

Adopted by County Council  
& enacted 5/28/2024

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF KERSHAW )

Executed Ordinance Forthearing

ORDINANCE NO. \_\_\_\_

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 AMEND AND INCREASE THE MINIMUM LOTS SIZE REQUIRED FOR DETACHED RESIDENTIAL HOUSING USE TO NO LESS THAN 21,780 SQUARE FEET AND RETAINING THE METHOD OF CALCULATION FOR MINIMUM LOT SIZES FOR SINGLE FAMILY ATTACHED USE TYPES, TOWNHOMES, PATIO HOMES, AND MULTIFAMILY/APARTMENT USE TYPES BY REQUIRING A MINIMUM LOT SIZE OF 15,000 SQUARE FEET AND AN ADDITIONAL 5,000 SQUARE FEET OF LOT SIZE FOR EACH DWELLING UNIT AFTER THE FIRST DWELLING UNIT, AND PROVIDING THAT SINGLE FAMILY ATTACHED USE TYPES, TOWNHOMES, PATIO HOMES, AND MULTIFAMILY/APARTMENT USE TYPES SHALL NOT CONSTITUET GREATER THAN TEN PERCENT (10%) OF THE NET DEVELOPABLE ACREAGE OF A MAJOR SUBDIVISION.

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) By Ordinance 104.2024 Kershaw County Council further clarified Section 3:1.3 Table 3-4 so that the maximum allowed density for single-family residential development and multifamily/apartment development was made more explicit.
- (d) The maximum density amendments enacted by Ordinance 397.2023 have not fully realized Kershaw County Council’s policy goal of more sustainable and desirable land development and land usage patterns in Kershaw County.
- (e) To address and manage the effect of growth and to assure quality and well-designed development in the future, the County has undertaken internal reviews and has commissioned studies and plans to assist in providing the required infrastructure and services to accommodate its citizenry in a cost-effective manner, without the necessity of unreasonable fee and tax increases.

- (f) Building permit data for the period of February 1, 2023, to February 1, 2024, reveals that four hundred seventeen (417) residential units were issued building permits by Kershaw County.
- (g) Census data and Kershaw County's estimates reflect that between 2022 and 2023 the population of Kershaw County grew by 1,630 residents.
- (h) The effects of significant growth are apparent and have resulted not only in increased traffic, congestion and noise, but have also burdened the services provided and have required that the County increase its workforce and purchase the necessary machinery and equipment in an effort to maintain acceptable levels of service.
- (i) If the County's population rate of growth is not adequately managed, the County will be forced to either greatly increase ad valorem taxes to meet the resulting needs or allow the facilities of the County to fall behind present levels of service.
- (j) The adverse effects of growth and the costs associated therewith for infrastructure and services are primarily the product of residential development.
- (k) Amending and increasing the minimum lots size requirements for single family residential detached housing is a reasonable and prudent method to address the impact of high density development on population growth and the resulting negative traffic impacts, increases burden on government services and life safety protections afforded to the citizens, consumption of sewer capacity better utilized for economic development projects, increased strain on the public school system, and the increase in impervious surfaces that results in stress to the County's stormwater system and environmental resources.
- (l) A 21,780 square feet minimum lot size for traditional single family detached residential use is a desirable method by which the negative impacts of high-density development can be addressed and will result in more sustainable and desirable land development and land usage patterns in Kershaw County and will further the health, safety, and well-being of Kershaw County residents.
- (m) For attached single family residential attached uses, townhomes, patio homes, and multifamily/apartment uses a minimum lot size of 15,000 square feet will apply to each dwelling structure with an additional 5,000 square feet required for each dwelling unit after the first dwelling unit within a single dwelling structure, subject to an absolute density cap of 4.35 du/a for single family residential attached uses, townhomes, patio homes and a maximum density of 6.71 du/a for multifamily/apartment uses. This method of density calculation and absolute cap on density is set forth in Ordinance 397.2023 and Ordinance 104.2024.
- (n) Instituting a limit for Major Subdivisions, that single family residential attached uses, townhomes, patio homes, and multifamily/apartment uses shall not constitute greater than 10% of the net developable acreage of a Major Subdivision, will allow for diversity of housing types and housing densities while balancing the impacts of these higher density development uses types and will result in sustainable and desirable land development and land usage patterns in Kershaw County and will further the health, safety, and well-being of Kershaw County residents.

