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STATE OF SOUTH CAROLINA       )  
  )  
COUNTY OF LANCASTER        )

**ORDINANCE NO. 2021-1791**

**AN ORDINANCE**

**TO AMEND ORDINANCE 2021-1761 BY SUBSTITUTION OF A CORRECTIVE MAP THAT ACCURATELY REFLECTS THE SCHOOL DEVELOPMENT IMPACT FEE COLLECTION AREA AND BY INCLUSION OF AN UPDATED AND CORRECTED SCHOOL DEVELOPMENT IMPACT FEE STUDY AND CAPITAL IMPROVEMENT PLAN.**

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

**Section 1. Findings and Determinations.**

The Lancaster County Council finds that:

**WHEREAS**, by passage of Ordinance 2021-1761, the School Development Impact Fee Ordinance, Lancaster County Council approved School Development Impact Fees to be imposed on all new residential development in the School Development Impact Fee Collection Area; and

**WHEREAS**, it has come to the attention of Lancaster County that the Lancaster County School District ("LCSD") inadvertently included a map in its *Development Impact Fee Study* prepared by TischlerBise, dated March 18, 2021 (hereinafter "School Development Impact Fee Study") that includes additional territory not intended to be subject to School Development Fee Impact Fee Collection Area; and

**WHEREAS**, LCSD has revised the map of the School Development Fee Collection Area to accurately reflect the school attendance zone(s) benefiting from, and subject to, the School Development Impact Fee; and

**WHEREAS**, the inaccurate map of the School Development Fee Collection Area was included as Figure 1 to Ordinance 2021-1761, the School Development Impact Fee Ordinance; and

**WHEREAS**, LCSD's consultant, TischlerBise, has reviewed the level of service standard, land use assumptions, methodologies, service units, system improvement costs, formula, and analyses for School development impact fees, and the capital improvement plan (CIP) in the School Development Impact Fee Study and has determined that removal of the geographic territory inadvertently included in the School Development Impact Fee Study and School Development Impact Fee Collection Area will not result in a change to the School Development Impact Fee Schedule; and

**WHEREAS**, TischlerBise has prepared an updated School Development Impact Fee Study dated November 24, 2021, that includes a corrective map accurately displaying the Lancaster County School Panhandle Service Area/School Development Impact Fee Collection Area; and

**WHEREAS**, it has been determined and is recommended to the Lancaster County Council that Ordinance 2021-1761, the School Development Impact Fee Ordinance be amended to include the updated map as Figure 1 so that the area that will be subject to School Development Impact Fees is accurately set forth in the public record and amended to reference the updated School Development Impact Fee Study and Capital Improvement Plan dated November 24, 2021 and prepared by TischlerBise; and

**WHEREAS**, Lancaster County Council desires to amend Ordinance 2021-1761, the School Development Impact Fee Ordinance, to include the updated and correct map of the geographic areas subject to and benefiting from the School Development Impact Fees; and

**WHEREAS**, the amendment is to correct a scrivener's error associated with Figure 1 to Ordinance 2021-1761 and there is no amendment of the Fee Schedule or negative impact to fee payors resulting from the amendment, therefore, collection and imposition of the School Development Impact Fee shall remain effective on January 1, 2022, for the School Development Impact Fee Area but shall not be collected from the geographic area to be removed by virtue of the corrective Figure 1 map referenced and included herein.

**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 that:

**Section 2.      Amendment of Ordinance 2021-1761.**

Ordinance 2021-761 is amended as follows:

~~Indicates Matter Stricken~~

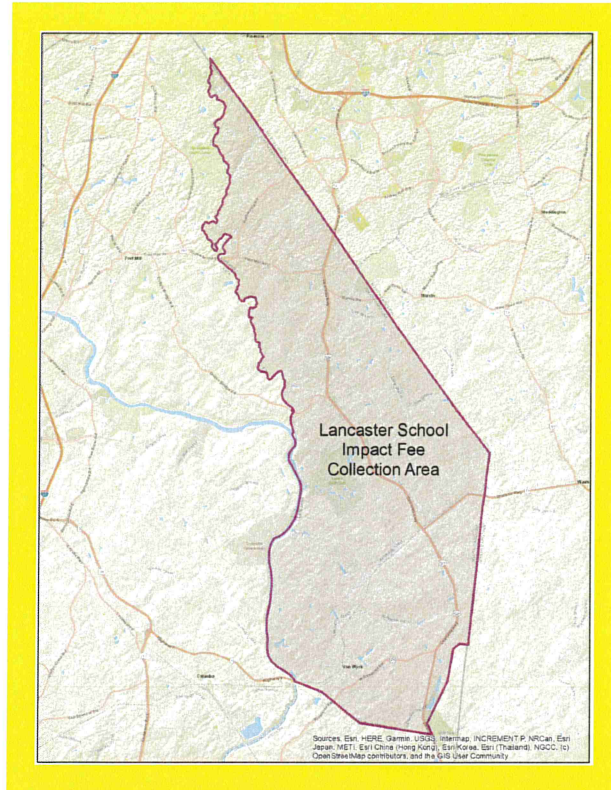
Indicates New Matter

**SECTION 2.      ESTABLISHMENT OF LANCASTER COUNTY SCHOOL SERVICE AREA:**

- FIGURE 1: LANCASTER COUNTY SCHOOL PANHANDLE SERVICE AREA**







### SECTION 3. INCORPORATION OF SUPPORT STUDY

The County relies on the level of service standard, land use assumptions, methodologies, service units, system improvement costs, formula, and analyses for School development impact fees, and the capital improvement plan (CIP) for School facility system improvements set out in *Development Impact Fee Study* prepared by TischlerBise, dated March 18, 2021 and the amendment and update thereof dated November 24, 2021 (hereinafter "School development impact fee study"). The School development impact fee study sets forth a reasonable level of service standard, land use assumptions, methodologies, service units, system improvement costs, and formulas for determining the impacts of new development on School facility system improvement needs.

#### 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, only to the extent of the conflict, supersede all other provisions and this ordinance is controlling.

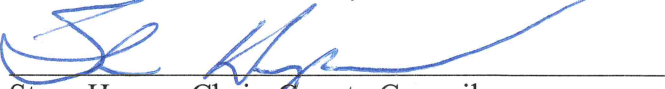
**Section 5.      Effective Date.**

This ordinance is effective upon Third Reading.

**AND IT IS SO ORDAINED**

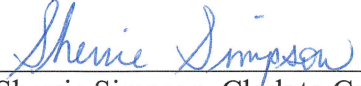
Dated this 24<sup>th</sup> day of JANUARY, 2022.

**LANCASTER COUNTY, SOUTH CAROLINA**

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

  
\_\_\_\_\_  
Billy Mosteller, Secretary, County Council

ATTEST:

  
\_\_\_\_\_  
Sherrie Simpson, Clerk to Council

First Reading:            December 13, 2021  
Second Reading:        January 10, 2022  
Public Hearing:           January 10, 2022  
Third Reading:          January 24, 2022

Approved as to form:

  
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John DuBose, County Attorney