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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LANCASTER )      **ORDINANCE NO. 2016-1422**

**AN ORDINANCE**

**TO AMEND APPENDIX B OF THE LANCASTER COUNTY CODE (UNIFIED DEVELOPMENT ORDINANCE OF LANCASTER COUNTY), RELATING TO ZONING AND LAND DEVELOPMENT REGULATIONS, SO AS TO REWRITE, UPDATE AND FURTHER PROVIDE FOR THE REGULATIONS GOVERNING LAND USE IN LANCASTER COUNTY; TO APPROVE AND ADOPT THE LANCASTER COUNTY OFFICIAL ZONING MAP; TO REPEAL THE LANCASTER COUNTY AIRPORT SAFETY HEIGHT ORDINANCE; TO REPEAL THE FLOOD DAMAGE PREVENTION ORDINANCE OF LANCASTER COUNTY, SOUTH CAROLINA; TO REPEAL THE LANCASTER COUNTY MOBILE HOMES AND MODULAR HOMES ORDINANCE; TO REPEAL CERTAIN PROVISIONS IN CHAPTER 26 OF THE LANCASTER COUNTY CODE, ALL RELATING TO ROADS, BRIDGES AND PUBLIC WAYS.**

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

**Section 1. Findings and Determinations; Purpose.**

A. The Council finds and determines that:

1. the Council is authorized by Chapter 29, Title 6, Code of Laws of South Carolina 1976, as amended, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, to undertake planning and to adopt zoning and land development regulations (the "State Planning Law");

2. pursuant to the authority granted to the County by the State Planning Law, the County provided for zoning and land development regulations in the County by the adoption of Ordinance No. 309 in 1998 and Ordinance No. 328 in 1999, all known as the Unified Development Ordinance of Lancaster County (the "199\_ UDO");

3. since the approval of the 1998 UDO, the County has experienced tremendous growth and change and it is expected to continue through the end of the next decade;

4. the 1998 UDO is inadequate to meet the current and future needs of the County and its citizens as it relates to zoning and land development regulations and, for that reason, the County initiated the process to update and revise the 1998 UDO;

5. to begin the process of updating and revising the 199\_ UDO, Council provided for the updating and revising of the Lancaster County Comprehensive Plan and by passage of Ordinance No. 2014-1318 on December 8, 2014, Council approved the Lancaster County, South Carolina Comprehensive Plan 2014-2024 (the "2014 Comprehensive Plan");

6. subsequent to the approval of the 2014 Comprehensive Plan, Council authorized the updating and rewriting of the 1999 UDO;

7. the Planning Department engaged the Catawba Regional Council of Governments to provide professional expertise and logistical support for the update and rewrite of the 1998 UDO;

8. numerous opportunities were provided throughout the process for receiving meaningful input from the general public and stakeholders:

a. At least four (4) community meetings were held following publication of notices in local newspapers;

b. Stakeholders were identified and included those with land planning interests, developers and builders, surveyors, utility companies, commercial and industrial interests, governmental entities, and rural and urban interests;

c. Focus groups were used to obtain input from stakeholders and others;

d. Open house, community review type meetings were held following publication of notices in local newspapers;

e. Presentations were made at meetings of local civic clubs, community advocacy organizations and business associations; and

f. Access to current information on the proposed text and maps was available at all times by way of the County's website and that of the Catawba Regional Council of Governments;

9. the Planning Commission held public hearings following publication of notice of the hearings at which members of the public were given opportunity to be heard on the text and map changes; and

10. the Planning Commission received reports or held workshops on at least sixteen (16) occasions in 2015 and 2016.

B. It is the purpose of this ordinance, among other things, to approve and adopt an updated and revised Unified Development Ordinance including the approval and adoption of an updated and revised Official Zoning Map.

