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<b>PROPOSAL:</b>	Amend Unified Development Ordinance Standards for Auctions and Mobile Auctions
<b>APPLICABLE CHAPTER(S):</b>	Chapters 10, 5, and 2
<b>APPLICANT:</b>	Lancaster County Council

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**STATED CONCERN:** Request to reinstate “auction” as a use in the UDO, and proposed regulations for review.

**BACKGROUND:**

Auctions houses have been in operation in the County for years, but as of the 1998 UDO, the land use “auction” (as it pertains to the applicant’s interest) was not defined in the code nor was it allowed in the permitted use table. The applicant has requested to create a definition for the use and to apply the use to specific zoning categories in order to accommodate a new business on property the applicant owns, located at 327 Monroe Highway.

**FOR THE PURPOSE OF THIS REVIEW:** Staff is treating the “auction” request from the point of view of a retail goods auction, not a livestock or heavy equipment auction. We will clarify that in comments and recommendations.

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**HISTORICAL DATA**

**Lancaster County Land Use Ordinance, 1994:**

- Auction and flea market are grouped together under the permitted uses list for the RR (Rural Resource) and SP1 (Special Public Interest) districts.
  - o SP1 was a district created for the Flat Creek community, in order to:
    - Preserve the existing character of the community,
    - Protect property values for all members of the community,
    - Provide a safe living environment for the current and future generations, and
    - Ensure that all future uses are of favorable comparison with neighboring site-built dwellings.
- Livestock auctions are a separate use (grouped with stockyards, slaughter houses, commercial poultry houses, commercial kennels, and swine lots), and are a conditional use allowed in the Industrial (IND), RR, and SP1 districts.

**Lancaster County Unified Development Ordinance, 1998**

- A retail-goods type auction use is no longer a permitted use and is not listed in the code. The companion “flea market” use is mentioned as “authorized” but is not listed as a separate use. We are left to assume that the auction use was extrapolated from another specifically named permitted use. The code handles the change as follows:

- **Section 3.3 Permissible Uses and Specific Exclusions.**
- The presumption established by this ordinance is that all legitimate uses of land are permissible within at least one (1) zoning district within the County's planning jurisdiction. Therefore, because the list of permissible uses set forth in the *Table of Permissible Uses* cannot be all-inclusive, those uses that are listed shall be interpreted liberally to include other uses that have impacts similar to the listed uses.
- ...
- All uses that are not listed in the *Table of Permissible Uses* and that do not have impacts similar to those of the listed uses are prohibited.
- The *Table of Permissible Uses* shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in another zoning district.
- Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:
  - Use of a motor vehicle (other than a travel trailer) as a temporary or permanent residence;
  - Use of a travel trailer as a temporary or permanent residence outside of a campground, and/or use of a travel trailer as a residence within a manufactured home park;
  - The use of any motor vehicle or trailer parked on a lot, as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other business is conducted, **except that the following shall not be prohibited by this subsection:** retail sales of goods and products manufactured, created, or produced by the seller, so long as such sales are otherwise permissible under this ordinance; **the sale of goods within authorized flea markets or special events;** use of a motor vehicle in connection with a recycling operation, to the extent otherwise authorized under this ordinance. Situations that do not comply with this subsection on the effective date of this ordinance are required to conform within 30 days thereafter. (See the *Nonconforming Situations* Chapter of this ordinance.)
- Livestock auction houses are a separate use with its own set of conditions (Section 4.1.11) and is allowed (conditionally) in the Rural Residential/Intense Agricultural districts, noted as R-45A and R-45B.

#### **Lancaster County Unified Development Ordinance, 2006 – 2016**

- No change in the code from 1998, as cited above.

#### **Lancaster County Unified Development Ordinance, 2016 – current**

- Auctions are allowed as part of the “self storage use” “on a strictly temporary basis.” Self-storage uses are allowed with review in the General Business (GB), Rural Business (RB), Light Industrial (LI) and Heavy Industrial (HI) districts. “Weekend flea markets” are allowed under

“temporary uses” and limited to RB and LI zones only. “Special sales or seasonal flea” uses are allowed twice per year, for up to five days, and limited to GB, RB, Neighborhood Business (NB), Institutional (INS), and Mixed Use (MX) zones.

- Livestock auctions are not listed as a permitted use.

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## DISCUSSION

**Applicant’s Interest:** The applicant has stated that he would like to have an auction business where customers show up on a prescribed day with their goods to sell. The applicant will hold the auction and broker the sale of goods brought on site by the sellers to the bidders who attend the auction. At the end of the sale, all items should leave the site, either with the winning bidder, or return with the original owner. He wants to operate the business this way at least once per week.

**Current Auction Uses:** Staff was able to identify two auction houses in operation in Lancaster County:

- Kershaw Auctions, 112 N Hampton St, Kershaw, SC (under Kershaw zoning jurisdiction).
- Blackmon Auction Company, 360 Monroe Hwy, Lancaster, SC (zoned GB).

