

STATE OF SOUTH CAROLINA)
)
COUNTY OF KERSHAW)

ORDINANCE NO. 110.2024

AN ORDINANCE

TO AMEND THE KERSHAW COUNTY, SOUTH CAROLINA UNIFIED CODE OF ZONING AND LAND DEVELOPMENT REGULATIONS, SECTION 3:1.3, TABLE 3-4 TO AMEND AND INCREASE THE MINIMUM LOTS SIZE REQUIRED FOR DETACHED RESIDENTIAL HOUSING USE TO NO LESS THAN 21,780 SQUARE FEET AND RETAINING THE METHOD OF CALCULATION FOR MINIMUM LOT SIZES FOR SINGLE FAMILY ATTACHED USE TYPES, TOWNHOMES, PATIO HOMES, AND MULTIFAMILY/APARTMENT USE TYPES BY REQUIRING A MINIMUM LOT SIZE OF 15,000 SQUARE FEET AND AN ADDITIONAL 5,000 SQUARE FEET OF LOT SIZE FOR EACH DWELLING UNIT AFTER THE FIRST DWELLING UNIT, AND PROVIDING THAT SINGLE FAMILY ATTACHED USE TYPES, TOWNHOMES, PATIO HOMES, AND MULTIFAMILY/APARTMENT USE TYPES SHALL NOT CONSTITUTE GREATER THAN TEN PERCENT (10%) OF THE NET DEVELOPABLE ACREAGE OF A MAJOR SUBDIVISION.

Be it ordained by the Council of Kershaw County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) By Ordinance 397.2023 Kershaw County Council enacted amendments to the Kershaw County Zoning and Land Use Regulations (ZLDR) to partially address the potential impacts of high-density residential development.
- (b) By Ordinance 397.2023 Kershaw County Council amended ZLDR Section 3:1.3 Table 3-4 to increase the minimum lot size requirements for single family residential development to no less than 15,000 square feet in all zoning districts where residential uses are allowed.
- (c) By Ordinance 104.2024 Kershaw County Council further clarified Section 3:1.3 Table 3-4 so that the maximum allowed density for single-family residential development and multifamily/apartment development was made more explicit.
- (d) The maximum density amendments enacted by Ordinance 397.2023 have not fully realized Kershaw County Council’s policy goal of more sustainable and desirable land development and land usage patterns in Kershaw County.
- (e) To address and manage the effect of growth and to assure quality and well-designed development in the future, the County has undertaken internal reviews and has commissioned studies and plans to assist in providing the required infrastructure and services to accommodate its citizenry in a cost-effective manner, without the necessity of unreasonable fee and tax increases.

FILED FOR RECORD
2024 MAY 31 AM 10:50
JANET C. HASTY
CLERK OF COURT
KERSHAW COUNTY, S.C.

