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**

Penelope Karagounis

{Public Hearing} pgs. 165-210

Tax Map #6, Parcel 53, 53.01 & 53.02

Conclusions:

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

Date of 1st Reading: _____
__Approved ____Denied

PLANNING STAFF REPORT RZ-014-012

I. Facts

A. General Information

Proposal: This is the 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.

Property Location: The property is located north of South Carolina Highway 160 and to the west of Barberville Road near the intersection of South Carolina Highway and Barberville Road, in the Indian Land community of Lancaster County, South Carolina **(Proposed Subdivision Name: Barber Rock South).**

Legal Description: Tax Map 6, Parcel 53, 53.01, and 53.02

Zoning Classification: Current: R-15P, Moderate Density Residential/ Agricultural Panhandle District; *Proposed*: R-15P, Moderate Density Residential/ Agricultural Panhandle District with a Cluster Subdivision Overlay District

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

B. Site Information
Site Description: The property consists of three tracts of land totaling 77.66 acres. Some of the parcels do contain homes on the site with much wooded land in their acreage. One parcel does not contain in homes on site and is just vacant land.

C. Vicinity Data
Surrounding Conditions: The property is surrounded mostly by R-15P, Moderate Density Residential/Agricultural Panhandle District. The parcel that fronts on Highway 160 does border some B-3, General Commercial District property. To the east side of Barberville Road, the surrounded property is zone R-15S, Moderate Density Manufactured Housing/Agricultural District

D. Exhibits
1. Rezoning Application
2. Location Map
3. Tax Inquiry Sheet
4. UDO – Section: 2.1.1 Residential Districts Established
   Section: 2.1.5 Overlay Districts

II. Findings

Code Considerations: The **R-15P, Moderate Density Residential/Agricultural Panhandle District**, is designed to accommodate single-family residential development (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 units 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.

The **Cluster Subdivision Overlay** is a residential development designed to offer an alternative to traditional subdivision design, with the principle purpose being to encourage more open space in exchange for a reduced lot size. Cluster subdivisions concentrate 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. By preserving open space, a cluster subdivision will provide another tool by which the County shall preserve its rural character. The techniques used to concentrate buildings may include, but shall not be limited to, reduction in lot area, minimum setback requirements, and minimum lot width. The maximum number of dwelling units allowed per acre for a cluster subdivision shall not exceed the maximum for the residential use district in which it is located. Cluster subdivisions are permitted in low to moderate density single-family residential districts (R-30, R-30P, R-15, and R-15P) and are subject to certain provisions. Cluster subdivisions are not permitted in any residential use district in which multiple-family developments or manufactured homes are allowed.

A minimum of thirty acres is required to establish a Cluster Subdivision Overlay District. When applying a Cluster Subdivision Overlay District to this property, the density remains the same as the underlying R-15P zone, which is 1.5 units per acre. The minimum lot area for the Cluster Subdivision Overlay District is 5,000 square feet and the minimum lot width is 50'. Individual lots in a cluster subdivision can vary in size but no more than 34 percent of the lots shall be one width. For a cluster subdivision, no less than twenty-five (25) percent of the site acreage, not including primary conservation areas, shall be set aside in perpetuity as open space. A fifty foot buffer would be required on the frontage of all existing public streets.

For this project, the developer is proposing up to 125 total single-family lots. Thirty-three percent of the residential lots would be 60' wide, thirty-three percent of the lots would be 70' wide, and thirty-four percent of the lots would be 80'wide. The amount of required open space for this development would be 25.17acres, but the developer is proposing approximately 42.36 acres of open space.
The applicant agrees to a voluntary dedication of a minimum 50-foot wide, up to a maximum of 100-foot wide strip easement of land for the County's future use as a

greenway along the Sugar Creek. This area of the creek is identified on the Lancaster County's adopted Master Plan for the Carolina Thread Trail in Lancaster County. A neighborhood meeting was also held on Thursday, May 8, 2014 at Harrison United Methodist Church in Pineville. The applicant, Bonterra Builders, LLC organized this neighborhood meeting on their behalf.

III. Conclusions

The facts and findings of this report show that the property located north of South Carolina Highway 160 and to the west of Barberville Road near the intersection of South Carolina Highway and Barberville Road in the Indian Land community is designated as residential on the Lancaster County Future Land Use Map. The surrounding properties are presently being used for residential purposes.

This proposal does not change the existing density of the property which is 1.5 units per acre. Use of the Cluster Subdivision Overlay District would help preserve open space in the northern area of the County. The provision of contiguous open space as well as buffer requirements would make the subdivision visually appealing and the use of open space for recreation would promote an active lifestyle for residents and visitors.

IV. Recommendation:

It is therefore the recommendation of the Planning Department that the rezoning request for the property located north of South Carolina Highway 160 and to the west of Barberville Road near the intersection of South Carolina Highway and Barberville Road in the Indian Land community of Lancaster County, South Carolina be **approved.**

RECEIVED 4-7-14

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

Application No. RZ014-012 Date Received 4-7-14 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: 0006-00-053.00, 0006-00-053.01, 0006-00-053.02

   69.59 + 4.02 + 4.05 = 77.66 acres

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

4. How is the property presently being used? Vacant

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

6. What new use do you propose for the property? Single Family 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 -List of Owner Names/Addresses

   See Attached-Owner Authorization Forms

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: Property will be purchased and developed for a new single family residential neighborhood.

(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)
Darren Sutton

ADDRESS:
Bonterra Builders, LLC
5615 Potter Road
Matthews, NC 28104
Phone:

*Please send information to:
ESP Associates, P.A.
c/o Peter Taige
3475 Lakemont Blvd.
Fort Mill, SC 29708
980.721.0186

SIGNATURE

Barberville South
83 Acres

Exhibit 1

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 15, 2014 and serves as written notice to the owner of record of the following property: Hwy 160 & Barberville Rd. - corner (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.

Darren L Sutton
Signature

Darren L. Sutton
Printed Name

4/15/14
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:

Exhibit 1

Bonterra Builders, LLC

Barberville Road Site – 77 Acres

Property Owner Names/Addresses

1. Roberson Otis P Etal
   899 Barberville Road
   Indian Land, SC 29707
   PIN# 0006-00-053.00

2. Roberson Otis P Jr & Mary Hardin
   9899 Barberville Road
   Indian Land, SC 29707
   PIN# 0006-00-053.01

3. Canady Robin Roberson
   5120 Dunes Cr
   Charlotte, NC 28226
   PIN# 0006-00-053.02

Exhibit 1

February 6, 2014

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

Re: Barberville Road Site – Rezoning and Preliminary Plat applications

This letter serves to notify all interested parties that I/we consent to Bonterra Builders, LLC, request for Lancaster County to accept and consider application(s) for Rezoning and Preliminary Plat review for property we own/control located on Barberville Road located in Lancaster County, South Carolina known as Tax Parcel 0006-00-053-01. This letter serves to represent our signature(s) on both the Rezoning and Preliminary Plat applications.

Roberson Otis P. Jr. & Mary Hardin

Owner ~~By:~~ Otis P. Roberson Date: Feb 17 2014

Otis P. Roberson
print name

Owner: Mary H Roberson Date: 2/17/14

Mary H. Roberson
print name

STATE OF ~~SOUTH CAROLINA~~ North Carolina SS

COUNTY OF ~~LANCASTER~~ Union SS

I, Stephanie G Barker, A Notary Public for said County and State, do hereby certify that Mary H Roberson personally appeared before me this day and acknowledged the due execution of the foregoing Owner's Certification for Applicant to apply for Rezoning and Preliminary Plat through Lancaster County.

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

Stephanie G. Barker
Notary Public

My commission Expires: 7/28/2018

STEPHANIE G. BARKER NOTARY PUBLIC Expires 07/28/2018 UNION COUNTY, NC

Exhibit 1

February 6, 2014

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

Re: Barberville Road Site – Rezoning and Preliminary Plat applications

This letter serves to notify all interested parties that I/we consent to Bonterra Builders, LLC. request for Lancaster County to accept and consider application(s) for Rezoning and Preliminary Plat review for property we own/control located on Barberville Road located in Lancaster County, South Carolina known as Tax Parcel 0006-00-053-02. This letter serves to represent our signature(s) on both the Rezoning and Preliminary Plat applications.

Canady Robin Roberson

By: Date:

print name

Owner: Robin Roberson Canady Date: 2/14/14
Robin Roberson Canady
print name

STATE OF ~~SOUTH CAROLINA~~ North Carolina

COUNTY OF ~~LANCASTER~~ Union

I, Stephanie G. Barker, A Notary Public for said County and State, do hereby certify that Robin Roberson Canady personally appeared before me this day and acknowledged the due execution of the foregoing Owner's Certification for Applicant to apply for Rezoning and Preliminary Plat through Lancaster County.

WITNESS my hand and notarial seal, this the 14th day of February, 2014.

My commission Expires:
7-28-2018

STEPHANIE G. BARKER NOTARY PUBLIC Expires 07/28/2018 UNION COUNTY, NC

Notary Public
Stephanie G. Barker

Exhibit 1

February 6, 2014

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

Re: Barberville Road Site – Rezoning and Preliminary Plat applications

This letter serves to notify all interested parties that I/we consent to Bonterra Builders, LLC, request for Lancaster County to accept and consider application(s) for Rezoning and Preliminary Plat review for property we own/control located on Barberville Road located in Lancaster County, South Carolina known as Tax Parcel 0006-00-053-00. This letter serves to represent our signature(s) on both the Rezoning and Preliminary Plat applications.

Roberson Otis P. Etal

By: _____ Date: _____

_____
print name

Owner: Otis P. Roberson Date: Feb 17 2014

Otis P. Roberson
print name

STATE OF ~~SOUTH CAROLINA~~ North Carolina SS

COUNTY OF ~~LANCASTER~~ Union SS

I, Stephanie G. Barker, A Notary Public for said County and State, do hereby certify that Otis P. Roberson personally appeared before me this day and acknowledged the due execution of the foregoing Owner's Certification for Applicant to apply for Rezoning and Preliminary Plat through Lancaster County.

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

Stephanie G. Barker
Notary Public

My commission Expires: 7/28/2018

STEPHANIE G. BARKER NOTARY PUBLIC Expires 07/28/2018 UNION COUNTY, NC

Exhibit 1

February 6, 2014

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

Re: Barberville Road Site – Rezoning and Preliminary Plat applications

This letter serves to notify all interested parties that I/we consent to Bonterra Builders, LLC, request for Lancaster County to accept and consider application(s) for Rezoning and Preliminary Plat review for property we own/control located on Barberville Road located in Lancaster County, South Carolina known as Tax Parcel 0006-00-053-00. This letter serves to represent our signature(s) on both the Rezoning and Preliminary Plat applications.

