

ORDINANCE # 2017-06

AN ORDINANCE OF THE COUNTY COUNCIL OF CLARENDON COUNTY, SOUTH CAROLINA TO AMEND THE COUNTY'S OFFICIAL ZONING MAP DESIGNATION FOR TAX MAP PARCEL #'s 087-00-01-004-00 & 086-00-01-001-00; FROM AGRICULTURE I (AGI) TO AGRICULTURE II (AGII) AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Clarendon County broad authority to provide of variety of services and functions within its jurisdiction, including but not limited to, utility planning, programming, and construction; transportation planning, programming and construction; land use planning and regulation; economic development planning and programming; and similar activities and services; and

WHEREAS, Title 6, Chapter 29, et. seq., Code of Laws of South Carolina (SCCL), the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, herein after referred to as Section 6-29, provides the statutory enabling authority for Clarendon County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, the County Council adopted a Comprehensive Plan (Ordinance 2008-12) on January 12, 2009, pursuant to the requirements of Section 6-29-510, et. seq. SCCL; and

WHEREAS, the Planning Commission (PC) is the designated local planning commission pursuant to the requirements of Section 6-29-310, et. seq. and

WHEREAS, Section 6-29-710 SCCL and Sections 91 (maps) 92 (text) of the Clarendon County Unified Development Code (UDC) provide the authority and process for Clarendon County to prepare, periodically amend and enforce land use regulations that are consistent with and implement the latest version of the adopted Comprehensive Plan; and

WHEREAS, pursuant to the requirements of Section 6-29-540, all public and private development proposals shall be reviewed by the Clarendon County Planning Commission (PC) to ensure the proposed project is compatible with and implements the latest version of the Comprehensive Plan; and

WHEREAS, the Clarendon County Planning Commission (PC) reviewed the proposed map amendment on July 18, 2017; and

WHEREAS, the County Council conducted a public hearing on September 11, 2017 as required by Section 91 (maps) of the UDC to consider the PC recommendation and comments from the interested public and subsequently voted to adopt this Ordinance.

NOW THEREFORE, BE IT ORDAINED that the Official Zoning Map of Clarendon County, South Carolina is hereby amended to change the zoning classification for the property

CERTIFIED COPY
OF ORIGINAL FILED IN THIS OFFICE

DATE 10/19/17

Beulah S. Roberts
CLERK OF COURT
CLARENDON COUNTY, SC

CLARENDON COUNTY, SC
CLERK OF COURT
BEULAH S. ROBERTS
10/19/17

described and depicted in Exhibit A and Exhibit B from Agriculture I (AGI) to Agriculture II (AGII) in conformance with the requirements stated above.

SEVERABILITY

Should any section, or provision of this ordinance be declared unconstitutional, or invalid for any reason, such declaration shall not affect the validity of the ordinance as a whole, or any part thereof, which is not specifically declared to be invalid, or unconstitutional.

EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption.

First Reading: August 14, 2017

Second Reading: September 14, 2017

Public Hearing: October 9, 2017

Third Reading: October 9, 2017

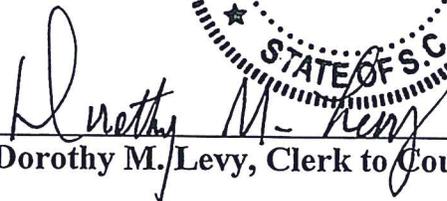
ADOPTED this 9th day of October, 2017

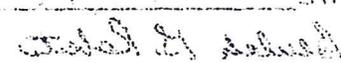
COUNTY OF CLARENDON, SOUTH CAROLINA


Dwight L. Stewart, Chairman

ATTEST:




Dorothy M. Levy, Clerk to Council

CLERK OF COURT
CLARENDON COUNTY, S.C.

