

**UNIFIED
DEVELOPMENT
ORDINANCE
OF
TOWN OF KERSHAW**

The Kershaw Town Government has spent the past year developing the final version of the Zoning Ordinance for the Town which was adopted by the Town Council on April 12, 1999. The following groups and individuals deserve special recognition for their efforts in this matter:

Kershaw Town Council:

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Eddie Coates
Mark Dorman
Genny Hexdrix
Wayne Rhodes
Chris Seegars
William Clyburn, Former Mayor

Lancaster County Joint Planning Commission :

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Ernie Green, Town Administrator

State of South Carolina	*	
	*	Ordinance #60
County of Lancaster	*	
	*	
Town of Kershaw	*	

An Ordinance To Adopt the Zoning Ordinance of the Town of Kershaw as Authorized by the Local Government Comprehensive Planning Enabling Act of 1994 (S.C. Code Section 6-29-310 through Section 6-29-1200)

WHEREAS, The Town of Kershaw is in the process of complying with the requirements of the Local Government Comprehensive Planning Enabling Act of 1994; and

WHEREAS, Adopting a new Zoning Ordinance for the Town is a requirement of the Local Government Comprehensive Planning Enabling act of 1994; and

WHEREAS, the Lancaster County Joint Planning Commission has reviewed and approved both the text for the Zoning Ordinance and the accompanying Zoning map, pertaining to the Town of Kershaw; and

WHEREAS, The public has been provided several opportunities to comment on the Zoning Ordinance before both the Lancaster County Joint Planning Commission and the Kershaw Town Council

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town Of Kershaw, in lawful assembly, that:

Section 1. ADOPTION OF ZONING ORDINANCE

The text and zoning map, pertaining to the Town of Kershaw is hereby adopted in its entirety.

Section 2. CONFLICTING ORDINANCES

All ordinances in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

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ZONING ORDINANCE FOR THE TOWN OF KERSHAW

AUTHORITY AND ENACTMENT

This ordinance is adopted pursuant to the authority contained in the *Code of Laws of South Carolina*, Title 6, Chapter 29 (South Carolina Local Government Comprehensive Planning Enabling Act of 1994).

Whenever any provision of this ordinance refers to or cites a section of the *Code of Laws of South Carolina* and that section is later amended or superseded, the ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Chapter 1. TITLE, PURPOSE, AND JURISDICTION

Section 1.1 Title.

This ordinance shall be known and shall be cited as the *Zoning Ordinance of the Town of Kershaw*.

Section 1.2 Purpose.

The purposes of this ordinance are to implement the *Town of Kershaw's Comprehensive Plan*, to guide development in accordance with existing and future needs and to promote the health, safety, convenience, order, appearance, and general welfare of present and future inhabitants of Town of Kershaw by:

1. Helping achieve policies and proposals defined in the Plan.
2. Controlling the intensity of development in areas of sensitive resources or natural features to reduce or eliminate adverse environmental effects and to conserve natural resources.
3. Concentrating development in areas where adequate water and sewer facilities, roads, schools, police and fire protection, parks and other recreational facilities, affordable housing, disaster evacuations and other public services and requirements can be provided, and limiting development where these facilities are not available.
4. Providing standards for multifamily development so that residents can have access to decent, sound, and sanitary housing.
5. Minimizing the danger and congestion of traffic on the roads and highways, and insuring the continued usefulness of all elements of the existing highway system for their planned function.
6. Securing safety from the hazards of improper development, resulting in fire, panic, flood, and other dangers.
7. Providing adequate privacy, light, air and open space.
8. Enhancing the outcome of development through development criterion and standards.
9. Protecting land value through proper planning and responsible development practices.
10. Protecting landowners from adverse effects of adjoining development and conserving the character of existing neighborhoods and subdivisions.
11. Protect and preserve the natural aesthetic, economic and historic resources and the small town character of the municipality.
12. Preventing the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets.
13. Facilitating the creation of a convenient, attractive, and harmonious community.
14. Protecting and preserving scenic, historic, or ecologically sensitive areas.
15. Regulating the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes.
16. Furthering the public welfare in any other regard specified by a local governing body.

Section 1.3 Jurisdiction.

This ordinance shall be effective throughout the Town of Kershaw.

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

Section 1.4 Relationship to Existing Zoning, Subdivision, and Flood Control Ordinances.

To the extent that the provisions of this ordinance are the same in substance as the previously adopted provisions that they replace in the Town's zoning, or other ordinances, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that existed as an unlawful nonconforming situation under the previously adopted ordinances does not achieve lawful nonconforming status under this ordinance merely by the repeal of the aforementioned ordinances.

Section 1.5 Relationship to the Comprehensive Plan.

It is the intention of the Town Council that this ordinance implement the planning policies adopted by the Town Council for the Town, as reflected in the *Town of Kershaw's Comprehensive Plan* and other planning documents.

Section 1.6 No Use or Sale of Land or Buildings Except in Conformity with Chapter Provisions.

1. Except as provided in the *Nonconforming Situations* Chapter of this ordinance, no person shall use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this ordinance.
2. For purposes of this Section, the "use" or "occupation" of a building or land relates to anything and everything that is done to, on, or in that building or land.
3. Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special exception permits, and violations of stop work orders, shall constitute a misdemeanor, punishable as provided by state law.
4. Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special exception permits, shall also subject the offender to a civil penalty of \$500.00 or 30 days in jail, or both.
5. This ordinance may also be enforced by any appropriate equitable action.
6. Each day that any violation continues after notification by the Building and Zoning Department that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this Section.
7. Any combination of the foregoing penalties and remedies may be used to enforce this ordinance.

Section 1.7 Fees.

1. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice, and similar matters shall be charged to applicants for zoning permits, sign permits, special exception permits, zoning amendments, subdivision approval, appeals, variances, and other administrative relief.
2. Fees shall be paid upon submission of a signed application or notice of appeal.

Section 1.8 Severability.

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

Section 1.9 Computation of Time.

1. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first day and including the last day. Saturdays, Sundays, or legal holidays shall be excluded when computing the period of time.
2. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served by mail, three (3) days shall be added to the prescribed period.

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

3. Whenever the Building and Zoning Official, Director of Planning, or other person is required to take certain action (e.g., mailing or publishing a notice) on or before a specified number of days prior to the occurrence of an event (e.g., a public hearing), then in computing such period, the day of the event shall not be included but the day of the action shall be included. For example, if notice of a public hearing is required to be published at least 15 days before the hearing, then if the notice is published on the first of the month it would be satisfactory for a hearing on the sixteenth of that same month.

Section 1.10 Conflict with Other Laws.

Whenever the regulations of this Ordinance require a greater width of size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by Ordinance, the provisions of such statute shall govern.

Section 1.11 Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

Section 1.12 Miscellaneous.

As used in this ordinance, words importing the masculine gender include the feminine and neuter. Words used in the singular in this ordinance include the plural and words used in the plural include the singular.

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

Chapter 2. ZONING DISTRICTS AND ZONING MAP.

Section 2.1 Zoning Districts.

The following zoning districts are established in accordance with the *Town of Kershaw Comprehensive Plan*.

Section 2.1.1 Residential Districts Established.

The following residential use districts are hereby established: R-45, R-15, R-6, R-6MH, MF, and MHP. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities.

1. The R-45, Residential District, is designed to accommodate low density residential development which does not include either single-wide or double-wide manufactured homes on single lots. This district serves to preserve existing subdivisions or areas within the town which contain lots of one acre or more in size.
2. The R-15, Residential District, is designed to accommodate a moderately dense single-family residential developments within the town. The principal use of land is for single-family dwellings and for related recreational, religious and educational facilities normally required to provide an orderly and attractive residential areas. The regulations for this district are intended to discourage any use which, because of its character would interfere with the development of or be detrimental to the quiet residential nature of the area included in the district.
3. The R-6, Residential District, is established for the most dense residential development within the town. The principal use of land is for single-family and two-family dwellings and for related recreational, religious and educational facilities normally required to provide an orderly and attractive residential areas. The regulations for this district are intended to discourage any use which, because of its character would interfere with the development of or be detrimental to the quiet residential nature of the area included in the district.
4. The R-6MH, Residential District, is established for the most dense residential development within the town. The principal use of land is for single-family and two-family dwelling and both site-built and manufactured homes, recreational, religious and educational facilities normally required to provide an orderly and attractive residential area. The regulations for this district are intended to discourage any use which, because of its character would interfere with the development of or be detrimental to the quiet residential nature of the area included in the district.
5. The MF, Multiple-Family District, is designed to accommodate moderate density single-family development and low density multiple-family developments (excluding manufactured homes) in areas within the town's planning jurisdiction that are appropriate for development at higher densities. This district should function as the location for alternative housing types near or in direct relationship to single-family detached housing. The maximum density permitted in this district for single-family developments (including duplexes) is three (3) dwelling units per acre and for multiple-family development is eight (8) dwelling units per acre. (See Chapter 17 for recreational facilities and open space requirements.)
6. The MHP, Manufactured Home Park District, is established to accommodate planned manufactured housing park developments. This district affords town residents with an alternative housing type and thereby promotes the health, safety, and welfare of the community. This district shall apply to specified parcels of land only at the request of the owners of such parcels. Such manufactured home parks shall be developed with a zoning permit issued in accordance with the *Conditional and Special Exception Uses* Chapters of this ordinance.

Section 2.1.2 Commercial Districts.

The following commercial districts are hereby established: B-1, B-2, B-3, and PO. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this Section. Additionally, any use allowed in these districts shall comply with the regulations contained in Section 4.2.16.

1. The B-1, Central Business District, is designed to accommodate the office, governmental, and institutional needs of the community. The district is also designed to provide for and promote concentrated development of retail establishments and personal and business services to supply the needs of residents, transients, and business and industry in the town center as well as in the entire travel area. Land uses in this district are not subject to the off-street parking requirements at Chapter 11. If located above the ground floor, dwellings are allowed in this district. Uses which involve the open storage of junk, salvage, used auto parts or building materials shall be prohibited.
2. The B-2, Neighborhood Commercial District, is designed to be developed and reserved for local or neighborhood oriented business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping and service facilities; reduce traffic and parking congestion; avoid the development of "strip" business

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districts; and discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.

The outdoor storage or display of merchandise, materials or inventory is prohibited except for the storage or display of plant and garden supplies, farmer's markets and open air markets.

3. The B-3, General Commercial District is designed to be developed and reserved for general business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service, and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the district.

Outdoor storage is permitted if a Type A Bufferyard is installed around the outside of the storage area when the area is adjacent to a nonresidential district. A Type B Bufferyard is required around the storage area when it is adjacent to a residential district or use and all such areas shall be located completely behind the building. No storage areas shall be located in any required or not required front or side yard. Automobile dealerships are allowed to park automobiles in the front or side yard of the property. Uses which involve the open storage of junk, salvage, used auto parts or building materials shall be prohibited.

4. The PO, Professional Office District, is designed to accommodate small-scale professional office uses which can operate in a manner which is compatible with surrounding residential uses. The district functions as a transitional zoning district between more intense commercial districts and adjacent residential districts. The use of this district is best suited for those residential areas of the town where because of the proximity of the area to commercial uses small-scale professional offices could be considered to be compatible with the surrounding area.

The following standards are added to the district regulations as a means to maintain the residential character of the area.

a. For New Construction:

1. New nonresidential structures shall not exceed 2000 square feet of heated gross floor area or 25 percent of the lot coverage of the site, whichever is less.
2. Exterior building materials shall be limited to the following: wood frame, brick, vinyl, masonite or aluminum siding designed to resemble wooden lap siding.
3. Roof pitch shall be limited to a 4-12 or higher pitch roof.
4. The structure shall be oriented based on the way the majority of structures are oriented along the block face in which the structure is located.
5. All parking shall be located in the interior side yard or rear yard of the site. No off-street parking shall be located in the front or corner side yard of the site.
6. Site lighting shall be restricted to the following height: a) unrestricted lighting - ten (10) feet and b) 90 - degree cutoff lighting - 15 feet.
7. No sign shall be internally illuminated. The maximum sign area for a freestanding sign shall be ten (10) square feet. The maximum sign area for all other signs shall be four (4) square feet. The maximum height of a freestanding sign shall be eight (8) feet.

b. For all conversions or additions to existing structures for nonresidential uses the following standards shall be followed:

1. The construction of an addition to an existing structure shall be placed in the rear of the structure where the site dimensions and orientation permit. The size and scale of the addition shall be limited in size so that the addition shall contain no more than fifty (50) percent of the square footage of the original building.
2. The attached addition shall be designed in a manner that is compatible with the new use to which the structure will be placed and shall be designed for compatibility with the structure itself and with the buildings in the adjacent neighborhood. All of the requirements of subsection (a) shall also be followed.

Section 2.1.3 Industrial District.

The following industrial district is hereby established: Ind. This district is designed to accommodate businesses engaged in the manufacturing, processing, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment.

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1. The Industrial District, Ind., is established to provide areas for a range of industrial uses, including warehousing, distribution, fabrication, manufacturing, processing, assembly and bulk storage. Industrial activities shall be conducted within a structure. It should be located near major transportation facilities (road, rail and air) to ensure adequate access to those users located within the district.
2. All uses allowed in this district shall comply with the regulations contained in Section 4.2.16.

Section 2.1.4 Planned Development District.

The following PDD, Planned Development District, is hereby established. This district is designed to accommodate a mixture of compatible residential, office, commercial, or other uses of land which are planned and developed as an integral unit and which, due to such mixture of uses or other aspects of design, could not be located in other districts established in this ordinance without compromising the proposed concept of integrated and flexible development.

Section 2.1.4.1 General Design Criteria and Development Standards.

In order to qualify as a Planned Development District, a project request must generally meet the following requirements; however, these requirements shall be modified based on specific proposals by the applicant which shall be approved by the Joint Planning Commission and Town Council.

1. The site must contain at least five (5) acres, have a minimum width between any two (2) points on opposite boundary lines of 400 feet, and must adjoin or have direct access to at least one (1) collector street.
2. The site shall be in one ownership, or if in several ownerships, the application for amendment to the zoning ordinance shall be filed jointly by the owners.
3. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged. Common open space shall be located so as to enhance the living environment of the proposed development. Generally, this shall mean that the common open space shall be distributed throughout the site and not aggregated in large areas that provide little or no benefit to the individual uses or the development at large.
4. Maximum building height and development density shall be proposed for each appropriate section of the PDD as part of the master plan submittal and shall be subject to approval or modification by the Joint Planning Commission and County Council. Any PDD must incorporate a 20 percent minimum usable open space and 60 percent maximum impervious surface requirement in the proposal. Additionally, a minimum of 20 percent of the gross acreage of the PDD shall be used for a use other than the principal use (i.e.) If the PDD is to be used for single-family development then at least 20 % will need to be used for multi-family or non-residential use.
5. In general, parking and loading requirements for each PDD District shall comply with the requirements of the *Parking* Chapter of this ordinance. However, the Joint Planning Commission and Town Council may vary such requirements upon a finding that adequate parking, loading, and vehicle circulation can be provided on the basis of alternative criteria or techniques. Areas designated for parking and loading or for traffic ways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicle ingress and egress. All uses shall be located in a manner conducive to safe ingress and egress. Access points to public streets shall conform to the design standards outlined by the SCDOT's *Access and Roadside Management Standards*.
6. Any use proposed by the developer and considered by the Joint Planning Commission as being compatible to other nearby uses within and beyond the district shall be permitted in such a district, upon approval by the Joint Planning Commission and Town Council. A listing of permitted uses within a particular PDD shall be proposed by the applicant and, subject to modification, adopted as part of the district master plan. After approval by the Joint Planning Commission and Town Council, the list or portion thereof shall be adopted as part of the regulations applying to that particular PDD. Thereafter, the uses permitted in the district shall be restricted to those uses listed in the district regulations and approved by Town Council.
7. Planned Development Districts shall be so located and developed that each shall not exceed the capacity of the adjacent roads which shall serve the property or the capacity of public sewer and water systems, unless the applicant shall dedicate right-of-way or easement, contribute to the construction of new facilities, or create such facilities to the extent of his fair share of such as the percentage of his land developed and so served. The rate of development of the PDD shall not exceed the rate of construction and increasing capacity of the limiting facility.
8. Private streets are permitted in an approved PDD, provided such streets meet the construction standards of the *Town of Kershaw Uniform Subdivision Regulations*. However, the Joint Planning Commission and Town Council may vary other street design standards in response to alternative standards proposed by the applicant.

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9. All uses shall have adequate solid waste collection areas with adequate ingress/egress that does not require solid waste collection vehicles to back onto or off of a public street.
10. **Setback, Screening, and Front, Side and Rear Yard Requirements.**
 - a. **Residential** - For single-family and two-family structures in a PDD, a minimum setback of 10 feet shall be maintained from all property lines adjoining a different zoning district and/or the right-of-way or easement line of any existing or planned public road which abut the site. For multifamily or townhouse structures in a PDD, a minimum setback of 25 feet shall be maintained from all property lines adjoining an existing single-family residential district and a minimum setback of 10 feet shall be maintained from all property lines adjoining any other zoning district and/or the right-of-way or easement line of any existing or planned public road which abut the site.
 - b. **Commercial and Office** - For commercial and office uses, a minimum setback of 25 feet shall be maintained from all property lines adjoining a nonresidential zoning district and/or the right-of-way or easement line of any existing or planned public road which abut the site. Where commercial and office uses abut an existing residentially zoned district, the minimum setback shall be 35 feet. Additional screening in the form of earthen berms or fencing may be required by the Joint Planning Commission and Town Council.
 - c. **Manufacturing, Public, or Institutional Uses** - For manufacturing, public, or institutional uses, a minimum setback of 25 feet shall be maintained from all property lines adjoining a nonresidential zoning district and/or the right-of-way or easement line of any existing or planned public road which abut the site. Where such uses shall adjoin an existing residentially zoned district, the minimum setback shall be 50 feet. Additional screening in the form of earthen berms or fencing may be required by the Joint Planning Commission and Town Council.
 - d. **Internal Setbacks** - Except for setbacks required from the perimeter of the district, there shall be no established minimum lot size or minimum front, side, or rear yard requirements for any lot within a Planned Development District other than as specified in an approved master plan.
 - e. **Landscaping** - In general, landscaping requirements for each PDD shall comply with the requirements of the *Screening and Trees and Guide for Landscaping* Chapters of this ordinance. However, the Joint Planning Commission and Town Council may vary such requirements in response to applications demonstrating alternative landscaping based on creative site planning. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the landscaping requirement.
 - f. **Parking Restrictions in Setbacks** - Setbacks shall not be used for streets or for parking except for entrances which may penetrate the setback.

Section 2.1.4.2 Administrative Procedures and Review Process.

The Planned Development District review process consists of three steps:

1. **Pre-application Conference** - Before submitting an application for PDD zoning classification, it is recommended that the applicant confer with the Planning Department and other appropriate Town staff to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data.
2. **Master Plan** - When submitting an application for PDD zoning classification, the applicant shall submit ten copies of a Master Plan. The Master Plan must be submitted 60 days prior to the regularly scheduled meeting of the Joint Planning Commission at which the PDD request is to be reviewed. The Master Plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect, and/or planner. The Master Plan shall meet the requirements of Chapter 20 of this ordinance.
 - a. **Submission of Application to Planning Department for Review and Conference.**
 - i. Applicant or owner shall submit a complete site plan to the Planning Department for study. The staff and other agencies as appropriate shall review the proposal for compliance with the comprehensive land use plan and the regulations herein, the objectives of the district, and the suitability of the site for the proposed project.
 - ii. Following such study, unless complete conformity is found, the applicant shall be notified of any discrepancies, and of the willingness of the Planning Department and other appropriate officials to confer for the purpose of assisting in bringing the site plan submitted as nearly as possible into conformity with requirements and/or to define specific modifications of regulations or of the comprehensive plan that seem justified in view of the proposal.

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- iii. If the applicant joins in such conference, changes may be made in the original proposal, further conferences may be held, and additional material may be requested to guide in determinations. In the course of such conferences, any recommendations for change shall be recorded in writing, with reasons therefore, and shall become part of the record in the case. Applicants shall indicate, in writing, their agreement to such recommendations, or their disagreement and reasons therefore, which shall also be included in the record.
- b. Action By Planning Department - At the conclusion of the pre-application review and in conjunction with a Master Plan submittal, the Planning Department shall report to the Joint Planning Commission as to the:
 - i. Type of PDD proposed, physical characteristics of the land, relation of the proposed development to surrounding areas, and existing and probable future development;
 - ii. Relation to major roads, utilities and other facilities and services;
 - iii. Adequacy of evidence of unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guarantees, or other instruments, or the need for such instruments, or for amendments in those proposed;
 - iv. The suitability of plans proposed, or the desirability of amendments, with reasons therefore;
 - v. Desirable specific modifications in regulations or the comprehensive plan as applicable in the particular case, based on determinations that such modifications are necessary or justified in the particular case by demonstration that the public purposes of the PDD or other regulations would be met to at least an equivalent degree by the proposal of the applicant.

Based on such findings, the Planning Department shall recommend approval of the PDD amendment as proposed, approval conditioned on specific stated modifications, or disapproval, with recorded reasons therefore.

3. Action by Joint Planning Commission and Town Council - If the amendment is granted, Town Council shall, in its amending action, approve the application as it may have been changed during earlier procedures, or indicate required modification; and such approved application with required modifications, if any, shall be binding on the applicant. If modifications are required, Town Council shall officially state its reasons for in the record.

Development shall occur in accordance with the approved PDD, meeting the requirements of these and other regulations, as may be supplemented or specifically modified as part of the amending action, and shall conform to any time or priority limitations established by Town Council on beginning and completion of the development as a whole, or in specified stages.

In taking action to amend the zoning map to establish the approved PDD, Town Council shall pass upon the adequacy of the application, in form and substance relative to any agreements, contracts, deed restrictions, sureties, or other instruments involved; before development may proceed, such instruments shall be approved by appropriate officers and agencies.

Actions by the Joint Planning Commission and Town Council shall be as provided for amendments generally. Town Council may grant the application, may include specific modifications of the proposal or other applicable regulations, or may deny the application. The procedures for public hearing and consideration by the Joint Planning Commission and Town Council shall be as set forth in the *Amendments* Chapter of this ordinance. Town Council may require additions, deletions, and/or changes to the Master Plan prior to approval. Upon approval of the Master Plan by the Town Council, the Planned Development District shall be deemed established. Thereafter, all amendments to the Master Plan, which are considered to be major changes (see subsection 5) by the Planning Director, shall be in accord with the *Amendments* Chapter of this ordinance. The Master Plan shall guide the general location of all features shown therein, including land uses, densities, roads, public uses, and other features. The developer will be required to furnish a surety bond, letter of credit, cash escrow, or other guarantee acceptable to Town Council assuring completion of all public improvements and streets shown on final plans.

4. Plan Revision Time Limit, and Extension - Following the establishment of a Planned Development District and approval by the Town Council of a Master Plan, the applicant shall within 60 days and prior to seeking development related permits or approvals, submit a revised Master Plan that incorporates all modifications and conditions approved by Joint Planning Commission and Town Council.

Site development must commence within 12 months of Master Plan approval by Town Council unless the developer requests a time extension, not to exceed 12 months, which may be approved by the Joint Planning Commission. If development has not commenced by the end of the time extension, the Joint Planning Commission may recommend to Town Council that another time extension be granted or that the property be rezoned to its prior or other appropriate classification.

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5. Changes to Master Plan - If major changes to the Master Plan are being requested, the changes must be made through the zoning map amendment process. Major changes in the Master Plan are defined as those which alter the concept or intent of the Planned Development including but not limited to the following: changes in area use designations, increases in density, decreases in proposed open space, substantial changes in the location of proposed streets, particularly if streets are to be deleted or access points to the development are moved so that traffic flows both inside and outside the development are affected, change in location of any public easement, change in the proportion of housing types by more than 15 percent of the approved dwelling unit count, a violation of any specific condition set forth by the Joint Planning Commission and the Town Council, and any changes in the final governing agreements, provisions or covenants. The Planning Director shall make the determination as to whether any other requested changes shall be considered to be a major or minor change to the Master Plan. Because a Planned Development and related plans for an area are recognized as a legislative act, no other development of any other kind shall be constructed on the land affected by the rezoning. In the event the land is sold, the buyer of the land will be expected to develop the land in accordance with an approved Master Plan for the area. If the buyer wishes to construct his project in a different manner, he shall have his plans approved according to the provisions of this Section. The Planning Director shall have the authority to approve all minor changes to the Master Plan.
6. Addition of Land to an Existing Planned Development - Additional land area may be added to an existing Planned Development if it is adjacent to (except for public roads), forms a logical addition to, and is under the same ownership or control as the original development. The procedure for an addition shall be the same as if an original application were filed, and the requirements of this article shall apply, except the minimum acreage requirement.

Section 2.1.4.3 Effect of Establishing A PDD.

Establishment of a PDD, upon approval of the Master Plan for that district, confers upon the owners, their agents, or successors, no greater rights to initiate and pursue development of all or any portion of the Planned Development than are conferred by establishment of any other zoning district classification. Any and all development activity must be initiated and completed in full conformance with all relevant provisions of applicable local, state, and federal laws and regulations except, and only to the extent, that provisions of local regulations within the Town's authority, shall have been modified as specifically included as a part of master plan approval. All submittals required under applicable local regulations, such other information as may be reasonably required by appropriate Town officials and copies of information submitted to and permits or approvals issued by other regulatory entities shall be provided to the Town, with written approval as to conformance with the approved master plan required, prior to the initiation of any component of development activity within the PDD area. The following list of requirements is by no means exhaustive and is only intended to establish reasonable understanding of the intended effect of this Section.

1. Grading plans and related sedimentation or other permits shall be submitted for prior review and approval by DHEC.
2. To the extent subdivision of land is involved, requirements of the *Kershaw Land Development Ordinance* related to final plat review and recording shall be complied with fully.
3. Plans for the construction of water and wastewater systems shall be submitted to the Town for prior review and approval and evidence of approval by SCDHEC shall be submitted prior to commencing construction.
4. Requirements of County building codes and other applicable construction standards, including the submittal of detailed site plans, construction drawings, and specifications shall be complied with fully.
5. Evidence of approval by appropriate entities for installation of such systems as gas, electric power, telephone, cable TV, exterior lighting, etc., shall be provided.
6. County occupancy permit requirements shall be followed.

Section 2.1.4.4 Master Plan Requirements:

- a. In General. It is presumed that all of the information listed in this section must be submitted with an application for a PDD zoning to enable the permit-issuing authority to determine whether the development, if completed as proposed, will comply with all the requirements of this chapter. However, the planning commission and city council may require more information or accept as sufficient less information according to the circumstances of the particular case.
- b. Written applications. Every applicant for a PDD zoning district shall complete a written application containing at least the following information:
 1. The name, address and phone number of the applicant, and the date of application.
 2. If the applicant is not the owner of the property in question (1) the name, address and phone number of the owner, and (2) the legal relationship of the applicant to the owner that entitles the applicant to make application.

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3. A succinct statement of the nature of the development proposed and a statement of planning objectives for the site.
 4. Identification of the property in question by street address and tax map reference.
 5. The zoning district(s) within which the property lies.
 6. The number of square feet in the lot where the development is to take place.
 7. The gross floor area of all existing or proposed buildings located on the lot where the development is to take place.
 8. As additional data, the master plan shall contain a table which shows, for each section or area of different uses, the proposed use, the approximate phasing, the maximum density and approximate number of dwelling units for residential areas, square feet of floor space for commercial or industrial areas, approximate acreage of each use, including streets, recreational areas, and other public and/or private reservations, and approximate number of off-street parking/loading spaces.
 9. If the applicant proposes to construct the development in phases, such phases shall be identified on the master plan and the application shall include a proposed construction schedule.
- c. Development Site Plans. Every application for a PDD zoning district shall contain plans that locate the development site and graphically demonstrate existing and proposed natural, manmade and legal features on and near the site in question which shall, at minimum, include the following:
1. The plans shall include a location map showing the general location of the project within the town.
 2. Development site plans shall be drawn to scale, using such a scale that all features required to be shown on the plans are readily discernible. Very large developments may require that plans show the development in sections to accomplish this objective without resorting to plans that are so large as to be cumbersome, or the objective may be accomplished by using different plans or plans drawn to different scales to illustrate different features. In all cases, the planning staff shall make the final determination whether the plans submitted are drawn to the appropriate scale.
 3. Development site plans should show on the first page the name of applicant, name of development (if any), north arrow, legend and graphic scale. In addition, plans shall indicate the phasing of development.
 4. Existing natural, man-made and legal features. Development site plans shall show all existing natural, manmade and legal features on the lot where the development is taking place, including but not limited to those listed below. In addition, the plans shall also indicate the use made of adjoining properties.
- Existing Natural Features:
- a. Tree line of wooded areas.
 - b. The location and sizes of all trees greater than eighteen (18) inches in diameter.
 - c. Orchards or other agricultural groves by common or scientific name.
 - d. Streams, ponds, drainage ditches, swamps, boundaries of floodways and floodplains.
 - e. Contour lines (shown as dotted lines) with no larger than two-foot contour intervals.
- Existing Manmade features:
- a. Vehicle accommodation areas including parking areas, loading areas and circulation areas, all designed by surface material and showing the layout of existing parking spaces and direction of travel lanes, aisles, or driveways.
 - b. Streets, private roads, sidewalks, and other walkways, all designated by surface material.
 - c. Curbs and gutters, curb inlets and curb cuts, drainage grates and other storm water or drainage facilities, including manholes, pipes and drainage ditches.

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- d. Underground utility lines, including water, sewer, electric power, telephone, gas, cable television.
- e. Above ground utility lines and other utility facilities including fire hydrants.
- f. Buildings, structures and signs (including dimensions of each).
- g. Location of exterior light fixtures and solid waste collection areas and containers.

Existing Legal Features:

- a. The zoning of the property, including zoning district lines where applicable.
 - b. Property lines (with dimensions identified).
 - c. Street right-of-way lines and utility or other easement lines.
5. Proposed changes in existing features or new features. Development site plans shall show proposed changes in existing natural features, existing manmade features and existing legal features (especially new property lines, street right-of-way lines, and utility and other easements), as well as proposed manmade features, including, but not limited to, the following:
- a. The approximate boundaries of each section, land use or density.
 - b. The number of square feet in every lot created.
 - c. Lot dimensions, including lot widths.
 - d. The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets or street right-of-way lines.
 - e. Principal side(s) building elevations for typical units of new buildings or exterior remodeling of existing buildings, showing building heights and proposed wall sign or window sign area.
 - f. The location and dimensions of all recreational areas, with each area designated as to type of use.
 - g. Areas intended to remain as open space or designated screening areas.
 - h. All areas proposed for dedication to public use within the project.
 - i. Streets, labeled by classification and street name showing whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths. Private drives shall also be shown and clearly labeled as such.
 - j. Curb and gutters, curb inlets and curb cuts, drainage grates and other storm water or drainage facilities, including manholes, pipes, drainage ditches, retention ponds, etc.
 - k. Sidewalks and walkways, showing widths and surface material.
 - l. Outdoor illumination with lighting fixtures sufficiently identified.
 - m. Underground utility lines, including water, sewer, electric power, telephone, gas, cable television and above ground utility lines and other facilities including fire hydrants, solid waste collection areas, etc.

Section 2.2 Official Zoning Map.

- 1. There shall be a map or series of maps known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the Town's planning jurisdiction. This map shall be kept in a form from which prints can be made, shall be dated, and shall be kept in the Lancaster County Joint Planning Department.

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2. The Official Zoning Map dated April 12, 1999 is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with the *Amendments* Chapter of this ordinance.
3. Should the Official Zoning Map be lost, destroyed, or damaged, the Planning Department shall have a new map prepared. No further Town Council authorization or action is required so long as no district boundaries are changed in this process.

Section 2.3 Annexations.

Where annexation of new areas into the town is desired, the affected property owner(s) shall submit an annexation petition. Such petition shall include a point-to-point boundary description and the desired zoning classification. The Joint Planning Commission shall review the annexation petition and make a recommendation as to zoning prior to consideration by the Town Council.

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Chapter 3. PERMISSIBLE USES.

Section 3.1 Table of Permissible Uses.

The Table of Permissible Uses should be read in close conjunction with the *Definitions* Chapter of this ordinance, the other interpretative provisions of this Chapter, and the *Conditional and Special Exception Use* Chapter provisions.

Section 3.2 Use of the Designations "ZP", "C", "BZA", "JPC", and in Table of Permissible Uses.

Subject to Section 3.3, when used in connection with a particular use in the *Table of Permissible Uses*, "ZP" means that the use is permissible in the indicated zone with a zoning permit issued by the Building and Zoning Official; "C" means the use is permissible in the indicated zone subject to certain conditions being met; "BZA" means that a special exception permit must be obtained from the Lancaster County Board of Zoning Appeals after a properly advertised public hearing; "JPC" means that a land development plan, subdivision plat approval, subdivision variance, or public project review must be obtained from the Joint Planning Commission; and an empty box means that the use is not permissible in the indicated zone.

Section 3.3 Permissible Uses and Specific Exclusions.

1. The presumption established by this ordinance is that all legitimate uses of land are permissible within at least one (1) zoning district within the Town's planning jurisdiction. Therefore, because the list of permissible uses set forth in the *Table of Permissible Uses* cannot be all-inclusive, those uses that are listed shall be interpreted liberally to include other uses that have impacts similar to the listed uses.
2. All uses that are not listed in the *Table of Permissible Uses* and that do not have impacts similar to those of the listed uses are prohibited. The *Table of Permissible Uses* shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in another zoning district.
3. Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:
 - a. Use of a motor vehicle (other than a travel trailer) as a temporary or permanent residence;
 - b. Use of a travel trailer as a temporary or permanent residence outside of a campground, and/or use of a travel trailer as a residence within a manufactured home park;
 - c. The use of any motor vehicle or trailer parked on a lot, as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other business is conducted, except that the following shall not be prohibited by this subsection: retail sales of goods and products manufactured, created, or produced by the seller, so long as such sales are otherwise permissible under this ordinance; the sale of goods within authorized flea markets or special events; use of a motor vehicle in connection with a recycling operation, to the extent otherwise authorized under this ordinance. Situations that do not comply with this subsection on the effective date of this ordinance are required to conform within 30 days thereafter. (See the *Nonconforming Situations* Chapter of this ordinance.)

Section 3.4 Accessory Uses.

1. The *Table of Permissible Uses* classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or is commonly associated with the principal use and integrally related to it, then the former use shall be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multifamily development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a permit.
2. For purposes of interpreting subsection (1):
 - a. A use shall be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use;
 - b. To be "commonly associated" with a principal use, it is not necessary for an accessory use to be connected with such principal use more often than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relationship.

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3. Without limiting the generality of subsections (1) and (2), the following activities are specifically regarded as accessory to residential principal uses so long as they satisfy the general criteria set forth above:
 - a. A home occupation shall be permitted in any residential district provided that such occupation:
 1. is conducted by no other persons than members of the family residing on the premises:
 2. is conducted within the principal building:
 3. utilizes not more than twenty-five (25) percent of the total floor area of the principal building:
 4. produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling:
 5. creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition:
 6. is not visibly evident from outside the dwelling except for a sign of three (3) square feet or smaller in size and mounted against the wall of the principal building:
 7. provides off-street parking commensurate with its occupation type as cited in Chapter 11.
 - b. Hobbies or recreational activities of a noncommercial nature:
 - c. Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any 90-day period:
 - d. Satellite (dish) antennas so long as any dish antenna is less than 10 feet in diameter and shall not be located in any front yard.
 - e. Shed or tool room for the storage of equipment used in grounds or building maintenance.
 - f. Private kennels as required. Kennels used for commercial purposes are prohibited.
 - g. Private swimming pool and bath house or cabana.
 - h. Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
 - i. Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house.
- x 4. Without limiting the generality of subsections (1) and (2), all motor vehicles that are neither licensed nor operational must be stored inside an enclosed structure unless located in an approved automotive wrecking and/or junk and/or salvage yard. The storage of such vehicles outside of an enclosed structure shall not be regarded as accessory to a principal use and is prohibited.
5. Private garage not to exceed the following storage capacities: one or two family dwelling -- 4 automobiles; multiple-family dwelling. -- 2 automobiles per dwelling.-: boarding house --1.5 automobiles per dwelling unit.

Open storage space or parking area for motor vehicles provided that such space does not exceed the maximum respective storage capacities listed above: and provided that such space shall not be used for more than one (1) commercial vehicle licensed as one (1) ton or less in capacity per family residing on the premises.
6. Uses customarily accessory to religious institutions.
 - a. Religious education buildings.
 - b. Parsonage, pastorium or parish house, together with any use accessory to a dwelling as listed under Section 3.4, subsections 3 and 5.
 - c. Off-street parking area for the use, without charge, of members and visitors to the church.
7. Uses customarily accessory to retail business, office uses and commercial recreational facilities.
 - a. Off-street parking or storage area for customers, clients or employee owned vehicles.
 - b. Completely enclosed building for the storage of supplies, stock or merchandise.

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- c. Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.
8. Open lot sale of Christmas trees, in the B-1, B-2, B-3 and Ind. Districts for a period not to exceed thirty (30) days.
9. Real estate sales office, in any district, for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.

Section 3.5 Permissible Uses Not Requiring Permits.

Notwithstanding any other provisions of this ordinance, no zoning or special exception permit is necessary for the following uses:

1. Electric power, telephone (excluding wireless communication towers), telegraph, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way or public easement. However, notice shall be given to the Joint Planning Commission.
2. Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or town) of the right-of-way.
3. Agricultural crop production.

Section 3.6 Change in Use.

1. A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever the change involves a change from one principal use category to another.
2. A mere change in the status of property from unoccupied to occupied or vice-versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property shall have been unoccupied, unless the property has remained unoccupied for more than six (6) consecutive months.
3. A mere change in ownership of a business or enterprise shall not be regarded as a change in use.

Section 3.7 Combination Uses.

1. When a combination use is comprised of two or more principal uses that require different types of permits (zoning, special exception), then the permit authorizing the combination use shall be:
 - a. A special exception permit if any of the principal uses combined requires a special exception permit;
 - b. A zoning permit in all other cases.
2. When a residential use is combined with a nonresidential use in a business district, the lot must have at least the minimum square footage required for the residential use alone.
3. When two principal uses are combined, the total amount of parking required for the combination use shall be determined by cumulating the amount of parking required for each individual principal use.

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Section 3.8 Accumulation on Premises Prohibited.

- a. It shall be unlawful for any person, property owner, agent or occupant of such premises to maintain or to permit to be maintained, any premises, including lots of land, upon which grass, weeds, undergrowth, trash, junk, used equipment, garbage, household appliances, furniture, discarded clothing, building materials, glass, wood or other such relevant miscellaneous litter and debris is permitted or caused to accumulate in any manner which is or may become a public nuisance, or to place or have same adjacent to his premises and/or property or in any public place unless pursuant to ordinances provided for its collection.
 1. Any of the conditions outlined in subsection (a) above may be declared a nuisance when, in the determination of the building and zoning official or his designated agent or representative, such conditions are unsightly, unsanitary, or threatening to the health, safety, or welfare of the general public.
 2. The words and definitions of "weeds," "grass," "undergrowth," as used herein will be construed as extreme or above normal conditions which serves as a breeding ground for mosquitoes, or as a refuge for snakes, rats, rodents, or any growth that creates a fire or traffic hazard or general nuisance due to unsightliness as judged by the building and zoning official. Pasture lands and agricultural crops shall not be construed as "weeds," "grasses," or "undergrowth."
 3. Nothing herein shall be applicable to such grasses, weeds, or undergrowth less than sixteen (16) inches to eighteen (18) inches in height, nor to such grasses, weeds or undergrowth more than one hundred fifty (150) feet from any building, structure, recreation area (not including the width of the intervening street) or to such grasses, weeds, or undergrowth more than one hundred twenty-five (125) feet from any street or road right-of-way.
- b. It shall be unlawful for any person, property owner, agent or occupant of such premises to have, keep, maintain, cause or permit within the county, any standing water in which misquotes breed or are likely to breed, unless such collection of water is properly treated so as to effectually prevent such breeding.
 1. Exemption shall be to natural wetlands or watercourses which are controlled by natural environment.

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Chapter 4. CONDITIONAL AND SPECIAL EXCEPTION USES.

Section 4.1 Purpose for Conditional Uses.

Due to the nature and potential impact of uses listed in this Chapter, such uses shall only be allowed within Town of Kershaw if all of the listed conditions pertaining to each use are met. If all of the listed conditions pertaining to each use are met, no further review is required. Variances from these minimum requirements shall not be approved unless the applicant can demonstrate a hardship would occur if the ordinance is applied to the site as written.

Section 4.2.1. Animal Hospital and/or Boarding Facility and Pet Shop.

Such a use shall be allowed in the B-1, B-3 and Ind. Districts if the following conditions are met:

1. All boarding arrangements shall be maintained within a building.
2. No noise connected with the operation of the facility shall be audible beyond the property line.

Section 4.2.2. Auto Accessory Store.

Such a use shall be allowed in the B-1, B-3 and Ind. Districts if the following conditions are met:

1. There shall be no storage of wrecked automobiles or scrapped or salvaged automobile parts on the premises.

Section 4.2.3. Automobile Service Station.

Such a use shall be allowed in the B-1, B-3 and Industrial District if the following conditions are met:

1. All fuel pumps shall have a minimum setback from any street right-of-way of at least twenty-five (25) feet.
2. All fuel tanks shall be installed underground.
3. There shall be no open storage of any type allowed on the premises.

Section 4.2.4. Bakery or Candy Store.

Such a use shall be allowed in the B-1, B-2 and B-3 district if the following conditions are met:

1. Any goods produced on the premises are sold only at retail on the site.
2. No more than five (5) employees shall be employed on the site.

Section 4.2.5. Bed and Breakfast.

Such a use shall be allowed in the R-6, R-6MF and B-2 districts if the following conditions are met:

1. The bed and breakfast shall be operated in a principal structure constructed before the effective date of this ordinance and not in any accessory structure.
2. No exterior additions or alterations shall be made for the express purpose of creating or maintaining a bed and breakfast.
3. The owner of the bed and breakfast or full time manager shall reside in the structure.
4. The use of the dwelling unit for the bed and breakfast shall be clearly incidental and subordinate to its use as a principal residence.
5. The structure must contain one full bathroom for the exclusive use of the owner or resident manager and other members of the immediate household.
6. The guest rooms shall be offered primarily to transient persons for rental or lease by the day or week. Maximum length of stay is limited to fourteen (14) days in any thirty-day period of time. The property owner or full time manager shall keep a current guest register including names, addresses, and dates of occupancy of all guests. These records shall be available for inspection by the Building and Zoning Official.
7. For bed and breakfast establishments, one off-street parking space for the owner/manager and one space per guest room shall be required. The required off-street parking may be located on the lot containing the bed and breakfast provided that it is not located in the front yard.

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8. Not more than one sign advertising the existence of a bed and breakfast operation may be erected on the lot where such use is located. No side of this sign may exceed four square feet in surface area. The sign may not be internally illuminated.

Section 4.2.6. Butcher Shop.

Such a use shall be allowed in the B-1, B-2 and B-3 districts if the following condition is met:

1. Any cleaning of meat, fish or poultry necessary for such a use shall be permitted only if the activity is conducted within the principal building on the premises.

Section 4.2.7. Car Wash.

Such a use shall be allowed in the B-2, B-3 and Ind. Districts if the following conditions are met:

1. An off-street, paved parking area capable of accommodating not less than one-half of the hourly vehicle washing capacity awaiting entrance to the washing process is suitably located and maintained on the premises. This space shall contain at least two hundred (200) square feet per waiting vehicle.
2. No safety hazard or impediment to traffic movement shall be created by the operation of this type of business.

Section 4.2.8. Cemeteries.

Cemeteries shall be allowed in all residential districts if the following conditions are met:

1. Such a use shall not be located on a lot which contains less than one (1) acre of land.
2. The site does not include a crematorium or dwelling unit other than for a caretaker.
3. The parcel shall have a front yard setback of at least seventy (70) feet from the centerline of the street right-of-way.
4. The sign for the cemetery shall be non-illuminated and contain no more than thirty (30) square feet of sign surface area.

Section 4.2.9. Child Day Care Centers, Private Kindergartens or Pre-school Nursery.

Such facilities shall be permitted uses in the R-15, R-6 and R-6MF, and MF districts if operated in connection with a religious institution. If such facilities are not operated in connection with a religious institution, each shall be permitted if the following conditions are met:

1. All state regulations relating to licensing of such facilities are met.
2. Such a facility is located on a lot which contains not less than twenty thousand (20,000) square feet in area.
3. No structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.
4. A five (5) foot tall fence shall be constructed around the play area.
5. Area:
 - a. Indoor area. The building shall contain a minimum of thirty-five (35) square feet of floor area for each child present.
 - b. Outdoor area. At least seventy-five (75) square feet of outdoor play area shall be available for each child present.
6. Off-street parking. Off-street parking shall be provided in accordance with the provisions set forth in Chapter 11.

Section 4.2.10 Contractor's Office.

Such a use shall be allowed in the B-1 and B-3 districts if there is no storage of vehicles, equipment or materials on the site.

Section 4.2.11. Festivals, bazaars, outdoor sale events, carnivals, circuses, revivals and temporary promotions

Festivals, bazaars, outdoor sale events, carnivals, circuses, revivals and temporary promotions are permitted in any district; provided, however, that any such use shall require the building official's determination with regard to the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on adjacent properties. Such use shall be limited to a period not to exceed 14 days. Such use need not comply with the yard requirements of this ordinance except that structures or equipment that might block the view of operations of motor vehicles on any public or private street shall not be located within the sight distance triangle. Such use need not comply with the maximum height requirements of this ordinance. The concessionaire

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responsible for the operation of any such festival, bazaar, outdoor sale event, carnival, circus, revival or temporary promotion, shall submit at least ten calendar days in advance of the event date a site layout displaying adequate ingress and egress plan for emergency vehicles with no dead-end aisles.

Tents. Tents are permitted in all zoning districts. No tent shall be allowed to remain for a period of more than two days longer than the period during which the use with which it is associated is allowed to remain or, in the absence of any such period, ten days. Unless waived in writing by the building official, every tent shall comply with the bulk and yard requirements of the district in which it is located.

Section 4.2.12. Garage for the Repair and Servicing of Motor Vehicles.

Such a use shall be allowed in the B-1, B-3 and Ind. districts if the following conditions are met:

1. All operations are conducted within a fully enclosed building.
2. A Type B buffer yard is provided along all property lines to screen the storage of wrecked vehicles, dismantled cars or parts.

Section 4.2.13. Manufactured Homes and Manufactured Home Parks.

- a. Except as otherwise provided in this section, manufactured homes shall be permitted only in a manufactured home park or the R-6MH district as prescribed in Chapter 2 of this ordinance. Manufactured home parks in existence on the date of the adoption of this ordinance shall be allowed to be enlarged when such enlargement is in conformance with all design requirements of this section.
- b. A multi-wide manufactured home may be placed on a single lot in the R-6MH district provided such dwelling has a minimum dimension of eight (8) feet in width and thirty-two (32) feet in length, is designed and constructed to comply with the "Federal Manufactured Home Construction and Safety Standards," and the South Carolina Uniform Standards Code for Manufactured Housing and Regulations; has a minimum three-inch to twelve-inch roof pitch; a minimum twelve-inch overhang at soffits and gable ends, roof coverings must be composition shingles, exterior wall covering must be of masonry veneer or wood siding assuring a favorable comparison with neighboring site built dwellings; is permanently affixed to a foundation wall enclosing the entire perimeter of the structure and supporting the loadbearing framework of the structure, such manufactured home shall have its wheels, axles, transportation lights and towing apparatus removed to prevent the structure from being moved from time to time at the convenience of the owner and the structure was manufactured within three (3) calendar years from the date it is to be placed for occupancy.
- c. The setup, location, and movement of a manufactured home shall meet the following requirements:
 1. As used in this ordinance, the term "mobile home" or "manufactured home" shall be interpreted to mean a vehicle or structure that is designed to be movable on its own chassis for conveyance on public thoroughfares and designed without a permanent foundation. A manufactured home may consist of one (1) or more components that can be disassembled for towing purposes or two (2) or more units that can be towed separately, but designed to be attached as one (1) integral unit. All manufactured homes produced since June 15, 1976, must be inspected by the Department of Housing and Urban Development during the manufacturing process and display an emblem of approval on the manufactured home. Placement of this type of dwelling/residence on a permanent foundation does not constitute a change in its classification. For the purpose of this ordinance, a manufactured home used for business purposes or classrooms are subject to the requirements of subsection (h) of this Section.
- d. Scope and Jurisdiction.
 1. Sworn law enforcement personnel of the Town shall assist the Building and Zoning Department in the enforcement of all applicable requirements of this Section and ordinance upon reasonable request and notification.
 2. Upon notice from the Building Official, placement of a manufactured home contrary to the provisions of this section shall be immediately ceased. Such notice shall be in writing and shall be transmitted to the mover of the manufactured home in violation. Notice shall state the violation and the conditions under which the violation shall be corrected. Written notice shall be sufficient if mailed by registered mail, hand delivered, or accepted by an agent or relative of the owner of the manufactured home in violation.
 3. It shall be unlawful for any public utility to provide service to any manufactured home where a permit is required under this ordinance prior to the issuance of required permit(s) or to maintain any such service upon notification by the Building Official that such violation was made against the provisions of this ordinance. This service restriction includes temporary connections for installation purposes.
- e. Permit Administration.

