

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)
)
TOWN OF CLOVER)

ORDINANCE 22-04

AN ORDINANCE AMENDING THE ZONING AND LAND DEVELOPMENT ORDINANCE OF THE TOWN OF CLOVER BY REPEALING AND DELETING SECTION 7.4 SITE DESIGN STANDARDS FOR CONSERVATION SUBDIVISIONS, BY DELETING CONSERVATION SUBDIVISION FROM SECTION 10.3 AS A CATEGORY FOR THE DEVELOPMENT OR ALTERATION OF THE USE OF LAND, AND BY DELETING ALL OTHER REFERENCES TO CONSERVATION SUBDIVISIONS IN THE ZONING AND LAND DEVELOPMENT ORDINANCE OF THE TOWN OF CLOVER

WHEREAS, on July 12, 2021, the Clover Town Council approved Ordinance 21-18 which established 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 a conservation subdivision or create any vested rights that would authorize a conservation subdivision development; and

WHEREAS, on December 13, 2021, the Town Council approved Resolution 21-15 which extended ordinance 21-18 for an additional ninety (90) days; and

WHEREAS, Town staff and the Planning Commission studied the history and purpose of conservation subdivisions, examined the Town's zoning and land development requirements for conservation subdivisions, and reviewed requirements for such developments that have been implemented by other municipalities; and

WHEREAS, on January 20, 2022, the Planning Commission reviewed and recommended approval of amendments to Section 7.4, Site Design Standards for Conservation Subdivisions; and

WHEREAS, the Clover Town Council, in meetings and in workshops, has determined that the advisability, suitability and desirability of conservation subdivisions as a land use and development activity within the Town of Clover is not in the best interests and welfare of the Town and its residents and citizens, and

WHEREAS, a public hearing, as required by law and after proper public notice, was held on the ____ day of _____, 2022; and

WHEREAS, the Town Council finds that it is necessary and in the best interests and welfare of the Town and the citizens of the Town to amend the Town of Clover Zoning and Land Development Ordinance to remove Conservation Subdivisions as a category

of land use and development within the corporate limits of the Town of Clover.

NOW, THEREFORE, BE IT ORDAINED in Council duly assembled this ____ day of _____, 2022, that the Clover, South Carolina, Code of Ordinances, Zoning and Land Development Ordinance, shall be and hereby is amended as follows:

1. By deleting the provision “**Conservation Subdivision** – is a major subdivision with not less than 40 percent of the site devoted to open space and the protection, preservation and improvement of the natural environment” from Section 10.3, Types of Applications, of the Zoning and Land Development Ordinance.
2. By repealing and deleting in its entirety **Section 7.4 Site Design Standards for Conservation Subdivisions** from the Zoning and Land Development Ordinance.
3. By deleting all other references to Conservation Subdivisions in the Town of Clover Zoning and Land Development Ordinance.

Effective Date. This ordinance is effective immediately upon its adoption.

PENDING ORDINANCE DOCTRINE. The South Carolina pending ordinance doctrine shall apply to this ordinance upon first reading.

Severability. If any part of this Ordinance is held to be invalid or unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such invalid or unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

AND IT IS SO ORDAINED.

Mayor

(Town Seal)

Council:

Attest:

Town Clerk

First Reading: _____

Second Reading: _____