

**AMENDED TO INCLUDE EXECUTIVE SESSION MATTERS PERTAINING TO ECONOMIC
DEVELOPMENT**

Lancaster County Council Regular Meeting Agenda

Monday, August 10, 2015

County Administration Building
County Council Chambers
101 N. Main Street
Lancaster, SC 29720

1. **Call to Order – Chairman Bob Bundy** 6:30 p.m.
2. **Welcome and Recognition – Chairman Bob Bundy**
3. **Pledge of Allegiance and Invocation – Council Member Steve Harper**
4. **Approval of the agenda** *[deletions and additions of non-substantive matter]*
5. **Special Presentations:**
 - a. **Lancaster County Fleet Operations Blue Seal of Excellence.** *Chairman Bundy and Steve Willis*
6. **Citizen Comments** *[Speakers are allowed approximately 3 minutes. If there are still people on the list who have not spoken at the end of thirty (30) minutes, Council may extend the citizen comments section or delay it until a later time in the agenda]*
7. **Consent Agenda**
 - a. **3rd Reading of Ordinance 2015-1362 regarding a numbering correction in Ordinance 2015-1350 relating to roads that are to be donated to SCDOT and accepted in the County Road system.**

Ordinance Title: An Ordinance to correct numbering errors in Ordinance 2015-1350 approving the donation of certain county roads to the South Carolina Department of Transportation and to accept certain roads from the State of South Carolina into the county road system; and to authorize county officials to take such actions as necessary to effectuate the purposes of this ordinance. *Council passed 6-0 at the July 27, 2015 meeting. Steve Willis – pgs. 4-5*
 - b. **3rd Reading of Ordinance 2015-1363 regarding the Procurement Code**

Ordinance Title: An Ordinance to amend Chapter 2, Article VI (Lancaster County Procurement Code) so as to add to Section 2-257 (Methods of Source Section) a new exception to competitive sealed bidding; to amend section 2-260 (Procedures for procurements not exceeding \$25,000) ; to add a new section relating to a local vender preference provision. **(Favorable Administration Committee).**
Council passed 6-0 at the July 27, 2015 meeting. John Weaver – pgs.6-8

8. Resolutions

- a. **0881-R2015** A Resolution to authorize the County Administrator to execute a contract on behalf of Lancaster County with Catawba Regional Council of Governments (COG) so as to complete the second phase of the revision of the County's Unified Development Ordinance (UDO)(*Favorable – Administration Committee*) *John Weaver – pgs. 9-15*
- b. **0882-R2015** A Resolution to define with specificity the process to be utilized by Lancaster County Council in its consideration of potential Economic Development matters - *John Weaver – pgs. 16-17*

9. Non-Consent Agenda

Ordinance Readings

- a. **2nd Reading of Ordinance 2015-1352 Multi-County Park Agreement between Lancaster County and Chesterfield County**
Ordinance Title: An Ordinance to amend the master Multi-County Park Agreement between Lancaster County and Chesterfield County, dated as of December 9, 2013, so as to allow the non-host county to approve the addition of property to the Multi-County Park by resolution of Council and to add the agreement property located in Chesterfield County (one parcel – Project Pellet); and to provide for other matters related thereto. (*Favorable – I&R Committee*)*Council passed 6-0 at the July 28, 2015 meeting. John Weaver– pgs.18-21*
- b. **1st Reading of Ordinance 2015-1364 rezoning property of Gary C. Sowell**
Ordinance Title: An Ordinance to amend the official zoning map of Lancaster County so as to rezone property owned by Gary C. Sowell and the Town of Kershaw represented by Sandhill's Medical Foundation, located 100 feet Northeast of the intersection of Gold Mine Highway and Edwards Avenue along the eastern side of Gold Mine Highway from R-45A, Rural Residential/Intense Agricultural District to B-3 General commercial District; and to provide for other matters related thereto. *Planning Commission recommended by a vote of 5-0. Penelope Karagounis – pgs. 22-29*
- c. **1st Reading of Ordinance 2015-1365 to rezone property of Reid Wilkerson/NBI Investments, III, LLC**
Ordinance Title: An Ordinance to amend the official zoning map of Lancaster County so as to rezone property of Reid Wilkerson/NBI Investments III, LLC, located at 182 Spice Road, from R-15P, Moderate Density Residential/Agricultural Panhandle District to I-1, Light Industrial District; and to provide for other matters related thereto. *Planning Commission denied by a vote of 4-2. Penelope Karagounis- pgs. 30-46*

10. Discussion and Action Items

- a. Lancaster County Board and Commission appointments – *Debbie Hardin – pg. 47*
- b. Learning Lancaster – a community civics course – *Steve Willis – pgs. 48-51*
- c. Lancaster County Economic Development Corporation status of audit request – *Larry Honeycutt*

11. Status of items tabled, recommitted, deferred or held

- a. Bridge on Gilroy Drive in Regent Park Subdivision into the County Road System

12. Miscellaneous Reports and Correspondence

- a. Heath Springs Industrial Park Speculative Building update – *pg.52*

13. Calendar of Events – pg.53

14. Citizens Comments *[if Council delays until end of meeting]*

15. Executive Session

- a. *Receipt of legal advice relating to a pending, threatened or potential claim – SC Code §30-4-70 (2)*
- b. *Discussions incident to a proposed contractual arrangement with Bauknight Pietras & Stormer, PA – SC Code §30-4-70(2)*
- c. *Proposed sale of commercial property – SC Code §30-4-70(2)*
- d. *Economic Development Matters – SC Code §30-4-70(5)*
 - 1. *Project Carolina*
 - 2. *Project Spice*
 - 3. *Project Target*
 - 4. *Project Seating*
 - 5. *Project GoWest*

16. 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

STATE OF SOUTH CAROLINA

)

COUNTY OF LANCASTER

)

ORDINANCE NO. 2015-1362

AN ORDINANCE

TO CORRECT NUMBERING ERRORS IN ORDINANCE 2015-1350 APPROVING THE DONATION OF CERTAIN COUNTY ROADS TO THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND TO ACCEPT CERTAIN ROADS FROM THE STATE OF SOUTH CAROLINA INTO THE COUNTY ROAD SYSTEM; AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE.

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

Section 1. Findings and determinations.

Council finds and determines that:

- (1) Lancaster County Council approved Ordinance 2015-1350 on May 18, 2015;
- (2) the South Carolina Department of Transportation noted there were four numbering errors in the ordinance; and
- (3) it is the purpose of this ordinance to correct those numbering errors.

Section 2. Roads to be donated – corrected designations.

The Council authorizes and approves the donation of the following roads, which are a part of the Lancaster County Road System, to the South Carolina Department of Transportation:

Carmel Road (from S-29-853 to S-29-373~~371~~)

Hammond Carnes Road (from S-29-875~~874~~ to S-29-330) (contingent upon developer donating Regent Parkway to SCDOT)

Laurel Avenue (from S-29-485~~495~~ to terminus)

Section 3. Roads to be accepted.

The Council authorizes and approves the acceptance of the following roads, which are a part of the South Carolina Department of Transportation into the Lancaster County Road System:

Strafford Drive (from Beginning Milepost 0.00 to Ending Milepost 0.33~~45~~)

Section 4. Authority to act.

The Council Chair, Secretary and Clerk, the County Administrator, County Attorney, and Public Works Director are authorized to take such actions and to execute such documents as may be necessary to effectuate the purposes of this ordinance.

Section 5. 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 6. Controlling provisions.

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

Section 7. Effective date.

This ordinance is effective upon third reading and approval of the donation and acceptance by the South Carolina Department of Transportation Commission.

AND IT IS SO ORDAINED, this 10th day of August, 2014.

LANCASTER COUNTY, SOUTH CAROLINA

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

ATTEST:

Debbie C. Hardin, Clerk to Council

First Reading:	July 13, 2015	Passed 7-0
Second Reading:	July 27, 2015	Passed 7-0
Third Reading:	August 10, 2015	Tentative

Approved as to form:

John Weaver, County Attorney

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

ORDINANCE NO. 2015-1363

AN ORDINANCE

TO AMEND CHAPTER 2, ARTICLE VI (LANCASTER COUNTY PROCUREMENT CODE) SO AS TO ADD TO SECTION 2-257 (METHODS OF SOURCE SECTION) A NEW EXCEPTION TO COMPETITIVE SEALED BIDDING; TO AMEND SECTION 2-260 (PROCEDURES FOR PROCUREMENTS NOT EXCEEDING \$25,000.00); TO ADD A NEW SECTION RELATING TO A LOCAL VENDOR PREFERENCE PROVISION.

WHEREAS, upon the recommendation of the Procurement Officer and the Administrator, County Council has determined that it is in the best interest of Lancaster County to amend its Procurement Code so as to update and modify certain provisions so as to insure the most efficient and effective means by which the county governs the management, method, control and procurement of supplies, services and materials procured by the County.

THEREFORE, by the power and authority granted to the Lancaster County Council by the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted that:

1. Section 2-257 is amended so as to add a subsection (h) as an exception to the requirement that contracts be awarded by competitive sealed bidding. The new subsection shall relate to "Special/Unusual Procurements and shall be further defined within Division 3 of the Lancaster County Code as follows:

"A Special/Unusual Procurement is the acquisition by Lancaster County of personal property, services and improvements to real property without competition, subject to the approval of the County Administrator or designee. Lancaster County is justified in utilizing a special/unusual procurement when it has a need that has a unique requirement that the use of the procurement methods would not responsibly satisfy or further the interests to Lancaster County."

