

ORDINANCE NO. 2024-042

AN ORDINANCE TO AMEND SECTION 24-335 OF THE CODE OF ORDINANCES, ANDERSON COUNTY, SOUTH CAROLINA, TO PROVIDE THAT THE LAND USE ADMINISTRATOR PRESENT TO THE PLANNING COMMISSION A REPORT REGARDING THE PROPOSED DEVELOPMENT; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Anderson County, South Carolina, a body politic and a corporate and political subdivision of the State of South Carolina, acting by and through the Anderson County Council, previously adopted section 24-335 of the Anderson County Code of Ordinances; and

WHEREAS, Anderson County Council desires to amend section 24-335 to provide that the Land Use Administrator present a report to the Planning Commission regarding a proposed subdivision development and to update this section of the Code for consistency with current procedures and state agency identification.

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


1. Section 24-335 of the Code of Ordinances, Anderson County, South Carolina, is hereby amended to read as shown on Exhibit A attached hereto.
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and actions of Anderson County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.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 15th day of October, 2024.

ATTEST:


FOR ANDERSON COUNTY:



Rusty Burns
Anderson County Administrator



Tommy Dunn, District #5, Chairman



Renee Watts
Clerk to Council

APPROVED AS TO FORM:



Leon C. Harmon
Anderson County Attorney

1st Reading: September 17, 2024

2nd Reading: October 1, 2024

3rd Reading: October 15, 2024

Public Hearing: October 15, 2024

Exhibit A

Sec. 24-335. Review procedure; staff report; approval.

Prior to making any physical improvements on the potential subdivision site, the applicant shall create a preliminary plat containing the information required by section 24-336 and submit said plat for approval by the planning commission in the following manner:

- (1) One copy of the application form and two complete preliminary plats along with a digital copy shall be turned in to the planning department at least 60 working days, prior to any planning commission meeting at which the subdivider would like the plat to be discussed. Additional copies of the application and preliminary plat should be provided to the planning department upon request.
- (2) The land use administrator shall convene a review committee within 30 working days to discuss the proposal with the applicant. The review committee shall consist of the land use administrator and representatives of the County, roads and bridges, wastewater and stormwater departments. The land use administrator shall also send a copy of the preliminary plat for review and comments to the appropriate school district, fire marshal, EMS, the utility providers, and South Carolina Department of Transportation (DOT), if state roads are impacted. The applicant may submit a revised application and preliminary plat within 10 working days following the review committee meeting.
- (3) Prior to review of the preliminary plat by the planning commission, the land use administrator shall review the preliminary plat.
 - a. Should the land use administrator determine that the information provided on the preliminary plat is not in conformance with the requirements set forth in section 24-336, the land use administrator shall reject the preliminary plat. Notice of such rejection, as well as a list of all missing or incorrect information, shall be conveyed to the applicant in writing.
 - d. If the land use administrator determines that the information provided on the preliminary plat fulfills the requirements of section 24-336, the land use administrator shall submit a written report to the planning commission and place discussion of the preliminary plat on the agenda for the next planning commission meeting. The written report of the land use administrator shall be recorded in the minutes of said planning commission meeting.
- (4) At the planning commission meeting during which the preliminary plat is scheduled to be discussed, the land use administrator shall present his report to the planning commission. The planning commission shall then vote to approve, reject or table the preliminary plat for recommendations from the planning commission during said meeting. In the event of a tie vote on either a motion to approve, reject or table the preliminary plat, the planning commission shall consider the matter at its next meeting, which shall not trigger the 40 day period for which the preliminary plat shall be deemed approved as submitted. Should the planning commission fail to vote to approve or reject the preliminary plat within this 40-day period, the plat shall be deemed to be approved as submitted.
 - a. If the planning commission votes to reject the preliminary plat, it shall make its grounds for such rejection known for the public record, and shall notify the applicant of such rejection, including the grounds for rejection, in writing. The applicant may then submit a corrected preliminary plat, which will be considered in the same manner as a newly submitted preliminary plat.
 - b. If the subdivider submits a corrected preliminary plat as provided in subsection a. above and it is rejected by the planning commission, no further preliminary plats may be submitted for this property within the next 90 days.
 - c. If the planning commission votes to approve the preliminary plat, such approval shall be noted and certified by the land use administrator. The subdivider shall be notified of the planning commission's approval within ten working days of the vote to approve the preliminary plat.

d. In addition to the standards set forth in this article and the report of staff, the planning commission will also take into consideration the following criteria when making its decision to reject or approve a preliminary subdivision plat:

1. Public health, safety, convenience, prosperity, and the general welfare.
2. Balancing the interests of subdividers, homeowners, and the public.
3. The effects of the proposed development on the local tax base.
4. The ability of existing or planned infrastructure and transportation systems to serve the proposed development.

(5) Approval of the preliminary plat constitutes general approval by the planning commission of the road alignments, dimensions, layout, shape of lots and proposed rights-of-way. However, review and approval by other departments and governmental agencies must also be obtained, including, but not limited to, stormwater permits from county stormwater management and the Department of Environmental Services (DES), which must be obtained prior to beginning land disturbing activity. A list of appropriate review agencies shall be maintained and available at the planning & development office. This list shall be periodically reviewed and updated.

(Code 2000, § 38-311; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2018-049, §§ 1, 2, 12-4-2018; Ord. No. 2021-036, § 1, 8-17-2021; Ord. No. 2022-004, § 1, 4-19-2022; Ord. No. 2022-022, § 1, 6-29-2022)