- (f) Building permit data for the period of February 1, 2023, to February 1, 2024, reveals that four hundred seventeen (417) residential units were issued building permits by Kershaw County.
- (g) Census data and Kershaw County's estimates reflect that between 2022 and 2023 the population of Kershaw County grew by 1,630 residents.
- (h) The effects of significant growth are apparent and have resulted not only in increased traffic, congestion and noise, but have also burdened the services provided and have required that the County increase its workforce and purchase the necessary machinery and equipment in an effort to maintain acceptable levels of service.
- (i) If the County's population rate of growth is not adequately managed, the County will be forced to either greatly increase ad valorem taxes to meet the resulting needs or allow the facilities of the County to fall behind present levels of service.
- (j) The adverse effects of growth and the costs associated therewith for infrastructure and services are primarily the product of residential development.
- (k) Amending and increasing the minimum lots size requirements for single family residential detached housing is a reasonable and prudent method to address the impact of high density development on population growth and the resulting negative traffic impacts, increases burden on government services and life safety protections afforded to the citizens, consumption of sewer capacity better utilized for economic development projects, increased strain on the public school system, and the increase in impervious surfaces that results in stress to the County's stormwater system and environmental resources.
- (l) A 21,780 square feet minimum lot size for traditional single family detached residential use is a desirable method by which the negative impacts of high-density development can be addressed and will result in more sustainable and desirable land development and land usage patterns in Kershaw County and will further the health, safety, and well-being of Kershaw County residents.
- (m) For attached single family residential attached uses, townhomes, patio homes, and multifamily/apartment uses a minimum lot size of 15,000 square feet will apply to each dwelling structure with an additional 5,000 square feet required for each dwelling unit after the first dwelling unit within a single dwelling structure, subject to an absolute density cap of 4.35 du for single family residential attached uses, townhomes, patio homes and a maximum density of 6.71 du for multifamily/apartment uses. This method of density calculation and absolute cap on density is set forth in Ordinance 397.2023 and Ordinance 104.2024.
- (n) Instituting a limit for Major Subdivisions, that single family residential attached uses, townhomes, patio homes, and multifamily/apartment uses shall not constitute greater than 10% of the net developable acreage of a Major Subdivision, will allow for diversity of housing types and housing densities while balancing the impacts of these higher density development uses types and will result in sustainable and desirable land development and land usage patterns in Kershaw County and will further the health, safety, and well-being of Kershaw County residents.

Section 2. Amendment of the Kershaw County, South Carolina Unified Code of Zoning and Land Development Regulations (ZLDR)

Section 3:1.3 Table 3-4, Schedule of Lot Area, Yard Setback, Height, Density Floor Area, and Impervious Surface Requirements by District for Residential Uses, is amended as set forth in “Exhibit 1” attached hereto and incorporated herein by reference.

Section 3. 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 4. Conflicting Provisions.

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


Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

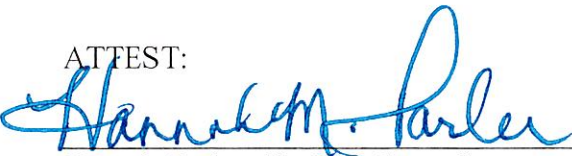
Dated this 28th day of May, 2024.

KERSHAW COUNTY, SOUTH CAROLINA



Jimmy Jones, Vice-Chairman
Kershaw County Council

ATTEST:



Hannah Parler, Clerk to Council

First Reading: April 23, 2024
Second Reading: May 14, 2024
Public Hearing: May 14, 2024
Third Reading: May 28, 2024



Exhibit 1
Ordinance No. 110.2024

Indicates Matter Stricken
Indicates New Matter

Table 3-4 SCHEDULE OF LOT AREA, YARD, SETBACK, HEIGHT, DENSITY, FLOOR AREA, AND IMPERVIOUS SURFACE REQUIREMENTS BY DISTRICT FOR RESIDENTIAL USES

Schedule of Lot Area, Yard, Setback, Height, Density, Floor Area, and Impervious Surface Requirements by District										
RESIDENTIAL USES										
DISTRICT	AREA (SQ FT.) (A) (*)	STREET FRONTAGE WIDTH (FT.) (B)	SETBACKS (FT. FROM PROPERTY LINE) (C)			MAXIMUM BUILDING HEIGHT (FT.) (D)	MAXIMUM IMPERVIOUS SURFACE RATIO (E)	MAXIMUM DENSITY (F) (*)		
			FRONT	SIDE	REAR					
R-15	15,000 (.34 acre)	80	35	10	20	35	.50	2.9 (*)		
	21,780 (0.5 acre)									
R-10	15,000 (.34 acre) single family detached	75	25	10	20	35	.60	4.35 (*)		
	15,000 (.34 acre) single family attached/ patio homes/ townhomes/ multifamily/apartment									
R-6	5,000 (.115 acre) each additional dwelling unit of single family attached/ patio homes/ townhomes/ multifamily/apartment.	50	25	10	20	35	.60	4.35 6.71 (*)		
	15,000 (.34 acre) single family detached									
O-1	15,000 (.34 acre) single family detached	50	35	10	20	35	.60	4.35 (*)		
	21,780 (0.5 acre) single family detached									
	15,000 (.34 acre) single family attached/ patio homes/ townhomes/ multifamily/apartment									
	5,000 (.115 acre) each additional dwelling unit of single family attached/ patio homes/ townhomes/ multifamily/apartment									

