

**PROPOSAL:** Amend Unified Development Ordinance (UDO) to remove “Indoor Amusements” from 2.5 Use Table Sec 2.5.3.D.

**APPLICABLE CHAPTER(S):** Section 2.5

**APPLICANT:** Lancaster County

**BACKGROUND:**

During discussions surrounding the rezoning request for a day care/private school to be located in an industrial park (MacMillan Industrial Park), a Councilman pointed out that other uses that hosted children for multiple hours at a time were allowed in the zone. The Development Services Director thanked the Councilman for the observation and proposed that the Council pass an ordinance to repair the situation. The Council passed first reading of an ordinance to remove “amusement” uses from the Light Industrial (LI) zones and applied the pending ordinance doctrine. This has the effect of preventing any amusement uses from opening in an industrial zone prior to this ordinance being either approved or denied.

“Amusments” are not allowed in any other industrial zone, and the original reason how the uses ended up in the LI zones to begin with has not been found.

**REQUEST:** To amend the UDO Use Table at Section 2.5, removing “Amusements- Indoor” and “Amusements – Outdoor” from list of permitted uses in the LI (Light Industrial) district.

**RELEVANT CODE CITATIONS:**

*Chapter 2, Section 2.5.D*

Lancaster County Unified Development Ordinance – Use Table

DISTRICT STANDARDS  
2.5 USES PERMITTED

USE TYPES	RURAL				TRANSITIONAL						SPECIAL			NEIGHBORHOOD								
	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF
D. COMMERCIAL/ ENTERTAINMENT																						
Amusements, Indoor	-	-	-	P	-	-	-	-	-	P	P	-	-	P	-	-	-	-	-	P	P	
Amusements, Outdoor	-	-	-	PR	-	-	-	-	-	-	CU	-	-	CU	-	-	-	-	-	-	-	5.5.1

P – Permitted by Right    PR – Permitted with Review    CU – Conditional Use Required    SE – Special Exception Required

## Chapter 10 – Use Definitions

**AMUSEMENTS, INDOOR** Establishments that provide commercial recreation activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, and bowling alleys.

**AMUSEMENTS, OUTDOOR** Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; gocart facilities; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water rides.

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## THE PENDING ORDINANCE DOCTRINE

There is a policy in South Carolina known as the “pending ordinance doctrine” that allows local jurisdictions to essentially put an ordinance into effect after the first reading by the elected body, even though the ordinance wasn’t officially adopted yet. It gives the local jurisdiction time to process the legislative steps for changing a law without the risk of an applicant slipping in a permit request for the thing the application is trying to change.

*The pending ordinance doctrine was enacted by the South Carolina Supreme Court in a decision issued in 1979. In that decision, the Supreme Court held that a jurisdiction could properly refuse a building permit for a land use when such use was in direct violation to a pending and later enacted zoning ordinance. The Supreme Court held that in order for the pending ordinance doctrine to apply, the ordinance must be “pending” at the time of the permit application in order to be able to deny the permit.*

*There are two conditions to applying the pending ordinance doctrine: the meeting has been properly notified (public notice has been made), and some official action is undertaken. The Court was vague in defining what official action must be undertaken, which has led to several jurisdictions enacting ordinances which adopt the pending ordinance doctrine outright and applying it to any rezoning. Other jurisdictions, which have not codified the pending ordinance outright, include pending ordinance doctrine verbiage in any ordinance(s) they may be considering relative to rezoning matters. This can be met by stating the intent to invoke the doctrine at first reading.*

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## STUDY

Staff searched through multiple resources to identify all amusements located in Lancaster County to determine if any were actually on property that is zoned for industrial use. Staff’s research returned the following (those in shaded fields were in municipal jurisdictions):

Name	Address	Amusement Type	Zoning	MapID
High Seas Miniature Golf	10001 Charlotte Hwy	Outdoor active amusement (mini golf)	GB	1
Shamrock Bingo	1325 Hwy 9 Byp W	Indoor passive (bingo parlor)	CITY	2
Lancaster Bowling Center	1352 Reece Rd	Bowling, indoor games	NB	3
Time Out's	1649 Memorial Park Rd	Pool Hall (adult amusements)	GB	4
Crow's Nest at Arrowood	2081 Charlotte Hwy	Outdoor active (driving range)	CITY	5
Jumpin' Jax	2650 Charlotte Hwy	Indoor active amusement (trampoline park)	GB	6
Coates Billiards	504 Shop Rd, Kershaw	Pool Hall (adult amusements)	AR	7
Tumble-N-Roll	535 Hwy 9 Byp E	Indoor gymnastics	INS	8

Other uses reviewed but determined not to be categorized amusements included:

Name	Type	Name	Type
AJ State Park	State Park	Stone Theaters	Movie Theater
Buford Battleground	Battlefield	Native American Studies Center	Art Gallery
Lancaster Super Speedway	Racetrack	Lancaster & Chester Railway Museum	Museum
Crown Cinema	Movie Theater	Lancaster Cultural Arts Center	Art Gallery
Bob Doster Backstreet Studio	Art Gallery	Old Waxhaw Presbyterian Church	Historic Site
Springs House	Art Gallery	USCL Bundy Auditorium	Theater
Lancaster Historic Courthouse	Museum		

Existing amusement locations are shown on a map on the following page.

**STAFF RECOMMENDATION:**

Staff recommends approval.

**STAFF CONTACT:**

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**ATTACHMENTS:**

1. Map
2. Ordinance 2024-1896