2. Section 2-260 is amended as follows:

- a. **Purchases under \$2,500.00.** Small purchases not exceeding Two Thousand Five Hundred (\$2,500.00) Dollars may be accomplished without securing competitive quotations if the prices are considered to be reasonable.
- b. **Purchases from \$2,500.01 to \$25,000.00.** Purchases between Two Thousand Five Hundred & 01/100 (\$2,500.01) Dollars to Twenty Five Thousand (\$25,000.00)

Dollars may be accomplished by solicitation of quotes from a minimum of three qualified sources and documentation of the quotes submitted with the purchase requisition.

3. The Lancaster County Procurement Code and the Lancaster County Code of Ordinances are amended so as to add a Local Vendor Preference provision as follows:

The lowest local responsible and responsive bidder who is within three (3) percent with a cap of six thousand dollars (\$6,000.00), of the lowest non-local responsible and responsive bidder, may match the bid submitted by the non-local responsible and responsive bidder and thereby be awarded the contract. The local preference as set forth in this section shall only be applied to responses to solicitations of written quotes and invitations to bid in excess of ten thousand dollars (\$10,000.00). The local preference as set forth in this section shall only be given to local responsible and responsive bidders who have a physical business address located and operating within Lancaster County for a minimum of six (6) months prior to the solicitation of quotes and/or bids, and who have met all other requirements of the solicitations of written quotes or the invitation to bid, including, without limitation, payment of all duly assessed state and local taxes. If state or federal guidelines prohibit or otherwise limit local preference, then the county shall not use local preference in awarding the contract. If there are multiple responsible and responsive bidders who meet the local preference guidelines as set forth in the section, the county shall use standard procurement practice and procedure as set forth in the article to determine the priority of selection. The local preference as set forth in this section does not waive or otherwise abrogate the county's unqualified right to reject any and all bids or proposals or accept such bids or proposals, as appears in the county's own best interest.

The remainder of this page is intentionally blank

AND IT IS SO ORDAINED

Dated this ____ day of _____, 2015

LANCASTER COUNTY, SOUTH CAROLINA

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

ATTEST:

Debbie C. Hardin, Clerk to Council

First Reading	July 13, 2015	Passed 7-0
Second Reading	July 27, 2015	Passed 7-0
Third Reading	August 10, 2015	Tentative

Agenda Item Summary

Ordinance # / Resolution#: 0881-R2015

Contact Person / Sponsor: Steve Willis

Department: Council

Date Requested to be on Agenda: August 10, 2015

Committee: Administration

Issue for Consideration:

Whether or not it is appropriate for Lancaster County to enter into a contract with the Catawba Regional Council of Governments (COG) so as to complete the second phase of the Unified Development Ordinance (UDO)

Funding and Liability Factors:

Contract terms or the work performed will not exceed Seventy Five Thousand (\$75,000.00) Dollars.

Council Options:

Approve or reject to contract

Recommendation:

Favorable recommendation of the Administration Committee

STATE OF SOUTH CAROLINA

RESOLUTION NO. 0881-R2015

COUNTY OF LANCASTER

A RESOLUTION

TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT ON BEHALF OF LANCASTER COUNTY WITH THE CATAWBA REGIONAL COUNCIL OF GOVERNMENTS (COG) SO AS TO COMPLETE THE SECOND PHASE OF THE REVISION OF THE COUNTY'S UNIFIED DEVELOPMENT ORDINANCE (UDO).

WHEREAS, on December 18, 2014, Lancaster County entered into a contract with the COG for the updating and rewriting of the county's UDO, Phase I; and

WHEREAS, as Phase I concludes, it is timely and appropriate to continuing this ongoing project by the approval of Phase II of the UDO rewrite.

THEREFORE, BE IT RESOLVED that the contract attached hereto and incorporated herein by reference is approved and that the Administrator is authorized to execute the same.

AND IT IS SO RESOLVED

Dated this ____ day of _____, 2015.

LANCASTER COUNTY, SOUTH CAROLINA

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

(SEAL)

ATTEST:

Debbie Hardin, Clerk to Council

Contractor:

Catawba Regional Council of Governments

Client Served:

Lancaster County, South Carolina

General Nature of Contract:

Development of remaining chapters of the updated Unified Development Ordinance and the final Zoning Map/Phase Two.

Contract Period:

8/1/2015 – 3/31/2016

Amount:

\$75,000

General Provisions:

The Contractor agrees to furnish and deliver all products and perform all services set forth in the attached pages for the consideration stated herein.

Changes:

This contract constitutes the entire agreement between the parties. No amendment or modification changing its scope or terms shall have any force or effect unless in writing and signed by both parties.

Name and Address of Contractor:

Catawba Regional Council of Governments
P.O. Box 450
Rock Hill, SC 29731

Lancaster County
101 N. Main Street
Lancaster, SC, 29721

By: _____
Randy Imler, Executive Director

By: _____
Steve Willis, County Administrator

AGREEMENT

THIS AGREEMENT, entered into as of this ____ day of _____, 2015, by and between Lancaster County and Catawba Regional Council of Governments (hereinafter referred to as Contractor).

WITNESSETH THAT:

WHEREAS, Lancaster County desires to engage the Contractor to render certain technical and professional services hereafter described:

NOW, THEREFORE, the parties hereto do mutually agree as follows:

Section 1. Employment of Contractor. Lancaster County hereby agrees to engage the Contractor and the Contractor hereby agrees to provide project management and technical assistance as herein set forth.

Section 2. Scope of Services. The Contractor shall perform in a satisfactory manner the following services designated below. All work activities undertaken pursuant to the provisions of this Section shall benefit residents of the area on a non-discriminatory basis. Work elements shall be performed in accordance with the following work descriptions:

SCOPE OF SERVICES

PURPOSE: On December 8, 2014, Lancaster County adopted the 2014-2024 Comprehensive Plan in compliance with the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (S.C. Code of Laws Title VI, Chapter 29). The updated 2014-2024 Comprehensive Plan guides the development of Lancaster County over the next ten years and will be implemented through the Unified Development Ordinance and Zoning Map. The 2014 Lancaster County Unified Development Ordinance Analysis identifies major recommendations for the update of the Unified Development Ordinance to better achieve the goals and objectives of the 2014-2024 Comprehensive Plan. These recommendations are as follows: 1) New Format and Layout for a More Efficient Code; and 2) Revise Zoning Districts and Use Classifications.

PHASE ONE: The Unified Development Ordinance Update, Phase One project occurred during January 1 – July 31, 2015 and included the preparation of chapters including Purpose and Authority; District Standards; Supplemental and Temporary Use Standards; Administrative Agencies; Administration; and Definitions. A zoning concept map was also developed for approximately 40,000 parcels and was based on the Comprehensive Plan Future Land Use Map and the proposed new districts. Multiple work sessions were held with Planning and Zoning Staff to review draft chapter documents and input was gathered from County Staff, the Advisory Committee, the Planning Commission, the Infrastructure and Regulation Committee, and County Council.

ACTIVITIES: Catawba Regional Council of Governments will undertake the following activities:
Phase II Unified Development Ordinance Update and Zoning Map

Work Tasks

- 1) Prepare the remaining chapters of the Unified Development Ordinance Update, Incorporating ordinances from the Lancaster County Code of Ordinances. The remaining chapters include General Provisions for All Districts; Building Design Standards; Infrastructure Standards; General Development Standards; Natural Resources Protection; Nonconformities; and Violations and Penalties.
- 2) Promote and conduct information sessions and focus groups sessions to gain public input and engage the residents of Lancaster County.
- 3) Develop webpage on the Lancaster County Planning Department page that will focus on the proposed Unified Development Ordinance and Zoning Map and provide opportunities for public review, comment and questions to be submitted.
- 4) Finalize the Planning Department Administrative Manual with Application Submittal Process based on updated chapter documents.
- 5) Develop a final Zoning Map for the Unified Development Ordinance Update based on field work and feedback from the community meetings.
- 6) Promote and conduct Zoning Map review sessions prior to the public hearings.
- 7) Conduct multiple work sessions with Staff to review draft and final chapter documents.

- 8) Gather input from the Staff, the Planning Commission, Infrastructure and Regulations Committee, and County Council on the proposed Unified Development Ordinance Update and Zoning Map.
- 9) Assist County Staff with the Public Hearings on the Unified Development Ordinance and Zoning Map.
- 10) See Attachment A: Unified Development Ordinance Update, Phases I and II, Timeframe and Work Program for additional information on work tasks proposed for Phase II.

STAFFING: Contractor will provide the staffing for this project and will use reasonable care to select personnel who are fully qualified to perform such services. Contractor has a Geographic Information System (GIS) mapping system which will be utilized in the project.

MEETINGS: The development of this updated Unified Development Ordinance relies heavily upon the participation of Lancaster County's staff. In addition, there will be discussions with, and opportunities to receive input from the Planning Commission, Infrastructure and Regulations Committee, and County Council in Phase II. Contractor anticipates participating in up to twenty-five (25) of these meetings as part of the Phase II contract.

SCHEDULE: A project period of eight (8) months from the date of reaching a signed agreement is anticipated.

FINAL DOCUMENT: The updated Unified Development Code and Zoning Map for Lancaster County will be prepared and delivered in a digital format for the County's reproduction and distribution. Thirty-five printed copies of the complete UDO will also be provided.

LEGAL REVIEW: Lancaster County shall be responsible for all necessary or desirable legal review of the draft documents provided under this project.

