

FILED  
OFFICE OF CLERK  
OF COURT

2019 DEC 13 AM 11:28

CLERK OF COURT  
LANCASTER, SC

STATE OF SOUTH CAROLINA

(

ORDINANCE NO. 2019-1622

COUNTY OF LANCASTER

(

**AN ORDINANCE**

**TO AMEND ORDINANCE 2016-1442, THE UNIFIED DEVELOPMENT ORDINANCE ("UDO"), CHAPTER 9.2, REVIEW PROCEDURES, TO REQUIRE SKETCH PLANS FOR MAJOR SUBDIVISIONS, MIXED USE DEVELOPMENTS, AND CERTAIN SITE PLANS**

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

**Section 1. Findings and Determinations.**

The Council finds and determines that:

- (a) The UDO does not require sketch plans for site plans, and the UDO is unclear as to whether sketch plans are required for mixed use developments and major subdivisions.
- (b) Requiring sketch plans for all mixed use developments, all major subdivisions, and those site plans involving properties with over 40,000 cumulative square feet of building space will allow planning staff more time to review those larger projects and provide greater feedback to developers earlier in the development process.
- (c) Increasing the substantive feedback and communication between planning staff and developers in the early stages of development project review will aid both Lancaster County and developers by reducing the number of outstanding, conditional requirements for approval that currently exist on certain development projects presented for consideration to the Planning Commission and to County Council.
- (d) Sound planning principles advocate that major subdivisions, mixed use developments, and development projects involving large site plans undergo a more thorough review in the early stages of the development process so that those projects are more fully conceived when considered by the Planning Commission and by County Council.

**Section 2. Amendment of Ordinance 2016-1442**

Ordinance 2016-1442 (Unified Development Ordinance) Chapter 9.2, Review Procedures, is amended as set forth on Exhibit "A" attached hereto.

**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 supersede all other provisions and this ordinance is controlling.

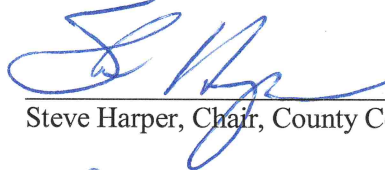
**Section 5. Effective Date.**

This ordinance is effective upon Third Reading.

**AND IT IS SO ORDAINED**

Dated this 9<sup>th</sup> day of December, 2019.

**LANCASTER COUNTY, SOUTH CAROLINA**

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

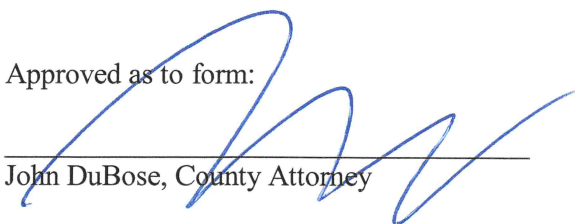
  
\_\_\_\_\_  
Larry Honeycutt, Secretary, County Council

ATTEST:

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

First Reading: November 12, 2019  
Second Reading: November 25, 2019  
Public Hearing: November 25, 2019  
Third Reading: December 9, 2019

Approved as to form:

  
\_\_\_\_\_  
John DuBose, County Attorney

# Exhibit A

## D. NEIGHBORHOOD MEETING

Neighborhood meetings are optional, but may be encouraged by the Administrator for certain applications prior to any public hearing or review by a board or commission. Neighborhood meetings allow the applicant to explain the proposed project and hear the concerns of the neighborhood. A summary of the meeting in the form of meeting notes or minutes along with a list and contact information for all attendees may be submitted to the Administrator and/or the appropriate board or commission for their review. Lancaster County is not responsible for organizing or coordinating such neighborhood meetings.

