



MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION

CHARLES DEESE, DISTRICT 3, CHAIRMAN
JAMES BARNETT, DISTRICT 5, VICE-CHAIRMAN
T. YOKIMA CURETON, DISTRICT 2
JUDIANNA TINKLENBERG, DISTRICT 4
SHEILA HINSON, DISTRICT 6
ALAN PATTERSON, DISTRICT 1
BEN LEVINE, DISTRICT 7
CLERK: JENNIFER BRYAN

MINUTES
Lancaster County Planning Commission
June 20, 2023 6:00 p.m.

Chairman Deese called the meeting to order at 6:00 p.m.

1. ROLL CALL: Quorum is present (7 Commissioners)

Commissioners Present:

Ben Levine	James Barnett	Sheila Hinson
Charles Keith Deese	Alan Patterson	Judianna Tinklenberg
Yokima Cureton		

Absent: none

Staff Present:

Allison Hardin, Development Services Director	
Ashley Davis, Senior Planner	
Matthew Blaszyk, Planner	Clerk: Jennifer Bryan

The following press were notified of the meeting by email in accordance with the Freedom of Information Act: The Lancaster News, Kershaw News Era, The Rock Hill Herald, The Fort Mill Times, Cable News 2, Channel 9, and the local Government Channel. The agenda was also posted in the lobby of the County Administration Building for the required length of time, and was published on the County website.

THE FOLLOWING IS A SUMMARY OF PROCEEDINGS. IT IS NOT A VERBATIM TRANSCRIPT.

2. APPROVE AGENDA

Chairman Deese called for a motion to approve the agenda.

Motion to Approve by James Barnett; 2nd by Sheila Hinson.

Called vote: 7:0. **Motion approved unanimously.**

3. CITIZEN'S COMMENTS [see Sign-In sheet attached]

Chairman Deese opened the floor to comments from the public.

Kevin Garon (Stream Lane, Indian Land): In response to Patterson Preserve request [see item 6a below]. He is opposed to the over-intensive growth in Indian Land. Council should place a moratorium on growth. The County is not taking into account the number of projects that have already been approved. Please stop approving projects.

4. APPROVE MINUTES

a. May 16, 2023 Regular Minutes

Chairman Deese called for a motion to approve May 16, 2023 Regular Minutes as written. James Barnett was absent from the meeting of May 16, 2023. Motion to Approve by Ben Levine; 2nd by Sheila Hinson.

Called vote: 6:0, James Barnett abstaining. **Motion approved.**

b. June 1, 2023 Workshop Minutes

Chairman Deese called for a motion to approve June 1, 2023 Workshop Minutes as written. Alan Patterson was absent from the meeting of June 1, 2023. Motion to Approve by Yoki Cureton; 2nd by Ben Levine.

Called vote: 6:0, Alan Patterson abstaining. **Motion approved.**

5. PUBLIC ITEMS

a. CU-2023-0695 Tommy's Car Wash

Application by The Timmons Group, TIL Holdings of Texas, George McGinn and Sallie Cooper for a Conditional Use Permit for a 2.9-acre parcel at 168 Fort Mill Highway/Highway 160 (TM# 0008-00-007.00) for development of an automated car wash facility.

Staff Presentation: Matthew Blaszyk, Planner, presented the application consistent with the staff report. Staff Recommendations: none. Deliberation and vote.

Questions to staff: None.

Comment from applicant(s):

[See attached email statements from Banks McGinn and Sallie Cooper, applicants]

- **Jeff Buseick** (Franchise partner)
- **Jason Dolan**: (Applicant) [Short slide show of franchise design and function]
We are committed to working with staff to meet code requirements.

Questions from Commissioners:

Ben Levine: Previous plan has full 2-direction access across Hwy 160. Is that necessary?

Jason Dolan: We can use a right-turn exit if necessary.

Alan Patterson: Without a turn lane, that entrance will be a problem.

Jason Dolan: We do not yet have feedback from SCDOT about what is required.

Alan Patterson: I hope you will consider the public interest even if DOT does not require a turn lane.

