

CHAPTER 154: SUBDIVISION REGULATIONS

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Editor's note:

On December 29, 1988, the County Council adopted two subdivision ordinances. Ord. 105 established a plan of subdivision regulations for the county. As authorized by 1988 Act No. 583, Ord. 104 designated only one particular area of the county as the initial subdivision district in which these regulations were applicable. Responding to the prospect of increasing growth and the need for more orderly development, the County Council, on April 19, 2006, adopted Ord. 04-09-06, which repealed Ord. 104 so that these subdivision regulations can be applied to the entire unincorporated area of the county.

GENERAL PROVISIONS

§ 154.001 PURPOSE.

(A) The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within Newberry County.

(B) In furtherance of this general intent, the regulation of land subdivisions by Newberry County Council is adopted for the following purposes, among others:

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

(Ord. 105, passed 12-29-1988)

§ 154.002 SHORT TITLE.

This chapter shall be known as and may be cited as the Newberry County Subdivision Regulations.

(Ord. 105, passed 12-29-1988)

§ 154.003 AUTHORITY.

These subdivision regulations are adopted under authority granted by the General Assembly of South Carolina.

(Ord. 105, passed 12-29-1988)

§ 154.004 JURISDICTION.

(A) These subdivision regulations shall apply to all subdivisions of land within the unincorporated areas of Newberry County, and to the areas within those incorporated municipalities, which by contract

with the county, consent to have these regulations apply to subdivisions within such municipalities.

(B) No land shall be subdivided within the unincorporated area of Newberry County until either:

(1) An application for exemption has been approved by the administrative official; or

(2) The subdivider or his or her agent has submitted the required plats and plans, as described in these regulations, to the Planning Commission; and

(3) The subdivider or his or her agent has submitted the required plats and plans, as described in these regulations, to the Planning Commission; and

(4) The subdivider or his or her agent has obtained approval of all of these plats and plans, including approval of the final plat or plan by the Planning Commission; and

(5) The approved final plat is recorded with the County Clerk of Court when a traditional subdivision is involved.

(Ord. 105, passed 12-29-1988; Am. Ord. 04-06-06, passed 4-5-2006)

§ 154.005 TYPES OF SUBDIVISIONS.

(A) For the purpose of proper regulation, subdivisions have been divided into 4 types and separate regulations developed for each type.

(B) These types and the applicable sections of this chapter are:

(1) Traditional subdivisions - only §§ 154.001 *et seq.*, 154.020 *et seq.*, 154.040 *et seq.*, 154.055 *et seq.*, 154.105, 154.120 *et seq.*, 154.135 *et seq.*, and 154.999 apply to this type of subdivision;

(2) Special subdivisions - only §§ 154.001 *et seq.*, 154.075 *et seq.*, 154.105, 154.120 *et seq.*, 154.135 *et seq.*, and 154.999 apply to this type of subdivision;

(3) Group developments - only 154.001 *et seq.*, 154.090 *et seq.*, 154.105, 154.120 *et seq.*, 154.135 *et seq.*, and 154.999 apply to this type of subdivision; and

(4) Minor subdivisions - *[Reserved for future expansion]*.

(Ord. 105, passed 12-29-1988)

§ 154.006 DEFINITIONS.

(A) *Usage.*

(1) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this division (A).

(2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word **HEREIN** means in these regulations; the word **REGULATIONS** means these regulations.

(3) A **PERSON** includes a corporation, a partnership, and an unincorporated association of persons such as a club; **SHALL** is always mandatory; a **BUILDING** includes a **STRUCTURE**; a **BUILDING** or **STRUCTURE** includes any part thereof; **USED** or **OCCUPIED**, as applied to any land or building, shall be construed to include the words intended, arranged, or designed to be used or occupied.

(B) *Words and terms defined.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED. A structure has been left vacant or unused or unoccupied for a period of 6 months or longer, and it is further provided that the disconnection of electric power for a period of 6 months or longer, or the failure to ever connect such a structure to electric power after it is brought into the county, creates a rebuttable presumption that the property has been **ABANDONED**.

ADMINISTRATIVE OFFICIAL. The County Planning Director or the Zoning Administrator, as may be directed by the County Administrator. In the absence of these officials, or in the event of any disagreement as to the applicability of these regulations about a decision the **ADMINISTRATIVE OFFICIAL** is empowered to make, the County Administrator shall be

empowered to exercise the authority of the **ADMINISTRATIVE OFFICIAL**, and his or her decisions shall be final.

APPLICANT. The owner of land proposed to be subdivided or his or her representative.

APPLICATION FOR EXEMPTION. An application to be made with the administrative official on which basis a finding of applicability of these regulations is to be made. See the definition of subdivision for standards of applicability.

BLOCK. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities or counties.

BOND. Any form of security, including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the governing body. All bonds shall be approved by the governing body wherever a bond is required by these regulations.

BUILDING. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any **STRUCTURE**.

BUILDING LINE. A line beyond which no foundation wall or part of the structure of any building shall project, with the exception of the overhang and the sub-surface projection of footings.

CENTRAL SEWERAGE SYSTEM. A community sewer system including collection and treatment facilities not owned and operated by a public agency serving a new subdivision in an outlying area.

CENTRAL WATER SYSTEM. A private water company not owned and operated by a public agency, serving new community development in an outlying area. It includes water treatment and distribution facilities.

CONSTRUCTION PLAN. The maps or drawings accompanying a subdivision plat or plan and showing specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat or plan.

COUNTY. The Newberry County Council.

COUNTY ENGINEER. A registered, professional engineer who may be on the staff of the county or who may be a private consultant contracted for by the county.

DEVELOPER. The owner of land proposed to be subdivided or his or her representative.

EASEMENT. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his or her property. An **EASEMENT** has the same meaning as set forth in the decisions of the appellate courts in the State of South Carolina.

FINAL PLAT OR PLAN. The map or plan or record of a subdivision and any accompanying material, as described in these regulations.

FLAG LOT. A lot which accesses a public street by a narrow strip of land, the width of which is less than the minimum lot width specified in § 154.056(B). The configuration of the lot often appears as the shape of a flag on a pole.

FRONTAGE. The side of a lot abutting on a street or way and ordinarily regarded as the front of the lot.

GRADE. The slope of a road, street, or other public way, specified in percentage (%) terms from the horizontal.

GROUP DEVELOPMENT. All divisions of a tract or parcel of land into 2 or more building sites for the purpose, whether immediate or future, of building development. **GROUP DEVELOPMENTS** would include apartment complexes, office parks, shopping centers, or other commercial structures or complexes containing 2 or more business establishments, mobile home parks, industrial parks, or other developments where the site is not subdivided into lots and public streets, but is divided into 2 or more building sites.

HEALTH DEPARTMENT or COUNTY HEALTH DEPARTMENT. The local office of the South Carolina Department of Health and Environmental Control (SCDHEC), which issues permits in the county for individual water systems, and for individual sewage treatment and disposal systems (a/k/a/ individual sewage disposal systems), sometimes referred to in this chapter as septic tanks.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

LOT. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

LOT AREA. The total area of the lot, including easements.

LOT, CORNER. A lot situated at the intersection of 2 streets. (The interior angle of the intersection not exceeding 135 degrees).

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot having frontage and access on 2 or more public streets. A corner lot shall not be considered having double frontage unless it has frontage and access on 3 or more streets.

LOT IMPROVEMENT. Any building, structure, work of art or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of the betterment.

LOT INTERIOR. A lot other than a corner lot.

LOT REVERSED FRONTAGE. A lot having frontage on 2 or more public streets, the access of which is restricted to 1 street.

LOT WIDTH. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the required building setback line.

MASTER PLAN. A comprehensive plan for development of Newberry County, or for designated subdivision districts, prepared and adopted by the Planning Commission, pursuant to state law (and adopted by County Council, if required by state law), and including any part of the plan separately adopted and any amendment to the plan, or parts thereof.

OFF-SITE. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

OFFICIAL MAP. The map established by the Newberry County Council pursuant to law showing the streets, highways, and parks, and drainage systems and setback lines therefore laid out, adopted and established by law, and any amendment or additions thereto adopted by the Newberry County Council of additions thereto resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of the approved plats.

ORDINANCE. Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

OWNER. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

PARKING, OFF-STREET. An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street arranged so that no maneuvering incidental to parking shall be on any public street and so that an automobile may be parked or unparked therein without moving any other automobiles.

PLANNING COMMISSION. The Newberry County Joint Planning Commission.

PRELIMINARY PLAT OR PLAN. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

PUBLIC IMPROVEMENT. Any drainage ditch, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

REGISTERED ENGINEER. An engineer properly licensed and registered in the state.

REGISTERED LAND SURVEYOR. A land surveyor properly licensed and registered in the state.

RESERVE STRIP. A strip of land adjacent to a public street or similar right-of-way which has been reserved for the purpose of controlling access to the public way.

RESUBDIVISION. A change in a map of an approved or recorded subdivision plat if the change affects any street layout on the map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

RIGHT-OF-WAY. A strip or parcel of land occupied or intended to be occupied by a street, road, railroad, or other special use. Fee simple title is usually granted to the agency or entity acquiring the right-of-way. The usage of the term **RIGHT-OF-WAY** for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining the right-of-way and not included within the dimensions or areas of the lots and parcels. **RIGHTS-OF-WAY** intended for roads, railroads, streets, and similar uses shall be dedicated by the property owners on whose property the rights-of-way are established to the entity accepting responsibility for their maintenance.

SALE or LEASE. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

SAME OWNERSHIP. The same individual, partnership, or corporation who is submitting the subdivision in question for review.

SCREENING. Either:

(a) A strip of at least 10 feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least 4 feet high at the time of planting, of a type that will form a year-round dense screen at least 6 feet high; or

(b) An opaque wall or barrier or fence at least 6 feet high.

SETBACK. The distance between a building line and the street right-of-way nearest thereto.

SKETCH PLAT or **SITE PLAN**. A sketch preparatory to the preparation of the preliminary plat or plan (or construction plans in the case of group developments) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat or plan and the objectives of these regulations.

STREET. The word means, relates to, and includes the entire right-of-way of streets, avenues, boulevards, roads, highways, freeways, lanes, alleys, courts, thoroughfares, collectors, minor streets, cul-de-sacs, and other ways.

