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STATE OF SOUTH CAROLINA)

ORDINANCE #831

COUNTY OF LAURENS)

**LAURENS COUNTY
RESIDENTIAL SUBDIVISION ORDINANCE**

AN ORDINANCE TO REGULATE THE PLANNING, DESIGN AND CONSTRUCTION OF RESIDENTIAL SUBDIVISIONS IN LAURENS COUNTY, SOUTH CAROLINA. SUCH REGULATION IS IN PURSUANCE OF THE GENERAL WELFARE, MORALS AND SAFETY OF THE CITIZENS OF LAURENS COUNTY.

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SECTION 1 PURPOSE, AUTHORITY AND JURISDICTION

1.1 Purpose

- a.) The process of converting raw land into building sites is one of the most important factors in the growth of Laurens County. There are few activities that have a more lasting effect upon our community's environment and appearance. Once land is developed, streets and buildings constructed, the basic character of this addition to the County has become firmly established. It is then virtually impossible to change its character without substantial expense, such as encountered in redevelopment projects.
- b.) The people of the County, as a whole, have a legitimate interest in the development of subdivisions and these regulations should provide an instrument of control. The ultimate purpose of subdivision regulations is the same as that of all planning regulations, namely, the creation of better communities for its people. Specific objectives of these subdivision regulations are as follows:
 - 1.) To encourage well planned subdivisions by establishing adequate standards for construction and design;
 - 2.) To discourage inferior developments which might adversely affect the local tax base?
 - 3.) To secure the rights for the public with respect to streets and utilities;
 - 4.) To improve land records by establishing standards for surveys and plats;
 - 5.) To provide common grounds of understanding between the developer and local government agencies;
 - 6.) To safeguard the interests of the homeowners, the public, the Developer and the various local government agencies.

1.2 Authority

- a.) This regulation is enacted pursuant to the authority granted to the county under Title 4 and Title 6 of the South Carolina Code of Laws, 1976 as amended.
- b.) Hereafter, no plats of a subdivision of land within the area described herein shall be filed or recorded until submitted to and approved by the Laurens County Planning Commission or its Designated Official, and such approval is entered in writing on the plat.
- c.) Any existing subdivision plat not recorded in the Laurens County Clerk of Court Office at the time of the adoption of these regulations and containing undivided land whose owners desire to subdivide or re-subdivide must comply with these regulations unless specific variance is granted by the Laurens County Planning Commission.

1.3 Jurisdiction

The regulations herein shall apply to all of the unincorporated areas within Laurens County, and to the corporate limits of such municipalities in the County as may designate the County Planning Commission as the official planning commission of such municipality by the agreement specified in 6-29-320, Code of Laws of South Carolina 1976 as amended.

SECTION 2 DEFINITIONS

The following words are used throughout these regulations:

Block - The distance as measured along a street between intersecting streets from centerline to centerline; and, where context requires, it also means the enclosed area within the perimeter of the street or property line enclosing it.

Commission - The Laurens County Planning Commission

Designated Official - Employee of Laurens County designated by the Laurens County Administrator to perform certain duties on behalf of the Commission.

Drainage Course - A water course or indenture (ditch) for draining of surface water.

Easement - An easement is a grant by a property owner for the use of a strip of land for access to a parcel of land or for the purpose of constructing and maintaining certain public utilities. These can include, but are not limited to sanitary sewers, water mains, electric lines, telephone lines and cables, storm sewers or storm drainage courses and gas lines.

Engineer, Registered Professional - A person who is registered by the State of South Carolina, pursuant to Chapter 22, Title 40, Code of Laws of South Carolina, 1976, as amended.

Flag Lot - A lot which is connected by a private drive to a public, county, or private road, typically situated behind another lot that abuts the same public, county, or private road.

Individual Waste Disposal System - A system which will treat and dispose of domestic sewage from a single house or residence without creating a nuisance or a potential health hazard.

Lot - A portion of a subdivision or other parcel of land (fronting on or having access to a public road) that is intended as or may become a unit for transfer of ownership or for development or both. The word "lot" includes the words "tract" and "parcel".

Manufactured or Mobile Home Park - Any parcel of land where three or more mobile and/or manufactured homes are placed for a period of time exceeding 30 days, or where three or more lots are set aside for rental or lease basis and which may include buildings, structures, vehicles or enclosures used or intended for use as part of such Manufactured or Mobile Home Park.

Map - A drawing graphically indicating the location of one or more parcels of land.

Parcel, Landlocked - Any tract of land that does not border on a street.

Plat - A map showing a plan for the subdivision of land which is submitted for approval and is entered in final form for recording.

Recreational Vehicle - A motor vehicle designed for recreational use and/or temporary residence by an individual or family.

Re-subdivision - A combination or re-combination of previously recorded lots or tracts of contiguous land for the purpose of increasing or decreasing building sites.

Set back - Set back is the building set back line of distance measured from the nearest street or road, right-of-way, sidewalk or water shore line.

Shall - Throughout this text, the word "shall" will be interpreted as mandatory, not directory.

Street - A public way set aside for vehicular traffic affording primary access to abutting property. This excludes private drives serving only one parcel of land.

Street, Arterial - A street designed to carry through traffic or to carry intra-county traffic. Arterials are characterized as having access control, channelized intersections, restricted parking and signalization. The concept of service to abutting land is subordinate to the provision of travel service.

Street, Collector - A public way designed primarily to connect arterials or to provide access from residential areas to major destination points such as shopping or employment centers and which may be expected to carry a significant volume of traffic having neither origin nor destination on the street, and which is designed as a collector street.

Street, Residential - A public or private way set aside for vehicular traffic affording primary access to abutting property. This excludes private drives serving only one parcel of land.

Surveyor, Registered Land - A person who is registered by the State of South Carolina as a registered Land Surveyor, pursuant to Chapter 22, Title 40, Code of Laws of South Carolina, as amended 1976.

Subdivider - Any person, firm, corporation or other legal entity subdividing land within the jurisdiction of this Ordinance.

