

# Lancaster County Council Workshop and Regular Meeting AMENDED Agenda

Monday, September 14, 2015

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

1. **Call Workshop to Order**

5:30 – 6:00 p.m.

a. **Impact Fees - Presentation by Robert Moody, Catawba Regional COG - pgs. 6-11**

2. **Call Regular Meeting to Order – Chairman Bob Bundy**

6:30 p.m.

3. **Welcome and Recognition – Chairman Bob Bundy**

4. **Pledge of Allegiance and Invocation – Council Member Larry McCullough**

5. **Approval of the agenda** *[deletions and additions of non-substantive matter]*

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. **Minutes of the following meetings:**

- August 24, 2015 Regular Meeting – pgs. 12-20

b. **3<sup>rd</sup> 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. Council approved by a vote of 7-0 at the August 24, 2015 meeting. Penelope Karagounis – pgs. 21-22***

## 8. Non-Consent Agenda

### *Resolution*

**Resolution 0895-R2015** - A Resolution to withdraw the prior vote of Council and authority to enter into a contractual relationship with Bauknight Pietras and Stormer, P.A., for a forensic audit of the books and financial records of the Lancaster County Economic Development Corporation. *John Weaver - pgs. 23*

### *Ordinance Readings*

**a. 3rd 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 recommended denial by a vote of 4-2. Council approved by a vote of 6-1 (Brian Carnes opposed) at the August 24, 2015 meeting. Penelope Karagounis - pgs. 24-25*

**b. 1<sup>st</sup> Reading of Ordinance 2015-1369 Avondale PDD**

Ordinance Title: An Ordinance to establish the Avondale mixed use Planned Development District (PDD-27); to approve the master plan for the development of the PDD-27 property; to provide the regulations that will apply to the development of the PDD-27 property; and to provide for other matters related thereto. *Planning Commission recommend approval by a vote of 5-1. The I & R Committee moved forward to Council with no recommendation. John Weaver – pgs. 26-60*

**c. Public Hearing and 1<sup>st</sup> Reading of Ordinance 2015-1370 Avondale Development Agreement**

Ordinance Title: An Ordinance to approve a Development Agreement between Sinacori Builders, LLC., and the County of Lancaster relating to the Avondale Development; to authorize certain county officials to execute and deliver the Development Agreement; and to provide for other matters related thereto. *Planning Commission recommend approval by a vote of 6-0. The I & R Committee moved forward to Council with no recommendation. John Weaver – pgs. 61-100*

**d. 1st Reading of Ordinance 2015-1372 to rezone property of Bradley J. Mullis**

Ordinance Title: An Ordinance to amend the official zoning map of Lancaster County so as to rezone property of Bradley J. Mullis, located 550 feet south of the intersection of Whittle Street and Shiloh Unity Road from R-45B, Rural Residential/Business/Agricultural, District to B-3, General Commercial District; and to provide for other matters related thereto. *Planning Commission recommended approval by a vote of 7-0. Penelope Karagounis – pgs. 101-109*



**e. 1st Reading of Ordinance 2015-1373 rezoning of 3888 Chester Highway**

Ordinance Title: An Ordinance to amend the official zoning map of Lancaster County so as to rezone property owned by Lancaster County, represented by Steve Willis, Lancaster County Administrator, located at 3888 Chester Highway from B-2, Community Business District to I-1, Light Industrial District; and to provide for other matters related thereto. *Planning Commission recommended approval by a vote of 7-0. Penelope Karagounis – pgs. 110-118*

**f. 1st Reading of Ordinance 2015-1374 rezoning of property of Red Head Properties**

Ordinance Title: An Ordinance to amend the official zoning map of Lancaster County so as to rezone property owned by Red Head Properties, located at 100 East Grace Avenue from R-15, Moderate Density Residential/Agricultural District to B-3, General Commercial District; and to provide for other matters related thereto. *Planning Commission recommended denial by a vote of 5-2. Penelope Karagounis – pgs. 119-127*

**g. 1st Reading of Ordinance 2015-1375 a budget amendment for the Lancaster County Transportation Committee (CTC)**

Ordinance Title: An Ordinance to amend Ordinance No. 2015-1356, relating to the appropriation of funds and the approval of a detailed budget for Lancaster County for the fiscal year beginning July 1, 2015 and ending June 30, 2016 (FY 2015-2016), to further provide for revenues and expenditures during the fiscal year; and to provide for other matters related thereto. *Steve Willis – pgs. 128-131*

**h. 1st Reading of Ordinance 2015-1371 creating the Lancaster County Department of Economic Development**

Ordinance Title: An Ordinance to authorize and approve the creation of a new county department to be known as the Lancaster County Department of Economic Development. *John Weaver – pgs. 132-134*

**i. 1st Reading of Ordinance 2015-1376 regarding a budget amendment for the Department of Economic Development**

Ordinance Title: An Ordinance to amend Ordinance No. 2015-1356 relating to the appropriation of funds and the approval of a detailed budget for the Lancaster County Department of Economic Development for the remainder of this fiscal year ending June 30, 2016. *Steve Willis – pgs. 135-138*

**9. Discussion and Action Items**

- a.** Use of space at the Kershaw facility for Ready SC and Adult Education. (*Favorable – I&R Committee*) *Steve Willis – pgs. 139-144*
- b.** Dates of community meetings for the UDO rewrite. (*Favorable – I&R Committee*) *Penelope Karagounis – pgs. 145-146*
- c.** Recreation Department equipment replacement. (*Favorable – I&R Committee*) *Hal Hiott – pg. 147*

- d. Clemson study and committee information regarding bond for sports complex. (*Favorable – I&R Committee*) *Hal Hiott – pgs. 148-154*
- e. Precision Approach Path Indicator (PAPI) system at Airport. (*Favorable – I&R Committee*) *Paul Moses – pgs. 155-*
- f. Dave Lyle Boulevard Extension discussion – *Bob Bundy*
- g. Lancaster County Transportation Committee (CTC) nomination of Mr. Al Palmer representing District 4 – *Debbie Hardin – pg. 156*

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

- a. Bridge on Gilroy Drive in Regent Park Subdivision into the County Road System
- b. 2nd Reading of Ordinance 2015-1352 Multi-County Park Agreement between Lancaster County and Chesterfield County
- c. 2<sup>nd</sup> Reading of Ordinance 2015-1367 regarding modifications to the Edenmoor Improvement District (now known as Walnut Creek)
- d. 2<sup>nd</sup> Reading of Ordinance 2015-1368 to authorize and provide for issuance and sale of Walnut Creek Improvement District Revenue Bonds and other related matters
- e. 2nd Reading of Ordinance 2015-1366 regarding the Fee Agreement between Lancaster County and LCI-Lineberger Construction, Inc.

**11. Miscellaneous Reports and Correspondence – *pgs. 157-163***

- a. LARS informational update
- b. Time Warner Cable
- c. Catawba Regional Council of Governments Building Permit Report
- d. Time Limit for spending overage funds from the 2008 CPST

**12. Calendar of Events – *pg. 164***

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



#### **14. Executive Session**

- a.** Economic Development Matters – *SC Code §30-4-70(5)*
  - 1. Project Protect
  - 2. Project Grade
  - 3. Project Top 40
  - 4. Project Seating
  - 5. Project GoWest
  - 6. Project G
  - 7. Project Fence
  - 8. Project Gamecock
- b.** Receipt of legal advice relating to a pending, threatened or potential claim – *SC Code §30-4-70(a) (2)*
- c.** Personnel Matter – Interim Economic Development – *SC Code §30-4-70(a)(1)*

#### **15. 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](http://www.mylancastersc.org)





# IMPACT FEES

Another Powerful Tool for  
Managing Growth & Development

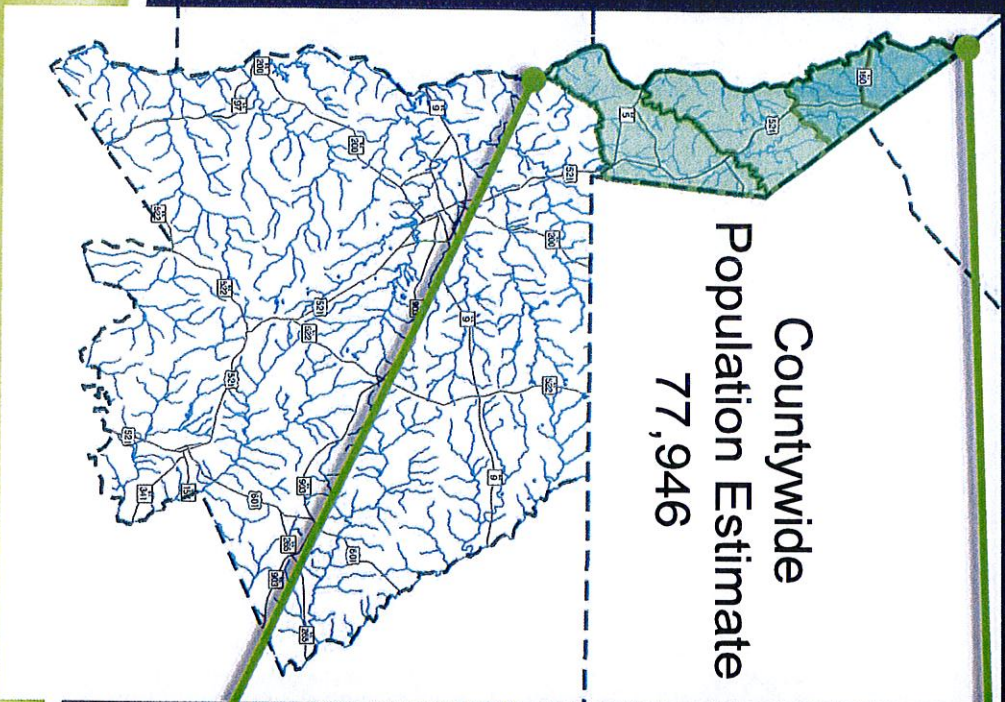


# COMPONENTS OF THE STUDY

- ▶ Define the study area
- ▶ Population trends and projections
- ▶ Projected land use, growth and development assumptions
- ▶ Existing levels of service and service units
- ▶ Affordable housing



# POTENTIAL STUDY AREA



Tract 112.01 BG1  
5,079

Tract 112.02 BG1  
9,900

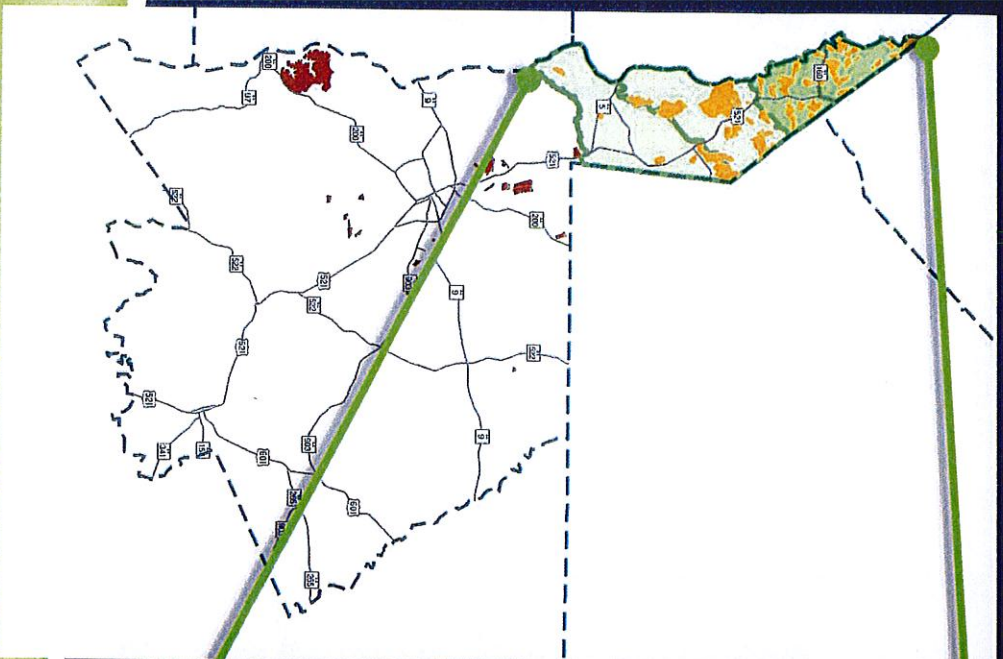
Tract 112.01 BG2  
4,334

Tract 112.02 BG2  
1,024





# APPROVED RESIDENTIAL DEVELOPMENT



## Countywide

Single-family

15,250

Multi-family

3,200



# IMPACTED PUBLIC SERVICES

- ▶ Public Safety: Fire, EMS and Sheriff
  - New/upgraded stations, additional equipment
- ▶ Parks & Recreation
  - New/upgraded facilities and equipment
- ▶ Library
  - Expanded/upgraded facilities and equipment



# REVISED SCOPE & SCHEDULE

- ▶ SEP-OCT Research and Public Outreach
- ▶ NOV-DEC Prepare draft
- ▶ JAN Joint workshop
- ▶ FEB Finalize study and ordinance
- ▶ MAR-APR Begin formal adoption
- ▶ APR-JUN Administrative process and staff training
- ▶ JULY 1, 2016 Implementation begins





**Members of Lancaster County Council**

**Bob Bundy, District 3, Chairman**  
**Brian Carnes, District 7, Vice Chairman**  
**Steve Harper, District 5, Secretary**  
**Jack Estridge, District 6**  
**Larry Honeycutt, District 4**  
**Larry McCullough, District 1**  
**Charlene McGriff, District 2**

**DRAFT**

**Minutes of the Lancaster County Council Regular Meeting**

101 N. Main Street, Lancaster, SC 29720

Monday, August 24, 2015

Council Members present were Bob Bundy, Jack Estridge, Brian Carnes, Larry Honeycutt, Larry McCullough, Steve Harper and Charlene McGriff. Also present was Steve Willis, John Weaver, Virginia Burgess, Penelope Karagounis, the press and spectators. A quorum of Lancaster County Council was present for the meeting.

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

**Call to Order**

Chairman Bob Bundy called the regular meeting of Council to order at 6:30 p.m.

**Welcome and recognition/pledge of allegiance and invocation**

Chairman Bob Bundy welcomed everyone to the meeting, and announced the press notification was met. Council Member Charlene McGriff led the Pledge of Allegiance to the American Flag and provided the invocation.

**Approval of the agenda**

John Weaver requested that the following items be deferred from the agenda due to the Assessment Rolls not being completed yet.

- Item 8f – Resolution 0890-R2015 – Assessment Roll for Edenmore (now known as Walnut Creek).
- Item 8i –Resolution 0893-2015- approving the 2015 Assessment Roll for Edgewater II.

Charlene McGriff made a MOTION to approve the agenda as amended. SECONDED by Larry Honeycutt. Passed 7-0.



## **Special Presentations:**

### **Recognition of Mr. Bill Ardrey**

Mr. Bill Ardrey was recognized by Council for his induction into the Southeast National Association of Conservation District's Hall of Fame. He was also presented a metal Thumbs Up award from Lancaster County for his achievements.

### **Recognition of Penelope Karagounis and Hal Hiott**

Ms. Karagounis and Mr. Hiott received metal Thumbs Up awards from Lancaster County for their hard work with their submission for the Barriett Lawrimore Award Competition at the South Carolina Association of Counties.

## **Citizen Comments**

Haley Courtright, 15828 Reynold Drive, Indian Land, SC, spoke regarding the McClancy rezoning, Ordinance 2015-1365.

Reid Wilkerson, 10808 Young Poplar Place, Charlotte, NC, spoke regarding the McClancy rezoning, Ordinance 2015-1365.

Ken Faulkenberry, 3022 Mulberry Lane, Lancaster, SC, spoke about the Lancaster County Economic Development Corporation and the McClancy rezoning, Ordinance 2015-1365.

## **Consent Agenda**

### **a. Minutes of the following meetings:**

1. July 27, 2015 regular meeting
2. August 2, 2015 workshop
3. August 10, 2015 regular meeting

### **b. 2<sup>nd</sup> 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.

Larry Honeycutt made a MOTION to approve items a and b on the Consent Agenda. SECONDED by Brian Carnes. Passed 7-0.

- c. **Resolution 0885-R2015:** A Resolution to acknowledge a recording error and to correct the mistake so as to authorize and approve the recording of the correct version of ordinance no. 2015-1327.

Charlene McGriff made a MOTION to approve item c of the Consent Agenda, Resolution 0885-R2015. SECONDED by Steve Harper. Passed 7-0.

- d. Acceptance of the following budgeted grants :

1. Local Emergency Management Performance Grant (LEMPG)
2. FEMA Assistance to Fire Fighters grant on behalf of Flat Creek FD
3. FEMA Assistance to Fire Fighters grant on behalf of the Tradesville FD

Larry Honeycutt made a MOTION to approve item d of the Consent Agenda. SECONDED by Charlene McGriff. Passed 7-0.

**Resolutions** (All Resolutions received a favorable recommendation of the Administration Committee).

**Resolution 0883-R2015:** A Resolution to state the commitment of Lancaster County to enter into new incentive agreements or to amend existing incentive agreements with Nutramax Manufacturing Inc., Nutramax Properties, LLC, Nutramax Land Holdings, Inc., Nutramax Laboratories, Inc., or with one or more existing or to-be-formed subsidiaries and affiliated entities, providing incentives for new investments and the creation of new full-time jobs by the respective companies including the provision of special source revenue credits; and to provide for other matters related thereto.

Steve Harper made a MOTION to approve Resolution 0883-R2015. SECONDED by Brian Carnes. Passed 7-0.

Larry McCullough stated that there was a lack of a cost benefit analysis and this should be a key ingredient on new creations going forward.

**Resolution 0886-R2015:** To state the commitment of Lancaster County to enter into a fee agreement with LCI-Lineberger Construction, Inc., and/or its designee or nominee; to provide the general terms of the fee agreement including the provision of a special source revenue credit;



to identify the project for purposes of the fee in leu of Tax Simplification Act; to state the commitment of Lancaster County to place project property in a multi-county park; and to provide for other matters related thereto.

Larry Honeycutt made a MOTION to approve Resolution 0886-R2015. SECONDED by Jack Estridge. Passed 7-0.

**Resolution 0887-R2015:** A Resolution authorizing the defeasance of the outstanding balance of the original principal amount \$38,410.00 SCAGO Public Facilities Corporation for Lancaster County, installment purchase revenue bonds (Lancaster County Project), series 2006.

Charlene McGriff made a MOTION to approve Resolution 0887-R2015. SECONDED by Brian Carnes. Passed 7-0.

Mr. Willis discussed that since the Courthouse will be paid off nine (9) months early, the excess funds will be put an irrevocable trust as required by the Department of Revenue. Veronica Thompson, Finance Director, stated that she will check with the bond council to get confirmation on any time limits for the money being spent. She will have this information at the next Council Meeting.

**Resolution 0888-R2015:** A Resolution authorizing the cash defeasance of the outstanding balance of the original principal amount \$2,973,657.50 Lancaster County, South Carolina Special Source Revenue Bonds, series 2006 (Bailes Ridge Project) convertible Deferred Interest Bonds.

Brian Carnes made a MOTION to approve Resolution 0888-R2015. SECONDED by Charlene McGriff. Passed 7-0.

**Resolution 0889-R2015:** Approving the form and authorizing the execution and delivery of a Forbearance Agreement related to the \$24,115,000 principal amount Edenmoor Improvement District Assessment Revenue Bonds, series 2006A and \$11,500,000 Edenmoor Improvement District Assessment Revenue Bonds, series 2006B and the assessments related thereto; and other matters related thereto.

Brian Carnes made a MOTION to approve Resolution 0889-R2015. SECONDED by Larry McCullough. Passed 7-0.

**Resolution 0891-R2015:** Approving the updated 2015 assessment roll for the Sun City Carolina Lakes improvement District, Lancaster County, South Carolina.

Steve Harper made a MOTION to approve Resolution 0891-R2015. SECONDED by Brian Carnes. Passed 7-0.



**Resolution 0892-R2015:** Approving the updated 2015 assessment roll for the Edgewater Improvement District, Lancaster County, South Carolina.

Larry Honeycutt made a MOTION to approve Resolution 0892-R2015. SECONDED by Steve Harper. Passed 7-0.

**Resolution 0894-R2015:** Directing the County Auditor and County Treasurer to impose and collect a \$225 per lot assessment in the Brookchase Special Tax District.

Brian Carnes made a MOTION to approve Resolution 0894-R2015. SECONDED by Charlene McGriff. Passed 7-0.

**Resolution 0884-R2015:** To acknowledge and confirm that the Lancaster County Economic Development Corporation has been relieved of its obligations and responsibilities to represent Lancaster County in its economic development efforts.

Larry Honeycutt made a MOTION to approve Resolution 0884-2015. SECONDED by Charlene McGriff. Passed 6-1. Jack Estridge opposed.

Brian Carnes made a MOTION to authorize the Administrator to act as interim Economic Development Director for up to 30 days. SECONDED by Jack Estridge. Passed 7-0.

Brian Carnes made a MOTION to authorize the Administrator to move forward in hiring an interim Economic Development Director for up to 6 months. SECONDED by Charlene McGriff. Passed 7-0.

Veronica Thompson, Finance Director, stated the plans to submit a budget amendment to Council in September. Mr. Weaver, Attorney, stated creating a new department would require a three reading Ordinance and a Resolution creating the new department. Those documents will be initiated in September.

Steve Willis, Administrator, noted that he does have budget authority in other areas that can be used until the funding is put into place.

Brian Carnes asked for certain criteria on the job description for the new Economic Development Director. He requested a minimum requirement of 5 years current economic development experience and applicants be certified in Economic Development.

Bob Bundy stated that he would like to establish a new committee to help in flushing out a new system. He said that he will be contacting everyone individually within the next week.

Larry McCullough explained that he wanted to see the Ordinance that was approved to conduct a forensic audit be addressed so that there are no loose ends. Mr. Weaver told Council that he will have a Resolution at the next meeting to address the forensic audit.



**Non-Consent Agenda**

***Ordinance Readings***

**2nd 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.

Jack Estridge made a MOTION to approve 2<sup>nd</sup> Reading of Ordinance 2015-1365. SECONDED by Larry Honeycutt. Passed 6-1. Brian Carnes opposed.

**1st Reading of Ordinance 2015-1366 regarding the Fee Agreement between Lancaster County and LCI-Lineberger Construction, Inc.**

Ordinance Title: An Ordinance to authorize the execution and delivery of a fee agreement by and between Lancaster County and LCI-Lineberger construction, Inc., providing for the payment of a Fee-In-Lieu of taxes and the provision of special source revenue credits; to express the intention of Council to provide monies to the Economic Development Fund; and to provide for other matters related thereto.

The Administration Committee unanimously voted in favor of recommending this Ordinance at their August 20<sup>th</sup> meeting.

Brian Carnes made a MOTION to approve 1<sup>st</sup> Reading of Ordinance 2015-1366. SECONDED by Steve Harper.

Larry McCullough made a MOTION to defer until such time to get more information. There was no SECOND. MOTION FAILED..

Council voted on the main MOTION to approve 1<sup>st</sup> Reading of Ordinance 2015-1366. Passed 6-1. Larry McCullough opposed.

**1st Reading of Ordinance 2015-1367 regarding modifications to the Edenmoor Improvement District (now known as Walnut Creek)**

Ordinance Title: An Ordinance to authorize certain modifications to the Edenmoor Improvement District and the existing assessment roll related thereto, including changing reference therein to the Walnut Creek Improvement District, subdividing such improvement district to relate to certain parcels or areas therein and approving revised assessment rolls relating to such parcels or areas; and to provide for other matters relating thereto.



The Administration Committee unanimously voted in favor of recommending this Ordinance at their August 20<sup>th</sup> meeting.

Brian Carnes made a MOTION to approve 1<sup>st</sup> Reading of Ordinance 2015-1367. SECONDED by Charlene McGriff. Passed 7-0.

**1st Reading of Ordinance 2015-1368 to authorize and provide for issuance and sale of Walnut Creek Improvement District Revenue Bonds and other related matters.**

Ordinance Title: To authorize and provide for the issuance and sale of not to exceed \$12,000,000 principal amount Walnut Creek Improvement District Assessment Revenue Bonds, Series 2015a-1; to limit the payment of the bonds solely to the assessments imposed on certain designated parcels within the Walnut Creek Improvement District; to provide for the execution of a Master Trust Indenture, First Supplemental Indenture thereto, contract of purchase and other related documents for the Series 2015a-1 Bonds, and an amended and restated Master Trust Indenture and one or more supplements thereto related to the Series 2006 bonds; to make other covenants and agreements in connection with the foregoing; and to provide for other matters relating thereto.

The Administration Committee unanimously voted in favor of recommending this Ordinance at their August 20<sup>th</sup> meeting.

Steve Willis, County Administrator, explained that these are Special Source Revenue Bonds, not County Bonds.

Brian Carnes made a MOTION to approve 1<sup>st</sup> Reading of Ordinance 2015-1368. SECONDED by Charlene McGriff. Passed 7-0.

**Discussion and Action Items**

***Termination of Lease to Lancaster County Economic Development.***

Steve Willis advised that no votes were needed if the Council are in agreement with the termination of the lease. Not votes were taken.

***Authorization to submit requests for bids for the purchase of fire apparatus, to include engines, tankers and rescues.***

Larry Honeycutt made a MOTION to authorize the submission of requests for bids for the purchase of fire apparatus to include engines, tankers and rescues. SECONDED by Steve Harper. Passed 7-0.



## *Acceptance of FEMA grant for volunteer fire fighter recruitment and retention.*

Brian Carnes made a MOTION to accept the FEMA grant for volunteer fire fighter recruitment and retention. SECONDED by Larry Honeycutt. Passed 7-0.

## *Committee Reports*

- **Administration** – Chairman Brian Carnes stated that all of the items that were discussed at the Administration Meeting were on tonight's agenda for Council's consideration.
- **Infrastructure and Regulation** – Chairman Larry Honeycutt stated that Hal Hiott Recreation Director gave a report regarding the new sport complex. Also, he said that they received an update on LARS.
- **Public Safety** – Chairman Steve Harper stated that all of the items that were discussed at the last Public Safety meeting were on tonight's agenda for Council's consideration.

## *Monthly Financial Report*

Kim Hill, Budget Analyst, reviewed the financial report for the month ending July 31, 2015, provided in the agenda package.

## Executive Session

Brian Carnes made a MOTION to go into Executive Session. SECONDED by Steve Harper. Passed 7-0.

Steve Harper made a MOTION to come out of Executive Session. SECONDED by Charlene McGriff. Passed 7-0.

MOTION was made by Brian Carnes to allow Mr. Willis, the Administrator, and interim Economic Development Spokesman, to move forward with the recommended terms discussed by Council during Executive Session on the five (5) economic development projects noted on tonight's Council Agenda. SECONDED by Larry Honeycutt. Passed 6-1. Larry McCullough opposed.



**DRAFT**

**Adjournment**

Larry Honeycutt made a MOTION to adjourn. SECONDED by Charlene McGriff. Passed 7-0.

Respectfully Submitted:      Approved by Council, September 14, 2015

Virginia C. Burgess  
Deputy Clerk to Council

\_\_\_\_\_  
Steve Harper, Secretary



---

STATE OF SOUTH CAROLINA

)

COUNTY OF LANCASTER

)

ORDINANCE NO. 2015-1364

**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	Passed 7-0
Second Reading: 8-24-15	Passed 7-0
Third Reading: 9-14-15	Tentative

Approved as to form:

\_\_\_\_\_  
County Attorney

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.



STATE OF SOUTH CAROLINA       )  
  )  
COUNTY OF LANCASTER        )

RESOLUTION NO. 0895-R2015

**A RESOLUTION**

**TO WITHDRAW THE PRIOR VOTE OF COUNCIL AND AUTHORITY TO ENTER INTO A CONTRACTUAL RELATIONSHIP WITH BAUKNIGHT PIETRAS AND STORMER, P.A. FOR A FORENSIC AUDIT OF THE BOOKS AND FINANCIAL RECORDS OF THE LANCASTER COUNTY ECONOMIC DEVELOPMENT CORPORATION.**

**WHEREAS**, the facts and circumstances of County Council's prior vote of approval for a forensic audit of the books and financial records of the Lancaster County Economic Development Corporation have now changed since that decision to such an extent that makes moot the necessity of such.

**THEREFORE, BE IT RESOLVED** by Lancaster County Council that the prior authorization for the forensic audit hereby is rescinded.

**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



---

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 \_\_\_\_\_ 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      Passed 6-1  
Second Reading: August 24, 2015      Passed 6-1  
Third Reading: September 14, 2015      Tentative

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.



## Agenda Item Summary

Ordinance # / Resolution#: **PDD-015-027 (AVONDALE)**  
Contact Person / Sponsor: **PENELOPE KARAGOUNIS / ALEX MOORE**  
Department: **PLANNING**  
Date Requested to be on Agenda: **SEPTEMBER 14, 2015 COUNTY COUNCIL MEETING**

### **Issue for Consideration:**

The proposed rezoning of ±179.35 acres from R-15P, Moderate Density Residential/Agricultural Panhandle District and B-3, General Commercial District to Planned Development District (PDD-27). The property is located between Calvin Hall Road and Harrisburg Road with in the Indian Land section of Lancaster County, SC

### **Points to Consider:**

The Lancaster County Planning Commission recommended approval of this rezoning by a vote of 5-1 on July 21<sup>st</sup>, 2015. Since this date the applicant has submitted two iterations of the plan, the first on August 3<sup>rd</sup>, 2015 in response to comments received from the Planning Commission and a revised version on August 25<sup>th</sup>, 2015 in response to comments received at the I&R meeting on August 11<sup>th</sup>.

### **Funding and Liability Factors:**

N/A

### **Council Options:**

The option is to approve or deny this rezoning petition.

### **Recommendation:**

The deficiencies within the Avondale PDD which remained as of August 11<sup>th</sup>, 2015 were provided to the applicant immediately following the Lancaster County I&R meeting on that same date. Planning Staff subsequently had a conference call with the applicant on Monday August 17<sup>th</sup> regarding the deficiencies dated August 11<sup>th</sup>. The resubmittal of the Avondale PDD on August 25<sup>th</sup>, 2015 has addressed some but not all of these deficiencies. As a result, Planning Staff must recommend **DENIAL** of the Avondale PDD at this time.

## PLANNING STAFF REPORT

PDD-015-027(AVONDALE)

(SEPTEMBER 1<sup>ST</sup>, 2015)

APPLICANT: SINACORI HOMES (MR. RUSS SINACORI)

---

### I. FACTS

#### A. GENERAL INFORMATION

**Proposal:** The applicant (Sinacori Homes) has submitted a rezoning application for an amendment to the official zoning map of Lancaster County. The applicant proposes that the zoning designation of Planned Development District (PDD-27) be applied to ± 179.35 acres of property.

**Property Location:** The properties which are proposed to be rezoned are located between Calvin Hall Road and Harrisburg Road in the Indian Land Section of Lancaster County, South Carolina.

**Legal Description:** TMS No: a portion of 0005-00-074.03. The entirety of the following TMS No: 0005-00-0075.00, 0005-00-75.01, 0005-00-076.00, 0005-00-077.00, 0005-00-078.00, 0005-00-079.01, 0005-00-089.00, 0005-00-089.01, 0005-00-091.00, 0005-00-091.03, 0005-00-092.00, 0005-00-093.04, 0005-00-093.05.

**Zoning Classification:** R-15P, Moderate Density Residential/Agricultural Panhandle District and B-3, General Commercial District.

**Voting District:** Brian Carnes, District 7

#### B. SITE INFORMATION

**Site Description:** The parcels that comprise this rezoning application are located in the panhandle area of Lancaster County. The property consists of existing homes and vacant land. The applicant has provided a very detailed existing features exhibit. See the exhibits section of this report.

#### C. VICINITY DATA

**Surrounding Conditions:** The parcels that are included within this rezoning application are surrounded by the following immediately adjacent zoning districts: Adjacent parcels to the SOUTH are zoned R-15P Moderate Density Residential/Agricultural Panhandle District and PDD-5 (Bailes Ridge), Planned Development District. Adjacent parcels to the EAST are zoned B-3, General Commercial District and R-15P, Moderate Density Residential/Agricultural Panhandle District. Adjacent parcels to the NORTH are zoned R-15P, Moderate Density Residential/Agricultural Panhandle District and PDD-12 (Calvin Hall), Planned Development District. Adjacent parcels to the WEST are zoned R-15P, Moderate Density Residential/Agricultural Panhandle District and R-15, Moderate Density Residential/Agricultural District.



**D. EXHIBITS**

1. Letter from Sinacori Homes (July 21<sup>st</sup>, 2015)
2. Deficient items as of August 11<sup>th</sup>, 2015
3. Memo from third-party traffic engineer (8-31-15)

**II. FINDINGS**

**A. CODE CONSIDERATIONS**

The **R-15P, MODERATE DENSITY RESIDENTIAL/AGRICULTURAL PANHANDLE DISTRICT (EXISTING ZONING DISTRICT)** is designed to accommodate single-family residential developments (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 stations, etc. The maximum density allowed in this zoning district is 1.5 dwelling units per acre (1.5 DU/AC). The minimum lot size is 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 **B-3, GENERAL COMMERCIAL DISTRICT (EXISTING ZONING 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 bulky items, commercial services, repair services, automobile related sales and repair, various types of convenience stores, restaurants, and other recreational and entertainment uses. The district is also suited to accommodate travel oriented uses such as hotels and motels and gas stations.

