Lancaster County Council Regular Meeting Agenda

Monday, August 14, 2017

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

1. Call to Order Regular Meeting - Chairman Steve Harper

6:00 p.m.

- 2. Welcome and Recognition Chairman Steve Harper
- 3. Pledge of Allegiance and Invocation Council Member Larry Honeycutt
- 4. Approval of the agenda [deletions and additions of non-substantive matter]

5. Special Presentations

- a. Recognition of Sheriff Barry Faile for being elected President of the South Carolina Sheriff's Association - Chairman Steve Harper
- b. 2nd Employee of the Quarter for 2017 Katherine Walters, Parks and Recreation Presented by Chairman Steve Harper
- Recognition of Dixie Darlings softball team District Champions, South Carolina State
 Champions and World Series Runner-Up Presented by Hal Hiott and Katherine Walters
- 6. <u>Citizen Comments</u> [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 July 17, 2017 regular meeting pgs. 6-12
- b. 2nd Reading of Ordinance 2017-1453 regarding rezoning property of David and Sherry Walden

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Of David And Sherry Walden, Located ± 400 Feet North Of The Intersection Of Cedar Creek Road And Great Falls Highway Near The Lancaster/Chester County Line From PDD, Planned Development District (PDD-2 Catawba Ridge AKA Bear Creek Landing) To AR, Agricultural Residential District. — Planning Commission recommended approval by a vote of 7-0. Passed 5-0 at the July 17, 2017 County Council Meeting. — Penelope Karagounis — pgs. 13-37



c. 2nd Reading of Ordinance 2017-1454 regarding rezoning property of Kershaw Properties

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Two (2) Properties Owned By Kershaw Properties LLC. The First Property Is Located At The Corner Of Third Street And Kershaw Camden Highway, The Second Property Is Located At The Corner Of Second Street And Kershaw Camden Highway. The Applicant Has Requested Both Properties To Be Rezoned From MDR, Medium Density Residential District To GB, General Business District. — *Planning Commission recommended approval by a vote of 7-0. Passed 5-0 at the July 17, 2017 County Council Meeting.* — *Penelope Karagounis* — *pgs. 38-53*

d. 2nd Reading of Ordinance 2017-1456 regarding Rezoning Property of Bryan O'Neal Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Owned By Bryan O'Neal, Located At 2271 Boxcar Road, From LDR, Low Density Residential District And IMX, Industrial Mixed Use District to RUB, Rural Business District And From IMX, Industrial Mixed Use District To LDR, Low Density Residential District. – Planning Commission recommended approval by a vote of 7-0. Passed 5-0 at the July 17, 2017 County Council Meeting. – Penelope Karagounis – pgs. 54-63

8. Non-Consent Agenda

a. 3rd Reading of Ordinance 2017-1452 regarding Amended Fee Agreement Between AG-APG Edgewater Property Owner, LLC And Lancaster County

Ordinance Title: An Ordinance Authorizing The Execution And Delivery Of An Amended And Restated Fee Agreement Between AG-APG Edgewater Property Owner, L.L.C., And Lancaster County, South Carolina. (Favorable Recommendation – Administration Committee). Passed 7-0 at the June 26, 2017 County Council Meeting. Passed 5-0 at the July 17, 2017 County Council Meeting. – John Weaver – pgs. 64-98

b. 2nd Reading of Ordinance 2017-1455 regarding Establishment of the Stormwater Management Utility and Amend the UDO

Ordinance Title: An Ordinance To Establish The Lancaster County Stormwater Management Utility, To Amend Lancaster County's Uniform Development Ordinance (UDO) So As To Add Thereto The Terms, Conditions And Provisions Of The Lancaster County Stormwater Management Utility, Including A Determination Of The Geographic Boundaries Subject To The Utility's Management Oversight And The Fees Associated Therewith. – Planning Commission recommended approval by a vote of 7-0. Passed 5-0 at the July 17, 2017 County Council Meeting. - Scott Edgar/John Gast-pgs. 99-139

c. 1st Reading of Ordinance 2017-1457 regarding repealing Section 12-21 of the Code of Ordinances

Ordinance Title: An Ordinance To Repeal Section 12-21 Of The Lancaster County Code Of Ordinances Related To Solid Waste Collection Business Licenses. – (Favorable Recommendation – I&R Committee). – Steve Willis – pgs. 140-142



d. 1st Reading of Ordinance 2017-1458 regarding Amending the Code to Separate Duties of the Building Department and the Zoning Department

Ordinance Title: An Ordinance To Amend Article IV Of Chapter 25 Of The Lancaster County Code So As To Separate Duties Of The Building Department And The Zoning Department. – (Favorable Recommendation – I&R Committee). – Steve Willis – pgs. 143-146

e. 1st Reading of Ordinance 2017-1459 regarding Rezoning Property of Anna Wood, represented by Jeff Pelchat

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Owned By Anna D. Wood, Represented By Jeff Pelchat, Located On Jim Wilson Road, North Of Cortland Drive From PB, Professional Business District To GB, General Business District. — Planning Commission recommended denial by a vote of 5-2. — Penelope Karagounis — pgs. 147-154

f. 1st Reading of Ordinance 2017-1460 regarding Rezoning Property of Larry and Donald Jackson

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Owned By Larry And Donald Jackson, Located On The West Side Of Charlotte Hwy, Directly North Of Steele Hill AME Zion Church From RN, Rural Neighborhood District To NB, Neighborhood Business District. – *Planning Commission recommended approval by a vote of 5-2. – Penelope Karagounis – pgs. 155-162*

g. 1st Reading of Ordinance 2017-1461 regarding Rezoning Property of Richard Ormand Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Owned By Richard Ormand, Located At 1495 Lee Ormand Road From LDR, Low Density Residential District To RR, Rural Residential District. – Planning Commission recommended approval by a vote of 7-0. – Penelope Karagounis – pgs. 163-171

h. 1st Reading of Ordinance 2017-1462 regarding Rezoning Property of Ralph Hood, represented by Mackenzie Riggins

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Owned By Ralph Hood, Represented By Mackenzie Riggins, Located At 275 Monroe Hwy, From LDR, Low Density Residential District To NB, Neighborhood Business District. — Planning Commission recommended approval by a vote of 7-0. — Penelope Karagounis — pgs. 172-180

i. 1st Reading of Ordinance 2017-1463 regarding Correcting Zoning Map and Rezoning Property Owned By Wallace Indian Land LLC, etal

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Correct And Rezone Property Owned By Wallace Indian Land LLC Etal, Located On The West Side Of Henry Harris Road, North Of Jim Wilson Road, From PDD-20, Planned Development District, To LDR, Low Density Residential District. – *Planning Commission recommended approval by a vote of 7-0. – Penelope Karagounis – pgs. 181-189*



- j. 1st Reading of Ordinance 2017-1464 regarding Rezoning Property of Pamela Stewart
 Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As
 To Rezone ± 2.42 Acres Of Property Owned By Pamela Stewart, Located Off Kershaw Camden
 Highway At The Intersection Of Solar Road Outside The Heath Springs Town Limits From A
 Formerly Zoned R-45B Rural Residential/Business/Agricultural District (Former UDO And
 Zoning Map) To GB, General Business District. Planning Commission recommended
 approval by a vote of 7-0. Penelope Karagounis pgs. 190-216
- k. 1st Reading of Ordinance 2017-1465 regarding Rezoning Property of Ashok Ahluwalia
 Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As
 To Rezone ± .617 Acres Of Property Owned By Ashok Ahluwalia, Located At 9762 Charlotte
 Highway From MX, Mixed-Use District To GB, General Business District. Planning
 Commission recommended approval by a vote of 5-2. Penelope Karagounis pgs. 217-250

9. Discussion and Action Items

- a. Nominations for appointments to Boards and Commissions for District 7 pgs.~251-252
 - Allen Cook for Airport Commission 1st Term
 - Benjamin David Levine for Planning Commission 1st Term
- b. Nomination for appointment to Fire Commission to fill unexpired term -pg. 253
 - Joshua L. Alford for Rich Hill Fire Department
- c. Nomination for appointment to Catawba Community Mental Health Center Board -pg. 254
 - Candita Landers
- d. Information only on Victim's Advocate Grants and Funding and Highway Safety Grant: Impaired Driving Education and Enhanced Impaired Driving Unit – Steve Willis/Sheriff Barry Faile – pg. 255
- e. Updates to Social Media Platforms (Favorable Recommendation Administration Committee) Jessica Kennington pg. 256

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

None at this time.

11. Miscellaneous Reports and Correspondence

- a. Charter Communications pgs. 257-259
- **b.** Lancaster County Department of Economic Development Fiscal Year 2017 Report *pgs. 260-263*
- c. Quarterly Report on Lancaster Area Ride Service (LARS) pg. 264
- d. Partnering with Lancaster County School District on reading project -pg. 265



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

13. Executive Session

- a. Economic Development Discussion: Project Shamrock. SC Code 30-4-70(a)(5).
- b. Economic Development Discussion: Project Rhino. SC Code 30-4-70(a)(5).
- c. Economic Development Discussion: Project Tom. SC Code 30-4-70(a)(5).
- 14. Calendar of Events pg. 266
- 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





Members of Lancaster County Council
Steve Harper, District 5, Chairman
Charlene McGriff, District 2, Vice Chairwoman
Larry Honeycutt, District 4, Secretary
Brian Carnes, District 7
Jack Estridge, District 6

Terry Graham, District 1
Billy Mosteller, District 3

Minutes of the Lancaster County Council Regular Meeting

101 N. Main Street, Lancaster, SC 29720

Monday, July 17, 2017

Council Members present were Brian Carnes, Jack Estridge, Steve Harper, Larry Honeycutt and Charlene McGriff. Terry Graham and Billy Mosteller were absent. Also present were John Weaver, Steve Willis, Sherrie Simpson, Chelsea Gardner, Alex Moore, Veronica Thompson, the press and spectators. A quorum of Lancaster County Council was present for the meeting.

The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: 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 and on the county website the required length of time.

Call to Order regular meeting

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

Welcome and Recognition/Pledge of Allegiance and Invocation

Chairman Steve Harper welcomed everyone to the meeting. Jack Estridge led the Pledge of Allegiance to the American Flag and delivered the invocation.

Approval of the agenda

John Weaver asked that Item 9j (Updates to Social Media Platforms) be removed from the agenda since the presenter was unable to attend the meeting. Larry Honeycutt moved to approve the agenda as amended. Seconded by Charlene McGriff. Council approved the amended agenda by unanimous vote of 5-0.



Special Presentations

Steve Willis introduced Scott Edgar as the new County Engineer.

Citizens Comments

Sara Phillips, 2045 Robert H. Kirk Road, Lancaster, SC, signed up for Citizens Comments on line but did not come forward to speak when her name was called.

Don Duve, 1423 Royida Drive, Lancaster, SC spoke regarding road conditions in the West Manor Estates neighborhood and a neighborhood petition to restrict logging trucks on those roads. He provided handouts attached as Schedule A.

Michael Kirby signed up for Citizens Comments on line but did not come forward to speak when his name was called.

Ben Levine, 5062 Terrier Lane, Indian Land, SC, spoke regarding Resolution 0966-R2017 and that apartment complex's effect on traffic. He provided a handout attached as Schedule B.

Tyler Reeves, 112 East Church Street, Kershaw, SC, spoke in support of Ordinance 2017-1454. He provided a sealed letter of support from the Administrator from the Town of Kershaw and it is attached as Schedule C.

Sherry Walden, 511 Wateree Keys Court, Winnsboro, SC, spoke in support of Ordinance 2017-1453.

Bryan O'Neal, 2259 Boxcar Road, Lancaster, SC, spoke regarding Ordinance 2017-1456.

Mike Bilodeau, 18006 Meadow Bottom Road, Charlotte, NC, spoke in support of Resolution 0966-R2017.

Jennifer Ersek, 4205 Lois Lane, Indian Land, SC, spoke regarding the proposed Carrington Subdivision. She provided a handout attached as Schedule D.

Waylon Wilson, 15117 Legend Oaks Court, Indian Land, SC, spoke regarding Ordinance 2017-1453.

Consent Agenda

Charlene McGriff moved to approve Consent Agenda Item a and Item b. Seconded by Larry Honeycutt. No further discussion. Council approved Consent Agenda Items a and b by unanimous vote of 5-0.

a. Minutes of the June 26, 2017 regular County Council meeting



b. 3rd Reading of Ordinance 2017-1451 regarding Amending the Zoning Map And Rezoning 9 Parcels of Property that were Zoned Incorrectly Due to Computer Error

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Correct And Rezone Nine (9) Parcels Of Property Situated At Various Locations Throughout Lancaster County That Inadvertently Were Zoned Incorrectly Due To A Computer Error Occurring During Council's Consideration Of The 2016 Uniform Development Ordinance And Update Of The Official Lancaster County Zoning Map.

Non-Consent Agenda

Resolution 0965-R2017 regarding Extension of Fee Agreement with Horton Machine And Custom Design, Inc.

Resolution Title: A Resolution Consenting To An Extension Of The Investment Period For Horton Machine And Custom Design, Inc. Under Its Fee Agreement With Lancaster County Pursuant To Section 12-44-30(13), Code Of Laws Of South Carolina, 1976, As Amended (The "Code").

Brian Carnes moved to approve the Resolution. Seconded by Charlene McGriff. Resolution 0965-R2017 passed by unanimous vote of 5-0.

Resolution 0966-R2017 regarding Approval of Master Development Plan Of Apartment Complex

Resolution Title: A Resolution To Approve The Favorable Recommendation Of Both The Lancaster County Planning Staff And The Lancaster County Planning Commission Of A Mixed Use District/Master Development Plan Of An Apartment Complex Located Along Possum Hollow Road And The Western Edge Of Edgewater.

Charlene McGriff moved to approve Resolution 0966-R2017. Seconded by Brian Carnes.

Alex Moore explained Phase I of the Integra Edgewater project. He stated that the Planning Staff is committed to working with the developer and the South Carolina Department Of Transportation (SCDOT) to bring a traffic signal to the SC HWY 160/Possum Hollow intersection at the appropriate time. The staff recommended that the Traffic Impact Analysis (TIA) not be tied to the widening of HWY 160, as SCDOT is recommending, but rather that it be tied to the development. Brian Carnes asked who would be responsible for paying for a traffic signal there and Alex Moore responded that it could be SCDOT. Charlene McGriff asked what the time frame is for the Phase II completion of this project. The project developer, Austin McDaniel, 425 West Trade Street, Charlotte, NC, stated that the land for Phase II of the project has not yet been purchased. Larry Honeycutt asked about the traffic on Possum Hollow Road and any plans to make improvements to that Road. A representative of the traffic engineering firm hired to conduct the TIA, Andrew Eagle, 104 Edgewood Drive, Mooresville, NC, reviewed the traffic volume on Possum Hollow Road and stated that there was fairly low traffic volume on that Road.



Larry Honeycutt moved that Resolution 0966-R2017 be amended as follows: to delete the proposed condition noted on page 1 of the Resolution (page 21 of the packet) and to substitute therefore the following condition recommended by the Planning Commission: The Phase II submittal/review process for this Mixed Use District will require that a full 12-hour Signal Warrant Analysis be prepared by the developer. The analysis will be reviewed within the Integra Mixed Use District Phase II process. This review will be entirely independent of completion of the SC HWY 160 widening. Seconded by Charlene McGriff. The motion to amend Resolution 0966-R2017 passed by unanimous vote of 5-0.

Council voted to approve Amended Resolution 0966-R2017 by unanimous vote of 5-0.

Public Hearing and 2nd Reading of Ordinance 2017-1452 regarding Amended Fee Agreement Between AG-APG Edgewater Property Owner, LLC And Lancaster County
Ordinance Title: An Ordinance Authorizing The Execution And Delivery Of An Amended And Restated Fee Agreement Between AG-APG Edgewater Property Owner, L.L.C., And Lancaster County, South Carolina.

Chairman Steve Harper opened the floor for the public hearing for Ordinance 2017-1452. He asked if any citizens would like to come forward and speak. No citizens came forward to comment. Chairman Harper closed the public hearing.

Larry Honeycutt moved to approve the 2nd Reading of Ordinance 2017-1452. Seconded by Charlene McGriff. The 2nd Reading of Ordinance 2017-1452 passed by unanimous vote of 5-0.

1^{st} Reading of Ordinance 2017-1453 regarding rezoning property of David and Sherry Walden

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Of David And Sherry Walden, Located ± 400 Feet North Of The Intersection Of Cedar Creek Road And Great Falls Highway Near The Lancaster/Chester County Line From PDD, Planned Development District (PDD-2 Catawba Ridge AKA Bear Creek Landing) To AR, Agricultural Residential District.

Larry Honeycutt moved to approve the 1st Reading of Ordinance 2017-1453. Seconded by Brian Carnes. The 1st Reading of Ordinance 2017-1453 passed by unanimous vote of 5-0.

1st Reading of Ordinance 2017-1454 regarding rezoning property of Kershaw Properties LLC

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Two (2) Properties Owned By Kershaw Properties LLC. The First Property Is Located At The Corner Of Third Street And Kershaw Camden Highway, The Second Property Is Located At The Corner Of Second Street And Kershaw Camden Highway. The Applicant Has Requested Both Properties To Be Rezoned From MDR, Medium Density Residential District To GB, General Business District.

Brian Carnes moved to approve the 1^{st} Reading of Ordinance 2017-1454. Seconded by Jack Estridge. The 1^{st} Reading of Ordinance 2017-1454 passed by unanimous vote of 5-0.



1st Reading of Ordinance 2017-1455 regarding Establishment of the Stormwater Management Utility and Amend the UDO

Ordinance Title: An Ordinance To Establish The Lancaster County Stormwater Management Utility, To Amend Lancaster County's Uniform Development Ordinance (UDO) So As To Add Thereto The Terms, Conditions And Provisions Of The Lancaster County Stormwater Management Utility, Including A Determination Of The Geographic Boundaries Subject To The Utility's Management Oversight And The Fees Associated Therewith.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2017-1455. Seconded by Larry Honeycutt. The 1st Reading of Ordinance 2017-1455 passed by unanimous vote of 5-0.

1st Reading of Ordinance 2017-1456 regarding Rezoning Property of Bryan O'Neal

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Owned By Bryan O'Neal, Located At 2271 Boxcar Road, From LDR, Low Density Residential District And IMX, Industrial Mixed Use District to RUB, Rural Business District And From IMX, Industrial Mixed Use District To LDR, Low Density Residential District.

Larry Honeycutt moved to approve the 1st Reading of Ordinance 2017-1456. Seconded by Brian Carnes. The 1st Reading of Ordinance 2017-1456 passed by unanimous vote of 5-0.

Discussion and Action Items

Committee Reports:

I&R Committee:

Larry Honeycutt reported that the I&R Committee met on July 12, 2017 at 3:00 p.m. He reported that the Committee discussed an ordinance to repeal the business license for solid waste collection vendors and this ordinance will be moved to full Council with a favorable recommendation from the I&R Committee at a later date. Also, the Committee approved for Steve Willis to waive the building fee for a Habitat Store and this waiver will be handled administratively. The Committee also discussed upcoming building projects and the need to prioritize those projects. The Committee also voted to move the Airport apron expansion project to full Council with a favorable recommendation.

Public Safety Committee:

Brian Carnes reported that the Public Safety Committee met on July 12, 2017 at 5:00 p.m. The Committee received a presentation from the Sheriff's Office regarding various grants for which they have applied: one is a continuation grant for a Victim's Advocate, a new grant for a Victim's Advocate at the Detention Center and a Highway Safety — DUI Enforcement grant. These grants do not require a local match. The Committee also received an update on the Fire Service study and the Committee agreed that the County should proceed with the study.



Administration Committee:

Charlene McGriff reported that the Administration Committee met on July 12, 2017 at 5:00 p.m. The Committee reviewed and made a favorable recommendation to full Council regarding Resolution 0965-R2017, which has already been discussed and voted on tonight. The Committee received a presentation from the Health and Wellness Commission regarding a change in their bylaws; however, before the Committee can make any recommendations, the Commission will need to approve the change. The Committee also reviewed and made a favorable recommendation to full Council regarding updates to social media platforms, which will be presented to full Council at a later date. The Committee also had an update regarding the 2% increase for the clerical staff at the solicitor/public defender's office, which will be handled administratively.

Nomination for appointment to Boards and Commissions for District 1.

Larry Honeycutt moved to approve the appointment of Betty F. Broome to the Historical Commission. Seconded by Charlene McGriff. The appointment passed by unanimous vote of 5-0.

Nomination for appointment to Boards and Commissions for District 6.

Jack Estridge moved to approve the appointment of Cynthia (Cindi) Blackmon to the Health and Wellness Commission. Seconded by Charlene McGriff. The appointment passed by unanimous vote of 5-0.

Nomination for appointment to Boards and Commissions for District 7.

Larry Honeycutt moved to approve the appointment of George Kirlin to the Library Board. Seconded by Brian Carnes. The appointment passed by unanimous vote of 5-0.

Nomination for appointment to Library Board - At large member.

Charlene McGriff moved to approve the appointment of James D. Boling to the Library Board as an at large member. Seconded by Brian Carnes. The appointment passed by unanimous vote of 5-0.

Appointment to fill unexpired term on the Council of Governments Workforce Innovation and Opportunity Act Board.

Charlene McGriff moved to approve the appointment of Kim Linton to fill the unexpired term on the Council of Governments Workforce Innovation and Opportunity Act Board. Seconded by Larry Honeycutt. The appointment passed by unanimous vote of 5-0.



Annual grant from State Emergency Management.

This grant award material was for information only for Council. Steve Willis stated that the grant is 100% funded and so no action is required by Council.

FAA grant for Airport heavy aircraft apron.

Ken Holt of Holt Consulting Company, LLC explained the grant and provided a handout attached as Schedule E.

Larry Honeycutt moved to approve that the County Administrator be allowed to sign the grant applications and to approve the local grant match for the Airport heavy aircraft apron. Seconded by Charlene McGriff. Passed by unanimous vote of 5-0.

Scope of Work for Fire Service Study.

Brian Carnes moved that the County Administrator be allowed to proceed with the Fire Service Study. Seconded by Charlene McGriff. Passed by unanimous vote of 5-0.

Adjournment

Larry Honeycutt moved to adjourn the meeting. Seconded by Charlene McGriff. Passed by unanimous vote of 5-0. The Council meeting was adjourned at 7:45 p.m.

Respectfully Submitted:	Approved by Council, August 14, 2017
Sherrie Simpson	
Clerk to Council	
	Larry Honeycutt, Secretary



Agenda Item Summary

Ordinance # / Resolution# 2017-1453 (RZ-017-013)

Contact Person / Sponsor: Andy Rowe

Department: Planning

Date Requested to be on Agenda: July 17, 2017

Issue for Consideration:

This is a rezoning application of David and Sherry Walden to rezone ± 8.47 acres from PDD, Planned Development District to AR, Agricultural Residential District. The applicant proposes to construct an open air venue for weddings, corporate, and church/community events. Currently zoned PDD, Planned Development District (PDD-2 Catawba Ridge aka Bear Creek Landing)

Points to Consider:

Staff has reviewed the PDD-2 (Catawba Ridge aka Bear Creek Landing) boundary survey and PDD Ordinance and have found the subject property (0128-00-013.00) is not part of the PDD district (Exhibit 2 & 2A). Planning staff believes this property was incorrectly zoned. The applicant has stated that they wish to construct an open air venue for weddings and events. The only zoning district in this area that would fit the applicant's plans would be the AR, Agricultural Residential District. The other district that would allow a venue would be the RN, Rural Neighborhood District. Unfortunately the Rural Neighborhood District will not allow for this project due to the additional use regulations found in Chapter 5 (Exhibit 8). If rezoned to Rural Neighborhood, the applicant would be limited in size (up to 6,000 square feet) and could not meet the minimum separation standards (100 feet from adjacent property lines). The proposed site plan for the venue will have to be reviewed through the TRC (Technical Review Committee) to ensure compliance.

The Future Land Use Map identifies this property as Rural Living based on the Lancaster County Comprehensive Plan 2014-2024. Considering the property is located in a rural area near the Catawba River, a proposed wedding venue/open air venue could fit in this area. The zoning map shows the subject property in a transitional zoned area due to the fact that it separates the RN, Rural Neighborhood District from the AR, Agricultural Residential District (Exhibit 4). Based on the division line of the zoning districts and the "Rural Living" designation on the Future Land Use Map, zoning this parcel to Agricultural Residential will fit the general area. In addition the western properties are owned by Duke Energy and in the future will need to be changed from PDD to a suitable zoning district that will allow for a class 3 utility.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the rezoning request.

Recommendation:

The planning staff recommend that the rezoning request be approved.

At the Lancaster County Planning Commission meeting on Tuesday, June 20, 2017 the Commission voted to approve the rezoning application of David and Sherry Walden by a vote of (7-0). At the above referenced meeting one citizen spoke against this rezoning stating that there was insufficient evidence that the property was not in the PDD. Staff would note the evidence can be found within the staff report and supporting documentation with many hours of research done by staff. The PDD owner email to staff containing plat information can be found on Exhibit 2A of the staff report. The PDD owner clearly indicates in this email with attached plat, what is owned by the PDD. In addition, the PDD owner also inquires in this email asking what the proposed use of the property would be beside the PDD. Also included in the staff report is The Bear Creek Landing Conceptual Master Plan for that shows the boundaries of the PDD (Exhibit 13 10). The complete staff report can be located on www.mylancastersc.org -Click on Planning and go to 2017 Agendas.

STATE OF SOUTH CAROLINA	1	
STATE OF SOUTH CAROLINA)	ORDINANCE NO. 2017-1453
COUNTY OF LANCASTER)	Old Hill Coll Hold File

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OF DAVID AND SHERRY WALDEN, LOCATED ± 400 FEET NORTH OF THE INTERSECTION OF CEDAR CREEK ROAD AND GREAT FALLS HIGHWAY NEAR THE LANCASTER/CHESTER COUNTY LINE FROM PDD, PLANNED DEVELOPMENT DISTRICT (PDD-2 CATAWBA RIDGE AKA BEAR CREEK LANDING) TO AR, AGRICULTURAL RESIDENTIAL DISTRICT.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) David and Sherry Walden applied to rezone property located \pm 400 feet north of the intersection of Cedar Creek Road and Great Falls Highway near the Chester County/Lancaster County line from PDD, Planned Development District (PDD-2 Catawba Ridge aka Bear Creek Landing), to AR, Agricultural Residential District.
- (b) On June 20, 2017, 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 PDD, Planned Development District (PDD-2 Catawba Ridge aka Bear Creek Landing) to AR, Agricultural Residential District for the following property(ies) as identified by tax map number or other appropriate identifier:

Tax Map No. 0128-00-013.00.

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

Dated this	day of, 2017.		
	LANCASTER COUNTY, SOUTH CAROLINA		
	Steve Harper, Chair, County Council		
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	Larry Honeycutt, Secretary, County Council		
ATTEST:			
Sherire Shipson, Crerk to Council	e jednovenski i i stanske programa i stanske i jednovenski je godi. Program pogovenski i i i izranske programa i se programa i jednovenski i i se poslavani i se poslavani se se p		
First Reading: July 17, 2017 Second Reading: August 14, 2017	Passed 5-0		
Third Reading: August 28, 2017	(Tentative)		

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PLANNING STAFF REPORT: RZ-017-013

I. FACTS

A. GENERAL INFORMATION

Proposal: This is a rezoning application of David and Sherry Walden to rezone ± 8.47 acres from PDD, Planned Development District to AR, Agricultural Residential District. The applicant proposes to construct an open air venue for weddings, corporate, and church/community events.

Property Location: The property is located ± 400 feet north of the intersection of Cedar Creek Road and Great Falls Highway near the Chester County/Lancaster County line in Lancaster County, SC.

Legal Description: Tax Map 128, Parcel 13

Zoning Classification: Current: PDD, Planned Development District (PDD-2 Catawba Ridge aka Bear Creek Landing)

Voting District: District 4, Larry Honeycutt

B. SITE INFORMATION

Site Description: The property is currently vacant and wooded.

C. VICINITY DATA

Surrounding Conditions: The property is surrounded north, south, and east, by PDD, Planned Development District. Adjacent parcels to the west include PDD, Planned Development District, and OSP, Open Space Preservation District.

D. EXHIBITS

- 1. Rezoning Application
- 2. Property Information and PDD Maps
- 2A. Email from PDD owner and survey showing PDD boundary
- 3. Vicinity Map
- 4. Zoning Map/Zoning Map (Zoomed Out)
- 5. Future Land Use Map
- 6. Tax Inquiry Sheet
- 7. UDO Chapter 2-Section: 2.3 Districts
- 8. UDO Chapter 5-Section: 5.6.2 Event Venue/Banquet Hall
- 9. Table of Uses
- 10. Letter From PDD Owner

Date of 1st Reading: <u>7-17-17</u>
Approved Denied No Action

Date of 2nd Reading: <u>8-14-17</u>
Approved Denied No Action

Date of 3rd Reading: _8-28-17 _Approved _ Denied _ No Action

II. FINDINGS

Code Considerations:

2.3 DISTRICTS:

Agricultural Residential District (AR)

The Agricultural Residential District is established as a district in which the principal uses of the land are restricted due to lack of available utilities, unsuitable soil types, steep slopes, or for the protection of prime agricultural lands.

UNIFIED DEVELOPMENT ORDINANCE | Adopted 11.28.2016

III. CONCLUSIONS

Staff has reviewed the PDD-2 (Catawba Ridge aka Bear Creek Landing) boundary survey and PDD Ordinance and have found the subject property (0128-00-013.00) is not part of the PDD district (Exhibit 2 & 2A). Planning staff believes this property was incorrectly zoned. The applicant has stated that they wish to construct an open air venue for weddings and events. The only zoning district in this area that would fit the applicant's plans would be the AR, Agricultural Residential District. The other district that would allow a venue would be the RN, Rural Neighborhood District. Unfortunately the Rural Neighborhood District will not allow for this project due to the additional use regulations found in Chapter 5 (Exhibit 8). If rezoned to Rural Neighborhood, the applicant would be limited in size (up to 6,000 square feet) and could not meet the minimum separation standards (100 feet from adjacent property lines). The proposed site plan for the venue will have to be reviewed through the TRC (Technical Review Committee) to ensure compliance.

The Future Land Use Map identifies this property as Rural Living based on the Lancaster County Comprehensive Plan 2014-2024. Considering the property is located in a rural area near the Catawba River, a proposed wedding venue/open air venue could fit in this area. The zoning map shows the subject property in a transitional zoned area due to the fact that it separates the RN, Rural Neighborhood District from the AR, Agricultural Residential District (Exhibit 4). Based on the division line of the zoning districts and the "Rural Living" designation on the Future Land Use Map, zoning this parcel to Agricultural Residential will fit the general area. In addition the western properties are owned by Duke Energy and in the future will need to be changed from PDD to a suitable zoning district that will allow for a class 3 utility.

IV. RECOMMENDATION:

It is therefore the recommendation of the planning staff that the rezoning request for the property located \pm 400 feet north of the intersection of Cedar Creek Road and Great Falls Highway near the Chester County/Lancaster County line be approved.

V. Recommendation from Planning Commission Meeting:

At the Lancaster County Planning Commission meeting on Tuesday, June 20, 2017 the Commission voted to approve the rezoning application of David and Sherry Walden by a vote of (7-0). At the above referenced meeting one citizen spoke against this rezoning stating that there was insufficient evidence that the property was not in the PDD. Staff would note the evidence can be found within the staff report and supporting documentation with many hours of research done by staff. The PDD owner email and plat information can be found on exhibit 2A of the staff report. The PDD owner clearly indicates what is owned by the PDD as well as the inquiry of the proposed use of the property beside the PDD. Also included in the staff report in exhibit 2 is The Conceptual Master Plan for Bear Creek Landing.

David and Sherry Walden 511 Wateree Key Court Winnsboro, South Carolina 29180 803-416-7976

To Whom It May Concern,
Re. Tax Map Number 0128-00-013.00

We are interested in taking a portion of the 8.47 acres we own located in the Cedar Creek Township of Lancaster County, SC and building a venue to accommodate approximately 100 to 150 people for the purpose of weddings, corporate events, church and community events.

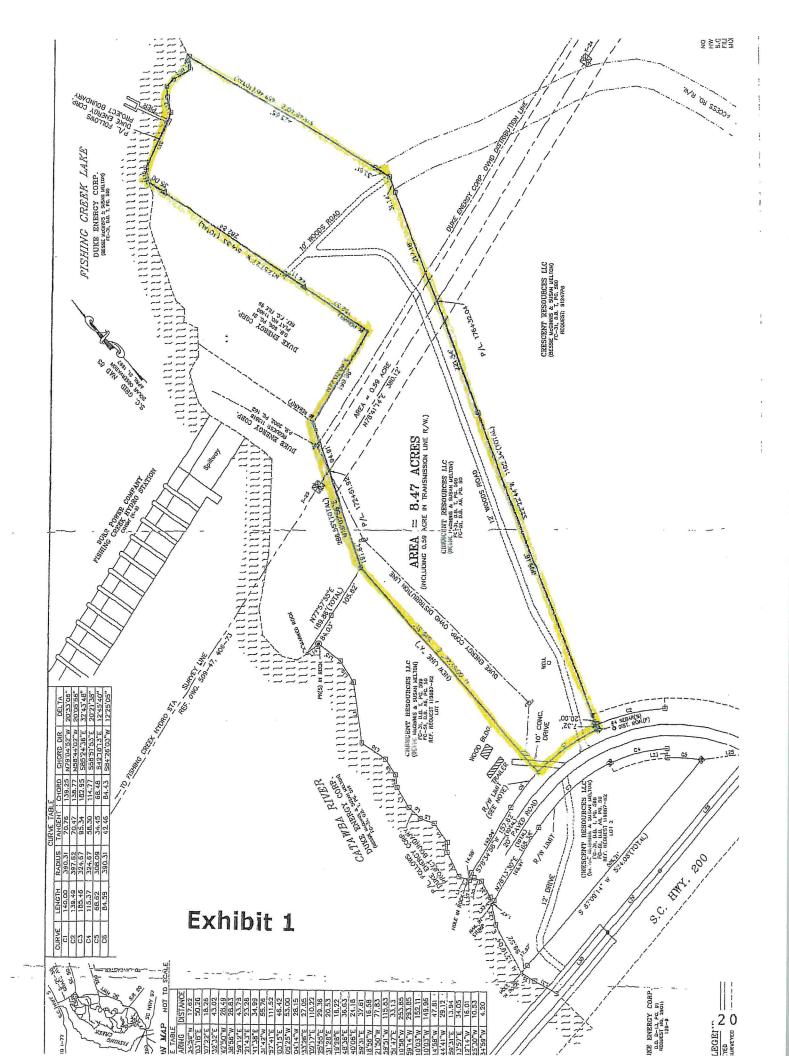
We have been working diligently with Elaine Boone since December of 2016 to determine the zoning ordinances of our parcel of land. Mrs. Boone and her department have not been successful in determining if this particular property falls under any specific zone and therefore has advised us to apply to the Zoning Department for permission to continue to explore the possibility of developing a portion of the property as mentioned above. She said because the current files cannot determine if this property falls under a particular zone, we should take this next step at no charge to us.

Please see attached application and let us know if we have failed to include the appropriate information.

Thank you,

David & Sherry Walden

Exhibit 1



LANCASTER COUNTY ASSESSOR Tax Map: 0128 00 013 00

Prepared by:

Parker Poe Adams & Bernstein LLP

Tract No. S-5390

Three Wells Fargo Center 401 South Tryon St.

Suite 3000

Charlotte, NC 28202

RECORDED THIS 12th DAY

OF JULY, 2012

Return to:

IN BOOK 2012 PAGE C-1

EXCISE TAX - \$296.00

CKeryl H. Worgo+

Auditor, Lancaster County, SC

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that

CRESCENT RESOURCES, LLC, a Georgia limited liability company (successor by merger and conversion to Crescent Resources, Inc., whose name was changed from Crescent Land and Timber Corp. by Articles of Amendment filed in the office of the South Carolina Secretary of State) ("Grantor"), whose address is 227 West Trade Street, Suite 1000, Charlotte, NC 28202. in consideration of the sum of Eighty Thousand and No/100 Dollars (\$80,000.00), to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release, subject to the easements, restrictions, reservations, covenants, conditions and other exceptions set forth below, unto DAVID WALDEN and SHERRY D. WALDEN ("Grantee"), whose address is 511 Wateree Key Court, Winnsboro, South Carolina 29180, and their heirs, successors and assigns, all that certain tract of land described in Exhibit A attached hereto ("Property").

The Property is conveyed subject to the following easements, restrictions, reservations, covenants, conditions and other exceptions (collectively, "Exceptions"):

flood easements in favor of Duke Energy Carolinas, LLC (formerly known as (1)Duke Power Company and Duke Energy Corporation) and riparian rights of others, including, but not limited to, the flood easement to flood to the 426.5 foot contour line and all other reservations, restrictions and conditions contained in that deed recorded in Deed Book A6, Page 50;

Exhibit 1

2012008916 DEED RECORDING FEES STATE TAX COUNTY TAX PRESENTED & RECORDED:

\$208.00 \$88.00

07-11-2012 09:59 AM JOHN LANE

By: CANDICE PHILLIPS DEPUTY

BK: DEED 676

PG:288-291

PPAB 1956065vl

- transmission line and retail electric line rights-of-way, if any, reserved by or granted to Duke Energy Carolinas, LLC (formerly known as Duke Power Company and Duke Energy Corporation), including, but not limited to, the 68' wide transmission line shown on the Plat as "Duke Energy Corp. 68' R/W";
- (3) ad valorem taxes for the year 2012 and subsequent years;
- (4) "rollback" or other deferred ad valorem property taxes;
- (5) matters affecting title to the Property as shown on the Plat or which would be shown on a current and accurate survey of the Property (including any encroachments);
- (6) easements, covenants, restrictions and conditions of record, and rights-of-way of public and private streets and roads, including, but not limited to, the access rights-of-way shown on the Plat as "Gravel Dr";
- (7) easements, restrictions and rights-of-way as may be apparent from an inspection of the Property; and
- (8) zoning, subdivision, land use and other laws, regulations or ordinances applicable to the Property.

TOGETHER WITH, subject to the Exceptions, all and singular the rights, members, hereditaments and appurtenances to the Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, subject to the Exceptions, all and singular the Property, unto the said Grantee and Grantee's heirs, successors and assigns forever.

Subject to the Exceptions, Grantor covenants with Grantee that Grantor is seized of the Property in fee simple, that Grantor has the right to convey the same in fee simple, and that the title is marketable and free of all encumbrances. Grantor does hereby bind itself and its heirs, successors and assigns, to warrant and forever defend all and singular the Property, subject to the Exceptions, unto Grantee, his heirs, successors and assigns against every person whomsoever lawfully claiming the same, or any part thereof.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Grantor has caused day of June, 2012.	I this instrument to be executed this 28th
Signed, Se aled and Delivered in the Presence of: Are If Lowery Print Name: Lowery Witness #1	CRESCENT RESOURCES, LLC, a Georgia limited liability company By: James M. Shorf, Jr. President, Land Management Division
Print Name: Just Hissinson Witness #2	
e e e e e e e e e e e e e e e e e e e	
STATE OF NORTH CAROLINA COUNTY OF MECKLENBURG	
Personally appeared before me the under and says that he/she saw the within named Jan Division of CRESCENT RESOURCES, LLC as its act and deed deliver the foregoing instrum and that he/she, together with Subscribed above, witnessed the execution thereof the control of the subscribed above, witnessed the execution thereof the subscribed above.	, a Georgia limited liability company, sign, and ent for the uses and purposes therein mentioned, (witness #2), the other witness
Sworn to and subscribed before me this the day of June, 2012.	
Notary Public Viggue	
	THE AN TIGG!
Notary Public for Martin Con Worth Ca	NOTARY NOTARY
My Commission Evnires 4 Naula 27 20	IL PUBLIC =

3

[NOTARIAL STAMP-SEAL]

EXHIBIT A

All references to recording information shall refer to documents that were recorded in the Office of the Register of Deeds for the county in which the Property is located.

All that certain tract of land located in Cedar Creek Township, Lancaster County, South Carolina, designated as "AREA = 8.47 ACRES" on plat recorded in Plat Book 2012, Page 192 ("Plat"); AND BEING all or a portion of the land conveyed to Wateree Power Company (presently known as Duke Energy Carolinas, LLC) by deed from Bessie McInnis and Susan Melton (F.C.-31) recorded in Deed Book T, Page 599; and by deed to Crescent Land & Timber Corp. (presently known as Crescent Resources, LLC) from Duke Power Company (presently known as Duke Energy Carolinas, LLC) recorded in Deed Book A6, Page 50.

Tax Parcel Number: 0128-00-013.00

Elaine Boone

From:

Elaine Boone

Sent:

Thursday, January 05, 2017 2:45 PM

To:

Penelope Karagounis; 'Kara Drane'

Cc:

Robert "Rob" Jackson (rjackson@catawbacog.org); Nicholas Cauthen; Alex J. Moore;

Andy Rowe; Kenneth Cauthen

Subject:

Re: PPD 2 Planned Development District a/k/a Bear Creek Landing, now known as

Edgewater

Attachments:

DOC010517-01052017152108.pdf

Importance:

High

Penelope/Kara,

I know you can't read the first map (color issue) we have someone who bought property from Crescent Resources Tax Map Number: 0128-00-013.00. Nick and I went through all folders located in the back room and really couldn't tell whether this piece of property or the other two pieces owned by Duke Energy were part of the PDD. So we went upstairs to the Register of Deeds Office and pulled all large plats of the entire property. If you look at the Plat 192 it labels the property to the east as Walnut Grove Ventures (TMS 0128-00-012.00), but doesn't state this on the Walden property or the Duke Energy property so it is our determination that the tracts are not a part of the Planned Development District. With this being said I think that the property owned by Duke Energy should be zoned according to the use table as AR,RR, LI or HI.......According to the definition it should be classified as Class 3? The Walden property should probably or could probably be zoned AR, RR or RN. Let me know what you all think....

Thanks.

J. Elaine Boone
Plannner II
Lancaster County Planning Department
101 N. Main Street
P.O. Box 1809
Lancaster, S.C. 29721

Phone: (803) 416-9396 Direct Phone: (803) 285-6005 Main Fax: (803) 285-6007

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Exhibit 2

Elaine Boone

From:

Nicholas Cauthen

Sent:

Friday, February 10, 2017 9:11 AM

To:

Elaine Boone

Subject:

FW: Re: Property located on Great Falls Hwy 200 Tax Map Number: 0128-00-013.00

From: Elaine Boone

Sent: Thursday, February 09, 2017 2:35 PM **To:** Kara Drane; Penelope Karagounis

Cc: davidwalden@metromasonryinc.com; Nicholas Cauthen; Andy Rowe

Subject: Re: Property located on Great Falls Hwy 200 Tax Map Number: 0128-00-013.00

Kara/Penelope,

Over the past few weeks I have researched the tax map number above to see whether or not this parcel is a part of the original PDD-2, Catawba Ridge a/k/a Edgewater located at Fishing Creek. When the PPD was approved no tax map numbers were recorded on the original documents that I could find. Although the zoning maps over the years have included all parcels down to the dam in the PDD-2. I did find a plat adjacent to the property that says Walnut Grove Ventures, LLC (Tax Map Number: 0128-00-012.00) that was part of the PDD, but labeled nothing else as being part of the PDD down to the dam. My thought is that the properties located around the dam are not part of the PDD, but labeled incorrectly when being mapped. Duke Energy would have to keep their properties closest to the dam for maintenance/repair, they are classified as a Class 3 Utility under the Utilities Definition and allowed in the AR,RR, LI and HI zoning districts as a permitted use. The properties located to the south of the property across Great Falls Highway are zoned RN, Rural Neighborhood District. I also have a copy of the deed for David Walden's property and it states nothing about being located in the PDD. He purchased the property from Crescent Resources and would like to construct a 4,000 s.f. building that would be used for weddings and corporate events.(Event Venue/Banquet Hall) This use is allowed in the RN District. I also spoke to John Weaver County Attorney he said "If the use is allowed in both districts why should it matter?" The only way to answer this correctly would be to know what zoning district should be applied to Mr. Walden's property. Is this something that would have to go to the UDO - Advisory Committee? Or is this something that can be handled sooner. Thoughts......

Thanks,

II. Elaine Boone | Planner (I | Lancaster County Planning Department P: 803,416,9396 | F: 803,285,6007 | elagone@fancastercountysc.net 101 N. Main Street | Lancaster, SC 29720 | www.my/ancastersc.org

Exhibit 2



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Exhibit 2

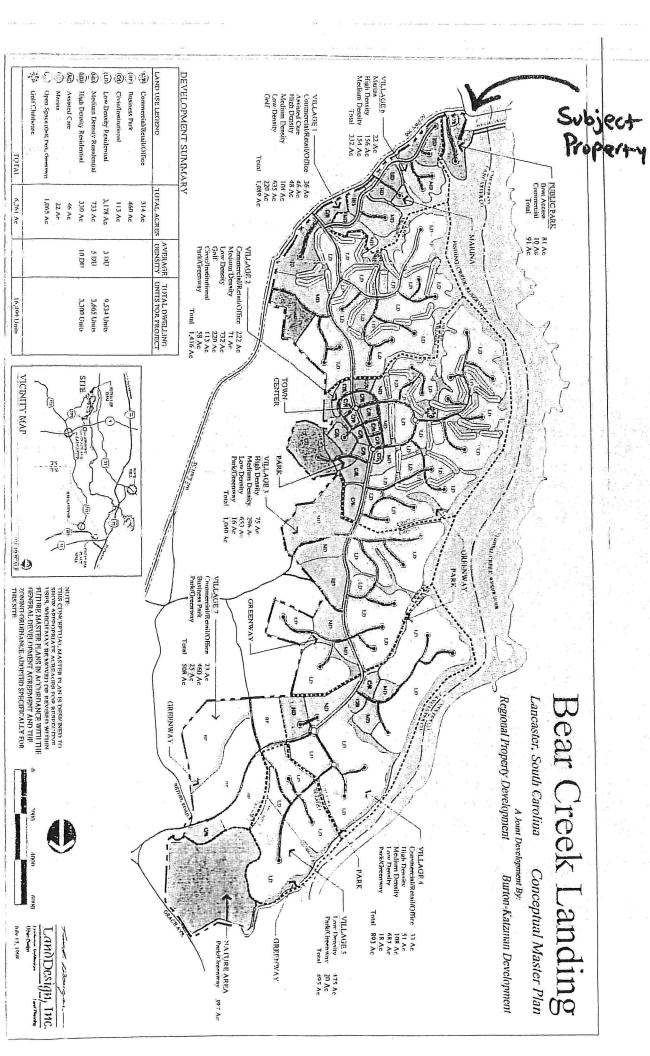
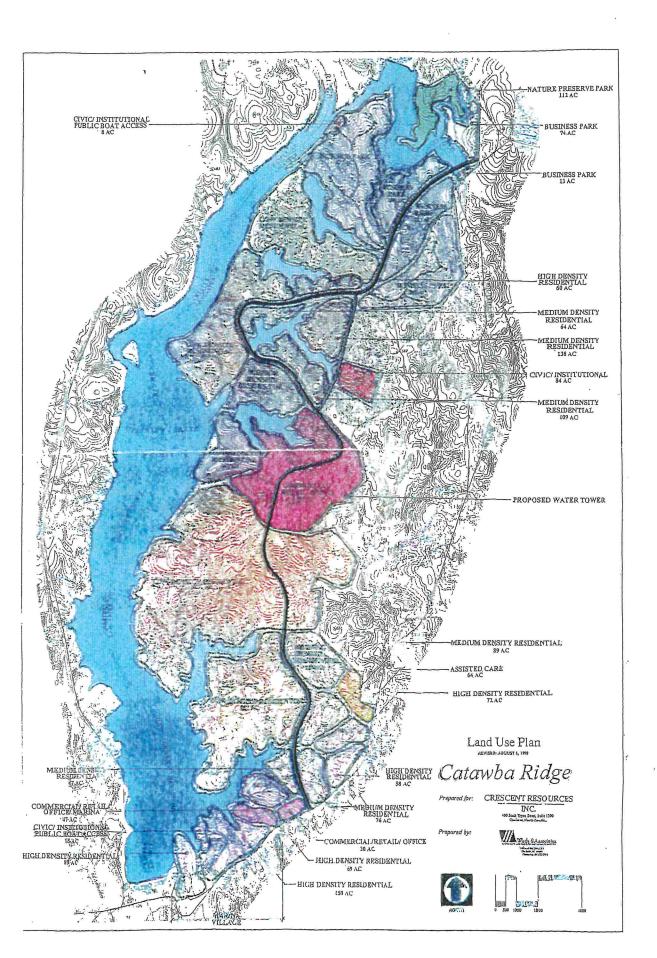
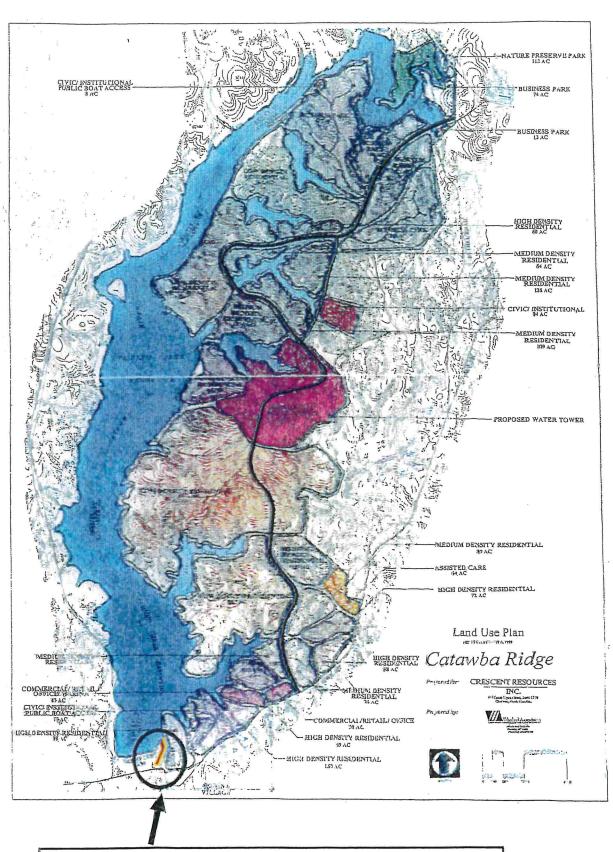


Exhibit 2





Subject Property- Tax Map 128, Parcel 13 (Walden Property)

Elaine Boone

From:

Alan Shaia <at.shaia@verizon.net>

Sent:

Tuesday, June 6, 2017 10:15 AM

To:

Elaine Boone

Subject:

Re Rezoning RZ-017-013

Attachments:

Crescent - Map Plat 2.pdf; ATT00001.htm; Crescent - Map Plat.pdf; ATT00002.htm

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

Per our conversation, I have attached copies of our survey for property we own under Walnut Grove Ventures, LLC. Would like to know where this proposed rezoning property is located.

