

Lancaster County Council Infrastructure and Regulation Committee Meeting Agenda

Tuesday, October 11, 2016

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

1. **Call to Order – Committee Chair Larry Honeycutt** 3:00 p.m.
2. **Approval of the agenda** *[deletions and additions of non-substantive matters]*
3. **Approval of minutes of the September 13, 2016 meeting – pgs. 2-5**
4. **Citizens Comments**
5. **Discussion/Action items**
 - a. Verbal update - fleet maintenance facility. *Steve Willis*
 - b. Legacy Roads. *Jeff Catoe – pgs. 6-18*
 - c. Update regarding MS4 - stormwater. *Jeff Catoe – pgs. 19*
 - d. Banquet Hall discussion. *Committee Chairman Larry Honeycutt – pgs. 20-29*

6. **Executive Session**

- a. Legal briefing regarding a proposed contractual matter SC Code 30-4-70(2)

Upon returning to open session, action may be taken on the items discussed during executive session.

7. **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 Infrastructure and Regulation Committee agendas are posted at the Lancaster County Administration Building and are available on the Website: www.mylancastersc.org

MINUTES OF THE LANCASTER COUNTY COUNCIL INFRASTRUCTURE AND REGULATION
COMMITTEE
COUNTY ADMINISTRATION BUILDING
COUNCIL CONFERENCE ROOM
101 N. MAIN STREET, LANCASTER



Members of the Lancaster County Council Infrastructure and Regulation Committee

Larry Honeycutt, Committee Chairman – District 4
Larry McCullough, Council Member – District 1
Jack Estridge, Council Member – District 6

DRAFT

Tuesday, September 13, 2016

The Committee Members present were Larry Honeycutt and Jack Estridge. Larry McCullough was absent. Also, present was Steve Willis, John Weaver, Debbie Hardin, Chelsea Gardner and Penelope Karagounis. A quorum of the Lancaster County Council Infrastructure and Regulation Committee 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

Larry Honeycutt called the meeting to order at 3:00 p.m.

Approval of Agenda

Jack Estridge moved to approve the agenda. Passed 2-0.

Minutes of the August 9, 2016 and August 22, 2016 meetings

Jack Estridge moved to approve the August 9, 2016 and August 22, 2016 meeting. Passed 2-0.

Citizens Comments

Chairman Honeycutt noted for the record that the Quarterly Reports received from the Departments are great and commented that the Library yearly report was exceptional.

Janine Gross, 15115 Legend Oaks Court, stated that she is a volunteer at the Animal Shelter and distributed the attached schedule A. She spoke about donations to the shelter.

Meta Wasson, 9823 Blackhorse Run, Indian Land, spoke regarding the Animal Shelter.

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Waylon Wilson, 15117 Legend Oaks Court, spoke regarding Bretagne Development.

Bretagne Development Agreement

John Weaver, County Attorney, explained that on page 7 of the agenda book (attached as schedule A for reference), is the letter that the Committee requested at the last meeting. Mr. Weaver reviewed the development agreement and noted the changes as follows:

1. Reduce the rooftop fee from \$8,000 to \$1,500
2. Eliminate the \$100,000 to the Library

He also explained that if the 1st Amendment to the Development Agreement passes, there will be a stand alone amended Development Agreement with Phases 1,2,&3. The original 2007 Development Agreement will remain in place and be applicable to Phase 7.

Mr. Weaver further noted that the Planning Commission recommended approval of the Development Agreement by a 7-0 vote with conditions:

1. To approve with the Carolina Thread Trail to be included in Phase 1, since the County as has easement in the original Phase 4,5, and 6, which is now known as the Estates at Audubon Lake subdivision.
2. To request the attorneys try to make Bretagne Phases 1-3 a stand-alone document and separate it completely from Phase 4, 5, 6, and 7.

Citizen, Steve Childress, 3393 Millstone Creek Road, stated that he is an owner in the Bretagne Development and asked this Committee to consider the Development Agreement.

Jack Estridge moved to recommend favorably to Council the terms in the 1st Amendment - \$1,500 for rooftop fees, eliminate the \$100,000 to the library and include the Carolina Thread Trail in Phase One (1). Seconded Larry Honeycutt. Passed 2-0.

Impact fee study

Robbie Moody from Catawba Regional Council of Governments (COG) presented Council with information regarding Impact Fees (presentation attached as schedule B). He stated that the report is based on a conservative approach using permits and development agreement data through 2015. The impact fee would be for capital improvements only – not operation, nor personnel. He noted that school fees could not be collected with the impact fee. He explained that the current development agreements in place would not be subject to an impact fee. The impact fee report uses property Van Wyck north and revenues collected from the fee could only be utilized in that area. Mr. Moody noted that once collected, you have five years to spend the money.

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COMMITTEE

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Penelope Karagounis, Planning Director, stated that the new Unified Development Ordinance (UDO) would have an option for the use of development agreements.

Steve Willis stated that this report is information only. It will go to the Planning Commission for a recommendation prior coming to Council.

Hospitality Tax

Steve Willis noted in the agenda package is the hospitably tax funding priority list and estimated cost information gathered by the Parks and Recreation Department. Council requested this information before moving forward. He noted that these numbers are estimates only.

Chairman Honeycutt stated that the number 1 priority is to get the land purchased.

Councilman Estridge asked how much revenue would be generated from the tax. Mr. Willis explained that Lancaster County does not have a business license so using Department of Revenue numbers it is estimated to be between \$8 and \$9 million.

Councilman Estridge asked who would decide how the money would be spent. Mr. Willis answered that it would be the County Council's decision on how the money is spent and that it would need to be spent on tourism related items only.

Attorney John Weaver explained the process on how the hospitality taxes are handled. He stated that Council would spend it on what they think is right as related to tourism and then it is reported to Columbia for review. If there were a concern as to how it was spent, it would go to a committee for review and if they rule against the county, it would have to be paid back.

Jack Estridge moved to recommend favorably to Council at the September 26, 2016 meeting. Seconded by Larry Honeycutt. Passed 2-0.

Verbal update – Fleet Maintenance

Steve Willis reported that we are still waiting on numbers for this project from the engineer.

County Engineering Department

Steve Willis informed the Committee that they are not getting applicants for the position and will need to re-advertise. Mr. Willis also stated that we may need to staff the department in this fiscal year, however, that would come to Council as a budget amendment ordinance.

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Animal Shelter

Steve Willis stated that the Animal Shelter budget for overtime is nearly depleted. Even with the new staff member, both are still working over 40 hours per week. This position is not in the current budget. This is for information only, as it will need to come to Council in the form of a budget amendment ordinance.

Next steps in the County's budgeting strategy

Kimberly Hill, Budget Analyst, informed the Committee that she has reviewed best practices and observed our current processes. Based on information that she gathered, she has come up with a feasible five (5) year plan to elevate how we are currently budgeting. She reviewed the budget process, areas of improvement and next steps in the strategy for Lancaster County.

Adjournment

Jack Estridge moved to adjourn. Seconded by Larry Honeycutt. Passed 2-0.

Respectfully Submitted:

Approved by Committee Chair

Debbie C. Hardin
Clerk to Council

Larry Honeycutt, Committee Chair

Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor: Jeff Catoe

Department: Public Services

Date Requested to be on Agenda: October 11, 2016

Issue for Consideration:

Information on Legacy Road Ordinance/Ordinance 915.

Points to Consider:

The County has completed the Legacy Road portion of the acceptance of roads in the County system. Currently all roads platted after 2008 are to meet Ordinance 915 standards for acceptance with a deadline of 12/31/17. There are several requests for acceptance and current activity by some to meet the deadlines. Plans approved after January 1, 2015 will have privately maintained roads.

Funding and Liability Factors:

Roads accepted into the County system are maintained by Lancaster County as described in prior ordinances and deeds.

