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STATE OF SOUTH CAROLINA

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COUNTY OF LANCASTER

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ORDINANCE NO. 2023-1885

**AN ORDINANCE**

**TO AMEND ARTICLE IV OF CHAPTER 25 OF THE LANCASTER COUNTY CODE SO AS TO AMEND THE DUTIES OF THE BUILDING DEPARTMENT, PLANNING DEPARTMENT, AND THE ZONING DEPARTMENT PER THE INTENT OF THE INTERGOVERNMENTAL AGREEMENTS SIGNED BETWEEN LANCASTER COUNTY AND THE TOWNS OF HEATH SPRINGS AND KERSHAW; AND OTHER MATTERS RELATING THERETO.**

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

**Section 1. Findings and Determinations.**

The Council finds and determines that:

- (a) The Towns of Heath Springs and Kershaw have passed ordinances to request Lancaster County provide building, code enforcement, planning and zoning services to the communities in the same manner as the services are provided outside of town jurisdictional boundaries.
- (b) The County, at this time, has staff engaged in building inspections and permitting, code enforcement, plan review, and zoning interpretation for unincorporated areas of Lancaster County, and who perform those roles daily.
- (c) The County also has a duly appointed planning commission that meets the requirements of the SC Code of Laws, Chapter 29 (South Carolina Local Government Comprehensive Planning Enabling Act of 1994), which includes a member that represents the County district that includes the Towns of Heath Springs and Kershaw.
- (d) The County contracts with outside planning agencies for long-range planning activities such as comprehensive planning and code revisions.
- (e) The County finds that the daily operations for building inspections and permitting, code enforcement, plan review, and zoning interpretation for the Towns of Heath Springs and Kershaw are within the current capacity of staff to address without significant additional cost to the County.
- (f) The County also finds for special projects requiring outside contracting, including but not limited to comprehensive plan drafts and code revisions, a proportionate share of the cost should be shared by the Towns of Heath Springs and Kershaw.
- (g) The County, the Town of Heath Springs, and the Town of Kershaw are entering into intergovernmental agreements (IGAs) to provide the services listed above and enumerated on the IGA.
- (h) As part of those IGAs, the Towns of Heath Springs and Kershaw have considered the issue of equal representation on the planning commission and agree that the current membership formula, adopted rules of organizational procedure, and administrative support apparatus, is acceptable and shall remain unchanged.

Additions are Underlined. Deletions are ~~Struck Through~~.

**Section 2. Amendments.**

Chapter 25 of the Code of Ordinances for Lancaster County is hereby amended as follows:

**ARTICLE II. PLANNING COMMISSION**

**Sec. 25-21. Planning commission established, etc.**

- (a) There is established a planning commission for Lancaster County, which shall have the powers and duties as provided in the S.C. Code §§ 6-29-310 through 6-29-380, as may be amended from time to time.
- (b) The planning commission shall have seven (7) members appointed by the county council. One (1) member must be appointed from each of the seven (7) county council districts, upon recommendation of the council member elected from that district. The member must reside in the district for which the member is appointed. In the appointment of planning commission members, the council shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Members shall represent a broad cross section of the interests and concerns within the county, and, per agreements made between Lancaster County and the Towns of Heath Springs and Kershaw via Ordinance 2023-xxxx, the member who represents District 6 shall also represent the incorporated areas of the towns of Heath Springs and Kershaw.
- (c) (1) The term of office for planning commission members is four (4) years. All terms end on June 30. A member shall not serve more than two (2) consecutive terms without a period of at least two (2) years elapsing after expiration of the second term; provided, however, upon a two-thirds ( $\frac{2}{3}$ ) vote of the county council members, a person may be reappointed to the commission notwithstanding the term limitation. Time served in filling a vacancy shall not be included in the term limitation. ~~Time served on the Lancaster County Joint Planning Commission is not included in the term limitation.~~ Members serve until their successors are appointed and qualified. Vacancies must be filled for the unexpired term in the same manner as the original appointment.
  - (2) ~~Reserved.~~
  - ~~(3)~~—All members of the planning commission shall be sworn in prior to participating in a meeting.
- (d) No member of the planning commission shall hold an elected public office in the county.
- (e) All members of the planning commission will be reimbursed for actual expenses and mileage pursuant to county policy after approval by the planning commission chair and the county administrator.
- (f) (1) Any member of the planning commission may be removed at any time by county council for cause.
  - (2) A member of the planning commission who misses three (3) consecutive meetings of the commission during any fiscal year or a total of five (5) meetings in any fiscal year vacates the office to which the member is appointed. The vacancy in the office exists as of the end of the meeting missed by the member that triggers the vacancy and the vacancy shall be filled in the same manner as other vacancies. When a vacancy occurs pursuant to this item, the chair of the planning commission or the planning director shall notify the clerk to council in writing as soon as possible.
- (g) Through the general fund, county council shall have budgetary control and provide for one hundred (100) percent of the funds for the planning commission. The funds dedicated to the planning commission shall be budgeted through the budget of the county planning department.
- (h) The planning commission shall organize, elect officers, and adopt rules of procedure as required by S.C. Code § 6-29-360.
- (i) The planning commission shall meet at least once each month for the purpose of acting on matters before the planning commission. In addition, the planning commission shall meet at least once each month for

