

FILED FOR RECORD
2024 OCT 23 PM 2: 22
JANET C. HASTY
CLERK OF COURT
KERSHAW COUNTY, S.C.

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 118.2024**
COUNTY OF KERSHAW)

AN ORDINANCE

TO AMEND THE KERSHAW COUNTY, SOUTH CAROLINA UNIFIED CODE OF ZONING AND LAND DEVELOPMENT REGULATIONS (ZLDR), SECTION 3:3.26 LARGE-SCALE COMMERCIAL STANDALONE SOLAR ENERGY FARM, TO REQUIRE APPLICANTS TO HOLD A COMMUNITY MEETING IN ADVANCE OF SUBMITTING A CONDITIONAL USE APPLICATION AND SETTING FORTH THE REQUIREMENTS APPLICABLE TO THE COMMUNITY MEETING.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) On June 25, 2024, Kershaw County Council referred to the Kershaw County Planning Commission, for consideration and recommendation, a proposal to amend the Kershaw County Unified Code of Zoning and Land Development Regulations require that community meetings be held by applicants for prospective large-scale commercial standalone solar energy farms prior to submitting a conditional use application.
- (b) Requiring applicants to conduct a community meeting in advance of submitting a conditional use application for a large-scale commercial standalone solar energy farm will prevent surprise and confusion for nearby property owners as to the precise nature of the applicant’s development site plan.
- (c) Requiring applicants to conduct a community meeting in advance of submitting a conditional use application for a large-scale commercial standalone solar energy farm will allow applicants to receive feedback from nearby property owners and community members and will provide an opportunity for applicants to respond to and potentially address concerns of nearby property owners and community members.
- (d) On August 12, 2024, the Kershaw County Planning Commission considered the proposed text amendment and by a vote of (6-0) made a recommendation to the Kershaw County Council for approval of the proposed text amendment with notice of the community meeting to be provided to all property owners within one (1) mile of a proposed solar project.

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

Section 3:3.26 of the ZLDR, Large-scale Commercial Standalone Solar Energy Farm, is amended as set forth on 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 22nd day of October, 2024.

KERSHAW COUNTY, SOUTH CAROLINA



Ben Connell, Chairman
Kershaw County Council

ATTEST:



Hannah Parler, Clerk to Council

First Reading: September 24, 2024
Public Hearing: October 8, 2024
Second Reading: October 8, 2024
Third Reading: October 22, 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 24-22)**

PROPOSAL: TO AMEND THE KERSHAW COUNTY, SOUTH CAROLINA UNIFIED CODE OF ZONING AND LAND DEVELOPMENT REGULATIONS (ZLDR), SECTION 3:3.26 LARGE-SCALE COMMERCIAL STANDALONE SOLAR ENERGY FARM, TO REQUIRE APPLICANTS TO HOLD A COMMUNITY MEETING IN ADVANCE OF SUBMITTING A CONDITIONAL USE APPLICATION.

August 12, 2024 (See page 3 for Planning and Zoning Commission Action Summary)

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

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ORDINANCE 118.2024



STAFF REPORT
KERSHAW COUNTY PLANNING AND ZONING COMMISSION
(August 12, 2024 Meeting)

Request #: 24-22

Applicant: Kershaw County

Proposal: TO AMEND THE KERSHAW COUNTY, SOUTH CAROLINA UNIFIED CODE OF ZONING AND LAND DEVELOPMENT REGULATIONS (ZLDR), SECTION 3:3.26 LARGE-SCALE COMMERCIAL STANDALONE SOLAR ENERGY FARM, TO REQUIRE APPLICANTS TO HOLD A COMMUNITY MEETING IN ADVANCE OF SUBMITTING A CONDITIONAL USE APPLICATION.

Background Summary:

On September 8, 2020, Kershaw County for the first time adopted development standards for Large- Scale Commercial Standalone Solar Farms. The adopted regulations required that the use be approved by the Planning Commission as a Major Group Development, and included development standards that comprehensively addressed: site plan requirements, setbacks, buffers, buffer standards, height of solar arrays, fencing, preservation of existing vegetations, glare, site access, and a decommissioning plan.

Since that time the county has experienced a recent rise in the number of large-scale commercial standalone solar farms. Particularly of interest is ensuring that the local community where a solar farm is proposed to be located has ample opportunity to learn more information about the project.