STREET CLASSIFICATIONS. Streets may be classified as follows:

- (a) **ALLEY**. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- (b) **MINOR STREET**. A street which is used or intended to be used to provide access to other streets from individual properties. Types of minor streets include:
1. **URBAN RESIDENTIAL**. Minor streets serving residential lots of less than 2 acres in size;
 2. **RURAL RESIDENTIAL**. Minor streets serving residential lots having an overall density for the subdivision of no greater than 1 lot per 2 acres, excluding street rights-of-way and where no lot is less than 1.5 acres;
 3. **COMMERCIAL** or **INDUSTRIAL**. Minor streets serving commercial or industrial uses;
 4. **MARGINAL ACCESS**. Minor streets located parallel and adjacent to a limited access street or highway which provide access to abutting properties and protection from through traffic; and
 5. **CUL-DE-SAC**. Minor street with only 1 outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (c) **HALF STREET**. A 1-lane street.
- (d) **COLLECTOR STREET**. 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 development. Types of **COLLECTOR STREETS** include:
1. **URBAN RESIDENTIAL**. Collector streets which serve minor urban residential streets;
 2. **RURAL RESIDENTIAL**. Collector streets which serve only minor rural residential streets and single-family residential lots which meet the lot size requirements of a minor residential street; and
 3. **COMMERCIAL** or **INDUSTRIAL**. Collector streets which serve minor commercial or industrial streets.
- (e) **MAJOR THOROUGHFARE**. A freeway, expressway, or an arterial street or highway which is used or intended to be used for moving either heavy vehicular traffic volumes or high-speed traffic or both or which was designated as a major thoroughfare in the Comprehensive Plan.

STREET, PERIMETER. Any existing street to which the parcel of land to be subdivided abuts on only 1 side.

SUBDIVIDER. Any person who, having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who, directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision; or who engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision; and who is directly or indirectly controlled by, or under direct or indirect common control with, any of the foregoing.

SUBDIVISION. All divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate, to the process of subdivision or to the land or area subdivided; provided, however, that the following, if no utilities systems are involved, are included within this definition only for the purpose of filing an application for exemption:

- (a) Subdivision of 2 to 5 lots in which all lots meet the requirements of the Health Department and front on an existing public road, and with no more than 5 lots being permitted within any 12-month period from a single tract or adjoining tracts of record which were under the same ownership on the date of adoption of this chapter;
- (b) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority. In interpreting this division (b), the term **PREVIOUSLY PLATTED** shall mean platted, approved, and recorded, if the lots were created in accordance with subdivision regulations in effect at the time of their creation, or created as a result of a land division and recorded prior to existence of applicable subdivision regulations;
- (c) Completion of existing subdivisions already having received the approval of construction plans (preliminary plat) by the appropriate public agencies, and where construction of streets or utilities have been commenced prior to the adoption of these regulations;
- (d) The division of a tract of land into lots where the property is sold or given to the children or relatives of the owner, provided the lot sizes are equal to, or exceed, the standards set forth in these regulations and meet the requirements of the

Health Department. The configuration of lots must meet the requirements of § 154.056;

- (e) The division of land into parcels of 5 acres or more where no new streets are involved; and
- (f) Partitions of land, or other subdivision of property, by order of a court of competent jurisdiction.

SUBDIVISION TYPES.

(a) **SPECIAL SUBDIVISION.** Any subdivision which, after determination by the Planning Commission, is sufficiently unusual in its design, layout, character, or other features as to warrant special evaluation of the subdivision by the Planning Commission as to how it satisfies the purposes of these subdivision regulations as stated in § 154.001.

(b) **NONRESIDENTIAL SUBDIVISION.** A subdivision whose intended use is other than residential, such as commercial or

industrial. The subdivision shall comply with the applicable provisions of these regulations.

(c) **TRADITIONAL SUBDIVISION.** All divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate, to the process of subdivision or to the land or area subdivided; provided, however, that the following exceptions are included within this definition only for the purpose of requiring that an application for exemption be filed with the administrative official:

1. All exceptions stated in the definition of a subdivision; and
2. Subdivisions of land declared to be special subdivisions by the Planning Commission.

(d) **MINOR SUBDIVISION.** [*Reserved for future expansion*].

(Ord. 105, passed 12-29-1988; Am. Ord. 11-42-02, passed 11-20-2002; Am. Ord. 04-06-06, passed 4-5-2006; Am. Ord. 04-07-06, passed 4-5-2006)

APPLICATION PROCEDURE AND APPROVAL PROCESS FOR TRADITIONAL SUBDIVISIONS

§ 154.020 GENERAL PROCEDURE.

(A) Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in the proposed subdivision shall be granted, the subdividing owner, or his or her authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedure, which includes only 1 step for those subdivisions noted as exceptions in the definition of subdivision, and basically 4 steps for those which are not exempted.

(B) Those exempted only have to file an application for exemption.

(C) Those subdivisions which are not exempt shall be classified as such when the application for exemption is denied. They then must proceed through the 3 additional steps, as follows:

- (1) Sketch plat;
- (2) Preliminary plat; and
- (3) Final plat.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.021 APPLICATION FOR EXEMPTION.

(A) *Application procedure.* Prior to subdividing land, an owner of the land, or his or her representative, shall request an application for exemption. This application shall be requested at the office of the administrative official and shall conform to the requirements of §§ 154.040 *et seq.*

(B) *Requirements for exemption.* To be exempted, a subdivision must meet at least 1 of the criteria stated in the definition of subdivision.

(C) *Approval of exemption.* Applications for exemption shall be received and evaluated by the administrative official. A copy of all applications for exemption shall be kept on file by the administrative official. The administrative official will normally advise the applicant at the time of application that the application for exemption is approved or disapproved, but in no case shall it take longer than 5 working days to act on the application. If approved, the approval means that the subdivision shall not have any other requirements to meet under these regulations. If disapproved, the subdivision shall be subject to the other requirements of these regulations. If the administrative official fails to act on the application for exemption within 5 working days after application, the application shall be deemed approved.

(D) *Appeals of the decisions of the administrative official.* If an applicant disagrees with the disapproval of his or her application for exemption by the administrative official, he or she may submit the application for exemption to the Planning Commission at its next regular meeting. The Planning Commission shall review the application for exemption at the meeting at which it is presented and act on the appeal within 30 days of the date of the meeting. When the Planning Commission renders its decision, pertinent comments and recommendations shall be noted in the minutes of the Planning Commission

meeting.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.022 SKETCH PLAT.

(A) *Discussion of requirements.* Before preparing the sketch plat for a subdivision, the applicant should discuss with the administrative official the procedure for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. The administrative official shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

(B) *Application procedure and requirements.* Prior to subdividing land, an owner of the land, or his or her representative, shall file an application for approval of a sketch plat. The application shall:

- (1) Be made on forms available at the office of the administrative official;
- (2) Include all contiguous holdings of the owner, including land in the same ownership, as defined in § 154.006, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership; and
- (3) Be accompanied by a minimum of 7 copies of the sketch plat as described in these regulations and complying in all respects with these regulations.

(C) *Approval of sketch plat.* After reviewing the sketch plat, the administrative official will advise the applicant within 15 days after application that the sketch plat is approved, disapproved, or approved with certain modifications. If approved, the approval shall constitute authorization to prepare and submit a preliminary plat. If the administrative official fails to act on the sketch plat within 15 days after application, the sketch plat shall be deemed approved and a certificate to that effect shall be issued by the Planning Commission upon demand; provided, however, that the subdivider may waive this requirement and consent in writing to extension of the period.

(D) *Appeals of the decisions of the administrative official.* If an applicant disagrees with the disapproval or approval with modifications of his or her sketch plat by the administrative official, he or she may submit the sketch plat to the Planning Commission at its next regular meeting. The Planning Commission shall review the sketch plat at the meeting at which it is presented and act on the appeal within 30 days of the date of the meeting, with pertinent comments and recommendations, and a written decision, with findings of fact, being promptly delivered to the applicant and to the land owner. Notice of the hearing at which the Planning Commission is to consider the sketch plat will be mailed by certified mail, return receipt requested, to the person designated to receive notice of the hearing on behalf of the applicant at least 10 days prior to the meeting, although the notice may be waived by the applicant or landowner.

(E) *Distribution of sketch plat.*

(1) Sketch plats shall be distributed for purposes of notification to the following agencies and departments when appropriate:

- (a) Administrative official (file copy);
- (b) County Health Department;
- (c) County Engineer;
- (d) City Engineer or Public Service District (if either is involved due to a tie-in to a water or sewer system);
- (e) County Public Works Department; and
- (f) Central Midlands Regional Planning Council.

(2) In addition, 1 copy shall be returned to the applicant showing any modifications needed.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.023 PRELIMINARY PLAT.

(A) *Application procedure and requirements.* Based upon the approval of the sketch plat, the applicant should file with the administrative official an application for approval of a preliminary plat. The application shall:

- (1) Be made on forms available at the office of the administrative official together with a fee as set forth in § 154.120 *et seq.*;
- (2) Be accompanied by a minimum of 7 copies of the preliminary plat as described in these regulations;
- (3) Be accompanied by a minimum of 7 copies of construction plans as described in these regulations; and
- (4) Conform in all respects with the sketch plat as approved.

(B) *Approval of preliminary plat.*

- (1) Upon determination by the administrative official that the preliminary plat conforms with the approved sketch plat,

the administrative official shall submit an appropriate number of copies of the preliminary plat and construction plans to the following agencies for review and approval:

- (a) County Health Department (if septic tanks or individual wells are involved);
- (b) City Engineer or Public Service District (if either is involved due to a tie-in to a public water or sewer system);
- (c) County Engineer;
- (d) South Carolina Department of Health and Environmental Control Water Division (if a tie-in to or a new public water system is involved);
- (e) South Carolina Department of Health and Environmental Control Waste Water Division (if a tie-in to or a new public sewer systems is involved); and
- (f) Central Midlands Regional Planning Council (for comment only).

(2) These reviewing agencies shall report their findings to the Planning Commission within 30 days after receipt of preliminary plat. Upon receipt of reports from these reviewing agencies, the Planning Commission shall give approval, approval with certain modifications, or disapproval of the preliminary plat, but in each case their action shall be taken within 60 days after submission of the preliminary plat; otherwise, the plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that the applicant for the Planning Commission's approval may waive this requirement and consent in writing to an extension of the period. The grounds of disapproval of any preliminary plat shall be stated in the records of the Planning Commission, and the reasons for the disapproval shall be delivered in writing, return receipt requested, to the applicant and the land owner within 10 days of the Planning Commission's decision.

(3) It is expressly understood that the Planning Commission shall not act to override the requirements of other agencies or county departments. It may, however, seek to bring agreement in case of conflicts between the various reviewing agencies, or a reviewing agency and the subdivider.

(4) All plats submitted to the Planning Commission shall contain the name, address, and telephone number of a designated contact person. At least 10 days prior to the meeting in which the Planning Commission will act on the preliminary plat, a notice of the hearing shall be sent to certified mail to the contact person. The notice shall specify the date, time, and location of the meeting.

