

**Kershaw County Planning and Zoning Commission
Minutes - Special Called Meeting
July 30, 2009, 5:30 p.m.
County Council Chambers, 515 Walnut Street
Camden, SC 29020**

Members Present: Lewis Shaw, David Brown, Charles Cottingham, Karen Eckford, Dan Matthews, and Richard Simmons

Members Absent: George Gibson

Staff Present: Carolyn Hammond and John Newman

Call to Order

Chairman, Lewis Shaw, called the meeting to order at 5:32 p.m.

Public Comment Period

There were no comments from the public.

Zoning Map Amendment

The Chairman noted that the public hearing for this zoning request had been held on July 9, but because there was no quorum at that meeting, no vote could take place. After a brief discussion regarding Kershaw County's request to rezone approximately 1.09 acres located at 434 Cleveland School Road from MRD-1 to GD, the Chairman called for a motion. The motion to recommend the rezoning to County Council was made by Dan Matthews. Charles Cottingham seconded, and all voted in favor.

Approval of Minutes

Charles Cottingham motioned that the minutes of the June 11, 2009 regular meeting be approved. David Brown seconded, and Lewis Shaw, David Brown, Charles Cottingham, and Dan Matthews voted in favor.

David Brown motioned that the minutes of the June 25, 2009 work session/public presentation of the ZLDR be approved. Dan Matthews seconded, and Lewis Shaw, David Brown, Charles Cottingham, and Dan Matthews voted in favor.

Richard Simmons motioned that the minutes of the July 9, 2009 regular meeting be approved. Charles Cottingham seconded, and Lewis Shaw, David Brown, Richard Simmons, and Charles Cottingham voted in favor.

Zoning and Land Development Regulations

Lewis Shaw said that, because of the amount of material remaining to be covered, the original finish date for the ZLDR would be after August 13th, possibly at a special called meeting on August 27th. He will let Clay Young and Steve Kelly know that the County Council August 18th work session will need to be rescheduled.

During the meeting the Commission discussed and gave preliminary approval to the following sections of the ZLDR. Complete text is included in Attachment A of these minutes.

Article 2	Definition of <i>Alley</i> and <i>Developed (Land or Parcel)</i>
3.7.4-8.D.1.	Lake Wateree Overlay District
4:2.3-3	Process [Manufactured Housing]
4:2.3-7	Habitability [Manufactured Housing]
4:5.2.G.	Demolition Permit Application for Manufactured Housing
4:5.2-1.2.	Permit Certification [Manufactured Housing]
5:1.2-5	Design [Subdivision of Land and Creation of Lots]
5:2.1-2.A.1.	Application Process [Submittal Requirements]
5:2.2-4.B.	Approval Process [Exempt Subdivisions]
5:2.3-3.B.	Approval Process [Minor Subdivisions]
5:2.4-5	Preliminary Plan Approval Procedure [Major Subdivisions]
5:2.5-2A.	Preliminary Plans [Large Acreage Single-Family Residential Developments on Private Roads]
5:2.5-2 C.1.	Site Information
5:2.5-3	Preliminary Plan Approval Procedure
5:2.6-2	Minor Group Development Approval Process
5:2.6-3.B.3.a.	Major Group Development Approval Process [Engineering Plans]
5:2.7-2C.2.a.	Site Information [PDD]
5:2.7-4	Preliminary Plan Approval Procedure [PDD]
5:2.8-2.A.	Determination of Need for Requiring a Traffic Management Plan
5:3.6-1.B.1. & 2.	Exception to Required Buffer Width [Water Quality Buffers]
5:3.6-2	Disturbance of Buffers [Water Quality Buffers]
5:3.6-2.B. 5.	Stream Crossings and Utilities Easements [Water Quality Buffers]
5:3.6-2.B.6.	Nonconforming Structures [Water Quality Buffers]
5:3.7-2. B.	General Storm Draining Design
5:3.7-2.F.	Design Consistency [Stormwater]
5:3.7-3.C.	Design Features [Stormwater]
5:3.7-19.B.13.	Dumpsters [Erosion Prevention and Sediment Control Design Plan Requirements]
5:3.12.b.	Use of Right-of-way [Sewer]

John Newman opened the discussion on water quality buffers by reporting that the Commission had received six comments relating to the buffers. Most were in support of the 100-foot buffer. Austin Jenkins recommended 300 feet on perennial streams, and the Home Builders Association proposed buffers beginning at 35 feet.

