AGENDA

Land-Use Ad-hoc Committee Meeting Monday, February 8, 2020 at 6:00 pm Anderson Civic Center 3027 Martin Luther King Jr Blvd. Anderson, South Carolina 29625

1. Call to Order: Chairman Tommy Dunn

2. Invocation and Pledge:

Honorable Brett Sanders

- 3. Proposed Amendments to Land-Use Chapter 38
 - a) 2021-009: Section 38-371 Minimum Lot Area & Minimum Setbacks
 - b) 2021-010: Section 38-374 Design Standards Setbacks for Residential Roads
 - c) 2021-012: Section 38-120 Setback Requirements
 - d) 2021-013: Section 38-409 Procedure for Ordinances within Article III of Ch 38
 - e) 2020-039: Flag Lots
 - f) 2020-040: Section 38-214 Summary Plats
 - g) Section 38-353d Access/Private Road Standards
 - h) 2020-035: Section 38-371 Conservation Subdivision
 - i) 2020-011: RV/Tiny Home Park Regulations (further study required)
- 4. Citizens Comments:
- 5. Adjournment:

Reference Number	Topic	Status Updates
CHAPTER 38		
2021-009 Section 38-371	Minimum Lot Areas for Lots and Minimum Setback Requirements Increase minimum lot sizes from 8,000 sqft to 10,000 sqft. Setbacks: 30 front, 12 side, 15 rear. (for lots on sewer)	2/2/2021 1 st reading Title Only (CC)
2021-010 Section 38-374	Design Standards: Setbacks lines for residential roads 30 front, 12 side, 15 rear. (on septic or sewer)	2/2/2020 1st reading Title Only (CC)
2021-012 Section 38-120	Setback Requirements 30 front, 12 side, 15 rear.	2/2/2020 1 st reading Title Only (CC)
2021-013 Section 38-409	Procedure for Ordinances within Article III of Chapter 38 County Council to approve amendments and provide the amendment to the Planning Commission. Two at-large members of the Planning Commission established by County Council.	2/2/2020 1 st reading Title Only (CC)

- (a) The following minimum dimensions apply for lots with access to public water and sewer:
 - (1) Minimum area of 8,000 sq. ft. for a single lot, when not in a zoned area of Anderson County. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply.
 - (2) For twin home lots, the minimum combined total area of both lots must be at least 8,000 sq. ft. and each lot must have a minimum area of 3,850 sq. ft. when not in a zoned area of the county. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply.
 - (3) Minimum width of 60 feet between side lot lines measured at the front setback line. Minimum width for corner lots shall be measured from the side road setback line, rather than the side lot line to accommodate the need for additional width on corner lots.
 - (4) Minimum depth as required to meet minimum area requirements as specified in subsection (a)(1) and (3) of this section.
 - (5) Minimum rear setback of ten feet from rear property line for a single family residence or a twin home.
 - (6) Minimum side setback of eight feet from the lot line shall be maintained on each side of a twin home and on both sides of a single family dwelling. Side setbacks on corner lots shall be equal to half the distance required for the front setback.
- (b) The following minimum dimensions apply for lots with access only to well and septic tank:
 - (1) Minimum area of one acre for a single lot, when not in a zoned area of the county. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply. Minimum dimensions are subject to approval of lot for septic tank by the county health department. The county health department shall notify the planning commission and the subdivider of its approval in writing. Such notification shall include, at a minimum, information sufficient for identification of the individual lot. Any area within road right of ways shall not be included in calculating the minimum acre requirement.
 - (2) For twin home lots, minimum combined total area of two acres, with each lot containing a minimum area of one acre. Any area within road right-of-ways shall not be included in calculating the minimum acre requirement. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply.
 - (3) Minimum width of 100 feet at the building line for a single family residence.
 - (4) Minimum combined width for both lots of 150 feet at the building line for a twin home.
 - (5) Minimum side/rear setback. No residence shall be placed within ten feet of a side or rear lot line.
- (c) The following minimum dimensions apply for lots with access to public water and septic tank:
 - (1) Minimum area of 25,000 sq. ft. for a single lot, when not in a zoned area of the county. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply. Minimum dimensions are subject to approval of lot for septic tank by the county health department. The county health department shall notify the planning commission and the subdivider of its approval in writing. Such notification shall include, at a minimum, information sufficient for identification of the individual lot. Any area within road right of ways shall not be included in calculating the minimum acre requirement.
 - (2) For twin home lots, minimum combined total area of 25,000 square feet, with each lot containing a

Sec. 38-374. - Setback lines from roadways.