(5) Any appeal of the Planning Commission's decision shall be made to the County Council who shall hear the appeal, and in its discretion hear oral argument on the appeal, and make its decision known to the appellant and the Planning Commission. Any appeal to County Council must be in writing and filed with County Council within 10 days after the notice of the decision of the Planning Commission has been delivered to the subdivider. The County Council must render its decision as to whether or not the appeal shall be heard within the 20-day period thereafter. Failure to act by County Council within the 20-day period shall constitute a denial of the appeal and the ruling of the Planning Commission shall be the final administrative decision in the matter. If County Council determines to give a formal hearing on the appeal, the applicant shall be notified by certified mail, return receipt requested, mailed at least 5 days before the hearing. The Council shall have the discretion to consider or not consider any oral argument by the applicant or other interested parties.

(6) Approval of the preliminary plat shall be noted on the plat and certified by the administrative official to the Planning Commission on authorization by the Planning Commission. Also noted shall be the date on which the Planning Commission granted approval and the date of written notification to the subdivider or his or her authorized agent.

(7) Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat. Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified herein have been fulfilled and after all other specified conditions have been met. Upon approval of the preliminary subdivision plat by the Planning Commission, the subdivider may proceed to comply with the other requirements of these regulations and the preparation of the final subdivision plat.

(C) *Effective period of preliminary approval.* The approval of a preliminary plat shall be effective for a period of 1 year, at the end of which time final approval on the subdivision must have been obtained from the Planning Commission, although the plat need not yet be signed and filed with the County Clerk of Court. Any plat not receiving final approval within the period of time set forth herein shall be required to resubmit a new plat for preliminary approval subject to all new subdivision regulations.

(D) *Model homes, sales offices, and community buildings.* For the purpose of allowing the early construction of model homes, sales offices, and community buildings, the Planning Commission, at its discretion, may authorize the issuance of building permits for these structures, provided:

- (1) Preliminary plat approval has been obtained;
- (2) The building permit may only be issued (2) to the developer or, if the developer does not have a contractor's license, to a third-party licensed contractor with the prior approval of the county;
- (3) All building permits issued at this time are for speculative commercial ventures only. The issuance of the permit does not guarantee the developer the right to sell, convey, or occupy the structure;
- (4) The number of structures permitted under this division (D) shall be limited to 4, or a number not to exceed 10% of

the lots depicted in the preliminary plat, whichever is greater; and

(5) No model homes, sales offices, or community buildings shall be conveyed until the developer has obtained final plat approval or bonded final plat approval.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.024 FINAL PLAT.

(A) *Application procedure and requirement.* Following the approval of the preliminary plat and completion of all required improvements, if the improvements are not going to be bonded, the applicant shall file with the administrative official an application for final approval of a subdivision plat. The application shall:

- (1) Be made on forms available at the office of the administrative official;
- (2) Be accompanied by a minimum of 7 prints and 1 reproducible copy of the final plat and:
 - (a) An as built drawing of sanitary sewers (if applicable) with grade, pipe sizes, and points of discharge;
 - (b) An as built drawing of storm sewer system with grade, pipe sizes, and location of outlets; and
 - (c) An as built drawing of water system with pipe sizes and location of hydrants and valves.
- (3) Comply in all respects with the preliminary plat as approved;

(4) Be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the local government attorney; and the final plat shall be marked with a notation indicating the formal offers of dedication as follows:

“The owner, or his or her authorized agent, hereby irrevocably offers for dedication to the local government all the streets, local government uses, easements, parks and required utilities shown in the subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated _____, and recorded in the County Clerk of Court’s office.”

By: _____

(Owner or Representative)

Date: _____

The applicant shall deliver a full covenant and warranty deed to all the lands in proper form for recording;

(5) Be accompanied by the performance bond, if required, in a form satisfactory to the local government attorney and in an amount established by the Planning Commission upon recommendation of the County Engineer, and shall include a provision that the principal of the bond shall comply with all the terms of the resolution of final plat approval as determined by the Planning Commission, and shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local government free and clear of all liens and encumbrances on the premises; and

(6) Be accompanied by the following certificate signed by a registered South Carolina engineer, covering all required improvements which are not bonded:

“I hereby certify that the streets, drainage system, sewer system, and water system in _____ subdivision as shown on the As-Built Drawings dated _____, prepared by _____ have been installed in accordance with the preliminary plat and Construction Plans approved by the Newberry County Planning Commission on _____.”

SEAL

_____(Registered Engineer)

(B) *Final plat approval.*

(1) Upon certification by the administrative official to the Planning Commission that the final plat is in conformity with the preliminary plat as approved, the administrative official shall submit an appropriate number of copies of the final plat and as built drawings to the same agencies and county departments which reviewed and approved the preliminary plat.

(2) These reviewing agencies shall report their findings to the Planning Commission within 30 days after receipt of the final plat.

(3) Upon receipt of:

(a) A report from the County Health Department that all lots are acceptable for installation of wells or a report from the City Engineer/Public Service District and the South Carolina Department of Health and Environmental Control Water Division that the water system is acceptable for operation;

(b) A report from the County Health Department that all lots are acceptable for installation of an individual sewage disposal system or a report from the City Engineer/Public Service District and the South Carolina Department of Health and Environmental Control Waste Water Division that the waste water system is acceptable for operation; and

(c) A report from the County Engineer and the County Public Works Department that all streets and drainage facilities have been properly installed in accordance with the preliminary plat.

(4) Or upon approval of a bond for completion of improvements by the County Council, or its designee, the Planning Commission shall give approval, approval with modifications, or disapproval of the final plat. When a bond is used in lieu of completion of improvements, the Planning Commission shall stipulate the period of time within when all of the required improvements shall be installed and approved by the appropriate agencies. In no event shall this time be longer than 2 years.

(5) In each case, the Planning Commission shall act on a final plat within 60 days after the date of application; otherwise, the plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however that the applicant may waive this requirement and consent in writing to the extension of the period. The grounds of disapproval of any plat shall be stated upon the records of the Planning Commission. No plat shall be acted upon by the Planning Commission without affording a hearing thereon, notice of time and place of which shall be sent by registered or certified mail to the address provided by the applicant not less than 5 days before the time of the hearing.

(6) It is expressly provided that the Planning Commission shall not act to override the requirements of other agencies or county departments. It may, however, seek to bring agreement in cases of conflict between the various reviewing agencies, or a reviewing agency and the subdivider.

(7) In no case shall the Planning Commission disapprove a final plat of a subdivision which:

- (a) Meets the requirements of a final plat as set forth in these regulations;
- (b) Conforms to an approved preliminary plat; and
- (c) Has all the required improvements installed and approved.

(8) (a) Any appeal shall be made to the County Council, which shall hear the appeal and, in its discretion, hear oral argument on the appeal, and render a written decision, including findings of fact, within 20 days of the hearing of the appeal, to the appellant and the Planning Commission.

(b) Any appeal to County Council must be in writing and filed with County Council within 10 days after notice of the decision of the Planning Commission has been delivered to the applicant and land owner.

(c) The County Council must render its decision as to whether or not the appeal shall be heard within 20 days thereafter, and if it determines to consider the appeal, or to receive oral argument, to formally consider the an appeal, including any oral argument, within 20 days thereafter.

(d) Failure to act by County Council within the 20-day period shall constitute a denial of the appeal and the ruling of the Planning Commission shall be the final administrative decision in the matter.

(C) *Certificate of approval for recording.* Upon approval of the final plat by the Planning Commission, the following statement will be placed on the final plat by the administrative official and 2 copies of the plat returned to the subdivider:

“The subdivision plat shown hereon has been found to comply with the Newberry County Subdivision Regulations and has been approved for recording in the Office of the Clerk of Court of Newberry County, South Carolina.”

Date: _____

Title: _____

(D) *Recording of final plat.* It shall be the responsibility of the administrative official to file the plat with the County Clerk of Court's office within 30 days of the date of signature.

(E) *Staging of major subdivisions.* The Planning Commission may grant final plat approval to sections of a subdivision shown on an approved preliminary plat which meets all the previously mentioned requirements of this chapter, if the sections in the opinion of the Planning Commission are adequately served by all utilities, a storm drainage system, and street system, even if no other sections of the subdivision are developed.

(F) *Final plat revisions.* If it should become necessary to revise a final plat due to a dimensional error, a revised plat shall be submitted to the County Clerk to Council for final recording after the Planning Commission has approved and signed the revised plat.

(Ord. 105, passed 12-29-1988 ; Am. Ord. 04-12-08, passed 7-16-2008) Penalty, see § 154.999

§ 154.025 FEDERAL HOUSING ADMINISTRATION OR FARMERS HOME ADMINISTRATION APPROVAL.

In the event the subdivider plans to secure approval of his or her subdivision design by the Federal Housing Administration and/or the Farmers Home Administration, it is suggested that the approval be secured prior to submission of a preliminary plat to the Planning Commission.

(Ord. 105, passed 12-29-1988)

§ 154.026 FLOOD AND DRAINAGE REQUIREMENTS.

(A) *General prohibition.* No land shall be subdivided if the land is determined by the Planning Commission to be unsuitable for its intended use by reason of flooding or improper drainage, objectionable

earth and rock formations, or any other feature determined to be unreasonably harmful to the health and safety of possible residents or users of the area and the community as a whole

(B) *Areas in Special Flood Hazard Areas or otherwise subject to inundation by flood waters.* All development shall be subject to the provisions of the stormwater and sediment control regulations for the county, as set forth in Chapter 155 and ordinances amendatory thereto.

(1) For subdivisions, any part of which is within a designated Special Flood Hazard Area, the preliminary plat and the final plat shall clearly show the limits of all portions of the subdivision which are in a Special Flood Hazard Area, and the flood zone classification of such area(s), and the boundaries of the Special Flood Hazard Area shall be clearly shown, including any clarification of the flood zones or area boundaries resulting from Letters of Map Amendment (LOMA) or Letters of Local Map Amendment-Fill (LOMA-F).

(2) All structures in a subdivision shall be located and constructed in accordance with other county ordinances relating to zoning, flood prevention, storm drainage, the adoption of standard building codes, and other land use issues. Reference is made to the following specific ordinances, the terms of which shall govern in the event of any variation between them and the requirements of this section:

(a) The County Zoning Ordinance, No. 12-24-01, as amended;

(b) Ordinance No. 06-33-03, setting forth comprehensive regulations relating to flood damage prevention and repealing portions of the ordinance enacted 4-3-2002;

(c) Ordinance No. 04-12-04, adopting two technical amendments to Ordinance No. 06-33-03;

(d) Ordinance No. 10-41-04, generally relating to freeboard requirements and modifying the base flood elevations (BFE) for the Special Flood Hazard Areas around Lakes Greenwood and Murray;

(e) Ordinance Nos. 01-04-05 and 06-20-05, adopting the International Building Codes, and the approved changes thereto, and ordinances amendatory thereto.

(3) All required public improvements, including streets and roads, drainage, water supply, and sanitary sewers, shall be in accordance with all applicable state statutes and regulations, and all applicable county ordinances and, because of the possibility of flooding in areas in or near Special Flood Hazard Areas, all such improvements shall be in accordance with such special conditions as may reasonably be required by the Planning Commission or by the public agency under whose jurisdiction and supervision the improvements are made.