ESTIMATED COST: The estimated cost for Phase II of Contractor services will not exceed \$75,000 and will be based on actual direct and indirect costs incurred. If the scope of the project changes or the project is delayed/expanded, contractor reserves the right to provide an amended estimate of costs. If 80% of funds have been expended and contractor believes the project may exceed the budgeted costs, contractor will notify Lancaster County and request a meeting to resolve any issues.

Attachment A: Timeframe and Work Program



Unified Development Ordinance Update - Phases I & II

WORK ITEM	2015												2016	
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB
Planning Staff Review Meetings														
UDO Review Committee Meetings														
Draft UDO Update for Phase One Chapters and Zoning Concept Map														
Draft an Administrative Manual on Application Submittal Process														
Planning Commission Update & Monthly Workshops														
County Council Update														
Draft the Remaining Chapters for the UDO Update														
Draft Proposed Zoning Map														
Finalize Administrative Manual on Application Submittal Process														
Coordinate and Conduct Community Meetings and/or Focus Groups														
Planning Commission Public Hearings on Updated UDO														
Revisions to Final Updated UDO As Needed														
County Council Adoption of Updated UDO														
Complete Updated Zoning Map														
Planning Commission Public Hearings on Updated Zoning Map														
Revisions to Final Zoning Map As Needed														
County Council Adoption of Updated Zoning Map														

Phase I - UDO Update and Zoning Concept Map (January 2015- July 2015) —————

Phase II - Final UDO Update and Zoning Map (August 2015 - Feb 2016) —————

July 23, 2015

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER) **RESOLUTION #0882-R2015**

A RESOLUTION

TO DEFINE WITH SPECIFICITY THE PROCESS TO BE UTILIZED BY LANCASTER COUNTY COUNCIL IN ITS CONSIDERATION OF POTENTIAL ECONOMIC DEVELOPMENT PROJECTS

WHEREAS, Lancaster County Council recognizes the importance of its responsibility to promote and encourage continued economic growth throughout the county; and

WHEREAS, so as to insure that all economic development possibilities are handled administratively utilizing a professional and understandable process that will avoid confusion and miscommunications by all those involved, the Council hereby adopts the policy detailed hereinafter as its best practices model.

1. All economic development projects initially will be presented to County Council in Executive Session pursuant to SC Code §30-4-70(5).
2. No representation of any type regarding possible incentives shall be made to a prospective enterprise prior to the initial presentation to Council.
3. Upon receiving the details and particulars of a prospective project, Council shall discuss and debate, but without a vote or decision, the characteristics of the prospect and any reasonable range of incentives that might be appropriate.
4. Upon exiting from Executive Session, the Council by appropriate motion shall provide specific direction to the County Attorney as to how Council has chosen to proceed with the terms and conditions of any incentive package satisfactory to the Council.
5. Thereafter, the County Attorney shall transmit to the prospective business or its designated representative the incentive specifics noted above. The County Attorney shall report to Council the acceptance or rejection of the incentive offer. Depending upon that report, Council shall determine if additional negotiations are necessary.

THEREFORE, BE IT RESOLVED that the economic development process for presenting, negotiating, and the conclusion of a successful project shall be as set forth above and shall be commenced upon the passage of this Resolution.

AND IT IS SO RESOLVED

Dated this _____ day of _____, 2015

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

Attest:

Debbie C. Hardin, Clerk to Council

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

)
)
)

ORDINANCE NO. 2015-1352

AN ORDINANCE

TO AMEND THE MASTER MULTI-COUNTY PARK AGREEMENT BETWEEN LANCASTER COUNTY AND CHESTERFIELD COUNTY, DATED AS OF DECEMBER 9, 2013, SO AS TO ALLOW THE NON-HOST COUNTY TO APPROVE THE ADDITION OF PROPERTY TO THE MULTI-COUNTY PARK BY RESOLUTION OF COUNCIL AND TO ADD TO THE AGREEMENT PROPERTY LOCATED IN CHESTERFIELD COUNTY (ONE PARCEL - PROJECT PELLET); AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

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

Section 1. Findings and determinations; Purpose.

(a) The Council finds and determines that:

(1) Lancaster County, South Carolina ("Lancaster County") is authorized by Article VIII, Section 13(D) of the South Carolina Constitution and by Sections 4-1-170, -172 and -175 of the Code of Laws of South Carolina 1976, as amended, to jointly develop, in conjunction with contiguous counties, industrial and business parks (each a "Multi-County Park"); and

(2) Lancaster County and Chesterfield County, South Carolina ("Chesterfield County"), are contiguous counties which, pursuant to Ordinance No. 2013-14-08, enacted by Chesterfield County Council on December 4, 2013, and Ordinance No. 2013-1230 enacted by Lancaster County Council on December 9, 2013, established a Multi-County Park pursuant to the Master Multi-County Park Agreement dated as of December 9, 2013 (the "Park Agreement"); and

(3) the Park Agreement currently provides that property may be added to the Multi-County Park upon the passage of approving ordinances enacted by the respective county councils; and

(4) Lancaster County and Chesterfield County desire to simplify the process of adding property to the Park by revising Section 5(B)(1) of the Park Agreement to provide that property may be added to the Park Agreement by ordinance of the county in which the subject property is located and by resolution of the non-host county; and

(5) Chesterfield County desires to add property located in Chesterfield County to the Multi-County Park.

(b) It is the purpose of this ordinance, among other things, to approve an amendment to the Park Agreement that allows the non-host county to approve the addition of property to the Multi-County Park by passage of a resolution by the council of the non-host county, to approve the addition of one parcel located in Chesterfield County owned by DC Custom Freight, d/b/a Fiber Fuels (Tax Map No. 37-58) to the Park Agreement, to remove the parcel owned by DC Custom Freight, d/b/a Fiber Fuels (Tax Map No. 37-58) from the prior multi-county park agreement between Chesterfield and Lancaster Counties dated August 13, 2012, and to approve the addition of one parcel located in Chesterfield County owned by TS4, LLC (Tax Map No. 18-201) to the Park Agreement.

Section 2. Approval of amended process for adding property.

Council approves the amendment of Section 5(B)(1) of the Park Agreement to read:

/(1) Ordinance County Action Required. Property may be added to or removed from the Park as authorized by ordinance of the county both Lancaster County and Chesterfield County in which the subject property is located and resolution of the non-host county. Property may be removed from the Park by ordinances of both counties./

Section 3. Approval of addition of property.

Council approves the amendment of Exhibit B (Chesterfield County) of the Master Multi-County Park Agreement dated December 9, 2013 to read:

/EXHIBIT B (Chesterfield County)
Chesterfield County Property

Properties included pursuant to Chesterfield County Ordinance No. _____, enacted on _____, 2015 and effective _____, 2015:

755 State Road S-13-680, Jefferson, SC 29718

Tax Map No.

Owner

37-58

DC Custom Freight, LLC
d/b/a Fiber Fuels

U.S. 601 Near State Road 13-580 (Philadelphia Church Road)

Tax Map No.

Owner

18-201

TS4, LLC/

Section 4. Removal of parcel from prior park agreement.

Upon the later of the passage of this Ordinance or the passage of a counterpart ordinance by Chesterfield County adding to the Park Agreement the property owned by DC Custom Freight, d/b/a Fiber Fuels (Tax Map No. 37-58), such property will be removed from the prior multi-county park agreement between Chesterfield and Lancaster Counties dated August 13, 2012 (approved by Lancaster County Ordinance No. 1138 and Chesterfield County Ordinance No. 12-13-05).

Section 5. Preparation of amended park agreement.

When Lancaster County and Chesterfield County have each passed an ordinance approving the amendments contained in this ordinance, the County Administrator shall cause to be prepared an amended Park Agreement. The Council Chair and Council Secretary are authorized to execute the amended Park Amendment. A copy of the amended Park Agreement, including a revised Exhibit B (Chesterfield County), shall be provided to the Administrator, Clerk to Council, Assessor, Auditor and Treasurer of Lancaster County and Chesterfield County.

Section 6. Authority to Act.

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney and all other appropriate officials of the County are authorized and directed to do any and all things necessary to effect the purposes of this ordinance and the performance of all obligations of the County under and pursuant to this ordinance.

Section 7. Conflicting provisions.

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

Section 8. Severability.

If any section of this ordinance is, for any reason, determined to be void or invalid by a court of competent jurisdiction, it shall not affect the validity of any other section of this ordinance which is not itself void or invalid.

Section 9. Effective date.

This ordinance is effective upon third reading.

SIGNATURES FOLLOW ON NEXT PAGE.

And it is so ordained, this 24th day of August, 2015.

LANCASTER COUNTY, SOUTH CAROLINA

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

ATTEST:

Debbie C. Hardin, Clerk to Council

First Reading:	July 27, 2015	Passed 7-0
Second Reading:	August 10, 2015	Tentative
Public Hearing:	August 24, 2015	Tentative
Third Reading:	August 24, 2015	Tentative

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor: Nick Cauthen

Department: Planning

Date Requested to be on Agenda: August 10, 2015

Issue for Consideration:

This is a rezoning application of Sandhill's Medical Foundation to rezone \pm 2.28 acres from R-45A, Rural Residential/Intense Agricultural District To B-3, General Commercial District. The applicant is proposing to build a medical office building.

The property is on the eastern side of Gold Mine Highway, approximately 100 feet northeast of the intersection of Edwards Avenue and adjacent to the town limits of Kershaw, S.C.