The **PDD, PLANNED DEVELOPMENT DISTRICT (PROPOSED ZONING DISTRICT)** is designed to accommodate a mixture of compatible residential, office, commercial, or other uses of land which are planned and developed as an integral unit and which, due to such mixture of uses or other aspects of design, could not be located in other districts established in the Lancaster County UDO without compromising the proposed concept of integrated and flexible development.

**B. PROPOSED AVONDALE PDD-REVISED AUGUST 25<sup>TH</sup>, 2015**

On August 25<sup>th</sup>, 2015 the applicant re-submitted a revised version of the proposed Avondale Planned Development District (PDD-27). This revision was partially a result of the loss of seventy single-family lots from the Master Plan due to on-site wetlands. However, the revised plan also represents a reiteration, by Planning Staff, of the pre-Planning Commission comments. That is, these reiterated, or deficient items (dated 8-11-15), were also deficient at the time of the Lancaster County Planning Commission meeting on July 21<sup>st</sup>, 2015.

The revised Avondale Master Plan submitted by ESP Associates on 8-25-15 indicates the following:

1. The number of dwelling units proposed has been lowered from 800 residential units to 730 dwellings units (as enumerated on Master Plan).
2. The revised components of the proposed Villages as listed on the revised Master Site Plan are as follows:

- **VILLAGE A:**       civic/institutional use
- **VILLAGE B:**       200 maximum senior residences
- **VILLAGE C:**       165 townhome units
- **VILLAGE D:**       116 single-family lots
- **VILLAGE E:**       116 single-family lots
- **VILLAGE F:**       133 single-family lots

**730 DWELLING UNITS (8-25-15)**

A revised Traffic Impact Analysis (TIA) for the Avondale PDD was also submitted to the Lancaster County Planning Department on August 25<sup>th</sup>. A review of this document indicated that the TIA site plan and the Master Site Plan submitted by ESP Associates on that same date did not match. As a result the third-party traffic engineer recommended that the TIA be revised to reflect the correct plan See Exhibit 2. Planning Staff notified the applicant on 8-31-15 that the site plan within the TIA would need to be revised to reflect the correct version of the Avondale Master Plan.

**III. CONCLUSIONS**

Upon reviewing the revised Avondale Master Site Plan and PDD Ordinance (dated 8-25-15), the items enumerated below in subcategories A, B, C, D, E, and F remain outstanding and need to be addressed by the applicant:

Upon reviewing the revised Avondale Master Site Plan and associated PDD Ordinance (SUBMITTED ON 8-25-15), the items enumerated below in subcategories A, B, C, D, E, and F remain outstanding and need to be addressed by the applicant:

**A. Density**

- 1) As noted above, the aggregate number of dwelling units within the proposed PDD has been reduced from 800 to 730 units on the revised Master Plan.
- 2) The Avondale PDD density figures have not been calculated in accordance with UDO Section 13.12.1.11(b)(c)(vii). This UDO section is noted as follows:

**DENSITY: DENSITY IS BASED ON BUILDABLE LAND. COMMON OPEN SPACE CANNOT BE USED TO CALCULATE DENSITY. ROADS WILL BE ALLOWED TO BE INCLUDED WHEN DETERMINING DENSITY.**



The applicant states within the Avondale PDD Ordinance that "*Storm water detention facilities, creeks, streams, wetland areas and tree save/preservation areas, along with internal open space areas, pocket parks and perimeter buffers that do not front along public roadways can be utilized to calculate density.*"

The calculation of density in conformance with Lancaster County requirements would increase the reported density of Avondale. This issue needs to be corrected by the applicant in order to obtain a density figure for this project which conforms to the Lancaster County PDD Ordinance.

- 3) Planning Staff cannot readily verify the density figures proposed within the proposed Avondale PDD due to acreages not being provided for the respective Villages. Only the overall acreage of  $\pm 179.35$  and the  $\pm 4.0$  acres within Village A have been provided.

#### **B. Open Space**

- 1) The applicant needs to update Section 23 (Open Space) within the Avondale PDD Ordinance. Thus the open space section must include subsections A, B, and C from this section of the Lancaster County PDD Ordinance. The applicant only references subsection A. All required open space must meet these requirements.

#### **C. Sidewalks**

- 1) Sidewalks, six-feet (6') in width, need to be provided along all portions of Calvin Hall Road and Harrisburg Road which are impacted by the Avondale PDD.

#### **D. Uses**

- 1) The applicant is now proposing that if conditions warrant, the senior residences within Village B may be replaced with 65 single-family residential lots. This cannot be accomplished administratively and would require a major amendment via the zoning map amendment process.
- 2) Staff would like to note that any similar future changes within the Avondale PDD are subject to review and may be required to proceed via the zoning map amendment process.
- 3) Planning Staff would like to address the issue of Village A, Civic/Institutional. The Lancaster County PDD Ordinance does allow for a substitution of land for public use for the required 5% commercial component. Staff contends that this requirement must transpire on a 1:1 basis.

The Avondale Master Plan indicates that 4 acres of land will be devoted to public use. Based on a 1:1 ratio, this would mean that  $\pm 8.95$  acres would need to be devoted to this public use rather than the 4 acres indicated.

Further, it should be noted that the Lancaster County does not wish to receive this four-acre tract. Thus, the allowable provision for land as public use in lieu of commercial within the Avondale PDD *may* be negated. In this instance the commercial component of the Avondale PDD must comprise 5% of the project area.

#### **E. Dimensional**

- 1) Per the Master Site Plan submitted on **8-25-15** there are up to 365 single-family lots proposed. The applicant proposes four lot widths for the single-family lots:
  - 55' 174 lots (47% of 365 lots)
  - 57' 58 lots (16% of 365 lots)
  - 61' 98 lots (27% of 365 lots)
  - 70' 35 lots (10% of 365 lots)

The proposed number of 55' lots is not in compliance with the UDO. The PDD requirement is that a maximum of 33% of the lots in residential developments are allowed to have the same street frontage (UDO Section 13.12.1.11(b)(ix)).

It should be noted that the Avondale PDD Ordinance states: "*No more than 33% of the lots for single-family residences may have the same lot width.*"

- 2) If the applicant wishes to use 5' setbacks within the Avondale PDD, then language needs to be provided regarding fire resistant siding and other structural components of dwellings such as vented soffits and off-set windows. Planning Staff has suggested similar language to what is found within the Cluster Subdivision Overlay Ordinance regarding this matter.

#### **F. Buffering**

- 1) The current PDD regulations require that a 30' wide landscaped buffer with a 6' berm be provided for that portion of the PDD abutting existing roads. While the Master Plan reflects this required buffer, the Avondale PDD Ordinance states on page 12: "*A perimeter buffer is not required where the uses are adjacent to an existing or a proposed road.*" This discrepancy needs to be addressed by the applicant, preferably by simply removing this statement from the Avondale PDD Ordinance.

#### **G. Traffic Impact Analysis (TIA)**

- 1) The TIA has been revised and was resubmitted on August 25<sup>th</sup>. As noted above the site plan within the TIA and the version within the package submitted by ESP Associates do not match. As a result the TIA will have to be revised to reflect the correct Avondale Master Plan.
- 2) Additionally, the issue regarding the roundabout at the future realigned intersection of Calvin Hall Road and Harrisburg Road needs to be addressed. Planning Staff has advised the applicant to engage with the Lancaster County



School District on this matter as there are monies available for the construction of a roundabout at this location.

- 3) SCODOT prefers the roundabout design to a signalized intersection which is currently proposed.

#### **H. Proposed Building Elevations (Typical)**

- 1) The applicant provided elevations within the power point presentation presented at the July 21<sup>st</sup> Planning Commission meeting. Planning Staff will consider these to be the typical elevations for the Avondale PDD until further notice from the applicant.

#### **IV. RECOMMENDATION (MADE PRIOR TO JULY 21<sup>ST</sup> PLANNING COMMISSION MEETING)**

Although Lancaster County currently has 26 PDD's, Planning Staff has consistently recommended denial of these proposals. This is due to the fact that such developments place a tremendous strain on County services. The issue of PDDs within the County has greatly contributed to the need to re-write the Lancaster County Unified Development Ordinance. This process is currently well underway and it is expected that PDDs will be replaced by mixed use districts.

The above conclusions presented in Part III indicate that the proposed Avondale PDD is not in conformance with Lancaster County UDO standards for a PDD Zoning District. As a result, Planning Staff advises that the Planning Commission vote to recommend **DENIAL** of the Avondale PDD application.

#### **V. RECOMMENDATION BASED ON SUBMITTAL OF AUGUST 25<sup>TH</sup>, 2015**

The deficiencies of August 11<sup>th</sup>, 2015 were provided to the applicant immediately following the Lancaster County I&R meeting on that same date. Planning Staff subsequently had a conference call with the applicant on Monday August 17<sup>th</sup> regarding the deficiencies dated August 11<sup>th</sup>.

The resubmittal of the Avondale PDD on August 25<sup>th</sup>, 2015 has addressed some but not all of these deficiencies. As a result, Planning Staff must recommend denial of the Avondale PDD at this time.



## Exhibit 1

July 21, 2015

Mr. Charles Deese, Chairman  
Lancaster County Planning Commission  
101 N. Main Street  
Lancaster, SC 29720

RE: Avondale Mixed Use PDD-27

Dear Mr. Deese:

In response to planning staff requests for PDD-015-027 (Avondale) the applicant is willing to consider the following proposed modifications to the Avondale Master Plan and related PDD-27 Ordinance, should the Planning Commission provide a favorable recommendation:

1. Reduce Senior Residences unit total within Village B from 220 units to a maximum of 200 units, which will reduce the density for Village B to a maximum of up to 8.0 DU/AC.
2. Reduce the maximum building height from 60' feet to a maximum height of 50' feet within Villages B and C to comply with the maximum height that would typically be allowed under B-3 zoning.
3. Minimum Lot Size: Applicant is willing to "increase" the 50' foot wide, front loaded lots in Village D to a minimum of 55' foot wide "front loaded lots"

These proposed modifications are offered, provided the applicant does not experience any further delay, in the project should these changes and related voluntary concessions be instituted as part of this evenings favorable consideration of the project. These changes are in response to the process the applicant has engaged in with the community, staff and Planning Commission members. Revised Plans reflecting these proposed modifications will be submitted to the Planning Department within five business days if these requests are deemed to be acceptable.

We thank you in advance for your consideration of this request.

Cordially,

Ed Estridge, President  
Sinacori Builders



## Exhibit 2

# PROPOSED AVONDALE

## (PDD-015-027)

### DEFICIENT ITEMS 8-11-15

1. Note Section 3 of the proposed Avondale PDD Document, Does this need to be changed to reflect the South Carolina Local Government Planning Enabling Act of 1994? (D.1, Page 2)
2. Acreage amounts are not provided for the various components of the Master Plan. (D.2, Page 4)
3. Within Section 7(c)(2) of the Avondale PDD document the Applicant proposes to replace the PDD commercial requirement with four acres of civic/institutional/park/recreation use. Such a replacement is permitted by the Lancaster County UDO. However, the commercial component of a PDD in Lancaster County must consist of minimum of 5% of the site. Based on this it seems that the 5% set-aside should consist of  $\pm 8.97$  acres rather than  $\pm 4.0$  acres. It should be noted that the applicant is still proposing some commercial within Village B to serve the senior residences. However, it is unclear at this juncture what the area of this proposed commercial is. (D.4, Page 3)
4. The Applicant states in Section 11(b)(1) of the Avondale PDD document that the intensity of development within any component or category can be modified by up to 30% without further approval provided the overall density does not go up. The Lancaster County PDD regulations suggest that this be considered a major change to the master plan and thus go through the zoning map amendment process. (D.4, Page 9)
5. The Applicant states in Section 11(c)(1) of the Avondale PDD document that development uses or intensity within the project. This may be done, but only per a zoning map amendment process. (D.5, Page 9)
6. Within Section 12 of the Avondale PDD document, the Applicant is proposing 5' minimum sideyards for residential uses. The Lancaster County PDD regulations limit sideyard setbacks to a minimum of 7'. Additionally the applicant proposes that HVAC units be allowed to encroach up to 4' into setbacks. UDO states that encroachments not exceed 2'. However, there is a really bad discrepancy within the Lancaster County PDD regulations regarding this because within another section of the County PDD regulations it is stated that there shall be no established minimum setbacks for any lot within a PDD. This is an example of why the UDO is being re-written. (D.6, Page 10)
7. Note section 16(c) of the Avondale PDD document which does not seem to be worded properly with respect to TMS numbers. This is an editing issue. (D.7, Page 11)
8. Within Section 18 the Applicant is proposing that asphalt be a minimum width of 20' for some of the streets. The minimum Lancaster County standard is 22' per County Ordinance 2014-1285 (D.8, Page 12)
9. Staff would also like to note that per the Master Site Plan there are up to 400 single-family lots proposed. The applicant proposes three lot widths for the single-family lots. These proposed

percentages are not in compliance with the UDO. The PDD requirement is that a maximum of 33% of the lots in residential developments are allowed to have the same street frontage (UDO Section 13.12.1.11(b)(ix)). This issue needs to be addressed by the Applicant so that conformity is achieved with respect to the maximum percentage of 33% for any single-family lot-width. (D9)

Page 10

55' 184 lots (46% of 400 lots)

61' 112 lots (28% of 400 lots)

70' 104 lots (26% of 400 lots)

10. The Applicant in Section 22 is proposing to use all buffers and storm-water detention facilities as counting toward the required minimum common open space. The Lancaster County PDD regulations state that this is not permitted. (D10, Page 13)
11. In Section 23 the Applicant is proposing to use storm-water detention facilities, creeks, streams, wetland areas, tree save areas, and all internal open space in calculating density. The County PDD regulations expressly state that density is based on buildable land and that common open space cannot be used to calculate density. (D11, Page 13)



# Exhibit 3

**PARSONS  
BRINCKERHOFF**

---

121 West Trade Street  
Suite 1950  
Charlotte, NC 28202  
Main: 704-342-5401  
Fax: 704-342-8472

**FILE COPY**

[www.pbworld.com](http://www.pbworld.com)

**TO:** Penelope Karagounis  
**FROM:** Jason Gorrie, PE  
**DATE:** August 31, 2015  
**RE:** Avondale Development Revised Traffic Impact Study Comments

## **New Comments for Traffic Impact Study sealed 8/25**

- The site plan in the TIS does not match the PDD Master Plan Submittal (Revision No.4 dated 8/25/15)
- The trip generation table (Table 2) identifies single family detached housing (ITE 210) and Residential Townhouse (ITE 230). The site plan only identifies single family attached townhomes.

Parsons Brinckerhoff recommends the TIS be revised to include the following:

- The site plan in the TIS match the PDD Master Plan Submittal
- The trip generation table (Table 2) match the land use and intensity of the site plan

## MEMORANDUM

**TO:** Ms. Penelope Karagounis  
Lancaster County Planning Director

**FROM:** Sinacori Builders, LLC

**DATE:** September 4, 2015

**RE:** Proposed Avondale Mixed Use Planned Development District (PDD-27) Ordinance  
Response to Staff's "Deficiencies" memorandum dated August 11, 2015

---

Thank you for all of your assistance to date on the above captioned matter. As you are aware, we submitted the revised Avondale Master Plan (the "Plan") and the revised Avondale Mixed Use Planned Development District PDD-27 Ordinance (the "Ordinance") to your office on August 25, 2015. We believe that the revised Plan and the revised Ordinance address the majority of staff's comments outlined in your August 11, 2015 memorandum provided to the I & R Committee and applicant.

In areas where there may be conflicts in the current UDO, as you have graciously pointed out, or where contradictions may be apparent between the outgoing UDO and subsequent impending repeal of Section 13.12 (PDD Section of the UDO, ) as these Ordinances relate to the County's recently adopted Comprehensive Plan, we have included text in both the Development Agreement and proposed Ordinance that the Development Agreement and the Ordinance shall be controlling.

We are submitting this memorandum to briefly discuss how your comments were addressed in the revised Plan and the revised Ordinance. The numbered paragraphs below correspond to the numbered paragraphs in your August 11, 2015 memorandum. A copy of that Memorandum is attached.

1. **Staff Comment:** Note Section 3 of the proposed Avondale PDD Document. Does this need to be changed to reflect the South Carolina Local Government Planning Enabling Act of 1994? (D.1., Page 2)

***Applicant Response:*** Section 3 of the revised Ordinance references the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 as you requested.

2. **Staff Comment:** Acreage amounts are not provided for the various components of the Master Plan. (D.2., Page 4)

***Applicant Response:*** The size in acres of each Village of the proposed Avondale development is not provided on the revised Plan or in the revised Ordinance. Based on our previous conference call, we agree that this is **not** required by the UDO including Section 13.12, of the UDO (Requirements for Planned Development Districts.) We



expect to provide this information, as customary, at the Preliminary Plan stage of the process as required by the UDO.

Additionally, since we are still in the "Master Plan" stage, it is too early in the planning process to provide the precise sizes of these Villages. However, the maximum permitted density per acre for each residential Village is provided on the revised Plan and in the revised Ordinance. *Respectfully, the applicant does not believe that this is a deficiency.*

3. **Staff Comment:** Within Section 7(c) (2) of the Avondale PDD document the Applicant proposes to replace the PDD commercial requirement with four acres of civic/institutional/park/recreation use. Such a replacement is permitted by the Lancaster County UDO. However, the commercial component of a PDD in Lancaster County must consist of minimum of 5% of the site. Based on this it seems that the 5% set-aside should consist of  $\pm 8.97$  acres rather than  $\pm 4.0$  acres. It should be noted that the applicant is still proposing some commercial within Village B to serve the senior residences. However, it is unclear at this juncture what the area of this proposed commercial is. (D.3., Page 3)

**Applicant Response:** With respect to the PDD commercial requirement, the developer is planning to donate a four (4) acre site for civic, institutional, park and/or recreation use (Village A) for use by the Public to be utilized at the County's discretion. This is being done in response to surrounding Neighborhood input regard this type of need in this area of the County. This area could also be donated to the School district to add onto the adjacent Harrisburg Elementary School.

In addition the applicant is providing a 17 +/- acre area that will contain a senior residences facility and a senior day center (Village B) which are characterized by the UDO as only being allowed in B-3/Commercial Zoning Districts. These types of senior facilities are typically built to commercial building code standards and are customarily characterized as a "Commercial Use".

As such this area (17 +/- acres) should be included in staff's calculation for satisfying the minimum 5% Commercial component for PDD's. This acreage represents an additional 9.5% of the overall site area that should be added to the 4.0 acres being donated for public use (Village A). The total area being included as Commercial Uses is actually 21 acres (17 + 4.0) which represents 11.7% of the overall site. *Respectfully, with this information, the applicant does not believe that this is a deficiency.*

4. **Staff Comment** The Applicant states in Section 11(b)(1) of the Avondale PDD document that the intensity of development within any component or category can be modified by up to 30% without further approval provided the overall density does not go up. The Lancaster County PDD regulations suggest that this be considered major changes to the master plan and thus goes through the zoning map amendment process. (D.4., Page 9)

**Applicant Response:** Section 11(b)(1) of the Ordinance described in paragraph 4 of your memorandum has been deleted from the revised Ordinance. With respect to certain modifications to the Plan, Section 7(c) of the revised Ordinance recites Section 13.12.2.5 of the UDO. *Respectfully, with this revision to the proposed Ordinance, this is no longer considered to be a deficiency.*



5. **Staff Comment:** The Applicant states in Section 11(c)(1) of the Avondale PDD document that development uses or intensity within the project. This may be done, but only per a zoning map amendment process. (D.5., Page 9)

**Applicant Response:** The provisions of Section 11(c)(1) of the revised Ordinance are limited by the total allowed density permitted under the revised Ordinance and the Plan. *Respectfully, with this revision to the proposed Ordinance, this is no longer considered to be a deficiency.*

6. **Staff Comment:** Within Section 12 of the Avondale PDD document, the Applicant is proposing 5' minimum sideyards for residential uses. The Lancaster County UDO/PDD regulations limit sideyard setbacks to a minimum of 7'. Additionally the applicant proposes that HVAC units be allowed to encroach up to 4' into setbacks. UDO states that encroachments not exceed 2'. **Staff Cites:** *However, there is a really bad discrepancy within the Lancaster County PDD regulations regarding this because within another section of the County PDD regulations it is stated that there shall be no established minimum setbacks (or any lot within a PDD. This is an example of why the UDO is being re-written.* (D.6., Page 10).

**Applicant Response:** The five foot side yard for single family detached homes set out in Section 12 of the revised Ordinance complies with the requirements for a Planned Development District, as there is no required minimum side yard for a residential lot within a Planned Development District. Section 12(c) of the revised Ordinance has been amended as you requested so as to provide that HVAC units may encroach up to two feet into a side or rear yard. *Respectfully, the proposed 5' side yards are fully compliant with the UDO, (Section 13.12.1.10.d.) and with this revision to the proposed Ordinance regarding the 2 foot reduction for HVAC encroachments, this is no longer considered to be a deficiency*

7. **Staff Comment:** Note section 16(c) of the Avondale PDD document which does not seem to be worded properly with respect to TMS numbers. This is an editing issue. (D.7, Page 11)

**Applicant Response:** We believe that this comment has been addressed by way of a revision to Section 17(c) of the Ordinance. Section 17(c) of the revised Ordinance was Section 16(c) in the prior version of the Ordinance. *Respectfully, with this revision to the text describing this 50' buffer location that has been shown on each version of the Plan, and now subsequently revised within the proposed Ordinance, this is no longer considered to be a deficiency*

8. **Staff Comment:** Within Section 18 the Applicant is proposing that asphalt be a minimum width of 20' for some of the streets. The minimum Lancaster County standard is 22' per County Ordinance 2014-1285. (D.8, Page 12)

**Applicant Response:** This was a scrivener's error in the text. This comment has been addressed as you requested by way of a revision to Section 19 (formerly Section 18) of the revised Ordinance. *Respectfully, with this correction/ revision to the proposed Ordinance, this is no longer considered to be a deficiency.*



9. **Staff Comment:** Staff would also like to note that per the Master Site Plan there are up to 400 single-family lots proposed. The applicant proposed three lot widths for the single-family lots. These proposed percentages are not in compliance with the UDO. The PDD requirement is that a maximum of 33% of the lots in residential developments are allowed to have the same street frontage (UDO Section 13.12.1.11(b)(ix)). This issue needs to be addressed by the Applicant so that conformity is achieved with respect to the maximum percentage of 33% for any single-family lot-width (D.9., Page II)

55' 184 lots (46% of 400 lots)

61' 112 lots (28% of 400 lots)

70' 104 lots (26% of 400 lots)

**Applicant Response:** This comment has been addressed in Section 7(h) of the revised Ordinance, although UDO Section 13.12.1.11(b)(ix), stipulates that “a maximum of 33% of the lots in residential developments are allowed to have the same lot frontage, which should have included the 165 Townhomes in Village C as part of staff’s above calculations, the Applicant has included text in the revised Ordinance which provides that no more than 33% of the lots for “single-family residences” may have the same lot width. *Respectfully, with this revision to the proposed Ordinance, this is no longer considered to be a deficiency. Townhomes are a residential Land Use.*

10. **Staff Comment:** The Applicant in Section 22 is proposing to use all buffers and storm-water detention facilities as counting toward the required minimum common open space. The Lancaster County PDD regulations state that this is not permitted. (DI0, Page 13)

**Applicant Response:** This comment has been addressed by providing in Section 23 (formerly Section 22) of the revised Ordinance that in order for storm water detention facilities and project buffers to be included and counted as open space, these areas must meet the requirements of Section 13.12.1.11(b)(ii)(A)(1)-(4) of the UDO. To the extent that this provision of the revised Ordinance conflicts with the terms of the UDO, the developer has respectfully requested that this modification be approved by the County Council as provided in Section 13.12.1 of the UDO and as further described below.

The proposed Development Agreement between the developer and the County acknowledges that there could be conflicts between zoning and development standards in the Development Agreement and the Ordinance and zoning and development standards contained in the UDO, and the Development Agreement provides that the zoning and development standards contained in the Development Agreement and the Ordinance shall supersede the zoning and development standards of the UDO and shall be deemed controlling. In the event of conflicts between zoning and development standards in the Development Agreement and zoning and development standards in the Ordinance, the zoning and development standards in the Development Agreement shall be controlling.

Section 10 and 27 of the revised Ordinance contain similar language.

**11. Staff Comment:** In Section 23 the Applicant is proposing to use storm-water detention facilities, creeks, streams, wetland areas, tree save areas, and all internal open space in calculating density. The County PDD regulations expressly state that density is based on buildable land and that common open space cannot be used to calculate density. (D.11, Page

13)

**Applicant Response:** The applicant proposes definitions for how density is calculated based on information obtained from the UDO as provided in UDO Section 1-201 and as further provided in UDO Section 5.2 (4.A). With respect to your comments in paragraph 11 of your memorandum, to the extent that the provisions of Section 24 (formerly Section 23) of the revised Ordinance conflict with the provisions of the UDO, the developer has respectfully requested that this modification be approved by County Council as provided in Section 13.12.1 of the UDO and as further described in Sections 10 and 27 of the revised Ordinance which recognize how conflicting provision will be addressed pursuant to the approval of the proposed Development Agreement between the developer and the County.

Penelope, we appreciate all your assistance on this matter, and please do not hesitate to give Ed, Ben or myself a call with any questions or comments.



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LANCASTER )

**ORDINANCE NO. 2015-1369  
(PDD – 27)**

**AN ORDINANCE**

**TO ESTABLISH THE AVONDALE MIXED USE PLANNED DEVELOPMENT DISTRICT (PDD-27); TO APPROVE THE MASTER PLAN FOR THE DEVELOPMENT OF THE PDD-27 PROPERTY; TO PROVIDE THE REGULATIONS THAT WILL APPLY TO THE DEVELOPMENT OF THE PDD-27 PROPERTY; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.**

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

**Avondale Mixed Use Planned Development District (PDD-27)**

**TABLE OF CONTENTS**

<u>Section</u>	<u>Page</u>
1. CITATION – AVONDALE PDD – 27 .....	2
2. PURPOSE; PDD – 27 .....	2
3. AUTHORITY .....	3
4. JURISDICTION .....	3
5. OFFICIALZONING MAP .....	3
6. MASTER PLAN .....	3
7. MASTER PLAN AMENDMENTS .....	3
8. LAND USES .....	4
9. DEFINITIONS .....	5
10. DEVELOPMENT REGULATIONS .....	7
11. DENSITY/INTENSITY .....	9
12. SETBACKS AND YARDS .....	10

13.	BUILDING HEIGHT .....	11
14.	LOT SIZE .....	11
15.	LOT WIDTH .....	11
16.	FRONT LOADED SINGLE FAMILY RESIDENCES.....	12
17.	BUFFERS .....	12
18.	PARKING .....	12
19.	ROADWAYS AND TRAFFIC .....	13
20.	STREET LIGHTING .....	13
21.	MODEL HOMES AND OTHER BUILDINGS .....	14
22.	MASS GRADING AND TIMBER HARVESTING .....	14
23.	OPEN SPACE .....	14
24.	DENSITY .....	14
25.	SEVERABILITY .....	14
26.	UDO.....	14
27.	CONTROLLING ORDINANCE .....	14
28.	EFFECTIVE DATE .....	15
EXHIBIT A .....		17

**Section 1.**     **Citation.**     This ordinance may be cited as the Avondale Mixed Use Planned Development District (PDD-27) Ordinance or as the PDD-27 Ordinance.

**Section 2.**   **Purpose; PDD-27.**

- (a) The purpose of this ordinance is to establish the Avondale Mixed Use Planned Development District (PDD-27), to approve the Master Plan for the development of the Property (as defined below) and to provide the regulations that will apply to the development of the Property.
- (b) The Avondale Mixed Use Planned Development District (PDD-27) Ordinance (the “Ordinance”) establishes specific land use controls over the development of the Property to ensure that it is developed in accordance with existing and future needs and to promote the health, safety and general welfare of future residents. At the same time, the intent of this Ordinance is to provide the flexibility needed to develop the Property in response to evolving innovative development techniques for the protection of the natural environment and the quality of life of future residents.
- (c) The Avondale mixed use development is a mixed use, master planned development comprised of a combination of residential (single-family detached and multi-family townhome residences), senior residences and uses and accessory commercial, retail and



service uses, civic and institutional uses and open space uses organized around an integrated development concept that utilizes a series of Villages or components that support the various land uses (the "Development").

**Section 3. Authority.** This Ordinance is enacted pursuant to the authority of Chapter 29, Title 6 of the Code of Laws of South Carolina 1994, as amended, entitled South Carolina Local Government Comprehensive Planning Enabling Act of 1994, and the Unified Development Ordinance of Lancaster County, as amended (the "UDO").

**Section 4. Jurisdiction.** This Ordinance applies to the property known as the Avondale mixed use development property which consists of approximately 179.35 acres (the "Property"). The Tax Map Numbers for the Property are 0005-00-093.05, 0005-00-078.00, 0005-00-083.00, 0005-00-089.01, 0005-00-089.00, 0005-00-076.00, 0005-00-077.00, 0005-00-093.04, 0005-00-092.00, 0005-00-091.03, 0005-00-091.00, 0005-00-075.01, 0005-00-075.00, 0005-00-079.01 and a portion of 0005-00-074.03.

**Section 5. Official Zoning Map.** The Official Zoning Map is amended to show the Property as a Planned Development District (PDD-27).

**Section 6. Master Plan.** The Master Plan for the Development, prepared by ESP Associates and dated August 25, 2015 (the "Master Plan"), is attached hereto as Exhibit A and incorporated into this Ordinance by reference.

**Section 7. Master Plan Amendments.**

- (a) Unless otherwise provided in this Ordinance, all amendments to the Master Plan shall be made in accordance with the UDO in effect at the time of the adoption of this Ordinance.
- (b) Development depicted on the Master Plan is intended to reflect a generalized arrangement of proposed land uses on the Property, but the exact configuration, placement or size of the individual site elements may be altered or modified within the limits prescribed by this Ordinance during the design and development and construction phases.
- (c) Subject to the terms of this Section 7 and pursuant to Section 13.12.2.5 of the UDO, a change in the proportion of housing types, lot widths or lot sizes by 15 percent or less of the approved dwelling unit count shall be considered to be a minor amendment of the Master Plan and shall be administratively approved once such change or changes are determined to be in accordance with the regulations specified herein.
- (d) A total maximum of 365 single-family detached residences may be developed within Villages D, E and F.
- (e) A maximum of 165 multi-family townhome residences may be developed in Village C.
- (f) A maximum of 200 Senior Residences (as described below) may be developed in Village B.
- (g) In lieu of the Mixed Use Senior Village proposed to be developed within Village B as described below and on the Master Plan, Developer may, at its option, develop single-

family detached residences in Village B to respond to market conditions. In such event, a maximum of 65 single-family detached residences may be developed in Village B.

- (h) No more than 33% of the lots for single-family residences may have the same lot width.
- (i) Alterations may be made to lot lines and dimensions, roadway alignments, and other configurations as necessary to implement the changes in land use authorized in this Section 7. These alterations shall be administratively reviewed and approved once they are determined to be in accordance with the regulations specified herein.
- (j) Land use changes authorized by this section are effective upon the property owner filing with the Planning Department a document showing the change. These land use changes shall be administratively reviewed and approved once they are determined to be in accordance with the regulations specified herein.

## **Section 8. Land Uses.**

- (a) The land uses authorized for the Development are as follows:

- (1) Village A: Civic, Institutional, Park and Recreation Uses.
- (2) Village B may be developed with up to 200 Senior Housing/Residences/Senior Apartments. Village B will have a mixture of Senior Housing/Residences/Senior Apartments that may or may not include the following: independent living, assisted living, memory care, respite care, continuing care facilities and hospice or nursing type units and facilities. In addition to the foregoing, a Senior Day Care facility may be located within Village B. These senior uses are intended to be supported by accessory commercial, retail and service uses that will be internal to the Senior Housing/Residences/Senior Apartments facilities. These accessory commercial, retail and service uses may include one or more of the following based on market conditions and operator/user programming preferences: Beauty Shop, Barber Shop, Ice Cream Shop, Coffee Shop, Ancillary food services, Newsstand, Pharmacy, Eye Care Shop, Doctor's Office, Dental Office and Fitness, Workout and/or Exercise Club Room areas. These accessory commercial, retail and service uses shall be allowed administratively as a use by right within Village B of PDD-27 and shall not require an amendment to the PDD zoning or a variance, change of use permit or special use permit to initiate occupancy from a zoning standpoint, only a building permit. These commercial, retail and service uses are intended to serve the individuals living in the senior community or the patrons enrolled in the Senior Day Care facility.