Roberson Otis P. Etal

By: _____ Date: _____

_____
print name

Owner: Robin Roberson Canady Date: 2/14/14

Robin Roberson Canady
print name

~~STATE OF SOUTH CAROLINA~~ NC.

COUNTY OF ~~LANCASTER~~ Union

I, Stephanie G. Barker, A Notary Public for said County and State, do hereby certify that Robin Roberson Canady personally appeared before me this day and acknowledged the due execution of the foregoing Owner's Certification for Applicant to apply for Rezoning and Preliminary Plat through Lancaster County.

WITNESS my hand and notarial seal, this the 14th day of February, 2014.

Stephanie G. Barker
Notary Public

My commission Expires: 7-28-2018

STEPHANIE G. BARKER NOTARY PUBLIC Expires 07/28/2018 UNION COUNTY, NC

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

PROBATE COURT

FILED, RECORDED, INDEXED
03/26/2003 02:06PM
Rec Fee: 12.00 St Fees: 0.00
Co Fee: 0.00 Pages: 6
Register of Deeds
LANCASTER COUNTY, SC

IN THE MATTER OF: ESTATE OF CALLIE CLEMENT ROBERSON

CASE NUMBER: 2002 ES 2900459

DEED OF DISTRIBUTION

Deed Prepared Only, No Title Search

WHEREAS, the decedent died on the 4th day December, 2002 and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for Lancaster County, South Carolina in File # 2002 ES 2900459; and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

Name: Otis P. Roberson
Address: 9899 Barberville Road
Fort Mill, SC 29715

ASSESSOR'S OFFICE
Received 3-27-03
Tax Map Code 10- 53
Or Portion Of

and

Name: Robin R. Canady
Address: 5120 Dunes Court
Charlotte, NC 28226

RECORDED THIS 26th DAY
OF March, 2003
IN BOOK 0 PAGE R-01
Cheryl H. Morgan
Auditor, Lancaster County, S. C.

the following described property:

See attached legal description

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

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said Otis P. Roberson and Robin R. Canady, their heirs and assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 10th day of March, 2003.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Patricia E. Davis
Robert H. Campbell
Patricia E. Davis
Robert H. Campbell

Estate of: Callie Clement Roberson

Otis P. Roberson
Otis P. Roberson
Personal Representative

Robin R Canady
Robin R. Canady
Personal Representative

2

STATE OF SOUTH CAROLINA)

) **PROBATE**

COUNTY OF LANCASTER)

PERSONALLY appeared before me Patricia S. Davis, and made oath that he/she saw the within named Personal Representative, **Otis P. Roberson and Robin R. Canady**, sign, seal, and as their act and deed, deliver the within written Deed, and that he/she with Robert H. Breakfield witnessed the execution thereof.

SWORN to before me this 10 day of March, 2003.

Notary Public for South Carolina

My Commission Expires: 08-01-2006

Witness signature: Patricia S. Davis

3

STATE OF SOUTH CAROLINA)
) **AFFIDAVIT**
COUNTY OF YORK)

PERSONALLY appeared before me, Robert H. Breakfield, who upon oath states the following:

1. I am a licensed attorney practicing law in the State of South Carolina.
2. The Deed of Distribution to which this Affidavit is attached was prepared by me and I assert that the Grantee or Grantees named in the Deed of Distribution conform to the terms of the Decedent's Will, or in the case of intestacy, to the heirs at law as shown on Form 300PC for the Decedent's Estate.

Robert H. Breakfield

SWORN to before me this
13 day of March, 2003
Tammy D. Ford
Notary Public for South Carolina
My Commission Expires: 9/26/2012

PROPERTY DESCRIPTION

An undivided one-half (1/2) interest in all that certain piece, parcel or tract of land in Indian Land Township, State of South Carolina, County of Lancaster, described as follows, to wit: BEGINNING at center of Sugar Creek on S. C. Highway #160 and running thence with said Highway S. 88 e. 550 feet; thence N. 2 E. 37.5 feet; thence N. 53.46 W. 90.5 feet; thence N. 30-08 W. 115.5 feet; thence N. 44-41 W. 86 feet; thence S. 88 E. 995.8 feet; thence N. 2 E. 172.3 feet; thence S. 88 E. 173.3 feet; thence S. 48-20 E. 86 feet; thence S. 61 E. 112 feet; thence N. 2-30 E. 392 feet, thence N. 7-37 E. 400 feet; thence S. 78-34 E. 600 feet to center of Barber Road; thence with center of Barber Road N. 7-37 E. 908 feet; thence with center of Barber Road N. 4-27 E. 496 feet to center of Clem's Branch; thence with Clem's Branch S. 78-30 W. 94 feet; thence N. 77-45 W. 330 feet; thence N. 89 W. 254.1 feet; thence N. 41-30 W. 297 feet; thence N. 13-45 W. 198 feet to center of Sugar Creek; thence with center of Sugar Creek S. 46 W. 990 feet; thence S. 40 W. 528 feet; thence S. 22 W. 396 feet; thence S. 32 E. 759 feet; thence S. 32 W. 198 feet; thence S. 86-30 W. 415.8 feet; thence N. 46 W. 330 feet; thence S. 31-15 W. 396 feet; thence S. 11 W. 189.8 feet; thence S. 7 E. 341 feet to the beginning. Containing 80.3 acres, more or less, and being the same as shown on map made of said tract by L. E. Carothers, Surveyor, on March 26, 1954. Said map being recorded in Plat Book 7 at Page 49 in the Office of the Clerk of Court for Lancaster County, South Carolina.

This being a portion of the same property conveyed to O. P. Roberson and Callie C. Roberson from Bennie A. Drennan by deed dated March 31, 1954 and recorded April 16, 1954 at Deed Book K-4 at Page 69 in the Clerk of Court for Lancaster County, South Carolina.

SAVING AND EXCEPTING the following described property:

PARCEL #1:
All that certain piece, parcel or tract of land lying, being and situate on the western side of Barberville Road, Indian Land Township, Lancaster County, South Carolina and being more particularly shown and described as follows: BEGINNING at a nail in the center of Barberville Road and running thence N. 78-37-21 W. for a total of 641.31 feet to an iron; thence N. 6-31-52 E. 275.0 feet to an iron; thence S. 78-39-19 E. for a total of 646.07 feet to a nail in the center of Barberbille Road; thence with the centerline of said Road S. 7-32-53 W. 275.0 feet to a nail, the point of beginning. Containing 4.052 acres, more or less, as shown as Boundary Survey of A portion of Otis P. Roberson property, drawn by A. Alan Wallwork, Registered Surveyor, dated November 15, 1985 and recorded in the Office of the Clerk of Court for Lancaster County as Plat No. ____.

DERIVATION:
Being a portion of the property conveyed to O. P. Roberson and Callie C. Roberson by deed from Bennie A. Drennen recorded April 16, 1954 in Deed Book K-4 at Page 69.

PARCEL #2:
All that certain piece, parcel or tract of land lying, being and situate in Fort Mill Township, York County, South Carolina and being more particularly described as follows, to wit: BEGINNING at a point in the center of the bridge crossing Sugar Creek on S. C. Highway No. 160 east of the Town of Fort Mill (said creek being the dividing line between York County and Lancaster County) and running thence N. 07-00 W. 341.00 feet to a point; thence N. 11-00 E. 189.8 feet to a point; thence N. 31-15 E. 396.00 feet to a point; thence 46-00 E. 330.00 feet to a point in the center of Sugar Creek, the dividing line between York County and Lancaster County; thence running with the centerline of Sugar Creek S. 76-05-31 W. 146.31 feet, S. 47-30 W. 220.00 feet, S. 29-30 W. 220 feet and S. 05-30 W. 260 feet to another point in the center

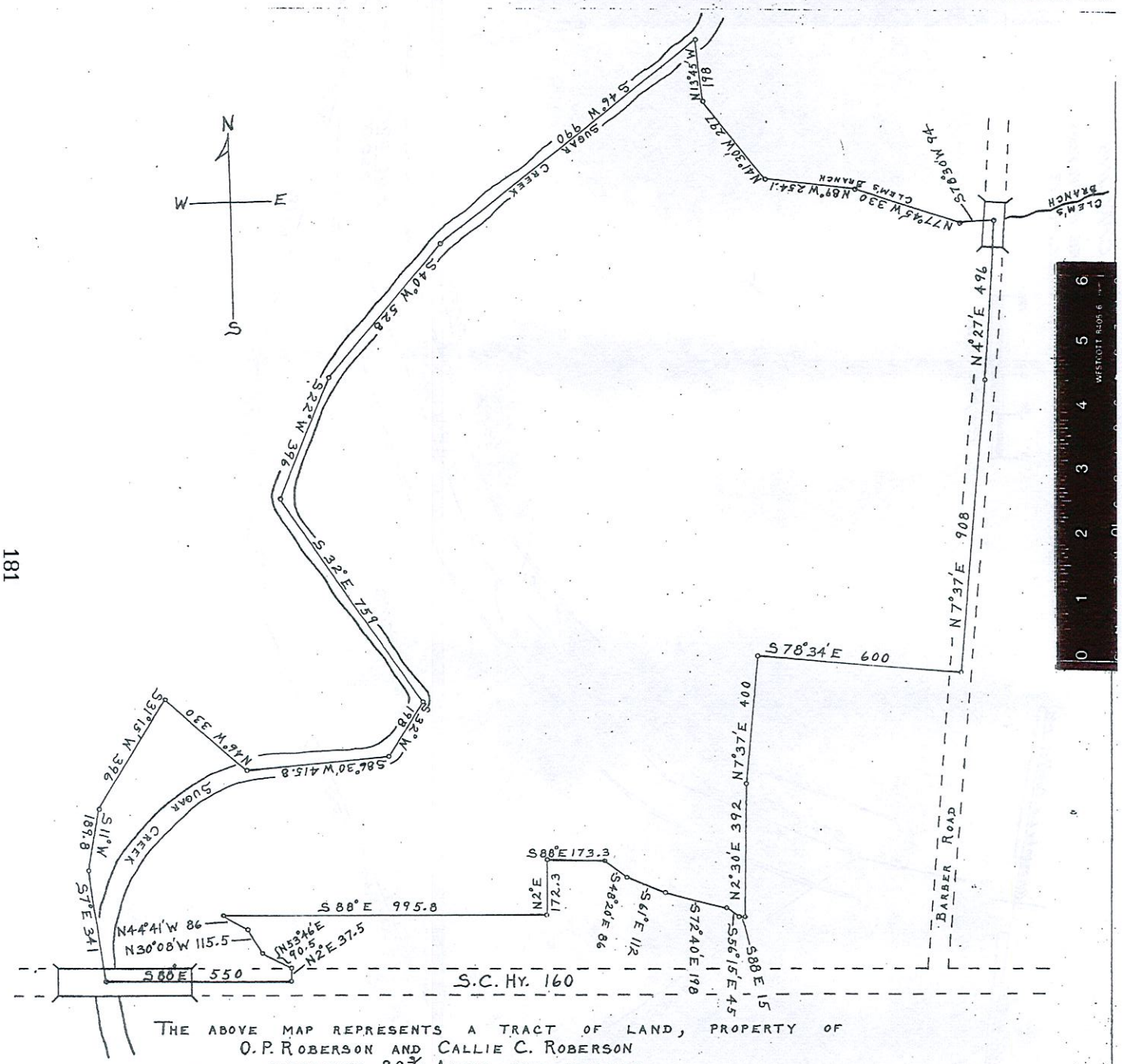
Plat York Co.