Alan Shaia

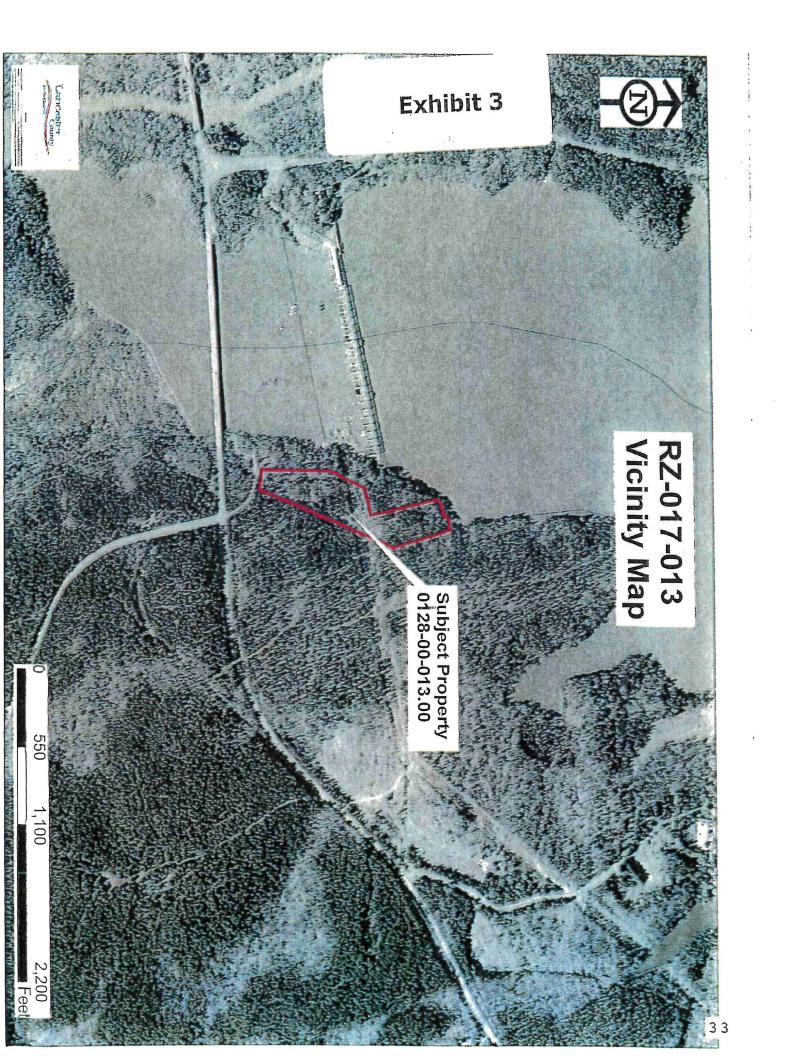
403 East Grace Street Richmond, Va 23219

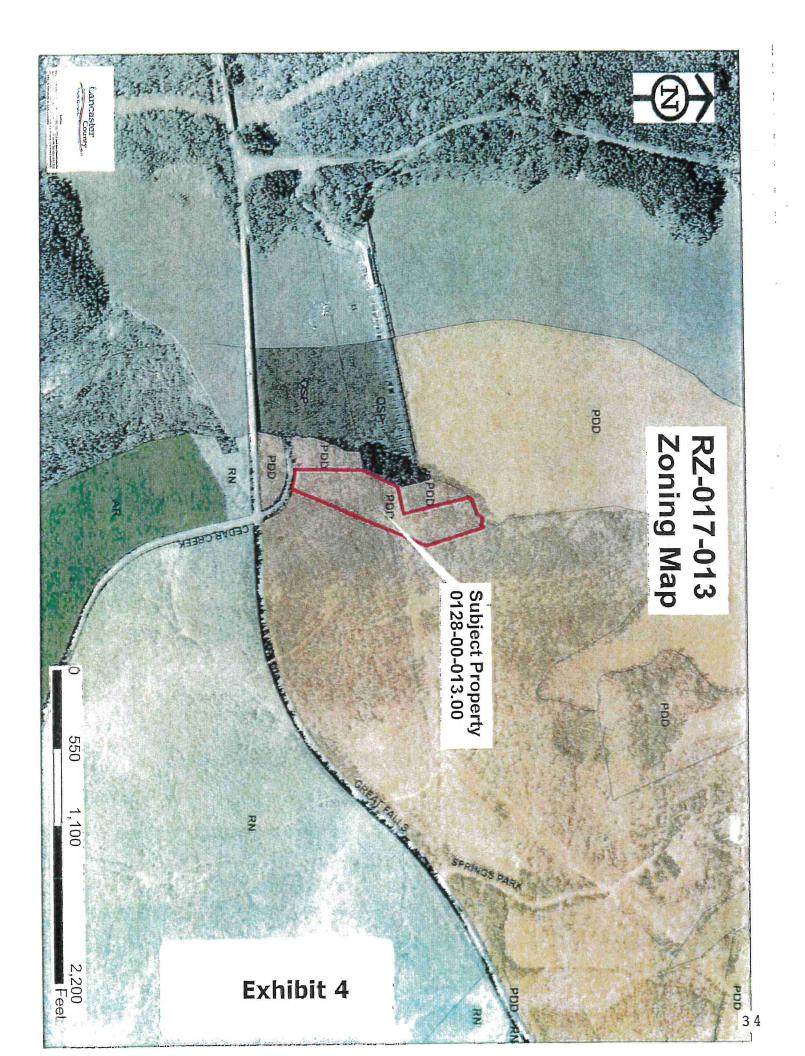
- (W) 804-225-0923
- (F) 804-649-3643
- (M) 804-405-2641

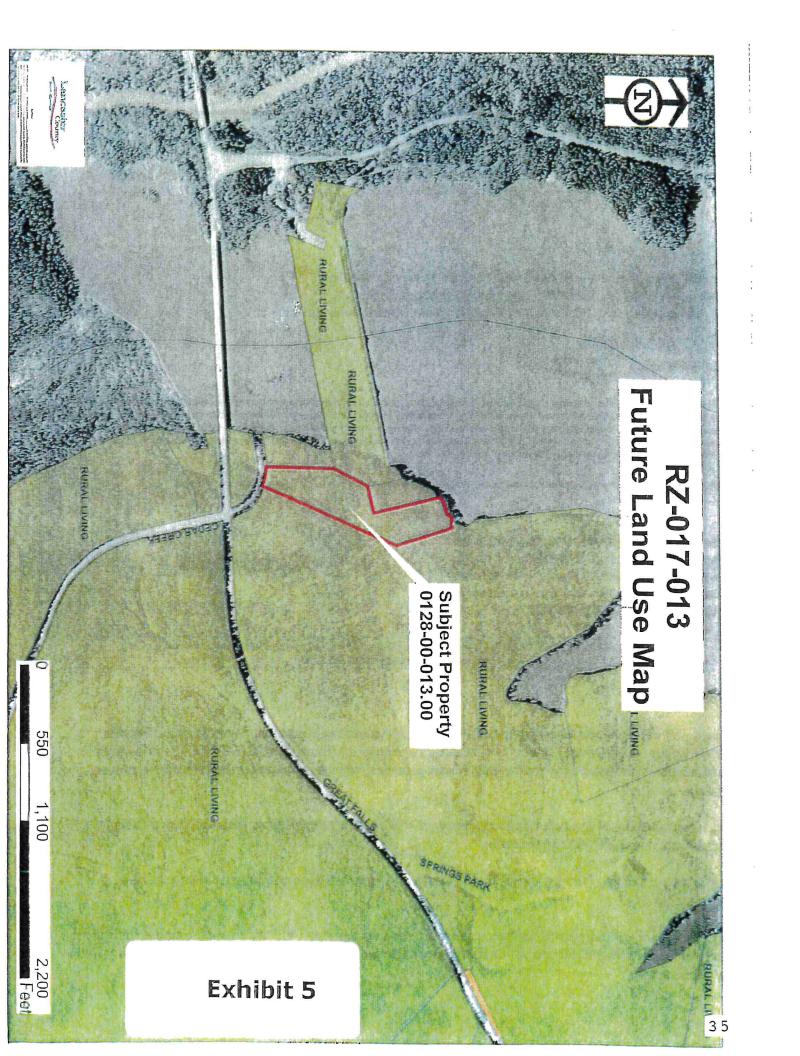
at.shaia@verizon.net

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Exhibit 2 A







Andy Rowe

From:

Planning Mailbox

Sent:

Thursday, June 8, 2017 3:00 PM

To:

Elaine Boone; Andy Rowe

Subject:

FW: Re Rezoning RZ-017-013

Judy Barrineau | Administrative Assistant | Lancaster County Planning Dept. P: 803.285.6005 | F: 803.285.6007 | jbarrineau@lancastercountysc.net 101 N Main Street, Suite 108 | Lancaster, SC 29720 | www.mylancastersc.org



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NEDTICE: All email correspondence to and from this address may be adoject to public disclosure under the SC Freekom of Information and

From: Work (at. shaia) [mailto:at.shaia@verizon.net]

Sent: Thursday, June 8, 2017 2:45 PM

To: Elaine Boone <eboone@lancastercountysc.net>
Cc: Planning Mailbox <Planning@lancastercountysc.net>

Subject: Re: Re Rezoning RZ-017-013

Exhibit 10

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

Dear Ms. Boone,

Thank you for the information regarding RZ-017-013. As you know, I represent the ownership of Walnut Grove Ventures. They own 213-acre tract adjacent to the property (Parcel ID 0128-00-012.00). It is currently zoned to allow for high-density residential. We are concerned with this proposed rezoning for three primary reasons.

1st, If they are allowed to downzone their property, it will impact our development right such as additional setback requirements from their property.

2nd, A proposed outdoor entertianment facility next to high-density residential property seem to us to be incompatible.

3rd, I do not see any drawing on how they proposed to develop this site. Will there be any required buffer from our residential? How will they access the site? Fire & Rescue issues with entertainment? Parking, what will be the requirement?

With those issues in mind, we request you deny their rezoning request.

Sincerely,

Alan Shaia

403 East Grace Street

Richmond, Va 23219

- (W) 804-225-0923
- (F) 804-649-3643
- (M) 804-405-2641

at.shaia@verizon.net

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On Jun 6, 2017, at 10:35 AM, Elaine Boone < eboone@lancastercountysc.net > wrote:

Hey Alan,

Could the 213 acres be under another name?????? I can't seem to find it....

Thanks,

Exhibit 10

I. Elaine Boone | Planner II | Lancaster County Planning Department P: 803.416.9396 | F: 803.285.6007 | eboone@lancastercountysc.net 101 N. Main Street | Lancaster, SC 29720 | www.mylancastersc.org <irnage001.png>

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MIDTICE: All email correspondence to and from this address may be subject to public disclosure under the SC Attactor of information. Act.

From: Alan Shaia [mailto:at.shaia@verizon.net]

Sent: Tuesday, June 6, 2017 10:15 AM

To: Elaine Boone <ള്യാരനല്യിച്ച castercountysc.net>

Subject: Re Rezoning RZ-017-013

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—IT Helpdesk, <u>support leposate county so ner</u>

Per our conversation, I have attached copies of our survey for property we own under Walnut Grove Ventures, LLC. Would like to know where this proposed rezoning property is located.

Alan Shaia

403 East Grace Street

Richmond, Va 23219

- (W) 804-225-0923
- (F) 804-649-3643
- (M) 804-405-2641

at shala@verizon.net

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Agenda Item Summary

Ordinance # / Resolution# 2017-1454 (RZ-017-014)

Contact Person / Sponsor: Andy Rowe

Department: Planning

Date Requested to be on Agenda: July 17, 2017

Issue for Consideration:

This is a rezoning application of Ms. Cara McCoy to rezone two (2) properties containing a total of ± 1.56 acres from MDR, Medium Density Residential District to GB, General Business District. The applicant is proposing to build a Huddle House restaurant on the property.

Points to Consider:

The Future Land Use Map identifies this property as Urban based on the Lancaster County Comprehensive Plan 2014-2024. Urban according to the Lancaster County Comprehensive plan 2014-2024 is identified as a "walkable neighborhood with additional intensity".

Considering the property is within the higher density urban area, a proposed restaurant could fit in this area. There is a need for more restaurants and business in the Kershaw area due to the increase in employment by Haile Gold Mine Inc.

The property is also fronting a major road which could handle more general commercial uses within the urban center noted on the Future Land Use Map (Exhibit 4). By definition this property could qualify as a walkable accessible area in an urban walkable neighborhood setting. The property if rezoned could serve not only people entering and exiting the Town of Kershaw, but also serve the neighbors located behind the properties. If the rezoning is successful the applicant will be required to submit a site plan to the TRC (Technical Review Committee).

The proposed site plan will be required to provide a Type C buffer yard around all residentially zoned adjacent properties (Exhibit 7 & 8). In addition to the Type C buffer the applicant will also be required to provide landscaping on the interior and exterior of the parking area.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the rezoning request.

Recommendation:

The planning staff that the rezoning request for the two properties located at the corner Second Street and the corner of Third Street, and Kershaw Camden Highway be approved.

At the Lancaster County Planning Commission meeting on Tuesday, June 20, 2017 the Commission voted to approve the rezoning application of Ms. Cara McCoy by a vote of (7-0). At the above referenced meeting the applicant presented the overall plan for this property and emphasized the economic potential for this development. Staff reached out to the Town of Kershaw to see if the rezoning would be favorable since the property is in close proximity to the Town of Kershaw municipal boundaries. Unfortunately staff did not receive any input from the Town of Kershaw on this rezoning request. The applicant did express that they had spoken to the Town of Kershaw and had been working with the Town on this project. The applicant stated Town of Kershaw was favorable with the rezoning.

STATE OF SOUTH CAROLINA	Post your K	
)	ORDINANCE NO. 2017-1454
COUNTY OF LANCASTER)	지 않는 그는 독한 분세를 걸느라는

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE TWO (2) PROPERTIES OWNED BY KERSHAW PROPERTIES LLC. THE FIRST PROPERTY IS LOCATED AT THE CORNER OF THIRD STREET AND KERSHAW CAMDEN HIGHWAY, THE SECOND PROPERTY IS LOCATED AT THE CORNER OF SECOND STREET AND KERSHAW CAMDEN HIGHWAY. THE APPLICANT HAS REQUESTED BOTH PROPERTIES TO BE REZONED FROM MDR, MEDIUM DENSITY RESIDENTIAL DISTRICT TO GB, GENERAL BUSINESS DISTRICT.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) Cara McCoy applied to rezone two (2) properties. The 1st property is located at the corner of Third Street and Kershaw Camden Highway, and the 2nd property is located at the corner of Second Street and Kershaw Camden Highway from MDR, Medium Density Residential District, to GB, General Business District.
- (b) On June 20, 2017, 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 MDR, Medium Density Residential District to GB, General Business District for the following property(ies) as identified by tax map number or other appropriate identifier:

Tax Map No. 0156H-0C-001.00 & 0156H-0C-002.00.

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

	Dated this	day of	, 2017.	
		LANCASTER	COUNTY, SOUTH CAROLINA	
		Steve Harper, C	hair, County Council	
		Larry Honeycut	t, Secretary, County Council	-
ATTEST:				
Sherrie Simpson, Cle	erk to Council			
First Reading: Second Reading:	July 17, 2017 August 14, 2017	Passed 5-0		
Third Reading:	August 28, 2017	(Tentative)		

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Date of 1st Reading: <u>7-17-17</u> Approved __ Denied __ No Action

PLANNING STAFF REPORT: RZ-017-014

I. FACTS

A. GENERAL INFORMATION

Proposal: This is a rezoning application of Ms. Cara McCoy to rezone two (2) properties containing a total of \pm 1.56 acres from MDR, Medium Density Residential District to GB, General Business District. The applicant is proposing to build a Huddle House restaurant on the property.

Property Location: The 1st property is located at the corner of Third Street and Kershaw Camden Highway, and the 2nd property is located at the corner of Second Street and Kershaw Camden Highway in Lancaster County, SC.

Legal Description: Tax Map 0156H, Block C, Parcel 1.00 and 2.00

Zoning Classification: Current: MDR, Medium Density Residential District.

Voting District: District 6, Jack Estridge

B. SITE INFORMATION

Site Description: The two (2) properties total ± 1.56 acres and are vacant.

C. VICINITY DATA

Surrounding Conditions: The property is surrounded north and east, by MDR, Medium Density Residential District. Adjacent parcels to the south include MDR, Medium Density Residential District, and HI, Heavy Industrial District. One large adjacent parcel to the west is zoned HI, Heavy Industrial District.

D. EXHIBITS

- 1. Rezoning Application/Site Plan and Elevation Pictures
- 2. Vicinity Map
- 3. Zoning Map
- 4. Future Land Use Map
- 5. Tax Inquiry Sheet
- 6. UDO Section: 2.3 Districts
- 7. UDO- Section 5.5.9 Restaurant
- 8. UDO- Section: 7.1.5B- Buffer Yard Types
- 9. UDO- Section: 7.1.3- Street Tree and Building Perimeter Plantings/7.1.4-Parking Lot Area Landscaping
- 10. Table of Uses

Date of 3rd Reading: <u>8-28-17</u>
Approved Denied No Action

II. FINDINGS

Code Considerations:

2.3 DISTRICTS:

Medium Density Residential District (MDR)

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

General Business District (GB)

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

UNIFIED DEVELOPMENT ORDINANCE | Adopted 11.28.2016

III. CONCLUSIONS

The Future Land Use Map identifies this property as Urban based on the Lancaster County Comprehensive Plan 2014-2024. Urban according to the Lancaster County Comprehensive plan 2014-2024 is identified as a "walkable neighborhood with additional intensity". Considering the property is within the higher density urban area, a proposed restaurant could fit in this area. There is a need for more restaurants and business in the Kershaw area due to the increase in employment by Haile Gold Mine Inc. The property is also fronting a major road which could handle more general commercial uses within the urban center noted on the Future Land Use Map (Exhibit 4). By definition this property could qualify as a walkable accessible area in an urban walkable neighborhood setting. The property if rezoned could serve not only people entering and exiting the Town of Kershaw, but also serve the neighbors located behind the properties. If the rezoning is successful the applicant will be required to submit a site plan to the TRC (Technical Review Committee). The proposed site plan will be required to provide a Type C buffer yard around all residentially zoned adjacent properties (Exhibit 7 & 8). In addition to the Type C buffer the applicant will also be required to provide landscaping on the interior and exterior of the parking area (Exhibit 9).

IV. RECOMMENDATION:

It is therefore the recommendation of the planning staff that the rezoning request for the two properties located at the corner Second Street and the corner of Third Street, and Kershaw Camden Highway be approved.

Date of 1st Reading: 7-17-17
Approved Denied No Action

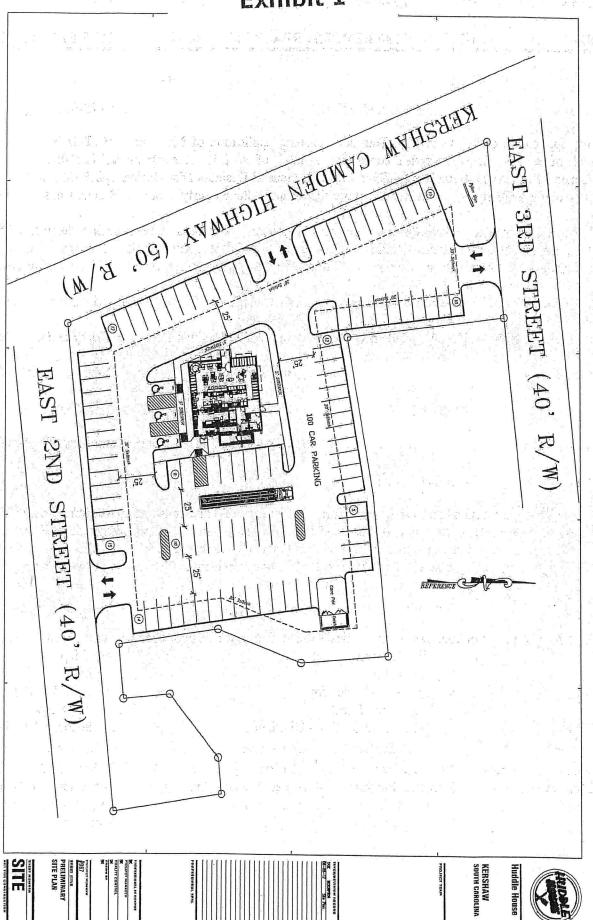
Date of 2nd Reading: <u>8-14-17</u>
<u>Approved</u> Denied No Action

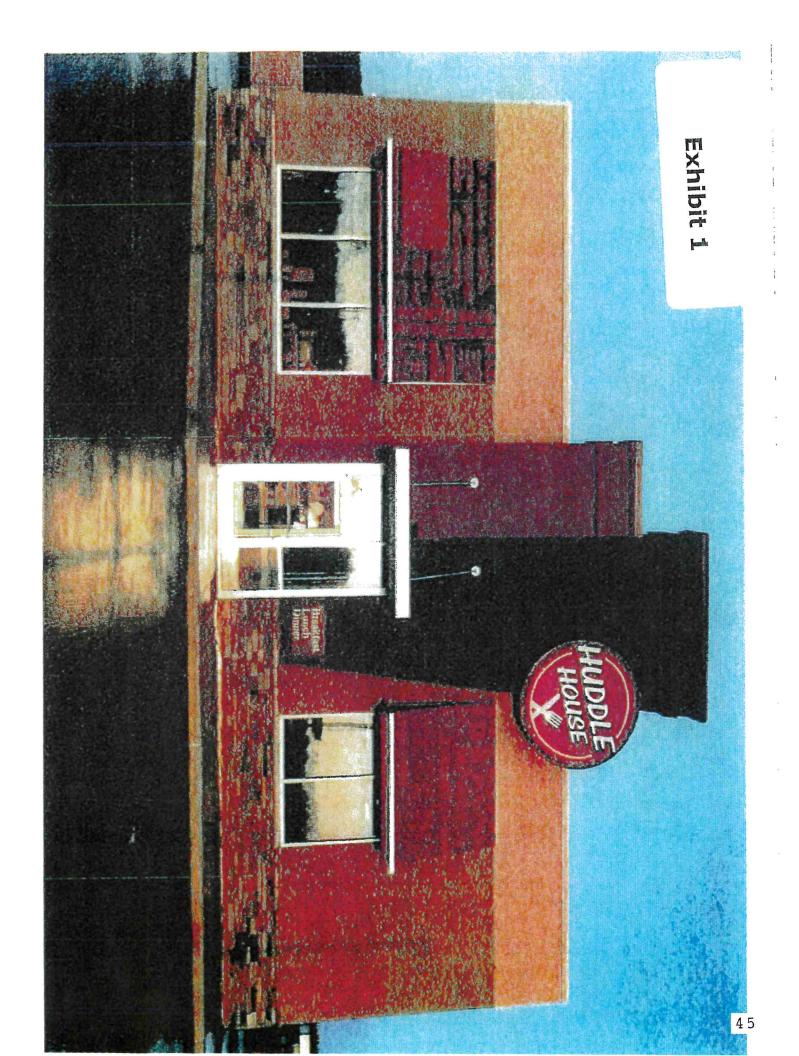
Date of 3rd Reading: <u>8-28-17</u> _Approved __Denied __No Action

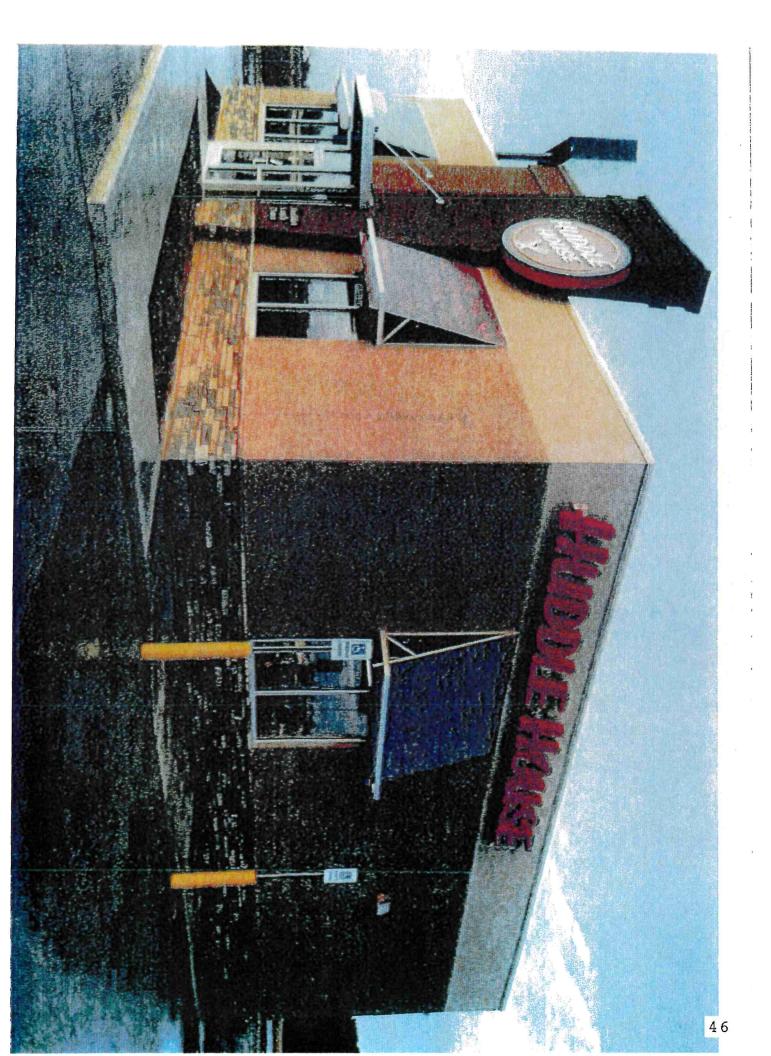
V. Recommendation from Planning Commission Meeting:

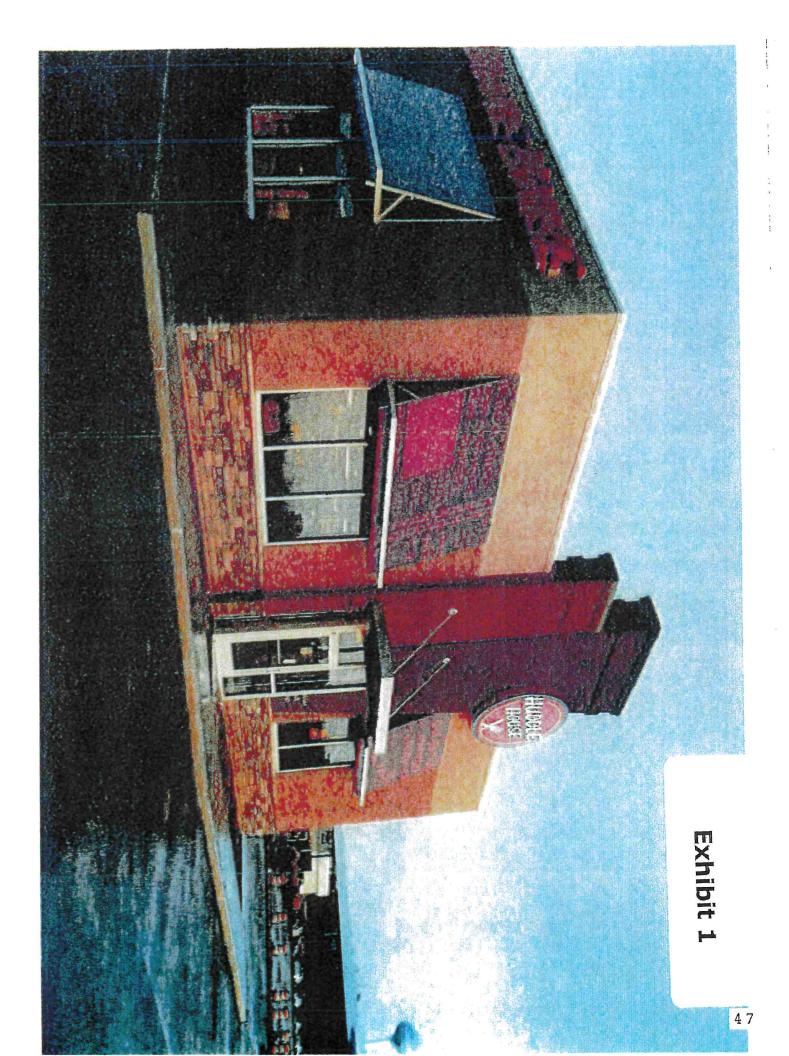
At the Lancaster County Planning Commission meeting on Tuesday, June 20, 2017 the Commission voted to approve the rezoning application of Ms. Cara McCoy by a vote of (7-0). At the above referenced meeting the applicant presented the overall plan for this property and emphasized the economic potential for this development. Staff reached out to the Town of Kershaw to see if the rezoning would be favorable since the property is in close proximity to the Town of Kershaw municipal boundaries. Unfortunately staff did not receive any input from the Town of Kershaw on this rezoning request. The applicant did express that they had spoken to the Town of Kershaw and had been working with the Town on this project. The applicant stated Town of Kershaw was favorable with the rezoning.

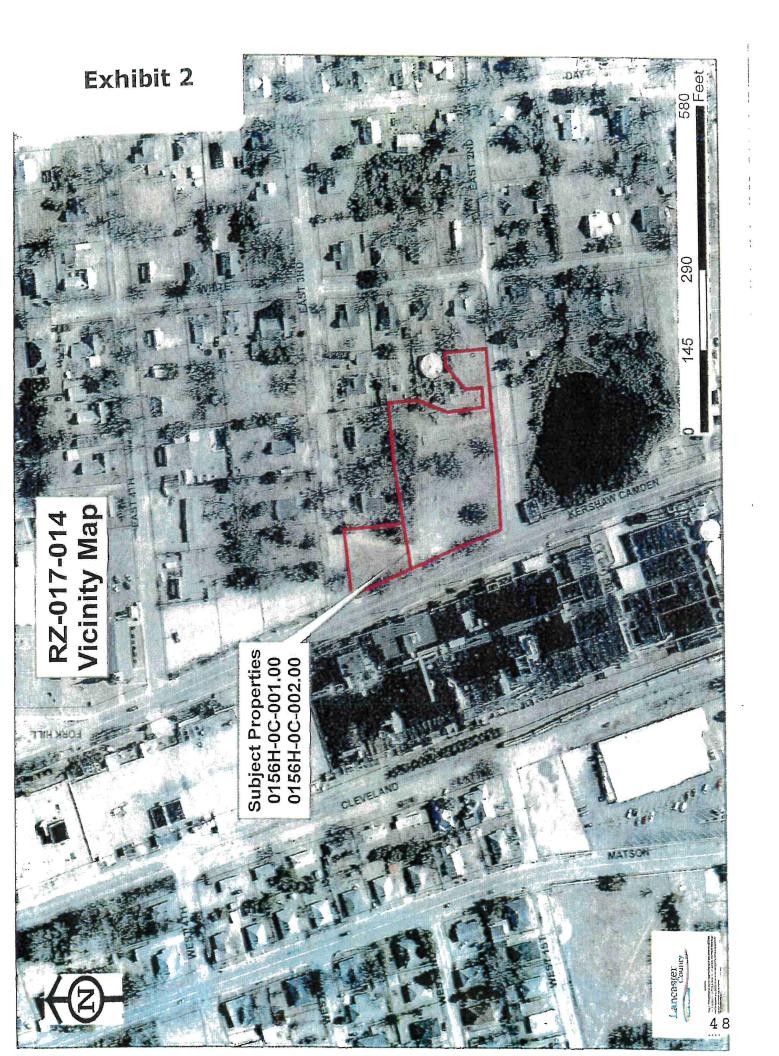
Exhibit 1



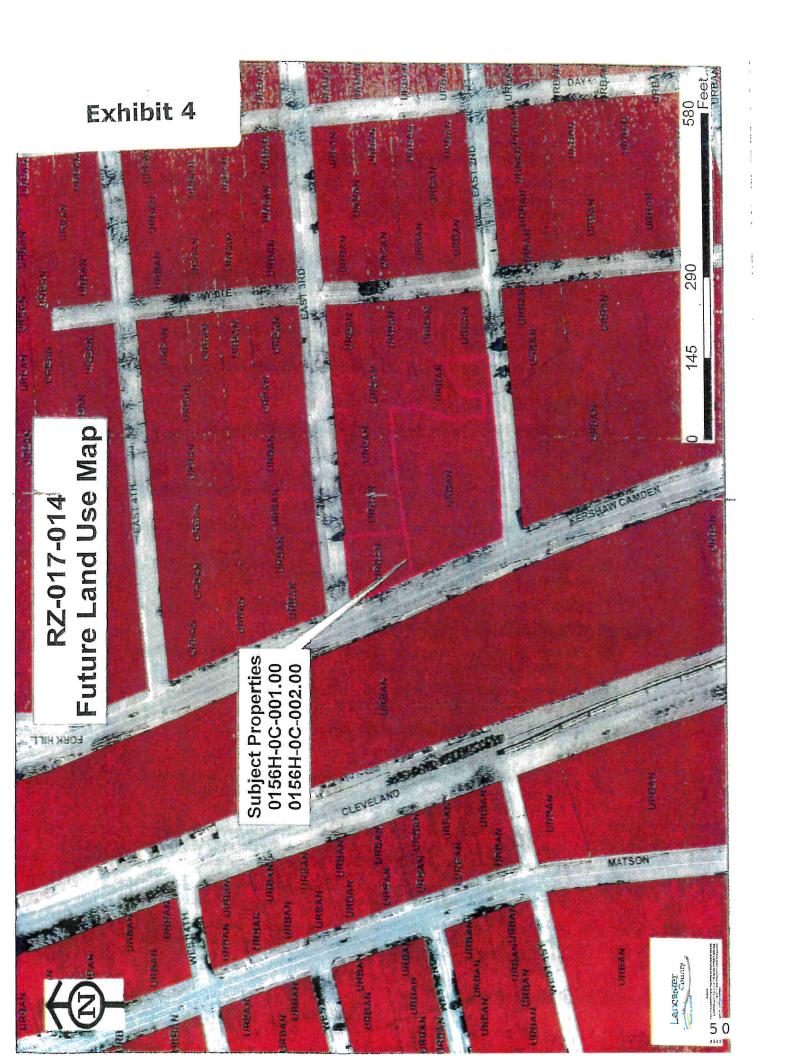












5.5.6 OUTSIDE SALES, SIDEWALK SALES [RUB, NB, GB, RB, INS, MX, IMX]

A. Applicability: These standards are intended to regulate outside sales which are conducted on an everyday or seasonal basis on public pedestrian walkways. Outside sales which are not located on public sidewalks or walkways are regulated by Section 3.5.6.

B. Standards

- 1. Merchandise for sale may be placed on the public sidewalk in front of the shop where the building is directly adjacent to the sidewalk provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet). Such displays shall be removed from the sidewalk when the business is not open.
- 2 Sidewalk sale shall not take up an area greater than 25 percent of the total building area of the primary use within the associated permanent structure.
- 3. Display of merchandise for outside sales shall not exceed a maximum of 12 feet from the front face of the building.

5.5.7 PAWNSHOPS [RUB, GB, RB]

All new pawnshops shall be located no closer than 400 feet to any existing pawnshop.

5.5.8 RACETRACK [HI]

Motorized race and testing tracks are declared by this ordinance to be incompatible with residential development. Additionally, such uses have the potential of negatively impacting many nonresidential uses. As a result, all such uses shall meet the following requirements:

- A. No such use shall be located within one mile of all Residential uses, all Civic uses, and all Educational/Institutional uses as per the Use Table in Section 2.5.3.
- B. A Type C buffer yard shall be provided along all property lines which are adjacent to the racing/testing track and/or parking areas.
- C. The site shall have direct access to either a collector or arterial street.

5.5.5 RESTAURANT [RUB, NB, GB, RB, INS, MX, IMX]

- Kitchen Exhaust: Kitchen exhaust fans shall be located no closer than 100 feet to any existing Single Family or Two Family (duplex) dwelling.
- Buffering: All restaurants shall be screened from existing Single Family or Two Family (duplex) dwellings by a Type C buffer yard as set forth in Section 7.1.5.

5.5.10 SEXUALLY ORIENTED BUSINESS/ADULT ESTABLISHMENT [HI]

A. Purpose

- 1. The Lancaster County Council finds that it is necessary to set forth the appropriate special requirements by which Sexually Oriented Business/Adult Entertainment may be established within the County's zoning jurisdiction.
- 2. Sexually Oriented Businesses/Adult Entertainment, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when they are located near residential areas or educational, religious, or recreational uses.
- Studies have shown that lower property values and increased crime rates tend to accompany and are brought about by the concentration of adult establishments.
- 4. The County Council finds that the regulation of these uses is necessary to ensure that these adverse effects do not contribute to the blighting of surrounding neighborhoods and to protect the quality of life in Tancaster County.

7. Buffer Location Restrictions: Buffers shall not be located on any portion of any existing or proposed street right-of-way or utility easement (unless permitted by the easement holder).

B. BUFFER YARD TYPES

1. Type A Buffer Yard: A Type A buffer yard is a planting strip intended to separate uses, provide vegetation in densely developed areas, and enhance the appearance of individual properties.

Type A Buffer Yard Options	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
Option 1	20 feet	1 Canopy Tree	Not Required	Semi-opaque (i.e., having only
		2 Understory Trees		seasonal horizontal openings not exceeding 25% of the total width
		8 Evergreen Shrubs		from the ground to a height of 6 feet
Option 2	10 feet	2 Canopy Trees	Not Required	within 2 years of planting)
		2 Understory Trees		
** W *1/4		12 Evergreen Shrubs		f (4)

2. Type B Buffer Yard: A Type B buffer yard is a medium density screen which is intended to create a visual separation between uses and zoning districts.

Type B Buffer Yard Options	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
Option f	20 feet	2 Evergreen Trees 1 Canopy Tree 2 Understory Trees 12 Evergreen Shrubs	Not Required	Semi-opaque (i.e., having only seasonal horizontal openings not exceeding 10% of the total width from the ground to a height of 8 feet within 2 years of planting)
Option 2	10 feet	1 Evergreen Tree 1 Canopy Tree 3 Understory Trees 24 Evergreen Shrubs	Not Required	

Exhibit 8

3. Type C Buffer and: A Type C buffer yard is intended to provide a very dense all-season sight barrier to significantly separate uses and zoning districts. It is intended to reduce intrusive lighting and noise from adjacent properties.

Type C Buffer Yard Options	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
Option 1	40 feet	4 Evergreen Trees	Not Required	
		4 Canopy Trees		Completely opaque (i.e., having no
		4 Understory Trees		horizontal openings from the ground to a height of 8 feet within 2 years of
		36 Evergreen Shrubs		planting)
Option 2	25 feet	4 Evergreen Trees	Wall or Fence	
		4 Canopy Trees		
		4 Understory Trees		
Option 3	10 feet	2 Evergreen Trees	Berm	
		2 Canopy Trees	š	
		2 Understory Trees		**
		12 Evergreen Shrubs		

C. BUFFER DETAILS

- 1. Fences and Walls: Any required 6-foot-tall privacy fence or wall shall be made of any combination of treated and stained wood, brick, stone, wrought iron, polymer, decorative face block, or other composite material as approved by the Administrator and maintained in a like-new manner with the finished side facing towards the zone to be buffered (protected). The material(s) used shall provide an opaque fence. All required vegetation shall be placed on the unfinished side of the fence or wall. A chain link fence with slats is not considered a solid fence for purposes of this section.
- 2. Berms: All berms, if provided, shall not exceed a slope with maximum rise of 1 foot to a run of 2 feet (a ratio of 1:2) and a maximum height of 4 feet with a compacted flat top of at least 15 inches wide. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation or permanent slope retention device. A combination of trees and shrubs are to be installed in an appropriate design scheme along the berm for appearance, durability, and maintenance as approved by the Administrator. Berms taller than 4 feet shall be approved by the Administrator on a case-by-case basis.
- 3. Existing Vegetation, Fences, Walls, and Berms: Existing vegetation berms, walls, or fences within the landscaped area, but not including chain link fencing, may be used to fulfill the standards for the type of landscaping required provided that these elements are in good condition as determined by the Administrator. Where existing vegetative areas are to be credited, they shall be shown on the plan with a certification by a licensed landscape architect that the existing vegetation fully complies with the landscape requirements.
- 4. Ripatian Buffer: Any required ripatian buffer may be used to satisfy other buffer requirements, provided the plants are equivalent in number and type required by the landscape ordinance. Additional plant materials shall be installed in the ripatian buffer to satisfy any remaining plant requirements. Additional plantings shall meet best management practices as determined by the Administrator.



Agenda Item Summary

Ordinance # / Resolution# 2017-1456-(RZ-017-015)

Contact Person / Sponsor: Nick Cauthen

Department: Planning

Date Requested to be on Agenda: 7/17/17

Issue for Consideration:

* The proposed rezoning would result in 4.38 acres consisting of a portion of TMS # 0048-00-036.08 (currently zoned *LDR*, *Low Density Residential District*) and a portion of TMS # 0048-00-036.03 (currently zoned *IMX*, *Industrial Mixed Use District*) being rezoned to *RUB*, *Rural Business District*.

* The applicant is concurrently requesting that the remainder of TMS # 0048-00-036.03 be rezoned from *IMX*, *Industrial Mixed Use District to LDR*, *Low Density Residential District*.

* Mr. O'Neal is proposing a building for cold storage and packaging for his business, Benford Brewing Co.

Points to Consider:

* Benford Brewing Co. is a farm-based agritourist brewery operation. During the time of the UDO rewrite, IMX was the most suitable zoning district for the property because the O'Neal homestead and agritourism operation occupied the same tract.

*Benford Brewery has experienced great success and has recently acquired additional property. It was determined that the split of property and separate zoning for the business and the residence was the best course of action in order to promote further growth.

*The proposed steel building is 50' x 100'. The O'Neal's live adjacent to the brewery. They are requesting that their homestead property be rezoned from IMX to LDR in order to separate their residence from their business. *The 5,000 square ft. building has been approved by the Lancaster County Technical Review Committee. The County Administrator has agreed to let the applicant pull their building permit at their own risk in an effort to expedite construction. It should be noted that if the rezoning fails, no certificate of occupancy will be issued even if the building meets all applicable building codes.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the rezoning request.

Recommendation:

- * It is the recommendation of the planning staff that the rezoning request be approved. This is primarily due to the fact of supporting a local agritourism business that is located in a rural area which is conducive to the Rural Business zoning district.
- * At the Lancaster County Planning Commission meeting on Tuesday, June 20, 2017 the Commission voted to approve the rezoning application of Bryan O'Neal by a vote of (7-0).
- *The complete staff report can be located on www.mvlaneastersc.org Click on Planning Department and go to 2017 Agendas.

STATE OF SOUTH CAROLINA)		ORDINANCE NO. 2017-1456	
COUNTY OF LANCASTER)			

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OWNED BY BRYAN O'NEAL, LOCATED AT 2271 BOXCAR ROAD, FROM LDR, LOW DENSITY RESIDENTIAL DISTRICT AND IMX, INDUSTRIAL MIXED USE DISTRICT TO RUB, RURAL BUSINESS DISTRICT AND FROM IMX, INDUSTRIAL MIXED USE DISTRICT TO LDR, LOW DENSITY RESIDENTIAL DISTRICT.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) Bryan O'Neal applied to rezone property located at 2271 Boxcar Road from LDR, Low Density Residential District and IMX, Industrial Mixed Use District to RUB, Rural Business District and from IMX, Industrial Mixed Use District to LDR, Low Density Residential District.
- (b) On June 20, 2017, 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 of a portion of TMS # 0048-00-036.08 (currently zoned LDR, Low Density Residential District) and a portion of TMS # 0048-00-036.03 (currently zoned IMX, Industrial Mixed Use District) to RUB, Rural Business District. The remainder of TMS # 0048-00-036.03 is to be rezoned from IMX, Industrial Mixed Use District to LDR, Low Density Residential District.

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

DATED this	day of, 2017.
	LANCASTER COUNTY, SOUTH CAROLINA
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	Steve Harper, Chair, County Council
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ATTEST:	
Sherrie Simpson, Clerk to Council	<u></u>
First Reading: 7-17-17 Page	ssed 5-0
Second Reading: 8-14-17	
	entative)

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PLANNING STAFF REPORT: RZ-017-015

I. FACTS

A. GENERAL INFORMATION

Proposal: This is a rezoning application of Bryan O'Neal. The proposed rezoning would result in 4.38 acres consisting of a portion of TMS # 0048-00-036.08 (currently zoned LDR, Low Density Residential District) and a portion of TMS # 0048-00-036.03 (currently zoned IMX, Industrial Mixed Use District) being rezoned to RUB, Rural Business District. The applicant is concurrently requesting that the remainder of TMS # 0048-00-036.03 be rezoned from IMX, Industrial Mixed Use District to LDR, Low Density Residential District. Mr. O'Neal is proposing a building for cold storage and packaging for his business, Benford Brewing Co. on the 4.38 acre tract.

Property Location: The property is located at 2271 Boxcar Road.

Legal Description: P/O TMS # 0048-00-036.03, P/O TMS # 0048-00-036.08

Zoning Classification: Current: LDR, Low Density Residential District / IMIX, Industrial Mixed Use District

Voting District: District 1, Terry Graham

B. SITE INFORMATION

Site Description: The subject property that is being petitioned to be rezoned to RUB contains a metal building which houses the Brewing Company and 2 barns. The remainder of the O'Neal property that is being requested to be changed to LDR contains their single family residence. Both tracts are adjacent and located on the west side of Boxcar Road. (See exhibit 5)

C. VICINITY DATA

Surrounding Conditions: The adjacent properties are all zoned LDR (Low Density Residential). This is a rural area with vacant wooded property along with a number of residences in the area.

D. EXHIBITS

- 1. Zoning Map
- 2. Aerial Map
- 3. Future Land Use Map
- 4. Steve Willis memorandum

II. FINDINGS

CODE CONSIDERATIONS

IMX, Industrial Mixed-Use District,

The Industrial Mixed-Use District is established to promote the development of mixed-use environments supported by artists, craftsman, and cultural activities and may be in transitional areas previously occupied by industrial development. These areas will accommodate limited commercial and institutional uses, some light industrial uses, and a wide variety of residential uses in order to encourage the redevelopment of existing warehouses and the development of a pedestrian-oriented neighborhood.

LDR, Low Density Residential District,

The Low Density Residential District is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 1.5 dwelling units per acre. Intended to act as a transitional zoning district between rural living and urban development, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

RUB, Rural Business District,

The Rural Business District is established for rural crossroads that represent the small nodes of commercial activity along rural highways. This district will accommodate small-scale businesses, such as gas stations, convenience stores, or restaurants, and serve some daily needs of the surrounding rural population.

III. CONCLUSIONS

This property is designated as Transitional on the Future Land Use map. Transitional is a community type that is defined by the Lancaster County Comprehensive Plan as a suburban residential area that also allows for commercial activity. Benford Brewing Co. is a farm-based agritourist brewery operation. During the time of the UDO rewrite, IMX was the most suitable zoning district for the property because the O'Neal homestead and agritourism operation occupied the same tract. Benford Brewery has experienced great success and has recently acquired additional property. It was determined that the split of property and separate zoning for the business and the residence was the best course of action in order to promote further growth. As previously stated, the applicant is requesting the rezoning to RUB in order to add a building for cold storage and packaging. The proposed steel building is 50' x 100'. The O'Neal's live adjacent to the brewery. They are requesting that their homestead property be rezoned from IMX to LDR in order to separate their residence from their business. The 5,000 square ft. building has been approved by the Lancaster County Technical Review Committee. The County Administrator has agreed to let the applicant pull their building permit at their own risk in an effort to expedite construction. It should be noted that if the rezoning fails, no certificate of occupancy will be issued even if the building meets all applicable building

Date of 1st Reading: <u>7-17-17</u> Da Approved _Denied _No Action __App

Date of 2nd Reading: <u>8-14-17</u>
_Approved _Denied _No Action

Date of 3rd Reading: <u>8-28-17</u> _Approved __Denied __No Action

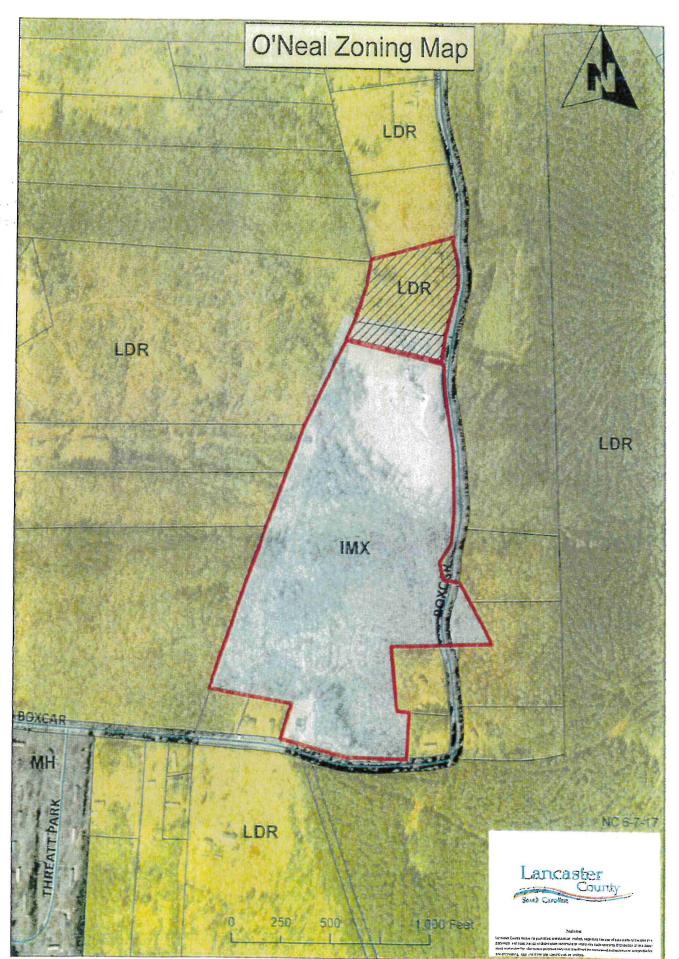
codes (See exhibit 7). Additionally, although it is certainly anticipated that this property will be part of the brewery, all of the RUB allowed uses must be considered since these will be allowed if the rezoning is granted.

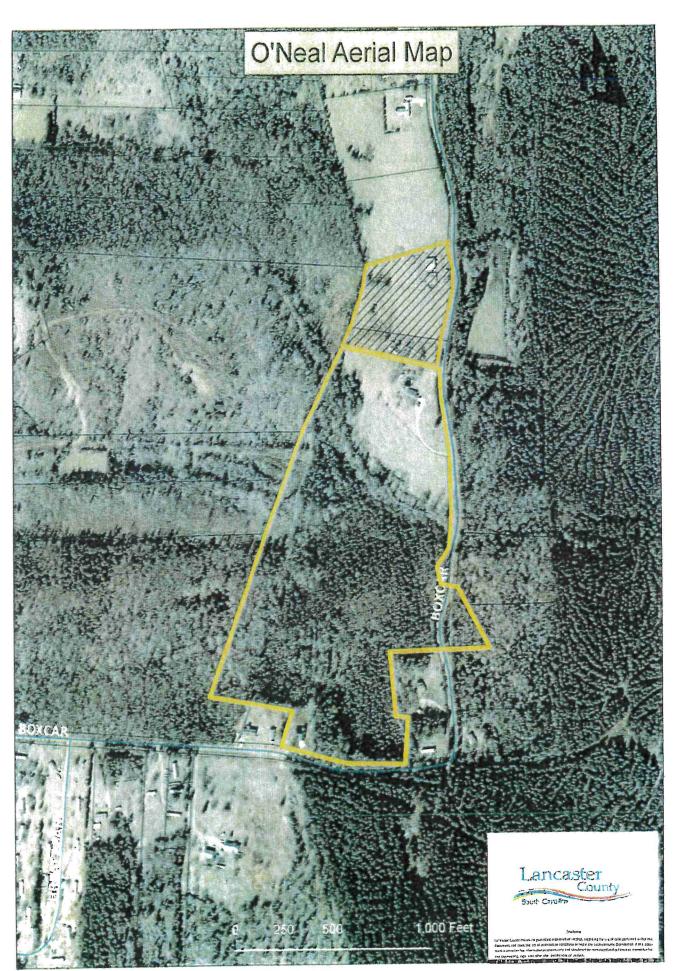
IV. RECOMMENDATION:

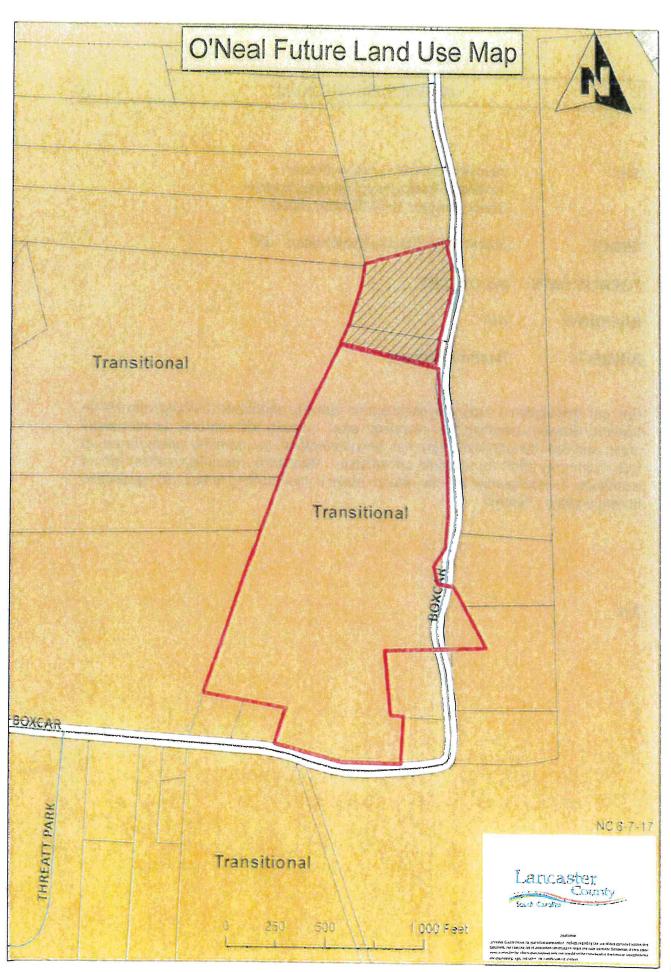
Based on the information above the planning staff is recommending that the rezoning request for the property located at 2271 Boxcar Road be **approved**. This is primarily due to the fact of supporting a local agritourism business that is located in a rural area which is conducive to the Rural Business zoning district.

V. RECOMMENDATION FROM PLANNING COMMISSION MEETING

At the Lancaster County Planning Commission meeting on Tuesday, June 20, 2017 the Commission voted to approve this rezoning application by a vote of (7-0).







MEMORANDUM

TO:

Kenneth Cauthen, Zoning Director

Penelope Karagounis, Planning Director Steve Yeargin, CBO, Building Official

FROM:

Steve Willis, County Administrator 3/

TODAY'S DATE:

May 20, 2017

DUE DATE:

N/A

SUBJECT:

Benford Brewery

Per our discussion I have no objection to issuing applicable building permits to Benford Brewery pending their rezoning case. I would ask that the permit clearly state, and that the applicant sign that they understand, the permit is being issued at their risk in an effort to expedite construction. Should the rezoning petition fail no certificate of occupancy will be issued even if the building meets all applicable building codes. Thanks.

SW

STATE OF COLUMN CAROLINA		
STATE OF SOUTH CAROLINA	(,) i i	
)	ORDINANCE NO. 2017-1452
COUNTY OF LANCASTER	,)	

AN ORDINANCE

AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED FEE AGREEMENT BETWEEN AG-APG EDGEWATER PROPERTY OWNER, L.L.C., AND LANCASTER COUNTY, SOUTH CAROLINA; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

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

Section 1. Findings.

