
STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2024-1896

AN ORDINANCE

TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”) CHAPTER 2, SECTION 5 USE TABLE, TO REMOVE THE USES “AMUSEMENT, INDOOR” AND “AMUSEMENT, OUTDOOR” FROM THE PERMITTED USE LIST FOR LIGHT INDUSTRIAL (LI) DISTRICTS, AND TO INVOKE THE PENDING ORDINANCE DOCTRINE SO THAT NO PERMIT SHALL BE ISSUED THAT WOULD BE IN CONFLICT WITH THE PROPOSED ZONING CHANGES AS SET FORTH HEREIN

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) As part of the Constitutional police powers, states have the capacity to promote and maintain the health, safety, morals, and general welfare of the public they serve by regulating behaviors and enforcing order, and that restricting certain land uses from being in close proximity to each other is a proper use of that police power.
- (b) In 1994, the State of South Carolina delegated the ability to restrict land uses (known as land use planning) to the counties and municipalities of the state via the laws recorded in the SC Code of Laws 6-29-310, et seq.
- (c) Lancaster County has properly followed the procedures set forth in the Local Government Comprehensive Planning Enabling Act of 1994 to allow for land use regulation in the jurisdiction.
- (d) Lancaster County initiated a full rewrite of the Unified Development Ordinance (UDO) in October 2021 to address substantive issues with the UDO, and has retained a UDO consultant to assist in the full rewrite of the UDO.
- (e) There has been an outpouring of concern regarding the safety of children and uses that draw children being located in the same zones where hazardous uses (such as those in the Light Industrial zone) may be located.
- (f) In the interest in reducing the potential interface between uses that attract children and cause them to remain for extended time frames, and uses that may include landfills, junkyards, light industry, mining, heavy equipment repair, and shooting ranges, the Lancaster County Council wishes to remove certain uses from the list of permitted use for the Light Industrial (LI) zones.
- (g) The Pending Ordinance Doctrine, as defined and applied by the South Carolina Supreme Court in the case of *Sherman vs. Reavis* 273 S.C. 542, 257 S.E.2d 735, and as adopted and applied by the state courts in other decisions, is hereby invoked to preclude issuance of any permits that are in conflict with the intended zoning changes in this ordinance.

- (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 held a public hearing at their May 21, 2024 meeting; there was no input from the public. The Planning Commission unanimously voted to recommend approval of the ordinance.

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

Ordinance 2016-1442 (Unified Development Ordinance), is amended as follows:

CHAPTER 2, SECTION 2.5.3.D USE TABLE - COMMERCIAL/ENTERTAINMENT

–Remove “Amusements, Indoor” and “Amusements, Outdoor” from a Use Permitted by Right (P) in Light Industrial (LI) zones, making them a “use not listed” for the LI zones, as shown below:

DISTRICT STANDARDS
2.5 USES PERMITTED

Lancaster County Unified Development
Ordinance – Use Table

USE TYPES	RURAL					TRANSITIONAL					SPECIAL			NEIGHBORHOOD									
D. COMMERCIAL/ ENTERTAINMENT	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF	
Amusements, Indoor	-	-	-	P	-	-	-	-	-	P	P	-	-	P	-	-	-	-	-	-	P	P	
Amusements, Outdoor	-	-	-	PR	-	-	-	-	-	-	CU	-	-	CU	-	-	-	-	-	-	-	-	5.5.1

P – Permitted by Right PR – Permitted with Review CU – Conditional Use Required SE – Special Exception Required

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.

In addition, in furtherance of the above stated findings, County Council declares that the Pending Ordinance Doctrine is invoked and the directions to staff are effective upon first reading, and the ordinance of such direction shall be effective upon third reading and may only be revoked by a legislative act of equal dignity.

Section 5. Effective Date.

Per the Pending Ordinance Doctrine, this ordinance is in effect as of first reading, and is adopted into the Unified Development Ordinance effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2024.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: March 11, 2024
Second Reading: May 28, 2024
Public Hearing: June 10, 2024
Third Reading: June 10, 2024

Approved as to form:

Virginia Merck-Dupont, County Attorney