LANCASTER COUNTY PLANNING COMMISSION

May 20, 2014
6:30 PM
Lancaster Co.
Adm. Bldg., #224
(803) 285-6005

Type of meeting:	**General Business Meeting**	**Facilitator:**	**Planning Staff**
Clerk:	**Judy Barrineau**		

Please read:	**Agenda Packet**
Please bring:	**Agenda Packet & UDO**

Call To Order	Chairman
Roll Call	Chairman
Approve Agenda	Chairman
Citizen's Comments	Chairman
Approval of minutes – April 03, 2014 Workshop Minutes & April 15, 2014 Regular Minutes	Chairman
Chairman's Report	Chairman
Director's Report	Penelope Karagounis
UDO-TA-014-008 – Proposed text amendment by Lancaster County to amend the Lancaster County Unified Development Ordinance (UDO): Chapter 13, Land Development Regulations and Chapter 26 of the Lancaster County Code of Ordinances, Ordinance 195 pertaining to road width. The County is requesting to change the minimum width of privately maintained roads from 20 to 22 feet. This proposed text change will not affect subdivisions with less than six lots and subdivisions with lots that contain 5 acres or more per lot. {Public Hearing} pgs. 1-19	Elaine Boone
UDO-TA-014-006 – Application of Steve Willis, Lancaster County Administrator, to amend the text of Chapter 2, Zoning Districts and Zoning Map, Section 2.1.5, Overlay Districts, of the Unified Development Ordinance to create a Highway Corridor Overlay District. {Public Hearing} pgs. 20-51	Penelope Karagounis
Rezoning application of Mr. Bob Wiggins representing MI Homes of Charlotte, LLC, to rezone the property from R-15P, Moderate Density Residential/Agricultural Panhandle District, to R-15, Moderate Density Residential/Agricultural District, with a Cluster Subdivision Overlay District. **RZ 014-010** {Public Hearing} pgs. 52-125 **Tax Map #3, Parcel 40, 40.02, 40.04, 40.06, 40.09, and 40.13 and Tax Map #4, Parcel 1 & 2.**	Penelope Karagounis
UDO-TA-014-011 – Lancaster County – Amend Future Land Use Map for MI Homes {Public Hearing} pgs. 126-127	Elaine Boone
DA-014-002 – Development Agreement/MI Homes – Barber Rock South (Barberville Road Site) {Public Hearing} pgs. 128-164	Penelope Karagounis
Rezoning application of Mr. Darren Sutton of Bonterra Builders, LLC, to rezone 77.66 acres of property from R-15P, Moderate Density Residential/Agricultural Panhandle District to R-15P, Moderate Density Residential/Agricultural Panhandle District with a Cluster Subdivision Overlay District. **RZ 014-012** {Public Hearing} pgs. 165-210 **Tax Map #6, Parcel 53, 53.01 & 53.02**	Penelope Karagounis

DA-014-004 – Development Agreement/TDON Development – Bent Creek {Public Hearing} pgs. 211-240	Penelope Karagounis
Rezoning application of Lancaster County to rezone 5 acres from R-45A, Rural Residential/Intense Agricultural District, to I-1, Light Industrial District. The purpose of this rezoning is to correct a zoning error on the Lancaster County Official Zoning Map. **RZ 014-014** {Public Hearing} pgs. 241-258 **TMS# 0141-00-030.00**	Alex Moore
Rezoning application of Lancaster County to rezone 1.84 acres from R-45A, Rural Residential/Intense Agricultural District, to I-1, Light Industrial District. The purpose of this rezoning is to correct a zoning error on the Lancaster County Official Zoning Map. **RZ 014-015** {Public Hearing} pgs. 259-274 **TMS # 0141-00-029.00**	Alex Moore
Rezoning application of Lancaster County to rezone 10.09 acres from R-15, Moderate Density Residential/Agricultural District, to MHP, Mobile Home Park District. The purpose of this rezoning is to correct a zoning error on the Lancaster County Official Zoning Map. **RZ 014-016** {Public Hearing} pgs. 275-312 **TMS # 0086-00-032.02**	Alex Moore
New Business:	
Old Business:	

UDO-TA-014-008 – Proposed text amendment by Lancaster County to amend the Lancaster County Unified Development Ordinance (UDO): Chapter 13, Land Development Regulations and Chapter 26 of the Lancaster County Code of Ordinances, Ordinance 195 pertaining to road width. The County is requesting to change the minimum width of privately maintained roads from 20 to 22 feet. This proposed text change will not affect subdivisions with less than six lots and subdivisions with lots that contain 5 acres or more per lot.

{Public Hearing} pgs. 1-19

Elaine Boone

Conclusions:

Action items:	**Person responsible:**	**Deadline:**

Date of 1st Reading: _____
__ Approved ___Denied ___ No Action

Lancaster County Planning Department Staff Report

I. Facts

The following is a proposed text amendment by Lancaster County to amend the Lancaster County Unified Development Ordinance (UDO): Chapter 13, Land Development Regulations and Chapter 26 of the Lancaster County Code of Ordinances, Ordinance 915 pertaining to road width. The County is requesting to change the minimum width of privately maintained roads from 20 to 22 feet. This proposed text change will not affect subdivisions with less than six lots and subdivisions with lots that contain 5 acres or more per lot.

With the exception of Federal and State roads in Lancaster County we have three different types of County roads they are 1) private unpaved, 2) private paved and 3) County maintained roads. Listed below are the different classifications according to Ordinance 915/Chapter 26 Lancaster Code of Ordinances/UDO-Chapter 13 – Land Development Regulations: 1) Private unpaved – Chapter 13, Section 13.7.10.9 Road Construction (g)(1-5) These requirements allow for five lots to be accessed off of a 25 foot ingress/egress/utility easement with upgrades such as naming the road, paving the first 25 feet, six inches of gravel 20 foot wide throughout the length of the road and have a turnaround at the end of the road. 2) Private paved/Division 1- This requirement is for newly created subdivisions that have six or more lots and where the roads are dedicated to the HOA for maintenance 20 foot wide (Townhomes, Apartments, and Subdivisions). 3) County maintained roads/Division 2- This section is for roads that are built, accepted and then maintained by Lancaster County 22 foot road width.

Division 1
Standards for Privately Maintained Roads
Ordinance 915/Chapter 26 of the Lancaster County Code of Ordinances
Section 26-61. Road Design (geometric criteria)

Currently under Ordinance 915 Standards for Privately Maintained Roads, local roads built in Lancaster County were built 20 foot wide and privately maintained by the HOA. These roads were not accepted for maintenance by Lancaster County, unless the Developer had a Development Agreement. All subdivisions were built to this standard of 20 feet because at that particular time Lancaster County was not accepting any additional roads in the County system. According to Jeff Catoe, Director of Public Works Department the SCDOT's standard is 20 feet, but they require an additional 2 foot requirement on state maintained roads or any improvements to state maintained roads where applicable.

Proposed change from 20 foot width to 22 foot width.

Division 2
Standards for County Maintained Roads
Section 26-65. Road Design (geometric criteria)

This section refers to roads that are built, accepted and then maintained by Lancaster County.

Both Division 1 and Division 2 whether private maintained or county maintained are built in accordance with the standards of the South Carolina Department of Transportation (SCDOT). Division 2 exceeds the SCDOT standard requirement of 20 feet, by 2.0 feet.

No change required.

Chapter 13, Land Development Regulations
Section 13.7.10.8 Road Design (geometric criteria) (c) (2)

Private paved road for road accessing six or more lots and gated community standards, subsection (c) (2) Streets may be constructed either with or without curb and gutter, but either case shall be constructed in accordance with SCDOT standards is currently 20 feet width.

Proposed change from 20 foot width to 22 foot width the SCDOT standard will remain the same, but in this section of the Ordinance it will state 22 foot width.

I. Conclusions

At the County Council meeting on April 14, 2014 Jeff Catoe, Public Works Director, Charles Deese, Chair of the Lancaster County Planning Commission and Penelope Karagounis, Lancaster County Planning Director discussed with County Council the update about increasing the private paved road width standards from 20 to 22 foot. In the first quarter of the year Mr. Brian Carnes instructed the Planning staff to work with Mr. Jerry Holt, District 7 Planning Commissioner.

We researched surrounding counties and came to the conclusion of increasing the road width by 2 feet. When we came to County Council, they gave us the blessing to proceed with a text amendment. We understood Council's urgency to increase the road width standard because of the recent approval of the Cluster Subdivision Overlay District. However, staff wants to state for the record on the importance of rewriting the Unified Development Ordinance. We have been advised that it would be in our best interest to hold text amendments until the UDO rewrite from our consultant. Staff did not want to disappoint County Council since staff received the orders to proceeds with the road width text amendment.

II. Recommendation of the Planning Staff:

It is therefore the recommendation of the planning staff that the text amendment be **approved.**

LANCASTER COUNTY
SOUTH CAROLINA

APPLICATION TO AMEND OR CHANGE THE TEXT OR MAP OF THE LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE

Do Not Write In This Box

Application No. TA-014-008 Date Received 4/15/2014 Fee Paid N/A

1. The application is for amendment to the: (check one)

   ☐ District Boundary Map (fill in all items #2,3,4,5,6,7,&9 only)

   ☑ Ordinance Text (fill in items # 8 & 9 only)

2. Give either exact address or tax map reference to property for which a district boundary change is requested: _____

3. How is this property presently designated on the map? _____

4. How is the property presently being used? _____

5. What new designation or map change do you purpose for this property? _____

6. What new use do you propose for the property? _____

EXPLAIN UNDER ITEM #9 WHY THIS AREA SHOULD BE REDESIGNATED OR CHANGED.

7. Does the applicant own the property proposed for this change? ☐ YES ☐ NO If no, give the name and address of the property owner and attach notarized letter from property owner:

   _____

   _____

8. If this involves a change in the Ordinance text, what section or sections will be affected? UDO Chapter 13 (Land Development Regulations) + Chapter 26 of the Lancaster County Code of Ordinances (Black Book)

9. Explanation of and reasons for proposed change: Increase the County's standards for road width

   (use back of form if additional space is needed)

NOTE: *It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.*

APPLICANT'S NAME (PRINT)
Steve Willis
Lancaster County Administrator

ADDRESS:
101 N. Main St
Lancaster, SC 29721

Phone: (803) 416-9300

SIGNATURE

Sec. 26-81. Road design (geometric criteria).

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

(1)

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

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

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

(2)

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

(3)

Horizontal curvature shall be introduced at any change in road direction. Minimum centerline radius shall be one hundred and fifty (150) feet for local roads and two hundred and fifty (250) feet for collector roads. Major road curvature shall be in accordance with

(1)

Paved road surfaces are required for any road except where such road is within a residential subdivision where all lots exceed five (5) acres in size.

a.

Local roads: Road base shall include (approximately six (6) inches crushed stone compacted) with a two (2) inch surface course in compacted asphaltic concrete.

b.

Collector/subcollector roads: Road base shall include approximately eight (8) inches crushed stone compacted with two (2) inch surface course of compacted asphaltic concrete.

(2)

In subdivisions with all lots five (5) acres or more in area, local roads may be constructed with a six-inch crushed stone (crusher run) driving surface, drainage swales, and six-foot stabilized shoulders.

(3)

Road paving for nonresidential roads is required. Pavement design requirements for nonresidential subdivisions shall be in accordance with sound engineering principles as outlined in procedures adopted by the American Association of State Highway and Transportation Officials, or the Portland Cement Institute, or the Asphalt Institute. However, in no case shall the paving standard be less than the standard required for residential roads.

(4)

All roadway ditches and channels shall be designed to contain, at a minimum, a peak flow from a twenty-year frequency storm. All roadway ditches and channels shall be designed so that the velocity of flow expected from a twenty-year frequency storm shall not exceed the permissible velocities for the type of lining used. Riprap shall be placed for stops in road drainage swales as needed. Swales shall be stabilized against erosion by grassing with a mixture of rye and Bermuda grass. Road swales shall be installed at a maximum depth of three (3) feet and be designed to enable mowing by adjoining property owners.

(5)

Roads may be constructed with drainage swales and six-foot-wide shoulders (12:1 slope) provided road grade does not exceed six (6) percent. Where road grade exceeds six (6) percent, curb and gutter,

STATE OF SOUTH CAROLINA)
) ORDINANCE NO. 915
COUNTY OF LANCASTER)

AN ORDINANCE

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

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

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

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

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

"Section 26-23. Reserved.

Section 26-24. Reserved."

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

"Section 26-27. Acceptance contingent upon recommendation of acceptance.
If all standards as outlined in ArticleV, Division 2 are met, and the county road supervisor recommends acceptance, the county administrator shall accept the road into the county road system. Lancaster County will not accept ownership and/or responsibility for sidewalks, landscaped medians, storm water infrastructure outside the road right of way, detention ponds, street trees, decorative stamped asphalt/concrete, pavers, street lights, and similar items. Roads that do not meet the standards as contained in Article V, Division 2 shall not be accepted into the county road system."

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

"Article V
Road Construction Standards

COLUMBIA 938699v4

Division I
Standards for Privately Maintained Roads

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

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

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

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

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

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

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

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

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

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

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

Section 26-62. Road Construction.

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

(1) Paved road surfaces are required for any road except where such road is within a residential subdivision where all lots exceed five (5) acres in size.

a. Local roads: Road base shall include (approximately six (6) inches crushed stone compacted) with a two (2) inch surface course in compacted asphaltic concrete.

b. Collector / Sub Collector roads: Road base shall include approximately eight (8) inches crushed stone compacted with two (2) inch surface course of compacted asphaltic concrete.

(2) In subdivisions with all lots five (5) acres or more in area, local roads may be constructed with a six-inch crushed stone (crusher run) driving surface, drainage swales, and six-foot stabilized shoulders.

(3) Road paving for nonresidential roads is required. Pavement design requirements for nonresidential subdivisions shall be in accordance with sound engineering principles as outlined in procedures adopted by the American Association of State Highway and Transportation Officials, or the Portland Cement Institute, or the Asphalt Institute. However, in no case shall the paving standard be less than the standard required for residential roads.

(4) All roadway ditches and channels shall be designed to contain, at a minimum, a peak flow from a twenty-year frequency storm. All roadway ditches and channels shall be designed so that the velocity of flow expected from a twenty-year frequency storm shall not exceed the permissible velocities for the type of lining used. Riprap shall be placed for stops in road drainage swales as needed. Swales shall be stabilized against erosion by grassing with a mixture of rye and Bermuda grass. Road swales shall be installed at a maximum depth of three (3) feet and be designed to enable mowing by adjoining property owners.

(5) Roads may be constructed with drainage swales and six-foot-wide shoulders (12:1 slope) provided road grade does not exceed six (6) percent. Where road grade exceeds six (6) percent, curb and gutter, paved drainage swales, or riprap swales shall be provided. Curb and gutter may be roll-type or standard ninety-degree curb.

Section 26-63. Variances.

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

Division 2
Standards for County Maintained Roads

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

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

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

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

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

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

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

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

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

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

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

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

Section 26-66. Road standards.

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

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

Between March 1 and November 30:

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

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

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

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

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

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

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

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

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

(power, cable/phone, natural gas) are properly installed and compacted. Dry utilities are subject to inspection by Lancaster County Public Works, and any deficiencies must be corrected immediately.

(5) All curb must be, or transitioned to, SCDOT vertical standard curb at all creek crossings. A 10' transition is also required from curb to all drainage structures.

(6) All roadway ditches and channels shall be designed to contain, at a minimum, a peak flow from a twenty-year frequency storm. All roadway ditches and channels shall be designed so that the velocity of flow expected from a twenty-year frequency storm shall not exceed the permissible velocities for the type of lining used. Riprap shall be placed for stops in road drainage swales as needed. Swales shall be stabilized against erosion by grassing with a mixture of rye and Bermuda grass. Road swales shall be installed at a maximum depth of three (3) feet and be designed to enable mowing by adjoining property owners.

(7) Roads may be constructed with drainage swales and six-foot-wide shoulders (12:1 slope) provided road grade does not exceed six (6) percent. Where road grade exceeds six (6) percent, curb and gutter, paved drainage swales, or riprap swales shall be provided. Curb and gutter may be roll-type or standard ninety-degree curb.

Section 26-67. Proof rolls.

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

(1) Curb subgrade shall be proof rolled with a loaded pan or loaded dump truck. Proof roll equipment must be approved by Lancaster County Public Works. No weight ticket will be necessary for curb subgrade proof roll.

(2) Curb subgrade proof rolls shall be scheduled between the hours of 8:30 AM and 2:30 PM (Monday through Thursday). Any curb subgrade proof roll scheduled on Friday or the day prior to a holiday must be approved by Lancaster County Public Works. A 24 hour notice is required.

(3) Curb proof rolls shall be scheduled accordingly, despite size or phasing of project. Lancaster County will not "piece mill" proof rolls for curb placement.

(4) Curb subgrade shall be smooth on top with no loose material, cracks, ruts, or organic material / roots visible in subgrade. Exposed rock shall be at least 6" below subgrade.

(5) The contractor or project engineer will schedule proof rolls.

(6) All sewer lines shall be tested by the project engineer, and all road crossing conduits installed before curb subgrade proof roll.

(7) Curb subgrade shall be compacted properly with no visible movement, and at optimum moisture content in order for proof roll to pass.

(8) If proof roll fails, a re-inspection fee in an amount established by the Lancaster County annual budget shall be collected before the rescheduled proof roll.

(9) Any undercut areas must be replaced with material approved by the Lancaster County Public Works Department.

(10) All concrete shall meet or exceed SCDOT and all local government requirements. Concrete shall be 3,600 psi, or greater. Temperatures must be above 40 degrees Fahrenheit to pour curb. If temperatures fall below freezing (32 degrees F.) overnight, all finished curb shall be covered with insulation blankets.

(11) Lancaster County reserves the right to have any material and/or utility trenches tested by an independent engineering firm, at the developer's/ contractor's expense.

(12) Pour is to start within 24 hours of passed proof roll. If project receives significant rainfall, the proof roll shall be rescheduled. In the event of rainfall, any undermined curb and gutter shall be removed and repoured. Finished curb must have a minimum 72 hour period curing time, and be properly backfilled, before any stone is placed on the subgrade.

(13) Lancaster County shall have final decision on the acceptance of all proof rolls.

Section 26-68. Roadway subgrade.

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

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

Section 26-69. Roadway stone base.
For roads that will be maintained by the county, the following requirements apply:
(1) Stone base shall be proof rolled with a loaded tandem truck with 15 tons loaded on the truck, or a maximum gross weight of 54,000 lbs. Current weight ticket shall be checked.

(2) Stone base shall be properly set and sealed, with no visible movement in order for proof roll to pass. No loose gravel, or segregation of stone on top, shall be permitted. Those areas shall be wet and rolled, or broomed/undercut until satisfactory surface is present. If proof roll fails, a re-inspection fee in an amount established by the Lancaster County annual budget shall be collected before the rescheduled proof roll

(3) Proof rolls shall be conducted from the hours of 8:30 AM and 1:00 PM (Monday through Thursday). Any proof roll scheduled on Friday or the day prior to a holiday must be approved by Lancaster County Public Works. A 24 hour notice is required.