The Lancaster County Council finds that:

- (a) Lancaster County, South Carolina (the "County") acting by and through its County Council (the "County Council") is authorized and empowered pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the "Act"), to enter into fee in lieu of tax agreements with any industry, with said agreements identifying certain properties of such industries as economic development property, through which powers the industrial development of the State of South Carolina (the "State") and the County will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate, remain, and expand in the State and the County and thus utilize and employ the workforce, products, and natural resources and benefit the general public welfare of the State and County by providing services, employment, or other public benefits not otherwise adequately provided locally;
- (b) by ordinance adopted on December 5, 2005, the County previously approved and entered into a fee in lieu of taxes agreement dated as of December 1, 2005 (the "Original Fee Agreement") among the County, Decision One Mortgage Company, LLC, a North Carolina limited liability company, HSBC Technology & Services (USA) Inc., a Delaware corporation, and HSBC Mortgage Services, Inc., a Delaware corporation, as tenants (collectively, "HSBC Entities"), and Edgewater Partners One, LLC, an Indiana limited liability company, as owner of the property located at 3023 HSBC Way, Lancaster County, South Carolina (the "Property");

- (c) based on information provided by the current owner of the Property, the HSBC Entities are no longer tenants in the Property and have been released from their obligations under the Original Fee Agreement with the County;
- - (e) Owner is the sole remaining party to the Original Fee Agreement with the County;
- (f) the Owner has requested that the County approve an Amended and Restated Fee Agreement (the "Amended Fee Agreement") to reflect the revised ownership structure of the Property and to make certain clarifying amendments to the Original Fee Agreement related to the change in ownership structure; and
- (g) it appears that the Amended Fee Agreement, which is attached to this ordinance, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended

Section 2. Approval of Amended Fee Agreement.

- (A) The form, terms, and provisions of the Amended Fee Agreement attached hereto as Exhibit A, are approved, and all of the terms, provisions, and conditions thereof are incorporated herein by reference as if the Amended Fee Agreement was set out in this ordinance in its entirety. The Council Chair and Council Secretary are authorized, empowered, and directed to execute and acknowledge the Amended Fee Agreement in the name of and on behalf of the County, and thereupon to cause the Amended Fee Agreement to be delivered to the Owner. The Amended Fee Agreement is to be in substantially the form as attached to this ordinance and hereby approved, with such changes therein as shall not be materially adverse to the County and as shall be approved by the officials of the County executing the same, upon the advice of counsel to the County, such officer's execution thereof to constitute conclusive evidence of such officer's approval of any and all changes or revisions therein from the form of the Amended Fee Agreement attached to this ordinance.
- (B) If AG-APG EDGEWATER PROPERTY OWNER, L.L.C., is not the owner of the Property on the date this Ordinance is adopted by Council, then the Council Chair and Council Secretary are authorized to substitute in the executed and delivered Amended Fee Agreement IX WR 3023 HSBC Way, L.P. as the owner and party to the Amended Fee Agreement.

Section 3. Authority to Act.

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney and all other appropriate officials of the County are authorized and directed to do any and all things necessary to effect the execution and delivery of the Amended Fee Agreement and the performance of all obligations of the County under and pursuant to the Amended Fee Agreement.

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. Controlling Provisions.

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

Section 6. Effective Date.

This ordinance takes effect upon third reading.

AND IT IS SO ORDAINED, this 14th day of August, 2017.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

-

First Reading: June 26, 2017 Tentative

Second Reading: July 17, 2017 Fentative
Public Hearing: July 17, 2017 Fentative
Third Reading: August 14, 2017 Fentative

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Exhibit A to Ordinance No. 2017-1452

Amended and Restated Fee Agreement
Lancaster County, South Carolina and AG-APG Edgewater Property Owner, L.L.C.

See attached.

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Include Moves	Word	True
Show Track Changes Toolbar	Word .	False
Show Reviewing Pane	Word	False
Update Automatic Links at Open	Word !	False
Summary Report	Word	End
Include Change Detail Report	Word	Separate
Document View	Word	Print
Remove Personal Information	Word	False
Flatten Field Codes	Word	True

STATE OF SOUTH CAROLINA)	ORDINANCE NO. 2017-1452
COUNTY OF LANCASTER)	

AN ORDINANCE

AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED FEE AGREEMENT BETWEEN AG-APG EDGEWATER PROPERTY OWNER, L.L.C., AND LANCASTER COUNTY, SOUTH CAROLINA.

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

Section 1. Findings.

The Lancaster County Council finds that:

- (a) Lancaster County, South Carolina (the "County") acting by and through its County Council (the "County Council") is authorized and empowered pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the "Act"), to enter into fee in lieu of tax agreements with any industry, with said agreements identifying certain properties of such industries as economic development property, through which powers the industrial development of the State of South Carolina (the "State") and the County will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate, remain, and expand in the State and the County and thus utilize and employ the workforce, products, and natural resources and benefit the general public welfare of the State and County by providing services, employment, or other public benefits not otherwise adequately provided locally;
- (b) by ordinance adopted on December 5, 2005, the County previously approved and entered into a fee in lieu of taxes agreement dated as of December 1, 2005 (the "Original Fee Agreement") among the County, Decision One Mortgage Company, LLC, a North Carolina limited liability company, HSBC Technology & Services (USA) Inc., a Delaware corporation, and HSBC Mortgage Services, Inc., a Delaware corporation, as tenants (collectively, "HSBC Entities"), and Edgewater Partners One, LLC, an Indiana limited liability company, as owner of the property located at 3023 HSBC Way, Lancaster County, South Carolina (the "Property");

- (c) based on information provided by the current owner of the Property, the HSBC Entities are no longer tenants in the Property and have been released from their obligations under the Original Fee Agreement with the County;
- (d) the Property is owned or will be owned by AG-APG Edgewater Property Owner, L.L.C., a Delaware limited liability company ("Owner") which purchased or is purchasing the Property and, in connection therewith, obtained or is obtaining an assignment of the Original Fee Agreement, to which assignment the County consented by Resolution No. 0962-R2017, adopted on June 26, 2017;
 - (e) Owner is the sole remaining party to the Original Fee Agreement with the County;
- (f) the Owner has requested that the County approve an Amended and Restated Fee Agreement (the "Amended Fee Agreement") to reflect the revised ownership structure of the Property and to make certain clarifying amendments to the Original Fee Agreement related to the change in ownership structure; and
- (g) it appears that the Amended Fee Agreement, which is attached to this ordinance, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended

Section 2. Approval of Amended Fee Agreement.

- (A) The form, terms, and provisions of the Amended Fee Agreement attached hereto as Exhibit A, are approved, and all of the terms, provisions, and conditions thereof are incorporated herein by reference as if the Amended Fee Agreement was set out in this ordinance in its entirety. The Council Chair and Council Secretary are authorized, empowered, and directed to execute and acknowledge the Amended Fee Agreement in the name of and on behalf of the County, and thereupon to cause the Amended Fee Agreement to be delivered to the Owner. The Amended Fee Agreement is to be in substantially the form as attached to this ordinance and hereby approved, with such changes therein as shall not be materially adverse to the County and as shall be approved by the officials of the County executing the same, upon the advice of counsel to the County, such officer's execution thereof to constitute conclusive evidence of such officer's approval of any and all changes or revisions therein from the form of the Amended Fee Agreement attached to this ordinance.
- (B) If AG-APG EDGEWATER PROPERTY OWNER, L.L.C., is not the owner of the Property on the date this Ordinance is adopted by Council, then the Council Chair and Council Secretary are authorized to substitute in the executed and delivered Amended Fee Agreement IX WR 3023 HSBC Way, L.P. as the owner and party to the Amended Fee Agreement.

Section 3. Authority to Act.

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney and all other appropriate officials of the County are authorized and directed to do any and all things necessary to effect the execution and delivery of the Amended Fee Agreement and the performance of all obligations of the County under and pursuant to the Amended Fee Agreement.

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. Controlling Provisions.

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

Section 6. Effective Date.

This ordinance takes effect upon Third Reading.

AND IT IS SO ORDAINED

	Dated this	day of, 2017.
		LANCASTER COUNTY, SOUTH CAROLINA
		Steve Harper, Chair, County Council
		Larry Honeycutt, Secretary, County Council
ATTEST:		
Sherrie Simpson, Cl	erk to Council	
First Reading: Second Reading: Public Hearing: Third Reading:	6-26-2017 7-17-2017 7-17-2017 8-14-2017	Passed 7-0 Passed 5-0

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Exhibit A to Ordinance No. 2017-1452

Amended and Restated Fee Agreement
Lancaster County, South Carolina and AG-APG Edgewater Property Owner, L.L.C.

See attached.

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AMENDED AND RESTATED FEE AGREEMENT

BETWEEN

LANCASTER COUNTY, SOUTH CAROLINA

AND

AG-APG EDGEWATER PROPERTY OWNER, L.L.C., a Delaware limited liability company

DATED AS OF [_____], 2017

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AMENDED AND RESTATED FEE AGREEMENT

THIS AMENDED AND RESTATED FEE AGREEMENT (this "Fee Agreement") is made and entered into as of [_____], 2017 (the "Effective Date"), by and between LANCASTER COUNTY, SOUTH CAROLINA, a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its County Council as governing body of the County; and AG-APG EDGEWATER PROPERTY OWNER, L.L.C., a Delaware limited liability company.

WITNESSETH:

WHEREAS, the County (as hereinafter defined) is authorized by the Act (as hereinafter defined) to enter into a Fee Agreement with companies meeting the requirements of such Act, which identifies certain property of such companies as economic development property to induce such companies to locate in the State and to encourage companies now located in the State to expand their investments and thus make use of and employ the workforce and other resources of the State;

WHEREAS, as of December 1, 2005, Edgewater Partners One, LLC, an Indiana limited liability company ("EPO"), was in the process of constructing a corporate office facility at that certain real property located at 3023 HSBC Way, Lancaster County, South Carolina, pursuant to an agreement with Decision One Mortgage Company, LLC, a North Carolina limited liability company ("DOM"), HSBC Technology & Services (USA) Inc., a Delaware corporation ("HSBCTS"), and HSBC Mortgage Services, Inc., a Delaware corporation ("HSBCMS"; and together with DOM and HSBCTS, collectively, the "HSBC Entities"), whereby, upon completion, the HSBC Entities would lease such building from EPO and install therein office furniture, equipment and other property in order to operate a corporate headquarters therein for financial services and other related activities;

WHEREAS, pursuant to an Inducement Resolution adopted on June 6, 2005 (the "Inducement Resolution"), the County committed to enter into a fee agreement with HSBCMS under the code name "Project Spartacus", which would provide for payments of fees-in-lieu of taxes for the Project (as hereinafter defined);

WHEREAS, the HSBC Entities were related entities that occupied space in the Project and owned personal property subject to *ad valorem* taxation in the absence of the Original Fee Agreement (as hereinafter defined);

WHEREAS, pursuant to the Act, the County found and still finds that (a) the Project benefits the general public welfare of the County by providing services, employment and other public benefits not otherwise adequately provided locally; (b) neither the Project nor any documents or agreements entered into by the County in connection therewith would give rise to any pecuniary liability of the County or incorporated municipality or to any charge against its general credit or taxing power; (c) the purposes accomplished by the Project are proper governmental and public purposes; and (d) the benefits of the Project are greater than the costs;

WHEREAS, pursuant to an Ordinance adopted on December 5, 2005 (the "Original Ordinance"), as an inducement to the HSBC Entities to develop the Project, the County Council authorized the County to enter into a fee agreement with the HSBC Entities and EPO which identified the property comprising the Project as economic development property under the Act, and accordingly, the County, the HSBC Entities and EPO executed and delivered that certain Fee Agreement, dated as of December 1, 2005 (the "Original Fee Agreement"), regarding the Project;

WHEREAS, prior to the Effective Date, the HSBC Entities, EPO and their successors and/or assigns have fulfilled all of their respective obligations under the Original Fee Agreement, including the minimum investment and job creation obligations, as well as any reimbursement obligations, and, pursuant to the Original Fee Agreement, the Project was first placed in service in 2006;

WHEREAS, prior to the Effective Date, the HSBC Entities' tenancy at the Project ceased and the HSBC Entities have been released by the County from their respective obligations under the Original Fee Agreement, and accordingly, the HSBC Entities no longer have any rights or obligations under the Original Fee Agreement;

WHEREAS, prior to the Effective Date, through a series of assignments, the rights and obligations of EPO under the Original Fee Agreement were assigned to IX WR 3023 HSBC Way, L.P., a Delaware limited partnership (the "Seller");

WHEREAS, prior to the Effective Date, the Seller sold the Project to the Company (as hereinafter defined) and in connection therewith the Seller assigned its rights under the Original Fee Agreement to the Company, which assignment has been duly consented to and approved by the County by Resolution No. ____-R2017 adopted on June 26, 2017 pursuant to the terms of the Original Fee Agreement; and

WHEREAS, as authorized by the Act, the County and the Company now desire to amend and restate the Original Fee Agreement so as to remove all references to the HSBC Entities and EPO from the Original Fee Agreement and to make certain clarifying changes to the Original Fee Agreement.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the respective representations and agreements hereinafter contained and other value, the parties hereto agree as follows:

ARTICLE I

WAIVER OF RECAPITULATION; DEFINITIONS; INCORPORATION OF RECITALS; AMENDMENT AND RESTATEMENT OF ORIGINAL FEE AGREEMENT

SECTION 1.1. Waiver of Statutorily Required Recapitulation. Pursuant to Section 12-44-55(B) of the Act, the County, the Company and any other Sponsors waive any and all compliance with any and all of the provisions, items or requirements of Section 12-44-55.

SECTION 1.2. Rules of Construction; Use of Defined Terms. Unless the context

clearly indicates otherwise, in this Fee Agreement words and terms defined in Section 1.3 hereof are used with the meanings ascribed thereto.

From time to time herein, reference is made to the term taxes or *ad valorem* taxes. All or portions of the Project may be located in a Multi-County Industrial Park and, as such, would be exempt from *ad valorem* taxation under and by virtue of the provisions of Subsection D of Section 13 of Article VIII of the S.C. Constitution (the "MCIP Provision"). With respect to facilities located in a Multi-County Industrial Park, references to taxes or *ad valorem* taxes means the payments-in-lieu-of-taxes provided for in the MCIP Provision.

SECTION 1.3. Definitions.

"Act" means Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as in effect on the date hereof and, to the extent such amendments are specifically made applicable to this Fee Agreement or the Project, as the same may be amended from time to time; provided, that if any such amendment shall be applicable only at the option of the County or the Company, then such amendment shall only be applicable with the prior written consent of both the County and the Company.

"Administration Expense" means the reasonable and necessary out-of-pocket expenses, including attorneys' fees, incurred by the County with respect to the preparation, review, approval and execution of this Fee Agreement.

"Chair" means the Chair of County Council (or the person or persons authorized to perform the duties thereof in the absence of the Chair).

"Clerk" means the Clerk of County Council (or the person or persons authorized to perform the duties thereof in the absence of the Clerk).

"Commencement Date" means the last day of the property tax year when Project property was first placed in service, it being acknowledged that the Project was first placed in service in 2006, and therefore the Commencement Date is December 31, 2006.

"Company" means AG-APG Edgewater Property Owner, L.L.C., a Delaware limited liability company, and its successors and assigns.

"County Administrator" means the County Administrator of the County (or person or persons authorized to perform the duties thereof in the absence of the County Administrator).

"County Council" means the governing body of the County.

"County" means Lancaster County, South Carolina, and its successors and assigns.

"DOR" means the South Carolina Department of Revenue and any successor thereto.

"Equipment" means all machinery, apparatus, equipment, fixtures, office facilities, furnishings, computer equipment, and other personal property to the extent such property became

a part of the Project under the Original Fee Agreement or becomes a part of the Project under this Fee Agreement.

"Event of Default" shall mean any Event of Default specified in Section 9.1 of this Fee Agreement.

"Fee Term" shall mean the duration of this Fee Agreement with respect to each Stage of the Project as specified in Section 5.3 hereof.

"Improvements" shall mean improvements to the Real Property, including all buildings and parking structures, together with any and all additions, accessions, replacements and substitutions thereto or therefor, and all fixtures now or hereafter attached thereto, to the extent such additions, accessions, replacements, and substitutions became part of the Project under the Original Fee Agreement or become part of the Project under this Fee Agreement.

"Investment Period" shall mean the period beginning with the first day that Project property was purchased or acquired as contemplated by the Original Fee Agreement, and ending on the last day of the fifth property tax year following the Commencement Date, it being acknowledged that the Investment Period expired on December 31, 2011.

"MCIP Law" shall mean the provisions of Article VIII, Section 13, Subsection D of the Constitution of the State of South Carolina 1895, as amended, and Sections 4-1-170, -172 and -175 of the Code of Laws of South Carolina, 1976, as amended.

"Multi-County Industrial Park" means an industrial or business park established by two or more counties acting under the provisions of the MCIP Law.

"Payments-in-Lieu-of-Taxes" means the payments to be made by the Company and any sponsors pursuant to Section 5.1 of this Fee Agreement.

"Person" shall mean an individual or a corporation, limited liability company, partnership, business trust, estate, joint venture, and any other legal or commercial entity.

"Project" shall mean the Real Property and the Equipment and Improvements constructed on the Real Property, together with the acquisition, construction, installation, design and engineering thereof which are eligible for inclusion as economic development property under the Act and became subject to the Original Fee Agreement or become subject to this Fee Agreement.

"Real Property" means (a) as of the effective date of the Original Fee Agreement, the land identified on Exhibit A-1 hereto, and (b) as of the Effective Date, the land identified on Exhibit A-2 hereto, it being acknowledged that the land identified on Exhibit A-2 is a portion of the land identified on Exhibit A-1, in each case together with all and singular rights, members, hereditaments and appurtenances belonging or in any way incident or appertaining thereto to the extent such became a part of the Project under the Original Fee Agreement or become a part of the Project under this Fee Agreement; all Improvements now or hereafter situated thereon; and all fixtures now or hereafter attached thereto, to the extent such Improvements and fixtures

became part of the Project under the Original Fee Agreement or become part of the Project under this Fee Agreement.

"Replacement Property" means any property acquired or constructed after the Investment Period as a replacement for any property theretofore forming a part of the Project and disposed of, or deemed disposed of, as provided in Section 5.2 hereof.

"Sponsors" shall mean all entities participating in the investment in the Project whether through ownership, lease, lease-purchases or otherwise and which are or have subsequent to the date hereof become a party to this Fee Agreement, including, but not limited to, sponsor affiliates (as defined in the Act), and all successors and assigns of such entities; provided, however, that, as of the Effective Date, it is acknowledged that there are no Sponsors that are a party to this Fee Agreement; and provided, further, that no Sponsor shall become a party to this Fee Agreement without the Company's prior written consent, which consent may be granted or withheld in the Company's sole and absolute discretion.

"Stage" in respect of the Project shall mean the year in which Equipment, Improvements and Real Property, if any, were placed in service during each year of the Investment Period.

"State" means the State of South Carolina.

Any reference to any agreement or document in this Article I or otherwise in this Fee Agreement shall be deemed to include any and all amendments, supplements, addenda and modifications to such agreement or document, unless the context clearly indicates otherwise.

SECTION 1.4. Incorporation of Recitals. The foregoing recitals are hereby incorporated into this Fee Agreement as if separately stated herein.

SECTION 1.5. Amendment and Restatement of Original Fee Agreement. The Original Fee Agreement is hereby amended and restated in its entirety and superseded by this Fee Agreement.

ARTICLE II LIMITATION OF LIABILITY; INDUCEMENT

SECTION 2.1. Limitation of Liability. Anything herein to the contrary notwithstanding, any financial obligation the County may incur hereunder, including for the payment of money, shall not be deemed to constitute a pecuniary liability or a charge against its general credit or taxing power; provided, however, that nothing herein shall prevent the Company from enforcing its rights hereunder by suit for mandamus or specific performance.

SECTION 2.2. *Inducement.* The County and the Company acknowledge that pursuant to the Act, no part of the Project has been, is or will be subject to *ad valorem* property taxation in the State, and that this factor, among others, has induced the Company to enter into this Fee Agreement.

ARTICLE III

REPRESENTATIONS, WARRANTIES AND COVENANTS

SECTION 3.1. *Representations and Warranties of the County.* The County represents and warrants to the Company as follows:

- (a) (i) it is a body politic and corporate and a political subdivision of the State; (ii) it is authorized by the Act to enter into this Fee Agreement; (iii) it has approved this Fee Agreement in accordance with the procedural requirements of the Act and any other applicable state law; and (iv) it has authorized its officials to execute and deliver this Fee Agreement; and
- (b) to the best of the County's knowledge, no Event of Default has occurred or currently exists under the Original Fee Agreement or this Fee Agreement, and no matters have occurred that, with the giving of notice and/or the passage of time, would result in an Event of Default under the Original Fee Agreement or this Fee Agreement.

SECTION 3.2. Intentionally Omitted.

- SECTION 3.3. Representations, Warranties and Covenants of the Company. The Company makes the following representations, warranties to and enters into the following covenants with the County:
- (a) The Company is a limited liability company duly organized and validly existing under the laws of the State of Delaware and is qualified to do business in South Carolina. The Company has full corporate power to execute this Fee Agreement and to fulfill its obligations described herein and, by proper corporate action, has authorized the execution and delivery of this Fee Agreement.
- (b) Neither the execution and delivery of this Fee Agreement, nor the consummation and performance of the transactions described herein, conflict with, or will, to its knowledge, result in a material breach of any of the material terms, conditions or provisions of any agreement, restriction, statute, law, rule, order or regulation to which the Company is now a party or by which it is bound.
- (c) There is no action, suit, proceeding, inquiry or investigation at law or in equity before or by any judicial or administrative court or agency, public board or body, pending or threatened, against or affecting the Company wherein an unfavorable decision, ruling or finding would materially adversely affect the Company or the consummation of the transactions described in this Fee Agreement.
- (d) All consents, authorizations and approvals required on the part of the Company in connection with this Fee Agreement and the transactions contemplated hereby and the acquisition of the Project have been obtained and remain in full force and effect or will be obtained unless the failure to have or obtain such consent, authorization or approval does not have a material adverse effect on the Company.

- (e) This Fee Agreement is (or, when executed, will be) legal, valid and binding obligations of the Company enforceable against the Company in accordance with its terms, except as such terms may be limited by laws affecting creditors' rights generally.
- (f) The execution and delivery of this Fee Agreement by the County has been instrumental in inducing the Company to acquire the Project in the County.
- (g) Each year during the term of this Fee Agreement, the Company shall deliver to the County Auditor, County Assessor, and County Treasurer a copy of its and any Sponsors' most recent annual filings made with DOR with respect to the Project, not later than thirty (30) days following delivery thereof to DOR.

ARTICLE IV COMMENCEMENT AND COMPLETION OF THE PROJECT; MODIFICATIONS

SECTION 4.1. The Project.

- (a) Prior to the Effective Date, in accordance with and as required by Section 12-44-40(F) of the Act, the HSBC Entities, counting the investments of the HSBC Entities, and any other Sponsors under the Original Fee Agreement, committed to a Project which meets a minimum taxable investment of at least \$5,000,000.
- (b) Prior to the Effective Date, the HSBC Entities acquired, constructed and/or installed certain economic development property which comprises the Project.
- (c) Pursuant to the Act, the Company and the County hereby agree that the property comprising the Project shall continue to be economic development property as defined under the Act.
- **SECTION 4.2.** *Diligent Completion.* The Company agrees to use reasonable efforts to cause the acquisition of the Project to be completed. Anything contained in this Fee Agreement to the contrary notwithstanding, the Company shall not be obligated to complete the acquisition of the Project and may terminate this Agreement with respect to all or a portion of the Project as set forth in Article X.
- **SECTION 4.3.** *Modifications to Project.* The Company and the Sponsors may make or cause to be made from time to time any additions, modifications or improvements to the Project that they may deem desirable for their business purposes.
- **SECTION 4.4.** Representations and Covenants. No representation of the County is hereby made with regard to the design, capabilities or condition of the Project or compliance by the Project or any Person with laws regulating the construction or acquisition of the Project or environmental matters pertaining to the Project.

ARTICLE V PAYMENTS-IN-LIEU-OF-TAXES; DISPOSITION OF PROPERTY; REPLACEMENT PROPERTY; FEE TERM

- SECTION 5.1. Payments-in-Lieu-of-Taxes. The parties acknowledge that the Project is exempt from ad valorem property taxes. However, the Company and any Sponsors shall be required to make Payments-in-Lieu-of-Taxes with respect to the Project as provided in this Section 5.1. In accordance with the Act, and unless this Fee Agreement is sooner terminated, the Company shall make annual Payments-in-Lieu-of-Taxes with respect to the Project (including to the extent applicable, on behalf of any Sponsors), said payments being due in the manner and payable and subject to penalty assessments prescribed by the Act. Such amounts shall be calculated and payable as follows:
- (a) The Company has agreed to make annual Payments-in-Lieu-of-Taxes with respect to the Project in an amount equal to the property taxes that would be due with respect to such property, if it were taxable, but using an assessment ratio of 6.0% and a fixed millage rate equal to 262 mills which the parties understand is the millage rate in effect on June 30, 2005. Subject in all events to the provisions of the Act, the fair market value estimate determined by the DOR will be as follows:
 - (i) for any real property, if real property is constructed for the fee or is purchased in an arm's length transaction, using the original income tax basis for South Carolina income tax purposes without regard to depreciation; otherwise, the fair market value must be reported at its fair market value for ad valorem property taxes as determined by appraisal; and
 - (ii) for personal property, using the original tax basis for South Carolina income tax purposes less depreciation as allowed by law.
- (b) The Payments-in-Lieu-of-Taxes must be made on the basis that the Project property, if it were otherwise subject to *ad valorem* property taxes, would be allowed all applicable exemptions from those taxes, except for the exemptions allowed under Section 3(g) of Article X of the South Carolina Constitution and Section 12-37-220(B)(32) and (34) of the Code of Laws of South Carolina, as amended.
- (c) The Company and any Sponsors shall make Payments-in-Lieu-of-Taxes for each year during the term hereof beginning with respect to the property tax year following the year in which Project property is first placed in service. The Payments-in-Lieu-of-Taxes shall be made to the County Treasurer on the due dates which would otherwise be applicable for *ad valorem* property taxes for the Project, with the first payment being due on the first date following the Commencement Date when, but for the Original Fee Agreement, such taxes would have been paid with respect to the Project.
- (d) Any property that was placed in service as part of the Project during the Investment Period shall be included in the calculation of payments pursuant to paragraphs (a) and (b), above, for a period not exceeding 20 years following the year in which such property was placed in service. Replacement Property shall be included (using its income tax basis) in the calculation of

payments pursuant to paragraphs (a), (b) and (c), above, but only up to the original income tax basis of property which is being disposed of in the same property tax year. Replacement Property shall be deemed to replace the oldest property subject to this Fee Agreement which is disposed of in the same tax year that the Replacement Property is placed in service. More than one piece of Replacement Property can replace a single piece of economic development property. Replacement Property does not have to serve the same function as the property it is replacing. To the extent that the income tax basis of the Replacement Property exceeds the original income tax basis of the property which it is replacing, the portion of such property allocable to the excess amount shall be subject to annual payments calculated as if the exemption for economic development property under the Act were not allowed. Replacement Property is entitled to the fee payment pursuant to this Section 5.1 for the period of time remaining on the 20-year fee period for the property which it is replacing.

SECTION 5.2. Disposal of Property; Replacement Property.

- (a) In any instance where the Company or a Sponsor (to the extent permitted by the Company) in its sole discretion determines that any item or items of property included in the Project have become, in whole or in part, inadequate, obsolete, worn out, unsuitable, undesirable or unnecessary, the Company or such Sponsor may remove such item (or such portion thereof as the Company or such Sponsor shall determine) or items and sell, trade in, exchange or otherwise dispose of it or them (as a whole or in part) without any responsibility or accountability to the County therefor. The loss or removal from the Project of any property, or any portion thereof, as a result of fire or other casualty or by virtue of the exercise or threat of the power of condemnation or eminent domain shall be deemed to be a disposal of such property, or portion thereof, pursuant to this Section 5.2. Subject to the provisions of Section 5.1(d), and this Section 5.2 with respect to Replacement Property, the Payments-in-Lieu-of-Taxes required by Article V hereof shall be reduced by the amount thereof applicable to any property included in the Project, or part thereof, disposed of, or deemed disposed of, pursuant to this Section 5.2.
- (b) The Company or a Sponsor (to the extent permitted by the Company) may, in its sole discretion, replace, renew or acquire and/or install other property in substitution for, any or all property or portions thereof disposed of, or deemed disposed of, pursuant to Section 5.2(a) hereof. Any such property may, but need not, serve the same function, or be of the same utility or value, as the property being replaced. Absent a written election to the contrary made at the time of filing the first property tax return that would apply to such property, such property shall be treated as Replacement Property.

SECTION 5.3. Fee Term. With respect to each Stage of the Project, the applicable term of this Fee Agreement shall be from the first day of the property tax year after the property tax year in which such Stage is placed in service through the last day of the property tax year which is the nineteenth year following the first property tax year in which such Stage is placed in service; provided, that the maximum term of this Fee Agreement shall not be more than 20 years from the end of the last year of the Investment Period or such longer period of time as shall be legally required or permitted under the Act. This Fee Agreement shall terminate with respect to the Project or any Stage or part thereof upon the earlier to occur of (a) payment of the final installment of Payments-in-Lieu-of-Taxes pursuant to Section 5.1 hereof, or (b) exercise by the Company of its option to terminate pursuant to Section 10.1 hereof.

ARTICLE VI PROPERTY TAX EXEMPTION AND ABATEMENT

SECTION 6.1. Protection of Tax Exempt Status of the Project. In order to insure that the Project is not and will not become subject to ad valorem property taxes under the laws of the State of South Carolina or any political subdivision thereof, the County and the Company covenant that:

- (a) all right and privileges granted to either party under this Fee Agreement shall be exercised so that if any conflict between this Section and any other provision in any document shall arise, then in that case, this Section shall control; and
- (b) the County, any Sponsors, and the Company have not committed and will not knowingly commit any act which would cause the Project to be subject to *ad valorem* property taxes by the County or political subdivision of the State of South Carolina in which any part of the Project is located.

SECTION 6.2. Rescission and Reversion in the Event of Termination. In the event it shall be determined by a court of competent jurisdiction that the Project or any portion thereof are subject to State, County, or other local property taxes, then, at the option of the Company, the provisions of Section 11.4 hereof shall apply, either to the Project as a whole or to such portion thereof as the Company may elect.

ARTICLE VII EFFECTIVE DATE

SECTION 7.1. Effective Date. This Fee Agreement shall become effective as of the date first written above (the Effective Date).

ARTICLE VIII SPECIAL COVENANTS

- SECTION 8.1. Confidentiality/Limitation on Access to Project. (A) The Company agrees that the County and its authorized agents have the right at all reasonable times and upon prior reasonable notice to enter upon and examine and inspect the Project and to have access to and examine and inspect all of the Company's books and records pertaining to the Project. The right of examination and inspection shall be exercised only upon reasonable and necessary terms and conditions prescribed by the Company to protect the Company's confidentiality and proprietary rights. Any such entrance upon and examination and inspection of the Project shall be at the County's expense.
- (B) The County acknowledges and understands that the Company may have and maintain at the Project certain confidential and proprietary information, including, but not limited to, trade secrets, financial, sales or other information concerning the Company's operations and processes ("Confidential Information") and that any disclosure of the Confidential Information could result in substantial harm to the Company and could have a significant detrimental impact on the

Company's employees and also upon the County. Except as required by law, including, without limitation, court orders, the County agrees to use its best reasonable efforts to keep confidential, and to cause employees, agents and representatives of the County to keep confidential, the Confidential Information which may be obtained from the Company, their agents or representatives, when the Confidential Information is clearly marked and identified as Confidential Information and known to the County to be Confidential Information. The County shall not knowingly and willfully disclose and shall cause all employees, agents and representatives of the County not to knowingly and willfully disclose the marked and identified Confidential Information to any person or entity other than in accordance with the terms of this Agreement. If a demand is made for the release, under color of law, to a third party of any Confidential Information, the County shall notify the Company and give the Company the opportunity to contest the release.

SECTION 8.2. Assignment. With the County's consent, which shall not be unreasonably withheld, any or all of the Company's or any Sponsor's interest in the Project and/or this Fee Agreement may be transferred or assigned by the Company or any Sponsor or any assignee to any other entity; provided, however, that such approval is not required in connection with financing related transfers or any other transfers not requiring consent of the County under the Act. No assignment or transfer shall affect or reduce any of the obligations of the Company or any Sponsor hereunder, which shall continue in full force and effect as the obligations of a principal and not of a guarantor or surety, except that the Company or any Sponsor shall be released from its obligations hereunder upon the written consent of, and release by the County, which will not be unreasonably withheld. The Company or any Sponsor shall give the County written notice of any such assignment or transfer and provide the County a copy of any such assignment or transfer. The County further agrees that the County Council can provide any required consent by a resolution of County Council. The County Administrator and the Clerk to County Council are hereby expressly individually and jointly authorized and directed to evidence the County's consent by timely executing such documents as the Company or any Sponsor may reasonably request.

ARTICLE IX EVENTS OF DEFAULT AND REMEDIES

SECTION 9.1. Events of Default Defined. The occurrence of any one or more of the following events shall be an "Event of Default" under this Fee Agreement:

- (a) If the Company or any Sponsor shall fail to make any Payment-in-Lieu-of-Taxes or any other amount required under this Fee Agreement after written notice of such default has been given and such default continues for a period of 60 days; or
- (b) If the Company or any Sponsor shall fail to observe or perform any covenant, condition or agreement required herein to be observed or performed by the Company (other than as referred to in Section 9.1(a) hereof), and such failure shall continue for a period of 30 days after written notice of default has been given to the Company by the County; provided if by reason of "force majeure" as hereinafter defined the Company or a Sponsor is unable in whole or in part to carry out any such covenant, condition or agreement or if it takes longer than 30 days to cure such default and the Company or a Sponsor is diligently attempting to cure such default,

there shall be no Event of Default during such inability. The term "force majeure" as used herein shall mean circumstances not reasonably within the control of the parties, such as, without limitation, acts of God, strikes, lockouts or other industrial disturbances; war; acts of public enemies; mobilization or military conscription on a large scale; order of any kind of the government of the United States or any State, or any civil or military authority other than the County Council; insurrections; riots; landslides; earthquakes; fires; lightning; storms; droughts; floods; requisitions, confiscation, or commandeering of property; fuel restrictions; general shortages of transport, goods, or energy; or

- (c) If any material representation or warranty on the part of the Company or the Sponsors made in this Fee Agreement, or in any report, certificate, financial or other statement furnished in connection with this Fee Agreement or the transactions described herein shall have been false or misleading in any material respect; or
- (d) if the Company shall file a voluntary petition seeking an order for relief in bankruptcy, or shall be adjudicated insolvent, or shall file any petition or answer or commence a case seeking any reorganization, composition, readjustment, liquidation or similar order for relief or relief for itself under any present or future statute, law or regulation, or shall seek or consent to or acquiesce in the appointment of any trustee, receiver or liquidator of the Company or of the Project, or shall make any general assignment for the benefit of creditors, or shall admit in writing its inability to pay its debts generally as they become due; or
- (e) if a petition shall be filed or a case shall be commenced against the Company seeking an order for relief in bankruptcy or any reorganization, composition, readjustment, liquidation or similar relief under any present or future statute, law or regulation, and shall remain undismissed or unstayed for an aggregate of one hundred eighty (180) days (whether or not consecutive), or if any trustee, receiver or liquidator of the Company or of all or any substantial part of its properties or of the Project shall be appointed without the consent or acquiescence of the Company and such appointment shall remain unvacated or unstayed for an aggregate of one hundred eighty (180) days (whether or not consecutive).

SECTION 9.2. Remedies on Default.

- (a) Whenever any Event of Default shall have happened and be subsisting, the County may take whatever action at law or in equity is available to it, including a termination of this Fee Agreement. Although the parties acknowledge that the Project is exempt from ad valorem property taxes, there shall be a lien on the Project for tax purposes for Payments-in-Lieu-of-Taxes as provided in Section 12-44-90 of the Act, and the County and any other taxing entity affected thereby may, without limiting the generality of the foregoing, exercise the remedies provided by general law (Title 12, Chapter 49) and the Act relating to the enforced collection of taxes.
- (b) The County's right to receive Payments-in-Lieu-of-Taxes hereunder shall have a first priority lien status pursuant to Section 12-44-90 of the Act and Chapters 4 and 54 of Title 12 of SC Code Ann. (1976), as amended. In the event the Company or any Sponsor should fail to make any of the payments required in this Fee Agreement, the item or installment so in default shall continue as an obligation of the Company or such Sponsor until the amount in default shall

have been fully paid, and the Company or such Sponsor agrees to pay the same with interest thereon to the extent required by law and subject to such penalties as provided by law.

- (d) In no event shall this Fee Agreement terminate with respect to the Company or any Sponsor as long as such Sponsor or the Company maintains a minimum investment of \$5,000,000.
- SECTION 9.3. Default by County and Company Remedies. In the event the County fails to observe or perform any covenant, condition or agreement required to be performed or observed by the County under this Fee Agreement, the Company or any Sponsor may bring such actions against the County as are available to it at law or in equity.
- SECTION 9.4. No Remedy Exclusive. No remedy herein conferred upon or reserved to the County, the Company, or any Sponsor is intended to be exclusive of any other available remedy or remedies, but in each and every instance such remedy shall be cumulative and shall be in addition to every other remedy given under this Fee Agreement or now or hereafter existing at law or in equity or by statute. Unless otherwise provided herein, no delay or omission to exercise any right or power shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient.
- SECTION 9.5. No Additional Waiver Implied by One Waiver. In the event any warranty, covenant or agreement contained in this Fee Agreement should be breached by the Company, a Sponsor, or the County and thereafter waived by the other party to this Fee Agreement, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach.
- SECTION 9.6. Certain Company Obligations to Survive Termination. No termination or expiration of the term of this Fee Agreement shall relieve the Company or the Sponsors of their liability and obligations to make the payments due and payable under this Fee Agreement, all of which shall survive any such termination.

ARTICLE X COMPANY OPTION TO TERMINATE

SECTION 10.1. Company Option to Terminate. Subject to Section 9.5 hereof, from time to time (including, without limitation, any time during which there may be subsisting an Event of Default), and at any time, upon at least 30 days notice, the Company (but not any Sponsor unless the Company consents) may terminate this Fee Agreement with respect to the entire Project or any portion thereof, provided, however, the Company shall have made payment to the County of all outstanding payments under this Fee Agreement. Upon termination of all or part of this Fee Agreement, the Company will become liable for ad valorem property taxes on the Project or such portion thereof.

ARTICLE XI MISCELLANEOUS

SECTION 11.1. Leased Equipment. The parties hereto agree that, to the extent that applicable law allows the benefits of the Act, in the form of Payments-in-Lieu-of-Taxes to be

made under Section 5.1(a), to be applicable to personal property to be installed in the buildings and leased to but not purchased by the Company from Sponsors under any form of lease, then such personal property shall, at the election of the Company, be subject to Payments-in-Lieu-of-Taxes to the same extent as the Equipment covered by this Fee Agreement, subject, at all times, to the requirements of such applicable law. The parties hereto further agree that this Fee Agreement may be interpreted or modified as may be necessary or appropriate in order to give proper application of this Fee Agreement to such tangible personal property without such construction or modification constituting an amendment to this Fee Agreement, and thus not requiring any additional action by the County Council. The County Administrator, after consulting with the County Attorney, shall be and hereby is authorized to make such modifications, if any, as may be necessary or appropriate in connection therewith.

SECTION 11.2. *Notices.* All notices, approvals, consents, requests and other communications hereunder shall be in writing and may be delivered personally, or may be sent by facsimile or certified mail, return receipt requested, to the following addresses, unless the parties are subsequently notified of any change of address in accordance with this Section 11.2:

If to the Company:

AG-APG Edgewater Property Owner, L.L.C. c/o Angelo, Gordon & Co., L.P. 245 Park Avenue, 24th Floor New York, New York 10167 Attention: Matthew Jackson Facsimile: (212) 867-5436

With a copy to (which shall not constitute notice):

Atlanta Property Group, LLC Peachtree 25th Building 1718 Peachtree Street, NW, Suite 100 Atlanta, Georgia 30309 Attention: C. Sheppard Dinos Facsimile: (404) 442-6111

and:

Duval & Stachenfeld LLP 555 Madison Avenue, 6th Floor New York, New York 10022 Attention: Terri L. Adler, Esq. & File Manager (File No. 2009.2103) Facsimile: (212) 883-8883

and:

Haynsworth Sinkler Boyd, P.A. 1201 Main Street, Suite 2200

Columbia, South Carolina 29201 Attention: Edward G. Kluiters Facsimile: (803) 765-1243

If to the County:

County of Lancaster, South Carolina ATTN: Steve Willis, County Administrator 101 N. Main St. (29720) P.O. Box 1809 (29721-1809) Lancaster, South Carolina Phone: (803) 416-9300

Email: swillis@lancastercountysc.net

With a copy to (which shall not constitute notice):

Mr. Jamie Gilbert Economic Development Director, Lancaster County P.O. Box 1809 Lancaster, South Carolina 29721 Telephone: (803) 286-3633

Fax: (803) 416-9497

Email: jgilbert@lancastercountysc.net

Any notice shall be deemed to have been received as follows: (1) by personal delivery, upon receipt; (2) by facsimile, 24 hours after confirmed transmission or dispatch; and (3) by certified mail, 3 business days after delivery to the U.S. Postal authorities by the party serving notice.

SECTION 11.3. Binding Effect. This Fee Agreement shall inure to the benefit of and shall be binding upon the County and the Company and their respective successors and assigns.

SECTION 11.4. Rescission and Severability. In the event that the Act or the Paymentsin-Lieu-of-Taxes arrangement described in Section 5.1 hereof is determined to be invalid in its entirety, the parties hereby agree that except as the final judicial decision may otherwise require, the Company and the Sponsors shall be entitled to retain any benefits received under or pursuant to this Fee Agreement; otherwise, in the event any provision of this Fee Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, that decision shall not invalidate or render unenforceable any other provision of this Fee Agreement, unless that decision destroys the basis for the transaction, in which event the parties shall in good faith attempt to preserve, to the maximum extent possible, the benefits provided and to be provided to the Company and the Sponsors hereunder by either restructuring or reconstituting this Fee Agreement under any then applicable law, including, but not limited to, Chapter 12 of Title 4, Code of Laws of South Carolina, as amended. In all events shall the Company and all Sponsors be entitled to the provisions of 12-44-160 of the Act.

SECTION 11.5. Fiscal Year; Property Tax Year. If the Company's fiscal year is a calendar year and if such fiscal year changes in the future so as to cause a change in the

Company's property tax year, the Company shall notify the County in writing and the timing of the requirements set forth in this Fee Agreement shall be revised accordingly.

- SECTION 11.6. Amendments, Changes and Modifications. Except as otherwise provided in this Fee Agreement, this Fee Agreement may not be amended, changed, modified, altered or terminated without the written consent of the County, the Company and any Sponsors who are then a party to this Fee Agreement. To the maximum extent allowed by law, any such County consent may be provided by a resolution of County Council.
- SECTION 11.7. Execution of Counterparts. This Fee Agreement may be executed in several counterparts. Any action may be brought upon any counterpart of this Fee Agreement or any counterpart of any document that is attached to this Fee Agreement as an exhibit.
- SECTION 11.8. Law Governing Construction of Fee Agreement. The laws of the State of South Carolina shall govern the construction of this Fee Agreement.
- SECTION 11.9. Filings. Whenever the County shall be required to file or produce any reports, notices or other documents during the Fee Term, the Company and any Sponsor shall in due time furnish to the County the completed form of such report, notice or other required documents together with a certification by the Company and any Sponsor that such document is accurate. In the event of the failure or refusal of the Company to comply with this provision, the Company agrees to pay the County's attorneys' fees and administrative time in producing and filing such report or documents, such amounts to be paid within 30 days after presentation of a statement therefor by the County. Likewise, in the event of the failure or refusal of any Sponsor to comply with this provision, the applicable Sponsor agrees to pay the County's Attorneys' fees and administrative time in producing and filing such report or documents, such amounts to be paid within 30 days after presentation of a statement therefore by the County.
- **SECTION 11.10.** *Headings*. The headings of the articles and sections of this Fee Agreement are inserted for convenience only and shall not be deemed to constitute a part of this Fee Agreement.
- **SECTION 11.11.** Further Assurance. From time to time the County agrees to execute and deliver to the Company and the Sponsors such additional instruments as the Company or any Sponsor may reasonably request to effectuate the purposes of this Fee Agreement.
- **SECTION 11.12.** Administration Expenses. (A) The Company agrees to reimburse the County for its Administration Expenses promptly upon written request therefor, but in no event later than thirty (30) days after receiving the written request from the County. The written request shall include a description of the nature of the Administration Expenses.
- (B) The Company agrees to reimburse the County for expenses incurred by the County for accountants and similar experts used by the County in the computation, preparation and verification of the annual Payments-in-Lieu-of-Taxes upon written request therefor; *provided*, *however*, the maximum annual reimbursement pursuant to this subsection is capped at Five Hundred and No/100 dollars (\$500.00). The written request shall include a description of the nature of such expenses.

[Signatures Appear on the Following Pages]

17 9 2

IN WITNESS WHEREOF, LANCASTER COUNTY, SOUTH CAROLINA, and AGAPG EDGEWATER PROPERTY OWNER, L.L.C., pursuant to due authority, have duly executed this Amended and Restated Fee Agreement, all as of the date first above written.

	LANCASTER COUNTY, SOUTH CAROLINA		
	Steve Harper, Chair, County Council		
	Steve Harper, Chan, County Council		
ATTEST:	Larry Honeycutt, Secretary, County Council		
Sherrie Simpson, Clerk to 0	Council		

[Company Signatures Continue on the Following Page]

COMPANY:

AG-APG	EDGEWATER	PROPERTY	OWNER.
L.L.C.			,

By: AG-APG Sunbelt Parent, L.L.C., its sole member

By: AG Real Estate Manager, Inc., its manager

Ву:	A least	1 34125.5			
Name:	er silv	an 1755	Artu I.	r i you	1 1 2
Title: _		5. 5. (19.)		and the same	

EXHIBIT A-1

ORIGINAL DESCRIPTION OF LAND

DECISION ONE TRACT

All of that parcel of land, lying and being situate in the Township of Indian Land, County of Lancaster, State of South Carolina, being a portion of the property of Hans L. Lengers VII, LLC, as described in the Office of Registrar of Deeds for the County of Lancaster in Deed Book T-12 at Page 294 (Plat #3242), containing 13.295 acres, more or less, being shown on a map by ForeSite Engineering and Surveying for Lauth Property Group, dated March 15, 2005, revised on June 8, 2005, titled ALTA/ACSM Land Title Survey of a Portion of Property of Hans L. Lengers VII, LLC, being more fully described as:

Commencing at a found South Carolina Department of Highways and Transportation Department (SCDOT) monument (no identification) in the median of US Highway 521 (public right of way of 182 feet); thence from said monument South 52°02'55" West for a distance of 1,108.70 feet, to a set iron pin on the northerly line of property of Billy Howard Revocable Declaration of Trust, Et.Al., as described in Deed Book 63 at page 164 (also shown on Plat #9659), and the POINT OF BEGINNING; thence with said line and the northerly line of property of Jerry A. Pressley and Robbie C. Pressley, as described in Deed Book C-6 at Page 5996 (also shown on Plat #2852) South 40°09'34" West for a distance of 750.71 feet to a set iron pin; thence leaving said line and through the lands of the grantor North 85°01'58" West for a distance of 565.88 feet to a set iron pin; thence along a line within Edgewater Lake North 04°58'02" East for a distance of 721.11 feet to a point in the lake; thence South 85°01'58" East for a distance of 150.00 feet to a set iron pin near the lake bank; thence South 85°01'58" East for a distance of 699.83 feet to an intersection with the northwesterly line of Parcel 1, as shown in Plat 2004-647; thence with said line South 28°04'02" East for a distance of 6.13 feet to a set iron pin; thence continuing with said line South 49°50'54" East for a distance of 177.85 feet to the POINT OF BEGINNING.

EXHIBIT A-2

CURRENT DESCRIPTION OF LAND

Fee Parcel:

BEING A PORTION OF THAT PARCEL OF LAND, LYING AND BEING SITUATED IN THE TOWNSHIP OF INDIAN LAND, COUNTY OF LANCASTER, STATE OF SOUTH CAROLINA, BEING A PORTION OF THE PROPERTY OF HANS L. LENGERS VIII, LLC, AS DESCRIBED IN THE OFFICE OF THE REGISTER OF DEEDS FOR THE COUNTY OF LANCASTER IN DEED BOOK T-12, AT PAGE 294 (PLAT #3243), BEING SHOWN ON A MAP BY FORESITE ENGINEERING AND SURVEYING DATED JUNE-JULY, 2006, LAST REVISED AUGUST 24, 2006, TITLED A.L.TA./A.C.S.M. LAND TITLE SURVEY OF TRACT 2, 13.004 ACRES OF LAND OF EDGEWATER CORPORATE CENTER SUBDIVISION BEING ALL OF THE PROPERTY OF EDGEWATER PARTNERS ONES, LLC LOCATED IN INDIAN LAND TOWNSHIP, COUNTY OF LANCASTER, STATE OF SOUTH CAROLINA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND SOUTH CAROLINA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION DEPARTMENT (SCDOT) MONUMENT (NO IDENTIFICATION) IN THE MEDIAN OF US HIGHWAY 521 (PUBLIC RIGHT OF WAY OF 182 FEET); THENCE FROM SAID MONUMENT SOUTH 52°02'55" WEST FOR A DISTANCE OF 1,108.70 FEET. TO A SET IRON PIN ON THE NORTHERLY LINE OF PROPERTY OF BILLY HOWARD REVOCABLE DECLARATION OF TRUST, ET.AL., AS DESCRIBED IN DEED BOOK 63, AT PAGE 164 (ALSO SHOWN ON PLAT #9659), AND THE POINT OF BEGINNING: THENCE WITH SAID LINE AND THE NORTHERLY LINE OF PROPERTY OF CRISIS HILL, INC. AS DESCRIBED IN DEED BOOK O, AT PAGE C-01 SOUTH 40°09'34" WEST FOR A DISTANCE OF 750.70 FEET TO A SET IRON PIN; THENCE LEAVING SAID LINE AND THROUGH THE LANDS OF EDGEWATER PARTNERS ONE, LLC THE FOLLOWING SEVEN COURSES AND DISTANCES: (1) NORTH 85°01'58" WEST FOR A DISTANCE OF 443.28 FEET TO A SET IRON PIN; (2) NORTH 09°34'29" EAST FOR A DISTANCE OF 100.31 FEET TO A SET IRON PIN; (3) NORTH 85°01'58" WEST FOR A DISTANCE OF 130.62 FEET TO A POINT IN EDGEWATER LAKE; (4) THENCE ALONG A LINE WITHIN EDGEWATER LAKE NORTH 04°58'02" EAST FOR A DISTANCE OF 621.13 FEET TO A POINT IN SAID LAKE; (5) THENCE SOUTH 85°01'58" EAST AND PASSING OVER AN EXISTING IRON PIN ON THE BANK OF THE LAKE AT A DISTANCE OF 150.00 FEET, AND CONTINUING FOR A TOTAL DISTANCE OF 849.83 FEET TO A SET IRON PIN IN THE LINE OF TRACT 5 AS SHOWN IN PLAT BOOK 2006. PAGE 29 AND 30 IN THE LANCASTER COUNTY OFFICE OF THE REGISTER OF DEEDS: (6) THENCE WITH SAID LINE OF TRACT 5 SOUTH 28°04'02" EAST FOR A DISTANCE OF 6.13 FEET TO A SET IRON PIN; (7) THENCE CONTINUING WITH SAID LINE SOUTH 49°50'54" EAST A DISTANCE OF 177.85 FEET TO THE POINT OF BEGINNING (THE "LAND").

LESS AND EXCEPT:

THAT CERTAIN PORTION OF THE PROPERTY DESCRIBED ABOVE IDENTIFIED AS "LENGERS WAY, 50' R/W TO BE DEDICATED HEREON/TRACT 2 R/W TO BE DEDICATED" ON THAT CERTAIN PLAT ENTITLED "EDGEWATER CORPORATE CENTER SUBDIVISION OF A PORTION OF THE PROPERTY OF HANS L. LENGERS VIII, LLC, AS DESCRIBED IN DEED BOOK T-12, AT PAGE 294 AND ALL OF THE PROPERTY OF EDGEWATER PARTNERS ONE, LLC, A DESCRIBED IN DEED BOOK 289, AT PAGE 95, LOCATED IN INDIAN LAND TOWNSHIP, COUNTY OF LANCASTER, STATE OF SOUTH CAROLINA", PREPARED BY FORESITE ENGINEERING AND SURVEYING DATED MAY 27, 2005, LAST REVISED SEPTEMBER 23, 2005, AND RECORDED IN PLAT BOOK 2006, AT PAGES 29 AND 30, IN THE OFFICE OF THE REGISTER OF DEEDS FOR THE COUNTY OF LANCASTER, SOUTH CAROLINA.

