

**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 as shown in the example on Exhibit A. 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 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.


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.

4. 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.

5. This ordinance shall take effect and be in full force upon the Third Reading and Enactment by Anderson County Council.

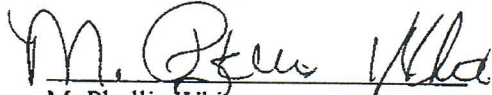
**ORDAINED** in meeting duly assembled this 16<sup>th</sup> day of March, 2021.

**ATTEST:**

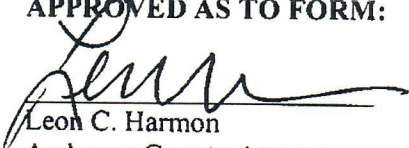
  
Rusty Burns  
Anderson County Administrator

**FOR ANDERSON COUNTY:**

  
Tommy Dunn, District #5, Chairman

  
M. Phyllis White  
Assistant Clerk to Council

**APPROVED AS TO FORM:**

  
Leon C. Harmon  
Anderson County Attorney

1<sup>st</sup> Reading: November 12, 2020

2<sup>nd</sup> Reading: March 2, 2021

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

Public Hearing: ~~March 16, 2021~~  
March 2, 2021

# EXHIBIT A

