

Council Members

District 1: Terry Graham
District 2: Charlene McGriff
District 3: Billy Mosteller, Secretary
District 4: Jose Luis
District 5: Steve Harper, Chair
District 6: Allen Blackmon
District 7: Brian Carnes, Vice-Chair

**County Administrator**

Dennis E. Marstall

County Attorney

Ginny L. Merck-Dupont

Clerk to Council

Sherrie Simpson

December 11, 2023

6:00 PM

**101 North Main Street
Lancaster, SC 29720**

**LANCASTER COUNTY COUNCIL
County Council Chambers, County Administration
Building, 101 North Main Street, Lancaster, SC 29720**

AGENDA

1. **Call to Order Regular Meeting - Chairman Steve Harper**
2. **Welcome and Recognition - Chairman Steve Harper**
3. **Pledge of Allegiance and Invocation - Council Member Charlene McGriff**

4. **Approval of the Agenda**

[deletion and additions of non-substantive matter]

5. **Citizens Comments**

*[Lancaster County Council welcomes comments and input from citizens who may not be able to attend Council meetings in person. Written comments may be submitted via mail to ATTN: Sherrie Simpson, Post Office Box 1809, Lancaster, SC, 29721, by email to Sherrie Simpson at ssimpson@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. *Please note that any handouts presented to Council or Council Boards and Commissions become an official part of the record and a copy is attached to the legal minutes for the meeting.]*

6. **Special Presentations**

- a. Update on the Carolina Heelsplitter Ordinance and Procedures - Presented by Allison Hardin, Development Services Director

7. **Consent Agenda**

[Items listed under the Consent Agenda have previously been discussed by Council and approved unanimously. As such, these items are normally voted on as a group through a single vote rather than with a Council vote for each individual item. However, any Council member may remove any item on the Consent Agenda for individual discussion and vote]

- a. Approval of Minutes from the November 15, 2023 County Council Committee of the Whole Meeting
- b. Approval of Minutes from the November 27, 2023 County Council Regular Meeting
- c. 3rd Reading of Ordinance 2023-1869 regarding Rezoning Property Located at 2458 Mineral Mining Road, Kershaw, from Light Industrial (LI) to Agricultural Residential (AR) District (Applicants Charles and Ruth Strunk)
 Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 6.60 Acres (TM# 0098-00-037.01) Located At 2458 Mineral Mining Road, Kershaw, From Light Industrial (LI) District To Agricultural Residential (AR) District. - ***Planning Department Case Number: RZ-2023-1197. The Planning Commission recommended approval by a vote of 5-2; however, the Planning staff recommended denial of the rezoning request. Passed 7-0 at the September 11, 2023 County Council Meeting. Passed 4-0 at the September 25, 2023 County Council Meeting (Terry Graham, Jose Luis, and Charlene McGriff Absent). - Allison Hardin***
- d. 3rd Reading of Ordinance 2023-1881 regarding Amending the Future Land Use Designation for Property Located at 2458 Mineral Mining Road, Kershaw, SC, from Special District-Industrial to Rural Living (Applicants Charles and Ruth Strunk)
 Ordinance Title: An Ordinance To Approve The Request Of Charles And Ruth Strunk To Amend The Future Land Use Map Contained In The Lancaster County, South Carolina Comprehensive Plan 2014-2024, Changing The Future Land Use Designation For Their Property Located At 2458 Mineral Mining Road, Kershaw, SC, From Special District-Industrial To Rural Living (TMS # 0098-00-037.01). - ***Planning Department Case Number: CP-2023-1197. The Planning Commission recommended approval by unanimous vote and the Planning staff also recommended approval of the Comprehensive Plan amendment. Passed 7-0 at the November 13, 2023 County Council Meeting. Passed 6-0 at the November 27, 2023 County Council Meeting (Brian Carnes Absent). - Allison Hardin***

8. Non-Consent Agenda

- a. Public Hearing and 3rd Reading of Ordinance 2023-1880 regarding Amending the Fiscal Year 2023-2024 Budget Related to Land Acquisition and Sheriff's Uniforms
 Ordinance Title: An Ordinance To Amend Ordinance No. 2023-1849, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2023 And Ending June 30, 2024 (FY 2023-2024), To Further Provide For Revenues And Expenditures During The Fiscal Year; And To Provide For Matters Related Thereto. - ***Passed 6-0 at the October 23, 2023 County Council Meeting (Charlene McGriff Absent). Passed 7-0 at the November 13, 2023 County Council Meeting. - Dennis Marstall / Veronica Thompson***
- b. Public Hearing and 3rd Reading of Ordinance 2023-1883 regarding an Intergovernmental Agreement with the Town of Heath Springs
 Ordinance Title: An Ordinance Of Lancaster County, South Carolina Authorizing The Execution Of An Intergovernmental Agreement By And Between Lancaster County, South Carolina And The Town Of Heath Springs, South Carolina; And Other Matters Relating Thereto.- ***Passed 7-0 at the November 13, 2023 County Council Meeting. Passed 7-0 at the November 27, 2023 County Council Meeting. - Dennis Marstall/Ginny Merck-Dupont/Allison Hardin***
- c. Public Hearing and 3rd Reading of Ordinance 2023-1884 regarding an Intergovernmental Agreement with the Town of Kershaw
 Ordinance Title: An Ordinance Of Lancaster County, South Carolina Authorizing The Execution Of An Intergovernmental Agreement By And Between Lancaster County, South Carolina And The Town Of Kershaw, South Carolina; And Other Matters Relating Thereto.- ***Passed 7-0 at the November 13, 2023 County Council Meeting. Passed 7-0 at the November 27, 2023 County Council Meeting. - Dennis Marstall/Ginny Merck-Dupont/Allison Hardin***
- d. Public Hearing and 3rd Reading of Ordinance 2023-1885 regarding Amending Article IV of Chapter 25 of the County Code

Ordinance Title: An Ordinance To Amend Article IV Of Chapter 25 Of The Lancaster County Code So As To Amend The Duties Of The Building Department, Planning Department, And The Zoning Department Per The Intent Of The Intergovernmental Agreements Signed Between Lancaster County And The Towns Of Heath Springs And Kershaw. - ***Passed 7-0 at the November 13, 2023 County Council Meeting. Passed 7-0 at the November 27, 2023 County Council Meeting. - Dennis Marstall/ Ginny Merck-Dupont/Allison Hardin***

- e. 1st Reading of Ordinance 2023-1865 regarding Amending the Unified Development Ordinance related to Chapter 2, Section 2.4 District Standards for Medium Density Residential (MDR)

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance (“UDO”) Chapter 2 (District Standards), Chapter 5 (Use Regulations), And Chapter 6 (Subdivision And Infrastructure Standards) Relating To The Medium Density Residential (MDR) Zoning District, On The Effective Date Of This Ordinance - ***Planning Department Case Number: UDO-TA-2023-0972. The Planning Commission recommended approval by unanimous vote. At the September 25, 2023 Council Meeting, the 1st Reading was Postponed until Council could discuss the item at the November 15, 2023 Committee of the Whole Meeting. - Allison Hardin***

- f. 1st Reading of Ordinance 2023-1870 regarding Amending the Unified Development Ordinance (UDO) related to Chapter 4, Section 4.4.1 Cluster Subdivision Overlay Standards

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance (“UDO”) Sections 4.4.1 (Cluster Subdivision Overlay District) On The Effective Date Of This Ordinance - ***Planning Department Case Number: UDO-TA-2023-0973. The Planning Commission recommended approval by a vote of 5-0. At the September 25, 2023 Council Meeting, the 1st Reading was Postponed until Council could discuss the item at the November 15, 2023 Committee of the Whole Meeting. - Allison Hardin***

- g. Public Hearing and 1st Reading of Ordinance 2023-1879 regarding Amending the Unified Development Ordinance (UDO) regarding Chapters 2, 5, And 10 to Add a Definition and Regulations for Non-Metallic Mineral Product Manufacturing (Applicant Kim Lineberger on behalf of KCH Real Estate LLC)

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance (“UDO”) Chapters 2, 5, And 10 To Include A New Use Definition For “Nonmetallic Mineral Product Manufacturing,” To Create “Nonmetallic Mineral Product Manufacturing” As A Use Permitted With Review (PR), And To Establish The Conditions For The Use, On The Effective Date Of This Ordinance - ***Planning Department Case Number: UDO-TA-2023-1819. The Planning Commission recommended denial by a vote on 5-1. - Allison Hardin***

- h. 1st Reading of Ordinance 2023-1887 Fee Agreement Amendment for Project Cobalt

Ordinance Title: An Ordinance To Authorize And Approve The Execution And Delivery Of A First Amendment To Fee Agreement By And Among Lancaster County, South Carolina, Project Cobalt And Project Cobalt Affiliate; And To Provide For Other Matters Related Thereto. - ***Brian Fulk***

9. **Discussion and Action Items**

- a. Appointments to Various Boards and Commissions

- Dale Sullivan as one of the District 1 Representatives to the Keep Lancaster County Beautiful Board to fill an unexpired term that would end on 06/30/2025
- Danielle Calabro as the Department of Social Services' representative to fill an unexpired term that would end on 06/30/2025
- Adrienne Robinson as the Adult Education Representative for the Catawba Regional Workforce Board to fill a three year term that would end on 12/31/2026

10. **Status of items tabled, recommitted, deferred or held**

- a. HOLD UNTIL PARK COVENANTS AMENDED - 2nd Reading of Ordinance 2023-1877 regarding Rezoning Property Located at 1662 MacMillan Park Drive from Light Industrial (LI) to Institutional (INS) District to Convert an Existing Structure to a K-12 Private School Facility (Applicants Brian Cillian/Greybridge MacMillan LLC and LEH SC MacMillan LLC)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 7.286 Acres (TM# 0007-00-008.05) Located At 1662 Macmillan Park Dr, From Light Industrial (LI) District To Institutional (INS) District - ***Planning Department Case Number: RZ-2023-1464. The Planning Commission recommended denial by unanimous vote and the Planning staff also recommended denial of the rezoning request. At the October 9th Council Meeting, the public hearing was held but the 1st Reading was postponed until the October 23, 2023 County Council Meeting. 1st Reading Passed 5-1 at the October 23, 2023 County Council Meeting (Billy Mosteller Opposed). At the November 13th Council Meeting, the 2nd Reading was postponed until the November 27, 2023 County Council Meeting. At the November 27th Council Meeting, the 2nd Reading was postponed until the Park Covenants have been amended. - Allison Hardin***

11. Executive Session

[motions from Members may follow]

a. Two Items:

1. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to land acquisition.
2. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to land acquisition.

12. Items Requiring a Vote Following Executive Session

13. Adjournment

Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting. Lancaster County Council 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://www.youtube.com/@LancasterCoSCGov/streams>***

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: A. Hardin / Planning

Department: Planning

Date Requested to be on Agenda: 12/11/2023

Council Action Requested:

Receive information about the Carolina Heelsplitter habitat protection ordinance and consider changes to the Ordinance and program.

Points to Consider:

The Carolina Heelsplitter is an endangered species whose habitat in Lancaster County is protected under US Fish & Wildlife regulations. The heelsplitter population has been impacted by poor water quality and habitat conditions, as well as deforestation in the watersheds that abut the habitat.

In 2006, a discovery of new populations of heelsplitters in the Six Mile Creek drainage basin, Lancaster County prompted action from US Fish & Wildlife to protect these habitats. Subsequent work by developers to achieve approval from US Fish & Wildlife led to long delays in the development process.

To avoid delays and stay within Federal regulations for endangered species, Lancaster County adopted a protective ordinance for the heelsplitter that requires mitigation for projects and worked with the US Fish & Wildlife's Charleston office for two years on an aquatic species conservation bank that would satisfy US Fish & Wildlife.

The result of the two-year process between Lancaster County and US Fish and Wildlife's Charleston office was a conservation bank to help protect the heelsplitter from development impacts in their habitat. Ordinance #901 (adopted April 28, 2008) required mitigation for projects within the Six Mile Creek watershed, and Ordinance #963 provided further restrictions in 2011.

The mitigation was achieved by project work done through US Fish & Wildlife. The project included purchasing land and/or land rights along Six Mile Creek where heelsplitters were found or areas that were suitable for new heelsplitter habitats; funding a nursery to breed new heelsplitters before relocating them to the creek; and monitoring the progress, growth, and health of the heelsplitter population. The project was paid for by developers in the area via "heelsplitter credits," which essentially were a portion of the project cost based on the predicted impact to the Six Mile Creek watershed in the heelsplitter habitat areas.

The project needed funding prior to the purchase of credits, so the credits were secured by a conservation bank that was tied to financial markets. The Environmental Banc and Exchange (EBX) was the first financial body to manage the project credits; in 2014, EBX was acquired by Resource Environmental Solutions (RES), who currently manages the bank credits.

Initial purchases of the credits were slow, but picked up in 2016. Phase 1 of the project was successfully completed in 2017 (388 credits), and Phase 2 was installed in early 2018 (573 credits). Sales were steady from 2018 – early 2020, then recovered in 2022.

In June 2023 the staff received word from a developer that the County was close to running out of credits. This was our first indication of the situation. Within a week, we were told that there were no credits left.

The presentation will highlight potential scenarios or options to continue to heelsplitter habitat protection, but possibly through administration by Lancaster County.

Funding and Liability Factors:

The heelsplitter habitat protection ordinance has a cost impact to area developers, depending on the amount of acres and impact to the watershed that they are wanting to develop.

Proposed changes to the heelsplitter habitat protection ordinance may have an impact on the current costs of obtaining the credits for the habitat protection.

Recommendation:

This item is for information only for Council and citizens.

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Lauren Hill / Deputy Clerk to Council

Department: County Clerk

Date Requested to be on Agenda: 12/11/2023

Council Action Requested:

Approve or amend the minutes from the November 15, 2023, County Council Committee of the Whole meeting.

Points to Consider:

The draft minutes from the November 15, 2023, County Council Committee of the Whole meeting are attached for Council's review and consideration.

Funding and Liability Factors:

There are no funding or liability factors regarding approval of minutes.

Recommendation:

Approve the minutes as written.

ATTACHMENTS:

Description	Upload Date	Type
Draft Minutes from the 11-15-2023 Committee of the Whole Meeting	12/4/2023	Backup Material

Council Members

District 1: Terry Graham
District 2: Charlene McGriff
District 3: Billy Mosteller, Secretary
District 4: Jose Luis
District 5: Steve Harper, Chair
District 6: Allen Blackmon
District 7: Brian Carnes, Vice-Chair

**County Administrator**

Dennis E. Marstall

County Attorney

Ginny L. Merck-Dupont

Clerk to Council

Sherrie Simpson

November 15, 2023

4:00 PM

**101 North Main Street
Lancaster, SC 29720**

**LANCASTER COUNTY COUNCIL
COMMITTEE OF THE WHOLE
County Council Chambers, County Administration
Building, 101 North Main Street, Lancaster, SC 29720**

MINUTES

Council Members Present: Allen Blackmon, Brian Carnes, Steve Harper, Billy Mosteller, Charlene McGriff, Terry Graham, and Jose Luis (*who arrived at approximately 4:05 p.m. after the vote on the **Approval of Agenda***).

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Lauren Hill, Deputy Clerk to Council/Administrative Assistant; Stephany Snowden, Deputy County Administrator; Darren Player, Fire Rescue/Emergency Management Director; Allison Hardin, Development Services Director; Ashley Davis, Deputy Planning Director; Paul Moses, Airport Director; Ken Holt, Holt Consulting; Lawrence Flynn, Pope Flynn LLC; the press; various elected officials; various Department Heads; various employees; and citizens.

A quorum of Lancaster County Council was present for the meeting. The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: *The Lancaster News*, *Kershaw News Era*, *The Rock Hill Herald*, Cable News 2, Channel 9 and the local government channel. The agenda was posted in the lobby of the County Administration Building and also on the County website the required length of time. The power point presentation utilized during the meeting is attached to the written minutes in the Clerk to Council's office.

Call to Order - Chairman Steve Harper

Chairman Steve Harper called the Committee of the Whole meeting to order at approximately 4:00 p.m.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting.

Pledge of Allegiance and Invocation - Council Member Terry Graham

Terry Graham led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of Agenda

Charlene McGriff moved to approve the agenda. Seconded by Allen Blackmon. Motion Passed 6-0.; Absent: Luis

Citizens Comments

The following citizens signed up for and spoke during Citizen Comments: None

The following citizens submitted electronic, written comments for Citizen Comments: None.

Discussion and Action Items

Lancaster County Airport Capital Improvement Plan (CIP) Update - Dennis Marstall / Paul Moses / Ken Holt

Dennis Marstall thanked Ken Holt for the grant application he submitted to the South Carolina Aeronautics Commission for the Airport Terminal Project. The grant approval was received, and the County will be receiving approximately \$720,000 in funding. Mr. Holt provided an update on the five-year Airport Capital Improvement Plan that is required to be sent to the Federal Aviation Administration (FAA). He also broke down the spreadsheet that was provided to Council and that was included within the meeting agenda.

Fire Growth Management Plan - Dennis Marstall / Darren Player

Darren Player discussed an apparatus request and potential capital needs within the Fire Service. Mr. Player noted that the delivery timeframe for 24 new pieces of apparatus would be approximately 44-46 months, with an estimated cost of 16.6 million dollars. Steve Harper voiced concerns with providing every County fire station a new piece of equipment and stated that he would rather new equipment be issued on an "as needed" basis. He requested a list of all Fire Service apparatus in the County before Council votes on funding this equipment. Mr. Player noted that three new fire stations would be needed in the County within the next five years, with the average cost of a new fire station being approximately 6 million dollars, excluding the land cost. Mr. Player highlighted staffing issues in the Fire Service due to the lack of volunteers and the need for paid fulltime firefighters. Dennis Marstall and Lawrence Flynn discussed potential funding method options for millage support for the fire service.

Council took a break in the meeting, which began at approximately 5:31 p.m. Steve Harper called the meeting back to order and the Committee of the Whole meeting resumed at approximately 5:39 p.m.

Update on the Rewrite of the Unified Development Ordinance (UDO) regarding the Calculation of Density - Ashley Davis, Deputy Planning Director

Ashley Davis discussed density calculations with Council to see what their preference was for the new Unified Development Ordinance (UDO). Ms. Davis highlighted that gross density allowed for more flexibility in site development, while net density correlated with the visual impact of site development, which she noted would more accurately represent what the development feels like in reference to the placement of housing. Council discussed that they would like to see net density used in the rewrite of the Unified Development Ordinance.

Discussion of Ordinance 2023-1865 regarding Amending the Unified Development Ordinance related to Chapter 2, Section 2.4 District Standards for Medium Density Residential (MDR)

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Chapter 2 (District Standards), Chapter 5 (Use Regulations), And Chapter 6 (Subdivision And Infrastructure Standards) Relating To

The Medium Density Residential (MDR) Zoning District, On The Effective Date Of This Ordinance - ***Planning Department Case Number: UDO-TA-2023-0972.***

Allison Hardin and Council discussed garages, affordable housing, parking issues, setback requirements, and increasing lot sizes in new developments, and how to address the rising issues related to those items. Ms. Hardin noted that Lancaster County is in need of flexible type housing (e.g. duplex homes) to address the "missing middle" housing opportunities. Council discussed their preferred architectural requirements for new developments and the rapid increase of residential growth in the Indian Land area of the County.

Discussion of Ordinance 2023-1870 regarding Amending the Unified Development Ordinance (UDO) related to Chapter 4, Section 4.4.1 Cluster Subdivision Overlay Standards

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Sections 4.4.1 (Cluster Subdivision Overlay District) On The Effective Date Of This Ordinance - ***Planning Department Case Number: UDO-TA-2023-0973.***

Allison Hardin presented a cluster subdivision text amendment to Council and highlighted the benefits of these types of subdivisions, which include environmental benefits, a reduced infrastructure footprint, and the reduction of long-term maintenance costs. Council and staff discussed off-street parking to allow public safety vehicles to safely access the development roads. The text amendment proposed a change in lot sizes and setbacks, open spaces, on-street parking restrictions, and the preservation of natural resources. Ms. Hardin provided Council with a handout of an example cluster subdivision in Mount Pleasant, South Carolina. A copy of the attachment is attached as Schedule A to the written minutes in the Clerk to Council's office.

Adjournment

Jose Luis moved to adjourn the meeting. Seconded by Brian Carnes. The motion to adjourn passed 7-0.

There being no further business to discuss, the Committee of the Whole meeting adjourned at approximately 6:54 p.m.

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Lauren Hill / Deputy Clerk to Council / Administration

Department: County Clerk

Date Requested to be on Agenda: 12/11/2023

Council Action Requested:

Approve or amend the minutes from the November 27, 2023, County Council regular meeting.

Points to Consider:

The draft minutes from the November 27, 2023, County Council regular meeting are attached for Council's review and consideration.

Funding and Liability Factors:

There are no funding or liability factors regarding approval of minutes.

Recommendation:

Approve the minutes as written.

ATTACHMENTS:

Description	Upload Date	Type
Draft Minutes from the 11-27-2023 County Council Regular Meeting	12/5/2023	Backup Material

Council Members

District 1: Terry Graham
District 2: Charlene McGriff
District 3: Billy Mosteller, Secretary
District 4: Jose Luis
District 5: Steve Harper, Chair
District 6: Allen Blackmon
District 7: Brian Carnes, Vice-Chair

**County Administrator**

Dennis E. Marstall

County Attorney

Ginny L. Merck-Dupont

Clerk to Council

Sherrie Simpson

November 27, 2023

6:00 PM

**101 North Main Street
Lancaster, SC 29720**

**LANCASTER COUNTY COUNCIL
County Council Chambers, County Administration
Building, 101 North Main Street, Lancaster, SC 29720**

MINUTES

Members Present: Allen Blackmon, Brian Carnes (*who arrived at approximately 6:08 p.m. after the vote on the Consent Agenda*), Steve Harper, Billy Mosteller, Charlene McGriff, Terry Graham, and Jose Luis.

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Stephany Snowden, Deputy County Administrator; Allison Hardin, Development Services Director; Brenda Thompson, Communications and Marketing Director; the press; various elected officials; various Department Heads; various employees; and citizens.

A quorum of Lancaster County Council was present for the meeting. The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: *The Lancaster News*, *Kershaw News Era*, *The Rock Hill Herald*, Cable News 2, Channel 9 and the local government channel. The agenda was posted in the lobby of the County Administration Building and also on the County website the required length of time. The power point presentation utilized during the meeting is attached to the written minutes in the Clerk to Council's office.

Call to Order Regular Meeting - Chairman Steve Harper

Chairman Steve Harper called the regular meeting of County Council to order at approximately 6:00 p.m.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting.

Pledge of Allegiance and Invocation - Council Member Jose Luis

Jose Luis led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of the Agenda

Charlene McGriff moved to approve the agenda. Seconded by Allen Blackmon. Motion Passed 6-0.; Absent: Carnes

Citizens Comments

The following citizens signed up for and spoke during Citizen Comments:

1. Bob Harris, Indian Land, SC, spoke regarding his family's property on Jim Wilson Road and a proposed commercial project for the property. A physical copy of his written comments were provided to each Council member and are also attached as Schedule A to the written minutes in the Clerk to Council's office.

The following citizens submitted electronic, written comments for Citizen Comments: None.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **6a** . and **6b**. [which are the same as Item **a** . and Item **b**. listed below]. Seconded by Charlene McGriff. The Consent Agenda items passed by a vote of 6-0.; Absent: Carnes

- Approval of Minutes from the November 13, 2023 County Council Regular Meeting**
- 2nd Reading of Ordinance 2023-1881 regarding Amending the Future Land Use Designation for Property Located at 2458 Mineral Mining Road, Kershaw, SC, from Special District-Industrial to Rural Living (Applicants Charles and Ruth Strunk)**

Ordinance Title: An Ordinance To Approve The Request Of Charles And Ruth Strunk To Amend The Future Land Use Map Contained In The Lancaster County, South Carolina Comprehensive Plan 2014-2024, Changing The Future Land Use Designation For Their Property Located At 2458 Mineral Mining Road, Kershaw, SC, From Special District-Industrial To Rural Living (TMS # 0098-00-037.01). - *Planning Department Case Number: CP-2023-1197.*

Non-Consent Agenda

Resolution 1254-R2023 regarding Adoption of the Airport Capital Improvement Plan

Resolution Title: A Resolution To Adopt The Lancaster County Airport Capital Improvement Plan For Federal Fiscal Year 2025 Through Federal Fiscal Year 2029.

Charlene McGriff moved to approve Resolution 1254-R2023. Seconded by Billy Mosteller.

Allen Blackmon and Jose Luis voiced concerns about the cost of the new airport hangar because the Capital Project Sales Tax 3 originally gave only nine hundred thousand dollars to the hangar project. They were disappointed in the lack of a detailed plan that was provided to Council, and also questioned the funding and what return on investment the County would see by spending an estimated two million dollars on a hangar. Steve Harper noted that the Airport Capital Improvement Plan (CIP) needed to be in place for federal funding to be received for the hangar.

Resolution 1254-R2023 Passed by a vote of 5-2; Ayes: Carnes, Harper, Mosteller, McGriff, Graham; Nays: Blackmon, Luis.

2nd Reading of Ordinance 2023-1877 regarding Rezoning Property Located at 1662 MacMillan Park Drive from Light Industrial (LI) to Institutional (INS) District to Convert an Existing Structure to a K-12 Private School Facility (Applicants Brian Cillian/Greybridge MacMillan LLC and LEH SC MacMillan LLC)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone

Approximately 7.286 Acres (TM# 0007-00-008.05) Located At 1662 Macmillan Park Dr, From Light Industrial (LI) District To Institutional (INS) District - **Planning Department Case Number: RZ-2023-1464.**

Terry Graham moved to postpone the 2nd Reading of Ordinance 2023-1877 until such time as the applicant can provide to the Planning Department and/or County Administration proof that the covenants related to the park in which this proposed development will be located have been amended to allow for the requested use. Seconded by Jose Luis. There was no discussion from Council.

The motion to postpone the 2nd Reading of Ordinance 2023-1877 Passed by a vote of 7-0.

2nd Reading of Ordinance 2023-1883 regarding an Intergovernmental Agreement with the Town of Heath Springs

Ordinance Title: An Ordinance Of Lancaster County, South Carolina Authorizing The Execution Of An Intergovernmental Agreement By And Between Lancaster County, South Carolina And The Town Of Heath Springs, South Carolina; And Other Matters Relating Thereto.

Brian Carnes moved to approve the 2nd Reading of Ordinance 2023-1883. Seconded by Charlene McGriff.

Allison Hardin presented data regarding the estimated time staff spent on plan reviews, permitting and inspections for the Town of Heath Springs. Jose Luis questioned if the ordinance could be drafted specifically for new single-family homes but was advised against it due to the need of support from the Planning Commission. Several Council members expressed interest in an annual review regarding the number of plan reviews and permits for the Town of Heath Springs, with the ability to terminate the agreement with notice, if Council sees fit. Ginny Merck-Dupont noted that the requested amendment to the agreement could be made before it is presented to Council for 3rd Reading.

The 2nd Reading of Ordinance 2023-1883 Passed by a vote of 7-0.

2nd Reading of Ordinance 2023-1884 regarding an Intergovernmental Agreement with the Town of Kershaw

Ordinance Title: An Ordinance Of Lancaster County, South Carolina Authorizing The Execution Of An Intergovernmental Agreement By And Between Lancaster County, South Carolina And The Town Of Kershaw, South Carolina; And Other Matters Relating Thereto.

Charlene McGriff moved to approve the 2nd Reading of Ordinance 2023-1884. Seconded by Terry Graham.

Steve Harper noted that Council would need to see the same information and amendments as discussed for the 2nd Reading of Ordinance 2023-1883. There was no other discussion from Council.

The 2nd Reading of Ordinance 2023-1884 Passed by a vote of 7-0.

2nd Reading of Ordinance 2023-1885 regarding Amending Article IV of Chapter 25 of the County Code

Ordinance Title: An Ordinance To Amend Article IV Of Chapter 25 Of The Lancaster County Code So As To Amend The Duties Of The Building Department, Planning Department, And The Zoning Department Per The Intent Of The Intergovernmental Agreements Signed Between Lancaster County And The Towns Of Heath Springs And Kershaw.

Charlene McGriff moved to approve the 2nd Reading of Ordinance 2023-1885. Seconded by Brian Carnes.

Allison Hardin noted that the changes Council requested at the 1st Reading regarding the wording of the appointment of Planning Commission representatives found within Ordinance 2023-1885 were reflected in the 2nd Reading. There was no discussion from Council.

The 2nd Reading of Ordinance 2023-1885 Passed by a vote of 7-0.

Discussion and Action Items

Appointment to the Keep Lancaster County Beautiful Board

- John Kane as one of the District 4 Representatives to the Keep Lancaster County Beautiful Board to fill a four year term that would expire on 06/30/2027 (1st Term)

Jose Luis moved to approve the appointment of John Kane to the Keep Lancaster County Beautiful Board. Seconded by Billy Mosteller. There was no discussion from Council. The motion Passed by a vote of 7-0.

Adoption of the 2024 Calendar Meeting Schedule for Council, Committees, Boards and Commissions, and Advisory Boards and Adoption of the 2023 Holiday Schedule for the County

Brian Carnes moved to approve the 2024 calendar meeting schedule for Council, Committees, Boards and Commissions, and Advisory Boards and the Adoption of the 2024 holiday schedule for the County. Seconded by Allen Blackmon. There was no discussion from Council. The motion Passed by a vote of 7-0.

Status of items tabled, recommitted, deferred or held

- a. HOLD UNTIL THE 12/11/2023 COUNCIL MEETING TO COINCIDE WITH APPROVAL OF THE COMPREHENSIVE PLAN AMENDMENT - 3rd Reading of Ordinance 2023-1869 regarding Rezoning Property Located at 2458 Mineral Mining Road, Kershaw, from Light Industrial (LI) to Agricultural Residential (AR) District (Applicants Charles and Ruth Strunk)
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 6.60 Acres (TM# 0098-00-037.01) Located At 2458 Mineral Mining Road, Kershaw, From Light Industrial (LI) District To Agricultural Residential (AR) District. - ***Planning Department Case Number: RZ-2023-1197. The Planning Commission recommended approval by a vote of 5-2; however, the Planning staff recommended denial of the rezoning request. Passed 7-0 at the September 11, 2023 County Council Meeting. Passed 4-0 at the September 25, 2023 County Council Meeting (Terry Graham, Jose Luis, and Charlene McGriff Absent). - Allison Hardin***
- b. HOLD UNTIL THE 12/11/2023 COUNCIL MEETING -1st Reading of Ordinance 2023-1865 regarding Amending the Unified Development Ordinance related to Chapter 2, Section 2.4 District Standards for Medium Density Residential (MDR)
Ordinance Title: An Ordinance To Amend The Unified Development Ordinance (“UDO”) Chapter 2 (District Standards), Chapter 5 (Use Regulations), And Chapter 6 (Subdivision And Infrastructure Standards) Relating To The Medium Density Residential (MDR) Zoning District, On The Effective Date Of This Ordinance - ***Planning Department Case Number: UDO-TA-2023-0972. The Planning Commission recommended approval by unanimous vote. At the September 25, 2023 Council Meeting, the 1st Reading was Postponed until Council could discuss the item at the November 15, 2023 Committee of the Whole Meeting. - Allison Hardin***
- c. HOLD UNTIL THE 12/11/2023 COUNCIL MEETING -1st Reading of Ordinance 2023-1870 regarding Amending the Unified Development Ordinance (UDO) related to Chapter 4, Section 4.4.1 Cluster Subdivision Overlay Standards
Ordinance Title: An Ordinance To Amend The Unified Development Ordinance (“UDO”) Sections 4.4.1 (Cluster Subdivision Overlay District) On The Effective Date Of This Ordinance - ***Planning Department Case Number: UDO-TA-2023-0973. The Planning Commission recommended approval by a vote of 5-0. At the September 25, 2023 Council Meeting, the 1st Reading was Postponed until Council could discuss the item at the November 15, 2023 Committee of the Whole***

Meeting. - Allison Hardin

- d. HOLD UNTIL 12/11/2023 FOR CORRECTED PUBLIC HEARING NOTICE TO BE RUN - Public Hearing and 3rd Reading of Ordinance 2023-1880 regarding Amending the Fiscal Year 2023-2024 Budget Related to Land Acquisition and Sheriff's Uniforms

Ordinance Title: An Ordinance To Amend Ordinance No. 2023-1849, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2023 And Ending June 30, 2024 (FY 2023-2024), To Further Provide For Revenues And Expenditures During The Fiscal Year; And To Provide For Matters Related Thereto. - ***Passed 6-0 at the October 23, 2023 County Council Meeting (Charlene McGriff Absent). Passed 7-0 at the November 13, 2023 County Council Meeting. - Dennis Marstall / Veronica Thompson***

There was no discussion regarding the status of any tabled, recommitted, deferred or held items.

Executive Session

One Item:

- 1. Discussion of personnel matters pursuant to South Carolina Code of Laws 30-4-70(a)(1) related to the County Administrator's Office.***

Steve Harper stated that he needed a motion to go into Executive Session for the discussion of personnel matters pursuant to South Carolina Code of Laws 30-4-70(a)(1) related to the County Administrator's Office. Allen Blackmon stated that he so moved. Seconded by Charlene McGriff. The motion to go into Executive Session Passed 7-0. At approximately 6:50 p.m., Council went into Executive Session.

Items Requiring a Vote Following Executive Session

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 8:14 p.m. Allen Blackmon moved to come out of Executive Session. Seconded by Billy Mosteller. The motion to come to come out of Executive Session passed by a vote of 7-0. Upon returning to open session, Ginny Merck-Dupont noted that during Executive Session, Council discussed personnel matters pursuant to South Carolina Code of Laws 30-4-70(a)(1) related to the County Administrator's Office. She stated that it was her understanding that, during Executive Session, no motions were made and no votes were taken.

Adjournment

Jose Luis moved to adjourn the Council meeting. Seconded by Terry Graham. The motion to adjourn Passed 7-0.

There being no further business, the regular meeting of Council adjourned at approximately 8:15 p.m.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1869 / Planning Case Number: RZ-2023-1197

Contact Person / Sponsor: M. Blaszyk / Planning

Department: Planning

Date Requested to be on Agenda: 12/11/2023

Council Action Requested:

Application by Charles Strunk to rezone approximately 6.6 acres at 2458 Mineral Mining Road, Kershaw (TM #0098-00-037.01) from Light Industrial (LI) to Agricultural Residential (AR) District, in order to create conformity for existing residential use.

Points to Consider:

UPDATE (9/18/2023): Planning Staff has initiated the Comprehensive Plan Amendment for this parcel as requested by Council. The Comp. Plan Amendment will be heard by Planning Commission on October 17, 2023, and proceed to first reading with Council on November 13th, 2023. Should Council be so inclined to hold second reading of this item until November 27, both items could then have second reading in unison, with both then proceeding to third reading on December 11, 2023.

The property is located at the intersection of Mining and Mineral Mining Road and is currently a non-conforming residential use. The applicant would like to be able to construct a stable on the property for the family's horses.

Directly behind the parcel, is the former Blackmon Mine and a Landfill.

The Comprehensive Plans Future Land Use Map designates the subject parcel as staying a part of an industrial use.

Funding and Liability Factors:

N/A

Recommendation:

During the Planning Commission's August regular meeting, concerns were discussed regarding the possibility of the former mine to resume operations and the existing landfill to expand with their locations being directly adjacent to the residence.

Staff recommends denial of the rezoning proposal due to the existing conflicts with the Comprehensive Plan.

Staff also offered the point that if the Planning Commission and Council want to approve the proposed rezoning, staff recommends a companion ordinance to amend the current Comprehensive Plan. The Planning Commission agreed to this recommendation. The item received a recommendation for approval with a companion ordinance to amend the current Comprehensive Plan with a vote of 5-2.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2023-1869	9/26/2023	Ordinance
Staff Report	8/28/2023	Planning Staff Report
Application	7/26/2023	Exhibit
Location Map	7/26/2023	Exhibit
Recorded Plat	7/26/2023	Exhibit
Strunk Deed	7/26/2023	Exhibit

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2023-1869

COUNTY OF LANCASTER

)

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE APPROXIMATELY 6.60 ACRES (TM# 0098-00-037.01) LOCATED AT 2458 MINERAL MINING ROAD, KERSHAW, FROM LIGHT INDUSTRIAL (LI) DISTRICT TO AGRICULTURAL RESIDENTIAL (AR) DISTRICT.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Charles Stunk applied to rezone a 6.60-acre parcel of real property (TM# 0098-00-037.01) owned by Mr. Stunk, being located at 2458 Mineral Mining Rd, Kershaw, from Light Industrial (LI) District to Agricultural Residential (AR) District.

(b) On August 15, 2023, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a 5-2 vote, recommended approval of the rezoning request, as well as recommended the County Council consider an amendment to the Comprehensive Plan to reflect the change from industrial to residential zoning.

The Future Land Use Category of the subject property is *Special District-Industrial*, which corresponds to the Community Type of *Industrial Center*. The adopted Comprehensive Plan states that the “*The Community Type Industrial Center includes both heavy and light manufacturing, from clean and green data handling complexes to manufacturing / extraction / distribution processes or power plants that require careful environmental management. These uses usually require considerable land areas and are set aside from other development for environmental or security concerns, or for reasons of heavy truck traffic flow. The Special District – Industrial Category exists in pockets throughout the county extending from just north of Highway 5 to just north of the Town of Kershaw. The Special District-Industrial Future Land Use Category and Industrial Center Community Type are intended to be Synonyms.*” The requested AR District is more consistent with the adjacent Rural Living category, which includes a variety of residential types, from farmhouses to large acreage rural family dwellings, to ecologically-minded “conservation subdivisions” whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations. It is this category that the Planning Commission recommends the County Council consider as a replacement for the existing future land use category.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from Light

Industrial (LI) District to Agricultural Residential (AR) District, for the following property as identified by tax map numbers or other appropriate identifiers:

Tax Map No. (TM# 0098-00-037.01) being located at 2458 Mineral Mining Rd, Kershaw.

Section 3. Severability.

If any section, subsection, or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2023.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: September 11, 2023
Public Hearing: September 11, 2023
Second Reading: September 25, 2023
Third Reading: December 11, 2023

Approved as to form:

Virginia Merck-Dupont, County Attorney

PROPOSAL: Request to rezone 6.60 acres of property

PROPERTY LOCATION: 2458 Mineral Mining Road (TM# 0098-00-037.01)

CURRENT ZONING DISTRICT: Light Industrial (LI) District

PROPOSED ZONING DISTRICT: Agricultural Residential (AR) District

APPLICANT: Charles Strunk

COUNCIL DISTRICT: District 6, Allen Blackmon

STATUTORY NOTICES: Hearing notice published 7/29/2023 in The Lancaster News
Signs posted 7/26/2023
Mailed notices 7/26/2023
Posted agenda in lobby 8/8/2023

OVERVIEW:

Proposal/Site information

The applicant has requested to rezone a parcel 6.60 acres in size. The property is located in front of the former Blackmon Goldmine and a Landfill. The intent of the proposed rezoning is to bring the existing residence into conformance and to allow further expansion of the agricultural use. The applicant would like to start keeping their families' horses on the property and construct an outbuilding for them. This is one of multiple residences in the area that is zoned Light Industrial.

Summary of Adjacent Zoning and Uses

The properties are surrounded predominantly by AR and LI zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	LI	Residential
South	Lancaster County	AR	Griffin Brothers Enterprises INC Former Industrial Use
East	Lancaster County	LI	Non-Conforming Residential
West	Lancaster County	LI	Non-Conforming Residential

ANALYSIS & FINDINGS:

Mineral Mining Road, a secondary (state) road. Four total properties take access off Mineral Mining Road. Two of these are residential uses, 2458 and 2469 and are located at the front of the road. Located further back on Mineral Mining Road is the former mine and active Mining Road Landfill. This leaves the possibility open for waste being hauled to the landfill and mining equipment driving directly adjacent to these residences.

Zoning Districts

As previously noted, the subject property is currently in the LI District. Pursuant to UDO Chapter 2.3, the LI District "is established for activities that can be operated in a relatively clean and quiet manner, and which will not be obnoxious to adjacent residential or business districts. This includes warehousing and wholesaling activities with limited contact with the general public. It is designed to prohibit most heavy

industry, which should be properly segregated, and to prohibit any other use which would substantially interfere with the development of industrial establishments in the district. Limited opportunities for retail sales and services are also provided."

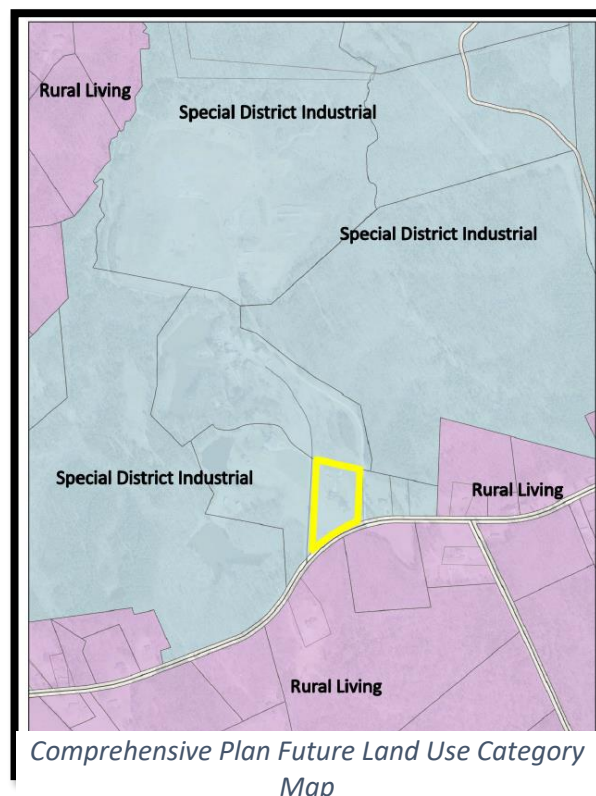
Requested AR

Pursuant to UDO Chapter 2.3, the requested AR District *"is established as a district in which the principal uses of the land are restricted due to lack of available utilities, unsuitable soil types, steep slopes, or for the protection of prime agricultural lands."*

RELATIONSHIP TO PUBLIC PLANS

The Future Land Use Category of the subject properties is *Special District-Industrial*, which corresponds to the Community Type of *Industrial Center*. The adopted Comprehensive Plan states that the *"The Community Type Industrial Center includes both heavy and light manufacturing, from clean and green data handling complexes to manufacturing / extraction / distribution processes or power plants that require careful environmental management. These uses usually require considerable land areas and are set aside from other development for environmental or security concerns, or for reasons of heavy truck traffic flow. The Special District – Industrial Category exists in pockets throughout the county extending from just north of Highway 5 to just north of the Town of Kershaw. The Special District-Industrial Future Land Use Category and Industrial Center Community Type are intended to be Synonyms."*

The requested AR District is not consistent with the Future Land Use Category and the Comprehensive Plan. The future land use category boundaries are consistent with the zoning district boundaries in this area. The map below depicts the designated future land use categories in the area. The blue parcels are designated as *Special District-Industrial*, and the pink parcels are *Rural Living*.



Special District-Industrial: Land Use Considerations		
Factory	Landfill	Data Handling Plant
Heavy Assembly Plant	Light Manufacturing and Assembly	Natural Area
Regional Warehouse / Trucking Distribution	Laboratory	Quarry

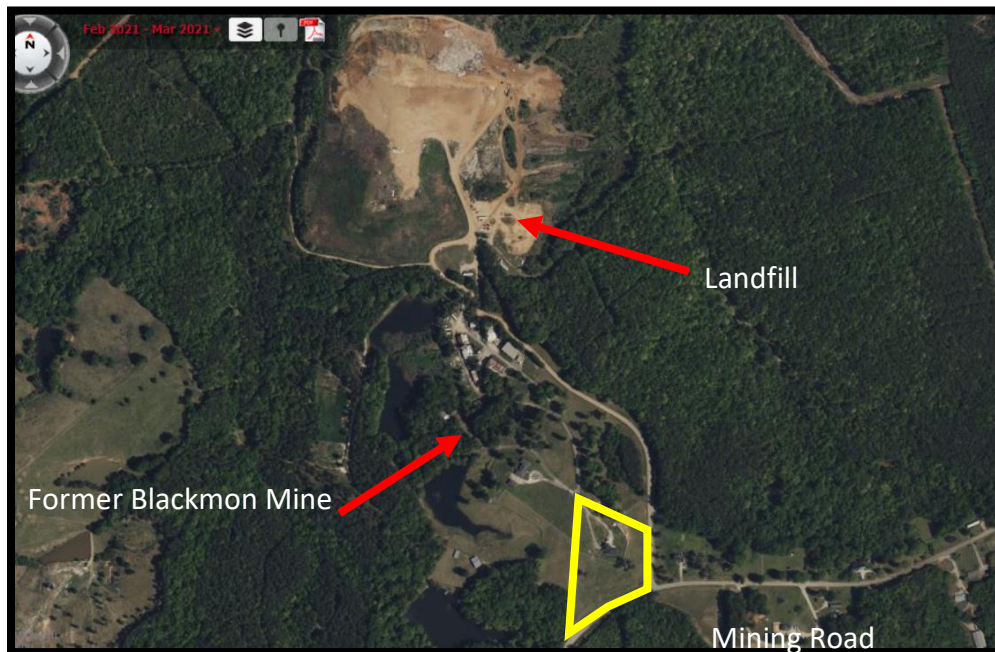
The existing home on the property is a non-conforming residential structure. In 2014 when the current Comprehensive Plan was implemented, the Future Land Use Category of Special District Industrial was designated for this parcel. The Rural Residential land use category was chosen for the nearby properties that were zoned for residential use. It was deemed that this parcel along with the vast quantities of industrial zoned property adjacent to it, would someday become an industrial use again.

INFRASTRUCTURE CONSIDERATIONS

Public Utilities

Water is provided via the Lancaster County Water and Sewer District. The site has a septic tank.

PHOTOS OF PROJECT AREA:





Facing Subject Property off Mining Road



Facing Down Mineral Mining Road

STAFF RECOMMENDATION:

Staff recommends **Denial** of the request to rezone 6.60 acres (TM#0098-00-037.01) from Light Industrial (LI) District to Agricultural Residential (AR) District, pursuant to the following findings of fact:

1. That the subject project consists of the following parcel: TM# 0098-00-037.01
 2. That the subject property is currently zoned LI District and proposed to be rezoned AR District;
 3. That the subject property has a Future Land Use designation of Special District-Industrial, and a Community Type of Industrial Center.
-

PLANNING COMMISSION:

The Lancaster Planning Commission held a public hearing on August 15, 2023, and there was no input from the public regarding the rezoning. After deliberation, the Planning Commission made a recommendation to **approve the rezoning**, and to recommend the County Council consider an amendment to the Comprehensive Plan to change the Future Land Use map for this parcel from Special District – Industrial to Rural Living (motion carried 5-2).

ATTACHMENTS:

1. Rezoning Application
2. Recorded Plat
3. Location Map/ Zoning Map

STAFF CONTACT:

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

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 2458 Mineral Mining Rd
City Kershaw State SC Zip 29067
Tax Parcel ID 0098-00-037.01 Current Zoning LI:
Light Industrial Current Use Residential
Proposed Zoning AR: Agricultural Residence Total
Acres 6.6 Project Description Looking to
have our residential property rezoned so we can add a small
pole barn for housing personal horses. Current zoning doesn't
allow additional structures or intended use. Land is not used
as industrial since sold by mining company.

Surrounding Property Description Mining Rd landfill directly
behind property. Directly in front and surrounding is zoned
AR. All residential and agricultural use.

CONTACT INFORMATION

Applicant Name Charles Strunk Address
2458 Mineral Mining Rd City Kershaw
State SC Zip 29067 Phone 803-325-5036
Fax _____ Email cstrunk5040@gmail.com
Property Owner Name Charles and Ruth
Strunk Address 2458 Mineral Mining
Rd City Kershaw State SC Zip
29067 Phone 803-325-5036 Fax _____ Email
cstrunk5040@gmail.com



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.

Charles F. Strunk 6/13/23

Applicant Date

Charles F. Strunk 6/13/23 Ruth Strunk 6/13/23

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.

