

## Chapter 36

### SUBDIVISION AND LAND DEVELOPMENT REGULATIONS\*

#### Article I. In General

- Sec. 36-1. Title.
- Sec. 36-2. Authority.
- Sec. 36-3. Purpose.
- Sec. 36-4. Jurisdiction.
- Sec. 36-5. Enumerated.
- Sec. 36-6. Maintenance bond.
- Sec. 36-7. Street name and traffic-control signs.
- Sec. 36-8. Variances.
- Sec. 36-9. Amendments.
- Sec. 36-10. Violations and penalties.
- Sec. 36-11. Interpretation and conflict.
- Sec. 36-12. Appeals of decisions of planning commission.
- Secs. 36-13—36-40. Reserved.

#### Article II. Application

- Sec. 36-41. Planning commission approval required; recordation of development plans.
- Sec. 36-42. Recording of plats.
- Sec. 36-43. Plats which have not been recorded.
- Sec. 36-44. Recording unapproved land development plan or plat; penalty; remedies.
- Sec. 36-45. Relation of subdivision regulations to other land development.
- Sec. 36-46. Subdivision names.
- Sec. 36-47. Street names.
- Secs. 36-48—36-80. Reserved.

#### Article III. Plat/Plan Submissions and Review Procedures

- Sec. 36-81. General.
- Sec. 36-82. Preliminary plans.
- Sec. 36-83. Preliminary plan application.
- Sec. 36-84. Final preconstruction plan application.
- Sec. 36-85. Final as-built plat application.
- Sec. 36-86. Certification of construction.
- Sec. 36-87. Waiver of administrative procedures.
- Secs. 36-88—36-120. Reserved.

#### Article IV. Design Standards

- Sec. 36-121. General provisions.
- Sec. 36-122. Streets and roads.
- Sec. 36-123. Utility improvements and standards.

\***Editor's note**—Ordinance No. 99-12-15, adopted December 20, 1999, enacted new land development regulations included herein as a new chapter 36. The former chapter 36 pertained to similar subject matter and was derived from Ordinance No. 99-4-2, adopted April 19, 1999

**Cross references**—Any ordinance regarding subdivision plat approval saved from repeal, § 1-9(8); buildings and building regulations, ch. 6; community development, ch. 9; floods, ch. 18; planning and development, ch. 26; public works, ch. 28; utilities, ch. 40.

**State law reference**—South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976, § 6-29-310 et seq.

## ORANGEBURG COUNTY CODE

- Sec. 36-124. Blocks.
- Sec. 36-125. Lots.
- Sec. 36-126. Building lines.
- Sec. 36-127. Water and sewer systems.
- Sec. 36-128. Drainage system.
- Sec. 36-129. Flood hazard areas.
- Sec. 36-130. Markers.
- Sec. 36-131. Engineering certification.
- Sec. 36-132. Changes in approved plans and specifications.
- Sec. 36-133. Maintenance of improvements.
- Secs. 36-134—36-170. Reserved.

**Article V. Mobile/Manufactured Home Rental Parks**

- Sec. 36-171. Mobile/manufactured home rental parks.
- Secs. 36-172—36-200. Reserved.

**Article VI. Planned Unit Developments (PUD)**

- Sec. 36-201. Generally.
- Sec. 36-202. Qualifications.
- Sec. 36-203. Preliminary plan requirements.
- Sec. 36-204. Final preconstruction plan requirements.
- Sec. 36-205. Final as-built plat requirements.
- Sec. 36-206. Planned unit development design criteria.
- Sec. 36-207. Changes in approved PUD preliminary plans.
- Sec. 36-208. Changes in approved PUD final as-built plats.
- Sec. 36-209. Improvements.
- Sec. 36-210. Other provisions to apply.

## SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

§ 36-5

**ARTICLE I. IN GENERAL****Sec. 36-1. Title.**

This chapter shall be known as the "Land Development Regulations of Orangeburg County, South Carolina."

(Ord. No. 99-12-15, § 13.5-1, 12-20-1999)

**Sec. 36-2. Authority.**

These subdivision regulations are adopted under the authority granted by S.C. Code 1976, §§ 6-29-310—6-29-1200 (otherwise known as the South Carolina Local Government Comprehensive Planning Enabling Act).

(Ord. No. 99-12-15, § 13.5-2, 12-20-1999)

**Sec. 36-3. Purpose.**

The purpose of these regulations is to establish procedures and standards for the development and subdivision of real estate in the county by providing for the orderly development of land. These regulations are established for the following specific purposes, among others, as stated in the 1994 Comprehensive Act of South Carolina:

- (1) To encourage the development of an economically sound and stable county;
- (2) To assure the timely provision of required streets, utilities and other facilities and services to new land developments;
- (3) To assure the adequate provision of safe and convenient traffic access and circulation both vehicular and pedestrian in and through new land developments;
- (4) To assure the provision of needed public open space and building sites in new land development through the dedication or reservation of land for recreational, educational and other public purposes;
- (5) To assure in general the wise and timely development of new areas in the county in harmony with the comprehensive plan of the county.

(Ord. No. 99-12-15, § 13.5-3, 12-20-1999)

**Sec. 36-4. Jurisdiction.**

The standards and provisions contained herein shall hereafter govern all land development and subdivision within the unincorporated areas of Orangeburg County as now or hereafter established.

(Ord. No. 99-12-15, § 13.5-4, 12-20-1999)

**Sec. 36-5. Enumerated.**

When used in this chapter, certain words and terms shall have meaning herein defined. Words and terms herein defined shall have their customary definitions. The term "shall" is mandatory; the word "may" is permissive. The word "lot" includes the words "lot" or "parcel"; the word "structure" includes the word "building"; the word "used"; or "occupied"; as applied to any land or building, shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words intended, arranged or designed to be used or occupied. The word "person" includes a firm, association, partnership, trust company or corporation, as well as an individual, and the term, "planning commission" refers to the Orangeburg County Planning Commission; the term "county council" refers to the legally constituted and elected governing body of Orangeburg County. The term "land development" is a change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks or similar developments for sale, lease, or any combination of owner and rental characteristics.

When not inconsistent with the content, words used in the singular number include the plural, and those used in the plural number include the singular. Words used in the present tense include future tense.

For the purposes of this chapter, the following definitions are included here because of their being essential to avoid misunderstanding the intent of the provisions:

*Administrative officer* means any such person that shall be designated by the county administrator to oversee subdivision regulations.

*Applicant* means an individual, a developer, organization, company or group submitting an application for development.

*Beginning* means for survey purposes a well-defined, readily located, and permanent point or monument that is the starting point or reference for a metes and bounds description; also the final point of such description.

*Berm* means a mound of soil, either natural or man-made used to obstruct views, block access, or reduce noise levels.

*Block* means the parcel of land entirely surrounded by streets or highways, railroad rights-of-way, waterways or by a combination thereof.

*Bond - performance bond or surety* means an agreement by a subdivider or developer for the amount of the estimated construction cost guaranteeing the completion of the physical improvements according to plans and specifications within the time prescribed by the subdividers agreement.

*Boundary line* means for survey purposes, any line bounding an area or dividing separate properties; adequately dimensioned and described.

*Building line* means that line which represents the distance a building or structure must be set from a lot boundary line, a street right-of-way line or a street center line according to the terms of this chapter. In all cases, the building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right-of-way lines, street centerlines and other lot boundary lines.

*Building permit* means a document or certificate issued by the county authorizing construction, alteration, moving of, or demolition of a building or structure.

*Coordinate description* means for survey purposes a description of lands in which the angle points or other points in the boundary are referred to grid coordinates on the South Carolina or similar coordinate systems.

*Crosswalks* means a right-of-way (within any block) ten feet or more in width dedicated for public use and intended for pedestrian access to adjacent land areas.

*Cul-de-sac* means a minor street, usually short, with one end open to traffic and the other end terminated with a planned vehicular turn-around.

*Dedication* means an act transmitting property or interest thereto.

*Density* means the number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this chapter are expressed in terms of dwelling units per net acre; that is, per acre of land devoted to residential use exclusive of land utilized for streets, alleys, drives, parks, playgrounds, school grounds and other public uses.

*Developer* means any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under those regulations to affect a subdivision of land hereunder for himself or for another.

*Development, planned unit* means an area of land in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards such as lot sizes and setbacks than those restrictions that would normally apply under these regulations. The procedure for approval of such development may contain requirements in addition to those of the standard subdivision such as building design principles and landscaping plans.

*Dwelling* means a building or portion of a building arranged or designed to provide living quarters for one or more families:

- (1) *One-family or single-family.* A detached dwelling, other than a mobile unit, designed for or occupied exclusively by one family on a single lot.
- (2) *Two-family or duplex.* A building arranged or designed to be occupied by two families living independently of each other on a single lot.

## SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

§ 36-5

- (3) *Group dwellings.* A group of two or more principal structures built on a single lot, parcel or tract of land and designed for occupancy by separate families.
- (4) *Multiple dwelling.* A building or series of buildings on the same lot used or designed as a dwelling place for three or more families living independently of each other with the number of families in residence not exceeding the number of dwelling units provided.

*Dwelling unit* means one or more units connected together and constituting a separate independent housekeeping establishment with provisions for cooking, eating and sleeping and physically set apart from any other rooms or dwelling units in the same or another structure.

*Easement* means a grant by the property owner to any person, corporation, or the general public for the use of a strip or parcel of land for a specific purpose.

*Engineer* means a registered professional engineer in good standing with the South Carolina Board of Engineering Examiners.

*One-hundred-year flood elevation* means that elevation of land measured from mean sea level which has a one percent chance of being reached each year as a result of flooding conditions usually accompanying a hurricane.

*Flag lot* means a parcel of property with an extended entrance from the lot to an existing road. This entrance shall be included as part of the lot.

*Flag lot access* means the driveway portion of a flag lot shall be at least 20 feet wide along its entire length (minimum width for any flag road).

*Flood* means a general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland waters, or the usual and rapid accumulation or runoff of surface waters from any source.

*Floodplain, also flood-prone area* means the land area adjoining a river, stream, ocean or water source which is likely to be flooded. The

floodplain for the county is duly designated on officially adopted county floodplain maps available at the county planning office.

*Governing authority* means the county council for Orangeburg County having jurisdiction in the area and matter involved.

*Grid coordinates* means for survey purposes, distances measured at right angles to each other in a rectangular system having two base lines at right angles to each other.

*Group development* means two or more buildings which are:

- (1) Devoted to common or related use;
- (2) Constructed on a single lot in single or joint ownership; and
- (3) Made a part of an integrated industrial, commercial, residential or public project according to a plan for development under specific requirements.

*Improvements* means street base preparation, pavement or resurfacing, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facility, utility line, landscaping and other related matters normally associated with the development of raw land into building sites.

