

ORDINANCE NO. 283.2016

AN ORDINANCE OF THE COUNTY COUNCIL OF KERSHAW COUNTY, SOUTH CAROLINA TO AMEND THE COUNTY'S OFFICIAL ZONING MAP DESIGNATION FOR TAX PARCEL #272-13-00-100 FOR RANDY BOCK FROM MRD-1 to R-15 AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 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 June 13, 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 June 13, 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# 272-13-00-10 from MRD-1 to R-15 in conformance with the requirements stated above.

SEVERABILITY

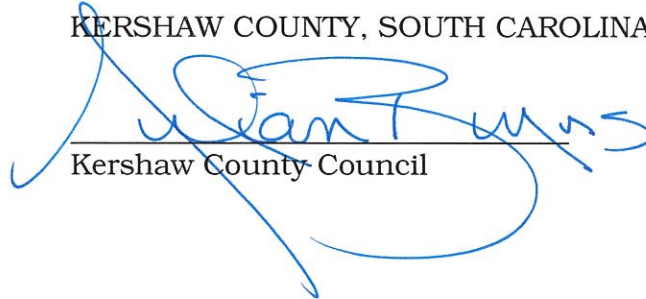
Should any section or provision of this ordinance be declared unconstitutional, or invalid for any reason, such declaration shall not affect the validity of the ordinance as a whole, or any part thereof, which is not specifically declared to be invalid, or unconstitutional.

EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption.

ADOPTED THIS 9th DAY OF AUGUST, 2016

KERSHAW COUNTY, SOUTH CAROLINA



Kershaw County Council

ATTEST:



Merri M. Seigler
Clerk to Council

First Reading	June 28, 2016
Second Reading	July 12, 2016
Third Reading	August 9, 2016

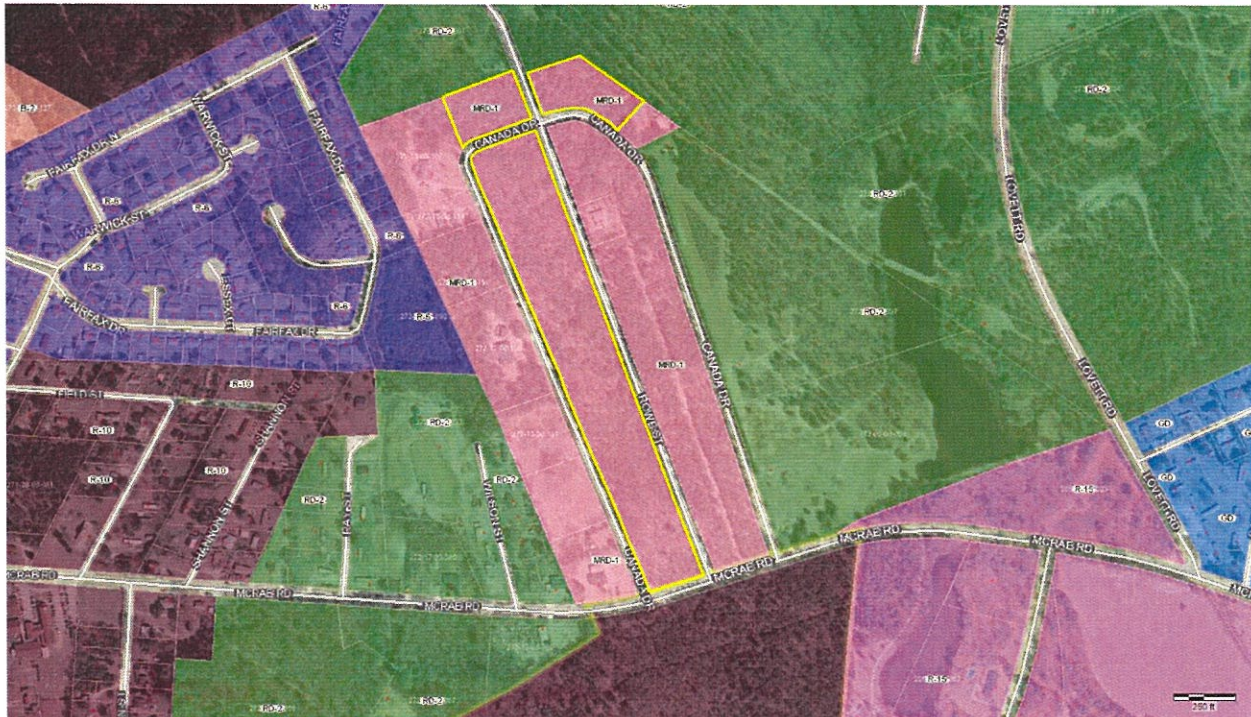
Kershaw County Planning and Zoning Commission



