

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

**INTERGOVERNMENTAL
AGREEMENT BETWEEN
LANCASTER COUNTY AND TOWN
OF KERSHAW**

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

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

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

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

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

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

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

Section 3. Specific Duties.

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

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

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

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

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

Section 4. Agreement. Upon the effective date of this Ordinance and upon approval by Lancaster County and the Town of Kershaw, Lancaster County and the Town of Kershaw are hereby authorized to execute and deliver an Intergovernmental Agreement (attached hereto as Exhibit A) providing for the services as described herein and the terms of such Intergovernmental Agreement shall constitute the entire agreement between the parties for the Lancaster County Planning Commission, Lancaster County Board of Zoning Appeals, Lancaster County Planning Department, Lancaster County Zoning Department, Lancaster County Building Department, and Lancaster County Administration.

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

COUNTY OF LANCASTER

TOWN OF KERSHAW

By its: Administrator

By its: Administrator