

LAND DEVELOPMENT REGULATIONS ORDINANCE

**CITY OF LIBERTY
SOUTH CAROLINA**

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copy*



**ADOPTED
OCTOBER 13, 2003**

Includes Cumulative Amendments Through May 20, 2006



LAND DEVELOPMENT REGULATIONS ORDINANCE

**CITY OF LIBERTY
SOUTH CAROLINA**



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Ordinance Number: XXXXXXX

State of South Carolina
County of Pickens
City of Liberty

An Ordinance to Adopt
The Official Land Development Regulations
Ordinance of the City of Liberty, South Carolina

Whereas, the City of Liberty has deemed it necessary to enact a Land Development Regulations Ordinance as an effective and efficient guide development in the City;

Whereas, the City of Liberty Planning Commission has recommended that the Land Development Regulations would serve as the guide for future development, providing a mesh between new and existing development;

Then, Let it Therefore Be Resolved, by the City Council of the City of Liberty, South Carolina, that upon review of the City of Liberty development patterns and potential, and upon consideration of public input, the recommendation of the Planning Commission to adopt the Land Development Regulations Ordinance is hereby accepted, and is adopted in full force and effect within the municipal limits of the City of Liberty.

RESOLVED, This XXth Day of XXXXXX, 2006.

Mayor, City of Liberty

Clerk, City of Liberty

First Reading: _____

Public Hearing: _____

Second Reading: _____



Liberty, South Carolina

Land Development Regulations Ordinance

CITY COUNCIL

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Richard Davidson, Ordinance Administrator
James Alexander, City Attorney

Produced By:
The Planning Commission of
the City of Liberty
and the
S. C. Appalachian Council of Governments

Date of Printing: _____



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**CITY OF LIBERTY
LAND DEVELOPMENT REGULATIONS**

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

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, SOUTH CAROLINA, IN COUNCIL ASSEMBLED.

**ARTICLE I
GENERAL**

SECTION 1.1 TITLE

This Ordinance shall be known as the “Land Development Regulations Ordinance of the City of Liberty, South Carolina.”

SECTION 1.2 AUTHORITY

This Ordinance is adopted pursuant to the authority granted under the South Carolina Comprehensive Planning Enabling Act of 1994, et. seq. (S.C. Code of Laws, Sections 6-29-310 through 6-29-1200.)

SECTION 1.3 PURPOSE

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

- (1) To encourage economically sound and stable development;
- (2) To assure the timely provision of required streets, utilities, and other facilities and services to new land 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, transportation, and other public purposes; and
- (5) To assure, in general, the wise and timely development of new areas or redevelopment of areas in harmony with the Comprehensive Land Use Plan of the City of Liberty.

SECTION 1.4 APPLICATION OF ORDINANCE

No plat for the subdivision of any land within the City of Liberty shall be filed with or recorded by the Pickens County Record of Means Conveyance until such plat shall have first been submitted to and approved by the Liberty Planning Commission according to procedures set forth by this Ordinance.

No street or other public way or land shall be accepted or maintained, nor shall any water lines, sewerage, street lighting or similar improvements be extended or connected, nor shall any permit be issued by any department of the municipality for construction of any building or other improvement in any subdivision established hereafter which has not been approved by the Planning Commission.

SECTION 1.5 VARIANCES

Whenever, in the opinion of the Planning Commission, the strict application of the requirements contained in this Ordinance would result in extreme practical difficulties or undue economic hardship, the Planning Commission may modify such requirements as are necessary to allow the subdivision of the property in a reasonable manner, providing that the public interests of the community and its citizens are protected and the general intent and spirit of these regulations are preserved. The Commission shall grant such a variance or modification only upon determination that:

- (1) The variance will not be detrimental to the public health, safety and general welfare of the community.
- (2) The variance will not adversely affect the reasonable development of adjacent property.
- (3) The variance is justified because of topographic or other special conditions unique to the property involved, in contra-distinction to mere inconvenience or financial disadvantage.

- (4) The variance is consistent with the objectives of this Ordinance and will not have the effect of nullifying the intent or purpose of this Ordinance or the Comprehensive Land Use Plan.
- (5) Such variance will not conflict with the applicable requirements of the Land Development Ordinance.

SECTION 1.6 AMENDMENTS

From time to time this Ordinance may be amended by the City Council, after holding a public hearing thereon, the time and place of which shall be duly advertised in a newspaper of general circulation in the City of Liberty at least fifteen (15) days prior to said hearing; provided; however, that no amendment shall become effective unless it shall have first been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have a maximum of 45 days within which to submit its report; provided, however, that the Council may waive this requirement and grant an extension of time. If the Planning Commission fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

SECTION 1.7 VIOLATIONS AND PENALTIES

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

SECTION 1.8 INTERPRETATION AND CONFLICT

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements.

Where the condition imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance or any other applicable law, ordinance, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

SECTION 1.9 SEVERABILITY AND VALIDITY

The provisions of this Ordinance are separable. If a section, sentence, clause, or phase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this Ordinance.

SECTION 1.10 REPEAL OF CONFLICTING ORDINANCES

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

SECTION 1.11 EFFECTIVE DATE

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

ARTICLE II

ADMINISTRATION AND PROCEDURES

SECTION 2.1 PURPOSE

The purpose of this Article is to establish the procedure for Planning Commission review and action on applications for subdivisions. The procedure is intended to provide orderly and expeditious processing of such applications.

SECTION 2.2 ADMINISTRATIVE RESPONSIBILITY

The Planning Commission shall be responsible for approving all subdivision preliminary plans; however, the designated ordinance administrator, appointed by City Council, shall be responsible for the actual administration of these regulations and approval of the final plat. To assist the Director, there shall be established a Land Development Review Committee, composed of the following:

- (1) Public Works Director;
- (2) Building Official;
- (3) One member of the Planning Commission;
- (4) Fire Chief;
- (5) City Engineer; and
- (6) Police Chief

SECTION 2.3 ADMINISTRATIVE DUTIES

The duties of the Review Committee shall be to work with the developer to ensure compliance with the requirements of this Ordinance.

SECTION 2.4 ADMINISTRATIVE PROCESS

The administrative process consists of three phases: (1) pre-application, (2) application, and (3) review.

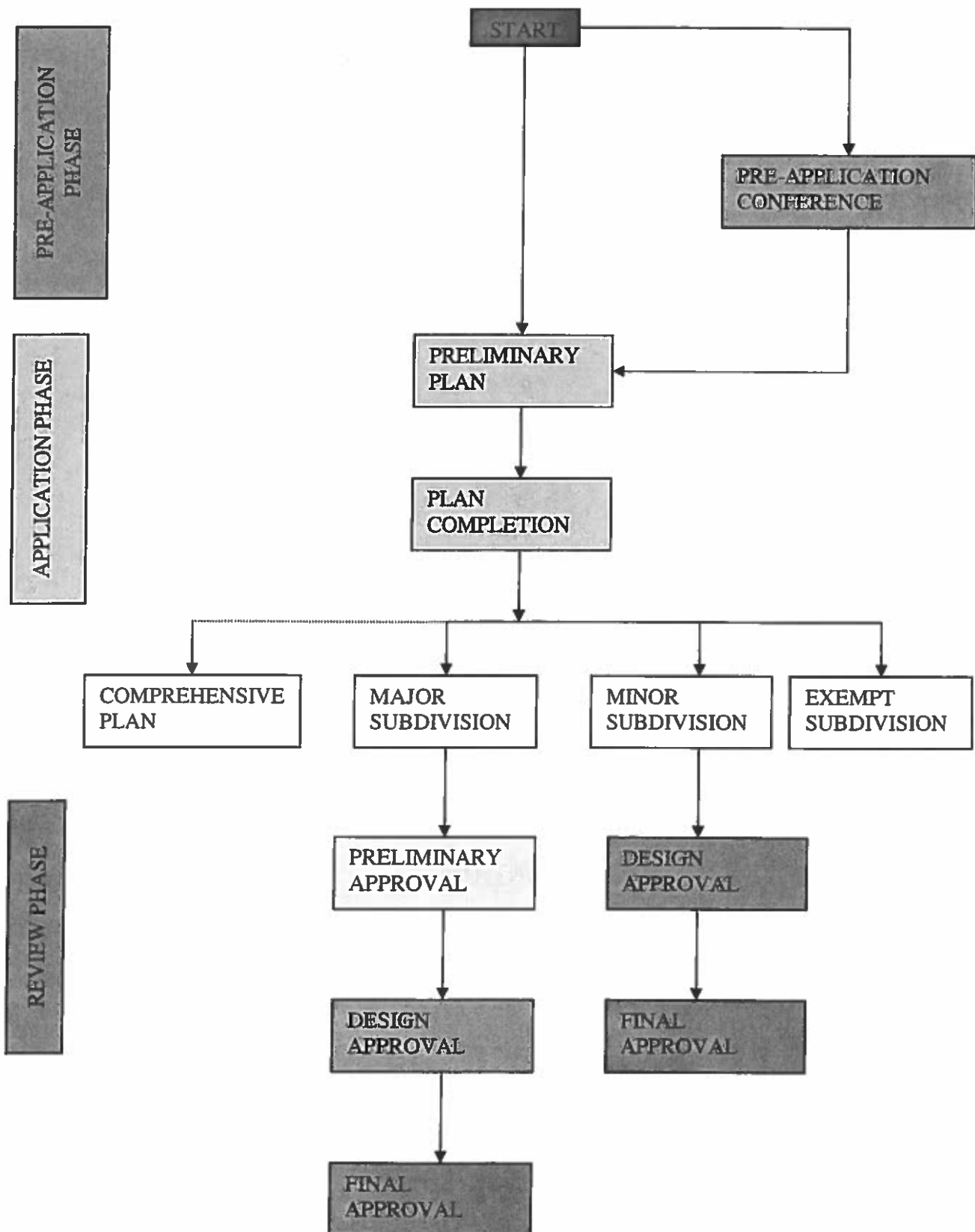
SECTION 2.5 PRE-APPLICATION

For the purpose of expediting applications and reducing subdivision and development costs, the developer may request a pre-application conference and/or preliminary plan review in accordance with the following requirements:

(1) Pre-Application Conference

At the request of the applicant, the Review Committee shall arrange a pre-application conference to discuss the requirements of this Ordinance; land subdivision practices generally, proposed plans by the applicant, applicable provisions of the Land Use Plan, and related matters.

