

PICKENS COUNTY

SOUTH CAROLINA

COUNCIL MEMBERS

CHRIS BOWERS, CHAIRMAN
ROY COSTNER, VICE CHAIRMAN
ALEX SAITTA, VICE CHAIR PRO-TEM
C. CLAIBORNE LINVILL
CHRIS LOLLIS
HENRY WILSON



COUNTY ADMINISTRATOR

KEN ROPER

CLERK TO COUNCIL

MEAGAN NATIONS

SPECIAL-CALLED PICKENS COUNTY COUNCIL MEETING

Monday, March 13, 2023

6:00 PM

Council Chambers, County Administration Facility
222 McDaniel Avenue, Pickens SC 29671

All meetings of Pickens County Council are held in accordance with the South Carolina Freedom of Information Act, Section 30-4-70, *et seq.* of the Code of Laws of South Carolina, 1976, as amended, as well as the Organizational Rules for Pickens County Council.

1. WELCOME AND CALL TO ORDER: Chairman Chris Bowers
INVOCATION AND PLEDGE OF ALLEGIANCE: Councilman Alex Saitta
2. SECOND READING OF AN ORDINANCE ADOPTING A SIX MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR RESIDENTIAL LAND USE, DEVELOPMENT, OR SUBDIVISION CONCEPT PLANS, TO PROVIDE FOR AN IMMEDIATE EFFECTIVE DATE, AND TO PROVIDE FOR AN EXTENTION OF NINETY DAYS HERETO BY FURTHER RESOLUTION OF COUNCIL.
3. ADJOURN

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

First Reading: Feb. 6, 2023
Second Reading:
Third Reading:

AN ORDINANCE ADOPTING A SIX MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR RESIDENTIAL LAND USE, DEVELOPMENT, OR SUBDIVISION CONCEPT PLANS, TO PROVIDE FOR AN IMMEDIATE EFFECTIVE DATE, AND TO PROVIDE FOR AN EXTENTION OF NINETY DAYS HERETO BY FURTHER RESOLUTION OF COUNCIL

WHEREAS, Pickens County Council ("Council") is empowered to enact ordinances for the implementation and enforcement of powers granted to Council pursuant to Sections 4- 9-30, S.C. Code Ann. 1976, as amended, and to exercise such other powers as necessary to promote the health, safety and welfare of Pickens County.

WHEREAS, in response to a rapid growth in the construction of residential areas in Pickens County along with certain deficiencies in the Unified Developmental Standards Ordinance (UDSO) which may have arisen over the passage of time or otherwise need revision, Council is considering revisions of the USDO; and,

WHEREAS, unexpected and uncontrolled growth and development could overwhelm the infrastructure of Pickens County in the short and long term; and,

WHEREAS, it is in the best interest of the citizens of the whole county to have a say in present and future approval of any land development for the County; and,

WHEREAS, the Pickens County Council desires time to adequately discuss, debate and possibly implement regulations; and

NOW THEREFORE BE IT ENACTED BY THE PICKENS COUNTY COUNCIL THAT:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the County Council's initial findings of fact in support of the moratorium established by this Ordinance. Council also finds that this ordinance will:

(A) Provide the County and the Commission with an opportunity to provide time to draft and adopt amendments to the UDSO.

(B) Temporarily prevent submission of new development projects that may ultimately be in conflict with the adopted UDSO and the County Comprehensive Plan.

(C) Continue to provide the development community with predictability by allowing previously approved development proposals to advance through the review and permitting process.

Section 2. Moratorium Imposed.

(A) As of the date of the passage of this Ordinance, there is hereby imposed a moratorium on the acceptance by the County of applications for any residential subdivision which is in excess of 49 housing units.

(B) The duration of this moratorium shall be for six (6) months. Council, may by Resolution, extend this moratorium for a single additional period of 90 days. At the end of this period, said moratorium shall automatically expire unless sooner repealed.

(C) This moratorium shall have no effect upon approvals or permits previously issued or submitted prior to the introduction of this Ordinance or the pending of this Ordinance on the Council agenda. The provisions of this Ordinance shall not affect the issuance of permits or site plan reviews that have received preliminary or final plat approval by the Commission or Department.

(D) This moratorium shall also operate as a stay on the time period requirements for the reconsideration of any denied permits

Section 3. Vested Rights. The moratorium imposed in Section 2 of this Ordinance shall not apply to any rights that have vested prior to the effective date of this Ordinance.

Section 4. Invocation of the Pending Ordinance Doctrine. Council hereby invokes the pending ordinance doctrine recognized under South Carolina law, effective immediately upon first reading approval. For the type of developments addressed in this ordinance, construction permits that might have been issued in the absence of a moratorium may not be issued.

Section 5. Severability. The provisions of this moratorium ordinance are intended to be severable, and if a court of competent jurisdiction should hold any part of this ordinance invalid, unconstitutional, or otherwise unlawful, such ruling shall not affect the remainder of the ordinance, which shall remain in full force and effect.

Passed and approved, this ____ day of _____, 2023.

COUNTY COUNCIL OF PICKENS COUNTY,
SOUTH CAROLINA

Chris Bowers, Chairman of County Council
Pickens County, South Carolina

(SEAL)

Attest:

Meagan Nations, Clerk of County Council
Pickens County, South Carolina