

ARTICLE 5

IMPROVEMENT STANDARDS

SECTION 1: GENERAL PROVISIONS

1-1. Conformance.

Improvements to major subdivision shall be installed in accordance with the requirements and standards set forth in this Ordinance. Every subdivision developer shall be required to grade and improve streets, and to install curbs, monuments, sewers, storm water inlets, fire protection, and water mains, in accordance with specifications established by the Georgetown County Planning Commission. Where specifications adopted by local authorities conflict with standards set forth in these subdivision regulations, the higher set of standards as determined by the Planning Commission, shall govern.

1-2. Commencement.

No land disturbance, construction or installation of improvements shall begin in a proposed major subdivision until the Planning Commission approves a preliminary plan, and provided that the Zoning Administrator has issued a Development Permit.

1-3. Access.

Applicable public agencies shall have the ability to access the premises and structures of land developments governed by this Ordinance during reasonable hours to make those inspections as deemed necessary by them to ensure compliance with the provisions of this Ordinance.

1-4. Inspection.

Before beginning any land disturbance within a major subdivision, the applicant or applicant's designated agent(s) shall make arrangements with all applicable agencies charged with the enforcement of this Ordinance to provide for adequate inspection of the improvements.

1-5. Final Plat Approval.

Final plans shall not be approved for recording unless the applicant has installed the required improvements as specified and required in this Article, or has provided a financial guarantee as specified in Section 3 of this Article.

For major subdivisions that do not require the recording of a final plat, building permits shall not be issued until such time as the applicant satisfies those conditions placed on the proposed development by the Planning Commission or the Zoning Ordinance.

Final plats shall be submitted for recording in accordance with the provisions of Articles 2 and 3. Upon submission, Planning Department staff shall have 15 business days to review such plat and provide revision comments, if any.

1-6. Changes in the Approved Plans and Specifications.

If unexpected site conditions necessitate changes in approved preliminary plans, the applicant shall request approval of such changes. The Planning Commission shall review and approve any

major changes to a proposed development. The applicant shall not proceed with construction involving any changes prior to obtaining approval of the requested changes. Minor changes to a development may be reviewed and approved by the applicable county department or public agency.

Minor changes may include, but are not limited to changes that:

- A. Do not increase density within the development;
- B. Do not change the exterior boundary of the development;
- C. Do not materially change the location or amount of land devoted to a specific land use;
- D. Do not significantly change the exterior appearance of structures from those shown on any plans that are submitted for review; or
- E. Result in the minor shifting of buildings, proposed streets, public or private ways, utility easements, parks, or other public open spaces or other development features.

All other change or modification not mentioned above shall constitute a major change and shall require review and approval by the Planning Commission.

SECTION 2: REQUIRED IMPROVEMENTS

2-1. Monuments.

Concrete monuments four (4") inches in diameter or square, three (3') feet long, with a flat top, shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points of curve in each street. The top of the monuments shall have an indented cross to identify properly the location and shall be set flush with the finished grade. All other corners and points shall be marked with iron pipe or solid steel rod not less than one-half (1/2") inch in diameter and twenty-four (24") inches long and driven so as to be flush with the finished grade.

2-2. Storm Water Management.

An adequate drainage system, including storm sewers, necessary open ditches, pipes, culverts, intersection drains, drop inlets, bridges, etc., shall be provided for the proper drainage of surface water. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full width roadways and the required slopes. Pipes shall be laid with spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert.

2-3. Roadway Improvements.

A. General

All paved streets designated and shown on the final plat shall be graded, constructed and surfaced in accordance with the standards found in the Georgetown County Standards and Procedures Manual or the requirements of the South Carolina Department of Transportation (SCDOT), whichever is the more stringent. All unpaved roads shall be constructed per the standards of the Georgetown County Public Works Department. Higher standards than those required by the standard specifications may be required by the Planning Commission to provide adequately for unusual soil conditions, extraordinary traffic volumes or other abnormal conditions.

