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2024 AUG 14 PM 3:46

JANET C. HASTY
CLERK OF COURT
KERSHAW COUNTY, S.C.



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**FILED FOR RECORD AT CLERK OF COURT
FOR
ORDINANCE NO. 115.2024
BY CLERK TO COUNTY COUNCIL
HANNAH PARLER**

FILED FOR RECORD

2024 AUG 14 PM 3:46

STATE OF SOUTH CAROLINA)
)
COUNTY OF KERSHAW)

ORDINANCE NO. 115.2024

JANET G. HYATT
CLERK OF COURT
KERSHAW COUNTY, S.C.

AN ORDINANCE AMENDING THE KERSHAW COUNTY ZONING LAND AND DEVELOPMENT REGULATIONS (ZLDR) TO PROVIDE THAT SINGLE FAMILY RESIDENTIAL ATTACHED USES, TOWNHOMES, PATIO HOMES, AND MULTIFAMILY/APARTMENT USES SHALL NOT COMPRISE MORE THAN 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) Kershaw County has taken steps to slow the exponential rate of residential growth occurring in the County by enacting Ordinances 397.2023 and 110.2024.
- (b) Limiting the rate of growth in Kershaw County will prevent the County’s infrastructure from becoming overburdened and will better allow the citizens of Kershaw County to continue to access County services.
- (c) It is also beneficial for Kershaw County to allow for a diversity of residential housing types and uses, which can allow for a greater availability of affordable housing options as well as other benefits to the community.
- (d) The usage of a maximum percentage cap for certain intensive residential uses within major subdivisions will allow for a diversity of residential housing types and densities without overburdening the County’s infrastructure.
- (e) A limit of ten percent (10%) of net developable acreage of a major subdivision for single family residential attached uses, townhomes, patio homes, and multifamily or apartments will promote a balance in continuing to limit the rate of residential growth so as not overload Kershaw County’s infrastructure, while still allowing for a diversity of residential uses and intensities in Kershaw County.
- (f) The Kershaw County Planning Commission considered the proposed text amendment at its meeting on June 10, 2024, and by a 4:1 did not recommend approval of the proposed text amendment.

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

Article 2, Definitions, is amended as set forth in “Exhibit 1” attached hereto and incorporated herein by reference.

Section 5:2.4-1, Definition of Major Subdivisions, 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 23rd day of July, 2024.

KERSHAW COUNTY, SOUTH CAROLINA


Jimmy Jones, Vice Chair, County Council

ATTEST:


Hannah Parler, Clerk to Council

First Reading: June 25, 2024
Public Hearing: June 25, 2024
Second Reading: July 9, 2024
Third Reading: July 23, 2024



~~Indicates Matter Stricken~~
Indicates New Matter

ARTICLE 2 DEFINITIONS

...

Subdivision, Major - Any subdivision other than an exempt subdivision or one which does not qualify as a minor subdivision, a large acreage residential development, or a planned development district. Single family residential attached uses, townhomes, patio homes, and multifamily/apartment uses shall not constitute greater than ten percent (10%) of the net developable acreage of a Major Subdivision.

...

Native and Adapted Plants - Native plants are plants that were growing in this region prior to European settlement. Adapted plants are plants that have been introduced to the region that grow reliably well. Native and adapted plants require minimal attention from humans in the form of winter protection, pest treatment, water irrigation, or fertilization once the root systems are established in the soil. Native and adapted plants are considered to be low maintenance and not invasive.

Net Developable Acreage - The total acreage remaining of a parcel, or an assemblage of parcels subject to a common development plan, after subtracting acreage used and/or reserved for roads, sewer and utility rights of way, stormwater ponds and other Best Management Practices (BMPs), wetlands, FEMA floodplains and other special flood areas, streams and stream buffers, common open space, Significant Tree Protection Zones, any easements restricting vertical construction, and perimeter landscape buffers, including Type "E" Buffer Areas. Any acreage existing within the Lake Wateree Overlay District, as described in Section 3:7.4, must also be subtracted from the total acreage when calculating the net developable acreage of a parcel(s) subject to a common development plan.

FEMA floodplains and other special flood areas, as specified and controlled under the Kershaw County Flood Damage Prevention Ordinance (322.2018), that are intended for development and reflected as developed areas on sketch plan submittals that meet the requirements of Section 5:1.3 of this Ordinance, and that receive approval of the Administrator or the Kershaw County Planning Commission pursuant to applicable ZLDR review processes, and that also satisfy and receive permitting and approval required by State and Federal regulatory bodies, will not be subtracted from the gross acreage of the development project and will be counted toward the net developable acreage of the development project, except for the delineated items listed herein, which shall always be subtracted from the gross acreage to determine net developable acreage, regardless of location within FEMA floodplains or other special flood areas as described herein.

ARTICLE 5 LAND DEVELOPMENT REGULATIONS

...

5:2 LAND DEVELOPMENT SUBMITTAL REQUIREMENTS AND APPROVAL PROCESS

...

5:2.4 Major Subdivisions

5:2.4-1 Definition of Major Subdivision

A major subdivision is any subdivision other than an exempt subdivision or one which does not qualify as a minor subdivision, a large acreage residential development, or a planned development district. Single family residential attached uses, townhomes, patio homes, and multifamily/apartment uses shall not constitute greater than ten percent (10%) of the net developable acreage of a Major Subdivision.