of Sugar Creek and the bridge crossing Sugar Creek on S. C. Highway No. 160, the point of beginning. Containing 2.63 acres, more or less, and being more specifically shown on plat showing property of O. P. and Callie C. Roberson, dated February 9, 1987, prepared by Richard D. Wooten, Jr., R.L.S. and recorded in the Office of the Clerk of Court for York County, South Carolina in Plat Book 85 at Page 187.

DERIVATION:
The above described property is a portion of the property deeded by Bennie A. Drennen to O. P. and Callie C. Roberson by deed dated March 31, 1954, recorded April 16, 1954 in Deed Book K-4 at Page 69 in the Office of the Clerk of Court for Lancaster County, South Carolina. The within described tract of land has been placed in York County because of a change in the bed of Sugar Creek and all of the remaining property of O. P. and Callie C. Roberson is in Lancaster County, South Carolina.

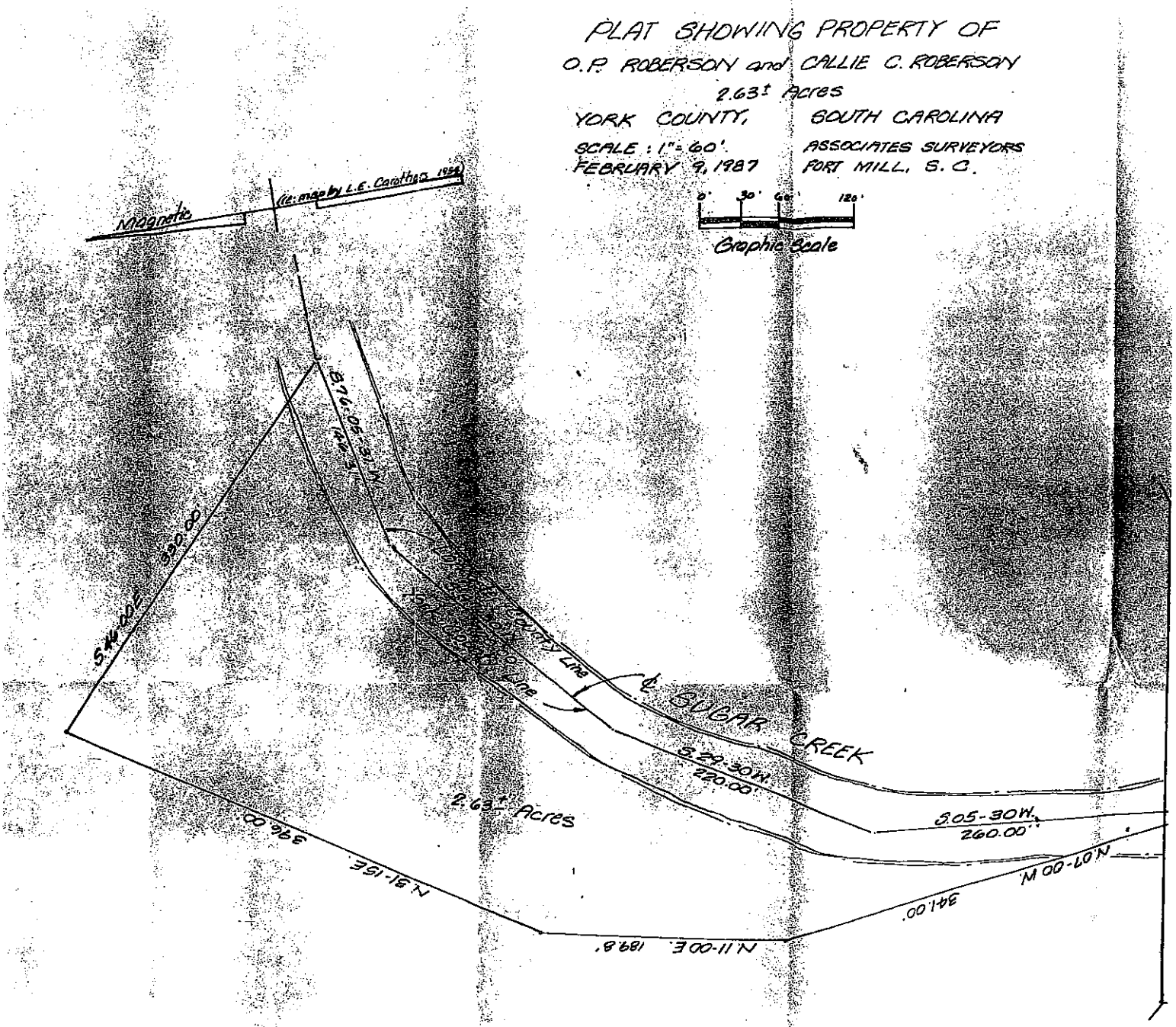
PARCEL #3:
All that certain piece, parcel or lot of land lying, being and situate in Indian Land Township, Lancaster, South Carolina on the western edge of Barberville Road, (State Road #42) beginning at a nail near the center of Barberville Road joint front corner of the within described property and property now or formerly of Robert Bradford thence N. 78-35-11 W. 28.14 feet to an old iron on the western edge of the Barberville Road thence N. 78-35-11 W. 608.20 feet for a total of 636.34 feet to an old iron thence N. 6-31-52 E. 275.0 feet to an iron thence S. 78-37-21 E. 608.13 feet to an iron on the western edge of Barberville Road thence S. 78-37-21 E. 33.08 feet to a nail near the center of Barberville Road for a total distance of 641.21 feet thence S. 7-32-53 W. 275.03 feet to the point of beginning.

DERIVATION:
This being a portion of property acquired by O. P. Roberson and Callie C. Roberson by deed dated March 31, 1954 and recorded April 16, 1954 in Deed Book K-4, Page 69 in the Office of the Register of Mesne Conveyance, Lancaster County, South Carolina.



THE ABOVE MAP REPRESENTS A TRACT OF LAND, PROPERTY OF
O. P. ROBERSON AND CALLIE C. ROBERSON
CONTAINING 80 7/10 ACRES, MORE OR LESS
LOCATED IN INDIAN LAND TOWNSHIP, LANCASTER COUNTY, S.C.
SCALE: 1" = 200'. 26 MARCH 1954. L. E. Carothers, SURVEYOR

Plat 7/49


PLAT SHOWING PROPERTY OF
O.P. ROBERSON and CALLIE C. ROBERSON
2.63± Acres
YORK COUNTY, SOUTH CAROLINA
SCALE : 1" = 60'
FEBRUARY 9, 1987
ASSOCIATES SURVEYORS
FORT MILL, S. C.
0' 30' 60' 120'
Graphic Scale
Magnetic
(re: map by L.E. Carothers 1954)
S.46-00E 330.00'
S.76-05-31W
County Line
℄ SUGAR CREEK
S.29-30W.
220.00'
S.05-30W.
260.00'
2.63± Acres
396.00'
N.31-15E
N.11-00E 189.8'
341.00'
N.07-00W

TITLE TO REAL ESTATE
The R. L. Bryan Company, Columbia, S. C.

Form 14
(Revised 4-1-85)

Deed Bk. H; 6 Pg. 56

State of South Carolina, Instrument 0043

Know All Men by These Presents, That Otis P. Roberson, Sr. and

(hereinafter whether singular or plural the "Grantor")

Callie C. Roberson

in the State aforesaid, for and in consideration of the

~~sum of~~ Love and Affection

~~Dollars~~

to the Grantor paid by Otis P. Roberson, Jr. and Mary Hardin Roberson (hereinafter

whether singular or plural the "Grantee") has granted, bargained, sold and released, and by these presents does grant,

bargain, sell and release unto the said Grantee ~~the following described property~~, Their heirs, sucessors or assigns, the following described property; to wit:

All that certain piece, parcel or lot of land, lying being in situate in Indian Land Township, Lancaster, South Carolina on the western edge of Barberville Road, (State Road #42) beginning at a nail near the center of Barberville Road joint front corner of the within described property and property now or formerly of Robert Bradford thence N 78-35-11 W 28.14 feet to an old iron on the western edge of the Barberville Road thence N 78-35-11 W 608.20 feet for a total of 636.34 feet to an old iron thence N 6-31-52 E 275.0 feet to an iron thence S 78-37-21 E 608.13 feet to an iron on the western edge of Barberville Road thence S 78-37-21 E 33.08 feet to a nail near the center of Barberville Road for a total distance of 641.21 feet thence S 7-32-53 W 275.03 feet to the point of beginning. This being a portion of property acquired by O. P. Roberson and Callie C. Roberson by Deed dated March 31, 1954 and Recorded April 16, 1954 in Deed Book K-4, Page 69 in the Office of the Register of Mesne Conveyance, Lancaster County, South Carolina.

Grantee's address: 124 Joshua Case Court
Fort Mill, S. C. 29715

Clerk's note: see Plat #7668

FILED
OFFICE OF CLERK
OF COURT
APR 7 1 38 PM '86
CLERK OF COURT
LANCASTER COUNTY, S.C.

ASSESSOR'S OFFICE
Received 4-7-86
Tax Map Code 60 53.01
Or Portion Of

(Pg. 57 Deed Book D-6

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 Grantee, Otis P. Roberson, Jr. and Mary Harddn Roberson, their

Heirs and Assigns forever.