(a) Residential roads.

- (1) Front setback. 20 feet from road right-of-way. (See Lot dimensions, setbacks above).
- (2) Sideyard setbacks. 20 feet from road right-of-way for corner lots only. (See Lot dimensions, setbacks above).
- (b) Collector roads.
 - (1) Front setback. 40 feet from road right-of-way.
 - (2) Sideyard setbacks. 40 feet from road right-of-way for corner lots only. (See Lot dimensions, setbacks above).
- (c) Arterial roads.
 - (1) Front setbacks. 50 feet from the road right-of-way. (See lot dimensions, setbacks above)
 - (2) Sideyard setbacks. 50 feet from road right-of-way for corner lots only. (See lot dimensions, setbacks above)

(Ord. No. 03-007, § 1, 4-15-03)

38-120 Setbacks

	Nonresidential Uses	Residential Uses		
Ţ.	Principal use	Principal use	Accessory Use	
Front yard setback			11	
Local road	20	20	20	
Collector road	40	40	40	
Arterial Road	50	50	50	
Side yard setback	10			
Rear yard setback	10	· · · · · · · · · · · · · · · · · · ·		

Reference Number	Tapic	Status Updates
CHAPTER 38		CONTROL OF THE STATE OF THE STA
2020-040 38-214 Amendment	Summary Plats	11/12/2020 1st reading
Section 38-353 (d)	Access/Private Road Standards	Proposed ordinance (n.d.) "this doc is not in final format it is to be used as a starting point"
2020-035 Section 38-36 38-371 amendment	Conservation Subdivision	7/21/2020 proposed changes 7/22/2020 committee agenda 8/25/2020 committee meeting 9/2/2020 committee meeting 9/16/2020 committee 10/1/2020 ad hoc committee 11/12/2020 council first reading 11/13/2020 sample ordinance
2020-011	RV/Tiny Home Park Regulations	5/13/2020 Council 1 st reading 6/18/2020 CC 2 nd reading 6/23/2020 Committee agenda 7/7/2020 CC 1 st reading (moratorium) 8/18/2020 2 nd reading council (moratorium) further study required

ORDINANCE NO. 2020-040

AN ORDINANCE TO AMEND SECTION 38-314 (SUMMARY PLATS) SO AS TO REDUCE THE NUMBER OF LOTS THAT CAN BE APPROVED ON A SUMMARY PLAT AND TO CLARIFY THE REQUIREMETS FOR COMPLIANCE WITH STORMWATER REGULATION; AND OTHER MATTER RELATED THERETO.

WHEREAS, the Anderson County Council desires to reduce the number of lots which can be approved under a summary plat;

WHEREAS, the Anderson County Council desires to clarify the requirements regarding compliance with stormwater regulations when plats are approved through the summary plat process; and

WHEREAS, the Anderson County Council concludes that it is in the best interests of orderly development that these amendments are made to the summary plat process.