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

MAP AMENDMENT NUMBER: 16-06

HEARING DATE: June 13, 2016



A. LOCATION OF PROPERTY

1. Name of Community: East Camden
2. Address: 1876 McRae Road
3. Subdivision (if applicable): NA
4. Water and/or Sewer District: Water – Camden Water Sewer – Septic Tanks
5. Name and Distance to Nearest Municipality: less than a mile to the Camden City limits

B. PROPERTY OWNER/APPLICANT

Clarence Canada, Property Owner
Randy Bock, Applicant

C. ZONING

1. **Present Zoning Classification:** MRD-1 (Rural Resource District)
2. **Proposed Zoning Classification:** R-15 (Low Density, Single-Family Residential District)

D. BACKGROUND AND DISCUSSION

The residential home builder, Randy Bock, approached the county about possibly purchasing the property to develop into single family residential housing. The property at present is zoned MRD-1 (rural resource district). In March of this year, Mr. Bock purchased the adjacent property that mirrors the subject parcel along Rowe Street. In order to protect the interest of future property owners, the developer discussed with the County about possibly rezoning the property to residential zoning. If the property stays MRD-1 zoning, minimum lot size would be 1 acre of land. If the property is allowed to be rezoned to R-15, minimum lot size would be 15,000 square feet with all utilities, however the developer will not be offering sewer so the minimum allowable lot sizes will be ½ acre. The parcel at this time is undeveloped vacant land. The parcel is contiguous to single family zoning across McRae Road. The applicant's intentions are to build single family stick built homes along Rowe Street and Canada Drive.



E. SUBJECT PROPERTY LAND USE

The current land sits vacant and undeveloped. The 15.5 total acres of land is vacant wooded property.

F. VICINITY ZONING AND LAND USE

NORTH – A mixture of mainly rural zoning (RD-2) and residential zoning districts.

EAST – A mixture of mainly rural zoning (RD-2) and residential zoning districts.

SOUTH – Mostly residential zoning district (R-15), Camden city limits and a pond.

WEST – Is a combination of single family residence districts and a commercial corridor along US Highway 1.

G. ZONING ANALYSIS: The subject parcel is on the northern edge of suburban growth with rural properties to the north and east and single family residential pushing from the south and west. The majority of the single family residence being built are site built or modular zoned residences. With the area in transition and the property being contiguous to single family zoning, the most appropriate zoning for the subject parcel would be R-15, as requested.

H. FUTURE LAND USE MAP

The subject property is located within an area designated for Residential Development on the Future Land Use Map.

RD - RESIDENTIAL DEVELOPMENT AREAS

In unincorporated Kershaw County, residential development is typically characterized by suburban developments beginning on the periphery of the urban core and spreading outward into the incorporated areas of the County, although some suburban areas are under municipal jurisdiction. Also included in the Residential Development land use classification are the associated non-residential uses that support the residents such as institutional, retail and office commercial, and service businesses. Regional commercial centers and industrial development would typically be reserved for areas receiving Economic Development land use classifications. Also areas designated for Conservation and Protection (CP) land uses can be found within areas generally designated as Residential Development areas.

Staff Analysis

This low density residential development is in compliance with the Future Land Use Map being located in residential development area.

I. APPLICABLE COMPREHENSIVE PLAN GOALS AND OBJECTIVES

Comprehensive Plan Objective on Infill Housing

“Infill opportunities will be predominantly on vacant lots or underutilized land. Infill houses in residential areas should be compatible with existing housing types while incorporating the desired modern amenities, style, and decors. This means that the predominant housing type will be the single-family detached unit. Town houses, apartments, and other higher density units should be encouraged in locations where they can appropriately blend into the fabric of the neighborhood. This can be accomplished through re-zoning, density bonuses, and other regulatory strategies.”

Staff Analysis

The proposed project meets the objectives of infill housing. This low density blends with the existing residential housing in the area.

Comprehensive Plan Goals on Adequate Public Facilities

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

Staff Analysis

The proposed project meets these planning objectives in that it is placing housing in an area of the County that is not already over-stressed with traffic and over-stretched services.

J. STAFF ANALYSIS AND RECOMMENDATION

As the City of Camden pushes its boundaries east along Highway 1, the Rural Resource District (RD-2 and MRD-1) will naturally be pushed out further from the town center or further away from higher density properties. RD-1, RD-2 and MRD-1 are by description a valued agricultural land, woodland, wetland and other resource that is important to clean water, air and other natural cycles. Generally speaking rural districts have larger lots with less density and are commonly used for agriculture. Low density single family residential zoning is contiguous to the property. The area is mainly made up of single family developments.