(Ord. 105, passed 12-29-1988; Am. Ord. 04-06-06, passed 4-5-2006) Penalty, see § 154.999

§ 154.027 PROHIBITION.

The Clerk of Court of Newberry County shall not accept, file, or record any subdivision plat, plat of a group development, planned unit development, or experimental development unless the plat has been duly approved by the Newberry County Planning Commission. Should any public official violate the provisions of §§ 154.020 *et seq.*, he or she shall in each instance be subject to the penalties stated in § 154.999 of these regulations. After the date of adoption of this chapter, all plats to be recorded must indicate whether they are new subdivisions of land.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.028 STREET NAMING.

(A) The applicant shall recommend proposed street names in the subdivision, in accordance with the provisions of the Newberry County Road Naming and Addressing Identification and Guidelines, promulgated in Ordinance No. 10-39-05, adopted by the County Council on October 19, 2005, and any amendments thereto.

(B) Addresses for lots and/or discrete dwelling units within the subdivision shall be assigned in accordance with the guidelines set forth in that ordinance.

(Ord. 105, passed 12-29-1988; Am. Ord. 04-06-06, passed 4-5-2006)

§ 154.029 VARIANCE.

(A) When, due to the peculiar shape or topography of a tract of land or other unusual condition, it is impractical for a developer to comply with the literal interpretations of the design requirements of these regulations, the Planning Commission shall be authorized to vary the requirements, provided the intent and purpose of these regulations are not violated.

(B) As further clarification, the variances may be granted when the Planning Commission finds:

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;

(2) The application of this chapter would create an unnecessary hardship;

(3) The conditions are peculiar to the particular piece of property involved; and/or

(4) Relief, if granted, would not create substantial detriment to the public good or impair the purposes and intent of this chapter or the Comprehensive Plan.

(Ord. 105, passed 12-29-1988)

SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED FOR TRADITIONAL SUBDIVISIONS

§ 154.040 APPLICATION FOR EXEMPTION.

(A) Application for exemption shall be requested at the office of the administrative official. This application will request the following information and may be filled out by the administrative official:

- (1) Name of the applicant, and name of land owner;
- (2) Address of the applicant, and address of land owner;
- (3) Phone number of the applicant, and phone number of land owner;
- (4) Location of the property to be subdivided;
 - (a) Public street on which the property is located;
 - (b) Located on a road map of the county which the administrative official shall provide; and
 - (c) Tax map number.
- (5) Features of the property:
 - (a) Total acreage of the tract to be subdivided;
 - (b) Number of lots proposed;
 - (c) Shape, dimension, and total acreage of each lot proposed;
 - (d) Arrangement of lots proposed; and
 - (e) Health Department approval of each lot to be subdivided.

(B) The subdivider may, and is encouraged to, submit a surveyed plat or freehand sketch of the tract he or she plans to subdivide. This sketch or plat may include information on the area of the tract, adjacent roads, existing roads, dimensions of the tract, and area, dimensions, and arrangement of lots.

(Ord. 105, passed 12-29-1988)

§ 154.041 SKETCH PLAT.

(A) Sketch plats submitted to the Planning Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not less than 200 feet to 1 inch and shall show the following information:

- (1) *Name.*
 - (a) Name of subdivision if property is within an existing subdivision;
 - (b) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded; and
 - (c) Name of property if no subdivision has been chosen. (This is commonly the name by which the property is locally known).
- (2) *Ownership.*
 - (a) Name and address, including telephone number, of legal owner or agent of the property involved in the subdivision; and
 - (b) Name and address, including telephone number, of the professional person(s), if any, responsible for the subdivision's design, or for the design of any public improvements, and for the surveys.
- (3) *Location.* A vicinity map at a scale of not less than 1 inch equals 1 mile showing the relationship of the proposed subdivision to surrounding locale. The scale of the vicinity map should be shown, as well as a north arrow; and
- (4) *Features.*
 - (a) Total acreage in the tract to be subdivided;
 - (b) Location of property lines, existing easements, railroad rights-of-way, water courses, and existing buildings;
 - (c) Location of all existing or platted streets or other public ways within or adjacent to the tract;

- (d) Names of any adjoining subdivisions;
- (e) Approximate location, widths, and classification of proposed streets, including width of rights-of-way;
- (f) Approximate location, dimensions, and area of all proposed or existing lots;
- (g) Existing and proposed uses of land throughout the subdivision;
- (h) Existing uses of land surrounding the subdivision;
- (i) The approximate location and dimensions of any parcels of land proposed to be set aside for a park, playground, or other public use, or for the common use of property owners in the proposed subdivision with designation of the purpose thereof;
- (j) Location of lakes, swamps, and land subject to flood, based on a 100-year frequency flood;
- (k) Topography in terms of mean sea level by contours at vertical intervals of not more than 5 feet (the Planning Commission's administrative official may accept vertical intervals of not more than 10 feet or waive the requirements where existing topographic mapping is not available at 5 feet contours and the terrain of the proposed subdivision is not of major significance); and
- (l) Location of city limit lines and county lines, if applicable.

(B) The subdivider may, and is encouraged to, submit a sketch plat of the entire tract he or she plans to ultimately develop, even though his or her present plans call for the actual development of only a part of the property.

(C) (1) A site evaluation of the development, including a soil survey and interpretations conducted or approved by the County Soil and Water Conservation District as described herein, may be submitted as an integral component of the sketch plat.

(2) (a) The developer of the subdivision shall apply to the Soil and Water Conservation District to do the required site evaluation and soil survey and interpretations.

(b) If the staff of the Conservation District determines that it cannot perform the site evaluation within 30 days of the application, then the developer may contract with a registered engineer, landscape architect, or professional soil conservationist to perform the site evaluation.

(c) This site evaluation must be submitted to the staff of the conservation district for approval.

(d) The staff shall review the site evaluation within 15 days of its submission.

(3) It is suggested that the subdivider obtain a site evaluation, including a soil survey and interpretations, and use it as an aid in the development of his or her sketch plat.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.042 PRELIMINARY PLAT.

(A) The preliminary plat shall be prepared by a South Carolina Registered Land Surveyor at a convenient scale of not less than 1 inch equals 100 feet.

(B) The preliminary plat shall include the following:

(1) *Name.*

(a) Name of subdivision if property is within an existing subdivision; and

(b) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.

(2) *Ownership.*

(a) Name and address, including telephone number, of legal owner and his or her authorized agent, if any, of the property involved in the subdivision; and

(b) Name and address, including telephone number, of the professional person(s) responsible for the subdivision's design, or for the design of any public improvements, and for the surveys.

(3) *Location.* A vicinity map at a scale of not less than 1 inch equals 1 mile showing the relationship of the proposed subdivision to surrounding locale. The scale of the vicinity map should be shown, as well as a north arrow; and

(4) *Features.*

(a) Total acreage in the tract to be subdivided;

(b) Graphic scale, north point, and date. The north point shall be identified as magnetic, true, or grid north;

(c) Boundaries of the tract to be subdivided with all bearings and distances indicated. The boundary survey shall be to such a degree of accuracy that the error of closure is no greater than 1:5,000;

(d) The following existing conditions:

1. Topography by contours at vertical intervals of not more than 5 feet;
2. Deed record names of adjoining property owners;
3. Names of any adjoining subdivisions;
4. Property lines within and adjoining the subdivision;
5. Location and rights-of-way of all existing or platted streets or other public ways, railroads, easements, watercourses, and buildings either on or adjacent to the property to be subdivided. Specify whether utility lines are in easements or rights-of-way and show location of poles or towers;
6. Location of city limits and county lines, if applicable;
7. Location of streams, lakes, swamps, and land subject to flood, based on a 100-year frequency flood;
8. Location of existing exterior property lines;
9. In case of resubdivisions, a copy of the existing plat with proposed resubdivisions superimposed thereon;
10. Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract. Grades and invert (if applicable) elevations of sewers shall be shown;
11. The acreage of each drainage area affecting the proposed subdivision; and
12. All elevations shall refer to mean sea level datum (if available) where public water and/or public sewers are to be installed.

(e) The following proposed conditions:

1. The location, width, classification, and proposed name of all proposed streets, alleys, and other public ways. This should include the width of both the paved surface and the right-of-way;
2. The location and width of all utility and other types of easements and rights-of-way;
3. The location, dimensions, and building setback lines of all proposed lots;
4. The location and dimensions of all property proposed to be set aside for a park, playground, or other public use, or for the common use of property owners in the proposed subdivision with designation of the purpose thereof, and conditions, if any, of the dedication or reservation;
5. Sufficient data acceptable to the County Engineer to determine readily the location, bearing, and length of all lines, and to reproduce the lines upon the ground; the location of all proposed monuments;
6. Indication of the use of all lots (single-family, 2-family, multi-family, townhouse, offices, commercial, warehousing, industrial, and the like);
7. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions;
8. All lots in each block shall be consecutively numbered; and
9. Total number of lots and total length of new streets.

(C) The preliminary plat shall be presented in a similar format to the 1 on the accompanying sheet. All dimension shall be shown to the nearest 1/10 of a foot and angles to the nearest minute.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.043 CONSTRUCTION PLANS.

(A) Construction plans shall be prepared for all required improvements by a registered South Carolina engineer at a convenient scale of not less than 1 inch equals 100 feet.

(B) The construction plans shall include the following if the improvement is proposed in the subdivision:

(1) Profiles showing existing and proposed elevations along the center lines of all new roads. The elevation along the center line of existing roads shall be shown within 100 feet of their intersection with new roads. Approximate radii of all curves, lengths of tangents, and central angles on all streets;

(2) Where steep slopes exist, the County Engineer may require that cross-sections of all proposed streets at 100-foot stations shall be shown at 5 points as follows: 1 a line at right angles to the center line of the street, and the evaluation points shall be at the center of the street, each property line, and points 25 feet inside each property line;

(3) Plans and profiles showing the locations and typical cross-section of street pavements, including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins; the locations of street trees, street lighting

standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures;

(4) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, at the point of connection to proposed facilities and utilities within the subdivisions. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate 100-year flood elevations of the lakes or streams. All public water and/or public sewers are to be installed;

(5) The acreage of each drainage area affecting the proposed subdivision;

(6) Topography at a contour interval of 2 feet, referred to sea level datum when public water and/or public sewers are to be installed or portion(s) of the subdivision would be inundated by a 100-year frequency flood;

(7) All specifications and references required by the construction standards and specifications of Newberry County, any other local government providing any utility, and the Department of Health and Environmental Control or the County Health Department;

(8) A site grading plan showing proposed finished contours when any major contour changes or filling for flood protection are proposed in the subdivision; and

(9) Title, name, address, telephone, and signature of South Carolina Registered Engineer and Surveyor responsible for the plans and date, including revision dates.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.044 FINAL PLAT.

