

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

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OF COURT

2018 AUG 28 PM 1:52

CLERK OF COURT
LANCASTER, SC

ORDINANCE NO.: 2018 - 1528

AN ORDINANCE

TO AMEND CHAPTER 5, USE REGULATIONS, SECTION 5.11.5, WIRELESS COMMUNICATIONS FACILITY, SUBSECTION E.2. AND SUBSECTION N. OF THE UNIFIED DEVELOPMENT ORDINANCE SO AS TO ALLOW FOR AN ADDITIONAL ALTERNATIVE FOR SETBACK REQUIREMENTS.

WHEREAS, on November 28, 2016, Lancaster County adopted a new complex Unified Development Ordinance (UDO); and

WHEREAS, during the drafting and finalization of that ordinance, it was contemplated that from time to time certain amendments to the UDO text would be necessary for clarification and/or situations that required a revisiting of the UDO so as to provide a more practical application of the regulations involving development standards throughout Lancaster County; and

WHEREAS, the text amendment noted herein has been reviewed and recommended by the Planning Staff and the Planning Commission and, following additional review by County Council, it is the finding of County Council that the recommended amendment is reasonable, necessary and appropriate in all respects;

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

Section 1. Title.

The text of the Lancaster County Uniform Development Ordinance shall be amended in the following particulars:

- A. Section 5.11.5, Subsection E.2. shall have deleted therefrom the second sentence in its entirety. As a substitute therefore, the second sentence of the section shall read:**

**“The applicant/owner of the proposed tower shall own or lease
or shall benefit from an easement for the entire Fall Zone area.”**

B. Section 5.11.5. Subsection N. shall be deleted in its entirety and substituted therefore shall be the following:

“Required Permits: A building permit, a zoning permit and a planning review permit are required. No permit application shall be considered for the location of a wireless communication transmission facility on property not leased or owned or benefited by an easement by the applicant or for which a contingent lease or purchase contract is in place. The amount of land either purchased or leased or benefited by an easement shall be equal to the amount of land necessary to meet the Fall Zone area. To show this requirement has been met, the applicant shall provide the County with a sealed site plan clearly delineating the leased or owned or easement area and a lease agreement or deed or easement. These documents subsequently must be recorded with the Lancaster County Register of Deeds.”

Section 2. 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 3. Conflicting Provisions.

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

Section 4. Effective Date.

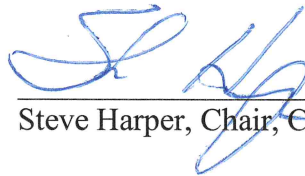
This ordinance is effective upon Third Reading.

SIGNATURES FOLLOW ON NEXT PAGE

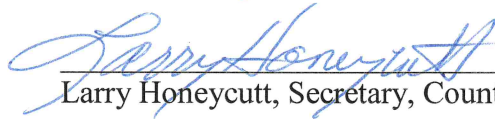
AND IT IS SO ORDAINED

Dated this 27th day of August, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

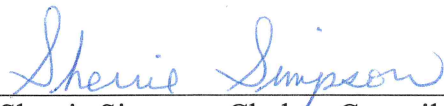


Steve Harper, Chair, County Council



Larry Honeycutt, Secretary, County Council

Attest:



Sherrie Simpson, Clerk to Council

First Reading: July 16, 2018
Second Reading: August 13, 2018
Third Reading: August 27, 2018