Planning Commission Members
District 1: Alan Patterson
District 2: Tamecca Neely
District 3: Charles Deese, Chair
District 4: (Vacant)
District 5: James Barnett, Vice-Chair
District 6: Sheila Hinson
District 7: Ben Levine

County Attorney
Ginny L. Merck-Dupont

Clerk to Planning Commission
Jennifer Bryan

Development Services Director
Rox Burhans

January 17, 2023	**6:00 PM**	**101 North Main Street Lancaster, SC 29720**

LANCASTER COUNTY PLANNING COMMISSION
County Council Chambers, County Administration Building, 101 North Main Street, Lancaster, SC 29720

AGENDA

1. **Call to Order Regular Meeting and Roll Call Vote**

2. **Approval of the Agenda**

3. **Citizen's Comments**

   [Lancaster County welcomes comments and input from citizens who may not be able to attend meetings in person. Written comments may be submitted via mail to ATTN: Jennifer Bryan, Post Office Box 1809, Lancaster, SC, 29721, by email to Jennifer Bryan at jbryan@lancastersc.net or by online submission by selecting the "Citizens Comments" quick link located on the County website homepage at https://www.mylancastersc.org/. Comments must be no longer than approximately 3 minutes when read aloud. Comments received will be acknowledged during the Citizens Comments portion of the meeting. Comments will need to be received prior to 4:00 p.m. on the day of the meeting. Please use the same link above in order to submit input/comments for Public Hearings.]

   a. Bernadette Zitelli

   Regarding RZ-2022-0175 Gabriel Jon Hardy and proposed "North of Nine" development: access through Hollybrook Lane.

4. **Approve Minutes**

   a. November 3, 2022 Workshop Minutes

   b. November 15, 2022 Regular Minutes

   c. December 1, 2022 Workshop Minutes

   d. December 20, 2022 Regular Minutes

   e. January 5, 2023 Workshop Minutes

5. **Public Items**

   a. RZ-2022-2335 McGinn-Cooper

   Application by George Banks McGinn and Sallie Cooper to rezone approximately 2.9 acres located at 168 Fort Mill Highway (TM # 0008-00-007.00) from Mixed Use (MX) to General Business (GB) district, to develop as a commercial property.

b. RZ-2022-2317 Kershaw Depot

Application by Town of Kershaw to assign zoning designation for a parcel of approximately 0.31 acres, formerly part of the Norfolk Railroad right-of-way at 106 N. Cleveland Street, Kershaw, from unzoned to B1 General Business district, to allow use of old Depot as commercial office space. Parcel is part of decommissioned Norfolk ROW; adjacent to parcel 0156I-0R-008.00, fronting on Cleveland Street between W. Richland and E. Marion Streets.

c. CU-2022-2126 Corey Baker /aka Possum Hollow C-Store (DEFERRED)

a/k/a Possum Hollow C-Store
Conditional Use Permit application by Corey Baker to allow Vehicle Services: Minor Maintenance and Repair at 8857 Charlotte Highway (TM 0010-00-037.00), for a proposed Convenience Store with Gas Station.
APPLICANT REQUESTS DEFERRAL

d. UDO-TA-2022-2606 Chapters 2 and 4

Application by Lancaster County to amend Unified Development Ordinance Chapters 2 and 4 and related provisions regarding standards for Medium Density Residential (MDR) District and Cluster Subdivision Overlay (CSO) District.

e. UDO-TA-2022-2602 Section 6.4.1

Application by Lancaster County to amend Unified Development Ordinance Section 6.4.1, Connectivity, to modify standards pertaining to the maximum number of lots which take access from a road where one end is permanently closed.

6. New Business

a. Overview of next month's Agenda

b. Other

7. Adjourn

The Planning Commission makes a recommendation to County Council on these items. Recommendations made at this meeting are tentatively scheduled for consideration by County Council in the following month. County Council agendas are posted online at https://lancastersc.novusagenda.com/agendapublic/meetingsresponsive.aspx

****The Planning Commission makes the final decision on these items.***

***Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting. Lancaster County Planning Commission agendas are posted at the Lancaster County Administration Building and are available on the Website:* www.mylancastersc.org**

Meetings are live streamed and can be found by using the following link: https://mylancastersc.org/boards___commissions/planning_commission/planning_commission_meetings.php

Agenda Item Summary

Ordinance # / Resolution #: Bernadette Zitelli
Contact Person / Sponsor: J. Bryan
Department: Planning
Date Requested to be on Agenda: 1/17/2023

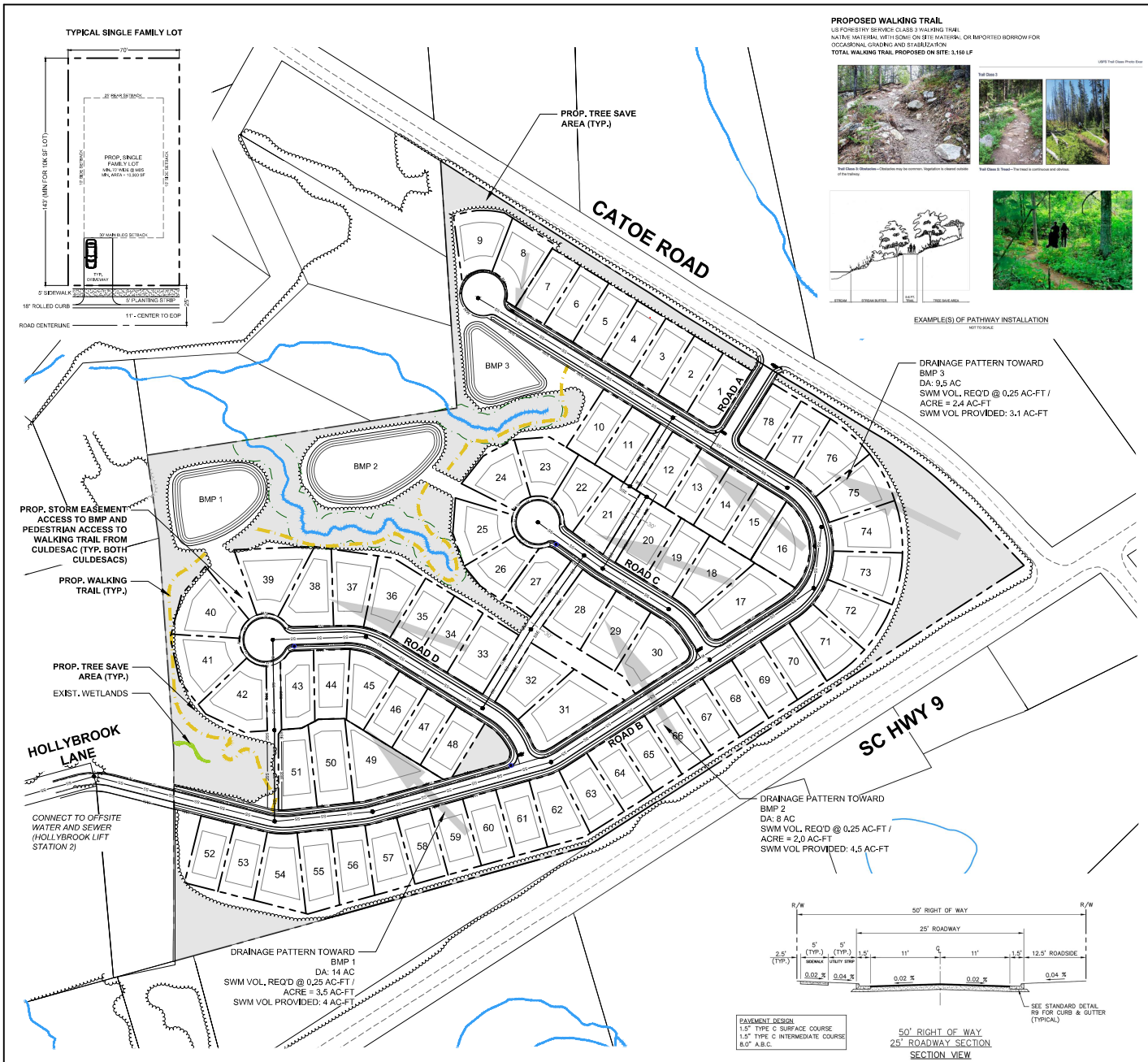
Issue for Consideration:

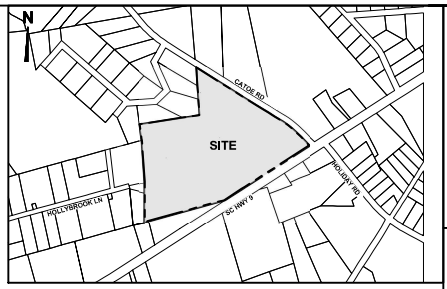
Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
Proposed Plat	1/10/2023	Exhibit





LOCATION MAP **NTS**

PROPERTY INFORMATION:

PIN.:	0069-00-071.00
ADDRESS:	SC HWY 9 AND CATOE RD
DEVELOPER:	AZOR PARTNERS LLC
ZONING:	MDR (RESIDENTIAL USE)
ADJACENT LAND USES:	RESIDENTIAL
PARCEL AREA:	± 38.92 ACRES (29.64 ACRES OUTSIDE R/W)
MAXIMUM DENSITY:	2.5 DUA
MIN. LOT AREA:	10,000 SF
MIN. LOT WIDTH:	70' @ FRONT SETBACK
AVG LOT SIZE PROP.:	11,588 SF
NO. OF PROPOSED LOTS:	78
SETBACKS:	
FRONT	30'
SIDE	10'
REAR	25'
MAX BLDG. HEIGHT:	35'
OPEN SPACE REQ'D:	20% MIN. OF 29.64 ACRES (5.8 ACRES)
OPEN SPACE PROVIDE:	6.2 ACRES (DOES NOT INCLUDE BMPs)
PARKING REQ'D:	1 PER UNIT
WATERSHED OVERLAY:	GILLS CREEK-CANE CREEK
FEMA PANEL:	45057C0252E EFFECTIVE: 05/16/2017 PROPERTY IN ZONE X AREA OF MIN. FLOOD HAZARD
SEWER FLOW:	23,700 GPD (16.5 GPM)
TOTAL 8" SANITARY SEWER PIPE:	4,784 LF
TOTAL 4' DIA. MANHOLES:	22
ROADWAY:	50' R/W, LOCAL URBAN CROSS SECTION 55' R/W @ CUL DE SACS
STREAM BUFFERS:	30'

CONNECTIVITY INDEX:

NO. OF SEGMENTS:	7
NO. OF NODES:	6
BONUS SEGMENT FOR CULDESAC CONNECTIONS:	1
CONNECTIVITY INDEX RATIO:	8 / 6 = 1.33 (MIN. 1.3)

ROAD LENGTHS:

ROAD A	227 FT
ROAD B	2,721 FT (CUL-DE-SAC TO HOLLYBROOK CONNECTION)
ROAD C	467 FT
ROAD D	658 FT

100 0 50 100 200 400
(IN FEET)
1 inch = 100 ft.

N
(NC NAD 83)

PLOTT HOUND ENGINEERING
8050 CORPORATE CENTER DR, STE. 100E
CHARLOTTE, NC 28226
(704) 439-6521
WWW.PLOTTHOUNDENGINEERING.COM
FIRM #C-3984

PRELIMINARY NOT FOR CONSTUCTION

NORTH OF NINE
SC HWY 9 @ CATOE RD
LANCASTER, SC 29720

SKETCH PLAN

REVISIONS
1) REVISED PER COUNTY COMMENTS 4-4-2022
2) REVISED PER COUNTY COMMENTS 5-4-2022

21.43.001 PROJ. NO.
BCL ENG
WVJ DRAWN BY
6.27.2022 DATE

SP
Sheet 1 OF 1

Agenda Item Summary

Ordinance # / Resolution #: November 3, 2022 Workshop Minutes
Contact Person / Sponsor: J. Bryan
Department: Planning
Date Requested to be on Agenda: 1/17/2023

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
November 3, 2022 Workshop Minutes	11/22/2022	Letter

MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION
CHARLES DEESE, DISTRICT 3, CHAIRMAN
JAMES BARNETT, DISTRICT 4, VICE-CHAIRMAN
TAMECCA NEELY, DISTRICT 2
, DISTRICT 5
SHEILA HINSON, DISTRICT 6
ALAN PATTERSON, DISTRICT 1
BEN LEVINE, DISTRICT 7
CLERK: JENNIFER BRYAN

MINUTES OF THE LANCASTER COUNTY PLANNING COMMISSION WORKSHOP MEETING

November 3, 2022 5:00 P.M.
MINUTES

Chairman Deese called the meeting to order at 5:00 p.m.

1. Roll Call:
Members Present:
Jim Barnett Charles Deese Sheila Hinson
Ben Levine* Tamecca Neely* Alan Patterson

* Arrived after 5:00 p.m.

Others Present:
Rox Burhans, Division Director Clerk: Jennifer Bryan
Matthew Blaszyk, Planner;

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.

2. New Business

a. RZ-2022-2224 Nathan Terry

Application by Nathan Terry to rezone a .488-acre parcel located at the northern intersection of Charles Pettus Road and Charlotte Hwy (portion of TM# 0016-00-046.00) from Low Density Residential (LDR) to Professional Business (PB) in order to build a medical office.
Staff Presentation: Matthew Blaszyk, Planner

Discussion points:
- Limiting access on 521 to avoid traffic congestion
- Applicant has stated in conversation that he intends to access off Charles Pettus Road
- Highway Corridor Overlay may trigger requirement for sidewalks

- Businesses on the other side (north) of Charles Pettus have sidewalks, this will provide connectivity
- There is an upcoming cross-access study for the area just to the south of Southern Paws Animal Hospital
- Conversion from residential to commercial triggers driveway/access redesign per SCDOT
- Are there any proposed developments that would trigger improvements on Charles Pettus?
- UDO Chapter 6 Access Management standards direct access away from 521 where possible

3. **Other**:
   a. Review of Next Month's Agenda
      No public hearing items. We will use Workshop scheduled time on December 1st and Planning Commission scheduled time on December 20th for two 1.5 hour CE sessions.
      We will hold a holiday dinner for BZA and Planning Commission on Tuesday, December 20, 2022. (CE will take place after).
   b. Rox Burhans reported on the final Comprehensive Plan Key Topic Forum: Transportation held at Cross Ridge on Thursday, October 27, 2022.

4. **Adjourn**
   Meeting was adjourned at 6:10 pm.

Agenda Item Summary

Ordinance # / Resolution #: November 15, 2022 Regular Minutes
Contact Person / Sponsor: J. Bryan
Department: Planning
Date Requested to be on Agenda: 1/17/2023

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
November 15, 2022 Regular Minutes	12/8/2022	Exhibit

MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION
CHARLES DEESE, DISTRICT 3, CHAIRMAN
JAMES BARNETT, DISTRICT 4, VICE-CHAIRMAN
TAMECCA NEELY, DISTRICT 2
, DISTRICT 5
SHEILA HINSON, DISTRICT 6
ALAN PATTERSON, DISTRICT 1
BEN LEVINE, DISTRICT 7
CLERK: JENNIFER BRYAN

MINUTES
Lancaster County Planning Commission
November 15, 2022 6:00 p.m.

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

1. **ROLL CALL**: Quorum is present (Four Commissioners)

Commissioners Present:

Tamecca Neely	Ben Levine	James Barnett
Sheila Hinson	Charles Keith Deese	Alan Patterson

No appointment has yet been made to fill District 5 seat.

Staff Present:

Rox Burhans
Ashley Davis
Matthew Blaszyk
Clerk: Jennifer Bryan

Council Member Billy Mosteller

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.

2. APPROVE AGENDA

Chairman Deese called for a motion to approve the Agenda.
Motion to Approve by James Barnett; 2nd by Alan Patterson
Called vote: 6:0 Motion approved unanimously.

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

Two email comments were received prior to the agenda publication (see attachments)

Chairman Deese opened the floor to comments from the public.

4. APPROVE MINUTES

a. September 1, 2022 Workshop Minutes

Deferred to 11/15/2022 for lack of quorum.
Chairman Deese called for a motion to approve September 1, 2022 Workshop Minutes as written. Motion to Approve by Alan Patterson; 2nd by James Barnett.
Called vote: 4: 0**. Motion approved.** (Two abstained as being absent from meeting: Tamecca Neely and Alan Patterson).

b. September 20, 2022 Regular Minutes

Deferred to 11/15/2022 for lack of quorum.
Chairman Deese called for a motion to approve September 20, 2022 Regular Minutes as written. Motion to Approve by Alan Patterson; 2nd by Tamecca Neely.
Called vote: 4:0**. Motion approved.** (Two abstained as being absent from meeting: James Barnett and Ben Levine).

c. October 18, 2022 Regular Minutes

Chairman Deese called for a motion to approve October 18, 2022 Regular Minutes as written. Motion to Approve James Barnett; 2nd by Ben Levine.
Called vote: 5:0**. Motion approved denied unanimously.** (Alan Patterson abstained as being absent from meeting)

5. PUBLIC ITEMS

a. RZ-2022-2224 Nathan Terry

Application by Nathan Terry to rezone a .488-acre parcel located at the northern intersection of Charles Pettus Road and Charlotte Hwy (portion of TM# 0016-00-046.00) from Low Density Residential (LDR) to Professional Business (PB) in order to build a medical office.

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

Questions to staff:
Ben Levine asked if Highway Corridor Overlay requires sidewalks in this area; Blaszyk confirmed that it does.

Comment from applicant(s):

Nathan Terry (Indian Land, SC) Applicant currently runs is office from rented space in Edgewater Business Park in Indian Land. Sidewalk issue caught him by surprise; he will incorporate them into design revision.

Questions from Commissioners: (no additional)

Public Hearing: (See attachments: Sign-in Sheets)
Chairman Deese closed Public hearing and called for a motion on item **RZ-2022-2224**.
Motion to approve by Alan Patterson; 2nd by Ben Levine.

Discussion:
Alan Patterson noted that, with regard to sidewalks, we are planning for the future. Although not all businesses in that area have sidewalks, they make sense in the context of future connectivity.

Called vote: 6:0. **Motion is approved unanimously**.
The item will go to County Council for consideration, and applicant will be notified of time and date.

6. NEW BUSINESS

a. Overview of Next Month's Agenda:
- No public hearing items
- Continuing Education sessions on December 1, 2022 and December 20, 2022:
  1) Legal & Ethical Considerations for Managing Public Meetings (1.5 hours)
  2) Growth Implications for SC Counties (1.5 hours)
- Holiday Dinner: invitation extended to members of Board of Zoning Appeals.

b. Other

Rox Burhans provided an overview of Planning items on the upcoming Committee of the Whole Agenda for Wednesday, November 16, 2022

Discussion: Alan Patterson offered that it might be helpful for Planning Commission to come up with some criteria defining "What makes a "good" development," for our own use and for Council's benefit.

7. ADJOURN

Motion to adjourn by James Barnett; 2nd by Sheila Hinson. Motion approved by unanimous consent. Meeting adjourned at 6:33 p.m.