Subdivision, Minor - All division of a tract or parcel of land into two (2) or more but less than ten (10) lots, building sites, or other division for the purpose, whether immediate or future, of sale, lease or building development, and does not involve a new street or a change in existing streets.

Subdivision, Major - All division of a tract or parcel of land into ten (10) or more lots, building sites, or other division for the purpose, whether immediate or future, of sale, lease or building development, or any division of a tract or parcel of land involving a new street or a change in existing streets. Provided, however, that if within a period of five (5) years from the date of recording the plat, any adjoining and/or contiguous property is developed pursuant to a general scheme and plan of improvement which is intended to enhance the value of each lot, such shall constitute a "major subdivision" under these regulations, notwithstanding the fact that the lots are sold by reference to individual plats.

Uniform Standards - As outlined and defined in Title 40, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; regulations and recommendations of the South Carolina

Manufactured Housing Board; and, the latest edition of the southern Building Codes of Congress, 1991, as amended, as applicable hereto. Included, but not limited to the following: Standard Building Codes, Standard Excavation and Grading Code, Standard Mechanical Code, National Electrical Code, Standard Plumbing Code and the Standard Fire Code.

SECTION 3 GENERAL SUBDIVISION REQUIREMENTS

3.1 Survey Requirements

All subdivision of a tract or parcel of land into two (2) or more lots, building sites, or other division for the purpose, whether immediate or future, of sale, lease or building development, must have a survey performed by a Registered Land Surveyor and the resultant plat submitted to the Designated Official. Plats should meet the minimum "Standards of Practice Manual for Surveying in South Carolina" as approved by the S.C. Department of Labor, Licensing and Regulation.

3.2 Recording Requirement

Once approved, a plat shall be recorded by the subdivider in the office of the Clerk of Court for Laurens County within a period of twelve (12) months from the date that approval is granted. After the expiration of twelve (12) months, said approval shall be void.

3.3 Access Requirement

All newly created parcels of land must be situated on or have direct access to a road meeting the provisions of the current Laurens County Road Standards Ordinance, or a road maintained by a public entity. The width of the access will be at least as wide as the minimum width of the parcel as described in Section 7.

a.) Exception

Any landlocked parcel in existence at the time of the adoption of this ordinance may obtain access to each proposed subdivided parcel by way of an exclusive right of way or easement fifty (50) feet in width for ingress and egress to a road meeting the provisions of the current Laurens County Road Standards Ordinance, or a road maintained by a public entity. The right of way or easement shall be conveyed to and retained by the parcel owner and will be transferred to subsequent parcel owners.

b.) Spacing

No more than two road access points will be allowed within 200 feet.

3.4 Subdivision Names

Proposed subdivision names shall not be similar, phonetically or by spelling to any existing subdivision, nor historic homes, monuments or sites as listed on the State and National Historic Register.

3.5 Inspection

All new land developments are subject to periodic inspection to ensure that the minimum design standards in these regulations are complied with. Inspection personnel shall be employed or retained by the County.

3.6 Sidewalk Requirements

Sidewalks will be required on any subdivision with 50 lots or more or where the Planning Commission deems required for safety, i.e. safety of pedestrians, access from residential areas to recreational and educational facilities. In areas where alternative pedestrian systems are provided, the elimination of any sidewalk must be approved by the Planning Commission.

At a minimum, sidewalks will be required on at least one side of the street where homes are on both sides, and required when homes are on one side of the street.

Design Specifications

Sidewalks shall be not less than 4 feet wide and placed parallel to streets, with exceptions permitted to preserve natural features or to provide visual interest where required for pedestrian safety.

Construction Specifications

Sidewalks shall be installed in accord with the Standard Specifications for Highway Construction Manual, latest edition, as amended. Graded areas shall be planted with grass or treated with other suitable ground cover.

Except in unusual circumstances, sidewalks must be located at a minimum of 2 feet from the back of curb or at the back of the right-of-way when no curb and gutter is required.

No mailboxes or other structures may be located within the sidewalk.

The 2 feet allows for Mailboxes

3.7 Vehicle Parking

Each constructed resident shall have at a minimum, parking for at least two vehicles. Parking areas will be constructed from either asphalt or concrete.

3.8 Curb and Gutter.

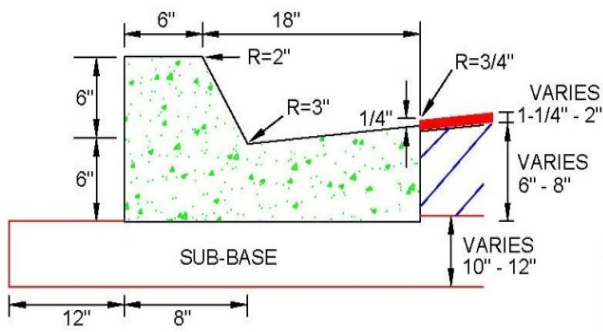
Requirement

Curbs and gutters shall be required and installed along both sides of all streets unless a feasible plan used in shoulder drainage and swales is adequate to properly remove water.

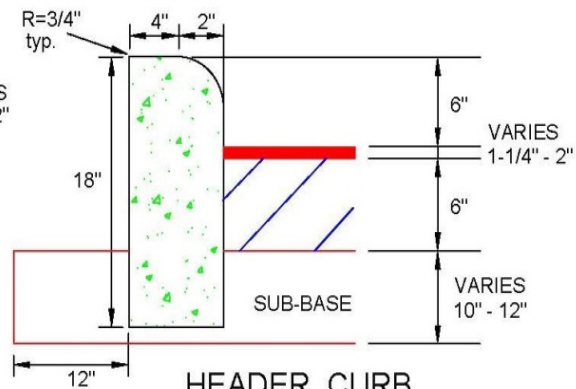
Design Specifications

Acceptable curb types are illustrated as follows:

