

**AN ORDINANCE GOVERNING THE DEVELOPMENT OF LAND WITHIN THE COUNTY OF GEORGETOWN, SOUTH CAROLINA, AND ALL LAND WITHIN THE DEVELOPMENT JURISDICTION OF THE COUNTY OF GEORGETOWN, SOUTH CAROLINA AND PROVIDING FOR DESIGN STANDARDS, REQUIRED IMPROVEMENTS, AND THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF.**

**BE IT ORDAINED AND ENACTED BY THE COUNTY COUNCIL OF THE COUNTY OF GEORGETOWN, SOUTH CAROLINA, IN COUNCIL ASSEMBLED.**

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**ARTICLE 1**

**APPLICABILITY**

**SECTION 1: SHORT TITLE**

This Ordinance shall be known as the “Development Regulations of Georgetown County, South Carolina.”

**SECTION 2: AUTHORITY AND ENACTMENT CLAUSE**

This Ordinance is adopted pursuant to the authority granted under General Statutes of South Carolina, Code of Laws, Title 6, Chapter 29, Article 7, Sections 6-29-1110 through 6-29-1200.

**SECTION 3: JURISDICTION**

The standards contained herein shall hereafter govern all land development with the development jurisdiction of the County of Georgetown as now or hereafter established. An official copy of the map showing the subdivision jurisdiction of the County of Georgetown shall be filed in the Register of Deeds, and shall bear the seal of Georgetown County under the following words: “This is to certify that this is the Official Subdivision Jurisdiction Map referred to in Article 1, Section 3. of the Development Regulations adopted by Georgetown County on \_\_\_\_\_ and recorded with the Register of Deeds in Plat Book \_\_\_\_\_ at Page \_\_\_\_\_.

**SECTION 4: PURPOSE**

For the purpose of providing for the orderly development of Georgetown County and its environs through control and regulation of the subdivision of land.

The standards contained herein are intended to encourage the following:

1. Promote sound planning practices;
2. Promote the wise distribution of development in order to avoid congestion and overcrowding;
3. Protect the public health, safety, and general welfare;
4. Allow for cost saving efficiencies;
5. To assure the timely provision of required streets, utilities, and other facilities and services to new and existing land developments;
6. Coordinate street improvements with existing or planned streets;

7. To assure the timely provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
8. To assure that population and traffic are distributed in order to avoid congestion and overcrowding;
9. To assure the provision of needed public open spaces and building sites in new land developments though the dedication or reservation of land for recreational, educational, transportation, and other public purposes;
10. To assure that development is compatible with adopted comprehensive plan, zoning ordinance, official map, and capital budget;
11. To assure compatible development in areas subject to flooding or other detrimental influences- natural or manmade;
12. To assure adequate rights-of-way for automobile or alternative modes of transportation, utility, and environmental purposes;
13. To encourage new and innovative design alternatives to promote creativity and flexibility in development; and,
14. To assist in the coordination between governmental and public service authorities to provide orderly development and ensure continuity of regulatory standards.

**SECTION 5: SUITABILITY OF THE LAND**

The Planning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed. Land subject to frequent flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions. Fill may not be used to raise land in areas subject to flooding unless the fill proposed does not restrict the flow of water and unduly increase flood heights. Fill used in area subject to flooding shall have the approval of the Ocean Coastal Resource Management (OCRM) and/or the U.S. Army Corps of Engineers.

**SECTION 6: AMENDMENTS**

From time to time this Ordinance may be amended by the County Council of Georgetown County after holding a public hearing thereon, the time and place of which shall be duly advertised in a newspaper of general circulation in the County at least thirty (30) days prior to said hearing; provided, however, that no amendment shall become effective unless it shall have been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have sixty (60) days within which to submit its report; provided, however, that the County Council may waive these requirements and grant an extension of time. If the Planning Commission fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

**SECTION 7: VIOLATIONS AND PENALTIES**

Unless otherwise provided, any person, firm or corporation who violates the provision of this Ordinance, or the owner or agent of the owner of any land to be subdivided within the jurisdiction of this Ordinance who transfers or sells or agrees to sell any, or advertises to sell

such land by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the Planning Commission and recorded in the Register of Deeds in and for the County of Georgetown, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars, or imprisoned for not less than ten (10) days nor more than thirty (30) days, or both for each lot or parcel so transferred or sold or agreed to be sold, and each day such violation continues shall constitute a separate offense. The description of metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from these penalties. Nothing herein shall preclude the County of Georgetown or its designated agent from taking such other lawful action as is necessary to prevent or remedy any violations.