From: Carolann Smith
To: Undisclosed Recipients
Subject: 521 Corridor from Jim Wilson to CLT line
Date: Thursday, October 27, 2022 4:31:22 PM

The System couldn't recognize this email as this is the first time you received an email from this sender cbmsmith@me.com

THIS IS AN EXTERNAL E-MAIL — Use caution when clicking on links as they could open malicious websites.
—IT Helpdesk, support.lancastercountysc.net

Hello

Please, please, please do not approve ANY more development, especially multi-family developments, high rise condos, etc along the 521 corridor, as well as gas stations, fast food restaurants. We who live there do NOT want 521 to become like 74 in Charlotte…loaded with retail, gas stations, fast food, small cheap retail places, dollar tree, places that do not last and end up an eye sore! We would like to see some nice upscale restaurants and shops. Very disappointed in the shopping center that was put in across from Sun City… Sometimes there are as many as 15 cars waiting to turn right at the light by Aldi's, waiting for one car to cross into Sun City. There is only one right turn lane and 2 left. Very few cars turn left out of that location. It's very annoying when you are trying to get somewhere and have to sit and wait for one car to go straight.

We would like to see the area become a "desired" place to live, not because it's CHEAP, but because it is a nice place to live. Multi family units add zero add ZERO value; only create more problems.

Home owners in this area of Lancaster County provide a nice tax base and would like more for contributions. We also vote! Please consider the home owners before approving further development of multi family units, and before more infrastructure is completed to accommodate traffic flow.

Nothing should be built until better infrastructure is in place. Traffic is a nightmare already and I cannot imagine how it's going to be once these ridiculous multi family units go up!

People also would like to have more than one option for internet services and not satellite.

Thank you for your consideration.

Carolann B. Smith

From: Jan Beverly
To: Planning Mailbox
Subject: Catastrophic over building
Date: Thursday, October 20, 2022 8:29:43 PM

The System couldn't recognize this email as this is the first time you received an email from this sender jkbeverly@gmail.com

THIS IS AN EXTERNAL E-MAIL — Use caution when clicking on links as they could open malicious websites.
—IT Helpdesk, support.lancastercountysc.net

I have lived in Sun City for 15 years and the uncontrolled building of townhomes, apartments and homes in the panhandle has become a huge problem. Our infrastructure can not handle any more developments and our schools can't handle all the students these homes will bring. The traffic is horrific and will only get worse.
Jan Beverly

Sent from my iPhone

Lancaster County
South Carolina

PLANNING COMMISSION
Public Hearing Sign In Sheet

Item 3: Citizens' Comments
General Comments or comments on matters not on tonight's agenda.

Council Chambers
101 N. Main Street, Lancaster South Carolina
Tuesday, November 15, 2022

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

PLEASE PRINT

1.	(see 2 emails attached to agenda.
2.	
3.	
4.	
5.	

Lancaster County
South Carolina

PLANNING COMMISSION
Public Hearing Sign In Sheet

Item 5a: RZ-2022-2224 Nathan Terry

Application by Nathan Terry to rezone a .488-acre parcel located at the northern intersection of Charles Pettus Road and Charlotte Hwy (portion of TM# 0016-00-046.00) from Low Density Residential (LDR) to Professional Business (PB) in order to build a medical office.

Council Chambers
101 N. Main Street, Lancaster South Carolina
Tuesday, November 15, 2022

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

PLEASE PRINT

1.
2.
3.
4.

Agenda Item Summary

Ordinance # / Resolution #: December 1, 2022 Workshop Minutes
Contact Person / Sponsor: J. Bryan
Department: Planning
Date Requested to be on Agenda: 1/17/2023

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
December 1, 2022 Workshop Minutes	12/8/2022	Exhibit

MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION
CHARLES DEESE, DISTRICT 3, CHAIRMAN
JAMES BARNETT, DISTRICT 4, VICE-CHAIRMAN
TAMECCA NEELY, DISTRICT 2
, DISTRICT 5
SHEILA HINSON, DISTRICT 6
ALAN PATTERSON, DISTRICT 1
BEN LEVINE, DISTRICT 7
CLERK: JENNIFER BRYAN

MINUTES OF THE LANCASTER COUNTY PLANNING COMMISSION WORKSHOP MEETING

December 1, 2022 5:00 P.M.
MINUTES

Chairman Deese called the meeting to order at 5:15 p.m.

1. Roll Call:
Members Present:
Jim Barnett Charles Deese Ben Levine Alan Patterson

Absent: Sheila Hinson Tamecca Neely

Others Present:
Clerk Jennifer Bryan

Board of Zoning Appeals members:
Kemesha Lowery Sheresa Ingram Keye Jones

2. New Business

a. CONTINUING EDUCATION:
SC Association of Counties course (1.5 hours)
Legal & Ethical Considerations: Conducting Meetings of Local Governments
[See attached handout]

3. Other:
a. Review of Next Meeting Agenda (Tuesday, December 20, 2022):
Continuing Education: SC Association of Counties course (1.5 hours)
Growth Implications for SC Counties

b. UDO update [see attached handout]

4. Adjourn
Meeting was adjourned at 7:45 pm.

UDO Update

MODULE ONE: (3 Chapters)

Consultant will be presenting a draft of Module One to Committee of the Whole on **Wednesday, January 11, 2023** (4:00 p.m.) Planning Staff will be sending you an email with access to a digital version, and will also mail a bound hard copy to each of you for review several weeks prior to the COW meeting. Rox asks that as many of you as possible attend.

MODULE TWO:

There will soon be a presentation about Module Two available from the consultants. Staff will send you a link for access.

SOUTH CAROLINA ASSOCIATION OF COUNTIES

Local Leaders. Statewide Strength.®

Legal & Ethical Considerations

Conducting Meetings of Local Governments

PART 1

Objectives for Part I

- Discuss the importance of rules of procedure for meetings
- Discuss the statutory requirements for conducting meetings of public bodies
- Discuss procedures relevant to different types of public meetings
- Discuss potential ethical issues that arise during meetings

1

Creating Rules of Procedure



- Brig. Gen. Henry M. Robert
- Born in Robertville, SC
- U.S. Army 1857-1901
  - Chief of Engineers
- 1876 created Roberts Rule of Order after presiding over a disastrous church meeting!
  - Now in its 11th edition

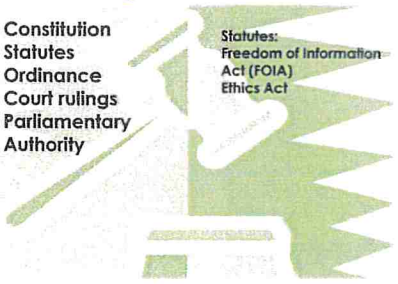
PURPOSE OF RULES OF PROCEDURE

- To set expectations for the conduct of all public meetings of a governmental body
- To ensure for the fair exchange of information and the proper resolution to issues before the body
- To govern the conduct of members and the public during meetings

Governing Documents

Constitution
Statutes
Ordinance
Court rulings
Parliamentary Authority

Statutes:
Freedom of Information Act (FOIA)
Ethics Act



Parliamentary Basics

Local public bodies are statutorily required to adopt their own rules of business – SC Code 4-9-110 or other authorizing statutes

- 1. NOTICE (to the members & public)
  - Agenda & meeting materials
- 2. QUORUM
- 3. MOTIONS
- 4. DEBATE/DISCUSSION
- 5. VOTING
- 6. RECORDS OF ACTIONS TAKEN (minutes)

Notice

- Statutorily required
  - SC Code 30-4-80(A)
- Annual notice of regularly scheduled meeting calendar
- 24 hour minimum notice of individual meetings to public & media
  - Post of notice:
    - at the location of meeting,
    - media outlets requesting notice and
    - County maintained Website if site is regularly maintained (Act 70 of 2015)

Agenda & Amendments

- Agendas are now required at all public meetings
- Agendas can be amended to add items only in the following cases!
  - **Before the meeting**
    - items may be added so long as a new 24 hour notice is provided
  - **Once the Meeting has begun**
    - an item for which action can be taken may be added with a 2/3 vote.
    - Final action item added must have 2/3 vote and a finding by the chair that an emergency or exigent circumstance exists.
      - AG opinion: has to be a circumstance beyond the body's control

Quorum

- No official action can be taken without a quorum present
- Majority of meeting require a simple majority of members – 50% plus 1
  - Governing document may set quorum
- Absent a quorum?
  - Adjourn
  - Recess and try to get a quorum
  - Fix the time to adjourn

Motions

- Substantive motions (main/principal)
  - Puts a question before the council
  - Only one motion at a time
- Subsidiary motions
  - Acts upon a substantive motion
  - Multiple motions at the same time
  - Order of precedence
  - Most common is the motion to amend

Other less common motions

- *Incidental motions:* motions which generally relate to the conduct of business or rules of order, and need to be considered immediately
- *Privileged motions:* motions which are not related to the current business, but relate to special matters

Debate

- The Chair is responsible for controlling the flow of debate – ensure all members have the opportunity to speak
  - Member who raised the issue should speak first
  - First-in-line v. alternate viewpoint
  - Maintain decorum/courtesy
- Should the Chair participate in debate?
  - If the Chair participates - Another member should preside temporarily
- Ending debate
  - by motion of a member
    - Can't interrupt a speaker
    - 2/3 vote to cutoff debate
  - by the chair when debate exhausted

Postponing & Reviving Matters

- Postpone/carry-over:
  - no-limit (majority vote)
  - time certain (2/3 vote)
- Table/lay on the table – postpones until a later time in the meeting
  - dies if not taken from the table by the end of the meeting
- Reconsider – reconsider an action made at the same or immediately proceeding meeting.
  - Motion must be made by a member originally voting on the prevailing side of the issue

Voting

- Generally by voice/show of hands
- Passage – commonly by simple majority
  - Majority: (simple-majority) 50% + 1
  - 2/3 Majority: (super-majority)
    - S.C. Code requirements: amend agenda, over-ride county supervisor actions
    - Actions affecting rights of members: amending agenda; call the question; postpone to time certain
- Tie vote – considered to have failed, retains the status quo
- Does the Chair vote?

Misc. Rules of Procedure Issues

- Provisions for alternate attendance
  - A.G. opinion: *Town of Tega Cay*
    - Ability to hear and be heard
    - Questionable use in quasi-judicial hearings
- Removal from a meeting for Disruption
  - Removal of members of the public
  - SCAG: discipline is a legislative action granted to the body

Ethical Issues

- SC Code 8-13-700: Member can't use their office to obtain an economic benefit for the member, family, or business/associates
  - Must file a conflict letter with the chair – published in the minutes
  - Can't take any part in debate or vote
    - avoid even the perception of participation
    - Note on leaving the room
- Difference between Conflict and Bias
  - Abstention vs. recusal

Quasi-Judicial Hearing

- Individual application/appeal
- Members sit in a judicial capacity
- Constitutional due process and equal protection issues
  - **Impartiality is essential!**
  - Decisions are to be based on presented evidence only – avoid ex parte issues
    - Potential for appealable error
- Applicant has the burden of proof

Public Hearings

- Statutorily required for certain actions
- Publically announce rules for public input
  - Time limits; for/against; number of speakers
- Follow the agenda
- Maintain decorum and public safety
  - Don't allow speakers to attack other speakers or members
- Goal is for members to receive information
  - Members should refrain from personal comments or remarks to speakers

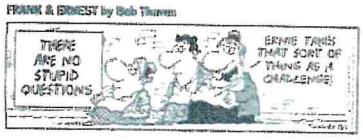
Executive Sessions

- Limited to 6 specific reasons provided for in SC Code 30-4-70(a)
- Body must publically announced sufficient information for reasons for calling the session and vote in open session
- No votes or polling may occur during the session

Records/Minutes

- Statutorily required for all public meetings
  - SC Code 30-4-90
- Must record official actions: dates/times, quorum, motions, votes & conflict recusals
- Must be maintained permanently & microfilmed for security
  - SC County Records Retention schedule maintained by SC Dept. of Archives & History

??Questions??



Email: jdeloache@scac.sc

Part II: Tuesday January 15, 2019 – Advanced topics in Parliamentary Procedure.

Agenda Item Summary

Ordinance # / Resolution #: December 20, 2022 Regular Minutes
Contact Person / Sponsor: J. Bryan
Department: Planning
Date Requested to be on Agenda: 1/17/2023

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
December 20, 2022 Regular Minutes	12/21/2022	Exhibit

MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION
CHARLES DEESE, DISTRICT 3, CHAIRMAN
JAMES BARNETT, DISTRICT 4, VICE-CHAIRMAN
TAMECCA NEELY, DISTRICT 2
, DISTRICT 5
SHEILA HINSON, DISTRICT 6
ALAN PATTERSON, DISTRICT 1
BEN LEVINE, DISTRICT 7
CLERK: JENNIFER BRYAN

MINUTES
Lancaster County Planning Commission
December 20, 2022 6:00 p.m.

Chairman Deese called the meeting to order at 6:05 p.m.

1. **ROLL CALL**: Quorum is not present (Three Commissioners)

Commissioners Present:
Charles Keith Deese James Barnett Alan Patterson

Absent: Tamecca Neely Ben Levine Sheila Hinson

No appointment has yet been made to fill District 5 seat.

Staff Present:
Rox Burhans Ashley Davis
Matthew Blaszyk Clerk: Jennifer Bryan

Board of Zoning Appeals Members Present:

Keye Jones

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.

2. NEW BUSINESS

a. Overview of Next Month's Agenda (Rox Burhans, Development Services Director): January cases: 2 rezonings, one Conditional Use permit, and text amendments regarding dead-end road 20-lot limit and cluster subdivision requirements.
b. Continuing Education webinar, SC Association of Counties: GROWTH IMPLICATIONS FOR SC COUNTIES

3. ADJOURN

Meeting adjourned by unanimous consent at 7:43 p.m.

Agenda Item Summary

Ordinance # / Resolution #: January 5, 2023 Workshop Minutes
Contact Person / Sponsor: J. Bryan
Department: Planning
Date Requested to be on Agenda: 1/17/2023

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
January 5, 2023 Workshop Minutes	1/6/2023	Exhibit

MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION
CHARLES DEESE, DISTRICT 3, CHAIRMAN
JAMES BARNETT, DISTRICT 5, VICE-CHAIRMAN
TAMECCA NEELY, DISTRICT 2
, DISTRICT 4
SHEILA HINSON, DISTRICT 6
ALAN PATTERSON, DISTRICT 1
BEN LEVINE, DISTRICT 7
CLERK: JENNIFER BRYAN

MINUTES OF THE LANCASTER COUNTY PLANNING COMMISSION WORKSHOP MEETING

January 5, 2023 5:00 P.M.
MINUTES

Chairman Deese called the meeting to order at 5:00 p.m.

1. Roll Call:

Members Present:

Jim Barnett	Charles Deese	Sheila Hinson
Ben Levine	Alan Patterson	

Absent: Tamecca Neely

Others Present:

Rox Burhans, Division Director	Clerk: Jennifer Bryan
Ashley Davis, Planner;	
Matthew Blaszyk, Planner;	

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.

2. New Business

a. RZ-2022-2335 McGinn-Cooper

Application by George Banks McGinn and Sallie Cooper to rezone approximately 2.9 acres located at 168 Fort Mill Highway (TM # 0008-00-007.00) from Mixed Use (MX) to General Business (GB) district, to develop as a commercial property.

Staff Presentation: Matthew Blaszyk

Discussion:

- Vacant structure on property will be removed
- Last MX property in the area near Capital Club apartments. All others were rezoned.

b. RZ-2022-2317 Kershaw Depot

Application by Town of Kershaw to assign zoning designation for a parcel of approximately 0.31 acres, formerly part of the Norfolk Railroad right-of-way at 106 N. Cleveland Street, Kershaw, from unzoned to B1 Central Business district, to allow use of old Depot as commercial office space. Parcel is part of decommissioned Norfolk ROW; adjacent to parcel 0156I-0R-008.00, fronting on Cleveland Street between W. Richland and E. Marion Streets.

Staff Presentation: Matthew Blaszyk, Planner

Discussion: No questions.

c. CU-2022-2126 Corey Baker

Conditional Use Permit application by Corey Baker to allow Vehicle Services: Minor Maintenance and Repair at 8857 Charlotte Highway (TM 0010-00-037.00), for a proposed Convenience Store with Gas Station.

Staff Presentation: Ashley Davis, Senior Planner.
[see attached copy of review comments]

Discussion:

- Oil change and gas station on same lot; to be subdivided at a later date.
- Per comments, considerable revision needed on site plan; at present, staff would not support the proposal.
- There are 11 gas stations from state line to Van Wyck Road; Council may resist proposal.
- Trip generation statistics on gas stations are lower than residential, but higher than other commercial uses.
- No TIA has been submitted yet by applicant.
- Access may be restricted to Possum Hollow only.
- Median alignment with one of the 521 entrances is being removed as part of The Exchange Development.
- There will be a traffic signal at Possum Hollow via The Exchange development.
- Southbound right turn lane onto Possum Hollow may be advisable.
- SC DOT will take The Exchange TIA data into consideration with this project.
- Ben Levine requested a small area plan for Possum Hollow Road.
- Interaction of Planning Commission, Public Works, and state and federal agencies to address traffic and growth management.

d. UDO-TA-2022-2606 Chapters 2 and 4 et al. provisions: MDR and CSOD

Application by Lancaster County to amend Unified Development Ordinance Chapters 2, 4 and related provisions, regarding standards for Medium Density Residential (MDR) District and Cluster Subdivision Overlay (CSO) District.

Staff Presentation: Rox Burhans, Development Services Director

[See attachment "Potential Amendments Block Face Breaks"]

Discussion:

Proposal generated from County Council Committee of the Whole meeting on growth regulation; some elements via last year's Interim Ordinance proposal.

- Increase MDR minimum lot size to 12,000 sq. feet;
- Increase MDR front setback for garages to 40 feet, to address issues with on-street parking;
- Change MDR and CSPD calculation of open space: encumbered land can only comprise 50%.
- Change density calculation: % of encumbered land removed from basis of density calculation
- CSOD: increase minimum size to 7,000 sq.ft;
- CSOD: change from 3 to 2 lot sizes, with 20' minimum difference; debating a minimum lot width change to parallel this;
- Proposed block face breaks: (see attached illustration) to break up long stretches of lot fronts where there are no intersections.

Comments:

The intent behind varying the lot widths is to manage/restrict the number of smaller lots, while reducing the monotony of cookie cutter developments.

Under block face revision, the open lots would be part of overall open space calculation.

e. UDO-TA-2022-2602 Chapter 6 (20-lot-limit)

Application by Lancaster County to amend Unified Development Ordinance Section 6.4, Connectivity, to modify standards pertaining to the maximum number of lots which take access from a road where one end is permanently closed.

Staff Presentation: Ashley Davis, Senior Planner.

Discussion:

Proposal: all county and state- maintained roads constructed prior to 2016 UDO would be exempt from 6.4.A-D restrictions on block length, block width, and # of lots accessing. Provisions pertaining to street width and access to major vs. minor thoroughfares would be retained unchanged.
If existing road is extended, exemptions no longer apply. Extended road must be brought up to County standard.

- Who will be responsible for bringing roads up to standard for emergency access?
- Minor Subdivision approval process requires width of driveway and turnaround already for private drives.
- Planning, Engineering and Public Works are working on a schedule of upgrades.

3. Other:

a. Review of Next Month's Agenda: UDO Steering Committee will meet on Wednesday 1/11 at 11:00 AM; then the Planning Commission will attend the Committee of the Whole meeting at 4:00 PM for UDO presentation on draft Module One.

4. Adjourn

Meeting was adjourned at 6:42 pm.