ADMINISTRATIVE PROCESS



(2) Preliminary Plan

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

The purpose of the preliminary plan is to provide the Planning Commission with Review Committee input in the formative stages of subdivision design. In addition to Review Committee input, copies of the Preliminary Plan shall be sent to the appropriate City of Liberty Area Coordination Committee members listed in Section 2.10 of this Ordinance for their review and input.

Applicants seeking preliminary plan review shall submit the items stipulated in Article III of this Ordinance 10 days before the preliminary plan meeting. The preliminary plan must be submitted to all parties by the 15th of the month to be eligible for review by the Planning Commission the following month. These items provide the developer and the Review Committee with an opportunity to discuss the subdivision proposal in its formative stages. Signs are to be placed on the property giving dates of preliminary plan review

SECTION 2.6 **APPLICATION**

(1) Assignment

All applications will fall into one of three categories. The Review Committee or the designated ordinance administrator shall, after reviewing the application, instruct the applicant as to the assignment of his application, which shall be one of the following:

- (a) an exempt subdivision, or
- (b) a minor subdivision, or
- (c) a major subdivision.

Exempt Subdivision. An exempt subdivision is one that meets any of the following conditions:

- (i) Involves the division of land into parcels of five (5) acres or more where no new street is involved, or
- (ii) Includes the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance and other applicable regulations.
- (iii) A subdivision involving cemetery lots.

- (iv) A lifetime transfer or conveyance of property from a parent to a child and/or the spouse of any such donee child, and the lifetime transfer from a parent to a grandchild.

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

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

(2) Content

An application shall include all data specified in Article III of this Ordinance that constitute a checklist of items to be submitted for subdivision review.

(3) Complete Application

An application shall be complete for purposes of commencing the applicable time period for action when so certified by the designated ordinance administrator. In the event such certification of the application is not made within 45 days of the date of its submission, the application shall be deemed complete upon the expiration of the 45-day period for purposes of commencing the applicable time period unless (1) the application lacks information indicated on the checklist of items to be submitted specified in Article III and (2) the designated ordinance administrator has notified the applicant in writing of the deficiencies in the application. The Committee may subsequently require correction of any information found to be in error and submission of additional information not specified by the Ordinance, as is reasonably necessary to make an informed decision.

(4) Filing Fees

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

- (a) Exempt Subdivisions - \$25.
- (b) Minor Subdivisions - \$50
- (c) Major Subdivisions -
 - (1) Residential: \$500 minimum, or \$5 per lot, whichever is greater.
 - (2) Non-residential: \$500.
- (d) Re-inspection fee - \$ 75/hr.

SECTION 2.7 **EXEMPT SUBDIVISIONS**

Applicants of subdivisions exempt from the requirements of this Ordinance shall nonetheless submit to the designated ordinance administrator three copies of said exempt plat, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina. The designated ordinance administrator shall advise the subdivider of compliance or non-compliance with such standards. When found to be in compliance, the plat shall be submitted to the Planning Commission as a matter of information and shall indicate such fact upon each copy of the plat for recording: "This plat is exempt from the requirements of the Subdivision Ordinance," and signed by the designated ordinance administrator.

SECTION 2.8 **MINOR SUBDIVISIONS**

- (1) Any applicant requesting approval of a proposed minor subdivision, as defined by this Ordinance, shall submit to the designated ordinance administrator three (3) copies of a Design Plan and other items required by Article III of this Ordinance, together with an executed application form, the prescribed fee, and evidence that no taxes or assessments are outstanding against the property.
- (2) If the designated ordinance administrator approves the subdivision, the applicant shall be instructed to prepare a Final Plat as required for recording.
- (3) Action on the Final Plat shall include review and approval by the designated ordinance administrator and bear the signature of the Chairman of the Planning Commission.

SECTION 2.9 MAJOR SUBDIVISIONS

Any applicant requesting approval of a Major Subdivision as defined by this Ordinance shall submit a Preliminary Plan, a Design Plan, and then a Final Plat in accordance with the following procedures:

(1) Preliminary Plan

In addition to the pre-application conference, the applicant may request an informal review of a preliminary plan for the proposed subdivision.

Applicants seeking preliminary plan review shall submit the items stipulated in Article III of this Ordinance 10 days before the preliminary plan meeting. The preliminary plan must be submitted to all parties by the 15th of the month to be eligible for review by the Planning Commission the following month. These items provide the developer and the Review Committee with an opportunity to discuss the subdivision proposal in its formative stages.

- (a) The Preliminary Plan shall then be forwarded to the Planning Commission, together with the comments and recommendations of the Review Committee. The Planning Commission shall act on the application within 60 days of receipt of a complete application. The Planning Commission must receive the Preliminary Plan by the 1st day of the month to be considered at the Planning Commission's next scheduled monthly meeting.
- (b) Action taken by the Commission shall be at a scheduled public meeting, and notice of time and place of said meeting shall be sent by mail to the applicant, whose name and address appear on or accompany the Preliminary Plan. Such notice shall be sent not less than fifteen (15) days before the date fixed for the meeting.

- (c) In its deliberations, the Planning Commission shall approve, approve conditionally, or disapprove the Plan. If the Preliminary Plan is disapproved or approved conditionally, the reasons for such actions shall be stated in writing and signed by the Chairman of the Planning Commission. The reasons for disapproval shall refer specifically to those parts of this Ordinance or regulation with which the Plan does not conform. One copy of the reasons shall be retained in the records of the Commission and one copy given to the applicant and one copy to the design engineer. On conditional approval, the Commission may require the subdivider to resubmit the Preliminary Plan with all recommended changes before approving the Plan.
- (d) If the Preliminary Plan is found to conform to all of the requirements of the Ordinance, approval shall be given by the Planning Commission and shall be noted in writing by the Chairman of the Planning Commission on at least three (3) copies of the Preliminary Plan. The Planning Commission shall retain one copy, one copy shall be given to the applicant/subdivider, and one copy shall be given to the designated ordinance administrator.

(2) Design Plan Approval

- (a) The applicant shall submit to the designated ordinance administrator six (6) copies of the materials stipulated by Article III.
- (b) The designated ordinance administrator shall, within 14 days of the receipt of the application, call a meeting of the Review Committee to review the proposed Design Plan. The Committee shall act within thirty (30) days and shall advise the applicant of its comments and concerns, if any.
- (c) If at any time during review of the Design Plan, the Review Committee can make a recommendation that the Planning Commission review all or part of the Design Plan.
- (d) If Planning Commission review is requested, the Planning Commission will review the Design Plan, along with comments submitted by the review committee at a scheduled public meeting.
- (e) The Planning Commission shall act within 30 days and shall advise the applicant of its comments and concerns, if any.

(3) Effect of a Design Plan Approval

Design Plan approval and SCDHEC stormwater plan approval shall confer upon the applicant the following rights for a one-year period from the date of approval.

- (a) To proceed under the supervision of the designated ordinance administrator with the installation of site improvements; and
- (b) To proceed with the preparation of a Final Plat; however,
- (c) Design Plan approval shall not authorize the applicant to sell or otherwise transfer lots or parcels within the proposed subdivision.
- (d) The applicant may apply for and the Planning Commission may grant extension on such preliminary approval for additional periods of at least one year but not to exceed a total extension of three (3) years.

(4) Final Plat Approval

- (a) Final Plat approval is an administrative action by the designated ordinance administrator. No public notice or hearing is required in connection with approval proceedings on Final Plats.
- (b) An applicant requesting Final Plat approval shall submit to the designated ordinance administrator four (4) copies of the materials specified in Article III of this Ordinance. Two (2) copies of an as-built plan showing all streets and utilities in exact location, identifying those portions already installed and those to be installed and/or certified in the amount of improvement guarantees required to assure completion of those improvements not yet installed, as stipulated in Article III of this Ordinance shall also be provided and be reviewed for acceptance by the designated ordinance administrator.
- (c) Final Plat approval shall be granted or denied within forty-five (45) days after submission of a complete application to the designated ordinance administrator or within such further time as may be consented to by the applicant.

- (d) No subdivision plat, portion or phase thereof shall be accepted for filing by the Office of Record of Means Conveyance until it has been approved by the designated ordinance administrator and has the signature of the Chairman of the Planning Commission. The signature of the Chairman shall not be affixed until the developer has posted the guarantee required pursuant to Article III of this Ordinance.

(5) Effect of Final Plat Approval

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

- (a) To record the plat with the County Record of Means Conveyance, and
- (b) To proceed with the sale and/or transfer of lots and parcels in accordance with the approved and recorded plat.

ARTICLE III

SPECIFICATION OF PLAT REQUIREMENTS AND DOCUMENTS TO BE SUBMITTED

SECTION 3.1 PURPOSE

The documents to be submitted are intended to provide the Planning Commission and Administrative Staff with sufficient information and data to assure compliance with all applicable codes and specifications and ensure that the proposed subdivision meets the design and improvement standards contained in this Ordinance.

SECTION 3.2 REQUIREMENTS FOR PRELIMINARY PLAN

A Preliminary Plan shall be drawn at a scale and on a sheet size as required for Preliminary Plans and shall contain at least the following data, legibly drawn to scale, but not necessarily showing precise dimensions. All drawings must use either a 50, 100, or 200 scale:

- (1) Proposed name of subdivision, which shall not duplicate or approximate the name of any other subdivision in Pickens County, or the name of the City. The proposed name must be approved by the Pickens County E-911 office per the Liberty Fire District.
- (2) Name and address of subdivider and/or owner/applicant.
- (3) North arrow, scale and date, including revision dates.
- (4) Tract boundaries and acreage.
- (5) Significant topographical features, including location of water courses and (2) two foot contours.
- (6) Location, name and right-of-way widths of existing streets in vicinity of tract.
- (7) Proposed street pattern with street names.
 - (a) The street system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.

