

ORDINANCE # 2019-01

AN ORDINANCE OF THE COUNTY COUNCIL OF CLARENDON COUNTY, SOUTH CAROLINA TO AMEND THE COUNTY'S OFFICIAL ZONING MAP DESIGNATION FOR TAX MAP PARCEL # 185-00-03-003-00; FROM PERFORMANCE ZONE (PZ) 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 2018-11) on December 10, 2018, 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 February 19, 2019 and made findings of fact that the proposed amendment conforms to the requirements of the Comprehensive Plan and recommended the County Council adopt this Ordinance; and

WHEREAS, the County Council conducted a public hearing on April 8, 2019 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.

**CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE
DATE 5/24/19
Beulah S. Roberts
CLERK OF COURT
CLARENDON COUNTY, SC**

2019 MAY 24 AM 11:44
Beulah Roberts, Clerk-Clarendon S.C.

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 described and depicted in Exhibit A from Performance Zone (PZ) 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: March 11, 2019

Second Reading: April 8, 2019

Third Reading: May 13, 2019

Public Hearing: April 8, 2019

ADOPTED this 13th day of May, 2019

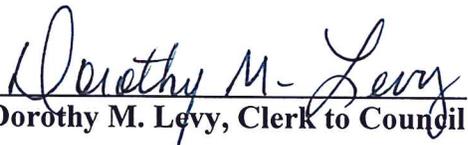
COUNTY OF CLARENDON, SOUTH CAROLINA



Dwight Stewart, Chairman



ATTEST:

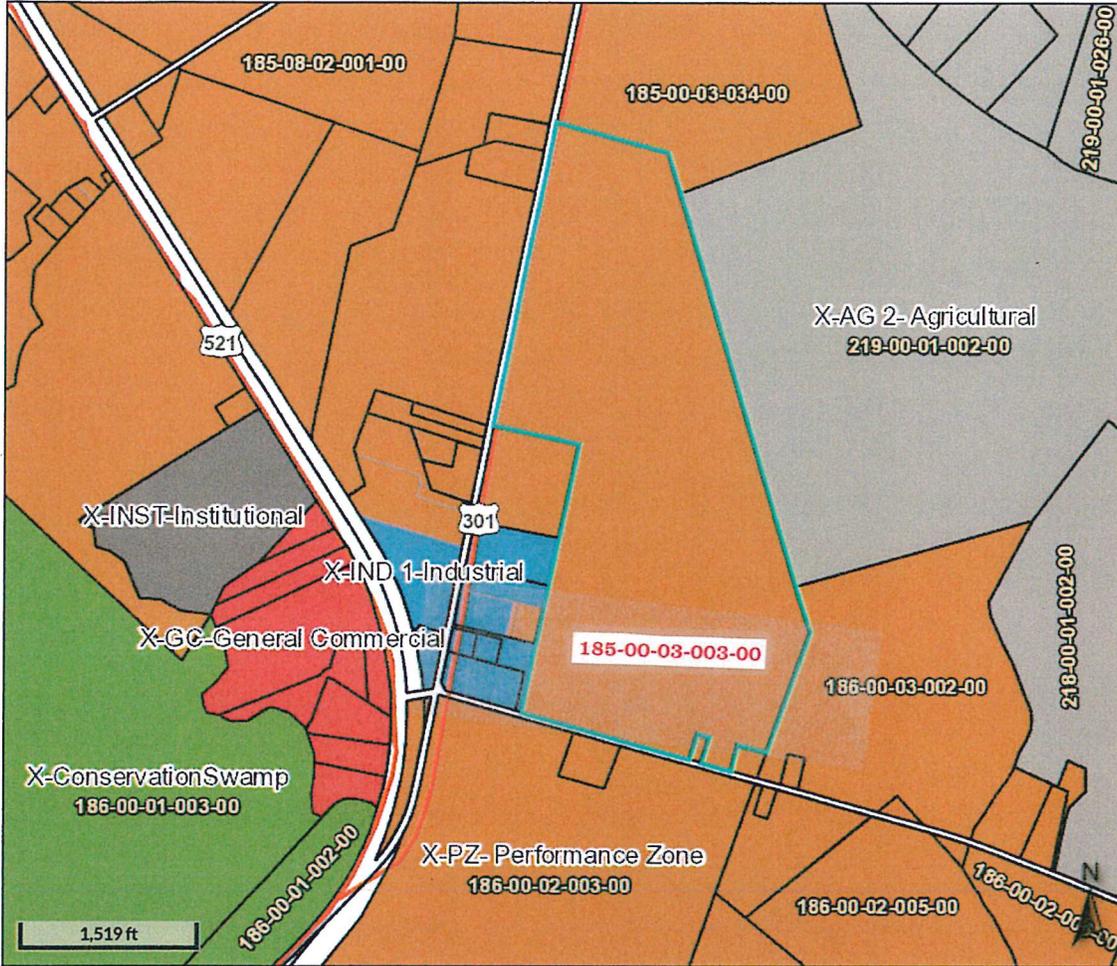


Dorothy M. Levy, Clerk to Council

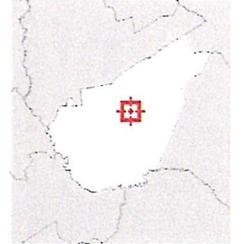


ORDINANCE 2019-01 EXHIBIT A

Z-19-01



Overview



Legend

- Parcels
- Parcel Numbers
- Roads
- Zoning**
- Parcel Polys
- X- RC - Residential Conservation
- X-AG 1-Agricultura
- X-AG 2- Agricultura
- X-AG-GC
- X- ConservationSwar
- X-GC-General Commercial
- X-GC-IND
- X-IND 1-Industrial
- X-IND 2- Industrial
- X-INST-Institution:
- X-Lake
- X-NC-Neighborho Commercial
- X-PZ- Performance Zone
- X-RMF-Residentia Multi-Family
- X-SFR

Parcel ID	185-00-03-003-00	Alternate ID	9014	Owner Address	ALDERMAN JAMES F 10501 TYNE COURT CHARLOTTE, NC 282107703	Last 2 Sales Date	10/9/1997	Price	0	Reason	n/a	Qual	U
Sec/Twp/Rng Property Address District	// 20 District 20	Class	QUALIFIED AG USE 4%				n/a	0	n/a	n/a	n/a		

Brief Tax Description 201.7 ACRES
 (Note: Not to be used on legal documents)

Date created: 2/21/2019
 Last Data Uploaded: 2/21/2019 1:18:12 AM

Clarendon County Planning Commission

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

M E M O

TO: CLARENDON COUNTY COUNCIL MEMBERS

FROM: MARIA ROSE, PC DIRECTOR *MR*

DATE: FEBRUARY 21, 2019

**SUBJECT: ZONING MAP AMENDMENT RECOMMENDATION
ORDINANCE #2019-01**

The Clarendon County Planning Commission voted unanimously at their February 19, 2019 meeting to recommend County Council consider and adopt the attached amendment to the official Clarendon County Zoning Map.

The Commission respectfully requests this amendment be placed on the March 11, 2019 County Council agenda for consideration and first reading. If you have any questions, please do not hesitate to call me.

Thank you.



Web: clarendoncountygov.org

Clarendon County Planning Commission

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REPORT TO COUNTY COUNCIL

TO: Clarendon County Council
FROM: Maria M. Rose, PC Director *MR*
DATE: February 21, 2019
RE: Project Z-19-01 – Zoning Reclassification of property located at Juneburn Road and Highway 301, North of Manning from Performance Zone (PZ) to Agriculture II (AGII)
Tax Map # 185-00-03-003-00
Property Owner: James F. Alderman
Applicant: Bonefish Solar LLC

BACKGROUND:

Pine Gate Renewables 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 Performance Zone district. The total parcel area is approximately 201.7 acres. There are no improvements currently located on the property. The Planning Commission reviewed this request at their Tuesday, February 19, 2019 meeting.

A copy of ordinance 2019-01 to rezone the subject site is attached for your review. A map of the subject site is attached as Exhibit A of the ordinance.

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

Solar farms are not specifically mentioned in the Strategic Plan Goals and Objectives of the County Comprehensive Plan as adopted on December 10, 2018. A solar farm would not be in conflict with the Comprehensive Plan and may promote the following goal and objective:

Goal 1: Encourage sustainable and efficient growth that preserves Clarendon County’s character and promotes its assets.



Web: clarendoncountygov.org

Objective 1.6: Encourage environmentally-sustainable practices and conserve natural assets.

Compatibility With Land Uses in the Surrounding Area

The adjacent properties to the north, south and east are undeveloped, woodlands and agricultural lands in nature and in the AG I district. There is a single-family residential property adjacent to the southeastern corner of the parcel. Properties to the west of the parcel are industrial/commercial and public assembly. Compatibility between the properties and the solar farm can be achieved through the installation of a green buffer between properties where necessary.

RECOMMENDATION:

In conformance with the requirements of Section 91 of the Unified Development Code, the Planning Commission recommends County Council amend the official zoning map as requested by Bonefish Solar (Project # Z-19-01) to change the zoning district designation for Tax Map parcel # 185-00-03-003-00 from Performance Zone (PZ) to Agriculture II (AGII) based on the following findings of fact:

1. The proposed Agriculture II zoning is consistent with the Comprehensive Plan adopted by Clarendon County.
2. The existing and proposed uses are compatible with the land uses in the surrounding area.