Per the ALTA/NSPS Land Title Survey made by Burton Engineering Associates, dated May 4, 2017; Job No. 017.673.001, the Fee Parcel is further described as:

Tract 2A Portion North of Lengers Way Legal Description:

Being all that certain tract of land consisting of approximately 11.229 acres located in Indian Land Township, Lancaster County near the intersection of Lengers Way and Possum Hollow Road and being more particularly described as follows:

Commencing from a set mag nail a common corner to Carolina Surgery Center, LLC as recorded in Lancaster County, South Carolina Register of Deeds in Deed Book 386 Page 129 and shown on Plat Book 2006 Page 834 and in the northern right of way of Lengers Way 50' right of way as shown on Plat Book 2006 Page 631, said mag mail being the Point of Beginning, thence with the northern right of way of Lengers Way the following 7 common lines, 1) S40°09'34"W 418.64' to a found mag nail passing a set mag nail at 15.00' and a set mag nail at 45.00', 2) a curve to the right with a radius of 226.76', a length of 80.27' and a chord bearing and distance of \$50°45'58"W 79.85' to a found mag nail, 3) \$61°02'46"W 280.83' to a found mag nail, 4) a curve to the right with a radius of 222.08', a length of 131.35' and a chord bearing and distance of S77°59'24"W 129.44' to a found mag nail, 5) N85°01'58"W 175.68' to a set mag nail, 6) N09°34'29"E 50.15' to a point in the pond, 7) N85°01'58"W 130.66' to a point in the pond a common corner to RMB Edgewater, LLC as recorded in Deed Book 757 Page 244 and shown on Plat Book 2012 Page 55, thence with 2 common lines, 1) N04°58'02"E 621.13' to a point in the pond, 2) S85°01'58"E 94.53' to a common corner of The Blake at Edgewater, LLC as recorded in Deed Book 999 Page 269 and shown on Plat Book 2016 Page 722, thence with the common line S85°01'58"E 595.08' to a found nail a common corner to Carolina Surgery Center, LLC passing a found disturbed #5 rebar at 55.64', thence with following 3 common lines of Carolina Surgery Center, LLC, 1) S85°01'58"E 160.22' to a found rebar with cap, 2) S28°04'02"E 6.13' to a found rebar with cap, 3) S49°50'54"E 127.85' to the Point of Beginning. Containing 11.229 acres.

Tract 2B Portion South of Lengers Way Legal Description:

Being all that certain tract of land consisting of approximately 0.498 acre located in Indian Land Township, Lancaster County near the intersection of Lengers Way and Possum Hollow Road and being more particularly described as follows:

Commencing from a set mag nail a common corner to Carolina Surgery Center, LLC as recorded in Lancaster County, South Carolina Register of Deeds in Deed Book 386 Page 129 and shown on Plat Book 2006 Page 834 and in the northern right of way of Lengers Way 50' right of way as shown on Plat Book 2006 Page 631, thence S49°50'54"E 50.00' to a found a rebar with cap in the southern right of way of Lengers Way, thence S40°09'34"W 418.63' to a set #4 rebar in the southern right of way of Lengers Way and being in the common line of C&M Properties of SC, LLC as recorded in Deed Book 899 Page 164 and shown on Plat Book 2014 Page 200, said rebar being the Point of Beginning, thence with the common line of C&M Properties of SC, LLC S40°09'34"W 3.16' to a found #4 rebar a common corner to Crisis Hill, Inc. as recorded in Deed Book 296 Page 264 and shown on Plat Book 97 Page 19 and Plat 2852, thence with the common line S40°09'34"W 328.92' to a found #4 rebar a common corner to North Regional III, LLC as recorded in Deed Book 931 Page 281 and shown on Plat Book 2009 Page 461 (Tract 3), thence with the common line N85°01'58"W 263.75' to a found #4 rebar in the southern right of way of Lengers Way, thence with the southern right of way 3 common lines, 1) a curve to the left with a radius of 272.08', a length of 161.13' and a chord bearing and distance of N78°00'42"E 158.78' to a found #4 rebar, 2) N 61°02'46"E 280.89' to a found #4 rebar, 3) a curve to the left with a radius of 276.72', a length of 98.45' and a chord bearing and distance of N50°43'41"E 97.93' to the Point of Beginning. Containing 0.498 acre.

23 9 8



Agenda Item Summary

Ordinance # 2017-1455

Contact Person: Jeff Catoe, Lancaster County Public Works Director, Scot Edgar, Lancaster County Engineer and John

Gast, Contractual Engineer for Lancaster County

Date Requested to be on Agenda: On July 17, 2017 County Council Agenda

Issue for Consideration:

This is an application from the Lancaster County to add regulations to the Unified Development Ordinance in Chapter 8, Natural Resources Protection, Section 8.11 Stormwater Management Utility Established, Administration, Powers, and Duties. The addition of language in the UDO is because of a federal and state mandate to begin a stormwater utility in Lancaster County.

Points to Consider:

The addition of the regulations in our code will provide stormwater management utility regulations and provide specifics on the powers and duties of the stormwater management utility within the delegated MS-4. The boundaries and jurisdiction of the storm water management utility will extend from SC Highway 5 North bounded by the Lancaster and York County line to the West and the South Carolina and North Carolina state line to the East to their point of intersection. There are also criteria for the collection of fees, use of revenue, requests for consideration and appeals in this section.

<u>Funding and Liability Factors:</u> The County engineer will be responsible of the stormwater regulations. The federal government has designated parts of Lancaster County as an MS-4 area.

Council Options: To approve the text amendment.

<u>Recommendation:</u> At the Lancaster County Planning Commission meeting on June 20, 2017, the Planning Commission recommended to approve by a vote of 7-0.

STATE OF SOUTH CAROLINA

ORDINANCE NO.: 2017-1455

COUNTY OF LANCASTER

AN ORDINANCE

TO ESTABLISH THE LANCASTER COUNTY STORMWATER MANAGEMENT UTILITY, TO AMEND LANCASTER COUNTY'S UNIFORM DEVELOPMENT ORDINANCE (UDO) SO AS TO ADD THERETO THE TERMS, CONDITIONS AND PROVISIONS OF THE LANCASTER COUNTY STORMWATER MANAGEMENT UTILITY, INCLUDING A DETERMINATION OF THE GEOGRAPHIC BOUNDARIES SUBJECT TO THE UTILITY'S MANAGEMENT OVERSIGHT AND THE FEES ASSOCIATED THEREWITH.

WHEREAS, on November 28, 2016, Council passed ordinance 2016-1422, legislation that approved a new Uniform Development Ordinance; and

WHEREAS, Lancaster County is required by federal law [33 U.S.C. 1342(p) and 40 CFR 122.26] to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit from the South Carolina Department of Health and Environmental Control (DHEC) for stormwater discharges, all as detailed in Exhibit A (June 26, 2017 letter) attached hereto and incorporated herein by reference as fully as if repeated verbatim, and Exhibit B (Certificate No.: SCR035701 and accompanying documentation) attached hereto and incorporated herein by reference as fully as if repeated verbatim; and

WHEREAS, the NPDES permit requires the County to impose controls to reduce the discharge of pollutants in stormwater to the maximum extent practicable using management practices, control techniques and system design and engineering methods, and such other provisions that are determined to be appropriate for the control of such pollutants; and

WHEREAS, it is the purpose of this ordinance to protect, maintain and enhance the environment of Lancaster County and the short-term and long-term public health, safety and general welfare of its citizens by establishing requirements and procedures to control the potential adverse effects of increased stormwater runoff associated with both future development, including redevelopment, and existing developed land. Further, it is the purpose of this ordinance to direct the development and implementation of the Stormwater Management Program and to establish legal authority to authorize Lancaster County at a minimum to take all necessary action to obtain and comply with federal and state requirements.

NOW, THEREFORE, it is ordained and enacted that:

Section 1. Title.

This ordinance shall be known as the "Stormwater Management Ordinance of Lancaster County, South Carolina."

Section 2. Authority.

This ordinance is adopted pursuant to 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 and in compliance with the requirements imposed upon the County by the National Pollutant Discharge Elimination System (NPDES) permit No. SCR030000 issued in accordance with the federal Clean Water Act, the South Carolina Pollution Control Act and regulations promulgated thereunder.

Section 3. Ordinance Amendment.

The terms, conditions and provisions of the ordinance shall be included within existing Lancaster County Ordinance No.: 2016-1422, otherwise known as the Uniform Development Ordinance (UDO), and to that extent Section 8.11, et seq. of the UDO ordinance is amended so as to add thereto the following:

8.11 – Stormwater management utility.

8.11.1 - Council findings.

The county council has made the following findings:

- (A) The management and regulation of stormwater runoff and sediment is necessary to reduce pollution, siltation, sedimentation, local flooding and stream channel erosion, all of which impact adversely land and water resources and the health, safety, property and welfare of the residents of the county;
- (B) There is a system of stormwater management facilities, including, but not limited to, inlets, conduits, manholes, outlets, ponds, and certain drainage easements within the County's designated MS4;
- (C) The stormwater management facilities and components within the MS4 need to be regularly maintained, rehabilitated, upgraded and improved, and additional stormwater management facilities and measures will need to be installed throughout the county;
- (D) The county needs to upgrade its capability in order to maintain existing and future stormwater management facilities and measures;
- (E) All parcels of real property in the county, particularly those with improvements, both use or benefit from the stormwater management system and program. The improvement

- of existing facilities and construction of additional facilities in the system will directly or indirectly benefit the owners of all real property;
- (F) Continued growth in the county will contribute to the need for improvements in and maintenance and regulation of the stormwater management system;
- (G) The county can best manage and regulate the control of stormwater by a policy that regulates the use of real property, both private and public, and which takes reasoned, measured steps to involve the county in additional methods of participation and regulation;
- (H) Owners of real property shall finance the stormwater management system to the extent they, and the persons they permit to utilize their property, contribute to the need for the system. Therefore, fees or other charges shall bear a substantial relationship to the cost of the service;
- (I) It is in the best interests of the citizens of this county and, most specifically, the owners of real property, that a stormwater management utility and stormwater management utility fee system be established by ordinance and implemented as part of the county's utility special revenue fund, by whatever name designated.
- 8.11.2 Stormwater management utility established; administration; powers and duties.

The county council hereby establishes a stormwater management utility within the designated MS4 to carry out the purposes, functions and responsibilities set forth in this article. The governing body of the stormwater management utility shall be the county council. The administrator shall administer the stormwater management utility through the public works department or such other departments and divisions as the county administrator shall designate. The stormwater management utility shall have the following powers and duties, which powers and duties are not necessarily exclusive to the stormwater management utility:

- (A) Stormwater management planning to include preparation of comprehensive watershed master plans for stormwater management.
- (B) Regular inspections and maintenance of public stormwater management facilities and measures for the construction thereof, as well as regular inspections of private stormwater management facilities.
- (C) Maintenance and improvements of stormwater management facilities that have been accepted by the county for purposes of stormwater management.
- (D) Plan review and inspection of sediment control and stormwater management plans, measures and practices.
- (E) Retrofitting designated watersheds to reduce existing flooding conditions or to improve water quality.
- (F) Acquisition of interests in land, including easements.
- (G) Design and construction of stormwater management facilities and measures and acquisition of equipment.
- (H) Water quantity and water quality management, including monitoring surveillance.

(I) Any and all powers and duties delegated or granted to it as a local government implementing agency under the laws and regulations of the state and the ordinances of the county.

8.11.3 - Boundaries and jurisdiction.

All real properties located in Lancaster County north of the following boundary: from a point at the western boundary with York County along Highway 5 until its intersection with Highway 521, then proceeding in a northeastern direction along Old Church Road until its intersection with the Union County, North Carolina state line, then further northward along the North Carolina state line.

8.11.3.1 - Amount and classifications of fees.

(A) Criteria for establishing fees.

The county council hereby establishes the amount and classifications of fees to be implemented to fund the storm water management utility and its programs and projects. In establishing such fees, the county council has considered, among other things, the following criteria:

- (1) The fee system must be reasonable and equitable so that users pay to the extent they contribute to the need for the storm water management utility, and so that fees or other charges bear a substantial relationship to the cost of service. The county council recognizes that these benefits, while substantial, in many cases cannot be measured directly.
- (2) The components of the calculations used to establish fees must include, but may not be limited to, the following cost factors, which may be associated with the resolution of storm water problems which the stormwater management utility shall seek to alleviate:
 - (a) Storm water management planning and preparation of comprehensive watershed master plans for storm water management;
 - (b) Regular inspection and maintenance of public stormwater management facilities and measures for the construction thereof, as well as regular inspections of private stormwater management facilities;
 - (c) Maintenance and improvement of stormwater management facilities that have been accepted by the county for purposes of storm water management;
 - (d) Plan review and inspection of sediment control and stormwater management plans, measures and practices;
 - (e) Retrofitting designed watersheds to reduce existing flooding problems or to improve water quality;
 - (f) Acquisition of interests in land, including easements;
 - (g) Design and construction of stormwater management facilities and measures and acquisition of equipment;
 - (h) Administration and enforcement;

- (i) Water quantity and water quality management, including monitoring surveillance; and
- (j) Debt service and financing costs.
- (3) The components of the calculations used to establish fees must be based on an equivalent residential unit (ERU), determined and approved by the county council, with reasonable general adjustments being made for, but not limited to, the following factors:
 - (a) Commercial service and industrial land uses other than single-family residential;
 - (b) Open and/or forested land;
 - (c) The amount of site that is impervious; and
 - (d) Other generally accepted factors relevant to such calculations based upon the provisions of this article.
- (4) The practical difficulties and limitations related to establishing, calculating and administering such fees should be addressed with due regard for fairness, efficiency, ease of comprehension, and ease of administration.
- (B) Fee structure. Stormwater management utility fees shall be fixed from time to time in the budget ordinance as approved by county council and are set forth in the fee schedule in the MSSD of the UDO. Fee categories are as follows:
 - (1) Developed, single family residential property
 - (2) Non-single family residential property, developed commercial property, developed industrial property.

8.11.4 - Determination of amount of impervious area.

The administrator or designee will determine the amount of impervious area on each developed commercial/industrial property. A determination will be made using information derived from digital and other photographic data, as maintained by the administrator or designee, commonly designated as Geographic Information System (GIS) Data, and such additional information, if available, as may reliably supplement such data. Upon written request, an owner, or lawful occupant obligated to the owner for payment of the fee, shall be provided a written determination of the amount of impervious area for which a fee has been established.

(A) Collection of fees.

- (1) Taxable property. The administrator or his designee shall prepare and forward all information necessary to the county tax collector or his designee for the purpose of an annual billing of the stormwater management utility fee. Notice of the fee shall be included on the property owner's notice of ad valorem real property taxes, and the fee shall be due and payable simultaneously with the taxes. By Resolution, the county council may authorize the county administrator to implement other reliable means of billing.
- (2) Nontaxable property. The county council recognizes that nontaxable as well as taxable properties generate stormwater runoff and benefit from the stormwater

management system and that the principle of fairness dictates that such properties be charged. The administrator or his designee shall make arrangements for billing for nontaxable property in the same manner as taxable property. By Resolution, the county council may authorize the county administrator to implement other reliable means of billing.

- (3) Date of imposition of fee for developed properties. Developed properties shall become subject to the imposition of the stormwater management utility fee at the billing cycle following final approval of site development by the county.
- (B) Use of revenue; investment of funds; borrowing. Funds generated for the stormwater management utility from fees, bond issues, other borrowing and other sources shall be utilized only for those purposes for which the storm water management utility has been established, including, but not limited to, regulation, planning, acquisition of interests in land, including easements, design and construction of facilities, maintenance of the stormwater management system, billing and administration, and water quantity and water quality management, including monitoring, surveillance, private maintenance inspection, construction inspection and other activities which are reasonably required. Such funds shall be invested and reinvested pursuant to the same procedures and practices established by the county for investment and reinvestment of funds. The county council may use any form of borrowing authorized by law to fund capital acquisitions or expenditures for the storm water management utility. The county council, in its discretion and pursuant to standard budgetary procedures, may supplement such funds with amounts from the general fund.
- (C) Requests for reconsideration; appeals.
 - (1) Request for reconsideration.
 - (a) A property owner of record, or a lawful occupant obligated to the owner for payment of the fee, may request a reconsideration of any determination or interpretation by the administrator or designee in the operation of the storm water management utility. Such request must be in writing and filed with the administrator or designee, or such other person as the county administrator may designate, within 30 days of receipt of notification of the determination or interpretation.
 - (b) The county shall review the application and make a decision on the request within 30 days of receipt of the request.
 - (c) The request shall be made upon such forms and be accompanied by such information as the county, by written policy, shall require.

(2) Appeals.

- (a) Persons who are authorized to make a request and who are aggrieved by a decision of the county under subsection 8.15.4(C)(1) shall have the right to appeal to the county administrator, or such person, committee or board as he may establish for such purpose.
- (b) The appeal shall be in writing and shall set forth, in detail, the grounds upon which relief is sought. The person designated to review such appeal shall

- provide a hearing on the appeal within 30 days of filing and render a decision within 60 days of filing.
- (c) The person designated to review such appeal shall have full authority to affirm, modify or reverse a decision being reviewed upon determining whether the decision was made in compliance with the standards, policies and criteria of this division.
- (3) Payment of fee required. No provision of this division allowing for a request for reconsideration or for an administrative appeal shall be deemed to suspend the due date of the fee with payment in full. Any adjustment in the fee for the person pursuing a request for reconsideration or appeal shall be made by refund of the amount due.

Section 4. Geographic Area of Impact; Fee

This ordinance and the requirements of the Stormwater Management Utility shall be applicable to the following parcels:

All real properties located in Lancaster County north of the following boundary: from a point at the western boundary with York County along Highway 5 until its intersection with Highway 521, then proceeding in a northeastern direction along Old Church Road until its intersection with the Union County, North Carolina state line, then further northward along the North Carolina state line.

The stormwater utility fee is based on the amount of impervious surface on your property. Impervious surface area is any surface that does not readily absorb water and impedes the natural infiltration of water in to the soil. The majority of Stormwater Utilities use impervious areas as an equitable way to set fees. Customers pay a fee related to the amount of runoff generated from their property. Impervious surfaces generate runoff at a much higher rate than undisturbed land.

Residential properties will be billed based on a Residential Equivalent Unit (ERU). An ERU is set as 3,500 square feet of impervious area. It was determined by taking a representative sample of residential properties in Lancaster County and measuring the impervious surfaces based on aerial photography. The commercial property fees are based on individual measurement and analyses of approximately 430 properties in the MS4 area. The impervious area for each was divided by 3,500 sq. ft. to determine the number of equivalent ERUs the property contained. The ERU is presently set a \$75 annually to cover minimum effort required to comply with new regulations in the panhandle of Lancaster County. The number of ERUs was multiplied by \$75 to determine an annual fee. The fee will be included along with annual tax billing invoices.

The fee applicable to this ordinance regarding the Stormwater Management Utility is established and shall be set in accordance with the proposed annual revenue and the proposed annual budget as set forth in both Exhibit C (revenue) and Exhibit D (budget), each being attached hereto and incorporated herein by reference as fully as if repeated verbatim. The County Council, having

reviewed in detail the specifics of both Exhibit C and Exhibit D, has determined and so find that there is a rational nexus between the annual revenue and the annual budget; and, accordingly, adopt the following fees for 2017 as follows:

- A. Real property parcels having located thereon a residential structure \$75.00 annually.
- B. Real property parcels having located thereon commercial structure(s) see Lancaster County Tax Map Numbers noted on Exhibit C attached hereto.
- C. Real property considered as agricultural lands, forest lands or undeveloped lands South Carolina Code Section 6-1-330(D) exempts such property from the imposition of a stormwater fee.

Section 5. Severability

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

Section 6. 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 supersedes all other provisions and this ordinance is controlling.

Section 7. Effective Date.

This ordinance is effective upon passage of Third Reading.

AND IT IS SO ORDAINED

	Dated this	day of	, 201	7	
		LANCAST	ER COUNTY	, south	CAROLINA
		Steve Harpe	er, Chair, Cour	ity Council	
				* * * * * * * * * * * * * * * * * * * *	
		Larry Hone	ycutt, Secretar	y, County	Council
ATTEST:					
Sherrie Simpson, C	lerk to Council				
First Reading:	July 17, 2017	Passed 5-0			
Second Reading:	August 14, 2017				
Third Reading:	August 28, 2017	(Tentative)			
Public Hearing	August 28 2017	(Tentative)			



June 26, 2017

LANCASTER COUNTY LANCASTER COUNTY PO BOX 1809 LANCASTER, SC 29721-1809

RE:

Reauthorization to Discharge

LANCASTER COUNTY, 101 N MAIN ST, LANCASTER

Coverage #: SCR000421

To Industrial Stormwater Program coordinator:

The Department has reissued the NPDES General Permit for "Stormwater Discharges Associated with Industrial Activity" (SCR000000) on September 1, 2016. Per 1.3 of the general permit, your site is authorized to discharge. Please note the Effective Date of the general permit is October 1, 2016 and that your coverage number has not changed.

A copy of the permit may be found at:

http://www.scdhec.gov/Environment/docs/stormwater/2016%20FINAL%20IGP.pdf

The Department may conduct periodic inspections of your facility to determine compliance with your stormwater pollution prevention plan (SWPPP) and the requirements of the general permit. Any violations found during these inspections may result in enforcement action. Therefore, it is incumbent upon you to make sure you are in compliance with the SWPPP and general permit at all times. Do not submit your site's SWPPP to the Department unless requested. Maintain your SWPPP on site at all times and ensure it is up to date.

If, in the future, your facility does not require this permit, you must submit a Notice of Termination (NOT) to cancel your coverage under this general permit. Please see 1.4 of the general permit for the NOT requirements. If the facility changes ownership and/or operator, then a Notice of Intent is required for the new owner/operator. The old owner/operator should submit an NOT. An annual fee is due for each fiscal year that you hold active coverage. The Department will send you an invoice for the fee each year until the NOT is submitted.

If you have any questions, please call or email either:

Mel Leaphart: mel.leaphart@dhec.sc.gov or (803) 898-4143 OR Shawn Clarke: shawn.clarke@dhec.sc.gov or (803) 898-3544

Sincerely,

Shawn Clarke, P.E., Manager Stormwater Permitting Section EXHIBIT A



National Pollutant Discharge Elimination System Permit

for Discharge to Surface Waters

This Certificate of Coverage Certifies That

Lancaster County

has been granted permission to discharge storm water to the Atlantic Ocean and to all receiving waters in the State of South Carolina from the municipal separate storm sewer system located in

Lancaster County, South Carolina

in accordance with effluent limitations, monitoring requirements and other conditions set forth in the State of South Carolina NPDES General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4s), SCR030000. This coverage is granted in accordance with the provisions of the Pollution Control Act of South Carolina (S.C. Code Sections 48-1-10 et seq., 1976), Regulation 61-9 and with the provisions of the Federal Clean Water Act (PL 92-500), as amended, 33 U.S.C. 1251 et seq., the "Act."

Ann R. Clark, Director Storm Water, Construction and Agricultural Permitting Division Bureau of Water

Issued:

June 7, 2016

Expires:

December 31, 2018

Effective:

July 1, 2016

Certificate No.: SCR035701

EXHIBIT B-1

PERMIT IMPLEMENTATION SCHEDULE

DATE	SECTION	REQUIREMENTS
07/01/2016	1.4.4	Storm Water discharges from the regulated small MS4, the area north of SC Highway 5 inside the jurisdictional boundaries of Lancaster County,
~~~		South Carolina authorized under Certificate of Coverage N°: SCR035701.
	2.2.2.4	List military bases, large hospitals, prison complexes, universities, sewer
		districts, highway departments and other entities that may operate a
		separate storm sewer system.
07/01/2017	4.1.5	Implement Enforcement Response Plan (ERP) Implement Public Education and Outreach on Storm Water Impacts MCM.
	4.2.1.1	Elaborate on fulfillment of requirements in 4.2.1.1.3, 4 & 5.
	40202	Identify Priority Areas for IDDE MCM implementation
	4.2.3.2.2	Implement dry weather field screening and procedures for IDDE
	4.2.3.2.3	Begin employee training and education
	4.2.6.5 1.4.8 & 4.5.4	Report on annexations, or de-annexations, if any
	3.1.1.1	Determine new 303(d) impairments, if applicable
	3.1.1.2	Determine receiving water conditions and impacts
	4.1.4.3.a	Identify stormwater related departments and SWMP implementers.
	4.1.6	Ensure adequate resources to comply with SMS4 Permit
09/01/2017	4.1.8 & 10	Modify SWMP, SC R. 122,47(c)(1)
03/02/201	4.2.1.1.11	Assess & refine Public Education & Outreach on Storm Water Impacts
	4.2.2	Implement Public Involvement and Participation MCM
	4.4.3	Document written acceptance of all shared MCM obligations.
	4.5.1 & 3.4	Perform SWMP Annual Review. SC R. 122.47(c)(1)
	5.2.2	Provide records, NOI and SWMP to the Public upon written request
	5.3	Prepare and submit first Annual Report
	5.3.1	Provide status of compliance with Part 4 Requirements
	5.3.2	Report monitoring results, Part 4.2.3.2.2 as needed
	5.3.3	Report Year 2 Planning
	5.3.4	Report proposed SWMP / BMP / MCM Changes SC R. 122.47(c)(1)  BMP, measurable goals, persons responsible, and all permit requirements
		for the Construction Site Storm Water Runoff Control and for the Post-
		Construction Storm Water Management for New Development and
	d	Redevelopment MCM 4.2.4 & 4.2.5 (pp. 24-32 of SCR030000), including
	410	an ordinance, or regulatory mechanism, must be in full force and effect to
	4.1.9	provide reasonable assurance to SC DHEC for Lancaster Coumty to
	4.2.4.1	develop, implement and enforce these MCM as part of the County's Storm
1/01/2018	4.2.4.1.a	Water Management Plan (SWMP). Provide for and assure compliance
1/01/2016	4.2.5	with SC Regulation 61-9 122.2, 122.26(b)(14)(x), 122.26(b)(15)(i)&(ii),
	4.2.5.4	1 122.28, 122.34(b)(4) & (5), to SC Regulation 61-68 B.30 & 36, C.5, D,
	4.2.5.5	E.3 & 4 and G.3-10, and, to all applicable Construction Site Storm Water
	4.2.5.6.1	Runoff Control and Post-Construction Storm Water Management in New
		Development and Redevelopment requirements contained in regulations
		outlined under Standards for Stormwater Management and Sediment
		Reduction 72-300 et. seg, including Appendix B.
		SC R. 61-9 122.34(e) & (f), 122.43, 122.44(s) and 122.47(c), (d) & (e).

SECTION	REQUIREMENTS
2.5	Submit re-application NOI
3.3.5	Implement elements of the TMDL Implementation Plan
4.1.2.1	Identify sensitive waters in reapplication
3.2.1.1.2	Review requirements for existing TMDL monitoring and assessment
4.1.4.1	Ensure adequate legal authority to implement and enforce SWMP
4.2.3.2.2	Update Priority Illicit Discharge Detection and Elimination areas list
4.2.6.3.1	Begin comprehensive inspections of "High-Priority" facilities
1.4.8 & 4.5.4	Report on annexations, or de-annexations, as appropriate
3.1.1.1	Determine new 303(d) impairments, if applicable
3.1.1.2	Determine receiving water conditions and impacts
3.2.1.1.3	Submit new TMDL Monitoring and Assessment, if applicable
4.1.6	Ensure adequate resources to comply with Small MS4 Permit
4.2.1.1.11	Assess & refine Public Education & Outreach on Storm Water Impacts
4.2.2	Continue Public Involvement and Participation MCM
4.5.1	Perform SWMP annual review
5.2.2	Provide records, NOI and SWMP to the Public upon written request
5.3	Prepare and submit second Annual Report
5.3.1	Provide status of compliance with Part 4 Requirements
5.3.2	Report monitoring results, Part 4.2.3.2.2 as needed
	Report Year 3 Planning
5.3.4	Report proposed SWMP / BMP / MCM Changes
4.1.9	Verify that SWMP is fully implemented
4.2.5.6.2	Verify inspection of All Post Construction BMPs
4.2.6.1.1 &	List Pollutant Discharge Potential of all Municipally-owned or operated
4.2.6.2.1	facilities.
	3.3.5 4.1.2.1 3.2.1.1.2 4.1.4.1 4.2.3.2.2 4.2.6.3.1 1.4.8 & 4.5.4 3.1.1.1 3.1.1.2 3.2.1.1.3 4.1.6 4.2.1.1.11 4.2.2 4.5.1 5.2.2 5.3 5.3.1 5.3.2 5.3.4 4.1.9 4.2.5.6.2 4.2.6.1.1 &



South Carolina Department of Health and Environmental Control

#### Fact Sheet

Authorization for Discharges from the Portion of Lancaster County north of SC Highway 5 under the SC NPDES General Permit for Storm Water Discharges from Regulated Small MS4 SCR030000 Public Notice 16-657-R

#### Introduction:

This fact sheet has been prepared by the South Carolina Department of Health and Environmental Control (DHEC or the Department) to set forth the principal facts involved in authorizing discharges from the regulated Small Municipal Separate Storm Sewer System (SMS4) located in the Portion of Lancaster County north of SC Highway 5 under the SC NPDES General Permit for Storm Water Discharges from Regulated Small MS4s, SCR030000 as described in Public Notice 16-657-R.

This regulated small MS4 includes conveyances or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by Lancaster County. This entity has jurisdiction over the disposal of storm water under State and local law. The criterion for regulation as a small MS4 is based on the entity's inclusion in an Urbanized Area (UA) as defined by the U.S. Census.

NPDES General Permit SCR030000 authorizes discharges composed entirely of storm water as defined in Section 402(p) of the Clean Water Act, SC Water Pollution Control Permits Regulation 61-9 and the permit itself. The Department has made a preliminary determination that authorization of these storm water discharges under SCR030000 is necessary to important economical or social development and that it will allow for maintenance of existing water uses.

DHEC has been delegated authority by EPA to implement the NPDES program within the state of South Carolina, including on Indian Lands. DHEC issued the effective NPDES General Permit for Storm Water Discharges from Regulated Small MS4s, SCR030000, on November 1, 2013. This permit expires on December 31, 2018.

## Background:

In 1987, the US Congress amended the Federal Clean Water Act to require EPA to implement an NPDES Stormwater Permit Program for municipal discharges. EPA was directed to develop a phased regulatory program for municipal type discharges. The municipal program includes counties as well as towns and cities. Based on these amendments, EPA promulgated the Phase I Stormwater NPDES Regulations in 1990 to address municipal separate storm sewer systems (MS4s). The Phase I regulations categorized MS4s as follows:

• Large MS4 - entities with a population of 250,000 or more.

• Medium MS4 - entities with a population of 100,000 or more but less than 250,000.

Phase I Federal Regulations required NPDES Permits for stormwater discharges from the Large and Medium MS4s. SC has one large MS4 (The South Carolina Department of Transportation) and three Medium MS4s: The City of Columbia, Greenville County, and Richland County. Each of these entities has been issued an individual NPDES Permit.

EPA promulgated Phase II Stormwater NPDES Regulations in 1999. This set of regulations established application and permit requirements for Small MS4s.

The Small MS4 term refers to all conveyances, or systems of conveyances, (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) designed or used for collecting or conveying storm water that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the States, but is not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

The regulations cited above have been promulgated into South Carolina Regulation 61-9 (Water Pollution Control Permits) under §122.26(a)(9) and §122.26(b)(16).

#### Permit Requirements:

The proposed authorization requires Lancaster County to develop, implement, and enforce a Storm Water Management Program (SWMP). Small MS4 operators must include in their SWMP measures to effectively prohibit non-storm water discharges to their system; implement controls to reduce the discharge of pollutants to the maximum extent practicable (MEP) to protect water quality; and implement best management practices (BMP), control techniques, or system design and engineering methods to satisfy appropriate requirements of the Clean Water Act (CWA). The SWMP must address the following six minimum control measures:

- 1. Public education and outreach on storm water impacts;
- 2. Public involvement / participation;
- 3. Illicit discharge detection and elimination;
- 4. Construction site storm water runoff control;
- 5. Post-construction storm water management in new development and redevelopment; and.
- 6. Pollution prevention / good housekeeping for municipal operations.

In addition to these measures, the permit contains Special Conditions Applicable to Permitted Storm Water Discharges to Sensitive Waters. Monitoring and Assessment Plans in TMDL watersheds, Water Quality Controls for Discharges to Impaired Water Bodies and protection of waters classified as Outstanding Resource Waters (ORW) and Source Water Protection Areas (SWPA) are included among these special conditions.

EXHIBIT B-5

#### Receiving Waters:

The small MS4 area designated within Lancaster County include portions of the following Hydrologic Unit Codes (12 Digit, HUC-12) watersheds;

Headwaters Sugar Creek-Catawba River Little Sugar Creek McAlpine Creek Sugar Creek-Catawba River Sixmile Creek-Twelvemile Creek	030501030103 030501030102 030501030107 030501030109 030501030203
Sixmile Creek-Catawba River Twelvemile Creek-Catawba River Waxhaw Creek	030501030604 030501030204 030501030603

Streams receiving discharges from all of the permitted area are classified as Freshwaters (Class FW) suitable for primary and secondary contact recreation and as a source of drinking water supply after conventional treatment in accordance with the requirements of the Department. Freshwaters are also suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora, and, with the exception of Class ORW, for industrial and agricultural uses.

The Department has made a preliminary determination that authorization for these storm water discharges under the NPDES Phase II General Storm Water permit is necessary to important economical or social development and that said authorization will allow maintenance of existing water uses. The Department is seeking comment on this preliminary finding. In accordance with Section D.(2), Antidegradation, of South Carolina R. 61-68 Water Classifications and Standards, this notice provides public participation and intergovernmental coordination for this decision.

## Obtaining Authorization to Discharge under the Permit:

New Permittees: The small MS4 to be granted authorization to discharge under the SC NPDES General Permit for Storm Water Discharges from Regulated Small MS4s, SCR030000, was captured within the boundaries of the Charlotte NC-SC Urbanized Area according to the U.S. 2010 census. A portion of Lancaster County became automatically regulated and Lancaster County submitted a Notices of Intent, NOI, to be authorized under SCR030000. The Standard Industrial Classification (SIC) Code best describing these applicants is: 9241, Administration of Environmental Programs.

Lancaster County is a first time applicants. Meaningful review of their Notice of Intent was conducted to ensure functional equivalence of their proposed SWMP with the permit. The number of outfalls will be determined by June 1, 2018. The Department's preliminary determination to authorize the applicants to discharge under the General Permit is open for public comment.

Once a final decision is reached on the proposed draft certificates of coverage, Lancaster County will be issued their certificate of coverage-SCR035701.

EXHIBIT B-6

	2015 - 2016	2016 - 2017	6/30/2017	2016 - 2017	17		2017 - 2018	
Account	Actual (\$)	Budget (\$)	Actual (\$)	Estimate	%Remaining	Requested	Recommended	Approved
Department: 203 Stormwater								
Revenue			AND THE CONTROL OF TH	The control of the co	10 TO	The Charles of the Ch	NO. OF STREET,	
19-4-203-454-50	The states with the state of th		epidement of the second of the second of the second of			1,200,000.00	1,200,000.00	officer of the specific
Stormwätter Fee					i i			
19-4-203-460-25				The state of the s				9
Penally - Stormwater Fee								
19-4-203-480-05		and the second s	The state of the s	The second secon			.a.	1 (8)
Injerest Imame								
Expenditure	10 marchine (10 march 10 march)							
19-7-203-500-00						174,280.00	174,280.00	
Wages & Salaries Full time								
Staff half engineer; fleid inspector, lech I, assistant	assistant	Manager of the second of the s						
19-7-203-500-05	The state of the s	manuscript of the second second	3 2 3 3 3			1.000.00	1.000.00	
Salurios - Overtimo							9	
19-7-203-500-10	the constitution of the co			The second secon		1 1000		
Wages & Salaries Part-Time								
19-7-203-510-00	commence of the delaying source		the second secon		75 (5) (6) (6) (6) (6) (6) (6) (6)	13 410 00	13 110 00	
Fica-Employers Contrib.						-		
19-7-203-510-05	The state of the s	Commission of the second of th	and the second s	The second secon		23.635.00	23 635 00	1
Sc Ret Employers Contrib						The state of the country of the state of the	9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9	
19-7-203-510-15					9	40,495.00	40,495.00	Canada Street
Health/Life his Employers								

Page 1 of 3

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# ANNUAL BUDGET ESTIMATE - ALL Amended - 2017-2018

Account Travel, Training, Dues Vyoricers Compensation 19-7-203-541-00 19-7-203-530-00 19-7-203-510-25 Maintenance-Servico Agree Maintenance-Mehicles 19-7-203-590-00 19-7-203-571-00 Equipment - Capitalized 19-7-203-560-00 19-7-203-551-00 Supplies-Postage 19-7-203-540-00 19-7-203-593-00 19-7-203-590-05 Utilities-Telephone Equipment- General Contractual Services(Cs) 19-7-203-600-00 Ca-Priming 19-7-203-605-00 2015 - 2016 Actual (\$) 2016 - 2017 Budget (\$) 6/30/2017 Actual (%) Estimate 2016 - 2017 %Remaining Requested 300,000.00 10,000.00 4,250.00 6,000.00 7,000.00 9,000.00 6,500.00 3,000.00 5,000.00 3,000.00 Recommended 2017 - 2018 300,000.00 10,000.00 4,250.00 6,000.00 9,000.00 6,500.00 7,000.00 3,000.00 3,000.00 5,000.00 Approved

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hp-annual-budget-estimate

Page 2 of 3

EXHIBIT C-2

COUNTY OF LANCASTER

FY 2016-2017

	2015 - 2016	2016 - 2017	6/30/2017	2016 - 2017	017		2017 - 2018	
Account	Actual (\$)	Budget (\$)	Actual (\$)	Estimate	%Remaining	Requested	Recommended	Approved
19-7-203-690-00	manifolis errorden (determ person bistori bistori toto o com extensivo de tetro	STATE OF THE STATE	The second secon	the state of the s	the second secon	100,000.00	100,000.00	And the second s
Special Protects								
19-7-203-750-00						3,000.00	3,000.00	~
Lease-Copiers								
Revenue								
19-8-203-810-01							3	
Fund Balance - Reserved								
Expenditure	OF THE PARTY OF TH	A CANA	A S. C.					
19-9-203-961-00						490,430.00	490,430.00	
Fund Balanca - Appropriated	E AND THE RESIDENCE OF THE STATE OF THE STAT							
Total Revenue		A.F.				\$1,200,000.00	\$1,200,000.00	3.00
Total Expenditure						\$1,200,000.00	\$1,200,000.00	
Net								
Report Total Revenue	ements are regarded to the control of the control o		10 E	1000 X 9000 E 14 0000 E	8 2	\$1,200,000.00	\$1,200,000.00	
Report Total Expenditure						\$1,200,000.00	\$1,200,000.00	
Report Total Net								

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bp-annual-budget-estimate

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Lancaster County	Impervious Area	Equivalent Residential	Storm Utility Fee
Parcel ID	(SF)	Units (Imp. Area/3500)	(\$75.00xERU)
0002-00-024.00	44,374	12.7	\$950.87
0002-00-024.01	57,376	16.4	\$1,229.49
0002-00-027.00	2,025	1.0	\$75.00
0002N-0A-028.00	38,597	11.0	\$827.08
0002-00-023.00	18,787	5.4	\$402.58
0002-00-028.00	152,958	43.7	\$3,277.67
0002-00-022.00	42,221	12.1	\$904.74
0002-00-019.01	2,950	1.0	\$75.00
0006F-0A-014.00	33,226	9.5	\$711.99
0006-00-060.00	5,024	1.4	\$107.66
0006-00-059.00	2,350	1.0	\$75.00
0005-00-100.01	33,340	9.5	\$714.43
0008-00-010.01	13,968	4.0	\$299.31
0008-00-002.00	71,867	20.5	\$1,540.01
0008-00-010.00	13,509	3.9	\$289.48
0008-00-009.00	3,432	1.0	\$75.00
0013-00-043.02	347,165	99.2	\$7,439.25
0019-00-004.00	28,008	8.0	\$600.17
0003-00-044.00	4,744	1.4	\$101.66
0003-00-045.00	7,488	2.1	\$160.46
0003-00-081.02	9,091	2.6	\$194.81
0003-00-040.03	1,946	1.0	\$75.00
0003-00-041.00	1,458	1.0	\$75.00
0003-00-066.00	15,554	4.4	\$333.30
0006-00-040.00	29,415	8.4	\$630.32
0006D-0A-003.00	41,743	11.9	\$894.49
0005-00-018.00	182,245	52.1	\$3,905.25
0006E-0B-009.00	744	1.0	\$75.00
0006E-0B-019.00	31,626	9.0	\$677.70
0006F-0A-019.00	11,970	3.4	\$256.50
0005-00-102.00	688,627	196.8	\$14,756.29
0006N-OB-003.00	7,812	2.2	\$167.40
0006N-OB-006.00	6,899	2.0	\$147.84
0005-00-101.01	11,248	3.2	\$241.03
0006N-0B-012.00	2,340	1.0	\$75.00
0006-00-074.00	15,428	4.4	\$330.60
0006-00-088.07	25,918	7.4	\$555.39
0006N-0B-046.00	3,099	1.0	\$75.00
0006N-0B-011.00	2,844	1.0	\$75.00
0006N-0B-007.00	5,143	1.5	\$110.21
0006N-0B-006.00	6,899	2.0	\$147.84
0006-00-061.00	32,788	9.4	\$702.60
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Lancaster County	Impervious Area	Equivalent Residential	Storm Utility Fee
Parcel ID	(SF)	Units (Imp. Area/3500)	(\$75.00xERU)
0006-00-062.00	36,008	10.3	\$771.60
0006N-0B-005.00	16,489	4.7	\$353.34
0006N-0B-005.01	543	1.0	\$75.00
0006N-0B-004.00	10,991	3.1	\$235.52
0006N-0B-003.00	7,812	2.2	\$167.40
0006-00-071.00	117,064	33.4	\$2,508.51
0006-00-069.00	11,568	3.3	\$247.89
0006-00-068.01	52,540	15.0	\$1,125.86
0006-00-068.00	6,585	1.9	\$141.11
0006N-0B-002.00	15,395	4.4	\$329.89
0006-00-063.00	18,822	5.4	\$403.33
0006N-0B-001.00	7,709	2.2	\$165.19
0005-00-104.00	203,220	58.1	\$4,354.71
0006-00-072.01	50,491	14.4	\$1,081.95
0006-00-081.00	25,719	7.3	\$551.12
0006-00-082.00	14,892	4.3	\$319.11
0006-00-083.00	11,777	3.4	\$252.36
0007-00-008.00	536,658	153.3	\$11,499.81
0006-00-079.00	6,745	1.9	\$144.54
0008-00-004.00	1,651	1.0	\$75.00
0008-00-003.00	2,531	1.0	\$75.00
0008-00-013.00	53,302	15.2	\$1,142.19
0008-00-007.00	4,342	1.2	\$93.04
0008-00-005.00	21,620	6.2	\$463.29
0008-00-011.01	1,151	1.0	\$75.00
0008-00-012.00	24,012	6.9	\$514.54
0008-00-008.00	5,157	1.5	\$110.51
0008-00-006.00	9,795	2.8	\$209.89
0008-00-016.01	59,618	17.0	\$1,277.53
0008-00-017.00	11,970	3.4	\$256.50
0008-00-019.00	1,702	1.0	\$75.00
0008-00-020.00	9,641	2.8	\$206.59
0008-00-023.00	5,780	1.7	\$123.86
0008-00-021.00	17,837	5.1	\$382.22
0008G-0A-004.00	6,854	2.0	\$146.87
0008-00-026.00	53,896	15.4	\$1,154.91
0007-00-010.00	427,117	122.0	\$9,152.51
0008G-0C-003.00	30,376	8.7	\$650.91
0008-00-028.00	96,370	27.5	\$2,065.07
0008-00-061.02	72,950	20.8	\$1,563.21
0008G-0D-004.00	11,941	3.4	\$255.88
0008G-0D-001.00	22,003	6.3	\$255.88 \$471.49
00000 00 001.00	22,000	0.5	Ç4/1.45

Lancaster County	Impervious Area	Equivalent Residential	Storm Utility Fee
Parcel ID	(SF)	Units (Imp. Area/3500)	(\$75.00xERU)
0008-00-034.00	257,190	73.5	\$5,511.21
0008G-0D-002.00	20,895	6.0	\$447.75
0008-00-056.00	26,910	7.7	\$576.64
0008G-0D-003.00	79,816	22.8	\$1,710.34
0008-00-060.00	9,475	2.7	\$203.04
0008-00-056.01	110,624	31.6	\$2,370.51
0008-00-076.00	16,948	4.8	\$363.17
0008-00-040.00	34,577	9.9	\$740.94
0008-00-048.00	20,290	5.8	\$434.79
0008-00-074.00	10,692	3.1	\$229.11
0008-00-071.00	1,111	1.0	\$75.00
0008-00-074.01	7,764	2.2	\$166.37
0008-00-074.02	1,983	1.0	\$75.00
0008-00-072.01	5,051	1.4	\$108.24
0008-00-072.00	10,694	3.1	\$229.16
0008-00-071.01	8,832	2.5	\$189.26
0010-00-001.00	158,494	45.3	\$3,396.30
0010-00-029.00	8,603	2.5	\$184.35
0010-00-005.00	950	1.0	\$75.00
0010-00-032.00	2,228	1.0	\$75.00
0010-00-039.00	31,177	8.9	\$668.08
0010-00-044.01	29,507	8.4	\$632.29
0010-00-077.00	20,205	5.8	\$432.96
0010-00-016.01	11,488	3.3	\$246.17
0010-00-048.00	38,012	10.9	\$814.54
0010-00-049.00	43,664	12.5	\$935.66
0010-00-064.00	47,889	13.7	\$1,026.19
0010-00-059.00	633,899	181.1	\$13,583.55
0010-00-057.00	1,983	1.0	\$75.00
0010-00-052.01	9,390	2.7	\$201.21
0010-00-056.00	6,757	1.9	\$144.79
0010-00-053.00	5,768	1.6	\$123.60
0010-00-055.00	4,734	1.4	\$101.44
0010-00-054.00	3,240	1.0	\$75.00
0013-00-054.00	12,186	3.5	\$261.13
0013-00-054.01	17,238	4.9	\$369.39
0013-00-013.02	45,037	12.9	\$965.08
0013-00-013.00	64,041	18.3	\$1,372.31
0013-00-023.00	360,166	102.9	\$7,717.84
0013-00-015.00	71,064	20.3	\$1,522.80
0013-00-022.00	1,108	1.0	\$75.00
0013-00-021.00	432,689	123.6	\$9,271.91
0010 00 011.50	0 × 40 € = 4 4		

Lancaster County	Impervious Area	Equivalent Residential		Storm Utility Fee	
 Parcel ID .	(SF)	Units (Imp. Area/3500)		(\$75.00xERU)	
0013-00-020.00	25,663	7.3		\$549.92	-
0013-00-004.00	13,923	4.0		\$298.35	
0013-00-043.01	30,938	8.8		\$662.96	
0013-00-049.00	36,377	10.4		\$779.51	
0013-00-050.00	6,722	1.9		\$144.04	
0013-00-049.01	6,129	1.8		\$131.34	
0013-00-029.00	15,157	4.3		\$324.79	
0013-00-080.00	8,643	2.5		\$185.21	
0013-00-080.02	4,058	1.2		\$86.96	
0013-00-080.01	14,218	4.1		\$304.67	
0013-00-078.00	7,951	2.3		\$170.38	
0013-00-069.04	15,243	4.4		\$326.64	
0013-00-068.00	8,582	2.5		\$183.90	
0013-00-045.01	17,672	5.0		\$378.69	
0013-00-069.03	10,473	3.0		\$224.42	
0013-00-070.00	59,479	17.0		\$1,274.55	
0013-00-034.07	11,237	3.2		\$240.79	
0014-00-047.00	19,998	5.7		\$428.53	
0016-00-026.00	156,090	44.6		\$3,344.79	
0016-00-027.01	64,743	18.5		\$1,387.35	
0016-00-028.01	1,015	1.0		\$75.00	
0016-00-031.02	19,871	5.7		\$425.81	
0016-00-031.00	16,383	4.7		\$351.06	
0016-00-034.02	14,915	4.3		\$319.61	
0015-00-039.00	7,249	2.1		\$155.34	
0015-00-060.00	27,425	7.8		\$587.68	
0020-00-004.01	68,737	19.6		\$1,472.94	
0020-00-041.12	6,659	1.9	6 .	\$142.69	
0019-00-033.00	12,068	3.4		\$258.60	
0019-00-031.00	26,927	7.7		\$577.01	
0013-00-048.00	42,903	12.3		\$919.35	
0013-00-048.03	62,743	17.9		\$1,344.49	
0003-00-006.02	72,827	20.8		\$1,560.58	
0008-00-069.01	17,013	4.9		\$364.56	
0006-00-054.04	92,544	26.4		\$1,983.09	
0007-00-008.03	522,871	149.4		\$11,204.38	
0007-00-009.01	5,819	1.7		\$124.69	
0007-00-009.00	4,633	1.3		\$99.28	, i
0008-00-061.00	11,920	3.4		\$255.43	
0008-00-061.05	177,131	50.6		\$3,795.66	
0013-00-048.01	38,184	10.9		\$818.23	
0016-00-010.00	23,498	6.7		\$503.53	

Lancaster County	Impervious Area	Equivalent Residential	Storm Utility Fee
Parcel ID	(SF)	Units (Imp. Area/3500)	(\$75.00xERU)
0016-00-009.00	8,600	2.5	\$184.29
0016-00-008.00	17,749	5.1	\$380.34
0016-00-045.00	8,859	2.5	\$189.84
0013-00-001.00	6,286	1.8	\$134.70
0013-00-079.00	42,467	12.1	\$910.01
0015-00-012.00	19,592	5.6	\$419.83
0020-00-001.00	72,333	20.7	\$1,549.99
0022-00-001.00	142,850	40.8	\$3,061.07
0003-00-046.05	144,755	41.4	\$3,101.89
0010-00-030.00	252,367	72.1	\$5,407.86
0010-00-031.00	2,474	1.0	\$75.00
0010-00-031.00	78,406	22.4	\$1,680.13
0010-00-037.03	24,043	6.9	\$515.21
0010-00-040.03	79,835	22.8	\$1,710.75
0010-00-030.03	74,449	21.3	\$1,595.34
0013-00-087.00	60,244	17.2	\$1,290.94
0015-00-047.01	12,805	3.7	\$274.39
0015-00-044.10	2,667	1.0	\$75.00
0016-00-045.01	6,726	1.9	\$144.13
0016-00-045.02	13,882	4.0	\$297 <i>.</i> 47
0016-00-000.00	85,678	24.5	\$1,835.96
0020-00-014.00	81,546	23.3	\$1,747.41
0020-00-014.00	65,930	18.8	\$1,412.79
0020-00-043.00	25,224	7.2	\$540.51
0008B-0C-006.00	21,825	6.2	\$467.68
0010-00-051.00	35,385	10.1	\$758.25
0008-00-054.01	40,432	11.6	\$866.40
0005-00-054.01	57,340	16.4	\$1,228.71
0005-00-100.03	70,493	20.1	\$1,510.56
0005-00-100.05	28,962	8.3	\$620.61
0010-00-050.07	18,919	5.4	\$405.41
0010-00-050.07	67,020	19.1	\$1,436.14
0003-00-063.00	32,731	9.4	\$701.38
0016-00-034.00	9,590	2.7	\$205.50
0008-00-059.00	26,503	7.6	\$567.92
	25,707	7.3	\$550.86
0008G-0D-005.00 0013-00-051.00	114,790	32.8	\$2,459.79
	72,901	20.8	\$1,562.16
0013G-0A-135.00	209,559	59.9	\$4,490.55
0013-00-046.01	32,526	9.3	\$696.99
0013-00-046.02	19,625	5.6	\$420.54
0002-00-005.00		12.4	\$927.56
0005-00-114.00	43,286	14.7	7527.00

Lancaster County	Impervious Area	Equivalent Residential	Storm Utility Fee
Parcel ID	(SF)	Units (Imp. Area/3500)	(\$75.00xERU)
0010-00-050.10	62,193	17.8	\$1,332.71
0010-00-050.11	38,669	11.0	\$828.62
0010-00-050.14	110,058	31.4	\$2,358.39
0010-00-050.18	117,640	33.6	\$2,520.86
0010-00-050.19	152,989	43.7	\$3,278.34
0005-00-109.00	96,789	27.7	\$2,074.05
0005-00-103.00	161,414	46.1	\$3,458.87
0008-00-011.02	32,434	9.3	\$695.01
0013-00-086.02	42,325	12.1	\$906.96
0005-00-103.05	133,654	38.2	\$2,864.01
0010-00-050.09	70,660	20.2	\$1,514.14
0010-00-047.00	6,916	2.0	\$148.20
0010-00-048.01	29,530	8.4	\$632.79
0010J-0A-001.01	210,161	60.0	\$4,503.45
0010-00-050.17	166,246	47.5	\$3,562.41
0010-00-046.01	32,230	9.2	\$690.64
0005-00-115.00	105,472	30.1	\$2,260.11
0020-00-037.00	13,810	3.9	\$295.93
0008-00-011.03	100,406	28.7	\$2,151.56
0006-00-052.02	21,805	6.2	\$467.25
0002-00-005.01	763	1.0	\$75.00
0002-00-005.02	15,497	4.4	\$332.08
0005-00-103.06	172,289	49.2	\$3,691.91
0013-00-047.02	38,364	11.0	\$822.09
0010-00-058.00	15,514	4.4	\$332.44
0016-00-017.00	31,022	8.9	\$664.76
0016-00-018.00	283,349	81.0	\$6,071.76
0016-00-019.00	201,398	57.5	\$4,315.67
0007-00-017.05	2,738	1.0	\$75.00
0008-00-016.02	552,961	158.0	\$11,849.16
0006-00-003.00	7,999	2.3	\$171.41
0008-00-084.00	35,787	10.2	\$766.86
0005-00-074.04	46,241	13.2	\$990.88
0005-00-100.02	2,320	1.0	\$75.00
0008-00-027.02	383,130	109.5	\$8,209.93
0013-00-061.00	26,803	7.7	\$574.35
0013N-0A-096.00	57,174	16.3	\$1,225.16
0008-00-026.02	2,066	1.0	\$75.00
0008-00-027.04	55,052	15.7	\$1,179.69
0008-00-084.02	10,305	2.9	\$220.82
0008-00-024.01	498	1.0	\$75.00
0010-00-004.00	7,636	2.2	\$163.63

Lancaster County	Impervious Area	Equivalent Residential	Storm Utility Fee
Parcel ID	(SF)	Units (Imp. Area/3500)	(\$75.00xERU)
0020-00-004.00	30,127	8.6	\$645.58
0007-00-008.05	79,192	22.6	\$1,696.97
0010-00-050.03	215,446	61.6	\$4,616.70
0005-00-019.01	103,857	29.7	\$2,225.51
0009I-0A-081.01	21,330	6.1	\$457.07
0013-00-022.01	7,053	2.0	\$151.14
0016-00-075.00	157,018	44.9	\$3,364.67
0016-00-077.00	64,326	18.4	\$1,378.41
0010-00-050.20	44,291	12.7	\$949.09
0005-00-102.03	30,925	8.8	\$662.68
0005-00-102.01	38,187	10.9	\$818.29
0005-00-102.02	59,971	17.1	\$1,285.09
0006-00-001.00	3,590	1.0	\$76.93
0007-00-028.00	64,097	18.3	\$1,373.51
0007-00-033.00	26,448	7.6	\$566.74
0007-00-026.00	74,765	21.4	\$1,602.11
0007-00-030.00	37,765	10.8	\$809.25
0007-00-031.00	52,437	15.0	\$1,123.65
0007-00-029.00	29,125	8.3	\$624.11
0001-00-002.00	20,387	5,8	\$436.86
0005H-0C-001.01	72,423	20.7	\$1,551.92
0010J-0A-061.00	1,461	1.0	\$75.00
0007-00-027.00	9,119	2.6	\$195.41
0013-00-055.02	8,302	2.4	\$177 <i>.</i> 90
0014N-0J-008.00	2,114	1.0	\$75.00
0007-00-008.06	291,266	83.2	\$6,241.41
0006-00-008.00	16,341	4.7	\$350.16
0016-00-019.03	21,323	6.1	\$456.92
0016-00-019.01	33,383	9.5	\$715.35
0016-00-018.01	29,912	8.5	\$640.97
0013-00-110.00	28,724	8.2	\$615.51
0010-00-029.03	204,797	58.5	\$4,388.51
0007-00-025.02	32,541	9.3	\$697.31
0007-00-025.03	38,396	11.0	\$822.77
0007-00-034.00	124,749	35.6	\$2,673.19
0007-00-025.01	134,331	38.4	\$2,878.52
0005-00-113.00	49,149	14.0	\$1,053.19
0005-00-113.01	30,493	8.7	\$653.42
0010-00-052.00	6,614	1.9	\$141.73
0013-00-078.01	5,992	1.7	\$128.40
0013-00-048.04	5,111	1.5	\$109.52
0015-00-048.01	16,536	4.7	\$354.34
0013 00 0 10.01			

Lancaster County	Impervious Area	Equivalent Residential	Storm Utility Fee		
Parcel ID	(SF)	Units (Imp. Area/3500)	(\$75.00xERU)		
0009-00-002.00	16,330	4.7	\$349.93		
0010-00-060.01	32,395	9.3	\$694.18		
0008-00-016.03	32,441	9.3	\$695.16		
0008-00-016.00	41,345	11.8	\$885.96		
0006-00-010.00	4,859	1.4	\$104.12		
0008-00-027.05	56,759	16.2	\$1,216.26		
0002-00-019.00	4,795	1.4	\$102.75		
0005-00-103.02	3,919	1.1	\$83.98		
0005-00-118.00	203,747	58.2	\$4,366.01		
0005-00-100.07	15,322	4.4	\$328.33		
0006-00-072.00	20,084	5.7	\$430.37		
0007-00-001.02	17,727	5.1	\$379.86		
0013-00-061.01	20,961	6.0	\$449.16		
0002G-0C-013.01	2,455	1.0	\$75.00		
0010-00-046.02	29,643	8.5	\$635.21		
0005-00-103.07	75,487	21.6	\$1,617.58		
0006G-0A-018.00	3,818	1.1	\$81.81		
0010-00-045.05	240,704	68.8	\$5,157.94		
0010-00-007.00	171,122	48.9	\$3,666.90		
0015A-0A-012.01	2,799	1.0	\$75.00		
0006M-0A-027.01	20,752	5.9	\$444.69		
0005-00-102.04	49,962	14.3	\$1,070.61		
0005-00-102.05	32,855	9.4	\$704.04		
0006-00-085.02	104,686	29.9	\$2,243.27		
0006N-0D-039.00	4,604	1.3	\$98.66		
0002-00-025.00	33,422	9.5	\$716.19		
0005-00-102.06	43,223	12.3	\$926.21		
0002K-0A-031.00	76,044	21.7	\$1,629.51		
0006-00-003.02	2,810	1.0	\$75.00		
0010-00-052.02	4,566	1.3	\$97.84		
0006-00-008.01	26,130	7.5	\$559.93		
0008P-0G-001.00	5,721	1.6	\$122.59		
0020-00-002.01	16,791	4.8	\$359.81		
0008-00-027.06	49,004	14.0	\$1,050.09		
0006L-0H-001.01	60,991	17.4	\$1,306.95		
0005-00-103.01	256,121	73.2	\$5,488.31		
0005-00-074.01	15,001	4.3	\$321.45		
0005-00-074.09	26,798	7.7	\$574.24		
0015-00-001.00	42,265	12.1	\$905.68		
0020-00-008.00	173,182	49.5	\$3,711.04		
0015-00-055.01	5,795	1.7	\$124.18		
0013-00-018.00	439,935	125.7	\$9,427.18		

Lancaster County	Impervious Area	Equivalent Residential	Storm Utility Fee
Parcel ID	(SF)	Units (Imp. Area/3500)	(\$75.00xERU)
0008-00-022.01	3,040	1.0	\$75.00
0008-00-061.04	88,080	25.2	\$1,887.43
0016-00-026.01	7,841	2.2	\$168.02
0005-00-093.06	6,759	1.9	\$144.84
0005-00-093.01	11,703	3.3	\$250.78
0005-00-093.00	16,195	4.6	\$347.04
0014A-0B-027.01	76,956	22.0	\$1,649.06
0016-00-001.06	181,478	51.9	\$3,888.81
0010-00-045.01	14,047	4.0	\$301.01
0006-00-052.03	11,870	3.4	\$254.36
0003-00-051.00	8,007	2.3	\$171.58
0015-00-024.03	2,705	1.0	\$75.00
0003-00-052.00	32,607	9.3	\$698.72
0016-00-001.00	987,664	282.2	\$21,164.23
0013-00-019.01	36,296	10.4	\$777.77
0013-00-019.00	28,680	8.2	\$614.57
0005-00-116.00	6,683	1.9	\$143.21
0010-00-037.02	6,030	1.7	\$129.21
0015F-0A-001.01	62,112	17.7	\$1,330.97
0007-00-008.04	1,939	1.0	\$75.00
0022-00-001.00	44,281	12.7	\$948.88
0013-00-030.01	1,961	1.0	\$75.00
0013-00-055.03	15,299	4.4	\$327.84
0008-00-061.07	27,597	7.9	\$591.36
0008-00-061.06	33,142	9.5	\$710.19
0008-00-061.03	4,390	1.3	\$94.07
0013-00-047.03	74,913	21.4	\$1,605.28
0008-00-026.04	34,376	9.8	\$736.63
0008-00-077.00	6,745	1.9	\$144.54
0008-00-021.01	217,802	62.2	\$4,667.19
0008F-0C-061.00	57,377	16.4	\$1,229.51
0015-00-013.00	14,132	4.0	\$302.83
0015-00-024.00	54,776	15.7	\$1,173.77
0007-00-025.05	376,127	107.5	\$8,059.86
0005-00-074.11	41,328	11.8	\$885.60
0013-00-105.00	45,558	13.0	\$976.24
0015-00-052.00	4,620	1.3	\$99.00
0008-00-063.06	44,801	12.8	\$960.02
0009-00-011.00	2,917	1.0	\$75.00
0009-00-011.01	1,972	1.0	\$75.00
0010-00-050.08	137,762	39.4	\$2,952.04
0010-00-051.00	35,385	10.1	\$758.25

Lancaster County	Impervious Area	a Equivalent Residential Storm Utility Fee	
Parcel ID	(SF)	Units (Imp. Area/3500) (\$75.00xERU)	
0016-00-035.00	34,101	9.7	\$730.74
0013-00-108.00	1,804	1.0	\$75.00
0013-00-107.00	34,172	9.8	\$732.26
0008-00-052.00	50,805	14.5	\$1,088.68
008-00-052.01	15,528	4.4	\$332.74
0013-00-106.00	8,032	2.3	\$172.11
0003-00-006.01	115,622	33.0	\$2,477.61
0020-00-001.00	72,333	20.7	\$1,549.99
0021-00-003.01	2,836	1.0	\$75.00
0021-00-002.00	64,427	18.4	\$1,380.58
0021-00-011.01	5,713	1.6	\$122.42
0022-00-006.01	15,199	4.3	\$325.69
0025-00-005.01	128,606	36.7	\$2,755.84
0026-00-013.02	263,169	75.2	\$5,639.34
0026-00-013.03	3,901	1.1	\$83.59
0026-00-013.01	3,049	1.0	\$75.00
0025-00-010.02	743,587	212.5	\$15,934.01
0025-00-025.00	27,084	7.7	\$580.37
0025-00-063.00	3,077	1.0	\$75.00
0025-00-062.00	941	1.0	\$75.00
0025-00-030.00	12,227	3.5	\$262.01
0025-00-031.00	25,323	7.2	\$542.64
0025-00-032.00	4,988	1.4	\$106.89
0025-00-045.00	1,921	1.0	\$75.00
0026-00-026.00	14,490	4.1	\$310.50
0027-00-017.00	146,390	41.8	\$3,136.93
0026-00-035.00	49,681	14.2	\$1,064.59
0028-00-007.00	38,683	11.1	\$828.92
0027-00-008.00	84,174	24.0	\$1,803.73
0028-00-018.02	12,030	3.4	\$257.79
0028-00-035.06	13,439	3.8	\$287.98
0028-00-035.02	27,162	7.8	\$582.04
0028-00-035.01	7,617	2.2	\$163.22
0028-00-031.00	4,336	1.2	\$92.91
0028-00-031.01	17,188	4.9	\$368.31
0027-00-025.00	22,872	6.5	\$490.11
0025-00-002.00	4,451	1.3	\$95.38
0025-00-066.02	1,946	1.0	\$75.00
0025-00-047.00	2,728	1.0	\$75.00
0025-00-065.00	18,118	5.2	\$388.24
0025-00-034.09	36,616	10.5	\$784.63
0026-00-015.01	14,769	4.2	\$316.48
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Lancaster County	Impervious Area	Equivalent Residential	Storm Utility Fee
Parcel ID	(SF)	Units (Imp. Area/3500)	(\$75.00xERU)
0025-00-078.02	11,763	3.4	\$252.06
0028-00-036.00	3,410	1.0	\$75.00
0025-00-078.03	117,611	33.6	\$2,520.24
0026-00-016.01	147,722	42.2	\$3,165.47
0026-00-013.04	130,541	37.3	\$2,797.31
0025O-0A-017.00	13,548	3.9	\$290.31
0028-00-019.00	81,869	23.4	\$1,754.34
0025-00-016.00	5,958	1.7	\$127.67
0028-00-022.00	6,806	1.9	\$145.84
0025-00-034.03	32,729	9.4	\$701.34

Total for Commercial Parcels:

\$536,112.69

Total Number of Residential Units	ERU	Storm Utility Fee (\$75.00/ERU)
13,796	1.0	\$1,034,700.00

Total for Commercial and Residential Parcels:

\$1,570,812.69

#### Notes:

- 20 Residential lots were sampled at random to determine the average impervious area of a single-family lot. It was determined to be approximately 3500 SF.
- The impervious areas for commercial properties were obtained either from available aerial imagery or submitted site plans.
- This impervious area of each commercial property was then converted to Equivalent
  Residential Units (ERUs) by dividing the impervious area of each parcel by 3500 (average for
  a residential unit).
- The ERUs for each parcel was multiplied by \$75 to calculate the Stormwater Utility Fee.
- A minimum of 1 ERU was used for commercial parcels.
- This list was compiled on 7/30/2016.



# Information concerning Lancaster County, SC: Panhandle Stormwater Utility

#### Issue:

When a community's population density exceeds 1,000 persons per square mile and a population of 50,000 regionally regardless of state lines, EPA mandates inclusion in the NPDES MS4 program. According to the latest US Census data, Indian Land now meets the minimum population density requirements noted above. Therefore, DHEC/EPA have determined that 57.4 square miles of land bounded by Highway 5 and Old Church Road on the south, the N.C. border on the north and east, and York County in the west will be a regulated Small Municipal Separate Storm Sewer System (SMS4). Van Wyck does not meet minimum density requirements, but is included in the SMS4 boundaries. Van Wyck will likely experience increased growth in the future and it also contains "sensitive" waters. Therefore, it is included in the new regulated SMS4 boundary area.

#### Background:

The Environmental Protection Agency (EPA), established the National Pollution Discharge Elimination System (NPDES), program to implement the Clean Water Act (CWA), of 1972. It was originally applied to "point source" discharges such as Waste Water Treatment plants (WWTPs) from sewage collection systems. The 1987 amendments to the Clean Water Act created an unfunded mandate for local communities to reduce pollution in stormwater runoff. This unfunded mandate is known as the NPDES Municipal Separate Storm Sewer System (MS4) program. The NPDES MS4 program was first implemented in large (>250,000 population) municipal stormwater operations in 1993. The South Carolina Department of Health and Environmental Control (DHEC) administers the NPDES program in South Carolina. Each regulated community with a Municipal Separate Storm Sewer System (MS4), has a specific permit with DHEC. All regulated communities are required to comply with the program or risk fines and penalties as well as losing all federal assistance for improvements to roads, bridges, airports, disaster relief, etc.

#### Unique community program requirements and constraints:

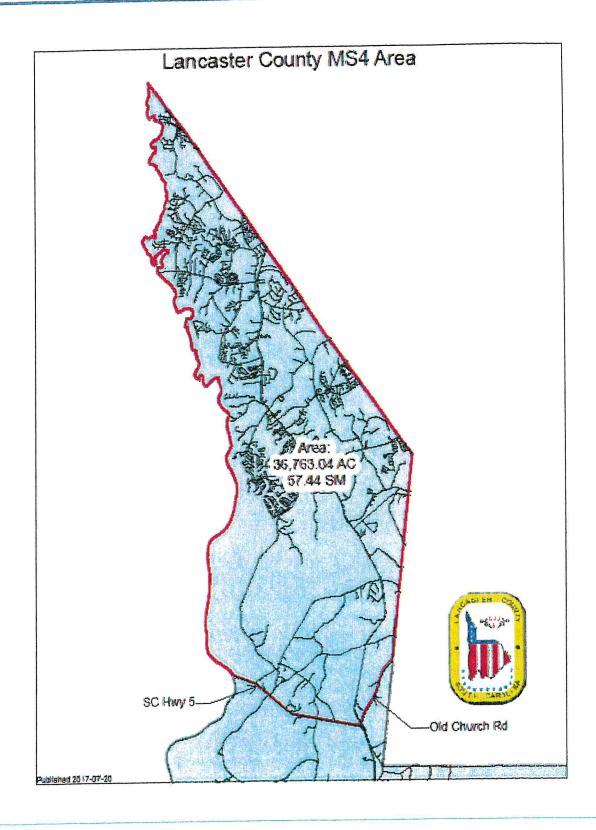
There are many aspects to local community compliance with the NPDES SMS4 program, which can be broadly grouped into six general categories: 1. Public education and outreach, 2. Public participation and involvement, 3. Illicit Discharge Detection and elimination, 4. Construction Site runoff control, 5. Post-Construction site runoff control, 6. Pollution Prevention/ Good Housekeeping (Municipal Operations). Each of these six program goals require specific steps and objectives to meet compliance with South Carolina Department of Health and Environmental Control and federal Environmental Protection Agency requirements.

Many water bodies in the panhandle are considered "sensitive" per SCDHEC and EPA criteria, these include;

- McAlpine Creek and Catawba River have high levels of Eschericia Coli (ECOLI), and decreased microinvertebrate (BIO) levels, and are listed as impaired per DHEC 303d list. Sugar Creek is also impacted by increased Copper (CU), as well as ECOLI and BIO which is impaired per DHEC 303d list.
- Six Mile Creek, Twelve Mile Creek, and Waxhaw Creek are on a <u>Total Maximum Daily Load (TMDL)</u> status for fecal coliform.
   Lancaster County must implement measures to limit fecal coliform releases in these watersheds to improve the water quality in these creeks which are located within the new SMS4 boundary.
- Indian Land and Van Wyck both contain critical habitat for the Carolina Heelsplitter which is an endangered species of mussel. These mussels require cool and clean streams to survive and thrive.

A stormwater utility program will enable the County to take a proactive approach to stormwater management. By establishing a dedicated funding source through stormwater fees, the County can ensure that revenue required to manage and maintain this important system is available. The fees will support a comprehensive stormwater management plan to minimize pollution and maximize safety through reduced flooding.







# Outline of typical tasks and activities associated with the Panhandle Stormwater Utility

There are many aspects to community compliance with the <u>National Pollutant Discharge Elimination System (NPDES)</u>
<u>Small Municipal Separate Storm Sewer System (SMS4)</u> program, which can broadly be grouped into six general categories as follows:

- 1. Public Education and outreach
- 2. Public participation and involvement
- 3. Illicit Discharge Detection and elimination
- 4. Construction Site runoff control
- 5. Post-Construction site runoff control
- 6. Pollution Prevention/ Good Housekeeping (Municipal Operations)

Each of these six program goals require specific steps and objectives to meet compliance with South Carolina Department of Health and Environmental Control and federal Environmental Protection Agency requirements. The tasks listed below will be implemented over several years and modified as necessary to meet specific panhandle land use and constituent needs. These measures, tasks, and activities are generally defined as Best Management Practices (BMPs) by the regulatory community.

#### Goal 1. Public Education and outreach:

- Current pollutants of concern within the SMS4 service area
  - SCDHEC 303d list: CU, ECOLI, BIO
  - o EPA Total Maximum Daily Load (TMDL): Fecal Coliform
  - o State, & federal endangered species, Carolina Heelsplitter: Sediment
- Identify target audience to minimize pollutants of concern
- Develop a public outreach plan to minimize pollutants
  - o Engage stakeholders in planning public outreach campaign
  - o Create educational materials for the target audience
  - o Distribute environmental materials to aid understanding of program goals
    - Provide guidance to property owners implementing water quality measures
    - Meet with HOAs and community groups
    - Provide materials for web page updates and expansions
- Assess and adjust public outreach program to fit needs of constituents, land use, and regulations

#### Goal 2. Public Participation and Involvement:

- Identify, support, participate and/or sponsor community events with booth emphasis on water quality
- Provide public access to SWMP information
- Solicit on-going public input on program objectives, requirements, and implementation



# Goal 3. Illicit discharge detection and elimination:

- Train Lancaster County field staff concerning illicit discharge detection and elimination
- Develop SMS4 system inventory maps/database with outfalls, public infrastructure condition, receiving waters, etc.
- Identify priority areas with potential illicit discharges
- Identify potential field screening locations
  - o Conduct dry weather field screening for illicit discharges
- Develop illicit discharge tracking procedures
  - o Conduct tracking when a pollutant is discernable in receiving waters
  - o Eliminate illicit discharges and document investigations and elimination
- Internal pipe cleaning and TV inspections by remote equipment to assess infrastructure condition and/or illicit discharge locations
- Adjust illicit discharge program to specific practices/parameters of concern

#### Goal 4. Construction site runoff control:

- Develop and adopt a stormwater ordinance
- Implement plan review of proposed development projects
- Training for construction site observation staff
  - o Construction site observation, inventory, and record keeping
- Develop enforcement response plans for non-compliant properties
- Establish and implement construction operator training requirements

## Goal 5. Post-construction site runoff control:

- Develop a stormwater quality ordinance
  - o Evaluate and update ordinances as necessary
- Develop site performance standards to minimize first flush impacts from developed land uses
- Site plan review to ensure water quality standards are considered
- Develop Post-Construction BMP inventory
- Post-construction BMP observations per water quantity and quality benefits
- Develop a long term maintenance plan for site BMPs (ponds, buffer strips, level spreaders, etc.)
- Take and analyze background and impacted water samples to focus restoration efforts

## Goal 6. Pollution prevention/good housekeeping:

- Assess all municipal operations facilities concerning potential pollutant discharges
- Train Lancaster County field staff including: sheriff, fire, inspections, code enforcement, maintenance, and vehicle shop in one or more of the following areas:
  - Illicit Discharge detection and elimination
  - Pollution Prevention/Good Housekeeping
  - o Construction and post construction erosion control and water quality BMPs



#### Frequently Asked Questions:

#### Why is Lancaster County implementing a Stormwater Utility?

Lancaster County is responding to a state and federal mandated law and there are no other available resources to fund this program. Lancaster County does not want to cut service to other programs and shift resources to absorb the costs. Stormwater Utilities have been used by most local government agencies to fund their NPDES MS4 programs. It is not a tax, but a user fee. Property owners within the limits of the new panhandle Small Municipal Storm Sewer System (SMS4) will all pay an equitable rate. The County is responsible for managing all aspects of stormwater within its jurisdiction. The County owns, operates, and maintains drainage facilities within the public right-of-way along County roads. The County does not own or maintain drainage facilities that are on private property or under the jurisdiction of other entities, (i.e., SC Department of Transportation, City of Lancaster).

#### How does the County currently pay for its stormwater system?

Storm sewer system improvements and maintenance has historically come from the general fund where various needs and services compete for funding each year in the budget process. The general fund includes, police, fire, roads, bridges, and other critical services the County provides. The County has done a good job managing the storm sewer system on a very limited budget, but the new requirements will far exceed the previous storm sewer expenditures. Storm water funding has historically been a lower priority than other urgent life safety needs. The Stormwater Utility will create a separate fund to meet the new regulatory requirements.

#### What is the difference between: Stormwater/ Potable Water/ Wastewater?

- Stormwater is the fraction of rainfall or snow melt that does not infiltrate into the ground, is not taken up by vegetation, or evaporate which becomes "runoff" that flows downhill. Stormwater is NOT treated or cleaned in any way, it simply flows back to the downstream surface water body.
- Potable water or drinking water is what comes out of the faucets and is used for drinking, bathing, washing, etc. Public potable water systems are treated and chlorinated to minimum health standards and distributed in pressurized systems to customers. The system pressure minimizes potential contamination and is a customer convenience. Potable water system pressure is typically set and maintained in elevated water storage tanks.
- Wastewater is composed of the drainage from residential and commercial plumbing system drains. After potable water is used and washed down the drain, it becomes wastewater. Public wastewater collection systems flow to a Wastewater Treatment Plant, typically adjacent to a river, where it is treated and cleaned to minimum standards and released back into the river.
- Stormwater, potable water, and wastewater are different in composition and are all conveyed in completely separate and distinct systems.

#### Does stormwater runoff change in urban environments?

Yes, it is typically much more polluted than runoff in undisturbed landscapes. In natural undisturbed areas, the soil absorbs much of rainfall and deep rooted plants help break up the ground to hold the moisture in the soil. These



undisturbed soils act as a soil sponge which may be up to 15 feet deep. The soil sponge in urban environments is typically only a few inches deep as most turf grass root systems are less than 4 inches. In urban environments, two potential hazards are created:

- Flooding from fast runoff during or after a rain. (due to development)
- Increased pollution to adjacent receiving water bodies because pollutants are easily washed off of the urban landscape.

Impervious surfaces such as rooftops, streets, sidewalks, and parking lots cannot easily absorb water. When a pollutant is spilled on an impervious surface, it stays there until the next rain washes it away. Stormwater runoff during and after a rain storm can wash sediment, oil, grease, toxins, metals, pathogens, detergents, pesticides, fertilizers, and other pollutants into nearby water bodies. Stormwater runoff receives NO treatment prior to discharge back into the environment. These pollutants reduce the recreational use of waters and adversely affect the health and biological diversity of the fish and wildlife living in and around our streams, ponds, and lakes. The initial runoff associated with the first rainfall of 1-inch or less is known as the "first flush" because it picks up and carries the latent pollutants which have been deposited on urban landscapes. The "first flush" typically contains the highest concentration of pollutants in the runoff event.

# What is the purpose of the NPDES SMS4 Stormwater Program?

The purpose is to create a team of professionals working to improve quality of life by improving water quality and protecting our natural resources. The local Stormwater Utility team will also work to minimize flooding impacts and act as an environmental resource for the community. Another primary objective is to ensure the community is compliant with environmental regulations implemented by Environmental Protection Agency (EPA) and South Carolina Department of Health and Environmental Control (DHEC).

