

RECODE YORK COUNTY

Zoning & Subdivision Codes Rewrite



CHAPTER 154: LAND DEVELOPMENT CODE

SUBCHAPTER A: INTRODUCTION

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SUBCHAPTER A: INTRODUCTION¹

§ 154.001 TITLE.

This Chapter is known and may be cited as the Land Development Code of York County,² and may be cited and abbreviated as the “York County Land Development Code,” the “Land Development Code,” or the “LDC.”

§ 154.002 PURPOSE.³

The purpose of this Chapter is to protect and promote the public health, safety, and general welfare of the County by providing for the orderly development of land within the County. These regulations are established for the following specific purposes:

- (A) To implement the Comprehensive Plan;
- (B) To encourage the development of an economically sound and stable County;
- (C) To assure the timely provision of required streets, utilities, and other facilities and services to new developments;
- (D) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new developments;
- (E) To assure the provision of needed public open space and building sites in new developments through the dedication or reservation of land for recreational, educational, and other public purposes;
- (F) To assure, in general, the wise and timely development of new areas and redevelopment of previously developed areas in the County;
- (G) To conserve the County’s natural and environmental resources;
- (H) To preserve agricultural land and working farms; and

¹ This Subchapter introduces the Land Development Code and provides cross-references to other relevant Code section, as recommended by Codes Assessment Recommendation 04-12.

² This Section updates the short title of the current “Subdivision Code” to the new “Land Development Code (LDC)” based on Codes Assessment Recommendation 04-2.

³ This Section carries forward the Subdivision Code’s current purposes in § 154.003(A)(1) through (6) and adds new purposes (7) through (9).

(I) To establish procedures for processing development applications that encourage appropriate and streamlined land use decisions.

§ 154.003 AUTHORITY.⁴

This Chapter is adopted pursuant to the authority conferred by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Title 6, Chapter 29, of the South Carolina Code Annotated, as amended.

§ 154.004 APPLICABILITY.⁵

(A) **In General.** This Chapter applies to all land divisions and land development within the unincorporated areas of York County.

(B) **Land Development.** Non-residential and multi-family residential developments are subject to the provisions of this entire Chapter.

(C) **Major Subdivisions.** Major subdivisions are subject to the provisions of this entire Chapter.

(D) **Minor Subdivisions.** Minor subdivisions are subject to the provisions of this entire Chapter except **Subchapter B: Subdivision and Site Design Standards** and **Subchapter C: Infrastructure Standards**.

(E) **Individual Plats for Land Divisions.**⁶

(1) Individual plats for the types of land divisions listed below are subject to the provisions of this entire Chapter except **Subchapter B: Subdivision and Site Design Standards** and **Subchapter C: Infrastructure Standards**.

(a) The division of land by will or inheritance under the statute of descent and distribution;

(b) The division of property into lots of a minimum of five acres that does not involve construction of new streets or improvements to an existing street;

⁴ This Section carries forward the provisions of § 154.001: AUTHORITY.

⁵ This Section states generally that all development and land division is subject to the LDC and carries forward the provisions of §§ 154.002: JURISDICTION and 154.013: EXEMPTIONS with minor revisions.

⁶ This Section carries forward provisions for exempt subdivisions from §§ 154.003(A)(6): PURPOSES; 154.013 EXEMPTIONS; 154.025 PLATTING REQUIRED. It is consistent with the administrative policy for Major/Minor Subdivisions (dated April 28, 2020).

(c) The division of property for the placement of utilities. "Utilities" means unmanned facilities including electrical substations, water tanks, cellular towers, repeater stations, and the like;

(d) The combination or recombination of portions of previously platted lots where the total number of lots is not increased. The term "previously platted" means lots platted, approved, and recorded in accordance with this Chapter or lots that were platted before the adoption of subdivision regulations; and

(e) Family divisions of land that meet the following requirements:

1. The property to be divided must be a minimum of ten acres prior to any division of land pursuant to this section, and must be located within the Agricultural Conservation or the Rural Development Zoning Districts;

2. The grantor must have owned the property for a minimum of 20 years and may grant up to two exempted lots per year;

3. Property must be conveyed by deed from the grantor to another member of the grantor's immediate family (mother, father, children, grandchildren, brothers, sisters, and stepchildren). Individuals listed as the grantor's spouse, aunt, uncle, cousin, in-law or the like do not qualify. A trust or trustee for individuals under 18 years of age are not permitted for this exemption. A deed indicating property conveyance from one family member to another shall be submitted along with the plat;

4. Grantees that have previously received land from other family members or from other properties within the unincorporated areas of York County, pursuant to this family exemption, are ineligible to receive additional lots; and

5. Lots created under the family exemption shall be titled in the name of the grantee for a period of not less than three years, unless such lots are subject to involuntary transfer including, but not limited to, court order, foreclosure, death, judicial sale, condemnation, or bankruptcy.

(2) If a lot created by a land division listed in § 154.004(E)(1), above, has less than 25 feet of road frontage on an existing State or County maintained road, a 25-foot minimum access easement shall be obtained connecting the proposed lot(s) with a State or County maintained road.⁷

⁷ This Paragraph (D)(2) carries forward a requirement that currently applies to family land divisions and division of land for utilities. Proposed here is to expand the applicability of this provision to all types of land divisions specified in Paragraph (D)(1).

(a) This easement shall be granted by deed and delineated on a plat recorded with the Clerk of Court.

(b) A disclaimer shall be placed on the plat identifying the proposed access easement as a private access easement not eligible for County road maintenance.