Council Options:

Information only to present current situation.

Recommendation:

Move forward with completion by staff before 12/31/17 cut off date and review/inspection/approval by necessary parties.

FILED
OFFICE OF CLERK
STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER
2014 DEC 10 PM 3:51

ORDINANCE NO. 2014-1299

CLERK OF COURT
LANCASTER, SC
AN ORDINANCE

TO AMEND SECTION 26-27 OF THE LANCASTER COUNTY CODE RELATING TO THE ACCEPTANCE OF ROADS INTO THE COUNTY ROAD SYSTEM AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

WHEREAS, over the past decade the extraordinary growth in Lancaster County's population and the roadways associated therewith has made it necessary for Council to consider appropriate modifications to the present ordinance that establishes the policy of accepting roads into the county system; and

WHEREAS, so as to distinguish between existing roads that have long since been constructed and those other newer roads, including those to be constructed in the future, the following amendments hereby are adopted.

THEREFORE, be it **ORDAINED** by the Council of Lancaster County, South Carolina:

Section 26-27 of the Lancaster County Code is amended to read:

Section 1. Acceptance of roads.

- (A) This amendment shall not impact those roads previously accepted into the Lancaster County roadway system.
- (B) There is hereby established several categories of roads that may be considered by Council for acceptance into the public road system, namely:
- (1) **Legacy roads** – these roads are considered to be those roads that have been platted and built prior to the passage of Lancaster County Ordinance 2008-915, passed on December 1, 2008. To be accepted by the County, each of the following conditions must be met on or before December 31, 2015.
- (a) The roadway must have a soil compaction of not less than ninety five (95%) percent and a roadbed of four (4) inches of stone and two (2) inches of asphalt.
 - (b) The roadway must have a dedicated right-of-way of at least fifty (50') feet and a paved area of not less that eighteen (18') feet in width.
 - (c) The roadway must be inspected by the Lancaster County Public Works Director prior to acceptance. Any repair work, less and excepting any normal aging, must be completed and approved prior to acceptance.
 - (d) Prior to acceptance, the owner must provide to the County the following documentation:
 - (i) Attorney's opinion letter regarding legal authority to transfer road;
 - (ii) Recorded plat indicating road(s) to be transferred;

- (iii) Recorded deed describing road(s) to be transferred;
 - (iv) Engineering report and verification that roadway standard noted herein has been met;
 - (v) If any repairs noted in (c) above were necessary, owner must provide a one year written warranty on the said repairs.
 - (e) Upon the prior conditions having been met, the roadway shall be accepted by the county staff without the requirement of Council approval.
 - (f) Under no circumstances shall the county accept ownership or responsibility for sidewalks, landscaped medians, storm water infrastructure outside the road right-of-way, detention ponds, street trees, decorative stamped asphalt or concrete, pavers, street lights or other similar items.
- (2) **Post Ordinance 2008-915 roads** – these roads are considered to be those roads that were “identified and created through the submission of a preliminary plan” following the passage of Lancaster County Ordinance 2008-915 on December 1, 2008 but prior to January 1, 2015. To be accepted by the County, the following shall be mandatory:
- (a) Each requirement and condition set forth in Ordinance 2008-915 must be accomplished;
 - (b) Each requirement shall be completed by the owner on or before December 31, 2017;
- (3) **Roads within a Planned Development District, a residential subdivision or cluster subdivision overlay community that are identified and created through the submission of a preliminary plan after January 1, 2015 will be private -** Subject only to the specific exception noted below, the approval process for these roads shall have the following two requirements:
- (a) The platted roadway must indicate with specificity on the plat to be recorded that the road will remain privately owned and privately maintained.
 - (b) The owner of the roadway must provide to Lancaster County sufficient proof that there is in existence a legally created property owners association or other similar entity for the purpose of providing perpetual maintenance and repairs for the road.
 - (c) One exception shall exist to the requirements set forth in Paragraph (3)(a) and (3)(b). Upon proof that the road in question has been built in full compliance with Ordinance 2008-915, Council may vote to accept the road into the county system upon a finding that the road provides connectivity to the county road system or is a necessary component for the proper development of the county road system.
 - (i) Council’s favorable consideration shall be by an affirmative Resolution vote of at least two-thirds of the Council members..
 - (ii) The Resolution must contain language establishes a finding that the road fully meets the two conditions cited in Paragraph (3)(c) above.
 - (iii) Under no circumstances shall the county accept ownership or responsibility for sidewalks, landscaped medians, storm water infrastructure outside the road right-of-way, detention ponds, street trees, decorative stamped asphalt or concrete, pavers, street lights and similar items.

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 3. Conflicting provisions.


To the extent this ordinance contains provisions that conflict with provisions contained 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 4. Effective date.

This ordinance is effective upon third reading.

And it is so ordained, this 8th day of December, 2014.

LANCASTER COUNTY, SOUTH CAROLINA


Larry McCullough, Chair, County Council


Jack Estridge, Secretary, County Council

ATTEST:


Debbie C. Hardin, Clerk to Council

First Reading:

August 11, 2014

Second Reading:

November 24, 2014

Third Reading:

December 8, 2014

Approved as to form:


County Attorney

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STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

ORDINANCE NO. 915

AN ORDINANCE

TO AMEND CHAPTER 26 OF THE LANCASTER COUNTY CODE, RELATING TO ROADS, BRIDGES AND PUBLIC WAYS, SO AS TO ADOPT NEW STANDARDS FOR THE DESIGN, CONSTRUCTION AND ACCEPTANCE OF ROADS.

BE IT ORDAINED BY THE COUNCIL OF LANCASTER COUNTY, SOUTH CAROLINA:

Section 1. Section 26-21 of the Lancaster County Code is amended to read:

- "(a) Before any road or right-of-way is accepted by Lancaster County for ownership, maintenance or use the owner shall provide the county administrator a copy of a recorded certified plat of the road which must specifically show the distance, width and location of the road. The provisions of Section 26-27 must be followed if a road is to be accepted into the county road system.
- (b) The owner wishing to transfer a road or right-of-way shall prepare a deed and deliver the deed to the county administrator along with the recorded plat and the opinion of the owner's legal counsel that the grantor of the right-of-way has marketable fee simple title. Before any road is accepted, all owners of the road must have executed the deed. The deed must not be recorded before the road or right-of-way has been accepted by the County.
- (c) The owner shall provide to Lancaster County a set of "as built" drawings for the roadway, showing all details related to the roadway, including storm drainage.
- (d) Before any road or right-of-way is accepted by Lancaster County, the developer shall provide a one year warranty from the date of acceptance, backed by a letter of credit or other suitable bond."

Section 2. Section 26-23 and Section 26-24 of the Lancaster County Code are amended to read:

"Section 26-23. Reserved.

Section 26-24. Reserved."

Section 3. Section 26-27 of the Lancaster County Code is amended to read:

"Section 26-27. Acceptance contingent upon recommendation of acceptance.

If all standards as outlined in Article V, Division 2 are met, and the county road supervisor recommends acceptance, the county administrator shall accept the road into the county road system. Lancaster County will not accept ownership and/or responsibility for sidewalks, landscaped medians, storm water infrastructure outside the road right of way, detention ponds, street trees, decorative stamped asphalt/concrete, pavers, street lights, and similar items. Roads that do not meet the standards as contained in Article V, Division 2 shall not be accepted into the county road system."

Section 4. Chapter 26 of the Lancaster County Code is amended by adding:

"Article V
Road Construction Standards

Division 1
Standards for Privately Maintained Roads

Section 26-61. Road design (geometric criteria).