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1. It shall be unlawful for any person to place a manufactured home on a lot without filing an application with the Lancaster County Building and Zoning Department and obtaining the necessary permit. Each application for a permit shall be made on a form required by the Lancaster County Building and Zoning Department. Part of this process includes a site inspection and a verification of the assigned 911 address.
2. The Lancaster County Building and Zoning Department shall make every reasonable effort to assist an applicant in completing the application forms; however, the applicant for such a permit is fully responsible for supplying and entering complete and accurate information on the application forms. If the application is deemed incomplete, inaccurate, or non-conforming to the provisions of this or other pertinent ordinances, the Lancaster Building and Zoning Department may reject such application in writing and indicate what action the applicant must take to comply with these regulations.
3. Upon approval of a manufactured home permit involving placement, the Lancaster County Building and Zoning Department shall issue a placement decal or card which shall be permanently affixed to the manufactured home by the owner.

f. Permit Fees.

1. No permit shall be issued by the Building and Zoning Department until either a fee of \$150 for the placement/setup/moving of any manufactured home or \$25 for moving any manufactured home, out of the city, has been paid in full.
2. When, as a result of incomplete applications, violations, or errors of permit holder/applicant, additional inspections must be performed, the permit holder/applicant shall pay an additional fee of \$25 for each additional inspection thereafter.
3. Where any activity regulated by this ordinance is commenced prior to issuance of the required permits, the applicable permit fee shall be doubled.
4. The Lancaster County School District shall be exempt from paying the fees established by this subsection only.
5. If a manufactured home is located on a parcel without meeting all the regulations contained in this ordinance, then the mover of the manufactured home (not the property owner) shall be fined accordingly and it shall be the responsibility of the mover to correct the situation. Such a mover may also be fined for any other reason the Building Official believes is the responsibility of the mover.

g. Requirements.

1. Such structures shall be occupied as residences unless otherwise specified by this ordinance.
2. The manufactured home shall not be located within the required yard space of the single-family dwelling and at least 20 feet from the other dwelling or manufactured home.
3. The manufactured home shall be completely underpinned at the time the last inspection is conducted and prior to the final power permit being issued. If this is not complete, the Certificate of Completion shall not be issued by the Building and Zoning Department.
4. Manufactured homes shall be oriented on the site so that the front door faces the road from which the site has its access.

Exception to the above is:

5. Manufactured homes placed in the floodplain shall meet the floodplain ordinance requirements.
6. Properly constructed steps and handrails of masonry or weather resistant material shall be installed at each entrance and exit. If a manufactured home is installed at a height requiring more than three (3) steps, then a properly constructed landing of masonry or weather resistant material with minimum dimensions of three (3) feet by five (5) feet shall be installed.
7. Manufactured homes shall be connected to properly installed sewage disposal systems, potable water supply, approved electric service supply as per the most recent edition of SCDHEC regulations, Standard Plumbing Code, National Electric Code, etc. All utilities shall be either overhead or underground.
8. Manufactured homes shall not be used for storage space.

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9. Manufactured homes built prior to June 15, 1976 shall not be disconnected from power and then reconnected. Therefore, such manufactured homes shall not be moved from one site to another.
- h. Modular Units as Special Occupancies.
 1. Provided the use or location does not violate provisions of this ordinance and the owner or lessee obtains a "Certificate of Occupancy" signed by the Building and Zoning Department, a modular unit, intended and used as an office or other relevant approved use, may be used for said purposes and must be registered with Lancaster County and meet all applicable standard codes for use. Said use shall meet all applicable standard codes for occupancy.
 2. A modular unit may be used as a classroom by a school or religious institution, provided it is registered with Lancaster County and meets all applicable requirements of the standard codes and ordinances of Lancaster County.
- i. Moving Permits Required.
 1. Moving permits shall be filed on forms provided by the Building Inspections Department. The moving permit shall be issued when all taxes due on the manufactured home have been paid. The permit shall be valid for 15 days with an extension approved by the Building and Zoning Department for just cause; however, any such extension shall not exceed 15 days.
 2. The manufactured home moving permit shall accompany the manufactured home while it is being moved. The permit shall be displayed on the rear of the manufactured home in a conspicuous place. It shall be the duty of the transporter that the requested moving permit is properly displayed and accompanies the manufactured home while in transport.
 3. A manufactured home dealer or other agency repossessing a manufactured home under a security agreement, or upon receipt of a legal repossession document from the principal of the security agreement, may move a manufactured home from where it is located and relocate it to a secure location within the Town of Kershaw until a moving permit can be obtained, not to exceed 15 days. Under no circumstances shall the manufactured home leave the boundaries of the Town of Kershaw until all taxes and other Town liens are satisfied and a moving permit is issued.
 4. When a dealer moves a manufactured home for rental purposes.
- j. Permits Not Required.
 1. A manufactured home dealer brings a class A or class B manufactured home into the Town of Kershaw for resale purposes.
 2. A manufactured home dealer delivers a manufactured home that is sold from the sales lot.
- k. **MANUFACTURED HOME PARK:** The following regulations shall apply to all manufactured home parks:
 1. Plan approval. Prior to construction of a manufactured home park or enlargement of a manufactured home park existing on the date of the adoption of this ordinance, a development plan shall be approved by the South Carolina Department of Health and Environmental Control and the Joint Planning Commission. The plan shall be drawn to a scale of not less than one hundred (100) feet to one (1) inch and shall contain the following information:
 - a. The location of the proposed park and the nature of the surrounding land uses.
 - b. The location and dimensions of streets, rights-of-way, drives, parking spaces and walks.
 - c. The location and size of manufactured home plots.
 - d. The location and size of service buildings and areas and recreation areas.
 - e. The location and type of screening, fences or hedges.
 - f. The names and addresses of abutting property owners and developers.

Any manufactured home, service building or recreation area located in any manufactured home park shall be placed in accordance with an approved development plan.

 2. Design requirements:
 - a. Park size. The minimum manufactured home park size shall be three (3) acres.

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- b. Plot size. Each manufactured home shall be on a plot not less than five thousand (5,000) square feet in area, have an average width of not less than fifty (50) feet, and an average length of not less than one hundred (100) feet.
- c. Setbacks. No manufactured home shall be located closer than fifty (50) feet to the right-of-way line of a street or highway and not closer than fifteen (15) feet from side and rear property lines.

Each manufactured home shall be set back at least fifteen (15) feet from the front, side, and rear lines of the plot on which it is located.

- d. Off-street parking. A minimum of two (2) automobile parking spaces surfaced with four (4) inches of gravel shall be provided adjacent to each manufactured home space, but shall not be located within any public right-of-way or public easement or within any street.
- e. Access. No manufactured home shall have direct access to a public street or highway. All manufactured home plots shall have access to an interior roadway which is not less than thirty (30) feet in width, having a paved surface not less than twenty (20) feet in width.
- f. Screening. Where any property line of a manufactured home park abuts land zoned for or occupied by a residential use, there shall be provided and maintained along the property line of the manufactured home park a Type A buffer yard.
- g. Utility requirements. Each manufactured home space in a manufactured home park shall be provided with water and sewer service approved by the South Carolina Department of Health and Environmental Control.
- h. Recreation areas. Recreation space of not less than 15 percent of the park site shall be provided in the manufactured home park.
- i. Operating requirements. The operator of each manufactured home park shall comply with all South Carolina Department of Health and Environmental Control rules and regulations governing the sanitation and operation of manufactured home parks.
- j. Construction standards. Water system, sewer system, storm drainage, streets and site work must comply with the construction standards and specifications for the town.
- k. Manufactured homes and manufactured home parks shall comply with applicable standards as found in the Standard Building Code, Standard Plumbing Code, Standard Mechanical Code, and the National Electrical Code.
- l. All on site roadway intersections shall be provided with a street light and one interior light shall be provided for each 400 feet of street length.
- m. Each manufactured home stand shall be at least 30 feet from any other stand or property line and at least 30 feet from the edge of any drive which provides common circulation. Accessory buildings shall be at least 10 feet from any manufactured home other than the home to which the building is accessory and only one (1) accessory structure shall be permitted per manufactured home.
- n. Existing trees and other natural site features shall, to the extent feasible, be preserved. Variations in the street pattern, block shapes and location of manufactured home stands shall be employed as methods to preserve existing trees and other natural site features.
- o. No living compartment or structure other than a "Florida Room" or other prefabricated structure, specifically designed for manufactured home use or extension, shall be added to any manufactured home. Porches covered with a roof and open on three (3) sides shall be permitted if the setback requirements of this ordinance are not violated.
- p. All spaces within a manufactured home park shall be serially numbered for mailing address purposes. These numbers shall be displayed in the front of the manufactured home on the driveway side with four-inch (4") lettering.
- q. The *Table of Permissible Uses* indicates that class C manufactured homes are not permissible within any zoning district. No class C manufactured home located in a park shall be replaced with another class C manufactured home.
- r. A Type B buffer yard shall be installed at the time the manufactured home park is established along all abutting road frontages and a Type A buffer yard shall be installed along all other property lines. Such buffer yards shall only contain evergreen plants.
- s. All utilities shall be either overhead or underground.

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Noise source operates less than 1% of any one-hour period	plus 15
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character	minus 5

*Apply to the preceding table one of these corrections only.

Noise emanating from construction activities between 7 a.m. and 7 p.m. shall be exempt from these requirements.

5. Air Pollution

The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Pollution Control Authority.

Air pollution emanating from construction activities between 7 a.m. and 7 p.m. shall be exempt from these requirements.

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process which may involve the creation or emission of any such odor shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.

6. Glare

There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding, or otherwise, so as to be visible in any residence.

7. Heat, Cold, Dampness or Movement of Air

Activities which could produce any adverse affect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.

8. Toxic Matter

The measurement of toxic matter shall be at ground level or habitable elevation and shall be the average of any 24-hour sampling period. The release of any airborne toxic matter shall not exceed the quantities permitted for those toxic materials currently listed in Threshold Limit Values, adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in said listing, the applicant shall satisfy the Planning Commission that the proposed levels will be safe to the general population.

9. Exterior Illumination

All operations, activities, and uses shall be conducted so as to comply with the performance standards governing exterior illumination prescribed below.

In general, the pattern of light pooling from each light source shall be carefully considered to avoid throwing light onto adjacent properties. Light sources visible in residential or medical areas shall comply with light intensities indicated in Column A below. Light sources visible in commercial or industrial areas shall comply with light intensities indicated in Column B below.

	<u>Column A</u>	<u>Column B</u>
Bare incandescent bulbs	15 watts	40 watts
Illuminated buildings	15 ft. candles	30 ft. candles
Backlighted or luminous back ground signs	150 ft. lamberts	250 ft. lamberts
Outdoor illuminated signs & poster panels	25 ft. candles	110 ft. candles
Any other unshielded sources, intrinsic brightness	50 candela per sq. centimeter	50 candela per sq. centimeter

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Steady-State Vibration Limits	Peak Particle Velocity (Inches Per Second)	
	Daytime	Nighttime
Residential Property Line	0.03	0.01
Non-residential Property Line	0.06	0.06

Nighttime limits shall be considered to prevail from 7:00 p.m. to 7:00 a.m. local time.

3. Fire and Explosives

All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against the hazards of fire and explosion including adequate fire fighting and fire suppression equipment.

4. Noise

All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the value given in Tables I and II in any octave band or frequency. Sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform to specifications published by the American Standards Association. Maximum permissible sound pressure levels at the lot line for noise radiated continuously from a facility between the hours of 7 p.m. and 7 a.m.

Table I - Nighttime Schedule

<u>Frequency Band (In Cycles Per Second)</u>	<u>Sound Pressure Levels (In Decibels) At non-residential Lot Line</u>	<u>At Residential Lot line</u>
20 - 74	69	65
75 - 149	60	50
150 - 299	56	43
300 - 599	51	38
600 - 1,199	42	33
1,200 - 2,399	40	30
2,400 - 4,799	38	28
48,00 - 10,000	35	20

Table II - Daytime Schedule

Maximum permissible sound pressure levels at the lot line for noise radiated from a facility between the hours of 7 a.m. and 7 p.m. shall not exceed the limits of the preceding table except at specified and corrected below:

<u>Type of Operation in Character of Noise</u>	<u>Correction (In Decibel*)</u>
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5
Noise source operates less than 5% of any one-hour period	plus 10

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2. Vibration

No vibration shall be produced which is transmitted through the ground and is discernable without the aid of instruments or at any point beyond the lot line; nor shall any vibration produced exceed the following particle velocity levels, measured with a vibration monitor in inches per second at the nearest:

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t. All applicable conditions contained in this Section shall be followed.

Section 4.2.14. Manufactured Home and Recreation Vehicle Sales and Service.

Manufactured home and recreation vehicle sales/service facilities shall conform with the following requirements:

1. Units offered for sale or stored on site shall be located outside the district required front setback and no closer than five (5) feet to side or rear lot lines.
2. Units offered for sale or stored on site shall be separated, one from another, by a distance of no less than five (5) feet.
3. Units offered for sale or stored on site shall be located along adequately maintained paved or stone surface access ways of sufficient dimension to provide unimpeded ingress and egress for fire apparatus and other appropriate vehicular circulation.

Section 4.2.15. Mini-Warehouses.

Such a use shall be allowed in the B-3 and Ind. Districts provided the following conditions are met:

1. Mini-warehousing sites shall be at least two (2) acres but not more than ten (10) acres in size.
2. Lot coverage of all structures shall be limited to 50 percent of the total area.
3. Vehicular ingress/egress shall be limited to one (1) point for each side of property abutting on a street lot line.
4. No business activities conducted by tenants other than rental of storage units shall be permitted on the premises.
5. There shall be no outside storage of materials.
6. None of the side walls of the structure shall be over 12 feet in height.
7. All outdoor lighting shall be installed so as not to exceed ten (10) feet in height and shall not shine or reflect directly onto any surrounding properties.
8. A Type B buffer yard, as defined in Chapter 12, shall be installed along any street frontage and any property line which abuts a residential district. All plants used to meet the requirements of the Type B buffer yard shall be evergreens.
9. When abutting any nonresidential district, a minimum of a Type A buffer yard shall be installed.
10. Individual storage units may be used for the storage of goods which are associated with any office, retail, or other business use. However, no business shall be allowed to operate from an individual storage unit.
11. The storage of radioactive materials, explosives, flammable, or hazardous chemicals shall be prohibited.
12. No parking spaces or drive aisles are allowed in any required side or rear yard.
13. The minimum drive aisle width shall be 24 feet in width and the entrance shall be setback a minimum of 75 feet from the right-of-way or easement line of the street from which the site has access.
14. The entrance to the site shall have a gate. The gate shall be setback a minimum of 75 feet from the right-of-way or easement line of the adjacent street. This space is required to allow for one (1) tractor trailer and one (1) automobile to be stacked while waiting to open the front gate.
15. The storage of vehicles on a temporary basis is only allowed to the rear of all the buildings on site.

Section 4.2.16 Manufacturing/Processing Uses.

1. Purpose

The purpose of this section is to prevent land or buildings from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable or hazardous condition. Toward this end, the operational characteristics of all nonresidential uses shall be measured for conformance with the limitations of this section.

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Illumination shall be measured from any point outside the property. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

Section 4.2.17. Open Yard Storage (excluding junk or other salvage).

Such a use shall be allowed in the B-3 and Ind. Districts provided the following conditions are met:

1. Such a use shall be separated from adjacent properties used for residential purposes and property which is zoned residentially by a Type B buffer yard.

Section 4.2.18. Public Utility Buildings and Uses.

Public utility buildings and uses which shall include but not limited to sewage treatment facilities, sewage lift stations, pumping stations, electrical substations and telephone equipment buildings, which are not detrimental to other uses permitted in the district, shall be permitted in any residential district subject to the following conditions:

1. Such uses shall be enclosed within a building or by a suitable wall of fence which is at least six (6) feet in height above the finish grade.
2. No office or commercial operation shall take place on the site. Additionally, there shall be no storage of vehicles or equipment on the site.
3. A type A buffer yard shall be installed and maintained around the entire periphery of the facility.

Section 4.2.19. Religious Institutions.

A religious institution may be permitted in all residential districts subject to the requirements of the district and the following requirements:

1. Such a use shall be housed in a permanent structure which meets all building, electrical and plumbing codes for places of public assembly
2. Lot area. The minimum lot area shall be sixty thousand (60,000) square feet in the R-45 district, twenty thousand (20,000) square feet in the R-15 District and nine thousand (9,000) square feet in the R-6 and R-6MF districts.
3. Setback requirements. All buildings shall be set back twenty-five (25) feet from any side and rear property line which is abutting a residential zoned property.
4. Off-street parking. Off-street parking shall be provided in accordance with the provisions set forth in Chapter 11.
5. All exterior building and parking lot lights shall not reflect into adjoining residences.

Section 4.2.20. Truck Terminal.

Such a use shall be allowed in the Industrial District provided the following conditions are met:

1. Paved acceleration and deceleration lanes at least twelve (12) feet in width and one hundred (100) feet in length shall be installed and maintained where trucks enter or leave the terminal sites located adjacent to major streets provided no safety hazard or impediment to traffic movement is produced on any access road.
2. There shall be no open storage on any type allowed on the site.

Section 4.3 Adult Uses.

It is the purpose of this section to regulate adult entertainment establishments to promote the health, safety, and general welfare of the citizens of the Town. It is also the purpose of this ordinance to establish reasonable and uniform regulations to prevent the future incompatible location and concentration of adult establishments within the Town. The provisions of this section have neither the purpose nor effect of imposing any limitations or restrictions on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict access by adults to sexually oriented entertainment or materials protected by the First Amendment, or to deny the distributors and exhibitors of sexually oriented entertainment access to their intended market. Neither is it the intent or effect of this section to condone or legitimize the observance of adult entertainment or the distribution of sexually oriented material. These uses are allowed only in the Industrial District.

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Section 4.3.1 Classifications.

Adult entertainment uses and establishments include, but are not limited to, adult arcades, adult bookstores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, adult video stores, escort motels, escort services, and sexual encounter centers, as defined in the *Definitions* Chapter of this ordinance, and any other establishment which contains activities characterized by the performance, depiction, or description of specific anatomical areas or specific sexual activities.

Section 4.3.2 Location.

Measurements of distance separation shall be as described in Section 4.1.1 with no consideration given to intervening structures, roads, or land forms.

1. Adult establishments shall not be located closer than 600 feet from any:
 - a. Residential zoning district or structure used as a residence at time of the application for a Special Exception permit:
 - b. Religious institution:
 - c. Day care center:
 - d. Public or private educational facility:
 - e. Public library, playground, park, recreation facility, or other public facility:
 - f. Other adult establishment that provides adult entertainment or engages in the sale or rental of adult material as one of their principal business purposes:
 - g. Designated commercial, office, or industrial park.
2. No more than one (1) adult establishment shall be located on a parcel or in the same building, structure or portion thereof.
3. No other principal or accessory use shall occupy the same parcel, building, structure, or portion thereof with any adult establishment.

Section 4.4 Video Game Machine Establishments.

The placement or location of a video game machine establishment shall meet the following criteria:

1. No such establishment shall be located within 300 feet of another video game machine establishment.
2. No such video poker establishment shall be permitted within 600 feet of any religious institution, residential zoning district, day care center, public or private educational facility, public library, playground, park recreational facility or other public facility.
3. No other principal or accessory use shall occupy the same parcel, building, structure, or portion thereof with any such establishment.
4. No more than one (1) such establishment shall be located on a parcel or in the same building, structure or portion thereof.

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Chapter 5. DENSITY AND DIMENSIONAL REGULATIONS.

Section 5.1 Minimum Lot Size Requirements.

1. Subject to subsection (2), all lots in the following zones shall have a minimum of the amount of square footage indicated in the following table:

Zone	Minimum Square Feet on Central Water and Sewer
R-45	43,560
R-15	14,520
R-6	6,000
R-6MH	6,000
MF	14,520
B-1	None
B-2	6,000
B-3	6,000
PO	3,000
Ind.	43,560

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Section 5.2 Residential Density.

1. Every lot developed for residential purposes shall have the minimum number of square feet per dwelling unit indicated in the following table. In determining the number of dwelling units permissible on a tract of land, fractions shall be rounded to the nearest whole:

Zone	Minimum Square Feet of Lot Area per Dwelling Unit
R-45	43,560
R-15	14,520
R-6	6,000
R-6MH	6,000
MF	5,445
B-1	Allowed above the first floor

Section 5.3 Minimum Lot Widths.

1. No lot shall be created that is so narrow or otherwise so irregularly shaped that it would be impractical to construct on it a building that:
 - a. Could be used for purposes that are permissible in that zoning district;
 - b. Could satisfy any applicable setback requirements for that district.
2. The lot width shall be measured along a straight line connecting the points at which a line that delineates the required setback from the street intersects with lot boundaries lines at opposite sides of the lot.
3. No lot created after the effective date of this ordinance shall contain less land or be smaller in width than the minimum lot area and width established by this section.

ZONE	LOT WIDTH ON CENTRAL SEWER
R-45	120
R-15	80
R-6	60
R-6MH	60
MF	60
B-1	None
B-2	50
B-3	50
PO	50
Ind.	100

Section 5.4 Principal Building and Sign Setback Requirements.

1. Subject to Sections 5.5 and 5.6 and the other provisions of this Section, no portion of any building or any sign shall be located on any lot closer to any lot line or to a street than is authorized in the table set forth below.
 - a. If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the street setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the street setback shall be measured from the street centerline.
 - b. As used in this section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.
2. Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.

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3. Setback distances shall be measured from the property line or street right-of-way or easement line to the nearest portion of any building, excluding:
- a. Any step, cave, gutter, canopy, or similar fixture:
 - b. A deck or patio if no portion of the same extends more than 12 inches off the ground:
 - c. Any structure that is a mere appendage to a building, e.g., a flagpole:
 - d. Any heating or air conditioning unit, so long as such unit is located as close as reasonably possible to the wall of the building it serves.

	Front Yard	Side	Rear
R-45	40 (1)(3)(6)	20 (2) (3)(6)	25 (1)
R-15	35 (1)(3)(6)	10 (2) (3)(6)	15 (1)
R-6	15 (1)(3)(6)	5 (2) (3)(6)	15 (1)
R-6MH	15 (1)(3)(6)	5 (4)(3)(6)	15 (1)
MHP	25(1)(2)(6)(7)	20 (7)	20 (7)
B-1	None	None	None
B-2	25 (1)(3)(6)	10 (3)(6)	15(1)
B-3	25 (1)(3)(6)	15 (3)(4)(6)	25(1)
Ind.	50 (1)(3)(6)	50 (3)(5)(6)	35(1)
PO	25 (1)(3)(6)	10 (3)(6)	15(1)

1. Double frontage lots shall provide the front yard requirements on both streets.
2. The side yard requirement shall be increased by 5 feet on all lots containing non-residential structures.
3. When abutting a collector or major thoroughfare the setback requirements shall be increased by 5 feet. *- front only*
4. If adjacent to property zoned for or used for residential purposes, a 20' setback shall be provided.
5. If adjacent to any other zoning district a 75' setback shall be provided.
6. Double frontage lots located at an intersection shall provide a street side yard requirement equal to one-half (0.5) the front yard requirement.
7. These setback requirements are from the manufactured home park's side, rear and front property line.

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4. The following modifications shall apply, where applicable:
 - a. Where more than one main building or structure is to be located on a lot, the required setback shall be maintained around the group of buildings.
 - b. Any corner lot shall provide front yard setback only along the property line where the principle access to the structure on the site (existing or proposed) would be provided and along the other property line adjacent to a street, a setback equal to one-half of the required front setback shall be provided.
 - c. Notwithstanding the front yard setback of this section, the front building line of any proposed building may be as close to the street as the average front building line of the buildings fronting on the same block and within 400 feet of the proposed use.
 - d. Commercial condominium projects are allowed to share interior property lines; provided that 20 foot setbacks shall be required on the end units; further provided that such projects (buildings) shall not exceed 600' parallel to the street providing principal access.
 - e. For townhouses, there shall be no minimum between units, but a setback equal to the height of the building (minimum 25 feet) shall be required between the end unit and the external property line, and between buildings on the projects site. No more than 6 units may be attached.
 - f. For multi-family and attached single-family dwellings a 25 foot setback shall be required between buildings on the project site.
 - g. Double frontage lots shall provide the front setback along both streets.

Section 5.5 Accessory Building Setback Requirements.

1. Subject to the remaining provisions of this section, accessory buildings shall be required to comply with the setback standards set forth in Section 5.4.
2. Accessory buildings in residential districts shall either be located entirely behind the front of the principal building. If a lot has frontage on more than one (1) street, no accessory building shall be located between a street and the wall line of the principal building that faces that street.
3. Accessory buildings in residential districts, subject to subsection (2), shall not be allowed within five (5) feet of a rear or side boundary line.
4. Off-street parking spaces shall be a minimum of five (5) feet from the nearest property line.
5. Except as otherwise provided in certain zoning districts, an accessory building or structure may occupy only that portion of a lot outside any required front, rear or side yards and no closer to any adjacent street than any portion of the principal building.

Section 5.6 Building Height Limitations.

1. For purposes of this Section:
 - a. Subject to subsection [1 (b)], the height of a building shall be the vertical distance between the average mean elevation of the finished grade at the front of the building to a point of access to a roof surface, but not including skylights, and roof structures for elevators, stairways, tanks, heating ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building.
 - b. With respect to single-family detached residences, the height of a building shall be the vertical distance between the average mean elevation of the finished grade at the front of the building to a point of access to a roof surface, but not including skylights, and roof structures for elevators, stairways, tanks, heating ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building.
 - c. A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface, whichever is greater. Roofs with slopes greater than 75 percent are regarded as walls.

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2. Subject to the remaining provisions of this Section, building and structure height limitations in the various zoning districts shall be as follows:

Zone	Maximum Height (see subsection (4))
All districts	35'

3. The following features are exempt from the district height limitations set forth in subsection (2):
- Chimneys, church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage (but parapets and similar structural appendages shall not be exempt);
 - Flagpoles and similar devices;
 - Towers and antennas (to the extent such uses are allowed in the *Table of Permissible Uses*) and excluding wireless communication towers..
 - Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices.
4. Notwithstanding subsection (2), in any zoning district the vertical distance from the ground to a point of access to a roof surface of any building shall not exceed 35 feet unless the Building and Zoning Official certifies to the permit-issuing authority, after consultation with the Director of Emergency Preparedness, that the structure is designed to provide adequate access for fire fighting personnel or such building is designed or is equipped to provide adequate protection against the dangers of fire, or that such building is served by an internal fire service organization.

Section 5.7 Impervious Surface Standards.

- Impervious surfaces are those that do not absorb water. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt are considered impervious surfaces within this definition. The impervious surface ratio is a measured of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the area of the entire site.
- The purpose of impervious surface standards is to reduce the impact of storm water runoff created by development. By requiring on-site permeable areas, lot line "black topping" is declared by this Ordinance to be an unacceptable practice.
- The following uses shall be limited in the amount of on-site impervious surface areas to the prescribed ratios:

<u>Proposed Use</u>	<u>Percent Total Lot/Site Area</u>
Residential	55%
Commercial/Business	80
Industrial/Warehousing/Storage	80
Institutional	65

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Section 5.8 Number of Principal Buildings On A Lot.

Except for the following uses and projects, no more than one principal building may be located upon a lot of record; provided the subject parcel contains a minimum lot area of one acre regardless of the zoning district in which it is located.

Institutional buildings

Industrial buildings

Multi-family dwellings

Commercial buildings

Planned Development Projects

Manufactured Home Parks in accord with Section 4.2.13

Manufactured Homes in accord with Section 4.2.13

Section 5.9 Measurement of Front, Side and Rear Yard: Determination of Buildable Area.

The required front, side and, rear yards for individual lots, as set forth for the particular Zoning District within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side and rear Property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side or rear lot shall be known as the "Buildable Area".

Section 5.10 Street Access.

Except as herein provided, no building shall hereinafter be erected, constructed, moved or relocated on a lot not located on a publicly dedicated, publicly accepted or publicly maintained street with a right-of-way of not less than thirty (30) feet.

Section 5.11 Lot Reduction Prohibited.

No part of a yard, or other open space, off-street parking or loading required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

Right-of-way easements for streets, drainage ways and roads shall not be considered a part of a lot or open space, or front, rear or side yard for the purpose of meeting yard requirements.

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance. The Lancaster County Joint Planning Department shall review all plats within the town limits to make sure the provisions of this section are met.

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Chapter 6. PERMIT APPROVAL.

Section 6.1 Zoning, Special Exception, and Sign Permits.

Section 6.1.1 Permits Required.

The use made of property shall not be substantially changed, excavation shall not be commenced, and buildings or other substantial structures shall not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits:

1. Zoning permit issued by the Building and Zoning Department.
2. Sign permit issued by the Building and Zoning Department. (Also see Chapter 10).
3. Special exception permit issued by the Board of Zoning Appeals.

Zoning permits, sign permits, and special exception permits are issued under this ordinance in respect to plans submitted by the applicant that demonstrate compliance with the ordinance provisions contained herein. Such plans as are finally approved are incorporated into any permit issued in reliance thereon, and all development shall occur strictly in accordance with such approved plans. The Kershaw Town Council has agreed that the Lancaster County Building and Zoning Department and the Lancaster County Board of Zoning Appeals shall review these requests.

A zoning permit, sign permit, or special exception permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority. It shall be the responsibility of the applicant and/or agent to comply with all other federal, state, and local laws that pertain to the development authorized by permit under this ordinance.

Section 6.1.2 No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled.

Issuance of a zoning permit, sign permit, or special exception permit authorizes the recipient to commence the activity resulting in a change in use of the land or, subject to obtaining a building permit or other permits or approvals required by law, to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures. However, except as provided in Sections 6.1.7.1 and 6.1.8.6, the intended use shall not be commenced and no building shall be occupied until the recipient has complied with all of the requirements of this ordinance and all additional requirements imposed pursuant to the issuance of a zoning permit, sign permit, special exception permit or building permit.

Section 6.1.3 Who May Submit Permit Applications.

1. Applications for zoning permits, sign permits, or special exception permits shall be accepted only from persons having the legal authority to take action in accordance with the permit approval. By way of illustration, this means that applications shall be filed by the owner of the property, his agent (with written consent of the property owner), lessees of the property or their agent (with written consent of the property owner), or persons who have contracted to purchase the property contingent upon their ability to acquire the necessary permits under this ordinance and with consent of the property owner or the agent of such persons (who shall make application in the name of such owners, lessees, or contract vendees and with the written consent of the property owner).
2. Every application for a permit under Chapter 6 shall be signed by the property owner or his agent, and the permit issuing authority may require an applicant to submit evidence of his authority to submit the application in accordance with subsection (1).

Section 6.1.4 Applications to be Complete.

1. All applications for zoning permits, sign permits, or special exception permits shall be complete before the permit issuing authority is required to consider the application.
2. Subject to subsection (3), an application is complete when it contains all of the information that is necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this ordinance. The date on which all of the required information is submitted to the Planning Department shall be the day the application is considered to be complete. If an application is submitted which does not contain all required information, it will not be considered complete and the date by which the application shall be processed under shall be the date the application is considered complete.

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3. In this ordinance, detailed or technical design requirements and construction specifications relating to various types of improvements may be set forth in one or more of the Chapters of this ordinance or may be specified in the regulations of other state or local agencies (e.g., South Carolina Department of Transportation). It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with these technical specifications, so long as the plans provide sufficient information to allow the permit-issuing authority to evaluate the application in the light of the substantive requirements set forth in the text of this ordinance. However, whenever a certain element of a development is required to be constructed in accordance with such technical specifications or whenever it reasonably appears to the permit-issuing authority that such construction drawings are necessary to demonstrate that construction details will comply with plans submitted and approved as part of the permit-issuing process, then no construction work on such element may be commenced until detailed construction drawings have been submitted to and approved by the permit issuing authority. A description of the construction plan submittal and approval process is provided in Section 6.2. Failure to comply with the requirements set forth herein shall result in permit revocation, or other penalty as provided in the *Enforcement and Review* Chapter of this ordinance.
4. The presumption established by this ordinance is that all of the information set forth in Chapter 20 is necessary to satisfy the requirement of subsection (2). However, it is recognized that each development is unique, and therefore the permit-issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. For applications submitted to the Board of Zoning Appeals, the applicant shall rely in the first instance on the recommendations of the Planning Department as to whether more or less information than that set forth in Chapter 20 should be submitted.
5. The permit-issuing authority shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In cases where a minimal amount of information is necessary to enable the permit issuing authority to determine compliance with this ordinance, such as applications for zoning permits to construct single-family houses or duplexes, or applications for sign permits, or building permits the permit issuing authority shall develop standard forms that shall expedite the submission of the necessary plans and other required information.

Section 6.1.5 Staff Consultation Before Formal Application.

To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this ordinance, pre-application consultation between the developer and the permit-issuing authority is recommended as provided in this section.

Section 6.1.6 Staff Consultation After Application Submitted.

Upon receipt of a formal application for a zoning permit or special exception permit, the Planning Department or Building and Zoning Department shall review the application and confer with the applicant to ensure that he understands the staff's interpretation of the applicable requirements of this ordinance, that he has submitted all of the information required under this ordinance, and that the application represents precisely and clearly what he proposes to do.

Section 6.1.7 Zoning Permits.

1. A completed application form for a zoning permit shall be submitted to the Building and Zoning Department by filing a copy of the application with the Building and Zoning Department.
2. The Building and Zoning Department shall issue the zoning permit unless it finds, after reviewing the application and consulting with the applicant, that:
 - a. The requested permit is not within its jurisdiction according to the *Table of Permissible Uses*; or
 - b. The application is incomplete; or
 - c. If completed as proposed in the application, the development will not comply with one (1) or more requirements of this ordinance (not including those requirements for which a variance has been granted or those the applicant is not required to comply with under the circumstances specified in the *Nonconforming Situations* Chapter of this ordinance).

Section 6.1.7.1 Authorizing Use or Occupancy Before Completion of Development Under Zoning Permit.

In cases when, because of weather conditions or other factors beyond the control of the zoning permit recipient, it would be unreasonable to require the zoning permit recipient to comply with all of the requirements of this ordinance (exclusive of health and safety-related requirements) prior to commencing the intended use of the property or occupying any buildings, the Building and Zoning Official may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this ordinance are concerned) if the permit recipient provides a performance bond or other security satisfactory to

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the Building and Zoning Official to ensure that all of the requirements of this ordinance will be fulfilled within a reasonable period [not to exceed six (6) months] determined by the Building and Zoning Official.

Section 6.1.8 Special Exception Permits. (Also see Section 8.2.4)

1. An application for a special exception permit shall be submitted to the Board of Zoning Appeals by filing a copy of the application with the Planning Department.
2. The Board of Zoning Appeals shall issue the requested permit unless it concludes, based upon the information submitted at the hearing, that:
 - a. The requested permit is not within its jurisdiction according to the *Table of Permissible Uses*; or
 - b. The application is incomplete; or
 - c. If completed as proposed in the application, the development will not comply with one (1) or more requirements of this ordinance (not including those the applicant is not required to comply with under the circumstances specified in the *Nonconforming Situations* Chapter of this ordinance); or
 - d. If completed as proposed, the development:
 - i. Will materially endanger the public health or safety; or
 - ii. Will injure the value of neighboring property (except that if the Board concludes that the use is a public necessity, a finding that it will injure the value of neighboring property shall not preclude the Board from issuing the permit); or
 - iii. Will not be in compliance with the general plan for the physical development of the county, as embodied in this ordinance or other plans or policies officially adopted by the Town Council.

Section 6.1.8.1 Burden of Presenting Evidence; Burden of Persuasion.

1. The burden of presenting a complete application (as described in Section 6.1.4) to the Board of Zoning Appeals shall be upon the applicant. However, unless the Board informs the applicant at the hearing in what way the application is incomplete and offers the applicant an opportunity to complete the application (either at that meeting or at a continuation hearing) the application shall be presumed to be complete.
2. The burden of persuasion on the issue of whether the application should be turned down for any of the reasons set forth in Section 6.1.8 rests on the party or parties urging that the requested permit be denied, unless the information presented by the applicant in his application and at the public hearing is sufficient to conclude that a reason exists for denying the application as provided in Section 6.1.8 [2 (a, c, or d)].
3. The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this ordinance remains at all times on the applicant.

Section 6.1.8.2 Recommendations on Special Exception Permit Applications.

1. When presented to the Board of Zoning Appeals at the hearing, the application for a special exception permit shall be accompanied by a report setting forth the Planning Department's findings concerning the application's compliance with Section 6.1.4 (Application To Be Complete) and the other requirements of this ordinance, as well as any staff recommendations for additional requirements to be imposed by the Board of Zoning Appeals.
2. If the staff makes finding or conclusion that the application fails to comply with Section 6.1.4 or any other requirements of this ordinance, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.

Section 6.1.8.3 Board of Zoning Appeals Action on Special Exception Permit Applications.

In considering whether to approve an application for a special exception permit, the Board of Zoning Appeals shall proceed according to the following format:

1. The Board shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete) then this shall be taken as an affirmative finding by the Board that the application is complete.

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2. The Board shall consider whether the application complies with all of the applicable requirements of this ordinance. If a motion to this effect passes, the Board need not make further findings concerning such requirements. If such a motion fails or is not made then a motion shall be made that the application fails to comply with one or more of the requirements of this ordinance. Such a motion shall specify the particular requirements the application fails to meet. Separate votes shall be taken with respect to each requirement not met by the application. It shall be conclusively presumed that the application complies with all requirements not found by the Board to be unsatisfied through this process.
3. If the Board concludes that the application fails to comply with one or more requirements of this ordinance, the application shall be denied. If the Board concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in Section 6.1.8. Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.

Section 6.1.8.4 Additional Requirements on Special Exception Permits.

1. Subject to subsection (2), in granting a special exception permit, the Board of Zoning Appeals shall attach to the permit such reasonable requirements in addition to those specified in this ordinance as shall ensure that the development in its proposed location:
 - a. Shall not endanger the public health or safety;
 - b. Shall not injure the value of adjacent or abutting property;
 - c. Shall be in harmony with the area in which it is located;
 - d. Shall be in conformity with the plan for the physical development of the town, as embodied in this ordinance or other policies or plans officially adopted by the Town Council.
2. The Board shall not attach additional conditions that modify or alter the specific requirements set forth in this ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.
3. Without limiting the foregoing, the Board may attach to a permit a condition limiting the permit to a specified duration.
4. All additional conditions or requirements shall be entered on the permit.
5. All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this ordinance.

Section 6.1.8.5 Reconsideration of Action.

Whenever the Board of Zoning Appeals disapproves an application for a special exception permit or the Board of Zoning Appeals disapproves an application for a variance on any basis other than the failure of the applicant to submit a complete application, such action shall not be reconsidered by the Board at a later time unless the applicant clearly demonstrates that:

- a. Circumstances affecting the property that is the subject of the application have substantially changed; or
- b. The application is changed in some substantial way; or
- c. New information is available that could not with reasonable diligence have been presented at a previous hearing.

Section 6.1.8.6 Authorizing Use, Occupancy, or Sale Before Completion of Development Under Special Exception Permit.

In cases when, because of weather conditions or other factors beyond the control of the special exception permit recipient (exclusive of financial hardship), it would be unreasonable to require the permit recipient to comply with all of the requirements of this ordinance (including any conditions imposed under Section 6.1.8.4 and exclusive of safety-related requirements) before commencing the intended use of the property or occupying any buildings, the Board of Zoning Appeals may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this ordinance are concerned) if the permit recipient provides a performance bond, letter of credit or other security satisfactory to the Board to ensure that all of these requirements will be fulfilled within a reasonable period [not to exceed six (6) months].

Section 6.1.9 Expiration Of Permits.

1. Zoning, sign, and special exception permits shall expire automatically if, within one (1) year after the issuance of such permits:

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- a. The use authorized by such permits has not commenced.
 - b. Less than 10 percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site.
2. If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of one (1) year, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 6.1.10.
 3. The permit-issuing authority may extend for a period of up to one (1) year the date when a permit would otherwise expire pursuant to subsections (1) and (2) if it concludes that the permit has not yet expired, the permit recipient has proceeded with due diligence and in good faith, and conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods of up to one (1) year upon the same findings. All such extensions shall be granted without resorting to the formal processes and fees required for a new permit.
 4. For purposes of this section, a permit is issued when a copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant.
 5. Notwithstanding any of the provisions of the *Nonconforming Situations* Chapter of this ordinance, this section shall be applicable to permits issued prior to the effective date of this ordinance.

Section 6.1.10 Effect of Permits on Successors and Assigns.

Zoning, sign, and special exception permits authorize the permittee to make use of the land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:

1. No person (including successors or assigns of the person who obtained the permit) shall make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit:
2. The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time of the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued.

Section 6.1.11 Amendments to and Modifications of Permits.

1. Subject to subsection (5), insignificant deviations from the permit (including approved plans) issued by the Building and Zoning Department are permissible, and the Building and Zoning Department shall authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
2. Subject to subsection (5), minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. Unless it is requested by the permit-issuing authority, no public hearing shall be required for such minor modification. For purposes of this Section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
3. Subject to subsection (5), all other requests for changes in approved plans shall be processed as new applications. These requests are required to be acted upon by the Board of Zoning Appeals, and new conditions may be imposed in accordance with Section 6.1.8.4.
4. The Building and Zoning Department shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections (1), (2), and (3).
5. An applicant requesting a change in approved plans shall point out to the Building and Zoning Department, specifically and in writing, what deviation or changes are requested. The Building and Zoning Department shall respond in writing. No changes shall be authorized except in conformity with this section.

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Chapter 7. ENFORCEMENT AND REVIEW.

Section 7.1 Building and Zoning Department and Planning Department.

Section 7.1.1 Building and Zoning Department.

The Lancaster County Building and Zoning Department is hereby given the authority to administer and enforce all of the provisions of this ordinance pertaining to zoning as defined in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994. The Building and Zoning Department as used in this Chapter and the entire ordinance shall mean the Lancaster County Building and Zoning Department. The Building and Zoning Department shall accept and examine all applications for construction, land use or reuse, and shall issue building, zoning, and sign permits where such applications are in accordance with the provisions of this ordinance and applicable building codes. The Building and Zoning Department shall provide direction to parties in conflict with this ordinance, be required to keep records and files of any and all matters referred to it, and shall prepare any and all reports as County Council may require.

If the Building and Zoning Department shall find that any one of the provisions of this ordinance is being violated, the Building and Zoning Department shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Building and Zoning Department shall order the discontinuation of the illegal use of land, buildings, or other structures; the removal of illegal buildings or other structures; the discontinuation of work on any illegal additions, alterations, or other structural changes; and shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

Section 7.1.2 Planning Department.

The Lancaster County Joint Planning Department is hereby given the authority to administer and enforce all the provisions of this ordinance pertaining to land development and subdivisions of land as defined in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994. The Planning Department shall accept and examine all applications for subdivision sketch, preliminary, and final plat approval; rezonings; text amendments; zoning appeals; and special exception issues where such applications are in accordance with the provisions of this ordinance. The Planning Department shall provide direction to parties in conflict with this ordinance, be required to keep records and files of any and all matters referred to it and shall prepare any and all reports as Town Council may require.

Section 7.2 Complaints Regarding Violations.

Whenever the Building and Zoning Department receives a written and signed complaint, or observes a violation of this ordinance, it shall take whatever action is warranted.

Written and signed complaints received by the Building and Zoning Department shall be confidential. However, such complaints may be made available to the property owner against whom the complaint was filed upon written request after a determination by the Building and Zoning Department that the complaint was without basis.

Section 7.3 Persons Liable.

The owner of any building or land or part thereof who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Section 7.4 Procedures Upon Discovery of Violations.

1. If the Building and Zoning Department finds that any provision of this ordinance is being violated, it shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Building and Zoning Department's discretion.
2. The final written notice (and the initial written notice may be the final notice) shall state what action the Building and Zoning Department intends to take if the violation is not corrected and shall advise that the Building and Zoning Department's decision or order may be appealed to the Board of Zoning Appeals or the Construction Board of Appeals as provided in the *Administrative Mechanisms* Chapter of this ordinance.
3. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety, or welfare, the Building and Zoning Department may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 7.5.

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Section 7.5 Penalties and Remedies for Violations.

1. Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special exception permits, and violations of stop work orders, shall constitute a misdemeanor, punishable as provided by state law.
2. Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special exception permits, shall also subject the offender to a civil penalty of \$500.00, or 30 days in jail, or both.
3. This ordinance may also be enforced by any appropriate equitable action.
4. Each day that any violation continues after notification by the Building and Zoning Department that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this Section.
5. Any combination of the foregoing penalties and remedies may be used to enforce this ordinance.

Section 7.6 Permit Revocation.

1. A zoning, sign, or special exception permit may be revoked by the permit-issuing authority (in accordance with the provisions of this Section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this ordinance, or any additional requirements lawfully imposed by the Board of Zoning Appeals or the Construction Board of Appeals, or if it appears that any portion of the application submitted to obtain such permit or approval, or any representation made by the applicant or his agents, was false or misleading.
2. Before a special exception permit may be revoked, all of the notice and hearing and other requirements of the *Administrative Mechanisms* Chapter of this ordinance shall be followed. The notice shall inform the permit recipient of the alleged grounds for the revocation.
 - a. The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any of the reasons set forth in subsection (1) shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.
 - b. A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
3. Before a zoning or sign permit may be revoked, the Building and Zoning Department shall give the permit recipient 10 days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Building and Zoning Department shall provide to the permittee a written statement of the decision and the reasons therefore.
4. No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, or special exception permit after such permit has been revoked in accordance with this Section.

Section 7.7 Judicial Review.

1. Every decision of the Board of Zoning Appeals granting or denying a special exception permit and every final decision of the Board of Zoning Appeals shall be subject to review by the Circuit Court of Lancaster County by proceedings in the nature of certiorari.
2. Any petition for a writ of certiorari shall be filed with the Lancaster County Clerk of Court within 30 days after a written copy of the Board's decision has been filed in the Planning Department, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such a copy with the secretary or Chairperson of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by certified mail return receipt requested.
3. A copy of the petition for the writ of certiorari shall be served upon the County.

Section 7.8 Stop Work Orders.

1. Whenever the Building and Zoning Official determines that a person is engaged in doing work that constitutes, creates, or results in a violation of this ordinance and that substantial injury will occur if the violation is not terminated immediately, the Building and Zoning Official may order the specific part of the work that constitutes, creates, or results in a violation of this ordinance to be immediately stopped.

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2. A stop work order issued under this Section shall be in writing, directed to the person doing the work and shall state the specific work to be stopped, the specific reasons therefore, and the conditions under which the work may be resumed. A copy of the stop work order shall also be sent forthwith to the owner of the property where the work is taking place and the developer, if different from the owner.
3. Any person aggrieved by the issuance of a stop work order may appeal the issuance of the order to the Board of Zoning Appeals pursuant to the *Administrative Mechanisms* Chapter of this ordinance. However, an appeal shall not stay the operation of the stop work order except as provided in subsection (4) of this section.
4. The Board of Zoning Appeals shall meet and act upon the appeal within 30 days after receipt of the appeal notice. If the Board fails to comply with this requirement, the stop work order shall be stayed automatically beginning on the day following the expiration of this 30 day period, and the stay shall remain in effect until the Board of Zoning Appeals meets and acts on the appeal.
5. The notice of hearing requirements set forth in the *Administrative Mechanisms* Chapter of this ordinance shall not apply to appeals of stop work orders. However, the staff shall orally notify the appellant of the date, time, and place of the hearing as soon as it has been scheduled and shall send to the appellant a written confirmation of this notice as soon as possible.
6. Neither the person upon whom a stop work order is served nor an owner or developer served with a copy under subsection (2) may thereafter cause, suffer, or permit a violation of the order while it remains in effect, except during a period in which the operation of the order is stayed under subsection (4).

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Chapter 8. ADMINISTRATIVE MECHANISMS.

Section 8.1 Board of Zoning Appeals.

The Kershaw Town Council has agreed that the Lancaster County Board of Zoning Appeals shall here all appeals from the decisions of the Planning and/or Building Official, variance and special exception applications and appeals of interpretations regarding matters within the town limits or dealing with the town's zoning ordinance.

Section 8.1.1 Appointment and Terms of the Board of Zoning Appeals.

The Lancaster County Board of Zoning Appeals which serves as the Town of Kershaw's Board of Zoning Appeals shall be composed of seven (7) members appointed by the County Council. Each County Council member shall recommend one (1) member to represent the County Council member's district; however, residency in the County Council member's district is not required. Appointments shall be for four (4) year staggered terms. As terms expire, a recommendation shall be made by the County Council member in whose district the term had expired and appointments shall be made by the entire County Council. Board members may serve two (2) consecutive terms, but shall then be ineligible for reappointment for a period of four (4) years.

All members are expected to attend each regular and special meeting of the Board except for valid cause upon prior notice to the Chairperson or Secretary. Should any member be absent for three (3) consecutive meetings without a valid excuse being presented in writing to the Chairperson of the Board, the Chairperson shall notify the Clerk to County Council, in writing, of the vacancy. County Council shall appoint members as vacancies arise to fill the then current unexpired term of the previous member.

All members shall serve without compensation, but shall be reimbursed for actual expenses and mileage per Town of Kershaw policy.

Section 8.1.2 Rules and Procedures.

The Board shall adopt rules and procedures. The Board shall elect the Chairperson from among its members; meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board shall determine; and four (4) members of the Board shall constitute a quorum. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the secretary to the Board and shall be a public record. The decisions of the Board shall be by resolution, which shall contain a statement of the grounds of its decision or action. The full text of the resolution shall be sent to the appellant. No appeal requesting the same relief in regard to the same property shall be received or heard by the Board, except that this limitation shall not affect the right of the Board to grant a rehearing as provided in the rules of procedure adopted by the Board.

Section 8.1.2.1 Rules of Procedure.

Section 8.1.2.1.1 Rules.

These rules of procedure are adopted pursuant to S.C. Code § 6-29-790 for the Lancaster County Board of Zoning Appeals which consists of seven (7) members appointed by the Lancaster County Council.

Section 8.1.2.1.2 Officers.

The officers of the Board shall be a chairman and vice-chairman elected for one year terms at the first meeting of the Board in each calendar year. The Board shall appoint a member of the planning staff as secretary of the Board.

