



**New Business**

- 1. Airport Commission – Reassigning Term Limits According to Latest Ordinance .....G
- 2. Governor’s Hill Site Improvements .....H

**Council Briefings**

**Administrator’s Briefing**

**Legal Briefing**

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

**Adjournment**

## **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 responseIn 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.

The regular meeting of the Kershaw County Council was held on Tuesday, August 11, 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  
Council Absent: Jimmy Jones (medical)

Staff Present: Vic Carpenter                      Danny Templar                      Merri Seigler                      Ken DuBose  
                                 Michael Conley                                      Barry Nelson                                      Kermit Scott                                      John Scott

Members of the public 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 Vice-Chairman Tucker gave the invocation and led the Pledge of Allegiance.

## **PUBLIC COMMENTS**

### Written Submissions

Mr. Richard Clark offered his support of the Face Coverings Ordinance.

Mrs. Shera Scott is opposed to the Face Coverings Ordinance due to the unsafe restrictions it places on her business.

Mr. Donny Supplee, speaking as a citizen, encouraged Council to adopt the Face Coverings Ordinance.

### Oral Presentations

Mr. Jim Steele stated other pandemics have not caused complete shut down of everyday activities. He is opposed to the Face Coverings Ordinance.

Mr. Tom Webb is fearful of too many rules and regulations. He is also opposed to the Face Coverings Ordinance.

Mrs. Shera Scott reiterated what she submitted in writing.

Dr. Anthony Godfrey is a hospitalist and strongly supports the Face Coverings Ordinance.

## **ADOPTION OF AGENDA**

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

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

## **PROCLAMATION**

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

Members of the local American Legion were present including two World War II veterans, Mr. Charlie \_\_\_\_\_ and Mr. Perry McCoy. Councilman Connell moved to approve the proclamation, seconded by Councilman Bozard.

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

## APPROVAL OF MINUTES

Councilman Gardner moved to approve the minutes of July 14, 2020 meeting, seconded by Councilman Connell.

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

## PUBLIC PRESENTATIONS

### COVID-19 Update – Mr. Vic Carpenter

Mr. Carpenter presented the latest statistics for COVID19. (charts attached to approved minutes)

### Census Update

Mr. Carpenter informed Council the Federal Government has shortened the Census by thirty days. Kershaw County currently has a 63.5% participation rate. That is better than the Federal or State average. (chart will be attached to approved minutes)

## ORDINANCES

### 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

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

### 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

Councilman Bozard moved to approve the ordinance, seconded by Councilman Snodgrass.

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

### 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

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

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

### An Emergency Ordinance by Kershaw County Council to Require Face Coverings in the Unincorporated Area of Kershaw County

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

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

### An Emergency Ordinance to Establish Safety Measures, Virtual Meeting Attendance, and Operating Procedures Regarding Postponing and/or Rescheduling Kershaw County Council Meetings

This ordinance will expire in 60 days. Vice-Chairman Tucker moved to approve the ordinance, seconded by Councilman Snodgrass.

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

## **NEW BUSINESS**

### Clean Community Commission Appointments

Councilman Bozard moved to reappoint Mr. Tom Webb for District 1, seconded by Vice-Chairman Tucker.

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

Vice-Chairman Tucker moved to appoint Mrs. Jill Wolfe to the Commission, seconded by Councilman Connell. Mr. Tucker made the nomination on Councilman Jones' behalf for District 4.

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

### Library Board Appointment

Vice-Chairman Tucker moved to appoint Mrs. Lois Stuber, seconded by Councilman Bozard.

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

## **COUNCIL BRIEFINGS**

### Vice-Chairman Tucker

Mr. Tucker thanked Mr. Gardner for making the effort with the Face Coverings Ordinance. He offered his thoughts and prayers to the family of Mr. Jackson, a member of the Richland County Council. Mr. Tucker wished Councilman Jones a speedy recovery.

### Councilman Gardner

Mr. Gardner implored everyone to still wear a mask.

### Councilman Bozard

None

### Councilman Connell

None

### Councilman Snodgrass

Mr. Snodgrass stated they had tackled a tough issue that polarizes. The vote had nothing to do with anti-masks. He believes the citizens are making right choices. He encouraged everyone to be charitable in their discourse.

### Chairman Burns

Mr. Burns affirmed no man argued against using face coverings. The Resolution passed by Council encouraged masks. Mr. Burns recognized Deputy Kermit Scott. He is retiring. Deputy John Scott will be his replacement. Mr. Burns acknowledge the hard work by Mr. Carpenter, Mr. Conley, and Vice-Chairman Tucker in acquiring the funds for the bus route. The Veteran's Park will have a soft opening. The Council's next meeting is September 8. It will be the 240<sup>th</sup> Anniversary of the Battle of Camden this Saturday.

### Administrator

Mr. Carpenter announced the soft opening of the Wateree Veteran's Park on August 27. Our Emergency Management Team is monitoring a new tropical depression that has formed.

### Legal

Mr. DuBose requested an Executive Session to discuss a legal/contractual matter regarding the Health Services District.

**EXECUTIVE SESSION**

Councilman Bozard moved to go into Executive Session, seconded by Councilman Snodgrass.

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

Councilman Gardner moved to come out of Executive Session, seconded by Councilman Connell. No votes were taken.

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

**ADJOURNMENT**

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

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

The meeting adjourned at 7:18 p.m.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Clerk to Council



September 3, 2020

Dear Kershaw County Council:

On behalf of the Health Services District of Kershaw County, I'm writing to ask you to consider the attached Resolution regarding our intent to build a new Karesh Long Term Care facility on the Beechwood property. We kindly ask that you place the Resolution on your September 8, 2020 meeting agenda so that we may discuss with you the project and the merits of the subsequent Resolution. I, along with our Chairman, Derial Ogburn, will be in attendance September 8th to describe the project and answer any questions.

Should you have any questions, please feel free to contact me at the phone number or email address listed below.

Sincerely,

Sallie Harrell, Executive Director  
The Health Services District of Kershaw County  
sharrell@healthdistrictkc.org  
(803) 310-9365

**RESOLUTION No. 163.2020**

**APPROVING THE BORROWING BY THE KERSHAW COUNTY HOSPITAL BOARD OF AN AMOUNT NOT EXCEEDING \$42,000,000; AND OTHER MATTERS RELATED THERETO.**

The County Council of Kershaw County (the "Council"), the governing body of Kershaw County, South Carolina (the "County"), hereby makes the following findings of fact in connection with the adoption of this resolution (the "Resolution"):

(A) The County is a political subdivision created pursuant to the laws of the State of South Carolina (the "State") possessing all general powers granted by the Constitution and statutes of the State to such public entities.

(B) Pursuant to Section 44-7-60, Code of Laws of South Carolina 1976, as amended ("Section 44-7-60"), the governing body of any county in the State may approve the borrowing of money for general hospital purposes by any nonprofit public hospital located within its bounds, which has borrowed money previously.

(C) The Kershaw County Hospital Board (the "Board"), created pursuant to the provisions of Act No. 868 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1954, as amended (the "Enabling Legislation"), is the governing body of KershawHealth, formerly known as Kershaw County Medical Center, a nonprofit public hospital located within the bounds of the County.

(D) Pursuant to the Enabling Legislation, the Board is authorized and empowered to do all matters necessary or convenient for the construction, establishment, and maintenance of a public hospital for the benefit of the residents of Kershaw County.

(E) The Board has determined it is necessary to borrow up to an amount not exceeding \$42,000,000 to finance the acquisition, construction, and equipping of a long-term care facility, planned to encompass approximately 87,690 square feet, and serve as the replacement of the current KershawHealth Karesh Long-Term Care, and which is planned to result in the addition of 36 skilled nursing beds for a total of 132 skilled nursing beds in the new facility (the "Project"), which Project is in furtherance of the Board's authorized purposes.

(F) Pursuant to Section 44-7-60, the Board has requested that the Council approve the borrowing by the Board of an amount not exceeding \$42,000,000 to defray the cost of the Project, to fund any required reserves and to pay any costs incurred in connection therewith.

**NOW THEREFORE, BE IT RESOLVED**, by the Council as follows:

Section 1. The Council hereby consents to and approves of the borrowing by the Board of an amount not to exceed \$42,000,000 aggregate principal amount from time to time as a single borrowing or as several separate borrowings, as the Board shall determine for the purpose of

defraying the cost of the Project, to fund any required reserves, and to pay any costs incurred in connection therewith, and Council further consents to and approves any and all refinancings, modifications, amendments or restructurings of such indebtedness as the Board may from time to time in its discretion determine to undertake.

Section 2. Neither the Project nor the borrowing will give rise to no pecuniary liability of the County or a charge against its general credit or taxing powers.

Section 3. The Council hereby authorized and empowered to take such further action as may be necessary to fully implement the action contemplated by this Resolution.

Section 4. This Resolution shall be effective upon the adoption hereof.

**DONE AND ADOPTED IN COUNCIL ASSEMBLED**, this 8<sup>th</sup> day of September, 2020.

KERSHAW COUNTY,  
SOUTH CAROLINA

(SEAL)

\_\_\_\_\_  
Chairman, County Council

Attest:

\_\_\_\_\_  
Merri. M Seigler  
Clerk to County Council

**ORDINANCE NO. 353.2020**

**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 8<sup>th</sup> DAY OF SEPTEMBER, 2020

KERSHAW COUNTY, SOUTH CAROLINA

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Kershaw County Council

ATTEST:

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Merri M. Seigler  
Clerk to Council

First Reading	July 14, 2020
Second Reading	August 11, 2020
Third Reading	September 8, 2020



# 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

<b>Land Use</b>	Single-family residential
<b>Site Features</b>	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.
<b>Flood Hazards</b>	No flood hazard areas exist on the subject property.
<b>Vehicle Access</b>	The subject property has an existing residential driveway onto Nick Watts Road.

### Surrounding Zoning and Land Use

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



**Zoning District Summary (Existing/ Proposed)**

	<b>Existing Zoning: RD-1</b>	<b>Proposed Zoning: RD-2</b>
<b>Zoning District Intent:</b>	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.
<b>Permitted Uses:</b>  <i>Note: See Table 3-3 of the Zoning and Land Development Regulations for a complete listing of permitted and conditional uses.</i>	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



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

### Infrastructure

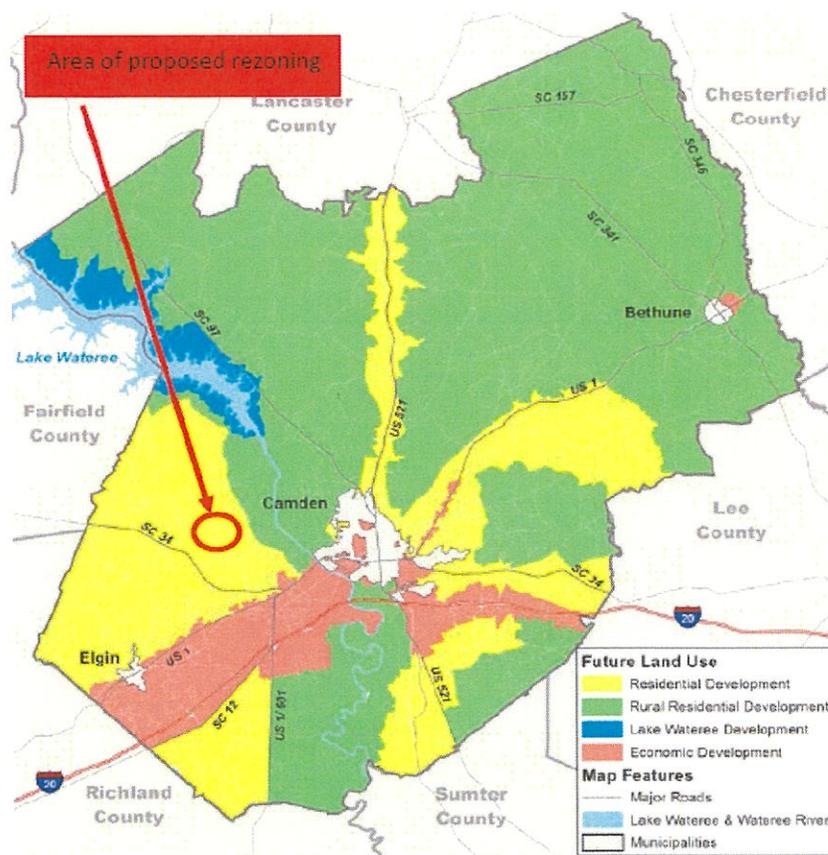
Council District	District 1 - Al Bozard
Water	Lugoff Water
Electricity	unknown
Sewer or Septic	Septic
School(s)	Lugoff Elementary Lugoff-Elgin Middle School Lugoff-Elgin High School
Fire District	Pine Grove Fire District
Police Department	Kershaw County Sheriff's Department

## Traffic

Street Classification	Current LOS (Level Of Service)
<p><b>Local Road</b> - 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.</p> <p><i>Source: Kershaw County Comprehensive Plan 2017-2027</i></p>	<p>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.</p>

### 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



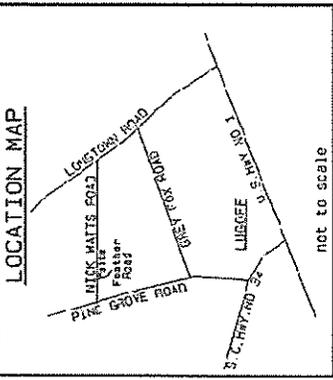
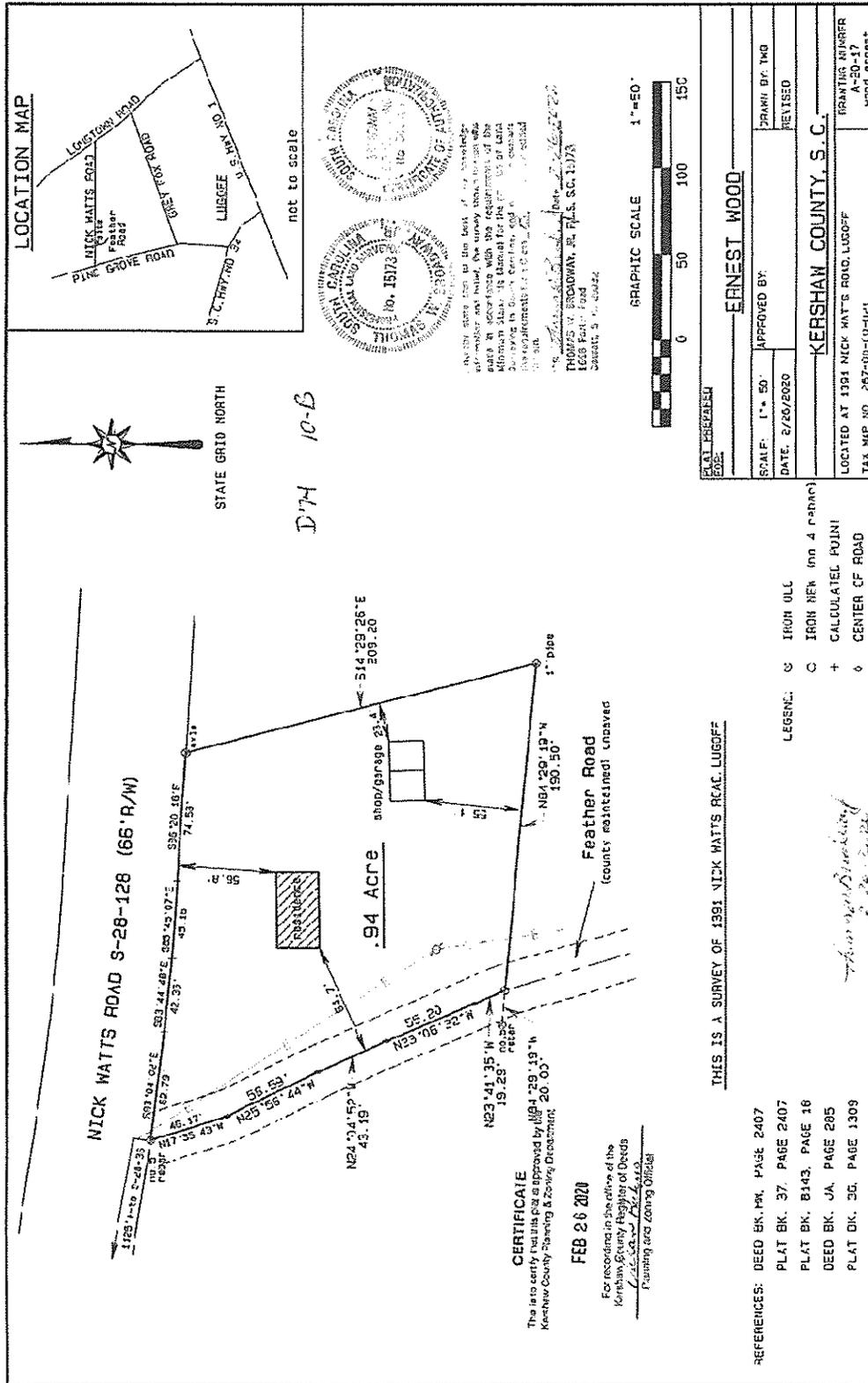
Adjoining Property to east - single wide manufactured home



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



Existing Property Survey (Case# 20-01)



STATE GRID NORTH

DTH 10-B

THE SURVEYOR HAS TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THE SURVEY SHOWS THE CORRECT AND ACCURATE LOCATION OF THE BOUNDARIES AND AREAS DESCRIBED IN THIS SURVEY. THE SURVEYOR HAS BEEN ADVISED BY THE CLIENT THAT THE SURVEY IS FOR THE PURPOSES OF A SUBDIVISION OF LAND AND THAT THE SURVEYOR IS NOT TO BE RESPONSIBLE FOR ANY OTHER PURPOSES.

