

ORDINANCE NO. 275.2016

**AN ORDINANCE OF THE COUNTY COUNCIL OF KERSHAW COUNTY, SOUTH CAROLINA TO AMEND THE COUNTY'S OFFICIAL ZONING MAP DESIGNATION FOR TAX PARCEL #214-00-00-011(P) 2.44 ACRES & #214-00-00-011(P) 6.39 ACRES FOR WILLIAM GREGORY FROM RD-1 to GD 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 March 14, 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 March 14, 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# 214-00-00-011(P) 2.44 acres & 214-00-00-011(P) 6.39 acres from RD-1 to GD 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**

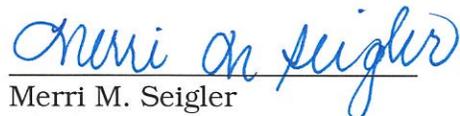
This ordinance shall take effect immediately upon adoption.

ADOPTED THIS 26<sup>th</sup> DAY OF APRIL, 2016

KERSHAW COUNTY, SOUTH CAROLINA

  
\_\_\_\_\_  
Kershaw County Council

ATTEST:

  
\_\_\_\_\_  
Merri M. Seigler  
Clerk to Council

First Reading	March 22, 2016
Second Reading	April 12, 2016
Third Reading	April 26, 2016

# Kershaw County Planning and Zoning Commission



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

MAP AMENDMENT NUMBER: 16-03

HEARING DATE: March 14, 2016



### A. LOCATION OF PROPERTY

1. Name of Community: Cassatt
2. Address: 180 Hound Hollow Road
3. TMS# 214-00-00-011 (Portion) 2.44 acres and 214-00-00-011 (Portion) 6.39 acres
4. Subdivision (if applicable): NA
5. Water and/or Sewer District: Water – Cassatt Water    Sewer – Septic Tanks
6. Name and Distance to Nearest Municipality: Approximately 6 miles from Camden city limits and approximately 6 miles to Cassatt

**B. PROPERTY OWNER/APPLICANT:** Hunter Elliott Tree Farm, Inc., Owner William T. Gregory, Applicant

### C. ZONING

1. Present Zoning Classification: RD-1 (Rural Resource District)
2. Proposed Zoning Classification: GD (General Development District)

**GD (General Development District)** - This is a multiple use district, the intent of which is to promote the “highest and best use” of land without negatively impacting surrounding land uses or environmental resources. The GD zoning district has the widest range of permitted residential uses - from single-family, to apartments, to manufactured home parks. The GD district also allows for the widest range of non-residential uses - from retail to agricultural to light industrial. The GD zoning district affords the applications of the Comprehensive Plan’s mixed use principals.

**D. BACKGROUND AND DISCUSSION**

The proposed retail use is not permitted in the RD-1 zoning district in which the property is currently located. The property owner has contracted to sell a portion the property to a national retailer (Family Dollar) for a new store. Under the proposed GD zoning, retail use is permitted outright. The subject property that is proposed for GD zoning is not contiguous to any other existing GD zoning. The GD zoning that does exist in the area is located two properties to the west of the subject property. This rezoning could be perceived as an extension of the existing GD zoning but it is not contiguous or abutting any other existing GD zoned property.



**E. SUBJECT PROPERTY LAND USE**

The current land sits vacant and undeveloped. Both properties consist of a total of 8.83 acres of pine trees.

**F. VICINITY ZONING AND LAND USE**

**NORTH** – A mixture of rural zoning districts, mainly RD-1 and RD-2.

**EAST** – A mixture of rural zoning districts consisting mainly of RD-2 along with 2 large pockets of GD zoning. The closest GD zoning is the recently rezoned 5.18 acre

parcel owned by Keith Gunter, which is located 100' from these two parcels. The furthest GD zoning is Prestage Farms.

