

STATE OF SOUTH CAROLINA)
)
COUNTY OF KERSHAW)

ORDINANCE NO. 397.2023

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 REQUIRE MINIMUM LOT SIZES OF 15,000 SQUARE FEET FOR RESIDENTIAL DEVELOPMENT.

REC'D FOR RECORD
JUN 31 PM 3:08
CLERK OF COUNTY
KERSHAW COUNTY, S.C.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) High density residential development is occurring at a rapid pace in the Elgin and West Wateree areas of Kershaw County, and it is reasonably probable that high-density residential development will begin to appear in other areas of Kershaw County.
- (b) The proliferation of high-density residential development is impacting Kershaw County's infrastructure by generating increased traffic on roads, consuming sewer capacity better utilized for economic development projects, increasing the student population strain on the public school system, and increasing impervious surfaces thereby placing stress on the County's stormwater system and environmental resources.
- (c) The potential impacts of high-density residential development can be partially addressed by amending the ZLDR to increase the minimum lot size requirements for single family residential lots to no less than 15,000 square feet in all zoning districts where residential uses are allowed.
- (d) Requiring larger minimum lot sizes for residential development 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.

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 22nd day of August, 2023.

KERSHAW COUNTY, SOUTH CAROLINA



Katie Guinn, Chairwoman, County Council

ATTEST:



Hannah Parler, Clerk to Council

First Reading: July 25, 2023
Second Reading: August 8, 2023
Third Reading: August 22, 2023
Public Hearing: August 8, 2023

**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 23-09)**

PROPOSAL: To amend the Kershaw County, South Carolina Unified Code of Zoning and Land Development Regulations, to amend Section 3:1.3, Table 3-4 to require minimum lot sizes of 15,000 square feet for residential development.

July 10, 2023 (See page 3 for Planning and Zoning Commission Action Summary)

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

STAFF REPORT

KERSHAW COUNTY PLANNING AND ZONING COMMISSION (July 10, 2023 Meeting)

Request #: 23-09

Applicant: Kershaw County

Proposal: To amend the Kershaw County, South Carolina Unified Code of Zoning and Land Development Regulations, to amend Section 3:1.3, Table 3-4 to require minimum lot sizes of 15,000 square feet for residential development.

Background Summary:

- High density residential development is occurring at a rapid pace in the Elgin and West Wateree areas of Kershaw County, and it is reasonably probable that high-density residential development will begin to appear in other areas of Kershaw County.
- The proliferation of high-density residential development is impacting Kershaw County's infrastructure by generating increased traffic on roads, consuming sewer capacity better utilized for economic development projects, increasing the student population strain on the public school system, and increasing impervious surfaces thereby placing stress on the County's stormwater system and environmental resources.
- The potential impacts of high-density residential development can be partially addressed by amending the ZLDR to increase the minimum lot size requirements for single family residential lots to no less than 15,000 square feet in all zoning districts where residential uses are allowed.
- Requiring larger minimum lot sizes for residential development 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.

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, Table 3-4
- Draft County Council Ordinance for reference

Planning and Zoning Commission Action Summary

On July 10, 2023 at the regular Planning and Zoning Commission meeting, members present were Claude Eichelberger, Kevin Scharf, George Harkins, Robert Andrews, and Robert Horton. Absent were members Fiona Martin and Libby Davis.

After the staff presentation, Kevin Scharf made a motion that the Planning and Zoning Commission recommend approval of the text amendment, with a second by Mr. Harkins. Upon discussion, Robert Horton made an amended motion to remove the R-10 and R-6 districts from the text amendment. Lacking a second, the amended motion failed.

After additional discussion, the vote on the motion to recommend approval of the text amendment was (3-2) and therefore the matter has been referred to the Kershaw County Council with recommendation for approval.

Exhibit 1
Ordinance No. 397.2023

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) (2)	STREET FRONTAGE WIDTH (FT.) (B)	SETBACKS (FT. FROM PROPERTY LINE) (C)			MAXIMUM BUILDING HEIGHT (FT.) (D)	MAXIMUM IMPERVIOUS SURFACE RATIO (E)	MAXIMUM DENSITY (F) (4)
			FRONT	SIDE	REAR			
R-15	15,000 (.34 acre)	80	35	10	20	35	.50	2.9
R-10	10,000 (.22 acre) single family 15,000 (.34 acre) single family 5,000 (.115 acre) each additional dwelling unit.	75	25	10	20	35	.60	5.4 4.35
R-6	16,000 (.36 acre) duplex 6,000 (.13 acre) single family 15,000 (.34 acre) single family 4,000 (.09 acre) each additional dwelling unit 5,000 (.115 acre) each additional dwelling unit.	50	25	5 10	20	35	.60	8.7 6.71
O-1	10,000 (.22 acre) 15,000 (.34 acre) 5,000 (.115 acre) each additional dwelling unit.	50	35	10	20	35	.60	4.35
B-2	6,000 (.13 acre) single family 15,000 (.34 acre) 4,000 (.09 acre) each additional dwelling unit 5,000 (.115 acre) each additional dwelling unit.	40	35	10	20	4 stories	.60	8.7 6.71
B-3	6,000 (.13 acre) 15,000 (.34 acre) 5,000 (.115 acre) each additional dwelling unit.	40	35	5 10	20	35	.60	4.26 6.71
I-1	NA	NA	NA	NA	NA	NA	NA	NA
GD	6,000 (.13 acre) single family 15,000 (.34 acre) 4,000 (.09 acre) each additional dwelling unit 5,000 (.115 acre) each additional dwelling unit.	50	35	10	10	4 stories	.60	8.7 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 each dwelling type (single family home, duplex, triplex, quadruplex, multifamily/apartments) is calculated by using the 15,000 sq. ft. minimum lot area for single family 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. plus 5,000 sq. ft.). The maximum density for a multifamily apartment use is 6.71 dwelling units per acre utilizing this formula.
- (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 ($\frac{3}{4}$) of an acre (.75 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 ($\frac{1}{2}$) an acre (.50 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.