



Kershaw County



2018

# **AGENDA PACKET**

## **PART 1 OF 2**

**KERSHAW COUNTY COUNCIL MEETING  
TUESDAY, MARCH 26, 2024**



## KERSHAW COUNTY COUNCIL MEETING AGENDA

Tuesday, March 26, 2024 6:00 P.M.  
Kershaw County Government Center  
County Council Chambers  
515 Walnut Street  
Camden, SC 29020

1. Call to Order
2. Invocation - Pastor Rosalind Watson
3. Pledge of Allegiance
4. Adoption of Agenda
5. Public Comments (5 Minutes Per Speaker)
6. Public Presentations (15 Minutes)  
Dean Durham – Fisher House – Columbia, SC  
(placed on the agenda by Vice-Chairman Jimmy Jones)
7. Approval of Minutes  
Kershaw County Council Retreat - Thursday, February 1, 2024  
Kershaw County Council Retreat - Saturday, February 3, 2024  
Kershaw County Council -Tuesday, March 12, 2024 - Regular Meeting
8. Ordinances
  - A. **First Reading:** An Ordinance Of The Kershaw County Council To Amend The Membership Provisions For The Kershaw County Clean Community Commission By Adding Two At-Large Membership Positions  
(placed on the agenda by Councilman Danny Catoe and Councilman Derek Shoemake)
  - B. **Third Reading – CASE 24-05** - Kershaw County Planning and Zoning Commission – Request For Text Amendment By Kershaw County - 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 Provide Greater Clarity To The Distinction In Maximum Allowed Residential Dwelling Densities Between Single Family Residential Development And Multifamily/Apartment Development.  
**First Reading: February 27, 2024 Second Reading / Public Hearing: March 12, 2024**
  - C. **First Reading: CASE 24-06** - An Ordinance To Amend The Official Zoning Map Of Kershaw County To Rezone Approximately +/- 4.9 Acres Of Property (TMS # 348-00-00-120 and -085), Owned By Joe and Cindy Smith, And Located On The North Side Of Mill Creek Trace, With Addresses of 116 and 120 Mill Creek Trace, Elgin, South Carolina, From R-15, Low Density Residential District, To RD-2, Rural Resource District.
  - D. **First Reading – CASE 24-07** - An Ordinance To Amend The Official Zoning Map Of Kershaw County To Rezone Approximately +/- 23.4 Acres Of Property (TMS # 347-00-00-028 and -034), Owned By Largesse Limited Performance, LLC (% George Delk), And Located On The East Side Of Ross Road, With Addresses of 1512 Ross Road and 132 Golden Pine Trail, Elgin, South Carolina, From R-15, Low Density Residential District, To R-6, High Density Residential District.
  - E. **First Reading – CASE 24-08** - An Ordinance To Amend The Official Zoning Map Of Kershaw County To Rezone Approximately +/- 6.38 Acres Of Property (TMS # 307-00-00-011), Owned By Andrew Collins, And Located On The West Side Of Smyrna Road, With An Address of 1147 Smyrna Road, Elgin, South Carolina, From MRD-1, Rural Resource District, To RD-2, Rural Resource District.

**KERSHAW COUNTY COUNCIL MEETING AGENDA (Continued)**  
**Tuesday, March 26, 2024**

- F. **First Reading – Case 24-10** - 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”)

**9. Council Member Briefings**

**10. Administrator’s Briefing**

- Boat Ramp
- Sewer System
- Woodward Park

**11. Legal Briefing**

**12. Executive Session**

- A. Receipt of legal advice related to a potential claim covered by the attorney-client privilege pursuant to S.C. Code 30-4-70(a)(2)
- B. Receipt of legal advice related to potential lawsuits covered by the attorney-client privilege pursuant to S.C. Code 30-4-70(a)(2)

**13. Adjournment**

An executive session may be called and held at any time by Council for and permitted by South Carolina Freedom of Information Act and action may possibly be taken on issues subject to the executive session after Council reconvenes.

The public may access the internet as a guest through the County’s Wi-Fi and locate the agenda on the County website: <https://www.kershaw.sc.gov/county-council/watch-county-council-live>

**PUBLIC**

**PRESENTATION**



## COLUMBIA FISHER HOUSE

The Columbia Fisher House is now open and welcomed its first guest May 25, 2023. The second guest followed on May 27, 2023. The 16-suite home can accommodate lodging for caregivers and family members of Veterans and active-duty military receiving care at the Columbia VA or community health care systems.

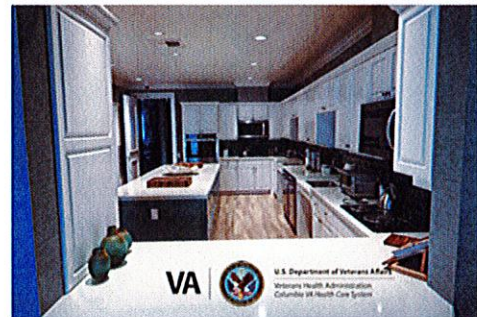
### PROPERTY FEATURES

- 15,000 sq. ft.
- 16 Suites
- Fully-equipped kitchen
- Family Room
- Outdoor Patio
- Living Room w/ Library

### Criteria for lodging:

- Live 50 miles or more away from the medical center
- Are able to stay in a non-medical, unsupervised setting
- Follow all Fisher House rules and respect fellow guests

*\*All consults are entered by Social Work services.*



Fisher House – ext. 51500 | Monday- Friday 0800 – 1630  
After Hours - Tammy Finney – 803-394-8375 | Candler Rhodes -803-237-4108

**MINUTES**

**Kershaw County Council Special Called Meeting  
Budget Retreat  
Thursday, February 1, 2024 – 1:00 p.m.**



The Special Called meeting of the Kershaw County Council was held on Thursday, February 1, 2024, at 1:00 p.m. in Council Chambers at the Kershaw County Government Center.

**Council Present:** Chairwoman Katie Guinn Councilman Danny Catoe Vice-Chairman Jimmy Jones  
Councilman Russell Brazell Councilman Derek Shoemake (arrived at 1:24 p.m.)

**Council Absent:** Councilman Sammie Tucker, Jr. Councilman Brant Tomlinson

**Staff Present:** Danny Templar Gerald Blanchard Lauren Reeder Chris Anderson  
Jeremy Morrow Kevin Jones Chevonne Workman  
Dan Cantey Ervin Whack Elaine Dukes  
Jim Shrift Attorney Ken DuBose (arrived at 1:19 p.m.)

***In accordance with the Freedom of Information Act, copies of the agenda were sent to the newspapers, TV, and radio stations, citizens of the county, department heads, and posted on the website.***

Chairwoman Katie Guinn called the meeting to order. Councilmember Danny Catoe gave an invocation following the Pledge of Allegiance.

Vice-Chairman Jimmy Jones called for a Point of Order to the meeting because an Attorney was not present to what has been identified as a Special Called meeting. Chairwoman Katie Guinn recessed the meeting until Legal Counsel was present. At 1:20 p.m., Chairwoman Katie Guinn reconvened the Special Called meeting with Legal Counsel present and stated that the purpose of the meeting was to hear from Departments, Staff, and Agencies to give insight of priorities and to prepare for the new year Budget.

**DETENTION CENTER**

Deputy Director Chevonne Workman gave an update and overview of the operations of The Detention Center. Workman stated salary, physical plant, and inmate medical care are the biggest issues The Detention Center is currently facing.

**ADJOURNMENT**

Chairwoman Katie Guinn left the meeting at 1:57 p.m. and asked Vice-Chairman Jimmy Jones to continue the meeting. During discussion, Councilmember Derek Shoemake made a motion to end Special Called meeting and move to a Workshop for the Budget Retreat; seconded by Vice-Chairman Jimmy Jones; all in favor: Councilmember Russell Brazell, Councilmember Derek Shoemake, Vice-Chairman Jimmy Jones, and Councilmember Danny Catoe; absent Chairwoman Katie Guinn, Councilman Sammie Tucker, Jr., and Councilman Brant Tomlinson. Legal Counsel stated that the recording could continue, but minutes were not needed during a Workshop because no action is being taken. The meeting was adjourned at 2:04 p.m. and continued as a Workshop.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Clerk to Council





# Kershaw County Council Minutes

## Tuesday, March 12, 2024



The regular meeting of the Kershaw County Council was held on Tuesday, March 12, 2024, at 6:00 p.m. in the Council Chambers at the Kershaw County Government Center.

**County Council Present:** Chairwoman Katie Guinn  
Councilman Sammie Tucker, Jr.  
Councilman Danny Catoe  
Councilman Russell Brazell  
Vice-Chairman Jimmy Jones  
Councilman Derek Shoemake  
Councilman Brant Tomlinson

**Staff Present:** Danny Templar  
Gerald Blanchard  
Hannah Parler  
Chris Anderson  
John DuBose  
Joey Adams-Raczkowski

Members of the press and public were present.

*In accordance with the Freedom of Information Act, copies of the agenda were sent to the newspapers, TV, and radio stations, citizens of the county, department heads, and posted on the website.*

### CALL TO ORDER

Chairwoman Katie Guinn called the meeting to order at 6:00 p.m., welcomed and thanked those present in person and online to the meeting of Tuesday, March 12, 2024. The Invocation was led by Pastor Steve Lee, and all in attendance recited the Pledge of Allegiance.

