

Council Members

District 1: Terry Graham
District 2: Charlene McGriff, Vice-Chair
District 3: Billy Mosteller
District 4: Larry Honeycutt, Secretary
District 5: Steve Harper, Chair
District 6: Allen Blackmon
District 7: Brian Carnes



County Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

February 10, 2020

6:00 PM

**101 North Main Street
Lancaster, SC 29720**

LANCASTER COUNTY COUNCIL
County Council Chambers, County Administration
Building, 101 North Main Street, Lancaster, SC 29720

AGENDA

1. Call to Order Regular Meeting - Chairman Steve Harper

2. Welcome and Recognition - Chairman Steve Harper

3. Pledge of Allegiance and Invocation - Billy Mosteller

4. Approval of the Agenda

[deletion and additions of non-substantive matter]

5. Special Presentations

6. Citizens Comments

[Speakers are allowed approximately 3 minutes. If there are still people on the list who have not spoken at the end of thirty (30) minutes, Council may extend the citizen comments section or delay it until a later time in the agenda]

7. Consent Agenda

[Items listed under the Consent Agenda have previously been discussed by Council and approved unanimously. As such, these items are normally voted on as a group through a single vote rather than with a Council vote for each individual item. However, any Council member may remove any item on the Consent Agenda for individual discussion and vote]

- a. Approval of Minutes from the January 14, 2020 County Council Committee of the Whole Meeting
- b. Approval of Minutes from the January 27, 2020 County Council Regular Meeting
- c. 3rd Reading of Ordinance 2019-1613 regarding Rezoning Property Owned By Gus and Chrisoula Kanos that is Located at 9330 Charlotte Highway

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 3.00 Acre Parcel Owned By Gus Kanos And Chrisoula P. Kanos And Located At 9330 Charlotte Highway, Fort Mill, South Carolina (TMS# 0008-00-085.00) From LDR, Low Density Residential District To NB, Neighborhood Business District. - **Planning Department Case Number: RZ-019-0171**. A previous version of the Ordinance appeared on the October 14, 2019 County Council agenda to rezone the property to GB. County Council referred the case back to the

Planning Commission for further consideration of the NB District and another Public Hearing pursuant to UDO Section 9.2.15.C.2.a. Planning Commission recommended approval by a vote of 5-1. Passed 7-0 at the January 13, 2020 County Council Meeting. Passed 7-0 at the January 27, 2020 County Council Meeting. - Rox Burhans

- d. 3rd Reading of Ordinance 2020-1637 regarding Amending the County Code Related to Fee Exemptions

Ordinance Title: An Ordinance To Amend Paragraph C of Section 26-34 Of The Lancaster County Code Of Ordinances Related To Exemptions From The County Road Fee. - ***Passed 7-0 at the January 13, 2020 County Council Meeting. Passed 7-0 at the January 27, 2020 County Council Meeting. - Steve Willis***

- e. 3rd Reading of Ordinance 2020-1639 regarding Amending the Future Land Use Map

Ordinance Title: An Ordinance To Approve The Request Of Haile Gold Mine Inc., To Amend The Future Land Use Map Contained In The Lancaster County, South Carolina Comprehensive Plan 2014-2024 So As To Change The Future Land Use Designation On The Future Land Use Map For Fifty-One Parcels Of Real Property From Rural Living To Special District-Industrial. - ***Planning Department Case Number: CP 2019-1037. Planning Commission recommended approval by a vote of 6-0. Passed 7-0 at the January 13, 2020 County Council Meeting. Passed 7-0 at the January 27, 2020 County Council Meeting. - Rox Burhans***

- f. 3rd Reading of Ordinance 2020-1640 regarding Rezoning 46 Parcels Owned By Haile Gold Mine

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 46 Parcels, Totaling 539.6 Acres In Size, More Or Less, Owned By Haile Gold Mine, Inc. And Located Near 6936 Snowy Owl Road-Haile Gold Mine Road, Lancaster, South Carolina (TMS# 0136-00-036.00) From AR, Agricultural Residential District And INS, Institutional District, To M, Mining District. - ***Planning Department Case Number: RZ-019-1016. Planning Commission recommended approval by a vote of 6-0. Passed 7-0 at the January 13, 2020 County Council Meeting. Passed 7-0 at the January 27, 2020 County Council Meeting. - Rox Burhans***

- g. 3rd Reading of Ordinance 2020-1641 regarding Rezoning Property Owned By Lancaster County Water & Sewer District

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone One Parcel, Totaling 3.03 Acres, More Or Less, Owned By Lancaster County Water & Sewer District, And Located East Of 7864 River Road – LCWSD Sewer Facility, Lancaster, South Carolina, Portion Of (TMS# 0013-00-087.00) From MDR, Medium Density Residential District, To INS, Institutional District. - ***Planning Department Case Number: RZ-019-1178. Planning Commission recommended approval by a vote of 6-0. Passed 7-0 at the January 13, 2020 County Council Meeting. Passed 7-0 at the January 27, 2020 County Council Meeting. - Rox Burhans***

- h. 3rd Reading of Ordinance 2020-1642 regarding Rezoning Property Owned By Francis Faile, Jr.

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 0.46 Acres, More Or Less, With The Intention Of Combining The Parcel With The Adjacent 1.48 Acres (TMS No. 0086B-0J-011.00) Owned By Francis Faile, Jr., And Located Off Of Williams Circle, Lancaster County, South Carolina (TMS# 0086B-0J-011.00) From MDR, Medium Density Residential District, To GB, General Business District. - ***Planning Department Case Number: RZ-019-0879. Planning Commission recommended approval by a vote of 6-0. Passed 7-0 at the January 13, 2020 County Council Meeting. Passed 7-0 at the January 27, 2020 County Council Meeting. - Rox Burhans***

- i. 3rd Reading of Ordinance 2020-1643 regarding Rezoning Application of Modie Walters, Sr.

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 1.668 Acres, More Or Less, With The Intention Of Combining The Parcel With The Adjacent 0.823 Parcel (TMS No. 0069E-0B-003.00), Located At The Intersection Of South Potter Road And Old Gregory Lane, Lancaster, South Carolina (TMS# 0069E-0B-004.00) From INS, Institutional District, To LDR, Low Density Residential District. - ***Planning Department Case Number: RZ-019-0598. Planning Commission recommended approval by a vote of 6-0. Passed 7-0 at the January 13, 2020 County Council Meeting. Passed 7-0 at the January 27, 2020 County Council Meeting. - Rox***

Burhans

- j. 2nd Reading of Ordinance 2020-1644 regarding Easement for Duke Energy At the Animal Shelter
Ordinance Title: An Ordinance To Approve An Agreement Between Lancaster County And Duke Energy Carolinas, Providing An Easement To Duke Energy Carolinas To Be Located Across County Owned Property At 2074 Pageland Highway; And To Authorize County Officials To Take Such Actions As Necessary To Effectuate The Purposes Of This Ordinance. - ***Passed 7-0 at the January 27, 2020 County Council Meeting. - Steve Willis***
- k. 2nd Reading of Ordinance 2020-1645 regarding Correcting a Scrivener's Error Contained in Ordinance 2019-1620
Ordinance Title: An Ordinance To Correct A Scrivener's Error Contained In Ordinance 2019-1620, An Ordinance That Amended Ordinance 2016-1442, The Unified Development Ordinance ("UDO"), To Allow Three Family (Triplex) Dwellings And Four Family (Quadraplex) Dwellings As Permitted Dwelling Unit Types. - ***Passed 7-0 at the January 27, 2020 County Council Meeting. - John DuBose***
- l. 2nd Reading of Ordinance 2020-1647 regarding Easement for Comporium Communications at the Pageland Highway Radio Tower
Ordinance Title: An Ordinance To Approve An Agreement Between Lancaster County And Comporium Communications, Providing An Easement To Comporium Communications To Be Located Across County Owned Property At 2057 Pageland Highway; And To Authorize County Officials To Take Such Actions As Necessary To Effectuate The Purposes Of This Ordinance. - ***Passed 7-0 at the January 27, 2020 County Council Meeting. - Steve Willis***

8. Non-Consent Agenda

- a. Resolution 1080-R2020 regarding Amending the Second Master Multi-County Park Agreement with Chesterfield County to Add Property Operated By Centerfield Cooper Solar, LLC
Resolution Title: A Resolution To Amend The Second Master Multi-County Park Agreement Between Chesterfield County And Lancaster County, Dated As Of October 1, 2018, So As To Add To The Agreement Property Located In Chesterfield County Owned And/Or Operated By Centerfield Cooper Solar, LLC. - ***John DuBose***
- b. Public Hearing and 3rd Reading of Ordinance 2020-1638 regarding Rezoning Property Owned By Shriner's Hospital For Children (Applicant Wendell Elliott)
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone One Parcel, 7.00 Acres, More Or Less, Property Owned By Shriner's Hospital For Children And Located At Highway 521, South Of The Retreat At Rayfield, Fort Mill, South Carolina (TMS# 0013-00-107.00) From MDR, Medium Density Residential District, To GB, General Business District And NB, Neighborhood Business District. - ***Planning Department Case Number: RZ-019-0916. Planning Commission recommended denial by a vote of 3-2. Amended Ordinance passed 7-0 at the January 13, 2020 County Council Meeting. Passed 7-0 at the January 27, 2020 County Council Meeting. - Rox Burhans***
- c. 2nd Reading of Ordinance 2020-1646 regarding Amending Chapter Three of the County Code Related to Airports and Aviation and to Adopt the Code Related to the Airport Advisory Committee
Ordinance Title: An Ordinance To Amend Chapter Three Of The Lancaster County Code Related To Airports And Aviation And To Adopt Division Eight Of Article Eleven Of Chapter Two Of The Lancaster County Code Related To The Airport Advisory Committee; And To Provide For Matters Related Thereto. - ***(Favorable Recommendation - Infrastructure and Regulation Committee). Amended Ordinance passed 7-0 at the January 27, 2020 County Council Meeting. - Steve Willis***
- d. 1st Reading of Ordinance 2020-1648 regarding Rezoning of Property Owned by Pleasant Dale Baptist Church and a Portion of Property Owned by Modie Royce Walters, Sr.
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To

Rezone A 4.62 Acre Tract Of Property (TMS # 0069-00-044.00), Owned By Pleasant Dale Baptist Church, As Well As A 3.683 Acre Tract Of Property (Portion Of TMS # 0069-00-047.00), Owned By Modie Royce Walters, Sr. And Located Southeast Of The Intersection Of Pageland Highway And South Potter Road; East Of The Church Located At 133 South Potter Road, Lancaster, South Carolina (TMS # 0069-00-044.00 And A Portion Of 0069-00-047.00) From RN, Rural Neighborhood District, To INS, Institutional District. - ***Planning Department Case Number: RZ-019-1046. Planning Commission recommended approval by a vote of 7-0. - Rox Burhans***

- e. 1st Reading of Ordinance 2020-1649 regarding Approval of Abandonment of Easement And Burdening Property Owned By Red Edge LLC Located on Possum Hollow Road

Ordinance Title: An Ordinance To Approve Abandonment Of An Easement Held By Lancaster County Benefiting Tax Map Number 0008-00-063.06 And Burdening Property Owned By Red Edge, LLC, Identified With Tax Map Number 0008-00-063.05, Both Properties Being Located On Possum Hollow Road; And To Authorize County Officials To Take Such Actions As Necessary To Abandon The Easement By Recorded Legal Instrument To Effectuate The Purposes Of This Ordinance. - ***John DuBose***

9. **Discussion and Action Items**

- a. Pending Projects Update for New Construction and Major Renovation Projects - Alison Alexander

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

- a. HELD - Public Hearing and 3rd Reading of Ordinance 2019-1626 regarding Authorization of a Fee Agreement with Project Dumping

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Fee Agreement By And Between Lancaster County And Project Dumping Providing For The Payment Of A Fee-In-Lieu Of Taxes And The Provision Of Special Source Revenue Credits; To Authorize A Ten-Year Extension Of The Term Of An Existing Fee Agreement; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund. - ***Passed 7-0 at the November 12, 2019 County Council Meeting. Passed 6-0 at the November 25, 2019 County Council Meeting. - Jamie Gilbert***

- b. HELD - Public Hearing and 3rd Reading of Ordinance 2019-1631 regarding Authorization of a Fee Agreement with Project Boom

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Fee Agreement By And Between Lancaster County And Project Boom Providing For The Payment Of A Fee-In-Lieu Of Taxes And The Provision Of Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund. - ***Passed 6-0 at the November 25, 2019 County Council Meeting. Passed 7-0 at the December 9, 2019 County Council Meeting. - Jamie Gilbert***

11. **Miscellaneous Reports and Correspondence**

12. **Citizens Comments**

[If Council delays until end of meeting]

13. **Executive Session**

- a. Two Items:

1. ***Economic Development Discussion: Update on Project Strawberry. SC Code 30-4-70(a)(5).***

2. ***Economic Development Discussion: Project Supper. SC Code 30-4-70(a)(5).***

14. **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

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Sherrie Simpson/Clerk to Council

Department: County Clerk

Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

Approve or amend the minutes from the January 14, 2020 County Council Committee of the Whole meeting.

Points to Consider:

The draft minutes from the January 14, 2020 County Council Committee of the Whole meeting are attached for Council's review and consideration.

Funding and Liability Factors:

N/A

Council Options:

Council can approve or amend the minutes.

Recommendation:

Approve the minutes as written.

ATTACHMENTS:

Description	Upload Date	Type
Draft Minutes from the 1-14-2020 Committee of the Whole meeting	2/5/2020	Backup Material

Council Members

District 1: Terry Graham
District 2: Charlene McGriff, Vice-Chair
District 3: Billy Mosteller
District 4: Larry Honeycutt, Secretary
District 5: Steve Harper, Chair
District 6: Allen Blackmon
District 7: Brian Carnes



County Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

January 14, 2020

9:00 AM

**101 North Main Street
Lancaster, SC 29720**

**LANCASTER COUNTY COUNCIL
COMMITTEE OF THE WHOLE
County Council Chambers, County Administration
Building, 101 North Main Street, Lancaster, SC 29720**

DRAFT

MINUTES

Council Members present at the Lancaster County Council Committee of the Whole meeting were Allen Blackmon [*who left the meeting early at approximately 2:15 p.m.*], Brian Carnes, Terry Graham, Steve Harper, Larry Honeycutt, Charlene McGriff and Billy Mosteller. Also present at the meeting were County Administrator Steve Willis, Deputy County Administrator Alison Alexander, Clerk to Council Sherrie Simpson, Chief Financial Officer Veronica Thompson, Budget Director Kim Belk, Development Services Director Rox Burhans, Public Works Director Jeff Catoe, Economic Development Director Jamie Gilbert, Clerk of Court Jeff Hammond, Probate Judge Dee Studebaker, and various department heads, staff and elected officials throughout the day. 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: *The Lancaster News*, *Kershaw News Era*, *The Rock Hill Herald*, Cable News 2, Channel 9 and the local Government channel. The agenda was posted in the lobby of the County Administration Building and also on the county website the required length of time.

Call to Order - Chairman Steve Harper

Chairman Steve Harper called the County Council Committee of the Whole meeting to order at approximately 9:04 a.m. He explained that the meeting was to discuss various needs and wants for the upcoming budget; however, he noted that there would be no details because it was early in the budget process.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting.

Pledge of Allegiance and Invocation - Larry Honeycutt

Larry Honeycutt led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of Agenda

Steve Harper asked for a motion to approve the agenda and Allen Blackmon so moved. The motion was,

seconded by Charlene McGriff. Council approved the agenda by unanimous vote of 7-0.

DRAFT

Citizens Comments

There were no citizens who signed up for nor came forward to speak during Citizens Comments.

Discussion and Action Items

Budget Update-Kim Belk

Steve Willis began the meeting by thanking everyone for coming and explained that this meeting was the initial step towards developing a strategic business plan.

Kim Belk provided a handout of the power point presentation, entitled “Committee of the Whole Strategic Retreat 1/14/2020,” that would be used throughout the day and that handout is attached to the written minutes in the Clerk to Council’s office as Schedule A. She provided a budget update and reviewed the County’s revenues and expenditures, which are detailed in the “Committee of the Whole Strategic Retreat 1/14/2020” handout on pages 1-13 or slides 2-26. She explained that the budget information provided was up to date as of December 31, 2019.

General Services Division Update-Alison Alexander

Alison Alexander provided an update on the General Services Division, which is detailed in the “Committee of the Whole Strategic Retreat 1/14/2020” Schedule A handout on pages 14-20. She explained that the departments that make up the General Services Division are divisions that support other departments within the County. She noted that this division was created last year and that the creation of this division is one of the signs that the County is maturing as an organization and is experiencing growth in the population and growth in service demand. She provided a highlight of what each department within the General Services Division accomplished for 2019 and what requests those departments might have for 2020. She explained that Human Resources will be requesting software for on boarding and tracking of applicants, that Risk Management will be requesting additional staff in 2022, that Procurement will be requesting a software package for vendor management and contract management and on line bidding, that Information Technology (IT) will be requesting additional staff for project management for the upcoming budget year and a security position for the next budget year, that GIS will need additional staff in the Information Technology department so that the IT staff can support the centralized database for GIS and that Parks and Recreation will be requesting additional staff and an increase in their maintenance budget.

Council and staff discussed the Keep America Beautiful position and the lease at the Indian Land Service Center, which has three (3) years left on it. They also discussed the Council on Aging lease at the Parks and Recreation Department facility in Indian Land and also discussed the Sports Complex, for which the Phase I environmental study of the property will begin soon.

Council took a break in the meeting beginning at approximately 10:00 a.m. and the meeting resumed at approximately 10:16 a.m.

Development Services Division Update-Rox Burhans

Rox Burhans provided an update on the Development Services Division, which is detailed in the “Committee of the Whole Strategic Retreat 1/14/2020” Schedule A handout on pages 21-26. He explained that Development Services is the umbrella for Zoning, Stormwater, Building and Planning. He noted that Planning links all the departments together by looking at the future of the community and whether it is growing as it should and if the regulations are making sense. He provided a snapshot of the growth in 2019. He explained that the Planning

Department has four (4) initiative goals for 2020: (1) UDO update; (2) develop a new comprehensive plan; (3) hire summer interns; and (4) examine the departmental fees to determine if changes need to be made. He explained that the focus area for 2020 for the Zoning Department would be on Code Enforcement. He noted that the focus areas for the Building Department would be on contracting Commercial Plan Review, hiring a Residential Plans Examiner and determining whether Council wants to prioritize/support the condemned building demolition program. He further noted that the focus areas for the Stormwater Department would be gradually transitioning from a Stormwater only Department to a County Engineering Department that would include road plan review and would add a new position for a Civil Construction Inspector, completing a LIDAR data conversion and assessing the drainage system.

Council and staff discussed the need for an update to the 521 overlay and the qualifications for summer interns.

Financial Services Division Update-Veronica Thompson

Veronica Thompson provided an update on the Financial Services Division, which is detailed in the "Committee of the Whole Strategic Retreat 1/14/2020" Schedule A handout on pages 27-37. She explained that the major initiative for the Assessor Department will be reassessment and that they need an additional appraiser. She noted that the Delinquent Tax/Records Management Department has initiated appointments for passport applications and that the Department plans to contact the South Carolina Archives to request a process and site review for records management. She noted that the Finance Department will be hiring a budget analyst and focusing on adhering to the new Government Finance Officers Association (GFOA) Code of Ethics. She explained that the Register of Deeds needed to renovate their office so that the Director is actually in the office and that the focus needed to be on improving the County's image and making sure that the work in the office is done correctly since they deal with legal documents. Brittany Grant, the Director of the Register of Deeds, explained that their office needed to scan old records in order to protect and preserve the historical records and documents. She provided some old documents for Council to look at as examples of documents that needed to be scanned.

Council took a lunch break, which began at approximately 11:44 a.m. The lunch break ended at approximately 12:45 p.m., at which time the Committee of the Whole meeting resumed; however, the recording of the meeting was delayed in starting until 12:50 p.m.

Public Services Division Update-Jeff Catoe

Jeff Catoe provided an update for the Public Services Division, which is detailed in the "Committee of the Whole Strategic Retreat 1/14/2020" Schedule A handout on pages 37-40. He explained that the Airport would be requesting a Ground Power Unit, a golf cart and an assistant airport manager. He noted that the Animal Shelter would be requesting additional staff and additions to the overtime budget. He also noted that the Animal Shelter needed to be able to coordinate with the volunteers. The Committee and staff discussed that the Trap/Neuter/Return program is working well at the Shelter. The Committee discussed the need for written policies for volunteers. Jeff Catoe discussed Building Maintenance and Fleet Maintenance. He noted that the Motor Pool is working. Council asked to see quarterly reports from Fleet Maintenance. Jeff Catoe discussed the need to increase wages for the Solid Waste Department's part-time recycling attendants at the landfills. He explained that, as growth continues, the County would have to keep their eye on the County wide landfill contract. He explained that the tipping fees at the landfills did not need to be changed because the County's costs to administer the fees would be more than using the current agreement. He explained that the goal for Road Maintenance was to develop a road inventory. He noted that preventative maintenance will be helped by the new road fee. Council asked for quarterly reports on road maintenance. Jeff Catoe explained that the Public Works Division had changed their work order system. He provided a five page handout entitled "Completed Roads," which is attached as Schedule B to the written minutes in the Clerk to Council's office.

Economic Development Update-Jamie Gilbert

Jamie Gilbert provided an update for the Lancaster County Department of Economic Development, which is detailed in the “Committee of the Whole Strategic Retreat 1/14/2020” Schedule A handout on pages 40-44. He noted that, since January 1, 2016, the Economic Development Department has facilitated industrial and office projects that represent thirty-one (31) different types of projects and transactions. He reviewed the top five Economic Development successes between 2016 and 2019. He discussed the need for workforce development, new industrial product/space and site development and the need to maintain the county owned industrial properties.

Council Member Allen Blackmon left the Committee of the Whole Meeting at approximately 2:15 p.m. and did not return to the meeting after the break. Council took a break in the meeting at approximately 2:15 p.m. and the break ended at approximately 2:26 p.m., when the meeting resumed.

Public Safety Division Update-Steve Willis

Steve Willis provided an update on the Public Safety Division. He provided a nine page handout entitled “Opening and Public Safety,” which detailed his remarks on the Public Safety Division Departments and is attached as Schedule C to the written minutes in the Clerk to Councils office. His remarks were accompanied by the power point presentation, which can found on pages 45-57 of Schedule A that is attached to the written minutes in the Clerk to Council’s office. He provided updates for and discussed the needs for the Coroner, EMS, Fire Rescue, Public Safety Communications, Sheriff, Administration, Voter Registration/Elections, Veterans Affairs, Library, Soil and Water and the Health Department and DSS.

Judicial Services Division Update-Jeff Hammond

Jeff Hammond provided an update on the Judicial Services Division, which is detailed in the “Committee of the Whole Strategic Retreat 1/14/2020” Schedule A handout on pages 58-61. He explained that the Magistrate’s Office had no requests for the upcoming budget year. He noted that the Clerk of Court did not have any requests for additional personnel but would be coming to Council with a capital project to replace the failing audio/visual hardware in the courtrooms and jury assembly. He noted that the equipment is failing based on its age.

He explained that Probate Court Judge Dee Studebaker would be providing her own update for the Probate Court. She provided a power point presentation, which is attached as Schedule D to the written minutes in the Clerk to Council’s office. She reviewed the Probate Court’s mission, history, involuntary commitments, case statistics, protective proceedings, estate and trust cases, powers of the probate court, areas of noncompliance and upcoming budget needs and requests for additional staff for fiscal years 2019-2020, 2020-2021, 2021-2022 and 2022-2023. She also provided, but did not discuss, two other handouts: (1) the first handout was entitled “Lancaster County Probate Court Summary of Issues For FY 2020-2021” and is attached as Schedule E to the written minutes in the Clerk to Council’s office; and (2) the second handout was entitled “Probate Court Accomplishments 2019” and is attached as Schedule F to the written minutes in the Clerk to Council’s office.

Citizens Comments

All citizens were heard during Citizens Comments held at the beginning of the meeting.

Adjournment

Larry Honeycutt moved to adjourn the meeting. The motion was seconded by Brian Carnes. The motion to adjourn the Committee of the Whole meeting passed by a vote of 6-0. There being no further business, the Committee of the Whole meeting adjourned at approximately 3:50 p.m.

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Sherrie Simpson/Clerk to Council

Department: County Clerk

Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

Approve or amend the minutes from the January 27, 2020 County Council regular meeting.

Points to Consider:

The draft minutes from the January 27, 2020 County Council regular meeting are attached for Council's review and consideration.

Funding and Liability Factors:

N/A

Council Options:

Council can approve or amend the minutes.

Recommendation:

Approve the minutes as written.

ATTACHMENTS:

Description	Upload Date	Type
Draft Minutes from the 1-27-2020 County Council Regular Meeting	2/2/2020	Backup Material

Council Members

District 1: Terry Graham
District 2: Charlene McGriff, Vice-Chair
District 3: Billy Mosteller
District 4: Larry Honeycutt, Secretary
District 5: Steve Harper, Chair
District 6: Allen Blackmon
District 7: Brian Carnes



County Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

January 27, 2020

6:00 PM

**101 North Main Street
Lancaster, SC 29720**

**LANCASTER COUNTY COUNCIL
County Council Chambers, County Administration
Building, 101 North Main Street, Lancaster, SC 29720**

MINUTES

DRAFT

Council Members present at the regular meeting of County Council were Allen Blackmon, Brian Carnes, Terry Graham, Steve Harper, Larry Honeycutt, Charlene McGriff and Billy Mosteller. Also present at the meeting were County Administrator Steve Willis, County Attorney John DuBose, Clerk to Council Sherrie Simpson, Acting Deputy Clerk to Council Angie Estridge, Development Services Director Rox Burhans, Chief Financial Officer Veronica Thompson, Budget Director Kim Belk, EMS Director Clay Catoe, various Department Heads, various elected officials, various staff, the press and citizens. 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: *The Lancaster News*, *Kershaw News Era*, *The Rock Hill Herald*, Cable News 2, Channel 9 and the local Government channel. The agenda was posted in the lobby of the County Administration Building and also on the county website the required length of time.

Call to Order Regular Meeting - Chairman Steve Harper

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

Welcome and Recognition - Chairman Steve Harper

Steve Harper welcomed everyone to the Council meeting.

Pledge of Allegiance by the Lancaster County EMS Honor Guard and Invocation by Charlene McGriff

Lancaster County EMS Honor Guard led the Pledge of Allegiance to the American Flag and Charlene McGriff delivered the Invocation. EMS Director Clay Catoe recognized the EMS Honor Guard and presented each of them and each Council Member with a special coin that had EMS' Mission Statement on one side and all of the EMS certification levels in Lancaster County on the other.

Approval of the Agenda

Steve Harper asked for a motion to approve the agenda and Charlene McGriff so moved. The motion was seconded by Allen Blackmon. Council approved the agenda by unanimous vote of 7-0.

DRAFT

Special Presentations

Steve Harper recognized Angie Estridge as the Employee of the Quarter for the 4th Quarter of 2019.

Amber Jackson, Executive Director of the Lancaster County Chapter of the United Way, provided a presentation from the Lancaster Area Coalition for the Homeless (LACH) regarding hunger and homelessness. She provided information about the Coalition, facts on homelessness and explained that LACH will be participating in the "Homeless Point In Time" count for Lancaster County community's homeless on Wednesday, January 29, 2020.

Citizens Comments

Stacey Moore, Indian Land, SC, spoke regarding Ordinance 2020-1638 (Planning Department Case Number: RZ-019-0916).

Jon Byrne, Indian Land, SC, spoke regarding Ordinance 2020-1638 (Planning Department Case Number: RZ-019-0916).

Dennis Nyeman, Indian Land, SC, spoke regarding Ordinance 2020-1638 (Planning Department Case Number: RZ-019-0916).

Steve Hambleton, Indian Land, SC, spoke regarding Ordinance 2020-1638 (Planning Department Case Number: RZ-019-0916).

Brett Green, Indian Land, SC, spoke regarding Ordinance 2020-1638 (Planning Department Case Number: RZ-019-0916).

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Items **7a.**, **7b.**, **7c.** and **7d.** *[as listed in the agenda packet, which are the same as Item a., Item b., Item c. and Item d. below]*. The motion was seconded by Larry Honeycutt. There was no further discussion. Council approved Consent Agenda Items **a.**, **b.**, **c.** and **d.** below by unanimous vote of 7-0.

- a. **Minutes from the January 13, 2020 County Council Regular Meeting**
- b. **3rd Reading of Ordinance 2019-1632 regarding Rezoning Property Owned By Crossridge Center, LLC**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 11.04 Acre Tract Of Property Owned By Crossridge Center, LLC And Located At 8546 & 8574 Charlotte Highway (TMS # 0010-00-056.00 & 0010-00-057.00) From MX, Mixed-Use District, To RB, Regional Business District.

- c. **3rd Reading of Ordinance 2019-1634 regarding Amending the Unified Development Ordinance (UDO) To Add Utilities - Class 3 as a Permitted Use In Property Zoned Institutional District (INS)**

Ordinance Title: An Ordinance To Amend Ordinance 2016-1442, The Unified Development Ordinance ("UDO"), To Add Utilities - Class 3 As A Permitted Use In Property Zoned Institutional District (INS) And To Provide Protection For The Continued Operation And Expansion Of Utility Facilities

d. **3rd Reading of Ordinance 2019-1636 regarding Rezoning Seven Parcels of Property Owned by Lancaster County Water & Sewer District**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Seven (7) Parcels Of Real Property Totaling Approximately 9.28 Acres In Size Owned By Lancaster County Water & Sewer District And Located At River Road, Near 7864 River Road-LCWSD- Sewer Facility, Lancaster, South Carolina (TMS # 0013-00-085.00; TMS # 0013-00-088.00; TMS # 0013-00-88.01; TMS No. 0013-00-088.02; TMS # 0013-00-089.00; TMS # 0013-00-090.00; And TMS # 0013-00-091.00) From LDR, Low Density Residential, MDR, Medium Density Residential, And RN, Rural Neighborhood District, To INS, Institutional District.

DRAFT

Non-Consent Agenda

Public Hearing and 2nd Reading of Ordinance 2020-1638 regarding Rezoning Property Owned By Shriner's Hospital For Children (Applicant Wendell Elliott)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone One Parcel, 7.00 Acres, More Or Less, Property Owned By Shriner's Hospital For Children And Located At Highway 521, South Of The Retreat At Rayfield, Fort Mill, South Carolina (TMS# 0013-00-107.00) From MDR, Medium Density Residential District, To GB, General Business District And NB, Neighborhood Business District.

Rox Burhans explained that the citizens at The Retreat at Rayfield met with the applicant and they discussed how the property could be developed in a more sensitive manner to the neighborhood. He noted that the applicant has prepared a draft plat of the property. He also noted that the applicant would like to come forward and discuss the meeting and the draft plat.

Applicant Brett Elliott, Lancaster, SC, provided copies to Council of the draft plat of the property to be developed, which is attached as Schedule A to the written minutes in the Clerk to Council's office. He explained that they did have a meeting with the citizens in the neighborhood and that they were in fairly much agreement regarding the density of buffers, potential of shorter lights and house side shields for lights and that there would be no connectivity with Spellman Drive.

Terry Graham asked if the County could make sure it is in writing that that there should be no connectivity with Spellman Drive. John DuBose and Rox Burhans explained that the connectivity issue could be handled on a staff level. Council, staff and the applicant discussed buffers for the property and when the final buffers would be determined. Council continued to discuss the possibility of putting in writing that the commercial development should have no connectivity with Spellman Drive now or in the future. Rox Burhans suggested a note on the plat stating that Spellman Drive was not intended to connect into the commercial development and John DuBose agreed that the note on the plat would provide record notice.

Steve Harper opened the floor for the Public Hearing for the 2nd Reading of Ordinance 2020-1638 at approximately 6:43 p.m. There were approximately forty-four (44) citizens in attendance during the Public Hearing for Ordinance 2020-1638. No citizens signed up to speak for the Public Hearing and no one came forward to speak when Steve Harper asked if anyone wanted to speak regarding the Ordinance. Steve Harper closed the Public Hearing at approximately 6:44 p.m.

Charlene McGriff moved to approve the 2nd Reading of Ordinance 2020-1638. The motion was seconded by Larry Honeycutt.

Brian Carnes asked why the Ordinance itself could not spell out that there should be no connectivity with Spellman Drive and John DuBose stated that he would research the issue and have an answer before the 3rd Reading of the Ordinance.

Council approved the 2nd Reading of Ordinance 2020-1638 by unanimous vote of 7-0.

DRAFT

Improvements at the Lancaster County Air Rail Park

Resolution Title: Committing To Future Funding Of Roadway Improvements And Site Improvements Necessary For Economic Development Efforts At The Lancaster County Air Rail Park.

Larry Honeycutt moved to approve Resolution 1079-R2020. The motion was seconded by Billy Mosteller. Jamie Gilbert reviewed the Resolution, which was detailed in the Agenda Item Summary found in the Agenda packet. Council discussed potential sources of funding for the project and Steve Willis explained that if Council did not name another funding source, then the money for the project would come out of the General Fund. After discussion, Council approved Resolution 1079-R2020 by unanimous vote of 7-0.

Public Hearing and 2nd Reading of Ordinance 2019-1613 regarding Rezoning Property Owned By Gus and Chrisoula Kanos that is Located at 9330 Charlotte Highway

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 3.00 Acre Parcel Owned By Gus Kanos And Chrisoula P. Kanos And Located At 9330 Charlotte Highway, Fort Mill, South Carolina (TMS# 0008-00-085.00) From LDR, Low Density Residential District To NB, Neighborhood Business District.

Rox Burhans explained that Council unanimously approved the 1st Reading of Ordinance 2019-1613. Council did not have any questions for staff.

Steve Harper opened the floor for the Public Hearing for the 2nd Reading of Ordinance 2019-1613 at approximately 7:15 p.m. There were approximately fourteen (14) citizens in attendance during the Public Hearing for Ordinance 2019-1613. The following citizen signed up to speak at the Public Hearing for Ordinance 2019-1613:

Jerry O'Keefe stated that he was representing the property owner and that they had received two (2) letters of intent for child care facilities that would like to develop the property. He noted that they had resubmitted their application to rezone their property to NB so that they could develop the property based on that need.

Steve Harper asked if anyone else wanted to speak at the Public Hearing for Ordinance 2019-1613 and no one came forward to speak. Steve Harper closed the Public Hearing at approximately 7:16 p.m.

Allen Blackmon moved to approve the 2nd Reading of Ordinance 2019-1613. The motion was seconded by Charlene McGriff. Council approved the 2nd Reading of Ordinance 2019-1613 by unanimous vote of 7-0.

Public Hearing and 2nd Reading of Ordinance 2020-1637 regarding Amending the County Code Related to Fee Exemptions

Ordinance Title: An Ordinance To Amend Paragraph C of Section 26-34 Of The Lancaster County Code Of Ordinances Related To Exemptions From The County Road Fee.

Steve Willis explained that Ordinance 2020-1637 was simply removing an archaic reference to an old road fee that has been amended by Council through the budget ordinance. Council did not have any questions for staff.

Steve Harper opened the floor for the Public Hearing for the 2nd Reading of Ordinance 2020-1637 at approximately 7:19 p.m. There were approximately eleven (11) citizens in attendance during the Public Hearing for Ordinance 2020-1637. No citizens signed up to speak for the Public Hearing and no one came forward to speak when Steve Harper asked if anyone wanted to speak regarding the Ordinance. Steve Harper closed the Public Hearing at approximately 7:19 p.m.

Brian Carnes moved to approve the 2nd Reading of Ordinance 2020-1637. The motion was seconded by Charlene McGriff. There was no further discussion from Council regarding the Ordinance. Council approved the 2nd Reading of Ordinance 2020-1637 by unanimous vote of 7-0.