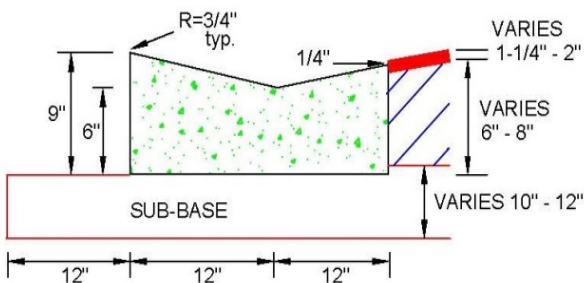
PUBLIC WORKS & UTILITIES ENGINEERING & DESIGN STANDARDS



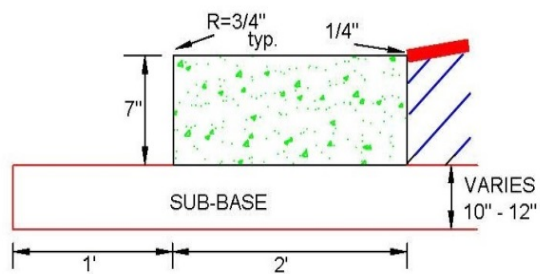
F.D.O.T. TYPE "F" CURB



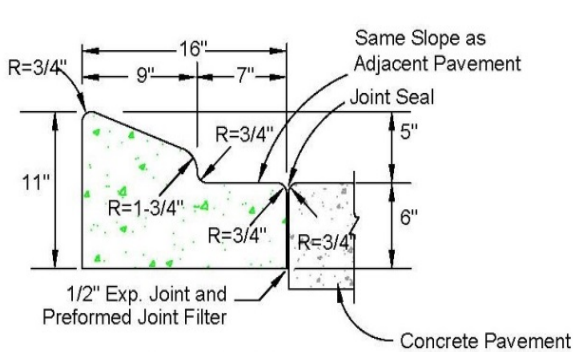
HEADER CURB



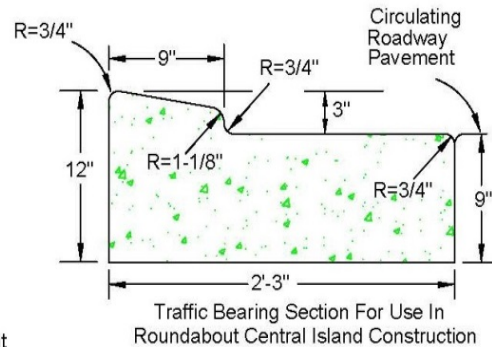
MIAMI CURB



RIBBON CURB



TYPE "A" CURB



TYPE "RA" CURB

NOTES:

1. ALL CURBS TO BE CONSTRUCTED OF 28 DAY, 3,000 P.S.I. CONCRETE.
2. 1/2" PRE-MOLDED EXPANSION JOINT REQUIRED EVERY 500', CONSTRUCTION JOINT REQUIRED EVERY 10' MAXIMUM (4' MINIMUM).
3. 1/2" PRE-MOLDED EXPANSION JOINT REQUIRED AT EACH SIDE OF ALL STORM INLET STRUCTURES AND AT ALL RADIUS POINTS.
4. SUB-BASE TO BE COMPACTED AND TESTED TO 98% MINIMUM DENSITY WITH MINIMUM L.B.R. 40 BASED ON AASHTO T-180 MODIFIED PROCTOR TEST.
5. EXPANSION JOINT MATERIAL MUST COVER THE ENTIRE CROSS SECTION OF CURB.

SECTION 4 MINOR SUBDIVISION PROCEDURES

4.1 Plat Submittal

Any subdivider of a parcel that meets the definition of a minor subdivision shall submit a valid plat as described in Section 3.1, to the Designated Official for their review. The Designated Official may approve the plat without the review of the Commission if the subdivision meets the standards set forth in Sections 6, 7, 8, and 9.

4.2 Combining Parcels

Any intended combining of parcels, whether immediate or future must be clearly stated on the submitted plat for the review and approval of the Designated Official.

4.3 Commission Review

The Designated Official may, at their discretion, require the sub divider to submit the plat of a minor subdivision to the Commission for their review and approval regardless if the subdivision meets the standards set forth in Sections 6, 7, 8, and 9.

SECTION 5 MAJOR SUBDIVISION PROCEDURES

5.1 Plan Submittal - Informational Content

Prior to making any physical improvements on the potential major subdivision site, the developer shall submit a plan conforming to the design standards here in and additional information to include:

- a.) Location of subdivision on a map indicating surrounding area at an appropriate engineer's scale sufficient to locate the subdivision.
- b.) Map of development at a scale of not less than 1 inch = 200 feet and not more than 1 inch = 50 feet.
- c.) Name of subdivision, name and address of owners, the engineer or surveyor and the owner of abutting property and/or properties.
- d.) Boundaries of area to be subdivided with bearings and distances.
- e.) Land use of land to be subdivided plus that of the abutting property and/or properties.
- f.) Acreage of land to be subdivided.
- g.) Contour maps, if deemed necessary by the Commission, shall be submitted, provided the existing contour maps are available from which to secure this information.
- h.) The location of existing and proposed easements with their location widths and distances.
- i.) Location of existing water courses, culverts, railroads, streets, bridges, etc.
- j.) Utilities on and adjacent to the tract showing proposed connections to existing utility systems.
- k.) Proposed lot lines, lot numbers, dimensions, road easements, and lot acreage.
- l.) North Arrow.
- m.) A drainage plan showing proposed structures, pipe sizes, drainage easements, pipe locations where water will be taken off street and drainage calculations to substantiate the drainage plan. (See Laurens County Erosion and Sediment Control and Stormwater Management Ordinance). Plan to be designed and inspected by properly licensed engineer commissioned by the subdivider.
- n.) Any deed restriction or restrictive covenants

5.2 Plan Procedures

- a.) Copies of the plan of the proposed development shall be presented to the Designated

Official at least fourteen (14) working days prior to the next scheduled Laurens County Planning Commission meeting.

