

STATE OF SOUTH CAROLINA )

COUNTY OF YORK )

ORDINANCE 19 - 12

TOWN OF CLOVER )

**AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON ALL ACTIVITIES RELATING TO THE ACCEPTANCE OF, REVIEW OF, AND ACTION UPON APPLICATIONS FOR ZONING APPROVALS, PERMITS, SITE PLAN APPROVALS, AND ANY OTHER OFFICIAL MUNICIPAL ACTION THAT WOULD AUTHORIZE OR PERMIT THE DEVELOPMENT AND CONSTRUCTION OF NEW SINGLE FAMILY RESIDENTIAL DWELLING SUBDIVISIONS OR NEW MULTIFAMILY DWELLING RESIDENTIAL DEVELOPMENTS OR CREATE ANY VESTED RIGHTS THAT WOULD AUTHORIZE SUCH NEW DEVELOPMENTS IN THE FUTURE; PROVIDING FOR THE APPLICATION OF THE PENDING ORDINANCE DOCTRINE; AND PROTECTING VESTED RIGHTS AS PROVIDED BY STATE LAW**

WHEREAS, the Clover Town Council is aware that over the past several years that growth in residential and multifamily development has seen marked growth in York County, South Carolina, and that there is increasing interest in the expansion of residential development in the Town of Clover as well as in the area around the Town of Clover that may in the future be the subject of annexation into the town limits of the Town of Clover, and

WHEREAS, the Town of Clover provides services to its citizens, including regulation of land development, zoning, permitting and licensing of business and properties, and the Town Council finds that appropriate land development regulation, zoning, licensing and permitting of businesses and properties are vital to the public's best interests, health, safety and welfare inasmuch as deficient regulations can lead to public harm, and

WHEREAS, based on the nature of inquiries regarding such residential development over the last year or more the Town Council has engaged in workshop discussions and council meeting discussions concerning the provisions of the existing Town of Clover Zoning and Land Development Ordinance and the desirability of amendments thereto relating to residential design and development standards, and

WHEREAS, the Town Council finds that residential design and development standards are essential to the best interests, health, safety and welfare of the Town and its citizens in that deficient design and development standards can lead to public harm, promote construction design that may be incompatible with the nature and character of existing and future residential land development and are contrary to the social and economic health safety and welfare of the Town and its residents, and

WHEREAS, the Clover Town Council has determined that it would be in the best interests, health, safety and welfare of the Town and its residents and citizens to consider and implement clarifications and revisions to the design and development standards set forth in the Town of Clover Zoning and Land Development Ordinance concerning the residential design and development standards for new residential dwelling subdivisions and new multifamily residential

dwelling development such as lot size, building setbacks, size of structure, open space requirements, foundations, front and side façade design and building materials, architectural variability, windows and doors, porches, garages and carports, exterior finishes, roof slope and roof penetration, parking requirements, landscaping, and matters related to design and development standards for new residential dwelling subdivisions and new multifamily residential dwelling developments, and

WHEREAS, the Town Council finds that it will need time in consultation with the Clover Planning Commission and professional consultants to determine how the Town of Clover Zoning and Land Development Ordinance will best be revised so as to implement design and development standards for new single family residential dwelling subdivisions and new multifamily residential dwelling developments that are in the best interest, health, safety and welfare of the Town and its residents and citizens, and

WHEREAS, in order for the Town of Clover through its officials and staff to have adequate time and opportunity to conduct a study and to comprehensively analyze and review what revisions to the Town of Clover Zoning and Land Development Ordinance are necessary and desirable and in the best interests, health, safety and welfare of the Town and its citizens, and in order to avoid the creation of vested rights or inconsistent or non conforming uses that could result from any new legislation that is adopted as a result of the study and review, the Clover Town Council finds that it is necessary in order to protect the public's best interests, health, safety and welfare to adopt an ordinance declaring a temporary moratorium on all activities relating to the acceptance, review and action upon any new zoning applications, site plans, preliminary plats, permits, approvals, or any other authorization for the development of new single family residential dwelling subdivisions and new multifamily residential dwelling structures within the Town of Clover,