Points to Consider:

Parcel 0156G-0B-008.00 is going to be subdivided for utility purposes and the remainder of the lot is going to be combined with parcel 0156G-0B-002.00, which fronts on Gold Mine Hwy. This will give the medical office an additional access point and will leave room for a proposed water tank. The applicant must have the new plat recorded by 3rd reading at County Council. The facts and findings of this report show that the property is designated as Urban on the Future Land Use map. Urban is defined as a walkable neighborhood with additional intensity by the *Lancaster County Comprehensive Plan 2014-2024*. Considering the property is within the Urban district, a commercial area is very well suited for this area. It would bring jobs to an area that is lacking employment opportunities. Likewise, the R-45A district does allow commercial on lots located at an intersection with a state highway road. Additionally, the building will have to be reviewed by the Development Review Committee when they submit a site plan of the facility.

Funding and Liability Factors:

Council Options:

Recommendation:

It is therefore the recommendation of the planning staff that the rezoning request for the property located on the eastern side of Gold Mine Highway, approximately 100 feet north of the intersection of Edwards Avenue in Kershaw be Approved.

At the Lancaster County Planning Commission meeting on Tuesday, July 21, 2015 the Commission voted to Approve the rezoning application of Sandhill's Medical Foundation by a vote of (5-0).

The entire background information was presented to the Planning Commission and copies may be obtained on the Planning Department's website under Planning Commission Agendas and Minutes.

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2015-1364

COUNTY OF LANCASTER

)

)

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OWNED BY GARY C. SOWELL AND THE TOWN OF KERSHAW, REPRESENTED BY SANDHILL'S MEDICAL FOUNDATION, LOCATED 100 FEET NORTHEAST OF THE INTERSECTION OF GOLD MINE HIGHWAY AND EDWARDS AVENUE ALONG THE EASTERN SIDE OF GOLD MINE HIGHWAY FROM R-45A, RURAL RESIDENTIAL/INTENSE AGRICULTURAL DISTRICT TO B-3, GENERAL COMMERCIAL DISTRICT; 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 Council finds and determines that:

(a) Sandhill's Medical Foundation applied to rezone property located 100 feet northeast of the intersection of Gold Mine Highway and Edwards Avenue along the eastern side of Gold Mine Highway from R-45A, Rural Residential/Intense Agricultural District to B-3, General Commercial District.

(b) On July 21, 2015, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (5-0), recommended approval of the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from R-45A, Rural Residential/Intense Agricultural District to B-3, General Commercial District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0156G-0B-002.00, a portion of 0156G-0B-008.00

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 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, this ____ day of _____, 2015.

LANCASTER COUNTY, SOUTH CAROLINA

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

ATTEST:

Debbie C. Hardin, Clerk to Council

First Reading: 8-10-15	Tentative
Second Reading: 8-24-15	Tentative
Third Reading: 9-14-15	Tentative

Approved as to form:

County Attorney

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Date of 1st Reading: 8-10-15
__Approved __Denied __No Action

Date of 2nd Reading: 8-24-15
__Approved __Denied __No Action

Date of 3rd Reading: 9-14-15
__Approved __Denied __No Action

PLANNING STAFF REPORT: RZ-015-012

I. FACTS

A. GENERAL INFORMATION

Proposal: This is a rezoning application of Sandhill's Medical Foundation to rezone ± 2.28 acres from R-45A, Rural Residential/Intense Agricultural District ~~To~~ B-3, General Commercial District. The applicant is proposing to build a medical office building.

Property Location: The property is on the eastern side of Gold Mine Highway, approximately 100 feet northeast of the intersection of Edwards Avenue and adjacent to the town limits of Kershaw, S.C.

Legal Description: TMS # 0156G-0B-002.00 & p/o 0156G-0B-008.00

Zoning Classification: Current: R-45A, Rural Residential/Intense Agricultural District

Voting District: District 6, Jack Estridge

B. SITE INFORMATION

Site Description: The ± 2.28 acres of property is an open vacant field with a few trees.

C. VICINITY DATA

Surrounding Conditions: The surrounding properties are zoned R-45A, Rural Residential/Intense Agricultural District, R-6, Residential District (Kershaw), and R-6MH, Residential District (Kershaw). A garage and a manufactured home are located directly beside the subject property. Single Family homes are located across the street from the subject property.

D. EXHIBITS

1. Rezoning Application
2. Plat of Property
3. Location Map
4. Future Land Use Map
5. Tax Inquiry Sheet
6. Table of Uses – B3

II. FINDINGS

CODE CONSIDERATIONS

The R-45A, Rural Residential/Intense Agricultural District, is designed to accommodate a wide range of use including low density residential development, low intensity commercial uses and high intensity agricultural uses. The minimum residential lot size, minimum residential lot width and maximum residential density of the district are the same as for the R-45 district. However, both single-wide and multi-wide manufactured housing units are allowed on individual lots based on certain siting requirements. See section 4.1.22. Stockyards, slaughter houses, commercial poultry houses and swine lots are only allowed as conditional uses.

Date of 1st Reading: 8-10-15

Date of 2nd Reading: 8-24-15

Date of 3rd Reading: 9-14-15

☐ Approved ☐ Denied ☐ No Action

☐ Approved ☐ Denied ☐ No Action

☐ Approved ☐ Denied ☐ No Action

The commercial uses allowed in the district are for the convenience of the local residents. Therefore, the uses are limited in scope and serve to meet the essential needs of the local residents and agricultural businesses. Such uses shall only be allowed on lots located at the intersection of two roads. One of the two roads shall be part of the state highway system and the other shall be a collector street. No commercial uses shall be allowed on lots having frontage on any local street. The commercial uses allowed in this district are the same as those allowed in the R-45B district, and are specified in the Table of Permissible Uses.

The B-3, General Commercial District, is designed to accommodate a wide variety of general commercial uses characterized primarily by retail, office and service establishments which are oriented primarily towards major traffic corridors and/or extensive areas of predominantly commercial usage and characteristics. Commercial uses encouraged in this district are generally patronized in single purpose trips and emphasize large general merchandise establishments, sale of large or bulky items, commercial services, repair services, automobile related sales and repair, various types of convenience stores, restaurants, and other recreational and entertainment uses. This district is also suited to accommodate travel oriented uses such as hotels and motels and gas stations.

III. CONCLUSIONS

Parcel 0156G-0B-008.00 is going to be subdivided for utility purposes and the remainder of the lot is going to be combined with parcel 0156G-0B-002.00, which fronts on Gold Mine Hwy. This will give the medical office an additional access point and will leave room for a proposed water tank. The applicant must have the new plat recorded by 3rd reading at County Council. The facts and findings of this report show that the property is designated as Urban on the Future Land Use map. Urban is defined as a walkable neighborhood with additional intensity by the *Lancaster County Comprehensive Plan 2014-2024*. Considering the property is within the Urban district, a commercial area is very well suited for this area. It would bring jobs to an area that is lacking employment opportunities. Likewise, the R-45A district does allow commercial on lots located at an intersection with a state highway road. Additionally, the building will have to be reviewed by the Development Review Committee when they submit a site plan of the facility.

IV. RECOMMENDATION:

It is therefore the recommendation of the planning staff that the rezoning request for the property located on the eastern side of Gold Mine Highway, approximately 100 feet north of the intersection of Edwards Avenue in Kershaw be APPROVED.

V. RECOMMENDATION FROM PLANNING COMMISSION MEETING:

At the Lancaster County Planning Commission meeting on Tuesday, July 21, 2015 the Commission voted to APPROVE the rezoning application of Sandhill's Medical Foundation by a vote of (5-0).

Location Map RZ 015-012



Lancaster
County
South Carolina

Disclaimer

Lancaster County has no guarantee as to the accuracy of the data presented in this map. It is the user's responsibility to verify the accuracy of the data presented in this map. The data presented in this map is for informational purposes only and should not be used for legal or financial purposes.

Future Land Use Map RZ 015-012



Agenda Item Summary

Ordinance # / Resolution#: RZ-015-009

Contact Person / Sponsor: Andy Rowe

Department: Planning Department

Date Requested to be on Agenda: August 10, 2015

Issue for Consideration:

*Rezoning application of Steve Willis, Lancaster County Administrator to rezone ± 21.36 acres from R-15P, Moderate Density Residential/Agricultural Panhandle District, to I-1, Light Industrial District.

Points to Consider:

*The Future Land Use Map identifies this property as Neighborhood Mixed-Use based on the *Lancaster County Comprehensive Plan 2014-2024*. Neighborhood Mixed-Use according to the *Lancaster County Comprehensive plan 2014-2024* is identified as a "Walkable Neighborhood". However, although the Future Land Use Map identifies this property as Neighborhood Mixed-Use, it does not distinguish between commercial and industrial uses in the Neighborhood Mix-Use category on the Future Land Use Map.

*The expansion of this property will have to adhere to the set requirements in the Unified Development Ordinance including the installation of a type 4 buffer yard for any new buildings constructed. A buffer yard must be installed around any residential and commercial property. The type 4 buffer yard required will further help screen a new constructed building from all adjacent properties including the Bridgemill subdivision (PDD-11 Bridgemill).

*This zoning error was brought to County Council's attention on March 23, 2015. After an Executive Session, Steve Harper made a motion to direct Steve Willis, County Administrator to initiate a rezoning as discussed in Executive Session. The Planning Department received this rezoning request from the County Administrator. Staff believes the designated property was not zoned appropriately when the county adopted zoning in 1998.

*We want to support the efforts of economic development in regards to supporting the expansion of local businesses. At the same time we need to be cognizant of the concerns of a now established neighborhood known as Bridgemill.

