Darlington City Council

City Council Workshop

November 19, 2024, at 5:30 pm

400 Pearl Sreet, Darlington SC 29532

Present: Mayor Boyd, Councilwoman Angela McRavin, Councilwoman Shelia Baccus, Councilman John Milling, Councilman Bryant Gardner, Councilman John Segars, Cheryl DuBose, Lacie Weatherford and a room full of visitors.

Mayor Boyd called the meeting to order at 5:30 pm.

Prayer led by Mayor Boyd.

Pledge of Allegiance led by Mayor Boyd.

A) **Discussion of Leo's Pizza Business License**

   Mayor Boyd said that they were not going to discuss the matter tonight.

B) **Discussion of Zoning and Subdivision Ordinance Workshop – Shelia Jones**

Ms. Shelia Jones came before council because she had been asked to review the areas of concern in the proposed Zoning and Subdivision Ordinance. Ms. Jones said that she was asked to go through some things, I guess, so that they can make changes and can get to Mr. Eubanks. Most importantly, we were talking about the schedule of lot requirements by

district, and so the fire department at the last meeting prefers not less than 10 feet from the side and rear, and so we would like for those to be changed. I also looked at, on the new one, it has (page 13) so side and rear setbacks, we don't want those any less than 10 feet, so that would have to change the medium density and high density, and the traditional neighborhood, as well as the neighborhood commercial, the light commercial, and the general commercial, all of those, increase those to 10 for the side and the rear, and then also the front, they removed the front setback on the commercial. We understand, and it is in our current ordinance, that core commercial doesn't have setbacks, and that's fine, but we want to, for you all to consider keeping the setbacks for general commercial, as well. We feel like those should still be set off the road and not be able to build right on the property line. On those, maximum height, and stories. Maximum height and stories, they have the traditional neighborhood as three instead of 2.5. 2.5 is in all the rest of the residential districts, and so I feel as though the traditional neighborhood, the TN neighborhood, is only going to come out of the high-density neighborhood, then that maximum height should also be 2.5. There's no reason to increase it anymore because we're already talking about very small lots. I would like to ask Mr. Eubanks in the industrial for the maximum percent of the lot occupied by the building in our old ordinance was 100 percent, and that's been dropped to 50 percent. I would just like clarification from him why we're choosing to drop that. Then if you go down to the parentheticals at the bottom, in parenthetical B, it says for new planned communities in TN or greater of five lots, front setback may be less than the required minimum. I don't see any reason to have a front setback any less than what is required. Could you read B again? It says for infill development, front setbacks must meet required minimums for new planned communities in TN or greater of greater than five lots, front setbacks may be less than minimum required minimum. I think that that part should be taken out. I don't think it should matter from a building standpoint and from an aesthetic standpoint for our community. That if it's five, whether it's four or whether it's six, whether it's ten, we should still maintain appropriate setbacks from the street or from the side. I suggest that it just remains what is the recorded setback that we have on here, which for that one would be fifteen from major streets and 10 from minor streets. I don't think

that our front setback should change. Change it to ten and that would mean, if we do that, then that would mean that parenthetical D, side setbacks may be less than five feet of all applicable building codes and fire codes. That would be a new point because we're not going to allow them to be less than five feet. So that parenthetical D could be removed altogether. Councilman Milling stated that Ms. Jones said something back early in the discussion about side and rear setbacks that's related to maybe general commercial or core commercial and asked her to go back over that again. Ms. Jones stated that not so much core commercial because our core commercial doesn't have setbacks now but our general commercial and light commercial, those do provide for setbacks on our current building requirements. I can get those current building requirements so I can tell you what they currently are, but I think that those should be maintained. Councilman Milling asked Ms. Jones was it general commercial that she was concerned about? She said yes because that's all South Main Street. That's all South Main Street and likely that would be as stuff annexes into the city off the bypass and hopefully Main Street, North Main Street, Pearl Street. If there's anything that gets annexed in or something that's newly built, it needs to maintain. Councilwoman McRavin wants to know the eight feet that's currently the side setback in MD, you want to change that to ten as well? Ms. Jones stated "Yes, ma'am. Nothing less than ten. No setback less than ten." Councilman Gardner wanted to know why is it safe for our core commercial but not for the residential? Ms. Jones said because our core commercial is likely not going to expand from what it currently is. Our core commercial is our city center, and it already is zero setbacks. As we expand as a city, then likely our core commercial is not going to expand in that respect. We'll have neighborhood commercial, those areas that are closer to the neighborhoods but our core, what we already have now, is going to be what it is likely. Then as we expand out and we have multifamily and apartments and general commercial and light commercial, we'll have those setbacks for that. Councilman Gardner said he just doesn't think he understands. I mean, I'm trying to think just from my house perspective. Between me and John Milling, I mean, I just don't see there's ten feet between my house and my lawn. I mean, is there more? John, what do you think? There should be.