*Land development* means a change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, or similar developments for sale, lease, or any combination of owner and rental characteristics.

*Lot* means a piece, partial tract or plot of land intended as a unit for the transfer of ownership or for development or both.

- (1) *Area.* The total gross area of a lot including easement.
- (2) *Corner.* A lot with frontage on two or more streets.
- (3) *Depth.* The mean horizontal distance between the front and rear lot lines.

- (4) *Double frontage lot.* A parcel having frontage and access on two or more streets, a corner lot shall not be considered having double frontage unless it has frontage and access on three or more streets.
- (5) *Reserved frontage lot.* A parcel having frontage on two or more streets with lot access restricted to one street.
- (6) *Through lot.* A lot the opposite ends of which both abut on the street.
- (7) *Lot width.* The horizontal distance between the side lot lines at the building setback lines measured parallel with the front lot line or in the case of a curvilinear street, measured parallel to the chord of the arc between the intersection of the side lot line and the street right-of-way line.

*Metes and bounds* means for survey purposes, a description in which the boundary lines starting from a given point are described by listing the direction, distance and description of the corner of the lines forming this boundary; in succession and adjoining owners.

*Manufactured mobile home* means a detached single-family dwelling designed for long-term occupancy, designed to be transported on wheels, arriving at the site as a complete dwelling unit, usually including major appliances and furniture and ready for occupancy. Removal of the wheels and placement of a foundation does not change the mobile home classification. A travel trailer is not a mobile home.

*Mobile manufactured home park* means a parcel of land containing five or more mobile/manufactured home sites which are available for rent or lease.

*Monuments* means permanent concrete or iron markers used to establish definite lines of the plat of a subdivision including lot corners and points of change in street alignments.

*Official floodplain map(s)* means a map or series of maps officially adopted by the county council delineating the flood-prone areas of the county.

*Parks* means lots or parcels of land devoted to recreational pursuits both active and passive. Facilities can range from open landscape areas to tot lots, playgrounds, neighborhood parks and play fields.

*Parking, off the street* means an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street arranged so that no maneuvering incidental to parking shall be on any street and so that an automobile may be parked or unparked therein without moving any other automobiles. Minimum space for parking a vehicle should be 200 square feet.

*Plan* means a detailed drawing(s) showing proposed work of any nature where site development is involved, the plan usually will require existing and proposed finished contours:

- (1) *Preliminary plan.* A preliminary plat and a soil overlay sheet which show the plans for the development of the entire tract of land. Also includes existing and proposed covenants.
- (2) *Final plan.* A preconstruction plan showing the final design and layout of all work to be accomplished. This can only be produced after all field work has been completed concerning land line locations, contours, soil types, drainage, etc.
- (3) *As-built plans.* Final plans annotated to show all modifications and an actual depiction of the finished project.

*Planning Commission* means the Orangeburg County Planning Commission.

*Plat* means a drawing prepared by a registered land surveyor to accurately and legally define land boundaries. For a subdivision this would usually be limited to those data required for the recording and transfer of land and/or related entitlements under South Carolina laws.

- (1) *Preliminary plat.* A tentative layout of a proposed subdivision.
- (2) *Final as built plat.* A detailed survey plan which meets all requirements of these regulations and is in final form for recording in the office of the register of deeds.

## SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

§ 36-5

*Regulations* means the whole body of regulations, texts, charts, diagrams, notations and references contained or referred to in this chapter.

*Residential density* means the number of dwelling units per gross acre of residential land area including streets, easements, and open space portions of a development.

*Streets* means the full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- (1) *Alley*. A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- (2) *Arterial street*. A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- (3) *Collector street*. A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic, from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- (4) *Cul-de-sac*. A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- (5) *Dead-end street*. A street having only one outlet for vehicular traffic.
- (6) *Local street*. A street primarily for providing access to residential, commercial, or other abutting property.
- (7) *Loop street*. A type of local street, each end of which terminates at an intersection with the same arterial or collector street.
- (8) *Marginal access street*. A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.
- (9) *Private street*. A street is private unless its right-of-way has been dedicated to and

accepted by the State of South Carolina or the governing authority of Orangeburg County. All such nondedicated streets must be indicated as such prior to subdivision approval. Maintenance arrangements for such streets must be stated in writing on subdivision plat submittals. All private streets shall meet the same design and construction standards required for comparable public streets.

- (10) *Public streets*. This relates to and includes the entire right-of-way of streets, avenues, boulevards, roads, highways, freeways, lanes courts, throughfares, collectors, minor streets, cul-de-sacs, and other ways considered public and dedicated to and accepted by the state or the governing authority of the county.

*Subdivider* means any person, firm, corporation, or other legal entity subdividing land within the jurisdiction of this chapter.

*Subdivision* means any land, vacant or improved, which is divided into two or more lots, parcels, units, plots or interests for the purpose of offer for sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, and/or includes all division of land involving a new street or a change in an existing street and includes resubdivision and, where appropriate, to the process of subdividing or to the land or area subdivided; provided, however, that the following exceptions are included within this definition only for the purpose of requiring that the planning commission be informed and have record of such subdivisions:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of governing authority.
- (2) The division of land into parcels of five acres or more where no new streets are required to provide public access to two or more lots.
- (3) Combining or recombining entire lots of record where no new street or change in existing street is involved.

*Subdivision plan* means a plat and all required plans upon which the subdivision is presented for approval.

*Surveyor* means a registered land surveyor in good standing with the South Carolina Board of Engineering Examiners.

*Utilities* means utilities consist of any and all utility services to a subdivision, including water, electric, telephone, cable television, gas and sanitary sewerage, whether such utilities are supplied by a private individual, private company or a governmental entity.

*Valley gutter.* See appendix 1, figure 2, for a typical valley gutter section. A curb and gutter section meeting SCDOT standards may be substituted for a valley gutter section.

*Variance* means a variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to public interest. A variance can only be granted by the planning commission, or the courts.

*Vicinity maps* means a drawing located on a plan or a plat which sets forth by dimensions or other means the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the county in order to better locate and orient the area in question.

*Waiver* means the act of intentionally abandoning or not following an administrative requirement under article III of these regulations.

*Yard* means a space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

- (1) *Front yards.* A yard situated between the front building line and the front lot line extending the full width of the lot.
- (2) *Rear yard.* A yard situated between the rear building line and the rear lot line extending the full width of the lot.

- (3) *Side yard.* A yard between the side building line and a side lot line extending from the front yard to the rear yard.

(Ord. No. 99-12-15, § 13.5-11, 12-20-1999)

**Cross reference**—Definitions generally, § 1-2.

### **Sec. 36-6. Maintenance bond.**

(a) The planning commission may require the posting of a surety bond by each subdivider or developer to assure the proper maintenance of all improvements required by article IV for a period of one year from the date of acceptance of the improvements by the governing authority. Such bond shall be in cash, surety bond, certified check or other instrument readily convertible to cash made by a company approved by the planning commission and authorized to do business in the State of South Carolina and shall be payable to and enforceable by the governing body of the county. The amount of such bond must be equal to at least 125 percent of the cost of the improvement.

(b) The subdivider or developer shall be responsible for repairing all structure failures occurring on roads accepted for maintenance by the county for a period of one year from the date of acceptance by the governing body. The subdivider or developer shall also be responsible for repairing any other failures in any improvements and all settlements due to the utility installations for the same one-year period.

(c) The subdivider or developer shall make such adequate provisions as shall be accepted by the planning commission for the potential maintenance of all sewer and water facilities in the subdivision or development until such obligations have been assumed by governmental entity.

(Ord. No. 99-12-15, § 13.5-110, 12-20-1999)

### **Sec. 36-7. Street name and traffic-control signs.**

Street name and traffic-control signs meeting county and SCDOT standards shall be installed at each intersection by the subdivider; however, the subdivider or developer may furnish the director of public works with a complete listing of

## SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

§ 36-12

all street names and a written request that street names and control signs be provided by the county at the subdivider's or developer's expense.

(Ord. No. 99-12-15, § 13.5-111, 12-20-1999)

### **Sec. 36-8. Variances.**

When, owing to special conditions fully demonstrated on the basis of facts presented by the subdivider, the planning commission shall determine that the land to be divided warrants special consideration because of the conditions peculiar to the site and that a literal compliance with these regulations will result in the great technical difficulties or hardships, the planning commission is hereby authorized to permit such variance from the terms of these regulations as will not be contrary to the public interest so that the spirit of these regulations shall be observed and substantial justice done. The complete record of the reasons for the approval of any variance must be entered in the official minutes of the planning commission.

(Ord. No. 99-12-15, § 13.5-112, 12-20-1999)

### **Sec. 36-9. Amendments.**

From time to time this chapter may be amended by the county council 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 30 days prior to the hearing.

(Ord. No. 99-12-15, § 13.5-113, 12-20-1999)

### **Sec. 36-10. Violations and penalties.**

(a) Any person, firm or corporation who violates the provisions of this chapter, or the owner or agent of the owner of any land to be subdivided or developed within the jurisdiction of this chapter who transfers, sells, agrees to sell or negotiates to sell such land by reference to, exhibition, or by other use of a plat of a subdivision of such land before such plat has been approved by the planning commission and subsequently recorded in the office of the register of deeds of county, shall be guilty of a misdemeanor and, upon the conviction thereof, shall forfeit and pay such penalties

as the court may decide as prescribed by South Carolina law for each lot or parcel so transferred, sold or agreed to be sold.

(b) Furthermore, any violation of the provisions of this chapter by any person, firm, corporation, owner, or agent of owner of any land to be subdivided or developed within the jurisdiction of this chapter, shall make the transfer, sale, agreement for sale or negotiation for sale of any lot, park, tract or parcel of the land to be subdivided rescindable at the purchaser's option within one year after the purchaser's discovery of said violations. The description of metes and bounds in the instrument of transfer or other document used in the process of sale or transfer will not exempt the transaction from these penalties.

(c) Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation to prevent illegal occupancy of a building, structure, or premise.

(Ord. No. 99-12-15, § 13.5-114, 12-20-1999)

### **Sec. 36-11. Interpretation and conflict.**

(a) The standards and provisions of this chapter shall be interpreted as being the minimum requirements necessary to uphold the purpose of this chapter and for the protection of the health, safety, economy, good order, appearance, convenience and welfare of the general public.

(b) Whenever this chapter imposes a higher standard than required by other regulations, ordinances or rules or by easements, covenants or agreements, the provisions of this chapter shall govern.

(c) When the provision of any other statutes impose higher standards, the provisions of such statutes shall govern.