Public Hearing and 2nd Reading of Ordinance 2020-1639 regarding Amending the Future Land Use Map

Ordinance Title: An Ordinance To Approve The Request Of Haile Gold Mine Inc., To Amend The Future Land Use Map Contained In The Lancaster County, South Carolina Comprehensive Plan 2014-2024 So As To Change The Future Land Use Designation On The Future Land Use Map For Fifty-One Parcels Of Real Property From Rural Living To Special District-Industrial.

Rox Burhans explained that he did not have any new information for Council regarding Ordinance 2020-1639. Council did not have any questions for staff.

Steve Harper opened the floor for the Public Hearing for the 2nd Reading of Ordinance 2020-1639 at approximately 7:20 p.m. There were approximately eleven (11) citizens in attendance during the Public Hearing for Ordinance 2020-1639. No citizens signed up to speak for the Public Hearing and no one came forward to speak when Steve Harper asked if anyone wanted to speak regarding the Ordinance. Steve Harper closed the Public Hearing at approximately 7:21 p.m.

Terry Graham moved to approve the 2nd Reading of Ordinance 2020-1639. The motion was seconded by Billy Mosteller. There was no further discussion from Council regarding the Ordinance. Council approved the 2nd Reading of Ordinance 2020-1639 by unanimous vote of 7-0.

Public Hearing and 2nd Reading of Ordinance 2020-1640 regarding Rezoning 46 Parcels Owned By Haile Gold Mine

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 46 Parcels, Totaling 539.6 Acres In Size, More Or Less, Owned By Haile Gold Mine, Inc. And Located Near 6936 Snowy Owl Road-Haile Gold Mine Road, Lancaster, South Carolina (TMS# 0136-00-036.00) From AR, Agricultural Residential District And INS, Institutional District, To M, Mining District.

Rox Burhans explained that he did not have any new information for Council regarding Ordinance 2020-1640. Council did not have any questions for staff.

Steve Harper opened the floor for the Public Hearing for the 2nd Reading of Ordinance 2020-1640 at approximately 7:22 p.m. There were approximately eleven (11) citizens in attendance during the Public Hearing for Ordinance 2020-1640. No citizens signed up to speak for the Public Hearing and no one came forward to speak when Steve Harper asked if anyone wanted to speak regarding the Ordinance. Steve Harper closed the Public Hearing at approximately 7:22 p.m.

Allen Blackmon moved to approve the 2nd Reading of Ordinance 2020-1640. The motion was seconded by Larry Honeycutt. There was no further discussion from Council regarding the Ordinance. Council approved the 2nd Reading of Ordinance 2020-1640 by unanimous vote of 7-0.

Public Hearing and 2nd Reading of Ordinance 2020-1641 regarding Rezoning Property Owned By Lancaster County Water & Sewer District

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone One Parcel, Totaling 3.03 Acres, More Or Less, Owned By Lancaster County Water & Sewer District, And Located East Of 7864 River Road – LCWSD Sewer Facility, Lancaster, South Carolina, Portion Of (TMS# 0013-00-087.00) From MDR, Medium Density Residential District, To INS, Institutional District.

Rox Burhans explained that he did not have any new information for Council regarding Ordinance 2020-1641. Council did not have any questions for staff.

Steve Harper opened the floor for the Public Hearing for the 2nd Reading of Ordinance 2020-1641 at approximately 7:23 p.m. There were approximately ten (10) citizens in attendance during the Public Hearing for Ordinance 2020-1641. No citizens signed up to speak for the Public Hearing and no one came forward to speak when Steve Harper asked if anyone wanted to speak regarding the Ordinance. Steve Harper closed the Public

Hearing at approximately 7:24 p.m.

Terry Graham moved to approve the 2nd Reading of Ordinance 2020-1641. The motion was seconded by Brian Carnes. There was no further discussion from Council regarding the Ordinance. Council approved the 2nd Reading of Ordinance 2020-1641 by unanimous vote of 7-0.

Public Hearing and 2nd Reading of Ordinance 2020-1642 regarding Rezoning Property Owned By Francis Faile, Jr.

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 0.46 Acres, More Or Less, With The Intention Of Combining The Parcel With The Adjacent 1.48 Acres (TMS No. 0086B-0J-011.00) Owned By Francis Faile, Jr., And Located Off Of Williams Circle, Lancaster County, South Carolina (TMS# 0086B-0J-011.00) From MDR, Medium Density Residential District, To GB, General Business District.

Rox Burhans explained that he did not have any additional information to report to Council regarding Ordinance 2020-1642. Council did not have any questions for staff.

Steve Harper opened the floor for the Public Hearing for the 2nd Reading of Ordinance 2020-1642 at approximately 7:25 p.m. There were approximately ten (10) citizens in attendance during the Public Hearing for Ordinance 2020-1642. No citizens signed up to speak for the Public Hearing and no one came forward to speak when Steve Harper asked if anyone wanted to speak regarding the Ordinance. Steve Harper closed the Public Hearing at approximately 7:25 p.m.

Larry Honeycutt moved to approve the 2nd Reading of Ordinance 2020-1642. The motion was seconded by Charlene McGriff. There was no further discussion from Council regarding the Ordinance. Council approved the 2nd Reading of Ordinance 2020-1642 by unanimous vote of 7-0.

Public Hearing and 2nd Reading of Ordinance 2020-1643 regarding Rezoning Application of Modie Walters, Sr.

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 1.668 Acres, More Or Less, With The Intention Of Combining The Parcel With The Adjacent 0.823 Parcel (TMS No. 0069E-0B-003.00), Located At The Intersection Of South Potter Road And Old Gregory Lane, Lancaster, South Carolina (TMS# 0069E-0B-004.00) From INS, Institutional District, To LDR, Low Density Residential District.

Rox Burhans explained that he did not have any additional information to report to Council regarding Ordinance 2020-1643. Council did not have any questions for staff.

Steve Harper opened the floor for the Public Hearing for the 2nd Reading of Ordinance 2020-1643 at approximately 7:26 p.m. There were approximately ten (10) citizens in attendance during the Public Hearing for Ordinance 2020-1643. No citizens signed up to speak for the Public Hearing and no one came forward to speak when Steve Harper asked if anyone wanted to speak regarding the Ordinance. Steve Harper closed the Public Hearing at approximately 7:26 p.m.

Billy Mosteller moved to approve the 2nd Reading of Ordinance 2020-1643. The motion was seconded by Charlene McGriff. There was no further discussion from Council regarding the Ordinance. Council approved the 2nd Reading of Ordinance 2020-1643 by unanimous vote of 7-0.

1st Reading of Ordinance 2020-1644 regarding Easement for Duke Energy At the Animal Shelter

Ordinance Title: An Ordinance To Approve An Agreement Between Lancaster County And Duke Energy Carolinas, Providing An Easement To Duke Energy Carolinas To Be Located Across County Owned Property At 2074 Pageland Highway; And To Authorize County Officials To Take Such Actions As Necessary To Effectuate The Purposes Of This Ordinance.

Terry Graham moved to approve the 1st Reading of Ordinance 2020-1644. The motion was seconded by Brian

Carnes. Steve Willis reviewed the Ordinance, which was detailed in the Agenda Item Summary found in the Agenda packet. There was no further discussion from Council regarding the Ordinance. Council approved the 1st Reading of Ordinance 2020-1644 by unanimous vote of 7-0.

1st Reading of Ordinance 2020-1645 regarding Correcting a Scrivener's Error Contained in Ordinance 2019-1620

Ordinance Title: An Ordinance To Correct A Scrivener's Error Contained In Ordinance 2019-1620, An Ordinance That Amended Ordinance 2016-1442, The Unified Development Ordinance ("UDO"), To Allow Three Family (Triplex) Dwellings And Four Family (Quadraplex) Dwellings As Permitted Dwelling Unit Types.

Terry Graham moved to approve the 1st Reading of Ordinance 2020-1645. The motion was seconded by Brian Carnes. John DuBose reviewed the Ordinance, which was detailed in the Agenda Item Summary found in the Agenda packet. There was no further discussion from Council regarding the Ordinance. Council approved the 1st Reading of Ordinance 2020-1645 by unanimous vote of 7-0.

1st Reading of Ordinance 2020-1646 regarding Amending Chapter Three of the County Code Related to Airports and Aviation and to Adopt the Code Related to the Airport Advisory Committee

Ordinance Title: An Ordinance To Amend Chapter Three Of The Lancaster County Code Related To Airports And Aviation And To Adopt Division Eight Of Article Eleven Of Chapter Two Of The Lancaster County Code Related To The Airport Advisory Committee; And To Provide For Matters Related Thereto.

Larry Honeycutt moved to approve the 1st Reading of Ordinance 2020-1646. The motion was seconded by Brian Carnes.

Steve Willis reviewed the Ordinance, which was detailed in the Agenda Item Summary found in the Agenda packet. Allen Blackmon asked about some awkward wording in the Ordinance under purposes and objectives. Brian Carnes noted that in most Board or Commission Ordinances, Council could appoint members for a 3rd term if they were approved by a super majority vote of Council. He requested the same language be used for all Board and Commission Ordinances. John DuBose explained that, if Council desired, the Ordinance could be amended to read that a person who has served two consecutive terms on the Airport Advisory Committee shall not serve for a third term unless appointed by a super majority vote of County Council. Brian Carnes moved to amend the Ordinance as stated by the County Attorney. The motion was seconded by Allen Blackmon. Brian Carnes asked the County Attorney to use language in the Ordinance consistent with the other Ordinances for Board and Commissions and he agreed that the language should be consistent. The motion to amend passed by unanimous vote of 7-0. Allen Blackmon asked the County Attorney to review and fix the numbering in the Ordinance so that it would be consistent.

Council approved the 1st Reading of Ordinance 2020-1646 as amended by unanimous vote of 7-0.

1st Reading of Ordinance 2020-1647 regarding Easement for Comporium Communications at the Pageland Highway Radio Tower

Ordinance Title: An Ordinance To Approve An Agreement Between Lancaster County And Comporium Communications, Providing An Easement To Comporium Communications To Be Located Across County Owned Property At 2057 Pageland Highway; And To Authorize County Officials To Take Such Actions As Necessary To Effectuate The Purposes Of This Ordinance.

Brian Carnes moved to approve the 1st Reading of Ordinance 2020-1647. The motion was seconded by Allen Blackmon. Steve Willis reviewed the Ordinance, which was detailed in the Agenda Item Summary found in the Agenda packet. There was no further discussion from Council regarding the Ordinance. Council approved the 1st Reading of Ordinance 2020-1647 by unanimous vote of 7-0.

Discussion and Action Items

DRAFT

Committee Reports:

Larry Honeycutt reported that the Infrastructure and Regulation (I & R) Committee met on January 14, 2020. He explained that the Committee discussed: (1) the road improvement project for Economic Development; (2) a road where the developer was requesting that a road be taken into the County road system and he noted that the Committee requested written documentation regarding the road; (3) major home occupations in rural areas; (4) the Council on Aging lease; (5) the fleet maintenance facility; and (6) furnishings and fixtures for the animal shelter, which the Committee hopes will be donated.

Brian Carnes stated that the Public Safety Committee did not meet in January and that he deferred to Allen Blackmon to report what happened at the Trail Advisory Committee because he was not able to attend the meeting.

Allen Blackmon reported that the Trail Advisory Committee was exploring the idea of becoming a local chapter of the Carolina Thread Trail (CTT), but that the CTT still needed to vote on whether they would allow local chapters. Rox Burhans explained that the CTT was exploring whether to have local chapters throughout their service area and not just in Lancaster County. He further noted that the Trail Advisory Committee would be providing a briefing to the I & R Committee on the CTT local chapter concept.

Charlene McGriff reported that the Administration Committee did not meet in January and that the Council had a Committee of the Whole meeting instead.

Appointment to the Lancaster County Fire Commission

- Jacob M. Annan as the Kershaw Fire Department Representative on the Fire Commission to fill an unexpired term that will end on 06/30/2021

Billy Mosteller moved to approve the appointment of Jacob M. Annan to the Fire Commission as the Kershaw Fire Department representative. The motion was seconded by Charlene McGriff. There was no further discussion. Council approved the appointment of Jacob M. Annan to the Fire Commission by unanimous vote of 7-0.

Discussion of Name for the Barnette Building - Steve Willis

Steve Willis explained that, at the last meeting, Council had two (2) suggestions for names for the Barnett Building ***[Barnett without an "e" is the actual correct spelling of the building name]***. After discussion, Steve Willis suggested the name, "Lancaster County Barnett Complex." Council had no objection to moving forward with that name.

Status of items tabled, recommitted, deferred or held

- a. HELD - Public Hearing and 3rd Reading of Ordinance 2019-1626 regarding Authorization of a Fee Agreement with Project Dumlping
Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Fee Agreement By And Between Lancaster County And Project Dumlping Providing For The Payment Of A Fee-In-Lieu Of Taxes And The Provision Of Special Source Revenue Credits; To Authorize A Ten-Year Extension Of The Term Of An Existing Fee Agreement; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund. - ***Passed 7-0 at the November 12, 2019 County Council Meeting. Passed 6-0 at the November 25, 2019 County Council Meeting. - Jamie Gilbert***

This item was not discussed during the meeting and was for information only for Council and citizens.

b. Agreement with Project Boom

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Fee Agreement By And Between Lancaster County And Project Boom Providing For The Payment Of A Fee-In-Lieu Of Taxes And The Provision Of Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund. - *Passed 6-0 at the November 25, 2019 County Council Meeting. Passed 7-0 at the December 9, 2019 County Council Meeting. - Jamie Gilbert*

This item was not discussed during the meeting and was for information only for Council and citizens.

Miscellaneous Reports and Correspondence

There were no Miscellaneous Reports or Correspondence on the agenda to discuss.

Citizens Comments

All citizens were heard during Citizens Comments held at the beginning of the Council meeting.

Executive Session

One Item:

1. Economic Development Discussion: Project Strawberry. SC Code 30-4-70(a)(5).

Steve Harper asked if there was a motion to go into Executive Session and Charlene McGriff so moved. The motion was seconded by Brian Carnes. The motion to go into Executive Session passed by a vote of 7-0. Council went into Executive Session at approximately 7:45 p.m. to receive a briefing on an Economic Development Project named Project Strawberry, pursuant to South Carolina Code 30-4-70(a)(5).

Steve Harper asked if there was a motion to come out of Executive Session and Charlene McGriff so moved. The motion was seconded by Brian Carnes. The motion to come out of Executive Session passed by a vote of 7-0. Council came out of Executive Session at approximately 8:51 p.m. and resumed the Council meeting.

Upon returning to open session, John DuBose noted that Council discussed an Economic Development Project during Executive Session and that, during that session, no votes were taken.

Adjournment

Larry Honeycutt moved to adjourn the Council meeting. The motion was seconded by Terry Graham. The motion to adjourn passed by unanimous vote of 7-0. There being no further business, the regular meeting of Council adjourned at approximately 8:52 p.m.

DRAFT

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2019-1613/Planning Case Number: RZ-019-0171

Contact Person / Sponsor: Katie See/Planning

Department: Planning

Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

Request to rezone TM # 0008-00-085.00 from Low Density Residential (LDR) to Neighborhood Business (NB) District. The property is located at 9330 Charlotte Highway and is approximately 3-acres in size.

Points to Consider:

The requested Neighborhood Business (NB) 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 predominantly auto-oriented pattern of existing development while encouraging the transition to pedestrian-friendly, mixed-use areas that avoid strip commercial development.

The requested NB District is consistent with the Neighborhood Mixed-Uses future land use category.

Funding and Liability Factors:

N/A

Council Options:

Approve or deny the rezoning request.

Recommendation:

Planning Staff recommends **approval** of this rezoning request.

The Planning Commission voted 5-1 to recommend **approval** of the request at the December 17, 2019 meeting.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2019-1613	1/31/2020	Ordinance
Staff Report	1/3/2020	Presentation
Ex 1: Application	1/3/2020	Exhibit
Ex 2: Zoning Map	9/24/2019	Exhibit

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2019-1613

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE A 3.00 ACRE PARCEL OWNED BY GUS KANOS AND CHRISOULA P. KANOS AND LOCATED AT 9330 CHARLOTTE HIGHWAY, FORT MILL, SOUTH CAROLINA (TMS# 0008-00-085.00) 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) Gus Kanos applied to rezone one parcel, totaling 3.00 acres in size, more or less, located at 9330 Charlotte Highway, Fort Mill, Lancaster County, South Carolina, (TMS # 0008-00-085.00) from LDR, Low Density Residential District, to NB, Neighborhood Business District.

(b) On December 17, 2019, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a unanimous vote recommended approval of the rezoning.

(c) The Future Land Use Map identifies this property as Neighborhood Mixed-Use, based on the *Lancaster County Comprehensive Plan 2014-2024*. Rezoning the property from LDR, Low Density Residential District, to NB, Neighborhood Business District, is compatible with the Comprehensive Plan.

Section 2. Rezoning.

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

Tax Map No. 0008-00-085.00 (3.00 acres, more or less)

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 _____, 2020.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: January 13, 2020
Second Reading: January 27, 2020
Public Hearing: January 27, 2020
Third Reading: February 10, 2020

Approved as to form:

John DuBose, County Attorney

Proposal: Request to rezone one parcel 3 acres in size. The purpose of this request is to sell the property to be developed as a daycare .

Property Location: 9330 Charlotte Highway (TM # 0008-00-085.00)

Current Zoning District: Low Density Residential (LDR)

Proposed Zoning District: Neighborhood Business (NB)

Applicant: Gus Kanos

Council District: District 7, Brian Carnes

Overview

Site Information

Site Description: This parcel is improved with one single-family house.

Compatibility with Surrounding Area

The current zoning for the surrounding area is General Business (GB) and Low Density Residential (LDR). Existing zoning for the subject property as well as surrounding properties can be seen in *Attachment 3*. The proposed zoning of NB is generally consistent with the area. See table below for adjacent property zoning and use comparison.

Summary of Surrounding Zoning and Uses

Surrounding Property	Municipality	Zoning District	Use
North	Lancaster County	Low Density Residential (LDR)	Single-Family Residential
South	Lancaster County	Low Density Residential (LDR)	Single-Family Residential
East	Lancaster County	Low Density Residential (LDR)	Single-Family Residential
West	Lancaster County	General Business (GB)	Single-Family Residential

Recent Rezoning in Surrounding Area			
Case #	Description	Date	Outcome
RZ-019-018	Request to rezone from GB to MX	5-21-19	Withdrawn at CC Level
RZ-019-17	Request to rezone from LDR to GB	4-16-19	Approved by CC
RZ-019-011	Request to rezone from LDR to GB	3-19-19	Approved by CC

Photos of Project Area

LOOKING DIRECTLY AT PROPERTY



LOOKING DIRECTLY ACROSS PROPERTY — AT HIGHWAY 521



LOOKING NORTH ALONG HIGHWAY 521



LOOKING SOUTH ALONG HIGHWAY 521



Analysis & Findings

UPDATE

The Planning Commission recommended denial of the applicant's request to rezone from LDR to General Business (GB) on September 17, 2019. County Council referred the request back to Planning Commission with the suggestion that the PC consider a less intense commercial district. Therefore, the applicant submitted a new application requesting that his property be rezoned to NB. The applicant has since received interest in the property by a daycare.

The property is currently zoned Low Density Residential (LDR) District on the Lancaster County Zoning Map. The Low Density Residential (LDR) 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* (UDO section 2.3).

The requested Neighborhood Business (NB) 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 predominantly auto-oriented pattern of existing development while encouraging the transition to pedestrian-friendly, mixed-use areas that avoid strip commercial development.*

COMPREHENSIVE PLAN CONSISTENCY & CONCLUSION

The future land use designation of this property is the Place Type known as Neighborhood Mixed-Use, which, according to the 2024 Comprehensive Plan is synonymous to the Community Type "Walkable Neighborhood". The Comp Plan states that this Community Type has *very specific characteristics that set it apart from most other Place Types by virtue of its deliberately structured mix of dwelling types in a*

development context that often operates through the separation of uses, densities and/or land value. This Place Type and Community Type have their roots in the traditional character of American communities during the early part of the 20th century, and has been revived in recent decades as a relevant option for future development.

The requested Neighborhood Business District is consistent with the Neighborhood Mixed-Uses future land use category.

Staff Recommendation

Staff recommends **approval** of this rezoning request.

Attachments

1. Rezoning Application
2. Location Map/ Zoning Map

Staff Contact

Katie See, AICP
Senior Planner
ksee@lancastercountysc.net
803-416-9395

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- Deed and survey plat or boundary survey
- Fees associated with review

GENERAL INFORMATION

Property Address 9330 Charlotte Hwy
City Indian Land State SC Zip 29707 Tax Parcel ID 0008-00-085
Current Zoning LDR Current Use rental
Proposed Zoning NB Total Acres 3
Project Description to be sold to national day-care franchise
per executed letter of intent
Surrounding Property Description 2 sides LDR, one side
Hwy 521, other side country road

CONTACT INFORMATION

Applicant Name Gus Kanos
Address 3112 Sunnybrook Dr.
City Charlotte State NC Zip 28210 Phone 704-556-9594
Fax _____ Email okecfemail@yahoo.com
Property Owner Name Same
Address _____
City _____ State _____ Zip _____ Phone _____
Fax _____ Email _____

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Ken Davis
Applicant

11/27/19
Date

Christa Kanaz
Property Owner(s)

11-27-19
Date

Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS 1. Submit Application

- The deadline for this application is at least 30 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.

2. Planning Commission

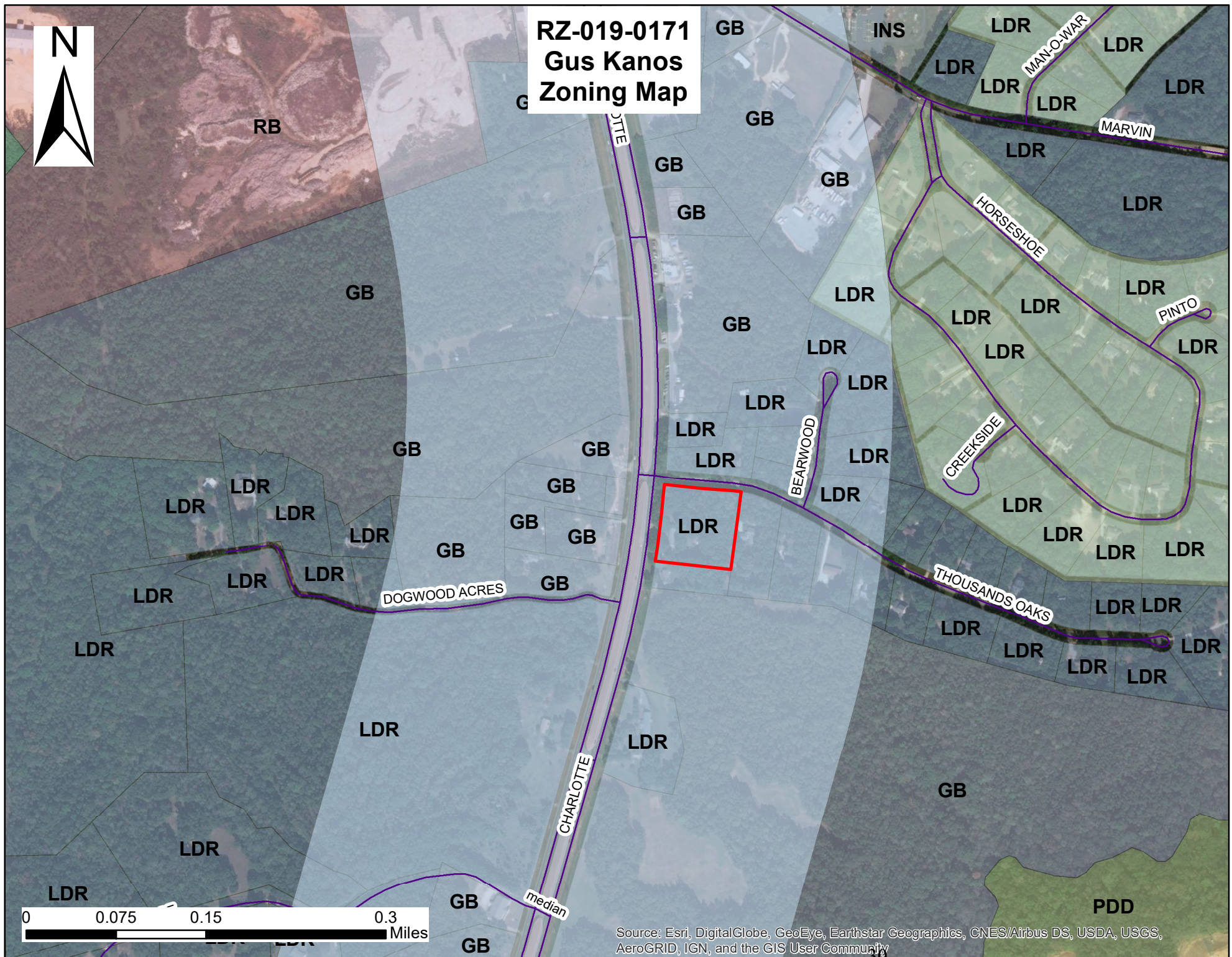
- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval.
- Subsequent to final County Council action on rezoning, notice of action will be provided to the applicant, owner, and adjacent property owners.
- If applicant would like to request a special presentation, please notify the County Clerk @ (803) 416-9307 before 5:00pm on the first Monday of the month to make arrangements.



RZ-019-0171
Gus Kanos
Zoning Map



Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1637
Contact Person / Sponsor: Steve Willis/Administration
Department: Administration
Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

To remove an old reference to the fifteen dollar road fee.

Points to Consider:

The road fee has been amended several times over the years by way of the budget ordinance.

The exemption section, found in paragraph C of section 26-34 still references the fifteen dollar fee. It will be replaced with wording referencing the fee as mandated in the annual budget ordinance.

Funding and Liability Factors:

N/A

Council Options:

Approve or reject the ordinance.

Recommendation:

This has not gone through a Standing Committee as it is a "clean up" ordinance. I recommend approval.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1637	1/2/2020	Ordinance

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2020-1637

COUNTY OF LANCASTER

)

)

~~Indicates Matter Stricken~~

Indicates New Matter

AN ORDINANCE

TO AMEND PARAGRAPH C OF SECTION 26-34 OF THE LANCASTER COUNTY CODE OF ORDINANCES RELATED TO EXEMPTIONS FROM THE COUNTY ROAD FEE.

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

Section 1. Findings and determinations.

Council finds and determines that:

- (1) Lancaster County Council has amended the amount of the road fee over the years by way of the annual Budget Ordinance;
- (2) A reference to the original amount in Paragraph C of Section 26-34, dealing with exemptions from this fee, has never been adjusted; and
- (3) It is the purpose of this ordinance to correct this oversight.

Section 2. Amendment to Paragraph C of Section 26-34.

Paragraph C of Section 26-34 of the Lancaster County Code is amended as follows:

(c) Exemption.

- (1) When an individual owns a vehicle which is not operated or nonoperational and such individual certifies this fact to the county auditor, therein certifying that the vehicle in question is not being operated on the roads of South Carolina, such individual shall be exempt from paying the road maintenance fee for that vehicle. Disabled veterans, disabled individuals, or organizations, as certified to the county auditor by the South Carolina Department of Revenue, pursuant to the following provisions of S.C. Code § 12-37-220, as amended, shall be exempt from paying the fee on two (2)

vehicles registered in their name and ~~a fifteen-dollar~~ the mandated fee will be levied on all subsequent vehicles registered by the individual receiving the exemption:

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, resolutions or orders, 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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AND IT IS SO ORDAINED

Dated this _____ day of _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	January 13, 2020
Second Reading:	January 27, 2020
Public Hearing:	January 27, 2020
Third Reading:	February 10, 2020

Approved as to form:

John DuBose, County Attorney

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Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1639/Planning Case Number CP 2019-1037

Contact Person / Sponsor: Katie See/Planning

Department: Planning

Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

This is a request to amend the future land use designation of the Comprehensive Plan for the subject properties contemplated in the companion case RZ-019-1016. The intent of the amendment is to plan for the future mine expansion and ensure consistency with the above noted rezoning case. Three parcels have also been included in this proposed Comprehensive Plan Amendment application from a prior 2016 Mining District rezoning case (Case No. RZ-016-002), which are currently zoned Mining but their future land use designation is Rural Living.

Points to Consider:

The applicant has requested an amendment to the Comprehensive Plan in order to plan for the future mine expansion and make the requested Mining District consistent with the Comprehensive Plan.

Funding and Liability Factors:

N/A

Council Options:

Approve or deny the future land use amendment request.

Recommendation:

Planning Staff recommends approval of this Comprehensive Plan amendment request with the condition that the corresponding rezoning request be approved. If the rezoning case were to be disapproved, staff would not be in support of the proposed Comprehensive Plan amendment.

The Planning Commission voted unanimously on December 17, 2019 to recommend **approval** of the request.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1639	1/7/2020	Ordinance
Exhibit 1 to Ordinance	1/7/2020	Exhibit
Exhibit 2 to Ordinance	1/7/2020	Exhibit
Staff Report	1/6/2020	Planning Staff Report
Ex 1: Application	1/3/2020	Exhibit
Ex 2: Subject Parcel Map	1/3/2020	Exhibit
Ex 3: TM # with Zoning	1/3/2020	Exhibit

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO.: 2020-1639

AN ORDINANCE

TO APPROVE THE REQUEST OF HAILE GOLD MINE INC., TO AMEND THE FUTURE LAND USE MAP CONTAINED IN THE LANCASTER COUNTY, SOUTH CAROLINA COMPREHENSIVE PLAN 2014-2024 SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION ON THE FUTURE LAND USE MAP FOR FIFTY-ONE PARCELS OF REAL PROPERTY FROM RURAL LIVING TO SPECIAL DISTRICT-INDUSTRIAL.

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

Section 1. Findings and Determinations.

The Lancaster County Council finds that:

- (a) the Comprehensive Plan divides all of the areas of the county into a variety of categories;
- (b) Haile Gold Mine has made application to rezone forty-six (46) parcels of real property to M, Mining District, in connection with its mining operations and has also identified additional parcels that were rezoned in 2016 to M, Mining District that will require amendment of the Future Land Use Map amendment;
- (c) the adopted Future Land Use Map contained in the Land Use Element of the Comprehensive Plan shows prior rezoned parcels and the area where Haile Gold Mine Inc., plans to expand operations and rezone numerous parcels to M, Mining District, is inconsistent with the Future Land Use Map, and, thus, not compliant with the requirements in both state law and county code;
- (d) Accordingly, if Lancaster County Council is to favorably consider the rezoning request of Haile Gold Mine Inc. and its plans to expand its mining operations, Council must adopt an amendment to the Future Land Use Map, changing the area from Rural Living to Special District-Industrial.

Section 2. Amendment of the Future Land Use Map.

The Future Land Use Map contained in the Land Use Element of the *Lancaster County Comprehensive Plan 2014-2024* is amended by changing the area containing the following properties as identified by tax map number or other appropriate identifier from Rural Living to Special District-Industrial:

See attached Exhibit 1 identifying the current rezoning parcels

The following from a 2016 rezoning are also subject to the map amendment: TMS # 0140-00-023.00; 0136-00-036.03; 0136-00-001.00

See also attached Exhibit 2, a vicinity map of 2016 rezoning parcels, inasmuch as some of the TMS parcels that existed in 2016 have been combined with adjacent TMS parcels

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 _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: January 13, 2020
Second Reading: January 27, 2020
Public Hearing: January 27, 2020
Third Reading: February 10, 2020

Approved as to form:

John DuBose, County Attorney

Haile Gold Mine, Inc. Rezoning Request

Tax Map Parcel #s

Current Zoning District

0141-00-035.00	AR : Agricultural Residential
0141-00-036.00	AR : Agricultural Residential
0140-00-027.00	AR : Agricultural Residential
0140-00-030.00	AR : Agricultural Residential
0140-00-009.01, 012.00, 014.00	AR : Agricultural Residential
0140-00-045.00	AR : Agricultural Residential
0140-00-045.01	AR : Agricultural Residential
0140-00-031.00	AR : Agricultural Residential
0136-00-031.06	AR : Agricultural Residential
0119-00-101.00, 102.00, 103.00, 104.00, 109.00, 110.00, 111.00, 112.00, 113.00, 114.00, 115.00, 116.00, 117.00, 118.00	AR : Agricultural Residential
0119-00-107.00	AR : Agricultural Residential
0119-00-106.00	AR : Agricultural Residential
0119-00-105.00	AR : Agricultural Residential
0119-00-011.02	AR : Agricultural Residential
0119-00-011.00	AR : Agricultural Residential
0119-00-011.01	AR : Agricultural Residential
0119-00-010.00	AR : Agricultural Residential
0119-00-009.00	AR : Agricultural Residential
0119-00-008.00	AR : Agricultural Residential
0119-00-007.00	AR : Agricultural Residential
0119-00-009.01	AR : Agricultural Residential
0119-00-001.05	AR : Agricultural Residential
0119-00-098.00	AR : Agricultural Residential
0119-00-061.00	AR : Agricultural Residential
0119-00-086.00	AR : Agricultural Residential
0119-00-085.00	AR : Agricultural Residential
0119-00-002.05	AR : Agricultural Residential
0135-00-016.00	AR : Agricultural Residential
0140-00-009.02	INS : Institutional
0120-00-022.00 (Portion of)	AR : Agricultural Residential
0120-00-023.00 (Portion of)	AR : Agricultural Residential



Exhibit 2

Vicinity Map RZ-016-002

Subject Property (0136-00-001.00)

Subject Property (0140-00-023.00)

Subject Property (0136-00-036.03)



URIAH

MUD DAUBER

ERNEST SCOTT

CHINABERRY

BOB BYRD

SNOWY OWL

GOLD MINE

TOM GREGORY

HAILE GOLD MINE

Lancaster
County
South Carolina

Source: Aerial photography from the South Carolina Department of Transportation, dated 2001. The map is not to scale and is for informational purposes only. The map is not to be used for any other purpose without the express written consent of the South Carolina Department of Transportation.

Proposal: Request to amend the future land use designation of 51 parcels totaling approximately 647.76 acres in size. The purpose of this request is to plan for the future expansion of the Haile Gold Mine facility and ensure consistency with upcoming rezoning request, RZ-019-1016. See Attachment 3 for a list of subject property parcel numbers.

Property Location: Properties located near 6936 Snowy Owl Road – Haile Gold Mine (TM # 0136-00-036.00). Parcels are located along Haile Gold Mine Road, Ernest Scott Road, Duckwood Road and Gold Mine Road. (TM # See Attachment 3)

Current Future Land Use Category: Rural Living

Proposed Future Land Use Category: Special District – Industrial

Applicant: Haile Gold Mine, Inc.

Council District: District 6, Alan Blackmon

Overview

Haile Gold Mine, Inc. has requested an amendment to the future land use designation for the subject properties contemplated in RZ-019-1016. The intent of the amendment is to plan for the future mine expansion and ensure consistency with the above noted rezoning case. Three parcels have also been included in this proposed Comprehensive Plan Amendment application from a prior 2016 Mining District rezoning case (Case No. RZ-016-002).

Site Information

Site Description: The majority of the parcels are vacant. Approximately eight parcels are (or have been) improved with single-family homes. One parcel is improved with a Haile Gold Mine office building and parking lot.

Compatibility with Surrounding Area

The current future land use categories for the surrounding area are Rural Living and Special District - Industrial. The proposed future land use designation of Special District – Industrial is generally consistent with the area, as it would result in the expansion of the designation for the existing Haile Gold Mine property. See page LU 3 of Comprehensive Plan for Future Land Use Map.