Section 8.1.2.1.3 Chairman

The chairman shall be a voting member of the Board and shall:

- a. Call meetings of the Board;
- b. Preside at meetings and hearings; and swear in witnesses;
- c. Act as spokesperson for the Board;
- d. Sign documents for the Board;
- e. Have orders of the Board served on parties; and
- f. Perform other duties approved by the Board.

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Section 8.1.2.1.4. Vice-Chairman.

The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

Section 8.1.2.1.5 Secretary.

- a. Provide and publish notice of appeals and meetings:
- b. Assist the chairman in preparation of agenda:
- c. See that property involved in appeals for variances or special exceptions is properly posted:
- d. Keep recordings and minutes of meetings and hearings:
- e. Maintain Board records as public records.
- f. Serve Board decisions on parties:
- g. Attend to Board correspondence: and
- h. Perform other duties normally carried out by a secretary.

Section 8.1.2.2 Meeting.

Section 8.1.2.2.1 Time and Place.

An annual schedule of regular meetings shall be adopted, published and posted at the office of the Lancaster County Planning Department in December of each year. Regular meetings of the Board of Zoning Appeals shall be held on the second Monday of each month. Special meetings may be called by the chairman upon 24 hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place and time stated in the notices, and shall be open to the public.

Section 8.1.2.2.2 Agenda.

A written agenda shall be furnished by the secretary to each member of the Board and news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty four (24) hours prior to a special meeting. Items may be removed or postponed at a meeting by majority vote.

Section 8.1.2.2.3 Quorum.

A majority of the members of the Board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

Section 8.1.2.2.4 Rules of Order.

Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by the Rules of Procedure.

Section 8.1.2.2.5 Voting.

A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, give it to the chairman in writing, have it placed in the minutes, and refrain from deliberating or voting on the question.

Section 8.1.2.2.6 Conduct.

Except for public hearings, no person shall speak at a Board meeting unless invited to do so by the Board.

Section 8.1.2.3 Appeals Procedure.

Section 8.1.2.3.1 Form of Appeal.

Appeals from administrative decisions, applications for variances, and applications for special exceptions shall be filed on forms approved by the Board and provided to applicants by the secretary. The Board may require additional information deemed

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necessary. The failure to submit adequate information may be grounds for dismissal. An application filed by an agent shall be accompanied by written designation of the agent signed by the applicant or party in interest.

Section 8.1.2.3.2 Time for Appeal.

An appeal from an administrative decision must be filed within fifteen (15) days after actual notice of the decision by delivery of the approved appeal form to the secretary of the Board who shall notify the official appealed from.

Section 8.1.2.3.3 Calendar

Appeals and applications shall be marked with the date of receipt and placed on the hearing calendar in the order in which received. Appeals shall be heard in the order on the calendar unless otherwise set by the Board for good cause shown.

Section 8.1.2.3.4 Withdrawal of Appeal

Any appeal or application may be withdrawn by written notice delivered to the secretary prior to action by the Board. An appeal from an administrative decision which is withdrawn may not be re-filed after the fifteen (15) day time for appeal has expired. Withdrawn applications for variances and special exceptions may be re-filed after six (6) months and shall be placed on the calendar according to the date re-filed.

Section 8.1.2.3.5 Continuances.

The hearing of an appeal or application may be continued one time by the Board for good cause shown.

Section 8.1.2.3.6 Notice.

Public notice of a hearing of the Board shall be published in a local newspaper and posted on or adjacent to the property affected at least fifteen (15) days prior to the hearing. The notice shall contain a description of each matter to be heard and identify the applicant and property affected.

Section 8.1.2.4 Hearing Procedure.

Section 8.1.2.4.1 Appearances.

The applicant or any party in interest may appear in person or by agent or attorney. The Board may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of an applicant.

Section 8.1.2.4.2 Witnesses.

Parties in interest may present testimony under oath. Witnesses may be compelled to attend by subpoena requested at least ten (10) days prior to a hearing and signed by the chairman. The Board may call its own witnesses when deemed appropriate.

Section 8.1.2.4.3 Cross-examination.

No party shall have the right to cross-examine witnesses; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly manner. Intimidation of witnesses will not be allowed.

Section 8.1.2.4.4 Evidence.

Relevant documents, photographs, maps, plans, drawings, etc., will be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative or hearsay will be received. The chairman will rule on all evidentiary matters. Evidence may be placed in the record with an objection noted.

Section 8.1.2.4.5 Conduct of Hearing.

The normal order of hearing, subject to modification by the chairman, shall be:

- a. Statement of matter to be heard (chairman or secretary);
- b. Presentation by applicant (5-minute limit);
- c. Presentation by official appealed (5-minute limit); or
- d. Presentation by opponents (5-minute limit);
- e. Rebuttal by applicant (3-minute limit);

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- f. Unsworn public comment when appropriate:
- g. The Board may question participants at any point in the hearing:
- h. Matters in which additional time is granted may be moved to the end of the agenda.

Section 8.1.2.4.6 Oath to be Administered by the Chairman.

Would the (Applicant)/(County Representative) please step forward and state your name. Please raise your right hand.

Do you _____ solemnly affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Section 8.1.2.4.7 Disposition.

The Board may deliberate and make a final disposition of a matter by majority vote of members present at the hearing and qualified to vote; provided that not less than a quorum are qualified to vote. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which the member has not heard. Deliberations shall be conducted and voting shall be in public.

Section 8.1.2.4.8 Form of Order.

An order shall be issued disposing of a matter by granting or denying relief with such conditions as may be deemed necessary: or affirming, modifying, or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. Findings of fact and conclusions of law shall be separately stated in an order.

Section 8.1.2.4.9 Service of Order.

The secretary shall deliver a copy of an order to each party in interest by certified mail within ten (10) days after the decision of the Board is rendered.

Section 8.1.2.4.10 Rehearing.

The Board may grant a rehearing of an application which has been dismissed or denied upon written request filed with the secretary within fifteen (15) days after delivery of the order accompanied by new evidence which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.

Section 8.1.2.5 Records.

Section 8.1.2.5.1 Minutes.

The secretary shall record all meetings and hearings of the Board on tape which shall be preserved indefinitely. The secretary shall prepare minutes of each meeting for approval by the Board at the next regular meeting. Minutes shall be maintained as public records.

Section 8.1.2.5.2 Orders and Documents.

The secretary shall assist in the preparation and service of all orders of the Board in appropriate form. Copies of all notices, correspondence, documentary evidence, orders and forms shall be maintained as public records.

Section 8.1.2.5.3 Attendance.

The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The Board shall recommend to the governing body the removal for cause of any member who is absent from three (3) consecutive meetings without adequate reason.

Section 8.1.2.6 Adoption.

These rules were adopted by vote of a majority of the members of the Board at a regular public meeting on April 20, 1998. These rules may be amended at any regular meeting of the Board by majority vote of the members of the Board at least seven (7) days after the written amendment is delivered to all members.

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Section 8.1.3 Administrative Assistance.

The County Council shall provide such administrative and clerical assistance and office space as is required by the Board to carry out its function under the provisions of this ordinance.

Section 8.2 Appeals from Text and Map Interpretations, and for Variances and Special Exceptions.

Section 8.2.1 Appeal from Text Interpretation.

1. An appeal from any final order or decision of the Building and Zoning Department shall be taken to the Board of Zoning Appeals by any person aggrieved. An appeal is taken by filing with the Planning Department a written notice of appeal specifying the grounds therefore. When delivered to the Planning Department, a notice of appeal shall be considered filed and the date and time of filing shall be entered on the notice.
2. An appeal shall be filed within 15 days following the date of the decision or order appealed.
3. Whenever an appeal is filed, the Planning Department shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action is appealed.
4. An appeal stays all actions by the Building and Zoning Department seeking enforcement of or compliance with the order or decision appealed from, unless the Building and Zoning Department certifies to the Board of Zoning Appeals that (because of facts stated in the certificate) a stay would, in its opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Board of Zoning Appeals or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the Building and Zoning Department.
5. The Board of Zoning Appeals shall reverse or affirm (wholly or partly) or shall modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the case before it. To this end, the Board shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the execution of its duties for which it was appointed, may subpoena witnesses in the case of contempt.

Section 8.2.2 Appeal from Zoning Map Interpretations.

1. As the result of an appeal, the Board of Zoning Appeals is authorized to interpret the Official Zoning Map and to vote upon disputed questions of district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Building and Zoning Department, it shall be handled as provided in Section 8.2.1.
2. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
 - a. Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;
 - b. Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries;
 - c. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines;
 - d. Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurements, using the scale of the Official Zoning Map;
 - e. Where any street or alley is hereafter officially vacated or abandoned, the regulation applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

Section 8.2.3 Appeal for Variance.

1. An application for a variance shall be submitted to the Board of Zoning Appeals by filing a copy of the application with the Planning Department. Applications shall be handled in the same manner as applications for special exception permits in conformity with the provisions of the *Permit Approval* Chapter of this ordinance.
2. A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

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- b. These conditions do not generally apply to other property in the vicinity:
 - c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property:
 - d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.
 - e. The Board shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically nonconforming use of land, or to change the district boundaries shown on the Official Zoning Map.
3. In exercising the previously listed powers, the Board of Zoning Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination of the Planning Official, and to that end shall have all the powers of the office from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the execution of the duties for which it is appointed, may subpoena witnesses in case of contempt.
 4. In granting variances, the Board of Zoning Appeals may impose such reasonable conditions as will ensure that the use of the property to which the variance applies shall be as compatible as practicable with the surrounding properties.
 5. A variance may be issued for either a specified duration or an indefinite duration.
 6. The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit (or the zoning permit shall simply note the issuance of the variance and refer to the written record of the variance for further information). All such conditions are enforceable in the same manner as any other applicable requirement of this ordinance.

Section 8.2.4 Appeal for Special Exception. (Also see Sections 6.1.8 through 6.1.8.6)

1. An appeal for a special exception shall be submitted to the Board of Zoning Appeals by filing an application with the Planning Department. Applications shall be handled in the same manner as indicated in Section 6.1.8.
2. The Board of Zoning Appeals shall review and evaluate each application with respect to all applicable development standards contained herein and elsewhere in this ordinance, and shall consider the following in its deliberations:
 - a. The relationship of the proposed use with respect to the Town's Comprehensive Plan;
 - b. The impact of the proposed use on the street system, with particular reference to automotive and pedestrian safety and convenience, traffic generation, flow and control, and access in case of fire or catastrophe, such as not to be detrimental to existing or anticipated uses, either adjacent to or in the vicinity of the proposed use;
 - c. The impact of the proposed use on nearby property;
 - d. The suitability of the affected site in terms of size, shape, and topographic conditions to accommodate the proposed use, building, or project and to ensure environmental compatibility.
3. In granting special exceptions, the Board of Zoning Appeals may impose such reasonable conditions as will ensure that the use of the property to which the special exception applies will be as compatible as practicable with the surrounding properties.
4. The special exception and any conditions attached to it shall be entered on the face of the zoning permit (or the zoning permit shall note the issuance of a special exception and refer to the written record of the special exception for further information). All such conditions are enforceable in the same manner as any other applicable requirement of this ordinance.

Section 8.2.5 Burden of Proof in Text and Map Appeals, Variances, and Special Exceptions.

1. When an appeal is taken to the Board of Zoning Appeals in accordance with Section 8.2.1 or Section 8.2.2, the Board's staff shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the order or decision appealed. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.
2. The burden of presenting evidence sufficient to allow the Board of Zoning Appeals to reach the conclusions set forth in Sections 8.2.3 and 8.2.4, as well as the burden of persuasion on those issues, remains with the applicant making an appeal, requesting a variance, or seeking a special exception.

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Section 8.2.6 Board of Zoning Appeals Action on Text and Map Appeals, Variances, and Special Exceptions.

1. With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings that support that motion.
2. Before granting a variance, the Board must take a separate vote and vote affirmatively on each of the required findings stated in Section 8.2.3. Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in Section 8.2.3 shall include a statement of the specific reasons or findings of fact supporting such motion.
3. If the Board votes to approve a request for a special exception, it approves the location of that specific use only on the property which is the subject of the application based on all of the conditions contained in Section 8.2.4, as well as all the conditions attached to the request by the Board at the public hearing when it considers the application.

A motion to deny a variance shall be made on the basis that any one or more of the criteria set forth in Section 8.2.3 are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it.

Section 8.3 Hearing Procedures for Appeals and Applications.

All appeals and applications shall be subject to the public meeting requirements set forth in the Rules of Procedure for the Lancaster County Board of Zoning Appeals. (See Section 8.1.2.1)

Section 8.4 Decisions Of The Board of Zoning Appeals

A majority vote of the members constituting a quorum shall be necessary to reverse any order, requirement, decision or determination of the Planning Official or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation of this Ordinance. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Planning Official and shall be public record. On all appeals, applications and other matters brought before the Board of Zoning Appeals, the Board shall inform in writing all the parties involved of its decision and the reasons therefor.

Section 8.5 Appeals From Decision Of Board of Zoning Appeals.

Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal from any decision of the Board to the Circuit Court in and for the County of Lancaster, filing with the Clerk of such Court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board is sent by certified mail to all interested parties.

Section 8.6 Construction Board of Adjustment and Appeals.

Section 8.6.1 Appointments and Terms of the Construction Board of Adjustment and Appeals.

The Construction Board of Adjustment and Appeals shall be comprised of seven (7) members appoint by the County Council. Each council member shall recommend one (1) member to represent his/her district; however, residency in the council member's district is not required. Board members should be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors, or building industry representatives. In addition to the regular members, there shall be two (2) alternate members appointed by County Council - one (1) member-at-large from the building industry and one (1) member-at-large from the public. A board member shall not act in a case in which he has a personal or financial interest.

The Construction Board of Adjustment and Appeals shall serve staggered four (4) year terms; however, initially, board members from Districts 2, 4 and 6 shall serve two year terms. Thereafter, representatives shall serve four (4) year terms. Board members from Districts 1, 3, 5 and 7 shall serve four (4) year terms initially and four (4) year terms thereafter. Lancaster County Council shall appoint by a majority vote the members of the Lancaster County Construction Board of Adjustment and Appeals. Alternates shall be elected by a majority vote of the Lancaster County Council and shall serve four (4) year terms.

A simple majority of the board shall constitute a quorum. In varying any provision of the Standard Building Code, the affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

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The building official shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote. All members are expected to attend each regular and special meeting of the Board except for valid cause upon prior notice to the Chairperson or Secretary. Should any member be absent for three (3) consecutive meetings without a valid excuse being presented in writing to the Chairperson of the Board, the Chairperson shall notify the Clerk of Court, in writing, of the vacancy. County Council shall appoint members as vacancies arise to fill the current unexpired term of the previous member.

All members shall serve without compensation, but shall be reimbursed for actual expenses and mileage per Lancaster County policy.

Section 8.6.2 Appeals of Decisions and Interpretation of the Building Official.

The Lancaster County Construction Board of Adjustment and Appeals shall have the power to hear appeals of decisions and interpretations of the building official. The owner of a building, structure, or service system, or his duly authorized agent may appeal a decision of the building official to the Lancaster County Construction Board of Adjustment and Appeals whenever any one (1) of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure, or service system.
2. The provisions of the Standard Building Code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of the Standard Building Code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

Section 8.6.3 Variances of the Technical Codes.

The Lancaster County Construction Board of Adjustment and Appeals, when so appealed to and after a hearing, may vary the application of any provision of the Standard Building Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following.

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Standard Building Code to other buildings, structures, or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of the Standard Building Code and will not be detrimental to the public health, safety and general welfare.

Section 8.6.4 Conditions of the Variance.

In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with the Standard Building Code. Violation of the conditions of a variance shall be deemed a violation of the Code.

Section 8.6.5 Notice of Appeal.

Notice of appeal shall be in writing and filed within thirty (30) calendar days after the decision is rendered by the building official. Appeals shall be in the form acceptable to the building official. In case of a building, structure or service system which, in the opinion of the building official is unsafe, unsanitary or dangerous, the building official may limit the time for such appeals to a shorter period.

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Section 8.6.6 Rules and Procedures.

The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of the Standard Building Codes. Board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.

Section 8.6.7 Decisions of the Construction Board of Adjustment and Appeals.

The Lancaster County Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of the Standard Building code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the applicant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final, subject, however, to such remedy as an aggrieved party might have at law or in equity.

Section 8.7 Function, Power, and Duties of Local Planning Commission.

Section 8.7.1 Responsibilities of the Commission.

It is the function and duty of the planning commission, when created by an ordinance to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the area within its jurisdiction. The plans and programs must be designed to promote public health, safety, convenience, prosperity, or the general welfare as well as the efficiency and economy of its area of jurisdiction. Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation. The planning commission may make, publish, and distribute maps, plans and reports and recommendations relating to the plans and programs and the development of its area of jurisdiction to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The planning commission, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the planning commission shall be liable for any injury or damage to property resulting therefrom. In general, the planning commission has the powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction.

Section 8.7.2 Discharging Its Duties.

In the discharge of its responsibilities, the local planning commission has the power and duty to:

- a. Prepare and revise periodically plans and programs for the development and redevelopment of its area as provided in this chapter: and
- b. Prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plans and programs in its area:
 1. Zoning ordinances to include zoning district maps and appropriate revisions thereof, as provided in this chapter;
 2. Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted as provided in this chapter;
 3. An official map and appropriate revisions on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces within its political jurisdiction or a specified portion of it, as set forth in this chapter;
 4. A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;
 5. A capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the governmental bodies responsible for implementation prior to preparation of their capital budget; and
 6. Policies or procedure to facilitate implementation of planning elements.

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Section 8.7.2.1 Membership: Terms and Compensation of Members.

The membership of the planning commission shall consist of sixteen (16) members. Twelve (12) members shall be appointed by the Lancaster County Council, two (2) members shall be appointed the mayor and council of the City of Lancaster, one (1) member shall be appointed by the mayor and Council of the Town of Heath Springs and one (1) member shall be appointed by the mayor and council of the Town of Kershaw. The Town of Kershaw Administrator and the Lancaster City Administrator, or their designees, shall serve as ex officio members of the planning commission.

The initial appointments will be staggered as follows:

Lancaster County Council:

One (1) Utility representative (i.e. electric, gas, telephone) for two (2) years;

One (1) Education representative: for one (1) year;

One (1) Water-sewer district representative for two (2) years;

One (1) Real estate/homebuilders representative for four (4) years.

One (1) RTC committee representative for two (2) years;

Seven (7) Appointments by Town of Kershaw council district.

Planning commissioners terms of office shall end on the June 30 following the end of the appointing council member's term (i.e. council member term ends on December 31, 1994, then planning commission term ends June 30, 1995);

Three (3) for one (1) year (ending June 30, 1995);

Four (4) for three (3) years (ending June 30, 1997)

Lancaster City Council:

One (1) for four (4) years;

One (1) for two (2) years.

Heath Springs Town Council:

One (1) Appointment by Heath Springs Town Council:

One (1) for four (4) years.

Kershaw Town Council:

One (1) Appointment by Kershaw Town Council:

One (1) for four (4) years.

The representation of the planning commission is based upon an analysis of population for the three (3) municipalities and the unincorporated county. The data are as follows:

	1990 Population	Percent of Total	Appoint to Commission
Lancaster County (unincorporated)	42,820	78.5	12
City of Lancaster	8,975	16.5	2
Town of Kershaw	1,814	3.3	1
Town of Heath Springs	907	1.7	1
Total =	54,516	100%	16

Source: 1990 Census of Population and Housing

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Subsequent appointments or re-appointments shall be for four-year terms; provided, however, a member shall not serve more than two (2) full four-year terms without a period of at least one (1) year elapsing after expiration of any second four-year term.

Representation of the member governments is intended to be generally proportionate to population. Following each decennial census the planning commission shall examine the proportionality of the representation and recommend any needed changes in this ordinance to the participating governments; provided however, all participating government shall have at least one (1) member of the planning commission.

Members shall serve until their successors are appointed and qualified.

All members will serve without compensation, but will be reimbursed for actual expenses and mileage per county policy after approval by the commission chairman and the county administrator.

Any vacancy in the membership of the planning commission shall be filled for the unexpired term in the same manner as the original appointment.

The participating jurisdictions creating the planning commission may remove any member of the commission which they have appointed; provided that the appointing body shows cause, makes written changes, and holds a public hearing.

Section 8.7.3 Commission Make-up.

A local planning commission serving three or more political jurisdictions shall have a membership not greater than four times the number of jurisdictions it serves. In the case of a joint city-county planning commission the membership must be proportional to the population inside and outside the corporate limits of municipalities.

Section 8.7.4 Holding Elected Office and Vacancies.

No member of a planning commission may hold an elected public office in the municipality or county from which appointed. A vacancy in the membership of a planning commission must be filled for the unexpired term in the same manner as the original appointment. The governing authority or authorities creating the commission may remove any member of the commission for cause.

Section 8.7.5 Making Appointments.

In the appointment of planning commission members the appointing authority shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Members shall represent a broad cross section of the interest and concerns within the jurisdiction.

Section 8.7.6 Election of Officers.

The planning commission shall organize itself electing one of its members as chairman and as vice-chairman whose terms must be for one year. It shall appoint a secretary who may be an officer or an employee of the governing authority or of the planning commission. The planning commission shall meet at the call of the chairman and at such times as the chairman or commission may determine.

Section 8.7.7 Adopting Rules of Procedure.

The commission shall adopt rules of organizational procedure (see Section 8.7.10 below) and shall keep a record of its resolutions, findings, and determinations, which record must be a public record. The planning commission may purchase equipment and supplies and may employ or contract for such staff and such experts as it considers necessary and consistent with funds appropriated.

Section 8.7.8 Reference of Matters to the Commission.

The governing authority may provide for the reference of any matters or class of matters to the local planning commission, with the provision that final action on it may not be taken until the planning commission has submitted a report on it or has had a reasonable period of time, as determined by the governing authority to submit a report.

Section 8.7.9 Funding.

The planning commission may cooperate with, contract with, or accept funds from federal government agencies, state government agencies, local general purpose governments, school districts, special purpose districts, including those of other states, public or eleemosynary agencies, or private individuals or corporations; it may expand the funds; and it may carry out such cooperative undertakings and contracts as it considers necessary.

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Section 8.7.10 Rules of Procedure.

These rules of procedure are adopted pursuant to S.C. Code § 6-29-360 for the Lancaster County Joint Planning Commission which consists of members appointed by the Lancaster County Council, the Lancaster City Council, and the Town Councils of Heath Springs and Kershaw.

Section 8.7.10.1 Officers.

The officers of the Commission shall be a chairman and vice-chairman elected for one year terms at the first meeting of the Commission in each calendar year. The Commission shall appoint a member of the planning staff as secretary of the Commission.

Section 8.7.10.2 Chairman.

The chairman shall be a voting member of the Commission and shall:

- a. Call meetings of the Commission;
- b. Preside at meetings and hearings;
- c. Act as spokesperson for the Commission;
- d. Sign documents for the Commission;
- e. Transmit reports and recommendations to council, and
- f. Perform other duties approved by the Commission.

Section 8.7.10.3 Vice-Chairman.

The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

Section 8.7.10.4 Secretary.

The secretary shall:

- a. Provide notice of meetings;
- b. Assist the chairman in preparation of agenda;
- c. Keep minutes of meetings and hearings;
- d. Maintain Commission records as public records;
- e. Attend to Commission correspondence, and
- f. Perform other duties normally carried out by a secretary.

Section 8.7.10.5 Time and Place.

An annual schedule of regular meetings shall be adopted, published and posted at the office of the Lancaster County Planning Department in December of each year. Regular meetings of the Joint Planning Commission shall be held on the third Tuesday of each month. Special meetings may be called by the chairman upon 24 hours notice, posted and delivered to all members and local news media. All meetings shall be held at the place and time stated in the notices, and shall be open to the public.

Section 8.7.10.6 Agenda.

A written agenda shall be furnished by the secretary to each member of the Commission and news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty four (24) hours prior to a special meeting. Items may be added to the agenda at a meeting by majority vote.

Section 8.7.10.7 Quorum.

A majority of the members of the Commission shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

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Section 8.7.10.8 Rules of Order.

Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by the Rules of Procedure.

Section 8.7.10.9 Voting.

A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, give it to the chairman in writing, have it placed in the minutes, and refrain from deliberating or voting on the question.

Section 8.7.10.10 Conduct.

Except for public hearings, no person shall speak at a Commission meeting unless invited to do so by the Commission.

Section 8.7.10.11 Public Hearing Notice.

Public notice of a hearing of the Commission shall be published in a local newspaper and in the case of a rezoning application a notice shall be posted on or adjacent to the property affected at least fifteen (15) days prior to the hearing. The notice shall contain a description of each matter to be heard and identify the applicant and property affected.

Section 8.7.10.12 Public Hearing Procedure.

In matters brought before the Commission for public hearing which were initiated by an applicant,

1. Staff will provide a brief overview of the facts surrounding the application,
2. The applicant, his agent or attorney shall be heard next,
3. After going into public hearing, members of the public will be heard next, and
4. Staff will finalize its report and make any recommendations next.
5. The applicant shall have the right to reply last.

No person may speak for more than five (5) minutes without consent of the Commission. No person speaking at a public hearing shall be subject to cross-examination. All questions shall be posed by members of the Commission. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the Commission shall determine.

Section 8.7.10.13 Minutes.

The secretary shall record all meetings and hearings of the Commission on tape which shall be preserved for at least five (5) years from the date final action was taken by the governing body. The secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public records.

Section 8.7.10.14 Reports.

The secretary shall assist in the preparation and forwarding of all reports and recommendations of the Commission in appropriate form. Copies of all notices, correspondence, reports and forms shall be maintained as public records.

Section 8.7.10.15 Attendance.

The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The Commission shall recommend to the governing body the removal for cause of any member who is absent from three (3) consecutive meetings without adequate reason.

Section 8.7.10.16 Zoning Amendments.

Proposed zoning text and district amendments shall be considered and recommendations shall be forwarded to the governing body within thirty (30) days after receipt of the proposed amendments, unless additional time is given by the governing body. When so authorized, the Planning Commission shall conduct any required public hearing prior to making a recommendation.

Section 8.7.10.17 Plats.

Plats submitted for review pursuant to land development regulations shall be reviewed by designated staff members who may approve the recording of plats of existing lots of record, minor subdivisions of land which meet all zoning requirements, and

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subdivisions which are exempt from regulation pursuant to S.C. Code § 6-29-1110(2). A list of staff plat approvals is available in the Clerk of Court's office and same shall serve as the public record of such actions. All other plats shall be subject to review and approval by the Commission.

Section 8.7.10.18 Comprehensive Plan.

All zoning and land development regulation amendments shall be reviewed first for conformity with the comprehensive plan. Conflicts with the comprehensive plan shall be noted in any report to the governing body on a proposed amendment. The elements of the comprehensive plan shall be reviewed and updated on a schedule adopted by the Commission meeting the requirements of S.C. Code § 6-29-510(E).

Section 8.7.10.19 Reconsideration.

The Commission may reconsider any review when so requested by the governing body, or when an applicant brings to the attention of the Commission new facts, a mistake of fact in the original review, correction of clerical error, or matters not the fault of the applicant which affect the result of the review. Reconsidered items shall be advertised only if the item was advertised when it was first heard by the Commission.

Section 8.7.10.20 Budget.

The Commission shall submit written recommendations to the governing body for funding in the annual budget. The recommendations shall include an explanation and justification for proposed expenditures.

Section 8.7.10.21 Expenditures.

Budgeted funds shall be expended only for approved purposes in accordance with financial policies and procedures set by the governing body, including procurement rules. Upon adoption of a budget by the governing body, the Commission, may adopt an authorization for specified expenditures by designated staff members within the limits provided. Reimbursement for actual expenses incurred in the performance of official duties approved in advance by the Commission shall be made to members of the Commission and staff upon submission of vouchers supported by receipts.

Section 8.7.10.22 Personnel.

The Commission shall employ such staff and consultants as may be authorized and funded by budget or make recommendations for staff members to be employed by the County. Consultants shall be engaged by majority vote of the Commission after review of proposals invited by public notice and mail, and personal interviews with applicants by the Commission, or a committee of Commission members and staff.

Section 8.7.10.23 Adoption.

These rules were adopted by vote of a majority of the members of the Commission at a regular public meeting on February 17, 1998.

Section 8.7.10.24 Amendment.

These rules may be amended at any regular meeting of the Commission by majority vote of the members of the Commission at least seven (7) days after the written amendment is delivered to all members.

Section 8.8 Powers and Duties of the Zoning Code Official.

Section 8.8.1 General.

This section establishes the duties and responsibilities for the zoning code official and other officials and agencies, with respect to the administration of this code. The zoning code official and/or designee shall be referred to hereafter as "the code official".

Section 8.8.2 Duties.

The building official may appoint such number of technical officers and other employees as shall be authorized from time to time. The building official shall be permitted to deputize such employees as may be necessary to carry out the functions of this code.

Section 8.8.3 Review and Approvals.

The building official shall be authorized to undertake reviews, make recommendations and grant approvals as set forth in this code.

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Section 8.8.4 Comprehensive Plan.

The planning official shall assist the planning commission in the development and implementation of the comprehensive plan.

Section 8.8.5 Administrative Reviews and Permits.

All applications for building permits and amendments thereto shall be submitted to the building official for review and approved prior to permit issuance. Each applicant shall include a set of building plans and all data necessary to show that the requirements of this code are met.

Section 8.8.5.1 Site Plan Review.

The planning official shall receive all applications for site plan review and review for completeness and prepare submittals for review by the appropriate body.

Section 8.8.5.2 Conditional Use Permits and Variances.

The planning official shall receive all applications for conditional uses and variances or other plans as shall be permitted or approved as required by this code, review for completeness and prepare submittals for review by the appropriate body.

Section 8.8.5.3 Amendments.

All requests for amendments or changes to the comprehensive plan or zoning ordinance or map shall be submitted to the planning official for processing.

Section 8.9 Interpretations.

The interpretation and application of the provisions of this code shall be by the building official. An appeal of an interpretation by the building official shall be submitted to the Board of Zoning Appeals, who, unless otherwise provided, is authorized to interpret the code, and such interpretation shall be considered final.

Section 8.10 Liability.

The building official or planning official, charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties described in this code, shall not be personally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suite brought against the building official or employee because such act or omission performed by the building or planning official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the enforcement agency shall be defended by the jurisdiction until final termination of such proceedings, and any jurisdiction.

This code shall not be construed to relive from or lessen the responsibility of any person owning, operating or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency or its jurisdiction be held as assuming any such liability by reason of the reviews or permits issued under this code.

Section 8.11 Cooperation of Other Officials and Officers.

The building or planning official may request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

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Chapter 9. NONCONFORMING SITUATIONS.

Section 9.1 Definitions.

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Chapter.

1. *Nonconforming Situation.* A situation that occurs when, on the effective date of this ordinance, an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this ordinance, because signs do not meet the requirements of the *Signs* Chapter of this ordinance, or because land or buildings are used for purposes made unlawful by this ordinance.
2. *Dimensional Nonconformity.* A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
3. *Effective Date of This Ordinance.* Whenever this Chapter refers to the effective date of this ordinance, the reference shall be deemed to include the effective date of any amendments to this ordinance if the amendment, rather than this ordinance as originally adopted, creates a nonconforming situation.
4. *Expenditure.* A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.
5. *Nonconforming Lot.* A lot existing on the effective date of this ordinance (and not created for the purpose of evading the restrictions of this ordinance) that does not meet the minimum area and/or lot width requirements of the district in which the lot is located.
6. *Nonconforming Sign.* A sign that, on the effective date of this ordinance, does not conform to one or more of the regulations set forth in this ordinance, particularly the *Signs* Chapter of this ordinance.
7. *Nonconforming Use.* A nonconforming use occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is considered a nonconforming use.)

Section 9.2 Continuation of Nonconforming Situations.

Nonconforming situations that were otherwise lawful on the effective date of this ordinance may be continued, subject to the restrictions and qualifications set forth in the remaining provisions of this Chapter. This shall include the right of the property owner to sell a nonconforming business to another person based on the other stipulations contained in this Chapter. Situations that were not lawful on the effective date of the ordinance are not entitled to claim legitimate nonconforming status under this section. Moreover, when a property owner claims that a situation that does not conform to the requirements of the ordinance is entitled to protection as a nonconforming situation under this section, the burden of proving that the situation existed lawfully before the effective date of this ordinance remains on the property owner making that assertion.

Section 9.3 Nonconforming Lots.

1. When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot does not meet the minimum lot size and/or width requirements set forth in the *Density and Dimensional Regulations* Chapter of this ordinance, then the lot may be used as proposed just as if it were conforming. Any structure placed on such a lot shall comply with the required yard standards of the district in which it is located except as provided in subsection 2. However, no use (e.g., a duplex) that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a lot that is nonconforming because of size.
2. When the use proposed for a nonconforming lot is one that is conforming in all other respects except that the applicable setback requirements (*Density and Dimensional Regulations* Chapter) cannot reasonably be complied with, then the Board of Zoning Appeals may allow deviations in the form of a variance from the applicable setback requirements if it finds that:
 - a. The property cannot reasonably be developed for the use proposed without such deviations;
 - b. These deviations are necessitated by the size or shape of the nonconforming lot;

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- c. The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.
3. For purposes of subsection (2), compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.
4. This Chapter applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures (e.g., taxed by the Lancaster County Assessor's office) upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with Section 9.6.
5. Subject to the following sentence, if on the effective date of this ordinance an undeveloped nonconforming lot adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his successors in interest may take advantage of the provisions of this Chapter. This subsection shall not apply to a nonconforming lot if a majority of the developed lots located on either side of the street where such lot is located and within 500 feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other undeveloped lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has previously been developed.

Section 9.4 Extension or Enlargement of Nonconforming Situations.

1. Except as specifically provided in this Chapter, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
 - a. An increase in the total amount of space devoted to a nonconforming use; or
 - b. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking requirements.
2. Subject to subsection (4), a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building. Furthermore, it shall not be permissible to enclose a previously unenclosed area devoted to a nonconforming use. An area is unenclosed unless, on the effective date of this ordinance, at least 75 percent of the area was marked by a permanently constructed wall or fence.
3. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a quarry) may be expanded to cover all of the lot area excluding all setback and buffering requirements established by this ordinance provided at least ten (10) percent of the earth products had been removed on the effective date of this ordinance.
4. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this Chapter occur. A change in kind is based on the following regulations:
 - a. A nonconforming use may be changed to a conforming use. Thereafter, the property may not revert to a nonconforming use except as provided herein.
 - b. A nonconforming use may be changed to another nonconforming use only in accordance with approval from the Building and Zoning Department. The Building and Zoning Department may issue a permit if it finds that the proposed use will be no less compatible with the surrounding neighborhood than the use in operation at the time the approval is applied for. If a nonconforming use is changed to any use other than a conforming use without obtaining such an approval, that change shall constitute a discontinuance of the nonconforming use, with consequences as stated in Section 9.7.
 - c. If a nonconforming use and a conforming use, or any combination of conforming and nonconforming uses, or any combination of nonconforming uses exist on one (1) lot, the use made of the property may be changed substantially (except to a conforming use) only in accordance with approval from the Building and Zoning Department. The Building and Zoning Department shall issue such a permit if it finds that the proposed use will be no less compatible with the surrounding neighborhood than the use or combination of uses in operation at the time the permit is applied for.

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Section 10.4 Certain Temporary Signs: Permit Exemptions and Additional Regulations.

1. The following temporary signs are permitted without requiring a zoning, sign, or special exception permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this ordinance except those contained in Sections 10.7 (Maximum Sign Surface Area for Other Than Freestanding Signs) and 10.9 (Number of Freestanding Signs).
 - a. Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs shall not exceed four (4) square feet in area and shall be removed immediately after sale, lease, or rental. For lots of less than two (2) acres, a single sign on each street frontage shall be erected. For lots of two (2) acres or more in area and having a street frontage in excess of 400 feet, a second sign not exceeding four (4) square feet in area shall be erected.
 - b. Construction site identification signs. Such signs shall identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and shall contain related information. Not more than one (1) such sign per agent shall be erected per site, and it shall not exceed 32 square feet in area. Such signs shall not be erected more than 30 days prior to the issuance of a building permit and shall be removed within 10 days after the issuance of the final occupancy permit.
 - c. Signs indicating that, on the lot where the sign is located, a business that did not previously exist is opening, a previously existing business is going out of business, a one-time auction is planned, or some other non-recurring activity of a similar nature is scheduled. Signs referring to sales or other events designed to promote a preexisting, ongoing business or commercial venture or any specific product or service offered by such business or commercial venture are not authorized under this subsection. Signs authorized under this subsection shall be erected or displayed not sooner than two (2) weeks before the activity that is advertised and must be removed not later than three (3) weeks after it is first erected or displayed.
 - d. Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within 30 days following the holidays.
 - e. Signs indicating that a special event such as a fair, carnival, circus, festival or similar happening is to take place on the lot where the sign is located. Such signs shall be erected not sooner than two (2) weeks before the event and must be removed not later than three (3) days after the event.
 - f. Signs advertising the existence of a roadside stand selling fruits or vegetables grown on the lot where the stand is located or on other land owned by or leased to the person operating the stand, or a farm or tract upon which are grown fruits or vegetables that will be picked or gathered by the purchaser. No such individual sign shall exceed 32 square feet in surface area, and all signs advertising a single enterprise or location shall not exceed a total of 100 square feet. Such signs shall not be erected more than seven (7) days before the seasonal opening of such enterprises and shall be removed not later than seven (7) days after the enterprise closes for the season.
 - g. Signs indicating the location and direction of premises available for or in the process of development, but not erected upon such premises, and have inscribed thereon the name of the owner, developer, builder or agent may be erected and maintained.
 - a. the size of any such sign is not in excess of six (6) square feet, and not in excess of four (4) feet in length;
 - b. not more than one (1) such sign is erected in each five-hundred (500') feet of street frontage.
 - h. Temporary signs, not exceeding twenty (20) square feet in area announcing a land subdivision development, are permitted on the premises of the land subdivision. They shall be set back not less than ten (10) feet from the right-of-way of any street or from any boundary line of the land subdivision. Such signs shall be spaced not less than three hundred (300) feet apart. They shall be removed when seventy-five (75) percent of the lots are conveyed.
 - i. Temporary signs not covered in the foregoing categories, so long as such signs meet all of the following restrictions.
 - i. Not more than one (1) such sign shall be located on any lot.
 - ii. No such sign shall exceed four (4) square feet in surface area.

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- d. An application for approval pursuant to this section may be made up to six (6) months following discontinuance of the previous nonconforming use of the premises pursuant to Section 9.7 provided:
 1. That the premises has not been used for a conforming purpose at any time following the discontinuance of the previous nonconforming use; and
 2. That this subsection shall not be construed as extending the period specified in Section 9.7.
5. An exception to the requirements contained in Section 9.4, subsection 1 shall apply for any structure used for single-family residential purposes may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback, parking and buffer requirements. This paragraph is subject to the limitations stated in Section 9.7 (Abandonment, Discontinuance, Damage, or Destruction of Nonconforming Situations). Moreover, no Class C manufactured home may be replaced with another class C manufactured home, regardless of whether the home is located within a manufactured home park. If a nonconforming manufactured home is replaced with a site-built or modular home, the site-built or modular home shall only be required to adhere to front, side and rear setback requirements which are provided by a majority of the developed (site-built/modular) lots located on either side of the street where such lot is located and within 500 feet of such lot.
6. An exception to the requirements contained in Section 9.4, subsection 1 shall apply whenever there exists a lot with one or more structures on it, a change in use that does not involve any enlargement of a structure is proposed for such lot, and the parking requirements of the *Parking* Chapter of this ordinance that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot which can practicably be used for parking, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable parking requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite parking in accordance with the *Parking* Chapter of this ordinance if the parking requirements cannot be satisfied on the lot with respect to which the permit is required and such satellite parking is reasonably available. If such satellite parking is not reasonably available at the time the zoning or special exception permit is granted, then the permit recipient shall be required to obtain it if and when it does become reasonably available. This requirement shall be a continuing condition of the permit.

Section 9.5 Repair, Maintenance, Reconstruction, and Renovation.

1. Repairs to and maintenance of property generally do not require the issuance of any permit under this ordinance. The same is ordinarily true of reconstruction or restoration work that simply replaces what has previously existed. However, whenever major renovation, reconstruction, repair, or restoration work is proposed for any structure (other than a single-family residence) that exists on a lot where a nonconforming situation is present, then such work may be authorized only pursuant to a zoning permit issued under this section.
 - a. The permit-issuing authority shall be the Building and Zoning Department;
 - b. The term "major renovation, reconstruction, repair, or restoration work" refers to work estimated to cost more than 25 percent of the fair market value of all improvements on the lot in question;
 - c. Major renovation, reconstruction, repair, or restoration work on a single-family residence may take place without a permit under this Section, irrespective of whether a nonconforming situation exists. However, if the work is designed to do more than merely restore what previously existed, this shall require a zoning permit, but such permit may be issued pursuant to Section 9.4 subsection (5).
2. For purposes of subsection (1):
 - a. The "cost" of major renovation, reconstruction, repair, or restoration work shall mean the fair market value of the materials and services necessary to accomplish such renovation, reconstruction, repair, or restoration;
 - b. The "cost" of renovation, reconstruction, repair or restoration shall mean the total cost of all such intended work, and no person may seek to avoid the intent of subsection (a) by doing such work incrementally;
 - c. The "appraised valuation" shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by a professionally recognized property appraiser.

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3. The Building and Zoning Department shall issue a permit authorized by this section if it finds that, in completing the major renovation, reconstruction, repair, or restoration work:
 - a. No violation of Section 9.4 will occur:
 - b. The permittee will comply to the extent reasonably possible with all provisions of this ordinance applicable to the existing use (except that the permittee shall not lose his right to continue a nonconforming use or a nonconforming level of residential density).
4. For purposes of subsection (3), compliance with a requirement of this ordinance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible.

Section 9.6 Change in Use of Property Where a Nonconforming Situation Exists.

1. A change in the use of property (where a nonconforming situation exists) that is sufficiently substantial to require a new zoning or special exception permit (see *Permissible Uses* Chapter of this ordinance) may not be made except in accordance with subsections (2) through (4). However, this requirement shall not apply if only a sign permit is needed.
2. If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this ordinance applicable to that use can be complied with, permission to make the change shall be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this ordinance is achieved, the property may not revert to its nonconforming status.
3. If the intended change in use is to a principal use that is permissible in the district where the property is located, but all of the requirements of this ordinance applicable to that use cannot reasonably be complied with, then the change is permissible if the Building and Zoning Department issues a permit authorizing the change. This permit may be issued if the Building and Zoning Department finds, in addition to any other findings that may be required by this ordinance, that:
 - a. The intended change will not result in a violation of Section 9.4:
 - b. All of the applicable requirements of this ordinance that can reasonably be complied with shall be followed. Compliance with a requirement of this ordinance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. In no case may an applicant be given permission pursuant to this subsection to construct a building or add to an existing building if additional nonconformities would thereby be created.
4. If the intended change in use is to another principal use that is also nonconforming, then the change is permissible if the Building and Zoning Department issues a permit authorizing the change. The Building and Zoning Department may issue the permit if it finds, in addition to other findings that may be required by this ordinance, that:
 - a. All of the conditions applicable to the permit authorized in subsection (3) of this section are satisfied:
 - b. The proposed development shall be more compatible with the surrounding neighborhood than the use in operation at the time the permit is requested.

Section 9.7 Abandonment, Discontinuance, Damage, or Destruction of Nonconforming Situations.

1. When a nonconforming use is discontinued for a period of at least six (6) consecutive months or damaged beyond 60 percent of the fair market value, the property may thereafter be used only for conforming purposes, except as provided in subsection (2).
2. When a nonconforming use has been discontinued for a consecutive period of at least six (6) months or damaged beyond 60 percent of the fair market value, then the property may thereafter be reused for a use within the same principal use classification as the most recently discontinued nonconforming use if the Building and Zoning Department issues a permit under the subsection authorizing the change. The Building and Zoning Department may issue the permit if it finds, in addition to other findings that may be required by this ordinance, that:
 - a. All of the conditions applicable to the permit authorized in Section 9.6 subsection (3) are satisfied:

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- b. The property where the nonconforming use is proposed to be reinstated is particularly well adapted (in terms of the nature and orientation of improvements on that property) to that nonconforming use, and it would be substantially difficult or impractical to use this property for conforming purposes;
 - c. Reinstatement of the nonconforming use shall not have a substantially adverse effect on the public health or safety or the value, use, or enjoyment of properties in the immediate area of the nonconforming use;
 - d. Since the nonconforming use was discontinued, damaged, or destroyed, the property has not been used for conforming purposes.
3. If the principal activity on the property where a nonconforming situation other than a nonconforming use exists is discontinued for a consecutive period of at least six (6) months or damaged beyond 60 percent of the fair market value, then that property may thereafter be used only in conformity with all of the regulations that apply to the district where the property is located unless the Building and Zoning Department issues a permit to allow the property to be used (for a conforming use) without correcting the nonconforming situations. This permit may be issued if the Building and Zoning Department finds that eliminating a particular nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation). The permit shall specify which nonconformities need not be corrected.
4. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for six (6) months shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter [subject to subsection (2)].
5. When a structure or operation made nonconforming by this ordinance is vacant or discontinued on the effective date of this ordinance, the six (6) month period for purposes of this section begins to run on the effective date of this ordinance. However, if the structure or operation was nonconforming under the previous zoning ordinance, then the six (6) month period for purposes of this Section shall be calculated from the initial date of the vacancy or discontinuance.
6. A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed by fire, act of God, an explosion, act of public enemy or accidental casualty loss subject to the following restrictions:
 - a. A letter of intent to reconstruct shall be received by the building inspector within six (6) months from the time of destruction, and
 - b. A building permit shall be obtained from the building inspector within one (1) year from the time the damage or destruction took place, and
 - c. The total amount of space devoted to the nonconforming use may not be increased, except as provided in Section 9.4 above, and
 - d. The reconstructed building may not be more nonconforming with respect to dimensional restrictions such as yard requirements, height limitations or density requirements, and such dimensional nonconformities must be eliminated if that can reasonable be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such building.

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Chapter 10. SIGNS.

Section 10.1 Definitions.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Chapter shall have the meaning indicated when used in this Chapter.

Sign.	Any device that is sufficiently visible to persons not located on the lot where such device is located and is designed to attract the attention of such persons or to communicate information to them.
Sign, Abandoned.	A sign structure not containing a sign for 180 continuous days, a sign not in use for 180 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists, or to which it refers.
Sign, Awning, Canopy or Marquee.	A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee.
Sign, Billboard	A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold or offered at a location other than the premises on which the sign is located.
Sign, Construction.	A sign that is erected temporarily on the premises on which construction is occurring, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role of interest with respect to the structure or project
Sign Face.	The area or display surface used for the message.
Sign, Flat.	A single faced sign attached flush to a building or projecting no more than 12 inches.
Sign, Freestanding.	A sign that is not directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign, but is instead attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as "sandwich board sign," is also a freestanding sign.
Sign, Ground.	A freestanding sign, other than a monument, pylon, or pole sign, placed upon or supported by the ground independently of any other structure,
Sign, Incidental.	A sign not exceeding four (4) square feet in area that contains no advertising message but that provides information for the convenience or safety of the public, including, without limitation, signs that provide property identification names or numbers, signs on mailboxes or paper tubes, signs warning the public against trespassing or danger from animals, and signs relating to parking or directing traffic.
Sign, Monument.	A ground sign mounted or affixed to a base or pedestal. The colors and materials of the base or pedestal shall <i>relate</i> to the colors and materials of the principal building on the site.
Sign, Nonconforming.	A sign that, on the effective date of this ordinance, does not conform to one or more of the regulations set forth in this ordinance.
Sign, Permanent.	A sign attached to a building, structure, or the ground in some manner requiring a permit and made of materials intended for more than short-term use.
Sign, Pole.	A sign erected and maintained on a freestanding mast or pole and not attached to any building, but not including pylon and ground signs.

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Sign, Political.	A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.
Sign, Portable.	A sign that is not permanent, affixed to a building, structure, or the ground.
Sign, Projecting.	A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such a building.
Sign, Pylon.	A type of freestanding sign, other than a pole or ground sign, not attached to a building or any other structure, which is secured permanently to the ground. Its height is greater in length than its width and it is constructed such that it has a uniform width and depth from its top to its base.
Sign, Roof.	A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.
Sign, Sandwich Board.	A freestanding sign consisting of two panels joined together at the top and configured in the shape of an inverted "V" so that the bottom of the sign rests upon or near the ground.
Sign, Temporary.	A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
Sign, Wall.	A sign painted on the wall of a building and has no sign surface.
Sign, Window.	A sign that is applied or attached to the exterior or interior of a window or located in such a manner that it can be seen from the exterior of the structure through a window.
Sign Permit.	A permit issued by the Building and Zoning Department that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.
Sign Permit, Master.	A permit issued by the Building and Zoning Department that authorizes the recipient to allocate permissible sign surface area to tenants within a development according to an agreed upon formula; thereafter, individual tenants shall be issued sign permits in accordance with the allocation contained in the master sign permit for that development.

Section 10.2 Permit Required for Signs.

1. Except as otherwise provided in Sections 10.3 (Signs Excluded From Regulation) and 10.4 (Certain Temporary Signs: Permit Exceptions and Additional Regulations), no sign shall be erected, moved, enlarged, or substantially altered except in accordance with the provisions of this Chapter.
2. Signs erected in connection with elections or political campaigns, so long as:
 - i. Such signs shall be erected no more than forty-five (45) days prior to the election and shall be removed within fifteen (15) days following the election or conclusion of the campaign.
 - ii. No such sign shall exceed 16 square feet in area.
 - iii. Such signs shall not be located within a public right-of-way or public easement, in any location at an intersection where such signs would tend to obstruct the view by any person about to enter such intersection or any traffic within or about to enter such intersection. Signs erected at least 50 feet back from any point of intersection of the traveled surfaces of intersecting streets shall be deemed in compliance with this requirement.
 - iv. Such signs shall not be affixed to trees, utility poles, traffic control devices, or other structures or fixtures within a public right-of-way.