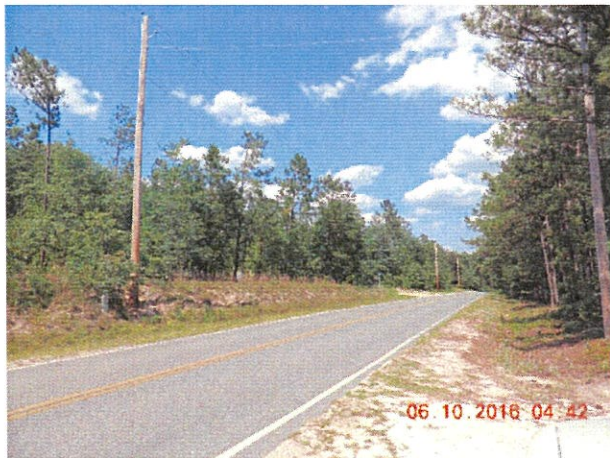
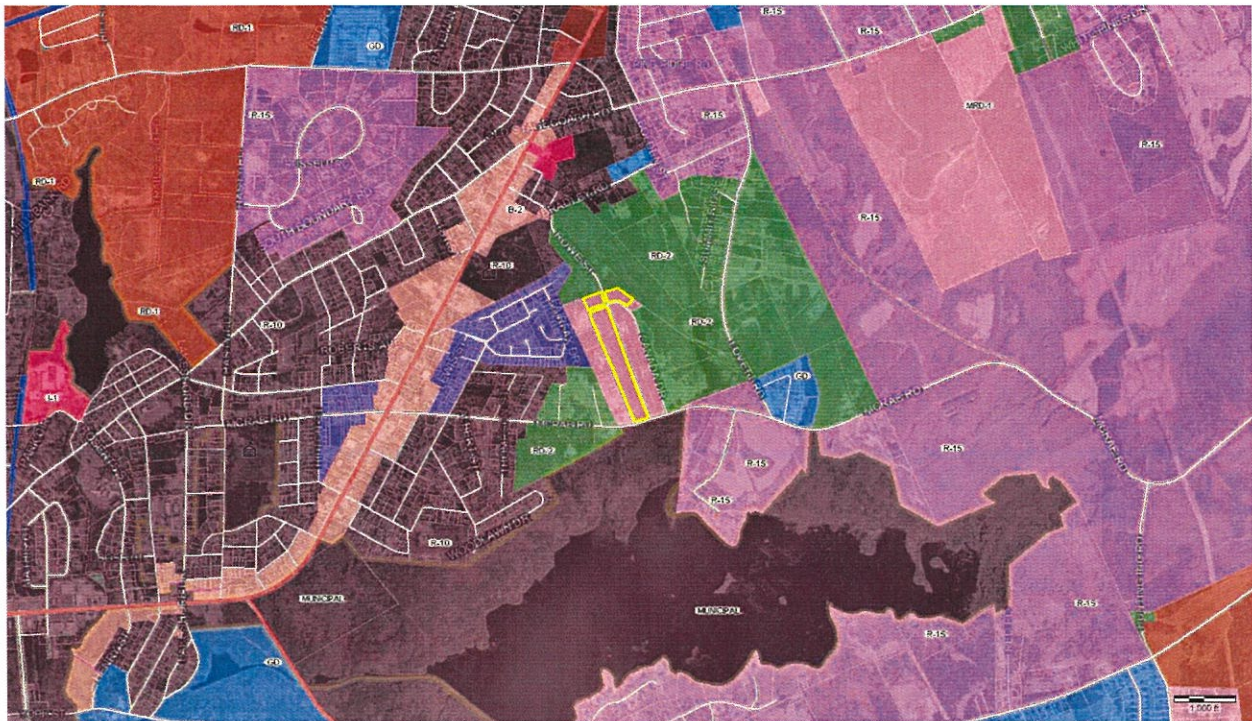
The planning staff used to two different criteria to analyze the rezoning request.