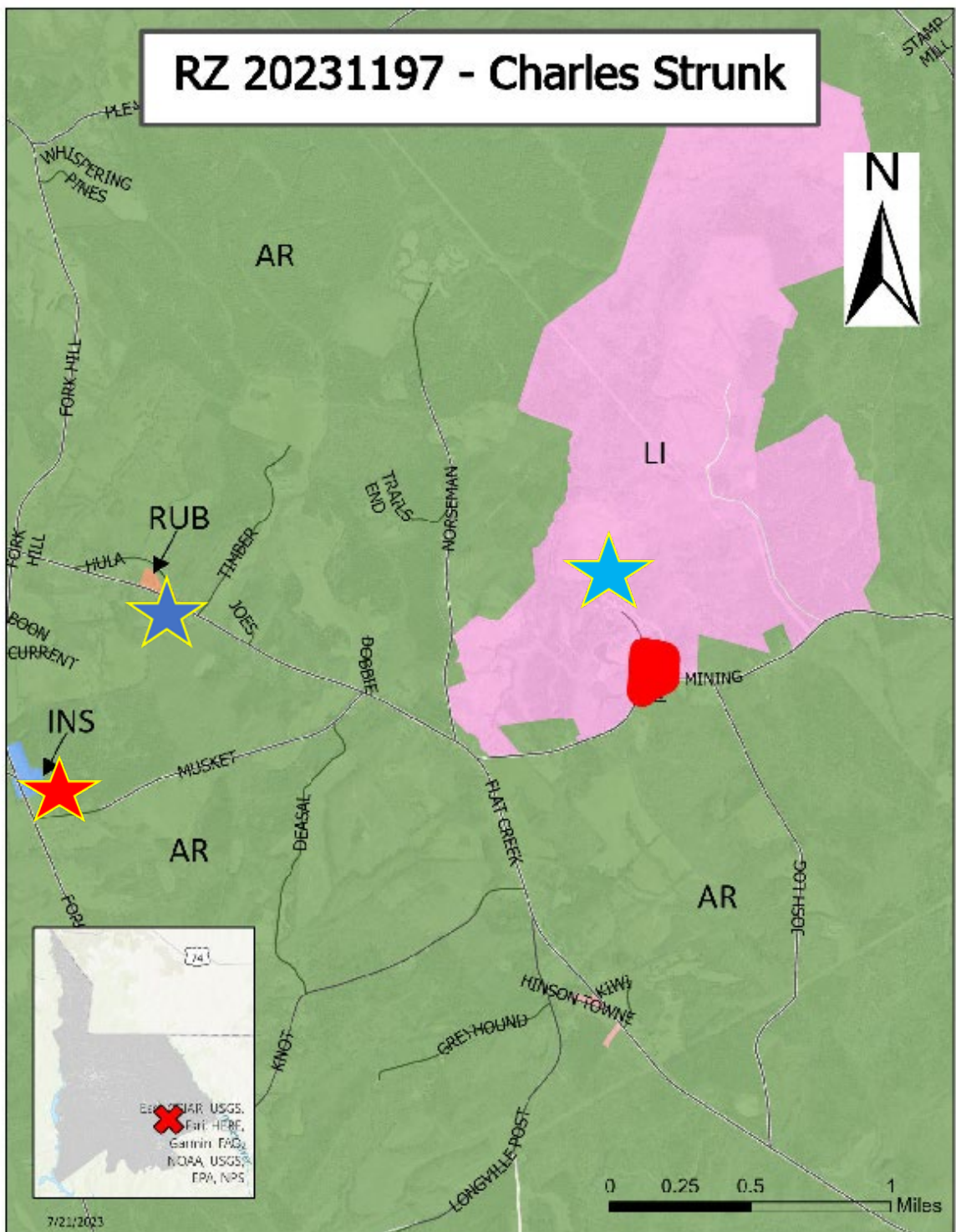
3. **County Council**

- 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.
- If applicant would like to request a special presentation, please notify the County Clerk @ (803) 416-9307 before 5:00pm on the first Monday of the month to make arrangements.

January, 2020 2



RZ 20231197 - Charles Strunk



Lancaster
County
South Carolina

 Subject Property

Proposal:
Rezoning LI to AR



Trading Post



Fork Hill Baptist Church



Mining Road Landfill

PREPARED BY TRIMNAL & MYERS, LLC
STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

TITLE TO REAL ESTATE

LANCASTER COUNTY ASSESSOR

Tax Map:

0098 00 037 01

**RECORDED THIS 15th DAY
OF JULY, 2022
IN BOOK 00 PAGE 00**

Lynette C. Murphy
Auditor, Lancaster County, SC

LANCASTER COUNTY, SC	
2022011658	DEED
RECORDING FEES	\$15.00
STATE TAX	\$1263.60
COUNTY TAX	\$534.60
PRESENTED & RECORDED	
07-15-2022	10:51:56 AM
BRITTANY GRANT	
REGISTER OF DEEDS	
LANCASTER, COUNTY SC	
By: CANDICE PHILLIPS	
BK:DEED 1570 PG:93-94	

KNOW ALL MEN BY THESE PRESENTS, THAT **Lisa A. LeRay**, (hereinafter whether singular or plural referred to as the "Grantor"), in the State aforesaid, for and in consideration of **FOUR HUNDRED EIGHTY SIX THOUSAND AND 00/100 (\$486,000.00)** Dollars have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said **Charles Franklin Strunk and Ruth Clark Strunk** AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON, AND UPON THE DEATH OF EITHER OF THEM, THEN TO THE SURVIVOR THEREOF, THEIR RESPECTIVE HEIRS AND ASSIGNS:

All that piece, parcel or tract of land with any and all improvements located thereon lying, being and situate containing 6.60 acres more or less as shown on boundary survey prepared for Bruce and Kathleen E. Poston by Kenneth A. Johnson RLS dated June 1, 2005 and recorded June 06, 2005 in Book 2005 at Page 306 in the Office of the Register of Deeds for Lancaster County, South Carolina. Plat is craved for a more accurate description as to metes and bounds.

This property was conveyed to Lisa A. LeRay by deed recorded in the Office of the Register of Deeds for Lancaster County, South Carolina in Deed Book 1097 at Page 109 on November 17, 2017.

TMS# 0098-00-037.01

Grantees address: 2458 Minerva / Mining Rd, Kershaw SC 29067

This conveyance is subject to all easements, conditions, and restrictions of record.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the Premises belonging or in any wise incident or appertaining thereto.

TO HAVE AND TO HOLD all and singular the Premises unto **Charles Franklin Strunk and Ruth Clark Strunk**, as joint tenants with rights of survivorship and not as tenants in common, and upon the death of either of them, to the survivor thereof, their respective heirs and assigns:

And the Grantor(s) does hereby bind his or her successors, and assigns, and other lawful representatives, to warrant and forever defend all and singular the Premises unto the Grantee(s) and the Grantee(s) heirs, successors and assigns, against the Grantor(s) and against the Grantor(s) successors and assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS the Hand and Seal of the Grantor this 15 day of July, 2022.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Ammie Mowere
(WITNESS #1)

Lisa A. LeRay (SEAL)
Lisa A. LeRay

[Signature]
(WITNESS #2)

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

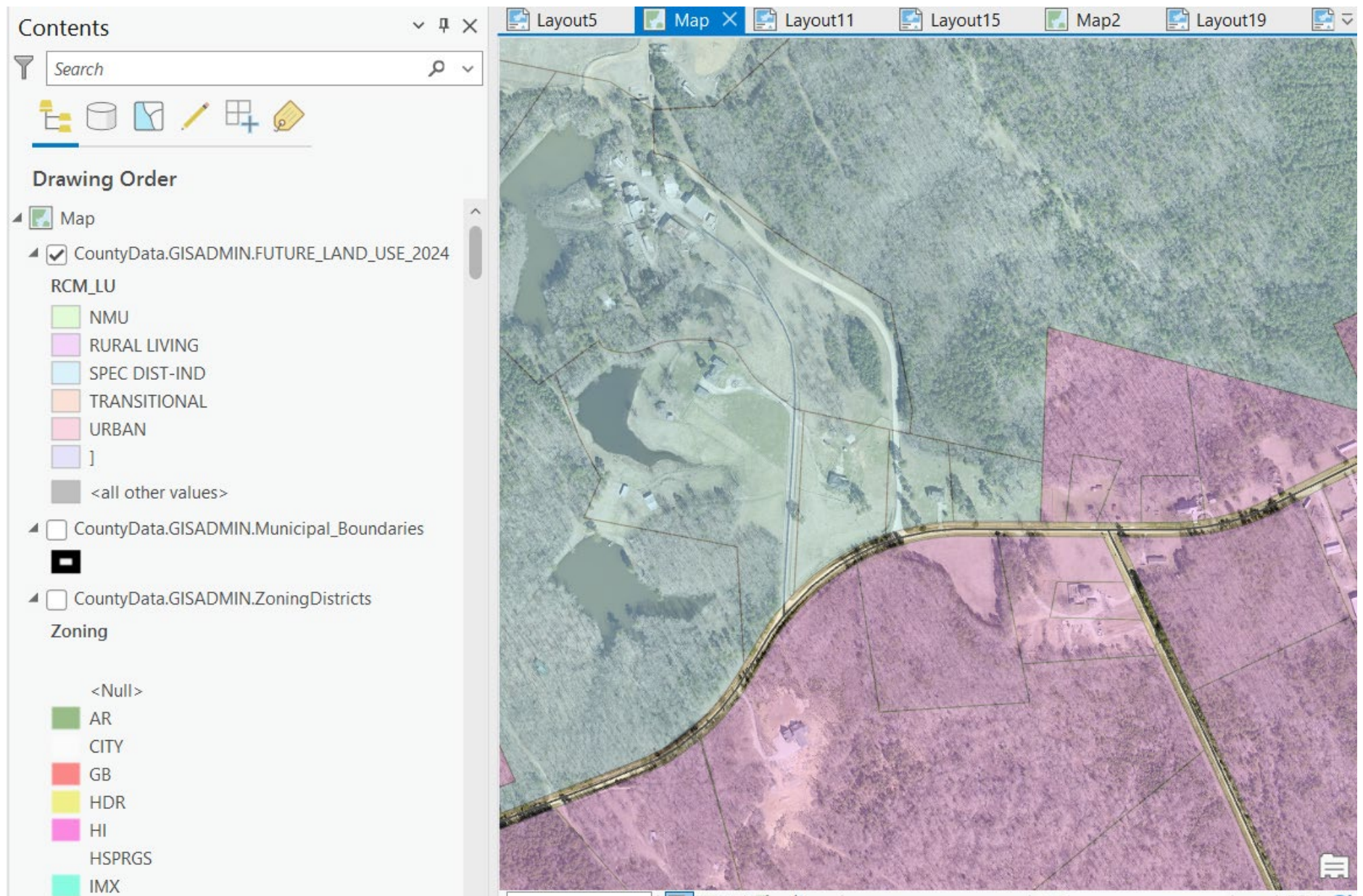
ACKNOWLEDGEMENT

Before me Brian Trimnal, Notary Public, personally appeared Lisa A. LeRay and acknowledged the execution of the foregoing document.

Witness my hand and seal this 15 day of July, 2022.

[Signature]
Notary Public for SC
My Commission Expires: Sept 25 2030





Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1881 / Planning Case Number: CP-2023-1197

Contact Person / Sponsor: M. Blaszyk / Planning Department

Department: Planning

Date Requested to be on Agenda: 12/11/2023

Council Action Requested:

Application by Lancaster County to amend the future land use designation of one parcel totaling 6.6 acres located at 2458 Mineral Mining Road (TM #0098-00-037.01) from Special District- Industrial to Rural Living.

Points to Consider:

Associated with Ordinance 2023-1869 (RZ-2023-1197) Strunk rezoning heard 8/15/2023 (LI to AR)

Council recommended that a Comprehensive Plan Amendment be approved at the same time the rezoning is approved. This would make the proposed rezoning and stable for the family's horses consistent with the Comprehensive Plan.

The proposed use is consistent with the land uses in the area.

Funding and Liability Factors:

N/A

Recommendation:

Planning Commission recommended unanimous approval during their October Regular Meeting. Staff also recommends approval.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2023-1881	11/7/2023	Ordinance
Staff Report	10/10/2023	Exhibit
Application	9/18/2023	Exhibit
Plat	10/10/2023	Exhibit
Location Map	10/4/2023	Exhibit
Special District - Industrial FLU	10/10/2023	Exhibit
Rural Living FLU	10/10/2023	Exhibit

STATE OF SOUTH CAROLINA	)	
	)	ORDINANCE NO. 2023-1881
COUNTY OF LANCASTER	)	

AN ORDINANCE

TO APPROVE THE REQUEST OF CHARLES AND RUTH STRUNK TO AMEND THE FUTURE LAND USE MAP CONTAINED IN THE LANCASTER COUNTY, SOUTH CAROLINA COMPREHENSIVE PLAN 2014-2024, CHANGING THE FUTURE LAND USE DESIGNATION FOR THEIR PROPERTY LOCATED AT 2458 MINERAL MINING ROAD, KERSHAW, SC, FROM SPECIAL DISTRICT-INDUSTRIAL TO RURAL LIVING (TMS # 0098-00-037.01).

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) the Comprehensive Plan divides the areas of the county into a variety of categories.
- (b) Charles and Ruth Strunk (hereafter "applicants") have submitted an amendment to the future land use (FLU) designation for 6.6 acres of property they own at 2458 Mineral Mining Rd, Kershaw, SC 29067 (TMS 0098-00-037.01) from Special District – Industrial to Rural Living, contemporaneous with the application to rezone the parcels (proposed Ordinance 2023-1869 / RZ-2023-1197).
- (c) the adopted Future Land Use Map contained in the Land Use Element of the Comprehensive Plan shows that the proposed rezoning of the parcels is inconsistent with the Future Land Use Map
- (d) the applicant's residential use on the parcel is a grandfathered non-conforming use but the applicant desires to expand to build a stable for horses.
- (e) Accordingly, if Lancaster County Council is to favorably consider the rezoning request of the applicants, Council must adopt an amendment to the Future Land Use Map, changing the area from Special District -Industrial to Rural Living.

Section 2. Amendment of the Future Land Use Map.

The Future Land Use Map contained in the Land Use Element of the *Lancaster County Comprehensive Plan 2014-2024* is amended by changing the area containing the following property as identified by tax map number or other appropriate identifier from Special District-Industrial to Rural Living:

Tax Map# 0098-00-037.01

2458 Mineral Mining Rd, Kershaw, SC 29067

Section 3. Severability.

If any section, subsection, or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2023.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: November 13, 2023
Public Hearing: November 13, 2023
Second Reading: November 27, 2023
Third Reading: December 11, 2023

Approved as to form:

Virginia Merck-Dupont, County Attorney

PROPOSAL:	Request to amend the future land use designation of one parcel totaling approximately 6.60 acres in size. The purpose of this request is to ensure Comprehensive Plan consistency with a proposed Agricultural Residential (AR) District rezoning request (RZ-2023-1197) for the same property.
PROPERTY LOCATION:	2458 Mineral Mining Road (TM# 0098-00-037.01)
CURRENT FLU Category:	Special District-Industrial
PROPOSED FLU Category	Rural Living
APPLICANT:	Lancaster County
COUNCIL DISTRICT:	District 6, Allen Blackmon
STATUTORY NOTICES:	Hearing notice published in The Lancaster News 9/16/2023 Signs posted 9/15/2023 Mailed notices 9/12/2023 Posted agenda in lobby 10/10/2023

OVERVIEW:

Proposal/Site information

Lancaster County is requesting an amendment to the Future Land Use (FLU) designation from Special District-Industrial to Rural Living for the subject property in RZ-2023-1197. The intent of the rezoning and subsequent FLU amendment is to allow the residents of 2458 Mineral Mining Road to construct a stable to house the family's horses on the property.

Under the current Light Industrial Zoning of the property, according to section 2.5 of the Unified Development Ordinance, the proposed use is not allowed. Therefore, the residents have requested to rezone the property allowing the proposed use to be permitted. The requested AR Zoning District is not consistent with the existing Special District-Industrial future land use designation.

The subject parcel and all adjacent parcels on the North side of Mining Road are designated Special District Industrial. All the parcels on the South Side of Mining Road are designated Rural Living (see Figure 1).

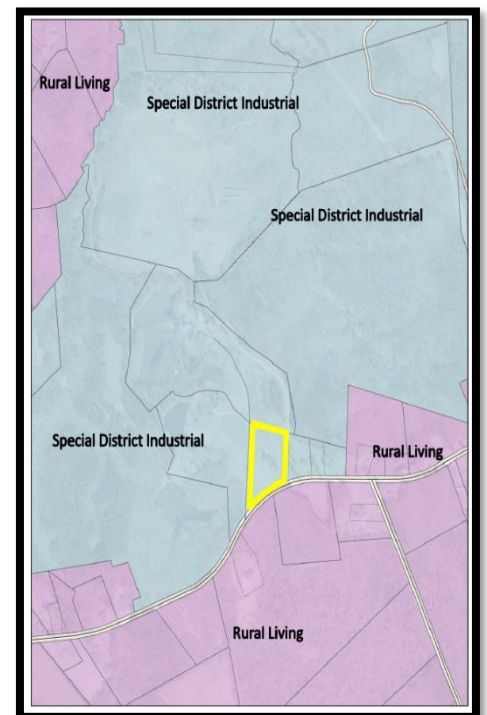


Figure 1

ANALYSIS & FINDINGS:

Future Land Use Categories

Special District-Industrial

The existing future land use designation of this property is Special District- Industrial (*see Appendix A of Comp Plan*). The Comprehensive Plan defines this Community Type as the following “includes both heavy and light manufacturing, from clean and green data handling complexes to manufacturing / extraction / distribution processes or power plants that require careful environmental management. These uses usually require considerable land areas and are set aside from other development for environmental or security concerns, or for reasons of heavy truck traffic flow”.

Current Future Land Use Category Industrial Center: Land Use Considerations		
Factory	Heavy Assembly Plant	Regional Warehouse/ Trucking Distribution
Landfill/Quarry	Lighting Manufacturing and Assembly	Laboratory
Data Handling Plant	Natural Area	

Rural Living

The requested future land use designation is Rural Living (*see Appendix A of Comp Plan*). The Comprehensive Plan defines this Community Type as the following: “includes a variety of residential types, from farmhouses to large acreage rural family dwellings, to ecologically-minded “conservation subdivisions” whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations”.

Proposed Future Land Use Category Rural Living: Land Use Considerations		
Cultivated Farmland	Woodlands/Timber Harvesting	Livestock/Arable
Natural Area	Single-Family Detached Home	Smaller-lot Single-Family and Townhomes
Mobile Home	Barns/Storage	Light Industrial (Ancillary to Farming)
Church	Gas Station	Convenience Store/Hardware Store/Restaurant

Compatibility with Surrounding Area

As stated above in the *Site Information*, the project is adjacent to the proposed Rural Living Future Land Use designation and adjacent to other residential uses.

Photos of the Project Area



Facing Subject Property



Facing Subject Property off Mineral Mining Road



Facing East on Mineral Mining Road



Figure 2 Facing West on Mineral Mining Road

STAFF RECOMMENDATION:

Staff recommends **approval** of this Comprehensive Plan Amendment to bring the associated RZ-2023-1197 to conformity with the current Comprehensive Plan.

ATTACHMENTS:

1. Comprehensive Plan Amendment Request
2. Recorded Plat
3. Location Map/ Zoning Map
4. Special District-Industrial Community Type
5. Rural Living Community Type

STAFF CONTACT:

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

FUTURE LAND USE MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

Property Address 2458 Mineral Mining Road
City Lancaster State SC Zip 29720 Tax Parcel ID 0098-00-037.01
Current Zoning L1 (Rezoning to AR) Current FLU Special District - Industrial
Proposed FLU: Rural Living
Total Acres 6.6 Surrounding Property Description L1 - Landfill,
closed mineral mine; AR residential and agricultural
Is there a Rezoning Application associated with this request? yes RZ-2023-1197
Intended Use/Reason for change in use bring existing residential property
into conformity and allow accessory structure (barn)

CONTACT INFORMATION

Applicant Name Lancaster County
Address 101 N. MAIN ST.
City LANCASTER State SC Zip 29720 Phone 803-285-6005
Email mblaszyk@lanasteresc.net PLANNING DEPT.
Property Owner Name Charles & Ruth Strunk
Address 2458 Mineral Mining Rd.
City Kershaw State SC Zip 29067 Phone 803-325-5036
Email cstrunk5040@gmail.com

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.

Anna S. Munster
Applicant

9-14-23
Date

Charles Stal *Ben C. Stal*
Property Owner(s)

9/13/23
Date

ATTACH OWNER'S NOTARIZED WRITTEN AUTHORIZATION WITH PROPERTY
INFORMATION IF THE APPLICANT IS NOT THE OWNER

SCHEDULE/PROCESS

Submission of Application

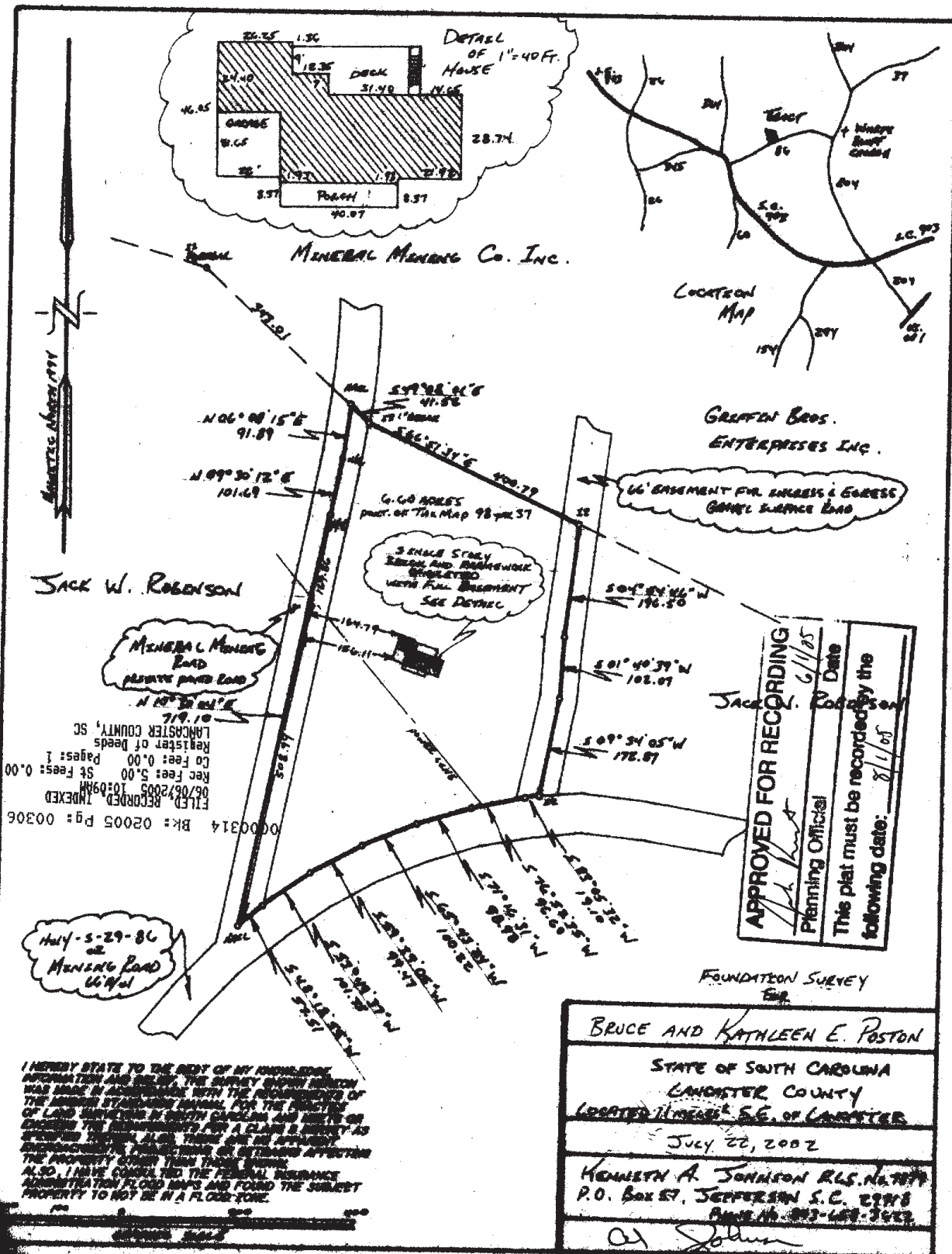
- Please schedule a pre-submittal meeting with planning staff to answer questions and prevent delays.
- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month. Once an application is submitted, it is placed on an upcoming Planning Commission agenda.
- If the application is intended to amend the use of only a portion of an existing parcel then a survey subdividing the lot will need to be approved by staff prior to the Planning Commission hearing. This survey, and a deed for the newly created parcel, will need to be recorded no later than the second reading at County Council.
- An application withdrawal should be made in writing and received PRIOR TO PUBLIC NOTICE in order to receive a refund. If notice has been published, fee cannot be refunded.

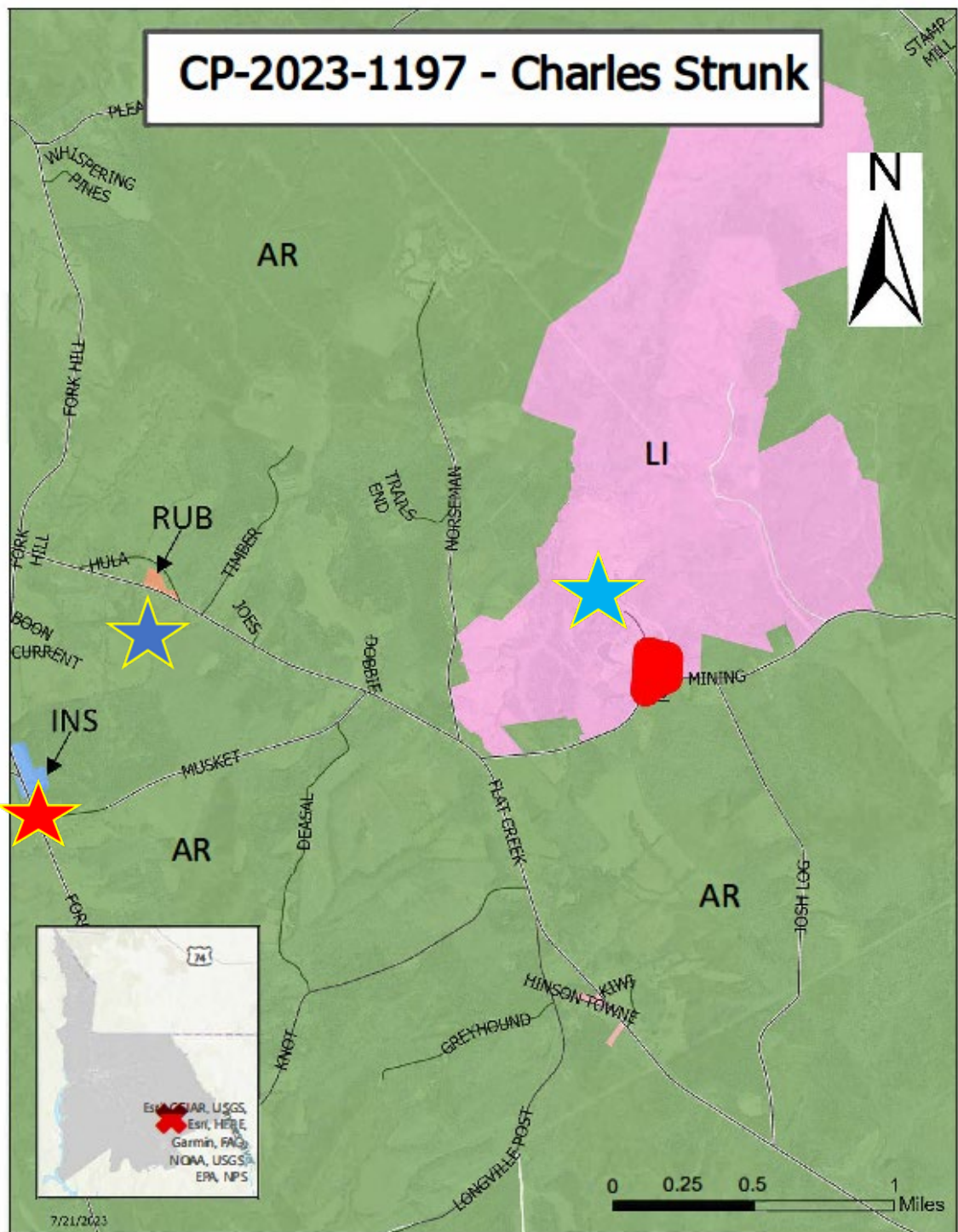
Planning Commission

- 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.

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 amending FLU, notice of action will be provided to the applicant, owner, and adjacent property owners.
- If applicant would like to request a special presentation, please notify the County Clerk @ (803) 416-9307 before 5:00 pm on the first Monday of the month to make arrangements.







Lancaster County
South Carolina

Proposal:
Special District-Industrial to
Rural Living



Subject Property



Trading Post



Fork Hill Baptist Church



Mining Road Landfill

Industrial Center

The Community Type “Industrial Center” includes both heavy and light manufacturing, from clean and green data handling complexes to manufacturing / extraction / distribution processes or power plants that require careful environmental management. These uses usually require considerable land areas and are set aside from other development for environmental or security concerns, or for reasons of heavy truck traffic flow.

Place Types Included:

- Heavy Industrial Center (HIC)
- Light Industrial Center (LIC)

Form & Pattern

The form and pattern table displays generalized development characteristics associated with the place type. Working together, these elements reinforce a sense of place and community brand important to distinguishing development in this category from others in the region.

Land Use Considerations

Land uses listed for the community type represent typical development in the category. They are not meant to be an exhaustive list of all permitted or conditional uses that would be allowed in the place type.

- Factory
- Heavy Assembly Plant
- Regional Warehouse / Trucking Distribution
- Landfill / Quarry
- Light Manufacturing and Assembly
- Laboratory
- Data Handling Plant
- Natural Area

Form & Pattern	
General Development Pattern	Separate Uses
Residential Density	N/A
Non-Residential Intensity	.10-.20 FAR ²
Prevailing Building Height	1-2 Stories
Transportation Choices	Auto/Trucks/Rail
Typical Block Length	N/A
Open Space Elements	Natural Areas
Street Pattern	Curvilinear
Street Connectivity	Low
Parking Provisions	Surface Lot
Typical Street Cross Section	Suburban

¹(D.U.) - Dwelling Unit ²(FAR) - Floor Area Ratio
³(S.F.) - Square Feet ⁴(LF) - Linear Feet



Heavy Industrial Center



Light Industrial Center



Heavy Industrial Center

Rural Living

The Community Type “Rural Living” includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded “conservation subdivisions” whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations.

Place Types Included:

- Working Farm (WF)
- Rural Living (RL)
- Conservation-based Subdivision (CBS)
- Rural Crossroads (RC)

Form & Pattern

The form and pattern table displays generalized development characteristics associated with the place type. Working together, these elements reinforce a sense of place and community brand important to distinguishing development in this category from others in the region.

Land Use Considerations

Land uses listed for the community type represent typical development in the category. They are not meant to be an exhaustive list of all permitted or conditional uses that would be allowed in the place type.

- Cultivated Farmland
- Woodlands / Timber Harvesting
- Livestock / Arable
- Natural Area
- Single-Family Detached Home
- Smaller-lot Single Family and Town Homes
- Mobile Home
- Barns / Storage
- Light Industrial (ancillary to farming)
- Church
- Gas Station
- Convenience Store / Hardware Store / Restaurant

Form & Pattern		
General Development Pattern		Separate Uses
Residential Density		.05-.25 DU ¹ /A
Non-Residential Intensity		.05-.20 FAR ²
Prevailing Building Height		1-2 Stories
Transportation Choices		Auto
Typical Block Length		N/A
Open Space Elements	Natural Areas/Stream Corridors	
Street Pattern		Curvilinear
Street Connectivity		Low
Parking Provisions		Private Drive
Typical Street Cross Section		Rural/Suburban

¹(D.U.) - Dwelling Unit ²(FAR) - Floor Area Ratio
³(S.F.) - Square Feet ⁴(LF) - Linear Feet



Rural Crossroads



Working Farms



Rural Living

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1880
Contact Person / Sponsor: Veronica Thompson / CFO / Finance
Department: County Clerk
Date Requested to be on Agenda: 12/11/2023

Council Action Requested:

Approve the budget amendment via Ordinance 2023-1880.

Points to Consider:

This budget amendment provides for the donation of \$400,000 to the new State Park on the Nisbet property off of Van Wyck Road, which Council approved out of Executive Session on 6/12/2023. The funds would be paid to Open Space Institute, as one of several funding partners, for purchase of the land.

This budget amendment also provides for a transfer out of the general fund into the Sheriff's Department budget for \$55,000.00 for new uniforms for his Department.

Funding and Liability Factors:

Both components of the budget amendment will be from General Fund — Fund Balance totaling \$455,000.

Recommendation:

Approve Ordinance 2023-1880.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2023-1880	11/14/2023	Ordinance
Corrected Public Hearing Notice for Ordinance 2023-1880	12/6/2023	Public Hearing Notices

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

)
)
)

ORDINANCE NO. 2023-1880

~~Indicates Matter Stricken~~

Indicates New Matter

AN ORDINANCE

TO AMEND ORDINANCE NO. 2023-1849, RELATING TO THE APPROPRIATION OF FUNDS AND THE APPROVAL OF A DETAILED BUDGET FOR LANCASTER COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024 (FY 2023-2024), TO FURTHER PROVIDE FOR REVENUES AND EXPENDITURES DURING THE FISCAL YEAR; AND TO PROVIDE FOR MATTERS RELATED THERETO.

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

Section 1. Appropriations; Detailed Budget.

(a) Section 2 and Section 4. of Ordinance No. 2023-1849 are amended to read:

A. Subject to the terms and conditions of this ordinance, the sums of money set forth below, if so much is necessary, are appropriated from the General Fund of the County and other applicable funds as specified, to meet the ordinary expenses, including debt service, of county government for the fiscal year beginning July 1, 2023 and ending June 30, 2024 (FY 2023-2024):

APPROPRIATIONS	AMOUNT
Airport Fund	376,738
Capital Improvement Fund	2,956,695
Capital Project Sales Tax 2 Fund	16,500,00
County Debt Fund	4,511,750
County Transportation Committee Fund	12,000,000
Court Mandated Security Fund	2,081,750
E-911 Fund	1,613,960
General Fund	86,701,586 86,246,586
Hospitality Tax Fund	1,900,000
Indian Land Fire Protection District Fund	350,810
Local Accommodations Tax Fund	120,000
Pleasant Valley Fire Protection District Fund	380,293
Victims Services Fund	47,000
State Accommodations Tax Fund	224,250
Stormwater Fund	2,752,975
Van Wyck Fire Protection District Fund	155,520
Capital Project Sales Tax 3 Fund	29,001,500

(b) The County Administrator is authorized to adjust the detailed operating budget for the County, as contained in the adopted FY 2023-2024 Annual Budget, as previously approved by Council via Ordinance No. 2023-1849, for the following items:

		<u>Revenue</u>	<u>Expense</u>
<u>General Fund</u>	<u>Supplemental Revenue-Fund Balance</u>	<u>\$400,000</u>	
<u>General Fund</u>	<u>Council- Special Projects</u>		<u>\$400,000</u>
<u>General Fund</u>	<u>Supplemental Revenue – Fund Balance</u>	<u>\$55,000</u>	
<u>General Fund</u>	<u>Sheriff- Supplies Clothing</u>		<u>\$55,000</u>

Section 4. **Severability.**

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 5. **Conflicting Provisions.**

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

Section 6. **Effective Date.**

This ordinance is effective upon third reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED, this _____ day of December, 2023.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	October 23, 2023
Second Reading:	November 13, 2023
Public Hearing:	December 11, 2023
Third Reading:	December 11, 2023

Approved as to form:

Virginia L. Merck-Dupont, County Attorney

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

The Lancaster News

980 N Woodland Drive
PO Box 640
Lancaster, SC 29721
803-283-1133

CORRECTED PUBLIC HEARING NOTICE
(To Clearly Identify Revenues Versus Expenses)

Fiscal Year 2023-2024 LANCASTER COUNTY BUDGET

The County of Lancaster will hold a public hearing on **Monday, December 11, 2023**, at 6:00 pm in County Council Chambers, 2nd Floor, County Office Building, 101 North Main Street, Lancaster, SC, for the purpose of obtaining written and oral comments from the public concerning the adoption of an Ordinance amending the Fiscal Year 2023-2024 County Budget. Public comments may be made in person at the hearing or submitted in written format to be provided to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the county website homepage (<https://www.mylancasteresc.org/>), by email to ssimpson@lancasteresc.net, or by mail addressed to Clerk to Council at Post Office Box 1809, Lancaster, SC 29721 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

ORDINANCE 2023-1880 TO AMEND ORDINANCE 2023-1849

**TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR LANCASTER COUNTY
FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30,
2024 (FY 2023-2024); TO SPECIFY THE SOURCE OF FUNDS FOR THE
SUPPLEMENTAL APPROPRIATIONS:**

	<u>Revenue</u>	<u>Expense</u>
General Fund – Fund Balance	\$455,000	
County Council – Special Projects		\$400,000
Sheriff's Department – Supplies, Clothing		\$55,000

At the time and place fixed for said public hearing, all interested persons who appear will be given an opportunity to express their views for or against this ordinance. Persons requiring special arrangements to attend this meeting due to a physical disability should contact the Administrator's office at 803-285-1565 at least 24 hours in advance of the meeting.

I hereby certify that on the above notice published in The Lancaster News, a general circulation in Lancaster County, South Carolina, in accordance with law on November 18th 2023.

SWORN to before me this 18 day of

November, 2023

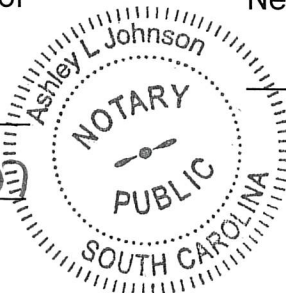
Ashley L. Johnson

Notary Public for South Carolina

My Commission Expires: 01/20/2025

Newspaper Rep Signature

Kristi Ross



Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1883

Contact Person / Sponsor: Dennis Marstall/Administration, Ginny Merck-Dupont/Attorney, and Allison Hardin/Development Services

Department: Attorney

Date Requested to be on Agenda: 12/11/2023

Council Action Requested:

To unify the planning services and code enforcement requests from the Town of Heath Springs via the attached ordinance.

Points to Consider:

UPDATE - At the last Council meeting, staff was asked to include language in the IGA that the County will provide a review of the work provided on behalf of the Town and provide a report on the number of permits issued in the Town limits and the number of planning applications acted on for the Towns.

In addition, Council wanted more clarity on the duration of the agreement, and how the contract could be renewed or terminated, by either party.

Both of these points have been addressed and added in the revised agreement attached.

History: County Planning staff provided planning and zoning services to the Towns, including Van Wyck, as they do to unincorporated areas of Lancaster County until May 2021, when County Administrator Steve Willis issued a memo to Rox Burhans that discontinued the provision of planning and zoning services to all the municipalities, based upon changes in Van Wyck.

The memo noted that the County would continue to provide building code services and stormwater management services to the Town of Van Wyck, “as they lack certified staff.”

This ordinance sets the intergovernmental agreements between Lancaster County and the Town of Heath Springs into code. An accompanying ordinance addresses the Town of Kershaw and staff will evaluate if any changes are warranted for Van Wyck, understanding they are providing their own planning and development services.

Funding and Liability Factors:

Funding: cost to enforce codes and regulations for the two towns in addition to current work load. There is an additional charge identified for County staff time that goes beyond the basic services outlined to be provided by the County.

Liability: Without a properly executed agreement, Lancaster County staff cannot enforce land use laws within town jurisdictions.

Recommendation:

Approve the Ordinance.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance No. 2023-1883	11/8/2023	Ordinance
Exhibit A to Ordinance - IGA - Heath Springs	12/5/2023	Ordinance
Notice of Public Hearing for Ordinance 2023-1883	12/6/2023	Public Hearing Notices

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2023-1883

AN ORDINANCE OF LANCASTER COUNTY, SOUTH CAROLINA AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN LANCASTER COUNTY, SOUTH CAROLINA AND THE TOWN OF HEATH SPRINGS, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO.

WHEREAS, the Town of Heath Springs has requested Lancaster County consider allowing the Lancaster County Planning Commission to perform certain planning functions in the area of jurisdiction of the Town; and

WHEREAS, a municipality is authorized by S.C. Code Ann. § 6-29-330 to designate, by ordinance the county planning commission as the official planning commission of the municipality; and

WHEREAS, both Lancaster County and the Town of Heath Springs need to pass lawful ordinances approving the terms and execution and delivery of this Intergovernmental Agreement; and

WHEREAS, the parties are determined to enter into an Intergovernmental Agreement, a copy of which is attached hereto as Exhibit A (the “**Intergovernmental Agreement**”), to establish the provisions, requirements and conditions for the County to provide to Planning functions in the area of jurisdiction of the Town of Heath Springs, South Carolina, including, but not limited to, activities related to the comprehensive plan, the Town’s unified development ordinance, and official zoning map in conformance with the comprehensive Planning Enabling Act of 1994 and the Town of Heath Springs unified development ordinance.

NOW, THEREFORE, BE IT ORDAINED by the County Council as follows:

Section 1. Authorization.

1. Subject to the conditions in the Intergovernmental Agreement, a copy of which is attached hereto as Exhibit A, Lancaster County will provide Planning functions in the area of jurisdiction of the Town of Heath Springs.

2. There is hereby approved and directed to be executed and delivered to the Town of Heath Springs the Intergovernmental Agreement pertaining to the provision of Planning services by Lancaster County. Such Intergovernmental Agreement shall be in substantially the form attached to this Ordinance as Exhibit A, or with such changes or revisions thereto as are consistent with this Ordinance.

3. The County Administrator for Lancaster County (the “**County Administrator**”) is authorized, empowered and directed to execute, acknowledge and deliver the Intergovernmental

Agreement in the name of and on behalf of the County, in substantially the form presented hereto with such changes or revisions as he may determine in his sole discretion.

4. The County Administrator and the Council Clerk are hereby authorized and directed to take any and all such further actions as shall be deemed necessary or desirable in order to effectuate and to carry out the intentions of this Ordinance.

Section 2. Severability.

The provisions of this Ordinance are severable, and if any one or more of the provisions, sentences, clauses, sections, or parts hereof shall be held or deemed to be or shall in fact, be inoperative or unenforceable or invalid as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because of conflict with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever. It is hereby declared that this Ordinance would have been enacted if such inoperative or unenforceable or invalid provisions, sentences, clauses or sections or parts (i) shall be deemed severable from the remaining covenants and agreements and portions thereof provided in this Ordinance, and (ii) shall in no way affect the validity of the other provisions of this Ordinance.

Section 3. Conflicting Provisions.

Any ordinance, resolution or other order of the Lancaster County Council, the terms of which are in conflict with this ordinance, is, only to the extent of that conflict, repealed.

Section 4. Effective Date.

This Ordinance shall take effect only after the County Council has approved it after three readings and a public hearing has been duly and timely held and after the Town Council of the Town of Heath Springs has also approved the Intergovernmental Agreement as required by law.

LANCASTER COUNTY, SOUTH CAROLINA

By: _____
Steve Harper, Chairman
Lancaster County Council

By: _____
Billy Mosteller, Secretary
Lancaster County Council

ATTEST:

Sherrie Simpson, Clerk to Council
Lancaster County Council

First reading: November 13, 2023
Second reading: November 27, 2023
Public Hearing: December 11, 2023
Third reading: December 11, 2023

Approved as to form:

Virginia L. Merck-Dupont, County Attorney

EXHIBIT A

Form of Intergovernmental Agreement

STATE OF SOUTH CAROLINA)
)
)
)
)
)
)
COUNTY OF LANCASTER)

**INTERGOVERNMENTAL
AGREEMENT BETWEEN
LANCASTER COUNTY AND TOWN
OF HEATH SPRINGS**

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into this ____ day of _____, 2023 by and between the **COUNTY OF LANCASTER**, a political subdivision of the State of South Carolina, the **TOWN OF HEATH SPRINGS**, a municipality in the State of South Carolina.

WHEREAS, the Town of Heath Springs has requested Lancaster County consider allowing the Lancaster County Planning Commission to perform certain planning functions in the area of jurisdiction of the Town; and

WHEREAS, a municipality is authorized by S.C. Code Ann. § 6-29-330 to designate, by ordinance the county planning commission as the official planning commission of the municipality; and

WHEREAS, both Lancaster County and the Town of Heath Springs have passed lawful ordinances approving the terms and execution and delivery of this Intergovernmental Agreement.

NOW, THEREFORE, Lancaster County and the Town of Heath Springs do hereby agree as follows:

Section 1. General Duties. Pursuant to S.C. Code Ann. § 6-29-320 and S.C. Code Ann. § 6-29-330, the Lancaster County Planning Commission shall perform Planning functions as set forth below, in the area of jurisdiction of the Town of Heath Springs, South Carolina, including, but not limited to, activities related to the comprehensive plan, the Town's unified development ordinance, and official zoning map in conformance with the comprehensive Planning Enabling Act of 1994 and the Town of Heath Springs unified development ordinance.

Section 2. Membership and Organization. The Town of Heath Springs, and Lancaster County have considered the issue of equal representation and agree that the current membership formula, adopted rules of organizational procedure, and administrative support apparatus, is acceptable and shall remain unchanged.

Section 3. Specific Duties.

- A. ***Zoning Map and Text amendment review*** and recommendation to Town Council. Any proposed zoning amendment shall be forwarded to the Planning Commission by the Town for review as required by S.C. Code Ann. § 6-29-750. The County staff will handle public and legal notification as required by state law and local ordinances. It is anticipated that a

representative of the County will prepare staff report items and present said items to the Planning Commission. Once the Planning Commission has made a recommendation, the recommendation will be returned to the Town Council. A member of Town staff will present the review and return the recommendations to the Town Council for action.

- B. **Site Plan, Plats, and Subdivision Review.** By mutual agreement, at the request of the Town of Heath Springs, the Lancaster County Planning Commission, County Planning Department Staff, County Zoning Department Staff, and County Building Department Staff shall review and offer recommendations as appropriate, for commercial, multifamily site plans, residential subdivision applications, and other land development applications, including but not limited to plat review, consistent with the Town's adopted ordinances. Lancaster County Planning Staff will handle public and legal notifications. The County Planning Staff and Technical Review Committee will jointly review site plans and subdivision applications. The County Building Department Staff shall be responsible for issuing building permits, performing inspections, and issuing Certificates of Occupancy on behalf of the Town. The County Planning Commission will make final determinations on major subdivisions of property, as outlined in S.C. Code Ann. § 6-29-1150.
- C. **Variances and Appeals.** By mutual agreement, at the request of the Town of Heath Springs, the Lancaster County Board of Zoning Appeals will hold hearings and make rulings on variance requests, special exceptions, conditional uses, and appeal of administrative actions related to the Town of Heath Springs's unified development ordinance. A member of the Lancaster County Planning and Zoning Staff will present the review.
- D. **Code Enforcement.** By mutual agreement, and at the request of the Town of Heath Springs, the Lancaster County Zoning Department Staff will perform Code Enforcement responsibilities on properties located in the Town Limits. Codes enforced by County Staff will include the Town of Heath Springs unified development ordinance and the International Property Maintenance Code, as published by the International Code Council. Lancaster County Staff will have the full complement of abilities to act on behalf of the Town of Heath Springs when policing nuisances and code violations. Lancaster County Zoning Staff will perform the work and reviews required.
- E. **Comprehensive Plan.** Pursuant to S.C. Code Ann. § 6-29-510, the Planning Commission shall assist in the preparation of the Town's Comprehensive Plan and its periodic updates. The Planning Commission shall review and provide recommendations to the Town on the Plan as a whole or by individual element, upon request by the Town. It is anticipated that the Town will take the lead and/or hire a contractor to write the state-required five-year updates and ten-year rewrites; if this is not achievable, the Town may join in on a County contract for updates and rewrites, paying a prorated amount to cover their jurisdiction and estimated future growth areas. Lancaster County Staff will handle public and legal notification. Lancaster County staff will also, as requested, attend a reasonable number of public input meetings for the Comprehensive Plan. Once the Lancaster County Planning Commission has held the requisite meetings and made a recommendation, the Lancaster County Planning Staff will return the documents and recommendations to the Town Council. A member of Town staff will present the review and return the recommendations to the Town Council for action.
- F. **Other Matters.** By mutual agreement and upon request or referral by the Town of Heath Springs, the Planning Commission and/or the County Planning Staff shall assist in other

appropriate Planning and Zoning matters. The Town shall reimburse the County Planning Department for administrative review services rendered on an hourly basis, not to exceed \$50.00 per hour.

- G. **Administration.** All applications shall be duly filed with Lancaster County, with all appropriate fees collected by the County. Upon determination that the application is complete, it may then be referred to the County Planning Commission or other appropriate reviewing agency or staff.

- H. **Annual Review.** The Development Services Director will provide a review of all work done on behalf of the Town of Kershaw to the Lancaster County Council at the last Council meeting of each calendar year. This review will include a report of the number of permits issued in the town limits, and the number of planning applications acted on for the town in the calendar year.

Section 4. Agreement. Upon the effective date of this Ordinance and upon approval by Lancaster County and the Town of Heath Springs, Lancaster County and the Town of Heath Springs are hereby authorized to execute and deliver an Intergovernmental Agreement (attached hereto as Exhibit A) providing for the services as described herein and the terms of such Intergovernmental Agreement shall constitute the entire agreement between the parties for the Lancaster County Planning Commission, Lancaster County Board of Zoning Appeals, Lancaster County Planning Department, Lancaster County Zoning Department, Lancaster County Building Department, and Lancaster County Administration. This agreement may be terminated by either party with ninety (90) days written notice provided to the other party prior to the date of termination, or by mutual agreement at any time. This agreement will be renewed on July 1, 2024 and thereafter automatically renewed on the first day of each fiscal year unless otherwise terminated as provided above.

WHEREFORE, the parties have caused this Agreement to be signed as of the date and year first written above.

