

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DARLINGTON )



Doc ID: 003196510005 Type: ORD  
Recorded: 10/04/2017 at 03:42:40 PM  
Fee Amt: \$0.00 Page 1 of 5  
Darlington County, SC  
Scott B. Suggs Clerk of Court / ROD  
File **2017-15**

An Ordinance To Amend Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article Two (Activities Governed By The Ordinance), Section 2.3 (Plat Approval, Recordation) To Require New Lots To Have Direct Access, A Legal Right-Of-Way, Or Private Easement To A Public Road; And Article Five (Development Design Standards), Section 5.8 (Lot and Parcel Design Requirement) To Increase The Number Of Lots Off An Access Or Utility Easement; And Establish The Effective Date Of This Ordinance

**PURPOSE**

The purpose of this ordinance is require new lots to have direct access, a legal right-of-way, or private easement to a public road and to increase the number of lots from two to six that may be created off an access and utility easement.

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of Darlington County, South Carolina, the Darlington County Council, that:

**SECTION I.**

Darlington County Code of Ordinances, Appendix A. (Darlington County Development Standards Ordinance), Article 2 (Activities Governed By The Ordinance), Section 2.3 (Plat Approval, Recordation) which currently reads:

**Sec. 2.3. - Plat approval, recordation.**

No land subdivision plat or land development plan within the county's unincorporated areas shall be filed or recorded with the county's clerk of court until such plat has been approved by the planning commission or its designee with its affixed stamp. The filing or recording of any subdivision plat or plan without planning commission approval, per S.C. Code 1976, § 6-29-1140, is a misdemeanor. All plats shall conform to the "Standards of Practice Manual for Surveying in South Carolina," under the most recent state code of regulations. In addition, the following are required:

- Subdivisions with three or more lots shall be named. The subdivision name must be approved by E911 Addressing such that there are no duplicate names in the county;
- No plat shall be recorded that does not bear the signature and seal of a registered land surveyor;
- Any subdivider of land who transfers or sells, or negotiates to sell such land using a subdivision plat which has not been approved by the planning commission and recorded in the office of the clerk of court shall be guilty of a misdemeanor;

- All plats shall show context of subject property. For the purpose of this article, context is defined as a plat with lines and text showing the relationship of the subject property to surrounding properties with complete accurate roads, and other public and private right-of-way with complete accurate street names;
- Certify whether or not any portion of the subject property is inside the FEMA designated flood zone referencing the current flood insurance rate map (FIRM) with its effective date;
- All new lots must have direct access, a legal right-of-way, or private easement to a public road. Private easements shall be defined and labeled "Easement for Access and Utilities, only: Not A Public Road." No more than two lots may be created off of an access and utility easement (See Article 5, Section 5.8);
- Resurveys of existing lots or tracts are exempt from review. The plat shall state, "This is a Resurvey."  
and placed in an obvious location on the plat; and,
- A flag lot is defined as a lot having a narrow private access strip as its only frontage on the public road. It often resembles a mailbox flag as it is drawn with the "flag" being the lot and the "pole" being the access driveway. Flag lots are prohibited except in cases where no other feasible alternative exists to use or develop the land in question. In other words, there is no other way to configure the new lot other than with a narrow strip of land connecting the lot to the public road. Flag lots, as a means to develop residential property, are only allowed once from a single parcel, and only under the following conditions:
  1. Any flag lot must be connected to and have access to a public street. Connections to a private access easement shall not be allowed.
  2. Flag lot access must be a minimum 25 feet width with a minimum 50 feet of public road frontage.
  3. Any flag lot entrance shall not exceed 750 feet in total length and shall serve a single lot.
  4. Any flag lot access shall be privately owned and maintained.
  5. Any flag lot shall be used for only one single-family residence per lot.
  6. The connection of the driveway with the public road shall be approved by the state or county as appropriate.
  7. No further subdivision of flag lots shall be permitted.

**Be amended to read as follows:**

Sec. 2.3. - Plat approval, recordation.