And the Grantor does hereby bind themselves, their Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantee and the Grantee's Heirs and Assigns, against the Grantor and the Grantor's Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS the Hand and Seal of the Grantor this 3rd *day of* March *in the year of our Lord one thousand nine hundred and* Eighty-six *and in the two hundredth and* Ninth *year of the Sovereignty and Independence of the United States of America.*

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Vivian L. Boling
Mitchell K. Byrd

Otis P. Roberson, Sr. (SEAL)
Otis P. Roberson, Sr.

Callie C. Roberson (SEAL)
Callie C. Roberson

Pg. 58 Deed Book B-6

STATE OF SOUTH CAROLINA.
COUNTY.

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw the within named Grantor sign, seal and, as the Grantor's act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that s/he, with the other witness whose signature appears above witnessed the execution thereof.

SWORN to before me this 3rd *day of* March 1986

Mitchell K Byrd (L.S.)
Notary Public of S. C.

My Commission Expires: 12/9/87

Vivian L. Boling
Witness

(mail) dnd.

State of South Carolina,

County of YORK

Otis P. Roberson, Sr. and
Callie C. Roberson
TO
Otis P. Roberson, Jr. and
Mary Harden Roberson

TITLE TO 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 , and was immediately entered upon the proper indexes and duly recorded in Book of Deeds, page

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

I hereby certify that the within Deed has been this 7th day of April, A. D. 1986. Recorded in Book M of Deeds, page R-8

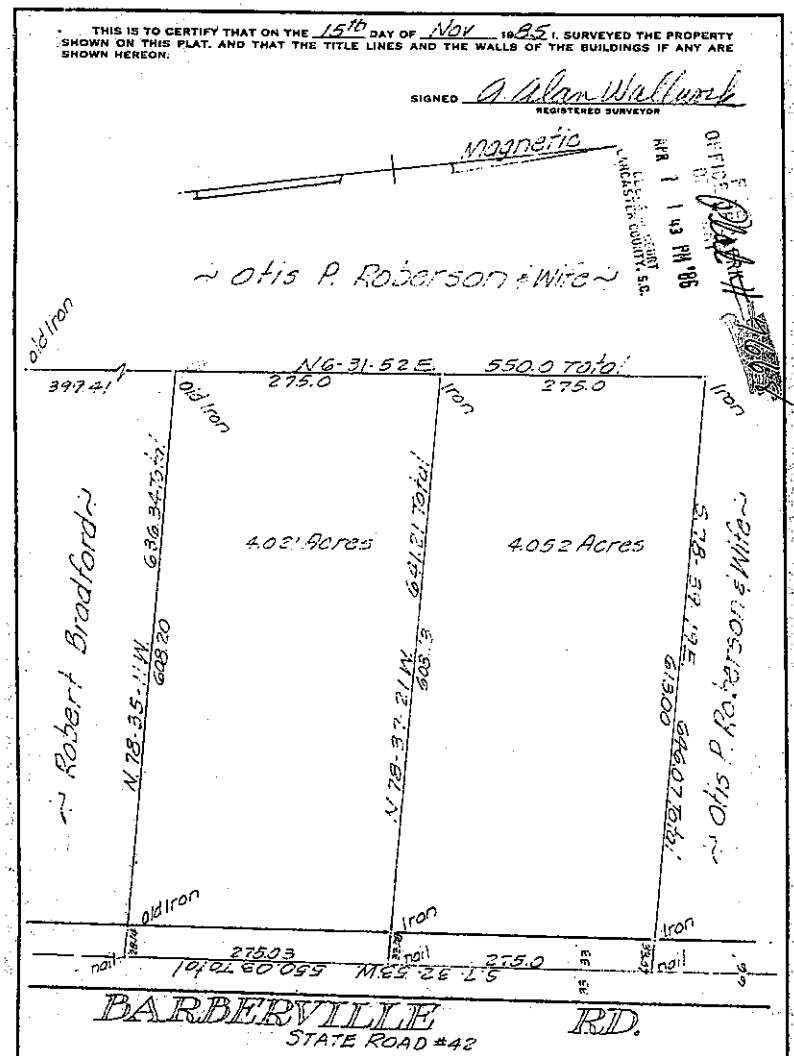
Betty J Cato Auditor for Lancaster County

The R. L. Bryan Company, Columbia, S. C.

Pg. 54 Filed Book G-6

THIS IS TO CERTIFY THAT ON THE 15th DAY OF Nov 1985 I. SURVEYED THE PROPERTY SHOWN ON THIS PLAT. AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY ARE SHOWN HEREON.

SIGNED A Alan Wallace
REGISTERED SURVEYOR



Boundary SURVEY
OF
A Portion of Otis P. Roberson Prop.
Indian Land Township Lancaster Co. S.C.

SCALE 1"=100'
THE PROPERTY OF

MAP RECORDED IN BOOK AT PAGE DEED RECORDED IN BOOK PAGE

OFFICE OF REGISTER OF DEEDS
APR 1 1 43 PM '96
LANCASTER COUNTY, S.C.

TITLE TO REAL ESTATE — FORM 14-B
COLUMBIA OFFICE SUPPLY CO., COLUMBIA, S. C.

State of South Carolina,
COUNTY OF LANCASTER

MACK, MACK & GRANT, ATTORNEYS
NO TITLE SEARCH

BOOK D-14 PAGE 304

INST. # 5708

FILED
OFFICE OF CLERK OF COURT
Aug 2 1 03 PM '96
LANCASTER, S.C.

Know All Men By These Presents, That

We, O. P. Roberson and Callie C. Roberson

in the State aforesaid for and in consideration of the sum of Five and no/100 ($5.00) Dollars and Love and Affection to us paid by Robin Roberson Canady 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 Robin Roberson Canady, her heirs and assigns, the following described property, to wit:

All that certain piece, parcel or tract of land lying, being and situate on the western side of Barberville Road, Indian Land Township, Lancaster County, South Carolina and being more particularly shown and described as follows: BEGINNING at a nail in the center of Barberville Road and running thence N 78-37-21 W for a total of 641.31 feet to an iron; thence N 6-31-52 E 275.0 feet to an iron; thence S 78-39-19 E for a total of 646.07 feet to a nail in the center of Barberville Road; thence with the centerline of said Road S 7-32-53 W 275.0 feet to a nail, the point of beginning. Containing 4.052 acres, more or less, as C.C.R. shown on Boundary Survey of A Portion of Otis P. Roberson Property, drawn by A. Alan Wallwork, Registered Surveyor, dated November 15, 1985 and recorded in the Office of the Clerk of Court for Lancaster County as Plat No. 96-4.

DERIVATION: Being a portion of the property conveyed to the Grantor herein by deed from Bennie A. Drennen recorded April 16, 1954 in Deed Book K-4 at Page 69.

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.

ASSESSOR'S OFFICE
Received 8-2-96
Tax Map Code C-530.2
Or Portion Of

BOOK D-142 PAGE 305

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

Robin Roberson Canady, her

Heirs and Assigns forever

And we do hereby bind ourselves and our Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said

Robin Roberson Canady, her

Heirs and Assigns, against us and our Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS our Hands and Seals this 11th day of February in the year of our Lord one thousand nine hundred and eighty-eight and in the two hundred and twelth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the presence of

Elizabeth E. Wilson

O. P. Roberson (SEAL)
O. P. Roberson

Callie C. Roberson (SEAL)
Callie C. Roberson

BOOK D-[illegible]

STATE OF SOUTH CAROLINA,
YORK County

Personally appeared before me Elizabeth E. Wilson and made oath that she saw the within named O. P. Roberson and Callie C. Roberson sign, seal and as their act and deed, deliver the within written Deed for the uses and purposes therein mentioned, and that he, with Barron B. Mack, Jr. witnessed the execution thereof.

SWORN to before me this 16th day of February 19 88

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

Elizabeth E. Wilson

My Commission expires: 10-20-97

THIS IS TO CERTIFY THAT ON THE 15th DAY OF Nov 1985 I, SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY ARE SHOWN HEREON.

INST. # 20604

SIGNED A. Alan Wallwork
REGISTERED SURVEYOR

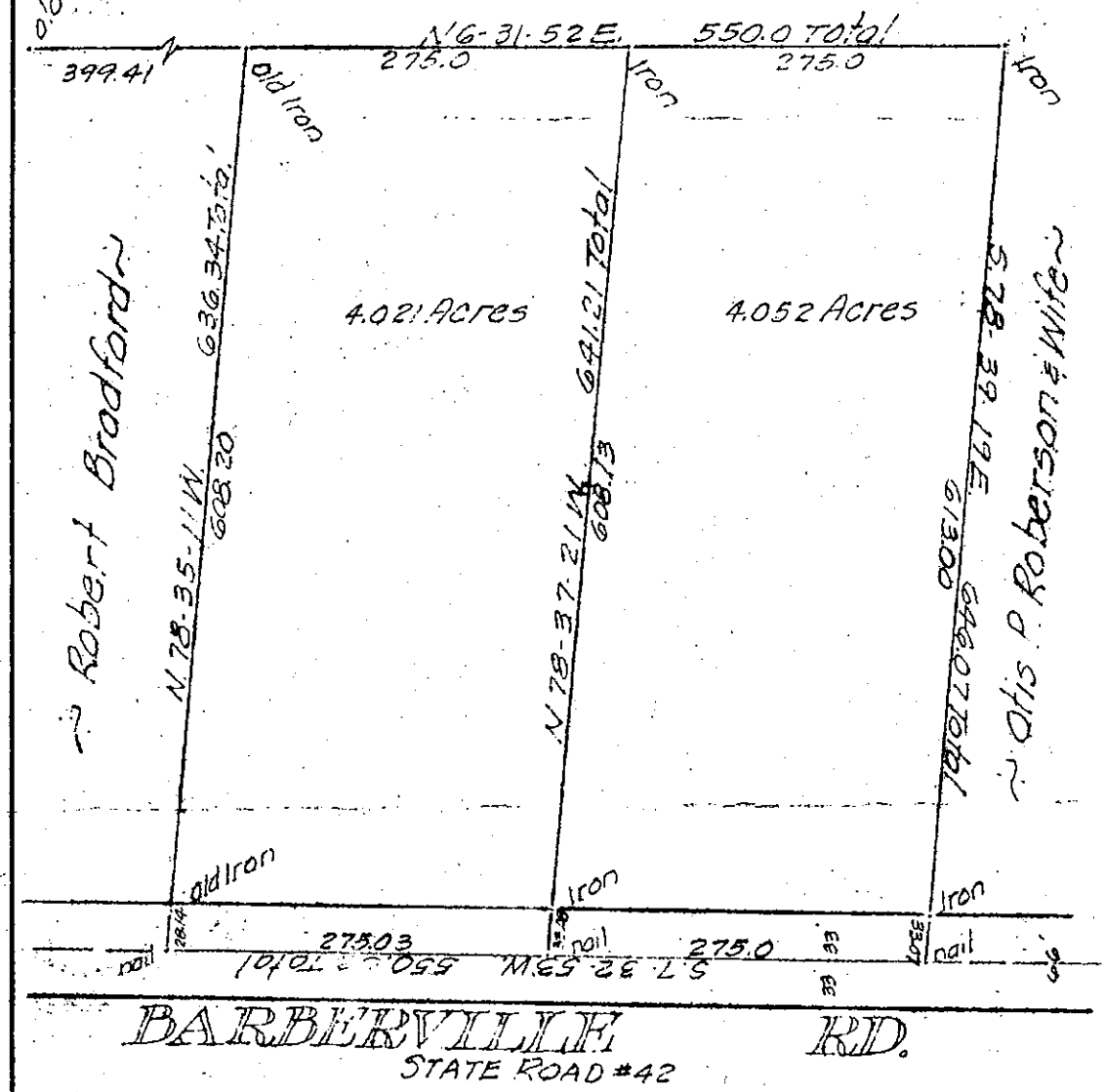
APPROVED FOR RECORDING
Planning Official
Date