THOMAS W. BROADWAY, JR., P.L.S., S.C. 12/23  
 1088 Feather Road  
 Lugoff, SC 29922

GRAPHIC SCALE 1"=50'

0 50 100 150

SEAL KERSHAW	
SCALE: 1" = 50'	APPROVED BY: ERNEST WOOD
DATE: 2/26/2020	REVISED:
KERSHAW COUNTY, S.C.	
LOCATED AT 1391 NICK WATTS ROAD, LUGOFF	
TAX MAP NO. 287-00-CU-041	

REFERENCES: DEED BK. 174, PAGE 2407  
 PLAT BK. 37, PAGE 2407  
 PLAT BK. 8143, PAGE 16  
 DEED BK. JA, PAGE 205  
 PLAT BK. 35, PAGE 1309

**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: <u>Ernest Wood</u>	E-MAIL: <u>JAHUDSON24@gmail.com</u>		
MAILING ADDRESS: <u>1391 Nick Watts Rd.</u>	CITY: <u>Lugoff</u>	STATE: <u>SC</u>	ZIP: <u>29078</u>
TELEPHONE: <u>803-438-2698</u>	CELL: <u>803-420-0698</u>		
THE APPLICANT IS: PROPERTY OWNER <input checked="" type="checkbox"/> AGENT OF PROPERTY OWNER <input type="checkbox"/> OPTION HOLDER <input type="checkbox"/>			
If applicant is other than owner, state applicant's interest in the land proposed to be rezoned:			

**PROPERTY LOCATION**

Street address: <u>1391 Nick Watts Rd Lugoff, SC</u>	Street address:		
TMS#: <u>267-00-00-021</u>	Number of acres: <u>1</u>	TMS#:	Number of acres:
Deed book: <u>HW 76B</u>	Plat book: <u>D74 10-B</u>	Deed book:	Plat book:
Sewer district: <u>NONE</u>	Water district: <u>Lugoff Water</u>	Sewer district:	Water district:
Current use: <u>Residential / Single Family Dwelling</u>	Current use:		
Proposed use: <u>Residential / Manufactured Home</u>	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 <input type="checkbox"/> No <input checked="" type="checkbox"/> . If yes, when?			
Reason for request: <u>New Housing - Mobile Home</u>			
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 <input type="checkbox"/> No <input checked="" type="checkbox"/> . If so, submit a copy with this application.			
Applicant's Signature: <u>Ernest Wood</u>		Date: <u>2-27-2020</u>	

**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 27<sup>th</sup> day of Feb. 2020

**HESSIE B. PETERKIN**  
Notary Public, State of South Carolina  
Notary Public for My Commission Expires 6/3/2024 (Seal)

My commission expires on 3<sup>rd</sup> day of June 2024



## Blakeney email sent in support of rezoning request



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

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### Nick Watts Road Rezoning 20-01

1 message

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**Kershaw County, SC** <kershawcounty@enotify.visioninternet.com>  
Reply-To: Sharon Blakeney <Sharonab123@gmail.com>  
To: "Adams-Raczkowski, Joey" <joseph.raczkowski@kershaw.sc.gov>

Mon, Jun 8, 2020 at 10:10 AM

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. 355.2020**

**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 County 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.

Unified Code of Zoning and Land Development Regulations (As Amended 10-25-2016)  
Article 3 - Zoning Regulations

3-7

Zone Districts	NAICS	R-15	R-10	R-6	O-1	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)	23742	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 8<sup>th</sup> DAY OF SEPTEMBER, 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	September 8, 2020
Third Reading	September 8, 2020



## 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

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**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

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**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.
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  - (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.
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- (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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  - (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.
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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.

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
<u>Solar Electric Power Generation - Large-Scale Commercial Standalone Solar Energy Farms</u>	<u>221114</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>C</u>	<u>By individual review</u>
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

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## 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**

<b>Land Use</b>	Vacant. Previous single-family residential use in the form of manufactured housing.
<b>Site Features</b>	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.
<b>Flood Hazards</b>	No flood hazard areas exist on the subject property.
<b>Vehicle Access</b>	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**

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



Zoning District Summary (Existing/ Proposed)

	Existing Zoning: RD-1	Proposed Zoning: RD-2
<b>Zoning District Intent:</b>	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.
<b>Permitted Uses:</b>  <i>Note: See Table 3-3 of the Zoning and Land Development Regulations for a complete listing of permitted and conditional uses.</i>	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



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

### Infrastructure

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

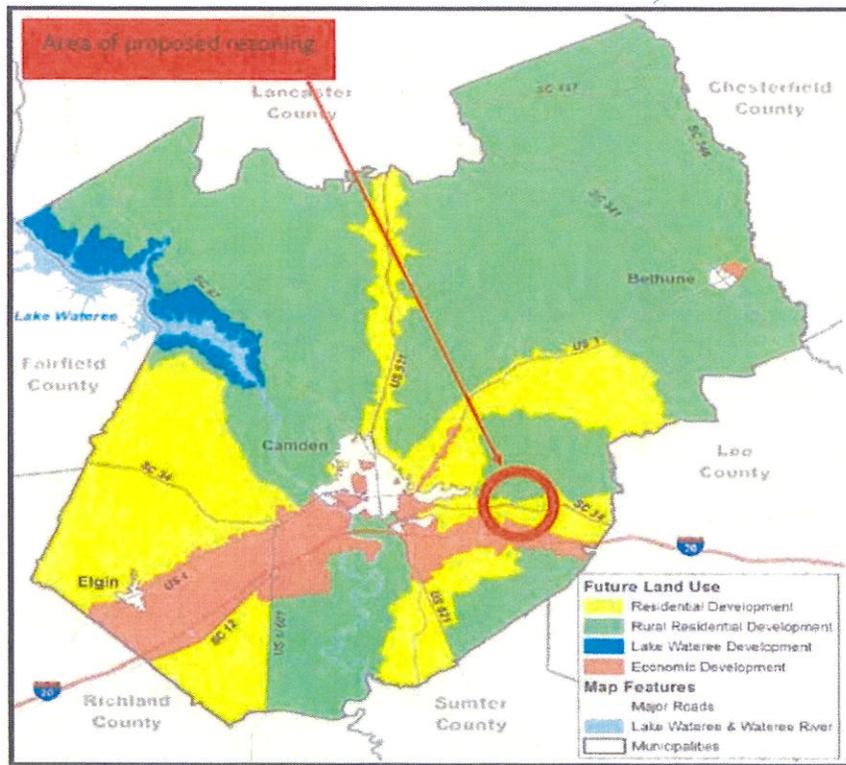


## Traffic

Street Classification	Current LOS (Level Of Service)
<p><b>Collectors</b> - 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.</p>	<p>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.</p>