Public Hearing: (See attachments: Sign-in Sheets)

- **Marty McGinn** (Fort Mill, family owns subject property): Since 2016, we have had three prospective buyers withdraw because of various obstacles and requirements by the County. Please support this project and allow the family to move forward.
- **Banks McGinn**: (Co-owner) : Previous buyers have fallen through, but this project is the most promising so far. The nearby carwash is a single bay and is not comparable to this proposed facility.
- **Jeff Buseick** (yield)
- **Jason Dolan** (yield)

Allison Hardin: As a correction, Lancaster County Water and Sewer District makes decisions about water and sewer service, not County government or Planning.

Chairman Deese closed Public hearing and called for a motion on item CU-2023-0695. Motion to approve by Ben Levine; 2nd by Alan Patterson.

Discussion:

Alan Patterson: Given the feedback from the public over traffic concerns in Indian Land, and my concerns about the turn lane, I cannot support this project.

Judianna Tinklenberg: For Conditional Use, we have to consider the impact on the surrounding area, and I have trouble supporting this without clarification about the site plan.

Ben Levine: I think the project would be better served by deferring it to July to allow time for a full review of the revised plans. **I withdraw my motion to approve.**

Alan Patterson: Withdraw second.

Motion to defer to July meeting by Ben Levine; 2nd by Alan Patterson.
Discussion: No further discussion.

Called vote: 7:0. **Motion is approved unanimously.**

Chairman Deese stated the item will be heard at the July 18, 2023 Planning Commission meeting.

b. RZ-2023-0596 Dylan & Tammy Ellis

Application by Dylan & Tammy Ellis for a rezoning of 4.77 acres at 1993 Beacon Road (TM# 0089-00-086.01) from Rural Neighborhood (RN) to Agricultural Residential (AR) district, in order to locate a mobile home on the property.

Staff Presentation Matthew Blaszyk, Planner, presented the application consistent with the staff report. Staff Recommendations: Approval.

Questions to staff:

Alan Patterson: Is the owner wanting to place a single mobile home, or multiple homes?

Blaszyk: Just a single home; it's a 1-acre lot.

Comment from applicant(s):

- **Dylan Ellis** (Co-applicant): Wants to move there to be close to family. The property is a ¼ mile back off the road and will not be visible from the road. There are 25 or more mobile homes in the surrounding area; adjacent neighbors have no objection.
- **Tammy Ellis** (Co-applicant): Would like to have her grandchildren nearby. Only one home will be located on the site.

Public Hearing: (See attachments: Sign-in Sheets)

- **Dylan Ellis** (yield)
- **Mark Ellis** (co-owner of property): We have worked hard to prepare the property, and would like to be able to offer our son an affordable home for his family.
- **Tammy Ellis** (yield).

Chairman Deese closed public hearing and called for a motion on item RZ-2023-0596. Motion to approve by Ben Levine; 2nd by Sheila Hinson.

Discussion: No questions.

Called vote: 7:0. **Motion is approved unanimously.**

Chairman Deese stated the item will go to County Council for consideration, and applicant will be notified of time and date.

c. RZ-2023-0629 Teresa Johnson

Application by Teresa Johnson to rezone a 1.0-acre parcel at the corner of Mackey and Douglas Roads (TM# 0103F-0F-006.03) from Medium Density Residential (MDR) to Manufactured Housing (MH) District, in order to locate a mobile home on the property. Staff Presentation: Matthew Blaszyk, Planner, presented the application consistent with the staff report. Staff Recommendations: Approval.

Questions to staff: None.

Comment from applicant(s):

- **Teresa Johnson**: Currently lives across the street from the subject property; several family members own adjacent lots, so there is no objection from neighbors. Wants to live near family.

Public Hearing: (See attachments: Sign-in Sheets)

Teresa Johnson (no further comments.)

Chairman Deese closed public hearing and called for a motion on item RZ-2023-0629.

Motion to approve by Ben Levine; 2nd by Sheila Hinson.

Discussion: no further questions or discussion.