COUNTY OF LANCASTER

TOWN OF HEATH SPRINGS

By its: Administrator

By its: Administrator

The Lancaster News

980 N Woodland Drive
PO Box 640
Lancaster, SC 29721
803-283-1133

NOTICE OF PUBLIC HEARING

Lancaster County Council

A public hearing has been scheduled by the Lancaster County Council for Monday, December 11, 2023, at 6:00 p.m. in the Lancaster County Council Chambers, second floor, County Administration Building, 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance. The purpose of the public hearing is to receive public comment on **Ordinance No. 2023-1883**, an ordinance titled **"AN ORDINANCE OF LANCASTER COUNTY, SOUTH CAROLINA AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN LANCASTER COUNTY, SOUTH CAROLINA AND THE TOWN OF HEATH SPRINGS, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO."** Public comments may be made in person at the hearing or submitted in written format to be provided to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the county website homepage (<https://www.mylancastersc.org/>), by email to ssimpson@lancastersc.net, or by mail addressed to Clerk to Council at Post Office Box 1809, Lancaster, SC 29721 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

I hereby certify that on the above notice published in The Lancaster News, a general circulation in Lancaster County, South Carolina, in accordance with law on November 18th 2023.

SWORN to before me this 18 day of November, 2023

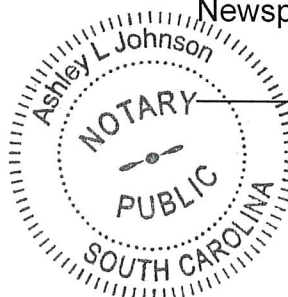
Ashley L Johnson

Notary Public for South Carolina

My Commission Expires: 01/20/2027

Newspaper Rep Signature

Kristi Ross



Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1884

Contact Person / Sponsor: Dennis Marstall/Administration, Ginny Merck-Dupont/Attorney, and Allison Hardin/Development Services

Department: Attorney

Date Requested to be on Agenda: 12/11/2023

Council Action Requested:

To unify the planning services and code enforcement requests from the Town of Kershaw via the attached ordinance.

Points to Consider:

UPDATE - At the last Council meeting, staff was asked to include language in the IGA that the County will provide a review of the work provided on behalf of the Town and provide a report on the number of permits issued in the Town limits and the number of planning applications acted on for the Towns.

In addition, Council wanted more clarity on the duration of the agreement, and how the contract could be renewed or terminated, by either party.

Both of these points have been addressed and added in the revised agreement attached.

History: County Planning staff provided planning and zoning services to the Towns, including Van Wyck, as they do to unincorporated areas of Lancaster County until May 2021, when County Administrator Steve Willis issued a memo to Rox Burhans that discontinued the provision of planning and zoning services to all the municipalities, based upon changes in Van Wyck.

The memo noted that the County would continue to provide building code services and stormwater management services to the Town of Van Wyck, “as they lack certified staff.”

This ordinance sets the intergovernmental agreements between Lancaster County and the town of Kershaw into code. An accompanying ordinance addresses the Town of Heath Springs and staff will evaluate if any changes are warranted for Van Wyck, understanding they are providing their own planning and development services.

Funding and Liability Factors:

Funding: cost to enforce codes and regulations for the two towns in addition to current work load. There is an additional charge identified for County staff time that goes beyond the basic services outlined to be provided by the County.

Liability: without a properly executed agreement, Lancaster County staff can not enforce land use laws in the town jurisdictions

Recommendation:

Approve the IGA.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance No. 2023-1884	11/8/2023	Ordinance
Exhibit A to Ordinance - IGA - Kershaw	12/5/2023	Ordinance
Notice of Public Hearing for Ordinance 2023-1884	12/6/2023	Public Hearing Notices

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2023-1884

AN ORDINANCE OF LANCASTER COUNTY, SOUTH CAROLINA AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN LANCASTER COUNTY, SOUTH CAROLINA AND THE TOWN OF KERSHAW, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO.

WHEREAS, the Town of Kershaw has requested Lancaster County consider allowing the Lancaster County Planning Commission to perform certain planning functions in the area of jurisdiction of the Town; and

WHEREAS, a municipality is authorized by S.C. Code Ann. § 6-29-330 to designate, by ordinance the county planning commission as the official planning commission of the municipality; and

WHEREAS, both Lancaster County and the Town of Kershaw need to pass lawful ordinances approving the terms and execution and delivery of this Intergovernmental Agreement; and

WHEREAS, the parties are determined to enter into an Intergovernmental Agreement, a copy of which is attached hereto as Exhibit A (the “**Intergovernmental Agreement**”), to establish the provisions, requirements and conditions for the County to provide to Planning functions in the area of jurisdiction of the Town of Kershaw, South Carolina, including, but not limited to, activities related to the comprehensive plan, the Town’s unified development ordinance, and official zoning map in conformance with the comprehensive Planning Enabling Act of 1994 and the Town of Kershaw unified development ordinance.

NOW, THEREFORE, BE IT ORDAINED by the County Council as follows:

Section 1. Authorization.

1. Subject to the conditions in the Intergovernmental Agreement, a copy of which is attached hereto as Exhibit A, Lancaster County will provide Planning functions in the area of jurisdiction of the Town of Kershaw.

2. There is hereby approved and directed to be executed and delivered to the Town of Kershaw the Intergovernmental Agreement pertaining to the provision of Planning services by Lancaster County. Such Intergovernmental Agreement shall be in substantially the form attached to this Ordinance as Exhibit A, or with such changes or revisions thereto as are consistent with this Ordinance.

3. The County Administrator for Lancaster County (the “**County Administrator**”) is authorized, empowered and directed to execute, acknowledge and deliver the Intergovernmental

Agreement in the name of and on behalf of the County, in substantially the form presented hereto with such changes or revisions as he may determine in his sole discretion.

4. The County Administrator and the Council Clerk are hereby authorized and directed to take any and all such further actions as shall be deemed necessary or desirable in order to effectuate and to carry out the intentions of this Ordinance.

Section 2. Severability.

The provisions of this Ordinance are severable, and if any one or more of the provisions, sentences, clauses, sections, or parts hereof shall be held or deemed to be or shall in fact, be inoperative or unenforceable or invalid as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because of conflict with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever. It is hereby declared that this Ordinance would have been enacted if such inoperative or unenforceable or invalid provisions, sentences, clauses or sections or parts (i) shall be deemed severable from the remaining covenants and agreements and portions thereof provided in this Ordinance, and (ii) shall in no way affect the validity of the other provisions of this Ordinance.

Section 3. Conflicting Provisions.

Any ordinance, resolution or other order of the Lancaster County Council, the terms of which are in conflict with this ordinance, is, only to the extent of that conflict, repealed.

Section 4. Effective Date.

This Ordinance shall take effect only after the County Council has approved it after three readings and a public hearing has been duly and timely held and after the Town Council of the Town of Kershaw has also approved the Intergovernmental Agreement as required by law.

LANCASTER COUNTY, SOUTH CAROLINA

By: _____
Steve Harper, Chairman
Lancaster County Council

By: _____
Billy Mosteller, Secretary
Lancaster County Council

ATTEST:

Sherrie Simpson, Clerk to Council
Lancaster County Council

First reading: November 13, 2023
Second reading: November 27, 2023
Public Hearing: December 11, 2023
Third reading: December 11, 2023

Approved as to form:

Virginia L. Merck-Dupont, County Attorney

EXHIBIT A

Form of Intergovernmental Agreement

STATE OF SOUTH CAROLINA)

)

INTERGOVERNMENTAL

)

AGREEMENT BETWEEN

)

LANCASTER COUNTY AND TOWN

)

OF KERSHAW

)

COUNTY OF LANCASTER)

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into this ____ day of _____, 2023 by and between the **COUNTY OF LANCASTER**, a political subdivision of the State of South Carolina, the **TOWN OF KERSHAW**, a municipality in the State of South Carolina.

WHEREAS, the Town of Kershaw has requested Lancaster County consider allowing the Lancaster County Planning Commission to perform certain planning functions in the area of jurisdiction of the Town; and

WHEREAS, a municipality is authorized by S.C. Code Ann. § 6-29-330 to designate, by ordinance the county planning commission as the official planning commission of the municipality; and

WHEREAS, both Lancaster County and the Town of Kershaw have passed lawful ordinances approving the terms and execution and delivery of this Intergovernmental Agreement.

NOW, THEREFORE, Lancaster County and the Town of Kershaw do hereby agree as follows:

Section 1. General Duties. Pursuant to S.C. Code Ann. § 6-29-320 and S.C. Code Ann. § 6-29-330, the Lancaster County Planning Commission shall perform Planning functions as set forth below, in the area of jurisdiction of the Town of Kershaw, South Carolina, including, but not limited to, activities related to the comprehensive plan, the Town's unified development ordinance, and official zoning map in conformance with the comprehensive Planning Enabling Act of 1994 and the Town of Kershaw unified development ordinance.

Section 2. Membership and Organization. The Town of Kershaw, and Lancaster County have considered the issue of equal representation and agree that the current membership formula, adopted rules of organizational procedure, and administrative support apparatus, is acceptable and shall remain unchanged.

Section 3. Specific Duties.

- A. ***Zoning Map and Text amendment review*** and recommendation to Town Council. Any proposed zoning amendment shall be forwarded to the Planning Commission by the Town for review as required by S.C. Code Ann. § 6-29-750. The County staff will handle public and legal notification as required by state law and local ordinances. It is anticipated that a

representative of the County will prepare staff report items and present said items to the Planning Commission. Once the Planning Commission has made a recommendation, the recommendation will be returned to the Town Council. A member of Town staff will present the review and return the recommendations to the Town Council for action.

- B. **Site Plan, Plats, and Subdivision Review.** By mutual agreement, at the request of the Town of Kershaw, the Lancaster County Planning Commission, County Planning Department Staff, County Zoning Department Staff, and County Building Department Staff shall review and offer recommendations as appropriate, for commercial, multifamily site plans, residential subdivision applications, and other land development applications, including but not limited to plat review, consistent with the Town's adopted ordinances. Lancaster County Planning Staff will handle public and legal notifications. The County Planning Staff and Technical Review Committee will jointly review site plans and subdivision applications. The County Building Department Staff shall be responsible for issuing building permits, performing inspections, and issuing Certificates of Occupancy on behalf of the Town. The County Planning Commission will make final determinations on major subdivisions of property, as outlined in S.C. Code Ann. § 6-29-1150.
- C. **Variances and Appeals.** By mutual agreement, at the request of the Town of Kershaw, the Lancaster County Board of Zoning Appeals will hold hearings and make rulings on variance requests, special exceptions, conditional uses, and appeal of administrative actions related to the Town of Kershaw's unified development ordinance. A member of the Lancaster County Planning and Zoning Staff will present the review.
- D. **Code Enforcement.** By mutual agreement, and at the request of the Town of Kershaw, the Lancaster County Zoning Department Staff will perform Code Enforcement responsibilities on properties located in the Town Limits. Codes enforced by County Staff will include the Town of Kershaw unified development ordinance and the International Property Maintenance Code, as published by the International Code Council. Lancaster County Staff will have the full complement of abilities to act on behalf of the Town of Kershaw when policing nuisances and code violations. Lancaster County Zoning Staff will perform the work and reviews required.
- E. **Comprehensive Plan.** Pursuant to S.C. Code Ann. § 6-29-510, the Planning Commission shall assist in the preparation of the Town's Comprehensive Plan and its periodic updates. The Planning Commission shall review and provide recommendations to the Town on the Plan as a whole or by individual element, upon request by the Town. It is anticipated that the Town will take the lead and/or hire a contractor to write the state-required five-year updates and ten-year rewrites; if this is not achievable, the Town may join in on a County contract for updates and rewrites, paying a prorated amount to cover their jurisdiction and estimated future growth areas. Lancaster County Staff will handle public and legal notification. Lancaster County staff will also, as requested, attend a reasonable number of public input meetings for the Comprehensive Plan. Once the Lancaster County Planning Commission has held the requisite meetings and made a recommendation, the Lancaster County Planning Staff will return the documents and recommendations to the Town Council. A member of Town staff will present the review and return the recommendations to the Town Council for action.
- F. **Other Matters.** By mutual agreement and upon request or referral by the Town of Kershaw, the Planning Commission and/or the County Planning Staff shall assist in other appropriate Planning and Zoning matters. The Town shall reimburse the County Planning Department

for administrative review services rendered on an hourly basis, not to exceed \$50.00 per hour.

- G. **Administration.** All applications shall be duly filed with Lancaster County, with all appropriate fees collected by the County. Upon determination that the application is complete, it may then be referred to the County Planning Commission or other appropriate reviewing agency or staff.

- H. **Annual Review.** The Development Services Director will provide a review of all work done on behalf of the Town of Kershaw to the Lancaster County Council at the last Council meeting of each calendar year. This review will include a report of the number of permits issued in the town limits, and the number of planning applications acted on for the town in the calendar year.

Section 4. Agreement. Upon the effective date of this Ordinance and upon approval by Lancaster County and the Town of Kershaw, Lancaster County and the Town of Kershaw are hereby authorized to execute and deliver an Intergovernmental Agreement (attached hereto as Exhibit A) providing for the services as described herein and the terms of such Intergovernmental Agreement shall constitute the entire agreement between the parties for the Lancaster County Planning Commission, Lancaster County Board of Zoning Appeals, Lancaster County Planning Department, Lancaster County Zoning Department, Lancaster County Building Department, and Lancaster County Administration. This agreement may be terminated by either party with ninety (90) days written notice provided to the other party prior to the date of termination, or by mutual agreement at any time. This agreement will be renewed on July 1, 2024 and thereafter automatically renewed on the first day of each fiscal year unless otherwise terminated as provided above.

WHEREFORE, the parties have caused this Agreement to be signed as of the date and year first written above.

COUNTY OF LANCASTER

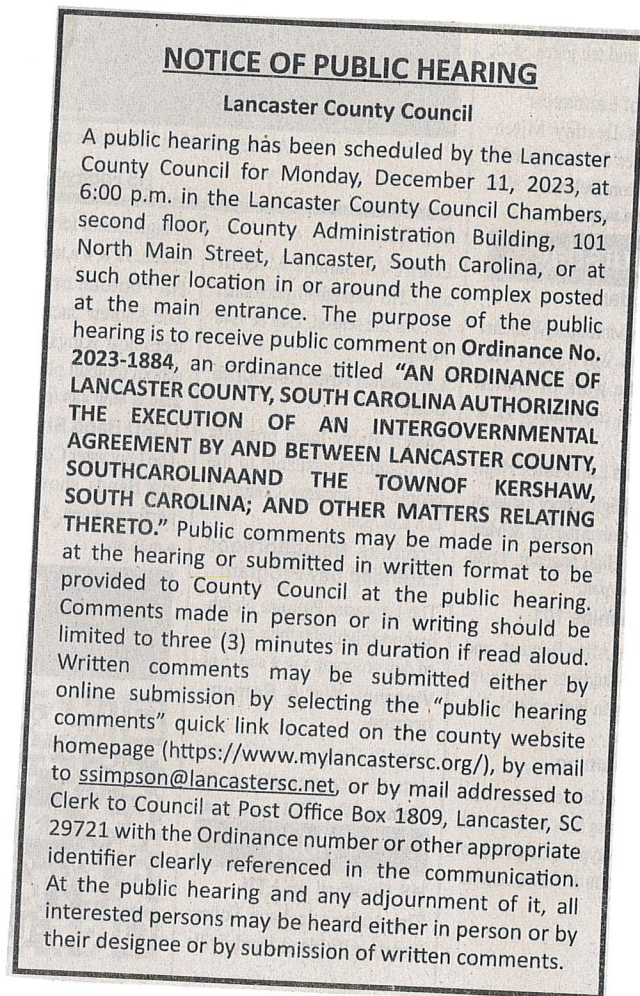
TOWN OF KERSHAW

By its: Administrator

By its: Administrator

The Lancaster News

980 N Woodland Drive
PO Box 640
Lancaster, SC 29721
803-283-1133



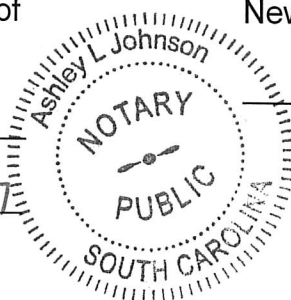
I hereby certify that on the above notice published in The Lancaster News, a general circulation in Lancaster County, South Carolina, in accordance with law on November 18th 2023.

SWORN to before me this 18 day of November, 2023

Ashley L Johnson

Notary Public for South Carolina

My Commission Expires: 01/20/2027



Newspaper Rep Signature

Kousti Roro

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1885

Contact Person / Sponsor: Dennis Marstall/Administration, Ginny Merck-Dupont/ Attorney and Allison Hardin/Development Services

Department: Administration

Date Requested to be on Agenda: 12/11/2023

Council Action Requested:

To clean up the current Code of Ordinances to properly reflect the services being offered by the County to the four municipalities and to properly reflect the composition of the Planning Commission in accordance with the Intergovernmental Agreements between the County and Towns of Heath Springs and Kershaw.

UPDATE SINCE 1ST READING: Staff has drafted an amendment to Article II, Section 25-21, paragraph (b) , as requested by Council to clarify the Planning Commission membership and responsibility for representation. The new paragraph proposed is as follows, with edits highlighted:

The planning commission shall have seven (7) members appointed by the county council. One (1) member must be appointed from each of the seven (7) county council districts, upon recommendation of the council member elected from that district. The member must reside in the district for which the member is appointed. In the appointment of planning commission members, the council shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Members shall represent a broad cross section of the interests and concerns within the county, and per agreements made between Lancaster County and the Towns of Heath Springs and Kershaw via Ordinances 2023-1883 and 2023-1884, the member who represents District 6 shall also represent the incorporated areas of the towns of Heath Springs and Kershaw.

Points to Consider:

The current Code of Ordinances does not reflect the proper number of municipalities which are now incorporated and needs to be corrected. In addition, a number of services being provided by the County are either not codified or need to be removed as they are no longer being provided. This ordinance will update the Code and clarify the services being provided to the municipalities.

The ordinance will also clarify the composition of the Planning Commission in accordance with the request by the Towns of Heath Springs and Kershaw for the County to provide planning services within the municipal limits.

Funding and Liability Factors:

These changes may require additional staff in the future to provide the planning, building and code enforcement services desired for the growing county.

Recommendation:

Adopt the Ordinance.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2023-1885	11/28/2023	Ordinance
Notice of Public Hearing for Ordinance 2023-1885	12/6/2023	Public Hearing Notices

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2023-1885

COUNTY OF LANCASTER

)

)

AN ORDINANCE

TO AMEND ARTICLE IV OF CHAPTER 25 OF THE LANCASTER COUNTY CODE SO AS TO AMEND THE DUTIES OF THE BUILDING DEPARTMENT, PLANNING DEPARTMENT, AND THE ZONING DEPARTMENT PER THE INTENT OF THE INTERGOVERNMENTAL AGREEMENTS SIGNED BETWEEN LANCASTER COUNTY AND THE TOWNS OF HEATH SPRINGS AND KERSHAW; AND OTHER MATTERS RELATING THERETO.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) The Towns of Heath Springs and Kershaw have passed ordinances to request Lancaster County provide building, code enforcement, planning and zoning services to the communities in the same manner as the services are provided outside of town jurisdictional boundaries.
- (b) The County, at this time, has staff engaged in building inspections and permitting, code enforcement, plan review, and zoning interpretation for unincorporated areas of Lancaster County, and who perform those roles daily.
- (c) The County also has a duly appointed planning commission that meets the requirements of the SC Code of Laws, Chapter 29 (South Carolina Local Government Comprehensive Planning Enabling Act of 1994), which includes a member that represents the County district that includes the Towns of Heath Springs and Kershaw.
- (d) The County contracts with outside planning agencies for long-range planning activities such as comprehensive planning and code revisions.
- (e) The County finds that the daily operations for building inspections and permitting, code enforcement, plan review, and zoning interpretation for the Towns of Heath Springs and Kershaw are within the current capacity of staff to address without significant additional cost to the County.
- (f) The County also finds for special projects requiring outside contracting, including but not limited to comprehensive plan drafts and code revisions, a proportionate share of the cost should be shared by the Towns of Heath Springs and Kershaw.
- (g) The County, the Town of Heath Springs, and the Town of Kershaw are entering into intergovernmental agreements (IGAs) to provide the services listed above and enumerated on the IGA.
- (h) As part of those IGAs, the Towns of Heath Springs and Kershaw have considered the issue of equal representation on the planning commission and agree that the current membership formula, adopted rules of organizational procedure, and administrative support apparatus, is acceptable and shall remain unchanged.

Additions are Underlined. Deletions are ~~Struck Through~~.

Section 2. Amendments.

Chapter 25 of the Code of Ordinances for Lancaster County is hereby amended as follows:

ARTICLE II. PLANNING COMMISSION

Sec. 25-21. Planning commission established, etc.

- (a) There is established a planning commission for Lancaster County, which shall have the powers and duties as provided in the S.C. Code §§ 6-29-310 through 6-29-380, as may be amended from time to time.
- (b) The planning commission shall have seven (7) members appointed by the county council. One (1) member must be appointed from each of the seven (7) county council districts, upon recommendation of the council member elected from that district. The member must reside in the district for which the member is appointed. In the appointment of planning commission members, the council shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Members shall represent a broad cross section of the interests and concerns within the county, and per agreements made between Lancaster County and the Towns of Heath Springs and Kershaw via Ordinances 2023-1883 and 2023-1884, the member who represents District 6 shall also represent the incorporated areas of the towns of Heath Springs and Kershaw.
- (c) (1) The term of office for planning commission members is four (4) years. All terms end on June 30. A member shall not serve more than two (2) consecutive terms without a period of at least two (2) years elapsing after expiration of the second term; provided, however, upon a two-thirds ($\frac{2}{3}$) vote of the county council members, a person may be reappointed to the commission notwithstanding the term limitation. Time served in filling a vacancy shall not be included in the term limitation. ~~Time served on the Lancaster County Joint Planning Commission is not included in the term limitation.~~ Members serve until their successors are appointed and qualified. Vacancies must be filled for the unexpired term in the same manner as the original appointment.
 - (2) ~~Reserved.~~
 - ~~(3)~~—All members of the planning commission shall be sworn in prior to participating in a meeting.
- (d) No member of the planning commission shall hold an elected public office in the county.
- (e) All members of the planning commission will be reimbursed for actual expenses and mileage pursuant to county policy after approval by the planning commission chair and the county administrator.
- (f) (1) Any member of the planning commission may be removed at any time by county council for cause.
 - (2) A member of the planning commission who misses three (3) consecutive meetings of the commission during any fiscal year or a total of five (5) meetings in any fiscal year vacates the office to which the member is appointed. The vacancy in the office exists as of the end of the meeting missed by the member that triggers the vacancy and the vacancy shall be filled in the same manner as other vacancies. When a vacancy occurs pursuant to this item, the chair of the planning commission or the planning director shall notify the clerk to council in writing as soon as possible.
- (g) Through the general fund, county council shall have budgetary control and provide for one hundred (100) percent of the funds for the planning commission. The funds dedicated to the planning commission shall be budgeted through the budget of the county planning department.
- (h) The planning commission shall organize, elect officers, and adopt rules of procedure as required by S.C. Code § 6-29-360.
- (i) The planning commission shall meet at least once each month for the purpose of acting on matters before the planning commission. In addition, the planning commission shall meet at least once each month for

Additions are Underlined. Deletions are ~~Struck Through~~.

the purpose of conducting a work session at which no action is taken by the planning commission. The planning commission shall meet at the call of the chair and at such times as the chair or commission may determine. Meetings may be rescheduled (with appropriate notice) or canceled due to lack of business, conflicts with holidays, or other reasons as deemed necessary by the commission.

- (j) The jurisdiction of the planning commission is the total unincorporated area of the county unless otherwise provided by subsequent ordinance. Pursuant to the Intergovernmental Agreement of 2023 (attached to Ordinances 2023-1883 and 2023-1884), the planning commission's jurisdiction has been expanded to include the entirety of the towns of Heath Springs and Kershaw.
- (k) Planning commission members must comply with the provisions of S.C. Code §§ 6-29-1310 to -1380 relating to orientation training and continuing education. Members must file educational requirements certification forms with the clerk to council. A member who fails to comply with the provisions of S.C. Code §§ 6-29-1310 to -1380 is subject to removal from office for cause.
- (l) The planning commission ~~shall~~ may appoint one (1) or more advisory committees to advise the planning commission on planning and land use matters. When making appointments to an advisory committee, the planning commission shall seek to appoint persons representing a variety of interests in the community, including, but not limited to, electric, gas, and telephone utilities; education; water and sewer utilities; real estate; homebuilders; developers; and municipalities. Members of advisory committees shall serve without compensation. Advisory committee members shall meet with the planning commission at such times as requested by the planning commission.

Sec. 25-22. Service to municipalities.

It is the intent of county council for the planning commission established pursuant to section 25-1 to serve as the official planning commission of any municipality in the county if the municipality designates by ordinance the county planning commission as the official planning commission of the municipality. Prior to accepting the designation by a municipality, county council must approve an ordinance approving an agreement with the municipality which conforms to the requirements of S.C. Code § 6-29-330(B).

Sec. 25-23. ~~Continuation of services previously provided.~~

~~It is the intent of county council for the change from a joint planning commission to a county planning commission, as provided in this ordinance, to have no effect on the provision of services and planning. All services previously provided through county services and planning shall continue to be provided at the same level.~~

Secs. ~~25-24~~25-23-25-40. Reserved.

ARTICLE III. PLANNING DEPARTMENT

Sec. 25-41. Creation, function and duties.

Through this section, the county council creates the Lancaster County Planning Department. This staff is ~~charged with creating, revising, and periodically updating the comprehensive plan(s) for Lancaster County and its three (3) municipalities. In addition to the duties involved in gathering data and maintaining the comprehensive plan, the planning staff will be involved in the following~~ daily activities directly associated with implementing the comprehensive plan:

- (1) Comment on annexations, major subdivisions, major developments, and all topics that are related to and have impact on the Lancaster County comprehensive planning process
- (2) Rezoning requests
- (3) Unified Development Ordinance (UDO) amendments

- (4) Policy creation, changes, and research
- (5) Street name changes and adoption
- (6) Traffic impact analysis review
- (7) Bond review and management
- (8) Data collection and management for planning-related topics, including but not limited to housing, open space preservation, transportation networks, land use issues and court cases, land design, nature-based services, floodplain management, historic preservation, agricultural uses and businesses, and economic development.

In addition, staff is charged with creating, revising, and periodically updating the comprehensive plan(s) for Lancaster County and its three (3) municipalities. These long-range planning duties fall outside of the daily operations and constitute special projects. In addition to the duties involved in gathering data and maintaining the comprehensive plan, the planning staff will be involved in various topics, including but not limited to the following:

- (1) *Regional studies.*
 - a. Transportation network.
 - b. Water supply.
 - c. Sewage treatment.
 - d. Solid waste.
- (2) *Small area/focal point studies.*
 - a. Police and fire protection.
 - b. Hospitals and public health.
 - c. Recreation.
- (3) *Capital programming.*
 - a. General government.
 - b. Education.
 - c. Libraries and cultural facilities.
- (4) Environmental planning.
- (5) Housing and redevelopment.
- (6) Grantsmanship.
- (7) ~~Special projects.~~
- (8) Research:
 - a. Census data.
 - b. Database.
 - c. Budget and policy analysis.
- (9) (8) Provide growth management strategies to all councils (i.e. zoning and subdivision changes).
- (10) ~~Comment on rezonings, annexations, major subdivisions, major developments, and all topics that are related to and have impact on the Lancaster County comprehensive planning process.~~

Secs. 25-42—25-60. Reserved.

Additions are Underlined. Deletions are ~~Struck Through~~

ARTICLE IV. BUILDING DEPARTMENT

Sec. 25-61. Created, function and duties.

- (a) Through this section, the county council creates the Lancaster County Building Department. This staff shall perform the daily enforcement activities associated with the following ordinances, codes, and topics:
 - (1) *Issuing:*
 - a. Construction permits.
 - b. Mobile home permits.
 - c. Mobile home de-title permits.
 - d. Application for Building Code appeals.
 - e. Monument or pole sign permits.
 - (2) *Performing:*
 - a. Building codes inspection.
 - b. Building codes enforcement.
 - c. Construction plan reviews.
 - d. Investigation and verification of appeals.
 - e. Mobile home de-title inspections.
 - (3) *Administering:*
 - a. Building codes.
- (b) The building staff shall serve as the enforcement staff to the towns of Heath Springs, ~~and~~ Kershaw and Van Wyck, enforcing only those ordinances and codes that have been duly adopted by the respective councils.
- ~~(c) By separate ordinance, the county council will consider and adopt building and construction codes to be enforced by the building department.~~

Secs. 25-62—25-70. Reserved.

ARTICLE V. ZONING DEPARTMENT

Sec. 25-71. Created, function and duties.

- (a) Through this section, the county council creates the Lancaster County Zoning Department, a subset of the Planning Department. This staff shall perform the daily enforcement activities associated with the following ordinances, codes, and topics:
 - (1) *Issuing:*
 - a. Mobile home moving permits.
 - b. Mobile home change of ownership.
 - c. Application for zoning appeals and variances.
 - d. Use/occupancy permits.
 - e. Septic tank permits.

- f. ~~Alarm~~ Demolition permits.
- (2) *Performing:*
 - a. Unified Development Ordinance code inspections.
 - b. Unified Development Ordinance enforcement.
 - c. Site plan reviews.
 - d. Investigation and verification of Unified Development Ordinance appeals and variances, etc.
- (3) ~~*Administering:*~~
 - a. ~~Flood damage prevention ordinance.~~
 - (b) The zoning staff shall serve as the enforcement staff to the towns of Heath Springs and Kershaw and enforce only those ordinances and codes that have been duly adopted by the respective councils.
 - (c) ~~By separate ordinance, the county council will consider and adopt changes to the Unified Development Ordinance.~~

Section 3. Severability.

If any section, subsection, or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

[SIGNATURE PAGE FOLLOWS]

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2023.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

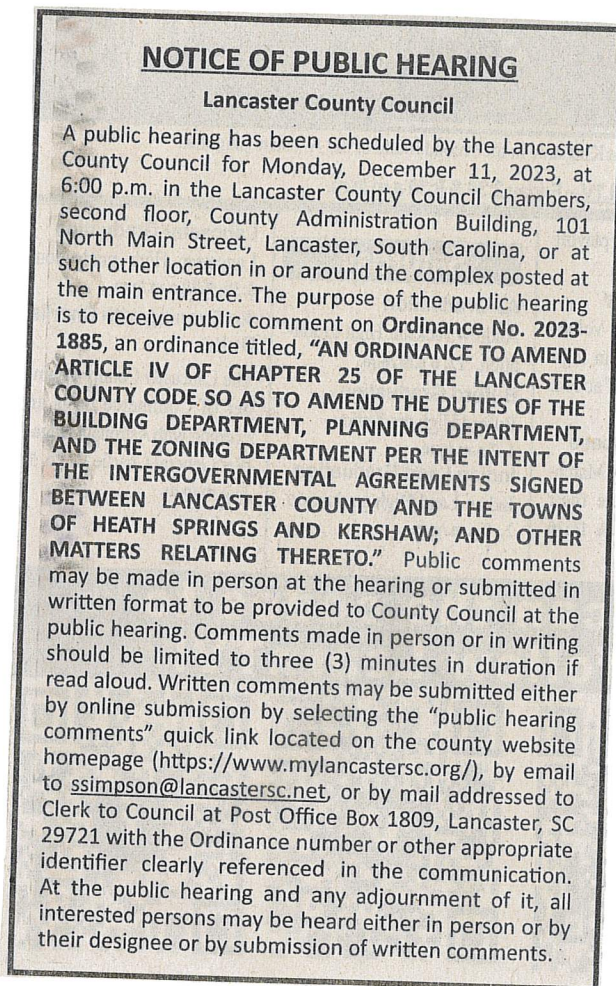
First Reading: November 13, 2023
Second Reading: November 27, 2023
Third Reading: December 11, 2023
Public Hearing: December 11, 2023

Approved as to form:

Virginia Merck-Dupont, County Attorney

The Lancaster News

980 N Woodland Drive
PO Box 640
Lancaster, SC 29721
803-283-1133



I hereby certify that on the above notice published in The Lancaster News, a general circulation in Lancaster County, South Carolina, in accordance with law on November 18th 2023.

SWORN to before me this 18 day of November, 2023

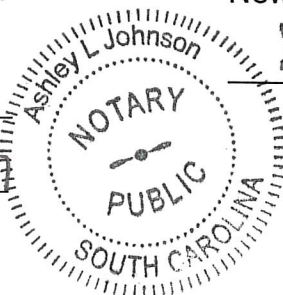
Ashley L Johnson

Notary Public for South Carolina

My Commission Expires: 01/20/2025

Newspaper Rep Signature

Kristi Ross



Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1865 / Planning Case Number: UDO-TA-2023-0972

Contact Person / Sponsor: A. Hardin / Planning

Department: Planning

Date Requested to be on Agenda: 12/11/2023

Council Action Requested:

Consider the following text amendment to the UDO: Chapter Two, Sec 2.4 District Standards (MDR): Application by Planning Department on behalf of County Council to amend standards for MDR district, regarding lot size, front setbacks, usable open space, block length, and density calculation.

Points to Consider:

Please see attached staff report.

Funding and Liability Factors:

N/A

Recommendation:

Approve Ordinance 2023-1865.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2023-1865	9/26/2023	Ordinance
Staff Report	8/8/2023	Ordinance
Application	7/12/2023	Exhibit

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2023-1865

COUNTY OF LANCASTER

)

)

AN ORDINANCE

TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”) CHAPTER 2 (DISTRICT STANDARDS), CHAPTER 5 (USE REGULATIONS), AND CHAPTER 6 (SUBDIVISION AND INFRASTRUCTURE STANDARDS) RELATING TO THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONING DISTRICT, ON THE EFFECTIVE DATE OF THIS ORDINANCE

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

Section 1. Findings and Determinations.

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

- (a) Lancaster County initiated a full rewrite of the Unified Development Ordinance (UDO) in October 2021 to address substantive issues with the UDO, has retained a UDO consultant to assist in the full rewrite of the UDO, and the full rewrite is expected to take another twelve (12) to eighteen (18) months to complete.
- (b) Development interest and activity in Lancaster County continues to increase, particularly in the single-family housing market.
- (c) Lancaster County Council has previously expressed their interest in amending the regulations for medium density residential districts, and assigned staff to research and edit the regulations separate from the UDO rewrite.
- (d) Staff did research the single-family housing market, housing needs, and the current situation of housing costs and how they are out of reach of 75% of the households in the area, and found the following information:
 - i. Lancaster County has a severe shortage of housing that is affordable to “workforce” buyers (professional and blue-collar employees).
 - ii. Lancaster County regulations, including prohibition of “missing middle” housing types, has contributed to this shortage.
 - iii. Lancaster County residents have complained frequently about traffic and parking in their neighborhoods.

Based on this information, amendments were recommended and presented to the Planning Commission for review.

- (e) The text amendment is consistent with the goals of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as applicable provisions of South Carolina Code, Title VI.
- (f) Lancaster County Planning Commission considered the proposed text amendment at its meeting on July 18, 2023 and unanimously recommended approval (6-0) for this amendment.

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

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

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2024.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: December 11, 2023
Second Reading: January 8, 2024
Third Reading: January 22, 2024
Public Hearing: January 22, 2024

Approved as to form:

Virginia Merck-Dupont, County Attorney

PROPOSED TEXT AMENDMENTS

Language proposed for deletion is ~~striketrough~~

Language proposed for addition is highlighted and underlined

Section 2.3 Districts Described – Medium Density Residential (MDR): The Medium Density Residential District is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 2.5 dwelling units per acre. Intended to act as a transitional zoning district between rural and urban development, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

Section 2.4 Development Standards

MDR

1. DEVELOPMENT STANDARDS	
A. District/Development Area (min)	n/a
B. Development/District Exterior Setback/Buffer	n/a
C. Density (max)	2.5 units/acre
D. Open Space (min)	20%
E. Park Space (min)	5%
2. LOT STANDARDS	
A. Lot Area (min)	10,000 sf
B. Lot Width at Front Setback (min)	70 ft Water/Sewer OR 130 ft Septic See Below (5)
C. Pervious Surface (min)	45%
3. PRINCIPAL BUILDING	
A. Principal Front Setback (min)	30 ft
B. Street Side/Secondary Front Setback (min)	15 ft
C. Side (from adjacent lot) Setback (min)	10 ft
D. Rear Setback (min)	25 <u>20</u> ft
E. Other Standards	<u>n/a Garages, when facing a street, must be set back at least 40 feet from the right-of-way</u>
4. ACCESSORY STRUCTURE	
A. Side Setback	5 ft
B. Rear Setback	5 ft
C. Other Standards	See Below (1, 2)
MDR CONTINUED	

5. PARKING CONFIGURATION	
A. Parking Location per Section 7.2.3	See Chart 7.2
B. Parking in Exterior Setback/Buffer	n/a
C. On-street Parking	Not allowed
6. BUILDING HEIGHT	
A. Principal Building (max)	35 ft
B. Accessory Structure (max)	2 stories
C. Additional Height Permitted with Additional Setback	n/a

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. For any development/subdivision connected to both public water and sewer shall utilize the alternate dimensional standards given in the table.

5.2 RESIDENTIAL USES

5.2.1 DWELLING – TWO FAMILY [MDR, PB, HDR]

A. Building Location:

1. Two Family Dwellings shall be limited to one per block face in MDR zones.
2. Two Family Dwellings of two stories or more shall require one of the following design components on each side of the building that abuts a single family detached structure:
 - a. Increase the side yard setback by five (5) feet in addition to what is already required (Item 2 below); or
 - b. Plant a Type A buffer between the two-family dwelling and single family detached unit (Item 3 below); or
 - c. “Stepping down” structure height to one story on the sides abutting the single family detached unit for a minimum of ten (10) feet in depth (Items 1 and 4, below).



B. Building Type: Two Family Dwellings (duplexes) shall be restricted to the Detached House building type as shown in Chapter 3 with a maximum of 2 units designed to blend in with single family homes in the surrounding block, including using the same exterior building materials as other properties on the block.

C. Exterior Appearance

1. Two Family Dwellings shall be designed such that a maximum of two (2) main entrances are on the fronting facade. Additional building entrances may be provided on the side and rear of the building.
2. Two Family Dwellings on corner lots ~~must~~ may be designed such that a building entrance is on each facade fronting a street.

6.2.5 OTHER RELEVANT STANDARDS FOR SITE PLANS AND SUBDIVISIONS

In addition to the standards found in this chapter, these standards in the following may also apply:

- All sections of Chapter 7: General Development Standards
- All sections of Chapter 8: Natural Resources Protection
- Grading will be planned in phases, to retain tree cover for as long as possible, and minimize sediment runoff. The phasing plan must be reviewed and approved by staff and the Planning Commission during the preliminary plat review process. Any changes in phasing that affect infrastructure (streets, water, sewer, etc.) will require re-review by staff and Planning Commission.

PROPOSAL: Amend Unified Development Ordinance Standards for Medium Density Residential District.

APPLICABLE CHAPTER(S): UDO Chapter 2, Chapter 5, Chapter 6

APPLICANT: Lancaster County Council

STATED CONCERN: “Changes are intended to address known issues...related to front setbacks, usable open space, lot sizes, ...and density calculation.”

BACKGROUND:

Growth management has been an active discussion with the County Council over the course of the last years. Many discussions have focused on the Medium Density Residential (MDR) zone and cluster housing option for subdivision development. Staff has noted complaints on both sides of the MDR coin (too much and not enough density), and also the cluster development option (too much density and not enough usable space left for development).

There have been two attempts in the last twelve months to “fix” the Medium Density Residential (MDR) zoning district. The first attempt, “flex” zoning, was drafted in 2022 after months of research. It was perceived as too complex, and there were questions about how it would fit into the pending Unified Development Ordinance (UDO) rewrite. It failed to receive full Council support.

Afterwards, citizen engagement prompted the County Council to initiate other proposed changes to the Medium Density Residential (MDR) Zoning District and the associated Cluster Subdivision Overlay District (CSOD). The underlying intent of the amendments (as understood by staff) included: 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.

This second attempt, increasing the minimum lot size with variable lot options under cluster zoning, was made earlier this year. It was perceived as a regulation that would increase the cost of residential housing and failed to pass. Staff then asked for time to separate the two issues in order to reach a resolution.

In the months since the flex option was denied, Lancaster County Council has continued to hear many times from residents in the Indian Land area that there is too much residential development in their area. They primarily report issues with traffic, both on Hwy 521 and on local connectors to the highway, and request a moratorium on new development.

Lancaster County staff have heard complaints about housing as well, most of which can be lumped into one of three topics:

- The challenge in finding housing that is affordable to the “working class”
- Inability of new residents to add on to their existing homes due to lack of space or yard for accessory units, pools, etc.
- Developer interest in creating more lots for sale or development

Recently, there has been some support resurfacing for the flex zoning concept, especially from developers. Staff has also been investigating other concepts, including sunrise/sunset zoning, mandatory periodic review, and algorithmic review models (scorecards based on how a project addresses the community goals).

In this report, staff discusses the county’s housing needs, and alternatives to address both the needs and the public’s perceived issues.

REVIEW OF CURRENT REGULATIONS – MDR

Section 2.3 Districts Described – Medium Density Residential (MDR): The Medium Density Residential District is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 2.5 dwelling units per acre. Intended to act as a transitional zoning district between rural and urban development, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

Section 2.4 Development Standards

MDR

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C. Pervious Surface (min)	45%

MDR (Continued)	
3. PRINCIPAL BUILDING	
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C. Side (from adjacent lot) Setback (min)	10 ft
D. Rear Setback (min)	25 ft
E. Other Standards	n/a
4. ACCESSORY STRUCTURE	
A. Side Setback	5 ft
B. Rear Setback	5 ft
C. Other Standards	See Below (1, 2)
5. PARKING CONFIGURATION	
A. Parking Location per Section 7.2.3	See Chart 7.2
B. Parking in Exterior Setback/Buffer	n/a
6. BUILDING HEIGHT	
A. Principal Building (max)	35 ft
B. Accessory Structure (max)	2 stories
C. Additional Height Permitted with Additional Setback	n/a

1. *Accessory structures over 600 sf must comply with principal setback require*
- *No accessory structures may be located on corner lots between the street and wall line of the principal structure.*
- *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.*
- *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.*
- *For any development/subdivision connected to both public water and sewer shall utilize the alternate dimensional standards given in the table.*

Section 2.5.3 Uses Permitted

- Dwelling, Single Family
- Gardens, Community and Private
- Class 1 and Class 2 Utilities*

Section 2.5.3 Uses Permitted with Review (Code Section that Outlines the Review Criteria)

- Dwelling, Two Family (5.2.1)
- Dwelling, Accessory (5.2.3)
- Home Occupation (5.4.2)
- Cemetery (5.6.1)

- Event Venue/Banquet Hall (5.6.2)
- Public Recreation Facilities (5.6.5)
- Child/Adult Day Care Home of five or fewer persons (5.7.1)
- Electric Vehicle Charging Stations (5.8.2)
- Backyard Pens/Coops (5.10.4)
- Farmer's Markets and Roadside Stands
- Geothermal Energy Systems (5.11.2)
- Solar Energy Systems (5.11.3)
- Wireless Communication Facility, Concealed and Up to 60 ft tall (5.11.5)
- Temporary Uses (5.12)

Section 2.5.3 Special Exceptions (Code that Outlines the Exceptions)

- Wireless Communication Facility, over 60 ft but less than 200 ft (5.11.5)

Section 2.5.3 Conditional Uses (Code Section that Outlines the Conditions)

- Places of Assembly (5.6.3)
- Schools – Elementary and Secondary (5.7.7)

** **Section 10.3 Definitions UTILITIES:** Facilities or systems for the distribution of gas, electricity, steam, or water, the collection, treatment and disposal of sewage or refuse; the transmission of communications; of similar functions necessary for the provision of public services.
Radio transmission facilities less than 180 feet in height for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities.*

Utilities are divided into 3 classes:

Class 1: Distribution, transmission and collection lines (above and below ground) including electrical, solar panels, telephone/broadband internet, natural gas, waste water collection, and water distribution lines; pumping stations, lift stations, and telephone/broadband switching facilities (up to 200 square feet).

Class 2: Elevated water storage tanks; above ground natural gas facilities including regulator stations and Point of Delivery stations; package treatment plants; telephone/broadband switching facilities (over 200 square feet); substations; or other similar facilities in connection with telephone, electric, natural gas, steam, and water facilities, not including cellular communication towers.

Class 3: Generation, production, or treatment facilities such as power plants, water and sewage plants.

Other Impacts to/from MDR (*Relevant Code Citations Italicized*):

- When mixed use buildings are located next to MDR zoned land, higher setback and buffer regulations are triggered to reduce the impact of a high bulk building next to a residential property zoned MDR. (*3.8.J, 5.5.4*)

- Restricted Industry (restricted industry uses, junkyards, landfills) must be at least ½ mile away from any MDR districts. (5.9.1.C.1; 5.9.2.C; 5.9.4)
- Restricted Indoor Warehouse and Wholesaling and Distribution uses must be at least ¼ mile from any MDR districts. (5.9.13.C)
- Private recycling collection stations are required to be at least 500 feet from MDR districts. (5.9.8)
- Outdoor storage yards and billboards are required to be at least 300 feet from MDR districts (5.9.10, 7.4.6.F.4), and illuminated signs must be set back at least 50 ft from any abutting property line shared with a property zoned MDR. (7.4.9.A.2)
- Outdoor theaters must be 200 feet from any adjacent property zoned MDR. (5.5.13)
- Junkyards adjacent to property zoned MDR are required to have a larger setback than from business and industrial zones. (100 ft vs 50 ft) (5.9.2.E)
- Temporary weekend flea markets must be located 250 ft from any MDR district, unless there is a four-lane road between the market and the MDR property. (5.12.4)
- Major subdivisions are required to have public water and hydrants, public sewer, street trees, paved streets, street signs, parks/open space, and sidewalks in their design. (6.3)
- Buffer yards are determined based on zone proximity to each other (7.1.5):
 - Where projects zoned AR, RR, RN, OSP, MH, LDR, MDR, or HDR abut property zoned MDR, there are no additional buffers required.
 - Where projects zoned UR, RMX, INS, MX, PB, NB, or GB abut property zoned MDR, the project must have a Type A (or, on multifamily uses, Type B) buffer.
 - Where RB, LI, HI, and M zones abut MDR zones, they are required to have a Type C buffer (most stringent requirement).
- The amount of light a project can shed onto adjacent property is significantly more limited when the adjacent property is MDR. (7.3.2.A)

RELEVANT DATA – NEW HOUSES IN LANCASTER COUNTY

Average home price in Lancaster County, June 2023:

\$405,528

Average Square Footage (2023 data to June) of New Single-Family Home:

3,503 sq ft

Median Sold Price (by Bedroom Count) in Lancaster County:

# BEDS	JUN 2022	JUN 2023	% INCREASE OVER 2022
1	\$110K	\$160K	+45.5%
2	\$297.3K	\$300K	+0.9%
3	\$303K	\$325K	+7.2%
4	\$459.2K	\$480K	+4.5%
5+	\$602.2K	\$625K	+3.8%

Source: RocketHomes

Homes for Sale (by Bedroom Count) in Lancaster County:

# BEDS	MAY 2023	JUN 2023	% CHANGE (+ OR -)
1	0	0	0.0%
2	60	72	+20.0%
3	241	243	+0.8%
4	126	120	-4.8%
5+	61	65	+6.6%

Source: RocketHomes

New Single-Family Home Construction in Lancaster County, 5 Year Review:

Single Family Homes in Lancaster County by year	Total sq. ft. of SF built in county	Average sq. ft. of a home (single family homes only)	Total number of homes permitted
2019	3,883,718	3,130	1,241
2020	4,888,779	3,460	1,413
2021	4,535,411	3,646	1,244
2022	3,561,567	3,579	995
2023	1,180,624	3,503	337

Source: Lancaster County Building Inspections

Affordability of New Single-Family Home Construction (2023):

Median New Home Price, June 2023	Household Income Needed to Qualify	Total Number of Households	Households Unable to Afford the Median Price	Percent Unable to Afford Median Price
SC: \$404,514	\$118,055	2,216,805	1,597,965	75%
CLT Area: \$469,445	\$138,191	1,119,126	847,316	76%

Source: National Association of Home Builders

NAHB Blog (<https://www.nahb.org/blog>) Lot Shortage Eases but Still a Problem

Obtaining lots for new homes remains a challenge for many of NAHB's builders, but the shortages are not as widespread as they were in 2021, according to responses to the May 2023 survey for the NAHB/Wells Fargo Housing Market Index (HMI).

Nearly half (42%) of single-family home builders characterized the supply of lots simply as low, and another 25% said the supply was very low. That total (67%) is down from 76% who reported shortages in the September 2021 survey, but is still the second highest incidence of lot shortages on record since NAHB began collecting the information in 1997.

The current percentage of builders reporting a shortage of lots is particularly high relative to the current level of production. Over the past six months, total housing starts have been hovering around an annual rate of 1.4 million. In comparison, in 2005 when total housing starts peaked at more than 2 million, 53% of builders were reporting lot shortages.

One factor contributing to the lot shortage is availability of credit for developers. **Loans to develop new residential lots** (<https://eyeonhousing.org/2023/05/rates-on-development-andconstruction-loans-continue-to-climb/>) were becoming both harder to obtain and more expensive over the prior year. Government regulation — which can lengthen and complicate the lot development process and add to its cost — is another factor.