### 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>

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**Tms# 287-00-00-090**

1 message

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**Sue Ward** <bluesky.arabians@yahoo.com>

Mon, Jul 13, 2020 at 2:28 PM

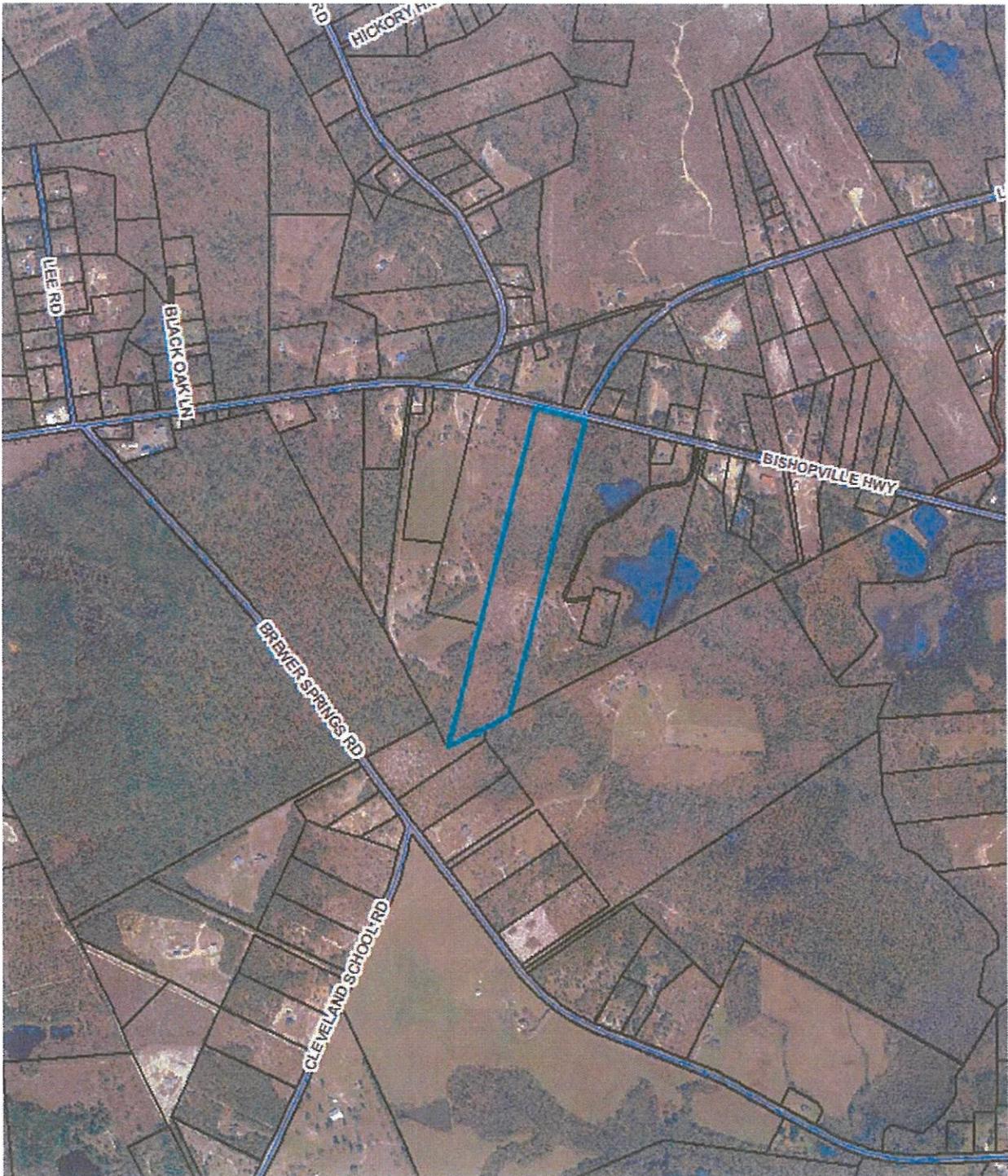
Reply-To: "bluesky.arabians@yahoo.com" <bluesky.arabians@yahoo.com>

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.