What do you think our property line is at that fence where our property lines meet? How much feet do you think is on my property between my house and your property line? Councilman Milling said the houses, the subdivision regulations call for 15 feet between the side of the house and the property line. So, there should be 30 between me and you. I don't know whether that was done by ordinance because the subdivision was developed before we had the zoning, or by the subdivision regulations. Ms. Jones said there actually, in your neighborhood, in that district, the low density or what we now call R10, it is 15 feet, as Mr. Milling said, but they're lowering that to 10. Councilman Gardner asked if we were fine with that? Yeah, I just, with the medium high density and TN, I just, at 10, it doesn't, feasibility, in my mind, doesn't work for two reasons. One of them is we have two different issues we have to deal with. One of them is changing yards from how homes were built in the 70s versus how they're built today. My yard is decently sized, but if you go into the country club too, like, my parents' yard where I grew up, or I'll just point out Mike Sprott here because I was talking to him earlier, his yard is huge. It would be a burden.

I would be annoyed to have to cut that grass every summer. It's not what I would want to live with. My brother's home probably has 5 feet of grass, but 10 feet before you get to the steps of his neighborhood.

In between the homes, they're 10 to 15 feet in between them and their beautiful homes. It's just a different lifestyle. Some people want a large yard. Some people don't want the maintenance of the yard but we have the issue of all of these infill lots that we've been trying to figure out and if we set them to 10 and 10 everywhere, I'm not sure that those lots are going to be usable and that's been a concern of our board. And so I'm wondering if we're now making those lots unbuildable. Thus, people are paying taxes on land that they can never develop. Ms. Jones said she had that concern also and I took the 40-foot lot on 2nd Street, and I took 10 feet off of each side, and that left 20 feet. So, I googled house plans, 20-foot-wide houses. There are a lot of houses that are 20-foot wide. Some of them are 80 feet long, two stories. Some of them are one story. So, it's buildable but, you know, again, I understand your concern. I have that same concern, but I did google house plans, and there are plans out there that are 20-foot wide. Councilman Milling asked are they going to be 1,500 square feet total or

being 20 feet wide, are they going to be 1,200 square feet? Ms. Jones said there were 1,500 feet. There were 1,200. One of them was 1,210 square feet. Downstairs was very much like a traditional home, living room, dining room, kitchen, bathroom. Upstairs were a master bedroom or primary bedroom and two other bedrooms. So, it was a three-bedroom home. So it is possible to do it, but that would be council's decision. It is buildable from that perspective. Councilman Gardner stated that "I'm just uncomfortable with that. Mayor Boyd said I thought we had said at one time that we could get an 8 on some of the infill lots on that end. I don't know why we jumped to 10. What you said back, did you say 8 was fine?" Chief Cavanaugh said we've done a lot of research, and I'm going to tell you all up front, we've had this conversation. Some of the things that changed my mind was the fire we had on West Broad Street. I invited a couple of you down there. Those houses were within 10 feet, and it still scorched a house on the right, and it burnt two cars on the left. And you had a minimum of 10 feet, so there were 20 to 25 feet in between the house and the vehicles. We pulled up on one house. There were two young children in diapers looking out the glass door as the place was burning. I understand what you guys the council, you're saying. You guys have the final say. I'm looking out for, like I said before, what the fire department can do, what our water supply can make us demands that we can function with, and the manpower situation to make it easy. I understand we need people in, and I'm all for that. I just ask that we don't overtax everything that we have trying to make big places in and make an issue. Yeah, there are some areas that have big places. You go to Conway, but they have large water supplies. They have class one fire departments with plenty of manpower. These are the recommendations I put forth. There are different things. Some people say there's problems with ventilation when you have five-on-five. There are privacy issues with five-on-five. There are different issues you could have on five-on-five. You can go online and look. There are fire safety issues. Some fire departments are working distance. If you have a five-on-five and you have a large fire and you're trying to work in between the two houses, ultimately, it's going to be up to you. These are the recommendations we have just for safety, to keep the community safe. That's my job. We would like to keep it at ten but that's only going to be up to you guys.

