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LANCASTER, SC

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LANCASTER )

ORDINANCE NO. 2015-1351

**AN ORDINANCE**

**TO IMPOSE A NINE (9) MONTH MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR DISTRICT BOUNDARY AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE OF LANCASTER COUNTY IN THE AREA OF THE COUNTY NORTH OF HIGHWAY 5; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.**

**WHEREAS,** Lancaster County Council has observed a substantial increase in development throughout the County, but particularly in the unincorporated Indian Land area of the County; and

**WHEREAS,** as evidence of that development and growth, the following statistics have been recognized: Lancaster County is the fastest growing county in the state between 2013 and 2014 with a 3.3% population increase during that year; there are at present approximately 7,400 parcels that have been rezoned and are ready for development today in the Indian Land area alone; and

**WHEREAS,** Council has been advised recently of staff's concern about the rapid growth of the County and protecting the existing rural areas north of Highway 5 in Van Wyck, not only now, but also in future years and the potential for conflicts between residential, commercial and industrial development; and

**WHEREAS,** the present Unified Development Ordinance (UDO) of Lancaster County was presented and passed by Council on September 28, 1998 and, over the past seventeen (17) years, the UDO has proven to be in need of rewrite and update as a result of the growth noted herein; and

**WHEREAS,** Council adopted a Comprehensive Plan 2014–2024 on December 8, 2014 which includes a Future Land Use Map with flexibility for appropriately mixing land uses and shaping the current development pattern of the County to protect each community's natural and cultural assets while balancing the demands for growth; and

**WHEREAS,** Lancaster County is currently developing a new Unified Development Ordinance and Zoning Map to implement the Comprehensive Plan Guiding Principles, Plan Implementation

and provide recommendations as to the appropriate land use, zoning district designations and development regulations for all properties; and

**WHEREAS**, the development of the new Unified Development Ordinance will require adequate time to prepare the new UDO and Zoning Map necessary to adequately manage growth in both the urban and rural areas in Lancaster County, and

**WHEREAS**, now for the first time Council is being asked to lend its further support and approval for this growth management effort by the enactment of “status quo” local legislation on any new zoning applications in the panhandle section of Lancaster County; and

**WHEREAS**, in order to accomplish the stated goal of an updated Unified Development Ordinance with the development of new zoning district designations and development regulations, Council deems it necessary and appropriate to impose a Moratorium, effective Monday, June 8, 2015, on the County’s acceptance and processing of applications for district boundary amendments to the UDO for **all real properties located in Lancaster County north of the following boundary: from a point at the western boundary with York County along Highway 5 until its intersection with Highway 521, then preceding in a northeastern direction along Old Church Road until its intersection with the Union County, NC state line, then further northward to the North Carolina state line** for a nine (9) month period so as to preserve the status quo until the Planning Commission and Planning Department staff have completed their work and come forward with the recommendations called for in this ordinance.

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

**1a. New UDO and Zoning Map Initiated Provision for Recommendations.**

The Lancaster County Planning Commission and Planning Department staff shall review and consider a new UDO and Zoning Map and make recommendations to County Council for new zoning district designations, development regulations and appropriate zoning necessary to adequately manage growth throughout the County.

**1b. Nine (9) Month Moratorium Adopted.**

Effective June 8, 2015, no applications for district boundary map amendments to the UDO shall be accepted and processed by the Planning Department staff for **all real properties located in Lancaster County north of the following boundary: from a point at the western boundary with York County along Highway 5 until its intersection with Highway 521, then proceeding in a northeastern direction along Old Church Road until its intersection with the Union County, NC state line, then further northward to the North Carolina state line** for a period of nine (9) months (the “Moratorium”) beginning June 8, 2015 as the effective date and March 9, 2016 as the end date. Council at its discretion can extend the end date until June 8, 2016. The Moratorium is imposed in order to allow the Lancaster County Planning Commission and Planning Department staff time to conduct the

work specified in Section 1a. above. The Moratorium shall not affect development in progress that has already received approval from County Council and shall not affect rezoning applications and development agreements submitted to the Planning Department as of Second Reading of this Ordinance. In the event of a natural disaster, the County Administrator may suspend the Moratorium to the extent necessary to protect and preserve the public health, safety and general welfare.

1c. **Extension of Moratorium by Resolution.** No earlier than thirty (30) days prior to the extended expiration date of June 8, 2016 of the Moratorium, should the County Administrator determine that there is insufficient time for the Council to consider the repeal of the existing UDO and the adoption of a new UDO and Zoning Map and related recommendations, then, in that event, the County Administrator shall so notify Council of this time constraint and, thereafter, Council may by Resolution extend the Moratorium expiration by up to an additional ninety (90) day period.

2. **Severability:** If a Section, Sub-section, or part of the Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other preemptive legal principle, then that Section, Sub-section, or part of the Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.

3. **Conflict with Preceding Ordinances:** If a Section, Sub-section or provision of this Ordinance shall conflict with the provisions of a Section, Sub-section or part of a preceding Ordinance of Lancaster County, then the preceding Section, Sub-section, or part shall be deemed repealed and no longer in effect.

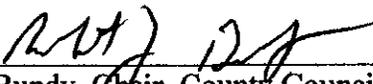
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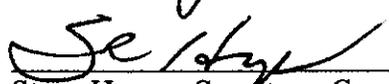
4. **Effective Date:** This Ordinance shall become effective on Third Reading. \*\*

**AND IT IS SO ORDAINED**

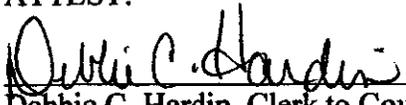
Dated this 13<sup>th</sup> day of July, 2015.

LANCASTER COUNTY, SOUTH CAROLINA

  
\_\_\_\_\_  
Bob Bundy, Chair, County Council

  
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Steve Harper, Secretary, County Council

ATTEST:

  
\_\_\_\_\_  
Debbie C. Hardin, Clerk to Council

First Reading: June 8, 2015  
Second Reading: June 22, 2015  
Third Reading: July 13, 2015  
  
Public Hearing: May 18, 2015

\*\* On June 8, 2015, County Council invoked by a 7-0 vote the Pending Ordinance Doctrine.