(Published June 2023)

Current MDR Requirements leave property on the table:

Per acre...	43,560 sq ft
Open space requirement, 20%	- 8,712 sq ft
Park space requirement, 5%	- 2,178 sq ft
Minimum lot size (10,000 sq ft) x 2.5	<u>-25,000 sq ft</u>
Remaining square footage per acre	7,670 sq ft

STAFF ASSUMPTIONS:

- Lancaster County has a severe shortage of housing that is affordable to “workforce” buyers (professional and blue-collar employees).
 - Lancaster County regulations have contributed to this housing shortage by not having enough options for homes that are not detached single-family houses.
 - Fewer lots in rotation for development leads to higher cost per lot (principles of supply vs demand).
 - Previous development projects, in the Panhandle particularly, did not address traffic impacts well enough.
 - **A balanced code for mid-level housing and subdivisions can address these issues.**
-

OPTIONS to address concerns:

- **Add parking plan requirement for overflow; require parking to be on private lands (off street).**
 - There have been many complaints logged by staff regarding conflicts in subdivisions with on-street parking. Parking should not be allowed on-street unless the street width can accommodate public safety apparatus at the same time as a parked car on-street.
- **Allow flexible types of housing to address the “missing middle” housing options. (Ref: <https://missingmiddlehousing.com/types>)**
 - Townhouses, duplexes, triplexes and cottage courts could be utilized with the proper development standards.
 - Parts of the county could be designated as density-ready areas and given density bonuses for incorporating multiple types of housing.
 - Code changes that go along with this include flexible lot sizes, increased buffering (either by setbacks, landscaping, or both), variable front setbacks (garages must be far enough back to park cars), and clustered parking areas near open space.
- **Work with a receptive developer to create a pilot neighborhood to try out the regulations before applying them county-wide.**
- **Require phasing to reduce mass grading.**
 - Staff have received many complaints about entire development sites being taken down all at once; it provides challenges for sediment management as well.
 - Phasing the plans would allow trees to remain in sectors until the development progresses to the next phase.

OTHER ALTERNATIVES:

- **Reconsider flexible zoning options.**
 - Zoning regulations that give developers options for varied sizes of lots, lot widths, and setbacks (with proper screening) give the developer more financial options with the goal of giving the buyers more available price points.
- **Incorporate Traditional Neighborhood Design concepts into the MDR.**
 - Think walkable neighborhoods with safe, public open spaces.
 - This option takes more staff review and is stricter but results in desirable projects.

ADD THE FOLLOWING TO THE UDO REWRITE (requires more work and study):

- **Determine tree species and sizes to be protected;** prioritize tree species that are native to the area and help control stormwater (through absorption).
- **Anticipate and supplement customer needs.**
 - Many buyers are unhappy to discover their smaller lots are unable to hold a storage unit, or store a boat/RV/trailer, or build a backyard retreat.
 - Codes could support the implementation of these items in the neighborhood design by supporting neighborhood secured parking areas, storage units built into

the home, and elevated home sites under which vehicles could be parked or shaded seating/recreation areas could be installed.

STAFF CONTACT:

Allison Hardin, Development Services Director

ahardin@lanastercountysc.net

PROPOSED TEXT AMENDMENTS

Language proposed for deletion is ~~striketrough~~

Language proposed for addition is highlighted and underlined

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4. ACCESSORY STRUCTURE	
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C. Other Standards	See Below (1, 2)

MDR CONTINUED

5. PARKING CONFIGURATION

A. Parking Location per Section 7.2.3	See Chart 7.2
B. Parking in Exterior Setback/Buffer	n/a
C. On-street Parking	Not allowed

6. BUILDING HEIGHT

A. Principal Building (max)	35 ft
B. Accessory Structure (max)	2 stories
C. Additional Height Permitted with Additional Setback	n/a

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. For any development/subdivision connected to both public water and sewer shall utilize the alternate dimensional standards given in the table.

5.2 RESIDENTIAL USES

5.2.1 DWELLING – TWO FAMILY [MDR, PB, HDR]

A. Building Location:

1. Two Family Dwellings shall be limited to one per block face in MDR zones.
2. Two Family Dwellings of two stories or more shall require one of the following design components on each side of the building that abuts a single family detached structure:
 - a. Increase the side yard setback by five (5) feet in addition to what is already required (Item 2 below); or
 - b. Plant a Type A buffer between the two-family dwelling and single family detached unit (Item 3 below); or
 - c. “Stepping down” structure height to one story on the sides abutting the single family detached unit for a minimum of ten (10) feet in depth (Items 1 and 4, below).



- B. **Building Type:** Two Family Dwellings (duplexes) shall be restricted to the Detached House building type as shown in Chapter 3 with a maximum of 2 units designed to blend in with single family homes in the surrounding block, including using the same exterior building materials as other properties on the block.

C. **Exterior Appearance**

1. Two Family Dwellings shall be designed such that a maximum of two (2) main entrances are on the fronting facade. Additional building entrances may be provided on the side and rear of the building.
2. Two Family Dwellings on corner lots ~~must~~ may be designed such that a building entrance is on each facade fronting a street.

6.2.5 OTHER RELEVANT STANDARDS FOR SITE PLANS AND SUBDIVISIONS

In addition to the standards found in this chapter, these standards in the following may also apply:

- All sections of Chapter 7: General Development Standards
- All sections of Chapter 8: Natural Resources Protection
- Grading will be planned in phases, to retain tree cover for as long as possible, and minimize sediment runoff. The phasing plan must be reviewed and approved by staff and the Planning Commission during the preliminary plat review process. Any changes in phasing that affect infrastructure (streets, water, sewer, etc.) will require re-review by staff and Planning Commission.



Planning Department

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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 Chapter Two, Sec. 2.4 District Standards

Current Text _____

Refer to Exhibit A

Proposed Text Refer to Exhibit B

Description of Need for Proposed Text The proposed amendment changes standards for
Medium Density Residential (MDR) District : Lot size and front setbacks, usable
open space, block length, and density calculation .

☒ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name Allison Hardin, by Request from County Council

Address 101 N. Main Street

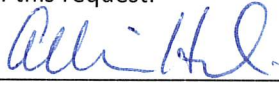
City Lancaster State SC Zip 29720 Phone 803-285-6005

Fax _____ Email ahardin@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.

Allison Hardin, Interim Planning Dir.



5-24-23

Applicant

Date

COUNTY COUNCIL REQUEST 3/27/2023 Agenda item 8b

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.
- Text Amendment Application Fee - \$435.00

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

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

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1870 / Planning Case Number: UDO-TA-2023-0973

Contact Person / Sponsor: A. Hardin / Planning

Department: Planning

Date Requested to be on Agenda: 12/11/2023

Council Action Requested:

Chapter 4, Sec. 4.4 1 Cluster Subdivision Overlay Standards: Application by Planning Department on behalf of County Council to amend standards for Cluster Subdivision Overlay District, regarding lot size, front setbacks, usable open space, block length, CSOD lot size mix, and density calculation.

Points to Consider:

Please see the attached staff report outlining potential changes to the Cluster Subdivision Overlay District.

Funding and Liability Factors:

N/A

Recommendation:

N/A

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2023-1870	9/26/2023	Ordinance
Application	7/12/2023	Exhibit
Cluster Subdivision Map	8/2/2023	Exhibit
Sample CSOD Plats part 1	8/2/2023	Exhibit
Sample CSOD Plats part 2	8/2/2023	Exhibit
Chart of CSOD Developments	8/2/2023	Exhibit
Staff Report	9/18/2023	Planning Staff Report

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2023-1870

COUNTY OF LANCASTER

)

)

AN ORDINANCE

TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”) SECTIONS 4.4.1 (CLUSTER SUBDIVISION OVERLAY DISTRICT) ON THE EFFECTIVE DATE OF THIS ORDINANCE

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

Section 1. Findings and Determinations.

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

- (a) Lancaster County initiated a full rewrite of the Unified Development Ordinance (UDO) in October 2021 to address substantive issues with the UDO, has retained a UDO consultant to assist in the full rewrite of the UDO, and the full rewrite is expected to take another twelve (12) to eighteen (18) months to complete.
- (b) Development interest and activity in Lancaster County continues to increase, and over time, the general consensus of the County is that the cluster subdivision overlay district (CSOD) needed revision.
- (c) The current Lancaster County UDO has provisions for cluster subdivisions that are aligned with the Medium Density Residential (MDR) district, allowing for smaller lots but without a significant link to a reason for the cluster design.
- (d) The proposed text amendment would provide a stronger relationship to conservation and preservation principles which create better and more purposeful open space opportunities, providing buffers from natural hazards, and clustering development opportunities on the higher and better portions of property.
- (e) The text amendment is consistent with the goals of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as applicable provisions of South Carolina Code, Title VI.
- (f) Lancaster County Planning Commission considered the proposed text amendment at its meeting on July 18, 2023 and by a 5-0 vote recommended approval.

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

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

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2024.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	December 11, 2023
Second Reading:	January 8, 2024
Third Reading:	January 22, 2024
Public Hearing:	January 22, 2024

Approved as to form:

Virginia Merck-Dupont, County Attorney

PROPOSED TEXT AMENDMENTS

Language proposed for deletion is ~~strikethrough~~

Language proposed for addition is highlighted and underlined

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~~ that group structures together in particular areas of a site, with the ~~principle~~ principal purpose being to encourage open space, conservation, agriculture, recreation, and public or semipublic uses, and natural resource protection ~~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/or 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, natural resources, and/or other priority areas identified under the comprehensive plan. In addition, cluster layouts reduce development costs by cutting road and utility costs, and bypassing natural conditions on the site (floodplains, large trees, steep terrain, etc). 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. Only lands that have a natural condition that prohibits standard subdivision development are eligible for the cluster subdivision option as determined by the administrator. 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 is dependent upon the lot width. Except for incentive lots, the smallest lot size available under the cluster subdivision option shall be ~~5,000~~ 7,500 square feet. This shall be the minimum lot area allowed for any lot with the minimum lot width of ~~50-60~~ feet, as defined in Section C below. The minimum lot area per dwelling unit shall increase proportionately with an increase in lot width. Incentives to reduce minimum lot size to 5,000 square feet and 50 ft in width are explained in Section 4.4.1.D.3.

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~~ 60 feet, excepting incentive lots created under guidance of Section 4.4.1.D.3.

D. VARIETY OF LOT SIZES

Individual lots in a cluster subdivision shall vary in size and layout. ~~No more than 34 percent of the lots in a cluster subdivision shall have a single designated lot width.~~ The following shall 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.~~ No two adjacent lots shall have the same lot width; there will be at least five feet difference in width as measured at the primary frontage/right-of-way.
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.~~ Incentivized lots (per Section 4.4.1.D.3) may not count for more than 35% of the total lot count.
3. Additional lot size reduction incentives
 - a. Up to 35% of the total lots may be created with a minimum of 5,000 sq ft area and 50 ft lot width (measured at the primary frontage/right-of-way) if at least two of the following components are provided in the design and secured by a development agreement:
 1. A 100-foot riparian buffer is created along waterways or creeks;
 2. Half or more of the open space includes tree preservation of all existing species that measure 18" DBH or more;
 3. A trail system that connects to existing or planned public parks or trail systems outside of the neighborhood is created, built, and maintained;
 4. The neighborhood design includes a Safe Routes to School plan; and/or
 5. Homes built in A or AE zones are constructed on stilts and not fill.

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 primary structure shall be 20 feet to the front of the structure and 40 feet to the garage, if the garage faces the street. If the garage faces a side yard or the rear of the property, the 20 foot setback applies.

Porches may extend into the front yard setback by five (5) feet to create additional variation in streetscape along local roads.

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 25 feet;
3. **Side Yard:** The minimum side yard setback shall be 7 ½ feet.
4. **Exceptions:** The Administrator may approve a reduction of rear or front setbacks by a maximum of five (5) feet in a situation where a structure can't meet the existing setbacks due to a condition in the natural environment that is being preserved, such as trees or wetlands. This may not be applied in addition to the porch exception in 4.4.1.E; this means that the Administrator may not approve a front setback that results in less than fifteen (15) feet from the right-of-way. Side yard setback reductions are not allowed under this exception.

F. OPEN SPACE REQUIREMENT

For a cluster subdivision, no less than 25 30 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. 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:

- Open space may shall include, but is not limited to, a combination of passive recreation, natural preservation of important scenic vistas, environmentally sensitive lands, habitat for wildlife, floodplains, riparian buffers, undisturbed forests of at least three (3) contiguous acres and at least two (2) different species of canopy trees as listed in Section 4.3.2.J.6.vii, and/or historically or archaeologically significant areas. Structures, swimming pools, stormwater management basins, 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);
- The amount of open space required to be set aside shall be determined by the following formula:

Open Space Set Aside = Total Land Area in Parcels minus Total Land Area in Primary Conservation Areas multiplied by the Open Space Percentage then added to the 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 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, steep slope terrain, and soils that don't support building.
4. To fulfill the requirements of this item (4.4.1.F), a combination of the following shall be included in the required open space where practicable:
 - a. Wooded areas;
 - b. Scenic vistas;
 - c. Streams, ponds, wetlands, and floodplains;
 - 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. Habitats of rare, threatened, and/or endangered species as listed by the SC Department of Natural Resources (SCDNR);
 - h. Agricultural lands that are in use;
 - i. Areas of historical importance;
 - j. Parking areas to support these amenities and overflow parking; and/or
 - k. Other environmentally, historically, or archaeologically significant or unique areas;
5. Open spaces 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 except for agricultural lands, which shall be deed restricted to agricultural use and/or open space;
8. Open space shall remain under the ownership and control of the developer (or successors) or a homeowner's 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~~ **prohibited except** for the purpose of **constructing** trails and other such recreational improvements as approved ~~by planning staff under the development agreement and/or site plan review.~~ 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, **including removal of vegetation as part of a Firewise program.** and shall be the responsibility of the person or entity identified as having the right of ownership as outlined in Item 8 above.

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 acreage of the site. For example, when the CSO is located within the MDR, Medium Density Residential, where the maximum density is two **and a half** dwelling units per acre, a 100-acre parcel of land shall be allowed to have no more than ~~200~~ **250** 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)) – follow guidance for collector (rural)	66	22 <u>24</u>
Collector) – follow guidance for collector (rural)	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~~ where street widths are 30 feet or more; after the effective date of this ordinance, on-street parking is prohibited on streets with less width; 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 required. ~~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. On local roads with areas where natural environments are not favorable for concrete sidewalk construction, the developer may discuss alternative path surfaces to meet the sidewalk requirement (for example, permeable pavement). Only surfaces that comply with the Americans with Disabilities Act may be considered, and the Administrator has the final say on accepting such replacement;
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 in order to achieve opacity;
 - 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.
 - g. A 50-foot riparian buffer shall be created along waterways or creeks.
 - h. Wetland buffers are extended by an additional 10 feet to accommodate wetland migration.
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.
10. Grading will be planned in phases, to retain tree cover for as long as possible, and minimize sediment runoff. The phasing plan must be reviewed and approved by staff and the Planning Commission during the preliminary plat review process. Any changes in phasing that affect infrastructure (streets, water, sewer, etc.) will require re-review by staff and Planning Commission.

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).~~

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

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

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

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

~~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~~

$$TO = ((TP - PC) \cdot OSP) + PC$$

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~~



Planning Department

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@lanastercountysc.net
www.mylanastersc.org

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended _____

Current Text _____

Proposed Text _____

Description of Need for Proposed Text _____

☐ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name _____

Address _____

City _____ State _____ Zip _____ 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.

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 _____

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SCHEDULE/PROCESS

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- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
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- Text Amendment Application Fee - \$435.00

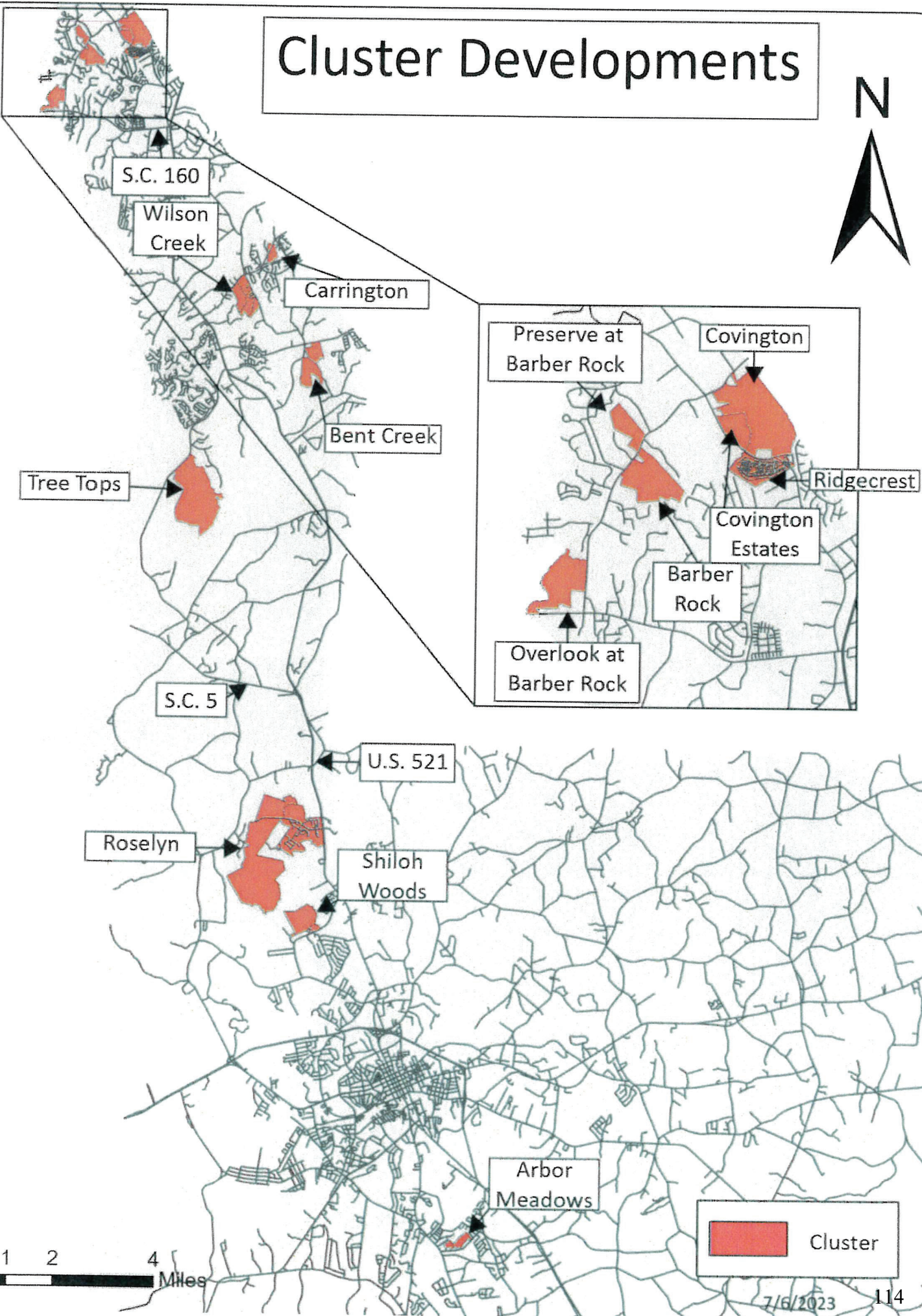
2. Planning Commission

- 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

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

Cluster Developments



Sheet Index

- Sheet PP-1: COVER SHEET
Sheet PP-2: EXISTING CONDITIONS PLAN
Sheet PP-3: PROPOSED SITE PLAN
Sheet PP-4: PROPOSED DRAINAGE PLAN
Sheet PP-5: PROPOSED UTILITY PLAN

Covington Estates
PRELIMINARY SUBDIVISION PLAT
for
Kolter Acquisitions, LLC
LANCASTER COUNTY, S.C.

Site Development Data

Tax Parcel No.: 0003-00-042.00
Zoning Jurisdiction: Lancaster County
Zoning Classification: MDR
Existing Land Use: Vacant
Proposed Land Use: Single Family Residential
Total Site Area: 34.52± acres
Area in Harrisburg Road R/W: 1.38± acres
Net Site Area: 33.14± acres (After R/W Dedication)
Maximum Density: 2.5 units per acre
Maximum Number Lots Allowed: 82 (2.5 x 33.14)
Number Lots Proposed: 53
Proposed Density: 1.60 units per acre (53 / 33.14)
Common Open Space Required: 6.63 acres (20%)
Common Area Provided: 11.00 acres (33.2%)
Park Area Required: 1.66 acres (5%)
Park Area Provided: 2.03 acres (6.1%)
Connectivity Ratio: 1.4 (7 links & 5 nodes)
MDR District Yard Requirements:
Minimum Lot Area: 10,000 SF
Minimum Lot Width: 70'
Minimum Setback: 30'
Minimum Side Yard: 10'
Minimum Side Yard Corner Lot: 15'
Minimum Rear Yard: 25'
Maximum Height: 35'

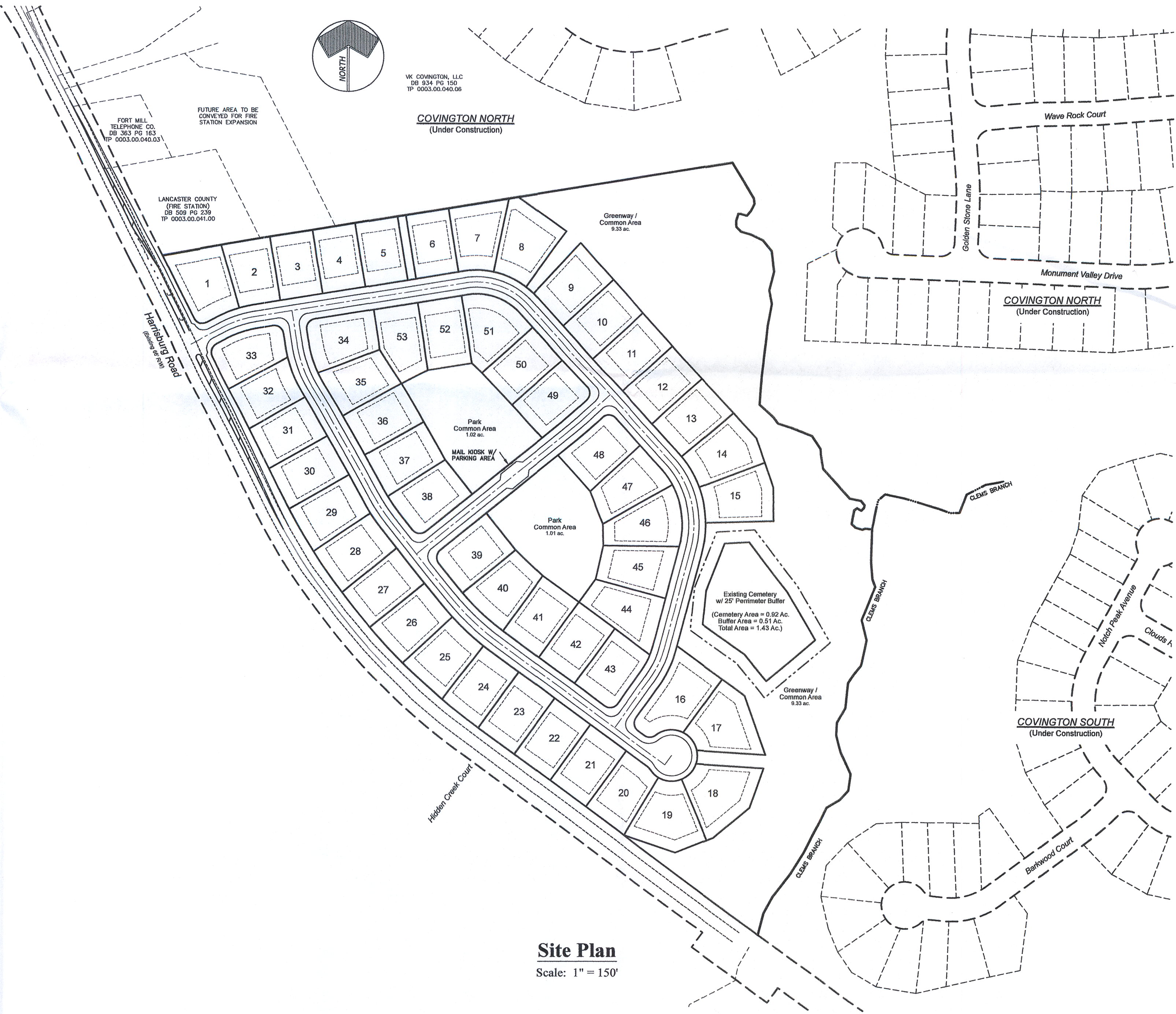
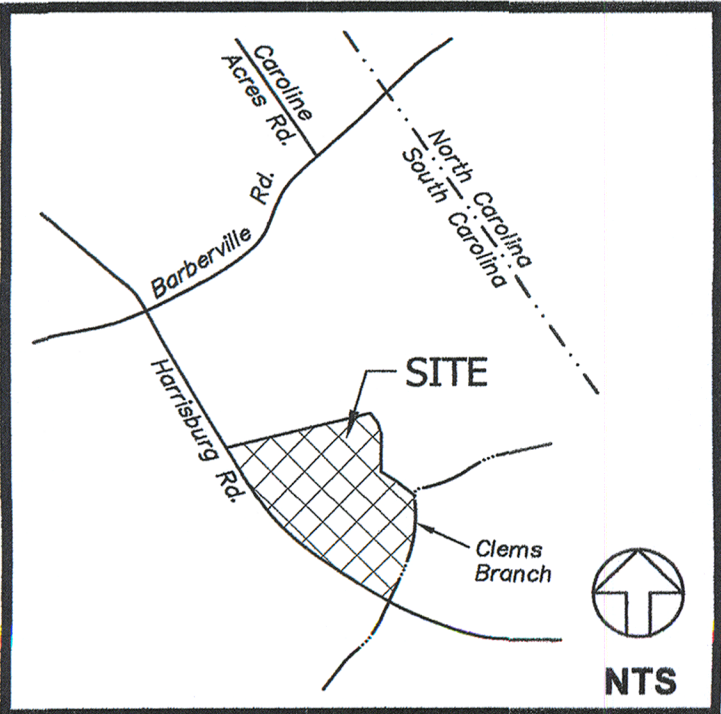
Engineer

Metrolina Engineering & Surveying Associates
4400 Stuart Andrew Blvd, Suite N
Charlotte, NC 28217
Phone: (704) 334-1325
Contact: Wayne M. Harris, P.E.
(wharris@MetroESA.com)

Developer

Kolter Acquisitions, LLC
3737 Glenwood Avenue, Suite 100
Raleigh, NC 27612
Phone: (919) 868-6567
Contact: David Goracke
(dgoracke@kolter.com)

Vicinity Map



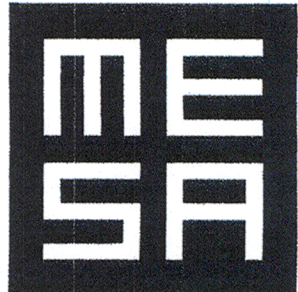
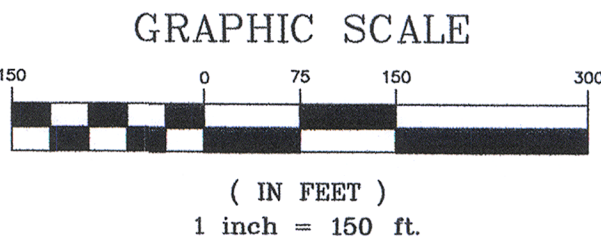
Site Plan
Scale: 1" = 150'

General Notes

- The purpose of this Preliminary Plat is to depict the general layout and site configuration of the proposed Covington Estates development. Final configuration of the proposed development improvements may vary from this depiction based on regulatory review comments, modifications required by final engineering design / preparation of Construction Documents, and/or other considerations.
- Site development and installation of all proposed improvements shall be in accordance with the requirements of the Lancaster County Unified Development Ordinance (UDO).
- Water and Sanitary Sewer service shall be provided via an extensions of the existing Lancaster County water and sewer systems. All related improvements shall be designed and installed in accordance with the requirements of the Lancaster County Water & Sewer District, and/or SCDHEC as applicable. Fire hydrants shall be provided as a part of water main improvements, and shall be located within 500' of all dwellings.
- Boundary information per surveys previously prepared by Metrolina Engineering & Surveying Associates.
- Topographic data within the Covington Estates boundary is based on field run surveys previously prepared by Metrolina Engineering & Surveying Associates. Topography for off-site areas was compiled for various sources.
- Storm water BMP locations are approximate, and subject to modification thru the design and approval process. Post-developed impervious areas are approximately 7.3 acres for lots (based on an average of 6,000 sft/lot) and 3.0 acres for streets.
- As a part of final Construction Documents and supporting calculations, a Flood Study for Clemis Branch will be prepared and submitted for review. The purpose of the Flood Study will be to determine Base Flood Elevations, and to verify that proposed storm water BMP's do not create any adverse impacts to upstream properties.
- A 5' concrete sidewalk shall be provided on one side of all internal streets, and a pedestrian trail shall be provided along the northern boundary to provide access to the Covington North Common Area.
- Street trees shall be provided along all internal streets in accordance w/ the Lancaster County UDO.
- Storm drainage, water, and sanitary sewer improvements as depicted on Sheets PP-4 and PP-5 are conceptual in nature, and intended to show the approximate layout of these improvements. Final locations of improvements and related easements are subject to modification thru the design and approval process.
- Common Areas shall be conveyed to Homeowners Association for the beneficial use of all residents of this development.
- The anticipated typical lot size is depicted on Sheet PP-3, however final lot size may vary depending on specific Builder requirements. No lot size or dimension shall be less than the minimums specified by the Lancaster County UDO.

PRELIMINARY PLAN APPROVED
BY THE LANCASTER COUNTY PLANNING COMMISSION
SUBJECT TO THE FOLLOWING CONDITIONS:

A WALL CONSISTING OF HIGH QUALITY MATERIALS SHALL
BE CONSTRUCTED AT THE REAR OF THOSE LOTS WHICH
ABUT HARRISBURG ROAD. THIS WALL SHALL BE INSTALLED
PRIOR TO FINAL PLAT APPROVAL FOR THESE RESPECTIVE LOTS.
DATE: 11/16/17 EXPIRES: 11/16/19
DEPUTY PLANNING DIRECTOR



METROLINA
ENGINEERING &
SURVEYING
ASSOCIATES

4400 STUART ANDREW BLVD.
SUITE N
CHARLOTTE, NC 28217
P (704) 334-1325
F (704) 334-1330
NC REG-1170 & SC REG-0046

COVER SHEET

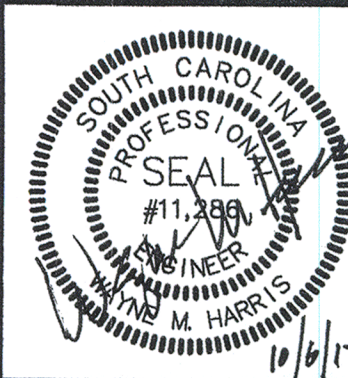
Covington Estates

Kolter Acquisitions, LLC

3737 Glenwood Avenue, Suite 100, Raleigh, NC 27612

Revisions
#1 - 10/26/17: Revised Sheets 1-5 per TDC review.

Job No. 027-17-001
Date 9/1/17
Proj. Mgr. WMH
Drawn AW/WMH

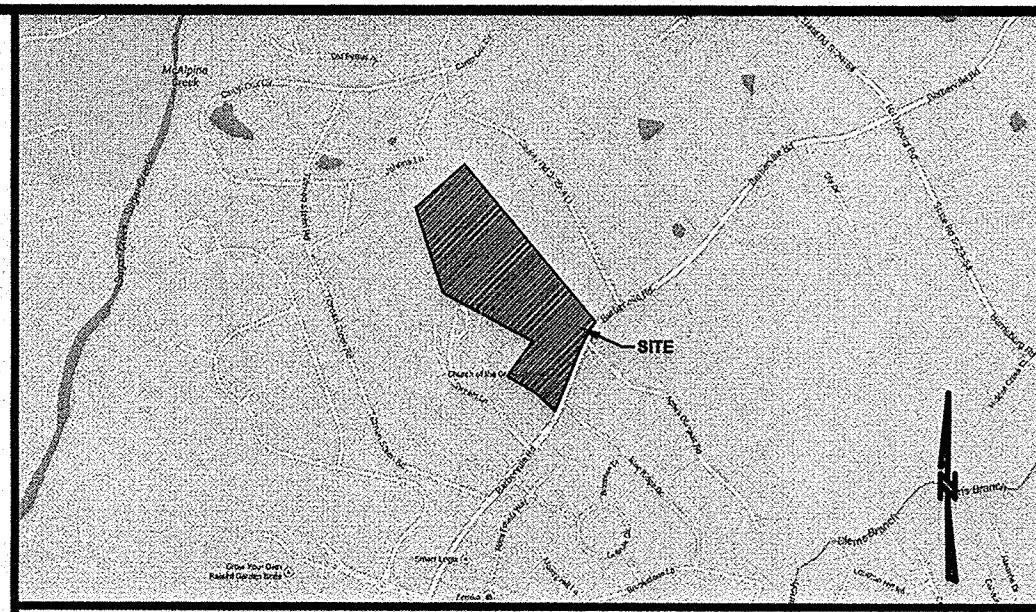


Scale: NOTED

Sheet No.
PP-1
Of 5

THE PRESERVE AT BARBER ROCK

LOCATED IN LANCASTER COUNTY, SOUTH CAROLINA



VICINITY MAP NTS

Development Data:

Tax Parcels:	003-00-068.00 & 003-00-063.01
Site Area:	35.13 Acres
Location:	Lancaster County, SC
Land Use:	Vacant
Existing:	Single-Family Detached Residential
Proposed:	
Zoning:	R-15P CSOD (Ordinance #2014-1274) (Cluster Subdivision Overlay District)
Total Lots:	52 Lots
61'x125' Lots	18 Lots (34%)
71'x130' Lots	17 Lots (33%)
81'x135' Lots	17 Lots (33%)
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 = (35.13)(1.5)	
TU = 52.70 Total Lots or Dwelling Units Allowed	

Proposed Density: 1.48 DU/AC

Total Open Space Proposed: +/- 14.75 Acres

Primary Conservation Areas: +/- 4.68 Acres

Total Open Space Proposed = 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 Proposed (Acres)
TP = Total Parcel (Acres)
PC = Primary Conservation Area (Acres)
OSP = Open Space Percentage (% of Site Acreage excluding PC)
TO = (35.13 - 4.68) 25% + 4.68
TO = 12.29 Acres of Total Open Space Required

Note: The Preserve at Barber Rock CSOD shall include provisions for the protection of trees and other natural amenities within the areas designated for open space in accordance with Section 6F9 of the Lancaster County CSOD Ordinance.

Proposed Fire Hydrants: 4 Hydrants

Connectivity Index (Links/Nodes):
Required: 1.0*
Provided: 1.4 (7 Links / 5 Nodes)
* Refer to Development Agreement, Ordinance No. 2014-1308, Article III, Section 3.01A

R-15P CSOD Lot Standards:

Minimum Lot Width: 50'
Minimum Lot Area: 5,000 sf
Smallest Lot Provided: 7,825.00 sf

Minimum Setbacks:
Front: 20'
Side: 5'
Rear: 30'
* If side yards are five feet (5') then the following conditions must be met:
- Dwelling units must have fire resistant siding as approved by the Lancaster County Building Official
- Vented soffits must be avoided for dwellings less than 10' from an adjacent dwelling unit or structure.
- Windows of dwelling units must be offset from windows of adjacent units.
** Where a lot fronts on any corner, front-yard setbacks shall be in accordance with Lancaster County UDO Section 5.4.4b.

Boundary Information
Boundary information obtained from survey by ESP Associates, P.A. entitled "Boundary Survey of Tax Parcels 3-00-063.01 and 3-00-068.00 Being 35.134 Acres Total" dated 1/22/2014.

Topographic Information
Topographic information obtained from survey by ESP Associates, P.A. entitled "Topographic Survey of Parcels 3-00-063.01 and 3-00-068.00 Being 35.135 Acres Total" dated 1/22/2014.

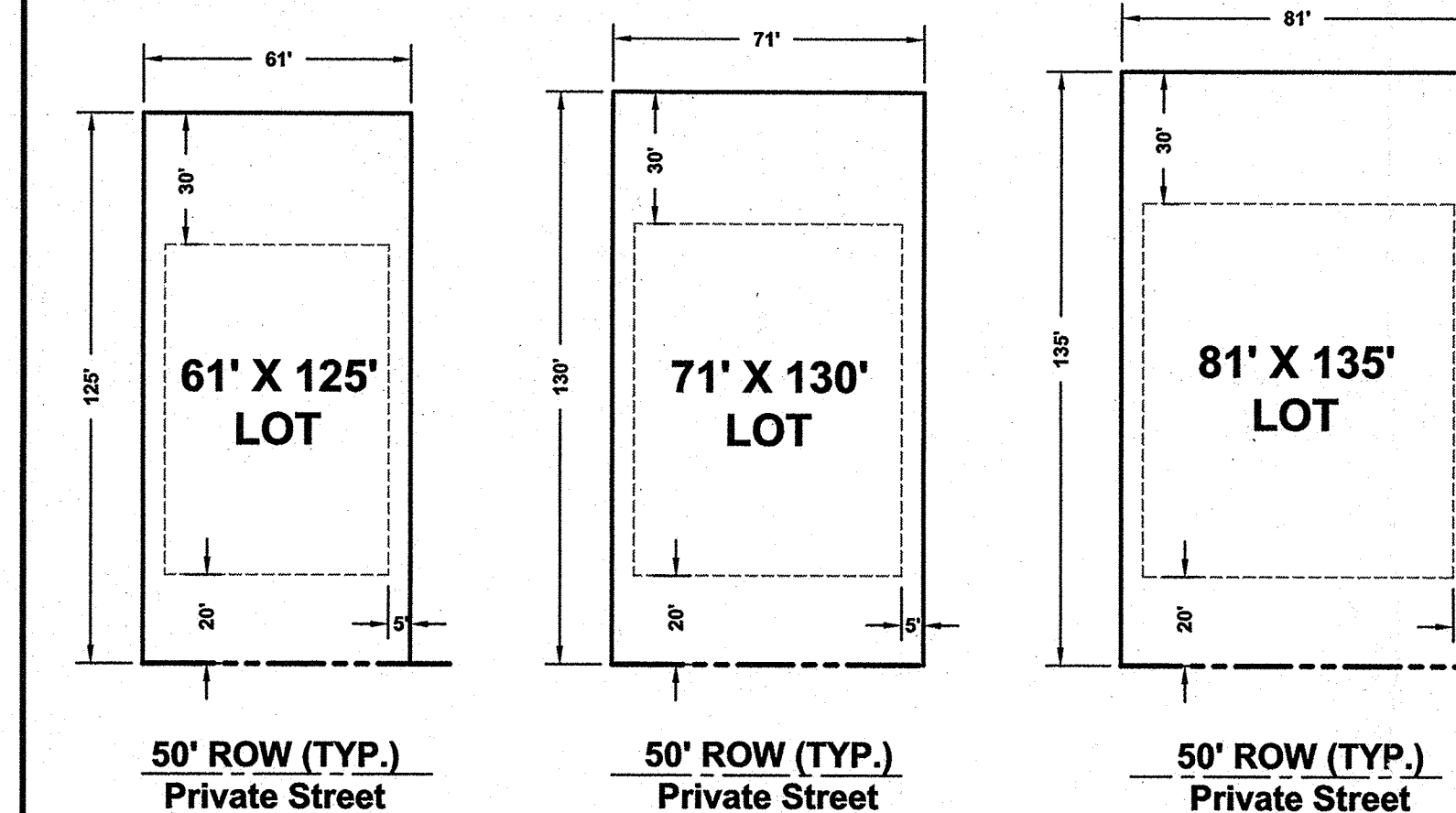
Stream and Wetland Information
Stream and wetland information obtained from preliminary survey by ESP Associates, P.A. entitled "Wetland Survey of Tax Parcels 3-00-063.01 and 3-00-068.00" dated 4/13/2014.

Road Improvement
Road improvements are subject to available right of way and coordination with SCDOT during driveway permitting process.

Off Site Utility Improvements
Final alignment of all off site utility improvements to be determined during design phase in coordination with LCWSD.

Total Open Space Proposed
Total Open Space Proposed includes property buffers, pocket parks, natural areas, and water quality areas as well as Primary Conservation Areas.

Typical Lot Details:



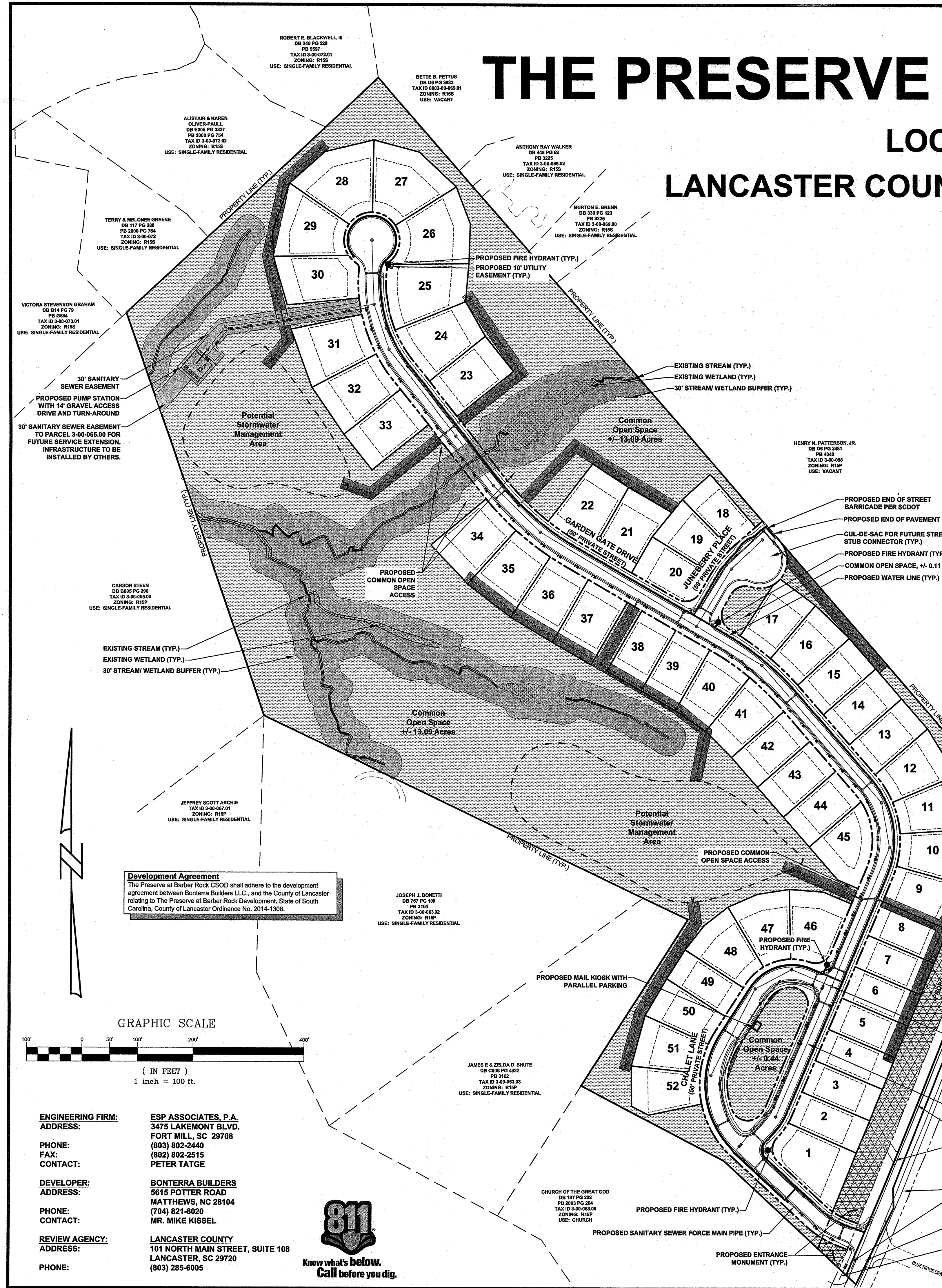
Road Names & Lengths:

Chalet Lane	+/- 760.4 LF
Garden Gate Drive	+/- 2,102.8 LF
Juneberry Place	+/- 219.4 LF
Total Length of Proposed Roads:	+/- 3,082.6 LF

Notes:

- Preliminary Plan is subject to minor revisions during the design process as may be required.
- See Sheets 1-3 for detailed lot dimensions.
- Applicant to provide and install road signs for this subdivision.
- Applicant to install a central mail kiosk for this community. Location shown on Preliminary Plan is conceptual and subject to final approval from USPS. Location and number of kiosks is subject to change.
- All roads within The Preserve at Barber Rock CSOD are to be privately maintained and have a minimum pavement width of 22' as per Lancaster County Ordinance No. 2014-1285.
- Developer agrees to grant easement over private street road ROW after construction to LCWSD for access to water and sewer infrastructure.
- Although streets will be private, water, sewer, and hydrants will be public and maintained by LCWSD.
- Proposed locations of water and sewer lines shown on Preliminary Plat are preliminary and have not been designed. Design and details of water and sewer systems shall be provided during construction document phase.
- Location and size of Potential Stormwater Management Areas are conceptual and preliminary and still need to be determined. The exact size and location of these areas will be determined during construction document phase.
- Signage and monumentation details, including sizing and locations, will be determined upon the submittal of Construction Documents. Monumentation and signage to be permitted separately. Monumentation to be installed outside of sight triangles & sight distance lines.
- Street signs to be consistent with SCDOT details or approved equivalent. Decorative street signs may be installed as long as they meet or exceed the minimum specifications established by SCDOT.
- Construction plans for water, storm and sewer systems to be provided during construction document phase.
- Road grading and profile is to be determined during the construction document phase.
- Site grading, cut, and fill to be determined during the construction document phase.
- Detailed landscape planting plans, outlining landscaping and buffer plantings, to be provided during the construction document phase.
- Site distance plan and profile to be provided during construction document phase as requested by SCDOT.
- Fire hydrants to be spaced and installed to ensure that each phase of construction of development has adequate hydrant protection. Phasing to be determined at construction document phase, hydrant locations to be adjusted to provide coverage based on phasing.
- Proposed sewer easements shall have no steeper than 4:1 slope as requested by LCWSD.
- As requested by LCWSD, proposed pump station to be graded to ensure proper drainage.
- Based on meeting with Lancaster County on 1/23/15 applicant agrees to install street trees outside of 3' planting strip behind sidewalk. Street trees to be located 3-4' behind back of sidewalk either in the front yard of each lot, side yard of each lot or in a common open space area. Exact locations to be determined at construction documents to avoid conflicts with utilities and driveways.
- Applicant agrees to provide an increased curb radius located at the entrance from Barberville Road (in lieu of deceleration lane). Exact curb radius size to be provided as specified by SCDOT. Size to be coordinated during construction document phase.

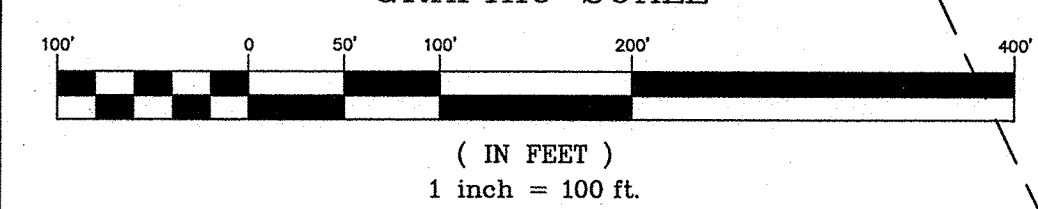
PRELIMINARY PLAN APPROVED
by the
Lancaster County Planning Commission
SUBJECT TO THE FOLLOWING CONDITIONS:
See NDA letter written on 1-30-15
DATE: *2/6/15* EXPIRES: *2/6/17*



Development Agreement

The Preserve at Barber Rock CSOD shall adhere to the development agreement between Bonterra Builders LLC, and the County of Lancaster relating to The Preserve at Barber Rock Development, State of South Carolina, County of Lancaster Ordinance No. 2014-1308.