Analysis & Findings

The existing future land use designation of this property is Rural Living (*see Appendix A of Comp Plan*). The Comprehensive Plan defines this Community Type as including a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded “conservation subdivisions” whose aim is to preserve open space, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations.

The requested Mining District is not consistent with the Rural Living future land use designation. Therefore, the applicant has requested an amendment to the Comprehensive Plan in order to plan for the future mine expansion and make the requested Mining District consistent with the Comprehensive Plan.

The applicant has requested the future land use designation of Special District – Industrial (*see Appendix A of Comp Plan*). The Community Type “Industrial Center” includes both heavy and light manufacturing, from clean and green data handling complexes to manufacturing / extraction / distribution processes or power plants that require careful environmental management. These uses usually require considerable land areas and are set aside from other development for environmental or security concerns, or for reasons of heavy truck traffic flow.

Staff Recommendation

Staff recommends **approval** of this comprehensive plan amendment request with the condition that the corresponding rezoning request be approved. If the rezoning case were to be disapproved, staff would not be in support of the proposed Comprehensive Plan amendment.

Attachments

1. Comprehensive Plan Amendment Request
2. Location Map
3. Subject Parcel List

Staff Contact

Katie See, AICP
Senior Planner
ksee@lancastersc.net
803-416-9395

October 24, 2019

Rox Burhans
Lancaster County Planning Dept.
101 North Main Street
Lancaster, SC 29720

Re: Land Use Map Amendment Request
Lancaster County South Carolina Comprehensive Plan 2014-2024

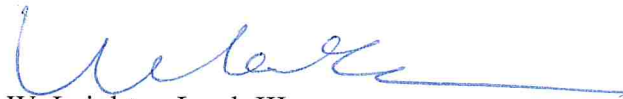
Rox,

On behalf of Haile Gold Mine Inc., please accept this information identified by the Lancaster County Planning Department to initiate a request to amend the *Lancaster County South Carolina Comprehensive Plan 2014-2024* for the subject parcels referenced on the attached Exhibit A, requesting a change from Rural Living (or other) to Special District-Industrial.

The Land Use Map Amendment request is being requested to coincide with the impending expansion of the permit boundary of the existing permitted mine and the submitted rezoning application. We would also request that properties that Haile Gold Mine Inc. has rezoned in the past to M-Mining be changed to Special District-Industrial.

Enclosed is the application fee of \$325.00 to further initiate this request in anticipation of placement of this item on the December Planning Commission agenda for further consideration. Should you have any questions, please feel free to contact me.

Respectfully submitted,



W. Leighton Lord, III

Haile Gold Mine Inc



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ERNEST SCOTT

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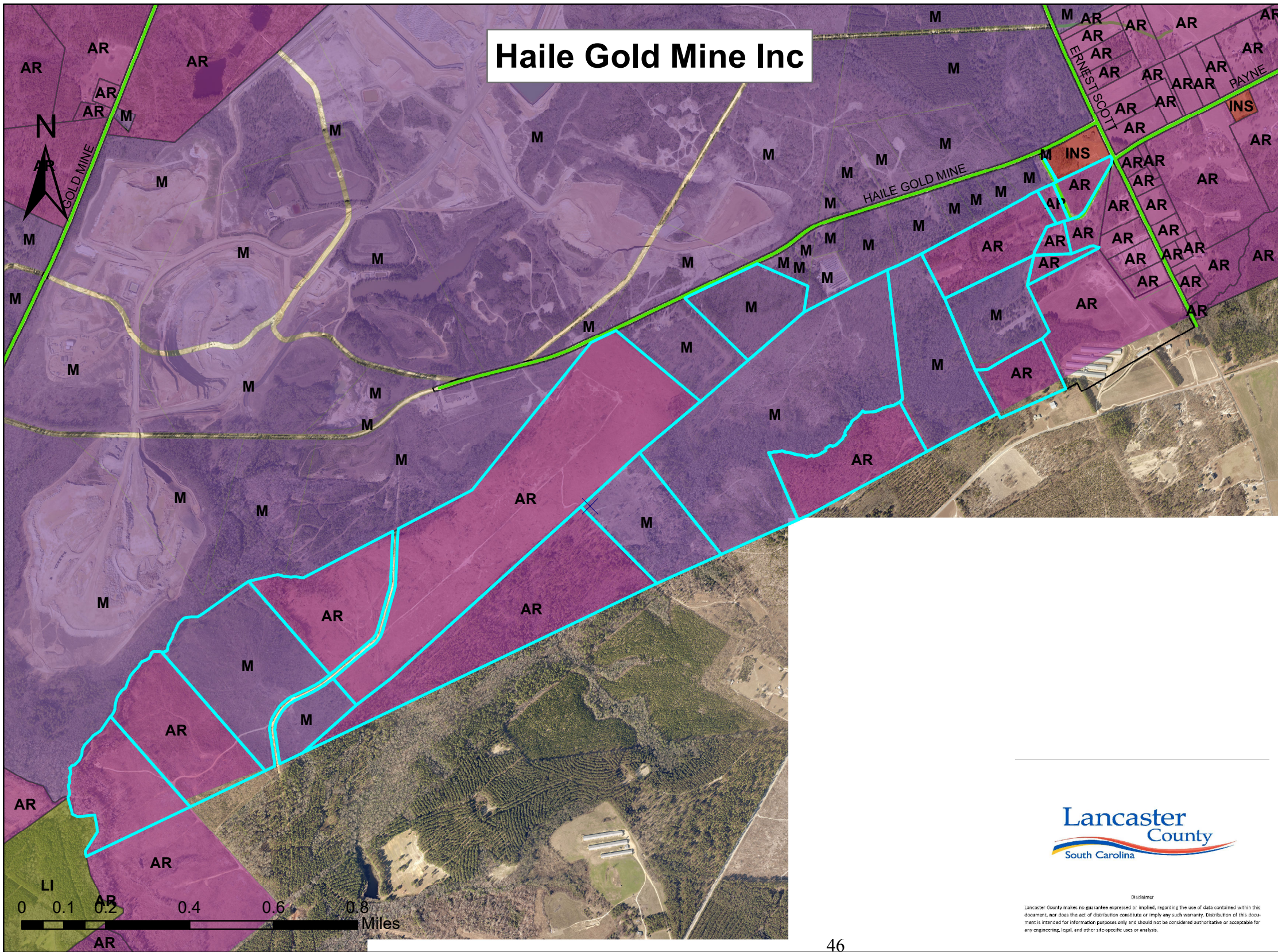
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Lancaster
County
South Carolina

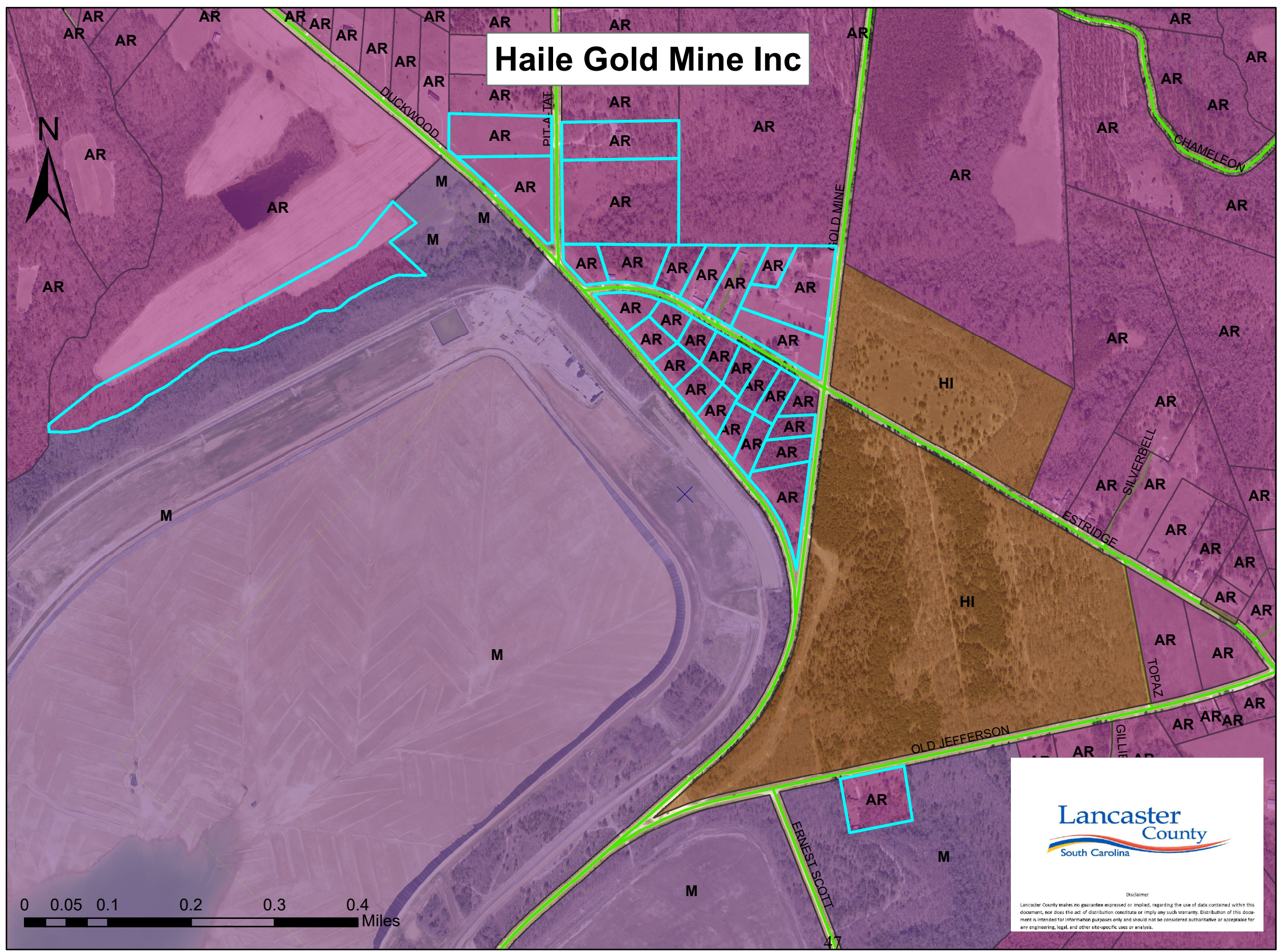
Disclaimer

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

Haile Gold Mine Inc



Haile Gold Mine Inc



Lancaster
County
South Carolina

Disclaimer
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Haile Gold Mine, Inc. Rezoning Request

Tax Map Parcel #s	Current Zoning District
0141-00-035.00	AR : Agricultural Residential
0141-00-036.00	AR : Agricultural Residential
0140-00-027.00	AR : Agricultural Residential
0140-00-030.00	AR : Agricultural Residential
0140-00-009.01, 012.00, 014.00	AR : Agricultural Residential
0140-00-045.00	AR : Agricultural Residential
0140-00-045.01	AR : Agricultural Residential
0140-00-031.00	AR : Agricultural Residential
0136-00-031.06	AR : Agricultural Residential
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0119-00-107.00	AR : Agricultural Residential
0119-00-106.00	AR : Agricultural Residential
0119-00-105.00	AR : Agricultural Residential
0119-00-011.02	AR : Agricultural Residential
0119-00-011.00	AR : Agricultural Residential
0119-00-011.01	AR : Agricultural Residential
0119-00-010.00	AR : Agricultural Residential
0119-00-009.00	AR : Agricultural Residential
0119-00-008.00	AR : Agricultural Residential
0119-00-007.00	AR : Agricultural Residential
0119-00-009.01	AR : Agricultural Residential
0119-00-001.05	AR : Agricultural Residential
0119-00-098.00	AR : Agricultural Residential
0119-00-061.00	AR : Agricultural Residential
0119-00-086.00	AR : Agricultural Residential
0119-00-085.00	AR : Agricultural Residential
0119-00-002.05	AR : Agricultural Residential
0135-00-016.00	AR : Agricultural Residential
0140-00-009.02	INS : Institutional
0120-00-022.00 (Portion of)	AR : Agricultural Residential
0120-00-023.00 (Portion of)	AR : Agricultural Residential

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1640/Planning Case Number: RZ-019-1016

Contact Person / Sponsor: Katie See/Planning

Department: Planning

Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

Request to rezone 46 parcels totaling approximately 539.5 acres in size from Agricultural Residential (AR) and Institutional (INS) to Mining (M). The purpose of this request is to incorporate parcels into the adjacent Haile Gold Mine property (TM # See Exhibit 3).

Points to Consider:

Previous Rezoning Request & Project Overview

On February 16, 2016, the Planning Commission recommended approval of a request by Haile Gold Mine, Inc. to rezone three parcels from Rural Residential/Intense Agricultural District (R-45A) to Mining (M) District. This request was approved by County Council on April 11, 2016. There were no concerns voiced from the public.

The applicant has requested an amendment to the Comprehensive Plan from the existing Rural Living future land use designation to the Special District – Industrial future land use designation in order to achieve consistency with the Comprehensive Plan. See Companion Case: CP 2019-1037.

Funding and Liability Factors:

N/A

Council Options:

Approve or deny the rezoning request.

Recommendation:

Staff recommends approval of this rezoning request with the condition that the corresponding Comprehensive Plan amendment request be approved.

The Planning Commission unanimously recommended **approval** of this request at the December 17, 2019 meeting.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1640	1/6/2020	Ordinance
Exhibit 1 to Ordinance 2020-1640	1/6/2020	Exhibit
Staff Report	1/3/2020	Planning Staff Report
Ex 1: Application	1/3/2020	Exhibit
Ex 2: Subject Parcel Map	1/3/2020	Exhibit
Ex 3: TM # with Zoning	1/3/2020	Exhibit

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2020-1640

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE 46 PARCELS, TOTALING 539.6 ACRES IN SIZE, MORE OR LESS, OWNED BY HAILE GOLD MINE, INC. AND LOCATED NEAR 6936 SNOWY OWL ROAD-HAILE GOLD MINE ROAD, LANCASTER, SOUTH CAROLINA (TMS# 0136-00-036.00) FROM AR, AGRICULTURAL RESIDENTIAL DISTRICT AND INS, INSTITUTIONAL DISTRICT, TO M, MINING DISTRICT.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Haile Gold Mine, Inc. applied to rezone 46 parcels, totaling 539.6 acres in size, more or less, located near 6936 Snowy Owl Road-Haile Gold Mine Road, Lancaster, South Carolina (TMS # 0136-00-036.00) from AR, Agricultural Residential District and INS, Institutional District, to M, Mining District.

(b) On December 17, 2019, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and by a unanimous vote recommended approval of the rezoning.

(c) The Future Land Use Map identifies this property as Special District-Industrial, based on the *Lancaster County Comprehensive Plan 2014-2024*. Rezoning the property from AR, Agricultural Residential District and INS, Institutional District, to M, Mining District, is compatible with the Comprehensive Plan.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from AR, Agricultural Residential District and Institutional District, to M, Mining District, for the following property as identified by tax map number or other appropriate identifier:

Tax Map No.

See Exhibit 1 attached (46 parcels totaling 539.5 acres, more or less)

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 _____, 2020.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: January 13, 2020
Second Reading: January 27, 2020
Public Hearing: January 27, 2020
Third Reading: February 10, 2020

Approved as to form:

John DuBose, County Attorney

Haile Gold Mine, Inc. Rezoning Request

Tax Map Parcel #s	Current Zoning District
0141-00-035.00	AR : Agricultural Residential
0141-00-036.00	AR : Agricultural Residential
0140-00-027.00	AR : Agricultural Residential
0140-00-030.00	AR : Agricultural Residential
0140-00-009.01, 012.00, 014.00	AR : Agricultural Residential
0140-00-045.00	AR : Agricultural Residential
0140-00-045.01	AR : Agricultural Residential
0140-00-031.00	AR : Agricultural Residential
0136-00-031.06	AR : Agricultural Residential
0119-00-101.00,102.00,103.00,104.00,109.00, 110.00,111.00, 112.00,113.00,114.00,115.00,116.00,117.00,118.00	AR : Agricultural Residential
0119-00-107.00	AR : Agricultural Residential
0119-00-106.00	AR : Agricultural Residential
0119-00-105.00	AR : Agricultural Residential
0119-00-011.02	AR : Agricultural Residential
0119-00-011.00	AR : Agricultural Residential
0119-00-011.01	AR : Agricultural Residential
0119-00-010.00	AR : Agricultural Residential
0119-00-009.00	AR : Agricultural Residential
0119-00-008.00	AR : Agricultural Residential
0119-00-007.00	AR : Agricultural Residential
0119-00-009.01	AR : Agricultural Residential
0119-00-001.05	AR : Agricultural Residential
0119-00-098.00	AR : Agricultural Residential
0119-00-061.00	AR : Agricultural Residential
0119-00-086.00	AR : Agricultural Residential
0119-00-085.00	AR : Agricultural Residential
0119-00-002.05	AR : Agricultural Residential
0135-00-016.00	AR : Agricultural Residential
0140-00-009.02	INS : Institutional
0120-00-022.00 (Portion of)	AR : Agricultural Residential
0120-00-023.00 (Portion of)	AR : Agricultural Residential

Proposal: Request to rezone 46 parcels totaling approximately 539.5 acres in size. The purpose of this request is to incorporate parcels into the adjacent Haile Gold Mine property (TM # See Attachment 3).

Property Location: Properties located near 6936 Snowy Owl Road – Haile Gold Mine (TM # 0136-00-036.00). Parcels are located along Haile Gold Mine Road, Ernest Scott Road, Duckwood Road and Gold Mine Road. (TM # See Attachment 3)

Current Zoning District: Agricultural Residential (AR) and Institutional (INS)

Proposed Zoning District: Mining (M)

Applicant: Haile Gold Mine, Inc.

Council District: District 6, Alan Blackmon

Overview

Site Information

Site Description: The majority of the parcels are vacant. Approximately eight parcels are (or have been) improved with single-family homes.

Compatibility with Surrounding Area

The current zoning for the surrounding area is Mining (M), Agricultural Residential (AR), some Light Industrial (LI), Heavy Industrial (HI) and Institutional (INS). Existing zoning for the subject property as well as surrounding properties can be seen in *Attachment 3*. The proposed zoning of Mining is generally consistent with the area, as it would result in the expansion of the Mining district for the existing Haile Gold Mine property. See table below for adjacent property zoning and use comparison.

Summary of Surrounding Zoning and Uses

Surrounding Property	Municipality	Zoning District	Use
North	Lancaster County	Agricultural Residential (AR); Mining (M); Institutional (INS)	Gold Mine; Church; Vacant
South	Lancaster County; Kershaw County	Agricultural Residential (AR); Mining (M);	Gold Mine; Farm; Vacant
East	Lancaster County	Agricultural Residential (AR); Mining (M); Heavy Industrial (HI)	Farm; Vacant
West	Lancaster County	Agricultural Residential (AR); Mining (M); Light Industrial (LI); Heavy Industrial (HI)	Mining; Vacant; Single-Family Residential

Recent Rezoning in Surrounding Area			
Case #	Description	Date	Outcome
RZ-016-002	Haile Gold Mine, Inc Rezoning 3 Parcels from R-45A	4-11-16	Approved

Previous Rezoning Request & Project Overview

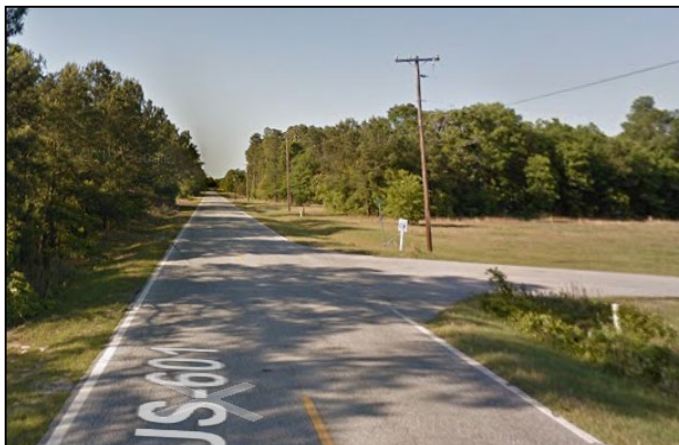
On February 16, 2016, the Planning Commission recommended approval of a request by Haile Gold Mine, Inc. to rezone three parcels from Rural Residential/Intense Agricultural District (R-45A) to Mining (M) District. This request was approved by County Council on April 11, 2016. There were no concerns voiced from the public.

Photos of Project Area

LOOKING EAST ON SNOWY OWL DRIVE (GOLD MINE ENTRANCE)



LOOKING NORTH ALONG US-601



LOOKING SOUTH ALONG US-601



PHOTO OF ONE MINING PIT



Analysis & Findings

There are no plans to mine the properties proposed to be rezoned. The intent is to use the land to serve as a buffer and store overburden, which is waste material such as rock and soil. Based on available maps, there appear to be at least seven residential homes adjacent to the properties proposed to be rezoned. This rezoning request is required as part of their permit application to expand mining operations.

According to Haile Gold Mine, over the past 12 months they have engaged the community in 31 community engagement events, 51 stakeholder engagement presentations/site tours and 52 media/publications for the purpose of notifying the public of the expansion plans.

The properties to be rezoned are currently zoned Agricultural Residential (AR) and Institutional District (INS) District. See UDO section 2.3.

The (AR) 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.

The (INS) 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.*

The requested Mining (M) District *is established for large-scale operations that extract and process mineral materials. This district may create some nuisance which is not properly associated with, nor compatible with, residential, commercial, and service establishments.*

COMPREHENSIVE PLAN CONSISTENCY & CONCLUSION

The applicant has requested an amendment to the Comprehensive Plan from the existing Rural Living future land use designation to the Special District – Industrial future land use designation in order to achieve consistency with the Comprehensive Plan. **See Companion Case: CP 2019-1037.**

The requested future land use designation of this property is Special District – Industrial according to the 2024 Comprehensive Plan. The Community Type “Industrial Center” *includes both heavy and light manufacturing, from clean and green data handling complexes to manufacturing / extraction / distribution processes or power plants that require careful environmental management. These uses usually require considerable land areas and are set aside from other development for environmental or security concerns, or for reasons of heavy truck traffic flow.*

Should the rezoning request to Mining District be approved, the requested future land use designation of Special District – Industrial would make the zoning district consistent with the Comprehensive Plan.

Staff Recommendation

Staff recommends **approval** of this rezoning request with the condition that the corresponding Comprehensive Plan amendment request be approved.

Attachments

1. Rezoning Application
2. Location Map/ Zoning Map
3. Subject Parcel list

Staff Contact

Katie See, AICP
Senior Planner
ksee@lancastersc.net
803-416-9395



Planning Department

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@lanastercountysc.net
www.mylanastercsc.org

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- Deed and survey plat or boundary survey
- Fees associated with review

GENERAL INFORMATION

Property Address Please see the attached Exhibit A for property information.

City _____ State _____ Zip _____ Tax Parcel ID multiple

Current Zoning see Exhibit A Current Use Property acquired by Applicant after Applicant's prior re-zoning application and is being held until rezoned to be consistent with adjacent land area.

Proposed Zoning M, Mining District Total Acres _____ see Exhibit A

Project Description Mining operations and accessory mining uses, consistent with adjacent
property owned by Applicant.

Surrounding Property Description Applicant intends to incorporate these properties into its
adjacent land area which is currently zoned in the Mining District and used for permitted mining
operations and related uses.

CONTACT INFORMATION

Applicant Name Haile Gold Mine Inc. (David B. Thomas, as President)

Address 6911 Snowy Owl Road

City Kershaw State SC Zip 29067 Phone 803/475-2924

Fax _____ Email David.Thomas@oceanagold.com

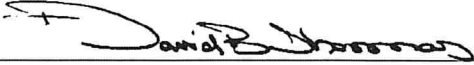
Property Owner Name Haile Gold Mine Inc.

Address 6911 Snowy Owl Road

City Kershaw State SC Zip 29067 Phone 803/475-2924

Fax _____ Email David.Thomas@oceanagold.com

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

 10/23/2019
Applicant Haile Gold Mine, Inc., by David B. Thomas as President Date

SAME
Property Owner(s) Date
Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number RZ 2019-1016 Date Received 10-25-19 Receipt Number 848600
Amount Paid \$500.00 Check Number 526183 Cash Amount —
Received By JB Planning Commission Meeting Date 12-17-19

SCHEDULE/PROCESS 1. Submit Application

- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Rezoning Application Fee – single parcel \$325.00
- Rezoning Application Fee – multi parcel \$500.00

2. Planning Commission

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval.
- Subsequent to final County Council action on rezoning, notice of action will be provided to the applicant, owner, and adjacent property owners.
- If applicant would like to request a special presentation, please notify the County Clerk @ (803) 416-9307 before 5:00pm on the first Monday of the month to make arrangements.

Additional Signature Page to Zoning Map Amendment Application

As to Parcel 5, TMS No. 0140-00-028.00:

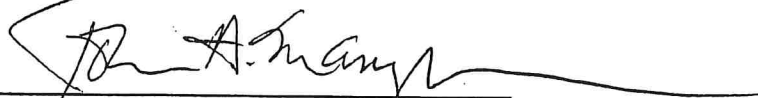
Thomas C. Gregory Family Limited Partnership

By: _____

Name: _____

Title: _____

As to ~~Parcels 35~~ & 36, TMS Nos. 0120-00-022.00 (portion) and 0120-00-023.00 (portion):

A handwritten signature in black ink, appearing to read "John A. Mangum", is written over a horizontal line.

**John A. Mangum, as sole heir of the Estates of
Ann/Faile Mangum and Jack M. Mangum**

HAILE GOLD MINE INC. - EXHIBIT A to ZONING MAP AMENDMENT APPLICATION

Parcel No.*	Prior Owner	TMS No.	Acreage	Present Designation
1	JONES, R	0141-00-035.00	30.5	AR : Agricultural Residential
2	JONES, A	0141-00-036.00	41	AR : Agricultural Residential
3	AMERICAN TIMBERLAND	0140-00-026.00	66.99 (67.8 per assessor)	M : Mining
5	See Below - Pending Contract			
4	HORTON (JONES)	0140-00-027.00	170.5 (169 per assessor)	AR : Agricultural Residential
6	CRAFT	0140-00-028.01	31.7 (30 per assessor)	M : Mining
7	BAXLEY	0140-00-029.00	123.95 (112 per assessor)	M : Mining
8	MCILWAIN (RAYNOR)	0140-00-023.00	25.5	M : Mining
9	PARKER	0140-00-030.00	27.9	AR : Agricultural Residential
10	LOWERY	0140-00-031.01	40.19 (38 per assessor)	M : Mining
11	BYRD, B	0140-00-009.01, 012.00, 014.00	34.04	AR : Agricultural Residential
12	TOWNSEND	0140-00-045.00	3.02	AR : Agricultural Residential
13	BYRD, MARY	0140-00-045.01	3.02	AR : Agricultural Residential
14	BYRD, John Lewis	0140-00-046.00	26.34	M : Mining
15	MERKLE	0140-00-031.00	13.94	AR : Agricultural Residential
16	ROBERTS	0136-00-031.06	1.7	AR : Agricultural Residential
17	BLACKWELL	0119-00-101.00, 102.00, 103.00, 104.00, 109.00, 110.00, 111.00, 112.00, 113.00, 114.00, 115.00, 116.00, 117.00, 118.00	16.15 (15.1433 per assessor)	AR : Agricultural Residential (118.00 does not exist)
18	COX	0119-00-107.00	1 (1.0042 per assessor)	AR : Agricultural Residential
19	CARNES, Jerry 2	0119-00-106.00	1 (1.004 per assessor)	AR : Agricultural Residential
20	CARNES, Jerry 1	0119-00-105.00	1 (1.004 per assessor)	AR : Agricultural Residential
21	HOLDEN	0119-00-011.02	3.37	AR : Agricultural Residential
22	WILLIAMS, Linda K	0119-00-011.00	5.55	AR : Agricultural Residential
23	HINSON, JS Jr	0119-00-011.01	1	AR : Agricultural Residential
24	SIMS, James Willie Jr	0119-00-010.00	2.05	AR : Agricultural Residential
25	BOWERS, LLC	0119-00-009.00	1.75	AR : Agricultural Residential
26	FAILE, John	0119-00-008.00	2	AR : Agricultural Residential
27	FAILE, Wanda/Willie	0119-00-007.00	2	AR : Agricultural Residential
28	FAILE-HGM	0119-00-009.01	0.9	AR : Agricultural Residential
29	MACKEY	0119-00-001.05	9.204	AR : Agricultural Residential
30	ROGERS, Bobby	0119-00-098.00	4.3	AR : Agricultural Residential
31	Morgan Derrick, Randall, Dennis Dolbres	0119-00-061.00	2.8	AR : Agricultural Residential
32	ROOP	0119-00-086.00	4.01 (4.015 per assessor)	AR : Agricultural Residential
33	DEESE	0119-00-085.00	4.092	AR : Agricultural Residential
34	CATOE, Gladys Deese (Carol/Rex)	0119-00-002.05	14.12	AR : Agricultural Residential
35	See Below - Pending Contract			
36	See Below - Pending Contract			
37	GREGORY, Susan	0135-00-016.00	127.97	AR : Agricultural Residential
38	Church, Haile Gold Mine (roadway)	0140-00-009.02	0.06	INS : Institutional

*NEED NEW TMS

*NEED NEW TMS

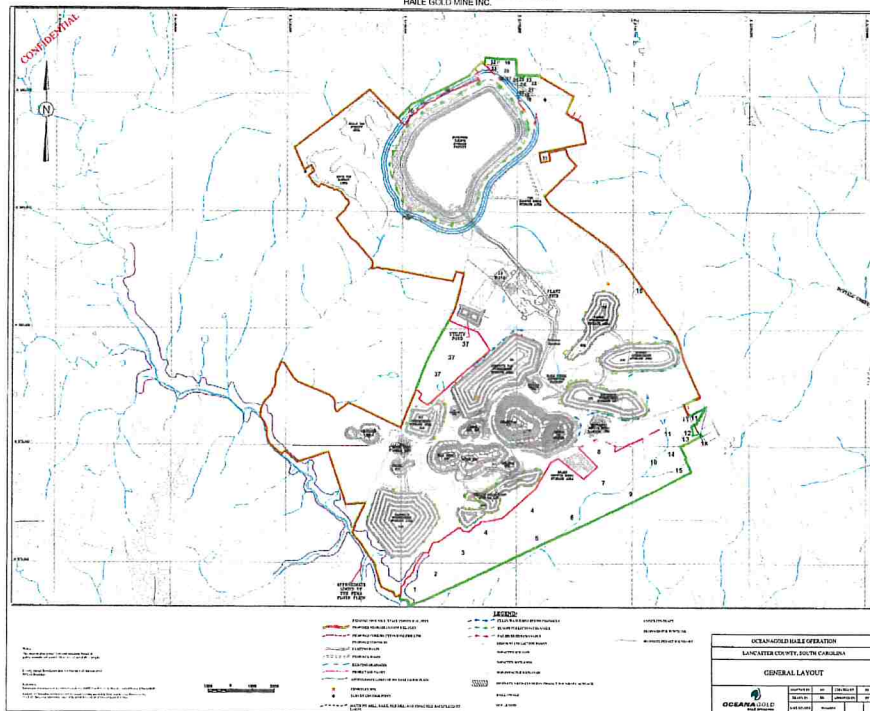
PENDING CONTRACTS WITH HAILE GOLD MINE INC.

Current Property Owner	
5 Thomas C. Gregory Family Limited Partnership	0140-00-028.00
35 MANGUM, Ann	p/o 0120-00-022.00* .37ac
36 MANGUM, Jack/Ann	p/o 0120-00-023.00* 4.55

*To be combined as one Jack Mangum per Survey 5.0 ac

*Parcel Nos. identified on attached Exhibit A-1.

EXHIBIT A-1 to ZONING MAP AMENDMENT APPLICATION
HALL GOLF WINE INC.



Haile Gold Mine Inc



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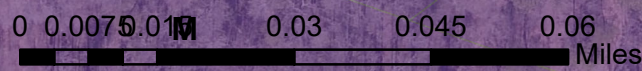
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Haile Gold Mine Inc



INS

HI

HI

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REX OUTZEN

HI

TOM GREGORY

GOLD MINE

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A map of the study area showing the location of the study site (M) and the distance scale in miles (0 to 0.4). The map includes a scale bar and a legend indicating the location of the study site (M) and the distance scale in miles (0 to 0.4).