(4) Stone base proof roll shall be scheduled by the paving contractor only.

(5) Pavement is to begin within 24 hours following satisfactory proof roll.

(6) Every effort shall be made to pave the stone base. Traffic shall be monitored and routed around subgrade before, during, and after stone base is set or being set. In certain cases, isolated areas could cause entire proof roll to fail.

(7) Any isolated areas shall be undercut and removed to the subgrade for full depth patching. Undercut areas will be a minimum of six (6) inches.

(8) Any areas of contaminated stone shall be undercut / removed before any asphalt is placed.

(9) Pavement shall not be placed on frozen or excessively wet subgrade. Temperatures must be above 50 degrees by 10:00 AM to place asphalt. In the event temperatures fall under freezing overnight, proof roll shall be rescheduled. In the event of significant rainfall, proof roll shall be rescheduled.

(10) All material shall meet SCDOT standards, as well as local government standards. Lancaster County reserves the right to have any material, fill, or trench tested by an independent engineering firm, at the developer's/ contractor's expense.

(11) Proper measures shall be installed at catch basins to drain roadway properly after initial asphalt course is placed. These measures shall be the responsibility of the developer to maintain from the time of asphalt placement to the end of the warranty period.

(12) Lancaster County shall have final decision on all proof rolls.

Section 26-70. Storm drain inspections.

The following requirements apply to storm drains:

(1) Storm drain system must be initially inspected after catch basins are tied into curb and gutter (10 inch transition from curb to drainage structure). Storm drain system shall be cleaned and flushed before final acceptance inspection of roadway. A 48 hour notice is required.

(2) Catch basins must be free of excess silt and mud for inspection to pass. All throat/hood openings shall conform to SCDOT specifications, and all pipe shall be reinforced concrete pipe (RCP). Any failures or deficiencies noticed in any pipe crossings flashed in roadway must be corrected before stone base is put down. Minor issues such as grouting boxes, changing grates, adding steps can be completed before final inspection.

(3) All materials used in the storm drain system must be SCDOT approved.

(4) All outfall pipes must have a flared end with rip rap outlet protection properly installed.

(5) Developer/contractor shall be required to have weepholes, pipes, or some form of temporary drainage, installed to the catch basins to protect the road subgrade/stone base/intermediate asphalt base course.

Section 26-71. Pavement inspections.

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

(1) Pavement shall pose no drainage or safety hazard during its warranty period.

(2) Upon installation of the intermediate asphalt course, Lancaster County Public Works will conduct monthly inspections of the roadway. Any immediate hazards will be forwarded in writing to the project engineer and/or developer. These repairs must be done immediately, or developer will be found in default, with the possibility of the suspension of building permits and certificates of occupancy for the project.

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

Division 3
General

Section 26-72. Technical procedures.
The Director of Public Works is authorized to publish and utilize departmental technical procedures and processes to carry out the provisions of this Chapter."

Section 5. If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section 6. To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

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

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

LANCASTER COUNTY, SOUTH CAROLINA

Rudy L. Carter, Chair, County Council

Wesley Grier, Secretary, County Council

Approved as to form:

J. Michael Ey, County Attorney

ATTEST:

Christopher S. Karres, Deputy Clerk to Council

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

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Section 13.7.10.8 Road design (geometric criteria).

For any road or related standards not listed below, an individual should contact the Lancaster County Public Works Department to determine what standards are required to be followed.

a. Roads that are used to access emergency services facilities shall be at or above the five-hundred-year flood elevation. Examples of emergency service facilities are as follows: EMS stations, fire stations, police stations, hospitals, convalescent homes, etc.

b. Private paved road for road accessing six or more lots and gated community standards:

   1. Minimum road section standard for typical private paved streets, or gated communities: 6" crush stone, 2.5" asphalt binder course, 1" asphalt course. The 1" asphalt course shall be put down after 95% build out of the entire project, even if phased.

   2. Minimum road section for private commercial or business/industry park streets: 8" crushed stone, 2" asphalt binder course, 2" asphalt surface course. Commercial or business/industry park streets shall be accompanied by a CBR study of the soils, and a traffic study based on repetitive traffic, including construction/commercial refuse traffic per lot. Minimum standard shall be applied, even if test/studies support a weaker standard. In the event a heavier pavement section is required, Lancaster County Public Works must given written approval.

   3. Minimum road section for a private paved, or gated community residential collector: 8" crushed stone, 2" asphalt binder, 1" asphalt course. The 1" asphalt course shall be put down after 95% build out of the entire project, even if phased.

   4. Lancaster County Public Works requests to be included in all proof roll inspections of the curb, subgrade, and stone base, as a neutral third party advisor only. County public works will document for its own records whether or not inspections meet county standards for public roadway.

c. Street width, sidewalk, and drainage requirements for public streets.

   1. Street rights-of-way are designed and developed to carry motor vehicle traffic, and in some cases, allow on-street parking, to provide a safe and convenient passageway for pedestrian traffic, and to serve as an important link in the drainage system. In order to fulfill these objectives, all public streets shall be constructed to meet the standards set forth in this section.

   2. Streets may be constructed either with or without curb and gutter, but in either case shall be constructed in accordance with SCDOT standards.

   3. When sidewalks are constructed, they shall be at least four feet in width and constructed according to the specifications set forth in chapter 21, except that the permit-issuing authority may permit the installation of walkways constructed with other suitable materials when it concludes that:

      (a) Such walkways would serve the residents of the development as adequately as concrete sidewalks;

(b) Such walkways would be more environmentally desirable or more in keeping with the overall design of the development.

4. Sidewalks shall generally be located within the public right-of-way, unless the permit-issuing authority permits a sidewalk to be located in an alternative location upon a finding that the alternative location will serve the residents of the development equally as well.

5. Whenever the planning commission finds that a means of pedestrian access is necessary from a subdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer shall be required to reserve an unobstructed easement of at least ten (10) feet in width to provide such access.

d. General layout of streets.

1. All permanent dead-end streets shall be developed as cul-de-sacs in accordance with standards set forth in section 13.3, definition 6.

2. Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this ordinance.

e. Road and sidewalk requirements in unsubdivided developments.

1. Within unsubdivided developments, all private drives and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Width of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of this ordinance dealing with parking and stormwater management. To the extent not otherwise covered in the foregoing sections, and to the extent that the requirements set forth in this section for subdivision streets shall be relevant to the roads in unsubdivided developments, the requirements of this section shall be applied to satisfy the standard set forth in the first sentence of this subsection.

2. Whenever a road in an unsubdivided development connects two (2) or more collector or arterial streets in such a manner that any substantial volume of through traffic is likely to make use of this road, such a road shall be constructed in accordance with the standards applicable to subdivision streets and shall be dedicated to the county for maintenance.

3. In all unsubdivided residential developments (excluding manufactured home parks), sidewalks shall be provided as required by the permit-issuing authority. When required, sidewalks shall link dwelling units and on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities.

4. Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from an unsubdivided development to schools, parks, playgrounds, or other roads or facilities, and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer shall be required to reserve an unobstructed easement of at least ten (10) feet to provide such access.

5. The sidewalks required by this section shall be at least four (4) feet wide and constructed according to the specifications set forth in chapter 21, except that the permit-issuing authority may permit the installation of walkways constructed with other suitable materials when it concludes that:

(a) Such walkways would serve the residents of the development as adequately as concrete sidewalks;

(b) Such walkways could be more environmentally desirable or more in keeping with the overall design of the development.

f. Attention to handicapped in street and sidewalk construction.

1. Whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with SCDOT standards.

2. In unsubdivided developments, sidewalk construction for the handicapped shall conform to the requirements of the Americans with Disabilities Act and all applicable building codes.

g. Alleys.

1. Alleys are not allowed for single-family detached developments. Alleys shall only be allowed for multi-family developments if all buildings contain a National Fire Protection Association (NFPA) 13 Sprinkler System. A third party certification of the system needs to be performed at the developer's expense and also submit to the Lancaster County Fire Marshal for review and approval. The certification must be performed annually and submitted to the fire marshal.

2. There are two (2) options of a proposed alley:

(a) One-way alley shall have a minimum twelve (12) feet of paved surface clearly marked with a one-way sign, no parking signs, and a do not enter sign.

(b) Two-way alleys need to have a minimum of twenty (20) feet of paved surface and no parking signs.

(c) Another option for two-way alleys shall be a sixteen-foot minimum asphalt (travel way) alley with a two-foot roll curb on each side of the sixteen (16) feet of asphalt. In addition, for all alleys the road surface and rolled curbing should be constructed so as to withstand loads imposed by a seventy-thousand-pound vehicle. The minimum radii on the approach and departure curbing should be thirty-six (36) feet.

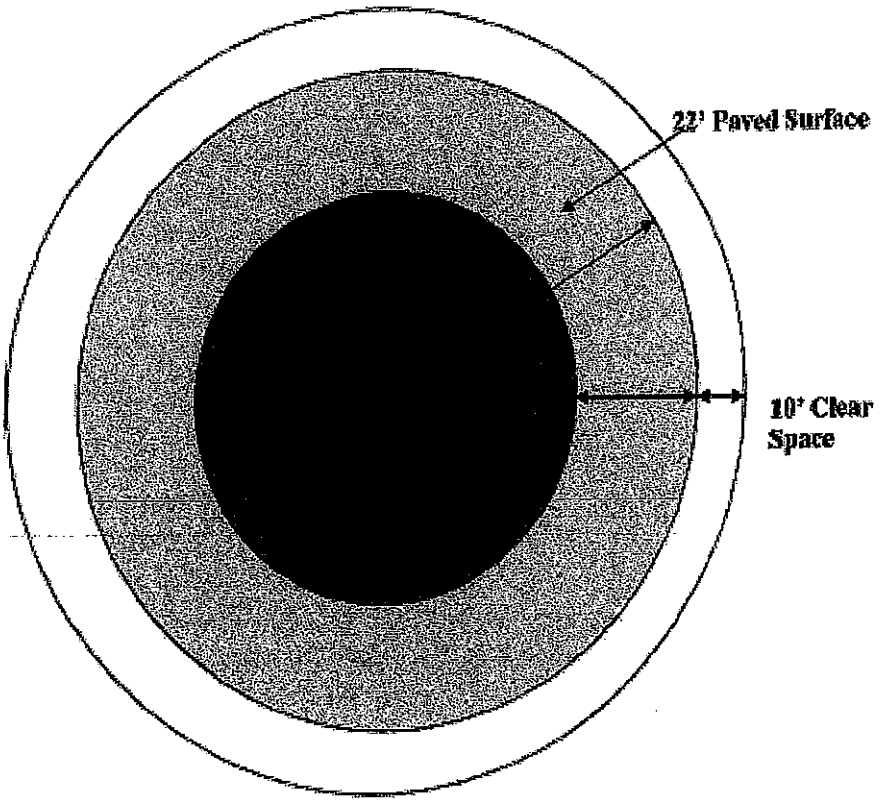
(d) All travel ways shall be covered with asphalt or concrete for both one-way alleys and two-way alleys. Gravel surfaces are not acceptable.

f. Roundabouts. A roundabout is a street design with a one-way circulatory travelway around a curbed central island forty-three (43) feet or more in radius usually with flared approaches to allow multiple vehicle entry.

The following standards are established for residential and commercial roundabouts.

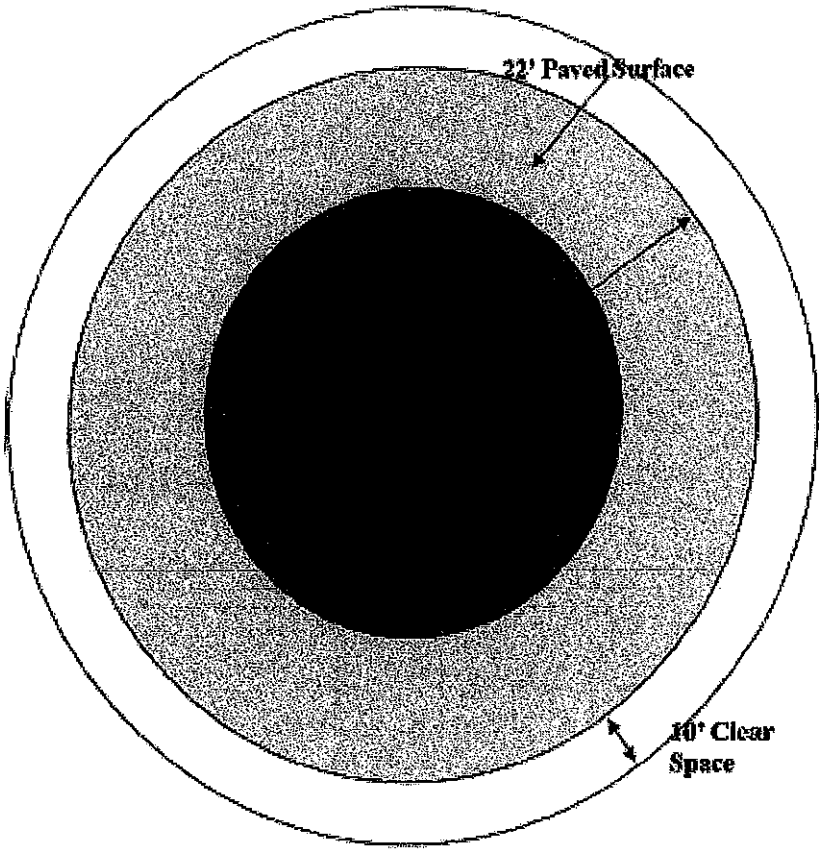
1. Residential roundabouts. The roundabout shall have a sixty-foot minimum radius to the outer edge of the pavement with an additional ten (10) feet of clear space from the outer edge of pavement. The curbed central island shall have a radius of forty-three (43) feet. See diagram below. Additionally, another ten (10) feet of clear space shall be provided along the outer edge of the curbed central island.

Residential Traffic Circle



2. Commercial roundabouts. The roundabout shall have a 75-foot minimum radius to the outer edge of the pavement with an additional ten (10) feet of clear space from the outer edge of pavement. The curbed central island shall have a radius of fifty-three (53) feet. See diagram below.

Commercial Traffic Circle



3. For both types of roundabouts a minimum of twenty-two (22) feet of paved surface should be provided.
4. The overall minimum right-of-way shall be one hundred fifty (150) feet in diameter for residential roundabouts and one hundred seventy (170) feet in diameter for commercial roundabouts.

(Ord. No. 328, 4-12-99; Ord. No. 751, 5-1-06; Ord. No. 748, 5-1-06; Ord. No. 931, 7-7-08; Ord. No. 955, 12-1-08)

UDO-TA-014-006 – Application of Steve Willis, Lancaster County Administrator, to amend the text of Chapter 2, Zoning Districts and Zoning Map, Section 2.1.5, Overlay Districts, of the Unified Development Ordinance to create a Highway Corridor Overlay District. {Public Hearing} pgs. 20-51	Penelope Karagounis

Conclusions:

Action items:	**Person responsible:**	**Deadline:**

Please Note:

You will receive the staff report at the Planning Commission meeting on May 20, 2014. We did include information pertaining to this case for you to review.

Thank You

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2014-____**
COUNTY OF LANCASTER)

Indicates Matter Stricken
Indicates New Matter

AN ORDINANCE

TO AMEND SECTION 2.1.5 OF APPENDIX B OF THE LANCASTER COUNTY CODE (UNIFIED DEVELOPMENT ORDINANCE OF LANCASTER COUNTY), RELATING TO OVERLAY DISTRICTS, SO AS TO PROVIDE FOR HIGHWAY CORRIDOR OVERLAY DISTRICTS; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

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

Section 1. Highway Corridor Overlay District.

Section 2.1.5 of Appendix B of the Lancaster County Code (Unified Development Ordinance of Lancaster County) is amended by adding:

/7. The Highway Corridor Overlay District is hereby established, and is subject to the following general provisions:

a. **Purpose and Intent:** The Highway Corridor Overlay District is established to preserve and enhance corridors that serve as major gateways leading to, from and within Lancaster County. As both commercial and residential land uses exist along such corridors, there is a desire of the residents of Lancaster County to provide standards relative to connectivity, aesthetic appearance, and safety along major gateways. The land use recommendations and design requirements contained in this subsection are the result of a community-wide effort. As such, the intent of this district is to provide unified land development regulations that promote a sense of place and create consistency along significant corridors by improving the visual character of adjacent development.

b. **District Boundaries and Applicability:** The Highway Corridor Overlay District applies to the following:

1. The County Council shall designate the property that is subject to the provisions of this subsection by rezoning the properties in accordance with the procedures and

requirements applicable to map amendments. In general, for those highways identified for Highway Corridor Overlay District status, the district designation shall apply to all parcels fronting on, within or partially within one thousand feet (1,000') of the right-of-way of the designated highway. Only t~~T~~he following highways are designated as a Highway Corridor Overlay District:

i. US Highway 521 from SC Highway 75 (Waxhaw Highway) northward to the North/South Carolina state line; and

ii. SC Highway 160 from US Highway 521 westward to the York/Lancaster county line.

2. The Highway Corridor Overlay District development regulations, as set forth in this subsection, applies to all uses on the properties zoned Highway Corridor Overlay District except for single-family housing as identified in Chapter 3, Table of Permissible Uses, 1.1.1 through 1.1.5. The development regulations applicable to single-family housing are the development regulations of the underlying zoning district.

~~2.~~3. Any property within the Highway Corridor Overlay District zoned and used for industrial use, I-1 and I-2, shall be subject to the provisions set forth in item (n) of this subsection (7); and

~~3.~~4. This district shall also apply to all shared access easements and/or cross-access easements located within the areas defined in item (b)(1) of this subsection (7) , including, but not limited to, those that may be used to access any parcel or parcels beyond the boundaries of this district.

c. **Permitted Uses:** As an overlay, the Highway Corridor Overlay District supplements standards established elsewhere in the Unified Development Ordinance of Lancaster County (the "UDO"). Any use permitted in the underlying zoning district, set forth in Chapter 3, Permissible Uses, of the UDO, shall also be permitted in the Highway Corridor Overlay District provided it complies with the provisions of this subsection (7).

d. **Exceptions and Non-conforming Situations:** Any property zoned and used for a single-family residential use, including the single-family residential portion of a property zoned PDD, shall be exempt from the development standards of this subsection (7). When a parcel has a vested right in effect, that parcel may be exempt from certain provisions of this subsection (7), as outlined in Chapter 13 of the UDO. The development standards of this overlay district shall apply to all other properties within the district boundaries as outlined in item (b) of this subsection (7).

e. **Design Review:** All development design and plan reviews, as required by the UDO, shall apply to this subsection (7).

f. **General Requirements and Development Standards:**

1. Building Placement: All buildings shall front onto a public or private street, or share a frontage line with a square or other similar common open space. The front facade of buildings shall be generally parallel to front property lines when placed along ~~a~~the corridor right-of-way. The following shall also apply:

i. In general, the setback requirements set forth in § 5.4 of the UDO shall apply. When fronting the corridor right-of-way, the front setback for buildings with a commercial district use may be reduced to (25) feet.

ii. When fronting the corridor right-of-way, buildings shall have access from the front and rear of the building;

~~i.~~iii. The development of retail commercial centers or villages is favorable over commercial "strip development" in the Highway Corridor Overlay District.