In general, geometric criteria for road design for roads that will be privately maintained shall be in accordance with standards of the South Carolina Department of Transportation (SCDOT). Said standards are those contained in the latest edition of "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials. Local and collector residential roads which shall be privately maintained shall be designed in accordance with the following standards:

(1) Minimum right-of-way and pavement width shall be as follows:

Road Type	Right-of-Way (feet)	Pavement (feet)
Local (closed drainage)	50	20
Local (open drainage)	66	20
Collector	66	24

Additional right-of-way or pavement width will be provided as determined necessary by county council for high density residential or nonresidential subdivisions or portions thereof.

(2) Cul-de-sacs shall not exceed one thousand (1,000) feet in length, except where unusual topographic or other physical conditions dictate otherwise, and shall have a turnaround with seventy (70) feet minimum diameter to pavement edge and one hundred (100) feet minimum diameter to right-of-way line. Dead end streets without turnarounds are prohibited.

(3) Horizontal curvature shall be introduced at any change in road direction. Minimum centerline radius shall be one hundred and fifty (150) feet for local roads and two hundred and fifty (250) feet for collector roads. Major road curvature shall be in accordance with state highway department standards. Minimum tangent between reverse curves shall be one hundred (100) feet for local roads, two hundred (200) feet for collector roads, and sixty (60) feet from curve to any intersecting road.

(4) Stopping sight distance on vertical curves shall be at least one hundred and fifty (150) feet (twenty-five (25) miles per hour design speed) for local roads and three hundred and twenty-five (325) feet (forty-five (45) miles per hour design speed) for collector roads. If a collector road may reasonably be expected to serve more than one subdivision, it shall be designed for at least a fifty-five (55) miles per hour design speed (four hundred and fifty (450) minimum sight distances). Minimum sight distance at intersections shall be established by provision of a clear sight triangle measured along centerlines for one hundred (100) feet, which triangle shall be entered upon the final plat prior to recording.

(5) Roads shall be designed to intersect as nearly as possible at right angles, but no less than seventy-five (75) degrees. Minimum radius or curb or pavement edge at intersections shall be at least twenty (20) feet at intersections with local roads and twenty-five (25) feet at intersections with collector roads.

(6) Unless necessitated by unusual topographic conditions approved by county council, minimum and maximum road grade shall be one (1) percent and eight (8) percent, respectively. Road crown shall be 3/8" per foot.

(7) Proposed intersections on one side of a road shall coincide with existing or proposed intersections on the opposite side. Minimum centerline offset for intersections on opposite sides of a road shall be one hundred and fifty (150) feet. No two (2) roads may intersect on the same side of a road at a centerline separation distance of less than four hundred (400) feet.

Section 26-62. Road Construction.

In general, all roads that will be privately maintained shall be constructed in accordance with the South Carolina Department of Transportation's "Standard Specifications for Highway Construction" (latest edition) as it relates to earthwork, bases/subbases, paved surfaces, etc., and the following requirements.

- (1) Paved road surfaces are required for any road except where such road is within a residential subdivision where all lots exceed five (5) acres in size.
 - a. Local roads: Road base shall include (approximately six (6) inches crushed stone compacted) with a two (2) inch surface course in compacted asphaltic concrete.
 - b. Collector / Sub Collector roads: Road base shall include approximately eight (8) inches crushed stone compacted with two (2) inch surface course of compacted asphaltic concrete.
- (2) In subdivisions with all lots five (5) acres or more in area, local roads may be constructed with a six-inch crushed stone (crusher run) driving surface, drainage swales, and six-foot stabilized shoulders.
- (3) Road paving for nonresidential roads is required. Pavement design requirements for nonresidential subdivisions shall be in accordance with sound engineering principles as outlined in procedures adopted by the American Association of State Highway and Transportation Officials, or the Portland Cement Institute, or the Asphalt Institute. However, in no case shall the paving standard be less than the standard required for residential roads.
- (4) All roadway ditches and channels shall be designed to contain, at a minimum, a peak flow from a twenty-year frequency storm. All roadway ditches and channels shall be designed so that the velocity of flow expected from a twenty-year frequency storm shall not exceed the permissible velocities for the type of lining used. Riprap shall be placed for stops in road drainage swales as needed. Swales shall be stabilized against erosion by grassing with a mixture of rye and Bermuda grass. Road swales shall be installed at a maximum depth of three (3) feet and be designed to enable mowing by adjoining property owners.
- (5) Roads may be constructed with drainage swales and six-foot-wide shoulders (12:1 slope) provided road grade does not exceed six (6) percent. Where road grade exceeds six (6) percent, curb and gutter, paved drainage swales, or riprap swales shall be provided. Curb and gutter may be roll-type or standard ninety-degree curb.

Section 26-63. Variances.

County council may vary appropriate provisions of this division upon a written finding that compliance with such provisions would result in undue hardship for the owner/developer or owners fronting upon a proposed road. Requests for variances shall be submitted in writing by the owner/developer. Such requests shall identify the provision or provisions for which a waiver is requested and shall substantiate the reasons that expenditures necessary to meet such provisions are not reasonably recoverable. Any variance granted shall be the minimum necessary to avoid unreasonable prejudice. To the extent that expenditures are recoverable on a reasonable basis, such as through the sale of lots fronting a road proposed for acceptance, prejudice shall not be found to exist. Approval of any variance shall be by no less than the affirmative vote of a majority of council.

Division 2 Standards for County Maintained Roads

Section 26-65. Road design (geometric criteria).

In general, geometric criteria for road design for roads that will be maintained by the county shall be in accordance with standards of the South Carolina Department of Transportation (SCDOT). Said standards are those contained in the latest edition of "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials. Local and collector

residential roads that will be maintained by the county shall be designed in accordance with the following standards.

(1) Minimum right-of-way and pavement width shall be as follows:

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

Additional right-of-way or pavement width will be provided as determined necessary by county council for high density residential or nonresidential subdivisions or portions thereof.

(2) Cul-de-sacs shall not exceed one thousand (1,000) feet in length, except where unusual topographic or other physical conditions dictate otherwise, and shall have a turnaround with seventy (70) feet minimum diameter to pavement edge and one hundred (100) feet minimum diameter to right-of-way line. Dead end streets without turnarounds are prohibited.

(3) Horizontal curvature shall be introduced at any change in road direction. Minimum centerline radius shall be one hundred and fifty (150) feet for local roads and two hundred and fifty (250) feet for collector roads. Major road curvature shall be in accordance with state highway department standards. Minimum tangent between reverse curves shall be one hundred (100) feet for local roads, two hundred (200) feet for collector roads, and sixty (60) feet from curve to any intersecting road.

(4) Stopping sight distance on vertical curves shall be at least one hundred and fifty (150) feet (twenty-five (25) miles per hour design speed) for local roads and three hundred and twenty-five (325) feet (forty-five (45) miles per hour design speed) for collector roads. If a collector road may reasonably be expected to serve more than one subdivision, it shall be designed for at least a fifty-five (55) miles per hour design speed (four hundred and fifty (450) minimum sight distances). Minimum sight distance at intersections shall be established by provision of a clear sight triangle measured along centerlines for one hundred (100) feet, which triangle shall be entered upon the final plat prior to recording.

(5) Roads shall be designed to intersect as nearly as possible at right angles, but no less than seventy-five (75) degrees. Minimum radius or curb or pavement edge at intersections shall be at least twenty (20) feet at intersections with local roads and twenty-five (25) feet at intersections with collector roads.

(6) Unless necessitated by unusual topographic conditions approved by county council, minimum and maximum road grade shall be one (1) percent and eight (8) percent, respectively. Road crown shall be 3/8" per foot.

(7) Proposed intersections on one side of a road shall coincide with existing or proposed intersections on the opposite side. Minimum centerline offset for intersections on opposite sides of a road shall be one hundred and fifty (150) feet. No two (2) roads may intersect on the same side of a road at a centerline separation distance of less than four hundred (400) feet.

