

ORDINANCE NO. 274.2016

AN ORDINANCE OF THE COUNTY COUNCIL OF KERSHAW COUNTY, SOUTH CAROLINA TO AMEND THE COUNTY'S OFFICIAL ZONING MAP DESIGNATION FOR TAX PARCEL #322-03-00-019-S26 FOR HEDWIG HAMILTON FROM R-15 to B-2 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 Kershaw 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, herein after referred to as Section 6-29, provides the statutory enabling authority for Kershaw County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, the County Council adopted a Comprehensive Plan on August 14, 2007 pursuant to the requirements of Section 6-29-510, et. seq. SCCL; and

WHEREAS, the Planning and Zoning Commission 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 Article 6 of the Kershaw County Unified Code of Zoning and Land Development Regulations provide the authority and process for Kershaw County to prepare, periodically amend and enforce zoning 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 Kershaw County Planning and Zoning Commission to ensure the proposed project is compatible with and implements the latest version of the Comprehensive Plan; and

WHEREAS, the Kershaw County Planning and Zoning Commission reviewed the proposed map amendment on February 08, 2016 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 Planning and Zoning Commission conducted a public hearing on February 08, 2016 as required by Article 6 of the Kershaw County Unified Code of Zoning and Land Development Regulations to consider the comments from the interested public and subsequently voted to recommend this Ordinance to County Council.

NOW THEREFORE, BE IT ORDAINED that the Official Zoning Map of Kershaw County, South Carolina is hereby amended to change the zoning classification for the property shown as TMS# 322-03-00-019-S26 from R-15 to B-2 in conformance with the requirements stated above.

SEVERABILITY

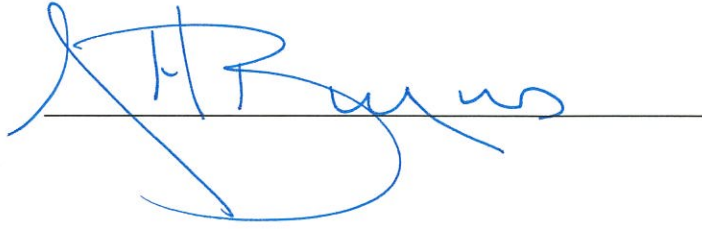
Should any section or provision of this ordinance be declared unconstitutional, or invalid for any reason, such declaration shall not affect the validity of the ordinance as a whole, or any part thereof, which is not specifically declared to be invalid, or unconstitutional.

EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption.

ADOPTED THIS 12th DAY OF APRIL, 2016

KERSHAW COUNTY, SOUTH CAROLINA



ATTEST:

Merri M. Seigler
Merri M. Seigler
Clerk to Council

First Reading March 8, 2016
Second Reading March 22, 2016
Third Reading April 12, 2016

