveway.
- j. **Lighting:** In general, lighting within the Highway Corridor Overlay District shall comply with the provisions set forth in § 11.6.5 of the UDO. The purpose of this item (j) is to provide aesthetic regulations and to assure that exterior lights are shielded and do not cast direct light beyond a property line. Streets, driveways, parking areas, sidewalks, and building entrances shall be lighted in order to contribute to the security of a property and to facilitate the safe passage of persons using the streets, driveways, sidewalks, and parking areas after dark. However, measures shall be provided to limit the amount of ambient light perceptible from adjacent properties and glare that may impair the vision of motorists. The following shall also apply:
- 1. Light intensity shall not exceed twenty (20) foot candles at any point on a site. Light intensity shall not exceed two (2) foot candles at a property line adjacent to a street right-of-way or non-residential use, and shall not exceed one-half (0.5) foot candle at a property line adjacent to a residential use district;
 - 2. The following light intensities measured in foot candles (fc) shall also apply:
 - i. Parking Lots: 0.6fc Minimum/2.4fc Average/10fc Maximum;
 - ii. Walkways & Driveways: 0.2fc Minimum/1.0fc Average/10fc Maximum;
 - iii. Landscape & Decorative: 0fc Minimum/0.5fc Average/5.0fc Maximum;
 - and
 - iv. Outdoor Display of Merchandise: 0.5fc Minimum/1.0fc Average/15fc Maximum;
 - 3. Where a lighted intersection is required, a Mast-arm traffic light shall be installed;
 - 4. Decorative fixtures are desired and shall be consistent throughout a site. Each fixture shall be a down-directional lighting fixture with its source being recessed within an opaque housing. All light fixtures shall be located, aimed or shielded as to limit the amount of ambient light perceptible from adjacent properties and street right-of-way. The color of all such light sources shall be white;
 - 5. Street lighting shall comply with SCDOT requirements where applicable. All street lights shall be consistent along a corridor and throughout a site. Such fixtures shall be shielded except that decorative street lights shall have caps to direct light downward. The color of all such light sources shall be limited to white, off-white, or as required by SCDOT;
 - 6. All wiring and service connections for all lighting must be underground. Likewise, the back of all signs shall have a finished appearance unless it is screened with an opaque screen and is not visible from any residential use or street right-of-way;

7. Holiday lighting displays, lighting for approved temporary events and directional lighting during construction are exempt from these requirements provided they do not exceed the maximum foot candles and do not negatively impact safety;
 8. Fixture heights shall not exceed eighteen (18) feet except in areas where the total number of parking spaces exceed one hundred (100) spaces. In such cases, fixtures shall not exceed twenty-five (25) feet provided they are limited to the central areas of the parking area. A luminary located within fifty (50) feet of a residential use district shall not exceed a height of twelve (12) feet. Fixtures along the primary vehicular/pedestrian corridors shall not exceed a height of eighteen (18) feet;
 9. Outdoor lighting installed on canopies or drive-thru facilities are permitted with an average foot candle reading of twenty (20) foot candles under any illuminated area. Fixtures located under a building canopy shall be flush-mount with a flat lens, shall use diffusers and be shielded;
 10. Buildings shall be safely illuminated at entry/exit locations and shall be illuminated using shielded lighting or off-building lighting that does not generate glare or otherwise allow the light to be viewed directly from an adjacent property. Building walls may be illuminated and may include up-lighting. However, no building illumination shall cause the site to exceed maximum light intensity limitation;
 11. Landscape lighting may include up-lighting for accent. However, no landscaping illumination shall cause the site to exceed maximum light intensity limitation, and such fixtures shall be located, aimed or shielded as to limit the amount of ambient light perceptible from adjacent properties and street right-of-way;
 12. Security lighting shall be provided, particularly at pedestrian walkways. Motion detector security lights shall be exempt from the requirements of this section provided such lights are normally "off", and are limited to being "on" for four (4) minutes or less when motion is detected;
 13. Flood lights shall be permissible for security, loading areas, and other such applications provided they are focused toward the primary building or space intended to be illuminated. Likewise they may be aimed at no higher than a forty-five (45) degree angle, and shall be generally aimed or shielded as to limit the amount of ambient light perceptible from adjacent properties and street right-of-way;
 14. The following lighting fixtures are prohibited: non-directional lighting fixtures, searchlights, laser source lights, flashing lights or any similar high-intensity light used to attract attention, except for use during emergencies by authorized police and fire personnel;
 15. Any damaged, broken or malfunctioning light fixture or pole shall be repaired or replaced immediately; and
 16. A lighting plan shall be submitted as part of a County site plan review. The County may adjust the standards for the maximum illumination at a property line if it is determined that the design and nature of the adjacent use creates a need to either reduce or increase the maximum illumination. Likewise, the Zoning Administrator may require changes to fixtures to bring the lighting levels into compliance with this district, or as necessary to reduce impact on adjacent properties and street right-of-way.
- k. **Landscaping, Buffer Yard, and Screening Requirements:**
1. General Landscape Requirements:
 - i. Landscaping shall comply with SCDOT sight distance and sight triangle requirements. Landscaping shall not obstruct or impede traffic safety or obscure traffic signals, signs, or other similar traffic safety devices. Likewise, landscaping shall not obstruct the view of motorists using any street, driveway, parking aisles or the approach to any street intersection as to cause a traffic safety hazard. Any sight obstruction determined by the County shall be corrected immediately;
 - ii. Native species and related cultivars are desired and shall be used where practicable. In general, all trees and shrubs shall be low maintenance, locally adapted to the area and shall conform to the requirements in the latest edition of