NOW, THEREFORE, be it ordained by Anderson County Council in meeting duly assembled that:

- 1. Section 38-314 of the Code of Ordinances, Anderson County, South Carolina, is hereby amended to read as follows:
 - a. Section 38-314 (a)(3) is amended to read as follows:
 - (a)(3). The division of a tract of land into four (4) or less lots during any five year period where each lot fronts on an existing County or State road, provided, however, that the tract of land has not been given a new tax map number in the previous five year period.
 - b. Section 38-314(d) is amended to read as follows:
 - (d). In the case of summary plats which contain up to four (4) lots, the subdivider shall not be required to submit a drainage plan or contour maps required by section 38-312 (7) for the purpose of obtaining summary plat approval. However, a drainage plan and contour maps may be necessary for compliance with Anderson County Stormwater Management and DHEC Stormwater requirements.
 - c. The other sections of 38-314 are not amended and remain in full force and effect.
- 2. The remaining terms and provisions of the Anderson County Code of Ordinances not revised or affected hereby remain in full force and effect.
- 3. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the remainder of this Ordinance, all of which is hereby deemed separable.

	ers, Resolutions, and actions of Anderso ent of such inconsistency only, hereby repe	
5. This ordinance shall Enactment by Anderson County Cou	take effect and be in full force upon the incil.	Third Reading and
ORDAINED in meeting dul	y assembled this day of	, 2020.
ATTEST:	FOR ANDERSON COUNTY:	
Rusty Burns Anderson County Administrator	Tommy Dunn, Chairman Anderson County Council	
Lacey A. Croegaert Anderson County Clerk to Council		
APPROVED AS TO FORM:		
Leon C. Harmon Anderson County Attorney		
1 st Reading:		
2 nd Reading:		
3rd Reading:		
Public Hearing:		

- (a) All lots developed in the county from the date of the adoption of this article must be situated on or have direct access by right-of-way or easement to an approved county, state maintained road, or private road built to county standards. Direct access to any new lot must be in the form of an individual right of way or easement for each lot, not less than 20 feet in width to a county road or private road built to county standards. Direct access to a state road must be in the form of an individual right of way or easement for each lot, not less than 20 feet in width. All accesses onto state roads shall be approved in writing by the SCDOT prior to plat approval by the subdivision administrator.
- (b) No subdivision with roads to be dedicated to the county shall be allowed when the only access to the subdivision is a private road, easement or right-of-way. The access for any subdivision must be directly off a state or county maintained road; provided, however, the planning staff may allow access to a subdivision phase by private road, right of way or easement on a temporary basis where an existing phased subdivision is being developed and the required performance bond or assignment is in effect.
- (c) Where possible, access to residential lots shall be from local roads and not from arterial or collector roads.

(Ord. No. 03-007, § 1, 4-15-03; Ord. No. 2003-069, § 1d, 1-20-04)

This document is not in final format it is intended to be used as a starting point for discussion.

Proposed Ordinance

Sec. 38-353 – Access.

Section 38-353 (d). – Private Road Standards

Anderson County shall have no responsibility for nor control of the design, engineering, construction, inspection or maintenance of private driveways, drives and roads in Anderson County and shall only be involved with private driveways, drives and roads to enforce these regulations and to the extent required for the county to carry out its other duties and functions, such as approving the subdivision of property.

Private roads. Private roads shall provide vehicular access and road frontage to developments, or sections of developments, containing no more than ten dwellings. All private, nondedicated roads shall be prominently indicated as such on plats prior to subdivision approval. Maintenance arrangements for such roads must be noted in writing on subdivision plat submittals and must be subsequently recorded. The development served by a private road shall have direct access into a public road, and no such private road shall be laid out so as to serve property outside the development. All private roads shall:

- (1) Serve a maximum of 10 lots;
- (2) Have a minimum road right-of-way width of 50 feet;
- (3) Have a minimum driving surface width of 20 feet constructed of no less than six inches of compacted crushed stone or gravel base; a minimum height clearance of 13½ feet; and appropriate documentation from a professional engineer licensed by the State of South Carolina certifying the maximum weight limit of any bridge or culvert located along the drive. All bridges and any culvert over which a private drive crosses a perennial stream must include appropriate signage (located at each end of the bridge) displaying the structure's weight limits;
- (4) Be maintained by an association of property owners or the developer and be designated on all plats and recorded in appropriate deed covenants and restrictions, or an appropriately executed private roadway easement as defined by these regulations;
- (5) Be legally certified for compliance by a surveyor/engineer licensed by the State of South Carolina;
- (6) Be named in accordance with adopted E-911 addressing regulations; and road sign name
- (7) Meet all stormwater management and sediment control regulations;