(A) The final plat shall be prepared by a South Carolina Registered Land Surveyor at the same scale and containing the same information, except for any changes or additions required by the Planning Commission, as shown on the preliminary plat, except that final finished contours and the resultant areas subject to inundation by a 100-year flood shall be shown. The preliminary plat may be used as the final plat if it meets these requirements and is revised in accordance with the requirements of the Planning Commission. All revision dates must be shown as well as the following:

(1) Name of owner of record;

(2) Name of subdivision, date, north arrow, and graphic scale;

(3) Name, registration number, and seal of registered surveyor or civil engineer;

(4) Name of municipality or county in which subdivision is located and location map;

(5) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement, right-of-way, boundary line, and building line whether curved or straight. This shall include the radius, point of tangent, and other data for curved property lines and curved streets, to an appropriate accuracy and in conformance with good surveying practice;

(6) Names of owners of record of all adjoining land and all property boundaries, water courses, streets, easements, utilities, and other such improvements, which cross or form any boundary line of the tract being subdivided;

(7) Exact boundaries of the tract of land being subdivided shown with bearings and distances;

(8) Streets and alleys, rights-of-way, percent of grades, and street names;

(9) Rights-of-way or easement; location, widths, and purposes;

(10) Lot lines, minimum building setback lines, and lot and block members;

(11) Parks, school sites, or other public open spaces, if any;

(12) All dimensions shall be to the nearest 1/10 of a foot and angles to the nearest minute; and

(13) Accurate description of the location of all monuments and markers.

(B) The following signed certificates shall appear on the final plat which is submitted to the Planning Commission by the subdivider.

(1) *Certificate of accuracy.*

"I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Newberry County Subdivision Regulations and the monuments shown have been placed to the specifications set forth in said regulations."

Date: _____

Registration No.: _____

Registered Land Surveyor: _____

(2) *Certificate of ownership and dedication.*

"It is hereby certified that I am (we are) the owner (s) of the property shown and described hereon and that I (we) hereby dedicate all streets, alleys, walks, parks, rights-of-way and easements, and other sites to public or private use as noted."

Date: _____

Owner: _____

Owner: _____

(3) *The following signed certificate.*

"I hereby certify that the streets, curbs, sidewalks, drainage system, sewer system and water system in _____ Subdivision as shown on the Plat dated _____, prepared by _____ has been installed in accordance with the preliminary plat (Construction Drawings) approved _____."

SEAL

Registered Engineer: _____

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN OF TRADITIONAL SUBDIVISIONS

§ 154.055 GENERAL IMPROVEMENTS.

(A) *Conformance to applicable rules and regulations.* In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

- (1) All applicable statutory provisions;
- (2) All other applicable laws of the appropriate jurisdictions;
- (3) The Official Master Plan, Official Map, Public Utilities Plan, and Capital Improvements Program of the local government, including all streets, drainage systems, and parks shown on the Official Map or Master Plan as adopted;
- (4) The special requirements of these regulations and any rules of the Health Department and/or appropriate state agencies;
- (5) The rules of the State Department of Highways and Public Transportation, if the subdivision or any lot contained therein abuts a state highway or connecting street;
- (6) The rules of the appropriate local jurisdiction if the subdivision or any lot contained therein abuts a street maintained by the jurisdiction;
- (7) The standards and regulations adopted by the County Engineer and all boards, commissions, agencies, and officials of Newberry County; and
- (8) Plat approval may be withheld if a subdivision is not in conformity with the above guides or policy and purposes of these regulations established in § 154.001.

(B) *Self-imposed restrictions.* If the owner places restrictions on any of the land contained in the subdivision greater than those required by these regulations, the restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Planning Commission may require that restrictive covenants be recorded with the County Clerk of Court in a form to be approved by the Newberry County Attorney.

(C) *Plats straddling municipal boundaries.* Whenever access to the subdivision is required across land in another local government, the Planning Commission may request assurance from the County Attorney that access is legally established, and from the County Engineer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal or county boundary lines.

(D) *Monuments.* A steel or iron pipe or reinforcing rod not less than 1/2 inch in diameter and 30 inches in length, or a cement bench mark or other bench mark approved by the State of South Carolina, be set at each change in direction of the boundary survey of the subdivision, excluding water courses, and at all lot corners. A monument shall also be set at a point of curve, point of intersection, property corner, point of tangency and reference point. All markers shall be driven to within 12 inches of the finished grade or flush as conditions may require.

(E) *Subdivision name.* The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Planning Commission shall have final authority to designate the name of the subdivision which shall be determined at sketch plat approval.

(F) *Natural gas.* When gas lines are located in a street right-of-way, where possible, such lines shall be located outside

the portion of the street to be surfaced to prevent having to cut into the paved surface to serve abutting properties.

(G) *Street name signs.* Street name signs shall be installed at all intersections within a subdivision. The location and design shall be approved by the Planning Commission and shall meet all county specifications.

(H) *Sediment control.* The Newberry County Engineer shall review subdivision proposals to ensure conformance with the Sediment Control Ordinance for Newberry County, South Carolina. Also refer to § 154.041(C).

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.056 LOT IMPROVEMENTS.

(A) *Lot arrangement.* The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with health regulations and in providing driveway access to buildings on the lots from an approved street.

(B) *Lot dimensions.*

(1) *Lot width.* The minimum lot width at the building setback line shall be as shown on the following table in division (C) below. The width between side lot lines at the point where they intersect with the street right-of-way shall be not less than 75% of the required width (see division (B)(3) below for flag lot requirements). Where lots front on the turn-around of a cul-de-sac, the width between side lot lines where they intersect with the street right-of-way shall not be less than 20 feet. Corner lots shall be at least 5 feet wider than interior lots; provided, however, the maximum required width of a corner lot shall be 100 feet.

(2) *Minimum lot area.* The minimum lot area shall be as shown in the following schedule unless the Health Department requires greater lot dimensions.

(3) *Flag lots.* Flag lots are allowed, subject to the following restrictions.

(a) The area of the access appendage may not count toward the minimum square footage required for the lot.

(b) Access easements (easements across other parcels of land to gain access for a landlocked parcel) are not allowed.

(c) All driveway connections to public roads must comply with South Carolina Department of Highways and Public Transportation regulations.

(d) The access appendage for a lot smaller than 2 acres shall be at least 20 feet wide along its entire length.

(e) The access appendage for a lot 2 acres or larger shall be at least 50 feet wide along its entire length.

(f) The access appendage of a 2 acre or larger flag lot shall be directly aligned with or separated at least 150 feet from any existing or proposed road, as measured from center line to center line. Adequate sight distance shall be provided from the driveway along the intersecting road right-of-way.

(g) The access appendage of a flag lot may not be contiguous to the access appendage of another flag lot, unless both flag lots are each less than 2 acres. The paired flag lots may not be further subdivided.

(h) Successive flag lot access appendages or pairs of flag lot access appendages along a continuous road right-of-way shall be separated by a minimum of 100 feet of frontage (measured from access appendage center line to center line) along the road right-of-way.

(i) The access appendage of a flag lot shall not exceed 400 feet in total length.

(4) *Minimum building setback line.* In the absence of other regulations which would apply, the minimum building setback line from the street right-of-way shall be no less than 30 feet.

(C) *Table.*

Dwelling Type	Utilities Available	Minimum Width of Lot at Building Setback Line (Feet)	Minimum Area (Square Feet)
1-Family	Public Water; Public Sewerage	60	7,500
1-Family	Public Water; Private Sewerage	60	*
1-Family	Private Water; Private Sewerage	100	*
2-Family	Public Water; Public Sewerage	60	10,000
Multi-Family	Public Water;** Public Sewerage**	100	5,000 for first family; 2,500 each additional family

NOTES TO TABLE:

* As approved by the Health Department

** Required

(D) *Street access.*

(1) All lots hereafter established shall front or abut on a street, either an existing publicly-owned and maintained street or a new public street which conforms to the requirements of these regulations, or a private street with the approval of the Planning Commission.

(2) The Planning Commission, in cases where the developer can demonstrate that physical or legal factors beyond his or her control preclude the building of roads to the standards of this chapter, or where the nature of the development would require the limiting of access, may approve private roads. The following requirements for private roads shall apply.

(a) The developer must institute adequate legal and financial means to ensure that the upkeep of these roads will not become the responsibility of Newberry County or the State of South Carolina.

(b) Private streets shall be constructed to the roadbed, road surface, and pavement width standards of the South Carolina Department of Highways and Public Transportation.

(c) Through roads that connect existing roads may not be approved if they are likely to be used by the general public.

(d) The Planning Commission may impose additional requirements to ensure adequate access by residents on private roads.

(E) *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

(F) *Fencing.* Each subdivider and/or developer shall be required to furnish and install fences wherever the Planning Commission determines that an unreasonably hazardous condition may exist. The fences shall be constructed according to standards established by the County Engineer and shall be noted as to height and material on the final plat. No final plat shall be approved until the fence improvements have been duly installed.

(G) *Water bodies and watercourses.* If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the adjacent lots. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. No more than 25% of the minimum area of a lot required under this chapter may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure of design approved by the County Engineer.

(H) *Easements.* Easements having a minimum width of 7½ feet and located along the side or rear lot lines shall be provided as required for utility lines and underground mains and cables.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.057 STREETS.

(A) *General requirements.*

(1) *Frontage on improved streets.* No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street which is:

(a) An existing state, county, or city owned and maintained street; or

(b) A street shown upon a plat approved by the Planning Commission and recorded in the County Clerk of Court's office. The street or highway must be suitably improved as required by these regulations and specifications, or be secured by a performance bond required under these subdivision regulations with the width and right-of-way required by these subdivision regulations.

(2) *Grading and improvement plan.* All public roads shall be graded and improved and conform to the standards established for roads by the Newberry County Council. All roadway designs and specifications shall be approved by the County Engineer, in accordance with the construction plans required to be submitted prior to final plat approval.

(3) *Topography and arrangement.*

(a) Roads shall be related appropriately to the topography.

(b) Minor streets shall be curved whenever possible to avoid uniformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.

(c) The location and width of all proposed streets shall be in conformity with official plans and maps and with existing amended plans of the Planning Commission.

(d) All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

(e) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

(f) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where the use will result in a more desirable layout.

(g) Street extensions:

1. The street layout of the proposed subdivision shall provide for the continuation or projection of streets already existing in areas adjacent to the area being subdivided unless the Planning Commission deems the continuation or extension undesirable for specific reasons of topography or design;

2. Where the Planning Commission determines that it is necessary to provide street access to adjoining properties, and that other means of access are not reasonably available to the adjoining properties, proposed streets shall be extended by dedication to the boundaries of the properties. Where the Planning Commission deems it necessary, the dead-end streets shall be provided with an approved temporary turnaround having a radius of at least 40 feet; and

3. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

(h) In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

(4) *Blocks.*

(a) Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.