I've done the research. We've looked, and Chief Bailey and I and Sheila have talked about what we're comfortable with. I know it may make some folks unhappy, but like Sheila said, there are homes you can build. Mayor Boyd asked If there's a house, we're in the infield section, okay, and there's a house over here five feet or eight feet away, whatever it is on the west side. If I decide I want to build a house five feet away from the line, can I still build a house if I fire rate the wall? Chief Cavanaugh said the fire codes are calling for zero to five, but still, I'll tell you this one here. Yep, we do have houses in town. Some are five and some are eight. Those are problems that we inherited as the fire department and me as the fire chief. I know those houses are there. Those are issues in my mind. The more we build, that's like stacking more problems. I mean, I know we're going to deal with the issues we have now, but don't tax us and make more problems by doing more houses closer together. It's a safety factor. We discussed this about yards. I'll throw in my opinion whether it means anything or not. If there's a lot between my house and Ms. Baccus's house that's 35 feet, I would be intent to buy that thing to make my yard grow bigger. There's options out there, but this fireside, we're recommending the 10 feet just for the safety of it. And I know we're talking about a big development. To me, if I had a big development, a bigger yard, it would be a little bit nicer. And here you're talking about five feet. Five feet. Five feet times 100. Okay, that's five extra yards. So, if we say we lose a house or two in the development because of that 10 feet, have we really lost a lot? That's not up to me to decide. Councilman Gardner said that the problem is we're trying to, in the same process, develop new developments that are for a different person who may not want a large yard. But then we also have to figure out how do we get developers to come into our city. And what you're doing is you're just making the cost more and more as well. And so, the problem, so if you take a lot and you say they can build a certain amount of homes, and then you double the amount in between the homes, and you're cutting down on the amount of homes that they can build and their profit. But then also you're cutting down on the people who want to have a smaller yard, who want to have relationships with their neighbors in a different style home. It's just something maybe some of us around here aren't comfortable seeing, but I would suggest that we travel, and we look at Summerville and we look at Charleston and we look at all these other

communities around the state and Florence. Just go over to Florence if you need. And you can see those homes together, how they're being built and flourishing as a neighborhood. Doubling it from five to ten, which is really twenty, is going to change the whole point of us redoing these ordinances. Councilwoman Baccus I don't think so. I don't agree with that. I think ten, in my opinion, is not going to make a difference. If they lose a house or two in their development, then they lose a house or two in their development. But we're talking about people's lives. And we're talking about citizens who build a house, and I want to be comfortable in my house knowing that if my neighbor's house catches on fire, my house is not going to burn down. So, I think if they lose one or two houses in their development, then they're still profiting. I don't think we need to put profit above people's lives. So, I'm fine with the ten. It makes more sense to me. Chief Cavanaugh stated that "My job was to bring you, my facts. Whatever you decide as council is your decision. We will act if we have to. We will do what we have to accordingly to prepare. I was asked to bring my opinions and my findings from doing a lot of research, and that's what we found out." Mayor Boyd said the old lots, I mean, do we know? We're saying there's like 200 old lots out there. We don't know how far the older house is from the line. Chief Cavanaugh said that would be an issue when they get the old lots up. Mayor Boyd said what I'm saying is, we're trying to fill in these old lots. If you've got a house that's ten feet from the line already, and then we build the other house, if they have to stay, when I say it's 12 feet from the line, this house could come closer to the line. Chief Cavanaugh said that it would depend on how you word it in your ordinance. Councilman Gardner wanted to know why would we make it more restrictive? That doesn't make any sense. Chief Cavanaugh said "Why do you want to add more on to what we already got? "Councilman Gardner said eight's tough right now. It's been fine, and nobody's ever brought it as a safety issue until now. So now we're adding an additional four feet. I just don't get why we're making it more restrictive. The whole point of us spending money on this, guys, was to make our community more developable, not less. Councilwoman McRaven said two feet isn't going to make a developer say, never mind. If you lose two houses off 11 acres, because you had to make your setbacks two feet wider on each side, and you lose two houses, you have not lost that much of a profit. Our