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the purpose of conducting a work session at which no action is taken by the planning commission. The planning commission shall meet at the call of the chair and at such times as the chair or commission may determine. Meetings may be rescheduled (with appropriate notice) or canceled due to lack of business, conflicts with holidays, or other reasons as deemed necessary by the commission.

- (j) The jurisdiction of the planning commission is the total unincorporated area of the county unless otherwise provided by subsequent ordinance. Pursuant to the Intergovernmental Agreement of 2023 (attached to Ordinances 2023-1883 and 2023-1884), the planning commission's jurisdiction has been expanded to include the entirety of the towns of Heath Springs and Kershaw.
- (k) Planning commission members must comply with the provisions of S.C. Code §§ 6-29-1310 to -1380 relating to orientation training and continuing education. Members must file educational requirements certification forms with the clerk to council. A member who fails to comply with the provisions of S.C. Code §§ 6-29-1310 to -1380 is subject to removal from office for cause.
- (l) The planning commission ~~shall~~ may appoint one (1) or more advisory committees to advise the planning commission on planning and land use matters. When making appointments to an advisory committee, the planning commission shall seek to appoint persons representing a variety of interests in the community, including, but not limited to, electric, gas, and telephone utilities; education; water and sewer utilities; real estate; homebuilders; developers; and municipalities. Members of advisory committees shall serve without compensation. Advisory committee members shall meet with the planning commission at such times as requested by the planning commission.

#### **Sec. 25-22. Service to municipalities.**

It is the intent of county council for the planning commission established pursuant to section 25-1 to serve as the official planning commission of any municipality in the county if the municipality designates by ordinance the county planning commission as the official planning commission of the municipality. Prior to accepting the designation by a municipality, county council must approve an ordinance approving an agreement with the municipality which conforms to the requirements of S.C. Code § 6-29-330(B).

#### **Sec. 25-23. ~~Continuation of services previously provided.~~**

~~It is the intent of county council for the change from a joint planning commission to a county planning commission, as provided in this ordinance, to have no effect on the provision of services and planning. All services previously provided through county services and planning shall continue to be provided at the same level.~~

#### **Secs. ~~25-24~~25-23-25-40. Reserved.**

### **ARTICLE III. PLANNING DEPARTMENT**

#### **Sec. 25-41. Creation, function and duties.**

Through this section, the county council creates the Lancaster County Planning Department. This staff is ~~charged with creating, revising, and periodically updating the comprehensive plan(s) for Lancaster County and its three (3) municipalities. In addition to the duties involved in gathering data and maintaining the comprehensive plan, the planning staff will be involved in the following daily activities directly associated with implementing the comprehensive plan:~~

- (1) Comment on annexations, major subdivisions, major developments, and all topics that are related to and have impact on the Lancaster County comprehensive planning process
- (2) Rezoning requests
- (3) Unified Development Ordinance (UDO) amendments

- (4) Policy creation, changes, and research
- (5) Street name changes and adoption
- (6) Traffic impact analysis review
- (7) Bond review and management
- (8) Data collection and management for planning-related topics, including but not limited to housing, open space preservation, transportation networks, land use issues and court cases, land design, nature-based services, floodplain management, historic preservation, agricultural uses and businesses, and economic development.