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



Section 3:1.3 Table 3-4, Schedule of Lot Area, Yard Setback, Height, Density Floor Area, and Impervious Surface Requirements by District for Residential Uses, is amended as set forth in “Exhibit 1” attached hereto and incorporated herein by reference.

**Section 3. Severability.**

If any section, subsection, or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

**Section 4. Conflicting Provisions.**

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Kershaw County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

**Section 5. Effective Date.**

This ordinance is effective upon Third Reading.

**AND IT IS SO ORDAINED**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**KERSHAW COUNTY, SOUTH CAROLINA**

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

ATTEST:

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

First Reading: April 23, 2024  
Second Reading: May 14, 2024  
Third Reading:  
Public Hearing: May 14, 2024

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**

Schedule of Lot Area, Yard, Setback, Height, Density, Floor Area, and Impervious Surface Requirements by District

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 (*)
	21,780 (0.5 acre)							
R-10	15,000 (.34 acre) single family detached	75	25	10	20	35	.60	4.35 (*)
	15,000 (.34 acre) single family attached/ patio homes/ townhomes/ multifamily/apartment							
R-6	5,000 (.115 acre) each additional dwelling unit of single family attached/ patio homes/ townhomes/ multifamily/apartment.	50	25	10	20	35	.60	4.35-6.71 (*)
	15,000 (.34 acre) single family detached							
O-1	15,000 (.34 acre) single family attached/ patio homes/ townhomes/ multifamily/apartment	50	35	10	20	35	.60	4.35 (*)
	5,000 (.115 acre) each additional dwelling unit of single family attached/ patio homes/ townhomes/ multifamily/apartment							

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B-2	21,780 (0.5 acre) <u>single family detached</u>	40	35	10	20	4 stories	.60	(*) 6.71
	15,000 (.34 acre) <u>single family attached/patio homes/ townhomes/ multifamily/apartment</u>							
B-3	5,000 (.115 acre) each additional dwelling unit of <u>single family attached/patio homes/ townhomes/ multifamily/apartment</u>							
	21,780 (0.5 acre) <u>single family detached</u>	40	35	10	20	35	.60	4.35- (*) 6.71
I-1	15,000 (.34 acre) <u>single family attached/patio homes/ townhomes/ multifamily/apartment</u>							
	5,000 (.115 acre) each additional dwelling unit of <u>single family attached/patio homes/ townhomes/ multifamily/apartment</u>							
GD	NA	NA	NA	NA	NA	NA	NA	NA
	<del>15,000 (.34 acre)</del> 21,780 (0.5 acre) <u>single family detached</u>	50	35	10	10	4 stories	.60	(*) 6.71
RD-1, RD-2, & MRD-1	15,000 (.34 acre) <u>single family attached/patio homes/ townhomes/ multifamily/apartment</u>							
	5,000 (.115 acre) each additional dwelling unit of <u>single family attached/patio homes/ townhomes/ multifamily/apartment</u>							
	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 a single family detached home is 21,780 sq. ft. (1/2 acre). Minimum lot size for other each single family or multifamily/apartment dwelling types (single family home, duplex, triplex, quadruplex, townhomes, patio homes, multifamily/apartments) is calculated by using a 15,000 sq. ft. (.34 acre) minimum lot area for the first dwelling unit in a structure 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. (.34 acre) 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 detached residential development project is 2.0 dwelling units per acre (2 homes per acre). The



maximum density for a duplex residential development project is 4.237 dwelling units per acre (2.06 duplex buildings per acre). The maximum density for a triplex residential development project is 4.35 dwelling units per acre (1.45 triplex buildings per acre). Notwithstanding any other provision of the ZLDR and the minimum lot size calculation method set forth herein, the maximum density for a quadruplex, townhome, or patio home development project is limited to 4.35 dwelling units per acre. Multifamily/Apartment dwelling types have a maximum density of 6.7 dwelling units per acre.

Single family residential attached uses, townhomes, patio homes, and multifamily/apartment uses shall not constitute greater than 10% of the net developable acreage of a Major Subdivision.

To the extent that this Table conflicts with any other provision of the ZLDR or other Kershaw County ordinances the requirements of this Table supersede all other provisions and is controlling.

- (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 (3/4) of an acre (.75-acre)~~ 1 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 (1/2) an acre (.50-acre)~~ three quarters (3/4) of an acre (.75 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.