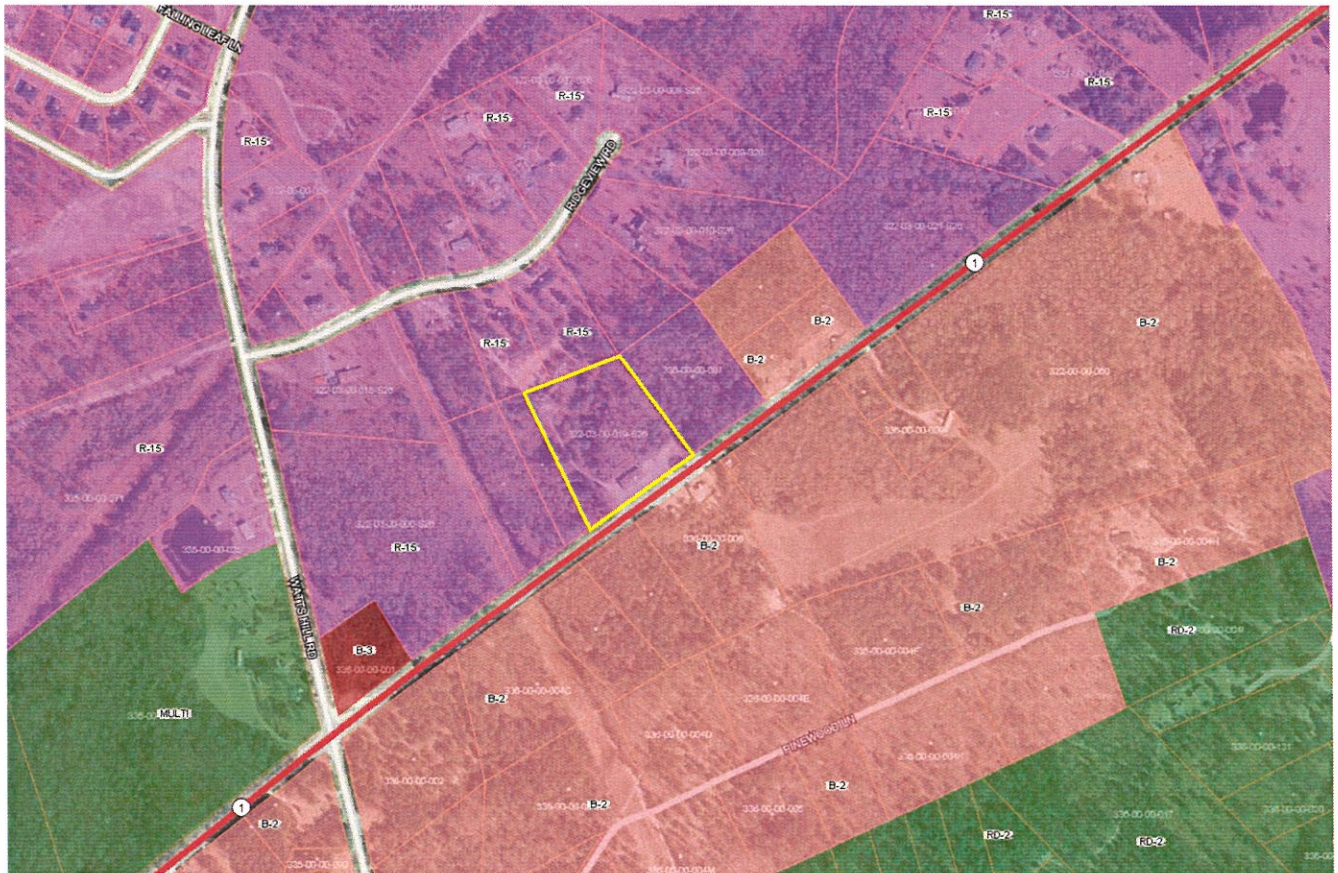
Kershaw County Planning and Zoning Commission



APPLICATION FOR A ZONING MAP AMENDMENT STAFF REPORT TO THE PLANNING COMMISSION

MAP AMENDMENT NUMBER: 16-02

HEARING DATE: February 8, 2016



A. LOCATION OF PROPERTY

1. Name of Community: Elgin
2. Address: 2108 Highway 1 South
3. TMS# 322-03-00-019-S26
4. Subdivision (if applicable): Ridgeview
5. Water and/or Sewer District: Water – Lugoff-Elgin Sewer: Septic Tank
6. Name and Distance to Nearest Municipality: Approximately 2 miles from the center of Elgin

B. PROPERTY OWNER/APPLICANT: Hedwig Hamilton, Applicant

C. ZONING

1. Present Zoning Classification: R-15 (Single-Family Residential)
2. Proposed Zoning Classification: B-2 (General Business District)

B-2 (General Business District) The B-2 district is intended to provide for the development and maintenance of commercial and business uses strategically located to serve the traveling public, the community, and the larger Midlands region. Toward this end, a wide range of business and commercial uses are permitted herein.

D. BACKGROUND AND DISCUSSION

Long before Kershaw County adopted zoning and land development regulations, the building on this site housed various commercial enterprises. When countywide zoning went into effect in 2000, the property was zoned R-15, single-family residential. Under nonconformity or “grandfather” provisions of the Ordinance, the same or a more conforming activity may continue on the property as long the use was not discontinued for more than 365 days. The former business, Rebound Sports Bar, closed and the building was unoccupied for more than a year. As a result, the nonconforming status was lost. Ms. Hamilton, the owner, would like to repair the building which was extensively damaged in the October flood, and reopen it as a commercial use. In order to do so, she is requesting it be rezoned to B-2, General Business zoning. Note that the building had lost its nonconforming status before the October flood.