C.) CU-2022-2126
COREY BAKER

Possum Hollow C-Store

County Engineer	**sblackwelder**	**12/07/2022 - 12/15/2022**	**Conditional**

General Comments:
1. The 4-page conditional use plan does not provide adequate detail to formally comment, but the following are general items of note from the information given. More detailed comments can be given during the Civil Plan Review.
2. The area where Tributary 1 begins, we believe is the outfall from a pond upstream across Possum Hollow Road. What is the plan for this drainage? What is the Drainage Area for this flow? Are buffers required? Is this Waters of the State? Depending on the answers, US Army Corps of Engineer permitting may be needed to mitigate this area.
3. Wetland Buffers are being encroached on to construct the access point on Possum Hollow Road. Again, USACOE permits may be needed.
4. A traffic impact analysis will be needed for this project. Any onsite and offsite roadway improvements will need to be included in subsequent construction documents.

Fire Marshal	**jmagette**	**12/07/2022 - 12/09/2022**	**Conditional**

1. This is a use review only. Comments are offered as advisory comments if civil plans are submitted. A more detailed review will be completed at civil submittal.
2. Show locations of fire hydrants. All buildings must be within 500 feet of a hydrant measured as an apparatus would lay hose.
3. Provide an auto-turn diagram showing fire apparatus access using the Lancaster County Turning Template.

LC Water & Sewer District	**erinevans**	**12/07/2022 - 12/14/2022**	**No Review Needed**

SCDOT	**GambleDD**	**12/07/2022 - 12/22/2022**	**Conditional**

Modifications are being made to the existing crossover along highway 521 (south of Possum Hollow) as part of The Exchange at Indian Land Project. Coordination will be required to see how your driveway will align with the new configuration.

Feasibility of the RI/RO access will be dictated by the TIA recommended mitigations as well as truck turning templates.

Planning	**adavis**	**01/05/2023 - 01/05/2023**	**Not Approved**

General:
-Setbacks apply to each property not the development as a whole. This plan indicates these lots are to be subdivided meaning the setbacks, buffers, landscaping, etc. should all meet code on a parcel by parcel basis. It should also be noted if you intend to create more than 5 parcels you must go through the major subdivision process.
- It should be noted that the southern most access point seems to indicate full access aligning with a median cut. This cut will be closed in the near future as is mandated by the approved TIA for the Exchange Project on the East side of 521

Highway Corridor Overlay:
- 4.3.2.F.1: Front Façade of buildings shall be generally parallel to front property lines when placed along the corridor. Elevations were not submitted with this application therefore it is unclear if this requirement is being met specifically in regards to the oil change facility.
- 4.3.2.F.1.C: When fronting on the corridor ROW, buildings shall have access from the front and rear of the building. It is unclear from these plans if this standard is met
- 4.3.2.F.3 and 4: Building Vernacular and Materials: Elevations were not submitted with this application therefore it is unclear if this requirement is being met
- 4.3.2.F.5: Sidewalks: Sidewalk flow in this plan is lacking. Frontage sidewalk along 521 should tie in to oil change site, Sidewalk on the west side of the oil change facility should tie into the sidewalk along the building itself; Sidewalks are required on both sides of public of private streets within a commercial development,
-4.3.2.G: landscaping, buffering, and screening requirements are entirely missing from this plan set and will significantly impact the lot areas as depicted.

Base Design:
- 6.8: A TIA will likely be required and one has not been submitted at this time
- 6.8.4.A.4: Corner parcels located at an intersection of the corridor and an existing or proposed secondary street, including both public and private streets, shall obtain access from the secondary street. Where such parcels have 300 or more feet of corridor frontage, a point of access to the corridor may be considered if no other corridor access is located within 300 feet, and it adheres to SCDOT standards. Such additional access shall be considered on a case-by-case basis, and is subject to approval by the Administrator or SCDOT when applicable- The plan as proposed is inconsistent with this regulatory standard.
- 7.1.3.C: A minimum 6 foot wide area shall be provided for landscaping along any side of the building facing a public right-of-way. Up to 25 percent of the building width along the street may be utilized for entrance walkways,
- 7.1.4.C: A minimum perimeter screen is required along both streets and adjacent properties with a minimum width of 10'. This would result in 20' of landscape area between the gas station and oil change facility. as currently shown it appears there is less than 10' depicted in some areas;
- 7.1.4.D: A landscape island is required every 10 spaces which result in the loss of at least 3 stalls
- Additional landscaping standards apply but given the level of detail depicted on this plan it is unclear if these standards can be accomplished
- 7.2.6: Bike Parking not depicted
- Minimum length of parking stalls is to be 18' 6" pursuant to Appendix C Detail R20

Previous Revisions:

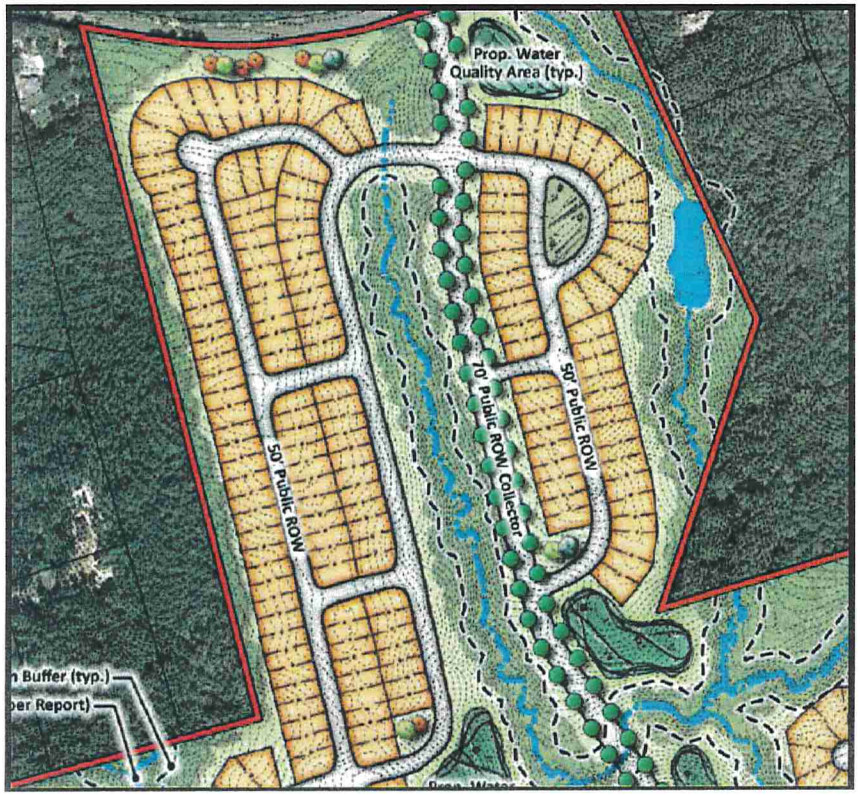
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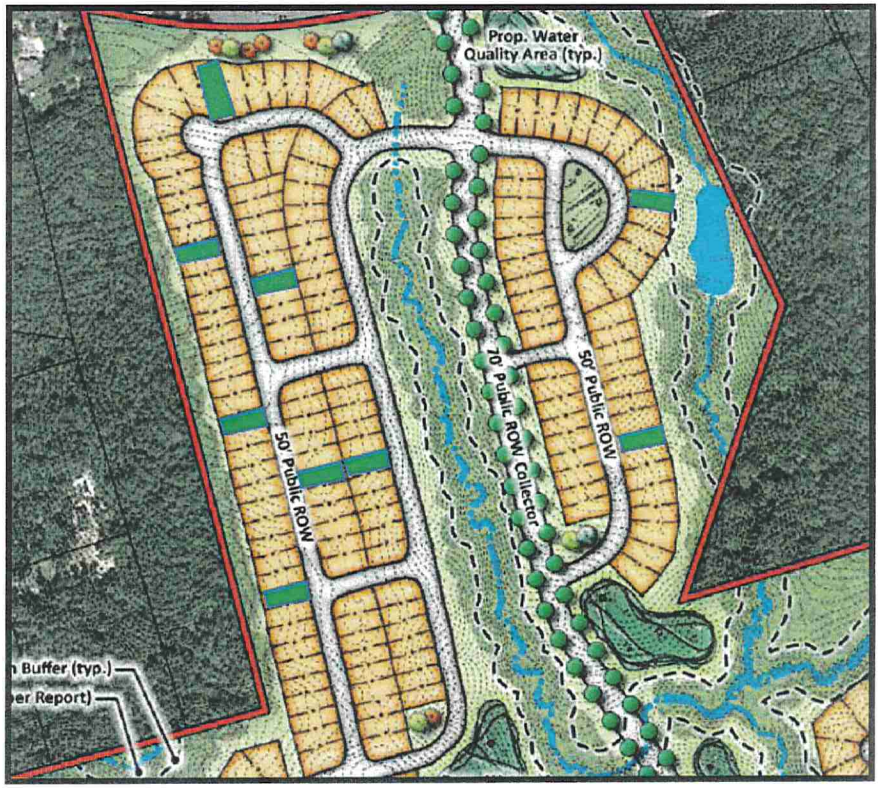
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d) LDO-TA-2022-2606

Potential Amendments
Block Face Breaks

Lancaster County
South Carolina





Agenda Item Summary

Ordinance # / Resolution #: RZ-2022-2335 McGinn-Cooper
Contact Person / Sponsor: M. Blaszyk
Department: Planning
Date Requested to be on Agenda: 1/17/2023

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	1/10/2023	Planning Staff Report
Application	1/3/2023	Exhibit
Plat	1/3/2023	Exhibit
Location Map	1/3/2023	Exhibit

PROPOSAL:	Request to rezone 2.9 acres of property
PROPERTY LOCATION:	168 Fort Mill Hwy/ Hwy 160 (TM # 0008-00-007.00)
CURRENT ZONING DISTRICT:	Mixed Use (MX) District
PROPOSED ZONING DISTRICT:	General Business (GB) District
APPLICANT:	George Banks McGinn and Sallie Cooper
COUNCIL DISTRICT:	District 4, Jose Luis
STATUTORY NOTICES:	Sign(s) posted 12/28/2022 at 168 Fort Mill Hwy Hearing notice published 12/31/2022 in The Lancaster News Mailed notices 12/28/2022 Posted agenda in lobby [1/10/2023]

OVERVIEW:

Proposal

The applicant has requested to rezone a parcel 2.9 acres in size. The intent is to develop the property to be utilized for its highest and best use.

Site Information

The parcel proposed to be rezoned is currently a non-conforming residential use; there is a home on the property. It was zoned MX in 2016; likely in association with the adjacent Capital Club apartment commmunity.

Summary of Adjacent Zoning and Uses

The properties are surrounded predominantly by MDR and GB zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	MX	Apartments
South	Lancaster County	RB	Lowe's; Queensgate outparcels
East	Lancaster County	GB	Mixed retail and non-conforming residential
West	Lancaster County	MX, GB	Apartments; non-conforming residential

Parcel History:

Mass MXX District Rezoning

In 2020, there was a County-initiated rezoning request to rezone 42 parcels that were zoned Mixed Use : MX, IMX, or RMX to be rezoned to General Business (GB), Regional Business (RB), Low Density Residential (LDR), Rural Neighborhood (RN), and Insitutional (INS). The purpose of the prior rezoning action was to bring these parcels into conformance with current zoning regulations as described in the

Lancaster County UDO. These parcels were located near the intersections of Doby's Bridge Rd and Charlotte Hwy, Fort Mill Hwy and Charlotte Hwy, and Springdale Rd and Williams Estate Dr.

The parcels that had been zoned to the mixed-use districts were envisioned to be developed by large scale developers for inclusion within master planned developments. MX zoned properties require a minimum of 25-highland acres to develop. By 2020, many of these properties were for sale individually and many no longer met the minimum development size of 25-acres.

Tax Map Number 0008-00-007.00, which is the subject property for the current rezoning application opted out of the prior mass rezoning and is now looking to be rezoned General Business. In 2020, the owner hoped the Capital Club apartment community (which is zoned MX) would purchase the property for a future expansion and is no longer the case.

ANALYSIS & FINDINGS:

Zoning Districts
As previously noted, the subject property is currently in the MX District. Pursuant to UDO Chapter 2.3, the MDR District "*… is established as a pedestrian-scaled, mixed-use district which caters to the everyday needs of nearby neighborhoods, stressing accessibility by automobiles, bicycles, and pedestrians. This district accommodates an active, pedestrian-friendly area of community-scale commercial, residential, office, and civic uses in both vertically mixed-use, as well as free-standing buildings. Retail should be placed at street level, with residential uses in rear or upper stories*."

Requested GB

UDO Chapter 2.3 describes the requested GB District *"… is generally located on thoroughfares and provides opportunities for the provision of offices, services, and retail goods in proximity to generally auto-dependent, community neighborhoods. The regulations for this district are intended to accommodate the predominately auto-oriented pattern of existing development while encouraging the transition to pedestrian-friendly, mixed-use areas that avoid strip commercial development."*

Compatibility with Surrounding Area
As noted previously, the subject property is predominately surrounded by GB, MX, and RB Zoning Districts. The surrounding uses are primarily Commercial, Mixed Use, and Residential.

Non-Conformance Status

The property's use is currently residential in nature. If the rezoning were to be approved (changing the zoning district to General Business) the home on the property would remain legal non-conforming if it remains on the site as a residence. This legal non-conforming status means that no major changes can occur to the residence that would further expand its non-conformance.

RELATIONSHIP TO PUBLIC PLANS

The Future Land Use Category of the subject properties 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.

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

The requested GB District is consistent with the Neighborhood Mixed Use Future Land Use Category.

Walkable Neighborhood: Land Use Considerations		
Single-Family Detached Home	Restaurant	School
Single-Family Attached Home (Town Home / Duplex)	Professional Office	Community Park
Condominium / Apartment	Government Building	Pocket Park
Neighborhood Commercial	Church	Natural Area

The parcels' location also falls under one of the County's Specialty Centers, specifically a Pedestrian Center. The Pedestrian Center corresponds to the Community Type of Walkable Activity Center. The adopted Comprehensive Plan states that The Community Type "Walkable Activity Center" is synonymous with the Place Type "Mixed-Use Activity Center." 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 uses organized around a network of walkable streets, and it is supported by transit options. The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

The 3 Pedestrian Specialty Centers are located at the intersections of Fort Mill Highway and 521, between 521 and Henry Harris Road (North of Cross Ridge and South of Thousand Oaks Road), and North of Shelley Mullis Road and South of Cross Ridge. The Pedestrian Specialty Centers and Walkable Activity Center Community Type are, by default, intended to be compatible with the existing character of the area.

The requested GB District is consistent with the Pedestrian Specialty Centers Category.

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	

INFRASTRUCTURE CONSIDERATIONS

Transportation

A Traffic Impact Analysis (TIA) may be required with the future Civil Plan submittal if the use of the site generates more than 50-peak hour trips.

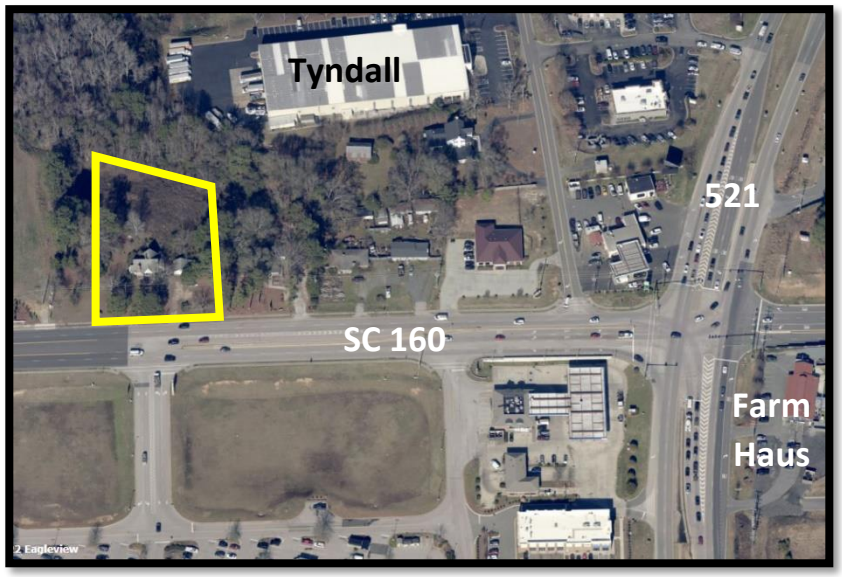
Public Utilities

The Lancaster County Water and Sewer District (LCWSD) is currently serving the site with water fed by a 12-inch line off S.C 160. The site does not currently have access to sewer. A developer would have to work with LCWSD on sewer access.

Public Schools

Not applicable.

PHOTOS OF PROJECT AREA:



An Ariel view of the subject property is visible on the left-hand side of the photo above.



Facing subject parcel



Facing West on S.C. 160



Facing East on S.C. 160



Facing out from subject parcel (Lowes is beyond)

STAFF RECOMMENDATION:

Staff recommends **Approval** of the request to rezone 2.9 acres (TM # 0008-00-007.00) from Mixed Use (MX) District to General Business (GB) District, pursuant to the following findings of fact:

1. That the subject project consists of the following parcel: TM # 0008-00-007.00);
2. That the subject property is currently zoned MX District and proposed to be rezoned GB District;
3. That the subject property has a Future Land Use designation of Neighborhood Mixed Use, and a Community Type of Walkable Neighborhood;
4. That the subject property has a Specialty Center designation of Pedestrian Center, and a Community Type of Walkable Activity Center; and
5. That the proposed GB District is generally consistent with the surrounding area which is comprised of GB, RB, and MX Zoning Districts.

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map

STAFF CONTACT:

Matthew Blaszyk, Planner
mblaszyk@lancastersc.net | 803-416-9380

Lancaster County
South Carolina

Planning Department
P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@lancastercountysc.net
www.mylancastersc.org

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- Deed and survey plat or boundary survey
- Fees associated with review

GENERAL INFORMATION

Property Address 1608 Fort Mill Hwy

City Indian Land (FM) State SC Zip 29707 Tax Parcel ID 0008-00-007.00

Current Zoning MX Current Use Vacated Residential Dwelling

Proposed Zoning GB Total Acres +/- 2.9 ACS

Project Description Future Commercial Development (TBD)

Surrounding Property Description Retail, Apartments

CONTACT INFORMATION

Applicant Name George Banks McGinn, Sallie Cooper

Address 1825 Shady Pine Circle

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

George Barker McGhee — 11/2/22

Applicant — Date

George Barker McGhee — 11/2/22

Property Owner(s) — Date

Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS 1. Submit Application

- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Rezoning Application Fee – single parcel $435.00
- Rezoning Application Fee – multi parcel $610.00

2. Planning Commission

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. County Council

2006000339

DEED
RECORDING FEES $11.00
EXEMPT
PRESENTED & RECORDED:
01-09-2006 02:54 PM
JOHN LANE
REGISTER OF DEEDS
LANCASTER COUNTY, SC
By: CANDICE KIRKLEY DEPUTY
BK:DEED 316
PG:200-204

RECORDED THIS 13th DAY OF JANUARY, 2006
IN BOOK O PAGE M-01

Cheryl L. Morgan
Auditor, Lancaster County, SC

LANCASTER COUNTY ASSESSOR
Tax Map:
0008 00 007 00

LE TO REAL ESTATE
ROBERT H. BREAKFIELD
Attorney at Law
DEED PREPARED ONLY
NO TITLE SEARCH

KNOW ALL MEN BY THESE PRESENTS, That I, **GRACE McGINN** (hereinafter referred to as the "Grantor") in consideration of the sum of **Love and Affection** to me in hand paid at and before the sealing of these Presents by **SALLIE E. COOPER and GEORGE BANKS McGINN** of 1825 Shady Pine Circle, Fort Mill, SC, 29715 (hereinafter referred to as the "Grantee") (the receipt whereof is hereby acknowledged) have granted, bargained sold and released and by these Presents do grant, bargain, sell and release unto the said Grantee, their heirs and assigns, RESERVING TO HERSELF A LIFE ESTATE, the following described property, to wit:

PROPERTY DESCRIPTION

Please see attached legal description

TOGETHER with all and singular the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the said premises before mentioned unto the said Grantee, their heirs and assigns forever.