Called vote: 7:0. **Motion is approved unanimously.**

Chairman Deese stated the item will go to County Council for consideration, and applicant will be notified of time and date.

d. SD-2023-0191 Edgewater Phase 11

Application by True Homes LLC on behalf of owners Lancaster County Forfeited Land Commission and B & C Landholdings LLC, for a Preliminary Plat encompassing 47.08 acres at and adjacent to Edgewater Parkway and Gateway Drive (p/o TM #s 0106-00-003.02 and 0106-00-003.00) for the development of 106 detached single-family homes and 49 townhomes.

Staff Presentation: Ashley Davis, Senior Planner, presented the application consistent with the staff report. Project is governed by PDD-2 (Ordinance 356) and amendments, as well as 1998 Subdivision Standards. Staff Recommendations: Conditional Approval, with 60 days to resolve TRC/Staff comments.

Questions to staff: No questions.

Comment from applicant(s):

- **Keith Fenn** (True Homes): Thank the Commission for their consideration. This phase is being submitted to allow pump station to come online fully before other phases are brought in, reducing the number of pump stations needed. Phases 6 and 7 will be next. Our attorney and engineer are also present to answer questions.

Public Hearing: (See attachments: Sign-in Sheets) None signed in.

Chairman Deese closed public hearing and called for a motion on item SD-2023-0191.

Motion to approve with stated staff conditions by Ben Levine; 2nd by James Barnett.

Discussion:

Ben Levine: Thanks Ashley Davis for condensing the information.

Alan Patterson: Will the existing infrastructure (schools and roads) support this development?

Davis: School District reviewed and recommended approval; road improvements are already planned based on reports for other sections, and there has recently been movement on the plan to connect with route 200.

Called vote: 7:0. **Motion is approved unanimously.**

Preliminary Plats are approved by Planning Commission, and do not require referral to Council.

6. NEW BUSINESS

a. SD-2019-001 Patterson Preserve: Vested Rights Extension

Request by Exeter Development Company to extend its vested rights for Patterson Preserve pursuant to Section 9.2.17.A.2 of the Unified Development Ordinance.

[Commissioner Judianna Tinklenberg recused herself for this item.]

Staff Presentation: Ashley Davis, Senior Planner, presented the application consistent with the staff report. No recommendation: Deliberation and vote.

Applicant:

Chaplain Spencer (attorney for applicant Exeter Development):

Application is proper because Exeter has equitable interest via their contract with owners.

Vested rights were granted in 2021, and applicant has been investing significant time and money in the project, but it cannot proceed until the Sugar Creek pump station comes online.

The applicant's position is that they have fulfilled requirements for both statutory vested rights and common law vested rights. [See handout, "HB3858 Vested Rights Act."]

A. Hardin: Clarification: the UDO amendment came after the initial application in 2019, which is the basis for the initial denial in March of this year.

Chairman Deese called for a motion on item SD-2019-001.

Motion to approve by Ben Levine; 2nd by Alan Patterson.

Discussion:

Ben Levine: The motion was made in the interest of having a motion in the affirmative, it does not indicate support for the project. We understand both the County's and the applicant's position; but there is no requirement to extend.

Alan Patterson: I don't see how one year can make a difference given the time that has already elapsed.

Called Vote: 3:3. **Motion fails for lack of majority.**

A.Patterson: Against

B. Levine: Against

Y. Cureton: For

S. Hinson: Against

J. Barnett: For

C. Deese: For

J. Tinklenberg: (Recused)

Application is denied.

b. RN-2023-1119 New Road Names Phase 2

Review new road names submitted to County E-911 Addressing.
Staff Presentation: Allison Hardin, Development Services Director.
Road name applications have been reviewed by Sandra Burton (911 Addressing).

Questions to staff: No questions.

Motion to approve road names presented, by Ben Levine; 2nd by James Barnett.

Discussion: no questions.

Called Vote: 7:0. **Motion is approved unanimously**

c. Overview of Next Month's Agenda

3 UDO Text Amendments; 2 rezonings (single parcel): MDR to NB in Brooklyn, and INS to MDR on Lynwood Drive.

d. Other:

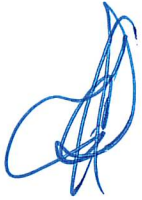
Comprehensive Plan: Website has been updated with Focus Group meetings and draft FLU map.