### ADOPTION OF AGENDA

Chairwoman Katie Guinn called for a motion on the adoption of the agenda for Tuesday, March 12, 2024. Councilman Sammie Tucker, Jr., made a motion to adopt the agenda, seconded by Councilman Danny Catoe. During the call for discussion, Councilman Russell Brazell made the following amendment and it was seconded by Councilman Brant Tomlinson to: add a Proclamation as Item 5A and list 5B as Women's History Month.

After no further discussions or amendments, Chairwoman Katie Guinn called for a vote on the amendment; Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Sammie Tucker, Jr., Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson were all in favor.

After voting on amendments to the agenda, Chairwoman Katie Guinn called for a vote on the Adoption of the Amended Agenda; Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Sammie Tucker, Jr., Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson were all in favor.

### PROCLAMATIONS

Chairwoman Katie Guinn read into the minutes a Proclamation honoring Charles J. Neese, a Kershaw County native who has accomplished outstanding achievements and service to his Country. After reading the Proclamation into the minutes, Chairwoman Katie Guinn called for a motion to accept the Proclamation; Councilman Russell Brazell made the motion and it was seconded by Councilman Brant Tomlinson; Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Sammie Tucker, Jr., Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson were all in favor.

During discussion, Councilman Russell Brazell expressed his deepest gratitude to a lifelong and true friend along with other Councilmembers thanking Senior Chief Petty Officer Charles J. Neese for his service and contributions.

## Kershaw County Council Minutes Tuesday, March 12, 2024

*Whereas, Senior Chief Petty Officer Charles J. Neese (Charlie) was born and grew up in Kershaw County, South Carolina; the third of four sons of Ray and Carol Neese; attended Kershaw County Schools until ninth grade and graduated from Thomas Sumter Academy in 1997, and upon graduation, entered the United States Navy in 1998; and*

*Whereas, Senior Chief Petty Officer Neese enlisted in the U.S. Navy as an Aerographer's (AG) Mate and in his culmination of twenty-five years of personal and professional sacrifice to the Armed Forces, he has become lauded as the most seasoned combat chief in naval meteorology and oceanography in The United States Navy, provided precise forecasting data for multiple intelligence surveillance and reconnaissance assets in missions against foreign terrorist groups, advises the Chief of Naval Operations on future capabilities and, is currently the Senior Enlisted Forecaster for the Atlantic Fleet of and will retire in June 2024, at his final duty station; Naval Station Norfolk; and*

*Whereas, Senior Chief Petty Officer Neese was assigned to Seal Team Six and carried out highly sensitive missions at the direction of the President of The United States where his expertise and professionalism were critical to national security; and*

*Whereas, Senior Chief Petty Officer Neese is a graduate of the Naval Technical School of Meteorology and Oceanography; a graduate of the Navy Senior Enlisted Academy, trained near Shore Ocean Wave Forecasting, qualified as an Enlisted Information Dominance Warfare Specialist, qualified as an Enlisted Expeditionary Warfare Specialist, and qualified as a Navy Command Career Counselor; and*

*Whereas, Senior Chief Petty Officer Charles J. Neese has been awarded the Defense Meritorious Service Medal, Two Joint Service Commendation Medals, Five Navy Commendation Medals, Four Navy Achievement Medals, Eight Good conduct Medals, National Defense Metal, Afghanistan Campaign Medal, Iraq Campaign Medal, and NATO Medal; and*

*Whereas, Department of Defense colleagues describe Senior Chief Petty Officer Neese as a man of high respect, knowledge, experience, exceptional abilities, and with a passion for Meteorology and Oceanography, a man that epitomizes the Navy Core Values of Honor, Courage and Commitment, a man of unmatched discipline and perseverance; and*

*Whereas, Military service impacts spouses and families, and we recognize the service and sacrifice of Mrs. Christine Neese, and we acknowledge her dedication and support to her husband's career, and we honor his son, Sam Neese, his daughter and son-in-law, Anna and Jake and his grandchildren, Ameila and Alex who all undoubtedly faced challenges while their father was deployed in support on worldwide missions; and*

*Whereas, The outstanding achievements of Senior Chief Petty Officer Charles J. Neese in the United States Navy, his selfless service to the United States of America, the American people, and the citizens of his hometown of Kershaw County are not only recognized, but celebrated with extreme gratitude.*

*Now, Therefore, Be It Resolved,*

*Kershaw County Council expressed its gratitude to Senior Chief Petty Officer Charles J. Neese and proudly dedicates this 12th day of March 2024, as Charles J. Neese Day in Kershaw County, South Carolina, in his honor.*

# Kershaw County Council Minutes

## Tuesday, March 12, 2024

### WOMEN'S HISTORY MONTH

Chairwoman Katie Guinn read a Proclamation into the minutes recognizing Women's History Month and March 8<sup>th</sup> as Women's International Day to honor all women of every race, status and ethnic background who have made historic contributions to the growth and strength of Kershaw County. Chairwoman Katie Guinn made a motion to accept the Proclamation and it was seconded by Vice-Chairman Jimmy Jones. In favor: Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Sammie Tucker, Jr., Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson.

During discussion, Vice-Chairman Jimmy Jones along with the remaining Council, congratulated Chairwoman Katie Guinn on her promotion as CW3 in the Army and thanked her for her service to this Country and to Kershaw County.

### PUBLIC COMMENTS (See Attached)

Chairwoman Guinn read the Rules and Guidelines for Public Comments into the minutes.

### PUBLIC HEARINGS

- A. An Amended And Restated Ordinance To Create A Joint Multi-County Business Park, Lee County And Kershaw County - **No Speakers**
  
- B. 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 Provide Greater Clarity To The Distinction In Maximum Allowed Residential Dwelling Densities Between Single Family Residential Development And Multi-Family/Apartment Development – **No Speakers**
  
- C. An Ordinance Of The Kershaw County Council To Establish A Litter Control Ordinance Which Shall Prohibit The Unlawful Disposal Of Litter Or Solid Waste In Kershaw County And Provide Enforcement And Penalty Provisions For Violations – **See Attached**

### APPROVAL OF MINUTES

Chairwoman Katie Guinn called for a motion to approve the minutes for the meeting of Tuesday, February 27, 2024. Councilman Sammie Tucker, Jr., made a motion to approve the minutes and it was seconded by Councilman Derek Shoemake. In favor: Vice-Chairman Jimmy Jones, Councilman Sammie Tucker, Jr., Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson.  
Recusal (absent from meeting): Chairwoman Katie Guinn

### ORDINANCES

- A. **Third Reading:** An Amended And Restated Ordinance To Create A Joint Multi-County Business Park With Lee County, This Multi-County Business Park To Be Comprised Of Property Located In Lee County And Kershaw County And Established Pursuant To South Carolina Code Of Laws Of 1976 §4-1-170, Et Sequitur, As Amended; To Provide For An Amended Written Agreement With Lee County Providing For The Expenses Of The Park, The Percentage Of Revenue Application, And The Distribution Of Fees In Lieu Of *Ad Valorem* Taxes To The Counties And Relevant Taxing Entities; And, To Provide That Jobs Tax Credits Allowed By Law Be Provided For Industries Locating In Said Park, And To Permit A User Fee In Lieu Of *Ad Valorem* Taxation.  
**First Reading: February 13, 2024    Second Reading: February 27, 2024**  
**Public Hearing: March 12, 2024    Third Reading: March 12, 2024**

KERSHAW COUNTY COUNCIL MEETING

**PUBLIC COMMENTS**

**3.12.2024**

If you would like to address the County Council during the Public Comments portion of the agenda, please sign in below. Public Comment allows 5 minutes per individual speaker. See back of agenda for complete guidelines.

	NAME:	SUBJECT:	ADDRESS & PHONE NO.
1.	✓ Rick Detwiler	Wateree Valley	Presentation
2.	✓ Rene Castro	Wateree Valley	Presentation
3.	✓ Marty Daniels	Wateree Valley	Presentation
4.	✓ ANDREW WHITAKER	LITTER ORDINANCE	Comments
5.	✓ Nicholas Garcia	Litter ordinance	(603) 785-9101
6.	✓ Ywanda Swann	Litter	704-576-5588
7.	✓ Christine Denis	Litter ordinance	843-997-5978
8.	✓ Jill Welke	Litter	803-513-9608
9.	✓ Tommy Swann	Litter / Fun Day	
10.	✓ Rob Brown	Litter ordinance	614-989-0204 32 Pinegrove Pland. Circle - Penhat
11.	✓ JOE MENENDEZ	LITTER ORN	988 VETERANS ROW, ELGIN. (864) 345-3512
12.	✓ Di Du Bose	LITTER ORN	
13.	✓ Gregory Fisher	Litter	318 Hunter Rd Kershaw, SC 29067
14.	✓ JIM STEELE	LITTER	803 492 7919 1468 HETTIE RICKET RD
15.	✓ JULIE LARRY STRICKLAND	LITTER	803 669-2684 38 Mount Laurel Rd
16.	✓ Krishonda Jones	Litter	24050 58975 114 Colony Pr
17.	✓ Gene GAZZARA	LITTER	44 Kirkover Ln 508 221 4238
18.	✓ TOM WEBB III	LITTER	640 WALK HORTON 669 2286
19.	✓ STEVE LEE	LITTER	745 BEULAH CHURCH RD
20.	✓ William Robinson	Knight Hill Park	803-609-1197 (c)
21.	✓ Liz Beard	Litter	
22.			
23.			
24.			