Mr. Newman added that the 100-foot buffer width that the Planning Commission chose was derived from scientific research, research from other jurisdictions, and the National Home Builders Association's comments on other jurisdictions. He said that studies and model ordinances from across the country all indicate that 100-foot buffers provide protection in the majority of site conditions. While site specific studies to determine buffer widths on a case by case basis are desirable, they would be very difficult to administer and would place a burden on the property owner. For this reason, Staff recommends retaining the buffer widths as currently proposed.

Gary Fulkenberry stated that the Lake Wateree Association supports the buffers widths proposed in the original draft. Austin Jenkins, preferring a 300-foot buffer, said the proposed buffer widths should be viewed as minimum standards. Chuck Thompson told the Commission about problems with sedimentation from streams flowing into Lake Wateree.

Dan Riddick said he wants to make sure the ZLDR addresses the issue of perennial streams. He expressed concerns with the accuracy of the USGS topographic maps upon which the perennial and intermittent streams are determined.

John Newman reported that the County Attorney and the Solicitor were not in favor of citizen enforcement regulations. The planning commission agreed and Lewis Shaw requested that John Newman draft a letter to Craig Davis to that effect and to thank him for his efforts.

The culmination of the water quality buffer discussion was that the Planning Commission wanted to explore the possibility of a compromise on buffer widths. A general discussion on buffer width averaging, slope determination, and the methodology for such followed. John Newman suggested that he could draft, for a point of discussion, amendments to the water quality buffer regulations in response to comments received from the HBA. The planning commission agreed that this would be a good path forward.

Other Items

Lewis Shaw reported that the County Administrator has asked for four meeting dates where various organizations, utilities, agencies, departments can discuss their future plans. Mr. Shaw told the Commission that the County has hired a firm to do a strategic plan, and added that the Catawba Regional Council of Governments has been contracted to produce the CIP. He will speak with Clay Young to get clarification on this.

Adjournment

At 7:25 p.m., the Chairman called for a motion to adjourn. The motion was made by Richard Simmons, seconded by Karen Eckford, and approved by all.

Respectfully submitted,

Carolyn B. Hammond
Secretary

ATTACHMENT A

7/30/09 AMENDMENTS TO THE ZLDR

The following amendments, made in response to comments received to date, were given preliminary approval from the Planning and Zoning Commission on 7/30/09.

Article 2, Definitions

Alley (page 2-2) - ~~A public or private street~~ primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.

Developed (Land or Parcel) (page 2-4) - A parcel that contains ~~current or past~~ structures, facilities, or other modifications of the natural landscape on and below ground or water *that are currently in use*.

3.7.4-8 Lake Wateree Overlay District (page 3-130)

D. Inspections of Existing Installations - The following regulations shall apply to all OSDS within the LWOD installed prior to the effective date of this Ordinance, as well as all OSDS within the LWOD installed subsequent to the effective date of this Ordinance:

- 1. Inspections Prior to Sale of Real Estate Interest** - As of the effective date of this Ordinance, prior to the sale of any ownership interest of a lot containing an OSDS, the seller of interest shall provide the buyer with a written inspection report of the system prepared by an inspector. *Sale of ownership interest does not include the conveyance by gift or inheritance from one family member to another.* The inspection shall occur no earlier than sixty (60) days prior to the sale. Prior to the inspection, a pump-out of the septic tank is required to insure a proper inspection of the interior of the tank, to check for leaks from the building, and to check for saturated conditions in the drain field.

4:2.3 Manufactured Housing Installation, License, and Registration

4:2.3-3 Process (page 4-3)

The applicant must initially complete an application form; submit a copy of a recorded plat issued in the property owner(s)' name; obtain a 911 address, if one has not been assigned; submit a copy of the contract with the licensed installer to perform the installation; and provide additional information as may be required by the Planning Official. If the plat has not yet been recorded in the applicant's name, a recorded deed establishing ownership by the applicant shall be submitted.

The Official Zoning Map shall be checked to verify that manufactured housing is a permitted use in the zoning district. A site inspection shall be conducted to verify that the zoning district setbacks are met prior to issuing approval for installation.

Once site approval is issued, the applicant must file for a manufactured housing moving permit and must furnish septic tank approval from SCDHEC and proof of ownership of the manufactured housing that is acceptable to the Planning and Zoning Department such as title,

copy of DMV form 400 Application for Certificate of Title and receipt, dealership sales agreement, or bill of sale.

4:2.3-7 Habitability (page 4-5)

No manufactured housing shall be permitted, used, or occupied, nor shall public utilities be extended to or activated in any such home unless and until the home has been inspected and found to be habitable by the Building Official or his designee.

The word *habitable* as used herein means that there is no defect, damage, or deterioration to the home which creates a dangerous or unsafe situation or condition; that the plumbing, heating, and electrical systems are in safe working order; that the walls, floor, and roof are free from any holes, breaks, loose or rotting boards, and are structurally sound; and that all exterior doors and windows are in place. Further, the word *habitable* **shall include the provisions of the SC Manufacturing Board regulations 79-43, Used Manufactured Housing Minimum Habitability Requirements, and shall include the provision of the following facilities:**

4:5.2 Demolition Permit Application for Manufactured Housing (page 4-11)

The application for a permit to demolish a manufactured home shall be made on a form provided by the Planning and Zoning Department. The applicant may be the structure owner or the demolition contractor. The property owner must sign a statement to the effect that he has read and agrees to the scope of work that includes the following:

- A. The arrangement for the disconnection of all utilities.
- B. The capping of sewer or septic lines.
- C. The complete demolition and/or removal of all structures and piles of debris including all foundations.
- D. The proper disposal of all debris at SCDHEC-permitted solid waste processing and disposal facilities.
- E. The removal of all rank vegetation and the cutting of grass and weeds.
- F. The saving of and protection from damage during demolition and removal, all significant trees (twenty [20] inch or greater DBH pine trees, eight [8] inch or greater DBH all other species) per the tree protection regulations as prescribed in this Ordinance.
- G. **The grading of the lot as necessary to prevent low areas and to promote proper drainage.**

If the applicant is not the property owner, a notarized statement, signed by the property owner must be submitted stating that the applicant has the owner's permission to demolish the structure under the above-stated terms.

The Planning Official may impose additional requirements to ensure the public health and safety.

4:5.2-1 Permit Certification (page 4-11)

An application for a manufactured housing demolition permit shall require two (2) site inspections as follows:

1. The first inspection shall be made during demolition or prior to removal of demolished unit to verify, if possible, that the manufactured home being demolished is the manufactured home on record and that the manufactured home has been demolished and not simply moved to another location.

2. The second inspection shall be made to verify that all conditions of Section 4:4.2 4:5.2 above have been met.

Upon documentation and site inspection that all permit application items have been addressed and completed, a manufactured housing demolition permit certification shall be signed by the Building Official and issued to the applicant.

A manufactured housing demolition permit shall be valid for thirty (30) days.

5:1.2-5 Design (page 5:1-3)

Unless specifically allowed by these regulations, all lots shall have street frontage **no less than** the minimum width requirements of the zoning district regulations in which they are located.....

5:2.1-2 Application Process (page 5:2-1)

The application process consists of the pre-application conference, application, review, and approval.