- (3) Village C: Multi-Family Townhome Residences.

- (4) Villages D, E and F: Single-Family Detached Residences.

- (b) As noted above in subparagraph 8(a)(2), commercial, retail and service uses that are accessory to the senior uses may be located in Village B. These accessory commercial, retail and service uses may be comprised of any land use allowed in the Table of



Permissible Uses in the UDO for the commercial land use district designation unless otherwise provided in this Ordinance.

(c) Notwithstanding anything contained herein to the contrary, the following land uses are prohibited in PDD-27:

- (1) Adult entertainment;
- (2) Auto business, etc.;
- (3) Automobile wrecking and/or junk salvage yard;
- (4) Commercial kennels;
- (5) Industrial mining;
- (6) Livestock auction house;
- (7) Lumber and/or building materials dealer;
- (8) Manufactured home type units;
- (9) Modular housing;
- (10) Motorized race and testing track;
- (11) Pistol, rifle, skeet range or turkey shoot;
- (12) Private or commercial horse stables;
- (13) Rooming and boarding houses;
- (14) Agricultural; and
- (15) Solid waste disposal and recycling station.

(d) In lieu of the Mixed Use Senior Village proposed to be developed within Village B as described herein and on the Master Plan, Developer may, at its option, develop single-family detached residences in Village B to respond to market conditions. In such event, a maximum of 65 single family detached residences may be developed in Village B.

**Section 9. Definitions.** In this Ordinance, each of the following terms shall have the meaning assigned to it:

Accessory Uses – A use that is incidental or insubstantial in and of itself or in relation to the principal use.

Assisted Living - A system of housing and limited care that is designed for senior citizens who need some assistance with daily activities but do not require care in a nursing home.

Assisted Living Apartments - A system of housing and limited care that is designed for senior citizens who need some assistance with daily activities but do not require care in a nursing home. Residents are housed in Apartments style units

Attached Housing - A single dwelling unit attached to another dwelling unit on one or more sides.

Civic Use - Police stations, libraries, daycare facilities, fire stations, emergency medical service stations, meeting halls, recreational facilities, government buildings, museums, schools,

performing arts centers, religious buildings, picnic areas, recreation centers, water towers, public parks or any other cultural, civic or social use.

Commercial Use - Business and retail establishments providing consumer services and products.

Continuing Care - A facility that contains independent living units, assisted living units and skilled nursing facilities. Residents can transfer among levels of care as needs change. These facilities are commonly referred to as CCRCs.

Cul-de-sac - A cul-de-sac is a street that terminates in a vehicular turn-around. Cul-de-sac length shall be measured from the first point of intersection with an existing street to the center radius of the cul-de-sac bulb.

Density - The amount of residential development permitted on a given parcel of land, typically measured in dwelling units per acre (total residential units/total development land area) as specified and described in the UDO.

Dependent Living Facility - Nursing homes, rest homes and homes for the aged which are designed for persons who need a wide range of health and support services located on the site, such as medical and nursing care, central dining, and transportation services. Residents are generally housed in apartment style units.

Developer - Sinacori Builders, LLC or its assignee(s), as provided in the Development Agreement.

Development Agreement - means the Development Agreement by and between Sinacori Builders, LLC and the County of Lancaster, dated as of \_\_\_\_\_, 2015, and approved by the County Council by passage of Ordinance No. 2015-1370.

Hospice - A home providing care for the sick, especially the terminally ill.

Independent Living - Nursing homes, rest homes and homes for the aged which are designed for older or disabled persons who do not require health and support services located on the site, such as medical and nursing care, central dining and transportation services. Each living unit within the facility is a self-contained dwelling unit.

Detached Housing - A single dwelling unit not attached to any other dwelling unit, with an open yard on all sides of the structure.

Land Use Designations- The use to which a particular area of the Property may be put as shown on the Master Plan.

Master Plan- The conceptual master plan for the development of the Property.

Memory Care - A distinct form of long-term skilled nursing that specifically caters to patients with Alzheimer's disease, dementia, and other types of memory problems.

Multi-Family Housing - Attached housing containing two or more dwelling units on a single lot. Multi-family housing may include but not be limited to the following: quadraplexes, townhouses, apartments, and condominiums.

Nursing Care - A facility that offers long-term care for individuals who need rehabilitation services or who suffer from serious or persistent health issues.

Open Space - Any area on the Property designated for use as a Park or Amenity Center, Floodway, Floodplain and/or Open Space on the Master Plan.



Property - All of the land comprising the Avondale mixed use development property and that is more particularly described above in Section 4.

Property Owner - The Developer of the Property or, as to a particular Village or component, any single sub-developer the Property Owner designates in an Assignment of Property Owner Rights, as provided in Section 11(d) of this Ordinance.

Residential - Any residential land use permitted in the UDO.

Respite Care - Short-term care accommodation in a facility outside the home in which a loved one may be placed, providing temporary relief to caregivers

Retail Use - Any use associated with the sale of consumer goods, products or merchandise.

Retirement Community - Senior living facility that offers group dining services, basic housekeeping and laundry services, transportation to appointments and errands, activities, social programs, and access to exercise equipment. Typically supported by emergency live-in managers, management agency offices, and support amenities like pools, spas, clubhouses, and on-site beauty and barber salons, etc.

Senior Apartments - Most common type of independent senior living. Services usually include recreational programs, transportation, and meals service.

Senior Housing/Residences - Senior communities that offer single-family detached homes, duplexes, townhomes, cottages, condominiums or apartment-style independent senior living units and which offer residents the option to rent or buy their dwelling units.

Senior Day Care - A facility for the supervised care of older adults, providing activities such as meals and socialization one or more days a week during specified daytime hours. The participants, primarily persons with physical and/or mental limitations who need socialization, physical assistance, and/or psychological assistance, return to their homes, or senior apartments each evening. The program is often used as respite by family members caring for an older person who cannot be left alone safely in the home.

Villages- any one of the Components depicted on the Master Plan.

## **Section 10. Development Regulations.**

- (a) Unless otherwise provided in this Ordinance or the Development Agreement, the development of the Property must comply with the UDO. To the extent that the Development Agreement contains zoning and development standards that are in conflict with any provision of this Ordinance or the UDO, the zoning and development standards set out in the Development Agreement shall control the development of the Property and supersede the provisions of this Ordinance and the UDO. To the extent that this Ordinance contains zoning and development standards that are in conflict with any provision or provisions of the UDO, including, without limitation, Section 13.12 of the UDO, the zoning and development standards set out in this Ordinance shall control the development of the Property and supersede the UDO provisions. Zoning and development standards shall include, without limitation, minimum lot width, minimum lot size, setback and yard requirements, maximum building height, buffers and open space requirements.
- (b) Notwithstanding the applicable provisions of the UDO, the following development regulations shall apply to the development of the Property:

- (1) Block and Roadway Configuration - Block lengths, block widths, and cul-de-sacs may vary, provided that they do not exceed 1,000 feet and adequate fire protection criteria is maintained.
- (2) Sidewalks and Public Crosswalks -- Connectivity shall be provided through the use of sidewalks to link various areas of the Property. Sidewalks will be provided on one side of the secondary streets and along both sides of all collector roads in the development and the entrance road.
- (3) Driveways - No restriction applies to the location of driveways for non-residential uses, provided, that all access roads into the residential or commercial areas from Harrisburg Road, Calvin Hall Road and other external surrounding roads are subject to approval by the South Carolina Department of Transportation ("SCDOT").
- (4) Buffers - Buffers and setbacks for the perimeter of the Development shall be in accordance with Section 13.12 of the UDO unless otherwise specifically provided in this Ordinance. A 30 foot wide perimeter buffer meeting the requirements of Section 12.9 of the UDO shall be provided along those portions of the exterior boundaries of Village B that abut public roads as depicted on the Master Plan, and a 50 foot wide perimeter buffer meeting the requirements of Section 12.9 of the UDO shall be provided along those portions of the exterior boundaries of Village B that abut residential land uses as depicted on the Master Plan.
- (5) Parking - Parking shall be provided in accordance with Section 17 of this Ordinance. Parking may be shared for uses located within Villages A and B provided that fully executed and recorded cross access agreements and shared parking agreements are provided to the Lancaster County Planning Department.
- (6) Open Space Requirements - For purposes of applying Section 17.1(2)(b)(I) of the UDO to the Development, the narrow strip of common area must be at least twenty-five feet (25') in width.
- (7) Open Space Requirements - For purposes of applying Section 17.1(2)(a) of the UDO to the Development, sidewalk and utility crossings and any associated improvements required to construct and maintain such crossings, encroachments or facilities may be included in the areas designated for incorporation into the Development's Open Space calculations.
- (8) Floodway Restrictions - In addition to the uses allowed by Section 16.1.3.2 of the UDO for land within a floodway, the following uses are allowed: (i) Open Space and non-buildable portions of single family residential lots; and (ii) roadway crossings, utility crossings and any associated improvements necessary to develop such crossings.
- (9) Floodplain Restrictions -- In lieu of the provisions of Section 16.1.4 of the UDO, the following requirement shall apply: No building or fill material shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of the bank area unless certification with supporting



technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- (10) Submission Requirements -- Environmental Characteristics of the Site - When submitting flood frequency information as a part of the subdivision approval process, the entity seeking subdivision approval is required to submit only one hundred (100) year frequency flood information, provided, however, buildings or fill material shall not be placed within a FEMA one hundred (100) year floodplain without a LOMR-F.
- (11) Connectivity - The minimum connectivity index required for PDD-27 is 1.4.

### **Section 11. Density/Intensity.**

(a) Development density or intensity for a particular use shall not exceed the following use densities:

<u>Land Use</u>	<u>Density/Intensity</u>	<u>Total Number of Acres/Units/ Facilities</u>
Single-Family Detached - Villages D, E and F	Up to 3.5 Dwelling Units/ Acre, On Average	Up to 365 Total Single-Family Detached Residences
Multi-Family Townhomes - Village C	Up to 6.6 Dwelling Units/ Acre, On Average	Up to 165 Total Multi-Family Townhome Residences
Senior Mixed Use - Village B		
Senior Residences/Apartments	Up to 8.0 Dwelling Units/Acre	Up to 200 Total Dwelling Units
Senior Housing		
Senior Daycare	N/A	Up to 6000 sq. feet of gross floor area
Commercial/Retail/Service in support of Senior Uses		Up to 15,000 sq. feet of gross floor area

(b) In lieu of the Mixed Use Senior Village proposed to be developed within Village B as described herein and on the Master Plan, Developer may, at its option, develop single-family detached residences in Village B to respond to market conditions. In such event, a maximum of 65 single family detached residences may be developed in Village B.

(c) The number of lots for single-family detached residences located within each of Villages D, E and F as depicted on the Master Plan may be altered by Developer in its discretion, provided that the total number of lots for single-family detached residences located in Villages D, E and F does not exceed 365.

(d)(1) Developer may transfer development uses or intensity (the number of residential units or the number of acres devoted to any particular use) within the Property by transferring density or units from any Village within the Property to any other Village within the Property, so long as the total intensity of development within the Property as a whole (measured in total number of residential units or acreage, as applicable) does not increase. If any density (total number of dwelling units or building

area) allocated to a Village by an Assignment of Property Owner Rights is not utilized, as determined with reference to approved site plans for all areas within the Village, the unused density shall revert to the Developer for allocation to any other Village.

(d)(2) As used in this subsection (d) and in the definition of "Property Owner" in Section 9 of this Ordinance, "Assignment of Property Owner Rights" means a written instrument in recordable form by which the Developer assigns its rights as property owner under this Ordinance to another person or entity with respect to a particular Village designated in the Assignment of Property Owner Rights. The Assignment of Property Owner Rights may include such limitations on the assignee as the Developer desires including, without limitation, restrictions on the type of units that may be constructed within a Village, the location where those units may be constructed within the Village, the number of units of a particular type that may be constructed within the Village, the minimum lot requirements for the Village (including requirements for setback, lot area, building height, lot width, buffers, and number of units per lot). All restrictions contained within the Assignment of Property Owner Rights are binding on the assignee and each person who ultimately owns any real estate within the designated Village. Any such limitations shall be in addition to any private contractual restrictions placed upon all or any part of any Village by the Property Owner. The Assignment of Property Owner Rights shall not be used as a method to change the Master Plan which may be changed only in accordance with the provisions of this Ordinance and Section 13.12.2.5 of the UDO.

(d)(3) Developer shall issue a certificate stating the maximum development intensity allowable on any tract within the Property consistent with this Ordinance prior to the sale of any such parcels or before building permits are issued for that specific area of the Property. The certificate will state the number of dwelling units and/or the amount, in acres, of commercial, retail or service uses, as applicable, that may be developed on the applicable various tracts. Developer must file a copy of the certificate with the Planning Department. The County shall be responsible for creating and maintaining a record of the number of dwelling units and/or acres allocated to each tract as well as the total number of dwelling units or floor area actually constructed on each tract.

**Section 12. Setbacks and Yards.** (a) All lots within PDD-27 shall meet or exceed the following setback and yard requirements from a public right of way:

Land Use	Min. Setback	Min. Side Yard	Min. Rear Yard
Single-Family Detached Villages D, E and F	20'	5'	25'
Multi-Family Townhome - Village C	20'	7'	25'
Senior Mixed Use Village B	25'	5'	15'

(b) Eaves, cornices, chimneys, gutters, vents and other minor architectural features may project up to 24" into the setback area.



- (c) HVAC equipment may encroach up to 2' into side or rear yards. HVAC units shall be located on opposite sides of the lots for adjacent homes to prevent HVAC units being located next to each other.
- (d) Setbacks along a private road within any residential/ multifamily use shall be measured from the back of curb and shall satisfy fire access and emergency management vehicular requirements.

**Section 13. Building Height.** (a) Except as provided below, maximum building heights must comply with the requirements of the UDO:

Land Use	Maximum Building Height
Single-Family Detached - Villages D, E and F	35'
Multi-Family Townhome - Village C	50'
Senior Mixed Use - Village B	50'
Civic/Institutional/Park and Recreation Uses	N/A

(b) A sprinkler system is required for non-residential structures greater than 35 feet in height. No structure may be over 50' in height unless approval is obtained from the emergency preparedness department and the building and zoning department.

**Section 14. Lot Size.** (a) All lots shall contain the minimum number of square feet (sf) indicated in the following table:

Land Use	Minimum Lot Size*
Single-Family Detached - Villages D, E and F	6,500 sq. feet
Multi-Family Townhome - Village C	1,000 sq. feet
Senior Mixed Use – Village B	
Commercial/Retail/Service in support of Senior Uses	Up to 15,000 square feet of gross floor area
Senior Day Care	Up to 6,000 square feet of gross floor area
Civic/Institutional/Park and Recreation Uses	No Minimum Lot Size

(b) Lot size excludes road right-of-way, common open space, easements, 100 year floodplain, and other areas within a subdivision that typically are not controlled or developed by the lot owner.

**Section 15. Lot Width.** All lots shall meet or exceed the minimum widths indicated in the following table:

<b>Land Use</b>	<b>Minimum Lot Width</b>
Single-Family Detached - Villages D, E and F	55' front loaded type lots
Senior Mixed Use - Village B	100'
Multi-Family Townhome - Village C	22'
Civic/Institutional/Park and Recreation Uses	No Minimum

**Section 16. Front Loaded Single Family Residences.** All lots for single family detached residences shall be front loaded.

**Section 17. Buffers.**

- (a) A perimeter buffer is not required where the uses are adjacent to an existing or proposed road. The external border of the proposed PDD that is not adjacent to an existing or proposed road must be buffered by a minimum 40 foot wide buffer. Where steep topography is present or pedestrian/vehicular access, utility easements, or sidewalks are needed, grading will be allowed in these buffers. The buffer yards are to remain as open space, except to the extent necessary to accommodate berms, walls, fences, signs and graphics, lighting fixtures, access points, drainage easements, utility lines, sidewalks and other facilities, and other uses identified in the UDO. Where there is an insufficient natural buffer, plantings will be installed by the Developer. If the proposed use is adjacent to a similar use, on an adjacent tract, or adjacent to similar zoning or a parcel providing its own required buffer due to zoning or land use requirements for that use, this perimeter buffer may be removed with the approval of the Zoning Administrator.
- (b) If the Developer can demonstrate to the Zoning Administrator that the topography or elevation of a development site, the size of the parcel to be developed, or the presence of a buffer or screening on adjacent property would make strict adherence to the buffer requirements of the UDO serve no meaningful purpose, then the Zoning Administrator shall waive the buffer requirements for that site.
- (c) A 50 foot wide buffer shall be established along the boundary line of the PDD (Lancaster County Tax Map Number 0005-00-018.00) that is adjacent to a portion of Lancaster County Tax Map Number 0005-00-077.00 as depicted on the Master Plan, and a 50 foot wide buffer shall be established along the boundary line of the PDD adjacent to property owned by Glen Laurel Homeowners Association (Lancaster County Tax Map Number 0005H-0C-001.01), as depicted on the Master Plan.

**Section 18. Parking.**

- (a) All uses within the PDD may utilize on street parking to meet the requirements of Section 11.2 of the UDO. If parking is allowed on any road within this Development regardless of which section it is allowed in, the road must be wide enough to allow the parking of

vehicles on the street and the travel width of the road must be at least 24 feet excluding the parking areas. Multi-level parking garages are an allowed use in Village B of the PDD.

- (b) For commercial, retail or service uses located within the Senior Mixed Use Village B, no additional parking is required since these uses are only intended for use by the senior residents.

**Section 19. Roadways and Traffic.**

- (a) The number, location and alignment of the internal roadways shown on the Master Plan may be modified, provided that they are constructed in conformance with the roadway design and construction standards set forth in this section.
- (b) All internal roadways shall be built to the County's construction standards set forth in the UDO and Chapter 26 of the Lancaster County Code, except as otherwise specified in subparagraphs (c) through (e) of this section.
- (c) Any portion of the Property may have private roads.
- (d) All internal roads will be constructed with curb and gutter.
- (e) All internal roadways will be constructed in accordance with the following minimum standards:

	Street Standards	R/W Width
1. Local Limited Res. Street	22' Asphalt 24' BC/BC	40' r/w
2. Local Residential	22' Asphalt 27' BC/BC	50' r/w
3. Residential Collector Street	32' Asphalt 36' BC/BC	66' r/w
4. Private Street/Drive Townhomes/Commercial	22' Asphalt 23' BC/BC (Standard 1' – 6" Curb)	30' Clear Zone

- (f) All connections to SCDOT roadways must meet SCDOT regulations and be approved by SCDOT.

**Section 20. Street Lighting.**

- (a) Community street lighting shall be provided within the Property, and shall be designed and constructed in accordance with the requirements of this section and the UDO.
- (b) All community street lighting within each Village shall be of uniform design and all lighting throughout the Property shall be complementary.



- (c) The community street lighting shall be part of an overall street lighting program for the Property. The street lighting shall be maintained and operated by the appropriate electric utility, a property owners association, or some other non-profit entity.
- (d) Nothing in this section shall be construed to limit or otherwise impair the ability of any individual resident or lot owner to construct or install lighting anywhere on such resident's or owner's lot. Such lighting, however, shall be appropriately shielded so that it does not interfere with the reasonable enjoyment of neighboring properties.

**Section 21. Model Homes and Other Buildings.** Within the boundaries of tax parcels 0005-00-093.05, 0005-00-078.00, 0005-00-083.00, 0005-00-089.01, 0005-00-089.00, 0005-00-076.00, 0005-00-077.00, 0005-00-093.04, 0005-00-092.00, 0005-00-091.03, 0005-00-091.00, 0005-00-075.01, 0005-00-075.00, 0005-00-079.01, and a portion of 0005-00-074.03, prior to the installation of water and sewer for the Development or any of its components, the Developer at any given time may be issued not more than eleven (11) building permits of which ten (10) may be for model single family residences for sale ("Model Homes") and one (1) for a sales office. The Model Homes may be connected to temporary water and sewer services, including septic tanks, provided that the Model Homes shall be connected to central water and sewer services as soon as the central services are available. Prior to issuing the building permits for the Model Homes, the Developer shall provide the County with proof of applicable approvals by other governmental entities, including, but not limited to the South Carolina Department of Health and Environmental Control. Except for the water and sewer connections, the Developer must comply with all ordinary requirements for the issuance of building permits including, but not limited to, any then applicable county-wide building, housing, electrical, plumbing, and gas codes. A certificate of occupancy for the Model Homes shall not be issued until the Model Homes are connected to central water and sewer services and must meet otherwise applicable requirements. The absence of a certificate of occupancy does not prevent developer from using the Model Home for Model Home purposes.

**Section 22. Mass Grading and Timber Harvesting.** The Developer may mass grade all or any portion of the Property, sell or relocate excess soils resulting from such mass grading, and harvest and process timber within the Property, provided that the Developer complies with section 12.11 of the UDO.

**Section 23. Open Space.** Storm water detention facilities and project buffers may be included as Open Space provided that these areas meet the requirements of Section 13.12.1.11(b)(ii)(A)(1)-(4) of the UDO.

**Section 24. Density.** Storm water detention facilities, creeks, streams, wetland areas and tree save/preservation areas, along with internal open space areas, pocket parks and perimeter buffers that do not front along public roadways can be utilized to calculate density. Additionally, the land area of Village A, which shall be devoted to civic/institutional/park and recreation uses, shall be utilized and considered when calculating the overall permitted density of the entire Development.

**Section 25. 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 thereby.

**Section 26. UDO.** Any reference to the UDO set out in this Ordinance shall be deemed to refer to the requirements of the UDO in effect as of the effective date of this Ordinance.

**Section 27. Controlling Ordinance.** Except as otherwise provided in Section 10(a) of this Ordinance, to the extent this Ordinance contains provisions that conflict with provisions contained in the Lancaster County Code or other County ordinances, resolutions, policies, procedures and actions, the provisions contained in this Ordinance shall supersede all other such provisions and this Ordinance is controlling.

**Section 28. Effective Date.** This Ordinance is effective upon third reading, provided, however, the rezoning of the Property to Planned Development District provided for in Section 5 of this ordinance is effective when Sinacori Builders, LLC, delivers to the County Administrator clocked-in copies, with book and page numbers, of the recorded deeds conveying the Property identified in Section 4 of this Ordinance to Sinacori Builders, LLC, or a Sinacori Related Entity. If Sinacori Builders, LLC, or a Sinacori Related Entity has not delivered to the County Administrator recorded deeds conveying the Property identified in Section 4 of this Ordinance to Sinacori Builders, LLC, or a Sinacori Related Entity by 5:00 p.m., Friday, April 29, 2016 then the rezoning of the Property to Planned Development District provided for in Section 5 of this Ordinance shall not become effective. As used in this section, 'Sinacori Related Entity' means (i) an entity that is owned or controlled by Sinacori Builders, LLC, a North Carolina limited liability company, or is owned or controlled by an entity that owns at least a fifty percent (50%) membership interest in Sinacori Builders, LLC; and/or (ii) any entity that is the successor in interest to Sinacori Builders, LLC via merger or operation of law.

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

1<sup>st</sup> reading:

2nd reading:

3rd reading:

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

**EXHIBIT A to Ordinance No. 2015-1369 (PDD-27)**

**Avondale Site**

**Planned Development District (PDD-27)**

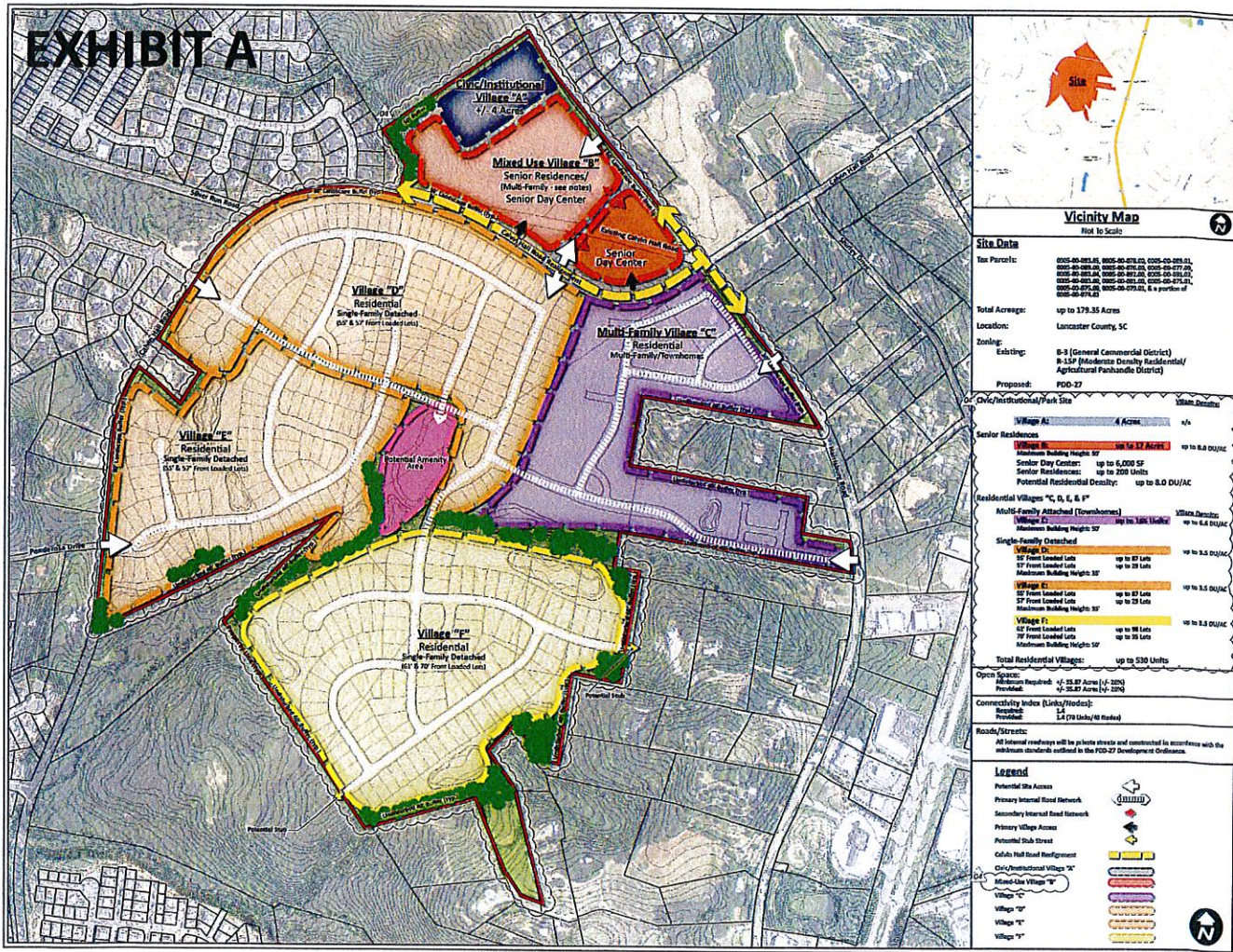
**Master Plan**

See attached.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.



# EXHIBIT A

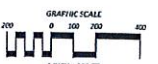


This drawing and/or the design shown are the property of ESP Associates, P.A. The reproduction, alteration, copying, or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action.  
ESP Associates, P.A.



**Avondale**

**Preliminary Master Plan**  
PDD-27



PROJECT LOCATION	DATE
Avondale, NC	10/1/2010
PREPARED BY	ESP ASSOCIATES, P.A.
CHECKED BY	ESP ASSOCIATES, P.A.

AGENCY / SUBMITTAL REVIEW	DATE	REVISION
AVONDALE TOWN	10/1/2010	1
AVONDALE TOWN	10/1/2010	2
AVONDALE TOWN	10/1/2010	3
AVONDALE TOWN	10/1/2010	4
AVONDALE TOWN	10/1/2010	5
AVONDALE TOWN	10/1/2010	6
AVONDALE TOWN	10/1/2010	7
AVONDALE TOWN	10/1/2010	8
AVONDALE TOWN	10/1/2010	9
AVONDALE TOWN	10/1/2010	10

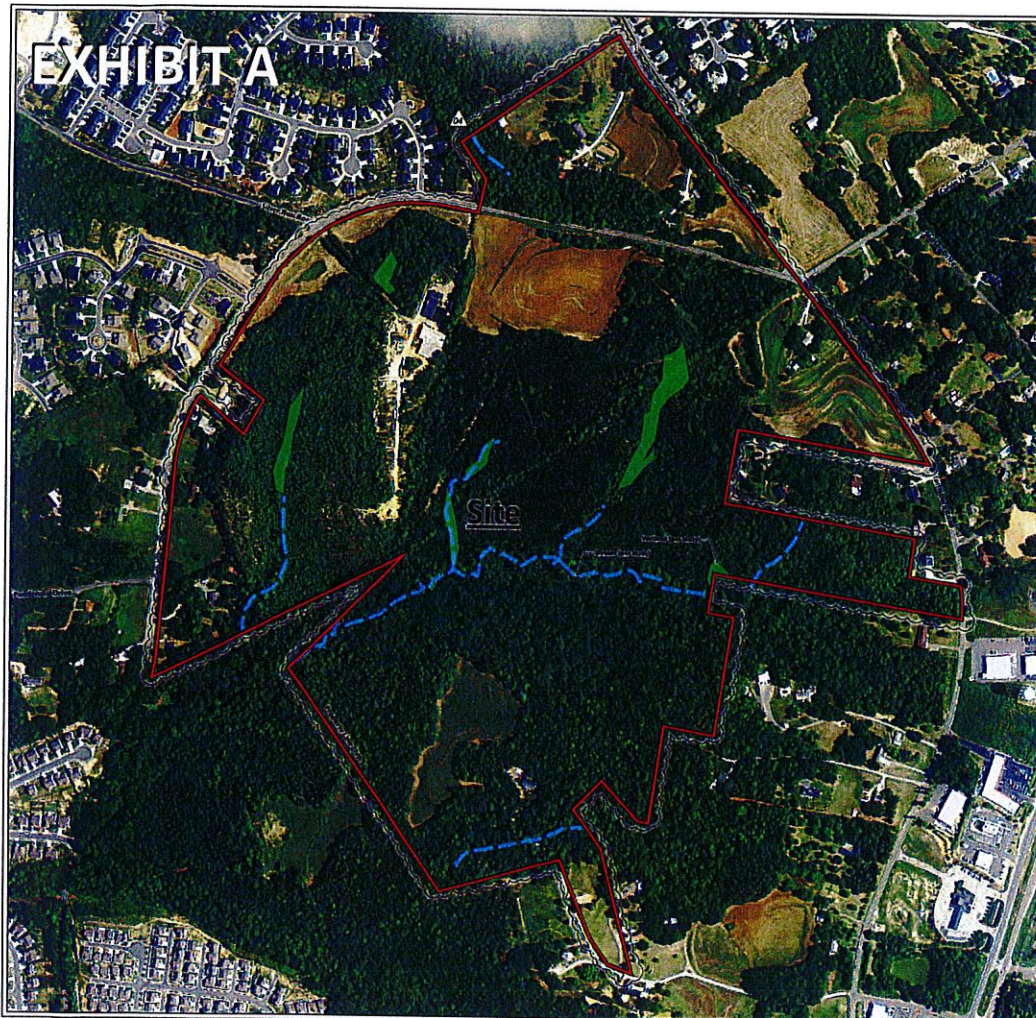
Legend
Potential Site Access
Primary Internal Road Network
Secondary Internal Road Network
Primary Village Access
Potential Road Street
Cul-de-sac Road Configuration
City/Institutional Village "A"
Village "B"
Village "C"
Village "D"
Village "E"
Village "F"
Village "G"
Village "H"
Village "I"
Village "J"
Village "K"
Village "L"
Village "M"
Village "N"
Village "O"
Village "P"
Village "Q"
Village "R"
Village "S"
Village "T"
Village "U"
Village "V"
Village "W"
Village "X"
Village "Y"
Village "Z"







# EXHIBIT A



## Site Data

**Tax Parcel:** 0005-00-093.05, 0005-00-078.08, 0005-00-049.01, 0005-00-069.00, 0005-00-076.00, 0005-00-077.00, 0005-00-093.04, 0005-00-092.00, 0005-00-093.03, 0005-00-083.00, 0005-00-091.00, 0005-00-075.01, 0005-00-075.00, 0005-00-073.01, & a portion of 0005-00-074.01

**Total Acreage:** up to 179.35 Acres  
**Senior Village:** up to 21 Acres  
**Residential Area:** up to 158.35 Acres

**Location:** Lancaster County, SC

**Zoning:**  
**Existing:** B-3 (General Commercial District)  
 R-15P (Moderate Density Residential/  
 Agricultural/Pastureland District)  
**Proposed:** PDD-27

## Avondale Mixed Use District

### Existing Features Summary

Following is a summary of existing features for the proposed Avondale Mixed Use District, PDD-27. The project is located within the Avondale Mixed Use District, which is a newly created district within the Lancaster County Zoning Ordinance. The project is located within the Avondale Mixed Use District, which is a newly created district within the Lancaster County Zoning Ordinance. The project is located within the Avondale Mixed Use District, which is a newly created district within the Lancaster County Zoning Ordinance.

