AGENDA

KERSHAW COUNTY COUNCIL MEETING

AUGUST 11, 2020 ~ 5:30 P.M.

COUNTY COUNCIL CHAMBERS / KERSHAW COUNTY GOVERNMENT CENTER
515 Walnut Street, Camden, SC 29020

Call to Order

Invocation/Pledge of Allegiance Councilman David Snodgrass

Public Comments

Adoption of Agenda

Proclamation

- Proclamation in Honor of the 75th Anniversary of the Victory over Japan (VJ Day) and the End of World War II .....A
  (placed on the agenda by Chairman Burns)

Approval of Minutes July 14, 2020 Meeting .....B

Public Présentation

1. COVID-19 Update – Mr. Vic Carpenter
2. Census Update

Ordinances

1. Second Reading of an Ordinance of the County Council of Kershaw County, South Carolina to Amend the County's Official Zoning Map Designation for Approximately 1 Acre of Land with Tax Parcel #267-00-00-021 for Earnest Wood, from RD-1 to RD-2 and Providing an Effective Date ...C
2. Second Reading of an Ordinance by Kershaw County to Amend the Kershaw County Unified Code of Zoning and Land Development Regulations (ZLDR) Article 2 - Definitions, Article 3 Section 3:1.3 – Table of Contents of Permitted Uses, and Article 3, Section 3.3 Conditional Uses, to add Regulations for Large Scale Commercial Standalone Solar Energy Farm Uses .....D
3. First Reading of an Ordinance of the County Council of Kershaw County, South Carolina to Amend the County's Official Zoning Map Designation for Approximately 20.30 Acres of Land with Tax Parcel #287-00-00-090 for Wayne Keith Galloway, from RD-1 to RD-2 and Providing an Effective Date .....E
4. An Emergency Ordinance by Kershaw County Council to Require Face Coverings in the Unincorporated Area of Kershaw County .....F
   (placed on the agenda by Councilman Gardner)
5. An Emergency Ordinance to Establish Safety Measures, Virtual Meeting Attendance, and Operating Procedures Regarding Postponing and/or Rescheduling Kershaw County Council Meetings .....G

New Business

1. Clean Community Commission Appointments .....H
2. Library Board Appointment I

PUBLIC COMMENT GUIDELINES

(Amended by Kershaw County Council, August 12, 1997)

1. Public Comment:
   > is an opportunity for members of the public to share information with Council
   > is not a time for debate with or questions and answers from Council
   > is a time for Council to receive input
   > is not a time for Council response
   In short, during Public Comment Council will LISTEN to public comment, but not COMMENT on public comment.
2. Offensive and inappropriate comments will not be tolerated and comments should be limited to statements and rhetorical questions.
3. If a group would like to speak to Council, we request that a spokesperson be selected and that this person indicate the group he/she is representing on the sign-up sheet and in his/her comments.
4. Public comment is a time to discuss issues, not individuals. Other avenues exist for individual personnel complaints.
5. Public comment period is limited to 30 minutes with 5 minutes maximum allowed per individual speaker.

PUBLIC HEARING GUIDELINES

(Amended by Kershaw County Council, January 28, 2020)

1. Prior to the public hearing persons wishing to speak should sign up to speak.
2. Immediately prior to the public hearing, it shall be announced that persons wishing to speak must identify that they wish to speak.
3. When the public hearing is opened, that persons be notified as to how many people have signed up, and identified, and in what order.
4. Persons will speak in the order in which they signed up, and identified, and in the order they have identified themselves as wishing to speak.
5. Each person can speak a maximum of ten minutes.
6. Comments at public hearings should be germane to the matter subject to the public hearing which should be liberally construed.

PUBLIC PRESENTATIONS GUIDELINES

(Amended by Kershaw County Council, January 28, 2020)

These rules may be varied by county council by a single vote at the time of the presentation.

1. A "public presentation" as an agenda item is limited to non-governmental organizations that wish to make requests or present information to County Council involving matters which are within the purview or statutory scope of County Council's authority.
2. A public presentation is limited to no more than three per meeting. The maximum time allotted for a public presentation is 20 minutes. No action is taken by County Council as a result of a public presentation.
3. Governmental entities, agencies of Kershaw County, or boards of Kershaw County can likewise present a public presentation as an agenda item. Governmental entities, agencies of Kershaw County, or boards of Kershaw County or entities that have a contractual relationship with Kershaw County can likewise request to be put on the agenda under New Business.
4. A request to be put on the agenda as a public presentation, or new business (if applicable) shall be accompanied by a written request which shall state the nature of the public presentation and the substantive content of the proposed presentation.
5. Individuals or representatives of organizations that wish to express concerns to County Council or to comment as to public matters are more appropriate to present their concerns or comments during the "public comment" section on the Council agenda.

Kershaw County Mission

It is the mission of Kershaw County Council to provide policy leadership, work to ensure adequate resources are available, monitor the consequences of policy decisions and make changes as necessary to ensure goals are being met in order to move the county in the direction of realizing its vision for the future.

Kershaw County Values

In meeting the needs of the citizens of Kershaw County, Council will be guided by the values of honesty, transparency, courageous leadership, civility, respect and understanding issues and concerns through active listening.

Kershaw County Vision

Kershaw County Government seeks to create an environment in which partnerships between the private and public sectors are developed for the purpose of improving the prosperity and quality of life for our citizens. Kershaw County will foster a climate conducive to increased economic development and improvement of the educational, social and cultural opportunities for our citizens. Kershaw County will provide the leadership to ensure citizen participation in the governance of the county as it works to deliver the highest quality of services in the most cost-effective manner.

Council Briefings

Administrator's Briefing

Legal Briefing

Executive Session (Action may possibly be taken on issues discussed in Executive Session after Council reconvenes.)

Adjournment

Proclamation in Honor of the 75th Anniversary of the Victory over Japan (VJ Day) and the End of World War II

WHEREAS, it is the custom of this Body to commemorate significant events which represent turning points in our Patriotic history and which are indelibly etched in the saga of our great Nation; and

WHEREAS, President Harry S. Truman on 14 August 1945 declared hostilities at an end, which led to Japan's formal surrender to the allies on 2 September and the end of World War II; and

WHEREAS, the Combined Allied Powers and Supreme Headquarters Allied Expeditionary Forces Europe under General Eisenhower accepted the Surrender of Germany in May of 1945; and

WHEREAS, at the end of June, the U.S. captured Okinawa, an island from which the Allies could invade the Japanese home islands; the invasion, headed by General Douglas MacArthur and code-named "Operation Olympic," was set for November 1945; and

WHEREAS, the invasion of Japan promised to be the bloodiest seaborne attack of all time, many times as costly as the Normandy invasion in terms of allied casualties; on July 16, a new option became available when the United States secretly detonated the world's first atomic bomb in the New Mexico desert; and

WHEREAS, ten days later, the Allies issued the Potsdam Declaration, demanding the "unconditional surrender of all the Japanese armed forces"; failure to comply would mean "the inevitable and complete destruction of the Japanese armed forces and just as inevitable the utter devastation of the Japanese homeland"; and on August 6th, the B-29 bomber Enola Gay dropped an atomic bomb on the city of Hiroshima, killing and fatally wounding thousands; and a second U.S. atomic bomb was dropped on the Japanese coastal city of Nagasaki on August 8th; and

WHEREAS, the United States answered an appeal from the Japanese government that "the authority of the emperor and the Japanese government to rule the state shall be subject to the Supreme Commander of the Allied Powers"; after two days of further debate, Emperor Hirohito declared that peace was preferred and Hirohito told his subjects, "we have resolved to pave the way for a grand peace for all the generations to come by enduring the unendurable and suffering what is insufferable"; the United States immediately accepted Japan's surrender; and

WHEREAS, President Truman appointed General Douglas MacArthur to head the Allied occupation of Japan as Supreme Commander of the Allied Powers and preside over the surrender; for the site of Japan's formal surrender, Truman chose the USS Missouri, a battleship that had seen considerable action in the Pacific and was named after Truman's native state; and

WHEREAS, on September 2, just after 9:00 am Tokyo time, Japanese Foreign Minister Mamoru Shigemitsu signed the formal surrender on behalf of the Japanese government; General Yoshijiro Umezu then signed for the Japanese armed forces; and

WHEREAS, the United States in the long years of World War II committed vast sums of money in support of our Allies globally and suffered some 552,117 casualties; and

WHEREAS Kershaw County did its part for the war, with 97 killed from this County alone with great pain and suffering to the wounded and families who suffered the losses.

NOW, THEREFORE, BE IT **RESOLVED**, that Kershaw County proclaims the week 14-21 August as Victory in World War II week, wherein those Veterans still living be sought out, that the families of the dead be honored in churches and in public, that the graves of the fallen tended with respect and honor; and that the names of those killed be remembered in printed and radio media; and

AND THAT IT BE FURTHER RESOLVED, that Kershaw County asks that the names of our honored dead in World War II be read aloud by the Veterans organizations and the County Schools at times set aside on Veterans Day 2020 for student assemblies and ceremonies held for that purpose.

By: _____
Julian Burns
Chairman

By: _____
Sammie Tucker, Jr.
Kershaw County Vice-Chairman

By: _____
David Snodgrass
Kershaw County Councilman

By: _____
Tom Gardner
Kershaw County Councilman

By: _____
Al Bozard
Kershaw County Councilman

By: _____
Ben Connell
Kershaw County Councilman

By: _____
Jimmy Jones
Kershaw County Councilman

ATTEST: _____
Merri M. Seigler, Clerk to Council

The regular meeting of the Kershaw County Council was held on Tuesday, July 14, 2020 at 5:30 p.m. in Council Chambers at the Kershaw County Government Center.

Council Present:	Julian Burns	David Snodgrass	Sammie Tucker, Jr.	Tom Gardner
	Al Bozard	Ben Connell	Jimmy Jones	
Staff Present:	Vic Carpenter	Danny Templar	Merri Seigler	Ken DuBose
	Michael Conley	Barry Nelson	Scott Wiles	Kermit Scott

Members of the public and representatives of the media were present.

In accordance with the Freedom of Information Act, copies of the agenda were sent to the newspapers, TV and radio stations, citizens of the county, department heads and posted on the website.

Chairman Burns called the meeting to order and welcomed those in attendance, after which Councilman Connell gave the invocation and led the Pledge of Allegiance.

PUBLIC COMMENTS

Ms. Debra King submitted her public comments via a handwritten note. It addressed the support of wearing a face mask in public.

Mr. Paul Watts asked Council for help in restricting loud fireworks.

ADOPTION OF AGENDA

Councilman Gardner moved to approve the agenda, seconded by Vice-Chairman Tucker.

In Favor:	Julian Burns	David Snodgrass	Sammie Tucker, Jr.	Tom Gardner
	Al Bozard	Ben Connell	Jimmy Jones	

APPROVAL OF MINUTES

Vice-Chairman Tucker moved to approve the minutes of June 30, 2020 Called Meeting, seconded by Councilman Gardner.

In Favor:	Julian Burns	David Snodgrass	Sammie Tucker, Jr.	Tom Gardner
	Al Bozard	Ben Connell	Jimmy Jones	

PROCLAMATION

A Proclamation in Memory of Dave McIntosh

Chairman Burns read the proclamation and Council provided comments knowing that Mrs. McIntosh and her daughter, Carrie, were listening via Facebook. Councilman Jones moved to approve the proclamation, seconded by Councilman Gardner.

In Favor:	Julian Burns	David Snodgrass	Sammie Tucker, Jr.	Tom Gardner
	Al Bozard	Ben Connell	Jimmy Jones	

PUBLIC PRESENTATIONS

COVID-19 Update – Mr. Vic Carpenter

Mr. Carpenter provided current statistics through various graphs. COVID cases have made a dramatic rise in the last month. He also gave an update on the Small Business Relief Grant. A list of recipients was provided to Council. (the list will be attached to approved minutes)

RESOLUTION

A Resolution Encouraging Individuals to Wear Face Coverings in Certain Circumstances and Matters Related Thereto

Councilman Gardner moved to approve the resolution, seconded by Councilman Snodgrass.

In Favor:	Julian Burns	David Snodgrass	Sammie Tucker, Jr.	Tom Gardner
	Al Bozard	Ben Connell		
Opposed:	Jimmy Jones			

ORDINANCES

First Reading of An Ordinance of the County Council of Kershaw County, South Carolina to Amend the County's Official Zoning Map Designation for Approximately 1 Acre of Land with Tax Parcel #267-00-00-021 for Earnest Wood, from RD-1 to RD-2 and Providing an Effective Date

Councilman Bozard moved to adopt the ordinance, seconded by Vice-Chairman Tucker.

In Favor:	Julian Burns	David Snodgrass	Sammie Tucker, Jr.	Tom Gardner
	Al Bozard	Ben Connell	Jimmy Jones	

First Reading of an Ordinance by Kershaw County to Amend the Kershaw County Unified Code of Zoning and Land Development Regulations (ZLDR) Article 2 - Definitions, Article 3 Section 3:1.3 – Table of Contents of Permitted Uses, and Article 3, Section 3.3 Conditional Uses, to add Regulations for Large Scale Commercial Standalone Solar Energy Farm Uses

Councilman Snodgrass moved to approve the ordinance, seconded by Vice-Chairman Tucker.

In Favor:	Julian Burns	David Snodgrass	Sammie Tucker, Jr.	Tom Gardner
	Al Bozard	Ben Connell	Jimmy Jones	

NEW BUSINESS

Health Services District Appointment

Councilman Snodgrass moved to appoint Mr. Eric Gunter to the Board, seconded by Vice-Chairman Tucker.