A. Pre-Application Conference and Sketch Plan Review - For the purpose of securing advice in the formative stages of development design, expediting applications, and reducing development costs, the developer may request a pre-application conference and/or sketch plan review in accordance with the following requirements:

1. **Pre-Application Conference** - At the request of the applicant, the County Planning Official shall arrange a pre-application conference to discuss requirements of this Ordinance, land development practices, proposed plans of the applicant, applicable provisions of the Comprehensive Plan, and related matters. ~~The Planning Official may invite to the conference or consult with other department heads and affected agencies including engineering, public works, fire, and recreation.~~ **shall invite all affected or interested agencies.**

5:2.2-4 Approval Process [exempt subdivisions] (page 5:2-3)

B. **Within ten 10 working days of submission of the plat**, the Planning Official shall make a determination that the proposed exempt subdivision conforms to applicable zoning district regulations of this Ordinance **and shall approve, approve with changes, or reject the plat. If rejected, changes, additional analysis, or other information necessary to make an approval determination shall be identified and transmitted to the applicant.**

5:2.3-3 Approval Process [minor subdivisions] (page 5:2-4)

B. **Within ten 10 working days of submission of the plat**, the Planning Official shall make a determination that the proposed minor subdivision conforms to applicable zoning district regulations and the regulations for the subdivision of land and the creation of lots section of this Ordinance **and shall approve, approve with changes, or reject the plat. If rejected, changes, additional analysis, or other information necessary to make an approval determination shall be identified and transmitted to the applicant.**

5:2.4-5 Preliminary Plan Approval Procedure [for major subdivisions] (page 5:2-10)

The Planning Official shall review the preliminary plat for compliance with the requirements of this Ordinance and verify that the plat is in substantial conformance with the sketch plan as

approved by the Planning and Zoning Commission. **Within twenty (20) working days of receipt of the preliminary plat,** the Planning Official shall approve, approve conditionally, or disapprove the plat. If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the sketch plan, the Comprehensive Plan, ordinance, or regulation with which the preliminary plat does not conform. On conditional approval, the Planning Official may require the applicant to resubmit the preliminary plat with all recommended changes before approving said plat. A decision of the Planning Official may be appealed to the Planning and Zoning Commission. The appeal must be filed within sixty (60) days of the administrative decision, and shall be heard at the next regular Planning and Zoning Commission meeting scheduled at least fifteen (15) days after the appeal is filed. If the preliminary plat is found to conform to all requirements of the Ordinance, the Planning Official shall notify the applicant.

The County Engineer shall review the construction plans for compliance with the requirements of this Ordinance. **Within twenty (20) working days of receipt of the construction plans** the County Engineer shall approve, approve conditionally, or disapprove the construction plans.

Where applicable, a phased clearing plan per the provisions of this Ordinance shall be submitted and approved before site development activities are permitted.

5:2.5-2 Preliminary Plans [for Large Acreage Single-Family Residential Developments on Private Roads]

A. Submittal Requirements (page 5:2-15)

Due to the low density and limited use nature of such developments, it is the intent of this Article that the submittal process be streamlined to the extent practicable to insure orderly development in keeping with the intent of the design standards of this Article. The applicant is encouraged to request a pre-application conference with the Planning Official, County Engineer, and other County personnel. The objective is to aid the applicant in submitting a preliminary plan. Once the Planning Official and County Engineer have approved the preliminary plan, the applicant may begin construction.

The preliminary plan for large acreage developments on private roads serves as both the preliminary plat and constructions plans. **The applicant shall submit five (5) sets of a preliminary plan to include the following as applicable:**

5:2.5-2 C. Site Information (page 5:2-16)

1. **The location of topographical lines, at two (2) foot to five (5) foot intervals (survey verified)** extending at least 100 feet outside the subdivision, wetlands, floodplain areas, and storm drainage ditches.