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- v. A permit is obtained which is accompanied by a \$25.00 fee. The fee is refundable after the primary or general election, provided the candidate has removed all of his or her signs.
3. If plans submitted for a zoning permit or special use permit include sign plans in sufficient detail that the permit issuing authority can determine whether the proposed sign or signs comply with the provisions of this ordinance, then issuance of the requested zoning or special use permit shall constitute approval of the proposed sign(s).
4. Signs not approved as provided in subsection (2) or exempted under the provisions referenced in subsection (1) shall be erected, moved, enlarged, or substantially altered only in accordance with a sign permit issued by the Building and Zoning Department.
 - a. Sign permit applications and sign permits shall be governed by the same provisions of this ordinance applicable to zoning permits.
 - b. In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center):
 - i. Sign permits shall be issued in the name of the lot owner or his agent rather than in the name of the individual business, and it shall be the sole responsibility of such owner or agent to allocate among the tenants the permissible maximum sign surface area:
 - ii. Upon application by such owner or agent, the Building and Zoning Department shall issue a master sign permit that allocates permissible sign surface area to the various buildings or businesses within the development according to an agreed upon formula, and thereafter sign permits shall be issued to individual tenants only in accordance with the allocation contained in the master sign permit.
 - c. For purposes of this Chapter, the term "substantially altered" shall not include changes in sign copy so long as the dimensions of the sign face are not altered and the new copy does not constitute an off-premises sign.
 - d. Signs subject to regulation under SCDOT outdoor advertising control may require a permit from the South Carolina Department of Transportation in addition to any permit required under this ordinance.

Section 10.3 Signs Excluded from Regulation.

The following signs are exempt from regulation under this ordinance except for the regulations of Section 10.13 subsections (2-4) which shall apply to all signs:

1. Incidental signs.
2. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.
3. Official signs of a noncommercial nature erected by public utilities.
4. Flags or insignia of any governmental or nonprofit organization.
5. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
6. Religious institution bulletin boards, identification signs, and directional signs which do not exceed one (1) sign per abutting street, 16 square feet in area and that are not internally illuminated.
7. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
8. Signs proclaiming religious, political, or other noncommercial messages (other than those regulated by Section 10.4 subsection [1 (e)]) that do not exceed one (1) sign per abutting street, 16 square feet in area and that are not internally illuminated.
9. Signs painted on or attached to trees, fence posts, and telephone or other utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings are prohibited.
10. Fluttering ribbons and banners and similar devices are prohibited, except the flags of governments and their agencies.

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- iii. Such sign shall not be displayed for longer than three (3) consecutive days nor more than a total of 10 days out of any 365-day period.

2. Other temporary signs not listed in subsection (1) shall be regarded and treated in all respects as permanent signs.

Section 10.5 Determining the Number of Signs.

1. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.
2. Without limiting the generality of subsection (1), a multi-sided sign shall be regarded as one (1) sign.

Section 10.6 Computation of Sign Area.

1. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself. (See Section 10.19)
2. If the sign consists of more than one (1) section or module the total square footage of each section or module of the sign shall be included in the computation of the sign area. (See Section 10.19)
3. With respect to two (2) sided, multi-sided, or three (3) dimensional signs, the sign surface shall be computed by including the total of all sides designated to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing:
 - a. The sign surface area of a double faced, back to back sign shall be calculated by using the area of only one (1) side of such sign, so long as the distance between the backs of such signs does not exceed three (3) feet.
 - b. The sign surface area of a double faced sign constructed in the form of a "V" shall be calculated by using the area of only one (1) side of such sign (the larger side if there is a size difference), so long as the angle of the "V" does not exceed 45 degrees and at no point does the distance between the backs of such sides exceed 10 feet.
4. The sign surface area of any sign located on the wall of a structure where the closest element of the sign is at least 100 feet from the edge of the traveled portion of the street that the sign faces shall be computed by multiplying the true sign surface area by 0.3.

Section 10.7 Maximum Sign Surface Area for Other Than Freestanding Signs.

1. Unless otherwise provided in this section, the total surface area devoted to all signs (other than freestanding signs) on any lot shall not exceed the limitations set forth in this section, and all signs except exempt signs and temporary signs described in Section 10.4 subsection (1) shall be included in this calculation.
2. Unless otherwise provided in this ordinance, the maximum sign surface area (other than freestanding signs) permitted on a lot in any residential district is four (4) square feet.
3. Subject to the other provisions of this section, the maximum sign surface area (excluding freestanding sign surface area) permitted on any lot in a commercial zoning or industrial zoning district shall be one (1) square foot of sign surface area for each foot of building frontage facing a street. Businesses located on parcels having less than 32 feet of building frontage shall be permitted a maximum of 32 square feet of sign surface area. In no case shall the total sign surface area (excluding freestanding sign surface area) exceed 75 square feet in any commercial district or 150 square feet in any industrial district.
4. If a lot in a commercial or industrial zoning district has frontage on more than one (1) street, then the total sign surface area permitted on that lot shall be the sum of the sign surface area allotments related to each street [as determined in accordance with subsection (3)] on which the lot has frontage. However, the total sign surface area that is oriented toward a particular street shall not exceed the portion of the lot's total sign surface area allocation that is derived from frontage on that street.

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5. Whenever a lot is situated such that it has no street frontage on any property boundary and an applicant desires to install on such a lot a sign that is oriented toward a street, then the total sign surface area permitted on that lot shall be the sign surface area that would be allowed if the lot boundary closest to the street toward which such sign is to be oriented fronted on such street.
 - a. The applicant shall be restricted to using only one (1) street and the closest lot boundary to this street for determining the total permitted sign surface area. However, the applicant shall be given the opportunity to determine the one (1) street used in the calculations.
 - b. This subsection shall not apply to any lot created after the effective date of this ordinance out of a larger tract that has frontage along one or more streets. The purpose of this exception is primarily to prevent shopping center developers from creating "out parcels" by subdivision along the entire road frontage of the center, thereby obtaining a full sign surface area allocation both for the main portion of the center and the out parcels. The sign surface area allocation derived from road frontage can be apportioned among lots created by a subdivider pursuant to subsection (7).
6. The sign surface area of any sign located on a wall of a structure shall not exceed 15 percent of the total surface area of the wall on which the sign is located. (See Section 10.19)
7. Whenever a tract is subdivided, then, subject to the following requirements, the subdivider shall allocate among the lots so created the total sign surface area that would be allowed under this section or Section 10.8 prior to subdivision.
 - a. Information concerning the exact nature of the sign surface area allocation must either be indicated on the face of a recorded plat of the subdivided tract or included in a separately recorded document, which document must be referenced on the recorded plat in a manner that indicates the general nature of such document and specifies the book and page number where such recorded document can be located in the Lancaster County Clerk of Court's office:
 - b. No sign allocation shall be made affecting (by adding sign surface area to or subtracting sign area from) any lot after such lot has been conveyed by the subdivider;
 - c. Once a sign allocation has been made in accordance with this section, the allocation so made shall control the amount of total sign surface area and freestanding sign surface area permissible on any lot affected, regardless of the sign surface area that would be allowed if Sections 10.7 and 10.9 were applied to each new lot created by the subdivision;
 - d. An allocation under this Section shall not affect the provisions of Section 10.8 that establish the maximum area of any single freestanding sign.

Section 10.8 Freestanding Sign Surface Area.

1. Unless otherwise provided in this ordinance, the maximum freestanding sign surface area permitted on any lot in a residential district is four (4) square feet.
2. Unless otherwise provided in this ordinance, a freestanding sign in a commercial or industrial district shall not exceed one-half (0.5) square foot of sign surface area for each foot of street frontage along the street toward which such sign is primarily oriented. However, in no case shall such sign exceed 75 square feet in any commercial district or 150 square feet in any industrial district.

Section 10.9 Number of Freestanding Signs.

1. Except as authorized by this Section, there shall be no more than one (1) freestanding sign on a single lot.
2. If a development is located on a corner lot that has at least 400 feet of frontage on each of the two (2) intersecting public streets, then the development shall have not more than one (1) freestanding sign along each side of the development bordered by such streets.
3. If a development is located on a lot that is bordered by two (2) public streets that do not intersect at the lot's boundaries (double front lot), then the development shall have not more than one (1) freestanding sign on each side of the development bordered by such streets.
4. If a corner lot contains a building, then a freestanding sign may be located along each of the intersecting streets that abut such lot if the freestanding signs are located such that, when a person is standing next to one such sign, the building on that lot totally obscures the view of the other freestanding sign.

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Section 10.10 Residential Development Entrance Signs.

1. Subject to subsection (2), at any entrance to a residential development, there shall be not more than two (2) signs identifying such development, and neither sign shall exceed 32 square feet.
2. The sign surface area limitations for residential development identification signs set forth in subsection (1) may be exceeded when a sign at an entrance to the development is attached to a significant architectural feature, such as a wall constructed of brick, stone, or other masonry, so long as the sign surface area does not exceed 48 square feet.

Section 10.11 Location and Height Requirements.

1. Freestanding signs shall not be permitted in the street right-of-way and shall be setback at least five (5) feet from the right-of-way line and shall not exceed a height of 20 feet, measured from the nearest street grade level.
2. No sign shall extend above any parapet or be placed upon any roof surface, except that for purposes of this Section, roof surfaces constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.
3. No sign or supporting structure shall be located in or over the traveled portion of any public right-of-way or public easement.

Section 10.12 Sign Illumination and Signs Containing Lights.

1. Unless otherwise prohibited by this ordinance, signs may be illuminated if such illumination is in accordance with this section.
2. No sign within 150 feet of a residential zone shall be illuminated between the hours of 12 midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential. Freestanding signs located in residential districts shall not be internally lighted.
3. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public or private right-of-way, public easement, or residential premises.
4. No sign shall contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date, weather conditions, or similar information.

Section 10.13 Miscellaneous Restrictions and Prohibitions.

1. As provided in the *Table of Permissible Uses*, billboards shall be located only in the Industrial District, unless such signs are exempt from regulation under Section 10.3.
 - a. No billboard shall have more than two (2) sign faces;
 - b. No billboard shall be erected upon the roof of any building, attached to any building, painted, or posted on any building;
 - c. No billboard shall be set back less than 20 feet from any public right-of-way;
 - d. No billboard shall be less than 500 feet from any other billboard located on the same side of the same public rights-of-way, public or private easements;
 - e. At street intersections, no billboard shall be located less than 500 feet from any billboard sign as measured along consecutive or intersecting street right-of-way lines;
 - f. No billboard shall be located within 200 feet of any right-of-way of any underpass, overpass, bridge, or tunnel or any plaza serving such facility;
 - g. No billboard shall be located less than 300 feet from any residential district fronting on both sides of the same street right-of-way;
 - h. No billboard shall exceed 24 feet in height at its highest point.
2. No sign shall be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
3. No sign shall be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

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4. Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure will be moved by the wind or other forces of nature and cause injury to persons or property. All such signs shall comply with applicable provision of the Standard Building Code.
5. Portable signs must be removed within three (3) months of the day they are permitted; no more than one such sign is permitted for each non-residential use; and no such sign shall be permitted within six months of the time it is removed from the premise. Portable signs are not permitted on residential or undeveloped lots or parcels.
6. No sign shall be erected on a private easement except for regulatory signs unless permission to erect such a sign is obtained from the property owner. No sign shall be erected within a road right-of-way except for regulatory signs. No signs including traffic signs and similar regulatory notices except those of a duly constituted governing body shall be located within any road right-of-way.
7. No part of a sign, while permitted in required yards, shall be located closer than five (5) feet to any property line.
8. No part of any sign attached to a building in any manner shall extend beyond the uppermost point of such building, except for those signs which are an integral part of the architectural design of said building.
9. Signs painted on or attached to trees, fence posts, and telephone or other utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings are prohibited.
10. Fluttering ribbons and banners and similar devices are prohibited, except the flags of governments and their agencies.

Section 10.14 Maintenance of Signs.

1. All signs and all components thereof, including without limitation, supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.

Section 10.15 Required Landscaping.

1. All freestanding signs and billboards shall have landscaping in accordance with the standards set forth in subsections (2, 3, 4, and 5) of this section.
2. For signs requiring landscaping, the area within which landscaping shall be provided shall consist of a square, rectangle, oval, or circle whose area shall be determined in the manner indicated below:
 - a. For ground, pylon, or monument signs, the minimum landscape area shall be three (3) feet in depth from each side of the base of the sign. (See Section 10.19);
 - b. For pole signs, the minimum landscape area shall be equal to the area of one (1) sign face. (See Section 10.19);
 - c. For billboards, the minimum landscape area shall be equal to 20 percent of the area of one (1) sign face. (See Section 10.19).
3. All signs requiring landscaping shall be located in the center of the landscaping area.
4. Landscape areas shall contain continuous plantings of species approved by the South Carolina Forestry Commission for planting in Lancaster County. Plantings shall be free of disease and maintained in healthy condition and shall be replaced in the event that they die. (See Chapter 22)
5. All sign base landscaping shall be located so as not to obstruct any motorist's view of other vehicles moving within a parking lot or entering and exiting a driveway.
6. If ground lights are used to illuminate a sign(s), then low evergreen shrubs shall be planted in order to screen such lights from view from any public right-of-way.

Section 10.16 Nonconforming Signs.

1. Nonconforming signs shall be governed by the provisions of this section and not those found in the *Nonconforming Situations* Chapter of this ordinance.

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2. Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this ordinance may be continued.
3. No person shall engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign shall be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor shall illumination be added to any nonconforming sign.
4. A nonconforming sign shall not be moved or replaced except to bring the sign into complete conformity with this ordinance.
5. If a nonconforming sign is destroyed by natural causes, it shall not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a nonconforming sign is "destroyed" if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds 75 percent of the value listed for tax purposes as stated on the initial sign permit of such damaged sign.
6. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (e.g., by creating an off-premises sign under circumstances where such a sign would not be allowed).
7. Subject to the other provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed within any 12 month period 60 percent of the value listed for tax purposes as stated on the initial sign permit of such sign.
8. If a nonconforming sign remains blank for a continuous period of six (6) months, that sign shall be deemed abandoned and shall, within thirty days after such abandonment, be altered to comply with this section or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is "blank" if:
 - a. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
 - b. The advertising message it displays becomes illegible in whole or substantial part;
 - c. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

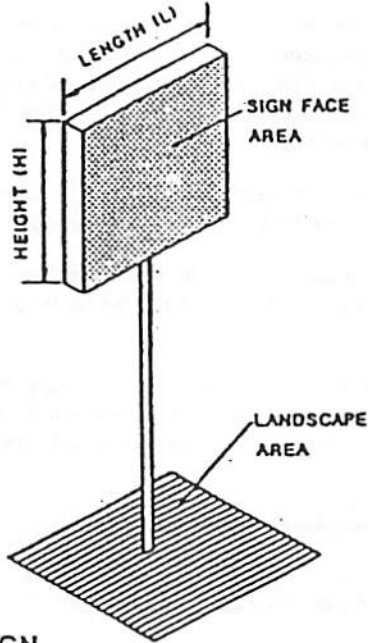
Section 10.17 Freedom of Expression for Noncommercial Messages.

1. Notwithstanding any other provision of this ordinance, it shall be permissible to place on any lot, with the permission of the owner or person in possession of such premises, one (1) sign not to exceed 16 square feet in area, that contains a noncommercial message. As provided in Section 10.3 subsection (8), no sign permit shall be required to erect such signs, but such signs shall be subject to the limitations set forth in Section 10.13 subsections (2-4).
2. Notwithstanding any other provision of this ordinance, noncommercial copy may be substituted for commercial copy or other noncommercial copy on any sign that is permissible under this ordinance.

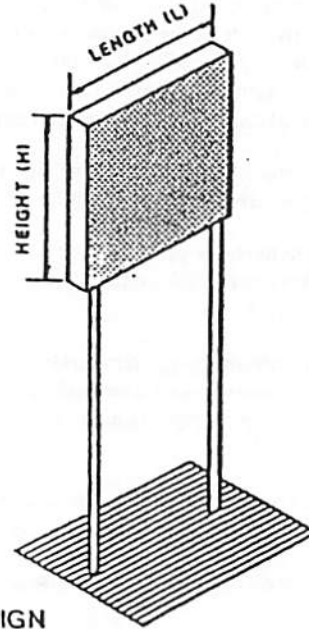
Section 10.18 Removal of Abandoned Signs.

Any sign which, for a continuous ninety-day period, no longer advertises or identifies a bona fide business conducted or a product sold shall be deemed abandoned and shall be taken down and removed in its entirety by the owner, agent or person having the beneficial use of the building, structure or lot upon which such signs shall be found within thirty (30) days after written notification from the building official. Upon failure to comply with such notice within the time specified in such order, the building official is hereby authorized to cause removal of such sign, and any expense incidental thereto shall be paid by the owner of the building, lot or structure to which the sign is attached. Whenever a bill for such charges remains unpaid for sixty (60) days after it has been rendered, an assessment against the property owner shall become a lien on the property, shall be added to the annual tax levy, and shall be collected by the city in the same manner as the annual property tax. Nonconforming signs deemed abandoned shall also be governed by the provisions of section 10-16(8).

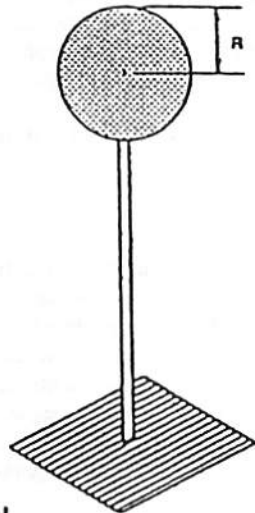
Section 10.19 Illustrations. (See next page)



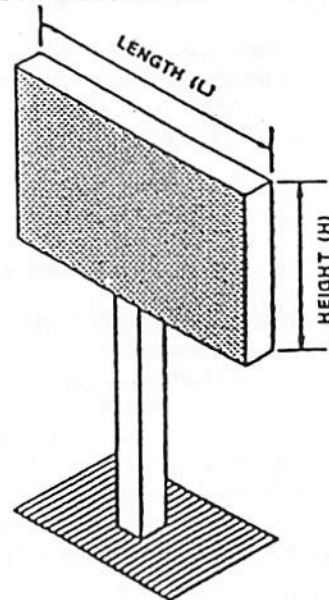
POLE SIGN
SIGN FACE AREA - L X H
MINIMUM LANDSCAPE AREA
MUST EQUAL SIGN FACE AREA



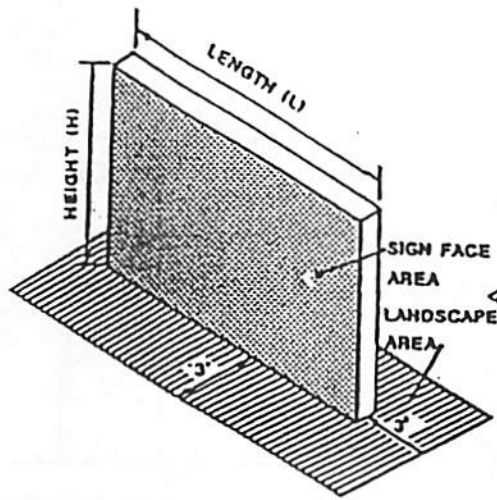
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MINIMUM LANDSCAPE AREA
MUST EQUAL SIGN FACE AREA



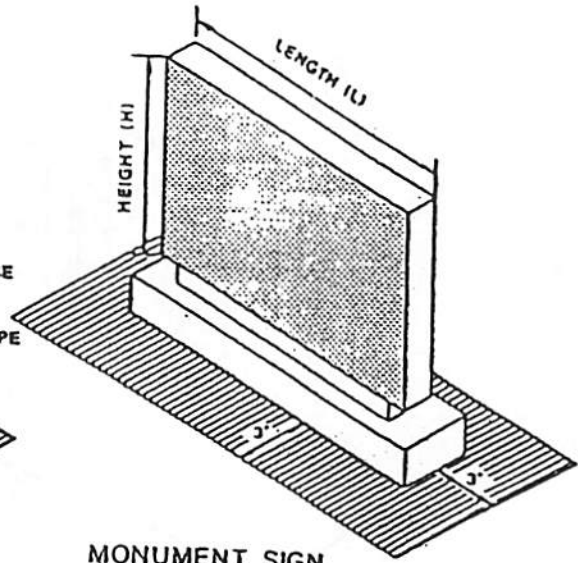
POLE SIGN
SIGN FACE AREA - $3.14 R^2$
MINIMUM LANDSCAPE AREA
MUST EQUAL SIGN FACE AREA



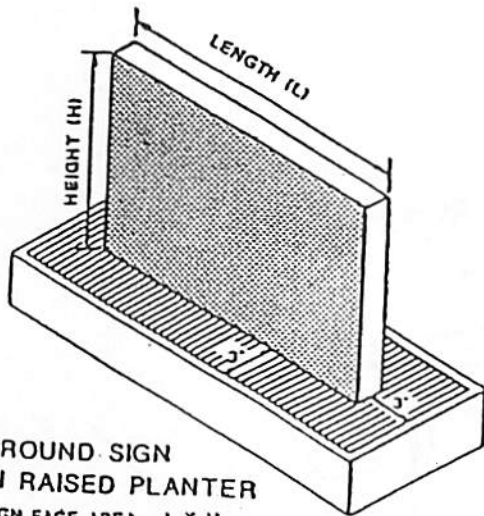
OUTDOOR ADVERTISING SIGN
SIGN FACE AREA - L X H
MINIMUM LANDSCAPE AREA
MUST EQUAL 20% OF SIGN FACE AREA



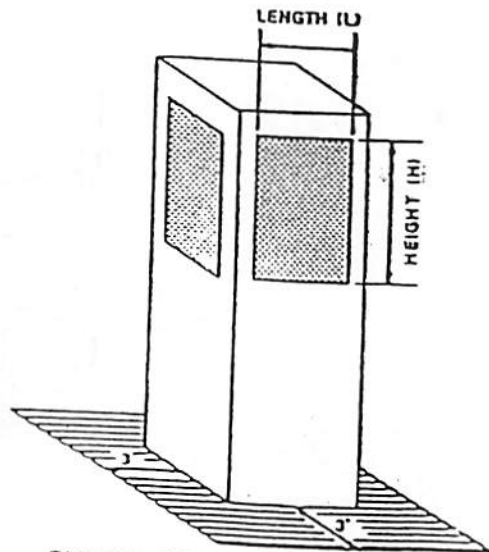
GROUND SIGN
 SIGN FACE AREA - L X H
 REQUIRED LANDSCAPE AREA MINIMUM
 OF 3 FEET IN DEPTH FROM EACH SIDE
 OF SIGN BASE



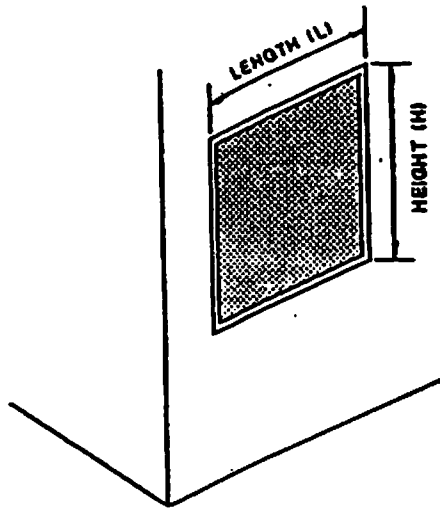
MONUMENT SIGN
 SIGN FACE AREA - L X H
 REQUIRED LANDSCAPE AREA MINIMUM
 OF 3 FEET IN DEPTH FROM EACH SIDE
 OF SIGN BASE



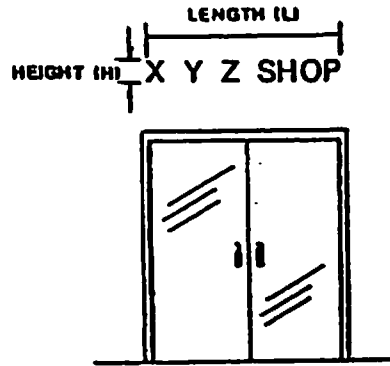
**GROUND SIGN
 IN RAISED PLANTER**
 SIGN FACE AREA - L X H
 REQUIRED LANDSCAPE AREA IN PLANTER
 MINIMUM OF 3 FEET IN DEPTH FROM EACH
 SIDE OF SIGN BASE



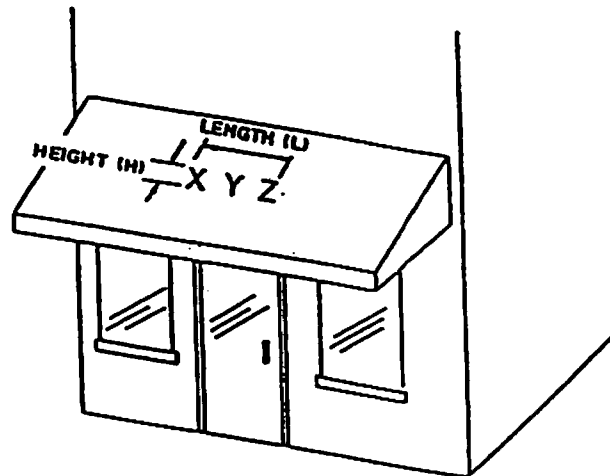
PYLON SIGN
 SIGN FACE AREA - L X H
 REQUIRED LANDSCAPE AREA MINIMUM
 OF 3 FEET IN DEPTH FROM EACH SIDE
 OF SIGN BASE



WALL SIGN
SIGN FACE AREA - L X H
NO LANDSCAPE



WALL SIGN
SIGN FACE AREA - L X H
NO LANDSCAPE



AWNING SIGN
SIGN FACE AREA - L X H
NO LANDSCAPE

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Chapter 11. PARKING.

Section 11.1 Definitions.

1. Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this Chapter.
2. *Circulation Area.* That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
3. *Driveway.* That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
4. *Gross Floor Area.* The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
5. *Loading and Unloading Area.* That portion of the vehicle accommodation area used to satisfy the requirements of Section 11.11.
6. *Parking Area Aisles.* That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
7. *Parking Space.* A portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.
8. *Vehicle Accommodation Area.* That portion of a lot used by vehicles for access, circulation, parking, loading, and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.
9. *Vehicle Storage Area.* That portion of a vehicle accommodation area used in connection with an automotive repair or wrecking business as a place to park vehicles temporarily while they are waiting to be worked on or pending the pickup of such vehicles by their owners.

Section 11.2 Number of Parking Spaces Required.

1. All developments shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question. In addition, all automobile repair and service establishments shall provide sufficient vehicle storage area to accommodate the number of vehicles likely to be on the premises awaiting work or pending removal by their owners.
2. The presumptions established by this section are that: (i) a development must comply with the parking standards set forth in subsections (1) and (5), (ii) any development that does meet these standards is in compliance, and (iii) on-street parking spaces shall not count towards meeting the required number of parking spaces established in subsection (5) for each use. However, the *Table of Parking Requirements* is only intended to establish a presumption and should be flexibly administered, as provided in Section 11.3.
3. The Table of Parking Requirements is arranged alphabetically by Use Description. When determination of the number of parking spaces required by the table below results in a requirement of a fractional space, any fraction of one-half (.5) or less shall be disregarded, while a fraction in excess of one-half shall be counted as one (1) parking space.
4. The Town Council recognizes that the *Table of Parking Requirements* set forth in subsection (5) cannot and does not cover every possible situation that shall arise. Therefore, in cases not specifically covered, the Building and Zoning Department is authorized to determine the parking requirements using this table as a guide.
5. Table of Parking Requirements:

Use Description	Parking Requirement
Auto & motorcycle racing tracks.	One (1) space for every three (3) seats.
Banks with drive-in windows.	One (1) space per 200 square feet of area within main building plus reservoir land capacity equal to five (5) spaces per window (10 spaces if window serves two stations).
Bowling, indoor skating, indoor racquet courts, billiard & pool halls, indoor athletic & exercise facilities.	One (1) space for every three (3) persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion

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	-example tennis courts or bowling alleys) plus one (1) space per 200 square feet of gross floor area used in a manner not susceptible to such calculation.
Bus/train station.	One (1) space per 200 square feet of gross floor area.
Car sales or rental.	One (1) space per 200 square feet of gross floor area or four (4) spaces per salesperson plus one (1) per two (2) other employees on the maximum shift, whichever is more appropriate.
Car wash.	Conveyer type: one (1) space for every employee on the maximum shift plus reservoir capacity equal to five (5) times the capacity of the washing operation. Self-service type: two (2) spaces for drying and cleaning purposes per stall plus two (2) reservoir spaces.
Church.	One (1) space per every four (4) seats in the portion of the church building to be used for services.
Coliseums, stadiums, etc. designed to accommodate more than 1,000 people.	One (1) space for every three (3) seats.
Colleges, universities, and community colleges.	One (1) space per 150 square feet of gross floor area.
Commercial: high-volume traffic, no outdoor storage permitted.	One (1) space per 150 square feet of gross floor area plus one (1) space per two (2) employees.
Commercial: high-volume traffic, outdoor storage allowed.	One (1) space per 200 square feet of gross floor area plus one (1) space per employee.
Commercial: low-volume traffic, no outdoor storage permitted.	One (1) space per 400 square feet of gross floor area.
Commercial: low-volume traffic, outdoor storage allowed.	One (1) space per 400 square feet of gross floor area.
Day care.	One (1) space per five (5) children.
Drive-in movie theaters.	One (1) space per speaker outlet.
Driving ranges, par 3's, mini-golf, skate parks, water slides, etc.	Miniature golf course, skateboard park, water slide, and similar uses: one (1) space per 300 square feet of area plus one (1) space per 200 square feet of building gross floor area; Par Three and miniature golf course: two (2) spaces per golf hole plus one (1) space per 200 square feet of building gross floor area.
Dry cleaner or Laundromat.	One (1) space per 200 square feet of gross floor area but no less than five (5) spaces.
Emergency services.	One space (1) per person on duty on a normal shift.
Funeral home.	One (1) space per four (4) seats plus one (1) per vehicle used in relation to the business plus one (1) per employee.
Gas sales.	One (1) space per 50 square feet of gross floor area of building devoted primarily to gas sales operation, plus sufficient parking area to accommodate vehicles at pumps without interfering with other parking spaces.
Greenhouse.	One (1) space per 200 square feet of gross floor area.

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Group homes.	One (1) space for every three (3) beds plus one (1) per employee of the largest shift.
Home occupations.	Four (4) spaces for offices of physicians or dentists; two (2) spaces for attorneys; one (1) space for all others.
Horseback riding/stables.	One (1) space per horse that could be kept at the stable when occupied to maximum capacity.
Hospitals, clinics, etc.	One (1) space per two beds plus one (1) per medical staff member plus one (1) per two employees on the maximum shift plus one (1) per hospital vehicle.
Junkyards.	One (1) space per employee plus four (4) per acre of storage area.
Libraries.	One (1) space per 300 square feet of gross floor area.
Manufacturing.	Three (3) spaces for every five (5) employees on the maximum shift.
Mental institutions & correctional facilities.	One (1) space for every employee on maximum shift.
Military reserve or national guard center.	One (1) space per 100 square feet of gross floor area.
Movie theaters.	One (1) space for every four (4) seats.
Multifamily & Two-family housing.	Two (2) spaces for each dwelling unit, except that only one (1) space is required for accessory apartment; only 1.5 spaces is required for each one (1) bedroom unit; multifamily units limited to persons of low or moderate income or the elderly require only one (1) space per unit.
Nursing homes.	One (1) space for every two (2) beds plus one (1) per two (2) employees on the maximum shift.
Office: enclosed or outdoors, attracts & serves clients.	One (1) space per 200 square feet of gross floor area.
Office: enclosed or outdoors, attracts & serves little or no client traffic.	One (1) space per 400 square feet of gross floor area.
Open air markets & horticultural sales.	One (1) space per 200 square feet of lot area used for storage, display, or sales.
Outdoor recreation or entertainment.	One (1) space per 200 square feet of area within enclosed buildings, plus one (1) space for every three (3) persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.
Physician or dentist office of less than 10,000 square feet.	One (1) space per employee plus two (2) per examining room.
Post office.	One (1) space per 200 square feet of gross floor area.
Restaurant: carryout & delivery, drive-in service, service or consumption outdoors.	One (1) space per three (3) seats plus one (1) per each two (2) employees plus one (1) space for every four (4) outside seats plus reservoir lane capacity equal to five (5) space per drive-in window.
Restaurant: no carryout or delivery, no drive-in, no service or consumption outdoors.	One (1) space per three (3) seats plus one (1) per each two (2) employees.
Restaurant: service outdoors, carryout & delivery.	One (1) space per three (3) seats plus one (1) per each two (2) employees plus one (1) space for

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	every four (4) outside seats.
Rooming & boarding houses.	One (1) space for each bedroom or boarder plus the normal parking requirement for the dwelling unit.
Schools: elementary & secondary.	Elementary schools: two (2) spaces per classroom plus two (2) per office plus one (1) per school owned or operated vehicle. High schools: one (1) space per staff member plus one (1) per three students (based on design capacity) plus one (1) per school owned or operated vehicle.
Schools: trade or vocational.	One (1) per student plus one (1) per teacher, based on design capacity.
Single-family housing.	Two (2) spaces per dwelling unit plus one (1) space per room rented out (see Accessory Uses, Section 3.4).
Social clubs, lodges, union halls, etc.	One (1) per four (4) persons of the rated capacity.
Storage.	One (1) space for every two (2) employees on the maximum shift but not less than (1) space per 5,000 square feet of area devoted to storage (whether inside or outside).
Tourist homes & hotels.	One (1) space for each room to be rented, plus additional spaces required for other uses associated with the establishment in accordance with other sections of this section.
Veterinarian & kennel.	One (1) space per 200 square feet of gross floor area.

Section 11.3 Flexibility in Administration Required.

1. The Town Council recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in Section 11.2 subsection (5) may result in a development with either inadequate parking space or parking space far in excess of its needs. The former situation shall lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation results in a waste of money as well as a waste of space that could more desirably be used for valuable development or environmentally useful open space. Therefore, as suggested in Section 11.2, the permit-issuing authority shall permit deviations from the presumptive requirements of Section 11.2 subsection (5) and shall require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in Section 11.2 subsection (1). In addition, that same flexible approach shall be followed with respect to the vehicle storage area requirements set forth in the preceding table.
2. Whenever the permit-issuing authority allows or requires a deviation from the presumptive parking requirements set forth in Section 11.2 subsection (5), it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.
3. If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by Section 11.2 subsection (5) for a particular use description is erroneous, it shall initiate a request for an amendment to the *Table of Parking Requirements* in accordance with the procedures set forth in the *Amendments* Chapter of this ordinance.

Section 11.4 Parking Space Dimensions.

1. Subject to subsections (2) and (3), parking spaces shall contain a rectangular area at least nine (9) feet wide and 18 feet long. Lines demarcating parking spaces shall be drawn at various angles in relation to curbs or aisles, as long as the parking spaces so created contain within them the rectangular area required by this section.
2. In parking areas containing 10 or more spaces, up to 20 percent of the parking spaces may be set aside for the exclusive use of subcompact cars. A subcompact parking space shall contain a rectangular area eight (8) feet wide and 16 feet long. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

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3. Wherever parking consists of spaces set aside for parallel parking, such spaces shall not be less than nine (9) feet wide and 24 feet long.

Section 11.5 Required Width of Parking Area Aisles and Driveways.

1. Parking area aisles shall have a minimum width between parking spaces that complies with the following table.

Aisle Type	0 Degrees	30 Degrees	45 Degrees	60 Degrees	90 Degrees
One Way Traffic	13'	13'	13'	18'	24'
Two Way Traffic	19'	20'	21'	23'	24'

2. Driveways shall be not less than thirteen feet in width for one-way traffic and nineteen feet in width for two-way traffic, except that 10 foot wide driveways are permissible for two-way traffic when (i) the driveway is not longer than 50 feet, (ii) it provides access to not more than 10 spaces, and (iii) sufficient turning space is provided so that vehicles need not back into a public street.
3. All driveway entrances and other openings onto County maintained streets shall, at a minimum, conform to the requirements set forth in the MRT current edition of the South Carolina Department of Transportation's *Access and Roadside Management Standards*.

Section 11.6 General Design Requirements.

1. Vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles shall exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units.
2. Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public right-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
3. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
4. Vehicle storage areas are not required to observe any particular configuration but shall be so located and designed so that the entire amount of required square footage of such areas can be used for the purpose intended without creating any substantial danger of injury to persons or property and without impeding vehicular movement in the adjacent street.

Section 11.7 Vehicle Accommodation Area Surfaces.

1. Vehicle accommodation areas in districts other than the Industrial District that (i) include lanes for drive-in windows, or (ii) are required to contain more than 1,000 square feet of vehicle storage area, or (iii) contain parking areas that are required to have more than 10 parking spaces and that are used regularly at least five (5) days per week, shall be graded and surfaced with asphalt, concrete, or other material that shall provide equivalent protection against potholes, erosion, and dust. Private drives or driveways in manufactured home parks or other multifamily residential developments containing more than three (3) dwelling units shall be similarly surfaced. Vehicle accommodation areas paved with asphalt shall be constructed in the same manner as street surfaces (Chapter 21, Sections 21.6 through 21.9). If concrete is used as the paving material, vehicle accommodation areas shall be similarly constructed except six (6) inches of concrete shall be used instead of two (2) inches of asphalt. The public works director may allow other paving materials to be used so long as the equivalent level of stability is achieved.
2. Vehicle accommodation areas that are not provided with the type of surface specified in subsection (1) shall be constructed in the same manner as paved areas except that crushed stone of the following type may be used in lieu of asphalt, concrete, or other paving materials: Size 13 crushed stone. This alternative is to provide a surface that is stable and shall help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices.
3. Parking spaces in areas surfaced in accordance with subsection (1) shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with subsection (2) shall be demarcated wherever practical.
4. Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (i.e., free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

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Section 11.8 Joint Use of Required Parking Spaces.

1. One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use shall not be credited to any other use.
2. To the extent developments wish to make joint use of the same parking spaces by businesses which operate at different times, the same spaces shall be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90 percent vacant on weekends, another development that operates only on weekends could be credited with 90 percent of the spaces on that lot. If a church parking lot is generally occupied only to 50 percent of capacity on days other than Sunday, another development could make use of 50 percent of the church lot's spaces on those other days.
3. If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section 11.9 are also applicable.

Section 11.9 Satellite Parking.

1. If the number of off-street parking spaces required by this ordinance cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces shall be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as "satellite" parking spaces.
2. All such satellite parking spaces (except spaces intended for employee use) must be located within 400 feet of a public entrance of a principal building housing the use associated with such parking, or within 400 feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use shall be located within any reasonable distance.
3. The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer shall sign an acknowledgment that the continuing validity of his permit depends upon his continuing ability to provide the required number or parking spaces.
4. Persons who obtain satellite parking spaces in accordance with this section shall not be held accountable for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this section.

Section 11.10 Special Provisions for Lots With Existing Buildings.

Notwithstanding any other provisions of this ordinance, whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this ordinance, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking requirements of Section 11.2 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the requirements of Section 11.2 to the extent that (i) parking space is practicably available on the lot where the development is located and (ii) satellite parking space is reasonably available as provided in Section 11.9.

Section 11.11 Loading and Unloading Areas.

1. Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area shall be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner. Such space shall insure that no vehicle being loaded or unloaded in connection with normal operations will stand in or project onto a public street or sidewalk. In all cases, such areas shall be located on the same lot or parcel of land as the structure they are intended to serve. The requirements contained in this section do not apply to any existing or future businesses located in the B-1, Central Business District.

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2. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the permit-issuing authority shall require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

Gross Area of Building Available for Leasing	Number of spaces
1,000-19,999	1
20,000-79,999	2
80,000-127,999	3
130,000-191,999	4
192,000-255,999	5
256,000-319,999	6
320,000-391,999	7

Plus one (1) for each additional 72,000 square feet or fraction thereof.

(Minimum dimensions of 12 feet x 55 feet and overhead clearance of 14 feet from the street grade)

1. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.
2. No area allocated to loading and unloading facilities shall be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

Section 11.12 No Parking Indicated Near Fire Hydrants.

Whenever a fire hydrant is located adjacent to any portion of a vehicle accommodation area required to be paved under Section 11.7, the pavement shall be clearly marked to indicate that parking within 15 feet of such hydrant is prohibited.

Section 11.13 Handicapped Parking.

Provisions relating to handicapped parking are set forth in the Standard Building Code and all vehicle accommodation areas shall comply with such requirements to the extent they are applicable.

Section 11.14 Shade Trees in Parking Areas.

1. Vehicle accommodation areas that are required to be paved by this Chapter, as well as vehicle accommodation areas in the Industrial District that contain more than 20 parking spaces, shall be shaded by deciduous trees (either retained or planted by the developer) that have a minimum caliper of 1.5 inches or are contained in 25 gallon containers at the time of planting. When trees are planted by the developer to satisfy the requirements of this subsection, the developer shall choose trees that meet the standards set forth in Chapter 22.
2. In vehicle accommodation areas that are required to be paved by this Chapter, as well as vehicle accommodation areas in the Industrial District that contain more than 20 parking spaces, a tree of the type described in subsection (1) along with six (6) shrub/evergreens at least 18 inches in height at the time of planting shall be installed for every 10 parking spaces or fraction thereof.

For example: If a development requires 150 parking spaces, the required landscaping is as follows: $150 \text{ (parking spaces)} / \text{(divided by)} 10 \text{ (landscaped areas)} = 15 \text{ landscaped areas}$. Fifteen landscaped areas equals a total of 2,250 square feet of landscaped area for the parking lot ($15 \text{ landscaped areas} \times 150 \text{ square feet (square feet required for each landscaped island)}$). Therefore, at least 2,250 square feet is the amount of landscaping required to be placed surrounding the parking lot. The required landscaping shall be installed along the periphery of the parking lot.

3. No paving shall be placed within 15 feet (measured from the dripline) of any tree retained to comply with subsection (1), and new trees planted to comply with subsection (1). New trees planted to comply with subsection (1) shall be located so that they are surrounded by at least 150 square feet of unpaved area. This area shall be at least 15 feet in width.

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4. Vehicle accommodation areas shall be laid out and detailed to prevent vehicles from striking trees. Vehicles shall be presumed to have a body overhang of three feet, six inches.
5. The landscaping requirement for the vehicle accommodation areas shall not be used to meet any other buffering requirement of this ordinance.

Section 11.15 Parking, Storage and Use Of Certain Vehicles.

1. Open storage of more than two (2) automobiles, trucks or trailers of any type without current license plates shall be prohibited on any residential parcel. Where such open storage is permitted, both the vehicles and the area of storage shall be properly maintained to avoid unsafe, unsanitary, or unsightly conditions. Storage of more than two (2) of any junked units or such equipment shall be totally screened from view by placement in a building or other opaque enclosure.
2. The parking or storage of tractor trailer rigs and/or cabs is not permitted in any residential district.
3. No major recreational equipment shall be or stored on any lot in a residential district nearer to the street than the principal building of the lot fronting on that street provided, however, that such equipment may be parked anywhere on the residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. Such equipment shall observe all setbacks, yard and other requirements set forth within the residential districts in which they are located. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such uses.
4. All uses not in compliance with the provisions of this section shall be removed or brought into conformity within 90 days of the effective date of this ordinance.

Section 11.16 Visibility at Intersections.

On any corner lot on which a front and side yard is required, nothing shall be erected, placed, planted or allowed to grow which obstructs sight lines between a height of two and one-half (2 1/2) feet above the crown of the adjacent roadway and ten (10) feet in a triangular area formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection.

Section 11.17 Visibility at Private Drives and Entrances Intersecting With Public Streets.

At the intersection of any private drive or entrance or exit with a public street, no fence, wall, hedge or other planting or sign forming a material impediment to visibility between the height of two and one-half (2 1/2) feet and seven (7) feet shall be erected, planted, placed or maintained.

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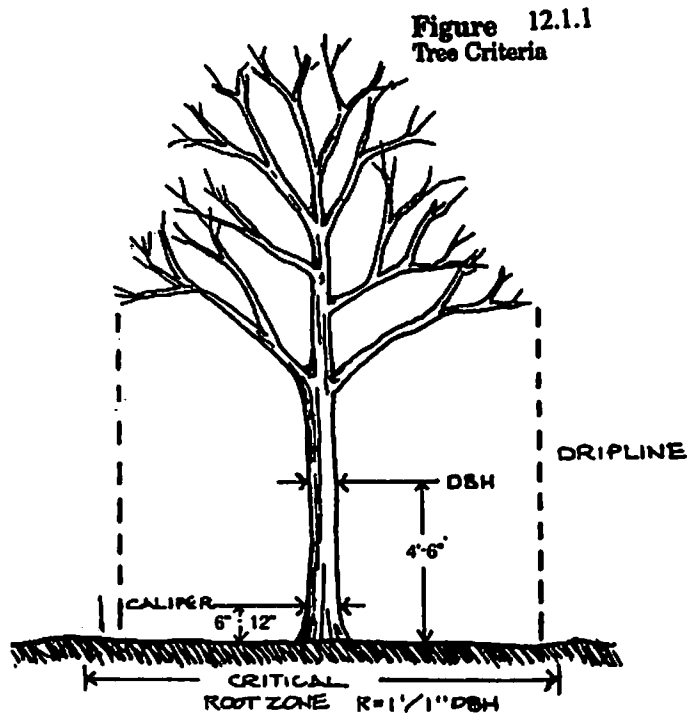
Chapter 12. LANDSCAPING REQUIREMENTS.

Most of the text and all of the diagrams in this Chapter were obtained from Landscape Ordinance and Design Guidelines of Salisbury, North Carolina.

Section 12.1 Definitions.

The following definitions shall apply to the regulation and control of landscaping within this article:

1. *Caliper*: A standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch caliper size, and twelve inches above the ground for larger sizes.
2. *Critical Root Zone (CRZ)*: A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight feet.
3. *DBH*: Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of four and one-half (4.5) feet above the ground.
4. *Deciduous*: Those plants that annually lose their leaves.
5. *Drip Line*: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.



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6. *Evergreen*: Those plants that retain foliage throughout the year.
7. *Evergreen Screen*: A plant growing to over 20 feet in height at maturity that retains foliage year round that is planted to provide a dense vegetative screen for purposes of visual mitigation between zoning districts. See Figure 12.1.2 below.

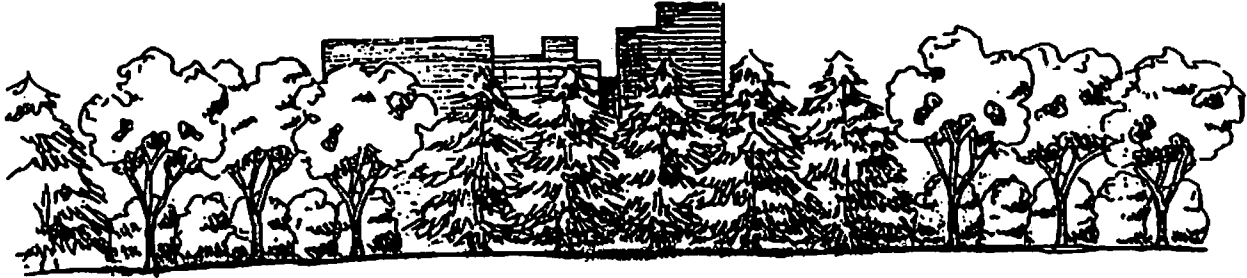


Figure 12.1.2. Evergreen Screen. An evergreen screen may vary in style according to site requirements and the designer's interpretation. A simple tall hedge of one plant species may be most appropriate in a setting where there is already a variety of visual elements or significant architectural character. However, where a site lacks visual detail or interest, as in the case of a nondescript commercial structure with an abundance of conspicuous parking area, a screen of mixed species might provide needed interest and visual diversion.