(b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 2,000 feet, nor be less than 400 feet in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than 1,000 feet in length.

(c) In long blocks, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

(d) Pedestrianways or crosswalks, not less than 10 feet wide, may be required by the Planning Commission through the center of blocks more than 800 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

(e) Blocks designed for industrial uses shall be of a length and width as may be determined suitable by the Planning Commission for prospective use.

(5) *Access to primary arterials.* Where a subdivision borders on or contains an existing or proposed primary arterial, the Planning Commission may require that access to the streets be limited by 1 of the following means:

(a) The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial, and screening shall be provided in a strip of land along the rear property line of the lots;

(b) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major arterial; or

(c) A marginal access or service road (separated from the primary arterial by a planting or grass strip and having access thereto at suitable points).

(6) *Street names.*

(a) Streets or roads that are extensions of, or obviously in alignment with, existing named streets shall bear that name.

(b) The names of new streets and roads shall be subject to the Planning Commission and approval of County Council and shall not duplicate or be similar in sound to existing names, irrespective of the use of the suffix street, avenue, circle, way, boulevard, drive, place, or court or the like.

(7) *Permanent dead-end streets.*

(a) Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to the boundary than 50 feet.

(b) However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.

(c) A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with county

construction standards and specifications. (See division (B) below.)

(d) For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of these regulations.

(8) *Alleys.* Service alleys or drives may be required in multiple dwellings, commercial and industrial developments, and shall have a minimum surface treatment width of 15 feet, but shall not be provided in 1- and 2-family residential developments unless the subdivider provides evidence satisfactory to the Planning Commission of the need for alleys.

(B) *Design standards.*

(1) *Generally.*

(a) In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to policy, firefighting, sanitation and road-maintenance equipment, and to coordinate so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required (street classification may be indicated on the Major Thoroughfare Plan, or Official Map; otherwise, it shall be determined by the Planning Commission).

<i>Improvement</i>	<i>Rural Residential Development</i>	<i>Urban Residential Development</i>	<i>Non-Residential Development</i>
<i>Improvement</i>	<i>Rural Residential Development</i>	<i>Urban Residential Development</i>	<i>Non-Residential Development</i>
Minimum Right-of-Way Width (Feet) (1)			
Minor Street	50	50	66
Marginal Access Street	50	50	66
Cul-de-Sac or Loop Street	50	50	66
NOTES TO TABLE: (1) Right-of-way widths greater than minimum are encouraged because they make for a safer, more aesthetic, and more comfortable facility and permit future roadway widening without disrupting abutting property.			
Minimum Finished Surface Width (Feet) (2), (3)			
Minor Street	20 (1), (4)	23 (1)	36
Marginal Access Street	20 (1), (4)	23 (1)	36
Cul-de-Sac or Loop Street	20 (1), (4)	23 (1)	36
Minimum Finished Surface Width (Feet) (2), (3)			
Collector Street	24 (1), (4)	36	50
NOTES TO TABLE: (1) Pavement widths shown do not provide for on-street parking; service lanes are intended only for loading and unloading of passengers and goods and for disabled vehicles and not for the storage of vehicles. (2) An 18-inch wide grass strip should be provided between the right-of-way boundary and the outside edge or back of any sidewalk constructed within the right-of-way. This arrangement will permit the placing of utility poles back of the sidewalk and at the same time retain a grass strip between the sidewalk and the curb or edge of pavement; both of these features are highly desirable, particularly from a safety viewpoint. (3) Measured from the back of each curb or from the low point of valley gutter to low point of valley gutter. (4) Measured from edge of paving to edge of paving when a typical State Highway Department farm-to-market road section is used.			
Maximum Grade (Percent)			
Minor Street	10	10	6
Marginal Access Street	10	10	6
Cul-de-Sac or Loop Street	8	8	6
Minimum Radius of Curve (Feet)			
Minor Street	150	150	200
Marginal Access Street	150	150	200
Cul-de-Sac or Loop Street	100	100	200
Collector Street	200	200	300
Minimum Length of Tangents Between Reverse Curves (Feet)			

Minor Street	100	100	200
Marginal Access Street	200	200	200
Cul-de-Sac or Loop Street	100	100	200
Collector Street	300	300	300
Minimum Sight Distance (Feet)			
Minor Street	200	250	250
Marginal Access Street	200	250	250
Cul-de-Sac or Loop Street	200	200	250
Collector Street	250	300	300
Minimum Design Speed (mph)			
Minor Street	25	30	30
Marginal Access Street	25	30	30
Cul-de-Sac or Loop Street	20	20	30
Collector Street	30	35	35
Minimum Turnaround (Diameter in Feet)			
Cul-de-Sac (Right-of-Way)	100	100	120
Cul-de-Sac (Pave-ment Width)	80	80	100
Cul-de-Sac (Pave-ment Width, Center Island, Optional)	30	30	30
Maximum Length of Cul-de-Sac			
Permanent	1,000	600	600
Temporary	1,000	1,000	1,000

(b) Primary and secondary arterial design standards are as required by the Major Thoroughfare Plan or Official Map and the South Carolina Department of Highways and Public Transportation. Normally, the streets will require reservation or dedication of right-of-way by the subdivider and improvements by others.

(2) *Road surfacing and improvements.*

(a) After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutter or valley gutters and shall surface or cause to be surfaced, roadways to the widths prescribed in these regulations. The surfacing shall be of a character as is suitable for the expected traffic and in harmony with similar improvements in the expected traffic and in harmony with similar improvements in the surrounding areas. Types of surface shall be as determined by the County Engineer. Adequate provision shall be made for culverts, drains, and bridges.

(b) All road surfaces, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications proposed by the Planning Commission, County Engineer, and approved by Newberry County Council and shall be incorporated into the construction plans required to be submitted by the developer for plat approval. All roads shall be hard surfaced (portland cement, concrete, asphaltic concrete, or bituminous wearing) in all new subdivisions and expansions of, existing subdivisions. The Planning Commission may allow an alternate surfacing material for rural residential minor streets where it may be shown that an extreme hardship exists and where the surface is approved by the County Engineer.

(3) *Excess right-of-way.* Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. The slopes shall not be in excess of 2 to 1.

(4) *Railroads and limited access highways.* Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

(a) In residential developments, a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: This strip is reserved for screening. The placement of structures hereon is prohibited.

(b) In developments proposed for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, whenever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

(c) Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. The distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

(5) *Intersections.*

(a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of 2 new streets at an angle of less than 75 degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for 100 feet from the center line of the through street. Not more than 2 streets shall intersect at any 1 point unless specifically approved by the Planning Commission.

(b) Proposed new intersections along 1 side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of the street. Street jogs with center line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where opposing streets intersect collector streets, their alignment shall be continuous. Intersection of streets shall be at least 800 feet apart.

(c) Minimum curb radius at the intersection of 2 minor streets shall be at least 20 feet; and minimum curb radius at an intersection involving a collector street shall be at least 25 feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

(d) Intersections shall be designed with a flat grade whenever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a 3% rate at a distance of 60 feet, measured from the nearest right-of-way line of the intersecting street.

(e) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut the ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

(f) The cross-slopes on all streets, including intersections, shall be no greater than 3% and no less than 0.5%.

(6) *Bridges.* Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant and meet the design requirements of the County Engineer.

(C) *Road dedications and reservations.*

(1) Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his or her own subdivision boundaries.

(2) Where a subdivision borders an existing narrow road or when the Master Plan or Official Map indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his or her expense the areas for widening or realignment of the roads. The frontage roads and streets shall be improved and dedicated by the applicant at his or her own expense to the full width as required by these subdivision regulations.

(3) (a) When a subdivision contains a part or all of the proposed location of a new street shown in the local governments major thoroughfare plan, the necessary right-of-way shall be reserved for this new street and the design of the subdivision shall reflect the future existence of this street.

Dedication of this right-of-way is not required. However, this reserved right-of-way shall not count in satisfying the setback and lot size requirements of this chapter.

(b) When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each block.

(D) *Nature of storm water facilities.*

(1) *Location.* The applicant may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of, the subdivision. The drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the local governments standards and specifications.

(2) *Accessibility to public storm sewers.*

(a) Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the County Engineer. Inspection of facilities shall be conducted by the County Engineer.

(b) If a connection to a public storm sewer will be provided eventually, as determined by the County Engineer and the Planning Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for the connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

(3) *Accommodation of upstream drainage areas.* A culvert or other drainage facility shall in each case be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The County Engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development expected in the Master Plan.

(4) *Effect on downstream drainage areas.* The County Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Local government drainage studies, together with the other studies as shall be appropriate, shall serve as a guide to needed improvement. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of the potential condition in the sum as the Planning Commission shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

(5) *Flood plain areas.* Whenever a plat is submitted for an area which is subject to inundation by a 100-year frequency flood, the Planning Commission may approve the subdivision, provided that the applicant fills the affected area (according to a method approved by the County Engineer) so as to provide a building site on all lots which is at least 1 foot above the 100-year frequency flood level. The Planning Commission may also approve other methods of flood prevention which provide an equivalent degree of protection. In no case, however, shall the Planning Commission permit any filling or impeding of the water in the floodway of any watercourse.

(E) *Dedication of drainage easements.*

(1) *General requirements.* Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of the watercourse, and of the width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(2) *Drainage easements.*

(a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least 12 feet in width for the drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

(b) When a proposed drainage system will increase the maximum flow of water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

(c) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.058 WATER FACILITIES.

(A) *General requirements.*

(1) Necessary action shall be taken by the applicant to extend an existing public water system for the purpose of providing a water supply system capable of providing domestic water use and fire protection.

(2) Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the state or local authorities. All water mains with fire hydrants shall be at least 6 inches in diameter.

(3) Water main extensions shall be approved by the officially designated agency of the state or local government.

(4) To facilitate the above, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in any bond to be furnished by the developer.

(5) When the water main is located under the street surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street is surfaced.

(B) *Individual wells and central water systems.*

(1) In rural residential subdivisions, at the discretion of the Planning Commission, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Individual wells and central water systems shall be approved by the appropriate health authorities. Orders of approval shall be submitted to the Planning Commission.

(2) If the Planning Commission requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat received final approval. Performance or cash bonds may be required to insure compliance.

(C) *Fire hydrants.* Fire hydrants shall be required for all subdivisions, except those coming under division (B) above. Fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any structure and shall be approved by the applicable protection unit. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.059 SEWERAGE FACILITIES.

(A) *General requirements.* The applicant shall install sanitary sewer facilities in a manner prescribed by the local government construction standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the County Engineer, Health Department, and other appropriate agency. Plans shall be approved by the above agencies.

(B) *Central sewerage system requirements.*

(1) Where public sanitary sewerage systems are reasonably accessible, the applicant shall connect with same and provide sewers accessible to each lot in the subdivision. When the sewer line is located in a street right-of-way and it will be necessary to cut into the street surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the street.