### 9.2.5 APPLICATION REQUIREMENTS

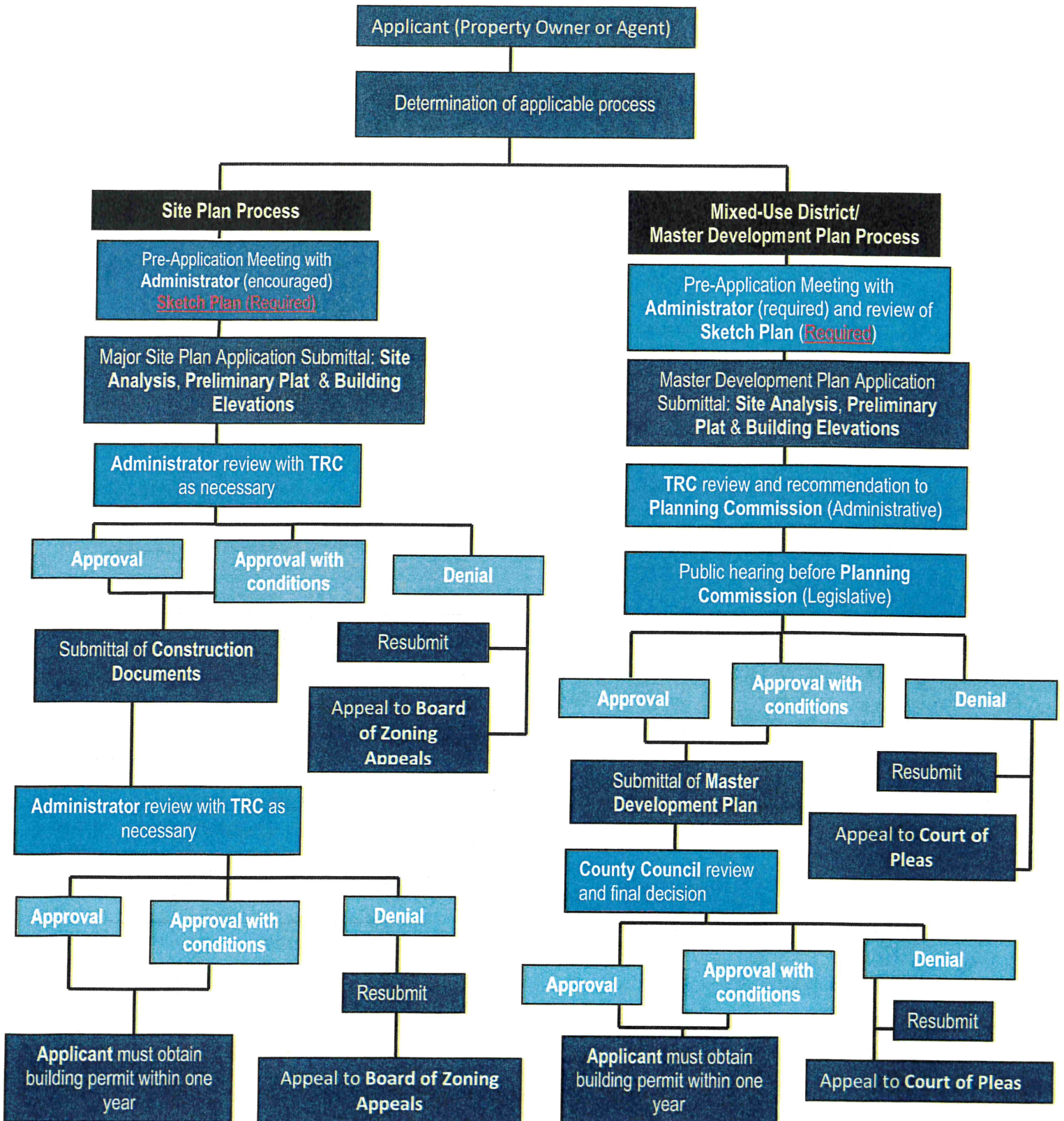
The following general standards for various applications are intended to require only that data/information necessary to render an informed decision by the reviewing agency. The County has determined that it is unnecessary to require a full set of architectural or engineering drawings for review by the various review and decision-making boards unless the application is such that a specific level of detail is necessary (e.g., floodplain/stormwater variance). The "Application Submittal Requirements" list on file in the Planning Department is intended to provide further guidance to applicants as to the necessary level of detail for each application component listed below.