DATE _____
OF ORIGINAL FILED IN THIS OFFICE
CERTIFIED COPY

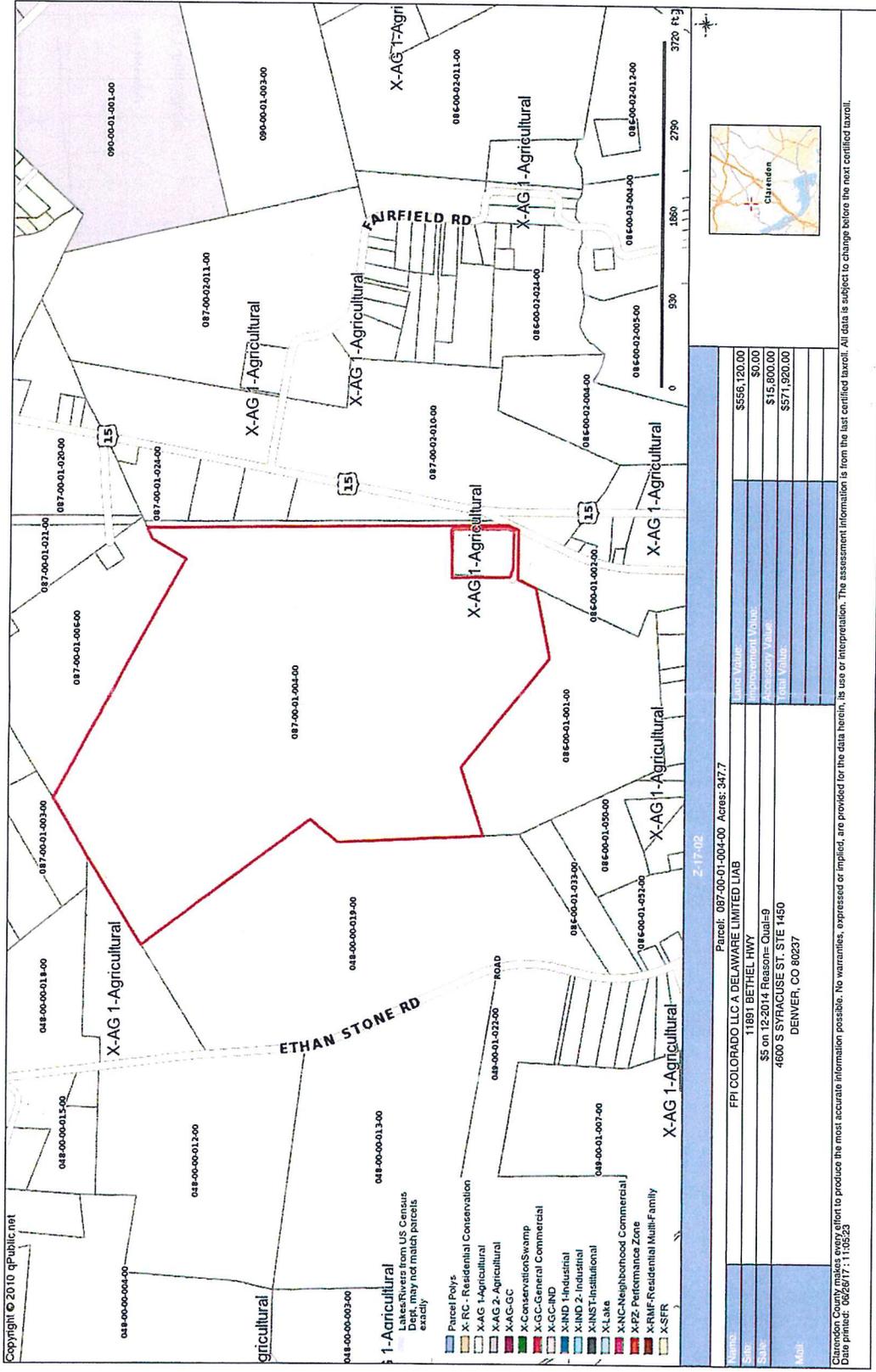
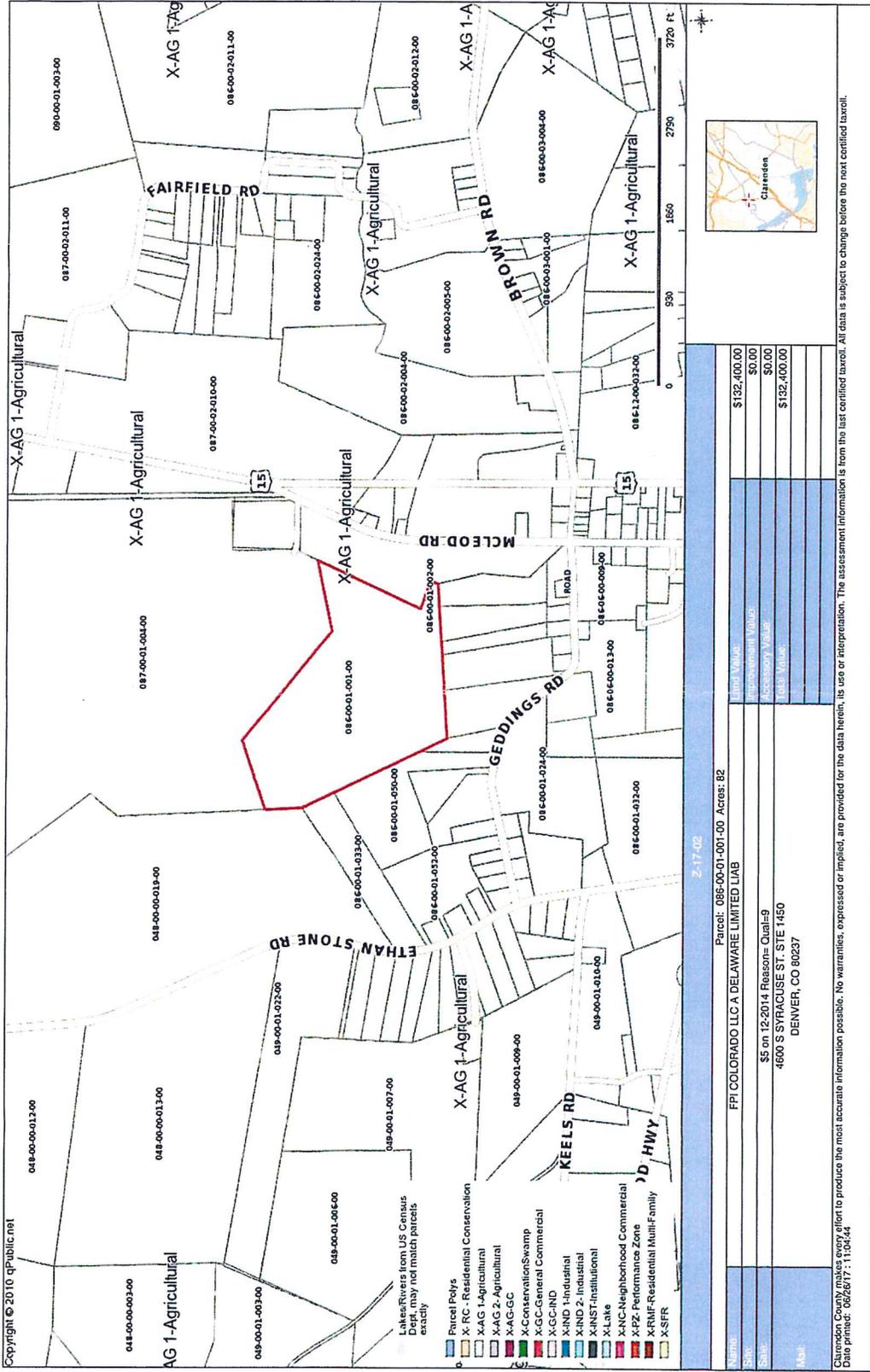