(2) Where public sanitary sewerage systems are not reasonably accessible but will become available within a reasonable time (not to exceed 5 years), the applicant may choose 1 of the following alternatives:

(a) Central sewerage system, the maintenance cost to be assessed against each property benefitted. Where plans for future public sanitary sewerage systems exist, the applicant shall install the sewer lines, laterals, and mains to be in permanent conformance with the plans and ready for connection to the public sewer mains; or

(b) Individual disposal systems, provided the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect when the public sewers become available. The sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to the public sewer main.

(3) Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of 15 years, the applicant may install sewerage systems as follows:

(a) Urban residential subdivisions - a central sewerage system only. No individual disposal system will be permitted. Where plans exist for a public sewer system to be built, for a period in excess of 5 years, the applicant shall install all sewer lines, laterals, and mains to be in permanent conformance with the plans and ready for connection to the public sewer main; and

(b) Rural residential subdivisions - individual disposal systems or central sewerage systems may be used.

(C) *Individual disposal system requirements.* If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of this chapter and percolation tests and test holes shall be made as directed by the local government Health Officer and the results submitted to the Health Department. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall also be approved by the Health Officer.

(D) *Design criteria for sanitary sewers.*

(1) These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the County Engineer.

(2) Sanitary sewer shall be designed and installed to the design standards and specifications of the city, county, or public service district into whose sewer system the subdivision is connecting and all design standards and specifications of the appropriate State Health Agency controlling sewer systems.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.060 SIDEWALKS.

(A) *Required improvements.*

(1) Sidewalks shall be included within the dedicated nonpavement right-of-way of all roads as shown in the table in division (B) below.

(2) Sidewalks shall be improved as required in § 154.057(B)(2). of these regulations. A median strip of grassed or landscaped areas at least 2 feet wide is recommended to separate all sidewalks from adjacent curbs or the edge of street pavement.

(B) *Pedestrian accesses.*

(1) The Planning Commission may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least 20 feet in width.

(2) Easements shall be indicated on the plat.

<i>Sidewalks Required*</i>

<i>Nature of Road</i>	<i>Rural Residential Development</i>	<i>Urban Residential Development</i>	<i>Non-Residential Businesses/ Industrial</i>
Cul-de-Sac	Optional	Optional	Both Sides
Minor Road	Optional	Optional	Both Sides
Collector Road	Optional	Optional	Both Sides
Marginal Access Road	Optional	Optional	1 Side

* Sidewalks wherever provided shall be at least 4 feet in width.

(Ord. 105, passed 12-29-1988)

§ 154.061 RECREATION.

It shall be the intent of these regulations to encourage that adequate space be set aside or opportunities provided for recreation and open space in residential subdivisions.

(Ord. 105, passed 12-29-1988)

§ 154.062 NONRESIDENTIAL SUBDIVISIONS.

(A) *Generally.* If a proposed subdivision includes land that is proposed for commercial or industrial purposes, the layout of the subdivisions with respect to the land shall make the provision as the Planning Commission may require.

(B) *Standards.* In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

(1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

(2) Street rights-of-way and pavement shall be adequate to accommodate the type volume of traffic anticipated to be generated thereupon.

(3) Special requirements may be imposed by Newberry County with respect to street, curb, gutter, and sidewalk design and construction.

(4) Special requirements may be imposed by the local government with respect to the installation of public utilities, including water, sewer, and storm water drainage.

(5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels packing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

(6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.063 SURETY IN LIEU OF COMPLETION OF IMPROVEMENTS.

(A) In lieu of the completion of the physical development and installation of the required improvements previous to the final approval of a plat, the County Council, or its designee, may accept a bond, in an amount and with surety and conditions satisfactory to the Council or its designee, providing for and securing to the county the actual construction and installation of the improvements and utilities within a period specified by the Newberry County Council, or its designee, and expressed in the bond.

(B) The nature and the amount of the surety and procedure shall be as determined by the County Council.

(C) The bonding of a subdivision project prior to final plat approval shall authorize the sale, conveyance, or transfer of lots within the subdivision, in addition to the use of the lots as legal building sites.

(D) To facilitate the sale, conveyance, or transfer of lots within a bonded subdivision, the developer must submit an appropriate number of bonded plats for recording by the Clerk of Court.

(E) Extensions of the period of time, which the developer has to complete the subdivision under bond, may be granted by the Planning Commission or by Newberry County Council, or its designee.

(F) The developer is solely responsible for the operation and maintenance of any and all roads, water systems, sewer systems, recreational facilities, or drainage facilities proposed to be conveyed to a public agency, until final plat approval or their acceptance by the appropriate public agency.

(G) Any agreements between the developer and prospective property owners, such as restrictive covenants, road maintenance agreements, mandatory homeowners' association agreements, or the like, must be available for recording with

the bonded final plat.

(H) All building permits issued between bonded final plat and final plat approval shall have as a special condition that no final inspections or certificates of occupancy shall be issued until the building site is served by an approved source of water, sewer, electricity, and gas (if applicable).

(I) For consideration of all approvals of sureties or bonds, or of requests for extensions of time to act, requiring action by Newberry County Council, the Council hereby designates the County Administrator as its agent to approve or disapprove such bonds or sureties, and such requests for extensions of time to act. Within 30 days of the date of his or her decision, but not thereafter, or if more than 45 days have elapsed since the bond, surety or request for extension of time was submitted and no action has been taken thereon, any aggrieved party may submit a petition to the Clerk to County Council requesting a review by County Council of the action of the County Administrator, or for direct approval of the surety or bond or request for extension of time, if no action has been taken. The decision of County Council shall be final.

(Ord. 105, passed 12-29-1988; Am. Ord. 04-12-08, passed 7-16-2008) Penalty, see § 154.999

SPECIAL SUBDIVISIONS

§ 154.075 INTENT.

(A) It is not the intent of these regulations to freeze new development into any single type of design.

(B) It is, however, the intent of these regulations to ensure that all new developments shall contribute to the building of economically sound and desirable living areas within the community with all necessary services and facilities.

(Ord. 105, passed 12-29-1988)

§ 154.076 AUTHORITY TO MODIFY STANDARDS.

In order to provide the subdivider with maximum flexibility in the design and character of new residential developments, the Planning Commission is hereby authorized to modify the standards and requirements of these regulations in the case of a plan for a special subdivision or planned neighborhood unit, which in the judgment of the Planning Commission provides adequate public spaces for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides the covenants or other legal provisions as will assure conformity to the achievement of the plan.

(Ord. 105, passed 12-29-1988)

§ 154.077 MAINTENANCE OF SPIRIT OF REGULATIONS.

Any development or subdivision approved under §§ 154.075 *et seq.* shall maintain the objectives, purposes, and intent of these regulations.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

GROUP DEVELOPMENTS

§ 154.090 GENERALLY.

(A) In order to prevent the creation of traffic hazards, ensure the provision of off-street parking, and provision of necessary utilities, plans for group developments such as shopping centers, industrial parks, mobile home parks, and apartment complexes where the site is not subdivided into lots and public streets, but is divided into 2 or more building sites, shall be submitted to the Planning Commission for review and approval.

(B) These regulations are considered minimum and may be superseded by more restrictive regulations, if any.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.091 PROCEDURES FOR GROUP DEVELOPMENT APPROVAL.

(A) *Site plan.*

(1) The developer shall submit at least 6 copies of a site plan to the administrative official for review and approval. The administrative official shall approve or disapprove the site plan within 15 days.

(2) If the site plan is disapproved by the administrative official or if the administrative official requires changes with which the developer disagrees, the developer may submit the site plan to the Planning Commission at its next regular meeting. The Planning Commission shall review and approve, disapprove, or approve with modifications the site plan within 30 days of the date of the meeting. Pertinent comments and recommendations shall be noted in the minutes of the Planning Commission meeting.

(3) If the administrative official to the Planning Commission fails to act within 15 days after submission of the site plan, the administrative official must inform the developer of the date on which action shall be taken, but the extension of time shall not exceed 15 days. Failure to act within these time limits shall be deemed to constitute site plan approval, and a certificate to that effect shall be issued by the Planning Commission upon demand.

(B) *Construction drawings.*

(1) The developer shall submit at least 8 copies of the construction drawings of all or a portion of the development given site plan approval, along with the necessary supporting data to the administrative official to the Planning Commission.

(2) (a) Upon determination that the construction drawings conform to the approved site plan, the administrative official shall submit these plans to the following agencies (as appropriate) for review and approval:

1. County Health Department;
2. County Engineer;
3. City Engineer (if a municipal water or sewer system is involved);
4. Public Service District (if any is involved); and
5. South Carolina Department of Health and Environmental Control.

(b) These reviewing agencies shall report their finding to the Planning Commission within 30 days after receipt of the construction drawings.

(3) Upon receipt of the reports from the above agencies, the administrative official to the Planning Commission shall approve, disapprove, or approve with modifications the construction drawings within 60 days after submission of the plans.

(4) If the construction drawings are disapproved by the administrative official or if the administrative official requires changes with which the developer disagrees, the developer may submit the construction drawings to the Planning Commission at its next regular meeting. The Planning Commission shall review and approve, disapprove, or approve with modifications the construction drawings within 30 days of the date of the meeting. Pertinent comments and recommendations shall be noted in the minutes of the Planning Commission, and the reasons for disapproval or modification shall be promptly delivered in writing to the applicant and to the land owner.

(5) If the administrative official to the Planning Commission fails to act within 60 days after submission of the construction drawings, the plans shall be automatically approved, and a certificate to that effect shall be issued by the Planning Commission upon demand.

(6) The Planning Commission shall not act to override the requirements of other agencies or departments. The Commission may seek to bring agreement in case of conflict between the various reviewing agencies and the developer.

(C) *Final approval.*

(1) After completion of the physical development of all or part of the area shown on the approved construction drawings, the developer or his or her representative shall submit to the administrative official to the Planning Commission 8 copies of the as built drawings of the development.

(2) Upon determination that the as built drawings conform to the approval construction drawings, the administrative official shall submit these plans to the same agencies which reviewed the construction drawings. These reviewing agencies shall report their findings to the Planning Commission within 30 days after receipt of the as built drawings.

(3) Upon receipt of the reports from the above agencies, the administrative official to the Planning Commission shall approve, disapprove, or approve with modifications the as built drawings within 60 days after submission of the plans. In no case shall the Planning Commission disapprove the as built drawings of a group development which:

- (a) Meet the requirements of a group development as set forth in these regulations;
- (b) Conform to the approved construction drawings; and
- (c) Have all the required improvements installed and approved.

(4) If the as built drawings are disapproved by the administrative official or if the administrative official requires changes with which the developer disagrees, the developer may submit the as built drawings to the Planning Commission at its next regular meeting. The Planning Commission shall review and approve, disapprove, or approve with modifications the as built drawings within 30 days of the date of the meeting. Pertinent comments and recommendations shall be noted in the minutes of the Planning Commission.

