

City of Orangeburg South Carolina



LAND DEVELOPMENT ORDINANCE

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LAND DEVELOPMENT ORDINANCE

AN ORDINANCE OF THE CITY OF ORANGEBURG, SOUTH CAROLINA, GOVERNING THE DEVELOPMENT OF LAND AND PROVIDING FOR DESIGN STANDARDS, REQUIRED IMPROVEMENTS, AND THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF.

ARTICLE I GENERAL

1.1 Title

This Ordinance shall be known as the **Land Development Ordinance** of the City of Orangeburg, South Carolina.

1.2 Authority

This Ordinance is adopted pursuant to the authority granted under the General Statutes of South Carolina, 1976 Code of Laws, Sections 6-29-1110 through 6-29-1200.

1.3 Purpose

The purpose of this Ordinance is in keeping with the declaration of intent by the State of South Carolina (6-29-1120), to require harmonious, orderly, and progressive development of land in pursuit of public health, safety, economy, good order, appearance, convenience, morals, and the general welfare. In furtherance of this general intent, the regulation of land development is authorized for the following purposes among others:

1. To encourage economically sound and stable development;
2. To assure the timely provision of required streets, utilities, and other facilities and services to new land development;
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 developments through the dedication or reservation of land for recreation, education, transportation, and other public purposes; and
5. To assure, in general, the wise and timely development of new areas in harmony with the Comprehensive Plan of the City of Orangeburg.

1.4 Application of Ordinance

No plat for the subdivision of land within the City of Orangeburg shall be filed with or recorded by the Orangeburg County Clerk of Court until such plat shall have first been submitted to and approved by the Orangeburg Planning Commission, according to procedures set forth in this Ordinance.

No permit to develop, construct, or otherwise change land characteristics in the City of Orangeburg shall be issued except in compliance with all applicable provisions of this Ordinance, Building Codes, and the City's Zoning Ordinance.

No street or land shall be accepted or maintained nor shall any street lighting or similar improvements be extended or connected, nor shall any permit be issued by any department of the City for construction of any building or other improvement in any subdivision established hereunder which has not been approved by the planning commission. In addition, no waterlines or sewer extensions shall be constructed by the Department of Public Utilities in any subdivision without the prior approval of the subdivision by the planning commission.

1.5 Variances/Appeals

Any party in interest may appeal an administrative decision or request a variance from the requirements of this Ordinance, where the requirements would result in extreme practical difficulties or undue economic hardship. The appeal or variance request shall be taken to the Planning Commission. The Planning Commission shall act within 60 days of receipt of the appeal or variance request.

The Planning Commission shall approve an appeal or variance only upon a determination that it:

1. will not be detrimental to public health, safety, and general welfare;
2. will not adversely affect the reasonable development of adjacent property;
3. is justified because of topographic or other special conditions unique to the property involved as opposed to mere inconvenience or financial disadvantage;
4. is consistent with the objectives of this Ordinance and will not have the effect of nullifying the intent or purpose of this Ordinance or the Comprehensive Plan; and
5. will not conflict with applicable requirements of the City's Zoning Ordinance.

A decision of the Planning Commission is final. An appeal from a decision of the Planning Commission may be taken to circuit court within 30 days after actual notice of the decision.

Minimum lot area and set back requirements shall be in compliance with the City's Zoning Ordinance.

1.6 Vested Right

1. Definition

'Vested right' means the right to undertake and complete the development of property under the terms and conditions provided in this Article.

2. Duration

A vested right is established for two years upon the approval by the Zoning Administrator or Planning Commission, as applicable, of a Subdivision, or a Land Development.

A vested right may be extended at the end of the vesting period for an additional 12 months, or 36 months for a phased development plan, upon request by the applicant and a determination by the Planning Commission that there is just cause for extension and that the public interest is not adversely affected.

A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code.

3. Amendment

A vested site specific development plan or vested phased development plan may be amended if approved by the Zoning Administrator or Planning Commission as applicable, pursuant to the provisions of this ordinance.

4. Revocation

A vested right to a site specific development plan or phased development plan is subject to revocation by the Planning Commission or Zoning Administrator, as applicable, upon determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

5. Applicability of Other Regulations

A vested site specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit;

A vested site specific development plan or vested phased development plan is subject to subsequent local governmental overlay zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses;

A change in the zoning district designation or land use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested site specific development plan or vested phased development plan without consent of the landowner;

The Zoning Administrator or Planning Commission as applicable must not require a landowner to waive his vested rights as a condition of approval of a site specific development plan or a phased development plan.

6. Vested Right to Run with Property

A vested right pursuant to this section is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this Section may rely upon and exercise the vested right for its duration subject to applicable federal, state, and local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. This Section does not preclude judicial determination that a vested right exists pursuant to other statutory provisions. This Section does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act in Chapter 31 of Title 6.

1.7 Amendments

From time to time this Ordinance may be amended by the City Council, after a public hearing, the time and place of which shall be duly advertised in a newspaper of general circulation at least thirty (30) days prior to said hearing; provided, however, that no amendment shall become effective unless it shall have first been submitted to the Planning Commission for

review and recommendation.

The Planning Commission shall have 30 days within which to submit its report; provided, however, that the Council may waive this requirement and grant an extension of time. If the Planning Commission fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

1.8 Violations and Penalties

Any person, firm, or corporation who violates the provisions of this Ordinance, or the owner or agent of the owner of any land to be developed within the jurisdiction of this Ordinance who transfers or sells land before a plat therefore has been approved by the Planning Commission and recorded in the office of the Clerk of Court in and for the County of Orangeburg, shall be guilty of a misdemeanor, and upon conviction thereof, shall forfeit and pay penalties as the Court may decide for each parcel so transferred or sold or agreed to be sold. The description of metes and bounds in the instrument of transfer, descriptive drawings attached to deeds, or other documents used to sell or transfer property shall not exempt the transaction from these penalties. The Circuit Court in and for the County of Orangeburg may enjoin such transfer or agreement by appropriate action.

1.9 Interpretation and Conflict

The provisions of this Ordinance shall be held to be minimum requirements. Where the conditions proposed by any other provision of this Ordinance are either more restricted or less restrictive than any other applicable statute or ordinance, the more restricted statute or ordinance, imposing higher standards or requirements shall govern.

ARTICLE 2

PLAT (PLAN) APPROVAL PROCEDURES

2.1 Purpose

The purpose of this Article is to establish the procedure for processing land development applications.

2.2 Application Process

The application process consists of three phases:

1. pre-application,
2. application assignment, and
3. application submission and review.

2.3 Pre-Application (optional)

For the purpose of securing advice in the formative stages of development design, expediting applications, and reducing development costs, the developer may request a pre-application conference and/or sketch plan review in accordance with the following requirements:

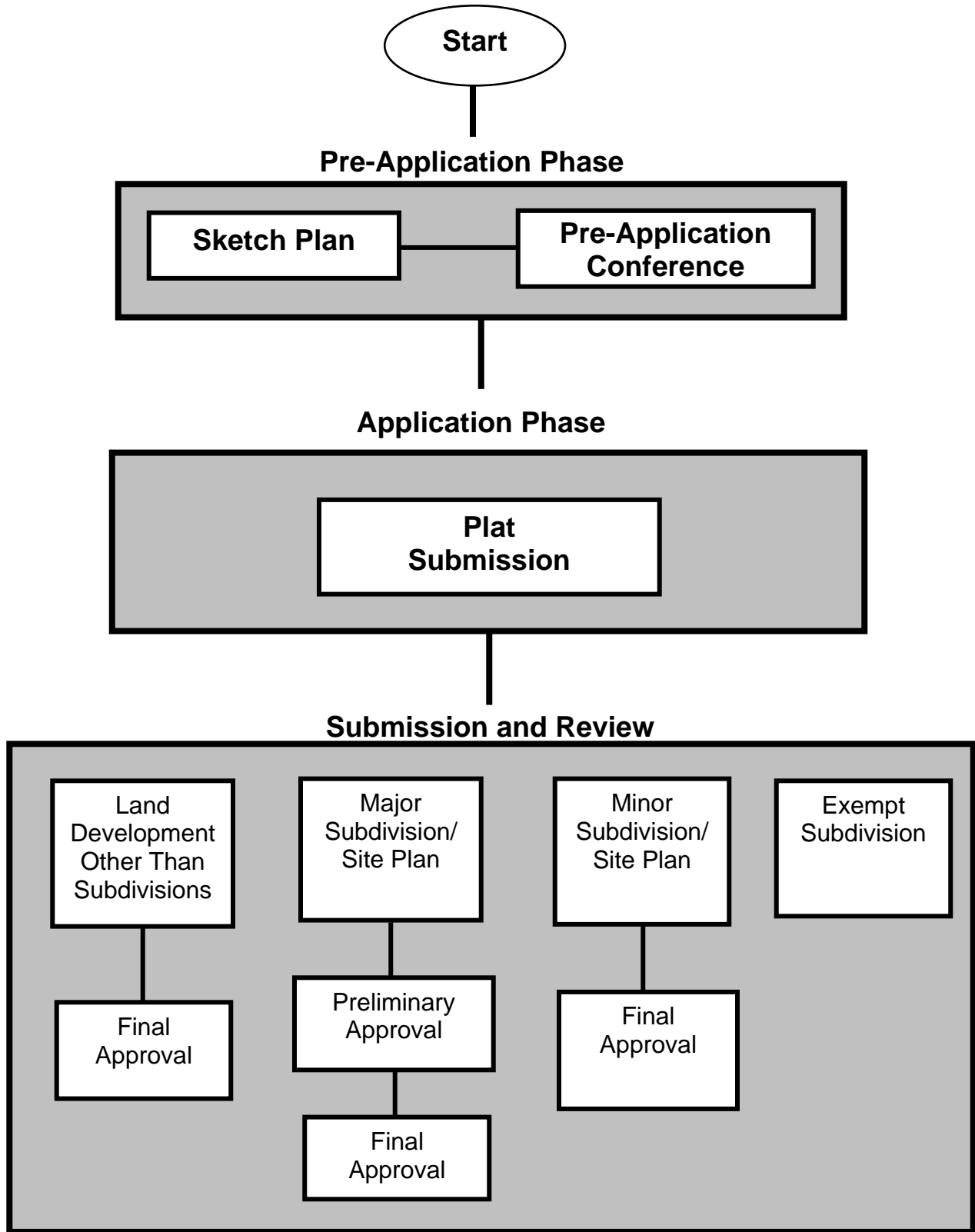
1. Pre-Application Conference

At the request of the applicant, the Zoning Administrator shall arrange a pre-application conference to discuss requirements of this Ordinance, land development practices, proposed plans of the applicant, applicable provisions of the Comprehensive Plan and Zoning Ordinance, and related matters. The Zoning Administrator may invite to the conference or consult with other department heads and affected agencies.

2. Sketch Plan

In addition or as an alternative to the pre-application conference, the applicant may request an informal review of a sketch plan for the proposed project.

Land Development Site Plan Approval Procedure



2.4 Application Assignment

Applications will be assigned to one of the following four categories, as determined by the Zoning Administrator, and processed accordingly:

- a. an exempt subdivision,
- b. a minor subdivision,
- c. a major subdivision, or
- d. a land development project other than a subdivision.

The designated responsibility for reviewing and approving each of the above is as follows:

Exempt Subdivisions	Zoning Administrator
Minor Subdivisions	Zoning Administrator
Major Subdivisions	Planning Commission
Land Development Project Other Than Subdivision	Planning Commission

2.5 Application Submission and Review

2.5.1 Exempt Subdivisions

Applicants of subdivisions exempt from the requirements of this Ordinance shall nonetheless submit to the Zoning Administrator three copies of said exempt plat, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina. The Zoning Administrator shall indicate such exempt status on each copy of the plat for recording; **“This plat is exempt from the requirements of the Land Development Ordinance of the City of Orangeburg”** and signed by the Zoning Administrator.

While not constituting a subdivision, existing plats and lots to be recorded also shall bear the above plat notations.

2.5.2 Minor Subdivisions

1. Applicants requesting approval of a proposed minor subdivision, as defined by this Ordinance, shall submit to the Zoning Administrator three (3) copies of a plat, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, the prescribed fee, and evidence that no taxes or assessments are outstanding against the property.
2. The Zoning Administrator shall review the application for compliance with the requirements of this Ordinance and if found to be in compliance will instruct the applicant to prepare a Final Plat, including Surveyor certification as required by Section 3.3.
3. Action on the Final Plat shall be taken by the Zoning Administrator and so noted for recording.

2.5.3 Major Subdivisions

Applicants requesting approval of a Major Subdivision, as defined by this Ordinance, shall submit a Preliminary and then a Final Plat in accord with the following procedures (steps):

PRELIMINARY PLAT (PLAN) APPROVAL

Step 1 The applicant shall submit to the Zoning Administrator 6 copies of the Preliminary Plat, 6 copies of utility and construction plans, and all materials stipulated by Article 3.

The Zoning Administrator shall review the plat for compliance with the requirements of this Ordinance, and submit copies to all affected departments and agencies for review and comment.

Upon completion of these reviews the Zoning Administrator shall forward the Preliminary Plat to the Planning Commission, together with all staff and agency comments and recommendations. The Planning Commission shall act on the application within 30 days of receipt of the application.

In its deliberations, the Planning Commission shall approve,

approve conditionally, or disapprove the Plat. If the Preliminary Plat is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan or Ordinance or regulation with which the Plat does not conform. On conditional approval, the Commission may require the applicant to resubmit the Preliminary Plat with all recommended changes before approving said Plat.

If the Preliminary Plat is found to conform to all requirements of the Ordinance, approval shall be given by the Planning Commission and shall be noted in writing by the Chairman of the Planning Commission on at least two (2) copies of the Preliminary Plat. One copy shall be retained by the Planning Commission and one copy given to the applicant.

Step 2 Effect of Preliminary Plat Approval

Preliminary Plat approval shall confer upon the applicant the following rights for one-year, unless extended by the Planning Commission:

1. To proceed under the supervision of the city with the installation of site improvements; and
2. To proceed with the preparation of a Final Plat.

Preliminary Plat approval shall not authorize the applicant to sell or otherwise transfer or develop lots or parcels within the platted subdivision.

Step 3 Final Plat Approval

Final Plat approval is an administrative action. No public notice or hearing is required in connection with approval proceedings on the Final Plat.

An applicant requesting Final Plat approval shall submit to the Zoning Administrator six (6) copies of the material specified in

Article 3 of this Ordinance, which shall show all streets and utilities in exact location, identifying those portions already installed and, where approved by the Planning Commission and Council, those to be installed and/or certified in the amount of improvement guarantees required to assure completion of those improvements not yet installed, as stipulated in Article 6 of this Ordinance.

Final Plat approval shall be granted or denied within 45 days after submission of a complete application to the Zoning Administrator or within such further time as may be consented to by the applicant.

No subdivision plat, portion, or phase thereof shall be accepted for filing by the Office of Register of Deeds until it has been approved by the Planning Commission, and so indicated on the plat by the signature of the chairman. No such signature shall be affixed to the plat until the developer has completed all required improvements or has posted the guarantees required by Article 6 of this Ordinance.

Step 4 Effect on Final Plat Approval

Final Plat approval shall confer upon the applicant the following rights:

1. To record the plat with the County Register of Deeds, and after recording.
2. To proceed with the sale and/or transfer of lots and parcels in accord with the approved and recorded plat.

2.5.4 Land Development Project Other Than A Subdivision

No building permit shall be issued for a shopping center; apartment or condominium complex; commercial, business, or industrial park; manufactured home park; or other multi-use or multi-occupant project, unless and until an applicant for such use submits to the Zoning Administrator the following:

1. A plat and/or Site Plan with date and scale, showing the actual shape and dimensions of the lot to be built upon; the size, height, and location on the lot of existing and proposed buildings and structures; the intended use of each building; the number of units the building is designed to accommodate; flood and wetland areas; proposed parking, driveways, and interior circulation pattern; building elevations; and contiguous off-site development.
2. Grading and storm water plan.
3. Zoning compliance determination.
4. All required permits of other state and local agencies.

The Zoning Administrator shall transfer the application together with the above data and accompanying reviews of affected departments and agencies to the Planning Commission for review. The Planning Commission shall evaluate the application in relation to Sections 1.3 of this Ordinance, and the following design and improvement criteria.