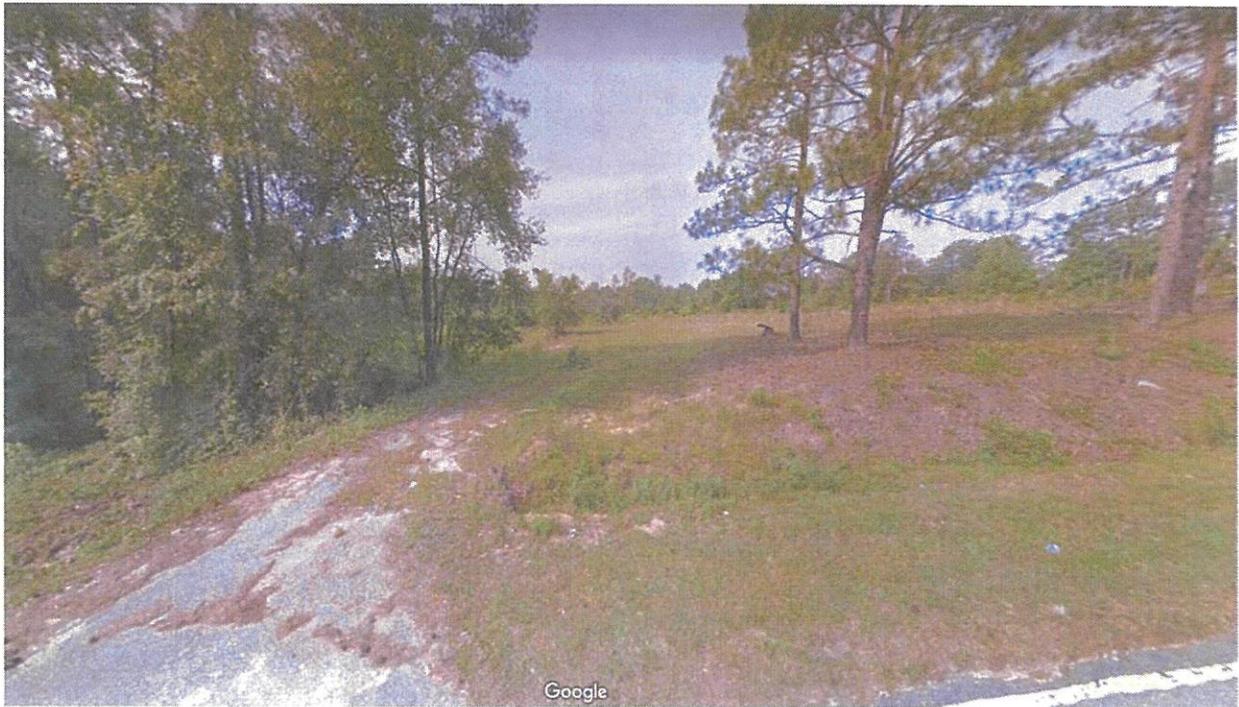
Sent from Yahoo Mail on Android

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



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

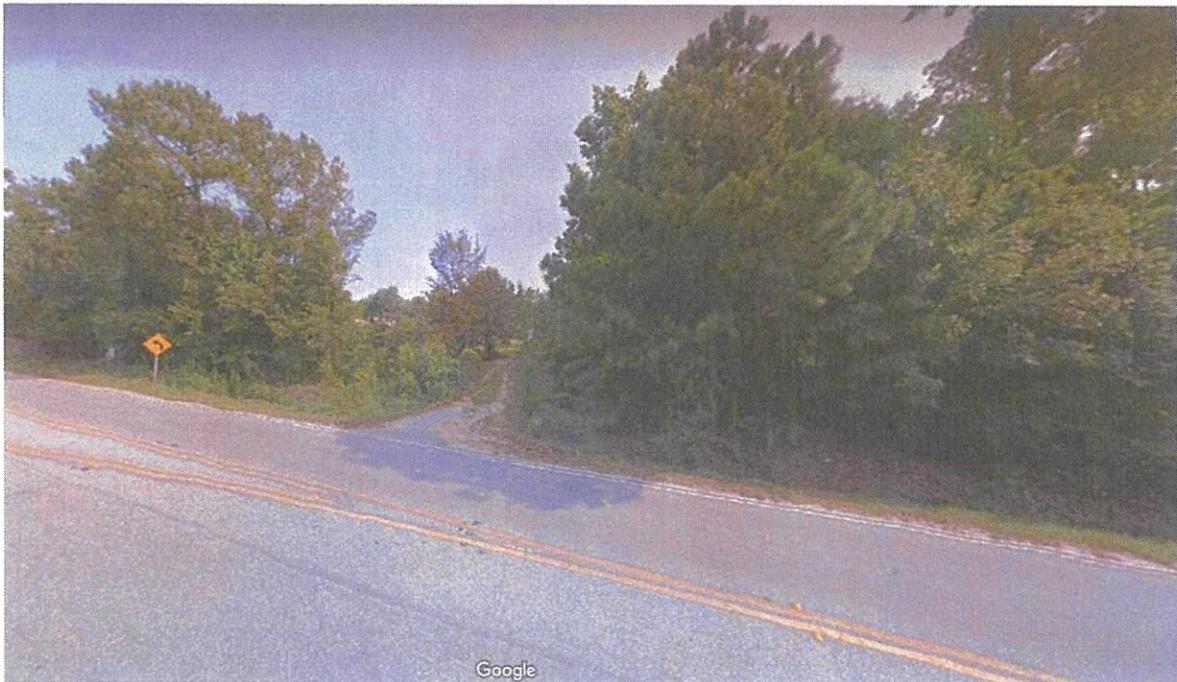
Existing driveway far bottom left of both pictures



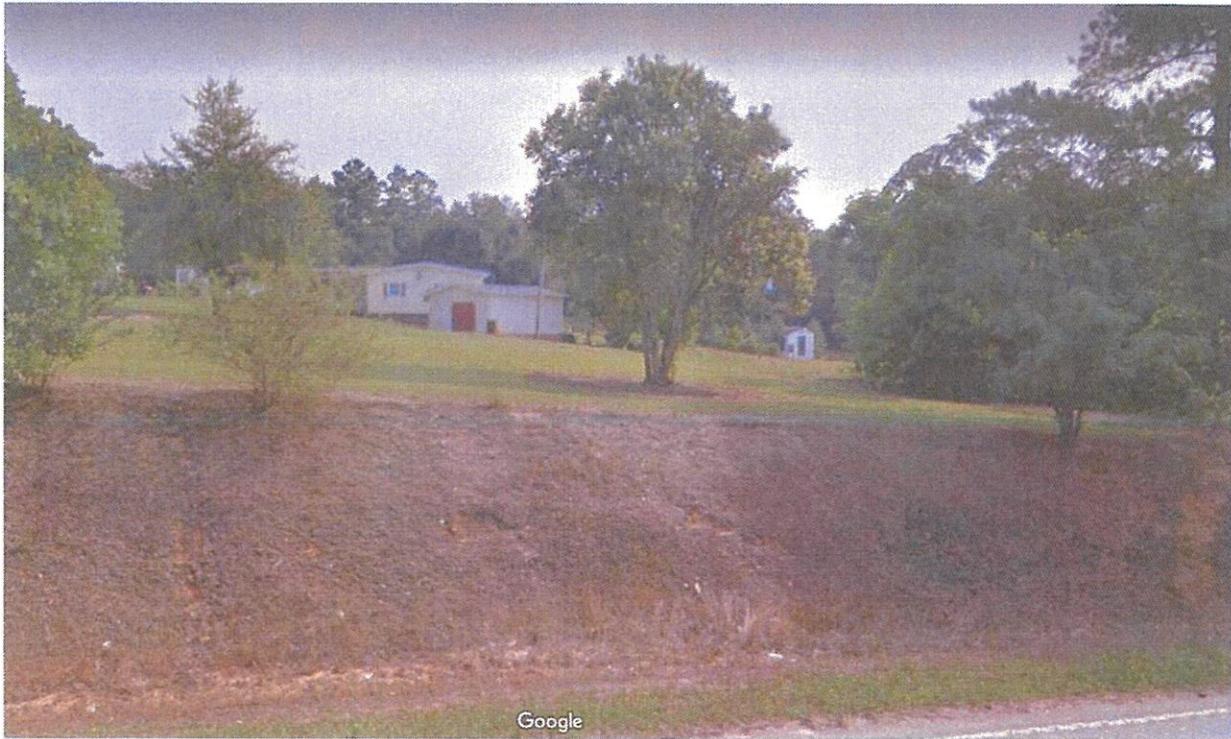
Subject property on right, Lucknow Road intersection on left



