

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2019-1634

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COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND ORDINANCE 2016-1442, THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”), TO ADD UTILITIES - CLASS 3 AS A PERMITTED USE IN PROPERTY ZONED INSTITUTIONAL DISTRICT (INS) AND TO PROVIDE PROTECTION FOR THE CONTINUED OPERATION AND EXPANSION OF UTILITY FACILITIES

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) Utility facilities are vital to the infrastructure needs and the public health of the citizens, businesses, and industries within Lancaster County.
- (b) The Institutional District (INS) is intended to allow for the continued and future use, expansion, and new development of academic and religious campuses and of governmental and health facilities and to promote the many varied uses of such institutions.
- (c) Utilities Class 1 and Utilities Class 2 are currently permitted uses (P) within the Institutional District (INS)
- (d) Utilities Class 3 are appropriate facilities to allow as a permitted with review use (PR) for property zoned Institutional District (INS)
- (e) Utilities serve a vital role in promoting and protecting public health and welfare and this important purpose requires that utility facilities, once established, be allowed to operate and reasonably expand to anticipate and accommodate future utility demands without threat of being found a public or private nuisance by reason of operation or expansion and it is appropriate and necessary that utilities be granted appropriate protection from nuisance allegations as also required by State law.

Section 2. Amendment of Ordinance 2016-1442

Ordinance 2016-1442 (Unified Development Ordinance) Chapter 2.3, Districts, and Chapter 2.5 Use Table, is amended as set forth in Exhibit “A” attached hereto and incorporated herein by reference.

Ordinance 2016-1442 (Unified Development Ordinance) Chapter 10, Definitions, is amended as set forth in Exhibit “B” attached hereto and incorporated herein by reference.

Ordinance 2016-1442 (Unified Development Ordinance) Chapter 5, Use Regulations, is amended as set forth in Exhibit "C" attached hereto and incorporated herein by reference.

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.

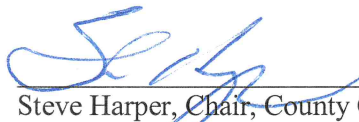
Section 5. Effective Date.

This ordinance is effective upon Third Reading.

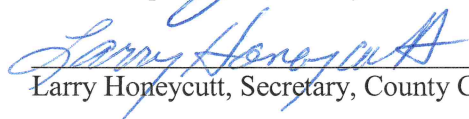
AND IT IS SO ORDAINED

Dated this 27th day of JANUARY, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

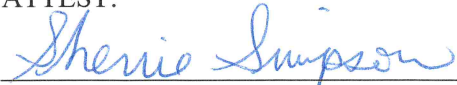


Steve Harper, Chair, County Council



Larry Honeycutt, Secretary, County Council

ATTEST:



Sherrie Simpson, Clerk to Council

First Reading: December 9, 2019
Second Reading: January 13, 2020
Public Hearing: January 13, 2020
Third Reading: January 27, 2020

Approved as to form:


John DuBose, County Attorney

EXHIBIT A

Indicates Matter Stricken
Indicates New Matter

Institutional District (INS)	<p>This Institutional District is intended to allow for the continued and future use, expansion, and new development of academic and religious campuses, and of governmental and health facilities, <u>and public and private utility infrastructure</u>. The goal is to promote the many varied uses associated with such institutions while maintaining the overall design integrity of the campus setting and minimizing any adverse impacts on the neighboring residential areas. In the attempt to meet this goal numerous requirements are included, such as but not limited to buffers, landscaping, outdoor lighting, parking, signage, building height, setbacks, open space, and the like.</p>
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J. INFRASTRUCTURE	A R	R R	R N	R U B	M H	L D R	M D R	P B	N B	G B	R B	IN S	O S P	LI	HI	M	U R	H D R	R M X	M X	IM X	RE F
Airstrip/Airport	-	-	-	-	-	-	-	-	-	-	-	P R	-	-	P R	-	-	-	-	-	-	5.1 1.1
Geothermal Energy Systems	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	5.1 1.2
Solar Energy Systems	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	5.1 1.3
Solar Farms	C U	*** *	*** *	-	-	-	-	-	-	-	-	-	-	*** *	*** *	-	-	-	-	-	-	5.1 1.4
Utilities – Class 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities – Class 2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities – Class 3	P	P	-	-	-	-	-	-	-	-	-	P R	-	P	P	-	-	-	-	-	-	5.1 1.6
Wireless Communication Facility (Concealed)	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	-	P R	P R	P R	P R	P R	P R	P R	P R	5.1 1.5
Wireless Communication Facility (Up to 60.00')	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	P R	-	P R	P R	P R	P R	P R	P R	P R	P R	5.1 1.5
Wireless Communication Facility (60.01'to 199.99')	S E	S E	S E	S E	S E	S E	S E	P R	P R	P R	P R	P R	-	P R	P R	P R	S E	S E	S E	S E	S E	5.1 1.5
Wireless Communication Facility (200' and Over)	-	-	-	-	-	-	-	-	-	-	-	-	-	S E	S E	S E	-	-	-	-	-	5.1 1.5

EXHIBIT B

Indicates Matter Stricken

Indicates New Matter

UTILITIES Facilities or systems for the distribution of gas, electricity, steam, or water, the collection, treatment and disposal of sewage or refuse; the transmission of communications; of similar functions necessary for the provision of public services. Radio transmission facilities less than 180 feet in height for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities. Utilities are divided into 3 classes:

Class 1: Distribution, transmission and collection lines (above and below ground) including electrical, solar panels, telephone/broadband internet, natural gas, waste water collection, and water distribution lines; pumping stations, lift stations, and telephone/broadband switching facilities (up to 200 square feet).

Class 2: Elevated water storage tanks; above ground natural gas facilities including regulator stations and Point of Delivery stations; package treatment plants; telephone/broadband switching facilities (over 200 square feet); substations; or other similar facilities in connection with telephone, electric, natural gas, steam, and water facilities, not including cellular communication towers.

Class 3: Generation, production, or treatment facilities such as power plants, water and sewage plants.

A utility facility, or expansion of such a facility, may not be found to be a public or private nuisance by reason of the operation of that facility if the utility facility:

(1) is operating pursuant to and in compliance with the requisite licenses, permits, certifications, or authorizations under the applicable federal and state environmental laws and county and municipal (if applicable) zoning ordinances; and

(2) commenced operations before the landowner alleging the nuisance acquired, moved onto, or improved the affected property.

If a utility facility seeks to expand its operations or facility and maintain its protected status, then the utility facility may reasonably expand its operation or facilities without losing its protected status if it is in compliance with all county, municipal, state, and federal environmental codes, laws, or regulations at the time of expansion. This protected status of a utility facility, once acquired is assignable, alienable, and inheritable, provided the utility facility is operating for the same use as when it commenced operations or a reasonable expansion thereof as provided heretofore and the protected status may not be waived by the temporary cessation of operation for a period not to exceed two years or by diminishing the size of the operation.

EXHIBIT C

~~Indicates Matter Stricken~~

Indicates New Matter

5.11.6 CLASS 3 UTILITY FACILITIES [AR, RR, INS, LI, HI]

A class 3 utility facility shall comply with the following:

- A. Buffers: A type C buffer yard is required for class 3 utility facilities.