(Ord. No. 99-12-15, § 13.5-115, 12-20-1999)

### **Sec. 36-12. Appeals of decisions of planning commission.**

Any person who may have a substantial interest in any decision of the planning commission, may appeal such decision first to the planning commission itself, with supporting data and rea-

sons for a new decision, second to the court of competent jurisdiction in and for the county, for which a petition must be submitted setting forth plainly, fully and distinctly why such decision is contrary to law. Such appeal shall be filed within 60 days after the initial decision of the planning commission is rendered. An appeal to the court of competent jurisdiction shall be filed within 30 days after decision of the planning commission is rendered.

(Ord. No. 99-12-15, § 13.5-118, 12-20-1999)

**Secs. 36-13—36-40. Reserved.**

## ARTICLE II. APPLICATION

### **Sec. 36-41. Planning commission approval required; recordation of development plans.**

No subdivision plat or other land development plan within the county may be filed or recorded in the office of the register of deeds where deeds are required to be recorded, and no building permit may be issued until the plat or plan bears the stamp of approval and is properly signed by the designated authority. The submission for filing or the recording of a subdivision plat or other land development plan without proper approval as required by this chapter is declared a misdemeanor and upon conviction, is punishable as provided by law.

(Ord. No. 99-12-15, § 13.5-21, 12-20-1999)

### **Sec. 36-42. Recording of plats.**

No plat of a subdivision of land within the unincorporated areas of the county shall be filed with or recorded by the register of deeds office until such plat shall have been submitted to and approved by the county planning commission according to the procedure set forth in this chapter. No street or other public or private way or land shall be accepted or maintained, nor shall any water line, sewerage, street lighting, or similar improvements be extended or connected in any subdivision or land development that has not been approved by the county planning commission. No state permit for construction of any building or other improvement in any subdivision

established hereafter shall be issued which has not been approved by the county planning commission and such notice of approval affixed to that plat.

(Ord. No. 99-12-15, § 13.5-22, 12-20-1999)

### **Sec. 36-43. Plats which have not been recorded.**

All subdivision plats which have not been recorded with the register of deeds of the county prior to the effective date of these regulations shall be submitted to the planning commission in accordance with the following requirements:

- (1) Subdivisions for which preliminary plans were approved by the planning commission prior to the effective date of this ordinance or which were submitted for approval in complete compliance with existing ordinances prior to the effective date of the ordinance from which this chapter derives shall be processed through recording with the register of deeds in accordance with the ordinances in effect at the time of approval or submission.
- (2) All subdivision plats and/or plans if not exempted by decisions of the planning commission under subsection (1) of this section shall be submitted according to the provisions, standards and other requirements of this chapter.

(Ord. No. 99-12-15, § 13.5-23, 12-20-1999)

### **Sec. 36-44 Recording unapproved land development plan or plat; penalty; remedies.**

The register of deeds whose duty is to accept and record real estate deeds and plats may not accept, file, or record a land development plan or subdivision plat involving a land area subject to land development regulations adopted pursuant to this chapter unless the development plan or subdivision plat has been properly approved. If a public official violates the provisions of this section, he is, in each instance, subject to the penalty provided in this article and the affected governing body, private individual, or corporation has rights

## SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

§ 36-81

and remedies as to enforcement or collection as are provided and may enjoin any violations of them.

(Ord. No. 99-12-15, § 13.5-24, 12-20-1999)

**Sec. 36-45. Relation of subdivision regulations to other land development.**

The regulations set forth herein are part of a system of regulations governing land subdivision development use, and construction and improvements on land supplemented by health, drainage improvements, flood hazard and other controls. Applications for subdivision and land development shall be considered in relation to all such regulations applicable in the particular case and not only in relation to the subdivision regulations set forth herein. Where there are conflicts between these and other lawfully adopted regulations involved in such considerations, those which establish the highest requirements or more stringent limitations, shall govern, except where specific exceptions are set forth in such regulations. (Ord. No. 99-12-15, § 13.5-25, 12-20-1999)

**Cross references**—Floods, ch.18; health and sanitation, ch. 20; public works, ch. 28; roads and bridges, § 28-111 et seq.; soil erosion and sediment control, ch. 32.

**Sec. 36-46. Subdivision names.**

The name of an existing subdivision in the county shall not be duplicated nor closely approximated with any other in the county. Names shall be approved by the planning commission.

(Ord. No. 99-12-15, § 13.5-26, 12-20-1999)

**Sec. 36-47. Street names.**

(a) The planning commission shall by proper certificate, approve and authorize the name of a street or road laid out within the territory over which the commission has jurisdiction. It is unlawful for a person in laying out a new street or road to name the street or road on a plat, by a marking or in a deed or instrument without first getting the approval of the planning commission. Any person violating this provision is guilty of a misdemeanor and, upon conviction, must be punished at the discretion of the court.

(b) The planning commission may, after reasonable notice through a newspaper having general circulation in which the commission is created and exists, change the name of a street or road within the boundary of its territorial jurisdiction:

- (1) When there is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders, or messages;
- (2) When it is found that a change may simplify marking or giving of directions to persons seeking to locate addresses; or
- (3) Upon any other good and just reason that may appear to the commission.

(c) On the name being changed, after reasonable opportunity for a public hearing, the planning commission shall issue its certificate designating the change, which must be recorded in the office of the register of deeds, and the name changed and certified is the legal name of the street or road.

(Ord. No. 99-12-15, § 13.5-27, 12-20-1999)

**Secs. 36-48—36-80. Reserved.**

**ARTICLE III. PLAT/PLAN SUBMISSIONS AND REVIEW PROCEDURES**

**Sec. 36-81. General.**

(a) The following sections are an outline of the procedures for obtaining review and approval of the subdivision of lands and land developments within the territorial jurisdiction of Orangeburg County. The review and approval procedures consist of three required separate steps. The steps are as follows:

- (1) Step 1: Review of preliminary plans.
- (2) Step 2: Review and approval of final preconstruction plans.
- (3) Step 3: Review and approval of final plat and as-built plans.

(b) All required federal, state and county permits must be obtained prior to the planning commission's approval of final preconstruction

plans. When a subdivision does not involve any type of improvements, the designated administrative officer of the planning commission may approve a combined preliminary and final application.

(Ord. No. 99-12-15, § 13.5-30, 12-20-1999)

### **Sec. 36-82. Preliminary plans.**

(a) Although not required prior to preparation and filing of a preliminary plan, the subdivider may, and is encouraged to, discuss the project with the administrative officer of the planning commission.

(b) The purpose of the discussion is to assist the subdivider prior to extensive site planning and preparation of a preliminary plan. This will enable the developer to become familiar with the regulations affecting the land to be subdivided and with proposed public projects, school sites, open space areas, public utilities and other pertinent information.

(Ord. No. 99-12-15, § 13.5-31, 12-20-1999)

### **Sec. 36-83. Preliminary plan application.**

(a) *Submission.* Upon reaching conclusions informally in pre-application consultations if any, the subdivider, if he or she wishes to continue, shall prepare a complete preliminary plan application and submit it to the planning commission for review and approval. The preliminary plan application shall meet all applicable standards of this chapter, including the following, and shall be rejected by the administrative officer if it does not.

- (1) A letter requesting review and approval of a preliminary plan and giving the name and address of a person to whom the notice of the hearing by the planning commission on the preliminary plan may be sent, and
- (2) Five black or blue line prints of the preliminary plan along with other documents and supporting materials should be submitted at least 14 days prior to the regular meeting date of the planning commission. Applications, and supporting data for the preliminary plan will be distrib-

uted only to the commission members, its staff and necessary agencies involved in the review process.

(b) *Distribution.* Copies of the preliminary subdivision plan shall be distributed by the administrative officer to all applicable public agencies for review and recommendations. The planning commission shall notify the subdivider of any conferences requested by any of these affected agencies which should be held prior to the planning commission acting on the preliminary plan; however, it shall be the responsibility of the subdivider to obtain all necessary permits or approvals from such agencies.

(c) *Fees.* In order to defray some of the administrative cost involved in reviewing the preliminary and final plans, the subdivider shall, at the time of submission of a preliminary plan, pay a filing fee according to the following schedule:

- (1) *Residential lots.* Fifty dollars minimum, or \$10.00 per lot, whichever is greater.
- (2) *Nonresidential lots.* Fifty dollars minimum, or \$25.00 per acre, whichever is greater.

The fee is payable to the county and credited to the county's general fund.

(d) *Preliminary plan requirements.* In order for the planning commission to properly review the preliminary plan, the following information shall be submitted. All preliminary plans shall be clearly and legibly drawn to a scale of not less than 200 feet to one inch, be on a sheet size of 24 inches by 36 inches or a size suitable to the register of deeds and marked "preliminary subdivision plan." Additional information submitted shall be as follows:

- (1) Name and address of owner(s) of record;
- (2) Proposed name of subdivision, date, north point and graphic scale;
- (3) Vicinity map with a scale of not less than one inch per 1,000 feet, showing location of subdivision, names and locations of all adjoining subdivisions, if any, and location and ownership of adjoining subdivided property;

## SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

§ 36-83

- (4) Entire tract boundaries, including location of town limit line if adjacent to area to be subdivided, total acreage and areas, if any, to be developed in stages or phases;
  - (5) Significant topographical features such as water or drainage courses;
  - (6) Existing buildings, streets, including name, location, width of right-of-way and width of roadway, railroads, transmission lines, drainage pipes and ditches, easements, sewer and water lines, city limit lines, any public utility lines on/or adjacent, within 50 feet to the tract to be subdivided and floodplain areas;
  - (7) Lot lines, lot line bearings, lot dimensions, lot sizes in square feet, lot and block numbers, and minimum building setback lines along street rights-of-way and rear and side property lines for entire tract and all phases of development;
  - (8) All proposed development including street right-of-way widths, proposed street names, pavement widths, utility easements, ponds, etc., for the entire tract and all phases of development;
  - (9) Proposed parks and playgrounds or other open spaces proposed by the subdivider and any such known projects by other agencies;
  - (10) Existing and proposed covenants;
  - (11) Proposed location of easements including widths, and types;
  - (12) A soils overlay sheet;
  - (13) Written requests with justifications for any and all variances the developer wishes the planning commission to consider;
  - (14) Specific information on the nature and ownership of all roads that will provide access to the subdivision from DOT roads or streets.
- (e) *Planning commission procedure.*
- (1) The planning commission shall act on the preliminary development plan within 60 days after the next regular commission meeting following submission unless re-quired conferences between the subdivider and other review agencies are not completed within that time frame. Failure of the planning commission to act within 60 days of the receipt of development plans or subdivision plats with all documentation required by the land development regulations is deemed to constitute approval and the developer must be issued a letter of approval and authorization to proceed based on the plans or plats and supporting documentation presented. The 60-day time limit may be extended by mutual agreement.
  - (2) Action taken by the planning commission shall be at a scheduled public meeting and notice of the time and place of said meeting shall be sent by certified mail to the subdivider or developer whose name and address appears on or accompanies the preliminary plan. Such notice shall be sent not less than five days before the date for the meeting. If the preliminary plan is disapproved, the reasons for such action shall be stated in writing and signed by either the chairman of the planning commission or the administrative officer. The reasons for disapproval shall refer specifically to those parts of the regulations with which the plan does not conform. One copy of the reasons shall be retained in the records of the commission, and one copy shall be given to the applicant. The subdivider or developer may resubmit the preliminary plan with all recommended changes by paying another subdivision fee.
  - (3) If a request for one or more variances is received, the commission shall document its decisions concerning same in the manner required for documenting decisions concerning preliminary plans.
  - (4) If the preliminary plan is found to conform to all of the requirements of this ordinance, approval shall be given by the planning commission and shall be noted in writing, either by the administrative officer on at least two copies of the pre-

liminary plan. One copy shall be retained by the commission and one copy given to the subdivider or developer.