Project Design Criteria

1. Ingress and egress to the project site shall be designed to maximize automotive and pedestrian safety and facilitate traffic flow.
2. Off-street parking, off-street loading, refuse, and service areas shall be designed to minimize their visual and physical impact on neighboring property.
3. Street right-of-way and pavement construction shall be adequate to accommodate the type and volume of traffic anticipated.
4. Where the project will create a need for off-site improvements, including improvements to streets, drainage systems, sidewalks, and curbs, the Planning Commission may require the installation of such improvements in accord with Article 5, as a condition of approval.

If, upon review of these standards, the project is determined to be in compliance with all regulations and ordinances, the Planning Commission shall approve the land development application and cause the issuance of a building permit.

Any proposed changes to an approved project shall be resubmitted and reevaluated in light of the above.

2.6 Administrative Fees

All applications shall be accompanied by the following fees, as applicable:

- a. Application fee for plats of existing lots of record - \$50.00 minimum or \$10.00 per lot, whichever is greater
- b. Exempt Subdivisions - \$50.00 minimum or \$10.00 per lot, whichever is greater
- c. Minor Subdivisions - \$50.00 minimum or \$10.00 per lot, whichever is greater
- d. Major Subdivisions -
 1. Residential: \$50.00 minimum or \$10.00 per lot, whichever is greater
 2. Non-Residential: \$50 minimum, or \$25 per acre, whichever is greater.
- e. Land Development project other than subdivision - \$25 per acre

ARTICLE 3

PLAT REQUIREMENTS FOR MAJOR SUBDIVISIONS AND LAND DEVELOPMENT PROJECTS OTHER THAN A SUBDIVISION

3.1 Purpose

The documents to be submitted are intended to provide sufficient information and data to assure compliance with all applicable requirements, standards, and specifications contained in this Ordinance.

3.2 Requirements For Preliminary Plat Review

Preliminary Plats shall be clearly and legibly drawn to a scale not less than one (1) inch equal two hundred (200) feet, and be on a sheet size of 24 inches by 36 inches or a size suitable to the Register of Deeds. If a Preliminary Plat requires more than one sheet, a key diagram showing relative location of several sections shall be drawn on each sheet.

Preliminary Plats shall contain and show the following:

General Information

1. Proposed name of land development (subdivision), which shall not duplicate or approximate the name of any other development in the City or County.
2. Name and address of developer and/or owner/applicant.
3. North arrow, scale, and date, including revision dates.
4. Tract boundaries and acreage.
5. Vicinity map.

Site Information

1. Significant topographical features, including location of wetlands and flood plain areas, and storm drainage ditches.

2. Existing zoning.
3. Location, names, and right-of-way widths of existing streets in vicinity of tract.
4. Location and right-of-way of railroads and utility lines either on or adjacent to the property to be developed. Specifics must be given as to whether utility lines are in easements or rights-of-way and location of poles and/or towers must be shown.
5. Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract.
6. Elevations where public water and/or public sewers are to be installed referencing the most current National Geodetic Vertical Datum (NGVD) (if applicable) and the State Plane Coordinate System.
7. Jurisdictional lines if applicable, and surrounding development.

Planned Improvements

Layout of streets and sidewalks and street names.

1. Layout of lots, including building setback lines; scaled dimensions of lots; lot numbers, and total number.
2. Layout of utility easements, indicating width and use.
3. Proposed major contour changes where substantial cut and/or fill are to be done.

Construction Plans

1. Construction plan for wastewater facilities and system (if applicable) conforming to all requirements of DHEC and DPU.
2. Construction plan for storm water system(s) with grade, pipe

size, and location of outlets and detention ponds, where proposed. Storm water lines shall be sized to accommodate runoff based upon the following:

Roadway drainage systems shall be designed to accommodate storms with a ten (10) year return frequency.

Internal systems and easements shall be designed to handle internal drainage created by storms with a twenty-five (25) year return frequency.

External systems and easements shall be designed to handle drainage (originating outside of, yet flowing through, the development) created by storms with a one hundred (100) year return frequency, as indicated on FEMA Flood Hazard Maps.

3. Construction plan for water supply system conforming to all requirements of DHEC and DPU.
4. Construction plan for streets, showing grades and cross sections.
5. Plan for the protection of soils during construction from wash and erosion.

3.3 Requirements for Final Plat Approval

Final Plat requirements are cumulative, and include the requirements for Preliminary Plat approval. Additionally, Final Plat requirements shall contain or be accompanied by the following certifications:

A. Surveyor Certification

The signature, seal, and certification of a registered professional land surveyor to the effect that the Final Plat accurately reflects a survey made by him, that any change from the description appearing in the last record transfer of land contained in the Final Plat is so indicated, that all monuments shown thereon actually exist and their position is accurately shown, and that all dimensional and geodetic details are

correct.

- B. Certificate of approval for recording (To be recorded with the approved final plat.)

The subdivision plat shown hereon has been found to comply with the Land Development Regulations of the City of Orangeburg and has been approved for recording in the office of the Clerk of Court of Orangeburg County, South Carolina.

Date

Zoning Administrator/
Planning Commission

Note: This certificate is an acknowledgment by the City that all required improvements have been installed and inspected for compliance, or financial guarantees ensuring installation of required improvements have been received, as required by Article 6 of the City's Land Development Ordinance.

- C. Certificate of ownership and dedication

It is hereby certified that I am (we are) the owner(s) of the property shown and described herein and that I (we) hereby dedicate for acceptance by the City said streets, walks, parks, and other sites to public use as noted. It being understood that I (we) hereby warrant said facilities and agree to bear any costs associated with correcting any defaults in said facilities for a period of one year from the date of Final Plat approval. A certificate of dedication does not commit the City to accept such public facilities.

Date

Owner

Owner

Note: A certificate of dedication does not commit the City to accept such public facilities. And no such facilities will be accepted by the City until the warranty period (12 months) has expired and such facilities have been inspected by the Zoning Administrator for defects and, if found, corrected by the developer to the satisfaction of the City.

At the conclusion of the warranty period, the Council, upon receipt of a report by the Zoning Administrator that all improvements of publicly dedicated streets, walks, parks, and other sites and facilities have been inspected and found to be without defects, may by separate Ordinance accept such dedicated improvements and assume maintenance responsibility.

OR

The developer/owner may deposit with the City an amount equal to not less than 5% of the total cost of improvements to cover the cost of correcting and repairing any defects which might surface during the warranty period. In the absence of any defects or where the cost of any needed repairs is less than the amount deposited, the balance shall be returned to the developer/owner. Under this alternative, the City could accept dedicated streets, etc., for public use at the time of dedication, and record such acceptance on the final plat.

- D. Set of “as built” improvement specifications showing the location and construction of all dedicated facilities, i.e. water, sewer, drainage, sidewalk, streets, parks, etc.
- E. Notation on areas subject to flooding, if applicable, in accord with the requirements of Section 4-13.

Summary Checklist Requirements To Support Land Development Application

TYPE OF APPLICATION	Information Required (Requirements are Cumulative)
LAND SUBDIVISION	
PRELIMINARY PLAN	<p>Six (6)) copies of plat, at scale not less than 1" = 200', sheet size 18" x 24", not to exceed 24" x 36", showing or specifying:</p> <ol style="list-style-type: none"> 1. All information required of General Property and Closing Surveys, in accord with the <u>Minimum Standards Manual for the Practice of Land Surveying in South Carolina</u>, promulgated under authority of the Code of Laws of South Carolina 1976, 40-21-110; 2. Land acreage; number of lots, and minimum lot size; 3. A topographic map drawn at two foot intervals, showing drainage, erosion and sediment control plans, proposed structures and easements, prepared by a qualified professional; 4. Tax parcel number of property to be subdivided; 5. Proposed layout and dimension of all streets, rights-of-way, pavement widths, lot lines, and easements, specifying purpose of easements; 6. Minimum front and rear yard setback lines and zoning classification; 7. Proposed buffer areas, screening, landscaping & tree protection plan; 8. Utilities on and adjacent to tract, and proposed connections; 9. Land within flood plain; 10. All existing physical features within or adjoining the tract, including lakes, streams, ditches etc.; 11. Detailed street cross section and center line showing profiles for each street at minimum scale of 1' = 50'; 12. A tentative road plan where only part of an existing tract in which a developer has an interest is proposed for development; 13. Location and identification of off-site streets, public facilities, major physical features, names of owners and subdivisions contiguous or in proximity to the subdivision; 14. In case of a re-subdivision, the name and all portions of the previously recorded subdivision, together with the changes shall be indicated.
FINAL PLAT	<ol style="list-style-type: none"> 15. Revised plat amendments as required by the Planning Commission; 16. Exact locations, bearings and distances of tract boundary lines, pavement widths, right-or-way widths, road centerlines, easements, lot lines, monuments and markers; 17. Type of water supply and sewerage connection; 18. Street treatment - paved or unpaved; 19. Certificates of survey accuracy, ownership and dedication, and final approval by the Planning Commission; 20. Supporting documents, to include the following: <ol style="list-style-type: none"> a. Final detailed as built plans for all improvements, b. A copy of all restrictions (covenants) to run with land, DHEC approval of water and sewer systems; c. DPU and DHEC approval of water and sewer systems.
MINOR OR EXEMPT SUBDIVISION	<ol style="list-style-type: none"> 1. Information required by 1, 6, 7, and 9. 2. Location of all proposed structures, including free standing signs; 3. Required off-street parking; 4. All information specified by Article 3, Conditional Uses, as applicable.

