PLANNING & ZONING

CORRECTED AGENDA (EDITED FOR TYPOS ONLY)

MARCH 11, 2024 REGULAR MEETING @ 5:30 PM
COUNCIL CHAMBERS
KERSHAW COUNTY GOVERNMENT CENTER
515 WALNUT STREET, CAMDEN, SOUTH CAROLINA

I. **Call to Order and Determination of Quorum**
Chairwoman Fiona Martin

II. **General Public Comment Period**

Excerpt from, Kershaw County Planning and Zoning Commission Rules of Procedure, Section 7, Procedures for Public Comment Period (Non Public Hearing)

a. Public comment period: is an opportunity for members of the public to share information with the Planning Commission; is not a time for debate with or questions and answers from the Planning Commission; is a time for the Planning Commission to receive input; and, is not a time for Planning Commission response.

In short, during public comment, the Planning Commission will LISTEN to public comment, but not COMMENT on public comment.

b. Offensive and inappropriate comments will not be tolerated and comments should be limited to statements and rhetorical questions.

c. If a group would like to speak to the Planning Commission, the Commission requests that a spokesperson be selected and that this person indicates the group he/she is representing on the sign-up sheet and in his/her comments.

d. Public comment is a time to discuss issues, not individuals. Other avenues exist for individual personnel complaints.

e. Public comment period is limited to 30 minutes with 5 minutes maximum allowed per individual speaker.

III. **Approval of Minutes**
February 12, 2024

IV. **Executive Session (if needed)**

Receipt of Attorney-Client Privileged Legal Briefing, SC Code 30-4-70(2).

NEW BUSINESS (public hearing required)

V. **Case 24-06**: Applicant and property owners Joe and Cindy Smith are requesting a change in the zoning classification of approximately +/- 4.9 acres from R-15 (Low Density Residential District) to RD-2 (Rural Resource District). The properties are identified as TMS# 348-00-00-120, and 348-00-00-085 with addresses of 116 and 120 Mill Creek Trace. This is a general use rezoning request. Any and all uses within the proposed RD-2 zoning district will be allowed if this rezoning case is approved by the Kershaw County Council.

VI. **Case 24-07**: Applicant Largesse Limited Performance, LLC (% George Delk) representative for property owner Mark Mason, is requesting a change in the zoning classification of approximately +/- 23.4 acres from R-15 (Low Density Residential District) to R-6 (High Density Residential District). The properties are identified as TMS# 347-00-00-028, and 347-00-00-034 with addresses of 1512 Ross Road and 132 Golden Pine Trail, Elgin. This is a general use rezoning request. Any and all uses within the proposed R-6 zoning district will be allowed if this rezoning case is approved by the Kershaw County Council.

VII. **Case 24-08:** Applicant and property owner Andrew Collins is requesting a change in the zoning classification of approximately +/- 6.38 acres from MRD-1 (Rural Resource District) to RD-2 (Rural Resource District). The property is identified as TMS# 307-00-00-011 with addresses of 1147 Smyrna Road, Elgin. This is a general use rezoning request. Any and all uses within the proposed RD-2 zoning district will be allowed if this rezoning case is approved by the Kershaw County Council.

PLANNING COMMISSION PROCEDURE FOR PROVIDING PUBLIC COMMENTS FOR PUBLIC HEARINGS

Applicants with requests before the Planning Commission are allotted a presentation time of 10 (ten) minutes. This time should include but is not limited to an overview of the project, case history, and any pertinent meetings held regarding the request. This time also includes all persons presenting information on behalf of the applicant such as attorneys, engineers, and architects. This time limit does not include any questions asked by the Planning Commission or staff regarding requests. Members of the general public are given the opportunity to address their concerns in intervals of 5 (five) minutes. The Planning Commission reserves the right to amend these procedures on a case-by-case basis.

Please do not speak from the audience. When your time to speak is granted and you have signed into the meeting to speak, please come to the podium so all present for the meeting can hear your comments. Also, be considerate of others by turning off or muting your cell phones during the proceedings.

NEW BUSINESS (no public hearing required)

VIII. **CASE 24-10**: To amend the Kershaw County Unified Code of Zoning and Land Development Regulations, to remove Table 5-10 and amend Chapter 5, Section 3.8-3 and Chapter 5, Section 3.8-6 to update and clarify road design standards by reference and incorporation of the design criteria and standards of the South Carolina Asphalt Pavement Association ("SCAPA").

IX. **Director's Report**

- Reminder: March 18, 2024 special called joint meeting between the County Council and Planning Commission to discuss the draft goals and policies of the updated comprehensive plan as well as the draft future land use map.

  This meeting will take place beginning at 6:00 PM in the training bay area of the Kershaw County Economic Development Office located at 95 Innovation Way, Camden.

X. **Adjournment**

this page intentionally left blank

Kershaw County Planning and Zoning Commission
Regular Session Minutes – February 12, 2024, 5:30 PM
County Council Chambers
515 Walnut Street, Camden, SC 29020

Members in Attendance: Fiona Martin, Robert Horton, Libby Davis, Ned Towell, Heather Dykes, Clifton Emmons, and Lanny Gunter
Members Absent: None
Staff in Attendance: Joey Adams-Raczkowski, John DuBose, Justin Moore, Rhonda Darity, and Hannah Doster

Call to Order
The Chairwoman, Fiona Martin, called the meeting to order at 5:30 PM.

General Public Comment Period - None

Approval of Minutes
Chairwoman Martin stated that the minutes for the January 8th, 2024 regular meeting had been distributed electronically. Ms. Martin stated that there was a correction for the January 8th, 2024 minutes. She stated that she made the motion to exit the executive session. Seconded by Ned Towell, and all voted in favor. She asked if there were any other additions, corrections, or deletions to the minutes. Hearing none she called for a motion. Chairwoman Martin made a motion to approve of the minutes. Seconded by Mr.Towell, and all voted to approve.

Executive Session
Chairwoman Martin made a motion to remove this item from the agenda. Mr. Towell seconded the motion, and all voted in favor.

New Business

Request for Text Amendment by Kershaw County Case 24-04

Chairwoman Martin introduced the case and turned it over to Mr. Adams-Raczkowski for the staff report. Mr. Adams-Raczkowski discussed how minor subdivisions are becoming a problem within the county. He stated that anything greater than 10 lots is considered a major subdivision, anything less than 10 lots is a minor subdivision. He stated that the text amendment will change minor subdivisions to 2 lots or less. Mr. Adams-Raczknowski turned it over to the board for discussion.

Mrs. Dykes talked about if you have a parcel of 5 acres or more is a state exemption. Mr. Adams-Raczkowski stated that the reason for the text amendment is for better quality of development for Kershaw County.

Chairwoman Martin asked if there was any further discussion. After hearing none, she called for a motion. Ned Towell made a motion of favorable recommendation to Kershaw County Council, Mr. Emmons seconded the motion. Voting in favor of the motion was Libby Davis, Clifton Emmons, Fiona Martin, and Ned Towell. Voting to oppose the motion was Heather Dykes, Lanny Gunter, and Robert Horton. The motion carries.

Request for Text Amendment by Kershaw County Case 24-05

Chairwoman Martin introduced the case and turned it over to Mr. Adams-Raczkowski for the staff report. Mr Adams-Raczkowski explained density. He discussed how the density for new homes is 4.35 and new apartments (multi-family homes) is 6.71. Mr. Adams- Raczkowski turned it over to board for discussion.

Ms. Dykes discussed the townhomes that are coming up within the county, and how those townhomes do not have any open space or amenities for residents. She also talked about how there should be active space for kids to play or residents to walk. Mr. Dubose further discussed single and multi family homes within the county.

Chairwoman Martin asked if there was further discussion about the text amendment. After hearing none, she called for a motion. Mr. Towell made a motion of favorable recommendation to Kershaw County Council, Ms. Davis seconded the motion, and all voted to approve the motion.

Staff Updates

- There will be a March 11, 2024 regular meeting of the Planning Commission.
- Joint meeting with City Council on March 18, 2024 at 5:30 pm in council chambers.
- Mr. Adams-Raczkowski gave an update on the comprehensive plan. The comprehensive plan should be done by early fall of this year.

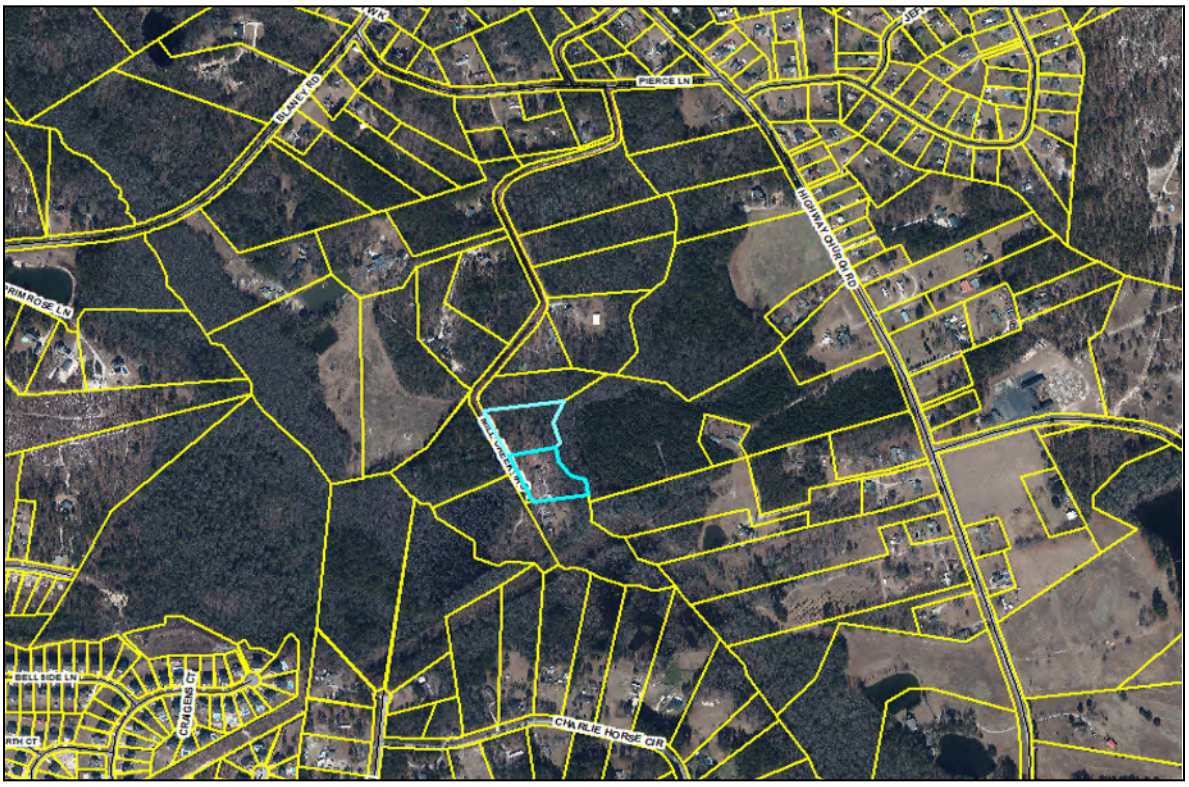
Adjournment

The Chairwoman asked if there were any additional items to be brought up before the Commission. Hearing none, Mrs. Martin made a motion to adjourn. Mr. Emmons seconded the motion, with all voting in favor. The meeting was adjourned at 6:29 PM.