- b.) Prior to the review of the plan by the Commission, the Designated Official shall review same with appropriate comments indicating recommendations of approval or disapproval, and if recommending disapproval, shall express reasons in writing.
- c.) The action of the Commission and the date of notification to the subdivider shall be recorded in the minutes of the Commission meeting.
- d.) A copy of this decision shall be forwarded to the subdivider by mail, with specific changes required, if any. A copy of the corrected plan shall be resubmitted to the Designated Official for approval.
- e.) Any interested party may appear and be heard at the Commission meeting. The Commission may require Public Notice be given by the subdivider prior to the scheduled Commission meeting on the proposed subdivision.
- f.) Approval of the plan shall be noted and certified by the Designated Official on the authorization of the Commission. The date of the Commission's action shall also be recorded on the plat and the subdivider shall be notified within ten (10) days of the Commission's actions.
- g.) Approval of the plan constitutes general approval of the street alignments, dimensions, layout, shape of lots and proposed road right-of-way. Review of appropriate governmental agencies having jurisdiction and subsequent approvals must be obtained. Any changes made to the plat as a result of this process shall be submitted to the Designated Official for approval. The Designated Official may require the subdivider to resubmit the plat to the Commission for any changes deemed significant by the official.

5.3 Supplemental Information

The following information shall be submitted with all preliminary subdivision plans unless specifically waived by the Designated Official or Commission.

- a.) Where the plan for the subdivision includes a lake or pond existing or to be constructed in connection with the development, the plan shall also be accompanied by a profile of the proposed dam structure including all appurtenances thereto.
- b.) The plan shall be accompanied by a tentative centerline profile for each street if deemed necessary by the Designated Official.
- c.) A plan for the surface drainage of the tract proposed to be subdivided shall be submitted prior to commencement of grading if deemed necessary by the Designated Official. (See Laurens County Erosion and Sediment Control and Stormwater Management Ordinance).

d.) Exception from Ordinance 854

Exemption 1: "The combination or recombination of portions of previously platted lots where the total number of lots is not increased and resultant lots are equal to the standard of this chapter." The combination of existing parcels or recombination of existing parcels that are already recorded allows land owners to clean up parcels of land that may have been subdivided in such a way that is no longer appropriate. This does not increase the number of parcels, but allows for owners to have better lot configurations that meet their needs. This also allows parcel owners to purchase parts of adjacent lands and combine them with their own.

Exemption 2: "A parcel of land that is divided into five (5) or fewer parcels, each parcel being of sufficient size to meet the requirements of the health department, and each parcel is deed to a member

of the owner's immediate family. For the purpose of this paragraph, immediate family is defined as the owner's spouse, mother, father, sister, brother, children, or grandchildren." This allows for families to give land to other immediate family members. We have generational land owners in Laurens County, and it is a part of our community fabric that families desire to stay intact on land owned by families for several generations. This allows that to happen.

5.4 Plat Approval and Recording

- a.) After the plan has been corrected with regard to any revision or corrections deemed necessary by the Commission or regulatory agency, the subdivider shall prepare a plat for recording. The plat shall be drawn at a scale of 1" 200' or larger and provide the following:
- 1.) Lot numbers
 - 2.) Block numbers, if applicable
 - 3.) Phase or section number of subdivision
 - 4.) North Arrow.
 - 5.) Street names and right-of-way width.
 - 6.) Easements for storm drainage, designating location and width.
 - 7.) Natural drainage systems shall be included as a private drainage easement.
 - 8.) Easements for water mains and sanitary sewers not located in street right of way and serving more than one user. Such easements shall show location, width and conditions.
 - 9.) Dimensions and locations of any existing easements or right-of-way with special conditions crossing the property and not located in the right-of-way of a street.
 - 10.) A statement clarifying whether the property line is in the center of the stream or creek of the traverse line on lots abutting a stream or creek.
 - 11.) Title block containing the following information: Subdivision name, name of owner, address, registration number and seal of the engineer or surveyor registered in South Carolina and the date that the survey was made.
- b.) The Designated Official will approve the plat on the authority of the Commission. The approved plat may constitute only a portion of the subdivision plan in the proposed development; however, said portion shall conform to and meet all necessary requirements as set forth herein or by the Commission.
- c.) Once approved, the plat shall be recorded by the subdivider in the office of the Clerk of Court for Laurens County within a period of twelve (12) months from the date that approval is granted. After the expiration of twelve (12) months, said approval shall be void.

5.5 Performance Bond

Prior to completion of any or all required improvements by the subdivider, the subdivider shall post a performance bond with Laurens County or an irrevocable letter of credit guaranteeing the completion of the improvements in compliance with the requirements in this chapter.

- a) The County shall have the right to refuse a performance bond for any or all required improvements and require construction and installation thereof by the subdivision developer.
- b) Where accepted the performance bond shall:
- 1) Run to the County.
 - 2) Be in an amount equal to 100 percent of the costs as estimated by the governing authority, of any improvements which have not been constructed, installed, and

completed in compliance with the requirements of this chapter prior to the posting of the bond and for which sufficient certification has been furnished.

- 3) Be with surety as approved by the County.
 - 4) Specify that all such required improvements shall be completed in accordance with the requirements of this chapter within a period not to exceed one year from the date of posting the bond; provided, however, that the governing body may, by proper application, for good cause shown, extend the time of completion of all or a part of such improvements for such period of time as it deems is in the public interest.
 - 5) Run until and terminate 90 days after filing of the certification of completion and acceptance, unless the Laurens County Planning Commission or County determines that the requirements, standards, and specifications of this chapter applicable to the construction, installation, and completion of such improvements have not been met and notifies the applicant of such determination by certified mail, in which event the bond shall continue to run until the filing of acceptable proof that such standards, requirements, and specifications have been met.
- c) If any or all of the required improvements are not completed within the time specified in the bond, the governing body may let or re-let the contract, and the subdivision developer and performance bond or irrevocable letter of credit shall be severally and jointly liable for the costs thereof to the amount specified for such improvements in the bond.