And the said Grantor hereby binds herself and her heirs and assigns, to warrant and forever defend all and singular the said Premises unto the said Grantee, their heirs

Witness my Hand and Seal this 5 day of Dec in the year of our Lord Two Thousand and Five and in the two hundred and twenty-ninth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Tammy D Ford

Robert H Bryant

Grace B. McGinn
Grace McGinn

STATE OF SOUTH CAROLINA)
)
COUNTY OF)

PERSONALLY APPEARED before me the undersigned witness and made oath that _he saw GRACE McGINN, sign, seal, and as her act and deed, deliver the within written Deed for the uses and purposes therein mentioned and that _he, with the other witness, whose signature appears above, witnessed the execution thereof.

Tammy D Ford
Witness

SWORN to before me this
5 day of Dec, 2005.

Robert H Bryant
Notary Public for South Carolina
My Commission Expires: 08-16-2015

PROPERTY DESCRIPTION

All that interest in that certain parcel or land lying and being in Lancaster County, South Carolina and being more particularly described as follows: Lots 10, 11, 12, 13 and 14 on South Carolina Highway No. 160, in Pleasant Valley section of the Indian Land Township, and more particularly described in a map surveyed December 29, 1947, by L. E. Carothers, Surveyor, and recorded in the Public Records of Lancaster County, South Carolina.

This being a portion of the entire property conveyed by Deed of S. E. Bailes and wife, Mrs. S. E. Bailes to W. C. McGinn, Jr. and wife, Grace McGinn dated March 16, 1950, recorded in Deed Book A-4, Page 602.

DERIVATION:
Deed of Sallie E. Cooper and George Banks McGinn to Grace McGinn, recorded January 9, 2006 in Book 316 at Page 193 in the Office of the Clerk of Court for York County, South Carolina.

STATE OF SOUTH CAROLINA)
) AFFIDAVIT
COUNTY OF Lancaster)

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.

2. The property being transferred is located in Lancaster County, bearing Tax Map Number _____ and was transferred by Grace McGinn to Sallie E. Cooper & George Banks McGinn on December 5, 2005.

3. Check one of the following: The deed is

(a) ___ subject to the deed recording fee as transfer for consideration paid or to be paid in money or money's worth in the amount of $_____.

(b) ___ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.

(c) ✓ exempt from the deed recording fee because (See Information): #8, Love & Affection

(If exempt, skip items 4-7 and go to item 8.)

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information):

(a) ___ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $_____.

(b) ___ The fee is computed on the fair market value of the realty which is _____.

(c) ___ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.

5. Check Yes _____ or No _____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____.

6. The deed recording fee is computed as follows:

(a) Place the amount listed in item 4 above here: $_____

(b) Place the amount listed in item 5 above here: $_____

I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Robert H Bengel

SWORN to before me this 9th day of Jan., 2006

Patricia Davis

Notary Public for S.C.

My commission expires: 1-21-2009

INFORMATION

Except as provided in this paragraph, the term "value" means "the consideration paid or to be paid in money or money's worth for the realty." Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Exempted from the fee are deeds,

(1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;

(2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;

(3) that are otherwise exempted under the laws and Constitution of this State or of the United States;

(4) transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);

(5) transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interest in the realty that are being exchanged in order to partition the realty;

(6) transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39;

(7) that constitute a contract for the sale of timber to be cut;

(8) transferring realty to a corporation, partnership, or a trust in order to become, or as, a stockholder, partner or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership, or trust;

(9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "family trust" is a trust in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, siblings, brothers, children, stepchildren, and the spouses and lineal descendants of any the above. A "charitable entity" means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A);

(10) transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;

(11) transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership; and,

(12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed.

(13) transferring realty subject to a mortgage to the mortgagee whether by deed in lieu of foreclosure executed by the mortgagor or deed executed pursuant to foreclosure proceedings;

(14) transferring realty from an agent to the agent's principal in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty.

(15) transferring title to facilities for transmitting electricity that is transferred, sold, or exchanged by electrical utilities, municipalities, electric cooperatives, or political subdivisions to a limited liability company which is subject to regulation under the Federal Power Act (16U.S.C. Section 79(a)) and which is formed to operate or to take functional control of electric transmission assets as defined in the Federal Power Act.

LANCASTER COUNTY ASSESSOR
Tax Map:
0008 00 007 00

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)
)
IN THE MATTER OF:)
GRACE B. MCGINN)
(Decedent))

IN THE PROBATE COURT

DEED OF DISTRIBUTION
(Real Property Only)
NOT A WARRANTY DEED

CASE NUMBER: 2016ES2900511

RECORDED THIS 11th DAY OF OCTOBER, 2017 IN BOOK 0 PAGE 0

Susan D. Hunter Wallace
Auditor, Lancaster County,

The undersigned states as follows:

Decedent died on SEPTEMBER 4, 2016; and probate of the Estate is being administered in the Probate Court for LANCASTERCounty, South Carolina, in File #2016ES2900511.

I/We was/were appointed Personal Representative (s) on OCTOBER 26, 2016.

2017014969
DEED OF DISTRIBUTION
RECORDING FEES $10.00
PRESENTED & RECORDED:
10-06-2017 03:29 PM
JOHN LANE
REGISTER OF DEEDS
LANCASTER COUNTY, SC
By: CANDICE PHILLIPS DEPUTY
BK:DEED 1087
PG:274-276

Decedent owned real property described as follows:

Tax Map Number: 0008-00-007

Street/Property Address:

Legal Description: SEE ATTACHED LEGAL DESCRIPTION

☐ Additional sheet(s) for additional property(ies) is attached (check if applicable)

This transfer is made pursuant to:

In accordance with the laws of the State of South Carolina, the Personal Representative(s) does/do hereby release all of the Personal Representative's(s') right, title and interest, including statutory and/or testamentary powers, over the real property described to the beneficiaries named below:

Name: GEORGE BANKS MCGINN
Address: 1825 SHADY PINE CIRCLE
FORT MILL, SC 29715

Name: SALLIE COOPER
Address: 10 SHADED WAY
ROUND ROCK, TX 78664

Name: ____
Address: ____
____

Name: ____
Address: ____
____

□ Additional sheet(s) for names of additional beneficiaries is attached (check, if applicable)

IN WITNESS WHEREOF the undersigned, as Personal Representative(s) of the above Estate, has executed this Deed of Distribution, on this 28 day of SEPTEMBER, 2017.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Witness: Patricia Davis

Print Name: PATRICIA DAVIS

Witness : _____

Print Name: ROBERT H. BREAKFIELD

Estate of: GRACE B. MCGINN
Signature of Personal Representative: George Banks McGinn

Print Name: GEORGE BANKS MCGINN

If applicable,
Signature of Co-Personal Representative: _____

Print Name: ____

STATE OF SOUTH CAROLINA)
)
)

ACKNOWLEDGMENT

COUNTY OF YORK

I, KELLY S. SUMWALT, Notary Public, a notary for the State of South Carolina do hereby certify that GEORGE BANKS MCGINN, as Personal Representative(s) of the Estate of GRACE B. MCGINN, personally appeared before me this day and acknowledged the due execution of the foregoing Deed of Distribution.

Witness my hand and seal this the 28 day of September, 2017.

Legal Description

All that interest in that certain parcel or land lying and being in Lancaster County, South Carolina and being more particularly described as follows: Lots 10, 11, 12, 13, and 14 on South Carolina Highway No. 160, in Pleasant Valley Section of the Indian Land Township, and more particularly described in a map surveyed December 29, 1947, by L.E. Carouthers, Surveyor, and recorded in the Public Records of Lancaster County, South Carolina.

This being a portion of the entire property conveyed by Deed of S. E. Bailes and wife, Mrs. S. E. Bailes to W. C. McGinn, Jr. and wife, Grace McGinn dated March 16, 1950, recorded in Deed Book A-4, page 602.

DERIVATION: This being the identical property conveyed to Grace McGinn by deed of Sallie E. Cooper and George Banks McGinn, recorded January 9, 2006 in Deed Book 316, page 193, Office of the Clerk of Court for Lancaster County, SC.

Federal Stamp $ 1.10

State Doc. Stamp $ 2.00

The R. L. Bryan Company, Columbia, S. C. 29226

STATE OF SOUTH CAROLINA,
COUNTY OF LANCASTER.

TITLE TO REAL ESTATE—A-4

KNOW ALL MEN BY THESE PRESENTS, THAT

We, S. E. Bailes and wife, Mrs. S. E. Bailes of Eustis, Florida

of the State aforesaid in consideration of the sum of

Six hundred and twenty-five and no/100 DOLLARS

to us in hand paid at and before the sealing of these presents by W. C. McGinn, Jr. and Wife, Grace

of the State aforesaid the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said W. C. McGinn, Jr. and wife, Grace, the following described property, to wit:

All that certain parcel of land lying and being in Lancaster County, South Carolina andbeing more particularly described as follows: Lots 10, 11, 12, 13 and 14 on South Carolina Highway No. 160, in Pleasant Valley Section of the Indian Land Township, and more particularly described in a map surveyed December 29, 1947, by L. E. Carothers, Surveyor, and recorded in the Public Records of Lancaster County, South Carolina.

TOGETHER with all and singular, the Rights, Members, Hereditaments, and Appurtenances to the said Premises belonging, or in any wise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned, unto the said W. C. McGinn, Jr. and wife, Grace, their Heirs and Assigns forever.

AND We do hereby bind ourselves, our Heirs Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said W. C. McGinn, Jr. and wife, Grace, their Heirs and Assigns, against ourselves and our Heirs, Executors, Administrators and Assigns and all other persons whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS Our Hands and Seals this 4th day of February in the year of our Lord one thousand nine hundred and Forty-eight and in the one hundred and Seventy-second year of the Sovereignty and Independence of the United States of America.

Signed, sealed and delivered in the presence of

Ruth A. Wirth

J. R. Ashmore

S. E. Bailes (L.S.)

Mrs. S. E. Bailes (L.S.)

THE STATE OF SOUTH ~~CAROLINA~~ FLORIDA
COUNTY OF ~~LANCASTER~~ LAKE

PERSONALLY appeared before me Ruth A. Wirth and made oath that she saw the within-named S. E. Bailes and Mrs. S. E. Bailes sign, seal, and as their Act and Deed deliver the within-written Deed; and that with J. R. Ashmore witnessed the execution thereof.

Sworn to before me, this 4th day of March, 19 48

Ruth A. Wirth

J. R. Ashmore

N. P. for Florida (L.S.)

My comm. exp. Sept. 14, 1949

Notary Public for South Carolina. Florida

THE STATE OF SOUTH CAROLINA

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Witness #1

George Dark McGinn
Sallie M Cooper
By:
Its:

Witness #2

STATE OF South Carolina **ACKNOWLEDGMENT**

)

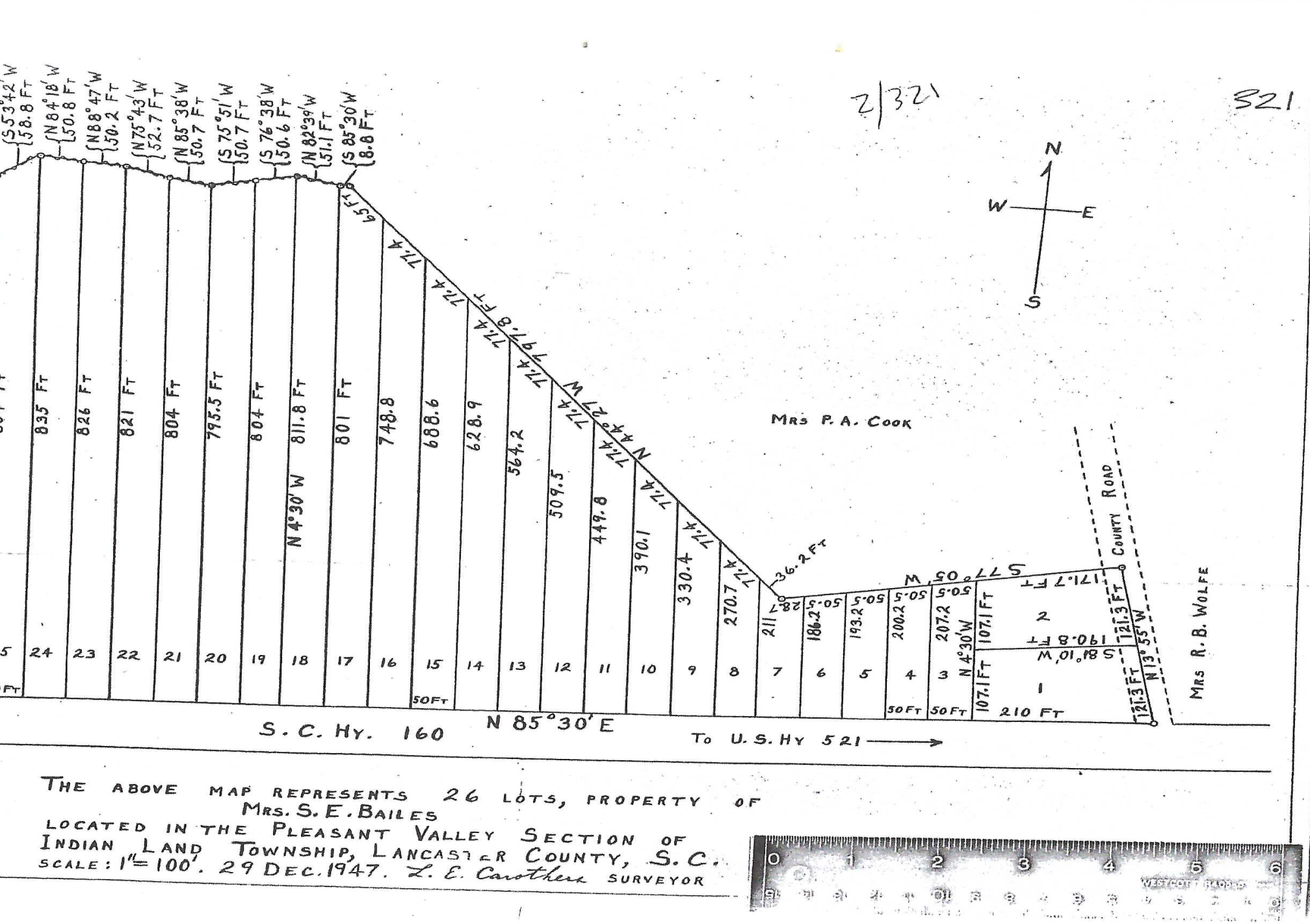
COUNTY OF York)

I, Kelly M Clark, a Notary Public for the State of South Carolina, do hereby certify that George B. McGinn + Sallie M. Cooper personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal this 4th day of Sept 2020.

Kelly M Clark (SEAL)
Notary Public for State of South Carolina
My commission expires: 4/28/2027

KELLY M. CLARK NOTARY PUBLIC MY COMMISSION EXPIRES 4/28/2027 SOUTH CAROLINA



THE ABOVE MAP REPRESENTS 26 LOTS, PROPERTY OF MRS. S. E. BAILES LOCATED IN THE PLEASANT VALLEY SECTION OF INDIAN LAND TOWNSHIP, LANCASTER COUNTY, S. C. SCALE: 1" = 100'. 29 DEC. 1947. L. E. Carothers SURVEYOR

STATE OF SOUTH CAROLINA	)	**REQUEST TO BE REMOVED FROM ORDINANCE 2020-1686 AND RELEASE OF CLAIMS** D.B. MS
	)	
	)	
COUNTY OF LANCASTER	)	

The undersigned is the owner of real property identified by Tax Map No. 0008-00-007.00 (168 Foxx Mill Hwy) and subject to Lancaster County initiated rezoning bearing Planning Commission Case No. RZ-020-1614 and Ordinance 2020-1686.

The undersigned acknowledges that their property currently has a mixed-use zoning designation, but the property does not meet the minimum acreage required for development of the property as a mixed-use property. The undersigned acknowledges that he/she/it has requested that Lancaster County remove the property from the aforesaid rezoning ordinance as the undersigned believes that there is a reasonable and foreseeable possibility that a developer will purchase the property and combine it with adjacent properties for a development project. The undersigned understands and acknowledged that, unless rezoned or combined with adjacent properties, the subject property is not capable of development as a mixed-use property with its current zoning designation. The undersigned acknowledges and agrees that the pending rezoning application by Lancaster County would remedy the nonconformity of the property and allow marketability and development under a new zoning designation.

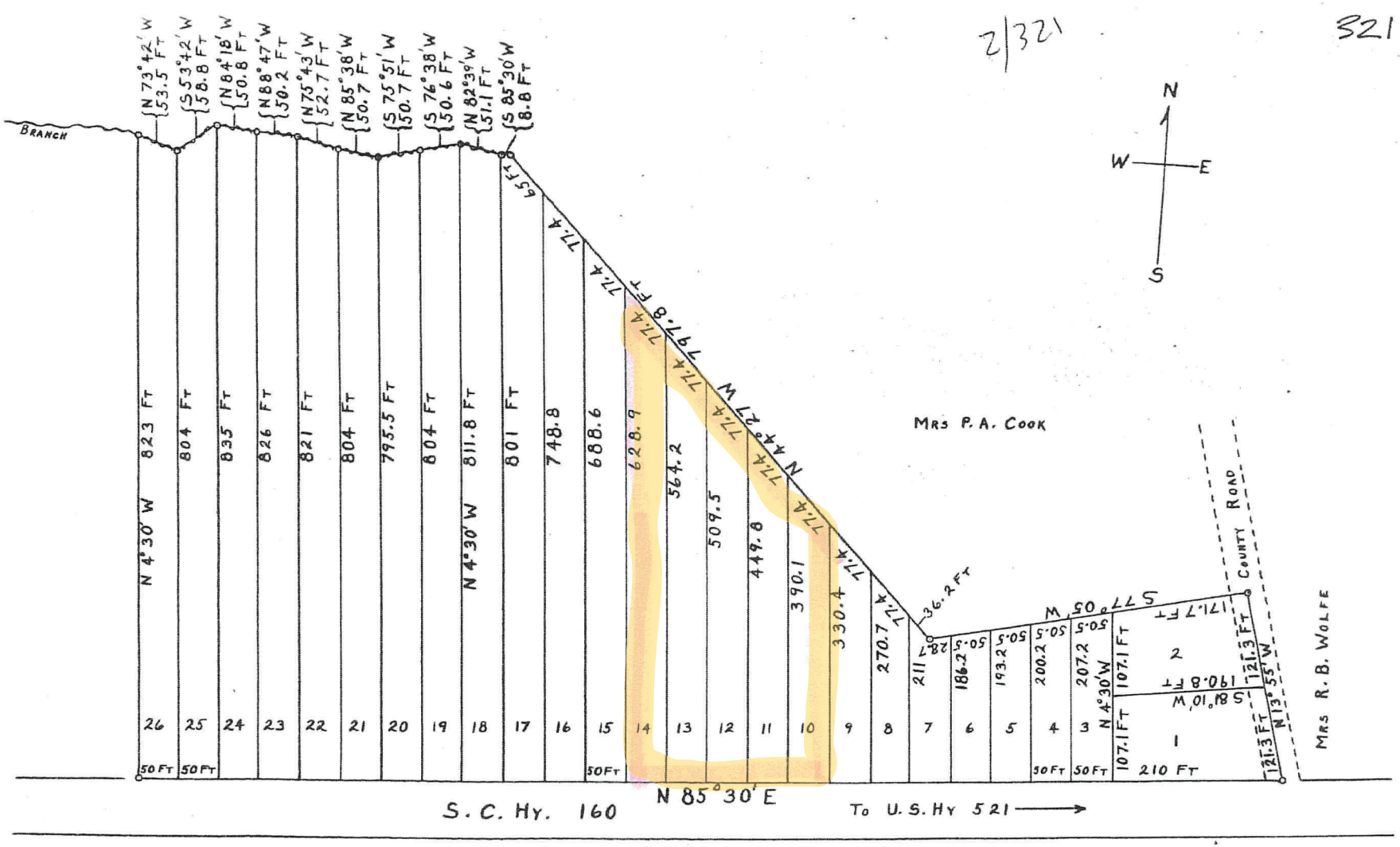
D.B.M

The undersigned, having requested removal from the rezoning ordinance that would remedy the property's nonconformity, on behalf of himself/herself/itself and its successors and assigns, hereby releases Lancaster County from all causes of action and claims for damages, whether present or future, know or unknown, that arise from the property's current zoning designation. The undersigned acknowledges that Lancaster County has agreed to remove the property from the pending rezoning ordinance at the undersigned's request and that the request is voluntarily made without duress or coercion.