- (5) Approval of the preliminary plan does not constitute final approval. Preliminary plan approval shall only be authorization to a subdivider or developer to proceed with the preparation of the final preconstruction plans and shall not be construed as authorization for the sale of lots. Approval of the preliminary plan shall become void unless a final preconstruction plan is submitted for approval within one year of the date of said approval; provided, however, that the planning commission may waive this requirement and consent to an extension of time.

(f) *Certificate of approval.* A certificate of approval of a preliminary plan by the planning commission shall be inscribed on the approved plan as follows:

"Pursuant to the Land Development Regulations of Orangeburg County, South Carolina, all the requirements of approval having been fulfilled, this preliminary plan was given approval by the County of Orangeburg planning commission on \_\_\_\_\_, 20\_\_\_\_."

This approval does not constitute approval of a final plan.

This certificate of approval shall expire and be null and void on \_\_\_\_\_, 20\_\_\_\_."

Date	Administrative Officer for Orangeburg County Plan- ning Commission
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(g) *Revocation of approval.* The approval of a preliminary plan or any time extension thereof may be revoked upon written notice by the planning commission where the planning commission feels that a material change in conditions has occurred in the proposed subdivision including new information regarding the physical condition of the site of proposed public works which would adversely affect to a substantial degree the public health, safety or welfare.

(h) *Preliminary plan time limitation.* A subdivider may, within one year from the date of approval of the preliminary plan submit a formal application for the approval of a final preconstruction plan specified below. If a subdivider does not submit a final preconstruction plan application within the one year and has not received an extension of time by the planning commission preliminary plan approval of the planning commission is void.

(i) *Preliminary plan time extension.*

- (1) Before expiration of the allowed one-year period for filing a final preconstruction plan application, a subdivider or developer may request in writing an extension of time. Where the planning commission finds sufficient reason, it may grant one or two more six-month extensions. The decision to grant an extension shall be communicated to the subdivider in writing on or before the original expiration date.
- (2) When the planning commission has granted an extension of time, it must, prior to the review of the final preconstruction plan application, determine whether the conditions on which the approval of a preliminary plan was based have been substantially changed and if so, the planning commission shall require the necessary changes in the preliminary plan to reflect these changed conditions.

(j) *Small subdivision procedure.* The planning commission may allow the administrative officer to review and approve a specified size subdivision or land development when the following conditions exist:

- (1) Contains no required new roads or changes to existing roads.
- (2) Resultant lots all have legal access.
- (3) Has no new drainage, water or sewer system.
- (4) Is no larger than ten acres in size and contains not more than five lots.

## SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

§ 36-83

(k) *Exceptions to land development regulations.* The following operations or uses do not constitute development for the purpose of this chapter; however, a plat of the transaction as indicated below may be required by the planning commission as a matter of record:

- (1) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure, or decoration of the exterior of the structure.
- (2) The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling.
- (3) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, or for other agricultural purposes.
- (4) A transfer of title to land not involving the division of land into parcels.
- (5) The division of land into parcels of five acres or more where no new streets are required to provide public access to two or more lots.
- (6) The division of land into parcels for conveyance to other persons through the provisions of a will or similar document, and in the settlement of an intestate estate.
- (7) The division of land into lots for the purpose of or transfer to members of one's own immediate family, where no new street is involved, is exempt from the standard submission and review procedures.
- (8) Any subdivision, construction, changes or improvements approved by the county or its delegated authorities prior to adoption of this chapter.
- (9) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority.
- (10) The recordation of a plat of land or property for purposes other than the sale or transfer of title to land including:
  - a. The creation or termination of mortgages, leases, or liens;
  - b. Lot line corrections on existing recorded properties;
  - c. The creation, termination or amendment of private covenants or restrictions on land;
  - d. Property trades or swaps between immediately adjacent landowners not resulting in the creation of new parcels of record;
  - e. Division of land for the purpose of sale or transfer to an immediately adjacent landowner for the sole purpose of enlarging the adjacent landowner's property and not resulting in the creation of new parcels.
  - f. Utilities. Telephone, sewer and gas utilities, or electric suppliers, utilities and providers, whether publicly or privately owned, whose plans have been approved by the local governing body or a state or federal regulatory agency, or electric suppliers, utilities, and providers who are acting in accordance with a legislatively delegated right pursuant to Chapter 27 or 31 of Title 58 or Chapter 49 of Title 33 are exempt from this provision.

(l) *Approved plans containing public improvement projects.* For a tract of land or right-of-way that has been selected for use by a governmental body or department or such body lies wholly or partially within an area to be subdivided and provided that such body or department has notified the planning commission of such official plans prior to or within 14 days after the presentation of the preliminary subdivision plan to the planning commission for approval, the subdivider or developer shall reserve the proposed site or right-of-way for a period of not more than 60 days from the date of approval of the preliminary plan in order to afford the agency involved the oppor-

tunity to act on the site or right-of-way as provided for in S.C. Code 1976, § 6-7-1210 et seq., as amended. Such reservation shall be stated as a condition of preliminary approval by the planning commission.

(Ord. No. 99-12-15, § 13.5-32, 12-20-1999)

**Sec. 36-84. Final preconstruction plan application.**

(a) *Application and number of copies.* After preliminary plans of a proposed subdivision or land development have been given approval, and within one year from the date of such approval, the subdivider may submit to the planning commission a final preconstruction plan application. This application shall include the following:

- (1) A letter requesting review and approval of a final preconstruction plan giving the name and address of a person to whom the notice of a hearing by the planning commission on the final plan shall be sent and a reference to the preliminary plan approval.
- (2) Five black or blue line prints of the final plans and other documents and supporting material as specified below shall be sent to the administrative officer at least 14 days prior to a regularly scheduled meeting of the planning commission. The number of prints required may vary at the discretion of the planning commission.

(b) *Final preconstruction plan requirements.* In order for the planning commission to give approval for a developer of a subdivision to proceed with the construction of same, it must have the opportunity to review and approve comprehensive final preconstruction plans and have assurances that all applicable federal, state and local laws and permitting requirements have been met. Therefore, the final preconstruction plans which may be limited to a portion of a tract if so approved at the preliminary planning stage shall meet all of the requirements of chapters 18, 32 and this chapter of the County Code of Ordina-

nances without variance unless approved during the preliminary planning stage and as a minimum shall include the following:

- (1) A final survey plat which meets all of the requirements for a preliminary plan (see subsection 36-83(d)) and shows all easements, rights-of-way, etc. To produce this all lot corners must have been set on the ground.
- (2) Sediment erosion and/or flood control plans along with a related permit application. This shall include final grading plans.
- (3) Road/street plans and profiles.
- (4) Copies of all applicable federal, state and local permits/approvals if available at time of submission. The planning commission will not approve the final preconstruction plans until these are received. However, it will submit the final preconstruction plans to DHEC for their approval.
- (5) Documentation providing for utility easements and certification that the utility company servicing the area shall provide the necessary and required utilities.
- (6) Engineering certifications.

(c) *Planning commission procedure.* The commission shall act on final preconstruction plan in the same manner specified for preliminary plans in subsection 36-83(e) except that they will not schedule a public hearing until all applicable federal, state and local permits/approvals have been furnished by the developer.

(d) *Certificate of approval.* A certificate of approval for a final preconstruction plan by the planning commission shall be inscribed on the approved plan as follows:

"Pursuant to the Land Development Regulations of Orangeburg County, South Carolina, all of the requirements of approval having been fulfilled, this final preconstruction plan was given approval by the County of Orangeburg Planning Commission on \_\_\_\_\_, 20\_\_\_\_."

This approval constitutes authorization for the developer to proceed with all construction work contained herein.

## SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

§ 36-85

This certificate of approval shall expire and be null and void on \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Date Administrative Officer for  
Orangeburg County Plan-  
ning Commission

(e) *Revocation of approval.* The approval of a final preconstruction plan or any time extension thereof may be revoked upon written notice by the planning commission for the following reasons:

- (1) Failure of developer to adhere to approved final preconstruction plans.
- (2) Material change in conditions has occurred concerning the subdivision which would adversely affect public health, safety or welfare.
- (3) The developer fails to meet the time limitations for completing the project.

(f) *Final preconstruction plan time limitation.* The developer shall complete all approved work within one year from the date of approval of the plan unless an extension of the time is requested in writing of and granted by the planning commission prior to the expiration date.

(g) *Required approval for deviations from final approved preconstruction plans.* If unanticipated conditions develop which are beyond the control of the developer and they require a departure from the approved plans, the developer shall submit for commission approval all proposed changes and shall not implement same without commission approval.

(Ord. No. 99-12-15, § 13.5-33, 12-20-1999)

### Sec. 36-85. Final as-built plat application.

(a) *Application and number of copies.* After final preconstruction plans of a proposed subdivision or land development have been given approval, and within one year from the date of such approval, the subdivider may submit to the planning commission a final as-built plat application. This application shall include the following:

- (1) A letter requesting review and approval of a final as-built plat, giving the name and address of a person to whom the notice of

a hearing by the planning commission on the final plat shall be sent and reference to final preconstruction approval.

- (2) Four black or blue line prints of the final plat and as built plans, one reproducible copy of the final as-built plat and other documents and supporting material as specified below shall be sent to the administrative officer at least 14 days prior to a regularly scheduled meeting of the planning commission. The number of prints required may vary at the discretion of the planning commission.

(b) *Final as-built plat specifications.*

- (1) The final as-built plat shall be clearly and legibly shown in a permanent manner on an acceptable grade of stable material (drafting film or mylar). The scale of the drawing shall be 200 feet to one inch (200 feet equals one inch) or greater and shall be on a sheet sized 24 by 36 inches or a size suitable to the register of deeds and marked final as-built subdivision plat.
- (2) Final as-built plat approval will be given based on completion of the project in accordance with all submittals provided for final preconstruction approval and approved changes made during construction and will require a final set of plans marked "as-built." This will also require a certification of construction (see section 36-86).