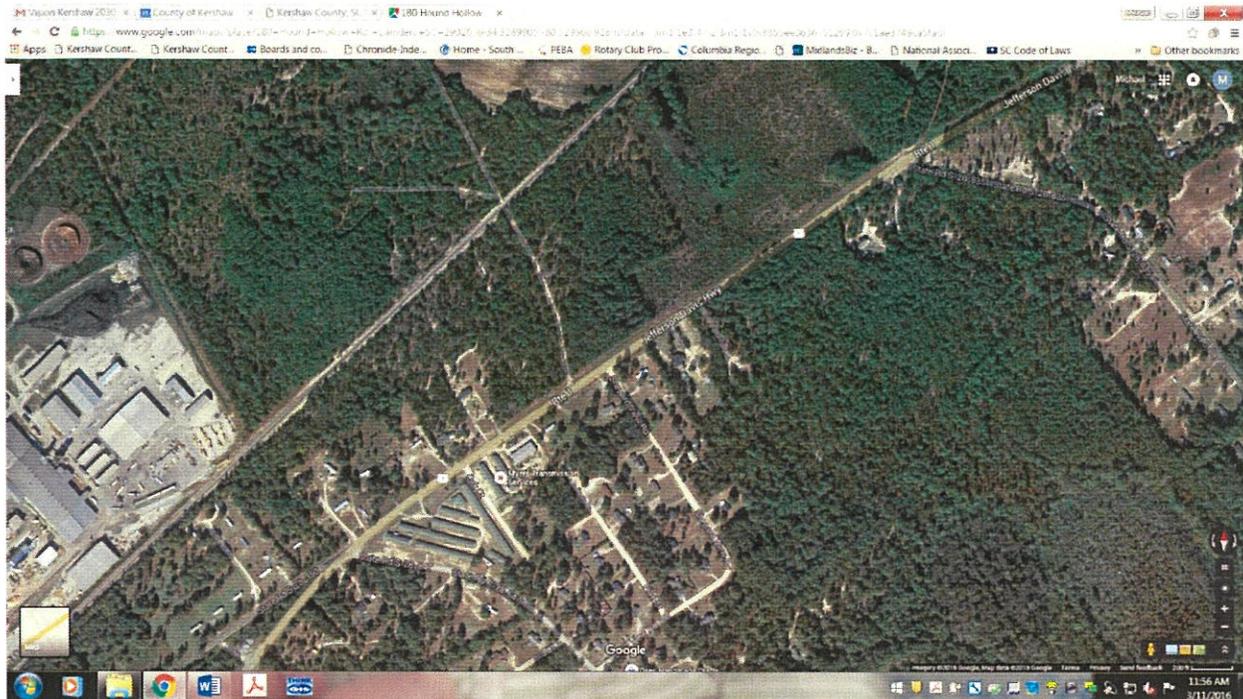
SOUTH – A mixture of rural zoning districts consisting mainly of RD-2 zoning.

WEST – A mixture of rural zoning districts mainly RD-1 and RD-2 with one large Industrial zone, Canfor Lumber, and a large pocket of GD zoning.



## G. ZONING ANALYSIS

The subject parcel is surrounded by traditionally zoned and used rural properties. Rezoning this parcel would further help create a pocket of commercial zoning and uses along Highway 1 north of Camden and east of Cassatt. 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 GD zoning for commercial uses.



## H. FUTURE LAND USE MAP

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.