Respectfully submitted,

Rhonda Darity

Rhonda Darity
Secretary



KERSHAW COUNTY
PLANNING & ZONING COMMISSION

REQUEST FOR MAP AMENDMENT BY JOE & CINDY SMITH (CASE 24-06)

Current Zoning: R-15 (Low Density Residential District)

Proposed Zoning: RD-2 (Rural Resource District)

TMS# 348-00-00-120 and -085

March 11, 2024

STAFF REPORT

KERSHAW COUNTY PLANNING & ZONING COMMISSION
(March 11, 2024 Meeting)

Request #: 24-06

Applicant: Joe and Cindy Smith
Property Size: Approximately 4.9 acres

Current Zoning: R-15 (Low Density Residential)
Proposed Zoning: RD-2 (Rural Resource District)
Location: 116 and 120 Mill Creek Trace
TMS#: 348-00-00-120 and -085

Background Summary: This rezoning request consists of two existing parcels totaling approximately 4.9 acres. The parcels are owned by Joe and Cindy Smith with addresses of 116 and 120 Mill Creek Trace.

The applicant has indicated that the purpose of this request is to place a double wide manufactured home on the property located at 116 Mill Creek Trace for their son. Mill Creek Trace is a private dirt road.

The Smith's have included their own primary residence at 120 Mill Creek Trace in this rezoning request in order for the properties to be considered as being contiguous to existing RD-2 zoning.

Previously in May of 2015, the Smith's successfully rezoned adjoining parcel 348-00-00-092, addressed as 134 Mill Creek Trace, from R-15 to RD-2 so that another son could place a manufactured home on that parcel of land.

However, rezoning property for one specific use, or "conditional rezoning" is illegal in the State of South Carolina. Therefore, this must be reviewed as a general use rezoning request. If approved, any and all permitted and conditional uses allowed in the RD-2 zoning district could be developed on this property.

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?

Current Property Information

Land Use	120 Mill Creek Trace is developed with a single-family home. 116 Mill Creek Trace is currently vacant.
Site Features	Developed property at 116 Mill Creek Trace. Partially wooded existing lot / undeveloped at 120 Mill Creek Trace.
Flood Hazards	No special flood hazard areas. There are a few small areas of non-delineated wetlands, however, they do not impact the ability to place a home on the property.
Vehicle Access	Via Mill Creek Trace, an existing private road.

Surrounding Zoning and Land Use

	Zoning:	**Land Use:**
North:	R-15	Wooded, vacant.
South:	RD-2	Residentially developed property (son living in double wide at 134 Mill Creek Trace). Also, Arrow Woods Subdivision, developed with single wide and double wide homes.
East:	R-15	Wooded, vacant.
West:	R-15	Wooded, vacant.

Zoning District Summary (Existing/ Proposed)

	Existing Zoning: R-15	**Proposed Zoning: RD-2**
Zoning District Intent:	The R-15 Residential District is intended to foster, preserve, and protect at low densities, areas of the community/County in which the principal use of land is for detached, single-family dwellings and limited residential support facilities at low densities.	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 contribute to a balanced environment.
Permitted Uses: *Note: See Table 3-3 of the Zoning and Land Development Regulations for a complete listing of permitted and conditional uses.*	Single-Family Detached Patio Homes (conditional) Schools Community Center for Elderly or Other Residential Care Facilities Museums Golf, Tennis, Swimming Club Religious Organizations Bed & Breakfast (conditional) Fire Protection Accessories to residential uses *Note: No multi-family uses are allowed in the R-15 district, including duplex, triplex, quadplex, townhomes, or apartments.*	Single-Family Detached Manufactured Housing 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) Transportation and Warehousing Libraries and Archives Veterinary services Landscape Services Educational Services Nursing Care Facilities Zoos and Botanical Gardens Hunt Clubs Pet Care

Water and Sewer Service:	Septic	Well or Community Water
Lot and/or Density Requirements:	Minimum lot size in R-15 for lots without access to public sewer or community onsite sewage treatment and disposal systems and public water (lots on septic tank and well) shall be three quarters (3/4) of an acre (.75 acre). The minimum lot size in R-15 for lots without access to public sewer or community onsite sewage treatment and disposal systems, **but on public water**, shall be one-half (1/2) acre (.50 acre). Minimum lot size in R-15 on public sewer and public water is 15,000 sq.ft. for the first lot, plus an additional 5,000 sq.ft per unit, with a maximum dua of 4.35/acre.	Minimum one acre lot size with a maximum dua of 1/acre.
Setbacks Required:	Street Frontage: 80’ Front: 35’ Side: 10’ Rear: 20’	Street Frontage: 100’ Front: 35’ Side: 20’ Rear: 30’
Height Restrictions:	35’	35’
Maximum Impervious Surface Ratio: Measured as a percent of total lot area	.60	.40
Maximum Density: Measurements in units per gross acre	4.35 units per acre	1 unit per acre

Infrastructure

Council District	District 4
Water	Well or community water
Electricity	Unknown
Sewer or Septic	Septic
School(s)	Blaney Elementary Leslie M. Stover Middle Lugoff Elgin High School
Fire District	Blaney Fire Department
Police Department	Kershaw County Sheriff's Department

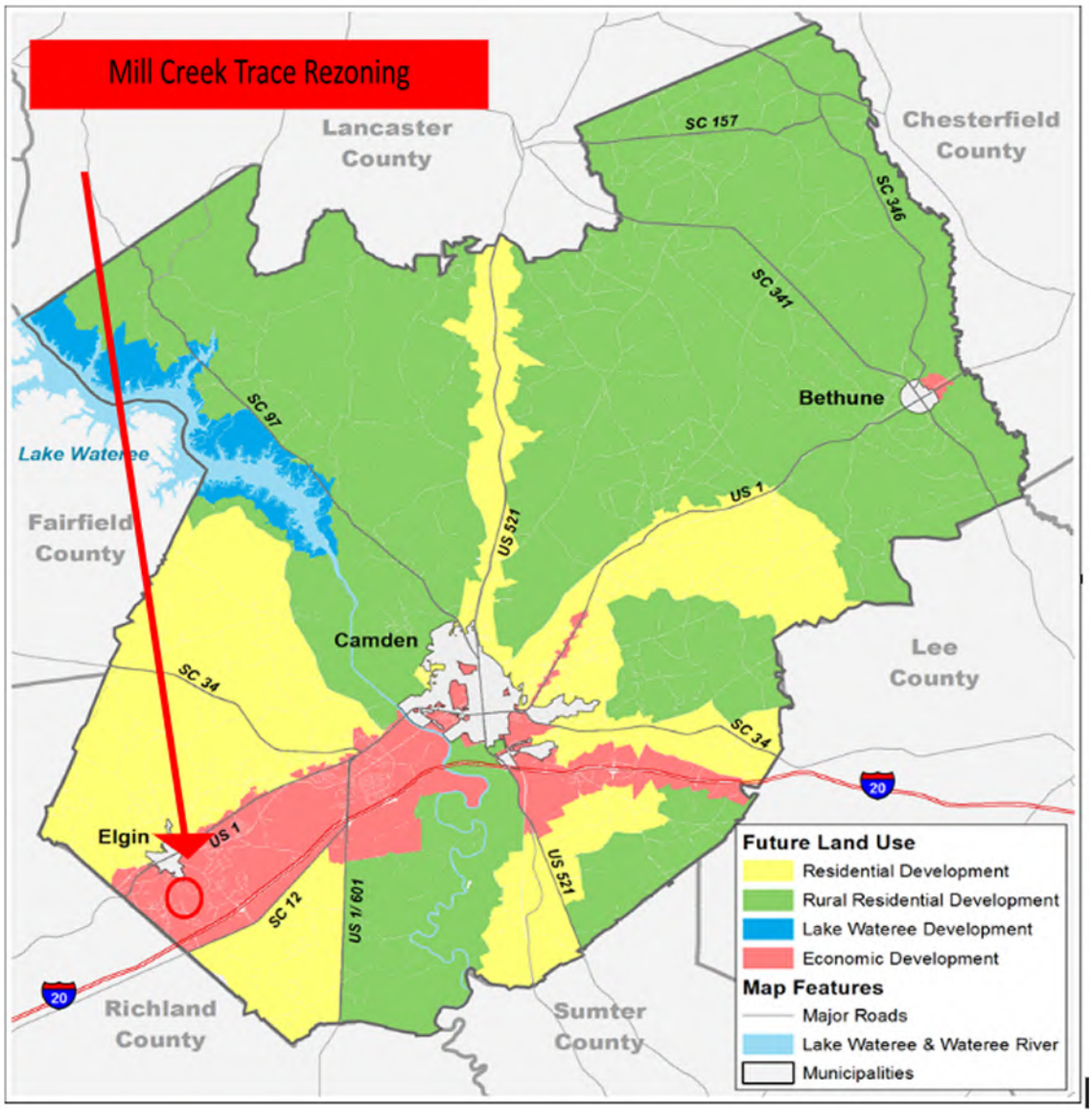
Traffic

Street Classification	**Current LOS (Level Of Service)**
Local roads primarily provide access to adjacent land and road systems of higher classification for travel over relatively short distances.	Mill Creek Trace is a private road approximately 0.65 miles in length and is maintained by the Mill Creek HOA. This road and subdivision were developed in 1987 as a private subdivision prior to Kershaw County adoption countywide zoning and development standards in late 1999.

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?

Future Land Use Map



Future Land Use Map Designation of ED – ECONOMIC DEVELOPMENT AREAS

Areas so designated contain principally the full range of business, commercial, employment, industrial, institutional, and service uses, and are projected to accommodate the bulk of such development in the future. This designation does not exclude prospects for residential development, however. Residential development located within ED areas could shorten the time and distance between the workplace and home. As infrastructure development is most intense in the ED areas, higher density residential developments are more appropriate. Many existing residential developments are located in ED designated areas. The principles applied to Residential Development areas will also apply to residential enclaves within the ED areas. Also, some land currently devoted to the equine industry can be found within areas generally designated as Economic Development areas. This is especially the case in the Economic Development areas around the City of Camden.

Comprehensive Plan Considerations:

- *Promote housing choice throughout the county to include single-family homes, townhomes, patio homes, multi-family developments, and manufactured homes in appropriate areas.*

- *Encourage the infill development of housing on vacant residential properties that makes use of existing infrastructure and reflects local character and design.*

The Comprehensive Plan.
Preliminary Staff Analysis Comments: The Economic Development designated areas supports the continued development within existing neighborhoods.

The current conditions and character of the current structures and uses in each district.
Preliminary Staff Analysis Comments: The subject parcels do directly abut existing RD-2 zoning to the south with long-established residential uses that include both site built and manufactured homes.

The most desirable use for which the land in each district is adapted.
Preliminary Staff Analysis Comments: This specific parcel is completely surrounded by existing residential uses and/or property zoned for residential use.

Responsible growth and development:
Preliminary Staff Analysis Comments: Given the existence of established residential uses directly abutting the subject parcel, the proposed rezoning RD-2, from staff's perspective, could be found to be appropriate and compatible with surrounding existing residential site built and manufactured home land uses.

Spot Zoning

Staff provides the Planning & Zoning Commission and the County Council with 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 Kershaw County Zoning and Land Development Regulations do not contain such language.

Final Staff Analysis:

After analyzing the goals of the Comprehensive Plan, the Future Land Use Map, the permitted and conditional uses within the RD-2 (Rural Resource) zoning district, and considering the issue of spot zoning as well as the character of the surrounding area and existing development patterns, staff's analysis concludes that this petition appears to be in keeping with the current development policies of Kershaw County and the current development patterns in this area.

However, the Planning and Zoning Commision statutorily, and per the ZLDR, has the ultimate responsibility to provide a formal recommendation to the County Council. The County Council is the final decision making authority for all rezoning petitions.

Planning and Zoning Commission Options:

During the consideration of rezoning requests, the Planning and Zoning Commission should be examining the staff analysis of the request, considering public comment, and reaching an independent decision. Staff provides an analysis absent public opinion, without bias toward a specific use that may be proposed, review of the comprehensive plan and future land use map, as well as considering the impact of the requested zoning district on surrounding properties given all permitted and conditional uses that could be developed on the property if successfully rezoned to RD-2 (Rural Resource) zoning district.

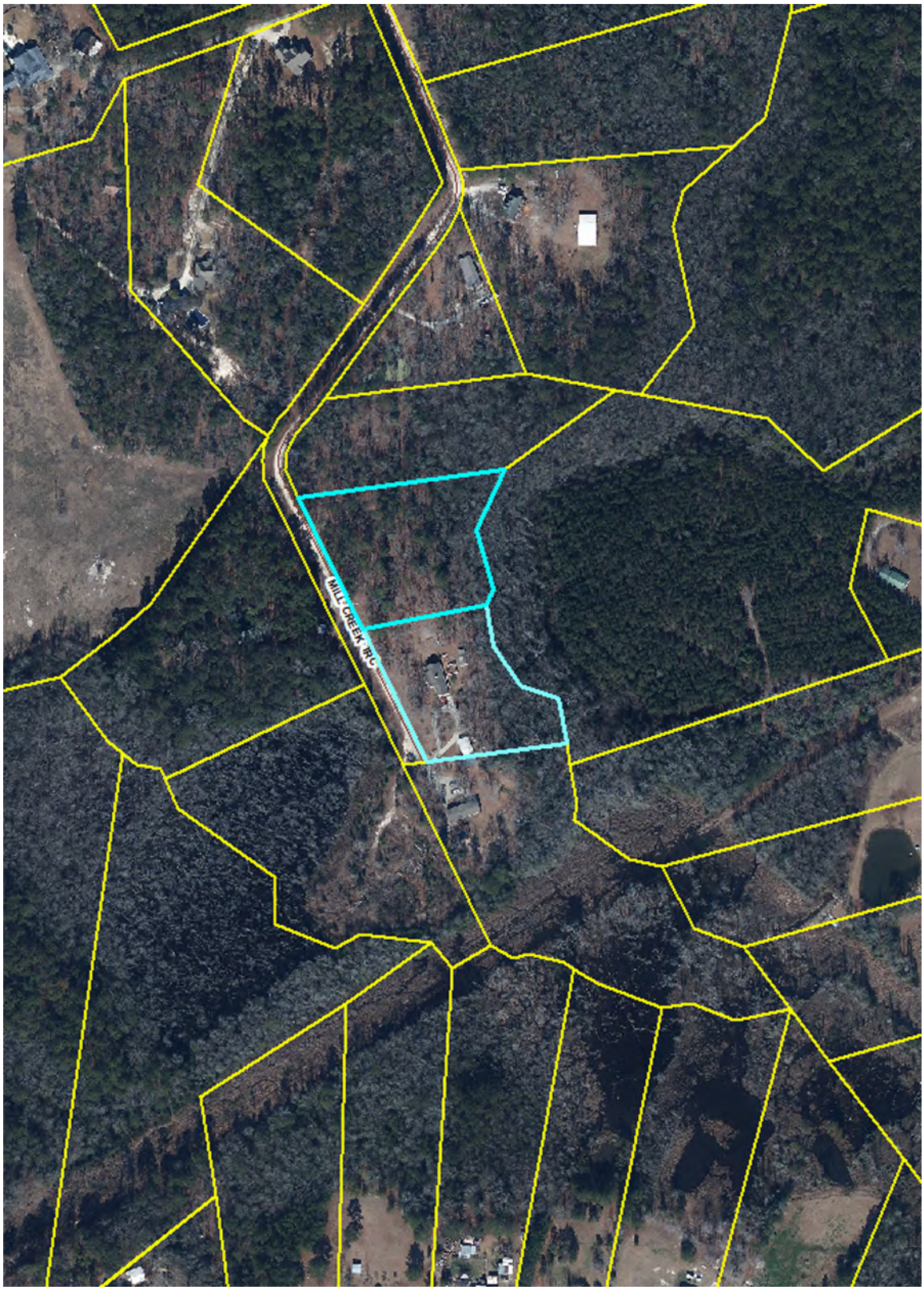
Reviewing a request for a map amendment the Planning and Zoning Commission may:

Forward a favorable recommendation to the Kershaw County Council

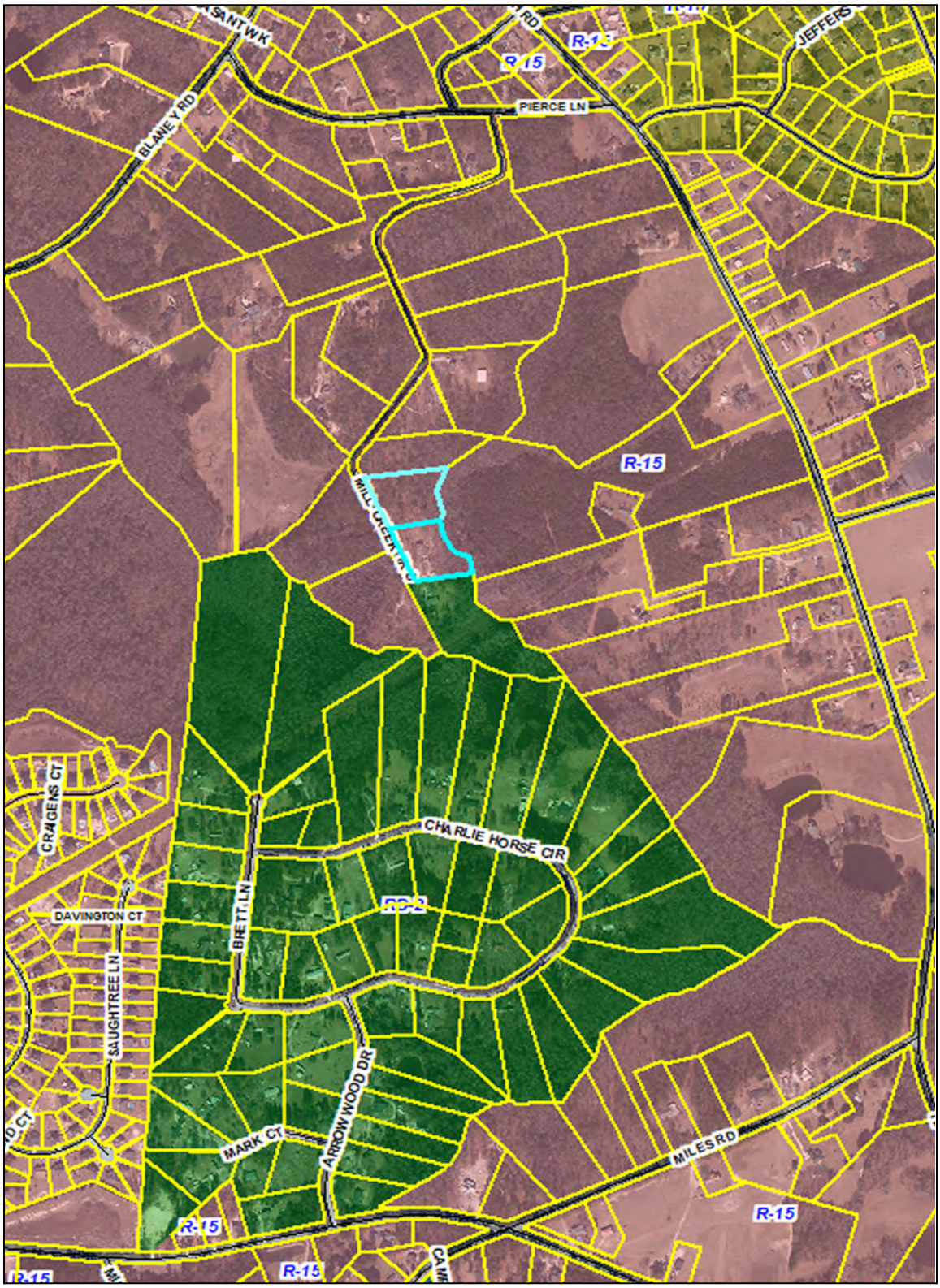
Forward an unfavorable recommendation to the Kershaw County Council

Continue to the review to the next Planning and Zoning Commission Meeting

Aerial view of subject property in relation to nearby existing residential development (Case# 24-06)



Surrounding Zoning (Case# 24-06)



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

Date: 1-31-24 | Request #: 24-06 | The applicant requests that the property described below be re-zoned from R-15 to RD-2

APPLICANT

NAME: Joe + Cindy Smith	E-MAIL: cindysmith5829@ma.l.com		
MAILING ADDRESS: 120 millcreek trace	CITY: Elgin	STATE: SC	ZIP: 29045
TELEPHONE: 803-261-6980	CELL: 803-261-6589		

