

<b>PROPOSAL:</b>	Amend Unified Development Ordinance Section 4.3.2, Highway Corridor Overlay regulations
<b>APPLICABLE CHAPTER(S):</b>	Chapter 4
<b>APPLICANT:</b>	Yates Dunaway (Crosland LLC) on behalf of C4 OP Owner LLC
<b>STATUTORY NOTICES:</b>	Hearing notice published 4/29/2023 in The Lancaster News And 5/03/2023 in Carolina Gateway

All proposed amendments have been processed and notified as required by UDO Section 9.2.15.

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#### PROJECT SUMMARY & PROPOSAL:

On behalf of C4 OP Owner LLC, applicant Yates Dunaway is proposing to amend Chapter 4 and Chapter 7 of the Unified Development Ordinance (UDO) to ***modify Section 4.3.2, Highway Corridor Overlay regulations, Section 7.2.6 Bicycle Parking, Section 7.4.5 Signage standards, and Section 10.3 Definitions.*** These four (4) requests are related to a proposed development in The Exchange along Hwy 521/Charlotte Hwy, located in the "Neighborhood Mixed Use" category of the Comprehensive Plan's Future Land Use map.

This report focuses on the proposed changes to Chapter 4, Sections 4.3.2.

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#### OUTLINE OF TEXT AMENDMENT:

The applicant has submitted text amendments that are related to the proposed Costco site in The Exchange mixed-use project located on Charlotte Hwy. Staff has arranged the requests based on the UDO Chapter proposed for amendment.

The applicant has also applied for a rezoning for 28 acres to convert from Light Industrial to regional business, which is reported on under case file RZ-2022-0344.

The following sections of Chapter 4 are proposed to be amended:

**Section 4.3.2.B** – Highway Corridor Overlay District Boundaries and Applicability and **Section 4.3.2.D** – Highway Corridor Overlay District Exceptions and Non-Conforming Situations

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**Section 4.3.2.B Highway Corridor Overlay District Boundaries and Applicability** and **Section 4.3.2.D – Highway Corridor Overlay District Exceptions and Non-Conforming Situations**

#### PROPOSED TEXT AMENDMENTS:

The following sections of the UDO are proposed to be amended with the additional language (underlined):

Section 4.3.2. B.2. The Highway Corridor Overlay District development regulations, as set forth in the Highway Corridor Overlay District, apply to all uses on the properties zoned Highway Corridor Overlay District except for single family housing as identified in Section 2.5, Permitted Uses. The development regulations applicable to single family housing are the development regulations of the underlying zoning district. In addition, Hospitals, Medical Clinics, and Large-Scale Retailer facilities shall be exempt from the Highway Corridor Overlay District development regulations located in Section 4.3.2.F.1., Subsection 4.3.2.F.1.a., Section 4.3.2.G.1., and Subsection 4.3.2.G.1.a.

Section 4.3.2.D. Any property zoned and used for a single-family residential use, including the single-family residential portion of a property zoned Planned Development District (PDD), shall be exempt from the development standards of the Highway Corridor Overlay District. Any property zoned and used for a Hospital, Medical Clinic, and Large-Scale Retailer shall be exempt from the development standards of the Highway Corridor Overlay District located in Section 4.3.2. F.1. Subsection 4.3.2.F.1.a, Section 4.3.2. G.1., and Subsection 4.3.2.G.1.a.

When a parcel has a vested right in effect, that parcel may be exempt from certain provisions of the Highway Corridor Overlay District, as outlined in Chapter 9 of the UDO. The development standards of this overlay district shall apply to all other properties within the district boundaries as outlined in Section 4.3.2.B.

The effect of the two proposals is primarily the same.

**RELEVANT CODE:**

The proposal is to exempt the applicant's project from the development regulations in Sections 4.3.2.F.1 and 4.3.2.G.1, as follows (proposed exemptions highlighted in yellow):

**4.3.2.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 facade of buildings shall be generally parallel to front property lines when placed along the corridor right-of-way. The following shall also apply:

- a. In general, the setback requirements set forth in Chapter 2 and Chapter 3 of the UDO shall apply; however, in no instance shall the front setback be less than 50 feet. For commercial developments that were platted prior to the establishment of the Highway Corridor Overlay District, common setback flexibility will be considered by the Technical Review Committee (TRC).
- b. Notwithstanding any other provisions of the UDO, existing buildings built as of June 9, 2014, and not in conformity with the 50-foot front setback shall not be precluded from expanding in size based on the setback nonconformity, provided the expansion does not result in further reduction of the nonconforming setback and provide a minimum 25- foot front setback.