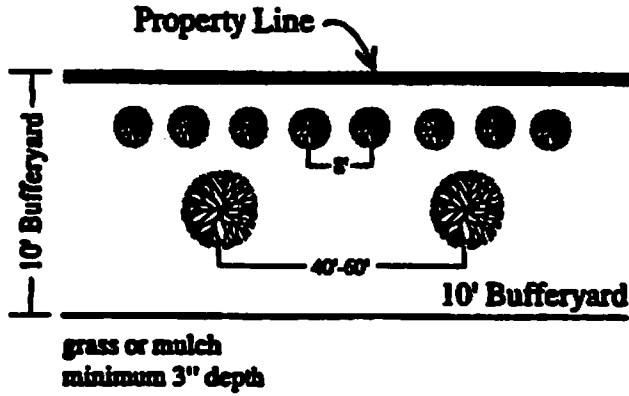
8. *Ground Cover*: A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Many ground covers survive in poor soils, shade and other adverse conditions.
9. *Landscaping*: The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover.
10. *Parking Lot Plantings*: Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.
11. *Planting Area*: The area prepared for the purpose of accommodating the planting of trees, shrubs, and ground covers.
12. *Buffer Yard*: The required installation of landscaping and screening materials between zoning districts.
 - a. *Type A buffer yard*: This is a medium density screen intended to block visual contact between uses and to create spatial separation. The bufferyard shall be at least ten (10) feet wide, and shall consist of plant material which at maturity creates a screen which is at least seventy-five (75) percent opaque. For every linear one hundred (100) feet, or fraction thereof, the screen shall consist of a combination of at least two (2) canopy type trees planted 40-60 feet on center and ten (10) evergreen shrubs eight (8) feet on center. New trees and shrubs shall be evenly spaced at planting, with trees having an 8-foot minimum installed height, and shrubs having a 36-inch minimum installed height. An example site plan is illustrated below:
 - b. *Type B buffer yard*: This is a high density screen intended to exclude all visual contact between uses and to create a spatial separation. The bufferyard shall have a minimum width of fifteen (15) feet, and shall consist of plant material which at maturity creates a screen which is one hundred (100) feet opaque. For every linear one hundred (100) feet, or fraction thereof, the screen shall consist of a combination of at least three (3) canopy type trees planted 20-40 feet on center and thirty-four (34) evergreen shrubs in a double-staggered row six (6) feet on center. New trees and shrubs shall be evenly spaced at planting, with trees having an 8-foot minimum installed height, and shrubs having a 36-inch minimum installed height. An example site plan is illustrated below:

(See Figure 12.1.3 next page)

Figure 12.1.3

Type A Bufferyard

Affected Property Owner

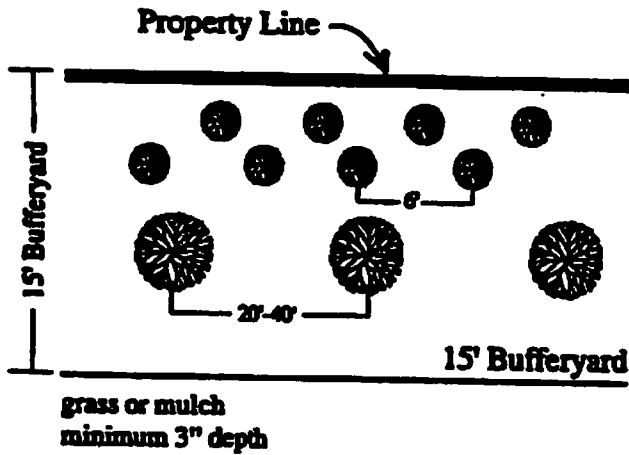


Plantings will consist of evergreen shrubs, single row, 8' on center and canopy type trees planted 40—60' on center.

Bufferyard Provider

Type B Bufferyard

Affected Property Owner



Plantings will consist of evergreen shrubs, 6' on center, double-staggered row, and canopy type trees planted 20'—40' on center.

Bufferyard Provider

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13. *Shrub*: An upright plant growing 5 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.
14. *Street Tree*: A tree planted along the street behind the right-of-way.
15. *Street Yard*: A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.
16. *Tree, Ornamental*: A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.
17. *Tree, Shade*: A large tree growing to over 40 feet in height at maturity, usually Deciduous, that is planted to provide canopy cover shade.
18. *Vines*: A woody plant that has a spreading pattern of growth. Vines may be used on the ground, or walls and on trellises.

(See Figure 12.1.4 next page.)

Section 12.2 Purpose and Scope.

This article is intended to establish minimum standards for the design of landscapes for uses other than single family and two-family residential so as to improve the community aesthetically, economically and environmentally. This Chapter improves the appearance of the community through the provision of and the preservation of trees in order to better control soil erosion, reduce the hazards of flooding, stabilize the ground water tables, absorb carbon dioxide, supply oxygen, provide shade for cooling, screen noise, dust, glare, and preserve, protect and enhance the natural environment.

The buffer yard regulations established herein are intended to minimize potential conflicts between abutting developments. The purpose of buffer yards is to ensure that a natural area of appropriate size and density of plantings is located between zoning districts and/or uses.

Section 12.2.1 Town Council Findings Concerning the Need for Screening Requirements.

The Town Council finds that:

1. Screening between two lots lessens the transmission from one lot to another of noise, dust, and glare.
2. Screening can lessen the visual pollution that may otherwise occur within a developed area. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield entirely one use from the visual assault of an adjacent use.
3. Screening can establish a greater sense of privacy from visual or physical intrusion with the degree of privacy varying with the intensity of the screening.
4. The provisions of this Chapter are necessary to safeguard the public health, safety, and welfare.

Section 12.2.2 General Screening Standards.

Every development shall provide sufficient screening so that:

1. Neighboring properties are shielded from any adverse external effects of that development.
2. The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

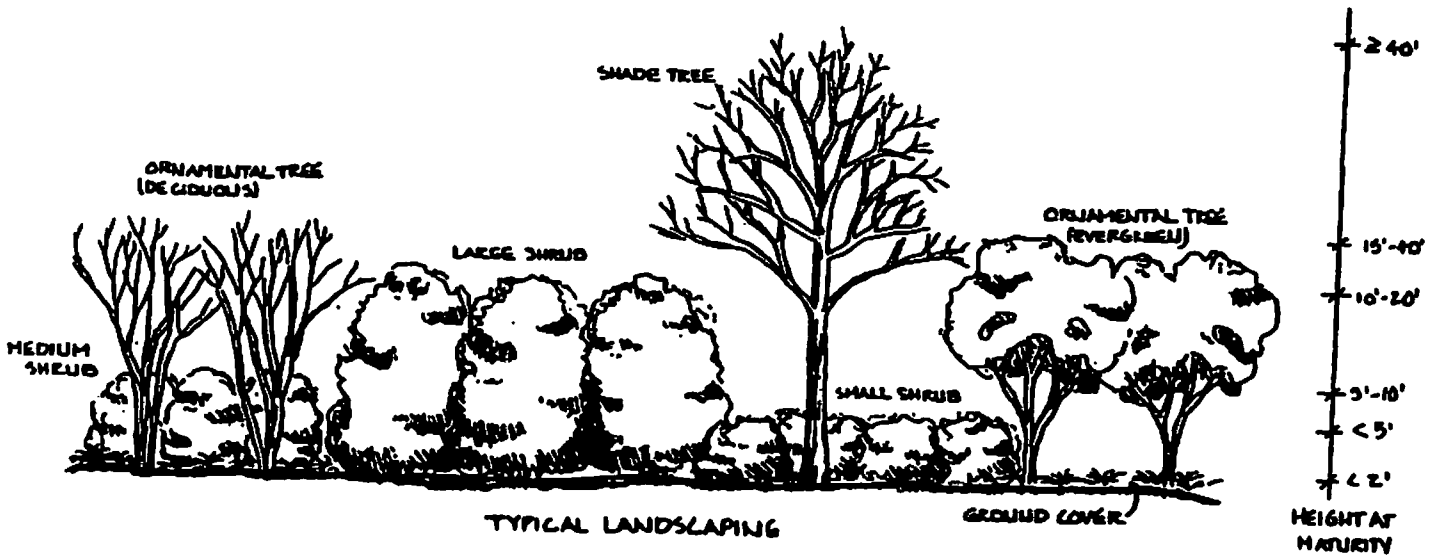
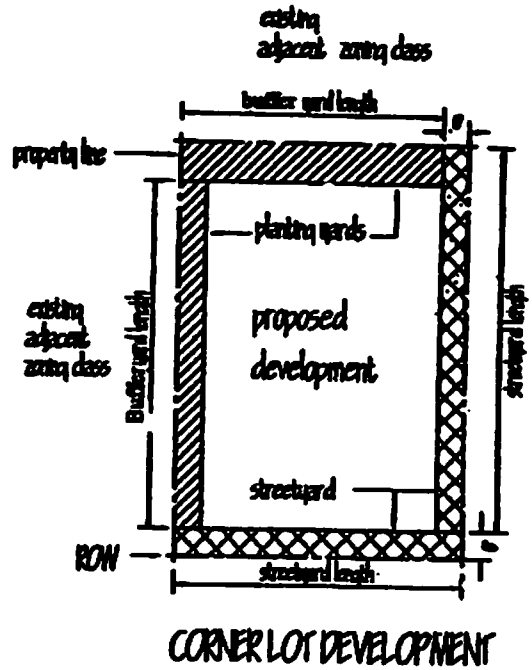
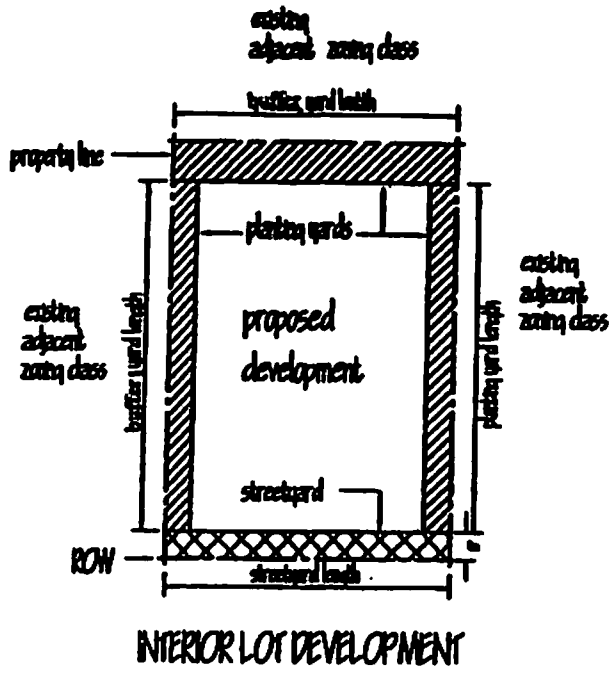
Section 12.2.3 Applicability.

The provisions of this ordinance shall apply to all uses other than single-family and two-family residential uses, any use located in the B-1, Central Business District or any nursery, tree farm or botanical garden.

Section 12.3 Location of Bufferyards.

Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing public or private street or right-of-way; however, they may occupy part or all of any required front, side, or rear yard setback. Where required, bufferyards and/or bufferyard structures shall be developed as an integral part of the proposed use. (See Figure 12.1.3)

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12.1.4 Plant Categories and Sample Buffer Yard Diagrams

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Section 12.4 Minimum Plant Size.

Plants shall be sufficiently sized to insure buffering and screening at the time of installation. Where the Bufferyard Illustrations indicate a mass or line of plants paralleling the length of the property line, the plant materials shall be sufficiently sized to insure obscurity at the time of installation. However, seedling plants shall be used where berms or structures are required as part of the bufferyard. The following table shall serve as a guide for determining minimum plant size:

Plant Materials Type	Planting in Bufferyards Abutting Structures, Fences, and Berms
Large trees	1.5 inch caliper - 25 gallon container
Ornamental trees	1.5 inch caliper - 25 gallon container
Shrub - deciduous or evergreen	3 gallon container

Section 12.5 Containers and Dumpsters.

1. Every multifamily development containing five (5) or more dwelling units, every manufactured home park designed to accommodate five (5) or more manufactured homes, and every nonresidential development likely to generate solid waste in volumes that equal or exceed those generated by five (5) or more single-family homes, shall provide one (1) or more dumpsters as necessary to handle the solid waste collection needs of such development. This dumpster(s) shall be provided by the developer.
2. Every development that is required to provide one (1) or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:
 - a. Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way;
 - b. Constructed to allow for collection without damage to the development site or the collection vehicle.
3. All such dumpsters shall be screened if and to the extent that, in the absence of screening they would be clearly visible to:
 - a. Persons located within any dwelling unit on residential property other than that where the dumpster is located;
 - b. Occupants, customers, or other invitees located within any building on nonresidential property other than that where the dumpster is located, unless such other property is used primarily for purposes permitted exclusively in an Ind. zoning district;
 - c. Persons traveling on any public street, sidewalk, or other public way.
4. When dumpster screening is required under this Section, such screening shall be constructed, installed, and located to prevent or remedy the conditions requiring the screening. Such screening shall be opaque and shall be at least one (1) foot above the height of the container but shall not be required to be over eight (8) feet in height. The open side shall not be visible from the street

Section 12.6 Appearance of Fences and Walls.

All fences and walls used as part of the bufferyard requirements must have a finished side that is facing the adjoining property. The interior side of the fence or wall may be finished as owner deems appropriate. Where fences or walls are proposed by the developer, but not required by the applicable bufferyard requirements, they shall be established along the inside line of the bufferyards, toward the proposed use, except for ornamental fences or fences to the rear of the property, which may be built on the property line. Security fences and walls may also be established along the outer perimeter of the lot with approval of the Planning Department.

Section 12.7 Required Maintenance.

The maintenance of all required bufferyards shall be the responsibility of the property owner. All bufferyards shall be properly maintained so as to insure continued buffering. Failure to do so is a violation of this ordinance and shall be remedied in the manner prescribed for other violations.

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Section 12.8 Installation of Bufferyard.

Any required bufferyard shall be required to be installed at the time of construction so long as this is within the usual growing period for the area. If the time of planting occurs in the non-growing period of the year, e.g., April through October, the bufferyard shall be installed during the next growing season, i.e., November through March. If this occurs, a performance bond shall be provided to the governing body in the amount equal to at least 125 percent of the cost of the required landscaping.

Table 12-1

Zoning District of Bufferyard Provider	Zoning District of Affected Property Owner	Minimum Screening Type to be Provided*
MHP	All residential districts unless the immediately adjacent property or properties are developed with manufactured homes.	Type A**
MF	All residential districts excluding MHP	Type A**
PO	All residential districts. MF, MHP	Type B** Type A**
B-2	All residential districts MF, MHP	Type B** Type A**
B-3, Ind.	All districts except B-1 & B-2 B-1 & B-2	Type B** Type A**

Parcels located in the B-1 district are not required to provide a buffer yard.

For Planned Development District (PDD), see Section 2.1.4.1 for bufferyard requirements.

*All nonresidential uses located in a residential district shall be required to provide a Type A buffer along all side and rear property lines.

**Fenced (nonliving) screen. An opaque fence or wall may be used in place of fifty (50) percent of required bufferyard plantings. Any fence or wall used to meet bufferyard requirements shall have a minimum height of eight (8) feet in the B-3 and Ind. districts and six (6) feet in all other districts. The design, color and materials of any fence or screen used to meet bufferyard requirements shall be approved in advance by the director of planning. The fence shall be installed on the property line with the required planted screening installed on the bufferyard provider's side of the fence, and the plantings shall be equally distributed in the bufferyard as illustrated below. The fence shall be shadow box style with two (2) finished sides. When an opaque fence or wall is used in conjunction with a planted screen, the minimum width of the bufferyard may be reduced by one-third (1/3). (See diagram on next page, Figure 12.1.5)

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

Table 12-2

Street Yard Landscaping			
	Min. Width	Trees* (c) (d) Shade/Orn.	Shrubs**
Requirements	15	1/50 or 1/25	Optional
*or fraction thereof			
**Shrubs are optional, but the tree requirement must be met.			

- a. A wall or fence, a minimum of six (6) feet in height (constructed of masonry or pressure treated lumber), maybe used to reduce both the minimum width of the buffer yards and the corresponding number of points per linear foot by 20%.
- b. In all buffer yards, ornamental trees may be substituted for shade trees at the rate of two (2) ornamental trees for each required shade tree.
- c. In the case of a conflict with utility lines, one (1) ornamental tree may be substituted for each required shade tree.
- d. All trees in street yards shall be planted no closer than eight (8) feet from any public right-of-way.
- e. For the purpose of this section, building setbacks shall supersede buffer yard landscaping requirements.

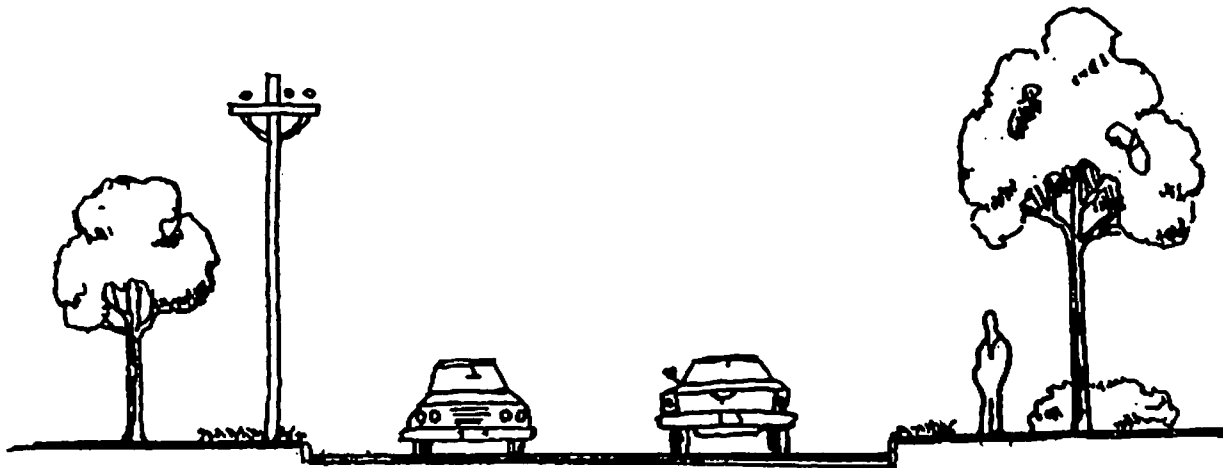


Figure 12.1.6 Conflict with utility lines.
Ornamental trees may be substituted for shade trees under or adjacent to utility lines. See Table 10-3 (c) of Ordinance.

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

Section 12.8 Installation of Bufferyard.

Any required bufferyard shall be required to be installed at the time of construction so long as this is within the usual growing period for the area. If the time of planting occurs in the non-growing period of the year, e.g., April through October, the bufferyard shall be installed during the next growing season, i.e., November through March. If this occurs, a performance bond shall be provided to the governing body in the amount equal to at least 125 percent of the cost of the required landscaping.

Table 12-1

Zoning District of Bufferyard Provider	Zoning District of Affected Property Owner	Minimum Screening Type to be Provided*
MHP	All residential districts unless the immediately adjacent property or properties are developed with manufactured homes.	Type A**
MF	All residential districts excluding MHP	Type A**
PO	All residential districts, MF, MHP	Type B** Type A**
B-2	All residential districts MF, MHP	Type B** Type A**
B-3, Ind.	All districts except B-1 & B-2 B-1 & B-2	Type B** Type A**

Parcels located in the B-1 district are not required to provide a buffer yard.

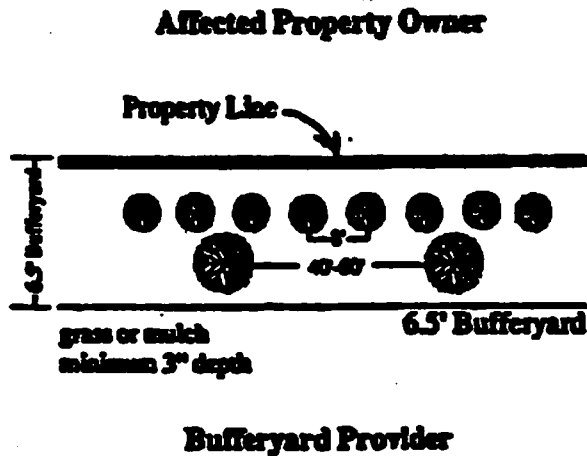
For Planned Development District (PDD), see Section 2.1.4.1 for bufferyard requirements.

*All nonresidential uses located in a residential district shall be required to provide a Type A buffer along all side and rear property lines.

**Fenced (nonliving) screen. An opaque fence or wall may be used in place of fifty (50) percent of required bufferyard plantings. Any fence or wall used to meet bufferyard requirements shall have a minimum height of eight (8) feet in the B-3 and Ind. districts and six (6) feet in all other districts. The design, color and materials of any fence or screen used to meet bufferyard requirements shall be approved in advance by the director of planning. The fence shall be installed on the property line with the required planted screening installed on the bufferyard provider's side of the fence, and the plantings shall be equally distributed in the bufferyard as illustrated below. The fence shall be shadow box style with two (2) finished sides. When an opaque fence or wall is used in conjunction with a planted screen, the minimum width of the bufferyard may be reduced by one-third (1/3). (See diagram on next page. Figure 12.1.5)

Figure 12.1.5

Fence Option* Type A Bufferyard



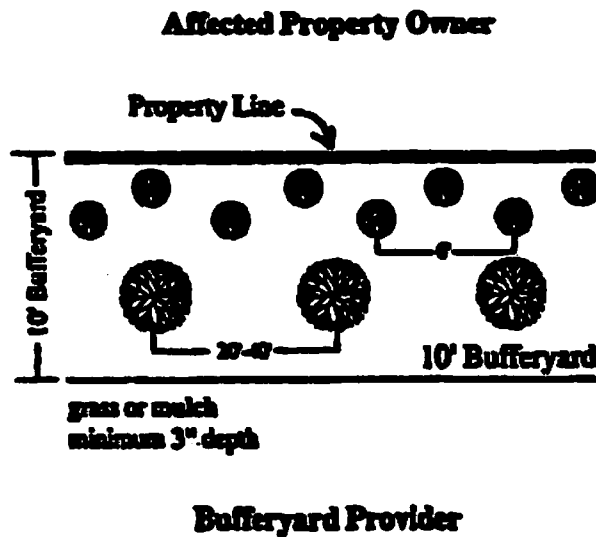
Fence installed on property line.

All plantings shall be located between fence and bufferyard boundary.

Plantings will consist of evergreen shrubs, single row, 8' on center and canopy type trees planted 40—60' on center.

*Fence may be used in place of 50% of the required bufferyard plantings.

Type B Bufferyard



Fence installed on property line.

All plantings shall be located between fence and bufferyard boundary.

Plantings will consist of evergreen shrubs, 6' on center, double-staggered row, and canopy type trees planted 20—40' on center.

*Fence may be used in place of 50% of the required bufferyard plantings.

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

Section 12.11.2 Street Yard Landscaping.

Along both sides of all newly created streets with respect to which an offer of dedication is required to be made by this ordinance or for any new development, then the developer shall either plant or retain sufficient trees so that, between the paved portion of the street and a line parallel to and 50 feet from the right-of-way line of the street, there is for every 50 feet of street frontage at least an average of one shade or two (2) ornamental trees. When trees are planted by the developer pursuant to this Chapter, the developer shall choose trees that meet the standards set forth in Chapter 22. The area where the trees are to be planted shall be at least 15 feet in width and no more than 15% of this area can be used for walkways, fountains, or walls. No parking or storage is allowed in this area. These requirements shall apply to new construction on existing streets and all additions shall comply with the requirements of Section 12.11.5.

Section 12.11.2.1 Landscaping and Design Standard for Street Yards.

A street yards consists of a planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

1. Street yards shall be a minimum of 15 feet wide.
2. Street yards shall contain one shade tree/50 linear feet or one ornamental trees 25 linear feet, except in the case of a conflict with utility lines. These trees shall be generally equally distributed along the street frontage, but they are not required to be at absolute equal intervals. This will allow for some flexibility in design while discouraging long intervals without trees. Shrubbery may be planted in clusters where trees are not practical.
3. No more than 20% of the street yard may be used for walkways or sings.
4. Parking, merchandise display and off-street loading are prohibited in the street yard.
5. No tree or shrub shall be planted within the sight triangle.

Section 12.11.3 Retention and Protection of Large Trees.

1. The Town Council encourages the retention and protection of existing large trees to the maximum extent possible, consistent with the development process.
2. The Town Council discourages any excavation or other subsurface disturbance or the placement of any impervious surface within the dripline of any tree 12 inches in diameter or more. For purposes of this subsection, a dripline is defined as a perimeter area formed by the point farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.
3. A landscaping plan which includes a tree survey shall be submitted and approved prior to any building permits being issued.

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

4. If any new or retained tree which meets the minimum plant size requirements of this Section, that is shown on the approved site plan, dies within 12 months after issuance of the certificate of occupancy, it shall be replaced by planting a new tree having a caliper of two (2) inches. For unauthorized removal of a new or retained tree during construction or after the issuance of the certificate of occupancy, its replacement shall be the planting of four new trees each having a minimum caliper of 1.5 inches in addition to any other enforcement provisions specified within this Section.

Section 12.11.4 Protection of Trees During Construction.

1. The permit recipient shall be responsible for ensuring that all existing trees specifically shown on approved plans as being retained to provide screening or shading are protected during the construction process from removal, destruction, or injury. Without limiting the generality of the foregoing, the permit recipient shall ensure that, before any excavation takes place on the site, a barrier is erected around the dripline of all such trees sufficient to put on notice all construction personnel that the area within the dripline of such trees is not to be disturbed.
2. If a violation of subsection (1) occurs and as a result a tree is removed or dies within two (2) years after a certificate of occupancy is granted for that portion of a development where such tree is or was located, then the permit recipient (or his successor) shall be required to replace the tree with one at least of equal diameter. Such replacement must take place within one (1) year after the death or removal of the tree occurs, and this obligation shall be a continuing condition of the validity of the permit.
3. Existing trees shall be preserved whenever feasible. Credits for tree preservation are offered when a tree preservation plan is submitted prior to grading the site. A tree preservation plan must show that there will be no disturbance in the critical root zone (CRZ). A disturbance is considered trenching, placing backfill in the CRZ, driving or parking equipment in the CRZ, and dumping of trash, oil, paint or other materials detrimental to plant health in close proximity of the trees(s). See Figure 12.1.8 and Figure 12.1.9, below.

When selecting which trees to preserve, the following shall be considered: existing and proposed grading; age, condition, and type of tree; and location of site improvements and utility connections.

Credits for existing trees within parking lots and buffer yards will be given at the rate of 12 points per 4 inches in diameter at breast height (DBH) of existing plant material preserved. Minimum size requirement to qualify for tree preservation is 4 inches (DBH).

Should any tree designated for preservation in the tree preservation plan die at anytime after approval of the plan or issuance of a Certificate of Occupancy, the owner shall replace sufficient landscaping equal to the tree preservation credit within 180 days. The replacement tree shall be a minimum of 2" in caliper for a shade tree and a minimum of 6' in height for an ornamental tree (six feet from the top of root ball to top of tree) at the time of planting.

4. Avoid compaction of the soil around existing trees due to heavy equipment through the use of root protection measures outlined in Minnesota book (root bridges, fences, etc.) Do not pile dirt or other materials beneath the crown of the tree.
5. Keep fires or other sources of extreme heat a minimum of 15 feet from the dripline and critical root zone.
6. Exposed roots should be covered with topsoil. If branches are damaged, the tree shall be properly pruned. Injured trees must be thoroughly watered during the ensuing growing year.

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

Figur. 12.1.8 Tree protection before construction. Suggested protection practices provided by The National Arber Day Foundation.

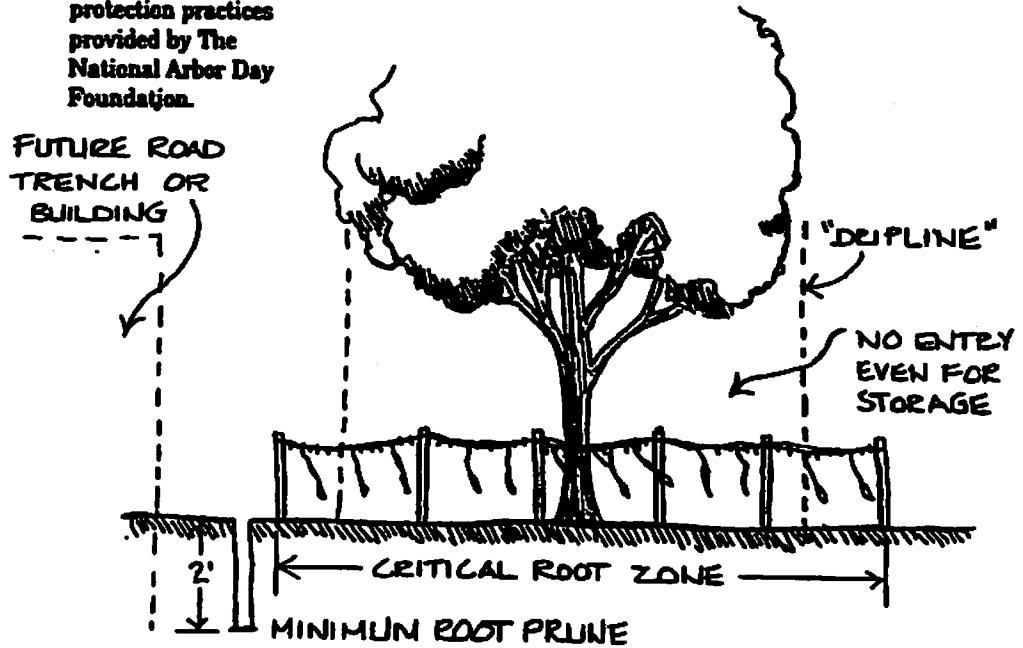
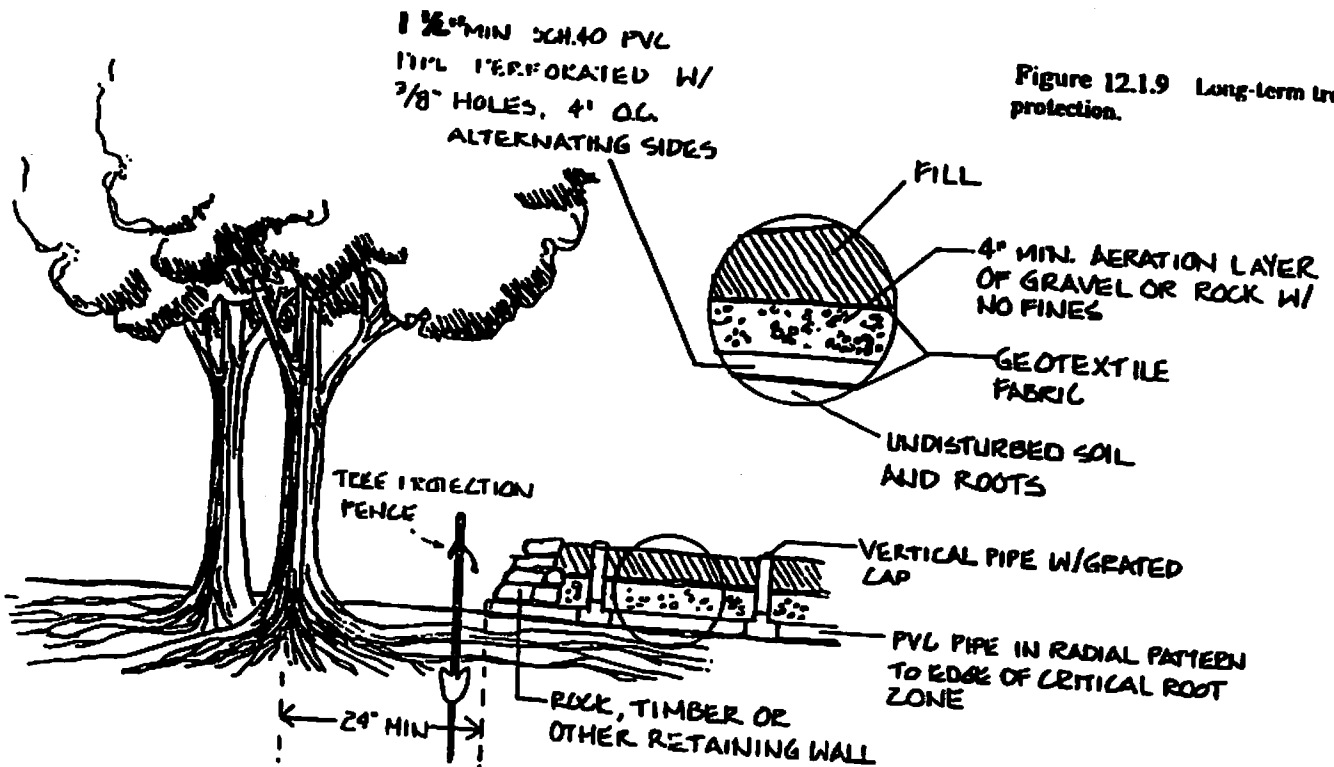


Figure 12.1.9 Long-term tree protection.



ZONING ORDINANCE FOR THE TOWN OF KERSHAW

Section 12.11.5 Landscaping Required For Expansions To Existing Principal Structures Or Uses.

- For expansions to existing principal structures or uses, the following table shall be utilized in calculating the extent of the landscaping upgrade required for the previously developed portions of the site (up to the maximum landscaping requirements of this article.) All newly developed portions of the site shall be subject to the full landscaping requirements of this article.

<u>Amount of Expansion</u>	<u>Required Landscaping</u>		<u>Parking Facility</u>	<u>Bufferyard</u>
	<u>Tree Preserv.</u>	<u>Street Yard</u>		
10-25% increase in gross floor area or 5-20 new parking spaces as required by Section. 11.2 . whichever is more restrictive.	15/ac.	4'	50% of amount required by Section 11.14.	Full bufferyard as required for new construction. If this can not be provided, a 6 foot tall opaque fence is required.
26-50% increase in gross floor area; or over 10,000 sq. ft. increase in gross floor area; or 21-50 new parking spaces as required Section 11.12, whichever is more restrictive.	15/ac.	4'	75% of amount required by Section 11.14	Full bufferyard as required for new construction. If this can not be provided, a 6 foot tall opaque fence is required.
Greater than 50% increase in gross floor area; or over 20,000 sq. ft. increase in gross floor area; or more than 50 new parking spaces required by Section 11.2, whichever is more restrictive.	15/ac.	Full width as required for new construction.	100% of amount required by Section 11.14.	Full buffering as required for new construction.

- When subdivision of previously developed property occurs and a building permit for new construction is obtained for any newly created tract within two (2) years of the effective date of the subdivision, all parcels of the original tract shall be subject to the above provisions for expansions to existing structures or uses.
- For consecutive expansions occurring within a two-year period, the amount of the expansions shall be summed and the maximum landscaping requirements for the total extent of the expansions shall be provided.
- Notwithstanding the above requirements, expansions to existing structures or uses amounting to not more than a total increase of five hundred (500) square feet in gross floor area over a two-year period shall be exempted from meeting the street yard and parking facility landscaping requirements.

Section 12.12 Landscape Standards and Specifications.

- The developer shall furnish and install all plant materials listed on the plan schedule.
- Plant materials shall conform to the requirements described in the latest edition of *American Standard for Nursery Stock*, which is published by the American Association of Nurserymen.
- Plant materials must be from an approved species list. (See Section 22.5).
- All trees (ball and burlap) shall have a minimum of 1.5 inch caliper. All other trees shall be in a 25 gallon container.
- No tree may be planted in the Sight Triangle. (See Figure 12.1.11 below)
- Do not use staking materials unless it is absolutely necessary. If staking is necessary, then the developer/property owner must remove the staking materials after one growing season.
- The developer shall ensure that all plant pits, vine pits, hedge trenches, and shrub beds are excavated as follows:

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

- a. All pits shall be generally circular in outline, with vertical sides. The tree pit shall be deep enough to allow one-eighth of the ball to be above existing grade. Soil within the buffer areas shall be free of rock, debris, inorganic compositions and chemical residues detrimental to plant life. Soil shall be compatible with the composition of the existing sub-soil and sufficiently blended to ensure adequate exchange of air and water between the planting area and the adjacent soil strata. Plants shall rest on well-compacted surface. The tree pit shall be a minimum of nine inches larger on every side than the ball of the tree. (See Figure 12.1.12 below)
 - b. If areas are designated as shrub beds or hedge trenches, they shall be cultivated to at least 18 inches in depth. Areas designated for ground covers and vines shall be cultivated to at least 12 inches in depth. (See Figure 12.1.13 below)
8. Each tree, shrub, or vine shall be pruned in an appropriate manner, in accordance with accepted standard practice.
 9. All trenches and shrub beds shall be edged and cultivated in the lines shown on the drawings. The areas around isolated plants shall be edged and cultivated to the full diameter of the pit.
 10. Existing trees shall be preserved whenever possible.
 11. All planting areas shall be mulched with a two-to-three inch layer of bar, pine needles, or other similar material to cover the complete planting area.

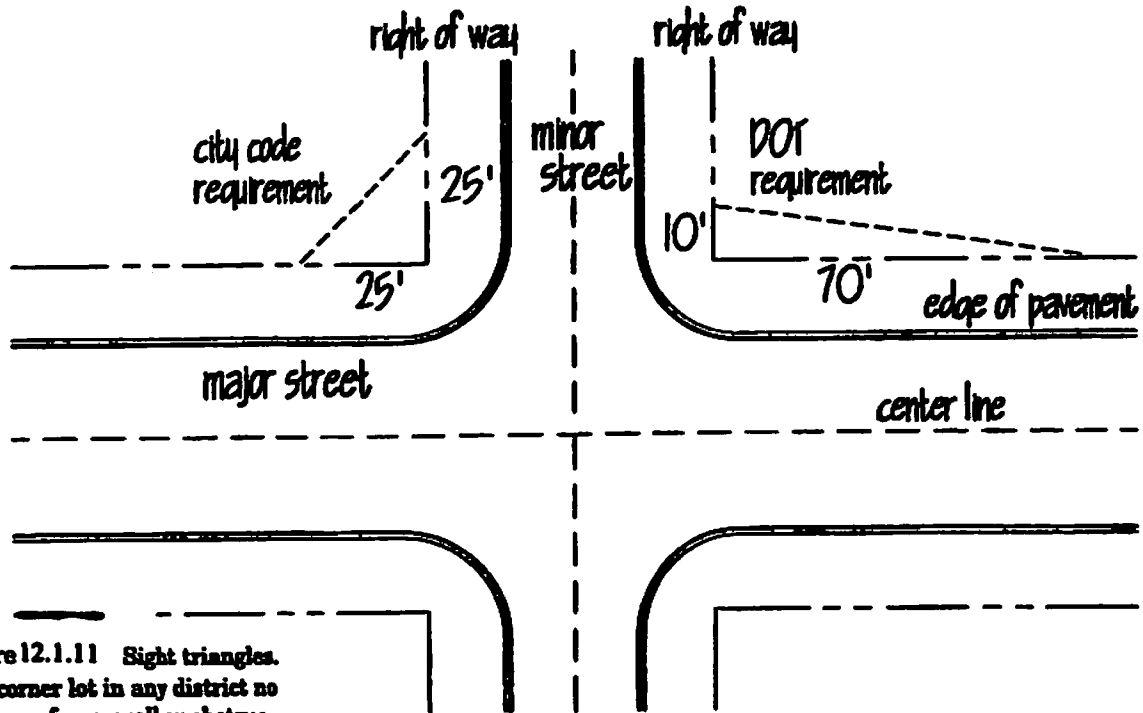
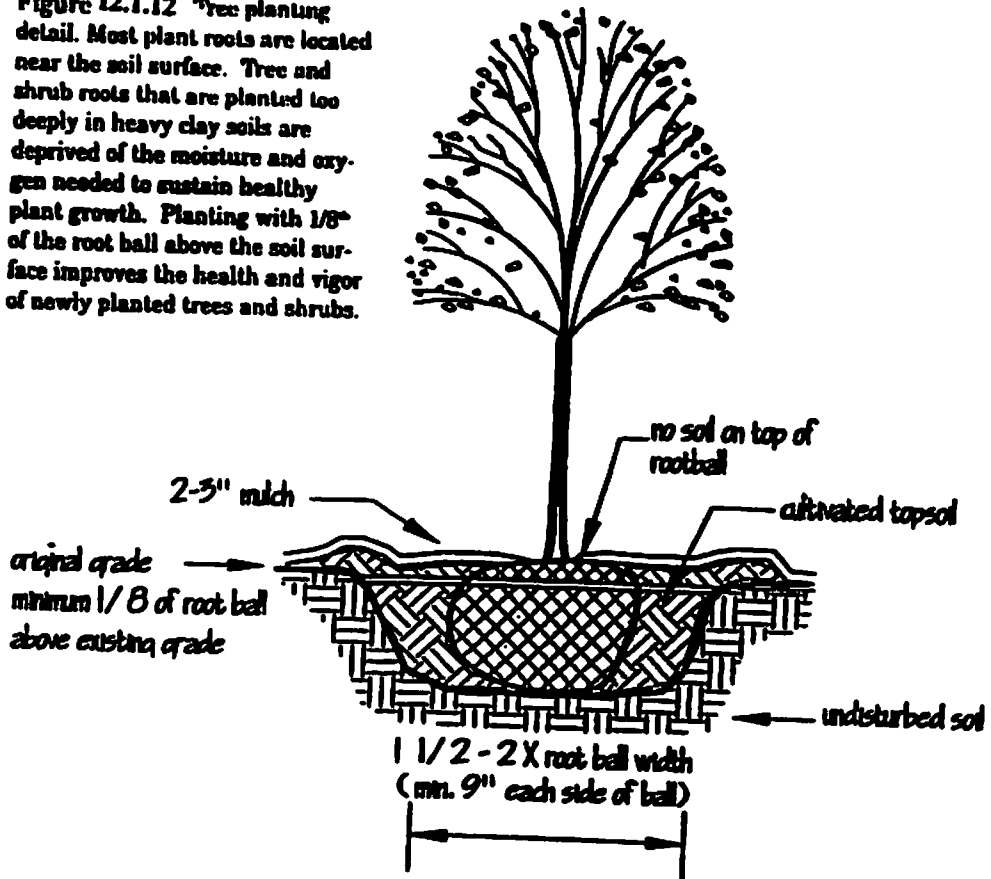


Figure 12.1.11 Sight triangles. On a corner lot in any district no structure, fence, wall or obstruction to vision should be placed within the "sight triangle".

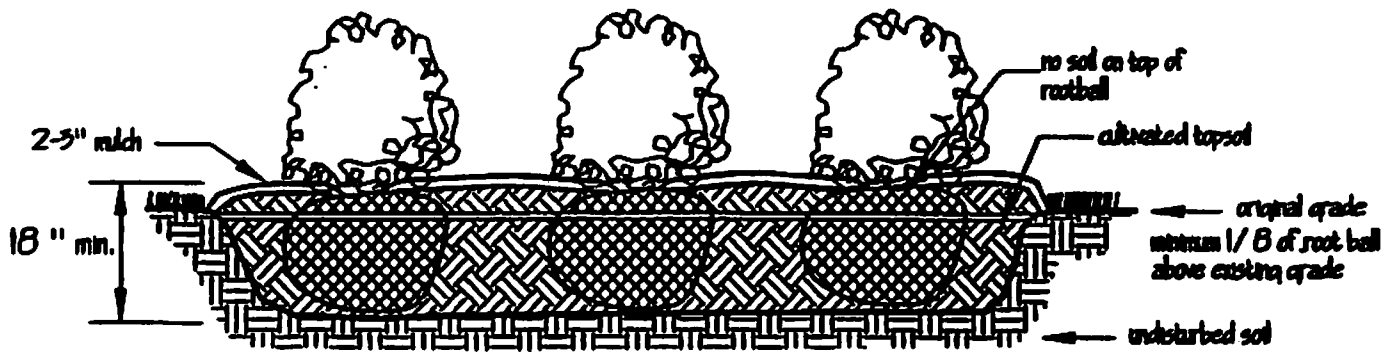
SIGHT TRIANGLES

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

Figure 12.1.12 Tree planting detail. Most plant roots are located near the soil surface. Tree and shrub roots that are planted too deeply in heavy clay soils are deprived of the moisture and oxygen needed to sustain healthy plant growth. Planting with 1/8" of the root ball above the soil surface improves the health and vigor of newly planted trees and shrubs.



TREE PLANTING DETAIL



SHRUB BED DETAIL

Figure 12.1.13 Shrub bed detail

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

Section 12.13 Plant Substitution.

Due to seasonal planting problems and a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting plans may be approved by the Director of Planning or the Board of Zoning Appeals based on the Planning Director's decision if:

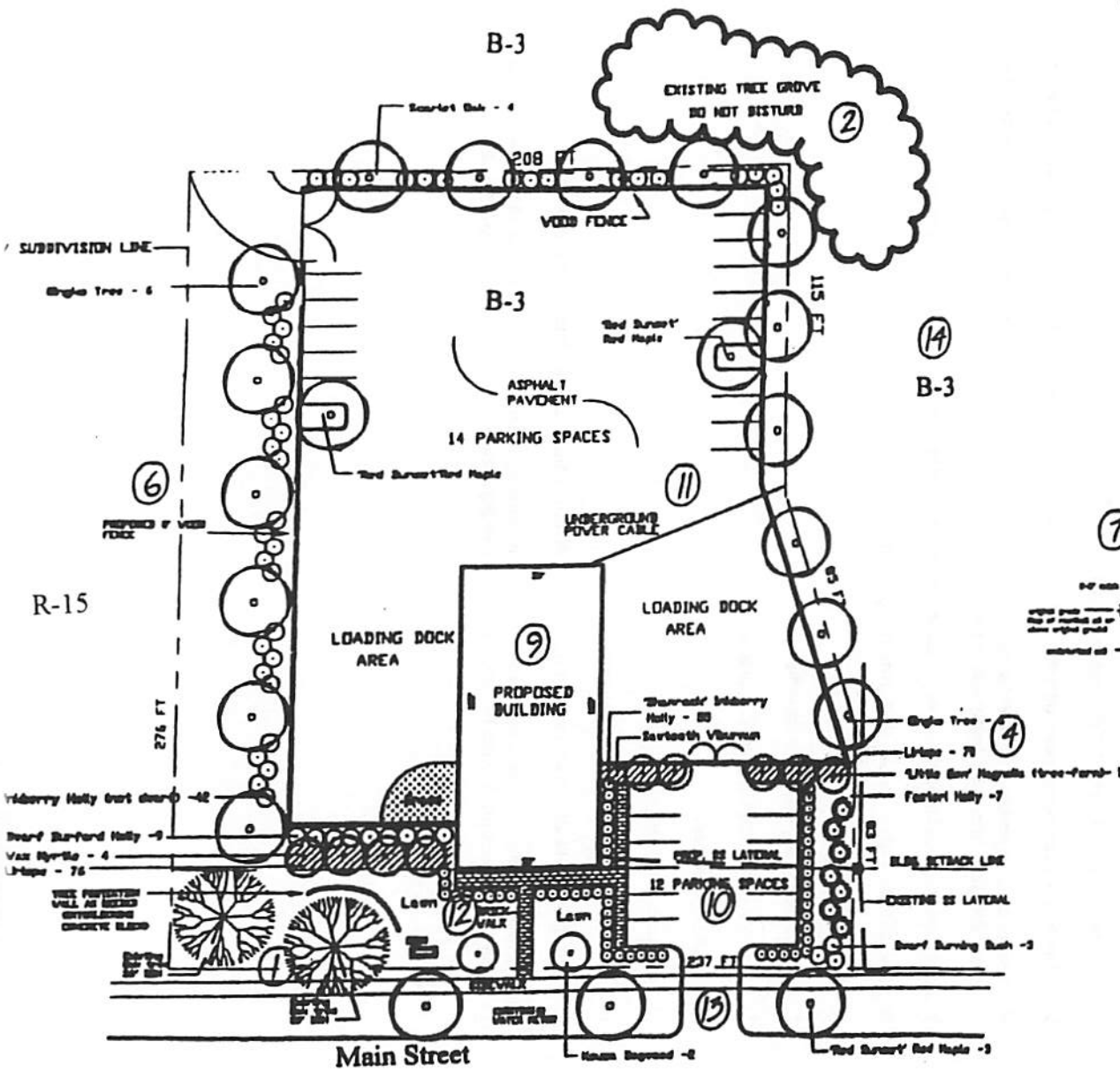
1. There is no reduction in the quantity of plant material.
2. There is no significant change in size or location of plant materials.
3. The new plants are of the same general category (i.e., shade tree, ornamental tree, evergreen, or shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

Section 12.14 Requirements For Submitting Landscaping Site Plan.

In order for a plan to be reviewed a site plan containing the following information must be submitted:

1. General location, type and quantity of existing plant materials.
2. Existing plant materials and areas to be left in natural state.
3. Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
4. Locations, size and labels for all proposed plants
5. Plant lists with common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
6. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights and courtyards or paved areas.
7. Planting and installation details as necessary to ensure conformance with all required standards.
8. Location and type of irrigation system, if applicable.
9. Location of any proposed buildings.
10. Layout of parking and traffic patterns.
11. Location of overhead and underground utilities.
12. Location of signage.
13. Connections to existing streets.
14. Zoning designation of adjacent properties.
15. Site plan shall be drawn to scale and include a North arrow and necessary interpretive legends.

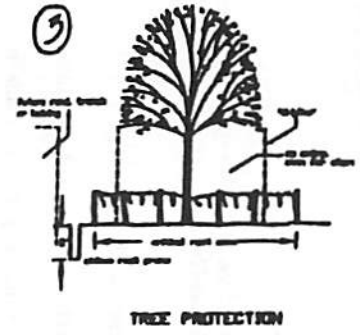
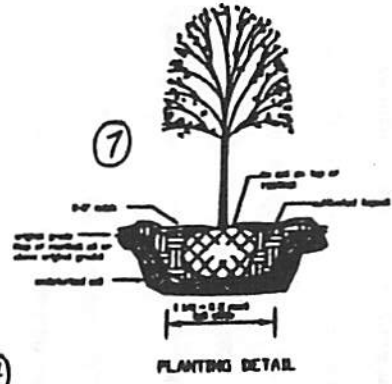
See attached diagram. Circled numbers refer to the corresponding numbers on the list of site plan submittal requirements above. This plan shall be submitted to the Building and Zoning Department at the time a building permit is requested. (See next page)



⑤ PLANT LIST *

COMMON NAME	QUANTITY	SIZE	SPACING
LARGE TREES			
Single Tree (note)	11	2.5' cal. 10-12'	as shown in drawing
Red Sunset Maple	1	2.5' cal. 10-12'	as shown in drawing
Little Gem Magnolia	1	2' cal. 6-8'	as shown in drawing
Scarlet Oak	1	2.5' cal. 10-12'	as shown in drawing
ORNAMENTAL TREES			
Female Holly	7	1.5' cal.	F.O.C.
Female Dogwood	7	2' cal. 4-5'	as shown in drawing
BUSHES			
Small Starburst Holly	3	2 gal. 10-12"	F.O.C.
Small Burning Bush	3	2 gal. 10-12"	F.O.C.
Indigo Holly	40	7 gal. 2-4"	F.O.C.
Scarlet Viburnum	1	7 gal. 2-4"	as shown in drawing
Sharon's Indigo Holly	10	3 gal. 10-12"	F.O.C.
Red Maple (tree form)	1	7 gal. 2-4"	F.O.C.
VEGETATION COVER			
Grass	100	1 gal.	1 F.O.C.