2. Building Height: Maximum building height shall not exceed that permitted in the underlying zoning district, set forth in Chapter 5, Density and Dimensional Regulations, of the UDO.
3. Building Vernacular: Variation in architecture and materials is required. There shall be no large expanse of blank exterior walls along ~~a~~the corridor. Variation in exterior walls may be achieved through the use of windows, projections, recesses, columns, horizontal and vertical offsets, awnings, canopies, or other architectural features. Rooflines of buildings adjacent to ~~a~~the corridor shall also be varied to add interest and complement the character of surrounding development and neighborhoods. Variation in rooflines may be achieved through the use of gables, eaves, parapets, cupolas, or other architectural features.
4. Materials:
   i. Buildings, signs, walls, and other structures within the Highway Corridor Overlay District shall be constructed using quality finish materials (i.e., brick, wood, masonry, stone, concrete siding, or stucco). In general, the use of vinyl, tin, metal and masonry block (except split face/decorative masonry) shall be prohibited on the exterior walls of any building located within this district. Metal is permissible if in combination with other building materials for use as trim, windows, doors, roofing, other architectural elements, and signs. All sides of the building shall comply with this requirement except any side of a building that is not visible from any point on an adjoining road right-of-way. For the purposes of this subsection (7), sides of the building that are screened with landscaping, a fence, or some combination of the two shall be considered to be visible from an adjoining street and must comply with the requirements of this subsection (7).
   ii. Fencing shall be of durable construction using quality material (i.e., brick, stone, other masonry, wood, metal, decorative vinyl, or any combination thereof). The finished side of the fence shall face ~~a~~the corridor right-of-way or other adjacent property. Chain link, welded or woven wire, and other similar fencing are not permitted in the Highway Corridor Overlay District, unless their use is ~~temporary for construction and site development~~ for sports field and recreational complexes. In such conditions, the fencing shall be color coated with a manufacturer applied finish. Finish color to be approved by the Development Review Committee (DRC). Such fencing may also be permitted for temporary use during construction and site development provided it is removed or replaced with a compliant material upon completion of construction. This requirement is for aesthetic purposes only and is not associated with building code requirements or standards.
5. Sidewalks and Pedestrian Amenities:
   i. Sidewalks and Connectivity:
      1. At a minimum, sidewalks shall comply with the construction requirements set forth in § 21.12 of the UDO;
      ~~1.~~2. Sidewalks shall be located to allow pedestrians to safely move from their vehicles to the building;

~~2.~~3. Sidewalks shall connect to existing pedestrian circulation of adjacent parcels where not restricted by topography or other existing site features;

~~3.~~4. When adjacent to a residential use district, sidewalks shall be provided to allow pedestrian access to and from a commercial retail development;

~~4.~~5. Sidewalks shall be required on both sides of public or private streets within a commercial retail development;

~~5.~~6. A multi-use path shall be required adjacent to ~~a~~the corridor right-of-way and shall be located in the Corridor Frontage Buffer as outlined in item (k) (2) of this subsection (7). Sidewalks are not required adjacent to the corridor. The following shall also apply:

a. The multi-use path shall have a shared use for both pedestrian and bicycle circulation;

~~a.~~b. The multi-use path shall be installed by the property owner or developer. The path shall be dedicated to the County for public use and will be maintained by the County;

c. The multi-use path shall be a minimum of eight (8) feet in width, and shall be constructed of asphalt;

d. The multi-use path shall extend the entire frontage of a parcel fronting the corridor, from property line to property line;

e. The multi-use path shall connect to existing sections of path on adjacent parcels;

~~b.~~f. The multi-use path shall connect to other existing pedestrian circulation of adjacent parcels, including existing sidewalks, where not restricted by topography or other existing site features;

~~c.~~g. The multi-use path shall be located behind the required trees of the Corridor Frontage Buffer; and

~~d.~~h. The multi-use path shall be designed and constructed in a meandering appearance as to avoid long straight runs, and shall accommodate the natural topographical features of a site.

ii. Other Pedestrian Amenities:

1. All retail commercial development or use with a gross indoor floor area in excess of forty thousand (40,000) square feet shall provide improved common open space for use by patrons. Such common open space shall be a minimum of five hundred (500) square feet in area and may include squares, plazas, greens or other similar spaces. This requirement shall also apply to all non-residential portions of a PDD development. The following shall also apply:

a. For purposes of this item (f)(5)(ii), "improved" shall mean cleared of underbrush and debris, accessible to pedestrians and shall include one or more of the following: landscaping, walls, fences, walks or similar paved surfaces, fountains, statues, common lawns or greens, tables and chairs, benches or other seating, water fountains, litter and recycling receptacles, playground equipment or other similar furnishings and amenities;

b. Such spaces shall include canopy trees to provide shade. At installation, a canopy tree shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 10-12';

~~b.~~c. Such spaces shall be accessible from sidewalks and other pedestrian circulation within the development; and

~~c.~~d. The property owners, occupants, and tenants or their agents shall be jointly and severally responsible for the maintenance and upkeep of all such common open space. All such areas shall be kept free of litter and debris, and shall generally be maintained with a neat and orderly appearance.

g. Access Management:

1. Curb Cuts and Parcel Access:

i. All curb cuts, including both public and private streets, shall adhere to the standards set forth by the South Carolina Department of Transportation ("SCDOT"), and shall comply with the requirements set forth in the latest edition of the Access and Roadside Management Standards ("ARMS Manual") as published by the SCDOT Traffic Engineering Division. ~~However~~At a minimum, within the Highway Corridor Overlay District, curb cuts along ~~a~~the corridor right-of-way shall be limited to one every three hundred (300) feet of street frontage. A greater distance of separation may be required as justified by a Traffic Impact Analysis or ~~review by SCDOT~~ the SCDOT ARMS Manual;

ii. Individual o~~P~~arcels having three hundred (300) or more feet of corridor frontage may be permitted additional points of access provided they comply with this subsection (7) and are justified by a Traffic Impact Analysis or review by SCDOT;

iii. Access points for ~~smaller~~ parcels (5) acres or less, where access to a shared driveway is limited, shall be subject to SCDOT approval and shall adhere to SCDOT standards;

iv. Corner parcels located at an intersection of ~~a~~the corridor and an existing or proposed secondary street, including both public and private streets, shall obtain access from the secondary street. Where such parcels have three hundred (300) or more feet of corridor frontage, a point of access to ~~a~~the corridor may be considered ~~provided~~ if no other corridor access is located within three hundred (300) feet, and it adheres to SCDOT standards. Such additional access shall be considered on a case-by-case basis, and is subject to approval by the Zoning Administrator or SCDOT when applicable;

v. Existing median crossovers are to remain as located. Where justified by a Traffic Impact Analysis, ~~When applicable,~~ access to a parcel ~~shall be aligned~~ may be required to align directly with an existing median crossover. Likewise, a Traffic Impact Analysis may require improvement to an existing crossover to meet current SCDOT standards. When a proposed access does not align directly with an existing median crossover, such access must adhere to the latest edition of the SCDOT ARMS Manual; and

vi. A Traffic Impact Analysis shall be required for any development that will generate over one hundred (100) trips in the peak hour according to the latest

edition of the SCDOT ARMS Manual ~~all parcels over (5) acres~~ and shall meet all other ~~the~~ requirements set forth in § 13.7.10.1 (c) of the UDO. The Traffic Impact Analysis must be conducted and sealed by a licensed South Carolina professional engineer. Any road improvements, which are determined to be necessary, based on the results of the Traffic Impact Analysis, shall be incorporated into the final site plan prior to County approval. The Traffic Impact Analysis shall be reviewed by the County and in conjunction with the SCDOT. If a County level traffic planner is not available to review the Traffic Impact Analysis at the time of submittal, the County may choose to hire a third-party consultant to assist in this review at the request of the planning department. The cost of the Traffic Impact Analysis, including any additional reviews requested by the County, shall be paid for by the applicant.

2. Connectivity: Reduction of access points to ~~a~~the corridor is required. The following shall apply:
   i. Consolidation of Access Points:
      1. Shared driveways between two or more parcels shall be required where there is not a conflict in use and a shared driveway is not restricted by topography or other existing site features. Shared driveways ~~and~~ shall require mutually executed shared access agreements; and
      2. Unless restricted by topography or other natural site features, adjoining parking lots serving non-residential buildings of non-conflicting use shall be connected and shall require mutually executed shared access agreements ~~and/or cross-access easements~~.
   ii. Stub Outs
      1. Where an undeveloped adjacent parcel exists, a stub out or cross-access easement for future stub out, shall be required to allow for connection to future parking and/or shared driveways; and
      ~~1.~~ 2. Where a developed adjacent parcel exists, existing stub outs shall be utilized.

h. **Parking and Vehicular Access:**
   1. Off-street Parking: For buildings fronting on the corridor, ~~O~~off-street surface parking shall be located primarily to the rear of the building it serves. Side yard parking is permissible and shall occupy no more than forty five percent (45%) of the principle corridor frontage line. The following shall also apply:
      i. Side yard parking shall not be placed in an established side yard abutting an intersecting street;
      ii. Where dimensions or topographical constraints of existing parcels restrict the location of off-street parking to the rear of the building it serves, the restrictions on side yard parking may be modified, on a case-by-case basis, by the Zoning Administrator;
      iii. Uninterrupted areas of parking areas shall be limited in size. Parking areas with more than twenty (20) space ~~Larger parking areas~~ shall be broken by buildings and/or landscape features as outlined in item (k)(5) of this subsection (7); and
      iv. Parking areas shall be designed to allow pedestrians to safely move from their vehicles to the building.

2. On-street Parking: On-street parking is not permitted on the corridor or other public street. On-street parking is permitted on private streets within a retail commercial development where adequate space for parking and maneuvering is provided outside of travel lanes. On-street parking shall comply with the requirements set forth in the latest edition of the SCDOT ARMS Manual.
3. Parking Count and Dimension Requirements: The number of parking spaces required and required parking space dimensions shall comply with the provisions set forth in § 11.2 and § 11.4 of the UDO.
4. Off-street Loading and Unloading Areas: Off-street loading and unloading areas shall comply with the provisions set forth in § 11.11 and shall be screened from view from all residential use districts and public right-of-way using an opaque screen. ~~Such screening requirements may be increased, on a case by case basis, at the recommendation of the Zoning Administrator.~~
5. Driveway and Internal Street Standards:
   i. All newly constructed streets within the Highway Corridor Overlay District shall meet the construction standards of Chapters 13 and 21 of the UDO and Chapter 26 of the Lancaster County Code. The minimum right-of-way and pavement widths shall comply with the provisions set forth in § 26-61 of the Lancaster County Code. Where applicable, such streets shall also comply with the standards established by SCDOT;
   ~~i.~~ii. Private and public roads are as defined in Chapter 13 of the UDO;
   ~~ii.~~iii. The minimum spacing between driveway accesses to ~~a~~the corridor shall comply with the provisions set forth in item (g) of this subsection (7);
   ~~iii.~~iv. Curb and gutter shall be required on all newly constructed private streets, drives and parking areas within the Highway Corridor Overlay District and shall comply with the requirements set forth in § 21.11 of the UDO; and
   ~~iv.~~v. Interconnectivity between adjacent parcels is required when there is not a conflict in use and ~~shall comply with~~is subject to the provisions set forth in item (g) of this subsection (7).

i. Signs: In general, signage within the Highway Corridor Overlay District shall comply with the provisions set forth in Chapter 10, Signs, of the UDO. The following additional regulations shall also apply specifically to this overlay district:
   1. Permitted Signs: All signs that are permitted within the Highway Corridor Overlay District shall complement the surrounding buildings in material and architectural vernacular. The following signs are permitted in the Highway Corridor Overlay District:
      i. Free standing ground monument signs: All ground monument signs shall have a setback requirement of five feet from any property line or right-of-way line. Ground monument signs shall not project into any street or highway right-of-way. No more than one (1) ground monument sign shall be permitted per lot and may contain a sign face on no more than two (2) more sides;
      ii. Wall signs: Wall signs attached flat against a wall shall not extend more than eighteen (18) inches from a wall. When a wall sign extends two (2) or more inches from a wall it shall be a minimum of eight (8) feet above any sidewalk to provide for pedestrian clearance;
      iii. Projecting signs: A projecting sign perpendicular to the wall of a building may be substituted for a wall sign provided it is a minimum of eight (8) feet above any

sidewalk to provide for pedestrian clearance and projects no more than six (6) feet from the wall on which it is mounted; and

iv. Canopy or awning signs: A canopy or awning signs shall ~~be a minimum of nine (9) feet above any sidewalk or other pavement and shall~~ not be placed higher than the bottom of the second floor or higher than the roofline of single-story structures. A canopy or awning sign shall be a minimum of eight (8) feet above any sidewalk or other pavement to provide for pedestrian clearance.

2. Commercial Retail Developments and Centers: All retail commercial development or use with two or more businesses shall be allowed no more than one (1) ground monument sign. Signage for individual businesses shall be consolidated onto one (1) such ground monument. The following shall also apply:
   i. Where such a development fronts two (2) or more streets with more than five hundred (500) feet of frontage on each, additional ground monument signs may be permitted provided no more than one (1) is located on each street;
   ii. Directional and wayfinding signs within a retail commercial development or center shall be grouped and shall be consistent in size, color, ornamentation, and materials, and shall complement the surrounding buildings; and
   iii. For such developments, a ground monument sign shall not exceed a height of twelve (12) feet. Where such a development has a gross indoor floor area in excess of forty thousand (40,000) square feet, the maximum height may be increased to no more than twenty (20) feet for a ground monument sign.
3. Size and Height of Signs: The maximum size of any sign shall be as established in Chapter 10, Signs, of the UDO. A sign for any individual nonresidential use shall not exceed a height of twelve (12) feet along ~~a~~the corridor and a height of (4) feet along any secondary street. A sign for a single-family development shall not exceed a height of ten (10) feet along any street. For a multifamily residential or attached single-family development, a sign shall not exceed six (6) feet in height along ~~a~~the corridor and (4) feet along any secondary street. The height of all signs shall be measured from the lowest adjacent grade at the base of the sign;
4. Prohibited Signs: The following signs, in addition to those prohibited in Chapter 10, Signs, of the UDO, are prohibited in the Highway Corridor Overlay District:
   i. Pylon signs;
   ii. Flashing and pulsating signs;
   iii. Signs imitating warning signals;
   iv. Painted or handwritten signs;
   v. Off-premise signs;
   vi. Animated signs;
   vii. Beacons;
   viii. Neon gas tubing or similar signs;
   ix. Inflatable signs and tethered balloons;
   x. Banners in non-residential districts;
   xi. Illuminated tubing or string of lights typically used for outlining property lines, open sales areas, roof lines, doors, windows or wall edges of any building, except for "holiday season" lights as permitted in item (j)(7) of this subsection (7);
   xii. Signs that move or give the appearance of moving, including but not limited to feather signs, pennants, inflatable figures, streamers, and other signs which

flutter, undulate, swing, rotate, oscillate or otherwise move by natural or artificial means;

xiii. Reader boards, digital message boards (including LED screens), or other similar commercial electronic variable message signs whose static message or copy change more than once every twenty (20) ~~thirty (30)~~ seconds, and the change sequence must be accomplished within an interval of two (2) seconds or less. Such signs shall not include animated, continuous, moving, rolling, or scrolling messages. Fluttering, blinking, or flashing elements including video is prohibited. In general, signs displaying continuous moving copy or image, whether digital or analog, shall not be permitted. In addition, such signs shall not be used for paid advertising. Note: Signs using LED illumination and/or displays are permissible provided they are not attached to a building and the copy or image being displayed remains static or changes no more than once every twenty (20)~~thirty (30)~~ seconds. This section only applies to the use of reader boards and LED displays on permitted signs. The regulations for outdoor advertising signs (billboards) are outlined in § 10.16 and § 10.19.1 in the UDO;

xiv. Any sign placed within any public/private rights-of-way or easement;

xv. Any sign that obstructs or impedes traffic safety or obscures traffic signals, signs, or other similar traffic safety devices. Signs shall not obstruct the view of motorists using any street, driveway, parking aisles or the approach to any street intersection so as to cause a traffic safety hazard. Any sight obstruction determined by the County or SCDOT shall be corrected immediately;

xvi. Any sign which exhibits statements, words or pictures that are obscene in nature;

xvii. Any sign which is not permitted, abandoned signs, or signs which being structurally unsafe or hazardous; and

xviii. Any sign placed with the primary purpose of providing a sign not otherwise allowed by this item (i).

5. Temporary Signs: The following temporary signs are permitted provided their use complies with the requirements set forth in Chapter 10, Signs, of the UDO, including duration of display and removal regulations:

   i. Real estate signs;
   ii. Construction site identification signs;
   iii. Grand opening, going out of business signs, or similar;
   iv. Holiday signs;
   v. Special event signs;
   vi. Roadside stand signs;
   vii. Signs for onsite contractors;
   viii. Banners for religious, charitable, civic, fraternal or similar organizations;
   ix. Other temporary signs as may be restricted by Chapter 10, Signs, of the UDO.