(c) *Certification.* The signed certificates below shall appear on the final as-built plat which is submitted to the planning commission by the subdivider.

#### CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby dedicate all streets, alleys, walks, parks, and other sites to public or private use as noted.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

CERTIFICATE OF APPROVAL  
FOR RECORDING

I hereby certify that the final as built subdivision plat or development plan shown hereon has been found to comply with the Land Development Regulations of Orangeburg; County except for such variances, if any, as are noted in the minutes of the Planning Commission and that this plat has been approved for recording in the office of the register of deeds for Orangeburg county.

\_\_\_\_\_  
20

Date                      Administrative Officer for  
Orangeburg County Plan-  
ning Commission

- (d) *Approval of final as-built plat.*
- (1) The final plat shall be reviewed by the planning commission for conformance with the approved final preconstruction plans and with the requirements of these regulations.
  - (2) The planning commission shall notify the subdivider within 20 days after its next regular meeting following submission of the approval or disapproval of the final as-built plat or any requested conferences with the subdivider or developer by the health department, director of public works or other affected agencies.
  - (3) The administrative officer of the planning commission shall submit a report to the county administrator certifying approval or disapproval of the final as-built plat and, in the case of disapproval, shall state the reasons therefor. If the planning commission disapproves, the reasons given shall be reflected in the minutes of the commission.
  - (4) Approval and certification by the planning commission shall not be deemed to constitute or effect an acceptance by the county of the dedication of any streets or other grounds shown upon the plat. Upon

receipt of the plat where an offer has been made by the subdivider to dedicate any streets, rights-of-way, public parks and other public lands, county council shall determine the acceptance or nonacceptance of the dedication. The county council may accept a road into the county maintenance system in concept before the road is actually constructed provided that the planning commission shall so recommend to the council in the case of the road being built in a subdivision or development and that said road shall be built to the plans and specifications as may be required by the county. If the road is not in a subdivision the owner may submit it directly to the county council for acceptance in concept provided it meets the county standards. In both cases above separate action by the county council shall be required.

(e) *Distribution.* The reproducible and prints shall be distributed after the complete and final approval as follows:

- (1) One print shall be sent to the office of the register of deeds for information only.
- (2) One print shall be returned to the subdivider or developer.
- (3) One print shall be retained in the planning department.
- (4) One print shall be forwarded to the health department (DHEC).

(f) *Recording of plat.* The developer is responsible for recording the approved final as-built plat with the register of deeds of Orangeburg County within six months after final approval by the planning commission. Should the six months' time period expire before recording, the plat must be resubmitted to the planning commission for reprocessing. It shall be unlawful to sell or transfer (lots) within the approved subdivision or land development until after the approved final plat is recorded with the register of deeds.

(Ord. No. 99-12-15, § 13.5-34, 12-20-1999)

## SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

§ 36-122

**Sec. 36-86. Certification of construction.**

In subdivisions or developments where the subdivider completes the construction and installation of all required improvements, the subdivider or developer shall file with the planning commission written certification from a South Carolina registered professional engineer that the improvements have been completed according to the approved final preconstruction plans and specifications submitted therewith and according to the requirement of this chapter.

(Ord. No. 99-12-15, § 13.5-35, 12-20-1999)

**Sec. 36-87. Waiver of administrative procedures.**

The planning commission may, in specific cases before it, waive such submission and review requirements provided for in article III as they may determine would create an unreasonable delay of the review process or an unnecessary hardship on the subdivider or developer provided that; such a waiver shall not be contrary to public interest nor to the purposes of this chapter. A waiver of administrative procedures shall be granted only by a separate vote of the planning commission and the reasons for approval shall be entered in its official minutes.

(Ord. No. 99-12-15, § 13.5-36, 12-20-1999)

**Secs. 36-88—36-120. Reserved.****ARTICLE IV. DESIGN STANDARDS****Sec. 36-121. General provisions.**

(a) The design standards contained herein shall be considered minimum standards and subject to the provisions of variances granted within these regulations.

(b) Any well-designed subdivision or land development means little to a prospective lot buyer until they can see actual physical transformation of raw land into lots with all necessary improvements provided. Likewise, a well-designed subdivision or land development is not an asset to any community until the necessary improvements have been installed. In order that prospective lot purchasers may obtain usable products and new

subdivisions may be an asset rather than a liability to the community, the subdivider or developer shall install and/or pay for the improvements required by these regulations necessary to serve the subdivision or development prior to the approval of the final as-built plat.

(Ord. No. 99-12-15, § 13.5-50, 12-20-1999)

**Sec. 36-122. Streets and roads.**

(a) *General.* While it is the intent of this section to provide ample flexibility in the layout of streets in subdivisions and most design standards are not specifically required herein, the planning commission will review the street system of and access routes to the subdivision for design safety, convenience of users, as well as adjacent property owners; provided that such review shall be conducted in accordance with established South Carolina Department of Transportation standards for secondary roads and with generally accepted engineering and development practices. Emphasis will be placed on safety, curves and intersections. Roads in and leading to proposed subdivisions shall be properly located and built with regard to subsection (b) below:

**(b) Location principles.**

- (1) Existing and planned roads.
- (2) Topographical conditions.
- (3) Public convenience and safety, including facilitation of fire protection and pedestrian traffic.
- (4) The proposed uses of the land to be served by the roads.
- (5) Possible future traffic volume.
- (6) Other subdivision possibilities.
- (7) Providing proper access to abutting property.
- (8) Proposed traffic functions, including the minimizing of through traffic on minor roads and the protection of major roads against excessive marginal access.
- (9) Providing proper access to the subdivision from South Carolina Department of Transportation streets or roads.

(c) *Coordination.* Proposed streets should be coordinated with the street system of the surrounding area, and where possible, shall provide for the continuation of existing streets abutting the subdivision. If existing roads and or streets do not provide adequate access to the subdivision, the planning commission may require the developer to improve them or not approve the subdivision.

(d) *Access to adjoining properties.* Upon determination by the planning commission that reasonable access to adjoining property would be seriously affected by a proposed subdivision design, the planning commission will notify the adjacent property owner(s) by certified mail of its findings and recommend they take whatever action deemed necessary based on those findings. This provision is merely for the purpose of notifying an adjacent property owner(s), and in no way obviates existing laws regarding access to properties by right of necessity.

(e) *Separation of through and local traffic.* Where a subdivision abuts or contains an existing or proposed major street, the planning commission may require minor access of frontage streets or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(f) *Obstruction of vision.* No fence, wall, tree, terrace, building, sign, shrubbery, hedge, other planting or structure or object capable of obstructing driver vision will be allowed at intersections. No obstruction shall be placed within a distance of 15 feet or as specified in the standards of the South Carolina Department of Transportation (SCDOT) from any corner intersection to provide for a site clearance.

(g) *Street intersections.* Street intersections shall be nearly at right angles as practicable with the minimum allowable angle of intersection being 70 degrees and all intersections shall have as a minimum 40-foot turning radii. Cul-de-sacs shall not extend more than 1,500 feet in length without intermediate turnarounds and under unusual conditions approved by the planning commission and shall provide a turnaround having a roadway diameter of at least 80 feet and a right-of-way

diameter of a least 100 feet. Temporary dead-end streets shall be provided with a turnaround having a 60-foot diameter.

(h) *Minor streets.* Minor streets shall be laid out to discourage their use by through traffic. Local street "T" intersections should be used where possible to discourage through traffic and to encourage safety.

(i) *Alleys.* Alleys are not permitted in residential districts except as a continuation of an existing building and alley. Paved alleys shall be provided in commercial, multifamily, industrial developments, except that the planning commission may waive this requirement where other definite assured provision is made for service access off-street loading, unloading and parking consistent with and adequate for the uses proposed.

(j) *Intersections.* Not more than two streets shall intersect at any one point. Streets intersecting other streets shall either intersect directly opposite to each other or shall be separated at least 150 feet between centerlines, measured along the center line of the street being intersected. Street intersections shall be located at least 150 feet from the right-of-way of any railroad, measured from the center point of the intersection to the railroad right-of-way line nearest to the intersection.

(k) *Right-of-way and pavement width.* The right-of-way width shall be the distance across a road measured at 90 degrees from property line to property line. The minimum right-of-way width shall be as follows:

Type	Driving Surface Pavement Width (feet)	Right-of-Way (feet)
Alley	20	20
Arterial	24	66
Collector street	24	66
Commercial service	24	66
Cul-de-sac	80	100
Major thoroughfare	64	100
Local residential street	22	66

## SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

§ 36-122

<i>Type</i>	<i>Driving Surface Pavement Width (feet)</i>	<i>Right-of-Way (feet)</i>
One-way street	12	56

Right-of-way and pavement widths shown above shall apply to private as well as public streets. Additional right-of-way width should be added where turn lanes, on street parking, grass strips, medians and sidewalks are used.

(See appendix 1, figures 1 and 2, for minimum design and construction standards for two-lane 22-foot-wide paved streets. These standards will also apply to roads and streets of any specified pavement width.)

(l) *Street surfacing.*

- (1) All streets and roads except private roads or streets in subdivisions approved by the planning commission shall be hard surfaced (paved) and shall conform to the grades and dimensions drawn on the plans, profiles and cross-sections submitted by the subdivider or developer and approved by the planning commission.
- (2) All deeds to properties along private roads which require said private roads for access shall contain the following notation: "The above-referenced property borders on a private road which may be necessary to access the property. Orangeburg County is not obligated to make additional improvements, nor provide maintenance to any private road located within the county."
- (3) Prior to the sale of two or more lots which are accessed by a private road, the subject road must be constructed in accordance with county road standards.

(m) *Design streets.*

- (1) The entire width of all rights-of-way shall be cleared and grubbed. All overhanging trees, bushes, signs, etc. shall have a minimum 18-foot overhead clearance.
- (2) All subgrades shall meet SCDOT standards for secondary roads.