NOW, THEREFORE, BE IT ORDAINED IN COUNCIL DULY ASSEMBLED:

1. Temporary Moratorium. Based upon the foregoing, the Clover Town Council hereby resolves by this ordinance that all activities relating to the acceptance of, review of, and action upon applications for issuance of zoning approvals, permits, site plan approvals, and any other official municipal action that would authorize or permit the development and construction of new single family residential dwelling subdivisions or new multifamily residential dwelling developments or create any vested rights that would authorize such new developments in the future are temporarily suspended. Accordingly, there is hereby imposed a temporary moratorium on all activities relating to the acceptance of, review of, and action upon applications for issuance of zoning approvals, permits, site plan approvals, and any other official municipal action that would authorize or permit the development and construction of any new single family dwelling residential subdivisions or any new multifamily residential dwelling developments or create any vested rights that would authorize such new developments in the future. During the time this temporary moratorium is in effect and subject to the terms of this ordinance, the Town will accept no applications or act on any pending applications for zoning approvals, permits, site plan approvals, and any other official municipal action for such activities and no such activities shall be permitted within the Town.

2. Time. (a) The temporary moratorium set forth in this ordinance shall become effective upon final adoption by second reading of this ordinance and shall terminate in two hundred and seventy (270) days after second reading. The South Carolina pending ordinance doctrine shall apply to this ordinance, and the preceding provision regarding final adoption shall in no way adversely affect the enforceability, applicability and legality of the pending ordinance status of this ordinance which shall be fully effective upon first reading approval.  
  
(b) The Clover Town Council may extend the moratorium established in this ordinance one (1) time for a period not to exceed ninety (90) days upon a finding by the Town Council that the problems giving rise to the need for the temporary moratorium established herein continue to exist and that reasonable progress is being made in carrying out a specific and prompt plan of action addressing concerns over the need for design and development standards for single family residential dwelling subdivisions and multifamily residential dwelling developments, but that additional time is reasonably needed to adequately address the issues facing the Town.
3. Definitions. (a) Single Family Residential Dwelling Subdivision. For the purposes of this ordinance “single family residential dwelling subdivision” shall mean any subdivision or development containing two or more single family detached or attached dwelling units. The term “subdivision” as used in this ordinance is intended to include, and shall include, every type of subdivision defined, identified or referred to in the Town of Clover Zoning and Land development Ordinance. The terms “dwelling” and “dwelling unit” shall have the meanings set forth in the Town of Clover Zoning and Land development Ordinance. (b) Multifamily Residential Dwelling Development. For the purposes of this ordinance “multifamily residential dwelling development” shall mean any development that includes a building or structure containing more than one dwelling unit. The terms “dwelling” and “dwelling unit” shall have the meanings set forth in the Town of Clover Zoning and Land development Ordinance. (c) New. The term “new” as used in this ordinance, is intended to, and shall, describe and identify a “single family residential dwelling subdivision” or a “multifamily residential dwelling development” as one which has not acquired vested rights under “Article 10, Section 10.21 Vested Right” of the Town of Clover Zoning and Land Development Ordinance as of the date and time of the first reading approval of this ordinance.
4. Effect on vested rights. South Carolina may have valid vested rights laws which would prohibit the enforcement of this temporary moratorium by the Town for certain properties or owners. It is not the intent of this ordinance to violate state law. Therefore, any properties or property owners legally protected with such vested rights shall be exempt from the provisions of this temporary moratorium to the extent such properties or property owners are lawfully protected by such vested rights.
5. Severability. If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this ordinance.

6. Effect on existing ordinances. Any ordinances, rules, regulations or policies of the Town of Clover that are inconsistent or conflict with this ordinance are hereby suspended as to such inconsistency or conflict while this ordinance is in effect.
7. Public Hearing. Prior to second reading Council shall hold a public hearing to receive public comment on the matters set forth in this ordinance.
8. Second reading. This Ordinance shall be and become finally binding after the same shall have received first and second readings by Town Council.

AND IT IS SO ORDAINED IN COUNCIL DULY ASSEMBLED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
 Mayor

Council:

(Town Seal)

Attest:

\_\_\_\_\_  
 Town Clerk

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_

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