**Section 2. Amendment of Unified Development Ordinance of Lancaster County; Approval of Lancaster County Official Zoning Map.**

A. By passage of this ordinance, Council authorizes, approves and adopts the amendment of Appendix B of the Lancaster County Code (Unified Development Ordinance of Lancaster County) to read as provided in Exhibit A attached to this ordinance and incorporated herein by reference as if the amendment was set out in this ordinance in its entirety (the “2016 UDO”).

B. The authorization, approval and adoption of the 2016 UDO, as provided in subsection A of this section, includes the authorization, approval and adoption of the Lancaster County Official Zoning Map as referenced in Section 1.2 of the 2016 UDO and which is a portion of the 2016 UDO. The Lancaster County Official Zoning Map, as authorized, approved and adopted by this ordinance, is on file with the Planning Department and is incorporated herein by reference as if the Lancaster County Official Zoning Map was set out in this ordinance in its entirety.

**Section 3. Repeal of Airport Safety Height Ordinance.**

The Lancaster County Airport Safety Height Ordinance, codified as Article III, Chapter 3 of the Lancaster County Code (Sections 3-41 through 3-54), is repealed.

**Section 4. Repeal of Flood Damage Prevention Ordinance.**

The Flood Damage Prevention Ordinance of Lancaster County, South Carolina, codified as Chapter 9 of the Lancaster County Code (Sections 9-1 through 9-72), is repealed.

**Section 5. Repeal of Mobile Homes and Modular Homes Ordinance.**

The Lancaster County Mobile Homes and Modular Homes Ordinance, codified as Chapter 20 of the Lancaster County Code (Sections 20-1 through 20-34), is repealed.

**Section 6. Repeal of Certain Roads, Bridges and Public Ways Laws.**

A. The following articles in Chapter 26 of the Lancaster County Code, relating to Roads, Bridges and Public Ways, are repealed: (i) Article I (In General) (Sections 26-1 through 26-20, Reserved); (ii) Articles III and IV (Reserved) (Sections 26-41 through 26-60); and (iii) Article V (Road Construction Standards) (Sections 26-61 through 26-72).

B. The following sections in Article II, Chapter 26 of the Lancaster County Code, relating to Acceptance, Maintenance and Use of Roads, Bridges and Rights-of-Way, are repealed: (i) Sections 26-21 (Prerequisites for acceptance – Preparation of plat and deed); (ii) 26-22 (Same – Inspection); (iii) 26-23 (Warranty); (iv) 26-24 (Reserved); (v) 26-25 (Variances); (vi) 26-26 (Road names; name and regulatory signs); (vii) 26-27 (Acceptance of roads); (viii) 26-28 (Priority for maintenance); (ix) 26-29 (Abandoned or private roads not maintained); (x) 26-30 (Restrictions upon use); (xi) 26-31 (Utility lines or pipes); (xii) 26-32 (“Crime watch” signs on rights-of-way); (xiii) 26-33 (Penalty for violation); and (xiv) 26-35 through 26-40 (Reserved).

**Section 7. Savings Clause.**

Except as may be otherwise provided in Appendix B of the Lancaster County Code, as amended by this ordinance, the repeal or amendment by this ordinance of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this ordinance, all laws repealed or amended by this ordinance must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this ordinance, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

**Section 8. 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 9. Conflicting Provisions.**

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

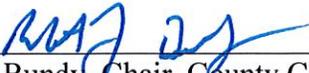
**Section 10. Effective Date.**

This ordinance is effective upon 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:

  
\_\_\_\_\_  
Chelsea H. Gardner, Deputy Clerk to Council

First Reading:       October 24, 2016  
Second Reading:     November 14, 2016  
Third Reading:       November 28, 2016  
  
Public Hearing:        November 14, 2016

**Exhibit A to Ordinance No. 2016-1422**

**Appendix B – Unified Development Ordinance**

Chapter 1 – Introductory Provisions

1.1 LEGAL PROVISIONS

1.1.1 TITLE

These development ordinances and map delineating the location and use of land . . . ”