5:2.5-3 Preliminary Plan Approval Procedure (page 5:2-17)

The Planning Official and County Engineer shall review the preliminary plan for compliance with the requirements of this Ordinance. **Within twenty (20) working days of receipt of the preliminary plan,** the Planning Official and County Engineer shall approve, approve conditionally, or disapprove the preliminary plan. If the preliminary plan is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan, ordinance, or regulation with which the preliminary plan does not conform. On conditional

approval, the Planning Official and/or County Engineer may require the applicant to resubmit the preliminary plan with all recommended changes before approving said plan. A decision of the Planning Official and/or County Engineer may be appealed to the Planning and Zoning Commission. The appeal must be filed within sixty (60) days of the administrative decision, and shall be heard at the next regular Planning and Zoning Commission meeting scheduled at least fifteen (15) days after the appeal is filed. If the preliminary plan is found to conform to all requirements of the Ordinance, the Planning Official shall notify the applicant.

5:2.6-2 Minor Group Development Approval Process (page 5:2-21)

Minor group developments do not require Planning and Zoning Commission review prior to approval with the exception that both minor and major group developments within the Lake Wateree Overlay District (LWOD) require Planning and Zoning Commission approval per the special LWOD development standards. The applicant shall complete an application for a group development that shall be prepared by the Planning Official. The applicant must submit two (2) sets of zoning and land development site plans addressing off-street parking; buffering, screening, and landscaping requirements; resource conservation; and other provisions of this Ordinance as determined by the Planning Official. The Planning Official shall prepare site plan guidance documents to aid the applicant in preparing the site plans. ***Within ten 10 working days of submission of zoning and land development site plan, the Planning official shall approve, approve with changes, or reject the plan. If rejected, changes, additional analysis, or other information necessary to make an approval determination shall be identified and transmitted to the applicant.*** Zoning and land development site plans shall be approved prior to the issuance of the building permit. Site construction landscaping per the approved zoning and land development site plan shall be completed and approved prior to the issuance of a certificate of occupancy.

The applicant must submit two (2) sets of engineering (civil) plans and calculations that shall be in compliance with the applicable engineering specifications and standards of this Ordinance. The County Engineer shall prepare guidance documents to aid the applicant in preparing the engineering plans. Engineering site plans shall be approved prior to the issuance of the building permit. Site construction per the approved engineering site plan shall be completed and approved prior to the issuance of a certificate of occupancy. ***Within twenty (20) working days of receipt of the engineering plans, the County Engineer shall approve, approve conditionally, or disapprove the engineering plans. If the engineering plans are disapproved or approved conditionally, the reasons for such action shall be conveyed in writing to the applicant and copied to the Planning Official. The reasons for disapproval shall refer specifically to those parts of the Ordinance or regulation with which the plans do not conform. On conditional approval, the County Engineer may require the applicant to resubmit the engineering plans with all recommended changes before approving said plans.***

A decision of the Planning Official and/or County Engineer may be appealed to the Planning and Zoning Commission. The appeal must be filed within sixty (60) days of the administrative decision, and shall be heard at the next regular Planning and Zoning Commission meeting scheduled at least fifteen (15) days after the appeal is filed. If the preliminary plan is found to conform to all requirements of the Ordinance, the Planning Official shall notify the applicant.

5:2.6-3B. Major Group Development Approval Process [Engineering Plans] (page 5:2-24) **3. Approval**

- a. *Within twenty (20) working days of receipt of the engineering plans, the County Engineer shall approve, approve conditionally, or disapprove the engineering plans. If the engineering plans are disapproved or approved conditionally, the reasons for such action shall be conveyed in writing to the applicant and copied to the Planning Official. The reasons for disapproval shall refer specifically to those parts of the Ordinance or regulation with which the plans do not conform. On conditional approval, the County Engineer may require the applicant to resubmit the plans with all recommended changes before approving said plans.*

A decision of the County Engineer may be appealed to the Planning and Zoning Commission. The appeal must be filed within sixty (60) days of the administrative decision, and shall be heard at the next regular Planning and Zoning Commission meeting scheduled at least fifteen (15) days after the appeal is filed. If the preliminary plan is found to conform to all requirements of the Ordinance, the Planning Official shall notify the applicant.

The County Engineer shall submit written approval prior to the issuance of building permits per the building and building regulations provisions of this Ordinance.

