

ARTICLE I.
ENACTMENT, PURPOSE, JURISDICTION, AUTHORITY

I-1 ENACTMENT

AN ORDINANCE ESTABLISHING SUBDIVISION REGULATIONS FOR ALL LAND LYING WITHIN THE SUBDIVISION JURISDICTION OF THE CITY OF YORK, STATE OF SOUTH CAROLINA: AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANANCE WITH THE PROVISIONS OF AND AMENDMENT THEREOF, OF TITLE 14, CHAPTER 7.1 CODE OF LAWS OF SOUTH CAROLINA: PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED AND ENACTED BY THE CITY OF YORK, STATE OF SOUTH CAROLINA THIS 6th DAY OF December, 1977

I-2 - PURPOSE

The purpose of this ordinance is to provide the orderly development of the municipality through the control and regulation of the subdivision of land.

The regulations contained herewith are designed to encourage the development of an economically sound and stable urban area; to coordinate proposed development with existing development and with official community plans for future development; to insure the provisions of adequate facilities for transportation, water, sewerage, education, recreation, and other public requirements in subdivisions; to insure the proper surveying, legal description, and monumentation of subdivided land; and to promote the public health, safety, and general welfare of the community.

I-3 - JURISDICTION

The regulations contained herein shall hereafter govern all land subdivision, within the subdivision Jurisdiction of the City of York as now or hereafter established.

An official copy of the map showing the subdivision jurisdiction of the city is on file in the office of the City Clerk.

I-4 - AUTHORITY

The City of York hereby exercises authority granted under Title 14, Chapter 7.1 Code of Laws South Carolina to adopt regulations governing the subdivision of land.

ARTICLE II DEFINITIONS

For the purpose of these regulations, certain words shall be defined as follows. Words used in the present tense include the future; the single number includes the plural number; the plural number includes the singular number. The word “shall” is mandatory, not directory.

II-1 BUILDING SETBACK LINE-

That line which represents the distance a building or structure must set back from a lot boundary line or a street right-of-way line. See Section X for setback requirements.

- II-2 DENSITY**- The number of lots or dwelling units per acre.
- II-3 EASEMENT**- A grant to the general public, a corporation, or a certain person or persons, of a strip or parcel of land for a specific purpose.
- II-4 LOT**. A parcel of land of varying size, which is designed as a single unit of property. Unless clearly indicated otherwise, the word "lot", when used alone in this ordinance, shall mean a "zoning lot" as herein defined.
- II.4.1 Lot area**. The area within perimeter property lines of respective lot (exclusive of area within street, highway, or road right-of-way).
- II.4.2 Lot, Corner**. A lot located at the intersection of two (2) or more streets. Any zoning lot adjoining a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees (Lot A in Illustration A, Appendix).
- II.4.3 Lot, Depth**. The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.
- II.4.4 Lot, Interior**. A lot, other than a corner lot, which has frontage on only one (1) street other than an alley.
- II.4.5 Lot of Record**. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of the clerk of court's office.
- II.4.6 Lot, Through**. A lot, other than a corner lot, which has frontage on more than one (1) street other than an alley.
- II.4.7 Lot Width**. The distance between side lot lines measured at the front building line.
- II.4.8 Lot, Zoning**. A parcel of land that fronts on a designated accepted street and that has the minimum area required by these regulations for a lot in the respective zoning district within which such parcel of land is located. The parcel of land may be used for principal use(s), accessory uses(s), yards, and/or open spaces that are allowed by this ordinance. A lot of record may or may not be a zoning lot.
- II.4.9 Lot, Corner**- A lot abutting upon two or more streets at their intersection.
- II.4.10 Lot, Width**- The width of the lot at the building line measured parallel to the street right-of-way line; or in case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the street right-of-way line.
- II.5 STREET**. A dedicated public way for vehicular traffic, which may or may not afford the principal means of access to abutting property.
- II.5.1 Street Centerline**. That line surveyed and monumented by the State Highway Department shall be the centerline of a street, or in the event that no centerline has

been so determined, it shall be that line running midway between, and parallel to the general direction of the outside right-of-way line of such streets.

- II.5.2** *Arterial* - A major thoroughfare or highway which is used or intended to be used for moving either large vehicular traffic volumes or high speed traffic, or which has been designated as a major thoroughfare on the Thoroughfare Plan; an arterial street.
- II.5.3** *Collector*- A street which is used or intended to be used for moving traffic from minor streets to major thoroughfares, including the principal entrance and circulation street or streets of a residential development.
- II.5.4** *Marginal Access*- A minor street located beside a limited access street or highway, or a railroad which provides access to abutting properties and protection from through traffic.
- II.5.5** *Local*- A street which is used or intended to be used primarily for access to abutting properties.
- II.5.6** *Cul-De-Sac*- A street having one end open to traffic and the other end terminated by a vehicular turnaround.
- II.5.7** *Service Access*- A minor way used or intended to be used primarily for vehicular service access to the rear or side of properties otherwise abutting a street.

II-6 **SUBDIVIDER**- Any person, firm, or corporation who undertakes the subdivision of land as defined herein.

II-7 **SUBDIVISION** – The division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development; including all division of land involving a new street or a change or a change in existing streets; including re-subdivision; and, where appropriate to the context, relating to the process of subdividing or to the land or area subdivided.

Except for the following scenarios, each application for subdivision of property shall be reviewed by the Planning Commission:

- a. The combination or recombination of portions of previously platted lots where the total number of lots have not increased and the resultant lots are equal to the standards of the governing authority;
- b. The division of land into parcels of five(5) acres or less where a new street or street extension is not involved;
- c. The division of land into four (4) or fewer lots that does not include the creation or extension of a street and where the resultant lots are equal to the standards of the governing authority. The Planning Commission shall review the acceptability of proposed curb-cuts/driveways in accordance with Section V.1.11.

Plats that meet the above referenced exceptions shall be reviewed for compliance with the subdivision regulations by City Staff.

ARTICLE III GENERAL PROVISIONS

III-1 OFFICIAL FILING OF REGULATIONS

Upon the enactment of this ordinance by the City of York, a copy of this ordinance shall be filed in the Office of the County Clerk of Court. After that time, no new subdivision plat for any land within the established subdivision jurisdiction shall be filed with or recorded by the County Clerk of Court until such plat has been submitted to and approved by the Planning Commission according to the procedures set forth in this ordinance. All previous platted and approved subdivisions are grandfathered in. All subdivisions submitted prior to the ordinance but not approved will come under the jurisdiction of these ordinances.

III-2 APPLICATION OF REGULATIONS

No street or other public way or land shall be accepted or maintained; nor shall any municipal water lines, sewerage, electricity, gas, street lighting or similar improvements be extended connected; nor shall any permits be issued by any department of the municipality or county for construction of a building or other improvement in any subdivision established hereafter which does not meet the requirements set forth in this ordinance.

III-3 EFFECT OF PLAT APPROVAL ON DEDICATIONS

The approval of a plat by the Planning Commission shall not be deemed to constitute or affect an acceptance by the governing body of the dedication of any street or other ground shown upon the plat.

