

**ORDINANCE NO. 2021-010**

**AN ORDINANCE TO AMEND SECTION 38-374 OF THE CODE OF ORDINANCES, ANDERSON COUNTY, SOUTH CAROLINA REGARDING SETBACK LINES FOR RESIDENTIAL ROADS; AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, land use and development standards is a matter of concern within the unincorporated areas of Anderson County;

**WHEREAS**, it is necessary to revise and amend the land use and development standards from time to time; and

**WHEREAS**, the Anderson County Council desires to amend Section 38-374 of the Code of Ordinances, Anderson County, South Carolina to better protect the health, safety, and welfare of Anderson County citizens.

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

1. Section 38-374(A) of the Code of Ordinances, Anderson County, South Carolina, is hereby amended to read as follows:

(a) Residential roads.

(1) Front setback. 30 feet from road right of way. (See Lot dimensions, setbacks above).

(2) Sideyard Setbacks. 15 feet from road right of way for corner lots only. (See Lot dimensions, setbacks above).

2. Section 38-374 (b) and (c) are unchanged by this Ordinance.

3. The remaining terms and provisions of the Anderson County Code of Ordinances not revised or affected hereby remain in full force and effect.


4. 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.

5. 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and actions of Anderson County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

6. 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 16<sup>th</sup> day of March, 2021.

**ATTEST:**

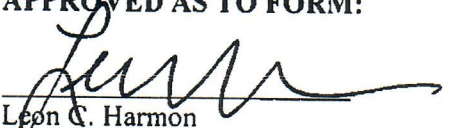
  
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Rusty Burns  
Anderson County Administrator

  
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M. Phyllis White  
Assistant Clerk to Council

**FOR ANDERSON COUNTY:**

  
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Tommy Dunn, District #5, Chairman

**APPROVED AS TO FORM:**

  
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Leon C. Harmon  
Anderson County Attorney

1<sup>st</sup> Reading: February 2, 2021

2<sup>nd</sup> Reading: February 16, 2021

3<sup>rd</sup> Reading: March 16, 2021

Public Hearing: March 16, 2021

## EXHIBIT A

### Sec. 38-120. - Setbacks.

- (a) Definition. A setback is a required distance between a building or building line and the nearest property line.
- (b) Purpose. The purpose of setback regulations are to ensure the provision of light and open space between structures, to accommodate future road widenings at the lowest possible cost, and to prevent the crowding of development.
- (c) Standards. All buildings and structures, including the expansion of existing buildings and structures, shall meet or exceed the following minimum setback requirements. However, fences and walls shall be allowed along the property line, unless otherwise specified by bufferyard requirements.

	Nonresidential Uses		Residential Uses	
	Principal use	Accessory use	Principal use	Accessory use
Front yard setback				
Local road	30	Note 1	30	30
Collector road	40	Note 1	40	40
Arterial road	50	Note 1	50	40
Side yard setback	15	Note 3	Note 4	Note 5
Rear yard setback	15	Note 3	15	Note 5

#### Notes:

- (1) Front yard setbacks for the principal use shall apply to accessory uses, except that freestanding sign structures may be located in the required setback area; provided such structures shall be no closer than five feet to any property line.
- (2) Side yard setbacks are required on one side only, except that commercial condominium projects are allowed to share interior property lines; provided that a 20-foot setback shall be required on the end units; further provided that such projects (buildings) shall not exceed 600 feet in length, parallel to the road providing principal access. Where buildings are grouped on the same lot, forming a shopping or business center, a 20-foot side yard setback shall be required on each end of the project.
- (3) Accessory uses may be located in the required setback area, but not in any required bufferyard.
- (4) a. For single mobile home dwellings, a five-foot setback shall be required on both sides.
  - b. 1. For duplexes and twin homes a setback shall be required on both sides as outlined in subdivision regulations in article III.

2. For townhouses, there shall be no minimum between units, but a 15 foot setback shall be required between the end unit and the exterior project property line and between buildings on the project site. No more than 16 units may be attached.  
  
For patio homes, an eight foot setback shall be required on one side only, and between the end unit and the exterior project property line.
  3. For twin homes the setback shall be required on the opposite side of the common wall which splits the home. Each lot on each side of the twin home shall meet the minimum lot sizes and dimensions, of the subdivision regulations in article III.
  4. For multifamily and attached single family dwellings not covered above, a 25 foot setback shall be required between the exterior unit(s) and the exterior project property line, and between buildings on the project site.
- (5) a. Accessory buildings, tennis courts, swimming pools, and other structures may be located within the required setback area; provided said uses shall be located no closer than three feet to the property line. If located in the setback area, buildings and other structures shall not exceed one story or 15 feet in height, nor 600 square feet in gross floor area, and shall occupy no more than 30 percent of the required setback area.
- b. Satellite dishes, ham radio towers and conventional TV antennas shall observe the minimum building setback line for the principal building to which they are accessory.
- c. Kennels and pens may be located within the required setback area; provided the adjacent use is not residential. If the adjacent use is residential, these uses shall observe the minimum building setback line for the principal building to which they are accessory.
- (d) Measurements. Required setbacks shall be measured from the nearest property line perpendicular to the building line. Where the property line extends to the center of a road, the measurement shall be made from the road right-of-way line.
- (e) Modifications. The following modifications shall apply where applicable:
- (1) Whenever 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.
  - (2) Where a lot fronts on two nonintersecting roads, or two intersecting roads forming an angle of 60 degrees or less, front yard setbacks shall be provided on both roads.
  - (3) For corner lots a front yard setback shall be required on the road of higher classification ranked in the following order: (1) arterial, (2) collector, (3) local; or in the case of two equally classified roads, the road having the higher traffic volume. A second front yard setback of one-half the depth shall be provided on the lower classified road or the one having the lower traffic volume.
  - (4) Notwithstanding the front yard setbacks of this section, the front building line of any proposed building may be as close to the road as the average front building line of the buildings fronting on the same block and within 200 feet of the proposed use.
- (f) Projections into setback (yard) area. The following shall be permitted to project into the required setback area:
- (1) Eaves, chimneys, cornices, gutters, and other minor architectural features projecting less than 24 inches from the main building.
  - (2) Unenclosed steps not extending above the first floor level and not closer than three feet to a property line.
  - (3) Retaining wall of any necessary height, but not closer than 18 inches to a road line.
  - (4) A protective hood or overhang over a doorway may extend not more than five feet into the required minimum setback area.

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- (g) Setbacks at road and driveway intersections. Where a driveway intersects a road, or a road intersects another road, any and all buildings, structures, or hedges shall be set back a sufficient distance from such intersection to assure visual clearance. However, structures or hedges less than 2½ feet in height, structures (poles) less than 12 inches in diameter, and freestanding signs at least nine feet above ground, may be permitted in such visual clearance areas.
- (h) All driveways and parking areas shall be located at least three feet from any property line, except the property line(s) where they intersect with a road.

(Ord. No. 03-007, § 1, 4-15-03)