The undersigned agrees and acknowledges that the zoning designation of the real property may be revisited periodically by Lancaster County and, if the property remains in non-conformity for a period of time greater that eighteen (18) months, Lancaster County may contact the undersigned to discuss a potential rezoning of the real property. The undersigned acknowledges that Lancaster County has agreed to waive rezoning fees associated with a future rezoning application of the subject property, if such rezoning is needed, to bring the subject property into compliance with applicable development standards.

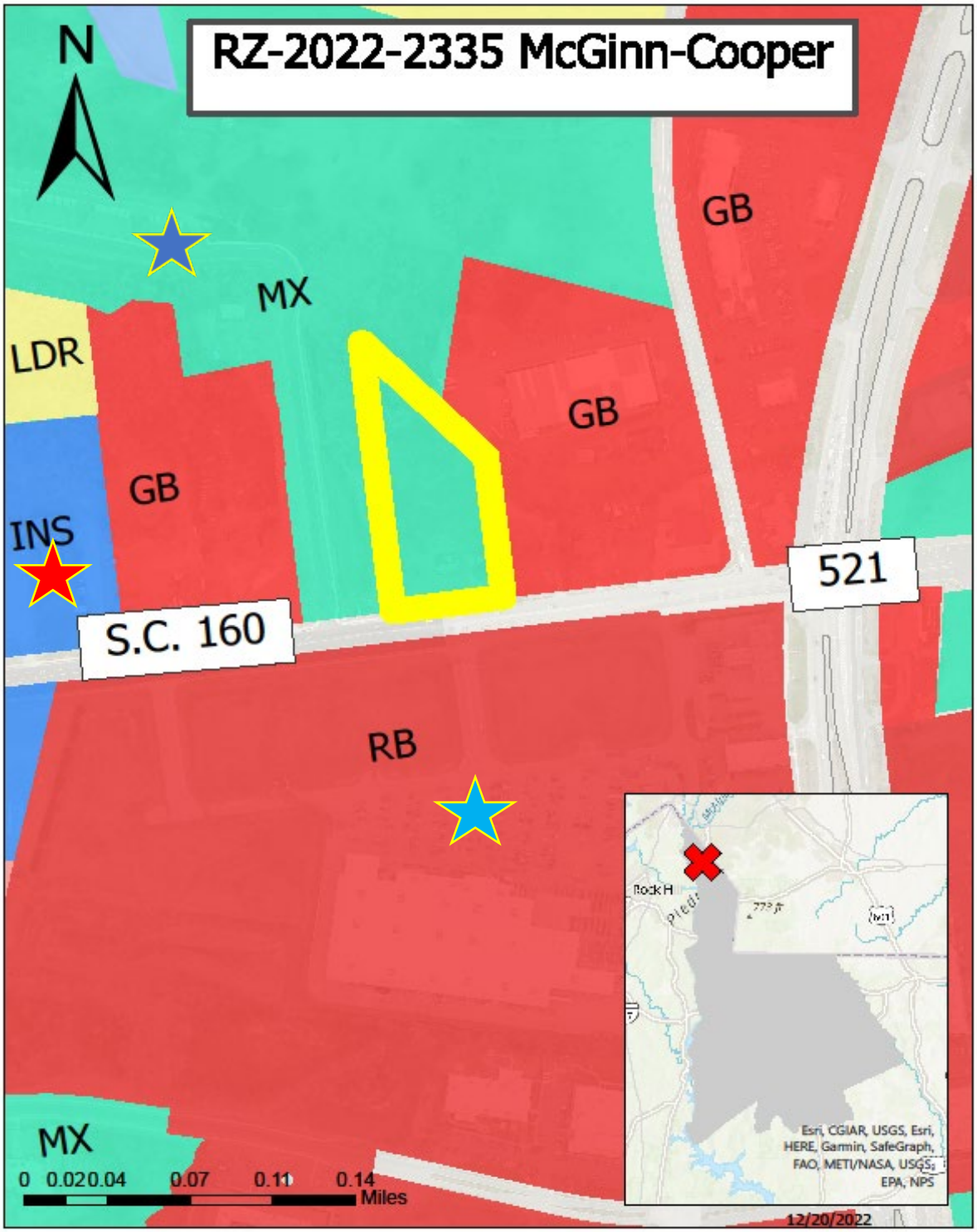
2/321

321



THE ABOVE MAP REPRESENTS 26 LOTS, PROPERTY OF MRS. S. E. BAILES LOCATED IN THE PLEASANT VALLEY SECTION OF INDIAN LAND TOWNSHIP, LANCASTER COUNTY, S.C. SCALE: 1" = 100'. 29 DEC. 1947. L. E. Carothers SURVEYOR

TAX PARCEL 008-00-007.00



Lancaster County
South Carolina

Proposal:
Rezoning: MX to GB

Subject Property

Capital Club Apartments

Pleasant Hill Methodist Church

Lowe's

Agenda Item Summary

Ordinance # / Resolution #: RZ-2022-2317 Kershaw Depot
Contact Person / Sponsor: M. Blaszyk
Department: Planning
Date Requested to be on Agenda: 1/17/2023

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	1/10/2023	Planning Staff Report
Application	1/3/2023	Exhibit
Proposed Plat	1/3/2023	Exhibit
Location Map	1/3/2023	Exhibit

PROPOSAL:	Request to rezone 0.31 acres of property
PROPERTY LOCATION:	106 N. Cleveland Street, adjacent to TM# 0156I-0R-008.00
CURRENT ZONING DISTRICT:	Unzoned (Former Railroad ROW)
PROPOSED ZONING DISTRICT:	B1 Central Business
APPLICANT:	Town of Kershaw
COUNCIL DISTRICT:	Kershaw Town Council
STATUTORY NOTICES:	Sign(s) posted 12/29/2022 at 106 N. Cleveland Street Hearing notice published 12/31/2022 in The Lancaster News Mailed notices 12/28/2022 Posted agenda in lobby [1/10/2023]

OVERVIEW:

Proposal

The applicant has requested to rezone a parcel 0.31 acres in size. The subject property was previously used as a railroad depot. The intent is to use the Old Depot building as office space for Haile Gold Mine.

Site Information

The parcel proposed to be zoned is currently part of Right-Of-Way (ROW) decommissioned by Norfolk Southern Railroad and deeded to Town of Kershaw. Access will be provided by North Cleveland Street.

Summary of Adjacent Zoning and Uses

The property is surrounded predominantly by B1, R6, and R15 zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Town of Kershaw	Unzoned;	Decommissioned ROW;
South	Town of Kershaw	Unzoned;	Decommissioned ROW;
East	Town of Kershaw	B1	Town of Kershaw Library
West	Town of Kershaw	R6, R15	Residential; Business

ANALYSIS & FINDINGS:

Zoning Districts

As previously noted, the subject property is currently unzoned.

Requested District B1

Kershaw UDO Chapter 2.1 describes the requested B1 District as “designed to accommodate the office, governmental, and institutional needs of the community. The district is also designed to provide for and promote concentrated development of retail establishments and personal and business services to supply the needs of residents, transients, and business and industry in the town center as well as in the entire

travel area. Land uses in this district are not subject to the off-street parking requirements at Chapter 11. If located above the ground floor, dwellings are allowed in this district. Uses which involve the open storage of junk, salvage, used auto parts or building materials shall be prohibited".

Compatibility with Surrounding Area

As noted previously, the subject property is predominately surrounded by B1, R6, and R15 districts. Adjacent uses are mixed commercial, government and residential.

INFRASTRUCTURE CONSIDERATIONS

Transportation

A traffic study will not be required with the future change of use.

Public Utilities

The Town of Kershaw is currently providing this site with water and sewer access.

Public Schools

Not applicable.

PHOTOS OF PROJECT AREA:



Aerial view of: Subject parcel can be seen above



View of the former Norfolk Southern Station off North Cleveland Street.



Facing out from subject parcel onto North Cleveland Street



Facing former depot and hopper cars on the rail line on the north side of parcel



Facing hopper cars at the southern portion of the parcel

STAFF RECOMMENDATION:

Staff recommends **Approval** of the request to rezone 0.31 acres of land (adjacent to TM# 0156I-0R-008.00) to the Central Business (B1) District, pursuant to the following findings of fact:

1. That the subject project consists of the following parcel: adjacent to TM# 0156I-0R-008.00 (see plat);
2. That the subject property is currently unzoned, and proposed to be rezoned Central Business (B1) District; and
3. That the proposed B1 District is generally consistent with the surrounding area, which is comprised of B1, R6, and R15 Districts.

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map
3. Survey Plat of site

STAFF CONTACT:

Matthew Blaszyk, Planner
mblaszyk@lancastersc.net | 803-416-9380

Lancaster County
South Carolina

Planning Department
P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@lancastercountysc.net
www.mylancastersc.org

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- Deed and survey plat or boundary survey
- Fees associated with review

GENERAL INFORMATION

Property Address ___106 North Cleveland _____

City __Kershaw_____ State _SC____ Zip _29067_____ Tax Parcel ID _____

Current Zoning ___None_____ Current Use _Haile Gold Mine Office_____

Proposed Zoning _B1 Central Business_____ Total Acres __Unknown_____

Project Description _This property is located between W. Marion St. and W. Richland St. and id housed by an old Train Depot which now serves purpose Oceana Gold/Haile Gold Mine Office space. This area has never been zoned. The Surrounding properties are zoned B1 Central Business to the rear, and B3 General Commercial to front of the property. The Town of Kershaw wishes to zone this area, B3 General Commercial.

Surrounding Property Description. The Surrounding properties are zoned B1 Central Business to the rear, which is Hampton St. and B3 General Commercial to front of the property Cleveland St.

CONTACT INFORMATION

Applicant Name _Town of Kershaw_____

Address __113 S. Hampton St._____

City __ Kershaw_____ State _SC____ Zip _29067_____ Phone __803-475-6065_____

Fax __803-475-4405_____ Email _____ryan.mclemore@townofkershawsc.gov_____

Property Owner Name ___Ocean Gold _____

Address __106 N. Cleveland St._____ _____

City __Kershaw_____ State _SC_____ Zip __29067_____ Phone _____

Fax _____ Email _____

 APPLICATION CERTIFICATIONS

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Town of Kershaw / Kya McKenzie — 10-27-2022

Applicant — Date

_____ _____

Property Owner(s) — Date

Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS 1. **Submit Application**

- The deadline for this application is at least 30 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.

2. **Planning Commission**

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans. □
  Makes a recommendation to the County Council.

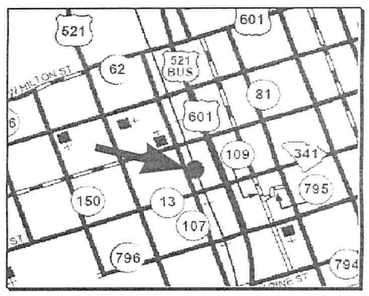
3. **County Council**

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval.
- Subsequent to final County Council action on rezoning, notice of action will be provided to the applicant, owner, and adjacent property owners.

General Notes

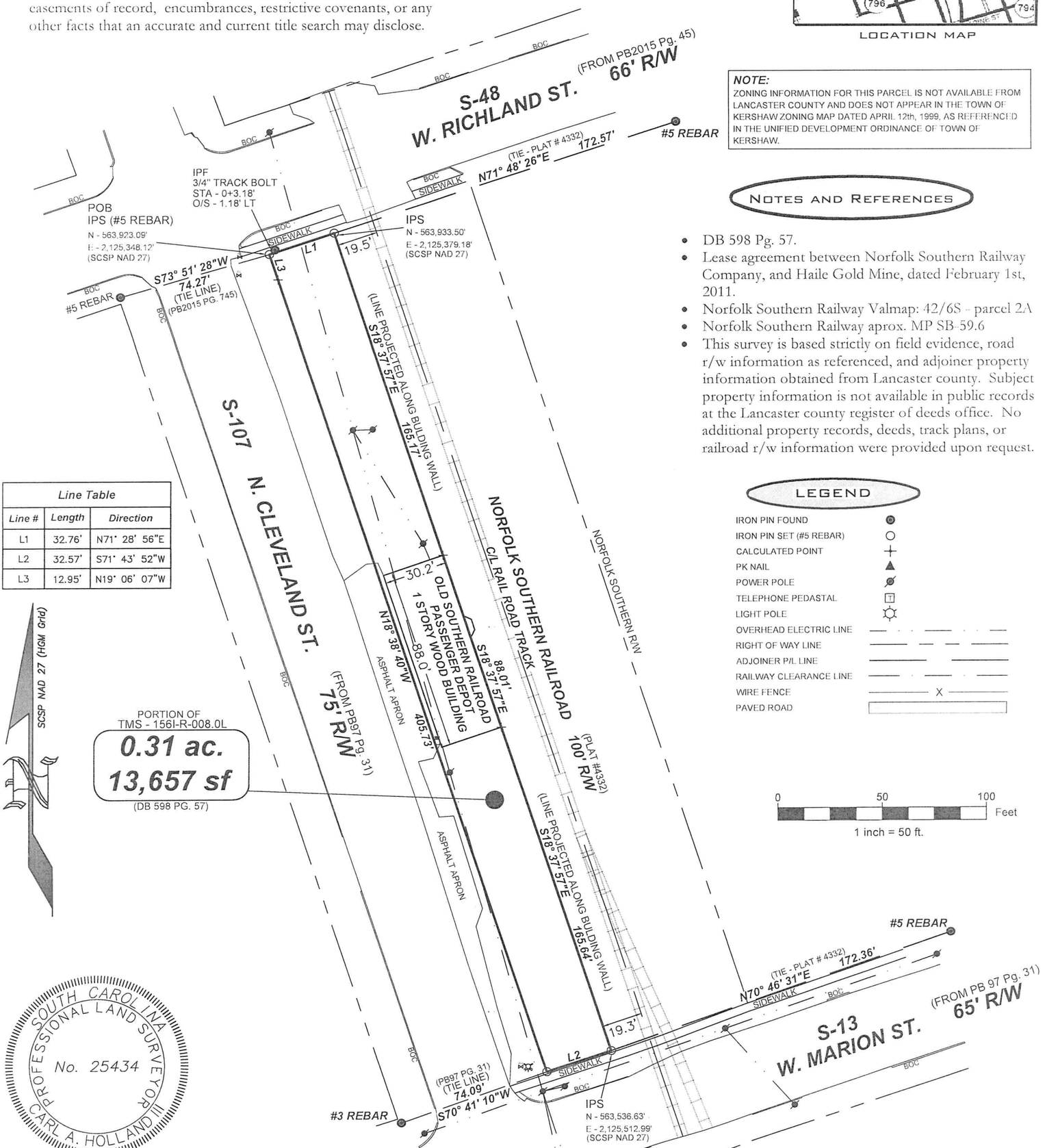
- All distances are Horizontal Grid unless otherwise noted.
- All areas computed by Coordinate Geometry Method unless otherwise noted.
- Horizontal Datum: SCSP NAD 27 (HGM Grid)
- Flood zone analysis was not performed as part of this survey.
- HSLLC has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, or any other facts that an accurate and current title search may disclose.

THE FOLLOWING NOTE IS REQUIRED ON ANY PLAT SUBMITTED FOR APPROVAL IN LANCASTER COUNTY. PLEASE CONTACT LANCASTER COUNTY ADMINISTRATOR AT 803-416-9300 FOR ANY CLARIFICATION REQUIRED AS TO THE INTENT OF THIS NOTE.
COUNTY NOTE:
AT THE TIME OF FINAL PLAT SUBMITTAL, ALL ROADS ON THE PLAT SHALL BE CLASSIFIED AS EITHER PUBLIC OR PRIVATE FOR MAINTENANCE PURPOSES. IF ROADS ARE INDICATED TO BE PUBLIC, THE ROAD WILL NOT BE ACCEPTED INTO THE COUNTY ROAD SYSTEM UNTIL THE ROAD IS ACCEPTED THROUGH THE ESTABLISHED COUNTY PUBLIC ROAD PROCEDURE.



LOCATION MAP

NOTE:
ZONING INFORMATION FOR THIS PARCEL IS NOT AVAILABLE FROM LANCASTER COUNTY AND DOES NOT APPEAR IN THE TOWN OF KERSHAW ZONING MAP DATED APRIL 12th, 1999, AS REFERENCED IN THE UNIFIED DEVELOPMENT ORDINANCE OF TOWN OF KERSHAW.



Line Table		
Line #	Length	Direction
L1	32.76'	N71° 28' 56"E
L2	32.57'	S71° 43' 52"W
L3	12.95'	N19° 06' 07"W

Notes and References

- DB 598 Pg. 57.
- Lease agreement between Norfolk Southern Railway Company, and Haile Gold Mine, dated February 1st, 2011.
- Norfolk Southern Railway Valmap: 42/6S - parcel 2A
- Norfolk Southern Railway aprox. MP SB-59.6
- This survey is based strictly on field evidence, road r/w information as referenced, and adjoiner property information obtained from Lancaster county. Subject property information is not available in public records at the Lancaster county register of deeds office. No additional property records, deeds, track plans, or railroad r/w information were provided upon request.

LEGEND

- IRON PIN FOUND
- IRON PIN SET (#5 REBAR)
- CALCULATED POINT
- PK NAIL
- POWER POLE
- TELEPHONE PEDASTAL
- LIGHT POLE
- OVERHEAD ELECTRIC LINE
- RIGHT OF WAY LINE
- ADJOINER P/L LINE
- RAILWAY CLEARANCE LINE
- WIRE FENCE
- PAVED ROAD

0 50 100 Feet
1 inch = 50 ft.

I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class "B" survey as specified therein.