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American Standards for Nursery Stock, published by the American Association of Nurserymen;

- iii. The use of existing trees to satisfy the requirements of this section is desired. However, supplemental plantings may be required, in the addition to native plant material, by the Planning Commission, County Council, and/or Zoning Administrator;
- iv. Vacant commercial parcels shall be landscaped while vacant to stabilize the site and maintain an attractive appearance along a corridor. At a minimum, such landscaping shall include turf grass or other vegetative ground cover to stabilize the soil;
- v. Where practicable, earthen berms may be used to comply with the landscaping, buffer yard and screening regulations of this section provided they comply with all other requirements of this district. Likewise, additional screening in the form of earthen berms (or fencing) may be required, on a case-by-case basis, by the Planning Commission, County Council, and/or Zoning Administrator. In general, The following shall also apply to earthen berms located within the Highway Corridor Overlay District: :
 1. Berms shall have a minimum height of two (2) feet and a minimum crown width of eight (8) feet;
 2. Berms shall not exceed a maximum height of six (6) feet;
 3. If four (4) feet in height or less, a berm shall have a side slope no greater than three to one (3:1). If greater than four (4) feet in height, a berm shall have a side slope no greater than four to one (4:1);
 4. Berms shall be designed and constructed with an undulating appearance to resemble the natural topographical features of a site as much as possible; and
 5. The Zoning Administrator may allow an exception to the minimum and maximum height requirements for an earthen berm where topography or other natural site features may justify such an exception.
- vi. Plants shall compliment the surrounding structures in form, color and height. Compliance of this requirement shall be determined during plan review by the Planning Commission and/or Zoning Administrator; and
- vii. Landscaping Completion and Maintenance:
 1. Completion: All landscaping shall be installed pursuant to the requirements of this subsection (7) or County approved landscaping plans unless substitutions are approved under the regulations set forth in § 12.10 of the UDO. A certificate of occupancy for any business or use within the Highway Corridor Overlay District shall not be issued until the required landscaping is installed by the property owners, occupants, and tenants or their agents. If agreeable to County Council and/or the Zoning Administrator, a certificate of occupancy may be issued prior to the installation of required landscaping provided the owner furnishes a surety bond, letter of credit, cash escrow, or other guarantee acceptable to the County assuring completion of all landscaping, including labor, within the Highway Corridor Overlay District; and
 2. Maintenance: The property owners, occupants, and tenants or their agents shall be jointly and severally responsible for the maintenance of all landscaping. All landscaping required by or installed pursuant to the requirements of this subsection (7) or County approved landscaping plans shall be free of disease and maintained in a healthy condition. All required landscaping shall be kept free of litter and debris, and shall be free of dead, diseased, or severely damaged plants. Likewise, any

plants removed as the result of death, disease or damage shall be replaced in a timely manner.