Permit/ Process Type	Section	Site Analysis	Sketch Plan *	Preliminary Plat	Construction Documents	As-Built Drawings	Final Plat	Building Elevations	Sedimentation & Erosion Control Plan	Floodplain Development Plan
UDO Zoning Permit	9.2.7.A		X (a)							
Temporary Use Permit	9.2.7.B		X (a)							
Certificate of Occupancy	9.2.7.C	See Administrator								
Modification of Dimensional Standards	9.2.7.D		X							
Sedimentation & Erosion Control Plan/Grading Permit	9.2.8.A	X			X				X	
Stormwater Management Permit	9.2.8.B	X			X	X	X (a)		X	
Floodplain Development Permit	9.2.8.C	X			X	X				X
Site Plan	9.2.9.A	X	X (a)	X	X			X (a)		
Subdivision (Minor & Recombination)	9.2.10.A	X	X (a)	X			X			
Subdivision (Major) – Preliminary Plat	9.2.10.B	X	X	X	X					
Subdivision (Major) – Final Plat	9.2.10.C					X	X			
Street Name Changes	9.2.11	See Administrator								
Variances	9.2.12	See Administrator								
Special Exceptions	9.2.13	X (a)		X (a)				X (a)		
Appeal of Administrative Decisions	9.2.14	See Administrator								
Text Amendments & Rezoning	9.2.15	See Administrator								
Conditional Use	9.2.16	See Administrator								
Mixed-Use District/Master Development Plan	9.2.9.B	X	X	X				X	X	X
Vested Rights	9.2.17			X						
Development Agreements	9.2.18	See Administrator								

X - Required | X (a) – on an "as needed" basis as determined by the Administrator

\*Sketch Plans shall be reviewed as binding documents for Unified Development Ordinance Zoning Permit (Zoning Permits), and for any other permits or approvals for which the Administrator requires only a Sketch Plan to be submitted with the application. Sketch Plans shall be used for non-binding review for all other development application processes in which they are required.