KERSHAW COUNTY COUNCIL MEETING

**PUBLIC HEARING**

**3.12.2024**

An Ordinance Of The Kershaw County Council To Establish A Litter Control Ordinance Which Shall Prohibit The Unlawful Disposal Of Litter Or Solid Waste In Kershaw County And Provide Enforcement And Penalty Provisions For Violations

NAME

ADDRESS

PHONE

	NAME	ADDRESS	PHONE
1.			
2. ✓	Gene GAZZARA	44 Kirkover Ln	508 221 4230
3. ✓	TOM WEBB	600 WORICK MONTON	609 8782
4. ✓	Lynn Conto		
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KERSHAW COUNTY COUNCIL MEETING

**PUBLIC HEARING**

**3.12.2024**

**An Amended And Restated Ordinance To Create A Joint Multi-County Business Park,  
Lee County And Kershaw County**

**NAME**

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KERSHAW COUNTY COUNCIL MEETING

**PUBLIC HEARING**

**3.12.2024**

**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 Provide Greater Clarity To The Distinction In Maximum Allowed Residential Dwelling Densities Between Single Family Residential Development And Multi-Family/Apartment Development**

**NAME**

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**PHONE**

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## Kershaw County Council Minutes Tuesday, March 12, 2024

No further discussion was needed, no updates or legal changes were made since last reading:  
Motion to accept Third Reading: Councilman Sammie Tucker, Jr., and seconded by Councilman Brant Tomlinson. By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Sammie Tucker, Jr., Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson were all in favor.

- B. Second Reading:** Kershaw County Planning and Zoning Commission – Request For Text Amendment By Kershaw County (Case 24-05)  
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 Provide Greater Clarity To The Distinction In Maximum Allowed Residential Dwelling Densities Between Single Family Residential Development And Multifamily/Apartment Development.

**First Reading: February 27, 2024    Second Reading: March 12, 2024**

During discussion, Councilman Derek Shoemake stated that this request for text amendment was basically clerical fixes to the Zoning Table as he made a motion to pass Second Reading; seconded by Councilman Russell Brazell. By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Sammie Tucker, Jr., Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson were all in favor.

- C. Third Reading:** An Ordinance Of The Kershaw County Council To Establish A Litter Control Ordinance Which Shall Prohibit The Unlawful Disposal Of Litter Or Solid Waste In Kershaw County And Provide Enforcement and Penalty Provisions For Violations  
**First Reading: January 23, 2024    Second Reading: February 13, 2024    Third Reading: March 12, 2024**

Chairwoman Katie Guinn called for a motion to pass Third Reading of an Ordinance of Kershaw County to establish a Litter Control Ordinance; Councilman Derek Shoemake made the motion and it was seconded by Councilman Sammie Tucker, Jr. During discussion, Councilman Derek Shoemake clarified a clerical issue and made a motion to amend Section 6A, B, and C and on each of those after the sentence that says must be fined not less than \$250 - \$500 or \$750, add the following language (as mentioned to the Attorney) put a comma unless the person provides proof that they are financially unable to pay a fine or that they can only pay a reduced fine, additionally, he moved to amend section 6A to remove the language or term of imprisonment because that's a carryover from the State Ordinance, but it does not have imprisonment; seconded by Councilman Sammie Tucker, Jr. By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Sammie Tucker, Jr., Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson were all in favor.

### RESOLUTIONS

A Resolution Opposing A Project To Widen U.S. Hwy 521

(placed on the agenda by Chairwoman Katie Guinn, deferred from January 23, 2024)

Before moving forward with this Resolution, Vice-Chairman Jimmy Jones withdrew his motion from the meeting of January 23, 2024, which was deferred to a later date; seconded by Chairwoman Katie Guinn. Chairwoman Katie Guinn read into the minutes a Resolution opposing a Project to widen U.S. Hwy 521. Vice-Chairman Jimmy Jones made a motion and it was seconded by Chairwoman Katie Guinn.

Discussion on Resolution:

- Vice-Chairman Jimmy Jones stated he was in favor and supports the citizens who are not in favor of the widening of Hwy 521/Interstate 20;
- Councilman Danny Catoe abstained from voting until he receives more information;
- Councilman Brant Tomlinson was opposed until he receives more information;



## Kershaw County Council Minutes Tuesday, March 12, 2024

- Councilman Derek Shoemake was opposed;
- Councilman Sammie Tucker, Jr. made no comments;
- Chairwoman Katie Guinn stated she spoke with Dennis Cyphers, Executive Director at Santee Lynches COG, and he is willing to come and speak with the citizens and explain the Hwy 521/Interstate 20 Project.

Vice-Chairman Jimmy Jones made a motion to defer indefinitely the Resolution to a set time to gather information requested where all of Council will be on the same terms; seconded by Chairwoman Guinn. By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Danny Catoe, and Councilman Russell Brazell agreed to defer; opposed were Councilman Sammie Tucker, Jr., Councilman Derek Shoemake, and Councilman Brant Tomlinson.

### NEW BUSINESS

#### Detention Shower Project Bid

The County Administrator presented to Council, a Detention Shower Bid Project procured through Gordian's to contract Johnson-Laux Construction out of Summerville, SC for renovation of multiple shower and bathroom areas of the Kershaw County Detention Center in the bid amount of \$172,379.83. Chairwoman Katie Guinn called for a motion to accept the bid; Councilman Derek Shoemake made the motion and it was seconded by Councilman Sammie Tucker, Jr. By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Sammie Tucker, Jr., Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson were all in favor.

### APPOINTMENTS

Assessment Appeals Board (2 vacancies) (1 applicant)

The Assessment Appeals Board currently has two vacancies with one applicant. Councilmember Derek Shoemake made a motion to appoint Rozalyn Franklin to the board leaving one vacancy; seconded by Councilman Sammie Tucker, Jr. . By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Sammie Tucker, Jr., Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson were all in favor.

### COUNCIL MEMBER BRIEFINGS

**Councilman Russell Brazell** thanked the entire Council for their support and thanked Chairwoman Katie Guinn for handling the presentation and writing of the Proclamation honoring his dear friend, Senior Chief Petty Officer Charles J. Neese.

**Councilman Sammie Tucker, Jr.**, assured the citizens and Chairwoman Guinn that he is very sure that the Director of the COG, Dennis Cyphers, will do all he can do to accommodate the citizens and answer any questions that he can; no one is hiding or keeping anything from the citizens; the Finance Committee had a very productive meeting with the Departments of Kershaw County at the last meeting; the next meeting is scheduled for Tuesday, March 19<sup>th</sup> at 3:30 p.m.

**Councilman Derek Shoemake** commented that the Elgin Community Center is coming along since ground breaking; will make plans to attend Elgin Town meetings; commented on the Litter Control Ordinance process and thanked the staff for their support in helping with the ordinance; recognized a dear friend, Nick, in the audience and thanked him for his support.

**Councilman Danny Catoe** dedicated a "thank you" to the women in his life that molded him into who he is today in honor of Women's History Month; Litter Pickup – March 23 at 7:00 a.m.; Mt. Pisgah Community Resource Center Movie Night – March 16<sup>th</sup> at 12:30 p.m. – free to the public, free refreshments; expressed to the citizens that his commitment to the people is to do what is best, and his decisions and votes are made based on what he thinks is best and to uphold his commitment as a Councilmember to support what is right to the citizens.

**Councilman Brant Tomlinson** thanked his colleagues and staff for their hard work and support to Kershaw County and what an honor it is to work with them on making decisions to support Kershaw County; April 27<sup>th</sup> – Friends of Goodale-visit the park to see all of the updates going on; May 7- SC Expedition hiking and trail – come out and support.

# Kershaw County Council Minutes

Tuesday, March 12, 2024

**Vice-Chairman Jimmy Jones** mentioned that he lost a close dear friend, Mr. Steve Zobel, and requested a moment in silence in his memory; congratulated Senior Chief Petty Officer Charles J. Neese on his great accomplishments and service to our Country; expressed concerns of supporting the jail and developing a plan to better the jail; thanked colleagues for continued support and effort to do what is best for the citizens of Kershaw.

**Chairwoman Katie Guinn** informed Council that she will be attending the first week in April the Coalition RX Drug Summit; Coalition received funding for a reverse 911 system called Code Red and this would basically allow the County to do a reverse 911 call out to the public to let the public know there's a Fentanyl outbreak in the community; the Nanoxen vending machine is at the jail in case it is needed onsite; the Coalition is looking into a "take back day" where you can bring unused medications for disposal instead of trashing them or flushing them down the toilet or sink; March 21<sup>st</sup> at Liberty Hall is Unity in the Community - contact to register for the workshop – email: [UnityKershaw@gmail.com](mailto:UnityKershaw@gmail.com); referred to an email given to each Councilmember from Katie Minon who is opposing the residential development at CTC; shared her new County contact phone number and welcomed all concerns and questions to that number: 839-278-0999.