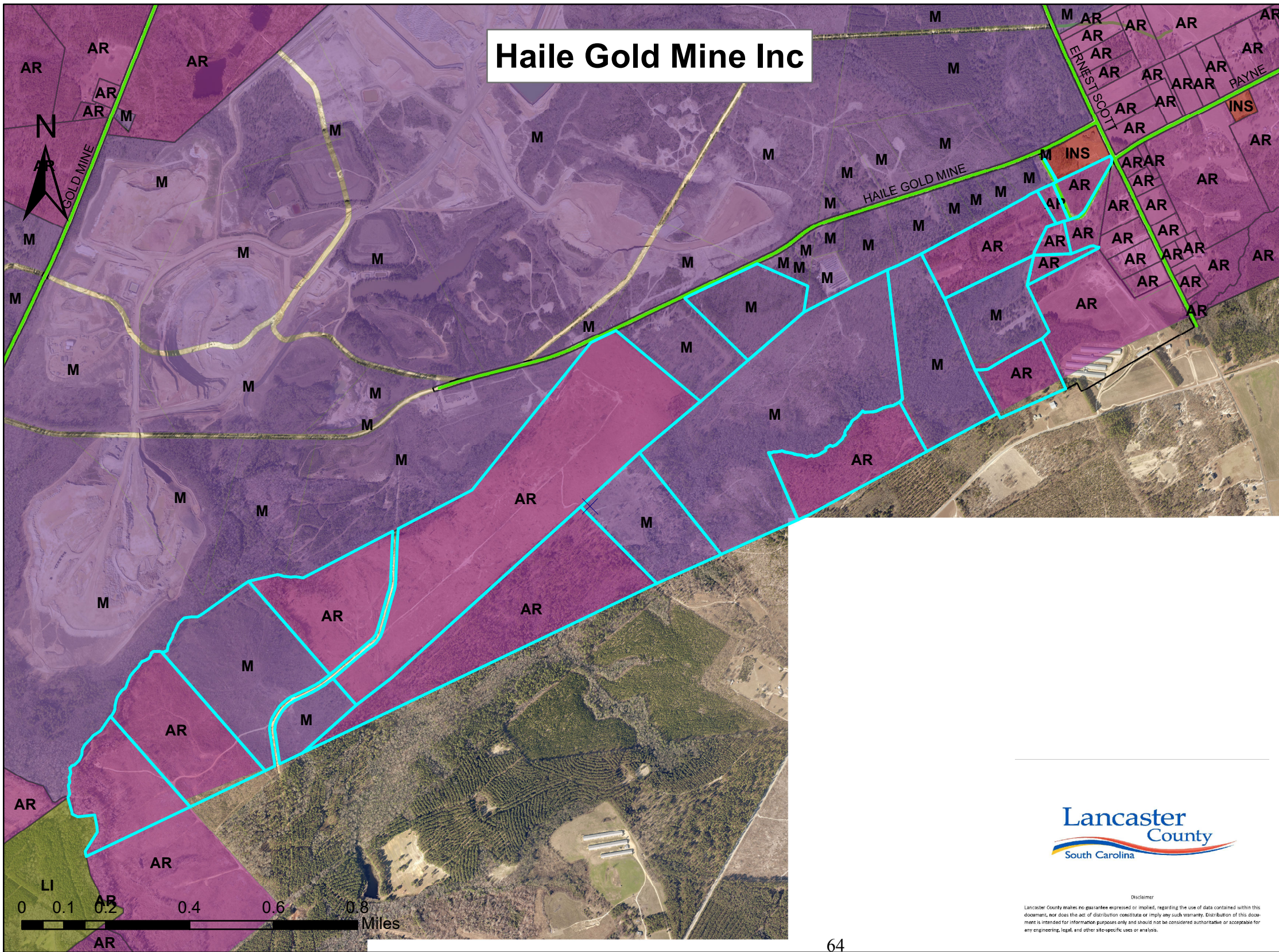
63



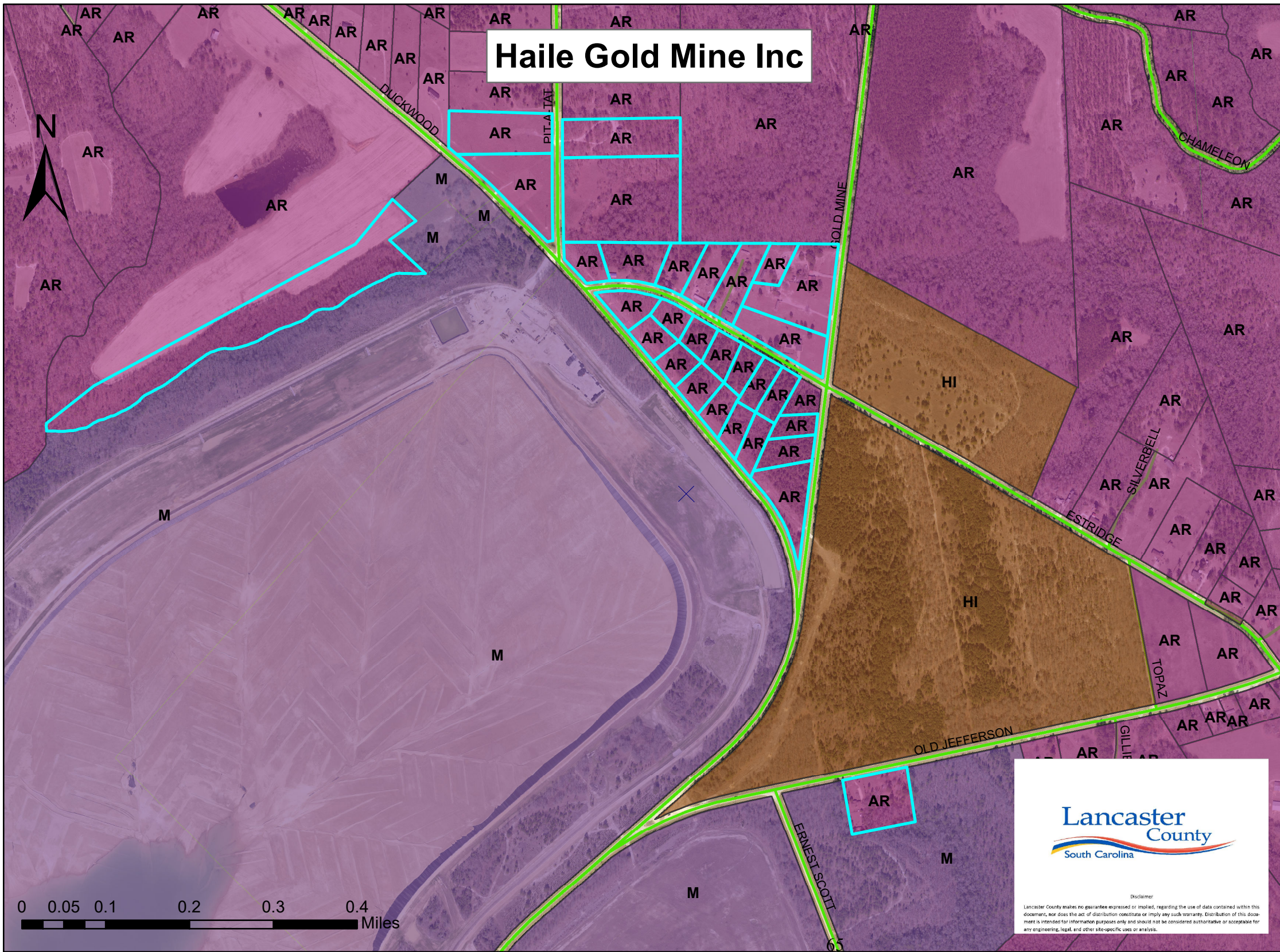
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Haile Gold Mine Inc



Haile Gold Mine Inc



Lancaster
County
South Carolina

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Haile Gold Mine, Inc. Rezoning Request

Tax Map Parcel #s	Current Zoning District
0141-00-035.00	AR : Agricultural Residential
0141-00-036.00	AR : Agricultural Residential
0140-00-027.00	AR : Agricultural Residential
0140-00-030.00	AR : Agricultural Residential
0140-00-009.01, 012.00, 014.00	AR : Agricultural Residential
0140-00-045.00	AR : Agricultural Residential
0140-00-045.01	AR : Agricultural Residential
0140-00-031.00	AR : Agricultural Residential
0136-00-031.06	AR : Agricultural Residential
0119-00-101.00,102.00,103.00,104.00,109.00, 110.00,111.00, 112.00,113.00,114.00,115.00,116.00,117.00,118.00	AR : Agricultural Residential
0119-00-107.00	AR : Agricultural Residential
0119-00-106.00	AR : Agricultural Residential
0119-00-105.00	AR : Agricultural Residential
0119-00-011.02	AR : Agricultural Residential
0119-00-011.00	AR : Agricultural Residential
0119-00-011.01	AR : Agricultural Residential
0119-00-010.00	AR : Agricultural Residential
0119-00-009.00	AR : Agricultural Residential
0119-00-008.00	AR : Agricultural Residential
0119-00-007.00	AR : Agricultural Residential
0119-00-009.01	AR : Agricultural Residential
0119-00-001.05	AR : Agricultural Residential
0119-00-098.00	AR : Agricultural Residential
0119-00-061.00	AR : Agricultural Residential
0119-00-086.00	AR : Agricultural Residential
0119-00-085.00	AR : Agricultural Residential
0119-00-002.05	AR : Agricultural Residential
0135-00-016.00	AR : Agricultural Residential
0140-00-009.02	INS : Institutional
0120-00-022.00 (Portion of)	AR : Agricultural Residential
0120-00-023.00 (Portion of)	AR : Agricultural Residential

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1641/ Planning Case Number: RZ-019-1178

Contact Person / Sponsor: Katie See/Planning

Department: Planning

Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

Request to rezone one portion of one parcel 3.003 acres in size from Medium Density Residential (MDR) to Institutional (INS). The parcel is located on the Lancaster County Water and Sewer District Indian Land Treatment Facility site. The purpose of this request is to accommodate the future expansion of the facility (portion of TM # 0013-00-087.00). This parcel was left off the previous rezoning application and is being considered for rezoning as a separate request.

Points to Consider:

The requested Institutional (INS) 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.

The proposed zoning of INS is generally consistent with the area, as it would result in the expansion of the Institutional district for the existing LCWSD facility.

Companion Case: RZ-019-0952

This project is a companion case to the rezoning case heard by County Council on December 9, 2019. This parcel was omitted in the initial application by the LCWSD.

Funding and Liability Factors:

N/A

Council Options:

Approve or deny request.

Recommendation:

Staff recommends **approval** of the request.

Planning Commission voted unanimously to recommend **approval** at the December 17, 2019 meeting.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1641	1/6/2020	Ordinance
Staff Report	1/3/2020	Planning Staff Report
Ex 1: Application	1/3/2020	Exhibit
Ex 2: Zoning Map	1/3/2020	Exhibit

STATE OF SOUTH CAROLINA

(

ORDINANCE NO. 2020-1641

COUNTY OF LANCASTER

(

(

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE ONE PARCEL, TOTALING 3.03 ACRES, MORE OR LESS, OWNED BY LANCASTER COUNTY WATER & SEWER DISTRICT, AND LOCATED EAST OF 7864 RIVER ROAD – LCWSD SEWER FACILITY, LANCASTER, SOUTH CAROLINA, PORTION OF (TMS# 0013-00-087.00) FROM MDR, MEDIUM DENSITY RESIDENTIAL DISTRICT, TO INS, INSTITUTIONAL 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 Water & Sewer District applied to rezone one parcel, totaling 3.003 acres, more or less, in size, located East of 7864 River Road – LCWSD Sewer Facility, Lancaster, South Carolina, portion of (TMS # 0013-00-087.00) from MDR, Medium Density Residential District, to INS, Institutional District.

(b) On December 17, 2019, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a unanimous vote, recommended approval of the rezoning.

(c) The Future Land Use Map identifies this property as Neighborhood Mixed-Use, based on the *Lancaster County Comprehensive Plan 2014-2024*. Rezoning the property from MDR, Medium Density Residential District, to INS, Institutional District, is compatible with the Comprehensive Plan.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from MDR, Medium Density Residential District, to INS, Institutional District, for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0013-00-087.00 (3.003 acres, more or less)

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 _____, 2020.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: January 13, 2020
Second Reading: January 27, 2020
Public Hearing: January 27, 2020
Third Reading: February 10, 2020

Approved as to form:

John DuBose, County Attorney

Proposal: Request to rezone one parcel 3.003 acres in size. The purpose of this request is to accommodate the future expansion of the facility (portion of TM # 0013-00-087.00).

Property Location: East of 7864 River Road – LCWSD Sewer Facility (portion of TM # 0013-00-087.00)

Current Zoning District: Medium Density Residential (MDR)

Proposed Zoning District: Institutional (INS)

Applicant: Lancaster County Water & Sewer District

Council District: District 1, Terry Graham

Overview

Site Information

Site Description: This property is currently vacant.

Compatibility with Surrounding Area

The current zoning for the surrounding area is Low Density Residential (LDR), Medium Density Residential (MDR), Rural Neighborhood (RN) and Institutional (INS). Existing zoning for the subject property as well as surrounding properties can be seen in *Attachment 3*. The proposed zoning of INS is generally consistent with the area, as it would result in the expansion of the Institutional district for the existing LCWSD facility. See table below for adjacent property zoning and use comparison.

Summary of Surrounding Zoning and Uses

Surrounding Property	Municipality	Zoning District	Use
North	Lancaster County	Institutional (INS)	Vacant
South	Lancaster County	Medium Density Residential (MDR)	Vacant
East	Lancaster County	Medium Density Residential (MDR)	Single-Family Residential
West	Lancaster County	Institutional (INS)	LCWSD Facility

Recent Rezoning in Surrounding Area			
Case #	Description	Date	Outcome
RZ-019-052	LCWSD Request to Rezone 7 Parcels	11-19-19	Scheduled for CC 1-13-20

Photos of Project Area

LOOKING DIRECTLY AT 7864 RIVER ROAD (SUBJECT PROPERTY IS LOCATED EAST OF PARCEL WITH NO ACCESS)



LOOKING DIRECTLY ACROSS RIVER ROAD



LOOKING NORTH ALONG RIVER ROAD



LOOKING SOUTH ALONG RIVER ROAD



Analysis & Findings

The property to be rezoned is currently zoned Medium Density Residential (MDR) District. See UDO section 2.3.

MDR 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.

The requested Institutional (INS) 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.

Companion Case: RZ-019-0952

This project is a companion case to the rezoning case heard by the Planning Commission on November 19, 2019. This parcel was omitted in the initial application.

COMPREHENSIVE PLAN CONSISTENCY & CONCLUSION

The future land use designation of this property is the Place Type known as Neighborhood Mixed-Use, which, according to the 2024 Comprehensive Plan is synonymous to the Community Type “Walkable Neighborhood”. The Comp Plan states that this Community Type has very specific characteristics that set it apart from most other Place Types by virtue of its deliberately structured mix of dwelling types in a development context that often operates through the separation of uses, densities and/or land value. This Place Type and Community Type have their roots in the traditional character of American communities during the early part of the 20th century, and has been revived in recent decades as a relevant option for future development.

The requested Institutional District is consistent with the Neighborhood Mixed Use future land use category.

Staff Recommendation

Staff recommends **approval** of this rezoning request.

Attachments

1. Rezoning Application
2. Location Map/ Zoning Map

Staff Contact

Katie See, AICP
Senior Planner
ksee@lancastersc.net
803-416-9395

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- Deed and survey plat or boundary survey
- Fees associated with review

GENERAL INFORMATION

Property Address TM #0013-00-087.00 (portion of)
City Indian Land State SC Zip 29707 Tax Parcel ID _____
Current Zoning ~~Industrial~~ Current Use Wastewater Treatment Plant
Proposed Zoning Institutional Total Acres ± 79
Project Description Indian Land Wastewater Treatment Plant

Surrounding Property Description Rural, predominantly undeveloped

CONTACT INFORMATION

Applicant Name Stephen White, Lancaster County Water & Sewer District
Address P.O. Box 1009
City Lancaster State SC Zip 29721 Phone 803-285-6919
Fax 803-285-8037 Email Swhite@lcwsd.org
Property Owner Name Lancaster County Water & Sewer District
Address P.O. Box 1009
City Lancaster State SC Zip 29721 Phone 803-285-6919
Fax 803-285-8037 Email Swhite@lcwsd.org

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Stephen White
Applicant

Nov. 26, 2019
Date

Lancaster County Water & Sewer District
Property Owner(s)

Nov. 26, 2019
Date

Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS 1. Submit Application

- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Rezoning Application Fee – single parcel \$325.00
- Rezoning Application Fee – multi parcel \$500.00

2. Planning Commission

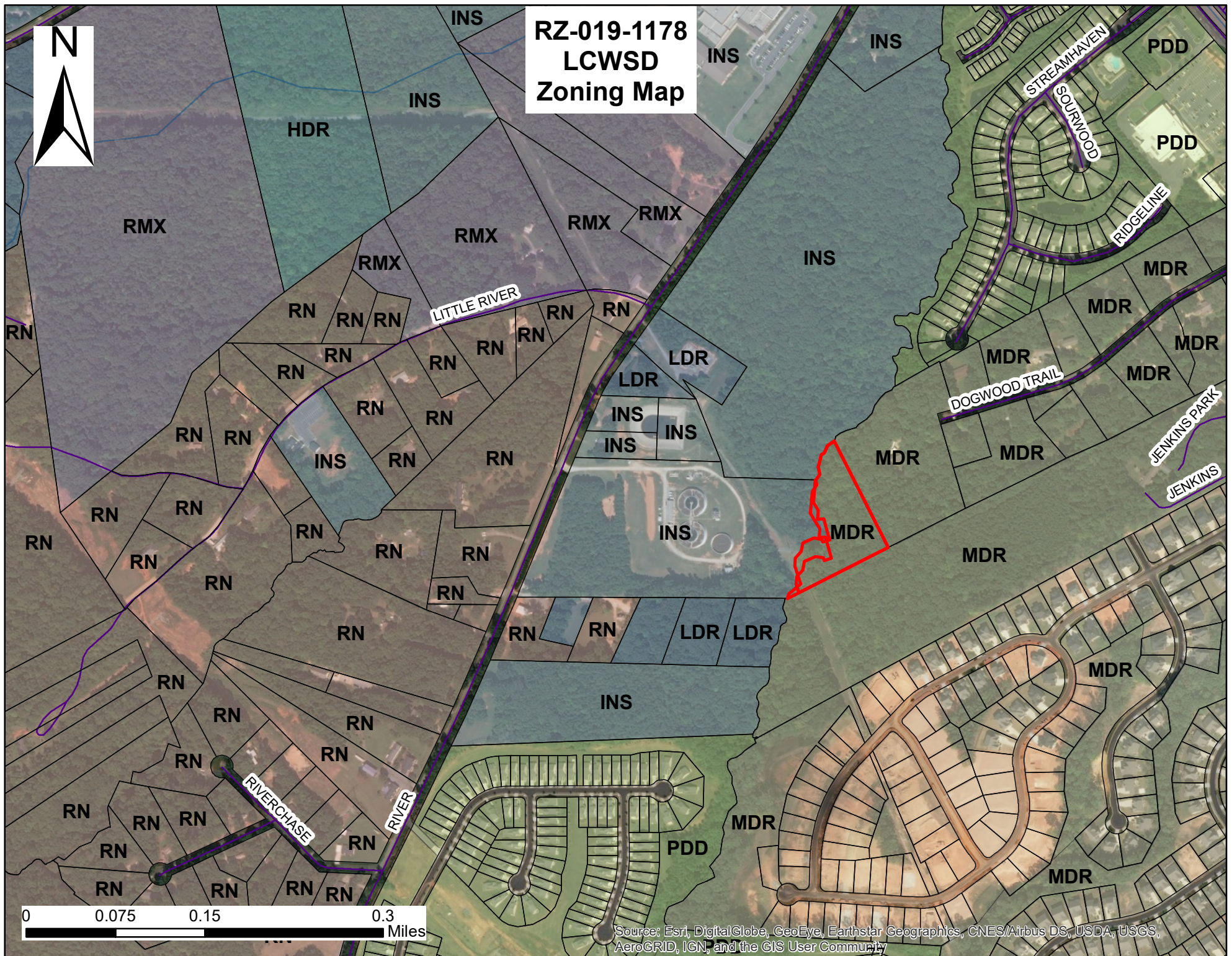
- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval.
- Subsequent to final County Council action on rezoning, notice of action will be provided to the applicant, owner, and adjacent property owners.
- If applicant would like to request a special presentation, please notify the County Clerk @ (803) 416-9307 before 5:00pm on the first Monday of the month to make arrangements.



RZ-019-1178
LCWSD
Zoning Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1642/Planning Case Number: RZ-019-0879

Contact Person / Sponsor: Ashley Davis / Planning

Department: Planning

Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

A request to rezone one parcel from Medium Density Residential (MDR) to General Business (GB) District. The property is located off of Williams Circle (TMS# 0086B-0J-011.00) and is approximately 0.46 acres in size.

Points to Consider:

The requested General Business (GB) district *is generally located on thoroughfares and provides opportunities for the provision of offices, services, and retail goods in proximity to generally autodependent, community neighborhoods.*

The future land use designation of this property is Urban, according to the 2024 Comprehensive Plan. The Comp Plan defines this Community Type as a deliberately structured mix of dwelling types in a development context that often operates through the separation of uses, densities and/or land value

The requested General Business District is consistent with the urban future land use category.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the rezoning request.

Recommendation:

The Planning Commission voted 6-0 on December 17, 2019 to recommend **approval** of the rezoning request.

Staff recommends **approval** of this rezoning request.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1642	1/7/2020	Ordinance
Planning Staff Report:Francis Faile Jr.	1/3/2020	Planning Staff Report
Exhibit 1: Rezoning Application	1/3/2020	Exhibit
Exhibit 2: Location and Zoning Map	1/3/2020	Exhibit

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2020-1642

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE 0.46 ACRES, MORE OR LESS, WITH THE INTENTION OF COMBINING THE PARCEL WITH THE ADJACENT 1.48 ACRES (TMS NO. 0086B-0J-011.00) OWNED BY FRANCIS FAILE, JR., AND LOCATED OFF OF WILLIAMS CIRCLE, LANCASTER COUNTY, SOUTH CAROLINA (TMS# 0086B-0J-011.00) 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) Francis Faile, Jr., applied to rezone a parcel, totaling 0.46 acres, more or less, in size, located off of Williams Circle, Lancaster, South Carolina (TMS # 0086B-0J-011.00) from MDR, Medium Density Residential District, to GB, General Business District.

(b) On December 17, 2019, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a unanimous vote, recommended approval of the rezoning.

(c) The Future Land Use Map identifies this property as Urban, based on the *Lancaster County Comprehensive Plan 2014-2024*. Rezoning the property from MDR, Medium Density Residential District, to GB, General Business District, is compatible with the Comprehensive Plan.

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 as identified by tax map number or other appropriate identifier:

Tax Map No. 0086B-0J-011.00 (0.46 acres, more or less)

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 _____, 2020.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: January 13, 2020
Second Reading: January 27, 2020
Public Hearing: January 27, 2020
Third Reading: February 10, 2020

Approved as to form:

John DuBose, County Attorney

Proposal: Request to rezone 0.46 acres with the intention of combining the parcel with the adjacent 1.48 acre parcel currently zoned GB at TMS# 0086B-OJ-001.00

Property Location: Located off of Williams Circle (TMS# 0086B-OJ-011.00)

Current Zoning District: MDR, Medium Density Residential

Proposed Zoning District: GB, General Business

Applicant: Francis Faile Jr.

Council District: District 4, Larry Honeycutt

Overview

Site Information

Site Description: The property is currently vacant.

Compatibility with Surrounding Area

The current zoning for the surrounding area is Medium Density Residential (MDR) and General Business (GB). Existing zoning for the subject property as well as surrounding properties can be seen in *Exhibit 2*. The proposed zoning of GB is generally consistent with the area. See table below for adjacent property zoning and use comparison.

Summary of Surrounding Zoning and Uses

Surrounding Property	Municipality	Zoning District	Use
North	Lancaster County	General Business	Storage Facility
South	Lancaster County	Medium Density Residential (MDR)	Single Family Residence
East	Lancaster County	Medium Density Residential (MDR)	Single Family Residence
West	Lancaster County	Medium Density Residential (MDR)	Single Family Residence

Recent Rezoning in Surrounding Area			
Case #	Description	Date	Outcome
	No Recent Rezoning Cases		

Photos of Project Area

Looking at the parcel from Williams Circle.



Looking across from the parcel on Williams Circle



Looking south on Williams Circle



Looking north on Williams Circle



Analysis & Findings

The property is currently zoned Medium Density Residential District on the Lancaster County Zoning Map. The zoning district of Medium Density Residential (MDR) *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.*

The requested General Business (GB) district *is generally located on thoroughfares and provides opportunities for the provision of offices, services, and retail goods in proximity to generally autodependent, community neighborhoods.*

COMPREHENSIVE PLAN CONSISTENCY & CONCLUSION

The future land use designation of this property is Urban, according to the 2024 Comprehensive Plan. The Comp Plan defines this Community Type as a deliberately structured mix of dwelling types in a development context that often operates through the separation of uses, densities and/or land value

The requested General Business District is consistent with the urban future land use category.

Staff Recommendation

Staff is recommending approval of this request.

Attachments

1. Rezoning Application
2. Location Map/ Zoning Map

Staff Contact

Ashley Davis

Planner

adavis@lanastercountysc.net

803-416-9433



Planning Department

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@lanastercountysc.net
www.mylanasteresc.org

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- Deed and survey plat or boundary survey
- Fees associated with review

GENERAL INFORMATION

Property Address Locustwood Ave Lancaster SC
City LANASTER State SC Zip 29721 Tax Parcel ID 0086B-05-011.00
Current Zoning MDR Current Use Open Land
Proposed Zoning GB Total Acres 4.46 Acres
Project Description Expand Stuck + Dash Storage units

Surrounding Property Description Fire Department, single family homes.
Stuck + Dash

CONTACT INFORMATION

Applicant Name Francis Fink, Jr.
Address PO Box 1287
City LANASTER State SC Zip 29721 Phone 803-283-7299
Fax _____ Email ffink@compositum.net
Property Owner Name SAME
Address _____
City _____ State _____ Zip _____ Phone _____
Fax _____ Email _____

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Applicant

Date

Property Owner(s)

Date

Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number RZ-019-0879 Date Received 10-7-19 Receipt Number 848576

Amount Paid \$500.00 Check Number 8519 Cash Amount —

Received By JB Planning Commission Meeting Date 11-19-19

SCHEDULE/PROCESS 1. Submit Application

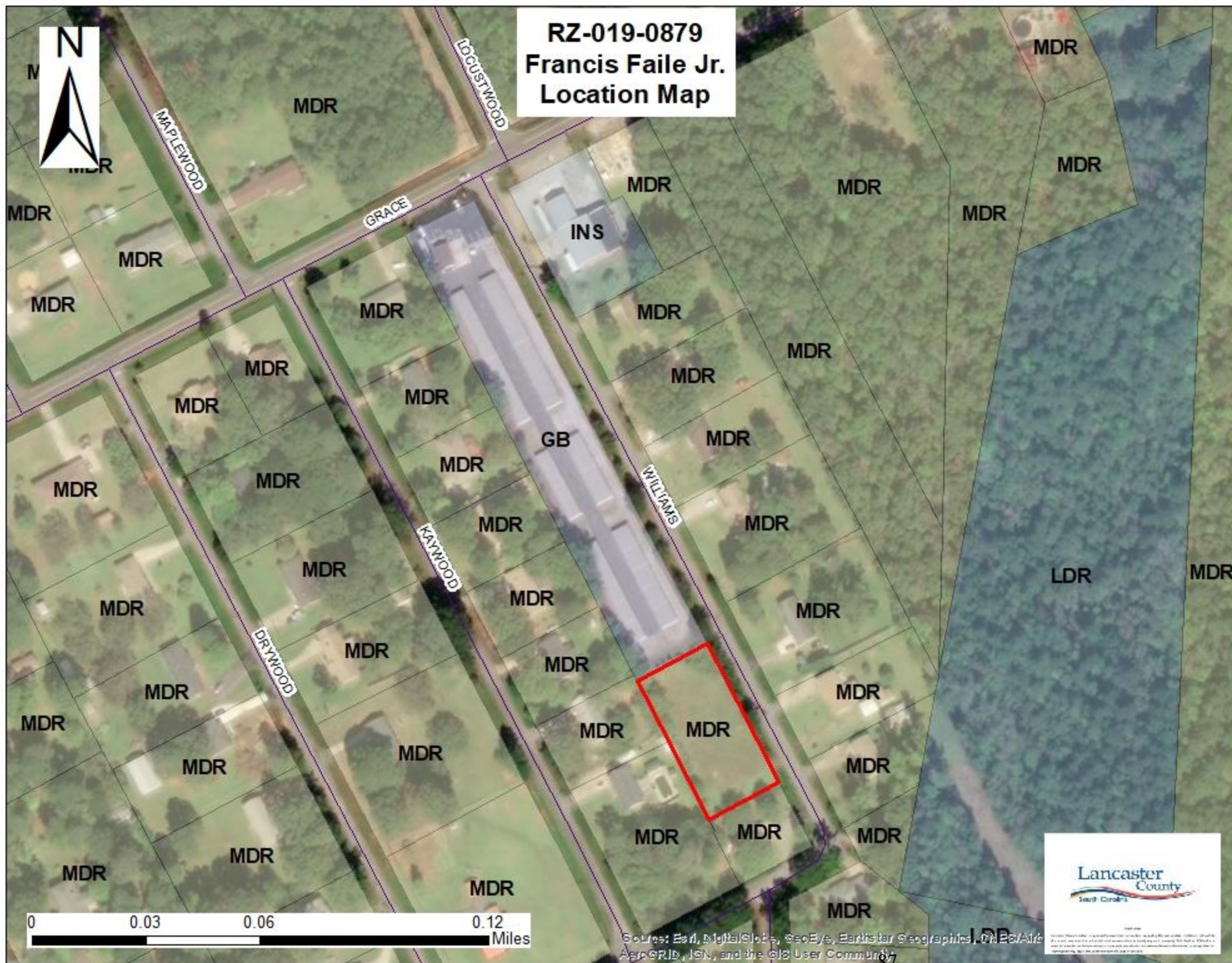
- The deadline for this application is at least 30 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Rezoning Application Fee – single parcel \$325.00
- Rezoning Application Fee – multi parcel \$500.00

2. Planning Commission

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval.
- Subsequent to final County Council action on rezoning, notice of action will be provided to the applicant, owner, and adjacent property owners.
- If applicant would like to request a special presentation, please notify the County Clerk @ (803) 416-9307 before 5:00pm on the first Monday of the month to make arrangements.



Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1643/Planning Case Number: RZ-019-0598

Contact Person / Sponsor: Ashley Davis / Planning

Department: Planning

Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

A request to rezone one parcel from Institutional (INS) to Low Density Residential (LDR) District. The property is located at the intersection of South Potter Road and Old Gregory Lane (TMS# 0069E-0B-004.00) and is approximately 1.668 acres in size.

Points to Consider:

The requested Low Density Residential (LDR) 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.*

The future land use designation of this property is Rural Living, according to the 2024 Comprehensive Plan. The Comp Plan defines this Community Type as including a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded “conservation subdivisions” whose aim is to preserve open space, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations.

The requested Low Density Residential District is consistent with the rural living future land use category.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the rezoning request.

Recommendation:

The Planning Commission voted 6-0 on December 17, 2019 to recommend **approval** of the rezoning request.

Staff recommends **approval** of this rezoning request.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1643	1/6/2020	Ordinance
Planning Staff Report: Modie Walters Sr.	1/3/2020	Planning Staff Report
Exhibit 1: Rezoning Application	1/3/2020	Exhibit
Exhibit 2: Location and Zoning Map	1/3/2020	Exhibit
Exhibit 3: Plat	1/3/2020	Exhibit

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2020-1643

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE 1.668 ACRES, MORE OR LESS, WITH THE INTENTION OF COMBINING THE PARCEL WITH THE ADJACENT 0.823 PARCEL (TMS NO. 0069E-0B-003.00), LOCATED AT THE INTERSECTION OF SOUTH POTTER ROAD AND OLD GREGORY LANE, LANCASTER, SOUTH CAROLINA (TMS# 0069E-0B-004.00) FROM INS, INSTITUTIONAL 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) Modie Walters, Sr., applied to rezone a 1.668 acres, more or less, located near at the Intersection of South Potter Road and Old Gregory Lane, Lancaster South Carolina (TMS # 0069E-0B-004.00) from INS, Institutional District, to LDR, Low Density Residential District.

(b) On December 17, 2019, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a unanimous vote, recommended approval of the rezoning.

(c) The Future Land Use Map identifies this property as Rural Living, based on the *Lancaster County Comprehensive Plan 2014-2024*. Rezoning the property from INS, Institutional District, to LDR, Low Density Residential District, is compatible with the Comprehensive Plan.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from INS, Institutional District, to LDR, Low Density Residential District, for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0069E-0B-004.00 (1.668 acres, more or less)

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 _____, 2020.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: January 13, 2020
Second Reading: January 27, 2020
Public Hearing: January 27, 2020
Third Reading: February 10, 2020

Approved as to form:

John DuBose, County Attorney

Proposal: Request to rezone 1.668 acres with the intention of combining the parcel with the adjacent 0.823 acre parcel currently zoned LDR at TMS# 0069E-0B-003.00.

Property Location: Located at the intersection of South Potter Road and Old Gregory Lane (TMS# 0069E-0B-004.00)

Current Zoning District: INS, Institutional

Proposed Zoning District: LDR, Low Density Residential

Applicant: Modie Walters Sr.

Council District: District 3, Billy Mosteller

Overview

Site Information

Site Description: The property is currently vacant.

Compatibility with Surrounding Area

The current zoning for the surrounding area is Rural Neighborhood (RN) and Low Density Residential (LDR). Existing zoning for the subject property as well as surrounding properties can be seen in *Exhibit 2*. The proposed zoning of LDR is generally consistent with the area. See table below for adjacent property zoning and use comparison.

Summary of Surrounding Zoning and Uses

Surrounding Property	Municipality	Zoning District	Use
North	Lancaster County	Low Density Residential (LDR)	Single Family Residence
South	Lancaster County	Low Density Residential (LDR)	Vacant
East	Lancaster County	Rural Neighborhood (RN)	Single Family Residence
West	Lancaster County	General Business (GB)	Vacant (Wooded)

Recent Rezoning in Surrounding Area			
Case #	Description	Date	Outcome
RZ-019-1046	Pleasant Dale Baptist Church (RN to INS)	12-17-2019	Postponed

Photos of Project Area

Looking at the parcel from South Potter Road



Looking across from the parcel on South Potter Road



Looking south on South Potter Road



Looking north on South Potter Road



Analysis & Findings

The property is currently zoned Institutional (INS) District on the Lancaster County Zoning Map. The zoning district of Institutional (INS) *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.* (UDO section 2.3).

The requested Low Density Residential (LDR) 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.*

COMPREHENSIVE PLAN CONSISTENCY & CONCLUSION

The future land use designation of this property is Rural Living, according to the 2024 Comprehensive Plan. The Comp Plan defines this Community Type as including a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded “ conservation subdivisions” whose aim is to preserve open space, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations.

The requested Low Density Residential District is consistent with the rural living future land use category.

Staff Recommendation

Staff is recommending approval of this request.

Attachments

1. Rezoning Application
2. Location Map/ Zoning Map
3. Property Plat

Staff Contact

Ashley Davis
Planner
adavis@lanastercountysc.net
803-416-9433



Planning Department

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@lanastercountysc.net
www.mylanastersc.org

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- Deed and survey plat or boundary survey
- Fees associated with review

GENERAL INFORMATION

Property Address South Potter Rd
City LANCASTER State S.C. Zip 29720 Tax Parcel ID _____
Current Zoning INS Current Use VACAN
Proposed Zoning LDR Total Acres 1.668
Project Description Rezone from INS - To - LDR

Surrounding Property Description Residential

CONTACT INFORMATION

Applicant Name Modie R Wathen, Jr
Address 267 - Dixie School Rd
City LANCASTER State SC Zip 29720 Phone 803-235-8178
Fax _____ Email _____
Property Owner Name Pleasant Dale Baptist Church
Address 133 - S. Potter Rd
City LANCASTER State S.C. Zip 29720 Phone 803-283-8688
Fax _____ Email _____

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Modie Royce Walters Sr.
Applicant

9-11-19
Date

Modie Royce Walters Sr.
Property Owner(s)

9-11-19
Date

Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number RZ-019-0598 Date Received 9-11-19 Receipt Number 848542

Amount Paid \$325 Check Number 1107 Cash Amount —

Received By KS Planning Commission Meeting Date 11-19-19

SCHEDULE/PROCESS 1. Submit Application

- The deadline for this application is at least 30 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Rezoning Application Fee – single parcel \$325.00
- Rezoning Application Fee – multi parcel \$500.00

2. Planning Commission

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval.
- Subsequent to final County Council action on rezoning, notice of action will be provided to the applicant, owner, and adjacent property owners.
- If applicant would like to request a special presentation, please notify the County Clerk @ (803) 416-9307 before 5:00pm on the first Monday of the month to make arrangements.



RZ-019-0598
Modie Walters Sr.
Location Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus, AeroGRID, IGN, and the GIS User Community

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1644
Contact Person / Sponsor: Steve Willis/Administration
Department: Administration
Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

Granting a power line easement so that Duke Energy can serve the new Animal Shelter.

Points to Consider:

This is a standard easement for necessary power lines to serve the new Animal Shelter.

Funding and Liability Factors:

N/A

Council Options:

Approve or reject the Ordinance.

Recommendation:

Approve the Ordinance. This is a routine easement and has not been before any of the Council Standing Committees.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1644	1/19/2020	Ordinance
Exhibit A to Ordinance 2020-1644 - Easement Form	1/18/2020	Exhibit
Easement Sketch	1/19/2020	Backup Material

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2020 - 1644

AN ORDINANCE

TO APPROVE AN AGREEMENT BETWEEN LANCASTER COUNTY AND DUKE ENERGY CAROLINAS, PROVIDING AN EASEMENT TO DUKE ENERGY CAROLINAS TO BE LOCATED ACROSS COUNTY OWNED PROPERTY AT 2074 PAGELAND HIGHWAY; AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE.

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

Section 1. Findings and determinations.

Council finds and determines that:

- (1) Lancaster County (the “County”) owns the land at 2074 Pageland Highway identified further as Tax Map No. 0069-00-076.00;
- (2) Duke Energy Carolinas (“Duke”) is the provider of electrical service to portions of Lancaster County and Duke proposes to install lines to serve the new Animal Shelter; and
- (3) it is the purpose of this ordinance to approve an agreement providing an easement to so that the Duke may serve the new Animal Shelter.

Section 2. Approval of right-of-ways agreement.