5.6 Maintenance and Maintenance Bond

- a) The Laurens County Planning Commission shall require the posting of a bond by each subdivider to insure proper maintenance of all roadway improvements for a period of three years after the date of the acceptance of the improvements by the governing authority. Such bond shall be either in cash, be made by a surety company approved by the Laurens County Planning Commission and authorized to do business in the state, or be in the form an irrevocable letter of credit by a banking institution licensed to do business in the state and approved by the Laurens County Planning Commission, and shall be payable to the governing authority of the County. The amount of the bond shall be determined by the Designated Official and shall not exceed the estimated market costs of repaving the roadway surface based on similar projects in the area. In the event of a dispute between the developer and the engineer on such costs, the Designated Official will make the final determination of the amount of the bond. After one year and after two years, the developer may request a roadway inspection by the Designated Official Director. The Designated Official may reduce the bond amount by up to one-third after one year if the roadway shows no signs of failures or construction damage, and may reduce the bond an additional one-third after the second year if the roadway continues to show no sign of failure or damage. In the event that minor repairs or damages are present, the Designated Official may elect to reduce the bond by lesser amounts or not reduce the bond.
- b) The subdivider shall maintain all street improvements and all settlements clue to utility installations for a period of three years from the time of acceptance of such improvements,

by the governing authority. Should the subdivider choose to use the alternate binder as a temporary surface during the development, the required three year bond on the final acceptance may be reduced by one-half of the time from the installation of the binder to the date of the final acceptance after final surface course if the binder shows no areas of deterioration or failure.

- c) The subdivider shall make such adequate provisions as shall be approved by the Designated Official for the perpetual maintenance of all sewer and water facilities in the subdivision until such obligations have been assumed by a government entity.

SECTION 6 DESIGN STANDARDS - LOTS

6.1 Design

The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated.

6.2 Access

All newly developed lots in Laurens County must be situated on or have direct access to a road meeting the provisions of the current Laurens County Road Standards Ordinance, or a road maintained by a public entity.

6.3 Lot Lines

Side lot lines shall be approximately at right angles to the right-of-way of the street on which the lot fronts.

6.4 Set Back Lines

All minimum set back lines shall be measured from the street edge of pavement **or the right away whichever is greater.** ~~provided the street right-of-way is considered and shall be established on all property.~~ **If sidewalks are installed the set back measurement is from the edge of the sidewalk, on the side closest to the building/home.** Subdivider will place within restrictive covenants the setback lines applicable to the property in question. The Designated Official will be responsible to classify each street as Residential, Collector or Arterial.

a) Residential Streets

- 1.) The front setback shall be thirty (30) feet.
- 2.) The side yard setback shall be thirty (30) feet adjacent to the street (corner lots only).
- 3.) The principle building setback shall be ten (10) feet side and rear.

b) Collector Streets

- 1.) The front setback shall be forty (40) feet.
- 2.) The side yard setback shall be thirty (30) feet adjacent to the street (corner lots only).
- 3.) The principle building setback shall be ten (10) feet side and rear.

c) Arterial Streets

- 1.) The front setback shall be fifty (50) feet.
- 2.) The side yard setback shall be thirty (30) feet adjacent to the street (corner lots only)
- 3.) The principle building setback shall be ten (10) feet side and rear.

6.5 Lots in Flood Plains

Any plat submitted for final approval and is in a locale subject to periodic flooding as determined by the appropriate federal agency designated by the Department of Housing and Urban Development under the National Flood Insurance Program shall indicate on the plat, when such information is available, the high water mark and the exact areas that fall within the flood plain. Lots may be approved where adequate building area is one (1) foot or higher than the high water mark. If higher standards are established by the State of South Carolina, or any of its agencies, the more stringent requirement shall govern.

6.6 Natural Waterways

In any subdivision, natural waterways shall be kept clear of obstruction. Natural drainage systems shall include a platted private drainage easement.

SECTION 7 DESIGN STANDARDS - LOT DIMENSIONS

7.1 Lot with Public Water and Sewer

- a.) Minimum area shall be eight thousand (8,000) square feet.
- b.) Minimum width shall be seventy five (75) 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. Lots on the circular right of way of a Cul-de-sac street shall have a minimum (30) foot width at the road right of way.
- c.) The minimum depth shall be as required to meet minimum area requirements as specified in 7.1.a.
- d.) No residence (primary building) shall be placed within ten (10) feet of side lot line.
- e.) Additional setback requirements under 6.4

7.2 Lot with Well and Septic Tank

- a.) Minimum area shall be one (1) acre.
- b.) The minimum width shall be one hundred twenty (120) feet between side lot lines measured at the front set back line. Corner lots shall have additional width to accommodate the side street set back line required as specified herein. Lots on the circular right of way of a Cul-de-sac street shall have a minimum (30) foot width at the road right of way.
- c.) The minimum depth shall be as required to meet minimum area requirement as specified in 7.2.a.
- d.) No residence (primary building) shall be placed within ten (10) feet of side lot line.
- e.) Lots less than two (2) acres shall require approval from the South Carolina Department of Health and Environmental Control (SCDHEC) for well and septic tank installation prior to subdividing.
- f.) Additional setback requirements under 6.4

7.3 Lot with Public Water and Septic Tank

- a.) The minimum area shall be twenty-five thousand (25,000) square feet. This shall be exclusive of road right-of-way.
- b.) The minimum width shall be one hundred (100) feet between side lot lines measured from the front set back line. Lots on the circular right of way of a Cul-de-sac street shall

- have a minimum (30) foot width at the road right of way.
- c.) The minimum depth shall be as required to meet minimum area requirements as specified in Section 7.3.a.
- d.) No residence (primary building) shall be placed within ten (10) feet of side lot line.
- e.) Lots less than two (2) acres shall require approval from the South Carolina Department of Health and Environmental Control (SCDHEC) for septic tank installation prior to subdividing.
- f.) **Additional setback requirements under 6.4**