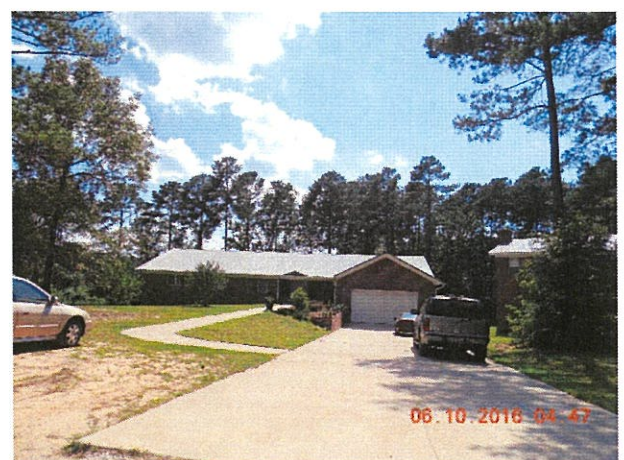
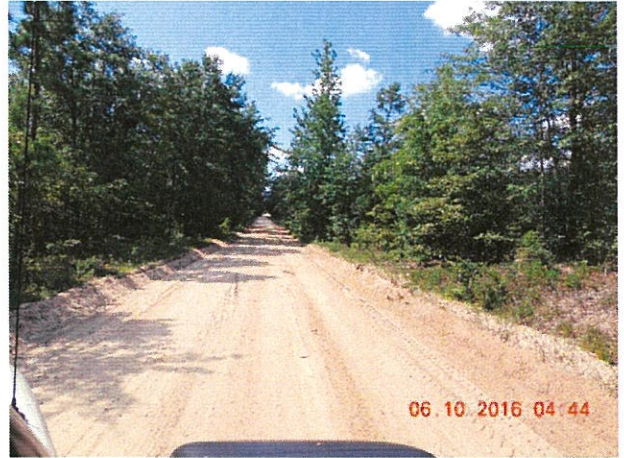
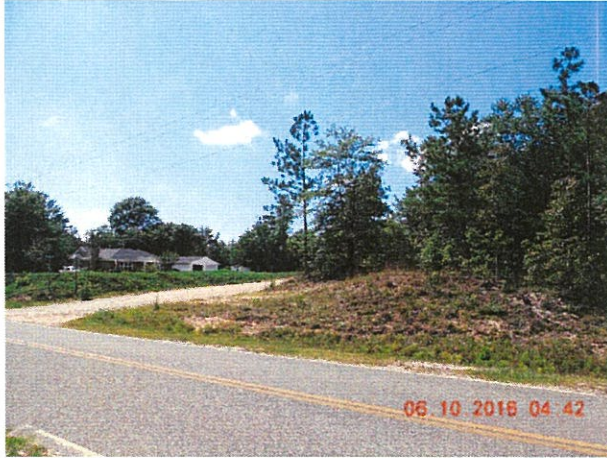
First, does the rezoning conform to the county’s future land use plan? An existing rural zoning district by its very nature is intended to be vague to allow both agricultural activities and unrestrained growth. The economic development area is pushing further east as the city limits of Camden push along the Highway 1. The residential development mirrors the in-fill development description. As the urban and sub-urban zoning districts penetrate the rural zoning the ability of the two districts to co-habit becomes much more difficult. The trend of growth away from rural necessity will continue as more people move into the area and density increases which depicts exactly the county’s future land use map. Additionally, infill houses in residential areas should be compatible with existing housing types while incorporating the desired modern amenities, style, and decors. Paving the way for predominantly single-family detached site built residence.

Second, is the property contiguous to the requested rezoning district? The traditional zoning methodology prevails when discussing contiguous zoning districts. When discussing rezoning, a contiguous zoning district, zoning districts abutting one another, is a baseline for the consideration. This rezoning request does meet that criteria. The subject parcel is contiguous to traditional single family residential (R-10) zoning. The request is compatible for future growth in the area.

Therefore, since the rezoning request does meet the criteria in the future land use map and is contiguous to existing zoning, the staff does support the rezoning request.

Staff recommends that the Planning and Zoning Commission approve the rezoning of the property from MRD-1 to R-15.





STAFF REPORT TO COUNTY COUNCIL

On June 13, 2016, the Planning and Zoning Commission held a public hearing on the request of Randy Bock to rezone land at 1876 McRae Road consisting of approximately 15 acres from MRD-1 rural resource district to R-15 single family residential zoning.

During the hearing, Michael Conley, Senior Planner, gave the Staff Report and recommended approval of the rezoning. Two residents living on Canada Drive spoke against the rezoning request questioning the design of the subdivision development which was not related to the actual rezoning issue. The applicant, Mr. Randy Bock, spoke detailing his desire to rezoning the property in an attempt to build 20 single family homes on the property divided up on individual lots. After staff discussion Gray Whitlock motioned to recommend the Planning Commission approve the rezoning of the property from MRD-1 to R-15 zoning. Claude Eichelberger seconded the motion. On 4-0 vote (Kate Denton abstaining), the motion to approve the rezoning request passed.