

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF KERSHAW )

JANET C. HASTY  
CLERK OF COURTS  
KERSHAW COUNTY, S.C.  
**ORDINANCE NO. 108.2024**

**AN ORDINANCE**

**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”)**

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

**Section 1. Findings and Determinations.**

The Council finds and determines that:

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- (b) Design Thickness Requirements contained in Chapter 5, Section 3.8-6 (A) and (B) have become outdated and are not as robust as the design requirements of similarly situated, adjacent local governments.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

- (g) 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.
- (h) 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.
- (i) 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.
- (j) 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.

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

Chapter 5, Section 3.8-3 General Design Criteria and Chapter 5, Section 3.8-6 Design Thickness Requirements are 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 April, 2024.

**KERSHAW COUNTY, SOUTH CAROLINA**

  
Kaitlyn Guinn, Chairwoman, County Council

ATTEST:

  
Hannah Parler, Clerk to Council



First Reading: March 26, 2024  
Second Reading: April 9, 2024  
Public Hearing: April 23, 2024  
Third Reading: April 23, 2024

Exhibit 1  
Ordinance No.

~~Indicates Matter Stricken~~  
Indicates New Matter

### 5:3.8-3 General Design Criteria

The design criteria contained in this section applies to the construction of new streets which will be accepted into the Kershaw County road maintenance system and for approval of proposed private road design for new developments. All Kershaw County roads shall be designed and constructed to the standard and specifications contained in the South Carolina Asphalt Pavement Association (“SCAPA”) Asphalt Pavement Design Guide, Fourth Edition, 2024 (and subsequent amendments). ~~equal to or better than the standards required by South Carolina Department of Transportation (SCDOT) specifications.~~ A twenty (20) year roadway life is the design requirement for Kershaw County. The design speed shall be thirty (30) mph for residential roadways and forty (40) mph for commercial roadways. In reviewing private road design for new development, the Planning Official, County Engineer, and/or Planning and Zoning Commission, as applicable, may consider alternate design standards in consideration of the following:

- A. Limited use.
- B. Site topographic or geophysical conditions.
- C. Stormwater management.
- D. The preservation of any natural features on the site.
- E. The avoidance of areas of environmental sensitivity.
- F. The minimizing of negative impacts and alteration of natural features.
- G. The avoidance of adversely affecting ground water and aquifer recharge.
- H. The reduction of cut and fill.
- I. The avoidance of unnecessary impervious cover.
- J. The prevention of flooding.
- K. The taking into account of other site-specific design considerations.

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### 5:3.8-6 Road Construction Standards

- A. Design Thickness Requirements** - The design thickness requirements are dictated by the soil conditions on the proposed site. If the on-site soils are included on the list of unstable soils provided by the USDA Soil Conservation Service, the design thicknesses shall be more stringent than the standard design. The design thickness requirements and specifications are set forth in the South Carolina Asphalt Pavement Association (“SCAPA”) Asphalt Pavement Design Guide, Fourth Edition, 2024 (and subsequent amendments) and Kershaw County requires an asphalt layer design thickness of no less than 3.5 inches with the proposed design section to be stamped and certified by a geotechnical engineer as within the standards of the American Civil Engineering Society. Asphalt subbases are restricted to conventional

aggregate bases and soil cement subbases shall not be utilized as an asphalt subbase. The following table provides two sets of design criteria. The first value provides the standard design thickness in inch requirements. The second value provides the design thickness in inches for unstable soils. (Alternative thicknesses will be considered that provide an equivalent structural number).

**B.**

<b>Table 5-10 ROAD DESIGN THICKNESS REQUIREMENTS</b>				
<b>TYPE LAYER</b>	<b>RL Thickness in Inches</b>		<b>RC &amp; LC/I Thickness in Inches</b>	
	<b>STANDARD</b>	<b>UNSTABLE SOIL</b>	<b>STANDARD</b>	<b>UNSTABLE SOIL</b>
<b>Hot Plant Mix</b>				
Surface	2.0	3.0	2.0	3.0
Macadam Base	6.0	6.0	8.0	9.0
Prepared Subgrade	12.0	12.0	12.0	12.0
<b>Full Depth Paving</b>				
AC Surface Course	1.0	1.25	1.25	1.5
AC Binder Course	1.5	2.0	2.0	1.5
AC Base Course	2.5	3.0	3.0	4.0
Prepared Subgrade	12.0	12.0	12.0	12.0

**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 (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 (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 than 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

## **Planning and Zoning Commission Action Summary**

On March 11, 2024 at the regularly scheduled Planning and Zoning Commission meeting, members present were Fiona Martin, Heather Dykes, Libby Davis, Clifton Emmons, Ned Towell, Robert Horton and Lanny Gunter. No members were absent.

After the staff presentation, Ned Towell made a motion that the Planning and Zoning Commission recommend approval of the text amendment, with a second by Mr. Emmons.

There was general discussion among the commission members to clarify the proposed text amendment.

With no further discussion, the vote on the motion to recommend approval of the text amendment carried favorably 6:1, with Ms. Dykes voting 'no' and therefore the matter has been referred to the Kershaw County Council with recommendation for approval.