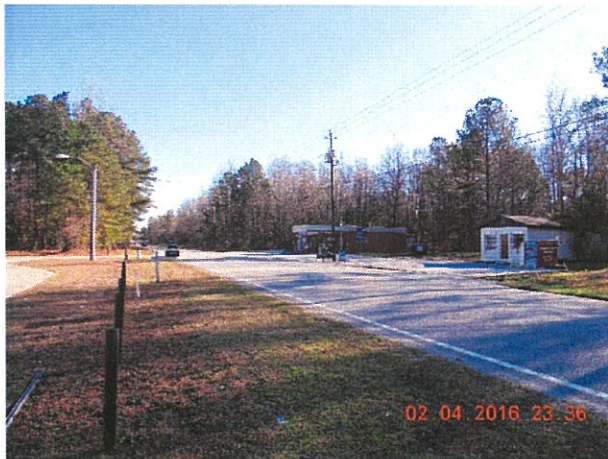
E. SUBJECT PROPERTY LAND USE

The current land contains a severely damaged concrete building. The property is 4.1 acres in size.



F. VICINITY ZONING AND LAND USE

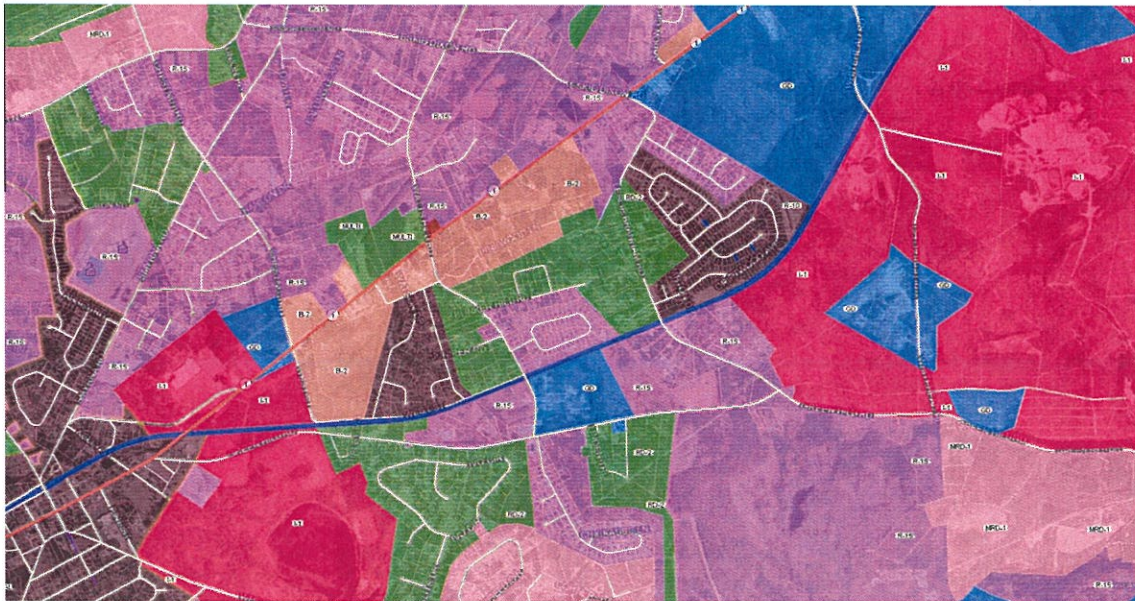
- NORTH – Ridgeview Subdivision, Zoned R-15
- EAST – An R-15 lot directly adjacent to the east with three B-2 lots adjacent to that
- SOUTH – An extensive expanse of B-2 zoned property
- WEST – After three R-15 lots, a B-3 lot, several B-2 lots, and then the commercially zoned lots in the Town of Elgin



G. ZONING ANALYSIS

The subject parcel is surrounded by traditionally zoned and used residential and B-2 properties. Rezoning this parcel would create a pocket of commercial zoning and uses along Highway 1

south of Camden and north of Elgin. These commercial packets are common along major connective arteries like Highway 1. The most appropriate zoning for the subject parcel being consistent with the future land use map would be B-2.



