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Beulah B. Roberts
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CLARENDON COUNTY, SC

BEULAH G. ROBERTS
CLERK OF COURT
CLARENDON COUNT SC
2016 FEB 16 P 1:53

ORDINANCE # 2015-08

AN ORDINANCE OF THE COUNTY COUNCIL OF CLARENDON, SOUTH CAROLINA TO AMEND CLARENDON COUNTY ORDINANCE # 2011-05 A/K/A THE COUNTY'S UNIFIED DEVELOPMENT CODE.

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 a 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, hereinafter 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 6-29-310, 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., SCCL; and,

WHEREAS, Section 6-29-710 SCCL and Sections 91 (maps) and 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, the Clarendon County Planning Commission (PC) reviewed the proposed text amendments on November 17, 2015 and made findings of fact that the proposed amendments conform 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 January 11, 2016 as required by Section 91 (maps) and 92 (text) 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 UDC of Clarendon County, South Carolina is hereby amended as described in Exhibit A 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

Exhibit A of this ordinance shall take effect immediately upon adoption.

First Reading: December 14, 2015 Second Reading: January 11, 2016

Third Reading: February 8, 2016 Public Hearing: January 11, 2016

ADOPTED THIS 8th Day of February, 2016

COUNTY OF CLARENDON, SOUTH CAROLINA

Dwight Stewart, Chairman

ATTEST:

Dorothy Levy, Clerk to Council

CLARENDON COUNTY COUNCIL OFFICIAL SEAL STATE OF S.C.

EXHIBIT A

UDC AMENDMENTS AS RECOMMENDED BY THE PC

ARTICLE III: **AMEND** the following:

ARTICLE III, PERMITTED, CONDITIONAL AND ACCESSORY USES

Section 32.03, Table III-3

Add ***Light Industrial*** as a Permitted Use in GC, IND I & IND II and as an Allowable (AL) use in PZ.

Add ***Solar Energy System/Solar Farm*** as a Permitted Use in AG II, IND I, IND II, INS and as an Allowable (AL) use in PZ.

Section 33.03 Animal waste lagoons

Delete (b) and (c) of the following and change the existing (d) to the new (b):

The purpose of this section is to comply with the provisions of Title 46, Chapter 45 of the South Carolina Code of Laws, the "Right to Farm Act," 47-4-160 of the South Carolina Code of Laws, and relevant regulations, such as, R.61-43, Standards for Permitting of Agricultural Animal Facilities:

(a) The application shall show the exact location of the proposed lagoons on an aerial photograph at a scale of no greater than 1 inch to 400 feet prepared by a SC licensed surveyor;

~~(b) Neither a residence, place of worship, a public school structure, a commercial structure nor an industrial structure shall locate within 1500 feet of an existing animal waste lagoon;~~

~~(c) The separation requirements of (c) shall not apply to the owner's residence;~~

(b) All state and federal permits have been received and are in place.