# What is the Lancaster County, i.e. "Panhandle" Small Municipal Separate Storm Sewer System, (SMS4)?

A SMS4 is defined as the system of publically owned stormwater conveyances including roads, curbs, gutters, ponds, ditches, or pipes that discharge directly to surface waters. These SMS4 runoff systems are designed or used solely for collecting or conveying stormwater runoff. The SMS4 is not necessarily continuous, meaning that Lancaster County may own or control less than 5% of the Stormwater conveyance system. The public system may only be 50-feet long at a stream crossing under a roadway every few miles along a stream corridor. The balance of the conveyance system (stream) is on private property. However, Lancaster County is held responsible for any pollution release from the entire drainage area to the waters within the SMS4. These waters collect runoff from public and private lands.

#### What are sensitive waters?

Sensitive Waters can be defined as clean waters which allow specific organisms to thrive or dirty waters impacted by various pollutants. Ironically, the Lancaster County panhandle SMS4 has both. The stream habitat in the panhandle SMS4 is recognized as supportive of the Carolina Heelsplitter which require clean shaded streams to survive. The Carolina Heelsplitter is an endangered species of mussel which has been found in Lancaster County. It is also noted that



three streams within the SMS4 boundaries are listed on the EPA/DHEC 303d impaired waters list: Sugar Creek, McAlpine Creek, and the Catawba River. Three Streams within the SMS4 have a Total Maximum Daily Load (TMDL) established in 2005 for high levels of fecal coliform: Six Mile Creek, Twelve Mile Creek, and Waxhaw Creek.

#### Why is Lancaster County panhandle included in the NPDES SMS4 program?

EPA/DHEC used a "balanced criteria" of the following six designation factors:

- Discharge to sensitive waters
- High population density
- High growth or growth potential
- Contiguity to an Urbanized Area
- Significant contributor of pollutants to waters of U.S.
- Ineffective protection of water quality concerns by other programs

The Lancaster County Panhandle SMS4 meets all criteria noted above.

#### How will the money collected by the Stormwater Utility be used?

The revenues generated by this fee will be used to fund all stormwater related activities in the panhandle SMS4 service area. This includes protection of environmental resources, plan review, observation of construction projects, planning for future impacts, maintenance and repairs of stormwater system infrastructure, design and construction of capital improvement projects, or stream buffer property acquisitions. The fee will also pay for compliance with the NPDES SMS4 program requirements per state and federal regulations. In general terms, program compliance means implementation of six minimum control measures:

- Public Outreach and Education
- Public Participation and Involvement
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Management
- Pollution Prevention and Good Housekeeping (Municipal Operations)

Each of the six program areas require an implementation plan and ongoing monitoring of <u>Best Management Practices</u> (<u>BMP</u>) to achieve the program goals. The County is held responsible for water quality of natural streams within the jurisdiction as designated by state and federal agencies.

#### What is a Stormwater Management Plan (SWMP)?

A Stormwater Management Plan is the documented plan developed by the regulated agency (Lancaster County) to meet the requirements of the NPDES SMS4 program. The SWMP outlines the specific measures and implementation schedule the jurisdiction will use to comply with the MS4 program. Each regulated MS4 community has a separate and distinct SWMP tailored for the specific community.



## What are Best Management Practices (BMPs)?

Best Management Practices are various techniques used to meet goals in the stormwater management plan (SWMP). BMPs may be physical barriers like silt fences, detention ponds, or vegetative buffers to minimize silt and sediment loss from a construction site. BMPs may also be distribution of educational flyers to meet public education requirements. Lancaster County will have to implement a BMP of staff training to improve our environmental stewardship which is part of compliance with the Good Housekeeping goal.

#### When does the program begin?

It has already begun. Lancaster County has been in negotiations with DHEC since **2013** concerning the SMS4 designation, geographic boundaries, and SWMP implementation schedule. Lancaster County has already met many of the permit requirements by utilizing professional consultants since **2014** to prepare numerous background documents necessary for permit compliance. The passing of Unified Development Ordinance (UDO) in **2016** includes many provisions necessary for permit compliance. The employment of a County Engineer in **2017** to begin daily implementation and maintenance of the program. Additional staff and resources will be required as the program responsibilities increase to comply with the DHEC implementation schedule.

# Is Lancaster County responsible for pollutants generated in North Carolina?

No, we are not responsible for cleaning pollutants generated in another state. However, we may be required to take background samples at the state line and downstream to ensure that we are not adding to the pollutant levels entering our panhandle SMS4 jurisdiction.

## Do other cities/counties have a stormwater fee?

Yes, 38 other cities and/or counties in South Carolina and 71 in North Carolina have a stormwater Utility. There are estimates of more than 2,500 nationwide. Regionally the following communities have stormwater fees: Fort Mill, Rock Hill, Tega Cay, Monroe, Matthews, Indian Trail, and Mecklenburg County.

## What is the basis for the stormwater fee charged?

The stormwater utility fee is based on the amount of impervious surface on your property. Impervious surface area is any surface that does not readily absorb water and impedes the natural infiltration of water in to the soil. The majority of Stormwater Utilities use impervious areas as an equitable way to set fees. Customers pay a fee related to the amount of runoff generated from their property. Impervious surfaces generate runoff at a much higher rate than undisturbed land.

# Are tax exempt properties exempt from the stormwater fee?

No, because it is a fee not a tax. Taxes are based on property value, the stormwater fee is assessed based on impervious surface. The runoff generated from impervious surfaces contributes significantly to pollution and flooding problems.



#### How will fees be determined?

Residential properties will be billed based on an Equivalent Residential Unit (ERU). A ERU is set as 3,500 square feet of impervious area. It was determined by taking a representative sample of residential properties in Lancaster County and measuring the impervious surfaces based on aerial photography. The commercial property fees are based on individual measurement and analyses of approximately 430 properties in the MS4 area. The impervious area for each was divided by 3,500 sq. ft. to determine the number of equivalent ERUs the property contained. The ERU is presently set at \$75 annually to cover minimum effort required to comply with new regulations in the panhandle of Lancaster County. The number of ERUs was multiplied by \$75 to determine an annual fee. The fee will be included along with annual tax billing invoices.

#### I pay Home Owners Association (HOA) dues which include storm ponds, why do I have to pay the new fee?

The HOA dues include many other things in addition to storm detention/retention pond maintenance. Sediment ponds built for construction runoff conditions generally do not improve water quality in post-construction conditions. Some poorly designed, constructed, or maintained ponds do not have much runoff peak attenuation capabilities. One BMP which may be utilized by the utility, would be to retrofit existing HOA detention or retention ponds to maximize potential water quality and/or quantity benefits.

#### Why do I have to pay when I do not have any drainage problems?

Everyone in the panhandle SMS4 service area will benefit from a stormwater management program. When storm water runs off your property downhill, it impacts your neighbors. The County must have a program to maximize runoff water quality and minimize flooding. We all use roads that may have inadequate storm sewers beneath them. When the road culvert was designed and constructed years ago the contributing land use was much less urbanized. These land use changes overwhelm the old culverts which can create hazards that need to be corrected.

#### Where does our drinking water come from?

Lancaster County Water and Sewer District uses water from the Catawba River which is cleaned and treated then pumped into the pressurized system which serves the Lancaster County area. As the surface waters and groundwater supplies become more polluted, treatment to drinking water standards becomes more and more difficult and expensive. Groundwater supplies from private wells are subject to pollution impacts and most private wells do not receive any treatment prior to consumption.

#### What is the 303d list?

The 303d list refers to waterbodies for which obtained samples have failed minimum water quality criteria set out in section 303(d) of The Clean Water Act. The water bodies on the 303d list can only be removed if water quality improves. The 303d listed waters typically become Total Maximum Daily Load (TMDL) water bodies which require the local MS4 implement corrective measures to limit the pollutant(s) of concern in the TMDL.



#### What is sediment?

- Sediment is the fraction of soil that travels downstream and makes our streams reddish brown after a rain. It is typically the smaller particles that wash away which is also the reason they stay in suspension in the streams. Sediment is the number one pollutant by volume. Sediment fills up ponds/lakes and chokes out larva/eggs of aquatic organisms living in streams.
- More importantly, sediment is the vehicle most pollutants ride on. When a pollutant(s) is spilled on the ground.
   It can be chemically bound to the soil particles. When those particles are eroded and sediment is washed downstream, it takes the pollutants with it.
  - o Many chemicals have a long half-life meaning they can pollute streams/lakes for years after the pollutant source is gone.
  - Mercury in fish is an excellent example. We use very little mercury and it is now highly regulated, but it still concentrates in fish tissue today due to sediment deposits in the bottom of lakes which leach out trace amounts of mercury continuously.

# How can I help protect our local water bodies?

- Don't dump anything down storm drains; oils, chemicals, paints, soaps, etc. pollute our streams and lakes.
- Use pesticides and fertilizers sparingly and always follow label instructions.
- Do not blow grass clippings into storm drains or throw into a nearby ditch.
- Put litter in its place, (trash or recycling containers)
  - o If you throw it out of the car window, it generally ends up in the stream.
- Pick up after your pet.
- Keep livestock out of creeks
- Fix vehicle leaks & recycle used fluids.
- Have septic tanks checked or serviced a minimum of every two years.
- Keep groundcover (plants or mulch) on bare soil.
- Sweep up dry spills, don't wash them away.
- Use professional car wash facilities or wash your car in grassy areas.

# Where Can I get more information concerning the Lancaster County program and general program requirements?

www.scdhec.gov/Apps/Environment/PublicNotices/.../PDF/3318

http://www.scdhec.gov/HomeAndEnvironment/Water/Stormwater/

http://www.scdhec.gov/Environment/docs/Final SSMS4 Permit.pdf

https://www.scdhec.gov/Agency/docs/water-regs/r61-9.pdf

https://www.epa.gov/npdes/npdes-stormwater-program

https://www.scdhec.gov/HomeAndEnvironment/Docs/tmdl_waxhaw_fc.pdf

http://dnr.sc.gov/swap/supplemental/mussels/carolinaheelsplitter2015.pdf

https://www.fws.gov/endangered/map/state/SC.html



# Agenda Item Summary

Ordinance # / Resolution#:

Ordinance No. 2017-1457

Contact Person / Sponsor:

Steve Willis

Department:

Administration

Date Requested to be on Agenda:

July I&R Committee Meeting August 14, 2017 Council Meeting

#### **Issue for Consideration:**

Repeal of County Code section 12-21.

#### Points to Consider:

I stumbled across this code section while looking for something else. This section imposes a business license fee on solid waste collection vendors.

#### Sec. 12-21. - Licensing of refuse collection vendors.

All vendors of residential and commercial refuse operating within the county must be licensed. Such vendors will be charged a license fee graduated according to the vendor's gross income.

(Ord. No. 101, 7-25-83; Ord. No. 200, 11-25-91)

To my knowledge this has never been enforced and Council has made clear that it has no interest in imposing a Business License ordinance.

#### Funding and Liability Factors:

N/A; no revenue would be lost as it has never been imposed to my knowledge.

#### **Council Options:**

Repeal the ordinance or staff will begin enforcement.

#### Staff Recommendation:

Based upon past decisions by Council I recommend repeal.

#### Committee Recommendation:

Repeal Section 12-21.

# STATE OF SOUTH CAROLINA ) ORDINANCE NO. 2017-1457 COUNTY OF LANCASTER )

Indicates Matter Stricken Indicates New Matter

#### AN ORDINANCE

# TO REPEAL SECTION 12-21 OF THE LANCASTER COUNTY CODE OF ORDINANCES RELATED TO SOLID WASTE COLLECTION BUSINESS LICENSES.

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

## Section 1. Amendment of County Code.

Section 12-21 of the Lancaster County Code of Ordinances is amended as follows:.

## Sec. 12-21. - Licensing of refuse collection vendors. Reserved.

All vendors of residential and commercial refuse operating within the county must be licensed. Such vendors will be charged a license fee graduated according to the vendor's gross income.

(Ord. No. 101, 7-25-83; Ord. No. 200, 11-25-91)

## 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, 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

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		LANC	ASTER COUNTY,	SOUTH CARO	LINA
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	*	Steve I	Harper, Chair, Co	unty Council	
ATTEST:		Larry F	loneycutt, Secreta	ary, County Cou	ncil
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Sherrie Simpson, Cl	erk to Council				
First Reading: Second Reading: Third Reading:	August 14, 2017 August 28, 2017 September 11, 2017				
			8		



# Agenda Item Summary

Ordinance # / Resolution#:

Ordinance No. 2017-1458

Contact Person / Sponsor:

Steve Willis/Kenneth Cauthen/Steve Yeargin

Department:

Admin/Zoning/Building

Date Requested to be on Agenda:

July I&R Committee Meeting August Council Meeting

#### **Issue for Consideration:**

Separate duties of former Building and Zoning Department.

#### Points to Consider:

This is an old County Code section that needs to be cleaned up to reflect that these departments are now separate.

Both Kenneth and Steve were involved in drafting the ordinance and have approved the final draft. I would note that it was just completed and I will send it to John but will not have time before the Committee package is wrapped up. The final version of the ordinance may well need some polishing before going to Council.

#### Funding and Liability Factors:

N/A

#### Council Options:

Approve or reject the ordinance.

#### Staff Recommendation:

Approve the ordinance.

#### Committee Recommendation:

Recommend approval of Ordinance.

STATE OF SOUTH CAROLINA	)	r = 1
	)	ORDINANCE NO. 2017-1458
COUNTY OF LANCASTER	ĵ	

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#### AN ORDINANCE

TO AMEND ARTICLE IV OF CHAPTER 25 OF THE LANCASTER COUNTY CODE SO AS TO SEPARATE DUTIES OF THE BUILDING DEPARTMENT AND THE ZONING DEPARTMENT.

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

## Section 1. Building Department.

Article 4 of Chapter 25 of the Lancaster County Code is amended to read:

## ARTICLE IV. - BUILDING AND ZONING DEPARTMENT

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

- (a) Through this section, the county council creates the Lancaster County Building and Zoning Department. This staff shall perform the daily enforcement activities associated with the following ordinances, codes, and topics:
  - (1) Issuing:
    - a. Building Construction permits.
    - b. Mobile home permits.
    - c. Mobile home moving de-title permits.
    - d. Use/occupancy permits Application for Building Code appeals.
    - e. Sign Monument or pole sign permits.
    - f. Applications for rezonings, appeals, and variances, etc.
  - (2) Performing:
    - a. Building codes/zoning inspection.
    - b. Building codes/zoning enforcement.
    - c. Site Construction plan reviews.
    - d. Investigation and verification of rezonings, appeals, and variances, etc.
    - e. Mobile home de-title inspections.
  - (3) Administering:
    - a. Building codes.
    - b. Land use and development standards ordinance (zoning).
    - c. Uniform subdivision regulations.
    - d. Flood damage prevention ordinance.
    - e. Street and road name ordinance.
    - f. Uniform addressing and numbering ordinance.

- (b) The building and zoning staff shall serve as the enforcement staff to the townships of Heath Springs and Kershaw, and enforce only those ordinances and codes that have been duly adopted by the respective councils.
- (c) By separate ordinance, the county council will consider and adopt building and construction codes to be enforced by the building and zoning department. (Ord. No. 234, § 7, 5-23-94)

Secs. 25-62 to 25-70. - Reservted

# Section 2. Zoning Department.

Article 5 of Chapter 25 of the Lancaster County Code is adopted to read:

## ARTICLE V. - ZONING DEPARTMENT

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

- (a) Through this section, the county council creates the Lancaster County Zoning Department. This staff shall perform the daily enforcement activities associated with the following ordinances, codes, and topics:
  - (1) Issuing:
    - a. Mobile home moving permits.
    - b. Mobile home change of ownership.
    - c. Application for zoning appeals and variances.
    - d. Use/occupancy permits.
    - e. Septic tank permits.
    - f. Alarm permits.
  - (2) Performing:
    - a. Unified Development Ordinance code inspections.
    - b. Unified Development Ordinance enforcement.
    - c. Site plan reviews.
    - d. Investigation and verification of Unified Development Ordinance appeals and variances, etc.
  - (3) Administering:
    - a. Flood damage prevention ordinance.
- (b) The zoning staff shall serve as the enforcement staff to the towns of Heath Springs and Kershaw, and enforce only those ordinances and codes that have been duly adopted by the respective councils.
- (c) By separate ordinance, the county council will consider and adopt changes to the Unified Development Ordinance.

# Section 3. Severability.

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

# Section 4. Conflicting Provisions.

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

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	ay of, 2017
	LANCASTER COUNTY, SOUTH CAROLINA
	Steve Harper, Chair, County Council
THE WAS A STANFACTOR OF THE STANFACTOR	Larry Honeycutt, Secretary, County Council
Sherrie Simpson, Clerk to Council	
First Reading: August 14, 2017 Second Reading: August 28, 2017 Third Reading: September 11, 201	(Tentative) 7 (Tentative)



# Agenda Item Summary

Ordinance # / Resolution# 2017-1459-(RZ-017-003)

Contact Person / Sponsor: Nick Cauthen

Department: Planning

Date Requested to be on Agenda: 8/14/17

## Issue for Consideration:

*The applicant has petitioned Lancaster County to rezone ± 13 acres of property from PB, Professional Business District to GB, General Business District. The applicant is proposing to construct mini warehouses on the property.

*The property is located off Jim Wilson Rd., directly north of the intersection of Jim Wilson Rd. and Cortland Dr. in the Indian Land area.

#### Points to Consider:

*This property is designated as Neighborhood Mixed Use on the Future Land Use map. Neighborhood Mixed Use is a community type that is described as a walkable neighborhood that comprises a mix of uses including commercial and residential as defined by the *Lancaster County Comprehensive Plan 2014-2024*.

*This property was zoned residential (R-45) on the zoning map that was repealed on November 28, 2016. After further review during the UDO and Zoning Map update process the planning department determined that Professional Business was the best fit for this particular piece of property considering the surrounding area. Residential was not ideal due to surrounding commercially zoned property and the proximity of the gun range but more intense commercial was also not well suited due to the number of residences in the immediate area. *Professional Business is "generally located adjacent to neighborhoods" and serves as a transitional zoning district between residential and commercial areas.

# Funding and Liability Factors:

N/A

#### Council Options:

To approve or deny the rezoning request.

### Recommendation:

- *It is the recommendation of the planning staff that the rezoning request be **denied.** This is primarily due to the fact that although commercial zoning fits this property the intensity of general business is too great considering the number of residential homes in the immediate area.
- *At the Lancaster County Planning Commission meeting on Tuesday, February 21, 2017 the Commission voted to deny the rezoning application of Mr. Jeff Pelchat by a vote of (5-2).
- *Two citizens signed to speak against the rezoning at the public hearing. One citizen stated she had started a petition and has received over 240 signatures against this rezoning.
- *The complete staff report can be located on <a href="www.mylancastersc.org">www.mylancastersc.org</a> Click on Planning Department and go to 2017 Agendas.

STATE OF SOUTH CAROLINA	; i i i i i i i i i i i i i i i i i i i	
COUNTY OF LANCASTER	) )	ORDINANCE NO. 2017-1459

#### AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OWNED BY ANNA D. WOOD, REPRESENTED BY JEFF PELCHAT, LOCATED ON JIM WILSON ROAD, NORTH OF CORTLAND DRIVE FROM PB, PROFESSIONAL BUSINESS DISTRICT TO GB, GENERAL BUSINESS DISTRICT.

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

## Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) Jeff Pelchat applied to rezone property located on Jim Wilson Road, north of Cortland Drive from PB, Professional Business District, to GB, General Business District.
- (b) On February 21, 2017, 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 PB, Professional Business District to GB, General Business District for the following properties as identified by tax map number or other appropriate identifier:

Tax Map No. 0014-00-046.01, 0014-00-047.00

### 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

	Dated this	day of	, 2017.
		LANCASTER	R COUNTY, SOUTH CAROLINA
		Steve Harper,	Chair, County Council
		Larry Honeycu	utt, Secretary, County Council
ATTEST:			
Sherrie Simpson, Cl	erk to Council		
First Reading: Second Reading: Third Reading:	8-14-2017 8-28-2017 9-11-2017	(Tentative) (Tentative)	

## PLANNING STAFF REPORT: RZ-017-003

#### I. FACTS

### A. GENERAL INFORMATION

**Proposal:** This is a rezoning application of Jeff Pelchat to rezone  $\pm$  13 acres from PB, Professional Business District to GB, General Business District. The applicant is proposing to construct mini warehouses on the property.

**Property Location:** The property is located off Jim Wilson Rd., directly north of the intersection of Jim Wilson Rd. and Cortland Dr. in the Indian Land area of Lancaster County.

Legal Description: TMS # 0014-00-046.01, 0014-00-047.00

Zoning Classification: Current: PB, Professional Business District

Voting District: District 1, Terry Graham

#### B. SITE INFORMATION

Site Description: The property consists of 2 separate parcels that combined equal  $\pm$  13 acres. They are located on the north side of Jim Wilson Road. The subject property contains an older building that use to house an HVAC company. The building is no longer in use.

#### C. VICINITY DATA

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Surrounding Conditions: The adjacent properties are zoned PB (Professional Business), GB (General Business), RN (Rural Neighborhood), and PDD-8 (Planned Development District – Walnut Creek). The Walnut Creek development is located across the street from the subject parcels. Vacant wooded property is located to the north and east of the subject property and there is a residential home adjacent and to the west of the subject property. There is also a gun range that is located in North Carolina and is only approximately 1,000 feet from the nearest property line of the subject property.

### D. EXHIBITS

- 1. Zoning Map
- 2. Aerial Map
- 3. Future Land Use Map

#### II. FINDINGS

CODE CONSIDERATIONS

### PB, Professional Business District,

The Professional Business District is generally located adjacent to neighborhoods and provides opportunities for the provision of office and professional services that do not adversely impact the surrounding communities.

## GB, General Business District,

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

#### III. CONCLUSIONS

Date of 1st Reading: 8-14-17

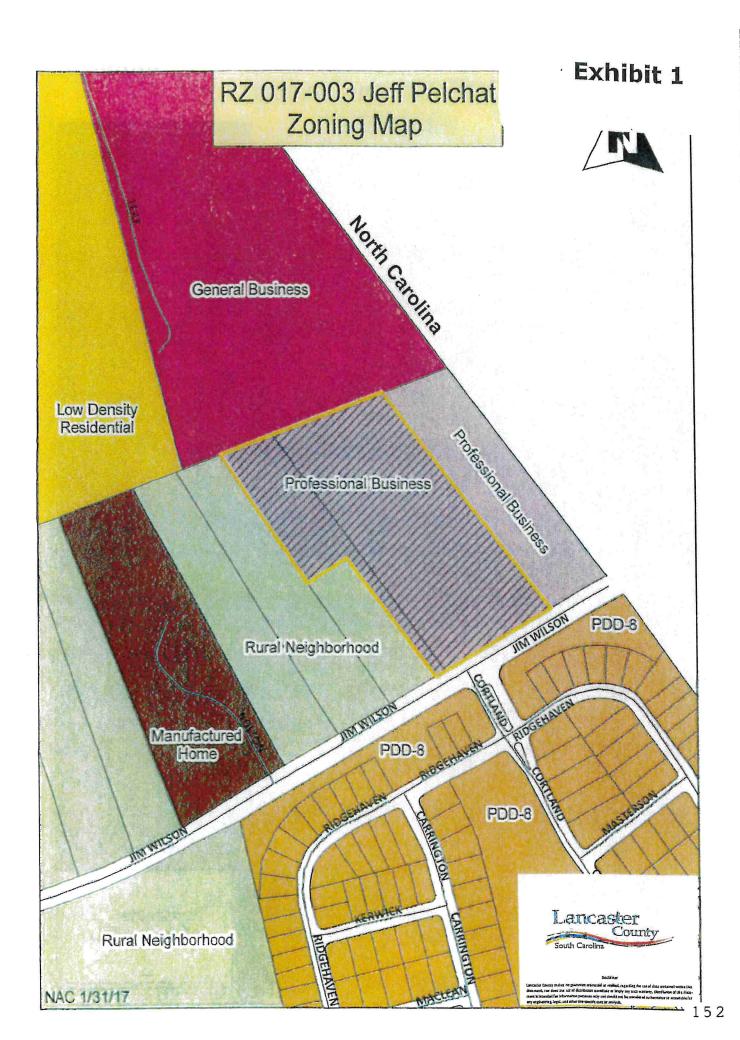
The facts and findings of this report show that the property is designated as Neighborhood Mixed Use on the Future Land Use map. Neighborhood Mixed Use is a community type that is described as a walkable neighborhood that comprises a mix of uses including commercial and residential as defined by the Lancaster County Comprehensive Plan 2014-2024. This property was zoned residential (R-45) on the zoning map that was repealed on November 28, 2016. After further review during the UDO and Zoning Map update process the planning department determined that Professional Business was the best fit for this particular piece of property considering the surrounding area. Residential was not ideal due to surrounding commercially zoned property and the proximity of the gun range but more intense commercial was also not well suited due to the number of residences in the immediate area. Professional Business is "generally located adjacent to neighborhoods" and serves as a transitional zoning district between residential and commercial areas.

### IV. RECOMMENDATION:

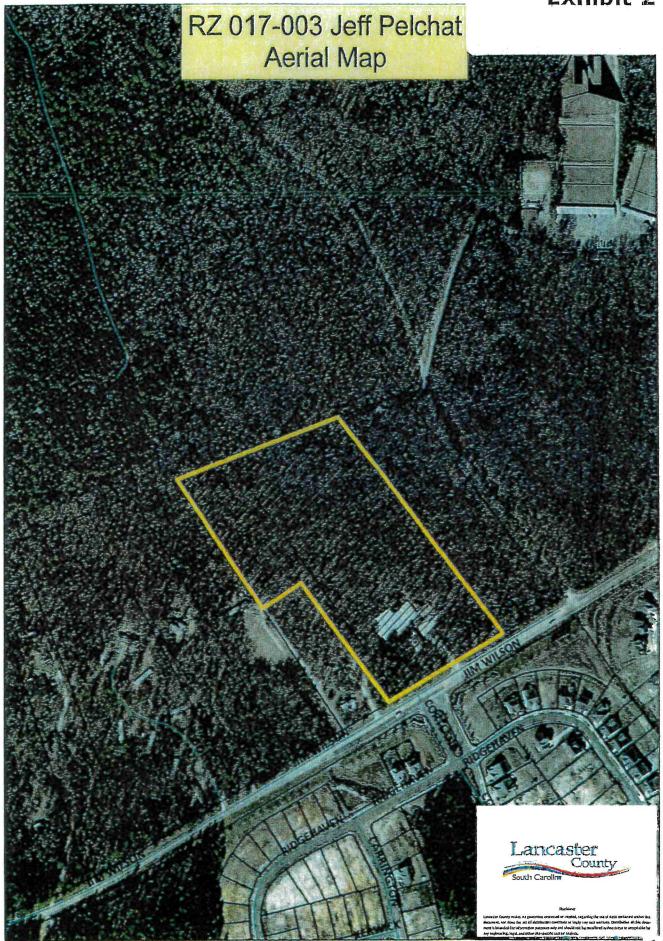
Based on the information above the planning staff is recommending that the rezoning request for the property located off Jim Wilson Rd. directly north of Cortland Dr. be denied. This is primarily due to the fact that although commercial zoning fits this property the intensity of general business is too great considering the number of residential homes in the immediate area.

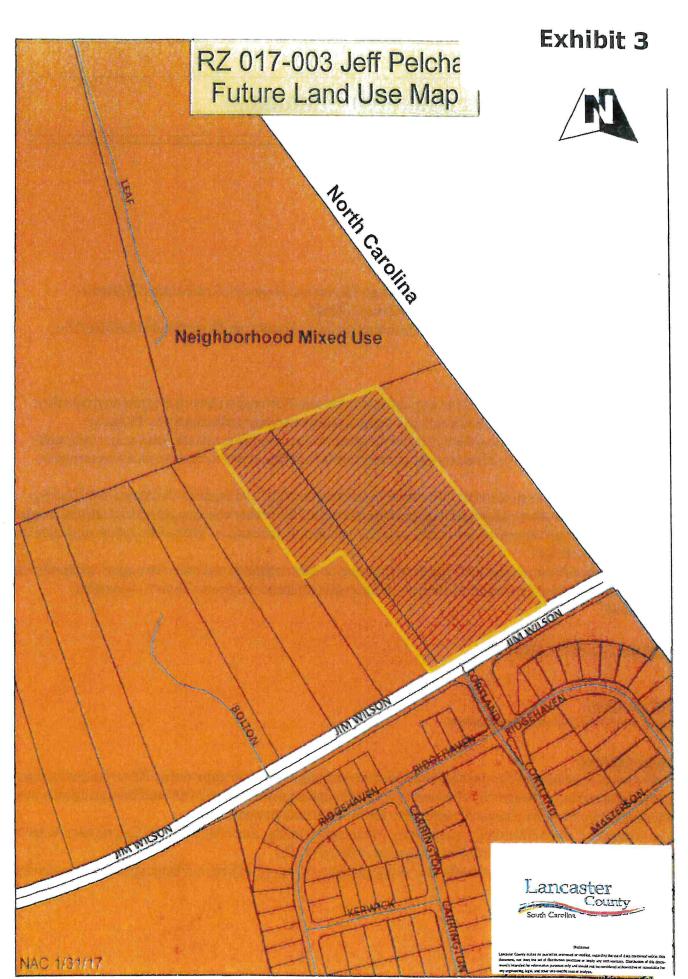
#### V. RECOMMENDATION FROM PLANNING COMMISSION MEETING

At the Lancaster County Planning Commission meeting on Tuesday, February 21, 2017 the Commission voted to deny the rezoning application of Jeff Pelchat by a vote of (5-2).



# Exhibit 2







# Agenda Item Summary

Ordinance # / Resolution# 2017-1460-(RZ-017-012)

Contact Person / Sponsor: Nick Cauthen

Department: Planning

Date Requested to be on Agenda: 8/14/17

# Issue for Consideration:

* Larry and Donald Jackson have petitioned Lancaster County to rezone ± 5.5 acres from RN, Rural Neighborhood District to NB, Neighborhood Business District.

* The property is located on the west side of Charlotte Highway, directly north of Steele Hill AME Zion Church beside the water tower.

## Points to Consider:

- * This property is designated as Rural Living on the Future Land Use map which is a community type that includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded "conservation subdivisions" whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations.
- * This property was previously zoned B-2 under the previous Unified Development Ordinance and Zoning Map. There are no immediate plans for the subject property but the owners are requesting this change in order to retain the zoning that they previously had in case an opportunity does arrive. NB is the closest equivalent to the old B-2 zoning district.
- * The Neighborhood Business District is generally located on thoroughfares and provides opportunities for the provision of neighborhood services that serve as an acceptable transition to generally auto-dependent neighborhoods.

# Funding and Liability Factors:

N/A

# **Council Options:**

To approve or deny the rezoning request.

# Recommendation:

- * It is the recommendation of the planning staff that the rezoning request be **approved**. This is primarily due to the fact that the property was previously zoned B-2 and the passage of the new UDO and Zoning Districts was not intended to significantly change the property uses of individual properties.
- * At the Lancaster County Planning Commission meeting on Tuesday, June 20, 2017 the Commission voted to approve the rezoning application of Mr. Jackson by a vote of (5-2).
- * The complete staff report can be located on <a href="www.mylancastersc.org">www.mylancastersc.org</a> Click on Planning Department and go to 2017 Agendas.

STATE OF SOUTH CAROLINA	) ₁₂₀ 2		
COUNTY OF LANCASTER	)	ORDINANCE NO. 2017-1460	

#### AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OWNED BY LARRY AND DONALD JACKSON, LOCATED ON THE WEST SIDE OF CHARLOTTE HWY, DIRECTLY NORTH OF STEELE HILL AME ZION CHURCH FROM RN, RURAL NEIGHBORHOOD DISTRICT TO NB, NEIGHBORHOOD BUSINESS DISTRICT.

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

# **Section 1.** Findings and Determinations.

The Council finds and determines that:

- (a) Larry and Donald Jackson applied to rezone property located on the west side of Charlotte Highway, directly north of Steele Hill AME Zion Church from RN, Rural Neighborhood District, to NB, Neighborhood Business District.
- (b) On June 20, 2017, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (5-2), recommended approval of the rezoning.

## Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from RN, Rural Neighborhood District, to NB, Neighborhood Business District, for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0021-00-003.00

#### 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

	Dated this	day of	, 2017.	
		LANCASTE	R COUNTY, SOUTH CARO	LINA
		Steve Harper,	Chair, County Council	
		Larry Honeyo	utt, Secretary, County Council	
ATTEST:				
Sherrie Simpson, Cl	erk to Council			
First Reading: Second Reading: Third Reading:	8-14-2017 8-28-2017 9-11-2017	(Tentative) (Tentative)		

# PLANNING STAFF REPORT: RZ-017-012

#### I. FACTS

## A. GENERAL INFORMATION

**Proposal:** This is a rezoning application of Larry and Donald Jackson to rezone  $\pm 5.5$  acres from RN, Rural Neighborhood District to NB, Neighborhood Business District. This property was previously zoned B-2 under the previous Unified Development Ordinance and Zoning Map. There are no immediate plans for the subject property but the owners are requesting this change in order to retain the zoning that they previously had in case an opportunity does arrive.

*Property Location:* The property is located on the west side of Charlotte Highway, directly north of Steele Hill AME Zion Church.

*Legal Description*: TMS # 0021-00-003.00

Zoning Classification: Current: RN, Rural Neighborhood District

Voting District: District 1, Terry Graham

#### B. SITE INFORMATION

Site Description: The subject property consists of 5.5 acres of vacant property. It has approximately 700 ft. of frontage on Highway 521.

## C. VICINITY DATA

Surrounding Conditions: The adjacent properties are zoned RN (Rural Neighborhood), and INS (Institutional). This is a rural area with vacant wooded property along with a few residences located in the surrounding area. A water tower and church are located adjacent and to the south of the subject property.

#### D. EXHIBITS

- 1. Zoning Map
- 2. Aerial Map
- 3. Future Land Use Map

#### II. FINDINGS

#### CODE CONSIDERATIONS

#### NB, Neighborhood Business District,

The Neighborhood Business District is generally located on thoroughfares and provides opportunities for the provision of neighborhood services that serve as an acceptable transition to generally auto-dependent neighborhoods.

#### RN, Rural Neighborhood District,

The Rural Neighborhood District is established to protect the residential character of communities and neighborhoods in the rural area at a density of 1.0 dwelling unit per acre. The district is intended to promote rural living, protect farmland, and to maintain the low density residential.

#### III. CONCLUSIONS

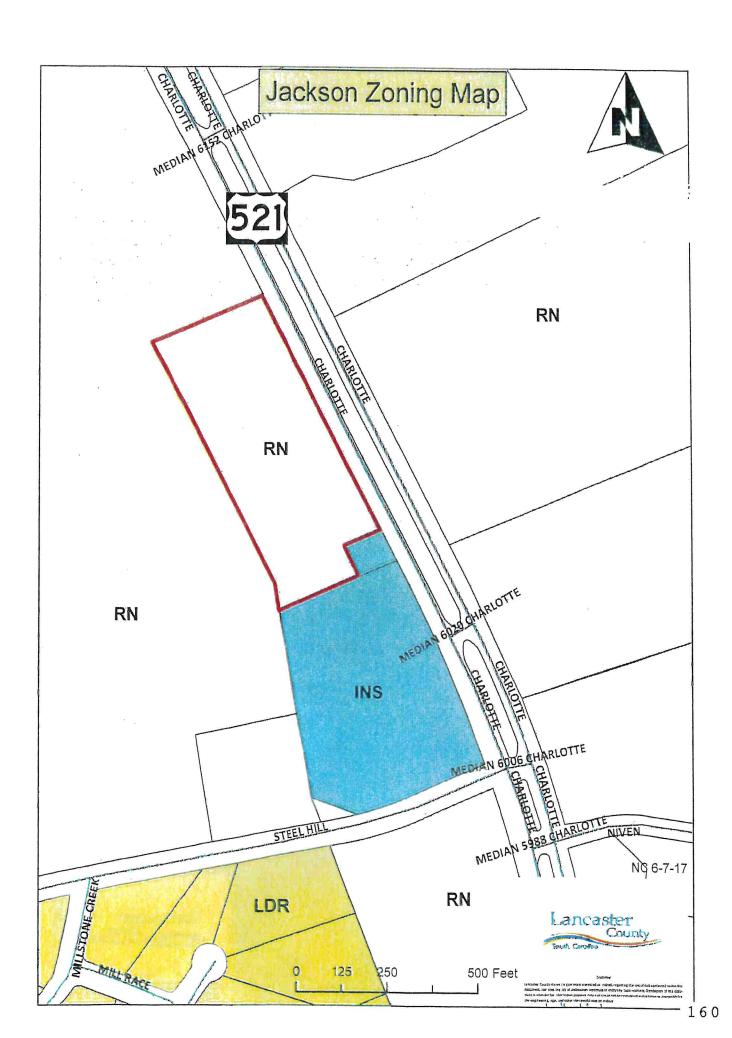
The facts and findings of this report show that the property is designated as Rural Living on the Future Land Use map. Rural Living is a community type that includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded "conservation subdivisions" whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations. This is defined by the *Lancaster County Comprehensive Plan 2014-2024*. As previously stated, this property was formerly zoned B-2 (Community Business District) under the previous Unified Development Ordinance and Zoning Map that was repealed on November 28, 2016. The applicant desires to retain his previous zoning designation, which was the equivalent of the current NB, (Neighborhood Business District). When financing is right the applicant would like to have some type of community store on the property which NB would allow for.

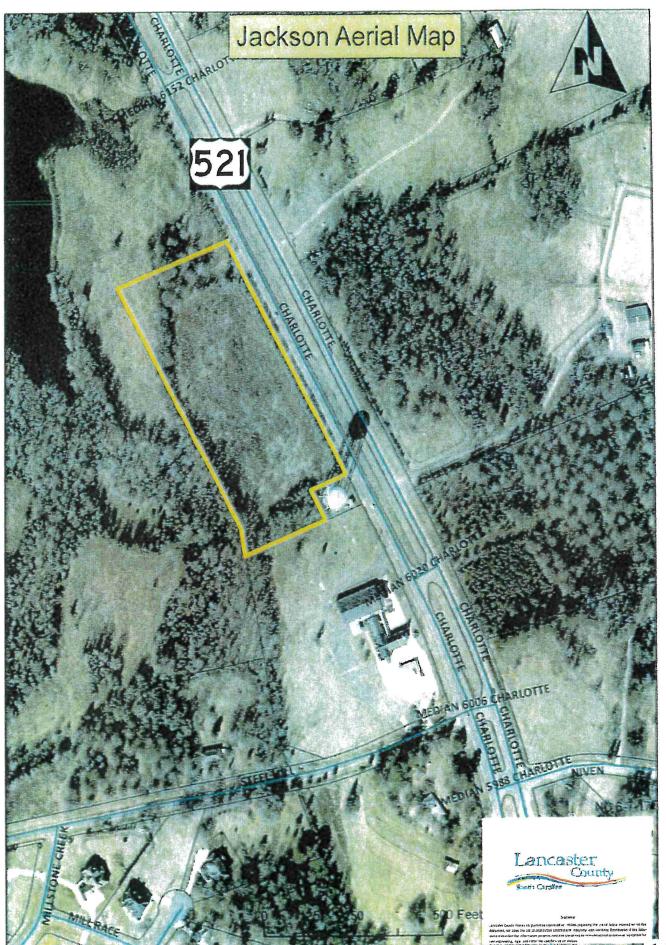
#### IV. RECOMMENDATION:

Based on the information above the planning staff is recommending that the rezoning request for the property located on the west side of Charlotte Highway, directly north of Steele Hill AME Zion Church be **approved**. This is primarily due to the fact that the property was previously zoned B-2 and the passage of the new UDO and Zoning Districts was not intended to significantly change the property uses of individual properties.

#### V. PLANNING COMMISSION RECOMMENDATION:

At the Lancaster County Planning Commission meeting on Tuesday, June 20, 2017 the Commission voted to approve the rezoning application of Mr. Jackson by a vote of (5-2).









# Agenda Item Summary

Ordinance # / Resolution# 2017-1461-(RZ-017-016)

Contact Person / Sponsor: Nick Cauthen

Department: Planning

Date Requested to be on Agenda: 8/14/17

**Issue for Consideration:** 

* Richard Ormand has petitioned Lancaster County to rezone a 1 acre portion from LDR, Low Density Residential District to RR, Rural Residential District. The applicant is proposing to place a double wide manufactured home on the property for his residence.

* The entire tract is currently 13.7 acres and is located on the west side of Lee Ormand Rd. The 1 acre subject portion will be located in the back western corner of the property, approximately 1,000 ft. from Lee Ormand Rd. The property is currently vacant.

Points to Consider:

- * This property is designated as Transitional on the Future Land Use map. The Future Land Use Map does not distinguish between site built homes and manufactured homes.
- * The proposed zoning map amendment would create a small 1 acre portion of an RR (Rural Residential) zoning classification at this location. 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.
- * There are several manufactured homes in the immediate area and the proposed manufactured home will be almost 1,000 feet from Lee Ormand Rd. However, this property is surrounded by the LDR (Low Density Residential) zoning classification and there are no adjacent properties zoned to allow any additional manufactured housing.

# Funding and Liability Factors:

N/A

# Council Options:

To approve or deny the rezoning request.

Recommendation:

- * It is the recommendation of the planning staff that the rezoning request be **denied.** This is primarily due to the fact of spot zoning.
- * At the Lancaster County Planning Commission meeting on Tuesday, June 20, 2017 the Commission voted to approve the rezoning application of Mr. Ormand by a vote of (7-0).
- * The complete staff report can be located on <a href="www.mylancastersc.org">www.mylancastersc.org</a> Click on Planning Department and go to 2017 Agendas.

STATE OF SOUTH CAROLINA	· '' '	
COUNTY OF LANCASTER	)	ORDINANCE NO. 2017-1461

## AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OWNED BY RICHARD ORMAND, LOCATED AT 1495 LEE ORMAND ROAD FROM LDR, LOW DENSITY RESIDENTIAL DISTRICT TO RR, RURAL RESIDENTIAL DISTRICT.

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

### Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) Richard Ormand applied to rezone property located at 1495 Lee Ormand Road from LDR, Low Density Residential District, to RR, Rural Residential District.
- (b) On June 20, 2017, 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 LDR, Low Density Residential District, to RR, Rural Residential District for the following property as identified by tax map number or other appropriate identifier:

Portion of Tax Map No. 0060-00-130.01

#### 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

	Dated this _	day of, 2017.
		LANCASTER COUNTY, SOUTH CAROLINA
		Steve Harper, Chair, County Council
		Larry Honeycutt, Secretary, County Council
ATTEST:		
Sherrie Simpson, Cl	erk to Council	
First Reading: Second Reading: Third Reading:	8-14-2017 8-28-2017 9-11-2017	(Tentative) (Tentative)

# PLANNING STAFF REPORT: RZ-017-016

#### I. FACTS

# A. GENERAL INFORMATION

*Proposal:* This is a rezoning application of Richard Ormand to rezone a 1 acre portion from LDR, Low Density Residential District to RR, Rural Residential District. The applicant is proposing to place a double wide manufactured home on the property for his residence.

Property Location: The property is located at 1495 Lee Ormand Rd.

Legal Description: P/O TMS # 0060-00-130.01

Zoning Classification: Current: LDR, Low Density Residential

Voting District: District 3, Billy Mosteller

### B. SITE INFORMATION

Site Description: The entire tract is currently 13.7 acres and is located on the west side of Lee Ormand Rd. The 1 acre subject portion will be located in the back western corner of the property, approximately 1,000 ft. from Lee Ormand Rd. The property is currently vacant.

#### C. VICINITY DATA

Surrounding Conditions: All of the adjacent properties are zoned LDR (Low Density Residential). This is a rural area with vacant wooded property and pastures along with a few residences in the area. A manufactured home is located to the south and adjacent to the subject property.

#### D. EXHIBITS

- 1. Zoning Map
- 2. Aerial Map
- 3. Future Land Use Map
- 4. Proposed Survey

#### II. FINDINGS

#### CODE CONSIDERATIONS

# LDR, Low Density Residential District,

The Low Density Residential District is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 1.5 dwelling units per acre. Intended to act as a transitional zoning district between rural living and urban development, these regulations are further intended to discourage any use which

would be detrimental to the predominately residential nature of the areas included within the district.

RR, Rural Residential District,

The Rural Residential District is established as a district where the principal use of the land is for large rural living tracts of property with an abundance of open space, agricultural lands, and a high degree of separation between buildings.

### III. CONCLUSIONS

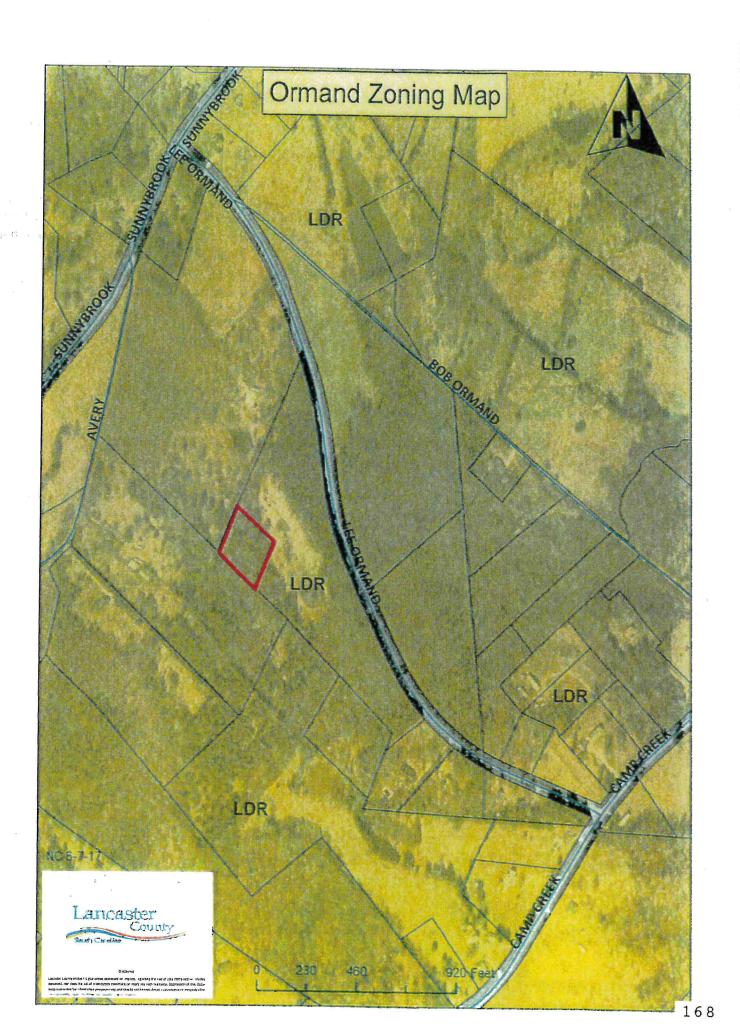
The facts and findings of this report show that the property is designated as Transitional on the Future Land Use map. Transitional is a community type that includes suburban single family neighborhoods, with a relatively uniform housing type and density throughout. They may support a variety of single-family detached residential types, from mobile homes to large-lot, low density single-family homes to denser formats of smaller single-family homes. This is defined by the Lancaster County Comprehensive Plan 2014-2024. The Future Land Use Map does not distinguish between site built homes and manufactured homes. The proposed zoning map amendment would create a small 1 acre portion of an RR (Rural Residential) zoning classification at this location. Thus, the concept of "spot zoning" should be addressed. 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. There are several manufactured homes in the immediate area and the proposed manufactured home will be almost 1,000 feet from Lee Ormand Rd. However, this property is surrounded by the LDR (Low Density Residential) zoning classification and there are no adjacent properties zoned to allow any additional manufactured housing.

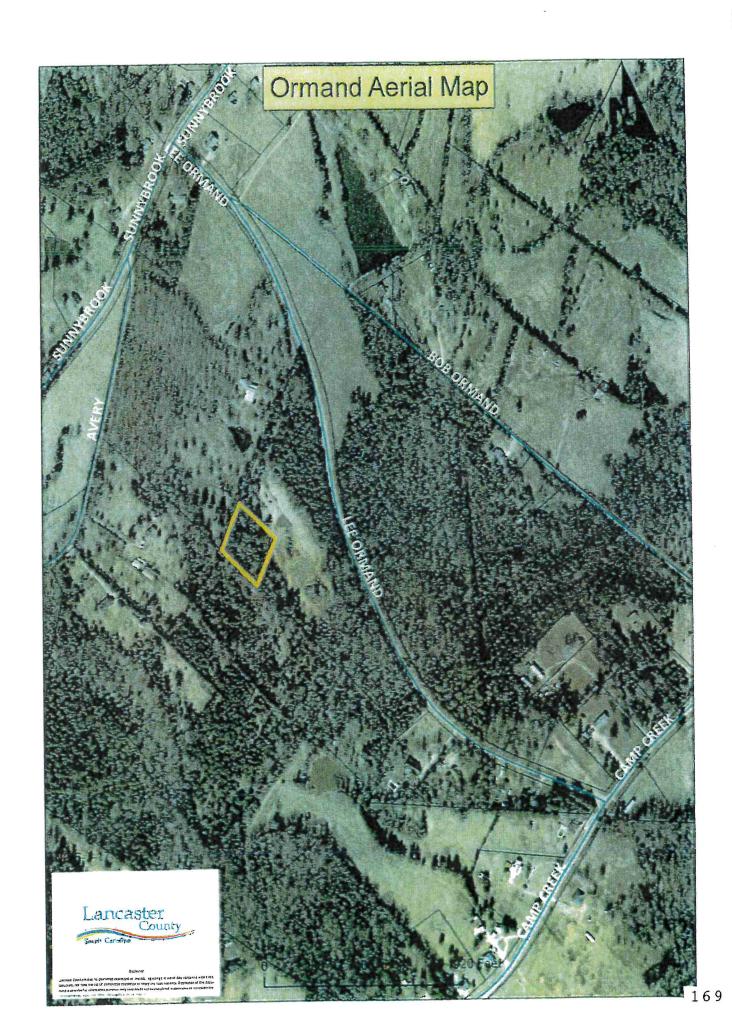
# IV. RECOMMENDATION:

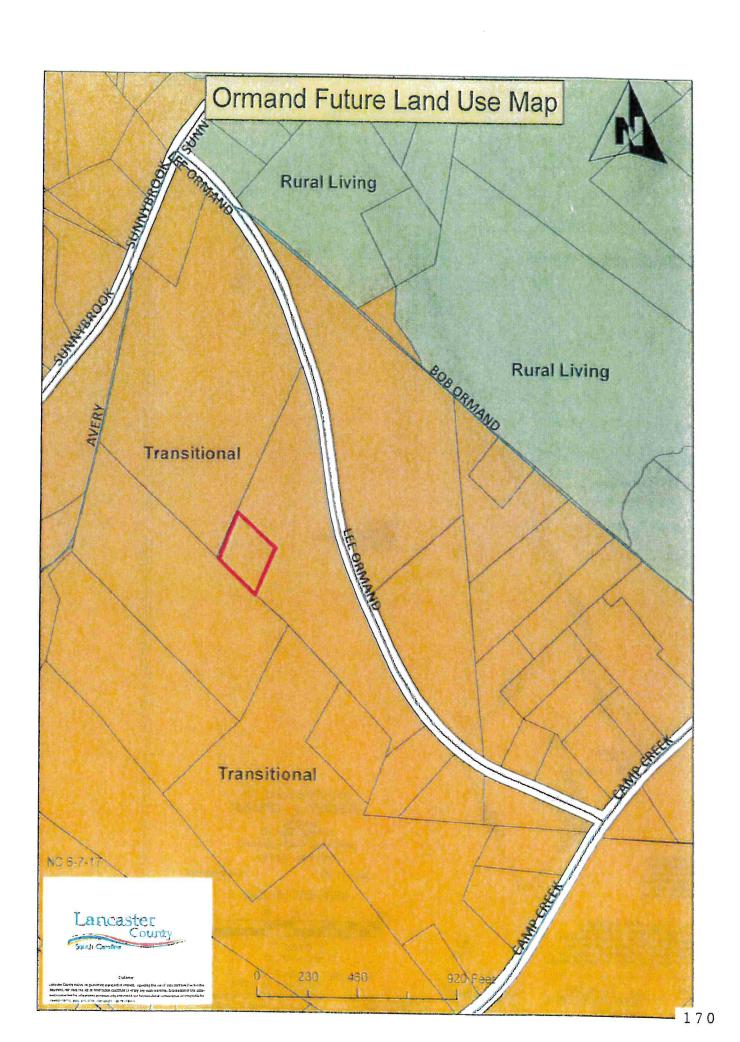
Based on the information above the planning staff is recommending that the rezoning request for the property located at 1495 Lee Ormand Rd be **denied**. This is primarily due to the fact of spot zoning.

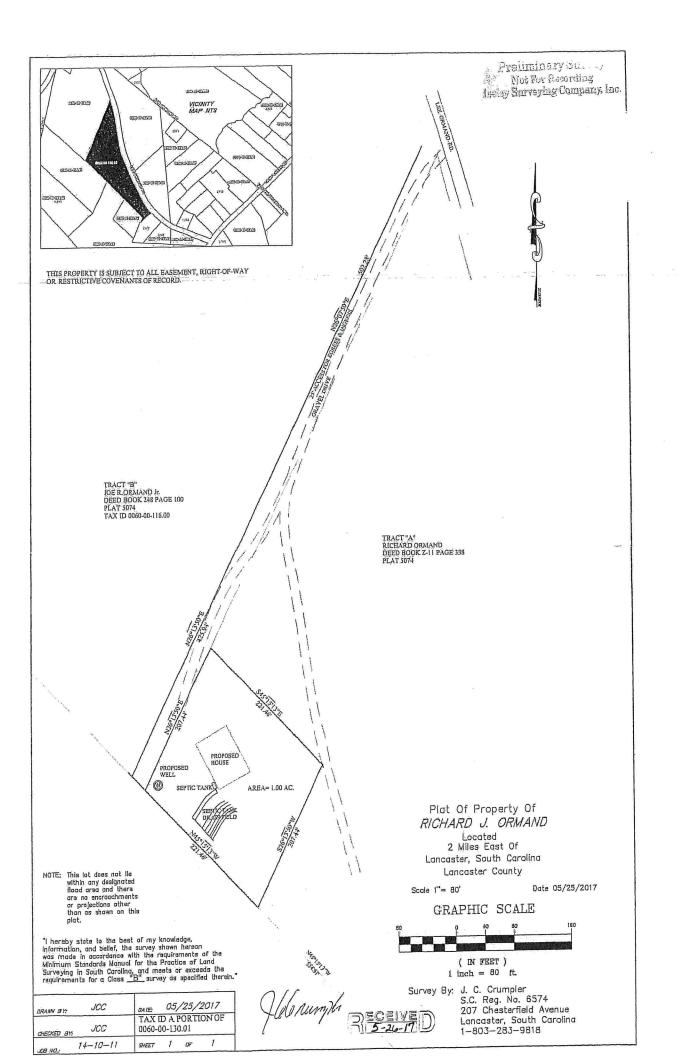
# V. PLANNING COMMISSION RECOMMENDATION:

At the Lancaster County Planning Commission meeting on Tuesday, June 20, 2017 the Commission voted to approve the rezoning application of Mr. Ormand by a vote of (7-0).











# Agenda Item Summary

Ordinance # / Resolution# 2017-1462-(RZ-017-019)

Contact Person / Sponsor: Nick Cauthen

Department: Planning

Date Requested to be on Agenda: 8/14/17

## **Issue for Consideration:**

* Mackenzie Riggins is petitioning the County to rezone ± 0.9 acres from LDR, Low Density Residential District to NB, Neighborhood Business District. The applicant is proposing to have a pet grooming/indoor kennel business on the property.

* The property is located on the west side of Monroe Hwy. near Quality Drive.

## Points to Consider:

- * The property is designated as Urban on the Future Land Use map. Urban is a community type that is described as a walkable neighborhood with additional intensity that includes a mix of uses.
- *This property is located on a major highway directly across the street from the Lancaster Business Park. There are residences located on both sides of the property but there are multiple commercial and industrial zoned properties in the immediate area considering its close proximity to the City of Lancaster.
- * As stated in the definition, the Neighborhood Business district is generally located on thoroughfares and are an acceptable transition to neighborhoods along these thoroughfares. The requirements for the proposed pet facility are listed under the code considerations of the staff report. If the rezoning is granted, the use of a pet grooming/indoor kennel business will require the submittal of a site plan to the Lancaster County Technical Review Committee.
- *This site plan must conform to all UDO standards such as parking and landscaping. Upon approval of the final site plan and obtaining all necessary building permits, the proposed facility can become operational.

#### Funding and Liability Factors:

N/A

# **Council Options:**

To approve or deny the rezoning request.

## Recommendation:

- * It is the recommendation of the planning staff that the rezoning request be approved. This is primarily due to the fact that Neighborhood Business conforms to the future land use map and the area. The granting of this rezoning would also be helping a local small business owner grow her business while staying local.
- * At the Lancaster County Planning Commission meeting on Tuesday, July 18, 2017 the Commission voted to approve this rezoning application by a vote of (7-0).
- *An adjacent property owner submitted a letter detailing her concerns regarding a business beside her single family home. There were other owners in the area that signed letters of support for the rezoning.
- * The complete staff report can be located on <a href="www.mylancastersc.org">www.mylancastersc.org</a> Click on Planning Department and go to 2017 Agendas.

STATE OF SOUTH CAROLINA	)	ORDINANCE NO. 2017-1462
COUNTY OF LANCASTER	)	

### AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OWNED BY RALPH HOOD, REPRESENTED BY MACKENZIE RIGGINS, LOCATED AT 275 MONROE HWY, FROM LDR, LOW DENSITY RESIDENTIAL DISTRICT TO NB, NEIGHBORHOOD BUSINESS DISTRICT.

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

# Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Mackenzie Riggins applied to rezone property located at 275 Monroe Hwy from LDR, Low Density Residential District, to NB, Neighborhood Business District.

(b) On July 18, 2017, 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 LDR, Low Density Residential District, to NB, Neighborhood Business District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0061P-0D-007.00

# 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.

ANTO	TT	TC	SO	OPD	A	INED
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Dated	this	day of	*****	, 2017.	
		LAN	CASTER CO	UNTY, SOUTH CA	AROLINA
and the second s		Steve	Harper, Chair	County Council	
		Larry	Honeycutt, Se	cretary, County Cou	incil
ATTEST:		g en Eggg			
Sherrie Simpson, Clerk	o Council	. v 1.00			
Second Reading:	8-14-2017 8-28-2017	(Tentative)			
Third Reading:	9-11-2017	(Tentative)			

## PLANNING STAFF REPORT: RZ-017-019

#### I. FACTS

### A. GENERAL INFORMATION

**Proposal:** This is a rezoning application of Mackenzie Riggins to rezone  $\pm$  0.9 acres from LDR, Low Density Residential District to NB, Neighborhood Business District. The applicant is proposing to have a pet grooming/indoor kennel business on the property.

Property Location: The property is located at 275 Monroe Hwy.

Legal Description: TMS # 0061P-0D-007.00

Zoning Classification: Current: LDR, Low Density Residential District

Voting District: District 2, Charlene McGriff

#### B. SITE INFORMATION

Site Description: The property consists of  $\pm$  0.9 acres and is located on the west side of Monroe Hwy. The subject property currently contains a vacant single family residence and a garage.

#### C. VICINITY DATA

Surrounding Conditions: The adjacent properties are zoned LDR and HI, Heavy Industrial District. There are single family residences located on each side of the subject property and wooded property across the street that contains a warehouse. The intersection of Monroe Hwy. and Quality Drive which contains the Lancaster Business Park is located less than 100 ft. away from the subject property.

#### D. EXHIBITS

- 1. Location Map
- 2. Zoning Map
- 3. Future Land Use Map

#### II. FINDINGS

#### CODE CONSIDERATIONS

LDR, The Low Density Residential District, is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 1.5 dwelling units per acre. Intended to act as a transitional zoning district between rural living and urban development, these regulations are further intended to discourage any use which

would be detrimental to the predominately residential nature of the areas included within the district.

NB, The Neighborhood Business District, is generally located on thoroughfares and provides opportunities for the provision of neighborhood services that serve as an acceptable transition to generally auto-dependent neighborhoods.

# 5.4.3 KENNELS, INDOOR [AR, RR, RN, RUB, NB, GB, RB, INS, LI, MX, IMX]

A. General Standards

- 1. The clinic or kennel must be within a completely enclosed building with no outside facilities for animals.
- 2. The clinic or kennel shall be designed so that sound emitted through the exterior walls, roofs, and enclosed areas where animals are treated or kept shall not exceed 45 decibels as certified by a registered architect or acoustical engineer.
- 3. An outdoor area for the supervised therapy and exercise of animals is permitted when such area complies with all of the following requirements:
  - a. The area must meet the setback requirements for principal buildings along any property lines shared with a residential use or zone, unless the adjoining residential property is occupied exclusively by a nonresidential use or uses. No setback required in other cases.