*TOP SPECIFICATION FOR NEW TREES AND BUSHING ONLY

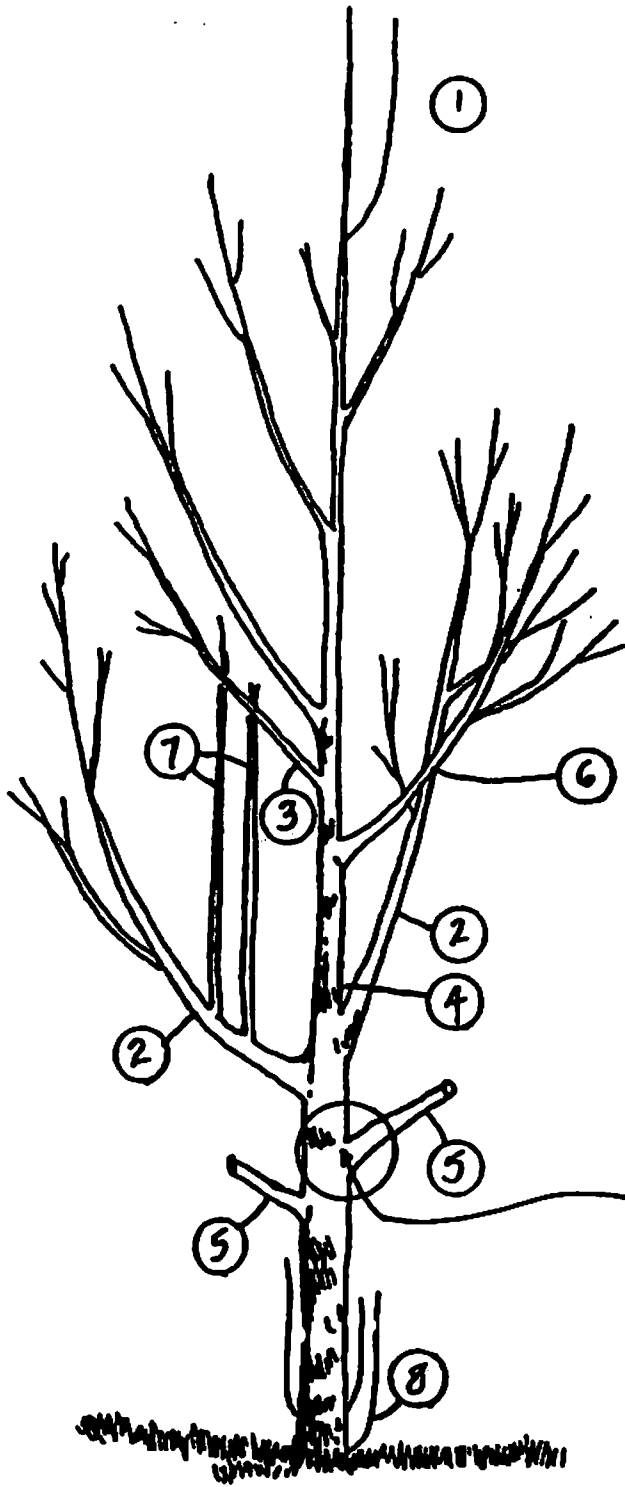


Commercial Site
Kershaw, South Carolina
SCALE: 1" = X'

TOTAL AREA: 1.42 ACRES

Figure 12.1.14

Figure 12.1.15



WHAT TO LOOK FOR

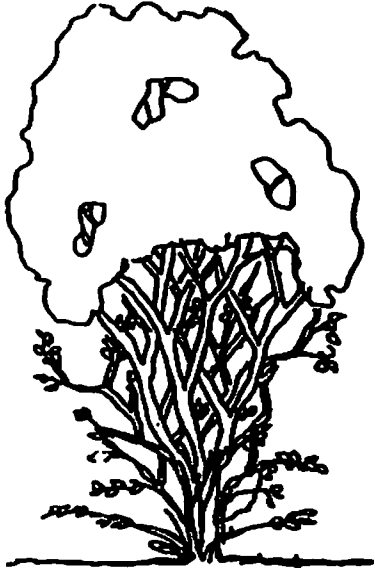
1. Forked top. If left on the tree, this will cause the development of two leaders, thus wasting growth energy. Later, as the two tops get larger, the fork may split and damage the tree.
2. Remove for street-tree clearance.
3. Parallel branch.
4. Branch growing at a sharp angle. When this branch becomes larger, it may rub on the trunk, split out, or even cause rot to develop by giving water a chance to collect.
5. Temporary branch.
6. Crossing branches. These interfere with each other's growth and create bad form.
7. Water sprouts.
8. Basal sprouting from the root crown. This saps energy from the tree, looks messy, and can collect trash.

pruning diagram

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

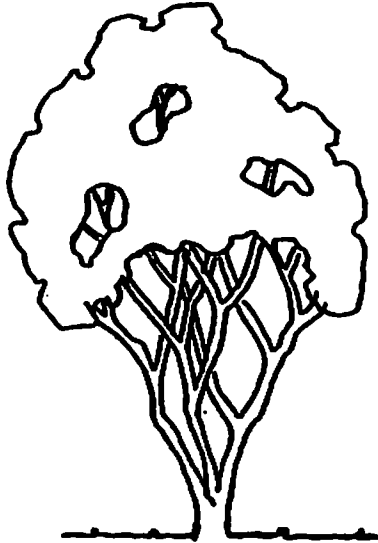
Figure 12.1.15 continued

BEFORE PRUNING



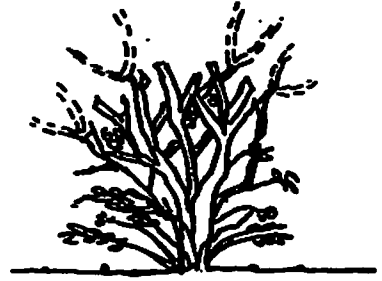
MULTI-STEM TREE
(OVERGROWN)

CORRECT PRUNING

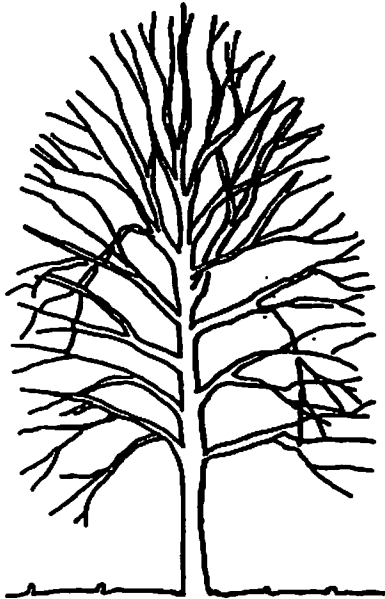


PRUNE TO MAINTAIN
TREE FORM

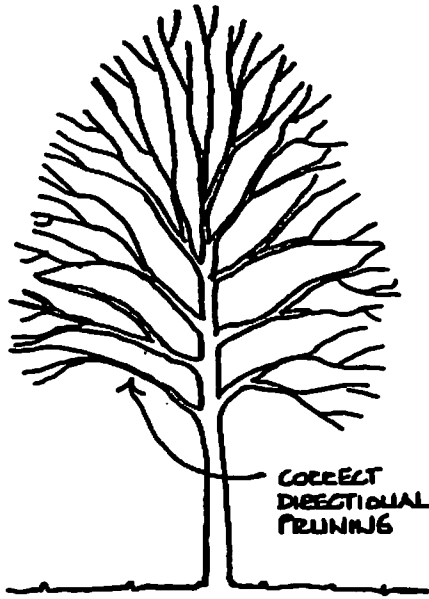
INCORRECT PRUNING



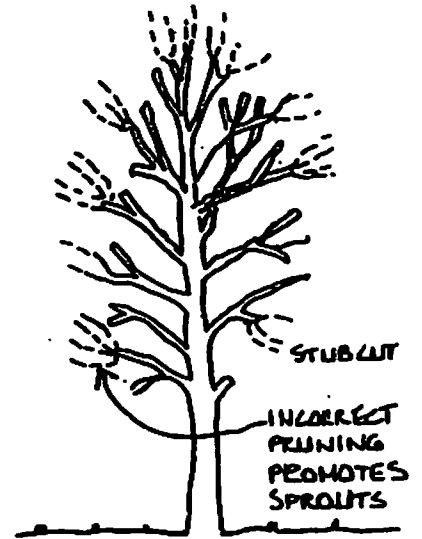
DO NOT ROUND-OVER
(PROMOTES SPROUTS)



SINGLE STEM TREE WITH
DENSE CROWN, DEAD
LIMBS OR LOW BRANCHES



PRUNE BACK TO TRUNK
OR TO NEXT LARGEST
LIMB (SEE APPENDIX 4A)



DO NOT TOP OR
STUB CUT

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

Chapter 13. LAND DEVELOPMENT REGULATIONS. (Reserved)

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

Chapter 14. (Reserved.)

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

Chapter 15. UTILITIES.

Section 15.1 Utility Ownership and Easement Rights.

1. In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer may transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities. Without limiting the generality of the foregoing, whenever a development proposes to connect to central water and sewer lines the developer shall be required to convey to the service provider sufficient land for, and to construct upon such land, such facilities as pump stations, water towers, and booster pumps.
2. Whenever a subdivision is to be served by central water or sewer lines located within the right-of-way of any street proposed for dedication to the Town, County or state, then deeds conveying the utility to the service provider for such water or sewer lines shall be recorded prior to or simultaneously with the final plat for any subdivision.

Section 15.2 Sewage Disposal Facilities Required.

1. Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.
2. All sewer lines intended for public dedication within the Town's planning jurisdiction shall be dedicated to the Town of Kershaw.

Section 15.3 Water Supply System Required.

Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

Section 15.4 Lighting Requirements.

1. All public and private drives, roads, sidewalks, and other common areas or facilities in developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, roads, sidewalks, and other common areas or facilities.
2. All entrances and exits in substantial buildings used for nonresidential purposes and in two-family or multifamily residential developments containing more than four (4) dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.

Section 15.5 Excessive Illumination.

1. Within nonresidential districts, lighting within any lot that unnecessarily illuminates any other lot used for residential purposes and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if the standard set forth in Section 15.4 could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.
2. Lighting shall not interfere with the line of sight of persons driving vehicles on any public road.

Section 15.6 Underground Utilities.

1. It is recommended that all electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters or capacitors which shall be pad mounted), telephone, gas distribution, and cable television lines in subdivisions constructed after the effective date of this ordinance be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with applicable SCDOT requirements.
2. It is recommended that whenever an unsubdivided development is hereafter constructed on a lot that is undeveloped on the effective date of this ordinance, then all electric power, telephone, gas distribution, and cable television lines installed to serve the development that are located on the development site outside of the previously existing public street right-of-way should be placed underground in accordance with the specifications and policies of the respective utility companies.

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Section 15.7 Utilities to be Consistent with Internal and External Development.

1. Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.
2. All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

Section 15.8 As-Built Drawings Required.

Whenever a developer installs or causes to be installed any utility line in any public right of way, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the permit-issuing authority with a copy of a drawing that shows the exact location of such utility lines. Such drawings shall be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

Section 15.9 Fire Hydrants.

1. Every development (subdivided or unsubdivided) that is served by a public water system with sufficient pressure shall include a system of fire hydrants. The hydrant system shall provide adequate fire protection for the buildings located or intended to be located within such development.
2. The presumption established by this ordinance is that to satisfy the standard set forth in subsection (1), fire hydrants must be located so that all parts of every building within the development shall be served by a hydrant by laying not more than 1000 feet of hose connected to such hydrant. However, the permit-issuing authority shall authorize or require a deviation from this standard if it concludes that another arrangement more satisfactorily complies with the standard set forth in subsection (1).
3. The permit-issuing authority shall review all fire hydrant locations and fire hydrant specifications. Final approval of locations and specifications shall be by the permit issuing authority in consultation with the water service provider.
4. Water lines that serve hydrants shall be at least six (6) inch lines, and, unless no other practicable alternative is available, no such lines shall be dead-end lines.
5. All water lines and fire hydrants shall be installed according to the standards established by the Lancaster County Fire Commission.

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Chapter 16. FLOOD, DRAINAGE, STORMWATER, SEDIMENT, AND EROSION CONTROLS.

Section 16.1 Flood Damage Prevention.

Section 16.1.1 Findings of Fact, Intent, Applicability.

1. The Town Council finds that:
 - a. The flood hazard areas of Town of Kershaw are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare;
 - b. These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated or otherwise unprotected from flood damages.
2. Based upon the foregoing, this Chapter is designed to achieve the following objectives:
 - a. Protect human life and health;
 - b. Minimize expenditure of public money for costly flood control projects;
 - c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - d. Minimize prolonged business interruptions;
 - e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in flood plains;
 - f. Maintain the benefits provided by the Watershed District flood control lakes;
 - g. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
 - h. Insure that potential home buyers are notified that property is in a flood area.
3. To achieve the foregoing objectives, the provisions of this Chapter are designed to:
 - a. Prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - b. Prevent the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
 - c. Prevent filling, grading, dredging, and other development which may increase erosion or flood damage;
 - d. Prevent the construction of flood barriers which will unnaturally divert flood waters or which will increase flood hazards to other lands.
4. The provisions of this section shall apply to those areas located within floodways and floodplains, as defined below.

Section 16.1.2 Definitions.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this section.

1. *Area of shallow flooding.* A designated A0 or V0 Zone on the Town's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
2. *Area of special flood hazard.* The land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year. Also referred to as the "floodplain."
3. *Base flood.* The flood having a one (1) percent chance of being equaled or exceeded in any given year.

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4. *Flood or flooding.* A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.
5. *Flood Hazard Boundary Map (FHBM).* An official map of the County, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
6. *Flood Insurance Rate Map (FIRM).* An official map of the County, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the County.
7. *Flood Insurance Study.* The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
8. *Floodplain.* Any land area susceptible to being inundated by water from the base flood. As used in this ordinance, the term refers to that area designated as subject to flooding from the base flood (100 year flood) on the "Flood Hazard Boundary Map" prepared by the U.S. Department of Housing and Urban Development and dated March 30, 1983, a copy of which is on file in the Building and Zoning Official's office. The term floodplain is used interchangeably in this section with the term "area of special flood hazard."
9. *Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. As used in this ordinance, the term refers to that area designated as a floodway on the "Flood Hazard Boundary Map" prepared by the U.S. Department of Housing and Urban Development and dated March 30, 1983, a copy of which is on file in the Building and Zoning Official's office.
10. *Levee.* A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
11. *Mean Sea Level.* The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).
12. *National Geodetic Vertical Datum (GVD).* A vertical control used as a reference for establishing varying elevations within the floodplain.

Section 16.1.3 Restrictions Applicable to Floodways.

1. No artificial obstruction shall be located within any floodway, except as provided in subsection (2). For purposes of this subsection, an artificial obstruction is any obstruction, other than a natural obstruction, that is capable of reducing the flood carrying capacity of a stream or may accumulate debris and thereby reduce the flood carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway by a nonhuman cause.
2. No permit to make use of land within a floodway shall be issued unless the proposed use is in the following list:
 - a. General farming, pasture, forestry, and wildlife management;
 - b. Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses.
3. No building shall be constructed and no substantial improvement of an existing building shall take place within any floodway.

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Section 16.1.4 Floodplains and Flood Ways.

The Department of Housing and Urban Development has designated certain lands within the municipal limits as being potentially flood prone. (See Official Flood Map addendum to Official Zoning Map.) Upon adoption of this Ordinance by the Town Council, construction shall be allowed within a flood plain only upon issuance of a Certificate Letter from the designated Building Official to owner, owners or option holders of said property indicating adherence with flood plain regulations.

Section 16.1.5 Setbacks From Streams Outside Designated Floodplains.

In any area that is located outside a designated floodplain, but where a stream is located, no building or fill shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of the bank or 25 feet each side from the top of the bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Section 16.1.6 Location of Boundaries of Floodplain and Floodway Districts.

As used in this Section, the terms floodplain and floodway refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms. Therefore, the Building and Zoning Official is authorized to make necessary interpretations as to the exact location of the boundaries of floodways or floodplains if there appears to be a conflict between a mapped boundary and actual field conditions. Such interpretations, like other decisions of the Building and Zoning Official, may be appealed to the Board of Appeals in accordance with the applicable provisions of this ordinance.

Section 16.1.7 Warning and Disclaimer of Liability.

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that the land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Town of Kershaw or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 16.2 DRAINAGE, EROSION CONTROL, STORM WATER MANAGEMENT.

Section 16.2.1 Natural Drainage System Utilized to Extent Feasible.

All development shall conform to the natural contour of the land and natural drainage ways shall remain undisturbed.

Section 16.2.2 Development Must Drain Properly.

1. All development shall be provided with a stormwater management system containing drainage facilities that are adequately designed and constructed to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
 - a. The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or stormwater run-off control plan;
 - b. The retention is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.
2. No surface water shall be channeled or directed into a sanitary sewer.
3. Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways surrounding properties or streets.
4. Use of drainage swales rather than curb and gutter and storm sewers in subdivisions is provided for in the *Streets and Sidewalks* Chapter of this ordinance and Chapter 21 of this ordinance. Access ways within unsubdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.
5. The minimum design frequency for all drainage facilities shall be 10 years, except that minimum design frequencies for facilities crossing streets shall be 25 years.

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6. Drainage culverts and associated facilities shall be suitably sized to accommodate designated storm frequencies and shall be suitably constructed and installed to insure that the facilities shall function adequately and shall not deteriorate within an unreasonably short period of time. All drainage facilities located within street rights-of-way shall comply with SCDOT standards.

Section 16.2.3 Stormwater Management.

All development shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such development. More specifically:

1. No development shall be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.
2. No development shall be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties. To ensure compliance with this standard, the permit issuing authority may require that a professional engineer retained by the developer certify to the County that the post development rate of runoff from the development site shall not exceed the predevelopment rate.

Section 16.2.4 Sedimentation and Erosion Control.

1. No zoning, special use permit, or subdivision plat approval shall be issued with respect to any development that would cause land disturbing activity requiring prior submission of an erosion and sedimentation control plan to SCDHEC under the S.C. Sedimentation and Erosion Control Act (i.e., where more than two (2) acres are to be uncovered).
2. For purposes of this section, "land disturbing activity" means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation except activities that are exempt under S.C. Sedimentation and Erosion Control Act. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.

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Chapter 17. OPEN SPACE.

Section 17.1 Open Space.

1. The Town Council finds that when land is developed for residential purposes, the public health, safety, and welfare are best served when substantial portions of the tracts so developed remain as common open space. The preservation of such open space areas serves the following important objectives, to the benefit of the residents of such developments, as well as the general public:
 - a. Provision of areas for passive recreation, such as walking or jogging:
 - b. Preservation of important scenic vistas:
 - c. Preservation of environmentally sensitive lands:
 - d. Preservation of habitat for wildlife:
 - e. Preservation of historically or archaeologically significant areas.
2. For purposes of this section:
 - a. Open space refers to an area that:
 - i. Is not encumbered with any substantial structure:
 - ii. Is not devoted to use as a roadway, parking area, or sidewalk:
 - iii. Is not part of any privately owned lot:
 - iv. Is legally and practicably accessible to the general public or to the residents development where the open space is located.
 - b. Narrow strips of common area that separate lots within a development from each other, from streets, or from adjoining tracts shall generally not be regarded as open space within the meaning of this section unless such areas:
 - i. Are at least 50 feet in width and capable of functioning as a substantial visual buffer:
 - ii. Are configured and/or improved (e.g., through the installation of trails) in such a way as to be conducive to actual use for passive recreational purposes (i.e., walking or jogging) by residents of the development where located.
 - c. The following areas may be regarded as open space if such areas satisfy at least the criteria set forth in (a) (i), (ii), and (iii) of subsection (2) of this section:
 - i. Utility easements located outside of street rights-of-way:
 - ii. Cemeteries located on a tract prior to its development:
 - iii. Golf courses constructed as part of a residential development (exclusive of buildings, parking areas and maintenance areas).
3. Except as otherwise provided in subsection (6), every residential development shall be developed so that at least 5 percent of the total area of the development remains permanently as open space.
4. Subject to the necessity of complying with the provisions of subsection (4) of this Section, the permit issuing authority may require that the land set aside to fulfill the requirements of this section include or consist of the following types of land or areas:
 - a. Wooded areas:
 - b. Scenic vistas:
 - c. Streams, ponds, wetlands and floodplains:
 - d. Areas containing slopes in excess of 25 percent:

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- e. Other areas containing unusual natural features (such as major rock formations);
 - f. Other environmentally, historically or archaeologically significant or unique areas
5. Subdivided residential developments of less than 25 dwelling units are exempt from the requirements of this Section.
 6. For purposes of this section, the term "development" refers to the entire project developed on a single tract or contiguous multiple tracts under common ownership or control, regardless of whether the development is constructed in phases or stages.

Section 17.2 Ownership and Maintenance of Recreational Facilities and Open Space.

1. Recreational facilities and open space shall remain under the ownership and control of the developer (or successors) or a homeowners association or similar organization that satisfies the criteria established in Section 17.5. Such recreational facilities and open space shall be made available to all residents of the development under reasonable rules and regulations established to encourage and govern the use of such facilities and open space by the residents without payment of separate optional fees or charges other than membership fees in a homeowners' association. Such facilities and open space shall be made available to a limited extent on a fee basis to persons who are not residents of the development where such facilities or open space are located, so long as such use does not become so extensive as to remove the facilities and open space from the category of an accessory use to a residential development and transform the use to a separate principal use classification under the *Table of Permissible Uses*.
2. The person or entity identified in subsection (1) as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same. It shall not be the responsibility of the county to maintain these areas.

Section 17.3 Homeowners' Association.

Homeowners' associations or similar legal entities that are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:

1. Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied.
2. The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities.
3. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.
4. The association shall establish a capital fund for the maintenance and upkeep of common areas and facilities and a method of contributing to that fund which shall spread the costs of said maintenance and upkeep to the residents over a number of years.

Section 17.4 Flexibility in Administration Authorized.

1. The requirements set forth in this article concerning the amount, size, location, and nature of recreational facilities and open space to be provided in connection with residential developments are established by the Town Council as standards that shall result in the provision of that amount of recreational facilities and open space that is consistent with the objectives of this ordinance. The Town Council recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit issuing authority is authorized to permit minor deviations from these standards whenever it determines that the objectives underlying these standards can be met without strict adherence to them and because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.
2. Whenever the permit issuing authority authorizes some deviation from the standards set forth in this article pursuant to subsection (1), the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

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Chapter 18 AMENDMENTS.

Section 18.1 Amendment Authorization and Procedure.

This ordinance, including the District Boundary Map, may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Joint Planning Commission for review and recommendation.

Section 18.2 Initiation of Amendment.

Section 18.2.1 Text Amendments.

Amendments to the text of the ordinance may be initiated by the Town Council, the Joint Planning Commission, or any citizen. However, if an amendment is denied, then an application for the same amendment shall not be submitted for a period of 12 months from the date the original request was heard and denied by the Town Council.

Section 18.2.2 District Boundary Map Amendments.

Amendments to the District Boundary Map may be initiated by the Town Council, the Joint Planning Commission, the property owner, his agent (with written consent of the property owner), lessees of the property or their agent (with written consent of the property owner), or persons who have contracted to purchase the property contingent upon their ability to acquire the necessary permits under this ordinance of the agent of such person (who shall make application in the name of such owners, lessees or contract vendees and with the written consent of the property owner). However, no such amendment shall be initiated for the same change of zoning request affecting the same property or any part thereof within 12 months of a hearing and decision on such zoning change by the Town Council, as provided in Section 18.7. This 12 month period does not apply to actions initiated by either the Town Council or the Joint Planning Commission.

Section 18.3 Application Requirements.

Section 18.3.1 Text Amendments.

Any request for an amendment to the ordinance shall be submitted on a standard application provided by the Planning Department.

Completed forms shall be submitted with an application fee covering the cost of processing the submitted application and the expenses associated with advertising for the public hearing, plus any additional information the applicant or Planning Department deems necessary, to the Planning Department.

Section 18.3.2 District Boundary Map Amendments.

Any request for an amendment to the District Boundary Map shall be submitted on a standard application provided by the Planning Department.

Completed forms shall be submitted with an application fee covering the cost of processing the submitted application and the expenses associated with advertising for the public hearing, plus any additional information the applicant or Planning Department deems necessary, to the Planning Department.

All applications shall be signed by the applicant or in the case of multiple parcels all applications and shall state the:

- a. Name:
- b. Tax map number:
- c. Telephone number:
- d. Correct E-911 address:
- e. Legal description of the land affected by the amendment:
- f. Description of the proposed map change:
- g. Concise statement of the reasons why the petitioner believes the proposed amendment would be in the public interest.

Withdrawal of a district boundary map amendment application shall be in writing.

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Section 18.4 Application Procedures.

Once all required information is submitted to the Planning Department, the Joint Planning Commission shall schedule a date to consider such application and hold a public hearing. The Joint Planning Commission shall act on an application within 30 days of the public hearing. All applications shall be submitted to the Planning Department by the commission's meeting date prior to the date the commission is to hold a public hearing on the subject.

Section 18.5 Notice and Hearing By The Joint Planning Commission.

The Joint Planning Commission shall announce and have published in a newspaper of general circulation at least 15 days prior to its regularly scheduled or special call meetings a list of all proposed amendments to be considered and a brief description of each.

When a proposed amendment affects a district classification of property, a hearing notice shall also be made by posting the subject property. Posting of said property shall occur at least fifteen (15) days prior to the public hearing. Hearing notice shall be conspicuously located on or adjacent to the affected property with at least one such notice being visible from each public thoroughfare that abuts the property.

Any such sign or other posting shall be maintained at all times by the applicant until a decision on the application has been made public by the Joint Planning Commission. It shall be unlawful for any person to remove or tamper with such sign during the period it is required to be maintained under this paragraph.

All papers and other data relative to an amendment shall be transmitted to the Joint Planning Commission by the Director of Planning. The Joint Planning Commission shall review and augment such data with testimony presented at the hearing. Such testimony shall be in the form of information provided by the applicant or by agent or attorney for the applicant. Additionally, all interested parties shall be invited to provide information relative to conditions surrounding and potentially impacted by the proposed amendment.

If a landowner whose land is the subject of a proposed amendment will be allowed to present oral or written comments to the Joint Planning Commission, at least ten (10) days notice then an opportunity to comment in the same manner shall be given to other interested members of the public, including owners of adjoining property.

An owner of adjoining land or his representative has standing to bring an action contesting the ordinance or amendment. However, this subsection does not create any new substantive right to any party.

No challenge to the adequacy of notice or challenge to the validity of a regulation or map, or amendment to it, whether enacted before or after the effective date of this section, may be made 30 days after the decision of the governing body if there has been substantial compliance with the notice requirements of this section or with established procedures of the governing authority of the Joint Planning Commission.

Section 18.6 Recommendation by the Joint Planning Commission.

Following the meeting at which the application is considered, the Joint Planning Commission shall make a written recommendation to the Town Council. The recommendation should be based upon and consistent with the following:

- a. How the proposed amendment relates to and affects the Town's Comprehensive Land Use and Development Plan.
- b. The validity of the Plan relative to the area under consideration.
- c. The need to correct an error or a deficiency in the ordinance or accompanying map.
- d. Any benefits which would be derived from the proposed amendment.
- e. Any cost to the Town in terms of expenditures for public improvements, facilities and services.
- f. Public testimony.
- g. Public interest.

The recommendation shall be determined by a majority of the Joint Planning Commission members voting. All decisions shall be made in open session, and shall be incorporated into the Joint Planning Commission's minutes.

The recommendation and all supporting information shall be submitted to the Town Council.

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Section 18.7 Decision of the Town Council.

The County Council shall act on the recommendation by the Joint Planning Commission and provide written notice of its action. Public hearings in addition to the one held by the Joint Planning Commission are optional and may be held at the discretion of the County Council.

Section 18.8 Permit Moratorium.

After first reading by Town Council of an ordinance to amend these regulations, there shall be a moratorium on the issuance of all incompatible and/or nonconforming permits by the Building and Zoning Department. The moratorium shall cease when Town Council acts on the application as outlined in Section 18.7.

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Chapter 19 DEFINITIONS.

For the purpose of this ordinance, certain terms are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural; the word "shall" is mandatory and not directory; the words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied"; the word "lot" includes the words "plot" or "parcel"; and the word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as individual. Any word not herein defined shall be as defined in any standard English dictionary or in the *New Illustrated Book of Development Definitions* (Moskowitz and Lindbloom).

ACCESS.	A means of vehicular or pedestrian approach or entry to or exit from property.
ADULT USES.	Adult uses include any establishment or use which sells, displays or exhibits materials, including books, magazines, movies, tapes, or photographs as one of its principal business purposes, which appeal prurient interests, contains patently offensive depictions of sexual conduct, and have no serious literary, artistic, political, or scientific value.
ADULT ARCADE.	Any establishment to which the public is permitted or invited wherein coin, slug, electrically, electronically, or mechanically operated, controlled, still, or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specific anatomical areas or specific sexual activities.
ADULT BOOKSTORE OR ADULT VIDEO STORE.	A commercial establishment which, as one of its principal business purposes, offers for sale, rental, or consideration any one or more of the following: <ul style="list-style-type: none"> a. Books, magazines, periodicals, or other printed material, photographs, films, motion pictures, video cassettes, video reproductions, slides or other visual representations which depict or describe specific anatomical areas or specific sexual activities; b. Instruments, devices, or paraphernalia which are designed for use in connection with specific sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale, rental or consideration of material depicting or describing specific anatomical areas or specific sexual activities and still be classified as an adult establishment; c. Such other business purposes will not serve to exempt such commercial establishment from being classified as an adult establishment so long as one of its principal purposes is the offering for sale, rental, or consideration the specific materials which depict or describe specific anatomical areas or specific sexual activities.
ADULT CABARET.	A nightclub, bar, restaurant, or similar commercial establishment which regularly features: <ul style="list-style-type: none"> a. Persons who appear in a state of nudity; b. Live performances which are characterized by the exposure of specific anatomical areas or specific sexual activities; c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specific anatomical areas of specific sexual activities.

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ADULT MOTEL.	<p>A hotel, motel, or similar establishment which:</p> <ul style="list-style-type: none"> a. Offers accommodations to the public for any forms of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specific anatomical areas or specific sexual activities and has a sign visible from the public right of way which advertises the availability of this type of adult photographic reproductions: b. Offers a sleeping room for rent for a period of time that is less than 10 hours: c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.
ADULT MOTION PICTURE THEATER.	<p>A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specific anatomical areas or specific sexual activities.</p>
ADULT THEATER.	<p>A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specific anatomical areas or specific sexual activities.</p>
AIRCRAFT.	<p>Any contrivance used or designated for navigation of or flight in the air by one or more persons.</p>
AIRPORT.	<p>An area of land or water that is designed or used on a recurring basis for the landing and takeoff of aircraft, except that an airstrip shall not be considered an airport.</p>
AIRSTRIP.	<p>An area of land or water, located on private property, which the owner of such land uses (or authorizes the use of) for the landing and takeoff of not more than two (2) aircraft owned or leased by the owner of such property or aircraft engaged in crop dusting of land owned or leased by the owner of the airstrip and which airstrip is not used in connection with flying lessons or the rental or sale of aircraft, parts, or fuel.</p>
ALLEY.	<p>A secondary way which affords access to the side or rear of abutting property.</p>
ALTERATION OF BUILDING.	<p>Any change in the supporting members of a building (such as bearing walls, columns or girders); any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.</p>
ANTENNA.	<p>Equipment designed to transmit or receive electronic signals.</p>
ARTERIAL.	<p>A street whose principal function is to carry large volumes of traffic at higher speeds though the county or from one part of the county to another or to circulate traffic into, out of, or around the municipalities within the county.</p> <ul style="list-style-type: none"> a. Arterial Access. A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties. b. Major Arterial. An arterial that is part of the State's primary road system. c. Minor Arterial. All arterials other than major arterials.
AUTO SERVICE STATION.	<p>Buildings and premises on any parcel or lot where gasoline, oils and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation), where no part of the premises is used for the storage of dismantled or wrecked vehicle parts, and also where the following services may be rendered:</p> <ul style="list-style-type: none"> a. sale and servicing of spark plugs, batteries and distributors:

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	<ul style="list-style-type: none"> b. tire repair and servicing, but no recapping: c. replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades, windshield wipers, grease retainers and wheel bearings: d. washing and polishing: e. greasing and lubrication: f. exchanging fuel oil pumps and installing fuel lines: g. minor servicing and replacing of carburetors: h. emergency wiring repairs: i. adjusting and repair of brakes: j. minor adjustment of engines, not involving removal of the head and/or crank case, or racing the motor: k. sale of cold drinks and packaged foods, as accessory only to the principal operation.
AUTOMATIC TELLER MACHINE, FREESTANDING.	A machine or device through which a customer can conduct certain banking transactions and which is not located on the same lot as the bank or financial institution with which such machine is associated. The purpose of this definition is to distinguish between teller machines operated as accessory uses to banks located in principal buildings where customers can choose to do their banking either inside the building or at the teller machine, and teller machines that are totally separate from bank buildings and therefore generate additional traffic.
BACKYARD COMPOSTING.	The on-site composting of yard waste from residential, commercial, or industrial property by the owner or tenant for non-revenue generating use when all materials are generated and composted on-site.
BED AND BREAKFAST.	A use that takes place within a building that, before the effective date of this ordinance, was designed and used as a single-family detached dwelling, that consists of a single dwelling unit together with the rental of one (1) or more dwelling rooms on a daily or weekly basis to tourists, vacationers, or similar transients, where the provision of meals, if provided at all, is limited to the breakfast meal for guests, and where the bed and breakfast operation is conducted primarily by persons who reside within the dwelling unit, with the assistance of not more than the equivalent of one (1), full-time employee.
BIODEGRADABLE.	Capable of being decomposed by natural biological processes.
BOARDING HOUSE.	A residential use consisting of at least one (1) dwelling unit together with more than two (2) rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.
BUILDABLE AREA.	That portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district within which the particular lot is located once the various front, side and rear yard requirements required for the District have been subtracted from the total lot area.
BUILDING.	A structure built, maintained, or intended for use for shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof.
BUILDING PERMIT.	A permit issued in accordance with the provisions of Chapter 7 of the Lancaster County Code of ordinances.
BUILDING, ACCESSORY.	A building which is subordinate to and serves a principle structure or a principle use, is subordinate in area, extent, and purpose to the principal structure or use served, is located on the same lot as the principal structure or use served, and is customarily incidental to the principal structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.
BUILDING LINE.	That line which represents the distance a building or structure must be set back from a lot boundary line or a street right-of-way line or a street centerline according to the terms of this Ordinance. In all cases, the building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right-of-way

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	lines, street centerlines or other lot boundary lines.
BUILDING PRINCIPAL	A building in which is conducted the principal use of the lot on which said building is situated.
BZA.	Lancaster County Board of Zoning Appeals.
CAMPER.	A manufactured home, tent, trailer or other self-contained vehicle, designed for recreational purposes, made of metal or other materials, mounted on two (2) or more wheels and either self-propelled or rigged for towing, provided such vehicle is less than thirty (30) feet in length and is not used for residential purposes within the Town of Kershaw.
CERTIFY.	Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the County, the County may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the County may accept certification by telephone from some agency when the circumstances warrant it, or the County may require that the certification be in the form of a letter or other document.
CHILD CARE HOME.	A home for not more than five (5) orphaned, abandoned, dependent, abused, or neglected children.
COLLECTOR.	A street whose principal function is to carry traffic between local streets and arterial streets by that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than one hundred dwelling units and is designed to be used or is used to carry more than eight hundred trips per day.
COMMERCIAL MEAT PRODUCTION CENTERS.	A commercial enterprise where poultry (e.g., turkeys, chickens, ducks, geese, or other domestic fowl), hogs, or rabbits are raised in large numbers (exceeding on a regular basis 25 hogs or rabbits or 50 fowl), usually in relatively confined quarters, for sale as meat.
COMMUNITY CENTER.	A publicly-sponsored, nonprofit indoor facility providing for one (1) or several of various types of recreational uses. Facilities in a community center may include, but are not limited to gymnasiums, swimming pools, indoor court areas, meeting/activity rooms, and other similar uses. For the purposes of this section, the term publicly-sponsored means that a significant investment by the County or a municipality is involved in some fashion in the facility's development or operations.
COMPOST.	The humus-like product of the process of composting waste.
COMPOSTING.	The process of making compost.
COMPOSTING FACILITY.	Any facility used to provide aerobic, thermophilic decomposition of the solid organic constituents of solid waste to produce a stable, humus-like material.
COMPOSTING PAD.	A surface, whether soil or manufactured, where the process of composting takes place, and where raw and finished materials are stored.
CONDOMINIUM.	A condominium is an ownership arrangement, not a land use. It is individual ownership of a unit in a multiunit structure.
CONSTRUCTION AND DEMOLITION DEBRIS.	Discarded solid waste resulting from construction, remodeling, repair and demolition of structures, road building, and land clearing. The waste includes, but is not limited to, bricks, concrete, and other masonry materials, soil, rock, lumber, road spoils, paving material, and tree and brush stumps, but does not include solid waste from agricultural or silvicultural operations.
CONVENIENCE CENTER.	The combination of structures, machinery, or devices utilized to separate, process, and store collected solid waste and recyclables so that component materials or substances or recoverable resources may be used later as a raw material or energy source. Operation is limited to the public disposal and deposition of solid waste and recyclables. Municipal and industrial disposal is excluded.
CONVENIENCE STORE.	A retail store containing less than 2000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of

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	"stop and go" traffic.
COUNCIL.	The County Council of Town of Kershaw.
CRAFT SHOP.	Any building or structure in which as business or industry involving a manual trade or occupation requiring an artistic skill is conducted. This includes but is not limited to painting, basket weaving, the making of curios, etc.
CUL-DE-SAC.	A street that terminates in a vehicular turn-around.
DAY CARE CENTER, ADULT.	A day care facility providing day care on a regular basis for more than two (2) hours per day for more than five (5) people.
DAY CARE CENTER, CHILD.	A day care facility providing day care on a regular basis for more than two (2) hours per day for more than five (5) children.
DEDICATION.	The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.
DEVELOPED LOT OR PARCEL.	A developed lot or parcel is one which contains improvements, according to records in the Tax Assessor's Office of receipt of a valid building permit in said amount.
DEVELOPER.	A person who is responsible for any undertaking that requires a zoning permit, sign permit, special exception permit, or plat approval.
DEVELOPMENT.	That which is to be done pursuant to a zoning permit, sign permit, special exception permit, or plat approval.
DISPOSAL.	The discharge, deposition, injection, dumping, spilling, or placing of any solid waste into or on any land or water, so that the substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.
DRAINAGE FACILITIES.	Any temporary or permanent natural or man-made facility utilized to divert, convey, or store storm water runoff. Such facilities shall include (but are not limited to): drainage pipes and culverts, swales and ditches, intermittent and permanent streams, catch basins, drainage junction boxes and manholes, yard inlets, retention and detention basins and ponds, curbing which will carry runoff, dams and weirs, and culvert outlet stabilization and protection devices.
DRIPLINE.	A perimeter area formed by the point farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground directly beneath it.
DRIVE, PRIVATE.	See "Private Drive."
DUPLEX.	See "Residence, Duplex."
DWELLING UNIT.	An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one (1) family.
ESCORT.	A person, who for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
ESCORT AGENCY.	A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other forms of consideration.
EXPENDITURE.	A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.
FAMILY.	One (1) or more persons related by blood, marriage, adoption, or guardianship, not more than five (5) persons not related, occupying a dwelling unit and living as a single housekeeping unit, and not more than nine (9) mentally or physically handicapped persons for whom care is provided on a 24-hour basis, in accord with Title 6-29-770 of the S.C. Code of Laws. Domestic servant employed on the premises may be housed on the premises.
FAMILY CARE HOME.	A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than five (5) resident aged, infirm, or handicapped persons.

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FLOODPLAIN.	Those normally dry land areas subject to periodic inundation by water as defined by the Federal Emergency Management Agency on Flood Boundary and Floodway Maps for Town of Kershaw, the most recent edition available.
FLOOR.	The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in a frame construction. The term does not include the floor of a garage used solely for parking vehicles.
GARAGE APARTMENT.	A one-family dwelling built in conjunction with a private garage which is used as an accessory building.
GARAGE, PRIVATE.	An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.
GARAGE, PUBLIC.	Any garage other than a private garage which is used for storage, minor repair, rental, servicing, washing, adjusting or equipping of automobiles or other vehicles.
GROSS FLOOR AREA.	The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
GROUNDWATER.	Water beneath the land surface in the saturated zone.
HANDICAPPED PERSON.	A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others.
HANDICAPPED, AGED, OR INFIRM INSTITUTION.	A facility that provides residential care for more than nine (9) aged, disabled or handicapped persons whose principal need is a home with the sheltered or personal care their age or disability requires. Medical care at such a facility is only occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. The residents of such a facility do not occupy separate dwelling units, and this distinguishes such a facility from a multifamily development occupied by the elderly, handicapped or disabled.
HAZARDOUS WASTE.	Waste materials defined as hazardous in the South Carolina Solid Waste Management Act.
HOME OCCUPATION.	Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and no person, not a resident of the premises, is employed specifically in connection with the activity, except that not more than one (1) non-resident assistant may be employed by the following home occupations: lawyer, physician, dentist and chiropractor. Provided further that no mechanical equipment is installed or used except such as is normally used for domestic or professional purposes, that not over twenty-five (25) percent of the total floor space of any structure is used for home occupation, and that adequate off-street parking is allowed for in accordance with Chapter 11.
HOTEL	A building or buildings in which lodging with or without meals is provided and offered to the public for compensation, which is open to transient or permanent guests. "The word "hotel" includes the terms "motel" and "tourist homes".
IMPERVIOUS SURFACE RATIO.	The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.
INSTITUTIONAL USES.	Uses which are supportive of the residential community. They provide indoor space for recreation, hobbies, meetings, education, and worship, as well as cultural facilities, group quarters for religious groups and the infirm or elderly and boarding houses. While some uses may be operated for private profit, they duplicate services that are generally provided by public or nonprofit groups. These uses include rooming houses, day or youth camps, cemeteries, churches, community or recreational centers, convents, daycare centers, group dwellings, gymnasiums, halfway houses, libraries or museums, nursing homes, indoor

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	recreational centers, public or private schools, schools or homes for physically or mentally handicapped, indoor skating rinks, indoor swimming pools, tennis racquetball, handball courts, and all other institutional, indoor recreational, and special residential uses.
INTERMEDIATE CARE INSTITUTION.	An institutional facility maintained for the purpose of providing accommodations for persons needing medical care and supervision at a lower level than that provided in a nursing care institution, but at a higher level than that provided in institutions for the handicapped or infirm.
INTERMITTENT STREAM.	A stream or portion of a stream that flows only in direct response to precipitation. It receives little or no water from springs and only temporary supply from melting snows or other sources. It is dry for a large part of the year.
JPC.	Lancaster County Joint Planning Commission.
JUNK OR SALVAGE YARD.	A junk or salvage yard is defined as a place where three or more wrecked or disabled vehicles, without current license tags and/or otherwise inoperable are placed or stored in an open area including parts thereof, scrap building material, scrap contractor's equipment, tanks, cases, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, mattresses, beds or bedding or any other kind or scrap or waste material.
KENNEL, COMMERCIAL.	An establishment where small animals are boarded for compensation, or where small animals are raised and/or bred on a commercial scale for sale as pets.
LAND CLEARING DEBRIS.	Solid waste which is generated solely from land clearing activities, but does not include solid waste from agricultural or silvicultural operations.
LOCAL.	A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and handles less than 800 trips per day.
LOOP STREET.	A street that has its beginning and ending points on the same road.
LOT.	A single parcel or tract of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot. The permit-issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this ordinance.
LOT AREA.	The total area contained within the boundary lines of a lot, except that when the legal instrument creating a lot shows the boundary of the lot extending to the center of a public street right-of-way or into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or a line running parallel to and 30 feet from the center of the traveled portion of the street if the right-of-way line cannot be determined, and in a residential district, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.
LOT, CORNER.	A lot located at the intersection of two (2) or more streets.
LOT, DOUBLE FRONTAGE.	A lot located at the intersection of two (2) or more streets.
LOT, INTERIOR.	A lot, other than a corner lot, which has frontage on only one (1) street other than an alley.
LOT DEPTH.	The mean horizontal distance between front and rear lot lines.
LOT LINE.	A line bounding a lot which divides one lot from another or from a street or any other public or private space.

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LOT OF RECORD.	An area designated as a separate and distinct parcel of land on a legally recorded subdivision plot or in a legally recorded deed. The terms "lot", "plot", "lot of record", "property" or "tract", whenever used in this Ordinance, are interchangeable.
LOT WIDTH.	The distance between side lot lines measured at the front building line.
MANUFACTURED HOME PARK.	A residential use in which more than two (2) manufactured homes are located on a single lot.
MANUFACTURED HOME, CLASS A.	<p>A manufactured home constructed after June 15, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:</p> <ul style="list-style-type: none"> a. The home has a minimum of 900 square feet; b. The pitch of the home's roof has a minimum vertical rise of at least four feet for each twelve feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction; c. The exterior siding consists of wood, hardboard, aluminum (vinyl covered or painted), or vinyl, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction; d. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy; e. A continuous, permanent masonry curtain wall, unpierced except for required ventilation and access, is installed under the home after placement on the lot and before occupancy. f. Minimum twelve (12) inch overhang at soffits and gable ends. g. The manufactured home shall have been manufactured within three (3) calendar years prior to being placed for occupancy.
MANUFACTURED HOME, CLASS B.	A manufactured home constructed after June 15, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy all of the criteria necessary to qualify the house as a class A manufactured home. The manufactured home shall have been manufactured within three (3) calendar years prior to being placed for occupancy.
MANUFACTURED HOME, CLASS C.	Any manufactured home that does not meet the defined criteria of a class A or class B manufactured home.
MODULAR HOME.	A dwelling unit constructed in accordance with the standards set forth in the Standard Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two (2) sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the Standard Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.
MOTOR VEHICLE.	Every self propelled vehicle designed to run upon the highways and every vehicle designed to run upon the highways that is pulled by a self propelled vehicle, except that a manufactured home or modular home shall not be regarded as a motor vehicle.
MULCH.	Wood chips, leaves, straw, etc., spread on the ground around plants to prevent evaporation of water from soil, freezing of roots, etc.
MULTI-FAMILY DWELLING UNIT.	A building or a series of buildings on the same lot or portions thereof used or designed as dwellings for three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. The terms "multiple-family" and "multi-family" are synonymous and are used interchangeably throughout this Ordinance.