7.4 Multi-Family Attached (Public Water and Sewer)

Still Working this sections

7.5 Clustered/Open Space Residential Development (Public Water and Sewer)

- a.) Minimum Lot Area – There are no required minimum lot area per dwelling unit unless otherwise required by DHEC. The minimum tract area for an open space residential development shall be **five acres**. The minimum area shall consist of contiguous parcels, not divided by an existing public or private road or a recreational or navigable body of water.
- b.) Minimum Lot Width – There is no minimum lot width, except as required by DHEC and/or the International Building or Fire Code. The minimum Corner lots shall have additional width to accommodate the side street setback line required as specified herein. Lots on the circular right of way of a Cul-de-sac street shall have a minimum (30) foot width at the road right of way.
- c.) **The minimum depth shall be as required to meet minimum area requirements as specified in 7.5.a.**
- d.) No residence (primary building) shall be placed within Five (5) feet of side lot line.
- e.) All structures must be setback **twenty-five (25) feet from exterior lot lines.**
- f.) **Additional setback requirements under 6.4**

Intent

An open space residential development is a residential subdivision in which dwellings are situated on the most developable portion of the site in exchange for the preservation of substantial amounts of open space for environmental and ecological reasons. Open space can be designated for recreational purposes. The availability of recreation areas, active or passive, is conducive to a higher quality of life among residents.

By clustering homes together, public services become more efficient as they require less infrastructure. Building fewer roads, water and sewer lines, and other infrastructure helps keep the construction and maintenance of these services associated with them down.

The purpose of open space development is to provide a method of land development that permits variation in lot sizes without an increase in the overall density of population or development. This allows the subdivision of land into lots of varying sizes which will provide home buyers a choice of lot sizes according to their needs, while at the same time, preserving open space, tree cover, scenic vistas, natural drainage ways, and outstanding natural topography. Such measures prevent soil erosion and flooding by allowing development to occur according to the nature of the terrain; provide larger open areas with greater utility for rest and recreation; and encourage the development of more attractive and economical site design.

Permitted Density

The overall allowable density of a clustered subdivision may be found in the following table. These numbers were calculated by taking the number of dwelling units per acre.

The overall density is calculated by taking the total number dwelling units and dividing it by the total number of acres, including both developed and undeveloped land.

Table 7.1 Minimum Lot Area/Permitted Densities for Single-Family Residential

	Density Based Residential
Conventional Development	Open Space Development Option
Minimum Lot Size	Units/Acre
7,500	5.8 per acre
10,000	4.4 per acre
12,000	3.6 per acre
15,000	2.9 per acre

Do we need this chart to define units per acre?

Required Open Space

In order for a subdivision to be eligible for clustering, land must be set aside as open space. All undevelopable land must remain undeveloped.

Undevelopable land includes the following:

1. Areas of steep slopes (30% or greater).
2. Areas within the 100-year floodplain as designated by FEMA.
3. Areas that are designated as wetlands.
4. Areas that are within twenty-five (25) feet of the edge of a waterbody, intermittent or otherwise.
5. Areas that contain existing utility easements or rights of way with explicit restrictions on development.

For each clustered subdivision, a minimum of **twenty-five (25) percent** of the total acreage must be designated as composite open space.

Composite open space is calculated with the following formula:

COMPOSITE OPEN SPACE = 100% of UNDISTURBED OPEN SPACE + 50% ALTERED OPEN SPACE + 25% of DEVELOPED COMMON AREA

In order for any area to be included as either undisturbed open space, altered open space, or developed common area, it must meet the following two requirements:

All designated open space shall be of meaningful proportions and dimensions so as to be consistent with the intent and purpose of this section. All designated open space areas shall be accessible to all lots. Accessibility may be established by adjacency to a lot or by a pedestrian walkway (i.e. a sidewalk or footpath).

Undisturbed Open Space

Undisturbed open space includes areas where no alteration to the physical landscape or vegetation will take place. Land that is considered undevelopable cannot be included as undisturbed open space, altered open space, or developed common area. During the development process, it may be deemed necessary to replace and/or improve vegetation in undisturbed open areas. Such an alteration is acceptable in undisturbed open spaces. Examples of undisturbed open space include wetlands, forested areas, and shrubbery. All land area designated as undisturbed open space can be counted towards the twenty-five (25) percent open space requirement. Permanent bodies of water, either natural or man-made, may be included as undisturbed open space.

Altered Open Space

Altered open space includes areas where the physical landscape and/or vegetation is altered for the benefit of the community. Although not as beneficial to the environment as undisturbed open space, it often provides more active kinds of recreation for the community and is better for the environment than developed common area. Examples of altered open space include playgrounds, ball fields, and cleared fields. One-half (50%) of all land area designated as altered open space can be counted towards the twenty-five (25) percent open space requirement. Areas designated as water retention areas may be included as altered open space.

Need you
reword
definitions.
A little
complicated

Developed Common Area

Developed common areas include locations where community oriented development takes place. Although developed common areas are not as beneficial to the environment as undisturbed or altered open space, these areas provide places for active community oriented recreational areas that are important components of a residential neighborhood. Examples of developed common areas include community pools, clubhouses, and pavilions. One-fourth (25%) of all the land area designated as developed common areas can be counted towards the twenty-five (25) percent open space requirement.

The reasoning behind the COMPOSITE OPEN SPACE, is to make sure the developer allows for and includes some type of areas for the residents, such as trails, children play areas, useable open spaces for play fields, pools, BBQ areas etc.
Unless this section is incorporated the developer can just get to the 25% by just including unbuildable land that is not useable to the residents. Then all you have is homes close together with no viable activities for the residents.

SECTION 8 UTILITIES

8.1 Availability of Water and Sewer Services

- a.) All subdivisions constructed under the provision of these regulations shall be required, if feasible, to install water and sewer lines and connect to public operated utilities. Where any part of the property boundary a subdivision is located within 1,000 feet of a public water system or 300 feet of a public sewer system, the developer must obtain approval from the water or sewer system provider prior to plat review and approval by the Laurens County Planning Commission.
- b.) If water service is not available, the Developer must provide documentation from the water provider that service is not available.
- c.) If sewer service is not available, the Developer must provide documentation from the sewer provider that service is not available. Septic Tank permits from SCDHEC must also be obtained prior to subdividing.
- d.) A public water or sewer system is not obligated to extend or supply service if capacity is not available. If capacity is available, the extension of services shall be by and at the expense of the developer. The water or sewer extensions, both off-site and on-site, must be in accordance with the water or sewer system's requirements and are subject to review, approval, permitting and inspection by the water or sewer provider. Compliance with the water or sewer provider does not relieve the developer from the responsibility to also comply with all local, state and federal regulations.
- e.) Unless guaranteed by bond, escrow account or other approved financial instrument, all water and sewer improvements must be complete, in operation and accepted by the water or sewer provider before the final plat will be approved for recording by the Laurens County Planning Commission.