UDO update: Allison will meet with consultants on Thursday 6/22.

7. ADJOURN

Motion to adjourn by James Barnett; 2nd by Sheila Hinson. Motion approved by unanimous consent. Meeting adjourned at 7:35 p.m.

SIGN IN ONLY IF YOU WISH TO SPEAK



**PLANNING COMMISSION
Public Hearing Sign In Sheet**

Item 3: CITIZEN'S COMMENTS

General Comments or comments on matters not on tonight's agenda.

For comments on specific agenda items under discussion, please sign in on the appropriate sheet.

Council Chambers
101 N. Main Street, Lancaster South Carolina
Tuesday, June 20, 2023

Citizens are allowed 3 minutes per person to speak. Everyone speaking before The Commission will be required to do so in a civil manner. The Commission will not tolerate personal attacks on individual Commissioners, County Staff or any person or group. Racial slurs will not be permitted. The Commission's number one priority is to conduct business for the citizens of this county.

PLEASE PRINT

✓ 1.	Kevin Garon
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SIGN IN ONLY IF YOU WISH TO SPEAK

Lancaster County

South Carolina



PLANNING COMMISSION Public Hearing Sign In Sheet

Item 5a: CU-2023-0695 Tommy's Car Wash

Application by The Timmons Group, TIL Holdings of Texas, George McGinn and Sallie Cooper for a Conditional Use Permit for a 2.9-acre parcel at 168 Fort Mill Highway/Highway 160 (TM# 0008-00-007.00) for development of an automated car wash facility.

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PLEASE PRINT

✓ 1.	Marty McGinn
✓ 2.	Banks McGinn
✓ 3.	Jeff Buseck (FRANCHISE PARTNER)
✓ 4.	JASON DOLAN (APPLICANT)

SIGN IN ONLY IF YOU WISH TO SPEAK

Lancaster County

South Carolina

Handwritten signature

PLANNING COMMISSION Public Hearing Sign In Sheet

Item 5b: RZ-2023-0596 Dylan & Tammy Ellis

Application by Dylan & Tammy Ellis for a rezoning of 4.77 acres at 1993 Beacon Road (TM# 0089-00-086.01) from Rural Neighborhood (RN) to Agricultural Residential (AR) district, in order to locate a mobile home on the property.

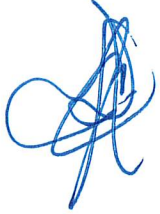
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PLEASE PRINT

1.	<i>[Handwritten signature]</i>
2.	<i>✓ Dylan Ellis / ✓ Mark Ellis / ✓ Tammy Ellis</i>
3.	
4.	

SIGN IN ONLY IF YOU WISH TO SPEAK



**PLANNING COMMISSION
Public Hearing Sign In Sheet**

Item 5c: RZ-2023-0629 Teresa Johnson

Application by Teresa Johnson to rezone a 1.0 acre parcel at the corner of Mackey and Douglas Roads (TM# 0103F-0F-006.03) from Medium Density Residential (MDR) to Manufactured Housing (MH) District, in order to locate a mobile home on the property.

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PLEASE PRINT

✓ 1.	Teresa Johnson
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SIGN IN ONLY IF YOU WISH TO SPEAK



**PLANNING COMMISSION
Public Hearing Sign In Sheet**

Item 5d: SD-2023-0191 Edgewater Phase 11

Application by True Homes LLC on behalf of owners Lancaster County Forfeited Land Commission and B & C Landholdings LLC, for a Preliminary Plat encompassing 47.08 acres at and adjacent to Edgewater Parkway and Gateway Drive (p/o TM #s 0106-00-003.02 and 0106-00-003.00) for the development of 106 detached single-family homes and 49 townhomes.

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PLEASE PRINT

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To: The Lancaster County Planning Commission

I along with my brother George Banks McGinn own the property at 168 Fort Mill Hwy in the panhandle section of Lancaster County. It was inherited from our mother, Grace McGinn, upon her death in September of 2016. She and our father purchased the property from our father's aunt and uncle Rebecca and El Bailes in March of 1950. They then built a house and raised a family.