<p>MAJOR SUBDIVISION, LAND DEVELOPMENT OTHER THAN A SUBDIVISION</p>	<ol style="list-style-type: none"> 1. Information required by 1, 3, 5, 6, 7, 8, 9, 10, and 13 above for preliminary plat approval; and all requirements for final plat approval; 2. Location of all proposed structures, including free standing signs; 3. Required off-street parking; 4. All information specified by Article 3, Conditional Uses, as applicable.
<p>AMENDMENT</p>	<ol style="list-style-type: none"> 1. Draft new text to be added and existing text to be deleted; 2. State reasons for change
<p>VARIANCE</p>	<ol style="list-style-type: none"> 1. State nature of variance; 2. Provide evidence of unnecessary hardship; 3. State necessity of variance
<p>APPEAL</p>	<p>State reasons for appeal, with specific reference to action being appealed.</p>

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ARTICLE 4

DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

4.1 Purpose

The purpose of design and improvement standards is to create functional and attractive land developments and to minimize adverse impacts.

Site Design Standards, Generally

A. Site Analysis

An analysis shall be made of characteristics of the development site, such as site context, geology and soil, topography, ecology, existing vegetation, structures, road networks, visual features, and past and present use of the site.

B. Site Design, Generally

Site design shall take into consideration all existing local and regional plans, and shall be based on the site analysis. To the extent practical, development shall be located to preserve any natural features on the site, to avoid areas of environmental sensitivity, to minimize negative impacts and alteration of natural features, to avoid adversely affecting ground water and aquifer recharge, to reduce cut and fill, to avoid unnecessary impervious cover, to prevent flooding, to provide adequate access to lots and sites, and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities.

The following specific areas and resources shall be preserved to the extent consistent with the reasonable utilization of the site.

1. Unique and/or fragile areas, including wetlands as defined in Sec. 404, Federal Water Pollution Control Act Amendments of 1972, as determined by the U.S. Corps of Engineers.
2. Trees 12" or more DBH (Diameter Breast High) in accordance with the City Zoning Ordinance.
3. Flood plain areas, as determined by FEMA (Federal Emergency Management Agency) and delineated on Flood Boundary and Floodway Maps for the City of Orangeburg, except as provided herein and in related regulations.
4. Habitats of endangered wildlife, as identified on federal and state lists.
5. Historically significant structures and sites, as listed on federal, state, and/or local lists of historic places.

4.3 Streets

1. Circulation System Design

The street system shall be designed to permit the safe, efficient, and orderly movement of traffic; to have a simple and logical pattern; to respect natural features and topography; to present an attractive streetscape; and to permit linkage of major streets and subdivisions.

Where a proposed subdivision will abut or contain an existing or proposed major street, the Planning Commission may require access of minor or frontage streets, access restrictions such as backing of lots or other such treatment as may be necessary for protection of residential properties and to promote circulation through separation of through and local traffic.

2. Layout and Alignment

Proposed streets shall be coordinated with the street system in the surrounding area and where possible shall provide for the

continuation of existing streets abutting the development.

- a. All streets shall be opened to the exterior property lines of the development unless permanently terminated by a vehicular turnaround or intersection with another street.
- b. Reserve strips controlling access to streets are prohibited except where their control is placed with the City, under conditions approved by the Planning Commission.
- c. No half streets shall be permitted.

3. Alleys

- a. Alleys are not permitted in residential developments.
- b. Paved alleys are permitted in commercial and industrial developments to provide service access, off-street loading and unloading, and parking consistent with and adequate for the use proposed.

4. Cul-de-sacs

- a. Dead-end streets designed to be permanently closed at one end shall not exceed one thousand (1,000) feet in length measured from the right-of-way to the center point of the turn-around.
- b. Turn-arounds shall be provided at the closed end of a street and shall have a minimum right-of-way radius of fifty (50) feet. Pavement width shall have a minimum curb radius of forty (40) feet. A landscape center island may be provided, if sight lines are not obstructed. If such island is provided the pavement width of the turn-around shall be a minimum of thirty (30) feet.
- c. Temporary dead-end streets which extend for a greater distance than the depth of one abutting lot shall be provided with a temporary turn-around.

5. Intersections

- a. No more than two streets shall intersect at any one point.
- b. All streets shall intersect as nearly as possible at ninety-degree right angles.
- c. Streets entering upon opposite sides of a given street shall have their center lines directly opposite or shall be off set a minimum distance of 200 feet for residential access and collector streets and 600 feet for arterial streets, measured along the centerline of the streets being intersected.
- d. Street intersections shall be located at least 200 feet from the right-of-way of any railroad track, measured from the center point of the intersection to the railroad right-of-way line nearest the intersection.
- e. Private driveways shall not intersect a public street within 50 feet of an intersection, measured from the street right-of-way.

6. Right-of-way and Pavement Widths

Minimum street right-of-way and pavement widths for all streets, public and private, shall be as follows:

Street Classification	Pavement Width	Right-of-Way Width
Minor (Residential) Street	22'	50'
Collector Street	24'	50'
Major (Arterial) Street	24'	66'
Alley	20'	20'

7. Required Improvements

- a. Construction Specifications, Generally

All streets and roads to be dedicated for public use shall be constructed in accordance with the South Carolina Standard

Specifications For Highway Construction Manual, Latest Edition. Specifically:

Earthwork shall be completed in accord with Section 200.

Base and Sub-bases shall be constructed in accord with Section 300, as applicable to the proposed base course.

Paving shall be constructed in accord with Sections 400 and 500, as applicable to the proposed paving material.

b. Inspections

A registered engineer shall inspect all phases of the following steps.

At completion of clearing and grubbing operations.

At completion of rough grading.

At completion of sub-grade work.

Before and after all prime and sealer applications.

At completion of final pavement.

Certification of each step must be submitted to the Zoning Administrator prior to starting construction on the next phase. Certification shall be deemed by the Zoning Administrator as satisfactory completion of the work and authorization to proceed to the next step.

4.4 Curb and Gutter

1. Requirement

Curbs and gutters shall be required and installed along both sides of all streets.