### Existing Natural Features:

1. The project area contains a wooded area that is currently used for agriculture. The wooded area is located on the eastern side of the project area. The wooded area is currently used for agriculture. The wooded area is currently used for agriculture.
2. The project area contains a wooded area that is currently used for agriculture. The wooded area is located on the eastern side of the project area. The wooded area is currently used for agriculture. The wooded area is currently used for agriculture.

### Existing Manmade Features:

1. The project area contains a wooded area that is currently used for agriculture. The wooded area is located on the eastern side of the project area. The wooded area is currently used for agriculture. The wooded area is currently used for agriculture.
2. The project area contains a wooded area that is currently used for agriculture. The wooded area is located on the eastern side of the project area. The wooded area is currently used for agriculture. The wooded area is currently used for agriculture.
3. The project area contains a wooded area that is currently used for agriculture. The wooded area is located on the eastern side of the project area. The wooded area is currently used for agriculture. The wooded area is currently used for agriculture.
4. The project area contains a wooded area that is currently used for agriculture. The wooded area is located on the eastern side of the project area. The wooded area is currently used for agriculture. The wooded area is currently used for agriculture.
5. The project area contains a wooded area that is currently used for agriculture. The wooded area is located on the eastern side of the project area. The wooded area is currently used for agriculture. The wooded area is currently used for agriculture.
6. The project area contains a wooded area that is currently used for agriculture. The wooded area is located on the eastern side of the project area. The wooded area is currently used for agriculture. The wooded area is currently used for agriculture.
7. The project area contains a wooded area that is currently used for agriculture. The wooded area is located on the eastern side of the project area. The wooded area is currently used for agriculture. The wooded area is currently used for agriculture.
8. The project area contains a wooded area that is currently used for agriculture. The wooded area is located on the eastern side of the project area. The wooded area is currently used for agriculture. The wooded area is currently used for agriculture.
9. The project area contains a wooded area that is currently used for agriculture. The wooded area is located on the eastern side of the project area. The wooded area is currently used for agriculture. The wooded area is currently used for agriculture.
10. The project area contains a wooded area that is currently used for agriculture. The wooded area is located on the eastern side of the project area. The wooded area is currently used for agriculture. The wooded area is currently used for agriculture.

### Existing Legal Features:

1. The project area contains a wooded area that is currently used for agriculture. The wooded area is located on the eastern side of the project area. The wooded area is currently used for agriculture. The wooded area is currently used for agriculture.
2. The project area contains a wooded area that is currently used for agriculture. The wooded area is located on the eastern side of the project area. The wooded area is currently used for agriculture. The wooded area is currently used for agriculture.



R.D. Box 7030  
 Charlotte, NC 28211  
 NC - 704.544.4499  
 www.esp-associates.com

This drawing and/or the design shown are the property of ESP Associates, P.A. The reproduction, alteration, copying, or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action.  
 ESP Associates, P.A.

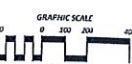


P.O. Box 471785  
 Charlotte, NC 28247

## Avondale

## Existing Features Notes & Aerial

PROJECT LOCATION: Lancaster County, SC



PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18

PROJECT LOCATION	DATE
Lancaster County, SC	08/18/18



**INFRASTRUCTURE AND REGULATION COMMITTEE**  
**September 8, 2015**

**Report to Council**

**Proposed Development Agreement with Sinacori Builders, LLC – Avondale Development  
and  
An Ordinance to Rezone Avondale Development Property**

Background

On June 2, 2015, the Lancaster County Planning Department received from Sinacori Homes an application to rezone approximately 179.35 acres located between Calvin Hall Road and Harrisburg Road in the Indian Land area of Lancaster County from R-15P, Moderate Density Residential / Agricultural Panhandle District and B-3, General Commercial District, to Planned Development District (PDD-27). Sinacori Homes refers to this property as the Avondale development. At its meeting on July 21, 2015, the Planning Commission held a public hearing on the proposed rezoning. By a 5-1 vote, the Planning Commission approved the rezoning of the property to Planned Development District (PDD-27).

Also, on April 21, 2015, the County received a proposed development agreement from Sinacori Builders, LLC, concerning the Avondale development. At its meeting on July 21, 2015, the Planning Commission conducted a public hearing on the proposed development agreement. In addition, the Planning Commission reviewed the proposed development agreement and, by a 6-0 vote, is recommending approval of the development agreement. A copy of the Planning Commission's report to Council is attached.

Report

The Infrastructure and Regulation Committee has reviewed the proposed development agreement and proposed rezoning. The Committee is reporting the Avondale development matter to Council for its consideration without any recommendations on the following:

1. An ordinance to rezone the Avondale development property as PDD-27. A draft ordinance, Ordinance No. 2015-1369, is attached to this report. Included in the draft ordinance is a provision stating the rezoning is effective when Sinacori Builders, LLC, takes title to the Avondale development property.
2. A development agreement between Sinacori Builders, LLC, and Lancaster County for the Avondale development. A copy of a proposed development agreement is attached to this report. Approval of the proposed development agreement by Council requires the passage of an ordinance. A draft ordinance, Ordinance No. 2015-1370, is attached to this report.

--xxx--

**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

**LANCASTER COUNTY PLANNING COMMISSION**

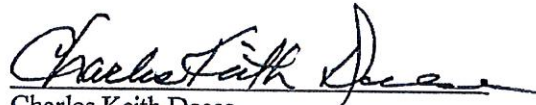
**REPORT TO COUNTY COUNCIL**

**DEVELOPMENT AGREEMENT – SINACORI BUILDERS, LLC**

Pursuant to Sections 23.5d and 23.5e of the Unified Development Ordinance of Lancaster County, the Planning Commission has reviewed as received from Sinacori Builders, LLC the proposed Development Agreement – Sinacori Builders, LLC/Avondale development

At its meeting on Tuesday, July 21, 2015, the Planning Commission conducted a public hearing on the proposed Development Agreement – Sinacori Builders, LLC. In addition, by a 6-0 vote, the Planning Commission voted to recommend to County Council approval of the Development Agreement – Sinacori Builders, LLC/Avondale development with the condition that the Chief Zoning Officer for Lancaster County would review compliance with this agreement before land transfers take place.

Respectfully submitted,



Charles Keith Deese

Chair, Lancaster County Planning Commission

## Agenda Item Summary

**Ordinance # / Resolution#:**

Contact Person / Sponsor: Penelope G. Karagounis, Lancaster County Planning Director

Department: Planning

Date Requested to be on Agenda: On September 14, 2015 County Council Meeting

**Issue for Consideration:**

This is a Development Agreement by Sinacori Builders, LLC for the Avondale PDD-27 located between Calvin Hall Road and Harrisburg Road in the Indian Land Section of Lancaster County. (TMS No: a portion of 0005-00-074.03. The entirety of the following TMS No: 0005-00-0075.00, 0005-00-75.01, 0005-00-076.00, 0005-00-077.00, 0005-00-078.00, 0005-00-079.01, 0005-00-089.00, 0005-00-089.01, 0005-00-091.00, 0005-00-091.03, 0005-00-092.00, 0005-00-093.04, 0005-00-093.05).

The property is currently zoned R-15P, Moderate Density Residential/Agricultural Panhandle District, and B-3, General Commercial District and the applicant is rezoning the properties to a Planned Development District (PDD-27). The site contains +/-177 acres.

**Points to Consider:**

On April 21, 2015, Debbie Hardin, County Clerk received the proposed Development Agreement for Avondale Development/Sinacori Builders, LLC. This agreement was held as the documentation needed to move forward with the rezoning was not complete. On May 12, 2015, the draft development agreement was delivered to the Lancaster County Planning Department. I emailed the draft development agreement to the following individuals: Steve Willis, County Administrator, John Weaver, County Attorney (Information Purposes); Mike Ey, McNair Law Firm; Morris Russell, Emergency Management; Clay Catoe, EMS Director; Sheriff Barry Faile; Kenneth Cauthen, Zoning Administrator; Jeff Catoe, Public Works Director; and Hal Hiott, Parks and Recreation Director to receive comments on the draft Development Agreement. Attached are the comments from the various departments (June 5, 2015). Please review to identify the concerns of the department heads for this Development Agreement.

**Funding and Liability Factors:** Please note that some of the numbers for the development do not match with the PDD-27, Master Plan. For example the total acreage in the development agreement states 177 acres and the Master Plan states up to 179.85 acres. Another example that we would like some explanation is the difference in numbers with the Master Plan in relation to the Development Schedule for the residential development (both attached vs. detached in the villages). Perhaps our legal experts can provide more information to staff.

**Council Options:** The Infrastructure and Regulation Committee will make a recommendation to the County Council. Department Heads will be at the Infrastructure and Regulation Committee to answer any questions that the Committee might have in regard to their comments for the Development Agreement.

**Recommendation:** The Planning Commission's recommendation was to approve by a vote of 6-0 with the condition that the Chief Zoning Officer for Lancaster County would review compliance with this agreement before land transfers take place.





## **Memo**

**To:** Lancaster County Council

**From:** Penelope G. Karagounis, Planning Director

**Date:** June 5, 2015

**Re:** Development Agreement Staff Recommendations for Avondale Planned Development District 27 (PDD-27)/Sinacori Builders, LLC.

### **Message:**

On April 21, 2015, Debbie Hardin, County Clerk received the proposed Development Agreement for Avondale Development/Sinacori Builders, LLC. This agreement was held as the documentation needed to move forward with the rezoning was not complete. On May 12, 2015, the draft development agreement was delivered to the Lancaster County Planning Department. I emailed the draft development agreement to the following individuals: Steve Willis, County Administrator, Mike Ey, McNair Law Firm; Morris Russell, Emergency Management; Clay Catoe, EMS Director; Sheriff Barry Faile; Kenneth Cauthen, Zoning Administrator; Jeff Catoe, Public Works Director; and Hal Hiott, Parks and Recreation Director to receive comments on the draft. Below are the comments I have received:

### **Steve Willis Comments:**

First, a general comment – do not allow anything in this DA and the proposed PDD that you will not allow in the planned multi-use zoning district.

Section 3.03 – do we need a mention of the planned SMS4 stormwater regulations?

Section 4.01(A) – no per rooftop payment for schools – lump sum the same as the public safety fee

Section 4.01(B) - \$1,000 per house

Section 4.04 (A) – as long as the HOA bears the responsibility for cost of replacing mast arm poles, I will drop my objection to installation of mast arm signals. My worry has always been the county taxpayers picking up the cost of replacement. I do question the mechanism for making sure the HOA has a few hundred thousand on hand at all times in case an ice storm takes down the poles.

Section 4.04(D) – do we need to again mention the upcoming SMS4 regulations?

Section 4.04(I) – is there need to also mention the area is subject to the PVFD fire fee?

Section 4.05(A) – do we need to add “...or successor agency” to the DHEC stormwater permit requirement? At some point I imagine we will have to start issuing permits in that area.

Section 5.03 – there was some talk a while back about transferring the periodic review to Zoning. What is the status on that? Do we have an annual review planned for all developments or is each one reviewed on its own 12 month cycle?

**Mike Ey Comments:**

NOTES

JME – June 5, 2015

Initial Review

Development Agreement -- Avondale Development  
Sinacori Builders, LLC

- General Editing. Some minor general editing is needed throughout the document. This editing would have little or no substantive effect.
- Covington Development Agreement. The provisions of the Avondale development agreement should be conformed, when appropriate, to the final version of the Covington development agreement.
- Planned Development District. The proposed zoning for the Avondale property is planned development district. This means that the development regulations applicable to the property will include those contained in the development agreement, the planned development district documents and in the Unified Development Ordinance (UDO). Because there are three potential sources for development

standards, several provisions in the development agreement will need to be altered to reflect all three sources and the priority for each source.

- Sec. 104. Property. Tax map numbers have been provided for the property covered by the agreement. The legal description for the property is needed, if available. The developer should be asked to confirm that all identified parcels are to be included in the agreement.
- Sec. 2.01(A) Representations and Warranties of County. This representation states that the County finds that the proposed development is consistent with the County's comprehensive plan and land development regulations. Is this correct?
- Sec. 3.01. Vested Right to Develop. Future Laws. Are there any ordinances that are in the "pipeline" that the County will want to apply to the property? If so, they need to be specifically identified.
- Sec. 3.01A. Connectivity. This section appears to involve a variance or deviation from the development standards contained in the UDO. Is this needed and, if so, is the language acceptable?
- Sec. 4.01A. School Payments. (1) The payment structure should be changed to reflect a lump sum payment within a short period after the approval of the agreement. The most recent development agreements have provided for lump sum payments. (2) The current payment obligation is based on residences. Will a school payment obligation also apply to commercial uses?
- Sec. 4.01B. Funds for Public Safety. (1) The payment structure should be changed to reflect a lump sum payment within a short period after the approval of the agreement. In addition, the dollar amount should be set at \$1000 per dwelling unit. The most recent development agreements have provided for lump sum payments based on \$1000 per unit. (2) The current payment obligation is based on residences. Will a public safety payment obligation also apply to commercial uses?
- Sec. 4.04(D). Storm Water Management. This section should be adjusted to match the language used in the Covington development agreement.



- Sec. 4.05. Maximum Density. This section can be deleted. Density is addressed in Section 1.06. This provision originated in a development agreement that did not involve planned development district zoning.
- Sec. 4.06. Road Widths. This section can be deleted. Council passed Ordinance No. 2014-1285 and it provides for the specified road width.
- Exhibit F, Rezoning Plan. Is this exhibit necessary for the development agreement?

**Morris Russell and Darren Player, Emergency Management Comments:**

Review of the attached ordinance documents and the first draft development agreement from Sinacori Builders, LLC.:

- A fire proof or retardant type exterior wall treatment such as brick or cementitious boarding should be required due to the close proximity of structures based on the number of structures allowed per acre.
- The possible traffic circle entrance should be coordinated with the Fire Marshal and Public Works Director to ensure a proper radius is used in construction to allow for fire apparatus safe and unencumbered entry.
- The ordinance references the fact that no building over 50 feet in height can be constructed but also lists several sections that have listed heights of up to 60 feet in height.
- The development agreement leaves blank the financial fees and payments to Lancaster County for Public Safety agency use in the Indian Land area of the county. The standard fees already used in other agreements should apply. Fire Rescue would like to note Pleasant Valley Fire Department will soon need to expand the Harrisburg Rd Substation and funding from this agreement could be combined with that of other agreements to supplement the necessary funding needed for the station expansion.
- Road widths are defined as 22 feet in the development agreement. The developer must be aware the Fire Code requires a road width of 26 feet in the area of a fire hydrant that is not located at an intersection. This should be coordinated with the Fire Marshal during his site plan review.

Darren Player, Deputy Director  
Lancaster County Fire Rescue / Emergency Management

**Jeff Catoe, Public Works Director Comments:**

These roads will be private.

Any future drawing, plan, or plat submittal(s) need to identify all interior roads as private. This exhibit does not state or show privately maintained roads.

The PDD copy attached states some interior roads may be private (Section 18c). It needs to state all roads will be private.

Sidewalks are mentioned, and if installed, they will be privately maintained as well.

**Penelope Karagounis, Planning Director:**

A month after the initial submission, a revised master plan with PDD regulations (PDD-27, Avondale proposed ordinance) were filed in the Planning Department office. One of the parcels for this project was eliminated and is not reflected in this development agreement. It was advised to the applicant as they are receiving comments from the Infrastructure and Regulation Committee to update the information in their draft development agreement to reflect the new current submitted master plan and PDD ordinance for Avondale. The revised development agreement should identify the exact density that the applicant is requesting with their master plan and ordinance for Avondale.

Section 3.01 A. Connectivity— this is a proposed mixed use development that is being proposed as a Planned Development District. Connectivity is a requirement. What are your inherent constraints? We need justification for this variance.

County adopted the Comprehensive Plan in December 2014. The subject is area is now classified as Neighborhood Mixed Use on the Future Land Use Map, which is included in the new Comprehensive Plan. This area is portrayed as the community type of “walkable neighborhood”. Sidewalk connectivity throughout the neighborhood and on Calvin Hall Road and Harrisburg Road should be a requirement in the development agreement for Avondale. Internal sidewalks should be located on both sides of main boulevards and on one side of internal roads in the subdivision.

A very small part of some parcels in this proposed development are part of the Pedestrian Center Node. The County has only identified three areas for high density

pedestrian centers through their future land use map. The majority of the parcels in the Avondale PDD do not fall into the pedestrian center classification.

Developer and all associated parties need to be aware of Section 3.04 Development Permits. For example, if comments are made during the DRC process by a local agency reviewing the preliminary plan, those changes should be made by the developer. This process has been identified and is in place for staff to review preliminary plans even after a development agreement is signed.

We are grateful for the school payment and for the public safety payment. However, these fees are one time fees that can not be used for operational costs for the County. Staff has brought this concern many times in the past to Administration that the County needs to look into impact fees to help pay for the growth. The collection of these specific fees will not be able to be used for operational costs which this County desperately needs to accommodate all the new population living in Lancaster County.

The Carolina Thread Trail Master Plan does not depict any trails going through this property.

Sidewalks will be required on at least one side of every street. A sidewalk will be required on both sides of arterial and collector streets.

Define the Maximum Density for Section 4.05.

The minimum lot width allowed for single-family development is 55 ft. If a development has a lot width of 60 feet or less, then rear access to each unit via an alley is required.

Revise Exhibit A Property Description

Exhibit C: Development Schedule - Why does this go to 7 years since the development agreement is for 5 years?

Private Roads: Need to cite new Ordinance that County Council passed.

**Hal Hiott, Parks and Recreation Director's Comments: No Comments**

**Sherriff Barry Faile's Comments: No Comments**

**Kenneth Cauthen, Zoning Administrator Comments: No Comments**

**Clay Catoe, EMS Director: No Comments**



---

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

)  
)  
)

ORDINANCE NO. 2015-1370

AN ORDINANCE

TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN SINACORI BUILDERS, LLC, AND THE COUNTY OF LANCASTER RELATING TO THE AVONDALE DEVELOPMENT; TO AUTHORIZE CERTAIN COUNTY OFFICIALS TO EXECUTE AND DELIVER THE DEVELOPMENT AGREEMENT; 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) Lancaster County is authorized by the South Carolina Local Government Development Agreement Act, codified as Sections 6-31-10 to -160, Code of Laws of South Carolina 1976, as amended (the "Act"), and by the Development Agreement Ordinance for Lancaster County, South Carolina, Ordinance No. 663 (the "Ordinance"), to enter into development agreements with developers;

(b) Sinacori Builders, LLC, seeks to enter into a development agreement with Lancaster County relating to the Avondale development; and

(c) the Act and Ordinance require a development agreement to be approved by the county governing body by the adoption of an ordinance.

**Section 2. Approval of Agreement; Authorization to Act.**

A. The Council Chair and Council Secretary are each authorized, empowered and directed to execute, acknowledge and deliver a Development Agreement between Sinacori Builders, LLC, and the County of Lancaster relating to the Avondale development (the "Development Agreement") in the name and on behalf of the County of Lancaster. The form of the Development Agreement is attached hereto as Exhibit A and all terms, provisions and conditions of the Development Agreement are incorporated herein by reference as if the Development Agreement were set out in this ordinance in its entirety. By adoption of this ordinance, the Lancaster County Council approves the Development Agreement and all of its

terms, provisions and conditions. The Development Agreement is to be in substantially the form as attached to this ordinance and hereby approved, or with such minor changes therein as shall be approved by the officials of Lancaster County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Development Agreement attached to this ordinance.

B. The Council Chair and Council Secretary are each authorized to execute and deliver any related instruments, documents, certificates and other papers as are necessary to effect the delivery of the Development Agreement. The Council and its duly elected or appointed officers and any other County official are authorized to take any and all action as may be necessary to effectuate the purposes of this 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 thereby.

**Section 4. Controlling Provisions.**

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

Planning Commission Public Hearing:	July 21, 2015	
First Reading:		Tentative
Second Reading:		Tentative
Council Public Hearing:		Tentative
Third Reading:		Tentative

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

**Exhibit A to Ordinance No. 2015-1370**

**Development Agreement  
Between  
Sinacori Builders, LLC, and the County of Lancaster  
Avondale Development**

See attached.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.



------(Space above this line for recording use)-----

STATE OF SOUTH CAROLINA	)	DEVELOPMENT AGREEMENT
	)	
COUNTY OF LANCASTER	)	AVONDALE DEVELOPMENT

This **DEVELOPMENT AGREEMENT** (the "Agreement") is made and entered into as of the \_\_\_ day of October, 2015 ("Agreement Date"), by and between **SINACORI BUILDERS, LLC** ("Developer"), a North Carolina limited liability company, and the **COUNTY OF LANCASTER** (the "County"), a body politic and corporate, a political subdivision of the State of South Carolina.

### RECITALS

**WHEREAS**, Developer has obtained the right to acquire certain real property consisting of approximately 179.35 acres, more or less, located between Calvin Hall Road and Harrisburg Road in the Indian Land section of the County and known as the Avondale development.

**WHEREAS**, Developer has submitted an application to the County requesting that the property comprising the Avondale development be rezoned to Planned Development District.

**WHEREAS**, Developer and County have determined that it is in the best interests of the County and Developer to enter into this Agreement to set forth the terms and conditions of the development in order to more fully protect the Developer's development rights, thereby providing certainty and predictability to the Developer of those rights and providing certainty and predictability to the County on the scope and terms of the development.

**WHEREAS**, the Developer desires to obtain from the County in connection with the development, and the County is willing to provide, assurances: (1) that the property will be appropriately zoned for the duration of this Agreement; (2) that upon receipt of its development and construction permits it may proceed with the planned development and construction; and (3) that the development rights will be vested for the duration of this Agreement.

**WHEREAS**, in connection with the proposed development, Developer and County recognize that the scope and term of the planned development under this Agreement accomplish the statutory aims of comprehensive, orderly planning and development within the County, thus providing benefits to the citizens of the County and providing public benefits through, among other things, the donation of funds or financing of those public facilities and services described and identified in this Agreement.

**NOW, THEREFORE**, in consideration of the foregoing and the terms and conditions set forth in this Agreement, the receipt and sufficiency of such consideration being acknowledged by the parties, and pursuant to the South Carolina Local Government Development Agreement Act, codified as Sections 6-31-10 to -160, Code of Laws of South Carolina 1976, as amended (the “Act”) and the Development Agreement Ordinance for Lancaster County, South Carolina (“Ordinance No. 663”), the parties to this Agreement, intending to be legally bound to a development agreement in accordance with the Act and Ordinance No. 663, agree as follows:

## **ARTICLE I**

### **GENERAL**

**Section 1.01. Incorporation.** The above recitals are incorporated in this Agreement as if the recitals were set out in this Agreement in its entirety. The findings contained in the Act are incorporated into this Agreement as if they were set out in this Agreement in its entirety.

**Section 1.02. Definitions.** (A) As used in this Agreement:

(1) “Act” means the South Carolina Local Government Development Agreement Act, codified as Sections §§ 6-31-10 to -160, Code of Laws of South Carolina 1976, as amended.

(2) “Agreement” means this Development Agreement.

(2A) “Agreement Date” means the date of this Agreement as set forth above.

(3) “County” means the County of Lancaster, a body politic and corporate, a political subdivision of the State of South Carolina.

(4) “County Council” means the governing body of the County.

(5) “Developer” means Sinacori Builders, LLC, a North Carolina limited liability company, and its successors in title to the Property who undertake Development of the Property or who are transferred Development Rights.

(6) “Development Rights” means the right of the Developer to develop all or part of the Property in accordance with this Agreement.

(7) Reserved.

(8) “Laws and Land Development Regulations” means the County’s applicable rules and regulations governing development of real property as set forth on Exhibit E hereto. A copy of the Laws and Land Development Regulations, as of the Agreement Date, is on file in the County Planning Department.

(9) “Ordinance No. 663” means Ordinance No. 663 of the County which is cited as the Development Agreement Ordinance for Lancaster County, South Carolina.

(10) “Ordinance No. 2015-1369” or “PDD-27” means Ordinance No. 2015-1369 of the County zoning the Property Planned Development District.

(11) “Ordinance No. 2015-1370” means Ordinance No. 2015-1370 of the County approving this Agreement.

(12) “Parties” means County and Developer.

(13) Reserved.

(14) “Property” means the land, and any improvements thereon, described in Section 1.04.

(15) “Sinacori Related Entity” means (i) an entity that is owned or controlled by Developer, or is owned or controlled by any entity that owns at least a fifty percent (50%) membership interest in Developer; and (ii) any entity that is the successor in interest to Developer via merger or operation of law.

(16) “UDO” means Ordinance No. 309, as amended, as of the Agreement Date and which is cited as the Unified Development Ordinance of Lancaster County. The UDO includes Ordinance No. 328, as amended, as of the Agreement Date and which is cited as the Land Development Regulations of Lancaster County.

(B) Unless the context clearly indicates otherwise, terms not otherwise defined in this Agreement have the meanings set forth in the Act and Ordinance No. 663.

**Section 1.03. Parties.** The parties to this Agreement are County and Developer.

**Section 1.04. Property.** This Agreement applies to the land described in Exhibit A, attached hereto and incorporated herein by reference as if the exhibit were set out in this Agreement in its entirety. The Property is generally known as the Avondale development.

**Section 1.05. Zoning.** The Property is zoned Planned Development District pursuant to Ordinance No. 2015-1369.

**Section 1.06. Permitted Uses.** (A) PDD-27 provides for the development uses on the Property, including population densities, building intensities and height.

(B) All lots for the Development must meet all of the standards contained in this Agreement and if no specific standard is contained in this Agreement, then the standards contained in PDD-27 apply and if no specific standard is contained in PDD-27, then the standards contained in the UDO apply.

**Section 1.07. Development Schedule.** (A) The estimated development schedule for the Property is set forth on Exhibit C, attached hereto and incorporated herein by reference as if the exhibit were set out in this Agreement in its entirety.

(B) County and Developer acknowledge that the development schedule is an estimate. The failure of the Developer to meet a commencement or completion date does not, in and of itself, constitute a material breach of this Agreement, but must be judged based on the totality of the circumstances. The development schedule is a planning and forecasting tool only. County and Developer acknowledge that actual development is likely to take place at a different pace than set forth in the development schedule because of future market forces.



(C) County agrees that if Developer requests an adjustment to the development schedule, including commencement dates and interim completion dates, then the dates must be modified if the Developer is able to demonstrate and establish that there is good cause to modify those dates. “Good cause” includes, but is not limited to, changes in market conditions.

(D) Periodic adjustments to the development schedule do not require a formal amendment to this Agreement and are not considered a major modification. To adjust the development schedule, the Developer shall submit a proposed adjustment to the Clerk to Council who shall forward copies of the proposed adjustment to each member of County Council. The proposed adjustment must be accompanied by an explanation and justification. The proposed adjustment is effective sixty (60) days from receipt by the Clerk to Council unless the County Council has disapproved the proposed adjustment by passage of a resolution to that effect within the sixty (60) day period.

**Section 1.08. Relationship of Parties.** This Agreement creates a contractual relationship among the Parties. This Agreement is not intended to create, and does not create, the relationship of partnership, joint venture, or any other relationship wherein any one of the parties may be held responsible for the acts of any other party. This Agreement is not intended to create, and does not create, a relationship whereby any one of the parties may be rendered liable in any manner for the debts or obligations of any other party, to any person or entity whatsoever, whether the debt or obligation arises under this Agreement or outside of this Agreement.

**Section 1.09. Benefits and Burdens.** (A) The Parties agree that the burdens of this Agreement are binding upon, and the benefits of this Agreement shall inure to, all successors in interests to the Parties to this Agreement.

(B) Except for the owners and lessees of completed residences on individual lots who are the end users and not developers thereof and the owners and lessees of individual lots, who are not developers and who intend to build a residence on the lot for the owner or lessee to occupy, any purchaser or other successor in title is responsible for performance of Developer’s obligations pursuant to this Agreement as to the portion of the Property so transferred. Developer must give notice to the County of the transfer of property to a developer in the manner prescribed in Section 3.05.

(C) Developer acknowledges and agrees that it (i) is responsible for the development of the Property when Developer acquires title to or development rights for the Property, and (ii) will develop the Property in accordance with the terms and conditions of this Agreement. It is the express intention of the Parties that the obligations of this Agreement are intended to run with the Property. If the Property is sold, either in whole or in part, and the Developer’s obligations are transferred to a purchaser or successor in title to the Property as provided herein and in Section 3.05 below, Developer shall be relieved of any further liability for the performance of Developer’s obligations as provided in this Agreement as it relates to the portion of the Property sold if the Developer is then current with its obligations pursuant to this Agreement.

**Section 1.10. Term.** The term of this Agreement commences on the Agreement Date and terminates five (5) years thereafter.

**Section 1.11. Required Information.** Ordinance No. 663 requires a development agreement to include certain information. Exhibit D contains the required information or identifies where the information may be found in this Agreement. Exhibit D is incorporated herein by reference as if the exhibit were set out in this Agreement in its entirety.

## ARTICLE II

### REPRESENTATIONS AND WARRANTIES

**Section 2.01. Representations and Warranties of County.** (A) The County represents that it finds the development permitted by this Agreement is consistent with the County's comprehensive plan and land development regulations.

(B) The County represents that it has approved this Agreement by adoption of Ordinance No. 2015-1370 in accordance with the procedural requirements of the Act, Ordinance No. 663 and any other applicable state law.

(C) The County represents that prior to the final reading of Ordinance No. 2015-1370 that at least two public hearings were held after publication of the required notice and the publication of a notice of intent to consider a proposed development agreement.

**Section 2.02. Representations and Warranties of Developer.** (A) Developer represents that the number of acres of highland contained in the Property is twenty-five (25) or more, the same being approximately one hundred and seventy-seven (177) acres.

(B) Developer represents that, as of the Agreement Date, it has contractual rights to acquire the Property and that, following acquisition, Developer shall be the only legal and equitable owner of the Property.

(C) Developer represents and warrants that the execution, delivery and performance by the individual or entity signing this Agreement on behalf of the Developer has been duly authorized and approved by all requisite action on the part of Developer.

## ARTICLE III

### DEVELOPMENT RIGHTS

**Section 3.01. Vested Right to Develop.** (A) County agrees that the Developer, upon receipt of its development permits as identified in Section 3.04, may proceed to develop the Property according to the terms and conditions of this Agreement. The right of Developer to develop the Property as set forth in this Agreement is deemed vested with Developer for the term of this Agreement when the Developer has complied with all of the requirements of Section 5.19.

(B) County agrees that the specific Laws and Land Development Regulations in force as of the Agreement Date as set forth in Exhibit E to this Agreement, attached hereto and incorporated herein by reference as if the exhibit were set out in this Agreement in its entirety, shall govern all aspects of the development of the Property, according to the terms and standards as stated in this Agreement, for the term of this Agreement.

(C) The Developer has a vested right to proceed with the development of the Property in accordance with the zoning classification set forth in PDD-27, the UDO and the terms of this Agreement when the Developer has complied with all of the requirements of Section 5.19.

(D) Except as may be otherwise provided for in this Agreement, the Act or Ordinance No. 663, no future changes or amendments to the Laws and Land Development Regulations shall apply to the Property, and no other local land development legislative enactments shall apply to the development, the Property, or this Agreement which have a direct or indirect adverse effect on the ability of the Developer to develop the Property in accordance with the Laws and Land Development Regulations.

(E)(1) To the extent that this Agreement may contain zoning and development standards which conflict with existing zoning and development standards, including zoning and development standards contained in PDD-27 and the UDO, the standards contained in this Agreement supersede all other standards and this Agreement is deemed controlling.

(2) To the extent that PDD-27 may contain zoning and development standards which conflict with zoning and development standards in the UDO, the standards contained in PDD-27 supersede all other standards and PDD-27 is deemed controlling except as provided in subsection (E)(1).

(F) For purposes of Subsection (D) of this Section 3.01 and Section 3.03(A)(3), the Laws and Land Development Regulations are anticipated to be amended subsequent to the Agreement Date to provide for requirements and standards applicable to storm water runoff conveyance systems and drainage improvements. The anticipated amendments are expected to include, but not be limited to, minimum standards for the design and sizing of storm drainage piping systems and access easements. These amendments to the Laws and Land Development Regulations will apply to the Property.

**Section 3.02. Effect on Vested Rights Act and County Ordinance No. 673.** The Parties agree that vested rights conferred upon Developer in this Agreement are not affected by the provisions of the Vested Rights Act, codified as Sections 6-29-1510 to -1560, Code of Laws of South Carolina 1976, as amended, or the provisions of Ordinance No. 673, the County's ordinance relating to the Vested Rights Act.