9. 2.9 SITE PLAN & MASTER DEVELOPMENT PLAN PROCESS CHART



## A. SITE PLAN

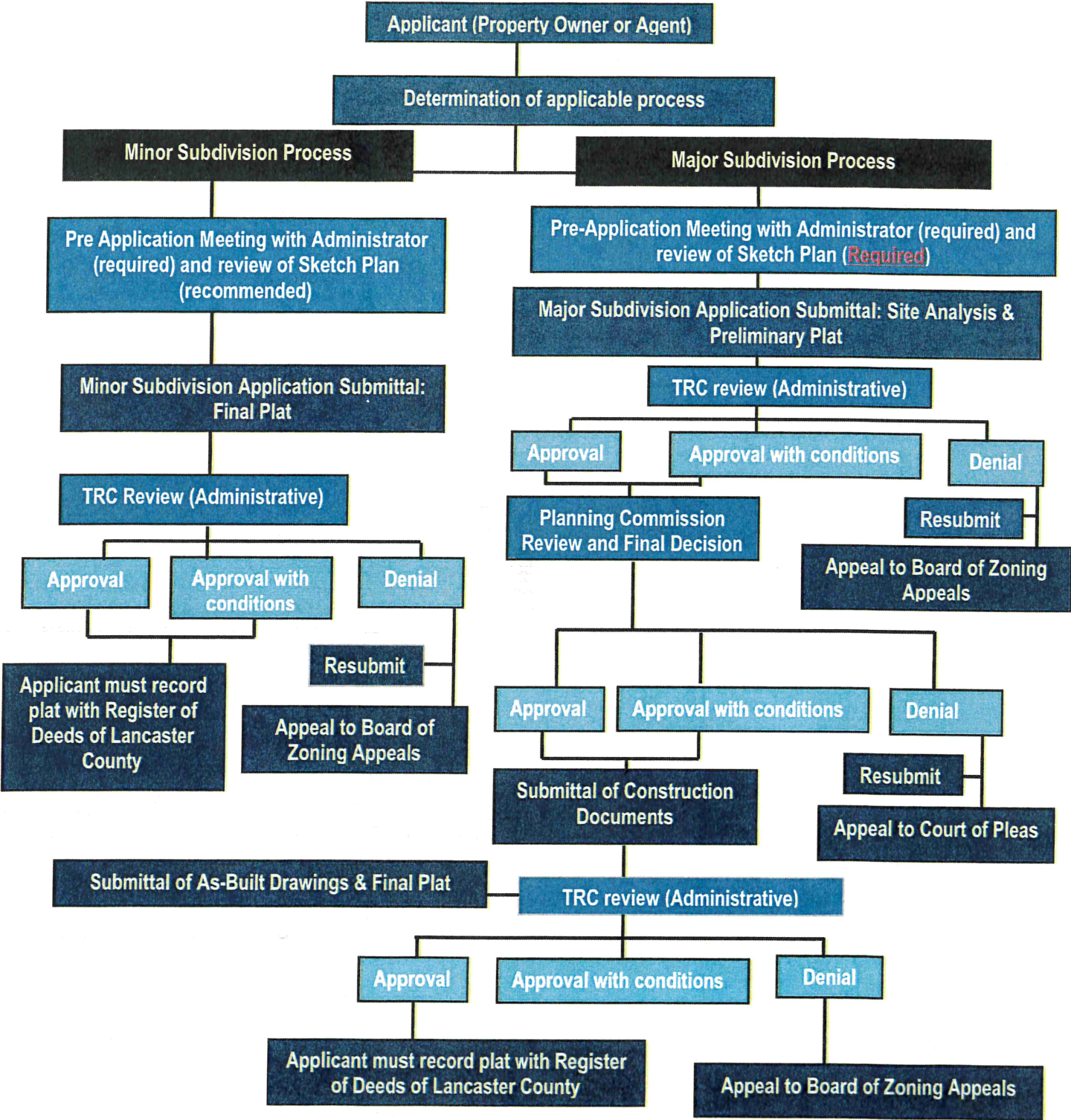
1. **Applicability:** The Site Plan process shall apply to all development types for which discretionary review is NOT required unless a discretionary review is requested by the applicant.
2. **Process Type:** Administrative.
3. **Pre-Application Procedure:** No meeting is required, but applicants are encouraged to call or visit the Administrator to determine what information is required for the application. If the site plan involves a property or properties which plan to have more than 40,000 square feet of building space a sketch will be required.
4. **Required Application Information:** Site Analysis, Preliminary Plat & Building Elevations, (may be waived by Administrator as appropriate) and a Stormwater Permit shall be required as prerequisite approvals.
5. **Determination of Compliance:** Once an application is deemed complete by the Administrator, the Administrator and TRC shall review the application and approve, deny, or approve with conditions the Site Plan based on compliance with the standards contained in this ordinance. All decisions shall be in writing. Following an approval or approval with conditions, the applicant shall be directed to prepare detailed Construction Documents for final approval by the Administrator and TRC (as necessary).
6. **Public Notification:** None required.
7. **Appeals:** Appeals of the decisions of the Administrator or TRC shall be heard by the Board of Zoning Appeals.
8. **Permit Validity:** Upon the approval of the Site Plan, the applicant shall have one year to obtain a building permit. Failure to secure building permits for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the Site Plan and any subsequent building permits.
9. **Permit Extension:** The Administrator may grant a single extension of this time period of up to one year upon submittal by the applicant of sufficient justification for the extension.

