



Doc ID: 003173570006 Type: ORD
 Recorded: 07/13/2017 at 11:32:48 AM
 Fee Amt: \$0.00 Page 1 of 6
 Darlington County, SC
 Scott B. Suggs Clerk of Court / ROD

File **2017-09**

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DARLINGTON)

ORDINANCE NO. 17-06

An Ordinance To Amend Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article 2 (Activities Governed By The Ordinance), Section 2.3 (Plat Approval, Recordation) And Section 2.5 (Development Design) To Update The Verbiage And Establish The Effective Date Of This Ordinance

PURPOSE

The purpose of this ordinance is to update the verbiage for better understanding.

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, roads, and other public and private right-of-way with 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 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.

Section 2.

Darlington County Code of Ordinances, Appendix A. (Darlington County Development Standards Ordinance), Article 2 (Activities Governed By The Ordinance), Section 2.5 (Development Design) which currently reads:

Sec. 2.5. - Development design.

All residential, commercial, and industrial developments shall be represented by a site/plot plan. A plot plan is not a recordable document. Site/plot plan is intended to show existing and proposed improvements to the land. Exceptions are additions and accessory structures no more than 400 square feet. All site/plot plans may be hand-drawn or prepared by a registered land surveyor, landscape architect, engineer, or licensed contractor, except for land disturbing activities one acre or more or otherwise stated in other ordinances. The developer or agent must provide three 11-inch by 17-inch or larger scaled site/plot plans to the county planning department for review and approval. Before submitting a site/plot plan, parcels considered to be developed must part or all of a recorded plat.

- A. Required elements of the site/plot plan are to include, but not be limited to:
1. Developer's name, address, and phone.
 2. Property boundaries with dimensions, and identify adjacent property owners and land uses (i.e. residential, commercial, farmland, or wooded).
 3. Road(s) layout and public roads.
 4. North arrow and vicinity map.

5. Identify existing and proposed structures, include dimensions (i.e. equipment location, fencing).
 6. Tax map number, scale (engineer scale), and date.
 7. Bodies of water (i.e. lakes, ponds, and streams), flood hazard areas, wetlands, adjacent ditches, and easements.
 8. Proposed surface covers (i.e. grass, gravel, etc), area and size of land disturbance, designated common/open space, and vegetated landscaping.
- B. Developments with land disturbance activities of one acre or more require an engineered stormwater pollution prevention plan (SWPPP) per SC DHEC or Darlington County MS4 Overlay District. See Article Seventeen — Stormwater Management Protection District.

Be amended to read as follows:

Sec. 2.5. - Development design.

All residential, commercial, and industrial developments shall be represented by a site/plot plan. A plot plan is not a recordable document. Site/plot plan is intended to show existing and proposed improvements to the land. Exceptions are additions and accessory structures no more than 400 square feet. All site/plot plans may be hand-drawn or prepared by a registered land surveyor, landscape architect, engineer, or licensed contractor, except for land disturbing activities one acre or more or otherwise stated in other ordinances. The developer or agent must provide three 11-inch by 17-inch or larger scaled site/plot plans to the county planning department for review and approval. Before submitting a site/plot plan, parcels considered to be developed must part or all of a recorded plat.

- A. Required elements of the site/plot plan are to include, but not be limited to:
 1. Developer's name, address, and phone.
 2. Property boundaries with dimensions, and identify adjacent property owners and land uses (i.e. residential, commercial, farmland, or wooded).
 3. **Complete accurate** road(s) layout and public roads.
 4. North arrow and vicinity map.
 5. Identify existing and proposed structures, include dimensions (i.e. equipment location, fencing).
 6. Tax map number, scale (engineer scale), and date.

7. Bodies of water (i.e. lakes, ponds, and streams), flood hazard areas, wetlands, adjacent ditches, and easements.
 8. Proposed surface covers (i.e. grass, gravel, etc), area and size of land disturbance, designated common/open space, and vegetated landscaping.
- B. Developments with land disturbance activities of one acre or more require an engineered stormwater pollution prevention plan (SWPPP) per SC DHEC or Darlington County MS4 Overlay District. See Article Seventeen — Stormwater Management Protection District.

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



Chairman

ATTEST:



J. Janet Bishop
Clerk to Council

FIRST READING: May 1, 2017
SECOND READING: June 5, 2017
THIRD READING: July 10, 2017
PUBLIC HEARING: June 5, 2017