- (3) All underground utilities shall be installed within the road or street right-of-way and outside of the road section except when sound engineering principals dictate an alternate location. All underground lines shall be installed in accordance with SCDOT standards. All overhead lines shall be a minimum of 18 feet above the roadway crown.
- (4) All paved roads and streets shall be designed and constructed in accordance with all applicable SCDOT standards for secondary roads.
- (5) Base courses for paved roads and streets will be any of those specified by the SCDOT. As a minimum, a six-inch sand clay base course (type I mix) or a four-inch stabilized aggregate base course shall be used for residential streets, more substantive base courses will be required for heavier traffic.
- (6) All road and street pavements as a minimum will be of bituminous (triple treatment) Type 4 surfacing meeting current SCDOT standards,
- (7) Unpaved roads and streets shall be designed in accordance with the minimum design and construction standards shown in appendix 1, figure 1, with the pavement being replaced by any of the materials specified in paragraph (8) below. Driving surfaces shall be equal to those specified for pavement widths in subsection (1) above.
- (8) Driving surfaces for unpaved roads and streets may consist of any materials specified by SCDOT for base courses. As a minimum the following will be accepted for local/residential streets:
  - a. Six inches of sand-clay (type I mix);
  - b. Four inches of stabilized aggregate base;
  - c. Four inches of approved stone; or
  - d. "All-weather road" natural deposits of sand-clay mixtures which approx-

imate a SCDOT type I sand-clay mix for base courses. Heavier traffic will require additional materials.

- (9) Drainage pipe shall be approved reinforced concrete pipe or asphalt coated corrugated metal pipe meeting SCDOT specifications. Minimum crossline pipe size shall be 18 inches and sideline ditch size should be a minimum of 15 inches. Bridges, box culverts, etc. shall be designed in accordance with current SCDOT and applicable federal standards. As a minimum, a 25-year frequency rainfall (24-hour duration) will be used for designing crossline pipe sizes and a ten-year frequency rainfall (24-hour duration) will be used for designing sideline pipe ditches when the project is located outside of a designated floodplain.

(Ord. No. 99-12-15, § 13.5-51, 12-20-1999)

#### **Sec. 36-123. Utility improvements and standards.**

(a) *Utility easements.* Adequate areas of suitable size and location shall be allocated for utility easements. The county shall not accept anything other than a primary right-of-way for any county roadway, whether in a subdivision or outside a subdivision. In a subdivision, the county requires that for a 66-foot right-of-way the county shall reserve 46 feet in the center portion for its primary right-of-way giving utility companies the outer ten feet on either side thereof for their nonexclusive primary right-of-ways to be used for utility purposes. Similarly stated, if the right-of-way is 50 feet in width, as in the case of some residential streets, the county shall reserve the inner 30 feet for its primary right-of-way giving utility companies the outer ten feet on either side thereof for their primary nonexclusive rights-of-way to be used for utility purposes. Any utility that has facilities of any kind in a utility right-of-way as defined by this section shall be considered to be a holder of a primary right-of-way for the purpose of this section. The county will assume an automatic secondary right-of-way on all utility primary rights-of-way on all roads. All roads which consist of a median measuring ten feet or greater may use that area to install utilities in

lieu of installing them in the right-of-way area. When possible, underground utilities are to be installed beyond the limits of roadway and street design standards, and in all cases they shall be installed in accordance with South Carolina Department of Transportation standards.

(b) *Drainage easements.* When a subdivision is traversed by a watercourse, drainageway, channel or stream, adequate areas for stormwaters or drainage easements shall be allocated conforming substantially with the lines of such watercourses and of sufficient width to carry off stormwater and to provide for maintenance and improvements of the watercourse.

(c) *Maintenance.* The county council shall cause to be maintained only those easements specifically accepted for public maintenance in accordance with established policies and procedures. (Ord. No. 99-12-15, § 13.5-52, 12-20-1999)

#### **Sec. 36-124. Blocks.**

In general, blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth except where prevented by topographical conditions or other inherent conditions of property, in which case the approval of the planning commission is required. (Ord. No. 99-12-15, § 13.5-53, 12-20-1999)

#### **Sec. 36-125. Lots.**

(a) *General standards.*

- (1) All lots shall have direct access to and frontage on a public or private street unless a specific variance is granted by the planning commission.
- (2) The lot size, width, depth, shape, grade and orientation shall be in proper relation to the street and block design.
- (3) Double or reverse frontage lots are prohibited, except where required to provide separation or residential development from major streets or to overcome specific disadvantages of topography or orientation.
- (4) Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines. Where feasi-

## SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

§ 36-126

ble, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.

- (5) Corner lots' shall be of sufficient size and shape to permit required building; setback and orientation to both streets. No corner lot shall be less than 70 feet in width and corner lot siding on a major thoroughfare shall be at least 100 feet in width, measured at the building setback line.
- (6) Lots facing or backing on a major thoroughfare or backing on a railroad shall have a minimum depth of 150 feet.
- (7) Lots shall be provided with positive drainage away from the building sites, with drainage toward the street, natural drainage or a drainage easement.
- (8) Nothing contained in these regulations shall be construed as preventing the [state] department of health and environmental control, after study of the conditions at the proposed subdivision or development, from requiring that all or any portion of the area of such subdivision or development shall not be built upon, or that the minimum lot sizes set forth in these regulations are inadequate and must be increased to ensure the protection of the public health.

(b) *Lot dimensions.*

- (1) With public water and sewer:
  - a. *Minimum area:* Seven thousand five hundred square feet for a single lot.
  - b. *Minimum width:* Sixty feet between side lot lines measured at the front setback line. Corner lots shall have additional width to accommodate the side street setback line required as specified herein.
- (2) Without public water and sewer:
  - a. *Minimum area:* For a single lot shall be subject to the approval of the county health department. The county health department shall notify the planning commission and the devel-

oper of its approval in writing. Such notification shall include, as a minimum, identification of individual lots by number. In no case shall the lot size be less than 7,500 square feet.

- b. *Minimum width:* Sixty feet between side lot lines measured at the front setback line. Corner lots shall have additional width to accommodate side street setback line required as specified herein.

(c) *Lot driveways.* Proposed lots shall be so designed as to allow the development of private driveways serving the lot. Adequate vision clearance at the intersection of street right-of-way lines shall be provided. Where difficult problems of driveway curvature or excessive grades are likely to be present, the subdivider or developer shall submit for commission approval, the details of driveway location and grades before lot lines and building sites are finally determined.

(d) *Requirements for flag lot entrance.* Notwithstanding any other provisions to the contrary contained in the land development regulations (this chapter) of Orangeburg County, South Carolina, flag lots shall be permitted for residential purposes with appropriate flag lot access. A flag lot entrance shall not exceed 750 feet in total length and shall serve a maximum of two consecutive lots. Any lot contiguous to a flag lot that faces a state maintained road must have a 100-foot minimum width. Any flag lot access shall be privately owned and maintained. Any flag lot access shall be used for only one single-family detached dwelling unit per lot. Any flag lot access, on a state or county road, shall comply with state and county standards with respect to driveway frontage. Flag lot access intersecting county maintained roads must be approved by the director of public works and those intersecting state maintained roads must be approved by SCDOT officials (See Appendix 2, figure 1, for illustration of flag lot subdivision design).  
(Ord. No. 99-12-15, § 13.5-54, 12-20-1999)

**Sec. 36-126. Building lines.**

In all residential subdivisions the minimum setback from street right-of-way or property line,

whichever is applicable, shall be shown on all plats, preliminary, preconstruction, and final. Building lines on all lots shall conform to the requirements of the zoning ordinance for the district in which the lots are located, if such regulations are in force. If no such regulations are in force, the following requirements shall apply:

- (1) Minimum front yard depth measured from the nearest street right-of-way line:

	<i>Minimum feet</i>
Lots facing an arterial street	50
Corner lot facing an arterial street .....	50
Lots facing a collector street	30
Corner lot facing a collector street .....	35
Lots facing other local streets	25
Corner lot facing other local streets .....	30

- (2) Minimum side yard:

	<i>Minimum feet</i>
From interior side property line .....	15
From side property lines which abut:	
An arterial street .....	30
A collector street .....	25
Other local street .....	20

- (3) Rear yard dwelling building lines shall be least 25 feet from the rear property lines, except for reverse frontage lots, which shall have a rear yard of at least 75 feet of any portion of the right-of way line.
- (4) The watershed off any building or structure shall be a minimum of one foot from any property line.
- (5) On any lot abutting a railroad, no dwelling shall be placed within 30 feet of any portion of the right-of-way line.

(Ord. No. 99-12-15, § 13.5-55, 12-20-1999)

**Sec. 36-127. Water and sewer systems.**

(a) *Required of subdivider.* When a proposed subdivision or development lies adjacent to or near an existing public or private community water and/or sewer system, the subdivider or development shall be required to service the subdivision with this system, provided that the public or private agency having authority over the system has agreed to provide service.

(b) *Written agreement.* A written agreement between the subdivider or developer and the agency indicating the arrangements made for provision of the service shall be submitted with the final preconstruction application. Such agreement shall clearly state the responsibilities of both parties as they relate to installation and maintenance of the facility(ies).

(c) *Approval of plans.* Sanitary waste disposal and/or water supply systems shall be installed according to plans approved by both the local agency responsible for waste disposal and the South Carolina Department of Health and Environmental Control. All public utility water supply systems shall provide fire hydrants within 800 feet from the center line of all proposed lots as measured along street lines. Public water mains and fire hydrants shall be of ample size and in no case smaller than six inches (152 mm).

(d) *Storm sewers.* Storm sewers will be required in the following situations:

- (1) In subdivisions or land developments where it would be desirable to continue sewers that are existing; or
- (2) In subdivisions or land developments where underground storm sewers are necessary to assure the public's health, safety and welfare.

(e) *Storm drainage ditches.* Storm drainage ditches and related drainage facilities may be installed in any subdivision where underground storm sewers are not required by these regulations. Essentially these areas should be restricted to subdivisions that are classified as "rural" or "country" or to areas where the nature of the existing drainage is such as to warrant their use.

## SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

§ 36-128

Where permitted, storm drainage ditches shall be installed according to the following specifications:

- (1) All ditches, canals and other open drainage ways installed by the subdivider shall be stabilized against erosion in accordance with the Orangeburg County Sediment Control Ordinance.
- (2) Along roads, the maximum depth of ditches shall be that depth required to facilitate the proper flow, and they shall be designed to enable maintenance and mowing by adjoining property owners on grades of three percent or greater. Such ditches shall have proper "outfall" easements or underground pipe to prevent erosion.
- (3) Easement width on all other ditches shall be designed and subject to the approval of the director of public works. As a minimum, a ten-foot easement will be required on both sides of the ditch centerline.
- (4) All storm drainage ditches and related facilities shall be installed in accordance with plans approved by the director of public works.
- (5) The owner or developer, after certification is given to the county by the designer/engineer, shall be responsible to ensure that storm drainage ditches and related facilities will not pose a safety hazard to occupants of subdivisions. The designer/engineer shall design the drainage to flow naturally if possible. If to the contrary, reason must be given and approval by the planning commission.

