

FILED FOR RECORD

2026 FEB 17 PM 2: 26

STATE OF SOUTH CAROLINA)

COUNTY OF KERSHAW)

GINGER D. FARMER
CLERK OF COURT
KERSHAW COUNTY, SC

ORDINANCE NO. 105.2026

AN ORDINANCE

TO AMEND THE KERSHAW COUNTY, SOUTH CAROLINA UNIFIED CODE OF ZONING AND LAND DEVELOPMENT REGULATIONS, TO ADD SECTION 3:3.29 AND AMEND TABLE 3-3 TO ESTABLISH RETAIL ESTABLISHMENTS SELLING HEMP-DERIVED OR SYNTHETIC CANNABINOID PRODUCTS AS A CONDITIONAL USE IN CERTAIN ZONING DISTRICTS, SUBJECT TO LOCATION, SEPARATION, AND OPERATIONAL RESTRICTIONS.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) The sale of hemp-derived and synthetic cannabinoid products, including products containing delta-8, delta-9, and other THC isomers or analogues, has increased substantially in convenience stores, gas stations, and similar retail establishments within Kershaw County.
- (b) The rapid proliferation of such establishments is the result of a significant regulatory gap in South Carolina.
- (c) Although the 2018 Agricultural Improvement Act and the South Carolina Hemp Farming Act of 2019 legalized hemp and certain hemp-derived products with a delta-9 THC concentration not exceeding 0.3% on a dry weight basis, those statutes did not authorize or regulate psychoactive synthetic or chemically modified cannabinoids derived from hemp.
- (d) Hemp-derived and synthetic cannabinoid products can produce intoxicating effects comparable to marijuana, and the unregulated sale of such products, which are often untested or mislabeled, poses recognized public health and safety concerns, particularly with respect to youth access, inaccurate ingredient disclosure, and inconsistent dosage or potency.
- (e) The lack of clear state enforcement has allowed widespread retail distribution of such products, and the unrestricted placement of establishments selling such products may adversely affect the health, safety, and welfare of County residents, diminish aesthetic

character, and create a heightened risk of reduced property values for adjacent landowners.

- (f) Kershaw County has a legitimate governmental interest in preserving property values, protecting the character of neighborhoods and commercial corridors, and mitigating the secondary effects of retail uses associated with intoxicating or adult-oriented products.
- (g) Other South Carolina jurisdictions have taken similar zoning-based actions to regulate or temporarily prohibit intoxicating hemp-derived or synthetic cannabinoid products.
- (h) The County’s zoning authority under S.C. Code § 6-29-720 authorizes reasonable land-use controls to protect health, safety, and public welfare.
- (i) Accordingly, the County Council finds that the establishment of such retail operations should be limited to appropriate commercial and industrial districts, and subject to conditional-use approval to ensure proper siting, buffering, and operational safeguards.
- (j) The Kershaw County Planning Commission considered the proposed text amendment at its meeting on January 12, 2026, and by a 4-1 vote recommended approval of the proposed text amendment in an amended form.

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

The Kershaw County, South Carolina Unified Code of Zoning and Land Development Regulations (“ZLDR”) is amended as follows:

A. New Section 3:3.29 – Retail Sale of Hemp-Derived or Synthetic Cannabinoid Products

Section 3:3.29. Retail Sale of Hemp-Derived or Synthetic Cannabinoid Products.

(A) Purpose.

The purpose of this Section is to protect the public health, safety, and welfare by establishing reasonable land-use regulations for the retail sale of hemp-derived or synthetic cannabinoid products that may produce intoxicating effects, to reduce exposure of such effects to minors, and to minimize adverse community impacts.

(B) Definitions.

- 1. Hemp-Derived or Synthetic Cannabinoid Products** means any consumable product derived from hemp or produced synthetically that contains a psychoactive or intoxicating cannabinoid, including but not limited to delta-8 THC, delta-9 THC, or similar analogues or isomers.

2. **Hemp Retail Establishment** means any premises where Hemp-Derived or Synthetic Cannabinoid Products are sold, offered for sale, distributed, or otherwise made available to consumers for off-premises or on-premises use.

(C) Permitted Districts.

Hemp Retail Establishments shall be permitted only as a Conditional Use (C) in the following zoning district(s):

1. General Development District (GD)

Hemp Retail Establishments shall be prohibited in all other districts.

(D) Separation Requirements.