96-4

Magnetic

FILED
OFFICE OF CLERK OF COURT
Aug 7 1 02 PM '96
CLERK OF COURT
LANCASTER COUNTY, S.C.

~ Otis P. Roberson & Wife ~



Boundary SURVEY
OF
A Portion of Otis P. Roberson Prop.
Indian Land Township Lancaster Co. S.C.

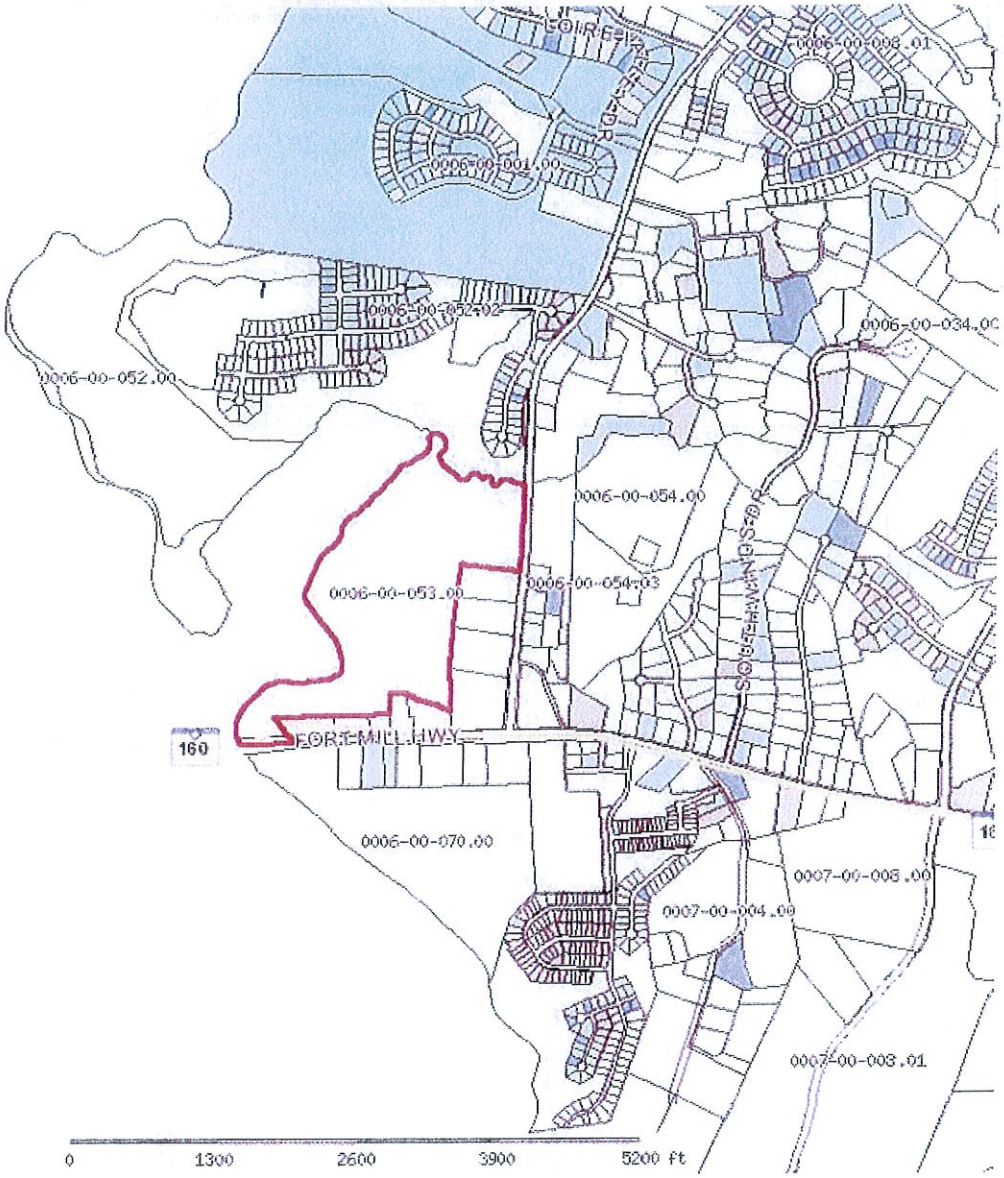
SCALE 1"=100'

THE PROPERTY OF

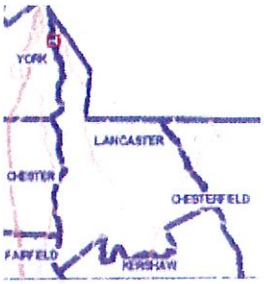
MAP RECORDED IN BOOK AT PAGE DEED RECORDED IN BOOK PAGE

SOUTHERN PHOTO PRINT & SUPPLY CO.

Exhibit 2



Lancaster County Assessor			
Parcel: 0006-00-053.00 Acres: 69.59			
Name:	ROBERSON OTIS P ETAL	Land Value	$1,586,704.00
Site:	9923 BARBERVILLE RD	Improvement Val	$85,400.00
Sale:	$$1 on 03-2003 Vacant= Qual=9O	Accessory Value	$800.00
Mail:	9899 BARBERVILLE ROAD INDIAN LAND, SC 29707-0000	Total Value	$1,672,904.00

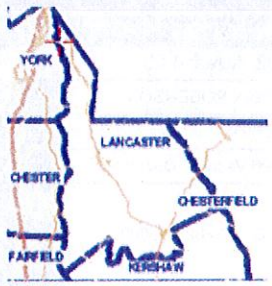


The Lancaster County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER LANCASTER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 04/24/14 : 11:17:47

Exhibit 2

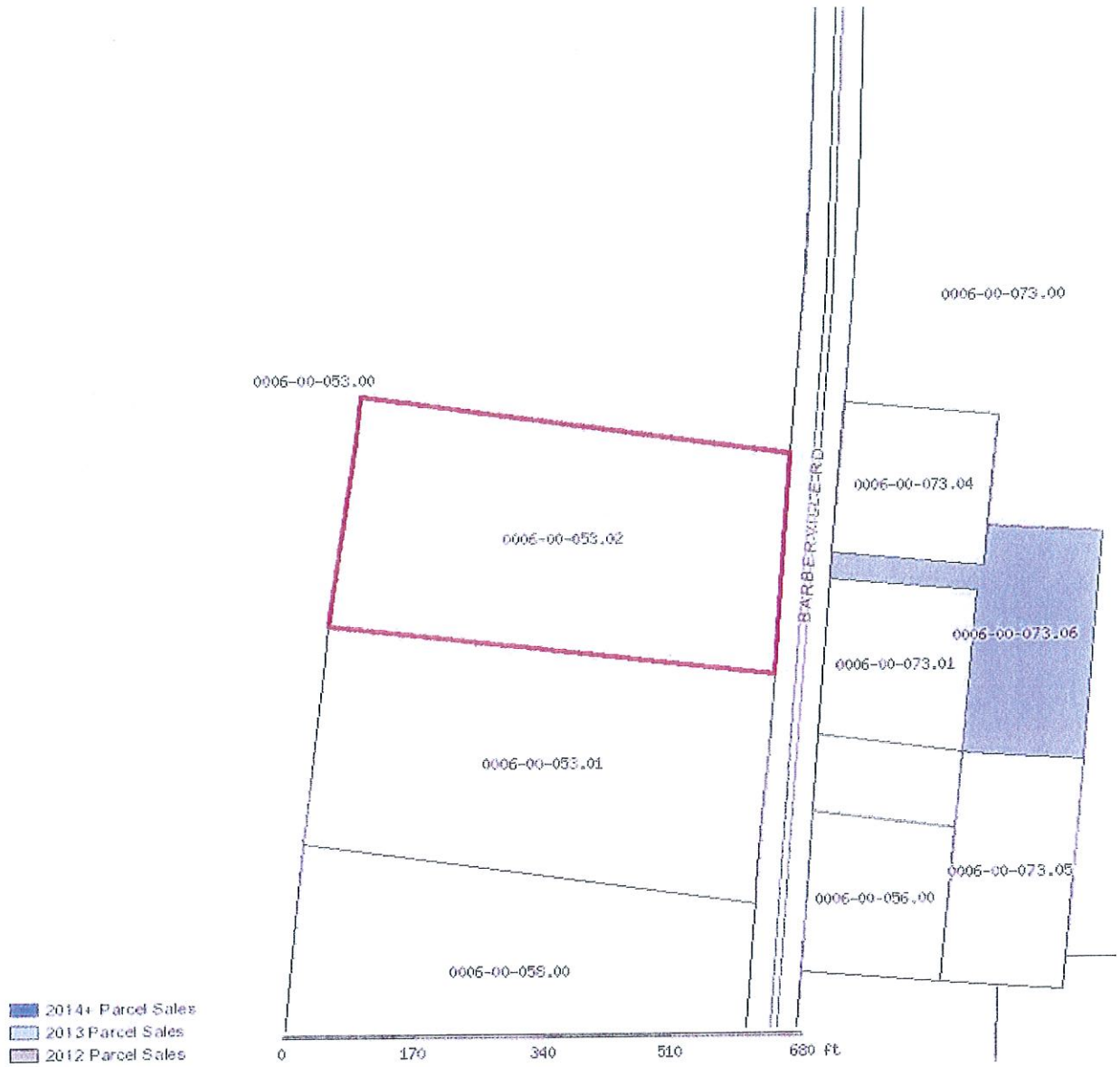
Lancaster County Assessor			
Parcel: 0006-00-053.01 Acres: 4.02			
Name:	ROBERSON OTIS P JR & MARY HARDIN	Land Value	$75,300.00
Site:	9899 BARBERVILLE RD	Improvement Val	$45,300.00
Sale:	$$5 on 03-1986 Vacant= Qual=	Accessory Value	$4,000.00
Mail:	9899 BARBERVILLE RD INDIAN LAND, SC 29707-0000	Total Value	$124,600.00