- (8) Have installed signs that control the traffic flow in a safe manner as specified by standards in the Manual for Uniform Traffic Control Devices.
- (9) With the exception of the requirements put forth in this section, all private roads shall meet the requirements for all public roads as defined by this article.
- (10) Be properly approved in writing by designate official prior to submission of plat(s) to the register of deeds for recording. The following shall be prominently printed on the plat(s):

"THE ROAD RIGHT-OF-WAY SHOWN ON THIS PLAT SHALL BE PRIVATE ROADS, NOT OWNED, MAINTAINED OR SUPERVISED BY ANDERSON COUNTY AND NOT CONSTRUCTED PURSUANT TO ANY PLAN FOR FUTURE ACCEPTANCE BY ANDERSON COUNTY. ROAD RIGHT-OF-WAY SHOWN UPON THE PLAT SHALL NOT BE ACCEPTED FOR MAINTENANCE BY ANDERSON COUNTY AT ANY TIME IN THE FUTURE UNLESS CONSTRUCTED IN ACCORDANCE WITH ALL ANDERSON COUNTY REGULATIONS.

MAINTENANCE OF THE RIGHT-OF-WAY SHALL BE THE RESPONSIBILITY OF THE ______."

SAMPLE Conservation Subdivision Ordinance FOR DISCUSSION PURPOSES ONLY- 11/13/2020

NOTE! This document is NOT a formal proposal from staff. It is intended to be used as a starting point for discussions.

Open Space Residential Development

1) Intent

- An Open Space Residential Development is a residential subdivision in which dwellings are situated on the most developable portion of the site in exchange for the preservation of substantial amounts of open space for recreational, environmental, and ecological reasons.
- The purpose is to provide a method of land development that permits variation in lot sizes without an increase in the overall density of population or development.
- Advantages- allows subdivision of land into lots of varying sizes that
 provide home buyers a choice of lot sizes according to their needs, while
 preserving open space, tree cover, scenic vistas, natural drainage ways,
 and outstanding natural topography.
- These measures are intended to prevent soil erosion and flooding by allowing development to occur according to the nature of the terrain; provide larger open areas with greater utility for rest and recreation; and encourage development of more attractive and economical site design.

2) Open Space Development General Provisions

<u>Minimum Lot Area</u>- There is no required minimum lot area per dwelling unit unless otherwise required by DHEC.

<u>Yard Requirements</u>- There is no minimum lot width, except as required by DHEC and/or the International Building Code.

Open Space Ownership, Dedication, and Management

- Ownership of Open Space The owner and developer, or subdivider, shall select land dedicated for open space purposes and type of ownership.
 Type of ownership may include, but is not necessarily limited to, the following:
 - 1. The County, subject to acceptance by the governing body;
 - 2. Other public jurisdictions or agencies, subject to their acceptance;

- 3. Non-profit or quasi-public organizations committed to the protection and conservation of open space, subject to their acceptance;
- 4. Homeowner or cooperative associations or organizations; or
- 5. Shared, undivided interest by all property owners within the subdivision.
- Maintenance of open space The person(s) or entity identified above, as
 having the right to ownership or control over open space, shall be
 responsible for its continuing upkeep and proper maintenance.

3) Open Space Residential Development

Minimum Areas- The minimum tract area for an open space residential development shall be two (2) acres. The minimum area shall consist of contiguous parcels, not divided by an existing public or private road or a recreational or navigable body of water.

Setback and Buffers- No structures shall be erected within 25 feet from any external lot line of any Open Space Development, otherwise no front, side, or rear setbacks are required for internal lots. Front setbacks from existing roads will be consistent with the requirements outlined in the appropriate zoning district. A minimum Type 1 Bufferyard will be provided for all Open Space Residential Developments along all external lot lines. For developments of greater than 100 lots, the Bufferyard will be increased to a Type 2 Bufferyard when adjacent to any existing single-family residential development or road.

Permitted Density

The overall number of dwellings allowed in an Open Space Development shall be a function of minimum allowable lot size. See Table A.