III-4 VIOLATION AND PENALTY

After the adoption of this ordinance, any person who, being the owner or agent of the owner of any land located within the established subdivision jurisdiction, transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of a plat of a subdivision before such plat has been approved by the Planning Commission and recorded in the Office of the County Clerk of Court shall forfeit and pay a penalty of one hundred dollars (\$100.00) to the city for each lot or parcel so transferred or sold or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring such lot or parcel shall not exempt the transaction from such penalties or from the remedies provided in this section. The City Attorney or other official designated by the city may enjoin such transfer or sale or agreement by an action for injunction brought in any court of competent jurisdiction and may also recover such penalty by civil action in any court of competent jurisdiction.

III-5 FLOOD HAZARD AREA

All standards proscribed in this section apply to all site design and development hereafter undertaken within the Flood Hazard Area. The Flood Hazard Area is defined as that land officially designated by the Federal Insurance Administration to be within the one hundred (100) year flood interval. All structures and facilities within any subdivision in a Flood Hazard Area shall comply with the design standards of Article V. Plats of the development lying in a Flood Hazard Area shall have such areas clearly delineated on the plat by indication of the topographic contour line corresponding to the one hundred (100) year flood elevation shown on the official City of York Flood Hazard Boundary Map as prepared by the Federal Insurance Administration. This map is available at York City Hall.

III- 5.1 Flood Hazard Design Standards

Engineering plans and specifications shall be submitted showing that adequate design has been incorporated to assure to the maximum extent possible that:

- a. Water supply will be constructed to preclude infiltration by floodwaters.
- b. Wastewater disposal systems, except septic tanks, will be constructed to preclude infiltration by floodwaters.
- c. Types of and construction of fill materials used for building foundations shall minimize settlement, slope erosion, and siltation, and facilitate drainage of potential surrounding floodwaters.

III- 5.2 Protective Deed Restrictions Required

Covenants or deed restrictions shall be placed in the deeds to all lots of a development lying within a flood hazard area stipulating to the owner that:

- a. All structures intended for human habitation, to be constructed in a flood hazard area, shall have as a minimum first floor elevation, the level of the one hundred (100) year flood or above as designated on official county flood plain maps.
- b. All other requirements of the City of York Building Inspection Department, related to construction in flood hazard areas, must be met.

III- 5.3 Disclosure Statement Required

On all plats of development for which lots, sites, or structures are to be sold or leased, the following statement shall be clearly affixed to the plat (s) and readily visible:

“The areas indicated on this plat as flood hazard areas have been identified as having at least a one percent (1%) chance of being flooded in any given year by rising waters associated with flooding. Local regulations require that certain flood protection measures be incorporated into the design and construction of structures in these designated areas. Reference should be made to the development covenants and restrictions of this development and to requirements of the York County Building Inspection Department.

In addition, federal law requires the purchase of flood insurance as a prerequisite to mortgage financing in these designated flood hazard areas”.

III. 6 Vested Rights

Scope and title

All applicable ordinances, municipal code sections, and regulations relating to zoning, planning and land development within the municipality are subject to this section,

Definitions

- (a) Except as hereinafter set forth, the words, terms and phrases when used in this section shall have the meaning as set forth in Section 6-29-1520 of the South Carolina Code of Laws, as enacted by Act 287 of 2004.

- (b.) “Site specific development plan” means a development plan submitted to a local governing body by a landowner describing with reasonable certainty the types and plan density or intensity of uses for a specific property or properties. The plan may be in the form of, but is not limited to, the following plans or approvals; planed unit development; subdivision plat; site plan; variance; conditional use or special use permit plan; conditional or special use district zoning plan; or other similar approval that authorizes the landowner to proceed with investment in grading; installation of utilities, streets, and other infrastructure; and to undertake other significant expenditures necessary to prepare for application for a building permit.
- (c) “Vested right” means the right to undertake and complete the development of property under the terms and conditions of a site specific development plan as provided in this ordinance.
- (d) “Phased development plan” means a development plan submitted to the City by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in phases, but which does not satisfy the requirements for a site specific development plan.

Establishment and conditions of vested rights

- a) A vested right to develop property in accord with a site specific development plan is triggered upon the final approval of the site specific development plan by the final official or body of the municipality authorized to approve a site specific development plan and the payment to the municipality of all applicable established fees.
- b) Except as hereinafter set forth, a vested right established by this section is subject to the conditions and limitations as set out in Sections 6-29-1540 and 6-29-1550 of the Code of Laws of South Carolina, as enacted by Act 287 of 2004.
- c) A vested right for an approved site specific development plan expires two years after the date of final approval by the final official or body authorized to approve a site specific development plan.
- d) No vested rights are established for phased development plans, including approved or conditionally approved phased development plans and including phased development plans applicable to property proposed for annexation. An approved or conditionally approved site specific development plan is required prior to approval with respect to each phase of a phased development plan.
- e) A vested site specific development plan may be amended by the Planning Commission or final official body of the municipality, if the amendment conforms to, or does not cause greater nonconformity with, the then current provisions of the municipal zoning, planning, and land development ordinances, municipal code sections or regulations. Approval or conditional approval of an amendment does not re-set or re-start the expiration period of a vested right.
- (f.) No extension of a vested right is allowed. *(CC July 5, 2005)*

III. 7- Performance Bond: The use of a performance bond to achieve and/or extend vested rights to a project is prohibited. *(added 11/12/07)*

ARTICLE IV. SUBDIVISION PLAT REQUIREMENTS AND REVIEW PROCEDURES

The procedure for review and approval of subdivision plats shall consist of three (3) separate steps. These include: (1) Review of sketch plan (2) review and approval of preliminary plat; and (3) review and approval of final plat.

Step 2 shall be completed prior to making any street improvements or installing any utilities. Steps 2 and 3 shall be completed prior to the sale of any lots within the proposed subdivision.

IV.1 THE SKETCH PLAN

The sub-divider shall prepare a sketch plan for submission to the Planning Commission. Ten (10) or more copies of the sketch plan and of any supplemental material required shall be submitted to the Planning Department not less than fourteen (14) days prior to the Planning Commission meeting which the plat is to be considered.

IV.1.1 Contents of the Sketch plan

The sketch plan shall be drawn to a scale of one (1) inch equals one hundred (100) feet or one (1) inch equals fifty (50) feet, and shall contain or be accompanied by:

A. General information about existing property

1. Names and locations of adjoining subdivisions and streets;
2. Existing zoning classification of the subject property and adjacent tracts;
3. Total area of property;
4. City limit lines;
5. Existing property lines, rights-of-way, easements, streets, forest areas, etc;
6. Existing utility lines, fire hydrants, etc;
7. 100 year flood areas (FEMA), creeks, drainage channels, etc;
8. Wetlands [US Army Corps of Engineers];
9. Extreme (un-buildable) topography areas such as bedrock outcroppings, unstable subsoil, and slope > 3:1;
10. Adjoining park areas, bike/walking trails; or other recreational amenities; and
11. Existing streets, open space, sidewalks, parks, bike/walking trails, schools, water and sewer lines, hydrants, stormwater facilities, other recreational amenities; etc within 300-feet of the property perimeter.