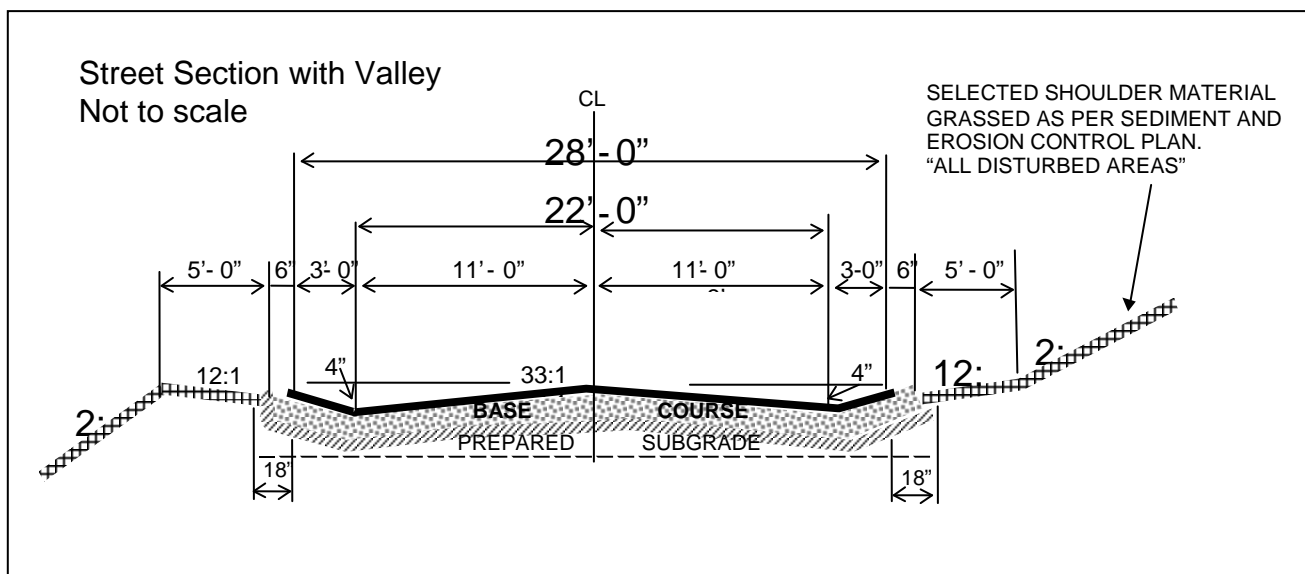
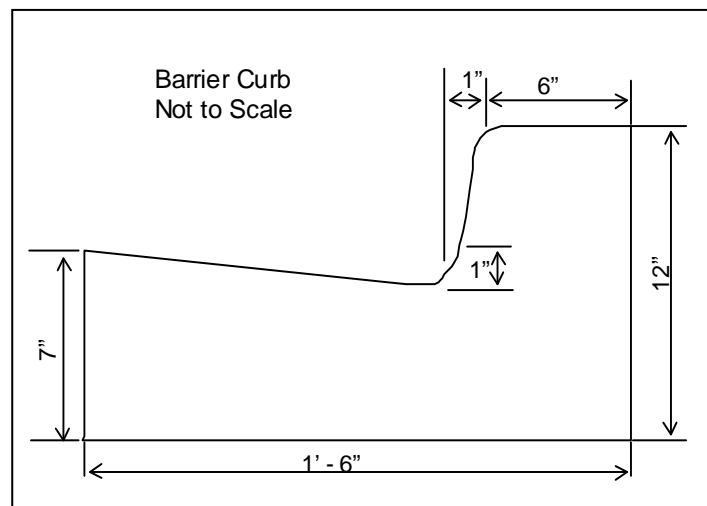
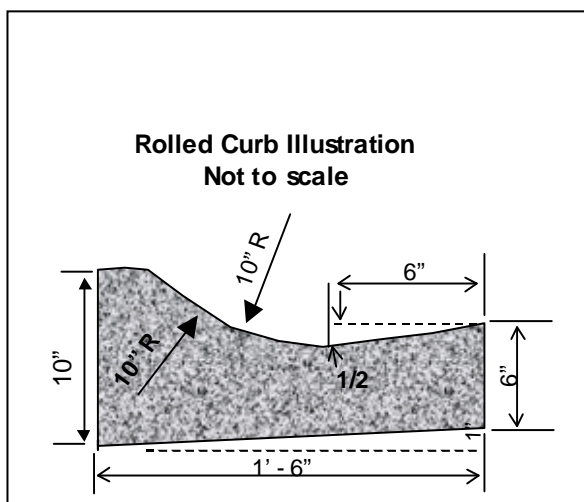
2. Construction Specifications

Curbs and gutters shall be constructed in accordance with Section 720 of the Standard Specifications for Highway Construction Manual, latest Edition.

3. Design Specifications

Acceptable Curb types are illustrated below.

A valley gutter, may be substituted for the above on minor residential streets, provided it is at least 3 feet wide.



4. Transition

The transition from one type to another shall be made only at street interchanges.

4.5 Shoulders

Shoulders shall consist of stabilized turf or other material acceptable to the Zoning Administrator and shall be prepared in compliance with Section 209 of the Standards Specifications Manual previously referenced.

4.6 Signage and Names

1. Street and Road Signs

- a. Design and placement of traffic signs shall follow state regulations or the requirements specified in the Manual of Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Transportation. Responsibility for installation shall rest with the developer.
- b. At least two street name signs shall be placed at each four-way street intersection, and one at each T intersection. Signs shall be installed under street lights, where possible, and free of visual obstruction. The design of street name signs shall be uniform in size and color, and subject to approval by the Zoning Administrator.

2. Names

- a. New Streets. Street names shall be subject to approval of the Planning Commission and Orangeburg County 911 Addressing. Proposed street names shall be substantially different in sound and spelling from existing streets in the city and county unless at a future date plans call for a tie-in between the proposed street and an existing street. Where such streets are in obvious alignment with an existing street, it shall be given the same name as the existing street.
- b. New Subdivisions and Land Developments. Subdivision and

development names shall be subject to the approval of the Planning Commission and shall not duplicate the name of any recorded subdivision or development.

- c. Existing Streets, Subdivisions, and Developments. The proposed name change of an existing street, subdivision, or development shall be subject to the requirements of (a) and/or (b) above. Additionally, any request for a name change shall be accompanied by an application to the Planning Commission.

The Commission shall:

1. Give reasonable notice in a newspaper of general circulation of a public hearing, and
2. Conduct the public hearing.

Upon receipt of an approved name change, the Zoning Administrator shall issue a certificate designating the change and transmit the certification to the County Register of Deeds for proper recordation and notify 911 of the change.

4.7 Easements

1. Drainage Easements
 - a. Where a subdivision or development is traversed by a water course, drainage way, channel, or stream, adequate areas for storm water easements and/or maintenance shall be allocated, conforming substantially to the lines of such water course, and not less than 20 feet wide to provide for maintenance and improvements of the water course.
 - b. The location of any surface drainage course shall not be changed without the approval of the Zoning Administrator.

2. Utility Easements

- a. Adequate areas of suitable size and location shall be allocated for utility easements. The location and size of such easements shall be coordinated with the public and private utilities involved.
- b. Where provided along side or rear lot lines, utility easements shall be not less than 20 feet in width. No structures or trees shall be placed within such easements.

3. Access Easements (See Flag Lots and Access Easements)

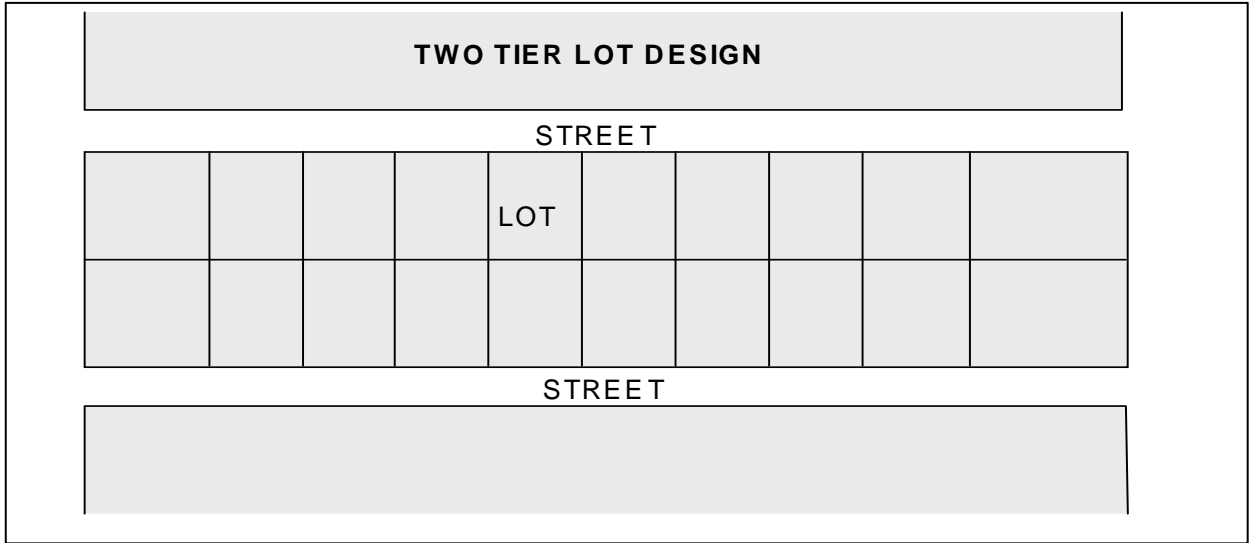
4. Maintenance

- a. Easements shall be maintained by the property owner(s) and may be used to satisfy yard requirements, unless specifically accepted for public maintenance by the City or utility with lines in such easement.
- b. Covenant restrictions placed in the deed of a lot which contains a utility easement shall stipulate that the city or utility company with lines in such easement shall have full right of access.