In Favor:	Julian Burns	David Snodgrass	Sammie Tucker, Jr.	Tom Gardner
	Al Bozard	Ben Connell	Jimmy Jones	

Government Center Generator

Vice-Chairman Tucker moved to approve the bid from Blanchard Machinery in the amount of $216,100 for the generator and installation. ATS/Delivery/Installation/Platforms/Startup will cost $95,313.88. With sales tax the total is $231.227. Councilman Gardner seconded the motion. 75% of the cost will be paid by FEMA.

In Favor:	Julian Burns	David Snodgrass	Sammie Tucker, Jr.	Tom Gardner
	Al Bozard	Ben Connell	Jimmy Jones	

COUNCIL BRIEFINGS

Councilman Connell

Mr. Connell offered his appreciation to the Public Works staff for how they handle road issues.

Councilman Jones

Mr. Jones also thanked Mr. Danny Templar and the Public Works Department for handling road issues so efficiently. He announced he will be appointing Ms. Jill Wolfe to the Clean Community Commission. Mr. Jones would like to see the Council dais set up for social distancing.

Councilman Snodgrass

Mr. Snodgrass echoed the kudos for Public Works in handling road issues.

Vice-Chairman Tucker

Mr. Tucker thanked the Council for the Mask Resolution. We need to set the example as leaders.

Councilman Gardner

Mr. Gardner encouraged everyone to wear a face mask.

Councilman Bozard
CTC met last night and approved the road paving for the Fire Department at Lake Wateree.

Chairman Burns
Mr. Burns reminded everyone of the next meeting on August 11. The School District is meeting tonight to decide the process of re-entry. He thanked Councilman-Elect Russell Brazell for being in attendance. He also thanked Mrs. Amy Kinard, Kershaw Chamber of Commerce Director, for her attendance. The three local high schools have started football practice using social distancing and wearing face coverings.

Administrator
Mr. Carpenter noted DHEC was at the Health Department today for COVID testing. They had 128 participants. The Census is at 62.5% which is a higher percentage than the State and Nation. Mr. Carpenter advised Council the Comet Neowise will be visible in the morning sky.

Legal
No report

ADJOURNMENT
Vice-Chairman Tucker moved to adjourn, seconded by Councilman Connell.

In Favor:	Julian Burns	David Snodgrass	Sammie Tucker, Jr.	Tom Gardner
	Al Bozard	Ben Connell	Jimmy Jones	

The meeting adjourned at 7:10 p.m.

_____
Date Approved

_____
Clerk to Council

ORDINANCE NO._____

AN ORDINANCE OF THE COUNTY COUNCIL OF KERSHAW COUNTY, SOUTH CAROLINA TO AMEND THE COUNTY'S OFFICIAL ZONING MAP DESIGNATION FOR APPROXIMATELY 1 ACRE OF LAND WITH TAX PARCEL #267-00-00-021 FOR ERNEST WOOD, FROM RD-1 TO RD-2 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 March 27, 2018 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 June 8, 2020 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 June 8, 2020 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 approximately 1 acre of land with Tax Parcel #267-00-00-021 from RD-1 to RD-2 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 ____ DAY OF _____, 2020

KERSHAW COUNTY, SOUTH CAROLINA

_____
Kershaw County Council

ATTEST:

_____
Merri M. Seigler
Clerk to Council

First Reading	July 14, 2020
Second Reading	August 11, 2020
Third Reading	_____

KERSHAW COUNTY
PLANNING & ZONING COMMISSION

REQUEST FOR MAP AMENDMENT BY
ERNEST WOOD

Current Zoning: RD-1 (Rural Resource District)

Proposed Zoning: RD-2 (Rural Resource District)

TMS# 267-00-00-021

June 8, 2020

STAFF REPORT

KERSHAW COUNTY PLANNING COMMISSION
(June 8, 2020 Meeting)

Request #: 20-01

Staff: Joey Adams-Raczkowski

Applicant: Ernest Wood
Property Size: 0.94 acre lot

Current Zoning: RD-1 (Rural Resource District)
Proposed Zoning: RD-2 (Rural Resource District)
Location: 1391 Nick Watts Road, Lugoff

TMS#: 267-00-00-021

Background Summary: This rezoning request consists of one parcel totaling 0.94 acres. The site is located on the south side of Nick Watts Road just east of the intersection with Pine Grove Road. Feather Road directly adjoins the western portion of the property. The parcel has an existing 1,188 sq. ft. single-family residential home that, according to the applicant, is in a state of disrepair.

This is a general use rezoning request that, if approved, would allow all permitted and conditional uses as outlined in the Zoning and Land Development Regulations for the RD-2 zoning district. However, the property owner has stated that they intend to demolish the existing site built home and place a manufactured home on property. This rezoning request is considered to be contiguous to existing RD-2 zoning which is located along the north side of Nick Watts Road.

Key Issue Summary: The following key issues should be resolved through the consideration of this application:

- Does the request follow the Future Land Use Map?
- Does the request correlate with the current Kershaw County Comprehensive Plan?

Preliminary Staff Recommendation: Staff does not object to the Planning and Zoning Commission recommending approval of the rezoning request of the subject property from RD-1 to RD-2.

Current Property Information

Land Use	Single-family residential
Site Features	Rural, large lot, semi-wooded property located on the south side of Nick Watts Road just east of the intersection with Pine Grove Road. Feather Road directly adjoins the western portion of the property.
Flood Hazards	No flood hazard areas exist on the subject property.
Vehicle Access	The subject property has an existing residential driveway onto Nick Watts Road.

Surrounding Zoning and Land Use

	Zoning:	**Land Use:**
North:	RD-2	Existing single family home
South:	RD-1	Vacant wooded land
East:	RD-1	Existing 2016 Clayton single wide manufactured home
West:	RD-1	Vacant wooded lot

Zoning District Summary (Existing/ Proposed)

	Existing Zoning: RD-1	**Proposed Zoning: RD-2**
Zoning District Intent:	The value of agricultural lands, woodlands, wetlands, and other resources which characterize this district are important to clean water, air, and to many natural cycles. These lands provide much of the character that makes Kershaw County an attractive place to live. The intent of this district, therefore, is to protect these area resources from development, which would needlessly alter their rural state and contribution to a balanced environment.	The value of agricultural lands, woodlands, wetlands, and other resources which characterize this district are important to clean water, air, and to many natural cycles. These lands provide much of the character that makes Kershaw County an attractive place to live. The intent of this district, therefore, is to protect these area resources from development, which would needlessly alter their rural state and contribution to a balanced environment.
Permitted Uses: *Note: See Table 3-3 of the Zoning and Land Development Regulations for a complete listing of permitted and conditional uses.*	Single-Family Detached Agricultural Production Crops, Livestock, Animals Forestry and Logging Fishing, Hunting, and Trapping Mining Electric, Gas, and Sanitary Services Wild Game Processing Retail stores (C) Golf, tennis, and swim clubs Bed and Breakfast, hosting weddings (C) Camps and RV Parks (C) Gasoline Stations Transportation and Warehousing Libraries and Archives Veterinary services Landscape Services Educational Services Nursing Care Facilities Zoos and Botanical Gardens Hunt Clubs Pet Care	Single-Family Detached Manufactured homes Agricultural Production Crops, Livestock, Animals Forestry and Logging Fishing, Hunting, and Trapping Mining Electric, Gas, and Sanitary Services Wild Game Processing Retail stores (C) Golf, tennis, and swim clubs Bed and Breakfast, hosting weddings (C) Camps and RV Parks (C) Gasoline Stations Transportation and Warehousing Libraries and Archives Veterinary services Landscape Services Educational Services Nursing Care Facilities Zoos and Botanical Gardens Hunt Clubs Pet Care

Water and Sewer Service:	Lugoff Water Company / Septic	Lugoff Water Company / Septic
Lot and/or Density Requirements:	Minimum 1 acre or 43,560 SF	Minimum 1 acre or 43,560 SF
Setbacks Required:	Street Frontage: 100' Front: 35' Side: 20' Rear: 30'	Street Frontage: 100' Front: 35' Side: 20' Rear: 30'
Height Restrictions:	35'	35'
Maximum Impervious Surface Ratio: Measured as a percent of total lot area	.50	.50
Maximum Density: Measurements in units per gross acre	1	1

Infrastructure

Council District	District 1 - Al Bozard
Water	Lugoff Water
Electricity	unknown
Sewer or Septic	Septic
School(s)	Lugoff Elementary Lugofff-Elgin Middle School Lugoff-Elgin High School
Fire District	Pine Grove Fire District
Police Department	Kershaw County Sheriff's Department

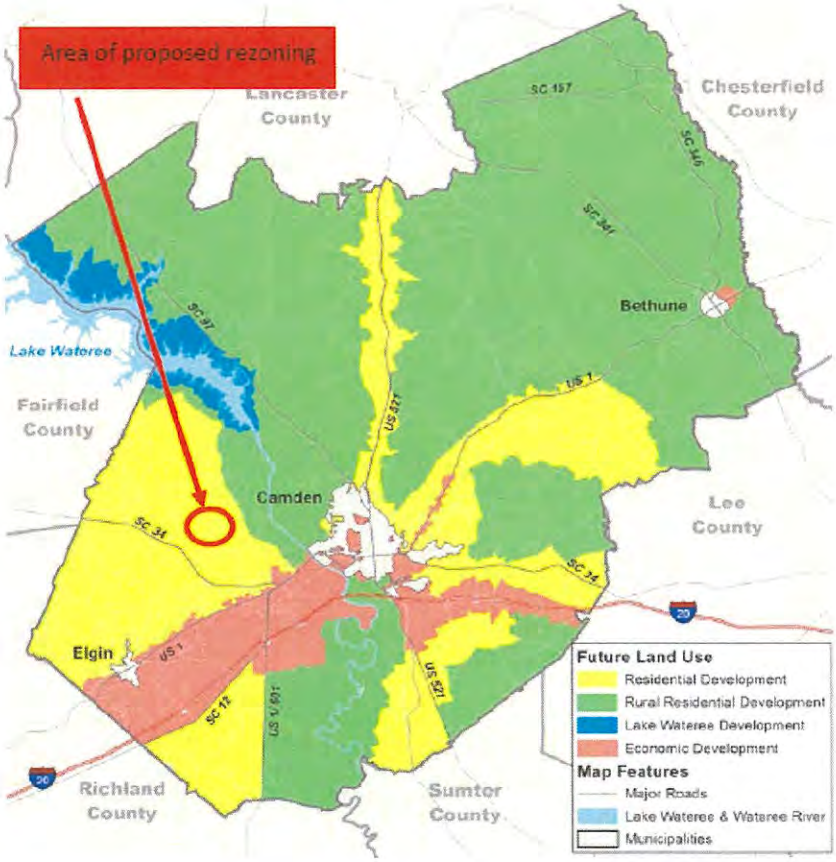
Traffic

Street Classification	Current LOS (Level Of Service)
Local Road - The function of local road is to provide access to adjacent land and road systems of higher classification for travel over relatively short distances as compared to collectors. *Source: Kershaw County Comprehensive Plan 2017-2027*	Nick Watts Road is a state maintained two-lane local road with an approximate right-of-way width of 66-feet. Nick Watts road has no 2019 daily traffic counts on record according to SC DOT traffic counting records.

Comprehensive Plan Considerations:

- *Enable and promote a variety of commercial uses and development in locations that are appropriate and compatible with surrounding land uses, that provide employment opportunities, and that serve the needs of residents.*

- *Encourage the location of new and expanded residential, commercial, and industrial development in areas where existing water and sewer facilities, roads, and other infrastructure, or planned facilities upgrades, can accommodate the development.*



Planning Considerations:

- ***Residential Development (RD)*** - Residential Development areas are characterized by suburban development from the periphery of the urban core and reach into the unincorporated areas of the County, generally along and near major transportation routes including U.S. Highways 1 and 521 and S.C. Highways 12 and 34. Included in RD are residences of all types and densities and associated non-residential uses that support residential development such as institutional, retail, office, commercial, and service uses.

Decision Criteria:
Again the key issues that should be resolved through consideration of this application are:

- Does the request follow the Future Land Use Map?
- Does the request correlate with the current Kershaw County Comprehensive Plan?

The Comprehensive Plan.
Preliminary Staff Comments: The request is within compliance of the goals of the Comprehensive Plan and Future Land Use Map. The properties are located within the county's comprehensive plan defined area of Residential Development District. Although public sewer is not available in this area, that limitation will require any development to occur at lower densities that is supportive of the rural character of the area.

The current conditions and character of the current structures in each district.
Preliminary Staff Comments: To the north of the subject property, across Nick Watts Road, is RD-2 zoning. Therefore, the subject parcel is considered to be contiguous to an existing RD-2 zoning district. All of the surrounding parcels are large lot single family residential. Nick Watts Road is the dividing line between RD-2 zoning to the north, and RD-1 zoning to the south. The eastward end of Nick Watts road is predominantly developed with site built housing on large lots. However, the housing types in the general vicinity of the request on the westward end of Nick Watts Road are a mixture of site built and manufactured housing, in both the RD-1 and RD-2 zoning districts. Staff provides the Planning Commission the following for informational purposes. "As defined by the South Carolina Municipal Association: Zoning a small parcel as an island surrounded by a district with different zoning may be spot zoning. The Supreme Court stated that invalid "spot zoning" is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area to benefit the owners of such property and to the detriment of other owners. Bob Jones University, Inc. v. City of Greenville, 243 S.C. 351, 133 S.E.2d 843 (1963). Small areas may be rezoned as long as the action is not arbitrary or unreasonable. To help avoid the problem of spot zoning, many zoning ordinances include a provision prohibiting some types of free standing zoning districts of less than two acres."