## **I. APPLICABLE COMPREHENSIVE PLAN GOALS AND OBJECTIVES**

### **Commercial Policies**

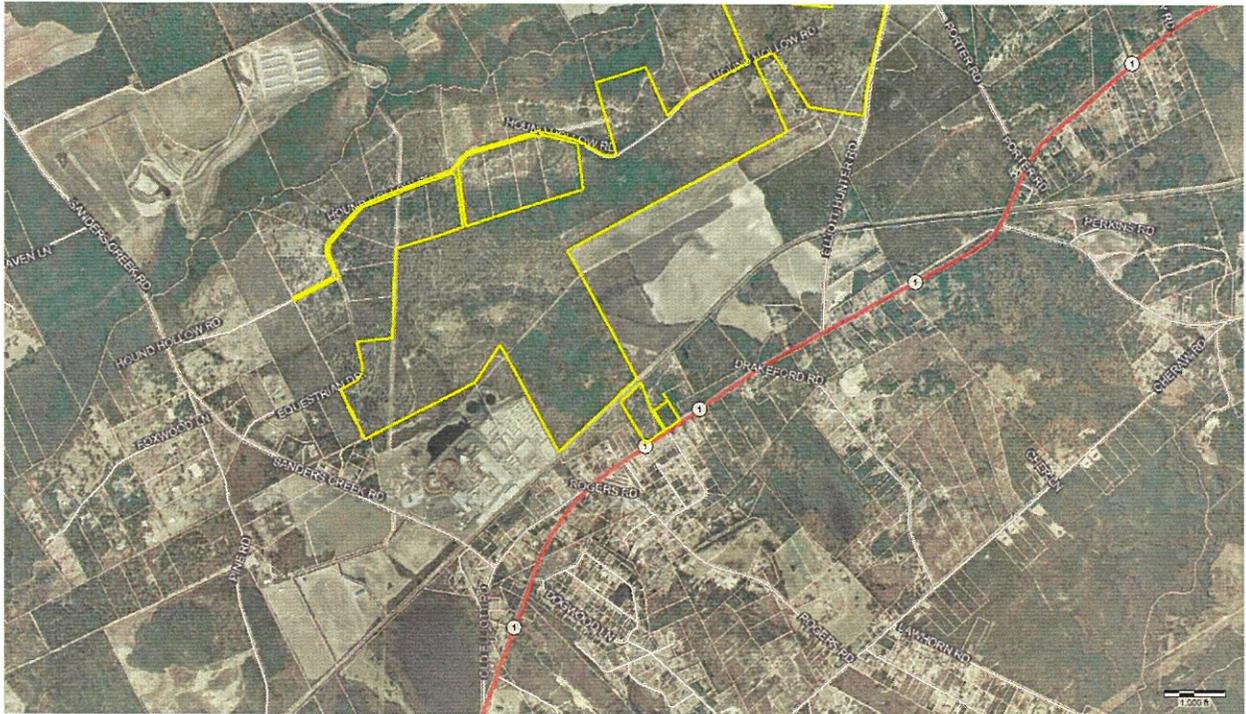
- a. Ensure that commercial establishments are designed to minimize negative impact on traffic circulation and adjacent land use.
- b. Encourage the clustering of commercial establishments in nodes which are convenient to population concentrations. Where opportunities are present along major roadways and intersections, zoning regulations allowing for mixed use development should be encouraged. These centers should create pedestrian friendly public environments with connections to transit facilities. Such commercial development will focus on neighborhood-oriented services such as groceries, pharmacies, offices, dry cleaners, restaurants, etc. Neighborhood centers are also excellent locations for public facilities such as post offices, libraries, and health clinics.
- c. Promote mixed use planned developments that encourage live/work proximity and provide appropriate neighborhood commercial and service establishments at convenient proximity to residences while maintaining adequate buffering and transitions between mixed uses.
- d. Prohibit the encroachment of incompatible commercial development into established residential areas. Commercial establishments that are non-neighborhood service oriented can be clustered in regional commercial centers or malls with appropriate traffic management improvements.
- e. Discourage strip commercial developments with multiple curb cuts that disrupt the orderly and safe flow of traffic.
- f. Promote the adaptive reuse of existing structures when appropriately located for commercial use.
- g. Coordinate the growth of commercial development with information regarding the potential impact on the Comprehensive Plan, community facilities, utilities, transportation system, adjacent and nearby land uses, and the natural and cultural environment.

## **J. STAFF ANALYSIS AND RECOMMENDATION**

The property is contiguous to existing GD zoned property and commercial use is compatible with the future land use map of having commercial uses along the County's major thoroughfares, with Highway 1 being one of those.

The balance of this property has been developed as Hound Hollow subdivision. These two parcels, located on Highway 1 North, have never been developed. The proposed commercial zoning designation is very much in line with the County's future land use. Per the County's Comprehensive Plan, commercial and business uses are concentrated and stripped along Highway 1, north and south of Camden, through Lugoff. Most such uses serve principally neighboring residential areas. The intent of commercial uses is to capitalize on the lack of commercial options in the area north of Camden and to fill that void. The proposed zoning designation would allow for the surrounding population concentration to use the centralized commercialization leading to decrease traffic in and out of the area and could pave the way for the establishment of a commercial hub in the area. As in the first-ring suburbs, neighborhood communities focused on a central mixed-use district should be promoted through zoning regulations and investment planning. These centers will provide the commercial, retail, office, institutional, and service needs of the neighborhood that will reduce the automobile





## STAFF REPORT TO COUNTY COUNCIL

On March 14, 2016, the Planning and Zoning Commission held a public hearing on the request of William Gregory to rezone land at 180 Hound Hollow Road (fronting of Hwy 1) consisting of approximately 2.44 and 6.39 acres from RD-1 rural resource district zoning to GD general development 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. After staff discussion Kate Denton motioned to recommend the Planning Commission approve the rezoning of the property from RD-1 to GD zoning. Curtis Blackmon seconded the motion. On 4-0 vote, the motion to approve the rezoning passes.