(A) Council authorizes and approves the Agreement granting an easement to Duke as described in Section 1. The form of the Agreement is attached to this ordinance as Exhibit A and all terms, provisions and conditions of the Agreement are incorporated herein by reference as if the Agreement were set out in this ordinance in its entirety. The County Administrator is authorized to execute and deliver the Agreement on behalf of the County. By adoption of this ordinance, Council approves the Agreement and all of its terms, provisions and conditions. The Agreement is to be in substantially the form as attached to this ordinance and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing

the Agreement, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Agreement attached to this ordinance.

(B) Council approves the granting of an easement as described and provided for in the Agreement.

Section 3. Authority to act.

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

Section 4. Severability.

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

Section 5. Conflicting provisions.

To the extent this ordinance contains provisions that conflict with provisions contained 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 is effective upon Third Reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: January 27, 2020
Second Reading: February 10, 2020
Public Hearing: February 24, 2020
Third Reading: February 24, 2020

Approved as to form:

John DuBose, County Attorney

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Exhibit A to Ordinance No. 2020 - 1644

**Form of Easement Agreement
Lancaster County and Duke Energy Corporation
2074 Pageland Highway Easement**

See attached.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

EASEMENT

Return To: Duke Energy Carolinas
Attn: Elliott Wallace
6325 Wilkinson Blvd.
Charlotte, NC 28214

SOUTH CAROLINA
LANCASTER COUNTY

Parcel reference: 0069-00-076.00

THIS EASEMENT ("Easement") is made this _____ day of _____, 2020 ("Effective Date"), from LANCASTER COUNTY ("GRANTOR", whether one or more), to Duke Energy Carolinas, LLC, a North Carolina limited liability company ("DEC"); its successors, licensees, and assigns.

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ONE DOLLAR (\$1.00), the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto DEC, its successors, licensees, and assigns, the perpetual right, privilege, and easement to go in and upon the land of GRANTOR situated in the City of Lancaster, described as follows: Bounded by the land owned by S C Portfolio Property LLC, aka Lancaster Convalescent Center on the West all in Lancaster South Carolina. (the "Property"), LESS AND EXCEPT any prior out-conveyances, and to construct, reconstruct, operate, patrol, maintain, inspect, repair, replace, relocate, add to, modify and remove electric and/or communication facilities thereon including but not limited to, supporting structures such as poles, cables, wires, underground conduits, enclosures/transformers, vaults and manholes and other appurtenant apparatus and equipment (the "Facilities") within an easement area being twenty (20) feet wide, together with an area ten (10) feet wide on all sides of the foundation of any DEC enclosure/transformer, vault or manhole (the "Easement Area"), for the purpose of transmitting and distributing electrical energy and for communication purposes of DEC and Incumbent Local Exchange Carriers. The centerline of the Facilities shall be the center line of the Easement Area.

The right, privilege and easement shall include the following rights granted to DEC: (a) ingress and egress over the Easement Area and over adjoining portions of the Property (using lanes, driveways and paved areas where practical as determined by DEC); (b) to relocate the Facilities and Easement Area on the Property to conform to any future highway or street relocation, widening or improvement; (c) to trim and keep clear from the Easement Area, now or at any time in the future, trees, limbs, undergrowth, structures or other obstructions, and to trim or clear dead, diseased, weak or leaning trees or limbs outside of the Easement Area which, in the opinion of DEC, might interfere with or fall upon the Facilities; and (d) all other rights and privileges reasonably necessary or convenient for DEC's safe, reliable and efficient installation, operation, and maintenance of the Facilities and for the enjoyment and use of the Easement Area for the purposes described herein.

Notwithstanding anything to the contrary above, it is understood and agreed that: (1) the EASEMENT herein granted is for facilities to be installed at any point where needed on the above-referenced land of GRANTOR and/or where needed to serve adjoining lands, portions of which facilities may be installed immediately, and other portions installed in the future as the need develops; and (2) said facilities shall be installed at locations mutually agreeable to the parties hereto.

TO HAVE AND TO HOLD said rights, privilege, and easement unto DEC, its successors licensees, and assigns, forever, and GRANTOR, for itself, its heirs, executors, administrators, successors, and assigns, covenants to and with DEC that GRANTOR is the lawful owner of the Property and the Easement Area in fee and has the right to convey said rights and Easement.

IN WITNESS WHEREOF, this EASEMENT has been executed under seal by GRANTOR and is effective as of the Effective Date herein.

Witnesses:

LANCASTER COUNTY

(Witness #1)

By: _____

(Witness #2)

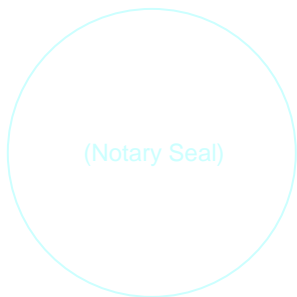
Print: _____

Title: _____

SOUTH CAROLINA, _____ COUNTY

I, _____, a Notary Public of _____ County, South Carolina certify that _____, _____ (Title) of Lancaster County personally appeared before me this day and acknowledged the due execution of the foregoing EASEMENT as Member/Manager on behalf of the limited liability company.

Witness my hand and notarial seal, this _____ day of _____, 2020.



Notary Public

My commission expires: _____

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1645

Contact Person / Sponsor: John DuBose/County Attorney

Department: Attorney

Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

Ordinance 2019-1620 contained an Exhibit that was incorporated by reference that made amendments to the text of Chapter 2.5, Uses Permitted but the face of the Ordinance made incorrect reference to Chapter 2.4, District Development Standards.

Points to Consider:

The present Ordinance merely corrects the scrivener's error in chapter numbering so that the public records are clear.

Funding and Liability Factors:

NA

Council Options:

Approve or Deny to Ordinance

Recommendation:

Approve the Ordinance

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1645	1/21/2020	Ordinance
Corrected Ordinance 2019-1620	1/21/2020	Exhibit

STATE OF SOUTH CAROLINA

)

COUNTY OF LANCASTER

)

ORDINANCE NO. 2020-1645

AN ORDINANCE

TO CORRECT A SCRIVENER'S ERROR CONTAINED IN ORDINANCE 2019-1620, AN ORDINANCE THAT AMENDED ORDINANCE 2016-1442, THE UNIFIED DEVELOPMENT ORDINANCE ("UDO"), TO ALLOW THREE FAMILY (TRIPLEX) DWELLINGS AND FOUR FAMILY (QUADRAPLEX) DWELLINGS AS PERMITTED DWELLING UNIT TYPES

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

Section 1. Findings and determinations.

Council finds and determines that:

- (1) Lancaster County Council approved Ordinance 2019-1620 on December 9, 2019.
- (2) Ordinance 2019-1620 made incorrect reference in the body of the Ordinance to amendment of *Chapter 2.4, District Development Standards* when, in fact, an amendment *Chapter 2.5, Uses Permitted* occurred by incorporation by reference to "Exhibit "1" attached to Ordinance 2019-1620.
- (3) The correct Exhibit was attached to the Ordinance wherein amendments to *Chapter 2.5, Uses Permitted* were set forth but the body of the Ordinance makes reference to *Chapter 2.4, District Development Standards*.
- (4) Lancaster County Council amended *Chapter 2.5, Uses Permitted*, with the passage of Ordinance 2019-1620 and desires to reaffirm the amendment and clarify the public record.
- (5) it is the purpose of this ordinance to correct the scrivener's error.

Section 2. Chapter reference to be amended - corrected designation.

The Council reaffirms its amendment of *Chapter 2.5, Uses Permitted* that occurred by passage of Ordinance 2019-1620. A corrected version of Ordinance 2019-1620 is attached hereto as Exhibit "A" addressing the scrivener's error by correcting references to *Chapter 2.4, District Development Standards* with reference to *Chapter 2.5, Uses Permitted*

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. Controlling provisions.

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

Section 5. Effective date.

This ordinance is effective upon third reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: January 27, 2020
Second Reading: February 10, 2020
Third Reading: February 24, 2020

Approved as to form:

John DuBose, County Attorney

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2019- 1620

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND ORDINANCE 2016-1442, THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”), CHAPTER 2.5, USES PERMITTED; CHAPTER 4, AVIATION OVERLAY; CHAPTER 5, USE REGULATIONS; CHAPTER 7.2.4, PARKING; AND CHAPTER 10, DEFINITIONS, TO ALLOW THREE FAMILY (TRIPLEX) DWELLINGS AND FOUR FAMILY (QUADRAPLEX) DWELLINGS AS PERMITTED DWELLING UNIT TYPES.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) The UDO currently permits two-family dwellings, townhomes and multi-family, in addition to single-family dwellings.
- (b) Permitting three-family (triplex) and four-family (quadraplex) dwellings will provide another housing option in Lancaster County.
- (c) There appears to be a need and a desire for three-family and four-family uses in rural areas within the County and on smaller lots and multi-family uses are common throughout the county.
- (d) The proposed text amendments accommodate three-family (triplex) and four-family (quadraplex) dwelling unit types while providing consideration and protection to adjacent low-density residential properties.

Section 2. Amendment of Ordinance 2016-1442

Ordinance 2016-1442 (Unified Development Ordinance) Chapter 2.5, Uses Permitted; Chapter 4, Aviation Overlay; Chapter 5, Use Regulations; Chapter 7.2.4, Parking; Chapter 10, Definitions are amended as reflected on **Exhibit 1** attached to this Ordinance and incorporated herein by reference. The amendments are generally described as follows:

Chapter 2.5, Uses Permitted: Amend table by permitting three-family and four-family uses within the Professional Business (PB) District.

Chapter 4.2.1, McWhirter Field Aviation Overlay District: Amend to add three-family and four-family.

Chapter 5.2, Use Regulations: Amend chapter to add three-family and four-family to Residential Uses section.

Chapter 7.2.4, Parking: Amend to add three-family and four-family.

Chapter 10, Definitions: Add applicable definitions.

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 _____, 2019.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: November 12, 2019
Second Reading: November 25, 2019
Public Hearing: November 25, 2019
Third Reading: December 9, 2019

Approved as to form:

John DuBose, County Attorney

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1647
Contact Person / Sponsor: Steve Willis/Administration
Department: Administration
Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

Granting a power line easement so that Comporium Communications can install a new line to the radio tower.

Points to Consider:

This is a standard easement for a new communications line necessary to serve the radio tower.

Funding and Liability Factors:

N/A

Council Options:

Approve or reject the Ordinance.

Recommendation:

Approve the Ordinance. This is a routine easement and has not been before any of the Council Standing Committees.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1647	1/23/2020	Ordinance
Exhibit A to Ordinance 2020-1647 - Easement Form	1/21/2020	Exhibit

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2020 - 1647

AN ORDINANCE

TO APPROVE AN AGREEMENT BETWEEN LANCASTER COUNTY AND COMPORIUM COMMUNICATIONS, PROVIDING AN EASEMENT TO COMPORIUM COMMUNICATIONS TO BE LOCATED ACROSS COUNTY OWNED PROPERTY AT 2057 PAGELAND HIGHWAY; AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE.

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

Section 1. Findings and determinations.

Council finds and determines that:

(1) Lancaster County (the “County”) owns the land at 2057 Pageland Highway identified further as Tax Map No. 0069-00-076.00;

(2) Comporium Communications (“Comporium”) is the provider of telephone and data service to portions of Lancaster County and Comporium proposes to install lines to serve the radio tower adjacent to the Public Safety Communications office; and

(3) it is the purpose of this ordinance to approve an agreement providing an easement to so that the Comporium may serve the radio tower with a new line.

Section 2. Approval of right-of-ways agreement.

(A) Council authorizes and approves the Agreement granting an easement to Comporium as described in Section 1. The form of the Agreement is attached to this ordinance as Exhibit A and all terms, provisions and conditions of the Agreement are incorporated herein by reference as if the Agreement were set out in this ordinance in its entirety. The County Administrator is authorized to execute and deliver the Agreement on behalf of the County. By adoption of this ordinance, Council approves the Agreement and all of its terms, provisions and conditions. The Agreement is to be in substantially the form as attached to this ordinance and hereby approved,

or with such minor changes therein as shall be approved by the officials of the County executing the Agreement, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Agreement attached to this ordinance.

(B) Council approves the granting of an easement as described and provided for in the Agreement.

Section 3. Authority to act.

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

Section 4. Severability.

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

Section 5. Conflicting provisions.

To the extent this ordinance contains provisions that conflict with provisions contained 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 is effective upon Third Reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: January 27, 2020
Second Reading: February 10, 2020
Public Hearing: February 24, 2020
Third Reading: February 24, 2020

Approved as to form:

John DuBose, County Attorney

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Exhibit A to Ordinance No. 2020 - 1647

**Form of Easement Agreement
Lancaster County and Comporium Communications
2057 Pageland Highway Easement**

See attached.

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E-7
(02/17)

GENERAL EASEMENT

STATE SOUTH)
CAROLINA)
COUNTY OF Lancaster)

\$ 1.00

Project/Job Order # 20-20-0805

Received of COMPORIUM COMMUNICATIONS

One and 00/100 Dollars, in consideration of which the undersigned hereby grants unto said Company, its respective successors, assigns, lessees, and agents, a right-of-way and easement to construct, reconstruct, and maintain lines for communications purposes consisting of such wires and cables mounted on poles, placed in conduit, and/or buried, and such poles, guys, anchors, conduits, terminal housings, and other fixtures and appurtenances as the grantee may from time to time require upon, across, over, and/or under the property which they own or in which they have any interest in the Township of Lancaster County of Lancaster, State of South Carolina, said right-of-way and easement to be located as follows: Permission to place communications equipment and facilities onto the property of 2057 Pageland Hwy Lancaster SC, 29720 See "Exhibit A" attachment for more detailed information.

and upon, along, and/or under the roads, streets, or highways adjoining or through said property, together with the following rights: to clear and keep clear all trees, under-growth, or other obstructions within said right of way; to trim any trees along said lines so as to keep the wires and cables cleared at least thirty-six inches; to permit the attachment of, and/or carry in conduit, wires and cables of any other person or company for communication purposes or for the transmission and distribution of electric power; and, on the property adjacent to said line for any and all anchors and guy wires that may be reasonably necessary; and of ingress and egress to said line at all times for the purposes herein granted. The grantor for his, her heirs, executors, administrators, successors, and assigns hereby covenants that no wire line will be erected or permitted on said property which in the judgment of the grantee, its successors, and assigns, will interfere with its service or endanger its lines. Reserving however, to the grantor the right to cultivate and use the ground within the limits of said right of way, provided that such use does not interfere with or obstruct the rights herein granted, and provided further, that the grantor shall not build, create, or construct, nor permit others to build, create or construct, any building or other structure or obstruction on, over, or under said line or lines which may interfere with the construction, operation, or maintenance thereof. Said sum being received in full payment for the rights herein granted.

The undersigned warrants that it is the sole, fee simple owner of the Property, that it has the unqualified right and power regarding the Property to grant the easement and right-of-way set forth herein and that it will defend and indemnify the grantee against any and all persons who may claim otherwise.

WITNESS his/her hand and seal as of the _____ day of _____, 2020.

(Post Office Address of first Grantor)

Witness:

(1st Witness Signature)

By: (sign) _____
(Grantor)

(2nd Witness Signature)

(print name) _____
(Grantor)

STATE OF SOUTH)
CAROLINA)
COUNTY OF YORK)

PROBATE

Personally appeared before me _____ and made
(1st Witness Name)
oath that he saw the within named _____
(Grantor)
sign, seal, and as their act and deed deliver the within written instrument; and that together he/she
with the other witness who signed above witnessed the execution thereof.

SWORN to before me this _____
day of _____ A.D. 20 _____
(1st Witness Signature)

(SEAL)
Notary Public (affix seal)
My commission expires: _____

STATE OF SOUTH)
CAROLINA)
COUNTY OF YORK)
PROBATE

TELEPHONE COMPANY REFERENCE DATA

Serial No. _____ File No. _____

Name and Address of Grantor(s) _____

Location _____

Line _____ from _____ to _____

Exhibit A

Legend:

= 10'



Agenda Item Summary

Ordinance # / Resolution #: Resolution 1080-R2020
Contact Person / Sponsor: John DuBose/County Attorney
Department: Administration
Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

Lancaster County Council has been asked to adopt a Resolution approving the addition of property located in Chesterfield County to the Second Master Multi-County Park Agreement. The request comes from the Chesterfield County Attorney (Heath Ruffner) on behalf of Chesterfield County. Chesterfield County approved the addition of the property by passage of Ordinance No. 19-20-04 on December 4, 2019. Chesterfield County's action approved the addition of several parcels owned or leased by Centerfield Cooper Solar, LLC.

Points to Consider:

The Second Master MCP Agreement contains property located in Chesterfield County associated with solar projects. No property located in Lancaster County is included in the Second Master MCP Agreement. The Second Master MCP Agreement provides that property may be added to the agreement by the passage of an ordinance by the host county (Chesterfield County) and a resolution of the non-host county (Lancaster County).

Funding and Liability Factors:

N/A

Council Options:

Approve or disapprove the Resolution.

Recommendation:

Approve the Resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1080-R2020	1/31/2020	Resolution

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER) **RESOLUTION NO. 1080-R2020**

A RESOLUTION

TO AMEND THE SECOND MASTER MULTI-COUNTY PARK AGREEMENT BETWEEN CHESTERFIELD COUNTY AND LANCASTER COUNTY, DATED AS OF OCTOBER 1, 2018, SO AS TO ADD TO THE AGREEMENT PROPERTY LOCATED IN CHESTERFIELD COUNTY OWNED AND/OR OPERATED BY CENTERFIELD COOPER SOLAR, LLC.

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

Section 1. Findings and determinations; Purpose.

(a) The Council finds and determines that:

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

(2) Chesterfield County, South Carolina (“Chesterfield County”) and Lancaster County are contiguous counties which, pursuant to Ordinance No. 18-19-04, enacted by Chesterfield County Council on July 11, 2018, and Ordinance No. 2018-1531 enacted by Lancaster County Council on September 24, 2018, established a Multi-County Park pursuant to the Second Master Multi-County Park Agreement dated as of October 1, 2018 (the “Park Agreement”);

(3) The Park Agreement provides that property may be added to the Multi-County Park by ordinance of the County in which the subject property is located and by resolution of the non-host County.

(b) It is the purpose of this resolution to approve the addition of the following property located in Chesterfield County to the Park Agreement (approved for addition to the Park Agreement by Chesterfield County Council by passage of Ordinance No. 19-20-09 on December 4, 2019): Property of Centerfield Cooper Solar, LLC, and identified as Chesterfield County Tax Map Parcel Numbers 153 000 000 020, 153 000 000 075, 152 000 000 062, 152 000 000 072, 153 000 000 024, 153 000 000 027, 172 000 000 006, 152 000 000 166, 172 000 000 051, 172 000 000 007, 172 000 000 188, 152 000 000 060, 153 000 000 023, 172 000 000 024, 152 000 000 068, 172 000 000 005, 172 000 000 014, 172 000 000 148, 172 000 000 260, 172 000 000 154, and 172 000 000 052.

Section 2. Approval of amendment.

Council approves the amendment of Exhibit B (Chesterfield County) of the Second Master Multi-County Park Agreement dated as of October 1, 2018, to include the addition of the following property:

EXHIBIT B (Chesterfield County)
Chesterfield County Property

/2955 Highway 145 South

Tax Map Nos.

Owner/Lessee

153 000 000 020, 153 000 000 075, 152 000 000 062,
152 000 000 072, 153 000 000 024, 153 000 000 027,
172 000 000 006, 152 000 000 166, 172 000 000 051,
172 000 000 007, 172 000 000 188, 152 000 000 060,
153 000 000 023, 172 000 000 024, 152 000 000 068,
172 000 000 005, 172 000 000 014, 172 000 000 148,
172 000 000 260, 172 000 000 154, 172 000 000 052/

Centerfield Cooper Solar, LLC

Section 3. **Preparation of amended Park Agreement.**

Upon passage of this resolution, and an ordinance of Chesterfield County (Ordinance No. 19-20-09 on December 4, 2019), approving the addition of the property identified in this resolution, the County Administrator of Chesterfield County, in coordination with the County Administrator of Lancaster County, shall cause to be prepared a Second Master Multi-County Park Agreement with Exhibit B (Chesterfield County) revised as set forth in Section 2 of this resolution. A copy of the Second Master Multi-County Park Agreement with a revised Exhibit B (Chesterfield County) shall be provided to the Administrator, Clerk to Council, Assessor, Auditor and Treasurer of Chesterfield County and Lancaster County.

Section 4. **Conflicting provisions.**

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

Section 5. **Severability.**

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

Section 6. **Effective Date.**

This resolution is effective as of February 10, 2020.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO RESOLVED

Dated this _____ day of _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

Approved as to form:

John DuBose, County Attorney

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Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1638/ Planning Case Number: RZ-019-0916

Contact Person / Sponsor: Ashley Davis / Planning

Department: Planning

Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

A request to rezone one parcel from Medium Density Residential (MDR) to General Business (GB) District. The property is located on Highway 521, south of the Retreat at Rayfield (TM # 0013-00-107.00) and is approximately 7-acres in size.

Points to Consider:

The requested General Business (GB) 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.*

The future land use designation of this property is the Place Type known as Neighborhood Mixed-Use, which, according to the 2024 Comprehensive Plan is synonymous to the Community Type “Walkable Neighborhood”. The Comp. Plan states that this Community Type has *very specific characteristics that set it apart from most other Place Types by virtue of its deliberately structured mix of dwelling types in a development context that often operates through the separation of uses, densities and/or land value. This Place Type and Community Type have their roots in the traditional character of American communities during the early part of the 20th century, and has been revived in recent decades as a relevant option for future development.*

The requested General Business District is consistent with the Neighborhood Mixed-Uses future land use category.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the rezoning request.

Recommendation:

The Planning Commission voted 3-2 on December 17, 2019 to recommend **Denial** of the rezoning request.

Staff recommended the current 7-acre parcel be subdivided and the front portion of the parcel fronting US 521 (roughly 2.5 acres) be rezoned to General Business while the back portion (4.5 acres) closest to the residential homes be rezoned to Neighborhood Business or Professional Business. The intent is to reduce the opportunity for inappropriate uses to locate closest to the homes. The applicant has indicated to staff that they are open to this option (for Neighborhood Business in the rear).

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1638	2/5/2020	Ordinance
Exhibit 1 for Ordinance 2020-1638 - Proposed Subdivision of Real Property	2/5/2020	Exhibit
Planning Staff Report: Wendell Elliott	1/3/2020	Planning Staff Report

Exhibit 1: Rezoning Application	1/3/2020	Exhibit
Exhibit 2: Location and Zoning Map	1/3/2020	Exhibit
Exhibit 3: Concept Plan	1/3/2020	Exhibit
Public Hearing Notice for Ordinance 2020-1638 (Planning Department Case Number: RZ-019-0916)	1/31/2020	Public Hearing Notices

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2020-1638

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE ONE PARCEL, 7.00 ACRES, MORE OR LESS, PROPERTY OWNED BY SHRINER’S HOSPITAL FOR CHILDREN AND LOCATED AT HIGHWAY 521, SOUTH OF THE RETREAT AT RAYFIELD, FORT MILL, SOUTH CAROLINA (TMS# 0013-00-107.00) FROM MDR, MEDIUM DENSITY RESIDENTIAL DISTRICT, TO GB, GENERAL BUSINESS DISTRICT AND 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) Wendell Elliott applied to rezone a 7.00-acre parcel of property, owned by Shriner’s Hospital for Children, located at Highway 521, South of the Retreat at Rayfield, Fort Mill, South Carolina (TMS # 0013-00-107.00) from MDR, Medium Density Residential District, to GB, General Business District.

(b) On December 17, 2019, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (3-2), recommended denial of the rezoning.

(c) On January 13, 2020, Applicant requested that the rezoning request be amended to rezone the front portion of the real property to GB, General Business District, and to rezone a rearward portion of the property to NB, Neighborhood Business District, a less intense zoning class designation, with a subdivision plat to reflect subdivision of the real property prior to a third reading of the Ordinance.

(d) The Future Land Use Map identifies this property as Neighborhood Mixed-Use based on the *Lancaster County Comprehensive Plan 2014-2024*. Rezoning the property from MDR, Medium Density Residential District, to GB, General Business District, and NB, Neighborhood Business District, is compatible with the Comprehensive Plan.

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 a portion of the property and NB, Neighborhood Business District, for a rearward portion of the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0013-00-107.00 (7.00 acres, more or less)

See Exhibit “1” attached hereto reflecting the proposed subdivision of the real property pending administrative review and approval by Lancaster County.

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 _____, 2020.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: January 13, 2020
Second Reading: January 27, 2020
Public Hearing: January 27, 2020
Third Reading: February 10, 2020
2nd Public Hearing: February 10, 2020

Approved as to form:

John DuBose, County Attorney

Proposal: Request to rezone one parcel 7 acres in size. The purpose of this request is to commercially develop the property.

Property Location: Highway 521, south of the Retreat at Rayfield (TM # 0013-00-107.00)

Current Zoning District: Medium Density Residential (MDR), Highway Corridor Overlay District

Proposed Zoning District: General Business (GB), Highway Corridor Overlay District

Applicant: Wendell Elliott

Council District: District 1, Terry Graham

Overview

Site Information

Site Description: This parcel currently has a dilapidated house and a mobile home on the property.

Compatibility with Surrounding Area

The current zoning for the surrounding area is Medium Density Residential (MDR), Neighborhood Business (NB), and Low Density Residential (LDR). Existing zoning for the subject property as well as surrounding properties can be seen in *Attachment 3*. The proposed zoning of GB is generally consistent with the larger surrounding area as many properties with direct road frontage along Highway 521 are zoned for commercial use. Within a half mile from the proposed site to the south are properties such as The Promenade and Carolina Commons. A half mile north of the site are Food Lion, the recently approved Sam's Car Wash, and the Widewaters Regional Business development on the corner of 521 and Shelly Mullis. See table below for adjacent property zoning and use comparison.

Summary of Surrounding Zoning and Uses

Surrounding Property	Municipality	Zoning District	Use
North	Lancaster County	Medium Density Residential (MDR)	Vacant
South	Lancaster County	Medium Density Residential (MDR) & Neighborhood Business (NB)	Single-Family Residential (The Retreat at Rayfield)
East	Lancaster County	Low Density Residential (LDR)	Single-Family Residential
West	Lancaster County	Medium Density Residential (MDR)	Single-Family Residential (The Retreat at Rayfield)

Recent Rezoning in Surrounding Area			
Case #	Description	Date	Outcome
RZ-018-042	Request to rezone from GB to RB	10-16-18	Approved by CC

Photos of Project Area

LOOKING DIRECTLY AT PROPERTY — FROM HIGHWAY 521



LOOKING DIRECTLY ACROSS PROPERTY — AT HIGHWAY 521



LOOKING NORTH ALONG HIGHWAY 521



LOOKING SOUTH ALONG HIGHWAY 521



Analysis & Findings

The property is currently zoned Medium Density Residential (MDR) District on the Lancaster County Zoning Map. The Medium Density Residential (MDR) 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.* (UDO section 2.3).

The requested General Business (GB) 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.*

COMPREHENSIVE PLAN CONSISTENCY & CONCLUSION

The future land use designation of this property is the Place Type known as Neighborhood Mixed-Use, which, according to the 2024 Comprehensive Plan is synonymous to the Community Type “Walkable Neighborhood”. The Comp Plan states that this Community Type has *very specific characteristics that set it apart from most other Place Types by virtue of its deliberately structured mix of dwelling types in a development context that often operates through the separation of uses, densities and/or land value. This Place Type and Community Type have their roots in the traditional character of American communities during the early part of the 20th century, and has been revived in recent decades as a relevant option for future development.*

The requested General Business District is consistent with the Neighborhood Mixed-Uses future land use category.

Staff Recommendation

The parcel’s frontage along US 521 and location near two larger residential communities will provide convenient access to everyday goods and services for the nearby residents. In light of the unique parcel configuration relative to the surrounding neighborhoods, planning staff recommends the current 7-acre parcel be subdivided and the front portion of the parcel fronting US 521 (roughly 2.5 acres) be rezoned to General Business while the back portion (4.5 acres) closest to the residential homes be rezoned to Neighborhood Business or Planned Business. The intent is to reduce the opportunity for inappropriate uses to locate closest to the homes. The applicant has indicated to staff that they are open to this option (for Neighborhood Business).

Attachments

1. Rezoning Application
2. Location Map/ Zoning Map
3. Concept Plan (non-binding)

Staff Contact

Ashley Davis

Planner

adavis@lanastercountysc.net



Planning Department

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721

Phone: 803.285.6005, planning@lanastercountysc.netwww.mylanastercsc.org

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- Deed and survey plat or boundary survey
- Fees associated with review

GENERAL INFORMATION

Property Address 8513 CHARLOTTE HIGHWAY (ADDRESS MAY BE INCORRECT)City FORT MILL State SC Zip 29707 Tax Parcel ID 0013-00-107.00Current Zoning MDR Current Use VACANTProposed Zoning G13 Total Acres 7¹/₂Project Description RETAIL SALE OF GOLF CARTSSurrounding Property Description VACANT RESIDENTIAL

CONTACT INFORMATION

Applicant Name WENDELL D. ELLIOTTAddress P.O. Box 2167City LANCASTER State SC Zip 29721 Phone 803-320-1531Fax 803-366-1017 Email KINGOFCARTS@GMAIL.COMProperty Owner Name SHRINERS HOSPITALS FOR CHILDRENAddress PO Box 31356City TAMPA State FL Zip 33631 Phone _____

Fax _____ Email _____

JCE

RLM

SLR

P2 of 6

EXHIBIT A-2

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Applicant Wendell D. Elliott
[Signature]

Date 10-4-19

Property Owner(s) _____ Date _____
 Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number RZ-019-0916 Date Received 10-10-19 Receipt Number 848583
 Amount Paid \$325.00 Check Number — Cash Amount \$325.00
 Received By JB Planning Commission Meeting Date 12-17-19

SCHEDULE/PROCESS 1. Submit Application

- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Rezoning Application Fee — single parcel \$325.00
- Rezoning Application Fee — multi parcel \$500.00

2. Planning Commission

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval.
- Subsequent to final County Council action on rezoning, notice of action will be provided to the applicant, owner, and adjacent property owners.
- If applicant would like to request a special presentation, please notify the County Clerk @ (803) 416-9307 before 5:00pm on the first Monday of the month to make arrangements.

July, 2019

[Signature]
 JCC

RLM

SLR

page 3 of 6

EXHIBIT A-2

REZONING AUTHORIZATION

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

RE: Rezoning Application for Property, 6.66 Acres, Lancaster Hwy, Fort Mill, SC,
Lancaster County tax parcel 0013-00-107.00

Dear Zoning Director:

(Corporate Owner)

On behalf of Shriners Hospitals for Children, a not for profit Colorado Corporation, owner of property located on Charlotte Hwy, Fort Mill, SC, Tax Parcel 0013-00-107.00 (as more completely described in the attached deed and survey), I hereby grant permission to Wendell D. Elliott to file for rezoning of the property from MDR to GB. I understand that the applicant is seeking the rezoning in order to facilitate the development of a retail facility on the property. As the authorized representative of the property owner, I hereby authorize Wendell D. Elliott to take all actions needed for the rezoning.


In witness whereof, the undersigned has executed this Rezoning Authorization this 8 day of October, 2019.

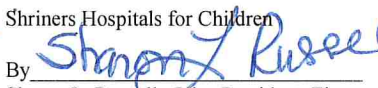

Witness


Witness

THE STATE OF Florida)
COUNTY OF Hillsborough)

Shriners Hospitals for Children


By 
Rachel L. Mehlenbacher
Director Accounting & Investments

Shriners Hospitals for Children
By 
Sharon L. Russell - Vice President, Finance

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 8 day of October, 2019, by Rachel L. Mehlenbacher, Director, Accounting & Investments and Sharon L. Russell, Vice President, Finance as authorized representatives for Shriners Hospital for Children.

SWORN to before me this 8 day of October, 2019

 (L.S.)
Notary Public for Florida
Commission Expires: Sept 12, 2021



MICHELLE GOODMAN
Commission # GG 122444
Expires September 12, 2021
Bonded Thru Budget Notary Services

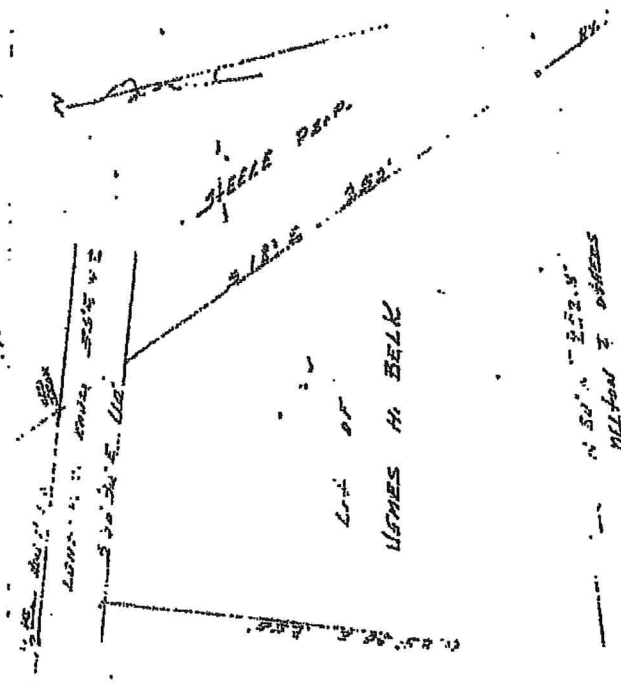

JCE

P106

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Rev. March 4, 1969. Weaver - E. McLaughlin,
Clark County.