**Section 3.03. Applicability of Subsequently Adopted Laws and Land Development Regulations.** (A) County may apply laws adopted after the execution of this Agreement to the development of the Property only if the County Council holds a public hearing and determines:

(1) the laws are not in conflict with the laws governing this Agreement and do not prevent the development set forth in this Agreement and "laws" which prevent development include, but are not limited to, a moratorium, or any other similar restriction that curtails the rate at which development can occur on the Property;

(2) the laws are essential to the public health, safety, or welfare and the laws expressly state that they apply to the development that is subject to this Agreement;

(3) the laws are specifically anticipated and provided for in this Agreement;

(4) that substantial changes have occurred in pertinent conditions existing at the time this Agreement was approved which changes, if not addressed by County, would pose a serious threat to the public health, safety, or welfare; or



(5) that this Agreement was based on substantially and materially inaccurate information supplied by the Developer that materially affected the terms and provisions of this Agreement.

(B) Developer agrees to comply with any county-wide building, housing, electrical, plumbing, fire and gas codes adopted by County Council after the Agreement Date and in force at the time plans for buildings are submitted to the County for review. Nothing in this Agreement is intended to supersede or contravene the requirements of any building, housing, electrical, plumbing, fire or gas code adopted by County Council.

**Section 3.04. Development Permits.** (A) Developer agrees to obtain all local development permits for the development of the Property. Local development permits, approvals and processes, some of which may have been obtained or complied with as of the Agreement Date, include, but are not limited to:

- (1) Development Review Committee process;
- (2) Preliminary plan approval;
- (3) Final plat approval;
- (4) Zoning permits;
- (5) Building permits; and
- (6) Sign permits.

(B) The failure of this Agreement to address a particular permit, condition, term, or restriction does not relieve the Developer of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions.

**Section 3.05. Transfer of Development Rights.** Developer may, at its sole discretion, transfer its Development Rights to other developers. The transferring Developer must give notice to the County of the transfer of any Development Rights. The notice to the County must include the identity and address of the transferring Developer, the identity and address of the acquiring Developer, the acquiring Developer's contact person, the location and number of acres of the Property associated with the transfer and the number of residential units subject to the transfer, and, if applicable, the amount of non-residential development subject to the transfer. If the acquiring Developer is an entity, then, at the request of the County, the acquiring Developer shall provide the County the opportunity to view a listing of the names and addresses of the entity's officers and owners. Any Developer acquiring Development Rights is required to file with the County an acknowledgment of this Agreement and the transfer of Development Rights is effective only when the County receives a commitment from the acquiring Developer to be bound by it. This provision does not apply to the purchaser or other successor in title to the Developer who is the owner or lessee of a completed residence and is the end user and not the developer thereof or who is the owner or lessee of an individual lot, who is not a developer and who intends to build a residence on the lot for the owner or lessee to occupy.

## ARTICLE IV

### DEDICATIONS AND FEES AND RELATED AGREEMENTS

**Section 4.01. Purpose of Article.** The Parties understand and agree that Development of the Property imposes certain burdens and costs on the County, including those for certain services and infrastructure improvements. Eventually, *ad valorem* taxes collected from the property may meet or exceed the burdens and costs placed upon the County, but certain initial costs and capital expenditures are now required that are not to be funded by any increase in taxes paid by existing residents of the County. The purpose of this article is to identify the matters agreed upon to be provided by the Developer to mitigate such burdens and costs.

**Section 4.01A. School Payments.** Developer agrees to pay to the County for the benefit of the Lancaster County School District THREE HUNDRED SIXTY-FIVE THOUSAND AND NO/100 DOLLARS (\$365,000.00) upon the earlier of either February 1, 2017 or the closing on the sale of any portion of the Avondale development to an individual or entity other than a Sinacori Related Entity (the “School Payment”). Developer acknowledges and agrees that County is responsible only for the remittance of the School Payment to the Lancaster County School District and that the County has no other obligation or responsibility for the School Payment. As used in this section, “Developer” means Sinacori Builders, LLC, a North Carolina limited liability company, and does not include its successors or assigns but does include a Sinacori Related Entity that holds title to the Property.

**Section 4.01B. Funds for Public Safety.** Developer agrees to pay County SEVEN HUNDRED THIRTY THOUSAND AND NO/100 DOLLARS (\$730,000.00) upon the earlier of either February 1, 2017, or the closing on the sale of any portion of the Avondale development to an individual or entity other than a Sinacori Related Entity (the “Public Safety Payment”). Upon receipt of the Public Safety Payment, the monies must be accounted for separate and distinct from other monies of the County. The Public Safety Payment must be used for non-recurring purposes for law enforcement, fire and emergency medical service in the panhandle area of the County. The determination of the specific uses for the Public Safety Payment is at the discretion of the County Council. As used in this section, “Developer” means Sinacori Builders, LLC, a North Carolina limited liability company, and does not include its successors or assigns but does include a Sinacori Related Entity that holds title to the Property.

**Section 4.01C. Dedication of Institutional Land.** Developer shall dedicate four (4) acres of land identified on the Master Plan, in Village A, as a flex public civic/institutional/park and recreation site to be dedicated to the County for the use and enjoyment by the citizens (“Institutional Land”). The Master Plan is contained in Exhibit F, attached hereto and incorporated herein by reference as if the exhibit were set out in this Agreement in its entirety. This Institutional Land is intended to be developed by the County or its designee as a public civic/institutional/park and recreation site and is being provided by Developer in lieu of providing commercial development as provided in Section 13.12.1.11.d\* of the UDO. County and Developer acknowledge that whether the Institutional Land is ultimately developed by the County or its designee is dependent on the availability of funding to pay for the development of the Institutional Land and that the decision to develop the Institutional Land is a discretionary decision for County Council. If it is determined that the Institutional Land will be conveyed to the County, then Developer agrees that the property will be conveyed free of any encumbrances and by way of general warranty deed conveying marketable and insurable title to the County.

No recycling centers, convenience site or trash or solid waste transfer stations or similar type of land uses can be included as an eligible land use on this Institutional Land.

**Section 4.02. Payment of Costs.** Upon submission of appropriate documentation of the expenditure, Developer agrees to reimburse the County, not later than January 31, 2016, for the County's reasonable unreimbursed actual costs related to this Agreement. The foregoing cost reimbursement is capped at ten thousand dollars (\$10,000.00) and is limited to County payments to third-party vendors and service providers that have not been otherwise reimbursed from the fee paid by Developer pursuant to Section 10 of Ordinance No. 663.

**Section 4.03. Other Charges or Fees.** (A) Nothing in this Agreement shall be construed as relieving Developer from the payment of any fees or charges in effect at the time of collection as may be assessed by entities other than the County.

(B) Developer is subject to the payment of any and all present or future fees enacted by the County that are of County-wide application and that relate to the County's costs of processing applications, issuing development permits, reviewing plans, conducting inspections or similar type processing costs.

**Section 4.04. Infrastructure and Services.** The Parties recognize that the majority of the direct costs associated with the Development of the Property will be borne by Developer, and many necessary infrastructure improvements and services will be provided by Developer or other governmental or quasi-governmental entities, and not by the County. For clarification, the Parties make specific note of and acknowledge the following:

**(A) Roads.** (1)(a) Developer is responsible for the construction and costs of all roads, whether for public or private use, within the Property including but not limited to any necessary entrance and intersection improvements as required by the South Carolina Department of Transportation related to the development of the Property. All roads must be constructed in accordance with the County's road standards. The road improvements are expected to be implemented on a schedule consistent with the development of the Property as contained in the development schedule and as necessary to serve the development.

(b) Developer shall cause to be prepared a traffic impact analysis conducted and sealed by a licensed South Carolina professional engineer. Any road improvements, which are determined to be necessary, based on the results of the traffic impact analysis, shall be incorporated into the final site plan prior to County approval and the Developer is responsible for all costs of the road improvements. The traffic impact analysis shall be reviewed by the County and in conjunction with the South Carolina Department of Transportation. If a County-level traffic planner is not available to review the traffic impact analysis at the time of submittal, the County may choose to hire a third-party consultant to assist in this review. The cost of the traffic impact analysis, including any additional reviews requested by the County, shall be paid by the Developer. Improvements set forth in the traffic impact analysis may be installed based on a phasing study prepared by a licensed South Carolina professional engineer at the expense of Developer. The installation of new traffic signals or improvements to existing traffic signals shall be based on warrant studies conducted by a licensed South Carolina professional engineer at established specific times and at the expense of Developer.



(c) If a signalized intersection is required by the traffic impact analysis, or additional poles are required at an existing signalized intersection, a mast-arm traffic signal shall be installed. At a minimum, the standard metal mast-arm poles used by Duke Energy Corporation shall be installed. Complete cost of the installation of the mast-arm traffic signal shall be paid by Developer. Developer shall furnish a financial guarantee, acceptable to the County in its discretion, to cover future repairs and replacement of the mast-arm traffic signal. Developer may transfer its obligation for future repairs and replacement for the mast-arm traffic signal to a homeowners' or property owners' association, or similar organization.

(2) Developer is responsible for all construction and maintenance, and the costs thereof, associated with the roads within the Property. Developer may transfer the ownership of the roads and its obligations for the roads to a homeowners' or property owners' association, or similar organization.

(3) Developer agrees to maintain the landscaping at the entrance to the Property and obtain any necessary easements therefor from the South Carolina Department of Transportation. Developer's obligation to maintain the landscaping is limited to mowing and planting of grass, trimming and planting of shrubs, trees and other vegetation, and maintenance and operation of any associated irrigation system. County agrees to cooperate with Developer in obtaining an easement or other related approvals. Developer may transfer its maintenance obligation to a homeowners' or property owners' association, or similar organization.

(4) County is not responsible for any construction, maintenance, or costs associated with the roads within the Property. Developer acknowledges that County will not accept the roads within the Property into the County road system for any purpose, including, but not limited to, maintenance. Developer shall provide to County, prior to final plat approval, documentation that a homeowners' or property owners' association, or similar organization is responsible for the perpetual maintenance of the roads within the Property.

**(B) Potable Water.** Potable water will be supplied to the Property by the Lancaster County Water and Sewer District. Developer will construct, or cause to be constructed, all necessary water service infrastructure within the Property and the water service infrastructure will be maintained by the provider. County is not responsible for any construction, treatment, maintenance, or costs associated with water service or water service infrastructure to or within the Property. The water service infrastructure is expected to be implemented on a schedule consistent with the development of the Property as contained in the development schedule and as necessary to serve the development. Developer acknowledges that County has no authority or responsibility for providing potable water services in the County and that the Lancaster County Water and Sewer District is a governmental entity separate and distinct from the County.

**(C) Sewage Treatment and Disposal.** Sewage treatment and disposal will be provided by the Lancaster County Water and Sewer District. Developer will construct, or cause to be constructed, all necessary sewer service infrastructure within the Property and the sewer service infrastructure will be maintained by the provider. County is not responsible for any construction, treatment, maintenance, or costs associated with sewer service or sewer service infrastructure. Sewer service infrastructure is expected to be implemented on a schedule consistent with the development of the Property as contained in the development schedule and as necessary to serve the development. Developer acknowledges that County has no authority or responsibility for providing sewage treatment and disposal services in the County and that the Lancaster County Water and Sewer District is a governmental entity separate and distinct from the County.

**(D) Storm Water Management.** Developer will construct or cause to be constructed all storm water runoff conveyance systems and drainage improvements within the Property required by the development of the Property. All inlets, piping within a system, associated swales or other conveyance system shall be designed for a minimum twenty-five (25) year storm event. Individual culvert crossing shall be designed for a minimum twenty-five (25) year storm event. Developer agrees to construct or cause to be constructed permanent water quantity and water quality systems and improvements in accordance with best management practices. The applicable requirements and standards shall be the more stringent of either the requirements and standards contained in the Laws and Land Development Regulations as may be modified pursuant to Section 3.01(F) or the requirements and standards set by the South Carolina Department of Health and Environmental Control (DHEC) or its successor agency. All storm water systems and improvements will be maintained by Developer or a homeowners' association. County is not responsible for any construction, maintenance or costs associated with the storm water runoff and drainage for the Property. Storm water management improvements are expected to be implemented on a schedule consistent with the development of the Property as contained in the development schedule and as necessary to serve the development.

**(E) Solid Waste Collection.** The County shall provide solid waste collection to the Property on the same basis as is provided to other residents and businesses within the County. It is understood and acknowledged that the County does not presently provide solid waste disposal for single, multi-family or commercial developments. Residential units shall be served by a private waste hauling company.

**(F) Law Enforcement Protection.** The County shall provide law enforcement protection services to the Property on the same basis as is provided to other residents and businesses within the County.

**(G) Recycling Services.** The County shall provide recycling services to the Property on the same basis as is provided to other residents and businesses within the County.

**(H) Emergency Medical Services (EMS).** Emergency medical services shall be provided by the County to the Property on the same basis as is provided to other residents and businesses within the County.

**(I) Fire Services.** The Property is located in the Pleasant Valley Fire Protection District and fire services will be provided by the Pleasant Valley Fire Department, or successor entities.

**(J) Library Service.** The County shall provide library services on the same basis as is provided to other residents within the County.

**(K) School Services.** Public school services are now provided by the Lancaster County School District. Developer acknowledges that County has no authority or responsibility for providing public school services in the County.

**(L) Parks and Recreation.** The County shall provide parks and recreation services on the same basis as is provided to other residents within the County.

#### **Section 4.05. Reserved.**

**Section 4.05A. Final Plat Approval.** Notwithstanding any other provision of this Agreement, PDD-27 or the UDO, Developer agrees that prior to seeking final plat approval: (i) all water and sewer infrastructure for the area that is the subject of the final plat shall be installed by the Developer and subsequently tested, inspected, and found to be in acceptable condition by

the applicable water or sewer provider, and (ii) the appropriate permits from the South Carolina Department of Health and Environmental Control (DHEC), or its successor agency, have been obtained by the Developer for storm water management and the Developer shall provide proof that DHEC has issued the appropriate permits.

**Section 4.06. Reserved.**

**ARTICLE V**

**MISCELLANEOUS**

**Section 5.01. Notices.** Any notice, election, demand, request or other communication to be provided under this Agreement shall be in writing and shall be effective (i) when delivered to the party named below, (ii) when deposited with the United States Postal Service, certified mail, return receipt requested, postage prepaid, or (iii) when deposited in Federal Express (or any other reputable national “next day” delivery service) addressed as follows (or addressed to such other address as any party shall have previously furnished in writing to the other party), except where the terms hereof require receipt rather than sending of any notice, in which case such provision shall control:

To the County:       County of Lancaster  
                          Attn: County Administrator  
                          101 N. Main St. (29720)  
                          P.O. Box 1809 (29721)  
                          Lancaster, SC

With Copy to:       County of Lancaster  
                          Attn: County Attorney  
                          101 N. Main St. (29720)  
                          P.O. Box 1809 (29721)  
                          Lancaster, SC

And to Developer:   Sinacori Builders, LLC  
                          Attn: Russ Sinacori  
                          P.O. Box 471785  
                          Charlotte, NC 28247

With Copy to:       Sinacori Builders, LLC  
                          Attn: John H. Carmichael  
                          Robinson Bradshaw & Hinson, P.A.  
                          101 North Tryon Street, Suite 1900  
                          Charlotte, North Carolina 28246



**Section 5.02. Amendments.** (A) This Agreement may be amended or cancelled by mutual consent of the parties to the Agreement. An amendment to this Agreement must be in writing. No statement, action or agreement made after the Agreement Date shall be effective to change, amend, waive, modify, discharge, terminate or effect an abandonment of this Agreement in whole or in part unless such statement, action or agreement is in writing and signed by the party against whom the change, amendment, waiver, modification, discharge, termination or abandonment is sought to be enforced.

(B) An amendment to this Agreement must be processed and considered in the same manner as set forth in Ordinance No. 663 for a proposed development agreement. Any amendment to this Agreement constitutes a major modification and the major modification may occur only after public notice and a public hearing by the County Council.

(C) This Agreement must be modified or suspended as may be necessary to comply with any state or federal laws or regulations enacted after the Agreement Date which prevents or precludes compliance with one or more of the provisions of this Agreement but only to the extent necessary to effectuate compliance with the state or federal law.

**Section 5.03. Periodic Review.** At least every twelve (12) months, the Chief Zoning Officer for the County or the designee of the Chief Zoning Officer for the County, or the successor to Chief Zoning Officer for the County, must review compliance with this Agreement by the Developer. At the time of review the Developer must demonstrate good faith compliance with the terms of the Agreement.

**Section 5.04. Breach of Agreement.** (A) If, as a result of the periodic review provided in Section 5.03 of this Agreement or at any other time, the Chief Zoning Officer for the County finds and determines that the Developer has committed a material breach of the terms or conditions of this Agreement, the Chief Zoning Officer for the County shall serve notice in writing, within a reasonable time after making the finding and determination of a material breach, upon the Developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the Developer a reasonable time in which to cure the material breach.

(B) If the Developer fails to cure the material breach within a reasonable time and is not proceeding expeditiously and with diligence to cure the breach, then the County Council may unilaterally terminate or modify this Agreement. Prior to terminating or modifying this Agreement as provided in this section, the County Council must first give the Developer the opportunity (i) to rebut the finding and determination, or (ii) to consent to amend the Agreement to meet the concerns of the County Council with respect to the findings and determinations.

**Section 5.05. Enforcement.** The Parties shall each have the right to enforce the terms, provisions and conditions of this Agreement, if not cured within the applicable cure period, by any remedy available at law or in equity, including specific performance, and the right to recover attorney's fees and costs associated with enforcement.

**Section 5.06. No Third Party Beneficiary.** The provisions of this Agreement may be enforced only by the Parties. No other persons shall have any rights hereunder.

**Section 5.07. Recording of Agreement.** The Parties agree that Developer shall record this Agreement with the County Register of Deeds within fourteen (14) days of the date of execution of this Agreement.

**Section 5.08. Administration of Agreement.** County is the only local government that is a party to this Agreement and the County is responsible for the Agreement's administration.

**Section 5.09. Effect of Annexation and Incorporation.** The Parties agree that this Agreement remains in effect if the Property is, in whole or in part, included in a newly-incorporated municipality or is annexed into a municipality. The Parties acknowledge that upon incorporation or annexation the application and duration of this Agreement is controlled by Section 6-31-110 of the Act. County reserves the right to enter into an agreement with the newly-incorporated municipality or the annexing municipality for the administration and enforcement of this Agreement after the date of incorporation or annexation.

**Section 5.10. Estoppel Certificate.** Any of the Parties may, at any time, and from time to time, deliver written notice to the other party requesting the party to certify in writing (i) that this Agreement is in full force and effect, (ii) that this Agreement has not been amended or modified, or if so amended, identifying the amendments, (iii) whether, to the knowledge of the party, the requesting party is in default or claimed default in the performance of its obligation under this Agreement, and, if so, describing the nature and amount, if any, of any such default or claimed default, and (iv) whether, to the knowledge of the party, any event has occurred or failed to occur which, with the passage of time or the giving of notice, or both, would constitute a default and, if so, specifying each such event.

**Section 5.11. Entire Agreement.** This Agreement sets forth, and incorporates by reference all of the agreements, conditions, and understandings among the Parties relative to the Property and its Development and there are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among the Parties relative to the matters addressed in this Agreement other than as set forth or as referred to in this Agreement.

**Section 5.12. Covenant to Sign other Documents.** County and Developer acknowledge that consummation of the transactions contemplated by this Agreement may require the execution contemporaneously with the execution of this Agreement and thereafter of certain documents in addition to this Agreement and County and Developer agree to cooperate with the execution thereof.

**Section 5.13. Construction of Agreement.** The Parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendments or exhibits to this Agreement.

**Section 5.14. Assignment.** Unless otherwise provided in this Agreement, the rights, obligations, duties and responsibilities devolved by this Agreement on or to the Developer are

assignable to any other person, firm, corporation or entity except that the assignment must conform to the requirements of Section 1.09 and Section 3.05. County may assign its rights, obligations, duties and responsibilities devolved by this Agreement on or to the County to any other person, firm, corporation, or entity.

**Section 5.15. Governing Law; Jurisdiction; and Venue.** (A) This Agreement is governed by the laws of the State of South Carolina.

(B) The Parties agree that jurisdiction and venue for disputes relating to this Agreement is the Sixth (6<sup>th</sup>) Judicial Circuit of the State of South Carolina.

**Section 5.16. Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute but one and the same instrument.

**Section 5.17. Eminent Domain.** Nothing contained in this Agreement shall limit, impair or restrict the County's right and power of eminent domain under the laws of the State of South Carolina.

**Section 5.18. Severability.** If any provision in this Agreement or the application of any provision of this Agreement is held invalid, the invalidity shall apply only to the invalid provision, and the remaining provisions of this Agreement, and the application of this Agreement or any other provision of this Agreement, shall remain in full force and effect. However, if the invalid provision would prevent or materially impair Developer's right or ability to complete performance of this Agreement, the Parties agree to use their best efforts to renegotiate that provision in order for Developer to complete performance of this Agreement.

**Section 5.19. When Agreement takes Effect.** This Agreement is dated as of the Agreement Date and takes effect when (i) the County and Developer have each executed the Agreement, and (ii) the Developer has delivered to the County Administrator clocked-in copies, with book and page numbers, of the recorded deeds conveying the Property to Developer. If the County Administrator has not received clocked-in copies of the deeds conveying the Property to Developer by 5:00 p.m., Friday, April 29, 2016, then this Agreement is automatically terminated without further action of either the County or Developer. The obligation of the Developer pursuant to Section 4.02 is effective on the date the last Party to sign this Agreement executes this Agreement and the obligations imposed on Developer pursuant to Section 4.02 survives the termination of this Agreement pursuant to this Section.

SIGNATURES FOLLOW ON NEXT PAGE.



**IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date below found.**

WITNESSES:

DEVELOPER:

SINACORI BUILDERS, LLC,  
a North Carolina Limited Liability Company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named Sinacori Builders, LLC, by its duly authorized officer/s sign, seal and as its act and deed deliver the within written instrument and that (s)he with the other witness above subscribed, witnessed the execution thereof.

\_\_\_\_\_  
First Witness Signs Again Here

Seal

SWORN to before me this  
\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public Signs AS NOTARY

Notary Public for the State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

COUNTY SIGNATURES FOLLOW ON NEXT PAGE.

WITNESSES:

COUNTY:

COUNTY OF LANCASTER,  
SOUTH CAROLINA

\_\_\_\_\_  
By: \_\_\_\_\_  
Bob Bundy, Chair, County Council

\_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Steve Harper, Secretary, County Council

\_\_\_\_\_  
Date: \_\_\_\_\_

STATE OF SOUTH CAROLINA    )  
  )  
COUNTY OF LANCASTER        )        PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named County of Lancaster by its duly authorized officer/s sign, seal and as its act and deed deliver the within written instrument and that (s)he with the other witness above subscribed, witnessed the execution thereof.

Seal

\_\_\_\_\_  
First Witness Signs Again Here

SWORN to before me this  
\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public Signs AS NOTARY  
Notary Public for the State of South Carolina  
My Commission Expires: \_\_\_\_\_

**Exhibit A**  
**Property Description**

**Avondale Development**

Tax Map No. 1 – 0005-00-077.00  
Tax Map No. 2 – 0005-00-076.00  
Tax Map No. 3 – 0005-00-075.01  
Tax Map No. 4 – 0005-00-075.00  
Tax Map No. 5 – a portion of 0005-00-074.03  
Tax Map No. 6 – 0005-00-093.04  
Tax Map No. 7 – 0005-00-093.05  
Tax Map No. 8 – 0005-00-092.00  
Tax Map No. 9 – 0005-00-091.03  
Tax Map No. 10 – 0005-00-091.00  
Tax Map No. 11 – 0005-00-089.00  
Tax Map No. 12 – 0005-00-089.01  
Tax Map No. 13 – 0005-00-083.00  
Tax Map No. 14 – 0005-00-079.01  
Tax Map No. 15 – 0005-00-078.00

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.



**Exhibit B**

THIS EXHIBIT IS INTENTIONALLY LEFT BLANK.

**Exhibit C**  
**Development Schedule**

	<u>Begin</u>	<u>End</u>
Engineering and Permitting	November 1, 2015	June 1, 2016
Phased Land Development	July 1, 2016	February 1, 2020
Home Construction Starts	January 1, 2017	November 1, 2022
Year 1 Home Closings – Approx. 85 per year	April 30, 2017	March 31, 2018
Year 2 Home Closings – Approx. 85 per year	April 30, 2018	March 1, 2019
Year 3 Home Closings – Approx. 85 per year	April 30, 2019	March 1, 2020
Year 4 Home Closings – Approx. 85 per year	April 30, 2020	March 1, 2021
Year 5 Home Closings – Approx. 85 per year	April 30, 2021	March 1, 2022

This Development Schedule is an estimate. The provisions of Section 1.07 of this Agreement apply to this exhibit.

NOTE: County and Developer acknowledge that development of the Property is limited to seven hundred and thirty (730) residential units, comprising: Up to 365 single-family detached units, up to 165 multi-family townhomes, and up to 200 multi-family senior residences, as further described in the PDD-27, see Sections 7, 8 and 11, and the Master Plan for PDD-27. See also PDD-27, Section 7(g), for alternative for maximum of 65 single-family detached residences in Village B. Commercial development shall be allowed as an accessory use within the senior residences area, Village B, only.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

**Exhibit D**  
**Required Information**

The Act and Ordinance No. 663 require a development agreement to include certain information. The following information is provided in conformance with the Act and Ordinance No. 663.

(A) *a legal description of the property subject to the agreement and the names of the property's legal and equitable owners.* The legal description of the Property is set forth in Exhibit A. As of the Agreement Date, Developer has contractual rights to acquire the Property and, following acquisition, Developer shall be the only legal and equitable owner of the Property. As of the Agreement Date, the legal owners of the Property are Hawfield Trust (Tax Map No. 0005-00-077.00); Hawfield Group LLC (Tax Map No. 0005-00-076.00); Withers (Tax Map No. 0005-00-075.01); Withers (Tax Map No. 0005-00-075.00); Moore (portion of Tax Map No. 0005-00-074.03); Hood (Tax Map No. 0005-00-093.04); Devinney (Tax Map No. 0005-00-093.05); Hudson (Tax Map No. 0005-00-092.00); Patterson, Alan (Tax Map No. 0005-00-091.03); Smith (Tax Map No. 0005-00-091.00); Harvell (Tax Map No. 0005-00-089.00); Harvell (Tax Map No. 0005-00-089.01); Patterson, Carl (Tax Map No. 0005-00-083.00); Blakely (Tax Map No. 0005-00-079.01); and Owsley (Tax Map No. 0005-00-078.00).

(B) *the duration of the agreement which must comply with Code Section 6-31-40.* See Section 1.10.

(C) *a representation by the developer of the number of acres of highland contained in the property subject to the agreement.* See Section 2.02.

(D) *the then current zoning of the property and a statement, if applicable, of any proposed rezoning of the property.* See Section 1.05.

(E) *the development uses that would be permitted on the property pursuant to the agreement, including population densities, building intensities and height.* See Section 1.06.

(F) *a description of the public facilities that will service the development, including who provides the facilities, the date any new facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development construction timeline for those facilities. If the agreement provides that the County shall provide certain public facilities, the agreement shall provide that the delivery date of the public facilities will be tied to defined completion percentages or other defined performance standards to be met by the developer.* See Article IV.

(G) *a description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property as may be required or permitted pursuant to laws in effect at the time of entering into the agreement.* See Section 4.01C. Developer also agrees to comply with all applicable environmental laws.

- (H) *a description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions. See Section 3.04.*
- (I) *a finding that the development permitted or proposed is consistent, or will be consistent by the time of execution of the agreement, with the County's comprehensive plan and land development regulations. See Section 2.01(A).*
- (J) *a description, where appropriate, of any provisions for the preservation and restoration of historic structures. Developer agrees to comply with all laws applicable to the preservation and restoration of historic structures within the Property.*
- (K) *a development schedule including commencement dates and interim completion dates at no greater than five year intervals. See Section 1.07 and Exhibit C.*
- (L) *if more than one local government is made party to the agreement, a provision stating which local government is responsible for the overall administration of the agreement. See Section 5.08.*
- (M) *a listing of the laws and land development regulations that will apply to the development of the property subject to the agreement, including citation to specific ordinance numbers or portions of the County Code of Ordinances or both. See Section 3.01(B) and Exhibit E.*
- (N) *a provision, consistent with Code Section 6-31-80, addressing the circumstances under which laws and land development regulations adopted subsequent to the execution of the agreement apply to the property subject to the agreement. See Section 3.03.*
- (O) *a provision stating whether the agreement continues to apply to the property or portions of it that are annexed into a municipality or included in a newly-incorporated area and, if so, that the provisions of Code Section 6-31-110 apply. See Section 5.09.*
- (P) *a provision relating to the amendment, cancellation, modification or suspension of the agreement. See Section 5.02.*
- (Q) *a provision for periodic review, consistent with the provisions of Section 8 of Ordinance No. 663. See Section 5.03.*
- (R) *a provision addressing the effects of a material breach of the agreement, consistent with the provisions of Section 9 of Ordinance No. 663. See Section 5.04.*
- (S) *a provision that the developer, within fourteen days after the County enters into the agreement, will record the agreement with the County Register of Deeds. See Section 5.07.*



(T) *a provision that the burdens of the agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement. See Section 1.09(A).*

(U) *a provision addressing the conditions and procedures by which the agreement may be assigned. See Sections 1.09(B) and (C), Section 3.05 and Section 5.14.*

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

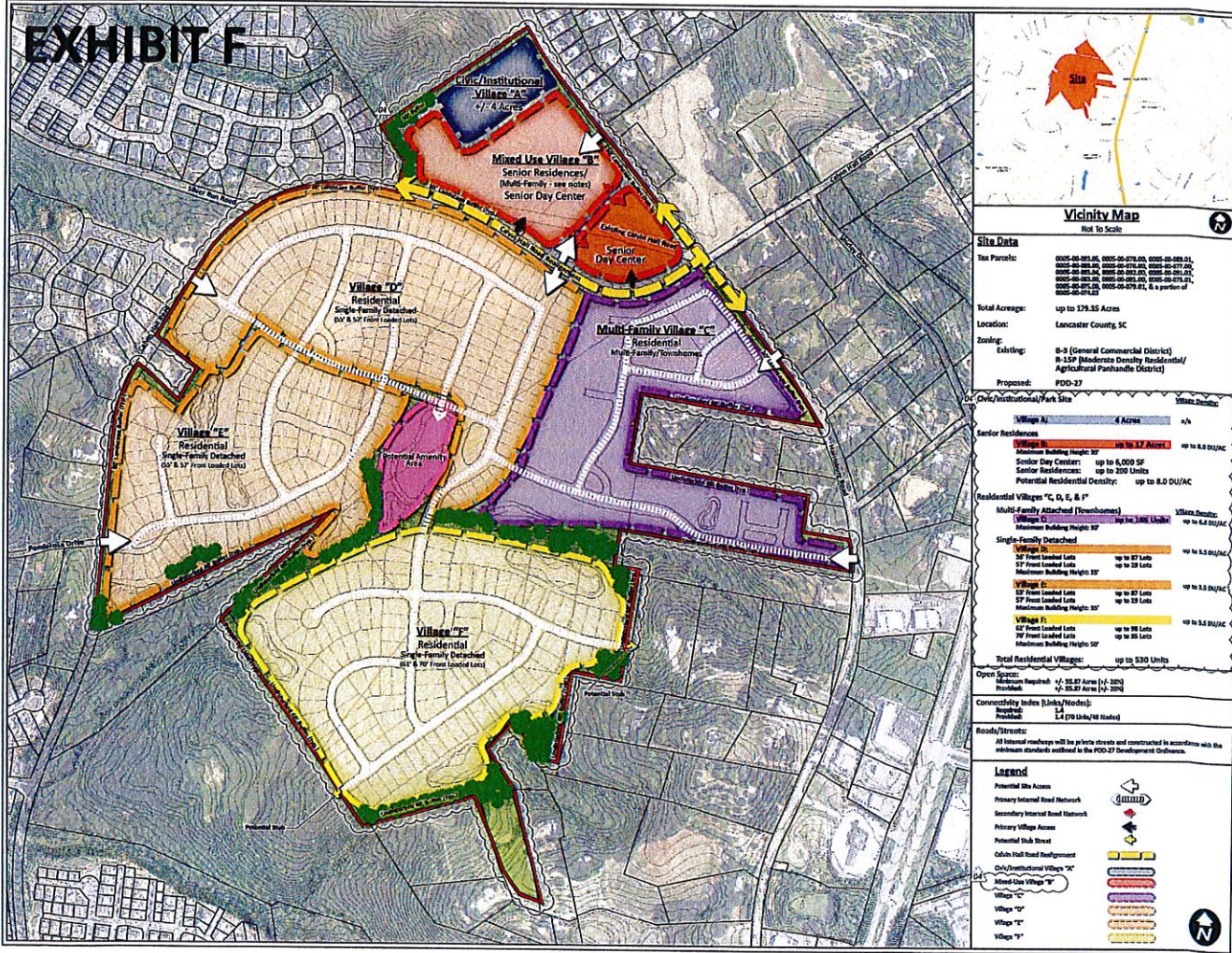
**Exhibit E**  
**Laws and Land Development Regulations**

1. Ordinance No. 2015-1369, zoning the Property Planned Development District.
2. Ordinance No. 2015-1370, approving this Development Agreement.
3. The Development Agreement Ordinance for Lancaster County, South Carolina: Ordinance No. 663.
4. Unified Development Ordinance of Lancaster County (UDO): Ordinance No. 309, as amended as of the Agreement Date. The UDO includes Ordinance No. 328, as amended, as of the Agreement Date and which is cited as the Land Development Regulations of Lancaster County. A copy of the UDO is filed in the County Planning Department.
5. Land Development Regulations of Lancaster County: See Unified Development Ordinance of Lancaster County.
6. Article V, Chapter 26, Lancaster County Code of Ordinances, Road Construction Standards.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

**Exhibit F**  
**Master Plan**

# EXHIBIT F



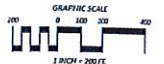
This drawing and/or the design shows are the property of ESP Associates, P.A. The reproduction, alteration, copying, or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action.  
ESP Associates, P.A.