The most desirable use for which the land in each district is adapted.
Preliminary Staff Comments: The subject property at 1391 Nick Watts Road is already developed with a site built single-family home. Although the property owner may ultimately decide to replace the current site built home, that is in a state of disrepair, with a manufactured home, the property will still be utilized for the same purpose - single family residential dwelling. Most commercial uses

allowed within the proposed RD-2 district are typically considered to be compatible with surrounding residential development, and are either permitted by right or by conditional use.

The conservation of property values throughout the jurisdiction of Kershaw County.
Preliminary Staff Comments: Staff has not seen any empirical evidence that additional new construction will have a negative impact on property values. On the contrary, commercial development has the tendency to increase property values.

Responsible growth and development:
Preliminary Staff Comments: The proposed rezoning meets the objectives of the comprehensive plan by continuing to foster large lot residential development along that portion of Nick Watts Road. Additionally, the proposed rezoning encourages a variety of commercial uses and development in locations that are appropriate and compatible with surrounding land uses, and have access to roads that can accommodate the additional traffic that will be generated.

Planning and Zoning Commission Options:

Reviewing a request for a map amendment the Planning and Zoning Commission may:

1. **Forward a favorable recommendation to the Kershaw County Council**
2. **Forward an unfavorable recommendation to the Kershaw County Council**
3. **Continue to the review to the next Planning and Zoning Commission Meeting**

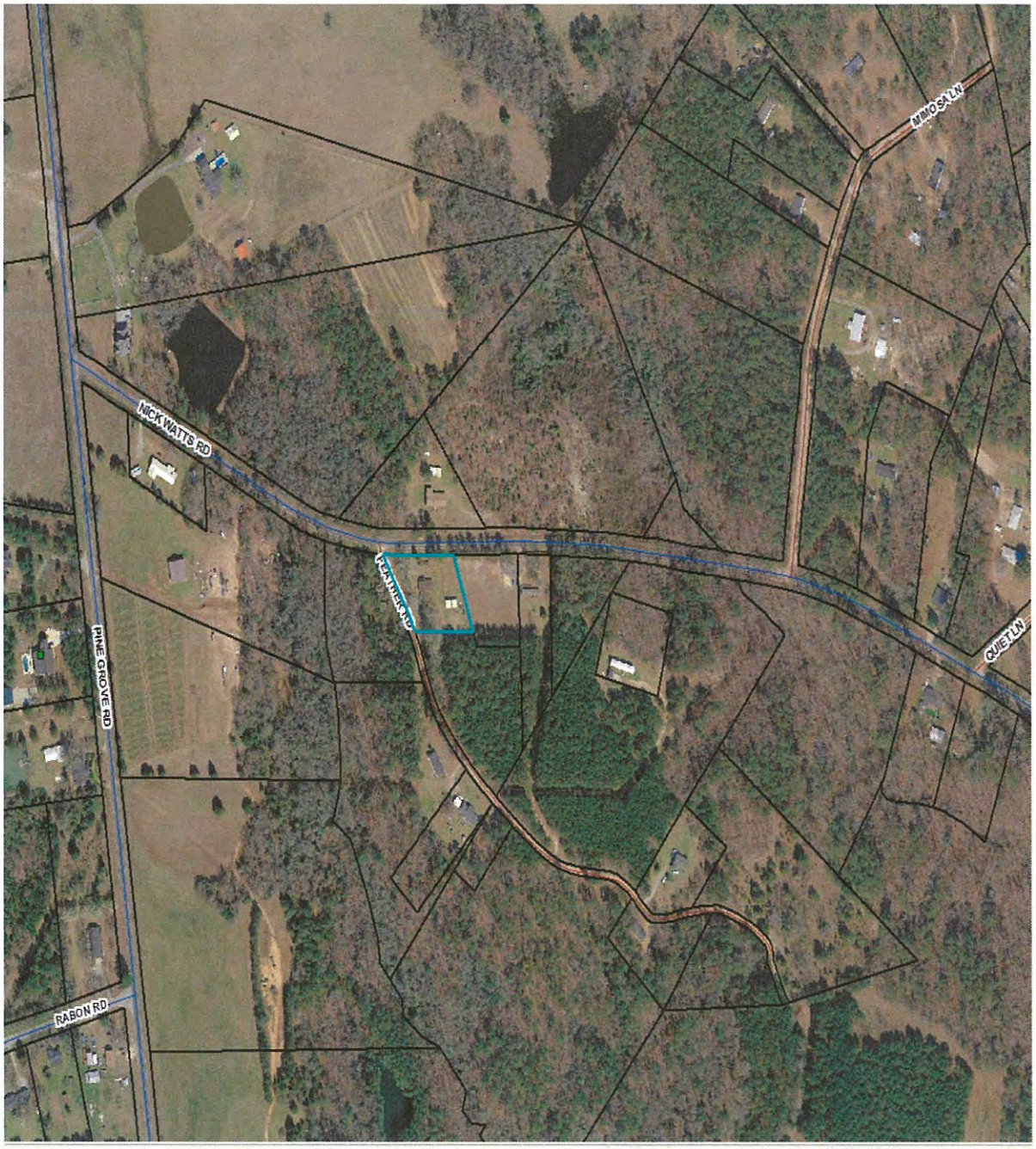
Staff does not object to the Planning and Zoning Commission recommending approval of the rezoning request of the subject property from RD-1 to RD-2. The Kershaw County Council makes all final decisions regarding rezoning applications.

STAFF REPORT TO COUNTY COUNCIL

On June 8, 2020 the Planning and Zoning Commission held a public hearing on the request of Ernest Wood, applicant, to request a change in the zoning classification of one parcel land of approximately one acre in size from RD-1 (Rural Resource District) to RD-2 (Rural Resource District). The property is located at 1391 Nick Watts Road TMS# 267-00-00-021. Planning and Zoning Commission members present were Claude Eichelberger, Kevin Scharf, George Harkins, Kate Denton, and Curtis Blackmon.

During the hearing, Joey Adams-Raczkowski, Planning Manager, presented the staff report and did not object to the rezoning request. The applicant as well as his daughter and son were present but did not speak. Although this is a general use rezoning, Mr. Wood has previously expressed that the RD-2 zoning district would allow him the flexibility to utilize the property at 1391 Nick Watts Road for one single-family manufactured home to replace the existing site built home he lives in that is in a state of disrepair. No one from the public spoke at the public hearing. One email in support of the request was received from Sharon and Rodger Blakeney who reside at 34 Quiet Lane. No other public comments were received by mail or email. After a brief discussion between Commission members, Curtis Blackmon made a motion that the Planning Commission recommend approval of the rezoning request to rezone the parcel from RD-1 to RD-2 zoning. George Harkins seconded the motion. The motion carried unanimously with a 5:0 vote to approve.

Aerial view of subject properties (Case# 20-01)



Subject property as viewed from Nick Watts Road (Case# 20-01)

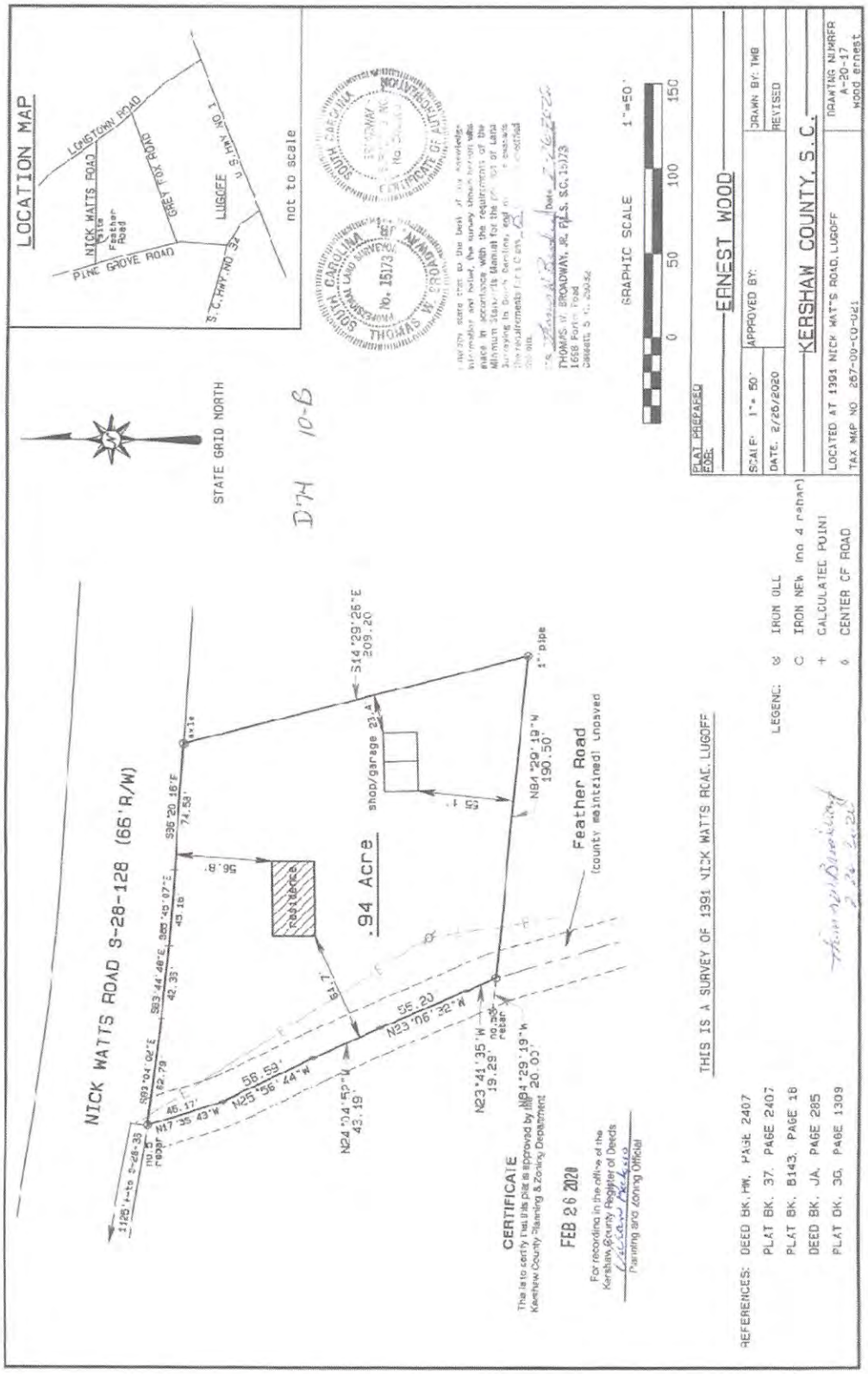
Subject property as viewed from Feather Road

Adjacent property across Nick Watts Road

Adjoining Property to east - single wide manufactured home

First adjacent property located on Feather Lane - double wide manufactured home

Existing Property Survey (Case# 20-01)



PETITION TO PLANNING AND ZONING COMMISSION
REZONING (ZONING MAP AMENDMENT) APPLICATION

Date: 02/16/2020	Request #: 20-01	The applicant requests that the property described below be re-zoned from RD-1 to RD-2

APPLICANT

NAME: Ernest Wood	E-MAIL JAHUDSON24@gmail.com		
MAILING ADDRESS: 1391 Nick Watts Rd.	CITY: Lugoff	STATE: SC	ZIP: 29078
TELEPHONE: 803-438-2698	CELL: 803-420-0698		
THE APPLICANT IS: PROPERTY OWNER [✓] AGENT OF PROPERTY OWNER [ ] OPTION HOLDER [ ]			
If applicant is other than owner, state applicant's interest in the land proposed to be rezoned:			

PROPERTY LOCATION

Street address: 1391 Nick Watts Rd Lugoff, SC		Street address:	
TMS#: 267-00-00-021	Number of acres: 1	TMS#:	Number of acres:
Deed book: HW 768	Plat book: D74 10-B	Deed book:	Plat book:
Sewer district: None	Water district: Lugoff Water	Sewer district:	Water district:
Current use: Residential / Single Family Dwelling		Current use:	
Proposed use: Residential / Manufactured Home		Proposed use:	
Community/subdivision:	Council district:	Community/subdivision:	Council district:

Has previous application been made to rezone all or any part of this/these property/properties? Yes [ ] No [✓]. If yes, when?

Reason for request: New Housing – Mobile Home

As per the SC Local Government Planning Enabling Act (Section 6-29-1145 of the South Carolina Code of Laws), is/are this/these tract(s) or parcel(s) restricted by any recorded covenant, restriction, easement, etc., that is contrary to, conflicts with, or prohibits the proposed land use? Yes [ ] No [✓]. If so, submit a copy with this application.

Applicant's Signature: Ernest Wood Date: 2-27-2020

PROPERTY OWNER - If other than applicant. If property is owned by more than one person, all owners must be listed. Each owner must complete the designation of Agent Form provided on the following page of this application.

NAME:	TELEPHONE:		
MAILING ADDRESS:	CITY:	STATE:	ZIP:
E-MAIL:			

DESIGNATION OF AGENT – To be completed by the property owner if the owner is not the applicant. If the property is owned by more than one person, each owner must complete a separate Designation of Agent Form. The signature of the owner must be notarized. An additional form is provided at the end of this application and may be duplicated in order to list all owners.

I, Ernest Wood (PROPERTY OWNER) hereby appoint _____ (APPLICANT)

as my agent to represent me in this request for rezoning.