B. General information about the proposed development

1. Name, address, telephone number and email address for the landowner, developer, engineer and residential builder/general contractor (include corporate name and president/officers/shareholders by name);
2. Target buyer market (i.e. active seniors, young families, young professionals or families, workers, elderly seniors etc);
3. Proposed zoning designation;
4. Total number of proposed lots as well as residences and residence types; List or summary of deed restrictions related to residence types, height, heated living space, garages/carports.
5. Total acreage vs. areas of paved as well as linear feet of streets, wetlands, stormwater pond and water bodies;
6. Proposed density of project (units per net highland acre in each planned section or phase)**Net Highland Acres** = Acres, excluding : street right-of-way, 100-year flood plain, wetlands, utility easements, drainage channels, stormwater management areas, open water, and extreme (un-buildable) topography.
7. Basic layout, sizing, description, etc for water, sewer, stormwater, street, hydrant, open space, wooded areas, trails, walking and running paths, driveways, perimeter bufferyards, street trees, amenities common use facilities and recreational facilities, parking spaces, street lighting, etc;
8. If applicable, describe phasing plans for the project including acreage for each phase as well as estimate of phase completion and residences completed by year;
9. Sketch, drawing or pictorial evidence of how development will be interconnected with adjacent properties via water & sewer lines, bike/walking trails, streets, street stubs, street rights-of-way, open space, creeks, sidewalks, parks, stormwater facilities, flood areas, nearby civic, work and shopping areas, etc;
10. Total project area versus total area reserved for open space;
11. Breakdown of different types of proposed open space usage (woodland, natural area, maintained lawn, trail, equipped recreation, etc);
12. List or drawing/sketch of landscape features and plants in each type of landscape area;
13. Minimum heated area and garage area per dwelling unit;
14. Average heated area per dwelling in each type of section or phase; (townhouses; 1-story detached, clustered, attached; 2-story detached, clustered, attached);
15. Number of units with and types of garages (Interior, Attached, Detached) and carports (Interior, Attached, Detached) ('Interior' garage is underground or beneath full story of living space] ;
16. Types of exterior façade materials on dwelling units (architectural variety shall be achieved throughout the development);
17. Drawings or photos of the front elevation/architecture variations of each type/style of proposed structure that will be used to achieve variety and village/town/neighborhood appearance on each street, and throughout the development;
18. Typical parking area layout showing driveway and parking area, carport, garage, etc;

19. Estimated number of vehicles per day on each street and through each development entrance (@ four (4) trips per day per residence on average);
20. For commercial projects, specify the number and size of buildings, and the square footage of commercial floor space;
21. Outline of homeowner association bylaws, deed restrictions, covenants, etc;
22. Outline of methods to deal with wetlands and flood areas as well as mosquito control;
23. Written input from York School District # 1; and,
24. All other applicable requirements from the Zoning Ordinance or Subdivision Ordinance.

IV-2 THE PRELIMINARY PLAT

The sub-divider shall prepare a Preliminary Plat for submission to the Planning Commission. Ten (10) or more copies of the Preliminary Plat and of any supplemental material required shall be submitted to the Planning Department not less than fourteen (14) days prior to the Planning Commission meeting which the plat is to be considered.

IV.2.1. Contents of the Preliminary Plat

The preliminary plat shall be drawn to a scale of one (1) inch equal one hundred (100) feet or one (1) inch equals fifty (50) feet and shall contain or be accompanied by information required in the sketch plan submittal section as well as the following information:

General Information

1. Names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-sub-divided property.
2. Boundaries of the tract to be sub-divided with all bearings and distances indicated.
3. Existing zoning classifications of the tract, if any.

Existing Site Data

1. City limits lines; property lines; right-of-way; easements; streets; railroads and bridges.
2. Utilities transmission lines; storm sewers, ditches, and culverts; sanitary sewers; and water mains; including information on size, equipment, and location.
3. Wooded areas, marshes, ponds, and watercourses including the acreage of upstream drainage areas.
4. All areas within the 100-year flood interval as determined by the Federal Insurance Administration (See article III-5 of Subdivision Regulations).

Proposed Site Data

1. Street rights-of way and widths.
2. Preliminary plans prepared by an engineer for sanitary sewers; storm sewers or other drainage system; water, electricity, and gas lines, showing connections to existing systems or proposals for developing new water supply storm drainage, and sewage disposal systems (storm and sanitary sewer profiles, cross-sections and sizes shall be provided when required by the Planning Commission.
3. Other easements and rights-of-way including location, dimensions, and purposes.

4. Contour changes to be made by grading.
5. Lot lines, lot dimensions, lot and block numbers, and minimum building setback lines along street rights-of-way.
6. Parks, school sites, and other public areas, if any.
7. Areas to be used for purposes other than residential and public, if any, with the purpose, location, and dimensions of each indicated.

Other Information

1. Name of subdivision and surveyor or engineer
2. Name and address of owner(s) and developer(s).
3. Date of survey and plat preparation, north point, graphic scale.
4. Site Data: Total acreage in tract; total acreage in public or other land usage; average lot size; total number of lots; linear feet in streets.

IV-2.2 Planning Commission Action

The Planning Commission shall review and tentatively approve, approve conditionally, or disapprove the Preliminary Plat within sixty (60) days of the date of submission by the applicant. If no action is taken by the Planning Commission at the end of sixty (60) days after submission, the Preliminary Plat shall be deemed to have been approved.

Notice of the time and place of the Planning Commission review shall be sent by registered mail to the sub-divider whose name and address appear on or accompany the Preliminary Plat. Such notice shall be sent not less than five (5) days before the date set for the hearing.

Before taking final action on the Preliminary Plat, the Planning Commission may refer copies of the plat and attachments to those public officials and agencies which are concerned with new development, including the directors of departments responsible for streets, water, storm drainage, and sanitary sewerage, the Building Inspector, the County Health Department, and the District Engineer of the South Carolina Highway Department, for their review and recommendations.

If the Preliminary Plat is found to conform to all of the requirements of this ordinance, preliminary approval shall be given by the Planning Commission. Approval shall be noted on at least two (2) copies of the Preliminary Plat by the chairman and two (2) other members of the Commission. One (1) copy shall be retained by the Planning Commission; another shall be given to the sub-divider.

Upon approval of the Preliminary Plat, the sub-divider may proceed with the installation of arrangements for required improvements in accordance with the Preliminary Plat and proceed with preparation of a Final Plat.

If the Preliminary Plat is disapproved or approved conditionally, the reasons for disapproval or any conditions required shall be stated in writing and signed by the Chairman of the Planning Commission. The reasons for disapproval shall refer specifically to those parts of the General Plan or ordinance or regulation with which the plat does not conform. One (1) copy of the reasons shall be retained in the records of the Commission; another shall be given to the sub-divider.

IV-3 THE FINAL PLAT

The sub-divider shall submit six (6) Final Plats on dark line prints to the Planning Commission at least ten (10) days prior to the regularly scheduled meeting of the Planning Commission for final approval. At the same time, there shall be submitted one (1) set of the proposed plans and specifications for all improvements and the proposed protective covenants. Subdivisions which do not involve the platting, construction, or opening of new streets, water or sewer facilities, or improvements to existing streets shall be accepted by the Planning Commission in the form of a Final Plat. Such subdivisions shall comply with all requirements of these regulations.

IV-3.1 Filing Fees

At the time of submission of the Preliminary Plat, the developer shall pay all appropriate fees (per the adopted fee schedule) to the City.

