

ORDINANCE 2023-05

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 217-00-00-008-00, 216-00-05-048-00; 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) give 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, 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 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 June 20, 2023, 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

**CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE**

DATE 9/13/23

Bonnie B. Roberts
CLERK OF COURT
CLARENDON COUNTY, SC

2023 SEP 13 PM 9:16
Bonnie Roberts, Clerk-Clarendon S.C.

WHEREAS, the County Council conducted a public hearing on July 10, 2023, 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 described and depicted in Exhibit A from General Commercial (GC) to Residential Multifamily (RMF) 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: July 10, 2023

Second Reading: August 14, 2023

Third Reading: September 11, 2023

Public Hearing: August 14, 2023

ADOPTED this 11th day of September 2023

COUNTY OF CLARENDON, SOUTH CAROLINA



Dwight Stewart, Chairman

ATTEST:



Dorothy M. Levy, Clerk to Council



Clarendon County Planning Commission

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

PLANNING COMMISSION RECOMMENDATION

TO: Clarendon County Council Members
FROM: Tabitha Hanna, PC Director
DATE: June 9, 2023
RE: Project Z-23-02-Zoning Reclassification of property located at 1749 Driggers Lane, Manning SC
From Performance Zone (PZ) to Agricultural II (AGII)
Tax Map #s 217-00-00-008-00, 216-00-05-048-00 (PR)
Property Owner: Joseph Brandon Hughes & Lindsey Hughes
Applicant: Joseph Brandon Hughes & Lindsey Hughes

BACKGROUND:

Mr. and Mrs. Hughes are requesting this zoning amendment to the Official Zoning Map adopted on September 12, 2022, to permit the placement of a Motocross track used for dirt bike riding, coaching, and races on the subject parcel. The land use proposed, a Motocross track used for dirt bike riding, coaching, and races, is not permitted in the Performance Zone district. The total parcel area is approximately 30.14 acres.

A copy of ordinance 2023-05 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

While a Motocross track used for dirt bike riding, coaching, and races are not specifically mentioned in the Strategic Plan Goals and Objectives of the County Comprehensive Plan as adopted on December 10, 2018, it would certainly be a use that falls within Goal 2: Support programs and services that enhance the livability of Clarendon County for all residents. The Motocross track used for



Web: clarendoncountygov.org

dirt bike riding, coaching, and races would not be in conflict with the Comprehensive Plan and would also support:

Objective Plan 2.5: Support programs, policies, and designs that promote community health.

This amendment would support strategies in this objective by adding recreational activities that reflect updated and diverse recreational interests and trends for all county residents.

Compatibility With Land Uses in the Surrounding Area

The adjacent property to the north of the parcel is Conversation in Nature. Adjacent property to the south, east, and west of the parcel is Performance Zone in Nature with one (1) residential stick-built home in the PZ district. Compatibility between the properties already exists with trees and fences.

RECOMMENDATION:

In conformance with the requirements of Section 91 of the Unified Development Code, the Planning Commission shall base their decision on the findings of fact and recommend to County Council to deny or amend the official zoning map as requested by Mr. and Mrs. Hughes (Project # Z-23-02) to change the zoning district designation for Tax Map parcel #s 217-00-00-008-00, 216-00-05-048-00 from Performance Zone (PZ) to Agriculture II (AGII) if:

1. The proposed change would correct a deficiency in the Official Zoning Map adopted on September 12, 2022.
2. The proposed Agriculture II zoning is consistent with the Comprehensive Plan adopted by Clarendon County.
3. The existing and proposed uses are compatible with the land uses in the surrounding area.
4. There is enough evidence to justify the proposed map change.

Paid
CC 5/2/2023

CLARENDON COUNTY, SOUTH CAROLINA
PLANNING DEPARTMENT

411 Sunset Drive Manning, SC 29102
Ph. 803-435-8672 Fax 803-435-2208

OFFICIAL ZONING MAP AMENDMENT APPLICATION

Date Submitted: 05/02/2023 Project Number: 2-23-02

Project Name: _____

Tax Map Number: 217-00-00-008-00 216-00-05-048-00

Attach Complete Legal Description, i.e., metes and bounds or subdivision lot number and plat book and page.

General Location: Adjacent to parcel numbers 216-00-05-048-00 and 217-00-00-007-00

Current Zoning: P2 Requested Zoning: AG II

Existing Use of Property: Motocross track used for dirt bike riding and coaching. + Primary Residence

Size in Acres: 14.70 + 15.44

Proposed Use of Property: _____
Motocross track used for dirt bike riding, coaching, and races.

Applicant/Representative: (Contact Person) Joseph Brandon Hughes

Address: 2003 Driggers Lane Manning, SC 29102

Telephone Number: 803-825-9136 Fax Number: _____

Property Owner's Name: Joseph Brandon Hughes and Lindsey Grace Hughes

Address: 2003 Driggers Lane Manning, SC 29102

Telephone Number: 803-825-9136 Fax Number: _____

If the applicant is someone other than the property owner, the applicant must include a statement signed by the property owner which authorizes the applicant to apply for the specific purpose and location on his behalf. Such statement must be attached to the application.

CERTIFICATION

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County Ordinances and State Laws related to land development. I am the property owner, or his authorized agent, of the subject site.