- (b) In residential subdivisions, the street system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic.
- (8) Existing and proposed land use and zoning.
- (9) Time schedule if proposed for development in phases.
- (10) Proposed lot layout, average size and number of lots.
- (11) The size of the smallest lot.
- (12) Vicinity or location map, showing the relationship between the proposed subdivision and the surrounding areas, specifically identifying shopping centers, churches, schools, and parks.
- (13) Preliminary drainage layout.
- (14) Preliminary layout for water and sewer line location
- (15) Preliminary location for sidewalk installation

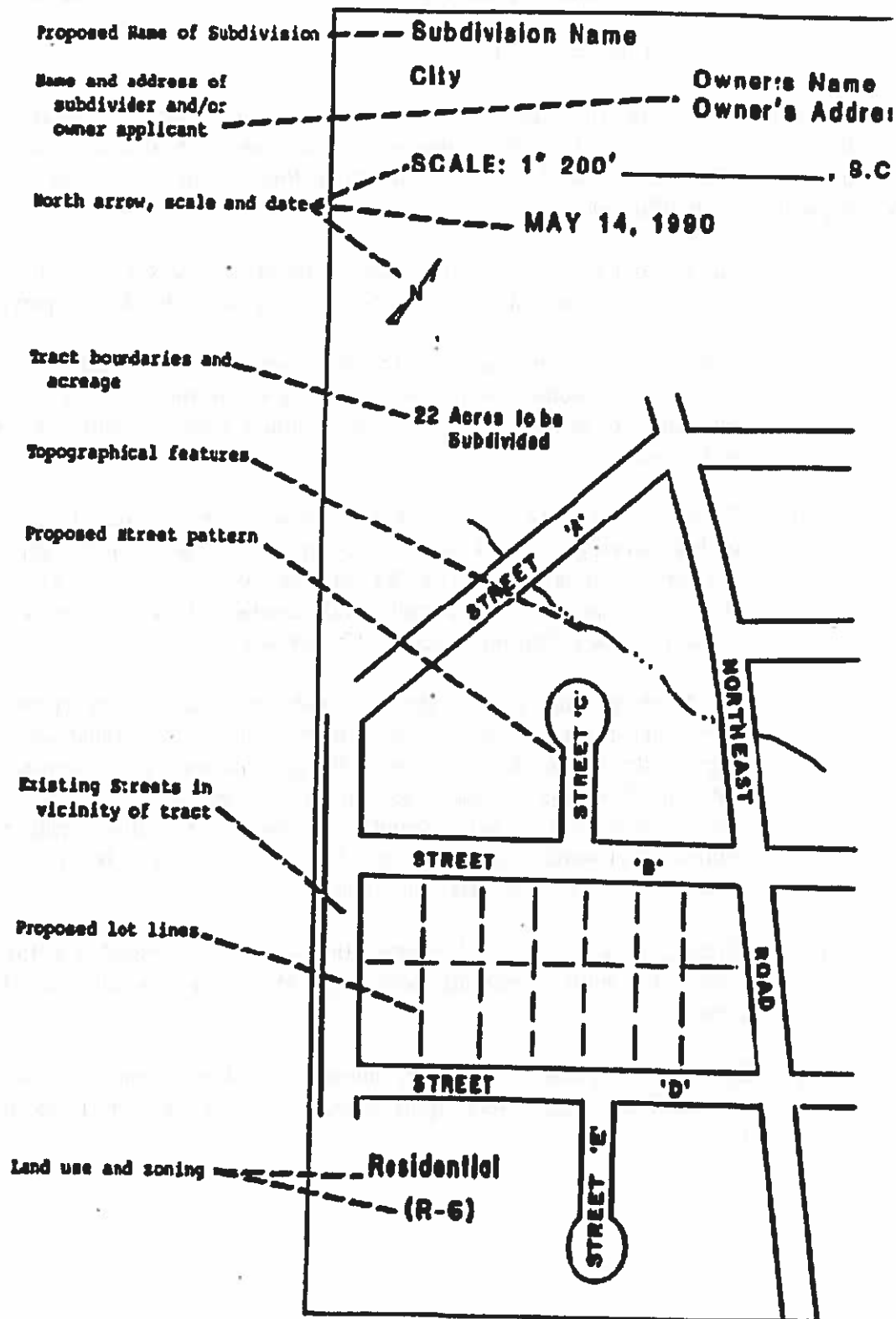
Design of a subdivision shall take into consideration all existing local and regional plans for the City, and shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.

The following specific areas shall be preserved to the extent consistent with the reasonable utilization of the site and information must be submitted with the Preliminary Plan for review from the Planning Commission, including the following:

- (1) Unique and/or fragile areas, including wetlands as defined in Sec. 404, Federal Water Pollution Control Act Amendments of 1972, as determined by the U.S. Corps of Engineers.
- (2) Lands in flood hazard areas, as determined by the flood insurance rate maps and delineated on Flood Boundary and Floodway Maps for the City of Liberty, except as provided herein and in related regulations contained in Section 1008 of the City Zoning Ordinance.
- (3) Historically significant structures and sites, as listed on federal, state, and/or local lists of historical places.

- (4) The subdivision shall be laid out to avoid adversely affecting ground water and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities onto neighboring properties.
- (5) Where small streams are located within the areas of special flood hazard but where no base flood data has been provided or where no floodways have been provided, the following provisions apply:
 - (i) No encroachment, including fill material or structures, shall be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or 20 feet on each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (ii) New construction or substantial improvements of structures shall be elevated or flood-proofed to elevations established in this ordinance.

Preliminary Plan Illustration



**SECTION 3.3 ADDITIONAL REQUIREMENTS FOR DESIGN PLAN
AND FINAL PLAT REVIEW**

Design Plans shall be clearly and legibly drawn using the following scale:

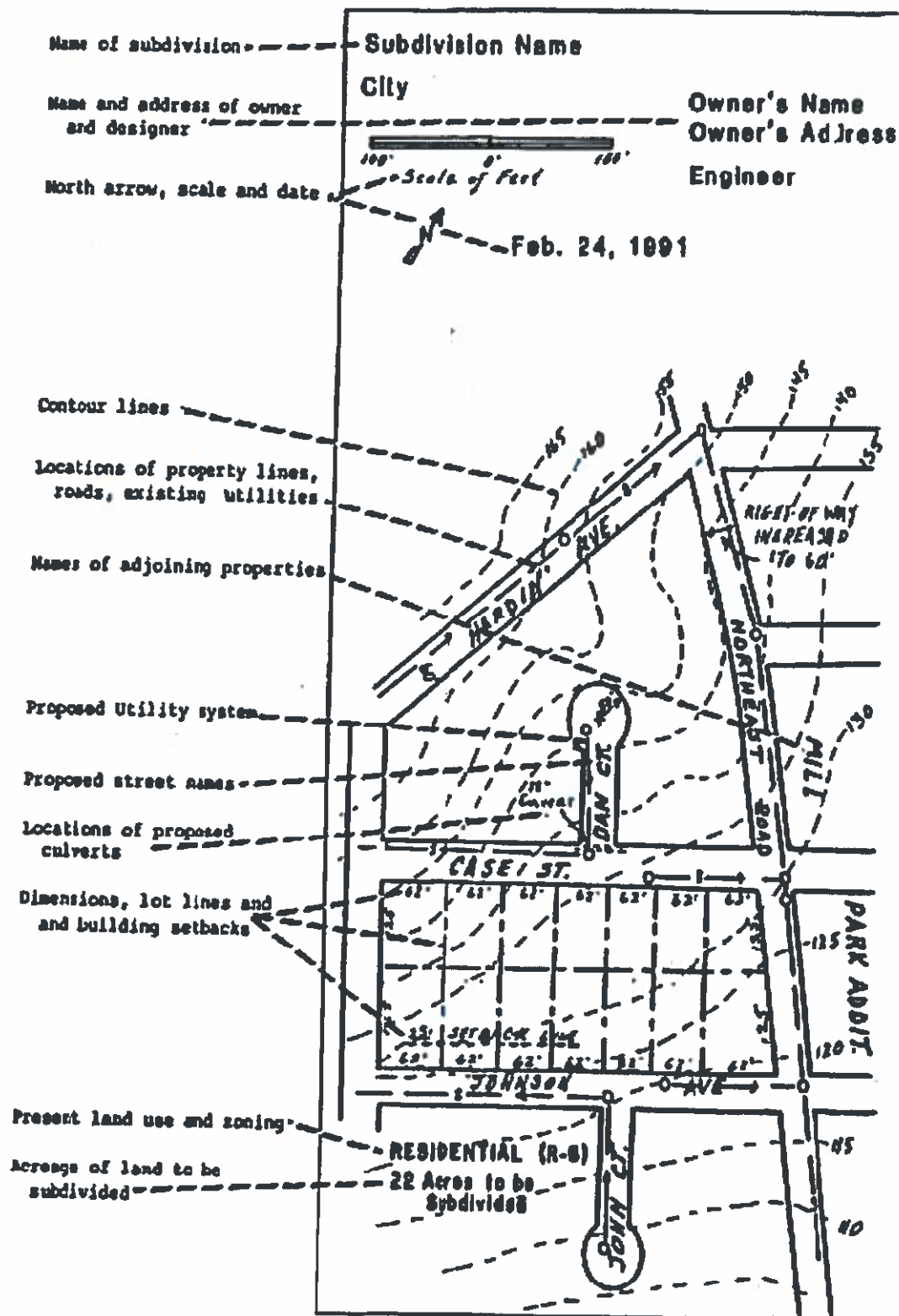
- 1 inch =50 feet;

If a Design Plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet. In addition to the information called for by Section 3.2, Preliminary Plans shall contain or be accompanied by the following information:

- (1) Names and locations of all abutting properties and subdivisions, if any, and location and ownership of adjoining unsubdivided property.
- (2) Correct courses and distances to the nearest established street lines or official monument which accurately describe the location of the plat and are accurately tied to the primary control points of the subdivision.
- (3) Contour lines at vertical intervals of at least two (2) feet for land with an average natural slope of four percent (4%) or less, and at intervals of at least five (5) feet for land with an average natural slope exceeding 4%. The location and elevation of the benchmark to which contour elevations refer shall be shown.
- (4) All existing municipal boundaries, property lines, rights-of-way, easements, railroads, sewer lines, fire hydrants, utility transmission lines, culverts, bridges, storm drainage ditches, water courses, building, flood plain areas based on one hundred (100) year flood, wooded areas, and all other significant manmade or natural features within the proposed subdivision and within fifty (50) feet outside the boundaries of the proposed subdivision.
- (5) Street grades, profiles and cross-sections shall be provided, together with radii, angles, tangents, lengths of arcs, and curvatures of all streets.
- (6) Lot lines, lot dimensions, lot numbers, and minimum building setback lines along street rights-of-way and rear and side property lines.

- (7) Preliminary engineering plans for sanitary sewers, storm sewers, water, and gas lines, showing connections to existing systems or proposals for developing new water supply, storm drainage, and sewerage disposal systems. Storm and sanitary sewer profiles, cross-sections and sizes shall be provided.
- (8) Plans for the protection of soils on the site from wash, erosion and other drainage during the course of the construction period.
- (9) Other easements and rights-of-way, including location, dimensions, and purposes.
- (10) Contour changes to be made by grading.
- (11) Parks, school sites, and other areas designated for public use, if any, with any conditions governing their use.