Permitted Uses

- Single-Family Detached Dwellings
- Single-Family Zero Lot Line Dwellings
- Single-Family Attached Dwellings

Single-family attached dwellings are permitted subject to the following requirements.

A. A maximum percentage of the total number of allowable dwelling units may be single-family attached as shown on **Table B**.

- B. Attached units must be contained within the subdivision and not part of any exterior lot except in those areas where exterior lots are adjacent to land zoned for commercial, office or multifamily development.
- C. Attached units may be a duplex, or up to 6 attached units per structure.
- D. Attached units shall not be located on preexisting platted lots within a subdivision.

Required Open Space

In an Open Space Development, a minimum percentage of the total acreage must be designated as open space. The required open space in may include both developable and undevelopable land, as defined in Definitions. Of that land dedicated for open space, a minimum of TO BE DETERMINED percent of the total open space must be considered developable land, as defined in Definitions.

Not more than **TO BE DETERMINED**% of the required common open space may be used for active recreation; playgrounds, golf courses, and multi-use ball fields. With the exception of paved walking paths, the active recreation areas used to meet the common open space requirements may not contain impervious surfaces.

Land dedicated as open space shall be of meaningful proportions and dimensions so as to be consistent with the purpose and intent of this section. The open space shall be contiguous to the extent practicable. Land dedicated to open space shall not include land dedicated for uses such as community swimming pool(s), clubhouse(s), and similar uses.

Recreational lakes or ponds used for storm water management may be included in the land designated as open space. Fenced detention or retention areas used for storm water management shall not be included in the calculation of required open space.

Minimum Lot Area/Permitted Densities for Single-Family Residential

The minimum lot area for conventional zoning, and densities (units/acre) provided for in each open space development option may be found in the following table. All densities are based on the total number of dwelling units divided by the total number of acres (both developed land and undeveloped land). For unzoned areas, minimum lot area shall be based on current standards codified in Chapter 38.

Table A- Minimum Lot Area/Permitted Densities for Single-Family Residential

	<u> </u>
Conventional	Open Space
Development	Development
Minimum Single-Family	Units/Acre
Detached Lot Size*	
8000 SF	20
8000 SF	7
8000 SF	10
8000 SF	5.4
8000 SF	5.4
10,000 SF	4.3
12,000 SF	3.6
15,000 SF	2.9
20,000 SF	2.2
40,000 SF	1.1
	Development Minimum Single-Family Detached Lot Size* 8000 SF 8000 SF 8000 SF 8000 SF 10,000 SF 12,000 SF 15,000 SF

Table B- Minimum Required Open Space and Maximum SF Attached Percentages

	ZONING DISTRICT							
	R-M, RM1, RM2, M-A, R-M7	R-D	R-8	R-10	R-12	R-15	R-20	R-40
% Required Open Space	10%	10%	15%	15%	15%	20%	25%	30%
SF Attached % Allowed	100%	100%	30%	30%	20%	20%	15%	None

Density Bonus

Density Bonuses will be allowed for preservation of greater open space than required. A density bonus of 0.1 additional units/acre for each additional 5% of Open Space provided, up to a maximum of 15% of allowable density will be allowed.

NOTE: Council may wish to explore other density bonus mechanisms to encourage specific uses or items of concern (affordable housing, additional stormwater management, public uses/trails, etc.)

Council may also wish to consider allowing lot size averaging using a defined methodology.

Reference Number	Topic	Status Updates
CHAPTER 38		
2020-039	Flag Lots	6/23/2020 CC discussion (Davis) 7/15/2020 committee discuss 11/12/2020 1st reading
	Deletion of special exception items from zoning ordinance to require certain uses that may fall into the commercial land use category.	7/22/2020 committee agenda 9/2/2020 Committee Agenda

ORDINANCE NO. 2020-039

AN ORDINANCE TO AMEND SECTION 38-359 (FLAG LOTS) OF THE ANDERSON COUNTY CODE TO FURTHER DEFINE AND CLARIFY THE CIRCUMSTANCES FOR THE USE OF FLAG LOTS WITHIN ANDERSON COUNTY; AND OTHER MATTERS RELATED THERETO.