THE APPLICANT IS: PROPERTY OWNER [X] AGENT OF PROPERTY OWNER [ ] OPTION HOLDER [ ]

If applicant is other than owner, state applicant's interest in the land proposed to be rezoned:

PROPERTY LOCATION

Street address: 116 Millcreek trace		Street address: Elgin SC 29045	
TMS#: 348-00-00-120	Number of acres: 2.6	TMS#: 348-00-00-085	Number of acres:
Deed book:	Plat book:	Deed book:	Plat book:
Sewer district:	Water district:	Sewer district:	Water district:
Current use: Vacant property		Current use:	
Proposed use: mobile home		Proposed use:	
Community/subdivision:	Council district:	Community/subdivision:	Council district:

120 Millcreek

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

Reason for request: Put mobile home on property

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

Applicant's Signature: Cindy Smith Date: 1-31-24

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

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

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

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

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

Owner's signature: _____ Date: _____

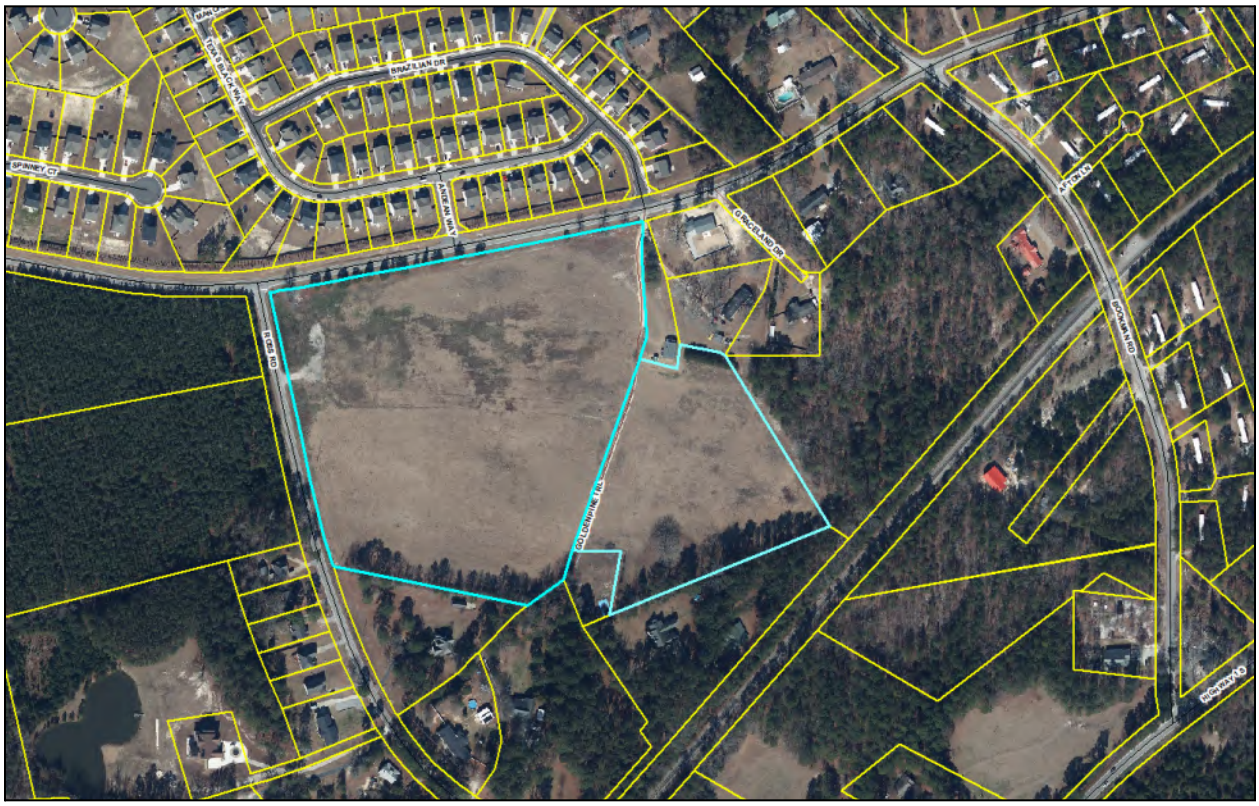
Given under my hand and seal, this _____ day of _____, 20___

_____ (Seal)

Notary Public for South Carolina

My commission expires on _____ day of _____, 20___

Rezoning Application 9.29.16



KERSHAW COUNTY
PLANNING & ZONING COMMISSION

REQUEST FOR MAP AMENDMENT BY LARGESSE LTD. PERFORMANCE, LLC (CASE 24-07)

Current Zoning: R-15 (Low Density Residential District)

Proposed Zoning: R-6 (High Density Residential District)

TMS# 347-00-00-028 and -034

March 11, 2024

STAFF REPORT

KERSHAW COUNTY PLANNING & ZONING COMMISSION
(March 11, 2024 Meeting)

Request #: 24-07

Applicant: Largesse Limited Performance, LLC (% George Delk)
Property Size: Approximately 23.4 acres

Current Zoning: R-15 (Low Density Residential)
Proposed Zoning: R-6 (High Density Residential District)
Location: 1512 Ross Road and 132 Golden Pine Trail, Elgin
TMS#: 347-00-00-028 and -034

Background Summary: This rezoning request consists of two existing parcels totaling approximately 23.4 acres. The parcels are owned by Largesse Limited Performance, LLC (Mark Mason) with addresses of 1512 Ross Road and 132 Golden Pine Trail, Elgin. The property is located in the southeastern corner of the intersection with Ross Road and Watson Street, across from the single-family neighborhoods of Walnut Creek and Walnut Grove.

The applicant has indicated that the purpose of this request is to build duplex and quadruplex residential housing units.

Given the adoption of Ordinance 397.2023, the allowed density / dwelling units per acre (dua) for both the current R-15 and proposed R-6 districts are the very same at 4.35 dua. The main difference between the existing and proposed districts are the allowed uses. Both districts allow for detached single-family residential housing and patio homes, whereas, the R-6 district allows for the widest variety of residential uses: duplex, triplex, quadruplex, townhomes, multi-family apartment building uses, manufactured homes, and manufactured home parks.

However, rezoning property for one specific use, or “conditional rezoning” is illegal in the State of South Carolina. Therefore, this must be reviewed as a general use rezoning request. If approved, any and all permitted and conditional uses allowed in the R-6 zoning district could be developed on this property.

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?

Current Property Information

Land Use	Vacant, cleared land.
Site Features	Gently sloping.
Flood Hazards	None.
Vehicle Access	Ross Road and Watson Street. Golden Pine Trail bisects the eastern portion of the subject properties and is a private road that appears to provide access to a few existing residential structures.

Surrounding Zoning and Land Use

	Zoning:	**Land Use:**
North:	R-6 & R-15	Walnut Creek and Walnut Grove Subdivisions with detached single-family residential homes.
South:	R-15	Existing single-family residential homes on large lots.
East:	R-15	Existing single-family residential homes on large lots.
West:	R-15	Existing single-family residential home on large lots as well as a large vacant wooded parcel.

Zoning District Summary (Existing/ Proposed)

	Existing Zoning: R-15	**Proposed Zoning: R-6**
Zoning District Intent:	The R-15 Residential District is intended to foster, preserve, and protect at low densities, areas of the community/County in which the principal use of land is for detached, single-family dwellings and limited residential support facilities at low densities.	The R-6 Residential district is intended to accommodate higher density residential development and a variety of housing types on small lots or in project settings in areas accessible by major streets and in proximity to commercial uses and employment opportunities.
Permitted Uses: *Note: See Table 3-3 of the Zoning and Land Development Regulations for a complete listing of permitted and conditional uses.*	Single-Family Detached Patio Homes (conditional) Schools Community Center for Elderly or Other Residential Care Facilities Museums Golf, Tennis, Swimming Club Religious Organizations Bed & Breakfast (conditional) Fire Protection Accessories to residential uses *Note: No multi-family uses are allowed in the R-15 district, including duplex, triplex, quadplex, townhomes, or apartments.*	Single-Family Detached Duplex, Triplex, Quadruplex, Multifamily Apartments, Townhouses, Patio Homes, Manufactured Homes, Manufactured Home Parks. Electric, Gas, and Sanitary Services Libraries and Archives Community and other residential care facilities Child/adult daycare Museums Golf, tennis, swim clubs Rooming/boarding house Coin operated laundry Greenhouses

Water and Sewer Service:	Community water and sewer	Community water and sewer
Lot and/or Density Requirements:	Minimum lot size in R-15 for lots without access to public sewer or community onsite sewage treatment and disposal systems and public water (lots on septic tank and well) shall be three quarters (3/4) of an acre (.75 acre). The minimum lot size in R-15 for lots without access to public sewer or community onsite sewage treatment and disposal systems, **but on public water**, shall be one-half (1/2) acre (.50 acre). Minimum lot size in R-15 on public sewer and public water is 15,000 sq.ft. for the first lot, plus an additional 5,000 sq.ft per unit, with a maximum dua of 4.35/acre.	Minimum lot size in R-6 on public sewer and public water is 15,000 sq.ft. for the first lot, plus an additional 5,000 sq.ft per unit, with a maximum dua of 4.35/acre.
Setbacks Required:	Street Frontage: 80’ Front: 35’ Side: 10’ Rear: 20’	Street Frontage: 50’ Front: 25’ Side: 10’ Rear: 20’
Height Restrictions:	35’	35’
Maximum Impervious Surface Ratio: Measured as a percent of total lot area	.60	.60
Maximum Density: Measurements in units per gross acre	4.35 units per acre	4.35 dua residential 6.71 dua apartments

Infrastructure

Council District	District 3
Water	Lugoff-Elgin Water Authority
Electricity	Unknown
Sewer or Septic	Sewer
School(s)	Blaney Elementary Leslie M. Stover Middle Lugoff Elgin High School
Fire District	Blaney Fire Department
Police Department	Kershaw County Sheriff's Department

