Lancaster County
South Carolina

Agenda Item Summary

Ordinance: 2016 - 1403
Contact Person / Sponsor: John Weaver
Department: County Attorney
Date Requested to be on Agenda: I&R Committee – July 12, 2016
County Council – July 18, 2016

Issue for Consideration: Whether or not it is appropriate for Council to consider enacting an ordinance that will create a new Moratorium for processing applications for district boundary amendments in Lancaster County north of Highway 5.

Points to Consider: Since mid-year 2015, a substantial portion of Lancaster County has been under a moratorium so as to allow the Planning Department to draft a new Unified Development Ordinance (UDO). The present UDO is eighteen (18) years old and in great need of updating because of the changing needs of Lancaster County in regards to land uses. The present ordinance (2015-1351) that commenced the moratorium expires on September 8, 2016. While great strides have been made in developing the particulars of the new UDO, time between now and September 8th will not permit the Planning Commission's and Council's full consideration of the massive document and passage of the adopting ordinance. Barring continuances, etc., it is anticipated that the following schedule most likely will be followed with the Planning Commission and Council:
Planning Commission – August 23, 2016
Council 1st Reading ----September 12, 2016
Council 2nd Reading ---September 26, 2016 (with Public Hearing)
Council 3rd Reading ---October 10, 2016

**The importance of this UDO matter and it having been presented periodically to full Council previously, there will not be a committee presentation prior to 1st Reading.

Funding and Liability Factors: N/A

Council Options: Approve or reject the Ordinance.

Recommendation: The Planning Director and the Administrator recommend that the I&R Committee give favorable consideration to the moratorium ordinance and that Council pass the local legislation.

STATE OF SOUTH CAROLINA	)	
	)	**ORDINANCE NO.2016-1403**
COUNTY OF LANCASTER	)	

AN ORDINANCE

TO IMPOSE A 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

WHEREAS, on July 13, 2015, Council passed Ordinance 2015-1351, local legislation that established a moratorium on district boundary amendments in the area of the county north of Highway 5; and

WHEREAS, the purpose of Ordinance 2015-1351 was to allow Lancaster County to develop 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, notwithstanding diligent efforts by Lancaster County staff in meeting their responsibilities associated with the development of the new Unified Development Ordinance (UDO), the project has proven to be more complex and time consuming than originally contemplated and will require additional 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, 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 and extend the Moratorium, effective Friday, September 1, 2016, 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 period not to exceed four (4) months 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. **Four (4) Month Moratorium Adopted.** Effective September 1, 2016, 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 four (4) months (the "Moratorium") beginning September 1, 2016 as the effective date and not later than December 31, 2016 as the end date. 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 that were submitted to the Planning Department as of Second Reading of Ordinance 2015-1351, that date being June 22, 2015. 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. **Termination of Moratorium.** As noted above, this moratorium shall not extend beyond December 31, 2016. However, in anticipation of the new UDO possibly being reviewed and recommended by the Planning Commission and, thereafter, being reviewed and passed by County Council, it is to be understood and is ordained that should passage of the UDO occur prior to December 31, 2016 then, in that event, the present Uniform Development Ordinance and Zoning Map under which Lancaster County now operates shall be automatically and simultaneously deemed to be voided and rescinded without the necessity of further action of Council.

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 pre-emptive 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.

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

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2016.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Bob Bundy, Chair, County Council

_____
Steve Harper, Secretary, County Council

ATTEST:

_____
Debbie C. Hardin, Clerk to Council

First Reading:
Second Reading:
Third Reading:

Public Hearing: