

**PROPOSAL:** Amend Unified Development Ordinance Section 6.4: Connectivity

**APPLICABLE CHAPTER(S):** Chapter 6

**APPLICANT:** Lancaster County

**STATUTORY NOTICES:** Hearing notice published 12/31/2022 in The Lancaster News  
And 1/11/2023 in Carolina Gateway  
Posted agenda in lobby 1/10/2023

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**PROJECT SUMMARY & PROPOSAL:**

Currently, Lancaster County allows a maximum of 20 lots to access off of a dead end road pursuant to UDO section 6.4.1.D.1. As written, this standard applies to not only new construction but all dead roads within the County. Following concerns from constituents and a failed request to a variance from these regulations (VAR-2022-2006), County Council directed Planning Staff to prepare a text amendment which would provide relief to property owners on roads which existed prior to the adoption of the current UDO.

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**UPDATE SINCE 2/27/2023**

Public input during the 2/13/23 County Council meeting indicated that the current proposal would not fully help at least one of the families who have property impacted by section 6.4.1.D.1. Staff proposed a delay to evaluate an alternative and/or addition to the proposed amendment that would exempt rural subdivisions from certain regulations, using a street hierarchy to ensure fair applicability.

**BACKGROUND:**

The current UDO separates rules for streets between rural and other uses in two ways.

**6.4.1.A. – block lengths** are different for rural and transitional districts (max 1,000 ft) than neighborhood mixed use districts (max 600 ft).

**6.14 and Appendix C, MSSD** incorporate different parameters for rights-of-way and pavement, based on the road being urban or rural

<i>Road Type</i>	<i>Right-of-Way (feet)</i>	<i>Pavement (feet)</i>
Local (Urban)	50	22
Local (Rural)	60	22
Collector (Urban)	60	24
Collector (Rural)	66	24
Commercial/Arterial (Urban)	60	26
Commercial/Arterial (Rural)	66	26

Additionally, the current UDO already limits some land uses by access to the basic road descriptions in the code. Some examples:

- Manufacture home sites (in parks) shall only have direct access to internal park streets. (5.2.7.C.11)
- Residential care facilities may not have more than 16 units unless they have access to collector or arterials streets. (5.2.8.C)
- Campground sites are not allowed to have direct vehicular access to a road (5.3.3.B).
- Restricted personal services are required to access from an interior street in their development, not an exterior local, collector, or arterial road. (5.4.6.A.3)
- Racetracks and outdoor theaters are required to have direct access to a collector or arterial street as their primary access. (5.5.8.C and 5.5.13.C)
- Sports arenas/stadiums are required to have primary access on collector or higher streets. (5.6.6.A)
- Restricted industry, junkyards, warehouse storage, and landfills are required to have access on a major or minor thoroughfare. (5.9.1.F, 5.9.3.G, 5.9.13.F, et al)
- Wholesaling and distribution is required to have access to an arterial or major collector road. (5.9.14.A)

These examples show where different regulations are in place that are based on adjacent road categorizations. This mechanism could be evaluated as a potential option for rural farm subdivisions.

#### **OPTION:**

If the UDO had a list of road types that were categorized by unique attributes (annual average daily traffic counts, width of right-of-way and travel lanes, number of lanes, etc), the type of road could be used to determine what types of review would be applied.

For instance: Subdivision of property into lots 10 acres or greater where no new street is involved already has special consideration in the UDO; the length of road requirement and restriction on number of lots could be exempted for this type of subdivision in rural zones as a consideration to maintain farmlands in family ownership. This ties into a goal in the current *Comprehensive Plan*: “Retain farm lands and rural open spaces and improve urban planning.”

#### **BENEFITS:**

- There is potential to help those working to keep farmland in family ownership.
- To date, the UDO contains references to several road types that are undefined in the code. A full accounting and hierarchical list would be an asset for code interpretation.
- The proposal could help move forward objectives in the *Comprehensive Plan*.

- Better data organization helps create better maps and a better understanding of the status of road infrastructure in the County.

#### **CHALLENGES:**

- This type of ordinance would take a wider review. Staff would need input from Public Works and Stormwater as the descriptions were created, in order to ensure no accidental issues were created with other programs and/or codes.
- Staff would need to evaluate existing data from GIS, Public Works, and other sources to determine what information was already available and what would need to be created.
- Technical drawings of the design profiles for new road categories would need to be created and adopted as part of Appendix C, Manual of Specification and Standard Details (MSSD).
- Additional staff would be needed to field-verify data collected and enter the data into a database for future reference.
- Additional staff may be needed to measure and ensure accurate road categorization for each applicable subdivision application.
- The time involved in this type of proposal would further delay those families who wish to subdivide the property sooner rather than later.

#### **NEXT STEPS:**

If the Council wishes to move forward with a road hierarchy project, they could direct staff to begin work on defining and designing a more robust list of street types, and create recommendations for regulations that would align with the levels of service. This project would include the Planning Commission and a public hearing, and could be incorporated into the UDO rewrite.

If Council wishes to grant the next reading of the current proposal (**UDO-TA-2022-2602**), it would not be in conflict with the road hierarchy project. The current proposal (see next page) helps those who want to subdivide off of existing roads, but does not help those who would need to create additional road length in order to access new lots. A public hearing for this item was held, and the Planning Commission recommended approval. This recommendation has not changed.

#### **STAFF CONTACT:**

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**OUTLINE OF TEXT AMENDMENT:**

The following sections of the UDO are proposed to be amended: 6.4.1

With the addition of the following language:

*All roads constructed prior to the adoption of this ordinance (adoption date: 11-28-2016) are exempt from the regulations found in sections 6.4.1.A through 6.4.1.D.*

*In the event that an existing road is extended in conjunction with new development all of the following standards shall apply.*

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

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**FINDINGS AND CONCLUSIONS:**

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

This amendment would exempt roads which were developed prior to November 28<sup>th</sup>, 2016 from the following connectivity standards: block length, block width, through-block connectivity, maximum length of a dead end road, and number of lots which may access off of a dead end road. This exemption would not apply to an extension of an existing road in conjunction with new development.

It should be noted that there are other mitigating factors which determine whether or not a property can be subdivided (how many times the lot has been previously divided, lot size, zoning compliance, etc.). So while this text amendment may provide relief and the ability to subdivide to some residents it does not guarantee that all lots off of existing roads may now be subdivided.

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**STAFF RECOMMENDATION:**

Staff recommends **approval** of the proposed text amendment.

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**ATTACHMENTS:**

1. Proposed Text Amendment

**STAFF CONTACT:**

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