IV-3.2 Improvements

Before submitting the Final Plat for review, the sub-divider shall have installed all required improvements or shall have filed a bond in accordance with the provisions of Article VI-3.

IV-3.3 Time of Submission

The Final Plat of the proposed subdivision shall be submitted to the Planning Commission for final approval within one (1) year of the date on which the Preliminary Plat was approved. If not submitted for final approval within such time, the Preliminary Plat shall be considered as having been disapproved, unless the Commission agrees to an extension of time.

IV-3.4 Recording

The Final Plat shall constitute only that portion of the approved Preliminary Plat, which the sub-divider proposes to record and develop at the time. The Final Plat shall be filed in the Office of the County Clerk of Court within one (1) week after approval, or if not, approval shall be considered void.

IV-3.5 Contents of the Final Plat

The final plat shall conform substantially to the Preliminary Plat as it was approved. The Final Plat shall be prepared by a registered surveyor or engineer and shall be drawn to a scale of one (1) inch equals on hundred (100) feet or one (1) inch equals fifty (50) feet. It shall contain or be accompanied by the following information:

Survey Data

1. Exact boundaries of the tract to be subdivided.
2. Names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivided property.
3. Accurate location and description of all monuments, markers, and control points.
4. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, lot line, right-of-way, easement line, and setback line, including linear dimensions, bearings or deflection angles, radii, arcs, chords, and central angles. (All dimensions shall be measured to the nearest one-tenth (1/10) of a foot and all angles to the nearest minute).

Site Data

1. All rights-of way, easements, and areas to be dedicated to public use with the purpose of each stated.
2. Areas to be used for purposes other than residential and public, if any, with the purpose, location, and dimensions of each indicated.
3. Lot and block numbers.
4. Plans for water mains, sanitary sewers, and storm sewers or other drainage system, showing sizes, cross sections, and profiles

Other information

1. Name of subdivision, owner, and surveyor or engineer.
2. Date of survey and plat preparation; north arrow; graphic scale.
3. Deed restrictions proposed for the subdivision, if any.
4. Any other information considered by either the sub-divider or the Planning Commission to be pertinent to the review of the Final Plat.

IV-3.6 Planning Commission Action

The Planning Commission shall approve or disapprove the Final Plat within sixty (60) days after it has been submitted for final approval. Approval and the date thereof shall be shown on the plat over the signature of the Planning Commission Chairman and two (2) other members of the Commission. If no action is taken by the Commission at the end of sixty (60) days after submission, the plat shall be deemed to have been approved.

If the Final Plat is disapproved by the Planning Commission, the grounds for such action shall be stated in writing. The reason(s) for disapproval shall refer specifically to those parts of the General Plan, ordinance or regulation with which the plat does not conform. One (1) copy of the reason (s) for disapproval shall be retained in the records of the Planning Commission, and another shall be given to the sub-divider for resubmission.

Before recording the Final Plat or resubmitted Final Plat, it shall be submitted to the governing body for approval and acceptance of public streets, utilities, easements, and land dedication to public use.

After final approval, the sub-divider shall file the original approved Final Plat and certificates with the County Clerk of Court. The sub-divider shall provide the Planning Commission with at least on (1) dark line copy thereof.

ARTICLE V - DESIGN STANDARDS

The following design standards shall be considered minimum requirements; however, higher standards are to be encouraged in subdivision design. If only minimum standards are used, the result will be a standardized and monotonous urban area. Subdivision design should carry out the purpose of the Comprehensive Plan and this ordinance but not be limited to the minimum requirements.

V-1 STREETS

Minimum Requirements for Street Construction

Section 1 - Street aggregate base course.

1. All streets that are to be accepted by the City of York shall be constructed with an aggregate base course conforming to the minimum SCDOT standards as specified in Section 305 of

the SCDOT Standard Specifications for Highway Construction (latest edition). Variations must be approved by the Public Works Department.

2. Proposed streets shall meet the following minimum standards:
 - a. **Local streets.** Following completion and inspection approval of the street grading, a minimum of eight inches of compacted aggregate base course shall be applied to each roadway. (Prime will be required if pavement is to be placed more than 72 hours after an approved inspection or where street slopes are 6% or greater.)
 - b. **Light commercial/industrial.** Following completion and inspection approval of the street grading, a minimum of eight inches of compacted macadam stone shall be applied to each roadway. (Prime will be required if pavement is to be placed more than 72 hours after an approved inspection or where street slopes are 6% or greater.)

NOTE: The Public Works Department may require additional base course if conditions exist to warrant the action.

Section 2 - Street asphalt binder course.

1. All streets that are to be accepted by the City of York shall be constructed with a hot laid asphalt binder course conforming to the minimum SCDOT standards as specified in Section 402 of the Standard Specifications for Highway Construction (latest edition). Variations shall be approved by the Public Works Department. The binder course is to be sealed and function as the wearing surface course for a minimum of 18 months to permit home construction to be substantially completed. Weep holes shall be constructed into each curb drainage structure and maintained during this 18 month period. In lieu of sealing the binder course, the contractor will have the option of substituting the asphalt binder course with a comparable thickness of asphalt surface course material. Circumstances may arise that would make it advantageous to delay the paving of the final one inch surface course. If such circumstances exist, the developer may submit a formal request for consideration of delay to the Public Works Department no later than 45 days prior to the expiration of the two year warranty period. The request shall include an explanation of specific circumstances that would support the delay in paving. Approval shall be based on certain criteria being met, including but not limited to, the submittal of a proposed schedule for completion and an appropriate extension of the submitted Roadway Surface Course Paving Guarantee Fund's letter of credit or cash bond to cover the requested extension period.
2. Proposed streets shall meet the following minimum standards:
 - a. *Local streets.* Following completion and inspection approval of the street aggregate base course, a minimum of two inches of hot laid binder course shall be applied to each roadway.
 - b. *Light commercial/industrial.* Following completion and inspection approval of the street aggregate base course, a minimum of three inches of hot laid binder course shall be applied to each roadway.

NOTE: Main subdivision entrance drives and any streets leading to or stubbed out for access into future phases will be required to be constructed with the minimum of three inches of binder course. This will provide a paving section able to handle the additional construction traffic each time another phase of the subdivision is constructed or the roadway system is extended into other undeveloped lands. The Public Works Department may require additional base course if conditions exist to warrant the action.

Section 3 - Street asphalt surface course.

1. All streets that are to be accepted by The City of York shall be paved with a hot laid asphalt concrete surface course conforming to the minimum SCDOT standards as specified in Section 403 of the SCDOT Standard Specifications for Highway Construction (latest edition). Variations shall be approved by the Public Works Department.

2. Proposed streets shall meet the following minimum standards:
 - a. *Local streets.* Following warranty inspection approval of the street asphalt binder course, the binder course shall be tacked and a minimum of one inch of hot laid asphalt surface shall be applied to each roadway.
 - b. *Light commercial/industrial.* Following warranty inspection approval of the street asphalt binder course, the binder course shall be tacked and a minimum of one inch of hot laid asphalt surface course shall be applied to each roadway.

NOTE: The engineering department may require additional asphalt surface course if conditions exist to warrant the action.

Section 4 - Design thickness (pavement, base and subgrade) and related factors.

