
STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2023-1853

COUNTY OF LANCASTER

)

AN ORDINANCE

TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”) SECTION 4.3.2, HIGHWAY CORRIDOR OVERLAY DISTRICT (HCO), TO EXCLUDE HOSPITALS, MEDICAL CLINICS, AND LARGE-SCALE RETAILER FACILITIES FROM CERTAIN PORTIONS OF SECTION 4.3.2 ON THE EFFECTIVE DATE OF THIS ORDINANCE

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

Section 1. Findings and Determinations.

The Council of Lancaster County (“Council”) finds and determines that:

- (a) Lancaster County initiated a full rewrite of the Unified Development Ordinance (UDO) in October 2021 to address substantive issues with the UDO, has retained a UDO consultant to assist in the full rewrite of the UDO, and the full rewrite is expected to take another twelve (12) to eighteen (18) months to complete.
- (b) Development interest and activity in Lancaster County continues to increase and at time, economic development projects are presented to the Council that, in order to comply with technical requirements of the UDO, require an amendment to said technical requirements.
- (c) The current Lancaster County UDO requires properties that abut US Highway 521 (between SC Highway 75 and the state line) and those on SC Highway 160 from US Highway 521 to the county line to follow special guidelines with the goal to preserve and enhance major gateways to Lancaster County.
- (d) This includes requirements for new structures to be built close to and facing the highway corridors, and placing at least 55% of the required parking behind the building.
- (e) The proposed text amendment would exempt hospitals, medical clinics, and “large-scale retail” facilities from those design guidelines that support the mixture of uses along the Hwy 521 and SC 160 corridor. The reasoning for this is that these facilities have unique design issues that are not easily accommodated by the current regulations.
- (f) The text amendment is consistent with the economic development goals of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as applicable provisions of South Carolina Code, Title VI.
- (g) Lancaster County Planning Commission considered the proposed text amendment at its meeting on May 16, 2023 and by a 3-3 vote did not provide a recommendation for this amendment.

Section 2. Amendment of Ordinance 2016-1442 (Unified Development Ordinance)

Ordinance 2016-1442 (Unified Development Ordinance), is amended as set forth in the “Interim Ordinance - Exhibit 1” attached hereto and incorporated herein by reference.

Section 3. 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 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2023.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: June 12, 2023
Public Hearing: June 12, 2023
Second Reading: June 26, 2023
Third Reading: July 17, 2023

Approved as to form:

Virginia Merck-Dupont, County Attorney

ALTERNATIVE 1 – with edits after 1st reading

Section 4.3.2. HIGHWAY CORRIDOR OVERLAY DISTRICT (HCO)

B. DISTRICT BOUNDARIES AND APPLICABILITY

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 text located in Section 4.3.2.F.1, all of Subsection 4.3.2.F.1.a and 4.3.2.F.1.c., the development regulations text of Section 4.3.2.G.1., and all of Subsection 4.3.2.G.1.a and 4.3.2.G.1.c.

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 the specific text of Section 4.3.2.F.1., all of Subsection 4.3.2.F.1.a and 4.3.2.F.1.c, the specific text of Section 4.3.2.G.1., and all of Subsection 4.3.2.G.1.a and 4.3.2.G.1.c. 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.

4.3.2.J. LANDSCAPING, BUFFER YARD, AND SCREENING REQUIREMENTS

2. Corridor Frontage Buffer: A Corridor Frontage Buffer shall be required within the first 25 feet of front yard as measured from the edge of the road right-of-way. The following shall apply:

- a.** Three 3 canopy trees shall be planted per 100 feet of corridor frontage and shall be equally spaced on center where possible. Where overhead utility lines exist, 5 understory trees shall be planted per 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 6 inches above ground with a minimum height of 10-12 feet; understory trees shall have a minimum caliper of 2.5 inches when measured 6 inches above ground with a minimum height of 8-10 feet;

b. In addition to the tree requirement, the Corridor Frontage Buffer shall consist of any combination of shrubs, turf grass, or other ground cover, with the exception of hospitals, medical clinics, and large-scale retailers, which will require the space between canopy or understory trees to be filled with a mixture of crepe myrtles, wax myrtles, and arbor vitae (all in tree form and a minimum of three inches DBH), spaced five (5) feet apart, for the length of the property line as it abuts the corridor, and will be supplemented by a minimum of three evergreen shrubs between each crepe myrtle/wax myrtle/arbor vitae, except in sight triangles. In general, no portion of the Corridor Frontage Buffer shall contain bare soil;