Developments containing 10 or fewer lots (Minor Subdivision) that maintain private streets or utilize a shared private driveway easements are allowed to deviate from these requirements. (See Article 2, Section 3-10. for the specific standards that shall be met in these circumstances).

B. Grading

All streets, roads and alleys shall be graded or filled horizontally to the full width of their rights-of-way by the subdivider or developer. Due to topographical conditions and/or significant trees, deviations from the above will be allowed only with special approval of the Planning Commission.

1. Preparation. Before grading is started, the entire right-of-way area shall be cleared of all trees, stumps, roots, brush, and other objectionable materials. Significant and landmark trees shall be exempt from this requirement. Further, tree protection shall be installed prior to any land disturbance for all significant and landmark trees, in the location of the right-of-way, to be retained.
2. Cuts. All tree stumps and other obstructions shall be removed to a depth of two (2') feet below the sub-grade.
3. Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches or at other places as needed. Excess materials including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed six (6") inches loose and compacted by a sheep's foot roller unless another method of preparation of the sub-grade is approved by the County Department of Public Works.

C. Pavement Standard.

Due to the diversity of development in Georgetown County, ranging from sparsely populated rural areas to densely populated urban areas; the required widths of surface treatment of highways and streets (by the developer) will necessarily vary with the character of the development. Appendix A, Table 1 states the minimum widths and pavement standards for the various types of highways and streets.

If a new minor development is created on an existing non-paved public road, the subdivider shall not be required to pave such road as a prerequisite for development. However, if the existing road does not meet the right-of-way width requirements as shown in Appendix A, Table 1 the subdivider shall provide one-half the required width in accordance with the standards established in Article 4.

D. Curbs

The subdivider shall install curbs of no lower classification than machine formed concrete curbs. The curb shall be installed after the prime coat is applied to the base. Backfill shall be toward the curb to ensure drainage of surface water into the drainage system. Curbs in residential areas may utilize a rolled curb. In lieu of curbs as the drainage system on cul-de-sacs and loop streets, the Planning Commission may accept one of the following alternatives:

1. Swales may be used on streets where the finished grade does not exceed two (2%) percent;
2. Streets with an inverted crown may be used provided that the drainage area of the street does not exceed five (5) acres. One-half (½”) inch to three-fourth inch (¾”) expansion and contraction joints for the curbs shall be placed at intervals not exceeding forty feet (40’).

E. Shoulders, Side Slopes and Ditches

All shoulders, side slopes and ditches shall be prepared in compliance with standard specifications. All shoulders, side slopes and ditches shall be protected from erosion by either sodding or seeding as set forth in the standard specification plans for erosion control and shall be a part of the required improvements plans to be submitted by the subdivider with the preliminary plat.

2-4. Utilities and Services.

A. General

After grading is completed and approved and before any base is applied, all of the underground work (water mains, gas mains, etc.) and all service connections shall be installed completely approved throughout the length of the road across the flat section.

B. Water Supply Systems

Water mains properly connected with the community water supply system or with an alternative supply approved by the Department of Health and Environmental Control (DHEC) shall be constructed in such manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection. The size of water mains, the location and type of valves and hydrants, the amount of soil cover and the pipes and other features of the installation shall be approved by the Planning Commission upon the written approval of all applicable inspection

agencies, and shall conform with acceptable standards of good practice for public water systems and adequate fire protection.

C. Sanitary Sewers

Where lots cannot be economically connected with a sewerage system, they must contain adequate area for the installation of septic tank and disposal fields. The Department of Health and Environmental Control shall approve such system in writing.

D. Street Name Signs

Appropriate street signs are required. Street names shall appear at all intersections of approved certified streets.