- c. When fronting the corridor right-of-way, buildings shall have access from the front and rear of the building.
- d. The development of retail commercial centers or villages is favorable over commercial “strip development” in the Highway Corridor Overlay District.

#### 4.3.2.G. PARKING AND VEHICULAR ACCESS

**1. Off-Street Parking:** For buildings fronting on the corridor, 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 45 percent of the principle corridor frontage line. The following shall also apply:

- a. 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 Administrator;
- b. Uninterrupted areas of parking areas shall be limited in size. Parking areas with more than 20 space[s] shall be broken by buildings and/or landscape features outlined in Section 4.3.2.K.6; and
- c. Parking areas shall be designed to allow pedestrians to safely move from their vehicles to the building.

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#### CURRENT CODE:

#### 4.3.2 HIGHWAY CORRIDOR OVERLAY DISTRICT (HCO)

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 in the Highway Corridor Overlay District 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.

##### B. DISTRICT BOUNDARIES AND APPLICABILITY

The Highway Corridor Overlay District applies to the following:

1. The County Council shall designate the property that is subject to the provisions of the Highway Corridor Overlay District by rezoning the properties in accordance with the procedures and requirements applicable to map amendments. In general, for those highways identified for Highway Corridor Overlay District status, the district designation shall apply to all parcels fronting on or within 1,000 feet of the right-of-way of the designated highway. Only the following highways are designated as a Highway Corridor Overlay District:

- a. US Highway 521 from SC Highway 75 (Waxhaw Highway) northward to the North/South Carolina state line; and
  - b. SC Highway 160 from US Highway 521 westward to the York/Lancaster County line.
2. The Highway Corridor Overlay District development regulations, as set forth in the Highway Corridor Overlay District, apply to all uses on the properties zoned Highway Corridor Overlay District except for single family housing as identified in Section 2.5, Permitted Uses. The development regulations applicable to single family housing are the development regulations of the underlying zoning district.
  3. Any property within the Highway Overlay District zoned and used for industrial use, LI and HI, shall be subject to the provisions set forth in Section 4.3.2.N; and
  4. This district shall also apply to all shared access easements and/or cross-access easements located within the areas defined in Section 4.3.2.B.1, including, but not limited to, those that may be used to access any parcel or parcels beyond the boundaries of this district.

#### RELEVANT COMPREHENSIVE PLAN CITATIONS:

##### ***Land Use Element – Community Types***

An important concept introduced during the regional planning process was designating areas based on “community types.” ... The use of community types marks a significant shift in planning practice in the last ten to fifteen years, away from conventional and functional designations that merely specified the use of land and towards a renewed interest in the relationships between land uses and urban design. The objective of this more contextual way of classifying land uses is to produce more economically and environmentally attractive places to live, work and play.

The Future Land Use Category of the subject property is Neighborhood Mixed Use, which corresponds to the Community Type of Walkable Neighborhood. The adopted Comprehensive Plan states that the Walkable Neighborhood Community Type *“is synonymous with the Place Type “Mixed-Use Neighborhood.” This is due to its very specific characteristics that set it apart from most other Place Types by virtue of its deliberately structured mix of dwelling types in a development context that often operates through the separation of uses, densities and/or land value. This Place Type and Community Type has its roots in the traditional character of American communities during the early part of the 20th century, and has been revived in recent decades as a relevant option for future development.”* The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

Walkable Activity Center: Land Use Considerations		
Condominium / Apartment	Professional Office	Movie Theatre
Live/Work Unit	Government Building	Pocket Park
Community-wide Commercial	Church/School	Farmers’ Market
Restaurant	Library	

The Neighborhood Mixed-Use Future Land Use Category covers the upper half of the Panhandle, terminating at Waxhaw Highway (Route 75). The Neighborhood Mixed Use Future Land Use Category and Walkable Neighborhood Community Type are intended to be compatible with the existing suburban character of the area.