Times have changed and this property is no longer in a residential neighborhood. In fact, the county required that we change the zoning designation to GB. Having an unoccupied house sitting in a commercial area has encouraged break-ins and squatters, contributing to crime in the area. It is time to move forward. We are financially responsible for property that has been for sale since 2016. We have had multiple offers and contracts over the years. However, the county has thrown in up numerous roadblocks. The most current being connectivity across adjacent private property. The owners of which have repeatedly refused this access. These roadblocks from the county have frustrated potential buyers to the point that contracts have been terminated resulting in loss of sales. Since 2016 when we took ownership, we have incurred significant expenditures. We have paid in excess of \$55,000 in taxes, \$570 per year for insurance, as well as general maintenance items. It is an extreme financial burden. I am 73 years old and live on a fixed income. I need this sale to proceed to relieve me of this responsibility.

We presently have a contract with an excellent buyer, Tommy's Express Car Wash. We cannot in good faith continue entering into contracts that go nowhere. Buyers spend money on plans and studies only to be met with unrealistic demands from the county. We as sellers are forced to continue to meet financial obligations relating to the property. Obligations that have become a true hardship.

I am asking the county to please work with Tommy's Express Car Wash to benefit all of us, the sellers, the buyers, and the county. Thank you for your consideration and help to approve the proposal by Tommy's Express Car Wash for our property.

Sallie McGinn Cooper

Banks McGinn
1825 Shady Pine Circle
Fort Mill, SC 29715

June 7, 2023

Lancaster County Planning Commission
P.O. Box 1809, 101 N. Main Street
Lancaster, SC 29721

To Lancaster County Planning Commission Members:

This letter is in reference to the public hearing of the Conditional Use (CU 2023-0695) application and approval request for 2.9 acres at 168 Fort Mill Highway/HWY160. My sister, Sallie Cooper, and I, George Banks McGinn inherited the property from our mother, Grace McGinn in 2016. We are asking the county to approve this application and work with the buyers for a mutually beneficial project.

The sale of this property has been a long, drawn out and frustrating process with other potential buyers. Before Capital Club (CC) apartments started construction, the developer wanted to acquire the home place property because the county required their access road onto 160 to line up to Lowe's entrance, which is directly across the road. Mom was still living and did not want the property sold until her death, which I agreed to honor. Between that time and her passing, the developer purchased the adjacent property with county approval for their access to Hwy160 there. Since then, we have had three buyers under contract, but due to county restrictions, they withdrew out of frustration with county restrictions. There were two major issues.

The first issue was sewer. After allowing CC Apartments and apartments on Patterson Lane to be built, the county said that the sewer pump station on Calvin Hall Rd. was not able to handle future growth. The county said we could wait until the county could allocate money for the upgrade (1-2 years) or we could pay for the upgrade. This went on for a year. Now, the county has fast-forwarded the upgrade and it is near completion.

The second issue was road access. Initially, we were told we couldn't have access onto Hwy 160 and that we would have to have the primary access off of the private Country Club Drive. In addition, we would be required to cut an access road from the back of our property, crossing other landowner properties, over to Harrisburg Road (at a cost of approx. \$1000/ft.) Again, crossing other properties including apartments on Patterson Lane and Tyndall Furniture that we do not own.

The CC owners will have no part of accessing their **private** drive. It would mean cutting two water lines on the East side of their property. The topography is not conducive to moving water lines. The CC owners refuse to allow this and the additional traffic at their entrance. We asked for access, offered to purchase easement and explored every avenue to meet the demands of the county.

Our property fronts 160, with access that it has always had. Our drive lines up directly across from the Lowe's Entrance. The property was zoned for MX, but several months ago we requested a GB zoning. We are appreciative for county approval for the property to become a general business zone area. That is all the more reason we do not understand why we could not continue to access Hwy 160 directly. Without access to Hwy 160, the property will be landlocked and unusable for general business.

The roadblocks seem to be ongoing. Sallie and I have paid over \$50,000 in property taxes since Mom's death, September 2016. The obstacles are frustrating and financially draining. We are retired and live on a fixed income. My wife retired in June 2022 after 44 years in education and was diagnosed with cancer a few months later. Ongoing treatments and the added stress of this land transaction are overwhelming. We need to resolve this land situation and financial burden.