Avondale

Preliminary  
Master Plan  
PDD-27

PROJECT LOCATION: Avondale, NC

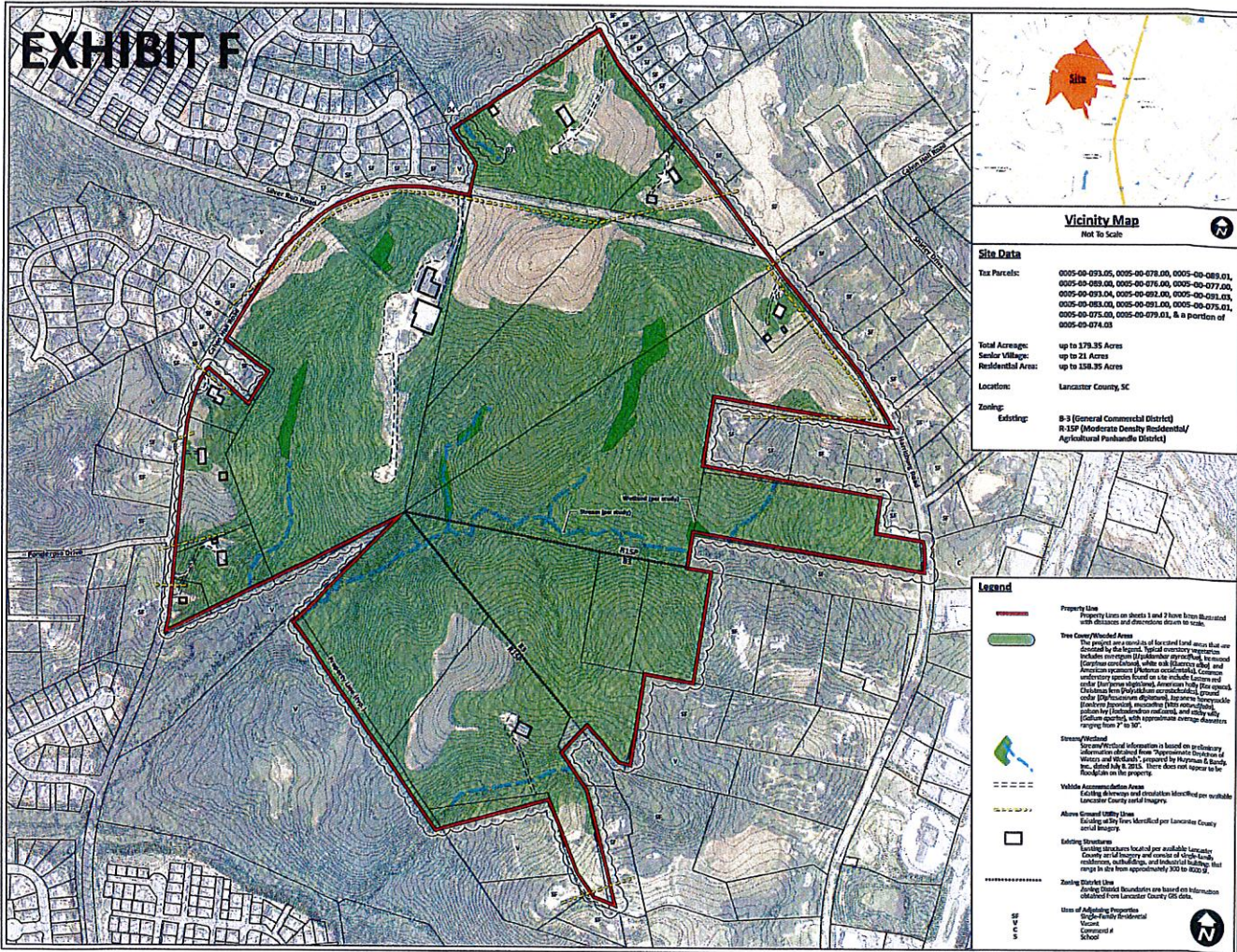


PROJECT LOCATION	DATE	BY	REVISION
AVONDALE	01/15/11	ESP	1.00
AVONDALE	02/15/11	ESP	1.01
AVONDALE	03/15/11	ESP	1.02
AVONDALE	04/15/11	ESP	1.03
AVONDALE	05/15/11	ESP	1.04
AVONDALE	06/15/11	ESP	1.05
AVONDALE	07/15/11	ESP	1.06
AVONDALE	08/15/11	ESP	1.07
AVONDALE	09/15/11	ESP	1.08
AVONDALE	10/15/11	ESP	1.09
AVONDALE	11/15/11	ESP	1.10
AVONDALE	12/15/11	ESP	1.11
AVONDALE	01/15/12	ESP	1.12
AVONDALE	02/15/12	ESP	1.13
AVONDALE	03/15/12	ESP	1.14
AVONDALE	04/15/12	ESP	1.15
AVONDALE	05/15/12	ESP	1.16
AVONDALE	06/15/12	ESP	1.17
AVONDALE	07/15/12	ESP	1.18
AVONDALE	08/15/12	ESP	1.19
AVONDALE	09/15/12	ESP	1.20
AVONDALE	10/15/12	ESP	1.21
AVONDALE	11/15/12	ESP	1.22
AVONDALE	12/15/12	ESP	1.23
AVONDALE	01/15/13	ESP	1.24
AVONDALE	02/15/13	ESP	1.25
AVONDALE	03/15/13	ESP	1.26
AVONDALE	04/15/13	ESP	1.27
AVONDALE	05/15/13	ESP	1.28
AVONDALE	06/15/13	ESP	1.29
AVONDALE	07/15/13	ESP	1.30
AVONDALE	08/15/13	ESP	1.31
AVONDALE	09/15/13	ESP	1.32
AVONDALE	10/15/13	ESP	1.33
AVONDALE	11/15/13	ESP	1.34
AVONDALE	12/15/13	ESP	1.35
AVONDALE	01/15/14	ESP	1.36
AVONDALE	02/15/14	ESP	1.37
AVONDALE	03/15/14	ESP	1.38
AVONDALE	04/15/14	ESP	1.39
AVONDALE	05/15/14	ESP	1.40
AVONDALE	06/15/14	ESP	1.41
AVONDALE	07/15/14	ESP	1.42
AVONDALE	08/15/14	ESP	1.43
AVONDALE	09/15/14	ESP	1.44
AVONDALE	10/15/14	ESP	1.45
AVONDALE	11/15/14	ESP	1.46
AVONDALE	12/15/14	ESP	1.47
AVONDALE	01/15/15	ESP	1.48
AVONDALE	02/15/15	ESP	1.49
AVONDALE	03/15/15	ESP	1.50
AVONDALE	04/15/15	ESP	1.51
AVONDALE	05/15/15	ESP	1.52
AVONDALE	06/15/15	ESP	1.53
AVONDALE	07/15/15	ESP	1.54
AVONDALE	08/15/15	ESP	1.55
AVONDALE	09/15/15	ESP	1.56
AVONDALE	10/15/15	ESP	1.57
AVONDALE	11/15/15	ESP	1.58
AVONDALE	12/15/15	ESP	1.59
AVONDALE	01/15/16	ESP	1.60
AVONDALE	02/15/16	ESP	1.61
AVONDALE	03/15/16	ESP	1.62
AVONDALE	04/15/16	ESP	1.63
AVONDALE	05/15/16	ESP	1.64
AVONDALE	06/15/16	ESP	1.65
AVONDALE	07/15/16	ESP	1.66
AVONDALE	08/15/16	ESP	1.67
AVONDALE	09/15/16	ESP	1.68
AVONDALE	10/15/16	ESP	1.69
AVONDALE	11/15/16	ESP	1.70
AVONDALE	12/15/16	ESP	1.71
AVONDALE	01/15/17	ESP	1.72
AVONDALE	02/15/17	ESP	1.73
AVONDALE	03/15/17	ESP	1.74
AVONDALE	04/15/17	ESP	1.75
AVONDALE	05/15/17	ESP	1.76
AVONDALE	06/15/17	ESP	1.77
AVONDALE	07/15/17	ESP	1.78
AVONDALE	08/15/17	ESP	1.79
AVONDALE	09/15/17	ESP	1.80
AVONDALE	10/15/17	ESP	1.81
AVONDALE	11/15/17	ESP	1.82
AVONDALE	12/15/17	ESP	1.83
AVONDALE	01/15/18	ESP	1.84
AVONDALE	02/15/18	ESP	1.85
AVONDALE	03/15/18	ESP	1.86
AVONDALE	04/15/18	ESP	1.87
AVONDALE	05/15/18	ESP	1.88
AVONDALE	06/15/18	ESP	1.89
AVONDALE	07/15/18	ESP	1.90
AVONDALE	08/15/18	ESP	1.91
AVONDALE	09/15/18	ESP	1.92
AVONDALE	10/15/18	ESP	1.93
AVONDALE	11/15/18	ESP	1.94
AVONDALE	12/15/18	ESP	1.95
AVONDALE	01/15/19	ESP	1.96
AVONDALE	02/15/19	ESP	1.97
AVONDALE	03/15/19	ESP	1.98
AVONDALE	04/15/19	ESP	1.99
AVONDALE	05/15/19	ESP	2.00

1 of 3



# EXHIBIT F



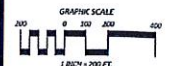
This drawing and/or the design shown are the property of ESP Associates, P.A. The reproduction, alteration, copying, or other use of the drawing without the written consent is prohibited and any infringement will be subject to legal action.  
ESP Associates, P.A.



**Avondale**

**Existing Features**

PROJECT LOCATION: Lancaster County, SC



PROJECT NAME	CD/ASD
AVONDALE	AVONDALE
REVISION	DATE
1	11/11/11

NO.	DATE	BY	REVISION
1	11-21-11	OW	1st Review/Comments
2	11-21-11	OW	2nd Review/Comments
3	11-21-11	OW	3rd Review/Comments
4	11-21-11	OW	4th Review/Comments
5	11-21-11	OW	5th Review/Comments
6	11-21-11	OW	6th Review/Comments
7	11-21-11	OW	7th Review/Comments
8	11-21-11	OW	8th Review/Comments
9	11-21-11	OW	9th Review/Comments
10	11-21-11	OW	10th Review/Comments
11	11-21-11	OW	11th Review/Comments
12	11-21-11	OW	12th Review/Comments
13	11-21-11	OW	13th Review/Comments
14	11-21-11	OW	14th Review/Comments
15	11-21-11	OW	15th Review/Comments
16	11-21-11	OW	16th Review/Comments
17	11-21-11	OW	17th Review/Comments
18	11-21-11	OW	18th Review/Comments
19	11-21-11	OW	19th Review/Comments
20	11-21-11	OW	20th Review/Comments

2 of 3







## Agenda Item Summary

Ordinance # / Resolution#: RZ-015-015

Contact Person / Sponsor: Andy Rowe

Department: Planning

Date Requested to be on Agenda: 9-14-15 County Council Meeting

### **Issue for Consideration:**

Rezoning application of Bradley J. Mullis to rezone a 1 acre portion of a  $\pm$  5.657 acres from R-45B, Rural Residential/Business/Agricultural District, to B-3, General Commercial District. The applicant proposes to build a 40' x 60' building for an auto machine shop.

### **Points to Consider:**

There is one parcel located  $\pm$  1,100 feet south of the subject property on Whittle Street zoned B-3, General Commercial District.

The Future Land Use Map identifies this property as Rural Living based on the *Lancaster County Comprehensive Plan 2014-2024*. The Future Land Use Map does not distinguish between residential and commercial uses. Based on the current zoning, the property is surrounded by R-45B.

The applicant is only requesting a 1 acre portion of the property to be rezoned to B-3 for a 40' x 60' foot building for an auto machine shop. The applicant will be required to provide a survey identifying the proposed B-3 area if County Council approves the rezoning request. The County will need the survey platted and recorded before 3<sup>rd</sup> reading.

### **Funding and Liability Factors:**

Possible issue of spot zoning.

### **Council Options:**

To approve or deny the rezoning request.

### **Recommendation:**

The recommendation of the planning staff that the rezoning request for the property located  $\pm$  550 feet south of the intersection of Whittle Street and Shiloh Unity Road be **Denied**.

At the Lancaster County Planning Commission meeting on Tuesday, August 18, 2015 the Commission voted to **Approve** the rezoning application of Bradley J. Mullis by a vote of (7-0).

There have been no calls or letters against this rezoning request.

## PLANNING STAFF REPORT: RZ-015-015

APPLICANT: BRADLEY J. MULLIS

---

### I. Facts

#### A. General Information

*Proposal:* Rezoning application of Bradley J. Mullis to rezone a 1 acre portion of a ± 5.657 acres from R-45B, Rural Residential/Business/Agricultural District, to B-3, General Commercial District. The applicant proposes to build a 40' x 60' building for an auto machine shop.

*Property Location:* The property is located ± 550 feet south of the intersection of Whittle Street and Shiloh Unity Road in Lancaster County, South Carolina.

*Legal Description:* Tax Map 36, Parcel 38.00

*Zoning Classification:* Current: R-45B, Rural Residential/Business/Agricultural District

*Voting District:* District 3- Bob Bundy

#### B. Site Information

*Site Description:* The parcel is undeveloped.

#### C. Vicinity Data

*Surrounding Conditions:* The property is surrounded by R-45B Rural Residential/Business/Agricultural District. There is one parcel located ± 1,100 feet south of the subject property on Whittle Street zoned B-3, General Commercial District.

#### Exhibits

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

### II. Findings:

#### Code Considerations:

##### UDO – Section: 2.1.1 Residential Districts Established

The R-45B, Rural Residential/Business/Agricultural District, contains the same district regulations as those contained in the R-45A district with the only exception being that stockyards, slaughter houses, commercial poultry barns and swine lots are not allowed under any circumstance. The commercial uses allowed in this district are the same as those allowed in the R-45A district, and are specified in the Table of Permissible Uses.



**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.

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.

All commercial buildings in this district are limited to 6,000 (gross) square feet except for buildings constructed or used for a "Retail Store Food" which are allowed to be 12,000 (gross) square feet. Stockyards, slaughterhouses, commercial poultry houses and swine lots need only to comply with the conditions contained in Chapter 4.

**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.

Outdoor storage is permitted if a Type 1 Buffer yard is installed around the outside of the storage area when the area is adjacent to a nonresidential district. A Type 3 Buffer yard is required around the storage area when it is adjacent to a residential district or use and all such areas shall be located completely behind the building. No storage areas shall be located in any required or not required front or side yard. Automobile dealerships are allowed to park automobiles in the front or side yard of the property.

### **III. Conclusions:**

The facts and findings of this report show that the property is designated as R-45B, Rural Residential/Business/Agricultural District on the Lancaster County Zoning Map. The Future Land Use Map identifies this property as Rural Living based on the *Lancaster County Comprehensive Plan 2014-2024*. The Future Land Use Map does not distinguish between

Date of 1<sup>st</sup> Reading: 9-14-15  
\_\_ Approved \_\_ Denied \_\_ No Action

Date of 2<sup>nd</sup> Reading: 9-28-15  
\_\_ Approved \_\_ Denied \_\_ No Action

Date of 3<sup>rd</sup> Reading: 10-12-15  
Approved \_\_ Denied \_\_ No Action

residential and commercial uses. Based on the current zoning, the property is surrounded by R-45B. The property is within  $\pm 1,100$  feet of an existing B-3 zoned parcel. The applicant is only requesting a 1 acre portion of the property to be rezoned to B-3 for a small scale 40' x 60' foot building for an auto machine shop. The applicant will be required to provide a survey identifying the proposed B-3 area if County Council approves the rezoning request. The County will need the survey platted and recorded before 3<sup>rd</sup> reading.

**IV. Recommendation:**

It is therefore the recommendation of the planning staff that the rezoning request for the property located  $\pm 550$  feet south of the intersection of Whittle Street and Shiloh Unity Road be **Denied**.

**V. Recommendation from Planning Commission Meeting:**

At the Lancaster County Planning Commission meeting on Tuesday, August 18, 2015 the Commission voted to **Approve** the rezoning application of Bradley J. Mullis by a vote of (7-0).





# RZ-015-015 Vicinity Map

Subject Property

SHILOH UNITY

WHITE



Lancaster  
County  
South Carolina

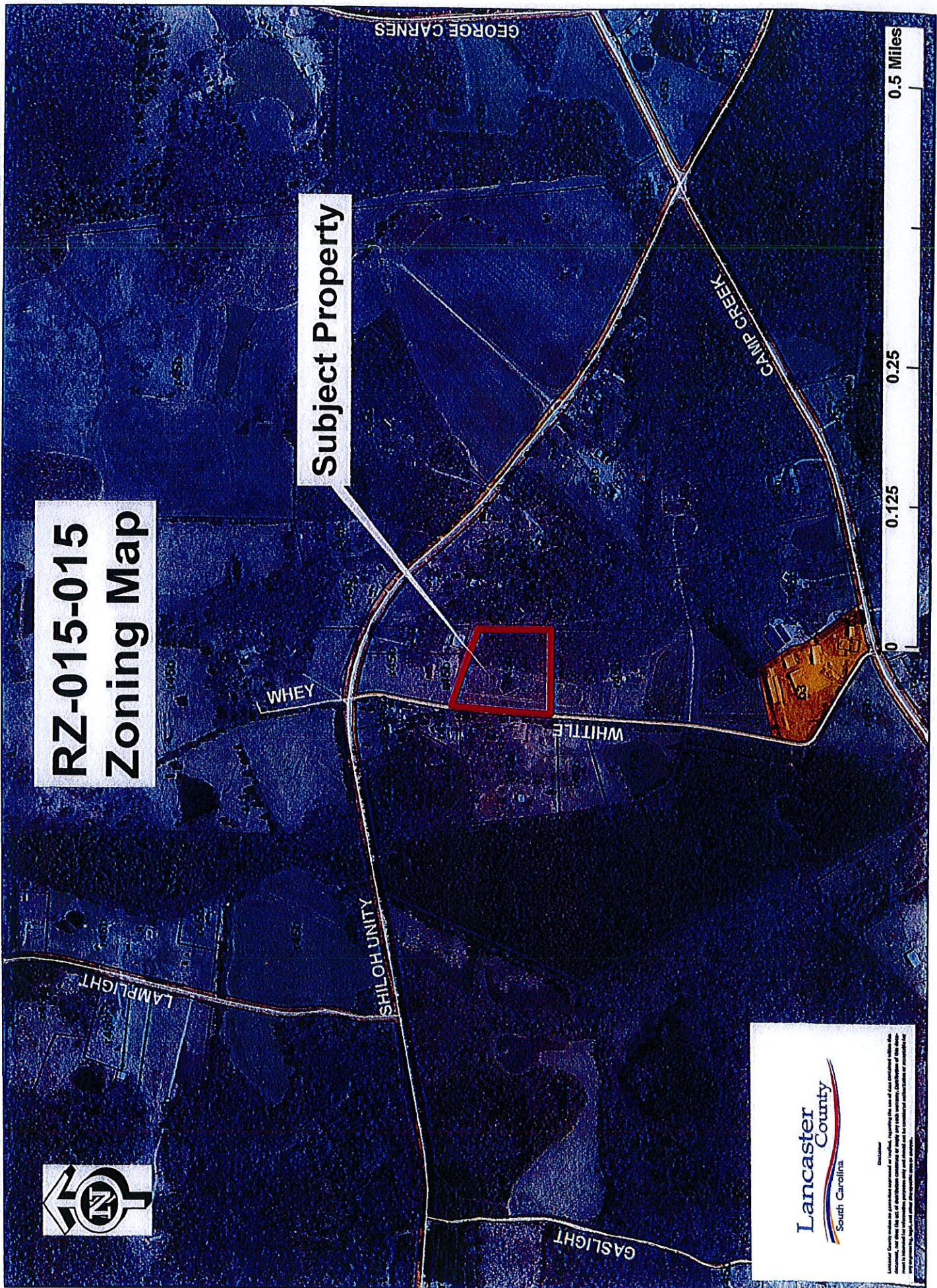
Copyright © 2015 by Lancaster County, South Carolina. All rights reserved. This map is a representation of the subject property and is not a warranty of any kind. The map is for informational purposes only and should not be used for any other purpose. The map is not a substitute for a professional survey or other legal document. The map is not a warranty of any kind. The map is for informational purposes only and should not be used for any other purpose. The map is not a substitute for a professional survey or other legal document.





# RZ-015-015 Zoning Map

Subject Property





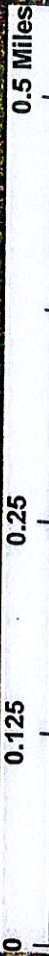
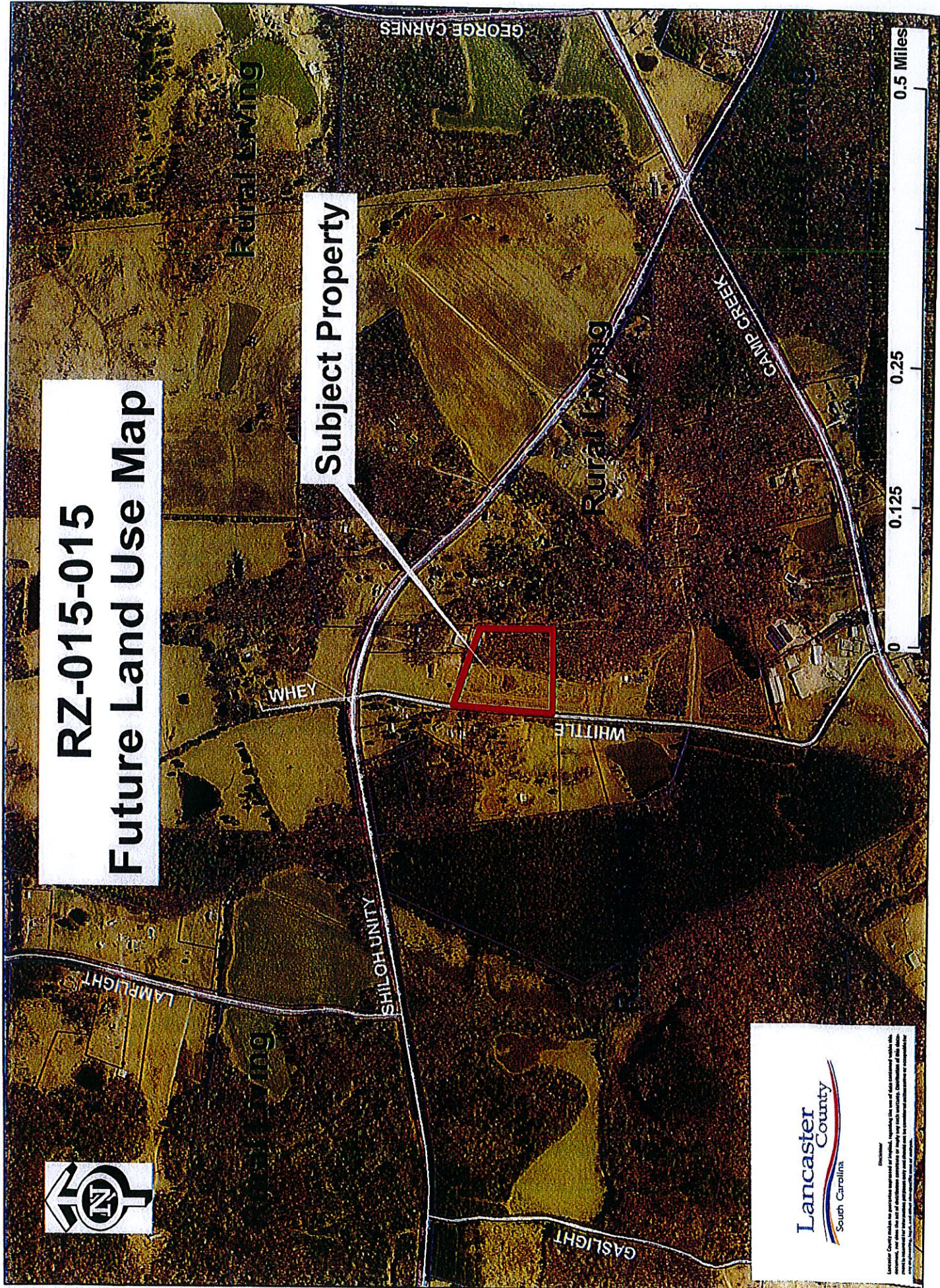
Disclaimer:  
Lancaster County makes the information represented on this map, including the use of data contained within this map, available for informational purposes only and does not warrant the accuracy or completeness of the information. Lancaster County is not responsible for any errors or omissions in this map or for any consequences arising from the use of the information.





# RZ-015-015 Future Land Use Map

Subject Property



Lancaster  
County  
South Carolina

Disclaimer  
Lancaster County makes no guarantee or representation of any kind, regarding the use of data contained within this document, nor does it warrant the accuracy or completeness of the information. The information is provided for informational purposes only and should not be used for any other purpose.



---

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2015-1372

COUNTY OF LANCASTER

)

)

**AN ORDINANCE**

**TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OF BRADLEY J. MULLIS, LOCATED ± 550 FEET SOUTH OF THE INTERSECTION OF WHITTLE STREET AND SHILOH UNITY ROAD FROM R-45B, RURAL RESIDENTIAL/BUSINESS/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) Bradley J. Mullis applied to rezone property located ± 550 feet south of the intersection of Whittle Street and Shiloh Unity Road from R-45B, Rural Residential/Business/Agricultural District, to B-3, General Commercial District.

(b) On August 18, 2015, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (7-0), recommended approval of the rezoning.

**Section 2. Rezoning.**

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

Tax Map No. 0036-00-038.00.

**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 \_\_\_\_\_, 201\_.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Bob Bundy, Chair, County Council

\_\_\_\_\_  
Steve Harper, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Debbie C. Hardin, Clerk to Council

First Reading: 9-14-15	Tentative
Second Reading: 9-28-15	Tentative
Third Reading: 10-12-15	Tentative

Approved as to form:

\_\_\_\_\_  
County Attorney

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: September 14, 2015 (County Council Meeting)

### **Issue for Consideration:**

This is the rezoning application of Steve Willis, Lancaster County Administrator to rezone  $\pm$  15.58 acres from B-2, Community Business District, to I-1, Light Industrial District.

The property is located at 3888 Chester Highway.

### **Points to Consider:**

The facts and findings of this report show that the property is designated as Special District Industrial on the Future Land Use map. Special District Industrial is defined as an Industrial Center that includes both heavy and light manufacturing, from clean and green data handling complexes to manufacturing/extraction/distribution processes or power plants that require careful environment management. The 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. This definition is from the *Lancaster County Comprehensive Plan 2014-2024*.

Considering the property complies with the future land use map, an industrial site is ideal for this area. Multiple adjacent parcels are already zoned I-1, Light Industrial District and this would bring jobs to an area that is lacking employment opportunities.

### **Funding and Liability Factors:**

### **Council Options:**

To approve or deny this rezoning request.

### **Recommendation:**

It is therefore the recommendation of the planning staff that the rezoning request for the property located at 388 Chester Highway be **APPROVED**.

At the Lancaster County Planning Commission meeting on Tuesday, August 18, 2015 the Commission voted to **APPROVE** the rezoning application of Steve Willis, Lancaster County Administrator by a vote of (7-0).

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.



## **PLANNING STAFF REPORT**

---

### **I. Facts**

#### **A. General Information**

*Proposal:* Rezoning application of Steve Willis, Lancaster County Administrator to rezone ± 15.58 acres from B-2, Community Business District, to I-1, Light Industrial District.

*Property Location:* The property is located at 3888 Chester Highway.

*Legal Description:* Tax Map 0066-00-033.00

*Zoning Classification:* Current: B-2, Community Business District.

*Voting District:* District 4 – Larry Honeycutt

#### **B. Site Information**

*Site Description:* The parcel currently has a commercial building on site formerly known as the Springs Employee Store and also used as a temporary Magistrate Court. The building was constructed in 1983.

#### **C. Vicinity Data**

*Surrounding Conditions:* The property has one large adjacent parcel to the northwest zoned I-1, Light Industrial District, also to the northeast a large tract of R-30, Low Density Residential Agricultural District. Parcels to the south are all zoned B-2, Community Business District with larger tracts of I-1, Light Industrial District surrounding the B-2, Community Business properties.

#### **D. Exhibits**

1. Rezoning Application
2. Lancaster County Assessor Map
3. Future Land Use Map
4. Lancaster County Vicinity Map
5. Tax Inquiry Sheet
6. UDO – Section: 2.1.3 - Industrial Districts
7. Table of Uses

Date of 1<sup>st</sup> Reading: 9-14-15

☐ Approved ☐ Denied ☐ No Action

Date of 2<sup>nd</sup> Reading: 9-28-15

☐ Approved ☐ Denied ☐ No Action

Date of 3<sup>rd</sup> Reading: 10-12-15

☐ Approved ☐ Denied ☐ No Action

## II. Findings

### Code Considerations:

**The R-30, Low Density Residential/Manufactured Housing/Agricultural District**, is designed to accommodate single-family residential developments (not including manufactured housing units) in areas of the county that are appropriate for development at a slightly higher density than is permitted in the R-45, R45A and R-45B districts. This district should serve as a transitional district between the lower density residential districts (R-45, R-45A, and R-45B) and the higher density residential districts (R-15, R-15S and R-15D). The minimum lot size is 29,040 and the minimum lot width is 130 feet if a septic system is used or 100 feet if on central water and sewer.

**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.

## III. Conclusions:

The facts and findings of this report show that the property is designated as Special District Industrial on the Future Land Use map. Special District Industrial is defined as an Industrial Center that includes both heavy and light manufacturing, from clean and green data handling complexes to manufacturing/extraction/distribution processes or power plants that require careful environment management. The 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. This definition is from the *Lancaster County Comprehensive Plan 2014-2024*. Considering the property is within this district an industrial site is ideal for this area. Multiple adjacent parcels are already zoned I-1, Light Industrial District and this would bring jobs to an area that is lacking employment opportunities.

## IV. Recommendation:

It is therefore the recommendation of the planning staff that the rezoning request for the property located at 388 Chester Highway be **Approved**.

Date of 1<sup>st</sup> Reading: 9-14-15

Date of 2<sup>nd</sup> Reading: 9-28-15

Date of 3<sup>rd</sup> Reading: 10-12-15

☐ Approved ☐ Denied ☐ No Action

☐ Approved ☐ Denied ☐ No Action

☐ Approved ☐ Denied ☐ No Action

## **V. Recommendation from Planning Commission Meeting**

At the Lancaster County Planning Commission meeting on Tuesday, August 18, 2015 the Commission voted to **Approve** the rezoning application of Steve Willis, Lancaster County Administrator by a vote of (7-0).





# RZ-015-013 Vicinity Map

Subject Property



CHESTER  
CHESTER

MEDIAN

GRACE



Lancaster  
County  
Solid Solutions

File #  
at this location, the map was created on 10/1/2014.  
The map was created by the Planning Department.  
The map was created by the Planning Department.





# RZ-015-013 Zoning Map

Subject Property



**Lancaster County**  
South Carolina

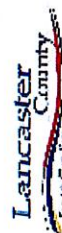
For more information, contact the Planning Department at (803) 781-1234. The map is for informational purposes only and does not constitute a legal document. The map is subject to change without notice.





# RZ-015-013 Future Land Use Map

Subject Property



File #  
Lancaster County Seal  
Seal of Lancaster County, PA  
Adopted by Act of the General Assembly  
March 1, 1742





---

STATE OF SOUTH CAROLINA

)

COUNTY OF LANCASTER

)

)

ORDINANCE NO. 2015-1373

**AN ORDINANCE**

**TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OWNED BY LANCASTER COUNTY, REPRESENTED BY STEVE WILLIS LANCASTER COUNTY ADMINISTRATOR, LOCATED AT 3888 CHESTER HIGHWAY FROM B-2, COMMUNITY BUSINESS 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) Lancaster County applied to rezone property located at 3888 Chester Highway from B-2, Community Business District to I-1, Light Industrial District.

(b) On August 18, 2015, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (7-0), recommended approval of the rezoning.