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MUNICIPAL SOLID WASTE.	Any solid waste resulting from the operation of residential, commercial, governmental, or institutional establishments that would normally be collected, processed, and disposed through a public or private solid waste management service. The term includes yard trash and industrial solid waste.
NONCONFORMING.	Lots, structures, signs, uses of land and structures, and characteristics of uses which are prohibited under the terms of this ordinance, but were lawful on the date of the ordinance's enactment.
NONRESIDENTIAL USE.	A principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.
NUDE MODEL STUDIO.	Any place where a person who appears in a state of nudity or displays specific anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
NUDITY OR A STATE OR NUDITY.	The appearances of a human bare buttock, anus, male or female genitals, or entire female breast without a fully opaque cloth covering over the entire nipple and areola.
NURSING CARE INSTITUTION.	An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital.
OPEN DUMPING.	Any solid waste disposal activity that is not permitted.
OPEN SPACE.	A) Open space refers to an area that: 1) is not encumbered with any substantial structure; 2) is not devoted to use as a roadway, parking area or sidewalk; 3) is not part of any privately owned lot and 4) is legally and practicably accessible to the general public or to the residents development where the open space is located; B) Narrow strips of common area that separate lots within a development from each other, from streets, or from adjoining tracts shall generally not be regarded as open space unless such areas: 1) are at least 50 feet in width and capable of functioning as a substantial visual buffer and 2) are configured and/or improved (i.e., through the installation of trails) in such a way as to be conducive to actual use for passive recreational purposes (i.e., walking or jogging) by residents of the development where located; and C) the following areas may be regarded as open space if such areas satisfy at least the criteria set forth in A1, A2 and A3, above. :1) utility easements outside of street right-of-ways; 2) cemeteries located on a tract prior to its development and 3) golf courses constructed as part of a residential development (exclusive of buildings, parking areas and maintenance areas).
OPEN SPACE RATIO.	The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the total site area.
OUTSIDE DISPLAY OF GOODS FOR SALE OR RENT.	Display outside of a fully enclosed building of the particular goods or pieces of merchandise or equipment that are themselves for sale. Outside display is to be distinguished from outside storage of goods that are not prepared and displayed for immediate sale or rent.
OWNERS.	See "Property Owners."
PARCEL.	See "Lot."
PERENNIAL STREAM.	A stream that flows continuously during most or all of the year.
PERSON.	An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.
PERMITTEE AND/OR LICENSEE.	A person in whose name a permit and/or license to operate an establishment has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.
PLAT.	A map showing a plan for the development of land which is submitted for approval and is ultimately submitted in final form for recording at the Clerk of Court's office.
PRIVATE DRIVE.	For single-family residential developments of three (3) or fewer lots, private drives shall meet all SCDOT specifications except paving. Six (6) inches of crusher run stone may be substituted in lieu of paving in the above mentioned circumstances. All other developments utilizing private drives shall meet SCDOT specifications including paving unless specifically exempted by this ordinance.
PROPERTY OWNERS.	Those listed as owners of property on the records of the Town of Kershaw

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	Assessor's Office.
REAL ESTATE.	A piece, lot, or parcel of land and all the physical property related to it, including houses, fences, landscaping, and all the rights to the air above and earth below the property.
RECYCLABLE MATERIAL.	Those materials which are capable of being reused or transformed into a new product and which would otherwise be processed or disposed of as solid waste.
RECYCLING FACILITY.	Any building or premises in which or on which materials which would otherwise become solid waste are collected, separated, or processed for reuse.
RELIGIOUS INSTITUTION	A church, mosque, synagogue, temple or other place of religious worship, including any accessory use or structure, such as a school, office, day care, or dwelling located on the same lot.
REPAIR SHOP.	Any building or structure in which the repair and maintenance of goods and products is conducted and rendered. This includes but is not limited to cars, electrical appliances, furniture, etc.
RESIDENCE, DUPLEX.	A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.
RESIDENCE, MULTIFAMILY.	A residential use consisting of a building containing three (3) or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).
RESIDENCE, MULTIFAMILY APARTMENTS.	A multifamily residential use other than a multifamily conversion or multifamily townhome.
RESIDENCE, MULTIFAMILY CONVERSION.	A multifamily residence containing not more than four (4) dwelling units, that results from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this ordinance and that was originally designed, constructed and occupied as a single-family residence.
RESIDENCE, MULTIFAMILY TOWNHOME.	A multifamily residential use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one (1) other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.
RESIDENCE, PRIMARY WITH ACCESSORY APARTMENT.	A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than 25 percent of the gross floor area of the building up to a maximum of 750 square feet
RESIDENCE, SINGLE-FAMILY DETACHED.	A residential use consisting of a single detached building containing one (1) dwelling unit and located on a lot containing no other dwelling units.
RESIDENCE, TEMPORARY EMERGENCY, CONSTRUCTION, OR REPAIR.	A residence (which may be a manufactured home) that is located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, is located on the same lot as a residence that is under construction and occupied by the persons intending to live in such permanent residence when the work is completed; or is located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.
RESIDENCE, TWO-FAMILY APARTMENT.	A two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.
RESIDENCE, TWO-FAMILY CONVERSION.	A two-family residence resulting from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed, and occupied as a single-family residence.
RIGHT-OF-WAY.	Land dedicated to a public entity or utility for maintenance or other public purposes.
ROOMING HOUSE.	See "Boarding House."
RUNOFF.	Any rainwater, leachate, or other liquid that drains over land from any part of a facility.
SATELLITE DISH.	An antenna and attendant processing equipment for reception of electronic

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	signals from satellites. (satellite dishes are generally regarded as accessory uses to residential uses).
SCDHEC.	South Carolina Department of Health and Environmental Control.
SCDHEC-EH.	South Carolina Department of Health and Environmental Control - Environmental Health.
SCDHEC-EQC.	South Carolina Department of Health and Environmental Control - Environmental Quality Control.
SCDOT.	South Carolina Department of Transportation.
SEMI-NUDE.	A state of dress in which clothing covers no more than the male or female genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.
SEXUAL ENCOUNTER CENTER.	A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration: <ul style="list-style-type: none"> a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or is semi-nude.
SEXUALLY ORIENTED ESTABLISHMENT.	Includes any of the following: <ul style="list-style-type: none"> a. The opening or commencement of any sexually oriented business as a new business; b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; c. The additions of any sexually oriented business to any other existing sexually oriented business; d. The relocation of any sexually oriented business.
SEXUALLY ORIENTED BUSINESS.	An adult arcade, adult bookstore, adult cabaret, adult motel, adult movie theater, adult video store, escort service, escort motel, or sexual encounter center.
SIGNS.	See Chapter 10 of this ordinance.
SPECIAL EVENTS.	Circuses, fairs, carnivals, festivals, or other types of special events that run for not longer than two (2) weeks, are intended to or likely to attract substantial crowds, and are unlike the customary or usual activities generally associated with the property where the special event is to be located.
SPECIAL EXCEPTION PERMIT.	A permit issued by the Board of Zoning Appeals that authorizes the recipient to make use of property in accordance with the requirements of this ordinance as well as any additional requirements imposed by the Board.
SPECIFIC ANATOMICAL AREAS.	The male genitals in a state of sexual arousal and/or more intimate parts of the female genitals.
SPECIFIC SEXUAL ACTIVITIES.	Includes any of the following: <ul style="list-style-type: none"> a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; c. Masturbation, actual or simulated; d. Excretory functions as part of or in connection with any of the activities set forth in (a) through (c).
STREAM.	A body of water flowing in a natural surface channel; flow may be continuous or only during wet periods.
STORY.	That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and ceiling next above it.

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STORY, HALF	A story in which one (1) or more exterior walls intersect a sloping roof no more than two (2) feet above the floor of such story.
STREET, CENTERLINE.	That line surveyed and monumented by the governing body shall be the centerline of a street; or in the event that no centerline has been so determined, it shall be that line running midway between, and parallel to, the general direction of, the outside right-of-way lines of such streets.
STRUCTURAL ALTERATION.	Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.
STRUCTURE.	Anything constructed or erected.
SUBDIVISION.	<p>The division of a tract of land into two (2) or more lots, building sites, or other divisions. The land is divided for sale, lease, or building development (whether immediate or future), and including all divisions of land involving the dedication of a new street or a change in existing streets, and includes resubdivisions which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; however, the following exemptions shall not be included within this definition nor be subject to the regulations of this ordinance applicable strictly to subdivisions:</p> <ul style="list-style-type: none"> a. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this ordinance: b. The division of land into parcels of five acres or more where no new street right-of-way dedication is involved: c. The combination or recombination of entire lots of record where no new street or change in existing streets is involved.
SUBDIVISION, MAJOR.	Any subdivision other than a minor subdivision.
SUBDIVISION, MINOR.	A subdivision of residentially zoned property that does not involve the creation of more than a total of ten (10) lots, the creation of any new public streets, the extension of public water or sewer lines, or the installation of drainage improvements though one (1) or more lots to serve one or more other lots.
SURFACE WATER.	Lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within territorial limits, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private.
TIRE RECYCLING.	Any process by which waste tires, processed tires, or residuals are reused or returned to use in the form of products or raw materials.
TOURIST HOME.	A use that consists of at least one (1) dwelling unit together with one (1) or more rooms that are rented out on a daily or weekly basis (with or without board) to tourists, vacationers, or similar transients, but which rooms, individually or collectively, do not constitute separate dwelling units, and where the dwelling unit is occupied by the owners or operators of the tourist home business. The dwelling shall not offer more than ten (10) rooms for use by guests in return for compensation.
TOWER.	Any structure whose principal function is to support an antenna.
TRACT.	An area, parcel, site, piece of land, or property that is the subject of a development application (See "Lot").
TRANSFER STATION.	A combination of structures, machinery, or devices at a central collection place or facility where solid waste is taken from municipal and private industrial collection vehicles and placed in other transportation units, with or without volume reduction, for movement to another solid waste management facility.
TRAVEL TRAILER.	A structure that is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the defined criteria of a manufactured home.

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TREE, CANOPY.	A deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars, and others. Such trees shall grow to between 40 and 80 feet in height at maturity.
TREE DIAMETER.	The width of a tree's trunk, measured four and one half feet above the ground.
TREE, EVERGREEN.	A tree that remains green throughout the year.
TREE, UNDERSTORY.	A small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees, and others. Such trees shall grow to between 20 and 40 feet in height at maturity.
UNTREATED WOODWASTE.	Wood that has not undergone any type of treatment for preservation, etc.
USE.	The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
USE, ACCESSORY.	A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.
USE, PRINCIPAL.	The specific primary purpose for which land is used as listed in the <i>Table of Permissible Uses</i> .
UTILITY FACILITIES.	Any structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Exempted from this definition are utility lines and supporting structures listed in the <i>Permissible Uses</i> Chapter of this ordinance.
UTILITY FACILITIES, NEIGHBORHOOD.	Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.
UTILITY FACILITIES, REGIONAL.	All utility facilities other than neighborhood facilities.
VARIANCE, ZONING.	A grant of permission by the Board of Zoning Appeals that authorizes the recipient to do that which, according to the strict letter of this ordinance, he could not otherwise legally do.
VIDEO GAME MACHINE.	<i>Machine</i> means an electronic video game machine that, upon insertion of cash or coins or token or cards (debit or credit, etc.) or any other devise purchase for coins or cash are available to play or simulate the play or games utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash.
VIDEO GAME MACHINE ESTABLISHMENT.	Any establishment where six or more video game machines are located. Five or fewer machines are considered to be accessory to an establishment.
WASTE TIRE COLLECTION SITE.	A permitted site, or a site exempted from the permit requirement, used for the temporary storage of waste tires prior to treatment or recycling.
WASTE TIRE DISPOSAL FACILITY.	A site where waste tires are disposed of by burial or are recycled.
WASTE TIRE PROCESSING FACILITY.	A site where equipment is used to recapture reusable byproducts from waste tires or to cut, burn, or otherwise alter whole waste tires so that they are no longer whole. The term includes mobile waste tire processing equipment.

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WASTE TIRE SITE.	An establishment, site or place of business, without a collector or processor permit, that is maintained, operated, used, or allowed to be used for the disposal, storage, or depositing of unprocessed used tires, but does not include a truck service facility which meets the following requirements: a. All vehicles serviced are owned or leased by the owner or operator of the service facility; b. No more than two hundred waste tires are accumulated for a period of not more than thirty days at a time; c. The facility does not accept any tires from sources other than its own; and d. All waste tires are stored under a covered structure.
WASTE TIRE TREATMENT SITE.	A permitted site used to produce or manufacture usable materials, including fuel from waste tires.
WETLANDS.	Areas of one-quarter (.25) acre or more where standing water is retained for a portion of the year and unique vegetation has adapted to the area. Jurisdictional wetlands are those over which the U.S. Corps of Engineers has permitting jurisdiction.
WHOLESALE SALES.	On-premises sales of goods primarily to customers engaged in the business of reselling the goods.
YARD.	A space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.
YARD, FRONT.	A yard situated between the front building line and the rear lot line and extending the full width of the lot.
YARD, REAR.	A yard situated between the rear building line and the rear lot line and extending the full width of the lot.
YARD, SIDE.	A yard situated between a side building line and side lot line and extending from the front yard to the rear yard.
YARD TRASH.	Solid waste consisting solely of vegetative matter resulting from landscaping maintenance.
ZONING PERMIT.	A permit issued by the Building and Zoning Department that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this ordinance. Generally, terms used in only one Chapter are defined in a section within that Chapter, and terms used only within a particular section are defined within that section.

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Chapter 20 INFORMATION REQUIRED WITH APPLICATIONS.

Section 20.1 In General.

1. It is presumed that all of the information listed in this Chapter shall be submitted with an application for a building permit, sign permit, special exception permit, land development application, or subdivision application to enable the permit-issuing authority to determine whether the development, if completed as proposed, shall comply with all the requirements of this ordinance. Applications for variances are subject to the same provisions. However, the permit-issuing authority may require more information or accept as sufficient less information according to the circumstances of the particular case.
2. The Building and Zoning Department and Planning Department shall develop application processes, including standard forms, to simplify and expedite applications for simple developments that do not require the full range of information called for in this Chapter. In particular, developers seeking only permission to construct single-family houses or duplexes or to construct new or modify existing signs should contact the staff for standard forms.

Section 20.2 Written Applications.

Every applicant for a variance or a building permit, sign permit, special exception permit, land development, or subdivision shall complete a standard, written application provided by the permit-issuing authority.

Section 20.3 Development Site Plans.

Subject to Section 20.1, every application for a variance or a building permit, sign permit, special exception permit, land development, or subdivision shall contain plans that locate the development site and graphically demonstrate existing and proposed natural, man-made, and legal features on and near the site in question, all in conformity with Sections 20.4 through 20.6.

Section 20.4 Graphic Materials Required for Plans.

1. The plans shall include a location map that shows the general location of the project within the Town at a scale of 1 inch = 1000 feet.
2. Development site plans shall be drawn to scale, using such a scale that all features required to be shown on the plans are readily discernible. Very large developments may require that plans show the development in sections to accomplish this objective without resorting to plans that are so large as to be cumbersome, or the objective may be accomplished by using different plans or plans drawn to different scales to illustrate different features. In all cases, the permit-issuing authority shall make the final determination whether the plans submitted are drawn to the appropriate scale, but the applicant shall rely in the first instance on the recommendations of the Planning Department.
3. Development site plans shall show on the first page the following information:
 - a. Name of applicant;
 - b. Name of development (if any);
 - c. North arrow;
 - d. Legend;
 - e. Scale.
4. All of the features required to be shown on plans by Sections 20.5 and 20.6 may be included on one (1) set of plans, so long as the features are distinctly discernible.

Section 20.5 Existing Natural, Man-made and Legal Features.

1. Development site plans shall show all existing natural, man-made, and legal features on the lot where the development is to take place, including but not limited to those listed below. In addition, the plans shall also show those features indicated below by a double asterisk (**) that are located within 50 feet in any direction of the lot where the development is to take place, and shall specify (by reference to the *Table of Permissible Uses* or otherwise) the use made of adjoining properties.
2. Existing Natural Features:
 - a. Tree line of wooded areas;
 - b. The location and sizes of all trees greater than 12 inches in diameter, that are located within or near areas proposed to be disturbed;

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- c. Orchards or agricultural groves by common or scientific name:
- d. Streams, ponds, drainage ditches, swamps, wetlands, boundaries of floodways and floodplains** where floodways and floodplains are identified and shown on the Flood Hazard Boundary Maps for Town of Kershaw, latest edition, all development shall comply with the county's Flood Hazard Ordinance. Where wetlands are identified by the analysis, the applicant shall contact the U.S. Corps of Engineers to determine if such wetlands are "jurisdictional wetlands", and if so, to secure the necessary permits and/or clearance before a building or use permit shall be issued by the county. Additionally, a letter from the Corps stating their findings shall be sent to the Building and Zoning Department and the Planning Department prior to the issuance of such a permit.
- e. If the proposed development is a subdivision or manufactured home park of more than 50 lots or if more than five (5) acres of land are to be developed, base flood elevation data:
- f. Contour lines (shown as dotted lines) with no larger than two (2) foot contour intervals. (as indicated in Section 20.6 subsection [2 (q)] proposed contour lines shall be shown as solid lines.)**
- g. Soil maps equal to the scale of the site plan with reports on the suitability for building. Soils may and often do pose significant constraints to development. However, these constraints often may be overcome by sound engineering solutions, making use of such soils possible if proper steps are taken. Such steps might include the removal of these soils from construction areas, use of additional fill dirt, use of extra thick sub-base, pilings, elevated first floor, or other such measures.

Where such soils have been identified on a site proposed for multi-family or non-residential development, a soils analysis report shall be submitted together with the preliminary plat or site plan. The report shall describe the extent of the soils(s) and how its limitations are to be overcome. The proposed method of dealing with the soils shall be approved by the Planning Official prior to the issuance of a building permit.

- h. Acreage of drainage areas.
 - i. If any of the features listed in items d or g are identified on the site, then sound engineering solutions shall be required to reduce or eliminate any negative effects of the proposed solutions are needed, such solutions shall be noted on the application:
3. Existing Man-made Features:
- a. Vehicle accommodation areas (including parking areas, loading areas and circulation areas, all designated by surface material and showing the layout of existing parking spaces and direction of travel lanes, aisles, or driveways)**;
 - b. Street, private roads, sidewalks, and other walkways, all designated by surface material;
 - c. Curbs and gutters, curb inlets and curb cuts, and drainage grates;
 - d. Other storm water or drainage facilities, including manholes, pipes, and drainage ditches;
 - e. Underground utility lines, including water, sewer, electric power, telephone, gas, and cable television;
 - f. Above ground utility lines and other utility facilities;
 - g. Fire hydrants**;
 - h. Buildings, structures and signs (including dimensions of each)**;
 - i. Location of exterior light fixtures;
 - j. Location of dumpsters**.
4. Existing Legal Features:
- a. The zoning of the subject property and adjacent properties, including zoning district lines and/or city limit lines where applicable;
 - b. Property lines (with dimensions and acreage identified);
 - c. Street right-of-way lines;
 - d. Utility or other easement lines;

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- e. Adjacent property owner(s).

Section 20.6 Proposed Changes in Existing Features or New Features.

1. Development site plans shall show proposed changes in existing natural features [(see Section 20.5 subsection (2))], existing man-made features (see Section 20.5 subsection (3)), and existing legal features (see Section 20.5 subsection (4)).
2. Development site plans shall also show proposed new legal features (especially new property lines, street right-of-way lines, and utility and other easements), as well as proposed man-made features, including, but not limited to, the following:
 - a. The number of square feet in every lot created by a new subdivision:
 - b. Lot dimensions:
 - c. The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets or street right-of-way lines:
 - d. Principal side(s) building elevations for typical units of new buildings or exterior remodelings of existing buildings, showing building heights and proposed wall sign or window sign area:
 - e. The location and dimensions of all recreational areas with each area designated as to type of use:
 - f. Areas intended to remain as open or designated screening:
 - g. Streets and street name showing whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths. Private drives in subdivisions shall also be shown and clearly labeled as such:
 - h. Curb and gutters, curb inlets and curb cuts, drainage grates:
 - i. Other storm water or drainage facilities, including manholes, pipes, drainage ditches, retention ponds, etc.:
 - j. Sidewalks and walkways, showing widths and surface material:
 - k. Bridges:
 - l. Outdoor illumination with lighting fixtures sufficiently identified:
 - m. Underground utility lines, including water, sewer, electric power, telephone, gas, cable television:
 - n. Above ground utility lines and other facilities:
 - o. Fire hydrants:
 - p. Dumpsters:
 - q. New contour lines resulting from earth movement (shown as solid lines) with no larger than ten (10) foot contour intervals (existing lines should be shown as dotted lines):
 - r. Scale drawings of all signs together with the exact location and dimensions of all such signs:
 - s. Vehicle accommodation areas (including parking areas, loading areas, and circulation areas), all designated by surface material and showing the dimensions and layout of proposed parking spaces and the dimensions and direction of travel lanes, aisles, and driveways:
 - t. Proposed plantings or construction of other devices to comply with requirements of Chapter 12. Plans shall label shrubbery by common and scientific name, show the distance between plants and indicate the height at the time of planting and expected mature height and width. Plans shall label trees by common and scientific name, show the circles of the mature crowns (major trees shall be drawn at diameter = 30 feet; dwarf or decorative trees shall be drawn at their actual mature crown), and indicate the height at the time of planting.

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Section 20.7 Documents and Written Information in Addition to Plans.

In addition to the written application and the plans, whether the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representation list of the types of information or documents that shall be requested:

1. Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.
2. Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, and that all necessary easements have been provided.
3. Evidence that a stormwater management and sediment control plan has been submitted to and/or approved by SCDHEC.
4. Descriptive information or specifications on recreational equipment.
5. Legal documentation establishing homeowners' associations or other legal entities responsible for control over required common areas and facilities.
6. Bonds, letters of credit, or other surety devices.
7. Stamped envelopes containing the names and addresses of all those to whom notice of a public hearing must be sent.
8. Complete documentation justifying any requested deviation from specific requirements established by this ordinance as presumptively satisfying design standards.
9. Written evidence of good faith efforts to acquire satellite parking.
10. A study from a competent professional describing the anticipated input of the proposed development on traffic volumes or patterns.

Section 20.8 Number of Copies of Plans and Documents.

With respect to all plans and other documents required by this Chapter, the developer shall submit the number of copies that the department responsible for reviewing the application deems necessary to expedite the review process and to provide necessary permanent records.

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Chapter 21. SPECIFICATIONS FOR STREET DESIGN AND CONSTRUCTION.

The following design specifications are intended to be general guidelines. Alternate construction methods may be used if such methods are approved in writing by the County Engineer.

Section 21.1 Design Speed, Sight Distance, Centerline Radius.

	Minor	Local	Sub-Collector	Collector
Design Speed.	25 mph	25 mph	30 mph	35 mph
Minimum Sight Distance on Vertical Curve.	150 feet	150 feet	200 feet	200 feet
Minimum Centerline Radius.	150 feet	150 feet	200 feet	250 feet

Section 21.2 Cut and Fill Slopes.

Cut and fill slopes on any street right-of-way shall not exceed the ratio of 2:1.

Section 21.3 Sight Distances at Intersections.

1. At no-stop intersections, the intersection shall be constructed so that a person standing at a location on the centerline of any street 90 feet from the intersection of the street centerlines has an unobstructed view to a point located on the centerline of the intersecting street 90 feet (in either direction) from the intersection of the street centerlines. (See Standard Drawing No. 1.)
2. Subject to subsection (3), at stop intersections, the intersection shall be constructed so that a person standing 10 feet back of the intersection of right-of-way lines on the stop street has an unobstructed view to a point on the right-of-way line of the intersecting street located 70 feet from the intersection of the right-of-way lines. (See Standard Drawing No. 2.)
3. At stop intersections where a residential street intersects with a State maintained primary road, the intersection shall be constructed so that a person standing 30 feet back of the intersection of right-of-way lines on the stop street has an unobstructed view to a point on the centerline of the through street located 150 feet from the intersection of the street right-of-way lines. (See Standard Drawing No. 3.)

Section 21.4 Radius at Street Intersections.

At street intersections, the intersections of the paved surfaces shall be rounded with a minimum radius as shown in Standard Drawings No. 4 and No. 5. Where streets intersect at less than right angles, a greater radius may be required.

Section 21.5 Clearing and Grubbing.

Clearing and grubbing shall be performed within the limits shown on the plans. All timber, brush roots, stumps, trees, or other vegetation cut during the clearing operations shall become the contractor's responsibility to dispose of, and shall be either removed from the project by the developer, or satisfactorily disposed of on-site.

Section 21.6 Grading and Compaction.

Street shall be graded in accordance with the lines and grade set by the engineer. Before placing curb and gutter or base on the graded subgrade, the subgrade shall be compacted to 100 percent AASHTO T99 for a depth of six (6) inches and then shall be proof rolled in the presence of the engineer. Places that are found to be loose, or soft, or composed of unsuitable materials, whether in the subgrade or below it, must be dug out and refilled with suitable material. All embankments or fills shall be made in one-foot horizontal lifts of suitable material. The fill shall be rolled with a sheepsfoot roller after each lift, followed by a wheel roller, each weighing not less than eight (8) tons.

Section 21.7 Street Base.

Base course for streets shall generally be eight (8) inches thick, unless otherwise directed by the County Engineer, and shall be crushed stone conforming to SCDOT Type ABC stone. The stone base course shall be placed in four-inch layers, watered as necessary, and compacted to 100 percent AASHTO T99. The contractor shall be responsible for keeping the stone base free of contamination from clay or other foreign materials. Handling and placement of stone base shall all be in accordance with SCDOT specifications.

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Section 21.8 Street Surfaces.

The asphalt surface course shall meet SCDOT specifications for Type 1 or 2 asphalt. The asphalt shall be placed in one (1) two-inch layer, and shall be handled and placed in accordance with SCDOT specifications.

Section 21.9 Pavement Section Variations.

Sections 21-6, 21-7, and 21-8 set the standards that shall apply under normal soil conditions. However, where soils are unusually good or unusually unstable, the County Engineer may allow or require the developer to have soil tests run and a pavement design made by a qualified soils engineer. Under these circumstances, the County Engineer may allow pavement sections constructed to lesser standards than those set forth above (for good soils) or require pavement sections constructed to greater standards than those set forth above (for unstable soils).

Section 21.10 Street Cross Sections.

Streets shall be constructed and utilities located in accordance with Standard Drawing No. 6 or No. 7.

Section 21.11 Curb and Gutter.

1. The concrete curb and gutter shall be constructed according to the lines and grades established by the engineer. The concrete shall meet the State highway requirements and the curb and gutter shall be 18 inches wide.
2. Curb and gutter shall be constructed in accordance Standard Drawing No. 8.

Section 21.12 Sidewalks.

Sidewalk construction shall be similar to street construction, with subgrade compacted to 100 percent AASHTO T99. Concrete sidewalks shall be four (4) inches thick (increasing to six (6) inches thick at driveway entrances), and shall be at least four (4) feet wide. Expansion joints shall be provided every 300 feet; false joints at 10 feet.

Section 21.13 Wheel Chair Ramps.

Where required, wheel chair ramps shall be constructed in accordance with Standard Drawing No. 9.

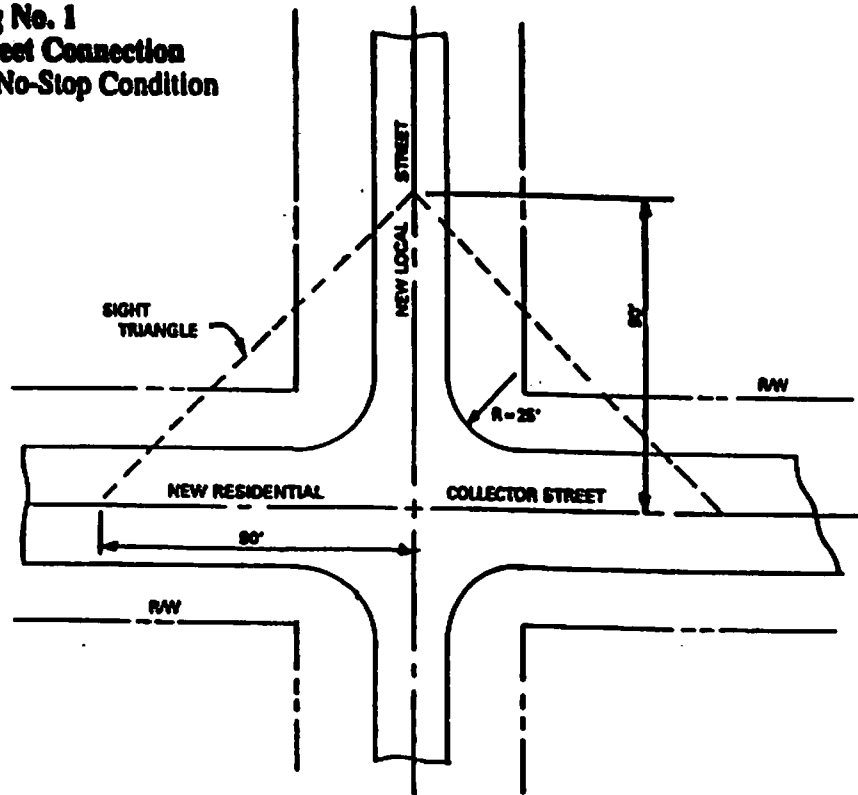
Section 21.14 Storm Water Runoff Control.

1. The minimum design frequency for storm runoff shall be 10 years for storm sewer collection and 25 years for cross drainage (i.e., drainage facilities crossing a street).
2. All storm drainage pipe shall be reinforced concrete or Advanced Drainage Systems N-12 corrugated smooth bore HDPE pipe (or equivalent). Pipe shall be sized by a Tier B Surveyor or Registered Professional Engineer. No pipe shall be smaller than 12 inches in diameter or less than 12 inches of top cover. If less than 12 inches of cover is available, the pipe must be reinforced concrete.
3. Culvert outlet protection and swale erosion protection shall be designed based on a 10-year storm.
4. All storm drainage structures and pipes shall be designed and constructed in accordance with SCDOT specifications and Standard Drawings No. 10 through No. 14. However, in case of a conflict, the standard drawings shall prevail.
5. All storm drainage systems must meet SCDHEC standards for Stormwater Management and Sediment Reduction.

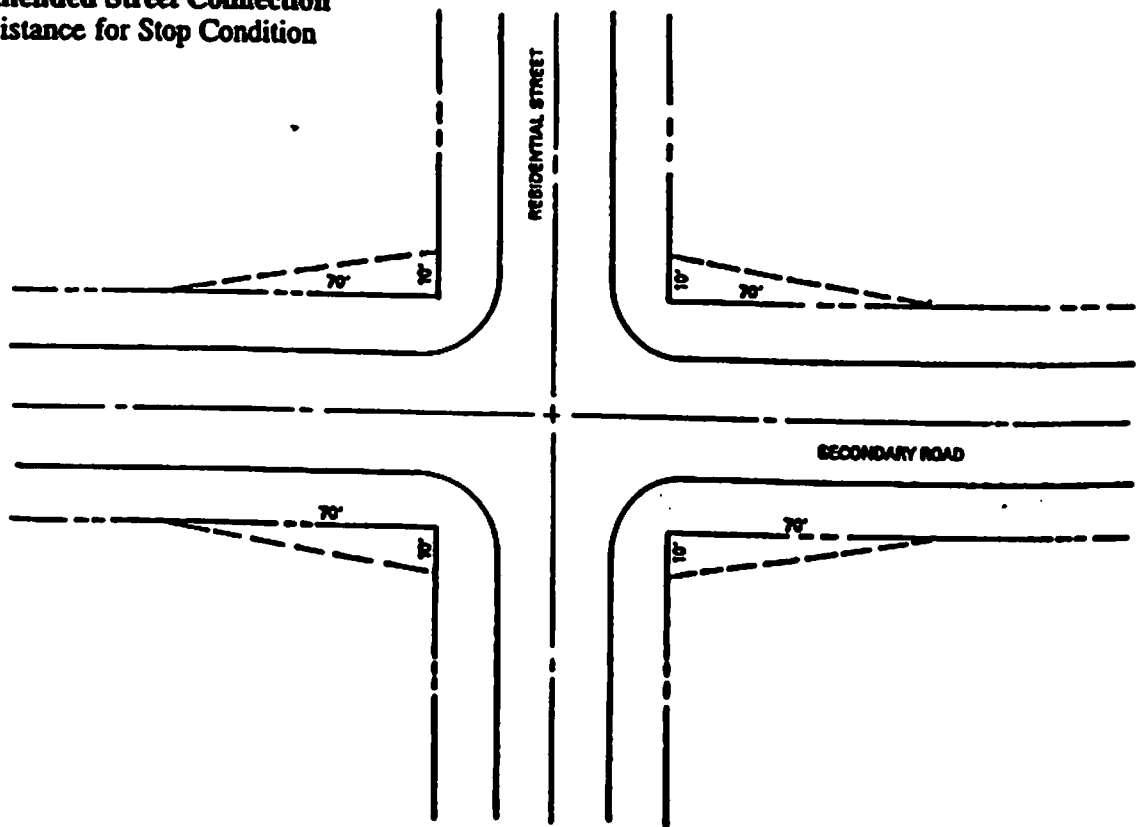
Section 21.15 Sedimentation Control.

Road shoulders, swales, back-of-curbs, and cut and fill banks shall be completely dressed up by the contractor and seeded as soon as possible. The contractor shall be responsible for maintenance of these areas until a permanent stand of grass is established.

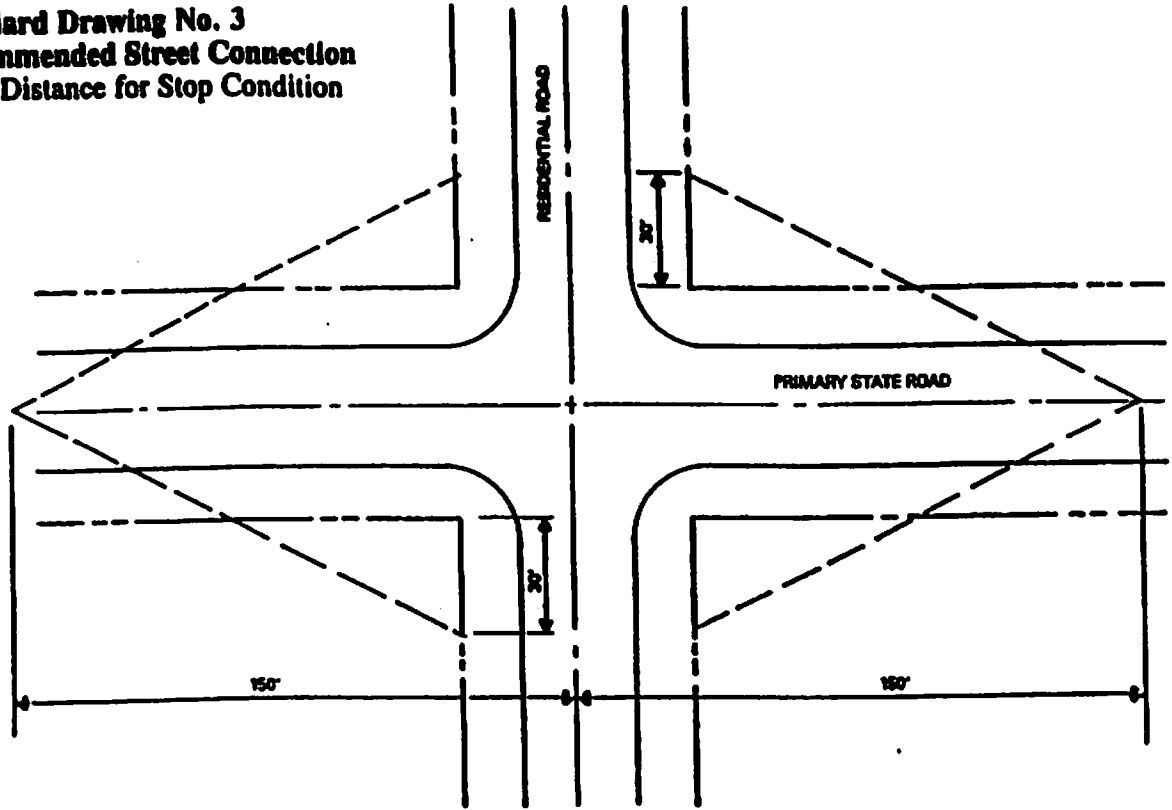
**Standard Drawing No. 1
Recommended Street Connection
Sight Distance for No-Stop Condition**



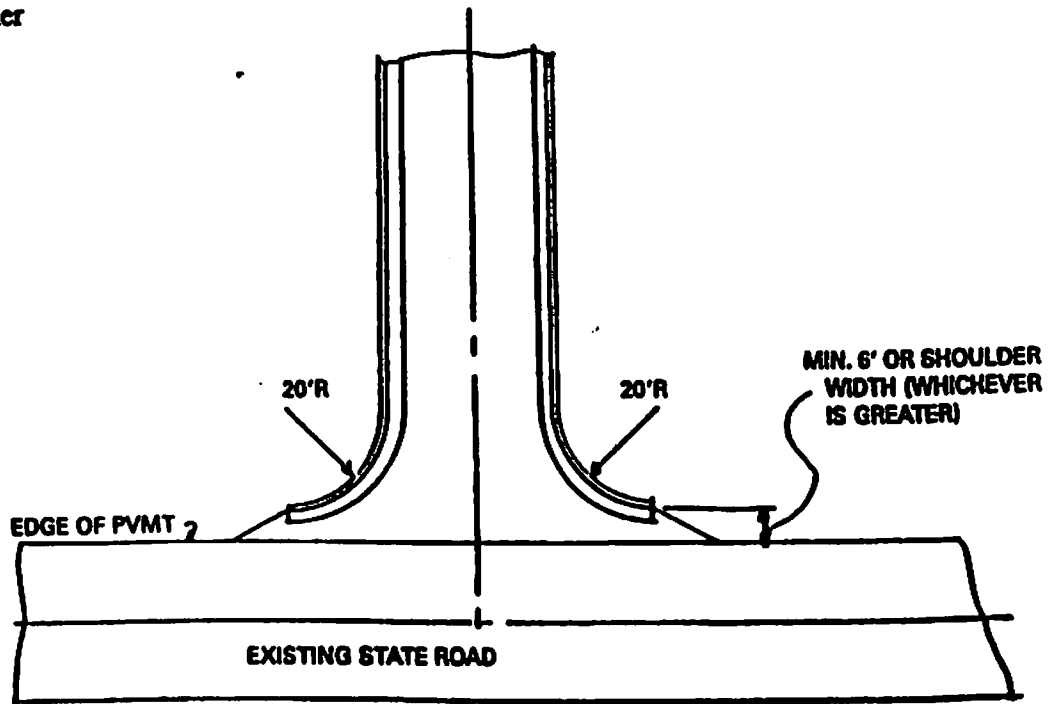
**Standard Drawing No. 2
Recommended Street Connection
Sight Distance for Stop Condition**



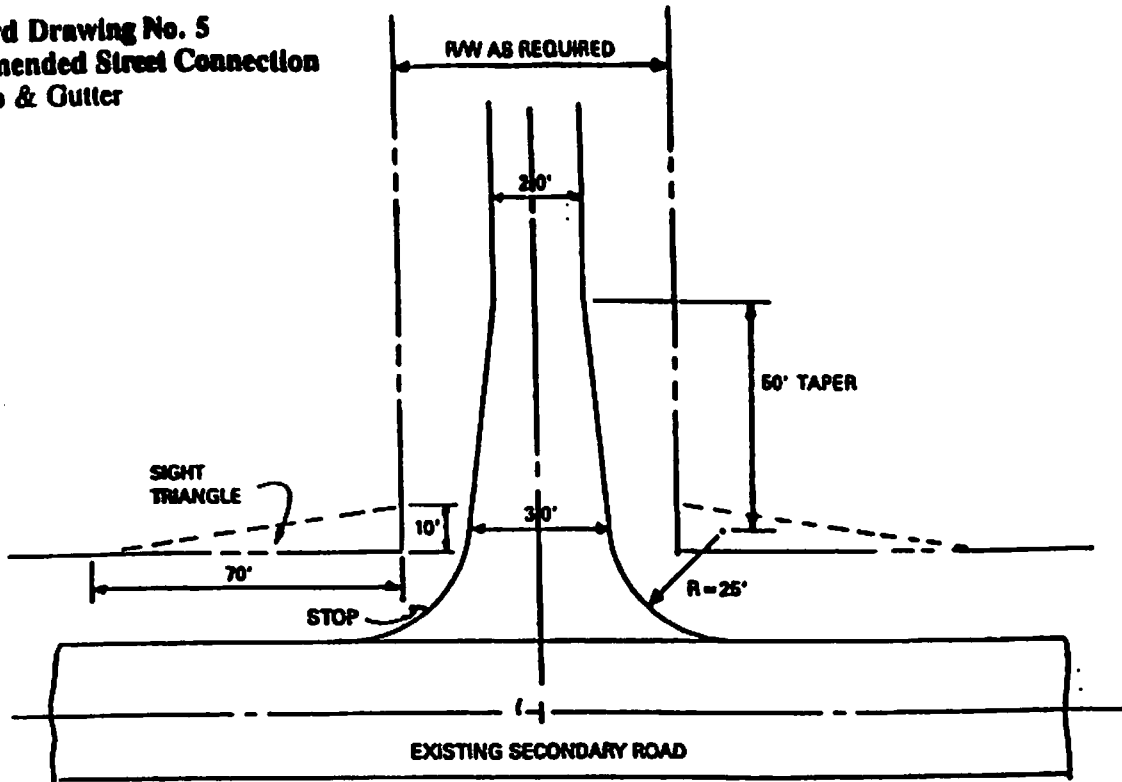
Standard Drawing No. 3
Recommended Street Connection
Sight Distance for Stop Condition



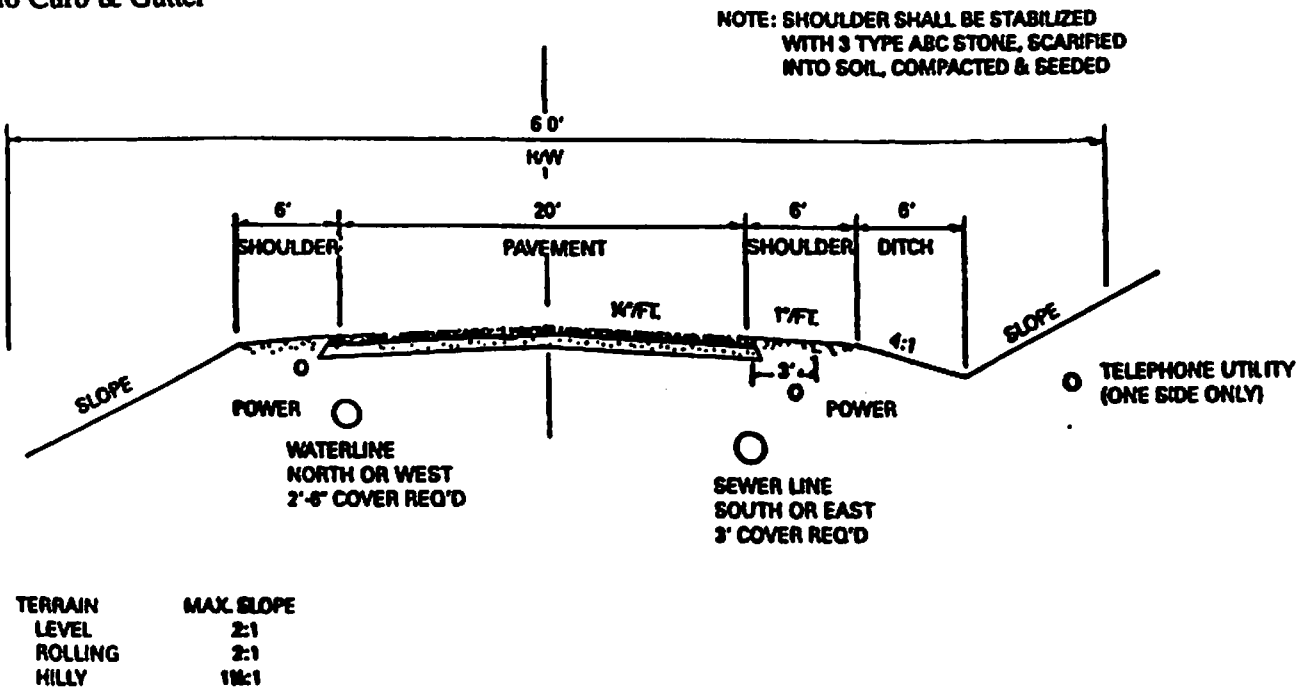
Standard Drawing No. 4
Recommended Street Connection
Curb & Gutter



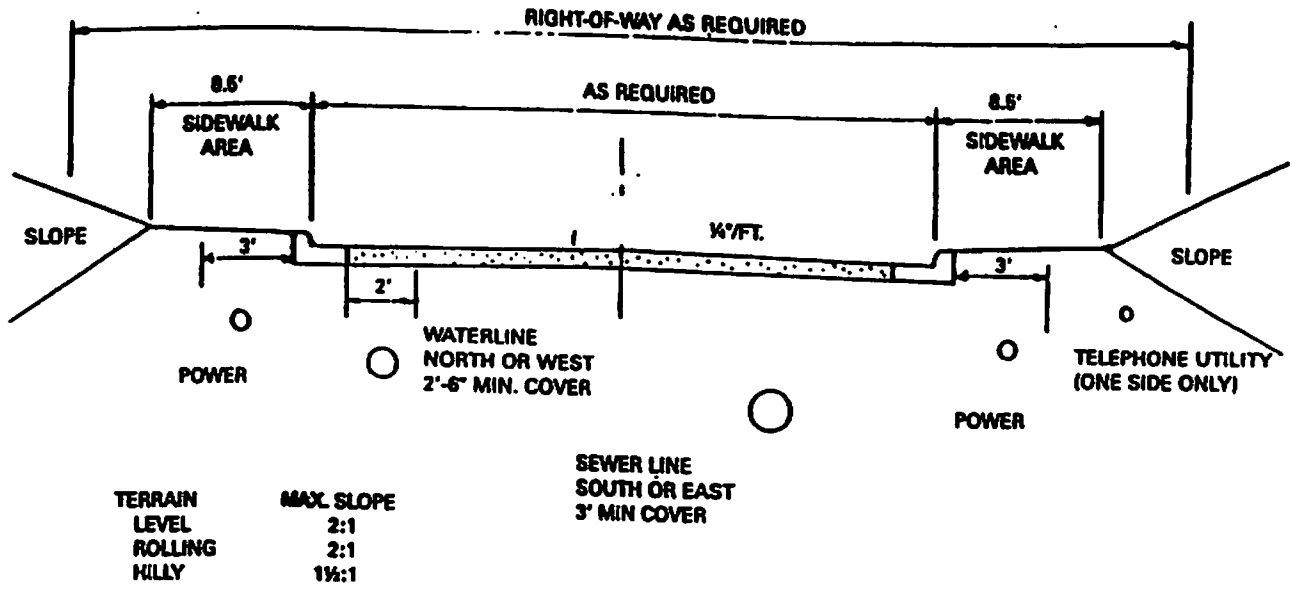
Standard Drawing No. 5
Recommended Street Connection
No Curb & Gutter



Standard Drawing No. 6
Residential Street
No Curb & Gutter



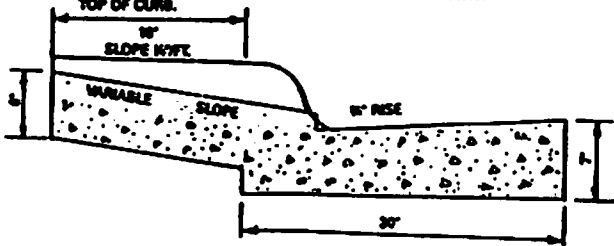
**Standard Drawing No. 7
Residential Street
Curb & Gutter**



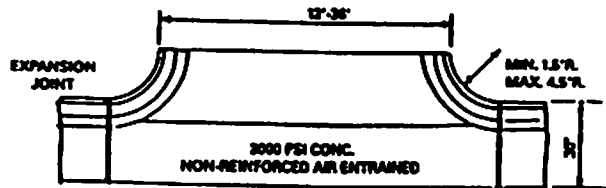
**Standard Drawing No. 8
Standard Curb & Gutter**

Concrete Driveway & Gutter

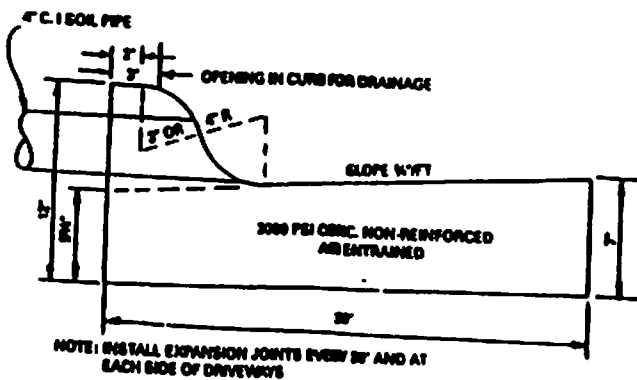
NOTE: TOP OF ENTRANCE 3" LOWER THAN TOP OF CURB AT STREET WHERE WALK IS OVER 8'. WHERE LESS THAN 8' EVEN WITH TOP OF CURB.



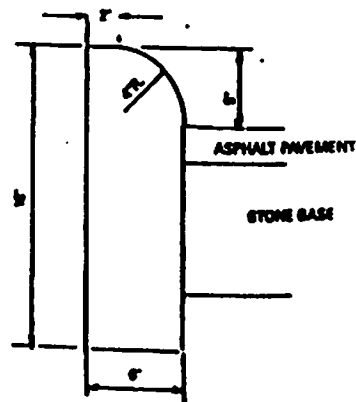
Plan of Driveway Entrance



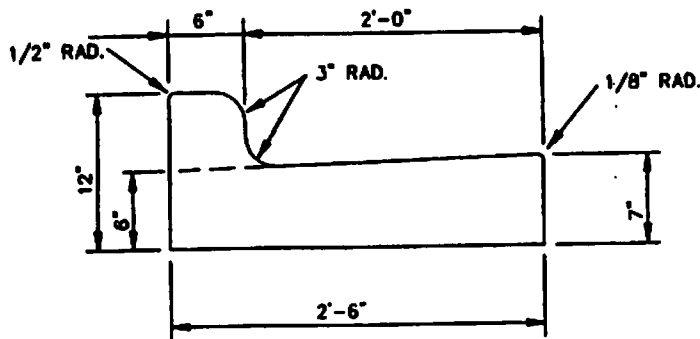
Curb & Gutter



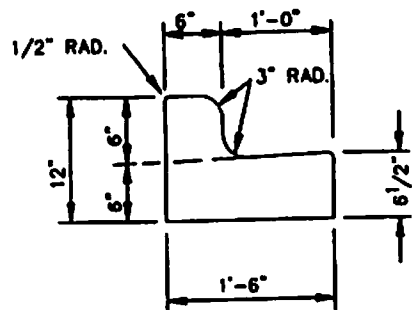
Traffic Island Curb



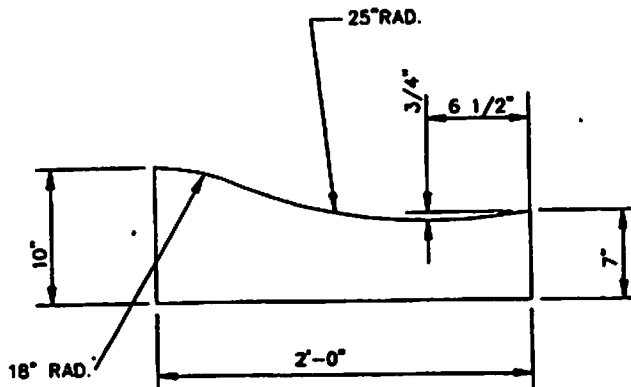
Standard Drawing No. 8 (continued)
Standard Curb & Gutter



2'-6" CURB AND GUTTER



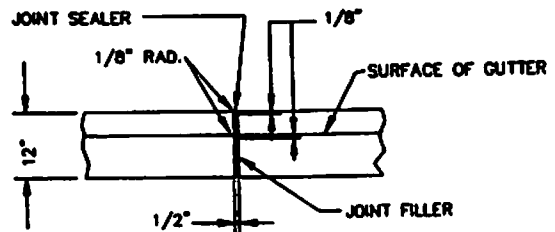
1'-6" CURB AND GUTTER



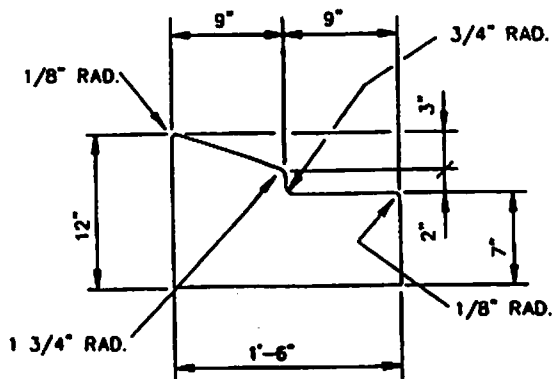
2'-0" VALLEY GUTTER

GENERAL NOTES:

1. CONSTRUCTION JOINTS SHALL BE SPACED AT 10' INTERVALS, EXCEPT THAT A 10' SPACING MAY BE USED WHEN A MACHINE IS USED OR WHEN SATISFACTORY SUPPORT FOR THE FACE FORM CAN BE OBTAINED WITHOUT THE USE OF TEMPLATES AT 10' INTERVALS. JOINT SPACING MAY BE ALTERED BY THE ENGINEER TO PREVENT UNCONTROLLED CRACKING.
2. CONTRACTION JOINTS MAY BE INSTALLED BY THE USE OF TEMPLATES OR FORMED BY OTHER APPROVED METHODS. WHERE SUCH JOINTS ARE NOT FORMED BY TEMPLATES, A MINIMUM DEPTH OF 1 1/2" SHALL BE OBTAINED.
3. ALL CONTRACTION JOINTS SHALL BE FILLED WITH JOINT SEALER.
4. EXPANSION JOINTS SHALL BE SPACED AT 90 FOOT INTERVALS, AND ADJACENT TO ALL RIGID OBJECTS.
5. JOINTS SHALL MATCH LOCATIONS WITH JOINT IN ADJUTING SIDEWALK.
6. CONCRETE SHALL BE 3600 PSI IN 28 DAYS.