4.8 Blocks

1. Residential

- a. Block lengths shall be appropriate to topographic conditions and density to be served, but shall not exceed 1,000 feet in length, or be less than 300 feet in length.
- b. Blocks should be of sufficient width to allow for two tiers or lots of appropriate depth, except where reverse frontage lots are required along a major street, or where prevented by size, topographical conditions, or other inherent conditions of the property.



2. Commercial and Industrial

Blocks intended for commercial or industrial development may vary from the standards of design detailed above in favor of dimensions more suitable to their prospective use; provided such blocks permit adequate traffic circulation.

4.9 Lots

1. Accessibility

All lots shall be accessible by a street, as provided for in the Zoning Ordinance.

2. Design

Lot depth, shape, grade, and orientation shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development and use contemplated. Maximum width to depth ratios shall be 1:3.

3. Dimensions

All lots shall meet the minimum lot area and dimensional requirements of the zoning district in which they are located.

4. Flag Lots and Access Easements

The creation of flag lots or access easements shall not be allowed except under the following conditions:

- a. To permit full use of an existing lot of record;
- b. To overcome unusual topographic conditions or existing lot configurations.

When meeting the above, as determined by the Zoning Administrator, flag lots shall be created and access easements shall be permitted in accord with the following development standards:

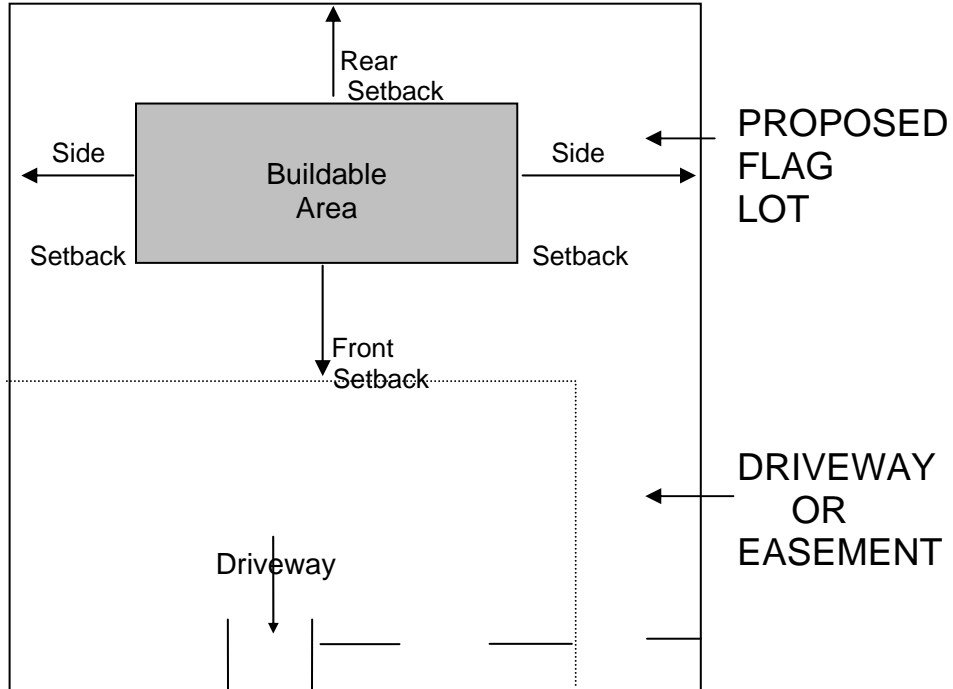
- a. Creation of Flag Lot or Access Easement to Permit Full Use of an Existing Lot of Record.

A flag lot (one) or access easement may be created from an existing lot or record to allow full and complete development thereof, provided:

- (1) The existing lot of record meets all zoning requirements specified for the respective zone in which it is located, both before and after subdivision.
- (2) The “flag” section of the flag-shaped lot or a second lot accessed by the access easement shall meet or exceed the requirements specified for the respective zone. The area of the access driveway of the flag lot or access easement shall not be included in computing minimum lot area requirements. Title to the access driveway must be conveyed by general warranty deed in the same manner as title to the “flag” portion of the lot, or in the case of an easement, recorded with the deed to the accessed lot.
- (3) The driveway section of the flag lot shall be not less than 30 feet wide, and shall be located no closer than 100 feet of an existing driveway (curb cut) measured from the edge of the nearest driveway.

- (4) Once subdivided to include a flag lot, the existing remaining lot of record shall not be further subdivided for a period of 12 months from and after the creation and recording of the flag lot.

EXISTING LOT OF RECORD



- b. Creation of Flag Lot to overcome unusual natural or topographic conditions or existing lot configurations.

Flag lots may be created in new subdivisions where natural or topographic conditions or existing lot configurations create access problems, provided:

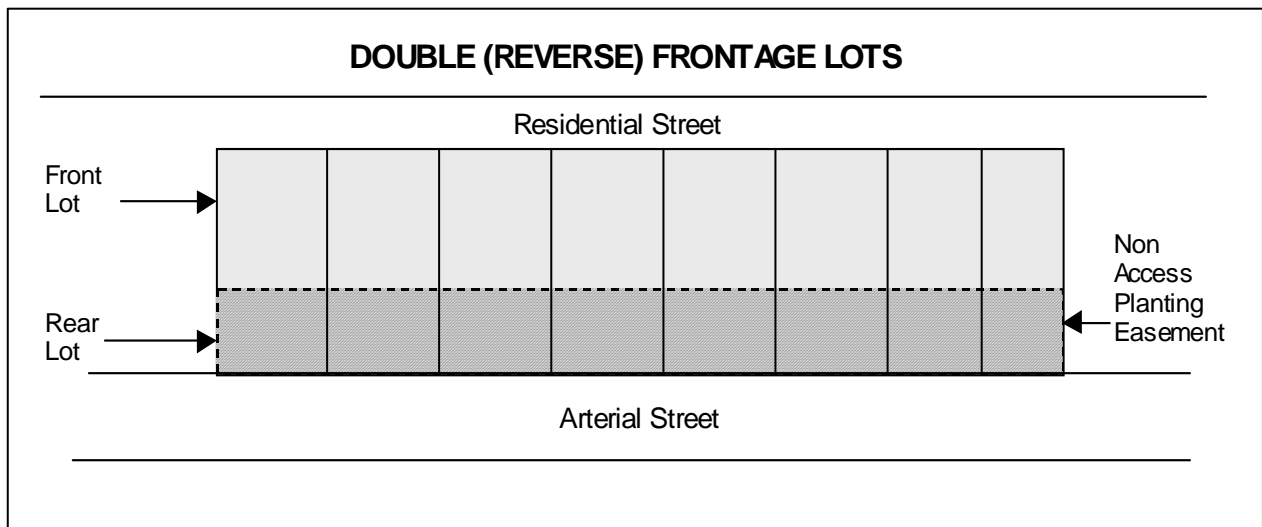
- (1) Access driveways shall be not less than 30 feet wide, and shall front for at least 30 feet on a public street.
- (2) Flag lot access driveways shall be separated by the required minimum lot width for the zoning district in which the flag lot is to be created, measured from the front property line.
- (3) Use of flag lot driveways by adjoining lots on either side of

the driveway is encouraged as a means of limiting curb cuts, but a flag lot driveway shall not be used to access a second flag lot.

- (4) The area of an access driveway shall not be counted when computing the minimum area of a lot as required by Article V, Table II of the Orangeburg Zoning Ordinance.
- (5) No more than 10% of the total number of lots in a subdivision shall be flag lots.
- (6) Flag lots shall access approved private streets in a Subdivision or paved public streets only.
- (7) Access easements shall not be permitted in new subdivisions.