## DISCUSSION:

Exempting certain uses from 4.3.2.F.1 (regulatory language) and 4.3.2.F.1.a removes the following requirements:

- Buildings to front on a street
- Front façade to be parallel to property lines
- Additional setbacks along Hwy 521 that provide room for highway expansion

Exempting certain uses from 4.3.2.G.1 (regulatory language) and 4.3.2.G.1.a removes the following requirements:

- On-site parking primarily located in the rear of the building site
- Allowance of no more than 45 percent of parking in the side yard
- Allowance of staff to modify side yard parking restrictions

In the applicant's narrative, it's noted that *"Requiring frontage on the highway corridor and doing so as close as 25 feet has proven to be unworkable in many instances and counter to the goal of allowing room for the planned future widening of Highway 521 itself. For these reasons, the current draft of the Highway Corridor Overlay District in the UDO Update dated December 21, 2022, Chapter 2, proposed Section 2. 7.3, footnote 3 7, calls for the elimination of the build-to line and the 25 feet setbacks."*

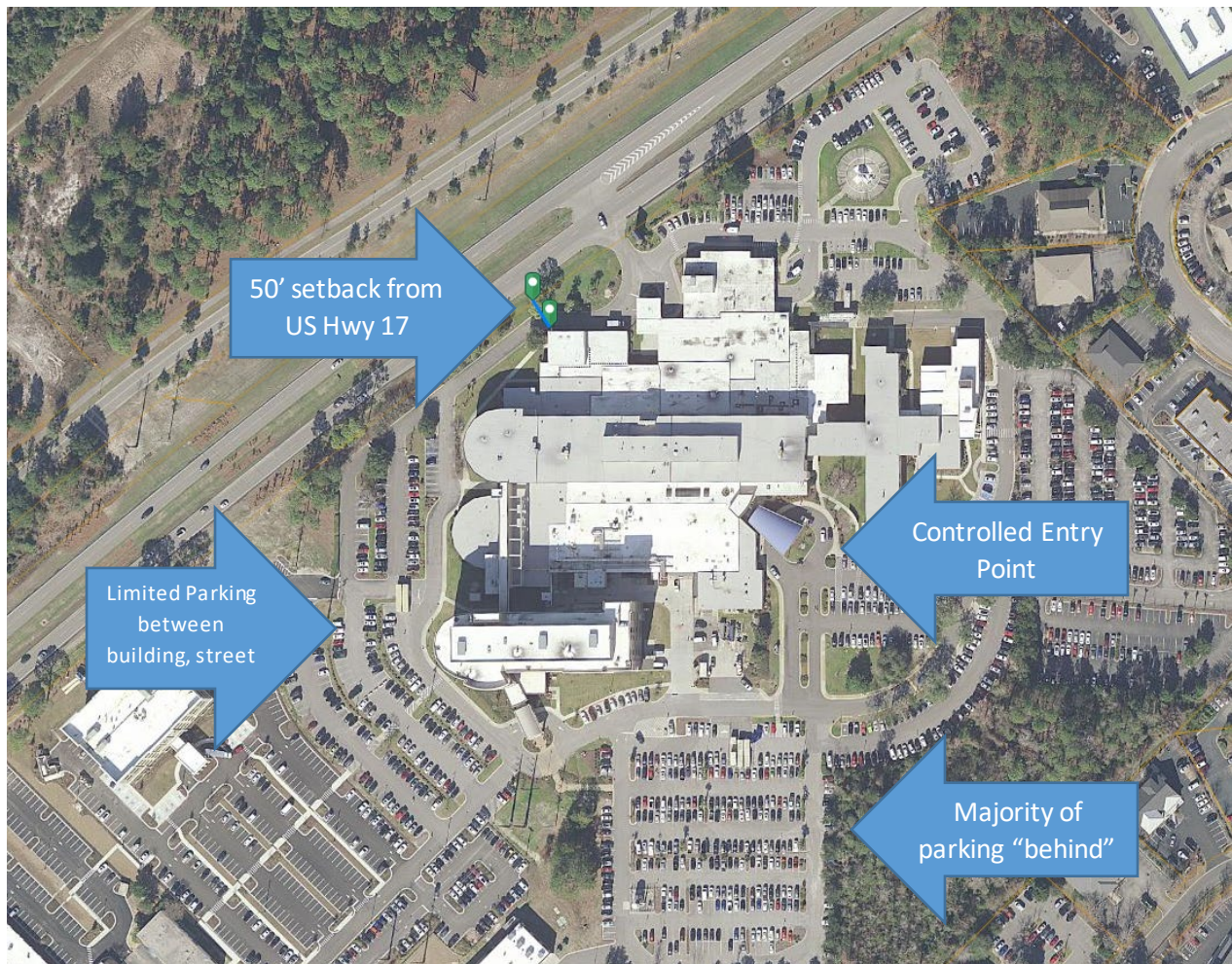
Staff does not contest this point, but wishes to clarify the following:

- An amendment to the UDO has already been made to require a minimum of 50 ft front setback along public and private roads (Ordinance 2021-1783, effective December 13, 2021).
- The current UDO draft is still a work in progress, and should not be used to indicate what will or won't be adopted when the rewrite is completed.