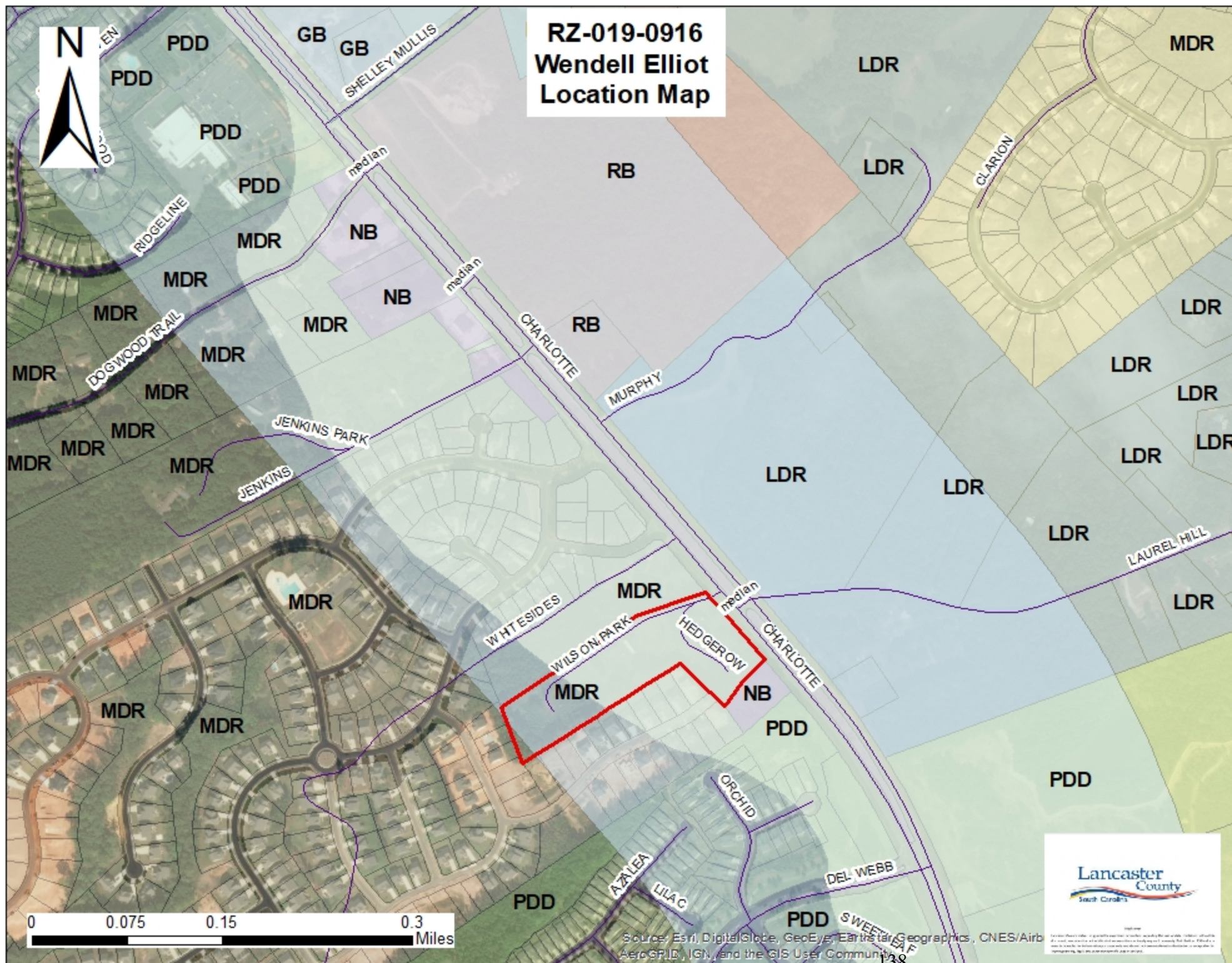
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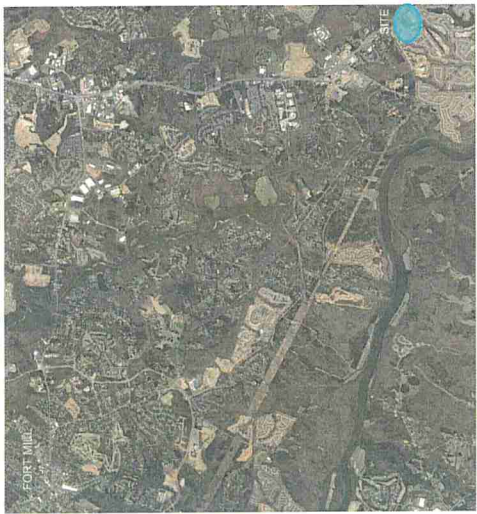
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RLM/

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P. 704 b





DEVELOPMENT TABULATIONS

Site Area:	7.0 +/- Ac.
Proposed Dev:	22,000 sf +/-
Proposed Parking:	76 spaces (3.4 x sp/1,000 sf)
Retail / Office:	10,000 sf +/-
Office:	12,000 sf +/-



The Lancaster News

701 North White Street
PO Box 640
Lancaster, SC 29721
803-283-1133

PUBLIC HEARING NOTICE (CORRECTION)

The Lancaster County Council will conduct a public hearing on Monday, February 10, 2020 at 6:00 PM, Room 224 of the Lancaster County Administrative Building, located at 101 N. Main Street, Lancaster County, SC, for the purpose of obtaining oral and written comments from the public concerning the following:

1. RZ-019-0916: Application by Wendell Elliott to rezone TM # 0013-00-107.00 from Medium Density Residential (MDR) to General Business (GB) and Neighborhood Business (NB) as a subdivided property. The property is 7 acres in size and is located adjacent to the Retreat at Rayfield on Charlotte Highway.

Copies of the documents to be considered are available for public inspection in the office of the Lancaster County Planning Department, which is located at 101 North Main Street, Room 108 Lancaster, South Carolina. Persons requiring special arrangements due to handicap please call (803) 285-6005 at least 24 hours in advance.

This is to certify that the attached Legal Notice was published in The Lancaster News in the issue of January 26, 2020

Benita G. Gault

Notary Public of South Carolina

My Commission Expires
January 13, 2021

CAROLINA GATEWAY

701 North White Street
PO Box 640
Lancaster, SC 29721
803-283-1133

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This is to certify that the attached Legal Notice was published in CAROLINA GATEWAY in the issue of *January 29, 2020*

Bernita G. Coulter

Notary Public of South Carolina

My Commission Expires
January 13, 2021

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1646

Contact Person / Sponsor: Steve Willis/Administration and Paul Moses/Airport Manager

Department: Administration

Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

This ordinance creates the Airport Advisory Committee. The Ordinance has now been updated to reflect correct numbering and that members can serve more than 2 terms upon a 2/3 vote of County Council.

Points to Consider:

This ordinance will eliminate the current Airport Commission code sections and insert a new section in Chapter Two creating the Airport Advisory Committee.

This eliminates the current Chapter Three of the County Code

Funding and Liability Factors:

N/A

Council Options:

Approve, disapprove or amend the Ordinance.

Recommendation:

At their December 10, 2019 meeting, the Infrastructure and Regulation Committee recommended that the Ordinance be sent forward to full Council with a favorable recommendation.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1646	1/31/2020	Ordinance
LKR Regulations and Minimum Standards	12/2/2019	Backup Material

STATE OF SOUTH CAROLINA)

ORDINANCE NO.: 2020-1646

COUNTY OF LANCASTER)

~~Indicates Matter Stricken~~

Indicates New Matter

AN ORDINANCE

TO AMEND CHAPTER THREE OF THE LANCASTER COUNTY CODE RELATED TO AIRPORTS AND AVIATION AND TO ADOPT DIVISION EIGHT OF ARTICLE ELEVEN OF CHAPTER TWO OF THE LANCASTER COUNTY CODE RELATED TO THE AIRPORT ADVISORY COMMITTEE; AND TO PROVIDE FOR MATTERS RELATED THERETO.

WHEREAS, it has been determined and it is recommended to the full County Council that the Lancaster County Airport should become a department of county government; and

WHEREAS, County Council desires to replace the Airport Commission with an Airport Advisory Committee;

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

Section 1. Chapter Three of the Lancaster County Code is amended as follows;

~~Chapter 3—AIRPORTS AND AVIATION~~

~~ARTICLE I.—IN GENERAL~~

~~Secs. 3-1—3-20. Reserved.~~

Ordinance 2020-1646
Page 1 of 7

ARTICLE II. -- AIRPORT COMMISSION

Sec. 3-21. -- Purpose.

The purpose of the Lancaster County Airport Commission shall be to administer the handling of all matters affecting airports and to establish rules, policies, plans and procedures for the Lancaster County Airport.

(Ord. No. 237, 7-25-94)

Sec. 3-22. -- Composition and meetings.

~~(a) The commission shall be composed of seven (7) members appointed by the county council. Each council member shall recommend one (1) member to represent the council member's district; however, residency in the council member's district is not required.~~

~~(b) (1) The term of office for airport commission members is four (4) years. All terms end on June 30. A person who has served two (2) consecutive terms on the airport commission is ineligible for appointment for an additional term unless a period of at least two (2) years has elapsed since the expiration of the person's last term; provided, however, upon a two-thirds (2/3) vote of the county council members, a person may be reappointed to the commission notwithstanding the term limitation. Time served in filling a vacancy is not included in the term limitation. Members serve until their successors are appointed and qualified. Vacancies must be filled for the unexpired term in the same manner as the original appointment.~~

~~(2) A member of the commission who misses three (3) consecutive meetings of the commission during any fiscal year or a total of five meetings in any fiscal year vacates the office to which the member is appointed. The vacancy in the office exists as of the end of the meeting missed by the member that triggers the vacancy and the vacancy shall be filled in the same manner as other vacancies. When a vacancy occurs pursuant to this item, the commission chair or the chief administrative officer of the commission shall notify the clerk to council in writing as soon as possible.~~

~~(3) Members of the airport commission serve at the pleasure of county council.~~

~~(c) The commission shall meet quarterly and at other times at the call of the chair. Each year, the commission shall elect a chair, vice chair and secretary.~~

~~(d) All members serve without compensation, but may be reimbursed for actual expenses and mileage pursuant to county policy after approval by the commission chair and the county administrator.~~

~~(e) Within one (1) year of the member's appointment and at such other times as may be required by county council, the member shall attend a training session provided by the county on the topics of fiduciary duties, county fiscal and personnel policies, and other responsibilities and duties of a commission member.~~

(Ord. No. 237, 7-25-94; Ord. No. 998, § 2.A, 4-26-10; Ord. No. 1258, § 1, 3-10-2014)

Sec. 3-23. -- Duties.

The commission shall:

~~(1) Prepare annual expense and revenue budgets for the operation of the Lancaster County Airport and the functions of the commission.~~

- ~~(2) Recommend methods of management and operation of the county airport.~~
- ~~(3) Appoint an operator for the county airport, subject to approval by the county council.~~
- ~~(4) Develop plans for the maintenance and future uses of the county airport.~~
- ~~(5) Accept for and in behalf of the county, by deed, gift, or otherwise from the federal government or any of its agencies, any and all property of every kind or description, the ownership of which by the commission may tend to promote and advance aeronautics in the county, provided that any property be titled to Lancaster County.~~

~~(Ord. No. 237, 7-25-94)~~

~~Sec. 3-24. Financial controls; audit.~~

- ~~(a) Annually, at the time designated by the county council, the commission shall submit to the county council an operating budget for the ensuing fiscal year adequate to fund the operation and programs of the commission.~~
- ~~(b) The expenditure of any funds by the commission is subject to the purchasing rules and financial procedures of the county as adopted by the county council. The commission shall designate a person on the commission as liaison with the offices of the county administrator and county finance director to ensure compliance with these rules and procedures.~~
- ~~(c) The county shall include the commission in the annual independent audit of the financial records of the county.~~
- ~~(d) The commission is subject to the county's personnel policies including wage and salary guidelines.~~

~~(Ord. No. 237, 7-25-94; Ord. No. 998, § 2.B, 4-26-10)~~

~~Sec. 3-25. Records and reports.~~

- ~~(a) The commission shall maintain records of its meetings and shall forward copies of the minutes of each meeting to the county council within thirty (30) days of each meeting. The minutes shall reflect the date of the meeting, the members present and the business considered and decided. The secretary of the commission will transcribe the minutes of each meeting and forward them to the office of the county administrator for typing and distribution.~~
- ~~(b) The commission shall report annually to the council or, upon request, concerning its activities. Council shall designate the time for the annual report.~~

~~(Ord. No. 237, 7-25-94)~~

~~Sec. 3-26. Freedom of information.~~

~~The Lancaster County Airport Commission is a public body within the meaning of Section 30-4-10 et seq. of the Code of Laws of South Carolina of 1976, as amended, also known as the Freedom of Information Act and, as such, is required to give public notice of its meetings and agendas and attempt to notify the press thereof as required by the Act.~~

~~(Ord. No. 237, 7-25-94)~~

~~Sec. 3-27. — Legal counsel.~~

~~In the event the commission requires the advice of legal counsel, the commission shall first contact the county attorney. If for any reason the county attorney is unable to represent the commission, the county attorney shall so advise the commission and the council. The council, upon recommendation of the commission, may provide substitute counsel if deemed necessary by council.~~

~~(Ord. No. 237, 7-25-94)~~

~~Sec. 3-28. — Inventory.~~

~~The commission shall keep an inventory of all equipment, furnishings, and facilities owned, operated, leased or used by the commission. The inventory shall clearly identify each item. The commission shall clearly mark for identification all county-owned equipment. The commission shall furnish a copy of the inventory to county council.~~

~~(Ord. No. 237, 7-25-94)~~

~~Secs. 3-29 — 3-40. — Reserved.~~

~~ARTICLE III. — RESERVED~~

~~Secs. 3-41 — 3-54. — Reserved.~~

Chapter 3 - AIRPORTS AND AVIATION

ARTICLE I. - IN GENERAL

Sec. 3-1. — Regulations and Minimum Standards Adopted.

The Regulations and Minimum Standards for the Lancaster County Airport McWhirter Field (LKR) dated February 27, 2005 shall constitute and become an ordinance of the county, and are hereby adopted as fully as though set out at length herein.

Section 2. Chapter Two of the Lancaster County Code is amended as follows:

Chapter 2 - ADMINISTRATION

ARTICLE XI. - BOARDS, COMMISSIONS AND SIMILAR ENTITIES

DIVISION 8. — AIRPORT ADVISORY COMMITTEE

Sec. 2-392. - Purpose and objectives.

The purpose and objective of the Airport Advisory Committee shall be as follows:

- (a) To make recommendations to the airport manager for the aeronautic needs of the county and the implementation of plans established by council;
- (b) To promote use of the airport and aeronautic activities within the entire county;

Sec. 2-393. - Composition of committee.

- (a) The Airport Advisory Committee shall be composed of seven (7) members, all of whom shall be Lancaster County residents. Each council member shall have one (1) nomination. It shall not be necessary that the nominee reside in the district of the council member making the nomination.
- (b) The term of office for all Airport Advisory Committee members is four (4) years, commencing on July 1 and ending on June 30. A person who has served two (2) consecutive terms on the Airport Advisory Committee is ineligible for an additional appointment without there being a one-year period prior to an additional appointment; provided, however, upon a two-thirds (2/3) vote of the county council members, a person may be reappointed to the commission notwithstanding the term limitation.. Time served in filling a vacancy shall not be included in the term limitation. Members do not continue to serve until their successor is appointed. Vacancies shall be filled in the same manner as the original appointment.
- (c) Members of the Airport Advisory Committee serve at the pleasure of council and can be removed with or without cause.
- (d) A member of the Airport Advisory Committee who misses three (3) meetings in any fiscal year automatically vacates membership on the committee. However, the chairman of the committee has the authority to excuse the attendance of a committee member in the event of an emergency deemed acceptable in the Chairman's sole discretion provided that the absence is requested in advance and announced at the time of the meeting in which the absence occurs.
- (e) All members serve without compensation but may be reimbursed for actual expenses and mileage pursuant to county policy after approval by the committee chair.

Sec. 2-394. - Initial terms of office.

The initial terms of members shall be staggered. Members initially appointed to represent council districts 1, 3, 5, and 7 shall serve through June 30, 2021. Members initially appointed to represent council districts 2, 4, and 6 shall serve through June 30, 2023.

Sec. 2-395. - Meetings.

- (a) Airport Advisory Committee meetings shall be held no less than every quarter or, alternatively, more often as deemed necessary and appropriate by the committee chairman and/or the airport manager.
- (b) All meetings shall be open meetings and advertised as required by state statute. An agenda for each meeting shall be established pursuant to the guidelines found in Robert's Rules of Order. Meetings shall be conducted using the parliamentary procedures contained in Robert's Rules of Order or such other procedures as may be adopted through formal Resolution of the Committee after its formation.

(c) At the first meeting following July 1 of each year, the committee membership shall elect a member to serve as chairman for a one (1) year period, a member to serve as vice-chairman for a one (1) year period, and a member to serve as secretary for a one (1) year period. There shall be a limit of no more than three (3) years of consecutive service as chairman.

Sec. 2-396. - Records and reports:

The committee shall maintain written, summary minutes of its meetings, including therein the date of the meeting, the members present and the business and topics discussed. A copy of approved committee meeting minutes shall be forwarded to the clerk to council within five (5) business days of each meeting.

Sec. 2-397. - Freedom of information.

Compliance with all requirements of the South Carolina Freedom of Information Act shall be mandatory.

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, resolutions or orders, 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 _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

Attest:

Sherrie Simpson, Clerk to Council

First Reading: January 27, 2020
Second Reading: February 10, 2020
Public Hearing: February 24, 2020
Third Reading: February 24, 2020

Approved as to form:

John DuBose, County Attorney

Lancaster County Airport

MCWHIRTER FIELD (LKR)

Regulations and Minimum Standards

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Legislative History

Approved by Airport Commission

March 2008

Approved by Lancaster County Council

Ordinance Adopted by County Council

Insurance regulations revised

I. Definitions

Unless from the context a different meaning is apparent as used in these regulations, the terms hereinafter used shall be defined as follows. These definitions shall not supersede any definitions contained in specific written agreements.

Air Operations Area

That area used or intended to be used for landing, takeoff, or surface maneuvering of aircraft.

Air Taxi

An aviation service defined under either Part 121 or Part 135 of the Federal Aviation Regulations. Such operations may be subject to the Minimum Standards herein.

Aircraft

Any contrivance now known or hereafter invented, used, or designed for flight in air. See specific classifications of business, club, commercial, private, or public aircraft.

Airport

The Lancaster County Airport/McWhirter Field, located near SC Highway 9 and Aviation Blvd.

Airport Commission

The Lancaster County Airport Commission as established by the Lancaster County Council

Airport Manager

The Airport Manager is the County Administrator, or his designee. See page 7.

Airside

See Air Operations Area

Apron

That area intended to accommodate aircraft for purposes of loading or unloading passengers or cargo, refueling, parking, or maintenance.

Aviation fuel

Avgas, aviation gasoline, jet fuel, auto gas, bottled propane, or any other fuel brought onto the Airport to be used in aircraft.

Based aircraft

An aircraft that is (a) owned by a Fixed Base Operator located at the airport under a lease; (b) parked in a tie down or hangar leased from either an FBO or the airport; or (c) the subject of an access agreement.

Business aircraft

Aircraft owned by businesses not engaged in any aviation business covered by the Minimum Standards herein.

Cargo (Air)

Any property carried on an aircraft other than mail, stores, or baggage.

City

The City of Lancaster, South Carolina.

Club aircraft

Aircraft owned and operated in accordance with the Flying Club section of these Regulations.

Commercial aircraft

Aircraft owned by a Fixed Base Operation under any portion of the Minimum Standards herein.

Commercial Operation

Any business activity at the Airport the purpose of which is to make a profit. See Concessionaire and Fixed Base Operation.

Concessionaire

A business operation at or on the Airport under a concession agreement. See page 26.

County

The county of Lancaster, South Carolina

FAA

The Federal Aviation Administration.

Fixed Base Operation (FBO)

An individual, partnership, firm, association or corporation engaged in one or more aeronautical services for which minimum standards are provided herein and which has

entered into a written lease or agreement for the use of any portion of the airport.

Flight pattern

The configuration or form of a flight path flown, or prescribed to be flown, by an aircraft as in making an approach to a landing.

Flying clubs

A flying club is recognized as a plan for the joint ownership of aircraft and distribution of the cost of maintaining and operating such aircraft. See page **18**.

Hangar-keeper

An aircraft storage Fixed Base Operator.

Instructor

Any individual holding the requisite FAA certificate who gives or offers to give for compensation instruction in the operation, repair, or maintenance of aircraft, aircraft power plants and accessories, or other aviation accouterments including the repair, packaging and maintenance of parachutes.

Owner (of the Airport)

The County of Lancaster.

Owner Service Area

A designated location for servicing of aircraft. See page 22.

Person

A natural person.

Private aircraft

Aircraft owned by individuals and operated non-commercially.

Private facilities

Those areas leased to an aircraft owner for aircraft storage or to a Fixed Base Operation or concessionaire.

Public aircraft

Aircraft owned and operated by a local, state or federal government entity.

Public facilities

The following facilities on the Airport:

- a. Runways for the purpose of landing and take off.
- b. Taxiways for the purpose of ground movement of aircraft.
- c. Aircraft parking space for the purpose of parking and storing aircraft; loading and unloading passengers, baggage, mail, and cargo; performing operations incidental to the immediate preparation of aircraft for departure, such as inspection, cleaning, and fueling; making minor and emergency repairs to aircraft; parking mobile equipment actively used in connection with the foregoing.
- d. Access to the ramp for the primary purpose of loading and unloading passengers and their baggage, and the loading and unloading of mail and cargo.
- e. Any other space, facilities or services provided for public use by aircraft operations.

Ramp

See Apron.

Refueler truck

Any motor vehicle used for transporting, handling, or dispensing of aviation fuels, oils, and lubricants.

Regular operation

Landing or takeoff at the Airport on 12 or more days in any 6 month period.

**South Carolina Aeronautics Commission
(SCAC) See SCDOA.**

SCDOA

The South Carolina Division of Aeronautics.

Sponsor

See Owner.

Surface Vehicle

Every device in repose, or by which any person or property is or may be transported or drawn upon a roadway, including bicycles.

Terminal area

That area used or intended to be used for such facilities as terminal and cargo buildings, gates, hangars, shops, other service buildings, automobile parking, airport motels, restaurants, garages, and automobile service; and an area for parking and positioning of aircraft in the vicinity of the terminal building(s) for loading and unloading.

Ultralight and non-powered aircraft

Balloons, dirigibles and other lighter than air craft and aircraft that are not required to be registered by the FAA solely because of having less power than the minimum power required to register.

II. Authority

II. 1 .Purpose

The Airport Commission hereby adopts and approves the following rules and regulations for the operation and use of the Airport. A library of other regulations, laws, and rules incorporated herein or otherwise applicable to activity at the Airport, to the extent practical, shall be maintained in a public place at the Airport.

The use of the Airport or any of its facilities in any manner shall create an obligation on the part of the user thereof to obey all the regulations herein.

No person shall solicit funds for any purpose and no signs or advertisements may be posted at the Airport without permission of the owner.

II.2. General rules

The privilege of using the Airport and its facilities shall be conditioned on the assumption of full responsibility and risk by the user thereof. By their use of the Airport, users of any type agree to hold the County, the Airport Commission, and elected officials, officers, employees, or volunteers of the County harmless from any and all liability resulting from such use. The privilege of using the Airport shall be upon the further condition that any person desiring to use the same shall furnish insurance according to these Regulations. Specific requirements may be in other in other documents, such as leases or access agreements.

Smoking or lighting of an open flame is prohibited on the ramp, at places with posted signs, within fifty feet of any aircraft and within fifty feet of hangars, fuel trucks, or fuel loading stations, and tank farms. By permission of the fire authority the Airport Manager may designate smoking areas. No person shall start an open fire any place on the Airport without permission of the Airport Manager.

Any person damaging any light, sign, or fixture, or any other Airport property, by operation of an aircraft or otherwise, shall report such damage promptly to the Airport Manager and shall be fully responsible for the cost of repair or replacement.

III. Airport Manager

The Airport Manager shall, at all times, have authority to take such reasonable action as may be necessary to enforce these regulations and to efficiently manage the Airport and its operations. In any contingencies not specifically covered by these rules and regulations, the Airport Manager shall be authorized to make such reasonable rules, orders, and decisions as may be necessary and proper.

Whenever these Regulations specify the Owner, Sponsor, Landlord, County, or other authority, the Airport Manager shall exercise such authority. Except for cases referred to the courts, all decisions of the Airport Manager may be appealed to the Airport Commission.

The Airport Manager may take action to close the Airport or any portion thereof to all traffic at any time when the Manager determines that conditions are unsafe for takeoffs or landings.

IV. Minimum Standards for Fixed Base and Commercial Operations

IV.1.General

The owner has the right to and does hereby regulate all commercial enterprises using the Airport as a basis of operation, whether such operation is aeronautical or non-aeronautical in nature. No commercial operation of any kind or type shall be conducted on the Airport unless specifically authorized by the owner.

All commercial operations shall be subject to all County requirements applicable to businesses operating in the County, such as business license, business personal property taxes, permits, etc. The minimum standards for a person or persons, firms or corporation based upon and engaging in one or more aeronautical services at the Airport, are contained herein. In addition to the minimum standards, such Operations shall comply fully with all other regulations.

Any aeronautical activity or combination of activities may be conducted by any person, firm or corporation upon application to and approval by the owner. Reasonable terms and conditions for the privilege of engaging in these various services will be established by the owner commensurate with the nature and scope of the activities involved. The owner shall determine substantial conformance to the standards for fixed base Operations. All personnel hereinbefore required to hold Federal Aviation Administration certificates and ratings shall maintain such certificates and ratings.

Note that Balloons, Ultralights, Dirigibles, Aerobatic Operations, and other commercial activities will be subject to the minimum standards applicable to the particular type of activity engaged in. These provisions also apply to temporary commercial operations. For example, lessons in operation of a balloon would be treated as a flight school.

IV.2.Lease Proposal Requirements

The Airport Commission will not accept an original request to lease a portion of the Airport unless the request is a written proposal which sets forth the scope of operation to be performed and shall include the following:

- A. The services(s) to be offered.
- B. The amount of land to be leased.
- C. The building space to be constructed or leased.
- D. The number of aircraft to be provided.
- E. The number of persons to be employed.
- F. The hours of proposed operation.
- G. A description of the types of insurance coverage to be maintained, including limits, and name(s) of insurers.
- H. Evidence of financial capability to perform and provide the proposed services and facilities.

IV.3 Applicable to all commercial operations

Tenants are required to keep their premises clean and clear of all rubbish, junk, debris, and unsightly objects. Garbage, refuse and other waste material shall be placed in receptacles provided for such purpose and no person shall destroy, remove or disturb in any way buildings, signs, equipment, markers, or other property on the Airport. If, after warning by the Airport Manager, the area is not cleaned within 30 days, cleaning will be done by the Airport Manager and billed to the tenant or person.

No tenant shall store material or equipment, use inflammable liquids or gases, or allow leased premises to become in such condition so as to violate, in any manner, the fire code in force in the area of the Airport. The storage of paint thinners, fuels or other such volatile materials in storage hangars is prohibited. Tenants of all hangars and buildings shall provide suitable fire extinguisher(s) and equipment, and they shall be kept in good condition as required by the fire code and inspected as required by the code.

The use or storage or disposal of hazardous materials shall be done in strict compliance with the Pollution Prevention Plan and any other local, state, or national requirements governing such use or storage.

All plans, specifications, architectural designs and landscaping shall require the written approval of the Airport Commission prior to construction. All construction shall be undertaken in accordance with building permit and related requirements of the County. A Notice of Proposed Construction or Alteration, on a form and in a manner prescribed by the Federal Aviation Administration, shall be filed and a Notice of Finding shall have been received from the Federal Aviation Administration by the lessee, prior to the start of any construction. Within thirty (30) days of completion of construction or alteration, the lessee shall submit a complete set of "as-built" plans on Mylar film with a detailed cost breakdown for development and construction under these standards.

All operations shall also provide adequate parking for surface vehicles. When located in multi-tenant facilities, such parking may be shared among various users and not specifically assigned to a particular user. The Airport Commission shall determine the parking requirements for each tenant, which shall never be less than required by the Zoning Code or other County ordinance.

Suitable pavement markings and lighting shall exist to provide for the orderly and safe movement of aircraft and vehicles on the leased premises. Lighting used to illuminate off-street parking, aircraft parking, or buildings constructed thereon shall be so arranged as to reflect light away from adjacent properties and the runways and taxiways used for aircraft operations.

All hangars, taxiways, and aprons shall be constructed, graded, and drained so as to direct all storm waters which may fall upon the leased premises into approved retention and disposal devices. Storm water which may be discharged from the premises shall not be contaminated with products or materials which may result from the lessees action, or failure to take action, upon the leased premises. Tenants shall take such steps and measures as are necessary to comply with all federal, state and local regulations governing storm water discharge.

Lease term shall be negotiable and shall depend on the nature of the improvements proposed and provide a reasonable amortization period. Rent shall be at fair market value as determined by the Airport Commission. Rent may be fixed for an initial term not to exceed Five (5) years, and thereafter shall change based on any increase in the Consumer Price Index. Both real and personal property taxes, regardless of whether assessed against the Airport or the Tenant, shall be paid by the Tenant.

General lease provisions. All leases between the Lancaster County and an Operation shall be in writing. Tenant shall provide a completion bond or other good and sufficient security acceptable to the County guaranteeing completion of any improvements to be erected on the leasehold. Tenant shall furnish such evidence as may be reasonably requested by the Airport Commission to show the Tenant is financially capable of providing the services and facilities set forth in the lease.

IV.4.Sale of Aircraft and Aircraft Parts and Accessories

Statement of Concept. An aircraft sales operation is a person or persons, firm or corporation engaged in the sale of new or used aircraft and who provides such repair, services, and parts as necessary to meet any guarantee or warranty on new or used aircraft. A parts and accessories operation is a person or persons, firm or corporation engaged in the sale of new or used aircraft parts and accessories but not in installation or repair of such items.

Leasehold and Improvements. The Operation shall provide by lease from the County an office and customer waiting area of not less than 200 square feet.

Required Services. The Operation shall provide necessary and satisfactory arrangements for repair and servicing of aircraft, but only for the duration of any sales guarantee or warranty period. Servicing may be provided through written agreement with a repair shop operation at the Airport or on another airport within reasonable distance.

Hours of Operation. The Operation shall have its premises open and services available on a regular basis, not less than 20 hours per week. Such hours shall be posted on the office. A telephone number for contacting the Operation at all other times shall also be posted on the office.

IV.5.Airframe and Power Plant Repair Facilities

Statement of Concept. An aircraft engine and airframe maintenance and repair operation is a person

or persons, firm or corporation providing one or a combination of airframe and power plant repair with at least one person currently certificated by the Federal Aviation Administration with ratings appropriate to the work being performed.

Leasehold and Improvements. The Operation shall provide by lease from the County an office and customer waiting area of not less than 200 square feet. The operation shall also provide by lease from the County a hangar building, including related shops and storage rooms, of not less than 2,000 square feet. The operation shall provide for paved aircraft access from the common areas of the Airport to his leasehold.

Required Services. The Operation shall provide sufficient equipment, supplies, and availability of parts equivalent to that required for certification by the Federal Aviation Administration as an approved repair station. It is acceptable for parts to be available by overnight express on the next business day.

Hours of Operation. The Operation shall have its premises open and services available eight hours daily, on all usual business days. Such hours shall be posted on the office. A telephone number for contacting the Operation at all other times shall also be posted on the office.

Personnel. The Operation shall have in its employ, and on duty or on call during the appropriate business hours, at least one person currently certificated by the Federal Aviation Administration with ratings appropriate to the work being performed and who holds an airframe, power plant or an aircraft inspector rating, and one other person not necessarily rated.

IV.6.Aircraft Rental

Statement of Concept. An aircraft rental operation is a person or persons, firm or corporation engaged in the rental of aircraft to the public.

Leasehold and Improvements. The Operation shall provide by lease from the County an office and customer waiting area of not less than 200 square feet. The operation shall also provide by lease from the County adequate facilities for storage of aircraft.

Required Services. The operation shall have available for rental, either owned or under written lease, not less than two certificated and airworthy aircraft, at least one of which must be at least a four-place airplane.

Hours of Operation. The Operation shall have its premises open and services available eight hours daily, on all usual business days. Such hours shall be posted on the office. A telephone number for contacting the Operation at all other times shall also be posted on the office.

IV.7.Flight Training

Statement of Concept. A flight training operation is a person or persons, firm or corporation engaged in instructing pilots in dual and solo flight training, in fixed or rotary wing aircraft, and it shall provide such related ground school instruction as is necessary preparatory to taking a written examination and flight check ride for the category or categories of pilots' certificates and ratings involved. Instruction in operation of any aircraft not requiring a pilot's certificate (such as balloons or ultralight craft) is also covered by these provisions to the extent applicable.

Leasehold and Improvements. The Operation shall provide by lease from the County an office, classroom, flight planning facility, and customer waiting area of not less than 500 square feet. The operation shall also provide by lease from the County adequate facilities for storage of aircraft.

Required Services. The operation must offer flight training, both ground and air, leading to a private pilot's certificate.

Hours of Operation. The Operation shall have its premises open and services available at least eight hours daily, three days per week. Such hours shall be posted on the office. A telephone number for contacting the Operation at all other times shall also be posted on the office.

Personnel. The Operation shall have in its employ, at least two flight instructors who have been properly certificated by the Federal Aviation Administration to provide the type of training offered, one of whom shall be employed on a full time basis.

IV.8. Accessory Repair Station

Statement of Concept. An accessory repair station operation is a person or person, firm or corporation engaged in the business of and providing a shop for the repair of aircraft radios, propellers, instruments, and accessories for general aviation aircraft. This category shall include the sale of new or used aircraft radios, propellers, instruments, and accessories, but such is not an exclusive right.

Leasehold and Improvements. The Operation shall provide by lease from the County an office and customer waiting area, shops and storage rooms of not less than 400 square feet. If the operation offers removal installation service it shall also provide by lease from the County a hangar building of not less than 2,000 square feet which may include the shops and storage rooms and shall provide for paved aircraft access from the common areas of the Airport to the leasehold.

Required Services. The Operation shall hold the appropriate repair shop certificates issued by FAA.

Hours of Operation. The Operation shall have the premises open and services available eight hours daily, on all usual business days. Such hours shall be posted on the office. A telephone number for contacting the Operation at all other times shall also be posted on the office.

Personnel. The Operation shall have in its employ, and on duty or on call during the appropriate business hours, never less than one person currently certificated by the Federal Aviation Administration with ratings appropriate to the work being performed and who holds an airframe, power plant or an aircraft inspector rating, and one other person not necessarily rated.

IV.9.Aircraft Charter and Air Taxi

Statement of Concept. An aircraft charter and an air taxi operation is a person or person, firm or corporation engaged in the business of providing air transportation of persons or property to the general public for hire, either on a charter basis (Commercial Operation) or as an air taxi operation, as defined in Part 135 of the Federal Aviation Regulations.

Leasehold and Improvements. The Operation shall provide by lease from the County an office and customer waiting area of not less than 200 square feet. The operation shall also provide by lease from the County adequate facilities for storage of aircraft and shall provide for paved aircraft access from the common areas of the Airport to the leasehold.

Hours of Operation. The Operation shall have its premises open and services available eight hours daily, six days per week. Such hours shall be posted on the office. A telephone number for contacting the Operation at all other times shall also be posted on the office.

Personnel. The Operation shall have in its employ, and on duty or on call during the appropriate business hours, trained personnel in such numbers as are required to provide service in an efficient manner but never less than at least one Federal Aviation Administration certificated commercial pilot.

IV.10.Aircraft Storage

Statement of Concept. An aircraft storage operation is the service of storing aircraft not owned by the Operation either in hangars or tied down on an apron. Tractoring of aircraft and other incidental activities are included.

Leasehold and Improvements. The Operation shall provide by lease from the County an area of at least one acre, which shall be at least 75% improved with pavement or building(s). The Operation shall provide by lease from the County an office and customer waiting area of not less than 200 square feet. The operation shall provide for paved aircraft access from the common areas of the Airport to his leasehold.

Hours of Operation. The Operation shall have its hours of operation posted on the office. A telephone number for contacting the Operation at all other times shall also be posted on the office.

IV.11. Multiple Services

Statement of Concept. A multiple services operation shall be one engaged in any two (2) or more of the aeronautical services for which minimum standards have been hereinbefore provided.

Leasehold and Improvements. The total leasehold of such operation shall be determined by negotiation and shall not be less than that required for the single service among those provided which requires the greatest land area. At least 75% of the gross land area leased shall be improved with pavement or building(s). Hangars and other building improvements shall occupy at least 10% of the gross land area leased.

Required Services. The Operation shall comply with the aircraft requirements, including the equipment thereon, for each aeronautical service to be performed except as hereinafter provided. Multiple uses can be made of all aircraft except aircraft used for crop dusting, aerial application or other commercial use of chemicals. The Operation shall provide the equipment and services required to meet the minimum standards as hereinbefore provided for each aeronautical service the Operation is performing.

Hours of Operation. The Operation shall have its premises open and services available not less than that required for the single service among those provided which requires the maximum hours of operation. Such hours shall be posted on the office. A telephone number for contacting the Operation at all other times shall also be posted on the office.