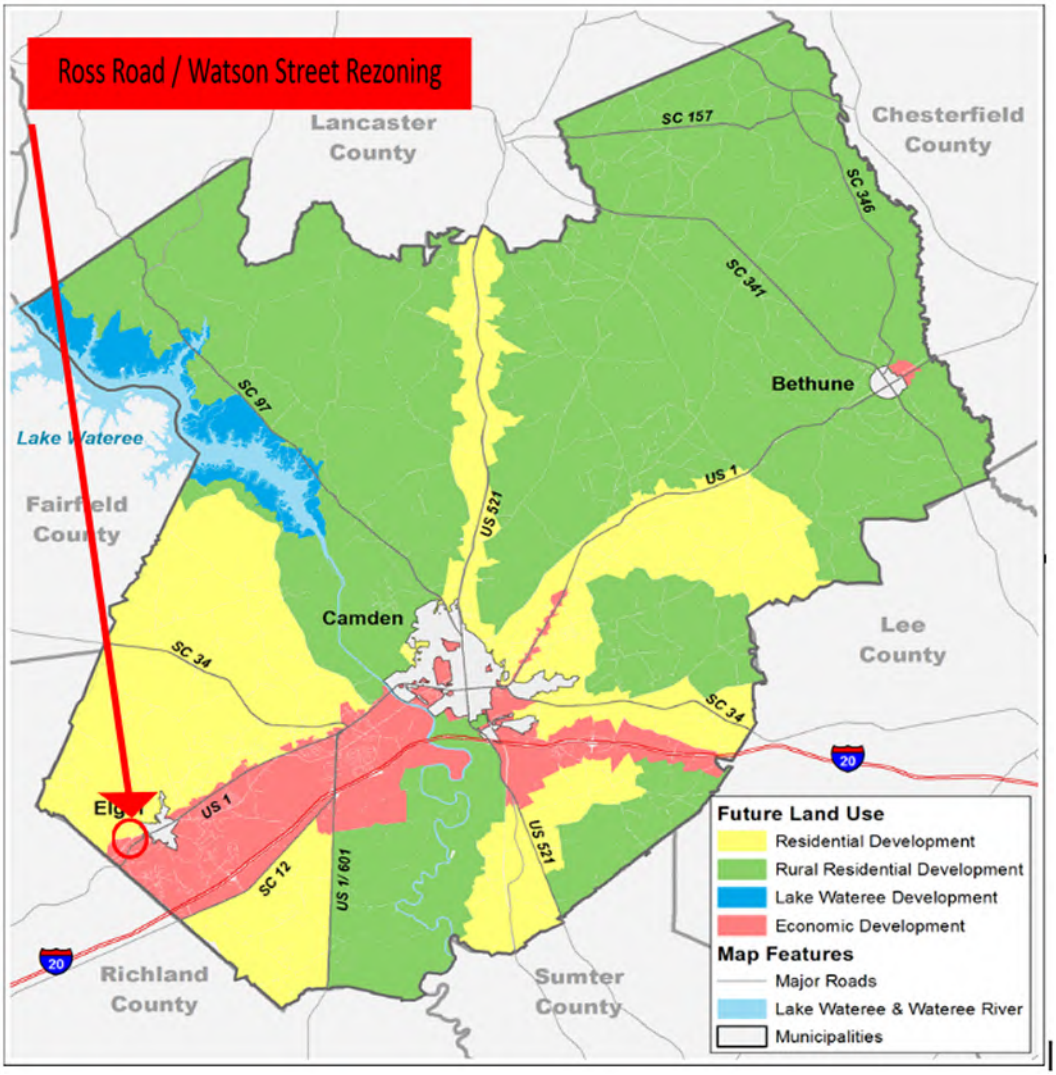
Traffic

Street Classification	**Current LOS (Level Of Service)**
Local roads primarily provide access to adjacent land and road systems of higher classification for travel over relatively short distances.	Both Ross Road and Watson Street are paved state maintained local roads. No SC DOT traffic count data is available.

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?

Future Land Use Map



Future Land Use Map Designation of RD – RESIDENTIAL DEVELOPMENT AREAS

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.

Comprehensive Plan Considerations:

- *Promote housing choice throughout the county to include single-family homes, townhomes, patio homes, multi-family developments, and manufactured homes in appropriate areas.*

- *Encourage the infill development of housing on vacant residential properties that makes use of existing infrastructure and reflects local character and design.*

The Comprehensive Plan.
Preliminary Staff Analysis Comments: The Residential Development designated areas supports continued development of all housing types in appropriate areas.

The current conditions and character of the current structures and uses in each district.
Preliminary Staff Analysis Comments: The subject parcels are surrounded by single family detached residential housing, both within subdivisions as well as large standalone lots. Moving outward from the surrounding properties, that area has a variety of housing types including manufactured homes as well as duplex units to the east located in East Point Village Subdivision.

The most desirable use for which the land in each district is adapted.
Preliminary Staff Analysis Comments: An R-15 district allows for two housing types, whereas the R-6 district allows 9 housing types. Given that this specific parcel is completely surrounded by existing detached single-family residential uses and/or property zoned R-15, this rezoning request would introduce housing types that may not be the most desirable or appropriate for this specific parcel.

Responsible growth and development:
Preliminary Staff Analysis Comments: Given that eight (8) of the nine (9) housing types would be developed to a maximum 4.35 dwelling units per acre (dua), any development would support the county's recent efforts to reduce the overall density of development. Apartments are allowed to be developed to a maximum density of 6.71 dua.

Spot Zoning

Staff provides the Planning & Zoning Commission and the County Council with 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 Kershaw County Zoning and Land Development Regulations do not contain such language.

Note: There is existing R-6 zoning across Watson Street to the north, which is developed as detached single family housing within Walnut Creek and Walnut Grove Subdivisions. Therefore, the size of the subject property and its location adjacent to existing R-6 zoning would likely negate the possibility of this request being considered as spot zoning.

Final Staff Analysis:

After analyzing the goals of the Comprehensive Plan, the Future Land Use Map, the permitted and conditional uses within the R-6 (High Density Residential) zoning district, and considering the issue of spot zoning as well as the character of the surrounding area and existing development patterns, staff's analysis concludes that this petition appears to be in keeping with the current development policies of Kershaw County. However, an R-6 district may introduce housing types that could be viewed as not compatible with the current development patterns in the area immediately surrounding this parcel.

Therefore, staff would encourage the Planning Commission and County Council to consider evaluating the compatibility of the various types of housing that an R-6 district would offer.

Additionally, there is a private roadway, Golden Pine Trail, that bisects the eastern portion of the lot from north to south. This appears to provide access to several other parcels. Whenever the subject parcels are developed, that existing access will have to be evaluated during the development review process to ensure no access to existing lots is compromised by development of these parcels.

However, the Planning and Zoning Commision statutorily, and per the ZLDR, has the ultimate responsibility to provide a formal recommendation to the County Council. The County Council is the final decision making authority for all rezoning petitions.

Planning and Zoning Commission Options:

During the consideration of rezoning requests, the Planning and Zoning Commission should be examining the staff analysis of the request, considering public comment, and reaching an independent decision. Staff provides an analysis absent public opinion, without bias toward one specific use that may be proposed, review of the comprehensive plan and future land use map, as well as considering the impact of the requested zoning district on surrounding properties given all permitted and conditional uses that could be developed on the property if successfully rezoned to R-6 (High Density Residential) zoning district.

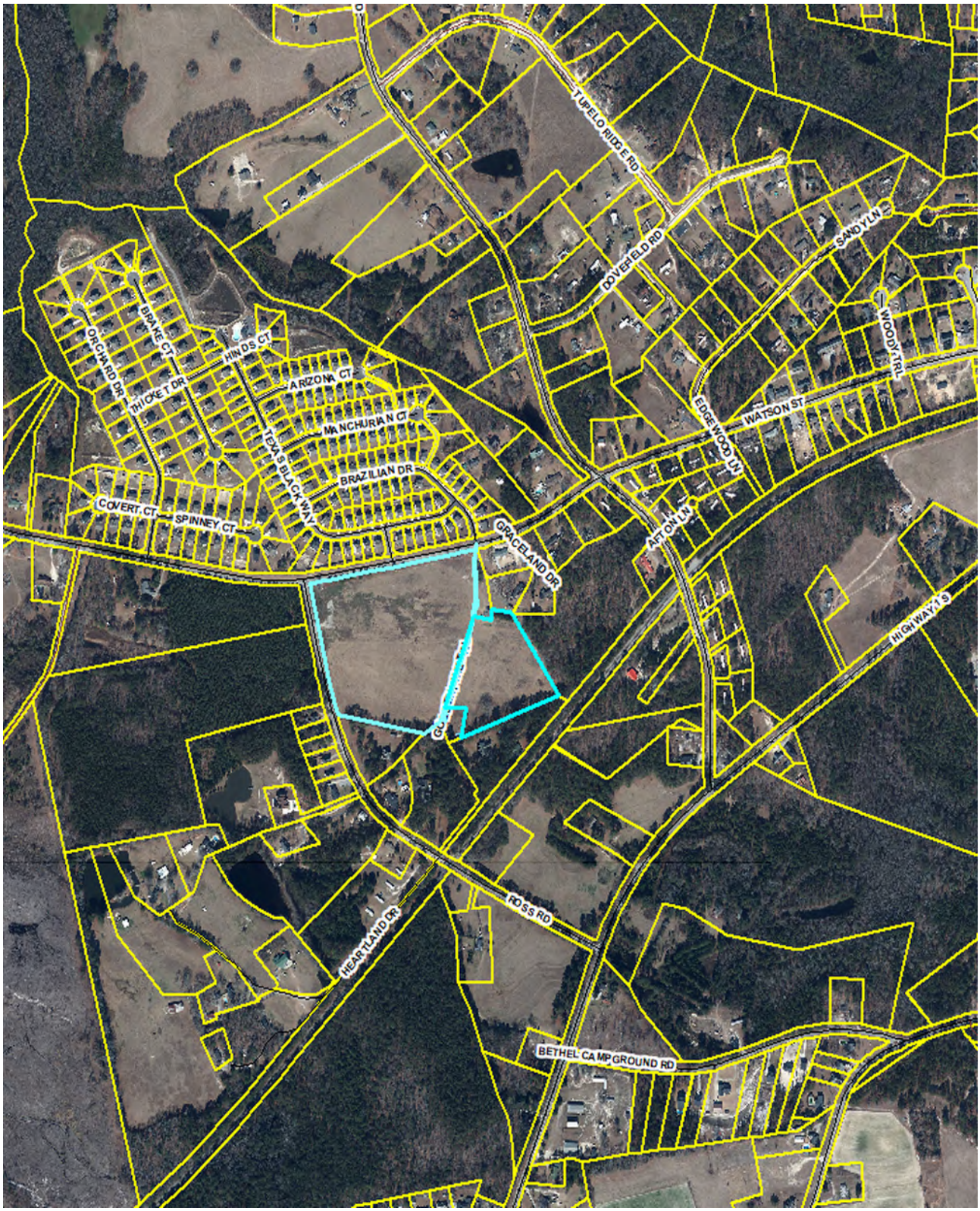
Reviewing a request for a map amendment the Planning and Zoning Commission may:

Forward a favorable recommendation to the Kershaw County Council

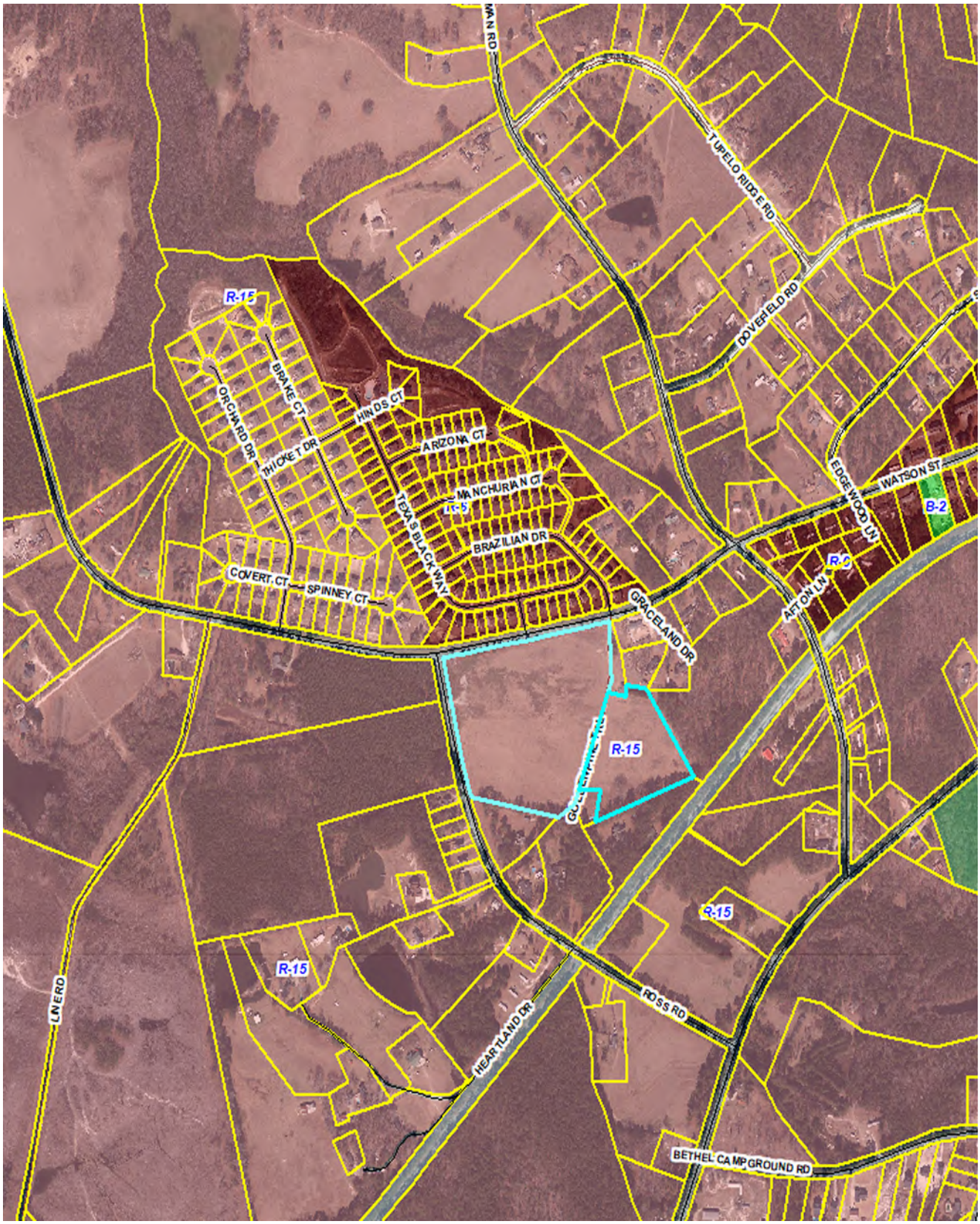
Forward an unfavorable recommendation to the Kershaw County Council

Continue to the review to the next Planning and Zoning Commission Meeting

Aerial view of subject property in relation to nearby existing residential development (Case# 24-07)



Surrounding Zoning (Case# 24-07)



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

Date:	Request #: 24-07	The applicant requests that the property described below be re-zoned from R-15 to R-6

APPLICANT

NAME: Largesse Limited Performance, LLC (c/o George Delk)	E-MAIL: delkhomes@gmail.com		
MAILING ADDRESS: 165 Jabay Drive	CITY: Columbia	STATE: SC	ZIP: 29229
TELEPHONE: (803) 513-4300	CELL:		
THE APPLICANT IS: PROPERTY OWNER [x] AGENT OF PROPERTY OWNER [ ] OPTION HOLDER [ ]			
If applicant is other than owner, state applicant's interest in the land proposed to be rezoned:			

PROPERTY LOCATION

Street address: 1512 Ross Road, Elgin, SC 29045		Street address: 132 Golden Pine Trail, Elgin, SC 29045	
TMS#: 347-00-00-028	Number of acres: 17.06	TMS#: 347-00-00-034	Number of acres: 6.31
Deed book: 3984-68	Plat book: D28	Deed book: 3984-68	Plat book: D28
Sewer district: Kershaw	Water district: Lugoff - Elgin	Sewer district: Kershaw	Water district: Lugoff - Elgin
Current use: Idle (undeveloped)		Current use: Idle (undeveloped)	
Proposed use: Multi-family residential (duplex, quads)		Proposed use: Multi-family residential (duplex, quads)	
Community/subdivision: N/A	Council district: 3	Community/subdivision: N/A	Council district: 3

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

Reason for request:

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

Applicant's Signature: _____ Date: 1-26-24

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: Largess Limited Performance, LLC	TELEPHONE: (803) 513-4300		
MAILING ADDRESS: 165 Jabay Drive	CITY: Columbia	STATE: SC	ZIP: 29229
E-MAIL: delkhomes@gmail.com			

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, MARK A MASON (PROPERTY OWNER) hereby appoint George Delk (APPLICANT)

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

Owner's signature: _____ Date: 1/26/24

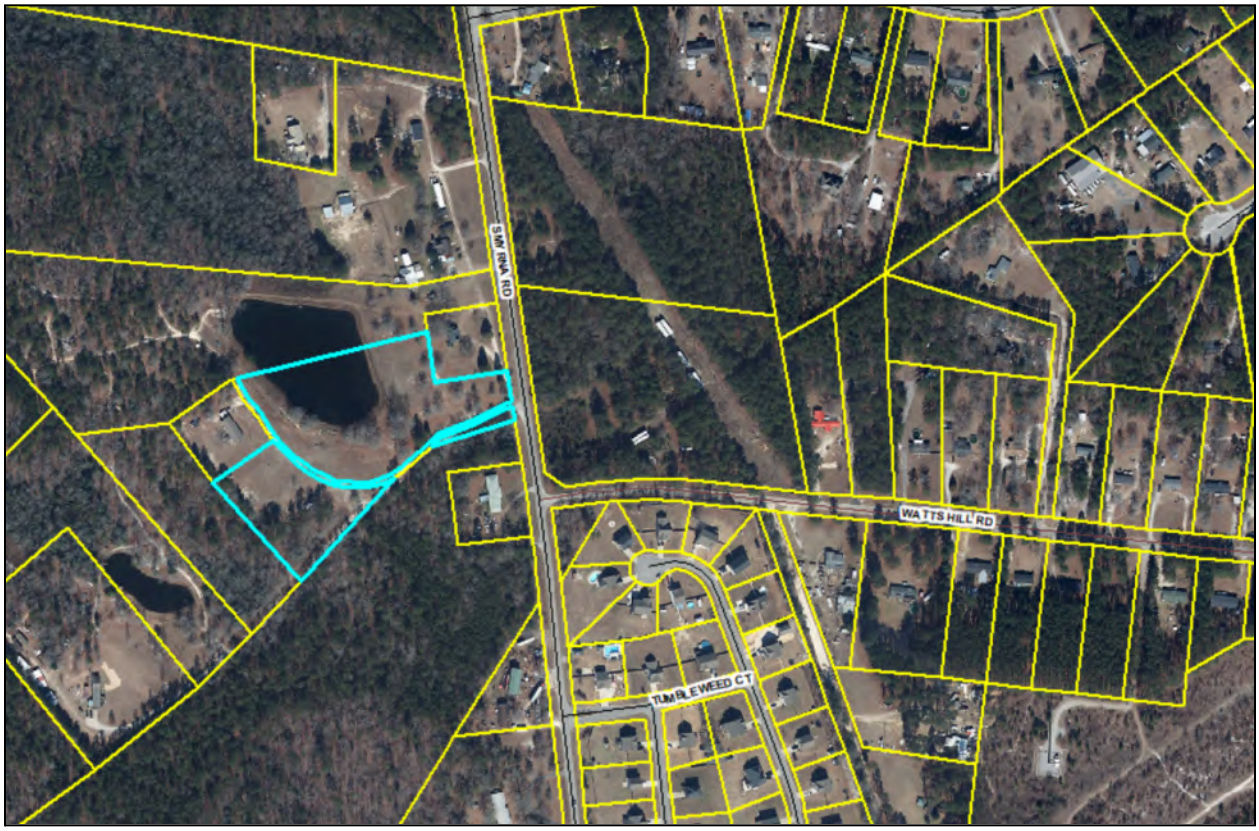
Given under my hand and seal, this 26 day of Jan 2024

_____ (Seal)

Notary Public for South Carolina

My commission expires on 4 day of Oct, 2026

Rezoning Application 9.29.16



KERSHAW COUNTY
PLANNING & ZONING COMMISSION

REQUEST FOR MAP AMENDMENT BY ANDREW COLLINS (CASE 24-08)

Current Zoning: MRD-1 (Rural Resource District)

Proposed Zoning: RD-2 (Rural Resource District)

TMS# 307-00-00-011

March 11, 2024

STAFF REPORT

KERSHAW COUNTY PLANNING & ZONING COMMISSION
(March 11, 2024 Meeting)

Request #: 24-08

Applicant: Andrew Collins
Property Size: Approximately 6.38 acres

Current Zoning: MRD-1 (Rural Resource District)
Proposed Zoning: RD-2 (Rural Resource District)
Location: 1147 Smyrna Road, Elgin
TMS#: 307-00-00-011

Background Summary: This rezoning request consists of one parcel totaling approximately 6.38 acres. The parcel is owned by Andrew Collins with an address of 1147 Smyrna Road, Elgin.

The applicant has indicated that the purpose of this request is to place a single wide manufactured home on the property located at 1147 Smyrna Road, as his principal residence. Note: The current zoning of MRD-1 only allows for double wide manufactured homes.

However, rezoning property for one specific use, or "conditional rezoning" is illegal in the State of South Carolina. Therefore, this must be reviewed as a general use rezoning request. If approved, any and all permitted and conditional uses allowed in the RD-2 zoning district could be developed on this property.

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?