The developer shall submit a complete soils report and a detailed road thickness design as part of his or her engineering plans and specifications. A complete soils report and detailed road design shall convincingly support the use of the city's typical minimum cross-section or document the necessary variations from the required design criteria. This report and design shall be prepared by an independent city-approved Geotechnical Engineer/Testing Laboratory and approved by the City of York Public Works Department.

NOTE: A complete soils report includes, but is not limited to, the following data: a CBR for every soil type and a grain size analysis and Atterberg Limit determination for each soil type.

DESIGN THICKNESS (COMPACTED) CRITERIA		
TYPE LAYER	LOCAL	LT. COMM./IND.
Aggregate base course	8"	8"
Hot laid binder course	2"	3"
Hot laid asphalt surface	1"	1"

The contractor, at his or her expense, shall provide a minimum of three cores for each street of 800 feet or less and one for each additional 500 feet. Asphalt depths shall be no less than ¼ inch average per core less than the minimum requirement. Additional cores may be taken to determine the extent of the area that does not meet these minimum depths. Areas that do not meet these minimum depths shall be corrected by overlaying the substandard areas with the greater of a one inch thickness of hot laid asphalt or the thickness of the short fall, plus ½ inch.

NOTES:

1. All materials used in the base, binder and surface courses shall meet SCDOT specifications for quality and gradation. SCDOT standard quality and gradation are required for review at a rate of one test per 500 tons or one test per project, whichever is greater.
2. Triple surface treatment will not be accepted.
3. A detailed soils report and design shall be submitted for review and approval.

V-1.1 Arterial and Collector Streets

Arterial and collector streets shall be in conformance with the City's Comprehensive Plan.

V-1.2 Public Streets

- a. All public streets shall be paved in accordance with City standards;

- b. Each street intended for acceptance into the City of York road maintenance system shall be subject to a 3-year warranty period that shall begin on the date of the approval of the binder-course final inspection by the City. The City shall have the authority to require the creation of a bond and/or escrow account to cover any potential repairs to the street, sidewalks, curbs, etc. The City will conduct a series of inspections during this warranty period to identify any deterioration, defects or defaults of the roadway construction needing to be repaired prior to the end of the warranty period. It shall be the responsibility of the developer to repair any deterioration, defects or defaults, including , but not limited to,, the sub-grade, aggregate base course, asphalt-binder course, asphalt-surface course, curb and gutter, drainage structures and culverts, ditches and tie-back slopes and right –of way seeding within the warranty period for streets accepted into the City roadway system. The method and schedule of all repairs to the streets shall be approved and inspected by the City. Failure to complete any required repairs within the warranty period will be dealt with on a case by case basis in accordance with the City guidelines. During this warranty period, the City Council will be requested to accept the street(s) into the City of York street maintenance system. The City shall not consider a street for acceptance into the City system until all outstanding issues related to street construction, utility construction, payment of fees and final plat application have been resolved to the satisfaction of City staff and so certified by the City Manager. Upon such certification by the City Manager, the street(s) shall be accepted into the City system.
- c. Before the City of York will accept a granted right of way easement to a newly constructed street or agree to maintain a newly constructed street, an affidavit from the donor and the contractor who constructed the road will be required stating that all construction costs have been paid and that the street(s) is free of all encumbrances and defects;
- d. A newly constructed street is one that has received final plat approval from the Planning Commission and is requested to be considered by City Council for acceptance into the road maintenance system;
- e. A donor or contractor, who knowingly submits a false affidavit affirming that all construction costs have been paid for a street or that a street is free of all encumbrances and defects, or both, is guilty of a misdemeanor and upon conviction, shall forfeit Maintenance Guarantee Funds, and be fined and/or imprisoned at the discretion of the court.
- f. All streets to be accepted into the City of York road maintenance system shall have an irrevocable dedicated right of way easement to the City that covers the length of the street to be maintained.
- g. A minimum right of way width for the street shall have equal distance on each side of the centerline of the roadway. In situations not practical or appropriate to provide the required right of way, the Planning Commission may alter it for a specific road.
- h. Right of way easement forms shall be obtained from the City of York. The completed right of way form shall include a legal description of the street in question; be reviewed and approved by the City Attorney; and be signed, witnessed and properly probated. The completed form shall be recorded in the Office of the Clerk of Court.

V-1.3 Continuation of Adjoining Streets

Proposed streets shall be coordinated with the street system in the surrounding area and, where possible, provide for the continuation of principal streets. The Planning Commission shall determine whether provisions shall be provided for present or future connections to adjacent property.

V-1.4 Minor Streets

Minor streets shall be laid out so that their use by through traffic will be discouraged.

V-1.5 Marginal Access Streets with Major Thoroughfares

Where a subdivision abuts or contains an existing or proposed major artery, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

V-1.6 Marginal Access Streets with Highways and Railroads.

Where land to be subdivided for commercial or industrial purposes borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

V-1.7 Sidewalks

For subdivision of property that includes five (5) or more lots; the creation of a new street; and/or the extension of an existing street, a sidewalk shall be provided in the public right of way along at least one side of each newly created street. For subdivision of property on existing streets, sidewalks may be required at the discretion of the Planning Commission. The sidewalk shall consist of concrete and be a minimum five (5') feet wide and four (4") inches thick.

V-1.8 Curb and Gutter

For subdivision of property that includes five (5) or more lots; the creation of a new street; and/or the extension of an existing street, all streets shall have curb and gutter in accordance with City requirements.

V-1.9 Storm Water

Stormwater abatement facilities shall be provided for each project in accordance with City standards.

V.1.10 Cul-De-Sac (Permanent or Temporary)

SEE ZONING ORDINANCE

V.1.11 Curb Cuts or Driveways

Curb cuts or driveways shall be allowed in accordance with zoning and subdivision standards. The Planning Commission may require greater separation between curb cuts or driveways on arterial and collector streets and highways.

V.1.12 Street Names

No street names shall be used which will duplicate or be confused with existing streets. Street names shall be subject to the approval of the Planning Commission.

V-1.13 Rights-of-way

Minimum street rights-of-way shall be determined by the Planning Commission. The minimum paved width for any street shall comply with the following:

R5: PUD standards

R7, R12, R15: 22 feet

V-1.14 Intersections

The center lines of no more than two (2) streets shall intersect at any one point. Streets shall be laid out to intersect as nearly as possible at right angles, and no street may intersect any other street at less than sixty (60) degrees.

V-1.15 Street Jogs

Street intersections with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided

V-1.16 Property lines at intersections

Property and curb lines at street intersections shall be rounded. The curb radius shall be at least twenty (20) feet.

V-1.17 Design Speed for Streets

The minimum design speeds for streets shall be as per South Carolina Highway Department specifications.

V-1.18 Design Criteria for Vertical and Horizontal Curves

On any given street, vertical curves shall provide at least the minimum stopping sight distance, and horizontal curves shall have at least the minimum radius, as indicated for applicable design speed as per South Carolina Highway Department Regulations. (see figure 1)

V-1.19 Tangents

A tangent of at least one hundred (100) feet on local streets, and as determined at the State Highway Department. (See figure 1)

V-1.20 Grades

Unless necessitated by unusual topographic conditions, and approved by the Planning Commission, the minimum grade on any street shall be one-half (1/2) percent. The maximum grade shall not exceed ten (10) percent on local streets. The maximum grade approaching intersections shall not exceed five (5) percent for a distance of not less than one hundred (100) feet from the center line of said intersection.