We are hopeful that the council will approve this application and work with TIL Holdings, Timmons Group and Tommy's Express Car Wash for a successful business for the Lancaster County. Please let me know if you have further questions or how I can help in any way.

Sincerely,

George Banks McGinn

STATEMENT OF RECUSAL

In accordance with State Code § 8-13-700(b), I hereby abstain from all votes, deliberations, and other action on the following matter(s): patterson preserve SD-2019-001

SECTION 8-13-700. Use of official position or office for financial gain; disclosure of potential conflict of interest.

(B) No public official, public member, or public employee may make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated has an economic interest. A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated shall:

- (1) prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision;
- (2) if the public official is a member of the General Assembly, he shall deliver a copy of the statement to the presiding officer of the appropriate house. The presiding officer shall have the statement printed in the appropriate journal and require that the member of the General Assembly be excused from votes, deliberations, and other action on the matter on which a potential conflict exists;
- (3) if he is a public employee, he shall furnish a copy of the statement to his superior, if any, who shall assign the matter to another employee who does not have a potential conflict of interest. If he has no immediate superior, he shall take the action prescribed by the State Ethics Commission;
- (4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of any agency, commission, board, or of any county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes;
- (5) if he is a public member, he shall furnish a copy to the presiding officer of any agency, commission, board, or of any county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and shall require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause such disqualification and the reasons for it to be noted in the minutes.

Reason(s) for Disqualification: _____

My husband is a consultant on the project.

Name: Judianna Tinklenberg Date: 6.20.2023
_____, Planning Commissioner

2004 South Carolina Laws Act 287 (H.B. 3858)

SOUTH CAROLINA 2004 SESSION LAWS

REGULAR SESSION

Additions and deletions are not identified in this document.

Vetoed provisions within tabular material are not displayed.

Act 287

H.B. No. 3858

LOCAL GOVERNMENT

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 11 TO CHAPTER 29 OF TITLE 6 SO AS TO ENACT THE "VESTED RIGHTS ACT" BY PROVIDING FOR THE ESTABLISHMENT OF VESTED PROPERTY RIGHTS ALLOWING THE COMMENCEMENT AND COMPLETION OF DEVELOPMENT AND USE OF PROPERTY PURSUANT TO A SITE SPECIFIC DEVELOPMENT PLAN OR AN APPROVED PHASE DEVELOPMENT PLAN, TO PROVIDE FOR THE LOCAL GOVERNMENT ACTS AND FACTORS TRIGGERING A VESTED RIGHT, TO LIMIT THE VESTING FOR A TERM OF YEARS, TO PROTECT THE HOLDER OF VESTED RIGHTS FROM ZONING CHANGES UNLESS CERTAIN CONDITIONS ARE MET AND TO PROVIDE THAT A VESTED RIGHT ATTACHES TO AND RUNS WITH THE PROPERTY; AND TO AMEND SECTION 6-29-1320, RELATING TO EDUCATIONAL REQUIREMENTS FOR LOCAL PLANNING AND ZONING OFFICIALS, SO AS TO FURTHER PROVIDE FOR DATES OF COMPLIANCE.

Be it enacted by the General Assembly of the State of South Carolina:

Legislative findings

SECTION 1. The General Assembly finds that:

- (1) it is desirable to provide for the establishment of vested rights in certain land developments to secure the reasonable expectations of landowners who make significant investment in site evaluation, planning, development costs, consultant fees, or engineering or architectural expenses to meet land development standards for site plan approval under existing local government ordinances; and
- (2) there is a need to provide for vested rights in developments that are not covered by development agreements with local governments; and
- (3) the public interest and private expectations can be balanced by a procedure which involves public participation and protection of public health, safety, and welfare.

Vested property rights

SECTION 2. Chapter 29, Title 6 of the 1976 Code is amended by adding:

Article 11

Vested Rights

<< SC ST § 6-29-1510 >>

Section 6-29-1510. This article may be cited as the "Vested Rights Act".