*A question was raised from Planning Commission as to if the Board of Zoning Appeals could hear this case. After research staff has determined that the South Carolina code specifically prohibits the Board of Zoning Appeals from granting variances for a use not allowed within the particular district or to extend an existing non-conforming use.

* After further research, staff has concluded that the property owner at such time was given notice in the Lancaster News in 1998 for the overall zoning of the county. The property owner was notified again in 2005 in both newspaper and letter form when the county rezoned this property a second time to R-15P. In the event the property owner did not receive a formal letter in the above referenced year, the newspaper published multiple articles in various papers throughout the county stating that the zoning would be changed to R-15P in 2005. The county cannot be held responsible for information successfully passing from property owner to property owner. Furthermore, the property owner is ultimately responsible for knowing the zoning classification for their property.

Funding and Liability Factors:

*Several Citizens made comments regarding legal issues if approved.

Council Options:

*To approve or deny the rezoning request.

Recommendation:

*The recommendation of the Planning Staff that the rezoning request for the property located at 182 Spice Road be **Denied**.

*On May 19th, 2015 Planning Commission met and conducted a public hearing on this case. At the referenced meeting there were 10 people who spoke against this rezoning and 1 person to speak for the rezoning. The planning department has received a total of 34 emails against this rezoning. The Planning Commission's decision was to **Defer** by a vote of (4-3).

*On July 21, 2015 Planning Commission met and voted to **Deny** the rezoning request by a vote of (4-2). At the referenced meeting there was one citizen who spoke against this rezoning request. The property owner Mr. Wilkerson spoke for the rezoning request emphasizing that he has always been a good neighbor to the property owners of Bridgemill. Mr. Wilkerson also stated that he was not notified of a rezoning back when county began the zoning process in 1998 or when the county changed zoning districts in the panhandle area of the county in 2005 to control density.

STATE OF SOUTH CAROLINA

)

COUNTY OF LANCASTER

)

ORDINANCE NO. 2015-1365

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OF REID WILKERSON/NBI INVESTMENTS III LLC, LOCATED AT 182 SPICE ROAD FROM R-15P, MODERATE DENSITY RESIDENTIAL/AGRICULTURAL PANHANDLE DISTRICT TO I-1, LIGHT INDUSTRIAL DISTRICT; 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 Council finds and determines that:

(a) Steve Willis, Lancaster County Administrator, (per County Council) applied to rezone property located at 182 Spice Road from R-15P, Moderate Density Residential/Agricultural Panhandle District, to I-1, Light Industrial District.

(b) On July 21, 2015, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of 4-2, recommended to deny the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from R-15P, Moderate Density Residential/Agricultural District to I-1, Light Industrial District for the following property(ies) as identified by tax map number or other appropriate identifier:

Tax Map No. 0010-00-001.00.

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 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, this 7th day of September, 2015.

LANCASTER COUNTY, SOUTH CAROLINA

Bob Bundy Chair, County Council

Steve Harper, Secretary, County Council

ATTEST:

Debbie C. Hardin, Clerk to Council

First Reading: August 10, 2015

Second Reading: August 24, 2015

Third Reading: September 14, 2015

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Date of 1st Reading: 8-10-15
__ Approved __ Denied __ No Action

Date of 2nd Reading: 8-24-15
__ Approved __ Denied __ No Action

Date of 3rd Reading: 9-14-15
Approved __ Denied __ No Action

PLANNING STAFF REPORT

I. Facts

A. General Information

Proposal: Rezoning application of Steve Willis, Lancaster County Administrator to rezone ± 21.36 acres from R-15P, Moderate Density Residential/Agricultural Panhandle District, to I-1, Light Industrial District.

Property Location: The property is located at 182 Spice Road in the Indian Land Community.

Legal Description: Tax Map 10, Parcel 1

Zoning Classification: Current: R-15P, Moderate Density Residential/Agricultural Panhandle District.

Voting District: District 7- Brian Carnes

B. Site Information

Site Description: The parcel is currently occupied by McClancy Seasoning Company. The building was constructed in 1980 and is considered to be one of the first major businesses in Indian Land.

C. Vicinity Data

Surrounding Conditions: The property has four adjacent parcels to the north zoned R-15P, Moderate Density Residential/Agricultural Panhandle District. Parcels to the south and west are all zoned PDD, Planned Development District (PDD-11 Bridgemill), and one adjacent parcel to the east is zoned B-3, General Commercial District.

Exhibits

1. Rezoning Application
2. Location Map
3. Future Land Use Map
4. Tax Inquiry Sheet
5. UDO – Section: 2.1.3 - Industrial Districts
6. Table of Uses
7. UDO- Section: 12.8 – Installation of Buffer Yard/Table 12-2 and 12-3
8. Consent Form to Continue Planning Commission Meetings

Date of 1st Reading: 8-10-15
__ Approved __ Denied __ No Action

Date of 2nd Reading: 8-24-15
__ Approved __ Denied __ No Action

Date of 3rd Reading: 9-14-15
Approved __ Denied __ No Action

II. Findings

Code Considerations:

The R-15P, Moderate Density Residential/Agricultural Panhandle District, is designed to accommodate single-family residential development (not including manufactured homes) in the northern part of the panhandle. This zoning district will allow residential uses and related residential uses such as religious institutions, fire station, etc., the maximum density allowed in this zoning district is 1.5 dwellings per acre (1.5 du/acre), minimum lot size of 29,040 square feet and the minimum lot width is 130 feet. The availability of water and/or sewer shall not change: (1) the maximum density allowed; (2) the minimum lot size, and (3) the minimum lot width from what is stated above.

The I-1, Light Industrial District, is designed to accommodate industries that do not tend to have adverse impacts on surrounding properties.

The following industrial districts are hereby established: I-1 and I-2. These districts are designed to accommodate businesses engaged in the manufacturing, processing, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. Other objectives of these districts are explained in the remainder of this section.

In addition to the stated objectives of each zoning district, all districts are designed to encourage the perpetuation of general agricultural activities such as general row crop production, free-range livestock operations and pasture land, hay land, woodland and wildlife management areas. Intensive agricultural enterprises such as turkey barns, hog farms and other confined livestock operations shall only be allowed in the R-45A district.

The use of vinyl, tin, metal and masonry block except split face/decorative masonry shall be prohibited on the exterior walls of any building located on a parcel that has frontage on U.S. Highway 521 from the southern right-of-way line of S.C. Highway 75 northward to the state line or frontage on S.C. Highway 160 from U.S. Highway 521 westward to the county line. All sides of the building shall comply with this requirement with the exception of any side of a building that is not visible from any point on an adjoining road(s) right-of-way. Sides of the building that are screened with landscaping, a fence or some combination of the two shall be considered to be visible from an adjoining street. This requirement is being added to these regulations for aesthetic purposes only and has nothing to do with the enforcement of building code requirements or standards.

III. Conclusions:

The Future Land Use Map identifies this property as Neighborhood Mixed-Use based on the *Lancaster County Comprehensive Plan 2014-2024*. Neighborhood Mixed-Use according to the *Lancaster County Comprehensive plan 2014-2024* is identified as a "Walkable Neighborhood". However, although the Future Land Use Map identifies this property as Neighborhood Mixed-

Date of 1st Reading: 8-10-15
___ Approved ___ Denied ___ No Action

Date of 2nd Reading: 8-24-15
___ Approved ___ Denied ___ No Action

Date of 3rd Reading: 9-14-15
Approved ___ Denied ___ No Action

Use, it does not distinguish between commercial and industrial uses in the Neighborhood Mix-Use category on the Future Land Use Map.

The expansion of this property will have to adhere to the set requirements in the Unified Development Ordinance including the installation of a type 4 buffer yard for any new buildings constructed. A type 4 buffer yard per the Unified Development Ordinance has a minimum width of 30 feet that must include shade trees, ornamental trees, and a variety of shrubs (Exhibit 7). A buffer yard must be installed around any residential and commercial property. The type 4 buffer yard required will further help screen a new constructed building from all adjacent properties including the Bridgemill subdivision (PDD-11 Bridgemill).

This zoning error was brought to County Council's attention on March 23, 2015. After an Executive Session, Steve Harper made a motion to direct Steve Willis, County Administrator, to initiate a rezoning as discussed in Executive Session. The Planning Department received this rezoning request from the County Administrator. Staff believes the designated property was not zoned appropriately when the county adopted zoning in 1998. At that time the Planning Department did not have adequate staff to be able to conduct windshield surveys for the entire county. The elected officials representing their districts made judgments on how parcels should be zoned.

We want to support the efforts of economic development in regards to supporting the expansion of local businesses. At the same time, we need to be cognizant of the concerns of a now established neighborhood known as Bridgemill. Penelope Karagounis, Planning Director, was made aware of the approximate square footage of an expansion for McClancy's by Keith Tunnell. He told Penelope there would be about a 30,000-35,000 square foot expansion to an already existing building which is around 56,352 square feet. After acquiring this new information, we are retracting our recommendation. There has been some communication referencing that the McClancy's can file a variance with the Board of Zoning Appeals. In our current Unified Development Ordinance, there is no such provision that allows an applicant to file a variance for a non-conforming use.

This is a prime example of an item that needs to be addressed with the rewrite of the UDO. We believe that the recommendation should be to deny because we have no parameters for an orderly expansion of a non-conforming use with our current UDO. Any uses allowed as a permitted use for an I-1, Light Industrial District can be used for this property, if McClancy ever decides to sell their property.