Design Plan Illustration



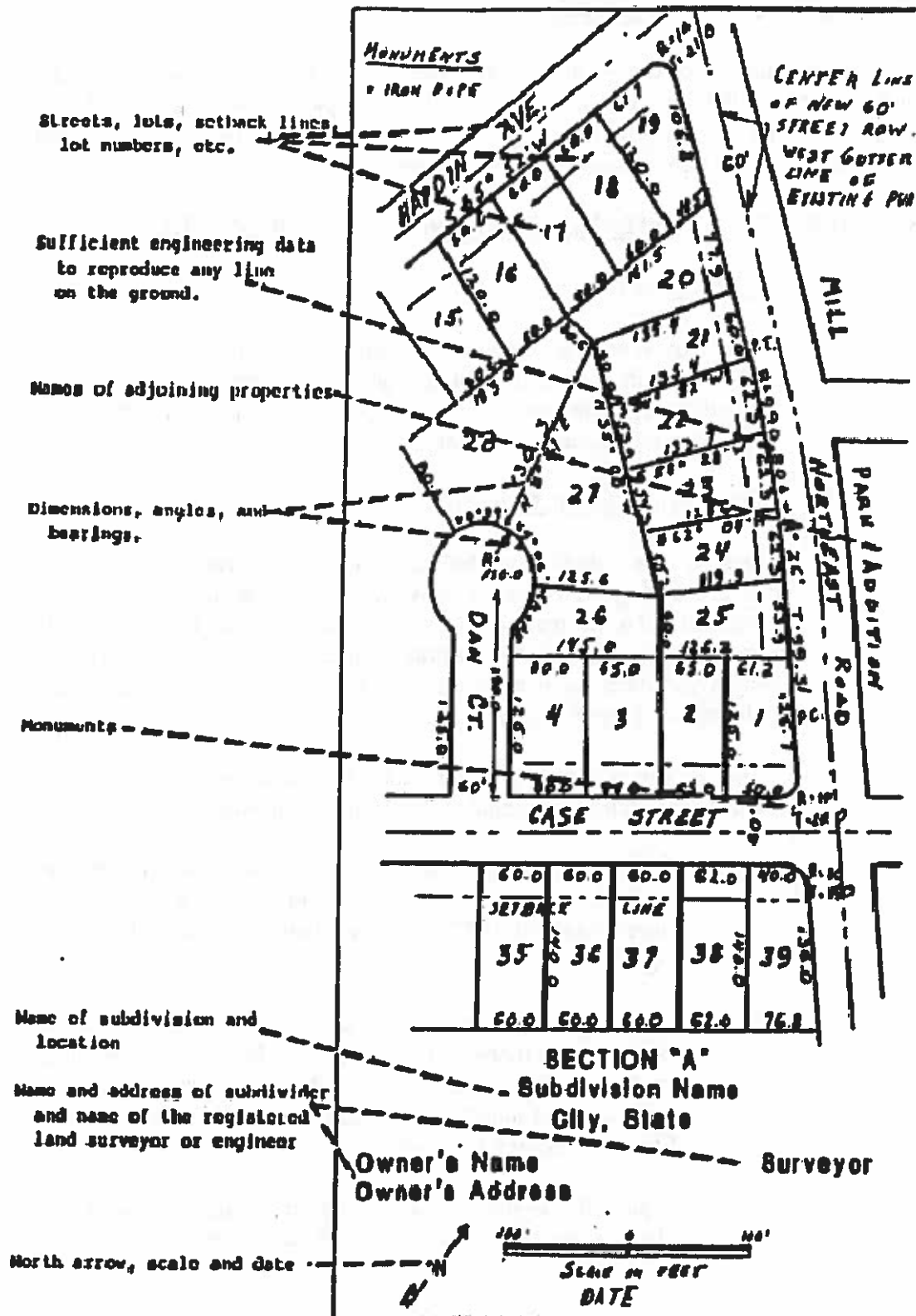
SECTION 3.4 ADDITIONAL REQUIREMENTS FOR FINAL PLAT APPROVAL

All Final Plats must be drawn at a scale of 1 inch = 50 feet or 1 inch = 100 feet. Additionally, Final Plat requirements shall contain or be accompanied by the following:

- (1) The total tract boundary lines with distances and the elevation of all boundary line monuments.
- (2) Street designations according to the provisions of the Comprehensive Plan and this Ordinance, including sidewalk placement and specifications.
- (3) Lines and widths of all easements provided for or owned by public services and utilities, with accurate dimensions, including notation of any limitation on such easements.
- (4) All water courses, streams, lakeshore, and flood plain (based on FEMA base flood elevation) meander lines with distances and bearings, including the fluctuation distance indicating ordinary high and low marks.
- (5) The location (and elevation, if established) of all existing and proposed street monuments.
- (6) Certification Requirements: The following certificates shall be lettered or printed on the face of the Final Plat:
 - (a) Surveyor Certification. The signature, seal and certification of a registered professional land surveyor to the effect that the Final Plat accurately reflects a survey made by him, that any changes from the description appearing in the last record transfer of land contained in the Final Plat are so indicated, that all monuments shown thereon actually exist or will be installed and their position is accurately shown, and that all dimensional and geodetic details are correct.
 - (b) Owners Certification. A notarized certification of title showing that the applicants are the owners, and statements by such owners acknowledging offers of dedication of land for public use and restricting land by protective covenants. This certification shall also indicate that the title thereof is free and unencumbered.

- (c) Recording Notations. Appropriate notations for transfer and recording by the County Record of Means Conveyance, indicating date and time of recording, and plat book location thereof, and instrument number.
 - (d) Certification by Planning Committee. The signature of the Chairman of the Liberty Planning Commission, together with the endorsement stamp thereof.
- (7) **Improvement Plans and Data:** The subdivider shall submit construction plans and specification for all improvements and installations required by Article IV of this Ordinance. The construction plans and specifications shall consist of all cross-sections, profiles and other engineering data as required to meet the requirements of this Ordinance.
- (8) **Improvement Guarantee:** Certification that all required improvements have been installed or financial guarantees, as required by Article VI, shall be submitted to the Planning Commission along with the Final Plat. Approval of the Final Plat shall not be granted in the absence of such improvements or guarantees.

Final Plat Illustration



ARTICLE IV

DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

SECTION 4.1 PURPOSE

The purpose of design and improvement standards is to create functional and attractive subdivisions, to minimize adverse impacts, and to ensure that a project will be an asset to the City. To promote this purpose, all proposed subdivisions shall conform to the following standards.

SECTION 4.2 SITE DESIGN STANDARDS, GENERALLY

(1) Site Analysis

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

(2) Subdivision Design, Generally

Design of a subdivision shall take into consideration all existing local and regional plans for the City, and shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.

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

- (a) Unique and/or fragile areas, including wetlands as defined in Sec. 404, Federal Water Pollution Control Act Amendments of 1972, as determined by the U.S. Corps of Engineers.
- (b) Lands in flood hazard areas, as determined by the flood insurance rate maps and delineated on Flood Boundary and Floodway Maps for the City of Liberty, except as provided herein and in related regulations contained in Section 1008 of the City Zoning Ordinance.
- (c) Historically significant structures and sites, as listed on federal, state, and/or local lists of historical places.

- (d) The subdivision shall be laid out to avoid adversely affecting ground water and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities onto neighboring properties.
 - (e) Where small streams are located within the areas of special flood hazard but where no base flood data has been provided or where no floodways have been provided, the following provisions apply:
 - (i) No encroachment, including fill material or structures, shall be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or 20 feet on each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (ii) New construction or substantial improvements of structures shall be elevated or flood-proofed to elevations established in this ordinance.
- (3) Residential Subdivisions, Generally
- (a) Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property in its intended use.
 - (b) All subdivisions serving 51 or more units shall have a minimum of two entrance/exit points to adjacent streets as permitted in this ordinance. These entrance and exit points to the subdivision are required to meet additional sub base and surfacing requirements as approved by the Department of Public Works and/or the City's Engineer. In addition, subdivisions serving 85 or more lots must include left turning lanes from primary roads designed and installed according to SCDOT specifications.

(4) Commercial and Industrial Subdivisions, Generally

Commercial and industrial subdivisions shall be designed according to the same principles governing the design of residential subdivisions; namely, building lots shall be created according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; surrounding land uses shall be considered; and sufficient access provided.

SECTION 4.3 STREETS

(1) Circulation System Design

All streets and roads constructed within the city limits of the City of Liberty, subsequent to the adoption of this Ordinance, shall meet all requirements for rights of way; roadway layout; construction standards; drainage standards; subgrade; base course; rolling and finishing; surface course pavement; bridges; and vegetation as specified in the most current version of the Pickens County Comprehensive Road Ordinance (Pickens County Ordinance No. 333, and latest revision thereof).

- (a) Any road that traverses a subdivision that is a thoroughfare, the road design and construction must comply with the commercial requirements included in Pickens County Ordinance No. 333.
- (b) Any road that is to be deeded to the South Carolina Department of Transportation for ownership and maintenance must be designed and constructed to the current standards of the South Carolina Department of Transportation.

(2) Streets to be Public

All streets shall be public dedicated streets and improved accordingly with the provisions of this Ordinance, except where private streets are allowed pursuant to Section 2.6.11-11 of the City Zoning Ordinance for approved PUD's; provided such streets meet the design and construction standards of this section.

(3) Certification of Road Base

Prior to the sale of any lot(s), the road base shall be installed, and prior to the issuance of any building permits the binder asphalt or surface coarse shall be installed as set forth in the road

construction table below. The Certification of Road Base for road base installation shall be signed and dated by the city engineer or his agent prior to the sale of any lots. Prior to the issuance of building permits the Certification of Road Base section for binder asphalt or surface coarse installation shall be signed and dated by the city engineer or his agent.

Using Asphalt Binder Course (As approved by city engineer)	Not Using Asphalt Binder
Road base installed prior to the sale of any lots.	Road base installed prior to the sale of any lots.
Binder asphalt must be in place prior to the issuance of permits or the commencement of construction.	Surface coarse must be in place prior to the issuance of permits or the commencement of construction.
Final surface must be in place at 85% build-out as defined by the city engineer.	Any and all deterioration to the road must be repaired to the satisfaction of the city engineer within thirty (30) days of notification by the city engineer or within a time frame determined by the city engineer if seasonal or weather conditions make the thirty (30) day time-frame impractical.
Any and all deterioration to the road must be repaired to the satisfaction of the city engineer within thirty (30) days of notification by the city engineer or within a time frame determined by the city engineer if seasonal or weather conditions make the thirty (30) day time-frame impractical.	

