

Kershaw County Planning and Zoning Department

515 Walnut Street, Room 160, Camden, SC 29020 803-425-7233



AGRICULTURAL FACILITIES

Section 3:3.14, Unified Code of Zoning and Land Development Regulations

Effective June 30, 2006 in zoning districts where agricultural facilities are a permitted or conditionally permitted use, regulations governing the use and operations of such facilities, including setbacks, are governed by the SC *Right to Farm Act, Nuisance Suites Related to Agricultural Operations*, SC 46-45-10 through 80 and SCDHEC regulations adopted pursuant to the *Act*. New swine operations and new slaughterhouse operations are excluded from the definition of agricultural facility.

3:3.14-1 Agricultural Facility as Defined by SC Code of Laws, Section 46-45-20

- A. For purposes of this section, *agricultural facility* includes but is not limited to any land, building, structure, pond, impoundment, appurtenance, machinery, or equipment which is used for the commercial production or processing of crops, trees, livestock, animals, poultry, honeybees, honeybee products, livestock products, poultry products, or products which are used in commercial aquaculture.
- B. For purposes of this section, *agricultural operation* means:
1. The plowing, tilling, or preparation of soil at the agricultural facility;
 2. the planting, growing, fertilizing, or harvesting of crops, ornamental horticulture, floriculture, and turf grasses;
 3. the application of pesticides, herbicides, or other chemicals, compounds, or substances to crops, weeds, or soil in connection with the production of crops, livestock, animals, or poultry;
 4. the breeding, hatching, raising, producing, feeding, keeping, slaughtering, or processing of livestock, hogs, aquatic animals, equines, chickens, turkeys, poultry, or other fowl normally raised for food, mules, cattle, sheep, goats, rabbits, or similar farm animals for commercial purposes;
 5. the production and keeping of the honeybees, the production of honeybee products, and honeybee processing facilities;
 6. the production, processing, or packaging of eggs or egg products;
 7. the manufacturing of feed for poultry or livestock;
 8. the rotation of crops;
 9. commercial aquaculture;
 10. the application of existing, changed, or new technology, practices, processes, or procedures to an agricultural operation;
 11. the operation of a roadside market; and
 12. silviculture.
- C. For purposes of this section, *new swine operations* means porcine production operations not in existence on June 30, 2006.
- D. For purposes of this section, *new slaughterhouse operations* means agricultural operations that:
1. are established after the effective date of the Kershaw County Unified Code of Zoning and Land Development Regulations (ZLDR); and
 2. slaughter or process more than two hundred million pounds of livestock, hogs, aquatic animals, equine, chickens, turkeys, poultry, or other fowl normally raised for food, mules, cattle, sheep, goats, rabbits, or similar farm animals for commercial purposes; and
 3. a new slaughterhouse operation does not include a slaughterhouse located within the corporate limits of a city that relocates within that same county.

3:3.14-2 Conditional Uses for Swine Operations

Swine operations shall be contingent on the applicant receiving all State and Federal permits and compliance with the supplemental regulations of this section where conditionally permitted by the ZLDR.

Swine operations include swine confined animal feeding operations (CAFOs) and swine farming operations.

A CAFO is an agricultural facility where animals are confined and fed or maintained for a total of forty-five days (45) or more in a twelve (12) month period, and crops, vegetated forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Structures used for the storage of animal waste from animals in the operation also are part of the concentrated feeding operation.

Swine operations established after the effective date of the ZLDR shall be located no closer than 750 feet of any pre-existing adjoining property line, 1,500 feet of any pre-existing residence, or 3,960 feet (three quarters of a mile) of a pre-existing religious institution, school, public park or recreation facility, industrial park, or building used as a business, unless the titleholder of the adjoining land executes a waiver with the titleholder of the land where the CAFO or farming operation is established or proposed to be established under terms and conditions that the parties negotiate.

A waiver shall be executed by the adjacent/adjoining property owner(s) which grants permission to locate a CAFO closer than 1,500 feet to a pre-existing residence, or closer than 3,960 feet (three quarters of a mile) to a pre-existing church or religious institution, public or private school or educational facility, public park or recreation facility, industrial park, or any building used as a business, professional office, or public use; or grants permission to locate closer than 750 feet from any pre-existing property line. Said zoning use waiver must contain a description of which portion of the adjacent property is subject to the waiver and a derivation. The waiver shall be witnessed by two persons and filed in the office of Planning and Zoning.

Lagoon or waste storage ponds used in conjunction with all swine operations shall be provided with a 200-foot vegetated buffer strip on all sides. The buffer shall not contain any water body, water source, or wetland. No portion of any swine facility shall be located in the 100 year floodplain.

Non-Conforming Swine CAFOs and farming operations in existence prior to the effective date of the ZLDR are subject to the non-conforming provisions of the ZLDR