6. Sign Illumination: Illuminated signs, including those with internal illumination, are permitted and shall be placed and shielded so that glare from the sign does not adversely affect any adjacent property, residential use district, cause glare hazardous to pedestrians, or interfere with the operation of a vehicle on any street right-of-way. Signs shall not have light-reflecting backgrounds or letters. The intensity of light shall not exceed twenty (20) foot candles at any point on the sign face;

7. Sign Landscaping: All ground monument signs shall have, at a minimum, landscaping in accordance with the standards set forth in Chapter 10, Signs, of the UDO. Landscaping shall be integral with other landscaped areas as required by this district. In general, minimum plant sizes at installation shall also comply with this subsection (7). However, landscaping shall not obstruct the view of a sign. All landscaping at the base of a sign shall comply with Item (k) (1) (i) of this subsection (7).

j. Lighting: In general, lighting within the Highway Corridor Overlay District shall comply with the provisions set forth in § 11.6.5, § 15.8 and § 15.9 of the UDO. The purpose of this item (j) is to provide aesthetic regulations and to assure that exterior lights are shielded and do not cast direct light beyond a property line. Streets, driveways, parking areas, sidewalks, and building entrances shall be lighted in order to contribute to the security of a property and to facilitate the safe passage of persons using such streets, driveways, sidewalks, and parking areas after dark. However, measures shall be provided to limit the amount of ambient light perceptible from adjacent properties and glare that may impair the vision of motorists. The following shall also apply:

1. Light intensity shall not exceed thirty (30)~~twenty (20)~~ foot candles at any point in the Highway Corridor Overlay District. Light intensity shall not exceed two (2) foot candles at a property line adjacent to a street right-of-way or non-residential use, and shall not exceed one-half (0.5) foot candle at a property line adjacent to a residential use district. A greater light intensity may be permitted for competitive sports fields during competitive play provided the light intensity does not exceed that set forth by the regulating athletic agency;
2. The following light intensities measured in foot candles (fc) shall also apply:
   i. Parking Lots: 0.6fc Minimum/2.4fc Average/10fc Maximum;
   ii. Walkways & Driveways: 0.2fc Minimum/1.0fc Average/10fc Maximum;
   iii. Landscape & Decorative: 0fc Minimum/0.5fc Average/5.0fc Maximum; and
   iv. Outdoor Display of Merchandise: 0.5fc Minimum/1.0fc Average/ 15fc Maximum;
3. Signalized intersections shall be limited to locations where significant collector streets connect with ~~a~~the corridor. For example, along US Highway 521 such an intersection is at Possum Hollow Road, and along SC Highway 160 such an intersection is at Calvin Hall Road. Where a Traffic Impact Analysis requires a new signalized intersection, the standard metal or concrete poles as set forth by SCDOT shall be installed. This requirement shall also apply to an existing signalized intersection where additional lanes and signalization changes are required. All poles shall be professionally painted black. Wood poles are only permissible for temporary use during repairs and installation. ~~Where a signalized intersection is required by a Traffic Impact Analysis, or additional poles are required at an existing signalized intersection, a Mast arm traffic signal shall be installed. At a minimum, the standard metal mast arm poles set forth by Duke Energy Corporation shall be installed.~~ Complete cost of the installation shall be paid by the developer. In addition, the County may require the developer to furnish a letter of credit, cash escrow, or other guarantee acceptable to the County to cover future repairs and replacement;

4. All fixtures shall be consistent throughout a site in size, color, ornamentation, and materials, and shall complement the surrounding buildings. Each fixture shall be a down-directional lighting fixture with its source being recessed within an opaque housing. All light fixtures shall be located, aimed or shielded as to limit the amount of ambient light perceptible from adjacent properties and street right-of-way. The color of all such light sources shall be white;
5. Street lighting, as required by § 15.8 and § 15.9 of the UDO, shall comply with SCDOT requirements where applicable. All street lights shall be consistent along athe corridor and throughout a site. Such fixtures shall be shielded and down-directional except that unshielded decorative street lamps featuring globes or glass panes are permissible if designed to diffuse light and shall have caps to direct light downward. The color of all such light sources shall be limited to white or as required by SCDOT;
6. All wiring and service connections for all lighting must be underground. Likewise, the back of all signs shall have a finished appearance unless it is screened with an opaque screen and is not visible from any residential use or street right-of-way;
7. Holiday lighting displays, lighting for approved temporary events and directional lighting during construction are exempt from these requirements provided they do not exceed the maximum foot candles and do not negatively impact safety;
8. Fixture heights shall not exceed eighteen (18) feet except in areas where the total number of parking spaces exceed one hundred (100) spaces. In such cases, fixtures shall not exceed twenty-five (25) feet provided they are limited to the central areas of the parking area. A luminary located within fifty (50) feet of a residential use district shall not exceed a height of twelve (12) feet. Fixtures along the primary vehicular/pedestrian streets shall not exceed a height of eighteen (18) feet;
9. Outdoor lighting installed on canopies or drive-thru facilities are permitted with a maximum foot candle reading of twenty (20) foot candles under any illuminated area. Fixtures located under a building canopy shall be flush-mount with a flat lens, shall use diffusers and be shielded;
10. Buildings shall be safely illuminated at entry/exit locations, and shall be illuminated using shielded lighting or off-building lighting that does not generate glare or otherwise allow the light to be viewed directly from an adjacent property. Building walls may be illuminated and may include up-lighting, provided such fixtures comply with Item (j) (2). However, no building illumination shall cause the site to exceed maximum light intensity limitation;
11. Landscape lighting may include up-lighting for accent, provided such fixtures comply with Item (j) (2). However, no landscaping illumination shall cause the site to exceed maximum light intensity limitation, and such fixtures shall be located, aimed or shielded as to limit the amount of ambient light perceptible from adjacent properties and street right-of-way;
12. Security lighting shall be provided, particularly at pedestrian walkways. Motion detector security lights shall be exempt from the foot candle requirements of this item provided such lights are normally "off", and are limited to being "on" for four (4) minutes or less when motion is detected;
13. Flood lights shall be permissible for security, loading areas, and other such applications provided they are focused toward the primary building or space intended to be illuminated. Likewise, they may be aimed at no higher than a forty-five (45) degree

angle, and shall be generally aimed or shielded as to limit the amount of ambient light perceptible from adjacent properties and street right-of-way;

14. The following lighting fixtures are prohibited: non-directional lighting fixtures, searchlights, laser source lights, flashing lights or any similar high-intensity light used to attract attention, except for use during emergencies by authorized emergency, police and fire personnel;
15. Any damaged, broken or malfunctioning light fixture or pole shall be repaired or replaced immediately; and
16. A professionally sealed site lighting plan shall be submitted as part of a County site plan review. The County may adjust the standards for the maximum illumination at a property line if it is determined that the design and nature of the adjacent use creates a need to either reduce or increase the maximum illumination. Likewise, the Zoning Administrator may require changes to fixtures to bring the lighting levels into compliance, or as necessary to reduce impact on adjacent properties and street right-of-way.

k. **Landscaping, Buffer Yard, and Screening Requirements:**

1. General Landscape Requirements:
   - i. Landscaping shall comply with SCDOT sight distance and sight triangle requirements. Landscaping shall not obstruct or impede traffic safety or obscure traffic signals, signs, or other similar traffic safety devices. Likewise, landscaping shall not obstruct the view of motorists using any street, driveway, parking aisles or the approach to any street intersection so as to cause a traffic safety hazard. Any sight obstruction determined by the County or SCDOT shall be corrected immediately;
   - ii. Native species and related cultivars shall be used. In general, all trees and shrubs shall be drought tolerant and locally adapted to the area and shall conform to the requirements in the latest edition of American Standards for Nursery Stock, published by the American Association of Nurserymen;
   - iii. The use of existing vegetation to satisfy the requirements of this item is permissible. However, supplemental plantings may be required, in addition to native plant material, by the Zoning Administrator;
   - iv. Vacant commercial parcels shall be landscaped while vacant to stabilize the site and maintain an attractive appearance along athe corridor. At a minimum, such landscaping shall include turf grass or other vegetative ground cover to stabilize the soil;
   - v. Earthen berms may be used to comply with the landscaping, buffer yard and screening regulations of this item provided they comply with all other requirements of this district. Likewise, additional screening in the form of earthen berms (or fencing) may be required, on a case-by-case basis, by the Zoning Administrator. In general, The following shall also apply to earthen berms located within the Highway Corridor Overlay District: :
     1. Berms shall have a minimum height of three (3) feet and a minimum crown width of eight (8) feet;
     2. Berms shall not exceed a maximum height of six (6) feet;
     3. If four (4) feet in height or less, a berm shall have a side slope no greater than three to one (3:1). If greater than four (4) feet in height, a berm shall have a side slope no greater than four to one (4:1);

4. Berms shall be designed and constructed with an undulating appearance to mimic the natural topographical features of a site; and
5. The Zoning Administrator may allow an exception to the minimum and maximum height requirements for an earthen berm where topography or other natural site features may justify such an exception.

vi. Plants shall complement the surrounding structures in form, color and height. Compliance of this requirement shall be determined during site plan review by the County; and

vii. Landscaping Completion and Maintenance:

1. Completion: All landscaping shall be installed pursuant to the requirements of this subsection (7) or County approved landscaping plans unless substitutions are approved under the regulations set forth in § 12.13 of the UDO. A certificate of occupancy for any business or use within the Highway Corridor Overlay District shall not be issued until the required landscaping is installed by the property owners, occupants, and tenants or their agents. If agreeable to the County, a certificate of occupancy may be issued prior to the installation of required landscaping provided the owner furnishes a letter of credit, cash escrow, or other guarantee acceptable to the County assuring completion of all landscaping, including labor. Acceptance of any such form of guarantee is at the discretion of the County; and
2. Maintenance: The property owners, occupants, and tenants or their agents shall be jointly and severally responsible for the maintenance of all landscaping. All landscaping required by or installed pursuant to the requirements of this subsection (7) or County approved landscaping plans shall be free of disease and maintained in a healthy condition. All required landscaping shall be kept free of litter and debris, and shall be free of dead, diseased, or severely damaged plants. Likewise, any plants removed as the result of death, disease or damage shall be replaced in a timely manner.

2. Corridor Frontage Buffer: A Corridor Frontage Buffer shall be established as a public easement within the first twenty-five (25) feet of front yard as measured from the edge of the road right-of-way. The Corridor Frontage Buffer shall be designated for the multi-use path as outlined in item (f) (5) (i) (6) of this subsection (7). ~~Landscaping shall be provided along corridor frontage within the first twenty five (25) feet of front yard as measured from the edge of the road right-of way.~~ The following shall also apply:

i. Three (3) canopy trees shall be planted per one hundred (100) feet of corridor frontage and shall be equally spaced on center where possible. Where overhead utility lines exist, five (5) understory trees shall be planted per one hundred (100) feet of corridor frontage instead and shall be equally spaced on center where possible. At installation, canopy trees shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 10-12'; understory trees shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 8-10';

ii. In addition to the tree requirement, the Corridor Frontage Buffer shall consist of any combination of shrubs, turf grass or other ground cover. In general, no portion of the Corridor Frontage Buffer shall contain bare soil;

iii. No impervious surface shall be allowed in this area except for driveways connecting to the point of ingress and egress, required multi-use path (see item (f)(5) of this section), or ~~other~~ sidewalks when connecting to the multi-use path; and

iv. There shall be no display of merchandise for sale, or other similar display within this area.

3. Screening and Buffer Yards: To minimize potential conflicts between zoning districts and/or uses, the screening and buffer yard regulations established in Chapter 12, Landscaping Requirements, of the UDO shall apply. The following shall also apply:

i. Containers, dumpsters, mechanical equipment, and similar structures shall be located to the rear and/or side of the building it serves. New utility boxes shall also be located to the rear and/or side of the building it serves;

ii. All containers, dumpsters, mechanical equipment, utility boxes, and similar structures shall be screened from view from all adjacent properties, residential use districts and public right-of-way using an opaque screen;

iii. Where applicable, containers, dumpsters, and similar structures shall be screened from view, using a semi-opaque screen, from the upper levels of adjacent buildings;

iv. Roof-top mounted mechanical equipment shall be screened to their full height by a parapet or other structure that is complementary to the building in material and color. Ground-mounted mechanical equipment shall be screened to their full height on all sides using an opaque screen;

v. Outdoor vending machines and similar devices shall be located as to limit view from residential use districts and corridor right-of-way;

~~v.~~vi. Stormwater management basins shall be screened from view from the corridor with a continuous evergreen screen as outlined in item (k)(5)(i)(2) of this subsection (7);

~~vi.~~vii. Boundary fences or walls as may be permitted in Chapter 12, Landscaping Requirements, of the UDO shall comply with the materials requirements of item (f)(4) of this subsection (7);

~~vii.~~viii. Chain link, welded or woven wire, and other similar fencing is not permitted; and

~~viii. Screening and buffer yard regulations within the Highway Corridor Overlay District may be increased on a case-by-case basis at the recommendation of the Zoning Administrator.~~

4. Median & Right-of-Way Landscaping: In general, there shall be no bare soil between the right-of-way and edge of pavement. At a minimum, this area shall include maintained turf grass. Maintenance is the responsibility of the owner. Additional m~~M~~edian and/or street right-of-way landscaping shall be required for retail commercial development or use with a gross indoor floor area in excess of forty thousand (40,000) square feet. This requirement shall also apply to all non-residential portions of a PDD development and all HOA controlled or maintained subdivision entrances. Such additional landscaping shall

consist of a combination of trees, shrubs, turf grass or other ground cover as approved by SCDOT and the DRC. The following provisions shall ~~also~~ apply:

i. All landscape improvements shall be approved by SCDOT, and shall comply with the requirements set forth in the latest edition of the SCDOT ARMS Manual;

ii. An encroachment permit with SCDOT shall be required for any landscape work performed within a public street or highway right-of-way;

~~ii.~~iii. Median improvements shall include the entire width of the median, not just the side adjacent to the commercial development. At a minimum such improvements shall extend the full length of the proposed commercial development. However, in some cases SCDOT may require median improvements to extend to the nearest median crossover;

~~iii.~~iv. Landscape improvements shall comply with SCDOT sight distance and sight triangle requirements. Any sight obstruction determined by the County or SCDOT shall be corrected immediately; and

~~iv.~~v. Irrigation shall be required as determined necessary by SCDOT, per the latest edition of the ARMS Manual;

~~v.~~vi. As required by SCDOT, applicants shall furnish, install, and maintain all plantings. Applicants shall be responsible for perpetual maintenance of ~~maintaining~~ all vegetation (and irrigation when applicable) within the right-of-way that is contiguous with the landscape improvements. SCDOT shall not be responsible for providing water, fertilizer, labor, materials, or maintenance within the landscaping limits of the right-of-way;

5. Parking Area Landscaping and Screening:

i. Perimeter Parking Area Planting:

1. A perimeter landscape strip with a minimum width of eight (8) feet shall be required on all sides of parking areas. This area shall not be located within the required Corridor Frontage Buffer;

2. A continuous evergreen shrub screen is required within the perimeter landscape strip. Evergreen shrubs shall be at least thirty-six (36) inches in height with a minimum spread of twenty-four (24) inches at time of planting, and shall be spaced no more than five (5) feet on center. Shrubs shall have an average mature height of six (6) feet. A masonry wall, three (3) feet above ground level, may be used in place of a continuous evergreen shrub screen. Such perimeter screen may be penetrated for ingress/egress, including stub out and shared drive easements;

3. Canopy trees shall line the perimeter of all parking areas and shall be spaced no more than 40' on center. At installation, canopy trees shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 10-12'. Where overhead utility lines exist, understory trees shall be planted instead and shall be spaced no more than 25' on center. Understory trees shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 8-10'. All trees shall have all limbs trimmed at least six (6) feet above ground level;

4. No less than a minimum of one (1) tree planting area shall be provided for every ten (10) parking spaces. Additionally, a tree planting area shall be provided at both ends of all parking aisles. Each tree planting area shall be a minimum of two hundred (200) square feet in area, being at least ten (10) feet in width, and shall be edged with a curb at least six (6) inches in height. Each tree planting area shall be planted with one (1) canopy tree shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 10-12'. Where overhead utility lines exist, understory trees shall be planted instead and shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 8-10'. In addition to the tree requirement, each tree planting area shall consist of any combination of shrubs, turf grass or other ground cover so that no portion of the tree planting area shall contain bare soil. Where sight lines may not permit shrubs, tree planting areas shall contain turf grass or other ground cover. Shrubs in tree planting areas shall be maintained at a maximum height of thirty (30) inches. All trees shall have all limbs trimmed at least six (6) feet above ground level;
5. The landscaping requirements of this item (k)(5) shall not be used to meet any other landscaping, buffer yard or screening requirements of the UDO; and
6. Parking areas with less than twenty (20) spaces shall not be subject to the provisions of this item (k)(5) of this subsection (7).

6. Lists of Recommended Trees and Shrubs. The following lists are by no means comprehensive and are intended merely to suggest the types of flora which would be appropriate along the Highway Corridor Overlay District. Plants were selected for inclusion on these lists according to their general suitability for the climate and soil conditions of this area, ease of maintenance, tolerance of area conditions, and availability from area nurseries. If an introduced species has proven highly effective in this area, it too may be a proper selection.
   1. Canopy Trees

Common Name	Scientific Name
Red Maple	Acer rubrum
Sugar Maple	Acer saccharinum
River Birch	Betula nigra
American Hornbeam	Carpinus caroliniana

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Bitternut Hickory	Carya cordiformis
Pecan	Carya illinoinensis
Shagbark Hickory	Carya ovata
Chinese Chestnut	Castanea mollissima
Sugar Hackberry	Celtis laevigata
Common Hackberry	Celtis occidentalis
Persimmon	Diospyros virginiana
Beech	Fagus grandifolia
White Ash	Fraxinus americana
Green Ash	Fraxinus pennsylvanica
Ginkgo	Ginkgo biloba 'Fairmont' or 'Princeton Sentry'
Shademaster Honeylocust	Gleditsia triacanthos var. inermis 'Shademaster'
Kentucky Coffeetree	Gymnocladus dioicus
Chinese Flame Tree	Koelreuteria bipinnata
Sweet Gum	Liquidambar styraciflua 'Rotundiloba'
Tulip poplar	Liriodendron tulipifera
Cucumber Magnolia	Magnolia acuminata
Dawn Redwood	Metasequoia glyptostroboides
Black Gum	Nyssa sylvatica

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London Planetree	Platanus x acerifolia
Sawtooth Oak	Quercus acutissima
White Oak	Quercus alba
Scarlet Oak	Quercus coccinea
Southern Red Oak	Quercus falcata
Laurel Oak	Quercus hemisphaerica
Overcup Oak	Quercus lyrata
Water Oak	Quercus nigra
Nuttall Oak	Quercus nuttallii
Pin Oak	Quercus palustris
Willow Oak	Quercus phellos
Red Oak	Quercus rubra
Shumard Oak	Quercus shumardii
Post Oak	Quercus stellata
Black Oak	Quercus velutina
Japanese Pagoda Tree	Sophora japonica
Bald Cypress	Taxodium distichum
Little Leaf Linden	Tilia cordata
Lacebark Elm	Ulmus parvifolia
Japanese Zelkova	Zelkova serrata

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2. Understory Trees:

Understory Trees	
Common Name	Scientific Name
Trident Maple	Acer buergerianum
Amur Maple	Acer ginnala
Paperbark Maple	Acer griseum
Japanese Maple	Acer palmatum
Bottlebrush Buckeye	Aesculus parviflora
Serviceberry	Amelanchier arborea
European Hornbeam	Carpinus betulus
American Hornbeam	Carpinus caroliniana
Eastern Redbud	Cercis canadensis
Chinese Redbud	Cercis chinensis
Chinese Fringetree	Chionanthus retusus
Fringetree	Chionanthus virginicus
Flowering Dogwood	Cornus florida
Kousa Dogwood	Cornus kousa
Rutger's Hybrid Dogwood	Cornus x 'Cultivar'
Smoketree	Cotinus coggygria
Washington Hawthorn	Crataegus phaenopyrum

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Green Hawthorne	Crataegus viridis 'Winter King'
Carolina Silverbell	Halesia carolina
Golden Rain Tree	Koelreuteria paniculata
Crape Myrtle	Lagerstroemia indica Lagerstroemia x fauriei
Star magnolia	Magnolia stellata
Saucer Magnolia	Magnolia x soulangeana
Japanese Flowering Crabapple	Malus floribunda
Flowering Crabapple	Malus hupehensis
Wax Myrtle	Myrica cerifera
Sourwood	Oxydendrum arboreum
Chinese Pistache	Pistacia chinensis
Purpleleaf Plum	Prunus cerasifera 'Pissardii'
Kwanzan Cherry	Prunus serrulata 'Kwanzan'
Weeping Cherry	Prunus subhirtella pendula
Okame Cherry	Prunus x incam 'Okame'
Yoshino Cherry	Prunus x yedoensis
Pussy Willow	Salix discolor
Chinese Elm	Ulmus parvifolia