## B. MIXED-USE DISTRICT/MASTER DEVELOPMENT PLAN

1. **Applicability:** The Mixed-Use District/Master Development Plan process shall apply to all development types for which discretionary review is required, and in any other instance where discretionary review is requested by the applicant.
2. **Process Type:** Legislative.
3. **Pre-Application Procedure:** It is required that every applicant for a Mixed-Use District/Master Development Plan meet with the Administrator in a conference prior to the submittal of an application. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plats for approval. ~~It is recommended that~~ The applicant will be required provide a Sketch Plan to the Administrator prior to ~~or at~~ the pre-application conference. The provision of a sketch plan will allow the Administrator an opportunity to review the proposal before the applicant expends funds on the preparation of a detailed Site Plan.
4. **Required Application Information:** Site Analysis, Preliminary Plat & Building Elevations for Design Review (may be waived by Administrator as appropriate) and a Schematic Stormwater Design shall be required as prerequisite approvals as per the following table (Ord. No. 2017-1468, 9.25.17):

9.2.10 SUBDIVISIONS

SUBDIVISION PROCESS CHART



10. **Revisions of Plat After Approval:** Where minor lot line measurements or other minor deviations from the approved Minor Subdivision Plat occur in association with in-the-field construction adjustments, such minor modifications may be approved at the discretion of the Administrator before the plat is recorded. Changes other than minor ones associated with in the field construction adjustments shall be subject to approval by the TRC.

## B. SUBDIVISION (MAJOR) – PRELIMINARY PLAT

1. **Process Type:** Administrative.
2. **Permit Required Before Any Land Disturbing Activity:** No land-disturbing activity shall take place until a Preliminary Plat has been approved.
3. **Pre-Application Procedure:** It is required that every applicant for a Major Subdivision meet with the Administrator in a conference prior to the submittal of an application. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plats for approval. ~~It is recommended that~~ The applicant will be required to provide a Sketch Plan to the Administrator prior to ~~or at~~ the pre-application conference. The provision of a sketch plan will allow the Administrator an opportunity to review the proposal before the applicant expends funds on the preparation of a detailed Subdivision Plan.
4. **Required Application Information:** Site Analysis & Preliminary Plat and a Stormwater Permit shall be required as prerequisite approvals.
5. **Determination of Compliance:** Once an application is deemed complete by the Administrator, the TRC shall review the application and approve, deny, or approve with conditions the Preliminary Plat based on compliance with the land development standards contained in this ordinance within 65 working days of its submittal. If no action is taken by the Planning Commission within this time period, the Preliminary Plat shall be deemed approved.
6. **Public Notification:** 1, 2, and 3.
7. **Decisions:** Following an approval or approval with conditions of the Preliminary Plat by the Planning Commission, the applicant will be directed to prepare detailed Construction Documents for review by the Administrator and members of the TRC (as necessary). If the TRC disapproves or approves the Construction Documents, the reasons for such action shall be stated in writing. The applicant may make changes and submit a revised plan which revision shall be submitted, reviewed and acted on in accordance with the procedures set forth in this section. Once the applicant secures an approved Preliminary Plat and Construction Documents, the applicant will be directed to proceed to the preparation of a Final Plat.
8. **Appeals:** Appeals of the decisions of the TRC shall be heard by the Board of Zoning Appeals. Such an appeal must be made in writing within 30 days of the receipt of the decision by the property owner or the property owner's agent.
9. **Permit Validity:** Approval of a Preliminary Plat shall be valid for 2 years from the date of approval. If the approved Preliminary Plat provides for multiple phases within the subdivision, a Final Plat approval for any one phase shall extend the Preliminary Plat approval for all other phases for a period of up to 2 years from the date of the Final Plat approval for that phase. If a Final Plat approval has not been obtained prior to the end of this 2 year period, the Preliminary Plat approval shall become void.
10. **Permit Extension:** The Administrator may grant a single extension of this time period of up to one year upon submittal by the applicant of sufficient justification for the extension.