V-1.21 Maintenance Guarantee Funds

Maintenance Guarantee Funds are required for all road construction or re-construction projects. These funds are intended to cover the maintenance or repair of such items as the asphalt binder course, curb and gutter, drainage structures and pipe, stormwater management/sediment control features, and reseeding, if necessary. Please note that the posting of these funds is strictly for the maintenance of constructed facilities. It does not supercede or eliminate the requirements of having the necessary stand of grass established and the asphalt binder course paved and approved or an acceptable binder course paving bond posted prior to final plat approval.

The following procedures shall be adhered to regarding Maintenance Guarantee Funds:

1. The amount of Maintenance Guarantee Funds is listed in the Warranty Period below.
2. The Maintenance Guarantee Funds shall be cash, bank/cashiers check or irrevocable Letter of Credit;
3. The Maintenance Guarantee Funds shall be filed with the Planning Department. This fund cannot be filed until the Public Works Department approves the asphalt binder course final inspection.
4. The Maintenance Guarantee Funds will be held for the extent of the three (3) year warranty period. A final warranty inspection will be performed by the Public Works Department prior to the end of the warranty period and the release date of the Maintenance Guarantee Funds. If no deficiencies are found, the entire amount of the funds will be released at the end of the three (3) year warranty period. If deficiencies are noted, the developer will be given notice of the repairs required. If the developer fails to make the needed repairs before the designated date, the funds shall be forfeited and applied to

the necessary repairs. Additional funds required for the repairs will be the sole responsibility of the developer. Any funds remaining in the Maintenance Guarantee Funds after repairs are completed and approved by the Public Works Department will be returned to the developer.

5. A final maintenance inspection will be performed prior to the release date of the Maintenance Guarantee Fund. If no deficiencies are found with the project, the entire amount of the fund will be released. If deficiencies are noted, the developer will be given written notice of the repairs required. If the developer fails to make the needed repairs, the funds shall be forfeited and applied to the necessary repairs. Additional funds required for repairs will be the sole responsibility of the developer. Any funds remaining in the Maintenance Guarantee Funds after repairs are completed and approved by the City of York will be returned to the developer.

Roadway Surface Course Paving Guarantee Funds.

1. These funds are required for all construction projects and are intended to guarantee that the final tact coat and one inch asphalt surface course will be placed in accordance with the schedule, standards and specifications of this section.
2. The posting of these funds is strictly for the guarantee that the final surface course will be paved at the appropriate time and does not supercede or eliminate the requirement that the asphalt binder course be paved and approved prior to final plat approval.

The following procedures shall be adhered to regarding the Roadway Surface Course Paving Guarantee Funds:

1. The amount of the Roadway Surface Course Paving Guarantee Funds is listed in the Warranty Period below.
2. Roadway Surface Course Paving Guarantee Funds shall be cash, bank/cashier's check or irrevocable Letter of Credit.
3. Roadway Surface Course Paving Guarantee Funds shall be posted with the Planning Department. These funds cannot be filed until the Public Works Department approves the asphalt binder course final inspection.
4. The Roadway Surface Course Paving Guarantee Funds will be held for the extent of the three (3) year warranty period. An asphalt surface course final inspection will be performed by the Public Works Department prior to the end of the warranty period and the release date of the Roadway Surface Course Paving Guarantee Funds. If no deficiencies are found, the entire amount of the funds will be released at the end of the three (3) year warranty period. If deficiencies are noted, the developer will be given notice of the repairs required. If the developer fails to make the needed repairs before the designated date, the funds shall be forfeited and applied to the necessary repairs. Additional funds required for the repairs will be the sole responsibility of the developer. Any funds remaining in the Roadway Surface Course Paving Guarantee Funds after the repairs are completed and approved by the Public Works Department will be returned to the developer.

WARRANTY PERIOD.

1. *Subdivision fees required prior to final plat approval.*

NOTE: Upon consultation with the Public Works Department, the required fee rates may be increased by the Planning Commission on a case-by-case basis based on the cost of street materials.

NOTE: The following fees cannot be paid until the asphalt binder course final inspection is approved by the Public Works Department.

(1) *Maintenance Guarantee Fund -*

The minimum rate shall be \$5 per foot of roadway and the rate may be increased based upon market conditions at the recommendation of the Public Works Department.

Example: 1,350 feet of roadway
 $1,350 \times \$ 5.00 = \$6,750$

(2) *Binder Course Paving Bond -*

The minimum rate shall be \$25 per foot of roadway and the rate may be increased based upon market conditions at the recommendation of the Public Works Department.

Example: 1,350 feet of roadway
 $1,350 \times \$ 25.00 = \$33,750$

NOTE: A binder course paving bond can be accepted only between the months of November and March.

(3) *Roadway Surface Course Paving - Paving Guarantee Funds -*

The minimum rate shall be \$15 per foot of roadway and the rate may be increased based upon market conditions at the recommendation of the Public Works Department.

Example: 1,350 ft or roadway
 $1,350 \times \$15 = \$20,250$

V-2 SERVICE ACCESS (ALLEYS)

V-2.1 Residential Areas

Service access is not required for residential areas, but when a sub-divider produces evidence satisfactory to the Planning Commission that there is a need for alleys; they shall be not less than twenty (20) feet in width.

V-2.2 Block Length

Blocks for residential use shall not be longer than two thousand (2,000) feet, and shall not be less than five hundred (500) feet in length, measured along the center line of the block, unless due to unusual circumstances, longer or shorter blocks are approved by the Planning Commission.

V-2.3 Block Width

Blocks used for residential purposes should be of sufficient width to allow for two (2) tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

V-2.4 Commercial and Industrial Areas

V-2.4.1 General

Service access shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, and unloading, and parking consistent with and adequate for the uses proposed. Service access shall not be less than 30 feet in width for commercial and industrial areas.

V-2.4.2 Intersections

Service access intersections and sharp changes in alignment should be avoided, but where necessary, the curve radius shall permit safe vehicular movement.

V-2.4.3 Dead-Ends

Dead-end service access should be avoided, but where necessary, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Planning Commission.

V-2.4.4 Commercial and Industrial Lots

Commercial and industrial sites and lots shall be appropriate size and arrangement to provide for adequate building area, open space, and off-street parking and loading facilities necessary for the intended use.

V-2.4.5 Blocks

The lengths, widths, and shapes of blocks shall be determined with due regard for the following:

- (1.) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- (2.) Zoning requirements as to lot sizes and dimensions.
- (3.) Limitations and opportunities of topography.

V-3 EASEMENTS

V-3.1 Utility

Utility easements for both underground and above ground facilities shall be provided where needed. Such easements shall have a minimum width of ten (10) feet underground, twenty (20) feet single phase above ground, and thirty (30) feet three phase above ground. Easements shall normally be laid out along property lines.

V-3.2 Drainage

Drainage easements, of a width required by City Engineer and/or South Carolina Highway Department specifications for handling storm drainage, shall be provided where needed along streams and drainage ways.