B-2	15,000 (.34 acre) single family detached	40	35	10	20	4 stories	.60	4.35 (* 6.71
	15,000 (.34 acre) single family attached/ patio homes/ townhomes/ multifamily /apartment	40	35	10	20	35	.60	4.35 (* 6.71
B-3	5,000 (.115 acre) each additional dwelling unit of single family attached/ patio homes/ townhomes/ multifamily /apartment.	40	35	10	20	35	.60	4.35 (* 6.71
	15,000 (.34 acre) single family attached/ patio homes/ townhomes/ multifamily /apartment	40	35	10	20	35	.60	4.35 (* 6.71
I-1	5,000 (.115 acre) each additional dwelling unit of single family attached/ patio homes/ townhomes/ multifamily /apartment.	NA	NA	NA	NA	NA	NA	NA
GD	15,000 (.34 acre) single family detached	50	35	10	10	4 stories	.60	(* 6.71
	15,000 (.34 acre) single family attached/ patio homes/ townhomes/ multifamily /apartment	50	35	10	10	4 stories	.60	(* 6.71
RD-1, RD-2, & MRD-1	43,560 (1 acre)	100	35	20	30	35	.40	(1)

NOTES

SQ. FT. = square feet FT. = feet (NA) = Not Applicable

(*) Minimum lot size for a single family detached home is 21,780 sq. ft. (1/2 acre). Minimum lot size for other each single family or multifamily/apartment dwelling types (single family home, duplex, triplex, quadruplex, townhomes, patio homes, multifamily/apartments) is calculated by using a 15,000 sq. ft. (.34 acre) minimum lot area for the first dwelling unit in a structure and then adding 5,000 sq. ft. to the minimum lot size for each additional dwelling unit. For example, a duplex consists of two dwelling units and requires a minimum lot size of 20,000 sq. ft. (15,000 sq. ft. (.34 acre) plus 5,000 sq. ft.). The maximum density for a multifamily apartment use is 6.71 dwelling units per acre utilizing this formula.

The maximum density for a single-family detached residential development project is 2.0 dwelling units per acre (2 homes per acre). The maximum density for a duplex residential development project is 4.237 dwelling units per acre (2.06 duplex buildings per acre). The maximum density for a triplex residential development project is 4.35 dwelling units per acre (1.45 triplex buildings per acre). Notwithstanding any other provision of the ZLDR and the minimum lot size calculation method set forth herein, the maximum density for a quadruplex, townhome, or patio home development project is limited to 4.35 dwelling units per acre. Multifamily/Apartment dwelling types have a maximum density of 6.7 dwelling units per acre.

Single family residential attached uses, townhomes, patio homes, and multifamily/apartment uses shall not constitute greater than 10% of the net developable acreage of a Major Subdivision.

To the extent that this Table conflicts with any other provision of the ZLDR or other Kershaw County ordinances the requirements of this Table supersede all other provisions and is controlling.

- (A) The minimum lot size in R-15, R-10, R-6, O-1, B-2, B-3, I-1, and GD zoning districts 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) 1 acre. The minimum lot size in R-15, R-10, R-6, O-1, B-2, B-3, I-1, and GD zoning districts 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)~~ an acre (.50-acre) three quarters (3/4) of an acre (.75 acre).
- (B) As measured on street frontage unless on cul-de-sacs or on curbs less than ninety (90) degrees.
- (C) Refer to yard and setback modification provisions of this Ordinance.
- (D) Measurement from average elevation of finished grade within twenty (20) feet of the structure to the bottom of the eave. Refer to exceptions.
- (E) Measured as a percent of total lot area.
- (F) Measurement in units per gross acre.