Owner's signature: Ernest Wood Date: 2-27-2020

Given under my hand and seal, this 27th day of Feb. 2020

HESSIE B. PETERKIN
Notary Public, State of South Carolina
My Commission Expires 6/3/2024

_____ (Seal)
Notary Public for

My commission expires on 3rd day of June 2024

Rezoning Application 9.29.16

Blakeney email sent in support of rezoning request

Joey Adams-Raczkowski <joseph.raczkowski@kershaw.sc.gov>

Nick Watts Road Rezoning 20-01

1 message

Kershaw County, SC <kershawcounty@enotify.visioninternet.com> Mon, Jun 8, 2020 at 10:10 AM
Reply-To: Sharon Blakeney <Sharonab123@gmail.com>
To: "Adams-Raczkowski, Joey" <joseph.raczkowski@kershaw.sc.gov>

Message submitted from the <Kershaw County, SC> website.

Site Visitor Name: Sharon Blakeney
Site Visitor Email: Sharonab123@gmail.com

Good morning – I am writing to advise that as residents of Quiet Lane, off of Nick Watts Road, we support the rezoning of this property.
Regards,
Rodger and Sharon Blakeney
803.900.0533
803.309.3396

ORDINANCE No. _____

AN ORDINANCE BY KERSHAW COUNTY TO AMEND THE KERSHAW COUNTY UNIFIED CODE OF ZONING AND LAND DEVELOPMENT REGULATIONS (ZLDR) ARTICLE 2 – DEFINITIONS, ARTICLE 3 SECTION 3:1.3 – TABLE OF PERMITTED USES, AND ARTICLE 3, SECTION 3:3 CONDITIONAL USES, TO ADD REGULATIONS FOR LARGE-SCALE COMMERCIAL STANDALONE SOLAR ENERGY FARM USES.

WHEREAS, the Kershaw County Planning and Zoning Commission recommends text amendments to the Unified Code of Zoning and Land Development Regulations concerning Large-Scale Commercial Standalone Solar Energy Farm Uses; and

WHEREAS, the Kershaw County Planning and Zoning Commission on June 8, 2020 unanimously recommended text amendments to the Unified Code of Zoning and Land Development Regulations as requested by Kershaw County Council; and

WHEREAS, Kershaw County Council wishes to amend the Unified Code of Zoning and Land Development Regulations in accordance with the recommendations of the Kershaw County Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED by Kershaw Count Council that:

SECTION I: Amend Article 2, Definitions, of the Zoning and Land Development Regulations to add the following new definitions:

SOLAR COLLECTOR. A device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy for direct power consumption, which may or may not include interconnection with the power grid to offset energy consumption of a principal use.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector

LARGE-SCALE COMMERCIAL STANDALONE SOLAR ENERGY FARM. A series of three or more ground-mounted solar collectors installed on a site for the purpose of converting energy into electrical or thermal energy for on-site and/or off- site energy consumption. The area of the system includes all land inside the perimeter of the system and extends to any fencing. This term does not include building-integrated or building- mounted systems.

SOLAR ENERGY SYSTEM. A complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to active photovoltaic or

hot water systems that are contained within roofing materials, windows, walls, skylights, and awnings, or passive systems that are designed to capture direct solar heat.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM. A solar energy system affixed to either a principal or accessory structure on a lot.

GROUND-MOUNTED SOLAR ENERGY SYSTEM. A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is structurally independent from any building.

SECTION II: Amend Article 3, Section 3.3 Conditional Uses, of the Zoning and Land Development Regulations to add the following new conditional use criteria:

3:3.26 Large-Scale Commercial Standalone Solar Energy Farm

New large-scale commercial standalone solar energy farms or large-scale commercial standalone solar energy farms proposed to be expanded by more than 10% of original footprint shall meet the following requirements where conditionally permitted.

(A) Site plan required. A site plan drawn to scale shall be submitted to the Planning and Zoning Department by the applicant demonstrating compliance with 3:3.26 – Large-Scale Commercial Standalone Solar Farm, Article 4, Section 4:3 and Article 5 Section 5:2.6 Group Developments, and all other applicable sections of the Zoning and Land Development Regulations.

In addition to the site plan requirements referenced above, the site plan submission shall include:

(1) Location of all proposed facilities, including solar collectors and proposed structures

(2) Horizontal and vertical (elevation) to-scale drawings with dimensions that show the location of the solar collectors and system.

(3) Any existing or proposed signs, fencing, lighting, parking areas, driveways, easements, fencing, gates, vegetative screening, and applicable landscaping.

(4) Adjacent property lines, noting properties that include existing residential uses or residentially zoned properties and other adjacent land uses.

(B) Setback. A minimum setback of 100 feet is required from all road rights-of-way and all adjacent property lines. This setback is applicable to all structures and solar collectors.

(C) Buffer. A buffer of at least 50 feet shall be required from any adjacent property with an existing residential use or adjacent residentially zoned property line and a buffer of 20 feet is required for all other adjacent property lines including road rights-of-way.

(D) Buffer Standards. Buffers shall meet design, planting, and maintenance standards for Type "C" and "D" buffers as set forth in Article 3, Section 3:5.

(E) Height. Systems, equipment and structures shall not exceed 15 feet in height, with the exclusion of associated electric transmission lines and utility poles.

(F) Fencing. A security fence at least six feet in height shall be provided around the perimeter of the large-scale commercial standalone solar energy farm facility. The security fence may be chain link for this use. The fence may be placed within the required buffer. However, the fence shall be located behind plantings within any required buffer.

(G) Preservation of existing vegetation. Where possible, existing vegetation shall be protected and preserved in the required buffer and setback areas to provide natural screening for the use. Existing vegetation may be used to meet buffer requirements as provided Article 3, Section 3:5.1-7. Such preservation does not include areas designated for roads, driveways, or required parking areas.

(H) Glare. Solar collection equipment shall be installed so that no reflected glare is visible at the property line or right-of-way. The design and construction of the solar farm shall minimize glare that may affect adjacent properties and the application shall include an explanation of how glare will be minimized.

(I) Access. Site design shall ensure safe, predictable vehicular access and movement onto and off of the site, and shall accommodate safe access to the property by emergency vehicles.

(J) Decommissioning plan. The applicant must provide a decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) that describes the anticipated life of the large-scale commercial standalone solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored to its condition prior to the development of the solar farm.

(1) Decommissioning will be required following a continuous six month period in which no electricity is generated by the facility.

(2) The permit holder will have 12 months to complete decommissioning of the solar farm. Decommissioning shall include removal of solar panels, foundations, structures, cabling, electrical components, conduit, and any other associated facilities as described in the decommissioning plan.

(3) Prior to issuance of the Use Permit and Building Permit, the applicant must provide the County with a performance guarantee in the form of an irrevocable letter of credit in the amount of 125% of the estimated decommission cost minus the

salvageable value or $50,000, whichever is greater. Estimates shall be determined by an engineer licensed to practice in South Carolina.

(4) The full amount of the irrevocable letter of credit must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration work is completed.

(5) The decommissioning plan, estimated cost of removal, and performance guarantee shall be updated every (5) years or upon change of ownership of either the property or the project's owner.

SECTION III: Amend Article 3, Table 3.3 Schedule of Permitted and Conditional Uses, of the Zoning and Land Development Regulations to add the use of Solar Electric Power Generation – Large-Scale Commercial Standalone Solar Energy Farms as a Conditional Use in the Rural Resource zoning districts of RD-1, RD-2, and MRD-1, as well as a permitted use in the Industrial (I-1) zoning district.

Table 3-3 SCHEDULE OF PERMITTED AND CONDITIONAL USES AND OFF-STREET PARKING REQUIREMENTS BY ZONING DISTRICTS

Zone Districts	NAICS	R-15	R-10	R-6	O-I	B-2	B-3	I-1	GD	RD-1, RD-2 MRD-1	Required Off-Street Parking (a)
Sector 22: Utilities	221										
Electric, Gas, and Sanitary Services	221										
Electric	2211										
Generation	22111	N	N	N	N	P	N	P	P	P	1 per 500 GFA
Transmission	22112	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Solar Electric Power Generation - Large-Scale Commercial Standalone Solar Energy Farms	*221114*	*N*	*N*	*N*	*N*	*N*	*N*	*P*	*N*	*C*	*By individual review*
Natural Gas (Transmission Only)	2212	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Natural Gas (Storage)	23712	N	N	N	N	P	N	P	P	P	1 per 500 GFA
Water Supply Systems	22131										
Storage	22131	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Treatment	22131	N	N	N	N	P	N	P	P	P	1 per 500 GFA

DONE, RATIFIED, AND ADOPTED IN REGULAR MEETING THIS _____ DAY OF _____, 2020.

KERSHAW COUNTY COUNCIL

BY: _____

ATTEST:

_____
Merri M. Seigler
Clerk to County Council

First Reading July 14, 2020
Second Reading August 11, 2020
Public Hearing _____
Third Reading _____

KERSHAW COUNTY PLANNING & ZONING COMMISSION

REQUEST FOR TEXT AMENDMENT BY KERSHAW COUNTY

Proposal: Text amendment to the Kershaw County Zoning and Land Development Regulations regarding Large-Scale Commercial Standalone Solar Energy Farm use and location, specifically Article 2 - Definitions, Article 3 Section 3:1.3 – Table of Uses, and Article 3, Section 3:3 – Conditional Uses.

Large-Scale Commercial Standalone Solar Energy Farm is proposed as a Conditional Use in the Rural Resource zoning districts of RD-1, RD-2, and MRD-1, as well as a permitted use in the Industrial (I-1) zoning district.

June 8, 2020

STAFF REPORT

KERSHAW COUNTY PLANNING COMMISSION
(June 8, 2020 Meeting)

Request #: 20-02

Staff: Joey Adams-Raczkowski

Applicant: Kershaw County

Proposal: Text amendment to the Kershaw County Zoning and Land Development Regulations regarding Large-Scale Commercial Standalone Solar Energy Farm use and location, specifically Article 2 - Definitions, Article 3 Section 3:1.3 - Table of Uses, and Article 3, Section 3:3 - Conditional Uses.

Background Summary: Currently the Kershaw County Zoning and Land Development Regulations do not specifically address the topic of Large-Scale Commercial Standalone Solar Energy Farms. Absent specific language in the ZLDR regarding Large-Scale Commercial Standalone Solar Energy Farms, staff interprets the current code as placing solar farms under "Utilities, Electric, Generation" with NAICS Code 22111. That particular use would be allowed in B-2, I-1, GD, RD-1, RD-2, and MRD-1 zoning districts. There are currently no zoning regulations in place to address development standards for Large-Scale Commercial Standalone Solar Energy Farms in order to mitigate potential impacts these facilities may have on surrounding properties.

This text amendment only addresses Large-Scale Commercial Standalone Solar Energy Farms.

This text amendment addresses Large-Scale Commercial Standalone Solar Energy Farms from three perspectives:

1. Definitions to provide clarity of commonly used solar farm related terms.
2. Creation of a Conditional Use with accompanying minimum development standards.
3. Identifies specific zoning districts within which solar farms may be developed.

NOTE: Solar panels installed as an accessory use to existing residential, commercial, and industrial primary use structures are NOT impacted by this text amendment. Solar panels installed as accessory uses to existing residential, commercial, and industrial primary use structures will continue to be permitted as "accessory uses." Additionally, public electric utility companies are not impacted by this amendment either and may still continue to place solar energy uses at their substations, operation centers, etc.

Language to be added to the Zoning and Land Development Regulations is indicated in *red italicized underlined text* on the following pages.

Proposed Text:

Amend Article 2, Definitions, of the Zoning and Land Development Regulations to add the following new definitions:

SOLAR COLLECTOR. *A device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy for direct power consumption, which may or may not include interconnection with the power grid to offset energy consumption of a principal use.*

SOLAR ENERGY. *Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector*

LARGE-SCALE COMMERCIAL STANDALONE SOLAR ENERGY FARM. *A series of three or more ground-mounted solar collectors installed on a site for the purpose of converting energy into electrical or thermal energy for on-site and/or off- site energy consumption. The area of the system includes all land inside the perimeter of the system and extends to any fencing. This term does not include building-integrated or building- mounted systems.*

SOLAR ENERGY SYSTEM. *A complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment.*

> ***BUILDING-INTEGRATED SOLAR ENERGY SYSTEM.*** *A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to active photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights, and awnings, or passive systems that are designed to capture direct solar heat.*

BUILDING-MOUNTED SOLAR ENERGY SYSTEM. *A solar energy system affixed to either a principal or accessory structure on a lot.*

GROUND-MOUNTED SOLAR ENERGY SYSTEM. *A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is structurally independent from any building.*

Amend Article 3, Section 3.3 Conditional Uses, of the Zoning and Land Development Regulations to add the following new conditional use criteria for solar farms:

3:3.26 Large-Scale Commercial Standalone Solar Energy Farm

New large-scale commercial standalone solar energy farms or large-scale commercial standalone solar energy farms proposed to be expanded by more than 10% of original footprint shall meet the following requirements where conditionally permitted.

(A) ***Site plan required.*** *A site plan drawn to scale shall be submitted to the Planning and Zoning Department by the applicant demonstrating compliance with 3:3.26 - Large-Scale Commercial Standalone Solar Farm, Article 4, Section 4:3 and Article 5 Section 5:2.6 Group Developments, and all other applicable sections of the Zoning and Land Development Regulations.*

In addition to the site plan requirements referenced above, the site plan submission shall include:

(1) Location of all proposed facilities, including solar collectors and proposed structures

(2) Horizontal and vertical (elevation) to-scale drawings with dimensions that show the location of the solar collectors and system.

(3) Any existing or proposed signs, fencing, lighting, parking areas, driveways, easements, fencing, gates, vegetative screening, and applicable landscaping.

(4) Adjacent property lines, noting properties that include existing residential uses or residentially zoned properties and other adjacent land uses.