5. Double Frontage Lots

Residential Subdivisions, where proposed for areas adjacent to major streets and roads, shall be denied direct access to and separated from such streets and roads by double or reverse frontage lots. Elsewhere, double frontage lots shall be prohibited.



Residential reverse frontage lots shall have a minimum rear yard of 50 feet, next to the major street, measured from the shortest

distance of the proposed back building line to the street right-of-way and shall within such rear yard and immediately adjacent to the right-of-way, have a non-access planting screen easement consisting of natural or landscaped vegetation in accord with the requirements of Section 24-9.1 of the City Zoning Code, Chapter XXIV for a Type C Buffer Area.

6. Alignment

Side lot lines shall be aligned at approximately right angles to straight street lines and radial to curved street lines.

4.10 Sidewalks

1. Where Required

Sidewalks shall be required on one side of all Collector and Major or Arterial Streets.

2. Design Specifications

Sidewalks shall be placed parallel to streets, and within the street right-of-way, with exceptions permitted to preserve natural features or to provide visual interest.

3. Construction Specifications

- a. Sidewalks shall be at least four feet wide and four inches thick except at points of vehicular crossings, where they shall be at least six inches thick. At vehicular crossings, sidewalks shall be reinforced with welded wire fabric mesh or an equivalent.
- b. Sidewalks shall be installed in accord with Section 720 of the Standard Specifications for Highway Construction Manual, latest Edition.
- c. Graded areas shall be planted with grass or treated with other suitable ground cover.

4.11 Areas Subject To Flooding

If the area being developed, or any part thereof, is located within the boundary of a designated Flood Plain, as delineated on FEMA Maps for the City of Orangeburg, adequate plans and specifications for protection from flooding shall be provided as herein required:

1. Not To Be Expanded

Any plat which contains land subject to flooding shall be accompanied by evidence that no appreciable expansion of the area subject to flooding would result from the proposed land development, and that the proposed development will be adequately protected from inundation without appreciable interference with the flow of any watercourse or into an impounding basin.

All such evidence including surveys and specifications shall be submitted with the Final Plat, and no final Plat shall be approved in the absence thereof.

In no case shall any fill, levee, or other protective works be approved unless sufficient compensating adjustments of waterways, ditches, or impounding basins are made to prevent any appreciable expansion of flood hazard areas.

2. Streets Subject to Flooding

The centerline of all streets shall be at least on the ten-year flood line.

4.12 Utilities

4.12-1 Utilities not provided by the City Of Orangeburg

All utilities not provided by the City of Orangeburg including telephone, television or other communication lines, both main and service connections servicing new subdivisions shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accord the prevailing standards and practices of utility companies providing such

services.

Lots that abut existing easements or public rights-of-way where overhead electric distribution supply lines and service connections have previously been installed may be supplied with electric service from those overhead lines.

Exceptions:

Where conditions are such that underground wiring is not practical, the Planning Commission with advice and recommendation of DPU may make an exception, provided; the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines.

4.12-2 Utilities provided by the City of Orangeburg

All utility services provided by the City of Orangeburg, Department of Public Utilities shall be in accordance with the General Terms and Conditions of the Department of Public Utilities, this Ordinance and the Utility Construction Standards and Procedures of the Department of Public Utilities.

1. Electric

Electric service shall be provided by the City of Orangeburg Department of Public Utilities. Improvement plans and specifications for the new electric system shall be approved by the Department of Public Utilities and the approved plans submitted with the Preliminary Plat.

All electric facilities servicing new subdivisions shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of DPU.

Lots that abut existing easements or public rights-of-way where overhead electric distribution supply lines and service connections have previously been installed may be supplied with electric service from those overhead lines.

Exceptions:

Where conditions are such that underground wiring is not practical, the Planning Commission with advice and recommendation of DPU may make an exception, provided; the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines.

2. Street Lighting

Where required, street lighting shall be provided by the developer at all street intersections and between intersections where the distance is 500 feet or more; provided that such spacing between intersections shall be not less than 250 feet between street lights. Improvement plans and specifications for the new street lighting system shall be approved by the Department of Public Utilities and the approved plans submitted with the Preliminary Plat.

3. Natural Gas

Where required, Natural Gas service shall be provided by the City of Orangeburg Department of Public Utilities. Improvement plans and specifications for the new natural gas system shall be approved by the Department of Public Utilities and the approved plans submitted with the Preliminary Plat.

4. Water

DHEC approval required – all land developments and subdivisions within the City of Orangeburg shall be provided with water supplies and systems conforming to the requirements, rules and policies of the South Carolina Department of Health and Environmental Control (DHEC) and the Department of Public Utilities (DPU) and approved by said agencies.

Water service infrastructure shall be provided by the developer. Water service shall be provided by the City of Orangeburg Department of Public Utilities. Improvement plans and

specifications for the new water system shall be approved by the Department of Public Utilities and the approved plans submitted with the Preliminary Plat.

The water system shall include fire hydrants. Fire hydrants shall be installed by the developer. Fire hydrants shall be installed and spaced throughout each subdivision to maintain a 500' radius between hydrants. The location and spacing of hydrants shall be approved by DPU and the Orangeburg Department of Public Safety.

Minimum set back of 5 feet must be maintained around fire hydrant for ease of accessibility. No Structure or shrubbery shall be placed within such set back.

5. Wastewater

DHEC approval required – all land developments and subdivisions within the City of Orangeburg shall be provided with wastewater facilities and systems conforming to the requirements, rules and policies of the South Carolina Department of Health and Environmental Control (DHEC) and the Department of Public Utilities (DPU) and approved by said agencies.

Gravity wastewater service infrastructure shall be provided by the Developer. Wastewater service shall be provided by the City of Orangeburg Department of Public Utilities. Improvement plans and specifications for the new wastewater system shall be approved by the Department of Public Utilities and the approved plans submitted with the Preliminary Plat.

If the City's system is not in place or cannot be extended, the developer must provide individual subsurface disposal systems where appropriate, given site density, soil slope, and other conditions subject to applicable DHEC regulations.

4.13 Survey and Markings

All land developments within the jurisdiction of this Ordinance shall be surveyed, platted, and marked in accord with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by the Code of Laws of South Carolina, 1976, Title 40, Chapter 21. This Manual is hereby adopted by reference and is as much a part of this Ordinance as if contained herein.

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ARTICLE 5

OFF-SITE IMPROVEMENTS

5.1 Purpose

This Article is intended to ensure a pro rata share allocation of the cost for all off-site improvements necessitated by land development with the exception of off-site utility improvements provided by the City of Orangeburg Department of Public Utilities. Off-site utility improvements provided by Orangeburg DPU will comply with the General Terms and Conditions of the Department of Public Utilities.

5.2 Definition and Principles

As a condition of final land development or subdivision plat approval, the Planning Commission may require an applicant to pay a pro rata share of the cost of providing reasonable and necessary circulation, drainage facilities and other improvements, including land and easements, located off-site of the property limits of the subdivision but necessitated or required by the intended use. "Necessary" improvements are those clearly and substantially related to the development or subdivision in question. The Planning Commission shall provide in its resolution of approval the basis of the required improvements. The proportionate or pro rata amount of the cost of such off-site improvements shall be based on the following criteria.

5.3 Cost Allocation

1. Full Allocation

In cases where off-site improvements are necessitated by the proposed land development, and where no other property owner(s) receive(s) a special benefit thereby, the applicant may be required at his sole expense and as a condition of approval, to provide and install such improvements.

2. Proportionate Allocation

a. Where it is determined that properties outside the development will also benefit by the off-site improvement, the following criteria shall be utilized in determining the proportionate share of the cost of such improvements to the developer.

b. Allocation Formula

$$\frac{\text{Total Cost of Enlargement or Improvement}}{\text{Developer's Cost}} = \frac{\text{Capacity of Enlargement or Improvement}}{\text{Developer's Share of Enlargement or Improvement}}$$

The developer shall be required to pay only those costs directly related to accommodating his development. Excess capacity generated by offsite improvements necessitated to accommodate the proposed development shall be the responsibility of the affected entity.