The Lancaster County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER LANCASTER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 04/24/14 : 11:18:59

Exhibit 2



Lancaster County Assessor			
Parcel: 0006-00-053.02 Acres: 4.05			
Name:	CANADY ROBIN ROBERSON	Land Value	$103,700.00
Site:	BARBERVILLE RD	Improvement Valu	$0.00
Sale:	$$5 on 02-1996 Vacant= Qual=9R	Accessory Value	$0.00
Mail:	5120 DUNES CR CHARLOTTE, NC 28226-0000	Total Value	$103,700.00

The Lancaster County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER LANCASTER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 04/24/14 : 11:19:52

AssessPro 4.6.18/4618 - Lancaster2014 - [Record Card]

File Edit Record Navigate Process Utilities Tools Options Help Status Database

Add Mod Del Save Cancel

Indexed By: Parcel ID

Card #

Parcel ID: 0006-00-053.00

Account: 535

Sticker #:

Location: 9923 BARBERVILLE RD Indian Land

S

Land Use: QUSE - QualAg

Owner #1: ROBERSON OTIS P ETAL

Card: 1/1

District: 01 - County

Ent. Parcel Area: 69.597 - AC

Neigh: 01 - 01

Own Type:

No Picture Available

Market Adj Value	Current	Year 2013
Calc. Land Area:	69.590	69.590
Full Market Value:	1,672,904	1,672,904
Full Land Value:	1,586,704	1,586,704
Building Value:	85,400	85,400
Yard Items:	800	800
Land Value:	111,880	111,880
Total Value:	198,080	198,080
Assessed Value:	11,727	11,727
Capped Total:	198,080	198,080

Legal Description

Reval / Market Districts: 01

Sales Information

Grantor: ROBERSON CALLIE

Sale Price: 1 Validity: 9O

Sale Date: 3/10/2003 Sold Vacant: No

Legal Ref: 0190-0129

Narrative Description

This parcel contains 69.597 AC of land mainly classified as QualAg with a Sing Fam Dw Building built about 1969, having primarily Wood Siding Exterior and 1650 Square Feet, with 0 Unit, 2 Baths, 0 3/4 Bath, 0 HalfBath, 0 Rooms, and 0 Bdrm.

Office Notes Notes

Open | 4/24/2014 | 10:02 AM | 535 | QuickList

Exhibit 3

AssessPro 4.6.18/4618 - Lancaster2014 - [Record Card]

File Edit Record Navigate Process Utilities Tools Options Help Status Database

Add Mod Del Save Cancel

Indexed By: Parcel ID

Card #

Parcel ID: 0006-00-053.00 | Card: 1 of 1 | Location: 9923 BARBERVILLE RD Indian Land | Cost - $198,080

Current Owner | Prior Owner | ID/Factors/Taxes

Current Ownership

	Title	Last Name	First Name	Res ex	% Own	Type
#1:		ROBERSON OTIS P ETAL		☐		
#2:				☐		
#3:				☐		

Street #1: 9899 BARBERVILLE ROAD | Fill | Home Phone:

Street #2: | List | Cell Phone:

City/Town: INDIAN LAND | Verify | Work Phone:

Province/State: SC Postal: 29707-0000 | Verify | Email:

Country: | Account Type: | Separate Bill: ☐

D.O.B.: MM/DD/YY | Legal Reference: | Valid Owner: ☑

Private Info: ☐

Owner Occupied: | Sale Date: 3/10/2003 | Owner Lookup Number: 383

Sales | Exemptions | More Owners | Other Parties

Open | 4/24/2014 | 10:02 AM | 535 | QuickList

Exhibit 3

AssessPro 4.6.18/4618 - Lancaster2014 - [Record Card]

File Edit Record Navigate Process Utilities Tools Options Help Status Database

Add Mod Del Save Cancel

Indexed By | Parcel ID | Card #

Parcel ID: 0006-00-053.01

Account: 536

Sticker #:

Location: 9899 BARBERVILLE RD Indian Land

Land Use: QR - QualRes

M Owner #1: ROBERSON OTIS P JR &

Card: 1/1

District: 01 - County

Ent. Parcel Area: 4.021 - AC

Neigh: 01 - 01

Own Type:

Market Adj Value	Current	Year 2013
Calc. Land Area:	4.020	4.020
Full Market Value:	124,600	124,600
Building Value:	45,300	45,300
Yard Items:	4,000	4,000
Land Value:	75,300	75,300
Total Value:	124,600	124,600
Assessed Value:	4,984	4,984
Capped Total:	124,600	124,600

Legal Description

Reval / Market Districts: 01

Sales Information

Grantor:

Sale Price: 5

Validity:

Sale Date: 3/3/1986

Sold Vacant: No

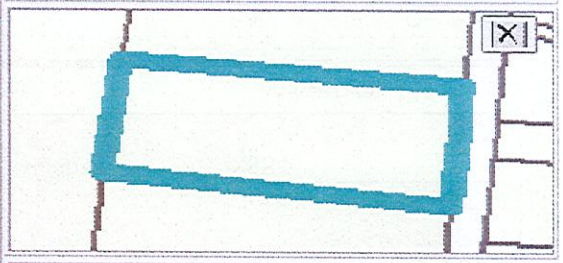
Legal Ref: G006-5600

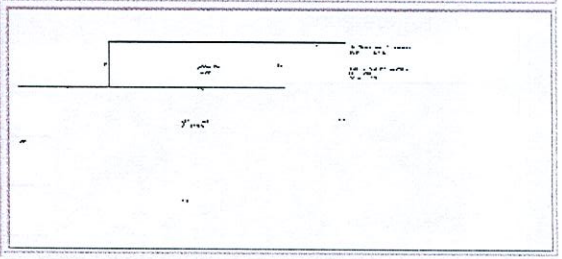
Narrative Description

This parcel contains 4.021 AC of land mainly classified as QualRes with a Sing Fam Dw Building built about 1953, having primarily Wood Siding Exterior and 1155 Square Feet, with 0 Unit, 2 Baths, 0 3/4 Bath, 0 HalfBath, 0 Rooms, and 0 Bdrm.

☐ Office Notes ☐ Notes

No Picture Available





Open | 4/24/2014 | 10:02 AM | 536 | QuickList

Exhibit 3

AssessPro 4.6.18/4618 - Lancaster2014 - [Record Card]

File Edit Record Navigate Process Utilities Tools Options Help Status Database

Add Mod Del Save Cancel

Indexed By: Parcel ID

Card #

Parcel ID: 0006-00-053.01 Card: 1 of 1 Location: 9899 BARBERVILLE RD Indian Land Cost - $124,600

Current Owner | Prior Owner | ID/Factors/Taxes

Current Ownership

	Title	Last Name	First Name	Res ex	% Own	Type
#1:		ROBERSON OTIS P JR &		☐		
#2:		MARY HARDIN		☐		
#3:				☐		

Street #1: 9899 BARBERVILLE RD

Street #2:

City/Town: INDIAN LAND

Province/State: SC Postal: 29707-0000

Country:

D.O.B.: MM/DD/YY

Owner Occupied:

Fill List Verify Verify

Home Phone:

Cell Phone:

Work Phone:

Email:

Account Type:

Legal Reference:

Sale Date: 3/3/1986

Owner Lookup Number: 384

Separate Bill: ☐

Valid Owner: ☑

Private Info: ☐

Sales | Exemptions | More Owners | Other Parties

Open | 4/24/2014 | 10:04 AM | 536 | QuickList

Exhibit 3

AssessPro 4.6.18/4618 - Lancaster2014 - [Record Card]

File Edit Record Navigate Process Utilities Tools Options Help Status Database

Add Mod Del Save Cancel

Indexed By Parcel ID Card #

Parcel ID: 0006-00-053.02

Account: 71879
Sticker #:
Location: BARBERVILLE RD Indian Land
Land Use: NLN - LandOnly
Owner #1: CANADY ROBIN ROBERSON

Card: 1/1
District: 01 - County
Ent. Parcel Area: 4.052 - AC
Neigh: 01 - 01
Own Type:

No Picture Available

Market Adj Value	Current	Year 2013
Calc. Land Area:	4.050	4.050
Full Market Value:	103,700	103,700
Building Value:		
Yard Items:		
Land Value:	103,700	103,700
Total Value:	103,700	103,700
Assessed Value:	6,222	6,222
Capped Total:	103,700	103,700

Legal Description

Reval / Market Districts: 01

Sales Information

Grantor: ROBERSON CALLIE
Sale Price: 5 Validity: 9R
Sale Date: 2/16/1996 Sold Vacant: No
Legal Ref: D014-0304

Narrative Description

This Parcel contains 4.052 AC of land mainly classified as LandOnly.

No Sketch Available

Office Notes Notes

Open 4/24/2014 10:02 AM 71879 QuickList

199

Exhibit 3

AssessPro 4.6.18/4618 - Lancaster2014 - [Record Card]

File Edit Record Navigate Process Utilities Tools Options Help Status Database

Add Mod Del Save Cancel

Indexed By: Parcel ID

Card #

Parcel ID: 0006-00-053.02 Card: 1 of 1 Location: BARBERVILLE RD Indian Land Cost - $103,700

Current Owner | Prior Owner | ID/Factors/Taxes

Current Ownership

	Title	Last Name	First Name	Res ex	% Own	Type
#1:		CANADY ROBIN ROBERSON				
#2:						
#3:						

Street #1: 5120 DUNES CR

Street #2:

City/Town: CHARLOTTE

Province/State: NC Postal: 28226-0000

Country:

D.O.B.: MM/DD/YY

Owner Occupied:

Fill List Verify Verify

Home Phone:

Cell Phone:

Work Phone:

Email:

Account Type:

Legal Reference:

Sale Date: 2/16/1996

Separate Bill: ☐

Valid Owner: ☑

Private Info: ☐

Owner Lookup Number: 23711

Sales | Exemptions | More Owners | Other Parties

Open | 4/24/2014 | 10:02 AM | 71879 | QuickList

200

Exhibit 3

Exhibit 4

specified in the Table of Permissible Uses. All commercial buildings in this district are limited to 6,000 (gross) square feet.