Section 26-66. Road standards.

In general, all roads that will be maintained by the county shall be constructed in accordance with the South Carolina Department of Transportation's "Standard Specifications for Highway Construction" (latest edition) as it relates to earthwork, bases/subbases, paved surfaces, etc., and the following requirements. Types of roads are defined in Chapter 13 of the Unified Development Ordinance of Lancaster County.

(1) Paved road surfaces are required for all roads.

Between March 1 and November 30:

a. Local roads: Road base shall include six (6) inches of crushed stone with a two (2) inch intermediate asphalt course. Alternate designs will be acceptable if they have the same or greater coefficient of strength and with prior written approval from the Public Works Director. Road shall be left down one and a half (1.5) inches for future overlay AFTER 95% build out of entire project, even if phased. A Local Road shall mean a route providing service which is of relatively low average traffic volume, short average trip length or minimal through-traffic movements, and high land access for abutting property. Total cross section for local roads: six (6) inches crushed stone compacted, two (2) inch compacted intermediate asphalt course, one and a half (1.5) inches compacted asphalt surface course.

b. Collector / Sub Collector roads: Road base shall include eight (8) inches of compacted crushed stone with a two (2) inches compacted intermediate asphalt course. Alternate designs will be acceptable if they have the same or greater coefficient of strength and with prior written approval from the Public Works Director. Road shall be left down one and a half (1.5) inches for future asphalt overlay AFTER 95% build out of entire project, even if phased. A Collector / Sub Collector road shall mean a route providing service which is of higher average traffic flow, serving as a main route for interior/exterior traffic and land/property access related to the designed project. Total cross section for Collector / Sub Collector roads: eight (8) inches compacted crushed stone, two (2) inches compacted intermediate asphalt course, one and a half (1.5) inches compacted asphalt surface course.

c. Commercial/Arterial roads: Road base shall include eight (8) inches of crushed stone with a four (4) inch asphalt binder course and two (2) inch surface asphalt course. Alternate designs will be acceptable if they have the same or greater coefficient of strength and with prior written approval from the Public Works Director. Commercial or arterial roads shall be accompanied by a CBR study of the soils, and a traffic study based on repetitive traffic, INCLUDING construction traffic per lot during building phase(s). Note: If CBR and traffic study supports a cross section BELOW the proposed standard, proposed standard will still be used. If road needs a heavier section, then the pavement design shall be included in plan review by the project engineer / geotechnical engineer. Lancaster County may also incorporate a mandatory lime / cement treated subgrade for such roads identified as commercial or arterial roads. A Commercial/Arterial Road shall mean any road inside a business or industrial park and those roads providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.

Between December 1 and February 28 (29), road work requires the advance approval of the Lancaster County Public Works Department and the following standards shall apply unless a written variance is granted by the Public Works Director:

a. Local roads, Collector/Sub Collector roads: Road base shall be treated with lime or cement base stabilization and shall include four (4) inches of asphalt base with a two inches compacted intermediate asphalt course. Road shall be left down one and a half (1.5) inches for future overlay AFTER 95% build out of entire project, even if phased.

b. Commercial/Arterial roads: Road base shall be treated with lime or cement base stabilization and shall include ten (10) inches of full depth asphalt. Commercial or arterial roads shall be accompanied by a CBR study of the soils, and a traffic study based on repetitive traffic, INCLUDING construction traffic per lot during building phase(s). Note: If CBR and traffic study supports a cross section BELOW the proposed standard, proposed standard will still be used. If road needs a heavier section, then the pavement design shall be included in plan review by the project engineer / geotechnical engineer. Lancaster County may also incorporate a mandatory lime / cement treated subgrade for such roads identified as commercial or arterial roads.

(2) All entrances shall be paved with 10" full depth asphalt 50' (minimum) from edge of intersecting road ROW. An entrance is defined as wherever asphalt begins of an intersecting street, or end of a previous phase.

(3) Any utility cuts in asphalt shall be saw cut, primed, and replaced with 8" minimum hot asphalt mix.

(4) All conduit crossings shall extend from edge to edge of the Right of Way of the road, and must be installed before curb and gutter is to be poured. Developer is responsible for ensuring dry utilities

- (power, cable/phone, natural gas) are properly installed and compacted. Dry utilities are subject to inspection by Lancaster County Public Works, and any deficiencies must be corrected immediately.
- (5) All curb must be, or transitioned to, SCDOT vertical standard curb at all creek crossings. A 10' transition is also required from curb to all drainage structures.
- (6) All roadway ditches and channels shall be designed to contain, at a minimum, a peak flow from a twenty-year frequency storm. All roadway ditches and channels shall be designed so that the velocity of flow expected from a twenty-year frequency storm shall not exceed the permissible velocities for the type of lining used. Riprap shall be placed for stops in road drainage swales as needed. Swales shall be stabilized against erosion by grassing with a mixture of rye and Bermuda grass. Road swales shall be installed at a maximum depth of three (3) feet and be designed to enable mowing by adjoining property owners.
- (7) Roads may be constructed with drainage swales and six-foot-wide shoulders (12:1 slope) provided road grade does not exceed six (6) percent. Where road grade exceeds six (6) percent, curb and gutter, paved drainage swales, or riprap swales shall be provided. Curb and gutter may be roll-type or standard ninety-degree curb.

Section 26-67. Proof rolls.

For roads that will be maintained by the county, the following requirements apply:

- (1) Curb subgrade shall be proof rolled with a loaded pan or loaded dump truck. Proof roll equipment must be approved by Lancaster County Public Works. No weight ticket will be necessary for curb subgrade proof roll.
- (2) Curb subgrade proof rolls shall be scheduled between the hours of 8:30 AM and 2:30 PM (Monday through Thursday). Any curb subgrade proof roll scheduled on Friday or the day prior to a holiday must be approved by Lancaster County Public Works. A 24 hour notice is required.
- (3) Curb proof rolls shall be scheduled accordingly, despite size or phasing of project. Lancaster County will not "piece mill" proof rolls for curb placement.
- (4) Curb subgrade shall be smooth on top with no loose material, cracks, ruts, or organic material / roots visible in subgrade. Exposed rock shall be at least 6" below subgrade.
- (5) The contractor or project engineer will schedule proof rolls.
- (6) All sewer lines shall be tested by the project engineer, and all road crossing conduits installed before curb subgrade proof roll.
- (7) Curb subgrade shall be compacted properly with no visible movement, and at optimum moisture content in order for proof roll to pass.
- (8) If proof roll fails, a re-inspection fee in an amount established by the Lancaster County annual budget shall be collected before the rescheduled proof roll.
- (9) Any undercut areas must be replaced with material approved by the Lancaster County Public Works Department.
- (10) All concrete shall meet or exceed SCDOT and all local government requirements. Concrete shall be 3,600 psi, or greater. Temperatures must be above 40 degrees Fahrenheit to pour curb. If temperatures fall below freezing (32 degrees F.) overnight, all finished curb shall be covered with insulation blankets.
- (11) Lancaster County reserves the right to have any material and/or utility trenches tested by an independent engineering firm, at the developer's/ contractor's expense.
- (12) Pour is to start within 24 hours of passed proof roll. If project receives significant rainfall, the proof roll shall be rescheduled. In the event of rainfall, any undermined curb and gutter shall be removed and repoured. Finished curb must have a minimum 72 hour period curing time, and be properly backfilled, before any stone is placed on the subgrade.
- (13) Lancaster County shall have final decision on the acceptance of all proof rolls.

Section 26-68. Roadway subgrade.