No land subdivision plat or land development plan within the county's unincorporated areas shall be filed or recorded with the county's clerk of court until such plat has been approved by the planning commission or its designee with its affixed stamp. The filing or recording of any subdivision plat or plan without planning commission approval, per S.C. Code 1976, § 6-29-1140, is a misdemeanor. All plats shall conform to the "Standards of Practice Manual for Surveying in South Carolina," under the most recent state code of regulations. In addition, the following are required:

- Subdivisions with three or more lots shall be named. The subdivision name must be approved by E911 Addressing such that there are no duplicate names in the county;
- No plat shall be recorded that does not bear the signature and seal of a registered land surveyor;
- Any subdivider of land who transfers or sells, or negotiates to sell such land using a subdivision plat which has not been approved by the planning commission and recorded in the office of the clerk of court shall be guilty of a misdemeanor;
- All plats shall show context of subject property. For the purpose of this article, context is defined as a plat with lines and text showing the relationship of the subject property to surrounding properties with complete accurate roads, and other public and private right-of-way with complete accurate street names;
- Certify whether or not any portion of the subject property is inside the FEMA designated flood zone referencing the current flood insurance rate map (FIRM) with its effective date;
- **All new lots must have direct access, a legal right-of-way, or private easement to a public road. Private easements shall be defined and labeled "Easement for Access and Utilities, only; Not A Public Road." No more than six lots may be created off an access and utility easement (See Article 5, Section 5.8). All roads shall be privately maintained and is the sole responsibility of the affected property owners.**
- Resurveys of existing lots or tracts are exempt from review. The plat shall state,  
"This is a Resurvey."  
and placed in an obvious location on the plat; and,
- A flag lot is defined as a lot having a narrow private access strip as its only frontage on the public road. It often resembles a mailbox flag as it is drawn with the "flag" being the lot and the "pole" being the access driveway. Flag lots are prohibited except in cases where no other feasible alternative exists to use or develop the land in question.

In other words, there is no other way to configure the new lot other than with a narrow strip of land connecting the lot to the public road. Flag lots, as a means to develop residential property, are only allowed once from a single parcel, and only under the following conditions:

1. Any flag lot must be connected to and have access to a public street. Connections to a private access easement shall not be allowed.
2. Flag lot access must be a minimum 25 feet width with a minimum 50 feet of public road frontage.
3. Any flag lot entrance shall not exceed 750 feet in total length and shall serve a single lot.
4. Any flag lot access shall be privately owned and maintained.
5. Any flag lot shall be used for only one single-family residence per lot.
6. The connection of the driveway with the public road shall be approved by the state or county as appropriate.
7. No further subdivision of flag lots shall be permitted.

**Section 2.**

Darlington County Code of Ordinances, Appendix A. (Darlington County Development Standards Ordinance), Article Five (Development Design Standards), Section 5.8 (Lot And Parcel Design Requirements) which currently reads:

**Sec. 5.8. - Lot and parcel design requirements.**

All development subject to the ordinance involving the first division of land into lots or parcels on designated restricted access highways shall be submitted the planning commission for approval prior to the division of the property. All development subject to this ordinance involving the division of land into lots or parcels shall include, as a minimum, 20 feet of frontage on a publicly maintained road; provided, however, that the access to the 20-foot road frontage may take the form of an easement for up to two lots if the easement is shown on a plat to be recorded and referenced in a deed which plat clearly shows the easement and labels it as follows "Easement for Access and Utilities, only: Not A Public Road." Such easements may not exceed 200 feet in length unless the requirement is formally waived by the planning commission. Development sales beyond two lots do not take place along such easements. Any problems shall be reported to the planning commission.

**Be amended to read as follows:**

**Sec. 5.8. - Lot and parcel design requirements.**

All development subject to the ordinance involving the first division of land into lots or parcels on designated restricted access highways shall be submitted the planning

commission for approval prior to the division of the property. All development subject to this ordinance involving the division of land into lots or parcels shall include, as a minimum, 20 feet of frontage on a publicly maintained road; provided, however, that the access to the 20-foot road frontage may take the form of an easement for up to **six** lots if the easement is shown on a plat to be recorded and referenced in a deed which plat clearly shows the easement and labels it as follows "Easement for Access and Utilities, only: Not A Public Road." Such easements may not exceed 200 feet in length unless the requirement is formally waived by the planning commission. Development sales beyond **six** lots do not take place along such easements. Any problems shall be reported to the Planning Commission.

**Section 3.**

The provision of this ordinance shall be included and incorporated in the Code of Ordinances for Darlington County, as an amendment thereto.

**Section 4.**


This ordinance shall become effective upon public hearing and third reading.

DARLINGTON COUNTY COUNCIL

ATTEST:



J. Janet Bishop  
Clerk to Council

  
\_\_\_\_\_

Chairman

FIRST READING: August 7, 2017  
SECOND READING: September 19, 2017  
THIRD READING: October 2, 2017  
PUBLIC HEARING: October 2, 2017