1. No Hemp Retail Establishment shall be located within 2000 feet of:
 - (a) a church or religious institution;
 - (b) a public or private school, daycare, child-care facility, or youth center;
 - (c) a park, playground, recreational facility, or community center; or
 - (d) another Hemp Retail Establishment.
2. Separation distances shall be measured in a straight line from property line to property line.

(E) Operational Requirements.

1. No on-premises consumption is permitted.
2. All products must be stored in secure, locked cases or shelving accessible only by employees.
3. No person under 21 years of age shall purchase hemp-derived or synthetic cannabinoid products from the premises.
4. Exterior signage shall comply with all other applicable provisions of the ZLDR, shall not use neon, flashing, or illuminated lights, and shall not depict marijuana leaves, drug paraphernalia, or imagery appealing to minors.
5. Each establishment shall maintain independent laboratory certificates verifying product content, purity, and THC concentration for all products on site.
6. Hours of sale for hemp-derived or synthetic cannabinoid products shall be limited to 7:00 a.m. – 10:00 p.m.

(F) Application Requirements.

Applicants for conditional-use approval must submit:

1. A site plan showing building footprint, parcel boundaries, and measured distance to protected uses;
2. Copies of any applicable state or federal licenses or registrations; and
3. A sworn statement affirming compliance with this Section's separation and operational standards.

(G) Revocation and Enforcement.

Failure to comply with any provision of this section shall constitute a zoning violation and may result in revocation of the conditional-use permit, civil penalties, and injunctive enforcement.

(H) Existing Uses.

1. Any Hemp Retail Establishment lawfully operating prior to the effective date of this ordinance may continue to operate as a nonconforming use provided it complies with all operational requirements established herein.
2. Expansion or relocation of a nonconforming Hemp Retail Establishment shall require compliance with all provisions of this ordinance.
3. Any existing establishment that ceases operation for a period of more than ninety (90) days shall lose its nonconforming status and may not resume operation without obtaining full compliance and conditional use approval under this ordinance.

B. Amendment to Table 3-3: Schedule of Permitted and Conditions Uses

Section 3:1.3, Table 3-3, Schedule of Permitted and Conditional Uses and Off-Street Parking Requirements by Zoning District, 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.

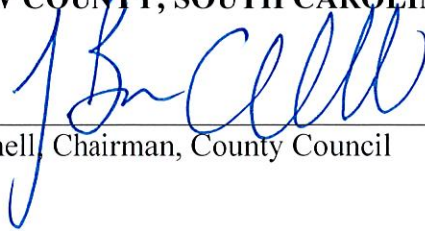
Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this 10th day of February, 2026.

KERSHAW COUNTY, SOUTH CAROLINA



J. Ben Connell, Chairman, County Council

ATTEST:



Hannah M. Parler, Clerk to Council

First Reading: December 9, 2025
Second Reading: January 27, 2026
Public Hearing: January 27, 2026
Third Reading: February 10, 2026



Indicates Matter Stricken
Indicates New Matter

Table 3-3 SCHEDULE OF PERMITTED AND CONDITIONAL USES AND OFF-STREET PARKING REQUIREMENTS BY ZONING DISTRICTS											
Zone Districts	NAICS	R-15	R-10	R-6	O-I	B-2	B-3	I-1	GD	RD-1, RD-2, MRD-1	Required Off-Street Parking (a)
Sector 40-45: Retail Trade											
Motor Vehicle Dealers	4411	N	N	N	N	P	N	P	P	N	1 per 350 GFA plus 1 per 5,000 outdoor display area
...											
Convenience Stores (Refer to Conditional Uses for Rural & B-3 Businesses)	4451	N	N	N	N	P	P	P	P	C	1 per 350 GFA
Fruit & Vegetable (Refer to Conditional Uses for Rural & B-3 Businesses)	44523	N	N	N	N	P	P	P	P	C	1 per 350 GFA
Liquor Stores (Refer to Conditional Uses for Rural & B-3 Businesses)	4453	N	N	N	N	P	C	P	C	C	1 per 350 GFA
<u>Hemp Retail Establishments</u>		N	N	N	N	N	N	N	C	N	1 per 350 GFA
Health & Personal Care Stores (Refer to Conditional Uses for Rural & B-3 Businesses)	23712	N	N	N	N	P	C	P	P	C	1 per 350 GFA
Gasoline Stations	447	N	N	N	N	P	N	P	P	P	1 per 500 GFA
Truck Stops	44719	N	N	N	N	P	N	P	P	N	1 per 500 GFA plus 1 tractor trailer space per 5,000 GSA