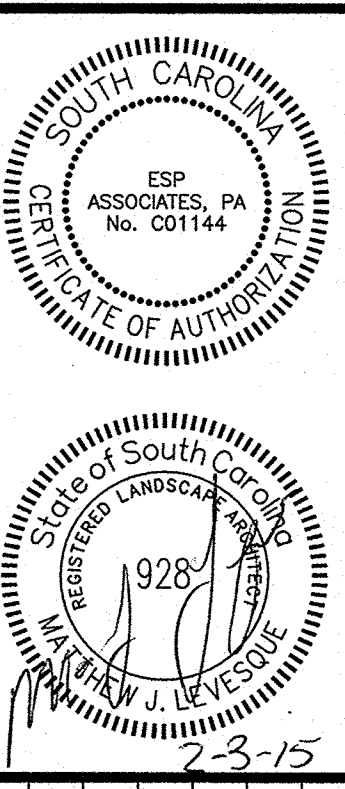
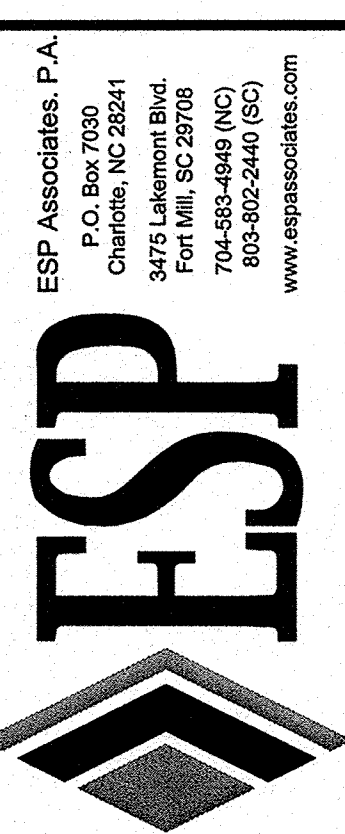
GRAPHIC SCALE



ENGINEERING FIRM:
ADDRESS: ESP ASSOCIATES, P.A.
3475 LAKEMONT BLVD.
FORT MILL, SC 29708
(803) 802-2440
(802) 802-2515
PETER TATGE

DEVELOPER:
ADDRESS: BONTERRA BUILDERS
5615 POTTER ROAD
MATTHEWS, NC 28104
(704) 821-8020
MR. MIKE KISSEL

REVIEW AGENCY:
ADDRESS: LANCASTER COUNTY
101 NORTH MAIN STREET, SUITE 108
LANCASTER, SC 29720
(803) 285-6005



NO.	DATE	REVISION
1	01/14/2015	REVISED PER STAFF REVIEW COMMENTS DATED 12/17/2014
2	02/03/2015	REVISED TO ADD NOTES BASED ON 12/01/15 PLANNING COMMISSION MEETING

PRELIMINARY PLAN (OVERALL)

THE PRESERVE AT BARBER ROCK

BONTERRA BUILDERS

LANCASTER COUNTY, SC

PROJECT INFORMATION	
PROJECT MANAGER:	PT
DESIGNED BY:	MM
DRAWN BY:	AC
PROJECT NUMBER:	BX10.400
ORIGINAL DATE:	12/03/2014
SHEET:	OVERALL

NOTES:

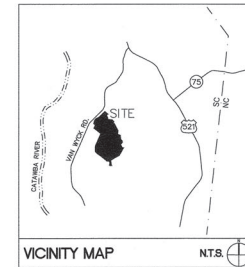
1. PRELIMINARY PLAN IS SUBJECT TO MINOR REVISIONS DURING THE DESIGN PROCESS AS MAY BE REQUIRED.
2. FOR DEVELOPMENT AGREEMENT/ORDINANCE NO. 2014-1315, RECORDED 12/10/2014. THIS DEVELOPMENT IS LIMITED TO A MAXIMUM OF 835 RESIDENTIAL UNITS. THE DEVELOPER, AT THEIR DISCRETION, MAY CHOOSE TO INCLUDE LESS THAN THE 789 SHOWN IN THIS PRELIMINARY PLAN.
3. SEE SHEETS FOR LOT DIMENSIONS.
4. DEVELOPER TO PROVIDE AND INSTALL ROAD SIGNS FOR THIS SUBDIVISION.
5. CENTRALIZED MAIL KIOSKS TO BE PROVIDED FOR USPS MAIL DELIVERY. FINAL LOCATION OF MAIL KIOSKS TO BE DETERMINED DURING CONSTRUCTION DOCUMENT PHASE AND SHALL BE PURSUANT TO APPROVAL BY POST MASTER.
6. OVERFLOW PARKING FOR COMMUNITY TO BE LOCATED IN FUTURE AMENITY AREAS.
7. A "CLICK & ENTER" SYSTEM WILL BE PROVIDED ON ALL COMMUNITY ACCESS GATES AS WELL AS A BACK UP KNOX KEY SWITCH SYSTEM PER SECTION 13.8.3 OF THE LANCASTER COUNTY ORDINANCE.
8. FLOORPLAN INFORMATION OBTAINED FROM FEMA FIRM MAP NUMBER 45057020000 EFFECTIVE DATE OF STUDY JUNE 16, 2011.
9. EXISTING WALKING TRAILS ARE LOCATED THROUGHOUT THE SITE AND ARE TO REMAIN WHERE FEASIBLE. ADDITIONAL WALKING/PEDESTRIAN TRAILS MAY BE PROVIDED THROUGHOUT DEVELOPMENT. FINAL LOCATION OF ADDITIONAL TRAILS TO BE FIELD LOCATED AT TIME OF CONSTRUCTION.
10. ALL HOUSES TO BE WITHIN 50' OF A WORKING FIRE HYDRANT, AS MEASURED BY HOSE LENGTH TO DRIVEWAY.
11. 50' R/W CROSS-SECTION APPROVED BY FIRE MARSHALL TO MEET MID-BLOCK HYDRANT CLEARANCE WIDTHS.
12. HYDRANTS TO BE INSTALLED AND OPERATIONAL PRIOR TO VERTICAL CONSTRUCTION COMMENCING.

TREE TOPS LANCASTER, SC

VARIANCES

1. THE FOLLOWING VARIANCES WERE GRANTED BY THE LANCASTER COUNTY PLANNING COMMISSION ON MARCH 17, 2015:
A. VARIANCE FROM CHAPTER 28 OF THE LANCASTER COUNTY CODE WHICH STATES THAT CUL-DE-SACS SHALL NOT EXCEED 1,000' IN LENGTH, EXCEPT WHERE UNUSUAL TOPOGRAPHIC OR OTHER PHYSICAL CONDITIONS DICTATE OTHERWISE. THE VARIANCE WAS GRANTED FOR THE CUL-DE-SAC PORTION OF ACADIA LANE. THE CUL-DE-SAC LENGTH SHALL NOT EXCEED 1,700' IN LENGTH.
2. A VARIANCE FROM SECTION 13.7.9.1 OF THE LANCASTER COUNTY UDO WHICH STATES THAT THE LENGTH OF BLOCKS HEREINAFTER ESTABLISHED SHOULD NOT EXCEED 1,800' AND SHALL NOT BE LESS THAN 600' IN LENGTH. THE LENGTH OF BLOCKS MAY BE MODIFIED, WHEN APPROPRIATE, DUE TO TOPOGRAPHY OR THE PHYSICAL SHAPE OF THE PROPERTY BEING SUBDIVIDED. THE VARIANCE WAS GRANTED TO ALLOW SHORTER BLOCK LENGTHS AROUND THE PERIMETER OF POCKET PARKS WITHIN TREE TOPS.
3. A VARIANCE FROM SECTION 13.7.10.3 OF THE LANCASTER COUNTY UDO WHICH STATES THAT STURMED OUT STREETS SHALL BE REQUIRED TO BE PROVIDED TO ANY ADJACENT UNDEVELOPED PARCELS OR PARCELS USED FOR A SINGLE-FAMILY HOME THAT CONTAINS A MINIMUM OF FIVE ACRES. THE VARIANCE WAS GRANTED SO AS TO NOT REQUIRE THESE STUB-OUTS.
4. A VARIANCE FROM SECTION 2.15.6.0(10) OF THE LANCASTER COUNTY UDO WHICH STATES THAT SIDEWALKS WILL BE REQUIRED ON AT LEAST ONE SIDE OF EVERY LOCAL STREET, WITH A SIDEWALK REQUIRED ON BOTH SIDES OF ARTERIAL AND COLLECTION STREETS (IN SUBDIVISIONS DEVELOPED VIA CLUSTER SUBDIVISION OVERLAY DISTRICT STANDARDS). A VARIANCE WAS GRANTED SO AS TO NOT REQUIRE THAT SIDEWALKS BE PROVIDED ON BOTH SIDES OF A PORTION OF BOTH TRANQUILITY BOULEVARD AND ACADIA LANE AS INDICATED ON THE APPROVED PRELIMINARY PLAN.

ROAD NAME	LENGTH
ACADIA FALLS LANE	(86' R/W) 4,293 LF
ARCHES BLUFF CIRCLE	(50' R/W) 3,330 LF
ASHER CHASE TRAIL	(50' R/W) 2,648 LF
BIG BEND DRIVE	(50' R/W) 1,997 LF
BRYCE CANYON WAY	(50' R/W) 967 LF
CAPE BRITTON LANE	(50' R/W) 283 LF
CAPITAL REEF DRIVE	(50' R/W) 1,533 LF
CHANNEL ISLANDS WAY	(50' R/W) 810 LF
DRY TORTUGAS WAY	(50' R/W) 330 LF
GLACIER NATIONAL WAY	(50' R/W) 679 LF
GRAND TETON PLACE	(50' R/W) 461 LF
GRAND SAND ROAD	(50' R/W) 828 LF
NOT SPRINGS ROAD	(50' R/W) 1,273 LF
KINGS CANYON WAY	(50' R/W) 1,097 LF
LAKEVIEW VILLAGE TRAIL	(50' R/W) 1,763 LF
SUNSET CRATER PLACE	(50' R/W) 3,237 LF
MOUNT RAINIER PLACE	(50' R/W) 696 LF
OLIVER STANLEY TRAIL	(50' R/W) 4,678 LF
REDWOOD GROVE TRAIL	(50' R/W) 794 LF
SANORA RIDGE DRIVE	(50' R/W) 2,547 LF
SEQUOIA FOREST WAY	(50' R/W) 497 LF
TRANQUILITY BOULEVARD	(172' R/W) 11,802 LF
WIND CAVE STREET	(50' R/W) 1,004 LF
TOTAL	47,535 LF



SURVEY DISCLAIMER

ALTA/ASOM LAND TITLE SURVEY, SURVEY ISSUE DATE JANUARY 29, 2015, PROVIDED BY CESI, 45 SPRING STREET SW, CONCORD, NC 28025, (704) 786-5404

DEVELOPMENT SUMMARY

OWNER: LENNAR CAROLINAS, LLC
11230 CARMEL COMMONS BLVD
CHARLOTTE, NC 28226
613.613 ACRES

SITE ACREAGE: 0022-00-007, 0019-00-003

ZONING: R30P
CLUSTER SUBDIVISION OVERLAY DISTRICT

EXISTING USE: VACANT

PROPOSED USE: DEVELOPMENT AGREEMENT/
ORDINANCE NO. 2014-1315,
RECORDED 12/10/2014

MAX. DENSITY: 1.28 DUA BASED ON 786 LOTS INDICATED.
1.36 DUA PERMISSIBLE PER DEVELOPMENT
AGREEMENT.

MAX. LOT COUNT: 786 LOTS INDICATED.
835 LOTS PERMISSIBLE PER DEVELOPMENT
AGREEMENT.

MAX. BUILDING HEIGHT: AS ALLOWED BY THE ORDINANCE.

MIN. LOT WIDTH: 55' (PROPOSED)

MIN. LOT AREA: 7,150 SF +/- (PROPOSED)
5,000 SF (PERMISSIBLE PER CSOD)

FRONT YARD SETBACK: 20'

REAR YARD SETBACK: 30'

SIDE YARD SETBACK: 7'

CORNER LOTS: 15' (SIDE YARD)

OPEN SPACE: 613.613 TOTAL SITE ACRES
57,942 ACRES PRIMARY CONSERVATION
138,917 ACRES (25% REQ. OPEN SPACE)
196,859 ACRES TOTAL MIN. OPEN SPACE
TO BE PROVIDED PER CSOD.
360± ACRES OPEN SPACE PROVIDED.

PRELIMINARY PLAN APPROVED

Lancaster County Planning Commission

SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE PLAN IS APPROVED FOR THE PURPOSES OF THE DEVELOPMENT AGREEMENT.

2. THE PLAN IS APPROVED FOR THE PURPOSES OF THE DEVELOPMENT AGREEMENT.

3. THE PLAN IS APPROVED FOR THE PURPOSES OF THE DEVELOPMENT AGREEMENT.

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31. THE PLAN IS APPROVED FOR THE PURPOSES OF THE DEVELOPMENT AGREEMENT.

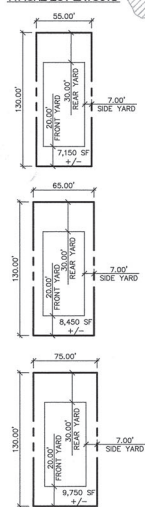
32. THE PLAN IS APPROVED FOR THE PURPOSES OF THE DEVELOPMENT AGREEMENT.

33. THE PLAN IS APPROVED FOR THE PURPOSES OF THE DEVELOPMENT AGREEMENT.

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35. THE PLAN IS APPROVED FOR THE PURPOSES OF THE DEVELOPMENT AGREEMENT.

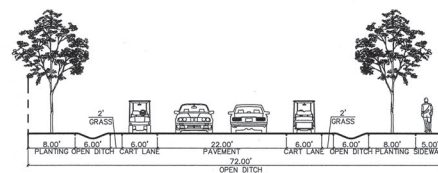
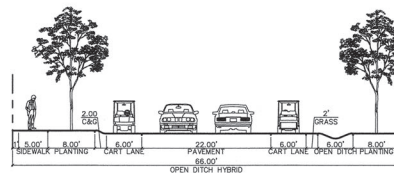
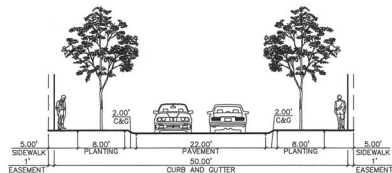
TYPICAL LOT LAYOUTS



50' ROW - STANDARD CURB AND GUTTER

66' ROW - HYBRID

72' ROW - OPEN DITCH



ROAD IMPROVEMENTS

ROAD IMPROVEMENTS ARE TO BE AS RECORDED IN DEVELOPMENT AGREEMENT/ORDINANCE NO. 2014-1315, RECORDED 12/10/2014, AND AS NOTED IN THE TRAFFIC IMPACT ANALYSIS PROVIDED BY KIMLEY HORN AND ASSOCIATES.



1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN, ETC. AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND LANCASTER WATER AND SEWER DISTRICT SPECIFICATIONS.
4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.



Shaping the Environment
Realizing the Possibilities

Land Planning
Landscape Architecture
Civil Engineering
Urban Design

200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202
p: 704.375.1555 f: 704.375.1951
url: www.colejeneststone.com

**LENNAR
CAROLINAS, LLC**

11230 CARMEL COMMONS BLVD
CHARLOTTE, NC 28226

TREE TOPS

VAN WYCK ROAD
LANCASTER, SC 29720

**PRELIMINARY
PLAN -
OVERALL**

Project No.

4354

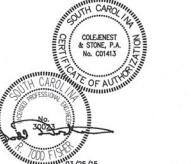
Issued

02/02/15

Revised

03/10/15 - PER PLANNING COMMENTS

03/25/15 - PER PLANNING COMMENTS

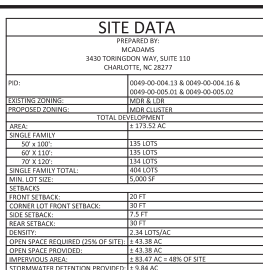


SCALE: 1"=500'
0 250' 500' 1000'

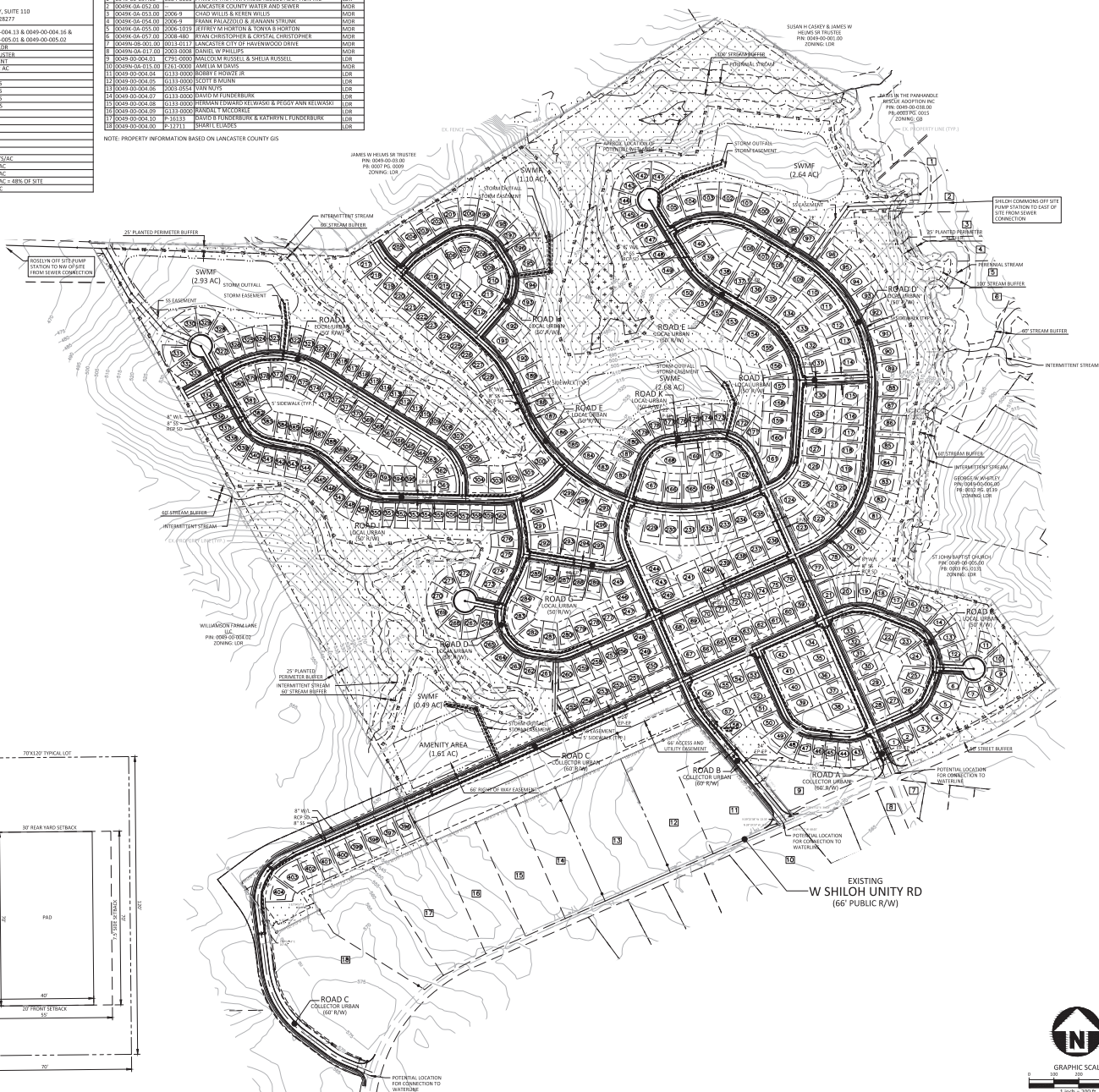
C-000

The drawings, the project manual and the design shown thereon are instruments of ColeJenest & Stone, P.A. The reproduction or unauthorized use of the documents without consent of ColeJenest & Stone, P.A. is prohibited.

ColeJenest & Stone, P.A. ©

[illegible]

NOTE: PROPERTY INFORMATION BASED ON LANCASTER COUNTY GIS



SHILOH WOODS
PRELIMINARY PLAT
W SHILOH UNITY ROAD
LANCASTER, SOUTH CAROLINA 29720



REVISIONS

NO.	DATE
-----	------

PLAN INFORMATION

PROJECT NO. CEN-22001
 FILENAME CEN22001-PreliminaryPlan
 CHECKED BY JBW
 DRAWN BY DMD
 SCALE 1"=200'
 DATE 07. 01. 2022
SHEET

PRELIMINARY PLAT
SITE PLAN

PL-1

WILSON CREEK

LANCASTER COUNTY, SC

PRELIMINARY PLAT DRAWINGS

PROJECT # 20202054



**Cole Jensen
& Stone**

Shaping the Environment
Resolving the Confusion
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Landscape Architecture
Civil Engineering
Urban Design

200 South Tryon Street, Suite 400
Charlotte, North Carolina 28202
P: 704.376.1555 F: 704.376.1973
www.colejensen.com

VICINITY MAP

NTA

DATE: 05/14/2021
DRAWING: 05/14/2021
PROJECT: 05/14/2021
SHEET: 05/14/2021

SHEET LIST

- C-000 OVERALL PROJECT PLAN
- C-100 EXISTING CONDITIONS
- C-200 - C-212 PRELIMINARY PLAT
- C-500 - C-518 PRELIMINARY GRADING AND UTILITY PLAN
- C-600 - C-601 DRIVEWAY SIGHT DISTANCE

PROVIDENT

BAYARD
1108 INDUSTRIAL DRIVE
MATTHEWS, NC 28105

WILSON CREEK

SINGLE FAMILY

3309 HENRY HARRIS ROAD
INDIAN LAND, SC 29107

OVERALL PROJECT PLAN

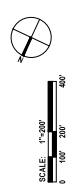
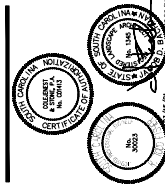
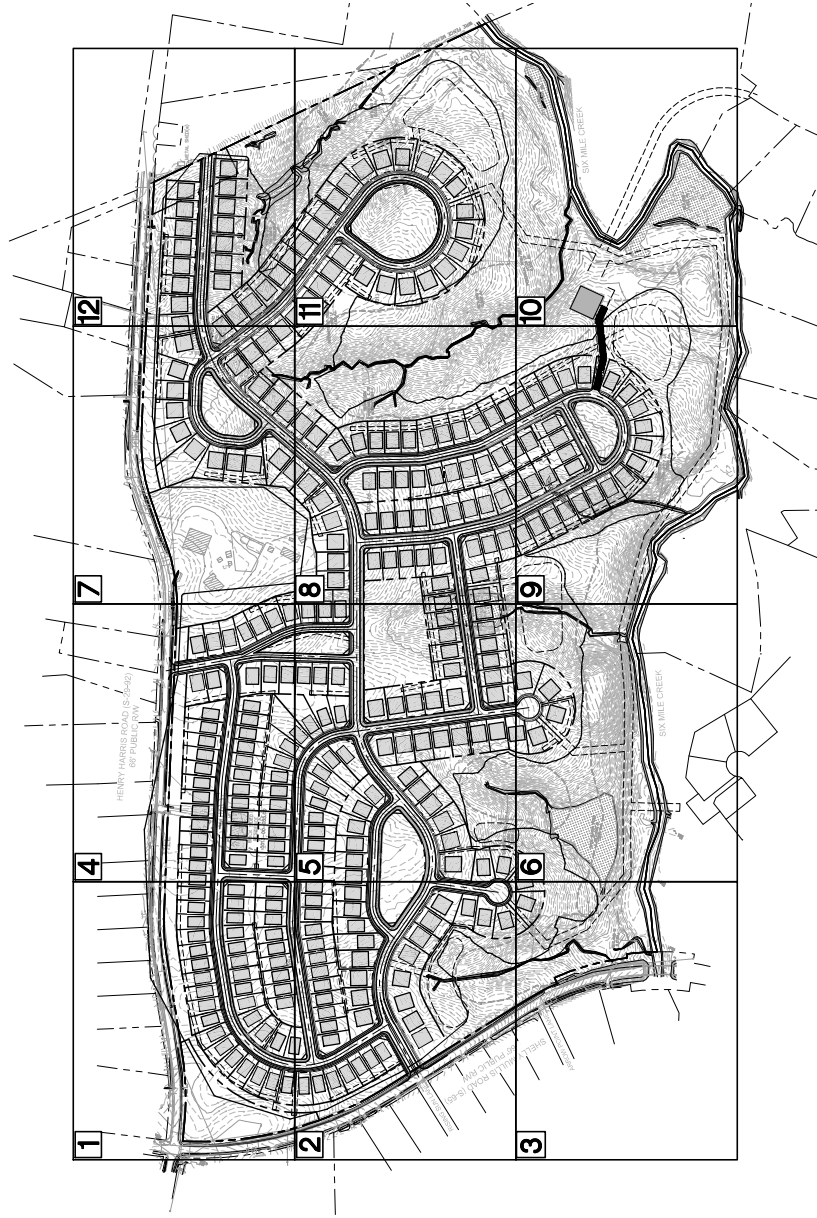
Project No.

4717

Issued

05/17/2021

Revised



SCALE: 1"=200'
0' 100' 200'

C-000

South Carolina

REGISTERED PROFESSIONAL ENGINEER

NO. 10003

DATE: 05/14/2021

PROJECT: 05/14/2021

SHEET: 05/14/2021

DATE: 05/14/2021

PROJECT: 05/14/2021

SHEET: 05/14/2021

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PROJECT: 05/14/2021

SHEET: 05/14/2021

DATE: 05/14/2021

[illegible]

Typical Lot Details:

N.T.S.

70' X 130' LOT

ROW (VARIES)

90' X 140' LOT

ROW (VARIES)

Notes:

1. Preliminary Plan is subject to minor revisions during the design process as may be required.
2. See Sheet 10 for detailed lot dimensions.
3. Topographic, boundary, and street/waterline information obtained from ALTA/ACSM Title Survey of Hays, Oxfordton and Yarrowbush being recorded in the County of Lincoln Association, PA dated 10/26/2013.
4. ALTA/ACSM Title Survey for Monroe Hardware Property* prepared by ESP Associates, PA dated 10/26/2013.

Legend:

- 1. All easements are for central utility locations for this community. Locations shown on Preliminary Plan are conceptual and subject to final approval from the appropriate governmental authority.
- 2. It is encouraged that buildings be constructed using quality finish materials (e.g. brick, masonry, stone, concrete/sidewalk, or stucco). Vinyl siding is preferred.
- 3. A minimum 5' sidewalk shall be provided.
- 4. All roads on the Best Creek ZGD are to be privately maintained and have a minimum pavement width of 22' as per Lancaster County Ordinance No. 104-12/18.
- 5. Developer agrees to grant easement over private street road ROW after construction to LWOVD for access to water and sewer infrastructure.
- 6. All streets shall be private, water, sewer, and hydrants will be public and installed by LWOVD.
- 7. Although to install soft surface trails in common open space areas. Final location and layout to be determined during design development phase. In order to reduce impacts it is the intent of the developer to install soft surface trails within proposed storm, sewer, and utility easements where feasible.

Road Names & Lengths:

Local Collector Street - 66' ROW, 24' pavement, sidewalk 2 sides:	
  Local Collector Street (Portion of) Coonhigh Lane	1,776.02 LF 978.07 LF 695.27 LF
Local Residential Street - 50' ROW, 22' pavement, sidewalk 2 sides:	
  Local Residential Street (Portion of)	631.11 LF
Local Residential Street - 50' ROW, 22' pavement, sidewalk 1 side:	
Folkstone Brandywine Terrace Brandywine Terrace Tarnfield Drive Signal Hill Avenue Split Rail Lane Brookwood Mill Way Teasdale Court Whitemountain Court Wyrngate Place Acon Hill Court Jockey Hill Court Jockey Hill Court (Portion of)	655.72 LF 619.30 LF 847.80 LF 612.37 LF 1,068.06 LF 1,003.15 LF 674.31 LF 715.28 LF 392.76 LF 341.68 LF 630.80 LF 406.58 LF 1,729.05 LF 1,747.32 LF
Total Length of Proposed Roads:	17,475.16 LF

• Windows of dwelling units may be built from windows of adjacent units as long as there is no cross corner, first-story setbacks shall be in accordance with Lancaster County UDO Section 5.4.4b. 

Floodplain Information

Floodplain information obtained from FEMA FIRM Panels 45057C00050 and 45057C00050 effective date of study June 16, 2011. Stream information obtained from Lancaster County GIS data.

Road Abandonment

Applicant proposes to abandon and realign the position of Twelve Mile Creek Road subject to coordination with appropriate agencies.

Road Improvements

Road improvements are subject to available right of way and coordination with SCDOT. Refer to Development Agreement Section 7.5(4) Road Right of Way.

Final alignment of all of site utility improvements to be determined during design phase in accordance with LWCOSID.

Total Open Space Set Aside

Total Open Space Set Aside includes proprietary buffers, pocket parks, natural areas, amenities, and water quality areas as well as Primary Conservation Areas.

Development Agreement

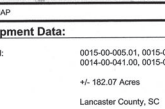
The Bent Creek CSDO shall enter into a Development Agreement with Twelve Mile Creek Land Ventures, LLC, and the County of Lancaster relating to the development, construction, and operation of the project in accordance with Lancaster Ordinance No. 2014-1284.



ESP Associates, P.A.
 10000 Highway 101, Suite 200
 Charlotte, NC 28269
 Phone: 704-533-4444 (FAX)
 704-533-4444 (Cell)
 Fax: 704-533-4444
 www.espassociates.com



VICINITY MAP



NTS

Development Data:

Tax Parcel: 0015-00-00-001, 0015-00-010-00, 0014-00-041-00, 0015-00-007-01

Site Area: +/- 182.07 Acres

Location: Lancaster County, SC

Land Use: Vacant

Existing Proposed: Single-Family Detached Residential Community Amenity Center

Zoning:  **R-30P CSOD**
(Cluster Subdivision Overlay District)

Total Lots: 273 Lots

70 +/- 130'	148 Lots (54.2%)	
90 +/- 147'	125 Lots (45.8%)	

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 = (182.07/1.5)

TU = 273.11 Total Lots or Dwelling Units Allowed

Proposed Density: 1.50 DU/AC

Total Open Space Set Aside: +/- 62 Acres

Primary Conservation Areas: +/- 15.24 Acres

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 Area (Acres)

OSP = Open Space Percentage (% of Site Acreage excluding PC)

TO = ((182.07 - 15.24) / 25) + 15.24

TO = 56.95 Acres of Total Open Space Required

Note: The Bent Creek CSOD shall include provisions for the protection of streams and other natural amenities within the areas designated for open space in accordance with Section 603 of the Lancaster County CSOD Ordinance.

Proposed Fee Hydrants: 17

Connectivity Index (Links/Nodes): 120'

Provided: 1.26 (34 Links / 27 Nodes)

* Refer to Development Agreement Section 3.01(A)(8)

R-30P Cluster Lot Standards:

Minimum Lot Width: 50'

Minimum Lot Area: 5,000 sf

Minimum setbacks:

Front: 20'

Side: 5'-7"***

Rear: 5'

* If side yards are between five feet (5') and seven feet (7'), then the following conditions must be met:

- Dwelling units must have fire resistant siding as approved by the Lancaster County Building Official
- Windowed soffits must be avoided for dwellings less than 10' from an adjacent dwelling unit or structure.
- Windows of dwelling units must be offset from windows of adjacent

***Where a lot fronts on a street, front setbacks shall be in accordance with Lancaster County UDO Section 5.4-6.

Floodplain Information

Floodplain information obtained from FEMA Firm Panels 4507C70085D and 4505T70085D effective date of study June 16, 2011. Stream information obtained from Lancaster County GIS data.

Road Abandonment

Applicant proposes to abandon and realign the position of Bent Creek Road subject to coordinating with appropriate agencies.

Road Improvement

Road improvements are available to suitable right of way and coordination with SCDOT. Refer to Development Agreement Section 7.04(A) Roads.

On-site utility improvements

Final alignment of all on-site utility improvements to be determined during design phase in coordination with LCVSDD.

Total Open Space Set Aside

Total Open Space Set Aside includes property buffers, pocket parks, natural areas, amenities, and water quality areas as well as Primary Conservation Areas.

Development Agreement

The Bent Creek CSOD shall adhere to the Development Agreement between Twelve Mile Creek Land Ventures, LLC, and the County of Lancaster relating to the Bent Creek Development in the State of South Carolina, County of Lancaster Ordinance No. 2014-1284.

ESP Associates, P.A.
 10000 Highway 101, Suite 200
 Charlotte, NC 28269
 Phone: 704-533-4444 (FAX)
 704-533-4444 (Cell)
 Fax: 704-533-4444
 www.espassociates.com

South Carolina

1450

ASSOCIATES, P.A.

State of South Carolina

1928

NEWBORN J. LEVINSKY

BY

A2

DATE

08/11/14

NO.

1

REVISION

REVIEWED PER DISC COMMENTS

PROJECT MANAGER: ML

DESIGNED BY: MM

DRAWN BY: AC

PROJECT NUMBER: 1774-10

ORIGINAL DATE: 03/03/2014

SHEET:

PRELIMINARY PLAN (OVERALL)

BENT CREEK

TOWN DEVELOPMENT

LANCASTER COUNTY, SC

OVERALL

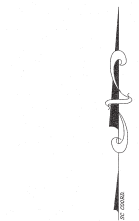
DEVELOPMENT INFORMATION:

Project Name: Carrington Subdivision
Developer: Lancaster County, South Carolina
SINACORI BUILDERS, LLC
 10100 Park Cedar Dr. Suite 166
 Charlotte, North Carolina 28210
 Phone: (704) 543-7474
Property Owner: CARRINGTON III, LLC
 5915 Cary Ridge Dr.
 Charlotte, North Carolina 28277
Tax I.D.: 0009-00-009.00
Site Acreage: 37.4+ (Total)
Open Space: 9.42Ac. Required (± 13.02 Acres Provided)
Zoning: MDR - Cluster Subdivision Overlay (CSO)
School District: Lancaster County School District
Fire District: Indian Land Fire District
Setbacks/Yards: Front - 20FL
 Side - 7.5FL
 Rear - 15FL @ Corners
 - 30FL
Land Use: Existing - Partially Wooded, Vacant
 Proposed - Detached Single Family
 50 Ft (55-65-75 FV Shown)
Min. Lot Width: 5,000 Sq. Ft.
Min Lot Size: 83 (Single Family Residential)
Lots Proposed: 55' Lots = 28
 65' Lots = 28
 75' Lots = 27
Road Lengths: Shelbourne Way 600 LF
 Moher Cliff Drive 1165 LF
 Monastic Road 1276 LF
 Wicklow Place 480 LF
 Muckross Lane 701 LF

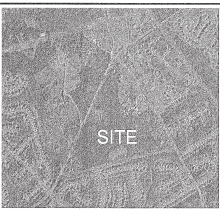
CONDITIONS:
 - Stormwater Management Will Be Required
 - Site is Subject to Carolina Heelsplitter Overlay District (CHOD)
 - There Can Be No More Than 34% of A Single Lot Type (3 Widths
 Required At 10' Increments)

OTHER APPLICABLE REGULATIONS
 1. SCDHEC Stormwater Regulations
 2. SCDOT Traffic Regulations

★ APPROXIMATE LOCATION OF MAILBOX KIOSKS



SEE TOPOGRAPHY PROVIDED FROM LANCASTER COUNTY AERIAL PHOTOGRAPHY.
 BOUNDARY SURVEY AS PROVIDED BY R. JOE HARRIS & ASSOCIATES, INC.
 HORIZONTAL DATUM USED TO BE A NAD 83 AND VERTICAL DATUM USED TO BE NAVD 83. R. JOE HARRIS & ASSOCIATES, INC. FOR BENCHMARKS AND CORRELATION INFORMATION.



SITE

VICINITY MAP - N.T.S.

Line #	Length	Direction
L-1	485.597	N85° 51' 17.14"W
L-2	232.200	N86° 09' 28.16"W
L-3	346.646	N13° 26' 39.11"W
L-4	289.243	N13° 27' 16.80"W
L-5	100.370	N13° 40' 02.67"W
L-6	572.825	N13° 38' 39.60"W
L-7	70.002	N13° 19' 06.96"W
L-8	515.587	N57° 59' 46.05"E
L-9	263.942	N18° 02' 31.51"E
L-10	74.037	N76° 45' 24.69"E
L-11	161.630	N71° 43' 25.43"E
L-12	120.152	N71° 42' 31.49"E
L-13	27.837	N71° 42' 20.70"E
L-14	213.474	S00° 42' 29.42"W
L-15	138.801	S00° 43' 35.27"W
L-16	138.550	S00° 43' 36.03"W
L-17	924.409	S00° 39' 44.88"W
L-18	171.249	S00° 34' 59.98"W
L-19	503.188	S00° 54' 22.77"W



LOT #1 WIDTH (IN)			LOT #2 WIDTH (IN)			LOT #3 WIDTH (IN)			LOT #4 WIDTH (IN)		
LOT #	WIDTH (IN)	AREA (SQ)	LOT #	WIDTH (IN)	AREA (SQ)	LOT #	WIDTH (IN)	AREA (SQ)	LOT #	WIDTH (IN)	AREA (SQ)
1	65	13,181	26	75	9,750	51	65	8,450	76	55	7,151
2	65	9,970	27	75	10,591	52	65	9,339	77	55	7,862
3	65	8,552	28	75	12,224	53	65	13,347	78	55	8,888
4	65	8,530	29	75	12,088	54	65	11,565	79	55	13,770
5	65	8,508	30	75	9,750	55	65	10,107	80	55	20,090
6	65	8,506	31	75	9,750	56	75	10,642	81	55	13,365
7	55	7,188	32	75	9,750	57	75	9,750	82	55	9,705
8	55	7,200	33	75	9,750	58	75	10,639	83	55	9,799
9	55	7,536	34	75	9,750	59	75	9,949			
10	55	8,628	35	75	9,750	60	65	8,425			
11	55	7,881	36	75	9,750	61	65	9,126			
12	55	7,190	37	75	9,750	62	65	10,907			
13	55	7,190	38	75	9,750	63	65	13,176			
14	55	7,190	39	75	9,750	64	65	9,139			
15	55	7,190	40	75	9,750	65	65	8,450			
16	55	7,190	41	75	9,750	66	65	8,450			
17	55	7,190	42	65	10,140	67	65	9,146			
18	55	7,190	43	65	8,775	68	75	12,057			
19	55	7,190	44	65	8,776	69	75	11,261			
20	55	7,190	45	65	8,837	70	75	10,636			
21	55	7,190	46	65	9,343	71	75	15,076			
22	55	8,017	47	65	9,343	72	75	28,033			
23	55	9,744	48	65	9,880	73	55	8,601			
24	75	9,750	49	65	8,450	74	55	7,157			
25	75	9,750	50	65	8,450	75	55	7,154			

SEE SHEET SP-2 FOR STANDARD DETAILS & TECHNICAL NOTES

DATE	ISSUED FOR	REV
05/01/17	Initial Submittal to Lancaster County	0
09/12/17	Second Submittal to Lancaster County	1

Know what's below. Call before you dig.

Engineer:

R. Joe Harris & Associates, Inc.
 Engineering • Land Surveying • Planning Management
 101 West Coast Drive, Suite 111, Fort Mill, SC 29504
 (716) 885-1000

www.rjeharris.com

This drawing shall not be used for construction purposes until the seal and signature of the responsible registered engineer on the drawing, and proper permit forms and related fees are transmitted by the Owner, Owner's Agent or Contractor to the Authority having jurisdiction.

Corporate Seal

Engineer's Seal

Project Manager: P. Murphy
 Department Manager: P. Murphy
 Principal Date: June 12, 2017
 Client:

SINACORI BUILDERS
 10100 PARK CEDAR DR., SUITE 166
 CHARLOTTE, NORTH CAROLINA 28210
 P: (704) 543-7474

Project: Carrington Subdivision

Drawing Title: Preliminary Plat

Project No. 2540
 DWG File Name: 2540-Preliminary Plat

Drawing No. SP-1

<u>Cluster Development Name</u>	<u>Nearest Major Road</u>	<u>Main Entry Road(s)</u>	<u>Acerage</u>	<u>Lots</u>	<u>Roads In?</u>
Arbor Meadows	Pineview Dr	n/a	92	47	No
Barber Rock	Barberville Rd	Chalet Ln	86.2	184	Yes
Bent Creek	Jim Wilson Rd, Henry Harris Rd	Twelve Mile Creek Rd, Chippenham Ave	75.58	99	Yes
Carrington	Shelley Mullis Rd, Goldwing Ln	Monastic Rd, Moher Cliff Dr	37.4	83	Yes
Covington	Harrisburg Rd	n/a	164.74	328	No
Covington Estates	Harrisburg Rd	Ancestry Trl	33.14	53	Yes
Overlook at Barber Rock	Barberville Rd	Harbor Bay Dr	83.82	126	Yes
Preserve at Barber Rock	Barberville Rd	Chalet Ln	34.12	52	Yes
Ridgecrest	Harrisburg Rd	Tabor Ln, Chateau Ridge Way	56.78	131	Yes
Roselyn	Charlotte Hwy / 521	Roselyn Ave	1396.91	1850	Some
Shiloh Woods	W Shiloh Unity Rd	n/a	169.86	398	No
Tree Tops	Van Wyck Rd	Tranquility Blvd, Acadia Falls Ln	613.613	786 Indicated, 385 permissible per DA	
Wilson Creek	Shelley Mullis Rd, Henry Harris Rd	Wilson Creek Dr, Daniel Pine Dr	169.07	326	Some

PROPOSAL: Amend Unified Development Ordinance Standards for Cluster Subdivision Overlay District (CSOD) standards.

APPLICABLE CHAPTER(S): UDO Chapter 4.4.1

APPLICANT: Lancaster County Council

STATED CONCERN: “Changes are intended to address known issues...related to front setbacks, usable open space, lot sizes, CSOD lot mix, block face lengths, and density calculation.”

PROJECT SUMMARY & PROPOSAL:

Growth management has been an active discussion with the County Council over the course of the last year.

In 2022, a proposed Interim Ordinance for the cluster design standards, including changes to minimum lot size, front yard setbacks, open space requirements, and open space in relation to block length, was denied. Afterwards, citizen engagement prompted the County Council to initiate proposed changes to the Medium Density Residential (MDR) Zoning District and the associated Cluster Subdivision Overlay District (CSOD). This also failed to pass as a joint resolution, and staff asked for time to separate the two issues in order to reach a resolution.

OVERVIEW:

Staff has had concerns that the cluster subdivision overlay district was not being used in the way that cluster subdivisions are intended and is seeking to address this.

Cluster subdivisions are generally used to accommodate a specific goal of the community and/or comprehensive plan. For example, cluster design flexibility is provided in many communities in exchange for natural resource protection, transit-oriented neighborhoods, or to achieve affordable housing. The Lancaster County Cluster Subdivision Overlay code section references this but does not specifically require or call out the objective.

Earlier attempts were challenged based on discussions about how the options would impact the Panhandle. Cluster subdivision design, properly implemented, could be viable county-wide.

OPTIONS:

Staff has reviewed multiple code sources and recommends deliberation of the following options (in no particular order):

- **Only allow cluster subdivisions as a means to address an accepted need in the county.**
 - Current code mentions using cluster subdivision design to preserve trees and flood areas but needs more teeth and to list more of the county’s stated concerns (slope failure areas, floodways, stream banks, tree species and size for preservation, etc).

- **Add parking plan requirement for overflow; require parking to be on private lands (off street); allow narrower roads by review/approval of Planning Commission.**
 - One component option of cluster subdivision is to reduce impervious surfaces, like roads. Reducing the width of pavement on roads should be allowed only if the width will accommodate public safety, and only if parking is prohibited on the street so that public safety and public health vehicles (garbage trucks) can safely travel the roadways as needed.
- **Allow flexible setbacks (a range of setbacks vs a standard setback) to reduce the need for variance.**
 - If the purpose of cluster housing is to preserve land that has issues with terrain, water, tree preservation, etc., then the developer should have some flexibility to site the houses in such a way to achieve this. A single setback regulation can defeat the purpose of the cluster subdivision without some flexibility. Avoiding a costly delay by requiring variance review also helps move the project along and achieves the community's goals.
- **Require phasing to reduce mass grading.**
 - Staff have received many complaints about entire development sites being taken down all at once; it provides challenges for sediment management as well.
 - Phasing the plans would allow trees to remain in sectors until the development progresses to the next phase.
- **Apply the following to the future UDO rewrite:**
 - Determine tree species and sizes to be protected; prioritize tree species that are native to the area and help control stormwater (through absorption).

PLANNING COMMISSION RECOMMENDATION:

At their August 15, 2023 meeting, the Planning Commission unanimously (7-0) recommended approval of the ordinance, with the following changes (incorporated into the ordinance for 1st reading):

1. 4.4.1.D.3.a (– reduce required components from three (3) to two (2)
2. 4.4.1.D.3.a.1 – increase riparian buffer to 100 ft from 50 ft
3. 4.4.1.D.3.a.2 [An additional 5% of open space over the 25% required in Section 4.4.1.F] and 4.4.1.D.3.a.6 [Wetland buffers are extended by an additional 10 feet to accommodate wetland migration] – remove from the list of options and add to the design requirements
4. 4.4.1.D.3.a.8 [The stormwater system improves an existing issue in the area basin/watershed by at least 25% performance]– remove from the list of options due to enforcement difficulties
5. Add to design requirements: required 50 ft riparian buffer along waterways/creeks
6. 4.4.1.F.1 - Open space **shall** (rather than “may”) include the combination of uses listed

STAFF CONTACT: Allison Hardin, Development Services Director / ahardin@lanastercountysc.net

PROPOSED TEXT AMENDMENTS

Language proposed for deletion is ~~strikethrough~~

Language proposed for addition is highlighted and underlined

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~~ that group structures together in particular areas of a site, with the ~~principle~~ principal purpose being to encourage open space, conservation, agriculture, recreation, and public or semipublic uses, and natural resource protection ~~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 ~~/or~~ or 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, natural resources, and/or other priority areas identified under the comprehensive plan. In addition, cluster layouts reduce development costs by cutting road and utility costs, and bypassing natural conditions on the site (floodplains, large trees, steep terrain, etc). 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. Only lands that have a natural condition that prohibits standard subdivision development are eligible for the cluster subdivision option as determined by the administrator. 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 is dependent upon the lot width. Except for incentive lots, the smallest lot size available under the cluster subdivision option shall be ~~5,000~~ 7,500 square feet. This shall be the minimum lot area allowed for any lot with the minimum lot width of ~~50-60~~ feet, as defined in Section C below. The minimum lot area per dwelling unit shall increase proportionately with an increase in lot width. Incentives to reduce minimum lot size to 5,000 square feet and 50 ft in width are explained in Section 4.4.1.D.3.

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~~ 60 feet, excepting incentive lots created under guidance of Section 4.4.1.D.3.

D. VARIETY OF LOT SIZES

Individual lots in a cluster subdivision shall vary in size and layout. ~~No more than 34 percent of the lots in a cluster subdivision shall have a single designated lot width.~~ The following shall 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.~~ No two adjacent lots shall have the same lot width; there will be at least five feet difference in width as measured at the primary frontage/right-of-way.
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.~~ Incentivized lots (per Section 4.4.1.D.3) may not count for more than 35% of the total lot count.
3. Additional lot size reduction incentives
 - a. Up to 35% of the total lots may be created with a minimum of 5,000 sq ft area and 50 ft lot width (measured at the primary frontage/right-of-way) if at least two of the following components are provided in the design and secured by a development agreement:
 1. A 100-foot riparian buffer is created along waterways or creeks;
 2. Half or more of the open space includes tree preservation of all existing species that measure 18" DBH or more;
 3. A trail system that connects to existing or planned public parks or trail systems outside of the neighborhood is created, built, and maintained;
 4. The neighborhood design includes a Safe Routes to School plan; and/or
 5. Homes built in A or AE zones are constructed on stilts and not fill.

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 primary structure shall be 20 feet to the front of the structure and 40 feet to the garage, if the garage faces the street. If the garage faces a side yard or the rear of the property, the 20 foot setback applies.

Porches may extend into the front yard setback by five (5) feet to create additional variation in streetscape along local roads.

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~~ **25** feet;
3. **Side Yard:** The minimum side yard setback shall be 7 ½ feet.
4. **Exceptions:** The Administrator may approve a reduction of rear or front setbacks by a maximum of five (5) feet in a situation where a structure can't meet the existing setbacks due to a condition in the natural environment that is being preserved, such as trees or wetlands. This may not be applied in addition to the porch exception in 4.4.1.E; this means that the Administrator may not approve a front setback that results in less than fifteen (15) feet from the right-of-way. Side yard setback reductions are not allowed under this exception.

F. OPEN SPACE REQUIREMENT

For a cluster subdivision, no less than **25 30** 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. 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 shall** include, but is not limited to, **a combination of** passive recreation, natural preservation of important scenic vistas, environmentally sensitive lands, habitat for wildlife, **floodplains, riparian buffers, undisturbed forests of at least three (3) contiguous acres and at least two (2) different species of canopy trees as listed in Section 4.3.2.J.6.vii, and/or** historically or archaeologically significant areas. Structures, swimming pools, **stormwater management basins**, 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 **Land Area in** Parcels minus **Total Land Area in** Primary Conservation Areas multiplied by **the** Open Space Percentage then added to **the** 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 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, steep slope terrain, and soils that don't support building.

4. To fulfill the requirements of this item (4.4.1.F), a combination of the following shall be included in the required open space where practicable:
 - a. Wooded areas;
 - b. Scenic vistas;
 - c. Streams, ponds, wetlands, and floodplains;
 - 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. Habitats of rare, threatened, and/or endangered species as listed by the SC Department of Natural Resources (SCDNR);
 - h. Agricultural lands that are in use;
 - i. Areas of historical importance;
 - j. Parking areas to support these amenities and overflow parking; and/or
 - k. Other environmentally, historically, or archaeologically significant or unique areas;
5. Open spaces 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 except for agricultural lands, which shall be deed restricted to agricultural use and/or open space;
8. Open space shall remain under the ownership and control of the developer (or successors) or a homeowner's 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~~ prohibited except for the purpose of constructing trails and

other such recreational improvements as approved by planning staff under the development agreement and/or site plan review. 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, including removal of vegetation as part of a Firewise program, and shall be the responsibility of the person or entity identified as having the right of ownership as outlined in Item 8 above.