Personnel. The Operation shall have in its employ, and on duty or on call during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards for each aeronautical service. Multiple responsibilities may be assigned to meet the personnel requirements for each aeronautical service being performed by the Operation

IV.12. Special Commercial Flying Services

Statement of Concept. A specialized commercial flying services operation is a person or persons, firm or corporation engaged in air transportation for hire which are excluded from Federal Aviation Regulations Part 135, such as:

- A. Nonstop sightseeing flights within a 25-mile radius of the Airport.
- B. Crop dusting, seeding, spraying and bird chasing.
- C. Banner towing and aerial advertising.
- D. Aerial photography or survey.
- E. Fire fighting.
- F. Power line or pipe line patrol.
- G. Any other operations specifically excluded from Part 135 of the Federal Aviation Regulations.

Leasehold and Improvements. The Operation shall provide by lease from the County an office and customer waiting area, shops and storage rooms as the Airport Commission may determine for the particular service offered, consistent with other sections of these regulations. If the operation includes the use of aircraft, it shall also provide by lease from the County a hangar building or paved apron as the Airport Commission may determine for the particular service offered, consistent with other sections of these regulations, and shall provide for paved aircraft access from the common areas of the Airport to the leasehold.

Hours of Operation. The Operation shall have the premises open and services available as the Airport Commission may determine for the particular service offered, consistent with other sections of these regulations. Such hours shall be posted on the office. A telephone number for contacting the Operation at all other times shall also be posted on the office.

Personnel. The Operation shall have in its employ, and on duty or on call during the appropriate business hours, never less than one person currently certificated by the Federal Aviation Administration with ratings appropriate to the work being performed and one other person not necessarily rated.

Required Services. In the case of crop dusting, aerial photography, or commercial use of chemicals, Operation shall provide for safe handling of such chemicals in strict compliance with the Pollution Prevention Plan. Such facilities will be in a location on the Airport which will provide the greatest safety to the public.

IV.13.Short-term Exhibits and Promotions

Statement of Concept. Short-term exhibits and promotions include visits by historic or famous aircraft or aviators for less than 14 days. Such events may include sight-seeing rides or product sampling or other commercial promotional activities. This category does not include any event that significantly restricts normal use of the airport.

Requirements. Enterprises intending to use the airport for exhibits and/or promotions under this section shall make arrangements for use of airport facilities at least two weeks in advance of any public notice of the event. Such arrangements shall include provisions for security, emergency medical services, crowd control, parking, ground traffic control, and other considerations appropriate to the particular event. Proper insurance coverage and a signed agreement including indemnification provisions shall be required. Payment for use of the airport facilities shall be determined commensurate with the facilities used and consistent with other requirements of these regulations.

IV.14.FAA-Required Lease Clauses

Certain clauses are required by the FAA to be included verbatim in every lease. The text of these clauses is available from the Airport Manager. They include clauses captioned:

- Premises to be operated for use and benefit of Public
- Non-discrimination
- Aircraft service by owner or operator of aircraft
- Non-exclusive rights clause
- Lessor right to further develop or improve the landing area
- War or national emergency
- Obstructions
- Subordination

V. Other Operations by Agreement

V.1. Corporate or Private Hangars

Statement of Concept. A corporate or private hanger may be an existing or newly constructed facility for the storage and maintenance of aircraft owned or leased by the lessee. No commercial aviation activity shall be conducted. The tenant may service its aircraft in the hanger if the hanger meets other requirements of these regulations or at any established owner service area. All owner maintenance shall comply with the owner service section of these Regulations.

Leasehold and Improvements. Airport property available for lease under these standards shall be designated in the Airport Master Plan. All building and grounds maintenance shall be by the tenant. The Airport Manager may give notice to repair for deterioration and bill the cost of repair to the tenant if the tenant fails to comply. All improvements shall become property of the Airport at completion of construction or the end of the initial term of the lease, subject to any financing agreement. Tenant may sublet or assign with prior written consent of the Airport Commission.

Financing. The Airport's interest may be subordinated to a financing agreement. Such agreements shall acknowledge the Airport's interests. Such agreements shall be attached to and be a part of any lease.

Duration. The term of the lease shall not exceed twenty (25) years.

Property Insurance. Fire and other perils coverage shall be paid by Tenant in amount equivalent to replacement cost of improvements. In the event of loss, the proceeds shall be divided according to the financing schedule. Other insurance requirements in Section XII shall apply. If the improvements are destroyed by fire or other, Tenant may opt to terminate the lease or restore premises. If the tenant elects to rebuild, ground rent shall continue during the rebuilding period.

V.2. Access Agreements

Statement of Concept. An access agreement grants an aircraft owner or lessee and its customer's direct access to Airport from adjacent property. Access agreements do not permit the establishment of a fixed base operation or other activity providing aviation services to members of the general public. Aircraft belonging to the holder or its officers or employees may be serviced by the owner or his employees. Fuel and aircraft service or supplies are not to be sold to members of the general public. Fuel storage and fueling shall comply with these Regulations. Access to the Airport by any aircraft located off the Airport shall be denied in the absence of a current Access Agreement.

Duration. The term of such agreements may be for one year or for a longer period not to exceed 15 years. Access agreements shall be null, void, and of no further force and effect upon sale or transfer of the holder's property, except intra-company, or upon lease to any other party, or upon cessation of business operations by the holder on such property. Any successor or assignee of title or lease to such property must acquire any access rights to the Airport by agreement *de novo*.

Fee. Holders of access agreements shall pay an access fee. Access fees may be fixed for a maximum of three years and thereafter shall be increased in accordance with the Consumer Price Index.

Responsibility. The holder of an access agreement shall immediately notify the County of any FAA notifications or actions concerning the firm, employees, agents, servants, or pilots, which would in any way affect the use of the Airport, or involve the utilization of the Access Agreement.

Aircraft and Pilot information. Holders shall file with their application and annually thereafter on the anniversary date of said access agreement, a list of all aircraft identification numbers, and a list of pilots and their addresses employed or expected to be employed by the applicant who shall utilize the Airport under the Access Agreement.

V.3 .Flying clubs

Statement of concept. A flying club is a method of sharing the costs of owning and operating one or more aircraft. Financial arrangements solely to share the costs of ownership and operation of an aircraft is not considered to be commercial in nature. Neither is flight instruction by club members for other club members considered to be commercial in nature so long as there is no profit or for-hire motive involved in the operation. In all cases, the Airport Manager will determine if the operation of a flying club or other such organization is commercial. If determined to be commercial, the club shall conform to the requirements for Commercial Operations of these regulations. The following requirements apply to flying clubs desiring to base their aircraft on the Airport and to be exempt from the commercial standards. (A marketing program organized by a Fixed Base Operation called a "club" does not meet this requirement.)

Organization. Each club must be a non-profit South Carolina corporation or partnership. Each member must be a bona fide owner of the aircraft or a stockholder in the corporation. The club may not derive greater revenue from the use of its aircraft than the amount necessary for the actual use of operation, maintenance, and replacement of its aircraft. The club will file and keep current with the Airport Manager a copy of the corporate charter or the partnership agreement, and a complete list of the club's membership and investment share held by each member.

Aircraft. The club's aircraft will not be used by other than bona fide members of the flying club nor for rental, hire, charter, or air taxi.

Violations. In the event that the club fails to comply with these conditions, the Airport Manager will notify the club in writing of such violations and necessary corrective action. If the club fails to correct the violations in 15 days, the Airport Manager may take any action authorized elsewhere in these regulations or may deny the club permission to operate on the Airport.

VI. Aircraft Operations

VI.4.General

The FAA air traffic rules and regulations governing the operation of aircraft, specifically the current edition of the *Airman's Information Manual* as well as all additions thereto, are made a part of these Airport rules and regulations as fully as if set forth herein. All aeronautical activities at this Airport and aircraft departing from or arriving in the air space above this Airport shall be conducted in conformity with the current pertinent regulations and directives, and/or advisories of the FAA to the extent applicable.

Note that the Airport is within the lateral limits of the Class B airspace associated with Charlotte/Douglas airport (CLT). Pilots shall determine the air traffic control requirements for operating within such area and observe them at all times. Ultralight vehicle operations and parachute jumps in Class B airspace may only be conducted under the terms of an FAA Air Traffic Control authorization. For more information, pilots are referred to Federal Aviation Regulations.

Prior authorization from the Airport Manager is required before air ships, dirigibles, motor less aircraft, aircraft with a total gross weight in excess of 60,000 pounds, or FAA Certificated Air Carriers land or take off.

Rotary wing aircraft shall conform to the pattern for light aircraft and shall not be operated within 200 feet of any unsecured aircraft, either parked or operating.

The Airport Manager may prohibit aircraft landing and taking off at any time and under any circumstances when such landings or takeoffs are, in the Airport Manager's opinion, likely to endanger persons or property, except for emergency landings. Further, the Airport Manager may delay or restrict any flight or other operation at the Airport to any aircraft when any of these regulations are violated in any manner.

No fixed wing or rotary wing aircraft shall be allowed to operate at the Airport unless said aircraft has a current FAA Airworthiness Certificate (unless operated as a public or governmental aircraft) and is operated by a person holding a current proper pilot or student certificate, except aircraft being taxied by a properly certificated mechanic.

No person shall start or run any engine in an aircraft unless a properly licensed person is in the aircraft attending the engine controls. Blocks shall always be placed in front of the wheels before starting the engine or engines unless the aircraft is provided with adequate parking brakes. Aircraft may **NOT** be started in open hangars, **ONLY** at tie down positions for the purpose of taxiing to other locations on the Airport. Aircraft shall not be started in enclosed hangars.

Aircraft engines shall be run up for testing or in preparation for flight only at the ends of the runway, in the owner service area, or in other places designated by the Airport manager. At no time shall engines be run up when hangars, shops, airplanes, or any buildings or persons are in the path of the propeller stream and/or jet exhaust. Such activity shall not be unreasonably undertaken between 10:00 p.m. and 6:00 a.m.

No aircraft shall be parked or stored at the Airport except in the areas designated for such use. At the direction of the Airport Manager, the operation, owner, or pilot of any illegally parked aircraft on the Airport shall move the aircraft to a legally designated parking area on the Airport. If the operation refuses to comply with the directions, the Airport Manager may tow the aircraft to such place, at the operation's expense and without liability for damage that may result from such moving.

In the event of an accident, the Airport Manager shall take charge of all activities in accordance with applicable local, state and federal law.

The operator of an aircraft shall ascertain by visual inspection of the area that there will be no danger of collision with any person, other aircraft, or building before taxiing an aircraft. Aircraft shall be taxied at safe and reasonable speeds with due respect for other aircraft, persons, and property. Aircraft not equipped with brakes shall have an attendant at the wing when the aircraft is taxied near buildings or other aircraft.

VI.5. Balloon Operations

No flight or ground demonstrations involving balloons, or training or practice thereof, shall be conducted on or over the Airport without the express written approval of the Airport Manager. Prior to giving such approval, the Airport Manager shall determine whether the operation is subject to the Minimum Standards for Commercial Operations herein and, if applicable, shall obtain compliance therewith. All balloon operations shall be subject to applicable FAA, SCAC, and Airport rules. These regulations are not intended to provide for rally or mass ascent activities. They are intended to provide reasonable regulation of this type of aircraft.

Commercial operations under this subpart are not required to lease facilities on the Airport, but may do so. No property of an operation under this subpart may be stored on the Airport except under a lease.

All operations shall be conducted only under VFR daylight conditions between local sunrise and sunset. Balloonists shall operate from one of the designated areas, shown on the Airport Layout Plan. The specific site shall be chosen to favor flight away from the Airport.

Balloonists shall notify any/all licensed aeronautical advisory radio services at least 30 minutes prior to any launch. If equipped with aeronautical radio, an operation shall comply with radio usage according to the current edition of the Airman's Information Manual.

After lift-off, balloonists shall ascend above the Airport traffic pattern and exit the pattern as rapidly as possible.

VI.6.Aerobatic operations

No flight or ground demonstrations involving unusual or aerobatic maneuvers, or training or practice thereof, shall be conducted on or over the Airport without the express written approval of the Airport Manager. Prior to giving such approval, the Airport Manager shall determine whether the operation is subject to the Minimum Standards for Commercial Operations herein and, if applicable, shall obtain compliance therewith.

VI.7.Ultralight, glider, or lighter than air operations

Such operations shall be conducted following the same rules as other operations.

VI.8.Skydiving and parachuting

No skydiving or parachuting, or training or practice thereof, shall be conducted over the Airport without the express written approval of the Airport Manager. Prior to giving such approval, the Airport Manager shall determine whether the operation is subject to the Minimum Standards for Commercial Operations herein and, if applicable, shall obtain compliance therewith. All such operations shall be subject to applicable FAA, SCDOA, and Airport rules.

These regulations on skydiving and parachuting operations are not intended to provide for rally or mass activities. They are intended to provide reasonable regulation of this type of aeronautical activity.

Operations under this subpart are not required to lease facilities on the Airport, but may do so. No property of an operation under this subpart may be stored on the Airport except under a lease.

All operations shall be conducted only under VFR daylight conditions between local sunrise and sunset. Skydivers and parachutists shall land at one of the designated areas, shown on the Airport Layout Plan. The specific site shall be chosen to avoid conflict with aircraft.

Parachutists or skydivers shall notify any/all licensed aeronautical advisory radio services at least 30 minutes prior to any jump. If equipped with aeronautical radio, an operation shall comply with radio usage according to the current edition of the Airman's Information Manual.

VI.9.Owner Service Area

Any person, firm or corporation operating aircraft on the Airport may perform any services on its own aircraft with its own regular employees, not contracted workers. Aircraft service and repair for compensation is considered to be a commercial operation regulated under the commercial operation minimum standards of these Regulations. This Part governs such owner servicing and no services covered by this Part may be performed except in compliance herewith.

The services covered are:

- a. Oil change, lubrication
- b. Washing, cleaning
- c. Other services permitted by Federal Aviation Regulations.
- d. Maintenance: Only owners who hold appropriate FAA certificates may provide such services.

The types of services prohibited under this Part are:

- a. All fueling operations governed by another Part of these regulations.
- b. All services not permitted under this Part.

One or more areas for owner servicing of aircraft shall be designated on the Airport Master Plan and by signs on the Airport. All other portions of the Airport are off-limits for owner servicing, except for private hangars leased by the aircraft owner directly from the Airport. Such hangars must meet all requirements of all Codes for aircraft servicing. An aircraft owner may bring a surface vehicle onto the owner service area in connection with owner servicing.

Use of the common owner service area(s) shall be on a first-come basis. Owners using the Owner Service Area shall assume all risk in connection with such use.

VII. Fueling of Aircraft

This Part supersedes any other regulations regarding fueling. No fuel storage and/or dispensing shall take place at the Airport or on private property subject to an access agreement except in accordance with this Part. Any person failing to comply with these regulations shall be charged under any applicable section of the County Code, including failure to comply with Airport regulations. Repeated violations shall subject the person to cancellation of the privilege of use of the Airport.

Any person desiring to dispense fuel shall first obtain a permit from the Airport Manager. Such permits shall be available to FBO's, holders of Access Agreements, other tenants, and owners of based aircraft. Except for Fixed Base Operations, such permits shall allow servicing only of aircraft owned by the permit holder.

Fueling facilities shall be installed on a leasehold or on property subject to an Access Agreement.

The fueling facilities shall be installed, and all handling practices of combustible materials shall be, in accordance with the appropriate portion of any fire code that may be adopted by the County.

Reasonable fuel flowage fees shall be adopted by the Airport Commission. The basis of such fees shall be the investment in fuel facilities plus a base rate. Fees shall be applied to aviation fuels, including aviation oil and bottled propane (LP gas). Fees shall be payable monthly to the County of Lancaster. Each holder of a permit shall submit a report by the tenth of each month, together with copies of all supporting invoices and payment of the applicable fee covering the previous calendar month.

No aircraft shall be fueled or drained while the aircraft engine is running or while the aircraft is in a hangar or an enclosed area. During all fuel operations, the aircraft shall be grounded by an approved method.

Smoking or lighting of an open flame is prohibited within 50 feet of any fueling operation. Fueling operations shall be conducted and fuel trucks shall be parked at least fifty feet from any hangar or building.

An aircraft owner, including the holder of Supplemental Type Certificate for auto gas, may fuel his aircraft with approved fuels only at a designated owner service area or on his leasehold, providing all procedures required by these regulations, including payment of a fuel flowage fee, are followed.

VIII. Ground Operations

Unless authorized by the Airport Manager, no surface vehicle shall be operated on the Airport except on roadways, parking areas, et cetera, that are specifically designated for such vehicles. Such vehicles shall be parked in the manner prescribed by the Airport Manager while on the Airport and as indicated by posted signs.

No surface vehicles shall be permitted on the runways or taxiways without the express permission of the Airport Manager. Vehicles may be operated on the ramp or apron in accordance with prior agreement to accomplish a necessary Airport purpose, service, or inspection.

No surface vehicle shall be driven between the loading gate or fence and an aircraft parked and in the process of loading or unloading, except where an area is designated for such activity by the Airport Manager. Surface vehicles may enter the ramp for loading and unloading of passengers, baggage and cargo following posted advisory signs. Surface vehicles shall not be left unattended on the ramp, including at tie downs leased by the vehicle operation. Surface vehicles may be parked in a leased hangar space if the aircraft is in use.

No person shall operate any vehicle in a careless or negligent manner or without regard for the safety of others, or in excess of posted speed limits. Surface vehicles shall follow taxi lanes in traversing the ramp. All surface vehicles shall yield to aircraft at all times.

Every accident involving injury or property damage shall be reported promptly to the Airport Manager.

No person or persons, except pilots, duly authorized personnel, passengers going to or from aircraft, or persons being properly escorted shall be permitted to enter the airside of the Airport, including the landing area proper, taxi space, or aprons. No person or persons so excepted has the privilege of unrestricted use of the Airport. These privileges are confined to the necessary use of these spaces in connection with the flights, inspections, and routine duties.

DC. Concessionaires

Statement of Concept. Non-aviation services, such as food sales, rental cars, telecommunications, souvenir sales, aircraft cleaning and the like are not subject to the Fixed Base Operation requirements but must obtain a concession agreement or lease with the Airport and pay fees. Such services may be licensed on an exclusive basis.

Leasehold and Improvements. The tenant shall provide for parking and loading of surface vehicles as appropriate. Such areas may be shared with other tenants or users.

Fees. Payment shall be on a non-discriminatory, reasonable basis as determined by the Airport Commission.

X. Security

The Airport manager may establish such security procedures as are necessary from time to time. Security procedure information shall be posted or provided by training or orientation session as appropriate.

All Airport users shall observe any security procedures in effect.

All Airport users shall cooperate with security personnel and procedures and shall diligently aid in enforcing such procedures.

XL Enforcement

Any person violating any of the Airport rules and regulations may be charged with a misdemeanor in Municipal Court or, at the discretion of the Airport Manager, may be deprived of the use of the Airport facilities for such period of time as may be necessary to be effective.

If any portion of these regulations shall be invalidated by competent authority, all other parts shall remain in full force and effect.

Where any requirement of these regulations differs from a similar requirement of a lease, access agreement, code or other document, the more stringent requirement shall apply.

The forbearance or neglect of the Owner to insist on the adherence to or performance of these minimum standards, in case of its violation by the Operation, shall not constitute a waiver of any of the minimum standards required hereunder.

XH. Insurance Requirements

XJI.10. All insurance provided under these Regulations shall

- a. Be with a company licensed to do business in South Carolina and acceptable to the County.
- b. Be verified by the insurer furnishing the County a certificate of insurance.
- c. Provide the County with an unqualified written statement by the insurer or the insured that no insurance will be cancelled, reduced in amount or materially changed prior to giving 10 days notice in writing to the County.
- d. All insurance documents required shall be mailed to the Lancaster County, Attention: Risk Management Division, P. O. Box 1809, Lancaster SC 29720.

XI1.11. AIRCRAFT INSURANCE

- a. Insurance required of owners of aircraft who are direct tenants or permittees of the Airport: \$500,000 combined single limit liability.
- b. Insurance required of Single-service commercial operations: single-limit liability, including products coverage, if applicable, of \$1,000,000.
- c. Insurance required of multiple service commercial operations: single limit liability, including products coverage, of \$1,000,000.
- d. Any hangar-keeper, in addition to other insurance: hangar keeper's liability in the amount of \$500,000 per aircraft and \$1,000,000 per occurrence with a maximum deductible of \$1,000 per aircraft or \$1,000 per occurrence. Subtenants of aircraft storage operations (hangar keepers) are not required to furnish evidence of insurance to the County, since only the primary operation is responsible to the County. Any hangar-keeper shall also maintain records of insurance carried by aircraft owners to whom services are provided.
- e. Any holder of a fuel dispensing permit: single limit liability, including products coverage, in the amount of \$1,000,000.
- f. Flying clubs: single limit liability in the amount of \$1,000,000 for each aircraft owned by the club.

XI1.12. OTHER INSURANCE

Any operation listed under b, c, and d above will be required to meet the requirements for auto liability insurance and worker's compensation insurance listed following. The following operations engaged in commercial activity at the airport including, but not limited to, coin operated vending machines of any sort, fueling services, concessionaires, auto leasing/rental, catering operations, and

related shall maintain:

- a. Worker's Compensation insurance meeting the requirements of S. C. law.
- b. Auto liability insurance with a combined single-limit of not less than \$100,000.
- c. General liability insurance including contractual liability cover and products/completed operations cover with combined single-limit not less than \$500,000.

X11.13. The Airport Commission shall review these limits frequently and shall make such changes as may be reasonable and necessary. The Airport Commission may adjust such limits on the recommendation of the County Risk Manager at any time or to be applicable to any operation. Where any proposed service or use is not contemplated by these Regulations, the Airport Commission shall set reasonable requirements.

XIII. Other Laws and Regulations

Numerous other laws and regulations apply to the Airport. This section calls some of them to the reader's attention. It is not intended to be a complete list of such requirements.

X111.14.Federal Aviation Regulations (FAR)

Regulations promulgated by the FAA, some of which include:

- Part 61 Certification: Pilots and Flight Instructors
- Part 67 Medical Standards and Certification
- Part 91 General Operating and Flight Rules
- Part 93 Special Air Traffic Rules and Airport Traffic Patterns
- Part 103 Ultralight Vehicles Part 105 Parachute
Jumping Part 135 Air Taxi Operations and Commercial
Operations
- Part 137 Agricultural Aircraft Operations
- Part 141 Pilot Schools
- Part 145 Repair Stations
- Part 211 Aeronautical charts and Flight Information

XIII.15.National Transportation Safety Board Regulations

Part 830 Rules Pertaining to the Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records

XIII.16.South Carolina Code

Title 55 Aeronautics

X111.17.Height and Hazard Controls

County Council adopted an ordinance regarding height and hazard control. It is codified as Chapter 7 of the Zoning Code.

XIII.18.Pollution Prevention Plan

This plan provides guidance in complying with the storm water permit under the National Pollution Discharge Elimination System program.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1648/Planning Department Case Number: RZ-019-1046

Contact Person / Sponsor: Ashley Davis / Planning

Department: Planning

Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

Request to rezone two properties from Rural Neighborhood (RN) to Institutional (INS).

Location: Southeast of the intersection of Pageland Highway and South Potter Road; east of church located at 133 South Potter Road. (TM# 0069-00-044.00 and a portion of 0069-00-047.00)

Points to Consider:

The property is currently zoned Rural Neighborhood District on the Lancaster County Zoning Map. The zoning district of Rural Neighborhood (RN) *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.*

The requested Institutional (INS) 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. (UDO section 2.3).*

Funding and Liability Factors:

N/A

Council Options:

Approve or deny the rezoning request.

Recommendation:

The Planning Commission voted unanimously to recommend **approval** of the request at the January 2020 meeting.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1648	2/3/2020	Ordinance
Planning Staff Report: Pleasant Dale Baptist Church	1/15/2020	Planning Staff Report
Exhibit 2: Location and Zoning Map	1/15/2020	Exhibit
Exhibit 3: Property Plat	1/15/2020	Exhibit

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2020-1648

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE A 4.62 ACRE TRACT OF PROPERTY (TMS # 0069-00-044.00), OWNED BY PLEASANT DALE BAPTIST CHURCH, AS WELL AS A 3.683 ACRE TRACT OF PROPERTY (PORTION OF TMS # 0069-00-047.00), OWNED BY MODIE ROYCE WALTERS, SR. AND LOCATED SOUTHEAST OF THE INTERSECTION OF PAGELAND HIGHWAY AND SOUTH POTTER ROAD; EAST OF THE CHURCH LOCATED AT 133 SOUTH POTTER ROAD, LANCASTER, SOUTH CAROLINA (TMS # 0069-00-044.00 AND A PORTION OF 0069-00-047.00) FROM RN, RURAL NEIGHBORHOOD DISTRICT, TO INS, INSTITUTIONAL DISTRICT.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Pleasant Dale Baptist Church applied to rezone its 4.62 acres parcel of property, as well as 3.683-acre portion of TMS No. 0069-00-047.00, owned by Modie Royce Walters, Sr., located Southeast of the intersection of Pageland Highway and South Potter Road; east of the church located at 133 South Potter Road (TMS # 0069-00-044.00 and 0069-00-047.00) from RN, Rural Neighborhood District, to INS, Institutional District.

(b) On January 21, 2019, 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 request.

(c) The Future Land Use Map designation of this property is Rural Living, based on the *Lancaster County Comprehensive Plan 2014-2024*. Rezoning the property from RN, Rural Neighborhood District, to INS, Institutional District, is compatible with the Comprehensive Plan.

Section 2. Rezoning.

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

Tax Map No. 0069-00-00-044.00 (4.62 acres, more or less)

Portion of Tax Map No. 0069-00-047.00 (3.683, more or less)

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 _____, 2020.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: February 10, 2020
Second Reading: February 24, 2020
Public Hearing: February 24, 2020
Third Reading: March 9, 2020

Approved as to form:

John DuBose, County Attorney

Proposal: Request to rezone a 4.62 acre property as well as a 3.683 acre portion of TM# 0069-00-047.00 to combine with adjacent 7.913 acre parcel currently zoned INS at TMS# 0069-00-046.00

Property Location: Southeast of the intersection of Pageland Highway and South Potter Road; east of church located at 133 South Potter Road. (TM# 0069-00-044.00 and a portion of 0069-00-047.00)

Current Zoning District: RN, Rural Neighborhood

Proposed Zoning District: INS, Institutional

Applicant: Pleasant Dale Baptist Church

Council District: District 3, Billy Mosteller

Overview

Site Information

Site Description: The property is currently vacant.

Compatibility with Surrounding Area

The current zoning for the surrounding area is Rural Neighborhood (RN), Low Density Residential (LDR), and Institutional (INS). Existing zoning for the subject property as well as surrounding properties can be seen in *Exhibit 2*. The proposed zoning of INS is generally consistent with the area. See table below for adjacent property zoning and use comparison.

Summary of Surrounding Zoning and Uses

Surrounding Property	Municipality	Zoning District	Use
North	Lancaster County	Rural Neighborhood (RN)	Single Family Residence
South	Lancaster County	Institutional (INS)	Pleasant Dale Baptist Church
East	Lancaster County	Rural Neighborhood (RN)	Vacant
West	Lancaster County	Institutional (INS)	Pleasant Dale Baptist Church

Recent Rezoning in Surrounding Area			
Case #	Description	Date	Outcome
RZ-019-0598	Modie Walters Sr. (INS to LDR)	12-17-2019	In process

Photos of Project Area

Looking at the parcel from South Potter Road



Looking across from the parcel on South Potter Road



Looking south on South Potter Road



Looking north on South Potter Road



Analysis & Findings

The property is currently zoned Rural Neighborhood District on the Lancaster County Zoning Map. The zoning district of Rural Neighborhood (RN) *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.*

The requested Institutional (INS) 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. (UDO section 2.3).*

COMPREHENSIVE PLAN CONSISTENCY & CONCLUSION

The future land use designation of this property is Rural Living, according to the 2024 Comprehensive Plan. The Comp Plan defines this Community Type as including a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded “ conservation subdivisions” whose aim is to preserve open space, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations.

The requested Institutional District is consistent with the rural living future land use category.

Staff Recommendation

Staff is recommending approval of this request.

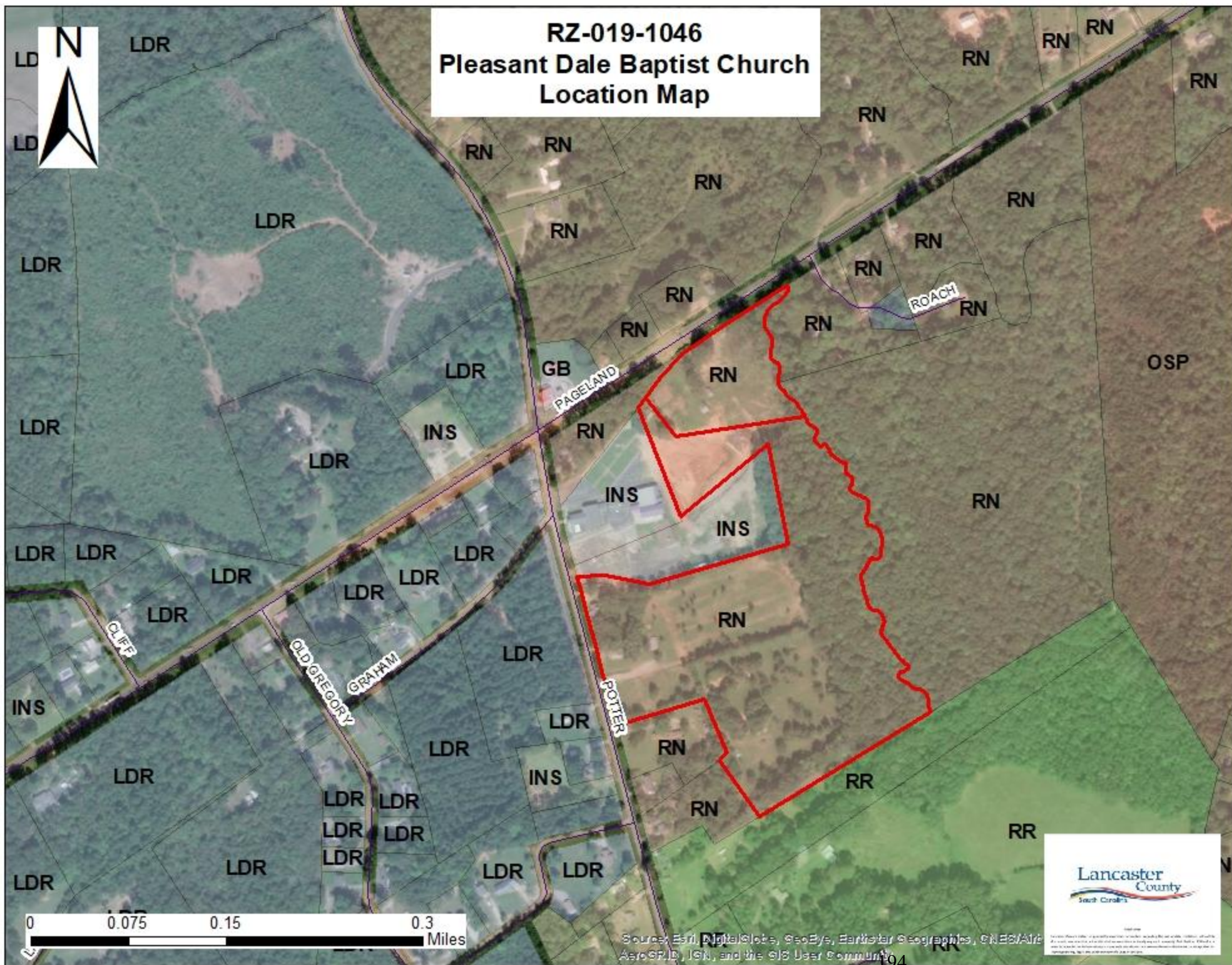
Attachments

1. Rezoning Application
2. Location Map/ Zoning Map
3. Property Plat

Staff Contact

Ashley Davis
Planner
adavis@lancastersc.net
803-416-9433

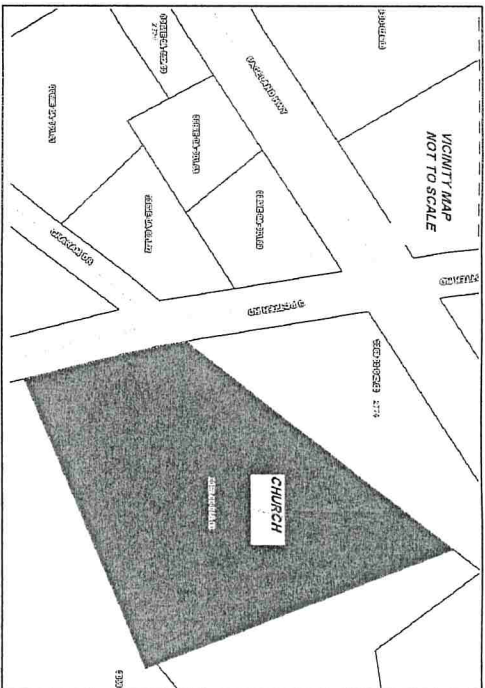
RZ-019-1046
Pleasant Dale Baptist Church
Location Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus
GeoEye, IGN, and the GIS User Community

Lancaster
County
South Carolina

LINE TABLE		
LINE	LENGTH	BEARING
L1	45.91	N14°50'08"W
L2	98.93	N11°56'36"W
L3	82.48	N35°27'44"E
L4	99.75	S89°05'14"W
L5	60.50	S21°48'58"W



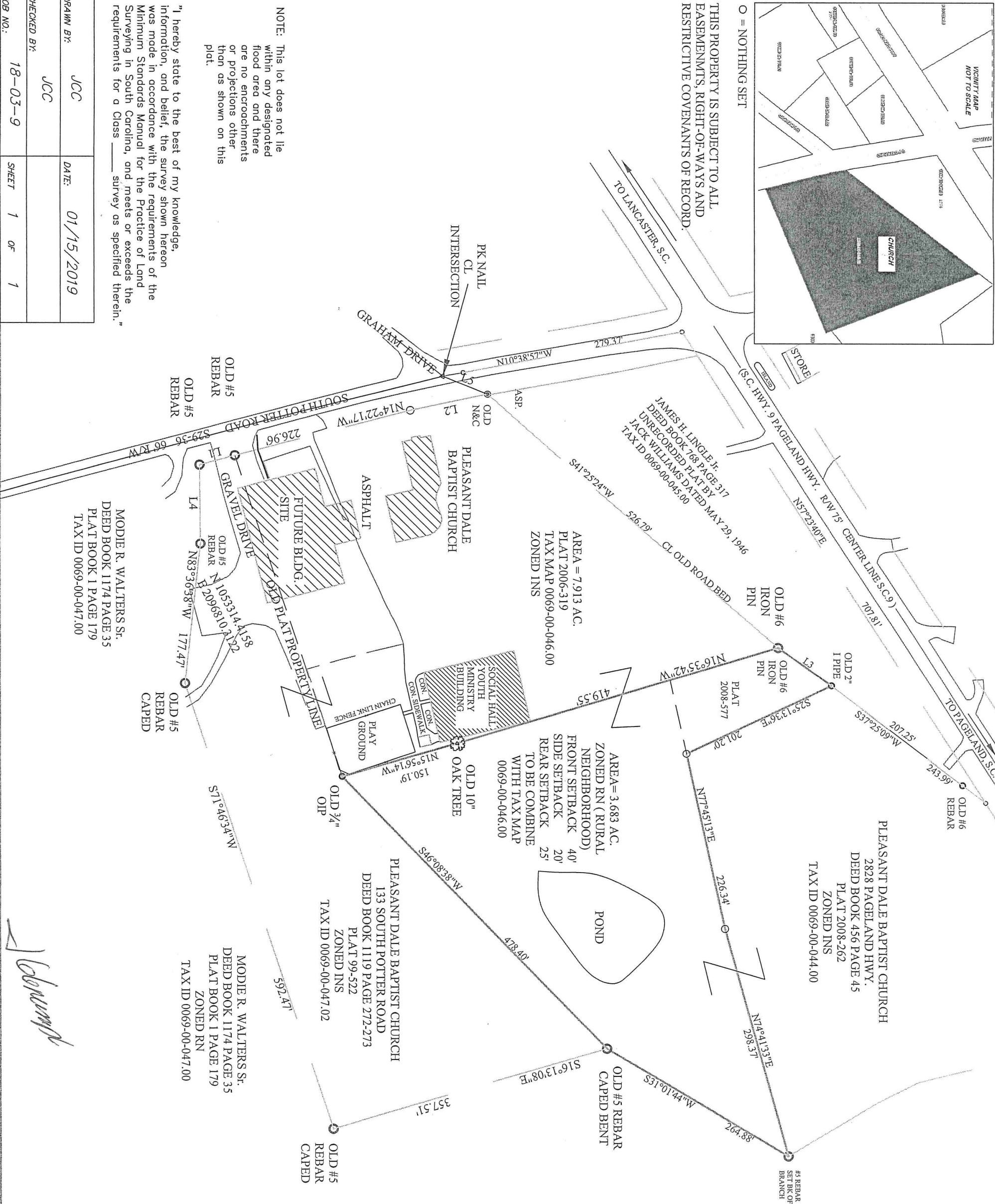
O = NOTHING SET

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS AND RESTRICTIVE COVENANTS OF RECORD.

NOTE: This lot does not lie within any designated flood area and there are no encroachments or projections other than as shown on this plat.

"I hereby state to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class _____ survey as specified therein."

DRAWN BY:	JCC	DATE:	01/15/2019
CHECKED BY:	JCC		
JOB NO.:	18-03-9	SHEET	1 OF 1

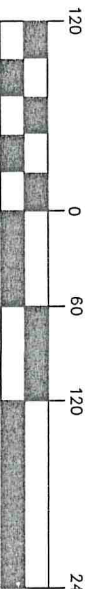


MODE R. WALTERS Sr.
DEED BOOK 1174 PAGE 35
PLAT BOOK 1 PAGE 179
ZONED RN
TAX ID 0069-00-047.00

Plat Of Property Of
Pleasant Dale Baptist Church
Located At
133 South Potter Road
5 Miles East Of
Lancaster, South Carolina
Lancaster County

Scale 1" = 120' Date 01/14/2019

GRAPHIC SCALE



1 inch = 120 ft.

Survey By: J. C. Crumpler
S.C. Reg. No. 6574
207 Chesterfield Avenue
Lancaster, South Carolina
1-803-283-9818
email : iseleysurvey@comporium.net

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1649

Contact Person / Sponsor: John DuBose/County Attorney

Department: Attorney

Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

Whether to abandon an unused access easement that was intended to benefit and provide access to the fire station at 9370 Possum Hollow Road.

Points to Consider:

The access easement was granted by the predecessor in title of the adjacent property owner upon conveyance of the fire station site to Lancaster County. The deed to Lancaster County containing the easement grant is included as reference material in the agenda package.

The fire station was sited and constructed in such a way that it does not require the access easement. The current owner of the adjacent property has requested that Lancaster County remove the easement from its property.

Chief Greg Nicholson, Pleasant Valley Fire Department, has confirmed that the easement is not needed and that the Pleasant Valley Fire Department has no opposition to abandonment of the easement.

If the Ordinance is approved, the County Administrator will execute a quit claim deed conveying the easement rights to Red Edge, LLC, the current owner of the adjacent property burdened by the easement. The form quit claim deed is attached as an Exhibit to the proposed Ordinance.

Funding and Liability Factors:

Not applicable.

Council Options:

Approve or deny the Ordinance.

Recommendation:

Approve the Ordinance.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1649	2/5/2020	Ordinance
Exhibit A to Ordinance - Quit Claim Deed to Red Edge, LLC	2/5/2020	Exhibit
Deed to Lancaster County for 9370 Possum Hollow Road	2/5/2020	Backup Material

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2020 - 1649

AN ORDINANCE

TO APPROVE ABANDONMENT OF AN EASEMENT HELD BY LANCASTER COUNTY BENEFITING TAX MAP NUMBER 0008-00-063.06 AND BURDENING PROPERTY OWNED BY RED EDGE, LLC, IDENTIFIED WITH TAX MAP NUMBER 0008-00-063.05, BOTH PROPERTIES BEING LOCATED ON POSSUM HOLLOW ROAD; AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS NECESSARY TO ABANDON THE EASEMENT BY RECORDED LEGAL INSTRUMENT TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE.

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

Section 1. Findings and determinations.

Council finds and determines that:

(1) Lancaster County (the “County”) owns land at 9370 Possum Hollow Road identified further as Tax Map No. 0008-00-063.06 and containing a fire station;

(2) Lancaster County holds a non-exclusive sixty-foot-wide ingress and egress easement (the “access easement”) that burdens adjacent property owned by Red Edge, LLC, and identified as Tax Map No. 0008-00-063.05;

(3) The access easement was intended to provide indirect access to the fire station at 9370 Possum Hollow Road but the fire station was ultimately sited and configured to directly access Possum Hollow Road;

(4) Due to the configuration of the fire station at 9370 Possum Hollow Road the sixty-foot-wide access easement has not been improved, is not used to access the fire station, and is not readily capable of being used to access the fire station in the future;

(5) The access easement is of no practical use to Lancaster County and has no monetary value to Lancaster County;

(6) Red Edge, LLC has requested that Lancaster County abandon the access easement that burdens its property; and

(6) It is the purpose of this ordinance to approve abandonment of the easement.

Section 2. Approval of right-of-way abandonment by quit claim deed.

(1) Council authorizes and approves the granting of a quit claim deed (the “Deed”) to Red Edge, LLC abandoning any right title or interest that Lancaster County holds in the access easement that burdens Tax Map No. 0008-00-063.05 as described in Section 1. The form of the Deed is attached to this ordinance as Exhibit A and all terms, provisions and conditions of the Deed are incorporated herein by reference as if the Deed were set out in this ordinance in its entirety. The County Administrator is authorized to execute and deliver the Deed on behalf of the County. By adoption of this ordinance, Council approves the Deed and all of its terms, provisions and conditions. The Deed is to be in substantially the form as attached to this ordinance and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the Deed, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Deed attached to this ordinance.

(2) Council approves the abandonment of the easement as described and provided for in the Deed.

Section 3. Authority to act.

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

Section 4. Severability.

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

Section 5. Conflicting provisions.

To the extent this ordinance contains provisions that conflict with provisions contained 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 is effective upon Third Reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: February 10, 2020
Second Reading: February 24, 2020
Third Reading: March 9, 2020

Approved as to form:

John DuBose, County Attorney

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Exhibit A to Ordinance No. 2020 - 1649

**Form of Quit Claim Deed
Lancaster County to Red Edge, LLC**

Tax Map No. 0008-00-063.05

See attached.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Title Not Examined

STATE OF SOUTH CAROLINA)	
)	QUIT-CLAIM DEED
COUNTY OF LANCASTER)	

WHEREAS, Lancaster County (the “County”) owns land at 9370 Possum Hollow Road identified further as Tax Map No. 0008-00-063.06 and containing a fire station;

WHEREAS, Lancaster County holds a non-exclusive sixty-foot wide ingress and egress easement (the “access easement”) that burdens property adjacent to 9370 Possum Hollow Road and that adjacent property is owned by Red Edge, LLC, and is identified as Tax Map No. 0008-00-063.05;

WHEREAS, the access easement was intended to provide access to the fire station at 9370 Possum Hollow Road but the fire station was ultimately sited and configured to directly access Possum Hollow Road;

WHEREAS, due to the configuration of the fire station and its direct access to Possum Hollow Road the sixty-foot wide access easement has not been improved, is not used to access the fire station, and is not readily capable of being used to access the fire station in the future;

WHEREAS, the access easement is of no use and of no monetary value to Lancaster County and Red Edge, LLC has requested that Lancaster County abandon the access easement that burdens it property; and

WHEREAS, Lancaster County Council approved abandonment of the easement by quit claim deed to Red Edge, LLC pursuant to Ordinance No. 2020- 1649.

KNOW ALL MEN BY THESE PRESENTS, That **LANCASTER COUNTY**, (“**GRANTOR**”) in the State aforesaid, for no consideration and to abandon an unused

unimproved easement, has remised, released and forever quit-claimed, and by these presents does remise, release, and forever quit-claim unto the said Red Edge, LLC (**“GRANTEE”**) any right, title, or interest that Lancaster County holds in the Grantee’s property identified as Tax Map No. 0008-00-063.05, and more fully shown and described, in part, in **Exhibit “A”** attached hereto and incorporated herein as by reference.

Grantee Address:

Red Edge, LLC
9789 Charlotte Highway, Suite 400 #278
Fort Mill, SC 29707

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging to in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said **Red Edge, LLC**, its successors and assigns forever.

WITNESS my Hand and Seal this _____, of March 2020.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Witness #1

Steve Willis,
Lancaster County Administrator

Witness #2

STATE OF SOUTH CAROLINA) ACKNOWLEDGMENT

COUNTY OF LANCASTER)

I, _____, a Notary Public for the State of South Carolina, do hereby certify that LANCASTER COUNTY, by Steve Willis, its Administrator personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal this _____ day of March 2020.

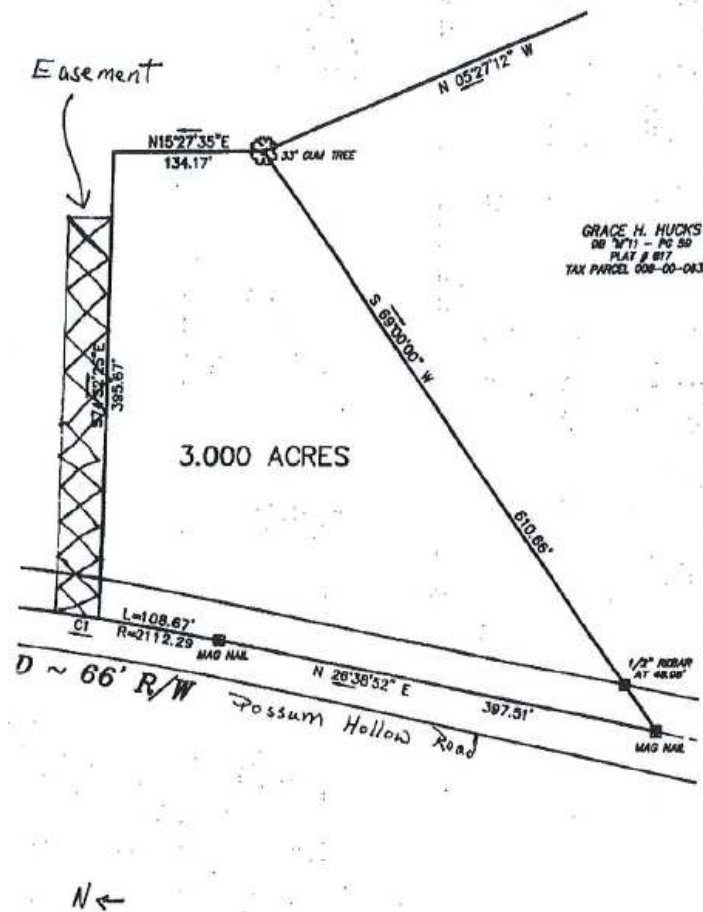
_____(SEAL)
 Notary Public for State of South Carolina
 My commission expires:_____
 Print Name:_____

Exhibit "A"
Property Description and Easement Sketch

All that certain piece, parcel or lot of land situate, lying and being on Possum Hollow Road, in Indian Land Township, Lancaster County, South Carolina, consisting of a non-exclusive sixty (60) foot wide ingress and egress easement that burdens the property now or formerly owned by Red Edge, LLC and more particularly shown and described on the sketch below, same being Exhibit "B" to that deed of conveyance to County of Lancaster, South Carolina from Crisis Hill, Inc., dated December 22, 2008, and recorded in the office of the Register of Deeds for Lancaster County, South Carolina in Deed Book 497, Page 335-341.

Tax Map #: portion of 0008-00-063.05

60-FOOT WIDE VEHICULAR ACCESS EASEMENT



STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

AFFIDAVIT OF EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on the back of this affidavit and I understand such information.
2. The property being transferred is located at Tax Map No. 0008-00-063.05
3. The deed is exempt from the deed recording fee because (See information section of affidavit):
 No consideration paid, grantor is abandoning easement rights .
4. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Lancaster County Attorney.
5. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

John K. DuBose, III, Esquire
Lancaster County Attorney

SWORN to before me this _____, day
of March, 2020.

Notary Public for South Carolina
My Commission Expires _____
Print Name: _____



LANCASTER COUNTY GIS

Tax Map:

0008 00 063 06

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

GENERAL WARRANTY DEED
(and Easement)

KNOW ALL MEN BY THESE PRESENTS, that **Crisis Hill, Inc. ("Grantor")**, a North Carolina corporation, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration to Grantor paid by the **County of Lancaster, South Carolina ("Grantee")**, whose mailing address is P.O. Box 1809, Lancaster, South Carolina 29721-1809, *SUBJECT TO* the matters set forth below has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto Grantee, the three (3) acre parcel of real estate on Possum Hollow Road and the easement (the "Property") described as follows:

SEE EXHIBIT A ATTACHED HERETO
AND INCORPORATED HEREIN

**RECORDED THIS 7th DAY
OF JANUARY, 2009
IN BOOK O PAGE C-1**

Cheryl Morgan

Auditor, Lancaster County, SC

TOGETHER with a non-exclusive sixty (60) foot wide easement appurtenant to the above described premises for additional vehicular access, ingress and egress between Possum Hollow Road and the entrance to the back portion of the three acre tract. The easement is parallel with and adjacent to the northern boundary of the three acre tract as shown cross hatched on EXHIBIT B hereto. The property burdened by the easement is a portion of the 4.75 acre tract retained by Grantor out of tax parcel 0008-00-063.05 and acquired pursuant to deed in Deed Book 331 at page 322.

The Property is sold *SUBJECT TO* any accruing real property taxes and any easements of record affecting the Property, including any which may be shown on a recorded plat.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the Property belonging or in any way incident or appertaining, including but not limited to all improvements of any nature located on the Property and all easements and rights-of-way appurtenant to the Property.

2008017278

DEED
RECORDING FEES \$13.00
STATE TAX \$0.00
COUNTY TAX \$0.00

PRESENTED & RECORDED:
12-22-2008 12:30 PM

JOHN LANE
REGISTER OF DEEDS
LANCASTER COUNTY, SC
By: JOHN LANE REGISTER
BK:DEED 497
PG:335-341

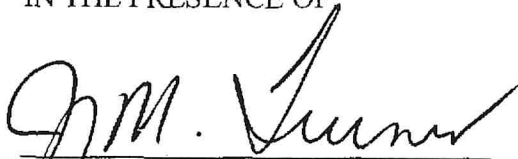
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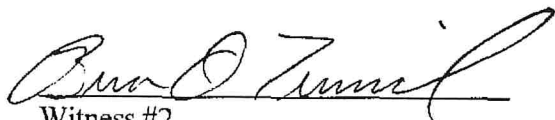
TO HAVE AND TO HOLD all and singular the Property unto Grantee, and Grantee's successors and assigns, forever.

And, subject to the matters set forth above, Grantor does hereby bind itself, its successors, administrators and other lawful representatives, to warrant and forever defend all and singular the Property unto Grantee and Grantee's successors and assigns, against Grantor and against Grantor's successors and assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed under seal by its duly authorized representative this 22 day of December, 2008.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:


Witness #1

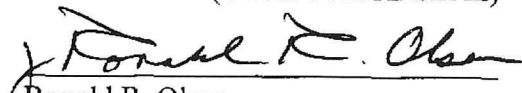

Witness #2

GRANTOR:

CRISIS HILL, INC.

(CORPORATE SEAL)

By:


Ronald R. Olsen
Its: President

Attest By:


Its: Secretary / Assistant Secretary

STATE OF SOUTH CAROLINA)
COUNTY OF Lancaster)

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw the within-named Grantor by Ronald R. Olsen, it President, and attested by Ronald R. Olsen its Secretary/Assistant Secretary sign, seal, and as the act and deed of the Grantor, deliver the within-written Deed for the uses and purposes therein mentioned, and that s/he with the other witness whose signature appears above, witnessed the execution thereof.

J.M. Turner
Witness #1 signs again here

SWORN TO before me this 22
day of December, 2008.

B. O. P.

Notary Public for South Carolina

My Commission Expires: Sept 1 2010

EXHIBIT A

PROPERTY DESCRIPTION

All that certain piece, parcel or lot of land together with any improvements thereon situate, lying and being on Possum Hollow Road, in Indian Land Township, Lancaster County, South Carolina, as shown on a Boundary and Topographic Survey for Lancaster County prepared by Fisher-Sherer Inc. dated December 5, 2008, and described thereon as follows: Beginning at a point 913.21 feet southeast of the magnetic nail in the centerline of the intersection of Possum Hollow Road and Terrier Lane and running from said point of beginning S75°06'15"E for a distance of 395.67 feet to a ½" rebar; thence turning and running S14° 53'44"W for a distance of 134.17 feet to a point marked by a 33-inch gum tree; thence turning and running S68°26'09"W for a distance of 610.66 feet to a magnetic nail in the centerline of Possum Hollow Road; thence turning and running along the centerline of Possum Hollow Road N26°05'01"E for a distance of 397.51 feet to a magnetic nail; thence continuing along the centerline of Possum Hollow Road along a curve having a radius of 2112.29 feet, an arc length of 108.67 feet, and a chord bearing and distance of N24°26'35"E for a distance of 108.66 feet to a magnetic nail, being the point of beginning, be all measurements a little more or less. The survey contains 3.00 acres and is recorded in Plat Book 2008 at Page 1123.

Tax Map Number: 008-00-063.05 *portion of*

Derivation: Being a portion of the property conveyed to Crisis Hill, Inc. by deed from Jerry A. Pressley dated April 28, 2006, recorded on April 28, 2006 in the Office of the Register of Deeds for Lancaster County, South Carolina in Deed book 331 at Page 322.

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property being deeded, consisting of approximately 3 acres located on Possum Hollow Road, Indian Land Township, Lancaster County, South Carolina (Tax Map No. 008-00-063.05), was transferred by Deed of Crisis Hill, Inc. to the County of Lancaster, South Carolina dated December 21, 2008.
3. Check one of the following: The deed is
 - (a) subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) ☒ exempt from the deed recording fee because: **Exception #2 - transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school district. (See Information sections of affidavit): (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)**
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):
 - (a) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ _____.
 - (b) The fee is computed on the fair market value of the realty which is _____.
 - (c) The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.
5. Check Yes or No to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____.
6. The deed recording fee is computed as follows:
 - (a) Place the amount listed in item 4 above here: \$ _____
 - (b) Place the amount listed in item 5 above here: \$ _____
(If no amount is listed, place zero here.)
 - (c) Subtract Line 6(b) from Line 6(a) and place result here: \$ _____
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$ _____.
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Representative of Seller.

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

CRISIS HILL, INC.

SWORN to before me this 22
day of December, 2008

By:

Ronald R. Olsen
Ronald R. Olsen

Its: President

Attested By:

Ronald R. Olsen
Its: Secretary / Assistant Secretary

[Signature]
Notary Public for South Carolina

My Commission Expires: Sept 1 2010

INFORMATION

Except as provided in this paragraph, the term "value" means "the consideration paid or to be paid in money or money's worth for the realty." Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provision of the law.

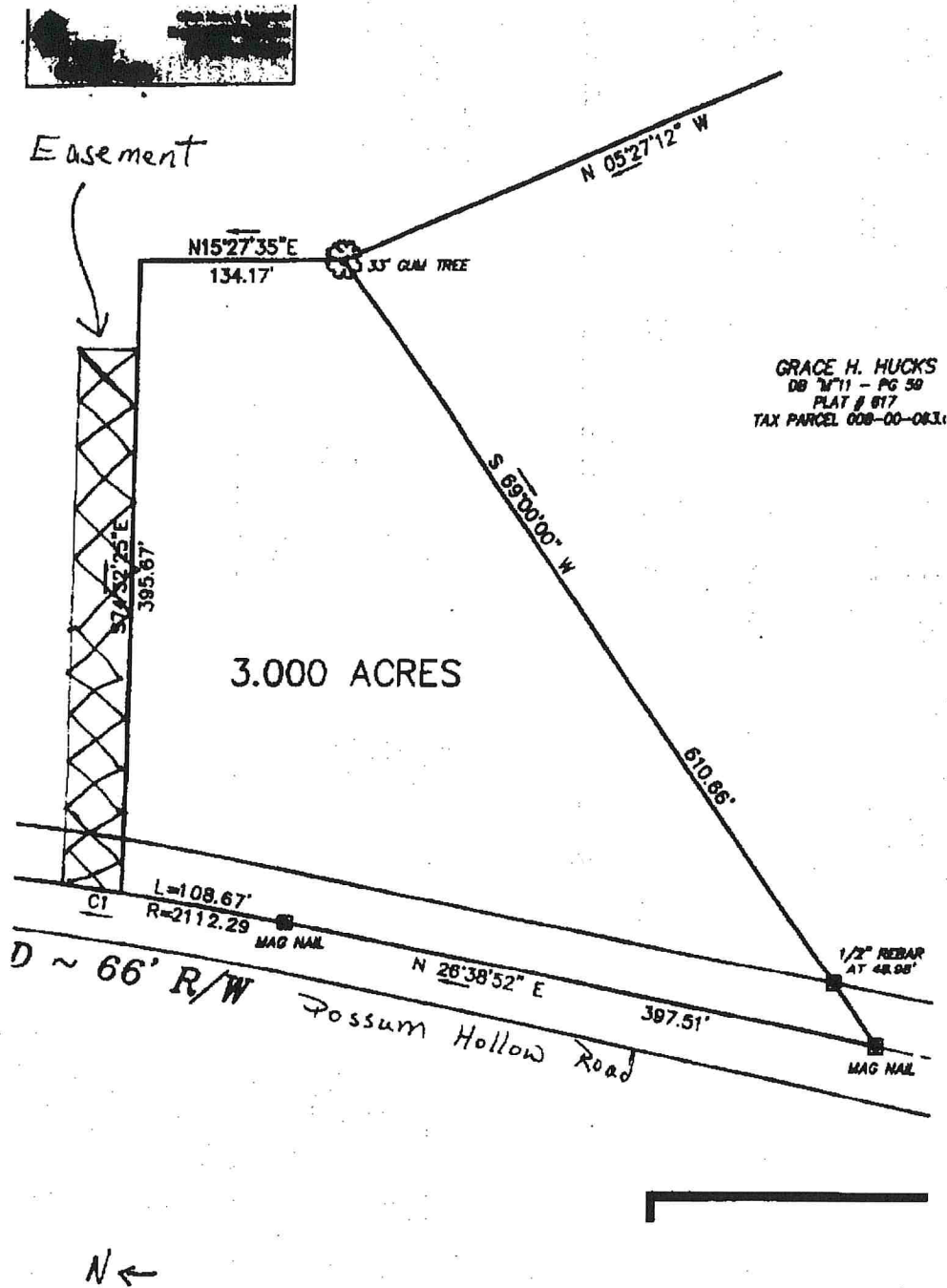
Exempted from the fee are deeds:

- (1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;
- (2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school district;
- (3) that are otherwise exempted under the laws and Constitution of this State or of the United States;
- (4) transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (5) transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;
- (6) transferring an individual grave space as a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39;
- (7) that constitute a contract for the sale of timber to be cut;
- (8) transferring realty to a corporation, a partnership, or a trust in order to become or as a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership, or trust;
- (9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "family partnership" is a partnership whose partners are all members of the same family. A "family trust" is a trust, in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any of the above. A "charitable entity" means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (10) transferring realty is a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;
- (11) transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership;
- (12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed;
- (13) transferring realty subject to a mortgage to the mortgagee whether by a deed in lieu of foreclosure executed by the mortgagor or deed executed pursuant to foreclosure proceedings;
- (14) transferring realty from an agent to the agent's principal in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty; and
- (15) transferring title to facilities for transmitting electricity that is transferred, sold, or exchanged by electrical utilities, municipalities, electric cooperatives, or political subdivisions to a limited liability company which is subject to regulation under the Federal Power Act (16 U.S.C. Section 791(a)) and which is formed to operate or to take functional control of electric transmission assets as defined in the Federal Power Act.

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EXHIBIT B

60-FOOT WIDE VEHICULAR ACCESS EASEMENT



Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Alison Alexander/Deputy County Administrator

Department: Administration

Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

This information is provided to Council as an update regarding the County's ongoing projects.

Points to Consider:

N/A

Funding and Liability Factors:

The funding and liability factors vary by project.

Council Options:

N/A

Recommendation:

N/A

ATTACHMENTS:

Description	Upload Date	Type
Pending Projects Update 02.20	2/4/2020	Ordinance

Construction Project Status Update

February 10, 2020 County Council Meeting

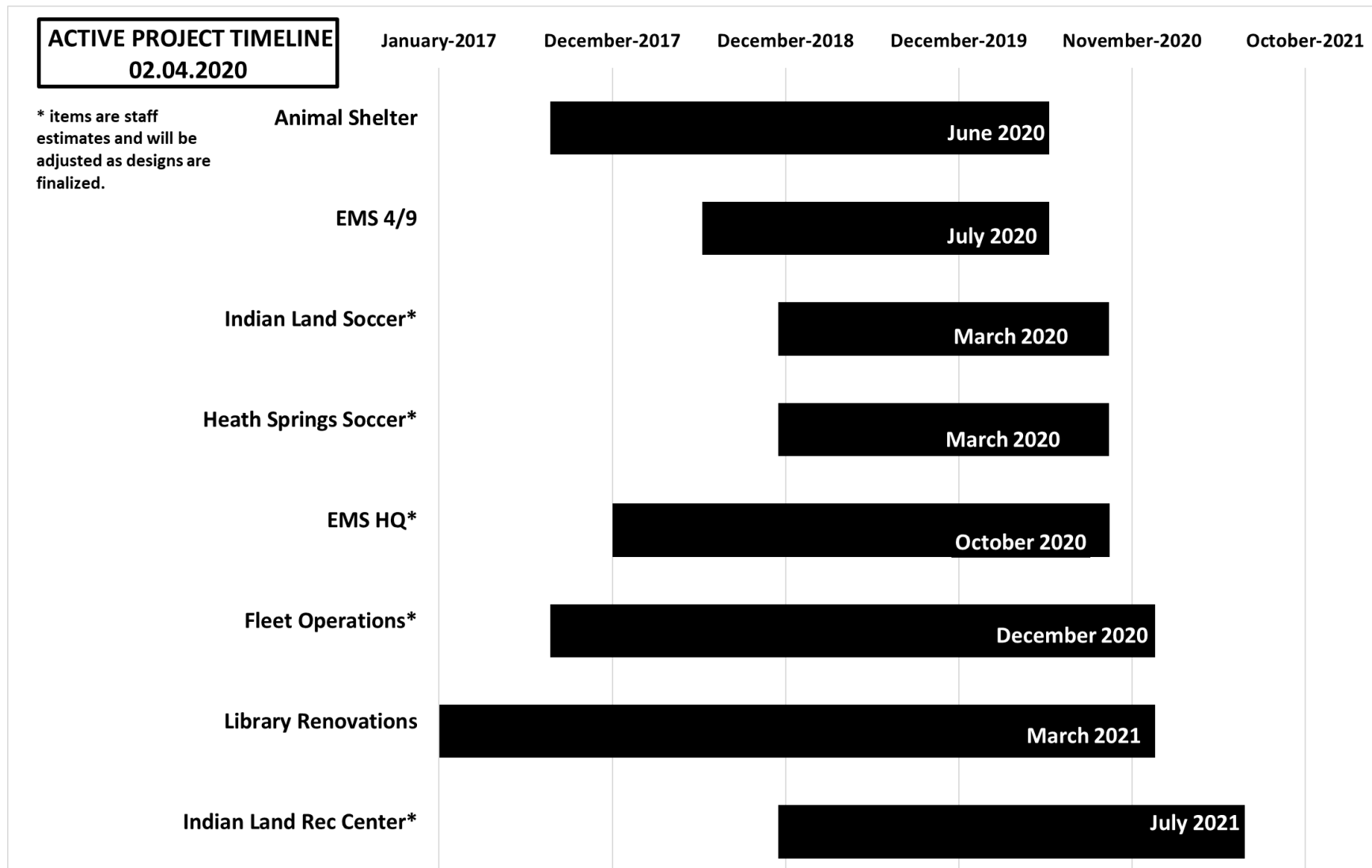
UNDER CONSTRUCTION

- **Animal Shelter**
 - Building Structure & roof installed, interior MEP ongoing above ceiling and misc areas. Roof top HVAC units installed last week. Drywall installation is almost complete. All CMU block complete in the building.
- **EMS Substation 4/9 - Old Bailes Road**
 - Concrete slab poured. Metal structure installation in ongoing. Roof installation in ongoing. Exterior stud installation scheduled to start week of February 3rd, with completion in mid-February. Street curb and gutter scheduled to start week of Feb 17th.
- **Public Library System**
 - Demolition is well under way at the Lancaster and Kershaw locations. Additional asbestos was found at the Lancaster Location (ductwork, roof drains, lobby roof). We are waiting on DHEC permits to allow removal.
 - Construction will be concurrent for all three branches. Overall construction schedule estimates are twelve (12) months for the Main branch, and 6 to 8 months for the Del Webb and Kershaw branches. Contractor is finalizing an updated construction schedule due to the asbestos related delays and plan changes.
 - Furniture and shelving RFPs issued week of February 3rd.
- **Lancaster County Barnette Complex**
 - Target date of building completion is mid-March for Voter Registration, DHEC.
 - As reported last month, additional asbestos testing was required in the DHEC area. The testing was positive, and abatement performed. We received clearance for the building the week of January 27th.
 - Life safety plans have been revised to accommodate space for Recreation Administration and IT staff on the second floor.

IN DESIGN PHASE

- **Fleet Maintenance Garage**
 - We are now awaiting direction to send the project to Bid or pursue other options.
 - There have been discussions about the old LCWSD site as a possible convenience site/public works / fleet maintenance location, and staff and consultants are reviewing the site for its suitability.
- **EMS HQ**
 - Building estimate received and reviewed with Council at budget retreat, and as requested Chad Catledge reviewed the plans and estimate. County Administrator Willis will present to Administration Committee in February for direction.

- **Soccer Fields – Heath Springs and Indian Land**
 - Initial meetings with the design firm began in late January, and we will have a project schedule for Council in March.
- **Indian Land Recreation Center Renovations**
 - Initial meetings with the design firm began in early February, and we will have a project schedule for Council in March.
- **Human Services Complex**
 - County received notice of grant award in November 2019. County staff to finalize the full project scope with DSS and DHHS staff. Work is anticipated to begin in FY 2021.



Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2019-1626 - HELD

Contact Person / Sponsor: Jamie Gilbert/Economic Development

Department: Economic Development

Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

Project Dumping is a well respected corporation that is seeking to invest and create new jobs in Lancaster County. The project is expected to invest \$20,000,000 and create 200 new jobs over five years. The project has looked at locations in Lancaster County, the Charlotte Region and throughout the United States. The Lancaster County Department of Economic Development (LCDED) and South Carolina Department of Commerce (SCDOC) have worked with Project Dumping to secure the project in Lancaster County. LCDED has assisted the project with site selection, incentives, transportation issues and other related items.

Three inducement resolutions were passed by County Council on August 27, 2018, November 26, 2018 and April 8, 2019 reflecting the county's commitment to provide property tax and infrastructure incentives for Project Dumping. The following are the recommended incentives for the project:

- A 30 Year Fee-In-Lieu-of-Taxes (FILOT) agreement that provides a property tax assessment rate of 6%, a locked in millage rate of 317.6 mills and a ten year investment period.
- A 15 Year Special Source Revenue Credit (SSRC) of 70% for the first six years that the property is placed in service during the investment period, 65% for years seven through eleven, and 60% for years twelve through fifteen.
- A ten-year extension of the term for an existing FILOT agreement between Lancaster County and the company.
- Securing of funds through one or more sources including but not limited to grants, utility tax credits, enhanced property tax credits and general appropriations to assist with the construction of all road improvements required for approval of Project Dumping.
- Reimbursement to the company for road improvement costs the company incurs, up to \$194,500.

Points to Consider:

- Project Dumping will result in a large number of new jobs and substantial investment coming to Lancaster County.
- The company is well respected and a leader in their industry.
- The road improvements will be beneficial to both businesses and residents in the area in which the project is located.
- The direct cost to the County of the road improvements is less than what was initially projected at the time the resolutions were approved.

Funding and Liability Factors:

The only direct funding/liability factors for Lancaster County are associated with the county road improvements. The following outlines the potential funding/liability factors for the County.

- The road improvement costs are estimated to be \$1,195,5000
- LCDED has secured \$350,000 in grant funding from Comporium, South Carolina Department of Commerce and Duke Energy for the road improvements.

- The County has applied to the U.S. Economic Development Administration (EDA) for a grant. If approved the grant could fund up to \$724,400 of the county road improvement costs.
- If the EDA grant is awarded, the balance of the road improvement costs will be approximately \$121,100 which would be paid by County.
- If the EDA grant is not awarded, the County will seek other grants to offset the costs. In the event no other grants are available, the County will provide the balance of the \$845,500 in county road improvement costs.

Council Options:

County Council can approve, deny or table for additional changes, the Project Dumping Incentive Ordinance and Agreement.

Recommendation:

LCDED recommends the County Council approve the Project Dumping Incentive Ordinance and Agreement.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2019-1631 - HELD
Contact Person / Sponsor: Jamie Gilbert/Economic Development
Department: Economic Development
Date Requested to be on Agenda: 2/10/2020

Issue for Consideration:

Project Boom is a construction products company that is considering establishing a new facility in Indian Land. The operation would include the company's manufacturing, administrative, sales and service operations. Project Boom would create 22 new jobs in Lancaster County over five years with an hourly wage of at least \$16. The capital investment is expected to be \$3,200,000, which includes land, building and equipment.

The Lancaster County Department of Economic Development (LCDED) has assisted the company with its site search, county/state incentives, tax issues and workforce development.

LCDED is recommending that Project Boom receive the following county incentives, should the company locate the new project to Indian Land:

- A 20 Year Fee-In-Lieu-of-Taxes (FILOT) agreement that will provide an assessment rate of 6% for real and personal property with a fixed millage rate of 325.4 mills.
- A 5 Year Special Source Revenue Credit (SSRC) that will reduce the company's annual FILOT payment by 50% annually.

The following will be required by Project Boom:

- Maintain 10 full time jobs and a capital investment of \$2.5 million at the facility in order to receive the FILOT annually. If the project falls below either in a given year, the FILOT will be calculated to reflect the ad valorem payment that would be due for that year.
- Employ an average of 10 new full time jobs (NFTJ) at the facility in Year 1, 13 NFTJ in Year 2, 15 NFTJ in Year 3, 17 NFTJ in Year 4 and 18 NFTJ in Year 5 at an hourly wage of at least \$16 during each of the corresponding years of the SSRC. Failure to do will result in the 50% SSRC being reduced in the same proportion that the jobs requirement was not met.

Points to Consider:

Project Boom is an excellent industrial project for Lancaster County. The project is competitive as the company has considered several states for the new facility. South Carolina's property taxes are higher than other states for industrial projects and the FILOT/SSRC are important to addressing this issue and to securing the project in Lancaster County. The recommended incentives for the project follow LCDED's incentive guidelines for new businesses.

Funding and Liability Factors:

There are no funding or liability factors associated with Project Boom.

Council Options:

Council can approve, deny or table with changes.

Recommendation:

LCDED recommends approval of the Project Boom Ordinance.