E. Off-Site Extensions

When streets or utilities are not available at the boundary of a proposed subdivision, the Planning Commission may require as precedence to approval of a preliminary plat or final plat, assurances that such improvement extensions shall be provided onto the property involved and shall be adequate to serve the total development requirements of the service or drainage area. Facilities leaving the property shall be constructed in such a manner as to make their extension practical for servicing the adjacent areas of the service or drainage areas.

SECTION 3: FINANCIAL GUARANTEES

3-1. General.

Financial guarantees may be posted in lieu of completing improvements required by this Ordinance to allow for the recording of a final plat or to obtain building permits for properties for which ownership will be transferred. A financial guarantee is not required to be posted prior to obtaining model home permits once a preliminary plan has received conditional approval.

Acceptance of financial guarantees is discretionary and Georgetown County reserves the right to refuse a financial guarantee for any remaining improvements and require that such improvements be completed before the recording of a final plat or issuance of building permits. Acceptance of a financial guarantee by Georgetown County shall not be construed as an obligation to any other agency, utility or property owner within affected developments.

3-2. Submittal.

Financial guarantees shall be submitted to the Planning Department and follow procedures enumerated below. Failure to follow these procedures may delay the approval of such guarantee and recording of a final plat or issuance of building permits.

An itemized cost estimate shall be submitted for the improvements that the financial guarantee will cover. Such estimate shall bear the original signature and seal of a licensed professional engineer, be on company letterhead, and be in a form acceptable to the Georgetown County Planning Department. Cost estimates may include, but are not limited to the following:

- A. Storm drainage systems and erosion control measures.
- B. Street improvements including curbs, gutter, temporary cul-de-sacs and required grassing or landscaping within the rights-of-way or easements.
- C. State road right-of-way improvements upon agreement between Georgetown County and South Carolina Department of Transportation.
- D. Street monuments.
- E. Street intersection lighting.

Upon receipt of an itemized cost estimate, the Planning Department shall forward such estimate to the appropriate departments or agencies for review.

If appropriate, separate financial guarantees for utilities must be obtained from the utility provider by the property owner or his designee and a copy provided to the County. The County shall not approve a plat for recording until it receives such copy. *(Amended Ord. 2008-01)*

3-3. Acceptance of Financial Guarantees.

The Planning Department may accept letters of credit or cash deposits as financial guarantees to ensure the completion of public or private improvements in accordance with the requirements enumerated below. Bonds will not be accepted by the County for financial guarantees.

Approved guarantees shall be independent of the development project's construction loan. The Planning Department shall not accept any guarantee that requires drawdowns for monthly expenditures. Payment of monthly expenditures is the sole responsibility of the developer and does not affect the amount of money held by the Planning Department *(Amended Ord 2009-83)*.

Approved letters of credit shall adhere to the following standards:

- A. Be equal to 125% of the approved cost estimate.
- B. Be issued for an initial coverage period not less than 12 months from the date that the final plat is submitted for recording.
- C. Be irrevocable, unconditional and subject to presentation for drawing within the State of South Carolina.
- D. Be payable to Georgetown County.
- E. Be for no less than \$10,000 of construction.
- F. Substantially conform to the format shown in Appendix B, Certificate 1.

Approved cash deposits shall adhere to the following standards:

- A. Be equal to 125% of the approved cost estimate.
- B. Be for no less than \$1,000 of construction.
- C. Made payable by cashier's check to Georgetown County.

Cash deposits are deposited upon receipt with the Georgetown County Treasurer's Office. Improvements guaranteed by such deposits shall be completed within 12 months. A cash deposit may be extended as provided for in subsection 3-4, below. *(Amended Ord. 2007-12)*

3-4. Extensions.

A developer may extend a letter of credit or cash deposit before the expiration date of its initial coverage period. To qualify for an extension a revised construction cost estimate shall be supplied to the Planning Department showing the improvements that the extended letter of credit or cash deposit will guarantee. The revised construction cost estimate shall meet the standards enumerated in subsection 3-3 above.