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 acreage of the site. For example, when the CSO is located within the MDR, Medium Density Residential, where the maximum density is two and a half dwelling units per acre, a 100-acre parcel of land shall be allowed to have no more than 200 250 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)) – follow guidance for collector (rural)	66	22-24
Collector) – follow guidance for collector (rural)	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 where street widths are 30 feet or more; after the effective date of this ordinance, on-street parking is prohibited on streets with less width; 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 required. 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. On local roads with areas where natural environments are not favorable for concrete sidewalk construction, the developer may discuss alternative path surfaces to meet the sidewalk requirement (for example, permeable pavement). Only surfaces that comply with the Americans with Disabilities Act may be considered, and the Administrator has the final say on accepting such replacement;
 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 in order to achieve opacity;
- 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.
- g. A 50-foot riparian buffer shall be created along waterways or creeks.
- h. Wetland buffers are extended by an additional 10 feet to accommodate wetland migration.
- 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.
- 10. Grading will be planned in phases, to retain tree cover for as long as possible, and minimize sediment runoff. The phasing plan must be reviewed and approved by staff and the Planning Commission during the preliminary plat review process. Any changes in phasing that affect infrastructure (streets, water, sewer, etc.) will require re-review by staff and Planning Commission.

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).~~

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

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

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

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

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~~

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1879 / Planning Case Number: UDO-TA-2023-1819

Contact Person / Sponsor: A. Hardin / Planning

Department: Planning

Date Requested to be on Agenda: 12/11/2023

Council Action Requested:

Consideration of Planning Case Number UDO-TA-2023-1819: Application by Kim Lineberger on behalf of KCH Real Estate LLC for an amendment to UDO Sec. 5.9 Industry/Wholesale/Storage Uses and Sec. 2.5 Use Table, to add a definition and regulations for Non-Metallic Mineral Product Manufacturing.

Points to Consider:

Applicant is asking for a 2,100+ foot reduction in setbacks from adjacent residential and business uses.

Funding and Liability Factors:

Applicant states that this use is needed for the construction industry in Lancaster County and to replace Portland concrete production.

Recommendation:

Planning Commission recommended denial (5-1).

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2023-1879	12/6/2023	Ordinance
Application	10/30/2023	Exhibit
Hi Map & Buffer Maps (3)	11/15/2023	Backup Material
Astec Pamphlet 1: How it Works	11/13/2023	Backup Material
Astec Pamphlet 2: Meet the Neighbors	11/13/2023	Backup Material
Other Jurisdiction Ordinances	11/15/2023	Backup Material
Lineberger Memo 11-15-2023	11/15/2023	Exhibit
Staff Report - Amended	12/6/2023	Planning Staff Report

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2023-1879

COUNTY OF LANCASTER

)

)

AN ORDINANCE

TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”) CHAPTERS 2, 5, AND 10 TO INCLUDE A NEW USE DEFINITION FOR “NONMETALLIC MINERAL PRODUCT MANUFACTURING,” TO CREATE “NONMETALLIC MINERAL PRODUCT MANUFACTURING” AS A USE PERMITTED WITH REVIEW (PR), AND TO ESTABLISH THE CONDITIONS FOR THE USE, ON THE EFFECTIVE DATE OF THIS ORDINANCE

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

Section 1. Findings and Determinations.

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

- (a) Lancaster County initiated a full rewrite of the Unified Development Ordinance (UDO) in October 2021 to address substantive issues with the UDO, has retained a UDO consultant to assist in the full rewrite of the UDO, and the full rewrite is expected to take another twelve (12) to eighteen (18) months to complete.
- (b) There is an interest in the business community to install a nonmetallic mineral product manufacturing facility in the Lancaster area to serve the construction industry locally.
- (c) The current Lancaster County UDO does not include a definition for “nonmetallic mineral product manufacturing facility.”
- (d) The text amendment is consistent with the applicable provisions of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as applicable provisions of South Carolina Code, Title VI.
- (e) Lancaster County Planning Commission considered the proposed text amendment at its meeting on August 15, 2023 and by a 5-1 vote did not recommend approval of the proposed text amendment.

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

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

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2024.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: December 11, 2023
Public Hearing: December 11, 2023
Second Reading: January 8, 2024
Third Reading: January 22, 2024

Approved as to form:

Virginia Merck-Dupont, County Attorney

PROPOSED AMENDMENT

CHAPTER 10.3 DEFINITIONS, USE TYPE

New definition:

Nonmetallic Mineral Product Manufacturing: Uses as described in the North American Industry Classification System (NAICS) group 3200.

CHAPTER 5 USE REGULATIONS, SECTION 5.9 INDUSTRY/WHOLESALE/STORAGE USES

New section:

5.9. Nonmetallic Mineral Product Manufacturing [HI]

- A. Permitted Industrial and Manufacturing Activities: Nonmetallic Mineral Product Manufacturing includes industrial facilities used for the manufacturing and production of clay product and refractory manufacturing (NAICS 3271); glass and glass production manufacturing (NAICS 3272); cement and concrete product manufacturing (NAICS 3273); Lime and gypsum product manufacturing (NAICS 3274); and other nonmetallic mineral product manufacturing (NAICS 3279) as described in the North American Industry Classification System (NAICS) group 3200. This land use activity includes facilities that engage in the recycling, storage, processing, resale, or reuse of recovered materials and are not classified as a Class III Landfill.
- B. Permitted Location and Size
1. Such uses shall be exclusively located in the HI zoning district.
 2. Such uses shall be sited on a parcel(s) of not less than 6 acres.
- C. Separation Requirements
1. A nonmetallic mineral product manufacturing use shall be located at least 500 feet from: (A) ~~A~~ Any lots located in the LDR, MDR, HDR, MH, RMX, MX, IMX, BP, and INS zoning districts; and
 2. A nonmetallic mineral product manufacturing use shall be located at least 500 feet from any lots containing residential dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of Lancaster County.
- D. Required Setbacks
- All elements of the nonmetallic mineral product manufacturing facility, including structures, buildings, equipment, parking areas, and access roads, shall be located at least 75 feet from all property lines; except that access roads may cross

the 75- foot setback area and utilities may be located within the 75-foot setback area.

E. Screening

A minimum 8ft. tall opaque buffer of no less than 50ft in width consisting of 18 trees and 36 shrubs per 100 lf **linear feet** will be placed between adjoining properties. Buffer can be placed within required setbacks.

F. Vehicular Access

Vehicular access to the site of all nonmetallic mineral product manufacturing uses shall be located on an arterial or major collector road, or on a road improved to necessary industrial capacity as determined by the Administrator.

G. Dust Reduction Measures

Nonmetallic mineral product manufacturing facilities shall employ dust reduction measures to minimize on-site and off-site dust nuisance generated by the manufacturing use. These measures may include, but are not limited to: (A) Utilization of stabilized roadways within the site; (B) On-site speed limits to minimize disturbance; and (C) Application of water and other dust palliatives.

H. Outdoor Storage

1. All materials stored outdoors must follow the separation requirements in Section C of this ordinance.
2. All materials must be contained within a defined area or structure and shall not be allowed to spill out into adjacent areas or the separation buffers.
3. All materials shall be stored and maintained so as to not create environmental hazards that may pose a threat to ground or surface water quality, air quality, wildlife, and/or humans.

CHAPTER 2, SECTION 2.5.3.D USE TABLE - COMMERCIAL/ENTERTAIN INDUSTRY/WHOLESALE/STORAGE – add “Nonmetallic Mineral Product Manufacturing” as a Use Permitted with Review (PR) in HI zones.



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

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended See Text Amendment Item 1 and Item 2 on attached pages.

Current Text Please see the proposed Text Amendment Item 1 and Item 2 on the attached pages
for detailed information the text changes proposed to the Unified Development Ordinance.

Proposed Text Please see the proposed Text Amendment Item 1 and Item 2 on the attached pages for
detailed information on the newly proposed text to provide for Nonmetallic Mineral Product Manufacturing
as a new land use activity.

Description of Need for Proposed Text The current Unified Development Ordinance does not provide for
Nonmetallic Mineral Product Manufacturing. An opportunity exists for development of such facilities in the
County that will require extensive capital investment and job creation. The standards proposed governing this
newly designated land use activity are consistent with provisions governing similar uses in other jurisdictions.

☒ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name KCH Real Estate, LLC
Address 1490 Kershaw Camden Highway
City Lancaster State SC Zip 29721 Phone (803) 289-7315 **7531**
Fax (803) 286-5051 Email Kim@lci-lineberger.com

435
- 325
110

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.

K. [Signature]
Applicant

10/6/23
Date

KCH Real Estate By [Signature]
Property Owner(s)

10/6/23
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.
- Text Amendment Application Fee - \$325.00

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

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

Text Amendment Item 1.

Amend Section 5.9 of the UDO to add the following use regulations for “Nonmetallic Mineral Product Manufacturing” as a new category of land use activity:

Nonmetallic Mineral Product Manufacturing [HI]

- A. Permitted Industrial and Manufacturing Activities: Nonmetallic Mineral Product Manufacturing includes industrial facilities used for the manufacturing and production of clay product and refractory manufacturing (NAICS 3271); glass and glass production manufacturing (NAICS 3272); cement and concrete product manufacturing (NAICS 3273); Lime and gypsum product manufacturing (NAICS 3274); and other nonmetallic mineral product manufacturing (NAICS 3279). This land use activity includes facilities that engage in the recycling, storage, processing, resale, or reuse of recovered materials.
- B. Permitted Location and Size
 - 1. Such uses shall be exclusively located in the HI zoning district.
 - 2. Such uses shall be sited on a parcel(s) of not less than 6 acres.
- C. Separation Requirements
 - 1. A nonmetallic mineral product manufacturing use shall be located at least 500 feet from: (A) Any lots located in the LDR, MDR, HDR, MH, RMS, RIX, BP, and INS zoning districts; and
 - 2. A nonmetallic mineral product manufacturing use shall be located at least 500 feet from any lots containing residential dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of Lancaster County.
- D. Required Setbacks

All elements of the nonmetallic mineral product manufacturing facility, including structures, buildings, equipment, parking areas, and access roads, shall be located at least 75 feet from all property lines; except that access roads may cross the 75-foot setback area and utilities may be located within the 75-foot setback area.
- E. Screening

A minimum 8ft. tall opaque buffer of no less than 50ft in width consisting of 18 trees and 36 shrubs per 100 lf will be placed between adjoining properties. Buffer can be placed within required setbacks.
- F. Vehicular Access

Vehicular access to the site of all nonmetallic mineral product manufacturing uses shall be located on an arterial or major collector road, or on a road improved to necessary industrial capacity as determined by the Administrator.

G. Dust Reduction Measures

Nonmetallic mineral product manufacturing facilities shall employ dust reduction measures to minimize on-site and off-site dust nuisance generated by the manufacturing use. These measures may include, but are not limited to: (A) Utilization of stabilized roadways within the site; (B) On-site speed limits to minimize disturbance; and (C) Application of water and other dust palliatives.

Text Amendment Item 2.

Amend the Use Table in Section 2.5.3 of the UDO to add the following use type under Section H:

“Nonmetallic Mineral Product Manufacturing” and providing that such use shall be designated as Permitted with Review (PR) within the HI zoning district, subject to the standards referenced in the newly created land use category referenced in Text Amendment Item 1.

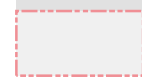


HI Zones in Lancaster County

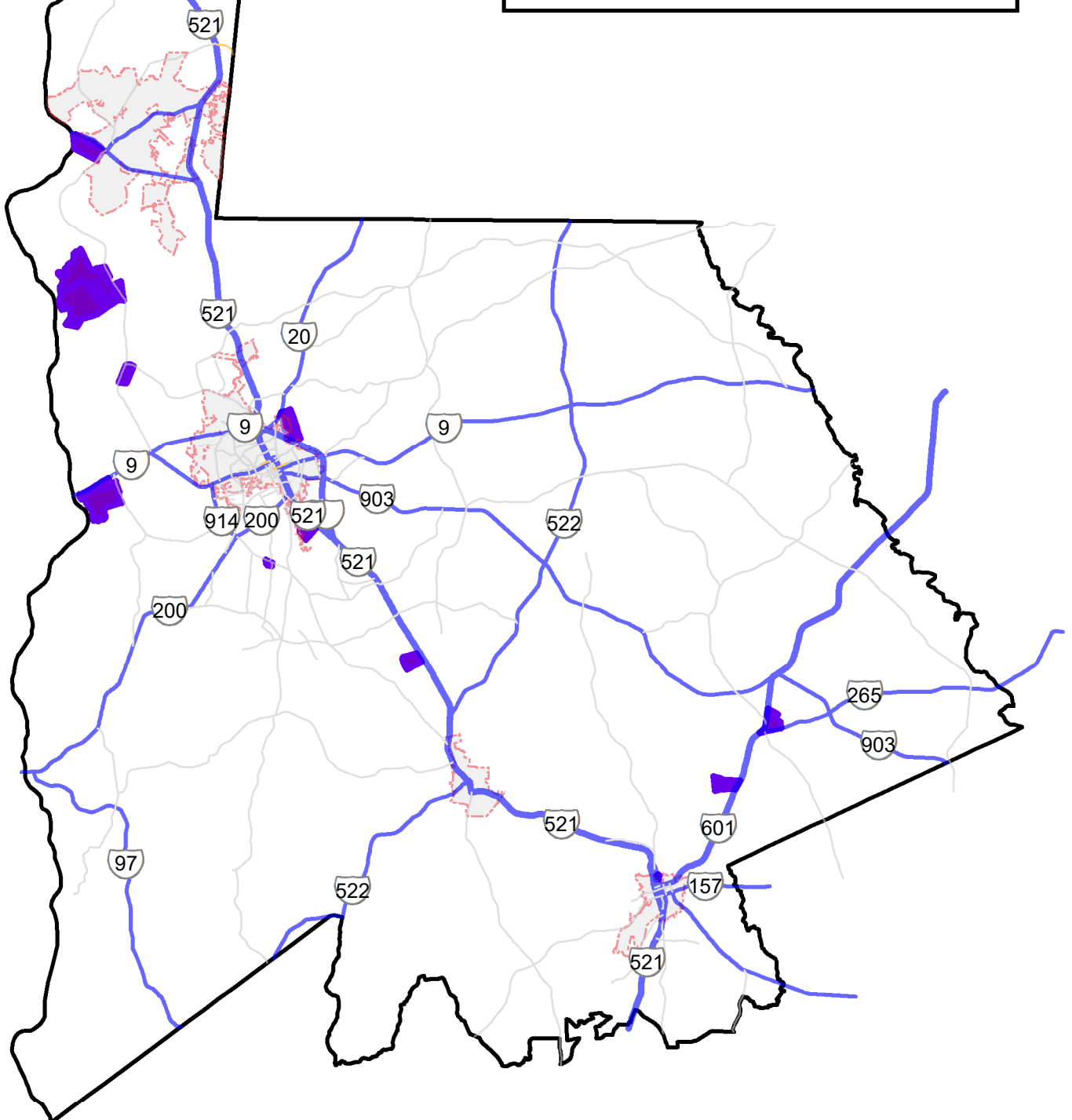
Zoning

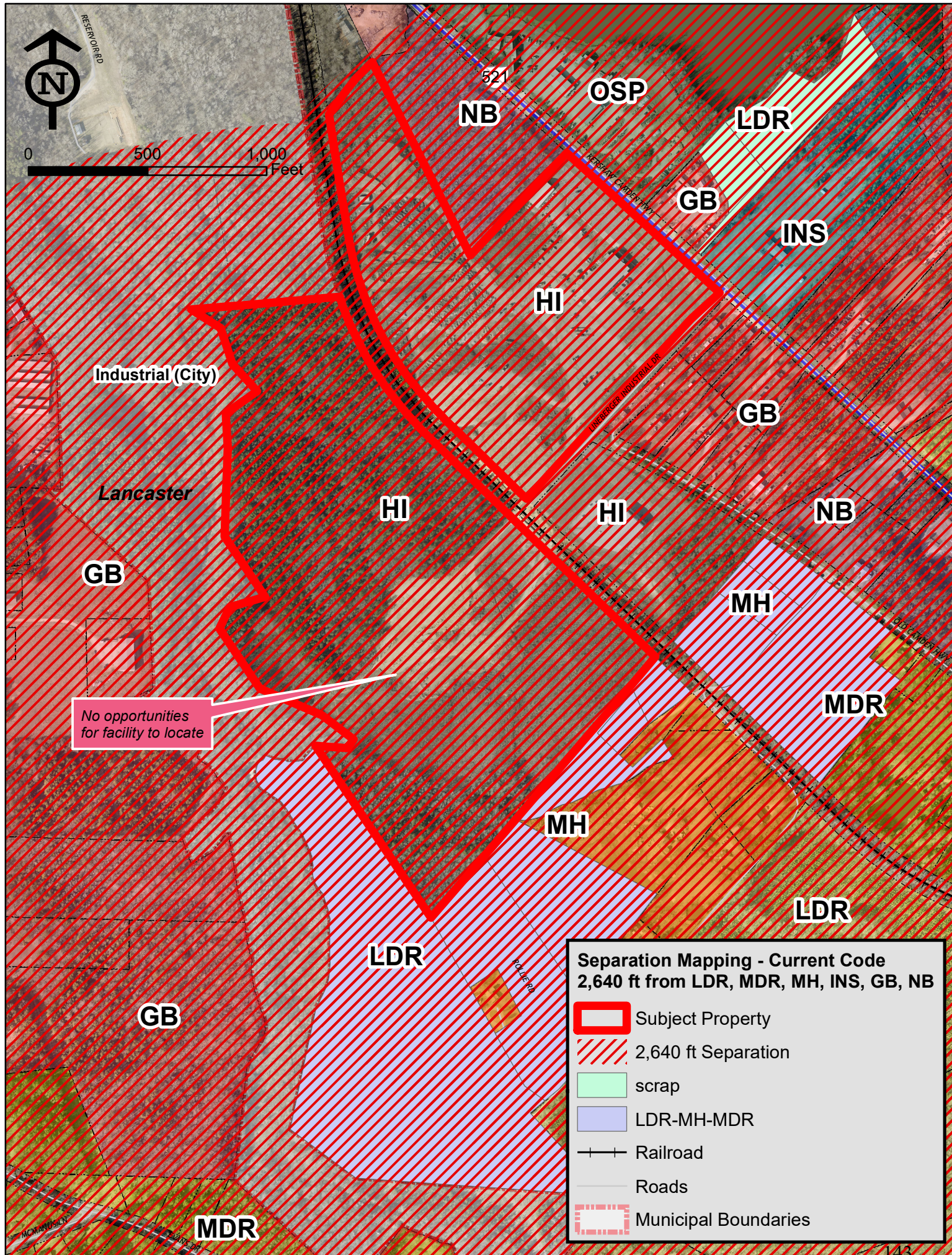


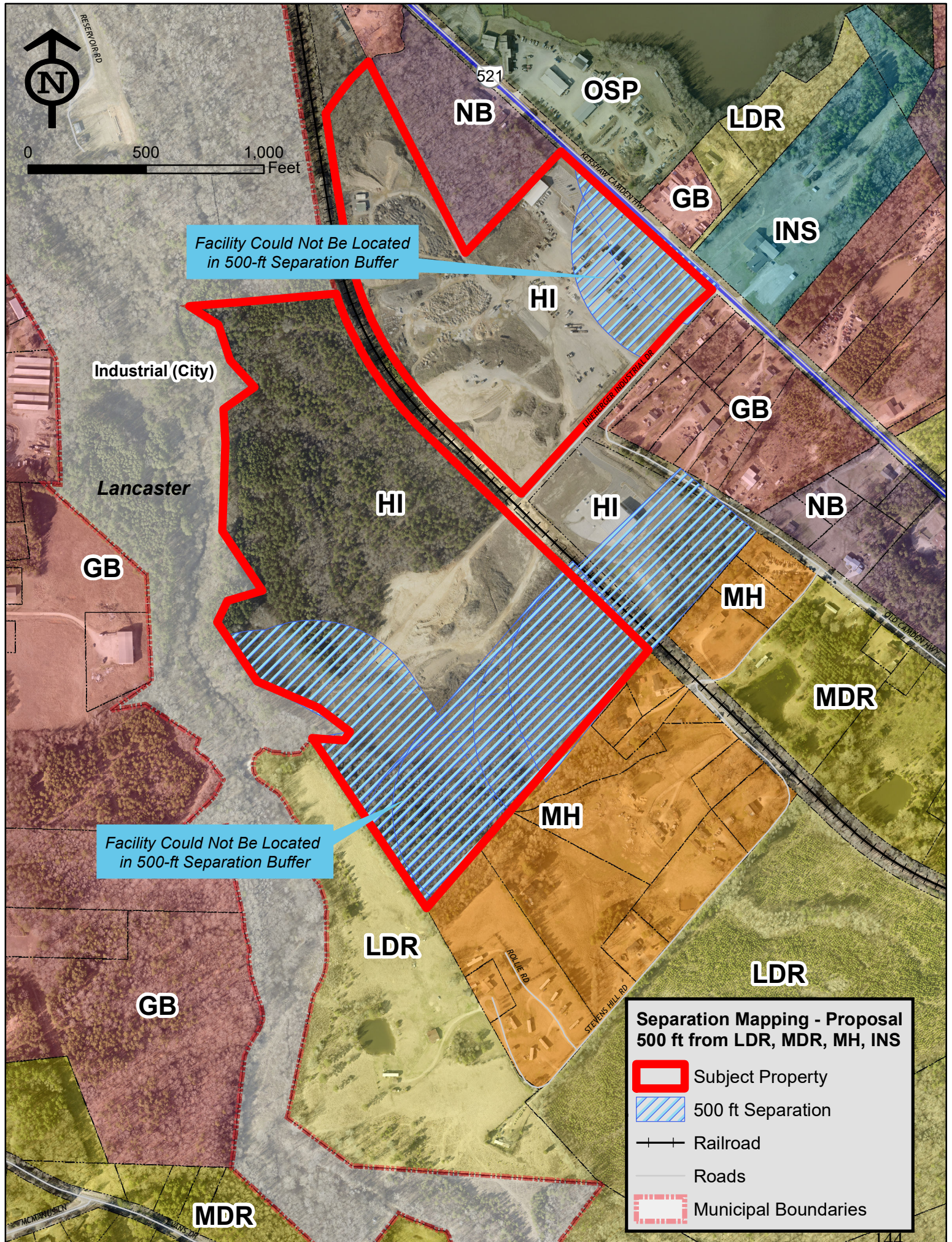
HI

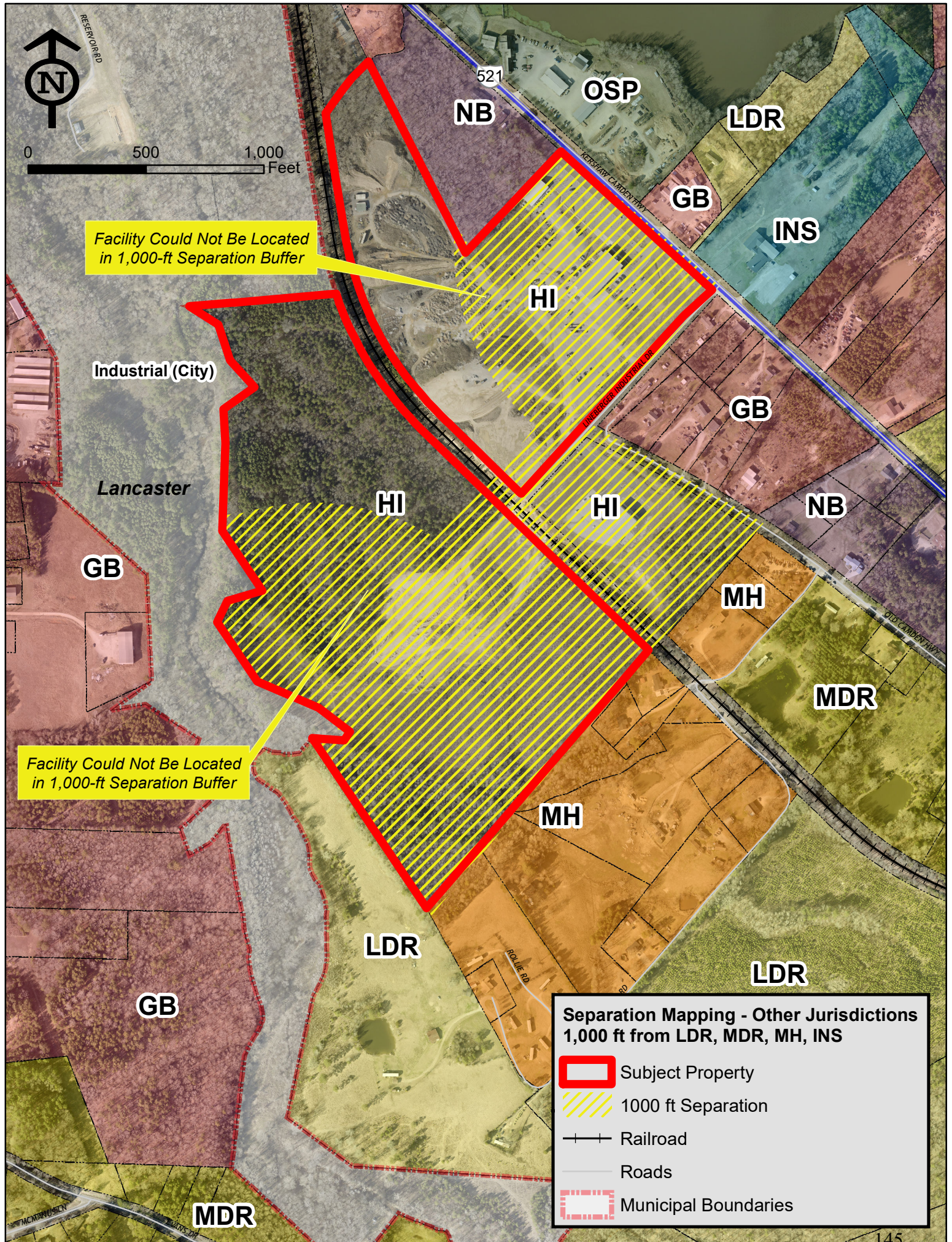


Municipal Boundaries











HOW IT **WORKS**

Quick Guide To Asphalt Production





HOW IT WORKS

Making asphalt pavement is like baking a cake. Measure all the right ingredients, mix them up and heat them for the final product. It starts with a mixture of sand and small and large rocks. Next, asphalt cement is heated and combined with the rocks. The pavement material must be kept pliable for proper installation, so asphalt facilities must be located near paving sites.



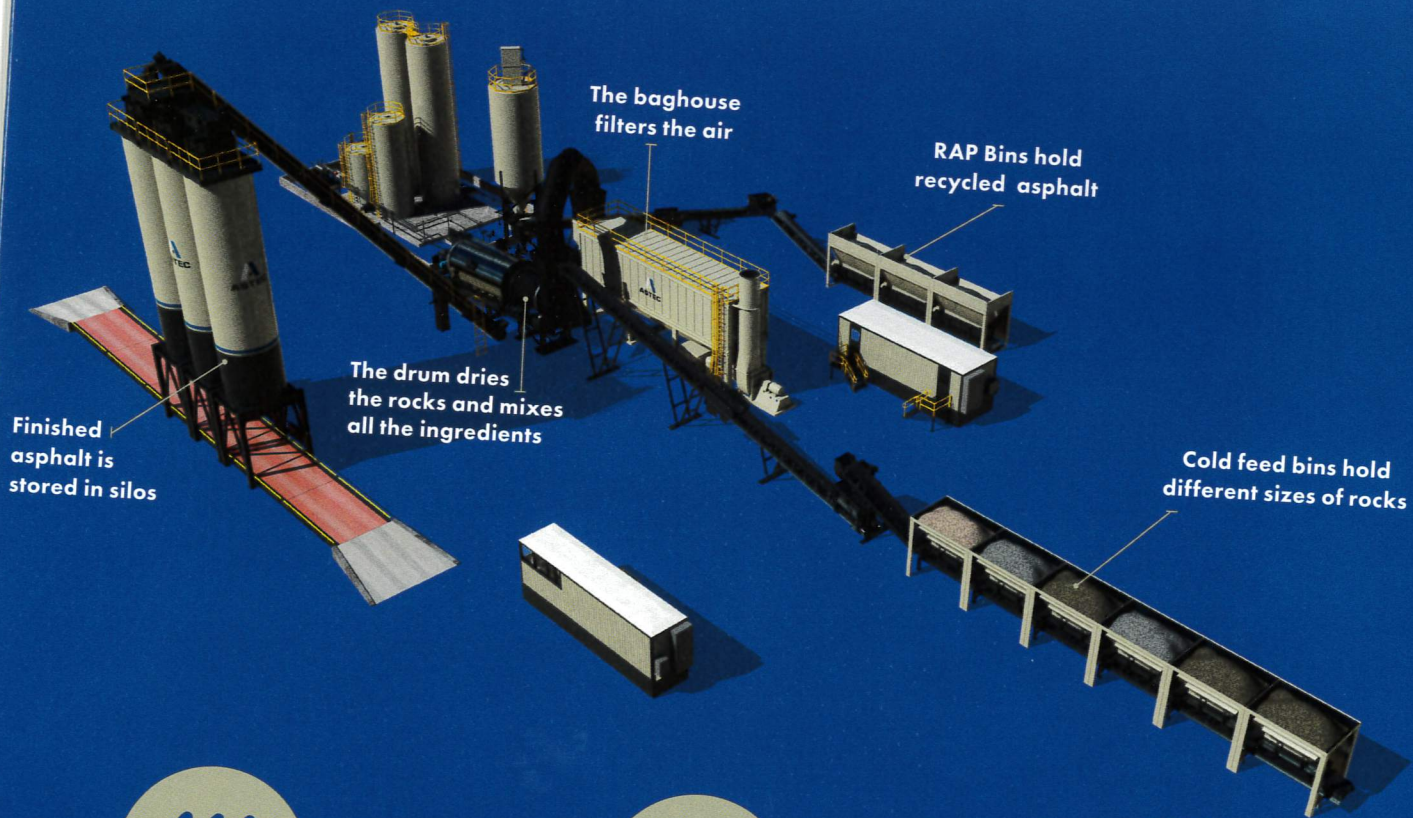
IT STARTS WITH ROCKS

Rocks and RAP (Recycled Asphalt Pavement) are sorted in bins and dropped in specified amounts onto conveyors.



THE ROCK IS HEATED

The conveyors carry the sorted rocks to the drum, where it is heated and dried.



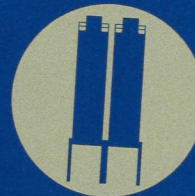
THE AIR IS FILTERED

The baghouse filters dust from the airflow. Clean air and steam are released into the atmosphere and the separated dust is recycled back into the mix.



IT'S MIXED TOGETHER

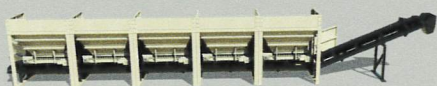
The heated and dried rocks mixed with the RAP and dust. Asphaltic cement is added to hold it all together.



FINISHED ASPHALT FOR PAVEMENT

The final mix exits the drum onto a drag conveyor into a silo for storage until it can be dropped by weight into trucks. Trucks will deliver the mix to the paving site.

THE BREAKDOWN



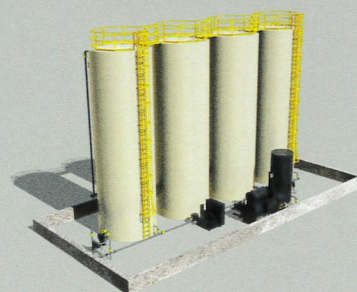
COLD FEED AND RAP BINS

Bins hold rock and RAP, which have been sorted by size and type, before measuring them onto a conveyor.



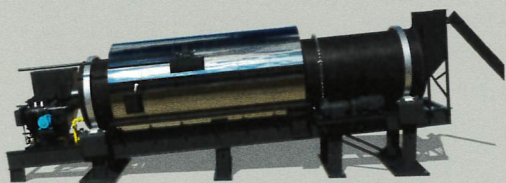
CONVEYORS

Transfers rock and RAP to specific components of the plant.



ASPHALTIC CEMENT TANKS

Specially designed tanks heat and store the asphaltic cement until it is ready to be mixed with the rock and RAP.



DRYING/MIXING DRUM

It all comes together in the drum. Rock is heated and dried then mixed with RAP and asphaltic cement to make asphalt paving mix.



BAGHOUSE

Efficiently removes particulates from the exhaust stream.



SILLO

Maintains the quality of the finished asphalt paving mix until it is loaded into trucks and transported to a paving site.





www.astecindustries.com

*Please contact Astec Engineering at 423.867.4210
for additional information about asphaltic concrete facilities.*

Rev. 6/22



MEET THE **NEIGHBORS**

Everything You Wanted To Know About Asphalt Facilities





for c



Everything You Wanted To Know
About Asphalt Facilities





ASTEC[™]

WHAT IS

ASPHALTIC CEMENT?

Asphaltic cement is a highly viscous, black substance comprised of a complex mixture of hydrocarbons. Some asphaltic cement comes from natural asphalt lakes such as the La Brea Tar Pits. Most of the asphaltic cement used in road building is actually a by-product of crude oil refining. Asphaltic cement is the residual material remaining after lighter fractions, or grades of oils, have been distilled from crude oil. It can be further processed for use in paving mixtures or other industries such as roofing. Asphaltic cement is a thermoplastic, which means it is hard at ambient temperatures, but thick and sticky when heated. It may be referred to as "binder" or bitumen (a term commonly used outside North America). It is the material in pavement that coats aggregate and glues (or binds) the mix together. Eighty percent of the asphaltic cement used in the United States is for paving mixtures.

ASPHALT

IS TAR THE

SAME AS ASPHALTIC CEMENT?

No. Tar is a black or brown mixture comprised of hydrocarbons and free carbon. It typically results from the destructive distillation of organic matter. Though it can be produced from petroleum, most often it is produced from coal as a by-product of coke production. It was once used to seal roadways, roofing shingles, and wooden ship hulls. However, since the 1970s, asphaltic cement has completely replaced the use of tar in paving mixtures.

WHAT IS

ASPHALT PAVEMENT?

Pavement is a hard, smooth surface that facilitates vehicular and pedestrian transportation. It consists of a highly controlled mixture of asphalt cement and aggregate. Prior to placement, this mixture is referred to as asphaltic concrete, or bituminous concrete. Mix can be further classified as Hot Mix Asphalt (HMA) or Warm Mix Asphalt (WMA) based on the mix temperature at which it is produced. Typical paving mixtures contain 95% aggregate and 5% asphaltic cement. Asphalt pavements produced at temperatures below 300°F are referred to as Warm Mix Asphalt (WMA). Paving mixtures produced at temperatures between 300°F and 350°F are termed Hot Mix Asphalt (HMA).

WHAT IS THE DIFFERENCE

BETWEEN HMA AND WMA?

Hot Mix Asphalt (HMA) is asphaltic concrete produced at mix temperatures of 300°F and higher. Warm Mix Asphalt (WMA) is asphaltic concrete produced at mix temperatures below 300°F. WMA is produced by modifying the viscosity of the asphalt cement, typically by mechanically foaming the binder through water injection. This allows the mixing process to be conducted at lower temperatures. Production of WMA reduces energy consumption, which results in lower emissions.



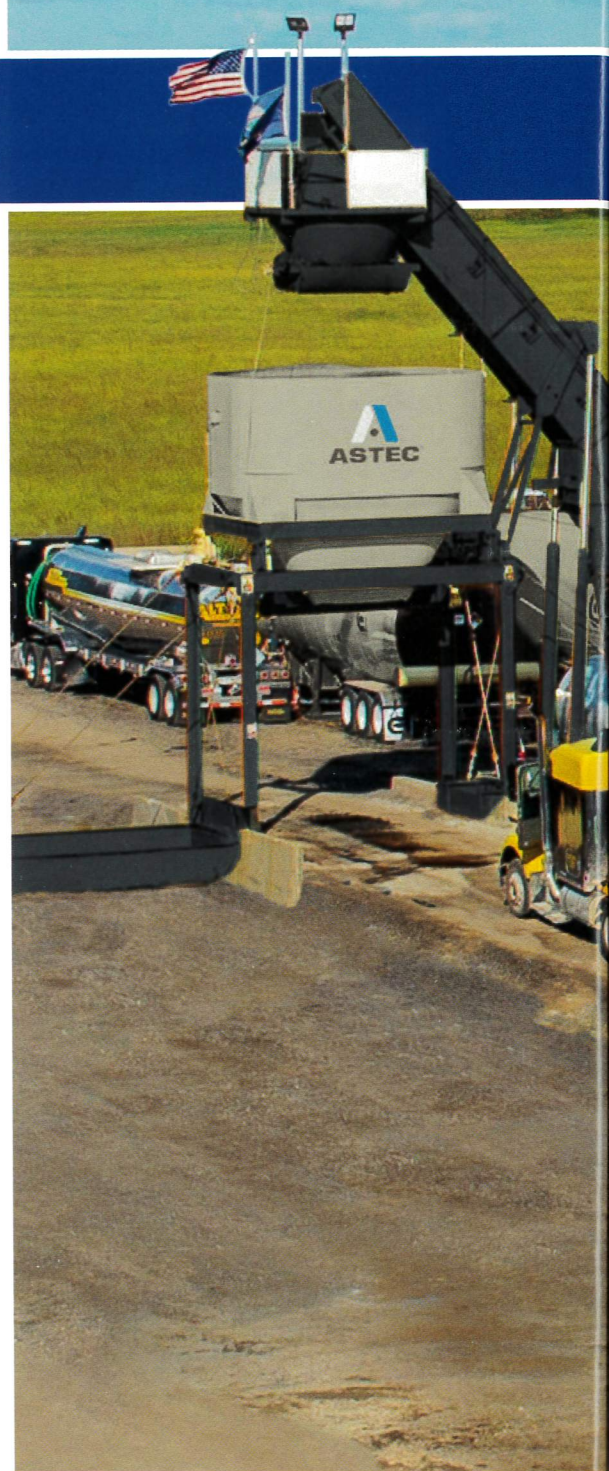
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HOW MANY ASPHALTIC CONCRETE FACILITIES **ARE IN THE UNITED STATES?**

According to the EPA industry estimates, there are approximately 4,000 asphaltic concrete production facilities operating throughout the country.

WHY ARE SO MANY **FACILITIES NEEDED?**

Considering how large the United States is, there really are not a lot of facilities. This amounts to only one facility per 950 square miles. Approximately 2.68 million miles of U.S. roadways are paved, 94% of which are surfaced with asphaltic concrete. Road maintenance and new construction projects require between 650 and 750 million tons of asphaltic concrete each year. Asphaltic concrete must be laid quickly after being loaded into the haul truck, because it hardens as it cools. Cooling occurs during transport from the facility to the paving site. The haul distance needs to be as short as possible to minimize the amount of heat lost during transport, because mixes become harder to lay down by a paving machine and compact with rollers as they cool. Ambient air temperature greatly effects how long the mix is "workable" and can be properly installed on the roadway. In addition, trucking is a large part of road maintenance and construction costs. Minimizing haul distances lowers road paving costs to the community.



FACILITIES

HOW IS ASPHALTIC CONCRETE MADE?

Aggregate is divided and placed into bins according to size. Depending on the mixture of aggregate called for, the bins automatically meter out the appropriate volume of each size needed onto a conveyor belt. The belt deposits the aggregate into a rotary dryer. This machine tumbles and veils the aggregate through hot air to dry it thoroughly. A fuel burner is located at one end of the drum to provide a flame for heat. It is necessary to remove the moisture from the aggregate so the asphaltic cement will adhere to the rock. Remember, water and asphalt do not mix. After drying, the aggregate is then coated with heated asphaltic cement and thoroughly mixed. Production of asphaltic paving mixtures does not entail harmful chemical reactions.



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IS AN ASPHALTIC CONCRETE FACILITY

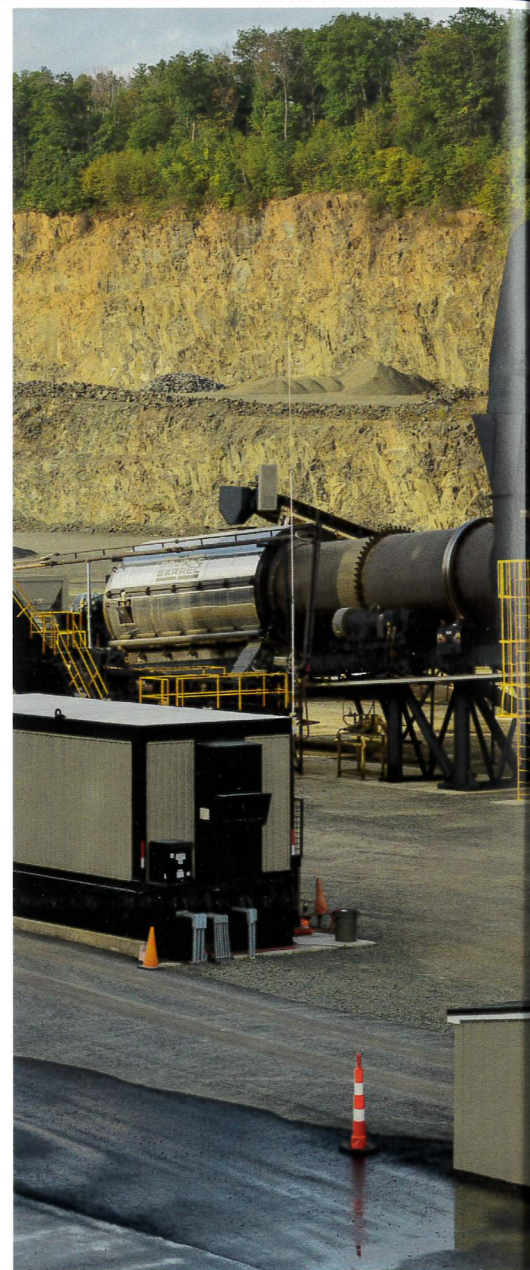
A LARGE SOURCE OF EMISSIONS?

No. In fact, studies show that emissions from the asphalt paving industry have decreased over 97% since 1970, despite a 250% increase in production. All emission concentrations from asphaltic concrete production facilities are well below the established threshold limit values set forth by the American Conference of Governmental Industrial Hygienists. The EPA delisted asphaltic concrete production facilities from the Maximum Available Control Technology standard in February, 2002, because such facilities are not major sources of air pollutants. The asphalt paving industry continues to develop new technologies to further minimize emissions during mix production and paving operations. Mix production facilities must be permitted through local or state air quality agencies. The permits establish operating limits for the facilities to strictly control emissions generated during mix production, in order to prevent degradation of ambient air quality.

WHAT IS

"PARTICULATE MATTER"?

Particulate matter is a term used to denote microscopic liquid or solid particles much smaller than the diameter of human hair. Particle size is measured in microns, which is equal to one-millionth of a meter. Particulate matter results from the drying process at an asphaltic concrete production facility. In the case of such facilities, the particulate is almost entirely stone dust. Stone dust is a valuable part of the product that the facility owner does not want to lose. It is collected by a large air filtering unit called a baghouse and returned to the mixer for inclusion in the paving mixtures.



HEALTH

DO ASPHALTIC CONCRETE FACILITIES

CAUSE CANCER?

Numerous agencies worldwide have conducted extensive testing on asphaltic cement fumes from paving and roofing applications. The International Agency for Research on Cancer classified asphaltic cement fumes from occupational exposure as Group 2B. This designation is used for substances, mixtures, and exposure circumstances for which there is limited evidence of carcinogenicity in humans. Other items designated as Group 2B include aloe vera (whole leaf extract) and cell phones (radio frequency electromagnetic fields).

The American Conference of Governmental Industrial Hygienists has designated asphalt cement fumes as A4, which are agents not classifiable as a human carcinogen due to lack of data indicating evidence of carcinogenicity.

IF THERE IS NO DANGER OF CANCER,

WHY HAVE THERE BEEN SO MANY STUDIES?

Hundreds of tests have been conducted primarily because of the apparent similarity of asphalt to tar. What the tests have proven is that these are two completely different materials from completely different sources and with completely different health effects. Coal tar does have some harmful health effects. Those same effects have not been found to be associated with asphaltic cement.





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CLEAN AIR

WHAT IS A **BAGHOUSE?**

A baghouse is a large air filtering device that removes particulate matter from the aggregate drying process in an asphaltic concrete production facility. A large fan on the outlet end of the baghouse pulls dust-laden air from the drying drum into the filter unit. Hundreds of long cylindrical cloth bags hang in rows within the filter section. The air is pulled through the bags and dust particles collect on the bags' outer surface. Filtered air is released into the atmosphere through the exhaust stack. Collected dust is periodically removed from the bags and conveyed to the mixer to be added to the asphalt pavement mixture. Baghouses filter out virtually all of the particulates from the air stream (over 99.9%). The Clean Air Act states that asphaltic concrete production facilities cannot emit more than 0.04 grains (grain = 1/7000th of a pound) of particulate matter per dry standard cubic foot of air. Most baghouses routinely emit less than half of the federal allowable particulate matter. Many states have enacted particulate emission standards for asphaltic concrete facilities that are more stringent than the Clean Air Act.

ARE ASPHALTIC CONCRETE FACILITIES **EMISSIONS REGULATED?**

The Clean Air Act of 1990 requires that all stationary emission sources obtain air permits in order to operate, including asphaltic concrete production facilities. An air permit contains the operating conditions that must be met by the facility. Particulate emissions and opacity are regulated on a federal basis, though many state and regional air quality agencies have implemented tighter requirements. Individual states and local authorities regulate other pollutants, including the products of combustion. Facilities must maintain extensive records to demonstrate compliance with those regulations. This includes production and fuel consumption rates from which emission levels can be calculated. Failure to comply with operating permit conditions results in fines and/or facility shut down.

ARE ASPHALTIC CONCRETE **FACILITIES TESTED?**

Federal requirements in the Clean Air Act mandate that all permitted emission sources must be stack tested within 180 days of startup. Many states require testing in as little as 60 days after initial startup. Subsequent testing requirements are determined by individual states and permitting authorities. For example, some states require yearly testing, while others may only require the initial test, as long as permit operating conditions are met.



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WHERE CAN ASPHALTIC CONCRETE FACILITIES BE LOCATED?

While zoning ordinances vary significantly across the U.S., most facilities must be placed on property zoned for industrial usage. In addition, the majority of facilities must obtain special land use permits. Such permits contain specific requirements with which the facility must comply. These mainly include operating hours and noise levels to name a few.

WHAT CAUSES THE ODORS ASSOCIATED WITH THE PRODUCTION OF ASPHALTIC CONCRETE?

The most common odor detected at an asphaltic concrete facility comes from the hydrocarbons driven off the liquid asphalt cement at elevated temperatures. Overheating materials during the drying process is the primary cause. As fuel has become more and more expensive, most owners and operators have become more aware of the cost of overheating materials and have learned to control temperature with greater precision. The fumes, known as "blue smoke," have a characteristic petroleum-type odor. Blue smoke forms as the hydrocarbons condense in the ambient air. Its formation is highly dependent on temperature and the facility configuration. Minimizing opportunities for the fumes to enter the ambient air and lowering mix/storage temperatures decreases odor levels from the facility. Odors are largely eliminated during the production of WMA, because the mix temperature is lower than the boiling point of the hydrocarbons.



PERMITS

WHAT ARE THE DIFFERENT TYPES OF FACILITIES IN USE TODAY?

Modern asphaltic concrete facilities fall into two categories: batch and continuous mix facilities. As the name implies, batch facilities make individual batches of material. All the ingredients for the batch are fed into a mixer. When mixing is complete, the mixer is emptied, most often into a waiting haul truck. Batch facilities usually have smaller hourly production capacities than continuous mix facilities. They are suitable for small production runs or frequent changes in mix type.

Drum mix facilities operate on a continuous basis. The mix is stored in storage silos and discharged into haul trucks as needed. They can be either parallel-flow or counterflow, which is an indication of the material flow versus the airflow within the drum. Material moves in the same direction as the airflow in a parallel-flow drum, whereas the material moves against the airflow in a counterflow drum. Modern drum mix facilities almost exclusively include counterflow drums, because they use less fuel and generate lower hydrocarbon emissions than parallel-flow drums.



