

FILED FOR RECORD

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF KERSHAW )

2024 APR -1 AM 10:35

ORDINANCE NO. 104.2024

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

**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.

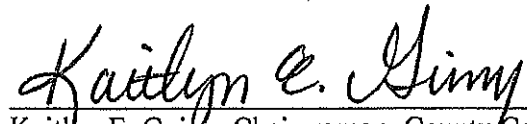
**Section 5. Effective Date.**

This ordinance is effective upon Third Reading.

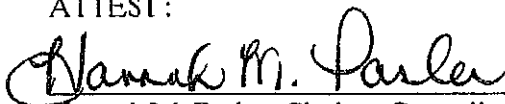
**AND IT IS SO ORDAINED**

Dated this 26th day of March, 2024.

**KERSHAW COUNTY, SOUTH CAROLINA**

  
Kaitlyn E. Guinn, Chairwoman, County Council

ATTEST:

  
Hannah M. Parler, Clerk to Council



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

**Kershaw County,  
South Carolina Unified Code  
of  
ZONING AND  
LAND DEVELOPMENT  
REGULATIONS**

**KERSHAW COUNTY PLANNING AND ZONING  
COMMISSION**

**REQUEST FOR TEXT AMENDMENT BY  
KERSHAW COUNTY (CASE 24-05)**

**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)

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

## 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.

- 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.

- **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.

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) (±)	STREET FRONTAGE WIDTH (FT.) (B)	SETBACKS (FT. FROM PROPERTY LINE) (C)			MAXIMUM BUILDING HEIGHT (FT.) (D)	MAXIMUM IMPERVIOUS SURFACE RATIO (E)	MAXIMUM DENSITY (F) (±)
			FRONT	SIDE	REAR			
R-15	15,000 (.34 acre)	80	35	10	20	35	.50	2.9
R-10	15,000 (.34 acre) single family dwelling unit. 5,000 (.115 acre) each additional dwelling unit.	75	25	10	20	35	.60	4.35
R-6	15,000 (.34 acre) single family dwelling unit. 5,000 (.115 acre) each additional dwelling unit.	50	25	10	20	35	.60	4.35 6.71
O-1	15,000 (.34 acre) 5,000 (.115 acre) each additional dwelling unit. 15,000 (.34 acre)	50	35	10	20	35	.60	4.35
B-2	5,000 (.115 acre) each additional dwelling unit.	40	35	10	20	4 stories	.60	4.35 6.71
B-3	15,000 (.34 acre) 5,000 (.115 acre) each additional dwelling unit.	40	35	10	20	35	.60	4.35 6.71
I-1	NA	NA	NA	NA	NA	NA	NA	NA
GD	15,000 (.34 acre) 5,000 (.115 acre) each additional dwelling unit.	50	35	10	10	4 stories	.60	4.35 6.71
RD-1, RD-2, & MIRD-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 eave. Refer to exceptions.

(E) Measured as a percent of total lot area.

(F) Measurement in units per gross acre.