For roads that will be maintained by the county, the following requirements apply:

- (1) Roadway subgrade shall be proof rolled with a loaded tandem dump truck with a minimum 15 tons loaded on truck, or a maximum of 54,000 lbs. gross weight. Current weight ticket shall be provided to Lancaster County. Note: The use of water trucks, regardless of gross weight, is unacceptable.
- (2) Road subgrade proof rolls shall be conducted from the hours of 8:30 AM and 1:00 PM (Monday through Thursday). No road subgrade shall be proof rolled on Fridays or the day prior to a holiday.
- (3) The contractor or project engineer will schedule proof rolls. A representative of the paving contractor must be present at all subgrade proof rolls.
- (4) If a soils engineer is employed by the developer for quality control, the soils engineer shall be present at all proof rolls.
- (5) Subgrade proof rolls shall be scheduled accordingly, despite project size or phasing. Lancaster County will not "piece mill" proof rolls for stone placement. If subgrade is covered, contractor(s) shall make every effort to pave the road. Any stone left dormant over extended periods of time shall be considered contaminated, removed from the road base, and subgrade reworked.
- (6) Curb and gutter shall be properly backfilled and compacted before any roadway subgrade proof roll is scheduled. Backfill shall be inspected prior to ANY subgrade proof roll. Right of way shall be smooth and graded for positive drainage, with no ruts and all conduits / utility services properly tamped/compacted.
- (7) Roadway crown/grade shall be checked by the paving contractor, with a Lancaster County representative present, at 50' intervals minimum. If grade is inconsistent, the proof roll automatically fails and shall be rescheduled. A re-inspection fee in an amount established by the Lancaster County annual budget shall be collected before the rescheduled proof roll.
- (8) Proper erosion control measures shall be installed and maintained to prevent silt from contaminating roadway subgrade. Lancaster County reserves the right to have additional erosion control measures (ex. silt fencing, rip rap check dams, diversion ditches, etc.) installed to protect the roadway subgrade.
- (9) Roadway subgrade shall be smooth on top, with no visible cracks, ruts, or exposed organic material / roots present. Any exposed rock shall be at least 6" below subgrade, if conditions require rock to stay in place. Organics/roots shall be removed from the subgrade.
- (10) Roadway subgrade shall have no visible movement or deflection, and be at optimum moisture content, in order for proof roll to pass. Excessive "scaling" or movement in the top unbonded lift of soil shall be deemed failing, and unacceptable to Lancaster County.
- (11) Any undercut material must be approved by Lancaster County. Isolated marginal areas may use extra compacted crushed stone. Largely inconsistent areas must be reworked. Undercut areas shall be a minimum twelve (12) inches in depth, and are subject to a reinspection fee.
- (12) Stone is to begin being placed within 24 hours following satisfactory proof roll.
- (13) Every effort shall be made to protect the subgrade/stone base. Construction traffic shall be monitored, and in certain cases, isolated failing areas may cause entire proof roll to fail. Upon completion of a satisfactory proof roll, construction traffic shall be limited to the forces of the paving contractor only. Utilities shall not be trenched in the road right of way of unpaved, undeveloped roads.
- (14) Stone shall not be placed on frozen or excessively wet subgrade. Temperatures must be above 35 degrees to place stone. In the event temperatures fall under freezing overnight, proof roll shall be rescheduled.
- (15) All material shall meet SCDOT standards, as well as local government standards. Lancaster County reserves the right to have any material tested by an independent engineering firm, at the developer's/ contractor's expense.
- (16) Lancaster County shall have final decision on all proof rolls.

Section 26-69. Roadway stone base.

For roads that will be maintained by the county, the following requirements apply:

- (1) Stone base shall be proof rolled with a loaded tandem truck with 15 tons loaded on the truck, or a maximum gross weight of 54,000 lbs. Current weight ticket shall be checked.

- (2) Stone base shall be properly set and sealed, with no visible movement in order for proof roll to pass. No loose gravel, or segregation of stone on top, shall be permitted. Those areas shall be wet and rolled, or broomed/undercut until satisfactory surface is present. If proof roll fails, a re-inspection fee in an amount established by the Lancaster County annual budget shall be collected before the rescheduled proof roll.
- (3) Proof rolls shall be conducted from the hours of 8:30 AM and 1:00 PM (Monday through Thursday). Any proof roll scheduled on Friday or the day prior to a holiday must be approved by Lancaster County Public Works. A 24 hour notice is required.
- (4) Stone base proof roll shall be scheduled by the paving contractor only.
- (5) Pavement is to begin within 24 hours following satisfactory proof roll.
- (6) Every effort shall be made to pave the stone base. Traffic shall be monitored and routed around subgrade before, during, and after stone base is set or being set. In certain cases, isolated areas could cause entire proof roll to fail.
- (7) Any isolated areas shall be undercut and removed to the subgrade for full depth patching. Undercut areas will be a minimum of six (6) inches.
- (8) Any areas of contaminated stone shall be undercut / removed before any asphalt is placed.
- (9) Pavement shall not be placed on frozen or excessively wet subgrade. Temperatures must be above 50 degrees by 10:00 AM to place asphalt. In the event temperatures fall under freezing overnight, proof roll shall be rescheduled. In the event of significant rainfall, proof roll shall be rescheduled.
- (10) All material shall meet SCDOT standards, as well as local government standards. Lancaster County reserves the right to have any material, fill, or trench tested by an independent engineering firm, at the developer's/ contractor's expense.
- (11) Proper measures shall be installed at catch basins to drain roadway properly after initial asphalt course is placed. These measures shall be the responsibility of the developer to maintain from the time of asphalt placement to the end of the warranty period.
- (12) Lancaster County shall have final decision on all proof rolls.

Section 26-70. Storm drain inspections.

The following requirements apply to storm drains:

- (1) Storm drain system must be initially inspected after catch basins are tied into curb and gutter (10 inch transition from curb to drainage structure). Storm drain system shall be cleaned and flushed before final acceptance inspection of roadway. A 48 hour notice is required.
- (2) Catch basins must be free of excess silt and mud for inspection to pass. All throat/hood openings shall conform to SCDOT specifications, and all pipe shall be reinforced concrete pipe (RCP). Any failures or deficiencies noticed in any pipe crossings flashed in roadway must be corrected before stone base is put down. Minor issues such as grouting boxes, changing grates, adding steps can be completed before final inspection.
- (3) All materials used in the storm drain system must be SCDOT approved.
- (4) All outfall pipes must have a flared end with rip rap outlet protection properly installed.
- (5) Developer/contractor shall be required to have weepholes, pipes, or some form of temporary drainage, installed to the catch basins to protect the road subgrade/stone base/intermediate asphalt base course.

Section 26-71. Pavement inspections.

For roads that will be maintained by the county the following requirements apply:

- (1) Pavement shall pose no drainage or safety hazard during its warranty period.
- (2) Upon installation of the intermediate asphalt course, Lancaster County Public Works will conduct monthly inspections of the roadway. Any immediate hazards will be forwarded in writing to the project engineer and/or developer. These repairs must be done immediately, or developer will be found in default, with the possibility of the suspension of building permits and certificates of occupancy for the project.

- (3) Pavement will be cored for Lancaster County Public Works at random intervals, determined by Lancaster County Public Works. Any failing areas must be made good immediately.

Division 3
General

Section 26-72. Technical procedures.

The Director of Public Works is authorized to publish and utilize departmental technical procedures and processes to carry out the provisions of this Chapter."

Section 5. 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 6. 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 7. This ordinance is effective upon third reading. This ordinance applies to the design and construction of all roads except for those roads in which the development right was vested on the effective date of this ordinance.

AND IT IS SO ORDAINED THIS 8TH DAY OF DECEMBER, 2008.