2. **Corridor Frontage Buffer:** Landscaping shall be provided along corridor frontage within the first twenty-five (25) feet of front yard as measured from the edge of the road right-of-way. The following shall also apply:
 - i. Three (3) canopy trees shall be planted per one hundred (100) feet of corridor frontage and shall be equally spaced on center where possible. Where overhead utility lines exist, five (5) understory trees shall be planted per one hundred (100) feet of corridor frontage instead and shall be equally spaced on center where possible. At installation, canopy trees shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 12-14'; understory trees shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 10-12';
 - ii. In addition to the tree requirement, the Corridor Frontage Buffer shall consist of any combination of shrubs, turf grass or other ground cover. In general, no portion of the Corridor Frontage Buffer shall contain bare soil.
 - iii. No impervious surface shall be allowed in this area except for driveways connecting to the point of ingress and egress, required multi-use path (see item (f)(5) of this section), sidewalks, boundary fences or walls; and
 - iv. There shall be no display of merchandise for sale, or other similar display within this area.
3. **Screening and Buffer Yards:** To minimize potential conflicts between zoning districts and/or uses, the screening and buffer yard regulations established in Chapter 12 of the UDO shall apply. The following shall also apply:
 - i. Containers, dumpsters, mechanical equipment and similar structures shall be located to the rear and/or side of the building it serves. Where practicable, utility boxes shall also be located to the rear and/or side of the building it serves;
 - ii. All containers, dumpsters, mechanical equipment, utility boxes, and similar structures shall be screened from view from all adjacent properties, residential use districts and public right-of way using an opaque screen;
 - iii. Where applicable, containers, dumpsters, and similar structures shall be screened from view, using a semi-opaque screen, from the upper levels of adjacent buildings;
 - iv. Roof-top mounted mechanical equipment shall be screened except their full height by a parapet or other structure that is complimentary to the building in material and color. Ground-mounted mechanical equipment shall be screened to their full height on all sides using an opaque screen;
 - v. Outdoor vending machines and similar devices shall be located as to limit view from residential use districts and corridor right-of way;
 - vi. Boundary fences or walls as may be permitted in Chapter 12 of the UDO shall comply with the materials requirements of item (f) of this subsection (7);
 - vii. Chain link, welded or woven wire, and other similar fencing is not permitted in the Highway Corridor Overlay District; and
 - viii. Screening and buffer yard regulations within the Highway Corridor Overlay District may be increased on a case-by-case basis at the recommendation of the Planning Commission, County Council, and/or Zoning Administrator.
4. **Median & Right-of-Way Landscaping:** Median and/or street right-of-way landscaping shall be required for retail commercial development or use with a gross indoor floor area in excess of forty thousand (40,000) square feet. This requirement shall also apply to all non-residential portions of a PDD development and all HOA controlled or maintained subdivision entrances. The following shall also apply:
 - i. All landscape improvements shall be approved by SCDOT, and shall comply with the requirements set forth in the SCDOT ARMS Manual;

- ii. An encroachment permit with SCDOT shall be required for any landscape work performed within a public street or highway right-of-way;
- iii. Landscape improvements shall comply with SCDOT sight distance and sight triangle requirements. Any sight obstruction determined by the County shall be corrected immediately;
- iv. Irrigation shall be required as determined necessary by SCDOT, per the ARMS Manual;
- v. As required by SCDOT, applicants shall furnish, install, and maintain all plantings. Applicants shall be responsible for maintaining all vegetation (and irrigation) within the right-of-way that is contiguous with the landscape improvements. SCDOT shall not be responsible for providing water, fertilizer, labor, materials, or maintenance within the landscaping limits of the right-of-way; and
- vi. Enlargement or improvements to an existing retail commercial development or use resulting in a gross indoor floor area in excess of forty thousand (40,000) square feet shall require compliance with this section. Likewise, amendment of a PDD district being lawfully established prior to adoption of this Ordinance shall also require PDD developments within such amended district to comply with this section.