H. CONFORMANCE WITH COMPREHENSIVE PLAN

The proposed site is located within an Economic Development (ED) land use area on the Future Land Use Map.

ED – ECONOMIC DEVELOPMENT AREAS

Areas so designated contain principally the full range of business, commercial, employment, industrial, institutional, and service uses, and are projected to accommodate the bulk of such development in the future. This designation does not exclude prospects for residential development, however. Residential development located within ED areas could shorten the time and distance between the work place and home. As infrastructure development is most intense in the ED areas, higher density residential developments are more appropriate. Many existing residential developments are located in ED designated areas. The principals applied to residential development areas will also apply to residential enclaves within in the ED areas. Also, some land currently devoted to the equine industry can be found within areas generally designated as Economic Development areas. This is especially the case in the Economic Development areas around the City of Camden. These equine centers are a vital component of Kershaw County’s economic development and should be protected and preserved by applying the same principles utilized to protect such areas in Rural Resource Development Areas.

Policies promoting compatible mixed uses should be further pursued. Businesses providing neighborhood-oriented goods and services can be conveniently located in proximity to residential neighborhoods that are protected from any negative impacts of sight, sound, and smell through performance zoning criteria. In the general commercial business districts,

residential apartments over shops afford live-work-shop opportunities and reduce automobile dependence.

The proposed rezoning meets these objectives.

PG-1: *Channel projected population gains into areas of the County best suited to accommodate growth, i.e. areas with existing and/or planned infrastructure, and away from rural areas and natural resources.*

CF-2: *Coordinate the provision of community facilities to coincide with the projected needs of development.*

The proposed rezoning meets these objectives.

Economic Development Strategies – Product Development: *Developing product and their locations in the County will have potential for development of various types of business and industry.*

The proposed rezoning meets these objectives.

HG-3: *Protect and maintain the existing supply of quality housing and residential environs.*

HG-4: *Channel most projected housing into defined “development areas” with essential support facilities.*

The parcel proposed for rezoning is located on the perimeter of the Ridgeview Subdivision. However, this section of the subdivision along Highway 1 South has not been developed into residential uses. The property across Highway 1 from the subject parcel is zoned B-2, containing both undeveloped parcels and ongoing commercial businesses. The building on the subject property is located at the front of the property close, to the highway and is not near the homes of the subdivision behind and up the hill. Given these considerations, the proposed rezoning would not appear to infringe on the residential development in the area. It must also be noted that some B-2 zoning is located to the west and extensive B-2 zoning is located once one enters the Town of Elgin.

LU-2: *Maintain a balanced environment providing for both rural and urban lifestyles.*

LU-3: *Deal effectively with projected growth and development – to enhance the outcome and promote land use compatibility.*

LU-4: *Coordinate infrastructure with development.*

The proposed rezoning meets these objectives.

I. STAFF ANALYSIS AND RECOMMENDATION

The proposed zoning is in compliance with the preponderance of the applicable Comprehensive Plan policy goals.

Staff recommends that the Planning and Zoning Commission approve the rezoning of the property from R-15 to B-2.

STAFF REPORT TO COUNTY COUNCIL

On February 08, 2016, the Planning and Zoning Commission held a public hearing on the request of Hedwig Hamilton to rezone land at 2108 Highway 1 South consisting of approximately 4.1 acres from R-15 single-family residential zoning to B-2 general business district.

During the hearing, Michael Conley, Senior Planner, gave the Staff Report and recommended approval of the rezoning. No one was present or spoke in opposition of the rezoning request. Frank Merz, representing the present business, spoke outlining the possible site improvements and a desire to return the property to commercial use. Hedwig Hamilton, applicant, spoke detailing the history of the property and surrounding parcels.

After staff discussion Henry Walker motioned to recommend the Planning Commission approve the rezoning of the property from R-15 to B-2 zoning. Curtis Blackmon seconded the motion. On 5-0 vote, the motion to approve the rezoning passes.