V-3.3 Maintenance

The City will maintain only those easements, rights-of-way, and public sites, which it accepts for maintenance.

V-4 RESERVED

V-5 LOTS

Lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. All lots shall conform to zoning requirements and to the following requirements:

V-5.1 Width, General

Residential lots shall be not less than sixty (60) feet in width at the front building lines, except that a corner lot shall have additional width to accommodate the side yard set-back required in V-6

V-5.2 Side Lot Lines

Side lot lines should be approximately at right angles or radial to street lines, except where, due to topographic conditions, The Planning Commission approves some other arrangement.

V-5.3 Lot Area

No lot shall be created which has an area less than specified by the current zoning ordinance.

V-5.4 Double Frontage

Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least twenty (20) feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting screen easement.

V.6 BUILDING LINES

In residential subdivisions, the minimum setback from the street right-of-way line or property lines, whichever is applicable shall be twenty-five (25) feet; or as designated in the Zoning Ordinance. (See Development Standards in the Zoning Ordinance).

V-7 AREA SUBJECT TO FLOODING

A plat of a proposed subdivision submitted to the Planning Commission for approval which contains lands subject to flooding shall meet the criteria set forth in Article III-5. All areas within interval must be identified and indicated on all plats of development for which lots, sites, or structures are to be sold or leased.

V-8 DEVELOPMENT STANDARDS

V-8.1 Landscaping, Trees, Etc Regulations

V-8.1.1 Street trees shall be provided 30' on center along each side of each street. The tree design shall be approved by the Planning Commission and meet the public tree requirements of the City of York.

V-8.1.2 A minimum 15-foot wide buffer shall be maintained around the perimeter of any proposed residential development where a street is proposed or extended and/or where more than five (5) lots are developed. In the bufferyard, trees shall not be removed without approval from the Planning Commission.

The required minimum perimeter bufferyard shall not be included in the calculation of minimum open space and recreational areas.

V-8.1.3 The entrance(s) to the subdivision shall be provided with landscaping in accordance with Planning Commission and staff requirements. Such landscaping (which includes landscaping in the median and along each side of the street) shall be noted on the preliminary subdivision plat.

V-8.1.4 Clear cutting shall be regulated as follows:

- a. The incorporation of forest areas into proposed subdivisions is encouraged. Only the clear cutting necessary for streets, utility lines, etc. is allowed; otherwise, clear cutting of trees is allowed by special exception from the Board of Zoning Appeals.
- b. Until the Planning Commission has approved a preliminary plat for a project, it shall be a violation of this chapter to cut or remove any tree with a diameter of six (6") inches or greater, measured twelve (12") inches from the ground without first obtaining a permit for such cutting and clearing. No cutting of trees shall begin until review of the overall plans has been completed.
- c. Clear cutting of trees and natural vegetation occupying a bufferyard shall be prohibited unless a permit for clear cutting has been issued. All trees six (6") inches or more in diameter,

measured twelve (12”) inches from the ground, shall be retained, and the bufferyard shall remain in its natural state to the extent that the natural vegetation provides equal or better “buffering” than the requirements of this chapter. The removal of any vegetation exceeding six (6) inches or more in diameter must be approved by the Planning Commission.

V-8.2 RESIDENTIAL LAND DEVELOPMENT

- a. Each lot shall be provided with shrubs 4-foot on center along the house front and each house side facing a street.
- b. A minimum of two off-street parking spaces shall be provided. Each parking space shall have minimum dimensions of 10’ X 20’, be paved and usable without the removal of another vehicle;
- c. The architectural appearance of houses shall be varied to prevent a monotonous subdivision layout;
- d. Where required by the Planning Commission, a developer shall be required to enact private deed restrictions prohibiting the use of structures as rental units;
- e. For residential development, the project shall comply with fire-flow requirements for buildings; fire hydrant location(s) and distribution requirements; and requirements for fire-apparatus access roads as specified in the International Fire Code and the appendices thereto.

V-8.3 OPEN SPACE

V-8.3.1 A minimum of 10% of the subject development shall be dedicated as open space.

V-8.3.2 The following features shall be incorporated into the open space:

- a. Public access to the open space shall be provided for all property owners;
- b. Public recreation facilities shall be provided per the Planning Commission and the City’s Comprehensive Plan;
- c. The connection of adjacent open spaces is encouraged;
- d. The open space shall be usable (i.e. topography, drainage, etc. shall not preclude public usage of the property);
- e. Open space shall be contiguous as much as possible;
- f. Open space shall not include public right-of-way, required setbacks, parking areas, or lot area for individual residential lots.

V-8.3.3 The developer shall specify the following regarding the proposed open space:

- a. Designate areas to be reserved as open space. The specific design of open space areas shall be sensitive to the physical and design characteristics of the site;
- b. Designate the type of open space that will be provided;
- c. Specify the manner in which the open space shall be perpetuated, maintained and administered.

V-8.3.4 The types of open space allowed are as follows:

- a. Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specified types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials and brush. Natural watercourses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter flood plain levels;

- b. Recreational areas are designed for specific active recreational uses such as tennis courts, swimming pools, club houses, ball-fields and the like or passive recreation such as tot lots, picnic areas, walking and bike trails, ponds with designated swimming and fishing areas and the like or similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance shall insure that there exists no hazard, nuisance or unhealthy conditions.
- c. Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance shall insure that there exists no hazard, nuisance or unhealthy conditions.

V-8.35 Land designated as common open space may not be separately sold or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

- a. Dedication of an acceptance by the governing authority;
- b. Common ownership of the open space by a homeowner's association that assumes full responsibility for its maintenance; or
- c. Deed restricted, private ownership that shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance responsibility.

V-8.3.6 In the event than any private owner of open space fails to maintain same, the City, in accordance with the open space plan and following reasonable notice and demand that deficiency of maintenance be corrected, enter the open space to maintain same. The cost of the maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

V-9 HOMEOWNERS ASSOCIATION

If a private road, freestanding sign, or common open space or bufferyard is to be owned and maintained by a homeowner or similar association, the developer shall file, with the City Planning Department, a set of covenants and restrictions per the following:

- a. The homeowner's association covenants and restrictions shall be filed at the time of final plat approval and recorded with the York County Clerk of Courts office prior to any house permits being issued. Proof of such recording shall be provided to the City Planning Department;
- b. Membership shall be mandatory for each lot owner and any successive buyer;
- c. The filing shall detail a permanent schedule for continuing maintenance of any common open space, landscaping, street trees, bufferyard, or private road. Such maintenance shall insure that fire code, nuisance, sanitation, etc. hazards are avoided or mitigated.
- d. The homeowner's association shall be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities;
- e. Property owners shall pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowners association; and
- f. The association shall be able to adjust the assessment to meet changed needs.

ARTICLE VI - IMPROVEMENTS REQUIRED

Final Plat approval shall not be given until the sub-divider has installed the required improvements or has guaranteed to the satisfaction of the city that such improvements will be installed. One set of as-built

plans and specifications, certified by a registered engineer, shall be filed with the city prior to acceptance by the governing body of any improvement installed by the sub-divider. The following improvements are required: survey reference markers, grading and street improvements, water system, sanitary sewer system, storm sewers and drainage, and street signs.