Carl A. Holland III

Carl A. Holland, III – SCPLS # 25434 – 170 Payne Pond. Rd, Westville SC, 29175

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HSLLC PROJ. NO.: NA
CADD FILE: FINAL-03.1022-RR-DEPOT.DWG
DATE: 3/1/22
DRAWN BY: KH
SCALE: 1" = 50'
SHEET NO.: 1 OF 1

HSLLC Holland Surveyors, LLC

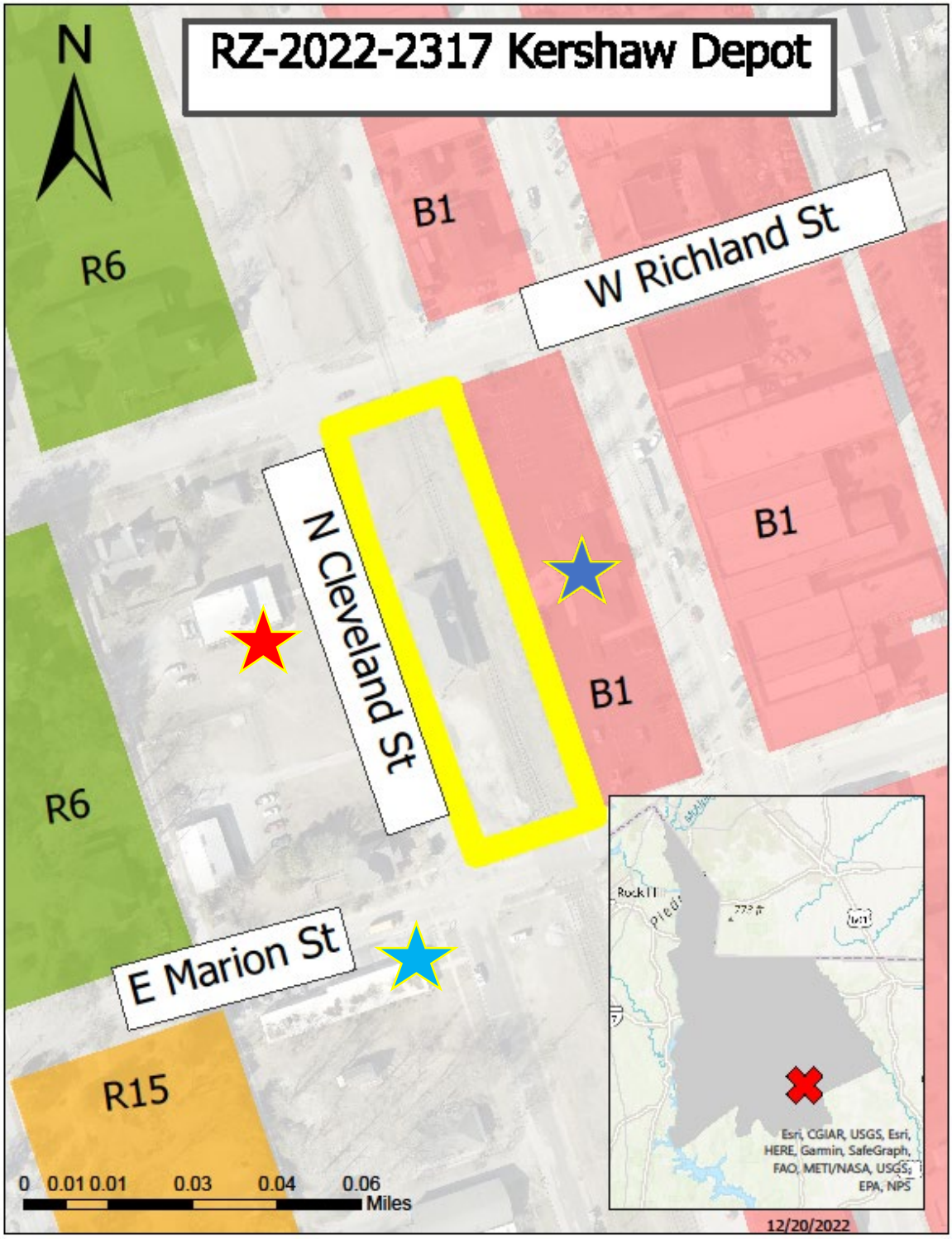
NO.	REVISION/ISSUE	DATE

SUBDIVISION SURVEY
PORTION OF
TMS# 156I-R-008.0L
OLD SOUTHERN RAILROAD PASSENGER DEPOT
FOR
OCEANA GOLD - HAILE OPERATION

LOCATED ON
N. CLEVELAND ST.
IN THE TOWN OF KERSHAW
LANCASTER COUNTY

REFERENCES: SEE PLAT

SOUTH CAROLINA
HOLLAND SURVEYORS, LLC
No. 4022
CERTIFICATE OF AUTHORIZATION



Lancaster County
South Carolina

Proposal:
Rezoning: Unzoned to B1

Subject Property

Kershaw Town Hall

Kershaw Telephone Co.

Thomas Drug Store

Agenda Item Summary

Ordinance # / Resolution #: CU-2022-2126 Corey Baker * DEFERRED
Contact Person / Sponsor: A. Davis
Department: Planning
Date Requested to be on Agenda: 1/17/2023

Issue for Consideration:
Applicant has requested deferral to the February 21, 2023 Planning Commission Meeting

Points to Consider:

Recommendation:

Agenda Item Summary

Ordinance # / Resolution #: UDO-TA-2022-2606 Chapters 2 and 4
Contact Person / Sponsor: R. Burhans
Department: Planning
Date Requested to be on Agenda: 1/17/2023

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	1/10/2023	Backup Material
Application	1/10/2023	Backup Material
Draft Chapter 2	1/10/2023	Backup Material
Draft Chapter 4-Version 1	1/10/2023	Backup Material
Draft Chapter 4-Version 2	1/10/2023	Backup Material

PROPOSAL:	Amend Unified Development Ordinance Chapters 2 and 4: Standards for Medium Density Residential District and Cluster Subdivision Overlay District.
APPLICABLE CHAPTER(S):	UDO Chapters 2 and 4
APPLICANT:	Lancaster County
STATUTORY NOTICES:	Hearing notice published 12/31/2022 in The Lancaster News And 1/11/2023 in Carolina Gateway Posted agenda in lobby 1/10/2023

PROJECT SUMMARY & PROPOSAL:
Growth management has been an active discussion with the County Council over the course of the last several months. With the previously proposed Interim Ordinance being disapproved, active discussion and citizen engagement has occurred prompting the County Council to initiate proposed changes to the Medium Density Residential (MDR) Zoning District and its associated Cluster Subdivision Overlay District (CSOD).

The underlying intent of the amendments (as understood by staff) include: 1) Decreasing density of residential developments, 2) Increasing residential lot sizes, 3) Increasing useable open space acreage in neighborhoods, 4), Breaking up residential block faces, and 5) Expanding driveway parking within neighborhoods.

The proposed amendments are also a recognition that additional rezonings may be forthcoming in association with the Cane Creek Basin Sewer Extension Project (i.e. Roselyn) and wishing to be better prepared for future growth in this area prior to completion of the full rewrite of the UDO.

OUTLINE OF TEXT AMENDMENT:
The following sections of the UDO are proposed to be amended:

UDO Section 2.4 (Dimensional Table): The changes to this section include the following items:

- Increases MDR District front setback to 40-ft for garages only (provide more driveway parking)
- Increases MDR District lot area to 12,000 sq. ft. to better accommodate setback changes and create lots more in keeping with Lancaster County character
- Reduces density to 2.0 dwelling units per-acre (from 2.5). The current density limit has never been achieved under this UDO (to staff's knowledge). The proposed changes will further reduce density opportunities. Council (and staff) would like to have a more realistic maximum density.

- Notational changes at bottom of the dimensional table to implement modifications related to MDR District density calculation and open space. The amendments implementing these changes will apply to both Cluster Subdivisions and the MDR District and therefore staff is simply making references in the use table (for code writing efficiency). Under this amendment, conventional MDR projects will meet the same open space standards as the CSOD.

UDO Section 4.4.1: Cluster Subdivision Overlay District: At the 1/5/23 Planning Commission Workshop, there was feedback received to consider not having two distinct lot types in the proposed CSOD amendment. In place of distinct lot types, the suggestion was to establish a minimum 70-ft lot type and allow a lesser amount of smaller, 50-ft lot types. This suggestion also requires modifying the minimum lot areas and other CSOD sections.

Staff has proposed two versions of the Chapter 4 amendments for Planning Commission consideration that includes the version presented at the workshop (Version #1) and the alternative version (Version # 2). The alternative provisions in Version 2 have been highlighted in yellow. The remaining sections are consistent with Version 1. The following will outline the proposed changes to Chapter 4.

- Increases CSOD front setback for garages only to 40-ft (provide more driveway parking)
- Increases CSOD minimum lot area for 50-ft wide lots to 7,000 sq. ft. in recognition the existing minimum 5,000 sq. ft. lot area may not be in keeping with the character of Lancaster County. Minimum lot areas for 70-ft wide lots were established for the alternative ordinance version.
- Limits the amount of floodplain being eligible as required open space to 50%. The CSOD already prohibits stream channels, water bodies, and wetlands from being included (i.e. Primary Conservation land). This section also carries over the 5% park space requirement from the conventional MDR District to make the two sections consistent.
- Creates block face breaks in order to reduce the number of uninterrupted lots along a block face.
- Limits the site acreage used for density calculations. Under the proposed amendment, no more than 50% of Primary Conservation land and floodplain acreage may be used for calculating required density. The current UDO allows 100% to be included.
- Deleted Section K regarding formula calculations as it duplicates formulas already outlined in CSOD Sections 4.4.1.F and G.

Based on staff's findings, we offer the modifications attached to the Draft Ordinance for the Commission's consideration. For ease of reference, new text is referenced in red/underlined font and deletions are referenced in ~~strikethrough~~ font. The proposed language is found in Attachment 1.

FINDINGS AND CONCLUSIONS:
The proposed text amendment has been found to be consistent with the applicable provisions of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as with the applicable provisions of SC Code Title VI.

This amendment will improve the quality of new subdivisions within the MDR District and its associated CSOD by virtue of increasing lots sizes, incorporation of more useable open space, proving more onsite parking, and reducing uninterrupted block faces.

STAFF RECOMMENDATION:
Staff recommends **approval** of the proposed text amendment. Staff also recommends Planning Commission and County Council give further consideration regarding the proposed changes to the site acreage used in density calculations (i.e. 50% of Primary Conservation and floodplain) as it may challenge the feasibility of development projects.

ATTACHMENTS:
1. Proposed Text Amendment
2. TA Application

STAFF CONTACT:
Rox Burhans, Development Services Director
rburhans@lancastersc.net

Lancaster County
South Carolina

Planning Department
P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@lancastercountysc.net
www.mylancastersc.org

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant
- Fees associated with Application

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended: UDO Chapters 2 and 4

Current Text: Refer to Exhibit A

Proposed Text: Refer to Exhibit A

Description of Need for Proposed Text: The proposed UDO text amendment contemplates changes to the Medium Density Residential (MDR) District and the Cluster Subdivision Overlay District (CSOD). The changes are intended to address known issues with these districts related to front setbacks, usable open space, lot sizes, CSOD lot mix, block face lengths, and density calculation.

☐ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name: Lancaster County

Address: 101 North Main Street

City: Lancaster State: SC Zip: 29701 Phone: 803.416.9422

Fax: _____ Email: rburhans@lancastercounty.sc.net

APPLICATION CERTIFICATIONS

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Jenny E Marstall County Administrator — 1/2/23 — 1/10/23

Applicant — Date

N/A — _____

Property Owner(s) — Date

Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number 20222606 Date Received _____ Receipt Number _____

Amount Paid NA Check Number _____ Cash Amount _____

Received By JLB Planning Commission Meeting Date January 17, 2023

SCHEDULE/PROCESS

1. **Submit Application**
   - The deadline for this application is at least 30 days prior to the Planning Commission meeting, held every third Tuesday of the month.
   - Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
   - An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.

2. **Planning Commission**
   - Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
   - Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
   - Makes a recommendation to the County Council.

3. **County Council**
   - Approves, denies, or submits application to the Planning Commission for further study.
   - Action requires three readings for approval.

STANDARD	Low Density Residential (LDR)	Medium Density Residential (MDR	Professional Business (PB)	Neighborhood Business (NB)	General Business (GB)	Regional Business (RB)
1. DEVELOPMENT STANDARDS						
A. District/Development Area (min)	n/a	n/a	n/a	n/a	n/a	n/a
B. Development/District Exterior Setback/Buffer	n/a	n/a	n/a	n/a	n/a	n/a
C. Density (max)	1.5 unit/acre	~~2.5~~ 2.0 units/acre(6)	n/a	n/a	n/a	n/a
D. Open Space (min)	10%	20%(7)	n/a	n/a	n/a	n/a
E. Park Space (min)	5%	5%	n/a	n/a	n/a	n/a
2. LOT STANDARDS						
A. Lot Area (min)	29,040 sf	~~10,000~~ 12,000 sf	5,000 sf	n/a	n/a	n/a
B. Lot Width at Front Setback (min)	90 ft Water/Sewer OR 130 ft Septic See Below (5)	70 ft Water/Sewer OR 130 ft Septic See Below (5)	100 ft	100 ft	100 ft	100 ft
C. Pervious Surface (min)	45%	45%	24%	24%	24%	24%
3. PRINCIPAL BUILDING						
A. Principal Front Setback (min)	40 ft	30 ft/40-ft (8)	10 ft	25 ft	50 ft	50 ft
B. Street Side/Secondary Front Setback (min)	20 ft	15 ft	10 ft	10 ft	15 ft	15 ft
C. Side (from adjacent lot) Setback (min)	20 ft	10 ft	10 ft	10 ft	15 ft	15 ft
D. Rear Setback (min)	25 ft	25 ft	10 ft	10 ft	15 ft	15 ft
E. Other Standards	n/a	n/a	See Below (4)	See Below (4)	See Below (4)	See Below (4)
4. ACCESSORY STRUCTURE						
A. Side Setback	5 ft	5 ft	40 ft	40 ft	50 ft	50 ft
B. Rear Setback	5 ft	5 ft	30 ft	30 ft	30 ft	30 ft
C. Other Standards	See Below (1,3)	See Below (1, 2)	See Below (1, 2)	See Below (1,2)	See Below (1, 2)	See Below (1, 2)
5. PARKING CONFIGURATION						
A. Parking Location per Section 7.2.3	See Chart 7.2	See Chart 7.2		Per building type	Per building type	Per building type
B. Parking in Exterior Setback/Buffer	n/a	n/a	n/a	n/a	n/a	n/a
6. BUILDING HEIGHT						
A. Principal Building (max)	35 ft	35 ft	35 ft	35 ft or 3 stories (whichever is greater)	35 ft or 3 stories (whichever is greater)	50 ft
B. Accessory Structure (max)	2 stories	2 stories	35 ft	35 ft	35 ft	35 ft
C. Additional Height Permitted with Additional Setback	n/a	n/a	n/a	n/a	1 ft additional height permitted with each 2 ft horizontal setback	1 ft additional height permitted with each 2 ft horizontal setback

1. *Accessory structures over 600 sf must comply with principal setback requirement.*
2. *No accessory structures may be located on corner lots between the street and wall line of the principal structure.*
3. *No accessory structures may be located on corner lots between the street and wall line of the principal structure, unless front setback requirements are provided on both streets.*
4. *For any nonresidential structure which is located immediately adjacent to a single family residential use or district, the lot boundary line minimum distance shall be determined as follows: For every foot building height, the developer shall provide setbacks equal to the height of the building. At no time shall the setback be less than what is indicated in the above table.*
5. *Any development/subdivision connected to both public water and sewer shall utilize the alternate dimensional standards given in the table.*
6. Major subdivisions in the MDR District shall comply with the Maximum Density requirements of UDO Chapter 4: Cluster Subdivision Overlay District (UDO Section 4.4.1.G). This section establishes the amount

of environmentally encumbered acreage that may be included within the site area for calculating maximum residential density.

7. Major subdivisions in the MDR District shall comply with the Open Space Requirements of UDO Chapter 4: Cluster Subdivision Overlay District.
8. 40-ft front setback for front and side loaded garages only.

.

Amendment Version 1

4 OVERLAY DISTRICTS

4.4 CHARACTER PROTECTION OVERLAYS

4.4.1 CLUSTER SUBDIVISION OVERLAY DISTRICT (CSO)

The Cluster Subdivision Overlay District, is hereby established. Cluster subdivisions are residential developments which offer an alternative to traditional subdivision design, with the principle purpose being to encourage open space in medium density residential districts. Cluster subdivisions shall be designed using a site planning technique that concentrates buildings and structures to the most buildable areas of a site in order to preserve the remaining area as open space for recreation and preservation of significant site features. Reductions below the minimums otherwise required by the UDO for lot area, lot width, and setbacks are allowed within a CSO, and such reductions are only permissible within a CSO. By preserving open space, a cluster subdivision will provide another tool by which the County shall preserve its rural character. Cluster subdivisions are permitted in moderate density single family residential districts, specifically, Medium Residential District. Cluster subdivisions are not permitted in any other zoning districts. Development of a Cluster Subdivision requires submission of a Development Agreement (see UDO 9.2.18). (Ord. No. 2019-1623, 12.9.19) The following general provisions apply to the Cluster Subdivision Overlay District:

A. MINIMUM ACREAGE

The minimum tract area for a cluster subdivision shall be 30 gross acres [unless a larger minimum acreage is required as part of the Development Agreement Process (i.e. 25-acres of highland)], shall consist of contiguous parcels, and must adjoin or have direct access to at least one collector street. (Ord. No. 2019-1623, 12.9.19)

B. MINIMUM LOT AREA

The minimum lot area (in square feet) per dwelling unit within a cluster subdivision shall be ~~5,000~~ 7,000 square feet. This shall be the minimum lot area allowed for any lot with the minimum lot width of 50 -feet, as defined in Section C below. The minimum lot area per dwelling unit shall increase proportionately with an increase in lot width.

C. MINIMUM LOT WIDTH

In a cluster subdivision, where both central water and sewer services are available and adequate, the minimum lot width shall be 50-feet.

D. VARIETY OF LOT SIZES

Individual lots in a cluster subdivision shall vary in size and layout. No more than ~~34~~ 51-percent of the lots in a cluster subdivision shall have a single designated lot width. The following shall also apply:

1. The minimum separation between any two designated lot widths shall be ~~10~~ 20-feet. For example, if ~~34~~ 51-percent of the total number of lots has a lot width of 50-feet, ~~34~~ 49-percent could have a lot width of ~~60~~ 70 feet~~, and the remaining could have a lot width of 70~~ ~~70-feet~~ or greater.
2. The Planning Commission may allow a developer to vary the width of individual lots to accommodate site restrictions (i.e., easements, corner lot widths, etc). However, such lots shall be counted with the nearest designated lot width.

E. SETBACKS

The following minimum setbacks are required for individual lots within a cluster subdivision:

1. **Front Yard:** The minimum front yard setback for the principal structure shall be 20 feet. The minimum front yard setback for any principle front or side accessed garages shall be 40-ft. The front yard setback for a corner lot shall be as set forth in Chapters 2 and 3 of the UDO;
2. **Rear Yard:** The minimum rear yard setback shall be 30 feet;
3. **Side Yard:** The minimum side yard setback shall be 7 ½ feet.