(4) **Inspections**

A registered City of Liberty engineer, along with the developer's engineer and contractor, shall inspect all phases of construction and certify satisfactory completion of the following steps:

At completion of clearing and grubbing operations.

At completion of rough grading.

At completion of subgrade. All required compaction test results will be reviewed at this time. Tests include:

- (i) 50,000 pound tandem proof roll for the curb line subgrade,
- (ii) 50,000 pound tandem proof roll for the roadway subgrade.

During final pavement applications.

Final acceptance inspection.

In addition, once notified, the Director will inspect the quality of construction of each stage within two working days. This inspection must be conducted prior to starting construction on the next phase.

(4) Inspection Fees

- (i) The initial inspection, completed by a City of Liberty registered engineer, shall be at no additional expense to the contractor. However, any subsequent inspections requiring the services of employed or contract personnel of the City of Liberty shall be at the rate of \$75 per man-hour of service time required to complete the required inspection, including preparation, travel, inspection, review, and administration.
- (ii) In addition, there will be a minimum charge to the contractor of at least one man-hour for any work done in excess of the initial inspection.

SECTION 4.4 **CURB AND GUTTER**

(1) Requirements

- (a) Curbs and gutters shall be required and installed along both sides of all streets.
- (b) The concrete shall be batched and mixed in accordance with the provisions of Section 701, Portland Cement Concrete for Structures, SCDHPT specifications.
- (c) Curbs and gutters shall be constructed in uniform sections 8 to 10 feet in length except where shorter sections are necessary for closure, but none less than 4 feet in length.
- (d) Forms shall not be displaced during concrete pouring and the concrete shall be spaded or vibrated throughout the entire volume especially against forms and joints. The surface of the concrete shall be floated, troweled, broomed, corners edged and finished to the typical cross-section used.
- (e) Rollover or Standard Curb and Gutter – This type of curb may be used as long as it provides a 6-inch face against the pavement and the cross sectional shape is approved by the city engineer. Expansion and weakened joints shall be constructed at the same locations as required with formed construction. Weakened joints, spaced at 8 to 10 foot intervals, shall be made by cutting the concrete by an acceptable method. The manner of construction of all

joints shall meet the approval of the City Engineer and shall present a workmanlike finish.

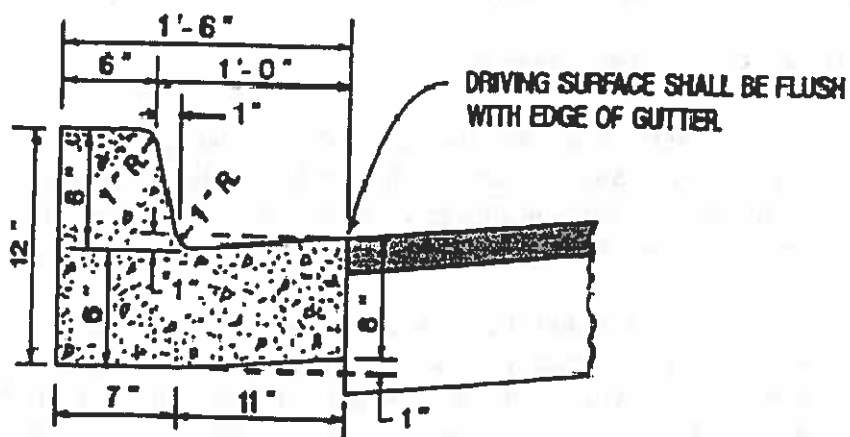
(2) Construction Specifications

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

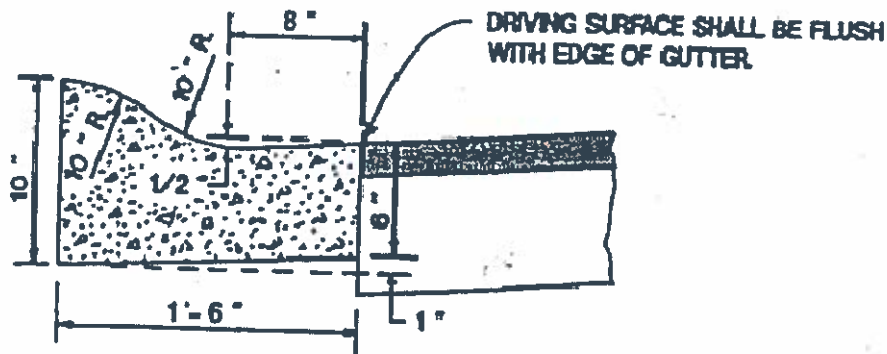
(3) Design Specifications

Acceptable curb types are: vertical concrete curbing, or rollover curbing, and are illustrated as follows:

STANDARD CURB AND GUTTER



ROLLED CURBING



(4) Transition

The transition from one type to the other shall be made only at street intersections with adequate provisions being made for driveway entrances.

SECTION 4.5 **DRAINAGE**

In any subdivision, all drainage should be planned early in the development process. Surface run-off should be handled in such a manner that present and future development property, as well as adjoining properties, will be protected from damage or excessive annual drainage maintenance costs.

Every subdivision shall be served by storm drainage facilities, including storm sewers, manholes, catch basins, culverts, and other facilities required by design criteria on file with the City Engineer. The developer shall furnish the City Engineer with drainage calculations prior to approval of any storm drainage system. Prior to the plat being recorded, drainage easements, preferably along lot lines, with defined widths and locations shall be shown on the plat.

All drainage facilities shall be designed to serve the entire drainage area in which the facilities are located. All street drains, serving lots in the subdivision, shall be installed by the subdivider

Whenever drainage ditches are used, such ditches shall retain natural design characteristics and be so designed that they do not present a hazard to life and safety.

SECTION 4.6 **OPEN CHANNELS**

All constructed channels shall be uniform in cross section and fully grassed, including any berms, dikes, and spoil areas along the sides of the channels. The calculated wetted perimeter of the channels cross-section may be rippedraped, with the remaining disturbed area temporarily mulched if permanent

grassing cannot be established due to weather, season, excessive channel velocities, etc. If a good planting or permanent grassing cannot be established, the developer may sign an agreement that he will be responsible for the channels until such time as they are acceptable by the City Engineer or Director of Public Works.

SECTION 4.7 CATCH BASINS

Catch basins shall be required to receive surface drainage from roadside gutters or swales into piped or open ditch storm drains. Basins shall be properly sized and spaced along the path of flow as necessary to adequately receive the design discharges from the upstream drainage area. Standard manholes and covers, inside step and gutter gratings may be required for some catch basin installations. Designs for these and other style catch basins are available from the City Engineer.

SECTION 4.8 CULVERTS

All culverts shall be designed to pass the peak run-off from a 25-year rainfall return frequency for a one-hour storm duration. All culverts shall be designed using methods described in the U.S. Department of Transportation Hydraulic Engineering Circular No. 5 or U.S. Department of Agriculture, Soil Conservation Service, engineering Manual.

All culverts shall be approved by the City Engineer. All culverts shall be installed in accordance with the state highway department specifications. For some culvert installations, the City Engineer may require special construction at the up and down stream ends of the culvert such as headwalls, riprap, and debris guards.

SECTION 4.9 SHOULDERS

Shoulders shall consist of stabilizing turf or other material acceptable to the City Engineer and shall be prepared in compliance with Section 209 of the Standard Specifications Manual previously referenced.

SECTION 4.10 CONSTRUCTION STANDARDS FOR ALL PIPE WORK

(1) Installation

All drain lines shall be laid in accordance with Section 714, Pipe Culverts of the SCDHPT specifications. However, all piping must be RCP (Reinforced Concrete Pipe). Strict compliance to

backfilling and compaction restrictions and regulations will be enforced.

(2) Inspection

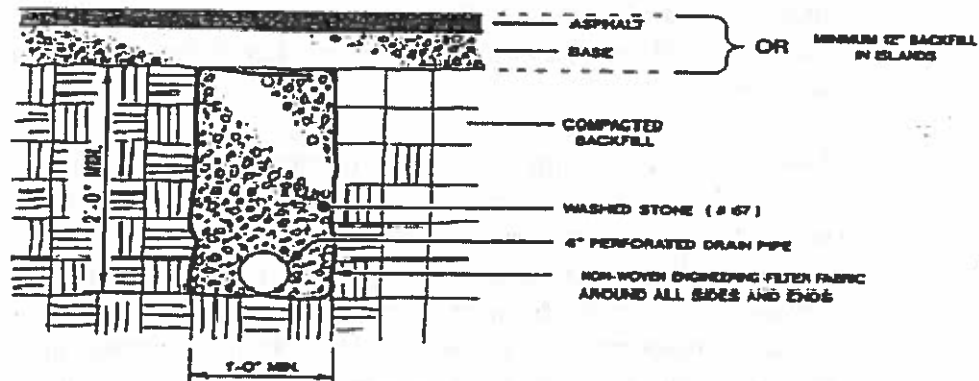
The city engineer will be advised of the time the contractor and/or utility companies will be laying and backfilling pipe in order to perform random inspections. If notification is not given, all work may be required to have inspection holes dug every 50 feet and, upon evaluation by the city engineer, possible total re-excavation and re-compaction will be required. If, upon inspection, backfilling is in progress and no mechanical tamp is on the site, all work done that day will be redone with no test holes accepted.

(3) Subsurface Drainage

- (a) Where pipe underdrains are required, they shall be installed within 2 ½ feet outside or behind the back of the curb and shall be properly connected to a permanent type drainage outlet such as a catch basin. A minimum of 2 feet of cover must be provided.
- (b) Pipe underdrains shall be a minimum of 2 feet below the bottom of the curb and shall be shown on the street profile.
- (c) Pipe underdrains shall be installed before the base course is placed.
- (d) In sections where mucking out and backfilling have been done, pipe underdrains shall be installed on both sides of the street.
- (e) Pipe underdrains shall be covered by washed stone of appropriate size on all sides to a 1-foot minimum dimension and wrapped in geotextile fabric.
- (f) Pipe underdrains shall be required on both sides of the street in cut sections where the water table is within 2 feet of the centerline subgrade elevation.
- (g) Pipe underdrains shall be required in addition as determined by the Director of Public Works.
- (h) Pipe underdrains shall not be covered over until the Director of Public Works has inspected them.