(B) ***Setback.*** *A minimum setback of 100 feet is required from all road rights-of-way and all adjacent property lines. This setback is applicable to all structures and solar collectors.*

(C) ***Buffer.*** *A buffer of at least 50 feet shall be required from any adjacent property with an existing residential use or adjacent residentially zoned property line and a buffer of 20 feet is required for all other adjacent property lines including road rights-of-way.*

(D) ***Buffer Standards***. *Buffers shall meet design, planting, and maintenance standards for Type "C" and "D" buffers as set forth in Article 3, Section 3:5.*

(E) ***Height***. *Systems, equipment and structures shall not exceed 15 feet in height, with the exclusion of associated electric transmission lines and utility poles.*

(F) ***Fencing***. *A security fence at least six feet in height shall be provided around the perimeter of the large-scale commercial standalone solar energy farm facility. The security fence may be chain link for this use. The fence may be placed within the required buffer. However, the fence shall be located behind plantings within any required buffer.*

(G) ***Preservation of existing vegetation***. *Where possible, existing vegetation shall be protected and preserved in the required buffer and setback areas to provide natural screening for the use. Existing vegetation may be used to meet buffer requirements as provided Article 3, Section 3:5.1-7. Such preservation does not include areas designated for roads, driveways, or required parking areas.*

(H) ***Glare***. *Solar collection equipment shall be installed so that no reflected glare is visible at the property line or right-of-way. The design and construction of the solar farm shall minimize glare that may affect adjacent properties and the application shall include an explanation of how glare will be minimized.*

(I) ***Access***. *Site design shall ensure safe, predictable vehicular access and movement onto and off of the site, and shall accommodate safe access to the property by emergency vehicles.*

(J) ***Decommissioning plan***. *The applicant must provide a decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) that describes the anticipated life of the large-scale commercial standalone solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored to its condition prior to the development of the solar farm.*

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(3) *Prior to issuance of the Use Permit and Building Permit, the applicant must provide the County with a performance guarantee in the form of an irrevocable letter of credit in the amount of 125% of the estimated decommission cost minus the salvageable value or $50,000, whichever is greater. Estimates shall be determined by an engineer licensed to practice in South Carolina.*

(4) *The full amount of the irrevocable letter of credit must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration work is completed.*

(5) *The decommissioning plan, estimated cost of removal, and performance guarantee shall be updated every (5) years or upon change of ownership of either the property or the project's owner.*

Amend Article 3, Table 3.3 Schedule of Permitted and Conditional Uses, of the Zoning and Land Development Regulations to add the use of *Solar Electric Power Generation - Large-Scale Commercial Standalone Solar Energy Farms* as a Conditional Use in the Rural Resource zoning districts of RD-1, RD-2, and MRD-1, as well as a permitted use in the Industrial (I-1) zoning district.

Table 3-3 SCHEDULE OF PERMITTED AND CONDITIONAL USES AND OFF-STREET PARKING REQUIREMENTS BY ZONING DISTRICTS

Zone Districts	NAICS	R-15	R-10	R-6	O-I	B-2	B-3	I-1	GD	RD-1, RD-2 MRD-1	Required Off-Street Parking (a)
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Generation	22111	N	N	N	N	P	N	P	P	P	1 per 500 GFA
Transmission	22112	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Solar Electric Power Generation - Large-Scale Commercial Standalone Solar Energy Farms	*221114*	*N*	*N*	*N*	*N*	*N*	*N*	*P*	*N*	*C*	*By individual review*
Natural Gas (Transmission Only)	2212	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Natural Gas (Storage)	23712	N	N	N	N	P	N	P	P	P	1 per 500 GFA
Water Supply Systems	22131										
Storage	22131	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Treatment	22131	N	N	N	N	P	N	P	P	P	1 per 500 GFA

Planning and Zoning Commission Options:

Reviewing a request for a text amendment the Planning and Zoning Commission may:

1. Forward a favorable recommendation to the Kershaw County Council
2. Forward an unfavorable recommendation to the Kershaw County Council
3. Continue to the review to the next Planning and Zoning Commission Meeting

Staff does not object to the Planning and Zoning Commission recommending approval of the text amendment. The Kershaw County Council makes all final decisions regarding text amendment applications.

STAFF REPORT TO COUNTY COUNCIL

On June 8, 2020 the Planning and Zoning Commission held a meeting on the proposed text amendment to the Kershaw County Zoning and Land Development Regulations regarding Large-Scale Commercial Standalone Solar Energy Farm use and location, specifically Article 2 - Definitions, Article 3 Section 3:1.3 - Table of Uses, and Article 3, Section 3:3 - Conditional Uses. Large-Scale Commercial Standalone Solar Energy Farm is proposed as a Conditional Use in the Rural Resource zoning districts of RD-1, RD-2, and MRD-1, as well as a permitted use in the Industrial (I-1) zoning district.

Planning and Zoning Commission members present were Claude Eichelberger, Kevin Scharf, George Harkins, Kate Denton, and Curtis Blackmon.

During the meeting, Joey Adams-Raczkowski, Planning Manager, presented the staff report and did not object to the text amendment proposal. After a brief discussion between Commission members, Kevin Scharf made a motion that the Planning Commission recommend approval of proposed text amendment. Kate Denton seconded the motion. The motion carried unanimously with a 5:0 vote to approve.

ORDINANCE NO._____

AN ORDINANCE OF THE COUNTY COUNCIL OF KERSHAW COUNTY, SOUTH CAROLINA TO AMEND THE COUNTY'S OFFICIAL ZONING MAP DESIGNATION FOR APPROXIMATELY 20.30 ACRES OF LAND WITH TAX PARCEL #287-00-00-090 FOR WAYNE KEITH GALLOWAY, FROM RD-1 TO RD-2 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 March 27, 2018 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 July 13, 2020 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 July 13, 2020 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 approximately 20.30 acres of land with Tax Parcel #287-00-00-090 from RD-1 to RD-2 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 ____ DAY OF _____, 2020

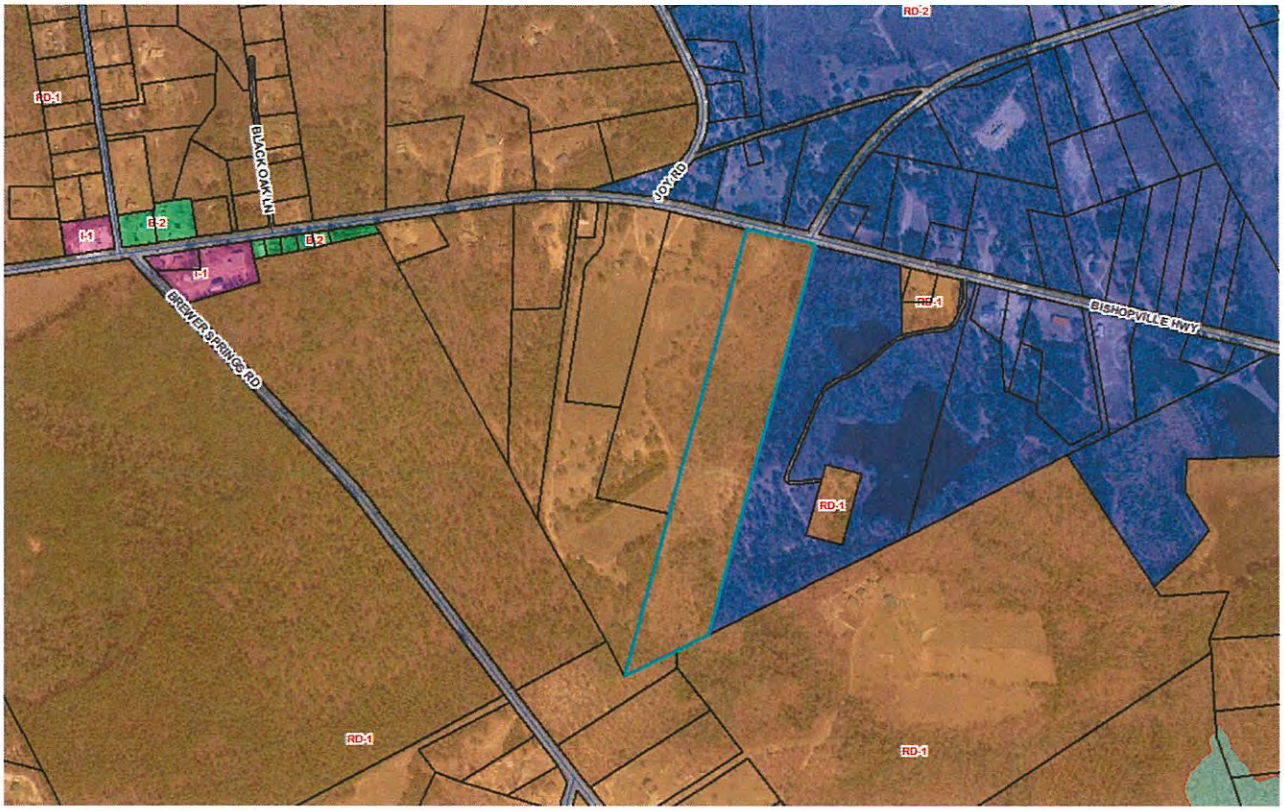
KERSHAW COUNTY, SOUTH CAROLINA

_____

ATTEST:

_____
Merri M. Seigler
Clerk to Council

First Reading	August 11, 2020
Second Reading	_____
Third Reading	_____



KERSHAW COUNTY PLANNING & ZONING COMMISSION

REQUEST FOR MAP AMENDMENT BY WAYNE GALLOWAY

Current Zoning: RD-1 (Rural Resource District)

Proposed Zoning: RD-2 (Rural Resource District)

TMS# 287-00-00-090

July 13, 2020

STAFF REPORT

KERSHAW COUNTY PLANNING COMMISSION
(July 13, 2020 Meeting)

Request #: 20-03

Staff: Joey Adams-Raczkowski

Applicant: Wayne Galloway
Property Size: +/- 20 acres

Current Zoning: RD-1 (Rural Resource District)
Proposed Zoning: RD-2 (Rural Resource District)
Location: 1249 Bishopville Highway, Camden, SC

TMS#: 287-00-00-090

Background Summary: This rezoning request consists of one parcel totaling +/- 20 acres. The site is located on the south side of Bishopville Highway east of Brewer Springs Road and near the intersection with Lucknow Road, approximately 4.5 miles east of the City of Camden. The parcel is currently vacant. Although this is a large parcel in acreage, there is only about 390 feet of road frontage. The parcel is approximately 2,500 feet in length.

This is a general use rezoning request that, if approved, would allow all permitted and conditional uses as outlined in the Zoning and Land Development Regulations for the RD-2 zoning district. However, the property owner has stated that they intend place a single-family manufactured home on the parcel. According to county records the parcel has previously had two manufactured homes at separate times. The property owner recalls the last manufactured home being removed from the property 5-6 years ago. This rezoning request is considered to be contiguous to existing RD-2 zoning which is located directly adjacent to the east of the subject parcel, and adjoining to the north as well.

Key Issue Summary: The following key issues should be resolved through the consideration of this application:

- Does the request follow the Future Land Use Map?
- Does the request correlate with the current Kershaw County Comprehensive Plan?

Preliminary Staff Recommendation: Staff does not object to the Planning and Zoning Commission recommending approval of the rezoning request of the subject property from RD-1 to RD-2.

Current Property Information

Land Use	Vacant. Previous single-family residential use in the form of manufactured housing.
Site Features	Rural, large lot, semi-wooded property located on the south side of Bishopville Highway east of Brewer Springs Road and near the intersection with Lucknow Road.
Flood Hazards	No flood hazard areas exist on the subject property.
Vehicle Access	The subject property will access Bishopville Highway via an existing residential curb cut, to be inspected by SC Department of Transportation prior to future use.