**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 24-13)**

PROPOSAL: TO AMEND THE KERSHAW COUNTY, SOUTH CAROLINA UNIFIED CODE OF ZONING AND LAND DEVELOPMENT REGULATIONS, SECTION 3:1.3, TABLE 3-4 TO AMEND AND INCREASE THE MINIMUM LOTS SIZE REQUIRED FOR ALL RESIDENTIAL HOUSING USE TYPES TO NO LESS THAN 21,780 SQUARE FEET AND TO AMEND THE METHOD OF CALCULATION FOR MINIMUM LOT SIZES FOR SINGLE FAMILY ATTACHED USE TYPES AND MULTIFAMILY/APARTMENT USE TYPES BY REQUIRING A MINIMUM LOT SIZE OF 21,780 SQUARE FEET AND AN ADDITIONAL 7,500 SQUARE FEET OF LOT SIZE FOR EACH DWELLING UNIT AFTER THE FIRST DWELLING UNIT.

April 8, 2024 (Tabled by Planning Commission)

April 16, 2024 (See pages 4 and 5 for Planning & Zoning Commission Action Summary)

Kershaw County Planning & Zoning 515 Walnut St. Camden, SC 29020

STAFF REPORT

KERSHAW COUNTY PLANNING AND ZONING COMMISSION (April 8, 2024 Meeting) (April 16, 2024 Special Called meeting)

Request #: 24-13

Applicant: Kershaw County

Proposal: TO AMEND THE KERSHAW COUNTY, SOUTH CAROLINA UNIFIED CODE OF ZONING AND LAND DEVELOPMENT REGULATIONS, SECTION 3:1.3, TABLE 3-4 TO AMEND AND INCREASE THE MINIMUM LOT SIZE REQUIRED FOR ALL RESIDENTIAL HOUSING USE TYPES TO NO LESS THAN 21,780 SQUARE FEET AND TO AMEND THE METHOD OF CALCULATION FOR MINIMUM LOT SIZES FOR SINGLE FAMILY ATTACHED USE TYPES AND MULTIFAMILY/APARTMENT USE TYPES BY REQUIRING A MINIMUM LOT SIZE OF 21,780 SQUARE FEET AND AN ADDITIONAL 7,500 SQUARE FEET OF LOT SIZE FOR EACH DWELLING UNIT AFTER THE FIRST DWELLING UNIT.

Background Summary:

- By Ordinance 397.2023 Kershaw County Council enacted amendments to the Kershaw County Zoning and Land Use Regulations (ZLDR) to partially address the potential impacts of high-density residential development.
- By Ordinance 397.2023 Kershaw County Council amended ZLDR Section 3:1.3 Table 3-4 to increase the minimum lot size requirements for single family residential development to no less than 15,000 square feet in all zoning districts where residential uses are allowed.
- By Ordinance 104.2024 Kershaw County Council further clarified Section 3:1.3 Table 3-4 so that the maximum allowed density for single-family residential development and multifamily/apartment development was made more explicit.
- The maximum density amendments enacted by Ordinance 397.2023 have not fully realized Kershaw County Council's policy goal of more sustainable and desirable land development and land usage patterns in Kershaw County.
- To address and manage the effect of growth and to assure quality and well-designed development in the future, the County has undertaken internal reviews and has commissioned studies and plans to assist in providing the required infrastructure and
Kershaw County Planning & Zoning 515 Walnut St. Camden, SC 29020

services to accommodate its citizenry in a cost-effective manner, without the necessity of unreasonable fee and tax increases.