The Blackmon Auction Company is operating as a grandfathered use. If the business were to shut down for more than six months, or experienced more than 50% damage to the structure, it would not be allowed to reopen under the current UDO.

**Temporary or On-Site Auctions:** Estate sales, real estate auctions, and business liquidation sales are currently covered by language in the “Temporary Uses Limited to Specific Districts” section of code, Section 5.12.3 and 5.12.4 (attached). Staff does not recommend changes to this section of the code.

### Other Jurisdictions:

- *York County, SC:* auctions are allowed as part of a fairgrounds use.
- *Greenville County, SC:* “Auction House/Auction Lots – cars, equipment” are a permitted use in two commercial zones and one “services” zone.
- *Dorchester County, SC:* auction houses are considered “secondary retail establishments,” which are described as “establishments selling primarily one-stop shopping items, usually high bulk and very expensive...”
- *Richland County, SC:* auction houses are allowed in the Rural Commercial, General Commercial, and Industrial zones.

**Survey of Concerns:** Staff researched planning and zoning actions relating to auction uses in the news, and found that these concerns came up most often from residents:

- Traffic impacts to the neighborhood
- Impacts to residential property value
- Outdoor storage (leaving items outside to rust or rot)
- Noise, lights, and visual clutter
- Sufficient buffers between uses and adjacent properties

**Considerations:**

- Staff made the following recommendations to the applicant, which were incorporated into the proposed text:
  - o Limitations on the lot size for outdoor auctions
  - o Auctions can't block any required parking that serves a structure on site
  - o No items for sale allowed between the road and the primary structure
  - o Buffers required where residential uses abut the property proposed for the auction business/use
  - o No outdoor storage
  - o No environmental hazards
  - o Materials for sale should be set back from the road by at least 50 feet

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**PLANNING COMMISSION RECOMMENDATION:**

The Lancaster County Planning Commission held a public hearing on August 15, 2023 and there were no comments from the public. The Planning Commission made a recommendation to **approve the proposal**, changing the use from allowed with review to a conditional use, including the condition that operating hours for auctions are 8:00 a.m. until 6:00 p.m. The motion carried 6-1.

**STAFF CONTACT:**

Allison Hardin, Development Services Director  
[ahardin@lancastercountysc.net](mailto:ahardin@lancastercountysc.net)

**ATTACHMENTS:**

- **Proposed text**
- **Application**
- **Section 5.12.3 and 5.12.4, Temporary Uses**

## PROPOSED TEXT AMENDMENTS

Language proposed for deletion is ~~striketrough~~

Language proposed for addition is highlighted and underlined as amended by the Planning Commission

### CHAPTER 10.3 DEFINITIONS, USE TYPE

New definition:

**AUCTION** A sales event where potential buyers place competitive bids on assets or services either in an open auction or closed auction format.

### CHAPTER 5 USE REGULATIONS, SECTION 5.5 COMMERCIAL/ENTERTAINMENT USES

New section:

#### **AUCTION [GB, RB]**

- A. **Applicability:** These standards are intended to regulate auctions which are conducted on an everyday basis, either within a permanent structure, a permanent open-air structure, or an uncovered outdoor sales area.
- B. **Permitted location and size:**
- a. **Outdoor Sales Area:** Outdoor auctions shall not take up more than 50 percent of the total site area and shall not infringe on required parking.
  - b. **Location of Merchandise:** Outside auctions shall not allow merchandise between the main structure and the street, but put items generally on the side or rear of the principle structure.
  - c. **Buffer Required:** A Type C buffer shall be required in the buffer area along all public rights-of-way and property boundaries with zones other than the LI and HI districts. With approval of the Administrator, existing plant material may be included in the computation of the required plantings.
  - d. **Overnight Outdoor Storage Prohibited:** No overnight outdoor storage

of material goods or equipment is allowed.

e. **Junk, Salvage, and Scrap Materials Prohibited:** The storage of junk vehicles, scrap metal, or other salvage or waste materials shall be prohibited on site.

f. **Environmental Hazards:** All establishments shall be maintained so as not to create environmental hazards (such as oil or gasoline leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife, and /or humans.

**C. Required Setbacks:**

a. **GB and RB Districts:** Display of merchandise for outside sales shall be no closer than 50 feet to a street right-of-way.

**D. Time of Operation:**

a. Outdoor auctions will be limited to operating within the hours between 8:00 a.m. and 6:00 p.m. in order to not conflict with the county's noise ordinance.

**CHAPTER 2, SECTION 2.5.3.D USE TABLE - COMMERCIAL/ENTERTAINMENT – add “Auction” as a use permitted with review (PR) Conditional Use (CU) in GB and RB zones.**