**Section 2. Rezoning.**

The Official Zoning Map is amended by changing the zoning district classification from B-2, Community Business District to I-1, Light Industrial District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0066-00-033.00

**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: 9-14-15	Tentative
Second Reading: 9-28-15	Tentative
Third Reading: 10-12-15	Tentative

Approved as to form:

\_\_\_\_\_  
County Attorney

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: September 14, 2015 (County Council Meeting)

### **Issue for Consideration:**

This is a rezoning application of Red Head Properties to rezone  $\pm$  0.95 acres from R-15, Moderate Density Residential/Agricultural District to B-3, General Commercial District. The applicant is proposing a convenience store.

The property is located at 100 East Grace Avenue and is currently being used as a church.

### **Points to Consider:**

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*. Lancaster County is currently in the midst of a Unified Development Ordinance rewrite, but at the present time the county does not have zoning districts to support the Future Land Use map. Additionally this case brings up the issue of spot zoning. The South Carolina Supreme Court has defined spot zoning as the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, *for the benefit of the owners of that property* and to the detriment of other owners. Although a convenience store has been located on the property before, based on the zoning map a B-3 parcel does not conform to the area. B-3 allows many intense commercial uses.

### **Funding and Liability Factors:**

### **Council Options:**

To approve or deny this rezoning request.

### **Recommendation:**

It is therefore the recommendation of the planning staff that the rezoning request for the property located at 100 East Grace Avenue be **DENIED**.

At the Lancaster County Planning Commission meeting on Tuesday, August 18, 2015 the Commission voted to **DENY** the rezoning application of Red Head Properties by a vote of (5-2).

At the public hearing 3 people spoke against this rezoning case.

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.

## **PLANNING STAFF REPORT: RZ-015-014**

### **I. FACTS**

#### **A. GENERAL INFORMATION**

**Proposal:** This is a rezoning application of Red Head Properties to rezone  $\pm$  0.95 acres from R-15, Moderate Density Residential/Agricultural District To B-3, General Commercial District. The applicant is proposing a convenience store.

**Property Location:** The property is located at 100 East Grace Avenue.

**Legal Description:** TMS # 0086B-0M-016.00

**Zoning Classification:** Current: R-15, Moderate Density Residential/Agricultural District

**Voting District:** District 4, Larry Honeycutt

#### **B. SITE INFORMATION**

**Site Description:** The property consists of  $\pm$ 0.95 acres and is located at the corner of East Grace Avenue and Franklin Street. A church is currently using the existing building.

#### **C. VICINITY DATA**

**Surrounding Conditions:** The surrounding properties are zoned R-15, Moderate Density Residential/Agricultural District, and R-30, Low Density Residential/Agricultural District. White Springs Baptist Church is adjacent to the subject property along with a number of single family homes.

#### **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-15, Moderate Density Residential/Agricultural District**, is designed to accommodate the most dense single-family residential developments (not including manufactured homes) in areas of the county which are either experiencing urban growth or which are expected to experience urban growth in the near future. This type of development requires that both water and sewer lines be installed prior to



Date of 1<sup>st</sup> Reading: 9-14-15  
\_\_Approved \_\_Denied \_\_No Action

Date of 2<sup>nd</sup> Reading: 9-28-15  
\_\_Approved \_\_Denied \_\_No Action

Date of 3<sup>rd</sup> Reading: 10-12-15  
\_\_Approved \_\_Denied \_\_No Action

construction beginning on the site. If water and sewer are not available to the site, the site shall be developed based on the regulations of the R-30 district (see below) The minimum lot size is 14,520 square feet and the minimum lot width is 90 feet.

**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. Outdoor storage is permitted if a Type 1 Buffer yard is installed around the outside of the storage area when the area is adjacent to a nonresidential district. A Type 3 Buffer yard is required around the storage area when it is adjacent to a residential district or use and all such areas shall be located completely behind the building. No storage areas shall be located in any required or not required front or side yard. Automobile dealerships are allowed to park automobiles in the front or side yard of the property.

### III. CONCLUSIONS

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*. Lancaster County is currently in the midst of a Unified Development Ordinance rewrite, but at the present time the county does not have zoning districts to support the Future Land Use map. Additionally this case brings up the issue of spot zoning. The South Carolina Supreme Court has defined spot zoning as the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, *for the benefit of the owners of that property* and to the detriment of other owners. Although a convenience store has been located on the property before, based on the zoning map a B-3 parcel does not conform to the area.

### IV. RECOMMENDATION:

It is therefore the recommendation of the planning staff that the rezoning request for the property located at 100 East Grace Avenue be **DENIED**.

Date of 1<sup>st</sup> Reading: 9-14-15  
\_\_Approved \_\_Denied \_\_No Action

Date of 2<sup>nd</sup> Reading: 9-28-15  
\_\_Approved \_\_Denied \_\_No Action

Date of 3<sup>rd</sup> Reading: 10-12-15  
\_\_Approved \_\_Denied \_\_No Action

#### **V. RECOMMENDATION FROM PLANNING COMMISSION MEETING:**

At the Lancaster County Planning Commission meeting on Tuesday, August 18, 2015 the Commission voted to **DENY** the rezoning application of Red Head Properties by a vote of (5-2).



# RZ 015-014 Aerial Map



Lancaster  
County  
South Carolina

Customer

Lancaster County makes no guarantee expressed or implied, regarding the use of this document with this document, nor does this act of distribution constitute or imply any such warranty. Distribution of this document is intended for informational purposes only and should not be considered authoritative or responsible for any engineering, legal, and other site-specific uses or analysis.

0 100 200 400  
Feet



# RZ 015-014 Zoning Map



Lancaster  
County  
South Carolina

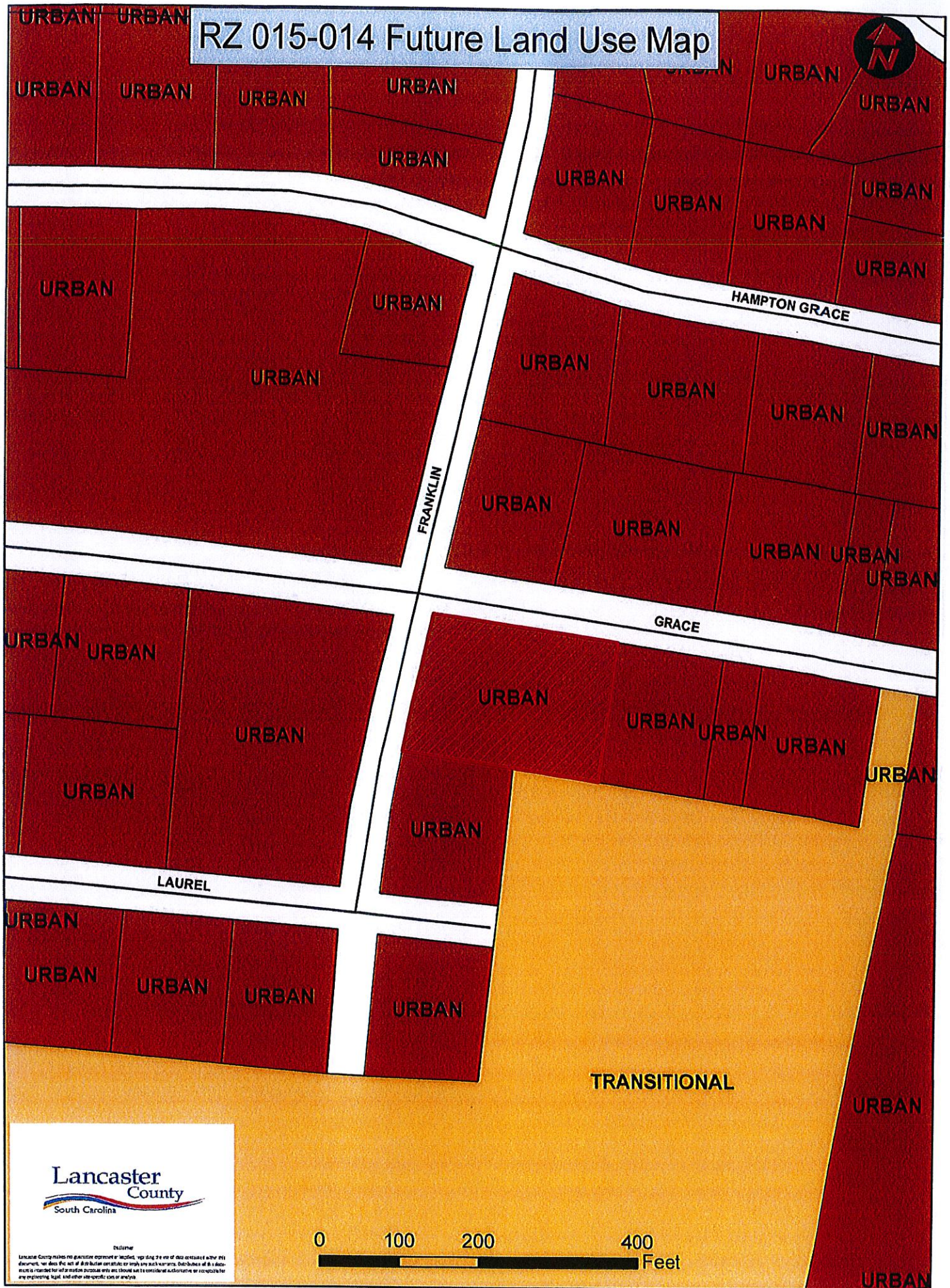
Disclaimer

Lancaster County makes no warranties, expressed or implied, regarding the use of this information within this document. We do not warrant the accuracy or reliability of any such information. Distribution of this document is intended for informational purposes only and should not be considered authoritative or responsible for any engineering, legal, and other site-specific uses or analysis.

0 125 250 500 Feet



# RZ 015-014 Future Land Use Map



Lancaster  
County  
South Carolina

Disclaimer

Lancaster County makes no guarantee, expressed or implied, regarding the use of this document as a planning tool. This document is intended for informational purposes only and should not be considered authoritative for any engineering, legal, and other site-specific uses or analysis.

0 100 200 400 Feet



---

STATE OF SOUTH CAROLINA

)

COUNTY OF LANCASTER

)

)

ORDINANCE NO. 2015-1374

**AN ORDINANCE**

**TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OWNED BY RED HEAD PROPERTIES, LOCATED AT 100 EAST GRACE AVENUE FROM R-15, MODERATE DENSITY RESIDENTIAL/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) Red Head Properties applied to rezone property located at 100 East Grace Avenue from R-15, Moderate Density Residential/Agricultural District to B-3, General Commercial District.

(b) On August 18, 2015, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (5-2), recommended denial of the rezoning.

**Section 2. Rezoning.**

The Official Zoning Map is amended by changing the zoning district classification from R-15, Moderate Density Residential/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. 0086B-0M-016.00

**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: 9-14-15	Tentative
Second Reading: 9-28-15	Tentative
Third Reading: 10-12-15	Tentative

Approved as to form:

\_\_\_\_\_  
County Attorney

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

## Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor: Veronica Thompson/ Jeff Catoe

Department: Finance and Public Works

Date Requested to be on Agenda: 9/14/2015

### **Issue for Consideration:**

Budgetary amendment for the Lancaster County Transportation Committee Fund.

### **Points to Consider:**

The State awarded the County additional revenues in the amount of \$3,944,400 to be used on state roads. These non-recurring funds were awarded after the budget was passed.

### **Funding and Liability Factors:**

The current budget for the Transportation Committee Fund is \$1,450,000. The introduction of the additional funds would bring the budget to \$5,394,400.

### **Council Options:**

Whether or not to amend the budget to include these funds.

### **Recommendation:**

Amend the budget.

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

)  
)  
)

ORDINANCE NO. 2015-1375

~~Indicates Matter Stricken~~

Indicates New Matter

### AN ORDINANCE

TO AMEND ORDINANCE NO. 2015-1356, RELATING TO THE APPROPRIATION OF FUNDS AND THE APPROVAL OF A DETAILED BUDGET FOR LANCASTER COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016 (FY 2015-2016), 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. of Ordinance No. 2015-1356 is 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, 2015 and ending June 30, 2016 (FY 2015-2016):

APPROPRIATIONS	AMOUNT
Airport Fund	255,345
Capital Improvement Fund	1,498,000
Capital Project Sales Tax	8,500,000
County Debt	1,859,931
County Transportation Committee Fund	4,450,000
	5,394,400
Court Mandated Security	1,198,184
E-911 Fund	671,459
General Fund	44,906,126
Indian Land Fire Protection District Fund	522,574
Local Accommodations Tax Fund	30,000
Pleasant Valley Fire Protection District Fund	392,344
Recreation Fund	2,447,396
Victims Services Fund	86,605



(b) The County Administrator is authorized to adjust the detailed operating budget for the County, as contained in the Annual Financial Plan, as previously approved by Council in Section 2A) of Ordinance No. 2015-1356, for the following items:

County Transportation Committee Fund			
	Supplemental Revenue-State of South Carolina	3,944,400	
	State Road Paving		3,944,400

**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 12th day of October, 2015.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Bob Bundy, Chair, County Council

\_\_\_\_\_  
Steve Harper, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Debbie C. Hardin, Clerk to Council

First Reading:	September 14, 2015	
Second Reading:	September 28, 2015	Tentative
Public Hearing:	September 28, 2015	Tentative
Third Reading:	October 12, 2015	Tentative

Approved as to form:

\_\_\_\_\_  
County Attorney

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

## Agenda Item Summary

Ordinance # / Resolution#: 2015-1371

Contact Person / Sponsor: John Weaver

Department: County Attorney

Date Requested to be on Agenda: September 14, 2015

Committee: N/A

**Issue for Consideration:** Whether or not it is appropriate to create a new internal county department to be designated as the Department of Economic Development as a substitute for the economic development responsibilities previously assigned to, but subsequently withdrawn from, the Lancaster County Economic Development Corporation.

**Points to Consider:** Council has appointed the Administrator to serve for 30 days as the county's economic development coordinator/director. Following that period, Council has authorized the search and hiring of an interim economic development director.

**Funding and Liability Factors:** A budget amendment ordinance follows this ordinance for the Council's consideration.

**Council Options:**

1. Approve the creation of a new county department.
2. Reject the creation of a new county department.

**Recommendation:** Approval.



STATE OF SOUTH CAROLINA )  
 )  
LANCASTER COUNTY )

**ORDINANCE NO. 2015-1371**

**TO AUTHORIZE AND APPROVE THE CREATION OF A NEW COUNTY DEPARTMENT TO BE KNOWN AS THE LANCASTER COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT.**

WHEREAS, for an extended period of time, the economic development responsibilities for Lancaster County have been vested, in part, with an independent corporation, the Lancaster County Economic Development Corporation; and

WHEREAS, by the passage of Resolution No. 0884-R2015, the Lancaster County Economic Development Corporation was relieved of its responsibilities to represent Lancaster County in its economic development efforts and, therefore, it has become necessary to create an internal county department so as to carry forward that vital governmental obligation of economic development; and

WHEREAS, pursuant to South Carolina Code Section 4-9-30(6), Lancaster County Council is vested with the authority granted by the Constitution to establish such departments in the county as may be necessary and proper to provide services of local concern for public purposes; and

WHEREAS, Lancaster County Council hereby makes a finding that continued economic development is a local concern and serves a vital public purpose;

NOW, THEREFORE, by the power and authority granted to the Lancaster County Council by the Constitution or 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. Within the framework of the organizational structure of Lancaster County government, there is created a Department of Economic Development.
2. The funding necessary for the financial viability of this new department shall be by way of a budget amendment ordinance wherein funding for the remainder of FY2016 shall be transferred from the Lancaster County Economic Development Corporation account into the Department of Economic Development account.

3. The Administrator is authorized and charged with the responsibility of establishing a detailed budget for the department including, but not limited to, an assignment of personnel with appropriate job descriptions.

**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

1 <sup>st</sup> Reading:	September 14, 2015	Tentative
2 <sup>nd</sup> Reading:	September 28, 2015	Tentative
3 <sup>rd</sup> Reading:	October 12, 2015	Tentative

## Agenda Item Summary

Ordinance # / Resolution#:	Ordinance No. 2015-1376
Contact Person / Sponsor:	Steve Willis
Department:	Administration
Date Requested to be on Agenda:	9-14-15

### **Issue for Consideration:**

Budget for Lancaster County Department of Economic Development.

### **Points to Consider:**

We need to create an initial budget for the new Department of Economic Development. In creating a budget, we have utilized York County as a model.

Initial plans include routine office expenses and a staff of three. That would be for Director, Existing Business Retention/Expansion, and Administrative Assistant.

Funding is included for an Interim Director.

We have included plans for two alliance memberships; Charlotte Regional Partnership (existing membership but with dues pending since July 1<sup>st</sup>) and the I-77 Alliance (planned but not yet a member).

### **Funding and Liability Factors:**

Funding as shown in the Ordinance.

### **Council Options:**

We need to move forward with this on First Reading to be able to start the process. Amendments can be made on subsequent Readings.

### **Staff Recommendation:**

Adoption of the Ordinance for First Reading

### **Committee Recommendation:**

Due to time constraints, this matter has not yet gone to the Administration Committee.



STATE OF SOUTH CAROLINA )  
 )  
LANCASTER COUNTY )

**ORDINANCE NO. 2015-1376**

**TO AMEND ORDINANCE NO. 2015-1356 RELATING TO THE APPROPREATION OF FUNDS AND THE APPROVAL OF A DETAILED BUDGET FOR THE LANCASTER COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT FOR THE REMAINDER OF THIS FISCAL YEAR ENDING JUNE 30, 2016.**

WHEREAS, the creation of an internal Department of Economic Development and the earlier decision of Council to defund the Lancaster County Economic Development Corporation has made it necessary to adjust this year's fiscal budget so as to adequately fund the new department;

NOW, THEREFORE, by the power and authority granted to the Lancaster County Council by the Constitution of 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:

**Section 1. Appropriations; Detailed Budget.**

(a) Section 2, of Ordinance No. 2015-1356 is 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 of the Lancaster County Department of Economic Development for the remainder of the fiscal year beginning July 1, 2015 and ending June 30, 2016.

<b>APPROPRIATIONS</b>	<b>AMOUNT</b>
<b>A. General Fund</b>	
<b>Lancaster County Economic Development Corporation</b>	<b>-294,263</b>
<b>Lancaster County Department of Economic Development</b>	<b>+294,263</b>
<b>B. Fund Balance</b>	
<b>Department of Economic Development vehicle</b>	<b>24,547</b>
<b>Total</b>	<b>318,810</b>

(b) The County Administrator is authorized to adjust the detailed operating budget for the County, as contained in the Annual Financial Plan, as previously approved by Council in Section 2A) or Ordinance No. 2015-1356, for the following items:

<b>10 General Fund Economic Development Expenditure</b>	<b>Recommended 2015-2016</b>
10-7-035-500.00 Wages and Salaries Full Time	116,269
10-7-.35-500.05 Salaries-Overtime	500
10-7-035-500.10 Wages & Salaries PT	18,000
10-7-035-510.00 FICA – Employers Contribution	10,348
10-7-035-510-05 SC Retirement – Employers Contribution	14,961
10-7-035-510.15 Health/Life Ins Employers	20,854
10-7-035-510-25 Workers Compensation	4,278
10-7-035-530-00 Travel, Training, Dues	40,000
10-7-035-540.00 Supplies – General	7,500
10-7-035-541-00 Supplies – Postage	1,000
10-7-035-551-00 Equipment General	6,000
10-7-035-560-00 Equipment Capitalized	25,000
10-7-035-570-00 Utilities General	
10-7-035-571-00 Utilities – Telephone	7,000
10-7-035-590-00 Maintenance-Vehicles	750
10-7-035-590-05 Gasoline	4,250
10-7-035-593-00 Maintenance-Service Agree	
10-7-035-600-00 Contractual Services (CS)	20,000
10-7-035-605-00 CS – Printing	1,100
10-7-035-670-00 Advertising	10,000
10-7-035-690-00 Special Projects	7,000
10-7-035-750-00 Lease – Copiers	4,000
<b>Total</b>	<b>318,810</b>

## **Section 2. 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. 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.

**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:	September 14, 2015	Tentative
Second Reading:	September 28, 2015	Tentative
Third Reading:	October 12, 2015	Tentative



## Agenda Item Summary

Ordinance # / Resolution#:	Discussion/ Action Item
Contact Person / Sponsor:	Steve Willis
Department:	Admin
Date Requested to be on Agenda:	September 8, 2015 – I&R Committee September 14 – County Council

### **Issue for Consideration:**

Use of space at Kershaw facility by Ready SC to train workers for Haile Gold Mine as well as use of additional classroom space by Adult Education.

### **Points to Consider:**

York TECH will be winding down their use of the Kershaw facility this semester. Attendance has fallen to the point it is no longer feasible to operate.

Ready SC had been partnering with TECH, since Ready SC is a part of the state TECH system, to train both employees and contractors for Haile Gold Mine. This need will continue once York TECH closes their operation.

Adult Education utilizes some space now but needs additional classroom space to meet growing demand for services.

Attached is a schematic of the space to be vacated by York TECH.

### **Funding and Liability Factors:**

No funding is needed but we will continue to have operational costs at this facility. That will continue regardless as we also have EMS, the Library, and Adult Ed operating out of this facility.

The facility is covered under SCAC Insurance Trusts coverage and we would enter into a use agreement with Ready SC as outlined by Risk Management. They are a state entity and covered by the State Insurance Reserve Fund. Existing agreements would cover Adult Education which is also state insured.

### **Council Options:**

Allow or not allow the use at this county owned facility.

### **Staff Recommendation:**

To allow the use as proposed by both entities.

### **Committee Recommendation:**

To be determined.



Office of Adult Education  
Adult Literacy Program

August 18, 2015

Lancaster County Administrator

Mr. Steve Willis

PO Box 1809

Lancaster, SC 29721

Re: Kershaw Government Complex

Dear Mr. Willis:

The Lancaster Adult Education/Literacy Program request additional classrooms in the event that any comes available. We need to expand our GED and Employability Skills program to reach the growing number of unemployed and undereducated citizens in Kershaw.

Sincerely,

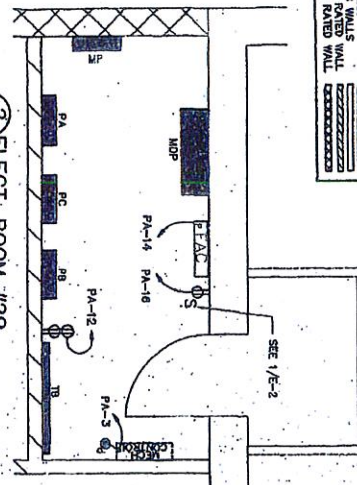


Dr. Kim Linton

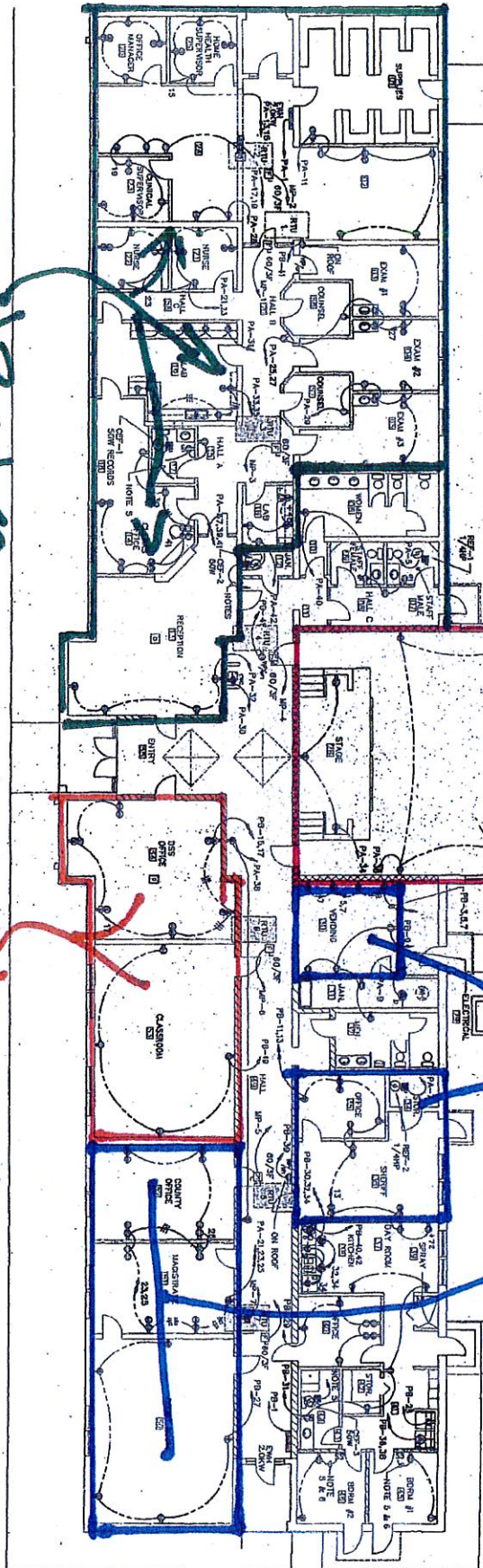
Director



LEGEND:  
 NEW WALLS  
 EXISTING WALLS  
 1 HOUR RATED WALL  
 2 HOUR RATED WALL



2 ELECT. ROOM #29



Ready SC  
HGM Training

Adjusted

772CA

772CA



## HGM Safety Training Schedule 2015

## Color Codes

Pre-Hire  
New MinerPost Hire  
New MinerSite  
OrientationExperienced  
MinerRefresher  
Training

## Location

All classes will be held at YTC- Kershaw.

## Time

New Miner 7:30 AM - 4:00 PM

Site Orientation 2:30 PM - 4:00 PM

Experienced Miner 7:30 - 4:00

WinCalendar	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Sep 2015	6	7 Labor Day	8	9 Post-Hire Class New Miner	10 11:00 Environmental	11 Site Orientation Ott Jackson	12
	13	14	15	16	17	18	19
	20	21 Refresher Training Class	22 Post-Hire Class New Miner	23 11:00 Environmental	24 Site Orientation Ott Jackson	25	26
	27	28	29	30	1	2	3

WinCalendar	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Oct 2015	4	5	6 Post-Hire Class New Miner	7 11:00 Environmental	8 Site Orientation Ott Jackson	9	10
	11	12 Columbus Day	13	14	15	16	17
	18	19	20 Post-Hire Class New Miner	21 11:00 Environmental	22 Site Orientation Ott Jackson	23	24
	25	26	27	28	29	30	31 Halloween
	1 Daylight Saving Time Ends	2	3 Election Day Post-Hire Class New Miner	4 11:00 Environmental	5 Site Orientation Ott Jackson	6	7
Nov 2015	8	9	10	11 Veterans Day	12	13	14
	15	16	17 Post-Hire Class New Miner	18 11:00 Environmental	19 Site Orientation Ott Jackson	20	21
	22	23	24	25	26 Thanksgiving Day	27	28
	29	30	1 Post-Hire Class New Miner	2 11:00 Environmental	3 Site Orientation Ott Jackson	4	5
	6	7	8	9	10	11	12
Dec 2015	13	14	15 Post-Hire Class New Miner	16 11:00 Environmental	17 Site Orientation Ott Jackson	18	19
	20	21	22 Winter Solstice	23	24	25 Christmas	26
	27	28	29	30	31	1 New Year's Day	2







# LANCASTER COUNTY

2015 Unified Development Ordinance (UDO) Update

## UDO Update – Project Summary

With the adoption of the 2014—2024 Comprehensive Plan, Lancaster County has a vision of a County with a strong diverse economy, well-managed growth, high quality of life, a safe and healthy environment, and efficiency of infrastructure investments. The intent of the UDO Update Project is to implement the Comprehensive Plan and create development patterns throughout Lancaster County that reflect the Comprehensive Plan recommendations for improved land use policies and practices. Though this process, Lancaster County will protect the character of rural and urban living and plan neighborhoods and communities for people to live, work, and play.



## Community Meetings

As a part of community outreach, residents are invited to participate in four community meetings to review proposed zoning districts and preliminary zoning maps. In addition to the community meetings, residents and property owners can review the new districts and maps online and provide comments through Lancaster County's website and Catawba Regional Council of Governments' website. Community meeting information will be advertised the week of September 14, 2015. The links to the online data will be included in the community outreach in mid September. Information on community meeting locations, dates, and times are shown below.



### **BUFORD RECREATION CENTER**

Thursday, Sept. 24, 2015 at 6 – 7:30 PM  
Activity Room  
4073 Hurley Walters Road  
Lancaster, SC 29720

### **SPRINGDALE RECREATION CENTER**

Thursday, October 1, 2015 at 6 – 7:30 PM  
Activity Room  
260 S. Plantation Road  
Lancaster, SC 29720

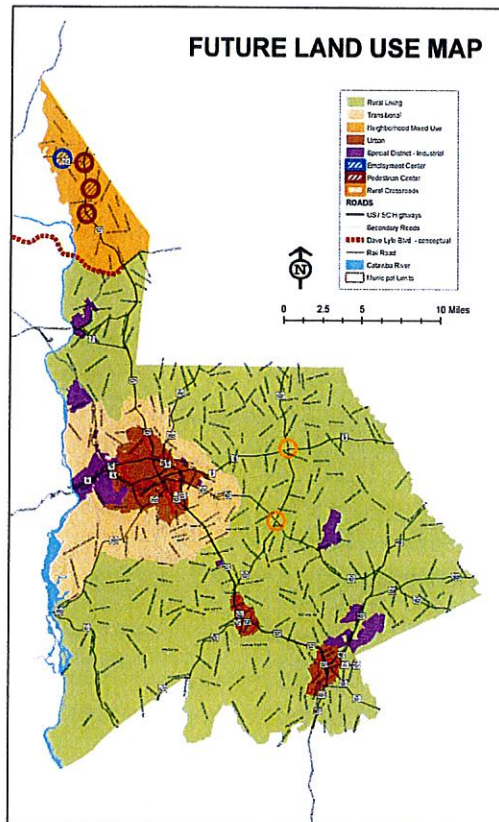
### **ANDREW JACKSON RECREATION CENTER**

Tuesday, Sept. 29, 2015 at 6 PM – 7:30 PM  
Activity Room  
6354 North Matson Street  
Kershaw, SC 29067

### **PLEASANT HILL UNITED METHODIST CHURCH**

Monday, October 5, 2015 at 6 – 7:30 PM  
Fellowship Hall  
238 Fort Mill Highway  
Indian Land, SC 29707

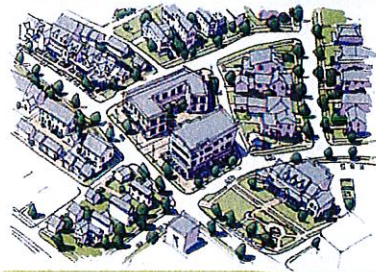
# Unified Development Ordinance



The objectives of the UDO Update Project are to implement the recommendations in the 2014 UDO Analysis Report and the recently adopted 2014—2024 Lancaster County Comprehensive Plan. The Future Land Use Map is reflected to the left and several examples of land use categories included in the Comprehensive Plan and the Land Use Element are shown to the right.

During the development of the UDO Update for Lancaster County, a public outreach process will be incorporated that features interactive community meetings to promote inclusive feedback. These community information meetings will be held at key project intervals to engage the public and enhance the project. The UDO Update Project will be complete by March, 2016.

## Neighborhood Mixed-Use & Employment Centers



## Transitional



## Rural Living



## Key Objectives for the Updated UDO

### New Format and Layout for a More Efficient Code

- Improve the Overall Organization of the Code
- Make Development Review Processes More Efficient
- Address Possible Amendments Differently

### Revise Zoning Districts and Use Classifications

- Reduce the Number and Enhance Residential Zoning Districts
- Refine Business and Industrial Districts
- Refine Planned Development Districts and Overlay Districts
- Modernize the Uses
- Enhance the Use Table





August 26, 2015

Memo to: I and R Committee

From: Hal Hiott, Director, LCPR

Re: Equipment Replacement

The Joint Recreation Commission approved at their August meeting for the equipment provided below to be purchased for budget year 2015/2016. These items will be purchased out of the equipment replacement funds labeled Equipment General in the Recreation Budget. Account # 45-7-810-5511-00. These funds by ordinance are ear marked for replacement of maintenance equipment each year. We are now passing on to I and R for approval to go to full Council. It is imperative that we get these items ordered as turn around on big items sometimes takes 3 months.

#### List approved by Commission

Equipment list	quantity	unit cost	total cost
Ferris Mowers 61 inch cut 35 hsp	3	\$7,895.59	\$23,686
Airveator	1	\$8,500	\$ 8,500
Mower parts and lubricants	multiple	\$7,000	\$ 7,000
(ie: spindles, pulleys, wheels, tires, pumps, mufflers, oil, hydraulics, blades, belts)			
Misc tools	multiple	\$7,000	\$7,000
(ie. weed eaters, chain saws, blowers, power tools, hand tools,)			
Finishing Mower for tractor	1	\$2,500	\$2,500
Misc other	multiple	\$4,314	\$4,314
(ie. irrigation pump, motors, winches for gym goals, timers, control boxes, ect...			

---

Grand total			\$53,000
-------------	--	--	----------

Some of these items especially in Misc other will only be purchased in case of emergency.