## ADMINISTRATOR'S BRIEFING

- March 18<sup>th</sup> at 6 p.m., the Joint Council and Planning meeting at Economic Development
- Offender Management Service reviewed for a potential 57 candidates for home detention and at the end of review with qualifications, no one qualified.

## LEGAL BRIEFING

Legal briefing will be given in Executive Session

## EXECUTIVE SESSION

- A. Legal Briefing Regarding Economic Development Matters, S.C. Code § 30-40-70(a)(5)
- B. Receipt of Attorney-Client Privileged Legal Briefing, S.C. Code § 30-4-70(a)(2)

## IN SESSION: 10:04 P.M.

Council and Legal went into Executive Session to discuss topics A and B; Councilman Sammie Tucker, Jr., made a motion to enter Executive Session and it was seconded by Councilman Danny Catoe; By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Sammie Tucker, Jr., Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson were all in favor.

## OUT OF SESSION: 10:23 P.M.

No votes were taken in Executive Session. Councilman Sammie Tucker, Jr., made a motion to exit Executive Session and it was seconded by Councilman Russell Brazell. By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Sammie Tucker, Jr., Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson were all in favor.

## ADJOURNMENT

After no further discussion, Chairwoman Katie Guinn called for a motion to adjourn; Councilman Sammie Tucker, Jr., made the motion and it was seconded by Councilman Russell Brazell. By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Sammie Tucker, Jr., Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson were all in favor.

The meeting was adjourned at 10:24 p.m.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Hannah M. Parler, Clerk to Council

# **ORDINANCES**

**Third Reading – CASE 24-05 - Kershaw County Planning and Zoning Commission – Request For Text Amendment By Kershaw County - 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 Provide Greater Clarity To The Distinction In Maximum Allowed Residential Dwelling Densities Between Single Family Residential Development And Multifamily/Apartment Development.**  
**First Reading: February 27, 2024    Second Reading / Public Hearing: March 12, 2024**

**First Reading:** An Ordinance Of The Kershaw County Council To Amend The Membership Provisions For The Kershaw County Clean Community Commission By Adding Two At-Large Membership Positions.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF KERSHAW )

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE KERSHAW COUNTY COUNCIL TO AMEND THE MEMBERSHIP PROVISIONS FOR THE KERSHAW COUNTY CLEAN COMMUNITY COMMISSION BY ADDING TWO AT-LARGE MEMBERSHIP POSITIONS.**

WHEREAS, the Kershaw County Council by Ordinance No. 317.2018 reestablished the Clean Community Commission on April 10, 2018.

WHEREAS, the Kershaw County Council by Ordinance No. 393.2022 adopted and enacted a new code for Kershaw County, South Carolina on September 13, 2022, which recodified the ordinances relating to the Clean Community Commission to Chapter 2, Article X, Division 6 of the Kershaw County Code of Ordinances.

WHEREAS, Kershaw County wishes to amend and change the membership provisions of the Clean Community Commission to allow for two at-large membership positions on the Commission to more broadly represent the citizens of Kershaw County on the Commission.

**NOW, THEREFORE, BE IT ORDAINED BY THE KERSHAW COUNTY COUNCIL DULY ASSEMBLED THAT:**

**SECTION I.** Chapter 2, Article X, Division 6, of the Kershaw County Code of Ordinances is amended as follows:

~~Indicates Matter Stricken~~  
Indicates New Matter

**DIVISION 6 – CLEAN COMMUNITY COMMISSION**

**Sec. 2-444. Established, membership.**

(a) There is hereby established the Kershaw County Clean Community Commission. This commission will consist of ~~nine~~ eleven members.

(b) The nine members of the Kershaw County Clean Community Commission shall be appointed as follows:

(1) The City of Camden shall appoint one (1) member. The Town of Bethune shall appoint one (1) member. The Town of Elgin shall point one (1) member.

(2) Kershaw County Council shall appoint ~~six (6)~~ eight (8) members: as follows:

i. ~~The six~~ Six (6) members appointed by Kershaw County Council shall be nominated by each council member per single member district (6 members of commission nominated as one each by each council district member).

ii. Two (2) members shall be at-large members and may be nominated by any council member.

- iii. After being nominated by ~~the~~ a council member, ~~of each council-~~  
~~member district~~ the nominee shall be appointed by vote of county council.
- (c) Terms of the Members. The members of the Kershaw County Clean Community Commission shall serve three (3) year terms and until their successors are appointed and qualified. Members shall serve no more than (2) consecutive full three (3) year terms. If a member is appointed to fill an unexpired term the partial term shall not count as a full three (3) year term.

....

The two (2) at-large members shall be initially appointed to a three (3) year term to begin July 1, 2024, and expire June 30, 2027.

**SECTION II. Severability.** Should any part, provision, or term of this Ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding, or determination shall not affect the rest and remainder of the Ordinance or any part, provision, or term thereof, all of which is hereby deemed separable.

**SECTION III. Conflicting Provisions.** To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Kershaw County Code of Ordinances or other County ordinances, the provisions contained in this ordinance shall supersede all other provisions and the provisions of this ordinance will be controlling.

**SECTION IV. Effectiveness.** This Ordinance takes effect and is in full force only after the County Council has approved this Ordinance following three readings and a public hearing.

KERSHAW COUNTY, SOUTH CAROLINA

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Kaitlyn E. Guinn, Chair  
Kershaw County Council

(SEAL)

ATTEST:

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Hannah M. Parler, Clerk to Council

First Reading:            March 26, 2024  
Second Reading:  
Third Reading:  
Public Hearing:

**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 24-05)**

**PROPOSAL:** TO AMEND THE KERSHAW COUNTY, SOUTH CAROLINA UNIFIED CODE OF ZONING AND LAND DEVELOPMENT REGULATIONS, SECTION 3:1.3, TABLE 3-4 TO PROVIDE GREATER CLARITY TO THE DISTINCTION IN MAXIMUM ALLOWED RESIDENTIAL DWELLING DENSITIES BETWEEN SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND MULTIFAMILY/APARTMENT DEVELOPMENT.

February 12, 2024 (See page 3 for the Planning & Zoning Commission Action Summary)



## STAFF REPORT

### KERSHAW COUNTY PLANNING AND ZONING COMMISSION (February 12, 2024 Meeting)

**Request #:** 24-05

**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 PROVIDE GREATER CLARITY TO THE DISTINCTION IN MAXIMUM ALLOWED RESIDENTIAL DWELLING DENSITIES BETWEEN SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND MULTIFAMILY/APARTMENT DEVELOPMENT.

#### 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.
- Section 3:1.3 Table 3-4 contains notations and calculation methods for the permitted maximum housing densities for both single family residential housing and multifamily/apartment housing.
- Section 3:1.3 Table 3-4 provides that the maximum density for single-family residential development types is 4.35 dwelling units per acre (dua) and the maximum density for multifamily/apartments is of 6.71 dua and the stated maximum densities clearly reflect the policy goals of Kershaw County Council in enacting Ordinance 397.2023.
- The Maximum Density portion of Section 3:1.3 Table 3-4 lists as the maximum density of any zoning district the density associated with the most intensive housing type allowed in that zoning district. For the R-6, B-2, B-3, and GD districts the listed maximum density is for multifamily/apartment because that is the most intensive housing type and the greatest density allowed in those districts.

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

- Section 3:1.3 Table 3-4 of the ZLDR should be amended to also specify the maximum density of single-family residential development projects is 4.35 du in the R-6, B-2, B-3, and GD zoning districts so that the distinction in the maximum allowed density for single-family residential development (4.35 du) and multifamily/apartment development (6.71 du) is more explicit.

- **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 February 12, 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 Ms. Davis.

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 was unanimous (7:0) and therefore the matter has been referred to the Kershaw County Council with recommendation for approval.

Exhibit 1  
Ordinance No.

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**

DISTRICT	AREA (SQ FT) (A) [2]	STREET FRONTAGE WIDTH (FT.) (B)	RESIDENTIAL USES			MAXIMUM BUILDING HEIGHT (FT.) (D)	MAXIMUM IMPERVIOUS SURFACE RATIO (E)	MAXIMUM DENSITY (F) [2]
			SETBACKS (FT. FROM PROPERTY LINE) (C)	FRONT	SIDE			
R-15	15,000 (.34 acre)	80	35	10	20	35	.50	2.9
R-10	15,000 (.34 acre) single family	75	25	10	20	35	.60	4.35
	5,000 (.115 acre) each additional dwelling unit.							
R-6	15,000 (.34 acre) single family	50	25	10	20	35	.60	4.35
	5,000 (.115 acre) each additional dwelling unit.							
O-1	15,000 (.34 acre)	50	35	10	20	35	.60	4.35
	5,000 (.115 acre) each additional dwelling unit.							
B-2	15,000 (.34 acre)	40	35	10	20	4 stories	.60	4.35
	5,000 (.115 acre) each additional dwelling unit.							
B-3	15,000 (.34 acre)	40	35	10	20	35	.60	4.35
	5,000 (.115 acre) each additional dwelling unit.							
I-1	NA	NA	NA	NA	NA	NA	NA	NA
	15,000 (.34 acre)							
GD	5,000 (.115 acre) each additional dwelling unit.	50	35	10	10	4 stories	.60	4.35
	5,000 (.115 acre) each additional dwelling unit.							
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, townhomes, 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. The maximum density for a single-family residential development project is 4.35 dwelling units per acre.