(5) If the administrative official to the Planning Commission fails to act within 60 days after submission of the as built drawings, the plan shall be automatically approved and a certificate to the effect shall be issued by the Planning Commission upon demand.

(6) The Planning Commission shall not act to override the requirements of other agencies or county departments. The Planning Commission may seek to bring agreement in cases of conflict between the various reviewing agencies and the developer.

(Ord. 105, passed 12-29-1988)

§ 154.092 GENERAL PLAT INFORMATION.

(A) *Site plan.* A site plan shall contain all of the following information, and shall be defined as the document containing

the information about a particular group development of property:

- (1) Total acreage in the tract proposed for group development and a statement of the total contiguous acreage owned by the developer;
- (2) Tentative access and/or street layout;
- (3) Approximate rights-of-way of existing and proposed streets, alleys, easements, and other rights-of-way;
- (4) Typical arrangement of existing and proposed buildings and structures;
- (5) Existing and proposed uses of land throughout the tract;
- (6) Existing uses of land and all existing street intersections surrounding the tract;
- (7) Topography in terms of mean sea level by contours at vertical intervals of not more than 5 feet and extending at least 100 feet outside the tract (if access to adjoining land can be obtained);
- (8) Name, date, north point, and graphic scale of not less than 200 feet to 1 inch;
- (9) A vicinity map at a scale of not less than 1 inch equals 1 mile showing the relationship of the proposed group development to surrounding development, especially schools, parks, and shopping areas. The scale of the vicinity map should be shown on the site plan drawing; and
- (10) A site evaluation shall be submitted with the site plan. For developments exceeding 5 acres in size, the elevation data for a 100-year flood shall be included.

(B) *Construction drawings.*

- (1) A plat of the property drawn to a scale of at least 100 feet to 1 inch, and shall include the name of the development, north point, graphic scale, and date;
- (2) A location map at a scale of 1 inch to 1,000 feet showing the parcel of land, the location of all buildings, parking areas, and roadways and all adjacent road rights-of-way. The scale of the location map should be shown on the construction drawings;
- (3) The shape, dimensions, and location of all buildings and property lines, existing and proposed, on the parcel;
- (4) The nature (commercial, industrial, and the like) of the proposed uses of the buildings and/or land;
- (5) Topography in terms of mean sea level by contours at vertical intervals of not more than 5 feet;
- (6) The location and dimensions of off-street parking and loading spaces and the means of ingress and egress to and from the spaces;
- (7) The location and size of all proposed utilities and storm drainage facilities;
- (8) A statement of variances requested from any section or subsection of § 154.093;
- (9) Any other information as the Planning Commission may deem necessary because of the physical characteristics peculiar to the particular development; and
- (10) Construction drawing should be presented in a similar format to the accompanying sheet.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.093 STANDARDS.

The following standards shall be used in reviewing the developments.

(A) *Minimum off-street parking requirements.*

- (1) Residential uses - 2 spaces per dwelling unit, unless conditions warrant less and are approved by the Planning Commission;
- (2) Commercial uses - 1 space for each 300 square feet of gross floor area; and
- (3) Industrial uses - 1 space for 800 square feet of gross floor area.

(B) *Setback requirements.*

- (1) Front yard - 35 feet minimum;
- (2) Side yard - 15 feet minimum; and
- (3) Rear yard - 15 feet minimum.

(C) *Internal design and spacing.*

- (1) All buildings shall be at least 20 feet apart; but at least 40 feet apart when front-to-front or rear-to-rear; and 100 feet when front-to-rear.

(2) No dwelling or building other than accessory structures in a group housing development shall be situated as to face the rear of another building on an adjoining lot for a distance of 100 feet.

(3) In residential group developments, no single row of dwelling units shall be greater than 200 feet in length.

(4) All distances are measured from structure to structure.

(D) *Water and sewer.* Adequate provisions for water supply and sanitary sewerage shall be installed by the developer according to the plans and specifications approved by the proper authorities.

(E) *Residential area requirements.* Shall have a minimum of 5,000 square feet for the first dwelling unit, and 2,500 square feet for each additional dwelling unit.

(F) *Access and egress.* Shall conform with the Driveway Regulations of the South Carolina Department of Highways and Public Transportation.

(G) *Screening.* Group housing projects shall be effectively screened along the side and rear property line, where adjoining property is developed as single-family residential or commercial, by either:

(1) A strip of at least 10 feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least 4 feet high at the time of planting, of a type that will form a year-round dense screen at least 6 feet high;

(2) An opaque wall or barrier or uniformly painted fence at least 6 feet high; or

(3) A suitable alternative approved by the Planning Commission.

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.094 ENFORCEMENT.

(A) No building permit shall be issued until the construction drawings for the group development have been approved by the Planning Commission.

(B) No certificate of approval for occupancy shall be issued until the as built drawings for the group development have been given final approval by the Planning Commission.

(Ord. 105, passed 12-29-1988)

APPLICATION OF REGULATIONS

§ 154.105 GENERALLY.

From and after the adoption of these regulations and notification of the office of the Clerk of Court for Newberry County:

(A) No subdivision plat shall be filed with or recorded by the office of the Clerk of Court until the plat has been given final plat approval by the Planning Commission according to the procedures set forth in these regulations;

(B) No street right-of-way shall be accepted, opened, or maintained in any subdivision established hereafter which does not meet the requirements of these regulations;

(C) No building permit shall be issued for buildings in any traditional subdivision established hereafter unless a final plat has been approved by the Planning Commission or unless an application for exemption has been approved by the administrative official, or except as provided in § 154.023(D);

(D) No building permit shall be issued for buildings in any group development established hereafter unless a preliminary plan of the group development has been approved by the Planning Commission; and

(E) No certificate of approval for occupancy shall be issued for any group development established hereafter unless a final plan of the group development has been approved by the Planning Commission.

(Ord. 105, passed 12-29-1988)

FEES

§ 154.120 TRADITIONAL SUBDIVISION PROCESSING FEE SCHEDULE.

The following fee shall be paid by the owner or agent of the owner of a proposed subdivision when the preliminary plat is submitted to the administrative official to the Planning Commission:

Number of Lots	Fees
Above 4	\$5 per lot

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.121 GROUP DEVELOPMENT PROCESSING FEE SCHEDULE.

The following fee shall be paid by the developer of a group development or his or her agent when the preliminary plat is submitted to the administrative official to the Planning Commission.

(A) *Residential group developments.*

Number of Dwelling Units	Fees
1 to 25	\$25 per unit
Above 25 lots	\$625 plus \$10 per unit above 25 units

(B) *Commercial or industrial group developments.*

Number of Buildings	Fees
1 to 5	\$25 per building
Above 5 buildings	\$125 plus \$10 per building above 5 buildings

(Ord. 105, passed 12-29-1988) Penalty, see § 154.999

§ 154.122 SPECIAL DEVELOPMENTS PROCESSING FEE SCHEDULE.

The Planning Commission shall determine the amount of the processing fee when it initially approves the concept of any particular experimental development.

(Ord. 105, passed 12-29-1988)

LEGAL STATUS

§ 154.135 CONFLICT WITH OTHER LAWS.

Whenever the provisions of these regulations impose more restrictive standards than are required in or under any other ordinance, the regulations herein contained shall prevail. Whenever the provisions of any other ordinance requires more restrictive standards than are required herein, the requirements of the regulations shall prevail.

(Ord. 105, passed 12-29-1988)

§ 154.136 GRANDFATHER CLAUSE.

These regulations shall not apply to subdivisions of land which have been accomplished by deeds or plats or court order recorded in the office of the Clerk of Court for Newberry County before the effective date of these regulations, or to tracts of land on which the process of subdivision and development has actually commenced as of the effective date of these regulations, whether or not the plat of the subdivision has been recorded.

(Ord. 105, passed 12-29-1988)

§ 154.137 EFFECTIVE DATE.

These regulations shall take effect and be enforced as of 1-1-1989; provided, however, these regulations shall not apply to any subdivision or part thereof which has been approved for construction by the Planning Commission prior to the adoption of these regulations, or to land which has been subdivided by plat, deed, or court order recorded in the office of the Clerk of Court for Newberry County prior to 1-1-1989.

(Ord. 105, passed 12-29-1988)

§ 154.138 AMENDMENT.

These regulations may be amended after notice and public hearing in the same manner as prescribed by law for their original adoption.

(Ord. 105, passed 12-29-1988)

§ 154.139 TRANSITION.

In the case of any subdivision or development of property which has already commenced in any district which is subject to these regulations, and which development would otherwise be exempt from the application of these regulations by reason of the pre-existing subdivision activity, a landowner may make application for either preliminary or final plat approval, as may be appropriate under the circumstances, and upon approval by the Planning Commission, or County Council, as being in compliance with the other requirements of these regulations, the owner of the subdivision may voluntarily and irrevocably elect to come under the jurisdiction of these regulations, and the election shall be effective with the acceptance of the election by the administrative official or by County Council.

(Ord. 105, passed 12-29-1988)

§ 154.999 PENALTY.

(A) Except as otherwise provided herein, the owner or agent of the owner, of any land to be subdivided within the municipality or county who transfers or sells the land by reference to or exhibition of or by other use of a plat of subdivision of the land before the plat has been approved by the Planning Commission and recorded in the office of the Clerk of Court in and for the county, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in the discretion of the court; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from these penalties. The municipality or county may enjoin the transfer or sale or agreement by appropriate action.

(B) The provision of this chapter shall not apply within the corporate limits of any municipality in the County of Newberry, but any such municipality may elect to come under these provisions, and Newberry County shall administer these regulations in the municipality at the request of, and with the permission of, the municipality.

(C) Notwithstanding any other provision in this chapter, Newberry County recognizes that the development of subdivisions requires a substantial investment of money by a developer, and that it is necessary to advertise and promote a development from the very earliest planning stages; therefore, it is the intent of these regulations that a developer may take lot reservations, for a price not to exceed 15% of the proposed final lot price, provided that no actual ownership interest in a separate lot may be conveyed by deed, or other legal instrument conveying a possessory interest, to a proposed buyer until the final plat has been approved as provided in these regulations. All the agreements, or other agreements for the transfer of a future possessory interest, shall contain a provision that all the moneys paid to the developer, or to his or her agents, shall be held in a separate escrow account in a banking institution in the State of South Carolina, and that the funds shall be refunded at the purchaser's option if the final plat is not approved within a period not to exceed 2 years from the date of the instrument. Upon demand by Newberry County, its administrative official, or its Planning Commission, the developer, or its agents, shall supply a certified statement of the amounts held in the escrow account, or accounts, and the names and addresses of the persons who paid the funds, or who otherwise have a beneficial interest therein.

(Ord. 105, passed 12-29-1988)