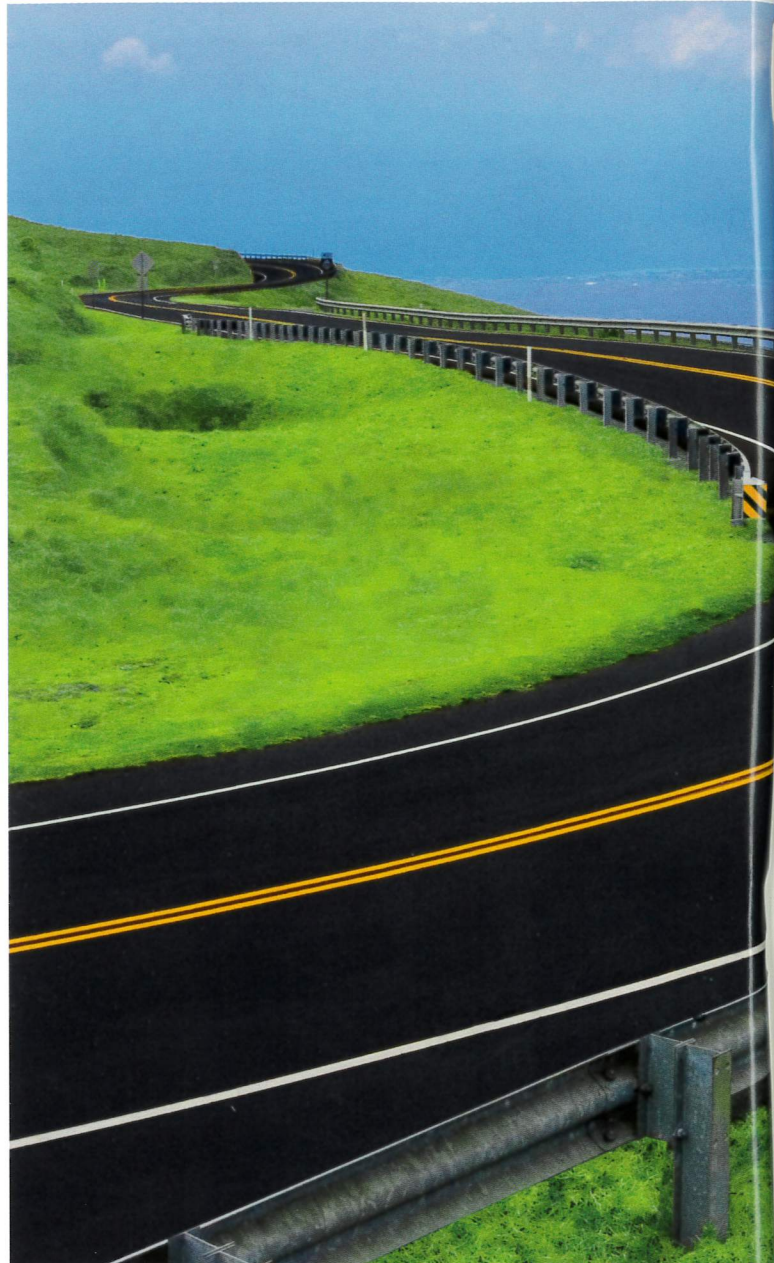
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ARE ALL PAVEMENTS **THE SAME?**

No. Asphalt paving mixtures are designed according to the traffic they will handle. Therefore, an interstate paving mixture will be very different from one used for a residential driveway. Differences may include types and sizes of aggregate, as well as the grade of liquid asphaltic cement selected. Additionally, some paving mixtures may contain various recycled products, while others are comprised entirely of virgin materials.

IS THE BINDER USED IN PAVEMENT **THE SAME AS IN ROOF APPLICATIONS?**

No, though they are both by-products of petroleum refining. Paving asphaltic cement is typically softer and more pliable than roofing asphaltic cement. Also, liquid cement at asphaltic concrete production facilities is not heated to temperatures as high as in roofing applications. That means that emissions and odors produced by paving operations are lower and not the same types of compound as those produced by roofing operations.





PAVEMENT

CAN ASPHALTIC CONCRETE BE USED FOR

ANYTHING OTHER THAN ROADWAYS?

Yes! Asphaltic concrete is used in a variety of applications. Because it is a non-toxic, impermeable material, asphaltic concrete is commonly used to line fish hatchery ponds, commercial water reservoirs, landfills, and industrial retention ponds. It is also used to pave recreational paths (for running & bicycling), golf cart paths, airport runways, and tennis courts. Asphaltic concrete has been used in commercial livestock applications, such as paving feedlots and lining barn and poultry house floors for easy cleaning. Additional uses include creation of sea walls and dikes to manage beach erosion. Specially designed permeable paving mixtures are increasingly being used to manage storm water. These porous pavements allow water to drain through them. Contaminants on the surface are drawn through the mixture where they are filtered through a rock sub-base, thus using natural processes to cleanse the water.

WHAT CAUSES NOISES ASSOCIATED WITH THE

PRODUCTION OF ASPHALTIC CONCRETE?

There are a few common sources of noise emanating from a hot or warm mix facility. Some are derived directly from the mix production components, including the burner and exhaust fan. Others are generated from movement of the product, including trucks and loaders. Recent advancements in asphalt mix production equipment design have drastically reduced sound levels. Astec has worked to reduce sound from the mix process by providing quieter components in a facility. Likewise, some facility owners have initiated on-site quiet operations and practices for movement of the product. It is often possible to participate in conversations using normal speaking tones while adjacent to most facility components at new facilities.



ASTECC

WHAT HAPPENS

IF THE ASPHALTIC CEMENT SPILLS?

Asphaltic cement is hard at ambient temperatures and liquid only when heated. It is kept hot at an asphaltic concrete production facility so that it can be mixed with the aggregate to form pavement. Should the asphaltic cement spill onto the ground, it will quickly harden because it is no longer being heated. Once completely set, it can be picked up and disposed of. For additional safety, asphalt storage tanks, as well as the facility fuel tanks, are typically set-up within a concrete wall to contain spills should they ever occur.

WHAT EQUIPMENT MAKES UP AN

ASPHALTIC CONCRETE FACILITY?

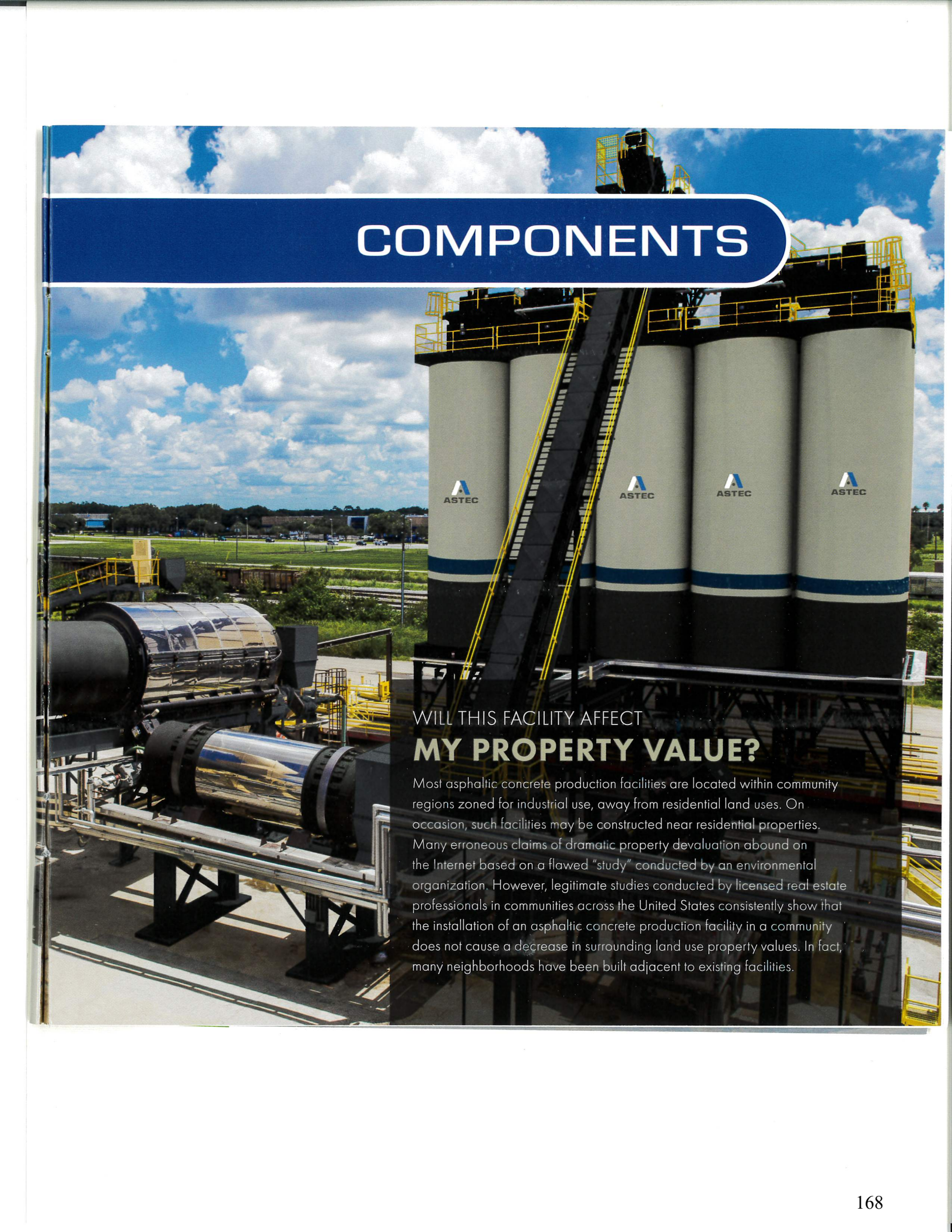
There are several components found at asphaltic concrete production facilities, whether they are a batch or continuous mix plant. Aggregate is separated according to size and fed, usually by a front-end loader, into cold feed bins. These bins are used to meter the virgin aggregate to the dryer. The dryer is used to drive off the surface moisture and heat the aggregate in preparation for mixing with the asphaltic cement. Mixing may occur within a variety of devices, depending on the type of facility. Environmental controls include a baghouse, which is typically preceded by a primary collector such as a cyclone or inertial separator. Dust augers return the collected particulate matter to the mixer. Liquid asphalt cement is stored in heated tanks that are connected via piping to the mixer. Finished mix is held in storage silos, which are typically insulated and heated to maintain product temperature until it is loaded into a haul truck. Mix can often be stored for days before being loaded into haul trucks.

WILL AN ASPHALTIC CONCRETE FACILITY

AFFECT GROUNDWATER?

No. Asphaltic concrete production facilities do not generate industrial wastewater, because water is not required during the production process. Storm water discharge permits and retention ponds may be required in some locations to handle runoff from rainfall. Stack emissions from a facility do not contaminate groundwater.





COMPONENTS

WILL THIS FACILITY AFFECT **MY PROPERTY VALUE?**

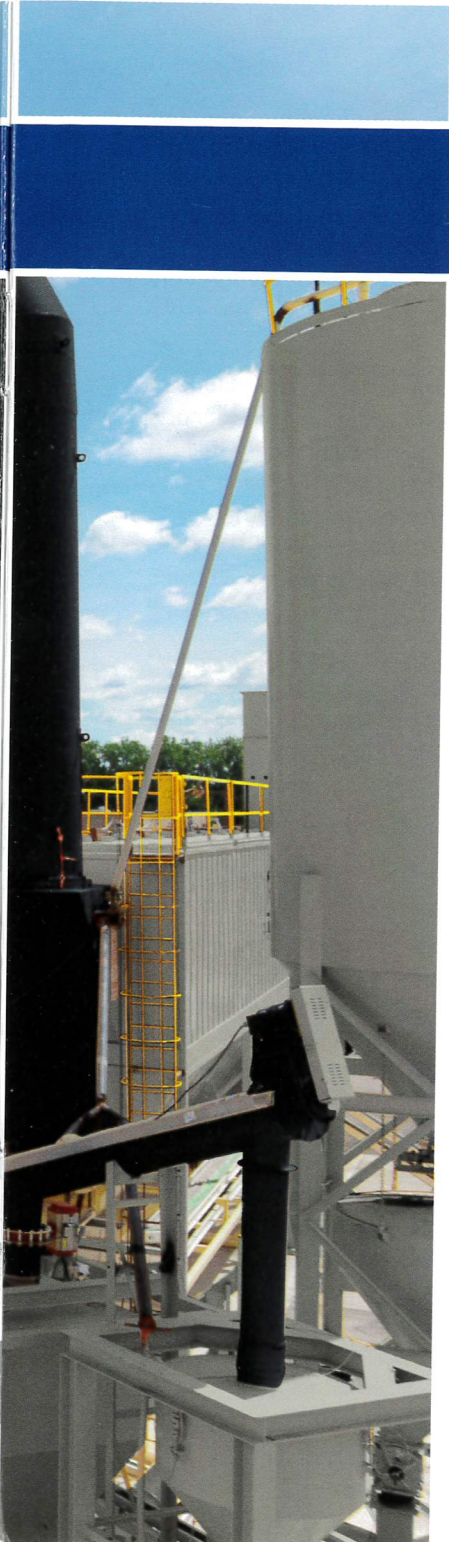
Most asphaltic concrete production facilities are located within community regions zoned for industrial use, away from residential land uses. On occasion, such facilities may be constructed near residential properties. Many erroneous claims of dramatic property devaluation abound on the Internet based on a flawed "study" conducted by an environmental organization. However, legitimate studies conducted by licensed real estate professionals in communities across the United States consistently show that the installation of an asphaltic concrete production facility in a community does not cause a decrease in surrounding land use property values. In fact, many neighborhoods have been built adjacent to existing facilities.



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WHAT ABOUT TRUCK TRAFFIC?

Materials used to produce asphaltic concrete are typically delivered to the production facility via truck. Rail lines are used in some locations. Asphaltic concrete is transported to the construction site via truck. The actual quantity of trucks entering and leaving the facility is dependent on the production requirements for active paving projects. Egress to and from the site falls under the authority of local government agencies. Traffic patterns and flow may be addressed by the land use permits required for most facilities.



PRODUCTION

DO ASPHALTIC CONCRETE FACILITIES

OPERATE CONTINUALLY?

No. Though asphaltic concrete production facilities can operate on a continual basis, mix production is highly dependent on weather conditions and product demand for paving projects. Facilities operate at their highest capacity during the summer, when paving conditions are most favorable. Facilities located in temperate climates may operate year-round, while those located in colder climates shut down during winter months. Routine equipment maintenance is typically scheduled during the shut down. Some facilities may operate at night, as many paving projects on busy thoroughfares must occur when there will be the least commuter impact.

WHAT ARE SOME

BENEFITS OF ASPHALTIC CONCRETE?

There are many benefits to using asphaltic concrete. Road construction and reconditioning projects can be completed faster and at lower cost when paving with asphaltic concrete. Studies show that asphalt pavements have a lower life cycle cost (cost of installation and maintenance over the life of the product) than Portland cement concrete pavement and are engineered to last decades with little to no maintenance. This generates savings to taxpayers for road construction and maintenance projects in a community. Asphaltic concrete pavements are smoother to drive on, which results in greater fuel efficiency, less vehicular wear and tear, and a quieter ride.

MEET THE **NEIGHBORS**

GLOSSARY

AGGREGATE

Inert material such as sand, gravel, crushed stone and slag used as the chief ingredient of asphaltic concrete. Unwashed aggregates will also contain some amount of dust and process fines material.

ASPHALT

Commonly used as a shortened term for asphalt cement, but may also refer to asphalt pavement.

ASPHALT CEMENT

(AC; also known as bitumen.) The binder or "glue" in asphaltic concrete. Commonly abbreviated AC. At ambient temperatures, asphalt cement is a black, sticky, highly-viscous, semi-solid substance.

Asphalt cements used in asphaltic concrete are made by distillation of crude oil and are available in various grades. They are more suited for asphaltic concrete than asphalt made from other materials or asphalt obtained from native deposits in various parts of the world.

Use of coal tar is avoided by the asphaltic concrete industry because its fumes are known to be carcinogenic, posing a health hazard for anyone working with asphaltic concrete. Coal tar and asphalt cement are not the same substance.

ASPHALTIC CONCRETE

A paving mixture comprised of aggregate and asphalt cement. Also called bituminous concrete.

BAGHOUSE

An environmental control device containing filtration media used to remove particulate matter from a gas stream. These devices are used to filter the gas stream from the aggregate drying process at an asphalt mixing plant. The associated exhaust fan provides draft to support the combustion process and evacuate gases from the dryer drum.

BLUE SMOKE

(Also known as asphalt fumes.) Condensed gaseous vapors, comprised predominantly of organic compounds (light ends) generated when asphalt cement is heated. Various methods are used to minimize or eliminate blue smoke.

EMISSIONS

Substances discharged during production operations at an asphaltic concrete facility. The substances may be either gases or particulate. Federal, state, and local environmental codes usually limit the amount of emissions or pollutants that industrial and commercial operations can release into the atmosphere. Accordingly, an asphaltic concrete facility must have provisions to limit specified emissions produced or released.

HOT MIX ASPHALT

Road paving material (asphaltic concrete) produced by mixing hot, dry aggregate and liquid asphalt cement. Basic types of asphaltic concrete are dense-graded and open-graded. There are sub-types within the basic types.

The mixture is made with the ingredients heated to about 300°F, which is the temperature normally used to dry the aggregate. The liquid asphalt cement will adhere to the aggregate only if it is dry. The mix may also include dust or fines from the aggregate, ground rubber, and additives fillers, such as lime. The mixture is maintained close to 300°F until it is applied to the road.

Asphaltic concrete is called by numerous other names, such as asphaltic concrete, asphalt cement concrete, asphalt mix(ture), asphalt paving mix(ture), bituminous concrete, bituminous mix(ture), bituminous paving mix(ture), etc.

HYDROCARBON

Molecules containing hydrogen and carbon atoms arranged in structures that can vary from straight chains to branching chains to rings. The size of the atomic structure determines the properties and behavior of the hydrocarbon. The structure size is a function of the number of carbon atoms present in the molecule. Lighter structures with few carbon atoms are gaseous. Heavier chains with more carbon atoms are predominantly liquids, though some may be semi-solids or solids.

LIQUID ASPHALT CEMENT

Asphalt cement that is heated to a liquid state to make it suitable for mixing with aggregate to make asphaltic concrete. At ambient temperatures, asphalt cement is a semisolid.

PARTICULATE MATTER

(PM) Liquid or solid particles suspended in the atmosphere. PM is a complex mixture of particles, both natural and man-made, that may contain dust, smoke and pollen. Particles are classified by size. PM10 are inhalable particles measuring 10 microns in diameter and smaller. PM2.5 are fine inhalable particles with diameters of 2.5 microns and less. PM10 and PM2.5 are highly regulated because of their ability to cause serious health hazards.

PAVEMENT

A hard, smooth surface that facilitates pedestrian or vehicular travel. The most common pavement materials used in modern roads are asphaltic concrete and concrete. Pavement can also refer to the paving mixture comprising the surface.

RECLAIMED ASPHALT PAVEMENT

(RAP) Asphalt paving material recovered from old road beds either by milling or excavation by ripping. It includes aggregate as well as reusable binding material. RAP produced by milling can be hauled to the asphalt plant and recycled by adding it directly to virgin asphaltic concrete. RAP produced by excavation is usually in the form of large chunks, which must be crushed before it can be used at the asphalt plant.

VOLATILE ORGANIC COMPOUND

(VOC) Hydrocarbons with high vapor pressures and low boiling points that readily vaporize at room temperature. They are highly regulated due to their participation with NOx in the formation of ground-level ozone, or smog. Such compounds typically are not acutely toxic but can cause long-term health issues due to repeated or prolonged exposure.

WARM MIX ASPHALT

(WMA) Pavement material that has been mixed at a lower temperature. Cools more slowly, allowing successful use in lower temperatures.

WMA technologies reduce the viscosity of the asphalt binder with additives (water-based, organic, chemical, or hybrids) so that asphalt aggregates can be coated at lower temperatures.



www.astecindustries.com

*Please contact Astec Engineering at 423.867.4210
for additional information about asphaltic concrete facilities.*

Rev. 6/22

AN ORDINANCE

TO AMEND THE YORK COUNTY CODE OF ORDINANCES, CHAPTER 155, ZONING CODE, SO AS TO PROVIDE FOR "NONMETALLIC MINERAL PRODUCT MANUFACTURING" ("NMPM"); TO PROVIDE FOR REGULATORY PROVISIONS RELATED THERETO; TO AMEND THE DEFINITION AND USE TABLE IN ORDER TO ESTABLISH THE USES AND PROVIDE FOR THE DISTRICTS IN WHICH THEY ARE ALLOWED OR REMOVED; TO CHANGE FROM A PERMITTED USE TO A SPECIAL EXCEPTION USE IN ID; AND TO REMOVE AS A PERMITTED USE IN UD; TO AMEND INDIVIDUAL DISTRICT USE REGULATIONS IN ID BY ADDING SUPPLEMENTAL REGULATIONS IN ORDER TO ADDRESS ITEMS SUCH AS MINIMUM LOT SIZE; ACCESS AND ROUTING PLANS; SEPARATION, SCREENING, DUST REGULATION; PERFORMANCE STANDARDS AGREEMENTS; AND PROOF OF OTHER GOVERNMENTAL REGULATORY COMPLIANCE REQUIREMENTS/PERMITS; TO REMOVE NMPM AS AN ALLOWABLE USE IN UD; TO INVOKE THE PENDING ORDINANCE DOCTRINE; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

BE IT ORDAINED AND ENACTED BY THE COUNTY COUNCIL OF YORK COUNTY, SOUTH CAROLINA:

SECTION 1. Legislative findings.

As an incident to the adoption of this ordinance, the York County Council, as the governing body of York County, South Carolina, has made the following legislative findings:

1.1 The Code of Ordinances of York County, South Carolina, should be amended by amending through amendments to Chapter 155, Zoning Code, in order to clarify the ordinance governing uses which are not set out sufficiently in the Code or which are developing to such a degree or with such impact that additional regulation is needed to safeguard our citizenry and promote orderly prospective treatment of the uses in order to guide development with regard to existing and future zoning needs and promote the public health, safety, convenience, order, appearance, prosperity and general welfare of York County and its citizens.

1.2 Council is empowered to enact ordinances for the implementation and enforcement of powers granted to Council pursuant to Sections 4-9-30 (9), (14), and (17),

S.C. Code Ann., as amended, and to exercise such other powers as may be authorized for counties under S.C. Code Ann. Section 6-29-710, as amended.

1.3 Council finds that the amendment and clarification will, inter alia, guide development and provide for the orderly and subsequent growth in the County; facilitate the creation of a convenient, attractive, and harmonious community; regulate the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, public activities, and other purposes; and further the public welfare.

1.4 Specifically, Council finds that regulation of nonmetallic mineral product manufacturing will expound upon a zoning use not sufficiently regulated within the existing code of ordinances and will thereby provide a regulation process specific for the NMPM (concrete) industry within York County while safeguarding the interests of the York County citizens and the integrity of the County.

SECTION 2. Code of York County Amended.

Chapter 155, ZONING CODE, is hereby amended in the particulars established in Exhibit A, attached and incorporated herewith by reference.

SECTION 3. Public Hearing Required.

The York County Council shall conduct a public hearing after publishing a notice of the date, time and place of such hearing at least fifteen (15) days in advance of such hearing before final legislative action is taken for the adoption of this ordinance. Additionally, the York County Council hereby invokes the application of the Pending Ordinance Doctrine to this Ordinance.

SECTION 4. Severability.

The provisions of this ordinance are hereby declared to be severable, and if any provision or section of this ordinance is declared to be unconstitutional or unenforceable by the final order of a court of competent jurisdiction, such declaration shall not affect the

constitutionality, legality or enforceability of any other section or provision of this ordinance, which shall be deemed severable, valid, enforceable and effective.

SECTION 5. Repeal of inconsistent sections and ordinances.

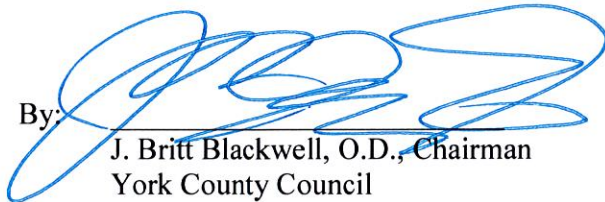
All sections of the York County Code of Ordinances and all York County ordinances in conflict with this ordinance are hereby amended to the extent of such conflict.

SECTION 6. Effective date.

Subject to the application of the Pending Ordinance Doctrine, this ordinance shall take effect immediately upon adoption.

Adopted this 21 day of May, 2018.

YORK COUNTY COUNCIL

By: 

J. Britt Blackwell, O.D., Chairman
York County Council

Attest: 

William P. Shanahan, Jr.
County Manager

First Reading: April 16, 2018
Second Reading: May 7, 2018
Public Hearing: May 7, 2018
Third Reading: May 21, 2018

EXHIBIT A

York County Code of Ordinances, Section 155.009, DEFINITIONS is hereby amended by adding the following terms (in alphabetical order within the Code) and definitions, as follows:

NONMETALLIC MINERAL PRODUCT MANUFACTURING (NAICS CODE 32): An industrial facility used for the manufacturing and production of Clay Product and Refractory Manufacturing (NAICS 3271); Glass and Glass Product Manufacturing (NAICS 3272); Cement and Concrete Product Manufacturing (NAICS 3273); Lime and Gypsum Product Manufacturing (NAICS 3274); and Other Nonmetallic Mineral Product Manufacturing (NAICS 3279).

York County Code of Ordinances, Section 155.010, TABLE OF PERMITTED USES AND SPECIAL EXCEPTIONS, Paragraph (F) is hereby amended, to remove uses "Asphalt Manufacturing, Clay Product Manufacturing, Concrete Manufacturing and Production, Enamel Manufacturing and Production, Glass and Glass Production Manufacturing, Stone and Masonry Manufacturing and Production," and Add "Nonmetallic Mineral Product Manufacturing" as follows:

Table of Permitted Uses and Special Exceptions															
Uses	Supplemental Regulations?	AGC	AGCL	BLUD	BLUDP	PC I	PC II	TD	TD II	TD III	TD IV	TD V	TD VI	TD VII	TD VIII
MANUFACTURING															
Nonmetallic mineral product manufacturing	Yes												SE		

The York County Code of Ordinances, Section 155.161, INDUSTRIAL DEVELOPMENT DISTRICT (ID) PERMITTED USES is hereby amended by deleting paragraphs (L) (3), (6), (9), (12), (18), (32), and renumbering subsequent paragraphs:

The York County Code of Ordinances, Section 155.162, INDUSTRIAL DEVELOPMENT DISTRICT (ID) SPECIAL EXCEPTIONS is hereby amended by adding new paragraph (B) (8), as follows:

"(B) (8) Nonmetallic mineral product manufacturing, provided:

- (a) *Minimum lot size.* Minimum lot size is 5 acres.
- (b) *Access and routing plan.*

1. The purpose of the access and routing plan is to avoid unreasonable impacts on residential land uses and to maintain the safe conditions of public roads in the vicinity of the proposed use, which may deteriorate or be damaged by heavy truck traffic associated with industrial uses.

2. The access and routing plan shall include:

(i) All public roads within two (2) miles of any property boundary of the proposed site;

(ii) Access ways to the site, including public rights-of-way, intersections, existing and proposed paving and drainage improvements;

- (iii) State- and federally-designated truck routes; and
- (iv) County roadway classifications for each public road.

3. The access and routing plan shall demonstrate compliance with the following criteria:

(i) Reasonable steps have been taken to avoid regular hauling and transport routes and points of access in residential areas;

(ii) All means of access for heavy trucks must be onto a major road, as defined by York County Zoning Code Section 155.009, unless the Zoning Board of Appeals determines that:

a. The minor road is sufficient to accommodate safe turning movements into and out of the site;

b. The minor road is built to conditions sufficient to withstand the impacts of heavy truck ingress and egress to the site or the applicant commits to necessary upgrades or to repairs, if needed, through a liability agreement;

c. Ingress and egress by heavy truck traffic at the proposed access points will not unreasonably impact residential land uses and areas; and

d. Measures have been included at all intersections where access drives connect with a public right-of-way to limit dirt, rocks, and other debris from collecting on the road surface.

(iii) No minor roads will be used for regular hauling and transport within the 2-mile plan area, unless the ZBA determines that:

a. Regular hauling and transport routes will not unreasonably impact residential land uses or lands zoned for residential uses; and

b. Minor roads in the plan area are built to conditions sufficient to withstand the impacts of heavy truck traffic, based on projected trips to and from the site, or the applicant commits to necessary upgrades to the minor roads or to any repairs attributable to the use, through a liability agreement.

(iv) The applicant has instituted procedures for ensuring drivers of heavy trucks associated with the site are provided with maps indicating the roads within the 2-mile plan area approved for regular hauling and transport.

(v) If the Director of Public Works determines that any road designated for regular hauling and transport is not adequately constructed to meet the weight and volume of heavy truck traffic associated with the proposed use, a special exception must include as a condition the execution of a liability agreement with the County prior to final site plan approval.

(c) *Separation Requirements.*

1. Nonmetallic mineral product manufacturing uses shall be located at least 500 feet from:

(i) Any existing or approved residence, school, day care center, church or similar religious land use, hospital, or public park.

(ii) The following zoning districts: RC-I, RC-II, RD-I, RD-II, PD, and TND; and

(iii) The following overlay zoning districts: Lake Wylie and Catawba River Buffers and AGC and RUD Significant Historical and Architectural Sites Overlay.

2. Separation distances shall be measured from the property line of the manufacturing facility to the nearest property line of the existing land use or the nearest zoning district boundary, as applicable.

(d) *Setbacks.* All elements of the facility, including structures/buildings, equipment, parking areas, and access roads, shall be located at least 125 feet from all property lines; except that access roads may cross the 125-foot setback area and utilities may be located within the 125-foot setback area.

(e) *Screening.*

1. A Type D bufferyard shall be required along all property lines regardless of the adjacent land use.

2. Access roads may cross the bufferyard.

3. Utilities may be located within the bufferyard. Where utilities are located within the required buffer, only the minimum amount of disturbance necessary shall be allowed for installation of the utility. The Zoning Board of Appeals may require supplemental buffering including, but not limited to, additional buffer width, supplemental plantings in other areas of the buffer, or a privacy fence, if the ZBA determines the placement of the utilities in the buffer negatively impacts adjacent property owners.

4. All existing trees within the buffer area shall be preserved, except for reasonable allowances for construction of necessary road crossings and utilities.

5. When located within 1,000 feet of a residential use, the ZBA may require additional screening measures in order to protect nearby residential areas from noise and visual blight.

(f) *Dust reduction measures.* Dust reduction measures shall be employed to minimize on-site and off-site dust nuisance generated by the manufacturing use. These measures may include, but are not limited to:

1. Utilization of stabilized roadways within the site;

2. On-site speed limits to minimize disturbance; and

3. Application of water and other dust palliatives.

(g) *Performance Standards Agreement.* All nonmetallic mineral product manufacturing uses shall comply with the provisions of the Performance Standards Agreement in Appendix D, Exhibit 1. A signed copy of the agreement shall be submitted with the special exception application.

(h) *Proof of other required permit approvals.*

1. In conjunction with the special exception application, the applicant shall submit one complete digital (PDF) copy of all final approvals to operate from other required local, state, and/or federal permitting agencies. All approvals must be demonstrated to be up-to-date and in effect.

2. In cases where final permitting agency approval is not issued without evidence of all necessary local zoning approvals, the applicant shall provide one complete digital (PDF) copy of the application submitted to the permitting agency. Once final approval is received, the applicant shall provide one complete digital (PDF) copy of the permit to County staff prior to the start of manufacturing operations."

The York County Code of Ordinances, Section 155.191, URBAN DEVELOPMENT DISTRICT (UD) PERMITTED USES is hereby amended by deleting paragraphs (Q) (3), (6), (9), (12) (18), (32), and renumbering the subsequent paragraphs, as follows:

Chapter 4 DISTRICT REGULATIONS

§ 4-119 ID-1- Restricted Industrial District Uses.

ID-1 PERMITTED USES (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
3. Manufacturing, limited to NAICS codes listed	3112, 3113, 3114, 3115, 3118, 3119, 312, 315, 3162, 3169, 321214, 321219, 3219, 3222, 323, 32513, 3252, 3254, 3256, 3259, 3261, 3262, 327111, 327112, 327113, 3272, 327992, 327993, 327999, 3312,	Grain milling (except 311225-fats, oils); Sugar & confectionery; Fruit & vegetable; Dairy products; Bakeries & tortilla; Other Misc. food; Beverage, tobacco products; Apparel; Footwear; Leather products & allied products; Truss Mfg.; Reconstituted wood products; Other wood products; Converted paper products (except 322299); Printing, related support; Dye & pigment; Resin, plastic, synthetic fibers; Pharmaceutical, medicine; Soap, cleaners; Other chemicals (except 32592-explosives); Plastics; Rubber products (except 32621 - tires); Vitreous plumbing fixtures; China & pottery; Porcelain electrical supply; Glass & glass products; Mineral & earth; Mineral wool; Misc. nonmetallic mineral; Steel products;	1 per employee for maximum shift plus 1 per office and 1 per 200 square feet of sales area

Chapter 4 DISTRICT REGULATIONS

§ 4-120 ID-1 - Restricted Industrial District Regulations.

The following regulations apply to all uses in ID-1 districts:

Minimum lot area	<u>Utility substations and water towers</u> : 10,000 square feet. <u>Other</u> : As specified in conditions, or none.
Minimum street frontage	100 feet, or access as specified in conditions.
Minimum front yard depth:	30 feet from road right-of-way; except gasoline island may be 20 feet from road right-of-way.
Minimum setback from second street frontage:	Side street on corner lot - 10 feet. Rear street on double frontage lot - 30 feet.
Minimum side yard:	<u>Principal structure</u> - 10 feet from interior side lot line. <u>Accessory structure</u> - 6 feet from interior side lot line.
Minimum rear yard:	<u>Principal structure</u> - 15 feet from interior rear lot line. <u>Accessory structure</u> - 6 feet from interior rear lot line.
Minimum setback from any commercial or industrial district	50 feet
Minimum setback from any rural, residential or agricultural district	150 feet, <u>or</u> 75 feet with a 50-foot-wide densely planted buffer maintained at least 6 feet high along the rural, residential or agricultural district line, <u>or</u> as specified in conditions
Maximum structure height:	50 feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae]. Manufacturing, processing and assembly plants may exceed 50 feet in height provided setbacks from residential districts shall be increased by four additional feet for every two feet in height over 50 feet.
Outdoor storage:	Wrecked or junk vehicles prohibited. Outdoor storage of materials used in assembly, fabrication or processing is permitted; provided, junk or salvage is limited to 25% of floor area of buildings on same lot. Outdoor storage shall be screened from view from a public road.
Off street parking and loading:	See supplemental regulations, Chapter 5
Signs:	See supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5



operating in a particular lawful location when the subsequent disqualifying use or zoning district arrived, and only for so long as that particular adult entertainment establishment continues to lawfully operate in that location.

SECTION 902 - ANIMAL FACILITIES

A. SMALL ANIMAL PRODUCTION FACILITIES

1. The following regulatory information shall be provided for facilities where between ten thousand one (10,001) and two hundred fifty thousand (250,000) pounds of normal production animal live weight will be located on site at any one (1) time:
 - a) A copy of the SCDHEC permit to construct the proposed facility; and
 - b) A copy of the SCDHEC approved Animal Facility Management Plan (AFMP) for the facility; and
 - c) A copy of any waivers approved by SCDHEC related to modifications in the required setbacks or other requirements as established in the SCDHEC regulations for such facilities; and
 - d) Other applicable regulatory permits necessary for the operation of such facilities.
2. The following regulatory information shall be provided for facilities where between two hundred fifty thousand one (250,001) and five hundred thousand (500,000) pounds of normal production animal live weight will be located on site at any one (1) time:
 - a) Items a.—d. above; and
 - b) A copy of the Dead Animal (swine or other) Disposal Plan; and
 - c) Plans and specification for all other manure treatment or storage structures, such as holding tanks or manure storage sheds not included in the AFMP; and
 - d) A copy of the Emergency Plan for the facility.

B. THE RAISING, CARE AND HANDLING OF ANIMALS AND LIVESTOCK.

The raising, care and handling of animals, where allowed by district, must meet the minimum lot size requirements listed in § 205.

C. ANIMAL BOARDING FACILITIES

7. AG3, HC, NC, CC, RCS, TRS, RE1, RE2, OPI, PR1, & RC ZONING DISTRICTS

No outside boarding of animals.

SECTION 903 - ASPHALT, CONCRETE AND AGGREGATE PROCESSING FACILITIES.

Facilities engaged in the processing of aggregates used in the production, demolition or recycling of asphalt and/or concrete products shall be subject to the following conditions.

**A. HOURS OF OPERATION**

Hours of operation shall be governed by the Horry County Noise Ordinance.

B. SEPARATION FROM RESIDENTIAL.

1. All proposed batch production facilities shall be located a minimum of five hundred (500) feet from any residentially used or zoned lot, whether said lot is located within the unincorporated county or a municipal jurisdiction. The distance shall be measured from the parcel line of the proposed site to the residential zoning line or residentially used lot line. The separation distance shall be reduced to three hundred (300) feet if the facility is separated from the residential by an active railroad right-of-way or highway with at least two hundred fifty (250) feet of right-of-way.
 2. All proposed outdoor aggregate processing (i.e., crushing, sorting and recycling) facilities are required to be separated by one thousand (1,000) feet from any residentially used or zoned lot, whether said lot is located within the unincorporated county or a municipal jurisdiction. The distance shall be measured from the parcel line of the proposed site to the residential zoning line or residentially used lot line. The separation distance shall be reduced to five hundred (500) feet if the facility is separated from the residential by an active railroad right-of-way or highway with at least two hundred fifty (250) feet of right-of-way.
-

C. MINIMUM LOT AREA

2.5 acres.

D. MINIMUM SETBACKS

Mixing, batching, crushing and processing equipment shall be a minimum of fifty (50) feet from all property lines. Setbacks may be greater if required by the zoning district in which the facility is being constructed. Setbacks for all other buildings or uses on the property are required to meet the minimums for that zoning district.

E. ENCLOSURE REQUIREMENTS

All asphalt and concrete batch plants under this section shall be located in fully enclosed structures. Aggregate processing (i.e., crushing, sorting and recycling) facilities are not required to be fully enclosed as long as they meet all other requirements of this ordinance.

F. VEHICLE AREAS

All internal vehicle use areas shall be maintained in a dust free condition. All aggregate processing facilities must submit a dust control plan prior to receiving approval.

G. LANDSCAPING/BUFFERING.**1. Roadway Screening.**

The site shall be screened from adjacent roadways to a minimum height of ten (10) feet. This can be accomplished from any combination of walls, berms and/or vegetation whether planted or existing. If screening is composed solely of vegetation the buffer width from the roadway must be a minimum



of twenty-five (25) feet and no less than eighty (80) percent opacity in the winter season. Buffers shall contain landscape materials equal to twice that of the standard supplemental planting requirements of Article V. If the screen contains walls and/or berms a minimum of ten (10) feet in height or the roadway only services adjacent industrial uses then the site only has to meet the landscaping requirements of Article V.

2. Side and rear property lines. All side and rear property lines must be screened according to the requirements of Article V, unless subject to (c) below.
3. Enhanced buffers. Asphalt and concrete batch facilities within one thousand (1,000) feet of a residentially used or zoned property shall be screened through enhanced buffers. The enhanced buffer shall be around the entire work area with openings provided for approved entrances. The site should be designed so that structures and or walls are designed to provide interior site screening in front of the openings provided for access. The enhanced buffer shall consist of one of the following options:
 - a) Buffer one hundred (100) feet in width with twice the landscaping material as required by the supplemental planting in buffer areas. Existing vegetation may be supplemented using a combination of evergreen trees and shrubs to reach eighty (80) percent winter season opacity within three (3) years; or
 - b) A ten-foot wall, berm or combination in addition to the landscape buffer requirements of Article V..

H. TRUCK ROUTES.

1. All such facilities shall submit to the County for approval a map showing a pre-designated route for all transport trucks traveling north, east, south, and west between the facility and the nearest arterial/collector street. The intent of this section is to control the route between the nearest arterial/collector street and the facility, taking into consideration that the routes may be different depending on the travel direction.
2. The route maps shall restrict to the greatest extent possible the routing of transport trucks so as to minimize routes that traverse residential neighborhoods, that unreasonably and adversely impact residential dwelling units, or that damage or degrade public streets from repetitive heavy weights or the spillage of materials from transport trucks. No facility operations shall commence until the county has approved the truck route map as conforming to the requirements of this section. Once the route map is approved by the county, all transport trucks shall travel the approved routes as shown on the route map unless a temporary diversion is necessary to avoid emergency or hazardous conditions along the approved route. The owner or operator shall promptly contact the county in the event of any circumstance necessitating a diversion from the route map.

I. MAINTENANCE OF PUBLIC STREETS.

1. Facilities shall employ measures to limit the tracking, carrying, or depositing of aggregates, fillers, dirt, dust, mud, sludge, or other materials associated with the facility upon any public street or thoroughfare.



2. All transport trucks and equipment leaving a facility shall be completely rinsed of asphalt, concrete, aggregates, fillers, dirt, dust, mud, sludge, or other facility materials prior to leaving the site.
3. All facilities shall provide paved aprons from any paved public or private right-of-ways onto the site for a distance of at least one hundred (100) feet.
4. If, on paved public roadways, there are visible tracks or deposits of aggregates, fillers, dirt, dust, mud, sludge, or an other material associate with the operation of a concrete or asphalt facility along the travel path of vehicles exiting the facility site, all such paved public road(s) shall be swept by the owner or operator at least once each day of operation or more often as reasonably required by the county to remedy and remove the tracking and deposit. All sweeping shall be done by a commercial grade mechanical, vacuum or regenerative air sweeper that uses water for controlling dust. The owner or operator shall keep a daily written log of sweeping activities. The log shall be kept for one month.
5. If accessing off an unpaved road the facility operator will be required to maintain said road to Horry County standards. This will involve, at a minimum, the provision of a water truck and motor grader for all plant locations.

J. STORMWATER.

1. All sites regardless of size will be required to obtain a Horry County stormwater permit.
2. All liquid residues resulting from the cleaning of transport trucks and equipment shall be directed to impervious process holding basins approved by the county.
 - a) Basins shall be designed to hydraulically separate from the stormwater detention/water quality control facilities.
 - b) All liquids from such basins shall be either recycled through the facility or discharged to the sanitary sewer system.
 - c) All residual material from the basins shall be collected and disposed of or recycled, in accordance with applicable laws and regulations.
 - d) After issuance of approval by the county, records evidencing proper disposition of residue materials must be maintained on site.
 - e) The stormwater detention pond and liquid and the holding basins may be combined into a single facility where it can be demonstrated that the facility will meet the discharge and water quality requirements.

SECTION 904 - ATM AND ICE VENDING MACHINES.

A. ATM AND ICE VENDING MACHINES SHALL BE PERMITTED ON INDIVIDUAL COMMERCIAL LOTS WITHOUT A PRINCIPAL STRUCTURE; PROVIDED THAT:

1. The ATM and Ice Vending machine is placed on a permanent foundation and located within a permanent structure improved to resemble a site-built facility. Such facility shall be landscaped in accordance with the standards established within this ordinance. This condition does not apply to accessory use ATM and Ice Vending machines.

1. Property for such easement may be shared between two (2) properties. Example: The property line is the center line of the easement with each property contributing two and one-half (2½) feet towards the easement. In this example, building setbacks will be a minimum of two and one-half (2½) feet from the property line.
 2. The five (5) foot minimum maintenance easement may be contained wholly on one property. In this example, the side yard setback for that property shall be five (5) feet and setback for the adjoining property shall be zero (0).
- G. Rear yard setbacks shall be not less than ten (10) feet.

3:3.17 Townhouses

Due to the unique design features of townhouses, the dimensional requirements of Table 3-4 and Table 3-5 are hereby waived, and the following design requirements are imposed for all such projects:

- A. The minimum lot size for such projects shall be a minimum of one-half (½) acre.
- B. Not more than eight (8) or fewer than two (2) townhouses may be joined together, with approximately the same (but staggered) front line.
- C. Side yard setbacks at the end unit shall be as required for the district in which the project is to be located, with not less than a twenty (20) foot distance between groups of adjoined buildings in the project area.
- D. Rear yard setbacks shall be a minimum of twenty (20) feet.
- E. Minimum lot width shall be eighteen (18) feet.
- F. Sidewalks not less than three (3) feet in width shall be provided along the front property line of each project and building.
- G. Maximum height of buildings shall not exceed thirty-five (35) feet.
- H. Front yard setbacks shall be as prescribed by Table 3-4 and Table 3-5, but may be waived or modified by the Board of Zoning Appeals due to the unique style of such housing.
- I. Rear yards shall be enclosed by a minimum six (6) foot wall or fence. If the rear yard is used for parking, wall or fence configurations may be modified to accommodate access to the parking area. All fences and walls must have a finished side that is facing the adjoining property. The interior side of the fence or wall may be finished as owner deems appropriate. Walls may be brick or masonry. Plain concrete block must be rendered with decorative facing such as stucco, brick veneer, etc. Wood stockade fences (with spaces between the stakes) and unpainted fences are not allowed. Chain link, wire, or other fences that do not create a visible barrier are not allowed.
- J. Rear yards may include one (1) accessory building no greater than 500 square feet in gross floor area.

3:3.18 Manufacturing Facilities

The following performance standards shall be used to ensure that all conditionally permitted manufacturing uses shall produce no injurious or obnoxious conditions related to the operation of such uses sufficient to create a nuisance beyond the premises. The Planning and Zoning Commission or the Planning Official, as applicable, may require additional restrictions based on proximity to schools, churches, residential areas, etc. Furthermore, the Planning and Zoning Commission may require that an engineer certify that the proposed project will not violate the restrictions listed herein.

3:3.18-1 Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line; nor shall any vibration produced exceed the following velocity levels, measured with a vibration monitor in inches per second at the nearest:

- A. Residential property line: 0.02
- B. Non-residential property line: 0.10

3:3.18-2 Fire and Explosives

All activities and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion, including adequate fire fighting and fire suppression equipment, as prescribed in the applicable building codes.

3:3.18-3 Noise

All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the values given in the night time and day time schedules below in any octave band or frequency. Sound pressure level shall be measured with a sound level meter and an octave band analyzer that conforms to American National Standards Institute (ANSI) type 2 standards.

A. Night Time Schedule

Maximum permissible sound pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9 p.m. and 7 a.m.:

Table 3-7 MAXIMUM CONTINUOUS SOUND PRESSURE LEVELS - NIGHT TIME		
Frequency Band (In Cycles per Second)	Sound Pressure Levels (In Decibels)	
	At Non-Residential Lot Line	At Residential Lot Line
20-75	69	65
76-150	60	50
151-300	56	43
301-600	51	38
601-1,200	42	33
1,201-2,400	40	30
2,401-4,800	38	28
4,801-10,000	35	20

B. Day Time Schedule

Maximum permissible sound pressure levels at the lot line for noise radiated from a facility between the hours of 7 a.m. and 9 p.m. shall not exceed the limits of the preceding table except as specified and corrected below:

Table 3-8 MAXIMUM SOUND PRESSURE LEVEL EXCEPTIONS - DAY TIME	
Type of Operation in Character of Noise	Correction in Decibel*
Day time operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5
Noise source operates less than 5% of any one-hour period	plus 10
Noise source operates less than 1% of any one-hour period	plus 15
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5
* Applicable only if these corrections may be applied to the preceding table.	

Noises emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements. Vibration emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these regulations.

3:3.18-4 Air Pollution

The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Department of Health and Environmental Control (SCDHEC) and the SCDHEC Air Operating Permit. Air pollution emanating from construction activities shall be governed by the SCDHEC Air Construction Permit.

3:3.18-5 Odor

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process which may involve the creation or emission of any such odor shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.

3:3.18-6 Glare

There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding, or otherwise, so as to be visible in any residence.

3:3.18-7 Fumes and Vapors

There shall be no emission of any fumes or vapors of a noxious, toxic, or corrosive nature which can cause damage or irritation to health, animals, vegetation, or to any form of property.

3:3.18-8 Heat, Cold, Dampness, or Movement of Air

Activities which could produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.

3:3.18-9 Toxic Matter

The measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hour sampling period. The release of any airborne toxic matter shall not exceed the quantities permitted for those toxic materials currently listed in *Threshold*

Limit Values as published by SCDHEC. If a toxic substance is not contained in said listing, the applicant shall satisfy the Planning Official that the proposed levels will be safe to the general population.

3:3.18-10 Exterior Illumination

All operations, activities, and uses shall be conducted so as to comply with the performance standards governing exterior illumination prescribed below.

In general, the pattern of light pooling from each light source shall be carefully considered to avoid throwing light onto adjacent properties. Light sources visible in residential or medical areas shall comply with light intensities indicated in Column A, below. Light sources visible in commercial or industrial areas shall comply with light intensities indicated in Column B below.

Table 3-9 MAXIMUM INTENSITY FOR EXTERIOR LIGHTING		
	Column A	Column B
Bare Incandescent Bulbs	5 watts	40 watts
Illuminated Buildings	15 ft. candles	30 ft. candles
Internally Illuminated Signs	150 ft. lamberts	250 ft. lamberts
Externally Illuminated Signs	25 ft. candles	110 ft. candles
Any Other Unshielded Sources, Intrinsic Brightness	50 candela per square centimeter	50 candela per square centimeter

Illumination shall be measured from any point outside the property. Measurements are to be conducted by Illumination Engineering Society of North America (IESNA) standards.

3:3.18-11 Compliance Guarantee

The applicant of a permit for a manufacturing or processing plant which would produce any of the above “objectionable elements” shall acknowledge in writing his understanding of the performance standards applicable to the proposed use, and shall submit with the permit application, an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this Ordinance and shall be treated accordingly.

3:3.19 Construction and Demolition Landfills

Where conditionally permitted by this Ordinance and consistent with the most current Kershaw County Solid Waste Management Plan, construction and demolition landfills shall meet the following conditions:

- A. A construction and demolition landfill, as defined by Section 44-96-40 of the SC Code of Laws, 1976, as amended, may be located up to, but not closer than 300 feet from any property line.
- B. No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water, or other causes.
- C. All materials and activities shall be screened in such fashion as not to be visible from off-site. The provisions of this subsection may be waived by the Planning Official when such facility will be utilized for a period not to exceed ninety (90) days.
- D. A plan showing restoration of the site upon completion of use as a landfill shall accompany the request.