3. Evergreen Trees:

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[illegible]	
Common Name	Scientific Name
Deodar Cedar	Cedrus deodara
Japanese Cedar	Cryptomeria japonica
Savannah Holly	Ilex x attenuata 'Savannah'
Eastern Red Cedar	Juniperus virginiana
Southern Magnolia	Magnolia grandiflora
Shortleaf Pine	Pinus echinata
Loblolly Pine	Pinus taeda
Japanese Black Pine	Pinus thunbergiana
Laurel Oak	Quercus laurifolia
Green Giant Arborvitae	Thuja *(standishii x plicata)* 'Green Giant'
American Arborvitae	Thuja occidentalis
Canadian Hemlock	Tsuga canadensis
Carolina Hemlock	Tsuga caroliniana
[illegible]	
Common Name	Scientific Name
Hinoki Flasecypress	Chamaecyparis obtusa 'Filicoides'
Foster Holly	Ilex x attenuate 'Fosteri'
American Holly	Ilex opaca

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Greenleaf Holly	Ilex opaca 'Greenleaf'
Yaupon Holly	Ilex vomitoria
'Emily Bruner' Holly	Ilex x 'Emily Bruner'
Nellie Stevens Holly	Ilex x 'Nellie R. Stevens'
Holly (large cultivars/varieties)	Ilex x 'Cultivar'
Little Gem Magnolia	Magnolia grandiflora 'Little Gem'
Virginia Pine	Pinus virginiana
Carolina Cherry Laurel	Prunus caroliniana
Emerald Arborvitae	Thuja occidentallis 'Emerald'

4. Shrubs:

[redacted]	
[redacted]	[redacted]
Glossy Abelia	Abelia x grandiflora
Wintergreen Barberry	Berberis julianae
Japanese Barberry	Berberis thunbergii
Mentor Barberry	Berberis x mentorensis
Purple Beautyberry	Callicarpa dichotoma
Flowering Quince	Chaenomeles speciosa
Japanese Falsecypress	Chamaecyparis pisifera 'Cultivar'

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Spreading Euonymus	Euonymus kiautschovicus
Smooth Hydrangea	Hydrangea arborescens
Bigleaf Hydrangea	Hydrangea macrophylla
Oakleaf Hydrangea	Hydrangea quercifolia
Mountain Hydrangea	Hydrangea serrata
Dwarf Burford Holly	Ilex cornuta 'Burfordii Nana'
Chinese Holly	Ilex cornuta 'Cultivar'
Convexa Japanese Holly	Ilex crenata 'Convexa'
Japanese Holly	Ilex crenata 'Cultivar'
Little Leaf Japanese Holly	Ilex crenata 'Microphylla'
Roundleaf Japanese Holly	Ilex crenata 'Rotundifolia'
Dwarf Yaupon Holly	Ilex vomitoria 'Stokes Dwarf'
Chinese Juniper	Juniperus chinensis 'Cultivar'
Juniper	Juniperus sp.
Pfitzer Juniper	Juniperus x pfitzeriana
Drooping Leucothoe	Leucothoe fontanesiana
Leatherleaf Mahonia	Mahonia bealei
Nandina	Nandina domestica 'Cultivar'
Mountain Pieris	Pieris floribunda
Japanese Andromeda	Pieris japonica

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Narrow Leaved English Laurel	Prunus laurocerasus 'Angustifolia'
India Hawthorn	Rhaphiolepis indica
Yeddo Hawthorn	Rhaphiolepis umbellata
Glenn Dale Azalea	Rhododendron x 'Cultivar'
Gunrei Satzuki Azalea	Rhododendron 'Cultivar'
Kaempferi Azalea	Rhododendron kaempferi
Reeves' Spirea	Spiraea cantoniensis
Thunberg's Spirea	Spiraea thunbergii
Japanese Yew	Taxus cuspidata
Sandankwa Viburnum	Viburnum suspensum
[redacted]	
[redacted]	[redacted]
Aucuba	Aucuba japonica
Butterfly Bush	Buddleia davidii
Camellia	Camellia japonica
Sasanqua Camellia	Camellia sasanqua
Cleyera	Cleyera japonica
Twig Dogwood	Cornus sericea
Franchet Cotoneaster	Cotoneaster franchetii
Thorny Elaeagnus	Elacagnus pungens

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Winged Euonymus	Euonymus alatus
Greenspire Euonymus	Euonymus japonica
Border Forsythia	Forsythia x intermedia
Vernal Witch Hazel	Hamamelis vernalis
Common Witch Hazel	Hamamelis virginiana
Hybrid Witch Hazel	Hamamelis x intermedia
Panicle Hydrangea	Hydrangea paniculata
English Holly	Ilex aquifolium
Bufford Holly	Ilex cornuta "Burfordii"
Chinese Holly	Ilex cornuta 'Cultivar'
Japanese Holly	Ilex crenata 'Cultivar'
Hetzi Japanese Holly	Ilex crenata 'Hetzii'
Inkberry Holly	Ilex glabra
Lusterleaf Holly	Ilex latifolia
Yaupon Holly	Ilex vomitoria
Emily Bruner Holly	Ilex x 'Emily Bruner'
Small Anise Tree	Illicium parviflorum
Chinese Juniper	Juniperus chinensis 'Cultivar'
Hollywood Juniper	Juniperus chinensis 'Kaizuka'
Laurel	Laurus nobilis

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Japanese Privet	Ligustrum japonicum
Glossy Privet	Ligustrum lucidum
Loropetalum	Loropetalum chinense
Star Magnolia	Magnolia stellata
Wax Myrtle	Myrica cerifera
Northern Bayberry	Myrica pensylvanica
Fortune Tea Olive	Osmanthus fortunei
Fragrant Tea Olive	Osmanthus fragrans
Japanese Pittosporum	Pittosporum tobira
Podocarpus	Podocarpus macrophyllus maki
English Laurel	Prunus laurocerasus
Indian Azalea	Rhododendron indica
Bridal Wreath Spirea	Spiraea prunifolia 'Plena'
Vanhoutte Spirea	Spiraea x vanhouttei
Oriental Arborvitae	Thuja orientalis
Double file Viburnum	Viburnum plicatum f. tomentosum
Leatherleaf Viburnum	Viburnum rhytidophyllum
Laurustinus Viburnum	Viburnum tinus
Judd Viburnum	Viburnum x juddii

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l. **Impervious Surface Standards:** The amount of on-site impervious surface areas shall be limited to the prescribed ratios set forth in § 5.8 of the UDO.

~~l.~~m. Open Space and Tree Preservation:

i. Open Space: A minimum of ten (10) percent ~~wenty five (25) percent~~ of the site must be devoted to usable open space which may include greens, unaltered natural features, or ~~, public greens, or~~ other similar areas not covered by impervious surface as required in § 5.8 of the UDO. ~~not covered by buildings or pavement.~~ Required setbacks and buffer yards may be included in calculating this requirement. The Zoning Administrator may reduce this requirement for parcels ~~less than (5) acres~~ (5) acres or less on a case-by-case basis. All open space shall be clearly labeled as such on any plans submitted for County review;

ii. Tree Preservation: All required setbacks and ~~,~~ buffer yards ~~and other open space~~ shall be used as tree preservation areas. The requirements set forth in § 12.11 of the UDO, retention and protection of large trees, shall apply to all development within the Highway Corridor Overlay District. ~~In general, all such area shall be located to preserve the maximum number of existing trees possible. At a minimum twenty five (25) percent of the existing tree area on a site shall be preserved. The Zoning Administrator may reduce this requirement for parcels less than (5) acres on a case-by-case basis. Existing tree area shall be included in any County site plan review and may be based on a current aerial photograph.~~ In addition ~~to tree preservation areas~~, all canopy trees with a diameter (DBH) greater than twenty-four (24) inches shall remain and shall be incorporated into the site plan unless the Zoning Administrator determines there is no suitable alternative due to unavoidable grading, or because of required configuration of a street, driveway, sidewalk, permitted sign, essential utility or buildings. The following shall also apply:

1. Such trees may only be removed ~~from tree protection areas~~ under one or more of the following conditions:
   - a. The tree is unhealthy, diseased or dead;
   - b. The tree causes a safety hazard to nearby buildings or pedestrian or vehicular circulation;
   - c. The tree is of a species that may drop debris or sap that can significantly affect property;
   - d. The tree is interfering with an existing underground utility line;
   - ~~d.~~e. The tree is located within the building envelope as determined by building placement standards within the UDO;
   - ~~e.~~f. The tree is causing significant structural damage to a building or other similar structure; and/or
   - ~~f.~~g. It is necessary to allow construction of a street or driveway essential for access to a parcel.
2. To ensure protection of existing trees, protection shall be provided around tree preservation areas and shall comply with the provisions set forth in § 12.11.4 of the UDO;

3. Mitigation: The requirements set forth in § 12.11 of the UDO shall apply. Any canopy trees with a diameter (DBH) greater than twenty-four (24) inches that are removed shall also be replaced with another similar tree elsewhere on the parcel. Any replacement tree within the Highway Corridor Overlay District shall have a minimum caliper of 2.0 inches when measured six (6) inches above ground with a minimum height of 10-12.~~Any canopy trees with a diameter (DBH) greater than twenty four (24) inches that are removed shall be replaced with another similar tree elsewhere within the preservation area, or elsewhere on a parcel. Replacement trees shall be from the approved tree list and at installation shall have a minimum caliper of 2.5 inches when measured six (6) inches above ground with a minimum height of 10-12'. If a tree preservation areas or buffer yard is disturbed for any reason, including those outlined in Item (I) (ii) (1), shall be restored with similar trees elsewhere within the preservation area, or elsewhere on a parcel. Such replacement trees shall be planted at a rate of ten (10) trees per one thousand (1,000) square feet of area disturbed, and shall be from the approved tree list. At installation, such trees shall have a minimum caliper of 2.0 inches when measured six (6) inches above ground with a minimum height of 10-12'.~~

n. **Industrial Districts:** In general, the requirements of this subsection (7) shall apply to all industrial use. The following exceptions shall apply to industrial use:

1. Setbacks: When fronting the corridor, a front setback of (25) feet is permitted and preferred for buildings with an industrial use. The setbacks requirements set forth in § 5.4 of the UDO shall otherwise apply;

2. Building Materials: The building material requirements of § 2.1.3 of the UDO shall apply;

3. Building Vernacular: At a minimum, variation in architectural appearance is required for an industrial use fronting the corridor. Large expanse of blank exterior walls fronting the corridor shall me limited through the use of varied color, pattern, horizontal and vertical lines, or other architectural features; and

4. Off-Street Parking: For buildings with an industrial use fronting on the corridor, it is preferred that off-street surface parking is located primarily to the rear or side of the building it serves. However, for industrial use parking may also be located at the front of the building it serves. The parking area landscaping and screening requirements of this subsection (7) shall apply.

~~m.~~o. **Other Zoning Requirements:** To the extent that this subsection (7), establishing the Highway Corridor Overlay District, may contain land development standards and requirements that are inconsistent with or conflict with land development standards and requirements contained elsewhere in the UDO, including permitted uses of the zoning districts which underlie this overlay district, the more restrictive and stringent regulations shall be deemed controlling. Likewise, when any existing county ordinance is amended, the more restrictive provisions of such revised ordinance shall apply even if the provisions of this subsection (7) are more relaxed. All projects within the Highway Corridor Overlay District shall comply with all other applicable provisions of the UDO which are not in conflict with the preceding provisions of this subsection (7).

~~n.~~p. **Typical Corridor Cross Section:** The following Illustration 1.1 is a typical cross section along the Highway Corridor Overlay district./

Section 2. **Severability.**

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

Section 3. **Conflicting Provisions.**

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

Section 4. **Effective Date.**

This ordinance is effective upon third reading.

AND IT IS SO ORDAINED, this ____ day of _____, 2014.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Larry McDarrough, Chair, County Council

_____
Jack Estridge, Secretary, County Council

ATTEST:

_____
Debbie C. Hardin, Clerk to Council

First Reading:
Second Reading:
Third Reading;

Approved as to form:

_____
County Attorney

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

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HWY 521 Typical Section . NTS

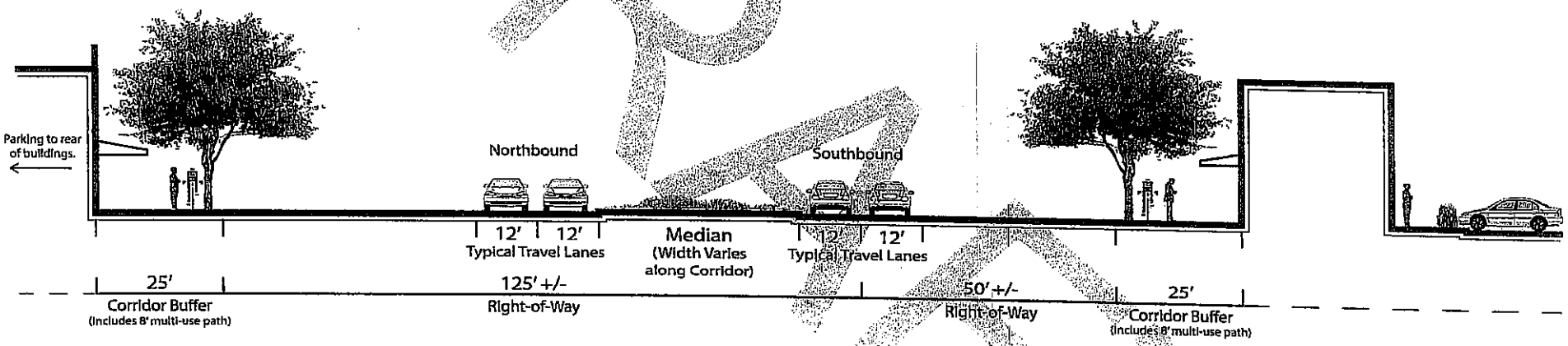


Illustration 1.1, Typical cross section along Highway Corridor Overlay District.

Draft

Rezoning application of Mr. Bob Wiggins representing MI Homes of Charlotte, LLC, to rezone the property from R-15P, Moderate Density Residential/Agricultural Panhandle District, to R-15, Moderate Density Residential/Agricultural District, with a Cluster Subdivision Overlay District. **RZ 014-010** {Public Hearing} pgs. 52-125

Tax Map #3, Parcel 40, 40.02, 40.04, 40.06, 40.09, and 40.13 and Tax Map #4, Parcel 1 & 2.

Penelope Karagounis

Conclusions:

Action items:	**Person responsible:**	**Deadline:**

Date of 1st Reading: _____
__Approved ___Denied ___ No Action

PLANNING STAFF REPORT

I. Facts

A. General Information

Proposal: Rezoning application of Mr. Bob Wiggins representing MI Homes of Charlotte, LLC, to rezone the property from R-15P, Moderate Density Residential/Agricultural Panhandle District, to R-15, Moderate Density Residential/Agricultural District, with a Cluster Subdivision Overlay District. The property can currently be developed with 1.5 units per acre but the applicant would like the R-15 zoning (2.5 units per acre) with the Cluster Subdivision Overlay District. The applicant would like to cap the density to 2.00 units an acre. The total units proposed is 328 units-which 120 units for Active-Adult Lots and 208 Traditional Lots (Single-Family)

Property Location: The property is located north of Harrisburg Road and to the east of Barberville Road in Indian Land, South Carolina.

Legal Description: Tax Map Number 3, Parcel 40, 40.02, 40.04, 40.06, 40.09, and 40.13 and Tax Map Number 4, Parcel 1 and 2.

Zoning Classification: R-15P, Moderate Density Residential/Agricultural Panhandle District

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

B. Site Information
Site Description: The properties included for this rezoning application are a mixture of single-family lots, vacant and agricultural lots.

C. Vicinity Data
Surrounding Conditions: The property is surrounded by R-15P, Moderate Density Residential/Agricultural Panhandle District and some R-15S, Moderate Density Manufactured Housing/Agricultural District. To the north of this property is Carolina Acres and to the far south of these properties is the Bridge Hampton Subdivision.

D. Exhibits
1. Rezoning Application
2. Location Map
3. Tax Parcel Map
4. Tax Inquiry Sheet
5. Cluster Subdivision Overlay District Ordinance

II. Findings

a. Code Considerations: **R-15P, Moderate Density Residential/Agricultural Panhandle District,** is designed to accommodate single-family residential developments (not including manufactured homes) in the northern part of the panhandle. This zoning District will allow residential uses and related residential uses such as religious institutions, fire station, etc.

The maximum density allowed in this zoning district is 1.5 dwelling per acre, minimum lot size is 29,040 square feet and the minimum lot width is 130 feet. The availability of water and/or sewer shall not change: (1) the maximum density allowed; (2) the minimum lot size and (3) the minimum lot width from what is stated above.

b. **The R-15, Moderate Density Residential/Agricultural District,** is designed to accommodate the most dense single-family residential developments (not including manufacturing homes) in areas of the county which are either experiencing urban growth or which are expected to experience urban growth in the near future. This type of development requires that both water and sewer lines be installed prior to construction beginning on the site. If water and sewer are not available to the site, the site shall be developed based on the regulations of the R-30 district. The minimum lot size is 14, 520 square feet and the minimum lot width is 90 feet.

Cluster Subdivision Overlay District- Cluster subdivisions are residential developments which offer an alternative to traditional subdivision design, with the principle purpose being to encourage open space in exchange for a reduced lot size. Cluster subdivisions shall be designed using a site planning technique that concentrates buildings and structures to the most buildable areas of a site, in order to preserve the remaining area as open space for recreation and preservation of significant site features. Reductions below the minimums otherwise required by the UDO for lot area, lot width, and setbacks are allowed within a CSOD, and such reductions are only permissible within a CSOD. By preserving open space, a cluster subdivision will provide another tool by which the County shall preserve its rural character. Cluster subdivisions are permitted in low to moderate density single-family residential districts, specifically, (i) R-30, Low Density Residential/Agricultural District, (ii) R-30P, Low Density Residential/Agricultural Panhandle District, (iii) R-15, Moderate Density Residential/Agricultural District, and (iv) R-15P, Moderate Density Residential/Agricultural Panhandle District. Cluster subdivisions are not permitted in any residential use district in which multiple-family developments or manufactured homes are allowed. **See Exhibit 5**

Additional Information: The site is a total of 164.40 acres. The total number of lots proposed for the Southstone subdivision is 328. The traditional lots will consist of 208 units and the active adult lots will consist of 120 units. The Preliminary Plan with the Traffic Impact Analysis is not required during the rezoning process. If MI Homes receives the rezoning request from County Council, then they will submit their Preliminary Plan and Traffic Impact Analysis to the Lancaster County Planning Department. The Preliminary Plan will be reviewed and voted by the Lancaster County Planning Commission.