## Agenda Item Summary

Ordinance # / Resolution#:	Discussion/ Action Item
Contact Person / Sponsor:	Hal Hiott
Department:	Parks and Recreation
Date Requested to be on Agenda:	Infrastructure & Regulation Committee – July 14, 2015 County Council – July 27, 2015

### **Issue for Consideration:**

Funding for a study necessary to present the ballot question on a bond for a large sports complex.

### **Points to Consider:**

The only way to fund this project is to bring a ballot question to the voters on a Parks and Recreation bond. County Council lacks the bonding capacity to fund this project under our 8% cap.

The proposal is from Clemson University. They operate a Parks, Recreation, and Tourism Management program. We did check with USC Lancaster. USC operates a Hospitality Management program but it is oriented towards hotel and restaurant operations as opposed to parks.

This would include public input sessions as well as technical studies. The output will provide information necessary to bring factual data to the voters to allow them to make an informed decision.

### **Funding and Liability Factors:**

The fee for the study is \$9,750. This is already in the FY 15-16 budget. An optional study on the economic impact is available if desired. That amount is not in the budget but could come from contingency.

### **Council Options:**

Council may accept or reject the study proposal.

### **Staff Recommendation:**

Proceed with the study to bring this bond question before the voters. A motion to approve the proposal as presented is needed. I do not recommend the economic impact study at this time.

### **Committee Recommendation:**

To be determined.

**TO:** Hal Hiott, Lancaster County

**FROM:** Bob Brookover, PRTM

**DATE:** June 9, 2015

**RE:** Public Input Proposal/Scope of Work

**Department of  
PARKS, RECREATION  
and TOURISM  
MANAGEMENT**

263 Lehotsky Hall  
128 McGinty Court  
Clemson, SC  
29634-0735

P (864) 656-3400  
F (864) 656-2226

Dr. Bob Brookover will conduct public input sessions for Lancaster County. The purpose of this study is to determine the public's opinions about a regional park project being proposed. The outcome/deliverable will be a report outlining recommendations based on input received from town staff, key decision makers, stakeholders, and public input using a combination of focus group interviews/activities, quantitative input, and reviewing documentation provided by the county as requested.

**Goals of the project:**

- Determine public opinion about the location of the proposed park.
- Determine potential partners and roles partners might play in the development and operation of the proposed facilities.
- Determine the appropriate components/amenities to be included in the proposed park.
- Determine if additional components/amenities are necessary to make the proposed facilities attractive to a broad range of user groups.
- Determine how public opinion of needs aligns with program and facility needs and trends based on current demand.
- Determine the public's willingness to pay fees for the use of proposed facilities.

**The process will include the following activities:**

- 1) Meetings with Council, City Manager, Director, and other key staff.
- 2) Meeting to discuss process and verify background information to be scheduled
- 3) Conduct 8 Focus Groups/Individual Meeting Sessions

4) Conduct 1 Large Format Public Input Session

- Conduct a large format public input session (up to 170 participants) to include data collection using the iClicker system and traditional focus group activities. Room should be set up to accommodate up to 200 people at tables of 8-10 participants and have a projector and screen. Participants should be representative of the population of Lancaster County.

5) Recommendations/Report

Consultants will develop recommendations and present the report

Lancaster County will:

1. Provide all background information requested and deemed appropriate for consultants.
2. Recruit and schedule all focus group and public input session participants.
3. Provide lunch for 12:30-1:30pm focus group session on day 2 of input.
4. Provide light snacks/drinks for public input session on day 2 from 5:30-7:00

Fee:

Work will be completed for a fixed price of \$9,750

Schedule:

Date	Time	Group
Monday	4:00-5:30pm	Meet w/ county manager, recreation director, other staff
	6:00—7:00pm	Meet with Lancaster County Council
Tuesday	9:00-10:00am	Focus Group
	10:00-11:00am	Focus Group
	11:00am-noon	Focus Group
	12:30-1:30pm	Focus Group
	2:00-3:00pm	Focus Group
	5:30-7:00pm	Public Input Session
Wednesday	9:00-10:00am	Focus Group
	10:00-11:00am	Focus Group
	11:00am-???	Team will analyze data and create report
Thursday	8:30-10:00am	Presentation of Report & Recommendations

Times and schedule may be adjusted as agreed upon by both parties.

**Follow-up Economic Impact/Return on Investment Study**

If deemed necessary and appropriate, an economic impact/return on investment analysis will be completed. This report will estimate the potential impacts of the proposed project on the Lancaster County economy including direct spending, local taxes generated, jobs supported, and total output.

Fee:

Economic impact/return on investment study will be completed for a fixed price of \$3500





August 26, 2015

Memo to: I and R Committee  
From: Hal Hiott, Director, LCPR  
Re: Clemson Study and Committee

I am providing the Infrastructure and Regulation Committee the information requested at our last meeting on August 11, 2015. Since that time the Joint Recreation Commission has met and appointed a Clemson Study Committee. The entire Commission will be involved in the process along with the individuals that agreed to serve. I have provided a detailed list of appointments. There is a diverse group of individuals from all parts of the county.

Our Committee chairman, Brian Trimnal, spoke to the entire group on Tuesday, August 25<sup>th</sup>. That was our first scheduled meeting. We had 34 individuals show up from all parts of the County. Goals, meeting dates, general information, and contact information were top priorities. Our next meeting will be September 15, 2015 at 6:30 pm. We are hoping by this meeting that the Clemson study will be passed on to full Council for consideration.

I have enclosed the following: Meeting dates, goals, and Committee names and contact information.

Thanks for your consideration,

A handwritten signature in blue ink, appearing to read "Hal Hiott", is written over a horizontal line.

Hal Hiott, Director, LCPR

## 2015-2016 Committee Nominations for Clemson Study

<u>Name:</u>	<u>District</u>	<u>Address:</u>	<u>Phone:</u>	<u>Email:</u>
<b>Pam Giardiello, JRC Board Member</b>	City of Lancaster	554 Plantation Road, Lancaster, SC 29720	803-416-7787	<a href="mailto:pamelagiardiello@yahoo.com">pamelagiardiello@yahoo.com</a>
Kathy Sullivan	District 4	1029 Meadow Dr, Lancaster, SC 29720	803-416-6366	<a href="mailto:katsul@comporium.net">katsul@comporium.net</a>
Sara "Pi" Eddins	District 4, Lancaster City Council	1105 Malvern Ln, Lancaster, SC 29720	803-283-9367	<a href="mailto:mackpi@comporium.net">mackpi@comporium.net</a>
<b>Beverly Caskey, JRC Board Member</b>	City of Lancaster	P.O. Box 3254, Lancaster, SC 29721	803-286-5596 803-235-0738	<a href="mailto:lchdevelopment@comporium.net">lchdevelopment@comporium.net</a>
Philp Mickles	District 4	5222 Quarry Drive, Lancaster, SC 29720		<a href="mailto:pmickles14@gmail.com">pmickles14@gmail.com</a>
Janet Ellis	District 4	2464 Douglas Rd, Lancaster, SC 29720	803-804-7723	<a href="mailto:ellisib@dhcc.sc.gov">ellisib@dhcc.sc.gov</a>
<b>Gerry Vetter, JRC Board Member</b>	District 1	9266 Whistling Straits Drive, Indian Land, SC 29707	704-685-2446 803-547-5473	<a href="mailto:gevetter@comporium.net">gevetter@comporium.net</a>
Jeremy Letterman	District 1	4260 Wiregrass Drive, Indian Land, SC 29707	704-236-2449	<a href="mailto:jeremy.letterman@wsoc-tv.com">jeremy.letterman@wsoc-tv.com</a>
Greg Caskey	District 1	2509 Lazy Oak Drive, Lancaster, SC 29720		
<b>Lester Belk, Chairman of JRC</b>	District 2	2597 Oxford Circle, Lancaster, SC 29720	803-285-9216 803-804-4369	<a href="mailto:lesro@comporium.net">lesro@comporium.net</a>
Joe Wade	District 2	2053 Old Landford Rd, Lancaster, SC 29720	803-285-8310	<a href="mailto:joe.wade@alzonobel.com">joe.wade@alzonobel.com</a>
JaRon Stevenson	District 2	312 West Arch St, Lancaster, SC 29720	803-804-0251	<a href="mailto:jaron@comporium.net">jaron@comporium.net</a>
<b>Tim Hallman, JRC Board Member</b>	District 3	2370 Shiloh Unity Road, Lancaster, SC 29720	803-285-9089 803-287-7009	<a href="mailto:Tim.Hallman@comporium.com">Tim.Hallman@comporium.com</a>
Karen Baxley	District 3	2424 Neill Rd, Lancaster, SC 29720	803-324-1137	
Glenn Ribelin	District 3	2460 Dudley Steele Rd, Lancaster, SC 29720	803-288-3529	
<b>Erica Abbott, JRC Board Member</b>	District 4	1217 Clarendon Drive, Lancaster, SC 29720	803-286-5541 803-320-3506	<a href="mailto:abbottir@comporium.net">abbottir@comporium.net</a>
Ken Snipes, Sr.	District 4	1776 Douglas Road, Lancaster, SC 29720		
Will Brice	District 4	1139 Craig Avenue, Lancaster, SC 29720	803-246-3210	<a href="mailto:will@perceptionbuilders.com">will@perceptionbuilders.com</a>
<b>Brian Trimmel, Chairman of Committee</b>	District 5		803-287-4558	<a href="mailto:brian.trimnal@tmlawsc.com">brian.trimnal@tmlawsc.com</a>
<b>Quinton Rogers, JRC Board Member</b>	District 5	2731 Avalon Lane, Lancaster, SC 29720	803-285-2045 803-320-1623	<a href="mailto:qr1005@gmail.com">qr1005@gmail.com</a>
Bobby Funderburk	District 5	2511 South Potter Road, Heath Springs, SC 29058		<a href="mailto:bfun@hh-chevy.com">bfun@hh-chevy.com</a>
Scott Blackmon	District 5	105 South Catawba Street, Lancaster, SC 29720	803-246-0059	<a href="mailto:blackmoninsgrp@comporium.net">blackmoninsgrp@comporium.net</a>

# **2015-2016 Committee Nominations for Clemson Study**

<u>Name:</u>	<u>District</u>	<u>Address:</u>	<u>Phone:</u>	<u>Email:</u>
<b>Tiffany Whaley, JRC Board Member</b>	District 6	208 South Minor Street, Kershaw, SC 29067	803-475-5270 803-417-4640	<a href="mailto:twwhaley@comporium.net">twwhaley@comporium.net</a>
Hope Bell	District 6	292 Young's Bend Rd, Kershaw, SC 29067	803-331-3667	<a href="mailto:hopebellc@gmail.com">hopebellc@gmail.com</a>
Shelley McCall	District 6	6872 Highway 341, Kershaw, SC 29067	803-427-7959	<a href="mailto:sgmccall78@gmail.com">sgmccall78@gmail.com</a>
<b>Cami Armbrust, JRC Board Member</b>	District 6, Town of Heath Springs & Kershaw	215 South Matson Street, Kershaw, SC 29067	803-320-9162	<a href="mailto:camiskillz@hotmail.com">camiskillz@hotmail.com</a>
McCullough Ardrey	District 5	3315 South Potter Road, Heath Springs, SC 29058	803-804-1838	<a href="mailto:mardrey@comporium.net">mardrey@comporium.net</a>
Phillip Starnes	District 6	5851 Flat Creek Road, Heath Springs, SC 29058	803-804-5347	<a href="mailto:pbstarnes@comporium.net">pbstarnes@comporium.net</a>
<b>Rusty Carson, JRC Board Member</b>	District 7	18016 Greyfield Glen, Fort Mill, SC 29707	704-322-3577 843-822-9831	<a href="mailto:rustycarson@destinationathlete.com">rustycarson@destinationathlete.com</a>
Flip Sheesley	District 7	9983 Valley Road, Indian Land, SC 29707	803-242-1642	<a href="mailto:coachflip@carolina.rr.com">coachflip@carolina.rr.com</a>
Paul Boyd	District 7	18043 Greyfield Glen, Fort Mill, SC 29707	917-520-0187	<a href="mailto:paul@paulboyd.com">paul@paulboyd.com</a>
<b>Others</b>				
Joe McGriff	District 2	1522 Carmel Road, Lancaster, SC 29720	803-416-3516	<a href="mailto:mjmcgriff63@gmail.com">mjmcgriff63@gmail.com</a>
Jackie Harris	District 2, Lancaster City Council	411 W. Spring St, Lancaster, SC 29720	803-235-0739	<a href="mailto:jackie.harris66@yahoo.com">jackie.harris66@yahoo.com</a>
Annette Deese	District 3	2137 Hough Rd, Lancaster, SC 29720	803-804-2392	<a href="mailto:ldirector@comporium.net">ldirector@comporium.net</a>
Otis Lathan	District 3	1533 Zion Hill Road, Lancaster, SC 29720		
Spring McManus	District 3	1831 Old Sullivan Rd, Lancaster, SC 29720	803-416-3770	<a href="mailto:Mcmamus7@comporium.net">Mcmamus7@comporium.net</a>
Bobby Parker	District 3	4265 Rowell Road, Lancaster, SC 29720		<a href="mailto:bobby.parker@lcsdmail.net">bobby.parker@lcsdmail.net</a>
Sammy Macy	District 3	5284 Camp Creek Road, Lancaster, SC 29720	803-246-1298	<a href="mailto:Bufordsoccer@yahoo.com">Bufordsoccer@yahoo.com</a>
Bruce Brumfield	District 4	737 Plantation Road, Lancaster, SC 29720		<a href="mailto:Bruce.Brumfield@founderstcu.com">Bruce.Brumfield@founderstcu.com</a>
Sally Sherrin	District 5	3656 Old Camden Highway, Heath Springs, SC 29058	803-416-6667	<a href="mailto:sherric@countdowning.org">sherric@countdowning.org</a>
Kathy Sistare	District 5	1451 S. Potter Rd, Lancaster, SC 29720	803-416-7787	<a href="mailto:kathy.sistare@chs.net">kathy.sistare@chs.net</a>
Jimmy Kubicina	District 7	18037 Greyfield Glen, Fort Mill, SC 29707	704-249-7432	<a href="mailto:jkubicina@gmail.com">jkubicina@gmail.com</a>
Scott Wille	Indian Land			
Chris Campbell	Indian Land			
Justin Ashby	Indian Land			
Brad Small		P.O. Box 580, Lancaster, SC 29721		<a href="mailto:brad_small@firstcitizenonline.com">brad_small@firstcitizenonline.com</a>
Dr. Gene Moore		300 South Catawba Street, Lancaster, SC 29720	803-286-6972	<a href="mailto:Gene.Moore@lcsdmail.net">Gene.Moore@lcsdmail.net</a>
Nathan Snow			803-286-1382	
Doug Barnes			803-287-2900	



**Meeting Schedule for Clemson Study Committee**  
**Joint Recreation Commission for Lancaster County**  
**P.O. Box 243**  
**Lancaster, SC 29721**  
**803-285-5545**

**Contact information:**

<b>Hal Hiott, Director, LCPR</b>	<b>803-285-5545   803-288-0527</b>	<b><a href="mailto:hhiott@lanastercountysc.net">hhiott@lanastercountysc.net</a></b>
<b>Brian Trimnal, Committee Chair</b>	<b>803-2874558</b>	<b><a href="mailto:brian.trimnal@tmlawsc.com">brian.trimnal@tmlawsc.com</a></b>
<b>Katherine Walters, LCPR</b>	<b>803-285-5545   803-288-7073</b>	<b><a href="mailto:katherinesmall@lanastercountysc.net">katherinesmall@lanastercountysc.net</a></b>

**All meetings will be held at:**

**Springdale Recreation Center in Lancaster, 260 South Plantation Rd, Lancaster, SC 29720**

**Meeting Dates:**

<b>Tuesday, August 25, 2015</b>	<b>Organizational Meeting and general information</b>	<b>6:30 pm</b>
<b>Tuesday, September 15, 2105</b>		<b>6:30 pm</b>
<b>Tuesday, September 29, 2015</b>		<b>6:30 pm</b>
<b>Tuesday, October 6, 2015</b>		<b>6:30 pm</b>
<b>Tuesday, October 27, 2015</b>	<b>Last organization meeting before Clemson Study</b>	<b>6:30 pm</b>

**Goals:**

- 1. Recruit citizens from throughout the County for public input session to be held one evening during the week of the Clemson Study. That date will be announced as soon as council approves study.**
- 2. Create Community awareness about study, possible sports complex and existing facility upgrades.**
- 3. Brain Storm and create Focus groups for Clemson to interview and meet with during study.  
3 to 4 different focus groups.**
- 4. Ideas and input for complex and upgrades.**

**Thanks for your dedication and Support!**

## Agenda Item Summary

Ordinance # / Resolution#:	Discussion/ Action
Contact Person / Sponsor:	Paul Moses/ Consulting Engineer Ken Holt
Department:	Airport
Date Requested to be on Agenda:	I&R Committee – September 8, 2015 Council – September 14, 2015

### **Issue for Consideration:**

Programmatic and budgetary amendment for FAA Taxiway grant.

### **Points to Consider:**

As Council will recall we are under budget on the main taxiway resurfacing project.

The FAA has recommended that we change the PAPI (flight approach – glide path) lights at the Airport.

The current system is over 20 years old and has sustained lightning strike damage. Estimated repair costs range from best case \$21,000 to worst case \$40,000. There is no way to tell what we have until we expose buried cabling.

The cost to replace with a totally new system is \$45,000.

The FAA will not pay for repair work. If we proceed with that option the entire cost will be paid by Lancaster County. If we replace the system the FAA will pay 90% of the cost (\$40,500) under the grant as a change order. The state and Lancaster County will split the remaining \$4,500 in cost.

### **Funding and Liability Factors:**

Mentioned above – local cost would range from \$21,000 to \$40,000 for repairs and \$2,250 for a new system.

Our liability is much less with a new system versus one that could fail from past lightning strikes.

### **Council Options:**

Repair or replace under the grant.

### **Staff Recommendation:**

Replace; we have a new system with no damage and one which is not prone to further failure due to age, plus we have a more energy efficient system.

### **Committee Recommendation:**

TBD

## Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor:

Debbie Hardin

Department:

Administration

Date Requested to be on Agenda:

September 14, 2015

### **Issue for Consideration:**

Nomination to the Lancaster County Transportation Committee (CTC)

### **Points to Consider:**

Mr. Bill Trimnal resigned on the CTC, leaving an opening in District 4. Councilman Honeycutt is requesting the nomination from Council for Mr. Al Palmer to represent his district. Once the nomination is made by Council, a request will be forwarded to the Delegation for appointment.

### **Funding and Liability Factors:**

n/a

### **Council Options:**

### **Recommendation:**

Nominate Mr. Al Palmer at the request of Councilmember Honeycutt.



Report to Lancaster County Council  
on Lancaster Area Ride Service (LARS)

Report Period: 10/01/2012- 1/1/2013- 4/1/2013-  
12/31/2012 3/31/2013 6/30/2013

**FY 2012 - 2013 LARS Only**

	Fiscal Year				Total	2013 Average
Trips	1810	1894	1974		5678	1893
Unduplicated Individuals	69	49	52			57
Passenger Miles	24,605	22,159	21,182		67946	22649
Operational Costs	\$ 25,331.74	\$ 26,402.00	\$ 28,877.71		\$ 80,611.45	\$ 26,870.48
Capital Costs	\$ -					
Total Costs:	\$ 25,331.74	\$ 26,402.00	\$ 28,877.71		\$ 80,611.45	\$ 26,870.48
Operational Cost Per Trip	\$ 14.00	\$ 13.94	\$ 14.63			\$ 14.19
Operational Cost Per Individual	\$ 367.13	\$ 538.82	\$ 555.34			\$ 487.09
Operational Cost Per Passenger Miles	\$ 1.03	\$ 1.19	\$ 1.36			\$ 1.19

Report Period: 7/1/2013- 10/01/2013- 1/1/2014- 4/1/2014-  
9/30/2013 12/31/2013 3/31/2014 6/30/2014

**FY 2013 - 2014 Includes JARC; SMTP and LARS Trips**

	Fiscal Year				Total	2014 Average
Trips	2091	1953	2167	1974	8185	2046
Unduplicated Individuals	132	77	66	53		82
Passenger Miles	22,764	22,198	20,511	20674	86147	21537
Operational Costs	\$ 21,562.52	\$ 28,729.14	\$ 25,971.24	34115	\$ 110,377.90	\$ 27,594.48
Capital Costs	\$ -					\$ -
Total Costs:	\$ 21,562.52	\$ 28,729.14	\$ 25,971.24	\$ 34,115.00	\$ 110,377.90	\$ 27,594.48
Operational Cost Per Trip	\$ 10.31	\$ 14.71	\$ 11.98	\$ 17.28		13.57
Operational Cost Per Individual	\$ 163.35	\$ 373.11	\$ 393.50	\$ 643.68		393.41
Operational Cost Per Passenger Miles	\$ 0.95	\$ 1.29	\$ 1.27	\$ 1.65		1.29

Report Period: 7/1/2014- 10/01/2014- 1/1/2015- 4/1/2015-  
9/30/2014 12/31/2014 3/31/2015 6/30/2015

**FY 2014 - 2015 Includes JARC; SMTP and LARS Trips**

	Fiscal Year				Total	2015 Average
Trips	2173	2259	1802	1810	8044	2011
Unduplicated Individuals	205	55	46	48		89
Passenger Miles	25,160	25,547	20,458	22382	93547	23387
Operational Costs	\$ 24,834.00	\$ 27,524.00	\$ 30,543.00	32615.35	\$ 115,516.35	\$ 28,879.09
Capital Costs	\$ -					\$ -
Total Costs:	\$ 24,834.00	\$ 27,524.00	\$ 30,543.00	\$ 32,615.35	\$ 115,516.35	\$ 28,879.09
Operational Cost Per Trip	\$ 11.43	\$ 12.18	\$ 16.95	\$ 18.02		14.65
Operational Cost Per Individual	\$ 121.14	\$ 500.44	\$ 663.98	\$ 679.49		491.26
Operational Cost Per Passenger Miles	\$ 0.99	\$ 1.08	\$ 1.49	\$ 1.46		1.25

JARC-Job Access Reverse Commute Funding-Funding for Transportation to Jobs and Job Training  
SMTP-State Mass Transit Program-funding those persons living in Urbanized Areas until 6/30/2014  
LARS-5311 Public Transit Funding



September 2, 2015

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Steve Willis  
County Administrator, Lancaster  
101 N. Main St., 2nd Floor  
Lancaster SC 29721

Dear Mr. Willis:

Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The following agreements are due to expire soon, and we may be required to cease carriage of one or more of these services/stations in the near future: Azteca America, YouToo, Outdoor Channel (SD & HD), RFD HD, ReelzChannel (SD & HD), Gol TV (SD & HD), Pivot, Boomerang, Boomerang Espanol, Cartoon Network (SD & HD), Cartoon Network Espanol, CNN (SD & HD), CNN Espanol, HLN (SD & HD), TBS (SD & HD), TCM (SD & HD), TNT (SD & HD), truTV (SD & HD), HBO (SD & HD), HBO West (SD & HD), HBO2 (SD & HD), HBO2 West, HBO Signature (SD & HD), HBO Signature West, HBO Family (SD & HD), HBO Family West, HBO Comedy (SD & HD), HBO Comedy West, HBO Zone (SD & HD), HBO Zone West, HBO Latino (SD & HD), HBO Latino West, HBO On Demand, Cinemax (SD & HD), Cinemax West (SD & HD), MoreMAX (SD & HD), MoreMAX West, ActionMAX (SD & HD), ActionMAX West, ThrillerMAX (SD & HD), ThrillerMAX West, OuterMAX (SD & HD), MaxLatino (SD & HD), 5StarMAX (SD & HD), MovieMAX (SD & HD), Cinemax On Demand, GMA Pinoy TV, GMA Life TV, Jewelry TV (SD & HD), TV One (SD & HD), NHL Network (SD & HD), NHL Center Ice (SD & HD).

From time to time, Time Warner Cable makes certain changes in the services that we offer in order to better serve our customers. The following changes are planned: None at this time.

The new services listed below cannot be accessed on CableCARD-equipped Unidirectional Digital Cable Products purchased at retail without additional, two-way capable equipment: None at this time.

For more information about your local channel line-up, visit [www.twc.com/programmingnotices](http://www.twc.com/programmingnotices).

If you have any questions or concerns, please do not hesitate to call me at 803-251-5320.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Breazeale".

Ben Breazeale  
Director of Government Relations  
Time Warner Cable, South Carolina



August 17, 2015

**CERTIFIED MAIL / RETURN RECEIPT REQUESTED**

Mr. Steve Willis  
County Administrator, County of Lancaster  
101 N. Main Street  
Lancaster, SC 29721

Dear Mr. Willis,

Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The following agreements are due to expire soon and we may be required to cease carriage of one or more of these services/stations in the near future:

WGGs, Azteca America, Youtoo, Outdoor Channel (SD & HD), RFD HD, ReelzChannel (SD & HD), Gol TV (SD & HD), Pivot, Pivot On Demand, Boomerang, Boomerang Espanol, Cartoon Network (SD & HD), Cartoon Network Espanol, CNN (SD & HD), CNN Espanol, HLN (SD & HD), TBS (SD & HD), TCM (SD & HD), TNT (SD & HD), truTV (SD & HD), HBO (SD & HD), HBO West (SD & HD), HBO2 (SD & HD), HBO2 West, HBO Signature (SD & HD), HBO Signature West, HBO Family (SD & HD), HBO Family West, HBO Comedy (SD & HD), HBO Comedy West, HBO Zone (SD & HD), HBO Zone West, HBO Latino (SD & HD), HBO Latino West, HBO On Demand, Cinemax (SD & HD), Cinemax West (SD & HD), MoreMAX (SD & HD), MoreMAX West, ActionMAX (SD & HD), ActionMAX West, ThrillerMAX (SD & HD), ThrillerMAX West, OuterMAX (SD & HD), MaxLatino (SD & HD), 5StarMAX (SD & HD), MovieMAX (SD & HD), Cinemax On Demand, GMA Pinoy TV, GMA Life TV.

In addition, from time to time we make certain changes in the services that we offer in order to better serve our customers. The following changes are planned:

On or after September 1st, WHKY HD will be added to Digital Broadcast channels 18 and 1231.

The new services listed below cannot be accessed on CableCARD-equipped Unidirectional Digital Cable Products purchased at retail without additional, two-way capable equipment: None at this time.

For more information about your local channel line-up, visit [www.twc.com/programmingnotices](http://www.twc.com/programmingnotices).

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael E. Tanck".

Michael E. Tanck  
Director, Government Relations





August 18, 2015

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Mr. Steve Willis  
County Administrator, Lancaster  
101 N. Main St., 2nd Floor  
Lancaster SC 29721

Dear Mr. Willis:

Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The following agreements are due to expire soon, and we may be required to cease carriage of one or more of these services/stations in the near future: Azteca America, YouToo, Outdoor Channel (SD & HD), RFD HD, ReelzChannel (SD & HD), Gol TV (SD & HD), Pivot, Boomerang, Boomerang Espanol, Cartoon Network (SD & HD), Cartoon Network Espanol, CNN (SD & HD), CNN Espanol, HLN (SD & HD), TBS (SD & HD), TCM (SD & HD), TNT (SD & HD), truTV (SD & HD), HBO (SD & HD), HBO West (SD & HD), HBO2 (SD & HD), HBO2 West, HBO Signature (SD & HD), HBO Signature West, HBO Family (SD & HD), HBO Family West, HBO Comedy (SD & HD), HBO Comedy West, HBO Zone (SD & HD), HBO Zone West, HBO Latino (SD & HD), HBO Latino West, HBO On Demand, Cinemax (SD & HD), Cinemax West (SD & HD), MoreMAX (SD & HD), MoreMAX West, ActionMAX (SD & HD), ActionMAX West, ThrillerMAX (SD & HD), ThrillerMAX West, OuterMAX (SD & HD), MaxLatino (SD & HD), 5StarMAX (SD & HD), MovieMAX (SD & HD), Cinemax On Demand, GMA Pinoy TV, GMA Life TV.

From time to time, Time Warner Cable makes certain changes in the services that we offer in order to better serve our customers. The following changes are planned: None at this time.

The new services listed below cannot be accessed on CableCARD-equipped Unidirectional Digital Cable Products purchased at retail without additional, two-way capable equipment: None at this time.

For more information about your local channel line-up, visit [www.twc.com/programmingnotices](http://www.twc.com/programmingnotices).

If you have any questions or concerns, please do not hesitate to call me at 803-251-5320.

Sincerely,

A handwritten signature in black ink that reads "Ben Breazeale".

Ben Breazeale  
Director of Government Relations  
Time Warner Cable, South Carolina



## MEMORANDUM

TO: County Councils, Mayors, Legislative Delegations, Chambers, Economic Development and Planning Departments, News Media

FROM: Mike Vead, Senior Planner

DATE: August 31, 2015

SUBJECT: Building Permit Report

Catawba Regional tracks building permit activity as a means of monitoring growth. We have now completed the report showing building permit activity throughout the Catawba Region for the second quarter (April-June) of 2015. The report gives you quick access to permit totals by county and major municipalities along with an indication of the growth areas in your county. You can print copies of the complete report by logging on to our website at [www.catawbacog.org](http://www.catawbacog.org). From there you click on the building permit report link under Categories at the bottom of the page and the second quarter report will appear.

We have attached a table comparing permit totals between the second quarters of 2014 and 2015. This table shows that single family permit activity increased throughout the region. Only York County had any multi-family permit activity while mobile home permit activity was generally up. Commercial and industrial permit activity was mixed region wide.

We hope you find the information in the report to be useful. Should you have any questions about the report or our Permit Tracking System, please contact *Mike Vead* at (803) 327-9041.

Attachment

**BUILDING PERMIT TRENDS  
IN THE  
CATAWBA REGION  
Second Quarter 2014 - 2015**

	<b>CHESTER COUNTY</b>			<b>LANCASTER COUNTY</b>			<b>UNION COUNTY</b>			<b>YORK COUNTY</b>		
	2 <sup>nd</sup> Qtr. 2014	2 <sup>nd</sup> Qtr. 2015	Percent Change	2 <sup>nd</sup> Qtr. 2014	2 <sup>nd</sup> Qtr. 2015	Percent Change	2 <sup>nd</sup> Qtr. 2014	2 <sup>nd</sup> Qtr. 2015	Percent Change	2 <sup>nd</sup> Qtr. 2014	2 <sup>nd</sup> Qtr. 2015	Percent Change
Single Family Permits	5	12	+140.0	237	298	+25.7	0	5	+100.0	446	570	+27.8
Multi-Family Permits	0	0	0	0	0	0	0	0	0	7	15	+114.0
Mobile Home Permits	1	1	0	23	31	+34.8	3	5	+66.7	18	28	+55.5
Commercial Permits	3	2	-33.3	21	21	0	0	0	0	12	15	+25.0
Industrial Permits	2	1	-50.0	0	0	0	0	0	0	2	2	0

*Source: Regional Building Permit Tracking System, Catawba Regional Council of Governments.*



## Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor: Veronica C. Thompson

Department: Finance

Date Requested to be on Agenda: Information Only

**Issue for Consideration:**

At the August 24<sup>th</sup> Council meeting, Councilman Carnes asked if there was a time limit for spending any potential overages on the Capital Projects Sale Tax approved in 2008.

**Points to Consider:**

Per County Bond Counsel, the CPST Act does not specify a time limit for spending the overage. It is recommended that the funds be spent by the end of the current fiscal year for the approved projects. Overages could be used for projects approved in the referendum re-imposing tax after the County exhausts the uses for the first CPST.

**Funding and Liability Factors:**

We will know the amount of overage once the check is received in October. Jeff Hammond is currently compiling a list of potential uses for the overage. Council will be given this list for consideration.

**Council Options:**

Wait for the list from Jeff Hammond & confirmation of the final overage amount.

**Recommendation:**

None.

# MEETINGS & FUNCTIONS – 2015

DAY/DATE	TIME	FUNCTION/LOCATION
Monday, September 14 <sup>th</sup>	5:30 p.m.	Workshop and Regular Council Meeting
Tuesday, September 15 <sup>th</sup>	8:00 a.m.	Public Safety Committee Council Conference Room
Thursday, September 17 <sup>th</sup>	4:30 p.m.	Administration Committee Council Conference Room
Monday, September 28 <sup>th</sup>	6:30 p.m.	Regular Council Meeting
Friday, October 2 <sup>nd</sup>	8:00 a.m.	Chamber State of Education Breakfast USCL Bradley Arts Building
Friday, October 2 <sup>nd</sup>	4 – 7:30 p.m.	Strategic Planning Session County Council Chambers
Saturday, October 3 <sup>rd</sup>	8:30 a.m. until 3:00 p.m.	Strategic Planning Session County Council Chamber
Thursday, October 22 <sup>nd</sup>	8 am – until noon	Worksite Screening – Council Chambers

## LANCASTER COUNTY STANDING MEETINGS

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