In addition, staff is charged with creating, revising, and periodically updating the comprehensive plan(s) for Lancaster County and its three (3) municipalities. These long-range planning duties fall outside of the daily operations and constitute special projects. In addition to the duties involved in gathering data and maintaining the comprehensive plan, the planning staff will be involved in various topics, including but not limited to the following:

- (1) *Regional studies.*
  - a. Transportation network.
  - b. Water supply.
  - c. Sewage treatment.
  - d. Solid waste.
- (2) *Small area/focal point studies.*
  - a. Police and fire protection.
  - b. Hospitals and public health.
  - c. Recreation.
- (3) *Capital programming.*
  - a. General government.
  - b. Education.
  - c. Libraries and cultural facilities.
- (4) Environmental planning.
- (5) Housing and redevelopment.
- (6) Grantsmanship.
- (7) ~~Special projects.~~
- (8) Research:
  - a. Census data.
  - b. Database.
  - c. Budget and policy analysis.
- (9) (8) Provide growth management strategies to all councils (i.e. zoning and subdivision changes).
- (10) ~~Comment on rezonings, annexations, major subdivisions, major developments, and all topics that are related to and have impact on the Lancaster County comprehensive planning process.~~

**Secs. 25-42—25-60. Reserved.**

Additions are Underlined. Deletions are ~~Struck Through~~

## ARTICLE IV. BUILDING DEPARTMENT

Sec. 25-61. Created, function and duties.

- (a) Through this section, the county council creates the Lancaster County Building Department. This staff shall perform the daily enforcement activities associated with the following ordinances, codes, and topics:
- (1) *Issuing:*
    - a. Construction permits.
    - b. Mobile home permits.
    - c. Mobile home de-title permits.
    - d. Application for Building Code appeals.
    - e. Monument or pole sign permits.
  - (2) *Performing:*
    - a. Building codes inspection.
    - b. Building codes enforcement.
    - c. Construction plan reviews.
    - d. Investigation and verification of appeals.
    - e. Mobile home de-title inspections.
  - (3) *Administering:*
    - a. Building codes.
- (b) The building staff shall serve as the enforcement staff to the towns of Heath Springs, ~~and~~ Kershaw and Van Wyck, enforcing only those ordinances and codes that have been duly adopted by the respective councils.
- ~~(c) By separate ordinance, the county council will consider and adopt building and construction codes to be enforced by the building department.~~

**Secs. 25-62—25-70. Reserved.**

## ARTICLE V. ZONING DEPARTMENT

**Sec. 25-71. Created, function and duties.**

- (a) Through this section, the county council creates the Lancaster County Zoning Department, a subset of the Planning Department. This staff shall perform the daily enforcement activities associated with the following ordinances, codes, and topics:
- (1) *Issuing:*
    - a. Mobile home moving permits.
    - b. Mobile home change of ownership.
    - c. Application for zoning appeals and variances.
    - d. Use/occupancy permits.
    - e. Septic tank permits.

- f. ~~Alarm~~ Demolition permits.
- (2) *Performing:*
  - a. Unified Development Ordinance code inspections.
  - b. Unified Development Ordinance enforcement.
  - c. Site plan reviews.
  - d. Investigation and verification of Unified Development Ordinance appeals and variances, etc.
- (3) ~~*Administering:*~~
  - a. ~~Flood damage prevention ordinance.~~
  - (b) The zoning staff shall serve as the enforcement staff to the towns of Heath Springs and Kershaw and enforce only those ordinances and codes that have been duly adopted by the respective councils.
  - (c) ~~By separate ordinance, the county council will consider and adopt changes to the Unified Development Ordinance.~~

**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.

[SIGNATURE PAGE FOLLOWS]

**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: November 13, 2023  
Second Reading: November 27, 2023  
Third Reading: December 11, 2023  
Public Hearing: December 11, 2023

Approved as to form:

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Virginia Merck-Dupont, County Attorney