5.4 Escrow Accounts

Where proposed off-site improvements are to be undertaken at some future date, the monies required for said improvements shall be deposited in a separate interest-bearing account to the credit of the City until such time as the improvements are constructed. If construction of the off-site improvements is not begun within 2 years of deposit, all monies and interest, minus any monies associated with maintenance of the account, shall be returned to the applicant.

ARTICLE 6

IMPROVEMENT GUARANTEES

6.1 Policy

It shall be the general policy of the City of Orangeburg that all improvements required by this Ordinance be completed prior to Final Plat approval. However, recognizing that completion of all required improvements prior to obtaining final Plat approval may not in some cases be feasible, practical, or financially possible, this Section provides a mechanism by which the Planning Commission may grant Final Plat approval, contingent upon certain required improvements being completed as and when specified by the Commission and upon the applicant providing financial guarantees for the completion of such other required improvements.

6.2 Financial Guarantees

Where the Commission finds it appropriate to grant Final Plat approval prior to the completion of all required improvements, the Commission shall recommend to City Council financial guarantees of such type and in such amounts (not less than 125 percent of cost of installing said improvements) sufficient to guarantee with reasonable certainty that the required improvements will be completed as and when required by the Commission. Said financial guarantees to be used for such purposes may include one or more of the following types, if acceptable to the Commission and City Council:

1. Security Bond from a surety bonding company authorized to do business in South Carolina.
2. Letter of Credit from a bank or other reputable institution.
3. Escrow Account where applicant may deposit cash, or other instruments readily convertible into cash at face value, with the city or county in escrow with a bank.

4. Improvement Guarantee or agreement, acceptable to the City.
5. Prepayment, to the City, with any unexpended funds to be returned to the applicant.
6. Contract for Completion. The applicant may deliver to the city a contract for completion of the required improvements executed by the applicant and a qualified responsible and duly licensed contractor together with an executed performance bond issued by such surety as the Commission and City Council may approve. Along with said contract and performance bond, the applicant shall deliver to the city the right and option to enforce the terms and conditions of the contract and the performance bond.
7. Other Financial Assurances. Such other financial assurances that the Commission and City Council find will reasonably guarantee the satisfactory completion of the required improvements as and when required by the Commission.

Any document providing such financial guarantee required by the Commission under this Section shall be in such form and substance as specified by and satisfactory to the City. The required financial guarantee (completed and fully executed) shall be a condition of Final Plat approval and shall be delivered to and approved by City Council prior to the recordation of the Final Plat and/or the subdivision of the affected property by plat, deed, or otherwise.

6.3 Option To Refuse Guarantee

The City shall have the right to refuse any of the optional financial guarantees and require construction and installation of all improvements by the developer, where:

1. Past performance of the developer is unsatisfactory,
2. The selected option is unacceptable, or

3. For other reasons so stated.

6.4 Allocation of Guarantee

Any funds received from financial guarantees required by this Ordinance shall be used only for the purpose of making the improvements for which said guarantees are provided.

6.5 Default of Guarantee

In the event the developer fails to install or construct the required improvements during the specified time allotted and in conformity with these regulations, the improvement guarantee shall be forfeited to the City to be used for completion of the improvements.

6.6 Extension of Guarantee

If it appears to the developer that he may not complete construction of required improvements before expiration of his Improvement Guarantee, it shall be his obligation, at least 15 days prior to the expiration period, to submit an extended guarantee request. Such extension, if approved, shall be for a period of six months. A maximum of two such extensions shall be allowed.

6.7 Acceptable Format for Improvement Guarantee

Any deviation from the recommended format below may delay acceptance of this instrument:

STATE OF SOUTH CAROLINA

CITY OF ORANGEBURG

IMPROVEMENT GUARANTEE

KNOW ALL MEN BY THESE PRESENTS that we, _____ as principal, and _____, as surety, are held and firmly bound unto the City of Orangeburg, South Carolina, as obliged, in the sum of \$ _____, for payment whereof to the obliged, the principal and security bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly to these presents:

Signed, sealed, and dated this _____ day of _____, 2010. WHEREAS, application was made to the obliged for approval of a subdivision shown on a plat entitled _____, dated _____, 2010 and filed with the Orangeburg Planning Commission, and said final plat was approved upon certain conditions, one of which is that an Improvement Guarantee in the amount of \$ _____ be filed with _____, South Carolina to guarantee certain improvements in said subdivision;

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION is such that the above-named principal shall, within _____ from the date hereof, truly make and perform the required improvements and construction of public improvements in said subdivision/development in accordance with the specifications of the Land Development Ordinance, then this obligation will be void; otherwise it will remain in full force and effect.

It is hereby understood and agreed that in the event any required improvements have not been installed within the terms of this Improvement Guarantee, the City Council may thereupon declare this guarantee to be in default and collect the sum remaining payable thereunder. Upon receipt of the proceeds thereof, the City may install such improvements as are covered by the guarantee.

It is further understood and agreed that when the required improvements have been approved for conformity with these regulations, the guarantee shall be released and returned.

Venue for any action to enforce the provisions of this Improvement Guarantee shall be in the County of Orangeburg, State of South Carolina. Both the principal and surety expressly waive any rights to a jury trial and the prevailing party in any action shall be entitled to recover reasonable attorney fees and costs.

Approved and accepted this _____ day of _____, _____ by the City Council.

Authorizing Office

ARTICLE 7

DEFINITIONS

Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Plumbing Code, Standard Gas Code, Standard Fire Prevention Code, and the Zoning Ordinance. Words not defined in these Codes and Ordinances shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised.

Alley. A public or private way permanently reserved as a secondary means of access to abutting property.

Applicant. A developer submitting an application for development.

DPU. Department of Public Utilities of the City of Orangeburg.

Drainage. The removal of surface water or groundwater from land by drains, grading, or other means.

Drainage Facility. Any component of the drainage system.

Drainage Systems. The system through which water flows from the land, including all water courses, water bodies, and wetlands.

Driveway. A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building, lot, structure, or facility.

Easement. A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

Final Plat. The final map of all or a portion of a development or subdivision which is presented for final approval.

Gutter. A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off water.

Improvement. Any man-made immovable item which becomes part of, placed upon, or is affixed to real estate.

Land Development. The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, commercial parks, shopping centers, industrial parks, manufactured home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

Land Development Project Other Than A Subdivision. The development of land, not involving a subdivision, for a shopping center; apartment or condominium complex; commercial, business, or industrial park; manufactured home park; or other multi-use or multi-occupant project.

Plat. A map or drawing upon which the developers plan of a subdivision or land development is presented for approval.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

Shoulder. The graded part of a right-of-way that lies between the edge of the main pavement (main traveled way) and the curb line, ditch, and drainage way.

Street, Major or Arterial. A street with signals at important intersections and stop signs on side streets, and which collects and distributes traffic.

Street, Collector. A street that penetrates neighborhoods and collects and distributes traffic between lower order Minor or Residential Access Streets and higher order arteries.

Street, Half. One-half the required width of a street.

Street, Minor or Residential Access. A street designed principally to provide vehicular access to abutting residential property.

Storm Water Detention. A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Subdivision. The division of a tract, parcel, or lot into two or more lots or building sites, or other divisions of land for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets and includes the re-subdivision of land.

Subdivision, Exempt. An exempt subdivision is one which meets the following conditions:

1. Involves the division of land into parcels of five (5) acres or more where no new street is involved; or
2. Includes 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 this Ordinance and other applicable regulations.
3. Involves cemetery lots.

Subdivision, Major. A major subdivision is any subdivision other than an exempt or minor subdivision.

Subdivision, Minor. A minor subdivision is one which does not involve any of the following: (a) the creation of more than five lots, (b) the creation of any new street, (c) the extension of public water or sewer lines, or (d) the installation of drainage improvements through one or more lots to serve one or more other lots.

Surveyor. A person who is registered by the South Carolina State Board of Engineering Examiners to practice land surveying in South Carolina.

ARTICLE 8

LEGAL STATUS PROVISIONS

8.1 Separable

The provisions of this Ordinance are separable. Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

8.2 Repeal of Conflicting Ordinances

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

8.3 Effective Date

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

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 15TH DAY OF DECEMBER, 2009.

Mayor

City Clerk

City of Orangeburg
979 Middleton St.
Orangeburg, S.C. 29115
www.orangeburg.sc.us