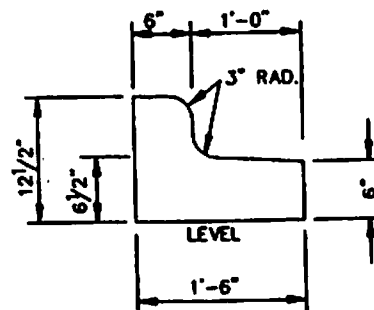


**TRANSVERSE EXPANSION JOINT
 IN CURB AND GUTTER**



1'-6" MOUNTABLE CURB AND GUTTER

(TO BE USED IN MEDIANS ONLY, WHEN SPECIFIED BY THE APPROPRIATE CITY/COUNTY ENGINEERING DEPT.)

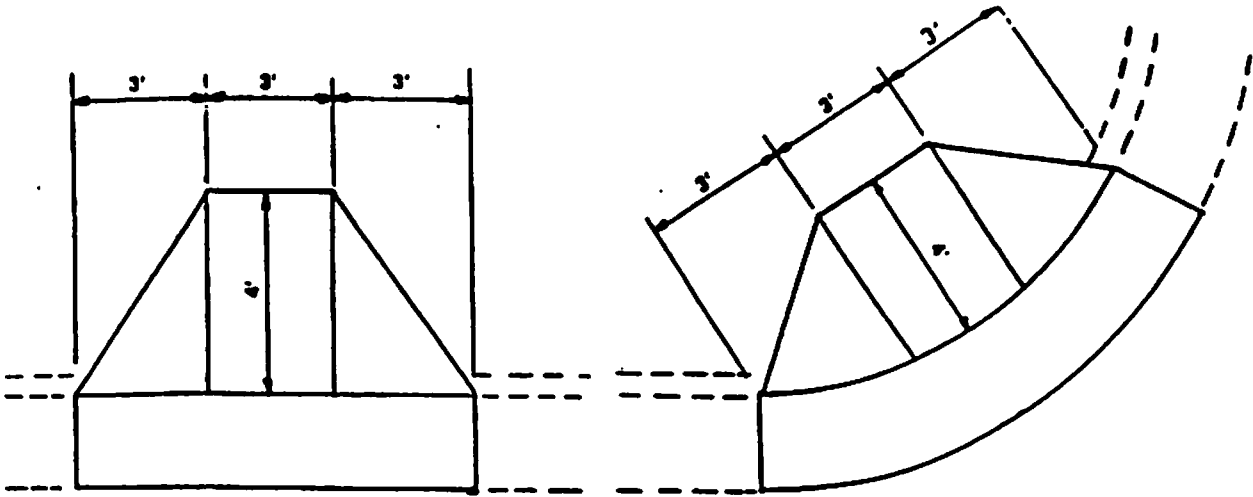


1'-6" CURB AND GUTTER (REVERSE SLOPE)

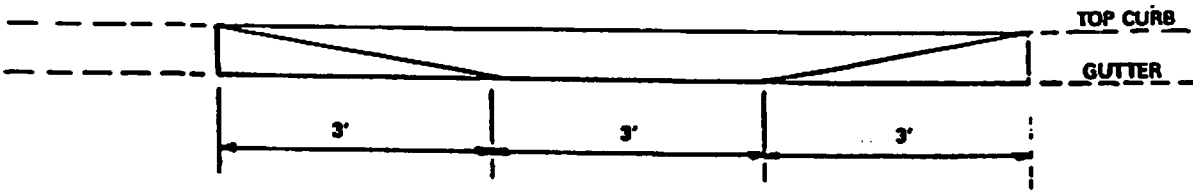
(TO BE USED WHEN LANES ARE SLOPED FROM ISLAND OR AS SPECIFIED BY THE APPROPRIATE CITY/COUNTY ENGINEERING DEPT.)

Standard Drawing No. 9
Standard Wheel Chair Ramp

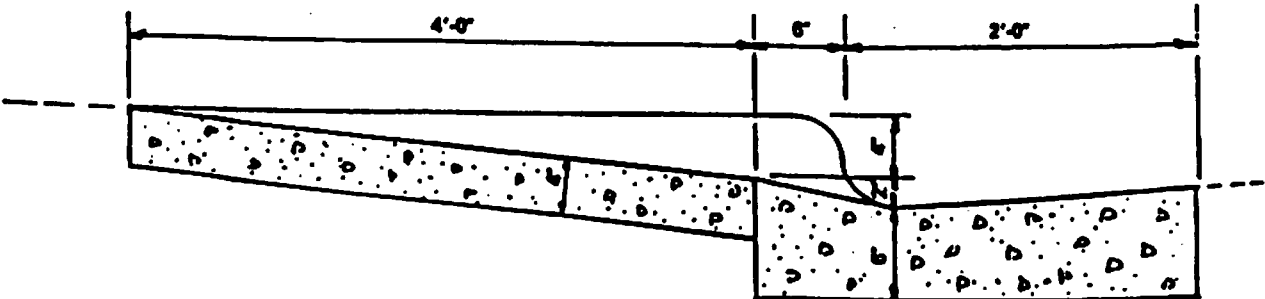
Plan



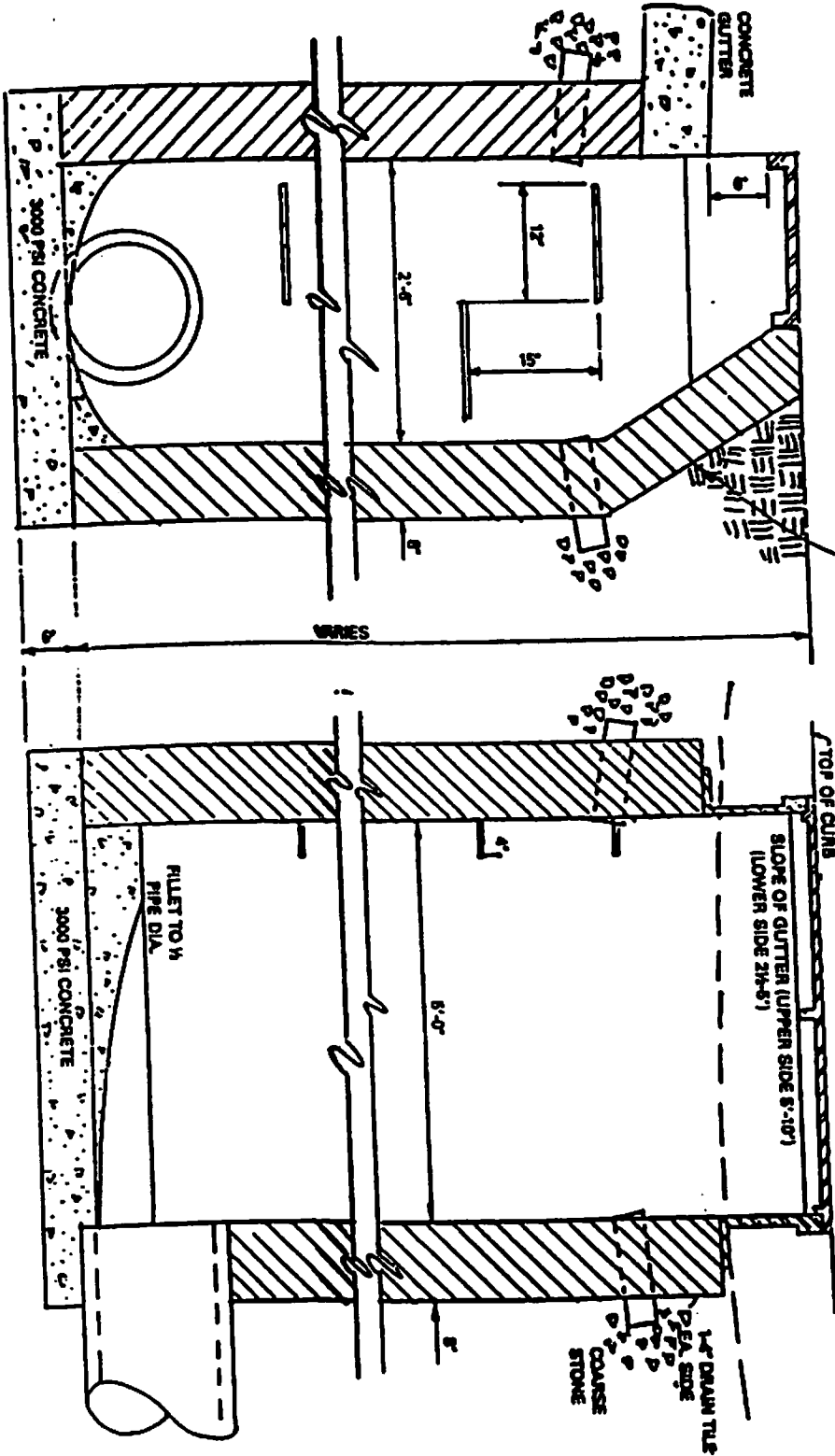
Front Elevation



Section Thru Ramp



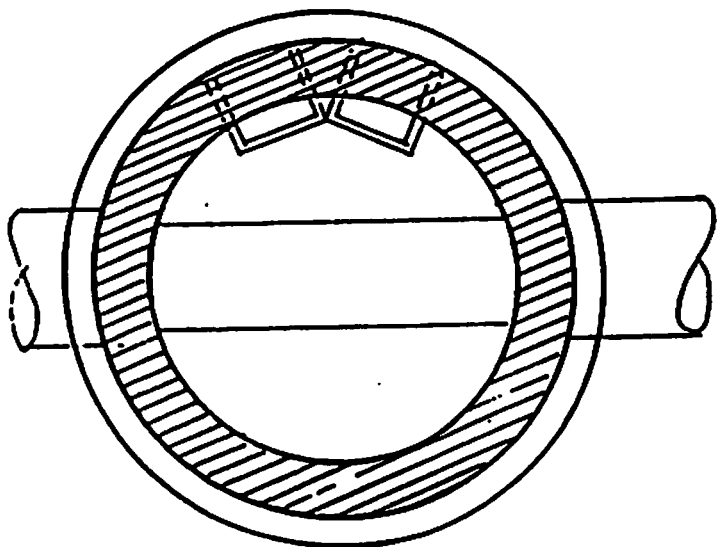
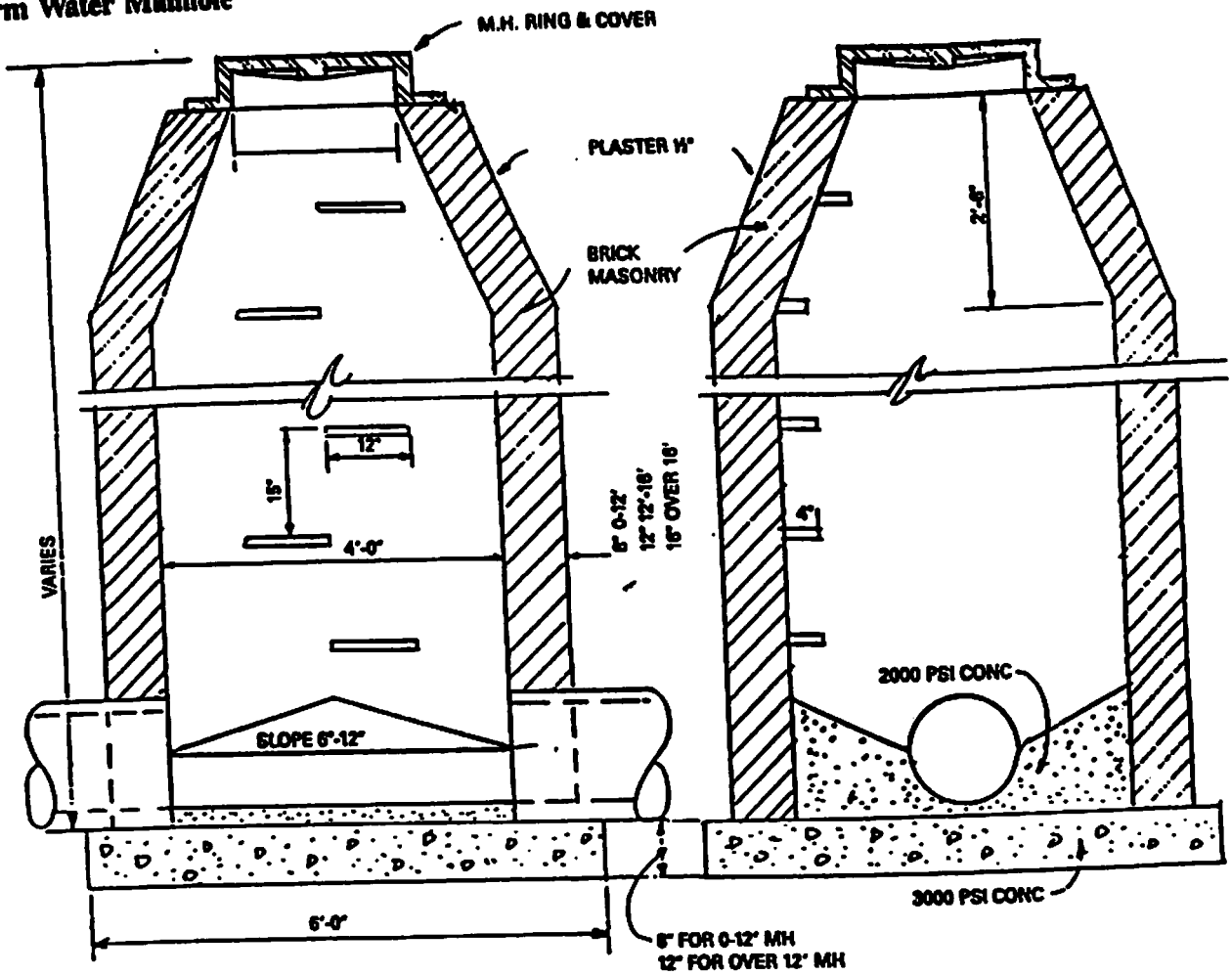
**Standard Drawing No. 10
Standard Catch Basin**



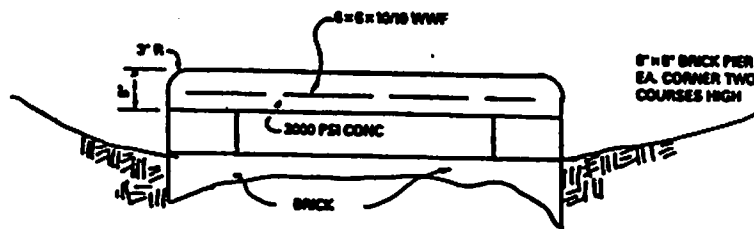
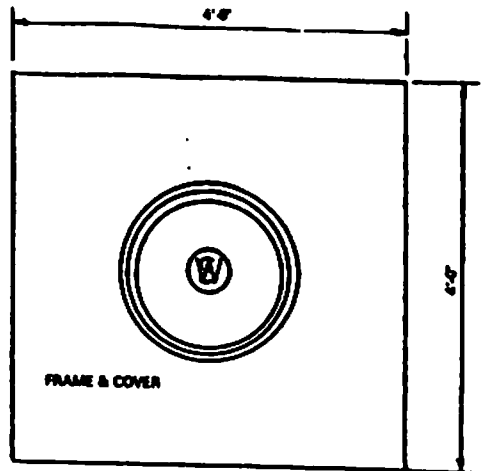
NOTE: PRECAST SLAB MAY BE
SUBSTITUTED FOR BACKWORK

NOTE: CAST IRON MANHOLE STEPS SHALL BE INSTALLED
IN ALL CATCH BASINS OVER 4'-0" IN DEPTH. DEPTH SHALL
BE MEASURED FROM THE TOP OF GUTTER TO
INVERT OF CATCH BASIN.

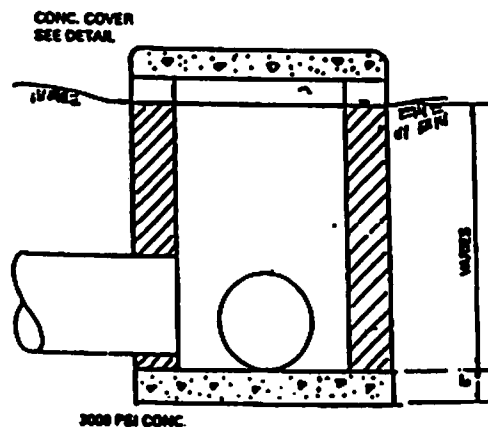
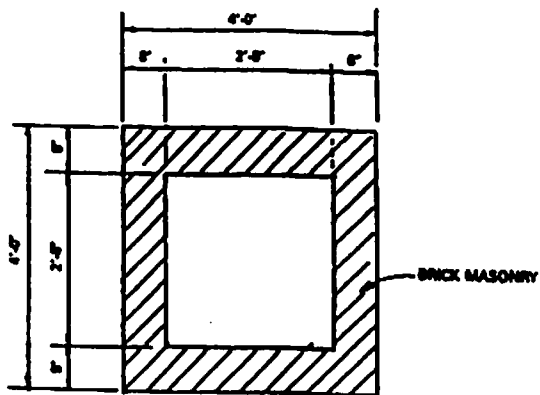
**Standard Drawing No. 11
Storm Water Manhole**



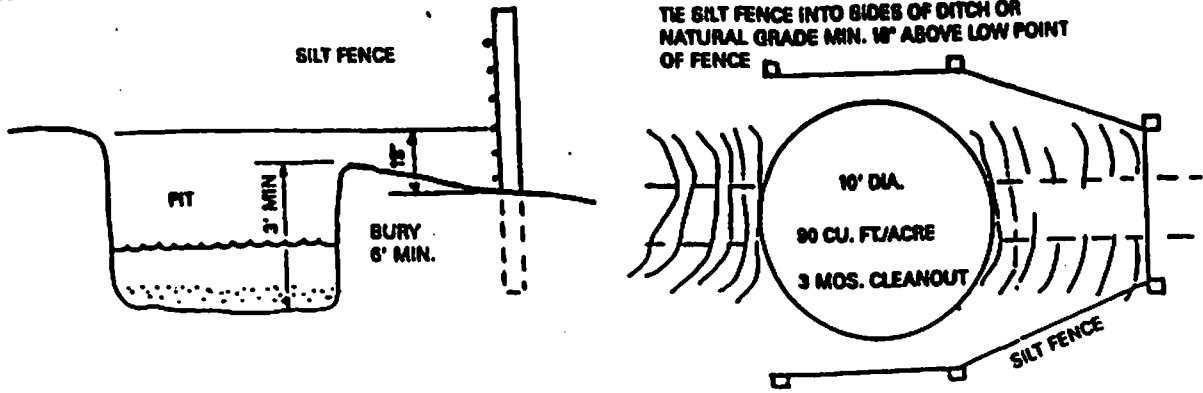
**Standard Drawing No. 12
Yard Inlet Cover**



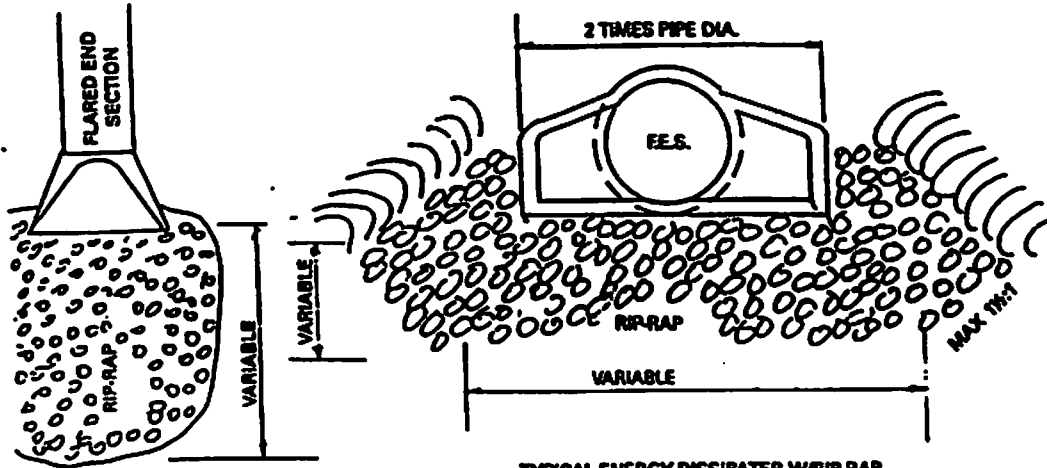
**Standard Drawing No. 13
Yard Inlet**



**Standard Drawing No. 14
Sedimentation Control**

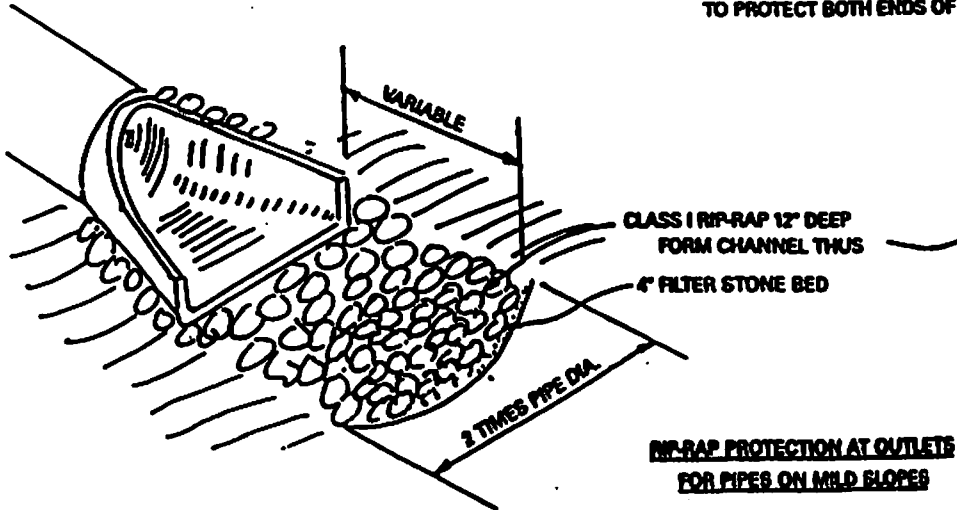


FENCE AND SEDIMENT PIT FOR POINTS OF CONCENTRATED DRAINAGE



TYPICAL ENERGY DISSIPATER W/ RIP-RAP

NOTE:
FLARED END PIPES GREATER THAN 36"
WILL REQUIRE CONC SLAB AND/OR RIP-RAP
TO PROTECT BOTH ENDS OF PIPE



**RIP-RAP PROTECTION AT OUTLETS
FOR PIPES ON MILD SLOPES**

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

Chapter 22. GUIDE FOR LANDSCAPING.

Section 22.1 Standards for Street and Parking Lot Trees.

Trees planted in compliance with the requirements of Sections 12.2.2 and 12.2.4 shall have most or all of the following qualities. The trees recommended in Section 22.5 represent the best combinations of these characteristics.

- 1. **Hardiness:**
 - a. Resistance to extreme temperatures:
 - b. Resistance to drought:
 - c. Resistance to storm damage:
 - d. Resistance to air pollution:
 - e. Ability to survive physical damage from human activity.
- 2. **Foliage and Branching:**
 - a. Appropriate form for location:
 - b. Relatively dense foliage for maximum shading.
- 3. **Maintenance:**
 - a. Resistance to pests:
 - b. Resistance to plant diseases:
 - c. Little or no pruning requirements:
 - d. No significant litter problems.

Section 22.2 Guide for Planting Shrubs.

All shrubs shall be planted in the same manner as trees except for guying and stacking.

Section 22.3 Lists of Recommended Trees and Shrubs.

The following lists indicate plantings which will meet the screening and shading requirements of Chapter 12 of the *Unified Development Ordinance*. The lists are by no means comprehensive and are intended merely to suggest the types of flora which would be appropriate for screening and shading purposes. Plants were selected for inclusion on these lists according to the general suitability for the climate and soil conditions of this area, ease of maintenance, tolerance of area conditions, and availability from area nurseries. When selecting new plantings for a particular site, a developer should first consider the types of plants which are thriving on or near that site. However, if an introduced species has proven highly effective for screening or shading in this area, it too may be a proper selection.

1. **Large Trees for Screening:**

Common Name	Scientific Name	Evergreen or Deciduous
River Birch	<i>Betula nigra</i>	D
American Hornbeam	<i>Carpinus caroliniana</i>	D
Eastern Redbud	<i>Cercis canadensis</i>	D
Flowering Dogwood	<i>Cornus florida</i>	D
Washington Hawthorn	<i>Cretagus phaenopyrum</i>	D
Russian Olive	<i>Elaeagnus angustifolia</i>	D
Mountain Silverbell	<i>Halesia monticola</i>	D

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

American Holly	<i>Ilex opaca</i>	D
Golden Rain Tree	<i>Koelreuteria paniculata</i>	D
Crape Myrtle	<i>Lagerstroemia indica</i>	D
Sourwood	<i>Oxydendrum arboreum</i>	D
Carolina Cherry-Laurel	<i>Prunus caroliniana</i>	E
Green Ash	<i>Fraxinus pennsylvanica</i>	D
Tulip poplar	<i>Liriodendron tulipifera</i>	D
Black Gum	<i>Nyssa sylvatica</i>	D
Loblolly Pine	<i>Pinus taeda</i>	E
White Oak	<i>Quercus alba</i>	D
Shumard Oak	<i>Quercus shumardii</i>	D
Bald Cypress	<i>Taxodium distichum</i>	D
Lacebark Elm	<i>Ulmus parviflora</i>	D
Japanese Zelkova	<i>Zelkova serrata</i>	D
Ironwood Hornbeam	<i>Carpinus carolina</i>	D
Deodar Cedar	<i>Cedrus deodara</i>	E
Southern Magnolia	<i>Magnolia grandiflora</i>	E
Eastern Red Cedar	<i>Cryptomeria japonica</i>	E

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

I. Large Trees for Shading:

Common Name	Scientific Name	Evergreen or Deciduous
Red Maple	<i>Acer rubrum</i>	D
Ginkgo	<i>Ginkgo biloba</i> "Fairmont" or "LakeView"	D
Honeylocust	<i>Gleditsia triacanthos</i> var. <i>inermis</i> "Shademaster"	D
Sweet Gum	<i>Liquidambar styraciflua</i> "Rotundiloba"	D
London Plane-Tree	<i>Plantanus x acerifolia</i>	D
Sycamore	<i>Plantanus occidentalis</i>	D
Southern Red Oak	<i>Quercus falcata</i>	D
Willow Oak	<i>Quercus phellos</i>	D
Scarlet Oak	<i>Quercus coccinea</i>	D
Laurel Oak	<i>Quercus hemisphaerica</i>	Semi-E
Littleleaf Linden	<i>Tilia cordata</i>	D
Thornless honeylocust	<i>Gleditsia triacanthos</i> var. <i>inermis</i>	D
American sycamore	<i>Platanus occidentalis</i>	D

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

1. Ornamental Trees:

Common Name	Scientific Name	Evergreen or Deciduous
Amur Maple	<i>Acer ginnala</i>	D
Japanese Maple	<i>Acer palmatum</i>	D
Serviceberry	<i>Amelanchier aborea</i>	D
Redbud	<i>Cercis canadensis</i>	D
Flowering Dogwood	<i>Cornus florida</i>	D
Kousa Dogwood	<i>Cornus kousa</i>	D
Washington Hawthorn	<i>Crataegus phaenopyrum</i>	D
Carolina Silverbell	<i>Halesia carolina</i>	D
American Holly	<i>Ilex opaca</i>	E
Holly (large types)	<i>Ilex x cultivar</i>	E
Golden Raintree	<i>Koelreuteria paniculata</i>	D
Crape Myrtle	<i>Lagerstroemia indica (x faurei)</i>	D
Saucer Magnolia	<i>Magnolia x soulangeana</i>	D
Sweetbay Magnolia	<i>Magnolia virginiana</i>	Semi-E
Flowering Crabapple	<i>Malus hybrid</i>	D
Chinese Pistache	<i>Pistachia chinensis</i>	D
Flowering Cherry	<i>Prunus species</i>	D
Sassafras	<i>Sassafras albidum</i>	D
Emerald Arborvitae	<i>Thuja occidentalis "Emerald"</i>	E
Muskogee crape myrtle	<i>Lagerstromia indica</i> "Muskogee"	D
Star magnolia	<i>Magnolia sellata</i>	D
Carolina cherry-laurel	<i>Prunus caroliniana</i>	E
Natchez crape myrtle	<i>Lagerstromia indica "natchez"</i>	D

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

I. Shrubs:

Common Name	Scientific Name	Evergreen or Deciduous
Glossy Abelia	Abelia grandiflora	E
Wintergreen Barberry	Berberis julianae	E
Japanese Barberry	Berberis thunbergii	D
Butterfly Bush	Buddleia davidii	D
Purple Beautyberry	Callicarpa dictoma	D
Camellia	Camellia japonica, C. sasanqua	E
Japanese Falsecypress	Chamaecyparis pisifera cultivar	E
Winged Euonymous	Euonymous alatus	D
Border Forsythia	Forsythia x intermedia	D
Witch Hazel Hybrid	Hamamelis x intermedia	D
Hydrangea	Hydrangea species	D
Japanese Holly	Ilex crenata cultivars	E
Chinese Holly	Ilex comuta cultivars	E
Inkberry Holly	Ilex glabra	E
Yaupon Holly	Ilex vomitoria	E
Winterberry	Ilex verticillata	D
Small Anise-Tree	Illicium parviflorum	E
Juniper	Juniperus cultivars	E
Japanese Privet	Ligustrum japonicum	E
Wax Myrtle	Myrica cerifera	E
Nandina	Nandina domestica	E
Fortune's Osmanthus	Osmanthus x fortunei	E
Zabel Skip Laurel	Prunus lauroceracus "Zabel"	E
Spirea	Spirea species	D
Viburnum	Viburnum species	D
White fringetree	Chionanthus virginicus	D
Thorny elaeagnus	Elaeagnus pungens	E
Tuscarora crapemyrtle	Lagerstromia indica "Tuscaronra"	D

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

Common Name	Scientific Name	Evergreen or Deciduous
Tuskegge crapemyrtle	Lagerstromia indica "Tuscaronra"	D
Bufford Holly	Ilex cornuta "Burfordii"	E
Laurel or Sweet Bay	Magnolia virginiana	E
Fortune Tea Olive	Osmathnus x formnei	E
Lauretinus Viburnum	Viburnum tinus	E
Azalea	Azalea indica	E
Fringetree	Chionanthus virginicus	D
Border Forsythia	Forsythia x intermedia	D
Vernal Witch Hazel	Hammamelis vernalis	D
Common Witch Hazel	Hammamelis virginiana	D
Pfitzer Juniper	Juniperus chinensis "Pfitzeriana"	E
Drooping Leucothoe	Leucothoe fontanesiana	E
Winter Honeysuckle	Lonicera fragrantissima	D
Star Magnolia	Magnolia stellata	D
Northern Bayberry	Myrica pensylvanica	E
Judd Viburnum	Viburnum x juddii	D
Doublefile Viburnum	Viburnum plicatum tomentosum	D
Warty Barberry	Berberis vermiculosa	D
Dwarf Horned Holly	Ilex comuta "Rotunda"	E
Littleleaf Japanese Holly	Ilex cranata "Micmphylla"	E
Convexa Japanese Holly	Ilex crenata "Convexa"	E
India Hawthorn	Raphiolepis indica	E
Japanese Yew	Taxus cuspidata	E

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

Section 22.4 Plant Purchasing Specifications.

1. General Conditions of Agreement:

- a. Price of bid shall include shipping and handling to the site specified by the buyer.
- b. All bids must be signed with firm name and by an officer or an employee having the authority to bind the company or firm by his or her signature.
- c. The vendor will deliver plant materials at the direction of the buyer and shall notify the buyer of the definite time of delivery.
- d. The buyer reserves the right to inspect the plant material prior to acceptance of the bid.
- e. The buyer reserves the right to inspect the plant material on nursery premises or at the delivery site and reject all material which does not meet written specifications.
- f. No substitutions in species/variety/or cultivar will be accepted without prior approval of buyer.

2. Plant Specifications:

- a. Plant materials shall comply with the recommendations and requirements of ANSI Z60.1 1990 "American Standard for Nursery Stock". All trees must be uniform in size and shape with the minimum required root ball size relative to caliper for balled and burlapped plants.
- b. The vendor will provide healthy, vigorous stock grown under climatic conditions similar to those in the locality of the planting project. Nursery stock shall be free of disease, insects, eggs, larvae, injury, and defects such as abrasions or disfigurement. Plants shipped from hardiness zones more than 2 zones away shall be approved by buyer prior to shipment.
- c. The buyer reserves the right to inspect all trees at place of growth or point of purchase for compliance with requirements for name, size, quality and quantity. A minimum of 72 hours shall be given for the scheduling of this inspection of proposed nursery stock.
- d. All trees shall be delivered from the growing site to the planting site in closed or covered truck. Plants shall be protected at all times from sun or drying winds.
- e. The vendor shall maintain all landscape material in a first class condition until product is delivered and final acceptance is granted.
- f. Trees moved by winch or crane shall be thoroughly protected from all mechanical damage to roots and trunk by means of burlap, wood battens, or other arboriculturally approved products and methods.
- g. Plant materials will be true to name and variety established by the American Joint Committee on Horticultural Nomenclature "Standardized Plant Names".
- h. Trees with natural upright growth habit will have a single, straight trunk that is well formed and sturdy. Trees with multiple leaders, unless specified, will be rejected.
- i. Lateral branching shall be plentiful and uniformly distributed. At least half the trunk should have lateral branches. Excessive pruning of lower half of lateral branches shall be cause for rejection.
- j. Trees which have been "topped" shall be rejected.
- k. Pruning scars should be clean cut leaving little or no protrusion from the trunk or branch.
- l. Trees shall be free of cold injury and sun scald.
- m. Caliper of the trunk shall be taken six inches above the ground for diameters up to and including four inch caliper size, and twelve inches above the ground for larger sizes.
- n. Trees shall be densely supplied with healthy, vigorous leaves of normal size, shape, texture, and of deep green color.

ZONING ORDINANCE FOR THE TOWN OF KERSHAW

- o. Pest or mechanical destruction shall not exceed approximately $\frac{1}{4}$ of individual leaves nor affect more than 5% of the total foliage.
 - p. Roots shall be sturdily established. Root mass shall not be excessively root bound. Kinked and circling roots are not acceptable. There shall be no large roots growing out of container.
 - q. Rooting medium shall be weed-free.
 - r. There should be no "included" bark between branches.
 - s. Live Oaks are not to be dug and transplanted before December 1st.
3. Installation:
- a. Planting shall be done in the dormant season - after leaf drop in the fall until bud break in spring - unless planting palmetto trees or special precautions are taken to ensure survival.
 - b. Plants shall be protected at all times from sun and drying winds.
 - c. The minimum rooting area for small trees should be 4x4 feet in dimension, for larger trees rooting area should be 6x6 feet. Islands should provide at least 400 square feet of rooting area.
 - d. The planting hole shall be dug as deep as the root ball and at least twice as wide.
 - e. The tree shall be placed in the hole at its original growing level.
 - f. Ropes and straps or containers shall be removed. All burlap shall be cut and removed from the upper $\frac{1}{3}$ of the rootball and wire baskets shall be cut so they do not protrude above the final grade.
 - g. Trees shall be watered sufficiently to settle the soil and thoroughly wet the root ball.
 - h. A berm or basin shall be constructed around the outside of the back-filled area to hold water.
 - i. A four inch layer of mulch shall be placed over the planting area from the outside of the berm to the base of the trunk.
 - j. The "planting area" comprises the root ball, hole, backfill, and outside rim of the berm.
 - k. Staking and guying shall only be used where support is necessary. Ties shall be made of a broad, soft, strapping material. Staking shall allow slight movement of the trunk. The use of rubber hoses are not recommended.
 - l. Pruning shall be limited to broken branches.
 - m. Fertilizer shall not be used at planting time.
 - n. Tree wrap shall not be used.
 - o. The use of root barriers is not recommended.
 - p. The contractor shall guarantee all plant material to be in healthy and flourishing condition for a period of one (1) year from the date of acceptance.

	Use Description	R-45	R-15	R-6	R-6MH	B-1	B-2	B-3	Ind.	MF	PO
	RESIDENTIAL										
	Real Estate Sales Office	C	C	C	C	ZP		ZP		C	
	Residential use allowed above first floor					ZP					
	Single Family Housing										
	Site Built Single Family Detached House	ZP	ZP	ZP	ZP		ZP			ZP	
	Modular Single Family Detached House	ZP	ZP	ZP	ZP		ZP			ZP	
	Manufactured Home				C						
	Two Family Housing			ZP	ZP						
	Duplex			ZP	ZP						
	Primary Residence w/Accessory Apartment	ZP	ZP	ZP	ZP						
	Manufactured Home Park				PC?						
	MULTI-FAMILY HOUSING										
	Multi-family Housing									ZP	
	Public/Private Care Homes				C						
	Home Occupation	ZP	ZP	ZP	ZP		ZP				
	Bed and Breakfast			C	C		C				
	Boarding House				ZP					ZP	
	Temporary Structure used in connection with construction and/or repair of permanent residence or emergency shelter	C	C	C	C						
	COMMERCIAL										
	Publicly owned unlighted golf courses & driving ranges	ZP	ZP	ZP	ZP						
	Non-commercial horticulture or agriculture except keeping of poultry, livestock or kennels	ZP	ZP	ZP	ZP						
	Accessory Use	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
	Religious Institutions	C	C	C	C	ZP	ZP	ZP			
	Private Kindergarten or Preschool Nursery		C	C	C					C	
	Cemetery	C	C	C	C	ZP	ZP	ZP		C	
	Professional Offices licensed by the State of SC				ZP						ZP
	Drug Store					ZP	ZP	ZP			
	Fruit/Vegetable Store					ZP	ZP	ZP			

	Use Description	R-45	R-15	R-6	R-6MH	B-1	B-2	B-3	Ind.	MF	PO
	Grocery Store					ZP	ZP	ZP	ZP		
	Financial Institutions					ZP	ZP	ZP	ZP		
	Barber/Beauty Shop					ZP	ZP	ZP			ZP
	Dry Cleaning/Laundry Service					ZP	ZP	ZP			
	Automobile Service Station					C		C	C		
	Bakery/Candy Store					C	C	C	ZP		
	Eating and Drinking Establishment w/o drive thru					ZP	ZP	ZP			
	Butcher Shop					C	C	C			
	Antique Shop					ZP		ZP			ZP
	Appliance, Radio, Television Store					ZP		ZP			
	Art Supply Store					ZP		ZP			
	Book, Magazine, Newspaper Shop					ZP	ZP	ZP			
	Clothing Store					ZP		ZP			
	Florist					ZP		ZP			
	Gift Shop					ZP		ZP			
	Hardware Store					ZP		ZP			
	Hobby/Toy Store					ZP		ZP			
	Household furnishings Store					ZP		ZP			
	Hat Store					ZP		ZP			
	Music Store/Record Shop					ZP		ZP			
	General/Variety Store					ZP		ZP			
	Office Supply and Equipment Store					ZP		ZP			
	Package Liquor Store					ZP		ZP			
	Paint Store					ZP		ZP			
	Camera Supply and Service Store					ZP		ZP			
	Shoe Store					ZP		ZP			
	Sporting Goods Store					ZP		ZP			
	Appliance, Radio, Television Repair Shop					ZP		ZP			
	Bicycle Repair and Sales Shop					ZP		ZP			
	Seamstress, Tailor					ZP		ZP			
	Insurance Agency					ZP		ZP			ZP
	Jewelry & Watch Repair Shop					ZP		ZP			
	Locksmith or Gunsmith					ZP		ZP			
	Medical, Dental, or Chiropractic office, clinic and/or laboratory					ZP		ZP			ZP

	Use Description	R-45	R-15	R-6	R-6MH	B-1	B-2	B-3	Ind.	MF	PO
	Office for governmental, professional, or general purposes					ZP		ZP			ZP
	Festivals, bazaars	C	C	C	C	C	C	C	C	C	C
	Photographic Studio					ZP		ZP			
	Public Utility Business Office					ZP		ZP			
	Real Estate Agency					ZP		ZP			
	School in Arts, Music, Dance, etc.					ZP		ZP			
	Secretarial/Answering Service					ZP		ZP			ZP
	Shoe Repair Shop					ZP		ZP			
	Telegraph Office					ZP		ZP			
	Telephone Exchange					ZP		ZP			
	Car Wash					C		C			
	Non profit Organization					ZP		ZP			
	Hotel, Motel					ZP		ZP			
	Publicly owned and operated building, facility or land	ZP	ZP	ZP	ZP	ZP	ZP	ZP			
	Billiard Parlor					ZP		ZP			
	Theater, excluding drive-in					ZP		ZP			
	Bowling Alley					ZP		ZP			
	Golf Course, including driving range and miniature golf course					ZP		ZP			
	Commercial, Trade or Vocational School					ZP		ZP	ZP		
	Eating and Drinking including drive-in or curb service					ZP		ZP			
	Radio and Television Station excluding transmission towers					ZP		ZP	ZP		
	Public Utility Installation or subinstallation, including water towers	C	C	C	C	ZP	C	ZP	ZP		
	Public Utility Substation or subinstallation, including water tanks and fire towers	C	C	C	C	C	C	C	ZP		
5	Garage for Auto repair and Servicing					C		C	C		
6	Auto Accessory Store					C		C	C		
	Newspaper Publishing Plant					ZP		ZP	ZP		

	Use Description	R-45	R-15	R-6	R-6MH	B-1	B-2	B-3	Ind.	MF	PO
*	Animal Hospital and/or Boarding Facility					C		C	C		
*	Manufactured Home and Recreational Vehicle Sales and Services					C		C	C		
*	Pet Shop					C		C	C		
*	Hospitals and Clinics					C		C			
*	Contractor's Office					C		C			C
	Video Game Establishment							BZA			
	INDUSTRIAL										
	Research/Experimental Laboratory								ZP		
	Transportation Terminal excluding truck terminals								ZP		
	Public building, facility or land other than a school, playground, hospital, clinic, care home or cultural facility								ZP		
	Agricultural Farm								ZP		
	Horticultural Nursery								ZP		
	Radio and/or Television Station and/or transmission tower								ZP		
	Industrial Uses								C		
	Warehouse or Storage Facility								C		
	Wholesale Business Outlet								C		
	Truck Terminal								C		
	Watchman or Caretaker's One-Family or Two-Family Dwelling								ZP		
*	Open Yard Space for the sale, rental and/or storage of new, used and salvage materials								C		
	Mini-warehouses							C	C		
*	Open Space and Storage (junk or salvage)							C	C		
	Adult Uses								BZA		

State of South Carolina	*	
	*	Ordinance #125
County of Lancaster	*	
	*	
Town of Kershaw	*	

An Ordinance To Amend the Text of the UDO Section 2.1.2, Commercial Districts, to Not Allow Tin, Metal, and Masonry Block to be Used on Exterior Walls on Parcels in the Commercial Districts of the Town of Kershaw.

WHEREAS, in order to ensure that the Town will continue to attract high quality development, an amendment to the UDO, Section 2.1.2, Commercial Districts, is needed to improve the appearance of these districts in the Town of Kershaw. The commercial districts include the following: B-1 (Central Business District), B-2 (Neighborhood Commercial District), B-3 (General Commercial District), and PO (Professional Office District).

WHEREAS, the visual attractiveness of the Town is very important in the location decisions of businesses and companies; and

WHEREAS, the facts and findings show that the proposed text amendment would be appropriate.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town Of Kershaw, in lawful assembly, that Section 2.1.2, Commercial Districts, shall be amended to add the following text to the district regulations for the B-1, B-2, B-3, and PO zoning districts:

The use of tin, metal and masonry block except split face/decorative masonry shall be prohibited on the exterior walls of any building located in the commercial districts in the Town of Kershaw. All sides of the building shall comply with this requirement with the exception of any side of a building that is not visible from any point on an adjoining street(s) right-of-way. Sides of a building that are screened with landscaping, a fence or some combination of the two shall be considered to be visible from an adjoining street. This requirement is being added to these regulations for aesthetic purposes only and has nothing to do with the enforcement of building code requirements or standards.

WHEREAS, all ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

WHEREAS, any chapter, article, section or subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

WHEREAS, the provisions of this ordinance shall become effective upon its final adoption.

First Reading: January 5, 2009

Thomas E. Baker, II
Mayor Thomas E. Baker II

Second Reading: February 5, 2009

Attest: Sandra Morgan
Town Clerk Sandra Morgan

Rose Marie Baker
Rose Marie Baker

Mark Dorman
Mark Dorman

Wade Hunter
Wade Hunter

Eddie Coates
Eddie Coates

Jabo Sims
Jabo Sims

Harold Williams
Harold Williams

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§
§

State of South Carolina	*	
	*	Ordinance # 182
County of Lancaster	*	
	*	
Town of Kershaw	*	

An Ordinance To Institute Changes to the Unified Development Ordinance of the Town of Kershaw in regards to allow Adult Day Care and Nursing Homes

BE IT ORDAINED by the Mayor and Council of the Town Of Kershaw, in lawful assembly, that:

Section 1. Establishing Adult Day Care Facilities with 6 or fewer adults

Adult Day Care Center with 6 or less adults attending shall be permitted in the R-15, R-6, R-6MF and MF districts if the following conditions are met.

- All state regulations relating to licensing such facilities are met.
- Such facility shall have a covered drop off area with a grade level entry/exit.
- Such facility is located on a lot which contains not less than twenty thousand (20,000) square feet in area.
- No structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.
- Indoor area. The building shall contain a minimum of thirty-five (35) square feet of floor area for each adult present.
- Off-street parking. Off-street parking shall be provided in accordance with the provisions set forth in Chapter 11.

Section 2. Establishing Adult Day Care Facilities with more than 6 adults

Adult Day Care with more than 6 adults attending shall be permitted in B-2 and B-3 Districts with the facility meeting all of the following criteria.

- Lancaster County Building Codes
- SCDHEC regulations and inspection criteria.

Section 3. Establishing Nursing Home Facilities

Nursing Homes shall be permitted in B-2 and B-3 Districts with the facility meeting all of the following criteria.

- Lancaster County Building Codes
- SCDHEC regulations and inspection criteria.

Section 4. Conflicting Ordinances

All ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 5. Severability

Any chapter, article, section or subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

Section 6. Implementation

The provisions of this ordinance shall become effective upon its final adoption.

First Reading: May 15, 2017

Final Reading: June 14, 2017

Mark Dorman
Mayor Mark Dorman

Attest: Sandra Morgan
Town Clerk Sandra Morgan

Eddie Coates
Eddie Coates

Gail Rogora
Gail Rogora

John S. Connell III
John S. Connell III

Sonya F. Poole
Sonya F. Poole

Harvey A. Truesdale
Harvey Truesdale

Michael Cook
Michael Cook

State of South Carolina *

*

Ordinance # 179

County of Lancaster *

An Ordinance to Allow the Annexation into the Kershaw City Limits of the 124.43 Acre Business Park property located West of Highway 521 North of the Town of Kershaw.

Tax Map Numbers of the Four Parcels

0155-00-024.1 (1.43 acres)

0156-00-002.01 (22 acres)

0155-00-023.0 (51 acres)

0142-00-134.0 (50 acres)

WHEREAS, THIS PROPERTY IS CONTIGUOUS TO THE CITY LIMITS OF KERSHAW AND IS OWNED 100% BY THE TOWN OF KERSHAW, BY SOUTH CAROLINA STATE LAW CODE SECTION 5-3-100, SAID PROPERTY CAN BE ANNEXED BY TOWN COUNCIL OF KERSHAW.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Kershaw, in lawful assembly, that:

Section 1. ANNEXATION OF THE 124.43-ACRE BUSINESS PARK PROPERTY

The following property located contiguous to the Town of Kershaw.

Section 2. SURROUNDING PROPERTY

This property is more or less bounded North/West of property owned by Norfolk Southern Railway and West of Ralph Jones Property and East of Gerald Reese Property.

Section 3: IMPLEMENTATION

The provisions of this ordinance shall be effective upon its final adoption.

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First Reading: February 20, 2017

Second Reading: June 14, 2017

Harold M. Dorman

Mayor Harold M. Dorman

Attest: Sandra Morgan
Town Clerk Sandra Morgan

Eddie Coates

Michael Cook
Michael Cook

Sonya F. Poole
Sonya F. Poole

John S. Connell III
John S. Connell III

Gail Rogora
Gail Rogora

Harvey Truesdale
Harvey Truesdale

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