- (i) Manufactured “strip” or edge drain consisting of a perforated piped core enclosed in non-woven engineering fabric surrounded by granular backfill is an acceptable alternative.

SUBSURFACE DRAINAGE DETAIL



SECTION 4.11 SIGNAGE AND NAMES

(1) Street Signs

- (a) Design and placement of traffic signs shall follow state regulations or the requirements specified in the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Transportation. Responsibility for installation shall rest with the subdivider.
- (b) At least two street name signs shall be placed at each four-way street intersection, and one at each “T” intersection. Signs shall be installed under streetlights, where possible, and free of visual obstruction. The design of the street name signs shall be approved by the designated ordinance administrator and shall be of a uniform size and color.
- (c) Site information signs in planned developments shall follow a design theme that is related and complementary to other elements of the overall site design.

(2) Names

- (a) Streets. Street names shall be subject to the approval of the Pickens County E-911 Department and the City of Liberty Planning Commission. Proposed street names shall be substantially different in sound and spelling from existing

streets in the City unless, at a future date, plans call for a tie-in between the proposed street and an existing street.

SECTION 4.12 UNDERGROUND WIRING

- (1) All electric, telephone, television and other communication lines, both main and service connections, servicing new subdivision shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.
- (2) Lots that abut existing easements or public right-of-way where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening or an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.
- (3) Where conditions are such that underground wiring is not practical, the Planning Commission may make an exception; provided, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines and routed to avoid locations along horizons; that clearing swaths through treed areas shall be avoided by selective cutting and a staggered alignment; that trees shall be planted in open areas and at key locations to minimize the view of poles and alignments; and that alignments shall follow rear lot lines and other alignments, as practical.

SECTION 4.13 UTILITY INSTALLATIONS IN STREETS

(1) Permit.

- (a) *Required submission of plans.* Prior to constructing any underground pipeline, utility line, cable line, etc., under a paved public street, a permit shall be secured from the office of the designated ordinance administrator. The request for the permit shall be accompanied by an appropriate drawing, if applicable, showing the location of the proposed utility installation and any other pertinent information necessary to determine conflicts with other utilities as requested by the designated ordinance administrator.
- (b) *Specifications for construction.* The construction will be accomplished in accordance with specifications of the city engineer.

(2) Boring required on major streets.

Only bored or cased crossings shall be permitted within the paved portion of major or arterial streets, except when soil and other conditions make boring impractical as determined by the designated ordinance administrator, or when an emergency is deemed to exist. All crossings shall be a minimum of 24 inches below the paved surface unless otherwise approved by the designated ordinance administrator.

(3) Emergency cutting.

An emergency shall be deemed to exist when the preservation of the peace, health and safety of the city and its inhabitants is jeopardized. The determination of an emergency shall be made by an official of the utility designated in writing filed with the designated ordinance administrator. In crossing a major or arterial roadway when it is deemed an emergency, a cut may be made only after written approval by the designated official of the utility, which must be forwarded to the designated ordinance administrator within 24 hours after the cut is made. A paving cut permit fee to cover inspection shall be charged, and the applicant shall be responsible for permanent repair of the cut in accordance with the current city specifications.

(4) Inspections.

Line, *boring* or paving cut repairs must be inspected and approved by the designated ordinance administrator upon completion of the project and again one year from that date, during which period the permit applicant and/or owner shall remain liable for the cost of repairs and any damages which may be due the city arising from such work.

(5) Bond.

In addition to the permit fee to cover inspection, the applicant for a permit under this article shall file with the city clerk a bond in the sum of \$5,000.00 approved by the city administrator and the city attorney as to form.

(6) Payment of costs for construction and relocation.

Prior to construction of any underground utility line, pipeline, cable line, etc., under a paved street, the applicant shall agree as a condition of the permit that the underground utility line, pipeline, cable line, etc., shall be constructed at the applicant's sole risk and expense, and that upon demand by the city, when such demand is deemed necessary for a public street purpose, any underground utility line, pipeline, cable line, etc., shall be relocated by the applicant at the applicant's sole expense.

SECTION 4.14 STREET LIGHTING

The following lighting standards apply to architectural lighting, parking areas, site lighting, security lighting, and the illumination of outdoor storage and merchandise.

(1) Cutoff fixtures: All outdoor lighting fixtures rated five thousand five hundred (5,500) lumens or greater shall be full cutoff or fully shielded fixtures as indicated below:

- (a) Light and glare trespass: With the exception of streetlights, all lighting fixtures shall be designed, located, and installed to avoid casting direct light onto adjacent properties and streets or creating glare in the eyes of motorists or pedestrians.

- (b) Floodlights: Floodlighting is discouraged, and if used, must be shielded to prevent disability glare for drivers or pedestrians, light trespass beyond the property line, and light above 90 degrees, horizontal plane. (unshielded wallpack type fixtures are not permitted.)
- (c) Height. The height of the light shall not exceed twenty (20) feet above grade.
- (d) Gas station/convenience store canopies: Light fixtures for canopies shall be positioned so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy.

SECTION 4.15 EASEMENTS

(1) Drainage Easements

- (a) Where a subdivision is traversed by a water course, drainage way, channel or stream, adequate areas for storm water or drainage easements shall be allocated, conforming substantially with the lines of such water course, and of sufficient width to carry off storm water and provide for maintenance and improvement of the water course. Maintenance roads may be required in connection therewith.
- (b) The location of any surface drainage course shall not be changed without the approval of the city engineer.

(2) Utility Easements

- (a) Adequate areas of suitable size and location shall be allocated for utility easements. The location and size of such easements shall be coordinated with the public and private utilities involved.
- (b) Where provided along side or rear lot lines, utility easements shall be not less than 20 feet in width. No structures or streets shall be placed within such easements. Such easements shall be maintained by the property owner(s) and may be used to satisfy yard requirements.

(3) Maintenance

- (a) The covenant restrictions placed in the deed of a lot, which contains a utility easement, shall stipulate that the City or utility company with lines in such easements shall have full right of access to such easement.
- (b) The City shall maintain only those easements specifically accepted for public maintenance.

SECTION 4.16 **BLOCKS**

(1) Residential

- (a) Block lengths shall be appropriate to topographic conditions and density to be served, but shall not exceed 1,800 feet in length. Maximum block length in a multi-family area shall not exceed 1,000 feet.
- (b) Blocks shall be not less than 300 feet in length.
- (c) Where blocks are greater than 800 feet in length, a crosswalk easement may be required by the Planning Commission if necessary to provide proper access to schools, playgrounds, or other public facilities. Where provided, such easement shall be at least 10 feet in width and have a paved walk of at least 4 feet in width.
- (d) Blocks should be of sufficient width to allow for two tiers of lots of appropriate depth, except where reverse frontage lots are required along a major street, or where prevented by the size, topographical conditions, or other inherent conditions of property.

(2) Commercial and Industrial

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

SECTION 4.17 LOTS

- (1) All lots except those in Exempt Subdivisions, as defined by this Ordinance, shall be accessible by a public street, or by a private street approved as part of a PUD.
- (2) The lot size, width, depth, shape, grade and orientation shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development and use contemplated.
- (3) All lots shall meet the minimum area and dimensional requirements of the zoning district in which they are to be located and shall have a minimum of (25) twenty-five feet of frontage on an approved street.
- (4) Side lot lines shall be approximately at right angles to straight street lines and radial to curved street lines.

SECTION 4.18 SIDEWALKS

(1) Where Required

Four-foot-wide sidewalks on one side of the street are required on all residential streets except as follows:

- (a) In areas where the development density, in terms of gross land area, does not exceed two dwelling units per acre with lots having a minimum of 100 feet of frontage or more.
- (b) In areas where alternative pedestrian systems are provided. In such cases the elimination of the sidewalk must be approved by the city planning commission after receiving a recommendation from the engineering and traffic departments. Additionally, the city planning commission shall take into consideration the following basic principles in making a decision to eliminate the required sidewalks:
 - (i) Pedestrian systems must be laid out so that they follow the natural path of circulation.
 - (ii) They should be functional rather than formal in design and layout to serve their intended purpose.

- (iii) They should have a reasonable relationship to the foreseeable movement desired, parking and community facilities, and should be safe, secure and attractive.
- (iv) Potential pedestrian, bicycle and vehicular conflicts should be minimized in laying out such a system
- (v) Pedestrian circulation systems should be selected so as to have minimum practical change in grade (elevation) throughout their lengths.
- (vi) It must be demonstrated that adequate provisions are made to maintain the pedestrian system on an ongoing basis.
- (vii) The pedestrian system surface and design must be consistent with the provisions as set forth in the city's specifications, standard drawings and street design references.
- (c) A pedestrian system shall be provided where required by the Planning Commission for safety, i.e., access to recreational and educational facilities.

(2) Design Specifications

Sidewalks shall be placed parallel to streets, with exceptions permitted to preserve natural features or to provide visual interest where required for pedestrian safety. There shall be a minimum distance of 36 inches between the back of curbing to the edge of sidewalk to provide an area for a planting strip and buffer from vehicular traffic.

(3) Construction Specifications

- (a) Sidewalks shall be 4 inches thick except at points of vehicular crossing where they shall be at least 6 inches thick. At vehicular crossings, sidewalks shall be reinforced with welded wire fabric mesh or an equivalent.
- (b) Expansion Joints – Preformed expansion joints three-quarter inch thick, extending the full depth of the concrete, shall be constructed at the locations indicated on the plans and at other locations as follows:
 - (i) Whenever a sidewalk is constructed between an adjoining substantial structure on one side and curbing on the other side, an expansion joint shall be formed adjacent to the curbing.

- (ii) An expansion joint shall be placed between the sidewalk and the radius curbing at street intersections.
 - (iii) When sidewalks are constructed adjacent to existing or new pavements or structures, expansion joints shall be placed to match these existing joints.
 - (iv) Sidewalks shall be installed in accord with Section 720 of the Standard Specifications for Highway Construction Manual, Latest Edition, as amended.
- (c) Contraction Joints – The concrete slabs in sidewalks between expansion joints shall be divided into blocks 10 feet in length by scoring transversely after floating operations are complete. Whenever the sidewalk slabs are more than 10 feet in width, they shall be scored longitudinally in the center. All scoring shall extend for a depth of 1 inch and shall not be less than one-quarter inch or more than one-half inch in width. All scoring shall be edged and finished smooth and true in line.
- (d) Graded areas shall be planted with grass or treated with other suitable ground cover, and their width shall correspond to that of sidewalks.
- (4) Bonding Requirements

The bond requirement for sidewalk is 150% of the estimated construction costs for the all sidewalks required by the provisions of this ordinance. The contractor may secure the bond to allow for installation at the closing stages of phase or complete development of the project. The contractor must secure approval from the city engineer, and the designated ordinance administrator to bond sidewalk installation and improvements. The bonding procedure is outlined in Article VI Improvement Guarantees.