Therefore, as directed by the County Council on June 24, 2024, this text amendment addresses the addition of revisions to the current regulations that would require applicants to provide notice and hold a community meeting in advance of submitting an application for a new large-scale commercial solar farms.

Planning and Zoning Commission Action Summary

On August 12, 2024 at the regular Planning and Zoning Commission meeting, members present were Chairwoman Fiona Martin, Lanny Gunter, Clifton Emmons, Ned Towell, and Robert Horton. Absent were members Libby Davis and Heather Dykes.

After reviewing the proposed text amendment language, the board discussed if a property owner notification zone of $\frac{1}{4}$ (0.25) of a mile was adequate. The board also discussed wanting to have additional options available to them when considering a large scale commercial solar farm rather than just a yes - or -no, it meets the regulations. After further discussion, Ms. Martin made a motion to amend the proposed language to require a 1 mile notification zone. The motion was seconded by Mr. Towell and passed unanimously by a vote of 5:0.

Attachments:

- Exhibit 1: Text amendment language, 3:3.26 Large-Scale Commercial Standalone Solar Energy Farm
- Draft County Council Ordinance for reference

Exhibit 1

Ordinance No. 118.2024

~~Indicates Matter Stricken~~

Indicates New Matter

3:3.26 Large-Scale Commercial Standalone Solar Energy Farm

- A. **Site plan required** - A site plan drawn to scale shall be submitted to the Planning and Zoning Department by the applicant demonstrating compliance with 3:3.26 – Large-Scale Commercial Standalone Energy Farm, Article 4, Section 4:3 and Article 5, Section 5:2.6 Group Developments, and all other applicable sections of the Zoning and Land Development Regulations.

In addition to the site plan requirements referenced above, the site plan submission shall include:

1. Location of all proposed facilities, including solar collectors and proposed structures.
2. Horizontal and vertical (elevation) to-scale drawings with dimensions that show the location of the solar collectors and system.
3. Any existing or proposed signs, fencing, lighting, parking areas, driveways, easements, ~~fencing~~, gates, vegetative screening, and applicable landscaping.
4. Adjacent property lines, noting properties that include existing residential uses or residentially zoned properties and other adjacent land uses.
5. All information and documentation required by Section (K).

K. Community Meeting - The applicant shall hold a community meeting prior to submission of the conditional use application to the Planning and Zoning Department. The applicant shall present and explain the proposed site plan at the community meeting and allow for feedback and comments to be received from the community. Kershaw County will not be responsible for organizing or coordinating the required community meeting or for assisting applicant in organizing or coordinating the required community meeting.

1. Notice of Meeting. Written notice of the community meeting shall be provided to the owners of record for real property located within one (1) mile of the boundaries of the proposed project. Written notice must be mailed by United States Postal Service first-class mail to both the physical address of the real property and the address of record for

tax notices to the real property owners. The required notice shall be mailed at least twenty-one (21) days prior to the date of the community meeting.

2. Content of Meeting Notice. The notice shall state the date, time, and location of the community meeting, the name of the applicant, the name of the project, the address(es) and the tax map number(s) of the property that will contain the project, shall state that the notice recipient received the notice as the owner of real property located within ¼ mile of the proposed project boundaries, that community meeting is being held to provide notice to the community of the applicant's intent to seek a conditional use permit to develop a Large-Scale Commercial Standalone Energy Farm upon the identified real property, and that the applicant will present the proposed site plan at the meeting, answer questions from the community regarding the project, and that the applicant will receive and document the comments and feedback received from the community regarding the proposed project and proposed site plan.
3. Time and Location of Meeting. The community meeting must be held as near as practical to the proposed project and must be held at a reasonable time (no earlier than 6:00 PM if held on a weekday) to provide adequate opportunity for community attendance and participation.
4. Proof of Notice and Record of Meeting. Proof of mailed notice to the required property owners, a summary of the meeting and community comments in the form of meeting notes or minutes, and a list and contact information for all attendees, including applicant attendees, shall be submitted to the Planning and Zoning Department with the site plan as part of the conditional use permit application. This documentation shall be provided to the Kershaw County Planning Commission as evidence of compliance with the community meeting requirement.