Surrounding Zoning and Land Use

	Zoning:	**Land Use:**
North:	RD-2	Existing single family homes
South:	RD-1	Vacant wooded land
East:	RD-2 & RD-1	Vacant wooded land, and parcel with single family home
West:	RD-1	Existing single family home

Zoning District Summary (Existing/ Proposed)

	Existing Zoning: RD-1	**Proposed Zoning: RD-2**
Zoning District Intent:	The value of agricultural lands, woodlands, wetlands, and other resources which characterize this district are important to clean water, air, and to many natural cycles. These lands provide much of the character that makes Kershaw County an attractive place to live. The intent of this district, therefore, is to protect these area resources from development, which would needlessly alter their rural state and contribution to a balanced environment.	The value of agricultural lands, woodlands, wetlands, and other resources which characterize this district are important to clean water, air, and to many natural cycles. These lands provide much of the character that makes Kershaw County an attractive place to live. The intent of this district, therefore, is to protect these area resources from development, which would needlessly alter their rural state and contribution to a balanced environment.
Permitted Uses: *Note: See Table 3-3 of the Zoning and Land Development Regulations for a complete listing of permitted and conditional uses.*	Single-Family Detached Agricultural Production Crops, Livestock, Animals Forestry and Logging Fishing, Hunting, and Trapping Mining Electric, Gas, and Sanitary Services Wild Game Processing Retail stores (C) Golf, tennis, and swim clubs Bed and Breakfast, hosting weddings (C) Camps and RV Parks (C) Gasoline Stations Transportation and Warehousing Libraries and Archives Veterinary services Landscape Services Educational Services Nursing Care Facilities Zoos and Botanical Gardens Hunt Clubs Pet Care	Single-Family Detached Manufactured homes Agricultural Production Crops, Livestock, Animals Forestry and Logging Fishing, Hunting, and Trapping Mining Electric, Gas, and Sanitary Services Wild Game Processing Retail stores (C) Golf, tennis, and swim clubs Bed and Breakfast, hosting weddings (C) Camps and RV Parks (C) Gasoline Stations Transportation and Warehousing Libraries and Archives Veterinary services Landscape Services Educational Services Nursing Care Facilities Zoos and Botanical Gardens Hunt Clubs Pet Care

Water and Sewer Service:	Cassatt Water Company / Septic	Cassatt Water Company / Septic
Lot and/or Density Requirements:	Minimum 1 acre or 43,560 SF	Minimum 1 acre or 43,560 SF
Setbacks Required:	Street Frontage: 100' Front: 35' Side: 20' Rear: 30'	Street Frontage: 100' Front: 35' Side: 20' Rear: 30'
Height Restrictions:	35'	35'
Maximum Impervious Surface Ratio: Measured as a percent of total lot area	.50	.50
Maximum Density: Measurements in units per gross acre	1	1

Infrastructure

Council District	District 1 - Sammie Tucker
Water	Cassatt Water Company
Electricity	unknown
Sewer or Septic	Septic
School(s)	Pine Tree Hill Elementary Camden Middle School Camden High School
Fire District	Antioch Fire District
Police Department	Kershaw County Sheriff's Department

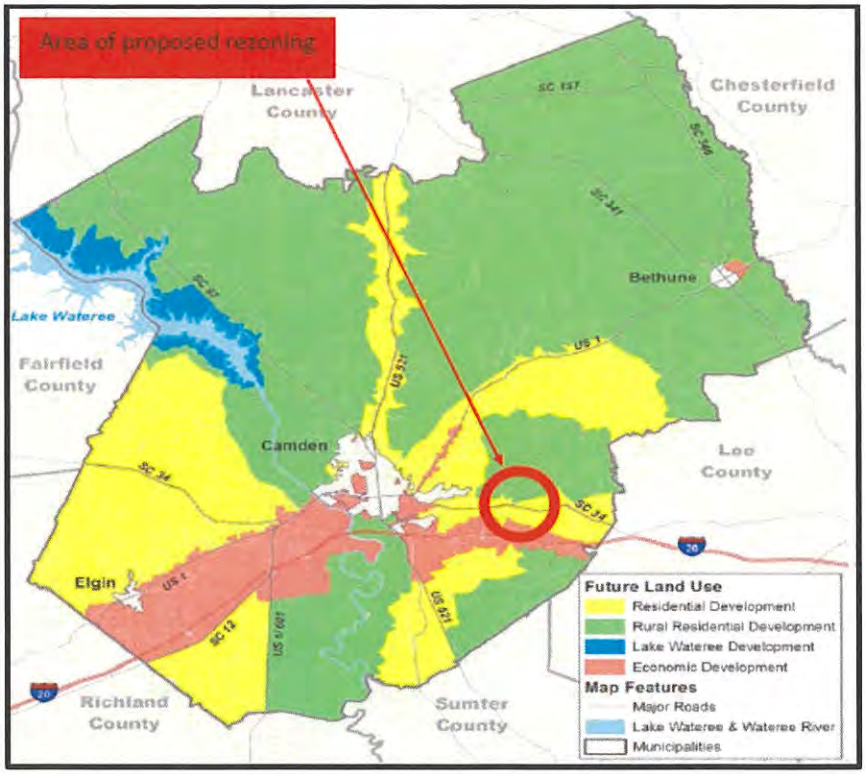
Traffic

Street Classification	Current LOS (Level Of Service)
Collectors - Generally serve travel between counties rather than being of statewide significance. Provides less highly develop Level of Service at a lower speed for shorter distances by collecting traffic from local roads and connecting them with arterials.	Highway 34 - Bishopville Highway- is a two-lane major collector road with an approximate right-of-way width of 65-feet. This portion of road currently averages 2100 vehicle trips per day according to SCDOT traffic counting records.

Comprehensive Plan Considerations:

- *Enable and promote a variety of commercial uses and development in locations that are appropriate and compatible with surrounding land uses, that provide employment opportunities, and that serve the needs of residents.*

- *Encourage the location of new and expanded residential, commercial, and industrial development in areas where existing water and sewer facilities, roads, and other infrastructure, or planned facilities upgrades, can accommodate the development.*



Planning Considerations:

- ***Residential Development (RD)*** - Residential Development areas are characterized by suburban development from the periphery of the urban core and reach into the unincorporated areas of the County, generally along and near major transportation routes including U.S. Highways 1 and 521 and S.C. Highways 12 and 34. Included in RD are residences of all types and densities and associated non-residential uses that support residential development such as institutional, retail, office, commercial, and service uses.

Decision Criteria:
Again the key issues that should be resolved through consideration of this application are:

- Does the request follow the Future Land Use Map?
- Does the request correlate with the current Kershaw County Comprehensive Plan?

The Comprehensive Plan.
Preliminary Staff Comments: The request is within compliance of the goals of the Comprehensive Plan and Future Land Use Map. The properties are located within the county's comprehensive plan defined area of Residential Development District. Although public sewer is not available in this area, that limitation will require any development to occur at lower densities that is supportive of the rural character of the area.

The current conditions and character of the current structures in each district.
Preliminary Staff Comments: To the north of the subject property, across Bishopville Highway, is RD-2 zoning. RD-2 zoning also directly adjoins the subject parcel on the east. Therefore, the subject parcel is considered to be contiguous to an existing RD-2 zoning district. All of the surrounding parcels are large lot single family residential. The subject parcel is the dividing line between RD-2 zoning to the east, and RD-1 zoning to the west. The housing types in the general vicinity of the request are a mixture of site built and manufactured housing, in both the RD-1 and RD-2 zoning districts. Staff provides the Planning Commission the following for informational purposes. "As defined by the South Carolina Municipal Association: Zoning a small parcel as an island surrounded by a district with different zoning may be spot zoning. The Supreme Court stated that invalid "spot zoning" is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area to benefit the owners of such property and to the detriment of other owners. Bob Jones University, Inc. v. City of Greenville, 243 S.C. 351, 133 S.E.2d 843 (1963). Small areas may be rezoned as long as the action is not arbitrary or unreasonable. To help avoid the problem of spot zoning, many zoning ordinances include a provision prohibiting some types of free standing zoning districts of less than two acres."

The most desirable use for which the land in each district is adapted.
Preliminary Staff Comments: The subject property was previously utilized for placement of a manufactured home on two different occasions in the past according to county records. Although the property owner, upon successful completion of the rezoning process, may ultimately decide to place another manufactured home on this parcel, the property will still be utilized for the same purpose - single family residential dwelling. Additionally, although this is a large parcel in acreage, there is only about 390 feet of road frontage which will limit the parcel from being developed further with road

front lots. A conventional subdivision could possibly be developed on this and any surrounding properties. However, the owner of the subject parcel has not indicated such interest. Most commercial uses allowed within the proposed RD-2 district are typically considered to be compatible with surrounding residential development, and are either permitted by right or by conditional use, and are similar to those allowed in the RD-2 zoning district.

The conservation of property values throughout the jurisdiction of Kershaw County.
Preliminary Staff Comments: Staff has not seen any empirical evidence that additional new construction will have a negative impact on property values. On the contrary, commercial development has the tendency to increase property values.

Responsible growth and development:
Preliminary Staff Comments: The proposed rezoning meets the objectives of the comprehensive plan by continuing to foster large lot residential development along that portion of Bishopville Highway. Additionally, the proposed rezoning encourages a variety of commercial uses and development in locations that are appropriate and compatible with surrounding land uses, and have access to roads that can accommodate the additional traffic that will be generated.

Planning and Zoning Commission Options:

Reviewing a request for a map amendment the Planning and Zoning Commission may:

1. **Forward a favorable recommendation to the Kershaw County Council**
2. **Forward an unfavorable recommendation to the Kershaw County Council**
3. **Continue to the review to the next Planning and Zoning Commission Meeting**

Staff does not object to the Planning and Zoning Commission recommending approval of the rezoning request of the subject property from RD-1 to RD-2. The Kershaw County Council makes all final decisions regarding rezoning applications.

STAFF REPORT TO COUNTY COUNCIL

On July 13, 2020 the Planning and Zoning Commission held a public hearing on the request of Keith Wayne Galloway, applicant, to request a change in the zoning classification of one parcel land of approximately 20 acres in size from RD-1 (Rural Resource District) to RD-2 (Rural Resource District). The property is located at 1249 Bishopville Highway TMS# 287-00-00-090. Planning and Zoning Commission members present were Claude Eichelberger, Kevin Scharf, George Harkins, Kate Denton, and Curtis Blackmon.

During the hearing, Joey Adams-Raczkowski, Planning Manager, presented the staff report and did not object to the rezoning request. Due to previous commitments, the applicant could not attend the meeting. However, staff has been in frequent communications with the applicant throughout the process. Although this is a general use rezoning, Mr. Galloway has previously expressed that the RD-2 zoning district would allow him the flexibility to utilize the property at 1249 Bishopville Highway for one single-family manufactured home. The subject property previously had a manufactured home on the property approximately 4 years ago. No one from the public spoke at the public hearing. One email in support of the request was received from adjoining property owners Rick Harvey and Sue Ward who reside at 1262 Brewer Springs Road. No other public comments were received by mail or email. One phone call was received by a realtor who simply inquired about the details of the request. After a

brief discussion between Commission members, George Harkins made a motion that the Planning Commission recommend approval of the rezoning request to rezone the parcel from RD-1 to RD-2 zoning. Kevin Scharf seconded the motion. The motion carried unanimously with a 5:0 vote to approve.

Email of support from Rick Harvey and Sue Ward

Joey Adams-Raczkowski <joseph.raczkowski@kershaw.sc.gov>

Tms# 287-00-00-090

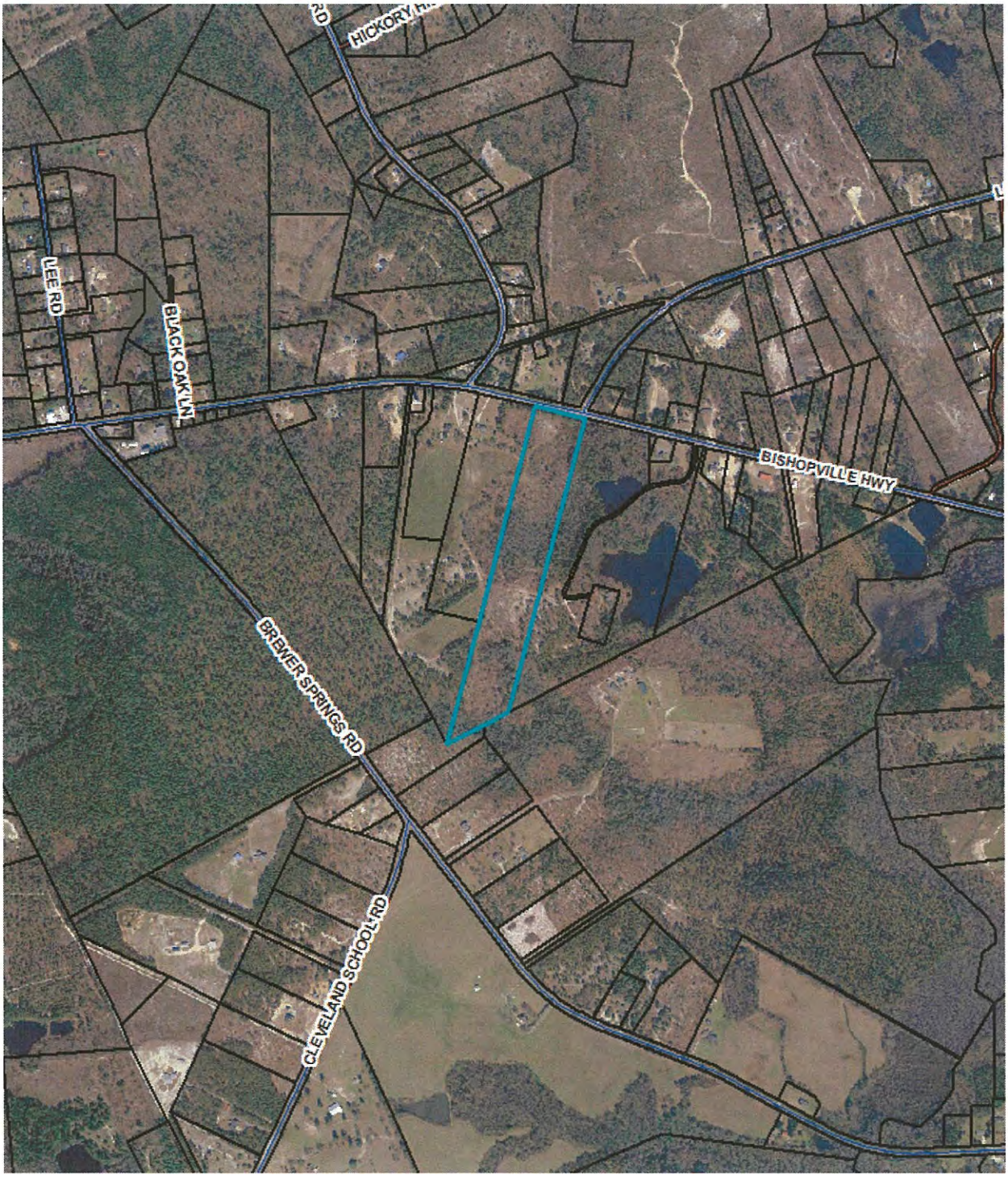
1 message

Sue Ward <bluesky.arabians@yahoo.com> Mon, Jul 13, 2020 at 2:28 PM
Reply-To: "bluesky.arabians@yahoo.com" <bluesky.arabians@yahoo.com>
To: "joseph.raczkowski@kershaw.sc.gov" <joseph.raczkowski@kershaw.sc.gov>

Rick Harvey and Suw Ward approve of zoning change from RD-1 to RD-2 allowing a manufactured home on the 20.30 acre property at 1249 Bishopville Hwy.