4. The R-15P, Moderate Density Residential/Agricultural Panhandle District, is designed to accommodate single-family residential development (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 dwellings per acre (1.5 du/acre), minimum lot size of 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.

5. The R-30, Low Density Residential/Agricultural District, is designed to accommodate single-family residential developments (not including manufactured housing units) in areas of the county that are appropriate for development at a slightly higher density than is permitted in the R-45, R-45A and R-45B districts. This district should serve as a transitional district between the lower density residential districts (R-45, R-45A and R-45B) and the higher density residential districts (R-15, R-15S and R-15D). The minimum lot size is 29,040 square feet and the minimum lot width is 130 feet if a septic system is used or 100 feet if on central water and sewer.

6. The R-30S, Low Density Residential/Manufactured Housing/Agricultural District, contains the same regulations contained in the R-30 district except for the following:
   a. Both single-wide and multi-wide manufactured housing units are allowed based on siting criteria (see section 4.1.12) in addition to site-built and modular homes.
   c. [b.] The zoning district classification is appropriate adjacent to manufactured housing parks.

7. The R-30D, Low Density Residential/Manufactured Housing/Agricultural District, contains the same regulations contained in the R-30 district except for the following:
   a. Only multi-wide manufactured housing units in addition to site-built and modular homes are allowed in this district based on certain siting criteria (see Section 4.1.12
   b. This zoning district classification should be used when designating new areas for allowing manufactured housing.

8. The R-30P, Low Density Residential/Agricultural Panhandle District, is designed to accommodate single-family residential developments (not including manufactured homes) in the southern 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 dwellings per acre (1.5 du/acre), minimum lot size of 29,040 square feet and the minimum lot width is 130 feet. The availability of water andlor 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.

9. The R-45, Rural Residential/Agricultural District, is designed to encourage the perpetuation of agricultural uses and to accommodate low density residential development which does not include either single-wide or multiple-wide manufactured homes on individual lots. This district is best suited for those areas of the county which are not experiencing strong growth pressures. Additionally, this district serves to preserve existing subdivisions and to promote the development of conventional subdivisions in the most rural parts of the county. The minimum lot size allowed in this

Exhibit 4

district could have a portion of the parcel drain within the Six Mile Creek watershed boundary and another portion of the same parcel drain outside the Six Mile Creek watershed boundary. When this happens, the portion of the parcel which drains outside the Six Mile Creek watershed shall not be subject to the terms of this overlay district.

c. The restrictions and limitations of the CHOD will not apply to the installation, maintenance, or operation of water and sewer services by Lancaster County Water and Sewer District.

6. The CSOD, Cluster Subdivision Overlay District, is hereby established. 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. Cluster Subdivision Overlay Districts are subject to the following general provisions:

a. *Minimum acreage:* The minimum tract area for a cluster subdivision shall be thirty (30) gross acres, shall consist of contiguous parcels, and must adjoin or have direct access to at least one collector street.

b. *Minimum lot area:* The minimum lot area (in square feet) per dwelling unit within a cluster subdivision shall be 5,000 square feet. This shall be the minimum lot area allowed for any lot with the minimum lot width of fifty feet (50;ft;), as defined in item (c). The minimum lot area per dwelling unit shall increase proportionately with an increase in lot width.

c. *Minimum lot width:* In a cluster subdivision, where both central water and sewer services are available and adequate, the minimum lot width shall be fifty feet (50;ft;).

d. *Variety of lot sizes:* Individual lots in a cluster subdivision shall vary in size and layout. No more than thirty-four percent (34%) of the lots in a cluster subdivision shall have a single designated lot width. The following shall also apply:

   1. The minimum separation between any two designated lot widths shall be ten feet (10;ft;). For example, if thirty-four (34%) of the total number of lots has a lot width of fifty feet (50;ft;), thirty-four (34%) could have a lot width of sixty feet (60;ft;), and the remaining could have a lot width of seventy feet (70;ft;) or greater.

   2. The planning commission may allow a developer to vary the width of individual lots to accommodate site restrictions (i.e., easements, corner lot widths, etc). However, such lots shall be counted with the nearest designated lot width.

e. *Setbacks:* The following minimum setbacks are required for individual lots within a cluster subdivision:

Exhibit 4

1. Front Yard: The minimum front yard setback shall be twenty feet (20;ft;). The front yard setback for a corner lot shall be as set forth in Chapter 5 of the UDO;
2. Rear Yard: The minimum rear yard setback shall be thirty feet (30;ft;);
3. Side Yard: The minimum side yard setback shall be seven feet (7;ft;). However, a minimum side yard setback of five feet (5;ft;) is permissible provided all of the following conditions are met:
   i. Dwelling units shall have fire resistant siding within a side yard. These materials are to be approved by the Lancaster County Building Official (i.e. brick, masonry, stone, concrete siding). Vinyl siding is not permissible with a five foot (5;ft;) side yard;
   ii. Vented soffits are not permissible within a five foot (5;ft;) side yard. Unvented soffits shall be permissible if no less than ten feet (10;ft;) from an adjacent dwelling unit or structure; and
   iii. Windows of dwelling units shall be offset from the windows of adjacent units within a five foot (5;ft;) side yard.

f. *Open space requirement:* For a cluster subdivision, no less than twenty-five percent (25%) of the site acreage, not including primary conservation areas as defined in subitem (3) of this item (f), shall be set aside in perpetuity as open space. Open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Open space in a cluster subdivision is also subject to the following:

1. Open space shall be defined as set forth in Chapter 19 of the UDO and as outlined in Section 17.1 of the UDO. Open space may include, but is not limited to, passive recreation, and natural preservation of important scenic vistas, environmentally sensitive lands, habitat for wildlife, and historically or archaeologically significant areas. Structures, swimming pools, and athletic facilities shall not count as open space. However, structures are permitted in the open space when they serve an accessory function, such as a gazebo, fishing dock, playground equipment or play structures;
2. The amount of open space required to be set aside shall be determined by the following formula:

   Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

   TO = ((TP - PC) OSP) + PC

TO	=	Total Open Space Set Aside	(acres)
TP	=	Total Parcel	(acres)
PC	=	Primary Conservation Areas	(acres)
OSP	=	Open Space Percentage	(% of Improvable Area)

   Note: See Item 1 of this Subsection 6 for an example of how these formulas are applied;

3. Primary Conservation area includes those areas that cannot otherwise be built upon or improved and therefore would be preserved in a conventional

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development. Such areas specifically include wetlands, surface waters, and intermittent stream channels;

4. To fulfill the requirements of this item (f), the following shall be included in the required open space where practicable:
   i. Wooded areas;
   ii. Scenic vistas;
   iii. Streams, ponds, wetlands and floodplains;
   iv. Buffers, including landscaped, perimeter, river and stream;
   v. Areas containing slopes in excess of twenty-five percent (25%);
   vi. Other areas containing unusual natural site features (such as major rock formations); and
   vii. Other environmentally, historically or archaeologically significant or unique areas;
5. Open space shall be contiguous to the extent practicable, when not restricted by topography, existing water body and other natural features;
6. Pedestrians shall have access to open space;
7. Open space shall be deed restricted and shall not be developed for use other than open space;
8. Open space shall remain under the ownership and control of the developer (or successors) or a homeowners association or similar organization that satisfies the criteria established in Section 17.4 and 17.5 of the UDO. The person or entity identified as having the right of ownership and control over such open space shall be responsible for the continuing upkeep and proper maintenance of the open space. The County shall have no responsibility for the maintenance of open space areas. If open space location meets a need in the County comprehensive plan, the County and developer may consider conveyance of completed open space to the County, upon planning commission and Council approval; and
9. A cluster subdivision shall include provisions for the protection of trees and other natural amenities within the area or areas designated for open space. The removal of trees and natural vegetation in designated open space is strongly discouraged, though it is permitted during the development phases for the purpose of trails and other such recreational improvements as approved by planning staff. All open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Trees over twenty-four inches (24") in diameter (DBH) shall be preserved and incorporated in designated open space where practicable, and upon the request of planning staff such trees existing within areas designated for trails and other such recreational improvements may also need to be shown and labeled. Upon completion of development phases, no person or entity shall remove or destroy any trees or natural vegetation from designated open space without approval from the zoning administrator. However, normal maintenance and removal of dead or fallen trees are permitted and recommended, and shall be the responsibility of the person or entity identified as having the right of ownership as outlined in subitem (8) of this item (f).

g. *Maximum density:* The maximum number of dwelling units allowed per acre for a cluster subdivision shall not exceed the maximum for the residential use district in

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which it is located, as set forth in Section 2.1.1 of the UDO, where the total number of dwelling units allowed shall be based on the gross acreage of the site. For example, when the CSOD is located within the R-30, Low Density Residential/Agricultural District, where the maximum density is two and one-half (2.5) dwelling units per acre, a one hundred (100)-acre parcel of land shall be allowed to have no more than two hundred fifty (250) dwelling units built on the site. By comparison, when the CSOD is located within the R-30P, Low Density Residential/Agricultural Panhandle District, where the maximum density is one and one-half (1.5) dwelling units per acre, a one hundred (100)-acre parcel of land shall be allowed to have no more than one hundred fifty (150) dwelling units built on the site (See Item 1 of this Subsection 6 for additional examples).

h. *Commercial requirement:* There shall be no required commercial uses within a cluster subdivision.

i. *Connectivity:* The proposed cluster subdivision must have a minimum connectivity index of 1.4 as set forth in Section 13.7.9.1 of the UDO. The following shall also apply:

1. Any cluster subdivision which will result in one hundred fifty (150) or more dwelling units dependent on a single point of access shall require the provision of a second means of ingress/egress and is subject to the requirements of Section 13.7.8.9 of the UDO;
2. One (1) stubbed out street shall be required to be provided to any adjacent undeveloped parcel or parcel used for a single-family home that contains a minimum of five (5) acres as set forth in Section 13.7.10.3 of the UDO. However, the planning commission may alter this requirement if the developer demonstrates that the connection would be difficult to provide because of topographical reasons; and
3. Where practicable, the proposed cluster subdivision is required to connect to open space (i.e. bike paths, walking/hiking trails, etc) in adjacent developments.

j. *Site planning review standards:* A cluster subdivision shall follow the site plan review standards and procedures as set forth in Chapter 13 of the UDO, including but not limited to Section 13.6. Furthermore, planning staff shall also include the following in their review:

1. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships;
2. The site layout shall accommodate and preserve any features of historic, cultural, archaeological or sensitive environmental value. Individual lots, buildings, structures, streets, parking areas, utilities and infrastructure shall be designed and sited to minimize the alteration of natural features, vegetation and topography;
3. Where practicable, individual lots, buildings, structures, streets, parking areas, utilities and infrastructure should be designed and sited to be compatible with surrounding development patterns;
4. Where practicable, open space shall be located on a site in such a manner so that view sheds from existing public right-of-way are not obstructed, but are enhanced by the open space;
5.