III. Conclusions

The Cluster Subdivision Overlay District was approved on January 13, 2014 with Ordinance Number 2013-1251. A full set of the Preliminary Plan requirements for a site plan will be conducted at the second part of the process only at the Planning Commission stage, if this rezoning does get approved from County Council. It is important to note that with this rezoning application for the first part of the process, no Preliminary Plan is approved. We will have an additional public hearing meeting at the Lancaster County Planning Commission at a later day (if the rezoning to the Cluster Subdivision Overlay becomes approved by County Council). The future land use map of Lancaster County

designates this property as low density residential. The applicant has also submitted a Development Agreement with the County Clerk. It is still being reviewed by the Development Agreement Committee which comprises of Larry McCullough, Larry Honeycutt, and Steve Harper. Part of the reason the applicant has submitted a development agreement is to cap the density at 2 units per acre instead of the 2.5 units allowed if the rezoning of property is approved from **R-15P, to R-15, with a Cluster Subdivision Overlay District.** When staff makes a recommendation for a rezoning of property we consult the Lancaster County Future Land Use Map. The current future land use map designates the properties as low density residential. We are currently working on our rewrite of our Comprehensive Plan which that document contains the future land use map. The Planning Department expects significant changes with the future land use map once the rewrite of the Comprehensive Plan is complete. Unfortunately, at this time we make our recommendations on the current future land use map and it does not support the higher density with the R-15 zoning district. The surrounding properties are zoned R-15P, Moderate Density Residential/Agricultural Panhandle District that supports 1.5 units per acre with a minimum lot width of 130. The Cluster Subdivision Overlay can be used with R-15P properties but the applicant wants to rezone to a higher density to also use the Cluster Subdivision Overlay District regulations. There is no question that the property does surround Mecklenburg County which has higher density than Lancaster County. However, the majority of the immediate surrounding area in Lancaster County still has the density of 1 to 1.5 units per acre. The property to the south of the proposed rezoning application is Bridge Hampton, which was developed in the early 2000s in Lancaster County and it does have a density of 2.5 units per acre.

IV. Recommendation:

It is therefore the recommendation of the planning staff that MI Homes of Charlotte, LLC located north of Harrisburg Road and to the east of Barberville Road in Indian Land be denied.

Exhibit 1

LANCASTER COUNTY
SOUTH CAROLINA

APPLICATION TO AMEND OR CHANGE THE TEXT OR MAP OF THE LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE

Do Not Write In This Box

RZ-014-010

Application No._____ Date Received 3-12-14 Fee Paid ✓

1. The application is for amendment to the: (check one)

   [ ] District Boundary Map (fill in all items #2,3,4,5,6,7,&9 only)

   [ ] Ordinance Text (fill in items # 8 & 9 only)

2. Give either exact address or tax map reference to property for which a district boundary change is requested: 0004-00-001.00, 0004-00-002.00, 0003-00-040.02, 0003-00-040.04, 0003-00-040.06, 0003-00-040.00, 0003-00-040.13, 0003-00-040.09

3. How is this property presently designated on the map? Zoned R-15P

4. How is the property presently being used? Vacant and Single Family

5. What new designation or map change do you purpose for this property? Rezone to R-15 Cluster

6. What new use do you propose for the property? Single Family Residential and Active Adult Residential

EXPLAIN UNDER ITEM #9 WHY THIS AREA SHOULD BE REDESIGNATED OR CHANGED.

7. Does the applicant own the property proposed for this change? [ ] YES [ ] NO If no, give the name and address of the property owner and attach notarized letter from property owner:
   See attached Joinder Agreements for property owners signatures

8. If this involves a change in the Ordinance text, what section or sections will be affected?_____

9. Explanation of and reasons for proposed change: To develop a residential community including a mixture of single family and active adult homes.

(use back of form if additional space is needed)

NOTE: *It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.*

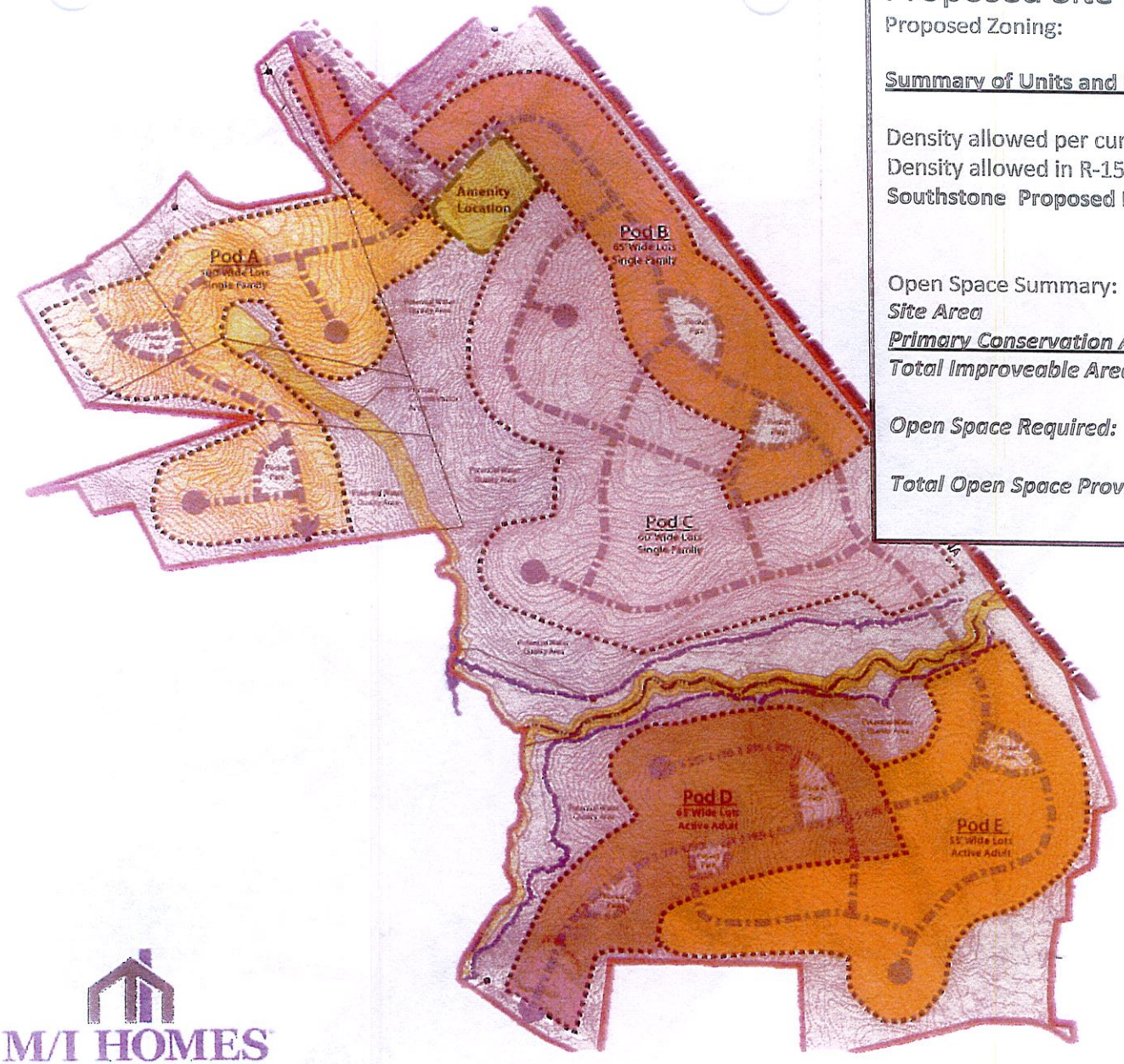
APPLICANT'S NAME (PRINT)
MI Homes of Charlotte, LLC
Contact: Bob Wiggins

ADDRESS:
5350 77 Center Drive, 100
Charlotte, NC 28217

Phone:
(704) 604-8424

Bob Wiggins
SIGNATURE

RECEIVED 3-12-14



Proposed Site Information

Proposed Zoning: R15 with CSOD

Summary of Units and Density

Density allowed per current zoning:	1.5 units / acre = 247 Units
Density allowed in R-15 zoning:	2.5 units / acre = 411 Units
Southstone Proposed Density:	**2.0 units / acre = 328 Units**

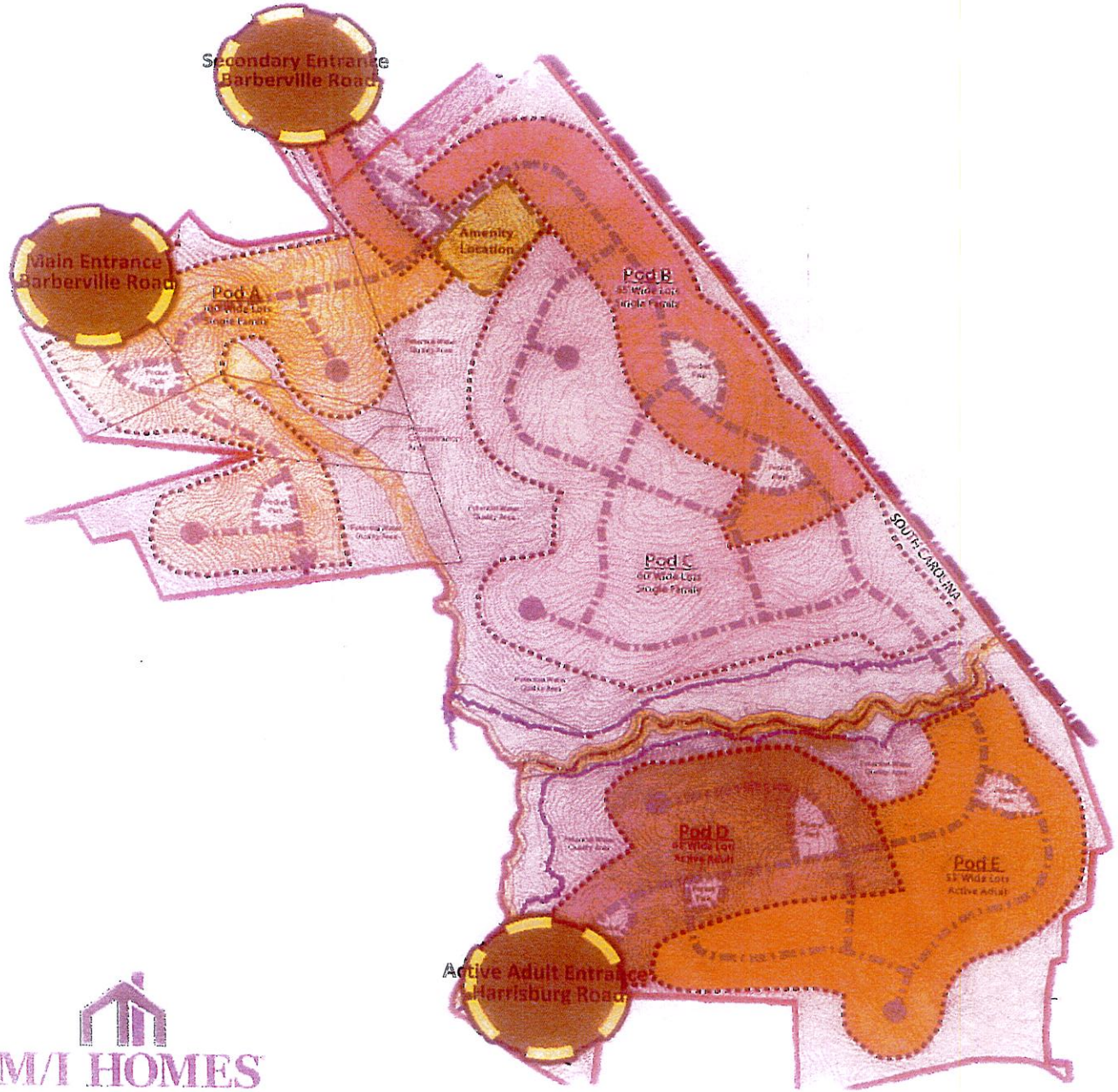
Open Space Summary:

Site Area	*164.4 Acres*
Primary Conservation Area:	*-7.2 Acres*
Total Improveable Area:	*157.2 Acres*
Open Space Required:	*39.3 Acres (25%)*
Total Open Space Provided:	*52.27 Acres (31%)*

M/I HOMES
mihomes.com

Southstone

Exhibit 1



M/I HOMES
mihomes.com

Southstone

Exhibit 1

Exhibit 1

February 12, 2014

Ms. Penelope G. Karagounis, Planning Director
Lancaster County, SC
101 North Main Street
Lancaster, SC 29720

RE: Consent of Property Owner to Rezone Property

Dear Ms. Karagounis:

Please receive this letter as formal notice of my consent and support for M/I Homes of Charlotte, LLC to serve as applicant to rezone my property, Lancaster County Parcel Number 0004-00-001.00, owned by Acts Retirement – Life Communities, Inc. The property is presently zoned Lancaster County R-15P, and is proposed to be rezoned to Lancaster County R-15 Cluster.

Sincerely,

Jeffrey J. Rathfon
Senior Vice President

JEFFREY J. RATHFON
SR. V.P. REAL ESTATE AND DEVELOPMENT
ACTS RETIREMENT-LIFE COMMUNITIES, INC.®

~~STATE OF SOUTH CAROLINA~~

ACKNOWLEDGMENT

COUNTY OF Montgomery

I, the undersigned, Notary Public in the State aforesaid, do hereby certify that Jeffrey J. Rathfon personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this 12 day of February, 2014.

(SEAL)

NOTARIAL SEAL
JO ANN BISBING
Notary Public
UPPER GWYNEDD TWP., MONTGOMERY CNTY
My Commission Expires Dec 5, 2015

Print Name: JoAnn Bisbing
Notary Public for Pennsylvania

My Commission Expires on: December 5, 2015

Exhibit 1

February 12, 2014

Ms.Penelope G. Karagounis, Planning Director
Lancaster County, SC
101 North Main Street
Lancaster, SC 29720

RE: Consent of Property Owner to Rezone Property

Dear Ms. Karagounis:

Please receive this letter as formal notice of my consent and support for M/I Homes of Charlotte, LLC to serve as applicant to rezone my property, Lancaster County Parcel Number 0004-00-002.00, owned by Sauer Properties, Inc. The property is presently zoned Lancaster County R-15P, and is proposed to be rezoned to Lancaster County R-15 Cluster.

Sincerely,

SAUER PROPERTIES, INC.

By: Bradford B. Sauer
Bradford B. Sauer, Vice President

COMMONWEALTH OF VIRGINIA

ACKNOWLEDGMENT

CITY OF RICHMOND

I, the undersigned, Notary Public in the State aforesaid, do hereby certify that Bradford B. Sauer, as Vice President of Sauer Properties, Inc., personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

WITNESS my hand and official seal this 12 day of February, 2014.

Mary Lewis Sauer (SEAL)

Print Name: Mary Lewis Sauer
Registration No: 7561793

My Commission Expires on: December 31, 2017

12312017

Exhibit 1

February 12, 2014

Ms. Penelope G. Karagounis, Planning Director
Lancaster County, SC
101 North Main Street
Lancaster, SC 29720

RE: Consent of Property Owner to Rezone Property

Dear Ms. Karagounis:

Please receive this letter as formal notice of my consent and support for M/I Homes of Charlotte, LLC to serve as applicant to rezone my property, Lancaster County Parcel Number portion of 0003-00-040.00, owned by Mike & Jennifer Knabenshue. The property is presently zoned Lancaster County R-15P, and is proposed to be rezoned to Lancaster County R-15 Cluster.

Sincerely,

STATE OF SOUTH CAROLINA

ACKNOWLEDGMENT

COUNTY OF Lancaster

I, the undersigned, Notary Public in the State aforesaid, do hereby certify that Michael R. Knabenshue personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this 17 day of February, 2014.

(SEAL)

Print Name: Kausha Cook
Notary Public for Lancaster, South Carolina

My Commission Expires on: April 4, 2022

Embossed Hereon Is My
State of South Carolina Notary Public Seal
My Commission Expires April 4, 2022
KAUSHA COOK

February 12, 2014

Ms. Penelope G. Karagounis, Planning Director
Lancaster County, SC
101 North Main Street
Lancaster, SC 29720

RE: Consent of Property Owner to Rezone Property

Dear Ms. Karagounis:

Please receive this letter as formal notice of my consent and support for M/I Homes of Charlotte, LLC to serve as applicant to rezone my property, Lancaster County Parcel Number [illegible], owned by Mike & Jennifer [illegible]. The property is presently zoned Lancaster County R-15P, and is proposed to be rezoned to Lancaster County R-15 Cluster.

Sincerely,

STATE OF SOUTH CAROLINA

COUNTY OF Lancaster

ACKNOWLEDGMENT

I, the undersigned, Notary Public in the State aforesaid, do hereby certify that Jennifer Branscine personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this 17 day of February, 2014.

(SEAL)

Print Name: Glenda T. Starkey
Notary Public for South Carolina

My Commission Expires on: 2-19-14

Exhibit 1

February 12, 2014

Ms. Penelope G. Karagounis, Planning Director
Lancaster County, SC
101 North Main Street
Lancaster, SC 29720

RE: Consent of Property Owner to Rezone Property

Dear Ms. Karagounis:

Please receive this letter as formal notice of my consent and support for M/I Homes of Charlotte, LLC to serve as applicant to rezone my property, Lancaster County Parcel Number 0003-00-040-02 0003-00-040.04, owned by Janice Patterson Poston. The property is presently zoned Lancaster County R-15P, and is proposed to be rezoned to Lancaster County R-15 Cluster.

Sincerely,

Janice Patterson Poston

STATE OF SOUTH CAROLINA

ACKNOWLEDGMENT

COUNTY OF Lancaster

I, the undersigned, Notary Public in the State aforesaid, do hereby certify that Janice Patterson Poston personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this 14 day of February, 2014.

Ashley Vacher (SEAL)

Print Name: Ashley Vacher
Notary Public for South Carolina

My Commission Expires on: 9/18/2019

Exhibit H

February 12, 2014

Ms.Penelope G. Karagounis, Planning Director
Lancaster County, SC
101 North Main Street
Lancaster, SC 29720

RE: Consent of Property Owner to Rezone Property

Dear Ms. Karagounis:

Please receive this letter as formal notice of my consent and support for M/I Homes of Charlotte, LLC to serve as applicant to rezone my property, Lancaster County Parcel Number 0003-00-040.06, owned by Mamie B Patterson Robinson. The property is presently zoned Lancaster County R-15P, and is proposed to be rezoned to Lancaster County R-15 Cluster.

Sincerely,

STATE OF SOUTH CAROLINA

ACKNOWLEDGMENT

COUNTY OF Lancaster

I, the undersigned, Notary Public in the State aforesaid, do hereby certify that Amanda P. Almond personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this 17th day of February, 2014.

(SEAL)

Print Name: KAUSHA COOK
Notary Public for LANCASTER, SOUTH CAROLINA

My Commission Expires on: April 4, 2022

Embossed Hereon Is My
State of South Carolina Notary Public Seal
My Commission Expires April 4, 2022
KAUSHA COOK

Exhibit 1

February 12, 2014

Ms. Penelope G. Karagounis, Planning Director
Lancaster County, SC
101 North Main Street
Lancaster, SC 29720

RE: Consent of Property Owner to Rezone Property

Dear Ms. Karagounis:

Please receive this letter as formal notice of my consent and support for M/I Homes of Charlotte, LLC to serve as applicant to rezone my property, Lancaster County Parcel Number _____, owned by _____. The property is presently zoned Lancaster County R-15P, and is proposed to be rezoned to Lancaster County R-15 Cluster.