5. Parking Area Landscaping and Screening

i. Perimeter Parking Area Planting:

- 1. A perimeter landscape strip with a minimum width of eight (8) feet shall be required on all sides of parking areas. This area shall not be located within the required Corridor Frontage Buffer;
- 2. A continuous evergreen shrub screen is required within the perimeter landscape strip. Evergreen shrubs shall be at least thirty (30) inches in height with a minimum spread of twenty-four (24) inches at time of planting, and shall be spaced no more than five (5) feet on center. Shrubs shall have an average mature height of six (6) feet. A masonry wall, three (3) feet above ground level, may be used in place of a continuous evergreen shrub screen where practicable. Such perimeter screen may be penetrated for ingress/egress;
- 3. Canopy trees shall line the perimeter of all parking areas and shall be spaced no more than 40' on center. At installation, canopy trees shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 12-14'. Where overhead utility lines exist, understory trees shall be planted instead and shall be spaced no more than 30' on center. Understory trees shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 10-12'. All trees shall have all limbs trimmed at least six (6) feet above ground level;
- 4. No less than a minimum of one (1) tree planting area shall be provided for every ten (10) parking spaces. Additionally, a tree planting area shall be provided at both ends of all parking aisles. Each tree planting area shall be a minimum of two hundred (200) square feet in area, being at least ten (10) feet in width, and shall be edged with a curb at least six (6) inches in height. Each tree planting area shall be planted with one (1) canopy tree shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 12-14'. Where overhead utility lines exist, understory trees shall be planted instead and shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 10-12'. In addition to the tree requirement, each tree planting area shall consist of any

combination of shrubs, turf grass or other ground cover so that no portion of the tree planting area shall contain bare soil. Where sight lines may not permit shrubs, tree planting areas shall contain turf grass or other ground cover. Shrubs in tree planting areas shall be maintained at a maximum height of three (3) feet. All trees shall have all limbs trimmed at least six (6) feet above ground level;

5. The landscaping requirements of this item (k) (5) shall not be used to meet any other landscaping, buffer yard or screening requirements of the UDO; and
6. Parking areas with less than twenty (20) spaces shall not be subject to the provisions of this item (k) (5) of this subsection (7).
6. Lists of Recommended Trees and Shrubs: The following lists are by no means comprehensive and are intended merely to suggest the types of flora which would be appropriate along the Highway Corridor Overlay District. Plants were selected for inclusion on these lists according to their general suitability for the climate and soil conditions of this area, ease of maintenance, tolerance of area conditions, and availability from area nurseries. If an introduced species has proven highly effective in this area, it too may be a proper selection.
 1. Canopy Trees:
 2. Understory Trees:
 3. Shrubs:
- I. **Open Space and Tree Preservation:**
 - i. **Open Space:** A minimum of twenty-five (25) of the site must be devoted to open space, public greens, or other similar areas not covered by buildings or pavement. Required setbacks and buffer yards may be included in calculating this open space requirement. All open space shall be clearly labeled as such on any plans submitted for County review.
 - ii. **Tree Preservation:** All required setbacks, buffer yards and open space shall be used as tree preservation areas. All canopy trees with a diameter (DBH) greater than twenty-four (24) inches shall remain unless the Planning Commission or Zoning Administrator determines there is no suitable alternative due to unavoidable grading, or because of required configuration of a street, driveway, sidewalk, permitted sign, essential utility or buildings. In general, all such shall be located as to preserve the maximum number of existing trees possible. All canopy trees with a diameter (DBH) greater than twelve (12) inches but less than twenty-four (24) inches and all understory trees with a diameter (DBH) greater than four (4) inches shall also remain where practicable. The following shall also apply:
 1. Such trees may only be removed from tree protection areas under one or more of the following conditions:
 - a. The tree is unhealthy, diseased or dead;
 - b. The tree causes a safety hazard to nearby buildings or pedestrian or vehicular circulation;
 - c. The tree is of a species that may drop debris or sap that can significantly affect property;
 - d. The tree is interfering with an existing underground utility line;
 - e. The tree is causing significant structural damage to a building or other similar structure; and/or
 - f. It is necessary to allow construction of a street or driveway essential for access to a parcel.