MEMORANDUM

DATE: November 14, 2023

TO: Lancaster County Planning Commission

FROM: Kim Lineberger, President

SUBJECT: Proposed Text Amendment to the current UDO

BACKGROUND

LCI-Lineberger has been operating in Lancaster County since 1995. We employ approximately 80 employees with wages ranging from \$15.00 per hour to over \$90,000.00 per year.

We would like this text amendment to allow us to install an asphalt mixing facility that has the potential to generate over \$7,000,000 of taxable sales per year and will immediately add four jobs and generate up to 50 more jobs over the next 10 years.

The proposed location is already zoned Heavy Industrial and has already been the home of two previous asphalt plants. An asphalt plant was operating on the property when the previous owner, Jim Lineberger, bought the property in 1982 and a replacement was installed in 1983 and was operational till around 1997 when the business closed and the plants were sold.

Currently, there are no asphalt mixing facilities in Lancaster County and we are going to neighboring counties to purchase and pay sales tax.

*ASPHALT PLANT FACTS** (provided by NAPA, National Asphalt Pavement Association)

- Asphalt plants are highly regulated by the EPA and SC DHEC requiring start up inspections and air stack testing as well as yearly inspections and testing.
- In 2002, the EPA officially delisted asphalt plants as a major source of air pollution.
- Composed of approximately 6% asphalt cement (petroleum byproduct) and 94% stone and sand.
- Asphalt is 100% recyclable, and is the most recycled product in the United States. Most SCDOT asphalt mixes contain up to 20% of Recycled Asphalt Pavement (RAP).
- Storage silos and fuel tanks for asphalt mixing are highly regulated to ensure they are well maintained, and redundant protection systems and safeguards are in place to prevent accidental material release.

- Asphalt is a very inert material that is insoluble in water. It does not leach material into the ground.
- From time-to-time, odors may emanate from an asphalt plant. While noticeable, these odors pose no danger to plant personnel or the community in which a plant operates.
- According to a noise study, the noise level of an asphalt plant over flat ground at the distance of 800 feet would generate 54-56 decibels.
 - By comparison:
 - Average equipment with 5hp or less – 50 dB
 - Chain saw – 85 dB
 - Auger Drill Rig – 85 dB
 - Dozer – 80 dB (Already in use on the property)
 - Dump Truck – 84 dB (Already in use on the property)
 - Generator – 82 dB
 - Jackhammer – 85 dB
- According to the World Health Organization’s “Guidelines for Community Noise, 55 dB is a daytime noise level that people normally do not find disturbing or annoying.

GOOD FOR LANCASTER COUNTY

- Sales tax generated from the sale of asphalt.
- More competitive bidding by Lineberger to complete road projects for the county.
- Local company is growing and creating more jobs for the people of Lancaster County increasing economic prosperity for the County, members of the community, and Lineberger Construction.

PROPOSAL: Amend Unified Development Ordinance, adding regulations and definition for Nonmetallic Mineral Product Manufacturing in HI District

APPLICABLE CHAPTER(S): Chapters 5 and 2

APPLICANT: Kim Lineberger, KCH Real Estate LLC

REQUEST: Application by Kim Lineberger on behalf of KCH Real Estate LLC for an amendment to UDO Sec. 5.9 Industry/Wholesale/Storage Uses and Sec. 2.5 Use Table, to add a definition and regulations for Non-Metallic Mineral Product Manufacturing. The intent is to allow reuse and manufacturing of paving materials such as asphalt.

APPLICANT'S INTEREST: *"The current UDO does not provide for nonmetallic mineral product manufacturing. An opportunity exists for development of such facilities in the County that will require extensive capital investment and job creation. The standards proposed governing this newly designated land use activity are consistent with provisions governing similar uses in other jurisdictions." (from the application)*

BACKGROUND: The applicant provided information regarding the M-Pack Relocatable Asphalt Plant, manufactured by Astec. The information included printed materials to explain how the asphalt production equipment works as well as general questions about how the asphalt production equipment works. This report will focus on the proposed use but will also address the other uses listed in the proposed text amendment to the best of staff's ability.

Video of the M-pack Relocatable Asphalt Plant operations are also viewable via Astec's YouTube page (<https://www.youtube.com/@astecindustriesinc.1143>).

DISCLAIMER: Lancaster County has had business with the applicant in the past. No undue influence was reported in the creation of this staff report.

INFO REGARDING "NON-METALLIC MINERAL PRODUCT MANUFACTURING"

What is it? From [statista.com](https://www.statista.com):

Nonmetallic minerals are a special group of chemical elements from which no new product can be generated if they are melted. Nonmetallic minerals are, for example, sand, gravel, limestone, clay, and marble. Such materials lack metallic characteristics like good electric and thermic conductivity, luster, rigor, and malleability; they are, however, essential for many industries. The nonmetallic minerals industry is best known as producers of cement, asphalt, ceramics,

glass, and lime products. Thus, the application range is quite broad, from construction materials to sanitary ware to tableware and decorative products. The transformation of nonmetallic minerals into these products is often an energy-intensive process, which can include several steps, such as heating, grinding, mixing, cutting, shaping, and honing.

Under the North American Industry Classification System (NAICS), the non-metallic mineral product manufacturing field (classified as NAICS 327) is separated into sub-groups based on the material being manufactured and/or recycled.

NAICS 327 includes:

- clay products and refractory manufacturing (NAICS 3271)
- glass and glass products (NAICS 3272)
- cement and concrete products (NAICS 3273)
- lime and gypsum products (NAICS 3274)
- and other nonmetallic mineral products (NAICS 3279).

Note: This system is not referenced in the Lancaster County UDO. These category identification numbers have been inserted into the applicant's proposed text amendment.

How do asphalt plants work? A basic run-down is found in the "How it Works" handout from Astec (provided by the applicant and scanned into the attachments for this report), or via the Civil Engineering school at the University of Memphis (link includes more information and graphics):

Hot-mix asphalt is produced in an asphalt plant where the required types and sizes of aggregate are heated to mixing temperature and blended with asphalt cement in the correct proportions.

Asphalt plants generally fall into two categories: batch plants and drum plants. Batch plants make asphalt one batch (truckload) at a time while drum plants can make asphalt continuously and store it until it is needed.

What are the physical impacts from the use? Manufacturing and industrial uses typically have some kind of impact on the surrounding area. The most popularly regulated nuisances from industrial uses include air, particulate, noise, odor, pollution, and vibration. This is why industrial zones are limited on the zoning map and come with considerable buffering regulations to reduce any negative impacts to surrounding properties.

In the Lancaster County UDO, for example, the definition for the Heavy Industrial (HI) district calls out "industrial, manufacturing, or large-scale utility operations" as being incompatible with residential and commercial areas. The uses included in this district range from racetracks and shooting ranges to landfills, warehousing, and research & development facilities. The use definition focuses on the intensity and outdoor operations.

Heavy Industrial District (HI district definition)

The Heavy Industrial District is established to accommodate those industrial, manufacturing, or large-scale utility operations that, by their nature, may create some nuisance and which are not properly associated with, nor compatible with, residential, commercial, and service establishments. Retailing of manufactured items may be permitted in certain instances when it is conducted on the same building site as the principal use.

INDUSTRY, HEAVY (use definition)

Typically the largest facilities in a community, these structures house complex operations and allow for intense manufacturing and industrial uses that have high impacts to neighboring properties with extensive outdoor activities. (Ordinance No. 2018-1529, passed 8.27.18)

To protect against nuisances, the UDO requires a half-mile separation (2,640 feet) between residential (and some commercial) uses/districts and outdoor shooting ranges (Section 5.5.12.C), restricted¹ industrial uses (Section 5.9.1.C), junkyards (Section 5.9.2.C), and [Class 3 landfills](#) (Section 5.9.4.C).

Known emissions from asphalt plants are listed in the Astec materials, and include carbon monoxide (CO), carbon dioxide (CO₂), water/steam (H₂O), nitrogen oxide (NO_x), sulfur dioxide (SO₂), and various hydrocarbons. Particulate matter (mostly stone dust) and heat are also created. These emissions are monitored by the facility staff and Federal government to ensure that they do not exceed allowable limits. The specific regulations and facility design for each type of use helps determine the number of emissions mitigated and the process for such.

How is the industry regulated in the US? The US Environmental Protection Agency (EPA) has multiple standards that apply to [asphalt production](#), [glass manufacturing](#), [cement manufacturing](#), and the other subsets of nonmetallic mineral product manufacturing. These include air quality (the Clean Air Act of 1990), water quality (effluent), and waste. More information on how the nonmetallic mineral processing sector is regulated by the Federal government is available via the [EPA web site](#).

CURRENT REGULATIONS:

“Nonmetallic mineral product manufacturing” is not defined in the code, so staff looks to the closest use for guidance. In this case, the use is restricted industry. This use was chosen due to the high volume of flammable liquids used to fuel the aggregate dryers.

Definition (Section 10.3):

INDUSTRY, RESTRICTED A facility that involves the use, storage, production or processing of any hazardous materials or substances in quantities subject to the reporting requirements of The Emergency Planning and Community Right-to-Know Act (EPCRA) also known as SARA Title III of 1980 (Sections 311-312, 42 U.S.C. §§ 11021-11022) and/or any facility which uses, stores, produces or

¹ See above for definition of “Industry, Restricted.”

processes dangerous goods and/or hazardous substances that are covered by separate regulations, standards or codes which are classified on the basis of immediate physical or chemical hazards, such as fire, explosion, corrosion and toxicity, and are in sufficient quantities such that accidental release or explosion may affect life, health, property or the environment beyond the immediate perimeter of the facility. These include: flammable gases, flammable liquids, flammable solids (selfreactive and related substances; and desensitized explosives), substances liable to spontaneous combustion, substances that when in contact with water emit flammable gases, oxidizing substances, organic peroxides, toxic substances, radioactive and corrosive substances.

5.9.1 INDUSTRY, RESTRICTED [HI]

A. Purpose

1. The Lancaster County Council finds that it is necessary to set forth the appropriate special requirements by which Industry, Restricted may be established within the unincorporated areas of Lancaster County.
2. Industry, Restricted has serious objectionable operational characteristics, particularly when they are located near residential areas or educational, religious, or recreational uses.
3. The County Council finds that the regulation of these uses is necessary to ensure that potential adverse effects do not contribute to the blighting of surrounding neighborhoods and to protect the quality of life in Lancaster County.

B. Permitted Location and Size

1. Such uses shall be sited on a parcel of not less than 10 acres.
2. Such uses shall be sited only in areas zoned for Heavy Industry.
3. All storage of hazardous materials shall comply with the provisions of the International Fire Code.
4. Exterior storage of hazardous materials not contained in vehicles for transportation, permanent on-site storage vessels, or containers shall be maintained so as to not create environmental hazards that may pose a threat to ground or surface water quality, air quality, wildlife, and/or humans.
5. All exterior storage of hazardous materials shall not exceed a height of 12 feet and will be arranged carefully to provide adequate spacing between incompatible substances as approved by the Fire Marshal.

C. Separation Requirements

1. Such uses shall not be located closer than 2,640 feet (or 1/2 mile) to any of the following:
 - a. LDR, MDR, HDR, PB, NB, INS, UR, RMX, MX, and IMX Districts;
 - b. All Residential uses, all Civic uses, and all Educational/Institutional uses as per the Use Table in Section 2.5.3.
 - c. All essential public facilities, or other similar uses.
2. Such uses shall not be located closer than 1,320 feet (or ¼ mile) to any highway access points (on-ramps/off-ramps), except as required to gain immediate access to the facility from a road.

The waiver of separation requirements allowance in Section 3.1.3 shall not be applicable to this requirement.

3. Such uses shall not be located closer than 500 feet from any floodplain or wetland area and a berm shall be constructed such that any runoff of water or other liquids will not enter the floodplain or wetland area.

4. A 6-foot-high berm shall encompass the entire property where it adjoins with other properties, except on the frontage or address side of the property where it adjoins a road.

5. Such uses shall not be located closer than 600 feet to another Industry, Restricted except where a single 6-foot high berm and 6-foot high chain-link fence separates the properties and the 300-foot setback is maintained from the property line to all structures and/or roadways except necessary inspection wells and access routes to inspection wells on both properties.

6. Such uses shall not be located closer than 300 feet to any Industrial use.

7. Separation from Storage - Warehouse Indoor, Restricted and Wholesaling and Distribution, Restricted shall not be required provided the 300-foot setback is maintained from the property line to all structures and/or roadways except necessary inspection wells and access routes to inspection wells.

D. Required Setbacks

1. Such uses shall maintain a 300-foot setback from the property line to all structures and/or roadways except necessary inspection wells and access routes to inspection wells.

2. Such uses shall maintain a 300-foot setback from roads and sidewalks.

E. Screening

1. A minimum 100-foot buffer area is required along all property lines and public rights-of-way. No materials, processes, or activities, including parking, access roads, or buildings, shall occur in the buffer area. Roads for access to the site may cross the 100-foot area, and monitoring wells may be located within the 100-foot area. All existing trees within the buffer area shall be preserved, except to allow for construction of necessary road crossings and monitoring of wells.

2. A chain link security fence, a minimum of 6 feet in height, shall enclose the entire site. The fence may not be placed inside the 100-foot buffer area.

F. Vehicular Access

Vehicular access to the site shall be provided on a major or minor thoroughfare or on a road improved to necessary industrial capacity as determined by the Administrator.

G. Reclamation Plan Required

Applicant shall file with the Emergency Management, Fire Rescue, and Register of Deeds a reclamation plan for the site facilities and location. The plan shall indicate any anticipated hazardous materials, secondary materials, spent materials or sludges or other products which will require reclamation, the name of the applicant, or other entity approved by Lancaster County Council, as the owner and which shall remain the owner and liable for the site forever, or until Lancaster County Council approval is given to release this requirement.

OTHER JURISDICTIONS

Staff noted that two of the jurisdictions polled have a separation requirement similar to the Lancaster County UDO (but with 500 or 1,000 feet of separation required, versus Lancaster County's 2,640 feet). Staff mapped these options out and the results are attached to this report. This was done for review of the applicant's request specific to the subject property.

- York County, SC: "Non-Metallic Mineral Products" is a Special Exception in industrial Districts. Minimum requirements include lot size (5 acres); access only from major public roadways and via an access/routing plan; located 500 ft from schools, day care centers, religious institutions, residential units, and water bodies; 125 ft setback from all property lines; dust reduction measures employed; reporting requirements to other agencies.
- Greenville County, SC: No specific descriptor of this use, but Heavy Industrial uses only permitted in I-1 district (the "least restrictive zoning district"). Setbacks are 50 ft; where adjacent to residential districts, add a 25 ft buffer.
- Dorchester County, SC: "Nonmetallic mineral products" are not specified. Description is closest to "Industrial uses and processing plants," which falls under the "Manufacturing" use group. Manufacturing is restricted to "I" (Industrial district); with an outdoor storage component, it converts to a Conditional Use. Buffers required include 50' natural buffer with a 15' berm when adjacent to non-industrial properties, or 100' buffer when adjacent to undeveloped properties. Noise (max 90 db), vibration, and noxious emission require buffers from residential areas. Tree surveys required to identify and protect "Grand trees."
- Richland County, SC: "Nonmetallic" mineral products are not listed but Glass, Lime, Gypsum and related production is permitted in M-1 (Manufacturing) and HI (Heavy Industrial) districts, Special Exception in LI (Light Industrial) districts. Outside storage must be completely screened from adjacent roads and residential use/zoned properties.
- Kershaw County, SC: "Non-Metallic Mineral Products- Other" is a Conditional Use in I-1 district. Setbacks from adjacent residential districts is 40 ft. Max height is 15 feet. Buffers required, min width of 30', and "high density screen" design.
- Chester County, SC: NAICS code 327 allowed in ID-1 (Industrial) and ID-3, Special Exception in ID-2. A fifty-foot buffer is required when adjacent to non-industrial uses.
- Fairfield County, SC: "Non-Metallic Mineral Products" is a Conditional Use in I-1 district. Manufacturing uses are restricted to maximum levels of vibration, noise, odor, and glare; hours of operation are restricted.

- Horry County, SC: Minimum 500 ft separation from residential use/districts for batch production, minimum 1,000 ft separation for outdoor aggregate processing (crushing, sorting, recycling); minimum 50 ft setback from all property lines; screened from roadways by minimum ten foot buffers; 100-ft buffers where abutting residential uses/districts.
-

DISCUSSION:

Does the proposal include protections for the neighboring properties?

The text includes a requirement for nonmetallic mineral product manufacturing to be located at least 500 feet from any residential lots, INS and PB districts; at least 500 feet from any lots containing schools, day care centers, churches, public parks, designated historic districts and landmarks; setbacks at least 75 feet from all property lines; and includes additional landscaping/ screening requirements to be planted or maintained in the setback areas. Additionally, there are dust reduction measures in the proposed code to reduce dust nuisance generated by the use.

Does the proposed use create fewer nuisances to justify a reduced separation?

One unique issue to this application is that the applicant plans to purchase a manufacturing process that is relocatable. The use is not one that you would pack up and move daily; the asphalt facility would leave the home location and be installed on site with a project (if permitted) for several months at a time, in order to serve the project with asphalt and/or concrete. That would mean that the subject property and surrounding neighbors would not experience the same level of nuisances as a property adjacent to a permanent asphalt plant.

Another unique issue is that asphalt production is dependent upon certain weather conditions. Per the Astec brochure, asphalt facilities “operate at their highest capacity during the summer, when paving conditions are most favorable.” This would lead the reader to believe that there would be fewer operational days in the winter months.

Even with the advances made by the industry to mitigate negative impacts from production, though, staff has not found a use in the HI districts that potentially produces more nuisances than an asphalt plant.

Is there a need for this type of industry?

The applicant, as well as some developers, believe so. Asphalt and concrete plants are tied into the business of housing and infrastructure, which is currently unable to keep up with demand. This view of the competitive landscape was captured from [MarketResearch.com](https://www.marketresearch.com):

Demand is driven by industrial production and construction spending. Profitability depends on efficient operations, as many products are essentially commodities that compete primarily on price. Large companies have advantages of scale in purchasing and the ability to invest in equipment and technology that improve efficiency. Small companies can compete by offering specialized products, or by serving local markets. Overall, the industry in the US is fragmented: the top 50 companies account for about 45% of industry revenue.

Staff notes that while the request is viewed as beneficial to the construction community, for the surrounding properties, the proposal falls short of existing UDO requirements for similar uses.

STAFF RECOMMENDATION:

The Planning Commission should deliberate based on the facts provided and the potential impact on both the community and surrounding properties.

Notes regarding the text:

- Staff opposes the use of the NAICS in the text amendment. Staff would prefer that the term “nonmetallic mineral product manufacturing” be described with the processes intended (“*facilities that engage in the manufacturing, recycling, storage, processing, resale, or reuse of recovered concrete, cement, and asphalt*”).
- Staff opposes the inclusion of all sub-category manufacturing operations in the proposed text. There are no known requests to implement those types of facilities in the County; until there is, staff prefers that door remains closed.
- Staff notes that there are no provisions in the proposed text to handle storage of materials, pre- or post-mix. This should be addressed before moving forward.
- Staff notes that the proposal is missing a proposed definition for “nonmetallic mineral product manufacturing” for Section 10.3 (Use Definitions). One could be gleaned from a number of sources.

PLANNING COMMISSION RECOMMENDATION: At their November 21, 2023 meeting, the Planning Commission **motion to recommend approval failed on a 5-1 vote**. The Planning Commission noted that changes to the UDO should be included in the current rewrite process.

STAFF CONTACT:

Allison Hardin, Development Services Director
ahardin@lanastercountysc.net

ATTACHMENTS:

- **Application**
- **Map of HI Zones in Lancaster County**
- **Buffer Maps (4) of Subject Property**
- **“How It Works: Quick Guide to Asphalt Production” by Astec**
- **“Meet the Neighbors: Everything You Wanted to Know About Asphalt Facilities” by Astec**
- **Jurisdictions with specific regulations:**
 - **Chester County Section 4-119**
 - **Kershaw County Section 3:3.18 Manufacturing Facilities**
 - **Horry County Section 903 Asphalt, Concrete and Aggregate Processing Facilities**
 - **York County Ordinance 3418**

Jurisdiction	Min Lot Size	Separation from Residences, etc	Separation from Industrial Uses	Interior Setbacks	Dust Reduction Measures?
Chester County		150 ft	50 ft	10 - 30 ft	None
Horry County	2.5 acres	500 - 1,000 ft		50 ft	Required
Kershaw County		40 ft		30 ft	Required
Lancaster County	10 acres	2,640 ft	300 - 600 ft	300 ft	None
York County	5 acres	500 ft		125 ft	Required
<i>Proposed</i>	<i>6 acres</i>	<i>500 ft</i>	<i>n/a</i>	<i>75 ft</i>	<i>Required</i>

Current Regulations (Industry, Restricted) and Proposed Regulations (Nonmetallic Mineral Product Manufacturing)		
Regulation	Current (All Restricted Industry)	Proposed (NMPM Only)
Min Parcel Size	10 acres	6 acres
Zones Allowed	HI	HI
Storage	Comply with Fire Code	
Exterior storage	Protect water quality, air quality, wildlife, humans	
Exterior storage	Max 12 ft high	
Exterior storage	Adequate spacing between	
Min Separation from Residential, etc	2,640 ft	500 ft
Min Separation from Public Facilities	2,640 ft	500 ft**
Min Setback from Hwy Access Ramps	1,320 ft	
Min Separation from FP/Wetlands	500 ft	
Buffer for FP/Wetlands	Berm required	
Min berm along shared prop lines	6 ft tall	
Min separation to other restricted industry*	600 ft	
Min separation from other industrial uses*	300 ft	
Min internal setbacks	300 ft	75 ft
Min setback from roads, sidewalks	300 ft	
Min screening buffer	100 ft	50 ft
Min fence at edge of screening	6 ft tall (chain link security)	8 ft tall (opaque buffer)
^Can buffer be placed within required setbacks?	No	Yes
Dust Recuuction Measures	None	Included

**Exceptions apply*

***Some facilities listed in proposal qualify as public facilities*

Equal or Higher Standards Proposed

Different Standards Proposed

No Comparable Codes Proposed

PROPOSED TEXT AMENDMENT – APPLICANT’S VERSION WITH STAFF NOTES IN RED

Amend Section 5.9 of the UDO to add the following use regulations for "Nonmetallic Mineral Product Manufacturing" as a new category of land use activity:

5.9. Nonmetallic Mineral Product Manufacturing [HI]

- A. Permitted Industrial and Manufacturing Activities: Nonmetallic Mineral Product Manufacturing ~~includes industrial facilities used for the manufacturing and production of clay product and refractory manufacturing (NAICS 3271); glass and glass production manufacturing (NAICS 3272); cement and concrete product manufacturing (NAICS 3273); Lime and gypsum product manufacturing (NAICS 3274); and other nonmetallic mineral product manufacturing (NAICS 3279)~~ as described in the North American Industry Classification System (NAICS) group 3200. This land use activity includes facilities that engage in the recycling, storage, processing, resale, or reuse of recovered materials and are not classified as a Class III Landfill.
- B. Permitted Location and Size
1. Such uses shall be exclusively located in the HI zoning district.
 2. Such uses shall be sited on a parcel(s) of not less than 6 acres.
- C. Separation Requirements
1. A nonmetallic mineral product manufacturing use shall be located at least 500 feet from: ~~(A) Any~~ lots located in the LDR, MDR, HDR, MH, RMX, MX, IMX, BP, and INS zoning districts; and
 2. A nonmetallic mineral product manufacturing use shall be located at least 500 feet from any lots containing residential dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of Lancaster County.
- D. Required Setbacks
- All elements of the nonmetallic mineral product manufacturing facility, including structures, buildings, equipment, parking areas, and access roads, shall be located at least 75 feet from all property lines; except that access roads may cross the 75- foot setback area and utilities may be located within the 75-foot setback area.
- E. Screening
- A minimum 8ft. tall opaque buffer of no less than 50ft in width consisting of 18 trees and 36 shrubs per 100 ~~sq~~ linear feet will be placed between adjoining properties. Buffer can be placed within required setbacks.

F. Vehicular Access

Vehicular access to the site of all nonmetallic mineral product manufacturing uses shall be located on an arterial or major collector road, or on a road improved to necessary industrial capacity as determined by the Administrator.

G. Dust Reduction Measures

Nonmetallic mineral product manufacturing facilities shall employ dust reduction measures to minimize on-site and off-site dust nuisance generated by the manufacturing use. These measures may include, but are not limited to: (A) Utilization of stabilized roadways within the site; (B) On-site speed limits to minimize disturbance; and (C) Application of water and other dust palliatives.

H. Outdoor Storage

1. All materials stored outdoors must follow the separation requirements in Section C of this ordinance.
2. All materials must be contained within a defined area or structure and shall not be allowed to spill out into adjacent areas or the separation buffers.
3. All materials shall be stored and maintained so as to not create environmental hazards that may pose a threat to ground or surface water quality, air quality, wildlife, and/or humans.

Text Amendment Item 2.

Amend the Use Table in Section 2.5.3 of the UDO to add the following use type under Section H:

"Nonmetallic Mineral Product Manufacturing" and providing that such use shall be designated as Permitted with Review (PR) within the HI zoning district, subject to the standards referenced in the newly created land use category referenced in Text Amendment Item 1.

Text Amendment Item 3.

Amend the Definitions, Use Type Section 10.3 of the UDO to add the following new use definition:

Nonmetallic Mineral Product Manufacturing: Uses as described in the North American Industry Classification System (NAICS) group 3200.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1887
Contact Person / Sponsor: Brian Fulk / Economic Development
Department: Economic Development
Date Requested to be on Agenda: 12/11/2023

Council Action Requested:

Approve the reduction in number of employees to be maintained from 63 to 40, on-site while authorizing a corresponding reduction in the amount of Special Source Revenue Credit offered from 58% to 40%, while requiring 40 on-site individuals as the minimum number of employees required to receive the SSRCs. All other terms to remain unchanged, including the company commitment to invest \$2,500,000 during the investment period which runs for five years to 2027.

Points to Consider:

Project Cobalt is an existing company in Lancaster County. Part of a group that has been operating for nearly 100 years, it has operated in the County for over two decades and has consistently participated in philanthropic missions in Lancaster County. The company manufactures geo-membranes made from a diversity of proprietary polymer Chemistry formulas powered through state-of-the-art polymer extrusion equipment.

The company has not been about to reach and maintain it agreed to employment numbers, as outlined in the economic development agreement. They are close, but do not foresee that they will be able to maintain the 63-employee threshold that was established in the agreement.

Given this situation, they have agreed to a 18% reduction in the SSRC percentage to recognize they have not satisfied the employee requirement.

They are on track to satisfy the other components of the economic development agreement.

Funding and Liability Factors:

The County will receive additional net taxes over the life of the FILOT Agreement based upon this percentage change from the original agreement. (SSRCs reduced from 58% to 40%).

Recommendation:

Staff recommends to proceed with three readings and conclude with approval of this Economic Development Incentive amendment request.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2023-1887	12/6/2023	Ordinance
First Amendment to Fee Agreement Project Cobalt 12-6-23	12/6/2023	Amendment

STATE OF SOUTH CAROLINA

)

ORDINANCE 2023-1887

COUNTY OF LANCASTER

)

)

AN ORDINANCE TO AUTHORIZE AND APPROVE THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO FEE AGREEMENT BY AND AMONG LANCASTER COUNTY, SOUTH CAROLINA, PROJECT COBALT AND PROJECT COBALT AFFILIATE; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

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

Section 1. Findings and Determinations

The Lancaster County Council finds that:

(a) Lancaster County, South Carolina (the “County”) acting by and through its County Council (the “Council”), is authorized and empowered under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended (the “Code”), and specifically Title 12, Chapter 44 of the Code (the “Fee in Lieu of Tax Simplification Act” or “FILOT Act”), to enter into agreements with business and industry, to offer certain privileges, benefits, and incentives as inducements for economic development within the County whereby the industry would pay fees in lieu of *ad valorem* taxes (“FILOT Payments”) with respect to qualified business and industrial projects, through all such powers the industrial development of the State of South Carolina (the “State”) will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate or remain and expand in the State and thus utilize and employ the workforce, products and resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise adequately provided locally; and

(b) The County, acting by and through its Council, is authorized and empowered to establish, in conjunction with one or more other counties, multicounty parks (each, an “MCP”) pursuant to Article VIII, Section 13(D) of the Constitution of South Carolina, and Sections 4-1-170, 4-1-172, and 4-1-175 of the Code, as amended (the “MCP Act”) to further the investment of capital and the creation of jobs in the County, and to facilitate the provision of special source revenue credits; and

(c) Section 12-44-70 of the FILOT Act, Section 4-1-175 of the MCP Act and Section 4-29-68 of the Code authorizes the Council to provide special source revenue credits (“SSRCs”) that are applied against FILOT Payments made pursuant to the FILOT Act and MCP Act to reimburse a project for the costs of designing, acquiring, constructing, improving, or expanding, among other things, (i) infrastructure serving the project, or (ii) improved or unimproved real estate and personal property, including machinery and equipment, used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of the County; and

(d) A company known to the County as “Project Cobalt” and a company known to the County as “Project Cobalt Sponsor Affiliate” (collectively, the “Companies”), are party to that certain Fee Agreement, dated as of _____, _____, by and among the Companies and the County, subsequently assigned to Project Cobalt Sponsor Affiliate by that certain Assignment of Fee Agreement and Special Source Revenue Credit Agreement dated as of _____, _____, pursuant to which the Companies committed to making investment in real and personal property located in the County (the “Project”); and

(e) The Companies and the County desire to amend the Fee Agreement to adjust the Jobs Commitment and approved SSRs, pursuant to the terms and conditions of a First Amendment to Fee Agreement by and among the Companies and the County, attached to this ordinance as Exhibit A (the “First Amendment”); and

(f) It is the purpose of this ordinance to effectuate the approval of the First Amendment.

Section 2. Statutory Findings

Council makes the following additional findings:

- (a) The Project will constitute a “project” as referred to and defined in the FILOT Act, and the County’s actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the FILOT Act.
- (b) The Project and the FILOT Payments are beneficial to the County, and the County has evaluated the Project based on all criteria prescribed by law, including the anticipated dollar amount and nature of the investment to be made.
- (c) The Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally.
- (d) The Project gives rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either.
- (e) The purposes to be accomplished by the Project, *i.e.*, economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes.
- (f) The inducement of the location of the Project within the County and State is of paramount importance.
- (g) The benefits of the Project to the public will be greater than the costs to the public.

Section 3. Approval of First Amendment

The form, terms, and provisions of the First Amendment (the “First Amendment”), attached to this ordinance as Exhibit A, are authorized, ratified and approved, and all the provisions, terms, and conditions thereof are authorized, ratified and approved and incorporated herein by reference as if the Fee Agreement were set out in this ordinance in its entirety. The Council Chair and Council Secretary are authorized, empowered, and directed to execute the First Amendment in the name of and on behalf of the County, and thereupon to cause the First Amendment to be delivered to the Company and performed by the County. The First Amendment is to be in substantially the form as attached to this ordinance and hereby approved, with such changes therein as shall not be materially adverse to the County and as shall be approved by the official or officials of the County executing the same, upon the advice of counsel to the County, each such official’s execution thereof to constitute conclusive evidence of such official’s approval of any and all changes or revisions therein from the form of the First Amendment attached to this ordinance.

Section 4. Authority to Act

The Council Chair, Council Secretary, Clerk to County, County Administrator, County Attorney and all other appropriate officials of the County are (and each acting individually is) hereby authorized, empowered, and directed to take such actions and to execute such agreements, certificates, or other documents as may be necessary to effectuate the purposes of this ordinance, and the performance of all obligations of the County under and pursuant to the First Amendment.

Section 7. Severability

If a section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portion is deemed a separate, distinct, and independent provision, and the holding shall not affect the validity of the remaining portions of this ordinance.

Section 8. Conflicting Provisions

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

Section 9. Effective Date

This ordinance is effective upon third reading.

[Signatures follow on next page]

AND IT IS SO ORDAINED

Dated this ____ day of _____, 2024.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: December 11, 2023

Second Reading: January 8, 2024

Third Reading: January 22, 2024

Public Hearing: January 22, 2024

Approved as to form:

Ginny L. Merck-Dupont, County Attorney

Exhibit A to Ordinance 2023-1887

FIRST AMENDMENT

See attached.

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FIRST AMENDMENT TO THE FEE AGREEMENT

This FIRST AMENDMENT TO THE FEE AGREEMENT (the “First Amendment”) is made and entered into as of _____, 2024, by and among LANCASTER COUNTY, SOUTH CAROLINA, a body politic and corporate and a political subdivision of the State of South Carolina (“County”), [PROJECT COBALT], a _____ Corporation (“Sponsor”), and [PROJECT COBALT SPONSOR AFFILIATE], a _____ limited liability company (“Sponsor Affiliate”) (Sponsor and Sponsor Affiliate are collectively referred to herein as the “Companies”).

RECITALS

WHEREAS, pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the “Act”), the County, Sponsor and _____, a _____ limited liability company, entered into a Fee Agreement dated as of December 14, 2020 (the “Fee Agreement”), for the purpose of, among other things, providing incentives in the form of a fee in lieu of tax arrangement and special source credits in connection with the “Project,” as defined in the Fee Agreement;

WHEREAS, pursuant to the Act and Sections 4-1-175, 4-29-68, and 12-44-70 of the Code of Laws of South Carolina 1976, as amended (the “SSRC Act”), the County is authorized to provide infrastructure improvement credits or special source revenue credits (“SSRCs”) to the Sponsor for the purpose of paying the cost of designing, acquiring, constructing, improving, or expanding certain qualifying infrastructure;

WHEREAS, _____ assigned its interest in the Fee Agreement to _____, a _____ limited liability company, by that certain Assignment and Assumption of Fee Agreement and Special Source Revenue Credit Agreement dated as of _____, ____; and

WHEREAS, _____ assigned its interest in the Fee Agreement to Sponsor Affiliate by that certain Assignment of Fee Agreement and Special Source Revenue Credit Agreement dated as of _____, ____; and

WHEREAS, the County, pursuant to the SSRC Act, has previously provided SSRCs to the Sponsor in the Fee Agreement; and

WHEREAS, pursuant to Section 4.01(b) of the Fee Agreement, the Sponsor agreed to have employed in Full-Time Jobs, paying an hourly wage rate not less than the Wage Requirement, an average of: (i) not less than sixty-three (63) in calendar year 2020 through calendar year 2022; and (ii) not less than sixty-eight (68) in calendar year 2023 through calendar year 2026, but the Sponsor for various reasons, including, the COVID pandemic and other reasons outside the Company’s control, did not create the requisite average number of Full-Time Jobs in calendar year 2020 through calendar year 2022, and does not anticipate creating the requisite average number of Full-Time Jobs in calendar year 2023 through calendar year 2026; and

WHEREAS, in consideration of the Sponsor’s continued investment at the Project, the County and the Companies desire to amend the Fee Agreement so as to adjust the stated Jobs Commitment and previously approved SSRCs.

FIRST AMENDMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the County and the Companies agree:

Section 1. *Incorporation of Recitals.* The above recitals are incorporated into this First Amendment as if the recitals were set out in this First Amendment in their entirety.

Section 2. *Statutorily Required Recapitulation.* Section 1.01(b)(7)(c) of the Fee Agreement is amended to read:

“Special Source Revenue Credits shall be provided for the Economic Development Property in amounts equal to: (i) fifty-eight percent (58%) of the Negotiated FILOT Payments beginning not later than the Negotiated FILOT Payments due without penalty by January 15, 2022 and ending not later than the Negotiated FILOT Payment due without penalty by January 15, 2024; and (ii) forty percent (40%) of the Negotiated FILOT Payments beginning not later than the Negotiated FILOT Payment due without penalty by January 15, 2025 and ending not later than the Negotiated FILOT Payment due without penalty by January 15, 2028;”

Section 3. *Investment by Company in Project.* Section 4.01(b) of the Fee Agreement is amended to read:

“For the Project, Sponsor agrees and commits to the following aggregate Jobs Commitment: the creation and maintenance of the number of Full-Time Jobs, paying an hourly wage rate not less than the Wage Requirement, at the following employment levels and in the designated timeframes:

(1) to have employed in Full-Time Jobs, paying an hourly wage rate not less than the Wage Requirement, an average of not less than sixty-two (62) in calendar year 2020 through calendar year 2022, and

(2) to have employed in Full-Time Jobs, paying an hourly wage rate not less than the Wage Requirement, an average of not less than forty (40) in calendar year 2023 through calendar year 2026.”

Section 4. *Payments in Lieu of Ad Valorem Taxes.*

(a) Section 5.01(d) of the Fee Agreement is amended to read:

“Special Source Revenue Credits shall be provided for the Economic Development Property in amounts equal to: (i) fifty-eight percent (58%) of the Negotiated FILOT Payments beginning not later than the Negotiated FILOT Payments due without penalty by January 15, 2022 and ending not later than the Negotiated FILOT Payment due without penalty by January 15, 2024; and (ii) forty percent (40%) of the Negotiated FILOT Payments beginning not later than the Negotiated FILOT Payment due without penalty by January 15, 2025 and ending not later than the Negotiated FILOT Payment due without

penalty by January 15, 2028. Company agrees to maintain a membership in the Lancaster County Chamber of Commerce in any year in which it receives a Special Source Revenue Credit pursuant to this Section 5.01(d). At no time shall the aggregate Special Source Revenue Credits provided pursuant to this Section 5.01(d) exceed the aggregate cost of Infrastructure Improvements incurred by Sponsor and any other Co-Investors. The Special Source Revenue Credit provided in this Section 5.01(d) applies only to the Economic Development Property and does not apply to the Non-Qualifying Property or to any other property.”

(b) Section 5.01(j) of the Fee Agreement is amended to read:

“Notwithstanding any other provision of this Agreement, the Special Source Revenue Credits provided in Section 5.01(d) above are not applicable in any year immediately following a year in which the Company has failed to maintain the Jobs Commitment in Section 4.01(b) above.”

Section 5. *Payment of Expenses.* Upon submission by the County of appropriate documentation of the expenditure, the Sponsor agrees to reimburse the County, not later than sixty (60) days following such submission, for the County’s reasonable unreimbursed actual costs incurred related to this First Amendment. The cost reimbursement is limited to County payments to third-party vendors, including, but not limited to, payments for attorney’s fees.

Section 6. *Representations and Warranties.* (A) Sponsor represents and warrants, as the basis for the undertakings on its part contained in this First Amendment, that it (i) is a corporation organized and existing and in good standing under the laws of Rhode Island, (ii) is authorized to do business in South Carolina, (iii) has all requisite power to enter into this First Amendment, and (iv) by proper action has been duly authorized to execute and deliver this First Amendment.

(B) Sponsor Affiliate represents and warrants, as the basis for the undertakings on its part contained in this First Amendment, that it (i) is a limited liability company organized and existing and in good standing under the laws of Delaware, (ii) is authorized to do business in South Carolina, (iii) has all requisite power to enter into this First Amendment, and (iv) by proper action has been duly authorized to execute and deliver this First Amendment.

(C) County represents and warrants, as the basis for the undertakings on its part contained in this First Amendment, that it (i) is a body politic and corporate and a political subdivision of the State of South Carolina, (ii) is authorized by the Act and SSRC Act to enter into this First Amendment, (iii) has approved this First Amendment in accordance with the procedural requirements of the Act, the SSRC Act and any other applicable state law, and (iv) has authorized its officials to execute and deliver this First Amendment.

Section 7. *Multiple Counterparts.* This First Amendment may be executed in multiple counterparts, each of which shall be an original but all of which shall constitute but one and the same instrument.

Section 8. *Fee Agreement.* Except as specifically provided in this First Amendment, the Fee Agreement shall remain unchanged and in full force and effect.

SIGNATURE PAGES FOLLOW ON NEXT PAGE.

IN WITNESS WHEREOF, the parties hereto, each after due authorization, have executed this First Amendment to be effective as of the date first written above.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

[SEAL]

ATTEST:

Sherrie Simpson, Clerk to Council

COMPANIES SIGNATURES FOLLOW ON NEXT PAGE.

[SPONSOR],
a _____ corporation

By: _____

Name: _____

Title: _____

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[SPONSOR AFFILIATE],
a _____ limited liability company

By: _____

Name: _____

Title: _____

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Sherrie Simpson / Clerk to Council / Administration

Department: County Clerk

Date Requested to be on Agenda: 12/11/2023

Council Action Requested:

Whether to appoint Dale Sullivan to the Keep Lancaster County Beautiful Board as one of the District 1 representatives. She filled her first term on the Board as a District 4 representative and she was very active on the Board; however, due to redistricting, she now resides in District 1. She would like to fill an unexpired term as one of the District 1 representatives and that term would expire on 06/30/2025.

Whether to appoint Danielle Calabro to the Health and Wellness Commission as the representative for the Department of Social Services. She would be filling an unexpired term that would end on 06/30/2025.

Whether to appoint Adrienne Robinson to the Catawba Regional Workforce Board as the Adult Education representative. If appointed, she would be filling her first three year term that would expire on 12/31/2026.

Points to Consider:

Dale Sullivan's, Danielle Calabro's, and Adrienne Robinson's applications are attached for Council's review and consideration.

Funding and Liability Factors:

N/A

Recommendation:

Approve the appointment.

ATTACHMENTS:

Description	Upload Date	Type
Application from Dale Sullivan for the Keep Lancaster County Beautiful Board	12/1/2023	Backup Material
Application from Danielle Calabro for the Health and Wellness Commission	12/1/2023	Backup Material
Application from Adrienne Robinson for the Catawba Regional Workforce Board	12/1/2023	Backup Material

LANCASTER COUNTY BOARDS & COMMISSIONS
APPLICATION FOR SERVICE

Name Dale H. Sullivan County Council District 1

Mailing Address _____ City/Zip Lancaster

Street Address _____ Registered Voter yes ^x no _____

Tel. Number (home) _____ (work) _____ (other) _____

Email: _____

Occupation Happily Retired Place of employment N/A

Address _____ Normal working hours _____
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Keep Lancaster County Beautiful 2nd choice _____

3rd choice _____

Reason for interest

I am currently on the board for Keep Lancaster County Beautiful. We have done wonderful things for our county in the past years. I would like to remain on the board and continue to help keep our county beautiful.

Why do you feel you are qualified to serve on these boards? In addition, note education, areas of expertise, skills & interests. (continue on separate sheet if needed)

I am qualified because I was nominated to be on the original board by Larry Honeycutt and have been to every board meeting and have led and participated as a group leader on every clean up campaign.

Do you presently serve any State, County or Municipal Boards? yes If yes, list KLCB

Have you ever served on a county board? _____ If yes, list _____

Additional pertinent information

Applicant's signature Dale H. Sullivan Date 04/26/2023

Receipt of application _____ an appointment. Applicants will be notified of appointments by mail.

Return completed application to Sherrie Simpson, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29721

**LANCASTER COUNTY BOARDS & COMMISSIONS
APPLICATION FOR SERVICE**

Name Danielle Calabro County Council District 3

Mailing Address _____ City/Zip Lancaster, SC 29720

Street Address _____ Registered Voter yes X no _____

Tel. Number (home) _____ (work) _____ (other) _____

Email: _____

Occupation Regional Manager Place of employment SC Department of Social Services

Address 2638 Two Notch Rd, suite 200 Columbia SC 29204 Normal working hours 8:30-5:00
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Health & Wellness Commission 2nd choice _____

3rd choice _____

Reason for interest

I am currently the Regional Manager for Child Health and Wellbeing (Midlands) for DSS. I am also an EMT part time for Lancaster County. I have a professional and personal interest in Health and Wellness and the impact that health disparities have on the children, youth and adults in our community.

Why do you feel you are qualified to serve on these boards? In addition, note education, areas of expertise, skills & interests. (continue on separate sheet if needed)

I have a BA in Psychology, a Master of Science in Forensic Psychology, EMT-Basic certification, Certified Critical Incident Stress Management facilitator, on the Trauma Response team for DSS, trained in trauma focused-cognitive behavioral therapy, SC child welfare certified, currently sit on multiple work groups regarding child health and wellbeing for DSS involved children and families, 16 years of experience in child welfare, foster care, juvenile justice, in home intensive wrap around services in New Hampshire, Boston Massachusetts and South Carolina, with EMS experience in all three states as well.

Do you presently serve any State, County or Municipal Boards? No. If yes, list _____

Have you ever served on a county board? No If yes, list _____

Additional pertinent information

I have the availability to attend any and all meetings, and I am committed to working hard for the people of Lancaster County.

Applicant's signature  Date 11/28/2023

Receipt of application does not guarantee an appointment. Applicants will be notified of appointments by mail.

Return completed application to Sherrie Simpson, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29721

**LANCASTER COUNTY BOARDS & COMMISSIONS
APPLICATION FOR SERVICE**

Name Adrienne Robinson County Council District Lancaster

Mailing Address _____ City/Zip Lancaster, SC 29720

Street Address _____ Registered Voter yes ^X no _____

Tel. Number (home) _____ (work) _____ (other) _____

Email: _____

Occupation Director of Adult Education Place of employment Lancaster County School System

Address _____ Normal working hours 7:30-4:30
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Catawba Regional Workforce 2nd choice _____

3rd choice _____

Reason for interest

My reason for interest in being an active member of the Catawba Workforce Development Board is two-fold: First, as director of the Lancaster Adult Education program, it is my mission to ensure that our program is viewed as a viable option in the Lancaster community to help youth and adult acquire the skills they need to achieve gainful employment to support their families. Also, being a member of the board will allow me to establish partnerships with local businesses to create workforce literacy programs that support their efforts to recruit highly skilled workers.

Why do you feel you are qualified to serve on these boards? In addition, note education, areas of expertise, skills & interests. (continue on separate sheet if needed)

My skills and experiences in education would be an asset to this board. Specifically, my work with adjudicated youth and families has given me insight into the need for employment and training opportunities for unskilled workers. As a member of this board, I will be able to speak to the barriers that affect low skilled workers and the impact on families. Additionally, I will be able to strategize on what the board can do to eliminate these barriers.

Do you presently serve any State, County or Municipal Boards? No If yes, list _____

Have you ever served on a county board? Yes If yes, list Worrlink Area Board in Anderson, SC

Additional pertinent information

Applicant's signature Adrienne Robinson Date 11/30/2023

Receipt of application does not guarantee an appointment. Applicants will be notified of appointments by mail.

Return completed application to Sherrie Simpson, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29721

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1877 / Planning Case Number: RZ-2023-1464 - HOLD UNTIL PARK COVENANTS AMENDED

Contact Person / Sponsor: M. Blaszyk /Planning Department

Department: Planning

Date Requested to be on Agenda: 12/11/2023

Council Action Requested:

Application by Brian Cillian/Greybridge MacMillan LLC and LEH SC MacMillan LLC to rezone 7.286 acres at 1662 MacMillan Park Drive (TM# 0007-00-008.05) from Light Industrial (LI) to Institutional (INS) District in order to convert existing structure to a K-12 private school facility.

Points to Consider:

UPDATE: The covenants and restrictions for this property do not allow a school to be located on the site. The restrictive covenants state that the properties in McMillan Park “may be used for: distribution facility, light industrial, and manufacturing purposes together with related warehousing and office uses, including but not to the exclusion of other permitted uses hereunder the design, manufacture, distribution and sale of wire and cable products.”

SC State Code Section 6-29-1145 states that "If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity...the local planning agency must not issue [a permit for any planning-related action] unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order."

Staff does not have a confirmation that the restrictive covenant has been released from the parcel by any appropriate action or court order. For this reason, staff must recommend denial.

Additional Points to Consider:

The proposed private school is located within an existing industrial park. With its neighbors being Continental Tire and Unique Loom Facility

This site is one of the few contiguous tracts of Light Industrial Zoned land within the Panhandle.

Previous tenant has a Fee-in-lieu Agreement with Lancaster County, this will not be transferred to the current tenant.

The applicant is claiming the site will not cross the 50-trip threshold for a Traffic Impact Analysis. Other uses in this area (daycares, for instance) were required to get a TIA before rezoning, and considering the school will relocate facilities from NC with students following, staff believes that a TIA for this use would be a reasonable request.

Funding and Liability Factors:

Liability 1: the covenants and restrictions do not support the rezoning request to a TK-12 school.

Liability 1a: the Comprehensive Plan does not support the request. If the Council elects to move forward with with the rezoning, a companion action to amend the Comprehensive Plan is required.

Liability 2: the property is one of the last sections of Light Industrial (LI) zoned areas in Indian Land. Staff and the Planning Commission are concerned about losing established LI zoned property in an established industrial park.

Funding 1: the previous tenant has a fee-in-lieu agreement with Lancaster County, and this will not be transferred to the current owner.

Recommendation:

UPDATE: After 1st reading was granted, staff recommends deferral as discussed during the Oct 23 Council meeting. Additional time is needed for the following:

Applicant - to successfully remove the restrictive covenant from the site.

Staff - to put a comp plan amendment on the agenda for the December 19, 2023 meeting.

RECOMMENDATIONS:

Planning Commission recommended unanimous denial during their September Regular Meeting. Concerns that were discussed included traffic generation, having a private school surrounded by industrial uses, the lack of existing Light Industrial zoned land in the Panhandle and how difficult it would be to rezone other land to Light Industrial take its place within the Panhandle.

Staff recommends denial as well.