- (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 cave. Refer to exceptions.
- (E) Measured as a percent of total lot area.
- (F) Measurement in units per gross acre.

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STATE OF SOUTH CAROLINA        )  
                                                  )  
COUNTY OF KERSHAW                )

ORDINANCE NO. \_\_\_\_\_. 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 PROVIDE GREATER CLARITY TO THE DISTINCTION IN MAXIMUM ALLOWED RESIDENTIAL DWELLING DENSITIES BETWEEN SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND MULTIFAMILY/APARTMENT DEVELOPMENT.**

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) Section 3:1.3 Table 3-4 contains notations and calculation methods for the permitted maximum housing densities for both single family residential housing and multifamily/apartment housing.
- (d) Section 3:1.3 Table 3-4 provides that the maximum density for single-family residential development types is 4.35 dwelling units per acre (dua) and the maximum density for multifamily/apartments is of 6.71 dua and the stated maximum densities clearly reflect the policy goals of Kershaw County Council in enacting Ordinance 397.2023.
- (e) The Maximum Density portion of Section 3:1.3 Table 3-4 lists as the maximum density of any zoning district the density associated with the most intensive housing type allowed in that zoning district. For the R-6, B-2, B-3, and GD districts the listed maximum density is for multifamily/apartment because that is the most intensive housing type and the greatest density allowed in those districts.
- (f) Section 3:1.3 Table 3-4 of the ZLDR should be amended to also specify the maximum density of single-family residential development projects is 4.35 dua in the R-6, B-2, B-3, and GD zoning districts so that the distinction in the maximum allowed density for single-family residential development (4.35 dua) and multifamily/apartment development (6.71 dua) is more explicit.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**KERSHAW COUNTY, SOUTH CAROLINA**

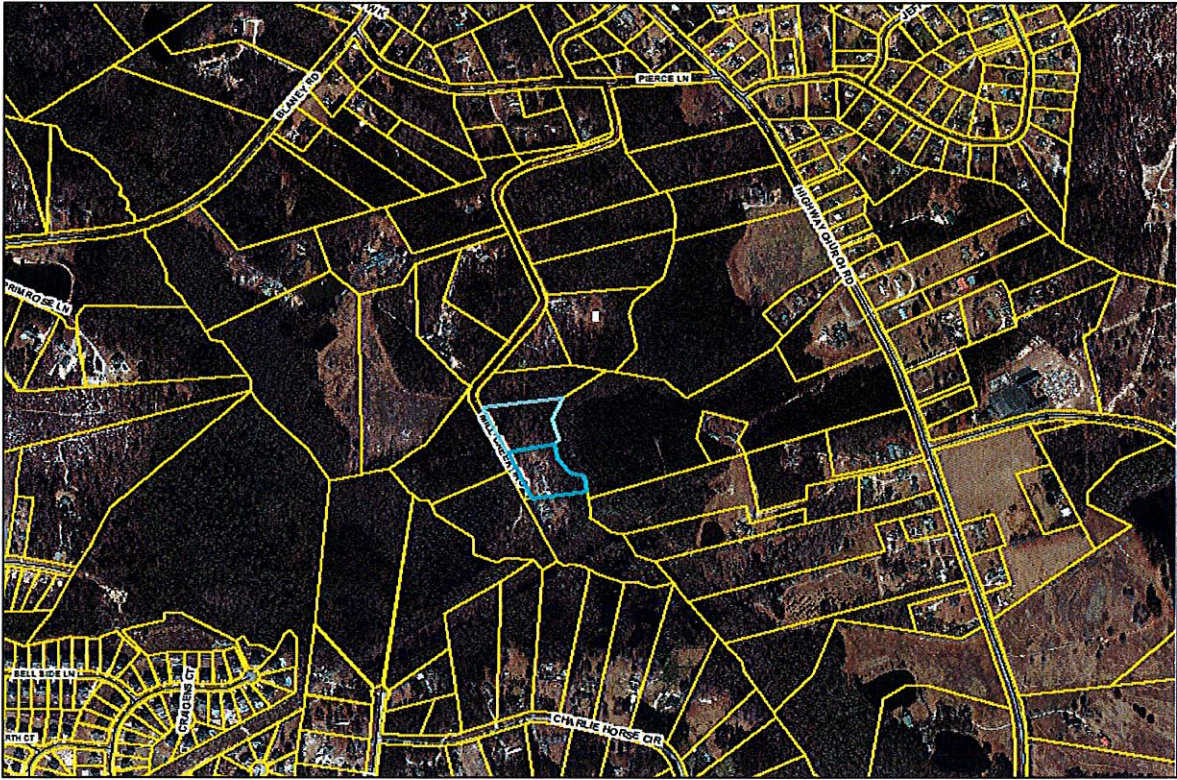
\_\_\_\_\_  
Kaitlyn Guinn, Chairwoman, County Council

ATTEST:

\_\_\_\_\_  
Hannah Parler, Clerk to Council

First Reading: February 27, 2024  
Second Reading: March 12, 2024  
Third Reading: March 26, 2024  
Public Hearing: March 12, 2024

**First Reading: CASE 24-06** - An Ordinance To Amend The Official Zoning Map Of Kershaw County To Rezone Approximately +/- 4.9 Acres Of Property (TMS # 348-00-00-120 and -085), Owned By Joe and Cindy Smith, And Located On The North Side Of Mill Creek Trace, With Addresses of 116 and 120 Mill Creek Trace, Elgin, South Carolina, From R-15, Low Density Residential District, To RD-2, Rural Resource District.



# KERSHAW COUNTY PLANNING & ZONING COMMISSION

## REQUEST FOR MAP AMENDMENT BY JOE & CINDY SMITH (CASE 24-06)

Current Zoning: R-15 (Low Density Residential District)

Proposed Zoning: RD-2 (Rural Resource District)

TMS# 348-00-00-120 and -085

March 11, 2024 (see pages 9 and 10 for Planning Commission Action Summary)



**STAFF REPORT**  
**KERSHAW COUNTY PLANNING & ZONING COMMISSION**  
**(March 11, 2024 Meeting)**

**Request #:** 24-06  
**Applicant:** Joe and Cindy Smith  
**Property Size:** Approximately 4.9 acres  
**Current Zoning:** R-15 (Low Density Residential)  
**Proposed Zoning:** RD-2 (Rural Resource District)  
**Location:** 116 and 120 Mill Creek Trace  
**TMS#:** 348-00-00-120 and -085

**Background Summary:** This rezoning request consists of two existing parcels totaling approximately 4.9 acres. The parcels are owned by Joe and Cindy Smith with addresses of 116 and 120 Mill Creek Trace.

The applicant has indicated that the purpose of this request is to place a double wide manufactured home on the property located at 116 Mill Creek Trace for their son. Mill Creek Trace is a private dirt road.

The Smith's have included their own primary residence at 120 Mill Creek Trace in this rezoning request in order for the properties to be considered as being contiguous to existing RD-2 zoning.

Previously in May of 2015, the Smith's successfully rezoned adjoining parcel 348-00-00-092, addressed as 134 Mill Creek Trace, from R-15 to RD-2 so that another son could place a manufactured home on that parcel of land.

However, rezoning property for one specific use, or "conditional rezoning" is illegal in the State of South Carolina. Therefore, this must be reviewed as a general use rezoning request. If approved, any and all permitted and conditional uses allowed in the RD-2 zoning district could be developed on this property.

**Key Issue Summary:** The following key issues should be resolved through the consideration of this application:

- Does the request follow the Future Land Use Map?
- Does the request correlate with the current Kershaw County Comprehensive Plan?

### Current Property Information

<b>Land Use</b>	120 Mill Creek Trace is developed with a single-family home. 116 Mill Creek Trace is currently vacant.
<b>Site Features</b>	Developed property at 116 Mill Creek Trace. Partially wooded existing lot / undeveloped at 120 Mill Creek Trace.
<b>Flood Hazards</b>	No special flood hazard areas. There are a few small areas of non-delineated wetlands, however, they do not impact the ability to place a home on the property.
<b>Vehicle Access</b>	Via Mill Creek Trace, an existing private road.

### Surrounding Zoning and Land Use

	Zoning:	Land Use:
<b>North:</b>	R-15	Wooded, vacant.
<b>South:</b>	RD-2	Residentially developed property (son living in double wide at 134 Mill Creek Trace). Also, Arrow Woods Subdivision, developed with single wide and double wide homes.
<b>East:</b>	R-15	Wooded, vacant.
<b>West:</b>	R-15	Wooded, vacant.