Sent from Yahoo Mail on Android

Aerial view of subject properties (Case# 20-03)



Subject property as viewed from Bishopville Highway (Case# 20-03)

Existing driveway far bottom left of both pictures

Subject property on right, Lucknow Road intersection on left

Adjacent property across Bishopville Highway

Adjacent property across Bishopville Highway

Below, properties adjoining subject parcel to the west (zoned RD-1), two site built homes and a Cassatt water tower

PETITION TO PLANNING AND ZONING COMMISSION
REZONING (ZONING MAP AMENDMENT) APPLICATION

Date: 5/7/2020	Request #: 20-03	The applicant requests that the property described below be re-zoned from RD1 to RD2

APPLICANT

NAME: Wayne Keith Galloway		E-MAIL WayneGalloway@synovus.com	
MAILING ADDRESS: 1215 Bishopville Hwy		CITY: Camden	STATE: SC	ZIP: 29020
TELEPHONE: (803) 572-1045		CELL: (803) 572-1045	
THE APPLICANT IS: PROPERTY OWNER [X] AGENT OF PROPERTY OWNER [ ] OPTION HOLDER [ ]			
If applicant is other than owner, state applicant's interest in the land proposed to be rezoned:			

PROPERTY LOCATION

Street address: 1249 Bishopville Hwy Camden SC 29020		Street address:	
TMS#: 287-00-00-090	Number of acres: 20.30	TMS#:	Number of acres:
Deed book: 3232	Plat book: 34	Deed book:	Plat book:
Sewer district: N/A	Water district: Cassatt Water	Sewer district:	Water district:
Current use: Property		Current use:	
Proposed use: Property / 1 acre of land for Mobile Home		Proposed use:	
Community/subdivision: Antioch	Council district: 291	Community/subdivision:	Council district:
Has previous application been made to rezone all or any part of this/these property/properties? Yes [ ] No [X]. If yes, when?			
Reason for request: To Place Mobile Home one 1 acre of land.			
As per the SC Local Government Planning Enabling Act (Section 6-29-1145 of the South Carolina Code of Laws), is/are this/these tract(s) or parcel(s) restricted by any recorded covenant, restriction, easement, etc., that is contrary to, conflicts with, or prohibits the proposed land use? Yes [ ] No [X]. If so, submit a copy with this application.			
Applicant's Signature: Wayne K Galloway		Date: 5/7/2020	

PROPERTY OWNER - If other than applicant. If property is owned by more than one person, all owners must be listed. Each owner must complete the designation of Agent Form provided on the following page of this application.

NAME:	TELEPHONE:		
MAILING ADDRESS:	CITY:	STATE:	ZIP:
E-MAIL:			

DESIGNATION OF AGENT – To be completed by the property owner if the owner is not the applicant. If the property is owned by more than one person, each owner must complete a separate Designation of Agent Form. The signature of the owner must be notarized. An additional form is provided at the end of this application and may be duplicated in order to list all owners.

I, _____ (PROPERTY OWNER) hereby appoint _____ (APPLICANT)

as my agent to represent me in this request for rezoning.

Owner's signature: _____ Date: _____

Given under my hand and seal, this _____ day of _____, 20___

_____ (Seal)

Notary Public for South Carolina

My commission expires on _____ day of _____, 20___

Rezoning Application 9.29.16

ORDINANCE No. 353.2020
AN EMERGENCY ORDINANCE BY KERSHAW COUNTY COUNCIL TO REQUIRE FACE COVERINGS IN THE UNINCORPORATED AREA OF KERSHAW COUNTY

WHEREAS, Governor Henry McMaster issued Executive Order No. 2020-08, as extended and now in effect by Executive Order 2020-48 dated July 26, 2020, related to 2019 Novel Coronavirus ("***COVID-19***") and declared that a state of emergency exists in the State of South Carolina (the "***State***"); and

WHEREAS, as the number of COVID-19 cases continues to grow in the State, the South Carolina Department of Health and Environmental Control ("***DHEC***") continues to warn of the risk of localized person-to-person spread of COVID-19, creating an extreme public health risk; and

WHEREAS, as of July 31, 2020, there were 87,117 confirmed cases of COVID-19 in the State, including 1230 confirmed cases in Kershaw County, South Carolina (the "***County***") and 17 confirmed deaths; and

WHEREAS, Kershaw County Council hereby declares a state of emergency due to the COVID-19 pandemic; and

WHEREAS, Governor McMaster is calling on all counties and municipalities to enact ordinances requiring the wearing of masks or face coverings, in conjunction with social distancing. The Governor said that local enforcement of a targeted, local ordinance will work far better than a one-size-fits-all, top down mandate; and

WHEREAS, Governor McMaster issued Executive Order 2020-48 on July 26, declaring a new state of emergency in the State of South Carolina; and

WHEREAS, Governor McMaster issued Executive Order 2020-49 on July 29, taking additional actions to slow the spread of the virus; and

WHEREAS, Kershaw County Council finds it vitally important that individuals work together to decrease the widespread proliferation of COVID-19 among citizens of the County; and

WHEREAS, if COVID-19 continues to spread in the County at its current rate, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, absenteeism will negatively impact the private and public sector work force, and the demand for medical facilities may exceed locally available resources; and

WHEREAS, the Centers for Disease Control and Prevention and DHEC advise the use of face coverings to slow the spread of COVID-19; and

WHEREAS, the Constitution of the State of South Carolina 1895, as amended (the "***Constitution***"), provides that "all laws concerning local government shall be liberally construed in their favor [and] [p]owers, duties and responsibilities granted local government subdivisions by

this Constitution and by law shall include those fairly implied and not prohibited by this Constitution." *See* S.C. Const. Art. VIII, Sect. 17; and

WHEREAS, the County is expressly empowered pursuant to Section 4-9-130 of the South Carolina Code of Laws 1976, "To meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances; but such ordinances shall not levy taxes, grant, renew or extend a franchise or impose or change a service rate. Every emergency ordinance shall be designated as such and shall contain a declaration that an emergency exists and describe the emergency. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment"; and

WHEREAS, in the absence of express preemption, "[w]here the General Assembly specifically recognizes a local government's authority to enact local laws in the same field, the statutory scheme does not evidence legislative intent to occupy the entire field of regulation." *Sandlands*, 394 S.C. at 466, 716 S.E.2d at 288 (2011); and

WHEREAS, in recent cases construing preemption in the State, the South Carolina Supreme Court has stated:

(1) "An ordinance is preempted under implied field preemption when the state statutory scheme so thoroughly and pervasively covers the subject as to occupy the field or when the subject mandates statewide uniformity." *Aakjer v. City of Myrtle Beach*, 388 S.C. 129, 133, 694 S.E.2d 213, 215 (2010);

(2) "To preempt an entire field, an act must make manifests a legislative intent that no other enactment may touch upon the subject in any way." *S.C. State Ports Auth. V. Jasper City*, 368 S.C. 388, 395, 629 S.E.2d 624, 627 (2006);

(3) When "the General Assembly specifically recognizes a local government's authority to enact local laws in the same field, the statutory scheme does not evidence legislative intent to occupy the entire field of regulation." *Sandlands C & D, LLC v. City of Horry*, 394 S.C. 451, 466, 716 S.E.2d 280, 288 (2011); and

WHEREAS, in light of the foregoing, to include the broad police powers of the Kershaw County Council and the absence of State laws preempting the subject of this Ordinance, Kershaw County Council finds it proper, necessary, and essential to enact this emergency ordinance to require face coverings be worn by persons when interacting in public spaces in the County in order to meet the public health crisis facing the County; and

WHEREAS, it is hereby determined that the continuation and spread of COVID-19 represents a public emergency affecting life, health, and safety, and therefore, it is proper, necessary, and essential to enact this Ordinance as an emergency ordinance.

NOW, THEREFORE, be it hereby ordained in this emergency ordinance of Kershaw County Council as follows:

Section 1. Recitals.

Each finding or statement of fact set forth in the recitals hereinabove has been carefully examined and has been found to be in all respects true and correct.

Section 2. Requirement of Face Coverings.

(a) Terms using initial capitals in this Section 2 shall have the following definitions:

1. "County" means the unincorporated area of Kershaw County.
2. "Face Covering" shall mean a cloth, fabric, textile, or impervious material without holes, that covers both the mouth and nose, including but not limited to surgical masks, respirators, face shields, handmade masks, bandanas, neck gaiters, scarves or wraps.
3. "Household" means Persons living in the same dwelling unit. Household does not include residents of separate dwelling units at the same location, such as may be the case at a dormitory, apartment complex or other multi-family housing complex.
4. "Person" means any human being in the County. For purposes of this Section 2, Person does not include: (i) children younger than 8 years old; (ii) individuals with medical conditions, mental health conditions, or disabilities which prevent the wearing of a Face Covering; (iii) individuals who are hearing impaired, or who are communicating with an individual who is hearing impaired, where the ability to see mouth function is essential to communication; (iv) individuals, while working, for whom wearing a Face Covering would create a risk to such individual related to their work, as dictated by local, state or federal regulations or applicable workforce guidelines; and (v) individuals receiving or obtaining medical service or treatment involving the mouth or nose wherein temporary removal of a Face Covering is necessary to perform the service or treatment.

(b) The use of a Face Covering is required by every Person within the boundaries of the unincorporated area of County as detailed below. Every Person must wear Face Covering at all times when: (1) inside any building which is open to the public; (2) waiting to enter any building which is open to the public; (3) interacting with other Persons in outdoor public spaces, including but not limited to curbside, pickup, delivery, and service calls; (4) engaging in business activities in public, commercial, or industrial spaces; (5) utilizing public or commercial transportation services; or (6) walking or operating in any public, commercial, or industrial area where maintaining a distance of six feet between other Persons at all times is not possible.

(c) Face Coverings are not required when a Person is: (1) traveling in a private vehicle (2) alone in an enclosed space or able to maintain a minimum distance of six feet from other Persons at all times: (3) outdoors and able to maintain a minimum distance of six feet from other Persons at all times; (4) alone or only with other Household members; (5) drinking, eating or smoking (where smoking is permitted); (6) inside a private residence, including curtilage thereof; or (7) complying with a request of law enforcement.

Section 3. **Civil Infraction**. Any person who fails to comply with Section 2 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than $25.00 for each violation. Enforcement of the civil infraction authorized hereunder shall be administered as a civil county code violation.

Section 4. **Suspension of Contrary Local Provisions**. During the pendency of this Emergency Ordinance, any ordinance, resolution, policy, or bylaw of the County that conflicts with the provisions hereof shall be and is hereby suspended and superseded.

Section 5. **Effective Date; Expiration**. The provisions hereof shall be effective immediately. The enforcement provisions of and shall expire on the sixty-first day following the enactment hereof.

DONE AS AN EMERGENCY ORDINANCE and approved at a meeting duly assembled by no less than an affirmative vote of two-thirds of the members of the Kershaw County Council present, this 11th day of August, 2020.

KERSHAW COUNTY, SOUTH CAROLINA

_____

ATTEST:

_____

Merri M. Seigler
Clerk to County Council

ORDINANCE NO. 354.2020

AN EMERGENCY ORDINANCE TO ESTABLISH SAFETY MEASURES, VIRTUAL MEETING ATTENDANCE, AND OPERATING PROCEDURES REGARDING POSTPONING AND/OR RESCHEDULING KERSHAW COUNTY COUNCIL MEETINGS

WHEREAS, on March 19, 2020 Kershaw County Council enacted Ordinance No. 345.2020;

WHEREAS, on May 12, 2020 Kershaw County Council enacted Ordinance No. 347.2020

WHEREAS, on June 30, 2020 Kershaw County Council enacted Ordinance No. 351.2020;

AN EMERGENCY ORDINANCE TO ESTABLISH SAFETY MEASURES, VIRTUAL MEETING ATTENDANCE, AND OPERATING PROCEDURES REGARDING POSTPONING AND/OR RESCHEDULING KERSHAW COUNTY COUNCIL MEETINGS

WHEREAS, as provided for in the S.C. Code of Laws Section 4-9-130 Ordinance No. 347.2020 expires "automatically as of the sixty-first day following the date of enactment";

WHEREAS, the finding contained in Ordinance No. 347.2020 are still in effect and operative and the dates applicable as to the declarations of the Governor of South Carolina have been extended and the number of cases of COVID-19 has increased exponentially;

WHEREAS, Ordinance No. 347.2020 is referenced herein in its entirety and as modified and extended is incorporated herein and a public emergency affecting life, health, safety, and the property of people is hereby established and declared:

WHEREAS, Kershaw County Council, in an effort to protect and preserve the general welfare of its citizenry while promoting and enacting the will of the people, believes this world health event requires the Council to take all necessary actions to ensure the safety, welfare, and health of its residents , visitors, and County staff; and

NOW, THEREFORE, Kershaw County Council, by the power granted to it by the South Carolina Constitution and General Assembly through the Home Rule Act, hereby declares, enacts, ordains, and orders a State of Emergency provisioned as below:

1. That all protection measures available to Kershaw County for health and safety response be utilized and made available in order to preserve life and property.

2. That the County work closely with Federal, State, Local, School District and Utility officials to ensure a concerted effort of response during this public health crisis and earliest return to normalcy as to sustain our businesses and way of life.

3. Council Chair and Administrator are granted operational authority to respond to existing or anticipated contingencies within context of the emergency, specifically the use of funds, transfer of personnel and functions and to suspend regulations that would hinder a prompt response. Reports shall be faithfully rendered to the full Council at first opportunity where full consultation is not feasible otherwise. That the Administrator or

his designated representative continuously dialogue with officials to establish reasonable and amenable plans of action for their statutory functions and service and serve as the single coordinating officer for Kershaw County.