issue, yes, we are trying to make things developable. However, we also have to always keep in mind the safety of our citizens. If someone doesn't want to develop because of a two feet setback, then they're not the developer for us. Mayor Boyd said I don't think the issue is much so as the large development coming in, where else, somewhere like that. Go ahead and set those up at ten feet. The issue is how to fill these lots that are sitting here empty. There's about 200 of them. Councilwoman McRavin said there's a lot of them, and as a person who lives on this side of town, and see a lot of those lots, those lots are still developable. Bill actually showed us plans for even that small lot right there at the railroad track on Hickory. That was only 20-some-odd feet, and they were still able to use the setbacks and build a house that was a two-story house that had like 900 square feet. What you're talking about with the infield, those houses on that side of town, anyway, are not 3,000 square feet. So, we're not looking to build a house that's 2,000, 3,000 square feet. So, you're trying to make certain that the housing that's there is sort of comparable to what's existing. So, these setbacks, making them ten feet, is not going to destroy that and is not going to make it where people cannot build there. You'll still be able to build these infield properties and maintain safety for the residents. We've had this discussion before, and I guess when we go in and take a vote, it'll be one thing, but I can't see us making anything less than this. Councilman Milling asked if there's going to be a demand for 900 square foot houses? I just don't know enough to know. In a two-story home? Councilman Baccus said there are a whole development now of people that's moving into tiny homes. They're moving out of these big houses, and they're moving into tiny homes. So, there's a whole movement of that going on now. Now you're talking about comparing low-density areas to high-density areas. In a high-density area, we're talking about giving them ten feet on each side. That's a safety thing as compared to something in a low-density area, which is the area you're referring to.

Councilman Milling stated I was just asking the question about what kind of demand there is as we're talking about building infield houses as a practical matter of people looking for houses 900 square feet, 1,200 square feet, 1,500 square feet. Ms. Jones said that 1,200 to 1,500 square foot houses can be built on a 40 by 80 lot. A 40 by 80 house, the lot that I was looking at was 100, which is a lot of our high-density R6 area is skinny long

lots. Councilwoman Baccus said people are constantly moving now into tiny homes and out of those big houses, especially the elderly people. Councilman Gardner said so we're going to have more space in between the homes than the size of the home. I get the reaction because that's how it sounds in my mind, too. I just don't agree with getting more restrictive in our medium, high-density and TN neighborhoods than what our current ordinances are on the books. That just doesn't equate in my mind. I don't understand that. Councilwoman Baccus said from what I'm understanding, from talking to different people, different people who build homes, coming to Darlington because of the size of a home is not the reason they're not coming to Darlington. There are all these other things in the ordinances that's keeping them from coming to Darlington. The difficulty of just getting permits and whatever it takes to even want to build homes in Darlington has nothing to do with sizing. Unfortunately, there are already problems just coming to Darlington. Councilman Gardner the developers I've talked to, when I've heard that same complaint, I asked them, I said, are you talking about the city or the county? Nine out of ten of them say what, Ms. Sheila? Well, I'll say it for myself, the county. Councilwoman Baccus said not the ones I've spoken to. Those are the ones you mentioned you have spoken to. Not the one I have spoken to. It's the city.

Council, Ms. Jones and several concerned citizens continue to have a lengthy discussion on the new proposed changes. The following items were discussed and decided on:

1) **Setbacks for HD (High Density Residential) and TN (Traditional Neighborhood) agreed to 8' for infill (existing recorded parcels) and developments and newly divided parcels the setback will be 8' and 5' or less must be in accordance with current building and fire code.**

2) **Maximum Height (Stories) – Change TN to 2.5 – Consistent with High Density**

3) **Front Setbacks for NC, LC, and GC - Change to 25 for Major Streets and 20 for Minor Streets**

4) **Master Plan Requirements – Add statements from the Fire Chief and Director of Water and Sewer regarding the impact the proposed development will have on current infrastructure.**

5) **Sexual Oriented Businesses – Will not be allowed in the city limits.**

6) **Mobile Homes – Will not be allowed in the city limits unless it is in an approved mobile home park.**

7) **Agriculture, Farm – Will not be allowed in the city limits.**

8) **Change non-conforming to 180 days and add language to ensure people have a chance to fix their properties but in excess.**

9) **Parking Storage and use of non-recreational vehicles and equipment in Residential Zones – a. we will add the language, "Standard Sized Pick-Up Trucks & Cars with commercial decals are excluded" to (2).**

B. The language in (1) will also need to change. Collaboration with Mr. Eubanks to get the language correct.

C. City updates given by Mayor Boyd.

December 7 Christmas Parade 2:15 pm

December 7 Santa Picture in Wells Park 6 pm

December 8 Kiwanis Christmas Tree Lighting

December 20 Movie Night Wells Park 6 pm

Mayor Boyd stated that the engineer of the Splash Pad had turned it over to DHEC to get a variance.

Mayor Boyd stated the Ballfields are looking good and the 2025 season is still on schedule.

Motioned by Councilman Milling to adjourn. Seconded by Councilman Gardner. All in favor.

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Mayor Curtis C. Boyd

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Lason Weatherford, secretary