  - b. The area shall be located in the rear yard only and must be enclosed by a fence not less than 6 feet in height. The fence shall be wood, brick, or masonry block. It need not be solid.
  - c. The maximum size of such area shall be 1,200 square feet.
  - d. No more than 4 animals shall be present in the area at one time.
  - e. The area may be used only between the hours of 8 AM and 6 PM daily, except in cases of documented emergencies.
  - f. Any animal present in the area shall be accompanied by a human supervisor in the area at all times.

#### 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 a community type that is described as a walkable neighborhood with additional intensity that includes a mix of uses. This is defined by the Lancaster County Comprehensive Plan 2014-2024. This property is located on a major highway directly across the street from the Lancaster Business Park. There are residences located on both sides of the property but there are multiple commercial and industrial zoned properties in the immediate area considering its close proximity to the City of Lancaster. As stated in the definition, the Neighborhood Business district is generally located on thoroughfares and are an acceptable transition to neighborhoods along these thoroughfares. The requirements for the proposed pet facility are listed under the code considerations of this staff report. If the rezoning is granted, the use of a pet grooming/indoor kennel busines will require the submittal of a site plan to the Lancaster

Date of 1st Reading: 8-14-17 Date of 2nd Reading: 8-28-17
Approved Denied No Action Approved Denied No Action

Date of 3rd Reading: _9-11-17 _Approved __Denied __No Action

County Technical Review Committee. This site plan must conform to all UDO standards such as parking and landscaping. Upon approval of the final site plan and obtaining all necessary building permits, the proposed facility can become operational.

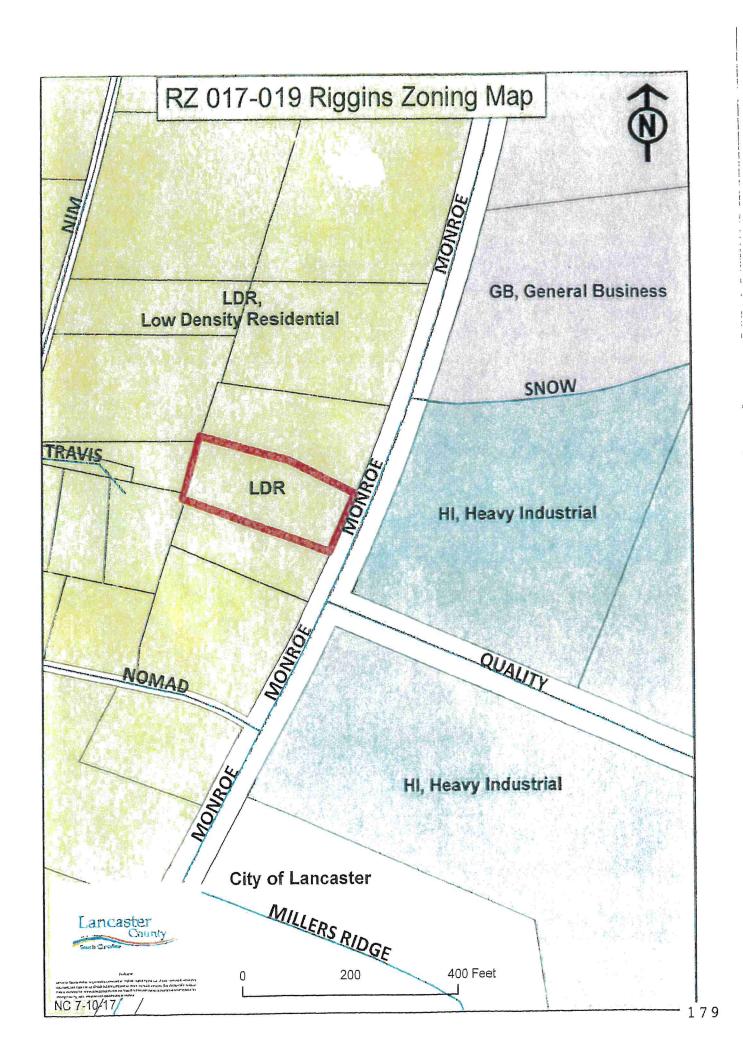
#### IV. RECOMMENDATION:

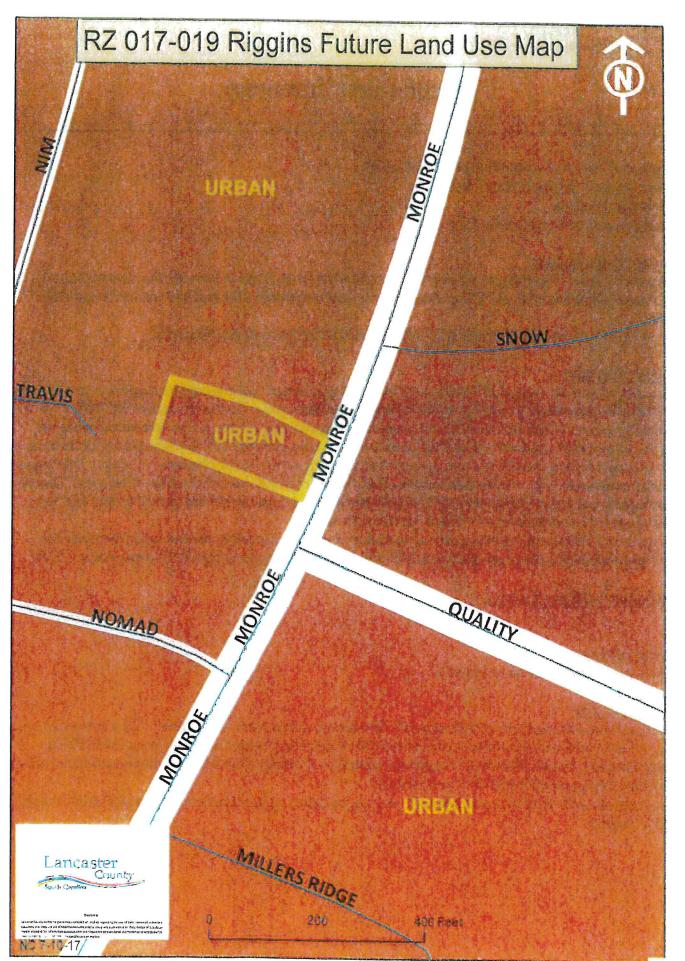
It is therefore the recommendation of the planning staff that the rezoning request for the property located at 275 Monroe Hwy. be APPROVED. This is primarily due to the fact that Neighborhood Business conforms to the future land use map and the area. The granting of this rezoning would also be helping a local small business owner grow her business while staying local.

#### V. PLANNING COMMISSION RECOMMENDATION:

At the Lancaster County Planning Commission meeting on Tuesday, July 18, 2017 the Commission voted to approve the rezoning application of Mrs. Riggins by a vote of (7-0).









# Agenda Item Summary

Ordinance # / Resolution# 2017-1463-(RZ-017-020)

Contact Person / Sponsor: Nick Cauthen

Department: Planning

Date Requested to be on Agenda: 8/14/17

**Issue for Consideration:** 

* Lancaster County is applying to rezone ± 43 acres from PDD-20, Planned Development District to LDR, Low Density Residential District. This is to correct a zoning map error that was unrelated to the new UDO update.

* The property is located on the west side of Henry Harris Rd., north of Jim Wilson Rd.

### Points to Consider:

- * This subject property was zoned PDD-20 on the official Lancaster County zoning map prior to the rewrite of the Unified Development Ordinance and new zoning maps that were passed on November 28, 2016.
- * A small portion of TMS 0014-00-032.01 is located on the east side of Henry Harris Road and is already zoned Low Density Residential. After looking at our files on the passage of PDD-20 along with the master plan that is attached in the packet it became apparent that this particular piece of property is not part of the planned development district. None of the ordinances for PDD-20 reference this particular piece of property. There was an amendment adding additional property to the planned development district but it was verified that this subject property was not part of the original or the addition.
- * Low Density Residential is the best option in order to correct this property considering it surrounds the property on both sides and as previously mentioned a portion of this parcel number is already zoned LDR.

### Funding and Liability Factors:

N/A

### **Council Options:**

To approve or deny the rezoning request.

### Recommendation:

- * It is the recommendation of the planning staff that the rezoning request be approved. This is primarily due to the fact of the overwhelming evidence found by the Planning Department that this is not part of PDD-20.
- * At the Lancaster County Planning Commission meeting on Tuesday, July 18, 2017 the Commission voted to approve this rezoning application by a vote of (7-0).
- * The complete staff report can be located on <a href="www.mylancastersc.org">www.mylancastersc.org</a> Click on Planning Department and go to 2017 Agendas.

STATE OF SOUTH CAROLINA	)	ORDINANCE NO. 2017-1463	
COUNTY OF LANCASTER	)		

### AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO CORRECT AND REZONE PROPERTY OWNED BY WALLACE INDIAN LAND LLC ETAL, LOCATED ON THE WEST SIDE OF HENRY HARRIS ROAD, NORTH OF JIM WILSON ROAD, FROM PDD-20, PLANNED DEVELOPMENT DISTRICT, TO LDR, LOW DENSITY RESIDENTIAL DISTRICT.

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 on the west side of Henry Harris Rd., north of Jim Wilson Rd., from PDD-20, Planned Development District, to LDR, Low Density Residential District.
- (b) On July 18, 2017, 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 PDD-20, Planned Development District, to LDR, Low Density Residential District for the following property as identified by tax map number or other appropriate identifier:

Portion of Tax Map No. 0014-00-032.01

### 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

	Dated this	day of	, 2017.
		LANCASTER	R COUNTY, SOUTH CAROLINA
		Steve Harper, 0	Chair, County Council
			-
		Larry Honeycu	utt, Secretary, County Council
ATTEST:			
Sherrie Simpson, Cl	erk to Council		
First Reading: Second Reading: Third Reading:	8-14-2017 8-28-2017 9-11-2017	(Tentative) (Tentative)	

### PLANNING STAFF REPORT: RZ-017-020

### I. FACTS

### A. GENERAL INFORMATION

**Proposal:** This is a rezoning application of Lancaster County to rezone  $\pm$  43 acres from PDD-20, Planned Development District to LDR, Low Density Residential District. This is to correct a zoning map error that was unrelated to the new UDO update.

**Property Location:** The property is located on the west side of Henry Harris Rd., north of Jim Wilson Rd.

Legal Description: P/O TMS # 0014-00-032.01

Zoning Classification: Current: PDD-20, Planned Development District

Voting District: District 7, Brian Carnes

### B. SITE INFORMATION

Site Description: The total property consists of  $\pm$  55.6 acres and the remaining portion of property that is under the same parcel number is located on the east side of Henry Harris Road and is currently zoned LDR. The subject property is vacant and wooded.

### C. VICINITY DATA

Surrounding Conditions: The adjacent properties are zoned PDD-20, LDR, and RN (Rural Neighborhood District). The Carolina Reserve subdivision is located adjacent to the subject property along with a few other residences in the area. A farm and wooded property also surround the subject property.

### D. EXHIBITS

- 1. Location Map
- Zoning Map
- 3. Future Land Use Map
- 4. PDD-20 Master Plan

### II. FINDINGS

### CODE CONSIDERATIONS

LDR, The Low Density Residential District, is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 1.5 dwelling units per acre. Intended to act as a transitional zoning district between rural living and urban development, these regulations are further intended to discourage any use which

would be detrimental to the predominately residential nature of the areas included within the district.

### III. CONCLUSIONS

The facts and findings of this report show that the property is designated as Neighborhood Mixed Use on the Future Land Use map. Neighborhood Mixed Use is a community type that is described as a walkable neighborhood that comprises a mix of uses including commercial and residential as defined by the Lancaster County Comprehensive Plan 2014-2024. This subject property was zoned PDD-20 on the official Lancaster County zoning map prior to the rewrite of the Unified Development Ordinance and new zoning maps that were passed on November 28, 2016. A small portion of TMS 0014-00-032.01 is located on the east side of Henry Harris Road and is already zoned Low Density Residential. After looking at our files on the passage of PDD-20 along with the master plan that is attached in the packet it became apparent that this particular piece of property is not part of the planned development district. None of the ordinances for PDD-20 reference this particular piece of property. There was an amendment adding additional property to the planned development district but it was verified that this subject property was not part of the original or the addition. PDD-20 contains 424 acres and by looking at past plats along with measuring the area of the property on GIS, adding the subject property to the PDD puts the acreage well over the stated acreage. Low Density Residential is the best option in order to correct this property considering it surrounds the property on both sides and as previously mentioned a portion of this parcel number is already zoned LDR.

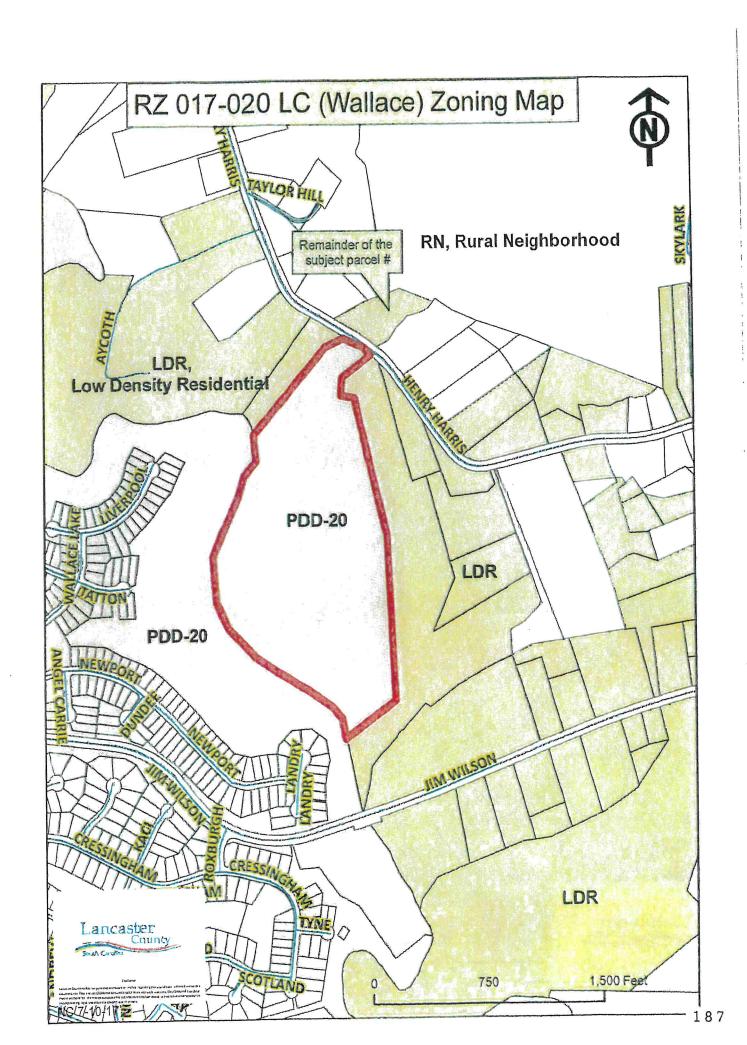
### IV. RECOMMENDATION:

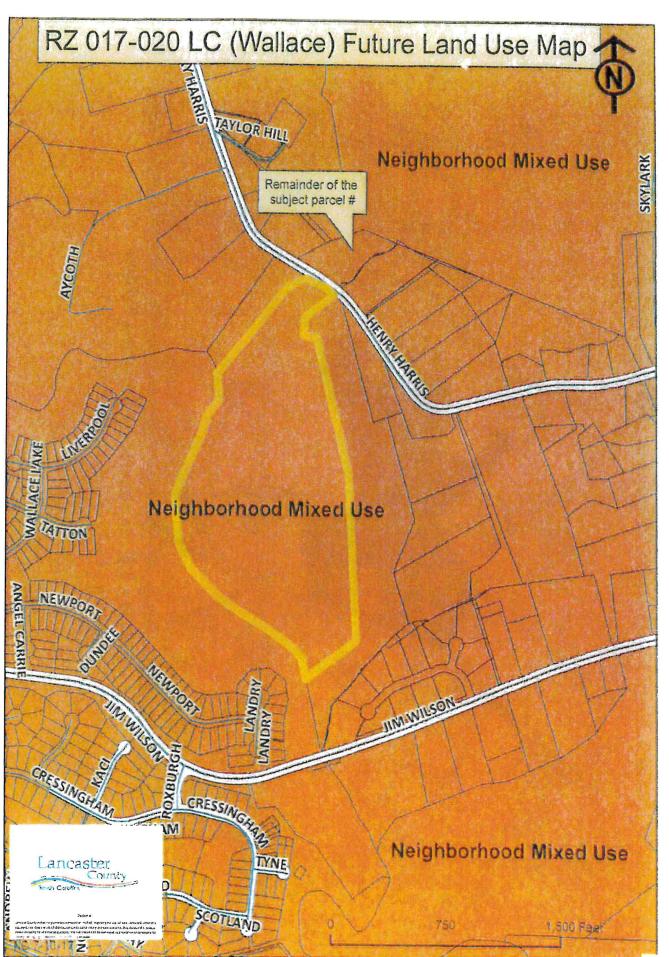
It is therefore the recommendation of the planning staff that the rezoning request for the property located off Henry Harris Road be **APPROVED**. This is due to the fact of the above evidence.

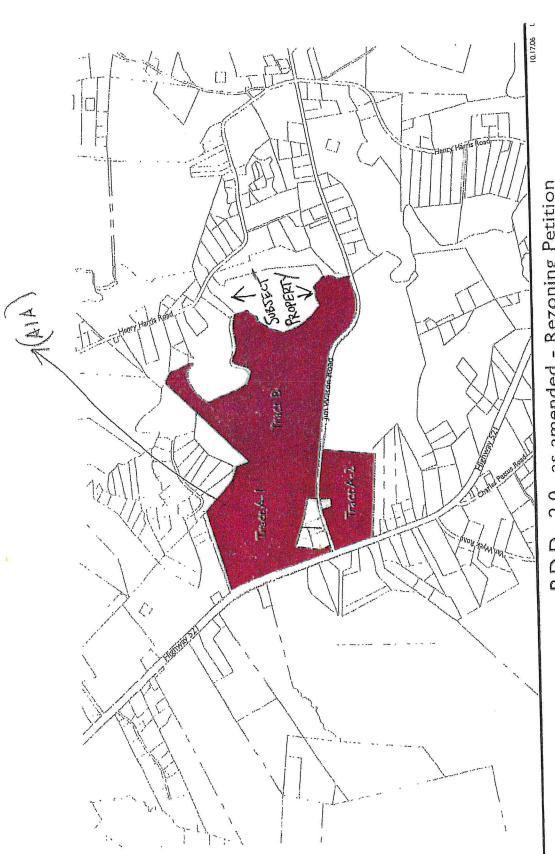
### V. PLANNING COMMISSION RECOMMENDATION:

At the Lancaster County Planning Commission meeting on Tuesday, July 18, 2017 the Commission voted to approve the rezoning application of Lancaster County by a vote of (7-0).









as amended - Rezoning Petition Lancaster, South Carolina Exhibit A PDD-20

189



# Agenda Item Summary

Ordinance # / Resolution# 2017-1464 (RZ-017-017)

Contact Person / Sponsor: Andy Rowe

Department: Planning

Date Requested to be on Agenda: August 14, 2017

### **Issue for Consideration:**

This is a rezoning application of Ms. Pamela Stewart to rezone a ± 2.42 acre tract of property from a formerly zoned R-45B, Rural Residential/Business/Agricultural District (Former UDO and Former Zoning Map) to GB, General Business District. The zoning for this property was not transferred correctly from the former Lancaster County Zoning Map to the Current Lancaster County Zoning Map adopted November 28, 2016. This issue occurred due to a labeling error for the Town of Heath Springs and Lancaster County boundaries. The applicant is proposing to build a florist shop beside her family owned funeral home. The applicant also plans on possibly incorporating a restaurant on the property in the future as well.

### Points to Consider:

The current Lancaster County Zoning Map shows 2 (two) adjacent properties to the north that are zoned GB, General Business District.

Staff reached the conclusion of a map error after much research and verification with Tony Starnes, Town of Heath Springs Administrator. The current Lancaster County Zoning Map does not show a zoning designation placed on this property (Exhibit 3). The former Lancaster County Zoning Map (Exhibit 3A) identified this property as R-45B, Rural Residential/Business/Agricultural District. The Town of Heath Springs Zoning Map also identifies and confirms this property as a county parcel with the former zoning classification of R-45B as well (Exhibit 3B). In addition, staff also pulled the original Lancaster County Mylar Map which was used for further verification of identifying the Lancaster County and the Town of Heath Springs Municipal Boundaries (Exhibit 3C). Staff would also note the Table of Uses for both the current UDO and the former UDO (Exhibit 10 & 11). The former UDO Table of Uses allowed this property to have many commercial uses by right. The commercial uses in the R-45B district included Retail Stores, Paint Stores, Restaurants, Florist Shops, and many other commercial uses (Exhibit 10).

### Funding and Liability Factors:

N/A

### **Council Options:**

To approve or deny the rezoning request.

### Recommendation:

A florist shop as the applicant proposes to build, would fall under the General Commercial Use Type in the current UDO Table of Uses. The definition stated in current UDO in Chapter 10 for "General Commercial" is as follows: "A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods available for immediate purchase and removal from the premises by the purchaser". The current UDO will allow many of the former R-45B uses in the GB, General Business District. By rezoning this parcel to GB, General Business District it will allow the applicant flexibility of uses and granting the right to use the property as it was originally zoned.

If the rezoning is successful the applicant will be required to submit a site plan to the TRC (Technical Review Committee). The proposed site plan will be required to provide a Type B Buffer Yard and a Type C Buffer Yard. The Type B Buffer Yard is required along the side and rear property lines. The Type C Buffer Yard is required where parking areas, dumpsters, loading docks, or other utility structures are visible from adjacent properties (Exhibit 8 & 9).

At the Lancaster County Planning Commission meeting on Tuesday, July 18, 2017 the Commission voted to approve the rezoning application of Pamela Stewart by a vote of (7-0). No citizens signed up to speak on this rezoning case.

STATE OF SOUTH CAROLINA	)	ORDINANCE NO. 2017-1464
COUNTY OF LANCASTER	)	

### AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE  $\pm\,2.42$  ACRES OF PROPERTY OWNED BY PAMELA STEWART, LOCATED OFF KERSHAW CAMDEN HIGHWAY AT THE INTERSECTION OF SOLAR ROAD OUTSIDE THE HEATH SPRINGS TOWN LIMITS FROM A FORMERLY ZONED R-45B RURAL RESIDENTIAL/BUSINESS/AGRICULTURAL DISTRICT (FORMER UDO AND ZONING MAP) TO GB, GENERAL BUSINESS DISTRICT.

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

### Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) Pamela Stewart applied to rezone property located off Kershaw Camden Highway at the intersection of Solar Road from a formally zoned R-45B, Rural Residential/Business/Agricultural District (Former UDO and Zoning Map), to GB, General Business District.
- (b) On July 17, 2017, 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 a formally zoned R-45B, Rural Residential/Business/Agricultural District (Former UDO and Zoning Map) to GB, General Business District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0133-00-009.07

### 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.

Dated this	day of		_, 2017.	
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	LANCASTE	R COUNTY.	SOUTH C	AROLINA
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Steve Harper, Chair, County Council

### ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:

8-14-2017

Second Reading:

8-28-2017

Third Reading:

9-11-2017

(Tentative) (Tentative)

### PLANNING STAFF REPORT: RZ-017-017

### I. FACTS

### A. GENERAL INFORMATION

**Proposal:** This is a rezoning application of Ms. Pamela Stewart to rezone a ± 2.42 acre tract of property from a formerly zoned R-45B, Rural Residential/Business/Agricultural District (Former UDO and Former Zoning Map) to GB, General Business District. The zoning for this property was not transferred correctly from the former Lancaster County Zoning Map to the Current Lancaster County Zoning Map adopted November 28, 2016. This issue occurred due to a labeling error for the Town of Heath Springs and Lancaster County boundaries. The applicant is proposing to build a florist shop beside her family owned funeral home. The applicant also plans on possibly incorporating a restaurant on the property in the future as well.

**Property Location:** The subject property is located off Kershaw Camden Highway at the intersection of Solar Road outside the Heath Springs Town limits in Lancaster County, SC.

Legal Description: Tax Map 0133, Parcel 9.07

**Zoning Classification:** Unclassified Zoning District. This property was formerly zoned R-45B, Rural Residential/Business/Agricultural District (Former UDO and Zoning Map).

Voting District: District 6, Jack Estridge

### B. SITE INFORMATION

Site Description: The subject property is currently vacant and adjacent to the applicant's family funeral home.

### C. VICINITY DATA

Surrounding Conditions: The current Lancaster County Zoning Map shows 2 (two) adjacent properties to the north that are zoned GB, General Business District. Adjacent parcels to the east are all in the Municipal Boundary of the Town Heath Springs (open land & residential properties). Adjacent parcels to the south include NB, Neighborhood Business District. Adjacent parcels to the east include RR, Rural Residential District and a cemetery shown inside the Municipal Boundaries of Town of Heath Springs.

### D. EXHIBITS

- 1. Rezoning Application
- Vicinity Map
- 3. Current Lancaster County Zoning Map
- 3A. Old Lancaster County Zoning Map
- 3B. Town of Heath Springs Zoning Map
- 3C. Lancaster County Mylar-Map
- 4. Future Land Use Map
- 5. Tax Inquiry Sheet
- 6. UDO Section: 2.3 Districts
- 7. Former UDO- Appendix B- Section: 2.1.1- Residential Districts Established
- 8. UDO-Section 5.5.4- General Commercial
- 9. UDO- Section: 7.1.5- Buffer Yard Types
- 10. Former Lancaster County Table of Uses
- 11. Current Lancaster County Table of Uses

### II. FINDINGS

### **Code Considerations**

*Former Lancaster County Appendix B- Unified Development Ordinance

* 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.

# CURRENT UNIFIED DEVELOPMENT ORDINANCE 2.3 DISTRICTS:

### General Business District (GB)

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

### III. CONCLUSIONS

Planning staff agrees that the transfer of zoning data from the former Lancaster County Zoning Map to the current Lancaster County Zoning Map was incorrect due to the incorrect location of the municipal boundary for the Town of Heath Springs. Staff reached this conclusion after much research and verification with Tony Starnes, Town of Heath Springs Administrator. The current Lancaster County Zoning Map does not show a zoning designation placed on this property (Exhibit 3). The former Lancaster County Zoning Map (Exhibit 3A) identified this property as R-45B, Rural Residential/Business/Agricultural District. The Town of Heath Springs Zoning Map also identifies and confirms this property as a county parcel with the former zoning classification of R-45B as well (Exhibit 3B). In addition, staff also pulled the original Lancaster County Mylar Map which was used for further verification of identifying the Lancaster County and the Town of Heath Springs Municipal Boundaries (Exhibit 3C).

Staff would also note the Table of Uses for both the current UDO and the former UDO (Exhibit 10 & 11). The former UDO Table of Uses allowed this property to have many commercial uses by right. The commercial uses in the R-45B district included Retail Stores, Paint Stores, Restaurants, Florist Shops, and many other commercial uses (Exhibit 10). A florist shop as the applicant proposes to build, would fall under the General Commercial Use Type in the current UDO Table of Uses. The definition stated in current UDO in Chapter 10 for "General Commercial" is as follows: "A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods available for immediate purchase and removal from the premises by the purchaser". The current UDO will allow many of the former R-45B uses in the GB, General Business District. By rezoning this parcel to GB, General Business District it will allow the applicant flexibility of uses and granting the right to use the property as it was originally zoned.

The Future Land Use Map identifies this property as Urban based on the Lancaster County Comprehensive Plan 2014-2024. Urban according to the Lancaster County Comprehensive plan 2014-2024 is identified as a "walkable neighborhood with additional intensity". Considering the property is within the higher density urban area, a proposed florist shop would fit very well in this area. In addition, the close proximity to the funeral home will further allow this business and any future businesses to serve the community. The property is also fronting a major road which can handle more general commercial uses within the urban center noted on the Future Land Use Map (Exhibit 4).

If the rezoning is successful the applicant will be required to submit a site plan to the TRC (Technical Review Committee). The proposed site plan will be required to provide a Type B Buffer Yard and a Type C Buffer Yard. The Type B Buffer Yard is required along the side and rear property lines. The Type C Buffer Yard is required where parking areas, dumpsters, loading docks, or other utility structures are visible from adjacent properties (Exhibit 8 & 9).

Date of 1st Reading: 8-14-17
Approved Denied No Action

Date of 2nd Reading: <u>8-28-17</u>
Approved Denied No Action

Date of 3rd Reading: 9-11-17
Approved Denied No Action

### IV. RECOMMENDATION:

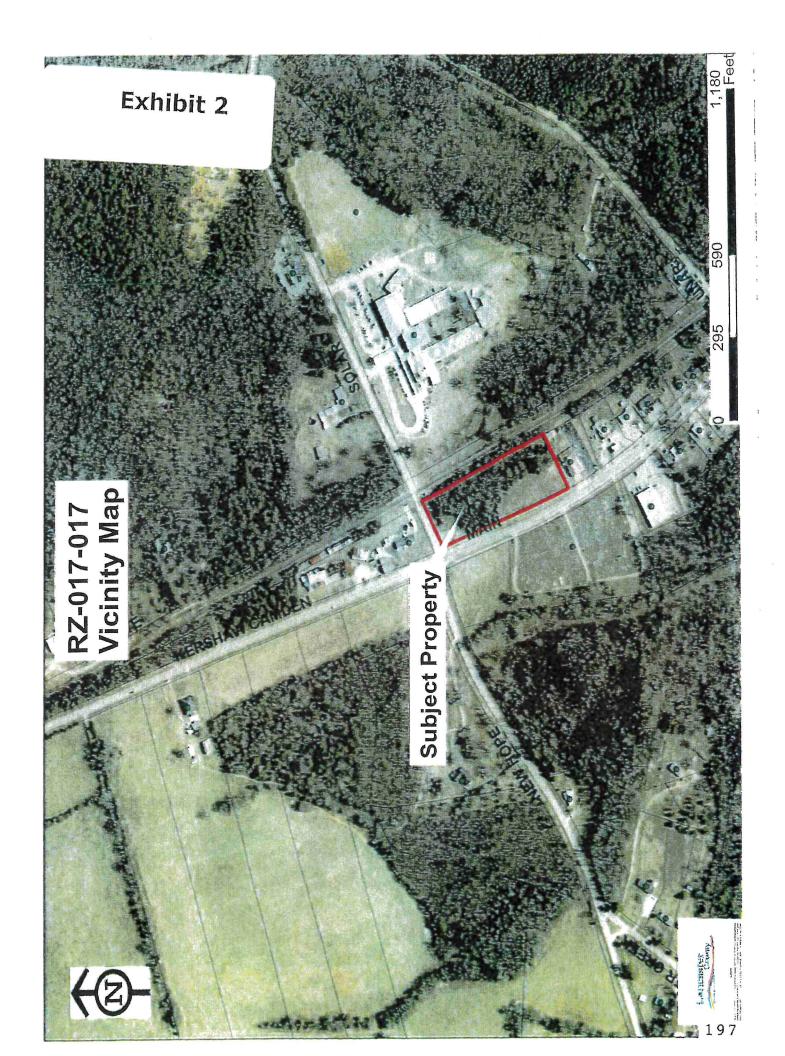
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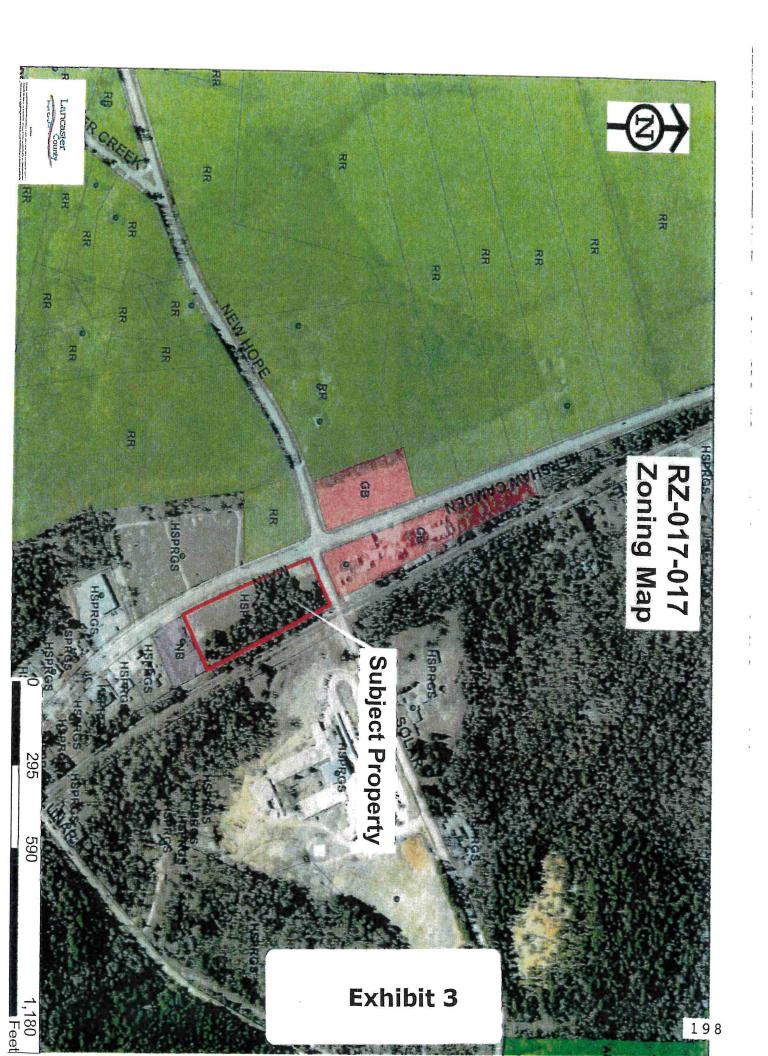
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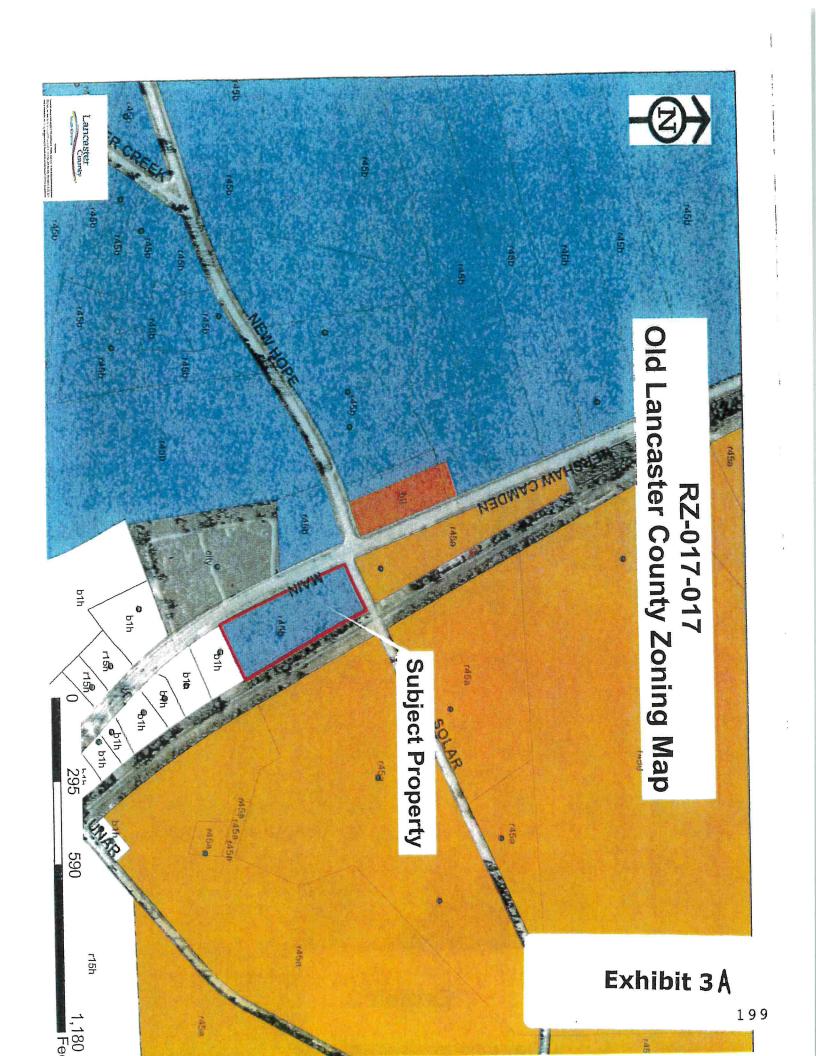
It is therefore the recommendation of the planning staff that the rezoning request for the property located off Kershaw Camden Highway at the intersection of Solar Road outside the Heath Springs Town limits be approved.

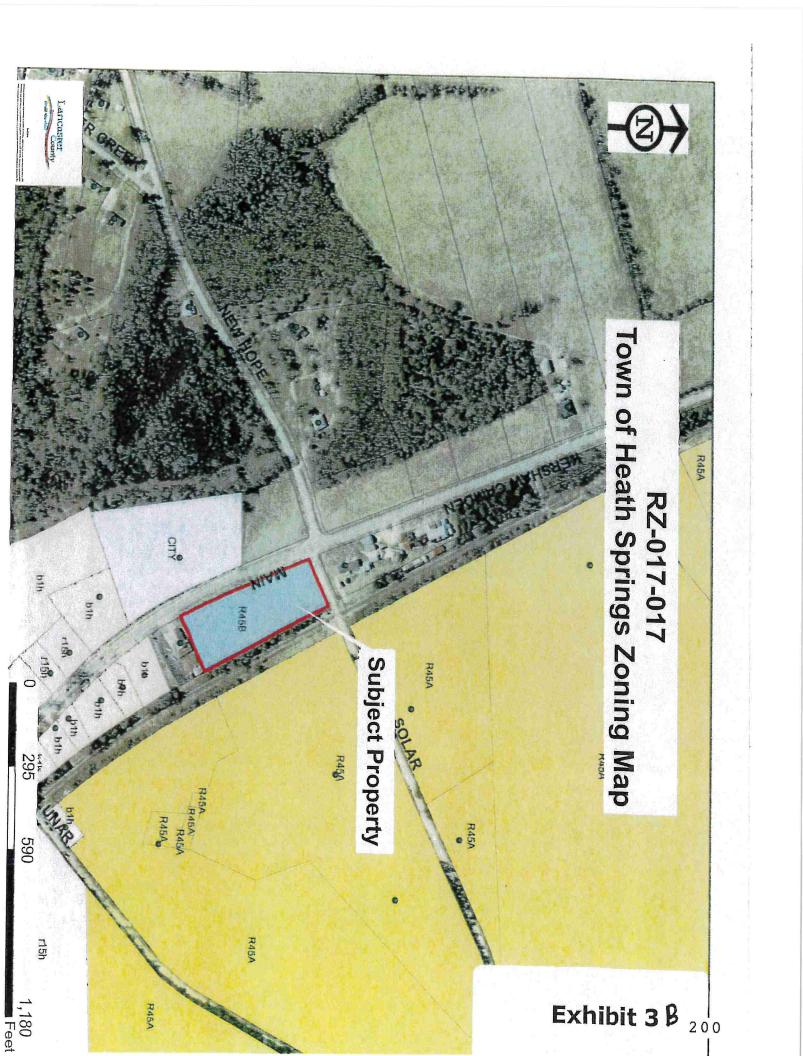
### V. RECOMMENDATION FROM PLANNING COMMISSION MEETING:

At the Lancaster County Planning Commission meeting on Tuesday, July 18, 2017 the Commission voted to approve the rezoning application of Pamela Stewart by a vote of (7-0). No citizens signed up to speak on this rezoning case.

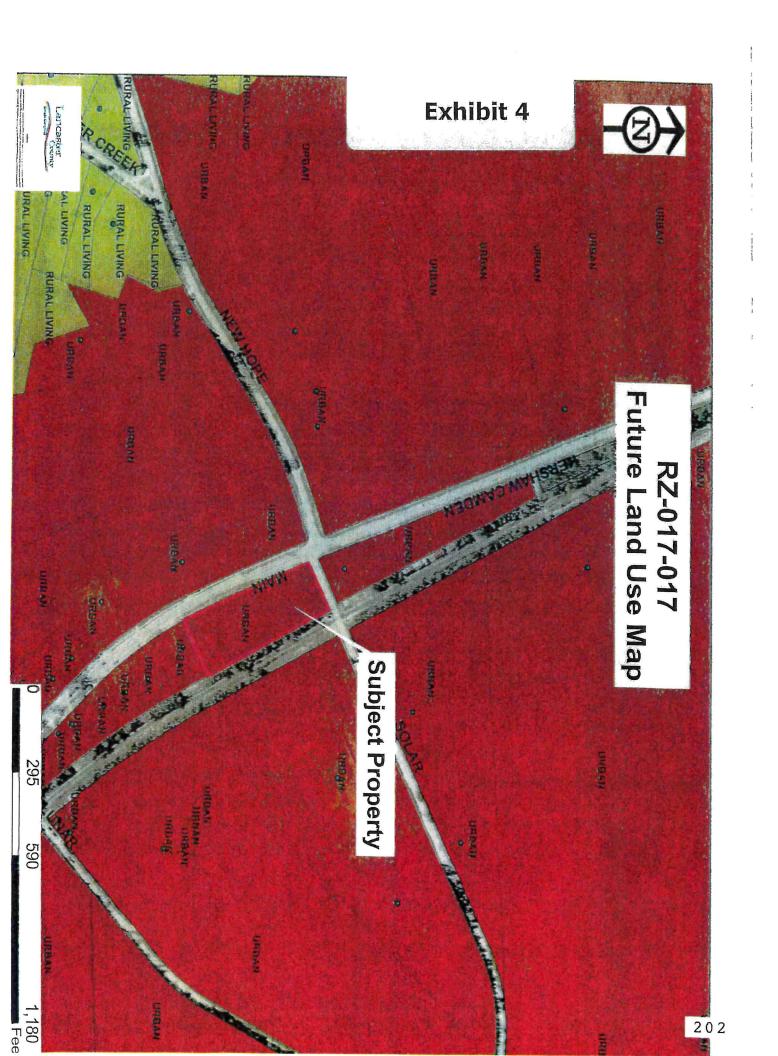












# Exhibit 6

BASE DISTRICT	DESCRIPTION
Professional Business District (PB)	The Professional Business District is generally located adjacent to neighborhoods and provides opportunities for the provision of office and professional services that do not adversely impact the surrounding communities.
Neighborhood Business District (NB)	The Neighborhood Business District is generally located on thoroughfares and provides opportunities for the provision of neighborhood services that serve as an acceptable transition to generally auto-dependent neighborhoods.
General Business District (GB)	The General Business District is generally located on thoroughfares and provides opportunities for the provision of offices, services, and retail goods in proximity to generally auto-dependent, community neighborhoods. The regulations for this district are intended to accommodate the predominately auto-oriented pattern of existing development while encouraging the transition to pedestrian-friendly, mixed-use areas that avoid strip commercial development.
Regional Business District (RB)	The Regional Business District is generally located on the major thorough fares in the community and provides opportunities for the provision of offices, services, and retail goods to meet the surrounding region. The regulations for this district are intended to accommodate the predominately autooriented pattern of existing development until such time that transportation network is retrofitted to accommodate more urban development patterns.
Institutional District (INS)	This Institutional District is intended to allow for the continued and future use, expansion, and new development of academic and religious campuses and of governmental and health facilities. The goal is to promote the many varied uses associated with such institutions while maintaining the overall design integrity of the campus setting and minimizing any adverse impacts on the neighboring residential areas. In the attempt to meet this goal numerous requirements are included, such as but not limited to buffers, landscaping, outdoor lighting, parking, signage, building height, setbacks, open space, and the like.
Open Space Preservation District (OSP)	The Open Space Preservation District is established to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and properties that are already under public ownership and/or otherwise restricted for use for passive or active recreational use.

UNIFIED DEVELOPMENT ORDINANCE | Adopted 11.28.2016

# APPENDIX B - UNIFIED DEVELOPMENT ORDINANCE (Former Ordinance)

### Section 2.1.1 - Residential districts established.

The following residential use districts are hereby established: R-15, R-15D, R-30, R-30S, R-30D, R-45, R-45A, R-45B, MF, and MHP. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities. Other objectives of these districts are explained in the remainder of this section.

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

The 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 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.

### Exhibit 7

### 5.5.4 GENERAL COMMERCIAL [RUB, NB, GB, RB, MX, IMX]

A. All Districts: Such uses located adjacent to any AR, RR, RN, MH, LDR, MDR, UR, or HDR Districts shall be subject to the following standards:

Required Buffer Yard	Type B along side and rear property lines. Type C where parking areas, dumpsters, loading docks, or other utility structures are visible from adjacent properties.
Minimum Required Selback for Buildings and Loading Dock/Service Areas	50 feet from side and rear property lines.
Maximum Height	35 feet at 50-foot setback line. 1-foot additional height may be added for every 1 additional foot in setback from property lines, up to the maximum allowed height for the district.
Facade Materials and Articulation	Building walls visible from adjacent residential properties shall be treated as primary facades.

### B. Night Club [RB]

- 1. Separation Requirement: All new night clubs in the RB district shall be located no closer than 500 feet to all Residential uses, all Civic uses, and all Educational/Institutional uses, as per the Use Table in Section 2.5.3, or other existing public or private clubs.
- 2. Minimum Net Floor Area: All night clubs shall have a minimum net floor area of 1,200 square feet.
- 3. Hours of Operation: In issuing a Conditional Use permit for this use, the Planning Commission shall consider the surroundings and restrict the hours of operation of the business if they deem it warranted.

### 5.5.5 OUTSIDE SALES [RUB, NB, GB, RB, INS, MX, IMX]

A. Applicability: Theses standards are intended to regulate outside sales which are conducted on an everyday basis, either within a permanent open-air structure, an uncovered outdoor sales area, or on private pedestrian walkways. Outside sales which are temporary or seasonal in nature, or which are intended to be located in parking areas, shall be permitted pursuant to the standards in Section 3.12.4.

### B. Permitted Location and Size

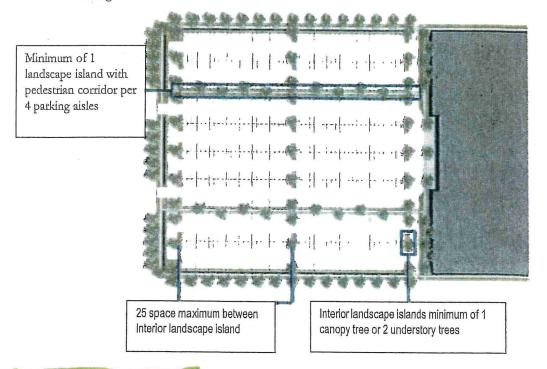
- 1. Outside sales shall not take up an area greater than 25 percent of the total building area of the primary use within the associated permanent structure.
- 2 Outside sales must be clearly secondary to the primary use within the associated permanent structure and shall generally be located to the side or rear of the principal structure.

### C. Required Setbacks

- 1. INS, MX, and IMX Districts: Display of merchandise for outside sales in the front yard shall not exceed a maximum of 12 feet from the front face of the building. Such displays may be located on a private sidewalk provided that they are located on a private sidewalk abutting the principal structure and adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet).
- 2 GB and RB Districts: Display of merchandise for outside sales in the front yard shall be no closer than 50 feet to a street unless such displays are located on a private sidewalk abutting the principal structure and adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet).

### G. ADDITIONAL STANDARDS FOR LARGE PARKING LOTS (GREATER THAN 100 SPACES)

Pedestrian Walkways: For every 4 traffic aisles in parking bays, a landscape island between 2 back-to-back parking bays with a pedestrian walkway shall be provided and shall extend the entire length of the parking bay or aisle. The width of such landscape island shall be a minimum of 15 feet, measured from the back of curb to back of curb, and the width of the pedestrian walkway shall be a minimum of 5 feet. Trees shall be planted along the pedestrian walkway at the rate of 1 canopy tree or 2 understory trees for every 50 linear feet. Crosswalks shall be provided across private drives/driveways from these pedestrian islands to connect to any adjacent building entrances, private walkways, and public sidewalks along the street frontage.



### 7.1.5 BUFFERS AND SCREENING

Buffer yards are planting areas designed to separate incompatible adjacent uses and provide privacy and protection against potential adverse impacts of an adjoining incompatible use or zoning district.

## Exhibit 9

### A REQUIRED BUFFER YARDS

1. Required Yards by District: Buffer yards shall be required in accordance with the table below, and the buffer yard types defined Section 7.1.5.B.

		Adjace	nt Zoning	District		
•	AR, RR, RM, OSP, MH, LDR, MDR, HDR	UR, RMX, INS	NC, GB	MX, IMX, PB, NB, GB	RB	LI, HI, M
AR, RR, RN, OSP, MH, LDR, MDR, HDR	X	X	X	X	C*	C*
UR, RMX,	A	X	х	X	X	χ
INS**			Styren Take		and the state of	me de
NB, GB**	В	A	X	X	X	X
MX, IMX, PB, NB, GB	Α	A	x	X	X	Х
RB	С	С	В	A	X	X
Li, Hi, M	С	С	С	С	В	X
provided on the	where adjacent, more intens e adjacent property				1	X = No Buffer
** Only multifamily in detached ho	y and non-residential uses s mes	shall provide buffers	s between	adjacent single fami	ly uses	Required

- 2. Required Buffer Yards around Existing Single Family Homes in the NB, GB, RB, LI, and HI Districts: A Type A buffer shall be required for any non-residential development that occurs immediately adjacent to an existing single family home located within the NB, GB, RB, LI, and HI Districts. This buffer may be removed at such time that the existing single family home changes to a multifamily or non-residential use.
- 3. Additional Buffer and Screening Requirements for Specific Uses: Additional buffer and screening requirements for certain specific uses are included in use regulations for each use found in Chapter 5.
- 4. Location: Buffer yards are intended to be constructed along the perimeter of the property; however, when there is irregular topographic conditions such as when the perimeter of the property is at a lower grade than the use being screened, the Administrator may require the relocation of the required buffer yard in order to better serve its purpose.
- 5. Relationship to Required Yards and Setbacks: Where front, side, and rear yards are required by this chapter, buffer yards may be established within such yards. If a yard requirement is less than the minimum buffer requirement, the buffer width requirement shall override the minimum yard requirement.
- 6. More Restrictive to Apply: Where a proposed use or development-type abuts multiple use types or zoning districts along the same side or rear yard, the largest buffer requirement will apply along the entire side or rear property line.

7. Buffer Location Restrictions: Buffers shall not be located on any portion of any existing or proposed street right-of-way or utility easement (unless permitted by the easement holder).

### B. BUFFER YARD TYPES

1. Type A Buffer Yard: A Type A buffer yard is a planting strip intended to separate uses, provide vegetation in densely developed areas, and enhance the appearance of individual properties.

Type A Buffer Yard Options	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
Option 1	20 feet	1 Canopy Tree 2 Understory Trees 8 Evergreen Shrubs	Not Required	Semi-opaque (i.e., having only seasonal horizontal openings not exceeding 25% of the total width from the ground to a height of 6 feet
Option 2	10 feet	2 Canopy Trees 2 Understory Trees 12 Evergreen Shrubs	Not Required	within 2 years of planting)

2 Type B Buffer Yard A Type B buffer yard is a medium density screen which is intended to creare a visual separation between uses and zoning districts.

Type B Buffer Yard Options	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
Option 1	20 feet	2 Evergreen Trees 1 Canopy Tree 2 Understory Trees 12 Evergreen Shrubs	Not Required	Semi-opaque (i.e., having only seasonal horizontal openings not exceeding 10% of the total width from the ground to a height of 8 feet within 2 years of planting)
Option 2	10 feet	1 Evergreen Tree 1 Canopy Tree 3 Understory Trees 24 Evergreen Shrubs	Not Required	

### Exhibit 9

3 1 spe 6 Buffer Vasa A Type C buffer yard is intended to provide a very dense all-season sight barner to significantly separate uses and zoning districts. It is intended to reduce intrusive lighting and noise from adjacent properties.

Type C Buffer Yard Options	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
Option 1	40 feet	4 Evergreen Trees	Not Required	
		4 Canopy Trees		Completely opaque (i.e., having no
		4 Understory Trees		horizontal openings from the ground to a height of 8 feet within 2 years of
		36 Evergreen Shrubs		planting)
Option 2	25 feet	4 Evergreen Trees	Wall or Fence	
		4 Canopy Trees		
		4 Understory Trees		
Option 3	10 feet	2 Evergreen Trees	Berm	
		2 Canopy Trees		
		2 Understory Trees		
		12 Evergreen Shrubs		

### C. BUFFER DETAILS

- 1. Fences and Walls: Any required 6-foot-tall privacy fence or wall shall be made of any combination of treated and stained wood, brick, stone, wrought iron, polymer, decorative face block, or other composite material as approved by the Administrator and maintained in a like-new manner with the finished side facing towards the zone to be buffered (protected). The material(s) used shall provide an opaque fence. All required vegetation shall be placed on the unfinished side of the fence or wall. A chain link fence with slats is not considered a solid fence for purposes of this section.
- 2. Berms: All berms, if provided, shall not exceed a slope with maximum rise of 1 foot to a run of 2 feet (a ratio of 1:2) and a maximum height of 4 feet with a compacted flat top of at least 15 inches wide. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation or permanent slope retention device. A combination of trees and shrubs are to be installed in an appropriate design scheme along the berm for appearance, durability, and maintenance as approved by the Administrator. Berms taller than 4 feet shall be approved by the Administrator on a case-by-case basis.
- 3. Existing Vegetation, Fences, Walls, and Berms: Existing vegetation berms, walls, or fences within the landscaped area, but not including chain link fencing, may be used to fulfill the standards for the type of landscaping required provided that these elements are in good condition as determined by the Administrator. Where existing vegetative areas are to be credited, they shall be shown on the plan with a certification by a licensed landscape architect that the existing vegetation fully complies with the landscape requirements.
- 4. Riparian Buffer: Any required riparian buffer may be used to satisfy other buffer requirements, provided the plants are equivalent in number and type required by the landscape ordinance. Additional plant materials shall be installed in the riparian buffer to satisfy any remaining plant requirements. Additional plantings shall meet best management practices as determined by the Administrator.

### RESIDENTIAL R-45B

### **USES PERMITTED:**

- 1. Site Built Single-Family Detached House
- 2. Modular Single-Family Detached House (Meets CABO Building Code)
- 3. Duplex
- 4. Primary Residence with Accessory Apartment
- 5. Multi-Family Apartments
- 6. Multi-Family Townhomes
- 7. Multi-Family Converted or Other Multi-Family Housing (not elsewhere classified)
- 8. Religious Institution
- 9. Telephone Communications Facilities
- 10. Park or Playground
- 11. Campground
- 12. Golf Course (public or membership)
- 13. Nature Preserve or Wildlife Sanctuary
- 14. Hunting Preserve (public or membership)
- 15. Botanical or Zoological Garden
- 16. Cemetery/Mausoleum
- 17. Other Designated Community Open Space Area
- 18. General Agricultural Activities (i.e.) general row crop production, free range Livestock, etc.
- 19. Forest Production Including Christmas Trees

### **CONDITIONAL USES:**

- 1. Double-Wide
- 2. Single-Wide
- 3. Class "B" Manufactured Home (Meets HUD specifications)
- 4. Manufactured Home Subdivision
- 5. Primary Residence and Manufactured Home (provided one unit is owner occupied)
- 6. Temporary Dependent Care Residences
- 7. Temporary emergency, construction, and repair residence
- 8. Home Occupation
- 9. Bed and Breakfast
- 10. Commercial Retail Store anysize
- 11. Support Activities For Crop Production
- 12. Veterinary Service w/indoor pens Animal Hospital, Veterinarian Office/Clinic, Veterinarian Testing Lab
- 13. Veterinary Service w/outdoor pens
- 14. Pedigree Record Services
- 15. Boarding Horses

### Exhibit 10

### RESIDENTIAL R-45B / UPDATED 1/22/07

- 16. Dairy Herd Improvements
- 17. Livestock Spraying
- 18. Sheep Dipping and Shearing
- 19. Commercial Kennels w/indoor pens
- 20. Commercial Kennels w/outdoor pens
- 21. Livestock Auction House
- 22. Landscape and Horticultural Service
- 23. Lumber and/or Other Building Materials Dealer
- 24. Paint, Glass or Wallpaper Store
- 25. Hardware Store
- 26. Retail Nurseries, Lawn and Garden Supply Store
- 27. Retail Store Food (Including Grocery Stores)
- 28. Open Air Market (farm, crafts, produce, etc.)
- 29. Gasoline Service Station
- 30. Boat and Marine Supplies Dealer
- 31. Retail Store General Small Scale (i.e.) Clothing, Shoe, Antiques
- 32. Bars and Taverns and Nightclubs
- 33. Restaurants
- 34. Fast Food with drive through window
- 35. Convenience Store with Fuel
- 36. Convenience Store without Fuel
- 37. Office/Banks, Savings & Loans and Credit Unions
- 38. General Office, General and Medical
- 39. Personal and Laundry Services
- 49. Florist Shop
- 41. Automotive Service (except repair)
- 42. Video Tape Rental Store
- 43. Private or Commercial Horse Stables
- 44. Offices and Clinics of Doctors, Dentists, & Other Health Practitioners
- 45. Nursing and Personal Care Facility
- 46. Mini-Warehouse Facilities
- 47. Recycling Facilities, Convenience Centers and Resource Recovery Facilities
- 48. Schools and Educational Service Facility (not elsewhere classified)
- 49. Museums and Galleries
- 50. Child Day Care Service or Facility
- 51. Adult Day Care Service or Facility
- 52. Residential Care Service or Facility (i.e.) Children's Home, Halfway House
- 53. Telegraph or Other Message Communications Facilities
- 54. Cable or Other Pay Television Facilities
- 55. Wireless Communication Towers (i.e. Cellular Communications
- 56. Deer Processing

# Section 2.5.3 Use Table (For detailed Use Definitions see Chapter 10.)

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P - Permitted by Right

PR - Permitted with Review

CU - Conditional Use Required

SE - Special Exception Required

# Lancaster County Unified Development Ordinance - Use Table

SI/AQUITE ENTERTAINMENT	SE				Riding Stables P P P P P -	Restaurant PR CU PR PR PR	Racetrack	Pawnshops PR PR	Outside Sales, Sidewalk Sales         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -         -	Outside Sales PR PR PR PR PR	Night Club PR PR PR	General Commendant PR - PR	Food Truck	Distillery	Brewery	Billiard/Pool Half CU P	Bar/Tavern/Brew Pub CU OU PR	Amusements, Outdoor PR CU	Amusements, Indoor P P	Alcoholic Beverage Sales Store P P	D. COMMERCIAL/ENTERTAINMENT AR RR RN RUB MH LDR MDR PB NB GB RB INS OSP LI	Veterinary Clinic	air/Rental P P	-0	P P ,	Restricted		GB RB INS OSP LI	RB INS OSP LI	A TANAHA MANANA
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P - Permitted by Right

PR - Permitted with Review

CU - Conditional Use Required

SE - Special Exception Required

Lancaster County Unified Development Ordinance - Use Table

	Vehicle Services – Major Repair/Body Work	Vehicle Services - Minor Maintenance/Repair	Vehicle Rental/Leasing/Sales	Parking Lot/Structure Principal Use	Heavy Equipment/Manufactured Home Rental/Sales/Repair	Electric Vehicle Charging Stations	Drive-Thru/Drive-In Facility	G. AUTOMOTIVE	Charle - Pit name, mainer alls, music	Studio At dans matical	Schools Vontional Toberial	Schools Elementer and Control	Longial Control	Day Treatment Centre	Community Support Facility	college/University	Child/Adult Day Care Home (6 or more persons)	Child/Adult Day Care Home (5 or fewer persons)	F. EDUCATIONAL/INSTITUTIONAL	Sports Arena/Stadium (4,000 or more seats)	Public Safety Station	Public Recreation Facilities	Private Recreation Facilities	Places of Assembly	Event Venue/Banquet Hall	Cultural or Community Facility	Conference/Convention Center	Cemetery	E. CIVIC	USE TYPES	
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PR - Permitted with Review

CU - Conditional Use Required

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## Lancaster County Unified Development Ordinance - Use Table

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K. OTHER Temporary Uses

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5.12 REF

CU - Conditional Use Required

SE - Special Exception Required



### Agenda Item Summary

Ordinance # / Resolution# 2017-1465 (RZ-017-018)

Contact Person / Sponsor: Andy Rowe

Department: Planning

Date Requested to be on Agenda: August 14, 2017

Issue for Consideration:

This is a rezoning application of Mr. Ashok Ahluwalia to rezone property containing a total of ± .617 acres from MX, Mixed-Use District to GB, General Business District. The prospective developer is proposing to build a drive thru coffee establishment on the property and the Mixed-Use District will not conform to the site or the proposed site plan.

Points to Consider:

The current building (formerly Reid's Fine Foods) is vacant and the section of property next to the vacant building is the location for the proposed to coffee establishment is vacant. In 2006 this property was the location for a coffee establishment (Midnight Sun Coffee). Permit and tax information for the previous coffee establishment can be found in exhibit 1A. This property is within both the Highway Corridor Overlay District and the Carolina Heelsplitter Overlay District. If the rezoning is successful, the site plan must conform to the additional standards for each overlay district.

### Funding and Liability Factors:

N/A

### Council Options:

To approve or deny the rezoning request.

Recommendation:

If this rezoning is successful the applicant will be required to submit a site plan to the TRC (Technical Review Committee). The proposed site plan will be required to provide a Type B buffer yard as explained in section 5.8.1 of the Unified Development Ordinance (Exhibit 10 & 11). The applicant must provide building elevations to satisfy the Highway Corridor Overlay district for building materials, landscaping, sign requirements, and lighting requirements. In addition, the applicant will need to provide the Planning Department an Affidavit of Sale for the Carolina Heelsplitter credits from the mitigation bank before final site plan approval will be granted. The Future Land Use Map identifies this property as Neighborhood Mixed-Use .According to the Comprehensive Plan is identified as a "Walkable Neighborhood" (Exhibit 12). This Pedestrian Center node according to the Lancaster County Comprehensive Plan 2014-2024 would include businesses such as what has been proposed (Exhibit 12).

Considering the property is located along a commercial corridor and at a very accessible location, a drive in/up coffee shop is appropriate. By definition this property does qualify as walkable accessible area and could serve pedestrians in the adjacent Red Stone development. Planning Staff would advise the applicant at the time of site plan submittal to incorporate a "walk-up" window to the site plan to accommodate this walkable pedestrian oriented center. This area is not intended to solely be an automotive centered area and the use of a "walk-up" area to incorporate into the site plan would fit the neighborhood mixed-use land use type classification and walkable pedestrian center node.

At the Lancaster County Planning Commission meeting on Tuesday, July 18, 2017 the Commission voted to approve the rezoning application of Ashok Ahluwalia by a vote of (5-2). No citizens signed up to speak on this rezoning case.

The complete staff report can be located on <a href="www.mylancastersc.org">www.mylancastersc.org</a> -Click on Planning and go to 2017 Agendas.

STATE OF SOUTH CAROLINA )	
COUNTY OF LANCASTER )	<b>ORDINANCE NO. 2017-1465</b>

### AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE ± .617 ACRES OF PROPERTY OWNED BY ASHOK AHLUWALIA, LOCATED AT 9762 CHARLOTTE HIGHWAY FROM MX, MIXED-USE DISTRICT TO GB, GENERAL BUSINESS DISTRICT.

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

### <u>Section 1</u>. Findings and Determinations.

The Council finds and determines that:

- (a) Ashok Ahluwalia applied to rezone property located at 9762 Charlotte Highway from MX, Mixed-Use District to GB, General Business District.
- (b) On July 17, 2017, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (5-2), recommended approval of the rezoning.

### Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from MX, Mixed-Use District to GB, General Business District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0008-0C-006.00

### 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.

### Conflicting Provisions. Section 4.

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.

### Effective Date. Section 5.

First Reading: Second Reading:

Third Reading:

This ordinance is effective upon Third Reading.

8-14-2017

8-28-2017

9-11-2017

(Tentative) (Tentative)

	AND IT IS SO ORDAINE	D
Dated this	day of	, 2017.
	LANCASTER (	COUNTY, SOUTH CAROLINA
	Steve Harper, Ch	air, County Council
	Larry Honeycutt	Secretary, County Council
ATTEST:		
Sherrie Simpson, Clerk to Council		

### PLANNING STAFF REPORT: RZ-017-018

### I. FACTS

### A. GENERAL INFORMATION

**Proposal:** This is a rezoning application of Mr. Ashok Ahluwalia to rezone property containing a total of  $\pm$  .617 acres from MX, Mixed-Use District to GB, General Business District. The prospective developer is proposing to build a drive thru coffee establishment on the property and the Mixed-Use District will not conform to the site or the proposed site plan.

*Property Location:* The property is located at 9762 Charlotte Highway in the Indian Land section of Lancaster County, SC.

Legal Description: Tax Map 8, Block C, Parcel 6.00

Zoning Classification: Current: MX, Mixed-Use District.

Voting District: District 7, Brian Carnes

### B. SITE INFORMATION

Site Description: The current building (formerly Reid's Fine Foods) is vacant and the section of property next to the vacant building is the location for the proposed to coffee establishment is vacant. In 2006 this property was the location for a coffee establishment (Midnight Sun Coffee). Permit and tax information for the previous coffee establishment can be found in exhibit 1A. This property is within both the Highway Corridor Overlay District and the Carolina Heelsplitter Overlay District. If the rezoning is successful, the site plan must conform to the additional standards for each overlay district.

### C. VICINITY DATA

Surrounding Conditions: The property is surrounded north, south, and east, by parcels zoned MX, Mixed-Use District. The property has one adjacent parcel to the northwest (across Highway 521 at the intersection of Highway 160) zoned GB, General Business District. One large adjacent parcel to west (across Highway 521) is zoned RB, Regional Business District.

### D. EXHIBITS

- 1. Rezoning Application
- 1A. Building Permit/Tax Information for Previous Business (Midnight Sun Coffee)
- 1B. Burr and Berry Coffee Company Information and Elevation Pictures