Sincerely,

PR to the estate of Shirley Mackenzie

STATE OF SOUTH CAROLINA

COUNTY OF Lancaster

ACKNOWLEDGMENT

I, the undersigned, Notary Public in the State aforesaid, do hereby certify that Pender Enterprise personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this 11th day of February, 2014.

(SEAL)

Print Name: Cheryl T. Starkey
Notary Public for South Carolina

My Commission Expires on: 2-19-14

MI Homes
RZ-014-010

NOTICE OF ENTRY UPON LAND

Section 6-29-340(A) of the Code of Laws of South Carolina 1976, as amended, provides, in part, that "[t]he planning commission, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the planning commission shall be liable for any injury or damage to property resulting therefrom."

This notice is dated APRIL 28, 2014 and serves as written notice to the owner of record of the following property 0004-00-001.00 0004-00-002.00, 0003-00-040.05 (the "Property") that the employees of the Lancaster County Planning Department and the members of the Lancaster County Planning Commission may enter upon the Property at any time after ten days from the date of this notice for the purpose of making examinations, surveys and to perform their respective official duties, without consent or further notice to the owner of record.

ACKNOWLEDGMENT OF RECEIPT OF NOTICE

By signing below, I acknowledge receipt of the above Notice of Entry Upon Land.

CONT'd
0003-00-040.02
-00-040.04
-00-040.06
-00-040.00
-00-040.13
0003-00-040-09

W. Martin Davis
Signature

MARTY DAVIS
Printed Name

4-28-14
Date

If the owner of record refuses to acknowledge receipt of the Notice of Entry Upon Land, then the Planning Director, or a person authorized by the Planning Director, shall sign and date the area below:

_____
Planning Director or Authorized Person Signature

_____
Planning Director or Authorized Person Printed Name

_____
Date

COLUMBIA 1133961

return

TITLE TO REAL ESTATE FORM 1-S
COLUMBIA OFFICE SUPPLY CO., COLUMBIA, S. C.

MACK, MACK & FREEMAN, ATTORNEYS
FORT MILL, SOUTH CAROLINA

Exhibit 1

State of South Carolina,

COUNTY OF LANCASTER

KNOW ALL MEN BY THESE PRESENTS, That I, MAMIE B. PATTERSON

in the State aforesaid, for and in consideration of the sum of FIVE DOLLARS, LOVE AND AFFECTION to me paid by MY DAUGHTER, JANICE PATTERSON POSTON, AND MY SON-IN-LAW, in the State aforesaid BENNIE A. POSTON, OF Route 1, Box 228, Fort Mill, S.C. have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said Janice Patterson Poston and Bennie A. Poston, their heirs and assigns forever, the following described property, to-wit:

ALL that certain piece, parcel or tract of land lying, being and situate in Indian Land Township, Lancaster County, South Carolina, on the southern side of S.C. Highway S29-42 just east of its intersection with S.C. Highway S29-64 and being more particularly described as follows:
BEGINNING at a point at a railroad spike in the center of S.C. Highway S29-42, and running thence with the center of said Highway N 67 56 20 E 265.05 feet and N 63 05 20 E 134.95 feet to a railroad spike in center of said Highway; thence S 26 54 40 E 527.30 feet to a new iron pin; thence S 67 56 20 W 444.09 feet to a new iron pin; thence N 22 03 40 W 514.00 feet to a railroad spike in center of S.C. Highway S29-42, the point of beginning. Containing 5.00 acres, more or less, and being more speicifcally shown on a plat of property of Mamie B. Patterson dated May 29, 1979, prepared by Fred J. Hager, R.L.S., and recorded in the office of the Clerk of Court for Lancaster County, S.C., as Plat No. 4230

This being portion of the property as conveyed to William S. Patterson by deed of Nannie Giles Richardson and William Henry Richardson, dated October 13, 1950, recorded November 6, 1950, in Deed Book B-4, at page 546, in the office of the Clerk of Court for Lancaster County, S.C., and thereafter inherited by the Grantor herein under and pursuant to the terms and provisions of the Last Will and Testament of William S. Patterson dated March 25, 1959, filed in the office of the Probate Court for Lancaster County, S.C, as Roll #4893.

The Grantor herein hereby reserves unto the brother and sister of the within named Grantee the first right of refusal to purchase the within described premises from the Grantee named herein in the event that the within named Grantee should decide to sell or otherwise dispose of the within described premises.

ASSESSOR'S OFFICE
Received 8/28/79
Tax Map Code 3/4002

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Janice Patterson Poston, and Bennie A. Poston, their Heirs and Assigns forever.

And I do hereby bind myself and my Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Janice Patterson Poston, and Bennie A. Poston, their Heirs and Assigns, against me and my Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS my *Hand* and *Seal* this 23rd *day of* AUGUST *in the year of our Lord one thousand nine hundred and* Seventy-nine *and in the two hundred and* second *year of the Sovereignty and Independence of the United States of America.*

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Palmer Freeman

Mamie B. Patterson (SEAL)
Mamie B. Patterson

(SEAL)

STATE OF SOUTH CAROLINA,
YORK COUNTY.

PERSONALLY appeared before me Faye E. Boling and made oath that s he saw the within-named Mamie B. Patterson sign, seal and, as her act and deed, deliver the within-written Deed for the uses and purposes therein mentioned, and that he, with Palmer Freeman, Jr. witnessed the execution thereof.

SWORN to before me this 23rd *day of* August *, 19* 79 .

Palmer Freeman Jr. (L. S.) Faye E. Boling

Notary Public of S. C.
Comm. Exp.: 8/19/81

STATE OF SOUTH CAROLINA,
COUNTY.

RENUNCIATION OF DOWER

I, , do hereby certify unto all whom it may concern, that Mrs. the wife of the within-named

did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within-named heirs and assigns, all her interest and estate, and also all her right and claim of Dower of, in or to all and singular the premises within mentioned and released.

Given under my Hand and Seal, this *day of* *, 19* .

(L. S.)
Notary Public of S. C.

FILED
OFFICE OF CLERK OF COURT
1979 AUG 28 AM 8:31
CLERK OF COURT
YORK COUNTY, S.C.

State of South Carolina
County of
TO

TITLE OF REAL ESTATE

I hereby certify that the within Deed was filed for record in my office at M. o'clock on the day of 19 79 , and was immediately entered upon the proper indexes and duly recorded in Book D-6 of Deeds, page 3359

Clerk of Court of Common Pleas and General Sessions for County, S. C.

I hereby certify that the within Deed has been this day of , A. D. 19 , Recorded in Book of Deeds, page

Auditor for County

COLUMBIA OFFICE SUPPLY CO., COLUMBIA, S. C.

WCT

STATE OF SOUTH CAROLINA)
) TITLE TO REAL ESTATE
COUNTY OF LANCASTER)

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that DEXTER R. YAGER, SR. and wife, BIRDIE N. YAGER (hereinafter referred to as "Grantor"), in the state aforesaid, for and in consideration of the sum of THREE MILLION TWO HUNDRED FORTY NINE THOUSAND SEVEN HUNDRED FIFTY SEVEN AND 50/100 DOLLARS ($3,249,757.50), to it in hand paid by ACTS RETIREMENT-LIFE COMMUNITIES, INC., a Pennsylvania non-profit corporation (hereinafter referred to as "Grantee"), in the state aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantee, its successors and assigns, the following described real property:

See attached Exhibit A (legal description) and Exhibit B (permitted exceptions) incorporated herein by reference.

FILED, RECORDED, INDEXED
01/23/2001-10:28:25AM
Rec Fees: 12.00 St Fees: 8450.00
Co Fees: 3575.00 Pages: 6
Clerk of Court
LANCASTER COUNTY, SC

TMS#: 4-1

GRANTEE'S ADDRESS: 375 Morris Road
P.O. Box 90
West Point, PA 19486-0090

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto said Grantee, its successors and assigns, forever.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions stated on Exhibit B attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal this 12th day of January, in the Year of our Lord, Two Thousand One (2001) and in the Two Hundred and Twenty Fifth Year of the Sovereignty and Independence of the United States of America.

RECORDED THIS 23rd DAY
OF January, 2001
IN BOOK 0 PAGE A-01
Cheryl H. Morgan
Auditor, Lancaster County, S. C.

ASSESSOR'S OFFICE
Received 1-23-01
Tax Map Code 4-1
Or Portion Of

(3)
WCT

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Witness #1

Dexter R. Yager, Sr. (SEAL)

Witness #2

STATE OF South Carolina)
COUNTY OF York)

Acknowledgment

Personally appeared before me the undersigned witness and made oath that (s)he saw the within named Dexter R. Yager, Sr., sign, seal and as his act and deed, deliver the within written instrument, and that (s)he with the other witness named above witnessed the execution thereof.

(Signature of Witness #2)

Sworn to before me this 12th
day of January, 2001.

Notary Public for South Carolina
My Commission Expires: March 24, 2009
Notary Seal

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Witness #1

Birdie N. Yager (SEAL)
Birdie N. Yager

Witness #2

STATE OF South Carolina)
COUNTY OF York)

Acknowledgment

Personally appeared before me the undersigned witness and made oath that (s)he saw the within named Birdie N. Yager, sign, seal and as her act and deed, deliver the within written instrument, and that (s)he with the other witness named above witnessed the execution thereof.

(Signature of Witness #2)

Sworn to before me this 12th
day of January, 2001.

Debra C. Parker
Notary Public for South Carolina
My Commission Expires: March 24, 2009
Notary Seal

EXHIBIT A

Being all that certain tract or parcel of land lying and situated in Lancaster County, South Carolina and being more particularly described as follows:

To find the true point and place of Beginning, begin at an existing iron pin located S. 74-24-58 W., 3206.57 from a concrete monument designated as NCGS "Lowery" N: 474223.218, E: 1443392.746, CGF: 0.999848; thence from said point along the Mecklenburg County, North Carolina and Lancaster County, South Carolina state dividing line, S. 34-14-56 E., 187.68 feet to a stone (control corner); said stone being the true point and place of Beginning; thence from said stone, S. 37-05-22 E., 2650.29 feet to an existing iron pin; thence leaving the state dividing line, S. 20-32-25 E., 18.08 feet to an unmarked point in the centerline of Clems Branch; thence continuing along the centerline of Clems Branch, the following fifty-four (54) calls: (1) S. 53-49-17 W., 152.42 feet to an unmarked point; thence (2) S. 00-23-30 E., 73.57 feet to an unmarked point; thence (3) S. 59-38-30 E., 18.31 feet to an unmarked point; thence (4) S. 32-59-30 W., 73.54 feet to an unmarked point; thence (5) S. 79-35-30 W., 111.80 feet to an unmarked point; thence (6) S. 13-54-30 E., 29.95 feet to an unmarked point; thence (7) S. 82-20-30 W., 70.09 feet to an unmarked point; thence (8) S. 38-08-30 W., 18.34 feet to an unmarked point; thence (9) S. 72-11-30 W., 40.56 feet to an unmarked point; thence (10) N. 60-27-30 W., 79.84 feet to an unmarked point; thence (11) S. 88-01-30 W., 39.71 feet to an unmarked point; thence (12) S. 22-10-30 W., 72.27 feet to an unmarked point; thence (13) S. 81-28-30 W., 31.66 feet to an unmarked point; thence (14) N. 73-29-30 W., 38.54 feet to an unmarked point; thence (15) S. 67-32-00 W., 107.96 feet to an unmarked point; thence (16) N. 59-46-30 W., 67.87 feet to an unmarked point; thence (17) S. 78-55-30 W., 47.89 feet to an unmarked point; thence (18) S. 88-18-30 W., 98.64 feet to an unmarked point; thence (19) S. 44-05-30 W., 54.93 feet to an unmarked point; thence (20) N. 83-10-00 W., 33.71 feet to an unmarked point; thence (21) N. 54-35-30 W., 73.99 feet to an unmarked point; thence (22) N. 73-49-30 W., 20.14 feet to an unmarked point; thence (23) S. 88-00-30 W., 79.14 feet to an unmarked point; thence (24) S. 71-34-30 W., 65.74 feet to an unmarked point; thence (25) N. 72-26-30 W., 71.18 feet to an unmarked point; thence (26) S. 17-03-30 W., 54.18 feet to an unmarked point; thence (27) S. 54-17-30 W., 103.74 feet to an unmarked point; thence (28) S. 74-15-30 W., 108.64 feet to an unmarked point; thence (29) S. 34-44-30 W., 68.13 feet to an unmarked point; thence (30) S. 57-05-30 W., 35.28 feet to an unmarked point; thence (31) N. 48-56-00 W., 97.42 feet to an unmarked point; thence (32) S. 86-12-30 W., 51.37 feet to an unmarked point; thence (33) S. 41-07-30 W., 47.15 feet to an unmarked point; thence (34) S. 14-39-30 W., 34.00 feet to an unmarked point; thence (35) S. 75-16-30 W., 21.18 feet to an unmarked point; thence (36) N. 55-50-30 W., 28.00 feet to an unmarked point; thence (37) N. 32-39-30 W., 16.00 feet to an unmarked point; thence (38) N. 30-39-30 E., 27.73 feet to an unmarked point; thence (39) N. 53-25-30 W., 42.60 feet to an unmarked point; thence (40) N. 39-54-30 W., 69.30 feet to an unmarked point; thence (41) N. 09-29-30 W., 32.20 feet to an unmarked point; thence (42) N. 27-47-30 W., 46.53 feet to an unmarked point; thence (43) N. 67-22-30 W., 64.61 feet to an unmarked point; thence (44) N. 41-20-30 W., 66.55 feet to an unmarked point; thence (45) N. 07-08-30 E., 79.43 feet to an unmarked point; thence (46) N. 05-35-30 E., 161.19 feet to an unmarked point; thence (47) N. 15-52-30 E., 42.71 feet to an unmarked point; thence (48) N. 01-59-30 W., 30.09 feet to an unmarked point; thence (49) N. 35-46-30 W., 48.47 feet to an unmarked point; thence (50) N. 69-40-30 W., 46.46 feet to an unmarked point; thence (51) N. 10-10-30 E., 29.07 feet to an unmarked point; thence (52) N. 68-35-30 E.,

18.32 feet to an unmarked point; thence (53) N. 38-32-30 E., 15.00 feet to an unmarked point; thence (54) N. 05-23-30 E., 18.00 feet to an unmarked point; thence leaving the centerline of Clems Branch, N. 30-20-30 W., 88.59 feet to an existing iron pin located in the southeastern most corner of the property owned by William S. Patterson (now or formerly) as shown in Deed Book B4, Page 546 in the Lancaster County Public Registry; thence N. 11-07-58 W., 434.55 feet to an iron pin set located in the easterly margin of the property owned by Janice Patterson Poston (now or formerly) as shown in Deed Book Z11, Page 9 in said Registry; thence N. 14-23-23 W., 139.92 feet to an existing iron pin located in the southeastern most corner of the property owned by Shirley Patterson Orren (now or formerly) as shown in Deed Book M12, Page 152 in said Registry; thence N. 14-23-23 W., 650.08 feet to an existing iron pin located in the southeastern most corner of the property owned by William S. Patterson (now or formerly) as shown in Deed Book B4, Page 546 in said Registry; thence N. 32-42-52 W., 210.33 feet to an existing iron pin; thence N. 18-53-00 W., 383.90 feet to an existing iron pin located in the right-of-way of Providence Road West (Barberville Rd.); thence N. 18-53-00 W., 35.58 feet to an unmarked point located in the right-of-way of Providence Road West (Barberville Rd.); thence N. 47-49-03 E., 113.18 feet to an unmarked point; thence S. 14-13-42 E., 37.31 feet to an existing iron pin located in the right-of-way of Providence Road West (Barberville Rd.), and the northwestern most corner of the property of Smiley P. Richardson (now or formerly) as shown in Deed Book O3, Page 157 in said Registry; thence leaving said right-of-way of Providence Road West (Barberville Rd.) S. 14-13-42 E., 433.52 feet to an existing iron pin located in the southernmost corner of the property of Smiley P. Richardson (now or formerly) as shown in Deed Book O3, Page 157 in said Registry; thence N. 52-10-07 E., 881.00 feet to a stone, being the true point and place of Beginning, containing 78.866 acres and designated as Tract 1 and Tract 2 all as shown on that certain survey entitled "Boundary Survey For ACTS, Inc." dated August 4, 2000 and revised January 2, 2001.

Being property conveyed to the grantors herein by deeds as follows: (1) deed from Mamie B. Patterson, recorded October 9, 1987 in Deed Book G-7, page 293; and (2) deed from Billy S. Childers, et al, recorded July 20, 1988 in Deed Book U-7, page 49. See also deed recorded in Deed Book G-10, page 167. All deeds referenced in this derivation are recorded in the Office of the Clerk of Court for Lancaster County, South Carolina.

CEC81665

Exhibit 1

337

0000648 [illegible]

EXHIBIT B

to Special Warranty Deed
from
DEXTER R. YAGER, SR. and wife, BIRDIE N. YAGI
to
ACTS RETIREMENT-LIFE COMMUNITIES, INC.

Exceptions to Title

Title to the Property is conveyed subject to the following exceptions:

a. All Taxes, charges, assessments, levied and assessed against subject premises for the year 2001 and thereafter not yet due and payable, including any taxes assessed under the roll-back provisions of Section 12-43-220-(D-4), South Carolina Code of Laws 1976, as amended.

b. Title to that portion of the premises within the bounds of any roads or highways.

c. Easement in favor of Fort Mill Telephone Company, dated December 30, 1963, recorded in the Office of the Clerk of Court for Lancaster County, South Carolina in Deed Book K-5, page 428, aforesaid records, for erection and maintenance of (telephone and telegraph lines – electric transmission lines) and necessary appurtenances.

d. Easement in favor of Duke Power Company, dated December 12, 1949, recorded in Deed Book J-4, page 318, aforesaid recorded, for erection and maintenance of (telephone and telegraph lines – electric transmission lines) and necessary appurtenances.

e. All matters that are shown on survey by Land Design Surveying, Inc., dated August 4, 2000 and last revised January 2, 2001 entitled "Boundary Survey for ACTS, Inc.

f. Right of upper and lower riparian owners in and to the water of branch and Clems Branch crossing or adjoining the property, and the natural flow thereof, free form diminution or pollution.

Inst # 4689

BOOK G-7 PAGE 115

Form No. 116—Title to Real Estate by a Corporation

The State of South Carolina,
COUNTY OF LANCASTER

KNOW ALL MEN BY THESE PRESENTS, That

C. & T. REFINERY, INCORPORATED,

in the State aforesaid, for and *in consideration of the sum of*

One Hundred and No Hundredths *Dollars*

to it in hand paid at and before the sealing of these presents, by SAUER PROPERTIES, INC.

(the receipt whereof is hereby acknowledged)

in the State aforesaid,

has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release, unto the said

SAUER PROPERTIES, INC., its successors and assigns forever all that piece, parcel or tract of land lying, being and situate in Indian Land Township, Lancaster County, South Carolina, containing sixty (60) acres, more or less, and described as follows:

Said land lying on the South Side of Clems Branch and on the West side of the Lancaster and Charlotte Public Road. Beginning at a stone in said Road and running North 80 poles to a stone on the State line; thence North 37 West 20 poles to a stone at Clems Branch; thence down the varies of said branch to a stone in the Harrisburg Road; thence South 62 East 56 poles to a stone in saidroad; thence with the road North 72 East 84 poles to the beginning corner.