Zoning District Summary (Existing/ Proposed)

	Existing Zoning: R-15	Proposed Zoning: RD-2
<b>Zoning District Intent:</b>	The R-15 Residential District is intended to foster, preserve, and protect at low densities, areas of the community/County in which the principal use of land is for detached, single-family dwellings and limited residential support facilities at low densities.	The value of agricultural lands, woodlands, wetlands, and other resources which characterize this district are important to clean water, air, and to many natural cycles. These lands provide much of the character that makes Kershaw County an attractive place to live. The intent of this district, therefore, is to protect these area resources from development, which would needlessly alter their rural state and contribute to a balanced environment.
<b>Permitted Uses:</b>  <i>Note: See Table 3-3 of the Zoning and Land Development Regulations for a complete listing of permitted and conditional uses.</i>	<p>Single-Family Detached Patio Homes (conditional) Schools Community Center for Elderly or Other Residential Care Facilities Museums Golf, Tennis, Swimming Club Religious Organizations Bed &amp; Breakfast (conditional) Fire Protection Accessories to residential uses</p> <p><i>Note: No multi-family uses are allowed in the R-15 district, including duplex, triplex, quadplex, townhomes, or apartments.</i></p>	<p>Single-Family Detached Manufactured Housing Agricultural Production Crops, Livestock, Animals Forestry and Logging Fishing, Hunting, and Trapping Mining Electric, Gas, and Sanitary Services Wild Game Processing Retail stores (C) Golf, tennis, and swim clubs Bed and Breakfast, hosting weddings (C) Camps and RV Parks (C) Transportation and Warehousing Libraries and Archives Veterinary services Landscape Services Educational Services Nursing Care Facilities Zoos and Botanical Gardens Hunt Clubs Pet Care</p>

<b>Water and Sewer Service:</b>	Septic	Well or Community Water
<b>Lot and/or Density Requirements:</b>	<p>Minimum lot size in R-15 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).</p> <p>The minimum lot size in R-15 for lots without access to public sewer or community onsite sewage treatment and disposal systems, <b>but on public water</b>, shall be one-half (1/2) acre (.50 acre).</p> <p>Minimum lot size in R-15 on public sewer and public water is 15,000 sq.ft. for the first lot, plus an additional 5,000 sq.ft per unit, with a maximum du of 4.35/acre.</p>	Minimum one acre lot size with a maximum du of 1/acre.
<b>Setbacks Required:</b>	<p>Street Frontage: 80'</p> <p>Front: 35'</p> <p>Side: 10'</p> <p>Rear: 20'</p>	<p>Street Frontage: 100'</p> <p>Front: 35'</p> <p>Side: 20'</p> <p>Rear: 30'</p>
<b>Height Restrictions:</b>	35'	35'
<b>Maximum Impervious Surface Ratio:</b> Measured as a percent of total lot area	.60	.40
<b>Maximum Density:</b> Measurements in units per gross acre	4.35 units per acre	1 unit per acre

### Infrastructure

Council District	District 4
Water	Well or community water
Electricity	Unknown
Sewer or Septic	Septic
School(s)	Blaney Elementary Leslie M. Stover Middle Lugoff Elgin High School
Fire District	Blaney Fire Department
Police Department	Kershaw County Sheriff's Department

### Traffic

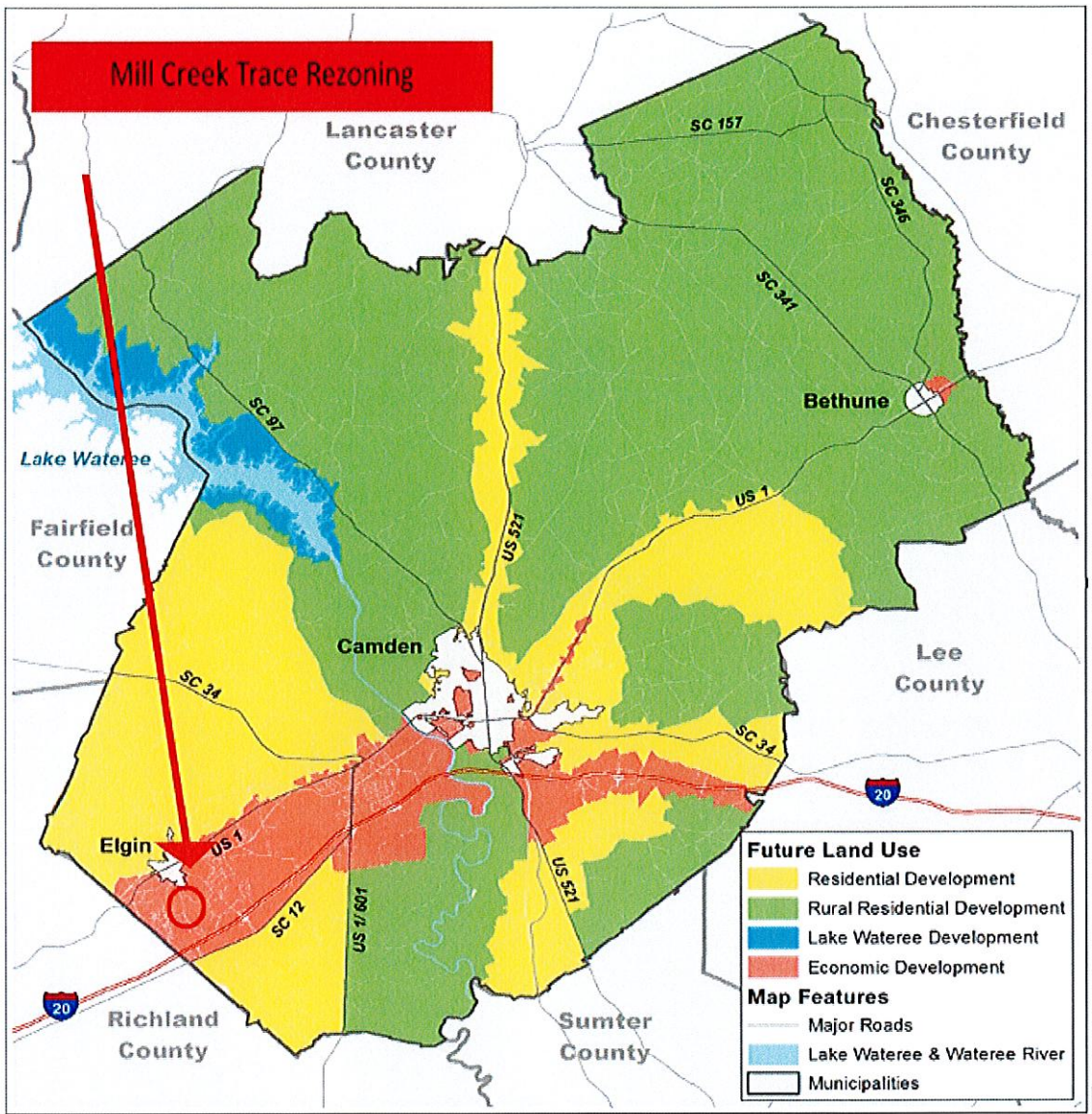
Street Classification	Current LOS (Level Of Service)
<p><b>Local roads</b> primarily provide access to adjacent land and road systems of higher classification for travel over relatively short distances.</p>	<p>Mill Creek Trace is a private road approximately 0.65 miles in length and is maintained by the Mill Creek HOA. This road and subdivision were developed in 1987 as a private subdivision prior to Kershaw County adoption countywide zoning and development standards in late 1999.</p>

**Decision Criteria:**

Again the key issues that should be resolved through consideration of this application are:

- Does the request follow the Future Land Use Map?
- Does the request correlate with the current Kershaw County Comprehensive Plan?

Future Land Use Map



**Future Land Use Map Designation of ED – ECONOMIC DEVELOPMENT AREAS**

Areas so designated contain principally the full range of business, commercial, employment, industrial, institutional, and service uses, and are projected to accommodate the bulk of such development in the future. This designation does not exclude prospects for residential development, however. Residential development located within ED areas could shorten the time and distance between the workplace and home. As infrastructure development is most intense in the ED areas, higher density residential developments are more appropriate. **Many existing residential developments are located in ED designated areas.** The principles applied to Residential Development areas will also apply to residential enclaves within the ED areas. Also, some land currently devoted to the equine industry can be found within areas generally designated as Economic Development areas. This is especially the case in the Economic Development areas around the City of Camden.

## Comprehensive Plan Considerations:

- *Promote housing choice throughout the county to include single-family homes, townhomes, patio homes, multi-family developments, and manufactured homes in appropriate areas.*
- *Encourage the infill development of housing on vacant residential properties that makes use of existing infrastructure and reflects local character and design.*

### ***The Comprehensive Plan.***

*Preliminary Staff Analysis Comments:* The Economic Development designated areas supports the continued development within existing neighborhoods.

### ***The current conditions and character of the current structures and uses in each district.***

*Preliminary Staff Analysis Comments:* The subject parcels do directly abut existing RD-2 zoning to the south with long-established residential uses that include both site built and manufactured homes.

### ***The most desirable use for which the land in each district is adapted.***

*Preliminary Staff Analysis Comments:* This specific parcel is completely surrounded by existing residential uses and/or property zoned for residential use.