(Ord. No. 99-12-15, § 13.5-56, 12-20-1999)

**Sec. 36-128. Drainage system.**

(a) *Generally.* Storm drainage systems shall be installed within all new subdivisions and land developments. The subdivider or developer shall be responsible for installing, at his own expense, all improvements necessary to provide proper drainage for his property and tie the drainage system of the subdivision into the existing natural drainage of the area. All drainage improvements must be completed and approved prior to the final approval of the subdivision or develop-

ment plan. All drainage improvements must be completed and approved prior to final acceptance of roadways into the county's maintenance system.

(b) *General design criteria.* Storm sewers, culverts, ditches and related facilities shall be provided as necessary to permit the unimpeded flow of natural water courses to ensure the drainage of all low points along the lines of roads, to intercept storm water runoff along roads and to provide positive drainage away from on-site sewage disposal facilities. In addition, storm drainage facilities shall be designed so that the anticipated peak discharge from the property being developed does not exceed the capacity of existing downstream drainage facilities. As a general rule a 25-year storm frequency of a 24-hour duration will be used to size drainage systems and structures outside the floodplains.

(c) *Culverts.* All culverts shall be designed and installed in accordance with standards as established by the director of public works.

(d) *Abutting property.* In the design of all storm drainage facilities, special consideration shall be given to preventing excess runoff onto adjacent developed or undeveloped land. When a storm drainage outlet will abut another property, the subdivider or developer will secure the approval in writing of the adjoining affected owners. In cases where circumstances preclude such approval in writing, the developer shall submit documentation to hold the county harmless from damages resulting from stormwater runoff and a certified statement from a South Carolina registered engineer stating that the discharge system will not generate a discharge in excess of that prior to development.

(e) *Road drainage.* A road must be designed so as to provide for the discharge of surface water from its right-of-way. The slope of the crown on a road shall not be less than one-fourth of an inch per foot. Adequate facilities must exist all along roads to properly intersect and carry away stormwater drainage.

(See Appendix 1, figure 1 and figure 2, for minimum design and construction standards two-lane

22-foot-wide paved streets. These standards will also apply to roads and streets of any specified pavement width.)

(Ord. No. 99-12-15, § 13.5-57, 12-20-1999)

**Cross reference**—Soil erosion and sedimentation control, ch. 32.

### Sec. 36-129. Flood hazard areas.

(a) It is the intent of this section to establish minimum criteria for application to subdivisions or development which are to be located in or adjacent to what is defined as a flood hazard area, as designated on official county floodplain maps.

(b) The following criteria shall apply to the subdivision or development of land within or adjacent to the designated flood hazard areas of the county:

- (1) Plans for subdivisions or developments lying in a flood hazard area shall have such areas clearly delineated on the plans by indication of the topographic contour line corresponding to the 100-year flood elevation as may be shown on official county floodplain maps. This will be used on mean sea level datum.
- (2) Engineering plans and specifications shall be submitted showing that adequate design has been incorporated to assure, to the extent possible, that:
  - a. Water supply systems will be constructed to preclude infiltration by floodwaters.
  - b. Waste water disposal systems, except septic tanks, will be constructed to preclude infiltration by floodwaters.
  - c. Types and construction of fill materials used for building foundations are to be such so as to minimize settlement, slope erosion, siltation, and to facilitate drainage of potential surrounding floodwaters.
- (3) Covenant restrictions shall be placed in the deeds to all lots of a subdivision lying within a flood hazard area stipulating to the lot owner that construction of a residential structure (or commercial struc-

ture in the case of a commercial business subdivision) on that lot lying within a flood hazard area shall have, as a minimum first floor elevation, one foot above the 100-year flood level as designated on official county floodplain maps.

- (4) No street or road shall be approved which would be subject to frequent inundation or flooding.

(Ord. No. 99-12-15, § 13.5-58, 12-20-1999)

**Cross references**—Flood damage prevention generally, § 18-31 et seq.; standards for flood hazard reduction for subdivision proper, § 18-81; soil erosion and sedimentation control, ch. 32.

### Sec. 36-130. Markers.

(a) All newly established corners shall be metal or concrete. The metal corners shall be no less than one-half-inch in diameter. The concrete corners shall be no less than four inches in diameter and shall have the corner point inscribed thereon, both being no less than 24 inches in length. The type of corner, old or new, shall be indicated on the plat. When conditions warrant setting a corner on an off-set, the location should be selected so the corner lies on a line of the survey, or on a prolongation of such line.

(b) Markers shall be installed at the following locations:

- (1) All points where lot lines intersect a street, alley or easement right-of-way lines.
- (2) All points where curves begin and end.
- (3) All angles formed by intersection of lot lines.
- (4) All exterior corners of the subdivision or land development.
- (5) All points required to delineate the location or extent of reservations, easements, or dedications not otherwise defined.

(Ord. No. 99-12-15, § 13.5-59, 12-20-1999)

### Sec. 36-131. Engineering certification.

All designed drainage and construction plans for roads, bridges, storm and sewer systems; water and wastewater systems, except those approved by DHEC, shall be prepared and certified

## SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

§ 36-171

by an engineer registered for practice in the state and such certification shall be shown on such plans.

(Ord. No. 99-12-15, § 13.5-60, 12-20-1999)

**Sec. 36-132. Changes in approved plans and specifications.**

If problems of construction necessitate changes in the approved plans and specifications, the subdivider or developer shall request approval of such changes by the planning commission. The subdivider or developer shall not proceed with construction involving any changes prior to obtaining approval.

(Ord. No. 99-12-15, § 13.5-61, 12-20-1999)

**Sec. 36-133. Maintenance of improvements.**

(a) The county council shall maintain only those improvements offered for public dedication and accepted for public maintenance by the county. All streets offered for dedication and accepted shall have shoulders, side slopes, valley gutters or ditches prepared in conformance with the latest edition of the standard specifications for highway construction, South Carolina Department of Transportation.

(b) For those improvements where public dedication and public acceptance for maintenance have not been made, the subdivider or developer shall maintain the required improvements or provide satisfactory guarantee to the county council for the maintenance of the required improvements.

(Ord. No. 99-12-15, § 13.5-62, 12-20-1999)

**Secs. 36-134—36-170. Reserved.**

**ARTICLE V. MOBILE/MANUFACTURED HOME RENTAL PARKS**

**Sec. 36-171. Mobile/manufactured home rental parks.**

(a) *Definition of mobile/manufactured home rental park.* A parcel of land containing five (5) or more mobile/manufactured home sites which are available for rent or lease.

(b) *Requirements for mobile/manufactured home rental parks.*

- (1) *Lot size.* Each mobile home shall be on a lot not less than 9,000 square feet in area. Where septic tank installation is required, the South Carolina Department of Health and Environmental Control (DHEC) may require a larger minimum lot size than that established by this county ordinance. SC DHEC shall be the final authority on such matters. In addition, the plan for a mobile/manufacture home park shall be required to identify the boundary lines of each lot and provide a minimum of two parking spaces per lot.
- (2) *Setbacks.* No mobile/manufactured home shall be located closer than 50 feet to the right-of-way line of a street or highway or closer than ten feet from side and rear property lines. Each mobile home shall be set back at least ten feet from the front, side, and rear lines of the plot on which it is located.
- (3) *Road and right-of-way requirements.* The minimum road surface width within a mobile/manufactured home rental park shall be twenty feet. The minimum right-of-way width within a mobile/manufactured home park shall be 35 feet. The number of lots allowed in a mobile/manufactured home rental park with a paved private road is not restricted. The maximum length of an unpaved private road in a mobile/manufactured home rental park shall be a cumulative distance of 1,500 feet.
- (4) *Operating requirements.* The operator of each mobile/manufactured home rental park shall comply with all state and county health department rules and regulations governing the sanitation and operation of mobile/manufactured home rental parks.
- (5) *Compliance with all county ordinances.* All applicable requirements contained in this chapter and chapters 18 and 32 shall be adhered to.

(Ord. No. 99-12-15, § 13.5-80, 12-20-1999)

§ 36-172

ORANGEBURG COUNTY CODE

**Secs. 36-172—36-200. Reserved.****ARTICLE VI. PLANNED UNIT DEVELOPMENTS (PUD)****Sec. 36-201. Generally.**

(a) Oftentimes a tract of land is planned out for several types of uses by a developer and developed in phases over a period of time. Many times a tract of land is developed and the housing or commercial units are leased rather than for sale, thus retained in one ownership. Successful completion of a planned unit development requires a certain degree of latitude with respect to internal site planning consideration. While certain latitude is deemed necessary for such development, so is the need to ensure that all new developments shall contribute to the building of economically sound and desirable living areas within the county with all necessary services and facilities provided for.

(b) Based on the preceding, the following criteria and procedures shall apply for PUDs in the county.  
(Ord. No. 99-12-15, § 13.5-90, 12-20-1999)

**Sec. 36-202. Qualifications.**

(a) In order to qualify for treatment as a planned unit development under these regulations, a proposed development shall meet one or more of the following conditions:

- (1) Consist of a combination of land usage such as a single family residential, multi-family residential (condominium) townhouses, apartments (limited convenient commercial);
- (2) Be an individual multifamily development, commercial complex, a mobile home development retained in one ownership with dwelling units or lots leased rather than sold; or
- (3) Any other innovative development proposals such as zero lot lines, patio homes, cluster housing, etc.

(b) Plans meeting the conditions stated above and for which a request has been made by the developer for treatment as a planned unit development, shall be submitted and reviewed according to the same procedures established in article III. Specific preliminary plans, final preconstruction plans and as-built plat submission requirements will be those covered under sections 36-83, 36-84 and 36-85 and the following additional requirements [set forth below].

(Ord. No. 99-12-15, § 13.5-91, 12-20-1999)

**Sec. 36-203. Preliminary plan requirements.**

In order for the planning commission to properly review the planned unit development, the following information shall be submitted in addition to that required by section 36-83:

- (1) Proposed use of all land within the boundaries of the development.
- (2) Plans for screening and protection of abutting properties.
- (3) Proposed off-street parking facilities.
- (4) Proposed reservations or dedications for streets, open spaces and other facilities.
- (5) Proposed standards for development, including restrictions on the use of property, density standards, yard requirements and restrictive covenants.

(Ord. No. 99-12-15, § 13.5-92, 12-20-1999)

**Sec. 36-204. Final preconstruction plan requirements.**

The final preconstruction plan requirements shall be the same as provided for in section 36-84, and those specified in section 36-203. In addition they must comply with all other requirements of this article.

(Ord. No. 99-12-15, § 13.5-93, 12-20-1999)

**Sec. 36-205. Final as-built plat requirements.**

The final as-built plat requirements for PUDs shall be the same as those specified under section 36-85.

(Ord. No. 99-12-15, § 13.5-94, 12-20-1999)

SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

§ 36-206

**Sec. 36-206. Planned unit development design criteria.**

The design standards stated in article IV of these regulations shall apply to planned unit developments and, in addition, the following design criteria shall also apply:

- (1) Densities per acre for residential dwelling units for each planned unit development shall be a function of the availability and

capacity of community facilities, such as water and sewer systems, and a function of the ability of the soil to support the proposed densities.