At the May 19th, 2015 Planning Commission Meeting, Penelope Karagounis, Planning Director, mentioned that Kannapolis, North Carolina had a provision in their Unified Development Ordinance to allow a variance for an expansion to a non-conforming use. A memo was sent from Steve Willis, County Administrator to further explore the option if a variance would conflict

Date of 1st Reading: 8-10-15
___ Approved ___ Denied ___ No Action

Date of 2nd Reading: 8-24-15
___ Approved ___ Denied ___ No Action

Date of 3rd Reading: 9-14-15
Approved ___ Denied ___ No Action

with South Carolina law. Andy Rowe, Planner, sent an email to the Association of Counties to see if the option was possible for us to use this in Lancaster County, South Carolina. John DeLoache, Attorney from the Association of Counties in South Carolina responded back saying that the county would not be able to amend our zoning ordinance to allow the Board of Zoning Appeals to grant variances to extend a non-conforming use or to allow uses not already allowed in the zoning district. **The ordinance can not conflict with the authority granted to the Board of Zoning Appeals by the State Planning Enabling Act. Andy Rowe, Planner, found a section of the code and Mr. DeLoache agreed with section 6-29-800 prohibits the contemplated amendment. Section 6-29-800(A)(2)(d)(i) specifically prohibits the Board of Zoning Appeals from granting variances for a use not allowed within the particular district or to extend an existing non-conforming use.**

At this time, the Lancaster County Planning Department can not proceed with researching or rewriting a provision in the Unified Development Ordinance to allow a non-conforming use to expand with a variance from the Board of Zoning Appeals.

On May 19th, 2015 Planning Commission met and conducted a public hearing on this case. At the referenced meeting there were 10 people who spoke against this rezoning and 1 person to speak for the rezoning. The planning department has received a total of 34 emails against this rezoning. The residents of Bridgemill Subdivision expressed that when buying their homes, they diligently researched the zoning of the area. They purchased their homes in good faith that the zoning would continue to be Residential. The Planning Commission's decision was to Defer by a vote of (4-3).

At the July 22nd Lancaster County Planning Commission meeting there was one citizen who spoke against this rezoning request. The property owner Mr. Wilkerson spoke for the rezoning emphasizing that he has always been a good neighbor to the property owners of Bridgemill. Mr. Wilkerson also stated that he was not notified of a rezoning back when county began the zoning process in 1998 or when the county changed zoning districts in the panhandle area of the county in 2005 to control density.

After further research, staff has concluded that the property owner at such time was given notice in the Lancaster News in 1998 for the overall zoning of the county. The property owner was notified again in 2005 in both newspaper and letter form when the county rezoned this property a second time to R-15P. In the event the property owner did not receive a formal letter in the above referenced year, the newspaper published multiple articles in various papers throughout the county stating that the zoning would be changed to R-15P in 2005. The county cannot be held responsible for information successfully passing from property owner to property owner. Furthermore, the property owner is ultimately responsible for knowing the zoning classification for their property.

Date of 1st Reading: 8-10-15
__ Approved __ Denied __ No Action

Date of 2nd Reading: 8-24-15
__ Approved __ Denied __ No Action

Date of 3rd Reading: 9-14-15
Approved __ Denied __ No Action

IV. Recommendation:

It is therefore the recommendation of the planning staff that the rezoning request for the property located at 182 Spice Road be **Denied**.

V. Recommendation from Planning Commission Meeting:

At the Lancaster County Planning Commission meeting on Tuesday, July 22, 2015 the Commission voted to **Deny** the rezoning application of Steve Willis by a vote of (4-2).

FILE COPY

May 19, 2015
New Recommendation for case # RZ-015-009
(McClancy Seasoning Company)

This zoning error was brought to County Council's attention on March 23, 2015. After an Executive Session, Steve Harper made a motion to direct Steve Willis, County Administrator to initiate a rezoning as discussed in Executive Session. The Planning Department received this rezoning request from the County Administrator. Staff believes the designated property was not zoned appropriately when the county adopted zoning in 1998. At that time the Planning Department did not have adequate staff to be able to conduct windshield surveys for the entire county. The elected officials representing their districts made judgments on how parcels should be zoned.

We want to support the efforts of economic development in regards to supporting the expansion of local businesses. At the same time we need to be cognizant of the concerns of a now established neighborhood known as Bridgemill. Last night, I was made aware of the approximate square footage of an expansion for McClancy's by Keith Tunnell. He told me there would be about a 30,000-35,000 square foot expansion to an already existing building which is around 56,352 square feet. By having this new information we are retracting our recommendation. There has been some communication referencing that McClancy's can file a variance with the Board of Zoning Appeals. In our current Unified Development Ordinance, there is no such provision that allows an applicant to file a variance for a non-conforming use.

This is a prime example of an item that needs to be addressed with the rewrite of the UDO. We believe that the recommendation should be to deny because we have no parameters for an orderly expansion of a non-conforming use with our current UDO. Any uses allowed as a permitted use for an I-1, Light Industrial District can be used for this property, if McClancy ever decides to sell their property.

It is therefore the recommendation from the Planning Department to **DENY** the rezoning request.

Lancaster County Planning Department

101 N. Main St., Ste. 108

P.O. Box 1809

Lancaster, South Carolina 29721-1809

Telephone (803) 285-6005

Fax (803) 285-6007

Memo

To: Steve Willis, Lancaster County Administrator

From: Penelope G. Karagounis, Lancaster County Planning Director PGK

Date: June 2, 2015

Re: Variance Option for McClancy Seasoning (RZ-015-009)

Message:

At the Lancaster County Planning Commission meeting on Tuesday, May 19, 2015, I mentioned that in Kannapolis, North Carolina they have a provision in their Unified Development Ordinance to allow a variance for an expansion to a non-conforming use. You sent me a memo on May 26, 2015 to further explore the option if it did not conflict with South Carolina law. My planner Andy Rowe sent out an email to the Association of Counties to see if the option was possible for us to use in Lancaster County, South Carolina. John Leloache, Attorney from the Association of Counties in South Carolina responded back saying that the county would not be able to amend our zoning ordinance to allow the Board of Zoning Appeals to grant variances to extend a non-conforming use or to allow uses not already allowed in the zoning district. The ordinance can not conflict with the authority granted to the Board of Zoning Appeals by the State Planning Enabling Act. Andy found a section of the code and Mr. Deloache agreed with Section 6-29-800 prohibits the contemplated amendment. Section 6-29-800(A)(2)(d)(i) specifically prohibits the Board of Zoning Appeals from granting variances for a use not allowed within the particular district or to extend an existing non-conforming use.

At this time, the Lancaster County Planning Department can not proceed with researching or rewriting a provision in the Unified Development Ordinance to allow a non-conforming use to expand with a variance from the Board of Zoning Appeals. Our Planning Commission Workshop will be on Thursday, June 4, 2015 at 5:00 p.m. and the Lancaster County Planning Commission will hear the rezoning case (RZ-015-009) on Tuesday, June 16, 2015 at 6:30 p.m. Please plan to attend the workshop and the meeting.

Thank you,

PGK PGK

ecc: Mr. Steve Willis, County Administrator

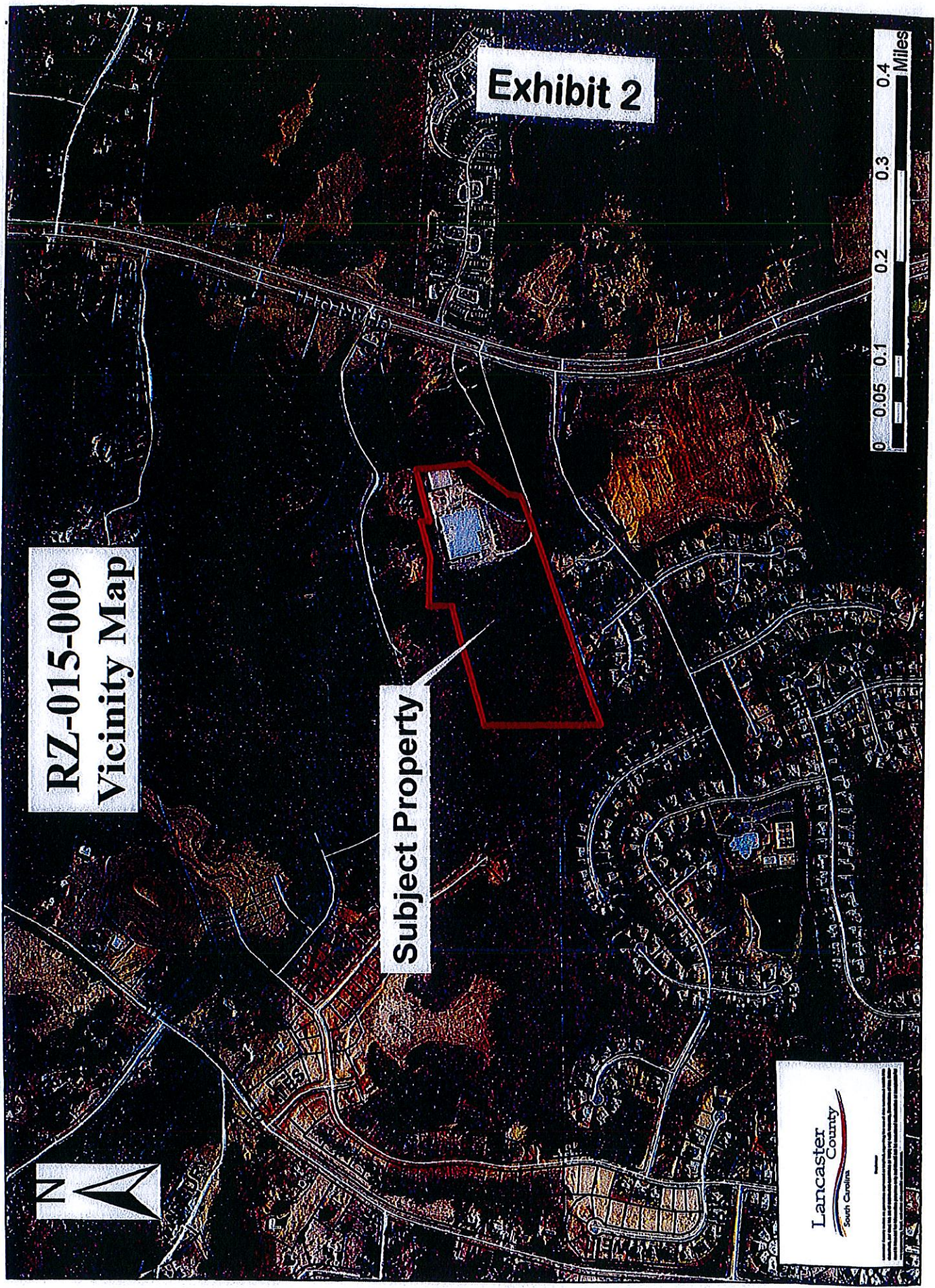
*Proud to serve the citizens of Lancaster County,
and the Towns of Heath Springs & Kershaw*