4. That the Chairman of Kershaw County Council will have the authority to provide for remote or virtual attendance at meetings of Council, as well as virtual public access, both audio and visual, to meetings during the declared state of emergency in accordance with the South Carolina Home Rule Act and the South Carolina Freedom of Information Act, with the County continuing to make Council meetings accessible via the County's Facebook page and YouTube.

5. That the Chairman of Kershaw County Council will have the authority to postpone and/or reschedule meetings of Kershaw County Council during the declared state of emergency but only after consultation with members of County Council and the Clerk to Council. Said postponement or rescheduling will be in accordance with the provisions of the South Carolina Home Rule Act and the South Carolina Freedom of Information Act.

6. It is further authorized by this emergency ordinance that the Kershaw County Council Agenda may be trimmed to address the ongoing health emergency itself and those matters of business of immediate nature. Public attendance and comments may be eliminated in the interest of public safety and to reduce public exposure to COVID-19 virus.

7. This ordinance will remain in effect for the duration of the herein declared emergency and as provided for in the South Carolina Code of Laws Section 4-9-130 unless sooner terminated by Kershaw County Council.

8. If any section of this ordinance is declared invalid by a court or found to be in conflict with sound legal principle or law, then the remaining portions of the ordinance will remain in effect.

9. This ordinance expressly takes precedence over and supersedes any other Kershaw County ordinance for the duration of the term provided herein.

10. This emergency ordinance is effective immediately.

ORDAINED, ENACTED, AND ORDERED THIS 11th DAY OF AUGUST, 2020

_____
Kershaw County Council

ATTEST:

_____
Merri M. Seigler
Clerk to Council

Kershaw County Boards and Commissions

CLEAN COMMUNITY COMMISSION (By ordinance; The members of the Kershaw County Clean Community Commission shall serve three (3) year terms and until their successors are appointed and qualified. Members shall serve no more than two (2) consecutive full three (3) year terms. If a member is appointed to fill an unexpired term the partial term shall not count as a full three (3) year term.

Name & Address	Phone No.	Date Appted	Term Exp	Term Exp	Race	Gender	District
Becky Robinson 2535 Main Street PO Box 184 Elgin, SC 29045 (appointed by Elgin)	803-669-0475	5/4/18	6/30/21		W	F	
Thomas Webb, III 640 Lorick Horton Rd Camden, SC 29020 (appointed by County/District 4)	803-432-9304	5/4/18	6/30/20		W	M	1
Doug Fielding 858 Grey Fox Rd Lugoff, SC 29078 (appointed by County/District 1)	803-546-0182	6/26/18	6/30/20		W	M	1
Gene Hartis, V Ch 1477 Springhill Road Camden, SC 29020 (appointed by County/District 2)	803-432-1946	6/26/18	6/30/20	6/30/23	W	M	2
Wanda Swann, Ch 47 Nautical Drive Camden, SC 29020 (appointed by County/District 5)	803-475-9304	7/24/18	6/30/19	6/30/23	W	F	1
Bill Nettles 505 Laurens Court Camden, SC 29020 (appointed by Camden)	803-713-4826	9/27/2018	6/30/20	6/30/23	W	M	
Christy Gardner P. O. Box 671 Bethune, SC 29009 (Bethune)	803-427-3422	10/8/19	6/30/22				
Dennis Outlaw P. O. Box 427 Camden, SC 29020 (County/Distrcit 6)	803-427-6353	8/28/18	6/30/19	6/30/23	W	M	6
Pam Delk 1895 Hwy. Church Rd Elgin, SC 29045 (County/District 3)	803-669-0537	11/12/19	6/30/22		W	F	3

KERSHAW COUNTY, SC
BIOGRAPHICAL DATA SHEET FOR CONSIDERATION
OF APPOINTMENT TO BOARDS, COMMISSIONS, AND COMMITTEES

TO: INTERESTED CITIZENS

Would you like to play a part in your county government? County Council accepts biographical data sheets for consideration of appointment to Kershaw County Boards and Commissions. Council reviews the biographical data and makes the appointments, which usually become effective January 1 and July 1 unless there is a resignation. Should there be a resignation, biographical data sheets are kept on file. If you are interested, call 803-425-1500, ext. 5309, and request a biographical data sheet. Complete and return to Clerk to Council, Kershaw County Government Center, 515 Walnut Street, Camden, SC 29020 either by mail or hand delivery.

Kershaw County Boards & Commissions

Airport Commission	Library Board
Assessment Appeals Board	Medical Center Board of Trustees
Clean Community Commission	Olde English District Commission
Economic Development Committee	Planning & Zoning Commission
Housing Advisory Committee	Recreation Advisory Commission
Human Relations Commission	Tourism Advisory Committee (ATAX)
Zoning Board of Appeals	Other

BIOGRAPHICAL DATA SHEET FOR CONSIDERATION OF APPOINTMENT TO KERSHAW COUNTY BOARDS AND COMMISSIONS

Name: Jill H. Wolfe County Council District _____

Current Mailing Address: 1430 Lake Rd. Ridgeway, SC 29130

Years Residing in Kershaw County: 55 In South Carolina: 55

Registered Voter in Kershaw County: Yes ✓ No _____ Sex: Female ✓ Male _____

Please list contact information (telephone, cell phone, etc.) 803-513-9608

Email Address: wolfegang1@gmail.com

Employer: Southern Cryogenic Consulting Occupation: admin

Employer's Address: Hwy 601 Lugoff Normal working hours: part-time

(Most meetings are scheduled for 5:30 pm or 7:00 pm; poor attendance can be reason for replacement.)

Have you ever been convicted of a felony: Yes _____ No ✓

Please give educational information (High School, College, Graduate School, etc.) Bethune High School, University of S.C.

Please list name of Board or Commission on which you are interested in serving as a volunteer

1st Choice: Clean Community Commission

2nd Choice: _____

3rd Choice: _____

List any information you feel pertinent to the position, if any: passionate about the effect litter has on the way our community looks & is perceived by visitors

List any previous service to the County, State, City or other Boards or Commissions: Former Board of Trustees for St. Johns UMC, Member of Lugoff Optimist Club, Lights of Lugoff Parade Committee

Applicant's Signature: Jill H Wolfe Date 7-6-2020

KERSHAW COUNTY, SC
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Zoning Board of Appeals	Other

BIOGRAPHICAL DATA SHEET FOR CONSIDERATION OF APPOINTMENT TO KERSHAW COUNTY BOARDS AND COMMISSIONS

Name: Patricia Jackson County Council District _____

Current Mailing Address: 400 Hamp Branham Cr, Lugoff, SC 29078

Years Residing in Kershaw County: 40 In South Carolina: 68 years

Registered Voter in Kershaw County: Yes X No _____ Sex: Female X Male _____

Please list contact information (telephone, cell phone, etc.) ~~803-438-4587 803-420-1151~~

Email Address: nikehorse@gmail.com

Employer: RETIRED Occupation: _____

Employer's Address: _____ Normal working hours: _____
(Most meetings are scheduled for 5:30 pm or 7:00 pm; poor attendance can be reason for replacement.)

Have you ever been convicted of a felony: Yes _____ No X

Please give educational information (High School, College, Graduate School, etc.)

High School Graduate Licensed Cosmetologist

Please list name of Board or Commission on which you are interested in serving as a volunteer

1st Choice: ~~Clean Community Commission~~

2nd Choice: _____

3rd Choice: _____

List any information you feel pertinent to the position, if any: _____

List any previous service to the County, State, City or other Boards or Commissions: _____

Applicant's Signature: Patricia Jackson Date July 20, 2020

Kershaw County Boards and Commissions

LIBRARY BOARD

(Statutory; 4 yr terms/no more than 2 consecutive terms; meets 3rd Monday 4:00 p.m. in Library Meeting Room)

Name & Address	Phone No.	Date Appted	Term Exp	Term Exp	Race	Gender	District
Annette Little 43 Crickle Creek Lane Camden, SC 29020	424-1842	08/13/19	06/30/23			F	6
Johnny Miller Camden, SC 29020	572-1748	06/30/20	06/30/24		W	M	5
Marjorie Huntington 1302 Fair Street Camden, SC 29020	427-8328	02/26/19	06/30/22		W	F	5
Johnny Kornegay 1112 ½ Fair Street Camden, SC 29020	272-1467	08/13/19	06/30/23		W	M	5
Robert W. Vaughn 411 Pine Street Camden, SC 29020	572-5050	07/23/13	06/30/17	6/30/21	W	M	5
David Sloan 2103 Washington Lane Camden, SC 29020		07/26/16	06/30/20		W	M	6
Tana Simmons 212 Hermitage Farm Rd Camden, SC 29020	331-5421	08/13/19	06/30/23		W	F	5

KERSHAW COUNTY, SC
BIOGRAPHICAL DATA SHEET FOR CONSIDERATION
OF APPOINTMENT TO BOARDS, COMMISSIONS, AND COMMITTEES

TO: INTERESTED CITIZENS

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Kershaw County Boards & Commissions

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Housing Advisory Committee	Recreation Advisory Commission
Human Relations Commission	Tourism Advisory Committee (ATAX)
Zoning Board of Appeals	Other

BIOGRAPHICAL DATA SHEET FOR CONSIDERATION OF APPOINTMENT TO KERSHAW COUNTY BOARDS AND COMMISSIONS

Name: Lois Flynn Stuber County Council District 02

Current Mailing Address: PO Box 1114 Camden, SC 29021

Years Residing in Kershaw County: 40 yrs (total) In South Carolina: 66 years

Registered Voter in Kershaw County: Yes ✓ No ____ Sex: Female ✓ Male ____

Please list contact information (telephone, cell phone, etc.) Cell (803) 553-3686; Home (803)4

Email Address: lois.stuber@gmail.com

Employer: N/A Occupation: retired

Employer's Address: N/A Normal working hours: N/A

(Most meetings are scheduled for 5:30 pm or 7:00 pm; poor attendance can be reason for replacement.)

Have you ever been convicted of a felony: Yes ____ No ✓

Please give educational information (High School, College, Graduate School, etc.)

Graduate of Camden High School & Clemson University (BA M

Please list name of Board or Commission on which you are interested in serving as a volunteer

1st Choice: Library Board

2nd Choice: ____

3rd Choice: ____

List any information you feel pertinent to the position, if any: My 8+ yrs. of employment at KCL-Camden with the experience & knowledge of the day to day inner workings & mi of the library.

List any previous service to the County, State, City or other Boards or Commissions: Kershaw Co. Library-Camden (2011-2020); Lexington School District 1; Kershaw County School District

Applicant's Signature: Lois F. Stuber Date June 26, 20

FOR
INFORMATION
ONLY

Kershaw County Boards and Commissions

KERSHAW COUNTY HOUSING AUTHORITY

(Initially 2 members appointed by Legislative Delegation/1 & 5 year terms; 2 members by County Council/2 & 4 year terms;1 member by City of Camden/3 yr term; 1 member by Town of Elgin/3 yr term; 1 member by Town of Bethune/3 yr term – after initial appointment all terms are 5 years; meets quarterly 3rd Tuesday)

Name & Address	Phone No.	Date Appted	Term Exp	Term Exp	Race	Gender	District
Mrs. Robin McApline 1611 Mill Street Camden, SC 29020 (appt. by County Council)	427-2245	4/24/18	8/23/23		W	F	
Marie Sheorn (appt. by Camden)			2020		W	F	
Donny Supplee		2016	2021		W	M	
Vacant (appt. by Delegation)							
Diane Graham 304 Main Street, N Bethune, SC 29009 (appt. by Bethune)	334-6476	2016	2021		W	F	
Jeffrey Joyner 39 Frazier Fir Lane Elgin, SC 29045 (appt. by Elgin)		1/15/16	08/23/20		W	M	
Archie Todd 1528 Buckhill Landing Rd Ridgeway, SC (appt by County Council)		1/12/16	8/23/20		W	M	

Authentisign ID: F0A68792-F857-480F-AAF5-B844DF953A30

KERSHAW COUNTY, SC
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Zoning Board of Appeals	Other

BIOGRAPHICAL DATA SHEET FOR CONSIDERATION OF APPOINTMENT TO KERSHAW COUNTY BOARDS AND COMMISSIONS

Name: Ryan Trobaugh County Council District _____

Current Mailing Address: 125 Grassmere Lane Elgin, SC 29045

Years Residing in Kershaw County: 25+ Years In South Carolina: 30+ years

Registered Voter in Kershaw County: Yes X No _____ Sex: Female _____ Male X

Please list contact information (telephone, cell phone, etc.) 803.310.8350

Email Address: trobaughryan@gmail.com

Employer: Self Employed JP & Associates Magnolia Group Occupation: Realtor/Private Investor

Employer's Address 631 Promenade Pl Unit 14, Columbia, SC 29229 working hours: Flexible
(Most meetings are scheduled for 5:30 pm or 7:00 pm; poor attendance can be reason for replacement.)

Have you ever been convicted of a felony: Yes _____ No X

Please give educational information (High School, College, Graduate School, etc.)
Spring Valley High/Ridge View High | Midlands Technical College

Please list name of Board or Commission on which you are interested in serving as a volunteer

1st Choice: Housing Authority- Elgin Representative

2nd Choice: _____

3rd Choice: _____

List any information you feel pertinent to the position, if any: Well acquainted with Fair Housing Act and Code of Ethics. Currently a Realtor Member with property management experience.

List any previous service to the County, State, City or other Boards or Commissions:
Lugoff Fire Department Volunteer

Applicant's Signature: [signature] Date 7/28/20