The applicant also notes that the staff has recommended *"allowing parking between the road and building for large centers."* This statement leaves out a key component of the staff's recommendation, which is to allow *limited* parking. The full quote is as follows: **"Consider allowing some limited parking between the road and building for larger centers."**

Regarding medical clinic and hospital design, it is clear that these uses serve a unique role in the community. Recent hospital design standards, however, have been migrating to a central entry point away from the main road and internal to the campus, located in an area that can be better controlled for security. An example of this is Grand Strand Regional Medical Center in Myrtle Beach, SC:





View from Highway:



## FINDINGS AND CONCLUSIONS:

Staff opines that the proposed text amendment is inconsistent with the “Walkable Neighborhood” community type provisions of the Comprehensive Plan.

### What Makes a Community Walkable?

<https://www.walkscore.com/walkable-neighborhoods.shtml>

- **A center:** Walkable neighborhoods have a center, whether it's a main street or a public space.
- **People:** Enough people for businesses to flourish and for public transit to run frequently.
- **Mixed income, mixed use:** Affordable housing located near businesses.
- **Parks and public space:** Plenty of public places to gather and play.
- **Pedestrian design:** Buildings are close to the street; parking lots are relegated to the back.
- **Schools and workplaces:** Close enough that most residents can walk from their homes.
- **Complete streets:** Streets designed for bicyclists, pedestrians, and transit.

Staff further opines that removing large-scale uses from regulations that are intended to create a sense of place, visual character, standard connectivity, aesthetic appearance, and safety goes against what that the Highway Corridor Overlay District was designed to achieve. The text as presented is not recommended.

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## STAFF RECOMMENDATION:

Staff would advise against a wholesale regulation exemption and address the issue in a more targeted approach. Optional changes are provided below (with additions underlined and deletions shown in ~~strikethrough~~).

### 4.3.2.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 facade of buildings shall be generally parallel to front property lines when placed along the corridor right-of-way. The following shall also apply:

- a. In general, the setback requirements set forth in Chapter 2 and Chapter 3 of the UDO shall apply; however, in no instance shall the front setback be less than 50 feet. For hospitals, medical clinics, large-scale retail facilities, and commercial developments that were platted prior to the establishment of the Highway Corridor Overlay District, common setback flexibility will be considered by the Technical Review Committee (TRC). TRC will consider the allowances in 4.3.2.G.1 when reviewing setbacks for hospitals, medical clinics, and large-scale retail facilities.
- b. Notwithstanding any other provisions of the UDO, existing buildings built as of June 9, 2014, and not in conformity with the 50-foot front setback shall not be precluded from expanding in size



based on the setback nonconformity, provided the expansion does not result in further reduction of the nonconforming setback and provide a minimum 25- foot front setback.

- c. When fronting the corridor right-of-way, buildings shall have access from the front and rear of the building. For hospitals, medical clinics, and large-scale retail facilities with room for an off-set or corner door entrance on a side, this may be provided in place of a rear door.
- d. The development of retail commercial centers or villages is favorable over commercial “strip development” in the Highway Corridor Overlay District.

#### 4.3.2.G. PARKING AND VEHICULAR ACCESS

**1. Off-Street Parking:** For buildings fronting on the corridor, 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 45 percent of the principle corridor frontage line. The following shall also apply:

- a. 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 Administrator;
- b. Uninterrupted areas of parking areas shall be limited in size. Parking areas with more than 20 space[s] shall be broken by buildings and/or landscape features as outlined in Section 4.3.2.K.6; and
- c. Parking areas shall be designed to allow pedestrians to safely move from their vehicles to the building.
- d. Hospitals, medical clinics, and large-scale retail facilities in the HCO may include up to two (2) parking drive aisles between Hwy 521 and the adjacent building. This parking area may be no wider than 125 feet, inclusive of required landscaping islands and drive aisles. This parking area includes the 50-foot setback required in Section 4.3.2.F.1.a., for a net addition of 75 feet in setback. Where setback regulations conflict with this provision, this section of code will prevail.

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**APPLICANT’S RESPONSE TO STAFF’S PROPOSAL:** The applicant appreciates staff’s input but respectfully requests the original wording.

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**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission motion to recommend approval failed on a 3 – 3 vote. The Planning Commission has no recommendation on this item.

#### ATTACHMENTS:

- 1. Application
- 2. Proposed Text Amendment from Applicant
- 3. Staff’s Alternative

#### STAFF CONTACT:

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