Mr. Bob Bundy, Chairman of Lancaster County Council
Mr. Charles Deese, Chairman of Lancaster County Planning Commission
Mr. John Weaver, Lancaster County Attorney
Ms. Elaine Boone, Planner II
Mr. Alex Moors, Planner II
Mr. Andy Rowe, Planner I
Mr. Nick Cauthen, Planner I
Mr. Kenneth Cauthen, Zoning Administrator
Mr. Dwight Witherspoon, Code Enforcer
Mrs. Amy Bowers, Code Enforcer
Mrs. Debbie Hardin, County Clerk
Mrs. Judy Barrineau, Administrative Assistant for Planning Department

RZ-015-009
Vicinity Map

Exhibit 2

Subject Property





RZ-015-009
Future Land Use Map

Exhibit 3

Subject Property

W. Carthage

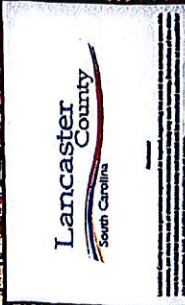


Exhibit 6

INDUSTRIAL I-1 / UPDATED 7/11/07/Ord.#832

USES PERMITTED:

1. Support Activities for Crop Production
2. Veterinary Service w/outdoor pens
3. Support Activities for Animal Production: Breeding Services for Animals
4. Boarding Horses
5. Dairy Herd Improvements
6. Livestock Spraying
7. Sheep Dipping and Shearing
8. Landscape and Horticultural Service
9. Retail Store-Home Furniture, Furnishings and Appliances
10. Restaurants
11. Fast Food with drive through window
12. Funeral Service and Crematories
13. Automotive Rental and Leasing Agency
14. Automobile Parking
15. Miscellaneous Repair Services
16. Drive-In Movie Theater
17. Motion Picture Production and/or Distribution Services
18. Amusement and Recreation Facilities (Non-Public)
19. Medical or Dental Laboratory
20. Miscellaneous Health or Allied Service
21. Building Construction-General Contractors Facility (no outdoor storage)
22. Building Construction-General Contractors Facility with outdoor storage
23. Heavy Construction Contractors Facilities(other than building construction)
24. Construction-Special Trade Contractors
25. Public Warehousing and Storage Facility
26. Durable Goods-Wholesale/Distribution Facility
27. Nondurable Goods-Wholesale/Distribution Facility
28. Vocational School
29. Religious Institution
30. Taxi Company Facility
31. Intercity and Rural Bus Transportation Facility
32. Charter Bus Service Facility
33. Independent Motor Vehicle Terminal, Service, or Maintenance Facility
34. Trucking and Courier Service Facility (except air)
35. Motor Freight Transportation Terminal and Maintenance Facility
36. Air Transportation Terminal
37. Telephone Communications Facilities
38. Telegraph or Other Message Communications Facilities
39. Radio or Television Broadcasting Facilities
40. Park or Playground
41. Botanical or Zoological Garden
42. Other Designated Community Open Space Area

Exhibit 6

INDUSTRIAL I-1 / UPDATED 7/11/07/Ord.#832

43. Livestock Facility (except Commercial Meat Production Centers)
44. General Agricultural Activities (i.e.) general row crop production, free-range Livestock operations, pasture land, hay land, woodland and wildlife Management areas
45. Forest Production-Including Christmas Trees

CONDITIONAL USES:

1. Home Occupation
2. Automotive Repair Shop
3. Food Processing Plant
4. Tobacco Processing Plant
5. Textiles Dye/Finish Processing Plant (Fabric, Knitting, Carpet, etc.)
6. Apparel and Other Finished Products Factory
7. Lumber, Logging, and Wood Products Mill/Factory (except furniture)
8. Furniture and Fixtures Plant (Residential and Non-Residential Products)
9. Paper, Paperboard, Pulp, and Allied Products Mill
10. Printing, Publishing and Allied Industries Plant
11. Chemical/Allied Products Plant
12. Petroleum Refining and Related Products Plant
13. Industrial and Commercial Factories
14. Manufacturing of Hi-Tech Products
15. Mini-Warehouse Facilities
16. Recycling Facilities, Convenience Centers and Resource Recovery Facilities
17. Wireless Communication Towers (i.e. Cellular Communications)
18. Nature Preserve or Wildlife Sanctuary

USES REQUIRING REVIEW BY BOARD OF ZONING APPEALS:

1. Automotive Wrecking, and/or Junk, Salvage Yard (Shall comply with the Regulations of (See Section 4.2.1)
2. Special Events (See Section 4.2.9)
3. Motorized Race and Testing Tracks (See Section 4.2.5)
4. Construction, Demolition and Land Clearing Debris (See Section 4.2.3)
5. Sanitary Landfills (See Section 4.2.7)
6. Solid Waste Storage and Transfer Facilities, Waste Tire Treatment Sites And Composting Facilities (See Section 4.2.8)
7. Solid Waste Collection, Treatment and/or Disposal Facility
8. Recoverable Waste Collection and Recycling Centers

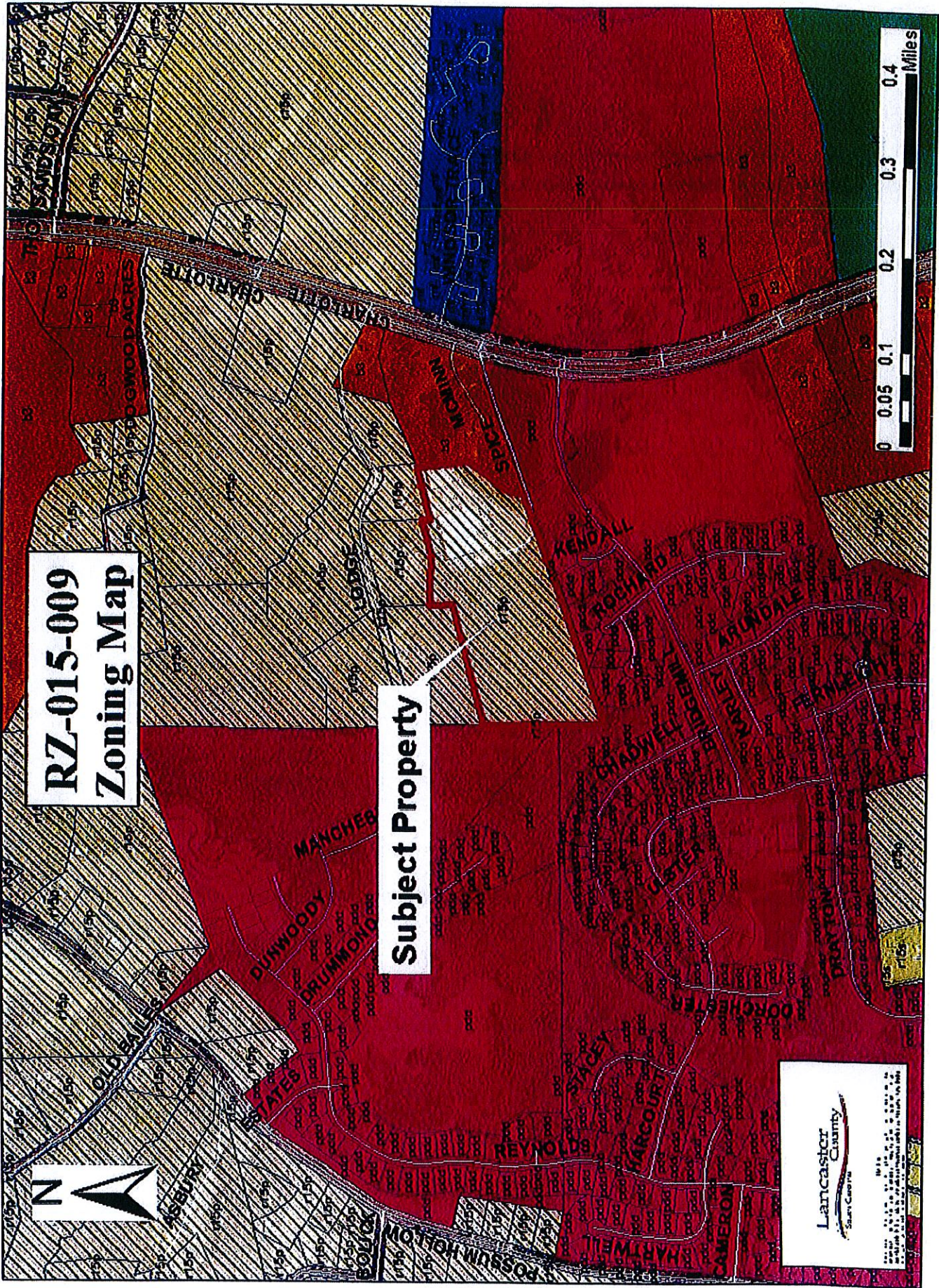
USES REQUIRING REVIEW BY PLANNING COMMISSION:

1. United States Postal Service Facility
2. Police Station
3. Fire Station
4. Ambulance Service/Rescue Squad
5. School Bus Facility

Exhibit 6

INDUSTRIAL I-1 / UPDATED 7/11/07

- 6. Electricity, Water, Sewer, and Petroleum Distribution/Collection Facilities and Collections**



RZ-015-009
Zoning Map

Subject Property

Lancaster County
South Carolina
Map 114
Scale: 1" = 1/4 Mile
Date: 11/11/11
By: [Signature]

Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor: Debbie Hardin

Department: Council

Date Requested to be on Agenda: 8-10-15

Issue for Consideration:

Appointment of various boards and commission members for new 4 year terms to begin upon Council's approval.

Points to Consider:

Library Board

At large position – Clarence F. (Sonny) Rushing

Funding and Liability Factors: n/a

Council Options:

A motion would be required to appoint the new terms as listed.

Recommendation: Appoint new terms.

Learning Lancaster

Civics Class

Learning Lancaster is a free 9-week civics course offered to Lancaster County residents. The course gives participants an opportunity to learn about the multi-faceted services of Lancaster County. Instructors include the County Administrator, Elected Officials, Department Heads and staff. Topics explore where your tax dollars go, the court systems, county services and much more.

Registration for the first class will start August 3, 2015. Please complete the bottom portion of this form and return it to Debbie Hardin, Clerk to Council, P.O. Box 1809, Lancaster, SC 29720, or by email to dhardin@lanastercountysc.net.

Each class will be no more than 25 participants and will be first come first served basis.

(Participants must be 18 years or older)

Name: _____

Address: _____

Phone Number: _____ (h) _____ (cell)

E-mail _____

Learning Lancaster

Civics Class

Guidelines for Graduation

1. Learning Lancaster participants are expected to attend and actively participate in at least six (6) of the nine (9) sessions.
2. To graduate from Learning Lancaster, participants will be expected to accumulate 90 points (each class equals 10 points). If classes are missed points can be made up by attending extra circular meetings, i.e., County Council, Planning Commission, Zoning Board of Appeals. There are a list of monthly meetings included in this notebook. Each extra curricular meetings equals 10 points.
3. We request that participants complete and submit evaluations after each session, as well as an overall program evaluation.
4. In the event a participant cannot complete the program due to illness or other unavoidable circumstances, participants can start where they left off in the next session. If they are unable to come back the next session, they will need to start over.
5. MOST OF ALL, have fun learning about Lancaster County and be sure to tell your friends and family about everything you learn!



Learning Lancaster

A Community Civics Course

September 22 , 2015 6-8 p.m.

Location	Topic
County Administration Building County Council Chambers 101 N. Main Street Lancaster, SC 29720	<ul style="list-style-type: none"> • Welcome • Form of Government • County Budget • Taxes

September 29 , 2015 6-8 p.m.

Location	Topic
County Administration Building County Council Chambers 101 N. Main Street Lancaster, SC 29720	Growth <ul style="list-style-type: none"> • Planning • Building Inspections • Zoning

October 6, 2015 6-8 p.m.

Location	Topic
Lancaster County EDC and VA Office 1033 W. Meeting Street Lancaster, SC 29720	<ul style="list-style-type: none"> • Economic Development • Veteran Affairs

October 13, 2015 6-8 p.m.

Location	Topic
Sheriff's Office 1941 Pageland Highway Lancaster, SC 29720	<ul style="list-style-type: none"> • Law Enforcement • Lancaster County Detention Center • E-911 Public Safety Communications

October 20, 2015 6-8 p.m.

Location	Topic
Emergency Management 111 Covenant Place Lancaster, SC 29720	<ul style="list-style-type: none">• Fire Service• Emergency Management• EMS

October 27, 2015 6-8 p.m.

Location	Topic
Courthouse 104 N. Main Street Lancaster, SC 29720	<ul style="list-style-type: none">• Clerk of Court• Solicitor• Public Defender

November 3, 2015 6-8 p.m.

Location	Topic
Public Works 1980 Pageland Hwy. Lancaster, SC 29720	<ul style="list-style-type: none">• Road and Bridges• CTC• Solid Waster -Recycling• Fleet Operations

November 10, 2015 6-8 p.m.

Location	Topic
County Tour Meet at County Administration Building County Council Chambers 101 N. Main Street Lancaster, SC 29720	<ul style="list-style-type: none">• Airport• Library• Coroner• Animal Shelter

December 14, 2015 6:00 p.m.

Location	Topic
County Administration Building County Council Chambers 101 N. Main Street Lancaster, SC 29720	Learning Lancaster Graduation

John Weaver

Subject: FW: Santee Cooper ED Loan program

From: Keith Tunnell [<mailto:keith.tunnell@lancasterscworks.com>]

Sent: Saturday, June 27, 2015 2:37 PM

To: Steve Willis

Cc: Bob Bundy; Steve Gedney; Brian Carnes; Steve Harper; Larry McCullough; Jackestrige@Yahoo. Com; Ann Taylor; Sandy Martin; Margaret Gamble; Mike Bilodeau; Charlene McGriff; Larry Honeycutt; John Weaver

Subject: Re: Santee Cooper ED Loan program

It may be the Santee Cooper loan program has already left port as the email from Josh Kay says they aren't taking any other applications at this time and looking at changes to their program. I'll find out what that all means next week.

A zero interest loan and the grant from commerce as well as the UTC funds from Lynches River Cooperative was a great opportunity. The county would have to back the loan this is true but the loan and support was as strong as it would ever be. Other county's have and are doing it successfully. The note payment due the county would have been several years away due to the terms and the Lynches funds along with the 7% monies.

At this point the LCEDC has no funds to pay for completing the report from Municap. I will hear next week from Thad at Municap the amount he believes will be needed to complete the report. Leadership can then decide if they want to complete it or not. The LCEDC leadership has made it clear they won't support any more of our funds dedicated to this.

The final comment from me is that it was clear the 7% fund alone wouldn't be sufficient to back the loan alone. But the first payment from the county wouldn't be due for a few years giving time to lease or sell it. Mr Willis rightly has to make sure council knows they are backing the note. Thad is working on how this would all work and what options are there for council to make a decision.

I hope everyone has a good weekend. Thanks.

Keith

MEETINGS & FUNCTIONS – 2015

DAY/DATE	TIME	FUNCTION/LOCATION
Saturday, August 1 st Thru Tuesday, August 4 th		Hilton Head – SCAC Institute of Government and Annual Conference
Sunday, August 2 nd	4:30 p.m.	County Council Workshop Hilton Head, SC
Monday, August 10 th	6:30 p.m.	Regular Council Meeting
Tuesday, August 11 th	8:00 a.m.	Public Safety Council Conference Room
Tuesday, August 11 th	3:00 p.m.	I&R Committee Council Conference Room
Thursday, August 20 th	4:30 p.m.	Administration Committee Council Conference Room
Friday, October 2 nd and 3 rd	TBA	Strategic Planning Session Place: TBA

LANCASTER COUNTY STANDING MEETINGS

3rd Thursday of each month 4:30 p.m. ... Administration Committee
 2nd Tuesday of each month 3:00 p.m. ... Infrastructure and Regulation Committee
 The Tuesday following 1st Council meeting (most of the time it is the 2nd Tuesday)
 8:00 a.m. ... Public Safety Committee
 1st Thursday of each month 7:00 p.m. ... Fire Commission, Covenant Street EOC Building
 2nd and 4th Tuesday of each month 9:00 a.m. ... Development Review Committee, Council Chambers
 2nd Tuesday of each month 6:30 p.m. ... Zoning Appeals Board, County Council Chambers
 2nd Tuesday of each month 6:30 p.m. ... Recreation Commission, 260 S. Plantation
 Last Tuesday of each month (Every other month – Beginning with Feb.) 6:00 p.m. Library Board, Carolinian Room, Library
 2nd Wed (Jan/March/May/July/Sept/Nov) 11:45 a.m. ... Health & Wellness Comm., various locations
 2nd Tuesday 6:00 p.m. ... Historical Commission, Library Conference Room
 3rd Thursday of each month 6:30 p.m. ... Community Relations Commission, County Council Chambers
 1st Thursday of each month 5:00 p.m. ... Planning Commission work session, County Council Chambers
 3rd Tuesday of each month 6:30 p.m. ... Planning Commission, County Council Chambers
 Quarterly (2nd Monday -March, June, Sept, Dec.) 6:30 p.m. Airport Commission, Airport Conference Room