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STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2023-1843

COUNTY OF LANCASTER

)

**AN ORDINANCE**

**TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”) SECTION 2.4, BUILDING HEIGHTS, TO EXEMPT LANCASTER COUNTY WATER & SEWER DISTRICT (LCW&SD) WATER TANK TOWERS FROM HEIGHT REGULATIONS AND ALTER SETBACK REQUIREMENTS FOR THE TOWERS ON THE EFFECTIVE DATE OF THIS ORDINANCE**

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

**Section 1. Findings and Determinations.**

The Council of Lancaster County (“Council”) finds and determines that:

- (a) Lancaster County initiated a full rewrite of the Unified Development Ordinance (UDO) in October 2021 to address substantive issues with the UDO, has retained a UDO consultant to assist in the full rewrite of the UDO, and the full rewrite is expected to take another twelve (12) to eighteen (18) months to complete.
- (b) Development interest and activity in Lancaster County continues to increase and development project are often presented to the Council that comply with technical requirements of the UDO, but do not fully realize the development policy goals of Lancaster County.
- (c) To address issues with development standards within the current UDO, Lancaster County directed its UDO consultants to develop an interim ordinance to address some of the larger issues associated with development projects that have been processed with the current UDO.
- (d) It is necessary and prudent to amend the UDO with this interim ordinance text amendment prior to the full UDO rewrite to ensure that high quality development projects occur in Lancaster County and that, prior to full UDO rewrite, development projects better achieve the development policy goals of Lancaster County.
- (e) The current Lancaster County UDO allows any nonresidential structure which is located immediately adjacent to a single-family residential use or district, the lot boundary line minimum distance shall be determined as follows: for every foot building height, the developer shall provide setbacks equal to the height of the building. At no time shall the setback be less than what is indicated in the relevant table(s).
- (f) The text amendment would add a footnote to each table within Section 2.4 of the UDO that exempt elevated water tanks installed by LCW&SD from building heights and the setback requirement “For every foot of building height, the developer shall provide setbacks equal to the height of the building”. LCW&SD’s elevated tanks would be required to conform to the setbacks within the zoning district they reside in.
- (g) The text amendment provides increased accessibility to Elevated Water Tank sites and increase opportunities for future sites. how many times the lot has been previously divided, lot size, zoning compliance, etc. will be considered.

- (h) The text amendment is consistent with the applicable provisions of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as applicable provisions of South Carolina Code, Title VI.
- (i) Lancaster County Planning Commission considered the proposed text amendment at its meeting on March 21, 2023 and by a unanimous vote recommended approval of the proposed text amendment.

**Section 2.      Amendment of Ordinance 2016-1442 (Unified Development Ordinance)**

Ordinance 2016-1442 (Unified Development Ordinance), is amended as set forth in the “Interim Ordinance - Exhibit 1” attached hereto and incorporated herein by reference.

**Section 3.      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 4.      Conflicting Provisions.**

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

**Section 5.      Effective Date.**

This ordinance is effective upon Third Reading.

**AND IT IS SO ORDAINED**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Steve Harper, Chair, County Council

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Billy Mosteller, Secretary, County Council

ATTEST:

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Sherrie Simpson, Clerk to Council

First Reading:            April 11, 2023  
Public Hearing:           April 11, 2023  
Second Reading:        April 24, 2023  
Third Reading:           May 8, 2023

Approved as to form:

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Virginia Merck-Dupont, County Attorney