Derivation: Deed Book 04 at page 400, recorded December 24, 1956.

Grantee's Address: The C. F. Sauer Company
2000 W. Broad Street
Richmond, VA 23220

FILED
87 SEP 29 AM 11:33
CLERK OF COURT
LANCASTER COUNTY, S.C.

ASSESSOR'S OFFICE
Received 9-29-87
Tax Map Code 4-2
Or Portion Of

BOOK 67 PAGE 116

TOGETHER with all and singular the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the said premises before mentioned unto the said SAUER PROPERTIES, INC., its successors ~~heirs~~ *and Assigns forever.*

And the said C. & T. REFINERY, INCORPORATED, *does hereby bind itself and its successors, to warrant and forever defend all and singular the said premises unto the said* SAUER PROPERTIES, INC., its successors ~~heirs~~ *and Assigns, against itself and its successors and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.*

IN WITNESS WHEREOF C. & T. REFINERY, INCORPORATED, *(Insert name of Corporation)* *has caused these presents to be executed in its name by* T. E. A. Sauer *(Insert name of President or Vice-President)* *its President, and by* W. Norwood Clemons *(Insert name of Secretary or Treasurer)* *its* Secretary *and its corporate seal to be hereto affixed this* 4th *day of* August *in the year of our Lord, one thousand nine hundred and* eighty-seven *, and in the* ~~and~~ two *hundred and* thirteenth *year of the Sovereignty and Independence of the United States of America.*

Signed, Sealed and Delivered in Presence of

Betty B. Lowlin *Witness*

Eleanor H. Cook *Witness*

C. & T. REFINERY, INCORPORATED *(Seal)*

By T. E. A. Sauer *President.*

W. Norwood Clemons *Secretary or Treasurer.*

FILED

BOOK B-7 PAGE 117

The State of South Carolina,

COUNTY OF

PERSONALLY appeared before me I Betty B. Lowden (Insert name of Witness)

who, in oath, says that he saw the within-named C. & T. REFINERY, INCORPORATED, (Insert name of Corporation)

by T. E. A. Sauer (Insert name of President or Vice-President) its

President and W. Norwood Clemons its Secretary (Insert name of Secretary or Treasurer)

sign the within Deed, and the said Corporation, by said officers, seal said Deed, and, as its act and deed, deliver the same, and that he with (Insert name of other Witness) witnessed the execution thereof. Eliand H Cook Betty B. Lowden (Witness)

SWORN to before me, this 4TH day of AUGUST, A. D. 19 87

Elizabeth A. Beisner (Seal) Notary Public, ~~S.C.~~ VA.

LANCASTER COUNTY ASSESSOR
Tax Map:
0003 00 040 00

MACK & MACK ATTORNEYS

[NO TITLE EXAMINATION PERFORMED IN PREPARATION OF THIS DEED]

STATE OF SOUTH CAROLINA)
) **TITLE TO REAL ESTATE**
COUNTY OF LANCASTER)

KNOW ALL MEN BY THESE PRESENTS, That, I, Mamie B. Patterson in the State aforesaid for and in consideration of the sum of----------SEE AFFIDAVIT---------- to me paid by MICHAEL R. KNABENSHUE and JENNIFER O. KNABENSHUE, 10858 BARBERVILLE ROAD, FORT MILL SC 29715 in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, by these presents do grant, bargain, sell and release unto the said Michael R. Knabenshue and Jennifer O. Knabenshue, their heirs and assigns, the following described property, to wit:

SEE ATTACHED SCHEDULE FOR PROPERTY DESCRIPTION.

DERIVATION: Being a portion of the property conveyed to the Grantor herein by Deed recorded in Deed Book B-4 at Page 548.

The within described property is conveyed subject to existing easements and to restrictions, if any, appearing in the chain of title, which said restrictions, if any, are not intended to be reimposed hereby.

Together with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

To Have and to Hold all and singular the premises before mentioned unto the said Michael R. Knabenshue and Jennifer O. Knabenshue, their Heirs and Assigns forever and I do hereby bind myself and my Heirs and Assigns, to warrant and forever defend all and singular the said premises unto the said Michael R. Knabenshue and Jennifer O. Knabenshue, their Heirs and Assigns, against me and my Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

RECORDED THIS 2nd DAY
OF NOVEMBER, 2006
IN BOOK O PAGE K-01
Cheryl H. Morgan
Auditor, Lancaster County, SC

2006014642
DEED
RECORDING FEES $10.00
EXEMPT
PRESENTED & RECORDED:
11-02-2006 10:43 AM

JOHN LANE
REGISTER OF DEEDS
LANCASTER COUNTY, SC
By: CANDICE KIRKLEY DEPUTY
BK:DEED 363
PG:163-166

WITNESS our Hands and Seals this 22nd day of September in the year of our Lord two thousand six and in the two hundred and thirty-first year of Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
in the presence of

Paula S Austin

Mamie B Patterson

Mamie B. Patterson

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

Personally appeared before me the undersigned witness and made oath that s/he saw the within named Mamie B. Patterson, sign, seal and act as its act and deed, deliver the within written Deed for the uses and purposes therein mentioned, and that s/he with the other witness witnessed the execution thereof.

Paula S Austin

SWORN to before me this
22nd day of September, 2006.

_____(L.S.)
Notary Public for South Carolina
My Commission Expires: 18 Nov 2007

EXHIBIT "A"

PROPERTY DESCRIPTION

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND being and situate on the southern side of Barberville Road, Indian Land Township, Lancaster County, South Carolina, containing 1.46 acres Total, and being more particularly described and shown on Boundary and Physical Survey For Michael & Jennifer Knabenshue, dated September 12, 2006, drawn by Charles B. Mackey, PLS and recorded in the Office of the Clerk of Court for Lancaster County, South Carolina in Plat Book 2006 at Page 706.

Portion of Tax Map #3-40

Exhibit 1

STATE OF SOUTH CAROLINA)
) AFFIDAVIT
COUNTY OF LANCASTER)

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. Property located at 10858 Barberville Road, Fort Mill, being a portion of property bearing Lancaster County, Tax Map Number 0003-00-040.00, was transferred by Mamie B. Patterson to Michael R. Knabenshue and Jennifer O. Knabenshue on September 22, 2006.

The transaction was (Check One):

___ an arm's length real property transaction and the sales price paid or to be paid in money or money's worth was $_____*.

___ not an arm's length real property transaction and the fair market value of the property is $_____*.

The above transaction is exempt, or partially exempt, from the recording fee as set forth in S. C. Code Ann. Section 12-24-10 et seq. because the deed is (See Back of Affidavit): #1

As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: #1.

I further 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.

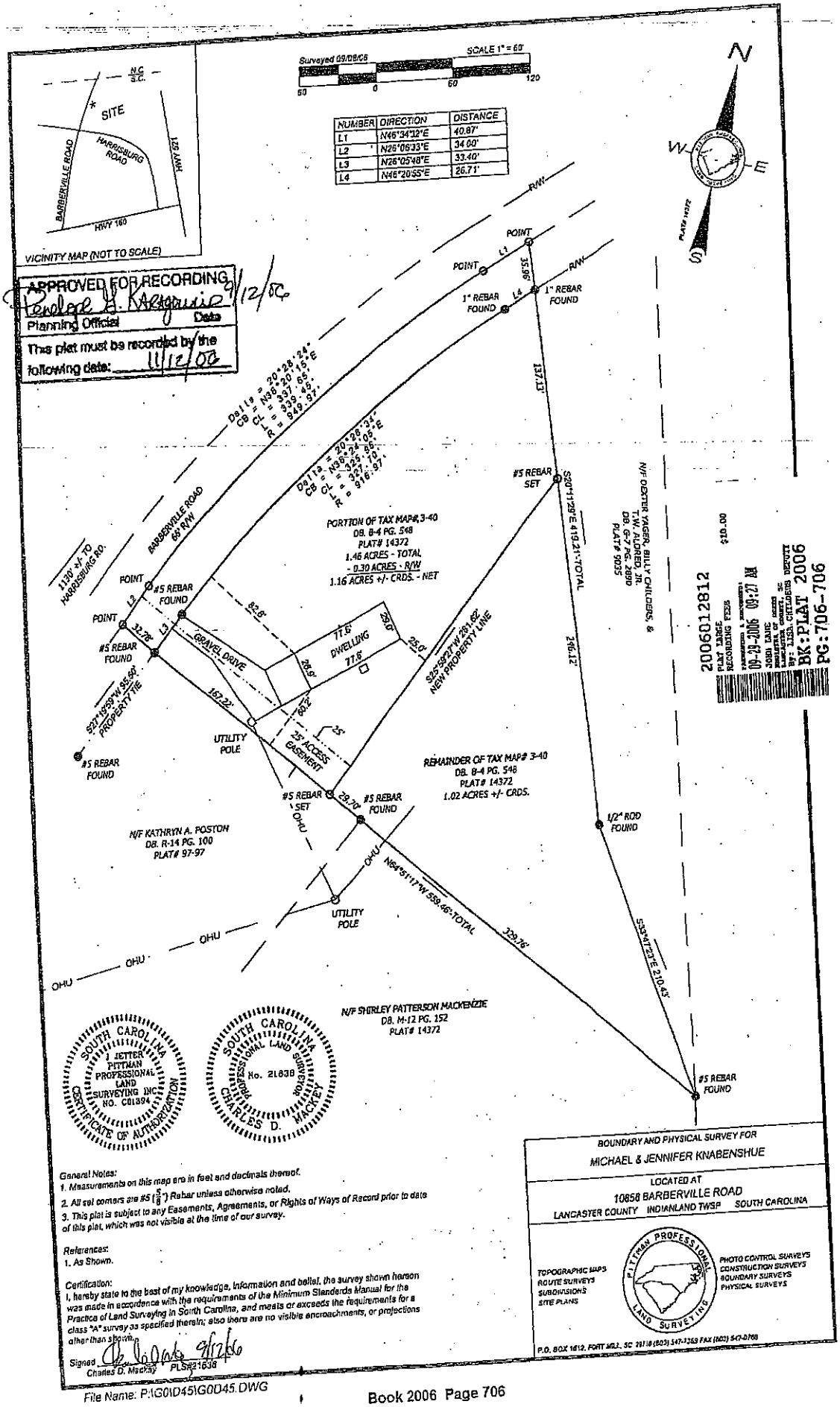
SWORN to before me this

22nd day of September, 2006.

Nina S. Leon (L.S.)
Notary Public for SC
My Commission Expires: 1-21-08

Purchaser Legal Representative
of the Purchaser, or other
Responsible Person Connected
with the Transaction

* The fee is based on the real property's value. Value means the realty's fair market value. In arm's length real property transactions, this value is the sales price to be paid in money or money's worth (e.g. stocks, personal property, other realty, forgiveness of debt, mortgages assumed or placed on the realty as a result of the transaction). However, a deduction is allowed from this value for the amount of any lien or encumbrance existing on land, tenement, or realty before the transfer and remaining on it after the transfer.



General Notes:
1. Measurements on this map are in feet and decimals thereof.
2. All set corners are #5 ($\frac{5}{8}$") Rebar unless otherwise noted.
3. This plat is subject to any Easements, Agreements, or Rights of Ways of Record prior to date of this plat, which was not visible at the time of our survey.

References:
1. As Shown.

Certification:
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 "A" survey as specified therein; also there are no visible encroachments, or projections other than shown.

Signed _____ 9/12/06
Charles D. Mackey PLS#21638

BOUNDARY AND PHYSICAL SURVEY FOR
MICHAEL & JENNIFER KNABENSHUE
LOCATED AT
10858 BARBERVILLE ROAD
LANCASTER COUNTY INDIANLAND TWSP SOUTH CAROLINA

TOPOGRAPHIC MAPS
ROUTE SURVEYS
SUBDIVISIONS
SITE PLANS

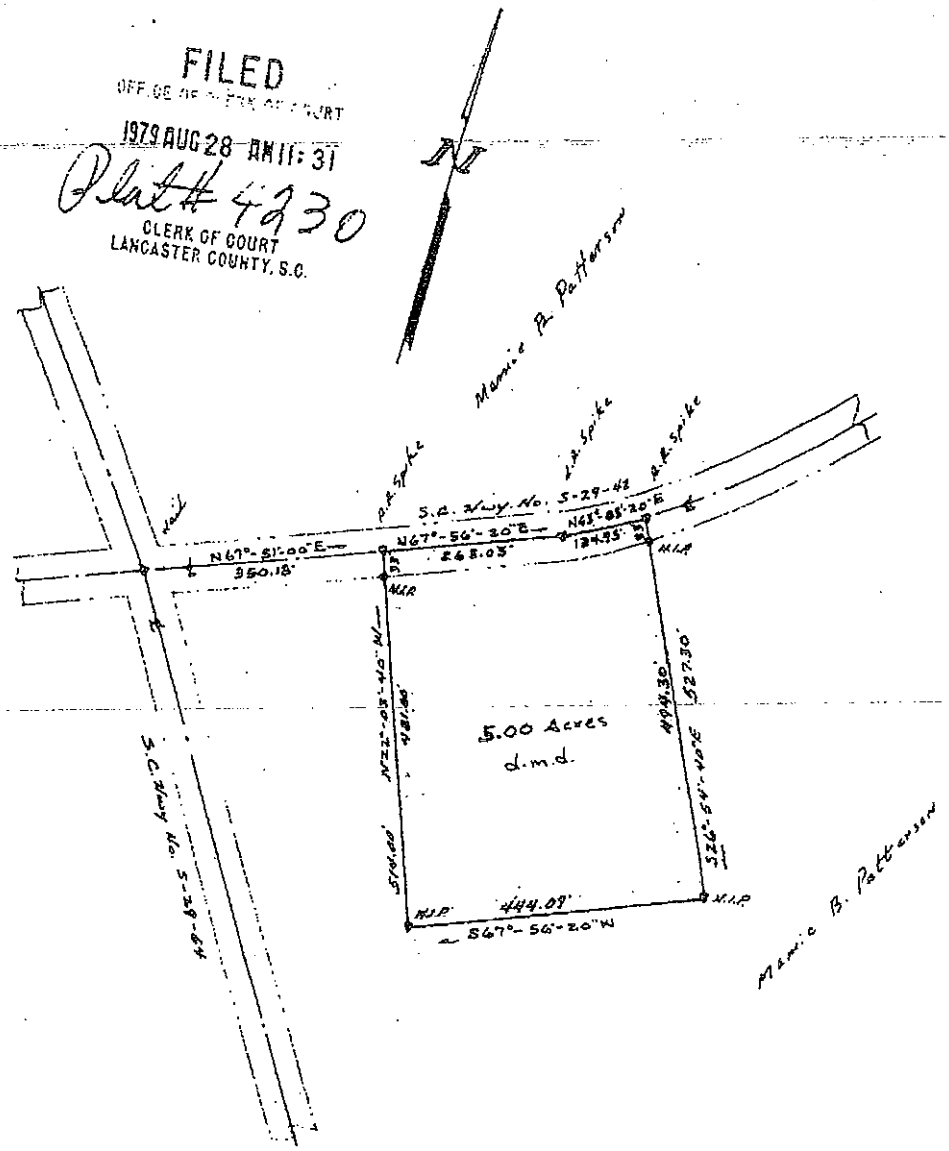
PITTMAN PROFESSIONAL LAND SURVEYING

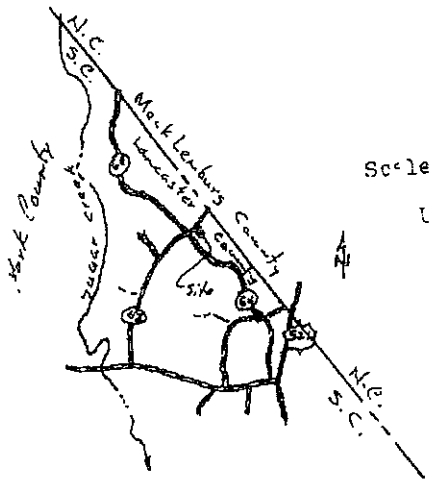
PHOTO CONTROL SURVEYS
CONSTRUCTION SURVEYS
BOUNDARY SURVEYS
PHYSICAL SURVEYS

P.O. BOX 1612, FORT MILL, SC 29716 (803) 547-7269 FAX (803) 543-2768

File Name: P:\G01D45\G0D45.DWG

FILED
OFFICE OF CLERK OF COURT
1979 AUG 28 AM 11:31
Plat # 4230
CLERK OF COURT
LANCASTER COUNTY, S.C.





Location Map
Scale 1" = 2 mi.

Plat of Property
Surveyed For

MAMIE B. PATTERSON

Lancaster County, South Carolina

Scale: 1 inch = 200 feet 29 May 1979

Unadjusted field Closure 1:14,200.

Surveyed By: Fred J. Hager

FRED J. HAGER
SURVEYOR
PO 2 BOX 2[illegible]A
ROCK HILL, S. C. 29730

2010004178

DEED
RECORDING FEES $10.00
EXEMPT
PRESENTED & RECORDED:
04-20-2010 10:02 AM
JOHN LANE
REGISTER OF DEEDS
LANCASTER COUNTY, SC
By: CANDICE KIRKLEY DEPUTY
BK:DEED 560
PG:275-278

RECORDED THIS 20th DAY
OF APRIL, 2010
IN BOOK O PAGE P-1
Cheryl H. Morgan
Auditor, Lancaster County, SC

LANCASTER COUNTY ASSESSOR
Tax Map:
0003 00 040 06

MACK & MACK ATTORNEYS

STATE OF SOUTH CAROLINA)
) TITLE TO REAL ESTATE
COUNTY OF LANCASTER) NO TITLE SEARCH

KNOW ALL MEN BY THESE PRESENTS, That, WE, WILLIAM S. PATTERSON, JANICE P. POSTON AND SHIRLEY P. MACKENZIE in the State aforesaid for and in consideration of the sum of ---SEE AFFIDAVIT----Dollars to me paid by THE MAMIE B. PATTERSON REVOCABLE LIVING TRUST NUMBER TWO, 10956 Harrisburg Road, Fort Mill, SC 29715 in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, by these presents do grant, bargain, sell and release unto the said THE MAMIE B. PATTERSON REVOCABLE LIVING TRUST NUMBER TWO, its successors and assigns, all our right, title and interest in and to the following described property, to wit:

SEE ATTACHED SCHEDULE FOR PROPERTY DESCRIPTION

The within described property is conveyed subject to existing easements and to restrictions, if any, appearing in the chain of title, which said restrictions, if any, are not intended to be reimposed hereby.

Together with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

To Have and to Hold all and singular all our right, title and interest in and to the premises before mentioned unto the said The Mamie B. Patterson Revocable Living Trust Number Two, its Successors and Assigns forever and we do hereby bind ourselves and our Heirs and Assigns, to warrant and forever defend all and singular all our right, title and interest in and to the said premises unto the said The Mamie B. Patterson Revocable Living Trust Number Two, its Successors and Assigns, against us and our Heirs, and Assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.