### ***Responsible growth and development:***

*Preliminary Staff Analysis Comments:* Given the existence of established residential uses directly abutting the subject parcel, the proposed rezoning RD-2, from staff's perspective, could be found to be appropriate and compatible with surrounding existing residential site built and manufactured home land uses.

## Spot Zoning

Staff provides the Planning & Zoning Commission and the County Council with the following for informational purposes:

“As defined by the South Carolina Municipal Association: Zoning a small parcel as an island surrounded by a district with different zoning may be spot zoning. The Supreme Court stated that invalid “spot zoning” is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area to benefit the owners of such property and to the detriment of other owners. *Bob Jones University, Inc. v. City of Greenville*, 243 S.C. 351, 133 S.E.2d 843 (1963). Small areas may be rezoned as long as the action is not arbitrary or unreasonable. To help avoid the problem of spot zoning, many zoning ordinances include a provision prohibiting some types of free standing zoning districts of less than two acres.” The Kershaw County Zoning and Land Development Regulations do not contain such language.

### **Final Staff Analysis:**

After analyzing the goals of the Comprehensive Plan, the Future Land Use Map, the permitted and conditional uses within the RD-2 (Rural Resource) zoning district, and considering the issue of spot zoning as well as the character of the surrounding area and existing development patterns, staff's analysis concludes that this petition appears to be in keeping with the current development policies of Kershaw County and the current development patterns in this area.

However, the Planning and Zoning Commission statutorily, and per the ZLDR, has the ultimate responsibility to provide a formal recommendation to the County Council. The County Council is the final decision making authority for all rezoning petitions.

### **Planning and Zoning Commission Options:**

During the consideration of rezoning requests, the Planning and Zoning Commission should be examining the staff analysis of the request, considering public comment, and reaching an independent decision. Staff provides an analysis absent public opinion, without bias toward a specific use that may be proposed, review of the comprehensive plan and future land use map, as well as considering the impact of the requested zoning district on surrounding properties given all permitted and conditional uses that could be developed on the property if successfully rezoned to RD-2 (Rural Resource) zoning district.

### **Reviewing a request for a map amendment the Planning and Zoning Commission may:**

- Forward a favorable recommendation to the Kershaw County Council

- Forward an unfavorable recommendation to the Kershaw County Council

- Continue to the review to the next Planning and Zoning Commission Meeting

### **PLANNING AND ZONING COMMISSION ACTION SUMMARY**

On March 11, 2024 the Planning and Zoning Commission held a public hearing to review the request of property owners Joe and Cindy Smith.

This rezoning request consists of two parcels totaling approximately 4.9 acres. The parcel at 116 Mill Creek Trace is currently vacant, and the parcel at 120 Mill Creek Trace is the applicant's residence. Both parcels are accessed via Mill Creek Trace.

The applicant has indicated uses that they would like to seek rezoning to allow the placement of a double wide manufactured home at 116 Mill Creek Trace for one of their sons.

However, rezoning property for one specific use, or "conditional rezoning", is illegal in the State of South Carolina. Therefore, this is a general use rezoning request. If approved, any and all permitted and conditional uses allowed in the RD-2 (Rural Resource) zoning district could be developed on this property.

Planning and Zoning Commission members present were Chair Fiona Martin, Vice chair Libby Davis, Robert Horton, Ned Towell, Heather Dykes, Clifton Emmons, and Lanny Gunter. No members were absent.



During the public hearing, Joey Adams-Raczkowski, Planning Director, presented the staff report and staff analysis.

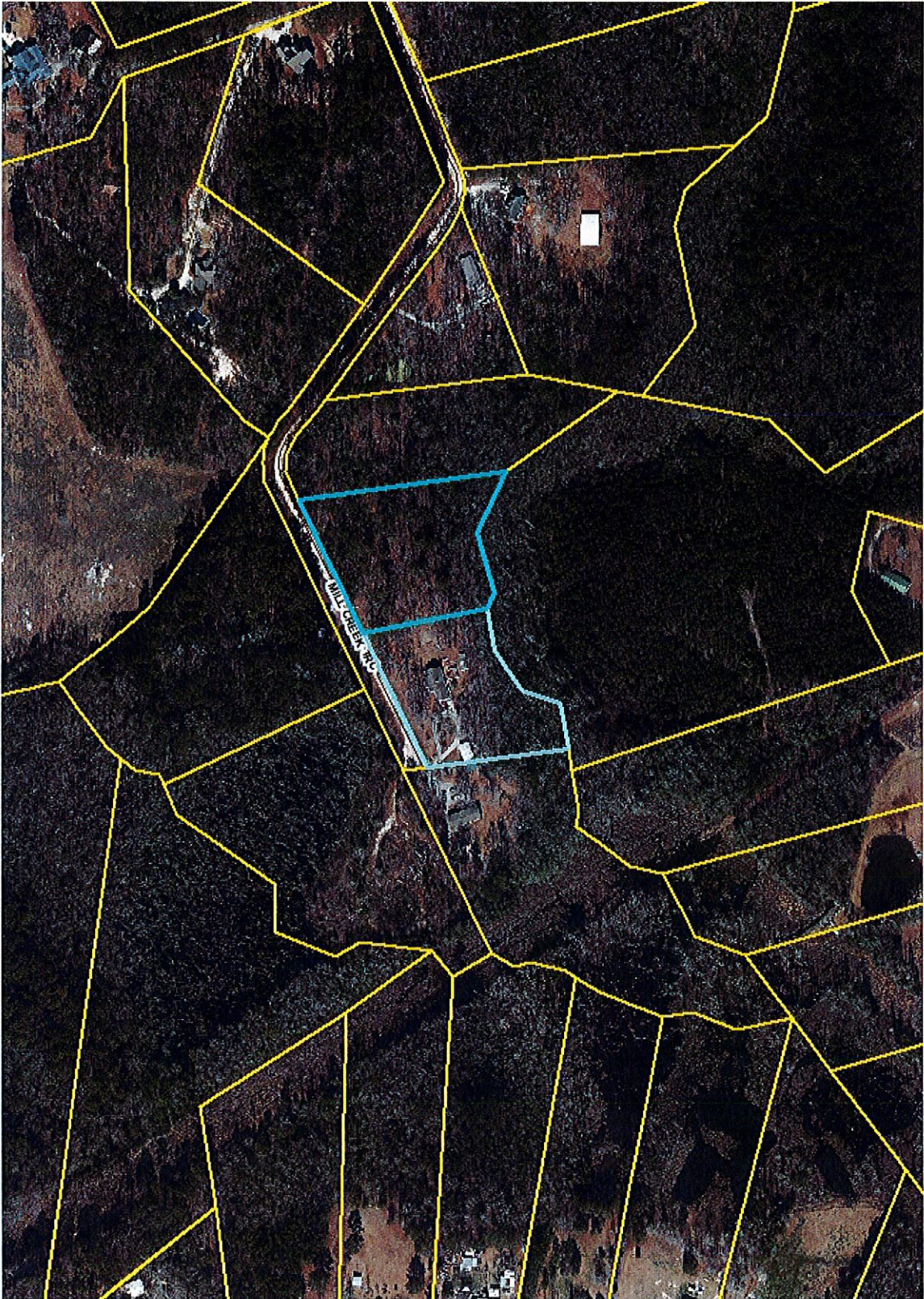
Property owner Cindy Smith was present at the hearing and discussed with the board that her intent is to rezone the property to allow her other son to place a manufactured home at 116 Mill Creek Trace. Ms. Smith also confirmed that in May of 2015 she rezoned the southernmost property to RD-2 as well for the same purpose, but for another son. Ms. Smith and her husband reside on the middle parcel.

No one from the general public spoke in favor or against the rezoning request.