SECTION 4.19 MAILBOXES

Mailboxes shall be installed according to US Postal Service Standards and Requirements. The location of mailboxes shall be placed within the (3) feet wide utility/planting strip located between the back of curb and the sidewalk when possible.

SECTION 4.20 AREAS SUBJECT TO FLOODING

If the area being subdivided, or any part thereof, is located within the boundary of a designated Flood Hazard Area, as delineated by FEMA Flood Insurance Rate Maps for the City of Liberty, adequate plans and specifications for protection from flooding shall be provided as herein required:

- (1) Any plat of a subdivision which contains land subject to flooding shall be accompanied by evidence that no appreciable expansion of the area subject to flooding would result from the proposed development of land being subdivided, and that the proposed development will be adequately protected from inundation without appreciable interference with the flow of any watercourse or into an impounding basin. All such evidence including surveys and specifications shall be submitted with the Final Plat, and no Final Plat shall be approved in the absence thereof.
- (2) In no case shall any fill, levee or other protective works be approved unless sufficient compensation adjustments of waterways, ditches or impounding basins are made to prevent any appreciable expansion of flood hazard areas.
- (3) The centerline of all streets should be at on or above the FEMA Base Flood Elevation Line.

SECTION 4.21 WATER SUPPLY

- (1) All subdivisions and lots within such subdivisions shall be provided with water supplies and systems conforming to the requirements, rules and policies of the South Carolina Department of Health and Environmental Control (DHEC), and approved by said agency.
- (2) Depending on the number of housing units, residential subdivisions shall be required to connect to the city's public water supply system if public service is available within the following distances:

<u>Size of Development</u>	<u>Distance</u>
1 unit	300 feet
2 units	400 feet
3 units	600 feet
4 units	800 feet
5-15 units	1,000 feet

- (3) The water supply system shall be adequate to handle domestic demand including fire flow, based on complete development.
- (4) Improvement plans and specifications for all water supply systems for which the subdivider is responsible shall be submitted for approval with the Final Plat.
- (5) Fire hydrants shall be installed by the subdivider in accordance with the International Building Code.

SECTION 4.22 SANITARY SEWERAGE FACILITIES

- (1) All subdivisions and lots within such subdivisions shall be provided with sanitary sewerage facilities conforming to requirements, rules and policies of the South Carolina Department of Health and Environmental Control (DHEC), and approved by said agency. Said facilities shall be “stubbed out” prior to road service.
- (2) Depending on the number of housing units, residential subdivisions shall be connected to the City’s public sanitary sewer system if public service is available within the following distances:

<u>Size of Development</u>	<u>Distance</u>
1 unit	300 feet
2 units	400 feet
3 units	600 feet
4 units	800 feet
5-15 units	1,000 feet

- (3) If a public system is not in place or cannot be extended, the developer must provide individual subsurface disposal systems where appropriate, given site density, soil, slope, and other conditions and subject to applicable DHEC regulations.
- (4) The sanitary sewer system shall be adequate to handle the necessary flow based on complete development.
- (5) Improvement plans and specifications for all disposal systems for which the subdivider is responsible shall be submitted for approval with the Final Plat.

SECTION 4.23 FIRE HYDRANTS

Fire hydrants shall be installed and spaced throughout each subdivision to maintain a 500' radius between hydrants. The Fire Chief for the area in which the subdivision is to be located shall approve the location and spacing of hydrants.

SECTION 4.24 SURVEYS AND MARKINGS

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

SECTION 4.25 SEDIMENT AND EROSION CONTROL

Control plan and grading permit required.

Unless otherwise provided in this section, the surface of land in the city shall not be disturbed or changed for any purposes whatsoever, except in accordance with an erosion and sedimentation control plan approved by SCDHEC.

Exemptions.

The provisions of this division shall not apply to:

- (1) Agricultural and silvi-cultural land management and horticultural practices, or to the construction of on-farm buildings and structures used in a farming operation.
- (2) Construction or land improvement of a single-family residence or its accessory buildings. A single-family residence property owner may make land improvements on his single lot without an approved erosion and sediment control plan and without obtaining a grading permit.
- (3) Mining and mineral resource extraction operations conducted in accordance with a valid mining permit issued by the mining and reclamation division of the land resources commission of the state.

- (4) Emergency repairs or maintenance of existing structures and facilities, which require ground to be broken. The responsible person shall notify the designated ordinance administrator in writing within five working days of such emergency repairs and maintenance actions.
- (5) Construction or land improvement by state or federal agencies conducted in accordance with a state or federal land management program.
- (6) Construction of transmission lines for electricity, water, telephone, gas, sanitary sewers, storm sewers and other utilities, which require disturbance of no more than one (1) acre of natural ground surface.
- (7) Construction by public service districts or utility companies, when plans for such construction or improvements include a sedimentation control plan, which is certified by a registered professional engineer or architect to be in conformity with this division. A registered landscape architect or tier B land surveyor, as empowered by state law, may certify plans.

SECTION 4.26 – 4.99 RESERVED

ARTICLE V

OFF-SITE IMPROVEMENTS

SECTION 5.1 **PURPOSE**

This Article is intended to ensure a pro rata share allocation of the costs for off-site improvements necessitated by subdivisions.

SECTION 5.2 **DEFINITION AND PRINCIPLES**

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

SECTION 5.3 **COST ALLOCATION**

(1) **Full Allocation**

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

(2) Proportionate Allocation

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

(b) Allocation Formula

Total cost of
enlargement or
improvement

=

Developer's Cost
amounts

Capacity of
enlargement or
improvement

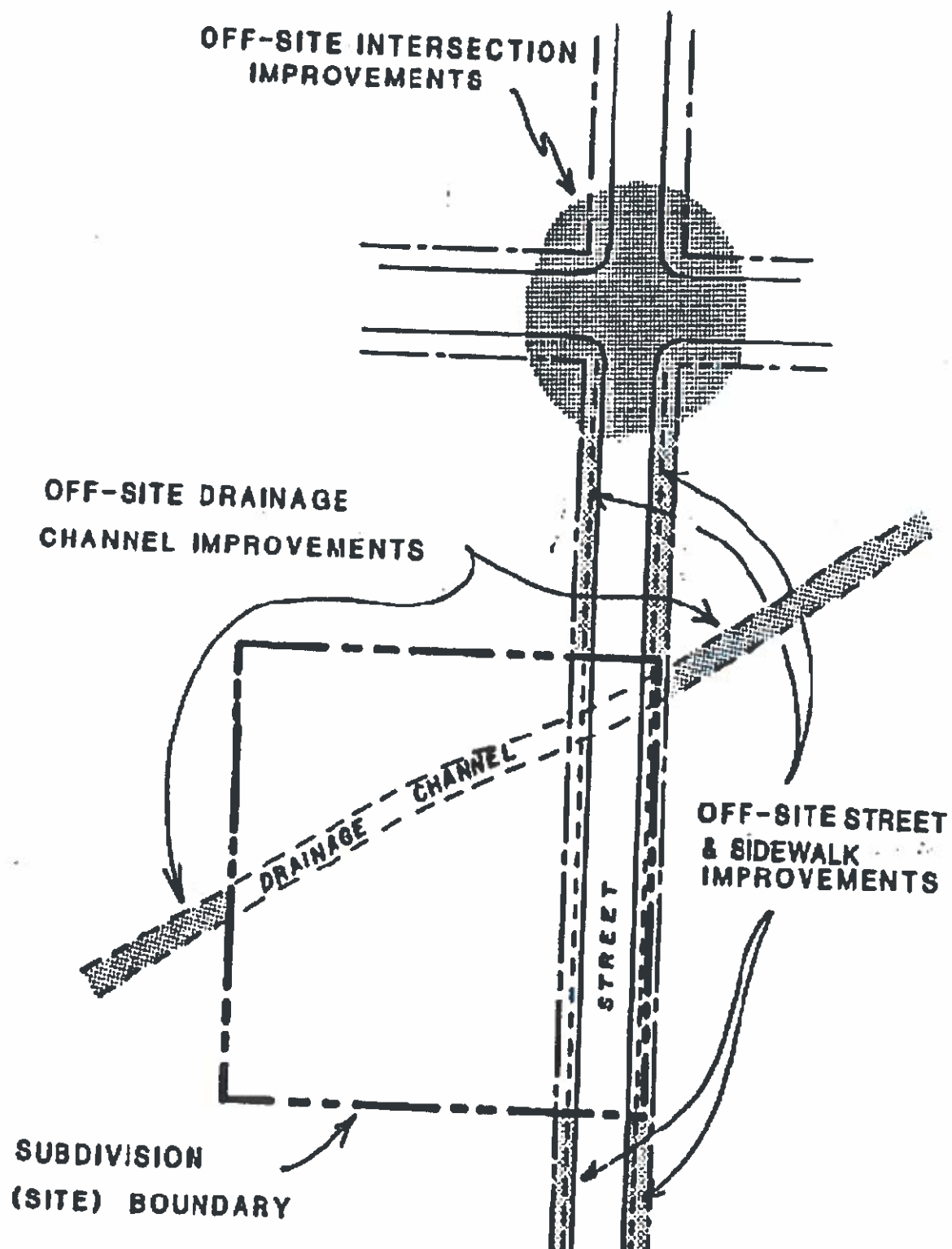
Development generated
to be accommodated
by the enlargement or
improvement

SECTION 5.4

ESCROW ACCOUNTS

Where the proposed off-site improvement is to be undertaken at some future date, the monies required for the improvement shall be deposited in a separate interest-bearing account to the credit of the City until such time as the improvement is constructed.

Offsite Impact Illustration



ARTICLE VI

IMPROVEMENT GUARANTEES

SECTION 6.1 PURPOSE

Where required improvements have not been completed and certified by the applicant subdivider, improvement guarantees may be provided to ensure the proper installation of such required street, utility, and other improvements. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the developer.