F. OPEN SPACE REQUIREMENT

For a cluster subdivision, no less than 25 percent of the site acreage, not including primary conservation areas as defined in Item 3 below, shall be set aside in perpetuity as open space. No more than 50% of the set-aside open space may consist of floodplain. A minimum of 5% of the open space set aside shall consist of park space. Open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Open space in a cluster subdivision is also subject to the following:

1. Open space may include, but is not limited to, passive recreation, natural preservation of important scenic vistas, environmentally sensitive lands, habitat for wildlife, and historically or archaeologically significant areas. Structures, swimming pools, and athletic facilities shall not count as open space. However, structures are permitted in the open space when they serve an accessory function, such as a gazebo, fishing dock, playground equipment, or play structures (Ord. No. 2019-1623, 12.9.19);
2. The amount of open space required to be set aside shall be determined by the following formula:

~~Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas~~

~~TO =~~ ~~((TP - PC) OSP) + PC~~ TO = TP X OSP*

*TO may not include PC and may only include up to 50% floodplain.

TO	= Total Open Space Set Aside	(acres)
TP	= Total Parcel	(acres)
PC	= Primary Conservation Areas	(acres)
OSP	= Open Space Percentage	(% of Improvable Area)

3. Primary Conservation area includes those areas that cannot otherwise be built upon or improved and therefore would be preserved in a conventional development. Such areas specifically include wetlands, surface waters, and intermittent stream channels;
4. To fulfill the requirements of this item (f), the following shall be included in the required open space where practicable:
   a. Wooded areas;
   b. Scenic vistas;
   c. Streams, ponds, wetlands, and floodplains (up to 50%);
   d. Buffers, including landscaped, perimeter, river, and stream;

e. Areas containing slopes in excess of 25 percent;

f. Other areas containing unusual natural site features (such as major rock formations); and

g. Other environmentally, historically, or archaeologically significant or unique areas;

5. Open space shall be contiguous to the extent practicable when not restricted by topography, existing water body, and other natural features;

6. Pedestrians shall have access to open space;

7. Open space shall be deed restricted and shall not be developed for use other than open space;

8. Open space shall remain under the ownership and control of the developer (or successors) or a homeowners association or similar organization. The person or entity identified as having the right of ownership and control over such open space shall be responsible for the continuing upkeep and proper maintenance of the open space. The County shall have no responsibility for the maintenance of open space areas. If open space location meets a need in the County comprehensive plan, the County and developer may consider conveyance of completed open space to the County, upon Planning Commission and Council approval.

The person or entity having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same. It shall not be the responsibility of the County to maintain these areas.

9. A cluster subdivision shall include provisions for the protection of trees and other natural amenities within the area or areas designated for open space. The removal of trees and natural vegetation in designated open space is strongly discouraged, though it is permitted during the development phases for the purpose of trails and other such recreational improvements as approved by planning staff. All open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Trees over 24 inches in diameter (DBH) shall be preserved and incorporated in designated open space where practicable, and upon the request of planning staff such trees existing within areas designated for trails and other such recreational improvements may also need to be shown and labeled. Upon completion of development phases, no person or entity shall remove or destroy any trees or natural vegetation from designated open space without approval from the Administrator. However, normal maintenance and removal of dead or fallen trees are permitted and recommended, and shall be the responsibility of the person or entity identified as having the right of ownership as outlined in Item 8 above.

10. A maximum of 10-residential lots may be located on a single block face when not interrupted by an intersecting street (excluding alleys) or a useable open space set-aside. Open space set-asides used to interrupt the block face shall be meet or exceed the minimum lot width and area of the smallest lot on the block face and have landscaping and active and/or passive amenities incorporated within it. A block face is defined as the portion of a block or tract of land facing the same side of a single street and located between the closest intersecting streets, railroad ROW, and/or lake or pond.

G. MAXIMUM DENSITY

The maximum number of dwelling units allowed per acre for a cluster subdivision shall not exceed the maximum for the residential use district in which it is located, as set forth in Chapter 2 of the UDO, where the total number of dwelling units allowed shall be based on the gross developable acreage of the site and up to 50 percent of the primary conservation open space

acreage and up to 50% of the floodplain acreage. For example, when the CSO is located within the MDR, Medium Density Residential, where the maximum density is two dwelling units per acre, a 100 acre parcel of land with 80-acres of developable land and 20 acres of primary conservation land and floodplain shall be allowed to have no more than ~~200~~ 180 dwelling units built on the site.

H. COMMERCIAL REQUIREMENT: There shall be no required commercial within a cluster subdivision.

I. SITE PLANNING REVIEW STANDARDS: A cluster subdivision shall follow the site plan review standards and procedures as set forth in Chapter 9 of the UDO, including but not limited to Section 9.2. Furthermore, planning staff shall also include the following in their review:

1. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships;

2. The site layout shall accommodate and preserve any features of historic, cultural, archaeological, or sensitive environmental value. Individual lots, buildings, structures, streets, parking areas, utilities, and infrastructure shall be designed and sited to minimize the alteration of natural features, vegetation, and topography;

3. Where practicable, individual lots, buildings, structures, streets, parking areas, utilities, and infrastructure should be designed and sited to be compatible with surrounding development patterns;

4. Where practicable, open space shall be located on a site in such a manner so that view sheds from existing public right-of-way are not obstructed, but are enhanced by the open space;

5. Private streets are permitted in a cluster subdivision, provided such streets meet the construction standards of Chapter 6 and Appendix C of the UDO. The following shall apply:

a. As required in Chapter 6 of the Lancaster County Code, as amended, the minimum right-of-way and pavement width shall be as follows:

Road Type	Right-of-Way (feet)	Pavement (feet)
Local (closed drainage)	50	22
Local (open drainage)	66	22
Collector	66	24

b. On-street parking is permitted in a cluster subdivision where adequate right-of-way and pavement width is provided in accordance with standards of the South Carolina Department of Transportation; and

c. To ensure adequate clearance for emergency vehicles in a cluster subdivision, the Planning Commission may require signage and/or pavement markings to clearly indicate areas where on-street parking is prohibited;

6. Installing sidewalks on both sides of local streets in a cluster subdivision is encouraged. At a minimum, a sidewalk will be required on at least one side of every local street, with a sidewalk required on both sides of arterial and collector streets. Local, arterial, and collector streets shall be clearly labeled as such on any preliminary or final plat submitted for review;

7. In general, landscaping requirements for a cluster subdivision shall comply with the requirements of Chapter 7 of the UDO. However, the Planning Commission may vary such requirements in response to applications demonstrating alternative landscaping based on creative site planning. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the landscaping requirements;

8. The following buffer requirements shall apply for a cluster subdivision:

   a. In general, buffer requirements for a cluster subdivision shall comply with the requirements of Chapter 7 of the UDO where a buffer yard may be required between adjacent zoning districts;

   b. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the buffer requirements;

   c. Ingress/egress to the property shall be allowed within a buffer, as well as utility easements and sidewalks;

   d. A 50 foot buffer shall be required on the frontage of all existing public streets. Where there is insufficient natural vegetation to provide a visual buffer for principal structures, plantings shall be installed by the developer. A minimum of 25 percent of the trees and 75 percent of the shrubs shall be evergreens;

   e. The Planning Commission may allow a developer to vary the buffer requirement to preserve view sheds from existing view sheds, as required in Item 4 above.

   f. Buffer requirements within a cluster subdivision shall count as open space where it is contiguous with other areas designated as open space.

9. Variety in architecture and building materials shall be encouraged within a cluster subdivision. It is encouraged that buildings are constructed using quality finish materials (i.e., brick, masonry, stone, concrete siding, or stucco). Vinyl siding is permissible if in combination with other building materials.

J. OTHER ZONING REQUIREMENTS

The Cluster Subdivision Overlay District, may contain zoning and development standards and requirements that are inconsistent with or conflict with zoning and development standards and requirements contained elsewhere in the UDO. The standards and requirements contained in the Cluster Subdivision Overlay District supersede all other zoning and development standards and requirements. The Cluster Subdivision Overlay District is deemed controlling. If the Cluster Subdivision Overlay District is inconsistent with or conflicts with zoning and development standards and requirements contained elsewhere in Chapter 4, then the zoning and development standards and requirements contained in Chapter 4 supersede the standards and requirements contained in the Cluster Subdivision Overlay District and the provisions contained in Chapter 4 are deemed controlling.

~~K. EXAMPLES OF APPLYING FORMULAS~~

~~Below are examples of applying formulas to determine the total number of dwelling units allowed and the amount of the site acreage to be set aside as open space within a Cluster Subdivision Overlay District.~~

~~Example: Assume that a 50 acre parcel is being developed. The residential use district is MDR, Medium Density Residential District, where the maximum density is 2.5 dwelling units per acre. Assume that there are 5 acres of Primary Conservation area. The open space percentage is 25 percent (or as a decimal, .25).~~

~~1. The following formula would be used to determine the total number of dwelling units allowed:~~

~~Total Dwelling Units Allowed = Total Parcel multiplied by Maximum Dwelling Units per Acre~~

~~TU = (TP) (DUA)~~

~~TU~~	~~= Total Units Allowed~~	~~(dwelling units)~~
~~TP~~	~~= Total Parcel~~	~~(acres)~~
~~DUA~~	~~= Maximum Dwelling Units per Acre~~	~~(dwelling units/acres)~~

~~TU = (50) (2.5)~~

~~TU = 125 Total Lots or Dwelling Units Allowed~~

~~**2.** The following formula would be used to determine the amount of the site acreage to be set aside as open space:~~
~~Total Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas~~

~~TO = ((TP - PC) OSP) + PC~~

~~TO~~	~~= Total Open Space Set Aside~~	~~(acres)~~
~~TP~~	~~= Total Parcel~~	~~(acres)~~
~~PC~~	~~= Primary Conservation Areas~~	~~(acres)~~
~~OSP~~	~~= Open Space Percentage~~	~~(% of Site Acreage excluding PC)~~

~~TO = Total Open Space Set Aside~~

~~TP = 50 acres Total Parcel~~

~~PC = 5 acres Primary Conservation Areas~~

~~OSP = 25% (or .25) Open Space Percentage~~

~~TO = ((50 - 5) .25) + 5~~

~~TO = ((45) .25) + 5~~

~~TO = (11.25) + 5~~

~~TO = 16.25 acres of Total Open Space Set Aside~~

4.4.2 EQUESTRIAN ORIENTED SUBDIVISION OVERLAY DISTRICT (EOSO)

Equestrian Oriented Subdivision Overlay District is hereby established. Equestrian oriented subdivisions are residential developments which are designed with particular emphasis placed on equestrian activities and which provide such facilities as community stables, riding rings, pastures, and riding trails. In addition, private stables may be located on individual residential lots. Equestrian oriented subdivisions are permitted in all agricultural and residential zoning districts except for the MH, Manufactured Housing District, subject to the following provisions:

A. BUILDING AND STRUCTURE

All buildings and structures related to the care or housing of horses and to the operation of the riding facilities on the common property shall be located at least 100 feet from any exterior property line of the development.

B. PRIVATE STABLES

Private stables on individual residential lots shall be located at least 5 feet, but not more than 60 feet, from any rear property line or horse trail; 20 feet from any interior property line; 40 feet from any corner yard property line, and in the front yard it shall be located behind the front facade of the principal building. However, along the exterior property line of the development, the setback shall be 100 feet unless a horse trail separates the property from the land located outside the development. In such a case, the setbacks shall be as stated above.

C. MINIMUM LOT SIZE

If a horse or miniature horse is to be kept on a lot which is located within this designation, the minimum lot size shall be ½ acre. The number of horse(s) allowed is one horse or two miniature horses per ½ acre. The owner of a lot which contains less than ½ acre shall not be allowed to keep a horse on that lot. Otherwise, the minimum lot size shall be the same as is required by the underlying zoning district. The minimum lot width and setback requirements shall be the same as is required by the underlying zoning district.

D. RIDING TRAILS

Riding trails shall generally be located in the interior of the development. However, if a riding trail is to be located along the exterior property line of the development, it shall be set back 30 feet from the exterior property line of the development.

E. STABLES

The lots with stables located on them shall be designed and maintained to drain so as to prevent ponding, the propagation of insects, and the pollution of adjacent streams and other water bodies.

F. MAINTENANCE

The premises shall be maintained in a sanitary condition through the proper use of lime and pesticides.

G. HORSES IN CONTAINED AREAS

If the horses are in a contained area, all manure shall be removed at least twice a day from the confined area so as to prevent the propagation of flies and the creation of odors. Owners of horses kept in a confined area are encouraged to use a Rabon supplement as this will reduce the propagation of flies.

H. STORAGE OF GRAIN

All grain on the lot shall be stored in rodent-proof containers.

I. EXERCISE AND TRAINING AREAS

All exercise and training areas shall be dampened so as to prevent dust.

J. COMMUNITY RIDING FACILITIES

All proposed community riding facilities, including community stables, riding rings, pastures, and riding trails shall be indicated on the plans. As part of the information submitted when applying for an Equestrian Oriented Subdivision Overlay District, a written statement describing the proposed means of ownership and proposed program for maintenance of these facilities shall be included. A copy of this information shall be kept on file in the Planning Department and the Building and Zoning Department.

Amendment Version 2

4 OVERLAY DISTRICTS

4.4 CHARACTER PROTECTION OVERLAYS

4.4.1 CLUSTER SUBDIVISION OVERLAY DISTRICT (CSO)

The Cluster Subdivision Overlay District, is hereby established. Cluster subdivisions are residential developments which offer an alternative to traditional subdivision design, with the principle purpose being to encourage open space in medium density residential districts. Cluster subdivisions shall be designed using a site planning technique that concentrates buildings and structures to the most buildable areas of a site in order to preserve the remaining area as open space for recreation and preservation of significant site features. Reductions below the minimums otherwise required by the UDO for lot area, lot width, and setbacks are allowed within a CSO, and such reductions are only permissible within a CSO. By preserving open space, a cluster subdivision will provide another tool by which the County shall preserve its rural character. Cluster subdivisions are permitted in moderate density single family residential districts, specifically, Medium Residential District. Cluster subdivisions are not permitted in any other zoning districts. Development of a Cluster Subdivision requires submission of a Development Agreement (see UDO 9.2.18). (Ord. No. 2019-1623, 12.9.19) The following general provisions apply to the Cluster Subdivision Overlay District:

A. MINIMUM ACREAGE

The minimum tract area for a cluster subdivision shall be 30 gross acres [unless a larger minimum acreage is required as part of the Development Agreement Process (i.e. 25-acres of highland)], shall consist of contiguous parcels, and must adjoin or have direct access to at least one collector street. (Ord. No. 2019-1623, 12.9.19)

B. MINIMUM LOT AREA

The minimum lot area (in square feet) per dwelling unit within a cluster subdivision shall be ~~5,000~~ 9,500 square feet. This shall be the minimum lot area allowed for any lot with the minimum lot width of 70 ~~50~~ -feet, as defined in Section C below. The minimum lot area per dwelling unit may ~~shall increase~~ decrease proportionately with any ~~increase~~ decrease in lot width, as referenced in Sections 4.4.1.C and D.

C. MINIMUM LOT WIDTH

In a cluster subdivision, where both central water and sewer services are available and adequate, the minimum lot width shall be ~~50~~70-feet except as specified in Section 4.4.1.D below.

D. VARIETY OF LOT SIZES

Individual lots in a cluster subdivision ~~shall~~ may vary in size and layout. Up to 49% of the lots may have a minimum lot width of 50-ft. with a minimum lot area of 7,000 sq. ft. ~~No more than 34 percent of the lots in a cluster subdivision shall have a single designated lot width.~~ The following shall also apply:

1. ~~The minimum separation between any two designated lot widths shall be 10 feet. For example, if 34 percent of the total number of lots has a lot width of 50-feet, 34 percent could have a lot width of 60 feet, and the remaining could have a lot width of 70 feet or greater.~~
2. The Planning Commission may allow a developer to vary the width of individual lots to accommodate site restrictions (i.e., easements, corner lot widths, etc). However, such lots shall be counted with the nearest designated lot width.

E. SETBACKS

The following minimum setbacks are required for individual lots within a cluster subdivision:

1. **Front Yard:** The minimum front yard setback for the principal structure shall be 20 feet. The minimum front yard setback for any principle front or side accessed garages shall be 40-ft. The front yard setback for a corner lot shall be as set forth in Chapters 2 and 3 of the UDO;
2. **Rear Yard:** The minimum rear yard setback shall be 30 feet;
3. **Side Yard:** The minimum side yard setback shall be 7 ½ feet.

F. OPEN SPACE REQUIREMENT

For a cluster subdivision, no less than 25 percent of the site acreage, not including primary conservation areas as defined in Item 3 below, shall be set aside in perpetuity as open space. No more than 50% of the set-aside open space may consist of floodplain. A minimum of 5% of the open space set aside shall consist of park space. Open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Open space in a cluster subdivision is also subject to the following:

1. Open space may include, but is not limited to, passive recreation, natural preservation of important scenic vistas, environmentally sensitive lands, habitat for wildlife, and historically or archaeologically significant areas. Structures, swimming pools, and athletic facilities shall not count as open space. However, structures are permitted in the open space when they serve an accessory function, such as a gazebo, fishing dock, playground equipment, or play structures (Ord. No. 2019-1623, 12.9.19);
2. The amount of open space required to be set aside shall be determined by the following formula:

~~Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas~~

~~TO =~~ ~~((TP - PC) OSP) + PC~~ TO = TP X OSP*

*TO may not include PC and may only include up to 50% floodplain.

TO	= Total Open Space Set Aside	(acres)
TP	= Total Parcel	(acres)
PC	= Primary Conservation Areas	(acres)
OSP	= Open Space Percentage	(% of Improvable Area)

3. Primary Conservation area includes those areas that cannot otherwise be built upon or improved and therefore would be preserved in a conventional development. Such areas specifically include wetlands, surface waters, and intermittent stream channels;
4. To fulfill the requirements of this item (f), the following shall be included in the required open space where practicable:
   a. Wooded areas;
   b. Scenic vistas;
   c. Streams, ponds, wetlands, and floodplains (up to 50%);

d. Buffers, including landscaped, perimeter, river, and stream;

e. Areas containing slopes in excess of 25 percent;

f. Other areas containing unusual natural site features (such as major rock formations); and

g. Other environmentally, historically, or archaeologically significant or unique areas;

5. Open space shall be contiguous to the extent practicable when not restricted by topography, existing water body, and other natural features;

6. Pedestrians shall have access to open space;

7. Open space shall be deed restricted and shall not be developed for use other than open space;

8. Open space shall remain under the ownership and control of the developer (or successors) or a homeowners association or similar organization. The person or entity identified as having the right of ownership and control over such open space shall be responsible for the continuing upkeep and proper maintenance of the open space. The County shall have no responsibility for the maintenance of open space areas. If open space location meets a need in the County comprehensive plan, the County and developer may consider conveyance of completed open space to the County, upon Planning Commission and Council approval.

The person or entity having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same. It shall not be the responsibility of the County to maintain these areas.

9. A cluster subdivision shall include provisions for the protection of trees and other natural amenities within the area or areas designated for open space. The removal of trees and natural vegetation in designated open space is strongly discouraged, though it is permitted during the development phases for the purpose of trails and other such recreational improvements as approved by planning staff. All open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Trees over 24 inches in diameter (DBH) shall be preserved and incorporated in designated open space where practicable, and upon the request of planning staff such trees existing within areas designated for trails and other such recreational improvements may also need to be shown and labeled. Upon completion of development phases, no person or entity shall remove or destroy any trees or natural vegetation from designated open space without approval from the Administrator. However, normal maintenance and removal of dead or fallen trees are permitted and recommended, and shall be the responsibility of the person or entity identified as having the right of ownership as outlined in Item 8 above.