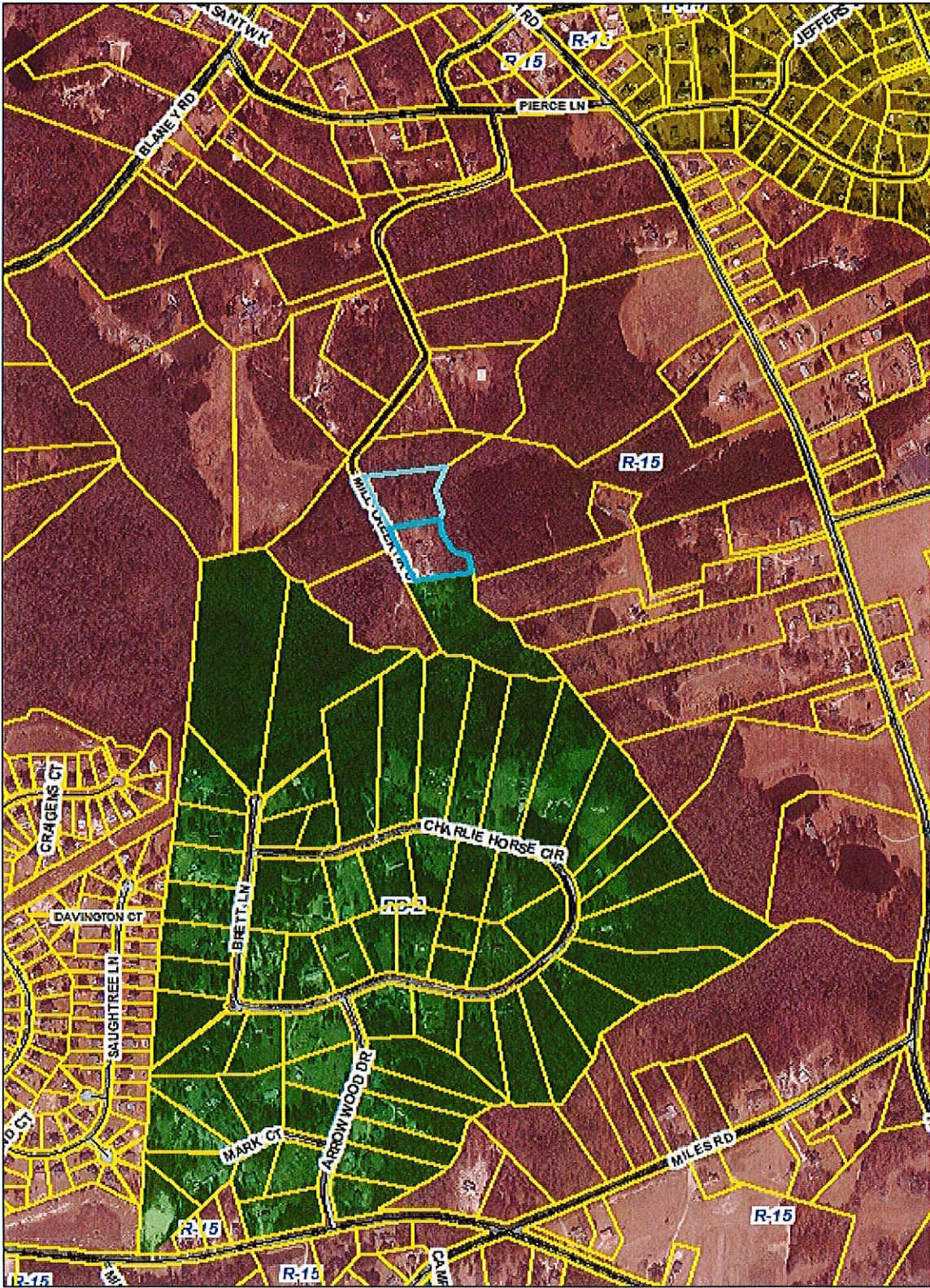
Mr. Towell made a motion to forward a recommendation of approval of this rezoning request to the County Council. Mr. Horton seconded the motion.

With no additional discussion, the vote on the motion to forward a favorable recommendation to County Council was unanimous (7-0) and therefore the matter has been referred to the Kershaw County Council with recommendation for approval.

Aerial view of subject property in relation to nearby existing residential development (Case# 24-06)



Surrounding Zoning (Case# 24-06)



**PETITION TO PLANNING AND ZONING COMMISSION  
REZONING (ZONING MAP AMENDMENT) APPLICATION**

Date: 1-31-24 Request #: 24-06 The applicant requests that the property described below be re-zoned from R-15 to RD-2

**APPLICANT**

NAME: <u>Joe + Cindy Smith</u>	E-MAIL: <u>cindymsmith58@ymail.com</u>
MAILING ADDRESS: <u>120 Millcreek Trace</u>	CITY: <u>Elgin</u> STATE: <u>SC</u> ZIP: <u>29045</u>
TELEPHONE: <u>803-261-6880</u>	CELL: <u>803-261-6889</u>
THE APPLICANT IS: PROPERTY OWNER <input checked="" type="checkbox"/> AGENT OF PROPERTY OWNER <input type="checkbox"/> OPTION HOLDER <input type="checkbox"/>	
If applicant is other than owner, state applicant's interest in the land proposed to be rezoned:	

**PROPERTY LOCATION**

Street address: <u>116 Millcreek Trace</u>	Street address: <u>Elgin SC 29045</u>
TMS#: <u>348-0000-120</u> Number of acres: <u>2.6</u>	TMS#: <u>348-0000-085</u> Number of acres:
Deed book: _____ Plat book: _____	Deed book: _____ Plat book: _____
Sewer district: _____ Water district: _____	Sewer district: _____ Water district: _____
Current use: <u>Vacant Property</u>	Current use: _____
Proposed use: <u>Mobile Home</u>	Proposed use: _____
Community/subdivision: _____ Council district: _____	Community/subdivision: _____ Council district: _____
Has previous application been made to rezone all or any part of this/these property(ies)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, when?	
Reason for request: <u>Put mobile home on property</u>	
As per the SC Local Government Planning Enabling Act (Section 6-29-1145 of the South Carolina Code of Laws), is/are this/these tract(s) or parcel(s) restricted by any recorded covenant, restriction, easement, etc., that is contrary to, conflicts with, or prohibits the proposed land use? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, submit a copy with this application.	
Applicant's Signature: <u>Cindy Smith</u>	Date: <u>1-31-24</u>

**PROPERTY OWNER** - If other than applicant. If property is owned by more than one person, all owners must be listed. Each owner must complete the designation of Agent Form provided on the following page of this application.

NAME:	TELEPHONE:
MAILING ADDRESS:	CITY: STATE: ZIP:
E-MAIL:	

**DESIGNATION OF AGENT** - To be completed by the property owner if the owner is not the applicant. If the property is owned by more than one person, each owner must complete a separate Designation of Agent Form. The signature of the owner must be notarized. An additional form is provided at the end of this application and may be duplicated in order to list all owners.

I, \_\_\_\_\_ (PROPERTY OWNER) hereby appoint \_\_\_\_\_ (APPLICANT) as my agent to represent me in this request for rezoning.

Owner's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Given under my hand and seal, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
(Seal)

Notary Public for South Carolina

My commission expires on \_\_\_\_ day of \_\_\_\_\_, 20\_\_

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STATE OF SOUTH CAROLINA            )  
                                                          )  
COUNTY OF KERSHAW                    )

ORDINANCE NO. \_\_\_\_.2024

**An Ordinance**

**To Amend The Official Zoning Map Of Kershaw County To Rezone Approximately +/- 4.9 Acres Of Property (TMS # 348-00-00-120 and -085), Owned By Joe and Cindy Smith, And Located On The North Side Of Mill Creek Trace, With Addresses of 116 and 120 Mill Creek Trace, Elgin, South Carolina, From R-15, Low Density Residential District, To RD-2, Rural Resource District.**

Be it ordained by the County Council of Kershaw County (“Council”), South Carolina:

**Section 1. Findings and Determinations.**

The Council finds and determines that:

- a) Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Kershaw County broad authority to provide a variety of services and functions within its jurisdiction, including but not limited to, utility planning, programming, and construction, transportation planning, programming and construction, land use planning and regulation, economic development planning and programming; and similar activities and services.
- b) Title 6, Chapter 29, et. seq., Code of Laws of South Carolina (SCCL), the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, hereinafter referred to as Section 6-29, provides the statutory enabling authority for Kershaw County to engage in planning and regulation of development within its jurisdiction.
- c) The County Council adopted a Comprehensive Plan on March 27, 2018 pursuant to the requirements of Section 6-29-510, et. seq. SCCL.
- d) The Planning and Zoning Commission is the designated local planning commission pursuant to the requirements of Section 6-29-310, et. seq.
- e) Section 6-29-710 SCCL and Article 6 of the Kershaw County Unified Code of Zoning and Land Development Regulations provide the authority and process for Kershaw County to prepare, periodically amend and enforce zoning regulations that are consistent with and implement the latest version of the adopted Comprehensive Plan.
- f) Pursuant to the requirements of Section 6-29-540, all public and private development proposals shall be reviewed by the Kershaw County Planning and Zoning Commission to ensure the proposed project is compatible with and implements the latest version of the Comprehensive Plan.
- g) Property owners Joe and Cindy Smith applied to rezone +/- 4.9 acres of property, located on the northside of Mill Creek Trace (116 and 120 Mill Creek Trace) Elgin, South Carolina (TMS # 348-00-00-120 and -085) from R-15, Low Density Residential District, to RD-2, Rural Resource District.

- h) On March 11, 2024, the Kershaw County Planning and Zoning Commission held a public hearing on the proposed rezoning and by a unanimous vote (7-0) recommended approval of the rezoning petition.
- i) The Future Land Use Map identifies this property as Economic Development, based on the *Kershaw County Comprehensive Plan 2017 - 2027*. Rezoning the property from R-15, Low Density Residential District, to RD-2, Rural Resource District, is compatible with the Comprehensive Plan.

**Section 2.      Rezoning.**

The Official Zoning Map is amended by changing the zoning district classification from R-15, Low Density Residential District, to RD-2, Rural Resource District, for the following properties as identified by tax map numbers or other appropriate identifier:

Tax Map No. 348-00-00-120 and -085 (4.9 acres, more or less)

**Section 3.      Severability.**

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid for any such reason, such declaration shall not affect the validity of the ordinance as a whole, or any part thereof, which is not specifically declared to be invalid, or unconstitutional.

**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 E. Guinn, Chairwoman  
Kershaw County Council

ATTEST:

\_\_\_\_\_  
Hannah M. Parler, Clerk to Council

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