**SECTION 8: APPEALS TO DEVELOPMENT REGULATIONS**

Any appeal to the Development Regulations stated herein may be taken to Circuit Court within thirty (30) days after disapproval of final plat by the Planning Commission.

**SECTION 9: SEPARABILITY AND VALIDITY**

Should any section, paragraph, clause, phrase or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part of provision thereof, other than the part so decided to be invalid or unconstitutional.

**SECTION 10: INTERPRETATION AND CONFLICT**

The standards and provisions of this Ordinance shall be interpreted as being the minimum requirements necessary to uphold the purpose of this Ordinance and for the protection of the health, safety, economy, good order, appearance, convenience and welfare of the general public. Whenever this Ordinance imposes a higher standard than that required by other resolutions, ordinances, rules or regulations, easements, covenants or agreements, the provisions of this Ordinance shall govern. When the provisions of any other statute impose higher standards, the provisions of such statute shall govern.

**SECTION 11: REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

**SECTION 12: EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after the date of its adoption by the County Council of Georgetown County.

Adopted this \_\_\_\_\_.

**SECTION 13: APPLICATION OF ORDINANCE**

No plat of the subdivision of any land within the territorial jurisdiction of Georgetown County shall be filed with or recorded by the Georgetown County Register of Deeds until such plat shall have been submitted to and approved by the Planning Commission according to the procedures set forth in this Ordinance. No street or other public way or land shall be accepted or

maintained, nor shall any water lines, sewage, street lighting or similar improvements be extended or connected, nor shall any permit be issued by any department of the County for construction of any building or other improvement in any development established hereafter which has not been approved by the Planning Commission.

**SECTION 14: TYPES OF DEVELOPMENTS**

- 14-1. Major Subdivision. To provide the necessary infrastructure to support medium to high-density development. For the purpose of the regulations, subdivisions resulting in more than ten (10) lots shall be considered a major subdivision.
  
- 14-2. Minor Subdivisions. The intent is to lessen the required improvements on lots that are being developed, in that a limited number of houses will be served and the construction and maintenance of any infrastructure will be the obligation of the recorded owner. For the purpose of the regulations, when a parcel of land is divided so that the resulting plat contains ten (10) or fewer lots it may be considered a minor subdivision. If expanded beyond ten (10) lots within ten (10) years, the entire subdivision shall be improved to the requirements for a major subdivision.
  
- 14-3. Platting Actions. Those plats or plans that require the review and approval of the Planning Commission or designee as provided for in Title 6, Chapter 29, of the South Carolina Code of Laws and further defined in Article 2 of this Ordinance.

**SECTION 15: DEVELOPMENT APPROVAL REQUIRED**

Any owner of land lying within Georgetown County wishing to divide such land into two (2) or more lots, sites or divisions, for the purpose of either immediate or future sale or building development, or wishing to re-subdivide for this purpose, shall submit a plan of such proposed development to the Georgetown County Planning Commission for approval and shall obtain such approval prior to the filing of his development of land for recording.

No plat of a development of land within Georgetown County shall be filed or recorded by the Register of Deeds of Georgetown County without the approval of the Planning Commission as specified herein.

No plat or survey date shall be older than twelve months from date of submission for approval of the Planning Commission (*Amended Ord 2010-05*).

**SECTION 16: APPLICATION OF PROCEDURES TO SUBDIVIDE**

Minor subdivisions are required to meet only the final procedures required by Article 3. All other subdivisions are required to follow the standard procedures for submission and approval as required in Article 3.

**SECTION 17: PLATS EXEMPTED FROM STANDARD PROCEDURES**

Plats that fall into any of the following categories shall be exempt from the standard development review and approval procedure. The developer shall submit six (6) copies of the final plat to the Planning Staff. If the plat conforms to the standards of Article 4 and other applicable ordinances, the Staff shall approve the plat. One (1) copy of the approved plat shall be placed in the development files and five (5) copies shall be returned to the developer for recording purposes.

1. The division of land into parcels of five (5) acres or more when no new street is involved provided adequate access is in place.
2. The combination or recombination of previously platted lots where the total number of lots is not increased, the resultant lots meet the minimum standards of this and other ordinances and no other features of the plat are changed.
3. The creation of lots on previously approved existing streets (public or private) with approved utilities.
4. Plats that have been granted Development Approval by the Planning Commission and conform to the approved set of plans.
5. Platting Action as defined in Article 2.