5:2.7-2C. 2. Site Information [PDD] (page 5:2-27)

- a. *The location of topographical lines, at two (2) foot to five (5) foot intervals (survey verified) extending at least 100 feet outside the PDD, wetlands, floodplain areas, and storm drainage ditches.*

5:2.7-4 Preliminary Plan Approval Procedure [PDD] (page 5:2-30)

Within twenty (20) working days of receipt of the preliminary plat, the Planning Official shall review the preliminary plat for compliance with the requirements of this Ordinance and verify that the plat is in substantial conformance with the sketch plan as approved by the Planning and Zoning Commission. The Planning Official shall approve, approve conditionally, or disapprove the plat. If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the PDD site plan, the Comprehensive Plan, Ordinance, or regulation with which the preliminary plat does not conform. On conditional approval, the Planning Official may require the applicant to resubmit the preliminary plat with all recommended changes before approving said plat. A decision of the Planning Official may be appealed to the Planning and Zoning Commission. The appeal must be filed within sixty (60) days of the administrative decision, and shall be heard at the next regular Planning and Zoning Commission meeting scheduled at least fifteen (15) days after the appeal is filed. If the preliminary plat is found to conform to all requirements of the Ordinance, the Planning Official shall notify the applicant.

Within twenty (20) working days of receipt of the construction plans the County Engineer shall review the construction plans for compliance with the requirements of this Ordinance. The County Engineer shall approve, approve conditionally, or disapprove the construction plans. If the construction plans are disapproved or approved conditionally, the reasons for such action shall be conveyed in writing to the applicant and copied to the Planning Official. The reasons for disapproval shall refer specifically to those parts of the Ordinance or regulation with which the plans do not conform. On conditional approval, the County Engineer may require the applicant to resubmit the construction plans with all recommended changes before approving said plans. A

decision of the County Engineer may be appealed to the Planning and Zoning Commission. The appeal must be filed within sixty (60) days of the administrative decision, and shall be heard at the next regular Planning and Zoning Commission meeting scheduled at least 15 days after the appeal is filed. If the construction plans are found to conform to all requirements of the Ordinance, the County Engineer shall notify the applicant and the Planning Official in writing.

5:2.8-2 Determination of Need for Requiring a Traffic Management Plan (page 5:2-35)

A. Conference

A. At the time of submittal of the sketch plan or site plan, as applicable, to the Planning and Zoning Department, the applicant shall schedule a conference with Planning Staff *and other interested and affected county agencies* to discuss the project and its potential traffic impacts. In preparation for the conference, the applicant shall prepare, at minimum, the current level of service (LOS) of the major road(s) impacted by the development for which data is available and the calculated LOS of the referenced impacted roads at build-out. The LOS shall be calculated utilizing the volume to capacity ratio method and utilize the following data:

5:3.6-1.B. Exception to Required Buffer Width [Water Quality Buffers] (page 5:3-15)

1. Application for Exception

An application for an exception to the required buffer width may be submitted for consideration providing that a study is conducted by a qualified Professional Engineer that includes the following factors:

- a. The slope of the site from the highest elevation on the site to the surface elevation of the stream, lake, or pond.
- b. Annual rainfall.
- c. Site soil type.
- d. Type of vegetation within the buffer.
- e. Amount of impervious surfaces on-site (including rooftops).
- f. Other characteristics specific to the site.

The study shall demonstrate that a proposed buffer width that is less than the required width will afford the same water quality protection as the required width in the following standards:

- 1) Erosion prevention and sediment control.
- 2) Nutrient, pesticide, and biocontaminant (fecal coliform) removal.
- 3) Stream temperature.

2. County Engineer Determination

Under site conditions in which it is clear that a buffer width that is less than the required width will afford the same water quality protection as the required width such as very flat land, porous soils, and existing dense riparian vegetation, the County Engineer may make a determination of a reduced buffer width. The determination shall include the following factors:

- a. The slope of the site from the highest elevation on the site to the surface elevation of the stream, lake, or pond.*
- b. Annual rainfall.*
- c. Site soil type.*
- d. Type of vegetation within the buffer.*
- e. Amount of impervious surfaces on-site (including rooftops).*

f. Other characteristics specific to the site.