8.2 Design of Water Supply Systems

The developer shall be required to install a water distribution system, including fire protection, in accordance with the standards, procedures, and policies of the water service provider, state drinking water regulations and applicable fire code provision where service is available. The extent of the extension/upgrading of water lines to be installed within a new subdivision will be determined by the water service provider.

8.3 Design of Sanitary Sewer Systems

The developer shall be required to provide public sewage disposal systems in accordance with the standards, procedures, and policies of the sewer service provider and state wastewater regulations. The extent of the extension/upgrading of gravity sewer, lift stations and force mains will be determined by the sewer service provider.

8.4 Private Water or Sewer Systems

Privately owned water or sewer systems that serve more than one residence shall not be considered for approval without the express written consent of the existing water or sewer provider that has an established territory at the proposed location and a Permit to Construct from SCDHEC. The Developer must also provide documentation to the Laurens County Planning Commission that the system will be viable, self-sustaining and that no other feasible alternative to provide water or sewer service exists.

8.5 Utility Placement

Only utilities owned and maintained by a public utility company may locate their utilities and equipment within the right of way a street. All privately owned utilities and equipment shall be placed outside of the street right of way.

8.6 Fire Protection and Hydrants

- a.) The developer shall be required to install fire protection and hydrants where capacity/flow of the water supply is sufficient for such service as determined by the existing water provider.
- b.) All fire hydrants shall meet the specifications of the most current ordinance on Fire Hydrant Standards for Laurens County.

SECTION 9 OTHER IMPROVEMENTS

9.1 Street Trees

Any trees or shrubs to be installed on the street right-of-way by the subdivider shall be approved for type and placement by the Designated Official.

9.2 Lot Trees

The developer shall make every effort to preserve as many trees as possible and remove only those trees necessary for the development of the lot. This stipulation shall not be a subjective basis for the withholding of approval.

9.3 Signage

All signage noting the name or other information about the subdivision shall be reviewed by the Commission for placement, relevance, safety and design. All signage placed for the direction of vehicular traffic does not need review but is the responsibility of the subdivider to ensure that it conforms to the latest edition of the Federal Highway Administration's Manual of Uniform Traffic Control Devices (MUTCD) as well as the South Carolina Department of Transportation (SCDOT) supplement to the MUTCD.

SECTION 10 MANUFACTURED HOME PARKS

Generally, all manufactured home parks constructed, altered or extended after the effective date of the ordinance from which this article is derived shall conform to the regulations of this section. The establishment or expansion of a manufactured home park shall be considered a major subdivision and comply with regulations and procedures set forth in Sections 5, 6, 7, 8, and 9 as well as the following:

10.1 Water and Sewer

All proposed parks shall be served by public water and sewer systems or other systems, plans of which shall be approved by the South Carolina Department of Health and Environmental Control (SCDHEC) and reviewed by the Commission.

10.2 Signage, Names

All manufactured home parks containing five (5) or more units must provide a sign of at least six (6) square feet indicating the name of the park. Park names shall not be similar, phonetically or by spelling to any existing subdivision, nor historic homes, monuments or sites as listed **on** the State and National Historic Register.

10.3 Refuse Disposal

Each lot of a manufactured home park must be provided with a refuse container or have access to a centralized refuse container on site, either of which is collected on a weekly basis. Centralized containers must be buffered from sight on three sides with a six (6) foot tall privacy fence constructed of wood or other materials approved by the Designated Official.

10.4 Legal Owner and/ or Operator Manufactured Home Park

The legal owner and / or operator of the Manufactured Home Park shall at all times operate the park in compliance with the regulations of this ordinance.

10.5 Inspection of Manufactured Home Parks

All of the park requirements stated in this ordinance must be inspected and approved by the Designated Official prior to any installation of homes. These requirements must also be maintained as long as the park is in operation. The Building Codes and Inspection Office are hereby authorized to make periodic inspections to review the condition and operation of Manufactured Home Parks located within the jurisdiction of this Ordinance in order that they may perform their duties of safeguarding the health and safety of occupants of Manufactured Home Parks and of the general public.

10.6 Existing Manufactured Home Parks

All manufactured home parks in existence at the time of the adoption of this ordinance can continue to operate at its current capacity. Existing, nonconforming, parks cannot increase their size or number of lots without meeting the requirements of this ordinance.

10.7 Park Permit

It shall be unlawful for any person to construct, alter or extend any manufactured home park within the county unless that person or entity holds a valid park permit issued by the county.

- a.) All mobile homes within a park must have set up permits and annual decal license as required by Laurens County.
- b.) No public utility shall connect service to any mobile home within a park in the county without proof of a set up permit and annual decal license.
- c.) Site Plan Approval Required

All manufactured home park owners must submit a site plan of any proposed manufactured home park to the Designated Official, and such plan must have approval by the Laurens County Planning Commission before any permits can be issued. All applications for manufactured home park permits shall contain the following information:

- 1.) Name and address of the applicant.
- 2.) Interest of the applicant in the development.
- 3.) Location and legal description of the property.
- 4.) Complete engineering plans and specifications of the proposed park showing the following:
 - a.) The area and dimensions of the tract of land; including screening between park and adjoining residences or businesses.
 - b.) The number, location and size of all lots;
 - c.) The location and width of roadways and walkways;
 - d.) The location of service buildings and other proposed structures;
 - e.) The location of wells and water lines;
 - f.) The location of septic tanks, field lines and sewer lines;
 - g.) Specifications of all buildings to be constructed;
 - h.) The location and details of all lighting and electrical systems.