- 2. Proposed Site Plan
- 3. Vicinity Map

4. Zoning Map

- 5. Future Land Use Map/Future Land Activity Center Map
- 6. Highway Corridor Overlay Map
- 7. Carolina Heelsplitter Overlay Map

8. Tax Inquiry Sheet

- 9. UDO Section: 2.3 & 2.4 Districts & District Development Standards
- 10. UDO- Chapter 5.8-Automotive Uses-Section-5.8.1-Drive-Thru/Drive-In Facility

11. UDO- Section: 7.1.5.B.2- Buffer Yard Types (Type B Buffer)

- 12. Lancaster County Comprehensive Plan 2014-2024- Walkable Activity Center
- 13. Table of Uses

### II. FINDINGS

Code Considerations:

### 2.3 DISTRICTS:

Mixed-Use District (MX)

The Mixed-Use District is established as a pedestrian-scaled, mixed-use district which caters to the everyday needs of nearby neighborhoods, stressing accessibility by automobiles, bicycles, and pedestrians. This district accommodates an active, pedestrian-friendly area of community-scale commercial, residential, office, and civic uses in both vertically mixed-use, as well as free-standing buildings. Retail should be placed at street level, with residential uses in rear or upper stories.

General Business District (GB)

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

### UNIFIED DEVELOPMENT ORDINANCE | Adopted 11.28.2016

### III. CONCLUSIONS

If this rezoning is successful the applicant will be required to submit a site plan to the TRC (Technical Review Committee). The proposed site plan will be required to provide a Type B buffer yard as explained in section 5.8.1 of the Unified Development Ordinance (Exhibit 10 & 11). The applicant must provide building elevations to satisfy the Highway Corridor Overlay district for building materials, landscaping, sign requirements, and lighting requirements. In addition, the applicant will need to provide the Planning Department an Affidavit of Sale for the Carolina Heelsplitter credits from the mitigation bank before final site plan approval will be granted.

The Future Land Use Map identifies this property as Neighborhood Mixed-Use based on the Lancaster County Comprehensive Plan 2014-2024. Neighborhood Mixed-Use according to the Comprehensive Plan is identified as a "Walkable Neighborhood" (Exhibit 12). The walkable neighborhood allows land uses to produce more economically and environmentally attractive places to live, work, and play. The subject property is also located inside a Pedestrian Center node on the Future Land Use Map (Exhibit 5). This Pedestrian Center node according to the Lancaster County Comprehensive Plan 2014-2024 would include businesses such as what has been proposed (Exhibit 12).

Considering the property is located along a commercial corridor and at a very accessible location, a drive in/up coffee shop is appropriate. By definition this property does qualify as walkable accessible area and could serve pedestrians in the adjacent Red Stone development. Planning Staff would advise the applicant at the time of site plan submittal to incorporate a "walk-up" window to the site plan to accommodate this walkable pedestrian oriented center. This area is not intended to solely be an automotive centered area and the use of a "walk-up" area to incorporate into the site plan would fit the neighborhood mixed-use land use type classification and walkable pedestrian center node.

### IV. RECOMMENDATION:

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It is therefore the recommendation of the planning staff that the rezoning request for the property located at 9762 Charlotte Highway be approved.

### V. RECOMMENDATION FROM PLANNING COMMISSION MEETING:

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At the Lancaster County Planning Commission meeting on Tuesday, July 18, 2017 the Commission voted to approve the rezoning application of Mr. Ashok Ahluwalia by a vote of (5-2). No citizens signed up to speak on this rezoning case.

### b

### **LANCASTER COUNTY - Building Department**

101 N MAIN ST LANCASTER, SC 29720 Phone: 803.285.1969 Fax: 803.416.9380

COMMERCIAL PER	MIT	Applicant:	ASHOK AHLUWALIA
Permit: <u>20052027</u>		· · · · · · · · · · · · · · · · · · ·	2005 Issued: 06/30/2005 Code: 112 CHARLOTTE HWY
Total Fees:\$ 561.00 Structure Primary Structure	Paid: \$		MILL , SC 29715
Square Footage	Zoning	SetBacks Utilities	
Heated: 166 Unheated: 0 Total: 166 Parcel # (Primary) 0008B.0C.006.00	Property: B-2 Fire: 14 Flood: Special: School: Primary Height: Structure  X Units	11.1011	PUBLIC Sewer: PUBLIC c: DUKE Gas:  Section: hip: Range: 3 Block:
ASHOK AHLUWALIA Phone: N/A  Description of Work MIDNIGHT SUN COFFEE			BAILEY REAL ESTATE 401 WESTERN LANE IRMO SC 29063 Phone: (803)407-6000  License Holder  BAILEY REAL ESTATE # 110186 Expires: 10/31/06 401 WESTERN LANE IRMO, SC 29063 Phone: (803)407-6000

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. I FURTHER AGREE THAT I WILL IN ALL RESPECTS CONSTRUCT THE ABOVE DESCRIBED BUILDING IN ACCORDANCE WITH THIS STATEMENT AND THE PLANS AND SPECIFICATIONS HEREWITH FILED, AND IN ACCORDANCE WITH THE ORDINANCES OF THE GOVERNING JURISDICTION. I ALSO AGREE TO REMOVE ALL BUILDING MATERIALS AND DEBRIS UPON COMPLETION OF THE JOB.

	Exhibi	t 1A		
Contractor or Agent	Date	Building Official or Designee	Date	_ 223



# BURR & BERRY (100) Coffee



Quick serve convenience, fantastic baristas and high quality ingredients provide the basis for building an enduring brand through relationships in our community

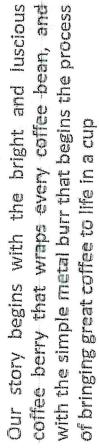




## Burr & Berry Coffee's Brand Story



Our brand is all about story. Each of us has a story. Great coffee has a story. Every relationship begins with your story and mine



Our name begs a question every time: tell me about that. Tell me more. Start the conversation, Tell me your story and let's build a relationship





# BURR & BERRY ( W) Coffee



Our Coffee and Offerings

locally-sourced well as tea and Seattle, WA as We will offer coffee freshroasted by friends in food and desserts

COFFEE MILKSHAKES FRESH-BAKED COOKIES OCALLY-SOURCED AND BREAKFAST SANDWICHES PASTRIES BLENDED DRINKS BREWED COFFEE AND TEA BEVERAGE ESPRESSO.



What's unique and special about Burr & Berry:

Branding, technology and store design that will attract customers

Long-term investment in our community from owners with deep Charlotte roots

Special touches that keep customers coming back — chocolate covered espresso beans in every coffee lid, follipops for kids, dog treats for four-legged friends

Bringing additional tax revenue to Lancaster County on a plat of land that is not currently being leveraged & funther beautify the neighborhood

# BURR & BERRY ( W) Coffee



Why rezoning makes sense for this property:

of small scale surround the Diverse mix commercial site today uses

was approved five years and by Lancaster coffee was within last Drive-thru present on the plat County

appearance of & improve the Small building neighborhood the property beautify the planned for will further product and a brand to local convenience, planned for high quality consumers the site will Business positive bring

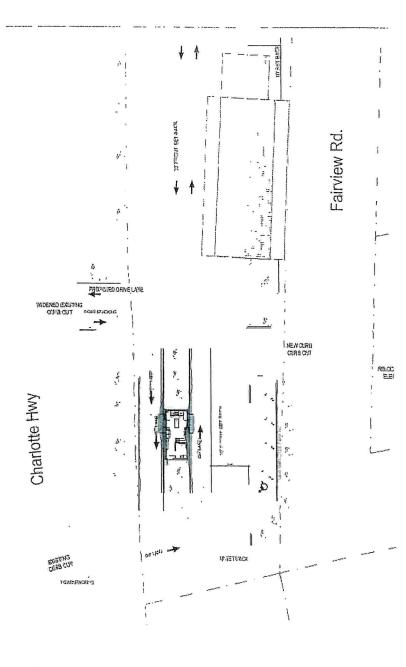
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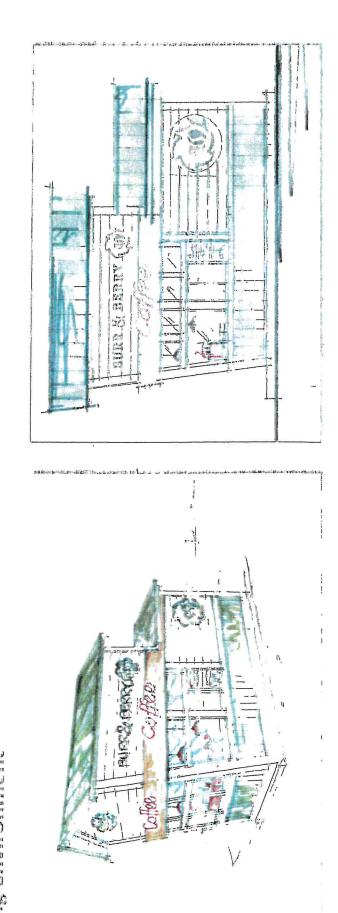
9762 Charlotte Highway:

ieveraging existing curbcuts and adding an additional curbcut in the back of the property to smooth ingress and egress





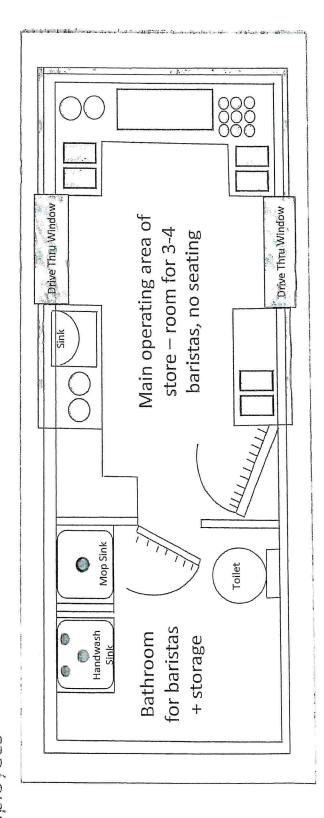
Our store design is light filled, with rustic textures and a design that allows our customers to see all of the beautiful theater of coffee while ensuring baristas have a bright and happy working environment



### Exhibit 1B



quickly on customer choices, storage for ingredients, and a safe secure bathroom Simple interiors provide an efficient coffee-centric environment for delivering for employees



# BURR & BERRY ( Coffee









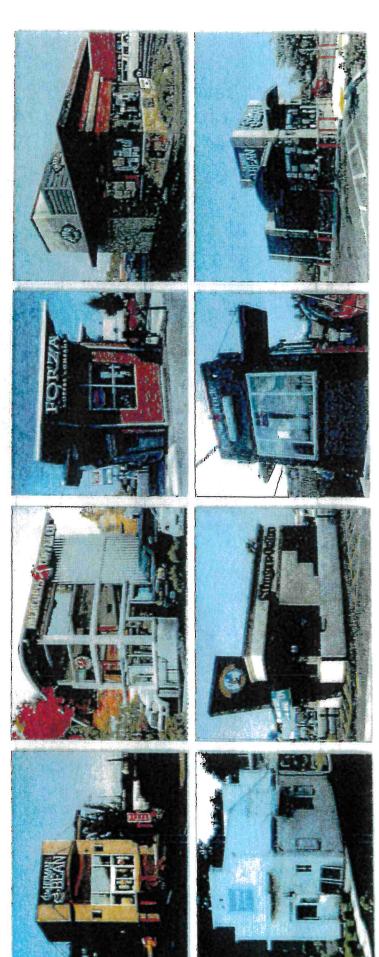




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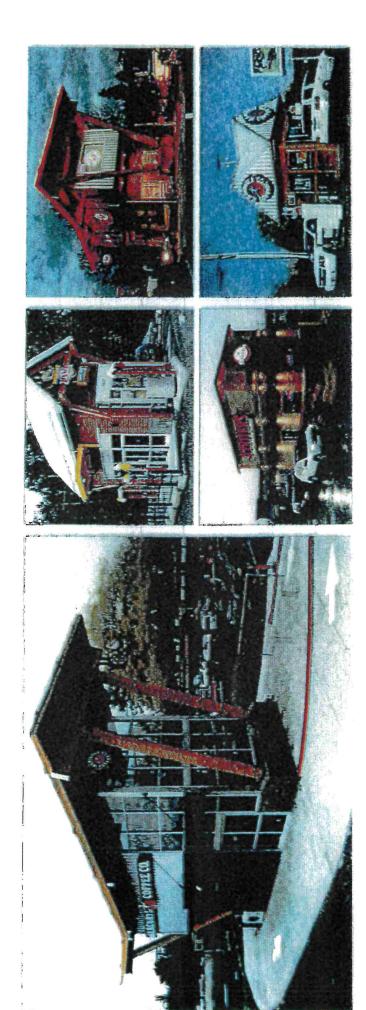






# BURR & BERRY ( Coffee







### Our founders:



### CONT

- overseeing strategy & planning for organizations ranging from start-up to >\$1B Has over 20 years' experience leading, building, growing and investing in new building of more than a dozen new businesses in the Fortune 100 sector and businesses within the consumer/retail and technology sectors, including the
- He became a passionate leader while growing teams as big as 50 people while in executive rolls at Starbucks and Microsoft Xbox, among others, and has an MBA from Berkeley and Economics degree from Northwestern.
- Jason is responsible for company leadership, branding, strategy as well as all day to day operations for Burr & Berry

### 

- Kelly is a gifted writer, communicator, designer and part-time stay-at-home Mom pulse of the segment, why great coffee matters, what's important to customers of four who is a passionate drive thru coffee addict. She has her finger on the and how to build great company-employee relationships.
  - She manages store design, branding and makes hiring decisions for Burr & Berry



# Jason Cowan: Senior executive, business builder and operator



Experience in leadership at the best, fastest  growing consumer, technology and retail brands in the world



Value of negotiated partnerships, joint

ventures and manufacturing agreements resulting in the development of new businesses Charles Charle



Average annual revenue of the last three startups Jason built at Microsoft, Xbox and Starbucks

C LINEAR

SHESH of NO

Jason has run startup companies with 50 employees, leading Creative, Design, Production, Engineering, Business & Marketing

Dollars Jason raised for his last startup,

which was funded internally by Xbox, in an extremely competitive fundraising space



Cumulative value of the businesses

Jason built at Microsoft, Xbox and Starbucks,

0

\$200 \$200

across multiple consumer segments

O and a process process distance 0

# BURR & BERRY ( 10)

Our mentors and backers:



### Gerry Lopez

ran all CPG, grocery · Gerry is the CEO of America, was CEO of AIVIC Theaters, and prior to that and foodservice Extended Stay businesses for

Starbucks



### 

is an expert in drive in Seattle, WA. He and Victrola Coffee thru coffee having Dan is the CEO of Whidbey Coffee from nothing to built a business twenty stores



### Amy Lucia

Rahul is VP of

HEALT WASH

building experience Communications at Corporate Brand & Amy is a marketing Charleston, SC. years of brandexpert with 20 Blackbaud in Amy is V.P. of



### Sax Person

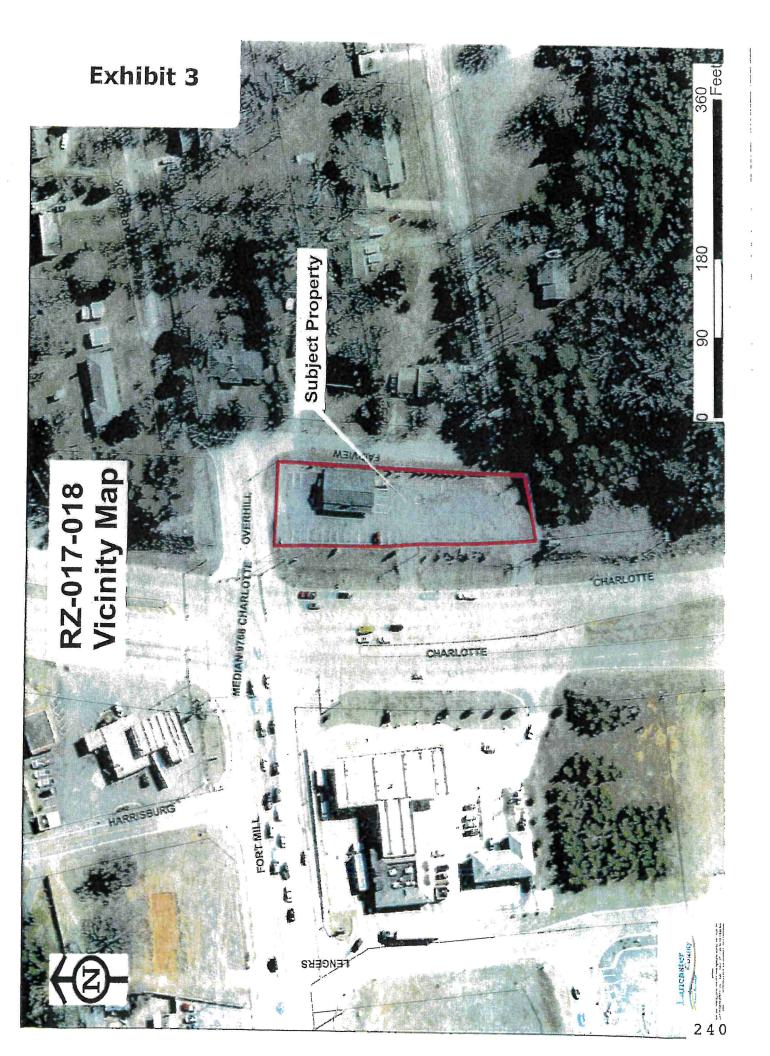
video game brands, Microsoft, leading creative strategy Saxs is a Partner world's largest for one of the and General Managerat Minecraft hacking, social media acquisition strategies

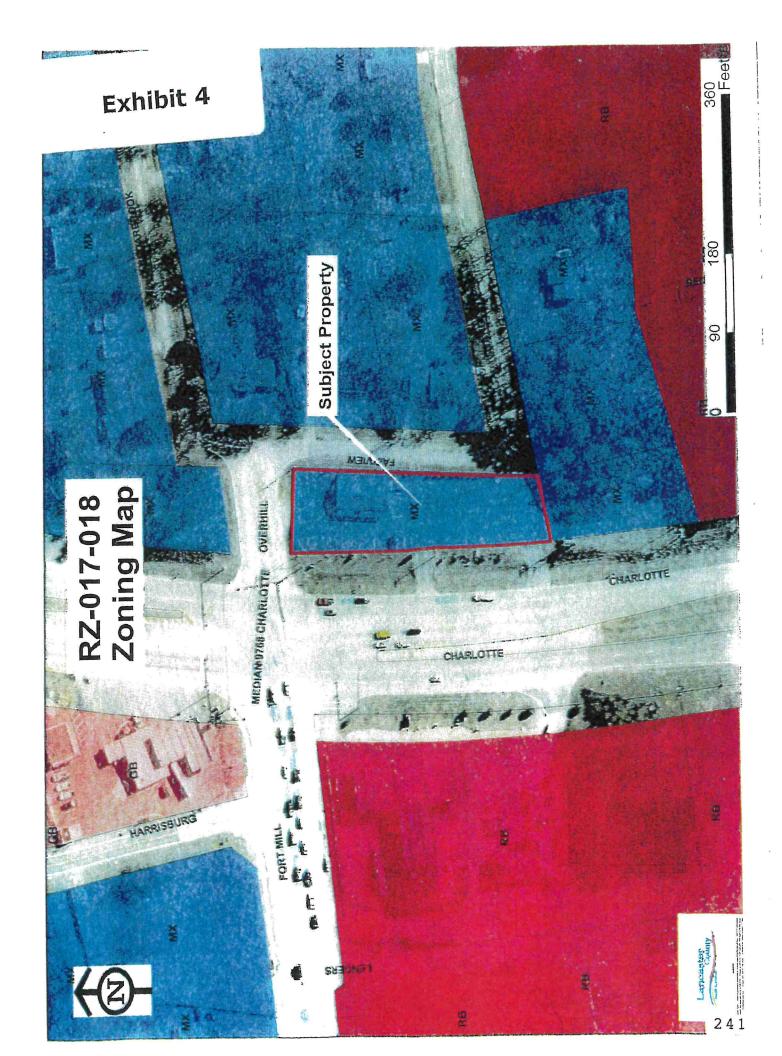
company in Seattle, VIVE, a technology Marketing for HTC

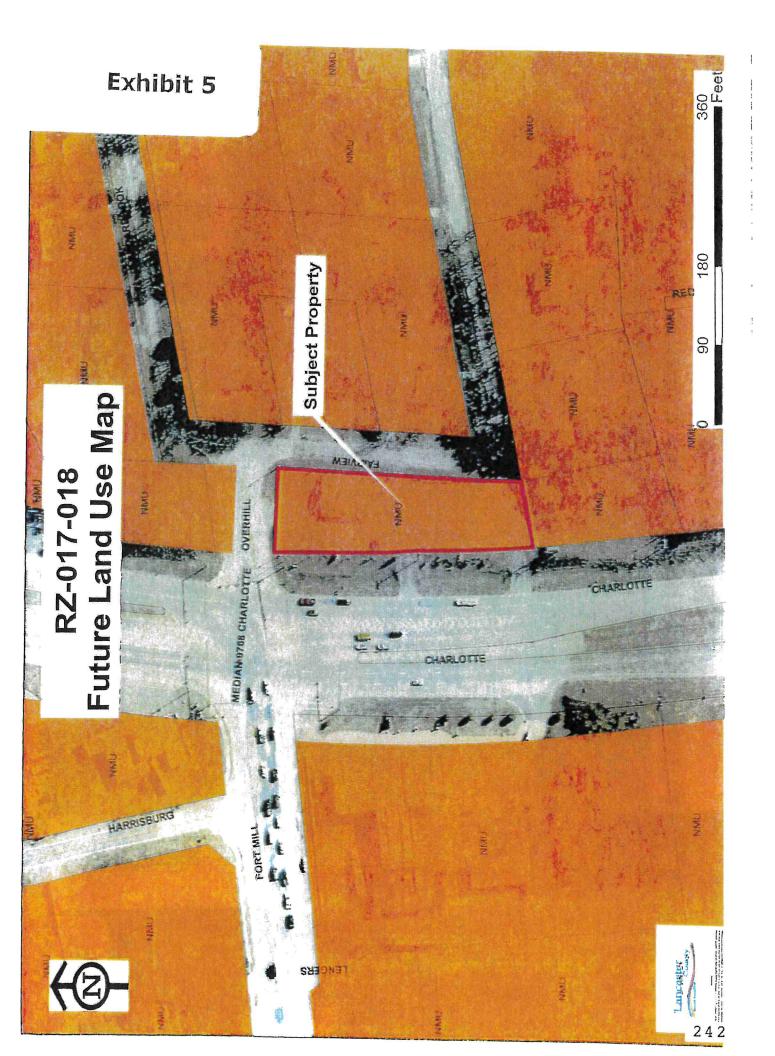
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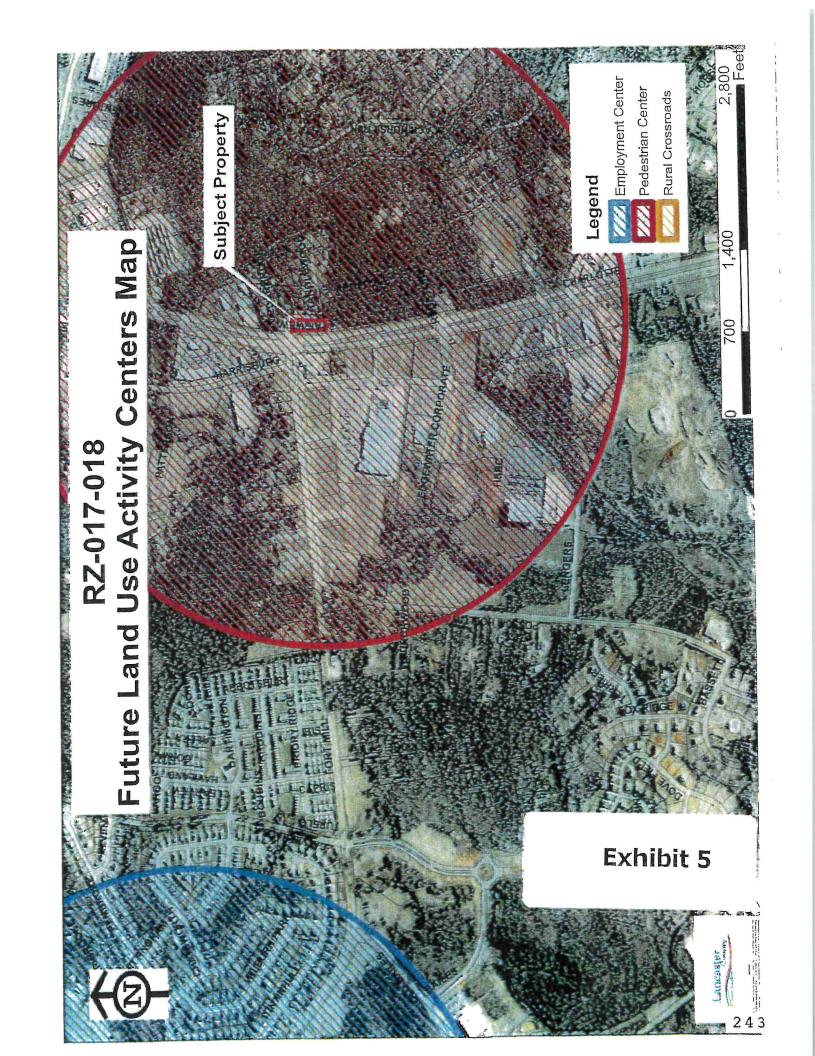
and customer

### Exhibit 2 $SCALE = 1/16^{11} = 1^{1} - 0^{11}$ Fairview Rd. 9999 0000000 SCHEMATIC SITE PLAN Tample | Dave to BURR AND BERRY COFFEE INDIAN LAND SC 9762 Charlotte Hwy, Fort Mill SC - RJa Project #SP- 941 - 07.11.17 MIDENEO EMBTINE CURB CUT Charlotte Hwy COPYRIGHT STATES Int bases in accordant uplical states Int bases in accordant uplical states Int bases in accordant in a secondaria Interpretation of the secondaria of the secondaria Interpretation of the secondaria o ++-5 spaces required 5 spaces provided TOTAL AREA 275 SF NOCESSIBLE REQUIREMENTATE TO BE DETERMINED PARKING CALCULATION MEAN L'SPACE FER EMPLOYEE PARKING DATA













### 5.7.5 DAY TREATM

A. Separation residential

### Exhibit 10

100 feet from any building in

- B. Hours of Operation: Centers shall not operate to serve consumers/clients on-site between the hours of 9 PM and 6 AM the following morning.
- 5.7.6 SCHOOLS ELEMENTARY AND SECONDARY [AR, RR, RN RUB, LDR, MDR, PB, NB, GB, RB, INS, UR, HDR, RMX, MX, IMX]

### A. For All Schools

- 1. Athletic fields and parking areas must be buffered from adjacent residentially-zoned property with a Type B buffer as set forth in Section 7.1.5.
- 2 Connectivity (vehicular, pedestrian, and bicycle) to surrounding residential areas is required. Where a full vehicular connection is impractical, a multi-use trail connection shall be provided for pedestrian and bicycle accessibility.
- B. For Schools in the AR, RR, RN, RUB, and LDR Zones Only: To encourage walking and bicycle accessibility by schoolchildren to schools, it is incumbent upon the applicant to demonstrate how such accessibility can be achieved, given the low density nature of these districts. Accommodation may include the construction of additional off-premise sidewalks, multi-use trails/paths, or greenways to connect to existing networks.

### 5.8 AUTOMOTIVE USES

### S.E.1 DRIVE-THRUIDRIVE-IN FACILITY (RUB, MB, GB, RB, LI, HI, MX, IMX)

### A. Location

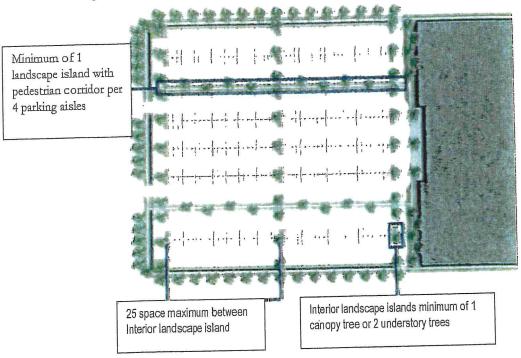
- NB Districts: Such facilities shall be limited to designated parking space(s) for picking up carryout orders only. Such parking areas shall be subject to the requirements in Chapter 7.
- 2 MX and IMX Districts: Menu boards, drive-thru service windows, vehicle queuing/stacking areas, and similar facilities shall be located and accessed only in the third layer of a lot as defined in Chapter 7. In addition, such facilities shall not be located on any portion of the building facing a street frontage.
- 3. GB, RB, L1, and H1 Districts Menu boards, drive-thru service windows, vehicle queuing/stacking areas, and similar facilities located along any street frontage or on any portion of the building facing a street frontage must be buffered from the street by a low wall or hedge, minimum of 3 feet tall, and a Type B buffer as set forth in Section 7.1.5.
- B. Circulation: Vehicle queuing/stacking areas for drive-thru uses shall be located outside of and physically separated from the right-of-way of any street and shall not cause interruption of any sidewalk or bicycle facility.
- 5.8.2 Electric Vehicle Charging Stations [AR, RR, RN, RUB, MH, LDR, MDR, PB, NB, GB, RB, INS, OSP, LI, HI, M, UR, HDR, RMX, MX, IMX]

### A. General

- 1. Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses in all zoning districts.
- 2. Public EV charging stations are permitted as accessory uses to allowed nonresidential uses in all zoning districts.

### G. ADDITIONAL STANDARDS FOR LARGE PARKING LOTS (GREATER THAN 100 SPACES)

Pedestrian Walkways: For every 4 traffic aisles in parking bays, a landscape island between 2 back-to-back parking bays with a pedestrian walkway shall be provided and shall extend the entire length of the parking bay or aisle. The width of such landscape island shall be a minimum of 15 feet, measured from the back of curb to back of curb, and the width of the pedestrian walkway shall be a minimum of 5 feet. Trees shall be planted along the pedestrian walkway at the rate of 1 canopy tree or 2 understory trees for every 50 linear feet. Crosswalks shall be provided across private drives/driveways from these pedestrian islands to connect to any adjacent building entrances, private walkways, and public sidewalks along the street frontage.



### 7.1.5 BUFFERS AND SCREENING

Buffer yards are planting areas designed to separate incompatible adjacent uses and provide privacy and protection against potential adverse impacts of an adjoining incompatible use or zoning district.

### Exhibit 11

### A. REQUIRED BUFFER YARDS

1. Required Yards by District: Buffer yards shall be required in accordance with the table below, and the buffer yard types defined Section 7.1.5.B.

			Adjace	nt Zonin	g District		
		AR, RR, RM, OSP, MH, LDR, MDR, HDR	UR, RMX, INS	NC, GB	MX, IMX, PB, NB, GB	RB	LI, HI, M
	AR, RR, RN, OSP, MH, LDR, MDR, HDR	× ***		X	x	C*	C*
	UR, RMX,	A	X	X	x	X	X
	INS**						
men	NB, GB**	В	A	Х	X	Х	X
dolawad	MX, IMX, PB, NB, GB	A	А	X	i i	à.	
Dask	RB	C	С	В	A	X	X
4	LI, HI, M	C	С	С	C	В	X
mendolekso perodorrio someo	provided on the	where adjacent, more intense adjacent property and non-residential uses si nes				y uses	X = No Buffer Required

- 2. Required Buffer Yards around Existing Single Family Homes in the NB, GB, RB, LI, and HI Districts: A Type A buffer shall be required for any non-residential development that occurs immediately adjacent to an existing single family home located within the NB, GB, RB, LI, and HI Districts. This buffer may be removed at such time that the existing single family home changes to a multifamily or non-residential use.
- 3. Additional Buffer and Screening Requirements for Specific Uses: Additional buffer and screening requirements for certain specific uses are included in use regulations for each use found in Chapter 5.
- 4. Location: Buffer yards are intended to be constructed along the perimeter of the property; however, when there is irregular topographic conditions such as when the perimeter of the property is at a lower grade than the use being screened, the Administrator may require the relocation of the required buffer yard in order to better serve its purpose.
- 5. Relationship to Required Yards and Setbacks: Where front, side, and rear yards are required by this chapter, buffer yards may be established within such yards. If a yard requirement is less than the minimum buffer requirement, the buffer width requirement shall override the minimum yard requirement.
- 6. More Restrictive to Apply: Where a proposed use or development-type abuts multiple use types or zoning districts along the same side or rear yard, the largest buffer requirement will apply along the entire side or rear property line.

7. Buffer Location Restrictions: Buffers shall not be located on any portion of any existing or proposed street right-of-way or utility easement (unless permitted by the easement holder).

### B. BUFFER YARD TYPES

1. Type A Buffer Yard: A Type A buffer yard is a planting strip intended to separate uses, provide vegetation in densely developed areas, and enhance the appearance of individual properties.

Type A Buffer Yard Options	Minimum Depih	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
Option 1	20 feet	1 Canopy Tree 2 Understory Trees 8 Evergreen Shrubs	Not Required	Semi-opaque (i.e., having only seasonal horizontal openings not exceeding 25% of the total width from the ground to a height of 6 feet within 2 years of planting)
Option 2	10 feet	2 Canopy Trees 2 Understory Trees 12 Evergreen Shrubs	Not Required	, and a passe of

2. Type B Buffer Yard: A Type B buffer yard is a medium density screen which is intended to create a visual separation between uses and zoning districts.

Type B Buffer Yard Options	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence. or Berm	Required Opacity
Option 1	20 feet	2 Evergreen Trees 1 Canopy Tree 2 Understory Trees 12 Evergreen Shrubs	Not Required	Semi-opaque (i.e., having only seasonal horizontal openings not exceeding 10% of the total width from the ground to a height of 8 feet within 2 years of planting)
Option 2	10 feet	1 Evergreen Tree 1 Canopy Tree 3 Understory Trees 24 Evergreen Shrubs	Not Required	



### **Walkable Activity Center**

The Community Type "Walkable Activity Center" is synonymous with the Place Type "Mixed-Use Activity Center." This is due to its very specific characteristics that set it apart from most other Place Types by virtue of its deliberately structured mix of uses organized around a network of walkable streets, and it is supported by transit options.

As with the Community Type "Walkable Neighborhood," a Walkable Center draws its inspiration and renewed relevance from the historic patterns of American towns and cities.

### Place Types included:

Mixed-Use Activity Center (MAC)

### Land Use Considerations

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

Condominium / Apartment
Live/Work Unit
Community-wide Commercial
Restaurant
Professional Office
Government Building
Church/School
Library
Movie Theatre
Pocket Park

Farmers' Market

### Form & Pathern

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

Form & Pattern	
General Development Pattern	Mix of Uses
Residential Density	10-30 DU/A
Non-Residential Intensity	5-20 FAR
Prevailing Building Height	1-5 Stones
Transportation Choices	Auto Bicycle Walking Transit
Typical Block Length	200-400 Ft
Open Space Elements	Pocket Parks/Squares/Plazas
Street Pattern	Grid
Street Connectivity	Hon
Parking Provisions On-Siteet/Surface	e Lot' Shared Parking Parking Deck
Typical Street Cross Section	Urban

### Exhibit 12

of a Committee of the state of

### LANCASTER COUNTY BOARDS & COMMISSIONS APPLICATION FOR SERVICE



Name Allen Cook		County Council District
Mailing Address		City/Zip
Street Address		Registered Voter yes_X no
Tel. Number (home)	(work) Email:	(other)
		ment Lancaster SC
		Normal working hours Variable schedule ce can be reason for replacement on a commission)
Name of Board or Commission in which	you are interested	I.
1st choice Brian Carnes	2nd cl	hoice
3rd choice		
Reason for interest		
Aviation and hope to help Lancaster Aviation, and Lancaster County.	County utilize its	so keep my personal aircraft there. I love amazing resource by promoting the airport,  s? In addition, note education, areas of expertise,
skills & interests. (continue on separate s	sheet if needed)	
flying for airlines, doing examination	is for the FAA on	from teaching, working on aircraft, flying charte new pilot ratings, and multiple committees vas a chairman of a committee which received
Do you presently serve any State, County	or Municipal Boa	rrds? No If yes, list
Have you ever served on a county board?	No If yes	s, list
Additional pertinent information		
Applicant's signature  Receipt of application does not guara	ntee an appointment. A	Date 7/26/2017  pplicants will be notified of appointments by mail.

# LANCASTER COUNTY BOARDS & COMMISSIONS APPLICATION FOR SERVICE



Name Benjamin David	Levine County Council District 7
Mailing Address	City/Zip
Street Address	Registered Voter yes I no
Tel. Number (home)	(work) (other)
	Email:
	Place of employment Construction Equipment North America (Atlas Copico)
Address 1059 Paragon Way (most meetings are scheduled after 6:1	Rock Hill, 29730 Normal working hours 7am - 5pm 10 pm - lack of attendance can be reason for replacement on a commission)
Name of Board or Commission in which	
1st choice Planning Commission	2nd choice
3rd choice	
Reason for interest	
	prening in certain parcels and what they are if property given its existing toming.  we on these boards? In addition, note education, areas of expertise, wheet if needed)
I currently relay planning Council when planning Comm	the Planning Dept. for citizen input on the new 120, and Zoning information to the Indian Land Hoten inssion members are not available.  or Municipal Boards? Yes If yes, list Lancaster County Stormwater Advisory Committee
Have you ever served on a county board?	
Additional pertinent information	
Applicant's signature La La Receipt of application does not guarant	Date July 27th, 2017 ee an appointment. Applicants will be notified of appointments by mail.

Return completed application to Sherrie Simpson, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29721 Form Revised 1-20-17



TO:

Sherrie Simpson, Clerk to Council

FROM:

Butch Ghent, Fire Commission Chairman 39

Lancaster County Fire Rescue

DATE:

August 4, 2017

SUBJECT:

Replacement for Fire Commission—Rich Hill

PO Box 1809 Lancaster, SC 29721 The Lancaster County Fire Commission respectfully submits the name of a new member from the Rich Hill Fire District for approval by the Lancaster County Council. This member will replace the current member who is unable to fulfill the remainder of their term through June 2021.

Business Phone 803-283-8888 Rich Hill Fire Department Joshua L. Alford 3084 Spirit Road Heath Springs, SC 29058

Fax 803-283-6333

If you have questions or need any additional information, please contact the Fire Rescue office.

**E-mail** LCFIRE@comporium.net BG/dmg

cc:

Darren Player, Lancaster County Fire Rescue



Proud and Progressive

# LANÇASTER COUNTY BOARDS & COMMISSIONS APPLICATION FOR SERVICE



A 10		OF CAROLET
Name Candita for	inclus)	County Council District Select a District
Mailing Address	0	City/Zip
Street Address	0_	Registered Voter yes no
Tel. Number (home)	(work)	(other)
	Email:	the state of the s
Occupation Quality ASS	UNAN Place of employ	oment XI.
Address 1632 do Mass (most meetings are scheduled	New Rd Forty after 6:00 fm - lack of attendan	Normal working hours PM - PM nce can be reason for replacement on a commission)
Name of Board or Commission in	which you are interested	$oldsymbol{l}$
1st choice	2nd ci	hoice
3rd choice	The second se	
Reason for interest & l In	mic it wou	od be a Honor a re
enjoy helpin	others.	
T.	•	v
skius & interests, (continue on sen	urate sheet if needed)  USO GNOW  USO GNOW	s? In addition, note education, areas of expertise, I have would in hospital P Home, it enjoy helping Lucation (GED) Some College
Do you presently serve any sime, Co	iunty or Municipal Boa	irds? (X) If yes, list
Have you ever served on a county bo	oard? <u>NO</u> If yes	, list
Additional pertinent information		
Applicant's signature (M)	la Lamble guarantee an appointment. An	Date Q Q   D

Return completed application to Debbie Hardin, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29721
Form Revised 1-28-13



# Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor: Sheriff Barry Faile

Department: Sheriff's Office

Date Requested to be on Agenda: 7/12/2017

Issue for Consideration: Sheriff Faile would like to discuss two grants that are up for consideration:

- 1) Victim's Advocate Grants and Funding
  - a. Detention Center Victim's Advocate new grant application
  - b. Victims of Crime 2017 Continuation of previous grant
- 2) High Safety Grant: Impaired Driving Education and Enhanced Impaired Driving Unit.
  - a. Impaired Driving Education \$164,326.00 (One officer for education)
  - b. Enhanced Impaired Driving Unit \$318,831.00 (Two officers for enforcement)

NOTE: All of these include a vehicle and accessories for each officer, salary and fringe benefits for Each officer, as well.

Points to Consider: 1a) the Detention Center Victim's Advocate (VA) Grant will allow for a victim's advocate for the detention center. The position will initiate calls and complete paperwork, which will free up our other detention staff to handle other duties. We would use the original victim's advocate salary to match this one. 1b) The agency has applied for continuation of Victims of Crime grant. This grant position has been a tremendous advantage when dealing with victims of domestic violence, reaching out to the victims, working with them in the court environment and making follow-up visits.

Funding and Liability Factors: Victim's Advocate Grant (Detention Center) – we are using the current victim's advocate salary for the match. The Victims of Crime Grant will be a continuation, as we received funding from the state during this past year.

Ф	Victims of Crime (VOCA) 2017	Detention Center	\$48,850.00	\$12,213.00	\$61,063.00
0	Victims of Crime (VOCA) 2017 (Brittany Moore)	Continuation	\$51,733.00	\$12,934.00	\$64,667.00

Council Options: No action required at this time from Council, since we are applying/reapplying for each grant. Would ask that council be open to taking on the financial aspect of the positions in the future as the grants and reapplies run their course.

**Recommendation:** Want to make Council aware of the grants which have been applied for, duties and responsibilities of each and the financial responsibility of Lancaster County.



# Agenda Item Summary

Ordinance # / Resolution#: N/A

Contact Person / Sponsor: Jessica Kennington

Department: Administration

Date Requested to be on Agenda: August 14th, 2017

### Issue for Consideration:

Updates to Social Media Platforms: Facebook, Twitter, Instagram and YouTube including but not limited to using social media to post upcoming meeting information.

#### Points to Consider:

- The generation of Millenials primarily seek important information from social media rather than the news networks or newspapers. Because of this it is important for Lancaster County Government to provide up to date information regarding county news via social media platforms on a consistent basis. Allowing the below requested points would achieve this goal.
  - o Provide consistent scheduling information to the public regarding upcoming council/commission meetings and current new including road projects.
  - o Provide citizen education through videos such as information describing the function of each county department.
  - o Notify the public of upcoming events hosted by our organization as well as other groups such as See Lancaster and J. Marion Sims.
  - o Post photos of community service projects where county employees participated to foster a positive relationship between employees and citizens.
  - o Posting boards & commission vacancies and information videos about each commissions responsibility and function.
  - o Provide educational information to citizens regarding new laws and requirements, ie. new car seat laws in South Carolina.
  - O Give beneficial health and wellness or safety information to the public such as how to stay safe during extreme temperatures, while using fireworks, avoiding distracted diving etc.

### Funding and Liability Factors:

This project would require no additional funding to complete.

### Council Options:

Approve or deny the use of social media to provide council/commission meeting information to the public and provide county government education opportunities to the public by way of informational or tutorial videos created by the Public Relations Coordinator.

2 5 6



July 14, 2017

Mr. Steve Willis County Administrator County of Lancaster 101 N. Main Street., 2nd Floor Lancaster, SC 29721

Re:

Charter Communications - Upcoming Changes

Dear Mr. Willis:

Containing costs and efficiently managing our operations are critical to providing customers with the best value possible. Like every business, Charter faces rising costs that require occasional price adjustments. As a result, customers will be notified of the following price adjustments through a billing statement message on or after July 22, 2017.

**Customer Bill Message:** At Spectrum, we continue to enhance our services, offer more of the best entertainment choices and deliver the best value. We are committed to offering you products and services we are sure you will enjoy. Effective with your next billing statement, pricing will be adjusted for:

- · Broadcast TV Surcharge from \$6.05 to \$7.50. This reflects costs incurred from local Broadcast TV stations.
- Spectrum Receivers from \$ 3.99 to \$4.99 (per receiver).

Starting July 1st, FamilyNet was rebranded as The CowboyChannel, celebrating the spirit of the west.

We remain committed to providing an excellent experience for our customers, in your community and in each of the communities we serve. If you have any questions about this change, please feel free to contact me at (704) 378-2739 or via email at michael.tanck@charter.com.

Sincerely,

Michael E. Tanck

Director of Government Affairs

Charter Communications



July 19, 2017

# CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Steve Willis County Administrator, Lancaster 101 N. Main St., 2nd Floor Lancaster SC 29721

Dear Mr. Willis:

Containing costs and efficiently managing our operations are critical to providing customers with the best value possible. Like every business, Charter faces rising costs that require occasional price adjustments. As a result, customers will be notified of the following price adjustments through a billing statement message on or after 07/22/17:

**Customer Bill Message:** At Spectrum, we continue to enhance our services, offer more of the best entertainment choices and deliver the best value. We are committed to offering you products and services we are sure you will enjoy. Effective with your next billing statement, pricing will be adjusted for the following:

- Broadcast TV Surcharge from \$6.05 to \$7.50. This reflects costs incurred from local Broadcast TV stations.
- SPP Receivers from \$3.99 to \$4.99 (per receiver).

We remain committed to providing excellent communications and entertainment services in your community and in each of the communities we serve. If you have any questions about this matter, please feel free to contact me at (803) 251-5320 or via email at ben.breazeale@charter.com

Sincerely,

Ben Breazeale

Sr. Director of State Government Affairs

South Region



August 1, 2017

Mr. Steve Willis County Administrator County of Lancaster 101 N. Main Street., 2nd Floor Lancaster, SC 29721

Re: Charter Communications - Upcoming Changes

Dear Mr. Willis:

In an effort to keep you informed of any changes affecting the Charter Communications subscribers in your area, I would like to make you aware of the following changes to the channel line up to begin August 1:

- Addition of SonLife (SBN) on channel 470
- Addition of Hillsong on channel 104
- Replace WGN America with FXX on channel 109

Charter remains committed to providing an excellent experience for customers in your community and in all of the communities we serve. If you have any questions about this change, please feel free to contact me at (704) 378-2739 or via email at michael.tanck@charter.com.

Sincerely,

Michael E. Tanck

Director of Government Affairs

Charter Communications



## Lancaster County Department of Economic Development Fiscal Year 2017 Report

### Operations

- Lancaster County Council approved LCDED's budget of \$410,821.
- Jamie Gilbert assumed the role as Director of LCDED in July. His responsibilities are to lead and manage LCDED's operations, business recruitment and expansion, project management, incentive development and negotiations, product development, strategic planning, marketing and communications.
- In August, LCDED hired Amanda Thompson as the department's Administrative Assistant. The title was later changed to Economic Development Assistant to reflect her role beyond administrative items. Her responsibilities include general administration functions, as well as assisting the department with its website and social media, meetings, budgetary items and project support as needed.
- In September, LCDED hired John McCain as the department's Existing Industry Manager. His responsibilities include overseeing the department's existing industry visitation program, assisting existing businesses with their needs, workforce development and providing support to the Director on various projects and initiatives.
- In December, the Lancaster County Council approved the establishment of the sixteen member Economic Development Advisory Board (EDAB) to provide guidance for LCDED's operations. Membership represents utilities, municipalities, businesses, education and the chamber of commerce. Kristen Blanchard of Nutramax Laboratories was named EDAB's Chairman.
- LCDED upgraded its offices at 1033 West Meeting Street with a new entrance and lobby with attractive furniture and pictures depicting business and quality of life scenes throughout the county. Much of the photography was done in-house. A flat screen television was purchased for the conference room which allows for high level presentations.
- In June, LCDED selected Creative Economic Development Consulting to prepare an economic development strategic plan for Lancaster County. The plan is expected to be completed in October 2017.

# **Marketing and Product Development**

#### Marketing

- New logo and tagline "Where Business is Golden" were created.
- New Lancaster County "Business Opportunities" marketing brochure was produced.
- New Website, <u>www.lcded.com</u>, was developed and launched.
- Facebook Page was created and launched.
- Twitter account was established.
- Four new economic development and twelve business profile videos were produced.
- Lancaster County Chamber and Charlotte Business Journal advertisements were created.
- LCDED representatives spoke at various civic, business and workforce development events.
- LCDED hosted county tours for SC Department of Commerce, Charlotte Regional Partnership, SC Power Team, SC Works and other economic development partners.

#### **Product Development**

- LCDED was assigned primary responsibility for and developed industrial zoning changes for the UDO Advisory Board.
- Updated and added sites and buildings to LocateSC.
- Secured the first tenant for the KCH Industrial Park.
- Applied for and secured the Winston Smith Property for inclusion in the Duke Site Readiness Program.
- Created and compiled site plans and support materials for select industrial and office properties.
- Developed the framework for a sites and building program.
- Researched and prepared a spec building analysis.
- Began discussions with developers regarding a joint venture for a spec building.
- Made the Springs Global Redevelopment Site and Duracell Building top priorities for reuse.

# Existing Industry and Workforce Development

#### **Existing Industry**

- From October 2016-June 2017, LCDED met with 64 existing manufacturers, industrial companies
  and corporate facilities as part of its industry visitation program which seeks to identify and
  address the opportunities, challenges and needs of existing businesses.
- LCDED assisted twenty-five existing businesses with a number of key items including zoning, financing, incentives and grants, workforce recruitment and development, transportation and infrastructure development, personal property acquisition and disposition, and market development.
- LCDED organized and implemented a strategy for submitting existing industries to the SC Department of Commerce for the SC Industry Impact Awards. The submittals resulted in Nutramax Laboratories being selected as the Large Impact Industry of the Year for Tier III Counties.
- LCDED recognized and presented awards at the June 12th Lancaster County Council meeting to the Small (Fab Fours), Medium (PCI Group) and Large (Nutramax Laboratories) Lancaster County Industries of the Year.

#### Workforce Development

- LCDED actively engaged its workforce development partners in helping Lancaster County companies find and retain a quality workforce.
- Jamie Gilbert was appointed by the Lancaster County Council to serve on the Catawba Regional Workforce Development Board and John McCain was appointed to the SC Department of Employment & Workforce Business Engagement Workgroup.
- LCDED hosted local workforce development team members including representatives from the SC Department of Commerce, SC Works, Catawba Regional Council of Governments, ReadySC, York Technical College and the Lancaster County School District.
- LCDED was an active player in the SC Works Regional Partnership program, supporting job fair planning and outreach to companies.
- LCDED worked closely with existing businesses and our workforce partners to align employee requirements with qualified job seekers to facilitate expansion hiring needs.
- LCDED fielded numerous requests for workforce demographic data to assist companies in forecasting their workforce needs and our region's ability to meet their requirements.
- LCDED worked closely with the Lancaster County Chamber of Commerce to develop opportunities for Lancaster County educators to understand the workforce demands of our local employers.
- LCDED assisted in the planning for industry tours for the Career Center staff and faculty to give them better insight into the workforce requirements of local companies and assist in developing curriculum that supports the needs of businesses.

## **Business Attraction and Expansion**

- Developed incentive guidelines and policies for projects that included a tier system within the county and provided greater incentives for existing industry.
- Purchased and utilized a FILOT and SSRC incentive model from Parker Poe that allows LCDED to run multiple property tax incentive scenarios for projects.
- Purchased and utilized the LOCI cost benefit analysis program developed by Georgia Tech to determine the economic impact of new and expanding projects when incentives are awarded.
- Facilitated seven announced new and expanding businesses that included Central Wire, PCI Group, CompuCom Systems, Movement Mortgage, Springs Global, Unique Loom and Simpson Electric Company. The impact and highlights of these projects are as follows:

#### **Employment**

- > 2,842 New Jobs
- > \$157,523,884 Total Annual Payroll (upon completion)
- > 10 Year Payroll Total of \$1,323,200,626
- > 1 New Job for Every 13 Eligible Workers in Lancaster County
- New Jobs Announced was a Lancaster County Record for any 12 Month Period
- ➤ CompuCom System's 1,500 Person Global Headquarters was Largest Project in the Carolinas in 2016
- ➢ Recognized by Southern Business Development as having the 4th and 10th Largest Deal in the South for Winter 2017 with the CompuCom Systems and Movement Mortgage Projects

#### Investment

- > \$85,823,163 in New Investment
- > \$957 in New Investment for Every Lancaster County Resident
- > 10 Year Estimated Property Tax Revenue of \$7,075,798
- ➤ 10 Year Estimated County Property Tax Revenue of \$2,122,739 and School Property Tax Revenue of \$4,811,543
- > 10 Year Estimated County Property Tax Revenue to Cover 51% of LCDED's Annual Budget Each Year.

#### 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

FF 2012 - 2013 LARS Only	
Trips	
Unduplicated Individuals	
Passenger Miles	
Operational Costs	
Capital Costs	
Total Costs:	
Operational Cost Per Trip	
Operational Cost Per Individual	
Operational Cost Per Passenger Miles	

								F	iscal Yea	r
_		_		_		_	Total	20	13 Avera	ge
_	1810	L	1894		1974		5678	Г	18	93
_	69		49		52	Г		Г		57
_	24,605	L	22,159		21,182		67946		226	=
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\$	-							F	,	-
\$	25,331.74	\$	26,402.00	\$	28,877.71	\$	80,611.45	\$	26,870.4	8
\$	14.00	\$	13.94	\$	14.63	L		\$	14.1	9
\$	367.13	\$	538.82	\$	555.34			\$	487.0	
\$	1.03	\$	1.19	\$	1.36			\$	1.1	=

Report Period:

7/1/2013- 10/01/2013- 1/1/2014-9/30/2013 12/31/2013 3/31/20 4/1/2014-

3/31/2014

FY 2013 - 2014 Includes JARC; 5	MTF	and LARS	S T	rips					Total	2014 Average
Trips		2091	Г	1953	T	2167	Г	1974	8185	2046
Unduplicated Individuals		132		77	1	66	-	53	0103	
Passenger Miles		22,764		22,198		20,511		20674	86147	21537
Operational Costs	\$	21,562.52	Ś	28,729.14	Ś	25,971.24	Ś	24 115 00	\$ 110,377,90	0
Capital Costs	\$		Ť	/	۲	25,57 1.24	7	34,113.00	\$ 110,377.90	\$ 27,594.48
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	Ś	11.98	\$	17.28		42.00
Operational Cost Per Individual	\$	163,35	\$	373.11	5	393.50	ė	643.68		13.57
Operational Cost Per Passenger Miles	\$	0.95	Ś	1.29	5	1.27	4			393.41
	-	0,00	7	1,20	7	1.27	7	1.65	n n	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

Fiscal Year FY 2014 - 2015 Includes JARC; SMTP and LARS Trips Total 2015 Average Trips 2173 2259 1802 1810 2011 Unduplicated Individuals 205 55 46 48 89 Passenger Miles 25,160 25,547 20,458 22382 9354 23387 Operational Costs \$ 24,834.00 \$ 27,524.00 \$ 30,543.00 \$ 32,615.35 \$ 115,516.35 \$ 28,879.09 Capital Costs Total Costs: \$ 24,834.00 \$ 27,524.00 \$ 30,543,00 \$ 32,615.35 \$ 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

Report Period:

10/01/2015- 1/1/2016-9/30/2015 12/31/2015 3/31/2016 6/30/2016

Fiscal Year FY 2015 - 2016 Includes JARC; SIVITP and LARS Trips Total 2016 Average Trips 2081 2186 1931 1973 8171 2043 Unduplicated Individuals 190 60 42 49 85 Passenger Miles 23,113 24,912 22,937 24121 95083 23771 Operational Costs \$ 40,284.02 \$ 40,332.08 \$ 33,903.00 \$ 35,606.72 \$ 150,125.82 \$ 37,531.46 Capital Costs Total Costs: \$ 40,284.02 \$ 40,332.08 \$ 33,903.00 \$ 36,606.72 \$ 151,125.82 \$ 37,781.46 Farebox Revenue \$ 5,435.00 \$ 5,168.00 \$ 4,612.00 \$ 4,885.00 \$ 20,100.00 \$ 5,025.00

Report Period:

Operational Cost Per Trip

Operational Cost Per Individual

Operational Cost Per Passenger Miles

1.62 \$ 10/01/2016- 1/1/2017-4/1/2017-

18.45 \$

672.20 \$

17.56 \$

807.21 \$

1.48 \$

18.55

747.08

1.52

18.48

609.63

9/30/2016 12/31/2016 3/31/2017 6/30/2017

19.36 \$

212.02 \$

1.74 \$

Fiscal Year FY 2016 - 2017 Includes JARC; SMTP and LARS Trips 2017 Average Total Trips 2128 2254 1903 2523 8808 2202 Unduplicated Individuals 181 51 52 89 Passenger Miles 24,678 28,576 22,244 27,364 10286 25716 Operational Costs \$ 28,545.13 \$ 30,763.00 \$ 26,774.00 \$ 31,487.47 \$ 117,569.60 29392 Capital Costs \$ 165,000.00 \$ 165,000.00 41250 \$ 28,545.13 \$ 30,763.00 \$ 26,774.00 \$ 31,487.47 Total Costs: \$ 117,569.60 29392 Farebox Revenue \$ 5,593.00 \$ 5,425.00 \$ 6,324.00 \$ 6,078.75 \$ 23,420.75 5855 Operational Cost Per Trip 13.41 \$ 13.65 \$ 14.07 \$ 12.48 13.40 Operational Cost Per Individual \$ 157.71 \$ 603.20 \$ 377.10 \$ 605.53 435.88 Operational Cost Per Passenger Miles \$ 1.16 \$ 1.08 \$ 1.20 \$ 1.15

(AdC- lob Access Reverse Committe Studing -Funding for Transportation to Jobs and Job Flaming SALEP, it are Mass Trained Program finding those persons living in birb thread weak until 5, 100 (1); 1438 5311 Public Fransit Funding



# Agenda Item Summary

Ordinance # / Resolution#:

N/A

Contact Person / Sponsor:

Sherrie Simpson

Department:

Administration

Date Requested to be on Agenda:

August 14, 2017

#### **Issue for Consideration:**

Lancaster County would partner with the Lancaster County School District on a reading project. In preliminary discussions with the School District, they are interested in moving forward with this project with the County. The project would showcase various County staff and possibly various school district staff reading across the County to celebrate the "Read Across America" campaign, which is a nationwide reading celebration that takes place annually on March 2nd which is Dr. Seuss' birthday. This project would be presented to 1st graders across Lancaster County's elementary schools during their celebration of "Read Across America". The filming would be done by Learn TV and would be done in various locations around Lancaster County to show the beauty and diversity of the County; such as Andrew Jackson State Park, 40 Acre Rock, the Historic Courthouse and other areas to be determined during meetings with the School District.

### **Points to Consider:**

This is information for the Council. Council Members could present the project to the 1st graders in their respective districts.

### Funding and Liability Factors:

There would be no cost to the County other than employee time. The filming will be done by Learn TV.

### **Council Options:**

This is information for the Council.

### Recommendation:

Move forward with the project.

# **MEETINGS & FUNCTIONS – 2017**

DAY/DATE	TIME	FUNCTION/LOCATION
Monday, August 14 th	6:00 p.m.	Council Meeting Council Chambers, Administration Building
Tuesday, August 15 th	3:00 p.m.	Infrastructure and Regulation Committee (I&R) Council Conference Room, Administration Building
Tuesday, August 15 th	5:00 p.m.	Public Safety Committee Council Conference Room, Administration Building
Tuesday, August 15 th	5:00 p.m.	Administration Committee - CANCELLED Council Chambers, Administration Building
Monday, August 28 th	6:00 p.m.	Council Meeting Council Chambers, Administration Building
Monday, September 11 th	6:00 p.m.	Council Meeting Council Chambers, Administration Building

#### LANCASTER COUNTY STANDING MEETINGS

The Tuesday following 1st Council meeting (most of the time it is the 2nd Tuesday)	
5:00 p.m Public Safety Committee	
The Tuesday following the 1st Council meeting (most of the time it is the 2nd Tuesday)	
The Tuesday following the 1st Council meeting (most of the time it is the 2nd Tuesday)	
5:00 p.m Administration Committee	
1st Thursday of each month	
2 nd Thursday of each month	
^{2¹⁰} Tuesday of each month	
Last Tuesday of each month (Every other month - Beginning with Feb.) 6:00 n.m. Library Board Carolinian Room, Library	
wed (Jan/March/May/July/Sept/Nov) 11:45 a.m., Health & Wellness Comm various locations	
2 nd Tuesday	
3rd Thursday of each month	
1st Thursday of each month	
3rd Tuesday of each month	
2 Standard County Country Country	