LANCASTER COUNTY, SOUTH CAROLINA

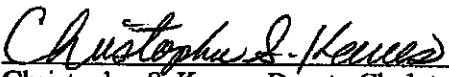

Rudy L. Carter, Chair, County Council


Wesley Grier, Secretary, County Council

Approved as to form:


J. Michael Ey, County Attorney

ATTEST:


Christopher S. Karres, Deputy Clerk to Council

First Reading: May 5, 2008 PASSED 7-0
Second Reading: November 24, 2008 PASSED 5-2 (For: Carter, Grier, Thomas, Honeycutt;
Vaughn. Against: Estridge, Kersey)
Third Reading: December 8, 2008 PASSED 5-1 (For: Carter, Grier, Thomas, Honeycutt, Kersey.
Against: Estridge)

Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor: Jeff Catoe

Department: Public Services

Date Requested to be on Agenda: October 11, 2016

Issue for Consideration:

Information on critical dates for MS4 program installation.

Points to Consider:

Some dates have changed in the most current draft of the MS4 ordinance. Most are public information related items, for which we have no current staff. These dates were pushed back when SCDHEC issued the Notice of Intent. I&R is being informed of what criteria should accompany these dates to keep the schedule.

Funding and Liability Factors:

All MS4 work is currently budgeted through the general fund as no stormwater fee schedule has been adopted by Council and implemented at this time, and will not be done so this fiscal year.

Critical Dates listed for 1/1/17 are public outreach components current staff and consultants are working on for completion and the final draft ordinance.

Council Options:

Information only to present current situation.

Recommendation:

Move forward with completion by staff and review by necessary parties.

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CLERK OF COURT
LANCASTER, SC

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

ORDINANCE NO. 2013-1242

AN ORDINANCE

TO AMEND THE TABLE OF PERMISSIBLE USES AS CONTAINED IN CHAPTER 3 OF APPENDIX B OF THE LANCASTER COUNTY CODE (UNIFIED DEVELOPMENT ORDINANCE OF LANCASTER COUNTY), SO AS TO ALLOW BANQUET HALLS AS A CONDITIONAL USE IN CERTAIN DESIGNATED RESIDENTIAL AND COMMERCIAL DISTRICTS; TO AMEND CHAPTER 4 OF APPENDIX B OF THE LANCASTER COUNTY CODE (UNIFIED DEVELOPMENT ORDINANCE OF LANCASTER COUNTY), RELATING TO CONDITIONAL AND SPECIAL EXCEPTION USES, SO AS TO PROVIDE FOR BANQUET HALLS AS A CONDITIONAL USE; TO AMEND CHAPTER 19 OF THE LANCASTER COUNTY CODE (UNIFIED DEVELOPMENT ORDINANCE OF LANCASTER COUNTY), RELATING TO DEFINITIONS, SO AS TO DEFINE BANQUET HALL; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

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

Section 1. **Banquet Hall in Table of Permissible Uses.**

A. The Table of Permissible Uses for Zoning Districts R-15, R-15S, R-15P, R-15D, R-30, R-30P, R-30S, R-30D, R-45, R-45A, R-45B, R-45D, as contained in Chapter 3 of Appendix B of the Lancaster County Code (Unified Development Ordinance of Lancaster County), is amended by adding a new line : "2.8.5 Banquet Hall".

Amend further, line 2.8.5 Banquet Hall, columns R-15, R-30, R-30S, R-30D, R-30P, R-45, R-45A, and R-45B, by inserting: "C".

B. The Table of Permissible Uses for Zoning Districts MF, B-1, B-2, B-3, B-4, I-1, I-2, MHP, M as contained in Chapter 3 of Appendix B of the Lancaster County Code (Unified Development Ordinance of Lancaster County), is amended by adding a new line: "2.8.5 Banquet Hall".

Amend further, line 2.8.5 Banquet Hall, columns B-1, B-2, and B-3, by inserting: "C".

Section 2. Banquet Hall as a Conditional Use.

Chapter 4 of Appendix B of the Lancaster County Code (Unified Development Ordinance of Lancaster County) is amended by adding a new section to be appropriately numbered:

“Section 4.1.____ – Banquet Hall.

For a banquet hall, the following conditions apply:

1. A building used as a banquet hall shall be situated on a minimum five (5) acre tract. If the building used as a banquet hall is located in the R-15, Moderate Density Residential/Agricultural District, it shall be situated on a minimum ten (10) acre tract.
2. In residential zones, use of any outside music or outside sound system associated with a banquet hall must comply with the provisions of Article II, Chapter 23, Lancaster County Code (Noise Ordinance) and shall only be allowed between the hours of 10:00 a.m. and 12:00 midnight on Friday and Saturday and shall only be allowed between the hours of 10:00 a.m. and 10:00 p.m. on Sunday through Thursday.
3. Signage for a banquet hall shall follow the requirements for the particular zoning district where the banquet hall is located.
4. A Type 3 buffer yard (twenty-five feet (25') in width) shall be installed along the side and rear property lines for the lot on which the banquet hall is located. The width of a Type 3 buffer yard shall not be reduced for properties where banquet halls are located.
5. Plans for a new or renovated building to be used as a banquet hall shall be approved by the Development Review Committee (DRC) prior to construction.
6. A building used for a banquet hall must have a one hundred foot (100') minimum separation from the property line of any residential use, whether or not that residence is located within a residential use district.
7. A banquet hall that will be located in an R-45A, Rural Residential/ Intense Agricultural District or R-45B, Rural Residential/ Business/ Agricultural District is exempt from the provisions of Section 4.1.4 (Business uses (any non-single-family use) allowed in the R-45A and R-45B Districts) of the Unified Development Ordinance of Lancaster County.
8. Any building in a residential zone used as a banquet hall shall contain no more than six thousand (6,000) square feet of gross floor area.
9. The requirements of Section 12.11.2 (Street yard landscaping) of the Unified Development Ordinance of Lancaster County shall be met for properties where the banquet halls are located.
10. There shall be no more than one banquet hall structure located on a five (5) acre tract of land.”

Section 3. Definition of “Banquet Hall”.

Chapter 19 of Appendix B of the Lancaster County Code (Unified Development Ordinance of Lancaster County) is amended by adding:

“*Banquet Hall.* Banquet Hall means an establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other celebrations. The establishment may include (i) kitchen facilities for the preparation or catering of food, (ii) the sale of alcoholic beverages for on-premises consumption only during scheduled events that are not open to the general public, and (iii) outdoor gardens or reception facilities. Civic, religious and community owned buildings and grounds are not included in this definition.”

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.

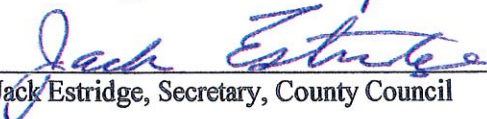
Section 6. Effective Date.

This ordinance is effective upon third reading.

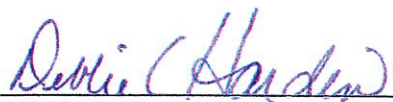
AND IT IS SO ORDAINED, this 27th day of January, 2014.

LANCASTER COUNTY, SOUTH CAROLINA


Larry McCullough, Chair, County Council

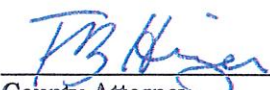

Jack Estridge, Secretary, County Council

ATTEST:


Debbie C. Hardin, Clerk to Council

First Reading: October 28, 2013
Second Reading: January 13, 2014
Third Reading; January 27, 2014

Approved as to form:


County Attorney

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The Future Land Use Map designates this area as residential. It does not distinguish between site built and manufactured homes. The six parcels were rezoned by Thomco Properties, Inc. in 2008 by Ordinance 903. Following the approval of the rezoning for Thomco Properties, Inc., a development agreement for Hampton Park was approved by Ordinance 904 in 2008. The development agreement was never recorded or signed by the developer. Since the development agreement was never executed, the six properties need to be rezoned to their original zoning district. On June 10, 2013, Council instructed the County Administrator to start the process of rezoning the parcels back to R-15P, R-45 and MHP.