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Private streets are permitted in a cluster subdivision, provided such streets meet the construction standards of Chapter 13 of the UDO and Chapter 26 of the Lancaster County Code. The following shall apply:

i. As required in Section 26-61 of the Lancaster County Code, the 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

ii. On-street parking is permitted in a cluster subdivision where adequate right-of-way and pavement width is provided in accordance with standards of the South Carolina Department of Transportation (SCDOT); and

iii. To ensure adequate clearance for emergency vehicles in a cluster subdivision, the planning commission may require signage and/or pavement markings to clearly indicate areas where on-street parking is prohibited;

6. Installing sidewalks on both sides of local streets in a cluster subdivision is encouraged. At a minimum, a sidewalk will be required on at least one side of every local street, with a sidewalk required on both sides of arterial and collector streets. Local, arterial and collector streets shall be clearly labeled as such on any preliminary or final plat submitted for review;

7. A traffic impact analysis shall be provided to the Development Review Committee (DRC) at the time of the DRC submittal for any development within a CSOD, as required in Section 13.7.10.1 (c) of the UDO. The traffic impact analysis must be conducted and sealed by a licensed South Carolina professional engineer hired by the applicant. The cost of the traffic impact analysis shall be paid by the applicant. Any road improvements, which are determined to be necessary, based on the results of the traffic impact analysis, shall be required to be incorporated into the final site plan prior to approval being given by the Development Review Committee. The traffic impact analysis shall be reviewed by the County and in conjunction with the South Carolina Department of Transportation. If a County level traffic planner is not available to review the traffic impact analysis, the County may choose to hire a third-party consultant to assist in this review at the request of the planning department. The applicant is responsible for fees associated with this review;

8. In general, landscaping requirements for a cluster subdivision shall comply with the requirements of Chapter 12 and Chapter 22 of the UDO. However, the planning commission may vary such requirements in response to applications demonstrating alternative landscaping based on creative site planning. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the landscaping requirements;

9. The following buffer requirements shall apply for a cluster subdivision:

i.

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In general, buffer requirements for a cluster subdivision shall comply with the requirements of Chapter 12 of the UDO where a buffer yard may be required between adjacent zoning districts;

ii. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the buffer requirements;

iii. Ingress/egress to the property shall be allowed within a buffer, as well as utility easements and sidewalks;

iv. A fifty foot (50;ft;) buffer shall be required on the frontage of all existing public streets. Where there is insufficient natural vegetation to provide a visual buffer for principal structures, plantings shall be installed by the developer. A minimum of twenty-five percent (25%) of the trees and seventy-five percent (75%) of the shrubs shall be evergreens;

v. The planning commission may allow a developer to vary the buffer requirement to preserve view sheds from existing view sheds, as required in subitem (4) of this item; and

vi. Buffer requirements within a cluster subdivision shall count as open space where it is contiguous with other areas designated as open space; and

10. Variety in architecture and building materials shall be encouraged within a cluster subdivision. It is encouraged that buildings are constructed using quality finish materials (i.e., brick, masonry, stone, concrete siding, or stucco). Vinyl siding is permissible if in combination with other building materials.

k. *Other zoning requirements:* To the extent that this subsection (6), establishing the Cluster Subdivision Overlay District, may contain zoning and development standards and requirements that are inconsistent with or conflict with zoning and development standards and requirements contained elsewhere in the UDO, the zoning and development standards and requirements contained in this subsection (6) supersede all other zoning and development standards and requirements and this subsection (6) is deemed controlling. Notwithstanding the provisions of this item (k), if a zoning and development standard and requirement contained in this subsection (6) is inconsistent with or conflicts with a zoning and development standard and requirement contained in subsections 2.1.5(1) FP, Floodplain and FW, Floodway Overlay Districts, 2.1.5(2) HNP, Historical and Natural Preservation Overlay District, 2.1.5(3) ESO, Equestrian Oriented Subdivision Overlay District, 2.1.5(4) AC, Aviation Corridor Overlay and 2.1.5 (5) CHOD, Carolina Heelsplitter Overlay District, then the zoning and development standard and requirement contained in subsections 2.1.5(1), 2.1.5(2), 2.1.5(3), 2.1.5 (4) or 2.1.5(5) supersede the zoning and development standard and requirement contained in this subsection (6) and the provision contained in the respective subsection is deemed controlling.

l. *Examples of Applying Formulas:* Below are examples of applying formulas to determine the total number of dwelling units allowed and the amount of the site acreage to be set aside as open space within a Cluster Subdivision Overlay District.

Example A. Assume that a fifty (50) acre parcel is being developed. The residential use district is R-15, Moderate Density Residential/Agricultural District, where the maximum density is two and one-half (2.5) dwelling units per acre. Assume that there are five (5) acres of Primary Conservation area. The open space percentage is twenty -five percent (25%) (or as a decimal, .25).

1.

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The following formula would be used to determine the total number of dwelling units allowed:

Total Dwelling Units Allowed = Total Parcel multiplied by Maximum Dwelling Units per Acre

TU = (TP) (DUA)

TU	=	Total Units Allowed	(dwelling units)
TP	=	Total Parcel	(acres)
DUA	=	Maximum Dwelling Units per Acre	(dwelling units/acres)

TU = (50)(2.5)

TU = 125 Total Lots or Dwelling Units Allowed

2. The following formula would be used to determine the amount of the site acreage to be set aside as open space:

Total Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

TO = ((TP - PC) OSP) + PC

TO	=	Total Open Space Set Aside	(acres)
TP	=	Total Parcel	(acres)
PC	=	Primary Conservation Areas	(acres)
OSP	=	Open Space Percentage	(% of Site Acreage excluding PC)

TO = Total Open Space Set Aside

TP = 50 acres Total Parcel

PC = 5 acres Primary Conservation Areas

OSP = 25% (or .25) Open Space Percentage

TO = ((50 - 5) .25) + 5

TO = ((45) .25) + 5

TO = (11.25) + 5

TO = 16.25 acres of Total Open Space Set Aside

Example B. Assume that a five hundred (500) acre parcel is being developed. The residential use district is R-30P, Low Density Residential/Agricultural Panhandle District, where the maximum density is one and one-half (1.5) dwelling units per acre. Assume that there are one hundred (100) acres of Primary Conservation area. The open space percentage is twenty-five percent (25%) (or as a decimal, .25).

1. The following formula would be used to determine the total number of dwelling units allowed:

Total Dwelling Units Allowed = Total Parcel multiplied by Maximum Dwelling Units per Acre

TU = (TP)(DUA)

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TU	= Total Units Allowed	(dwelling units)
TP	= Total Parcel	(acres)
DUA	= Maximum Dwelling Units per Acre	(dwelling units/acres)

TU = (500)(1.5)

TU = 750 Total Lots or Dwelling Units Allowed

2. The following formula would be used to determine the amount of the site acreage to be set aside as open space:

Total Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

TO = ((TP - PC) OSP) + PC

TO	= Total Open Space Set Aside	(acres)
TP	= Total Parcel	(acres)
PC	= Primary Conservation Areas	(acres)
OSP	= Open Space Percentage	(% of Site Acreage excluding PC)

TO = Total Open Space Set Aside

TP = 500 acres Total Parcel

PC = 100 acres Primary Conservation Areas

OSP = 25% (or .25) Open Space Percentage

TO = ((500 - 100) .25) + 100

TO = ((400) .25) + 100

TO = (100) + 100

TO = 200 acres of Total Open Space Set Aside

Example C. Assume that a one thousand (1000) acre parcel is being developed. The residential use district is R-30, Low Density Residential/Agricultural District, where the maximum density is two and one-half (2.5) dwelling units per acre. Assume that there are one hundred (100) acres of Primary Conservation area. The open space percentage is twenty-five percent (25%) (or as a decimal, .25).

1. The following formula would be used to determine the total number of dwelling units allowed:

Total Dwelling Units Allowed = Total Parcel multiplied by Maximum Dwelling Units per Acre

TU = (TP) (DUA)

TU	= Total Units Allowed	(dwelling units)
TP	= Total Parcel	(acres)
DUA	= Maximum Dwelling Units per Acre	(dwelling units/acres)

TU = (1000)(2.5)

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TU = 2500 Total Lots or Dwelling Units Allowed

2. The following formula would be used to determine the amount of the site acreage to be set aside as open space:

Total Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

TO = ((TP - PC) OSP) + PC

TO	=	Total Open Space Set Aside	(acres)
TP	=	Total Parcel	(acres)
PC	=	Primary Conservation Areas	(acres)
OSP	=	Open Space Percentage	(% of Site Acreage excluding PC)

TO = Total Open Space Set Aside

TP = 1000 acres Total Parcel

PC = 100 acres Primary Conservation Areas

OSP = 25% (or .25) Open Space Percentage

TO = ((1000 - 100) .25) + 100

TO = ((900) .25) + 100

TO = (225) + 100

TO = 325 acres of Total Open Space Set Aside

(Ord. No. 487, 2-28-02; Ord. No. 636, 10-25-04; Ord. No. 683, 8-1-05; Ord. No. 748, 5-1-06; Ord. No. 825, 6-4-07; Ord. No. 901, § 2, 4-28-08; Ord. No. 963 § 1, 11-24-08; Ord. No. 1003, § 1, 11-30-09; Ord. No. 1019, 3-1-10; Ord. No. 1251, § 1, 1-13-2014)