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: 5/1/2020 Request # 20-03 The applicant requests that the property described below be rezoned from RD1 to RDZ

**APPLICANT**

NAME: <u>Wayne Keith Galloway</u>		E-MAIL: <u>Wayne.Galloway@Synovus.Com</u>	
MAILING ADDRESS: <u>1215 Bishopville Hwy</u>		CITY: <u>Camden</u>	STATE: <u>SC</u> ZIP: <u>29020</u>
TELEPHONE: <u>(803) 572-1045</u>		CELL: <u>(803) 572-1045</u>	
THE APPLICANT IS: PROPERTY OWNER <input checked="" type="checkbox"/> AGENT OF PROPERTY OWNER <input type="checkbox"/> OPTION HOLDER <input type="checkbox"/>			
If applicant is other than owner, state applicant's interest in the land proposed to be rezoned:			

**PROPERTY LOCATION**

Street address: <u>1249 Bishopville Hwy Camden SC 29020</u>		Street address:	
TMS#: <u>287-00-00-090</u>	Number of acres: <u>20.30</u>	TMS#:	Number of acres:
Deed book: <u>3232</u>	Plat book: <u>34</u>	Deed book:	Plat book:
Sewer district: <u>N/A</u>	Water district: <u>Cassatt Water</u>	Sewer district:	Water district:
Current use: <u>Property</u>		Current use:	
Proposed use: <u>Property / 1 acre of land for mobile home</u>		Proposed use:	
Community/subdivision: <u>Antioch</u>	Council district: <u>291</u>	Community/subdivision:	Council district:
Has previous application been made to rezone all or any part of this/these property/properties? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, when?			
Reason for request: <u>TO Place mobile Home one 1 acre of land.</u>			
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 <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, submit a copy with this application			
Applicant's Signature: <u>Wayne K Galloway</u>		Date: <u>5/1/2020</u>	

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\_\_\_\_



**ORDINANCE NO. 356.2020**

**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;

**WHEREAS**, on August 11, 2020 Kershaw County Council enacted 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**, as provided for in the S.C. Code of Laws Section 4-9-130 Ordinance No. 356.2020 expires “automatically as of the sixty-first day following the date of enactment”;

**WHEREAS**, the finding contained in Ordinance No. 356.2020 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 remained unacceptably high in South Carolina and in Kershaw County;

**WHEREAS**, Ordinance No.356.2020 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 a state of emergency due to the COVID-19 pandemic is declared as provided for in South Carolina Code Section 4-9-130.
2. 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.
3. 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.
4. 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.

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. This ordinance expressly takes precedence over and supersedes any other Kershaw County ordinance for the duration of the term provided herein.
11. This emergency ordinance is effective immediately.

ORDAINED, ENACTED, AND ORDERED THIS 8<sup>th</sup> DAY OF SEPTEMBER, 2020

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Kershaw County Council

ATTEST:

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Merri M. Seigler  
Clerk to Council



515 Walnut Street  
Camden, South Carolina 29020  
803-425-1500  
803-425-1546 (FAX)

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MEMORANDUM

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To: County Council  
From: Merri Seigler  
Date: August 13, 2020  
Re: Airport Commission Terms\

When the Airport Commission appointments were made by slate prior to adopting the last Airport Commission Ordinance, it did not allow for the new terms to be applied. I am requesting Council to stagger the terms as follows:

Robert Parks	District 1	06/30/23
Chris Anderson	District 2	06/30/25
Doug Fielding	District 3	06/30/23
Charles Grant	District 4	06/30/25
Ray Din	District 5	06/30/23
Gary Philpot	District 6	06/30/25
	At Large	06/30/23

The At Large position is vacant due to the recent resignation of Jerry Alexander.

**ORDINANCE NO. 352.2020**

**AN ORDINANCE BY KERSHAW COUNTY COUNCIL TO REVISE THE KERSHAW COUNTY AIRPORT COMMISSION ORDINANCE IN RESPONSE TO KERSHAW COUNTY'S TRANSFORMED ROLE AND DUTIES AT THE KERSHAW COUNTY AIRPORT AND TO PROVIDE FOR MATTERS RELATED THERETO.**

**WHEREAS**, Kershaw County owns the airport known as Woodward Field. Woodward Field is composed of that parcel of land described in that certain plat dated December 12, 1986, by Daniel Riddick and Associates, Inc., recorded in the Office for the Register of Deeds for Kershaw County as well as additions thereto and any and all easements, including clear zone, appertaining or necessary heretofore obtained by or conveyed to Kershaw County; and

**WHEREAS**, Kershaw County created the present Airport Commission by ordinance dated August 13, 2002; and

**WHEREAS**, Kershaw Airport Commission, in its current form, is an advisory body that assists Kershaw County in its interactions with the Kershaw County Airport Fixed Base Operator; and

**WHEREAS**, Kershaw County has taken over duties as the Fixed Base Operator for the Kershaw County Airport; and

**WHEREAS**, the Kershaw County Airport has become a department of county government; and

**WHEREAS**, Kershaw County Council desires the Kershaw County Airport Commission be reconstituted to address the County's new organizational role at the airport; and

**WHEREAS**, Kershaw County Council desires to replace the Airport Commission with an Airport Advisory Committee.

**NOW, THEREFORE**, by the power and authority granted to the Kershaw County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted that:

**Section 1.** Article II. Airport Commission as contained in the Kershaw County Code of Ordinances shall now read as follows:

Article II. Airport Advisory Committee

Sec. 4-31. Description of Property.