The recommendation of Planning Staff was to approve the rezoning request for this property. The Planning Commission members expressed concerns about allowing part of this property to be rezoned for a mobile home park. Commissioners noted the close proximity of these six parcels to Walnut Creek Subdivision, a large PDD. The Planning Commission voted to deny the rezoning application by a vote of 4-2.

Motion was made by Brian Carnes to approve 1st Reading of Ordinance 2013-1243 to rezone the Hampton Park Subdivision from R-15, Moderate Density Residential/Agricultural District to R-15P, Moderate Density Residential/Agricultural Panhandle District, R-45 Rural Residential/Agricultural District and MHP, Manufactured Home Park District, following the recommendations of Planning Staff to rezone the property back to the original zoning. **SECONDED** by Bob Bundy. Passed 6-1. Larry Honeycutt opposed.

1st Reading of Ordinance 2013-1244 to adopt the revised County Seal

Steve Willis recommended that Council take formal action, which was never done when the original seal was adopted, to adopt the revised seal as the official County Seal. He further stated that this would prohibit any non-governmental use or commercial use of the seal without Council's written permission. It is intended not to go back and retrofit items that already have the current seal. It will just change moving forward.

Motion was made by Charlene McGriff to adopt Section 2-2 of the Lancaster County code, relating to the County Seal and to provide for matters related thereto. **SECONDED** by Steve Harper. Passed 7-0.

1st Reading of Ordinance 2013-1242 to add a definition for a Banquet Hall

Steve Willis read the following information to Council:

Council will consider an ordinance to regulate banquet halls and as council moves forward with consideration of this ordinance I would ask you to keep several things in mind. This attempt to craft an ordinance was in response to a request from a business person looking to build a banquet hall in the Panhandle. After checking the code the staff discovered that we currently do not have a provision to allow for such a use. In crafting the regulations staff attempted to design an ordinance to accommodate the current locations as well as

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protect the residences from having these places pop up in unsuitable locations. This is often a fine line as staff attempted to keep the conditions for this use to a minimum. Currently, we have some uses that are in conjunction with another use such as bed and breakfast and some are stand alone operations. In all cases, another use is not so identified on the building permit. I will stress that we may have more operations in Lancaster County that we identified in trying to craft an ordinance due to lack of a business license means we have no way of telling what types of businesses are actually operating in Lancaster County and where they are located. We know that we have some existing locations that will need a variance for use since we are proposing a new regulation and staff will allow the existing operations to appear before the Board of Zoning Appeals without charge for the locations that we know is currently in use. This evening you will have to consider that we do have one location in R-15 zoning district. Planning Commission did not feel this was an appropriate zoning class to allow such a business. Had the owner sought a permit to operate such a business at the current location it would have been denied but nonetheless it is there now and Council must decide whether or not R-15 is appropriate. It opens up all R-15 districts in Lancaster County and not just a single location. I would caution Council that a simple "no" vote to kill the ordinance could extremely short staff and we don't operate actively seeking violations, we operate on a compliant basis, but now that it is before staff we cannot ignore the issue. If Council has concerns with the proposal, there are several options before you this evening.

1. The ordinance can be recommended to the Planning Commission for further review. Upon further consideration the proposal would come back before Council. Mr. Willis would ask that you approve 1st reading if you choose this option.
2. Option to divide the question, approve some conditions and deny others.

As Council considers these issues I would ask you to look long term instead of short term. Several years ago, Council was presented a rezoning from a residential use to a commercial use. Planning staff and Planning Commission recommended denial, saying the area was not suitable for commercial use. Council rejected the recommendations and approved the use to satisfy short term constituent desire. Now several years later many residences are concerned over new business going in. There is nothing we can do now since the area was zoned B-3, simply opening the doors on this type of use could lead to bigger concerns years down the road. As always, Council is the final arbiter on zoning issues, staff stands ready to assist you providing any data needed.

Kathy Johnson reported that Lancaster County Planning Commission is proposing the following text amendment to the Lancaster County Unified Development Ordinance in order to add a definition to Chapter 19 (Definitions) and to modify Chapter 3 (Permissible Uses) and Chapter 4 (Conditional and Special Exception Uses). Banquet Hall: an establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other celebrations. Such a use may or may not include 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic

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beverages for on-premises consumption, only during scheduled events and not open to the public; and 3) outdoor gardens or reception facilities. Civic and community owned buildings and grounds are not included in this definition. Ms. Johnson stated that staff utilized a book of definitions used in planning (American Planning Association's Planner's Dictionary and the 2012 edition of the North American Industry Classification System) to obtain this definition and added the last sentence which was not originally included in the definition because of concerns of citizens.

Ms. Johnson further reported that Banquet Halls shall be allowed as a conditional use in the R-30, Low Density Residential/Agricultural District, R-30S, Low Density Residential/Manufactured Housing/Agricultural District, R-30D, Low Density Residential/Manufactured Housing/Agricultural District, R-30P, Low Density Residential/Agricultural Panhandle District, R-45, Rural Residential/Agricultural District, R-45A, Rural Residential/Intense Agricultural District, R-45B, Rural Residential/Business/Agricultural District, B-1, Business Office District, B-2, General Commercial District, and B-3, General Commercial District subject to certain conditions being met.

The Planning Department has received requests to allow for banquet halls within the Unified Development Ordinance for Lancaster County. Planning Staff is of the opinion that this type of use would be beneficial for the county and that it would be appropriate for the R-30, R-30S, R-30D, R-30P, R-45, R-45A, R-45B, B-1, B-2, and B-3 Districts, subject to the below listed conditions being met.

It is therefore the recommendation of the Planning Staff that the above text amendment be approved. On October 15, 2013 the Planning Commission met and considered this text amendment subject to the following criteria:

- Banquet halls will be allowed to have outdoor music to be played from 10:00am until 12:00 Midnight, unless this time frame is superseded by a previous or higher law. Since the Lancaster County Noise Ordinance does not specify a particular curfew hour for outdoor noise, the 10:00am until 12:00 Midnight time frame will be left as is. Lancaster County Sheriff's Office has authority to enforce the County's Noise Ordinance as they deem appropriate.
- Add the following condition to the list of conditions for banquet hall:

There shall be no more than one banquet hall structure located on a five acre tract of land.

The Planning Commission voted (4-1) in favor of the text amendment as amended above.

Ms. Johnson stated that the amended list of conditions for the banquet hall to be included in Chapter 4, Conditional and Special Exception Uses:

1. Banquet hall shall be situated on minimum of five (5) acre tract.

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2. Use of any outside music or outside sound system must comply with the County's Noise Ordinance and shall only be allowed between the hours of 10:00am and 12:00 Midnight.
3. Signage for a banquet hall shall follow the requirements for the particular zoning district where the banquet hall is located.
4. A Type 3 buffer yard (25' in width) shall be installed along the side and rear property lines for the lot on which the banquet hall is located. The width of a Type 3 buffer yard shall not be reduced for properties where banquet halls are located.
5. Plans for a new or renovated building to be used as a banquet hall shall be approved by the DRC (Development Review Committee) prior to construction.
6. A building used for a banquet hall must have 100' minimum separation from the property line of any residential use, whether or not that residence is located within a residential district.
7. Banquet halls are exempt from Section 4.1.4 Business Uses (Any Non-Single Family Use) allowed in the R-45A and R-45B Districts.
8. Buildings used as a banquet hall shall contain no more than 6,000 square feet of gross floor area.
9. The requirements of section 12.1.1.12 [corrected section number] (Street Yard/Landscaping) shall be met for properties where banquet halls are located.
10. There shall be no more than one banquet hall structure located on a five-acre tract of land.