Ordinance 115.2024

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 24-21)

PROPOSAL: AN ORDINANCE AMENDING THE KERSHAW COUNTY ZONING LAND AND DEVELOPMENT REGULATIONS (ZLDR) TO PROVIDE THAT SINGLE FAMILY RESIDENTIAL ATTACHED USES, TOWNHOMES, PATIO HOMES, AND MULTIFAMILY/APARTMENT USES SHALL NOT COMPRISE MORE THAN 10% OF THE NET DEVELOPABLE ACREAGE OF A MAJOR SUBDIVISION.

Note: This text amendment has been forwarded by the County Council for consideration and recommendation of the Planning Commission.

June 10, 2024 (See page 3 for Planning Commission Action Summary)

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

STAFF REPORT
KERSHAW COUNTY PLANNING AND ZONING COMMISSION
(June 10, 2024 Meeting)

Request #: 24-21

Applicant: Kershaw County

Proposal: AN ORDINANCE AMENDING THE KERSHAW COUNTY ZONING LAND AND DEVELOPMENT REGULATIONS (ZLDR) TO PROVIDE THAT SINGLE FAMILY RESIDENTIAL ATTACHED USES, TOWNHOMES, PATIO HOMES, AND MULTIFAMILY/APARTMENT USES SHALL NOT COMPRISE MORE THAN 10% OF THE NET DEVELOPABLE ACREAGE OF A MAJOR SUBDIVISION.

Background Summary:

- (a) Kershaw County has taken steps to slow the exponential rate of residential growth occurring in the County by enacting Ordinances 397.2023 and 110.2024.
- (b) Limiting the rate of growth in Kershaw County will prevent the County's infrastructure from becoming overburdened and will better allow the citizens of Kershaw County to continue to access County services.
- (c) It is also beneficial for Kershaw County to allow for a diversity of residential housing types and uses, which can allow for a greater availability of affordable housing options as well as other benefits to the community.
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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:

- Petition for Text Amendment
- Exhibit 1: Text amendment language, Article 2 Definitions, and 5:2.4-1 Definition of Major Subdivision.
- Draft County Council Ordinance for reference

Planning and Zoning Commission Action Summary

On June 10, 2024 at the regularly scheduled Planning and Zoning Commission meeting, members present were Fiona Martin, Libby Davis, Clifton Emmons, Ned Towell, and Robert Horton. Members Lanny Gunter and Heather Dykes were absent.

After the staff presentation there was discussion among the board members to clarify the text amendment, Robert Horton made a motion to forward an unfavorable recommendation as he did not see the need for the amendment given the ability of a developer to utilize the Planned Development District option already in the ordinance. The motion was seconded by Fiona Martin, stating that this amendment disincentivizes multifamily options which goes against the comprehensive plan to offer a mixture of housing options. Ms. Martin further stated that the county has yet to see a mixed residential development, and in general the ordinance amendment just does not make sense. Ned Towell expressed that he thought the amendment would possibly encourage developers to incorporate multi-family development and at least this gives them an option.

With no further discussion, the vote on the motion to forward an unfavorable recommendation of the text amendment carried 4:1, with Mr. Horton voting against the

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

motion. The matter has now been referred to the Kershaw County Council with an unfavorable recommendation.



Danny Templar <danny.templar@kershaw.sc.gov>

Fwd: Road Maintenance List

1 message

Gerald Blanchard <gerald.blanchard@kershaw.sc.gov>
To: Danny Templar <danny.templar@kershaw.sc.gov>

Mon, Jul 22, 2024 at 2:41 PM

FYI

Thanks,
Gerald

Begin forwarded message:

From: Tabitha Sanders <tabitha.sanders@kershaw.sc.gov>
Date: July 22, 2024 at 12:56:55 PM EDT
To: Gerald Blanchard <gerald.blanchard@kershaw.sc.gov>
Subject: Re: Road Maintenance List

You're very welcome, I sure can, I'll put the work order in for it now!

On Mon, Jul 22, 2024, 12:45 PM Gerald Blanchard <gerald.blanchard@kershaw.sc.gov> wrote:
Thank you Tabitha!

Can you add Barlow Rd to that list? Ruts need to be graded and ditches need to be recut.

Gerald

On Mon, Jul 22, 2024 at 12:38 PM Tabitha Sanders <tabitha.sanders@kershaw.sc.gov> wrote:
Good afternoon,
Here is a list of roads that have been called in today for various issues:

- Cypress Rd and Crab Apple Rd (Pipes need to be blown out)
- Red Knot Rd (Pipe need to be blown out)
- Etters Lane (Needs to be graded)
- Hillsdale Dr. (Needs to be graded)
- Larch Rd. (Fix a washout)
- Plantation Ct. (Needs vegetation cut, brush cutter)
- County Line Trail (Needs to be graded)
- Woodland Trail (Driveway washed out and rd)
- Three Branches Rd. (Pipe needs to be blown out)
- Fort Lane (Pipe needs to be blown out)
- Corbett Rd. (Pipe needs to be blown out)
- White Gull (Pipe needs to be blown out)
- Trap Mill (Needs to be graded)
- Gary Goff (Needs to be graded)
- Blackwell pond Rd. (Fix washouts)

Thank you,
Tabitha Sanders

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Thank You,
Gerald Blanchard
Deputy County Administrator
Kershaw County
515 Walnut Street
Camden, SC 29020
803-425-1500 (O)
803-729-0945 (C)

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