(3) Lots created by a land division listed in § 154.004(E)(1), above, that are less than two acres in size are required to submit written approval from the South Carolina Department of Health and Environmental Control (DHEC) for septic or an agency that will supply sewer. This includes the portion of the lot that is remaining if it is less than two acres.

§ 154.005 APPROVAL REQUIRED BEFORE CONSTRUCTION.⁸

(A) No person shall proceed with any construction work on a proposed subdivision or land development, including grading, clearing, or grubbing, before obtaining approval of the construction plans. Construction work includes carrying out any building activity or the making of any material change in the use or appearance of any structure or land.

(B) However, prior to approval of a preliminary plat or construction plans, the Planning and Development Services Director may authorize limited selective clearing for the purpose of conducting an evaluation of the site for an on-site wastewater system if the clearing:

(1) Is the minimum necessary to conduct the site evaluation; and

(2) Is conducted in accordance with an approved Land Disturbance Permit for sites that are part of a Larger Common Plan (LCP), as defined by § 152.010, or for sites that are not part of a LCP where the site evaluation activities are anticipated to disturb 10,000 square feet or more of the site.⁹

(C) The applicant may clear sight lines for surveys and provide access for boring equipment, when necessary, if any related disturbance of the site is the minimum needed to obtain required information for the final engineering plans.

§ 154.006 APPROVAL REQUIRED FOR PLAT FILING.¹⁰

(A) **Filing of Subdivision Plats.** No plat of the subdivision of land within the unincorporated areas of the County shall be filed with or recorded by the Clerk of Court until the plat has been submitted to and approved by the Planning and Development Services Director according to the procedures set forth in this Chapter. A deed should not be recorded by the Clerk of Court

⁸ This Section carries forward § 154.012: *Limitations*.

⁹ This Paragraph codifies the administrative policy on clearing associated with site evaluations for on-site wastewater systems permitted by the SCDHEC, dated June 24, 2019.

¹⁰ This Section carries forward § 154.025(A), (B)(1), and (B)(2) [Platting Required].

involving property required to be approved as stated above, unless a plat is prepared in association with the deed and stamped approved accordingly.

(B) **Exempt Plats.** The plats listed below do not require approval by the Planning and Development Services Director prior to recording with the Clerk of Court.

(1) Divisions of property upon court order including, but not limited to, judgements of foreclosure; and

(2) Plats that do not create new property lines. These types of plats shall include the statement “No New Lots or Property Lines Established” and include the following:

(a) Surveys that accurately represent approved parcels shown on the York County Zoning Maps;

(b) Surveys that are for the purpose of transferring approved parcels from one person to another;

(c) Surveys that are for the purpose of indicating improvements found on a parcel;

(d) Surveys that are for the purpose of indicating topography, easements, rights-of-way, record names, data, and other similar conditions; and

(e) Surveys in which the only property line established is a County or State maintained road. Defining an existing County or State maintained road with bearings and distances is not considered establishing a new property line. This Code recognizes County and State maintained roads as property lines.

§ 154.007 APPROVAL REQUIRED FOR LAND AND INFRASTRUCTURE ACCEPTANCE.¹¹

No street, right-of-way, or land shall be accepted or maintained; nor shall any water lines, sewerage, street lighting, or similar improvements be extended or connected; nor shall any certificate of occupancy be issued by any Department of the County for any building or other improvements that has not been approved by the Director and met the requirements as prescribed by this Chapter.

¹¹ This Section carries forward § 154.025(B)(3).

§ 154.008 RELATIONSHIP TO OTHER REGULATIONS.¹²

(A) This Chapter works in conjunction with **Chapter 155: Zoning Code** and the other chapters in **York County Code Title XV: Land Usage** to regulate the development, redevelopment, and use of land and structures in the County.

(B) The use and development of land and structures is subject to all applicable requirements of this Chapter, **Chapter 155**, and all other applicable requirements of the York County Code and state and federal law.

(C) In their interpretation and application, the provisions of this Chapter are considered the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general welfare. Meeting the minimum requirements of this Chapter may not be sufficient to meet minimum requirements of **Chapter 155** or other chapters of the County Code or state or federal law.

(D) When applicable regulations conflict with one another, the provisions of **§ 154.289: Conflicting Regulations** apply.

(E) Unless exempted by **Chapter 152: Stormwater Management and Sediment Control**, the disturbance, grading, and/or altering of land in York County without site plan approval is prohibited.

(F) The Director shall develop and maintain the York County Land Development Manual (the Development Manual) that will be reviewed and adopted by County Council, the terms and provisions of which may be amended by County Council. The Development Manual shall serve as guidance for the design, construction, and maintenance of land development activities. The Development Manual shall be used to assist in the design and evaluation of land development projects in York County. The Development Manual will include additional guidance on matters addressed by this Land Development Code, including tree conservation, landscaping, the design of streets, curbs, driveways, sidewalks, and pedestrian paths.¹³

§ 154.009 RESERVED.

¹² This expanded Section carries forward the provisions of § 155.426 EROSION AND SEDIMENT CONTROL REQUIREMENTS, defines the relationship between the Land Development Code and the Zoning Code, and cross-references other applicable County Code Chapters (e.g., Chapter 152: Stormwater Management and Sediment Control) or policy documents (e.g., Land Development Manual) to implement Codes Assessment Recommendation 04-12. New

¹³ Paragraph (F) implements Codes Assessment Recommendation 04-8 to locate land development standards and technical specifications to a separate Land Development Manual.