Ms. Johnson read the following:

Planning Department Staff have received inquiries about establishing banquet hall/meeting facilities in Lancaster County. At present, the Unified Development Ordinance does not define a banquet hall use or state where such a use would be allowed in Lancaster County. For this reason and since banquet halls represent a commercial use, the default location for banquet halls within the County would be a commercial zone such as the B-3, General Commercial District. Planning Staff understands that folks who are planning a wedding or special similar event would like to have their events in picturesque locations with open space. Such locations which are affordable are hard to find in the commercial zones.

The primary reason for putting forth this text amendment was to assist folks who are currently interested in establishing banquet halls (new business) within Lancaster County and who want to be sure that they comply with County Ordinances for establishing such a business.

Planning Department Staff feel that a banquet hall use could be compatible with uses in the residential zones as long as certain conditions are met. An appropriate definition for banquet halls was found in the 2012 edition of the North American Industry Classification System and has been included in the proposed text amendment. Lancaster County Planning Department also consulted with the Zoning Department to identify a list of conditions that would be

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appropriate should banquet halls be allowed in some of the County's residential zones. These ideas were included in the proposed text amendment which was brought to the Planning Commission on October 15, 2013 and the Planning Commission added a tenth condition to the existing list. The text amendment was approved by Planning Commission with a vote of (4-1).

In the process of crafting this text amendment and taking it through the established approval procedures, it has come to the attention of the Planning Staff that there are several existing businesses operating within the residential zones of the County, even though this is not permitted use of those zones. There are at least five such banquet hall businesses operating in residential zones at present. Two such businesses appear to have been operating in this capacity prior to the implementation of County wide zoning in 1998. These two businesses (one in the R-45-B zone and the other in the R-30 zone) would therefore be grandfathered. The other three would not fall under the "grandfather" clause.

Of the three that remain, one is located in the R-30P zone (Ivey Place), one is located in R-30 zone (Kilburnie/Craig Farm) and the other is located in the R-15 zone (Rosewood on Country Club). If the proposed text amendment passes, all of the existing banquet hall uses would be compliant uses for the residential zone where they are located except for Rosewood on Country Club, which is located in the R-15 zone. (Note that the Kilburnie is permitted as a bed and breakfast but not as a banquet facility).

When crafting the text for the proposed banquet hall amendment, Planning Department Staff selected residential zones that seemed to be the most compatible with the idea of a banquet hall use. The R-15 zone was not included due to the fact that this is a higher density area (allows up to 2.5 units per acre) and the smaller lot sizes (can allow a minimum of 10,000 square feet minimum lot size where sewer is available). It should be noted that the Unified Development Ordinance currently allows bed and breakfast uses in the R-30 zones and in the R-45 zones. Bed and breakfast use is not allowed in any of the R-15 zones. Furthermore, the conditions which have been included in the text amendment were designed to primarily protect residents in the residential zones where banquet halls would be allowed since residential use is the primary use for these districts.

If the proposed text amendment for banquet halls passes, the four existing banquet hall uses located in the R-30 and R-45 zones would then be in compliance. If any of these four wanted to apply for a variance from the stated conditions listed in the proposed ordinance, County Administrator Steve Willis has offered that they be allowed to request a variance at no charge (one time only) related to the proposed conditions for banquet hall uses which are located in the R-30 or R-45 zones.

As a final note, Planning Staff has made every attempt to be equitable to all who propose to operate a banquet hall business in Lancaster County. At least one business is interested in complying with the Lancaster County Unified Development Ordinance and is waiting for this text amendment to pass in order to establish her new business in compliance with code requirements.

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After discussions, Council had concerns that the 5 businesses would be out of compliance and requested a review of R-15 having 10 acres instead of 5 acres. Any banquet hall operating prior to 1998 would be grandfathered in.

MOTION was made by Steve Harper to approve 1st Reading of Ordinance 2013-1242 subject to recommitting to the Planning Commission for inclusion of R-15 with a 10 acre minimum and no 2nd Reading until it comes back from Planning Commission. SECONDED by Larry Honeycutt. Passed 6-1. Jack Estridge opposed.

1st Reading of Ordinance 2013-1241 to modify Chapter 3 to allow for Restaurants in B-2

Kathy Johnson stated that Lancaster County Planning Commission is proposing the following text amendment to the Lancaster County Unified Development Ordinance to modify Chapter 3, Table of Uses, and Item 2.8.3: Restaurants shall be allowed as a permissible use in the B-2 Community Business District with a zoning permit (ZP) issued by the Zoning Official.

Ms. Johnson discussed that the Planning Department has received requests to allow restaurants in the B-2, Community Business District zone. This text amendment does not apply to fast food restaurants with drive through windows. Planning Department Staff is of the opinion that restaurants would be a compatible use for the B-2, Community Business District. It is therefore the recommendation of the Planning Staff that the above text amendment be approved.

Ms. Johnson reported that the Planning Staff had originally submitted this text amendment to the Planning Commission to allow restaurants in the B-1, Business Office District and in the B-2 Community Business District zones. The Planning Commission met on October 15, 2013 and considered the text amendment as originally proposed by Planning Staff to allow restaurants in the B-1 and B-2 Districts. The Commission was in favor of allowing restaurants in the B-2 zone but not in the B-1 zone. A motion was made to approve the text amendment only for the B-2 Community Business District as follows: Restaurants shall be allowed as a permissible use in the B-2, Community Business District with a zoning permit (ZP) issued by the Zoning Official. The planning commission voted 5-0 to approve the text amendment as stated above.

MOTION was made by Brian Carnes to approve 1st Reading of Ordinance 2013-1241, an ordinance to modify Chapter 3, Table of Uses, Item 2.8.3 to allow restaurants as a permissible use in the B-2, Community Business District with a zoning permit (ZP) issued by the Zoning Official. SECONDED by Bob Bundy. Passed 7-0.

1. A continual review of the policy and fleet on a biannual basis
2. A policy change that would reflect current practices regarding unmarked vehicles
– one in the Assessor's office and one in the Auditor's office.

Councilman Estridge mentioned when trackers are on each vehicle the committee will be able to look at the record closer.

The committee members will remain the same and will meet again in the third 3rd quarter of 2014.

RESOLUTION

Steve Willis reported that the resolution for adoption in the agenda would amend the policy to allow for one unmarked vehicle each in Tax Code Enforcement (Auditor's Office) and Tax Assessment (Assessor's Office). This item was recommended by the Council Vehicle Policy Review Committee and would change the policy to reflect current practices.

Resolution 0831-R2014 amending the Motor Vehicle Use and Operation Policy – Lancaster County Personnel Policy - as adopted by Resolution 562 and amended by Resolutions 705 and 792 was presented to Council for adoption.

MOTION was made by Jack Estridge to accept and adopt the resolution. SECONDED by Charlene McGriff. Passed 7-0.

NON-CONSENT AGENDA

ORDINANCE READINGS

3rd Reading of Ordinance 2013-1242 to add a definition for a Banquet Hall

Ordinance Title: An ordinance to amend the table of permissible uses as contained in chapter 3 of appendix b of the Lancaster County Code (Unified Development Ordinance of Lancaster County), so as to allow Banquet Halls as a conditional use in certain designated residential and commercial districts; to amend Chapter 4 of Appendix B of the Lancaster County Code (Unified Development Ordinance of Lancaster County), relating to conditional and special exception uses, so as to provide for banquet halls as a conditional use; to amend Chapter 19 of the Lancaster County Code (Unified Development Ordinance of Lancaster County), relating to definitions, so as to define banquet hall; and to provide for other matters related thereto.

MOTION was made by Larry Honeycutt to approve 3rd reading of Ordinance 2013-1242. SECONDED by Charlene McGriff. Passed 6-1. Jack Estridge opposed.