- Building permit data for the period of February 1, 2023, to February 1, 2024, reveals that four hundred seventeen (417) residential units were issued building permits by Kershaw County.
- Census data and Kershaw County's estimates reflect that between 2022 and 2023 the population of Kershaw County grew by 1,630 residents.
- The effects of significant growth are apparent and have resulted not only in increased traffic, congestion and noise, but have also burdened the services provided and have required that the County increase its workforce and purchase the necessary machinery and equipment in an effort to maintain acceptable levels of service.
- If the County's population rate of growth is not adequately managed, the County will be forced to either greatly increase ad valorem taxes to meet the resulting needs or allow the facilities of the County to fall behind present levels of service.
- The adverse effects of growth and the costs associated therewith for infrastructure and services are primarily the product of residential development.
- Amending and increasing the minimum lots size requirements for all residential housing types is a reasonable and prudent method to address the impact of high density development on population growth and the resulting negative traffic impacts, increases burden on government services and life safety protections afforded to the citizens, consumption of sewer capacity better utilized for economic development projects, increased strain on the public school system, and the increase in impervious surfaces that results in stress to the County's stormwater system and environmental resources.
- A 21,780 square feet minimum lot size for single family detached residential uses is a desirable method by which the negative impacts of high-density development can be addressed and will result in more sustainable and desirable land development and land usage patterns in Kershaw County and will further the health, safety, and well-being of Kershaw County residents.
- For attached single family residential attached uses and multifamily/apartment uses a required minimum lot size of 21,780 square feet will apply to each dwelling structure with an additional 7,500 square feet required for each dwelling unit after the first dwelling unit within a single dwelling structure.

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

Planning and Zoning Commission Action Summary

On April 8, 2024 at the regularly scheduled Planning and Zoning Commission meeting, all members were present: Fiona Martin, Heather Dykes, Libby Davis, Clifton Emmons, Ned Towell, Robert Horton and Lanny Gunter.

During discussion member comments included (summarized): this text amendment was not well-publicized; need stakeholder / landowner involvement; large lot size will increase the need for car dependency by pushing development to the rural areas; will encourage sprawl; will slow down development so that the comprehensive plan and ZLDR can be updated; this is a responsible way to do it.

Mr. Horton made a motion to table consideration of the text amendment until the next meeting in order to allow time for members further study the text amendment; Ms. Davis seconded the motion, and the motion passed favorably by a vote of 6:1.

On April 16, 2024 at a special called Planning and Zoning Commission meeting, the following members were present: Fiona Martin, Heather Dykes, Ned Towell, Robert Horton and Lanny Gunter. Commission members Libby Davis, Clifton Emmons were absent.

During discussion member comments included (summarized): we need responsible growth; when will the text amendments stop; make sure we do things correct so there are not any legal expenses to the taxpayers; this is a just a band aid with more bleeding later; need to tap the breaks on development; this is not the silver bullet but will give us a chance to get the ZLDR rewrite accomplished; this is a temporary fix while the county rewrites the ZLDR; must involve the horse industry; we need to make sure we are prepared for future growth;

Kershaw County Planning & Zoning 515 Walnut St. Camden, SC 29020

agree that we need to tap the breaks; take time to identify what will work best for this county; we have only had one major subdivision submitted since the last density text amendment; the last density text amendment has only been in place for 6 months; we are not creating affordable housing/starter homes; want the younger generations to afford to be able to come back; rushing these decisions through; need to question the elected officials; if we don't like this text amendment what would an alternative be; promotes auto dependence; not guaranteed this is just a temporary fix because once its in the code its in the code; this text amendment is applied to all housing types and zoning districts across the county; incredibly shortsighted; cited George Mason University study regarding lot size / exclusionary development.

After additional general discussion and debate among the commission members about the proposed text amendment, a motion made by Mr. Towell and seconded by Mr. Gunter, to provide a positive recommendation to Kershaw County Council failed by a 2-3 vote, therefore the Planning Commission has provided a negative recommendation on the proposed text amendment (opposed to providing a positive recommendation - Ms. Martin, Ms. Dykes, Mr. Horton).