- (2) Parking and loading requirements for each planned unit development shall be adequate to support the proposed densities. Minimum parking requirements for different types of uses are shown below:

---

Single-family residential .....	One space for each dwelling unit
Multifamily dwellings.....	One space for each two bedrooms
Mobile home parks .....	One space for each trailer space
Hotels .....	One space for each two guest rooms, plus one space for each five employees
Motels .....	One space for each accommodation, plus one space for each three employees
Golf courses.....	No less than 100 total spaces
Medical office building.....	One space for each 200 square feet of office space used for the health profession
Schools .....	Ten spaces per room for high schools and colleges and two spaces per room for elementary schools
Other professional/business offices.....	Two spaces, plus and additional space for each 300 square feet of gross floor space
Banks .....	One space, plus one additional space each 300 square feet of gross floor space
Service/repair establishments .....	One space, plus an additional space for each 250 square feet of gross floor space
Retail businesses .....	One space, plus an additional space for each 200 square feet of gross floor space
Marinas .....	Two spaces for each boat storage facility
Churches and places of indoor/outdoor public assembly, including private clubs .....	One space for each two staff members or employees plus one space for each four seats in the principal room
Restaurants, theaters, nightclubs, and other such places of public assembly.....	One space for each four seating accommodations; plus one space for each two employees
Service stations .....	Two spaces for each gasoline pump, plus three spaces for each grease or wash rack
Wholesale/industrial uses .....	One space for each two employees, plus one space for each company vehicle operating from the premises.

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- (3) Where a development abuts a separate single-family residential district, buildings and activities other than single-

family dwellings and two-family dwellings must be set back a sufficient distance from the separating property line or dis-

tract boundary line. This setback must not be less than 30 feet for multifamily residential, public or institution uses, or 50 feet for commercial or industrial uses to ensure the absence of any objectionable effects or from abutting districts. In the case of commercial and industrial uses, the distance separating all buildings and activities from surrounding residential districts should, in fact, be great enough to constitute a reasonable buffer. Loading docks and truck maneuvering areas and terminals, where possible, should be further removed from residential lot lines than buildings. Property lines abutting residential districts must be screened by a permanent attractive planting screen, wall or fence in a buffer strip not less than six feet in height and sufficient to screen out excessive sound and view from the residential areas, except in the following instances:

- a. Where one- and two-family dwellings and townhouses within the planned unit development are on property immediately adjoining a residential district, then no buffer shall be required.
  - b. Where multifamily dwellings and townhouses within the planned unit development are on property immediately adjoining multifamily dwellings or townhouses in a residential district, then no buffer shall be required. In addition, all storage yards or outdoor display spaces must be enclosed with a planting screen, wall or fence to a height of at least six feet, including gates and exit points.
- (4) Within a planned unit development, the design should include buffers suitable for screening residential areas from institutional, commercial, and industrial users.
  - (5) Lighting facilities shall be arranged in a manner that will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.

- (6) In planned unit developments, areas used for parking and loading shall be physically separated from streets by suitable barriers against unchanneled motor vehicle ingress or egress. Shopping centers and other individual commercial, industrial, institutional and multifamily uses shall have not more than two access points to any one street, unless unusual circumstances demonstrate the need for additional access points.

(Ord. No. 99-12-15, § 13.5-95, 12-20-1999)

#### **Sec. 36-207. Changes in approved PUD preliminary plans.**

Due to the nature of most planned unit developments, the greatest latitude possible will be afforded the developer as regards internal site changes. However, if problems of construction necessitate changes in the approved final preconstruction plans and specifications the subdivider shall submit all proposed changes to the planning commission for approval prior to making the changes.

(Ord. No. 99-12-15, § 13.5-96, 12-20-1999)

#### **Sec. 36-208. Changes in approved PUD final as-built plats.**

(a) Changes to approved planned unit development final as-built plats duly recorded with the county register of deeds and from which lots or building sales are being made, shall be submitted to the planning commission for review and approval prior to making such changes.

(b) Upon final approval by the planning commission of the requested change(s), the developer shall record the amended plat.

(Ord. No. 99-12-15, § 13.5-97, 12-20-1999)

#### **Sec. 36-209. Improvements.**

The provisions of article IV of these regulations regarding improvements shall apply to planned unit developments unless otherwise stated herein.

(Ord. No. 99-12-15, § 13.5-98, 12-20-1999)

SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

§ 36-210

**Sec. 36-210. Other provisions to apply.**

All other provisions of these land development regulations shall apply to planned unit developments unless otherwise stated herein.

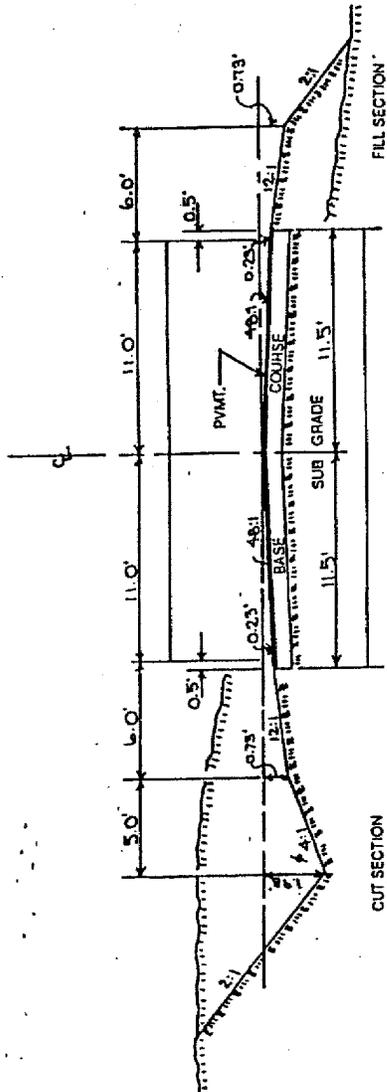
(Ord. No. 99-12-15, § 13.5-99, 12-20-1999)

§ 36-210

ORANGEBURG COUNTY CODE

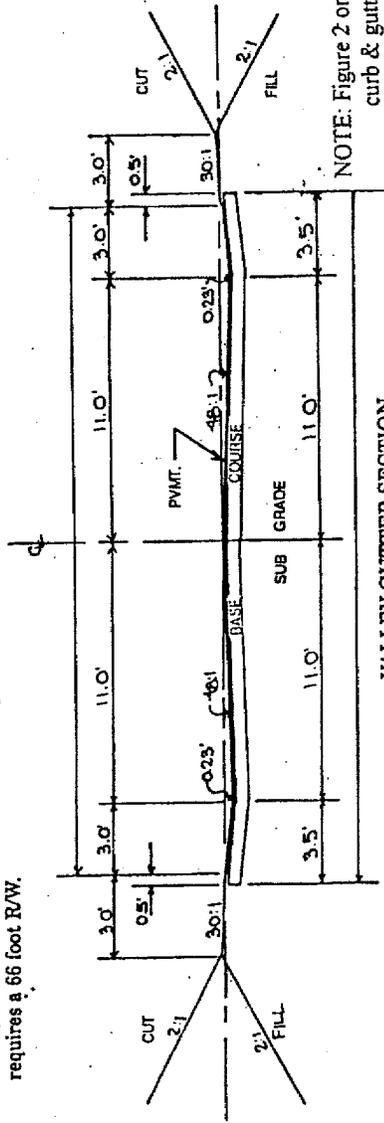
APPENDIX 1

Minimum Design and Construction Standards for Paved Minor Streets



TYPICAL SECTION  
FIGURE 1

NOTE: Figure 1 must be used for all unpaved roads. This requires a 66 foot R/W.

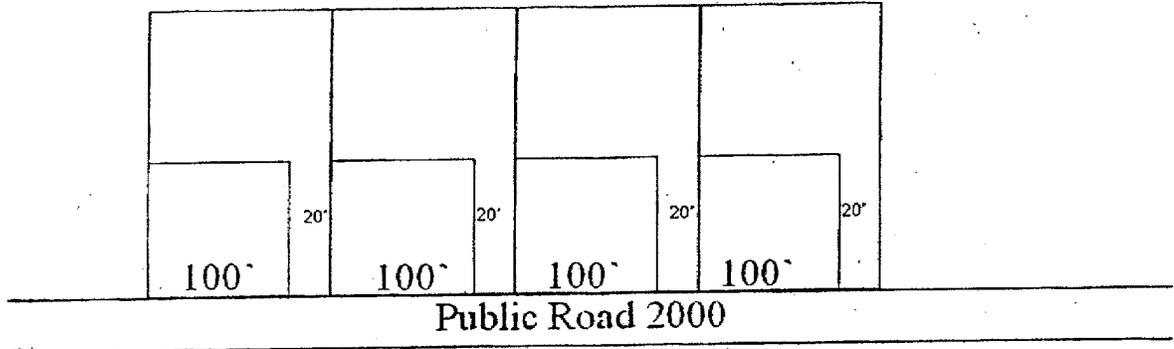


VALLEY GUTTER SECTION  
FIGURE 2

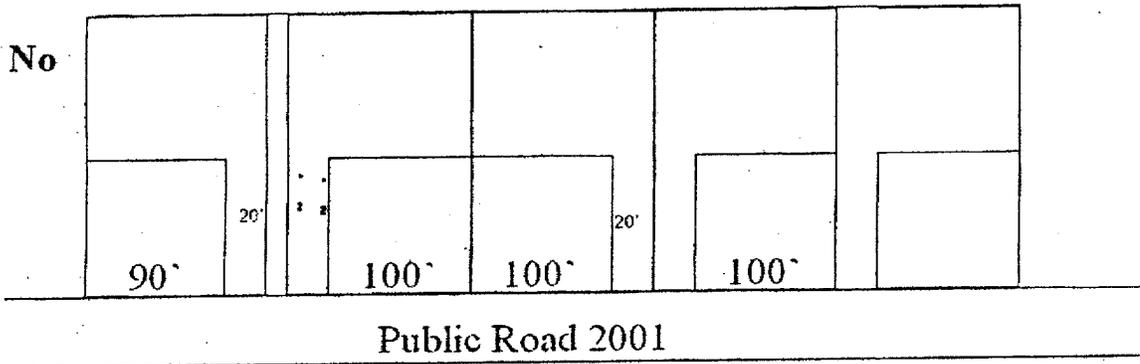
NOTE: Figure 2 or a SCDHPT curb & gutter section must be used in all 50 foot R/W. In all cases these sections must be paved.

# Flag Lot Design

Yes



No





Chapter 37

**RESERVED**