- d.) Fees
All applications for a manufactured home park construction, alteration or extension shall be accompanied by a deposit fee specified in the schedule of fees and charges.
- e.) Location and Frontage
A manufactured home park shall be located on property with a minimum frontage of 200 feet on a public street or road.
- f.) Street Requirement
Interior roads serving the park shall meet the specifications stated in current Laurens County Road Standard Ordinance.
- g.) Lot Area and Width
A manufactured home park shall have a minimum area of three (3) contiguous acres and a maximum of twenty-five (25) contiguous acres and a width of at least 200 feet. Each lot space within the park shall meet the specification of Sections 6 and 7 of this ordinance.
- h.) Installation and Safety Standards
All installation shall conform to the current Laurens County Manufactured Home Ordinance.
- i.) Setbacks
No manufactured home or other building or structure shall be located closer than 60 feet to any park outer perimeter property boundary. All other setbacks shall meet specifications as stated in Section 6 of this ordinance.
- j.) Screening
All new manufactured home parks shall provide screening on any perimeter property boundary if the adjacent property has residential homes or commercial businesses. Screening shall consist of existing vegetation, nursery stock, or both as well as fences, walls, earth berms, or grade changes. The type of screening and placement shall be approved by the Designated Official.
- k.) Service Buildings
Accessory structures for the convenience and well-being of park residents are permitted provided they comply with all applicable county ordinances. Such structures may include but are not limited to park management offices, community laundry facilities, community postal facilities, etc.
- l.) Listing of Manufactured Home Park
Every person owning or operating a manufactured home park, and each person engaged in the sale or rental of manufactured homes or lots upon which to place manufactured homes, shall furnish to the tax assessor of the county by January 1 of each year parcel identification and number of lots/rental spaces.
- m.) Register of Park Residents
Park management/operators must maintain at all times an up-to-date register of all park residents. This register must be made available to any authorized person.
- 11.) Park Manager
Manufactured home parks with five (5) or more manufactured homes shall have a park manager responsible for maintenance of the park and its manufactured homes, including ensuring compliance with the requirements of this ordinance.
- o.) Vehicle Parking

Two off-street parking spaces shall be provided for each manufactured home lot.

SECTION 11 ENFORCEMENT

11. Enforcement

Laurens County Council, by and through its Designated Official, shall have the duty and responsibility to enforce all provisions of the codes adopted by this Ordinance, as may be deemed proper for the welfare, safety and health of the citizens of Laurens County, within the unincorporated areas.

11.2 Designation of Offenses

Any person, entity or its representative or agent whose acts, actions or failure to act causes a violation of the codes adopted herein shall be issued a Uniform Ordinance Summons, citing said violation. A Uniform Ordinance Summons may be issued by any county official or employee designated as a code enforcement officer and shall not be used to perform any custodial arrest for violations of this ordinance. Any act, action, failure to act or violation of the codes adopted herein is prohibited and declared to be unlawful. Violation of this Ordinance shall constitute a misdemeanor. All violations charged pursuant to a Uniform Ordinance Summons, shall vest in the jurisdiction of the Summary Court for Laurens County. Any bond amount for violations shall be prescribed, set and held by the presiding Magistrate.

11.3 Penalties and Violations

The penalty for each violation of this Ordinance shall be punishable by a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than thirty (30) days. Each day any violation of this Ordinance continues shall constitute a separate offense.

11.4 Appeals

The Laurens County Planning Commission shall hear and decide appeals in matters as specified by this Ordinance. Whenever in the opinion of the Commission, the strict application of the requirements contained in these regulations would result in substantial or excessive difficulties and hardships or injustices, the Commission may modify such requirements, providing that the public interests of the County and its citizens are protected and the general intent and spirit of these regulations are preserved. Any person aggrieved by a decision of the Commission may appeal that decision before the Court of Common Pleas

SECTION 12 LEGAL

12.1 Authority

This Ordinance is adopted pursuant to authority conferred by the South Carolina Code of Laws. This ordinance repeals and replaces Ordinance 418, 509, 553 & 655 in toto.

12.2 Validity

Should any section or provision of this Ordinance or application of a provision of the Ordinance be declared invalid or unconstitutional by any court of a competent jurisdiction, such declarations shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part or application so declared to be unconstitutional or invalid.

12.3 Conflict with Other Regulations

These regulations shall apply to the unincorporated areas of the county after the adoption of this chapter. However, where sections of this chapter conflict with or overlap one another, or where this chapter conflicts with other county ordinances and/or regulations, whichever imposes the most stringent restrictions shall prevail. State and federal standards shall prevail wherever they conflict with provisions of this chapter.

12.4 Separability

If any section, clause or portion of this Ordinance shall be held by a Court of competent jurisdiction to be invalid or unconstitutional, such finding shall not affect any other section, clause or portion of this Ordinance.

12.5 Amendments

This Ordinance may be amended in the same manner as prescribed by law for its original adoption.

12.6 Effective Date

All provisions of this section and other relevant sections of this Ordinance shall take effect upon enactment by the Laurens County Council according to law.

SECTION 13 ADOPTION

13.1 NOW THEREFORE, BE IT ORDAINED, that Laurens County Council adopts the Residential Subdivision Ordinance.

{Signature page attached}

Done in meeting duly assembled this 25th day of April, 2017.

LAURENS COUNTY COUNCIL:

Joseph E. Wood, Jr.
Joseph E. Wood, Jr., Chairman

- Absent -
P. Keith Tollison, Vice Chairman

Originally Signed
Diane B. Anderson, Council Member

 OPPOSED
Stewart O. Jones, Council Member

Originally Signed
Garrett C. McDaniel, Council Member

Originally Signed
Ted G. Nash, Council Member

 ABSTAINED
David A. Pitts, Council Member

ATTEST:

Betty C. Walsh
Betty C. Walsh, Clerk
Laurens County Council
Laurens County, South Carolina

First Reading- February 28, 2017
Second Reading -March 28, 2017
Public Hearing- April 25, 2017
Third Reading - April 25, 2017