The determination shall demonstrate that a proposed buffer width that is less than the required width will afford the same water quality protection as the required width in the following standards:

- 1). Erosion prevention and sediment control.***
- 2). Nutrient, pesticide, and biocontaminant (fecal coliform) removal.***
- 3). Stream temperature.***

5:3.6-2 Disturbance of Buffers (page 5:3-15)

Installation of any new structures (including structure replacements), disturbance of the existing terrain, or removal of existing vegetation within the water quality buffer is prohibited except as provided herein. The installation of septic systems or any portion thereof is prohibited within water quality buffers. ***Repair to existing septic tanks is allowed providing repairs are conducted per the protection of water quality buffers during site development and construction activity provisions of this section.***

5:3.6-2.B. 5. Stream Crossings and Utilities Easements [Water Quality Buffers] (page 5:3-17)

Existing easements for public and private utility facilities, including transmission or conveyance lines, communication, sewer, water or gas lines, and erosion control or stormwater structures shall be exempt, provided that any land disturbance is conducted in compliance with the applicable land disturbance regulations and is restored as soon as possible.

New proposed stream crossings and utility easements may be permitted provided:

- a. An analysis is submitted to the Planning Official demonstrating that no economically feasible alternative is available.
- b. The right-of-way shall be the minimum width needed to allow for maintenance access to the installation.
- c. The angle of crossing shall be ***as close to*** perpendicular to the stream or buffer ***as feasible*** in order to minimize clearing requirements.
- d. The minimum number of crossings should be used within each development, and no more than one (1) crossing is allowed for every 1,000 linear feet of buffer zone ***unless no feasible alternative can be demonstrated.*** Where ~~possible~~ ***feasible***, the design of roadways and lots within a development should be aligned such that all streams are either to the rear or the side of individual lots, never along the front.
- e. Roadways, where permitted through the required buffers, including clearing and grading required for their construction, shall be built in accordance with the street standards of this Ordinance for the property location, and dedicated for public use after completion. The dedication of such facilities to a homeowners' association that is legally chartered and registered with the SC Secretary of State shall be considered a public use for the purposes of this provision.
- f. Non-bisecting utility easements running perpendicular to a stream ***are allowed, and where feasible***, shall be installed a minimum of twenty-five (25) feet from the top of bank ***on perennial streams and a minimum of fifteen (15) feet from the top of bank of intermittent streams and shorelines.***
- g. Installation procedures for an approval utility easement buffer crossing or the installation of an approved utility easement within a segment of a buffer shall be conducted as follows:

- 1.) ~~Double silt fence~~ ***A double row of silt fence (with metal posts and wire backing) or other sediment/erosion control device approved by the Stormwater Manager shall be installed along the area of disturbance prior to commencement of work.***
- 2.) Disturbed areas shall be seeded and mulched at the end of each workday.
- 3.) Standard BMPs for work in live waterways shall be implemented.
- 4.) All other applicable stormwater regulation requirements must be adhered to.

5:3.6-2B.6. Nonconforming Structures [Water Quality Buffers] (page 5:3-18)

~~Any structure located within the buffer or under construction on a lot existing as of the effective date of this Ordinance, including dwellings, barns, outbuildings, garages, carports, guesthouses, patios, decks, outdoor recreation structures, or water dependent structures such as docks, boathouses, or piers, shall be allowed to remain as a nonconforming structure. The property owner must be able to document its prior existence through property tax records, building permits, contracts for construction, or other clear evidence.~~

- a. ~~Work within the existing footprint of a nonconforming structure may be undertaken, upon approval, for purposes of maintenance, repair, and renovation of the nonconforming structure lying within the stream buffers.~~
- b. ~~In any such case, however, the nonconformity may not be expanded or the use of the nonconforming structure altered.~~

5:3.7-2. B. General Storm Draining Design (page 5:3-22)

B. No Negative Impact - In areas where there are known drainage problems, no construction shall be allowed which will have an adverse impact on the peak runoff rate, timing, and/or volume until it is convincingly ***reasonably*** established that no negative impact will result.