SECTION 6.2 OPTIONAL GUARANTEE

Before the recording of final subdivision plats, or as a condition of final plat approval, the City Council may require and may accept the following financial guarantees in an amount equal to 125 percent of the cost of installing the improvements. (Bonding for sidewalks is set at 150 percent of the cost of installation)

- (1) Security Bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.
- (2) Letter of Credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable institution.
- (3) Prepayment. The applicant may make a prepayment to the City in the full amount of said improvements. Any unexpended funds shall be returned to the applicant.
- (4) Subdivision Improvement Guarantee. The applicant may provide as a guarantee a subdivision improvement agreement between the applicant, lender, and the City. See Section 6.7.

SECTION 6.3 OPTION TO REFUSE GUARANTEE

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

- (1) Past performance of the subdivider is unsatisfactory, or
- (2) The selection option is unacceptable.

SECTION 6.4 ALLOCATION OF GUARANTEE

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

SECTION 6.5 DEFAULT OF GUARANTEE

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

SECTION 6.6 EXTENSION OF GUARANTEE

If it appears to the developer that he may not complete construction of required improvements before expiration of his Improvement Guarantee, it shall be his obligation, at least 45 days prior to said expiration, to submit an extended guarantee to the designated ordinance administrator, who shall forward said extension request to City Council for approval. Such extension shall be for a period of six months. A maximum of two such extensions shall be allowed.

**SECTION 6.7 ACCEPTABLE FORMAT FOR
IMPROVEMENT GUARANTEE**

Any deviation from the acceptable format on the next page may delay acceptance of this instrument:

STATE OF SOUTH CAROLINA
CITY OF LIBERTY

IMPROVEMENT GUARANTEE

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

Signed, sealed, and dated this _____ day of _____, 20____.
WHEREAS, application was made to the obligee for approval of a subdivision shown on a plat entitled “_____,” dated _____, 20____, and filed with the Liberty Planning Commission, and said final plat was approved upon certain conditions, one of which is that an Improved Guarantee in the amount of \$_____ be filed with the City of Liberty to guarantee certain improvements in said subdivision;

NOW, THEREFORE, THE CONDITIONS OF THIS OBLIGATION is such that if the above-named principal shall, within _____ from the date hereof (in no case shall the improvement guarantee be valid for more than two years), truly make and perform the required improvements and construction of public improvements in said subdivision in accordance with the specifications of the Subdivision Ordinance, then this obligation will be void; otherwise it will remain in full force and effect.

It is hereby understood and agreed that in the event any required improvements have not been completed within (15) fifteen days prior to the expiration of this Improvement Guarantee, the City Administrator is authorized to declare this obligation to be in default, and collect the sums remaining payable hereunder. Upon receipt of the proceeds, the City shall complete such improvements as are covered by the guarantee.

It is further understood and agreed that when the required improvements have been approved for conformity with these regulations by the Director of Public Works, the guarantee shall be released and returned. In addition, if any portion of the required improvements is completed by subdivider and approved by the Director of Public Works, a portion of the guarantee commensurate with the cost of these completed improvements may be released and returned. In no event shall an improvement guarantee be reduced below 25 percent of the principal amount until all improvements have been approved by the Director of Public Works.

Approved and accepted

This _____ day of _____, 20____

by the Liberty City Council

_____(L.S.)

_____(L.S.)

Mayor

Clerk

ARTICLE VII

DEDICATION, ACCEPTANCE AND MAINTENANCE OF IMPROVEMENTS

SECTION 7.1 IMPROVEMENTS TO BE DEDICATED

The final responsibility for the installation of the improvements required by this Ordinance as the standards impose rests with the subdivider. Upon proper installation of these improvements, the subdivider shall take the final steps to dedicate the improvements and have them accepted by the City Council.

SECTION 7.2 GUIDELINES FOR DEED PREPARATION

The following guidelines are to be observed in the preparation of deeds and similar documents of conveyance to the City of Liberty:

- (1) Standard deed forms commonly used in the field of property conveyance must be used.
- (2) The following official title for the City must be used in conveying title to or from the City of Liberty, including deeds, easements, leases, and other instruments of title:

CITY OF LIBERTY, SOUTH CAROLINA, a body politic and corporate and a political subdivision of the State of South Carolina.
- (3) A deed conveying streets and/or easements to the City must include a phrase reading “.... and appurtenances to said premises belonging or in any way incident or appertaining” in order to convey related structures such as drainage structures, catch basins, etc.
- (4) A deed must contain a derivation clause; tax map, block and parcel numbers; and information concerning recordation date, book and page number of the related plat.
- (5) All deeds must be submitted to the designated ordinance administrator to be forwarded to the City Attorney for review and recommendation prior to acceptance of any such deed by City Council. The time for processing the deed shall not exceed 60 days from the time of receipt by the designated ordinance administrator.

SECTION 7.3

**TITLE CERTIFICATION AND PROVISION
OF AFFIDAVIT**

Prior to the acceptance of title to any improvements by City Council, the developer shall provide to Council a title certification by an attorney licensed to practice in the State of South Carolina, certifying that the developer owns fee simple title to such improvements, free and clear of liens and encumbrances. Should said attorney make any exceptions in his certification on title, these must be specifically recited in the Resolution to be presented to City Council for acceptance of such improvements and the City Council must specifically recognize these exceptions before accepting legal title to the improvements.

In addition, prior to the acceptance of a deed to a newly constructed street by City Council, the developer and the contractor who constructed the road shall provide to Council an affidavit that all construction costs for the road have been paid and that the road is free of all encumbrances. For the purposes of this section, a "newly constructed road" is one that has been completed within two years of the date of the City Council's consideration of whether to accept the road.

SECTION 7.4

EFFECT OF THE RECORDING

Except in the case of private subdivisions, recording the approved final plat constitutes a dedication of all public streets to public use, a dedication of all neighborhood parks and other public areas to public use, and a reservation for possible future public acquisition of such additional areas as may be required by the Planning Commission or the City Council.

SECTION 7.5

EFFECT OF OFFERS OF DEDICATION

The offer to dedicate streets, parks, easements or other areas or portions of them, does not impose any obligation upon the City Council concerning maintenance or improvements until the City Council has made actual acceptance by resolution, by entry, or by improvement.

If land is dedicated for public use and such use is not imminent, the subdivider may be permitted to dedicate the land with the privilege of using the surface rights until the City Council is ready to use the land. Such dedication with the temporary privilege of use shall be noted on the final plat.

ARTICLE VIII

DEFINITIONS

SECTION 8.1

PURPOSE

Unless otherwise expressly stated, the following terms shall, for the purposes of this Ordinance, have the meaning herein indicated.

SECTION 8.2

DEFINITIONS

The word “shall” is always mandatory.

The word “may” is permissive.

The word “lot” includes the words “plot” or “parcel.”

The word “structure” includes the word “building.”

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Applicant. A developer submitting an application for development.

Application for Development. The application form and all accompanying documents required by this Ordinance for approval of a subdivision plat.

Building Line. That line which represents the distance a building or structure must be set back from a lot boundary line or a street right-of-way line or a street centerline according to the terms of this Ordinance or the Zoning Ordinance. In all cases, the building line of a lot shall be determined to run in the direction in which the lot is located from street right-of-way lines, street centerlines or other lot boundary lines.

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

Drainage Facility. Any component of the drainage system.

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

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

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

Escrow. A deed, a bond, money, or a piece of property delivered to a third person to be delivered by him to the grantee only upon fulfillment of a condition.

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

Grade. The slope of a street, or other public way, specified in percentage (%) terms.

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

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

Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system or any other approved sewage treatment device serving a single unit.

Lot. An area designed as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Pickens County.

The terms “lot,” “lot record,” “lot of record,” “property,” or “tract,” whenever used in this Ordinance are interchangeable.

Lot, Corner. A lot located at the intersection of two or more streets.

Lot, Double Frontage. A lot that has frontage on more than one street.

Lot, Interior. A lot, other than a corner lot, which has frontage on only one street other than an alley.

Lot, Depth. The horizontal distance between front and rear lot lines.

Lot, Width. The distance between side lot lines measured at the front building line.

Lot Area. The area contained within the boundary lines of a lot.

Lot Line. A line bounding a lot that divides one lot from another or from a street or any other public or private space.

Off-Site. Not located on the property that is the subject of a subdivision application.

On-Site. Located on the property that is the subject of a subdivision application or on a contiguous portion of street or right-of-way.

Performance Guarantee. Any security that may be accepted by the City as a guarantee that the improvements required as part of an application for a subdivision are satisfactorily completed.

Planning Commission. The Liberty Planning Commission.

Plat. A map or drawing upon which the subdivider's plan of the subdivision is presented for approval.

Pre-Application Conference. An initial meeting between developers and the Subdivision Review Committee, which affords developers the opportunity to present their proposals informally.

Preliminary Approval. The conferral of certain rights prior to final approval after specific elements of a subdivision plat have been agreed upon by the Planning Commission and the applicant.

Preliminary Subdivision Plat. A map indicating the proposed layout of a development and related information that is submitted for preliminary approval.

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

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

Sketch Plan. A preliminary presentation and attendant documentation of a proposed subdivision of sufficient accuracy to be used for the purpose of discussion and classification.

Standard Specifications. Refers to design and construction specifications adopted for use by the City of Liberty.

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

Street. Any vehicular way which: (1) is an existing state, county or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the Record of Means Conveyance prior to the appointment of a Planning Commission and the grant to said Commission of the power to review plats; and includes the land between the street lines, whether improved or unimproved.

Alley. A public or private street primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Arterial. A public vehicular way designed to move large volumes of traffic from one point to another.

Collector. A public vehicular way, which filters traffic from local streets and conducts it to arterial streets or local traffic generators such as schools, recreation areas, and public parks.

Cul-de-sac. A local street with only one outlet and having the other end for the reversal of traffic movement.

Expressway. A public vehicular way with limited access that could have both at-grade intersections and grade separated interchanges.

Local (Minor). A public or private vehicular way designed to provide access to property abutting the right-of-way.

Private. A vehicular way not dedicated for public use or maintenance.

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

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

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

- (i) Involves the division of land into parcels of five (5) acres or more where no new street is involved, or
- (ii) Includes the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance and other applicable regulations.
- (iii) A subdivision involving cemetery lots.
- (iv) A lifetime transfer or conveyance of property from a parent to a child and/or the spouse of any such donee child, and the lifetime transfer from a parent to a grandchild.

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

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

Subdivision Review Committee. A Committee formed to coordinate the processing of all subdivisions within the City of Liberty.

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

Yard. See Zoning Ordinance for definition.