Kershaw County owns the airport known as Woodward Field. Woodward Field is composed of that parcel of land described in that certain plat dated December 12, 1986, by Daniel Riddick & Associates, Inc., recorded in the Office of the Register of Deeds for Kershaw County as well as additions thereto and any and all easements, including clear zone, appertaining or

necessary, heretofore obtained by or conveyed to Kershaw County.

Sec. 4-32. Purpose and objectives.

The purpose and objective of the Kershaw County Airport Advisory Committee shall be as follows:

- (a) To make recommendations to the Kershaw County Airport Manager for the aeronautic needs of Kershaw County and the implementation of plans established by council;
- (b) To promote use of the airport and aeronautic activities within the entire county;

Sec. 4-33. Composition of committee.

- (a) The Kershaw County Airport Advisory Committee shall be composed of seven (7) members, all of whom shall be Kershaw County residents. Each council member shall have one (1) nomination. It shall not be necessary that the nominee reside in the district of the council member making the nomination.
- (b) All Kershaw County Airport Commission Members at the time of enactment of this Ordinance shall automatically become a member of the Kershaw County Airport Advisory Committee with terms as provided in Section 4-34.
- (c) The term of office for all Kershaw County Airport Advisory Committee members is four (4) years, commencing on July 1 and ending on June 30. A person who has served two (2) consecutive terms on the Kershaw County Airport Advisory Committee is ineligible for an additional appointment without there being a one-year period prior to an additional appointment. Time served in filling a vacancy shall not be included in the term limitation. Members do not continue to serve until their successor is appointed. Vacancies shall be filled in the same manner as the original appointment.
- (d) Members of the Kershaw County Airport Advisory Committee serve at the pleasure of Kershaw County Council and can be removed with or without cause.
- (e) A member of the Kershaw County Airport Advisory Committee who misses three (3) meetings in any fiscal year automatically vacates membership on the Committee. However, the Chairman of the Committee has the authority to excuse the attendance of a Committee member in the event of an emergency deemed acceptable in the Chairman's sole discretion provided that the absence is requested in advance and announced at the time of the meeting in which the absence occurs.
- (f) All members serve without compensation but may be reimbursed for actual expenses and mileage pursuant to Kershaw County policy after approval by the Kershaw County Airport Advisory Committee Chair.

Sec. 4-34. Initial terms of office.

The initial terms of members shall be staggered. Members initially nominated by council districts 1, 3, 5, and the at-large seat shall serve through June 30, 2023. Members initially nominated by council districts 2, 4, and 6 shall serve through June 30, 2025.

Sec. 4-35. Meetings.

- (a) Kershaw County Airport Advisory Committee meetings shall be held no less than every quarter or, alternatively, more often as deemed necessary and appropriate by the committee Chairman and/or the airport manager.
- (b) All meetings shall be open meetings and advertised as required by state statute. An agenda for each meeting shall be established pursuant to the guidelines found in Robert's Rules of Order. Meetings shall be conducted using the parliamentary procedures contained in Robert's Rules of Order or such other procedures as may be adopted through formal Resolution of the Committee after its formation.
- (c) At the first meeting following July 1 of each year, the Kershaw County Airport Advisory Committee membership shall elect a member to serve as chairman for a one (1) year period, a member to serve as Vice-Chairman for a one (1) year period, and a member to serve as Secretary for a one (1) year period. There shall be a limit of no more than three (3) years of consecutive service as Chairman.

Sec. 4-36. Records and reports.

The Kershaw County Airport Advisory Committee shall maintain written, summary minutes of its meetings including therein the date of the meeting, the members present, and the business and topics discussed. A copy of approved committee meeting minutes shall be forwarded to the Clerk to Council within five (5) business days of each meeting.

Sec. 4-37. Freedom of information.

Compliance with all requirements of the South Carolina Freedom of Information Act shall be mandatory.

Sec. 4-37 - 4-60. - Reserved.

**Section 2. Severability.**

If any section, subsection, or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

**Section 3. Conflicting provisions.**

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Kershaw County Code or other County ordinances, resolutions, or orders, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

**Section 4. Effective date.**

This ordinance is effective upon Third Reading.

**ORDAINED, ENACTED, AND ORDERED THIS 30<sup>th</sup> DAY OF JUNE, 2020.**

\_\_\_\_\_  
Kershaw County Council

ATTEST:

\_\_\_\_\_  
Merri M. Seigler  
Clerk to Council

FIRST READING:            May 12, 2020  
SECOND READING:        June 9, 2020  
THIRD READING:         June 30, 2020



**To:** Vic Carpenter, Administrator

**From:** Sarah Williams, CPPB

**Date:** September 3, 2020

**Re:** Site improvements for an approximately 18-acre parcel within the Governor's Hill Industrial Park which includes clearing and grubbing, sediment and erosion control best management practices, construction of four sediment traps, site grassing and final stabilization.

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Ten responses were received for Bid # 20-216-01.

<b>Contractor Services of Kershaw, LLC, Kershaw SC</b>	<b>\$165,808.49</b>
Brocks Grading and Land Clearing, LLC, Hartsville SC	\$200,936.80
Kershaw Builders Inc., Lugoff SC	\$202,050.00
Coogler Construction, Inc., Irmo SC	\$241,667.93
Wiley Easton Construction Co., Lexington SC	\$247,840.00
Richardson Construction Co., Columbia SC	\$260,080.00
Lindlers Construction of SC, LLC, Newberry SC	\$267,960.00
Anson Construction, Inc., Wadesboro NC	\$273,910.00
CBG, Inc., Gaston SC	\$323,123.40
C Ray Miles Construction Co., Lugoff SC	\$721,100.00

**Recommend award to Contractor Services of Kershaw, LLC, for \$165,808.49.**