EXHIBIT B



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- Parcel Polys
- X-RC - Residential Conservation
- X-AG 1-Agricultural
- X-AG 2-Agricultural
- X-AG-GC
- X-ConservationSwamp
- X-GC-IND
- X-IND 1-Industrial
- X-IND 2-Industrial
- X-IND-F-Institutional
- X-Late
- X-NC-Neighborhood Commercial
- X-PZ-Performance Zone
- X-RMF-Residential Multi-Family
- X-SFR

Lake features from US Census Dept. may not match parcels exactly

Parcel: 086-00-01-001-00 Acres: 82	
Name:	FPI COLORADO LLC A DELAWARE LIMITED LIAB
Site:	
Value:	\$5 on 12-2014 Reason= Qual=9
Address:	4600 S SYRACUSE ST, STE 1450
City:	DENVER, CO 80237
Map:	
Land Value:	\$132,400.00
Improvement Value:	\$0.00
Accessory Value:	\$0.00
Total Value:	\$132,400.00

Citrusden County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.
 Date printed: 06/26/17 11:04:44

Clarendon County Planning Commission

411 Sunset Drive, Manning, SC 29102
Telephone: (803) 435-8672 / Fax: (803) 435-2208

REPORT

TO: Clarendon County Council Members
FROM: Maria M. Rose, PC Director *MLR*
DATE: July 20, 2017
RE: Project Z-17-02 – Zoning Reclassification of property located at
11891 Bethel Highway, North of Paxville from
Agriculture I (AGI) to Agriculture II (AGII)
Tax Map #'s 087-00-01-004-00 & 086-00-01-001-00
Property Owner: FPI Colorado LLC
Applicant: Strata Solar LLC

BACKGROUND:

Strata Solar requested this zoning amendment to the Official Zoning Map adopted on September 12, 2011 to permit the placement of a solar farm on the subject parcel. The land use proposed, a solar farm, is not permitted in the Agriculture I district. The total parcel area is approximately 429.7 acres. There are no improvements currently located on the property.

Current South Carolina case law places the burden of proof on the applicant to show by “clear and convincing evidence” the proposed change should be made. The County is not obligated to make a map change unless it determines the applicant has submitted enough evidence to warrant the requested change.

Comprehensive Plan Consistency

The Comprehensive Plan Policies listed below apply to the applicant’s request. The citations apply to the current County Comprehensive Plan as adopted on January 12, 2009.

Economic Development Element

Goal - To manage the development of Clarendon County’s economy by increasing employment opportunities, including but not limited to, supporting existing business growth and attraction of new high technology industries....



Web: clarendoncountygov.org

The Development Board supports the solar farm industry as new technology that broadens the county's economic base. In addition, the production of green energy promotes sustainability.

Land Use Element

Objective A, Policy A-1 - The County will re-evaluate established development regulations that preserve agricultural areas as a reserve area,until it can be demonstrated that market place conditions have changed enough that a more intensive land use is justified. An amendment to the UDC was adopted by the County on February 16, 2016 permitting solar farms in the Agriculture II district. This change to the UDC satisfies this objective of the Comprehensive Plan and established solar farms as a permitted more intensive land use.

Compatibility With Land Uses In The Surrounding Area

The adjacent properties to the north, west and east are undeveloped, woodlands and agricultural lands in nature and in the AG I district. There are single-family residential properties adjacent to the south of the smaller parcel. Compatibility between the residential properties and the solar farm can be achieved through the installation of a green buffer between these properties.

RECOMMENDATION:

In conformance with the requirements of Section 91 of the Unified Development Code, the Planning Commission based their decision on the findings of fact and recommends County Council deny the amendment to the official zoning map as requested by Strata Solar (Project # Z-17-02) to change the zoning district designation for Tax Map parcel #'s 087-00-01-004-00 & 086-00-01-001-00 from Agriculture I (AGI) to Agriculture II (AGII). After hearing and receiving information from Strata Solar, adjacent property owners and the Mayor of Paxville, the Commission found:

1. The proposed change would not correct a deficiency in the Official Zoning Map adopted on September 12, 2011.
2. The proposed Agriculture II zoning is not consistent with the Comprehensive Plan adopted by Clarendon County.
3. The permitted and proposed uses are not compatible with the land uses in the surrounding area.
4. There is not enough evidence to justify the proposed map change.



Lakes/Rivers from US Census Dept. may not match parcels exactly



Parcel: 087-00-01-004-00 Acres: 347.7	
Name:	FPI COLORADO LLC A DELAWARE LIMITED LIAB
Site:	11891 BETHEL HWY
State:	SS on 12-2014 Reason= Qual=9
Addr:	4600 S SYRACUSE ST, STE 1450 DENVER, CO 80237
Area Value:	\$558,120.00
Improvement Value:	\$0.00
Accessory Value:	\$15,800.00
Total Value:	\$571,920.00

Clarendon County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.
Date printed: 05/28/17; 09:01:32



2-17-02	
Parcel: 085-00-01-001-00 Acres: 82	
Name:	FPI COLORADO LLC A DELAWARE LIMITED LIAB
Site:	\$5 on 12-2014 Reason= Qual=9
Value:	4600 S SYRACUSE ST. STE 1450 DENVER, CO 80237
Map:	
Lot Value:	\$132,400.00
Improvement Value:	\$0.00
Assessed Value:	\$0.00
Total Value:	\$132,400.00



Shannon County assesses every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.