WHEREAS, the Anderson County Council desires to further define and clarify the circumstances under which flag lots may be utilized within Anderson County; and

WHEREAS, the Anderson County Council believes the Amendments to Section 38-359 of the Anderson County Code will provide for uniform and consistent application of the standards for the use of flag lots within Anderson County.

NOW, THEREFORE, be it ordained by Anderson County Council in meeting duly assembled that:

1. Section 38-359 of the Code of Ordinances, Anderson County, South Carolina, is hereby amended to read as follows:

Sec. 38-359. Flag Lots

- (a) No More than ten percent of the lots in a subdivision containing more than 20 lots shall be flag lots. Subdivisions containing at least three and no more than 20 lots shall have a maximum of two flag lots.
- (b) No more than two pole portions of a flag lot may access a county or state road at any given location. Flag lots must be spaced at least 125 feet apart at the point of access on a local road, at least 250 feet apart at the point of an access on a collector road, and at least 400 feet apart at the point of access on an arterial road. Each side of a road shall be separately considered for meeting the distance standards of this section.
- (c) Pole portions of a flag lot must each be a minimum of twenty feet wide, must have driveway pipe sized in accordance with section 38-631, and must have sight distances in accordance with Section 38-611.
- (d) Unless the pole portions of the flag lot contains a roadway built to county road standards, the plat for the flag lot must clearly mark the pole portion of the flag lot as a private driveway.
- (e) The pole portion of each flag shall contain a driveway sized and maintained to allow the passage of emergency vehicles.
- 2. The remaining terms and provisions of the Anderson County Code of Ordinances not revised or affected hereby remain in full force and effect.

- Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the remainder of this Ordinance, all of which is hereby deemed separable.
- All Ordinances, Orders, Resolutions, and actions of Anderson County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and
- rescinded. This ordinance shall take effect and be in full force upon the Third Reading and Enactment by Anderson County Council. **ORDAINED** in meeting duly assembled this _____ day of _____, 2020. ATTEST: FOR ANDERSON COUNTY: Rusty Burns Tommy Dunn, Chairman Anderson County Administrator Anderson County Council Lacey A. Croegaert Anderson County Clerk to Council APPROVED AS TO FORM: Leon C. Harmon Anderson County Attorney 1st Reading:_____ 2nd Reading:_____

3rd Reading:

Public Hearing:

38-171-173	Land use public notification in un-zoned areas	7/22/2020 Planning Committee Adopted 2,000 feet notification Staff Implementing
2019-030	Zoning Advisory Groups	3/6/2019 ZAG update 4/18/2019 committee discuss 7/16/2019 CC 1 st reading 8/6/2019 CC 2 nd reading 8/20/2019 CC 3 rd reading— unanimous Committee Dissolved
2020-034 38-312 38-118f amendment	Traffic Impact Study & Preliminary Plat Requirements - traffic impact study shall be included with the preliminary plat. Any changes to the traffic study or preliminary plat must be resubmitted to the Planning Commission	11/12/2020 first reading 11/20/2020 second reading 12/15/2020Final reading/approval Staff Implementing
2019-014 2019-015	Commercial equipment storage in residential zones	3/6/2019 committee agenda 3/15/2019 committee agenda 4/2/2019 CC 1 st reading 4/16/2019 CC 2 nd reading 8/5/2019 committee discussion 8/14/2019 committee meeting 9/17/2019 CC 1 st reading 10/1/2019 CC 2 nd reading 10/15/2019 CC 3 rd reading Staff Implementing
Resolution 2016- 049	Innovative Zoning Classification	12/6/2016 Resolution 2016-049 signed Staff Implementing
2020-031	Ch 70 Art 5: New Zoning District Classifications & R-A setbacks	10/6/2020 1 st reading 11/12/2020 2 nd reading 12/15/2020 CC Public Hearing Final reading/approval Staff Implementing