5:3.7-2F. Design Consistency [Stormwater] (page 5:3-23)

Stormwater drainage systems shall be designed for consistency with general concerns and values of the Kershaw County standards addressed herein, the Kershaw County Stormwater Management Ordinance (SWMO), as well as other Federal, State, and local laws and regulations. Kershaw County encourages the use of Low Impact Development (LID) practices, but reserves the right to review all applicable data, calculations, details plans, specifications, etc. associated with a particular plan or practice. All factors shall be taken into consideration including, but not limited to: Environmental benefits, maintenance costs, location, aesthetics, impacts on other property owners, etc. ***The County Engineer*** ~~Upon concurrence of the Public Works Director, County Engineer, and Planning Official,~~ ***may grant*** variances to the standards ~~may be granted~~ which would otherwise be an impediment to implementing a LID stormwater management plan or practice that is determined to be potentially beneficial to Kershaw County. ***In making a determination of a variance, the County Engineer shall consult with the Public Works Director, Planning and Zoning Director, and/or other departments involved with the subject project.***

5:3.7-3 Design Features (page 5:3-23)

- A. Internal Drainage - The internal storm drainage system shall be designed to accommodate the design storm. The roadway drainage system (pavement, curb, gutter, and/or any associated convenience system) shall be designed to accommodate a storm with a ten (10) year return frequency.

B. External Drainage - Any off-site stormwater runoff onto the proposed development shall be accommodated. Design parameters and coefficients used in all calculations for off-site stormwater shall be based on the projected build out of the basin. The design storm shall be dictated by these standards with due consideration given to the downstream system capacity.

C. Building/Structure Drainage – *Where practicable*, drainage from rooftops of existing or proposed buildings and/or structures should be directed across pervious areas and should not be piped directly to the storm drainage system. *When this is not practicable*, piping rooftop runoff away from the building or structure and discharging to an on-site pervious area is acceptable. All other exceptions, *including piping to off-site pervious areas to which legal easements are obtained*, shall be reviewed on a case-by-case basis.

5:3.7-19.B.13 Dumpsters [Erosion prevention and sediment control design plan requirements] (page 5:3-34)

Kershaw County recommends that all dumpsters be covered, water tight, and secured to minimize the risk of illegal dumping and the leaching of contaminated stormwater from the dumpster. Should maintenance be required, the solid waste handling company shall be contacted to replace or repair the dumpster. At no time shall dumpsters be washed out on-site. Note that, based on site conditions and/or proximity to existing or proposed stormwater conveyance system(s), Kershaw County may require all the aforementioned criteria to be included in the stormwater management plan for the site, and may require the installation of covers on existing dumpsters. In addition, the owner may be required to perform regularly scheduled inspections to ensure the dumpster is maintained in proper working order.

5:3.12b. Use of Right-of-way [Sewer] (page 5:3-67)

The right-of-way shall be for the exclusive use of Kershaw County. No vegetative screening or fencing required by the buffering, screening, open space, and landscaping regulations of this Ordinance shall be planted or installed inside the Kershaw County public sewer right-of-way without the consent of the Planning Official and the Utilities Director. The Planning and Zoning Commission or Planning Official, as applicable, may approve the installation of sidewalks, trails, and greenways as required in this Article within the Kershaw County public sewer rights-of-way. All proposed sidewalks, trails, and greenways including any proposed hardscaping shall have approval from the Utilities Director prior to sketch plan or site plan submittal to the Planning Official or Planning and Zoning Commission, as applicable. However, the County reserves the right to dig up, remove, or destroy any buildings, fences, sidewalks, driveways, entranceways, and other structures allowed within the right-of-way for the purpose of maintaining, inspecting, and operating the sewer facilities. The County shall, in connection with such action, take reasonable precaution not to damage or move said structures, but shall not ~~be~~ held liable for damages.