10. A maximum of 10-residential lots may be located on a single block face when not interrupted by an intersecting street (excluding alleys) or a useable open space set-aside. Open space set-asides used to interrupt the block face shall be meet or exceed the minimum lot width and area of the smallest lot on the block face and have landscaping and active and/or passive amenities incorporated within it. A block face is defined as the portion of a block or tract of land facing the same side of a single street and located between the closest intersecting streets, railroad ROW, and/or lake or pond.

G. MAXIMUM DENSITY

The maximum number of dwelling units allowed per acre for a cluster subdivision shall not exceed the maximum for the residential use district in which it is located, as set forth in Chapter

2 of the UDO, where the total number of dwelling units allowed shall be based on the gross developable acreage of the site and up to 50 percent of the primary conservation open space acreage and up to 50% of the floodplain acreage. For example, when the CSO is located within the MDR, Medium Density Residential, where the maximum density is two dwelling units per acre, a 100 acre parcel of land with 80-acres of developable land and 20 acres of primary conservation land and floodplain shall be allowed to have no more than ~~200~~ 180 dwelling units built on the site.

H. COMMERCIAL REQUIREMENT: There shall be no required commercial within a cluster subdivision.

I. SITE PLANNING REVIEW STANDARDS: A cluster subdivision shall follow the site plan review standards and procedures as set forth in Chapter 9 of the UDO, including but not limited to Section 9.2. Furthermore, planning staff shall also include the following in their review:

1. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships;

2. The site layout shall accommodate and preserve any features of historic, cultural, archaeological, or sensitive environmental value. Individual lots, buildings, structures, streets, parking areas, utilities, and infrastructure shall be designed and sited to minimize the alteration of natural features, vegetation, and topography;

3. Where practicable, individual lots, buildings, structures, streets, parking areas, utilities, and infrastructure should be designed and sited to be compatible with surrounding development patterns;

4. Where practicable, open space shall be located on a site in such a manner so that view sheds from existing public right-of-way are not obstructed, but are enhanced by the open space;

5. Private streets are permitted in a cluster subdivision, provided such streets meet the construction standards of Chapter 6 and Appendix C of the UDO. The following shall apply:

a. As required in Chapter 6 of the Lancaster County Code, as amended, the minimum right-of-way and pavement width shall be as follows:

Road Type	Right-of-Way (feet)	Pavement (feet)
Local (closed drainage)	50	22
Local (open drainage)	66	22
Collector	66	24

b. On-street parking is permitted in a cluster subdivision where adequate right-of-way and pavement width is provided in accordance with standards of the South Carolina Department of Transportation; and

c. To ensure adequate clearance for emergency vehicles in a cluster subdivision, the Planning Commission may require signage and/or pavement markings to clearly indicate areas where on-street parking is prohibited;

6. Installing sidewalks on both sides of local streets in a cluster subdivision is encouraged. At a minimum, a sidewalk will be required on at least one side of every local street, with a

sidewalk required on both sides of arterial and collector streets. Local, arterial, and collector streets shall be clearly labeled as such on any preliminary or final plat submitted for review;

7. In general, landscaping requirements for a cluster subdivision shall comply with the requirements of Chapter 7 of the UDO. However, the Planning Commission may vary such requirements in response to applications demonstrating alternative landscaping based on creative site planning. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the landscaping requirements;

8. The following buffer requirements shall apply for a cluster subdivision:

   a. In general, buffer requirements for a cluster subdivision shall comply with the requirements of Chapter 7 of the UDO where a buffer yard may be required between adjacent zoning districts;

   b. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the buffer requirements;

   c. Ingress/egress to the property shall be allowed within a buffer, as well as utility easements and sidewalks;

   d. A 50 foot buffer shall be required on the frontage of all existing public streets. Where there is insufficient natural vegetation to provide a visual buffer for principal structures, plantings shall be installed by the developer. A minimum of 25 percent of the trees and 75 percent of the shrubs shall be evergreens;

   e. The Planning Commission may allow a developer to vary the buffer requirement to preserve view sheds from existing view sheds, as required in Item 4 above.

   f. Buffer requirements within a cluster subdivision shall count as open space where it is contiguous with other areas designated as open space.

9. Variety in architecture and building materials shall be encouraged within a cluster subdivision. It is encouraged that buildings are constructed using quality finish materials (i.e., brick, masonry, stone, concrete siding, or stucco). Vinyl siding is permissible if in combination with other building materials.

J. OTHER ZONING REQUIREMENTS

The Cluster Subdivision Overlay District, may contain zoning and development standards and requirements that are inconsistent with or conflict with zoning and development standards and requirements contained elsewhere in the UDO. The standards and requirements contained in the Cluster Subdivision Overlay District supersede all other zoning and development standards and requirements. The Cluster Subdivision Overlay District is deemed controlling. If the Cluster Subdivision Overlay District is inconsistent with or conflicts with zoning and development standards and requirements contained elsewhere in Chapter 4, then the zoning and development standards and requirements contained in Chapter 4 supersede the standards and requirements contained in the Cluster Subdivision Overlay District and the provisions contained in Chapter 4 are deemed controlling.

~~K. EXAMPLES OF APPLYING FORMULAS~~

~~Below are examples of applying formulas to determine the total number of dwelling units allowed and the amount of the site acreage to be set aside as open space within a Cluster Subdivision Overlay District.~~

~~Example: Assume that a 50 acre parcel is being developed. The residential use district is MDR, Medium Density Residential District, where the maximum density is 2.5 dwelling units per acre. Assume that there are 5 acres of Primary Conservation area. The open space percentage is 25 percent (or as a decimal, .25).~~

1. The following formula would be used to determine the total number of dwelling units allowed:

   Total Dwelling Units Allowed = Total Parcel multiplied by Maximum Dwelling Units per Acre

   TU = (TP) (DUA)

TU	= Total Units Allowed	(dwelling units)
TP	= Total Parcel	(acres)
DUA	= Maximum Dwelling Units per Acre	(dwelling units/acres)

   TU = (50) (2.5)

   TU = 125 Total Lots or Dwelling Units Allowed

2. The following formula would be used to determine the amount of the site acreage to be set aside as open space:
   Total Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

   TO = ((TP - PC) OSP) + PC

TO	= Total Open Space Set Aside	(acres)
TP	= Total Parcel	(acres)
PC	= Primary Conservation Areas	(acres)
OSP	= Open Space Percentage	(% of Site Acreage excluding PC)

   TO = Total Open Space Set Aside

   TP = 50 acres Total Parcel

   PC = 5 acres Primary Conservation Areas

   OSP = 25% (or .25) Open Space Percentage

   TO = ((50 - 5) .25) + 5

   TO = ((45) .25) + 5

   TO = (11.25) + 5

   TO = 16.25 acres of Total Open Space Set Aside

4.4.2 EQUESTRIAN ORIENTED SUBDIVISION OVERLAY DISTRICT (EOSO)

Equestrian Oriented Subdivision Overlay District is hereby established. Equestrian oriented subdivisions are residential developments which are designed with particular emphasis placed on equestrian activities and which provide such facilities as community stables, riding rings, pastures, and riding trails. In addition, private stables may be located on individual residential lots. Equestrian oriented subdivisions are permitted in all agricultural and residential zoning districts except for the MH, Manufactured Housing District, subject to the following provisions:

A. BUILDING AND STRUCTURE

All buildings and structures related to the care or housing of horses and to the operation of the riding facilities on the common property shall be located at least 100 feet from any exterior property line of the development.

B. PRIVATE STABLES

Private stables on individual residential lots shall be located at least 5 feet, but not more than 60 feet, from any rear property line or horse trail; 20 feet from any interior property line; 40 feet from any corner yard property line, and in the front yard it shall be located behind the front facade of the principal building. However, along the exterior property line of the development, the setback shall be 100 feet unless a horse trail separates the property from the land located outside the development. In such a case, the setbacks shall be as stated above.

C. MINIMUM LOT SIZE

If a horse or miniature horse is to be kept on a lot which is located within this designation, the minimum lot size shall be ½ acre. The number of horse(s) allowed is one horse or two miniature horses per ½ acre. The owner of a lot which contains less than ½ acre shall not be allowed to keep a horse on that lot. Otherwise, the minimum lot size shall be the same as is required by the underlying zoning district. The minimum lot width and setback requirements shall be the same as is required by the underlying zoning district.

D. RIDING TRAILS

Riding trails shall generally be located in the interior of the development. However, if a riding trail is to be located along the exterior property line of the development, it shall be set back 30 feet from the exterior property line of the development.

E. STABLES

The lots with stables located on them shall be designed and maintained to drain so as to prevent ponding, the propagation of insects, and the pollution of adjacent streams and other water bodies.

F. MAINTENANCE

The premises shall be maintained in a sanitary condition through the proper use of lime and pesticides.

G. HORSES IN CONTAINED AREAS

If the horses are in a contained area, all manure shall be removed at least twice a day from the confined area so as to prevent the propagation of flies and the creation of odors. Owners of horses kept in a confined area are encouraged to use a Rabon supplement as this will reduce the propagation of flies.

H. STORAGE OF GRAIN

All grain on the lot shall be stored in rodent-proof containers.

I. EXERCISE AND TRAINING AREAS

All exercise and training areas shall be dampened so as to prevent dust.

J. COMMUNITY RIDING FACILITIES

All proposed community riding facilities, including community stables, riding rings, pastures, and riding trails shall be indicated on the plans. As part of the information submitted when applying for an Equestrian Oriented Subdivision Overlay District, a written statement describing the proposed means of ownership and proposed program for maintenance of these facilities shall be included. A copy of this information shall be kept on file in the Planning Department and the Building and Zoning Department.

Agenda Item Summary

Ordinance # / Resolution #: UDO-TA-2022-2602 Section 6.4
Contact Person / Sponsor: A. Davis
Department: Planning
Date Requested to be on Agenda: 1/17/2023

Issue for Consideration:
Currently, Lancaster County allows a maximum of 20 lots to access off of a dead end road pursuant to UDO section 6.4.1.D.1. As written, this standard applies to not only new construction but all dead-end roads within the County. Following concerns from constituents and a failed request to a variance from these regulations (VAR-2022-2006). County Council directed Planning Staff to prepare a text amendment which would provide relief to property owners on roads which existed prior to the adoption of the current UDO.

Points to Consider:
It should be noted that there are other mitigating factors which determine whether or not a property can be subdivided (how many times the lot has been previously divided, lot size, zoning compliance, etc.). So while this text amendment may provide relief and the ability to subdivide to some residents it does not guarantee that all lots off of existing roads may now be subdivided.

Recommendation:
Staff recommends **approval** of the proposed amendment.

ATTACHMENTS:

Description	Upload Date	Type
Planning Staff Report	1/9/2023	Planning Staff Report
Application	1/10/2023	Exhibit
Exhibit 1: Proposed Language	1/9/2023	Exhibit

PROPOSAL:	Amend Unified Development Ordinance Section 6.4: Connectivity
APPLICABLE CHAPTER(S):	Chapter 6
APPLICANT:	Lancaster County
STATUTORY NOTICES:	Hearing notice published 12/31/2022 in The Lancaster News And 1/11/2023 in Carolina Gateway Posted agenda in lobby 1/10/2023

PROJECT SUMMARY & PROPOSAL:
Currently, Lancaster County allows a maximum of 20 lots to access off of a dead end road pursuant to UDO section 6.4.1.D.1. As written, this standard applies to not only new construction but all dead roads within the County. Following concerns from constituents and a failed request to a variance from these regulations (VAR-2022-2006). County Council directed Planning Staff to prepare a text amendment which would provide relief to property owners on roads which existed prior to the adoption of the current UDO.

OUTLINE OF TEXT AMENDMENT:
The following sections of the UDO are proposed to be amended: 6.4.1

With the addition of the following language:

> *All roads constructed prior to the adoption of this ordinance (adoption date: 11-28-2016) are exempt from the regulations found in sections 6.4.1.A through 6.4.1.D.*
>
> *In the event that an existing road is extended in conjunction with new development all of the following standards shall apply.*

Based on staff's findings, we offer the modifications attached to the Draft Ordinance for the Commission's consideration. For ease of reference, new text is referenced in red/underlined font and deletions are referenced in ~~strikethrough~~ font. The proposed language in context of the relevant section is found in Attachment 1.

FINDINGS AND CONCLUSIONS:
The proposed text amendment has been found to be consistent with the applicable provisions of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as with the applicable provisions of SC Code Title VI.

This amendment would exempt roads which were developed prior to November 28th, 2016 from the following connectivity standards: block length, block width, through-block connectivity, maximum length of a dead end road, and number of lots which may access off of a dead end road. This exemption would not apply to an extension of an existing road in conjunction with new development.

It should be noted that there are other mitigating factors which determine whether or not a property can be subdivided (how many times the lot has been previously divided, lot size, zoning compliance, etc.). So while this text amendment may provide relief and the ability to subdivide to some residents it does not guarantee that all lots off of existing roads may now be subdivided.

STAFF RECOMMENDATION:
Staff recommends **approval** of the proposed text amendment.

ATTACHMENTS:
1. Proposed Text Amendment

STAFF CONTACT:
Ashley Davis,
Senior Planner
adavis@lancastersc.net

Planning Department
P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@lancastercountysc.net
www.mylancastersc.org

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant
- Fees associated with Application

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended 6.4.1

Current Text See attached

Proposed Text See attached

Description of Need for Proposed Text Request from County Council

☐ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name LANCASTER COUNTY

Address 101 N. Main Street

City Lancaster State SC Zip 29720 Phone 803-265-6005

Fax _____ Email planning@lancastersc.net

APPLICATION CERTIFICATIONS

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Dennis E Marstall, County Administrator — 1 / 10 / 2023

Applicant — Date

_____ — _____

Property Owner(s) — Date

Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number 20222602 Date Received _____ Receipt Number _____

Amount Paid NA Check Number _____ Cash Amount _____

Received By JLB Planning Commission Meeting Date January 17, 2023

SCHEDULE/PROCESS

1. **Submit Application**
   - The deadline for this application is at least 30 days prior to the Planning Commission meeting, held every third Tuesday of the month.
   - Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
   - An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.

2. **Planning Commission**
   - Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
   - Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
   - Makes a recommendation to the County Council.

3. **County Council**
   - Approves, denies, or submits application to the Planning Commission for further study.
   - Action requires three readings for approval.

6.3 REQUIRED IMPROVEMENTS FOR ALL DEVELOPMENT

All development which does not qualify as a Minor Subdivision according to the criteria in Chapter 9 shall be required to install or construct the improvements specified in the table below. The developer shall be responsible for the installation and construction of required improvements according to the provisions of this ordinance and the South Carolina Department of Transportation (SCDOT) Access and Roadside Management Standards (ARMS) manual, except as may otherwise be specifically provided herein or by County policy or agreement.

	Zoning Districts														
Required Improvements	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	LI	HI	All Others
Underground Drainage*	-	-	-	-	-	-	-	X	X	X	X	X	X	X	X
Curb and Gutter*	-	-	-	-	-	-	-	X	X	X	X	X	X	X	X
Public Water and Hydrants	-	-	-	-	-	-	X	X	X	X	X	X	X	X	X
Public Sewer	-	-	-	-	-	-	X	X	X	X	X	X	X	X	X
Street Lights	-	-	-	-	-	-	-	X	X	X	X	X	X	X	X
Street Trees	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Paved Streets	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Street Signs (All)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Underground Wiring	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Park/Open Space	X	-	-	-	X	X	X	-	-	-	-	X	-	-	X
Sidewalks (also see 6.7.1)*	-	-	-	-	-	X	X	X	X	X	X	X	-	-	X

* Administrator may wave required improvements with use of approved Low Impact Development Infrastructure.

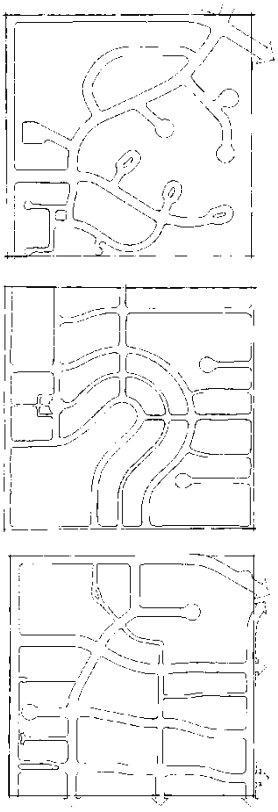
6.4 CONNECTIVITY

6.4.1 GENERAL

The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets. The proposed street system shall be designed to provide vehicular interconnections in order to facilitate internal and external traffic movements in the area, improve access/egress for neighborhoods and communities, provide faster response time for emergency vehicles, and improve the connections between neighborhoods and communities. Street arrangements shall not be such as to cause hardship to the owner of adjoining property in platting their own land and providing convenient access to it.

All roads constructed prior to the adoption of this ordinance (adoption date: 11-28-2016) are exempt from the regulations found in sections 6.4.1.A through 6.4.1.D.

In the event that an existing road is extended in conjunction with new development all of the following standards shall apply.



The images at left illustrate three conceptual subdivision layouts. The top image is an example of a poor layout with too few connections and many dead ends. The lower two images show improved street layouts with the required connections and a network of streets. (Diagrams courtesy of Fort Collins, Colorado)

A. Block Lengths: Block lengths shall adhere to the standards in the following table:

	Minimum Block Length	Maximum Block Length
Rural & Transitional Districts*	240 feet	1,000 feet
Neighborhood Mixed Use Districts*	240 feet	600 feet

**District classifications are outlined in Chapter 2.*

B. Block Width: Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.

C. Through-Block Connections: A pedestrian/bicycle accessway shall be required near the center and entirely across any block in excess of 800 feet in length where deemed essential by the Administrator to provide adequate access to any school, shopping center, church, park, or transportation facility (such as a greenway, sidewalk, or bike lane). Such connections shall be owned and maintained by an approved homeowner's association.

D. Cul-de-Sac: In general, streets with one end permanently closed shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area clearly indicates that a through street is not essential at the location of the proposed cul-de-sac. In instances where permanent dead-end streets or cul-de-sacs are permitted, they must adhere to the following requirements:

1. **Maximum Length:** 800 feet, measured from the point of street centerline intersection to the center point of the cul-de-sac, and no more than 20 lots.
2. **Turnaround Dimensions:** The closed end of such streets shall be designed with turnaround dimensions in accordance with Appendix C, MSSD.
3. **Cul-de-sac Connections:** For the purposes of meeting the connectivity index requirements in Section 6.4.3.A, credit for 1 additional segment shall be given when a pedestrian/bicycle accessway is provided between the following:
   a. Two permanent cul-de-sacs, or
   b. A cul-de-sac and any school, shopping center, church, park, or transportation facility (such as a greenway, sidewalk, bike lane, etc.)

E. Street Jogs Prohibited: Street jogs with centerline offsets of less than 150 feet shall not be permitted.

F. Reserve Strips Prohibited: Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing access to or from adjacent property, and half-streets, except those required to prevent access to thoroughfares, shall not be permitted.

G. Street Width Transition: Where a proposed street extends an existing street of a different width than what is required by this section, the width transition shall be made within the first block of the proposed development, but in no instance less than the distance specified by the standards of the South Carolina Department of Transportation (SCDOT). Said standards are those contained in the latest edition of "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials (AASHTO).

H. Access to Major or Minor Thoroughfares: Where a subdivision borders an existing or proposed Major or Minor Thoroughfare, no direct driveway access shall be permitted to such facilities from the lots within the subdivision.