Joseph Brandon Hughes _____ 05/02/2023
Lindsey Grace Hughes Lindsey Hughes _____ 05/02/2023
Authorized Printed Agent Name, Signature, and Date

Z-23-02



Overview

Legend

- Parcels
- Roads

Last 2 Sales Date	Price	Reason	Qual
3/10/2022	\$5	n/a	U
9/4/2015	\$15000	n/a	U

Owner Address
 HUGHES LINDSEY GRACE
 HUGHES JOSEPH BRANDON
 2003 DRIGGERS LN
 MANNING, SC 29102

Alternate ID 30704
 Class QUALIFIED AG USE 4%
 Acreage 14.7

Parcel ID 217-00-00-008-00
 Sec/Twp/Rng //
 Property Address 1749 DRIGGERS LN
 MANNING

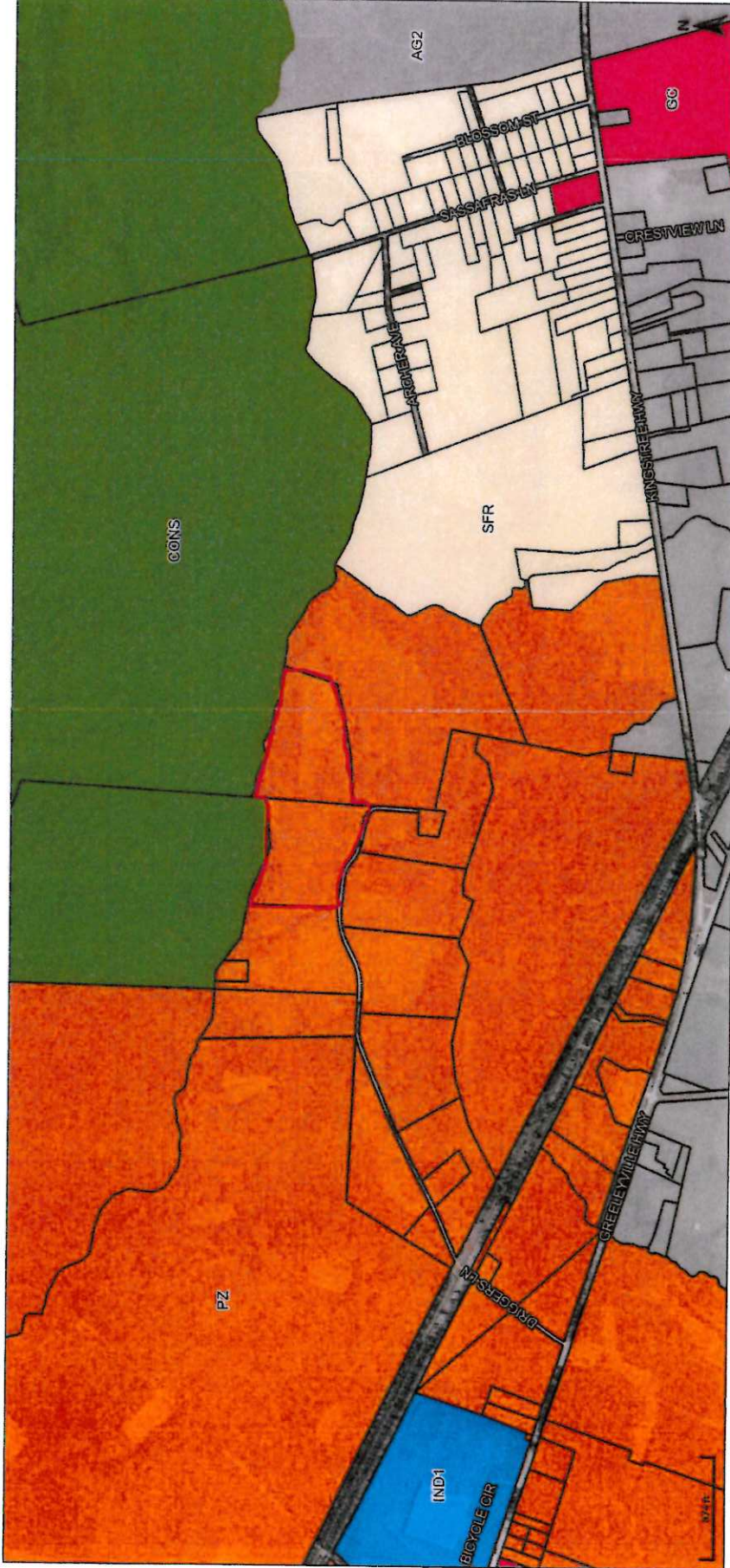
n/a
 TRACT 6

Brief Tax Description

(Notes: Not to be used on legal documents)

Date created: 6/2/2023
 Last Data Uploaded: 6/1/2023 6:37:57 PM

Developed by Schneider



Overview



Legend

- Parcels
- Roads
- Zoning
 - RC - Residential Conservation
 - RC-RMF-NC
 - AGR I - Agricultural
 - AGR II - Agricultural
 - AG - GC
 - CON - Conservation
 - GC - General Commercial
 - GC - IND
 - IND I - Industrial
 - IND II - Industrial
 - INST - Institutional
 - Lake
 - NC - Neighborhood Commercial
 - PZ - Performance Zone
 - RMF - Residential Multi Family
 - SFR - Single Family Residential