VI-1 SURVEY ACCURACY

The error of linear closure for land surveys shall not exceed one foot per 10,000 feet of perimeter of the lot of land (1:10,000).

VI-2 SURVEY REFERENCE MARKERS

VI-2.1 Monuments

At least one permanent reference point marker shall be established by a concrete or steel marker as designated on the plat.

VI-2.2 Markers

Iron markers shall be set at all lot property corners.

VI-3 PERFORMANCE BOND

In lieu of completion of the improvement herein required and as stated in paragraph VI.3.2 (streets, sidewalks-when required –water system, sanitary sewerage system, **storm sewers** and drainage and street signs), the Planning Commission shall require the subdivider to file a performance bond to insure the actual construction of such improvements according to the plans and specifications filed with the Commission. Such bond shall be in the amount of one hundred percent (100%) of the estimated cost at the time of construction of the improvement plus an inflationary figure, as determined by the Planning Commission and with surety and conditions satisfactory to the City Attorney and the Commission. The City shall enforce such bond by all appropriate legal means within its authority. The City Manager or his assign will be responsible for receiving and releasing bond upon performance or agreements as set forth in Surety Bond. The use of a performance bond to achieve and/or extend vested rights to a project is prohibited. *(added 11/12/07)*

VI-4 OVERSIZED IMPROVEMENTS COST SHARING

Whenever a subdivision contains streets, water mains, or sewer mains that are larger than those required to serve the future occupants of the subdivision, the sub-divider shall be required to pay only the portion of the cost of the improvement required to serve only the subdivision, as determined by the Planning Commission. The balance of the cost will be borne by the unit of government, which is responsible for constructing the facility.

VI-5 THE SUBDIVIDER OF ANY SUBDIVISION DESIGNED FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR OTHER PURPOSES SHALL INSTALL ALL STREETS OFFERED FOR PUBLIC DEDICATION TO THE FOLLOWING STANDARDS:

- 1) All streets offered for public dedication shall be done in accordance with the requirements of the Zoning and Subdivision ordinances.
- 2) Paving is a requirement of this ordinance.

- 3) Any street that is designated on the approved plat or that directly serves the developed portion of the subdivision is to comply.
- 4) The developer is to maintain said streets for three (3) years in accordance with the requirements of the Zoning and Subdivision ordinances.
- 5) Private streets are not permitted under this subdivision ordinance except in unusual circumstances as determined by the City Planning Commission and if such unusual circumstances exist then the City through its Planning Commission can require such private streets to be paved to specifications authorized by the City.
- 6) Any existing unpaved street that serves only property in the same ownership and with such property being undeveloped as of the date of this ordinance amendment, must comply with all requirements of these Subdivision Regulations, with specific reference to, but not limited to Article VI-5.

VI-6 WATER SYSTEM

Every lot in every subdivision shall be provided with and approved water supply. The sub-divider shall install water lines that are sufficient to take care of the demand of the subdivision when it is completely developed. Water lines shall be installed in accordance with city or water district specifications and standards. The sub-divider shall install fire hydrants in accordance with city of water district specifications.

VI-7 SANITARY SEWERAGE SYSTEM

Every lot in every subdivision shall be served by a public or community sewerage system approved by the State Board of Health. Individual septic tank systems may be justified in certain areas where a public or community system is not economically feasible, provided it meets the South Carolina Health Department Regulations.

VI-8 SANITARY SEWER LINES

The sub-divider shall install sanitary sewers whenever a sanitary sewer is reasonably accessible, as determined and sized by the Planning Commission and the County Health Department. The sanitary sewers installed shall be large enough to provide adequate service to every house in the sub-division when it is completely developed. Sanitary sewers shall be installed in accordance with city or sewer district specifications and standards.

VI-9 DRAINAGE SYSTEM

A drainage system shall be designed and constructed by the sub-divider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is part, to permit the unimpeded flow of natural water courses, and to provide positive drainage away from on-site sewage disposal facilities.

In designing storm drainage facilities, special consideration shall be given to the avoidance of problems which may arise from the concentration of storm water run-off onto adjacent developed or undeveloped properties. No development shall be undertaken that appreciably increases the surface run-off reaching adjacent or surrounding property. Surface run-off shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or transport by natural drainage way or conduit to an appropriate point of discharge.

Storm drainage facilities shall be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in run-off that will occur when all property at a higher elevation in the same water shed is fully developed.

VI-10 STREET LIGHTING

Before the Planning Commission shall give final approval to a subdivision plat, the City or Public Utilities shall submit a street lighting plan developed in conjunction with the electrical utility serving the area.

VI-11 STREET SIGNS

The City shall place street name signs, which meet city specifications at all street intersections.

VI-12 ELECTRICAL AND TELEPHONE SERVICES

Electrical and telephone wires shall be placed in rear easements where applicable.

ARTICLE VII - ADMINISTRATION AND AMENDMENTS

VII-1 VARIANCE

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in the ordinance would result in substantial hardship or inequity, the Planning Commission may vary or modify, except as otherwise indicated, requirements of design, but not of procedure or improvements, so that the sub-divider may develop his property in a reasonable manner, but so, at the same time, the public welfare is protected and the general intent and spirit of this ordinance is preserved. Such modification may be granted upon written request of the sub-divider stating the reasons for each modification, and may be waived by an affirmative vote of two thirds (2/3) of the membership of the Planning Commission.

VII-2 CONDITIONS

In granting variations and modifications, the Planning Commission will uphold the standards and the requirements to substantially meet the objectives of the subdivision regulations.

VII-3 AMENDMENT

This ordinance may be amended from time to time by the governing body of the city; however, no amendment shall become effective unless it shall have been submitted to the Planning Commission for review and recommendation. A properly advertised public hearing shall be held on any amendment to these regulations. The Planning Commission shall have sixty (60) days within which to submit a report. If the Planning Commission fails to submit a report within the specified time, it shall be deemed to have approved the proposed amendment.

VII-4 APPEAL

Staff action, if authorized, to approve or disapprove a land development plan may be appealed to the Planning Commission by any party in interest. The appeal shall be presented in writing and be accompanied by all plats, maps, documents, correspondence, etc relating to the request for plat approval presented to the Planning Commission. The Planning Commission shall act on the appeal within sixty

days and the action of the Planning Commission is final. An appeal from the decision of the Planning Commission may be taken to circuit court within thirty days after actual notice of the decision.

VII-5 VALIDITY

If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance.

VII-6 CONFLICT WITH OTHER REGULATIONS

All ordinances or regulations or parts of ordinances in conflict herewith are hereby repealed.

VII-7 PENALTIES

Whenever in this Code or any ordinance or resolution of the City, or rule, regulation or order promulgated by any officer of agency of the City under authority duly invested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or misdemeanor, where no specific penalty is provided for the violation thereof, the violation of any such provision of this code, ordinance, resolution, rule, regulation or order shall be punished by a fine not exceeding \$500.00 plus authorized costs and assessments or by imprisonment up to 30 days, or by both such fine and imprisonment; provided, however, that no penalty shall exceed the penalty provided by the State law for similar offenses. Each day any violation of this code or any such ordinance, rule or regulation shall continue shall constitute a separate offence.

This ordinance shall take effect and be in force from and after its adoption by the City of York this _____ Day Of _____ 20_____