Upon approval of the revised construction cost estimate, the extended letter of credit or cash deposit shall be provided to the Planning Department no fewer than ten days prior to the expiration date of the letter of credit or cash bond. The extension may be in the form of an amendment or new letter of credit (for letter of credit) or a new cash deposit (for cash deposits). Extensions shall be no longer than 1 year and may occur in two 6-month extensions. No individual extension shall be for a period less than 6-months.

If the improvements for which the letter of credit or cash deposit were posted have not been completed within two years, the Planning Department may allow one additional 6-month extension. Such extension is subject to approval of a revised construction cost estimate showing that at least 50% of the project improvements are complete. Additional extensions may be considered on a case-by-case basis.

Requests for extensions made nine or fewer days before the expiration of the letter of credit or cash deposit may not be accepted.

3-5. Reductions.

A developer may reduce a financial guarantee during the initial coverage period. A request to reduce the financial guarantee shall be submitted to the Planning Department and include a revised construction cost estimate. The Planning Department will forward the revised cost estimate to the Georgetown County Department of Public Works for approval.

Reductions of financial guarantees will not be allowed within 6-months of any previous reduction request and shall be no less than 125% of the revised construction cost estimate.

3-6. Release of a Financial Guarantee.

The Planning Department shall release guarantees to the financial institution or responsible entity. Authorization shall occur once all improvements have been installed, received final inspection and a warranty financial guarantee (when applicable) has been submitted and

approved. In addition, the developer's engineer shall furnish the Planning Department a letter certifying that all non-county owned or maintained improvements have been completed and accepted by the applicable entities that will own or maintain such improvements. Such letter shall be on company letterhead with an original signature and professional seal.

SECTION 4: VESTED RIGHTS *(Amended Ord 2005-38)*

4-1. Vested Development Rights.

Pursuant the provisions of the Vested Rights Act, Act 287, adopted in 2004 by the South Carolina Legislature, the following standards are established to specify the point at which a development is considered to have obtained a vested right.

- A. A vested right is attached to a development project once the developer or landowner has:
1. Single-phased developments: Satisfied all conditions of preliminary plan approval placed upon the proposed project by Georgetown County staff and Planning Commission during the review of such development.
 2. Multi-phased developments: Satisfied all conditions of preliminary plan approval that are placed on the proposed phase of development by Georgetown County staff and Planning Commission during the review of such development phase.

For the purposes of establishing a vested rights, conditions of preliminary plan approval are deemed satisfied once all items within Article 2, Section 2.2 (B and C) of the Georgetown County Development Regulations have been supplied to the Georgetown County Planning Department.

- B. Such vested right shall extend for an initial period of two (2) years. Within 120 days of expiration of the initial 2-year vesting period, the developer or landowner may request, in writing, to the Georgetown County Planning Department a 1-year extension of the vesting period. Extensions of vested rights shall be given in 1-year increments and shall not exceed five extensions-for a total vesting period of 7 years.

Requests for extensions shall be presented to the Planning Commission for consideration. The Planning Commission must approve the annual extension unless an amendment to the Land Development Regulations has been adopted that prohibits approval. Upon expiration of a vested right, a building permit may be issued for development only in accordance with applicable land development regulations. Requests for extensions that must go to the Planning Commission for approval shall be required to pay any applicable fees enacted at the time of the extension request.

- C. A preliminary plan or phased development plan for which a variance, regulation, or special exception is necessary does not confer a vested right until the variance, regulation, or special exception is obtained.

- D. Variances or special exceptions approved by the Zoning Board of Appeals prior to Planning Commission approval of a preliminary plan or phased development plan do not create vested rights until the Planning Commission approval of the development plan is obtained and all conditions for approval are satisfied.
- E. A vested right pursuant to this Section is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this Section may rely upon and exercise the vested right for its duration. This Section does not preclude judicial determination that a vested right exists pursuant to other statutory provisions. This section does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act in Chapter 31 of Title 6 of the Code of Laws in South Carolina.