Current Property Information

Land Use	Property is currently vacant, undeveloped.
Site Features	Gently sloping with a pond.
Flood Hazards	No special flood hazard areas. There are a few small areas of non-delineated wetlands, however, they do not impact the ability to place a home on the property.
Vehicle Access	Fronts on Smyrna Road.

Surrounding Zoning and Land Use

	Zoning:	**Land Use:**
North:	MRD-1	Large residential lots, including one with single wide manufactured home
South:	MRD-1	Large lot residential with site built home
East:	RD-2	Wooded, vacant.
West:	MRD-1	Wooded, vacant.

Zoning District Summary (Existing/ Proposed)

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

Water and Sewer Service:	Septic	Well or Community Water
Lot and/or Density Requirements:	Minimum one acre lot size with a maximum dua of 1/acre.	Minimum one acre lot size with a maximum dua of 1/acre.
Setbacks Required:	Street Frontage: 100’ Front: 35’ Side: 20’ Rear: 30’	Street Frontage: 100’ Front: 35’ Side: 20’ Rear: 30’
Height Restrictions:	35’	35’
Maximum Impervious Surface Ratio: Measured as a percent of total lot area	.40	.40
Maximum Density: Measurements in units per gross acre	1 unit per acre	1 unit per acre

Infrastructure

Council District	District 3
Water	Well or community water
Electricity	Unknown
Sewer or Septic	Septic
School(s)	Wateree Elementary Lugoff Elgin Middle Lugoff Elgin High School
Fire District	Blaney Fire Department
Police Department	Kershaw County Sheriff’s Department

Traffic

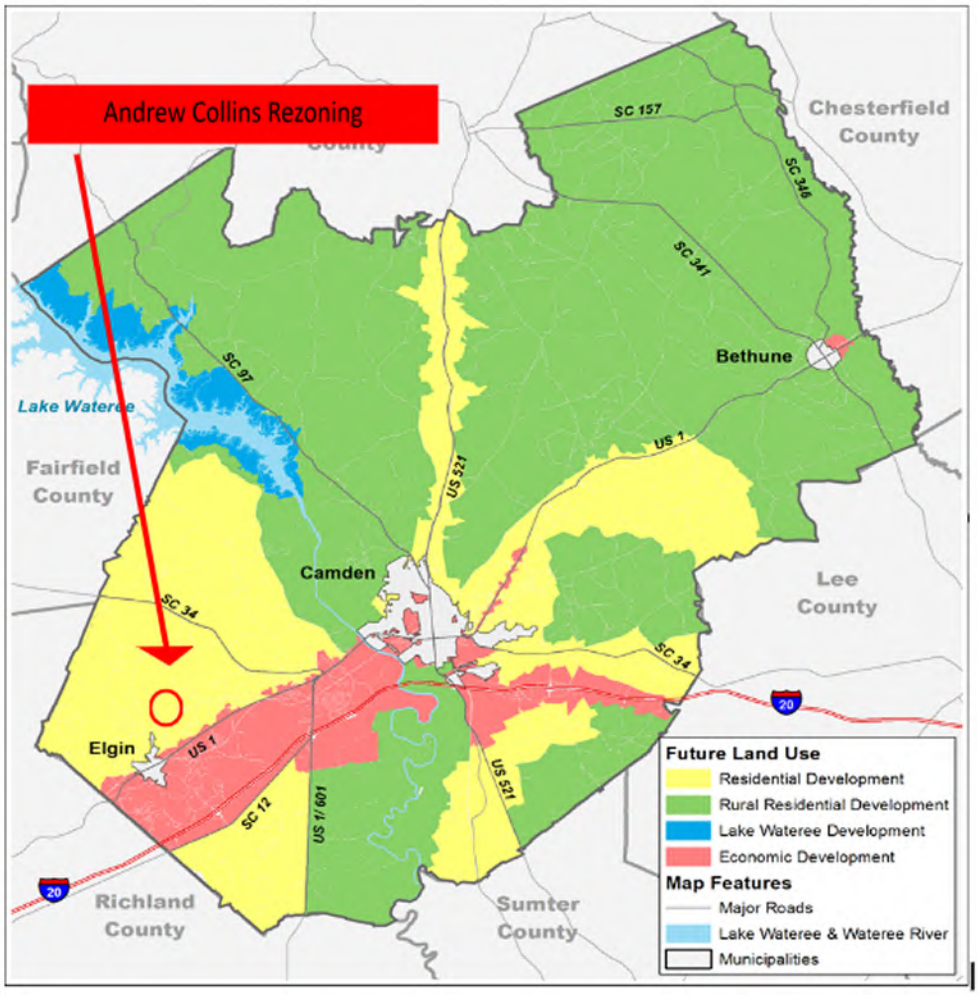
Street Classification	Current LOS (Level Of Service)
Local roads primarily provide access to adjacent land and road systems of higher classification for travel over relatively short distances.	Smyrna Road is an SC DOT maintained road with a right of way of approximately 66-feet. According to SC DOT, Smyrna Road has an average of 1,700 vehicle trips per day.

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?

Future Land Use Map



Future Land Use Map Designation of RD – RESIDENTIAL DEVELOPMENT AREAS

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.

Comprehensive Plan Considerations:

- *Promote housing choice throughout the county to include single-family homes, townhomes, patio homes, multi-family developments, and manufactured homes in appropriate areas.*

- *Encourage the infill development of housing on vacant residential properties that makes use of existing infrastructure and reflects local character and design.*

The Comprehensive Plan.
Preliminary Staff Analysis Comments: The Residential Development designated areas supports the continued development of a diversity of housing within existing neighborhoods.

The current conditions and character of the current structures and uses in each district.
Preliminary Staff Analysis Comments: The subject parcel is adjacent to existing RD-2 zoning to the east across Smyrna Road, with long-established residential uses that include both site built and manufactured homes.

The most desirable use for which the land in each district is adapted.
Preliminary Staff Analysis Comments: This specific parcel is completely surrounded by existing residential uses and/or property zoned for residential use.

Responsible growth and development:
Preliminary Staff Analysis Comments: Given the existence of established residential uses directly abutting the subject parcel, the proposed rezoning RD-2, from staff's perspective, could be found to be appropriate and compatible with surrounding existing residential site built and manufactured home land uses.

Spot Zoning

Staff provides the Planning & Zoning Commission and the County Council with 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 Kershaw County Zoning and Land Development Regulations do not contain such language.

Final Staff Analysis:

After analyzing the goals of the Comprehensive Plan, the Future Land Use Map, the permitted and conditional uses within the RD-2 (Rural Resource) zoning district, and considering the issue of spot zoning as well as the character of the surrounding area and existing development patterns, staff's analysis concludes that this petition appears to be in keeping with the current development policies of Kershaw County and the current development patterns in this area.

However, the Planning and Zoning Commision statutorily, and per the ZLDR, has the ultimate responsibility to provide a formal recommendation to the County Council. The County Council is the final decision making authority for all rezoning petitions.

Planning and Zoning Commission Options:

During the consideration of rezoning requests, the Planning and Zoning Commission should be examining the staff analysis of the request, considering public comment, and reaching an independent decision. Staff provides an analysis absent public opinion, without bias toward a specific use that may be proposed, review of the comprehensive plan and future land use map, as well as considering the impact of the requested zoning district on surrounding properties given all permitted and conditional uses that could be developed on the property if successfully rezoned to RD-2 (Rural Resource) zoning district.

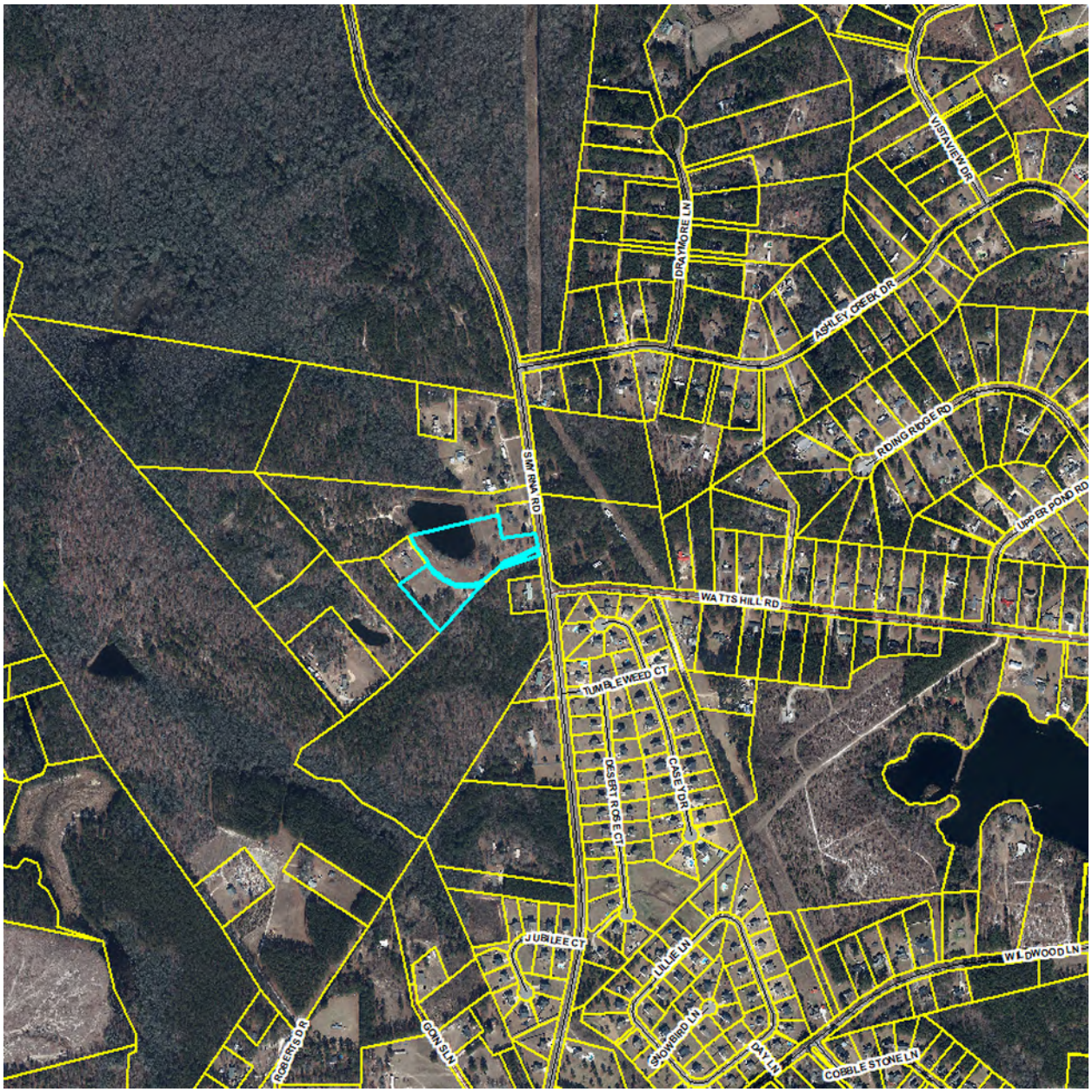
Reviewing a request for a map amendment the Planning and Zoning Commission may:

Forward a favorable recommendation to the Kershaw County Council

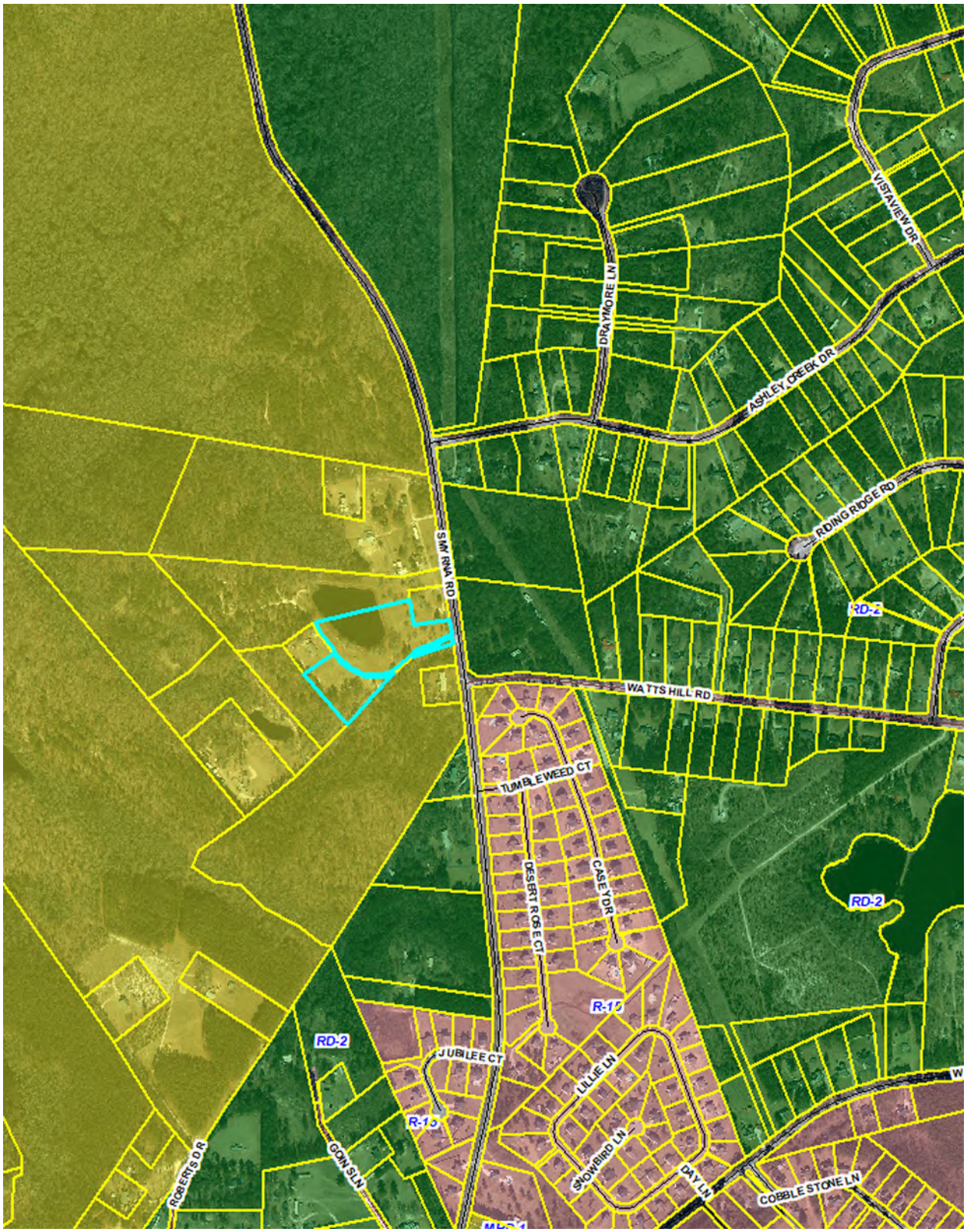
Forward an unfavorable recommendation to the Kershaw County Council

Continue to the review to the next Planning and Zoning Commission Meeting

Aerial view of subject property in relation to nearby existing residential development (Case# 24-08)



Surrounding Zoning (Case# 24-08)



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

Date: 2/14/24 | Request #: 24-08 The applicant requests that the property described below be re-zoned from MRD to RD2

APPLICANT

NAME: Andrew Collins		E-MAIL drewcollins1230@gmail.com	
MAILING ADDRESS: 1474 Kennedy rd		CITY: Lugoff	STATE: SC ZIP: 29078
TELEPHONE: (803) 572-6951 (main cont.)		CELL: (803) 572-6966 (Back-up #)	
THE APPLICANT IS: PROPERTY OWNER [✓] AGENT OF PROPERTY OWNER [ ] OPTION HOLDER [ ]			
If applicant is other than owner, state applicant's interest in the land proposed to be rezoned:			

PROPERTY LOCATION

Street address: 1147 Smyrna rd Elgin, SC 29045		Street address:	
TMS#: 307-00-00-011	Number of acres: 6.53	TMS#:	Number of acres:
Deed book: 3083 P54	Plat book: D157 3A	Deed book:	Plat book:
Sewer district: septic	Water district: well	Sewer district:	Water district:
Current use: Vacant		Current use:	
Proposed use: Residential		Proposed use:	
Community/subdivision: N/A	Council district:	Community/subdivision:	Council district:

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

Reason for request: Rezone for placement of single-wide manuf. Home

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

Applicant's Signature: [signature] Date: 2/14/24

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

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

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

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

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

Owner's signature: _____ Date: _____

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

_____ (Seal)

Notary Public for South Carolina

My commission expires on _____ day of _____, 20___

Rezoning Application 9.29.16

this page intentionally left blank

Kershaw County,
South Carolina Unified Code
of
ZONING AND
LAND DEVELOPMENT
REGULATIONS

KERSHAW COUNTY PLANNING AND ZONING COMMISSION

REQUEST FOR TEXT AMENDMENT BY KERSHAW COUNTY (CASE 24-10)

PROPOSAL: TO AMEND THE KERSHAW COUNTY UNIFIED CODE OF ZONING AND LAND DEVELOPMENT REGULATIONS, TO REMOVE TABLE 5-10 AND AMEND CHAPTER 5, SECTION 3.8-3 AND CHAPTER 5, SECTION 3.8-6 TO UPDATE AND CLARIFY ROAD DESIGN STANDARDS BY REFERENCE AND INCORPORATION OF DESIGN CRITERIA AND STANDARDS OF THE SOUTH CAROLINA ASPHALT PAVEMENT ASSOCIATION ("SCAPA").

March 11, 2024

STAFF REPORT

KERSHAW COUNTY PLANNING AND ZONING COMMISSION
(March 11, 2024 Meeting)

Request #: 24-10

Applicant: Kershaw County

Proposal: TO AMEND THE KERSHAW COUNTY UNIFIED CODE OF ZONING AND LAND DEVELOPMENT REGULATIONS, TO REMOVE TABLE 5-10 AND AMEND CHAPTER 5, SECTION 3.8-3 AND CHAPTER 5, SECTION 3.8-6 TO UPDATE AND CLARIFY ROAD DESIGN STANDARDS BY REFERENCE AND INCORPORATION OF DESIGN CRITERIA AND STANDARDS OF THE SOUTH CAROLINA ASPHALT PAVEMENT ASSOCIATION ("SCAPA")

Background Summary:

- The Kershaw County Unified Code of Zoning and Land Development Regulations (ZLDR) establishes road construction standards in Chapter 5, Section 3.8-3 General Design Criteria and Chapter 5, Section 3.8-6.

- Design Thickness Requirements contained in Chapter 5, Section 3.8-6 (A) and (B) have become outdated and are not as robust as the design requirements of similarly situated, adjacent local governments.

- Requiring robust design criteria and standards for roadways that are to be accepted for public maintenance by Kershaw County is critical so that Kershaw County citizens do not prematurely bear the burden of funding expensive maintenance and repair of publicly maintained roadways.

- ZLDR Chapter 5, Section 3.8-3 establishes a design standard that all Kershaw County roads shall be designed and constructed equal to or better that the standards required by the South Carolina Department of Transportation (SCDOT) and that a twenty (20) year roadway life is the design requirement of Kershaw County.

- SCDOT, pursuant to Kershaw County's implementation of ZLDR Chapter 5, Section 3.8-3, recommended a pavement design thickness standard for public roads within subdivisions of three and a half (3.5') inches based on the rural, local classified roadways with average daily traffic (ADT) under 1,000 vehicles per day (VPD). SCDOT also incorporated historical soils data from its previous design activities in Kershaw County to determine the recommended minimum pavement section.

- Kershaw County staff, in review of the design standards contained in ZLDR Chapter 5, Section 3.8-3 and Chapter 5, Section 3.8-6, have determined that the design criteria need updating and refinement for the convenience of the development community and Kershaw County staff.

- Updated pavement design criteria and standards will assure that Kershaw County citizens do not prematurely bear the burden of funding expensive maintenance and repair of publicly maintained roadways and allow for greater clarity for the development community will facilitate efficient review of design submission by Kershaw County.

- As paving methods advance and evolve the design standards for roadways also evolve and it is administratively burdensome for Kershaw County to repeatedly amend design standards contained in the ZLDR to keep pace with evolving roadway design standards.

- Kershaw County has determined that the latest edition, and any subsequent amendments and updates, of the design criteria and standards of the South Carolina Asphalt Pavement Association ("SCAPA") shall be adopted as the design criteria and standards for all roads to be dedicated to Kershaw County for public maintenance but in no instance shall the pavement design thickness be less than three and a half (3.5') inches.

- Having the ZLDR reference and incorporate latest editions of the SCAPA design criteria and standards, with a minimum pavement design thickness of not less than three and a half (3.5') inches, will allow Kershaw County to keep pace with evolving design standards and criteria without the need for repeated amendments of the ZLDR and will assure that publicly dedicated roads are of sufficient quality and longevity that Kershaw County citizens will not prematurely bear the burden of funding expensive maintenance and repair of publicly maintained roadways.

- **Planning 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 Commission Meeting

The Kershaw County Council makes all final decisions regarding text amendment applications. Kershaw County Council must also hold a public hearing for this text amendment prior to third reading of the amendment ordinance.
Attachments:

- Exhibit 1: Text amendment language; Draft County Council Ordinance for reference

this page intentionally left blank